



Shire of  
Serpentine  
Jarrahdale

**Minutes  
Annual Meeting of Electors**

**Monday, 23 January 2017  
6.00pm**

Minutes of the Annual Meeting of Electors held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 23 January 2017. The Shire President declared the meeting open at 6.00pm and welcomed Councillors, staff and members of the public and acknowledged that the meeting was being held on the traditional land of the Gnaala Karla Booja and paid his respects to their Elders past and present.

## 1. Attendances and Apologies (including Leave of Absence)

### In Attendance:

**Councillors:** Cr J Erren ..... Presiding Member  
Cr S Piipponen  
Cr D Atwell  
Cr K Ellis  
Cr D Gossage  
Cr S Hawkins  
Cr M Rich  
Cr J See

**Officers:** Mr G Clark ..... Acting Chief Executive Officer  
Mr A Schonfeldt ..... Director Planning  
Mr D Elkins ..... Director Engineering  
Mr P Kocian ..... Acting Director Corporate and Community  
Ms K Peddie ..... Executive Assistant (Minute Taker)  
Ms D Gill ..... Executive Support Officer

**Apologies:** Cr B Urban

**Observers:** Nil

Members of the Public – 55  
Members of the Press – 1

**Leave of Absence:** Nil

It was established via the raising of hands that all adults within the public gallery, as well as all Councillors, were electors of the Shire of Serpentine Jarrahdale and entitled to vote on any motions raised during the course of the meeting.

## 2. Tabling of the 2015/2016 Annual Report including:

### 2.1 Reading of Shire President's Report

Today's Presidents report will be a tag team event as the Acting CEO would like to report on his observations in the role.

I am pleased to present this years' annual report. The Shire of Serpentine Jarrahdale continues to be the fastest growing locality in the nation, and with this comes the task of planning infrastructure to ensure the community is well catered for.

This year, we have been working hard on the approvals for the construction of Coles and a number of other commercial developments in Byford, as well as the Woodland Grove Primary School.

Highlighted in this report is a number of projects that have been completed during the year, creating connected communities. These include the creation of the Serpentine Skate Park, completion of the Kalimna Oval Community Facility, upgrades to the Serpentine St John Ambulance Building, completion of the Byford & Districts Country Club, a new Youth Room at Briggs Park and various other upgrades to community facilities and playgrounds. We have also upgraded a range of sporting grounds with the installation of competition grade lights at the Mundijong Oval and resurfacing the Mundijong Netball Courts.

We are actively working to attract and retain commercial enterprises within our Shire. Future industrial precincts will open the possibility for large scale industrial businesses to place depots right here in Serpentine Jarrahdale, providing employment opportunities for locals with skills in industrial trades.

Over the next year we will be working towards delivering a range of community projects, initiatives, upgrades and construction of roads. Some of these projects include the Abernethy Road Upgrade, construction of the Byford Skate Park and the resurfacing of the Byford Tennis Courts.

We look forward to welcoming Kenn Donohoe our incoming CEO, we have a new fresh leadership team lead by Kenn who has a unique opportunity to lead our Shire toward an outstanding future. A unique opportunity to make serious positive steps toward a bright and successful future for the community. It's time to draw a line in the sand and move forward together to ensure SJ is the best it can be.

Finally I would like to thank Gary Clark for his efforts in righting the ship over these almost 8 months. Gary took the reins at a time of significant upheaval and has provided a steady hand at the tiller. We wish Gary the very best in his future endeavours. Gary would now like to say a few words.

*My time at the Shire is about to end so I wanted to take this opportunity to provide some observations. I want to start by establishing some credibility. I have no reason to have allegiances with any particular individuals or groups within this community because I was only ever going to be here for a short time. I have no motivation other than promoting best practice within this Local Government.*

*I have no hidden agenda and have no reason to have one. Anyone that would suggest otherwise is not thinking logically or perhaps has an agenda of their own. The fact that I was not seeking a permanent role at the Shire has allowed me a unique opportunity to provide frank and fearless advice to Council and the community.*

*I would like to take this opportunity to share my observations of the Shire, what we have been doing to improve, what is and needs to happen next and finish off on the subject leadership and conflict. At the start I undertook to provide Council with a report as to what Council should be focused on until the next CEO commences. This was a confidential report, so the community have not been able to see this. I will now summarise the content of that report.*

*This is the fastest growing community in the nation and this presents some challenges and opportunities. This community is diverse and it has diverse expectations. This is a recipe for conflict if it isn't managed well. In 2013 this organisation was heading in the right direction. It had a strategic plan and clear objectives, but with amalgamation, focus was shifted away from the strategic objectives and onto the survival of the Shire.*

