



Town of Port Hedland

MINUTES

OF THE

SPECIAL MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 11 NOVEMBER 2009

AT 7:00 PM

IN COUNCIL CHAMBERS

McGREGOR STREET, PORT HEDLAND

Purpose of Meeting: To consider:

- . Mayor's Office Use
- . Use of Council Facilities by Mayor
- . Mayor's Allowance Level

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*Chris Adams*  
*Chief Executive Officer*

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**OUR COMMITMENT**

*To enhance social, environmental and economic well-being through leadership and working in partnership with the Community.*

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**ITEM 1 OPENING OF MEETING**

**1.1 Opening**

The Mayor declared the meeting open at 7.00pm and acknowledged the traditional owners, the Kariyarra people.

**ITEM 2 RECORDING OF ATTENDANCE AND APOLOGIES**

**2.1 Attendance**

Mayor K A Howlett  
Councillor A Carter  
Councillor S R Martin  
Councillor G J Daccache  
Councillor J M Gillingham  
Councillor S J Coates  
Councillor D W Hooper  
Councillor M A (Bill) Dziombak

**2.2 Apologies**

Nil

**2.3 Approved Leave of Absence**

Nil

**ITEM 3 PUBLIC TIME**

**3.1 Public Questions**

7:02 pm Mayor opened Public Question Time

**3.1.1 *Mr John Van Uden***

*Is it correct that you require three mayoral offices within the Town of Port Hedland? If this is not correct, which is your preference to occupy during your term; the new office in the foyer of the Civic Centre, the office you currently have, or evict the Library Manager from the South Hedland Library and establish and refurbish this office area? Why are you considering a new office at the Tourist information Centre for your use only? If any of this information is correct, which budget is the cost of these offices coming from?*

Mayor advised it is not her intention to occupy three offices, and that tonight's agenda item is for Council to consider a mayoral office at the Civic Centre.

Mayor added that at the 'Meet the Mayor' community information evening and at the PHCCI 'Meet the Candidate' evening, she had advised of her interest in having a desk and chairs located at the South Hedland Library; this would give South Hedland residents the opportunity to meet with her at no cost to the rate payer.

Mayor advised that she is not suggesting the Manager [of the Library] move at all; she is requesting a desk to be placed in the easy reading section of the library with chairs. In relation to Mr Van Uden's question about an office at the Port Hedland Visitor Centre, Mayor advised that she has been out of town for six (6) days, and was not aware of this proposal.

*NOTE: Mayor asked Mr Van Uden if her responses had adequately answered his questions. Mr Van Uden advised yes and no; as his question relating to office space at the South Hedland Library was raised from reports to him by members of the public that workmen have turned up at that venue to inspect and quote on refurbishment of the office to meet Mayor's requirements. Mayor advised Mr Van Uden that she was unaware of the request.*

Director Community and Regulatory Services advised that as the subject was on the agenda tonight for Council's consideration, he had personally viewed some unutilized space at the South Hedland Library for use by the Mayor. There are a few options and some currently free office space, which he had discussed with the Manager in the event that Council decides tonight to go ahead with an area for the Mayor to use. There was no decision made to evict the Library Manager, just an exploration of options.

7:07 pm Mayor closed Public Question Time

### **3.2 Public Statements**

7:07 pm Mayor opened Public Statement Time

#### **3.2.1 Mrs Rosemary Vrancic**

Mrs Rosemary Vrancic made a statement to Council relating to Councillors to work as a team tonight and to support the needs of the Mayor's role when considering Agenda Item '6.1.1.1 Resources for Mayor'.

#### **3.2.2 Mrs Melissa Hatwell**

Mrs Melissa Hatwell made a statement to Council relating to the Mayor's allowance; and the importance of the Mayor's role and duties in the Town when considering Agenda Item '6.1.1.1 Resources for Mayor'.

**3.2.3      *Mr Adrian Hatwell***

Mr Adrian Hatwell made a statement to Council relating to the Mayor's allowance; and the importance of the Mayor's role and duties in the Town when considering Agenda Item '6.1.1.1 Resources for Mayor'.

**3.2.4      *Mrs Arminie MacPherson***

Mrs Arminie MacPherson made a statement to Council relating to the Mayor's allowance; and to increase office resources when considering Agenda Item '6.1.1.1 Resources for Mayor'.

