



TOWN OF PORT HEDLAND

SPECIAL COUNCIL MEETING MINUTES

WEDNESDAY 29 JUNE 2016 AT 4:00PM

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

Agenda Item:

1. *Appointment of Acting Chief Executive Officer*

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“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

The Mayor declared the meeting open at 4.10pm.

Item 2 Acknowledgement of Traditional Owners

The Mayor acknowledged the traditional owners, the Kariyarra people.

Item 3 Recording of Attendance**3.1 Attendance**

Mayor Kelly Howlett
Councillor 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
Adam Majid	Acting Director Community and Development Services
Nicholas Ross	Manager People and Culture
Grace Waugh	Coordinator Governance/ Minute Taker

Public	3
Media	0
ToPH Officers	1

3.2 Apologies

Nil.

3.3 Approved Leave of Absence

Nil.

3.4 Disclosure of Interests

Nil.

Item 4 Response to Previous Questions

Not applicable.

Item 5 Applications for Leave of Absence

Not applicable

Item 6 Attendance by Telephone/Instantaneous Communications

Not applicable

Item 7 Public Time

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 4:13pm.

7.1 Public Question Time**7.1.1 Mr Roger Higgins on behalf of Port Hedland Seafarers Association**

Approximately 12 months ago Seafarers made an application to Council for a rates concession.

The Mayor advised Mr Higgins that this Special Council Meeting is in relation to the appointment of an Acting Chief Executive Officer and all questions and statements must relate to that purpose. The Rating Strategy Special Council Meeting is scheduled for 4:30pm.

The Mayor closed Public Question Time at 4:14pm.

The Mayor opened Public Statement Time at 4:14pm.

7.2 Public Statement Time

Nil.

The Mayor closed Public Statement Time at 4:14pm.

7.3 Petitions/Deputations/Presentations/Submissions

Nil.

Item 8 Questions from Members without Notice**8.1 Councillor Whitwell**

How much is it going to cost the Town to appoint an additional member of staff to take on the position of Acting Chief Executive Officer?

The Acting Chief Executive Officer advised that the placement fee through WALGA is approximately \$9,000 and an additional administration fee of \$500. The Town would need to negotiate with the successful candidate on the salary and allowances inclusive of accommodation and vehicle allowances. The base salary for an Acting Chief Executive Officer could be approximately \$300,000 paid on a pro rata basis for the time they are in the position.

What period of time would the candidate be Acting Chief Executive Officer?

The Mayor advised that the period of time is to be determined by Council.

Would the salary expense be in addition to the costs incurred by the departure of the Chief Executive Officer?

The Mayor advised in the affirmative.

Is it possible to advise the public of the cost incurred for the departure of the Chief Executive Officer?

The Mayor advised in the negative as it was a confidential settlement.

Will the amount be disclosed in the budget?

The Mayor advised that the amount won't be specifically highlighted in the budget and may be included in the staff budget line item.

Will the amount be included in the auditor's report on senior staff salaries?

The Mayor advised in the affirmative.

8.2 Councillor Tavo

During the week the Town issued a media release to the public about the departure of the Chief Executive Officer. I have had questions this week about whether it was a resignation due to the wording used in the media release. Is it possible to make the media release reflective of what occurred?

The Mayor advised that the media release is reflective of what occurred and believes there is nothing to gain by providing further commentary. The Council made a confidential settlement and agreement.

The media release makes it look like the Chief Executive Officer resigned.

The Mayor advised that the Chief Executive Officer didn't resign and appreciates the feedback received.

8.3 Councillor Blanco

If Council pass a motion to advertise the decision made at the Special Council Meeting on Wednesday 22 June 2016 the media release would then be changed to reflect the decision. Is that correct?

The Mayor advised in the negative as the decision made is a confidential decision and a confidential agreement so will not be disclosed to the public.

The confidentiality part was removed out of the recommendation at the Special Council Meeting on Wednesday 22 June 2016?

The Mayor advised that she does not believe that was the case. The Town could seek further legal advice on the confidentiality of the decision however a confidential schedule was endorsed and the confidentiality will remain in place.

At the 16 December 2015 Ordinary Council Meeting the same thing happened and a decision was made by Council at the 27 January 2016 Ordinary Council Meeting to include the motions lost in the minutes.

The Mayor advised that the circumstance now is different at the 16 December 2015 Ordinary Council Meeting was under different circumstances than the current situation.

8.4 Councillor Tavo

Were the motions from the 16 December 2015 Ordinary Council Meeting made confidential or were they removed from the minutes?

The Mayor advised that the circumstances from December 2015 and now are different. The legal advice that the Town obtained was to proceed in the manner we have which is what has been released to the public. The Mayor is happy for the Town to seek further legal advice however the decision made is confidential.

Administration Note: The advice that the Town received in relation to the recording of the confidential Council decision was from the West Australian Local Government Association (WALGA).

