



City of  
**Melville**

# **MINUTES**

## **ANNUAL GENERAL MEETING OF ELECTORS**

**6:00pm Monday, 6 February 2023**

Held in the Conference Room Melville Civic Centre  
10 Almondbury Road, Booragoon

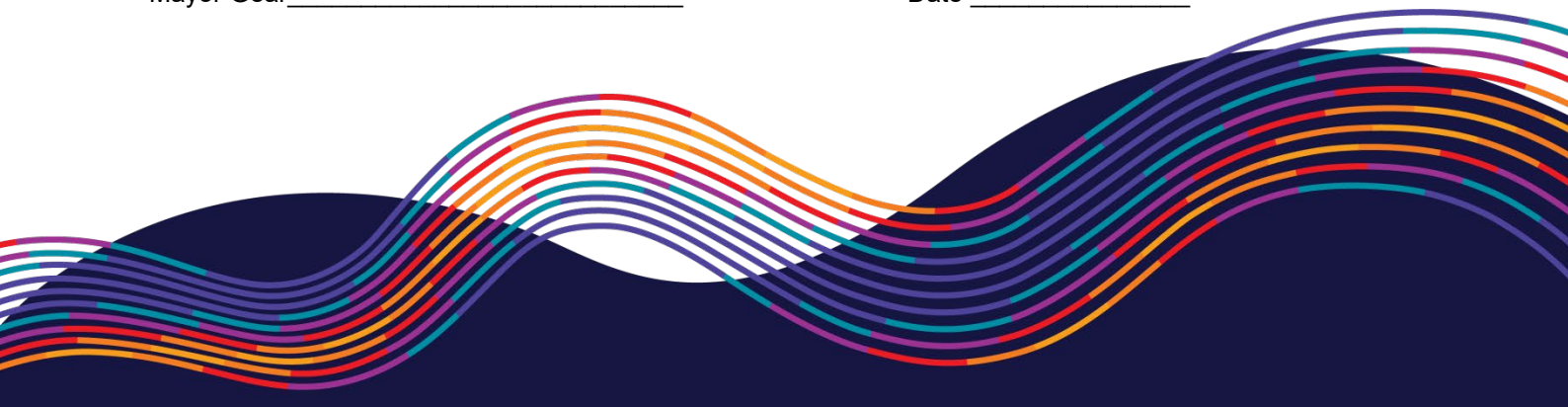
The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.

**Minutes to be confirmed at the next Ordinary Council Meeting**

These minutes are hereby confirmed as true and accurate

Mayor Gear \_\_\_\_\_

Date \_\_\_\_\_



## Our Vision

Engaging with our diverse community to achieve an inclusive, vibrant and sustainable future.

## Our Mission

To provide good governance and quality services for the City of Melville community.

## Our Values

### Excellence

Striving for the best possible outcomes

### Participation

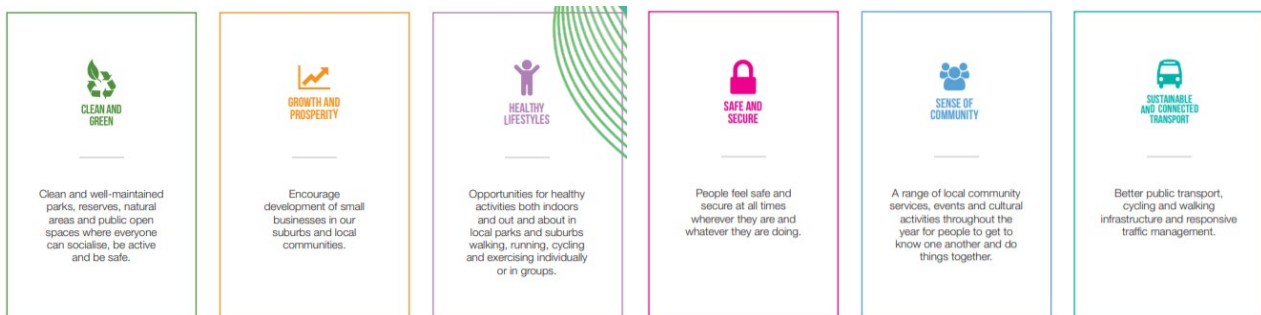
Involving, collaborating and partnering

### Integrity

Acting with honesty, openness and with good intent

### Caring

Demonstrating empathy, kindness and genuine concern



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## **Audio Recording/ access to Recording**

In accordance with the Council Policy CP- 088 Creation, Access and Retention of Audio Recordings of the Public Meetings this meeting is electronically recorded. All recordings are retained as part of the City's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government Records. The Audio recording may be accessed at [www.melvillecity.com.au/agendas](http://www.melvillecity.com.au/agendas).

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## 1 OFFICIAL OPENING

The Mayor welcomed those in attendance to the meeting and officially declared the meeting open at 6:00pm and invited Cr Barber to read the Acknowledgement of Country and advised those present of the Audio Recording Advice.

