

## 16.3 SPECIAL ELECTORS MEETING HELD ON 10 MAY 2014

<b>File No:</b>	<b>ED.15</b>
<b>Responsible Executive Officer:</b>	<b>Director Corporate Services</b>
<b>Reporting Author:</b>	<b>Manager Governance &amp; Organisational Strategy</b>
<b>Date of Report:</b>	<b>13 May 2014</b>
<b>Applicant/Proponent:</b>	<b>Nil</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachment(s):</b>	<b>Minutes of the Special Electors Meeting</b>

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### **PURPOSE**

To consider the outcomes of the Special Electors Meeting held on 10 May 2014 and to receive the minutes of the meeting.

### **BACKGROUND**

Following receipt of a petition requesting a Special Electors Meeting, the Shire President convened a meeting on Saturday 10 May 2014 as requested by the lead Petitioner, Mr Jack Renault. The meeting was to consider the following three matters contained in the petition circulated throughout the Shire by the Petitioner and received by the Shire President on 26 March 2014:

*“1. CENSUS: The State Statistician is requested by the Shire of Roebourne to conduct a census of the inhabitants of the Shire of Roebourne to determine whether or not the Shire of Roebourne has more than 20,000 inhabitants required to qualify it for being designated a City.*

*2. REFERENDUM: If the result of the census shows that the Shire of Roebourne does, in fact and at this time, have 20,000 inhabitants a referendum is to be called by the Shire to determine whether the inhabitants do or do not want the name of the Shire of Roebourne changed to the City of Karratha.*

*3. RATES: In view of the ongoing lack of contracts and jobs resulting in a considerable loss of population and, as a consequence, drastic reductions in the value of properties in the Shire, will the Shire request the Valuer General to reassess the value of properties so that the Shire rates will reflect the true present valuations.*

Approximately 25 people (excluding Councillors and staff) attended the meeting. After opening the meeting the Shire President provided a response to the matters raised in the petition. The Shire President then invited speakers from the floor to speak to the items raised.

Following statements by two member of the public, a motion supporting the first item, relating to the Census motion, was lost on the votes of electors (8 for and 17 against). Items 2 and 3 lapsed as there was no mover.

### **LEVEL OF SIGNIFICANCE**

In accordance with Council Policy CE-8 Significant Decision Making Policy, this matter is considered to be of high significance in terms of social issues, economic issues, cultural & wellbeing issues and Council's ability to perform its role.

### **COUNCILLOR/OFFICER CONSULTATION**

No Councillor or Officer consultation is required.

### **COMMUNITY CONSULTATION**

The public were informed of the meeting with notice being not less than 14 days.

### **STATUTORY IMPLICATIONS**

Part 5 of the *Local Government Act 1995* makes provision regarding special electors meetings. Section 5.33 provides that all decisions made at an electors' meeting are to be considered at the next ordinary Council meeting if practicable, however owing to a lack of support there were no decisions made at the meeting.

### **POLICY IMPLICATIONS**

There are no policy implications.

### **FINANCIAL IMPLICATIONS**

There are no financial implications.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications.

### **RISK MANAGEMENT CONSIDERATIONS**

The level of risk is considered to be "High" to the Shire in terms of Reputation and Compliance as it impacts on the future direction of the Shire becoming a City.

### **IMPACT ON CAPACITY**

There is no impact on capacity or resourcing to carry out the Officer's recommendation.

### **RELEVANT PRECEDENTS**

There are no relevant precedents related to this matter.

### **VOTING REQUIREMENTS**

Simple Majority

### **OPTIONS:**

#### Option 1

As per Officer's recommendation.

#### Option 2

That Council by SIMPLE Majority pursuant to Section 5.33 of the *Local Government Act 1995* RESOLVES to DEFER receipt of the Minutes of the Special Electors Meeting held on 10 May 2014.

