

**EMAIL CORRESPONDENCE BETWEEN COUNCILORS DARCY BYRNE AND
ROCHELLE PORTEOUS REGARDING GOVERNANCE AT LEICHHARDT
COUNCIL**

Relevant passages highlighted in yellow

-----Original Message-----

From: Darcy Byrne [mailto:darcy_rozellelilyfield@hotmail.com]
Sent: Tuesday, 25 September 2012 6:49 PM
To: rochelle.porteous@gmail.com; Porteous, Rochelle (Mayor)
Subject: Council Agreement

Rochelle,

As discussed your attempt to have our councillors sign the agreement without all your councillors signing on appears to be synical and dishonest.

We will be available until 6.55 at town hall to sign an agreement. This will require all four of your councillors signing on.

Cheers
Darcy

Date: Tue, 25 Sep 2012 17:19:52 +1000
Subject: Re: 2 Year Good Governance Agreement
From: rochelle.porteous@gmail.com
To: darcy_rozellelilyfield@hotmail.com
CC: rporteous@lmc.nsw.gov.au

Hi Darcy - this looks OK to me I have forwarded it to the other Councillors for their feedback and I am trying to catch them on the phone. I have to race home, get changed and race back - maybe we could arrange to meet at say 6.15pm here in the Mayor's Office assuming everything is OK on your side as well, Kind regards, Rochelle

From: darcy_rozellelilyfield@hotmail.com
To: rochelle.porteous@gmail.com; rporteous@lmc.nsw.gov.au
Subject: RE: 2 Year Good Governance Agreement
Date: Tue, 25 Sep 2012 18:07:53 +1030

Hi Rochelle,

Just to confirm the proposal below is based on your current offer and in the interests of stability we are prepared to agree to your terms.

As discussed, we require all four of your councillors and all four of ours to sign the agreement. Please confirm asap what time you would like us to attend your office to sign the agreement.

Cheers Darcy

From: darcy_rozellelilyfield@hotmail.com
To: rochelle.porteous@gmail.com; rporteous@lmc.nsw.gov.au
Subject: 2 Year Good Governance Agreement
Date: Tue, 25 Sep 2012 17:03:35 +1030

2 Year Good Governance Agreement

It is agreed that Greens and Labor Councillors agree to support each other's candidates for Mayor and Deputy Mayor of Leichhardt Council for 2012 – 2013 and 2013 -2014. That the Mayoralty and Deputy Mayor alternate yearly between each party, and where the Mayoralty is held by one party the Deputy Mayoralty Position is held by the other party.

That in the second year 2013-2014 discussions are had with the goal of reaching a similar agreement for the final two years of this term of council.

That the council be inclusive of all parties in terms of delegates to conferences, Chairs and Deputy Chairs of Committees.

That where there are official meetings with State or Federal Ministers or official agencies, the Deputy Mayor and all Councillors are notified and invited to attend.

That the pre-selection of candidates for the positions of Mayor and Deputy Mayor for each year of office are internal party decisions alone.

The proposed agreement is with a Green Mayor and Labor Deputy Mayor in 2012-13 and Labor Mayor and Green Deputy Mayor in 2013-14.

Date: Tue, 25 Sep 2012 14:43:54 +1000

Subject: Re: Response as requested

From: rochelle.porteous@gmail.com

To: darcy_rozellelilyfield@hotmail.com

CC: rporteous@lmc.nsw.gov.au

Hi Darcy,

Everything The Greens have put to Labor has been put to you on the basis of what is the best outcome for the community. We have already given you a full response on the conditions you have nominated so there would be no point returning to that again and we do feel that there are real benefits for the community in the continuity of experienced leadership for the new council.

The 2 year agreement that The Greens have proposed is an honest and fair one. It is a realistic assessment of the situation and provides the continuity, good governance across all aspects of council and the leadership needed on the many critical issues we are facing as a community.

Our offer of an agreement still stands and we hope that we will be able to move forward on this, however, if this is not possible we look forward nevertheless to working with Labor in a positive, respectful and effective way for the benefit of our community and the ongoing improvement of council's services and facilities.

Kind regards,

Rochelle

On 25 September 2012 10:49, Darcy Byrne <darcy_rozellelilyfield@hotmail.com> wrote:

Hi Rochelle,

Thanks for getting back to me. It seems there are two main arguments you are raising as to why you must be the Mayor in the first year and the Greens are unwilling to make any further compromise, the need for continuity and strong leadership in the community interest.

In relation to continuity, I remind you that we offered you a four year agreement based on equity between the two parties. This deal unquestionably offers the greatest certainty and stability to the Council and the community. You have stated that you are unwilling to agree to this because of your group's distrust of the Labor Party. I also note that your original suggestion that we support the Greens Mayor for

this year with no further agreement also provided next to no certainty or stability for the Council or the community. While we have been willing to compromise to consider a two year agreement I can confirm that our offer of a four year agreement is still available to you if continuity is your concern.