*“The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.”*

## 2 ATTENDANCE AND APOLOGIES

### In Attendance

Mayor Hon. George Gear

#### Councillors

Cr T Fitzgerald (Deputy Mayor)  
Cr N Pazolli  
Cr C Ross  
Cr D Macphail  
Cr N Robins (*until 7.05pm*)  
Cr G Barber  
Cr J Edinger  
Cr J Spanbroek  
Cr M Sandford  
Cr K Mair

#### Ward

Palmyra – Melville – Willagee  
Applecross – Mount Pleasant  
Applecross – Mount Pleasant  
Bateman – Kardinya – Murdoch  
Bateman – Kardinya – Murdoch  
Bicton-Attadale-Alfred Cove Ward  
Bicton – Attadale – Alfred Cove (*electronic attendance*)  
Bull Creek – Leeming  
Central (*electronic attendance*)  
Central

#### **Officers**

Mr M Tieleman	Chief Executive Officer
Ms C Newman	Head of Governance
Ms R Davis	Governance Officer

At the commencement of the meeting:

Public Gallery	27
Electronic	24
Press	1

#### **Apologies**

Cr M Woodall	Bull Creek – Leeming
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#### **On Approved Leave of Absence**

Cr K Wheatland	Palmyra – Melville – Willagee
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**3 DECLARATIONS BY MEMBERS**

**3.1 Declarations by Members who have not read and given due consideration to all matters contained in the business papers presented before the Meeting.**

Nil.

**4. INTRODUCTION OF ELECTED MEMBERS AND OFFICERS**

The Presiding Member advised of the Elected Members that were in attendance and introduced the Chief Executive Officer, Mr Marten Tieleman.

**5. DECLARATIONS OF INTEREST**

**5.1 FINANCIAL INTERESTS**

Nil.

**5.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

Nil.

## 7. BUSINESS

### 7.1 NOTICE OF ANNUAL GENERAL MEETING OF ELECTORS

The following Notice of Meeting was advertised:

- on the City's website;
- on public notice boards at the Civic Centre and all the City of Melville libraries;
- in Perth Now Melville on Thursday, 12 January 2023;
- in the City's electronic Newsletter; and
- via the City's social media platforms.

The notice read:

*"We invite City of Melville residents to the City of Melville Annual General Meeting of Electors (AGM) to receive the Community Annual Report 2021-2022.*

**Date:** Monday, 6 February 2023  
**Time:** 6.00pm  
**Venue:** Conference Room, City of Melville Civic Centre,  
10 Almondbury Road, Booragoon  
and live-streamed via Zoom.

*The AGM will be delivered in an in-person and live-stream format.*

*In line with our sustainability policy, limited printed copies of the Community Annual Report 2021-2022 will be available at the meeting. You can pick up a copy at our libraries and the City of Melville Civic Centre or read it online at [City of Melville Community Annual Report 2021-2022](#).*

*We welcome your questions on the Community Annual Report 2021-2022. Questions need to be submitted by 12noon Monday 30 January 2023.*

*To submit a question, register for the live-stream or in-person attendance, and view the most up to date information about meeting, visit [www.melvillecity.com.au/AGM](http://www.melvillecity.com.au/AGM)"*

## 7.2 MANNER OF CONDUCT OF THE MEETING

Welcome to the City of Melville Annual Elector's Meeting. The purpose of the meeting is to discuss the City of Melville Annual Report and any other general business pertaining to the business of the City of Melville. In accordance with the *Local Government (Administration) Regulations 1996*, the Mayor is to preside at a general or special meeting of electors and is to determine the procedure to be followed and will give regard to the *City of Melville Local Government (Meeting Procedures) Local Law 2022*.

1. In the event of an emergency, everyone should take direction from officers who will guide you to the exit points of the building.
2. Toilets are located immediately before the entry to the Council Chambers.
3. All physically present are required to sign the attendance register at the entry to the meeting.
4. Each person who participates in a vote or speaks must be an Elector of the City of Melville.
5. The proceedings are being recorded for the purpose of production of the Minutes and speakers are requested to use the microphones each time they speak. The Minutes will include a summary of any questions asked and a summary of the responses provided.
6. Speakers are asked to clearly give their name and address each time they speak and are required to address the Mayor as the Chair of the meeting.
7. Only Electors of the City of Melville may move or second a motion. Motions are to be submitted in writing prior to the commencement of the meeting.
8. All addresses are to be limited to a maximum of five (5) minutes. Extension of time is permissible only with the agreement of a simple majority of Electors present (*Local Government (Administration) Regulations 1996* Regulation 17).
9. The community are welcome to participate in the meeting. To ensure the efficient conduct of the meeting, please participate in a concise and respectful manner.
10. All Elected Members and officers attend this meeting to observe the proceedings and hear comments from Electors. All questions and comments should be directed to the Mayor who may invite a response from the Chief Executive Officer, Presiding Members of Committees or Elected Members.

**8. PRESENTATION OF CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2021-2022 INCLUDING FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2022.**

The Mayor presented to the community the City of Melville Annual Community Report 2021-2022, adopted by the Council at its Ordinary Meeting held 13 December 2022 and advised that the Community Annual Report is published on the City's website [www.melvillecity.wa.gov.au](http://www.melvillecity.wa.gov.au) and copies can be viewed or obtained from the City of Melville Civic Centre.