**3.2.5      *Mrs Arminie MacPherson spoke on behalf of Ms Renee Roberts***

Ms Renee Roberts made a statement to Council relating to the Mayor's allowance; and increasing office spaces for the Mayor to meet with the public when considering Agenda Item '6.1.1.1 Resources for Mayor'.

**3.2.6      *Mr Anthony Boekhorst***

Mr Anthony Boekhorst made a statement to Council relating to the Mayor's allowance when considering Agenda Item '6.1.1.1 Resources for Mayor'.

**3.2.7      *Ms Britt Giddy***

Ms Britt Giddy made a statement to Council relating to the Mayor's allowance; and to support the Mayor's commitment to serving the community full time when considering Agenda Item '6.1.1.1 Resources for Mayor'.

**3.2.8      *Mrs Helen Richards***

Mrs Helen Richards made a statement to Council relating to the Mayor's allowance; and to support the Mayor that the community has chosen, when considering Agenda Item '6.1.1.1 Resources for Mayor'.

**3.2.9      *Mr Brad Anderson***

Mr Brad Anderson made a statement to Council relating to the Mayor's allowance; and support of the Mayor's commitment to serving the community full time when considering Agenda Item '6.1.1.1 Resources for Mayor'.

**3.2.10 Ms Christine Mayberry**

Ms Christine Mayberry made a statement to Council relating to the Mayor's allowance; and to support the Mayor's commitment to serving the community full time when considering Agenda Item '6.1.1.1 Resources for Mayor'.

**3.2.11 Ms Renee Coles**

Ms Renee Cole made a statement to Council relating to the Mayor's allowance; and to support the Mayor's commitment to serving full time when considering Agenda Item '6.1.1.1 Resources for Mayor'.

7:37 pm Mayor closed Public Statement Time

**ITEM 4 QUESTIONS FROM MEMBERS WITHOUT NOTICE****4.1 Councillor Arnold Carter**

*NOTE: Councillor Arnold Carter sought clarification in relation to Councillor and the Mayor's position being voluntarily positions. They do not receive a paid salary, as there is no income tax or superannuation paid. The allowance is not intended to be a salary, it is an allowance to offset expenses associated with serving in the roles, and is purely an income to assist not a salary.*

*Mayor added that the allowance is a stipend to assist in offsetting of costs, and being Mayor is an unique position that requires a lot of time and commitment and it is difficult to hold down a traditional full time position in meeting those requirements both during the day, on weekends and during evenings. The allowance is not a wage or have tax deducted, but should be declared to your accountant.*

**4.2 Councillor Jan Gillingham**

*Councillor Jan Gillingham advised she agreed to call this meeting tonight as she has found it very difficult to communicate with the Mayor over the last couple of weeks, and the mayor hasn't communicated with any of the Councillors in relation to mayoral resources and office locations; why hasn't the Mayor communicated with Councillors on any decisions in relation to office locations and resources?*

Mayor advised that she has been in contact via email to all Councillors last month informing them of her upcoming dates of events, and that she has been on Leave of Absence that was approved at the last Ordinary Council Meeting on 28 October for 5-10 November in Canberra.



Mayor added she had missed Councillor Gillingham's mobile text message today, and thanked Council for delaying the commencement time of the meeting to ensure she could be present tonight.

*NOTE: Councillor Jan Gillingham clarified to everyone that she believed a breakdown of communication had occurred.*

*Mayor added that all her candidate advertising material did state her interest in having a location in South Hedland for the community to meet with her if needed and her preference was a desk at the South Hedland Library. As she has been in the position for three (3) weeks and has just finished her previous employment commitments at the Port Hedland Visitor Centre, and in relation to the mayor office locations she has only had a chance to briefly discuss these options with the Chief Executive Officer. Mayor advised that she thought there would be an opportunity available soon to sit down with all Councillors and discuss these options further. In future Council will use Special Meetings for future decisions on expanding the Town to become a city of 50,000 people. Mayor apologised for any lack of communication.*

#### **4.3 Councillor Steve Coates**

*As Council has established that the Mayoral position receives an allowance not a salary, and it is not an executive position which receives a wage or salary, would Council or another government department determine an increase?*

Mayor advised that she believes it doesn't need to be a wage or salary or has never been asked to be one, the stipend has been adopted as part of Council's annual budget process.