It is also important to remember that the election has resulted in a change in the balance of the Council. Inevitably any agreement will involve disruption to continuity. Whether that occurs now or subsequently is a unavoidable consequence of the election result.

We share your concern about State Government's recent policy announcements and are of the view that we are as well or better placed to represent our community in addressing these challenges. Throughout the recent election campaign we have campaigned very effectively for the improved services residents are calling for including childcare centres, sporting fields and improved parking. As you know I have taken a very active and public role in opposing and building the community campaign against the current Rozelle Village proposal for the former Balmain Leagues Club site. We believe that we have demonstrated very clearly our credentials in providing strong and principled leadership and standing up for the community's needs.

The fact is that neither of our groups will agree on which is the better representative. We have equal representation on the Council and any agreement must be based on equity and compromise. To this end we have now offered you a choice of two reasonable conditions, that either we decide which party holds the mayoralty this year by lot - which is by definition fair and equitable or that if you are absolutely determined to maintain power this year that any subsequent agreement for the following two years allow for us to have first preference on which year we would hold the Mayoralty (please note that this in no way commits the Greens to entering said agreement).

Every position we have put to during these negotiations has been based on the principle of striking an equitable agreement that provides the stability needed to improve Council's services. If you are not able to agree to any of the various compromises we have proposed there can be no agreement.

Please let me know by 2:00 if your are able to agree to these terms.

Cheers,

Darcy

To: darcy_rozellelilyfield@hotmail.com; dbyrne@lmc.nsw.gov.au
CC: rporteous@lmc.nsw.gov.au

Hi Darcy,

As noted in the 2 year agreement that we sent to you, The Greens are focused on further improving council services and delivery of infrastructure and ensuring that there is strong leadership, good governance and a stable council which always puts the community first. We are also very concerned about the dangers that our community faces from the retrograde policies and proposals coming from the O'Farrell government which make cooperation between Greens and Labor councillors and strong, principled leadership that puts the community first more of an imperative than ever.

As previously outlined we believe there are strong reasons for having the Green Mayor and the Labor Deputy Mayor in 2012-2013 and the Labor Mayor and Green Deputy Mayor in 2013-2014.

At your request we have outlined to you the reasons why this is a better outcome for the community in terms of continuity, good governance and on-going strong leadership on critical issues.

Nevertheless you have responded that you want to have a Labor Mayor in the first year. It would therefore be helpful if you could outline to us the reasons why the mayor should be Labor in the first 12 months and in particular why this would be the better outcome for the community.

You state that you will accept a Green Mayor in the first term if the decision is made by the toss of a coin rather than by fair assessment of the strengths of both arguments. This is not a great process and if we are seeking to get the best outcome that we can for the community we think it should be avoided in favour of rational argument on the merits of a Green Mayor over a Labor Mayor and visa versa.

You also state that you will also accept a Green Mayor if we commit to a future agreement for 2014-2015 and 2015-2016 where the decision on which year is a Labor Mayor is made now. Our concern with this condition is that we are currently seeking agreement on a 2 year agreement and not a 4 year agreement.

We do want to see this agreement succeed. We believe there are strong reasons for having the Green Mayor in the first 12 months but look forward to receiving from you the reasons why we should, instead be supporting a Labor Mayor.

I have copied below the 2 year Agreement that we again put to you in good faith:

2 Year Good Governance Agreement

The Greens seek to ensure that the good work of Council and all 12 Councillors over the last term of council is built upon in this term and that there continues to be strong leadership, good governance and a stable council which always puts the community first.

The dangers that our community faces from the retrograde policies and proposals emanating for the O'Farrell government make cooperation between Greens and Labor councillors and strong, principled leadership that puts the community first more imperative than ever.

To this end it is agreed that Greens and Labor Councillors agree to support each other's candidates for Mayor and Deputy Mayor of Leichhardt Council for 2012 – 2013 and 2013 -2014. That the Mayoralty and Deputy Mayor alternate yearly between each party, and where the Mayoralty is held by one party the Deputy Mayoralty Position is held by the other party.

That in the second year 2013-2014 discussions are had with the goal of reaching a similar agreement for the final two years of this term of council.

That, as with the previous term of Council, the council be inclusive of all parties in terms of delegates to conferences, Chairs and Deputy Chairs of Committees.

That where there are official meetings with State or Federal Ministers or official agencies, the Deputy Mayor and all Councillors are notified and invited to attend.

That the pre-selection of candidates for the positions of Mayor and Deputy Mayor for each year of office are internal party decisions alone.

The proposed agreement is with a Green Mayor and Labor Deputy Mayor in 2012-13 and Labor Mayor and Green Deputy Mayor in 2013-14.