*"At the City of Melville we have an ongoing commitment to engage with our community to achieve our vision of an inclusive, vibrant and sustainable future.*

*In presenting our Community Annual Report, we are reporting back to our community on the projects, initiatives and achievements we have delivered to meet your needs and aspirations.*

*As rate payers, your annual rates payments contribute significantly towards this vision, and throughout the year all our work is delivered with our community at the centre of everything we do.*

*Without the ongoing commitment and passion and combined effort of our Elected Members, our staff and of course our great citizens who participate and contribute in many ways we could not achieve sustainable and shared outcomes.*

*Some of the achievements you can read about for the last financial year 2021-22 include:*

- The completion of several major redevelopment projects including Shirley Strickland Reserve upgrade, Bob Gordon Premier Playspace and the Tompkins Park Redevelopment.*
- Improvements to public outdoor spaces and 144 essential community infrastructure projects.*
- Work progressed on our Urban Forest Strategy, Natural Areas Asset Management and Foreshore Restoration Strategy.*
- The increase in the number of trees planted on City land and nearly 6,000 free native plants given away to residents and local schools in our annual native plant giveaway.*
- Our biggest ever community engagement program which delivered the Attadale Alfred Cove Master Plan, creating a 20 year vision for the area that responds to what the community value the most about the area.*
- Over 65,000 people attended major events around our City this year and thousands of people participated in our public programs and visited our galleries.*

*I also acknowledge the work and partnership of our state and federal government, our local and Federal members, our local businesses and agencies, and our incredible volunteers.*

*Together we make great things happen and are able to deliver services, programs and facilities for our residents and ratepayers."*

## 8.1 Questions on the Community Annual Report 2021-2022

At 6:06pm the Presiding Member opened Public Question Time.

### 8.1.1 City of Melville Residents and Ratepayers Association (Inc)

#### Question 1

1. *Please particularise which legislation, Council policies, administrative policies and procedures, employment contracts, or codes of conduct and the like give the City powers to:*
  - a. *Request any item or document from an employee pertinent to an investigation;*
  - b. *compel an employee to speak honestly with an internal or external investigator;*
  - c. *discipline an employee that does not comply with the above requests;*
  - d. *discipline the Chief Executive Officer if they do not comply with a. and b. above; and*
  - e. *discipline any Elected Members that do not comply with a. and b. above.*

#### Response

Relevant legislation and documents referred to above, except for employment contracts which are confidential, are publicly available online. Employees are required to comply with any reasonable management direction made in respect to their employment.

The Deputy Mayor also advised that Codes of Conduct can be found on the City's website:

- [Operational Policy OP- 27 Code of Conduct Employees;](#)
- [Code of Conduct for Elected Members, Committee Members and Candidates.](#)

#### Question 2

2. *Were such investigative powers provided to Ms Bronwyn Weir during her lengthy investigation into the small sample of complaints about conduct of the City's planning and building functions; if so were those powers used, if not why not?*

#### Response

This review of building and planning complaints was commissioned by the Council through a resolution directing the City to arrange for an independent review of complaints related to building and planning issues. The objective was to review the City's customer interactions and make recommendations for improvements. City employees participated willingly and transparently in the review process as documented by Ms Weir.

The Council resolutions relating to the investigation were to establish a scope of works that would review the customer interactions and issues associated with the residents' concerns with the objective of improving processes in the City.

The process and final scope of the Weir Review was finalised and agreed by the participating residents and the City.

The Deputy Mayor advised that the Council does not have the power to add extra investigative powers and no extra investigative powers were added.

*8.1.1 City of Melville Resident and Ratepayers Association (Inc) continued.*

Question 3

*Has the City ever disciplined any employees or the CEO for failure to comply with 1.a & 1.b above; if so when?*

Question 4

*Have any City employees separated from the City's employment subsequent to any investigation or poor conduct or performance; if so how many and when.*

Response to Questions 3 and 4

The City deals with employee related matters in accordance with relevant workplace, employment law and contractual legislation. The City will not comment on confidential employee related matters.

**8.1.2 Ms A Ritchie, Winthrop**

Question 1

*What is COM doing to substantially increase tree canopy along our residential streets. It's taking action to replace and plant trees along park areas but has left the decision for tree planting with individual home owners. Leaving the decision to residents isn't working as many don't appreciate the important of street canopy?*

Response

The City has significantly increased its verge tree planting program in recent years and planned to plant 1,000 verge trees in winter 2022, of which only 750 trees were planted as a considerable number of residents opposed a verge tree being planted in front of their property. The City will again aim to plant 1,000 trees on verges adjoining private property in the 2023 planting season. In addition, the City is in the process of reviewing its Urban Forest Strategy and will consider mandatory verge planting on all Council verges as part of that review.

The Deputy Mayor added that the Council recently passed a motion reaffirming our commitment to the goals set out in the Urban Forest Strategy, that is the amount of tree canopy coverage and asking for a report on how this can be achieved in a more timely manner.

**8.1.3 Mr M McLerie, Bicton**

Question 1

*The Annual Report doesn't outline the key findings of significant investigations or reviews of the Administration such as;*

- a) Council initiated investigation of a select few past planning and building complaints, undertaken by Ms Bronwyn Weir, that found the City's responses to a number of complaints were unreasonable, unacceptable and/or took too long; and*
- b) the broad review undertaken by Mr Gary Hunt, that also found problems with the City's planning and building directorate?*

8.1.3 *Mr McLerie, Bicton continued*

Response

The Annual Report does not provide information in relation to the Final Report of the Independent Review of Building and Planning Complaints conducted by Weir Legal and Consulting, which has not as yet, been released to the public. Up to date information on the actions taken in respect to the Weir Report Recommendations was reported at the 13 December 2022 Ordinary Meeting of Council.

The broad organisational review undertaken by Gary Hunt Consulting (GHC) was commissioned by the CEO for the purposes of determining the scope of any further more targeted reviews required. This led to a further review of the capability and capacity of the Planning and Building Directorate by GFG Consulting which has only recently been concluded.

