

# MINUTES.

## Electors' Special Meeting

8 November 2022

### Notice of Meeting

Mayor and Councillors

Here within are the Minutes of the Electors' Special Meeting held Tuesday 8 November 2022 in the South Perth Community Hall, Civic Centre, corner Sandgate Street and South Terrace, South Perth.



MIKE BRADFORD  
CHIEF EXECUTIVE OFFICER

1 December 2022

# Acknowledgement of Country

Kaartdjinin Nidja Nyungar Whadjuk Boodjar Koora Nidja Djining Noonakoort kaartdijin wangkiny, maam, gnarnk and boordier Nidja Whadjuk kura kura.

We acknowledge and pay our respects to the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past and present.

## Our Guiding Values



## Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

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# Electors' Special Meeting

The Electors' Special Meeting was held in response to an electors' petition received for the purpose of:

*“Allowing the community to express that they have no confidence in Deputy Mayor D’Souza, Councillor Choy, Councillor Manolas, Councillor Brender-A-Brandis, Councillor Nevard for:*

- a) *Setting a disturbing precedent which fundamentally impinges upon the democratic rights of the South Perth community by voting to not accept a community Petition with almost 2,500 signatures.*
- b) *Voting to breach the City’s funding agreement with the Commonwealth thereby putting at risk \$20 million in grants funding and incurring a liability for ratepayers to pay back with interest grant funds already received and potentially increasing rates and*
- c) *Failing to implement the City’s Strategic Community Plan.”*

In accordance with Section 5.28 of the *Local Government Act 1995* and the Local Government (Administration) Regulations 1996, the Order of Business was as follows:

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.01pm and welcomed everyone in attendance.

## 2. DISCLAIMER

The Presiding Member read aloud the City’s Disclaimer.

## 3. ATTENDANCE

Mayor Greg Milner (Presiding Member)

### Councillors

Como Ward

Como Ward

Manning Ward

Manning Ward

Moresby Ward

Moresby Ward

Mill Point Ward

Mill Point Ward

Councillor Carl Celedin

Councillor Glenn Cridland

Councillor Blake D’Souza

Councillor André Brender-A-Brandis

Councillor Jennifer Nevard

Councillor Stephen Russell

Councillor Mary Choy

Councillor Ken Manolas

### Officers

Chief Executive Officer

Director Corporate Services

Director Development and Community Services

A/Director Infrastructure Services

Manager Customer, Communications and Engagement

Manager Finance

Manager Governance

Communications and Marketing Coordinator

Mr Mike Bradford

Mr Garry Adams

Ms Vicki Lummer

Mr Steve Atwell

Ms Danielle Cattalini

Mr Abrie Lacock

Ms Bernadine Tucker

Ms Karys Nella

Governance Coordinator  
RAF Project Advisor  
Senior Governance Officer  
Governance Administration Officer  
Governance Officer

Ms Toni Fry  
Ms Rebecca de Boer  
Ms Christine Lovett  
Ms Shannon Renner  
Mr Morgan Hindle

#### Guests

Mr Geoff Baker MLA

#### Gallery

There were approximately 210 members of the public present.

## 4. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

The Presiding Member read aloud the following:

*“Before I begin I am aware that people may very well have strong feelings about the subject matter for tonight. I’m going to ask that everyone please be respectful and treat everyone else as you would wish to be treated yourself. Let’s play nice and remember that we are a community, even if we don’t always agree with everyone else 100% of the time. So this Electors’ Special Meeting has been called as a result of a petition of electors received on 11 October 2022. It has been brought to my attention that many people have received a yellow pamphlet, in fact I saw a few in the crowd tonight with the words ‘interested in swim complex, South Perth? Printed on one side and the words “ask your questions” and the details of tonight’s meeting on the back. Just for the avoidance of doubt, a discussion of the RAF project is not the purpose of tonight’s meeting, tonight’s meeting concerns the matters set out in the petition of electors received on 11 October 2022 and the purpose of that petition, requesting this electors special meeting is to:*

*“Allow the community to express that they have no confidence in Deputy Mayor D’Souza, Councillor Choy, Councillor Manolas, Councillor Brender-A-Brandis, Councillor Nevard for:*

- a) Setting a disturbing precedent which fundamentally impinges upon the democratic rights of the South Perth community by voting to not accept a community Petition with almost 2,500 signatures.*
- b) Voting to breach the City’s funding agreement with the Commonwealth thereby putting at risk \$20 million in grants funding and incurring a liability for ratepayers to pay back with interest grant funds already received and potentially increasing rates and*
- c) Failing to implement the City’s Strategic Community Plan.”*

*So this meeting has been advertised in accordance with the Local Government Act 1995, and the Local Government Administration Regulations 1996. The procedure to be followed at this electors meeting is determined by the Presiding Member, which is me.*

*The following will occur:*

*There will be a presentation of 15 minutes by the lead petitioner, followed by a motion moved by the lead petitioner.*

*After that there will be general business related to the purpose of the meeting, including public statements, public question time and motions and just so everyone is aware there will be no preambles, no reasons or debates of any of those motions. I'm simply going to call for a seconder after a motion has been moved and then put the motion to the vote.*

### ***Speaking***

*On the subject of speaking, electors who have submitted statements or questions prior to the meeting will be called to the microphone first. Each elector will be allocated a total of three minutes to ask up to three questions or make a statement. Following this all those that registered before entering the meeting will be called forward. All of the questions and statements must relate to the purpose of the meeting. They are to be directed to myself as the Presiding Member. I can then refer it to a Councillor, to the Chief Executive Officer or the relevant City director to answer. When you are called to the microphone, please clearly state your name and address before commencing. When making a statement or asking a question please ensure that you extend due courtesy and respect to the Elected Members and the City officers and the other members of the public who are present tonight. Please make sure that any statement or question doesn't contain any material that is offensive, objectionable, or defamatory.*

*I am going to ask, we've got a big audience tonight that potentially might make a lot of noise. I'm going to ask everyone to please refrain from interjecting, booing, clapping, or otherwise creating any kind of disturbance. I will issue a warning first but if that isn't headed then I am going to have to start asking people to leave and I really don't want to do that, so please be respectful play nice and follow the rules.*

### ***Voting***

*Each elector who is present is entitled to one vote on each matter to be decided at the meeting. You don't have to vote but if you would like to vote and you're an elector then you can. All decisions are to be made by a simple majority of votes and voting is to be conducted so that no one's vote is secret.*

*As defined in the Local Government Act 1995, an Elector, in relation to a district or a ward means a person who is eligible to be enrolled to vote at elections for the district or ward. So if you are not an elector please don't vote.*

*The meeting will now commence with a presentation from the lead petitioner Mr George Watts.*

The Presiding Member welcomed Mr Geoff Baker MLA.

## 5. PRESENTATION BY LEAD PETITIONER

The following was read out by Mr George Watts of Karawara at the Electors' Special Meeting held 8 November 2022.

**Mr George Watts:** Thank you firstly to all electors here for attending tonight. I appreciate the time and effort out of everyone's busy lives to get to these things.

I would also like to thank the City of South Perth administration for their efforts in organising tonight – and indeed what must have been an incredibly busy period in the past month or so with the number of council meetings that have occurred.

I would also like to thank the councillors for their attendance, and Mayor Greg Milner for presiding over this meeting.

My name is George Watts. I've been a resident of Karawara for the last 10 years where my wife Kate and I have chosen to raise our family. I lived in Como for 10 years prior to that and I run a small engineering consultancy based in Como.

I live, work and would play in South Perth, if only there were the facilities to do so!

So why has this meeting been called?

This meeting has been called as the last option available to have the voice of the community heard.

This meeting was called because of the City of South Perth Councillors who voted to breach a federal funding agreement which has put \$20 million funding for the RAF project at risk.

This meeting was called because the same Councillors then rejected a valid community petition about their decision, which had the largest number of verified signatures ever presented to the City.

This meeting was called because the actions of those Councillors have left the City unable to implement its Strategic Community Plan to provide recreation and aquatic facilities which meet the community's needs.

And these actions have really shaken public confidence in those Councillors.

But as many of you know, there have been further developments since this meeting was originally called last month. Just last week, the Council unanimously voted to develop a new plan for delivery of the RAF in three separate stages. All of the Councillors expressed their support for the vision of the RAF. And most of the Councillors acknowledged the community's right to be heard in the delivery of that vision.

So tonight, this meeting gives the five Councillors a wonderful opportunity to consolidate the progress made last week. To publicly commit to delivering the RAF in a way which listens and responds to community feedback along the way. And which recognises that, although Councillors are entitled to their own opinions, in a complex project like this, as part of good governance they'll often need to be guided by the expert advice of their administration, and the professional consultants whose job it is to manage the project on an operational level.

That having “opinions,” isn’t the same as having “expertise” in all areas, and that good decision-making and good governance is based on giving due weight to the advice of the people who are best qualified to give it.

So: evidence-based decision-making and community engagement – I know that’s something that everyone in this room can agree is important for the future of the RAF, and for the future of this Council. And I’m sure that’s something we can all get behind with the motion I’m about to present.

As I said, a lot has changed in the past week. The original motion for this meeting was a vote of no confidence in Councillors D’Souza, Choy, Manolas, Brender-A-Brandis, and Nevard. However, given recent developments I’m really pleased to now be able to present an amended motion. One by which those Councillors can restore public confidence.

The motion reads :

That the Electors of the City of South Perth note:

Public confidence in Deputy Mayor D’Souza, Councillor Choy, Councillor Manolas, Councillor Brender-A-Brandis, and Councillor Nevard has been undermined by their following conduct:

- a) voting to breach the City’s federal \$20 million Recreation and Aquatic Facility (RAF) funding agreement by not appointing a Project Manager, against the advice of City administration that this appointment would not involve any additional risk or cost, but failing to do so would create a high risk to the project, jeopardise RAF funding, severely damage the City’s reputation, endanger future grants to the City, incur further unnecessary costs (such as re-tendering) and cause delay;
- b) voting not to accept a community petition regarding this breach which had over 2,000 verified signatures, and which was determined to be valid by the City administration; and
- c) as a result, failing to progress implementation of the City’s Strategic Community Plan.

However, the community notes the Councillors’ statements of support for the RAF and their acknowledgment of the community’s right to democratically petition Council at the Special Council Meeting on 1 November 2022. We therefore seek the Councillors’ commitment to the following, in order to restore public confidence:

- d) be open and accountable to, and represent all of the community of the district, listening and responding respectfully to the community by answering and returning phone calls and replying to emails in a timely manner, and accepting petitions which are considered valid by the City administration;
- e) base their decisions on relevant, evidence-based matters, including giving appropriate weight to the expert advice of the City’s administration and experienced specialist consultants; and
- f) support an approach to RAF development which maximises the potential for all three stages to be delivered in a timely manner, and which avoids further delay costs.



So as I said, I think these are all very reasonable requests that I'm sure everyone can agree on.

I don't want to dwell too much on the past, but it is important for context. And for accountability. It's important to note what we don't want to see repeated.

Lets start with the decision to not appoint a project manager in June 2022.

This was a procedural requirement of the \$20m Federal Funding Agreement for the RAF. If it had been done it would have entitled the City to its next milestone payment of \$7 million.

The Project Manager contract was structured so that no work would happen, and no payment would be made, until the Council made further decisions on the project. The contract could be terminated at any time at no cost to the City. This was a no cost, no risk decision.

The administration warned that if a PM wasn't appointed, the Federal Funding could be cancelled, and the City could be asked to pay back funds already received, with interest. Council was also warned this move could damage important relationships with the Federal and State Governments, jeopardising funding not only for this project, but potentially for future projects.

This was identified as a "high risk" decision.

The reasons given at that meeting by the five for not accepting the administrations recommendation can be best summed up as "fiscal responsibility". But how could a decision that puts \$20 million at risk, an amount which equates to up a quarter of the entire project costs be considered "fiscally responsible?"

We heard a lot about "Escalating costs" – but the project costings hadn't been done yet. Any cost escalations were still to be defined and then a plan for dealing with them could be considered.

It may well have been that the project would have needed to pivot towards something like the three stage approach that is being considered now. But that decision would have been arrived at with a better understanding of costs, \$20 million in federal funding secured and with State Government looking on at the process in the knowledge that the City was 100% committed to trying to get this project to work.

Instead, we have \$20 million of funding STILL at risk – community confidence in the council in tatters – close to nine months of time wasted come March next year with the project having progressed no further. And close to \$200,000 spent by the administration in trying to renegotiate with the Federal funders and progress State Government funding discussions with the RAF's future under a cloud.

It should be noted that I have never at any stage suggested that the RAF project should proceed at "any cost" – as some have implied the community is calling for. What I have said all along is that the project must follow a diligent development pathway to be given the best opportunity to succeed. This is Council's mandate under its own Strategic Community Plan.

The June 2022 decision led me to embark upon running a petition in protest.

What I want to point out at this juncture is the amount of effort that went into this petition. It was a massive undertaking. Countless hours. Hundreds of conversations with people. And not just me and my family. There was a large army of people that put their hand up and did their bit. Some canvassing hundreds of people. Some just their street. But the common factor here was the community pulling together and in a very short space of time resulted in a petition with the largest number of verified signatures ever presented to the City of South Perth.

And let's be very clear here.

The petition was accepted as valid by the City administration – both in form and in language. There was a deliberate choice to run the petition in person and not online – as this ticked every box deemed necessary of it by the CoSP administration and would ensure that the voice of all those who signed it was heard. Even though I'm confident we could have got many more signatures if we could have run it online.

I was under no illusion that this voice would convince councillors to change their minds. I was fully prepared for the potential of the five to ignore the views presented in the petition. What I was not prepared for was the attempt to block the democratic rights of the community to express these views.

To reiterate – never has a valid petition been rejected by council. To my knowledge, in no other local government has this happened. Listening to the community – their constituents – is at the very heart of the roles of elected officials. This seemed to have been forgotten.

Following the decision to reject the petition I sent an email to all of the councillors asking “why was the petition rejected?”. As the lead petitioner it was my duty to provide the almost 2500 people who signed the petition reasons for why their voice had been dismissed.

This reasonable request, was answered by only one of the five Councillors. Councillor Jennifer Nevard, and her reason was – to paraphrase – “she didn't agree with the content of the petition”. This is clearly unacceptable. Councillors may not agree with what is being asked for in a petition, but they have a duty to consider it.

But at least Councillor Nevard responded.

None of the others did.

At the Special Council Meeting last week, a few councillors did offer up reasons as to justify their actions.

None of the reasons can be considered anything but an attempt at avoiding responsibility for their decision, as each reason given just simply does not make sense, or does not stand up to the smallest amount of scrutiny.