The reasons for the Green Mayor to continue in the first year of the new council are as below:

- Good governance, continuity and strong leadership.

- Whilst Labor and the Greens each have four councillors, the Greens received a higher primary vote of 34.8% v Labor's 30.3% so it is reasonable to have the Mayoralty first. (Source <http://www.abc.net.au/elections/nsw/2012/council/?page=Leichhardt>)
- The current Mayor is full-time, experienced, is trusted by the council staff and has a track record of being inclusive of all political parties.
- There is a lot of learning for the new council to do (6 of the 12 Councillors are new and 3 of the 4 Labor Councillors) while at the same time council will be under attack from the O'Farrell Govt on a number of fronts and has some big ticket items to get through such as the new LEP and DCP. It needs an experienced Mayor leading it in the first 12 months.
- Continuity on key issues: There are many key issues that the current Mayor has a strong negotiation position on due to her work on a number of committees and taskforces, some over a number of years, in addition to her in depth knowledge of these issues - these include the Bays Precinct Taskforce; the Cruise Ship Terminal; the Light Rail Liaison Working Group; the Greenway, the Italian Forum, Kolotex, Roche Balmain Rd site and Callan Park. It is critical that Council does not drop the ball on any of these issues.

Kind regards,
Rochelle

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Rochelle Porteous
Mob 0404 487 247
rochelle.porteous@gmail.com

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Rochelle Porteous
Mob 0404 487 247
rochelle.porteous@gmail.com

From: darcy_rozellelilyfield@hotmail.com
To: rporteous@lmc.nsw.gov.au
Subject: RE: 2 Year Good Governance Agreement
Date: Mon, 24 Sep 2012 21:01:42 +1030

Hi Rochelle,

We have met with our members tonight and they have a very strong view that Labor should hold the Mayoralty for the first year and that for the Greens to insist on holding the Mayoralty without any further compromise is unreasonable and unacceptable.

Our final offer is for one of the two conditions below be agreed to as stated previously.

Either:

- Which Party holds the Mayoralty for the first year will be determined by lot ie: drawn out of a hat prior to the Mayoral ballot

or

- A clause be inserted into the agreement that provides Labor first preference over which year of the Mayoralty our Party will hold should a subsequent deal be agreed to by Labor and the Greens for the years 2014-15 & 2015-16

Without a compromise from the Greens on one of these points we will contest the Mayoral ballot on our own tomorrow night.

Cheers,

Darcy

From: rporteous@lmc.nsw.gov.au
To: rporteous@lmc.nsw.gov.au; darcy_rozellelilyfield@hotmail.com; rochelle.porteous@gmail.com
Date: Mon, 24 Sep 2012 18:12:19 +1000
Subject: RE: 2 Year Good Governance Agreement

Hi Darcy - still working on response to you - some difficulties getting hold of people,
Kind regards Rochelle

-----Original Message-----

From: Porteous, Rochelle (Mayor)
Sent: Monday, 24 September 2012 10:35 AM
To: 'Darcy Byrne'; rochelle.porteous@gmail.com
Subject: RE: 2 Year Good Governance Agreement

Hi Darcy,

Thanks for your response. I will need to put it to my colleagues. I will get back to you as soon as I can - acknowledging your need to have a response before your meeting tonight.

Kind regards,
Rochelle

-----Original Message-----

From: Darcy Byrne [mailto:darcy_rozellelilyfield@hotmail.com]
Sent: Monday, 24 September 2012 10:18 AM
To: rochelle.porteous@gmail.com; Porteous, Rochelle (Mayor)
Subject: RE: 2 Year Good Governance Agreement

Hi Rochelle,

Thanks for sending this through. I have been asked to get back to you to let you know that in the interests of equity we require one of either of the following conditions to be included in this agreement.

Either:

- Which Party holds the Mayoralty for the first year will be determined by lot ie: drawn out of a hat prior to the Mayoral ballot

or

- A clause be inserted into the agreement that provides Labor first preference over which year of the Mayoralty our Party will hold should a subsequent deal be agreed to by Labor and the Greens for the years 2014-15 & 2015-16

We have a final meeting of our members tonight. Please let me know your response to these conditions before then.

Cheers,

Darcy

Date: Sun, 23 Sep 2012 23:15:37 +1000
Subject: 2 Year Good Governance Agreement
From: rochelle.porteous@gmail.com
To: darcy_rozellelilyfield@hotmail.com; dbyrne@lmc.nsw.gov.au
CC: rporteous@lmc.nsw.gov.au

Hi Darcy,

Thanks for the Governance agreement that you sent thru. I have also put the agreement that we discussed with you and Frank today into writing. I look forward to hearing from you tomorrow.

