



WUJAL WUJAL ABORIGINAL SHIRE COUNCIL

ABN 57 237 799 120

Council Special Meeting Minutes

15 June 2019

Council Chambers/ Teleconference

08:30am – 08:59am

AGENDA

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1. WELCOME / MEETING OPENING

Mayor Tayley declared the meeting open at 08:30am

2. ATTENDANCE AND APOLOGIES

Members Present: Chambers	Cr Desmond Tayley, Mayor (Chair) Cr Vincent Tayley
Members Present Teleconference:	Cr Robert Bloomfield, Deputy Mayor Cr Reagan Kulka Cr Bradley Creek
Officers/Staff:	Mr Victor Mills Director Works and Building Services
Observers:	NIL
Presenters/Visitors	NIL

Background

The current Chief Executive Officer feel ill and was transported by aerial ambulance to Cairns with a suspected stroke on the morning of the 10th of June 2019.

At the clinic a letter was drafted for CEO to sign and which Cr Bradley Creek and Cr Reagan Kulka witnessed for Mr Victor Mills to be acting CEO. This was based on a previous resolution in 2017 where council had passed for Mr Victor Mills to be acting CEO in Ceo's absence.

Due to the nature of this situation additional advice was sort from Peak Body for Local Government – Local Government Association Queensland from the following officers:

Mark Leyland | Principal Advisor – Finance and Governance
T: 07 3000 2201 M: 0429 057 766

Tony Goode | Workforce Strategy Executive

P: 07 3000 2230 M: 0427 140 593

The advice focused on three components:

1. Delegation Powers in relation to vacancy of CEO position – in this case due to illness
2. Approval of Councillors to attending meetings by teleconference so as to make a quorum
3. Formalising Mr Victor Mills to the role of Acting CEO

Advice Provided Outlined below

195 Appointing an acting chief executive officer

- A local government may appoint a qualified person to act as the chief executive officer during—
- (a) any vacancy, or all vacancies, in the position; or
 - (b) any period, or all periods, when the chief executive officer is absent from duty or can not, for another reason, perform the chief executive officer's responsibilities.

This means that a Council resolution would be required every time there is a need to appoint an Acting CEO, UNLESS the council has a previous "blanket resolution" or policy that says something like:

"In cases where the position of CEO is vacant or the CEO is unable to perform the role through illness, leave or other temporary unforeseen absence, Council delegates the power to appoint an acting CEO pursuant to S195 of the Local Government Act 2009 to the Mayor and Deputy Mayor, subject to the authority being limited to appointing either the person in the position of Deputy CEO or in a Senior executive employee position, (whatever position in Council structure is most senior and has the skill, experience and capability) to act as CEO for a period of no longer than one month or until the next available council meeting at which the appointment of Acting CEO will be decided by council resolution."

I really recommend that every Council have a resolution or policy adopted so that these unexpected times where the CEO is out of action – or left the position on short notice, can be managed without having to call an urgent special meeting for the simple formality of a council resolution to appoint a senior officer to act as CEO.

3. CONDOLENCES / CONGRATULATIONS

NIL

4. COUNCILLOR OBLIGATIONS

4.1 – Declaration of material personal interest on any item of business

Pursuant to Section 172 of the *Local Government Act 2009*, {0} declarations of material personal interest were made during this meeting.

Details of declarations are as follows: 0
Name of Councillor – details of declaration - NIL

4.2 – Declaration of conflict of interest on any item of business

Pursuant to Section 173 of the *Local Government Act 2009*, {0} declarations of conflict of interest were made during this meeting.

4.3 - Registers of interest

NIL

5. The Delegation of Powers

Resolution:	<p><i>"In cases where the position of CEO is vacant or the CEO is unable to perform the role through illness, leave or other temporary unforeseen absence, Council delegates the power to appoint an acting CEO pursuant to S195 of the Local Government Act 2009 to the Mayor and Deputy Mayor, subject to the authority being limited to appointing either the person in the position of Deputy CEO or in a Senior executive employee position, (whatever position in Council structure is most senior and has the skill, experience and capability) to act as CEO for a period of no longer than one month or until the next available council meeting at which the appointment of Acting CEO will be decided by council resolution."</i></p> <p>That Council delegate the power pursuant to Section 276 of the Local Government Regulation 2012, to allow a person, including councillor(s) to attend a meeting by teleconference, where the attendance by teleconference will allow a Quorum to be formed."</p> <p>That Director of Works and Building Services Mr Victor Mills have delegation powers to be interim CEO until the next available council meeting at which the appointment of Acting CEO will be decided by Council Resolution.</p>	
Moved:	Cr Desmond Tayley [Mayor]	<p>Carried Unanimously [In Favour, Mayor, Deputy Mayor, Cr Tayley, Cr Kulka and Cr Creek]</p>
Seconded:	Cr Vincent Tayley	
Decision No:		

6. MEETING CLOSE

The meeting closed at.
 08:59am



Councillor Desmond Tayley
 [Mayor]

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