

CHIEF EXECUTIVE OFFICER

COUNCIL REPORT

Meeting 17 August 2022



Item 1: Meetings Attended

- CEO meet with Connie Archer, Senior Adviser, North Queensland Region, and Jess Foote, Branch Manager, NIAA Eastern Group Strategy (via teleconference) on 19 July 2022, for broad discussions on Empowered Communities and Pama Futures.
- Mayor, Councillors, and CEO attended the Council Meeting in Hope Vale on 20 July 2022.
- CEO, Operations Manager, and senior HVASC Building Department staff met with Wayne Pavey, Regional Delivery Manager, Allan Linneman, Manager, CHDE, Simon Gallagher, Senior Supervisor, Robert Wardle, Client and Program Manager, Philipp Sorensen, Program Officer, and Evaness Hollingsworth, Operations Manager, all from QBuild. The meeting was held in Hope Vale on 21 July 2022 to discuss planning issues for the 2022-23 Remote Housing Program.
- CEO held discussions with representatives of the Health Grants Branch of the Department of Social Services, via teleconference, on 22 July 2022, for further discussions on the CHSP Extension, particularly in relation to the proposed unsustainable rates for the provision of meals.
- CEO and Director of Social Services attended the Hope Vale Interagency Meeting held in Hope Vale on 26 July 2022
- Mayor, Councillors, and CEO attended the Special Council Meeting in Cairns on 27 July 2022, to adopt the 2022-2023 Budget.
- Mayor, Cr Allison Michael, CEO and Director Corporate and Financial Services attended a Council Audit Committee Meeting in Cairns on 27 July 2022.
- A number of other meetings were also held by the CEO in relation to various administration, organizational, staffing and tenure issues.

Recommendation:

That Council note the meetings attended by the CEO.

Item 2: QAO Final Management Letter - Audited Financial Statements 2021-2022

The Queensland Audit Office has completed its 2022 financial audit for Hope Vale Aboriginal Shire Council and has advised by letter dated 2 August 2022 (Attachment A) they have not identified

significant issues since the presentation of our closing report and there were no outstanding issues at year-end.

Recommendation:

That Council receive and note the Queensland Audit office Final Management Letter in relation to the Audited Financial Statements 2021-2022 dated 2 August 2022.

Item 3: Audit Committee Meeting Minutes

An Audit Committee Meeting was held in Cairns on 27 July 2022. A copy of the Minutes is attached for Council's information. (Attachment B)

Recommendation:

That Council receive and note the minutes of the Audit Committee as attached to the CEO's report dated 11 August 2022.

Item 5: Annual Financial Statements 2021-2022

The Annual Financial Statements for the year ended 30 June 2022 have been signed off by the Mayor and the Chief Executive Officer, after approval from the Audit Committee on 27 July 2022.

A copy of the signed Annual Financial Statements for the year ended 30 June 2022 is attached for Council noting. (Attachment C)

Recommendation:

That Council receive and note the signed Annual Financial Statements for the year ended 30 June 2022.

Item 6: Guiding Principles for Delegations from Council to the CEO Policy

Council has a range of powers and functions to perform which are conferred under many different Acts of Parliament as well as subordinate legislation and local laws. Council can delegate its powers to the Chief Executive Officer to implement and enforce these responsibilities under section 257 of the Local Government Act 2009.

It is proposed that Council consider a framework and a set of clear principles under which the Chief Executive Officer may exercise delegations handed down from Council to the Chief Executive Officer.

The attached draft Guiding Principles for Delegations from Council to the CEO Policy (Attachment D) is submitted for Council consideration.

Recommendation:

That Council adopt the Guiding Principles for Delegations from Council to the CEO Policy, as attached to the CEO's report dated 11 August 2022.

Item 7: Delegations to the Chief Executive Officer

Council has a range of powers and functions to perform which are conferred under many different Acts of Parliament as well as subordinate legislation and local laws. Council can delegate its powers to the Chief Executive Officer to implement and enforce these responsibilities under section 257 of the Local Government Act 2009.

The attached Delegation 2022/1 - Delegation to the Chief Executive Officer – Various Legislation (Attachment E) is submitted for Council consideration.

Section 257 (Delegation by the Local Government) of the Local Government Act 2009 allows, by resolution, a Local Government to delegate its powers under a Local Government Act to the Mayor, Chief Executive Officer, a standing committee or a joint standing committee. While delegations provide expediency for the Local Government, a delegation is revocable and does not prevent Council from acting on a matter (in which case the delegate must not act) and does not prevent the Council or Chief Executive Officer from exercising the power.

Section 257(5) of the Local Government Act 2009 requires the local government to review all delegations to the Chief Executive Officer annually.

Section 259 (Delegation by the Chief Executive Officer) of the Act allows the Chief Executive Officer of a local government to delegate the Chief Executive Officer's powers (including powers delegated to the Chief Executive Officer by the Local Government) to another employee of the Local Government.

In accordance with section 257(3) of the Local Government Act 2009, provisions not capable of delegation are included in Schedule 2 of the attached Delegation to the Chief Executive Officer – Attachment 2 to this report. A delegation is not permissible if the relevant legislation specifically provides that the power must be exercised 'by resolution'. This restriction applies where legislation uses the specific words 'by resolution'. Moreover, by virtue of the definition of 'adopt' the same applies to a number of provisions using this term which cannot be delegated and must be exercised by Council. Where legislation simply gives Council to do an act or make a decision without using the words 'resolution' or 'adopt' or a word of the same derivation, and so long as the context does not clearly indicate otherwise, then the power may be delegated.

Recommendation:

That Council adopt Delegation 2022/1 - Delegation to the Chief Executive Officer – Various Legislation, as attached to the CEO's report dated 11 August 2022.

Item 8: Christmas/New Year Annual Shut Down 2022/23

It is advised that Council must give not less than 90 days' notice to its workforce of the annual shutdown for the Christmas/New Year period.

Section 19.4 of the Queensland Local Government Industry Award – State 2017 - Annual close down

(a) Where an employer closes down its operations or a section or sections thereof for the purposes of allowing annual leave to all or the bulk of the employees in the section or sections concerned, the following provisions shall apply:

- (i) by the giving of not less than 90 days' notice the employer may direct all employees in the section or sections concerned to take leave for the duration of the closedown and allow those who are not then qualified for sufficient annual leave to cover the period of the close down to take paid leave on a proportionate basis and to take such accumulated time off/rostered days off as may be available to the employee to apply towards the close down period.

Public holidays for the Christmas and New Year period are observed on the days as follows:

- Christmas – Sunday 25 December 2022 with Tuesday 27 December 2022 specified public holiday for Christmas Day
- Boxing Day – Monday 26 December 2022 specified public holiday for Boxing Day
- New Year's Day – Sunday 1 January 2023 with Monday 2 January 2023 specified public holiday for New Year's Day.

As per previous years, Council's workforce usually closes down for a period of 2 weeks during the Christmas/New year period. Therefore, the proposed period of shut down will be from close of business on Tuesday 20 December 2022 and re-opening on Thursday 5 January 2023 (closure of 7 workdays and 3 public holidays)

Recommendation:

That Council close down for a period of 2 weeks during the Christmas/New year period from close of business on Tuesday 20 December 2022 and re-opening on Thursday 5 January 2023 (closure of 7 workdays and 3 public holidays)

Steve Linnane

Chief Executive Officer

11 August 2022