Down-To-Earth (Vic) Cooperative Society Limited

ConFest Committee Meeting

Minutes

Date: Thursday 10 November 2010

Time: 7:30pm (due start time)

Venue: CERES, Learning Centre Rm,1-2 Lee St, Brunswick East VIC

Meeting Commenced: 8:28pm

1 **Election Of Chair**

Chairperson Elected: David Cruise Minute Keeper: Corinne Armstrong Online Facilitator: Lars Nissen

2 **Attendance**

First Name	Surname	* Online – screen ID	DTE CoOp Member	Workgroup Member
Corinne	Armstrong		Υ	OC Governance
Peter	Carty	online	Υ	OC&CC Site Ops
David	Cruise		Υ	Board Director
Steve	Gregory	online	Υ	OC Membership, CC Market
lan	Hales		Υ	OC Finance
Matt	Inglish		Υ	Board Director, CC Ops
Lynne	Kennedy	online	n	
Malcolm	Mathews		Υ	OC Finance, OC Land Management, CC Fire
Lars	Nissen	online	Υ	CC Arts
Steve	Poynton		Υ	OC Infrastructure
Mark	Rasmussen		Υ	OC & CC Land Management
John	Reid		No	
Troy	Reid		Υ	Board Director, OC ITC
Don	Royal	online	Υ	OC Finance
Marty	Schwarz	online	Υ	OC&CC Infrastructure
Peter	Tippet	online	No	OC Governance, OC IT&C

Apologies: Elle Brogan

Quorum: **CC** Business **YES - General Members**

Board Business NO - only 3 Directors # Item Responsible

3 Confirmation of Previous Meeting Minutes

David C. advise no Minutes of ConFest Committee meetings had been taken for months

No Minutes to Confirm

4 Follow-up Actionable Items from previous Meeting

No Minutes, No Items known to follow up.

5 Board Business

5.1 Summer ConFest Legalities

Troy tabled and circulated to meeting room attendees the following documents (not accessible to online attendees):

- DTE's Governance & Statutory Compliance Report
- Solicitor Brief

Troy advised that he, Malcolm, Kate, Peter Carty and Lynne Kennedy met last Monday to discuss the legalities before the DTE regarding Summer ConFest.

Troy handed out and spoke to a two page Governance & Statutory Compliance Report that summarised the DTE legalities with the Edward River Council who are attempting to prevent Summer ConFest going ahead.

- A legal response from the Council's solicitors Kelly Moore has been received that provides substance of the Edwards River Council legal position. In turn this now gives the DTE specifics upon which to contest council's disapproval of Summer ConFest.
- Council are threatening DTE with denial of the approval process under Section 68 of the Local Government Act 1993, and with serving DTE with a Local Government Order to prohibit activities regarding Summer ConFest, specifically excluding DTE from holding any gatherings on the Moulamein property within the Bushfire Danger Period (1 Oct to 31 March).
- Council advised that it served the DTE with a Notice of Intention to serve an Order prohibiting us from holding Summer ConFest. That notice has not been received by the DTE, and so do not have the details of the ways that Council believe DTE has breached s68.
- Council have demanded a written undertaking from the DTE to not plan or attempt any gatherings within the Bushfire Danger Period, and have threatened to serve the Order prohibiting us from holding Summer ConFest. Should we fail to provide this undertaking, the Council has subsequently threatened to take action in the NSW Land & Environment Court in the event we breach that Order.
- The Council is further threatening the DTE by demanding we indemnity their legal costs should this matter proceed to the NSW Land & Environment Court.
- DTE conducted a review of accredited legal specialists in the Law Society of NSW
 accreditation scheme 'Local Government and Planning Law' and have selected Jodie
 Wauchope, Senior Partner of Gadens as a suitable solicitor to defend the DTE in this matter.
 Gadens was recommended by Lynne Kennedy who has dealt with their Melbourne office in
 her professional capacity. Jodie attended ConFest in the late 80s, and Gadens focus on
 diversity in the workplace, all amounts to what is believed a culturally compatible service
 provider for the DTE.

- A solicitor's brief has been written and supplied to Gadens... The brief was handed out to the meeting – NB: this was not accessible to online attendees
- Gadens preliminary advice is that Councils occasionally make invalid Notices of Intention and/or Orders, and that either of those documents can be contested on procedural grounds if found to contain errors that render them invalid.
- Gadens also advise that there are precedents where Section 68 approval can be implicit
 within a consented Development Application, which may also explain why Section 68
 approvals have never been required by Council in the past.
- Formal review of DTE's case, advice from Gadens and draft response to Council are due Monday 14 November.
- · Gaden's have quoted their fee for this work at around \$4,000
- If DTE neither challenge the validity of the Notice of Intention, nor make representations to Council by Wednesday 16 November, Council will make their decision to make the order based on the concerns expressed by NSW Police and NSW Rural Fire Service only.

General discussion on the fire risk for Summer ConFest followed:.

