
NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 14 AUGUST 2024
MAYORAL MINUTE

1. MAYORAL DIARY

July 2024

12 July	Alliance of Western Councils Board Meeting (via Teams)
15 July	CMA Executive Meeting (via Teams)
17 July	Acciona Wind Farm Update Ordinary Council Meeting
23 – 25 July	Water Conference Goulburn
26 July	Commonwealth Environmental Water Holders Meeting
29 July	Meeting Manager Utilities CEO Water Directorate Meeting Trangie Aboriginal Land Council
30 July	Presentation at CSU Water Seminar

RECOMMENDATION

That the information be noted.

2. DEPUTY MAYORAL DIARY

July 2024

3 July	Trangie Truck Wash Opening
8 July	Flag Raising NAIDOC week
17 July	Acciona Wind Farm Update Ordinary Council Meeting
26 July	Commonwealth Environmental Water Holders Meeting

RECOMMENDATION

That the information be noted.

3. ALLIANCE OF WESTERN COUNCILS BOARD MEETING

The Alliance of Western Councils held a board meeting on 12 July 2024. The Board determined to appoint an external organisation to undertake the role of Executive Officer for a period of 6 months and to develop a strategic plan for the Alliance of Western Councils. The Board also determined to advise the Minister for Local Government and the Audit Office of NSW that the Orana Joint Organisation is now insolvent and will not be preparing 30 June 2024 financial statements.

RECOMMENDATION

That the information be noted.

4. APPOINTMENT OF ACTING GENERAL MANAGER

This report is presented to Council to consider the appointment of an Acting General Manager during absences of the General Manager.

Section 377(1)(a) of the Local Government Act 1993 provides that the appointment of a General Manager is not a delegable function of a council. Consequently, only the governing body of Council can appoint its General Manager.

Section 351(a) of the Act also concerns the appointment by Council of a General Manager. This section provides that if the position of general manager is vacant or the holder of the position is suspended from duty, sick or absent then the Council may appoint a person to the position temporarily. It is therefore considered that section 377(1)(a) precludes a council from delegating to its General Manager the power to appoint a person to act as General Manager in the General Manager's absence.

The Office of Local Government has previously advised that there is no reason why a council would need to consider the matter on each occasion on which the general manager is sick or absent. For example, the council could resolve that an identified employee or the holder of an identified position is to be temporarily appointed to the position of general manager for the duration of each absence of the general manager until the council resolves otherwise.

In 2011, Council resolved that the Mayor be delegated to appoint an acting General Manager, after consultation with the General Manager, from any of the departmental heads for periods of up to 5 days, and thereafter in consultation with Council (**Resolution No. 2011/007**)

Council cannot delegate the appointment to the Mayor, rather the intent was that the Mayor be authorised to finalise the appointment, after consultation with the General Manager.

It is therefore recommended that Council resolves that the appointment of an Acting General Manager be made from any of the holders of a position of Director for the duration of each absence of the General Manager in excess of 5 days, with the Mayor authorised to finalise the appointment following consultation with the General Manager.

Financial Implications

Operational Plan and Budget includes provision for employee benefits and oncosts.

Legal and Regulatory Compliance

Local Government Act 1993, sections 377(1)(a) and 351(a)

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4. APPOINTMENT OF ACTING GENERAL MANAGER (Cont'd)

Local Government Act 1993, section 351(2)(a) and (b) – A person appointed to a position temporarily may not continue in that position if the holder of the position is on parental leave – for a period of more than 24 months, or in any other case – for a period of more than 12 months (section 351(2)(a) and (b))

Local Government Act 1993, section 336

Risk Management Issues

Compliance with legislative requirements

RECOMMENDATION

That the appointment of an Acting General Manager be made from any of the holders of a position of Director for the duration of each absence of the General Manager in excess of 5 days, with the Mayor authorised to finalise the appointment following consultation with the General Manager.

Cr Craig Davies
Mayor