The outcomes of these reviews are presented to the Council as required and will be incorporated in future workforce planning and budgetary considerations.

**8.1.4 Mr M McLerie, Bicton**

Question 1

*The Annual Report identified the Glen Flood Group Consulting (GFG) review of the Urban Planning and Building Services Directorate;*

- a) *The public was told last year the report was due in November 2022. What did GFG find and what improvement opportunities were called out. When will Council receive the GFG report and decide on what to do about it?*

Response

Page 46 of the Community Annual Report makes the following comment under the section relating to Growth and Prosperity that one of the key initiatives for the year ahead was that the City would undertake:

*“Urban Planning organisation structure consultation with Glen Flood Group Consulting.”*

The report from GFG has recently been received and is an internal document for the purpose of determining an appropriate organisational structure.

Question 2

- b) *How much has the City paid GFG, or related entities/individuals, for the report, and any other things in total over the past 5 years?*

Response

Payments made to GFG Consulting in relation to the supply of Services for the Review of Planning, Building and Environmental Health was \$56,373.00. GFG also provide a Temporary Labour/Personnel Services of which the amount of \$232,427 has been paid since 2019.

### **8.1.5 Mr D Maynier, Attadale**

#### Question 1

*Between late 2021 and present, employment of four senior executives of the City of Melville has been terminated. Was any severance payment made on these occasions, and if so, to which employees? - What procedure was followed in determining the amount of any severance payment?*

#### Response

Any separation with City staff is done in accordance with workplace legislation, City of Melville Policy and/or individual contractual arrangements. The City will not comment on individual employment or employee related matters or details of individual separations.

### **8.1.6 Mr M Crossley, Applecross**

#### Question 1

*Can I have a clear and true answer to my question. Why the Weir Report has not been made available to ratepayers? Assurances were given by councillors that this would happen, given the financial cost of it to ratepayers.*

#### Response

The latest Officer Report and Council resolution that relates to the Independent Review can be found in the [13 December 2022 Council Meeting Minutes](#), which are available on the City's website. The matter will next be considered by the Council at the April 2023 Council Meeting.

## **8.2 Questions Taken at the Meeting**

The Presiding Member invited questions from the floor.

### **8.2.1 Ms N Brown, Applecross**

#### Question 1

Where do you get the Community Annual Report 2021-2022?

#### Response

Limited hardcopies of the Community Annual Report 2021-2022 were made available to the public at the Annual General Meeting, and has been available online on the City of Melville website at [https://www.melvillecity.com.au/our-city/publications-and-forms/corporate-services/annual-financial-report-2021-2022-\(part-a\)](https://www.melvillecity.com.au/our-city/publications-and-forms/corporate-services/annual-financial-report-2021-2022-(part-a))

### **8.2.2 Mr S Kepert, Mount Pleasant**

#### Question 1

*Did Marten Tieleman inform the Council that he claims to have appointed the private insurance agency LGIS to represent the City of Melville on the 12th of December 2022 for the current legal matter Kepert vs City of Melville FRE/MINOR/707/2022?*

#### Response

The Fremantle Courthouse and Mr Kepert, by lodgement on the Courts portal, were advised that a named Senior Claims Consultant, LGIS Liability was appointed and authorised to act as an agent on behalf of the City in proceedings associated with the Magistrates Court Case: Minor Claim 707/2022, that was brought against the City. There is no requirement for the CEO to inform the Council in relation to this administration matter however, the City's Finance Management, Audit, Risk and Compliance Committee was advised at its meeting held 8 December 2022 of the Kepert Minor Case Claim against the City and how the City was responding.

#### Question 2

*Do you believe you can do that under section 9.29 of the Local Government Act which says that only an officer can represent the City of Melville in small Court, such as the Magistrates Court?*

#### Response

The CEO responded that he did.

#### Question 3

*Under what delegated authority does Marten Tieleman believe he has appointed LGIS to represent the City of Melville in legal matters?*

#### Response

Delegated authority is not required for the CEO to undertake an administrative function of protecting the interests of the City by responding to a legal claim against the City – Section 5.41 (d) of the *Local Government Act 1995* – Functions of CEO.

#### Question 4

*Does the administration still claim that there was no cost incurred to the City for Marten Tieleman's and Louis Hitchcock's failed legal action against former Councillor Kepert in the legal action Tieleman and Kepert [2021] DR 98, later renamed City of Melville [2021] DR 98 where they tried unsuccessfully to have former Councillor Kepert removed from the Council?*

#### Response

The description of the SAT matter is not correctly described. Under section 5.118(1) of the Local Government Act 1995 the CEO was required to refer a failure of former Cr Kepert to comply with an order made under section 5.100(6) to the State Administrative Tribunal. Apart from Officer time, and the required SAT Application Fee, no additional cost was incurred by the City in relation to this matter.

8.2.2 *Mr S Kepert, Mount Pleasant, continued.*

Question 5

*Did Corrine Newman ever inform the Council that she distributed confidential footage and audio recordings of the items held behind closed doors from the Council meeting held on the 20th and 21st of October 2020 and that these recordings are now public?*

Response

The recording was released on two occasions. Following a request, a copy of the recording was released to the State Solicitors Office, and a copy was also released to an Elected Member in attendance at the meeting, under Council Policy CP-088 Creation, Access and Retention of Audio Recordings of Public Meetings of the Council. The Council was not informed of the release as the requirement to inform the Council has been removed from the Policy.

