



SHIRE OF YORK

**MINUTES OF THE SPECIAL
ELECTORS MEETING
HELD ON 11 DECEMBER, 2014
COMMENCING AT 5:16 PM
IN THE YORK TOWN HALL,
YORK**

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SHIRE OF YORK

THE SPECIAL ELECTORS MEETING
HELD ON THURSDAY, 11 DECEMBER 2014, COMMENCING AT
5:16 PM IN THE YORK TOWN HALL, YORK

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

1. OPENING

1.1 Declaration of Opening

Cr Matthew Reid, Shire President, declared the meeting open at 5:16 pm.

1.2 Disclaimer

The Shire President advised the following:

"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

1.3 Suspension of Standing Orders – Clause 3.2 – Order of Business

Motion not put.

1.4 Announcement of Visitors

Gordon Marwick Freeman of York.

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests

Nil

Disclosure of Interest that May Affect Impartiality

Nil

2. ATTENDANCE

2.1 Members

*Cr Matthew Reid, Shire President; Cr Denese Smythe, Deputy Shire President
Cr Pat Hooper, Cr David Wallace.*

2.2 Staff

Graeme Simpson, Acting Chief Executive Officer, Gail Maziuk, Compliance/Human Resources; Helen D'Arcy-Walker, Executive Support Officer; Tamara Hooper, Administration Officer; Anneke Birlleson, Customer Service Officer.

2.3 Apologies

Hon Paul Brown and Hon. Mia Davies

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

There were 180 people in the hall at the commencement of the meeting.

3. SHOW CAUSE NOTICE

3.1 To Receive the Show Cause Notice issued by the Minister for Local Government on 20th November, 2014.

Cr Reid asked if any electors would like to speak on the item?

Nil

Cr Reid stated that it is appropriate for the community to receive the document and vote to receive it. Does the community feel comfortable to receive this document?

A vote was held, with a close to unanimous response (~90%) carried.

Cr Reid brought the public's attention to Council's response to the notice and asked how the quorum would like to proceed?

4. QUESTION TIME

Ms Jane Ferro

Question 1:

I am only half way through Council's response and I am very impressed. I had an inkling about the accusations. What did happen? I am comforted by what is in this document and how the present Council has conducted itself. May I suggest that if someone has a particular question about a particular allegation then the excerpt can be read out?

Response:

Cr Reid asked the electors to please come forward to ask questions. Mr Graeme Simpson and I are concerned by significant factual errors, including newspaper articles that state I signed purchase orders, which in fact have Michael Keeble's signature on them. There are a great many similar pieces of evidence, approximately 1500 pages of hard evidence to refute inaccuracies, put politely, in the Department of Local Government's report to the Minister. The Director General has a law degree and I am surprised she passed this document on to her minister. The effect on my wife, children and in-laws has been devastating. The full weight of the law will be brought to bear.

Question 2:

Many times you have been accused of acting without consultation, yet repeatedly, reading the response, you have received advice and followed it, and yet you are accused otherwise?

Response:

Cr Reid stated he is taking legal advice but this credible evidence is available to the public, not on the website, but will be available at the Shire Office. There are emails to myself making recommendations that Council took. It is disturbing that they then issued the notice.

Ms Philippa Corteen**Question:**

Why have you not been encouraged to put the evidence on a website. Isn't this all about freedom of speech and good government?

Response:

Cr Reid stated that privilege has restrictions. I am not a defamation lawyer, but I have consulted with one of the best and their advice is what we are doing. This way your Council is protected by qualified privilege. The Show Cause Notice is already on the website, the appendices are not.

Mr Richard Bliss**Question:**

I have lived here for 10 years, where is this information emanating from and what is the motivation? Who is behind all this? What is going on behind the scenes and why does the State Government feel it should now get into our affairs?

Response:

Cr Reid stated that he cannot speak on behalf of the Minister. The Minister did not write the 'Timeline'. There was a document prepared by the Department of Local Government Reference E1439171. This was prepared by Department of Local Government staff, from we can only assume the members of the department that sit on Council meetings. It is this document that states that certain documents are signed by me.

Cr Reid went on to retell an incident involving a meeting with Cr Hooper, Michael Keeble, and former Crs Duperouzel and Boyle. He stated he told them he was going to record the meeting and then was allegedly verbally abused by Michael Keeble. The recording is on a USB as a public copy, which has been vetted by a lawyer and QC. There is also another version going around town. Cr Reid could not comment on the language of the previous CEO, Michael Keeble.

Ms Patricia Walters**Question:**

I have made some notes in relation to the letter to the Minister, I do not want to make it public but will provide them to Mr Graeme Simpson to take to Council if you decide they are relevant?

