



MINUTES

Special Council Meeting

Wednesday, 23 October 2023

Date: Monday, 23 October 2023

Time: 5:30pm

Location: Civic Centre
McGregor St
Port Hedland

A handwritten signature in black ink, appearing to be "M. O'Connell", written over a horizontal line.

Mayor

Order of Business

1 Declaration by Newly Appointed Members of Council	3
2 Opening of Meeting	3
3 Acknowledgement of Traditional Owners and Dignitaries	3
4 Recording of Attendance	4
4.1 Attendance	4
4.2 Attendance by Telephone / Instantaneous Communications	4
4.3 Apologies	4
4.4 Approved Leave of Absence.....	4
4.5 Disclosures Of Interest	5
5 Public Time	5
5.1 Public Question Time	5
5.1.1 Merryn Browning	5
5.2 Public Statement Time.....	5
5.2.1 Amelia Blanco.....	5
5.2.2 Merryn Browning	5
5.2.3 John Ashenden.....	5
6 Questions from Members without Notice.....	6
6.1 Cr Eckhart.....	6
7 Election of the Deputy Mayor	7
8 Elected Member Seating	10
9 Closure	12
9.1 Date of Next Meeting.....	12
9.2 Closure	12

1 Declaration by Newly Appointed Members of Council

In accordance with section 2.29 of the *Local Government Act 1995* and Regulation 13 of the *Local Government (Constitution) Regulations 1998* a person elected as Mayor or Councillor has to make a declaration, in the prescribed form, before acting in the Office and that the statutory declaration is to be taken or made before an authorised person under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

Mr Steve Leeson JP, made the following statement:

I, Stephen Leeson JP, as Justice of the Peace, declare that I am an authorised person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

I would now like to invite the newly appointed Elected Members to make the 'Declaration by Elected Member of Council' as prescribed under Form 7 of Schedule 1 (Attachment 1) of the *Local Government (Constitution) Regulations 1998*, before me.

Each newly Elected Member was called upon by Mr Steve Leeson to make their declaration in the prescribed form.

Statutory declarations were made before Mr Steve Leeson JP, in accordance with section 2.29 of the Local Government Act 195 and Regulation 13 of the Local Government (Constitution) Regulations 1998.

Councillor Camilo Blanco made a statement urging community participation for voting.

Councillor Camilo Blanco made the Declaration in the prescribed form at 5:38pm

Councillor Sven Arentz made the Declaration in the prescribed form at 5:40pm

Councillor Ambika Rebello made the Declaration in the prescribed form at 5:42pm

Councillor Lorraine Butson made the Declaration in the prescribed form at 5:44pm

2 Opening of Meeting

The Presiding Member declared the meeting open at 5:46pm.

3 Acknowledgement of Traditional Owners and Dignitaries

The Presiding Member acknowledged the Kariyarra people as the Traditional Custodians of the land that we are meeting on and recognised their strength and resilience and paid respect to elders past, present and emerging.

4 Recording of Attendance

Important note:

This meeting is being live-streamed and audio recorded to facilitate community participation and for minute-taking purposes, which may be released upon request to third parties. In accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders members of the public are not permitted to use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the Presiding Member to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Standing Orders Local Law mobile telephones must be switched off and not used during the meeting.

4.1 Attendance

Scheduled Present:

Mayor Peter Carter
Cr Tim Turner
Cr Ash Christensen
Cr Flo Bennett (5:57pm)
Cr David Eckhart
Cr Camilo Blanco
Cr Sven Arentz
Cr Lorraine Butson
Cr Ambika Rebello

Scheduled for Attendance:

Carl Askew (Chief Executive Officer)
Steve Leeson (Director Corporate Services)
Josephine Bianchi (Director Community Services)
Craig Watts (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Tom Kettle (Manager Governance)
Christine Fairbrother (Acting Governance Advisor)
Karen Krollig (Acting Governance Officer)
Rhiannon Smith (Governance Support Officer)

4.2 Attendance by Telephone / Instantaneous Communications

Nil

4.3 Apologies

Nil

4.4 Approved Leave of Absence

Nil

4.5 Disclosures Of Interest

Nil

5 Public Time

5.1 Public Question Time

The Mayor declared Public Question Time open at 5:50pm

5.1.1	Merryn Browning
-------	-----------------

I would like some clarification on the agenda tonight. Is there a preferential vote for the Deputy Mayor, as well?

The Mayor responded:

Yes.

And what legislation/act is that under?

The Mayor responded:

It is under the *Local Government Act 1995*.

The Mayor declared Public Question Time closed at 5:51pm

5.2 Public Statement Time

The Mayor declared Public Statement Time open at 5:52pm

5.2.1	Amelia Blanco
-------	---------------

Ms Blanco expressed her congratulations to Cr Blanco and her hopes for the decision-making processes of the Town.

