

XIV. MOTIONS WITH NOTICE

XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING

ITEM 15.1: NOTICE OF MOTION BY COUNCILLOR ATTWELL

**ITEM 15.1: NOTICE OF MOTION BY COUNCILLOR ATTWELL
VOTING REQUIREMENT: SIMPLE MAJORITY**

MOVED: COUNCILLOR ATTWELL

SECONDED: COUNCILLOR HAMMOND

THAT the following rescinded HR Operational Policies be reviewed by the Governance Committee:

- a) Operational Human Resources Policy (Adopted by Council 15/05/07)**
 - b) Customer Service Policy (Adopted by Council 17/03/09)**
 - c) Code of Conduct (Adopted by Council 21/10/08)**
 - d) Communications Policy (Adopted by Council 20/07/10)**
 - e) Elected Member Attendance at Conferences Policy (Adopted by Council 19/12/06)**
 - f) Legal Representation for Elected Members, Employees and Volunteers Policy (Adopted by Council 14/12/10)**
 - g) IT System Security and Information Management Policy (Adopted by Council 21/10/08)**
 - h) Plant and Vehicle Policy (Adopted by Council 17/11/09)**
 - i) Service Complaint Policy (Adopted by Council 21/08/07)**
- (Note: All of the above policies were adopted by Council prior to February 2011)**

CARRIED 10-0

ITEM 15.2: NOTICE OF MOTION BY COUNCILLOR ATTWELL

The Rescission Motion was withdrawn by Councillor Attwell.

NOTICE OF MOTION TO REVOKE A PREVIOUS DECISION OF COUNCIL

In accordance with Regulation 10 (1b) of the *Local Government (Administration) Regulations 1996*, we the undersigned hereby move to have point 2 of Item 1.1.1: Resolution 2-Audit Committee, which was moved at the Ordinary Council Meeting held on 15 November 2011, be revoked.

Name _____ Signature _____ Date _____

Name _____ Signature _____ Date _____

Name _____ Signature _____ Date _____

Name _____ Signature _____ Date _____

Name _____ Signature _____ Date _____

ITEM 15.2: NOTICE OF MOTION BY COUNCILLOR ATTWELL

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT the resolution of point 2 of Item 1.1.1 Committee Recommendation 2 made at the Ordinary Council Meeting held on 15 November 2011 be RESCINDED.

THAT Council delegate to the CEO the authority to develop and regularly review new HR operational policies for the City as required.

Councillor’s Reason:

Council should have the opportunity to review and develop all operational HR policies.

ITEM 15.2: MOTION BY COUNCILLOR ATTWELL

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR ATTWELL

SECONDED: COUNCILLOR HAMMOND

THAT all new HR Operational Policies be presented to the Governance Committee for development and review, prior to endorsement by Council.

CARRIED 10-0

XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING

ITEM 16.1: MOTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR HOLDEN

THAT Item 16.1: Motion by Mayor Wellington, be ACCEPTED as an urgent item.

**CARRIED 10-0
ABSOLUTE MAJORITY**

Reason:

This motion needs to be considered by Council urgently as the Albany Classic Event will be conducted over the June 2012 long weekend.

ITEM 16.1: MOTION BY MAYOR WELLINGTON

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR CALLEJA

THAT the amount of \$2,198.00 be made available from the Albany Classic Barriers Reserve to the Albany Classic for the following items:

- 1. 2 x Cordless Impact Wrenches @ \$599.00 each**
- 2. 10 x concrete barriers @ \$100.00 each**

CARRIED 10-0

Reason:

The concrete barriers are required as replacements for broken or damaged safety barriers used in the construction of the Albany Classic circuit.

The cordless impact wrenches are used for attaching Armco railing to the concrete barriers. The Albany Classic organisers have in the past borrowed impact wrenches for this purpose, however, have been unable to source them for this year's event.

The Albany Classic Barriers Reserve has sufficient funds available, however, a Council resolution is required to release these funds for the event. The request from the organisers of the Albany Classic event is consistent with the purpose of the Albany Classic Barriers Reserve.

Officer's Comment (Manager Finance):

The Albany Classic Barriers Reserve currently has a balance of \$42,477 for the 2011-12 financial year.

ITEM 16.2: URGENT MOTION BY COUNCILLOR BOSTOCK-STAFFING ISSUES

ITEM 16.2: MOTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

Moved: Councillor Bostock

Seconded: Councillor Hammond

THAT Item 16.2: Motion by Councillor Bostock, be ACCEPTED as an urgent item.

