



Notice of Meeting

Notice is hereby given that the **Post-election Meeting** of the **Whitsunday Regional Council** will be held at Council Chambers, 67 Herbert Street, Bowen on **Wednesday 22 April 2020** commencing at **10:00 a.m.**

Councillors Elect: Andrew Willcox, Jan Clifford, Al Grundy, John Collins, Michelle Wright, Gary Simpson and Michael Bruncker.

Local Government Regulation 2012

258.(1) Written notice of each meeting or adjourned meeting of a local government must be given to each councillor at least 2 days before the day of the meeting unless it is impracticable to give the notice.

(2) The written notice must state:

- (a) the day and time of the meeting; and
- (b) for a special meeting – the business to be conducted at the meeting

(3) A **special meeting** is a meeting at which the only business that may be conducted is the business stated in the notice of meeting.

175 Post-election meetings

(1) A local government must hold a meeting within 14 days after—

- (a) the conclusion of each quadrennial election; and
- (b) the conclusion of a fresh election of its councillors.

(2) The local government must, by resolution, appoint a deputy mayor from its councillors (other than the mayor)—

- (a) at that meeting; and
- (b) at the first meeting after the office of the councillor who is the deputy mayor becomes vacant.

Jason Bradshaw
ACTING CHIEF EXECUTIVE OFFICER



Agenda of the Post – election Meeting to be held at
Council Chambers, 67 Herbert Street, Bowen
on Wednesday 22 April 2020 commencing at **10:00am**

Council acknowledges and shows respect to the Traditional Custodian/owners in whose country we hold this meeting.

9:00 am – 10.00am

- Declaration Signing

10.00am

- Formal Meeting Commences

Agenda of the Post – Election Meeting to be held at
Bowen Council Chambers, 67 Herbert Street, Bowen
on Wednesday 22 April 2020 commencing at **10:00am**

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1. Apologies

No Agenda items for this section.

2. Condolences

2.1 CONDOLENCES REPORT

AUTHOR: Tailah Jensen – Governance Administration Officer

RESPONSIBLE OFFICER: Jason Bradshaw – Acting Chief Executive Officer

RECOMMENDATION

Council observes one (1) minutes silence for the recently deceased.

The following report has been submitted for inclusion into Council's Post-election Meeting to be held on Wednesday, 22 April 2020.

SUMMARY

Council has received advice of the passing of community members within the Whitsunday Region.

PURPOSE

To acknowledge and observe a minute silence for the recently deceased throughout the Whitsunday Region.

BACKGROUND

Bereavement cards have been forwarded to the families of the deceased by the Mayor and Chief Executive Officer on behalf of the Whitsunday Regional Council.

STATUTORY MATTERS

N/A

ANALYSIS

N/A

STRATEGIC IMPACTS

N/A

CONSULTATION

Andrew Willcox – Mayor

DISCLOSURE OF OFFICER'S INTERESTS

N/A

CONCLUSION

Councillors, committee members, staff, general public and anyone participating in the meeting are to stand and observe a minute silence for the recently deceased.

ATTACHMENTS

N/A

3. Office of the Mayor and CEO

3.1 DECLARATION OF OFFICE

AUTHOR: Norm Garsden – Acting Manager Governance and Administration

RESPONSIBLE OFFICER: Jason Bradshaw – Acting Chief Executive Officer

OFFICER'S RECOMMENDATION

That Council note that, as a result of the 2020 Local Government Elections conducted by the Electoral Commission Queensland and the social distancing requirements to prevent the spread of COVID-19, the Acting Chief Executive Officer took the Declaration of Office from each successful candidate prior to the meeting, in accordance with section 169 of the Queensland *Local Government Act 2009*; section 254 of the *Local Government Regulations 2012*; and *Local Government Electoral (2020 Quadrennial Election) Regulation*.

The following report has been submitted for inclusion into Council's Post-election Meeting to be held on Wednesday, 22 April 2020.

SUMMARY

Every four years in accordance with the *Local Government Act 2009*, each Queensland Council undergoes an election for new Councillors. The election date was Saturday 28 March 2020 with the declaration of poll being on Sunday 19 April 2020.

PURPOSE

To record for historical purposes that Councillors complied with the applicable legislation before acting in Office.