5.2.2	Merryn Browning
-------	-----------------

Ms Browning expressed her congratulations to all the oncoming members who have put the time and effort into coming forward and speaking for the people. She also expressed her hope for collaboration in moving forward to bringing the Town to where it can be.

5.2.3	John Ashenden
-------	---------------

Mr Ashenden expressed his congratulations to the newly Elected Members and his hope that they can come together to represent the community.

The Mayor declared Public Statement Time closed at 5:55pm

6 Questions from Members without Notice

6.1	Cr David Eckhart
-----	------------------

Cr Eckhart expressed his thanks, on behalf of the current Councillors, to those members retiring from office, for their service.

Cr Bennett joined the meeting at 5:57pm.

7 Election of the Deputy Mayor

The Mayor informed the meeting that he had received two (2) nominations in writing for the position of Deputy Mayor, being:

- Cr Ash Christensen; and
- Cr Tim Turner

The Mayor called for any further nominations and, there being none, declared the close of nominations for Deputy Mayor at 5:58pm.

Cr Christensen and Cr Turner were invited to speak to their nominations.

Ballot papers were prepared in accordance with schedule 2.3, clause 8 of the *Act*, and distributed to the Elected Members.

The Manager Governance and Chief Executive Officer oversaw the counting of the votes for the position of Deputy Mayor and in accordance with the *Local Government Act 1995* schedule 2.3, clause 8, the Mayor declared Councillor Ash Christensen elected as Deputy Mayor of the Town of Port Hedland for a term of office ending at the 2025 Ordinary Local Government Election [5 votes to 4].

The newly elected Deputy Mayor, Councillor Ash Christensen made his declaration before the Council and Mr Steve Leeson JP at 6:02pm.

Legislation: Local Government Act 1995

Section 2.29 - Declaration

- (1) A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
- (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
- (3) A declaration required by this section is to be taken or made before a prescribed person.*
- (4) A person who acts in an office contrary to this section commits an offence. Penalty: \$5 000 or imprisonment for one year.*

Schedule 2.3 Clause 7 - When council elects deputy mayor or deputy president

- (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —*

- (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
- (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —*
 - (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
 - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.*

Schedule 2.3 Clause 8 - How the deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.*
- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.*
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.*
- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.*

Schedule 2.3 Clause 9 - Votes may be cast a second time

- (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining*

in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.

- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.*
- (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.*
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.*

Method of Optional Preferential Voting

The Department of Local Government Sport and Cultural Industries have provided the following guidance on their website regarding conducting a council count using Optional Preferential Voting for the election of deputy mayor (and/or other committee deputy and presiding members conducted by council:

Where there are 2 candidates

- The candidate with the most votes wins.
- If there is a tie, hold another meeting, conduct a second vote after adjournment (as per Schedule 2.3), if it is tied again, draw lots to determine the winner.

Where there are more than 2 candidates

1. Count the first preference votes for each candidate and set aside any informal votes.
2. Calculate the majority of votes needed to win (which is half the total number of formal, non-exhausted, votes rounded down, plus 1) also known as 50% +1 or an absolute majority.
3. Does a candidate have the majority of votes?
 - o Yes: elected
 - o No: go to step 4.
4. Eliminate the lowest placed candidate and distribute their vote to the next preference, if any. If the lowest placed candidate cannot be determined due to a tie:
 - i. If an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and follow the processes in Schedule 2.3 of the Act to conduct a second vote.
 - ii. Otherwise draw lots in accordance with election regulation 75E and the relevant regulation of either 75N or 75O based upon the circumstances.
5. Repeat steps 2 to 4 until the result is determined. In each instance, if votes exhaust, recalculate the majority, which may reduce.

What's changing

Local governments that are classified as a band 1 or 2 (larger local governments) under the current determination of the Salaries and Allowances Tribunal will be required to elect the mayor or president by a vote of the electors, if they were not already.

Why changes are being made

The mayor or president is in a position of leadership and heightened responsibility on the council. In our larger local governments, it is appropriate that they be elected by and accountable to the electors of the entire local government.

