

Special Meeting of Council Minutes



Council Chambers, McGregor St, Port Hedland

5:30pm Wednesday 5 June 2019

- 
- Suspension of attendance of Town of Port Hedland delegates at the 2019 Pilbara Kimberley Forum and the 2019 Regional Cooperation and Development Forum and National General Assembly

Distribution date:
7 June 2019

Robert Leeds
Acting Chief Executive Officer



Our Vision

*To be Australia's leading
Port Town embracing
community, culture
and environment*



4th June 2019

Special Council Meeting

Attention Acting CEO

Robert Leeds

Due to receiving Show Cause Notice to Town of Port Hedland on Friday 31st May 2019 we wish to call a Special Council Meeting the purpose of the meeting is to suspend the attendance of TOPH delegates to both forums Pilbara Kimberley and Regional Cooperation and Development plus the National General Assembly until the outcome of the Show Cause Notice is known.

Deputy Mayor Louise Newbery

Cr Julie Arif

Cr Richard Whitwell

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Item 1	Opening of Meeting	4
Item 2	Acknowledgement of Traditional Owners and Dignitaries	4
Item 3	Recording of Attendance	4
	3.1 Attendance.....	4
	3.2 Attendance by Telephone / Instantaneous Communications.....	4
	3.3 Apologies	4
	3.4 Approved Leave of Absence	4
	3.5 Disclosures of Interest.....	4
Item 4	Public Time	5
	4.1 Public Question Time	5
	4.2 Public Statement Time	5
	4.3 Petitions/Deputations/Presentations/Submissions.....	5
Item 5	Questions from Members without Notice	5
	5.1 Cr Daccache.....	5
Item 6	Announcements by Presiding Member without Discussion	5
Item 7	Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting	6
Item 8	Reports of Officers	7
	8.1 Corporate and Performance.....	7
	8.1.1 Suspension of attendance of Town of Port Hedland delegates at the 2019 Pilbara Kimberley Forum, Regional Cooperation and Development Forum and the National General Assembly (<i>File No. 13/01/0009</i>).....	7
	8.2 Development, Sustainability and Lifestyle.....	14
	8.3 Infrastructure and Town Services.....	14
Item 9	Matters for Which Meeting May Be Closed (Confidential Matters) ..	14
Item 10	Closure	14
	10.1 Date of Next Meeting	14
	10.2 Closure.....	14

Item 1 Opening of Meeting

The Mayor declared the meeting open at 5.31 pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Mayor acknowledged the traditional custodians, the Kariyarra people, and recognised the contribution of Kariyarra Elders past, present and future, in working together for the future of Port Hedland.

Item 3 Recording of Attendance

3.1 Attendance

Mayor Camilo Blanco
Deputy Mayor Louise Newbery
Councillor Julie Arif
Councillor Richard Whitwell
Councillor George Daccache
Councillor Peter Carter
Councillor Tricia Hebbard
Councillor Telona Pitt

Robert Leeds	Acting Chief Executive Officer
Michael Cuvalo	Acting Director Development, Sustainability and Lifestyle
Josephine Bianchi	Manager Governance
Wendy Barnard	Corporate Support Officer/Minute Taker

Staff	2
Media	1
Public	0

3.2 Attendance by Telephone / Instantaneous Communications

Nil

3.3 Apologies

Councillor Warren McDonogh

3.4 Approved Leave of Absence

Nil

3.5 Disclosures of Interest

Nil

Item 4 Public Time

Important note:

'This meeting is being recorded on audio tape and streamed live online 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 chairperson 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.'

In accordance with section 6.7(3) of the Town of Port Hedland Local Law on Standing Orders, members of the public are required to complete a question form and place the completed form in the tray provided.

The Mayor opened Public Question Time at 5.34pm.

4.1 Public Question Time

The Mayor closed Public Question Time at 5.34pm.

The Mayor opened Public Statement Time at 5.34pm.

4.2 Public Statement Time

The Mayor closed Public Statement Time at 5.34pm.

4.3 Petitions/Deputations/Presentations/Submissions

Nil

Item 5 Questions from Members without Notice

5.1 Cr Daccache

Item 8.1 states "The Mayor is to call for a show of hands in support of the revocation. The following three Elected Members raised their hands". Do those three Elected Members have to be the Elected Members that requested this meeting?

The Mayor advised that any three Elected Members could raise their hands in support.

Item 6 Announcements by Presiding Member without Discussion

Nil

**Item 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:

Mayor Camilo Blanco
Deputy Mayor Louise Newbery
Councillor Julie Arif
Councillor Richard Whitwell
Councillor George Daccache
Councillor Peter Carter
Councillor Tricia Hebbard
Councillor Telona Pitt

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 8 Reports of Officers

8.1 Corporate and Performance**8.1.1 Suspension of attendance of Town of Port Hedland delegates at the 2019 Pilbara Kimberley Forum, Regional Cooperation and Development Forum and the National General Assembly (File No. 13/01/0009)**

Author	Senior Governance Advisor and Governance Officer
Authorising Officer	Acting 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.