8.5 Councillor Whitwell

Has the Town received any legal advice about the possible conflict of interest the Deputy Mayor may have in relation to the items discussing the Chief Executive Officer?

The Mayor advised that she will not answer the question in a public forum however can discuss it in confidence. Confidential legal advice was provided to the Deputy Mayor in December 2015.

Item 9 Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting

Mayor Howlett	Councillor Melville
Councillor Blanco	Councillor Newbery
Councillor Gillingham	Councillor Whitwell
Councillor Hooper	Councillor Tavo
Councillor Arif	

Elected Members noted that they had not read the confidential resumes for the other candidates in relation to item 14.1 'Appointment of Acting Chief Executive Officer'.

Item 10 Announcements by Presiding Member without Discussion

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.

Item 11 Reports of Officers

Nil.

Item 12 Motions of Which Previous Notice Has Been Given

Not applicable.

Item 13 New Business of an Urgent Nature

Not applicable.

Item 14 Matters for Which Meeting May Be Closed (Confidential Matters)**201516/291 RECOMMENDATION/ COUNCIL DECISION**

MOVED: CR ARIF

SECONDED: CR MELVILLE

That with respect to the Appointment of the Acting Chief Executive Officer, Council close the meeting to members of the public as prescribed in section 5.23(2)(a) of the Local Government Act 1995.

CARRIED 9/0

4:19pm The Mayor advised that the meeting was closed to the public.

The Acting Chief Executive Officer, Manager People and Culture and Coordinator Governance remained in the room.

201516/292 COUNCIL DECISION**MOVED: CR GILLINGHAM****SECONDED: CR HOOPER**

That Council suspend sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension of Standing Orders' to discuss item 14.1 'Appointment of Acting Chief Executive Officer'.

CARRIED 9/0

4:20pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law are suspended.

201516/293 COUNCIL DECISION**MOVED: CR ARIF****SECONDED: CR TAVO**

That Council resume sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014.

CARRIED 9/0

4:26pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law are resumed.

4:26pm The Acting Chief Executive Officer declared a financial interest in item 14.1 'Appointment of Acting Chief Executive Officer' as he is currently Acting as Chief Executive Officer.

The Acting Chief Executive Officer left the room.

The Manager People and Culture and Coordinator Governance remained in the room.

201516/294 COUNCIL DECISION**MOVED: CR BLANCO****SECONDED: CR MELVILLE**

That Council open the meeting to members of the public.

CARRIED 9/0

4:35pm The Mayor advised that it is open to the public.

201516/295 COUNCIL DECISION**MOVED: CR GILLINGHAM****SECONDED: CR BLANCO**

That Council adjourn the meeting in accordance with section 13.3 of the Standing Orders Local Law 2014 until Wednesday 29 June 2016 at 5:00pm.

CARRIED 9/0

4:35pm The Mayor advised that the meeting is adjourned.

201516/296 COUNCIL DECISION**MOVED: CR TAVO****SECONDED: CR WHITWELL**

That Council resume the meeting that was adjourned in accordance with section 13.1 of the Town of Port Hedland Standing Orders Local Law 2014.

CARRIED 8/0

5:44pm The Mayor advised that the meeting is resumed.

Attendance

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

Officers

Chris Linnell	Acting Chief Executive Officer
Adam Majid	Acting Director Community and Development Services
Nicholas Ross	Manager People and Culture
Grace Waugh	Coordinator Governance/ Minute Taker

Public	3
Media	0
ToPH Officers	1

Apologies

Councillor Troy Melville

201516/297 COUNCIL DECISION**MOVED: CR ARIF****SECONDED: CR TAVO**

That with respect to the Appointment of Acting Chief Executive Officer, Council close the meeting to members of the public as prescribed in section 5.23(2)(a) of the Local Government Act 1995.

CARRIED 8/0

5:44pm The Mayor advised that the meeting was closed to members of the public.

201516/298 COUNCIL DECISION**MOVED: CR TAVO****SECONDED: CR GILLINGHAM**

That Council suspend sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension of Standing Orders' to discuss item 14.1 'Appointment of Acting Chief Executive Officer'.

CARRIED BY ABSOLUTE MAJORITY VOTE 8/0

5:44pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law are suspended.

201516/299 COUNCIL DECISION**MOVED: CR TAVO****SECONDED: CR GILLINGHAM**

That Council resume sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014.

CARRIED 8/0

6:01pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law are resumed.

14.1 Appointment of Acting Chief Executive Officer**MOTION****MOVED: CR BLANCO****SECONDED: CR TAVO**

That with respect to the appointment of the Acting Chief Executive Officer, Council:

1. Appoint Director Community and Development Services, Mr Chris Linnell, as Acting Chief Executive Officer for the duration of the time it takes to appoint a permanent Chief Executive Officer.
2. Authorise the Mayor and Deputy Mayor to negotiate the salary package for Mr Linnell that meets the requirements of the Salaries and Allowances Tribunal Determination with respect to Band 1 entitlements.

