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## Friends and foes bound by same rules

By LLOYD GORMAN

A 20-minute blizzard of "disclosures of interest" involving every councillor present kicked off Subiaco's final council meeting of 2020.

Friendships, associations and even animosity were cited as reasons given for the unprecedented 22 declarations made by councillors at the December 15 meeting.

Starting with councillor Lyn Jennings, nine councillors said they had an impartiality interest in a development application report for 25 Rowland Street, designed by the Subiaco firm Klopper and Davis Architects, of which sitting councillor Matt Davis is a partner.

Mr Davis declared a financial interest in that matter and an impartiality interest in two applicants recommended for a

heritage grant for their homes. "I share a strong friendship with Jim and Kristen Carter at 14 Campbell Street, Subiaco and I served on council and have a relationship of enmity with Ms [Julie] Matheson at 139 Coghlan Road, Subiaco," Mr Davis said. "A fair-minded observer may infer an apprehension of bias with respect to my decision-making on this matter and therefore I will not participate

in debate or voting on this item." Councillor Jodi Mansfield, who declared a basketball hoop at the rear of her house for another item about play equipment on verges, also had an impartiality interest and would not debate or vote on it.

"I lodged a complaint against former councillor Matheson which continues to receive ongoing media attention," Ms Mansfield said.

"It may be reasonably inferred that I have an apprehended bias in relation to this matter, therefore I will not participate in debate or voting of this item."

Councillor Derek Nash, who disclosed an interest because his wife was a member of a community reference group set up to help draft local planning policies, was even more outspoken.

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## Creative kids tackle bullying



Upstanders not bystanders ... These Year 6 Rosalie Primary students said they gained confidence about how to tackle bullying from the new program developed by Elena Limnios and Adam Przytula. Photo: Paul McGovern

Rosalie Primary School Year 6 students are better equipped to deal with bullying after finishing in good shape for high school next year.

Two teams of four Leavers each took out first and third place in a creative competition about how to recognise and tackle bullying, as part of a new educational program called SEL Classrooms.

Shenton Park academic Elena Limnios, who teamed up with Adam Przytula from consultants Armed for Life to develop it, said the children made two outstanding videos, "It's okay to be different" and "Be an upstander, not a bystander".

The students said they enjoyed making the videos and felt a lot more comfortable about dealing with the issue.

Ms Limnios said the 20-hour program was the first of its kind and combined different learning methods into a streamlined system designed to make it easier for students and teachers.

"Although there are hundreds of resources on bullying available online for educators, there is no consistent teaching program or approach across or even sometimes within schools," she said.

"And they depend on teachers who are time-poor." Adam, who set up Armed

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## Secrets out in Cambridge

By BEN DICKINSON

Cambridge councillors have lifted the lid on a trove of previously secret documents in a bid to discredit the findings of a State Government inquiry.

The emails, letters and reports date back to 2018, when Local Government Minister David Templeman announced a probe into the council after the sacking of CEO Jason Buckley.

Among them is a November 2019 letter from department director general Duncan Ord



Keri Shannon



David Templeman

the department would be satisfied the town is governing and operating towards the best interests of the community and will withdraw the authorised inquiry," Mr Ord wrote.

Councillors refused to conduct a governance review and the inquiry continued for another year.

It produced a 40-page report that made findings of governance and cultural problems, including inappropriate interference in staff affairs by councillors, poor

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offering to withdraw the inquiry if the council agreed to pay for its own governance review. "With accountability and transparency ongoing and a governance review to support the changes made by the town,



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# Secrets out in Cambridge

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procurement practices, and a "toxic" work environment characterised by fear and intimidation.

Six councillors wrote a 51-page response to the inquiry's draft findings, which is one of the documents now made public.

The response was considered by department investigators before they published their final report.

Councillor Gary Mack declined to put his name to the response, while mayor Keri Shannon and CEO John Giorgi wrote their own responses.

The six councillors slammed investigators for ignoring a raft of governance problems that led to Mr Buckley's sacking, including the 2018 discovery that hundreds of houses had been built too close to streets because of a poorly-drafted setbacks policy.

"None of these matters are acknowledged or even mentioned in the draft report," the councillors wrote.

"They clearly fall within the scope of the authorised inquiry and were plainly a motivator

for it." Much of the inquiry report rests on the allegation that councillors overstepped their authority by using a Local Government Act regulation to authorise mayor Keri Shannon to hire lawyers without going through council staff.

In the most notable case, Ms Shannon hired law firm Hall & Wilcox to investigate governance failures that ultimately led to the sacking or resignation of several senior executives, including Mr Buckley.

The councillors have released the legal advice they sought prior to the appointments that backed their interpretation of Regulation 9.

In an email to Ms Shannon, project officer Andrew Borrett from the Department of Local Government, Sport and Cultural Industries (DLGSC) wrote that the council "could ... authorise an elected member to obtain such advice" but cautioned that it indicated "a concerning level of dysfunction".

"It is of concern that council,

or certain elected members of the council, believes it/they cannot trust the CEO/admistration to obtain legal advice on which the council can rely," Mr Borrett wrote.

Another DLGSC officer, Stuart Fraser, wrote in an email to councillor Kate McKerracher: "There is no particular provision in the Local Government Act that states an elected member cannot be given delegated authority to exercise the powers and duties of a council."

Lawyer Glen McLeod confirmed that interpretation in advice privately commissioned by Ms McKerracher and councillor Ian Everrett.

