

Shire of Tammin



DECLARATION

I declare that the minutes of the:

Special Council Meeting held on 15th March 2021 was confirmed at the Ordinary Council Meeting held on 25th March 2021.

Name: Michael Greenwood

Signed: 

Being the person presiding at the meeting at which these minutes were confirmed.

Date: 25th MARCH 2021

Shire of Tammin

SPECIAL COUNCIL MEETING

MINUTES



A Special Meeting of Council of the Shire of Tammin was held on Monday, 15 March 2021 in Council Chambers, 1 Donnan St, Tammin, commencing at 4:35pm to initiate the recruitment process for the CEO vacancy.

Neville Hale
Chief Executive Officer
15 March 2021

MISSION STATEMENT

"Together with the people of Tammin we will provide leadership, vision and progress to achieve sustainability and growth"

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President will declare the meeting open at 4:35pm.

2. PRESENT / IN ATTENDANCE / LEAVE OF ABSENCE PREVIOUSLY GRANTED / APOLOGIES

Present:

Cr M Greenwood	President
Cr G Batchelor	Deputy President
Cr T Daniels	Member
Cr T Nicholls	Member
Cr N Caffell	Member
Cr C Thomson	Member

In Attendance:

Neville Hale	Chief Executive Officer
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Leave of Absence previously granted:

Nil

Apologies:

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

Nil

7. DECLARATION OF RELATED PARTY DISCLOSURE IN AGENDA ITEMS

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

N/A

9. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MATTERS FOR CONSIDERATION – FINANCE

Nil

12. MATTERS FOR CONSIDERATION – ADMINISTRATION

12.1 Chief Executive Officer Recruitment

Location:	Shire of Tammin
Applicant:	John Phillips HR Consultant
Date:	11 March 2021
Author:	Neville Hale
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	ADMIN
Attachment/s:	Attachment Item 12.1 – CEO Advertisement Attachment Item 12.1 – CEO Job Description Attachment Item 12.1 – CEO Recruitment 2021 (Timeline) Attachment Item 12.1 – Confidentiality Agreement (Councillor) Attachment Item 12.1 - Confidentiality Agreement (Employee)

Purpose of Report

For Council to address the statutory requirements of the Local Government Act and Regulations to initiate the CEO recruitment process.

Background

The incumbent CEO, Neville Hale, has given notice with effect from 16 July 2021 and it is necessary for Council, in association with John Phillips Consultancy, 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;
- determine the selection criteria for the position of CEO; and,
- subsequently, by resolution of an absolute majority of the Council, approve a job description form for the position of CEO setting out the duties and responsibilities of the position, and the selection criteria as determined in accordance with the regulations.

The purpose of this meeting is to discuss the proposed job description document, selection criteria and determine membership of the Selection Panel, inclusive of the independent person, prior to presentation to Council's 25 March 2021 Ordinary Meeting for adoption and appointment.

Comments

The CEO Selection Committee would be responsible to recommend to Council the:

- Profile of the preferred applicant;

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- Recommended salary package;
- The process to use for the selection and appointment of a CEO, compliant with the adopted CEO Standards where:
 - 1) The CEO Selection Panel Committee be responsible to the selection and shortlisting of applicants, based on experience and knowledge of the position available;
 - 2) The CEO Selection Panel Committee be responsible for interviewing shortlisted applicants and recommending preferred applicants to Council for final decision, and;
 - 3) The Committee President and Shire President be responsible for Remuneration Negotiation in accordance with the range specified.

Before making an applicant an offer of employment in the position of CEO, Council must by absolute majority, approve:

- a) The making of the offer of employment; and
- b) The proposed terms of the contract of employment

Consultation

WALGA
DLGSC

Statutory Implications

Local Government Act 1995 –

s 5.39 of the Act prescribes that the CEO contract:

- cannot exceed a term of 5-years;
- must specify the contract expiry date, be renewable and be capable of contract variation;
- must include performance criteria, for the purposes of reviewing the CEO's performance.

5.39A. Model standards for CEO recruitment, performance and termination

- (1) Regulations must prescribe 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.
- (2) Regulations may amend the model standards.

Section 5.36 of the Act requires a Local Government to employ a person as the CEO of the Local Government and requires Council to determine:

- that such person is suitably qualified for the position; and
- that it is satisfied with the provisions of the employment contract.
- An advertisement for the position inviting applications from suitable qualified persons in accordance with 18A (2) of the Local Government (Administration) Regulations 1996

Section 5.38 of the Act requires the CEO performance to be reviewed at least once in relation to every year of employment and further Administration Regulation 18FA under cl 18 of the adopted Standards requires the Local Government to consider each review and by resolution of an absolute majority of Council, endorse the review.

Local Government (Administration) Regulations 1996

Regulation 18FA in accordance with Schedule 2, now adopted by Council – the Model Standards, the Local Government to approve a process to be used for the selection and appointment of a CEO before the position is advertised.

Regulation 18A also requires that the recruitment advertisement must include the following information:

- Details of the remuneration and benefits offered which must be within the Salaries and Allowances Tribunal Band 4 total reward package range of \$128,226 – to a maximum of \$200,192
- Details of the place where applications are to be submitted;
- The date and time that applications close;
- The duration of the proposed contract;
- Contact details for a person who can provide information about the position;
- Any other information that the Local Government considers relevant).

Regulation 18B prescribes that a contract is to provide for a maximum amount of money (or a method for calculating such an amount) to which the person is entitled if the contract is terminated before the expiry date. This amount must not exceed the value of one year's remuneration or the value of the remuneration that the person would have been entitled to had the contract not been terminated.

Regulation 18F prescribes that the remuneration and benefits paid to a CEO are not to differ from the remuneration and benefits contained in the advertisement.

CEO Standards – as adopted by Council

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).

Policy Implications

Council, at its 25 February 2021 Ordinary Meeting, adopted the Model Standards as set out in Local Government (Administration) Amendment Regulations 2021 (CEO Standards) as Council Policy.

Financial Implications

N/A

Risk Implications

The new CEO Standards requirements are intended to ensure due process is followed in an open and accountable manner

Strategic Implications

(Refer to Strategic Community Plan), (Workforce Plan), Corporate Business Plan

TSC 22/21 MOTION

Following discussion, the following draft documents prepared by John Phillips Consulting,

- a) Job description (PDF) inclusive of selection criteria/competencies;
- b) Recruitment process;
- c) CEO Recruitment Process; and,
- d) Advertisement

be amended to reflect Councillor feedback; for presentation and adoption at the 25 March 2021 Ordinary Council meeting.

Moved: Cr Greenwood

Seconded: Cr Batchelor

Vote: Simple Majority

Carried: 6/0

13. MATTERS FOR CONSIDERATION – BUILDING & HEALTH

Nil

12. CLOSURE OF MEETING

There being no further business the Shire President declared the meeting closed at 6:45pm.