Response:

Cr Reid stated that Council has reserved the right to continue with the response and take individual legal action.

Mr Bill Cebula

You said Matthew that you used personal solicitors and QCs? I'd like it said that we are not paying for that, that is very expensive.

Response:

Cr Reid answered that he personally carried the legal costs involved.

Mr James Plumridge

Question:

I heard with interest what has motivated the Department of Local Government and the Minister. They obviously have the idea that certain individuals are responsible for stirring the pot. I believe it is related to the proposed landfill. If Council is suspended, they cannot take a stand on SITA's proposal. I wonder if in fact this move to suspend Council is that State Government is in favour of the proposal.

Response:

Cr Reid stated that we would be drawing a long bow to link the two. There is a long way to go for SAT to consider what is happening at Allawuna. I personally don't see the connection. We as a community have made big roads in to good financial management and governance. It is disappointing that the Minister and the Department of Local Government are hindering this process.

Ms Darlene Barratt

Question 1:

In the prior meeting (Special Council Meeting 11/12/2014) I asked if anybody from the DLG or Minister are stopping you from taking action to do with the Fitz Gerald Report.

Response:

Cr Reid stated that in the Show Cause Notice we do lay out some dealings with that. Once we have dealt with the Minister, we can deal with that and square the document away and I encourage the community to question it. Page 9 of the response to the Minister provides some input. There is more in the document. This is a summary of the three files.

Question 2:

In the previous meeting you voted to carry out an inquiry?

Response:

Cr Reid said no. For those not at this afternoon's meeting, Item number 5 states that "The Council authorise the Acting Chief Executive Officer to immediately forward a copy of the Show Cause Notice and all Annexures to an appropriately empowered investigatory body." This is at the Acting CEO's discretion. Mr Graeme Simpson has a wealth of experience and it is his decision to make.

Question 3:

So that's an inquiry into allegations and responses for the show cause notice?

Response:

Two different things happened. To have an investigation external to us and the DLG. In the Show Cause Notice response, Council asks the Minister to appoint a panel with the powers of a Royal Commission. In that way, appropriately powered persons with the skills to do the inquiry of audited events of the last few years.

Mr James Plumridge

I wish to congratulate Council on its response.

Mrs Sharon MacDonald

Question 1:

Council is meant to work together and as a community member, no way should people go after them personally, there are other electors out there that they represent. Putting signs up is harming local businesses. Do any of you intend to stand down based on this report?

Response:

No, absolutely not.

Question 2:

Who drafted the response?

Response:

Cr Reid stated that it was based on input from Cr Wallace, Smythe and Reid, ACEO Graeme Simpson and legal advice. Cr Hooper was not excluded from the process, Graeme Simpson request input, but did not receive anything from him.

Mrs Sheryl Russo

Question:

When Michael Keeble came to town, we as ratepayers had high hopes that the culture of Council would change. What went wrong?

Response:

Cr Reid said I can't answer that. I don't know. I have spent many nights thinking about it. Why Michael Keeble had a change of heart towards York. I honestly don't know the answer to that.

Sir William Heseltine

Question:

Page 22 refers to a partnership agreement for Council to continue. With whom is it proposed Council should partner and what is the merit of the partnership?

Response:

Cr Reid referred the response to Graeme Simpson: I envisage that if the Minister is receptive to our alternative, it is best to leave Council in situ. Taking the Council away for 6 months, I do not believe would be of any benefit. We must approach providing training on three fronts in order for us to talk to the Minister on having some say on a training partnership. The Minister joining together with the Shire and having training across the board.

Mrs Nola Bliss

Question 1:

What is the quorum to keep the Council functioning?

Response:

Cr Reid stated that a quorum of Council is three, but with financial decisions an absolute majority is four, not including the Shire President's casting vote.

Question 2:

In the spirit of reconciliation I would like to make a vote of thanks to Pat Hooper for staying on Council, enabling us to continue as a viable Council.

(Round of applause for Cr Hooper)

Response:

Cr Reid: Thank you Mrs Bliss. I would like to point out that more than 90% of resolutions were passed unanimously, so the comment that this Council is dysfunctional is totally inappropriate. We don't want a council of 6 Matthew Reids. We are supposed to represent the diversity that is you. Represent community and debate representing segments of our community and it should be encouraged.

Mrs Kaye Davies

I may be a bit naïve, but I feel York is owned by the residents and ratepayers. I have been going to SAT, watching people make decisions for York. Can the Minister be asked to visit York and ask what we want, not what people in Perth say we need?

Mrs Peta Finlay**Question:**

In the spirit of reconciliation, I seek clarification on the training being offered. This training should include the Administration of the Shire and include things such as team work and loyalty. What training can you request?

