



Minutes of the Special Meeting of Electors held on Wednesday 10 August 2011 at 6.00pm in the Banksia Room, Mt Claremont Community Centre, 107 Montgomery Ave, Mt Claremont.

1. Opening and Welcome

The Presiding Member, Cr M Hipkins, welcomed the public and attendees to the Special Meeting of Electors and declared the meeting open at 6.04 pm.

The Presiding Member advised that the advertisement calling the meeting was published in The West Australian on Wednesday 27 July 2011 and the Post newspaper on Saturday 30 July 2011, together with notices displayed at the Administration Centre and Libraries.

2. Introduction of Elected Members and Staff

2.1 Record of Attendance / Apologies / Leave of Absence

Councillors	Councillor R M Hipkins	(Presiding Member)
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor M S Negus	Dalkeith Ward
	Councillor J D Bell	Hollywood Ward
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor I Tan	Melvista Ward
	Councillor B Tyson	Melvista Ward
Staff	Mr GT Foster	Chief Executive Officer
	Mr M Cole	Director Corporate Services
	Ms D Blake	Director Community & Strategy
	Ms N Borowicz	Executive Assistant
Apologies	Her Worship the Mayor, S A Froese	
	Councillor K E Collins	Coastal Districts Ward
	Councillor M L Somerville-Brown	Melvista Ward

2.2 Record of Attendance / Apologies from Electors, Guests and Members of the Press

Apologies received from:

Premier, Hon Colin Barnett, MLA
Minister for Local Government, Hon J Castrilli, MLA
Member for Nedlands, Hon W Marmion, MLA
Member for South West Region, Hon N Hallet, MLC



Leader of the Opposition, Hon Eric Ripper, MLA
Opposition Spokesman, Mr P Papalia, MLA
Mr Stephen Lipple.

Public: There were 192 members of the public present.

Press: The Post Newspaper representatives (2) and Western Suburbs Weekly representative.

3. Procedural Matters

The Presiding Member outlined the procedures of the meeting.

1. Electors only may speak except with approval of the person presiding.
2. Only an elector may vote.
3. An elector does not have to vote.
4. Each elector has one vote.
5. When addressing the meeting, a person is to
 - a) rise and remain standing unless unable to do so by reason of sickness or disability;
 - b) state his or her name for recording in the minutes;
 - c) address the meeting through the person presiding.
6. No motion or amendment is open to debate until it has been seconded. Only one amendment on any one motion shall be received at a time and such amendment shall be disposed of before any further amendment can be received; but any number of amendments may be proposed.
7. The mover of a motion (but not the mover of an amendment) has the right of reply, and this closes the debate.
8. An elector may rise and move without discussion, "that the question be now put", which, on being duly seconded and carried by a majority, will result in submission of the motion at once to the meeting, after the mover has replied.
9. Voting is determined by show of hands or other form of open voting determined by the person presiding.
10. A simple majority carries the vote.
11. The person presiding is to determine questions of order and procedure not stated above but an elector may move a motion of dissent from a ruling of the person presiding, which if seconded, shall be put without discussion.
12. Minutes of this meeting will be available for inspection by members of the public as from Monday 15 August 2011 and will be considered by the Council at its meeting to be held on Tuesday 23 August 2011.
13. The decisions of this meeting are not binding on the Council, but as required by the Local Government Act, the reasons for any Council decision on a decision of this meeting are to be recorded in the minutes of the Council meeting.



Definition of Elector

An elector is defined in the Local Government Act 1995. An elector is a person who is eligible to vote in an election of the City of Nedlands.

Speaking at Electors Meetings

The Presiding Member added that while he would give some leniency to the mover and seconder of motions, he asked that other speakers contain their addresses to 3 minutes.

4. The details of the matter discussed at the meeting were:

The Presiding Member acknowledged the presence of the Deputy Mayor from the City of Subiaco and the Hon Max Trenorden MLC.

The Presiding Member read aloud the details of the matter to be discussed being the conduct of the Mayor Sheryl Froese and Councillors Bell, Tan, Horley, Negus, Binks, Hodsdon, Somerville-Brown and Smyth in,

- a) Dealing with the issue of amalgamation with the City of Subiaco and supporting it without agreeing to conduct a referendum of electors prior to any decision,
- b) Proceeding with a motion that was not advertised in the notice of meeting;
- c) Proceeding with a proposal for amalgamation in direct contradiction to the process published by the Dept of Local Government after the merger was rejected by the City of Subiaco;
- d) Proceeding with a request to the Hon Minister for Local Government to investigate a "forced merger" when the motion passed by the Council only referred to assessment of "the viability of a merger";
- e) Seeking the intervention of the Minister to end the existence of the City of Nedlands, and
- f) Asking the Minister to defer Council elections, the real purpose of which is to deny democratic rights and avoid accountability to the people of Nedlands.