**CARRIED 8-2
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Mayor Wellington and Councillor Holden

ITEM 16.2: MOTION BY COUNCILLOR BOSTOCK

VOTING REQUIREMENT: ABSOLUTE MAJORITY

Moved: Councillor Bostock

Seconded: Councillor Stocks

1. **THAT as the employer of the CEO and hence the defacto employer of all staff, Council APPOINTS, as a matter of urgency, a specialist employment lawyer to advise on our statutory obligations and responsibilities under the *Western Australian Occupational Safety and Health Act 1985*.**
2. **In light of recent communications from the CEO, in which all Councillors were informed of the unsustainable work load being expected of senior staff, Council conducts a series of meetings with the CEO and Executive Directors, in order to ascertain the extent of the difficulties and how they can best be alleviated.**

**CARRIED 9-1
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillor Holden

Reason:

Under the provisions of the *Western Australian Occupational Safety and Health Act 1985*, employers have strict duties to ensure the provision of a safe working environment. Failure to do so can lead to Draconian penalties, including a fine of \$24,000 and up to two years imprisonment, so that councillors need to be made fully aware of their responsibilities and to what extent they will be personally liable in the event of serious work related incidents.

Failure of an employer to take action, having been made aware of a potential health issue, is a particularly serious offence under the Act and it is imperative that Council immediately addresses the concerns raised by our employees.

Officer's Comment (Chief Executive Officer):

The CEO and the Executive Directors, have for some time now, been advising Council Members of the unsustainable and excessive workloads some are bearing. The Executive Management Team has clearly brought this to the attention of Council Members during Audit and Finance Committee meetings, and Council budget preparation workshops.

The City has suffered from the legacy of poor operational processes some of which have been absent for several years. The city has now employed a well qualified HR manager with the intent of addressing the lack of HR operational policies and processes. However, HR is only one component of effective organisational operations. For an organisation to function effectively it needs strong operational processes across a range of functions including:

- Information and communications technology;
- Knowledge (including records) management;
- Project management; and
- Business analysis

The City is slowly building capacity in these areas (as advised to Council Members by the Executive). However, this will take time. If Council wishes to expediate that capacity building then it will need to commit significantly more resources (including funding) to such capacity building.

The Executive would welcome the appointment of an experience employment lawyer to advise the City and Council on “all statutory obligations and responsibilities”. However:

- Compliance with legislation is much wider than mere human resource (HR) obligations, although the compliance of all legislation has HR impacts regarding staffing levels and implementation.
- Such advice will be expensive and there is no budget presently allocated for that activity. It is not unreasonable to expect that such legal advice could cost several tens of thousands dollars. Council has also not anticipated that activity in the 2012-13 budget preparation. If Council wishes to pursue such activity, it would be wise for the City to firstly obtain a quote from legal firms regarding the scope of work Council seeks, and then consider how Council intends to fund such activity.

Further, given the terms of the *Local Government Act 1995* and its Regulations, Council needs to be aware of those functions it is not empowered to undertake. The CEO understands that advice from WALGA was recently provided to some Council Members (those that attended a meeting on 7 May 2012) in that regard. Accordingly, Council needs to carefully consider whether it has the power to:

- Appoint a lawyer, as recommended by Councillor Bostock;
- Conduct staff meetings, as recommended by Councillor Bostock.

ITEM 16.3: MOTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR ATTWELL

SECONDED: COUNCILLOR SUTTON

THAT Item 16.3 be accepted as an urgent item by Council.

**CARRIED 10-0
ABSOLUTE MAJORITY**

ITEM 16.3: MOTION BY COUNCILLOR ATTWELL

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR ATTWELL

THAT the issue of Peppercorn Rent be referred to the Audit and Finance Committee for review.

This motion was withdrawn by Councillor Attwell after being advised that this matter was already listed on the Audit and Finance Committee Agenda for May 2012.

XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.

Nil.

XVIII. ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING.

ITEM 18.1: NOTICE OF MOTION BY COUNCILLOR BOSTOCK

ITEM 18.1: NOTICE OF MOTION BY COUNCILLOR BOSTOCK

THAT pursuant to s.5.92 (1) and s.5.94 (m) of the *Local Government Act 1995* Councillors be given access to the rates record of ratepayers in the district.

Councillor's Reason:

Access to the rates record is included in the list of information to which members of the public are entitled, so similar access should be afforded to Councillors.

XIX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC

Nil.

XX. NEXT ORDINARY MEETING DATE

Tuesday 19 June 2012

XXI. CLOSURE OF MEETING 8.25PM

There being no further business the Presiding Member declared the meeting closed at 8.25pm.

ITEM 21.0: RESOLUTION

**MOVED: COUNCILLOR HOLDEN
SECONDED: COUNCILLOR DUFTY**

THAT Standing Order 3.1 be RESUMED to stop recording of proceedings.

