



## PROPOSED NOTICE OF RESCISSION FOR COMMITTEE OR COUNCIL MEETINGS

### NOTICE OF RESCISSION MOTION

Please forward this form to [Governance@melville.wa.gov.au](mailto:Governance@melville.wa.gov.au)

*Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to the Elected Member who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstance is it to be expressed to any party that administration or any officer holds a view on this motion other than that expressed in an official written or verbal report by administration to the Committee or Council meeting considering the motion.*

Name: Cr Karen Wheatland

Date Of Meeting: 22<sup>nd</sup> June 2021

Meeting Of The: Special Meeting of Council

Item Number: M21/5846

Proposed Motion: Request for Legal Assistance – Elected Member

#### PROPOSED MOTION:

That the Council rescind the decision of item **M21/5846 - Request for Legal Assistance – Elected Member** made at the Special Meeting of Council on the 22nd June 2021, to be considered at the Ordinary Meeting of Council on 20 July 2021 or such earlier special meeting on a date to be determined by the Mayor.

The reason that this has come to Council is that it was brought upon by a breach by Councillor Steve Kepert, ('Councillor'), and was ruled to undertake training as a part of the breach.

[2019] WASAT 78 ordered the 'Councillor' to undertake training as a result of a complaint made against him by a resident from the City of Melville.

The Order that was made was;

#### **THE LOCAL GOVERNMENT STANDARDS PANEL ORDERS THAT:**

1. *Within 4 months of the date of this Order, Councillor Steve Kepert, a Councillor for the City of Melville, shall undertake:*
  1. *the training course for Elected Members "Serving on Council" provided by WA Local Government Association (WALGA) for a period of no less than 7 and a half hours; or*
  2. *a training course with substantially similar learning outcomes provided by an alternative registered training organisation for a period of not less than 7 and a half hours.*

Therefore it is not the City's responsibility to prove that the 'Councillor' has done the training, it is the responsibility of the 'Councillor' to produce evidence that he has complied with this order. This is the issue at hand and this is critical to the non compliance by the 'Councillor' and the requirement for the City to report this legally.

This request to access Legal Representation, through this policy is a bad decision and is a frivolous usage of ratepayers money.

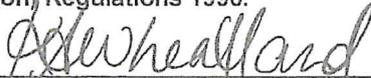
The timeline has been outlined in the report attached to this item, shows multiple requests by the City's Officers to seek evidence of the training that was ordered to be undertaken, with no response from the 'Councillor' to prove this training has been completed. I believe that this is evidence that the City has done more than enough to seek the confirmation of the orders as detailed by the Local Government Standards Panel.

The listing of this failure to comply with the State Administrative Tribunal (SAT) decision is compulsory as a part of the failure to comply with the original minor breach.

The decision passed on the 22nd June Special Meeting to grant access to the Policy of up to \$10000 of ratepayers money is an extremely bad decision, when the proof could just be supplied by the 'Councillor' to stop this whole process from happening.

I believe the 'Councillor' needs to prove either that he has or hasn't done the training and not take the hard earned money of residents and ratepayers that are doing it tough during these COVID times.

Note: A rescission motion requires a signature by 1/3rd of the number of offices of members of the Council Local Government (Administration) Regulations 1996.

SIGNATURE		NAME	24 June 2021
SIGNATURE		NAME	24 June 2021
SIGNATURE		NAME	24 JUNE 2021
SIGNATURE		NAME	JUNE BARTON 24-6-2021
SIGNATURE		NAME	24.6.21

**\*\* Please circulate to all Members of the Council, preferably a few days prior to the meeting, or on the night, and pass a copy of this form to the officer recording the minutes of the meeting. \*\***

*Copies of this form are available on the Elected Members Extranet under Forms.*