

SHIRE OF WEST ARTHUR



MINUTES OF SPECIAL COUNCIL MEETING

19 JULY 2021

Ian Fitzgerald

A/CHIEF EXECUTIVE OFFICER

Date: 21 July 2021

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1. DECLARATION OF OPENING

The Presiding Officer, Cr K. King declared the meeting open at 6.01pm.

2. RECORD OF ATTENDANCE

Cr K King	Shire President
Cr N Morrell	Deputy Shire President
Cr G Peirce	
Cr A Squires	
Cr J McFall	
Cr M Lloyd	

Ian Fitzgerald	A/Chief Executive Officer
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APOLOGIES

Cr N Manuel

3. PUBLIC QUESTION TIME

N/A

4. RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

N/A

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

N/A

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

N/A

8. REPORTS

NOTE:

Cr N Morrell voiced concern that the meeting had been called at very short notice with little time to read the agenda.

Cr N Manuel was unable to attend due to short notice and prior commitments.

8.1 REPORTS

PROCEDURAL MOTION

Moved: Cr M Lloyd

Seconded: Cr A Squires

That in accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for the following item in accordance with subsection (a) a matter affecting an employee or employees and (b) the personal affairs of any person.

CARRIED 6/0

ITEM 8.1.1	RECRUITMENT OF CHIEF EXECUTIVE OFFICER
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FILE REFERENCE:

LOCATION/ADDRESS: Shire of West Arthur

APPLICANT: N/A

REPORTING OFFICER: Ian Fitzgerald – A/CEO

AUTHORISING OFFICER: Ian Fitzgerald – A/CEO

ATTACHMENTS:

- a) Recruitment & Selection Panel Draft Terms of Reference
- b) Quotations from recruiting consultants

DISCLOSURE OF INTEREST: Nil – author will not be applying for the position

DATE OF REPORT: 19 July 2021

SUMMARY:

Council to appoint a:

- a) Chief Executive Officer Recruitment and Selection Advisory Panel including 1 Independent Person;
- b) Agree to Terms of Reference for the Recruitment and Selection Panel; and
- c) Appoint a Recruitment Consultant to assist with the recruiting process.

BACKGROUND:

Council would be aware that due to changes in legislation there is now a requirement for the Local Government to advertise the CEO position and undertake a recruitment and selection process after each instance where a person has occupied the position for ten (10) consecutive years and their contract is due to expire. This situation applies to the current Shire of West Arthur CEO.

The Acting Chief Executive Officer who commenced in the role on Monday 12th July 2021 has, at the request of the Shire President, begun the process of collecting the required information and sought quotes from recruiting consultants that will assist Council in making decisions on the recruitment of the new Chief Executive Officer.

The Acting Chief Executive Officer will not be an applicant for the position.

COMMENT:

There are a number of statutory requirements that Council are to observe in any recruitment process they undertake for a Chief Executive Officer.

In February 2021, amendments passed to legislation has added additional requirements that Council must observe in the recruitment process including the need for Local Governments to prepare and adopt standards that cover the recruitment, selection, performance review and early termination of Local Government Chief Executive Officers. Council adopted the required standards framework at the April 2021 Council Meeting.

Key features of the regulations relating to recruitment, selection, performance review and early termination of Local Government Chief Executive Officers include the requirements to:

- establish a selection panel comprised of Council members and at least one independent person to conduct the recruitment and selection process for the position of CEO;
- establish a performance review process by agreement between the Local Government and the CEO; and
- conduct a recruitment and selection process where an incumbent CEO has held the position for a period of ten or more consecutive years on expiry of the CEO's contract.

In addition, requirements for advertising vacant CEO positions have been updated to align with amendments to state-wide public notice provisions.

The minimum standard is considered to have been met if:

- a) The Council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular Local Government context.
- b) The Council has approved, by absolute majority, the Job Description Form (JDF) which clearly outlines the qualifications, selection criteria and responsibilities of the position. The JDF is made available to all applicants.
- c) The Local Government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member, human resources consultant, or staff member of the Local Government.
- d) The Local Government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year). The Local Government must advertise a vacancy for the position of CEO in the manner prescribed.
- e) The Local Government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- f) The Local Government has verified the recommended applicant's work history, qualifications, referees and claims made in their job application.
- g) The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how their knowledge, skills and experience meet the selection criteria.
- h) The appointment is made impartially and free from nepotism, bias or unlawful discrimination.
- i) The Council has endorsed by absolute majority the final appointment.

- j) The Council has approved the employment contract by absolute majority.
- k) The Local Government re-advertises the CEO position and undertakes a recruitment and selection process after each instance where a person has occupied the position for ten (10) consecutive years.

In keeping with these standards, the *Local Government Act 1995* and associated Regulations, Council is required to make three decisions by absolute majority. These decisions are:

- a) Approve the Job Description Form (JDF) which is to include qualifications, selection criteria and responsibilities of the position.
- b) The final appointment.
- c) The employment contract.

The *Local Government (Administration) Regulations 1996* also requires the inclusion of at least one independent person on the selection panel.