But I suggest that perhaps the bigger picture has been lost here. Why is there any discussion as to why the petition was rejected. That is not their job. Their job was simply to listen to the communities voice – and these five did not.

In fact, I've had many people tell me that they've been unable to contact some of these Councillors over the past weeks and months. Calls not answered, messages and emails not returned. Until very recently.

Until this meeting was called, until the Councillors came under increased public and media scrutiny.

I've been told that in the last few weeks, some community members have miraculously received responses to emails and calls sent weeks ago. So why has it taken a Special Electors Meeting to prompt that? Why can't Councillors be open and responsive all the time? That's part of what this motion now seeks. And I'm sure its something that everyone can agree to.

In conclusion

To put it simply :

The RAF is what the community wants.

The RAF is what the community needs.

Delivery of the RAF has been tasked to Council.

Council – give the RAF the best opportunity to proceed.

I urge everyone to listen to what is being proposed, and listen carefully to the arguments presented. Ask questions, make statements – but at all times be respectful to all that have taken the time to be present – and to exercise their rights to have their voice heard.

The commitments in the motion are ones that all councillors should have no trouble signing up to.

This motion provides an opportunity for these Councillors to win back community confidence and demonstrate their commitment to good governance, good decision-making, and good engagement with the community.

Wouldn't it be wonderful if we could all work together in a more constructive way to deliver something we've all agreed is desperately wanted and needed by the community? Wouldn't it be great to give the electors, the funders, and the media some good news to talk about? To make some real progress?

We have an opportunity to re-start that journey tonight. Let's make the most of it.

Mr George Watts moved the following motion:

## DECISION

**Moved:** Mr George Watts of Karawara

**Seconded:** Ms Honey Webb of Kensington

Public confidence in Deputy Mayor D'Souza, Councillor Choy, Councillor Manolas, Councillor Brender-A-Brandis, and Councillor Nevard has been undermined by their following conduct:

- a) voting to breach the City's federal \$20 million Recreation and Aquatic Facility (RAF) funding agreement by not appointing a Project Manager, against the advice of City administration that this appointment would not involve any additional risk or cost, but failing to do so would create a high risk to the project, jeopardise RAF funding, severely damage the City's reputation, endanger future grants to the City, incur further unnecessary costs (such as re-tendering) and cause delay;
- b) voting not to accept a community petition regarding this breach which had over 2,000 verified signatures, and which was determined to be valid by the City administration; and
- c) as a result, failing to progress implementation of the City's Strategic Community Plan.

However, the community notes the Councillors' statements of support for the RAF and their acknowledgment of the community's right to democratically petition Council at the Special Council Meeting on 1 November 2022. We therefore seek the Councillors' commitment to the following, in order to restore public confidence:

- d) be open and accountable to, and represent all of the community of the district, listening and responding respectfully to the community by answering and returning phone calls and replying to emails in a timely manner, and accepting petitions which are considered valid by the City administration;
- e) base their decisions on relevant, evidence-based matters, including giving appropriate weight to the expert advice of the City's administration and experienced specialist consultants; and
- f) support an approach to RAF development which maximises the potential for all three stages to be delivered in a timely manner, and which avoids further delay costs.

**CARRIED 97/59.**

## 5. GENERAL BUSINESS RELATED TO THE PURPOSE OF MEETING INCLUDING PUBLIC STATEMENTS, PUBLIC QUESTION TIME AND MOTIONS

The Presiding Member called on public questions that were received prior to the meeting

The following questions were asked by Mr Kiely Hodsdon of Manning at the Electors' Special Meeting held 8 November 2022.

**Mr Kiely Hodsdon:** I understand that this special meeting has been called due to the Councillors not accepting the petition that was presented about the RAF, although the Councillors who did not accept the petition were not allowed to explain their reason why they did not accept the petition due to a procedural issue. Could have the Mayor being the chair of the meeting put it to the Councilors at the time to vote on allowing the Councilors to speak to the decision they made, thus overruling the procedural issue?

**Mayor Greg Milner:** It has been longstanding practice at the City for petitions to be placed on the Council Agenda for Council to receive the petition without debate.

The vote not accepting the officers recommendation could not have been known until votes were cast.

If a Councillor wanted to ask a question about the petition or process, they could have.

There was some discussion about an alternative motion but under the City of South Perth Standing Orders alternative motions need to be submitted by noon the day prior to the meeting and that didn't happen so it wasn't allowed.

**Mr Kiely Hodsdon:** Being the Mayor and the Chair of the meeting would you have been able to actually put up a motion to change that procedure?

**Mayor Greg Milner:** No. The Standing Orders are the Standing Orders, they are a local law. I don't have the ability to change those on the fly.

**Mr Kiely Hodsdon:** As a COSP ratepayer I was not contacted by the group who put this petition out, so I am unaware of the wording of this petition that has been signed, can you confirm that this petition explained to all the signee's all the facts like the cost of the RAF and the large short fall in funding, that could affect the COSP ratepayers rates?

**Mayor Greg Milner:** Mr Bradford would you like to address that question?

**Mike Bradford (CEO):** The City is unable to comment on explanations given to people who signed the petition. We weren't involved in that process. However, the financial self-sustainability of the RAF – with no requirement for operations to be subsidised by City rates revenue – has been a fundamental principle of the RAF Project since its inception. This is reflected in Part 2 of the November 2020 decision by Council about the RAF and has continued to guide planning and decision making by the City and Council on the RAF Project.

**Mr Kiely Hodsdon:** Can you please confirm that the COSP Councillors are democratically elected to represent the ratepayers and during their time as Councilors they will have to vote for and against items based on many factors and one of these would be financially responsible of all of the City of South Perth ratepayers money?

**Mayor Greg Milner:** *The Local Government Act 1995* sets out the roles and responsibilities of Council members. Councillors are expected to provide leadership and guidance to the community, plan for the future and be accountable for their decision making. Thank you very much for your questions. I now like to invite Ms Maria Large to the microphone. Welcome and we look forward to your questions.

**The following question were asked by Ms Maria Large of South Perth at the Electors' Special Meeting held 8 November 2022.**

**Ms Maria Large:** Through yourself Mr Mayor, I would like to direct a question if you don't mind to Councillor Manolas. On the night the petition was presented to Council, you and others voted to reject the petition. Why did you do this?

**Mayor Greg Milner:** Thank you for your question. Councillor Manolas did you wish to respond to that?

**Councillor Ken Manolas:** I am happy to do this. I am happy to give my alternative motion.

Thank you for the question, it was never my intention to reject the petition. I welcome petitions and believe all petitions should be accepted. I prepared an alternative motion to redact or remove what I considered inaccurate statements, still leaving the meaning of the petition, that the appointment of the project manager be reconsidered by Council allowing the petition to be debated and voted and furthermore, Standing Order Clause 6.9 (3) requires an officers report to be included in the agenda and the petition was not accompanied by an officers report.

As the tenders for the Project Manager expired on the 30 June, it was unlikely the petition could be acted upon.

In my opinion the inaccurate statements in the petition were as follows:

The petition states progress to date has been dismal beset by continued indecision by the elected Council. Council has supported the RAF committing \$1.7m including an additional \$200,000 in this years budget. Now an extra \$185,000 for the new RAF Master Plan. There's been no indecision, only commitment to procure State and private funding. An additional \$40m specified in the Business Case has not been received, however to date we do not have that additional 40 million, it has not been a lack of trying by the City or the Council.

Secondly, the June 2022 Council meeting decision failed to fairly represent and act in the best interest of the entire community for which they were elected to represent. Sections of the community want the RAF to proceed regardless of cost. My role as the Councillor is to represent all sections of the community but I am aware in the broader

community many are very conscious of additional financial burdens. My role is to ensure projects are financially viable and sustainable.

Thirdly, the indefensible decision exposes the City to serious reputational risk and placing the already \$20m funding from the from the Federal Government in jeopardy. My alternative motion was to redact the word 'indefensible'. According to COSPRA's electors' General Meeting February 21 the City appears to have received letters in 2020 from Kate Doust MLC and the Honourable Minister Mick Murray Minister for Sport and Recreation stating 'it was unlikely that the State Government funds would be available for the Recreation Aquatic Facility'. In my opinion the City was working from an adverse position for State funding since 2020 and should have been renegotiating the terms and milestones of the Federal grant of \$20m with a new Master Plan if State funding did not eventuate. Thank you Mr Mayor.

**Mayor Greg Milner:** Thank you Councillor Manolas, Ms Large I understand you had a second question but I think Councillor Manolas has answered that one as well.

**Ms Maria Large:** Yes he did basically, the second question through you Mr Mayor to Councillor Manolas, was, what was your alternative motion?

**Mayor Greg Milner:** That has been dealt with so no need to respond to that Councillor Manolas. Thank you very much for your questions this evening. I would now like to invite Tula Mylonas, if you would like to come to the microphone. Welcome to you and we look forward to your questions.

**The following questions were asked by Ms Tula Mylonas of South Perth at the Electors' Special Meeting held 8 November 2022.**

**Ms Tula Mylonas:** On 1 November 2022, Council unanimously accepted the new Master Plan based on three independent financially viable stages. The officers report dated 1/11/2022 states acceptance of the revised Master Plan "is consistent with the City's Strategic Community Plan" as the revised Master Plan was accepted unanimously by the Council on 1 November 2022. The Electors' Special Meeting which states (c) "failing to implement the City's Strategic Community Plan" has been fulfilled by Council and is no longer relevant. Is that correct?

**Mayor Greg Milner:** By Electors Special Meeting I presume you mean the meeting tonight?

**Ms Tula Mylonas:** The 1<sup>st</sup> of November. It is no longer relevant then is it?

**Mayor Greg Milner:** I will send that one to Mr Bradford.

**Mike Bradford (CEO):** The purpose of the Special Electors' Meeting is three-fold – as outlined in the public notice on the City's website.

It is a matter for electors to decide and determine matters in relation to this meeting and any motions considered.

**Ms Tula Mylonas:** Why did the City not approach the Federal Government to renegotiate the Terms and Milestones of the contract, knowing from 2020 what the State Government's position was and Councillor Manolas outlined that just then, that it was 'unlikely' to procure State Government Funding for the RAF, so that there was a Plan B in place. Securing the federal Funding Grant of \$20m. That would never have been in any jeopardy?

**Mayor Greg Milner:** Thank you. Mr Bradford?

**Mike Bradford (CEO):** That is not correct. The City has never been informed by the State Government that \$20m of funding for the RAF would not be forthcoming.

These letters from October 2020 are being selectively quoted and quoted out of context.

The letters from Kate Doust and Mick Murray were sent by those parties in response to what they state, was conjecture in October 2020 that the State had already made a financial commitment to the project.

This position was clarified by the City in subsequent letters to the State and several meetings and other correspondence took place subsequently with the State that encouraged the City to proceed with developing the project.

In fact, the City did not even submit a formal request for State funding until the Treasury Business Case had been completed in October 2021.

**Mayor Greg Milner:** Thank you Mr Bradford and your third question?

**Ms Tula Mylonas:** Why did the City not make the letters from Kate Doust MLC and Mike Murray available to the public, so the community could lobby the politicians prior to the State Government elections in 2021? I would have lobbied, I would have gone to our politicians for this. I was not made aware of their opinions on the funding.

**Mayor Greg Milner:** As a matter of fact our State Member is towards the back there but I'll forward your question to Mr Bradford.

**Mike Bradford (CEO):** At the time, in fact the letters, whilst they were addressed to the then CEO in the letter, they were actually emailed to each Councillor and the Mayor and not sent to the City directly. At the time of the letters again October 2020, before Council had even decided to proceed with the project, the City hadn't completed any of the tasks required such as developing a Business Case, submitting the Business Case or putting the formal request of the State Government. So it really would have been premature to lobby the State Government at that point before it even submitted a request for funding. We're seeking to have a collaborative working relationship with the State Government and that's the approach that was taken.

**Mayor Greg Milner:** Thank you Mr Bradford and thank you for your questions. I would like to invite Mr Roger Atkinson if you would like to come the microphone and we look forward to your questions.



The following questions were asked by Mr Roger Atkinson of Como at the Electors' Special Meeting held 8 November 2022.

**Mr Roger Atkinson:** Now the lead petitioner asked about a test of reasonableness and I have three questions which run on that theme. How can you apply a test of reasonableness to the proposals that are being put forward about trying to resurrect the RAF. There are 127 local government authorities in WA. Was it "reasonable" to seek an extraordinarily large allocation of \$20 million for CoSP's swimming pool and ancillaries from the State Government? What will the other 126 expect or demand? What is City of South Perth now presenting as a "reasonable" demand to the State Government? \$2 million? \$5 million? Even more? Is it "reasonable" to continue to pursue \$20 million from the Australian Government, given our new perspectives upon "sports rorts", and the urgent needs for increases in so many other kinds of Federal expenditure? So there is a test of reasonableness far beyond a test of reasonableness that the lead petitioner tried to portray. Now I'm not seeking answers to these questions.

**Mayor Greg Milner:** Mr Atkinson you have asked a series of questions there, I am going to let Mr Bradford answer those and perhaps you can ask one question at a time that would be greatly appreciated.

**Mike Bradford (CEO):** I'll try to answer it as best I can. The role of local government is to provide for the good government of the persons in the district and we do that by raising funds in the district but also working with other levels of government.

Both of the other levels of government make substantial contributions to community and other infrastructure (eg roads and rail). It is usually accepted practice when one or more levels of government partner on a project that the funding contributions are equitable – in the case of the RAF the commitment from the Federal Government and the City was \$20m, so it would be normal practice to request the same amount from the State.

In terms of the size of the request, there are other examples for instance the State has contributed \$25m to the East Fremantle Oval redevelopment.

There are many demands on government expenditure and a decision about whether the proposed RAF receives State Government funding is ultimately a matter for government. However, the RAF will provide much needed community, recreation and sporting infrastructure to support the needs of a growing community in South Perth and the surrounds.

**Mayor Greg Milner:** Mr Atkinson would you like to ask your second question?

**Mr Roger Atkinson:** Is it "reasonable" for the State Government to say it has contributed very well to South Perth, providing \$43.5 million towards the Perth Zoo Master Plan? Of course, we in City of South Perth do not own Perth Zoo, it is owned by all of WA, but who cares? It is far more unique and iconic than a RAF Facility that City of South Perth may or may not get to build and own. Then sometime, hopefully in the near future, the

State will build the South Perth railway station. It is probably best to not get offside with the State Government.

**Mayor Greg Milner:** Mr Atkinson it's the time for public questions, statements is later, what is your question?

**Mr Roger Atkinson:** The question is whether it is reasonable from the State Government's perspective to say that we are doing lots already in South Perth?

