

Response to the

INQUIRY INTO PLANNING PROCESS IN NEWCASTLE AND THE BROADER HUNTER REGION

By Councillor Brad Luke

Response to submission 319a by Cr Doyle

Cr Doyle seems to make far reaching accusations based on the fact that she often had a different view to a majority of Newcastle City Council Councillors

Many of councillor Doyles comments are simply wrong.

My understanding is that the official position of the council was in support of the Newcastle SEPP and that this followed votes by the elected councillors.

On page 3 Cr Doyle states 'It is my opinion that, in the creation of this position, the Council has acted contrary to the Act and that public resources have been used for the political and personal benefit of the former Lord Mayor (and the current acting Lord Mayor). As the acting lord Mayor at the time of this accusation I am not aware of any staff in the Lord Mayors office ever doing any political work. The staff do work such as managing the diary, managing the matters of the day and helping with presentations that I had to give in that capacity. I am also unaware of them ever doing political work for the former Mayor. On one occasion I am aware that one staff member represented myself at a function due to the fact that the meeting was held during a council meeting and as such councillors would not be available. (this function was not political)

Cr Doyle refers to 'unlawfully refuses to debate certain motions'. This is her opinion and is wrong based on facts. Councillors are entitled under the Code of Meeting practice to move a procedural motion that an item lay on the table. If in a vote a majority of the councillors agree then the item is left and not debated further at that time. The items she mentioned are simply items were Cr Doyle had a different opinion than the majority of the council.

Voices have not been silenced in debates. As required by the code the opportunity has been there for at least 2 speakers for and 2 against any motion. In most cases many more speakers have spoken. It is true that motions either pass or fail based on the votes of a majority of the council. I am not aware of any meeting procedure that would result in any motion passing when a majority of councillors vote against it. That is called democracy.

The definition of a motion to lay on the table given by Cr Doyle is not correct. The same reference that councillor Doyle uses contains countless statements that are contrary to the Code of Meeting practice used by Newcastle council and set down by the division of local government.

A procedural motion to lay an item on the table does not infringe a councillor's right to represent the community. A councillor can make representations to any person or group they wish on behalf

of their community whenever they wish. For example if they are concerned about actions of the federal or state government they can approach the local members or the ministers. They can also make personal submissions in response to public exhibitions or inquiries like this one. However motions passed at a council meeting are a reflection of the view of a majority of the councillors. The use of a procedural motion is a completely appropriate means for the elected councillors to move through the agenda. I also note that responses made to the media over recent times show clearly that the greater part of the community want councillors to spend meeting time on items directly related to council.

As to the point of standing during a division. A division requires that the names of councillors be recorded along with their voting for or against a motion. From my experience Cr Doyle herself calls for divisions more than any other councillor. (in fact I believe that most divisions other than planning matters are called for by Cr Doyle). The act of standing for a division is to ensure councillors votes are correctly recorded. My understanding is that this practice has existed for decades on Newcastle council. I also note that when councillors have been unable to stand during council meeting for health reasons, they have not been required to.

As to Cr Doyles motion in August;

I fully agree with the GM and accepted his advice. In my opinion having the assessment staff present to council as per point 1 of her motion would be inappropriate. This would open the assessment staff to direct and implied pressure from councillors.

Her Motion said,

Receive a briefing by mid-September 2014 in open briefing committee by Council Staff responsible for development assessment, an overview of the factors which will be taken into account when assessing DA 2014/323. The briefing will include the expected timeframe involved and what factors will act as triggers for the timing of the assessment of the DA.

Councillors cannot direct staff in relation to their assessment but also should not attempt to influence staff. Such a briefing would involve a process that any reasonable person would consider and come to a conclusion that the staff would almost certainly have been influenced by the councillors questions and comments. Noting that the motions requires staff to address the specific factors they are taking into account.

As to the allegation by Cr Doyle that I have a conflict of interest by being a councillor and on the JRPP.

As per section 9 of the Code of conduct.

'A Conflict of Interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.'

Cr Doyle refuses to say where my private interest is in this matter. I have no interest in this DA. As far as I am aware I do not have any family or friends that are involved in this DA. Cr Doyle needs to state clearly what she is alleging and what the private interest of mine is. With no private interest there cannot be a conflict of interest.

The declaration that Cr Doyle refers to is not a declaration but a statement. As per the minutes I stated that if council entered into a debate on the item (ie the DA) I may be required to leave the chamber as I am a member of the JRPP. No conflict or breach of any code in my position as a councillor in a council meeting exists here. In fact even if I entered a

debate no conflict would exist at council as these 2 positions are part of my public duty. There again is no private interest at all.

The matter that I am careful about, is that I do not make any public comments or receive any briefings or submissions in regards to a DA when I have been informed that it is to come before the JRPP. To do so could breach the JRPP code. I have been very careful at all times to ensure I do not make any comments on any DA that is before the JRPP.

Cr Doyles allegation that I have entered into serious and repeated breaches of conflicts of interest is not substantiated in any way. This is one of the most serious allegations that can be alleged against a councillor and Cr Doyle should either substantiate this or be censured for the false accusation.

For the record I am a council appointment to the JRPP by the elected council, to claim that being a councillor and being on the JRPP is a conflict is ludicrous.

Brad Luke