Response:

Cr Reid: What we have stated in our response is that we believe we are the best people, as council and ACEO are the best people to decide what training we have. Jennifer Matthews should not choose what training we get. Her report which is very incorrect, we do not have confidence in her. We discussed earlier today the best way forward for training of Councillors and mentoring and training of administration staff, so that their skills match requirements of their roles, but also the community, such as communication work shops, understanding of what Local Government is. I have been building a relationship between Council and Youth Parliament. I had a meeting with Youth Parliament, mentoring our future leaders. Mr Mount-Bryson told me that people don't understand that a Shire consists of 3 discreet bodies; Council (strategic and governance decisions), Administration that bring these about in actions and Deeds, then there is CEO who has a place on both teams. The community expect Council to do administration tasks, which is not appropriate, we have previously had staff that think they have place to debate at the table. This is inappropriate. We are not doing best practice performance reviews and not developing training programs for staff. From Council records, Administration training funds was spent almost solely on one employee.

Ms Valma Menezes**Question:**

I am horrified by what is happening. I ask the Minister to listen to the people. Is it appropriate for me to move a motion to send him a letter, to ask him to come and see us?

Response:

Cr Reid: Yes it is appropriate for you to do so if you so wish.

Valma Menezes

I would like to move a motion to invite the Minister to have a Resident's Meeting. Seconded by Richard Bliss.

Show of hands – comfortably carried.

Mr Rod Norris

There have been two Councillor resignations. Have they given the courtesy to electors as to their reasons?

Response:

Cr Reid: Duperouzel states he wishes to spend more time with his family and business. Cr Boyle's letter has not been made public yet. It has not been tabled at an Ordinary Council Meeting, but it does sight reasons.

Ms Darlene Barratt:**Question:**

I have been to nearly every meeting since 2007. The current Council is a lot more productive and honest, appealing to most people. We can get a 5 year issue sorted in less than 3 weeks. This document is very good and addresses the lies of people that have looked at the Council, even though they have received letters from us over eight years. The Show Cause Notice was disappointing and I would like to thank Councillors for becoming open and honest and working towards a brighter future for York. Some of this will need to come out in the wash for us to move forward. People have been victimised and now the Council. We have a lot better governance now than in the past 8 years.

Response:

Cr Reid: Council thanks you for kind words. The Women's Health Hub has made an incredible difference to our community. The Hon Mia Davies has used it as an example. The Men's Shed is unbelievable for our community. There are lots of good things in our town, we must focus on positives and ignore the naysayers trying to spoil our party.

Ms Philippa Corteen**Question:**

Encouraging to hear good feedback from Darlene, a fighter from way back. It shows people how far things go back. Why not see it as an opportunity for a fresh start? Community based Committees; it is a good opportunity for their training too. If the Shire Councillors are happy to go through that in good grace, I hope this travels all the way through so that we all in York get it right.

Response:

Cr Reid: Thank you.

Mr Julien Krieg**Question:**

Firstly I would like to congratulate Council on a comprehensive document that makes DLG look amateurish. It is well worded, succinct and covers all issues. Secondly, I would like to congratulate Councillors for sticking with it. We might be able to move forward here. We have put a lot of responsibility on Council and the CEO. The power is in us the people, what can we do that the Minister takes notice of the report to ensure Council stays in place? If everyone writes a letter to the minister and takes personal responsibility for what is going on. There is a petition, the more signatures the better. Nothing impresses the Minister more than a letter that says 'I believe'. We must respect people of different opinions. I am saddened that we have lost two people. We need to stay beside them and not ostracise them. I congratulate your families for sticking by you (Councillors).

Mr Aaron Gosper

With the resignation of Councillors – do we have scope for by-election?

Response:

Cr Reid: Yes there is scope but at the Minister's discretion.

Ms Louise Draper

Question:

I heard training in the context of community. If training is to be done it will be at a cost. I think it should be taken up by community members themselves to train themselves, by paying for attendance.

Response:

Cr Reid: Council has a limited budget which must be spent wisely. It would be nice for people to contribute themselves.

Ms Karen Sparrow

Question:

I hear your pain... Do the other councillors believe they can move forward as a Council?

Response:

Cr Wallace: Yes

Cr Hooper: I am here until September 2015,

Cr Smythe: I am here for the long haul.

Cr Reid: The only person allowed to speak is the President, they are not my views, but Council's. It is not Matthew's view it is Council's view. We respect each others' differences.

Mrs Aileen Caporn

Question:

Congratulations to Council. I refer to signs, such as in the window at the Saint's. Comments from visitors come back, people from the city and eastern states visit and their comment is 'what is happening?' Can we please, without offence, take away these signs to make York more pleasant?

