



Town of
Port Hedland



CONFIRMED
MINUTES

Special Council Meeting
Wednesday, 22 April 2024

Date: Wednesday 22 April 2024

Time: 5:30pm

**Location: 13 McGregor Street, PORT HEDLAND WA
6721**

Distribution Date: 26/06/2024

Mayor

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1 Opening of Meeting

The Presiding Member declared the meeting open at 4:30pm.

2 Acknowledgement of Traditional Owners and Dignitaries

The Presiding Member acknowledged the Kariyarra people as the Traditional Custodians of the land that we are meeting on and recognised their strength and resilience and paid 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)
Craig Watts (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Tom Kettle (Manager Governance)
Maree Cutler-Naroba (Senior Governance Advisor)
Karen Krollig (Governance Officer)
Rhianon Smith (Governance Support Officer)

3.2 Attendance by Telephone / Instantaneous Communications

Nil

3.3 Apologies

Nil

3.4 Approved Leave of Absence

Nil

3.5 Disclosures Of Interest

| Name | Item No | Interest | Nature |
|------|---------|----------|--------|
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4 Public Time

4.1 Public Question Time

The Presiding Member declared Public Question Time open at 4:32pm.

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| 4.1.1 | Roger Higgins |
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Mayor, what was the date and the time when Cr McRae became a councillor?

The Mayor provided the following response:

He was sworn in on 27 March 2024 at 11am.

This whole matter occurred before he was sworn in. Why then, are we having this meeting, because he was not a representative of the electors of Port Hedland at that time?

The Mayor provided the following response:

He was actually a councillor on the date he elected. He actually won the election.

This whole meeting is based on the fact that he acted as a councillor. Why then are we having this meeting? He attended as a private citizen and as a citizen, we can do whatever we like in our lives and it doesn't affect the council. Why have you gone down this pathway when he wasn't even a councillor at the time? The fact he stood for election didn't matter. His role did not begin until he was sworn in.

The Mayor provided the following response:

Thank you for your question, please sit down.

I haven't had an answer though. It's a question that is relevant.

The Mayor provided the following response:

I told you that he was a councillor on the date he was elected as a councillor.

Note: The following questions were read by an English-speaking local Ukrainian community member, for several other community members.

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| 4.1.2 | Nataliya (surname not provided) – via interpreter |
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Regarding Cr McRae's statements, made after he was sworn in, in particular, his interview with "Aussie Cossack" on 6 April 2024. Was Cr McRae aware of charges against Simian Boicof (Aussie Cossack) in Sydney, laid by the NSW Police? That he has assaulted a 76 year old Ukrainian man at the Ukrainian support rally at Sydney's Town Hall?

Cr McRae provided the following response:

I'm aware of the charges against him in Sydney - He's been charged in absentia, as you're probably aware. I have seen the footage and the guilty charge was basically because he didn't show up in court as he wasn't in Sydney - the footage shown shows him being attacked by a Ukrainian flag bearer and he pushed him away and the man fell over. I'm not the judge in this case, I'm aware of that situation.

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| 4.1.3 | Yuri (surname not provided) – via interpreter |
|-------|---|

In his interviews after being sworn in as a councillor, Cr McRae made numerous comments on Ukrainian issues. According to the Department of Local Government, Sports and Cultural Industries, councillors should attempt to remain informed about current affairs at a state and national level. Since the full-scale Russian invasion, thousands of displaced Ukrainians have come to Australia seeking refuge, including me. This was widely covered in the press. Cr McRae, have you tried to contact and consult with your local Ukrainian community before making media statements? It could be done through the Town of Port Hedland Community engagement team, or the Association of Ukrainians in Western Australia.

Cr McRae provided the following response:

I have friends from Ukraine and Russia that I talk to often. I've studied and followed this horrible situation in Ukraine. I don't support Russia, I don't support Ukraine, I hate the war and the situation that's happening in your country right now. I also understand the geo-political situation that's manifested itself, particularly since 2014 in the Miyadon. I'm well aware of the US Undersecretary of State boasting at spending 5 billion US dollars to cement that coup and there was also a lot of violence that took place. As you would be aware, when Gorbachev and Reagan made the agreement in the late 80s that NATO would not move a single inch to the east, there would be no militarisation creeping in around Russia's borders. The situation that happened in the Ukraine with them wanting to join NATO, that was Russia's red line. It doesn't make all this right and it's a horrible situation.