- Malcolm explained that the RFS concern is less to do with ConFest's fire suppression
 abilities, but are more concerned with the fire risk outside our gates. ... that a fire takes hold
 outside our property, builds momentum and engulfs our site. They are concerned with the
 increase risks of cars coming and going from our site, and that there is one road in and out for
 emergency evacuations.
- A question was raised about whether Summer ConFest should still proceed or not based on the legalities at hand. To which it was pointed out that there were two distinct matters at hand... One being a procedural matter seeking formal Council approval to hold the event, which sets the precedent for Summer ConFest going forward ... to which there was general agreement the legal case must continue. Then is the merit in proceeding with Summer ConFest 2016/2017 based on the environmental concerns because of the floods and forecast conditions.
- lan congratulated Troy for the work he has done on pushing through with the legalities of having Summer ConFest approved. Ian said he also believes a good law firm has been picked to represent us. That the legal fight is about securing ConFest for future years. So worth taking the Council on, but if we lose it risks Easter ConFest being run when it falls in the Bush Fire period.
- Matt thought the council letter sounded like it was for this year only because of increased fire risk of floods. Troy said that was a good point but it is for all years.
- Matt said he wanted to emphasise that there are two letters, one from the RFS and one from Police saying they don't support a Summer ConFest, and these came in support of the Council instructed legal documents. Matt said they could be used in court to support council.
- David said his question was the dates of how long this was going to drag out and was it a risk to Easter ConFest. Lynne said will be resolved by new year.
- Ian pointed out that if we go back and present our case the council solicitors they could back down before it even goes to court.
- Mark asked if there was a situation where you could go public with the issue to garner public support to put pressure on council. He mentioned council is supposed to support the community. Matt said what Mark just described was a political strategy, but he felt that the one particular difference it is a safety concern. Mark responded saying Matt has made his view very clear in that he thinks there is no possible way we'll get a ruling to hold a Summer ConFest. Mark said that he cannot read into current situation what is possible.
- David said he is not happy with the process but it seems reasonable to attempt it.
- Troy said that unofficially he had had a good chat to key senior council people and they have indicated that following through with the legal process will tick all the boxes, and if successful takes some of the risk away from council. Troy said Council seem hamstrung by RFS and Police senior officers who do not want the increase risk burden of a Summer ConFest without challenge.

 Matt read out some legal advice he had been given and an email from Steve P. supporting Matt's earlier expressed concerns over Summer ConFest. Lynne commented that this was not legal opinion.

Motion:

Authority from the Board to appoint Gadens to represent DTE in this matter and authorise Troy Reid & Lynne Kennedy to be DTE representatives for interfacing with Gadens

Moved by: Troy Accepted by Consensus

Troy

Motion:

Matt proposed a motion for three documents to be sent these being the council's solicitor's letter and the supporting RFS and Police documents.

Moved by: Matt Denied by Consensus

David said he wanted to talk about the proposed Order that was bringing into question our fire
preparedness. If not life threating, how it may effect DA provisions for fire, and where we now
stand in relation to it. Lynne responded by saying that we can't say until we establish the
legal facts. She said it is normal practise for legal documents to be kept confidential.

Decision on Summer ConFest Proceeding...

Corinne noted that since Board Business was being discussed within this ConFest Committee Meeting, a decision regarding going ahead with Summer ConFest should be made.

None was forthcoming, Board Business continued.

5.2 Finance Report

Troy tabled and circulated to meeting room attendees the following documents (not accessible to online attendees)

- Zero generated report "Advance Payments & Returns Clearing Account Transactions"
- Since last circulating this report, a number of outstanding receipts have been resolved, leaving main receipts outstanding for; C J Watkins (Uncertainty Village), Guy Wiley (Traffic), Adam (Adzy) Wallace for signage, Paul Hutchins (ICT RF Comms)
- Troy spoke of Sydney ConFest organisers Judy Quinn & Marie Sitter having \$4,500 left over from their last financial year budget of \$17,000. And sought consensus from the room to get permission to leave that money in their account to offset their budget for this financial year. Money they would effectively get back in 2-weeks anyway.
- Ian said he believed that all money should be accounted for on its own merits with in the financial year it was allotted. Mark voiced agreement with Ian. David clarified it was for the end of last financial year. Troy explained that letting Judy and Marie keep the money in their ConFest account rather than return it, would make no difference to a balance sheet.
- Ian and Don believed firmly that unspent money should be returned.

Motion:

To allow Judy Quinn & Marie Sitter to retain in their ConFest Account \$4,500 of their unspent budget for last financial year, to off-set their budget for this financial year

Put by Troy: Denied by Consensus

Troy

Troy asked Mark to take time to explain his experience in spending time with him to learn about imputing receipts into Zero, and the use of load and go card receipts.

- Mark thought that every village coordinator should be encouraged to sit down one on one learning the system, and that it be part of the conditions to getting budget funding.
- Corinne agreed that a fundamental role of a team coordinator or facilitator should be taking administration responsibility – such management comes with the title – as such of course they should be responsible for their workgroup/teams budgets and be responsible for inputting receipts for their team.

lan mentioned his Budget Application Form and said that in order for any budgets to be approved in time for Summer ConFest they would need to be in by 24th November. Ian advised that he had corresponded with Peter T. who is going to upload the form to the website in coming days.

lan & Peter T.

- lan spoke to the financial report.
- Troy said end of year financials would reflect un-receipted expenses of \$13,000. And noted that's \$1,300 worth of tax returns.
- Troy spoke of the great work of Don, Lars, and David in compiling an up to date Asset Register. Such will reflect in the end-of-year financials as \$40,000 in right offs or depression in assets.
- Don asked whether the auditors would finish our accounts in time for AGM, to which Troy responded positively.
- Discussion on finances continued.
- Mark discussed the need to have a process to quickly approve purchases for sizable assets
 like a tractor and other required vehicles due to coming across bargins that won't last. It was
 discussed that if such items are required a specs brief should be produced in advance to
 ensure all the boxes are ticked on what the DTE needs and what should be checked in
 carrying out due diligence, before jumping on to such items just because they are a bargain

Motion:

Board to make a decision about retained earnings, reserved capital with retained earnings.

Put by Troy: Pending Board Quorum

Troy

Next CC Meeting: 08/12/2016

Meeting Closed: 11pm