**Mayor Greg Milner:** Mr Bradford?

**Mike Bradford (CEO):** I can't answer for the State Government priorities overall but what I can say is that in the discussions we've had with the State Government there's a widely accepted understanding of the need for improved sporting and recreation facilities across the entire Perth metropolitan area of the nature that the RAF is proposing to build and so that is consistent with what the State Government is seeking to deliver.

**Mayor Greg Milner:** Thank you Mr Bradford and your third question Mr Atkinson and please be clear about what the question is. That would be appreciated.

**Mr Roger Atkinson:** Yes, on this reasonableness theme. There are serious and well known inflationary and capacity constraints in the building and construction industry, which needs a greater concentration upon residential, especially the affordable housing sector. Is it "reasonable" to feel that local government swimming pools and ancillaries should go to the back end of the long queue of demands upon the building and construction industry? Could City of South Perth, do its bit for our new age of austerity, and really downsize the RAF, to a simple small pool attached to the existing George Burnett Leisure Centre, allocating its own \$20 million to the project, leaving the WA and Australian Governments to get on with all those more important essentials that are more deserving than another swimming pool?

**Mayor Greg Milner:** Thank you, Mr Bradford?

**Mike Bradford (CEO):** A stand alone swimming pool at GBLC would attract ongoing, operational costs that would be borne by the ratepayer. Council endorsed CPGC as the preferred location for the RAF in September 2019 after an extensive process considering many sites. A financially sustainable recreation and aquatic facility cannot be delivered at GBLC due to a lack of integration with other activities.

**Mayor Greg Milner:** Thank you Mr Bradford and thank you Mr Atkinson for your questions. I would now like to invite Myrcina Nicholas to the microphone. Welcome to you and we look forward to your questions.

**The following questions were asked by Ms Myrcina Nicholas of Como at the Electors' Special Meeting held 8 November 2022.**

**Ms Myrcina Nicholas:** Both of my questions have been asked and answered so it's a little bit irrelevant I'm here but I've thought of another one. Councillor Manolas answered both of my questions but I'm really interested into the other four Councillors that voted against the motion, why they voted against, I heard why Councillor Manolas did but I would like to really know starting from the Deputy Mayor?

**Mayor Greg Milner:** When you say the motion, you mean the motion to accept the community petition?

- Ms Myrcina Nicholas:** Yes, to not accept.
- Mayor Greg Milner:** That's to the, not to Councillor Manolas, he's already answered it but to the four Councillors who voted not to accept it. Alright thank you just wanted to clarify that. Councillors does anyone wish to respond to that question, Councillor D'Souza you have three minutes.
- Councillor Blake D'Souza:** I made my comments at last week's meeting clear in that I erred in not accepting the petition and I would simply refer you to those. I laid down my reasons in quite extensive detail and I would just encourage you to go through the audio and listen to basically me explaining that I initially believed there would have been legal implications around the petition, however in the procedural confusion I wasn't able to put that question to the CEO. Knowing I guess now, what I knew later and with the CEO's advice I would have made a different decision and that's something that I've put on the public record.
- Mayor Greg Milner:** Thank you Councillor D'Souza, Councillor Choy?
- Councillor Mary Choy:** Thank you very much for the question. I refer to the September Ordinary Council Meeting where in my view due process on which the premise that Council voted on was not followed. I also refer to the minutes and audio of the Council meeting of 1 November 2022 wherein I addressed the matters raised by this question with the Mayor's indulgence I can read that part of my speech out again now.
- Mayor Greg Milner:** You have three minutes, as long as you don't go over that.
- Councillor Mary Choy:** In my opinion voting on acceptance of the petition was not permitted in accordance with Clause 6.9 (3) of the Standing Order Local Law 2007 as no report had been presented on the item and Council had not had the opportunity to consider the issues raised in the petition.
- There has been lots of talk about the upholding of democracy recently. Following the Standing Orders and Local Laws procedures is part of that democratic process.
- Two, the request to appoint the Project Manager was also not an achievable action and this has been confirmed on page seven of the officers report.
- Three, some of the information included in the body of the petition was in my view incorrect.
- Four, strong language that added no substance to the request was in my view unnecessary and detracted from the actual request itself. In terms of setting precedence, this is irrelevant, in my view there is no precedence with the presenting of petitions as it's covered under the Standing Order's Local Law and in that regard right is right and wrong is wrong. Thank you.
- Mayor Greg Milner:** Thank you Councillor Choy, Councillor Nevard or Councillor Brender-A-Brandis would any of you like to speak? Councillor Brender-A-Brandis.
- Councillor André Brender-A-Brandis:** Thank you very much for the question. Firstly with regard to the petition the wording was inappropriate in many aspects. So the first aspect was with regard to it being dismal and beset with continued indecision.

As elected Council members we have been making decisions throughout the entire process on the Aquatic Facility, at no point in time have Council not made a decision

The aspect of it being dismal unfortunately does not reflect the amount of effort and work that the Council and the administration have undertaken behind the scenes and not actually in Ordinary Council Meetings. Some of the wording, failing to represent and act in the best interest of the entire community for which they were elected to represent is not appropriate. Council members have always been acting and making decisions in the best interest and taking that on board. We make sure that we fulfill not only the due diligence required and the governance of these processes but we also take into account the financial considerations.

So effectively with regard to admitting to actually not acting the best interest of the entire community would be inappropriate as an elected member. You have also heard tonight that section 6.9 Clause 3 did present an issue for Council and at the meeting that petition was actually presented as a motion item, we were unable to actually speak to the item. We were aware that Councillor Manolas was actually preparing an alternate motion which we weren't given consideration to actually take into account

With regard to this decision being indefensible and also reputationally causing damage for the City with regard to other local governments and other levels of government. I also find this to be inappropriate. Throughout the whole process decisions are made with regard to funding and funding through State or Federal levels will always come back to local governments when there is a project that's in need.

So for the language that was used in the actual petition and the process, the wording was not actually appropriate for accepting on the night thank you.

**Mayor Greg Milner:**

Thank you Councillor Brender-A-Brandis, Councillor Nevard did you wish to speak? You have got three minutes.

**Councillor Jennifer Nevard:** I personally was concerned that the petition did not have any clause where the City could actually say to the petitioners yes we'll look at that. As well, I consider Mr Watts assumption that the Councillors were indecisive, I didn't regard that as a criticism I had actually been concerned that he had the premise for his concerns wrongly diagnosed.

Yes that had actually caused him to misunderstand what the underlying issue was. There was no deliberation or report that was supplied by the City officers. So there was no advice regarding how the City might handle the request part of the petition. Councillor Manolas had indicated he had an alternative motion, the City officer advised Councillors that they could vote no and then move to consider Councillor Manolas alternative motion, as I understand it the Mayor chose not to accept Councillor Manolas alternative motion and that was his prerogative.

I emailed Mr Watts the following evening because I was concerned and in response to his own email and explained that I believed the cause for the delay was about funding, rather than indecision so that was what I was talking about and there was nothing actionable in the petition because the contract had already lapsed. To the media on the 18th of October Mr Watts indicated that I had disagreed with his petition. That actually was not correct and so on the 1st of November the other aspect where the project officer had made some comment about the petition, had indicated that the tender couldn't be considered again now. Thank you.

**Mayor Greg Milner:** Thank you very much and thank you for the question.

**Ms Myrcina Nicholas:** Why did we vote before we had the chance to hear what the Councillor had to say because I may have changed my vote?

**Mayor Greg Milner:** Simply because there are no Standing Orders or rules governing the conduct of this meeting and that means that I need to set the Agenda and that's what I've chosen. It is at my discretion but thank you for the question. I would now like to invite Amanda Coldham to the microphone please. Welcome and we look forward to your questions.

**The following questions were asked by Ms Amanda Coldham of South Perth at the Electors' Special Meeting held 8 November 2022.**

**Ms Amanda Coldham:** I support the five Councillors who in my view responsibly asked for clarification on the funding of this RAF project and made appropriate decisions accordingly. I have grave concerns how this project will affect the escalation of rates for rate payers in the future. If this project proceeds not fully funded, what is the projected rate rise anticipated per house hold per annum?

**Mayor Greg Milner:** Thank you for your question. Mr Bradford?

**Mike Bradford (CEO):** We are still in the planning phases of the project. There are several decisions that Council will need to make before the City puts to Council a project scope and budget which will include the funding. We can't put forward a project that isn't funded. To be clear, one of the key principles of the RAF Project is that there is no requirement for the operations of the RAF to be subsidised by City rates revenue. This is unchanged. There will be no impact on rates.

**Ms Amanda Coldham:** Considering our Councillors were democratically elected by rate payers in their respective ward with a majority of votes and in my view have stood by their electoral commitments, shouldn't it only be rate payers of those wards that have the right to vote on a vote of no confidence?

**Mayor Greg Milner:** Thank you. Mr Bradford?

**Mike Bradford (CEO):** Under the Act, all electors are entitled to vote in Special Electors' Meetings.

**Ms Amanda Coldham:** In regard to the vote of no confidence, is it only verified electors of the City of South Perth wards that are able to vote, given that in electing Councilors you must be a ratepayer of the ward and therefore not appropriate to have non ratepayers present at the electors meeting for a vote of no confidence of our elected Councillors?

**Mike Bradford (CEO):** Special Electors Meetings are open to the public. However, only electors of South Perth are able to vote and that is why we ask people to state their name and address, to give some evidence that they are electors.

**Mayor Greg Milner:** Thank you very much for your questions. I now would like to invite Mario Terri, welcome and we look forward to your questions.

**The following questions were asked by Mr Mario Terri of South Perth at the Electors' Special Meeting held 8 November 2022.**

**Mr Mario Terri:** How does the Council expect to raise the necessary funds to pay for the RAF without state funding? Would the sale of Council land be considered?

**Mike Bradford (CEO):** Funding from the State Government is not required to build Stage 1 of the RAF. Future stages of the RAF are subject to external funding and future decisions of Council. Council has not yet determined how it will fund its \$20m contribution to Stage 1 of RAF. The \$20m commitment from the city is less than what is expected to be spent on upgrades to the golf course and George Burnett Leisure Centre in the event the RAF does not proceed.

**Mr Mario Terri:** Do you expect the RAF to make a profit or lose money?

**Mike Bradford (CEO):** The RAF Operational and Financial models demonstrate a financial return to the City. That is a surplus generated for the City. In accordance with the decision by Council last week, the City will update the RAF Operational and Financial models to reflect the staged approach to the RAF and present these to Council for its consideration.

**Mayor Greg Milner:** Thank you Mr Bradford. I now like to invite Cecilia Brooke to the microphone and we look forward to your questions.

**The following questions were asked by Ms Cecilia Brooke of South Perth at the Electors' Special Meeting held 8 November 2022.**

**Ms Cecilia Brooke:** The City has currently spent around \$1.7 million dollars of ratepayers money on the RAF. Plus \$200 000 and \$185,000 as agreed to at last month's meeting at the Special Meeting, what budget is that money coming from please?

**Mayor Greg Milner:** Thank you, Mr Bradford?

**Mike Bradford (CEO):** So the expenditure to date comes from Municipal funds and the future decisions about the RAF expenditure will be a matter for Council. They will be put to Council for decisions. One thing I would note, yes the expenditure to date is substantial by City of South Perth standards but it should be noted that the government guide for projects of this nature which is actually published on the DLGSC website suggests that up to 10% of the total capital budget would be expended in the planning phases, we are well under this benchmark.

**Ms Cecilia Brooke:** Because of the due financial diligence exhibited by five Councillors when making the controversial but tough decisions about the RAF project, and that the Business Case now needs to be re-defined. How can you be absolutely certain that there will be no ratepayers cost out of this in the climate we are in with the building industry?

**Mike Bradford (CEO):** The City is working towards the provision of a recreation and aquatic facility at CPGC – consistent with the SCP and previous decisions of Council. A stand alone aquatic facility will require ongoing subsidy by the ratepayers of South Perth. The City will not be progressing this option as it has not been directed to do so by Council and it would not be in the financial interests of the City to do so.

**Mayor Greg Milner:** Thank you Ms Brooke. I would now like to invite Bernard Roberts to the microphone and we look forward to your questions.

**The following questions were asked by Mr Bernard Roberts of South Perth at the Electors' Special Meeting held 8 November 2022.**

**Mr Bernard Roberts:** The questions relate particularly to the Council Standing Orders with regard to petitions. Section 6.9 in a particular Section 3 which states that any meeting the Council is not I repeat is not to vote on any matter that is subject of a petition presented to that meeting unless the matter is the subject of a report included in the agenda and the Council has considered the issue raised in the petition.

So the first question can the City please advise why these Standing Orders were not complied with at the Ordinary Council Meeting of the 27th of September 2022.

**Mayor Greg Milner:** Thank you for your question, Mr Bradford?

**Mike Bradford (CEO):** The Standing Orders were complied with at the Ordinary Council Meeting of 27 September 2022. The petition was presented correctly under clause 5.2 (1) part 8.1 Petitions. This has been the City's long standing practice with regard to petitions.

In accordance with Standing Orders 6.9 (2) - The Officer's recommendation was simply: *That the petition received from George Watts of Yallambee Place, Karawara, together with 2016 verified signatures and 58 unverified signatures in relation to the Recreation and Aquatic Facility (RAF) be forwarded to the relevant Director for consideration.*

Council was not asked to vote on any matter that was the subject of the petition. At that meeting a report dealing with the subject matter was dealt with at the subsequent meeting. So in all cases the Standing Orders were complied with.

**Mr Bernard Roberts:** Obviously what we've heard from the Councillors tonight in their response to previous questions is that there is some confusion about how the Standing Orders are applied to particular petition submissions. Will the City be looking at reviewing their processes to ensure that all involved in petition submissions both on Council and all those submitting are aware of the correct processes for achieving that?

**Mike Bradford (CEO):** Yes, the City will review the processes however I will reiterate the petition was dealt with in accordance with the Standing Orders and everything was complied with.

**Mr Bernard Roberts:** But the question was will people be made to better understand the existing process?

**Mike Bradford (CEO):** I think everybody has a better understanding of the process now and I'll also add that Standard Meeting Procedures are part of the Local Government Reform that the Ministers announced and they will be coming in the near future and so that will deal with that as well.

**Mayor Greg Milner:** Thank you very much for your questions. I would now like to invite John Miles to the microphone. Welcome and we look forward to your questions.

**The following questions were asked by Mr John Miles of Waterford at the Electors' Special Meeting held 8 November 2022.**

**Mr John Miles:** Through you Mr Mayor I would like to direct my questions to Councillor Nevard and first of all I would like to thank Councillor Nevard for being one of the three Councillors that have replied to all my emails. I make that point.

Councillor Nevard you sent me an email saying you did not oppose the concept of the Recreation and Aquatic Facility. The decisions you have been making in Council I believe had hindered negotiations for additional funding. My question to you is do you support the RAF?