Okay so the answer is no? We need to know as a local community - you could have consulted with us.

Cr McRae provided the following response:

I'm sorry I didn't even know you were here. I'd love to talk with you about it, but I had no clue you were in Port Hedland.

As I said with the Town of Port Hedland engagement team, you can just google or find on Facebook, associations of Ukrainians, it wouldn't be a difficult task, thank you.

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| 4.1.4 | John Ashenden |
|-------|---------------|

Mayor Peter Carter, did the idea to push for a no confidence vote against Cr McRae come from your own thinking?

The Mayor provided the following response:

Yes, it did, thank you. Next question?

Do you think it is appropriate to propose a motion of no confidence against Cr McRae without discussing it with the rest of the council or other stakeholders? And why are you focusing on Cr McRae's trip to Russia when he wasn't even a council member at the time? Are there any specific laws he's broken?

The Mayor provided the following response:

I wouldn't say he's broken any laws, what I'm saying is I moved the vote of no confidence, it was my decision only to do that. I didn't consult any of the other councillors. It was my own decision at that time to do so.

Why did you propose to do that when he wasn't even a councillor - he hadn't even accepted?

The Mayor provided the following response:

He was elected.

Cr McRae, the media is suggesting you're a threat to national security, just because you're on the council. What's your take on that?

Cr McRae provided the following response:

I went to Russia to observe as an international foreign observer. When I reported back the truth of what I saw; that is the threat to the national narrative rather than a threat to the National Security. There's obviously a narrative being put out there and you

know we in the west beat the drums of war with Russia, and of course you know to get public support on side for any type of war, particularly a war with Russia, they need to have public support and the public need to think that Russia is not a democracy, but it clearly is a democracy.

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| 4.1.5 | Jillian Fisher |
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Councillor McRae, Channel 7, in their introduction to the news segment on Thursday the 28th of March, stated that the Russian government paid for your trip. Is this true? What expenses did they cover?

Cr McRae provided the following response:

I paid for my entire trip, paid for my hotel, paid for my food, even paid for my translator's meals at every lunch and dinner on every day through the election process but no, there was not a single cent paid for by the Russian government except for they did supply me a car and a driver to go anywhere and visit any voting booth over the election day process. Other than that, there was nothing. I was given nothing. It was all out of my own pocket.

And that car and driver was standard to the other servers?

Cr McRae provided the following response:

Yes, all 1,300 foreign observers had a car and driver provided.

To the Mayor and council - Why has this special meeting been called when it was satisfactorily answered on Thursday the 29th March by the CEO's statement that Adrian McRae travelled to Russia in a personal capacity. The Town does not comment on the personal activities of elected members. All elected members are subject to the Town's Code of Conduct. Can you explain why we are here tonight?

The Mayor provided the following response:

Yes, I called the Special Council Meeting for a vote of no confidence, next question?

Can you please cite specific sections of the Local Government Act that Cr McRae has breached?

The Mayor provided the following response:

That will come up later on in the meeting.

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| 4.1.6 | Meryn Browning |
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First question asked was concerning previous matters seemingly not related to this meeting.

Point of Order called by Cr Blanco.

Mayor overruled the Point of Order.

Motion of dissent called by Cr Blanco.

SCM202324/62 MOTION OF DISSENT**MOVED: Cr Camilo Blanco****SECONDED: Cr Adrian McRae**

For the Mayor to answer the question put to him by member of the public or allow another member of the council to answer.

CARRIED BY SIMPLE MAJORITY (9/0)

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

Against: Nil

The Mayor provided the following response:

Could you restate the question please?

What did you mean by "tokenistic proceedings" when you were faced with a vote of no confidence, and how would it differ to tonight's vote?