Motions were moved in the following terms:

4.1 Professor Martyn Webb, 102 Circe Circle, Dalkeith

Moved – Professor M Webb, 102 Circe Circle, Dalkeith

Seconded – Ms Kerry Walker, 3 Burwood Street, Nedlands

That this meeting calls on the City of Nedlands to forthwith rescind the invalid resolution adopted by the Council at its special meeting on Thursday 7th July 2011.



Professor Webb spoke in support of the motion.

4.1.1 Mr Ken Eastwood, 7 Alexander Place, Dalkeith

Mr Eastwood moved the following amendment on two grounds, it was no longer possible to rescind the resolution adopted by Council at its special meeting on Thursday 7th July 2011 as it had already been acted upon and the resolution did not satisfy s2.1 of the Local Government Act 1995.

Moved – Mr Ken Eastwood, 7 Alexander Place, Dalkeith
Seconded – Mr Mal Jacoby, 29 Jutland Parade, Dalkeith

That this meeting calls on the Nedlands Electors Association Inc to lodge a complaint with the Local Government Standards Panel, the Local Government Advisory Board and any other body in relation to the invalid resolution adopted by the Council at its special meeting on Thursday 7th July 2011.

4.1.2 Cr Irene Tan

Cr Tan raised a procedural motion stating that as the amendment was different from the original motion, it should be foreshadowed and moved if the original motion was lost.

4.1.3 Mr Ray Tauss, 20 Broome Street, Nedlands

Mr Tauss spoke in support of the original motion and the amendment.

4.1.4 Mrs Toni James, 4 Archdeacon Street, Nedlands

Mrs James moved that the motion be put.

Moved – Mrs Toni James, 4 Archdeacon Street, Nedlands
Seconded – Mr Bill James, 4 Archdeacon Street, Nedlands

That the amendment be put.

CARRIED BY A MAJORITY SHOW OF HANDS

The amendment, moved by Mr Ken Eastwood and seconded by Mr Mal Jacoby
That this meeting calls on the Nedlands Electors Association Inc to lodge a complaint with the Local Government Standards Panel, the Local Government Advisory Board and any other body in relation to the invalid resolution adopted by the Council at its special meeting on Thursday 7th July 2011.

was put and



CARRIED BY A MAJORITY SHOW OF HANDS

The substantive motion, moved by Professor M Webb and seconded by Ms Kerry Walker, and subsequently amended, as moved by Mr Ken Eastwood and seconded by Mr Mal Jacoby –

That this meeting calls on the Nedlands Electors Association Inc to lodge a complaint with the Local Government Standards Panel, the Local Government Advisory Board and any other body in relation to the invalid resolution adopted by the Council at its special meeting on Thursday 7th July 2011.

was put and

CARRIED BY A MAJORITY SHOW OF HANDS

4.2 Mr Ken Eastwood, 7 Alexander Place, Dalkeith

Moved – Mr Mr Ken Eastwood, 7 Alexander Place, Dalkeith

Seconded – Mr Richard Fernandez, 31 Loftus Street, Nedlands

That this meeting censures the Mayor and Councillors Bell, Tan, Horley, Negus, Binks, Hodsdon, Somerville-Brown and Smyth for seeking to end the existence of the City of Nedlands in a merger with Subiaco and for its lack of proper and adequate consultation with the residents and ratepayers of the City of Nedlands.

Mr Eastwood spoke in support of the motion.

4.2.1 Hon Max Trenorden, 23 Selby Street, Daglish

Mr Trenorden spoke against the merger proposal and then spoke in support of his Bill before State Parliament that seeks to amalgamate the effort, the intent and the intellectual property of local government, based on the South Australian Model.

4.2.2 Mr Noel Younginian, 1 Colin Street, Dalkeith

Mr Younginian spoke against the merger proposal and hadn't heard one person speak for it.

4.2.3 Mr Neil Davis, 49 Haldane Road, Mt Claremont

Mr Davis spoke against the merger proposal.

4.2.4 Mr Arthur Auguste, 256 Marine Parade Swanbourne

Mr Auguste wanted to hear from one of the Councillors who voted for the motion.



4.2.5 Cr John Bell

Cr Bell spoke in support of the merger proposal

4.2.6 Mr Bill Moss (no address given)

Mr Moss moved that Cr Bell be no longer heard.

Moved Mr Bill Moss

Seconded Ms Toni James, 4 Archdeacon Street, Nedlands

That Cr Bell be no longer heard

was put and

CARRIED BY A MAJORITY SHOW OF HANDS

4.2.7 Mr Blair Berglin, 15 Whitfield Street, Floreat

Mr Berglin, who is also President of the Hackett Civic Association, spoke in support of the merger proposal.

4.2.8 Ms Kerry Walker, 3 Burwood Street, Nedlands

Ms Walker moved that the motion be put.

Moved – Ms Kerry Walker, 3 Burwood Street, Nedlands

Seconded – Prof Martyn Webb, 102 Circe Circle Dalkeith

That the motion be put.