### **CONCLUSION**

Given the results of the detailed consultation undertaken by the Shire, the low attendance at the Special Electors Meeting held on 10 May 2014 and the failure of the meeting to make any decisions, it is reasonable to conclude that the majority of electors do not support the views expressed in the petition.

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**OFFICER'S RECOMMENDATION**

**That Council by SIMPLE Majority pursuant to Section 5.33 of the *Local Government Act 1995* RESOLVES to RECEIVE the Minutes of the Special Electors Meeting held on 10 May 2014.**



## **SPECIAL ELECTORS' MEETING**

# **MINUTES**

**A Special Electors' Meeting of Council was held  
in the Council Chambers, Welcome Road, Karratha,  
on Saturday, 10 May 2014  
to consider the following items:**

- **A Census**
- **A Referendum**
- **Rates**

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**CHRIS ADAMS  
CHIEF EXECUTIVE OFFICER**



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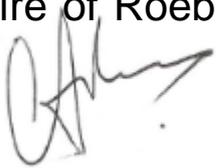
Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee Meeting does so at that persons or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or intimation of approval made by any member or Officer of the Shire of Roebourne during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Roebourne.

The Shire of Roebourne warns that anyone who has any application lodged with the Shire of Roebourne must obtain and should only rely on

**WRITTEN CONFIRMATION**

of the outcome of the application, and any conditions attaching to the decision made by the Shire of Roebourne in respect of the application.

Signed:   
**Chris Adams - Chief Executive Officer**

## **DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (updated 13 March 2000)**

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

### **NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)**

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
  - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

### **INTERESTS AFFECTING IMPARTIALITY**

**DEFINITION:** *An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.*

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

### **IMPACT OF AN IMPARTIALITY CLOSURE**

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.



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# AGENDA

## 1 OFFICIAL OPENING

The Special Electors' Meeting held in Council Chambers, Welcome Road, Karratha on 10 May 2014 was declared open at 7:30pm. Cr Long acknowledged the traditions of the Ngarluma people, on whose land we are gathered here today.

## 2 RECORD OF ATTENDANCES / APOLOGIES

<b>Councillors:</b>	<b>Cr Peter Long [President]</b> <b>Cr Geoff Harris</b> <b>Cr Harry Hipworth</b> <b>Cr Evette Smeathers</b> <b>Cr Robin Vandenberg</b> <b>Cr Fiona White-Hartig</b>
<b>Staff:</b>	<b>Chris Adams</b> <b>Chief Executive Officer</b> <b>Phillip Trestrail</b> <b>Director Corporate Services</b> <b>Andrew Ward</b> <b>Director Community Services</b> <b>David Pentz</b> <b>Director Development Services</b> <b>Martin Waddington</b> <b>A/Director Strategic Projects &amp;</b> <b>Infrastructure</b> <b>Henry Eaton</b> <b>Manager Governance &amp;</b> <b>Organisational Strategy</b> <b>Josie Lanza</b> <b>Minute Secretary</b>
<b>Apologies:</b>	<b>Cr John Lally [Deputy President]</b> <b>Cr Garry Bailey</b> <b>Cr Nerida Kickett</b> <b>Cr Janine Miller</b> <b>Cr Michael Saylor</b>
<b>Electors:</b>	<b>Angela Ayers</b> <b>Kerry Bassett</b> <b>Margaret Bertling</b> <b>Vicki Birnie</b> <b>Andrew Bradshaw</b> <b>Jessica Buckley</b> <b>Beau Corps</b> <b>Vaughan Corps</b> <b>James Duncan</b> <b>Rebecca Jarvis</b> <b>Glenda Jones</b> <b>Vicki Long</b> <b>Peter McDowell</b> <b>Pablo Newton Farley</b> <b>Kim North</b> <b>Christopher Parker</b> <b>Grant Reilly</b> <b>Raymond Ward</b> <b>Peter Zietsman</b>

