



AGENDA

Dear Hon. Fredrick Riebeling AM JP

I respectfully advise that a SPECIAL COUNCIL MEETING will be held in the Council Chambers of the Civic Centre, McGregor St, Port Hedland, on Monday, 19 October 2020, commencing at 5.30pm

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in black ink, appearing to read "Carl Askew".

Carl Askew
Chief Executive Officer

14 October 2020

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Mr Carl Askew
Chief Executive Officer
Town of Port Hedland
P O Box 41
PORT HEDLAND WA 6721

Dear Carl,

SPECIAL MEETING OF COUNCIL

In accordance with Section 5.4 of the *Local Government Act 1995* and Council Decision CM202021/039, I hereby request that you arrange for a Special Meeting of Council to be held on **Monday, 19 October 2020** at 5.30pm to consider the following matters:

1. Swearing in of New Elected Members; and
2. Election of Deputy Mayor.

Yours sincerely,

A handwritten signature in black ink, appearing to read "R. Riebeling", with a large flourish at the end.

Hon. Fredrick Riebeling
Commissioner

14 October 2020

Town of Port Hedland Office

Civic Centre, McGregor Street, Port Hedland, WA 6721

PO Box 41, Port Hedland

T: (08) 9158 9300 | F: (08) 9158 9399

E: council@porthedland.wa.gov.au

www.porthedland.wa.gov.au

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Item 1 Opening of Meeting

The Commissioner is to declare the meeting open at [enter time](#).

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Commissioner acknowledges the traditional custodians, the Kariyarra people, and recognises the contribution of Kariyarra Elders past, present and future, in working together for the future of Port Hedland.

Item 3 Declaration by Newly Elected Members of Council

In accordance with Section 2.29 (1) of the Local Government Act 1995 a person elected to Officer of Mayor or Councillor is not entitled to act in the Office until he or she has made a 'Declaration of Officer' in the prescribed form before an authorised person.

I, Hon. Fredrick Riebeling AM JP as a 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 Declaration Act 2005*.

I would now like to invite the Mayor and 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.

Firstly the Mayor, and then each Elected Member are to be called upon by Hon. Fredrick Riebeling AM JP to make their declaration in the prescribed form.

The Elected Mayor is to assume the Chair and become responsible for presiding over the remainder of the meeting.

Item 4 Recording of Attendance

4.1 Attendance

Scheduled Present: Hon. Fredrick Riebeling AM JP
Scheduled for Attendance: Carl Askew (Chief Executive Officer)
Anthea Bird (Director Corporate Services)
Craig Watts (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Josephine Bianchi (Director Community Services)
Leith Hoffensetz (Manager Governance)
Angelique Cook (Senior Governance Advisor)
Naomi Murcott (Corporate Support Officer / Minute Taker)

4.2 Attendance by Telephone / Instantaneous Communications**4.3 Apologies****4.4 Approved Leave of Absence****4.5 Disclosure of Interests**

Item 5 Election of the Deputy Town Mayor

The Mayor will call for nominations for Deputy Mayor and declare the close of nominations.

All nominations must be in writing and can be given to the Chief Executive Officer either before the meeting or at this point in the meeting.

Any Councillor can nominate another Councillor for a position. In this case, the person conducting the election must also receive confirmation, either written or verbal, from the nominated Councillor that they are willing to be nominated.

Election will take place by secret ballot.

The Mayor is to declare the result of the election, the declaration is to include the names of the candidates and the name and term of office of the candidate declared elected.

The newly elected Deputy Mayor will make their declaration before the Mayor and Hon. Fredrick Riebeling AM JP.

Legislation: Local Government Act 1995 Section 2.29

Elected Members 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: \$5000 or imprisonment for one year.*

Legislation: Local Government Act 1995 Clause 4(2) of Schedule 2.3

7. When Council elects Deputy Mayor

- (1) If the Local Government has an elector Mayor the office of Deputy Mayor 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 the office of Deputy Mayor is to be filled —
 - (a) as the next matter dealt with after the Mayor 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 is elected to be the Mayor, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

8. How the Deputy Mayor is elected

- (1) The Council is to elect a Councillor to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the Mayor, 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.

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.