**Mayor Greg Milner:** Councillor Nevard do you wish to respond?

**Councillor Jennifer Nevard:** Yes I do and I am extremely relieved that we're starting to think about the process differently, that was my greatest concern and I think that the resolution that has come forward in the last week is to me a great relief.

**Mr John Miles:** Thank you for that, in the same email you sent me you referred to your obligation to apply due diligence in relation to the City in financial matters. If you do not oppose and in fact you do support the RAF and all the good things that it is going to bring to the community then what are you going to do to satisfy the due diligence and financial sustainability, in addition to what the CEO and City officers have already provided you with?

**Mayor Greg Milner:** Thank you for the second question and Councillor Nevard do you wish to respond?

**Councillor Jennifer Nevard:** Yes, due diligence as I read everything and look at it very carefully, that's it, read the lot.

**Mr John Miles:** When I contacted you about the rejection of the largest verified petition handed to the City of South Perth, you replied that it has been a most unfortunate and uncomfortable set of circumstances, also that you think the Mayor and the City will sort out the confusion based on legal advice they have received. Please can you explain why it was a most unfortunate and uncomfortable set of circumstances?

**Councillor Jennifer Nevard:** I am not quite clear about that, can you just explain that again?

**Mr John Miles:** In your email you said that what had happened with the petition was most unfortunate and an uncomfortable set of circumstances and you also said that you think that the Mayor and the City will sort out the confusion based on advice they received. Please can you explain why it was most unfortunate and uncomfortable set of circumstances?



**Councillor Jennifer Nevard:** The fact that on the night it wasn't resolved and I was most concerned about how the evening had ended up and so I was hoping that that might all get sorted but as you can see it became a bit more exciting.

**Mayor Greg Milner:** Thank you very much for your questions Mr Miles. I would now like to invite Lynlea Miles to the microphone. Welcome and we look forward to your questions.

**The following questions were asked by Ms Lynlea Miles of Waterford at the Electors' Special Meeting held 8 November 2022.**

**Ms Lynlea Miles:** Councillor Choy at last week's Special Meeting on the 1st of November you said and I quote 'voting on acceptance of the petitions was not permitted in accordance with 6.9 (3) of the Standing Orders Local Law 2007 as no report has been presented on the item and Council had not had an opportunity to consider the issues raised in the petition'.

Since you have been a member of Council, seven petitions have been received by the City of South Perth, six of them have been accepted by the council in the way that has been common practice for the Council over the years. None of these petitions had any report that had been presented on the item and Council had not had the opportunity to consider issues raised in the petition. I would ask you Councillor Choy why did you accept these six petitions and not the RAF petition?

**Mayor Greg Milner:** Thank you for the question, Councillor Choy would you like to respond?

**Councillor Mary Choy:** I've already addressed this question in the answer I gave previously I refer to the minutes and audio of the council meeting of 1st November 2022 where I address the matters raised by your question.

**Ms Lynlea Miles:** Councillor Choy, when you voted against appointing a Project Manager in June 2022 did you investigate the need to re-tender and how it would generate costs to the ratepayers and the reputational damage to the tenderers?

**Councillor Mary Choy:** Look I wasn't given prior notice of this question so **I'll take it on notice.**

**Mayor Greg Milner:** Alright, Ms Miles do you have a third question?

**Ms Lynlea Miles:** Councillor Choy, at last week's Special Council Meeting on the 1st of November you stated you had solid financial concerns for the RAF. Also you stated you had concerns about the City's running deficit. How can you refer to a debt and financial concerns when you have not completed discussions with potential funding partners or undertaken the schematic and detailed design for the RAF?

**Councillor Mary Choy:** Again, I wasn't given prior notice of this question so **I'll take it on notice.**

**Mayor Greg Milner:** Alright, thank you Councillor Choy and thank you Ms Miles for your questions. I now would like to invite Maryclare Andrews to the microphone. Welcome and we look forward to your questions.

**The following questions were asked by Ms Maryclare Andrews of Como at the Electors' Special Meeting held 8 November 2022.**

**Ms Maryclare Andrews:** Two of my questions have been answered so I through you Mr Mayor, I would like to ask Deputy Mayor D'Souza one question and the question is Deputy Mayor D'Souza, you said last week when explaining your vote and I quote on the petition that is "so basically I was concerned the contents of the petition might have been defamatory or had legal implications for Council I was led to believe this but I was incorrect in the procedural confusion I was not able to put this question to the City. I didn't have the opportunity to clarify the question without that opportunity I made the decision that I did based on the information at hand."

My questions to you Deputy Mayor are, how were you led to believe that the petition might have been defamatory or had legal implications for Council?

**Mayor Greg Milner:** Thank you for the question, Councillor D'Souza do you wish to respond to that?

**Councillor Blake D'Souza:** I've given my explanation at last week's Special Council Meeting and I reiterated that explanation earlier today and I just refer you to those explanations.

**Mayor Greg Milner:** Thank you Councillor D'Souza, do you have a second question there Ms Andrews?

**Ms Maryclare Andrews:** Subsequent to that, what information that you had at hand was presented to you to lead you to this belief that it could have been defamatory or illegal and by whom was it presented?

**Councillor Blake D'Souza:** As I've said I've answered this question earlier and I would refer you to my statement in the Special Council Meeting last week for the answers to your questions.

**Mayor Greg Milner:** Thank you Councillor D'Souza, do you have a third question?

**Ms Maryclare Andrews:** As you said you were concerned about the ability of Council to accept the petition did you refer to the Standing Orders governing petitions and if not why?

**Councillor Blake D'Souza:** I really don't understand what more I can do. I've given my explanation. I've given a very comprehensive explanation I've said that I've made a mistake and if the case is going to be that no amount of explanation is good enough then I really don't understand, I guess the line of questioning which seeks to potentially cast doubt on Council decisions I have been extremely forthright and respectful in the way I've made those explanations and I would simply refer you to those previous comments I've made.

**Mayor Greg Milner:** Thank you Councillor D'Souza and thank you Ms Andrews for your questions. I would now like to invite Ms Sue Doherty to the microphone. Welcome and we look forward to your questions.

The following questions were asked by Ms Sue Doherty of Como at the Electors' Special Meeting held 8 November 2022.

**Ms Sue Doherty:** Through you Mr Mayor my questions are to Councillor Brender-A-Brandis. Councillor Brender-A-Brandis you have repeatedly ignored advice from the City officers and experts over a period on seven occasions and therefore exposing the Council, City and Community to higher risk and not supporting the Recreation and Aquatic Facility, when the design and costings haven't been made and your focus has been on the macro economic situation. Why has this happened?

**Mayor Greg Milner:** Councillor Brender-A-Brandis, did you wish to respond?

**Councillor André Brender-A-Brandis:** Thank you Ms Doherty for the questions. As I clearly articulated at the Special Council Meeting and at previous meetings as well the finances are a primary concern with regard to this undertaking. This will be the single largest investment the City is likely to make. The plan for this undertaking was an \$80m dollar project. Recent cost escalations which I articulated indicate that this could be anywhere in the vicinity of up to \$100m dollars. Inflation over the last two years have been at the highest in 32 years. Over the last four years the City has had net operating results of losses between \$0.4m to \$0.9m dollars. The City currently has about \$16m dollars in external debt on the balance sheet. It also has an unfunded portion of the Collier Park Village leaseholders liability of around about \$17m dollars. The City is not without debt, the City is not without dealing with increasing cost escalations for operational costs and the City is also trying to manage the impact that this might have on rate payers. For these reasons the cost of the Recreational Aquatic Facility needs to be reviewed. Because \$20m funding from the Federal Government and a City in principle contribution at this point in time which was approved by all Council members of \$20m dollars which is to be repaid, did not equal 80 million dollars or a higher amount such as 100 million dollars taking into account cost escalations without changing the scope. Thank you.

**Ms Sue Doherty:** At last week's Special Council Meeting, Councillor Brender-A-Brandis you refer to the importance of transparency at the early stages of the RAF project, also you indicated that the State Government funding was not available for the RAF, at least you knew that two years ago. The Premier of our State is in a position to make big decisions particularly financing community infrastructure. I understand your employment is Chief Financial Officer with Infrastructure WA and the Department of Premier and Cabinet which includes the Department of Treasury.

At the September 2022 Council meeting the decision was made by Council to write to the WA Department of Treasury, seeking an evaluation and review of the costings of the RAF capital and other items based on the Treasury Business Case submitted in 2021. Given your current employment would not the public in South Perth consider your current position a conflict of interest?

**Mayor Greg Milner:** Councillor Brender-A-Brandis, did you wish to respond to that?

**Councillor André Brender-A-Brandis:** My positions are correctly the CFO for the Department of the Premier and Cabinet and also the CFO for Infrastructure WA. I have no conflict at all with regard to those positions. I am not part of decision making within those organisations and that includes with regard to approving budget items or even presenting budget items. I am the CFO of those Departments. With regard to the earlier statement, I think you might have mentioned that I'm also part of the Department of Treasury which is not correct. It is only those two Departments. So my involvement in any decision making process is actually zero and I am not party to budget submissions, I merely oversee what is the operational budget for the Department and not for infrastructure projects for the State.

**Mayor Greg Milner:** Thank you for your questions. I would now like to invite Jo Newman if you would like to come to the microphone. Welcome to you and we look forward to your questions.

**The following questions were asked by Ms Jo Newman of Manning at the Electors' Special Meeting held 8 November 2022.**

**Ms Jo Newman:** I have got three questions tonight on the petition and also the Standing Orders. Some of them have been touched on but I think some of the questions I have if it's okay, just require further clarification.

So my first question in reference to Clause 6.9 (2) of the Standing Orders Local Law 2007 where it states and I quote 'upon receiving a petition the city is to submit the petition to the relevant employee to be included in his or her deliberations and report on the matter that is the subject of the petition'. Where in that statement or indeed anywhere in the Standing Orders does it say rejecting a petition is permitted?

**Mayor Greg Milner:** Mr Bradford should I send that to you or to Mr Adams? Mr Adams.

**Mr Garry Adams (DCS):** It is not mentioned in the Standing Orders about rejecting petitions.

**Ms Jo Newman:** There's been a lot of discussion tonight about the language of the petition, the wording of the petition. Councillor Manolas, I know you said that it contained inaccurate statements and other Councillors have used similar language as well, in terms of the content. You particularly wanted to prepare an alternative motion Councillor Manolas. My question I think is pretty simple and it applies to all five Councillors, if appropriate Mr Mayor. The five Councillors that voted no, how did you know the wording was not appropriate if it was presented for the first time that night, particularly as we have heard earlier this evening that there was no report provided prior and therefore no opportunity for Council to have a look and have a discussion when it was raised.

**Mayor Greg Milner:** I was one of the four Councillors that voted to accept the petition but even prior to the petition making its way to Council, I was certainly aware that the petition was doing the rounds and I imagine that other Councillors were as well. Do any other Councillors wish to address that point? Councillor Choy.

- Councillor Mary Choy:** I believe it was included in the agenda papers on the Friday afternoon when it was released to the public. That's when I saw it.
- Mayor Greg Milner:** Councillor Manolas?
- Councillor Ken Manolas:** I also saw it on the agenda papers on Friday when it was released, that wasn't the first time we saw it at the meeting no.
- Mayor Greg Milner:** I might give Mr Bradford an opportunity to talk about the process.
- Mike Bradford (CEO):** I know we have had an exchange of emails over the same topic but just to clarify the Standing Orders. Petitions are dealt with in two parts, under the Standing Orders it's really a two-step process. One is to present the petition, I haven't got the Standing Orders in front of me, I can't quote the number and that is the process that really just says it has been received. It then gets referred to a City officer and then a report comes. So a two-step process and that has now been followed but the vote that you're referring to was actually at the first step. So there was that two-step process, we do not provide a report in that first part, the report comes in the subsequent step.
- Ms Jo Newman:** If the community were to lobby for a 50-meter outdoor pool will that petition be accepted?
- Mayor Greg Milner:** I can't speak for the entire Council but I would certainly vote, well I don't think they are going to Council for votes anymore but just speaking in my personal capacity if there's a community petition I'll have regard to it. Did anyone else want to say anything different?  
Councillor Brender-A-Brandis?
- Councillor André Brender-A-Brandis:** The proposal for a 50-meter outdoor pool would be the subject of a feasibility study and also the economics. We have got the one concept before us right now which is stage one, so any additional stages would need a separate assessment of the finances. I appreciate a lot of people wanted the 50-meter outdoor pool more than anything but it did come down to an aspect of economics with regard to potential operators seeing this as feasible.
- Mayor Greg Milner:** Thank you Councillor Brender-A-Brandis and thank you Ms Newman for the questions. I would now like to invite Zane Richter to the microphone. Welcome Mr Richter and we look forward to your questions.

**The following questions were asked by Mr Zane Richter of Manning at the Electors' Special Meeting held 8 November 2022.**

- Mr Zane Richter:** This question I would like to direct to the five Councillors who voted no. You have repeatedly said that you will only commit the City of South Perth to a financially viable RAF. I'm interested to know what evidence you would require to be satisfied that the RAF project is financially viable?
- Mayor Greg Milner:** So that question is being asked to Councillor Nevard, Councillor Choy, Councillor Manolas Councillor Brender-A-Brandis, Councillor D'Souza. Does anyone wish to respond to that? Councillor Nevard?

**Councillor Jennifer Nevard:** Well to my way of thinking, the all in one go was quite a risky proposition when we had clearly a lot less than half the money that would probably be required. So to me this, as looking at this project as a staged model seems to me to be certainly reducing the risk substantially so that would be my answer.

**Mayor Greg Milner:** Thank you Councillor Nevard, Councillor Brender-A-Brandis you have three minutes.

**Councillor André Brender-A-Brandis:** It is a good question it does actually require a proper Business Case, it does actually require remodelling of the numbers. We are in a completely different set of circumstances to where we were a couple years ago. Costs have escalated various materials will move between five and twenty percent, so we're not looking at the same sort of economics. Everything needs to be reconsidered and that's where we are right now. We are not in a situation where we're actually ready to actually embark on stage one. It still requires a final investment decision and it still requires the additional capital funding so there is a lot of work that needs to be done and Council will need to go through the process to actually satisfy ourselves financially that we're acting in the best interest of all the community.

**Mayor Greg Milner:** Thank you Councillor Brender-A-Brandis, is there any other Councillors that would like to respond to that? Councillor Manolas?