BACKGROUND

The Returning Officer for the Whitsunday Regional Council has declared the following results for the 2020 election:

Office	Successful Candidate	Date Declared
Mayor:	<i>WILLCOX, Andrew</i>	30 March 2020
Councillor – Division 1:	<i>CLIFFORD, Janet Louise</i>	19 April 2020
Councillor – Division 2:	<i>GRUNDY, Allen George</i>	19 April 2020
Councillor – Division 3:	<i>COLLINS, John William Patrick</i>	11 April 2020
Councillor – Division 4:	<i>WRIGHT, Michelle Elizabeth</i>	19 April 2020
Councillor – Division 5:	<i>SIMPSON, Gary William</i>	14 April 2020
Councillor – Division 6:	<i>BRUNKER, Michael Raymond</i>	30 March 2020

STATUTORY/COMPLIANCE MATTERS

169 Obligations of councillors before acting in office (LGA)

- (1) A councillor must not act in office until the councillor makes the declaration of office.
- (2) The declaration of office is a declaration prescribed under a regulation.
- (3) The chief executive officer is authorised to take the declaration of office.
- (4) The chief executive officer must keep a record of the taking of the declaration of office.

(5) A person ceases to be a councillor if the person does not comply with subsection (1) within—

- (a) 1 month after being appointed or elected; or
- (b) a longer period allowed by the Minister.

ANALYSIS

The conduct of this election was not without criticism and the threat of COVID-19 added an unprecedented complication for the Electoral Commission of Queensland to overcome. Another report will address the Council's concerns over the conduct of the election.

STRATEGIC IMPACTS

The election of a new Council provides an opportunity to review Council's vision, strategy and goals for the community over the next 4 years.

CONSULTATION

Jason Bradshaw - Acting Chief Executive Officer

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

Because of the unique circumstances applicable at this time and to take the necessary precautions to prevent the possible spread of COVID-19, the Declarations of Office were taken in private, prior to the meeting, in accordance with legislation. Councillors cannot act as Councillors until the Declaration has been taken.

ATTACHMENTS

Attachment 1 – Notice of Results as published by the Electoral Commission of Queensland
Attachment 2 – Declaration of Office

Attachment 1 - Notice of Results as published by the Electoral Commission of Queensland

Mayor:

Notice of Election Results

LOCAL GOVERNMENT ELECTIONS

SATURDAY, 28 MARCH 2020



The local government quadrennial elections were held on Saturday, 28 March 2020.

In accordance with section 100 of the *Local Government Electoral Act 2011*, this notice advises that the following persons have been duly elected for the Whitsunday Regional Council:

POSITION	FULL NAME OF ELECTED CANDIDATE
MAYOR	WILLCOX, Andrew

Pat Vidgen
Electoral Commissioner
Declaration Date: 30 March 2020

Division 1, 2 & 4:

Notice of Election Results

LOCAL GOVERNMENT ELECTIONS

SATURDAY, 28 MARCH 2020



The local government quadrennial elections were held on Saturday, 28 March 2020.

In accordance with section 100 of the *Local Government Electoral Act 2011*, this notice advises that the following persons have been duly elected for the Whitsunday Regional Council:

POSITION	FULL NAME OF ELECTED CANDIDATE
DIVISION 1 COUNCILLOR	CLIFFORD, Janet Louise
DIVISION 2 COUNCILLOR	GRUNDY, Allen George
DIVISION 4 COUNCILLOR	WRIGHT, Michelle Elizabeth

Pat Vidgen
Electoral Commissioner
Declaration Date: 19 April 2020

Division 3:

Notice of Election Results LOCAL GOVERNMENT ELECTIONS SATURDAY, 28 MARCH 2020



The local government quadrennial elections were held on Saturday, 28 March 2020.

In accordance with section 100 of the *Local Government Electoral Act 2011*, this notice advises that the following persons have been duly elected for the Whitsunday Regional Council:

POSITION	FULL NAME OF ELECTED CANDIDATE
DIVISION 3 COUNCILLOR	COLLINS, John William Patrick

Pat Vidgen
Electoral Commissioner
Declaration Date: 11 April 2020

Division 5:

Notice of Election Results LOCAL GOVERNMENT ELECTIONS SATURDAY, 28 MARCH 2020



The local government quadrennial elections were held on Saturday, 28 March 2020.