The Mayor provided the following response:

I moved the vote of no confidence of Adrian McRae, same as was done to myself, and that's it.

What's the difference between your private capacity in travelling to Vietnam, and Cr McRae's travelling to Russia?

The Mayor provided the following response:

There's a lot of difference, and I'm not going to get into it but there is a lot of difference.

For Cr McRae, the media has implied that you're engaging with government

officials. I'd like to know; did you meet Putin?

Cr McRae provided the following response:

I didn't meet Putin.

4.1.7

Renee Coles

Are we in Western Australia, aligned with Victorian councils, where it clearly states that international conflicts are not the role of local councils? As clearly stated by Cr McRae, he was over there to oversee an election process only and he has clearly stated he does not align with the values of what Putin stands for but merely took the opportunity to go over there to be able to see what happens during the election process in another country. Is WA aligned with the Victorian councils, that international conflicts are not the role of Local Councils?

Will take that on notice for you, next question?

Point of order called by Cr Blanco:

6.7 (8)(a) If you cannot answer the question, pass it to someone who can.

Point of order overruled by Mayor

Motion of dissent called by Cr Blanco

SCM202324/63 MOTION OF DISSENT

MOVED: Cr Camilo Blanco

SECONDED: Cr Lorraine Butson

That the Mayor respond to the question asked by the public member or pass the question to someone who can answer.

CARRIED BY SIMPLE MAJORITY (9/0)

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

Against: Nil

The Mayor provided the following response:

I actually don't know the answer to that question

Cr Blanco responded:

The local governments across WA and even across Australia have four things in common - roads, rates, rubbish and recreation. Local governments are not supposed to get involved in international affairs, climate change, all of the stuff that they seem to be getting involved in, so our mandate is the four Rs. Everything else is nothing to do with us -this should be a federal conversation.

When this motion was actually put ahead, had you prior before this motion, taken the time come out to have the conversation with councilor McRae whilst there was recently a briefing in which councilors had an opportunity to go ahead and ask councilor the questions if any concerns that they had including councilors assume uh allegedly saying that they too if they were given an opportunity would have gone over and seen an election process. So, when this was put up had you had a discussion with the councilor at the time?

The Mayor provided the following response:

No, I've had no discussion with Cr McRae.

Judging by the newspaper article that was written just recently that was out prior before in regard to this particular motion coming forward; was that the view of every single councillor? Was the rest of the council aware of what was said, and do they align to what was actually written in that particular article?

The Mayor provided the following response:

I approved the statement myself, that's all.

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| 4.1.8 | Jan Gillingham |
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Councillor McRae, I'd like to ask how many other worldwide representatives were either invited or attended to be scrutineers for the other candidates running in the recent elections in Russia and the elections overall?

Cr McRae provided the following response:

Over 2000 were invited, but there was just about 1299 from over 130 countries that included current and past US congressmen. It had members of current members of parliament from almost every country in Africa, almost every country in South America, what we call the "global south". There were over 1 million central election commission workers. There were over 300,000 volunteer observers working across all eleven time zones of Russia working on the election and they come from all the various parties and all the various candidates.

I'd like to ask mayor and councillors, but I'd just like to take everybody back to the Northwest Telegraph of March 13, which says, welcome mat out for the Town's new councillor. I was at the swearing in ceremony for newly elected councillor McCrae and the meeting that was held. I'd like to ask how many councillors, mayor included, actually welcomed councillor McCrae and reached out to welcome Councillor McCrae at that swearing in ceremony? Because I did take the numbers down. So how many of you did actually go up and personally welcome newly elected councillor McCrae?

Deputy Mayor Christensen provided the following response:

Unfortunately, I wasn't able to be present on the night. However, I did give a phone call to Cr McCrae to congratulate him on his appointment and wish him all the best. I asked if he had any questions or concerns.

Cr Turner provided the following response:

Sorry, at the time I was unable to attend the ceremony due to a work commitment, but it's not a case of not welcoming or not being civil - I was simply not able to attend.