*The community appeared to have lost trust in the Shire's ability to deliver what the community was expecting.*

*My advice to Council was that we needed to improve the organisational culture within the staff, improve the effectiveness of our engagement with the community and improve the leadership of the Council.*

*So what have we done so far?;*

*Staff: The staff culture was fragile, staff felt under siege, many did not want to talk to community for fear of saying the wrong thing and in fear of making decisions. This was a result of the threat of amalgamation, poorly implemented staff restructures, a divided Council and a lack of clear direction.*

*A comprehensive staff survey was undertaken so that we could understand the key issues. The key issue was the quality of leadership both at staff and Council levels. We are now in the process of working with groups of staff to develop a plan address the findings of the survey. This will include leadership training and mentoring.*

*A significant amount of work has been done to reinforce the Shire values. We have implemented regular communications with the staff and provide feedback to all staff following Council meetings. Regular Leadership and Management team meetings are held to ensure that the organisation has clear expectations and staff are kept informed.*

*Community observations: The community appeared to have a low perception of the Shire's ability to deliver what they wanted. A community perception survey has since been completed and confirms that the Shire needs to improve how it consults with the community and how it keeps them informed. In some instances projects have been promised but not delivered, or delivered but not to expectation.*

*We have started implementing a community engagement strategy to better involve the community. The community needs to be involved in the long term focus of the Shire, reviewing the Strategic Community Plan and the long term financial plan. The community will be involved in participatory budgeting to help guide the priorities for spending.*

*We are working to imbed project planning principals within the Shire so that projects are better planned and better delivered within the community. Work has also commenced on the community infrastructure plan to ensure that we provide appropriate and financially viable facilities as the community grows.*

*Council: We are working to improve teamwork and trust between Councillor and between Council and staff. We are trying to improve meeting conduct and communications within Council. We have implemented strategies to improve public conduct in Council meetings. We are working to ensure that all Council decisions are based on comprehensive advice and evidence. We have improved the structure of policy concept forums so that Council are talking about the major issues regularly. We have developed a Councillor Information Bulletin to ensure Councillors have regular updates and are better informed. Workshops are held regularly for Councillors to work through policy issues and build teamwork. There is an increase in media releases on Shire activities to better inform the community about our progress.*

*Where to next:*

*Local Government is a very diverse business and we provide a number of services and resources to the community. At the heart are some relatively simple principles. Ask the community what they want, make a plan, have the cash to deliver the plan, and keep the community informed about the progress. Council has come up with half a dozen election ideas. A lot of work has been done around future planning including consulting*

*the community and looking for the vision going forward. I encourage the community to get involved and help guide the Shires work.*

**Leadership and Conflict:** *There is conflict within Council and the community. Facebook warriors and others have created all sorts of fanciful allegations about corruption committed by elected members, but mostly directed at the Shire President. I am bound by legislation to report misconduct or corruption by staff or Councillors. I have not seen or been provided with any evidence of misconduct and if I had I would have reported it. Those who continue to suggest there has been corruption should provide the evidence to the appropriate agencies.*

*Some members of the community and some Councillors have stated that the current leadership of the Shire President is poor. I have worked with many Shire Presidents and Mayors in my time in local government. While none of us can say we are perfect I can say that the Shire President is one of the better ones because of his understanding of the strategic issues facing this community, his advocacy of the needs of this community to State and regional leaders, his capacity to take feedback and change his thinking and actions and, his understanding about the separation of his role and the CEOs role.*

*I don't know how criticising the Shire Presidents leadership fits with some peoples agenda. I can say that the conflict and disruption this causes costs the ratepayers plenty and shifts the organisations focus away from adding value to the community. I estimate the cost could be as high as \$6,000,000 per year and I am happy to explain how I came up with this estimate. I don't know anyone who would be happy with this level waste yet some within Council and the community continue to indulge in behaviour that causes this.*

*Ultimately the people that create conflict and mistrust can choose to continue or they can choose to be part of the solution by participating in the community planning and having a say about the future. The community should be aware of the opportunity cost that this conflict creates. I would suggest that all should focus on the future rather than dwelling on the past.*

*The SJ Shire is a wonderful place and the community is wonderfully diverse. It has much to offer the community and visitors. The rapid growth brings great opportunities as well as challenges so the community has much to look forward to. I wish this community well for the future.*

## **2.2 Reading of Auditor's Report**

### **Report on the Concise Financial Report**

We have audited the accompanying concise financial report of the Shire of Serpentine Jarrahdale, which comprises the statement of financial positions as at 30 June 2016, statement of comprehensive income by nature or type, statement of comprehensive income by program, statement of changes in equity, statement of cash flows and rate setting statement for the year then ended, and the statement by the Chief Executive Officer. The concise financial report does not contain all disclosures required by Australian Accounting Standards and accordingly, reading the concise financial report is not a substitute for reading the audited financial report.