Question 6

*Does the administration maintain that it is still not legally able to dispose of the images of the naked female it created and the Council directed it delete at the above meeting?*

Response

The City did not create the image as claimed. The Council Resolution from the 20 and 21 October 2020 Council Meeting was that

***The Council directs the CEO to:***

- 1. delete the record containing the intimate image of the naked female held by the City as soon as legally permissible.***

When the required approvals were received from the Office of State Records and the Office of the Information Commissioner (as this matter was still the subject of an active FOI Application) the image was deleted from the City's Elected Records Management System on 7 April 2021.

Question 7

*Why has the motion that I raised for Marten Tieleman to undergo a performance management plan that was seconded, discussed and voted on not been printed in the minutes of the 18th of May meeting as required by the Local Government (Administration) Regulations 1996?*

Response

The meeting referred to was closed to members of the public at 9.55pm by a resolution of the Council to allow for items deemed confidential in accordance with section 5.23(2)(a) and (d) of the Local Government Act 1995, to be discussed behind closed doors. The motion related to "a matter affecting an employee or employees;" being the CEO and the minutes of that part of the closed meeting are confidential and not available to the public.

8.2.2 *Mr S Kepert, Mount Pleasant, continued.*

Question 8

*Do you believe that motions of the Council can be withheld by you from the minutes?*

Response

The CEO replied that they can be withheld by legislation.

Question 9

Why is the motion that was raised, seconded, discussed and voted on to terminate the employment of Marten Tieleman not recorded in the minutes of the subsequent Council meeting as required by the *Local Government (Administration) Regulations 1996*? The original motion is available on my webpage.

Response

The meeting of 15 June 2021 former Cr Kepert presented a motion to amend the 18 May 2021 minutes. The motion was to include the confidential part of the 18 May 2021 meeting in the minutes of that meeting.

The motion was:

*“That the Minutes of Ordinary Meeting of Council 18 May 2021 be amended as follows:*

1. *Include the following at 16.2:*
  - a. *The mover and seconder of the motion and the time this was made.*
  - b. *The Council directs the CEO to advertise for an independent performance management consultant to work directly with the Council for the purpose of constructing a performance management plan to address the CEO’s performance. All applications will be viewed and considered by the Council who will interview and select an appropriate consultant at its discretion.*
  - c. *Reasons: As specified in the Local Government Act 1995, the Council is responsible for the performance of the local government’s functions:*

*2.7. Role of council*

*(1) The council —*

- (a) governs the local government’s affairs; and*
- (b) is responsible for the performance of the local government’s functions.*

*The Council appoints the CEO to carry out its administrative functions. The performance of the CEO affects the City of Melville’s ability to function.”*

8.2.2 *Mr S Kepert, Mount Pleasant, continued.*

A motion supporting organisational culture change which may have addressed performance issues was brought before the Council in April 2021 but rejected by the Council.

- a. *The procedural motion which was moved by Cr Kepert and the time it was made.*
- b. *The results of the vote for the procedural motion.*
- c. *The results of the vote for the substantive motion.*
- d. *The title of the motion in the contents page.*

*The motion was Lost (4/9).*

*This item was discussed at Item 18 – “Identification of Matters for which Meeting may be Closed” – Item 18.1 “Amendments to Confirmation of Minutes Ordinary Meeting of the Council – 18<sup>th</sup> May 2021.”*

*The Council resolved at 8.56pm to close the meeting to members of the public to allow for items deemed confidential in accordance with section 5.23(2)(a) and (d) of the Local Government Act 1995, to be discussed behind closed doors.*

*The minutes record “Confidential Pages Extracted”.*

*The minutes record that the Council resolved to come out from behind closed doors at 9.53pm.*

*“At 9:55pm the Mayor advised that the matters behind closed doors related to:*

*The amendment to the minutes of the 18 May 2021 Ordinary Meeting of Council, the section behind closed doors and not available to the public.*

*The amendment to Item 16.2 of the 18 May 2021 meeting related to an employee matter and the motion to amend the 18 May 2021 minutes was lost 4/9.”*

*Cr Kepert attempted to submit a motion at a Governance Committee meeting held 31 August 2021 requesting the termination of the CEO which lapsed due to the want of a seconder. The minutes of that meeting is:*

*At 8:53pm Cr Kepert moved, seconded*

*That the Governance Committee recommends to the Council that it finds the overall assessment of Mr Tieleman is unsatisfactory and recommends the termination of his employment from the City of Melville.*

*At 8:53pm, the Presiding Member declared the motion*

*LAPSED FOR WANT OF A SECONDER*

### **8.2.3 Mr S Douglas, Applecross**

*Mr Douglas provided context on his experience on buying and living in the Canning Bridge Activity Centre and highlight the distress caused by construction, traffic management, toxic fumes, and his disappointment with the Council for not coordinating the situation better.*

#### Question 1

*What has the Council learnt from what has happened at issues at Canning Bridge Activity Centre and is it going to listen more closing to the community when finalising the CBACP and listening more closely in relation to the Alfred Cove Master Plan?*

#### Response

The Mayor advised that we have learnt a lot, however unfortunately there is a lot of development happening in the area at the same time and the City has no control over the timing of the development building works. It does not help that the Water Corporation is also carrying out works in the area. It is acknowledged this is impacting traffic in the area as well.