**Councillor Ken Manolas:** To me we hadn't raised or the funds that we'd raised hadn't been sufficient. We only had \$40m of the \$80m, so for it to be viable we had to be able to have the available funds to actually build it and we were nowhere near that. The State had not agreed to give us any grant and if there would have been a new Business Case, costs have escalated and we would have needed additional funding and without that funding there's no project to me. There's no project if you haven't got the funding there's no project and you need to re-evaluate what you can build with the funding that you have.

**Mayor Greg Milner:** Thank you Councillor Manolas, Councillor Choy?

**Councillor Mary Choy:** Similarly I would need to see comprehensive funding or at least a commitment of comprehensive funding in place or forthcoming including from the State Government. If the State Government had given us at least some indication as to a funding commitment of any kind, I don't think we'd be sitting here this evening. I think we would have been able to progress sooner but we've been waiting for that commitment and I think the way forward as Council unanimously voted to endorse at the last Special Council Meeting and again I'm grateful to the CEO and administration for bringing that forward, is a revised scope and a revised model and I think that is much more financially responsible at this stage thank you.

**Mayor Greg Milner:** Thank you Councillor Choy, Councillor D'Souza?

**Councillor Blake D'Souza:** In response I would simply say the Special Council Meeting last week proposed a way forward. So my understanding is the City will do a refresh of the operating models and the financial business case and we will be presented back with that early next year, March as I understand it. So hopefully from that we'll get some more information as to what the rescope RAF looks like. My two red lines have always been is the project fully funded and will it increase rates and if the answer to those two are yes it's fully funded and no it doesn't increase rates and I'm satisfied with what the City provides back in March then I see no objection but like I said it's all hypothetical until we get that work back from the City.

**Mayor Greg Milner:** Thank you Councillor D'Souza, Mr Richter did you have another question?

**Mr Zane Richter:** A world class RAF will be a major lifestyle draw card attracting greater investment, improving resident interest to live in South Perth. Do Councillors acknowledge the financial benefits and amenity the community will have in their own private assets, the value in their homes and the additional Community Provisions brought about from increased investor and capital spending in the City of South Perth, because it will be a more attractive inclusive and comprehensively catered for local government area. Simply a RAF increases the value of our homes not just potentially risking small rate rise, have you considered the value that comes with a RAF in a amenity, liveability and inclusivity in your financial considerations?

**Mayor Greg Milner:** Thank you is that addressed to the same five Councillors? Councillor D'Souza?

**Councillor Blake D'Souza:** I have never been against the RAF, I think that's a misconception going around out there. That's why in 2018 I voted to start the process like I've said before we have to wait until we get back to work being commissioned by the City. That's why at the Special Council Meeting last week, we approved \$185,000 more to do that work and until we have that information in front of us I really can't comment any more. In broad terms, yes I do agree the RAF brings numerous social and economic benefits but it has to be weighed up against the impact that ratepayers have to bear. Waiting for that work to come back and then I will make my decision thank you.

**Mayor Greg Milner:** Thank you Councillor D'Souza, Councillor Brender-A-Brandis did you wish to respond?

**Councillor André Brender-A-Brandis:** I concur with Councillor D'Souza, Council have actually supported the RAF. We have moved this forward we've actually initially agreed to the initial project. We have also supported the in principle injection of \$20m dollars which is City money rate payers money into the arrangement to actually start the funding process so it's not that Council are against the RAF, it's the economics. With regard to me making a decision as to what value that this might actually attribute to my house that's not valid decision making in this process thank you.

**Mayor Greg Milner:** Thank you Councillor Brender-A-Brandis, Councillor Manolas did you wish to say anything, you don't have to but you can if you want to?

**Councillor Ken Manolas:** I want to say that I've been a personal supporter of the RAF for many years and do truly believe that the City of South Perth requires an Aquatic Facility. Like me, many residents have family living in the City and like them I would like an Aquatic Facility for myself my children and my grandchildren to use. The RAF should be financially sustainable and viable and without the State Government grant I don't believe that the RAF is financially sustainable and I must say that the one thing I would not take into consideration is whether it increases the value of my home.

**Mayor Greg Milner:** Thank you Councillor Manolas, Councillor Choy did you wish to say anything?

**Councillor Mary Choy:** First of all I agree that amenities that improve the well-being of the residents are important. Remember we are residents with families too, we're also electors and ratepayers sitting around this room. We have the same vision, we have the same wants and needs.

I reaffirm my support for the provision of increased recreational facilities in our district I always have. Look at my voting track record on playgrounds and other you know, recreational facilities that have come before Council. But I agree with my fellow colleagues it can't be at any cost especially for a facility which is the largest single project in the City's history. And with the indulgence of the Mayor, if I can repeat some of my speech from the Special Council Meeting of last week.

Contrary to what I'm hearing some residents say which appears to be the higher value of a minority of our constituency, this is definitely a financial matter and decision, not just a social one. Anything less in my view is not responsible good governance. However, I'm open to being convinced otherwise and so despite what I believed with the prevailing view of our constituents in expressing a strong preference for any Aquatic Facility not to impact on their rates, I invite anyone on this Council or from the community who does not mind their rates increasing in order to facilitate an early commencement or broader scope for this facility to inform me and perhaps this Council accordingly. Thank you.

**Mayor Greg Milner:** Thank you Councillor Choy, Councillor Nevard would you like to respond?

**Councillor Jennifer Nevard:** Not really, I would be happy to respond if you shoot me the question through.

**Mayor Greg Milner:** Mr Richter, one more question.

**Mr Zane Richter:** Many South Perth residents are currently going to other local government areas to access a range of recreation and aquatic facilities not catered for in South Perth. This is resulting in large retail leakage through incidental spending outside the City of South Perth at these distant locations. Without a RAF, local businesses will not only have reduced revenue from local community but also lose out in attracting people from outside the local government's boundaries. Does the Council consider how the decision for no RAF is failing to support local businesses?

**Mayor Greg Milner:** I might send that one to Mr Bradford?



**Mike Bradford (CEO):** The visitation for the RAF is a key metric that is used to do the financial modelling and that has been done looking at who are all the likely people to come to the RAF for the various reasons that it offers. So that is taken into account, the indirect benefits associated with extra visitation though in terms of increased expenditure outside of the RAF haven't been explicitly considered in the modelling for the RAF. I'd also mention that where the City does have an Economic Development Plan that does have actions and measures associated with attracting additional people in the City for various reasons and that does acknowledge that that does bring additional benefits to the City.

**Mayor Greg Milner:** Now I am conscious that there may have been some public questions that were registered in the foyer prior to the commencement of the meeting. We will get to them but I might turn now in the interest of time to the eight public statements that were registered prior to tonight's meeting. So with that I'd like to invite Mr Les Ozsdolay, if you would like to come to the microphone.

**The following statement was read out by Mr Les Ozsdolay of Como at the Electors' Special Meeting held 8 November 2022.**

**Mr Les Ozsdolay:** Good evening everybody, I felt really good after last week's meeting. Council united and agreed on a way forward, a very sensible staged approach in my mind and every day I thought, well we don't even need next week's meeting, boy was I wrong.

So I'll speak to the motion put forward by Mr Watts. The three main elements, I will take the easy ones first. It says that they should they should have no confidence expressed in the five for voting to breach the City's funding agreement with the Commonwealth. Wrong they didn't vote that way that's factually incorrect, there's no evidence to support that. The other part failing to implement the City's Strategic Community Plan, wrong. There's no evidence to say that they voted for that either.

So let's talk about not accepting the petition. I agree they made a mistake, we've heard most of them say yes I made a mistake so whilst I think they made a mistake I understand their reasons and some of those reasons are that in the three and a half years since the \$20m from the Federal Government was received or promised, unfortunately the City's been unsuccessful in attracting any money. In fact it has pledged \$20m which is unfunded and is looking for another \$40m still unfunded, so we're \$60m short. We heard last week from speakers who stated that Council's decision should be based on evidence. this is true. There's no greater piece of evidence than the fact that in three and a half years since it's received notification of the \$20m from the Commonwealth, the City has not been able to attract the additional funding required for the RAF mark one. That's why we're so pleased to see RAF II because that looks like it might be a goer.

So why are we here, I'm not really sure. It appears we're here to sanction five Councillors for trying to do the right thing. I have no doubt that they acted in good faith with only the interest of the City's ratepayers at heart.

I don't think they should be sanctioned or criticised for that, I think they should be recognised for their strength of character and courage in standing up for what they believe is right, particularly in the face of severe and sometimes very distasteful and inappropriate criticism from both within the Council and on social media if you read it.

Do I want a RAF? Course I do. A 50 meter pool? Of course I do. Do I want the City to go into \$60m dollars debt? No I don't. People I think that the five Councillors erred in not accepting the petition, I accept that but their sole motivation was to act in the best interest of the ratepayers. For this they should not be sanctioned, personal attacks of this nature which is what I've heard tonight, personal attacks are not acceptable in fact they're quite distasteful, I think that we shouldn't even be here. Thank you.

**Mayor Greg Milner:**

Thank you very much for your statement. Folks I did say no clapping, no interruptions. Please I've been patient, I've given a few warnings but if it happens again I might have to start asking people to leave the meeting. I don't want to do that please follow the rules so with that I would now like to invite Mr Kiely Hodsdon back to the microphone, welcome again and we look forward to your statement.

**The following statement was read out by Mr Kiely Hodsdon of Como at the Electors' Special Meeting held 8 November 2022.**

**Mr Kiely Hodsdon:**

Thank you for letting me speak tonight. I would like everyone to think why we have our Councillors. As we are ratepayers, we have a chance to democratically vote in our Councillors. We vote these people in to make the balanced decisions with the information they are given by the City of South Perth. These decisions need to be good for the City of South Perth and financially responsible as the money they are voting to use is not theirs, it is the City of South Perth ratepayers. With the current rate increases on loans, the inflation rate increasing, costs of building increasing, anything and everything is going up, they need to make very hard decisions that are good for the City of South Perth ratepayers. Some of their decisions and how they vote are not going to please everyone but they are being democratically voted in and are making financial decisions that will affect the City of South Perth for many years to come.

I would like to finish off with, I have been disgusted with some of the items that have been posted on Facebook regarding the RAF and a lot of half truths which are being told. The lack of respect given to the Councillors, when they've been speaking at Council. You can disagree with them but laughing when they are talking is disrespectful and something I hope you don't teach your children. When you vote tonight please think of the reasons why these Councillors voted against the first RAF, it was not that they did not want it, it was about how can the City of South Perth fund the original project and as of last week the Council voted for a three-stage approach to the RAF which is more financially responsible.

**Mayor Greg Milner:**

Thank you very much. I'd now like to invite Mr Emmanuel Manolas to the microphone. Welcome to you and we look forward to your statement.

**The following statement was read out by Mr Emmanuel Manolas of Manning at the Electors' Special Meeting held 8 November 2022.**

**Mr Emmanuel Manolas:** I would like to clarify what interest is payable by the City, when the City officer responded to a question in the meeting on the 1st of November. In the standing Commonwealth Grant agreement template under definitions it refers to the grant money received as the original sum and any interest the City had earned on that money. Is this the interest the officer was referring to in his reply and also the interest that was basically part of the petition. Would this mean that there's not any penalty if the City had to return the principal and its interest they had earned on the grant money. In section 11 of the template it clearly states that if the money is not paid by the due date penalty interests could be payable. How in this described scenario whether grant money with interest earned is returned in full by the due date would there be an increase in rates?

**Mayor Greg Milner:** So is that a question or a statement Mr Manolas?

**Mr Emmanuel Manolas:** Due to the way it's changed throughout the evening tonight, it's I guess changed in tone and somewhat in content.

**Mayor Greg Milner:** I'm going to allow it but it is a little bit out of order. Mr Bradford?

**Mike Bradford (CEO):** Taken on notice.

**Mayor Greg Milner:** Was that what you wanted to do?

**Mr Emmanuel Manolas:** Yes, it was only because the evening's I guess agenda has somewhat changed to some degree with the I guess the initial motion that was carried prior to, I guess the Councillors having a chance to talk.

**Mayor Greg Milner:** Is that everything you wanted to say? Thanks very much. I would now like to invite Mr Greg Benjamin to the microphone, welcome and we look forward to your statement

**The following statement was read out by Mr Greg Benjamin of South Perth at the Electors' Special Meeting held 8 November 2022.**

**Mr Greg Benjamin:** Hello I am a resident and ratepayer living in South Perth for over 30 years. In September 2020 I made a submission to your say South Perth where I supported the features offered by the proposed RAF. At an evening in the Civic Centre, the community were able to record key priorities for the RAF. Affordability was expressed as the most important criteria. In November 2020 a majority passed Council resolution endorsed the Business Case for the RAF and importantly said that the City stakeholder engagement has been expressly conducted on the basis that the RAF will be financially self-sustaining and will not result in an increase in Council rates. In October 2021 the Business Case for the RAF was submitted to our State Government. 12 months later no formal response had been received. The 2022-23 State Government gave no commitment to funding for this project. One has to wonder why after several years of representations the State Government with surplus of \$6b dollars could not give a commitment for at least a mere \$20m dollars. Perhaps they are hesitant as I hear swimming pools are costly and don't make money.

In June 2022 at a Council meeting I asked what is the current expected total funding package for the RAF project given it was \$80m dollars in 2020 considering inflation at least 7.6%, could it now be a \$100m or higher. The answer I was given was the RAF is an \$80m project. No mention was made as scaling down the project. There has been little scrutiny about viability, the projection details have been redacted and feasibility updates not released. Given the funding shortfall uncertainty being at least \$37m and continued expenses by the City upwards of one \$1.7m, in September 2022 I think it is appropriate that the five Councillors supported a well-considered detailed motion making a reasonable request asking the State Government to, first respond to the City's submission from October 2021 before the City might proceed to incur further costs and project management for a project that had not been approved.

Last week the five Councillors joined a unanimous vote to assess the RAF in three independent and financially viable stages. The City of South Perth then issued a news update under the heading 'Council reaffirms its commitment to the RAF' implying the RAF will be built rather than being assessed. Headlines like this of which this is not the first, have I think irresponsibly whipped up and raised expectations.

I'm here to express my confidence in the five Councillors, as evident from their actions including last week's unanimous vote they are not opposed to the RAF project. It is erroneous and mischievous to say they have failed to implement the City's Strategic Community Plan given the community expressed affordability is the most important criteria, given the Council resolved that the RAF needs to be financially self-sustaining and no increase in rates, given the impact of inflation and costs and viability and given a continuous funding shortfall of at least \$37m from prolonged lack of response from the State Government. Contrary to the views expressed by others I believe the Councillors have acted in a fiscally responsible manner and have exercised good governance, thank you.

**Mayor Greg Milner:**

Thank you very much for your statement. I now would like to invite Ms Cecilia Brooke back to the microphone. Welcome and we look forward to your statement.

