

AGENDA

Dear Mayor and Councillors,

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, 18 October 2021**, commencing at 5.30pm

MEETING AGENDA ATTACHED

Yours faithfully



Josephine Bianchi
Acting Chief Executive Officer

8 October 2021

DISCLAIMER

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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.

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Item 1 Opening of Meeting

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

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Chief Executive Officer acknowledges the Kariyarra people as the Traditional Custodians of the land on which the meeting takes place and recognises their strength and resilience and pays respect to elders past, present and emerging.

Item 3 Declaration by Newly Elected Members of Council

In accordance with Section 2.29 of the *Local Government Act 1995* and Regulations 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*.

I, Veronica Fuller 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 Veronica Fuller 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

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: Carl Askew (Chief Executive Officer)
Scheduled for Attendance: Cr Renae Coles
Cr Jan Gillingham
Cr McDonogh
Cr Elmar Zielke
Karren MacClure (Director Corporate Services)
Craig Watts (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Josephine Bianchi (Director Community Services)
Lindy Ang (Senior Legal Counsel)
Rebecca Wilkinson (Governance Officer)
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 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 Veronica Fuller 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.*

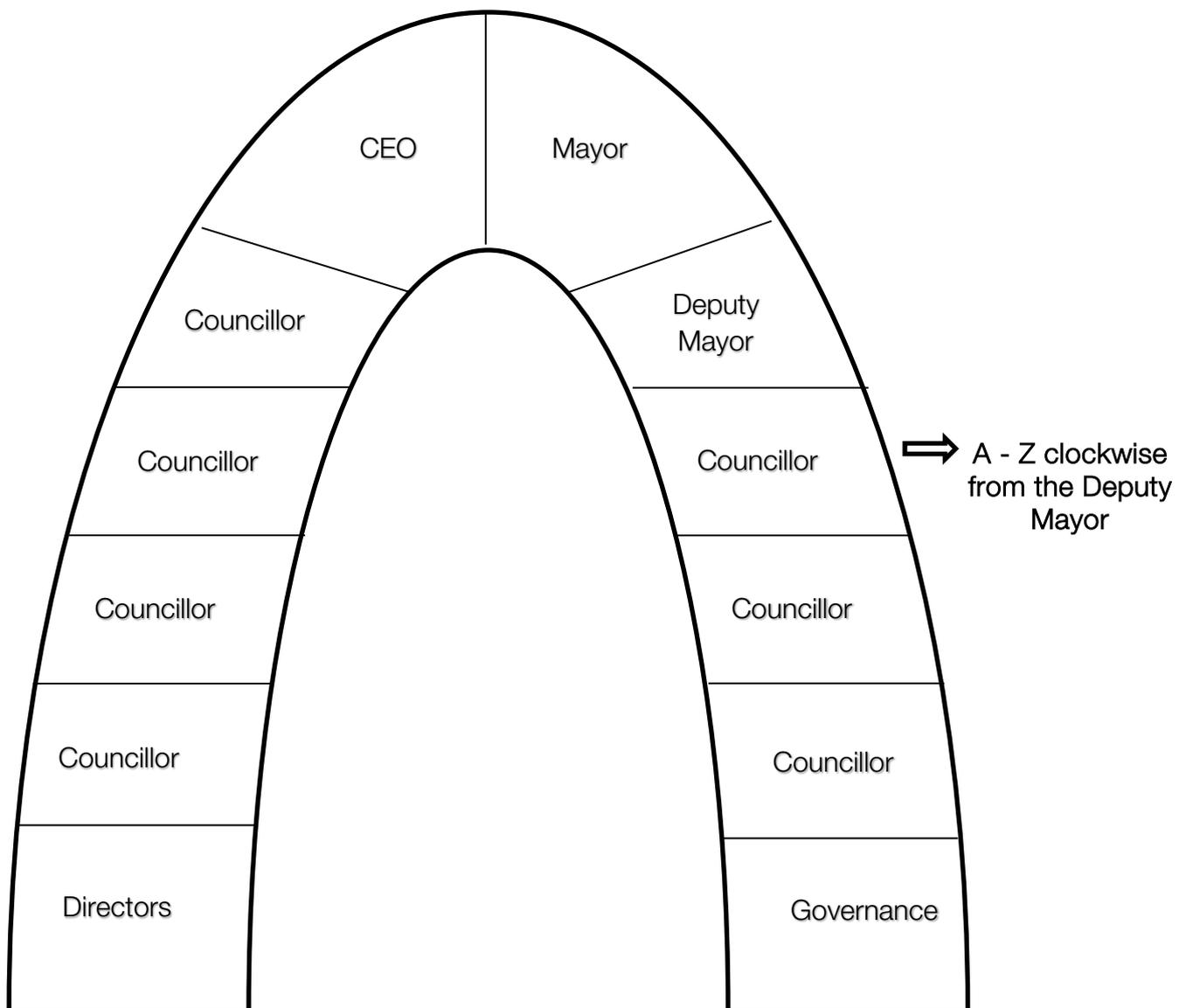
Item 6 Elected Member Seating

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.*
- (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:



Item 7 Closure

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