*As more than one speaker in Public Statement Time tonight accused Council of not working together and the Mayor has indicated that she has had only three weeks of working in the position, do you think that we are not working together?*

Mayor answered that she believes the new Council is working together and she has been sending emails to make sure we are all aware of events on in the community, and invited Councillors if they can attend.

**ITEM 5      DECLARATION BY MEMBERS TO HAVE GIVEN DUE  
CONSIDERATION TO ALL MATTERS CONTAINED IN THE  
BUSINESS PAPER PRESENTED BEFORE THE MEETING**

The following Members verbally declared to have given due consideration to all matters contained in the Business Paper presented before the meeting.

Cr S R Martin	Cr S J Coates
Cr A A Carter	Cr G J Daccache
Cr K A Howlett	Cr J M Gillingham
Cr D W Hooper	Cr M A (Bill) Dziombak

7.39 pm      Councillor Kelly A Howlett declared an impartiality interest in Agenda Item '6.1.1.1 Resources for Mayor' as she is holding the current position of Mayor. Councillor Howlett advised that as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Howlett declared that she will consider this matter on its merits and vote accordingly. Councillor Howlett did not leave the room.



The current Mayor, Mayor Kelly Howlett, has indicated to the Chief Executive Officer that she would like to use the current Mayor's office for approximately five (5) hours per day and would also like to set up an office space at the South Hedland Library. While not known, the costs of establishing these spaces (if supported) are likely to be relatively low.

It is clearly appropriate for the Mayor to have access to appropriate resources for them to fulfill their Mayoral role. This includes the provision of office space and other resources such as IT and Executive Support services.

While a Mayoral office is clearly required, the downstairs area of the Civic Centre is currently severely space constrained. An audit of staff accommodation requirements undertaken by the Australian Institute of Management in early 2009 identified overcrowding in the Civic Centre office, with further overcrowding becoming likely unless action was undertaken to address the issue. While some staff have been relocated to the Port Hedland International Airport, space is currently at a premium in the Civic Centre. With rapid growth occurring within the Town (and hence within the organisation) this problem is likely to become worse unless additional office accommodation is found/constructed in the short to medium term.

Given the concerns raised by some Councillors when calling this Special Meeting, it may be appropriate for Council to provide direction on what space should be made available for the Mayor to operate from. The following office spaces have been identified as potentially being available/appropriate for the Mayor:

1. The current Mayor's Office.
2. The newly constructed office space near the front reception. (Note: This space has been planned to be developed for at least the last 12 months. The project is a component of the upgrade of the front desk, but had been delayed due to contractor unavailability. The room was originally intended to be a staff meeting/interview room).
3. Upstairs Meeting Room: This room is sporadically used, but is used by community groups when the Gratwick Hall is hired. Use of the space as a Mayoral office would restrict community use.
4. South Hedland Library: Sufficient space exists at the South Hedland Library to establish an office/meeting room space reasonably simply.
5. Any combination of the above.

*Item 2: Use of Council Facilities by Mayor***Issue Raised by Councillors**

The Mayor has indicated her intent to operate as a 'full-time' Mayor. Given the Mayor's voluntary involvement on several committees and community associations, there was concern that the Mayor may potentially use Council resources for community purposes that are not 100% related to the business of the Town. Councillors wanted to ensure/confirm that Municipal resources were to be used for solely local government activities.

**Information**

The Mayor's role is as the leader and spokesperson of the Council. The Mayor has no specific additional powers or authority other than:

- a) Ability to authorise unbudgeted expenditure in emergency situations.
- b) The delegated authority to be the spokesperson of Council.
- c) The role of chairing Council meetings.
- d) The statutory ability to sit on any committee of Council.
- e) Limited statutory powers as prescribed under the Local Government Act.

The Mayor does not have the authority to utilise municipal resources without Council approval (except in emergency situations as stipulated in a) above). To the best of the Chief Executive Officer's knowledge, neither the current Mayor nor the previous Mayor has used municipal resources (office space, IT, phones, stationary, equipment, etc.) for any purpose other than specific Town of Port Hedland business during their respective terms.

