

COUNCIL MINUTES

Unconfirmed Minutes Electors' Special Meeting

6:00pm, 16 March, 2022

Council Chamber, Civic Centre 23 Dundobar Road,
Wanneroo

wanneroo.wa.gov.au

INFORMATION AND PROCEDURE ON HOW THE ELECTORS' SPECIAL MEETING WILL BE CONDUCTED

Welcome to the City of Wanneroo Electors' Special Meeting.

Regulation 18 of the *Local Government (Administration) Regulations 1996* states that the procedure to be followed at a general or special meeting of electors is to be determined by the Person Presiding at the meeting.

In accordance with clause 5.30 of the *Local Government Act 1995* (the **Act**),

- the Mayor is to preside at electors' meetings, or
- in the absence of the Mayor, the Deputy Mayor may preside at an electors' meeting; or
- in the absence of the Deputy Mayor, then the electors present are to choose one of the Councillors present to preside at the meeting but if there is no Councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

The Person Presiding, Mayor Tracey Roberts JP, has determined the procedure to be followed (HPE 22/92725).

PROCEDURE FOR THE ELECTORS' SPECIAL MEETING 16 MARCH 2022

Part 1 - Attendance at an Electors' Meeting

1. All attendees must:
 - a. register their attendance including name and address, on the attendance register provided by City of Wanneroo staff. The attendance register is for internal record purposes only and will not be published or distributed; and
 - b. remain seated at all times during the meeting, unless invited by the Presiding Person to address the meeting at the lectern;
 - c. not cause any disturbance or disrupt the meeting proceedings in any way; and
 - d. comply with this Procedure and the direction of the Presiding Person at all times.
2. In accordance with the State Government Health Directives attendees are required to:
 - a. wear a mask at all times, even whilst speaking, for people aged 8 years and over unless evidence of a valid medical exemption is provided; and
 - b. maintain social distancing of 2sqm;
 - c. register attendance using the SafeWA app or the manual contact register available.
3. Attendees who are verified electors of the City of Wanneroo will be provided first priority to access the Council Chamber and overflow areas (if required), subject to seating capacity.
4. Attendees who are not verified electors of the City of Wanneroo will be required to remain in the designated overflow areas (as determined by City staff), unless, at the commencement of the meeting, there is sufficient capacity within the Council Chamber for those attendees to enter the Council Chamber. Should there be sufficient capacity, then staff will direct attendees to the Chamber.
5. Attendees who do not adhere to the Procedure, may be requested by the Presiding Person to leave the meeting and/or the building, and that person (or persons) are required to comply with the direction of the Presiding Person.

Part 2 – Participants at an Electors’ Meeting (ref. Act clauses 5.26)

6. All participants at an Electors’ Meeting must be verified electors of the City of Wanneroo.
7. A verified elector is:
 - a. an elector whose name and address is recorded on the –
 - i. City of Wanneroo district electoral roll from the last ordinary Council election held; or
 - ii. City of Wanneroo Owner and Occupier electoral roll from the last ordinary Council election held; or
 - iii. Western Australian Electoral Commission or Australian Electoral Commission website at ‘check your enrolment eligibility’ and which confirms electoral eligibility for the district of Wanneroo; or
 - b. a confirmed ratepayer of the City of Wanneroo.
8. All attendees who wish to participate as a verified elector must be registered by the City staff as a verified elector. Proof of identity or other evidence may be requested.
9. All verified electors will be provided a ‘Voting Card’. Upon request, the ‘Voting Card’ must be shown to evidence a person is a verified elector.
10. For clarity, a person who is not a verified elector may not participate in an Electors’ Meeting.

Part 3 - Recording and Live Broadcast of an Electors’ Meeting

11. The proceedings will be audio recorded only, for the purpose of production of the minutes and speakers are requested to use the microphones each time they speak.
12. The Electors’ Meeting will be audio broadcast live online. To access a live stream of the proceedings please click below. The live stream will commence at the scheduled time and date of the Electors’ Meeting.