**Members of Public:**      **Kate Bach**  
                                     **Lindsay Brady**  
                                     **Rodney Clarke**  
                                     **Rob Leeds**  
                                     **Jack Renault**  
                                     **Angus Smith**  
                                     **Cory Spence**

**Members of Media:**      **Peter de Kruijff**      **Pilbara News**

### 3 MATTERS FOR DISCUSSION

Cr Long provided a visual presentation to the public, with an overview of the three matters for discussion. The presentation included Officer's comments below and highlighted the following:

1. Census: Estimated residential population undertaken annually confirming increases in population growth since 2003 and population >20,000 since 2006. Student enrolments have increased every year since 2009. The reasons as to why the proposal is not supported:
  - a major information gathering exercise already undertaken every 5 years,
  - sizable costs to the Australian government,
  - accurate statistics already provided by the Australian Bureau of Statistics,
  - an independent census conducted by the Shire would be expensive, not mandatory and therefore inaccurate, considered unnecessary as ABS has already provided the information and there is no guarantee that results would be accepted externally.
2. Referendum: Consultation processes through phone polls and mail outs have been undertaken by the Shire with support for the change to City of Karratha.
3. Rates: Formula calculated by property rated amount = property valuation x rate in dollar. If valuations decrease for properties, the rate in the dollar is adjusted upwards. Conversely, if valuations increase for properties, the rate in the dollar is adjusted downwards.

Cr Long then invited members of the public to come forward and speak to the items raised by the petitioners.

Member of the public, Mr Jack Renault questioned if the Shire has 20,000 residents. He said that he, and people he had spoken to, believe that the population of Karratha has declined as evidenced by an article in the Sunday Times showing that businesses were less busy. Mr Renault said that the Shire should do what it could to stop fly-in fly-out workers and encourage the creation of local industry. Mr Renault said that people could not live in Karratha if they did not have a job and that the Shire should do something about it.

Member of the public, Mr Ray Ward asked why the Shire wanted to become a City as he considers it has not been properly explained. He commented that there was no proof of population numbers other than those provided by the statistician, which he has not seen in black and white. Mr Ward said his belief that there is not 20,000 residents is based on his personal observations and his views that Rio Tinto are putting people off work and that removal companies are moving people out of the Shire. Mr Ward further stated that he is not opposed to becoming a city and he had been in the area for 49 years during which time he has seen both good and bad progress. Mr Ward also stated that a Human Resource Officer from Perth had reportedly advised that changing to a city will mean a loss in privileges (for power and water) of up to \$30,000 each year. Mr Ward said that the Shire needed to be open with the people about current population figures and rates.

No other members of the public elected to speak.

Cr Long replied with the following: The Australian Bureau of Statistics provided the population statistics and if you add FIFO workers the population exceeds 30,000. Cr Long said that changing to a city would help develop and improve more businesses, opportunities and employment. Cr Long said City status would mean eligibility for funding, opportunity to sit with Regional Cities Alliance and improve the profile of the district. Cr Long further stated that the Council is involved in the Northern Task Force and promotes the town as much as

it can to encourage investors, improve local business, job creation and standards of living. He also commented that there are more job opportunities here than in the eastern states.

CEO, Chris Adams advised that changing the name does not affect taxation or allowances. Mr Adams also advised that the Australian Bureau of Statistics has written a letter to the Shire confirming confirmed that the current official population figure is >20,000 and a copy of this letter is on the Shire website.

Matters for consideration as follows:

### 3.1 CENSUS

The petitioners request that the following be discussed and voted on by the electors present:

***The State Statistician is requested by the Shire of Roebourne to conduct a census of the inhabitants of the Shire of Roebourne to determine whether or not the Shire of Roebourne has more than 20,000 inhabitants required to qualify it for being a designated City.***

#### **OFFICERS COMMENT:**

The Census is a national exercise conducted by the Australian Bureau of Statistics every 5 years in accordance with the *Census and Statistics Act 1905*. The Census ought to involve all of Australia as citizens who would ordinarily reside in the Shire may on Census night be absent from the region and travelling interstate or overseas. The last Australian Census cost the Commonwealth Government around \$300M.