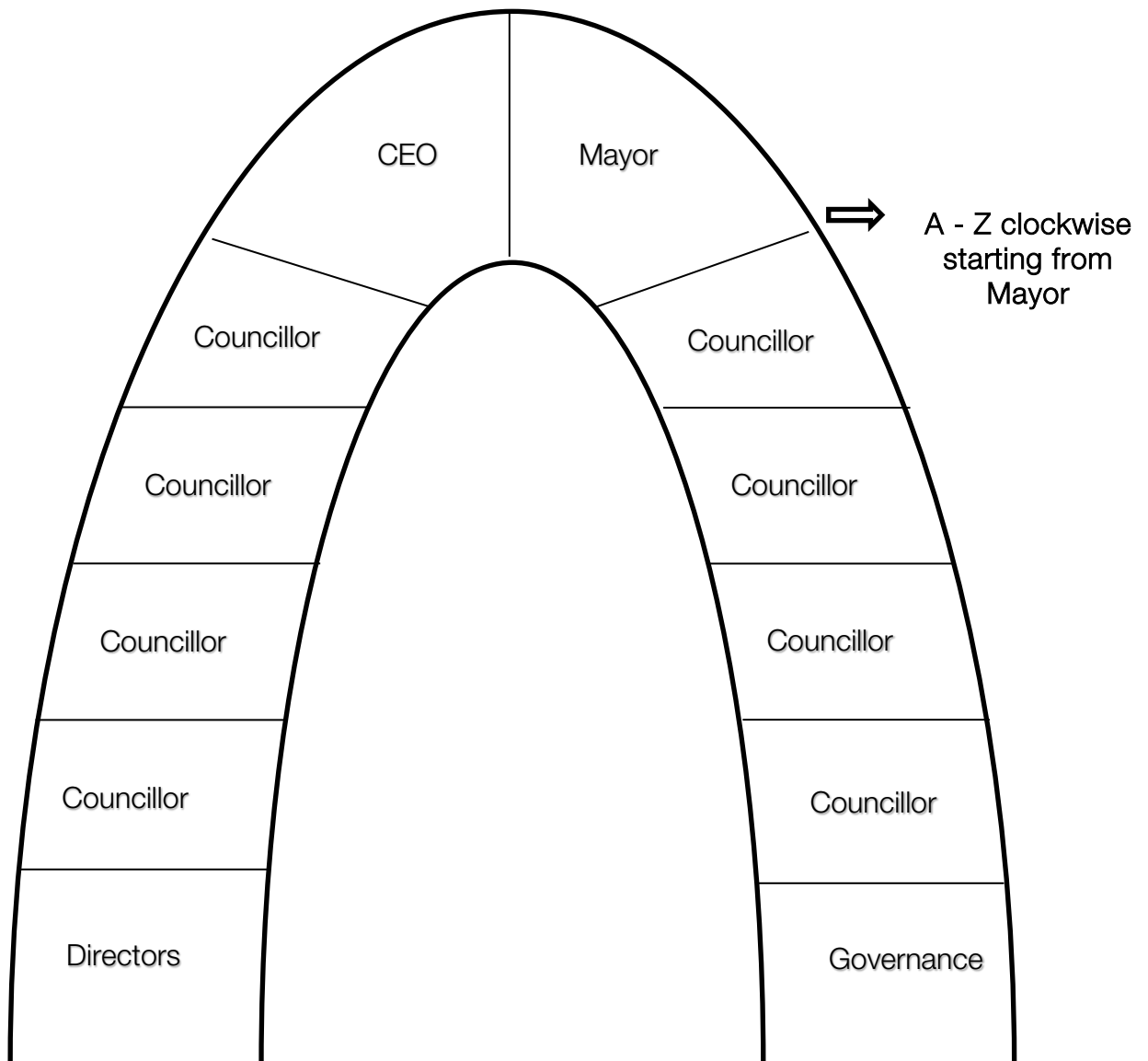
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
- (4) The votes cast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

Item 6 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; and
- (2) Each Member is to occupy his or her allotted position at each Council meeting.

Councillor seating will be arranged in an alphabetical order of their surnames, as shown below:



Item 7 Closure

There being no further business, the Presiding Member declared the meeting closed at [enter time](#).