*Item 3: Mayoral Allowance***Issue Raised by Councillors**

The Mayoral Allowance has been raised significantly over the past two years and is now paid at the highest level permitted under the Local Government Act. Given that the Mayor is new to the position, some Councillors have indicated that they believe that it may not be appropriate to paying the maximum amount available from the commencement of the new Mayoral term. Comment was made about potentially reducing the Mayoral allowance downwards in 2009/10 and using the savings to provide additional training to both the Mayor and Councillors.

**Information**

At its Special Meeting held on the 29<sup>th</sup> of July 2009 Council approved the payment of fees and allowances to Elected Members. The fees/allowances that were agreed to by the Council for the 2009/10 financial year are the maximum amount payable under the provisions of the Local Government Act. Tabled below is the Council endorsed fees and allowances for the Town of Port Hedland Mayor for the last four financial years:

	2006/07	2007/08	2008/09	2009/10
Mayoral Allowance	20,000	20,000	45,000	60,000
Sitting Fees	14,000	14,000	14,000	14,000
Other Allowances	2,000	2,000	3,400	3,400
<b>TOTAL</b>	<b>\$36,000</b>	<b>\$36,000</b>	<b>\$62,400</b>	<b>\$77,400</b>

Average over past 3 years (excluding 2009/10) = \$44,800

For comparisons purposes the fees/allowances proposed to be paid to neighbouring Shire Presidents in 2009/10 were obtained (See table below).

	Shire of Ashburton	Shire of East Pilbara	Shire of Roebourne	Average
Mayoral Allowance	5,000	9,000	60,000	24,667
Sitting Fees	14,000	14,000	14,000	14,000
Other Allowances	280	1,000	3,400	1,560
<b>TOTAL</b>	<b>\$19,280</b>	<b>\$24,000</b>	<b>\$77,400</b>	<b>\$40,227</b>

Consultation

Nil

Statutory Implications

Division 8 of the Local Government Act prescribes the fees, expenses and allowances that are payable to Councillors and Mayors.

The current maximum fees prescribed under Regulation 30 of the Local Government Administration Regulations 1996 are:

- Mayoral sitting fee = \$14,000
- Mayoral Allowance = \$12 000; or 0.002 of the local government's operating revenue, whichever is the greater amount, but in any case no more than \$60,000.
- Allowances: Information technology (\$1,000), Telecommunications (\$2,400).
- Reimbursements are also available for childcare and travel related costs.

It should be noted that the Deputy Mayor's Allowance can be no greater than 25% of the Mayors allowance. Traditionally the Town has paid the maximum of 25%.

As the Budget Resolution pertaining to Mayoral and Councillor sitting fees was passed by Council and has been acted upon (i.e. some fees have been paid), any change will require a rescinding motion of Council.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

While yet to be confirmed, the costs of establishing a Mayoral office are likely to be relatively small and could be accommodated within existing budget provisions.

Council's adopted budget includes the fees and allowances as approved on the 29<sup>th</sup> of July 2009.

Officer's Comment

The expectations of the Mayor of the Town of Port Hedland in terms of time commitment have undoubtedly grown over the past 3-4 years with an increasing number of ceremonial and business related functions to attend. To undertake this role effectively, it would be extremely difficult to hold down a 'traditional' job as many of the appointments, duties and roles need to be undertaken during normal business hours. Compensation and resources should be provided to the Mayor so that the individual can undertake the role effectively.

Given the growth within the Town and the likely future time commitment required to adequately fulfill the role of the Mayor, the Chief Executive Officer is of the opinion that the fees and allowances that were adopted by Council at its Special Council Meeting held in July 2009, are fair and reasonable. The Chief Executive Officer also supports the Mayor having access to appropriate office space and other resources required to fulfill the Mayoral role.

Attachments

Nil

Officer's Recommendation

*Mayor's Office*

That Council:

1. Provides the following office space/s for the Mayor:  
The current Mayor's Office  
OR  
The newly constructed office space near the front reception  
OR  
Upstairs Meeting Room.  
OR  
South Hedland Library.
2. Requests a report on the short, medium and long term staff accommodation options be presented for Council's consideration at the next Ordinary Meeting of Council.