3. Request that the Acting Chief Executive Officer advertise the Chief Executive Officer position as soon as practicable with the staged recruitment of the Director Corporate Services role to follow once the Chief Executive Officer has been appointed.
4. Appoint the Mayor, Deputy Mayor, Councillor Gillingham, Councillor Hooper, Councillor Arif, Councillor Melville, Councillor Newbery, Councillor Whitwell and Councillor Tavo to the Chief Executive Officer recruitment selection panel.
5. Request the Acting Chief Executive Officer to seek quotes for an independent forensic auditor to review:
 - a) the recent organisational structure;
 - b) Town of Port Hedland finances, starting with the Port Hedland International Airport lease (lease funds not coinciding with the council decision)
 - c) Elected Member and staff travel (associated benefits and review of suitability and appropriateness of travel for Town of Port Hedland)
 - d) investigate all procurement processes and expenditure, starting with but not limited to the Port Hedland International Airport and the compliance with the Local Government Act 1995 and Financial Regulations and report findings to the Audit, Risk and Governance Committee for review
6. Request the Acting Chief Executive Officer report to Council on the estimated expenditure for the independent forensic audit with expenditure to be considered as part of 2016/17 Budget deliberations.

201516/300 AMENDMENT/ COUNCIL DECISION**MOVED: CR HOOPER****SECONDED: CR BLANCO**

That Council include 'and be presented to Council for a decision' to point 5 so that it reads:

5. ***Request the Acting Chief Executive Officer to seek quotes for an independent forensic auditor to review and be presented to Council for a decision:***
 - a) ***the recent organisational structure;***
 - b) ***Town of Port Hedland finances, starting with the Port Hedland International Airport lease (lease funds not coinciding with the council decision)***
 - c) ***Elected Member and staff travel (associated benefits and review of suitability and appropriateness of travel for Town of Port Hedland)***
 - d) ***investigate all procurement processes and expenditure, starting with but not limited to the Port Hedland International Airport and the compliance with the Local Government Act 1995 and Financial Regulations and report findings to the Audit, Risk and Governance Committee for review***

CARRIED 8/0**201516/301 AMENDED MOTION/ COUNCIL DECISION****MOVED: CR BLANCO****SECONDED: CR TAVO**

That with respect to the appointment of the Acting Chief Executive Officer, Council:

1. **Appoint Director Community and Development Services, Mr Chris Linnell, as Acting CEO for the duration of the time it takes to appoint a permanent Chief Executive Officer.**
2. **Authorise the Mayor and Deputy Mayor to negotiate the salary package for Mr Linnell that meets the requirements of the Salaries and Allowances Tribunal Determination with respect to Band 1 entitlements.**
3. **Request that the Acting Chief Executive Officer advertise the Chief Executive Officer position as soon as practicable with the staged recruitment of the Director Corporate Services role to follow once the Chief Executive Officer has been appointed.**
4. **Appoint the Mayor, Deputy Mayor, Councillor Gillingham, Councillor Hooper, Councillor Arif, Councillor Melville, Councillor Newbery, Councillor Whitwell and Councillor Tavo to the Chief Executive Officer recruitment selection panel.**
5. **Request the Acting Chief Executive Officer to seek quotes for an independent forensic auditor to review and be presented to Council for a decision:**
 - a) **the recent organisational structure;**
 - b) **Town of Port Hedland finances, starting with the Port Hedland International Airport lease (lease funds not coinciding with the council decision)**
 - c) **Elected Member and staff travel (associated benefits and review of suitability and appropriateness of travel for Town of Port Hedland)**
 - d) **investigate all procurement processes and expenditure, starting with but not limited to the Port Hedland International Airport and the compliance with the Local Government Act 1995 and Financial Regulations and report findings to the Audit, Risk and Governance Committee for review**
6. **Request the Acting Chief Executive Officer report to Council on the estimated expenditure for the independent forensic audit with expenditure to be considered as part of 2016/17 Budget deliberations**

CARRIED BY ABSOLUTE MAJORITY VOTE 6/2

For	Against
Councillor Blanco	Mayor Howlett
Councillor Gillingham	Councillor Arif
Councillor Hooper	
Councillor Newbery	
Councillor Whitwell	
Councillor Tavo	

201516/302 COUNCIL DECISION

MOVED: CR BLANCO

SECONDED: CR TAVO

That Council open the meeting to members of the public.

CARRIED 8/0

6:29pm The Mayor advised that the meeting is open to the public. The Mayor read out to the public Council's decision made behind closed doors.

Item 15 Closure**15.1 Closure**

There being no further business, the Mayor declared the meeting closed at 6:33pm.