### **Management's Responsibility for the Concise Financial Report**

Management is responsible for the preparation of the concise financial report that gives a true and fair view in accordance with Standard AASB 1039: Concise Financial Reports, and for such internal control as management determines is necessary to

enable the preparation of the concise financial report that is free from material misstatement, whether due to fraud or error.

### **Auditor's Report**

Our responsibility is to express an opinion on the concise financial report based on our procedures which are conducted in accordance with Auditing Standard ASA810: Engagements to report on Summary Financial Statements. We have conducted an independent audit, in accordance with Australian Auditing Standard's, of the full financial report of the Shire of Serpentine Jarrahdale for the year ended 30 June 2016. We expressed an unmodified audit opinion on that financial report in our report dated 28 October 2016. The Australian Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the concise financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the concise financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the concise financial report, whether due to fraud or error. In making those risk assessments, the auditors considers internal control relevant to the Shires preparation of the concise financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Shires internal control. Our procedures included testing that the information in the concise financial report is derived from, and is consistent with, the full financial report for the year, and examination on the test basis, of audit evidence supporting the amounts and other discloses which were not directly derived from the full financial report for the year. These procedures have been undertaken to form an opinion on whether, in all material respects, the concise financial report complies with AASB 1039; Concise Financial Reports and whether the other disclosures complies with the requirements laid down in AASB 1039: Concise Financial Reports.

We believe the audit evidence we obtained is sufficient and appropriate to provide a basis for our audit opinion.

### **Opinion**

In our opinion, the concise financial report of the Shire of Serpentine Jarrahdale for the year ended 30 June 2016 complies with Accounting Standard AASB 1039: Concise Financial Reports.

### **Report on other Legal and Regulatory Requirements**

In accordance with the Local Government (Audit) Regulations 1996. We report that:

- a) There are no matters that in our opinion indicate significant adverse trends in the financial position or the financial management practices of the Shire.
- b) No matters indicating non-compliance with Part 6 of the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) or applicable financial controls of any other written law were noted during the course of our audit.
- c) All necessary information and explanations were obtained by us
- d) All audit procedures were satisfactorily complete in conducting our audit.



Mr John Kirkpatrick addressed the meeting and advised he would like to move a motion to reject the Shire Presidents report and the Auditors report and move a motion of no confidence within the Shire President and the Acting CEO.

**AEM001/01/17****Moved Mr John Kirkpatrick, seconded Ms Lee Bond**

**That this Annual Electors Meeting rejects the two reports and determines that the rate payers have no confidence with the current Shire President and the current Acting Chief Executive Officer.**

**CARRIED by simple majority 32/23**

### 3. General Business

- 3.1 Questions received and answers to the questions
- 3.2 Any other business

#### Public question and statement time commenced at 6.57pm

Mr D Houseman, Clifton Street, Byford, WA, 6122

On 22/10/15 the Shire drafted an offer. It was forwarded to me by Kirsty Peddie and is contained within a letter signed by the former CEO Richard Gorbunow.

The offer is worded:

"The Shire will however as an act of good faith, once you have removed the fence around lot 63, agree to widen the laneway up to the boundary of lot 62 at our cost." I formally accepted the offer via email. This fact is disputed by the Shire and Mr Erren. Mr Erren stated on page three in the Examiner Newspaper in the edition dated November 17 2016 the following: "Mr Houseman did not accept the Shire's offer".

I feel that Mr Erren's statement about me to be, amongst other things, embarrassing given that this article has been circulated in the public domain. My credibility regarding this matter is in question. I have tried in vain to allow Mr Erren set the record straight. I ask the Council to please refer to the Ordinary Council Meeting minutes for the meeting held on 28th November 2016 in which Mr Erren responded to one of my questions with the following statement:

"An offer made to you, to widen the laneway if, you remove the fence from the Shires land, was rejected by you some time ago." I wish to reiterate that I accepted the Shire's offer; never rejected it. There have been numerous back and forth emails between the Shire and myself discussing, amongst other things, scheduling meetings to discuss the Shire's offer and the construction specifications. Meetings were held in Corbel Lane to discuss the widening prior to me accepting the Shire's offer.

An email that I forwarded to the Shire in August 2016 contained the following statement: "I David Houseman formally accept the Shire's offer, as stated in the email forwarded to me on 22nd October 2015 signed by the CEO at the time, Richard Gorbunow". The email (that I forwarded to the Shire in August accepting the offer) also detailed my concerns about whether it would be appropriate for me to remove the fence given that it was on the Shire's road reserve. I asked this in order to find out what the Shire's position was regarding public liability issues etcetera should a mishap occur if persons not affiliated with the Shire undertook the works. The Shire replied on 6th September and addressed my concerns about the removal of the fence. This email contained the following statement which reiterates the Shires offer to widen, thus demonstrating the offer's validity at the time of my acceptance: "But as we advised you once you have removed the fence the Shire will widen the laneway to a trafficable standard."

I removed the fence and notified the Shire in writing before month's end and also asked when works will commence as per offer. The Shire still has not commenced construction. The article in the Examiner published 17 November contains Mr Erren's assertion that I did not accept the offer. Any reasonable person upon considering the facts, as outlined in tonight's statement, would concur that I did accept the offer, absolutely. I believe that some statements contained within the Examiner article and also within the Ordinary Council Meeting minutes recorded on 28 November 2016 to be libellous.

#### Question 1

In an article published in The Examiner newspaper on the 17th November 2016, titled "Corbel Lane Talks Continue", Mr Erren stated "Mr Houseman did not accept the Shire's offer". I believe the statement made to be untrue; I formally accepted the offer some months before the article was published. I would like Mr Erren to retract his statement in the form of a public notice; to be placed on page 3 of The Examiner newspaper - the same page number that this statement was made and to also state that I did accept the Shire's offer to widen the laneway up to the boundary of my property, Lot 62, at the Shire's expense. My question is will Mr Erren retract his aforementioned statement via a public notice on page three of The Examiner newspaper and also state that I did accept the Shire's offer?

#### Response:

*The Shire President stated that the background to this question has been answered in the past. The Director Engineering stated that an offer was made twelve months ago and there was no response, as such the offer had lapsed through the passage of time. The Shire President further stated that there will be no retraction as requested.*

#### Question 2

The Shire presented me with the following offer:

"The Shire will however as an act of good faith, once you have removed the fence around Lot 63, agree to widen the laneway up to the boundary of Lot 62 at our cost".

I formally accepted the offer via email and the Shire replied, stating:

"But as we advised you once you have removed the fence the Shire will widen the laneway to a trafficable standard". I removed the fence by the month's end of receiving the reply, notified the Shire of this fact in writing and asked when construction would commence to widen the laneway. My question is did I accept the Shire's offer?

#### Response:

*The Shire President stated that this question has been addressed previously. You did not respond to the offer and it lapsed through the passage of time. The Director Engineering stated that an offer was made the year before, there is no longer an offer, but an incentive to remove the fence, with the intension that Council will consider the release of funds in the mid-year review which is due before Council at the March OCM.*

#### Mrs M Plant, Cardup, WA, 6122

From both personal experience and in talking to others, there appears to be a lack of information available to Elected Councillors with regard to matters which are, or will come before Council for voting. It has been my experience when contacting my Ward Councillors that they tell me I am more informed than they are.

Why is this so? This situation does not appear to be conducive to an informed vote on matters. One Councillor informed me that they sometimes get one week's notice before they have to vote on matters which could have far reaching consequences. This is not good enough.

If Council officers, starting at the top, and the community Elected Councillors, also starting at the top, did their respective jobs conscientiously and without favour, there would be absolutely



no reason for having a watchdog type community group like the SJ Shire Ratepayers and Residents Association.

Mrs Mary Plant further addressed the meeting and advised she would like to move a motion relating to the administration of regulations on compliance.

**AEM002/01/17**

**Moved Ms Mary Plant, seconded Mr Grant Richardson  
That Council reviews the policy on how they administer the regulations on compliance.**

**CARRIED by simple majority 50/5**

Mrs M Plant, Cardup, WA, 6122

On 29 November 2016 I lodged two letters to two Councillors at the Shire offices. I asked for and received a receipt of delivery. Not having heard anything by 9 January 2016 I went in person to enquire why.

After half an hour of searching and numerous phone call no evidence of these letters was found anywhere in the system. How can this occur? What else gets lost or misplaced in the system. A week later, I did receive a call from the Shire, with the information I was seeking, so the letters surfaced.

*Response:*

*The Acting Chief Executive Officer requested details be provided so that a full investigation could be undertaken.*

**Councillor Piipponen left Chambers at 7.43pm****Councillor Piipponen returned to Chambers at 7.47pm**Sepehr Vahdat, Serpentine, WA, 6125

In August 2015, the Shire prepared a Draft Management Plan for a Reserve off Scrivener Road, Serpentine. The plan incorporated a proposal to mine the Reserve for gravel. The plan was put up for public consultation. About 50 submissions were made by the public expressing their concern about the environmental, road safety and amenity issues involved with the proposal.

The submissions were made in December 2015. Thirteen months later, the Council has not considered the plan or the submissions, yet the Shire in the meantime has spent and committed to spend over \$100,000 on various studies in relation to this proposal. This is not a reflection of a genuine public consultation process.

Mr Sepehr Vahdat further addressed the meeting and advised he would like to move a motion relating to the Scrivener Road Gravel Pit.

**AEM003/01/17**

**Moved Mr Sepehr Vahdat, seconded Mr John Kirkpatrick  
That Council consider the plan and submissions for Scrivener Road Gravel Pit and bring before Council as soon as possible, before committing any further funds.**

**CARRIED by simple majority 17/6**

Mrs Diane Toohey addressed the meeting and advised she would like to move a motion relating to submissions of public questions and statements during Council Meeting.

**AEM004/01/17**

**Moved: Ms Diane Toohey, seconded: Mr Grant Richardson**  
**That Council reconsider the requirement to submit public questions for Ordinary Council Meetings in writing by a prescribed time and that no other questioned be allowed.**

**CARRIED by simple majority 45/7**

Diane Toohey, Serpentine, WA, 6125

We are aware that it is not always reasonable for all Councillor to attend functions in the Shire, sometimes there seems to be a disconnect between the Shire Presidents and the Councillors, one recent example is the Shire President being invited to the opening of the Mundijong Police Station, but no other Councillors being invited.

*Response: The Shire President advised that invitations were sent out from The WA Police Department, invites were only sent the Shire President and CEO. The Shire President further advised that this is generally standard protocol and that it is not within his ability to change this protocol.*

The Serpentine Community Association is disappointed in the attitude shown towards it and other community groups following the Shire President's recent Presidents and Chairs Forum. We are disappointed that a forum that was touted for community groups had so many true community groups left out.

We are dismayed when local councillors could not provide any information as to the nature of the forum as they had not been consulted, informed or included in the planning as the Shire President controlled this with the acting CEO and Shire staff. We were further dismayed when our local councillor was informed by the Shire CEO that our President could not attend the forum as she had not been invited. We are aware that Serpentine Community Association was not the only community group to be treated in this way.

We find the actions of the Shire President and the acting CEO unacceptable and inappropriate in their dealings with community groups given that after some investigation it has been found that some people that were invited to this forum were not the Presidents or Chairs of any group within the Shire. This leads us to believe that this forum was not for community groups but was a handpicked ordinance of people who the Shire President believes to support him in his position.

Due to these actions we wish to move a motion of no confidence in the Shire President Cr John Erren and the Acting CEO Gary Clark.

**AEM005/01/17**

**Moved: Ms Diane Toohey, seconded: Ms Mary Plant**  
**That this Annual Meeting of Electors declare a vote of no confidence with the current Shire President and the Acting Chief Executive Officer.**

**CARRIED by simple majority**

**Due to difficulties in obtaining an accurate representation of voting, the Shire President determined that in order to facilitate the continuance of the meeting, voting would be recorded as simple majority only.**

Diane Toohey, Serpentine, WA, 6125

Question 1

In relation to your election wish list, you're saying that if we support the Barnett Government that is what we get?

*Response: The Shire President advised that this was incorrect, what is being said is that whomever gets voted into Government, we will be saying these are the things important to Shire of Serpentine Jarrahdale. Both the Labor and Liberal candidates have been given this information.*

Crystal Greenwood, Hopelands, WA, 6125

Question 1

In June 2015, there was a burn off on my property and my shed was burnt down. After some time the insurance company got in touch and a further 6 months later I was told they wouldn't pay out because the Shire hadn't done the right paperwork and the fire brigade had done the wrong thing. Is the Shire still looking into this?

*Response: This question will be taken on notice and a formal response will be provided.*

Question 2

What are the Shires conclusion of this and what will the outcome be?

*Response: This question will be taken on notice and a formal response will be provided.*

Margaret Cala, 49 Phillips Road, Karrakup, WA, 6122

Question 1

When Councillors attend ratepayer funded courses, is there an expectation that the knowledge gained will be used to the advantage of the Shire and not for individual advancement. Can the qualifications or knowledge gained from such courses be exercised in a private capacity while the person remains a Councillor. If any fees are applicable in exercising the knowledge gained from such courses, are these fees payable to the Shire or to the individual?