CARRIED 10-0

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR

APPENDIX A

**STATUS REPORT ON DEFERRED ITEMS
FROM PREVIOUS MEETINGS**

Meeting Date	Item Number	Details/Status
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. REQUIRES FURTHER CONSIDERATION BY COUNCIL PENDING THE COMPLETION OF THE AIRPORT MASTERPLAN/BUSINESS PLAN.
19/04/2011	4.7	Audit Committee Recommendations. That Council request the Chief Executive Officer to further review the investment of Surplus Funds Policy through the Finance Strategy Committee, prior to recommendation to Council. PENDING. - AWAITING DEVELOPMENT OF FIVE YEAR (FINANCE) PLAN.

APPENDIX B

TABLED DOCUMENTS

NAME	REFERENCE	FILE
Mrs Vicki Savage	Local Planning Scheme	GO.COM.3
Mr David Clarke	Tabled Questions	GO.COM.3

TABLED DOCUMENTS BY ELECTED MEMBERS

NAME	REFERENCE	FILE
Mayor Wellington	Mayors Report	GO.COM.3
Councillor Attwell	Deputy Mayors Report	GO.COM.3

TABLED DOCUMENTS BY STAFF

NAME	REFERENCE	FILE
	NIL	

TABLED ADDRESS BY MRS SAVAGE

CITY OF ALBANY COUNCIL MEETING

ACKNOWLEDGE MEMBERS

INTRODUCTION – VICKI SAVAGE AS REP FOR BIG GROVE RESIDENTS

OBJECTION TO CHANGES TO LOCAL PLANNING SCHEME 1

WHERE WE ARE? LOCATION borders Torndirrup National Park 4000ha – 17 landowners

OPPOSE ZONING CHANGE FOR OUR AREA

As private land owners we object to the change in zoning for our properties –

As a strong community group we submit the following:

Under the current proposal our property would be rezoned to Conservation.

As landowners we are going to submit a group objection and also individual objections.

We are proposing that the zoning for our area be

Rural Small Holding and NOT CONSERVATION;

The reasons for this are;

- It is more suited to current zoning of RURAL. Lot 19 Frenchman Bay which is a 'Special Site' for holiday accommodation to be rezoned 'Additional Use' which is in line with their current zoning.
 - Conservation zoning means that we cannot pass on our UNIQUE lifestyle that has taken years to establish onto our children when we pass away or pass on ownership.
 - The area is currently cleared and grazed which provides a low fuel load buffer between the National Park and Frenchman Bay Road. Our paddocks are a far superior buffer zone for the Torndirrup National Park than a conservation zone – IT IS A GREEN ZONE.
 - Boundary fencing is not permitted under Conservation zoning except the main road.
 - As neighbouring properties change ownership, the new owners will have to revert to the Conservation guidelines - no fencing and this will compromise the safety of our stock and create legal issues
 - We currently combine agriculture with conservation characteristics, where you can see the kangaroos grazing with stock in our paddocks.
 - The change in zoning dramatically reduces our land values.
 - As landowners we help control vermin and noxious weeds that would harm the National Park. We classify ourselves as custodians for the protection of Torndirrup National Park whilst enjoying a rural existence from our land.
-
- Gardens and lawns are discouraged and only native species to be encouraged – so our years of establishing fruit trees, vege gardens as a way of life is not going to be allowed.
 - GROUND WATER -The Department of Water states 'the current use can continue' see Land Use Compatibility document attached.
Also view online :
<http://www.water.wa.gov.au/PublicationStore/first/12131.pdf>
 - Our properties have been grazing land for over 50 years – going conservation will need a management programme to control the noxious weeds and introduced garden species from entering the national park. At present these are being controlled by land owners with grazing and agricultural activities.

APPENDIX B

- Conservation Zoning is not appropriate for old agricultural land unless there is a rehabilitation and reforestation program associated with it and in this case there is no such program.

task
WE WOULD LIKE COUNCILLORS TO CONSIDER OUR PROPOSAL - *when they received a copy of our submissions that you give*

WE HAVE PUT IN WRITING A GROUP SUBMISSION AND ALSO INDIVIDUAL SUBMISSIONS....ALL ASKING FOR THE SAME OUTCOME.. *your consideration*

THE ZONING THAT WOULD SUIT - BIG GROVE...IS SMALL RURAL HOLDINGS AS OUR PROPERTIES RANGE FROM 1 ACRE TO 64 ACRES – WHO WANT TO OWN 64 ACRES OF BUSH!

FINALLY, IN CLOSING,

I WOULD LIKE TO INVITE THE COUNCILLORS TO VISIT OUR PROPERTIES TO VIEW AND UNDERSTAND WHY WE ARE OPPOSING THIS ZONING CHANGE AND THANK YOU FOR THE TIME THIS EVENING TO MAKE YOU AWARE OF OUR PENDING SUBMISSION TO OBJECT THE CHANGES TO THE LOCAL PLANNING SCHEME FOR OUR AREA.

Time ?