If Council were to consider this option it is unlikely to be supported by the Commonwealth Statistician simply for a localised issue. It is difficult to justify this option given that the Council was provided advice by the State Statistician on 9 October 2012 confirming an estimated resident population figure for the Shire of 23,927 persons.

Cr Long asked if anyone would like to move a motion in relation to this item.

**Moved: Mr Kim North**  
**Seconded: Ms Vicki Birnie**

Cr Long asked if there were any speakers for the motion. Mr North and Ms Birnie both declined.

Cr Long then asked if there were any speakers against the motion.

Cr Robin Vandenberg stated that figures have been delivered, census completed and ABS statistician works completed. Cr Vandenberg said that he was also the GM for Finbar Karratha and through the Pelago project had built 85 units in Pelago West and 184 in Pelago East. Of these, there are only 20 units left which indicated that the town was filling up. He has also spoken to real estate agents confirming this and he felt that people should get away from the negative talk about people leaving town.

**The Motion was then put to a vote:**  
**For – 8 Electors**  
**Against – 17 Electors**

**Motion Lost**

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### 3.2 REFERENDUM

The petitioners request that the following be discussed and voted on by the electors present:

***If the result of the census shows that the Shire of Roebourne does, in fact and at this time, have 20,000 inhabitants a referendum is to be called by the Shire to determine whether the inhabitants do or do not want the name of the Shire of Roebourne changed to the City of Karratha.***

#### **OFFICERS COMMENT:**

Council has undertaken two consultation processes in 2013, one by random phone poll of 4,500 residents that received a very low take-up rate. Of the 289 residents polled, 70% supported the Shire becoming a city and 81% of those polled supported the “City of Karratha” and 16% supported the “City of Roebourne”.

The second consultation process was more extensive with a mail out to 3,000 ratepayers and 6,000 households with targeted consultation to indigenous groups, community associations and business groups. Responses were received from 200 residents and 15 organisations. 90% of respondents favoured a name change and 53% supported the “City of Karratha” and 10% supported ‘City of Roebourne”.

A referendum could be undertaken amongst electors and will cost in the vicinity of \$30,000. This is not an expense that has been budgeted for 2014/15 as there is no scheduled local government election until 2015/16.

Cr Long asked if anyone would like to move a motion in relation to this item.

**There was no mover for this item.**

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### 3.3 RATES

The petitioners request that the following be discussed and voted on by the electors present:

***In view of the on-going lack of contracts and jobs resulting in a considerable loss of population and, as a consequence, drastic reductions in the value of properties in the Shire, will the Shire request the Valuer General to reassess the value of properties so that the Shire rates will reflect the true present valuations.”***

**OFFICERS COMMENT:**

Council has allocated funds in the draft budget for 2014/15 to undertake a general revaluation of all GRV properties in the Shire that will provide the basis for rating for the 2015/16 financial year. The program of works have been locked in by Landgate (formerly the Valuer General's Office) for the forthcoming years.

In order to maintain a set level of rating revenue for the Council, when property valuations have increased, the rate in the dollar has decreased. Alternatively a decrease in property valuations will lead to a corresponding increase in the rate in the dollar in order to ensure that Council's rate income meets community demand for infrastructure and services. It is also worth noting that this Council has undertaken more than most local governments to ensure that the resource sector contributes a fair share in order to ease the burden on other ratepayers.

Cr Long asked if anyone would like to move a motion in relation to this item.

**There was no mover for this item.**

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#### **4 CLOSURE & DATE OF NEXT MEETING**

Cr Long thanked people for their attendance at the meeting, held on a Saturday night at the request of the lead petitioner, and closed the meeting at 8:05pm.

The date of the next meeting Ordinary Council Meeting is to be held on Monday 19 May 2014 at 6:30pm at Council Chambers - Welcome Road, Karratha.