



## MISSION AND VALUES OF COUNCIL

*"A Sustainable Community that is inclusive, attractive, healthy and pleasant to live in, that uses our land so as to preserve our history and environment, respects the rights and equality of our citizens and manages our future growth wisely."*

# UNCONFIRMED MINUTES

OF THE

SPECIAL MEETING OF COUNCIL

**28 FEBRUARY 2019**

## **OUR VISION**

***"A thriving and friendly community that recognises our history and embraces cultural diversity and economic opportunity, whilst nurturing our unique natural and built environment."***

## **OUR MISSION**

***"To deliver affordable and quality Local Government services."***

## **CORE VALUES OF THE SHIRE**

***The core values that underpin the achievement of the mission will be based on a strong customer service focus and a positive attitude:***

**Communication**

**Integrity**

**Respect**

**Innovation**

**Transparency**

**Courtesy**

### **DISCLAIMER**

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Broome expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

*Should you require this document in an alternative format please contact us.*

**SHIRE OF BROOME**  
**SPECIAL MEETING OF COUNCIL**  
**THURSDAY 28 FEBRUARY 2019**  
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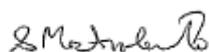
## NOTICE OF MEETING

Dear Council Member,

The next Special Meeting of the Shire of Broome will be held on Thursday, 28 February 2019 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 4.50pm for the purpose of considering:

- COUNCILLOR FOY LEAVE OF ABSENCE REQUEST

Regards



S MASTROLEMBO  
**Chief Executive Officer**

28/02/2019

**MINUTES OF THE SPECIAL MEETING OF COUNCIL OF THE SHIRE OF BROOME,  
HELD IN THE COUNCIL CHAMBERS, CORNER WELD AND HAAS STREETS, BROOME,  
ON THURSDAY 28 FEBRUARY 2019, COMMENCING AT 4.50PM.**

**1. OFFICIAL OPENING**

The Chairman welcomed Councillors, Officers and members of the public. The meeting was declared open at 4.50pm.

**2. ATTENDANCE AND APOLOGIES**

Attendance:	Cr H Tracey	Shire President
	Cr D Male	Deputy Shire President
	Cr C Marriott	
	Cr P Matsumoto	
	Cr C Mitchell	
	Cr B Rudeforth	
Leave of Absence:	Nil	
Apologies:	Cr E Foy	
	Cr M Fairborn	
Officers:	Sam Mastrolembo	Chief Executive Officer
	James Watt	Director Corporate Services
	Kirsten Wood	Acting Director Development & Community
	Andrew Graffen	Director Infrastructure
	Mieke Wevers	Acting Manager Governance
	Simon Penn	Media and Promotions Officer
	Lani Levi	Senior Administration and Governance Officer
Public Gallery:	Michelle Teoh	Dinosaur Coast Management Group
	Ceong Teoh	Dinosaur Coast Management Group
	Andrew Close	Shire of Broome
	Harriet Parkes	Shire of Broome
	Sandra Faba	Dinosaur Coast Management Group
	Maxine Chi	
	Andrew Waters	Shire of Broome
	Jakeb Waddell	Broome Advertiser
	Peter Smith	Shire of Broome
	Sophia O'Rourke	ABC Kimberley
	Robert McGregor	Broome Enduro Club
	Rebecca McGregor	Broome Enduro Club
	Dianne Bennet	Dinosaur Coast Management Group

**3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY**

FINANCIAL INTEREST			
Councillor	Item No	Item	Nature of Interest
		Nil	

IMPARTIALITY			
Councillor	Item No	Item	Nature of Interest
Nil			

**4. PUBLIC QUESTION TIME**

Nil.

**5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Under section 5.23 (2)(d) of the *Local Government Act 1995* Council may resolve to move the meeting behind closed doors.

**6.**

**REPORTS  
OF  
OFFICERS**

# 6.1

## OUR PEOPLE



### ***PRIORITY STATEMENT***

Embracing our cultural diversity and the relationship between our unique heritage and people, we aim to work in partnership with the community to provide relevant, quality services and infrastructure that meet the needs and aspirations of our community and those visiting and doing business in our region.

Supporting and contributing to the well-being and safety of our community is paramount, as is our focus on community engagement and participation.

Council aims to build safe, strong and resilient communities with access to services, infrastructure and opportunities that will result in an increase in active civic participation, a reduction in anti-social behaviour and improved social cohesion.

There are no reports in this section.

# 6.2

## OUR PLACE



### ***PRIORITY STATEMENT***

The Shire of Broome has an abundance of unique natural features, coastal attractions, significant streetscapes, historic precincts and a mix of old and new urban developments.

Our aim is for all communities and settled areas, including the Broome Township, to be a place where the natural environment, on which life depends, is maintained, whilst at the same time the built environment contributes to the economy and a quality lifestyle for all.

Preserving the Shire's natural environment is a critical community outcome. Council will put into place strategies that nurture and improve the Shire's unique environment and biodiversity.

The Shire will work in partnership with the community and other agencies to ensure responsible and accountable management of both the natural and build environments is achieved in the short term and for future generations.

There are no reports in this section.

# 6.3

## OUR PROSPERITY



### ***PRIORITY STATEMENT***

Our region has grown significantly over the past years in terms of population, economy and industry – this will continue! Balancing ecological sustainability with economic growth and retaining the 'look and feel' of Broome and its environs are an ongoing challenge for the region. Encouraging appropriate investment and business development opportunities to ensure a strong, diverse economic base is essential for community prosperity and the success of our future generations.

Focusing on developing clear pathways linking education with employment for our youth and the community at large is essential as we aim to retain our local people and continue to build a skilled and highly motivated workforce.