In accordance with section 100 of the *Local Government Electoral Act 2011*, this notice advises that the following persons have been duly elected for the Whitsunday Regional Council:

POSITION	FULL NAME OF ELECTED CANDIDATE
DIVISION 5 COUNCILLOR	SIMPSON, Gary William

Pat Vidgen
Electoral Commissioner
Declaration Date: 14 April 2020

Division 6:

Notice of Election Results
LOCAL GOVERNMENT ELECTIONS
SATURDAY, 28 MARCH 2020



The local government quadrennial elections were held on Saturday, 28 March 2020.

In accordance with section 100 of the *Local Government Electoral Act 2011*, this notice advises that the following persons have been duly elected for the Whitsunday Regional Council:

POSITION	FULL NAME OF ELECTED CANDIDATE
DIVISION 6 COUNCILLOR	BRUNKER, Michael Raymond

Pat Vidgen
Electoral Commissioner
Declaration Date: 30 March 2020



Whitsunday Regional Council

Declaration of Office

I, Andrew John Willcox, having been elected as Mayor of the Whitsunday Regional Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct under the *Local Government Act 2009*, to the best of my judgment and ability.

Andrew John Willcox

I, Jason Adam Bradshaw, Acting Chief Executive Officer of the Whitsunday Regional Council, confirm that I witnessed this declaration on 22 April 2020 and will keep a record of this declaration.

JA Bradshaw

This declaration was undertaken in accordance with s169 of the Local Government Act 2009 and s254 of the Local Government Regulation 2012.



Whitsunday Regional Council

Declaration of Office

I, Janet Louise Clifford, having been elected as a Councillor of the Whitsunday Regional Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct under the *Local Government Act 2009*, to the best of my judgment and ability.

Janet Louise Clifford

I, Jason Adam Bradshaw, Acting Chief Executive Officer of the Whitsunday Regional Council, confirm that I witnessed this declaration on 22 April 2020 and will keep a record of this declaration.

JA Bradshaw

This declaration was undertaken in accordance with s169 of the Local Government Act 2009 and s254 of the Local Government Regulation 2012.



Whitsunday Regional Council

Declaration of Office

I, Allen George Grundy, having been elected as a Councillor of the Whitsunday Regional Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct under the *Local Government Act 2009*, to the best of my judgment and ability.

Allen George Grundy

I, Jason Adam Bradshaw, Acting Chief Executive Officer of the Whitsunday Regional Council, confirm that I witnessed this declaration on 22 April 2020 and will keep a record of this declaration.

JA Bradshaw

This declaration was undertaken in accordance with s169 of the Local Government Act 2009 and s254 of the Local Government Regulation 2012.



Whitsunday Regional Council

Declaration of Office

I, John William Patrick Collins, having been elected as a Councillor of the Whitsunday Regional Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct under the *Local Government Act 2009*, to the best of my judgment and ability.

John William Patrick Collins

I, Jason Adam Bradshaw, Acting Chief Executive Officer of the Whitsunday Regional Council, confirm that I witnessed this declaration on 22 April 2020 and will keep a record of this declaration.

JA Bradshaw

This declaration was undertaken in accordance with s169 of the Local Government Act 2009 and s254 of the Local Government Regulation 2012.



Whitsunday Regional Council

Declaration of Office

I, Michelle Elizabeth Wright, having been elected as a Councillor of the Whitsunday Regional Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct under the *Local Government Act 2009*, to the best of my judgment and ability.

Michelle Elizabeth Wright

I, Jason Adam Bradshaw, Acting Chief Executive Officer of the Whitsunday Regional Council, confirm that I witnessed this declaration on 22 April 2020 and will keep a record of this declaration.

JA Bradshaw

This declaration was undertaken in accordance with s169 of the Local Government Act 2009 and s254 of the Local Government Regulation 2012.



Whitsunday Regional Council

Declaration of Office

I, Gary William Simpson, having been elected as a Councillor of the Whitsunday Regional Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct under the *Local Government Act 2009*, to the best of my judgment and ability.

Gary William Simpson

I, Jason Adam Bradshaw, Acting Chief Executive Officer of the Whitsunday Regional Council, confirm that I witnessed this declaration on 22 April 2020 and will keep a record of this declaration.

