

AGENDA

Dear Mayor and Councillors,

I respectfully advise that a SPECIAL COUNCIL MEETING will be held in the Civic Centre, McGregor St, Port Hedland, on **Monday 22 April 2024**, commencing at **4:30pm**.

The purpose of the Special Meeting is consideration of a motion of no confidence in Councillor Adrian McRae.

MEETING AGENDA ATTACHED

Yours faithfully



Carl Askew
Chief Executive Officer

17 April 2024

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 Opening of Meeting

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

2 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.

3 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.

3.1 Attendance

Scheduled Present:

Mayor Peter Carter
Deputy Mayor Ash Christensen
Cr Sven Arentz
Cr Flo Bennett
Cr Camilo Blanco
Cr Lorraine Butson
Cr Adrian McRae
Cr Ambika Rebello
Cr Tim Turner

Scheduled for Attendance:

Carl Askew (Chief Executive Officer)
Steve Leeson (Director Corporate Services)
Louise Gee (Interim Director Community Services)
Michael Cuvalo (A/Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Tom Kettle (Manager Governance)
Maree Cutter-Naroba (Senior Governance Advisor)
Karen Krollig (Governance Officer)

Rhiannon Smith (Governance Support Officer)

3.2 Attendance by Telephone / Instantaneous Communications

3.3 Apologies

3.4 Approved Leave of Absence

3.5 Disclosures Of Interest

Name	Item No	Interest	Nature

4 Public Time

4.1 Public Question Time

4.2 Public Statement Time

5 Questions from Members without Notice

6 Announcements by Presiding Member without Discussion

Nil

7 Declarations of All Members to have given due consideration to all matters contained in the Business Paper before the Meeting

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

8 Reports of Officers

8.1 Executive Services

8.1.1	Motion of no confidence in Councillor Adrian McRae
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Author: Manager Governance

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

COUNCIL MOTION

That Council endorse a vote of no confidence in Councillor Adrian McRae.

SIMPLE MAJORITY VOTE REQUIRED

DETAIL

Councillor Adrian McRae (Cr McRae) was elected to the Council at the 8 March 2024 Town of Port Hedland Extraordinary Election.

A notice of a Special Meeting of the Council dated 15 April 2024 (attachment 1) was received with the purpose of the meeting to consider a motion of no confidence in Councillor Adrian McRae. The rationale states;

To demonstrate to the Town of Port Hedland community that Cr McRae's public comments in relation to the Russian election are his own personal views and are not endorsed by the Town of Port Hedland Council.

It is important to note that there is no power under the *Local Government Act 1995* (the Act) for the Council to remove a Councillor from office and the Council decision would have no legal effect on the position or role of the Councillor. The Councillor is appointed by electoral processes under the Act and the role of Councillors is defined by section 2.10 of the Act.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low, because: N/A.

CONSULTATION

Internal

- Nil

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS*Local Government Act 1995**section 2.10 Role of Councillors***FINANCE AND RESOURCE IMPLICATIONS**

- Nil

STRATEGIC SUSTAINABILITY IMPLICATIONS

There are no significant identifiable environmental, social or economic impacts relating to this item

Access and Inclusion

The following outcome of the Town's Access and Inclusion Plan 2023-2026 apply in relation to this item:

Nil

Corporate Business Plan

The following action of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

Nil

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Reputational
Cause	Vote of no confidence demonstrating disunity within the Council.
Effect (Consequence)	Substantiated public embarrassment, widespread high impact on key stakeholder trust, high media profile, third party actions.
Risk Treatment	Clear wording regarding the rationale for the vote of no confidence. Future demonstration to the community of commitment to collaboration.

There is a Strategic, risk associated with this item caused by vote of no confidence demonstrating disunity within the Council, leading to substantiated public embarrassment, widespread high impact on key stakeholder trust, high media profile, third party actions.

The risk rating is considered to be High (16) which is determined by a likelihood of Likely (4) and a consequence of Major (4).

This risk will be mitigated by clear wording regarding the rationale for the vote of no confidence and future demonstration to the community of commitment to collaboration.

OPTIONS

Option 1 – Adopt Council motion

Option 2 – Amend Council motion

Option 3 – Do not adopt Council motion

CONCLUSION

The Council may endorse a vote of no confidence in one of its members, however there is no legal effect on the role of the Councillor.

ATTACHMENTS

1. Notification of Special Council Meeting April 2024 [**8.1.1.1** - 1 page]

9 New Business of an Urgent Nature (Late Items)

Nil

10 Closure

10.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday, 24 April 2024 commencing at 5:30pm.

10.2 Closure

There being no further business, the Presiding Member declared the meeting closed.