*Mayors Use of Council Resources*

That Council notes that:

1. the Council:
  - Directs and controls the Local Government's affairs;
  - Is responsible for the performance of local government functions;
  - Oversees the allocation of the local government's finances and resources; and
  - Determines the local governments policies
2. the Mayor:
  - Presides at meetings.
  - Provides leadership and guidance to the community in the district.
  - Carries out civic and ceremonial duties in the district;
  - Speaks on behalf of Council.
  - Performs specific functions/roles that are prescribed in the Local Government Act; and
  - Liaises with the CEO on the local government's affairs and the performance of its functions.

*Mayoral Allowance*

That Council does not alter the fees and allowances payable to the Mayor and Councillors for the 2009/10 Financial year.



Alternate Resolution

*NOTE: to revoke the decision made in accordance with the Local Government (Administration) Regulations 1996:*

***“10. Revoking or changing decisions made at Council or Committee meetings – s5.25(e)***

1. *If a decision has been made at a council or committee meeting then any motion to revoke or change the decision must be supported –*
  - (a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover; or*
  - (b) *in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover*
2. *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made –*
  - (a) *In the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority;*
  - (b) *In any other case, by an absolute majority.*
3. *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

**Voting Requirements**

1. *To consider – 1/3 of members (3).*
2. *To revoke – absolute majority.*

*NOTE: Mayor to call for a show of hands in favour to consider the revoking of Resolution 2009/10 (Recommendation 10) of Item 6.1.1.1 ‘2009/2010 Budget Adoption’ of the Special Meeting of Council held on 29 July 2009 and recorded on page 22 of those Minutes.*

That Council:

- i) rescinds Recommendation 10 of Resolution 200910/030 of Agenda Item 6.1.1.1 ‘2009/10 Budget Adoption’ of the Special

Meeting of Council held on 29 July 2009, and recorded on page 22 of those Minutes, that states:

“That Council adopts the following Councillor fees and allowances for 2009/10:

Meeting Fees (x1 for Councillors, x2 for Mayor)	\$ 7,000
Communication Allowance	\$ 2,400
IT Allowance (or access to a laptop)	\$ 1,000
Mayoral Allowance	\$60,000
Deputy Mayor Allowance	\$15,000”

and

- ii) adopts the following revised Councillor fees and allowances for the 2009/10 Financial Year:

Meeting Fees (x1 for Councillors, x2 for Mayor)	\$ 7,000
Communication Allowance	\$ 2,400
IT Allowance (or access to a laptop)	\$ 1,000
Mayoral Allowance	\$ _____
Deputy Mayor Allowance	\$ _____

200809/134 Council Decision

**Moved:** Cr A A Carter

**Seconded:** Cr G J Daccache

Mayor’s Office

That Council:

1. Provides the following office space/s for the Mayor:
  - a) The current Mayor’s Office
2. Requests a report on the short, medium and long term staff accommodation options be presented for Council’s consideration at the next Ordinary Meeting of Council.

*CARRIED 8/0*

200809/135 Council Decision

**Moved:** Cr A A Carter

**Seconded:** Cr G J Daccache

***Mayors Use of Council Resources***

That Council notes that:

1. the Council:
  - **Directs and controls the Local Government's affairs;**
  - **Is responsible for the performance of local government functions;**
  - **Oversees the allocation of the local government's finances and resources; and**
  - **Determines the local governments policies**
  
2. the Mayor:
  - **Presides at meetings.**
  - **Provides leadership and guidance to the community in the district.**
  - **Carries out civic and ceremonial duties in the district;**
  - **Speaks on behalf of Council.**
  - **Performs specific functions/roles that are prescribed in the Local Government Act; and**
  - **Liaises with the CEO on the local government's affairs and the performance of its functions.**

*CARRIED 8/0*

200809/136 Council Decision

**Moved:** Cr G J Daccache

**Seconded:** Cr D W Hooper

Mayoral Allowance

That Council does not alter the fees and allowances payable to the Mayor and Councillors for the 2009/10 Financial year.

*4/4*

*NOTE: Mayor advised her casting vote.*

*CARRIED 5/4*

**ITEM 7 CLOSURE**

**7.1 Closure**

There being no further business, the Chairman declared the meeting closed at 8.00pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 25 November 2009.

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE