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## Council chamber hostilities

**Overuse of matters of confidentiality brought insurgence to the chamber at East Gippsland Shire Council's far-from-ordinary meeting on Tuesday night.**

Such was the ruckus, disrespect and snubbing of due process shown by some members of a packed gallery, it has prompted mayor, Cr Joe Rettino, to call for a review of protocols to ensure such behaviour is not repeated, and for respect to be shown.

The tone was set early when local resident, Morris Borgelt, walked through the cordoned off area and past councillors to hand in two public questions after the deadline. The questions were accepted, however the "vexatious" content

of the second letter meant it wasn't read out.

Soon after, former councillor, Linette Treasure, inappropriately took a seat around the council table to address an issue, and refused to leave. There were also outbursts from the unusually large gallery.

The mayor's microphone, which has the ability to override all other microphones, was also not working (a problem that occurred the week prior at the mayoral election).

Ms Treasure, who resigned as a councillor earlier this year, was attempting to speak on a councillor notice of motion tabled by Cr Ben Buckley about council matters dealt with 'in confidence'.

Ms Treasure took her seat at the table ready to discuss the matter and refused to leave the table when advised by director corporate, Maryanne Bennett, "this item on the agenda is slated to be considered by council in camera. That decision has been taken by the CEO (Gary Gaffney) having regard to advice we sourced from a number of directions having regard to the confidential matter that is the subject of this notice of motion".

"Council will have the opportunity to make the call on the CEO's position immediately prior to the council going into in camera," Ms Bennett said.

"However, in the interim and in the interest

of good governance it is strongly recommended that this matter is not considered in open council."

"Do I get a chance to reply to that?" Ms Treasure asked.

A direct and accurate response of 'No' was reacted to by Cr Buckley, who claimed that it was his decision to make, which also received a negative response.

Then, members of the gallery, many there to support Cr Buckley's motion, started throwing questions and demands at the council.

"He gets to speak to the motion, surely?!" came the calls, "It's listed on the agenda."

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# Mayor's community action group concerns

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Ms Treasure challenged the moving of the matter to 'in camera' and the refusal to allow her to speak, quoting her right as per local law and barrelled her way into the one-sided conversation regardless.

Even as she began her speech, calls came from councillors to move that the matter be adjourned, which Cr Marianne Pelz did.

Again, calls from the gallery came: "If it's listed on the agenda you can speak to it".

"I'm only talking about the matter on the agenda, not the body of what you want to talk about in confidence," Ms Treasure said.

Cr Buckley called a point of order.

"My motion has been misplaced, so I read it now," he said.

"That the declarations of confidentiality decreed by the CEO on December 17, 2015, February 16, 2016, and May 10, 2016, be deemed 'no longer confidential'.

"Would you please call for a seconder, Mr Mayor?"

All was quiet at this point.

"I'm not sure where we're going with this. If this is appropriate protocol or process, then I'm happy to second," Cr Dick Ellis said.

"Because the matter should be moved into camera, but I'm at a loss, because I think Ms Treasure is right in relation to the fact that she can speak. I may be wrong, I'm looking for guidance here."

Ms Treasure referred to her experience across 45 years and as a councillor of two terms in that time.

"I've studied the *Local Government Act* very, very closely," she said.

"I believe you are breaching your own local laws and I advise you just to move very quietly through this, put up with me, don't break your own laws and then go into confidence to discuss the body of the matter," she said.

"I wish to draw council's attention to serious breaches of local government procedure," she continued.

"The local law states that a notice of motion cannot be considered unless it has been listed on the agenda for which it is proposed to be moved.

"Any notice of motion must comprise the subject, the motion proposed and the supporting rationale.

"Provided the notice of motion is lodged within five working days, the only grounds for rejection is if it is too vague.

"Cr Buckley's motion was lodged in time and was clearly expressed, you heard him read it out, and I will go further and read his rationale.

"Last year the Ombudsman released findings from a nine-month investigation of Victorian councils where a disturbing trend of over-use of 'in confidence' was revealed, often used to conceal inappropriate behaviour.

"Section 89 of the *Local Government Act* sets out clear democratic intent in its heading, 'Meetings to be open to the public'. This was once the norm but has now been degraded by blanket deeming of 'in confidence' by a CEO for most discussions.

"Councillors would be aware that while a CEO may designate 'in confidence', a council has the power to lift this.

"The culture of closed deliberations now covering most council business needs to change and I request, this is Ben's rationale, your support to lift the confidentiality for the Councillor Project 2015.

In effect such a move would have let Cr Buckley off the hook for his alleged midemeanors.

Ms Treasure was not interrupted during her reading of Cr Buckley's rationale.

"The serious breach of process before tonight's meeting is that Cr Buckley's motion was tampered with and entirely altered and his rationale omitted on the agenda – thus making it unclear and therefore invalid," she said.

"This was without his permission and constitutes serious interference. No member of staff or CEO has the authority to do this.

"Further to this, without formal authorisation by

council, you people, the CEO moved the matter into the 'in camera' section of tonight's meeting.

"Under the clause 89 (2)(h) only a formal council motion can designate this clause – not the CEO."

"This is a corruption of the Act.

"These are serious breaches of process, raising the question, what is being concealed?"

"Processes around interference with other notices of motion should be scrutinised. Questions are being asked why Cr White was so pressurised to withdraw his notice of motion on the mineral sand mine so to gag the public from publicly raising concerns to the whole council.

"Remember, that ultimately, if the law is broken, you as the council, are responsible, whatever your employees do."

Cr Mark Reeves angrily interrupted at this point and Ms Treasure stood to complete her presentation.

"Your loyalty should not be to vested interests, but to the people who elected you," she concluded, speaking over shouts from both councillors and the gallery, followed by applause from the gallery.

Cr Rettino requested Cr Buckley clarify his motion, which he did.

Cr Roberts seconded Cr Buckley's motion followed by Cr Buckley's reading of his rationale, which Mrs Treasure had already recited.

Cr Ellis requested that an amendment be made to the motion put before council, that the motion be acknowledged and that it be moved into camera, however it could not be amended.

In favour of Cr Buckley's motion were councillors Roberts and White.

Before moving onto the next item on the agenda, Cr Ellis sought clarification that the matter had been dealt with, to be discussed further in camera. Upon clarification members of the gallery were asked on two more occasions by the mayor to be quiet.

"The gallery will be quiet. There was a motion put, it was debated and the motion was lost," Cr Rettino said.

The mayor said the "unfortunate incident by a member of the gallery (Linette Treasure) displayed strong, aggressive behaviour and language directed at councillors and officers", and that it was "totally inappropriate" for a member of the gallery to speak to a councillor notice of motion.

"The strong, aggressive language incited further bad behaviour and inappropriate interruptions from the gallery," he said.

"There was a lack of respect for East Gippsland Shire Council protocol and procedure. We have an open and transparent chamber like most council chambers in regional Victoria, unlike metropolitan councils that have security and great distance between the visitors' gallery.

"The incident has prompted a review of protocols for the council chamber to ensure this type of behaviour does not reoccur."

The mayor said he also had "concerns" with the conduct of the East Gippsland Community Action Group, of which Ms Treasure is a member.

The group, formed after the council election, is headed by unsuccessful candidates George Neophytou, Janiece Grenfell and Jeanette Wagner and has been active in support of Cr Buckley's troubles with 'in confidence' items and opposing the Fingerboards mineral sands mine.

"I will be requesting a meeting with the president of the group to discuss my concerns," Cr Rettino said.