



## TOWN OF PORT HEDLAND

### SPECIAL COUNCIL MEETING MINUTES

14 NOVEMBER 2016 AT 6:30PM

**COUNCIL CHAMBERS, MCGREGOR STREET,  
PORT HEDLAND**

*Agenda Item:*

1. Chief Executive Officer Appointment

#### *DISCLAIMER*

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*Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Town of Port Hedland advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.*

**“A nationally significant, friendly city that people are proud to call home”**

*Chris Linnell  
Acting Chief Executive Officer*

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**Item 1 Opening of Meeting**

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The Mayor declared the meeting open at 6:30pm.

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**Item 2 Acknowledgement of Traditional Owners**

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I acknowledge the traditional custodians, the Kariyarra people. I recognise the contribution of Kariyarra elders past, present and future, in working together for the future of Port Hedland.

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**Item 3 Recording of Attendance**

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**3.1 Attendance**

Mayor Camilo Blanco  
Councillor Jan Gillingham  
Councillor David Hooper  
Councillor Julie Arif  
Councillor Troy Melville  
Councillor Louise Newbery  
Councillor Richard Whitwell  
Councillor Lincoln Tavo

## Officers

|                  |                                     |
|------------------|-------------------------------------|
| Chris Linnell    | Acting Chief Executive Officer      |
| Kathryn Crothers | Acting Director Corporate Services  |
| Grace Waugh      | Minute Taker/Coordinator Governance |

|        |   |
|--------|---|
| Public | 2 |
| Staff  | 0 |
| Media  | 0 |

**3.2 Apologies**

Nil

**3.3 Approved Leave of Absence**

Nil

**3.4 Disclosure of Interests**

Nil

### 3.5 Deputy Mayor Election

The Mayor called for nominations for Deputy Mayor. The Mayor declared that the following nominations were received at 6:34pm:

- Cr Julie Arif
- Cr Jan Gillingham
- Cr Troy Melville

The Mayor advised all Elected Members of the process to be followed to conduct the election of the Deputy Mayor, which is included under Schedule 2.3, Part 8 of the Local Government Act 1995.

All eight Elected Members cast their votes by way of secret ballot.

Votes were counted at 6:38pm by the Acting Chief Executive Officer in the presence of the Coordinator Governance.

The Mayor declared the outcome of the vote count:

- Cr Julie Arif 2 votes
- Cr Jan Gillingham 3 votes
- Cr Troy Melville 3 votes

The Mayor advised that it is a tie and advised that another election would need to be held.

The Coordinator Governance advised that a Special Council Meeting will need to be held within seven days in accordance with Schedule 2.3, Part 9 of the Local Government Act 1995.

Elected Members advised that they are available for a Special Council Meeting on Monday 21 November 2016 at 6:30pm.

Under Schedule 2.3, Part 9 of the *Local Government Act 1995*, the procedure for electing the Deputy Mayor is as follows:-

*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.*

*Schedule 4.1 — How to count votes and ascertain the result of an election*

- 1. The number of votes given for each candidate is to be ascertained.*
- 2. If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.*

3. *If the election is to fill one office of councillor, the candidate who receives the greater or greatest number of votes is elected.*
4. *If the election is to fill 2 or more offices of councillor, the candidates elected are —*
  - (a) *the candidate who receives the greatest number of votes; and*
  - (b) *the candidate who receives the next highest number of votes; and*
  - (c) *the candidate who receives the next highest number of votes, and so on up to the number of offices to be filled.*
5. *If 2 or more candidates receive the same number of votes so that clause 2, 3 or 4 cannot be applied, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.*

*77A. Drawing lots under Act Sch. 4.1 — s. 4.74*

- (1) *In this regulation — clause 5 means clause 5 of Schedule 4.1 to the Act; tied candidates means the candidates between whom the drawing of lots is required under clause 5.*
- (2) *As soon as possible after the occurrence of a circumstance under which the RO is required to draw lots under clause 5, the RO is to make out in respect of each of the tied candidates a slip bearing the candidate's name.*
- (3) *The RO is to place each of the slips in separate hollow opaque spheres of exact similarity, securely close the spheres, deposit the spheres in an empty container, and securely fasten the container.*
- (4) *Then the RO is to shake and rotate the container and permit anyone else present to do likewise if they so wish.*
- (5) *Then the RO is to open the container, take out and open one of the spheres to obtain the slip enclosed in it.*
- (6) *The steps set out in subregulations (2) to (5) are to be carried out in front of all the people present.*
- (7) *The candidate whose name appears on the slip obtained by the RO in accordance with subregulation (5) is to be elected.*

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**Item 4 Applications for Leave of Absence**

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**CM201617/087 COUNCIL DECISION****MOVED: CR GILLINGHAM****SECONDED: CR TAVO****That Council approve the following application for leave of absence:**

- **Councillor Hooper from 19 December 2016 to 27 January 2017.**

**CARRIED 8/0**

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**Item 5 Attendance by Telephone/Instantaneous Communications**

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Nil

**Item 6 Public Time**

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*Important note:*

*'This meeting is being recorded on audio tape as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall 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 Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.'*

The Mayor opened Public Question Time at 6:42pm.

