



## **SPECIAL MINUTES**

**DATE:** Tuesday, 21 March 2023

**TIME:** 4.00pm

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

4.03pm The Presiding Member declared the meeting open.

### Members Present:

Cr C Pavlovich	Shire President (Presiding Member)
Cr B Bell	Councillor
Cr K Clements	Councillor
Cr S Etherington	Councillor
Cr A Fraser	Councillor
Cr L Handasyde	Councillor
Cr M O'Dea	Councillor
Cr K Woltering	Councillor

### In Attendance:

Mr John Fathers	Acting Chief Executive Officer
Mr David Lynch	Executive Manager Works and Services
Ms Nolene Wake	Executive Officer

### Apologies:

Cr J Oldfield	Deputy Shire President
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## 2 PUBLIC QUESTION TIME (RELATING TO SPECIAL BUSINESS ONLY)

Section 5.24 Local Government Act 1995

Nil

### 2.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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

Nil

## 4 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Nil

## 5 SPECIAL BUSINESS

### 5.1 EXECUTIVE SERVICES REPORTS

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

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

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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.*
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 is 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/COUNCIL DECISION**

Moved Cr L Handasyde, seconded Cr K Woltering:

That Council adopt the Chief Executive Officer Position Description, inclusive of selection criteria, as noted under:

<b>Job Title</b>	Chief Executive Officer
<b>Reports To</b>	Council
<b>Executive Reporting Positions</b>	Deputy CEO, Manager Development Services, Executive Manager Works and Services
<b>Employment Type</b>	Full-time, maximum term contract
<b>Contract Term</b>	Three to five years
<b>Location</b>	22-24 Lowood Road, Mount Barker WA 6324

**POSITION OBJECTIVES**

- Provide strong and engaging leadership to the organisation and the community.
- Facilitate programs, projects, and services that are cost effective and strategically aligned.
- Link the community, the Council, and the organisation with an inclusive, relevant and functional integrated planning framework.
- Comply with all statutory and regulatory requirements in the *Local Government Act 1995 (WA)* and other relevant legislation.
- Deliver accurate, timely and relevant advice to the Council so that informed decisions can be made and promote good governance practices.
- Develop and maintain a capable workforce committed to achieving the objectives of the Strategic Community Plan, Corporate Business Plan and other strategies.
- Strive for a strong and sustainable long term financial position.
- Ensure continuous learning on contemporary management practice and best practice.
- Role model ethical behaviour and behaviour which exemplifies the Local Government's values.

**ROLES AND RESPONSIBILITIES Leadership and Engagement**

- Provide the vision and leadership necessary to enable the Council and workforce to achieve strategic objectives and to deliver programs, project and services in an efficient, effective, and sustainable manner.
- Establish and maintain meaningful and productive working relationships with key stakeholders including federal and state government representatives, business, community and sporting associations and neighbouring Local Governments.

**Program, Project and Service Delivery**

- Deliver programs, projects and services in a sustainable and cost-effective manner guided by the Strategic Community Plan and Corporate Business Plan, and in line with the annual budget.



- Plan for and deliver major projects utilising competent project management systems and sufficient lead times to satisfy projected timeframes and community expectations.
- Review services and programs to measure value for money and community utilisation and satisfaction.
- Drive a culture of commitment to continuous improvement in customer service.

#### Strategic Development

- Be responsible for the implementation of the integrated strategic planning framework.
- Ensure real and functional linkage between the Strategic Community Plan, the Corporate Business Plan and the annual budget.
- Facilitate effective engagement with the community in reviewing the Community Strategic Plan.
- Facilitate regular engagement with elected members in reviewing the Local Government's progress against the objectives and aspirations of the Strategic Community Plan and Corporate Business Plan.

#### Governance, Compliance and Risk

- Facilitate the effective conduct of meetings through appropriate meeting spaces, quality agendas and availability of relevant staff to provide advice and support.
- Ensure that advice and information is available to the Council so that informed decisions can be made.
- Ensure compliance with all statutory and regulatory obligations.
- Maintain the council policy framework to ensure it is relevant, current and accessible.
- Maintain delegation and disclosure registers to ensure they are current, accurate and accessible.
- Maintain an effective enterprise-wide risk management framework.

#### Council Relationships

- Maintain an effective working relationship with the President and Councillors with a focus on timely communication and accessibility.
- Provide accurate, timely and relevant information to elected members so they can discharge their responsibilities effectively.
- Identify training and development opportunities for elected members.
- Ensure Council decisions are implemented in a timely and effective manner.

#### Human Resource Management

- Develop and implement a workforce plan demonstrating the resources and capacity necessary to meet the Strategic Community Plan and Corporate Business Plan objectives.
- Provide, training and development opportunities for employees.
- Strive to deliver a values driven workplace culture through training, development, and leading by example.
- Drive enterprise-wide commitment to a safe workplace.
- Ensure the principles of equal opportunity, fairness, and transparency are

applied in all human resource matters.

### Financial Management

- Develop functional and transparent reporting systems and processes that effectively monitor the financial performance of the Local Government.
- Maintain a close oversight of the Local Government's financial position and performance.
- Exercise prudent and responsible stewardship of the Local Government's physical and financial assets committed to achieving long term sustainable outcomes.
- Facilitate regular engagement with elected members to review the Local Government's financial position and performance.

### SELECTION CRITERIA Personal Attributes

**Leadership:** Has the ability to lead and influence elected members, employees and stakeholders with credibility, competence, and empathy. Demonstrates behaviours which align with the Shire's values and leads by example.

**Problem Solving:** Can define, analyse and breakdown complex situations to evaluate alternatives and generate solutions.

**Ethics:** Is committed to the highest standards of ethical behaviour personally and professionally and always acts fairly and transparently.

**Collaboration:** Achieves outcomes through developing productive working relationships with key influencers and decision makers.

**Communication:** Communicates with clarity and respect, underpinned by sound listening skills and a commitment to considering alternative points of view.

**Personal Development:** Balances work and life needs through stable and sustainable work practices and an ongoing commitment to personal and professional development.

### Knowledge and Experience

- Extensive senior leadership or management experience in a local, state or federal government or a similar board governance related service delivery environment.
  - Demonstrated financial management skills in developing business plans and budgets and managing and controlling financial performance at either whole of organisation or divisional level.
  - Demonstrated experience in managing compliance and corporate governance.
  - Demonstrated capacity to carry out the functions of the CEO of a Local Government as described in Section 5.41 of the Local Government Act 1995.
  - Demonstrated experience in relationship building and collaboration with influential stakeholders.
  - Demonstrated capability to lead, inspire, motivate and develop staff.
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- Demonstrated capability to initiate and oversee strategic projects.
- Demonstrated critical thinking and complex problem solving skills.

**Qualifications**

Tertiary qualifications in a discipline relevant to Western Australian Local Government.

- Post graduate qualifications in leadership, management or public or business administration are highly desirable.

CARRIED (8/0)

NO. 033/23

Absolute Majority

**6 CLOSURE OF MEETING**

4:05pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_