*Response: Under the policy the CEO approves Councillor training, any training that exceeds a certain amount will be brought to Council for approval. While any knowledge gained should be used for Council purposes, there is nothing to stop a Councillor from using the knowledge gained in their other employments.*

**Acting Director of Corporate and Community left Chambers at 8.20pm**

**Acting Director of Corporate and Community returned to Chambers at 8.24pm**

Mrs L Bond, PO Box 44, Armadale, WA, 6112

Question 1

As there has been a lot of noise about how Coles will be the new Town Centre, why has George Street been listed as a priority for Federal and State funding and who decided this was a priority and what is the funding specifically required for?

*Response: the upgrade to George Street is to allow the people who live in the area a better connection within the area.*

Question 2

Explain in full what conferences were attended by Councillors Urban, Erren, Rich, Piipponen, See, Gossage and what benefit have there been to the ratepayers of the Shire of Serpentine Jarrahdale for these people to attend these conferences?

*Response: The Shire President advised he had attended three conference being the ALGA, which is designed to give information and advocacy about the process and procedures within Local Governments around the Country. The WALGA State Conference which is a platform event for all Local Governments within Western Australia, this was also attended by Councillors Piipponen, Rich, Urban, See, Hawkins and Gossage. And the NGAA which provides information of planning and growing of Local Governments.*

Question 3

Where is the evidence to back up the claims for travel reimbursement by Councillors Erren, See, Piipponen, Gossage, Ellis and Hawkins, as this is extensive and repetitive?

*Response: The Shire President advised that there is a policy and process in place whereby a form is submitted for travel claims.*

Mr J Kirkpatrick, 77 Mead Street, Byford, WA, 6122

It would appear after ducking for cover and avoiding answering questions now for a period of time that the Darling Downs Residents Association acted illegally in clearing vegetation and doing major earth works on the Public Open Space zoned parks and public recreation.

The previous Memorandum of Understanding (MOU) allowed for the maintenance of existing infrastructure, you will note existing infrastructure, it does not permit clearing of land and changing the landform of the reserves.

The Shire admits that the Federal funding did not meet desired outcomes and nobody knows where the money has gone. About \$180,000. Whilst it was Federal Government money it would appear the Darling Downs Residents Association did not have the authority or meet the criteria to apply for this grant in the first place. Was it fraudulent application deliberately aimed at misleading the Green Army Grant applications.

The Shire admits that it does have the responsibility to approve works/development on Shire land, there was none in this case. There was reserves improvement form submitted and commented on by staff but no approval was granted.

The original MOU was granted in September 2011 and was for 2 years so it would have expired in September 2013. So in fact there was no MOU in place when the Darling Downs residents Association applied for the Federal Grant. It is no use trying to blame a deceased member of Federal parliament for the grant being granted all he would have done was to support information given to him as being correct. The information was incorrect it is not an equine reserve. So was have a clearly illegal operation on Shire land being supervised by Councillor Ellis being shown on social media complete with his Vis Vest.

We now have a new MOU signed by the then Shire President Councillor Ellis who lives in Darling Downs and has been an office bearer in the Residents organisation and is not signed by the Secretary Pernille Ellis who just happens to be Councillor Ellis's wife.

Councillor Ellis signed this along with the ex CEO who was paid out in what may be described as questionable circumstance. There is no date on the document only 2014. It has never been to Council for ratification as is normal with any MOU so this will have to be presented to Council as a new MOU for retrospective confirmation.

For the director to suggest that the proposed MOU is a continuation of the old MOU is incorrect in that there is a gap when there clearly a gap between them so it will be have be a new MOU. How will the new MOU deal with the clearance of substantial vegetation and biodiversity of the Berriga Drain reserve when some of the fauna is reliant on dead material to live.

Taking into consideration that the residents on the other side of Masters Road, I believe it is Lot 2015, were denied permission to remove dead vegetation that the local fire brigade had declared a fire treat to the residence on the property. It is clear that a new MOU if one is required for these receives be drawn up after consulting with the whole Byford Community to see what use they want this land to be considering it is the largest parcel of land owned by the Shire in Byford. Perhaps it should be the land for the new sporting facility as the Shire already owns the land and this would be cost effective.

Just recently the Shire went out to public consultation for a doggy park that was to be placed on a Shire reserve and would have had a direct impact on a greater proportion of residents in Byford.