TABLED QUESTIONS FROM MR D CLARKE

My name is Dave Clarke, I am a ratepayer of the City of Albany and I live at

I am a former employee of the City who was part of the negotiation committee for the Outside Agreement.

I have been advised that negotiations for a replacement Collective Enterprise Agreement for general staff have now been finalized after two and a half years, with the City being represented during that time by no less than 10 Bargaining Agents, including a highly paid legal firm. The Employee Committee has advised me they estimate the cost of negotiations to be in excess of seven hundred thousand dollars.

I have also been advised that during the last 15 months over 130 staff have left the employment of the City and that sick leave has sky rocketed to an all time high. I understand that this has been seen by some as a process of 'getting rid of dead wood'.

Additionally, I am aware that the City is subject to a large number of individual industrial grievances, many of which are yet to be resolved, including Fair Work Australia proceedings, applications to the WA Industrial Relations Commission for denial of contractual benefits involving claims for tens of thousands of dollars, internal complaints relating to allegations of inappropriate workplace behavior by the CEO and Occupational Health and Safety issues."

Therefore my questions to the Mayor are:

1. What has been the actual cost of the protracted General Workers Enterprise Agreement negotiations to the ratepayers of Albany?
2. Is it correct that the Mayor made the 'getting rid of dead wood' comment and what are the costs to the ratepayers in replacing and training new staff to replace the 130 who have left the City?
3. How much has the City budgeted for the upcoming legal costs that will be incurred to deal with the ongoing employee disputes?
4. Is it true that in a matter involving a dispute over an employee's legitimate entitlements, that was dealt with by Fair Work Australia, that the City spent considerably more in defending the action than they were actually required to pay for the entitlement?
5. And finally has the Mayor made all other elected members of the Council aware of these employee disputes and the associated costs to the ratepayers?

APPENDIX B

MAYORS ADDRESS-LIST OF ENGAGEMENTS

- 20/4** Lower King Kindergarten
Albany Port Authority Tour – 3 pm
- 21/4** WA State Masters Games 2012 BBQ 6.30 pm
- 22/4** RSL Quaranup Memorial Service 2.30 pm
- 23/4** Anzac Day Clarence Estate 10.30 am
- 24/4** Meeting with new APEC executives
RSL Kapyong Day Memorial Service 1.45 pm
- 25/4** Gunfire Breakfast – 6.30 am
Anzac Memorial Service
- 27/4** GS Zone WALGA – Jerramungup
- 28/4** King River Community Hall – Leases
- 1/5** Rotarians' Funny Hat Day – Town Hall
- 2/5** Little Grove Community Meeting – School Library 7 pm
- 3/5** PCYC AGM – 7.30 pm Watch Presentation Terry Eaton
- 8/5** Presentation of cheque from Colin Holt Federal Member for Centennial Park Precinct
Funding – 2 pm
Meeting WALGA – 6 pm
- 10/5** Pre meeting - Anzac Interpretive Centre Design Review
Anzac Interpretive Centre – Full ACAA Board Presentation

APPENDIX B

TABLED ADDRESS BY COUNCILLOR ATTWELL

Mr Mayor and Councillors,

NATIONAL
This week is 'Volunteers Week'.

Volunteers were very much the backbone of our community in days gone by. We still need volunteers but they are getting harder and harder to find.

Mums were the major source of volunteers in my generation and before. Mums used to stay at home when they had their children and they became the source of help at kindergartens, schools, sporting clubs and any other organisation needing labour.

They organised fund raising events which also became the social events. They helped in the classrooms, running people to and from hospitals, officials at the sports events, the cake stalls and anything and everything that made up our community.

Dads helped with the heavy things, like putting up the decoration in Centennial oval hall for the cabarets, marking out the sporting fields, providing a generator or tractor.

We didn't have risk assessments, insurance liability or duty of care concerns, Police clearances or working with children tickets. We just worked. We didn't expect the 'government or the council' to provide the funds or the means to do what was needed.

Our local communities got together and build halls and playgrounds and tennis courts and cricket pitches, available to all for local enjoyment, at minimum cost.

Is it so long ago that we have forgotten what made us what we are? Have we given ourselves to this modern way so entirely that we have lost what is important? We are seeing our Volunteers diminish in number as they become older and with very few people prepared to join the ranks.

I had the sad occurrence this past week to farewell a very dear friend who gave so much to this community over the years as a volunteer to kindergarten, schools and sporting organisations as her four children grew up in this town and were able to enjoy the many benefits that were available by the generous contributions that people like their mother gave. Will our young of this present generation know or care about what they are missing? Indeed I ask the question of our society, why have we forgotten the things that really matter and why have we replaced it with regulations and compliance that takes up time and money and delivers nothing of substance?

LET'S GET BACK TO BASICS



*Cllr YVONNE ATTWELL
DEPUTY MAYOR - CITY of ALBANY
15/5/12*