



ATTACHMENT

Under Separate Cover

Special Council Meeting
Wednesday, 15 June 2022

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**NOTICE OF MOTION TO REVOKE OR CHANGE COUNCIL DECISION**

To: Chief Executive Officer – Town of Port Hedland

I, Mayor Peter Carter, provide notice that I intend to move the following motion to **REVOKE** a previous Council decision.

MOTION

That Council REVOKE, by absolute majority in accordance with Regulation 10 of the *Local Government (Administration) Regulations 1996*, the following Council decision made at the **Special Council Meeting of 11 May 2022**:

MINUTE No. CM202122/193 Council Decision

Moved: Cr Gillingham **Seconded:** Cr Zielke

That Council:

1. *That the Town of Port Hedland apply to the Supreme Court of Western Australia, pursuant to Order 56 of the Supreme Court Rules 1971, for judicial review of the following decisions, each of which is adversely affecting the personal, occupational and commercial interests of residents of, businesses operating in, and visitors to, the Town of Port Hedland:*

Pertaining to State of Emergency Declaration and Extensions;

a. *Declaration of State of Emergency made at 12.45pm on 15 March 2020, by Francis Michael Logan, the Minister for Emergency Services, under section 56 of the Emergency Management Act 2005 (WA).*

b. *Extension of State of Emergency Declaration from 25 March 2022 to 8 April 2022 made at 9.35am on 22 March 2022, by Stephen Noel Dawson, the Minister for Emergency Services, under section 58 of the Emergency Management Act 2005 (WA).*

c. *Extension of State of Emergency Declaration from 8 April 2022 to 22 April 2022 made at 11.55am on 5 April 2022, by Stephen Noel Dawson, the Minister for Emergency Services, under section 58 of the Emergency Management Act 2005 (WA).*

Pertaining to Business and Community Activity Directions;

d. *Proof of Vaccination Directions (No 5) made at 11.25am on 25 February 2022, by Christopher Dawson, Commissioner of Police and State Emergency Co-Ordinator, under sections 61, 67 and 72A of the Emergency Management Act 2005.*

e. *COVID Transition (Public Health and Social Measures) Directions (No 2) made at 10.25am on 29 March 2022, by Christopher Dawson, Commissioner of Police and State Emergency Co-ordinator, under sections 61, 67 and 72A of the Emergency Management Act 2005.*

Pertaining to Mandatory Vaccination Directions;

f. *Resources Industry Worker (Restrictions on Access) Directions (No. 3) made at 1.48pm on 24 February 2022, by Andrew Robertson, the Chief Health Officer, under sections 157(1)(e), 157(1)(k), 180 and 190(1)(p) of the Public Health Act 2016 (WA).*

g. *Booster Vaccination (Restrictions on Access) Directions (No. 2) made at 6.42pm on 7 January 2022, by Andrew Robertson, the Chief Health Officer, under sections 157(1)(e), 157(1)(k), 180 and 190(1)(p) of the Public Health Act 2016 (WA).*

carried (5/3)

In Favour: Cr Coles, Cr Zielke, Cr Gillingham, Cr Christensen, Cr Bennett

Against: Mayor Carter, Cr Turner, Cr Eckhart

MINUTE No. CM202122/194 Council Decision

Moved: Cr Gillingham Seconded: Cr Zielke

That the Town of Port Hedland apply to the Supreme Court of Western Australia, pursuant to Order 56 of the Supreme Court Rules 1971, for judicial review of any future decision which has the effect of replacing, superseding, varying or extending, or otherwise deals with the same subject matter as, any of the decisions referred to in resolutions 1(a) to (g).

carried (5/3)

In Favour: Cr Coles, Cr Zielke, Cr Gillingham, Cr Christensen, Cr Bennett

Against: Mayor Carter, Cr Turner, Cr Eckhart

MINUTE No. CM202122/196 Council Decision

Moved: Cr Gillingham Seconded: Cr Zielke

That the Local Government will seek and allow (but not delay) any Western Australian local government body and/or private sector, listed below, to contribute to financially supporting this challenge:

- a. *Other Local Governments across the State;*
- b. *Western Australian Local Government Association (WALGA);*
- c. *Local Government Professionals WA; and,*
- d. *Other professional bodies, associations, business entities and individual Australians.*

Motions related to the original petition intending to declare the Town a "Pro-Choice" community and associated provisions were not supported.

carried (5/3)

In Favour: Cr Coles, Cr Zielke, Cr Gillingham, Cr Christensen, Cr Bennett

Against: Mayor Carter, Cr Turner, Cr Eckhart

I provide the following **REASON:**

I am concerned that the passed resolutions do not adequately consider the potential for this matter to be beyond power (ultra-vives) of the Town and consider that the Town should seek further legal advice before acting on the decisions made.

In addition, I am concerned at the potential unknown cost to the ratepayers of this Town in undertaking the proposed actions and would like further advice as to potential costs.

I also do not believe the Town sought to consult with the broader community before passing the above resolutions and consider that there should be an extensive engagement process so that Council is informed as to the broader communities' views before taking any further action.

Under LG (Administration) Regulations 1996 (Regulation 10(1A)) Notice of Rescission Motion requires at least 3 Councillor signatures including the Mover (at least 1/3 of offices on Council).

Dated: 18th May 2022

MOVER

Mayor Peter Carter

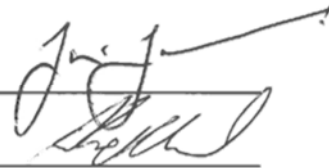
(Please print name) Signature:



SECONDEES

1. Cr Turner

(Please print name) Signature: _____



2. Cr Eckhart

(Please print name) Signature: _____

This motion to Revoke to be presented to the next available Council Meeting
18th May 2022.