**6.1 Public Question Time**

Nil

The Mayor closed Public Question Time at 6:42pm.

The Mayor opened Public Statement Time at 6:42pm.

**6.2 Public Statement Time**

Nil

The Mayor closed Public Statement Time at 6:42pm.

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**Item 7 Questions from Members without Notice**

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**7.1 Councillor Melville**

*Can I refer to the confidential item?*

The Mayor advised in the negative.

The Coordinator Governance advised that Elected Members can suspend Standing Orders once the meeting is closed to members of the public if there are questions on the item.

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**Item 8 Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting**

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The following Elected Members declared that they had given due consideration to all matters contained in the agenda:

- Mayor Camilo Blanco
- Councillor Jan Gillingham
- Councillor David Hooper
- Councillor Julie Arif

- Councillor Troy Melville
- Councillor Louise Newbery
- Councillor Richard Whitwell
- Councillor Lincoln Tavo

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**Item 9 Announcements by Presiding Member without Discussion**

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Nil

*Disclaimer*

*Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by the Town has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.*

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**Item 10 Reports of Officers**

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Nil

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**Item 11 Matters for Which Meeting May Be Closed (Confidential Matters)**

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6:43pm The Acting Chief Executive Officer advised that he had an interest in the Chief Executive Officer recruitment process however the interest is no longer. The Acting Chief Executive Officer advised that he would remain in the room however Council can request the he leave the room. Elected Members did not object to the Acting Chief Executive Officer remaining in the room.

**CM201617/088 COUNCIL DECISION****MOVED: CR MELVILLE****SECONDED: CR TAVO**

**That Council close the meeting to members of the public in accordance with section 5.23(2) of the Local Government Act 1995 to consider item 11.1 'Chief Executive Officer Appointment'.**

**CARRIED 8/0**

6:44pm The Mayor advised that the meeting is closed to members of the public.

**11.1 Chief Executive Officer Appointment****CM201617/089 OFFICER RECOMMENDATION 1/COUNCIL DECISION****MOVED: CR ARIF****SECONDED: CR TAVO****That with respect to the appointment of the Chief Executive Officer, Council:**

- 1. Agree that the preferred candidate is suitably qualified for the position in accordance with section 5.36(2) of the Local Government Act 1995;**
- 2. Approve the Contract of Employment - Chief Executive Officer and provision contained therein (Confidential Attachment 1);**
- 3. Appoints the preferred candidate as Chief Executive Officer of the Town of Port Hedland for a period of three (3) years, commencing on 9 January 2017; and**
- 4. Authorise the immediate enactment of this decision in accordance with section 17.3(3) of the Town of Port Hedland Standing Orders Local Law 2014.**

***CARRIED BY ABSOLUTE MAJORITY 6/2***

For: Mayor Blanco, Cr Gillingham, Cr Hooper, Cr Arif, Cr Melville, Cr Tavo

Against: Cr Newbery, Cr Whitwell

**CM201617/090 OFFICER RECOMMENDATION 2/COUNCIL DECISION****MOVED: CR TAVO****SECONDED: CR HOOPER****That with respect to the appointment of the Chief Executive Officer, Council:**

- 1. Maintain confidentiality as to the identity of the individual, until the successful candidate has formally executed the contract and the appointment has been announced by the Town of Port Hedland;**
- 2. Note that after the initial three months negotiations will need to be held with the Chief Executive Officer to determine the Key Performance Indicators associated with the first twelve months of employment;**
- 3. Note the Chief Executive Officer's six month probation review will be reported to Council at least one month prior to the expiry, being 9 June 2017 as per the Employment Contract; and**
- 4. Note that Town officers will review policy 3/019 'CEO Performance Review' in conjunction with the development of the Key Performance Indicators.**

***CARRIED 8/0***



**CM201617/091 OFFICER RECOMMENDATION 3/COUNCIL DECISION****MOVED: CR TAVO****SECONDED: CR WHITWELL**

**That Council authorise the Mayor to approve periods of leave as per part 9 of the Chief Executive Officer Employment Contract.**

***CARRIED 8/0*****CM201617/092 COUNCIL DECISION****MOVED: CR TAVO****SECONDED: CR MELVILLE**

**That Council open the meeting to members of the public.**

***CARRIED 8/0***

6:58pm The Mayor advised that the meeting is open to members of the public.

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**Item 12 Closure**

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**12.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 23 November 2016, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 16 November 2016, commencing at 5:30pm.

**12.2 Closure**

There being no further business, the Mayor declared the meeting closed at 6:56pm.