Cr Rebello provided the following response:

On the night in question, it had to be cancelled because Cr McCrae was not in Town. But on the day it was set up, it was a morning and was very little notice to attend. However, when I came into chambers, the first thing I did was shook Cr McCrae's hand and congratulated him.

My final question is to Cr McCrae. Since this information is circulating around Australia and the world, how may councillors have you been able to reach out to, to discuss what is going to be discussed tonight? What I have heard was that there has been no consultation with the councillors at tonight's meeting; you've not been able to sit down and talk and maybe we would not be here this evening if there had been a consultation.

Cr McCrae provided the following response:

I've spoken with most of the councillors here, either personally, one-on-one or we had a meeting in the back of the room here only a few weeks ago, as soon as I got back. And certainly Crs Christensen, Blanco and Butson have been the most proactive in reaching out to me. But everyone else, except for the Mayor - has actually sat down with me and we've had long discussions about it around the table. As mentioned, I accepted going on the trip in January, before I even put my name in the ring to run for council. I was quite shocked when, at our pre-meeting briefing it was said there would be a vote of no confidence. The Mayor has said it was just his doing, but he's the only one who hasn't spoken to me about it.

The Presiding Member declared Public Question Time closed at 5:13pm.

Note: Town of Port Hedland provides a summary of Questions and Statements in the minutes. To hear the entire version – please view video located on the Town's website.*

**Unless ruled out of order under clause 6.8(7)(b) ToPH Standing Orders Local Law 2014.*

4.2 Public Statement Time**The Presiding Member declared Public Statement Time open at 5:14pm**

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| 4.2.1 | Victoria Malik |
|-------|----------------|

Ms Malik spoke to:

- *Attending meeting as a representative for the Ukrainian Community.*
- *Appealing to the council to understand how Cr McRae's statements in the media have affected them.*
- *Being from a Kharkiv, located 30 kilometres South of the Russia/Ukraine border and a major target for the Russian military.*
- *Her migration story of coming to Australia 12 years ago, calling Hedland home for 10 years and becoming an Australian citizen 8 years ago.*
- *Her views on the Kremlin.*
- *Her views that Cr McRae is using the same "Kremlin generated narratives" that are manipulating opinions of Australians and when councillor McRae repeats Kremlin narratives, it amplifies the reach and credibility of the disinformation, as his words carry weight and are often trusted by his audience.*
- *The Ukrainian community's appeal to the council to condemn statements made by Cr McRae.*

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| 4.2.2 | Nataliya – Ukrainian Community Member |
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Via interpreter - Nataliya spoke to:

- *Being from Donetsk, a region currently occupied and annexed by Russia.*
- *Cr McRae's interview with radio station and his statements being false.*
- *Her story of living in Ukraine and what life was like there*
- *Her disagreement with Cr McRae's views that the elections in Russia are "fair and transparent".*

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| 4.2.3 | Anna – Ukrainian Community Member |
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Anna spoke to:

- *Being from a small village called Tokari in Sumy Raion in Ukraine - 100 kilometres from the Russian border.*
- *Being in Port Hedland now and still hearing Russian "propaganda" - i.e. Cr McRae's statements on the radio interview.*
- *Her story of living and surviving in Ukraine, the lives lost and others living without electricity, hiding in their homes.*

4.2.4

Yuliya – Ukrainian Community Member

Via interpreter - Yuliya spoke to:

- *Being from Ukraine and now living in Port Hedland.*
- *Her thoughts on Cr McRae's statement in the media that there is discrimination against Russian speakers.*
- *That Ukraine's constitution guarantees rights and freedoms to all citizens, regardless of language preferences and recited a list of reasons why the Russian speaking people in Ukraine are not oppressed - as stated by Cr McRae.*
- *Receiving all of her education in Russian - despite Ukrainian being her state language.*
- *Ukrainian culture represented as inferior.*

4.2.5

Svetlana – Ukrainian Community Member

Svetlana spoke to:

- *Her journey from Belarus to escape antisemitism and to seek better opportunities. Migrating to the US and then coming to Australia on a visa, and eventually becoming a citizen of Australia.*
- *Living in Port Hedland for over three years.*
- *Her views on Russia and Cr McRae's views on Russia, questioning how he can represent the government body in Port Hedland.*
- *There being no benefit to keeping Cr McRae on council*