**The following statement was read out by Ms Cecilia Brooke of South Perth at the Electors' Special Meeting held 8 November 2022.**

**Ms Cecilia Brooke:**

As I have quoted many times on behalf of COSPRA in Council, COSPRA has never been against a RAF but the financial aspect of it has been a worry. Last week it came up in somebody's deputation about the letter from Minister Mick Murray, I didn't realise it was coming up tonight but I have here the letter to read to the people tonight that was written on the 5th of October 2020. It was addressed to Mr Geoff Glass the Chief Executive Officer of the time.

'Dear Geoff, I write to you in regards to correspondence I received from The Honourable Kate Doust MLC in relation to a perception expressed by the City of South Perth representative that the State Government has committed to a funding contribution for the South Perth Regional Aquatic Facility, the RAF.

This perception has been expressed to the Honourable member by concerned local ratepayers. I would encourage the City to be open and transparent with residents about the projected capital and the recurrent costs of the RAF as soon as possible to allay their concerns. I have advised the Honourable member that the RAF is not a part of the State Government's forward planning agenda nor is there a State Government election commitment to fund this project. I hope I have provided some clarification.' It was with deep regret that we found that this letter did not go to Council at all and I do have the Honourable Kate Doust permission to read this and yesterday I touched base with somebody in the Minister's office to make sure that this letter if I read it, did not intervene with the Business Case of the decision that is before the State Government and I was told it didn't. Which is why I have read it tonight.

**Mayor Greg Milner:**

Thank you very much for your statement. I now would like to invite Mr Winston Choy to the microphone. Welcome and we look forward to your statement.

**The following statement was read out by Mr Winston Choy of South Perth at the Electors' Special Meeting held 8 November 2022.**

**Mr Winston Choy:**

I would like to open by saying I've been a resident of the City for 46 years so I have deep roots in the City. I attended local schools, my sons still attend a local school. I've been an active participant across multiple sports clubs in the City and like everyone else I know, I think everyone in this room would happily support a RAF and in fact would use it if it materialised. My concerns are that how fractured we are potentially in this room, when clearly the lines dividing us are not that deep. I think in principle we do want a RAF and I'd like to touch on two themes in my statement to the audience and to the Council here.

Firstly the petition I'm not sure I agree with the assertion of the City that the petition was presented in a valid manner. As other people have said the petition was presented in their view and in my view in contravention of Standing Order 6.9. Furthermore if it was not so and the premise was that the petition was simply to be accepted why in that case was it put to a vote that gives an artificial sort of air that the petition itself could have been rejected. The Standing Orders are simply that, the Standing Orders. Greg as the Presiding Member there was no capacity to deviate from the Standing Orders so therefore I think with due process in the presentation of the petition not being followed it has caused unnecessary angst throughout the community and placed the five Councillors who voted against that in an invidious position.

Furthermore I think this conflation that in voting against the Project Manager and the petition the five Councillors were against the RAF is very bizarre. It does not take into account the voting records of the five Councillors with respect to the RAF and here I can look at the voting records of the five Councillors including Councillor Manolas and Councillor Choy, who even in February 2021 on page 103 of the Ordinary Council minutes move motions in support of the RAF.

Furthermore Greg when you were campaigning for the Mayoral position three years previously part of the themes of your campaign were being financially sustainable and fiscally prudent and you have had times voted against the RAF project back in September 2019 February 2021 and in August 2021. No petition arose against you and rightly so. The Council exercised their due and bound duty to the various electors and ratepayers of South Perth and for that I am grateful to all five of them.

**Mayor Greg Milner:**

Thank you very much for your statement. I now would like to invite Ms Marcia Manolas to the microphone. Welcome and we look forward to your statement.

**The following statement was read out by Ms Marcia Manolas of South Perth at the Electors' Special Meeting held 8 November 2022.**

**Ms Marcia Manolas:**

I've lived in the area for over 60 years. At the Ordinary Council Meeting in September 2022, Mayor Milner with the Governance Officer created a situation where they advised Councillors that there would be a further opportunity to vote on the petition, then denying the alternative motion, leaving the five councillors with no option to discuss the petition before casting another vote because the alternative motion was not allowed. I quote the Mayor addressing Council "so if for whatever reason Council votes not to accept the petition you can move a motion once we don't accept it, is that clear" These five Councillors took the advice of the Governance Officer and the Mayor they then voted no to the officer's recommendation so the alternative motion would be presented. After the vote of no to accept the petition the Mayor states I've now been informed by the Governance that, that does not require an alternative motion, resulting in no further discussion on the petition leaving the Councillors with a no vote.

Councillor Manolas under urgent business and it's all on audio again tries to state the reasons for the alternative motion however the Mayor denied again. This was in endeavour to put at rest some of the residents interests. Councillor Manolas at the Special Council Meeting 1st of November 2022 states "I do not oppose petitioners asking for Council to review its decisions, everyone has the right and indeed it is healthy to express alternative views." Five Councillors were denied natural justice by being directed by the Governance Officer and the Mayor on the process to put forward an alternative motion allowing discussion and the petition accepted for the appointment of the Project Manager to be reconsidered. This is all available on audio at point 45:00:315.

**Mayor Greg Milner:**

Thank you very much for your statement. I now would like to invite Ms Sue Doherty to the microphone. Welcome and we look forward to your statement.

The following statement was read out by Ms Sue Doherty of Como at the Electors' Special Meeting held 8 November 2022.

**Ms Sue Doherty:**

I would actually like to address the words of the RAF petition in particular when they were not accepted by Council because they referred to some words they didn't agree with. I at this point in time would like to congratulate the Council for the recommendation they endorsed to proceed with the RAF in a three-stage process I believe however that this could have been expedited substantially earlier and I want to speak to the statement in respect to the August and December meetings of 2021.

In August 2021 there was a motion to Council which they deferred and in respect to deferring it they deferred the commencement of the procurement process for the naming rights for the facility and also noting the outcome of the procurement process for the naming rights partner were going to be presented to Council for endorsement. At this point in time that hasn't happened and I'm really interested to know why it hasn't. In terms of the Concept and Schematic Design there was a proposal to Council and they chose not to accept it and that was that actually the Concept and Schematic design will further refine the design of the RAF provide more detailed information about the Project Design and costs and actually test the RAF Business Model and operational financials. In terms of a decision for Council which they chose not to make the purpose of the officer recommendation presented in the report is to de-risk the RAF process, provide Council with more detailed information to guide further decision-making. A decision to proceed with Concept and Schematic Design as an investment in due diligence as it will further test and refine the RAF Business Model. Perhaps one could say that by actually accepting that the Business Model and the Schematic Designs may have actually come to look at a three-stage process and for me I'm concerned that that decision was not accepted and I would put to you when there is reference to continued indecision by the elected Council that was by opponents that was included and taken into consideration. Thank you

**Mayor Greg Milner:**

That's all the public statements that were registered prior to tonight's meeting. There may be some public statements that were registered in the foyer prior to the commencement of the meeting, we'll get to those in due course but we did also receive two motions prior to tonight's meeting. Any motion needs to be moved and seconded, the mover and the seconder are to approach the microphone and clearly state their names and addresses before reading their motion, only the motions to be voted on are to be read out, so no preamble, no reasons just the motion then it will be seconded and then we'll put it to the vote here in the gallery. So with that I'd like to invite Mr Roger Riachi if you'd like to come to the microphone.

The following motion was moved by Mr Roger Riachi of Como at the Electors' Special Meeting held 8 November 2022.

Mr Roger Riachi moved the following motion:

**DECISION**

**Moved:** Mr Roger Riachi of Como

**Seconded:** Mr Matthew Pow of Karawara

To revise current RAF project/proposal to change the location and scope of works.

New location to be at George Burnett Park on Manning Road, Karawara.

Stage 1: Construction of a 50m pool and associated facilities utilising the pledged Federal Government funding.

Stage 2: Once further government funding is secured, a basketball facilities to be designed and constructed.

**The motion was put and declared lost (24/45)**

**Mayor Greg Milner:** So that was the motion that had been submitted prior to tonight's meeting. We have a fairly weighty package of potential questions here. I can see some have already been asked but Ms Honey Webb would you like to come to the microphone and either make a statement or ask your questions. I'm not sure which you'd like to do and if you could please state your name and address and then whether you're asking questions or making a statement thank you.

*Councillor Stephen Russell left the meeting at 8.10pm and returned at 8.12pm.*

*Councillor Blake D'Souza left the meeting at 8.14pm and returned at 8.16pm.*

*Councillor Jennifer Nevard left the meeting at 8.17pm and returned at 8.19pm.*

The following questions and statement were read out by Ms Honey Webb of Kensington at the Electors' Special Meeting held 8 November 2022.

**Ms Honey Webb:** It's been really good coming here. I do have a few questions and probably a bit of a statement because I haven't prepared very well but I've been doing a lot of listening and I'm good at that.

**Mayor Greg Milner:** Would you like to lead with your questions bearing in mind you've got three minutes to ask your questions and three minutes to make a statement.

**Ms Honey Webb:** My name is Honey Webb. I'm here to represent myself like everybody else in the community. I've lived in the area for over 40 years, I've used all the facilities, all the schools. I'm very keen on bettering our area together and just wanted to ask a question that do our local Councillors actually have confidence in their Community to actually run a financially viable Business Plan for the RAF?

**Mayor Greg Milner:** Sorry I'd like you just to repeat that question please.



**Ms Honey Webb:** Does our local Council or have they've done enough research to know the people in their community to have confidence in running a financially viable and profitable Business Plan for a RAF centre? Have we done any research to have confidence in local members not tax taxpayers or ratepayers just residents because I don't actually own my house, neither do any of my family members.

**Mayor Greg Milner:** I am a bit confused, I don't know what the question is?

**Ms Honey Webb:** There's a lot of local residents that have been involved in schools and sporting facilities so we understand and we've actually used them and that's what our business is and that's where I come from. My background and also representing the part of the community that doesn't pay rates and also I'd like to represent and ask the local Councillors, it would be nice to have more representation of our community because no disrespect here, I'm a grandmother myself but is there anybody here that's like you know like in their 20s or 30s?

**Mayor Greg Milner:** Well we do have a Councillor in his 20's.

**Ms Honey Webb:** Yeah I understand him and I get him, where he comes from and I do appreciate your explanation so I got your back but that's what I'd like to know from you guys because I've been around for a long time and put confidence in Council members.

**Mayor Greg Milner:** I might have to sort of call time on that one for the moment just because I want to be fair to everyone.

**Ms Honey Webb:** Can we get more indigenous representation for this kind of stuff please because I am a local traditional custodian?

**Mayor Greg Milner:** For the Council you mean?

**Ms Honey Webb:** Yes. Just for decisions like this.

**Mayor Greg Milner:** For the Council you mean? It's up to the voters. We Councillors are elected democratically. I don't have any real answer over and beyond that. Did you want to make your statement now?

**Ms Honey Webb:** I think I've covered it because I would like to see this go ahead and I have been involved for a very long time from a childhood age. Like a lot of you mob. I am a Noongar and I would like to see the bigger picture the vision and let you guys know, have a bit of faith in us younger generation. We can make some money out of this and you know you rate payers will be okay.

**Mayor Greg Milner:** Thank you very much for your statement, I really appreciate it. Mr Riachi did you wish to ask any questions or make a statement, then please come to the microphone and you've already mentioned your name and your address but perhaps you can let us know if you're asking questions or making a statement.

The following questions were asked by Mr Roger Riachi of Como at the Electors' Special Meeting held 8 November 2022.

**Mr Roger Riachi:** I'll be asking questions. The questions directed at you Greg and the rest of the Councillors that haven't answered any questions tonight.

Do you think this is a fair and democratic process to hold this meeting when a vast majority of the electors in this City have no idea that it's on?

**Mayor Greg Milner:** It has been advertised in accordance with the Local Government Act Mr Riachi.

**Mr Roger Riachi:** That is besides the fact, the only people that know about this is the people that are aware of the petition. I've spoken to lots of people because I found out about this a few days ago and spoke to a few and everyone thinks it's ridiculous that you can hold these people to ransom in front of an angry mob of people that are all here because they think they're going to lose a swimming pool where in fact they're not aware of the actual facts that these guys are just doing their job and the rest of people, like we've got our lives to live and they haven't been able to get here for some unknown reason or they're unaware of the process of the whole election, the election the vote against them was unfair.

**Mayor Greg Milner:** I will have a brief stab at that then I might invite Mr Bradford to sort of pick up on anything that I might have missed. The process for a special electors meeting is set out by the *Local Government Act 1995*. That is State legislation, that's not City of South Perth legislation its State legislation that's been passed by the State Parliament government gazetted.

We don't have a lot of discretion when it comes to whether or not we have a Special Electors' Meeting like this. If the requisite criteria to be satisfied under the Act are satisfied and in this case they were, we are obliged to hold that meeting. We don't get to go well no we don't think we want to do that. That's something we are obliged to do. In terms of notifying people of the Special Electors' Meeting once again, these matters are prescribed and to the best of my knowledge the City has complied fully with those requirements. Is there anything that you'd like to add Mr Bradford?

**Mike Bradford (CEO):** That's right Mr Mayor. So there's public advertising in various forms. The notice of the meeting was posted on our website and all of that is in compliance with the Act and then then the agenda was posted as well.

**Mr Roger Riachi:** Do you think a vote of no confidence in the Council or Councillors is not worthy of sending a letter to everybody that's voted for these people?

**Mayor Greg Milner:** Again, these things are legislated Mr Riachi. We follow the legislation as we're obliged to do.

**Mr Roger Riachi:** You've stated several times that a standalone pool at George Burnett can not be viable. Can you please explain to me and to the rest of the people here and maybe even present something to the electors in the City, explaining and showing how the pool is any more viable on the golf course. When the people that go to the pool are there to swim whether they want to swim at George Burnett or go to Collier Park, they're there to swim the people who are there play golf are there to play golf and if there's a basketball facility the people that go to play basketball, play basketball and also I understand there's a food and beverage facility to be built. Now I don't know but I in my life I've never seen anybody take their family out to dinner at a local pool and I've never seen golfers sitting there having a beverage with kids running around with buses around.

**Mayor Greg Milner:** Alright I think Mr Bradford has got the point of the question. Would you like to answer that Mr Bradford?

**Mr Roger Riachi:** I have just got an audience mate, I want to make my point.

**Mike Bradford (CEO):** We have analysed the costs of running facilities in conjunction with our various experts and I don't have their details but I actually listed them at the Special Council Meeting. There's a lot of evidence that supports the notion that a pool on its own runs at a loss. A 50 meter pool in an environment like ours built with no other facilities would run at a loss, an operating loss of between \$500,000 and a million dollars a year. That's pretty well accepted, so that deals with the first part.