JA Bradshaw

This declaration was undertaken in accordance with s169 of the Local Government Act 2009 and s254 of the Local Government Regulation 2012.



Whitsunday Regional Council

Declaration of Office

I, Michael Raymond Bruner, having been elected as a Councillor of the Whitsunday Regional Council, declare that I will faithfully and impartially fulfil the duties of the office, in accordance with the local government principles and code of conduct under the *Local Government Act 2009*, to the best of my judgment and ability.

Michael Raymond Bruner

I, Jason Adam Bradshaw, Acting Chief Executive Officer of the Whitsunday Regional Council, confirm that I witnessed this declaration on 22 April 2020 and will keep a record of this declaration.

JA Bradshaw

This declaration was undertaken in accordance with s169 of the Local Government Act 2009 and s254 of the Local Government Regulation 2012.

3. Office of the Mayor and CEO

3.2 APPOINTMENT OF DEPUTY MAYOR

AUTHOR: Norm Garsden – Acting Manager Governance and Administration

RESPONSIBLE OFFICER: Jason Bradshaw – Acting Chief Executive Officer

OFFICER'S RECOMMENDATION

That pursuant to section 175 of the *Local Government Act 2009*, Council appoint Cr ... as Deputy Mayor.

The following report has been submitted for inclusion into Council's Post-election Meeting to be held on Wednesday, 22 April 2020.

SUMMARY

The *Local Government Act 2009* requires that a Deputy Mayor is appointed by Council at the Post-election meeting.

PURPOSE

To select the Deputy Mayor who will act as Mayor when the Mayor is absent or unavailable to undertake the mayoral duties.

BACKGROUND

There is no prescribed method to selecting the Deputy Mayor, except that they are appointed by the Council (by resolution) at its post-election meeting, however, with any public sector appointment, the generally accepted rule is 'appointment by merit'.

Note: The Deputy Mayor is remunerated at a higher rate than other Councillors (see the Remuneration Commission report) to reflect the increased responsibilities.

STATUTORY/COMPLIANCE MATTERS

175 Post-election meetings (LGA)

(2) The local government must, by resolution, appoint a deputy mayor from its councillors (other than the mayor)—

(a) at that meeting;

(b) ...

165 Acting Mayor (LGA)

(1) The deputy mayor acts for the mayor during—

(a) the absence or temporary incapacity of the mayor; or

(b) a vacancy in the office of mayor.

(2) ...

ANALYSIS

A deputy mayor must be appointed under s 175 of the Local Government Act 2009.

The deputy mayor acts as mayor if the Mayor is ill or otherwise absent and unable to perform the duties. It is considered that “absence” refers to an inability to perform a function or responsibility but is not necessarily something which occurs merely because the Mayor is physically absent from the Council’s office, from the local government area or even from Australia. An acting mayor acts only until the Mayor is again available.

No procedure is established for selecting the Deputy Mayor, so all the standard meeting rules apply (see section 260 (2) of the *Local Government Regulation 2012*) requiring:

- voting to be open;
- a question is decided by a majority of the votes of the councillors present;
- each councillor present has a vote on each question to be decided and, if the votes are equal, the councillor presiding also has a casting vote;
- if a councillor present fails to vote, the councillor is taken to have voted in the negative.

A number of options are available to appoint the Deputy Mayor:

Option 1:

A councillor nominates another councillor as Deputy Mayor and if the motion is seconded, it is debated before being put to the vote.

Should a councillor disagree with that nomination, they would speak against the motion and foreshadow moving an alternative motion (nominating another councillor as Deputy Mayor), should the original motion not be carried.

This process would be repeated until a motion is carried and Deputy Mayor appointed.

Option 2:

Alternately, Council could suspend standing orders and adjourn the meeting for the purpose of conducting an informal ballot for the role of Deputy Mayor. Nominations are called and each nominee confirms that they accept the nomination – then a ballot is conducted, and the highest number of votes becomes the nominee for Deputy Mayor – where there is a tie the Mayor may be required to use his casting vote to determine the outcome.

This is less transparent but is in effect an open process where votes are cast and counted. When the ballot is completed, the meeting resumes and the motion to appoint the Deputy Mayor is put and voted upon.