4.2.6

Roger Higgins

Mr Higgins spoke to:

- *The ill judgement of the Mayor in putting the motion of no confidence together.*
- *The Mayor creating a division between the people who have spoken tonight and the Town and how this has opened wounds for this community.*
- *The Motion being unnecessary as Cr McRae wasn't sworn in to officer at the time.*
- *His belief that Cr McRae's presence on council should not create a division.*

4.2.7

John Ashenden

Mr Ashenden spoke to:

- *His support of Cr McRae.*
- *His belief that the Mayor is not a leader and that representatives of the Town should be accountable.*
- *His opinion that the motion is a political move by the Mayor to make Cr McRae look bad.*
- *His belief that Cr McRae was operating in his private capacity while in Russia*

4.2.8

Tracy Lewis

Ms Lewis spoke to:

- *Her disgust at what Cr McRae said in the radio interview and would like to see the Town represent the people of Ukraine.*

4.2.9

Jillian Fisher - not recorded

This segment was ruled out of order by the Presiding Member due to it being deemed offensive, objectionable, or defamatory under clause 6.8(7)(b) ToPH Standing Orders Local Law 2014.

4.2.10

Meryn Browning

Ms Browning *Read a statement from an unidentified Russian person.*

This is the summary of this person:

- *Their support in Putin and belief that Russia thrives and is better with his leadership.*
- *Thanking Cr McRae for going "above and beyond" to seek and speak the truth.*

4.2.11

Chris Skelton

Mr Skelton spoke to:

- *His surprise at the "haste" in which this meeting was called.*
- *His support for Cr McRae.*

4.2.12

Rena Coles

Ms Coles spoke to:

- *Her support for Cr McRae.*
- *Her opinion that the vote of no confidence should be on the Mayor.*

The Presiding Member declared Public Statement Time closed at 6:14pm

The Presiding Member adjourned the meeting for a short break at 6:14pm

The Presiding Member reconvened the meeting at 6:22pm

5 Questions from Members without Notice

Nil

| | |
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| 5.1.1 | Cr Blanco |
|-------|-----------|

I want to get some clarification on the validity of the motion of no confidence, considering that you were in another country, when the motion was signed. I want to know who wrote the motion up and was your digital signature used?

I'll quote the sections of the Local Government Act that will be relevant in this. In performing the function of calling a Special Meeting, you've used your executive powers granted by section 3.19(1)(b). It states that those powers can only be used in the part of the state that has been approved by the governor to perform the function. So, the function of council is to govern the affairs of the Town of Port Hedland and this council. I want to clarify if this is actually legal and I want the administration to get a detailed answer – I've given you the section that relates to this.

The Mayor provided the following response:

Taken on 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

Mayor Carter
Deputy Mayor Christensen
Cr Arentz
Cr Bennett
Cr Blanco
Cr Butson
Cr McRae
Cr Rebello
Cr Turner

8 Reports of Officers

8.1 Corporate Services

Nil

8.2 Community Services

Nil

8.3 Regulatory Services

Nil

8.4 Infrastructure Services

Nil

8.5 Executive Services

| | |
|--------------|---|
| 8.5.1 | Motion of no confidence in Councillor Adrian McRae |
|--------------|---|

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.

SCM202324/64 COUNCIL DECISION

MOVED: Mayor Peter Carter

SECONDED: Cr Tim Turner

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

LOST BY SIMPLE MAJORITY (3/6)

For: Cr Ambika Rebello, Cr Tim Turner and Mayor Peter Carter

Against: Cr Adrian McRae, Cr Camilo Blanco, Cr Flo Bennett, Cr Lorraine Butson, Cr Sven Arentz and Deputy Mayor Ash Christensen

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

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 [**8.5.1.1** - 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 at 8:16pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Council Meeting on 25 June 2024.

CONFIRMATION:



PRESIDING MEMBER

25/06/2024

DATED