REVOKE PREVIOUS DECISION

To consider revoking the decisions listed in Officer's Recommendation 1, one third (3) of the Elected Members must support the revocation.

The Mayor is to call for a show of hands in support of the revocation. The following three Elected Members raised their hands:

1. Deputy Mayor Newbery
 2. Councillor Arif
 3. Councillor Whitwell
-

AMENDED MOTION**MOVED: DM NEWBERY****SECONDED: CR DACCACHE**

That Special Council Meeting on Wednesday 5 June 2019 to consider "Suspension of attendance of Town of Port Hedland delegates at the 2019 Pilbara Kimberley Forum, Regional Cooperation and Development Forum and the National General Assembly" is reconvened on Thursday 6 June 2019 at 4:00pm, after the meeting with the Minister for Local Government; Heritage; Culture and the Arts, the Hon David Templeman MLA.

MOTION LOST TO THE VOTE 3/5

For: Deputy Mayor Newbery, Cr Daccache, Cr Whitwell

Against: Mayor Blanco, Cr Arif, Cr Pitt, Cr Carter, Cr Hebbard

MOVED: DM NEWBERY

SECONDED: CR ARIF

OFFICER'S RECOMMENDATION 1

That Council revoke the following decisions on the grounds that a Show Cause notice has been issued by the Minister of Local Government; Heritage; Culture and the Arts on Friday 31 May 2019:

1. CM 201819/172 from Ordinary Council Meeting held on 30 April 2019 and recorded on page 13 of those minutes;
2. CM201819/173 from the Ordinary Council Meeting held on 30 April 2019 and recorded on page 23 of those minutes; and
3. CM201819/212 from the Ordinary Council Meeting held on 22 May 2019 and recorded on page 164 of those minutes.

MOTION LOST TO THE VOTE 2/6

For: Deputy Mayor Newbery, Cr Arif

Against: Mayor Blanco, Cr Daccache, Cr Pitt, Cr Hebbard, Cr Carter, Cr Whitwell

OFFICER'S RECOMMENDATION 2

That Council do not support the attendance of any Elected Members at the following forums:

1. 2019 Pilbara Kimberley Forum, and
2. 2019 Regional Cooperation and Development Forum and National General Assembly.

NOTE: Officer's Recommendation 2 was not able to be considered as Officer's Recommendation 1 was lost to the vote.

PURPOSE

The purpose of this report is for Council to consider revoking decisions made at the 30 April 2019 and 22 May 2019 Ordinary Council Meetings approving the attendance of Elected Members at the Pilbara Kimberley Forum and Regional Cooperation and Development Forum and National General Assembly.

DETAIL

At the 30 April 2019 Ordinary Council Meeting, Council made the following decisions:

*CM201819/172 OFFICER'S RECOMMENDATION/COUNCIL DECISION**MOVED: CR ARIF**SECONDED: CR DACCACHE**That Council:*

- 1. Nominate and approve two Elected Members (Cr Daccache and Cr Carter) to attend the 2019 Regional Cooperation and Development Forum and National General Assembly of Local Government on behalf of the Town of Port Hedland from 16 to 19 June 2019 in Canberra;*
- 2. Nominate and approve an Elected Member (Cr Whitwell) as a proxy to attend the 2019 Regional Cooperation and Development Forum and National General Assembly of Local Government on behalf of the Town of Port Hedland if the originally nominated Elected Members cannot attend;*
- 3. Approve an Officer to attend the 2019 Regional Cooperation and Development Forum and National General Assembly of Local Government on behalf of the Town of Port Hedland;*
- 4. Request the Chief Executive Officer or his delegate arrange meetings with the following Ministers, after the Federal election on 18 May 2019:*
 - a) Minister for Immigration, Citizenship and Multicultural Affairs*
 - b) Minister for Infrastructure, Transport and Regional Development*
 - c) Minister for Education*
 - d) Minister for Energy*
- 5. Note the two motions (Attachment 2) to be raised at the National General Assembly that the Town of Port Hedland has submitted to the Australian Local Government Association in relation to job creation and anti-social behaviour.*

CARRIED 7/0

*CM201819/173 COUNCIL DECISION**MOVED: CR CARTER**SECONDED: CR DACCACHE**That Council;*

- 1. Nominate and approve three Elected Members (Cr Arif, Cr Daccache and DM Newbery with Cr Whitwell as a proxy), to attend the Pilbara Kimberley Forum 2019 on behalf of the Town of Port Hedland on 10 June 2019 in Broome; and*
- 2. Request that the CEO appoint an Officer to attend the Pilbara Kimberley Forum 2019 on behalf of the Town of Port Hedland.*

CARRIED 7/0

Furthermore, at the 22 May 2019 Ordinary Council Meeting, the following decision was made:

*CM201819/212 OFFICER'S RECOMMENDATION 2/ COUNCIL DECISION**MOVED: CR HEBBARD**SECONDED: CR CARTER*

That Council approve the attendance of the Mayor at the Regional Cooperation and Development Forum and National General Assembly of Local Government on behalf of the Town of Port Hedland from 16 to 19 June 2019 in Canberra.