Option 3

Another option could be that the role of Deputy Mayor be rotated on an annual basis, to provide four Councillors the opportunity to experience the role. The motion could read: **“That pursuant to section 175 of the *Local Government Act 2009*, Council appoint Cr ... as Deputy Mayor until April 2021.**

Option 4

A variant to Option 3 would be to determine the roster of Councillors for the 4-year term. The motion could read: **That pursuant to section 175 of the *Local Government Act 2009*, Council appoint the following Councillors as Deputy Mayor, for the respective periods:**

- **Councillor A – from 22 April 2020 to 19 April 2021**
- **Councillor B – from 20 April 2021 to 17 April 2022**
- **Councillor C – from 18 April 2022 to 15 April 2023**
- **Councillor D – from 16 April 2023 to the conclusion of the 2024 local government election.**

This motion establishes the progression but relies on those councillors being available for the relevant dates.

STRATEGIC IMPACTS

The Mayor has a number of additional responsibilities as the leader of the executive arm of the Council (see section 12 of the *Local Government Act 2009*) and is the sole day to day link between the executive and the administration in terms of directing the activities of the CEO in conformity with executive decisions. Responding to the risk that the Mayor may, for any reason, not be available to undertake these duties, it is prudent for Council to determine a Deputy, should the Mayor be unavailable.

CONSULTATION

Andrew Willcox - Mayor

Mr Jason Bradshaw - Acting Chief Executive Officer

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the *Local Government Act 2009* or the Staff Code of Conduct.

CONCLUSION

Council is obligated to appoint a Deputy Mayor.

ATTACHMENTS

N/A

3. Office of the Mayor and CEO

3.3 COUNCIL MEETING SCHEDULE 2020

AUTHOR: Norm Garsden - Acting Manager Governance and Administration

RESPONSIBLE OFFICER: Jason Bradshaw – Acting Chief Executive Officer

OFFICER'S RECOMMENDATION

That Council adopt the schedule of Ordinary Meeting dates and venues for the balance of 2020 as contained in Attachment 1 to this report.

The following report has been submitted for inclusion into Council's Post-election Meeting to be held on Wednesday, 22 April 2020.

SUMMARY

Council has previously held Ordinary Meetings on the 2nd and 4th Wednesday of each month alternating between Bowen, Proserpine and other venues. It is proposed to continue this arrangement, with the exception of holding the first Ordinary meeting of the new Council on 29 April 2020, to deal with matters that have arisen since the last Council meeting (25 March 2020).

PURPOSE

Council needs to determine an appropriate arrangement for holding Ordinary Meetings that complies with the Local Government Act & Regulation and reflects the way it wishes to conduct the business of Council.

BACKGROUND

Section 256 of the Local Government Regulation 2012 (LGR), requires the local government to consider at its post-election meeting the day and time for holding other meetings. Under section 257 of the Local Government Regulation 2012 a local government must meet at least once in each month and all meetings are to be at one of its public offices, unless resolved otherwise under section 258. The State Government recently made the Local Government Electoral (2020 Quadrennial Election) Regulation 2020 which amends the LGR to allow a person to take part in the meeting by teleconferencing (a councillor taking part in a meeting under subsection is taken to be present at the meeting).

Where a council meeting is held by teleconferencing, the council must ensure the meeting is available for real-time viewing or listening by the public at 1 of the council's public offices or on the council's website, except where the meeting is closed to the public.

During its previous term, the Whitsunday Regional Council held its Ordinary Meetings on the second and fourth Wednesdays of each month, alternating between Bowen, Proserpine and other locations. This schedule was adopted to enable all residents the opportunity to attend meetings and raise issues of concern. Regular meetings also enable Council to set clear policy and direction and provide open channels of communication with senior managers, staff, residents and ratepayers of the Region.

The current arrangement was adopted by Council on 27 November 2019.

STATUTORY/COMPLIANCE MATTERS

Section 256 of the *Local Government Regulation 2012* requires the local government to consider at its post-election meeting, the day and time, for holding other meetings.

Section 257 of the *Local Government Regulation 2012* directs that a local government defined as a region must meet at least once in each month and all meetings are to be at one of its public offices, unless resolved otherwise under section 258.