In terms of the location and food and beverage, the City's got a plan around recreation facilities to provide multi-use facilities wherever possible and that's in order to maximise the use and minimise the expenditure on capital assets, in turn to maximise the use. Integrating a single facility at Collier Park is an example of doing just that. So yes you're right a food and beverage facility would be built and is required at a golf course. If we build a pool you're going to require a food and beverage facility as well and so by building a single integrated site we can get better value out of a single food and beverage site and I actually disagree people do come for multiple purposes to these sorts of facilities and I'll come to that in a moment why that is. So building a single integrated facility maximises the visitation, maximises the revenue and minimises the operating capital. Good examples of integrated facilities not quite what we're seeking to achieve are, Wembley golf course which has a mini golf, golf course driving range, food and beverage, function centre and the Cockburn Arc. So there are good examples of how an integrated facility does maximise visitation, maximise revenue and minimise operating and capital costs and that's the model we're following.

**Mayor Greg Milner:** Thank you very much Mr Bradford and thank you Mr Riachi for your questions.

**Mr Roger Riachi:** Can I please just ask one more related question?

**Mayor Greg Milner:** No, you've had three questions and I've got to be fair to everyone there's a long list here I have to work through but thank you.

So I've got the next person's name on the list. Ms Lorna Boyes and I am unsure as to whether or not you are making a statement or asking a question, if you'd like to come to the microphone. Folks I am conscious that we've got a lot of names here, perhaps consider, while you're waiting if your question has already been answered this evening because otherwise we're going to be here for a late night.

Welcome Ms Boyes are you asking questions or making a statement?

**The following questions were asked by Ms Lorna Boyes of Manning at the Electors' Special Meeting held 8 November 2022.**

**Mr Lorna Boyes:**

I was unsure about whether I would ask a question. I thought I would wait and see what was asked today. I do have a couple of questions and my first one is for Councillor D'Souza.

So you've been asked tonight some specific questions about who gave you the advice about the potential legal issues with the petition that you voted to reject. You've been asked who gave you that advice and what they've said and in answer you referred to the reasons that you gave at the previous Special Council Meeting last week. I was there and you did not give the name of the person who gave you that advice and you did not tell us what they said. You said you have been forthright and you asked what more you could do apart from giving your apology.

So I'll ask again, what you can do to be forthright is to answer the question. Who gave you that advice, what did they say and if you're still concerned about legalities you can take it from me because I do have qualifications and experience in this area and nothing that is true can be defamatory, so tell us the truth who gave you that advice, what did they say?

**Mayor Greg Milner:**

Councillor D'Souza did you wish to respond?

**Councillor Blake D'Souza:**

I have answered the question.

**Mayor Greg Milner:**

Ms Boyes, did you have any other questions?

**Mr Lorna Boyes:**

I have a question for each of Councillor Manolas, Choy and Nevard. So in response to questions to you about why you rejected the petition I think each of you referred to among other things, an issue with the Standing Orders and an officers report having not been provided when the petition was presented for consideration.

So my question is why did you not raise a point of order to clarify that issue at the time? I know Councillor Choy, I've seen you raise multiple points of orders during the process of previous debates, why did you not raise a point of order to clarify that issue, why did you simply vote to reject the petition?

**Mayor Greg Milner:**

Councillor Choy, did you wish to respond?

**Councillor Mary Choy:**

Thank you Ms Boyes for the question, look I refer you to the minutes in of the Ordinary Council Meeting on 1 November 2022 where I address the matters raised by this question.

**Mayor Greg Milner:**

Councillor Manolas, did you wish to say anything?

**Councillor Ken Manolas:**

Not at this point in time.

**Mayor Greg Milner:** Councillor Nevard, did you wish to speak?

**Councillor Jennifer Nevard:**No.

**Mayor Greg Milner:** Ms Boyes, did you have a final question?

**Mr Lorna Boyes:** So my last one is a question for Councillors Manolas, Choy, Brender-A-Brandis and Nevard. Again I think when answering questions about why you rejected the petition you each gave answers basically to the effect that you didn't agree with some of the statements in the petition. That you thought they were irrelevant or incorrect, you said that you didn't agree that there had been delay or that there had been indecision etc.

So my question is, is your position that you should only accept petitions that you agree with? Because I put it to you that your role is actually to accept valid petitions whether or not you agree with what is said in them, you still need to accept them and consider them.

**Mayor Greg Milner:** Councillor Choy, did you wish to say anything?

**Councillor Mary Choy:** Thank you Ms Boyes for the question, I believe I have already answered that question previously.

**Mayor Greg Milner:** Councillor Manolas?

**Councillor Ken Manolas:** It was never my intention to actually reject the petition. I welcome petitions, it is a healthy way to express views. I believe all petitions should be accepted by the City. I prepared an alternative motion to redact or remove what I considered inaccurate statements still leaving the meaning of the petition, that the appointment of the Project Manager be reconsidered by Council allowing the petition to be debated and voted. Standing Order clause 6.9 requires an officers report to be included in the agenda before a vote and the petition was not accompanied by an officer's report.

As tenders for the Project Manager expired on the 30th of June, the petition was unlikely to be acted upon. Relying on the Governance Officer and the Mayor that my alternative motion would be accepted for discussion, once the officer's recommendation vote was taken, we were advised to vote no at the meeting. The Governance Officer then changed her advice and stated we do not require an alternative motion that we don't accept a petition. To me there appears to be a lack of natural justice for the five Councillors who voted no on the advice of the Mayor and the Governance Officer. I reiterate Councillors were expecting an alternative motion to be presented to review the petition and vote to accept the petition. Once again at the end of the meeting under urgent business I requested because of the interest of the community in the RAF, I be allowed to give my reasons for my alternative motion. I was once again denied, this can be heard on the audio recording and I think I'll finish there.

**Mayor Greg Milner:** Councillor Nevard, anything to say?

**Councillor Jennifer Nevard:**I did actually clarify my position earlier this evening. Well I didn't disagree I was concerned about the assumptions and the fact that nothing appeared to be able to be progressed but that was it, I didn't disagree with the petition.

**Mayor Greg Milner:** Thank you Councillor Nevard, Councillor Brender-A-Brandis, anything to say?

**Councillor André Brender-A-Brandis:** Thank you very much for the question. Earlier this evening I articulated the reasons why I disapproved of some of the wording in the petition. I also articulated section 6.9 Clause 3 as presenting a problem on the evening. Councillor Manolas was prepared to propose an alternative which would have probably been a better outcome for Councillors to actually talk to the item and actually have a bit more transparency around their decision making which would have been quite important. In addition to this, the specific performance of going back to the tenderer would not work, given that expired on the 28th of June and the petition was after that date. Thank you.

**Mayor Greg Milner:** Thank you Councillor Brender-A-Brandis, I think Mr Bradford wanted to clarify a point there.

**Mike Bradford (CEO):** Bear with me a moment.

**Mr Lorna Boyes:** I wouldn't mind clarifying a point. Sorry so these are all reasons why you didn't accept the petition, because you didn't agree that what was being asked for in the petition could be delivered or you didn't think it was appropriate but it didn't stop you taking the petition to look at it. You could have disagreed with it later and said we take your petition but thanks we are going to do what we like anyway.

**Mayor Greg Milner:** I have got to be fair to everyone Ms Boyes, you have had your three questions.

**Mike Bradford (CEO):** Just to be clear the Standing Orders as I mentioned earlier are really broken into two parts. Petitions are listed on the Agenda and then subsequently they are dealt with under that clause 6.9 of the of the Standing Orders. In fact the recommendation at the 27 September meeting was simply the petition received from George Watts of Yallambee Place Karawara together with 2016 verified signatures and 58 unverified signatures in relation to the RAF be forwarded to the relevant Director for consideration. At a subsequent meeting clause 6.9 would come into effect and a report would have been provided. As it was.

**Mr Lorna Boyes:** Thanks I agree with that as well. Thank you.

**Mayor Greg Milner:** Thank you Mr Bradford and thank you Ms Boyes.

I'll move on to the next name then I've got Peter Scott, welcome Mr Scott and perhaps you can let us know if you're asking questions or making a statement please and remember to state your name and address.

**The following statement was read out by Mr Peter Scott of Como at the Electors' Special Meeting held 8 November 2022.**

**Mr Peter Scott:**

The original decision of Council was to support the RAF. As long as it was self-funding and sufficient funds were raised to pay for its construction. There are serious doubts about the robustness of the Business Case and claims that it will operate on a break-even basis. The assumptions used to arrive at a conclusion that the RAF would be self-supporting are seriously flawed. This data needs to stand up to independent rigorous scrutiny before any further funds are spent.

The Deloitte review did not evaluate the assumptions and cannot be relied upon to claim the Business Case is reliable. The City has already spent over \$1.7m of rate payers money and has very little to show for it. There are many spurious claims within the Business Case and these need to be open to scrutiny. The choice of location is one example Curtin University called the shots on this. Which saw the golf course being selected and they have now withdrawn their proposed funding and should no longer have any input into the location. The George Burnett Reserve is by far a better location for many reasons and Council admin should accept that this would be a better outcome for all stakeholders. Another claim in the Business Case is that golf is on the wane and therefore it is not important to retain the golf course in its current configuration. This is so obviously inaccurate that this outrageous claim that was included to justify the location decision. The golf course currently contributes half a million dollars towards the coffers of the City which negates the Business Case claims.

The consultation process was totally inadequate after developing a concept design the City went through a promotional roadshow to sell their plan. There was no consultation, the so-called survey was actually a questionnaire that asked those attending the promotional seminars if they would use a RAF. Of the 1600 people who answered the question, 85 percent said that they would use a RAF. Somehow this has been translated by the zealots that 85 percent of City residents want the RAF. The Administration has so far failed in their bid to raise sufficient funds to even meet the cost of the original estimate, let alone the actual cost that might happen. The five Councillors have acted responsibly in delaying any further spending on this project until the final financial aspects are covered, the City needs to be more transparent and consultative with ratepayers. To keep pushing ahead without the scrutiny is irresponsible. Thank you.

**Mayor Greg Milner:**

Thank you very much for your statement. I have a signature here in the place of where someone's indicating whether they're making a statement or a question. I think it's Andrea D'Souza. I can't quite make out the handwriting here. Please come to the microphone and perhaps if you can state your name and your address and then please ask your question.

**The following questions were asked by Ms Andrea D’Souza of Waterford at the Electors’ Special Meeting held 8 November 2022.**

**Ms Andrea D’Souza:** My question is to the Mayor. Can I ask if the State Government does not fund the project will this go ahead and can you guarantee that our rates will not go up?

**Mayor Greg Milner:** If the State Government ultimately doesn't provide any funding, that that will be a decision for Council. That's not a decision I can make unilaterally and I might invite Mr Bradford to clarify the next part of the question but my understanding is the RAF has always been, information that has gone out to the populace on the basis that it will be financially self-sustaining and there will be no impact on council rates as a result of the Recreation Aquatic Facility.

**Ms Andrea D’Souza:** Since we have not got State Government funding and you're saying Council rates will not go up then what is the other alternative what are the other sources of funding you are looking at or hence why is this discussion going on?

**Mike Bradford (CEO):** So the Council decision last week breaking the project up into three stages allows it to proceed with stage one without, potentially without State Government funding and subsequent stages with external funding and they will all be considerations for Council and future decisions for Council.

**Mayor Greg Milner:** Thank you very much for your question. Mr Matthew Pow, indication here that you would like to ask a question and make a statement. You have got three minutes for both welcome back and perhaps you would like to start with the question thank you

**The following questions and statement were read out by Mr Matthew Pow of Karawara at the Electors’ Special Meeting held 8 November 2022.**

**Mr Matthew Pow:** My first question appears already to have elicited a response through Zane Richter and I'll thank him for that, in relation to why the five Councillors have changed their position and thank you for the clarity. What I would like to ask if maybe one of the Councillors could confirm that the change in position is a direct result of a more favourable financial impact to ratepayers by rolling this project out in stages as opposed to one?

**Mayor Greg Milner:** I don't know if any one Councillor is able to answer that.

**Mr Matthew Pow:** Or all five?

**Councillor Blake D’Souza:** Thank you Mr Pow for the question. That is correct the revised proposal at least speaking from my perspective is a lot more financially responsible because having it across three stages mitigates the risk that any one stage could go wrong and I take assurance from the CEO's advice that each stage will be independently verified and have its own Business Case, so basically the answer is yes.

**Mr Matthew Pow:** My next question in light of that, why is it that we voted in order to roll out stage one in the order that it's rolled out and that the 50m pool is going to be stage three, is there a reasoning behind why that is going to be the final stage?

**Mayor Greg Milner:** Sorry could you repeat that question please?



- Mr Matthew Pow:** Could I get some clarification as to why the order of the rollout, the information I've seen is that the 50m pool is going to be in stage three is there a reason why that's in stage three and not stage one?
- Mayor Greg Milner:** I think that question was probably answered in the officer report for the Special Council Meeting from last week, the 1st of November. Thank you very much did you have any further questions?
- Mr Matthew Pow:** No I don't have any further questions, if I could just make a brief statement please?
- Mayor Greg Milner:** You have three minutes.
- Mr Matthew Pow:** I noted the recent words of Councillor Celedin on social media after the vote for the motion failed in relation to the Project Manager. He said play the game not the player. In light of last week's unanimous decision to support the RAF in stages, can we now all draw a line in the sand and move on. Some of the social media vitriol calling for the five Councillors to be punished at the next LGA elections and with some so-called group or subject matter experts encouraging community members to make petty code of conduct complaints against those five Councillors. It's counterproductive and it goes against the spirit of Councillor Celedin's wise words. If we want the RAF to go ahead with the full support of the community and our Councillors we all need to be on the same page and we need to be supporting our Councillors not undermining them.
- With this in mind I propose that we could move a motion that electors do have confidence in all Councillors so that they can continue to represent their constituents with the confidence of knowing that they enjoy our support to do so.
- Mayor Greg Milner:** So is that a statement or is that a motion that you're moving?
- Mr Matthew Pow:** Well it's a statement but it can be a motion.
- Mayor Greg Milner:** There hasn't been a motion of no confidence in anyone, so if you're happy with that as a statement that's probably easiest.
- At this point I am conscious that it is starting to get on in time, is there anyone who hasn't already sort of spent their time asking questions or making a public statement or moving a motion or whatever they would like to do so bearing in mind you know that some of the questions might have already been answered?
- The following questions were asked by an unknown person at the Electors' Special Meeting held 8 November 2022 as she did not provide her name or address.**
- Unknown:** I have a question maybe two, thank you Councillors for allowing me to ask the question. Can you tell me who is championing this project who is there that really wants it to happen that is leading it?
- Mayor Greg Milner:** I'm not sure how to answer that since all decisions are considered by Council on a case-by-case basis, what were you trying to elicit?
- Unknown:** What I'm trying to say is. A project officer, who is going to champion it, who is going to move it forward, who's going to give the rationale, who's going to make it happen?
- Mayor Greg Milner:** Mr Bradford do you want to have a crack at answering that?