[Live stream audio of Council Proceedings](#)

13. No other audio or visual recording is to be undertaken without the permission of the Presiding Person.

Part 4 – Order of Proceedings

14. The order of proceedings will firstly be reference to these procedures by the Presiding Person followed by Attendances, Apologies and Leave of Absence, and then General Business.
15. During General Business, Motions and Statements may only relate to matters that affect the local government and will be accepted at the discretion of the Presiding Person.

Part 5 - Putting a Motion to an Electors’ Meeting

16. **Proposed motions to the meeting are required to be submitted using the City’s online form by 12 noon on the day of the meeting.** The online form is available by navigating to the “Electors Meeting” section on the City’s website at [Meeting dates, agendas and minutes - Council meeting dates, agendas and minutes - City of Wanneroo](#)
17. “Motions from the Floor” will only be accepted at the discretion of the Person Presiding.
18. Motions will be presented to the meeting in the order they have been received by the City. To clarify, motions received in writing prior to the meeting will be presented first in the order of receipt.
19. Motions received that are considered by the Presiding Person to have the same substance, intent or purpose, will collectively be considered as one Motion to avoid repetition and to ensure that the meeting progresses effectively. In such cases, only the first Motion received will be presented to the meeting.
20. The Presiding Person will request a mover and a seconder for a motion. To clarify, proposed motions must be moved and seconded by a verified elector present at the meeting before the motion can be discussed or voted on at the meeting.
21. Motions from electors will be read aloud by the Person Presiding and displayed on the public screen in the Council Chamber, to ensure that everyone is clear about what they are voting on.
22. No motion or amendment is open to debate or vote until it has been moved and seconded by a verified elector present at the meeting.

23. Only one amendment on any one motion shall be received at a time and such amendment shall be disposed of before any further amendment can be received; but any number of amendments may be proposed.
24. Upon a motion being moved and seconded, the Presiding Person will then call for speakers to address the meeting.

Part 6 – Speakers at an Electors’ Meeting

25. **Only verified electors may address an Electors’ Meeting.**
26. When speaking at the meeting, a speaker must:
 - a. rise and move to the lectern unless unable to do so by reason of sickness or disability;
 - b. use the microphone provided and wear a mask at all times, even whilst speaking;
 - c. state his or her name and address for recording in the minutes;
 - d. address the meeting through the Presiding Person;
 - e. limit statements to fact, not opinion or supposition
 - f. not reflect adversely on Council Members or City employees;
 - g. refrain from making repetitive comments on matters that have already been discussed, to ensure the meeting can progress effectively.
27. A speaker will have a maximum of three minutes to make their statement or to ask a question(s) to clarify any matters related to the motion under discussion.
28. The mover of a motion will be invited to speak first, and the seconder will be provided the opportunity to speak next. The Presiding Person will then call for other verified electors who wish to speak.
29. The mover of a motion (but not the mover of an amendment) has the right of reply, and this closes the debate. All other speakers may speak once on a motion or an amendment.
30. The right of reply is limited to a maximum of three minutes.
31. A verified elector may rise and move without discussion, “That the motion be now put”, which, on being duly seconded and carried by a simple majority, will result in submission of the motion at once to the meeting.
32. The Presiding Person will manage the time allocated for speakers to ensure that all verified electors are given a fair and equal opportunity to speak.
33. If the Presiding Person determines that sufficient and fair debate has occurred on a motion or amendment then the Presiding Person, after inviting the mover to exercise the right of reply (but not the mover of an amendment), will put that motion to the vote.

Part 7 - Voting at an Electors’ Meeting (ref. Regulation 17)

34. The Presiding Person will ask for a vote on the motion.
35. Each verified elector is entitled to one vote on each matter to be decided at the meeting. An elector does not have to vote.
36. Voting is determined by raising the Voting Card either for or against a motion, at the time the Presiding Member calls for the vote.
37. Voting at a general or special meeting of electors is to be conducted so that no voter’s vote is secret.
38. All decisions at a general or special meeting of electors are to be made by a simple majority of votes.

