



## SPECIAL AGENDA

A SPECIAL Meeting of the Council will be held:

**DATE:** Tuesday, 21 March 2023

**TIME:** 4:00 pm

**VENUE:** Council Chambers, Lowood  
Road, Mount Barker WA 6324

John Fathers  
ACTING CHIEF EXECUTIVE OFFICER

### SPECIAL BUSINESS

Council Endorsement of CEO Position Description

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This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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## **MEMBERSHIP – Quorum (5)**

### **Members:**

Cr C Pavlovich Shire President  
Cr J Oldfield Deputy Shire President  
Cr B Bell  
Cr K Clements  
Cr A Fraser  
Cr S Etherington JP  
Cr L Handasyde  
Cr M O'Dea  
Cr K Woltering

*Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council.*

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

On establishing there is a quorum, the Presiding Member will declare the meeting open.

Members Present:

In Attendance:

Apologies:

Previously Approved Leave of Absence:

Emergency Evacuation Procedures/Disclaimer:

**2 PUBLIC QUESTION TIME (RELATING TO SPECIAL BUSINESS ONLY)**

Section 5.24 Local Government Act 1995

**3 PETITIONS / DEPUTATIONS / PRESENTATIONS (RELATING TO SPECIAL BUSINESS ONLY)**

**4 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

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## 5 SPECIAL BUSINESS

### 5.1 EXECUTIVE SERVICES REPORTS

#### 5.1.1 ENDORSEMENT OF CHIEF EXECUTIVE OFFICER POSITION DESCRIPTION

<b>File Ref:</b>	<b>N60526</b>
<b>Attachment:</b>	<u>CEO Application Pack</u>
<b>Responsible Officer:</b>	<b>John Fathers</b> <b>Acting Chief Executive Officer</b>
<b>Author:</b>	<b>John Fathers</b> <b>Acting Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>21 March 2023</b>

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#### PURPOSE

The purpose of this report is for the Council to consider for endorsement the attached Chief Executive Position Description (inclusive of selection criteria) from the consultant, Beilby Downing Teal (BDT), in regard to the recruitment of the new Chief Executive Officer (CEO).

#### BACKGROUND

The Council at its meeting held on 21 February 2023 resolved (032/23):

*'That:*

1. *Mr Andrew Hammond be appointed as the Independent Person to the endorsed Chief Executive Officer (CEO) Recruitment Committee.*
  2. *The Shire President be authorised to execute in writing the appointment of Mr Gary Clarke as the Temporary CEO for a period not exceeding 12 months under the employment terms and conditions agreed at the workshop of 14 February 2023, with the assistance of the Shire's Human Resource Coordinator.*
  3. *Council endorse Beilby Downing Teal as the CEO Recruitment Agency to assist the CEO Recruitment Committee in the recruitment process in line with Model Standards for CEO Recruitment and Termination.*
  4. *A committee, to be known as the CEO Recruitment Committee, be formed pursuant to Section 5.9 (2) (d) of the Local Government Act 1995.*
  5. *The duties of the committee are to make recommendations to the Council with regard to:*
    - i. *The recruitment of the substantive CEO*
    - ii. *The Total Reward Package and Employment Contract for the substantive CEO.*
  6. *The Committee shall comprise one Independent Person and four Councillors, one of whom shall be the Shire President pursuant to Section 5.10(4) of the Local Government Act 1995.*
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7. *The committee shall disband on or before 31 December 2023.*
8. *Cr Pavlovich, Cr Handasyde, Cr O'Dea and Cr Woltering be appointed as members to the Chief Executive Officer Recruitment Committee.*
9. *Panel members sign a confidentiality agreement prior to the first item of business.'*

Following several workshops of the Council, the Chief Executive Officer Appointment Committee met on 13 March 2023, to list and prioritise the attributes to form part of the selection criteria and define the skills and competences required in the Position Description for a permanent CEO.

These criteria were communicated to Beilby Downing Teal (BDT) via a 'Teams' meeting with the committee at this meeting.

## **STATUTORY ENVIRONMENT**

Local Government Act 1995, sections 5.36.

- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

Local Government (Administration) Regulations 1996

### **Schedule 2**

- 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).

*[Clause 5 inserted: SL 2021/14 r. 7.]*

- 6. Advertising requirements**

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.

- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

### **EXTERNAL CONSULTATION**

The Shire President and Chief Executive Officer Appointment Committee have engaged with the consultant at BDT throughout the process.

### **FINANCIAL IMPLICATIONS**

There are no additional financial implications from this report as the consultancy recruitment and advertising costs are covered within current and future budgets.

### **BUDGET IMPLICATIONS**

The payment of the consultancy cost associated with the CEO recruitment and the CEO employment package costs are included in the current 2022/23 budget.

### **POLICY IMPLICATIONS**

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

### **LEGAL IMPLICATIONS**

The employment of a CEO requires the engagement via a signed contract.

### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications relevant to this item.

### **STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Corporate Business Plan 2022/23 – 2025/26 provides at Outcome 4 (Performance and Leadership) the following Strategy:

*‘To maintain an open and accountable professional organisation providing leadership for the community.’*

Accordingly, the recommended outcome for this report aligns with the Corporate Business Plan.

### **RISK MITIGATION IMPLICATIONS**

There are no particular risk mitigation implications. The Council has no other legal option than to adopt a position description for the Chief Executive Officer role, inclusive of selection criteria.

### **STRATEGIC RISK IMPLICATIONS**

As the recruitment process has been undertaken with an appointed recruitment agency, along with the Chief Executive Officer Appointment Committee, it is considered that the risk implications are low.

### **REGIONAL IMPLICATIONS**

There are no regional implications relevant to the item.



**OFFICER COMMENT**

In accordance with the Shire of Plantagenet Model Standards for CEO Recruitment, Performance and Termination, adopted by the Council on 23 February 2021; the following applies:

**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).

These provisions match the requirements set out in Schedule 2 of the Local Government (Administration) Regulations 1996.

The Council and CEO Appointment Committee have undertaken a thorough consultation process in determining the required necessary attributes and selection criteria relevant to a CEO specifically suitable to the Shire of Plantagenet.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

**That Council adopt the Chief Executive Officer Position Description, inclusive of selection criteria, as noted on pages 7 – 10 of the attached Chief Executive Officer Application Pack.**

**6 CLOSURE OF MEETING**