

OEPA COMMITTEE MEETING

7.00pm, Wednesday, 8 April 2015
at the Community Hall, Oaks Estate

Minutes

7.00 Attendance & apologies

Attending: Michel Starling, Ewan Maidment, Kate Gauthier, Adam Stephan-Slade, Dan Heldon, Alex Saeck, Judith Saeck, Nick Saeck (observing)

Apologies: None

- Committee notes Karen Williams resigned from committee but is still a member of the association. Karen has offered to be available for heritage and environmental consulting.
- Committee moved to note that Karen Williams has made an enormous and positive contribution to OEPA and to the community of Oaks Estate over many years and thanks her for her dedication.

Minutes of previous meetings

- Minutes of meetings were tabled for: 14 December 2104, 15 February 2015, 15 March 2015.
- Alex moved to accept minutes, Kate second. Motion passed.

Dan Heldon arrived 7.10pm

Treasurers Report

- Alex said there has been no expenditure from 1st Jan 2015.
- Alex notes an invoice has come in from Active planning for \$600 - the amount previously approved by the committee. Alex will pay the invoice. The committee notes the work done was over and above the invoiced amount, and authorised Michel to say thanks with flowers or bottle of wine.
- Ewan has provided two receipts for newsletters - \$90 x 2 December and February. It was noted that OEPA has already received funding from SSCS for newsletter printing. Alex to reimburse Ewan for printing expenses or \$180.00
- Kate to reimbursed for notice boards. \$200 was previously approved by committee. The boards cost more than expected. It was agreed to reimburse the full amount of approx \$310. Kate to send receipts to Alex to be reimbursed.
- Michel raised issue of parking ticket that he received when running late to meet with Mick Gentlemen. Alex suggested payment would set a precedent which would not be acceptable to members. Judith disagreed with OEPA paying anything towards this fine. Meeting agreed to discuss this further via email. Adam, Ewan and Kate also offered to privately pay \$20 each towards the cost of the ticket.

OEPA Communications

Discussion around communicating through emails, text and meeting protocols

- Michel talked about the past few weeks he had been emailing and texting committee members about important issues and had not been getting any response or assistance to urgent matters.
- Judith raised timing of text messages, saying that Michel had sent a text at 2:00 in the morning. Michel agreed that he would not send text messages late at night.
- Alex said 2-3 emails per week is enough, more is too many. Alex said that Michel is feeling lonely and wants company from us. Michel asked Alex to withdraw the comment and behave in a more respectful manner and not be so derogatory. Alex declined to withdraw the comment.
- There was a long discussion around the committee being able to make fast decisions and respond to government quickly particularly to take advantage of existing opportunities for positive change for Oaks Estate.
- Alex pointed out we are not an Emergency Service organization hence there is really no-need to respond quickly. Kate outlined that under the decision-making processes where every decision had to be brought to a committee meeting a meeting with a Minister would be delayed by at least six weeks. Alex said that delay was ok, there was no need for us to be rushed - even if it meant missing a meeting with a Minister we should not be making any committee decisions by email or be rushed into anything.

- Judith agreed and said that we should not be using emails at all because Oaks Estate is a heritage area therefore we should not have to communicate with computers.
- Michel said that a ridiculous statement, given that Oaks Estate is connected to the NBN. Judith repeated that there should be no communication by email because this is a heritage area.
- Michel outlined that if we cannot make basic decisions by email that will have a negative impact on our ability to engage with government and lobby to have the precinct code changed as per the community's wishes.
- Alex again stated we should not be communicating by email at all. He said that anyone who emails from work is obviously not working hard enough. He said that he works hard unlike others and did not have time to email from his work.
- Judith said that she has never sent an email in her life and refused to use it to make committee decisions.
- Alex and Judith said that they do not have access to computers at home to be able to send emails.
- Adam pointed out that libraries have computers to borrow, and emailing has been a standard form of communication for many years. Kate pointed out that Judith does own an Ipad, from which Alex has sent emails in the past, and Alex often emails the committee. Kate raised her concern that communication issues were being used as a way to slow down work and reduce the effectiveness of the committee.
- Ewan said that if the committee drafted and agreed positions in advance, then attending meetings with ministers could happen without having to come back to the committee for agreed positions. Kate agreed that this would make things faster and suggested the first task would be to draft a summary of the precinct code submission. Adam offered to do a first draft of a 2 page summary.
- Kate raised that previous committee meetings have agreed to email decision making.
- Ewan disagreed with whether there was a committee decision that committee business and decisions could be undertaken via email.
- Dan said that on boards he has been involved in, the board made a decision at a face to face meeting that communicating and decision making via email was acceptable. Dan suggested that we pass such a motion to formally put on the record that emails were being used for committee business.
- Motion put by Kate that email communications are an acceptable format for conducting committee business, including decision making, and a decision of a quorum in the affirmative is taken as agreement to the motion. Decisions should only be taken on time critical issues, with a preference for decisions to be taken in committee meetings. Seconded by Michel. Ewan disagreed with the motion saying that he believes the constitution does not allow for this.
- Kate agreed that she would seek clarification from the office of regulatory services.