Part 8 - Minutes and Decisions of an Electors’ Meeting (ref. Act clauses 5.32 and 5.33)

39. The Presiding Person is to determine questions of order and procedure not stated above.
40. Minutes of this meeting will be available for inspection for members of the public as soon as practicable after the meeting and before the Council meeting at which decisions made at the Electors’ Meeting are considered.
41. All decisions made at an Electors’ Meeting are to be considered at the next Ordinary Council meeting.
42. The decisions of an Electors’ Meeting are not binding on the Council, but as required by clause 5.33 of the *Local Government Act 1995*, the reasons for any Council decision on a decision at an Electors’ meeting are to be recorded in the minutes of the Council meeting.



UNCONFIRMED MINUTES OF ELECTORS' SPECIAL MEETING

HELD ON WEDNESDAY 16 MARCH, 2022

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MINUTES

Item 1 Open Meeting

Mayor Roberts declared the meeting open at 6:00pm.

Good evening Councillors, staff, ladies and gentlemen, we wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk people. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land and we acknowledge and respect their continuing culture and the contributions made to the life of this city and this region and I invite you to bow your head in prayer:

The following announcements were made at the commencement of the Meeting:

Live Stream Announcement

Please note that the audio proceedings of tonight's meeting will be live broadcast online with the exception of matters discussed behind closed doors. That broadcast will remain available via the City of Wanneroo website following the conclusion of the meeting.

COVID-19 Pandemic Situation

The City of Wanneroo is committed to ensuring the safety of all attendees at public meetings. In accordance with the Western Australian State Government health directives, social distancing has been applied to this meeting room and the capacity of the Chamber is limited under these conditions. In addition, masks are required to be worn at all public indoor settings and therefore, all attendees at this meeting are required to please wear a mask at all times within this building, even whilst talking, unless evidence of a medical exemption has been provided. Thank you for your understanding of these conditions.

Procedure for Tonight's Meeting

The procedure for tonight's meeting has been published in the Agenda for the meeting and copies provided to all attendees.

Item 2 Attendance and Apologies

TRACEY ROBERTS, JP

Mayor

Councillors:

LINDA AITKEN, JP

North-East Ward

GLYNIS PARKER

North-East Ward

JACQUELINE HUNTLEY

Central-East Ward

PAUL MILES

Central-East Ward

HELEN BERRY

Central-West Ward

NATALIE SANGALLI

Central-West Ward

FRANK CVITAN, JP

Central Ward

JORDAN WRIGHT

Central Ward

NATALIE HERRIDGE

South-West Ward

VINH NGUYEN

South-West Ward

JAMES ROWE

South Ward

BRETT TREBY

South Ward

Officers:

DANIEL SIMMS	Chief Executive Officer
NOELENE JENNINGS	Director, Corporate Strategy and Performance
NATASHA SMART	Manager Council and Corporate Support
YVETTE HEATH	Council Support Officer
MADONNA ILIFFE	Council Support Officer
BASIA LAMB	Minute Officer

Registered Attendees:

There were 105 members of the public and 1 member of the press in attendance. Verified electors who had registered their attendance were provided with a Voting Card in accordance with the Procedure of the Meeting. There were 88 registered verified electors at the meeting.

Due to the maximum capacity of the Council Chamber being reached, the Banksia Rooms were used as an overflow area for additional attendees. In total, there were 59 people located in the Council Chamber, and 69 people located in the Banksia Rooms. The Banksia Rooms were electronically linked to the Council Chamber to ensure that all verified electors could listen to the proceedings and have an opportunity to participate in the meeting.

Apologies:

CHRIS BAKER	North Ward
SONET COETZEE	North Ward

Item 3 Purpose of the Meeting**3.1 Petition Request for a Electors' Special Meeting**

File Ref:	5643 – 22/88928
Responsible Officer:	Director, Corporate Strategy & Performance
Attachments:	Nil

Issue

A Petition requesting an Electors' Special Meeting was received on Monday, 14 February 2022 and fulfilled the criteria for consideration under section 5.28 of the *Local Government Act 1995 (Act)*.

Background

In accordance with section 5.28 of the Act, the electors of the City of Wanneroo may request that an Electors' Special Meeting be convened to consider a specific pre-determined matter. The City is required to accept the request if support for the request comprises of 100 electors or 5% of the total number of electors in the district, whichever is the lesser.