Response:

Cr Reid: As a community there needs to be a process of healing. There has been very robust debate in our community about a number of different issues. This has damaged many friendships. As a community we need to accept that it is appropriate for everyone to have different views. Debate should be debate, there is no point being divided. We must look to the majority and move forward as the consensus. Councillors should be considered as equal members of our community.

Mr Simon Neville

Question:

Council is operating well, I appreciate what you have gone through (Matthew) we are ratepayers, we vote and for the minister to take documents from previous CEOs who have their own vested interests. Ego is a big problem with males, if a previous CEO has personal beef he's got to make sure his facts are correct. The reason I came to live here is I love York. I am currently writing about the Wheatbelt. It has gone backwards. The Minister should know we want to move forward with the real world, not documents and innuendo.

Mr Keith Schekkerman

Question:

I would like to move a motion to put on record that this meeting expresses confidence in York Shire Council and its President Cr Mathew Reid and asks the Minister not to suspend Council.

Seconded: Kim Hack

Show of hands – Majority - motion declared carried by Cr Reid.

I also motion that this meeting asks the Minister to appoint a Panel of Inquiry under Section 8.19 of the Act, to investigate any matters of concern.

Seconded: Darlene Barratt

Show of hands – motion declared carried by Cr Reid.

I also motion to ask Minister for Local Government to grant a by-election to fill vacancies on the York Shire Council.

Seconded: Sir William Heseltine

Pippa Corteen spoke for the motion.

Darlene Barratt also spoke for the motion.

Show of hands – Majority – declared carried by Cr Reid.

With regard to the two first motions, will Council forward concerns to the Minister?

Response:

Cr Reid: Mr Graeme Simpson has assured me that concerns will be tabled at the next Ordinary Council Meeting on Monday.

Mr Wilfred Caporn

We need to get behind ideas. It took a lot of effort to establish this town. There are four parts and progress is stagnant. Council has fallen apart. I can see that Matthew has got direction, pro-active, some people are negative and reactive. Must get on with what is needed. Everybody is liable and therefore, must be educated to deal with this. We must leave the past in the past.

Mr David Lawn

Trying to read the rebuttal makes no sense. It is impossible to correlate what is being said without the Show Cause Notice. The DLG and Minister have been thorough, even if half of the accusations are accurate, there are still problems. In last 6 months we are now on our third CEO, we have lost 4 specialist technical officers and lost 2 Councillors in last 2 weeks. There is still something deeply wrong. How will we fair getting Road grant money and the like from the government due to the hostility towards the Minister and the DLG?

Mr Mike Gill

Question:

At the meeting a fortnight ago, the Works Committee identified they had been requesting documentation over a long period of time, seeking information on quality and safety. Can you tell me when we will be provided with the information? If council is disbanded when will the committees be disbanded and all the hard work lost? I have met with Main Roads this morning regarding the standards expected. There has conjecture as to whether we comply. I express concerns that we are yet to receive feedback from our official enquiries.

Response:

Cr Reid: Quoted from the Local Government Act:

“5.92. Access to information by council, committee members

(1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

(2) Without limiting subsection (1), a council member can have access to —

(a) all written contracts entered into by the local government; and

(b) all documents relating to written contracts proposed to be entered into by the local government.”

Unfortunately of late, under Michael Keeble, dissemination of information dried up and we have not received a reasonable explanation for that. Case in point, the baseless accusation by the author of this report that I disseminated Ray Hooper’s credit card statements to a rate payer. This is not the case. Mr Michael Keeble took it upon himself to hand the documents directly to a ratepayer. Council view is that none of the accusations are accurate, we rebut every single one.

Mr Richard Bliss**Question:**

At some time we have to make up our own mind about what is going on. I make my own judgements. As David said Councillors had to jump rather than pushed. I respect his opinion but disagree with it.

Response:

Cr Reid: I admire both men, they can have a difference of opinion but still are good friends.

Mr Bill Cebula**Question:**

I was asked by the Shire President and Michael Keeble to help out with a policy manual. I took it on myself to familiarise myself with the Act. Section 5.92 says that a Councillor has to have access to certain documents, it is their duty, no staff or CEO can stop that. Section 5.94 says the public has the same access to their own business. That means in practice, if a CEO refuses access they can go to the elected member.

A measure of sickness of an organisation is the number of FOI applications there are. The new ACEO will agree with me that it will not be a problem in the future. Section 5.92 and 5.94 affects you and me, read it.

5. CLOSURE

There were no further questions, the Meeting was declared closed at 6:43 pm.