Question 1

When is the Shire going to prosecute the office bearers of the Darling Downs Residents Association for illegally damaging public open space?

Response: this question will be taken on notice and a formal response provided.

Mr A Clarkson, Cardup, WA, 6122

Question 1

Further to what Mrs Cala mentioned earlier, I may have miss understood the meeting between yourself, Councillor See, Mrs Cala and Myself. I was of the understanding that you had worked out a way with Dr Keating of circumnavigating the use of the term of hydroponics by using the word floriculture.

*Response: the Shire President stated that this was a misunderstanding of the discussion in the meeting.*

Question 2

And secondly did you not call 20 minutes before a council meeting, to try and sell me this proposition.

*Response: the Shire President stated that this is not what was said within the telephone conversation.*

Karina Salzmann Baker, Cardup, WA, 6122

Question 1

This is a question to the Acting CEO, did a Councillor come to you with reams of files containing details of misconduct and misappropriation of funds?

*Response:*

*The Acting CEO advised that a file with information was shown, but this was not given to the Acting CEO. It was his understanding that the file of information was given to the CCC. The Presiding Member encouraged any information in relation to misconduct or misappropriation of funds to be given to the CCC if it is relevant.*

**Councillor Rich left Chambers at 8.44pm**

**Councillor Rich returned to Chambers at 8.52pm**

Mrs L Bond, PO Box 44, Armadale, WA, 6112

Sadly another Electors Meeting has arrived and nothing has improved from the last one. Members of the Gallery have been belittled, humiliated, spoken to rudely and treated like disposable sewage, as have been many members of the Serpentine Jarrahdale Community.

It still remains perfectly acceptable to Councillors that certain businesses are denied what other businesses do without approval, or it is expedited during secret Council business. Where is the fairness that one person cannot operate a trucking business and someone else within sight of them can do just that without approval. Why is it necessary to have a Presidents and Chairs Forum, who are the people making decisions on behalf of the Shire during these meetings. I am sure they are the same ones hell bent on destroying what was once a beautiful idyllic rural setting close enough to important amenities without having to live in crowded non properly planned developments.

Is it appropriate Councillor Urban to take confidential documents showing corruption in this Shire and show them to members of the community, state that you have given this information to the CCC when clearly you have not. Councillor Rich knew you were doing this so she



obviously approved of it. The community does not require the game you, Councillor Rich, Gossage and Piipponen are playing to gain the upper hand with the Councillors who keep doing their own thing within this Council. We expect and demand you act with propriety for all community members, not just the ones you like.

**Executive Support Officer left the meeting at 8.48pm**

Mr Brian Williamson addressed the meeting and advised he would like to move a motion relating to a Policy for the Entering of Competitions by Employees and Councillors. The justification being

1. Not bringing Council into disrepute, which has happened recently.
2. Discourage fraudulent entries.
3. Discourage inappropriate use of ratepayers money in sponsorships etc.
4. Contributes to good governance and transparency.
5. Improves public confidence in their elected Council and its President.

**AEM006/01/17**

**Moved Mr Brian Williamson, seconded Mr John Kirkpatrick**

**That a policy be formulated that prohibits Councillors, Staff, Contractors, Consultants, Suppliers and their immediate families of the Shire of Serpentine Jarrahdale from entering any competition or award of any kind that is in anyway connected to the Shire whether it be by sponsorship or affiliation. This does not apply to staff incentive programs that are not open to the public.**

**LOST by simple majority 7/10**

**Councillor Erren left the Chambers at 8.51pm. The Presiding Member vacated the Chair and Deputy President Piipponen assumed the chair at 8.51pm**

**Councillor Erren resumed chairing the meeting at 8.54pm**

**Councillor Piipponen left Chambers at 8.54pm**

Mr Brian Williamson addressed the meeting and advised he would like to move a motion relating to Delegated Authority. The justification being:

1. When our system of government was installed our forefathers knew that absolute power corrupts absolutely, they therefore put in place checks and balances to protect the people and ensure fairness.  
This was done by giving the power to elected officials, people with no requirement to be lawyers, accountants or any other qualification other than be an elector. This ensured that the people have fair representation and not just be at the mercy of the legal fraternity or administrators.
2. The power exercised under delegated authority is Council not staffs, therefore Council has a responsibility to address any possible misuse of that power whether by error or ill intent. This will ensure that decisions made are not just legal but fair and in the best interest of the community.
3. It will give the aggrieved the opportunity to address their elected Council and put their case to a group of people that are not there to look after staff or the letter of the law or policies but to ensure fairness and that the people have their say.
4. Policies are just that policies and not law and although staff may be required to follow policy the Council is not, therefore Council can make decisions against policy if it is deemed that it is fair and in the best interest of the community.
5. This saves the ratepayer and Shire, staff, legal and consultancy costs associated with SAT or the Courts that could have been resolved easily earlier. This will save out Shire money that can be spent on projects for the community instead of new yachts for lawyers and consultants.