Section 277B of the *Local Government Regulation 2012* allows meetings to be held by teleconferencing. Where a councillor takes part in a meeting via teleconferencing, they are taken to be present at the meeting.

ANALYSIS

Council adopt the proposed schedule **with no changes**

Council has the option to adopt the attached schedule, without any changes and proceed with the meeting frequency, dates and venues as set out in that document.

Council adopt the proposed schedule **with changes**

Council also has the option to adopt an amended schedule, specifying different frequency, days and venues, depending on how Council intends to manage its business. Note however, Council is required to meet at least once each month.

Council is also able to meet via teleconference, rather than attending a meeting. Council's IT Branch has upgraded Council's IT environment to enable teleconferencing via Microsoft Meetings. This has been successfully trialled during the COVID-19 lockdown, with numerous internal Council meetings. The electronic equipment issued to Councillors will facilitate teleconferencing.

Council is encouraged to consider the COVID-19 risks and consider the use of teleconferencing to hold its meetings. Note: teleconferencing could be used by all, or a number of Councillors.

STRATEGIC IMPACTS

Financial Implications - N/A

Risk Management Implications - N/A

CONSULTATION

Jason Bradshaw – Acting Chief Executive Officer

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the *Local Government Act 2009* or the Staff Code of Conduct.

CONCLUSION

Council is asked to determine a schedule that best reflects how it wishes to manage its business.

ATTACHMENTS

Attachment 1 – List of Council Meeting Dates & Locations.

Schedule of future Ordinary Council Meeting Dates and Venues for the balance of 2020

<u>Date</u>	<u>Day</u>	<u>Meeting</u>	<u>Location</u>
22 April 2020	Wednesday	Post-election Council Meeting	Bowen
29 April 2020	Wednesday	Ordinary Council Meeting	Bowen
13 May 2020	Wednesday	Ordinary Council Meeting	Airlie Beach/Cannonvale
27 May 2020	Wednesday	Ordinary Council Meeting	Collinsville
10 June 2020	Wednesday	Ordinary Council Meeting	Proserpine
24 June 2020	Wednesday	Ordinary Council Meeting	Bowen
8 July 2020	Wednesday	Ordinary Council Meeting	Proserpine
22 July 2020	Wednesday	Ordinary Council Meeting	Bowen
12 August 2020	Wednesday	Ordinary Council Meeting	Proserpine
26 August 2020	Wednesday	Ordinary Council Meeting	Collinsville
9 September 2020	Wednesday	Ordinary Council Meeting	Airlie Beach/Cannonvale
23 September 2020	Wednesday	Ordinary Council Meeting	Bowen
14 October 2020	Wednesday	Ordinary Council Meeting	Proserpine
28 October 2020	Wednesday	Ordinary Council Meeting	Bowen
11 November 2020	Wednesday	Ordinary Council Meeting	Proserpine
25 November 2020	Wednesday	Ordinary Council Meeting	Bowen
9 December 2020	Wednesday	Ordinary Council Meeting	Proserpine

3. Office of the Mayor and CEO
3.4 ACTING CHIEF EXECUTIVE OFFICER

AUTHOR: Kenneth Donohoe - Chief Executive Officer

RESPONSIBLE OFFICER: Kenneth Donohoe - Chief Executive Officer

OFFICER'S RECOMMENDATION

That Mr Jason Bradshaw be appointed as Acting Chief Executive Officer beginning 4 April 2020 until the permanent Chief Executive Officer commences with Council.

The following report has been submitted for inclusion into Council's Post-election Meeting to be held on Wednesday, 22 April 2020.

SUMMARY

This report recommends the appointment of Mr Jason Bradshaw as Acting Chief Executive Officer for the Whitsunday Regional Council commencing 4 April 2020.

PURPOSE

In accordance with the *Local Government Act 2009*, in the absence of the Chief Executive Officer for a period of time, the appointment of an Acting Chief Executive Officer is a requirement to ensure that business operations are not disrupted.

Council's delegations mandate that authority to appoint an appropriately qualified Acting Chief Executive Officer for a period greater than 5 business days rests with the Council.

BACKGROUND

The Chief Executive Officer resigned effective 22 April 2020 for family reasons. Council has commenced the recruitment process for a new Chief Executive Officer through recruitment firm Leading Roles.

