



Notice of Special Meeting

Notice is hereby given that the **Special Council Meeting** of the **Whitsunday Regional Council** will be held at the Council Chambers, 67 Herbert Street, Bowen on **Wednesday 20 July 2022**, commencing at **12:00 PM** and the Agenda is attached.

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

Local Government Regulation 2012

254.(C) (1) Notice of each local government meeting or adjourned local government meeting must be given to each councillor or committee member at least 2 days before the day of the meeting, unless it is impracticable to give the notice before that time.

(2) The written notice must state:

- (a) state the day and time of the local government meeting; and
- (b) for a special meeting—state the business to be conducted at the meeting; and
- (c) include the agenda for the local government 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.

The purpose of the Special Meeting is to appoint an Acting Mayor, noting Cr Bruncker has indicated he will resign from the role as of 12pm on 20th July 2022.



Rodney Ferguson

CHIEF EXECUTIVE OFFICER

Agenda of the Special Council Meeting to be held at
Council Chambers, 67 Herbert Street, Bowen on Wednesday 20 July 2022 commencing
at **12:00 PM**

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

12:00 PM

- Formal Meeting Commences

Whitsunday Regional Council
Agenda of the Special Council Meeting held at
Council Chambers, 67 Herbert Street, Bowen on
Wednesday 20 July 2022 commencing at **12:00 PM**

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1 APOLOGIES/LEAVE OF ABSENCE

This item on the agenda allows Council the opportunity to receive apologies from Councillors unable to attend the meeting.

2 DECLARATIONS OF INTEREST

This item on the agenda allows Councillors the opportunity to either declare a conflict of interest or material personal interest, in accordance with sections 175E and 175C respectively of the Local Government Act 2009 (the Act), in a matter that is to be discussed at this meeting of Council that is not an ordinary business matter.

Any such declarations will be managed during the meeting as required in accordance with the relevant sections of the Act.

3 OFFICERS REPORTS

3.1 Office of the Mayor and CEO

3.1.1 - Appointment of Acting Mayor

DATE: Wednesday 20 July 2022

TO: Special Council Meeting

AUTHOR: Jason Bradshaw - Director Corporate Services

AUTHORISING OFFICER: Rodney Ferguson - Chief Executive Officer

PRESENTED FOR: Decision

ATTACHMENTS

Nil

PURPOSE

This report provides the background and outlines that Council will need to appoint an Acting Mayor on basis that the Mayoral role is vacant and awaiting the upcoming by election. The current Deputy Mayor has indicated that he will resign from the role of Deputy Mayor from 12pm on the 20 July 2022.

OFFICER'S RECOMMENDATION

That Council appoint *Councillor xxxx* as Acting Mayor for a period until the appointment of the new Mayor following the by-election on Saturday 13 August 2022 in accordance with Section 165 (2)(c) of the *Local Government Act 2009*.

BACKGROUND

The current Deputy Mayor Cr Mike Brunker has indicated that he will resign from the role of Deputy Mayor effective 12pm on Wednesday 20 July 2022.

From the Ordinary Meeting Minutes – 13 April 2022

That pursuant to section 175 of the Local Government Act 2009 and noting that Mayor Cr Andrew Willcox will be taking leave from his role for a period of time, Council agrees to:

a) amend Resolution 2020/04/22.03 of 22 April 2020 by removing the concept of rotating the role of Deputy Mayor;

b) repeal paragraph 3 of Resolution 2021/04/14.03 of 14 April 2021; and

c) introduce a system of appointing a Councillor to the Deputy Mayor's role for a term of 12 months; and

d) at the conclusion of each 12-month term the Council will resolve to appoint one of any of the current Councillors (including the Councillor currently serving as Deputy Mayor) to the role of Deputy Mayor for the following 12 months; and

e) extend Cr Michael Brunker's term as Deputy Mayor past the 14 April 2022 until such time as either Mayor Willcox returns to the role of Mayor, or another person takes the Oath of Office for the Office of Mayor; and

f) at the next ordinary meeting of Council after the time identified in paragraph (e), review and appoint one of any of the current Councillors to the role of Deputy Mayor for the following 12 months.

That leaves council with no mayor as Andrew Willcox has resigned and there will be no Deputy Mayor also at that time.

DISCUSSION/CURRENT ISSUE

The resignation of the Deputy Mayor triggers a need to appoint an Acting Mayor until the result of the by-election for the office of Mayor is known and that *person takes the Oath of Office for the Office of Mayor.*

Several options are available to appoint the Acting Mayor:

Option 1:

A councillor nominates another councillor as Acting 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 Acting Mayor), should the original motion not be carried.

This process would be repeated until a motion is carried and an Acting Mayor appointed for the period until a new Mayor has been elected.

Option 2:

Alternately, Council could suspend standing orders and adjourn the meeting for the purpose of conducting an informal discussion and/or ballot for the role of Acting Mayor. Nominations could be called, and each nominee confirm that they accept the nomination – then a ballot could be conducted, and an agreement reached that the Councillor with highest number of votes become the nominee for Acting Mayor. This is less transparent but is in effect a democratic process where votes are cast and counted. When the ballot is completed, the meeting resumes and the motion to appoint the Acting Mayor for the period until the new Mayor is elected is put and formally voted upon.

It is suggested that formal resolutions are required to appoint a new Acting Mayor (for a period up to the appointment of a new Mayor).

STATUTORY/COMPLIANCE MATTERS

As the leader of the executive arm of the Council, the Mayor has a number of additional responsibilities (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 Chief Executive Officer in conformity with executive decisions.

Section 165 of the *Local Government Act 2009* provides for the role of Acting Mayor. Given the intended resignation of Cr Michael Brunner on the 20 July 2022 at 12pm, Council will not have a Mayor or a Deputy Mayor.

Subsection 2 part (c) of Section 165 provide that if the offices of both the mayor and deputy mayor are vacant, then the local government may, by resolution, appoint an acting mayor from its councillors.

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

- voting is to be in open forum.
- 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; and
- if a councillor present fails to vote, the councillor is taken to have voted in the negative.

STRATEGIC IMPACTS

Support the organisation in ensuring appropriate compliance with legislation and to support the elected council in its decision-making processes and obligations as a local government.

FINANCIAL IMPLICATIONS

There are limited financial implications in that the prescribed remuneration continues to be paid in accordance with the recommendations of the Local Government Remuneration Tribunal.

CONSULTATION/ENGAGEMENT

Chief Executive Officer
Manager Governance & Administration

RISK ASSESSMENT

Cr Bruncker's appointment as Deputy Mayor concludes at the date and time nominated, being 20 July at 12pm.

If no Deputy Mayor is appointed at the ordinary Council meeting scheduled for 20 July 2022, Council will have no mayor or deputy mayor as at that date.

The term of Deputy Mayor expires on the date and time nominated by Cr Bruncker, being 12pm on 20 July 2022.

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15-37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision. The human rights relevant to this decision are as follows:

- Section 19 – Freedom of movement.
- Section 21 – Freedom of expression.
- Section 24 – Right to own property and not be arbitrarily deprived of property.
- Section 27 – Cultural rights – generally – all persons with a particular cultural, religious, racial or linguistic background have the right to enjoy their culture, to declare and practice their religion and use their language.
- Section 28 – Cultural rights – Aboriginal peoples and Torres Strait Islander peoples.

This decision does not limit the above identified human rights.

ALTERNATIVES CONSIDERED

N/A