The City in conjunction with the community is working towards a new Canning Bridge Activity Centre Plan and this is in the final stages.

#### Question 2

*After asking the City for a Construction Management Plan, I have been advised in writing that I need to submit a Freedom of Information Request?*

#### Response

The CEO advised the City has recently reviewed the process associated with Construction Management Plans. The CEO undertook to ensure a copy of the requested Construction Management Plan be provided to Mr Douglas.

The Presiding Member acknowledged that a series of questions had been submitted by the City of Melville Residents and Ratepayers Association, which were not available at the meeting, the Mayor undertook that these would be taken on notices responses provided. The questions and responses are included on page 21.

### **8.2.4 Mr D Maynier, Attadale**

*Mr Maynier quoted information from the Local Government (Administration) Regulations and the City's Policy for dealing with severance payments and the City's obligations on advertising severance payments to the public. This means that that severance payments are over and above an employee matter.*

#### Question 1

*That between late 2021 and present, employment of four senior executives of the City of Melville has been terminated. Was any severance payment made on these occasions, and if so, to which employees? What procedure was followed in determining the amount of any severance payment?*

#### Response

The CEO Mr Tieleman confirmed that the City would not discuss employee contract matters and the response was still relevant. Each matter had been handled in accordance with legislation.

### **8.2.5 Mr McLerie, Bicton**

#### Question 1

*Why didn't Council prepare to answer the CoMRRA's questions available for this evening?*

#### Question 2

*Why didn't Ms Newman and the CEO have those questions from the CoMRRA ready for this evening?*

#### Response

The additional questions from the City of Melville Residents and Ratepayers Association (Inc) (CoMRRA) were included as attachment in an email thread that contained the initial set of questions submitted by the CoMRRA and subsequently missed by the Governance Team in the preparations for the Annual General Meeting of Electors. The City apologises unreservedly for this oversight and the questions and responses are provided on page 21.

### **8.2.6 Ms N Brown, Applecross**

#### Question

*How do we get the local newspaper as it is no longer delivered to my home?*

#### Response

The City of Melville are unable to assist with letterbox deliveries as newspapers are run privately. It was advised that copies are available at the City of Melville Civic Centre and from City Libraries. Local papers are also available online through the relevant newspaper websites.

### **8.2.7 Mr S Douglas, Applecross**

#### Question

*How can my Council make a stand against JDAP regarding what the community wants for the Canning Bridge Activity Centre? I feel like Council are not fighting for us whether we win or lose?*

#### Response

The Presiding Member advised that he is advocating for changes in the representation numbers on the JDAP. The Council understands that the State Government has a different view to the community on development in the Canning Bridge Area and the Council is seeking to include the views of the community as much as possible and for ways for the State Planning Commission to hear the view of the affected community.

#### Question 2

*Can JDAP be invited to a meeting with the Community, so that the community has an opportunity to put forward their views in person?*

#### Response

The Presiding Member thanked Mr Douglas for his suggestion.

**8.2.8 Mr P Bruce, Applecross**

Question 1

*What are the Melville Council doing to fix the Traffic Management and construction issues in the Canning Bridge Precinct? There seems to be no action.*

Response

The Presiding Member advised that the City has had discussions with developers and the Water Corporation and opportunities to advise residents of times that traffic will be impacted.

The CEO advised that a position has been appointed specifically to monitor the parking issues in the Canning Bridge area. The City has limited powers, however we are working with developers for a better coordinated outcome and for ways to communicate with the community on what is happening.

Question 2

*My second question relates to a commend made by the Consultant Hatch Roberts Day regarding height limit that did not sit well. This was highly inappropriate, where is the independence and integrity of those consultants?*

Response

The Presiding Member indicated that this is an industry view, and the aim of the Council is to promote the views of the community view.

At 7:05pm the Presiding Member closed Public Question Time.

### **8.3 Questions Submitted Prior to the Meeting and Taken on Notice at the Meeting**

#### **8.3.1 City of Melville Residents and Ratepayers Association (Inc)**

In addition to questions on Council's/City's investigative powers as previously provided by 15 January 2023 email to CEO.

##### Question 1

*Why did Council change the published rules for this Electors AGM to repress and restrict Elector participation by not allowing motions from the floor on the night and to allow the Presiding Member to unilaterally decide on what questions, and by who, can be asked from the floor relative to past AGMs?*

##### Response

The Local Government Act provides for the Mayor to be the Presiding Member at Meetings of Electors and to provide direction on the conduct of the meeting. Minor changes were made to assist in providing equal opportunity for electors in attendance to participate in the meeting.

##### Question 2

*The Community Annual Report does not appear to deal with significant management attrition. Since June 2021 four of the CEO's six direct reports, including 3 senior employees and 3 leaving at short notice, and other employees have separated from permanent employment at the City. What is the total value of any payments or non-cash benefits transferred to all employees that have separated from the City since 30 June 2021 until now that is above and beyond payments and benefits accrued for their actual time productively working for the City. That is, what has been paid out in terms of compensation, payments in lieu of notice, redundancy, gardening and stress leave, bonuses, gratuities and the like?*

##### Response

The Community Annual Report is for the period 1 July 2021 to 30 June 2022. Staff turnover is reported in the Annual Report as a Key Performance Indicator on Page 72 of the Community Annual Report Part A.