The Petition is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations. An Electors' Special Meeting is to be held on a day selected by the Mayor but not more than 35 days after the day on which they received the request. The CEO is to convene the Electors' Special Meeting.

Detail

On Monday, 14 February 2022, a Petition was received by Mr Ian Stover of Carramar, requesting that an Electors' Special Meeting be held to discuss the following matters:

1. The effect of mandatory vaccination on electors, ratepayers, residents and businesses in the district;
2. The effect of mandatory vaccinations on the local government's affairs and the performance of the local government's functions; and
3. Motions to be voted on for an advocacy position against mandatory vaccination for the Council to consider adopting to provide leadership and guidance to the community in the district.

The City of Wanneroo verified the signatories and confirmed that the Petition contained support of the required 100 electors.

The CEO convened the Electors' Special Meeting by giving local public notice of the date, time, place and purpose of the meeting. Notice of the meeting was given on Wednesday 02 March 2022 in accordance with the Act.

Comment

Nil

Statutory Compliance

Local Government Act 1955 – Part 5 – Administration. Division 2 – Council meetings, committees and their meetings and electors' meetings. Subdivision 4 — Electors' meetings.

Strategic Implications

The proposal aligns with the following objective within the Strategic Community Plan 2021 – 2031:

7 ~ A well governed and managed City that makes informed decisions, provides strong community leadership and valued customer focused services

7.1 - Clear direction and decision making

Action

The Person Presiding will conduct the management of the Electors' Special Meeting.

Attachments: Nil

Item 4 General Business

The following announcement was made at the commencement of General Business:

During General Business, Motions and Statements may only relate to matters that affect the local government and will be accepted at the discretion of the Presiding Person.

Proposed motions to the meeting were required to be submitted using the City's online form by 12 noon on the day of the meeting.

The City received eight proposed Motions by this timeframe.

Due to the attendees being located in various locations in the building, the proposed motions received prior to the meeting have been printed and distributed to all attendees for their convenience.

As per the procedure for this meeting, the key clauses of the Procedure relating to Motions, Speakers and Voting were read aloud for the benefit of all attendees.

Summary of Proposed Motions Received

Eight submissions of proposed motions were received in writing prior to the meeting from the following electors:

	Submitter	Brief Summary of Proposed Motion	Admin Ref.
1	O Ruston	Subsidising rates due to lack of equal access caused by vaccine passport requirements.	22/97717
2	T Dalby	Part 1 of the COVID-19 Vaccination Pro Choice Statement.	22/98488
3	I Stroker	Part 2 of the COVID-19 Vaccination Pro Choice Statement.	22/97739
4	I Stroker	Part 3 of the COVID-19 Vaccination Pro Choice Statement.	22/97751
5	T Kittelty	Part 4 of the COVID-19 Vaccination Pro Choice Statement.	22/97760
6	M Kwok	Call for related Ministers to provide scientific evidence to justify the current State of Emergency.	22/98878
7	M Kwok	Call for revocation of the current State of Emergency by the Minister for Health.	22/99025
8	I Stroker	Enactment of the Wanneroo Emergency Committee.	22/99246

All proposed motions were displayed on the public screen in the Council Chamber and were distributed in printed copy to all attendees, to ensure that everyone present was clear about what they were voting on.

The Presiding Person requested a mover and a seconder from an elector present at the meeting, for each motion that was put to the meeting prior to discussion on the Motion.

4.1 Proposed Motion submitted by Mrs O Ruston, WANNEROO

Moved O Ruston, Seconded Ian Strover

That Council plan for retrospectively and into the future subsidising rate payers and ensuring equality for businesses or residents that do not have equal access to City of Wanneroo events or facilities or income due to medical segregation.

