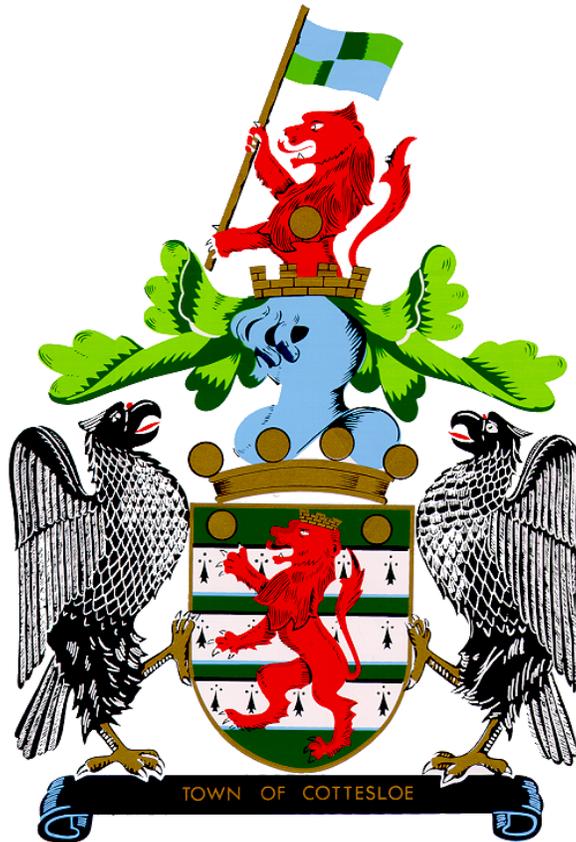


TOWN OF COTTESLOE



MINUTES

SPECIAL ELECTORS' MEETING

HELD IN THE WAR MEMORIAL TOWN HALL
COTTESLOE CIVIC CENTRE
WEDNESDAY, 26 March 2014

SPECIAL ELECTORS' MEETING
27 March 2014

(1) PRESENT

Mayor Jo Dawkins
Cr Peter Jeanes
Cr Jack Walsh
Cr Philip Angers
Cr Katrina Downes
Cr Helen Burke
Cr Sally Pyvis
Cr Rob Rowell
Cr Jay Birnbrauer
Members of Public – approximately 140

Officers:

Mr Carl Askew	Chief Executive Officer
Mr Mat Humfrey	Manager Corporate & Community Services
Mr Geoff Trigg	Manager Engineering Services
Mr Andrew Jackson	Manager Development Services
Mrs Lydia Giles	Executive Officer
Ms Sophie Morrison	Trainee Administration Assistant

(2) SUBMISSION OF APOLOGIES

Nil

(3) MAYOR'S WELCOME

Mayor Dawkins declared the Meeting open at 7.00pm and welcomed all present.

The Mayor addressed the meeting by stating her belief that the State Government has handled the reform process poorly, resulting in uncertainty and a lack of understanding. She also commented that no cost analysis, financial or social benefits have been given by the Minister and State Government but the reform process is in motion regardless.

At the request of the Mayor the CEO made a presentation in relation to the background and history of the current reform debate. The CEO addressed the following points in his presentation

- The history of the amalgamation process since 2009
- Council Research and external studies
- Community consultation and feedback (2009)
- Council reports and resolutions since 2009
- Community consultation and feedback (2013)
- The proposals submitted by the Minister and other Western metropolitan suburbs to the LGAB
- Proposed population estimates as a consequence of amalgamation
- LGAB process and Poll provisions of Local Government Act 1995.

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(4) DISCUSSION THE CONTENTS WITHIN THE REQUEST FOR MEETING (FORM 1)

The Mayor addressed the details of the matter to be discussed in the Special meeting as per the Request for a Special Meeting of Electors (Form 1) as follows:

- 2a)** Council does not promote the 'end of Cottesloe'. Local government reform is being driven by the State government. The proposed submission for a G5 to the LGAB was proposed due to the limited time to comment, existing community feedback and to counter the Town of Cottesloe's unanimous opposition of a G7.
- b)** Council's proposal for a G5 was not submitted to the LGAB. Council's resolution at the December Council meeting was to reject a G7 and reaffirm its previous position in support of a G4+ with community endorsement. The Mayor and CEO were authorised to continue discussion of amalgamation options with western suburb councils and to give support to a 2 Council model in preference to a G7 if a G4 is not accepted. The Minister and LGAB were notified by a letter. The February motion was following a 20 February meeting with the LGAB and the advice they offered on the submissions before it and their suggestion that a combined proposal would be the most effective. Following this advice the decision to propose a G5 was reached to ensure that Cottesloe's interests were represented in the LGAB's review process. The motion was subsequently rescinded due to recognition that not all the community supported that position.
- c)** It is very late in the reform process for a referendum to be called and have any impact. The original deadline for submissions to the LGAB was 4 October 2013, thus the Council referred to an early 2013 phone survey as an indicator for community support for a G4 or larger. The LGAB consultation process closed on 13 March 2014.
- d)** The Mayor reiterated her response to section C including the rescission of the February 2014 motion.
- e)** The Town based its decisions on previous relevant community consultation and it was too late in the process for any further consultation to be undertaken. The Dadour amendment remains the best provision for the community to have a say in the final decision.
- f)** The Mayor agreed that no benefits have been demonstrated to the Council for amalgamations and as such the reforms are being pushed by the State government against the Town of Cottesloe's wishes
- g)** The Town of Cottesloe has consistently acted (and resolved) to uphold the rights of residents under the Dadour amendment to resist forced amalgamations through the holding of a poll – and continues to do so.
- h)** The Civic Centre is on the State Heritage Register and is listed by the Town in order to protect its status as a public asset. Council resolved in

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July 2013 to protect the Civic Centre and further discussions are being undertaken with the State Heritage Office to strengthen this position.

- i) The Council has previously written to the Premier advising its wish that the amalgamation process be voluntary and that the Dadour provision must remain.

The Mayor addressed the issue that "Repeated promises of the Premier and Local Government Minister NOT TO FORCE".

She advised the meeting of the Process: Board recommendation to Minister. Minister accepts or rejects that recommendation. If we don't like the recommendation accepted by the Minister – Dadour amendment can be invoked.

If successful, the Minister must respect that If not the Minister can proceed.

The Mayor opened the floor to allow public questions and statements.

Yvonne Hart

Mrs Hart thanked the councillors and paid respects to the original Indigenous inhabitants of the land. She stated her belief that the processes followed by Council have been flawed due to insufficient community consultation and the feedback referred to and endorsed by Council are invalid due to the nature of the questions and their age. She questioned the reasons for Council supporting any form of amalgamation and stated that the Minister and Premier's promise that amalgamations would not be forced would remain. She argued in support of holding of a referendum before Council is able to endorse any amalgamations.

The Mayor stated that the Council has not and will not make any submissions to the LGAB at this time.

Cr Sally Pyvis

Cr Pyvis spoke in support of Mrs. Hart's statements and referred to Brian Dollery's report as evidence of the dangers of structural change in local government. She highlighted WESROC as an example of voluntary collaboration between councils and that any amalgamations would result in increased bureaucracy and large costs paid by ratepayers. She referred to the 2008 amalgamations of Queensland Local governments which resulted in higher rates and the tripling of Local Government debt. Many of these amalgamations have been subsequently reversed. She closed by stating that community feedback had been inadequate so far and highlighted her support for an independent Cottesloe.

Rob Pringle QC

Mr. Pringle suggested that Barnett and Simpson have been seen to be incompetent within the community due to their roles within council amalgamations.

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Malcolm Mummery

Mr. Mummery stated his belief that local government plays a crucial educational role within government. He expressed that local government was necessary for the building of communities and that the lower house of state government has been dysfunctional in their administering of local government reform. He then informed the meeting that the Dadour group are to hold a rally against Amalgamations on the 8th April 2014 at 7pm at Parliament House.

The Mayor restated that the Council has made no submission to the LGAB.

Bruce Haynes

Cr Haynes (Claremont Council) clarified that Claremont submitted a G4+ proposal in July 2013 to ensure the LGAB would review a proposal that protected the Dadour amendment. The Town of Claremont Council does not support a G4+ and subsequent Council motions reflect their desire to remain independent. He stated that the Western Suburb councils hold similar views and questioned what can be effectively done to support the Dadour amendment and polling provisions.