Operational People Management Key Performance Indicators are reported to Elected Members on a regular basis.

The City deals with employee related matters in accordance with relevant workplace, employment law and contractual legislation. The City will not comment on confidential employee related matters.

8.3.1 *City of Melville Residents and Ratepayers Association (Inc) continued*

Question 3

*The Community Annual Report does provide some statistics on FOI applications received by the City, though some key performance metrics are missing, so please confirm;*

- a. What number and percentage of the FOI applications were fully resolved (ie do not go to internal review) and were delivered within the legislated 45 day or 30 day time periods.*
- b. What number and percentage of the requests for internal review were fully resolved (ie do not go to external review) were delivered within the legislated 15 day time period.*
- c. As of 30 June 2022, what were the ages of any unresolved FOI applications at the external review stage; how many were over 6, 12, 18 or 24 months since the date of the initial FOI application lodged with the City?*

Response

The City maintains statistical performance information in accordance with the FOI Act (1992) and are provided to the Office of the Information Commissioner on an annual basis. The Information Commissioner reports to parliament on agency performance and publishes comparative information for all agencies including Local Governments. The information contained in the Annual Report (Page 74) is the information as prescribed for reporting to the Office of the Information Commissioner.

Resolution of any matter within the FOI Act (1992) is not purely determined by timeframe with agreements with applicants to vary timeframes being reached for both initial decisions and reviews. Where extensions to timeframes are agreed the details are not statistically held. An analysis has identified 16 decisions that exceeded the permitted period for an initial application with the applications still being determined. The statistical information available identifies 9 of 12 internal review applications being finalised within the permitted period. Where an application is itself still pending, the internal review may itself be delayed ensuring a clear decision.

Where an applicant is not satisfied with a notice of decision or an internal review decision, they are not required to advise the City if they have referred a matter to external review.

The City does not hold any information on the status or progress of external review requests. This is the responsibility of the Office of the Information Commissioner.

Question 4

*The Annual Financial Report makes mention of the FMARC and Governance Committees on page 13, but considering the legislated (LG ACT Part 7.1.A Audit Committee, first legal delegated authority) requirement of Local Governments to establish an Audit Committee, as we see embedded in our FMARC committee along with the others FMARC assigned authorities and duties provided in the Terms of Reference/Charter, this FMARC committee, together with the Governance Committee with similar Term of Reference/Charters, are 'hidden away' and contrary to what we see in other WA councils. Denying public access and participation in such committees, contrary to the legislated intentions and the principles of transparency, is behaving in a manner that can best be described as 'clandestine council meetings', so we ask when is Council going to open Council committees to the public and publish the agenda, minutes and recordings of those meetings?*

8.3.1 *City of Melville Residents and Ratepayers Association (Inc) continued*

Response

At this time Committees of the Council do not have delegated authority under the Local Government Act and therefore no decision-making ability. Any matters that require decision are presented to the Council for consideration. A review is being undertaken as part of an overall Governance Framework to improve the efficiency and transparency of the Council's decision making processes.

Question 5

*At Council's last 2022 ordinary meeting the CEO emphatically stated that the City's administration did not intercept, screen or monitor email traffic between Elected Members and residents unless they were copied in or sent the email or there was an FOI application for such. However, within the previous week the CEO responded to an email exchange between an Elected Member and a resident that was obtained by the CEO without the knowledge or consent of the Elected Member or residents. What will Council do about the CEO's incomplete, inaccurate or misleading response to public questions and the CEO's invasion of the privacy of the communication between the Elected Members and residents?*

Response

The City does not screen, intercept or monitor Elected Member exclusive communications.

The City technology team have undertaken an investigation into this matter and identified that an email handling rule independently created by an Elected Member had the unexpected consequence of sending an email copy to the City administration in certain circumstances. This was not obvious to the recipient officer so was handled according to relevant practice by the CEO.

Question 6

*What types of public statements are Elected Members and the Mayor permitted to make at meetings, events, functions when attending in the capacity of Council members representing the City? For example, can an Elected Member apologise for the City's mistakes on behalf of Council, express views contrary to Council resolutions, or express views on matters such as the Republic debate, if Council has not passed a motion agreeing to a position or policy on such matters?*

Response

The Local Government Act provides for the Mayor to speak on behalf of the local government (s2.8(1)(d)). Elected Members and the CEO can only speak on behalf of the local government with the permission of the Mayor.

Generally, Elected Members should be clear when making comments or statements publicly when these are a resolved position of the Council or a personal opinion.

## 9. GENERAL BUSINESS

At 7:05pm Cr Robins left the meeting and did not return.

### 9.1 Motions

#### MOTION 1 – MR MAX FITZGIBBON, MELVILLE

At 7:06pm Mr M FitzGibbon of Melville, seconded Mr M McLerie of Bicton

**Discontinue installation of “semi-mountable kerb” and revert back to “barrier kerb”, as with its flat top and defined edge the barrier kerb is a safer option for all pedestrians rather than the wider, higher, sloping, semi-mountable kerb.**

#### Procedural Motion

#### MEETING RESOLUTION

At 7:11pm Mr M McLerie of Bicton, seconded Mr D Maynier of Attadale –

**That an extension of five minutes be granted to MrFitzGibbon to speak on Motion 1.**

At 7:11pm the Presiding Member declared the motion

**CARRIED**

#### MEETING RESOLUTION

#### Motion 1 – Mr Max FitzGibbon, Melville

At 7:06pm Mr M FitzGibbon of Melville, seconded Mr M McLerie of Bicton –

**Discontinue installation of “semi-mountable kerb” and revert back to “barrier kerb”, as with its flat top and defined edge the barrier kerb is a safer option for all pedestrians rather than the wider, higher, sloping, semi-mountable kerb.**