In consultation with the Shire President the Acting Chief Executive Officer has spoken with Mrs Jenny Goodbourn to ask her to consider joining the Recruitment and Selection Panel as the Independent Person. Mrs Goodbourn currently lives in Wagin and has a distinguished career in Local Government serving many rural and remote Councils as their Chief Executive Officer or Deputy Chief Executive Officer/Manager of Finance and Corporate Services. Mrs Goodbourn therefore has a good understanding of the Chief Executive Officer role, experience in working with Councils and local communities, and also in the recruiting of senior staff to work in Local Government and is considered a well qualified person for the role. The Acting Chief Executive Officer has worked with Mrs Goodbourn both as her supervisor and as a colleague in a regional area.

Mrs Goodbourn has agreed to accept the position if appointed by Council.

To assist Council to progress this matter a draft Terms of Reference for the Recruitment and Selection Panel have been prepared and are submitted for Council's Adoption. The Panel does not have delegated authority from Council and therefore is only able to make Recommendations to Council on the Selection and Recruitment of the Chief Executive Officer.

Council is required to be satisfied with the provisions of the Position Description and the broad Terms of Employment before proceeding to advertise the position and will need to endorse them once developed by the Panel in conjunction with the appointed recruitment consultant.

Council is advised that the Employment Contract negotiated with the successful Applicant must be within Band 4 of the Salaries & Allowances Tribunal. The current remuneration range for a Band 4 Council is \$128,226 - \$201,113.

A Schedule of proposed Timetable for the Recruitment & Selection Process will be developed by the Panel and recruitment consultant and will be presented for Council's information and endorsement.

The Acting Chief Executive Officer requested a quotation from 3 employment consultants experienced in the recruiting of Chief Executive Officers and other executive staff for Local Governments. 2 quotations have been received and are included as attachments to this report. The third consultant has declined to quote due to existing work commitments and inability to dedicate the required time to assist Council.

CONSULTATION:

Shire President

Mrs Jenny Goodbourn
Recruitment Consultants

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996 as Amended

Part 4 — Local Government employees

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a Local Government becomes vacant, the Local Government must give Statewide public notice of the position unless it is proposed that the position be filled by —
 - (a) a person who is, and will continue to be, employed by another Local Government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.
- (2) The Statewide public notice must contain —
 - (a) the details of the remuneration and benefits offered; and
 - (b) details of the place where applications for the position are to be submitted; and
 - (c) the date and time for the closing of applications for the position; and
 - (d) the duration of the proposed contract; and a website address where the job description form for the position can be accessed; and
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the Local Government considers is relevant.

18F. Remuneration and benefits of CEO to be as advertised

The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

18FA. Model standards for CEO recruitment, performance and termination Act s. 5.39A(1))

Schedule 2 sets out model standards for Local Governments in relation to the following —

- (a) the recruitment of CEOs;
- (b) the review of the performance of CEOs;
- (c) the termination of the employment of CEOs.

Division 2 — Standards for recruitment of CEOs

5. Determination of selection criteria and approval of job description form

- 1) The Local Government must determine the selection criteria for the position of CEO, based on the Local Government's consideration of the knowledge, experience,

qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the Local Government.

- 2) The Local Government must, by resolution of an absolute majority of the Council, approve a job description form for the position of CEO which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

8. Establishment of selection panel for employment of CEO

- 1) In this clause—

independent person means a person other than any of the following —

- (a) a Council member;
 - (b) an employee of the Local Government;
 - (c) a human resources consultant engaged by the Local Government.
- 2) The Local Government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
 - 3) The selection panel must comprise —
 - (a) Council members (the number of which must be determined by the Local Government); and
 - (b) at least 1 independent person.

POLICY IMPLICATIONS:

CEO Standards for CEO Recruitment, Performance and Termination.

FINANCIAL IMPLICATIONS:

2021/2022 – A provision of \$15,000 has been provided in the 2021/2022 Draft Budget for the projected Recruitment Costs including advertising expense. An allowance has also been made for the reimbursement of relocation expenses, if required.

STRATEGIC IMPLICATIONS:

Strategic Community Plan 2017 - 2027

Governance and Leadership

Goal 5 - Through strong leadership and responsible, ethical management the best outcomes will be achieved in partnership with the people of the Shire.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 8.1.1 RECRUITMENT OF CHIEF EXECUTIVE OFFICER

Moved: Cr J McFall

Seconded: Cr A Squires

That Council:

1. Appoint Employment Consultant FitzGerald Strategies to assist Council with the CEO recruitment process.
2. Appoint Councillors K King, N Morrell, G Peirce, A Squires, J McFall, M Lloyd and N Manuel to the CEO Recruitment Selection Advisory Panel, the Presiding Member being Shire President Cr K King;
3. Appoint Mrs Jenny Goodbourn to the selection panel as the independent person, pursuant to Schedule 2 clause 8(3)(b) of the *Local Government (Administration) Regulations 1996*.
4. Adopt the Terms of Reference for a CEO Recruitment and Selection Advisory Panel as attached.

CARRIED 6/0

PROCEDURAL MOTION

Moved : Cr A Squires

Seconded: Cr M Lloyd

That in accordance with Section 5.23(2) of the Local Government Act 1995, Council reopens the meeting to the members of the public.

CARRIED 6/0

9. CLOSURE OF MEETING

The Presiding Officer, Cr K King declared the meeting closed at 6.42 pm