Kind regards,
Rochelle

2 Year Good Governance Agreement

The Greens seek to ensure that the good work of Council and all 12 Councillors over the last term of council is built upon in this term and that there continues to be strong leadership, good governance and a stable council which always puts the community first.

The dangers that our community faces from the retrograde policies and proposals emanating for the O'Farrell government make cooperation between Greens and Labor councillors and strong, principled leadership that puts the community first more imperative than ever.

To this end it is agreed that Greens and Labor Councillors agree to support each other's candidates for Mayor and Deputy Mayor of Leichhardt Council for 2012 – 2013 and 2013 -2014. That the Mayoralty and Deputy Mayor alternate yearly between each party, and where the Mayoralty is held by one party the Deputy Mayoralty Position is held by the other party.

That in the second year 2013-2014 discussions are had with the goal of reaching a similar agreement for the final two years of this term of council.

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The proposed agreement is with a Green Mayor and Labor Deputy Mayor in 2012-13 and Labor Mayor and Green Deputy Mayor in 2013-14.

The reasons for the Green Mayor to continue in the first year of the new council are as below:

- Good governance, continuity and strong leadership.
- Whilst Labor and the Greens each have four councillors, the Greens received a higher primary vote of 34.8% v Labor's 30.3% so it is reasonable to have the Mayoralty first. (Source <http://www.abc.net.au/elections/nsw/2012/council/?page=Leichhardt>)
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- There is a lot of learning for the new council to do (6 of the 12 Councillors are new and 3 of the 4 Labor Councillors) while at the same time council will be under attack from the O'Farrell Govt on a number of fronts and has some big ticket items to get through such as the new LEP and DCP. It needs an experienced Mayor leading it in the first 12 months.

- Continuity on key issues: There are many key issues that the current Mayor has a strong negotiation position on due to her work on a number of committees and taskforces, some over a number of years, in addition to her in depth knowledge of these issues - these include the Bays Precinct Taskforce; the Cruise Ship Terminal; the Light Rail Liaison Working Group; the Greenway, the Italian Forum, Kolotex, Roche Balmain Rd site and Callan Park. It is critical that Council does not drop the ball on any of these issues.

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Rochelle Porteous
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rochelle.porteous@gmail.com

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Any views expressed in this communication are those of the individual sender, except where the sender specifically states them to be the views of Leichhardt Council.

From: rporteous@lmc.nsw.gov.au

To: rporteous@lmc.nsw.gov.au; darcy_rozellelilyfield@hotmail.com; rochelle.porteous@gmail.com

Date: Mon, 24 Sep 2012 18:12:19 +1000

Subject: RE: 2 Year Good Governance Agreement

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Kind regards Rochelle

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From: Porteous, Rochelle (Mayor)

Sent: Monday, 24 September 2012 10:35 AM

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Subject: RE: 2 Year Good Governance Agreement

Hi Darcy,

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Kind regards,

Rochelle

Date: Sun, 23 Sep 2012 23:15:37 +1000

Subject: 2 Year Good Governance Agreement

From: rochelle.porteous@gmail.com

To: darcy_rozellelilyfield@hotmail.com; dbyrne@lmc.nsw.gov.au

CC: rporteous@lmc.nsw.gov.au

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Any views expressed in this communication are those of the individual sender, except where the sender specifically states them to be the views of Leichhardt Council.

From: darcy_rozellelilyfield@hotmail.com
To: rporteous@lmc.nsw.gov.au; rochelle.porteous@gmail.com
Subject: Proposed Governance Agreement
Date: Sun, 23 Sep 2012 14:20:38 +1030

Hi Rochelle,

As you requested, I have communicated your proposal that Labor Councillors vote for you as Mayor at the election on Tuesday in return for the Greens supporting our candidate for Deputy Mayor, to our Councillors and members. I have been asked to let you know that they cannot support this deal or, given that both our groups have four Councillors, any other deal that is not based on equity.

I have also been authorised to put formally to you the Governance Agreement outlined below which is our proposal for cooperation and sharing of the positions of Mayor and Deputy Mayor for the next four years.

Cheers,

Darcy

GOVERNANCE AGREEMENT

- That Labor and Greens Councillors agree to support each other's candidates for Mayor and Deputy Mayor of Leichhardt Council for two years each of the next four years (2012/13 – 2015/16). That the Mayoralty alternate yearly between each party.
- That each year different parties should hold the positions of Mayor and Deputy Mayor to ensure maximum stability and collaboration.

- That when one political party holds the position of Mayor, the other party shall hold the Deputy Mayor, and that this be rotated each year. In total both parties will hold the Mayor and Deputy Mayor positions twice in the four year term

- That a process be put in place for the Deputy Mayor and all Councillors to be notified of and invited to all official meetings that the Mayor attends with agencies, organisations and State and Federal Ministers relating to Council business.