With the advent of COVID-19 and the border closures being enforced to close off all egress from Queensland the Chief Executive Officer has taken accrued annual leave to transit to Western Australia from 4 April 2020 until 22 April 2020 inclusive of the Easter Public Holidays.

This agenda item sees the appointment of the Acting Chief Executive Officer during the period of annual leave and recruitment of a new Chief Executive Officer for the organisation.

STATUTORY/COMPLIANCE MATTERS

Extract of Local Government Act 2009, Section 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 cannot, for another Local reason, perform the chief executive officer's responsibilities.

ANALYSIS

This report seeks to appoint an Acting Chief Executive Officer while the organisation is in the process of recruiting a new person to fill the role.

STRATEGIC IMPACTS

Appointment of an Acting Chief Executive Officer

Risk Management Implications – Continuation of business operations

CONSULTATION

Jason Bradshaw - Acting Chief Executive Officer

DISCLOSURE OF OFFICER'S INTERESTS

The author of the agenda report is the Chief Executive Officer and this item reflects on the Chief Executive Officers contract of employment with the Council.

Mr Jason Bradshaw has declared a conflict of interest as it proposed to change his role and contract of employment with the Council.

CONCLUSION

Mr Bradshaw is currently the Director of Corporate Services with the Whitsunday Regional Council. Mr Bradshaw has previously held Chief Executive Officer positions and has the qualifications and experience gained over thirty (30) years in Local Government to manage the role.

ATTACHMENTS

Attachment 1 – Conflict of Interest Form, Mr Kenneth Donohoe

Attachment 2 – Conflict of Interest Form, Mr Jason Bradshaw

Attachment 1 – Conflict of Interest Form, Mr Kenneth Donohoe



Conflict of Interest Office of the Mayor & CEO

P: 07 4761 3626 E: governance@whitsundayrc.qld.gov.au

Employee Conflict of Interest Declaration

Council's Code of Conduct for Employees requires that employees declare any conflicts of interest that could affect their objectivity or impartiality in carrying out their duties. This form should be used to declare any real, potential or perceived conflicts of interest.

Section 1 – Employee Details:

Employee No.:	10475	Employee Name:	Kenneth Donohoe
Directorate/Branch:	OMCEO	Position:	Chief Executive Officer

Section 2 – Interest Details:

I am declaring a:

- a. Real conflict of interest ☒ b. Potential conflict of interest ☐ c. Perceived conflict of interest ☐

The nature of the interest is:	As the author of the agenda report to appoint an Acting Chief Executive Officer this is a direct conflict of interest to me and my contract of employment with Whitsunday Regional Council.
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Section 3 – Employee Declaration:

I have read and understood Council's Code of Conduct for Employees ☒

Employee Signature:		Date:	1 April 2020
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Attachment 2 – Conflict of Interest Form, Mr Jason Bradshaw



Conflict of Interest

Office of the Mayor & CEO

P: 07 4761 3626 E: governance@whitsundayrc.qld.gov.au

Employee Conflict of Interest Declaration

Council's Code of Conduct for Employees requires that employees declare any conflicts of interest that could affect their objectivity or impartiality in carrying out their duties. This form should be used to declare any real, potential or perceived conflicts of interest.

Section 1 – Employee Details:

Employee No.:	10498	Employee Name:	Jason Bradshaw
Directorate/Branch:	Corporate Services	Position:	Director Corporate Services

Section 2 – Interest Details:

I am declaring a:

a. Real conflict of interest ☒

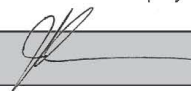
b. Potential conflict of interest ☐

c. Perceived conflict of interest ☐

The nature of the interest is:	The recommendation proposed in the report will provide a direct Conflict of Interest to me in that it proposes to change the role and influence in the organization beyond my substantive role and may increase the remuneration beyond my current contract of employment. Council's current delegation to the CEO does not provide a basis for terms beyond one week. And the report seeks to provide a basis of continuity in the operations. The conflict is real and is acknowledged. Jason Bradshaw 
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Section 3 – Employee Declaration:

I have read and understood Council's Code of Conduct for Employees ☒

Employee Signature:		Date:	01/04/2020
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