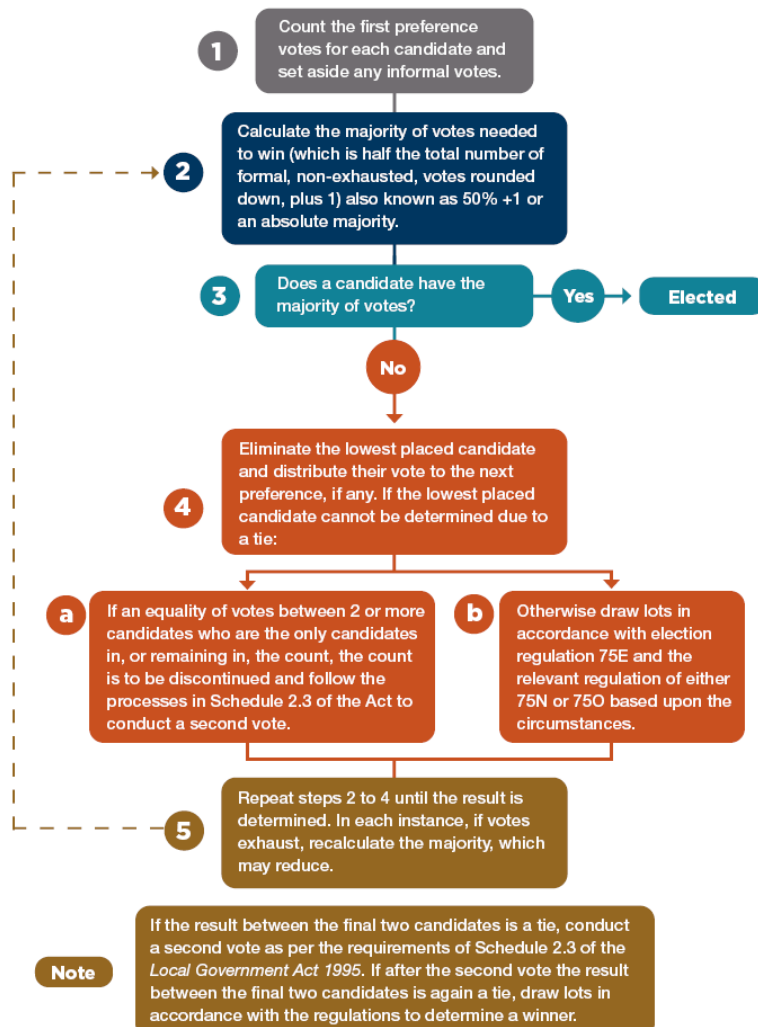
Conducting a council count using Optional Preferential Voting for the election of deputy mayor and/or president (and/or other committee deputy and presiding members conducted by council)

Where there are 2 candidates

The candidate with the most votes wins.

If there is a tie, hold another meeting, conduct a second vote after adjournment (as per Schedule 2.3), if it is tied again, draw lots to determine the winner.

Where there are more than 2 candidates



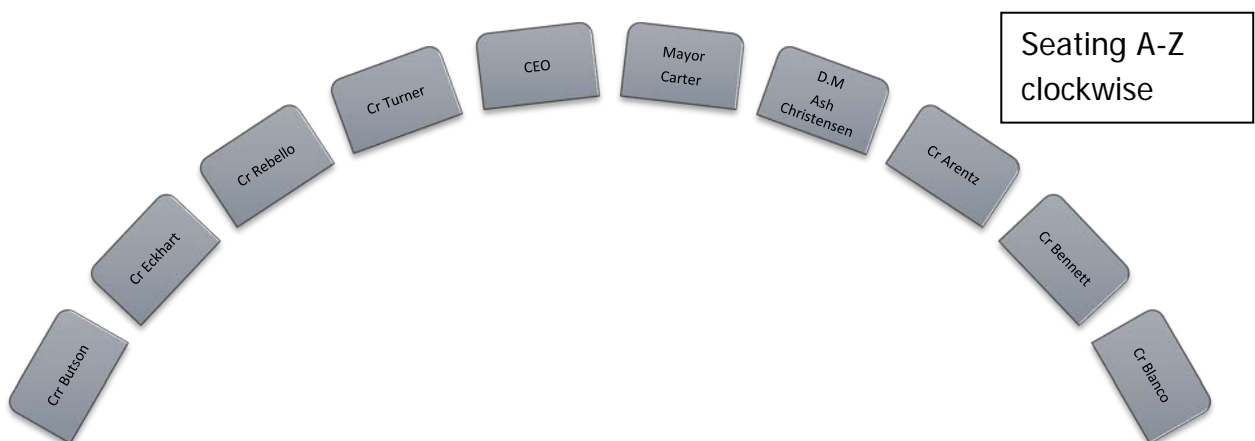
8. Elected Member Seating

In accordance with the Town of Port Hedland's *Standing Orders Local Law 2014*:

Section 9.1 - Members to be in their proper places

- 1. At the first meeting held after each election day, the CEO is to allot a position at the council table to each member.*
- 2. Each Member is to occupy his or her allotted position at each council meeting.*

Councillor seating will be arranged so the Deputy Mayor is seated to the left of the Mayor and Councillors will be seated clockwise in alphabetical order of their surnames, starting from the left of the Deputy Mayor as shown below:



9 Closure

9.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday, 1 November 2023 commencing at 5:30pm.

9.2 Closure

There being no further business, the Presiding Member declared the meeting closed at 6:09pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Special Ordinary Council Meeting on 1st November 2023.

CONFIRMATION:



PRESIDING MEMBER

11/11/2023
DATED