CARRIED BY A MAJORITY SHOW OF HANDS

The motion by Mr Ken Eastwood and seconded by Mr Richard Fernandez –

That this meeting censures the Mayor and Councillors Bell, Tan, Horley, Negus, Binks, Hodsdon, Somerville-Brown and Smyth for seeking to end the existence of the City of Nedlands in a merger with Subiaco and for its lack of proper and adequate consultation with the residents and ratepayers of the City of Nedlands.

was put and

CARRIED BY A MAJORITY SHOW OF HANDS



4.3. Mr Robert van Straalen, 3 Vincent Street, Nedlands

Moved – Mr R van Straalen, 3 Vincent Street, Nedlands

Seconded – Mrs Toni James, 4 Archdeacon Street, Nedlands

This meeting censures the Mayor and named Councillors for seeking a deferral of the Council elections for Mayor and Councillors due this year.

Mr van Straalen spoke in support of the motion.

4.3.1 – Mrs Toni James, 4 Archdeacon Street, Nedlands

Mrs Toni James spoke in support of the motion.

4.3.2 – Mrs Faye Blythe, 8 Garland Road, Dalkeith

Mrs Blythe expressed concern that contrary to assurances given at the beginning of the meeting discussion was now being personalized, peoples names had been used with some malice and she was disgusted.

4.3.3 - Mr Ross Horley, 13 Whitney Crescent, Mt Claremont

Mr Horley questioned what would happen after this motion was moved.

4.3.4 – Mr Leo McManus, 48 Adderley Street, Mt Claremont

Mr McManus spoke in support of the motion.

4.3.5 Ms Kerry Walker, 3 Burwood Street, Nedlands

Ms Walker moved that the motion be put.

Moved – Ms Kerry Walker, 3 Burwood Street, Nedlands

Seconded – Mr Ken Eastwood, 7 Alexander Place, Dalkeith

That the motion be put.

CARRIED BY A MAJORITY SHOW OF HANDS

The motion moved by Mr van Straalen and seconded by Mrs Toni James –

This meeting censures the Mayor and named Councillors for seeking a deferral of the Council elections for Mayor and Councillors due this year.

was put and

CARRIED BY A MAJORITY SHOW OF HANDS



4.4. Mr Colin Latchem, 2 Sherwood Road, Dalkeith

Moved – Mr Colin Latchem, 2 Sherwood Road, Dalkeith

Seconded – Mr Ken Eastwood, 7 Alexander Place, Dalkeith

That this meeting expresses its lack of confidence in them.

Mr Latchem spoke in support of the motion.

4.4.1 Mr John Wetherall, 38 Clifton Street, Nedlands

Mr Wetherall asked if any Councillor who supported the merger proposal would speak to the meeting giving their reasons for support.

4.4.2 Councillor John Bell

Cr Bell spoke on why he was in support of the merger proposal

4.4.3 Ms Kerry Walker, 3 Burwood Street, Nedlands

Ms Walker asked if Mr Colin Latchem could repeat the clause concerning conduct.

4.4.4 Mr Colin Latchem, 2 Sherwood Road, Dalkeith

Mr Latchem responded that he was referring to the Local Government (Rules of Conduct) Regulations 2007.

4.4.5 Professor Martyn Webb, 102 Circe Circle, Dalkeith

Professor Webb asked whether the press release issued by the Mayor could be read out, and asked if Cr Argyle who had a copy could do so.

4.4.6 Councillor Ian Argyle

Councillor Argyle read aloud the press release issued by the Mayor on 8 July 2011. Cr Argyle then spoke of his observations and experiences with amalgamations from discussions he had with various elected members, officers and residents in Victoria, Queensland, New South Wales, South Australia and Western Australia.

4.4.7 Councillor Kerry Smyth

Councillor Smyth spoke of her role as a Councillor, and the information she had received and viewed the merger proposal as means to address crumbling infrastructure. Councillor Smyth also spoke of misinformation.



4.4.8 Councillor Nikola Horley

Councillor Horley spoke in support of Councillor Smyth in addressing the meeting and also spoke of her support for the decision made by the Councillors concerned, pointing out that the motion did not advocate an amalgamation but that the viability be examined. She further advised the meeting that a separate motion supporting an amalgamation had been moved by Councillor Hipkins and seconded by Councillor Argyle but that this had not been supported by the named Councillors.

4.4.9 Mrs Elaine Jacoby, 29 Jutland Parade, Dalkeith

Ms Jacoby spoke in support of the motion and questioned the timing of the meeting when a number of people, including the Mayor, Premier, Minister and local Member could not attend.

The Presiding Member then closed discussion on the motion and put it to a vote.

That this meeting expresses its lack of confidence in them.

was put and

CARRIED BY A MAJORITY SHOW OF HANDS

5. Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 7.42 pm and thanked everyone for their attendance.