CARRIED

**Votes For The Motion: 68
Votes Against The Motion: 0**

4.2 Proposed Motion submitted by Mr Trevor Dalby, CLARKSON

Moved Trevor Dalby, Seconded Darren Ball

‘COVID-19 Vaccination Pro Choice Statement Part 1’

We request that the Council adopt an advocacy position statement called the ‘COVID-19 Vaccination Pro Choice Statement’ with the content:

That no person shall or should be:

- a) prevented from performing work or receiving income on the basis of vaccination status;**
- b) discriminated against on the basis of vaccination status;**
- c) coerced or manipulated into the need for vaccination for any reason;**
- d) deprived of any Statutory and Regulatory benefits on the basis of vaccination status;**
- e) restricted access to premises on the basis of vaccination status;**
- f) restricted in any form of community participation on the basis of vaccination status;**
- g) required to provide evidence for any reason of vaccination status; and/or,**
- h) subject to anything under written law that a person who differs in vaccination status is not.**

CARRIED

**Votes For The Motion: 84
Votes Against The Motion: 0**

4.3 Proposed Motion submitted by Mr Ian Strover, MERRIWA

Moved Ian Strover, Seconded Trevor Dalby

‘COVID-19 Vaccination Pro Choice Statement Part 2’

We request that the Council adopt an advocacy position statement called the ‘COVID-19 Vaccination Pro Choice Statement’ with the content:

Part 2. That the Local Government shall:

- a) Not restrict any function, property, or service of the Local Government based on vaccination status;**
- b) As far as practicable redeploy or reinstate employees of the Local Government that risk termination or have been terminated on the basis of vaccination status;**
- c) Honour all obligations under contract for all persons adversely impacted as a consequence of inferred mandatory requirement for vaccination; and**
- d) Establish means to compensate Local Government employees that have lost income as a consequence of termination on the basis of vaccination status.**

CARRIED

**Votes For The Motion: 82
Votes Against The Motion: 0**

4.4 Proposed Motion submitted by Mr Ian Strover, MERRIWA

Moved Ian Strover, Seconded Gurpreet Chodha

‘COVID-19 Vaccination Pro Choice Statement Part 3’

We request that the Council adopt an advocacy position statement called the ‘COVID-19 Vaccination Pro Choice Statement’ with the content:

Part 3. That the Local Government actively advocate for:

- a) The removal the COVID-19 mandatory vaccination policy and any associated directions made under the *Public Health Act 2016 (WA)*; and**
- b) The repeal of any mandate or written law, or, anything done under any mandate or written law that conflicts with this position statement.**

CARRIED

**Votes For The Motion: 80
Votes Against The Motion: 0**

4.5 Proposed Motion submitted by Mrs Tracy Kittelty, CLARKSON

Moved Tracey Kittelty, Seconded Amy Reynolds

‘COVID-19 Vaccination Pro Choice Statement Part 4’

We request that the Council adopt an advocacy position statement called the ‘COVID-19 Vaccination Pro Choice Statement’ with the content:

Part 4. The Local Government in performing an advocacy role will seek the cooperation of:

- a) Other Local Governments across the State;
- b) Western Australian Local Government Association (WALGA);
- c) Local Government Professionals WA; and,
- d) Other professional bodies, associations, and business entities.

CARRIED

Votes For The Motion: 76
Votes Against The Motion: 0

4.6 Proposed Motion submitted by Mrs Michele Kwok, OCEAN REEF

Moved Michele Kwok, Seconded Darren Ball

That Council respectfully requests the Minister for Emergency Services, the Minister for Health, the Minister for Police, the Police Commissioner, the Chief Health officer and Premier to provide the adequate scientific, medical and legal evidence for the justification for our state of emergency as this is the legal basis of the mandatory vaccination policy.

CARRIED

Votes For The Motion: 77
Votes Against The Motion: 0

4.7 Proposed Motion submitted by Mrs Michele Kwok, OCEAN REEF

Moved Michele Kwok, Seconded Darren Ball

That Council respectfully requests the Minister for Health to revoke the public health state of emergency declaration as outlined in *Public Health Act 2016* section 171 as this is the legal basis of the mandatory vaccination policy.

CARRIED

Votes For The Motion: 78
Votes Against The Motion: 0

4.8 Proposed Motion submitted by Mr Ian Strover, MERRIWA

Moved Ian Strover, Seconded Darren Ball

That the City put into place the Wanneroo Emergency Committee as bound by the *Emergency Management Act*, in liaison with local business, the State Government and Local Government.

CARRIED

**Votes For The Motion: 78
Votes Against The Motion: 0**

Item 5 Close of Business

There being no further business, the Mayor closed the meeting at 9:00pm.