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MINUTES OF SPECIAL COUNCIL MEETING

25 OCTOBER 2021

Ian Fitzgerald
PROJECT OFFICER

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SHIRE OF WEST ARTHUR

Minutes of the Special Meeting of Council held in the Council Chambers on Monday 25th October 2021 commencing at 4.07pm

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1. Declaration of Opening / Announcements of Visitors

The Presiding Member declared the meeting open at 4.07pm

2. Attendance / Apologies / Approved Leave of Absence

COUNCILLORS: Cr Neil Morrell Shire President
 Cr Graeme Peirce Deputy President
 Cr Adam Squires
 Cr Neil Manuel
 Cr Robyn Lubcke
 Cr Karen Harrington
 Cr Duncan South

STAFF: Ian Fitzgerald (Project Officer)

APOLOGIES:

ON LEAVE OF ABSENCE:

ABSENT:

MEMBERS OF THE PUBLIC:

3. Announcements by the Presiding Member

4. Response to Previous Public Questions Taken on Notice

5. Public Question Time

6. Petitions / Deputations / Presentations / Submissions

7. Applications for Leave of Absence

8. Disclosures of Interest

9. Confirmation of Minutes of Previous Meetings Held 28th September 2021

10. Reports of Committees of Council

11. Reports from Councillors

Cr Neil Morrell (President)

Cr Graeme Peirce (Deputy President)

Cr Neil Manuel

Cr Adam Squires

Cr Robyn Lubcke

Cr Duncan South

Cr Karen Harrington

12. Chief Executive Officer

13. Finance

14. Planning and Technical Services

15. Elected Members Motions of Which Previous Notice Has Been Given

16. New Business or Urgent Business Introduced by Decision of the Meeting

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

16.1 Elected Members

16.2 Officers

17. Matters Behind Closed Doors

5.23. Meetings generally open to public

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

Officer Recommendation and Council Resolution:

That the meeting be closed to the public to discuss a matter affecting an employee in accordance with Section 5.23(2) of the Local Government Act 1995.

Moved: Cr Graeme Peirce

Seconded: Cr Adam Squires

CARRIED 7/0

ITEM 17.1 – APPOINTMENT OF CHIEF EXECUTIVE OFFICER

File Reference:	2.15.3
Location:	Shire of West Arthur
Applicant:	Shire of West Arthur
Author:	A/Chief Executive Officer
Authorising Officer	A/Chief Executive Officer
Date:	22 October 2021
Disclosure of Interest:	Nil
Attachments:	Draft Contract of Employment
Previous Reference:	N/A

Summary:

Council has been working through the recruitment of a new Chief Executive Officer as required by the Local Government (Administration) Amendment Regulations 2021. This item recommends the appointment of a Chief Executive Officer.

Background:

The current Chief Executive Officer has been with the Shire of West Arthur for some 24 years and their employment contract is due to expire on 1 February 2022. The changes to legislation passed in February 2021 require the position of Chief Executive Officer to advertised where the current incumbent's contract is due to expire and they have been in the position for more than 10 years.

Comment:

There has been a lengthy process that needs to be followed before an appointment to the Chief Executive Officer's position can be made.

Council appointed FitzGerald Strategies as their employment consultant to assist and advise them on the recruitment process.

Council agreed on a Position Description and remuneration package before the position was advertised. Advertisements appeared in the West Australian Newspaper, Local Government Professionals website, Shire of West Arthur website, Seek and FitzGerald Strategies website. The applications received were reviewed and scored against the selection criteria and a report presented to the Recruitment Panel and Council with two (2) applicants being offered interviews of which one applicant accepted.

Council conducted an interview of the candidate with the assistance of FitzGerald Strategies and their appointed Independent Person.

It was recommended the President and Deputy President prepare a draft contract with terms and conditions and present to the applicant with a view of entering into a Contract of Employment. This recommendation was supported in a special Council meeting and negotiations commenced.

That process has been completed and agreement reached on the terms and conditions of the employment contract and this is within the scope of the advertised remuneration package for the position.

This item is seeking Councils endorsement of the process and approval for the Contract of Employment to be formally entered into by way of a resolution of an absolute majority of Council.

Consultation:

Council

Employment consultant

Applicants
 Independent Person to Recruitment Panel
 A/Chief Executive Officer

Statutory Environment:

In accordance with the Local Government Act 1995 and Local Government (Administration) Amendment Regulations 2021 Council is required to appoint a Chief Executive Officer.

Policy Implications:

Local Government CEO Recruitment and Selection Standards.

Financial Implications:

The recruitment costs and proposed remuneration package are included in the 2021/22 Budget.

Strategic Implications:

All locations in the vicinity retain access to either a made road or an unmade road reserve. Our roads and infrastructure meet the needs and expectations of the local community

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant environmental considerations.
- **Social:** There are no known significant environmental considerations.

Risk Implications:

Risk	Medium (9)
Risk Likelihood (based on history and with existing controls)	Medium (9)
Risk Impact / Consequence	Medium (9)
Risk Rating (Prior to Treatment or Control)	Medium (9)
Principal Risk Theme	Medium (9)
Risk Action Plan (Controls or Treatment Proposed)	Medium (9)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)				
Likely	4	Low (4)	Medium (8)			
Possible	3	Low (3)	Medium (6)	Medium (9)		
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2

has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute Majority

Officer and Recruitment Panel Recommendation and Council Decision:

That Council:-

1. Is satisfied with the proposed Terms of the CEO Employment Contract (in accordance with Section 5.36(2)(b) of the Local Government Act 1995) as detailed in Confidential Attachment, being for a period of 5 Years and inclusive of a Total Reward Package valued at \$193,250 calculated in accordance with the 2021 Salaries and Allowances Tribunal Local Government Determination and within Band 4 and approves the Contract being offered to Mr. Vin Fordham Lamont.
2. Is of the belief that Mr. Vin Fordham Lamont, is suitably qualified for the position of Chief Executive Officer;
3. Authorises the Shire President to execute the CEO employment contract and apply the Common Seal in accordance with section 9.49A(1)(a) of the Local Government Act 1995, subject to Mr. Vin Fordham Lamont agreeing to enter into the proposed terms of the CEO Employment Contract without amendment; and
4. Notes that subject to the signing of the CEO Employment Contract, Mr. Vin Fordham Lamont is appointed to the position of CEO at the Shire of West Arthur from the 31st January 2022.
5. Authorise that following the execution of the Employment Contract referred to in Resolution 1 & 3 above, the name of the appointed Chief Executive Officer be made public and notification to be given to the Department of Local Government, Sport and Cultural Industries.
6. Considers that the Recruitment and Appointment of the new CEO has been undertaken and completed in accordance with the Local Government Act 1995, Local Government (Administration) Regulations 1996 and the Shire of West Arthur CEO Standards for Recruitment, Performance and Termination.

Moved: _____
Cr Neil Manuel

Seconded: _____
Cr Graeme Peirce

CARRIED 7/0

Council thanked outgoing Acting Chief Executive Officer Ian Fitzgerald for all his efforts and contribution to the Shire of West Arthur and the community during his time with the shire and wished him well for the future.

Officer Recommendation and Council Resolution:

That the meeting be re-opened to the public.

Moved: Cr Adam Squires

Seconded: Cr Duncan South

CARRIED 7/0

18. Closure of Meeting

The Presiding Member declared the meeting closed at 4.36pm

These Minutes were confirmed at the ordinary Council Meeting on 16 November 2021.

Signed: _____



Presiding Member at the Meeting at which the minutes were confirmed.