**AEM007/01/17**

**Moved Mr Brian Williamson, seconded Ms Lee Bond**

**A paragraph be inserted into all delegated authorities that states:**

***Should a resident or ratepayer feel aggrieved by a decision made under Delegated Authority that they have the right at no cost to insist that their grievance be referred to full Council for a determination.***

**CARRIED by simple majority**

**The Acting Chief Executive Officer left Chambers at 9.00pm**

**The Acting Chief Executive Officer returned to Chambers at 9.04pm**

**Councillor Piipponen returned to Chambers at 9.03pm**

Mr Brian Williamson addressed the meeting and advised he would like to move a motion relating to members of family on Council. The justification being that this would ensure that the casting vote cannot be used to give undue control over the process of good governance by the same family.

**AEM008/01/17**

**Moved Mr Brian Williamson, seconded Ms Lee Bond**

**That a policy called “Family on Council” be instated that states: *“Should there be a direct family member or member of the direct household of another sitting member or elected at the same time be elected to Council, then all related Councillors are precluded from acting as Shire President or Deputy Shire President while any of their family is a current sitting member.”***

**CARRIED by simple majority**

**Director Planning left Chambers at 9.06pm**

**Director Planning returned to Chambers at 9.08pm**

Mr Brian Williamson addressed the meeting and advised he would like to move a motion relating to a full forensic audit, the justification being that this would leave no doubt as to where and how the ratepayers money is being used. This would have the effect of

1. Encouraging good financial management
2. Give Council an accurate tool that would enable all Councillors to contribute to better project planning, delivering better facilities and services to ratepayers and resident.
3. Discourage unnecessary or fraudulent claims
4. Discourage inappropriate use of ratepayers money in paying Council lawyers to persecute ratepayers
5. Contributes to good governance and transparency.
6. Improve public confidence in their elected Council and its President
7. Allow recover action against anyone found to have made a fraudulent claim be they a member of Council, staff or a supplier/contractor.

**AEM009/01/17**

**Moved Mr Brian Williamson, seconded Ms Lee Bond**

**That a full forensic audit be budgeted for and carried out every four years by a fully qualified and authorised forensic auditor and the results published on the Shire website.**

**CARRIED by simple majority**

Mr Brian Williamson addressed the meeting and advised he would like to move a motion relating to the recording of Council meetings. The justification being that this would ensure that all Councillors and ratepayers have access to a true and accurate record of the vents during a Council and Electors meeting that would be many times more accurate than the minutes. This would have the effect of

1. Encouraging good behaviour of the gallery.
2. Good behaviour of the Presiding Member and Council.
3. Contributes to good governance and transparency.
4. Allows people that were unable to attend the meeting to bring themselves up to date on what happened at the meeting.
5. The people that submitted questions and/or statements to receive their answers the next day rather than having to wait for the minutes to come out should they be unable to attend the meetings.
6. As it is a public meeting there should be no issue with privacy laws, other than confidential items in which recording could be stopped or removed and the words confidential item inserted and the recording recommenced as the public return to the gallery.
7. Leave no question as to what happened or was said at the Council meetings.

**AEM010/01/17**

**Moved Mr Brian Williamson, seconded Ms Lee Bond**

**That video and audio recordings of each Council and Extraordinary Council Meetings as well as Electors and Extraordinary Electors meetings be made available to the public by the end of the day after said meetings at no cost on the Shire's website.**

**CARRIED by simple majority 10/7**

**Councillor See left Chambers at 9.10pm**

**Councillor See returned to Chambers at 9.13pm**

Anne Hanson, Cardup, WA, 6122

The Councils 2050 vision looks good, but it leave areas like Cardup out. We live in appalling conditions and have a lack of infrastructure. There are flooded roads and ditches in roads and a great lack of public transport. Cardup was offered a park that won't be seen in years. There are children riding on roads as there is a lack of paths, no parks in Cardup, no walking tracks, lack of lighting, lack of footpaths, no bus stops. There is a lot of talk about infrastructure going ahead, but nothing is happening with the older suburbs.

**4. Close**

There being no further business, the Presiding Member closed the meeting at 9.21pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 27 February 2017

.....  
Presiding Member

.....  
Date