



# AGENDA

Dear Mayor and Councillors,

I respectfully advise that a SPECIAL COUNCIL MEETING and SWEARING IN CEREMONY will be held in the Civic Centre, McGregor St, Port Hedland, on **Monday, 23 October 2023**, commencing at **5:30pm**.

The purpose of the Special Meeting is to facilitate the Swearing in Ceremony, the election of Deputy Mayor and the seating plan.

**MEETING AGENDA ATTACHED**

Yours faithfully

Carl Askew  
Chief Executive Officer

20/10/2023

**DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Town of Port Hedland for any act, omission, statement, or intimation occurring during Council Meetings. The Town of Port Hedland disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

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.

**DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS**

*Local Government Act 1995 – Section 5.65, 5.70 and 5.71  
Local Government (Model Code of Conduct) Regulations 2021*

*This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Model Code of Conduct) Regulations 2021*

Name			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Important Note:** Should you declare a **Financial or Proximity Interest**, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

*"With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."*

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## **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*.

Each newly Elected Member will be called upon by Mr Stephen Leeson to make their declaration in the prescribed form.

## **2 Opening of Meeting**

The Presiding Member is to declare the meeting open at 5:30pm.

## **3 Acknowledgement of Traditional Owners and Dignitaries**

The Presiding Member acknowledges the Kariyarra people as the Traditional Custodians of the land that we are meeting on and recognises their strength and resilience and pays 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 Bennet
- Cr David Eckhart
- Cr Elect
- Cr Elect
- Cr Elect
- Cr Elect

*Scheduled for Attendance:*

- Carl Askew (Chief Executive Officer)
- Stephen 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**

#### **4.3 Apologies**

#### **4.4 Approved Leave of Absence**

Nil

#### **4.5 Disclosures Of Interest**

Name	Item No	Interest	Nature

## **5 Public Time**

### **5.1 Public Question Time**

### **5.2 Public Statement Time**

## **6 Questions from Members without Notice**

## **7 Election of the Deputy 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 Mayor 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, using Optional Preferential Voting.

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 Mr Stephen Leeson JP.

### ***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?
  - Yes: elected
  - 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.

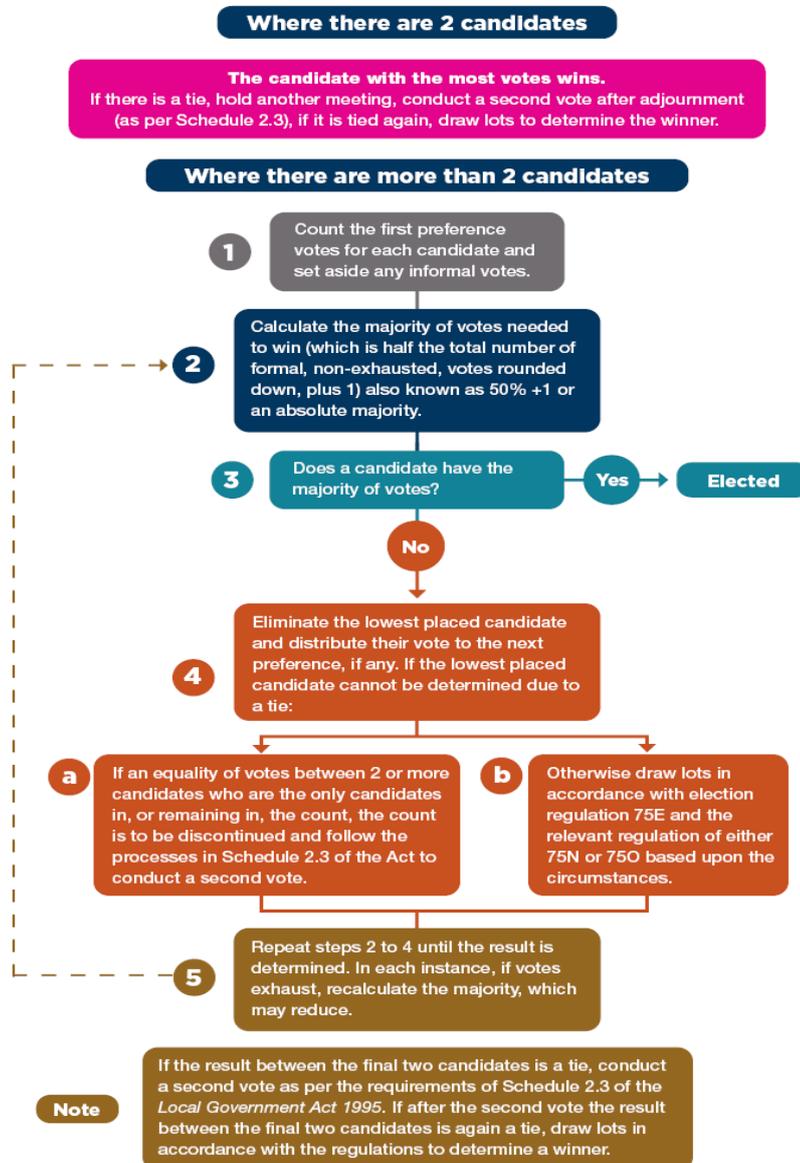
## What's changing

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)



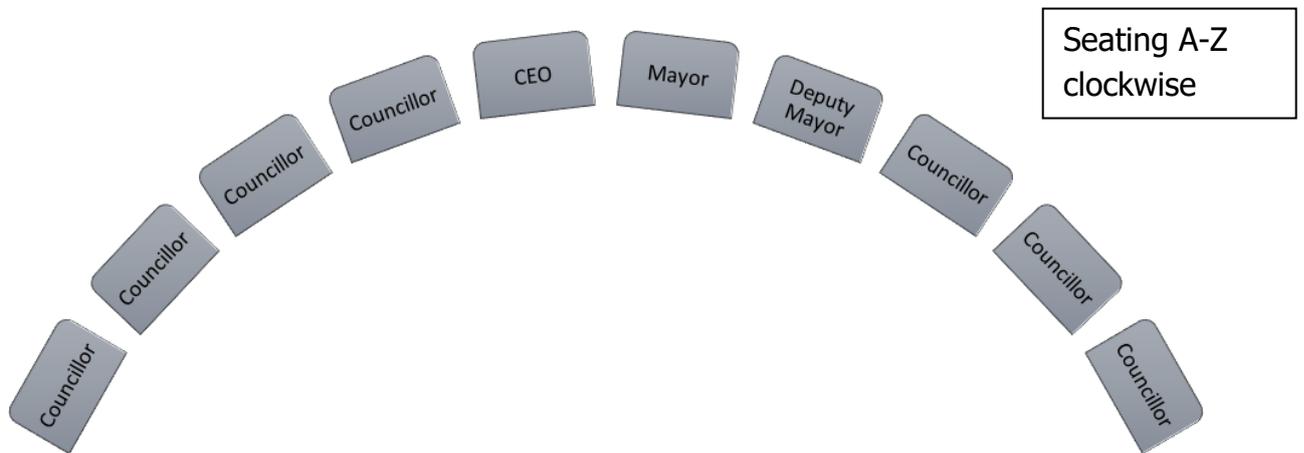
## 9. Elected Member Seating

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.