Business and Industry partnerships must be fostered to ensure sustainable economic growth is achieved, along with the provision of affordable and equitable services and infrastructure. Ensuring development meets community needs and legislative requirements whilst creating close community relationships and enhancing our understanding of local heritage and cultural issues will continue to be a major focus. The built environment must contribute to the economy, long term viability of the region and provide a quality lifestyle for all.

There are no reports in this section.

## OUR ORGANISATION



### ***PRIORITY STATEMENT***

Council will strive to create an environment where local governance is delivered in an open and accountable manner; where we provide leadership to the region in such areas as planning and financial management; where the community has the opportunity to contribute to the Council's decision making thereby fostering ownership of strategies and initiatives.

In delivering open, accountable and inclusive governance, we will be ever mindful that we operate within a highly regulated environment that requires a high level of compliance.

Council will strive to be the conduit between the other spheres of government and the community, translating State and Federal law, policy and practice into customer focussed, on ground service delivery that support's Broome's unique lifestyle.

The Region is experiencing significant change with Council dedicated to sound governance, effective leadership and innovation, and high quality services. Building organisational capacity is a priority with a commitment to delivering services to the community in a sustainable, effective and accountable way.

## 6.4.1 COUNCILLOR FOY LEAVE OF ABSENCE REQUEST

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Councillor Elsta Foy
<b>FILE:</b>	GOC07
<b>AUTHOR:</b>	Senior Procurement, Risk & Governance Officer
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	28 February 2019

**SUMMARY:** The purpose of this report is for Council to consider a request for Leave of Absence submitted by Councillor E Foy on 28 February 2019.

### BACKGROUND

#### Previous Considerations

Nil.

### COMMENT

A written request for a leave of absence for the Ordinary Meeting of Council to be held 28 February 2019 has been received from Councillor Elsta Foy on 28 February 2019, as contained in attachment 1. Council are requested to consider approving the leave request.

### STATUTORY ENVIRONMENT

#### **2.25. Disqualification for failure to attend meetings**

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
  - (a) a meeting that has concluded; or
  - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.
- (5A ) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council —
  - (a) if no meeting of the council at which a quorum is present is actually held on that day; or

- (b) if the non-attendance occurs —
  - (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
  - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
  - (iiia) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
  - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
- (6) A member who before the commencement of the Local Government Amendment Act 2009 section 5<sup>1</sup> was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.

**RISK**

If Council do not approve this leave of absence request, Councillor Foy risks disqualification from her duties as councillor in accordance with section 2.25 of the Local Government Act 1995.

**STRATEGIC IMPLICATIONS**

**Our Organisation Goal – Continually enhance the Shire’s organisational capacity to service the needs of a growing community:**

- An organisational culture that strives for service excellence
- Responsible resource allocation
- Effective community engagement
- Improved systems, processes and compliance

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION:**  
**Moved: Cr C Mitchell** **Seconded: Cr C Marriott**  
**That the meeting be closed to the public at 4:53pm.**  
**CARRIED UNANIMOUSLY 6/0**

Members of the public departed the Chambers at 4:54pm

**COUNCIL RESOLUTION:**  
**(REPORT RECOMMENDATION)**  
**Moved: Cr C Mitchell** **Seconded: Cr P Matsumoto**  
**That Councillor E Foy be granted Leave of Absence for the Ordinary Meeting of Council to be held 28 February 2019.**

**CARRIED UNANIMOUSLY 6/0**

Cr B Rudeforth requested an amendment to the moved motion. Cr C Mitchell and Cr P Matsumoto agreed to the amendment.

**AMENDMENT TO PREVIOUS MOTION:**

**Moved: Cr B Rudeforth**

**Seconded: Cr C Marriott**

**That Council:**

- 1. Grants Councillor E Foy a Leave of Absence for the Ordinary Meeting of Council to be held 28 February 2019.**
- 2. Notes the lack of attendance at Ordinary Council Meetings by Cr Foy over the last 12 months.**

**CARRIED UNANIMOUSLY 6/0**

**Reason: To formally acknowledge Councillor Foy's previous lack of attendance at Ordinary Meetings of Council.**

**COUNCIL RESOLUTION:**

**Moved: Cr C Mitchell**

**Seconded: Cr D Male**

**That the meeting again be open to the public at 5:10pm.**

**CARRIED UNANIMOUSLY 6/0**

**The Council Chambers were opened and members of the public returned to the Chambers.**

**The Chairperson read aloud the resolution passed for the benefit of the public gallery.**

**Attachments**

1. Written Request

**Councilor Elsta Foy**

13 Millington Rd, Cable Beach WA 6726  
Phone: 08 9192 1739

► **Shire President – Harold Tracey**

Shire of Broome  
Phone: 9191 3456

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**Dear Mr President**

I seek your and my fellow councilor's permission to seek Leave of Absence from the council meeting Thursday, February 28<sup>th</sup> 2019.

As my only surviving brother has recently passed away, I have family coming to Broome and I need to be available to meet their needs.

My apologies for the lack of notice and I ask for you all to grant me this leave on compassionate grounds

Yours Sincerely

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**Councilor Elsta Foy**  
Councilor, Shire of Broome  
[Type the sender company name]  
2/28/2019

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**7.**

**REPORTS  
OF  
COMMITTEES**

There are no reports in this section.

**8. MATTERS BEHIND CLOSED DOORS**

Nil.

**9. MEETING CLOSURE**

There being no further business the Chairman declares the meeting closed at 5:12PM.

These minutes were confirmed and signed below by the Presiding Person, under signed below, at a meeting held .....

Signed: .....

Date: .....