"The resolution [to appoint Hall & Wilcox] was a valid authorisation and therefore consistent with the power granted under Regulation 9," he wrote.

In their response, councillors wrote that Mr Buckley originally appointed "Firm A" to investigate the setbacks problem despite the firm's previous involvement in drafting the policy that was under scrutiny.



Jason Buckley



Kate McKerracher

"They may therefore have a conflict of interest," councillors wrote.

"The advice did not deal with the issue of potential liability of the town or the status of previous development approvals, a critical issue."

The councillors wrote that Mr Buckley had been "extremely forcing and uncooperative", forcing them to commission an independent investigation.

In response to a finding that staff were subject to "undue pressure and fear of consequences" councillors cited statistics that showed employee turnover had settled to a below-average 15.1% last financial year after spiking to 27.9% the year

prior, when a widespread restructuring followed Mr Buckley's sacking.

The councillors conceded a finding that councillor Rod Bradley had asked Mr Giorgi how to "get rid of" two planning officers after a controversial development assessment panel meeting, but wrote that they believed the comment was "in jest".

Last week, councillors met behind closed doors to decide how to respond to a directive to inform Mr Templeman of what they propose to do to implement the inquiry report's recommendations, which include an independent governance review.

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## Friends and foes bound by same rules

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"I was previously on council with one of the applicants [Ms Matheson] and a reasonable observer might interpret her behaviour during that time and up until the present day, and my disdain of that behaviour, as possibly leading to an apprehension of bias in my decision-making on this matter," he said.

Councillor Blake Phelan, who disclosed he lived at the same address as Ms Matheson, said this was an "adverse reflection" and asked him to retract it. "Disclosures of interest are not intended as an opportunity for councillors to criticise applicants or former councillors," Mr Phelan said.

Councillor Stephanie Stroud, acting as presiding member because mayor Penny Taylor was an apology, asked Mr Nash if he would withdraw the offending remark.

Mr Nash said he did not believe he had made an adverse reflection.

"It's simply pointing out that I am at variance with the behaviour, so I don't know where the adverse reflection lies," he said.

Mr Phelan responded that Ms

Matheson had been "vindicated twice" by the State Administrative Tribunal for "her correct and justified behaviour in respect of the paranoid behaviour [at the council]".

Councillor Angela Hamersley, a lawyer, said she had an impartiality interest in the heritage grant for Ms Matheson.

"I know and have provided assistance to [Ms Matheson] in relation to her SAT appeal that resulted in the judgment 2020 [WA SAT] 26," she said.

"I have not provided any assistance to Ms Matheson or ever discussed her heritage grant application with her or any member of the staff of the administration."

Earlier this year the SAT upheld an appeal by Ms Matheson against the Local Government Standards Panel, based on the complaint lodged by Ms Mansfield (*Subi paranoia 'self-inflicted'*, POST, March 7, 2020).

Ms Hamersley also put her ownership of a house in Catherine Street on the record as a proximity interest for the item about the Seddon Street local development plan.

Councillor David McMullen de-

clared an impartiality interest in the Matheson matter but described it as "negligible to non-existent".

"But I served on council at the same time as Julie Matheson between 2017 and 2019," he said.

Ms Stroud said she had had a "professional relationship" with Ms Matheson as a fellow councillor between 2011 and 2019.

After all the declarations had been made the presiding member reminded councillors of their obligations.

"Before I proceed with this I note two councillors - maybe there are more - who plan to step out of council and vote on a declaration of impartiality," Ms Stroud said.

"I'd like to remind councillors that under the Local Government Act your duty is to stay in council and vote."

When the heritage grants came up for debate, three councillors left the room.

"Councillor Phelan left the room on a proximity interest, councillors Mansfield and Davis have chosen to leave the room," Ms Stroud said from the chair.

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## Stick or flick decision on mayoral vote

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familiar with the Local Government Act to not be interrupted three times with valid points of order in a single meeting - as happened in these chambers last month," she added.

She said that at the November meeting Ms Taylor had incorrectly paraphrased the intent of the petition and made two adverse reflections against members of the community in a prepared speech (*Taylor scores own goal in minutes hat-trick*, POST, December 5).

She contested a press release on the Subiaco website that said the process could cost between \$30,000 and \$40,000.

She said: "[This] begs two questions: How much have we already paid for the recruitment, retirement and bonuses following the coincidental resignations

of two CEOs, and can we ratepayers afford to lose a third?"

A staff report said the city was required to go ahead with the consultation because the petition request had collected enough names to initiate the consultation process.

"A report will then be presented to the council after this six-week period when a decision to proceed or not with the proposal needs to be made after considering the submissions made by the community," the report said.

A majority vote of councillors would be needed to make a decision.

"If Council decides to proceed with the proposal, the City will then need to conduct a poll of the electors of the district on the proposal, which will be conducted by the WA Electoral Commission," it said.

Friday July 23 was cited by staff as the most likely date for the ballot.

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## Kids tackle bullying

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for Life because of his personal experience of bullying in school, said the problem was prevalent in schools but ways to tackle it were not.

"If there's anxiety or depression or stuff happening at home and bullying is rife, it causes so much pain and it means you can't focus at school and that hurts you, that's my experience," he said.

"Even when I go into a school that says there's no problem with bullying, at the end of the session about half of the questions are always about bullying."

A survey of the schools that took part in a trial of the scheme found that 98.08% of students said they learnt new skills about countering bullying and 100% found it to be a good educational experience overall.

The program creators hope the results will encourage more schools to try it out.

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