**Mike Bradford (CEO):** We have got an arrangement inside the City with a number of people working on the project and I guess ultimately, I am the one that brings all of that together and presents it to Council.

**Mayor Greg Milner:** I might add that as far as Council goes, Council sets a Strategic Community Plan which lets the administration know these are the key outcomes that we'd like to see at the City of South Perth over the next 10-year period. That was universally endorsed by Council at the December 2021 Ordinary Council Meeting. The administration then presents if that's sort of the broad plans or the outcomes we want then the administration presents options to Council, presents items on the agenda for Council's consideration attempting to achieve those goals does that make sense?

**Unknown:** It does but the role of the project officer then is what?

**Mayor Greg Milner:** Mr Bradford?

**Mike Bradford (CEO):** Well to carry out the instructions of Council and to go through the appropriate processes to build the Business Case and what other work is required and bring it forward to Council for decision and then we diligently will implement Council decisions.

**Mayor Greg Milner:** Do you have any further questions or was that both of them?

**Unknown:** No more.

**Mayor Greg Milner:** Mr Mitchell I saw you had your hand up before if you'd like to state your name and your address and let us know if you're asking questions making a statement or moving a motion.

**The following statement and questions were read out by Mr Bob Mitchell of South Perth at the Electors' Special Meeting held 8 November 2022.**

**Mr Bob Mitchell:** I'd like to make a brief statement and ask two questions. My statement has been partially covered by other people in terms of respect shown for Councillors and all members of staff. I believe that even tonight is a really good example of the time and the effort and the consideration that's been put in by our South Perth City Council. I commend you, even though we've had our differences and I don't necessarily share all your views Mr Mayor but I think that you've actually handled it quite well. The only thing that I would not agree with was putting that first amended motion without any consideration, which to me did not really smack of democracy. So I'd just like to put on the record that I would hope that in the future you might consider or be able to at least have some views put contrary to a motion before you actually put it to a vote, so that's just a statement I don't need your response.

My question to Mr Bradford as the Chief Executive Officer, you have stated tonight that the \$20m that the Council has committed is still an in-principle amount. It is an in-principle commitment, it's not actually a line in the budget and I think your statement was Council will decide how to raise that money at a future date. So is it true to say that as at now the \$20m in principle commitment to this RAF project is an unfunded item?

**Mayor Greg Milner:** Mr Bradford did you need clarification on that question?

**Mike Bradford (CEO):** So it is a \$20m commitment. The Council has many choices on how to finance and fund that, we have funding and reserves, we could do borrowings etc. The Business Case is based on a worst case scenario, it includes that as a borrowing but when we actually present a project budget to Council, the financing of that \$20m commitment will be considered as part of that proposal and at that point the Council will consider the best option in terms of the availability to finance the \$20m commitment.

**Mayor Greg Milner:** Thank you, did you have another question Mr Mitchell?

**Mr Bob Mitchell:** Yes my second question relates to the good decision made last week in terms of putting this up for a consideration for stage one coming back in March 2023 with more meat on the bone. What I would like to ask is will that process allow the latitude of looking at least at two sites rather than just relating it to the Collier Park Golf Course because I honestly believe that by getting stage one which is the cherry-picked profitable side of the RAF project, you are in fact getting a foot in the door at Collier Park Golf Course without necessarily having a major reason later on to have that as your site?

**Mike Bradford (CEO):** Council has decided on the site, which is the Collier Park Golf Course. That was before my time at the City in 2019. I have read the documentation associated with the decision extensively. Council considered in-depth seventeen possible sites across the City and for various reasons not just Curtin University. Collier Park Golf Course was chosen as the preferred site. I believe that still stands, I'll point out also that the Commonwealth funding is tied to that site as well.

**Mr Bob Mitchell:** Is that a fact, the Commonwealth has tied their funding to that site?

**Mike Bradford (CEO):** We were required to identify the parcels of land where the project would be executed.

**Mr Bob Mitchell:** That is new information to a lot of people.

**Mayor Greg Milner:** Well we are glad you have got it now. Thank you very much for your questions. The gentleman in the blue shirt, I don't actually know your full name, you've got to state your name and your address that's the rules.

**The following statement was read out by unknown of South Perth at the Electors' Special Meeting held 8 November 2022.**

**Unknown:** Now first of all I want to congratulate all the people here they've done a fantastic job. I even know the CEO bloke looks like he's had a real hard day there, he looks like he's fallen asleep he's done a great job. What, it is true he's done the hard yards but Mr Milner I have full confidence in him as a Mayor and I came today with a different view, that the RAF project should proceed full steam and after listening to the people I actually backed the Council that they shouldn't be overspending money that they haven't got. Now to procure this, there is another meeting at the moment at the cricket ground. Exactly the same thing, they're going over money that they shouldn't be spending for exactly the same thing as a pool involved there as well.

So I highly recommend that people remember that the money you are spending is everyone's money, so I highly recommend that you keep going on the line of just being cautious. I actually congratulate you people about that now that I'm here and Mrs Choy. One thing I will say just from sitting back to listening there seems to be a bit of a lack of communication between the people here and the people there, so like for example the other day I am in these two people's constituents. I've got a letter in my letterbox to say come and have coffee with us but it was three hours before it was going to happen. So I think that they should, every Councillor maybe, have a little meeting with their constituents every month for two hours. Even Mr Bradford I've asked to be meeting him twice, I've got into the White House quicker than I got into meeting him. I still haven't met him actually so well my point is, I think that it would be great to have more open dialogue with people so that way the more communication you can give the people, that will discount the lack of concern from that end I would have thought.

**Mayor Greg Milner:**

Thank you very much for your statement. Mr Hodsdon you have asked questions and made a statement are you moving a motion? If you'd like to come to the microphone then please.

**The following motion was moved by Mr Kiely Hodsdon of Manning at the Electors' Special Meeting held 8 November 2022.**

Mr Kiely Hodsdon moved the following motion:

**DECISION**

**Moved:** Mr Kiely Hodsdon of Manning

**Seconded:** Mr Peter Scott of Como

That electors' do have confidence in the five Councillors, Blake D'Souza, André Brender-A-Brandis, Jennifer Nevard, Ken Manolas and Mary Choy.

**CARRIED 40/12.**

**Mayor Greg Milner:**

So that motion was carried 40 votes to 12. Thank you. Is there anyone else who wishes to ask questions, make a statement or move a motion. I saw an arm down the back there, if you would like to come to the microphone, I think it's Mr de Torres but if you would like to come to the microphone and state your name and your address and let us know if you're asking questions, making a statement or moving a motion.

The following motion was moved by Dr Paul de Tores of Manning at the Electors' Special Meeting held 8 November 2022.

Dr Paul de Tores moved the following motion:

**DECISION**

**Moved:** Dr Paul de Tores of Manning

**Seconded:** Ms Cecilia Brooke of South Perth

That in all future Electors' Special Meetings and Electors' General Meetings that when a motion is proposed, the voting electors have the opportunity to hear the arguments for and against the motion before voting.

**CARRIED 35/2.**

**Mayor Greg Milner:** So that motion was carried 35 votes to 2. Thank you Dr de Tores. Is there anyone else who wishes to ask question?

The gentleman in the front row there, if you could let us know your name, your address and whether you would like to ask a question make a statement or move a motion

The following statement was read out by Mr Mike Whitley of Waterford at the Electors' Special Meeting held 8 November 2022.

**Mr Mike Whitley:** Just making an observation about the Aquatic Centres in Victoria Park and also in Wharf Street in Cannington. They are both quite large pools of facility in and out of the building but they're covered therefore you could have 365 days of use of it. The City of Canning actually canned the pool which was outdoors along Manning Road some years ago and incorporated that at Wolf Street into a new Aquatic Centre that perhaps should be taken into consideration when you're doing the planning and the feasibility study of one two or three stages thank you.

**Mayor Greg Milner:** Thank you very much is there anyone else who wishes to speak? I can see Mr Watts at the back there, you have made a statement Mr Watts but you can ask questions or you can move another motion if you wish.

The following questions were asked by Mr George Watts of Karawara at the Electors' Special Meeting held 8 November 2022.

**Mr George Watts:** I've just got three questions that came up from tonight. First question I believe is probably Mike, now can you tell me what the motion on whenever it was in September to consider the petition, what the wording was in my mind is that the petition received from Mr George Watts of Yallambee Place Karawara together with 2016 verified signatures in relation to the Recreation Aquatic Facility RAF be forwarded to the relevant Director for consideration, is that the motion?

**Mike Bradford (CEO):** That was the officer recommendation yes.

**Mr George Watts:** So does that form the motion that gets voted on?

**Mike Bradford (CEO):** Yes. That was the officer recommendation that was voted on by Council.

- Mr George Watts:** I'd like to now through the Mayor ask someone that hasn't said anything tonight, Councillor Glenn Cridland if I could ask you a question.
- Mayor Greg Milner:** Address it to me and then I'll ask Councillor Cridland.
- Mr George Watts:** Councillor Cridland that motion, what part of that motion as a Councillor considering it, do you need to look at the wording of the petition. Is there reference there to where you have to look at the wording in the petition because there's been a lot of talk about it. Sorry there's been a lot of talk about the wording and it dawned on me that wasn't what the voting was about?
- Mayor Greg Milner:** I might ask Councillor Cridland if he would like to respond to that?
- Councillor Glenn Cridland:** I'm happy to respond to that. Firstly I would say I'm glad I was still awake. Secondly you have taken me by surprise. Thirdly I'll do what everyone else has done and I'll thank you for your question. There is absolutely no need to look at the wording of a petition all you're doing is forwarding it to the officer for the officer to look at it and then work out what goes in the report that goes back to Council. You're doing nothing more than the administrative step of just saying we've received it as a Council. So I never have looked at the wording, I never would, you would simply accept it and then send it to the officer to do what they always do, deal with the administrative stuff provide us with a report.
- Mr George Watts:** So to clarify nothing in that motion indicates that you need to be concerned or look at the wording?
- Councillor Glenn Cridland:** No why would you.
- Mr George Watts:** Third question and again it does involve all Councillors. Now the question I would like to ask is there was reference, actually sorry it doesn't include you Councillor D'Souza you've already answered the question. Councillor D'Souza referred to legal advice received 20 minutes prior to the meeting in September. My question to all Council members, did you receive the same advice and if so are you able to say where that advice came from?
- Mayor Greg Milner:** Councillors does anyone want to respond to that question? Councillor Cridland.
- Councillor Glenn Cridland:** I must have misheard. I am not aware of any legal advice I don't recall, no.
- Mr George Watts:** I can clarify what legal advice, I'm talking about?
- Mayor Greg Milner:** I'll have a stab myself. I don't recall receiving any legal advice on that question prior to the meeting, is it possible that you've slightly misunderstood Councillor D'Souza's answer to some previous questions?
- Mr George Watts:** I don't believe so, the answer that Councillor D'Souza gave was that he had received advice 20 minutes prior that raised concerns that the petition was defamatory and therefore shouldn't be accepted and he erred in that judgment. So my question to all Councillors and yourself Mayor Greg Milner is, was every or did all Councillors and yourself received that same advice?

- Mayor Greg Milner:** Well I certainly did not. Councillor D’Souza?
- Councillor Blake D’Souza:** I might just clarify for Mr Watts. I never said anything about getting legal advice. What I said in my explanation was I made a mistake in the way I interpreted the motion that was the substance of my explanation last week and that's what I've reiterated today. The mistake was mine alone in the way I interpreted the motion so that's the answer.
- Mr George Watts:** To clarify my question, I did exclude Councillor D’Souza.
- Mayor Greg Milner:** Mr Watts I have to fair to everyone, that is three questions.
- Mr George Watts:** I did exclude him from the question and the question was the advice to others.
- Mayor Greg Milner:** I have got to be fair to everyone I am sorry but thank you for your questions. Councillor Russell?
- Councillor Stephen Russell:** I would like to answer that question regarding your first question. Regarding the wording of the petition and the motion. What actually makes up the motion. So I saw the petition and the recommendation as being one, as being a motion and the motion was a formal motion, not a procedural motion but a formal motion. Formal motions have due regard in the Standing Orders which are separate to a procedural motion.
- Mayor Greg Milner:** Thank you Councillor Russell and thank you Mr Watts for your questions. Councillor Manolas?
- Councillor Ken Manolas:** Thank you for the question Mr Watts I can categorically say I did not receive a legal opinion myself just before the meeting on the 20 whenever the date was for the petition 27th of September I think.
- Mayor Greg Milner:** Thank you Councillor Manolas. Did anyone else want to respond to Mr Watts question about legal advice or not receiving legal advice?
- Councillor André Brender-A-Brandis:** Thank you Mr Watts. I could also confirm that I didn't receive any legal advice with regard to that matter.
- Mayor Greg Milner:** Anyone else? No. Thank you for your questions Mr Watts. Alright is there anyone else who wishes to ask any questions or make a statement. Mr Riachi I think you have moved a motion, made a statement and you asked questions. You have had your time Mr Riachi. I can't, I've got to be fair to everyone. Mr Richter you've asked questions but you can make a statement or move a motion if you would like.

**The following statement was read out by Zane Richter of Manning at the Electors’ Special Meeting held 8 November 2022.**

- Mr Zane Richter:** Good evening Mayor and Councillors. This will be a quick statement. I've just been processing some thoughts about developer contribution plans in the City of South Perth. I understand these to be...
- Mayor Greg Milner:** I might stop you there Mr Richter. Any statements or questions or motions have to relate to the purpose of the meeting which I outlined earlier. More than happy to have a chat with you later about developer contribution schemes but that's not on the table for tonight.
- Mr Zane Richter:** In the DCP it relates to funding for recreational community facilities.

**Mayor Greg Milner:**

Not the RAF it doesn't. Anyone else? Someone else wish to make any questions, make a statement or moving motions. Mr Riachi you have done all three. No Mr Riachi, you've had your time but you're more than welcome to engage with any of us afterwards if you would like. Is there anyone else? No.

**Mayor Greg Milner:**

Before I close this meeting, I would like to advise that any decisions made at the electors' meeting are to be considered by Council in accordance with section 5.33 of the *Local Government Act 1995*. At this point in time it's anticipated that the minutes from this meeting will be considered at the Council meeting to be held on Tuesday the 22 November 2022.

## **6. CLOSURE**

The Presiding Member thanked everyone for their attendance and closed the meeting at 9.08pm.