CARRIED 7/2

On Friday 31 May 2019, the Town was issued a Show Cause Notice from the Minister for Local Government; Heritage; Culture and the Arts, the Hon David Templeman MLA.

On Tuesday 4 June 2019, following the receipt of the Show Cause Notice, Deputy Mayor Newbery issued a Notice of Motion requesting a Special Council Meeting be held for the following purpose:

"Suspension of attendance of Town of Port Hedland delegates at the 2019 Pilbara Kimberley Forum and the 2019 Regional Cooperation and Development Forum and National General Assembly until the outcome of the Show Cause Notice is known"

The Town will attempt to recover as much of the costs as possible. However, if this is not achievable, the Town proposes to send officers to these forums for professional development and to prevent wasteful expenditure.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, due to cost recovery and negative media coverage.

CONSULTATION

Internal

The following officers have been consulted in relation to this item:

- Executive Team
- Governance Team
- Marketing and Communications Team
- Executive Assistant to the CEO and Mayor

External Agencies

- Department of Local Government; Heritage; Culture and the Arts

Following the decision made at this meeting, all travel and accommodation suppliers will be contacted accordingly.

LEGISLATION AND POLICY CONSIDERATIONS

Sections 5.4 and 5.5 of the *Local Government Act 1995* outline the requirements for convening and advertising of Special Council meetings.

Regulation 10(1)(b) of the *Local Government (Administration) Regulations 1996* outlines the requirements for revoking a decision of Council.

Standing Orders parts 17 revoking or changing decisions and part 3 calling and convening meetings also applies.

FINANCIAL AND RESOURCES IMPLICATIONS

Travel, accommodation and registration for these forums have already been organised and paid in full. Should Council revoke the decisions to attend, the Town will seek refunds where possible. It should be noted that refunds are not guaranteed - therefore the Town may incur a financial loss for these events.

The following costs have already been incurred by the Town:

	Kimberly Pilbara Forum:	National General Assembly:	Costs incurred:
Travel	-	\$2,232.70	\$2,232.70
Accommodation	\$966.00	\$1,144.00	\$2,110.00
Registration fees	\$1185.00	\$4,592.00	\$5,777.00
Total costs incurred by the Town:			\$10,119.70

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 1.c.3 Partnerships with industry and government to support events and activities are enhanced
- 2.b.2 The Town's economic development strategy is supported through engagement with key economic groups
- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
 - Identify strategic employment and economic development priorities
 - Assess and address market failures affecting the cost of living
 - Assess and address cost of doing business challenges
- 2.c.2 Opportunities for social enterprise, innovators, and small and medium sized businesses are identified, and strategies to attract and support them are implemented
- 2.d.1 Investment in key infrastructure development such as the port and logistics is pursued
- 2.d.2 The development of industry specific value chains are encouraged and supported
- 4.a.1 Town of Port Hedland is represented and advocated for in International, Federal, State and regional forums and policy development
- 4.a.2 Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.a.3 A positive narrative and unique brand is developed and promoted
- 4.b.1 Sound long-term financial planning is implemented
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken
- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies

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

RISK MANAGEMENT CONSIDERATIONS

There is a financial risk associated with this item because of the costs associated with travel, accommodation and registration fees may not be able to be recovered. The risk rating is considered to be medium (8), which is determined by a likelihood of likely (4) and a consequence of minor (2).

To reduce this risk, the action plan is to try to recover as much of the costs as possible.

There is a reputational risk associated with this item because of the community's perception of Council. The community may view Council to be inefficient and ineffective in decision making. The risk rating is considered to be high (15), which is determined by a likelihood of almost certain (5) and a consequence of moderate (3).

This risk will be eliminated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

If Council do not revoke the previous decisions, nominated Elected Members will still attend the forums as approved.

CONCLUSION

Council is requested to revoke decisions made at the 30 April 2019 and 22 May 2019 Ordinary Council Meetings approving the attendance of Elected Members at the Pilbara Kimberley Forum and Regional Cooperation and Development Forum and National General Assembly.

This recommendation is based on the request from Deputy Mayor Newbery to suspend all Elected Members from attending any forums on behalf of the Town until a decision is made on the Show Cause Notice that was issued by the Minister for Local Government.

ATTACHMENTS

Nil

8.2 Development, Sustainability and Lifestyle

Nil

8.3 Infrastructure and Town Services

Nil

Item 9 Matters for Which Meeting May Be Closed (Confidential Matters)

Nil

Item 10 Closure

10.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 26 June 2019, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 19 June 2019, commencing at 5:30pm.

10.2 Closure

There being no further business, the Mayor declared the meeting closed at 6.04pm.