The CEO agreed that a poll would be crucial in ensuring the continuing independence of the Western Suburbs. He also commented that the Council is unable to now submit any proposals to the LGAB due to the passing of the 13th March 2014 deadline and the Board will only be able to comment on the proposals before it when preparing its report to the minister. He also highlighted the importance of the ability of Cottesloe residents to trigger a poll following amalgamations

Chris Wiggins

Mr. Wiggins commented that the government process in initiating amalgamations and the Minister's aim of 100,000 residents per council failed to consider the history and geography of the existing Councils concerned and will lead to a more centralised state. He argued that a strong LG is important for WA democracy and stated that the Council should approve a motion against amalgamations as no benefits for residents or community support has been demonstrated

Marion Ewing

Ms Ewing supported the comments by Cr Pyvis, questioned the wording of any future poll and expressed concerns that a community referendum may not provide any opportunity to reject amalgamations completely without unanimous Council support for a G1.

The CEO explained that the LGAB decides the wording of any poll question and that the Act does not allow for the submission of proposals that maintain the "status quo". The Board will make its recommendations to the Minister based on submitted proposals and whilst the Ratepayers will be able to initiate a poll it would be run by the LGAB.

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John Hammond

Mr. Hammond advised that he is involved in the undertaking of legal action against the State due to the reform process. He also spoke with regards to the Ministers proposal and criticised its lack of detail and briefness. He referred to the lack of proposed benefits for amalgamations and offered his support for the CEO's previous statements outlining the rights of ratepayers to hold a poll. He applauded the Mayors comments that no submission had been made to the LGAB.

Greg Boland

Mr. Boland stated that the Special Electors Meeting and its large attendance indicated the strong opposition within the Cottesloe community for amalgamations. He argued that there had been a misuse of data by Council in referring to the previous Community feedback as evidence for support of a G5 as residents had not been asked whether they did not wish to amalgamate at all. As such, the Council has failed to consult with the community.

In order to resolve the matter he proposed the following motion:

Moved by Greg Boland, Seconded by Chris Wiggins

- 1. That Council hold a referendum of all residents with the question 'Do you want Cottesloe to remain an independent Council?'**

Carried
No dissent

Professor Martyn Webb

Professor Webb argued that proposed local government reforms are actually the redistricting of the whole Metropolitan area under the Act despite a lack of sufficient reasons for doing so. He claimed that whilst the reform process was proposed to help Perth deal with population expansion in the future thus far the existing structure has adequately dealt with current and past growth. He recommended WESROC cooperate and form an alliance against amalgamations and stated that, in his opinion, submissions to the LGAB weren't proper under the Local Government Act. This is due to the lack of reasons provided in the Minister's proposal such that they render the proposal as noncompliant with section 2.1 of the Act. WESROC should jointly fund an injunction against the State government. He also confirmed that the G7 proposal for the Western Suburbs as the only one of its kind that may trigger a poll under the Act.

Chris Wiggins

Mr. Wiggins suggested that Council pass a motion to support Professor Webb's previous recommendations that the WESROC consider funding a legal injunction against the reform process.

The Mayor stated that a proposal for an injunction can be discussed at the next WESROC meeting. Mr. Mummery also reminded the Council that John Hammond is taking action against the state and suggested that WESROC become a part of this action

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Mr. Wiggins and Professor Webb agreed to prepare a motion for consideration by the group.

Marion Ewing

Ms. Ewing proposed the following motion:

- 1. That Cottesloe Council remains an independent Council**

Moved by Ms. Ewing, Seconded by Bruce Robinson

Carried
No dissent

Cr Walsh

Cr Walsh expressed disappointment in the Mayor's opening comments where she stated that amalgamations cannot be prevented. He stated that all meetings to date had used previous community consultations to inform resolutions with the view that reforms were inevitable. He reminded the meeting that the Premier and Minister had repeatedly promised that amalgamations will not be forced. He referred to 2009 WESROC Council findings that suggested amalgamations would result in savings of \$2 - \$4m per annum but would also incur significant costs of approximately \$14m. He also stated that he had enquired into previous Eastern state council amalgamations and the disparities between their suggested and actual savings from the process. He highlighted that the current boundaries and identity of Cottesloe must remain intact and expressed his fears that the Civic Centre is at risk of not remaining a public facility due to its freehold status.

Chris Wiggins.

Mr. Wiggins proposed the following motion:

- 1. That Cottesloe Council request a meeting of WESROC to consider joint legal action in relation to the Minister's Reform Agenda.**

Carried
No dissent

(5) CLOSURE

The Mayor declared the meeting closed at 9:00 pm.