At 7:18pm the Presiding Member declared the motion

**CARRIED (32/7)**

**MOTION 2 – MR MIKE BURNS, APPLECROSS**

At 7:18pm Mr M Burns of Applecross, seconded Mr Kenny of Applecross –

**That this meeting has no confidence in the strategic planning and statutory planning functions at the City of Melville.**

**Procedural Motion**

**MEETING RESOLUTION**

At 7:23pm Mr McLerie of Melville, seconded Mr Kepert of Mount Pleasant –

**That Mr Burns be granted an extension of five minutes to speak on the Motion 2.**

At 7:23pm the Presiding Member declared the motion

**CARRIED**

**MEETING RESOLUTION**

**Motion 2 – Mr Mike Burns, Applecross**

At 7:18pm Mr M Burns of Applecross, seconded Mr D Kenny of Applecross –

**That this meeting has no confidence in the strategic planning and statutory planning functions at the City of Melville.**

At 7:28pm the Presiding Member declared the motion

**CARRIED (35/7)**

*At 7:23pm Cr Spanbroek left the meeting and returned at 7:28pm.*

At 7:27pm the Presiding Member advised that a motion relating to the CEO's Contract had been submitted by the City of Melville Residents and Ratepayers Association (Inc). This motion was ruled out of order and not accepted.

**MOTION 3 – MR M MCLERIE, BICTON ON BEHALF OF THE CITY OF MELVILLE RESIDENTS AND RATEPAYERS ASSOCIATION (INC)**

At 7:28pm Mr McLerie of Bicton, seconded Mr FitzGibbon of Melville –

**The Electors ask Council to implement a Privacy policy, in line with the principles set out by the Australian Human Rights Commission, Australia's Privacy Act 1998 (Cth) and other legislation, to ensure the City takes all reasonable steps to protect the public's rights to privacy. The Policy must ensure sufficient controls are introduced to prevent the recurrence of incidents such as; the unlawful or unnecessary publication or release of residents' personal information or the Administrations' monitoring of communications between residents and Elected Members.**

**Procedural Motion**

**MEETING RESOLUTION**

At 7:39pm Mr Kepert of Mount Pleasant, seconded Mr Maynier of Attadale –

**That Mr McLerie be granted an extension of five minutes to speak on Motion 3.**

At 7:39pm the Presiding Member declared the motion

**CARRIED**

**MEETING RESOLUTION**

**Motion 3 – Mr M McLerie, Bicton on Behalf of The City of Melville Residents and Ratepayers Association (Inc)**

At 7:28pm Mr McLerie of Bicton, seconded Mr FitzGibbon of Melville –

**The Electors ask Council to implement a Privacy policy, in line with the principles set out by the Australian Human Rights Commission, Australia's Privacy Act 1998 (Cth) and other legislation, to ensure the City takes all reasonable steps to protect the public's rights to privacy. The Policy must ensure sufficient controls are introduced to prevent the recurrence of incidents such as; the unlawful or unnecessary publication or release of residents' personal information or the Administrations' monitoring of communications between residents and Elected Members.**

At 7:44pm the Presiding Member declared the motion

**CARRIED UNANIMOUSLY (32/0)**

**MOTION 4 – MR MCLERIE, BICTON ON BEHALF OF THE CITY OF MELVILLE RESIDENTS AND RATEPAYERS ASSOCIATION (INC)**

At 7:45pm Mr McLerie of Bicton, seconded Mr G Waugh of Attadale –

**The Electors ask Council to develop and implement Complaints and Investigations policies, procedures, and other capabilities, in consultation with the community, to empower Council to accept, and/or investigate independent of the Administration, resolve and monitor and publicly report on all complaints against the Administration and the CEO in an efficient and timely manner.**

**Procedural Motion**

**MEETING RESOLUTION**

At 7:51pm Mr Maynier of Attadale, seconded Mr G Waugh of Bull Creek –

**That Mr McLerie be granted an extension of five minutes to speak on the motion.**

At 7:51pm the Presiding Member declared the motion

**CARRIED**

**MEETING RESOLUTION**

**MOTION 4 – Mr McLerie, Bicton on Behalf of The City of Melville Residents and Ratepayers Association (Inc)**

At 7:45pm Mr M McLerie of Bicton, seconded Mr G Waugh of Bull Creek –

**The Electors ask Council to develop and implement Complaints and Investigations policies, procedures, and other capabilities, in consultation with the community, to empower Council to accept, and/or investigate independent of the Administration, resolve and monitor and publicly report on all complaints against the Administration and the CEO in an efficient and timely manner.**

At 7:56pm the Presiding Member declared the motion

**CARRIED (29/1)**

At 7:56pm Mr McLerie submitted a petition to the Mayor.

At 7:57pm Cr Barber addressed the meeting, with the permission of the Presiding Member.

At 7:58pm Cr Fitzgerald addressed the meeting, with the permission of the Presiding Member.

**10. CLOSURE**

There being no further business to be discussed, Mayor Honourable George Gear as Presiding Member thanked everyone for their attendance and declared the meeting closed at 8:03pm.