ORDINARY MEETING
LATE ITEMS AGENDA

Thursday 29 October 2026
commencing at 11:00 AM

Quilpie Shire Council Boardroom
50 Brolga Street, Quilpie

Ordinary Meeting of Council

28 October 2026

The Mayor and Council Members
Quilpie Shire Council
QUILPIE QLD 4480

Dear Members

Reference is hereby made to the Ordinary Meeting of the Quilpie Shire Council scheduled to be held at the Council Chambers, on **Thursday 29 October 2026,** commencing at ***11:00 AM.***

In addition to the agenda, please find attached a summary of “Late Items”.

Yours faithfully

Julie Reitano

Acting Chief Executive Officer

ORDINARY MEETING OF COUNCIL AGENDA

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Quilpie Shire Council Boardroom
50 Brolga Street, Quilpie

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16 LATE ITEMS

16.1 DELEGATION TO THE CHIEF EXECUTIVE OFFICER

IX: **281310**

Author: **Sharon Frank, Director Corporate Services**

Authorisors: **Julie Reitano, Acting Chief Executive Officer**

Attachments: **Nil**

KEY OUTCOME

Key Outcome:	8.	Teamwork
Key Initiative:	8.2	Team effectiveness and good governance

EXECUTIVE SUMMARY

The purpose of this report is to delegate to the Chief Executive Officer, the power to act as Council's representative in relation to any meeting of creditors convened under the *Corporations Act 2001* (Cth) concerning any company indebted to Council.

RECOMMENDATION

That Council resolve that the Chief Executive Officer (CEO) is authorised, for and on behalf of Council, to act as Council's representative in relation to any meeting of creditors convened under the *Corporations Act 2001* (Cth) concerning any company indebted to Council, including authority to:

(a) attend any such meeting of creditors on behalf of Council, including any adjourned, continued, or reconvened meeting;

(b) speak at the meeting on behalf of Council;

(c) vote on behalf of Council, including on a poll, on any resolution, motion or matter arising for determination at the meeting, including resolutions relating to:

  (i) the appointment, replacement, or remuneration of an external administrator;

  (ii) the ending of the administration of the company;

  (iii) the execution of a Deed of Company Arrangement and the appointment of persons as Deed Administrators;

  (iv) the winding up of a company and the appointment of persons as Liquidators of the company;

  (v) the approval of any deed of company arrangement, compromise, arrangement, or other proposal submitted to creditors;

  (vi) directions to an external administrator and any other matter required or permitted by law to be determined by creditors; and

  (vii) the signing, completion, execution and lodgement of any proxy, authority, proof of debt, voting form, instrument, or document, and do all other acts and things

the CEO considers necessary or convenient to give effect to this resolution and to exercise Council's rights as a creditor.

BACKGROUND

Council has many powers and duties which are governed by legislation, however, in the interest of efficiency, these decision-making powers and duties can be delegated by Council to the Chief Executive Officer (CEO).

The Chief Executive Officer may then further delegate certain powers to specified employees in the organisation, as considered appropriate.

Delegation processes ensure that employees are provided with the legal authority to undertake various duties and exercise powers in accordance with legislation. They promote accountability and are considered a proactive risk management tool.

Delegations are the way in which Council enables officers to make decisions and carry out duties on its behalf and provide streamlined decision-making processes for faster determination of issues.

The legislative framework to undertake delegations are as follows:

- Section 257 of the Act allows a Council to delegate a power, other than where an Act specifically states that the power must be exercised by Council resolution;
- Section 257(1)(b) of the Act provides for a power to be delegated to the Chief Executive Officer;
- Section 259 of the Act allows the Chief Executive Officer to on-delegate their powers to an appropriately qualified employee or contractor, other than where the local government specifically directs that the power not be further delegated, or it is a power to keep a register of interests.

REPORT

The purpose of the report is to delegate to the Chief Executive Officer the power to act on Council's behalf as a creditor in any insolvency or external administration process involving a company indebted to Council. This includes attending and participating in creditors' meetings, voting on all matters before creditors, including the appointment of administrators or liquidators and any deed of company arrangement, and executing all necessary documents to protect and exercise Council's rights as a creditor.

In accordance with section 259 of the *Local Government Act 2009* the Chief Executive Officer can on-delegate their powers to an appropriately qualified employee or contractor, other than where the local government specifically directs that the power not be further delegated.

OPTIONS

Option 1

That Council resolve that the Chief Executive Officer (CEO) is authorised, for and on behalf of Council, to act as Council's representative in relation to any meeting of creditors convened under the *Corporations Act 2001* (Cth) concerning any company indebted to Council, including authority to:

(a) attend any such meeting of creditors on behalf of Council, including any adjourned, continued, or reconvened meeting;

(b) speak at the meeting on behalf of Council;

(c) vote on behalf of Council, including on a poll, on any resolution, motion or matter arising for determination at the meeting, including resolutions relating to:

(i) the appointment, replacement, or remuneration of an external administrator;

(ii) the ending of the administration of the company;

(iii) the execution of a Deed of Company Arrangement and the appointment of persons as Deed Administrators;

(iv) the winding up of a company and the appointment of persons as Liquidators of the company;

(v) the approval of any deed of company arrangement, compromise, arrangement, or other proposal submitted to creditors;

(vi) directions to an external administrator and any other matter required or permitted by law to be determined by creditors; and

(vii) the signing, completion, execution and lodgement of any proxy, authority, proof of debt, voting form, instrument, or document, and do all other acts and things the CEO considers necessary or convenient to give effect to this resolution and to exercise Council's rights as a creditor.

Option 2

That Council not delegate the powers proposed in this report.

CONSULTATION (Internal/External)

Internal

INTERESTED PARTIES

Department of Local Government, Water and Volunteers

Council employees

Chief Executive Officer

Councillors

Community

Note: The identification of interested parties is provided on a best endeavours basis by Council Officers and may not be exhaustive

LEGISLATION / LEGAL IMPLICATIONS

Local Government Act 2009

257 Delegation of local government powers

(1) A local government may, by resolution, delegate a power under this Act or another Act to—

(a) the mayor; or

(b) the chief executive officer; or

(c) a standing committee, or joint standing committee, of the local government; or

(d) the chairperson of a standing committee, or joint standing committee, of the local government; or

(e) another local government, for the purposes of a joint government activity.

(2) Also, a local government must not delegate a power that an Act states must be exercised by resolution.

*(3) A **joint standing committee**, of the local government, is a committee consisting of councillors of the local government and councillors of 1 or more other local governments.*

(4) A delegation to the chief executive officer under subsection (1) must be reviewed annually by the local government.

259 Delegation of chief executive officer powers

(1) A chief executive officer may delegate the chief executive officer's powers to an appropriately qualified employee or contractor of the local government.

(2) However, the chief executive officer must not delegate the following powers—

(a) a power delegated by the local government, if the local government has directed the chief executive officer not to further delegate the power;

(b) a power to keep a register of interests.

POLICY IMPLICATIONS

The administration of Council's responsibilities under the Act, carries with it inherent risk. Appropriate delegations form part of the risk management framework associated with these responsibilities. Further, this process is part of Council meeting its legislative delegation requirements under the Act.

FINANCIAL AND RESOURCE IMPLICATIONS

Appropriate implementation of delegations to the Chief Executive Officer ensures the efficient use of Council resources.

ASSET MANAGEMENT IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Council will manage risks in accordance with G.11 Enterprise risk management policy and G.11-A Risk Management Framework to achieve the following objectives:

1. Compliance - To ensure Council makes decisions and undertakes actions in compliance with the ERM Framework.
2. Right Quantity - To ensure risk management profiles identify and consider all known potential risks to Councils' business operations.
3. Right Quality - To ensure all identified risks are managed in accordance with Councils' risk appetite and tolerance.

Determining Likelihood

In determining the likelihood of each risk, the following ratings and definitions have been applied. In making your assessment it is noted that some events happen once in a lifetime while others can happen almost every day. Judgement is required to determine the possibility and frequency that the specific risk is likely to occur.

Determining Consequence

In determining the consequence of each risk, the following ratings and definitions have been applied. There are five levels used to determine consequence and when considering how risks may impact on the organisation it is also important to think about the non-financial elements as well.

Determining the overall Risk Rating

After the consequence and likelihood ratings have been determined, they are combined in a matrix to determine the overall risk rating for each risk. The extent of the consequences and the extent of the likelihood risks will be assessed using a scale containing Low, Moderate, High and Extreme.

Evaluate Risks

Risks need to be evaluated and prioritised to ensure that management effort is directed towards resolution of the most significant organisational risks first. The initial step in this Risk Evaluation

stage is to determine the effectiveness, and or existence of, controls in place to address the identified risks. This can lead to a decision to:

- do nothing further;
- consider risk treatment options;
- undertake further analysis to better understand the risk;
- maintain existing controls;
- reconsider objectives.

Risk Name & Description *What could happen and why?*	**Current Controls** *Are there current controls for the risk*	**Impacts** *Impact if the risk eventuates*	**Risk Assessment**			**Risk Treatment** *Depending on risk rating - additional controls / mitigation strategy to be implemented (to reduce risk rating)*
			Likelihood	**Consequence**	**Risk Rating**	
			Refer to risk calculator provided below for measures			
Example: *Insufficient funding*	*None*	*Delays to purchasing*	*C Possible*	*4 Major*	*High*	*Ensure funding approvals obtained at start of project*
Appropriate delegations are in place	Delegations register maintained	Possible legal non-compliance issues impacting upon the legal validity and enforceability of Council decisions, or Council's ability to legally enforce or litigate breaches of the applicable acts or regulations	Possible	Minor	Medium	Maintain existing controls: Regular review and update as legislation changes Annual overall review

HUMAN RIGHTS CONSIDERATION

Section 4(b) of the *Human Rights Act 2019* requires public entities to act and make decisions in a way compatible with human rights. The *Human Rights Act 2019* requires public entities to only limit human rights in certain circumstances. The human rights protected under the *Human Rights Act 2019* are not absolute. This means that the rights must be balanced against the rights of others and public policy issues of significance.

In the decision-making process, Council is to consider the 23 human rights:

1. Recognition and equality before the law;
2. Right to life;
3. Protection from torture and cruel, inhuman or degrading treatment;
4. Freedom from forced work;
5. Freedom of movement;
6. Freedom of thought, conscience, religion and belief;
13. Cultural rights—generally;
14. Cultural rights—Aboriginal peoples and Torres Strait Islander Peoples;
15. Right to liberty and security of person;
16. Humane treatment when deprived of liberty;
17. Fair hearing;
18. Rights in criminal proceedings;

7. Freedom of expression;	19. Children in the criminal process;
8. Peaceful assembly and freedom of association;	20. Right not to be tried or punished more than once;
9. Taking part in public life;	21. Retrospective criminal laws;
10. Property rights;	22. Right to education;
11. Privacy and reputation;	23. Right to health services.
12. Protection of families and children;	

Consideration of the 23 human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.