Timed agenda

- Kate outlined her proposal to have timed agendas to allow for faster meetings.
- There was general discussion to have timed agendas to better manage available meeting time. Kate said that this involves agreement from everyone. Kate said that this will mean having a general discussion and as time runs out, she will give a timing reminder to the chair, who can then bring discussion to a close.
- Motion for timed agenda put forward by Adam. Second by Kate. Motion agreed and passed.

AGM

Audit - report must be completed 18 April (14 days in advance of meeting)

- Kate outlined that under the Associations Incorporation Act the audit should be prepared 14 days in advance and asked Alex to confirm that the audit has been ordered. Alex said the audit had not been ordered, but not to worry that he would get it done in time. Kate outlined that she was not confident that Alex was upholding his requirements to have an audit completed, because Karen as former president had been asking for Alex to get an audit done since last December 2104 in order to have an early AGM so she could step down as president. Kate stated that Alex had not taken any steps to have the audit done. Ewan disagreed that Alex had been asked to undertake an audit in previous meetings. Kate referred Ewan to the minutes. *(note a review of the minutes shows that a request to have an audit undertaken to enable an early AGM was given to Alex on 12 December 2104, 5 February 2015 and 25 February 2105. An audit was not undertaken as requested.)*
- Ewan disagreed with the information Kate supplied, saying that OEPA had never prepared the audit two weeks in advance and this was not in the constitution to require this. Kate said that meant OEPA had been in breach of their obligations in the past. Kate explained that there are obligations under the Associations Act as well as the constitution. Ewan said he did not accept Kate's verbal advice and wanted to see it in writing. Kate agreed to forward the relevant

provisions of the Associations Act which required the treasurer to seek an audit to be completed at least 2 weeks prior to the AGM. (note Kate subsequently forwarded a link to the committee showing the relevant provisions of the [Associations Incorporation Act s70-74](#) which upheld Kate's advice to the committee regarding the requirements for the audit.)

Community needs survey and workshop prior to AGM

Kate discussed in detail her idea to undertake a community needs survey and run a workshop prior to the AGM. This would ensure that OEPA is more responsive to community needs as a residents group, and the committee works on issues that the community themselves have determined are a priority. Will also help to get people more interested in getting involved in OEPA as it will be more relevant to them.

- Michel raised motion for OEPA to agree to this process and that email be used to formulate the flyer and information. Adam 2nd. Motion agreed to.

AGM procedures

- Michel discussed the nomination and voting process for the AGM: Voting of positions: all nominations taken and a list prepared for voting. Nominees then stand and talk about themselves as a candidate, what skills etc they bring to the committee.
- Voting is for committee positions and then ordinary members.
- Motion put forward by Kate to that nominations to the committee from residents will be actively encouraged by the AGM notice. Nominations will be taken as a group at the meeting, nominees will speak to their nomination. Gary Tongs will be approached to be returning officer. Terry Williams could be an option if Garry unavailable. 2nd Adam. Motion passed.

7.50 Planning

Outcome of precinct submission process, Where to next

- Michel outlined the precinct code submission. Kate outlined the avenues for action - lobby planning minister and other MLAs to send this to the planning committee for inquiry due to breach of undertaking to include a character statement.
- OEPA to put public submissions on the website and link in newsletter
- Kate to look on Hansard for whether advice on master plan was tabled if not OEPA will draft an FOI request.

Lobbying

Michel discussed recent lobbying efforts

- Steve Doszpot - motion in chamber. Michel attended the debate. Lots of incorrect things were said by various ministers and we should hold them to account.
- Mick Gentleman meeting - Kate and Michel outlined the meeting. Was not productive. Minister appeared to see this as a lip service meeting only. Did not agree with any of our concerns, said Master plan was great, everything ok, gave no undertakings for action.
- Rattenbury Meeting - Kate and Michel attended. Meeting was fired up in parts, but was productive. OEPA needs to continue to engage with them.
- St Vincents De Paul Meeting - Michel attended. Shannon Pickles was not particularly helpful. Agreed that concentration of public housing is too high, but also said that SVDP would take as many leases here as ACT Housing would give to them. Shannon agreed to attend an OEPA meeting. Michel proposed to send a list of questions to Shannon. Will send a draft to committee for input.
- *Upcoming Gentleman and Barr meeting - date, agreed format etc* - Michel outlined delaying tactics by Chief Ministers office. Will continue to press them for a date.
- OEPA position papers and briefs: Committee needs to start preparing background briefs on key issues. Adam is doing summary of precinct code submission. Kate will start a draft of other issues.

Ewan left 9.05pm

Community issues

OEPA relevance

- Michel outlined that Judith and Alex previously said that OEPA had no relevance to younger people. At the time, Michel asked them to come up with ideas for how to address the problem. Judith and Alex did not put forward any proposals.

Anonymous Pamphlet

- Committee agreed to do nothing was best response. Let the issue die naturally. Michel would respond directly to Peter O'dea to that effect.

Motion from Alex Saeck held over from previous meeting

That OEPA will not propose any planning controls that limit the current or future property rights of any existing property owner.

- Alex spoke to the motion. Said that OEPA was pushing to limit his property rights of his industrial property. Said it was not fair and that OEPA should not try to limit anyone's property rights.
- Kate pointed out that all planning laws are a limitation to property rights. They limit what you can build, how big etc. Kate said that what Alex was proposing was planning anarchy, where he would be allowed to do whatever he wanted in his property regardless of how it impacts the community. Alex restated that OEPA should not try to limit his property rights.
- Kate pointed out that restrictions to property rights happens all the time. She referred to recent planning changes in areas under the airport flight path, where secondary residence rights had been taken away from those properties in response to increased air traffic. Alex interrupted and said that does not matter to this issue.
- Kate called for a vote on the motion. there was no second. Motion was not passed.

8.50 Nick Saeck's email (included below)

OEPA committee to discuss the email sent by Nick Saeck to residents in Oaks Estate.

- Kate noticed that Nick was wearing a head mounted cyclists recording device that was flashing. Kate asked Nick if he intended to record the meeting. Nick said that he had been recording the entire meeting already.
- Kate told Nick that she did not give her consent to be recorded and asked him to stop. Nick responded belligerently and stated "This is my life! I have a right to record anything in my own life!" Kate said that did not include recording other people secretly and without their consent. Kate said that Nick had breached privacy and asked him to stop recording. Nick refused. Both Adam and Dan said they did not give consent to be recorded and asked Nick to stop recording. Nick refused.
- The motion was put by Kate and seconded by Adam that Nick should stop recording against our consent. Michel and Dan agreed.
- 9.43 pm: Alex Saeck and Judith Saeck got up to leave. Alex said he did not want to be involved. Michel asked them to stay for the discussion of the email sent by Nick Saeck.
- Judith declared that as it was past 9pm, the meeting was closed and the committee could not make any decisions about Nick, and anything we did was not relevant and "couldn't stick."
- Michel pointed out that Judith and Alex were happy to stay past 9pm to discuss Alex's motion, but the moment the issue turned to Nick they tried to shut down the meeting, citing the time.
- Alex and Judith left.
- Michel noted his disappointment that Alex and Judith refused to participate in the remainder of the meeting, and appeared to try to shut down discussion of things they did not agree with.
- Kate advised the remaining committee members that a timed agenda did not mean a meeting was forced to end, and as the meeting still had quorum it could continue with the agreement of the group. It was agreed to continue.
- Nick was again asked to stop recording a refused. Nick started shouting at Kate about a workcover inspection of broken asbestos sheeting at his house. Nick became aggressive and was escorted off the premises.
- Note: Kate later informed the committee members who had remained to the end of the meeting via email that earlier that day, persons unknown had taken smashed pieces of cladding with an appearance consistent with asbestos and thrown them all over the front of Kate's house. The committee expressed concern that an unknown person has engaged in illegal dumping of hazardous materials, potentially done in a manner to intimidate and harass.
- There was general discussion around Nicks behaviour. It was agreed by group that he has been a belligerent and deliberately dysfunctional presence at meetings.
- Kate outlined that the email that Nick sent was defamatory. It stated that the President and Secretary of the association was engaging in activities directly against the interests of the community, and further represented Nick as being a member of the committee, which he was not as he was aware that his position was declared vacant under the rules, because he had not shown up to any meetings for over 6 months.

- Kate referred the committee to the provisions of the constitution which allows for disciplining of members. Kate proposed that disciplining was appropriate.
- Michel said that OEPA should write Nick asking him to sign and return an agreement to adhere to a list of appropriate behaviour or disciplinary action under the constitution would be considered by the committee.

Meeting closed 10.10

Minutes agreed to at meeting of 11 June 2015