



**Shire of Ngaanyatjaraku**  
ON A JOURNEY

**SPECIAL MEETING OF COUNCIL**

**MINUTES**

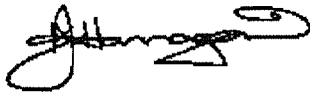
**Tjulyuru Cultural and Civic Centre  
Warburton Community**

**29 May 2019  
12.00 noon**

**SHIRE OF NGAANYATJARRAKU**

**SPECIAL MEETING OF COUNCIL**

The Acting Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Meeting of Council.



**Acting Chief Executive Officer**

Date: 29-5-2019

These minutes were confirmed by Council as a true and correct record of proceedings of the Special Meeting of Council held on the 29 May 2019.

Presiding Member: \_\_\_\_\_

Date: 24/7/19.

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**1. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 12.09 pm.

**2. ANNOUNCEMENT OF VISITORS**

The Presiding Member welcomed members of the public to the gallery.

**3. ATTENDANCE**

**3.1 PRESENT**

<b>Elected Members:</b>	President Councillor Councillor Councillor Councillor	D McLean D Frazer L West A Jones A Bates
<b>Staff:</b>	K Hannagan K Fisher	Acting Chief Executive Officer (by telephone) Director Corporate Services
<b>Guests:</b>		
<b>Members of Public:</b>	There were no members of the public in attendance at the commencement of the meeting.	

**3.2 APOLOGIES**

Cr. J Frazer

Cr. P Thomas

**4. PUBLIC QUESTION TIME**

**5. DECLARATION BY MEMBERS**

**5.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA**

Councillors are requested to give due consideration to all matters contained in the Agenda presently before the meeting.

**5.2 DECLARATIONS OF INTEREST**

**Councillors to Note**

A member who has an Impartiality, Proximity or Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (a) Preside at the part of the Meeting, relating to the matter or;

- (b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under *Section 5.68 or Section 5.69 of the Local Government Act 1995*.

**NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)**

The following notes are a basic guide for Councillors when they are considering whether they have an interest in a matter.

These notes are included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under *s.5.68(1)(b)(ii) or the Local Government Act*; or
  - 6.2 Where the Minister allows the Councillor to participate under *s.5.69(3) of the Local Government Act*, with or without conditions.

**Declarations of Interest provided:**

Item Number/ Name	Type of Interest	Nature/Extent of Interest

## **6. OFFICE OF THE CEO REPORTS**

### **6.1 CEO RECRUITMENT PROCESS**

<b>FILE REFERENCE:</b>	PL.00
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Acting Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	28 May 2019
<b>DISCLOSURE OF INTERESTS:</b>	The author has a financial interest in the proposal as Acting CEO and may be an applicant for the position.

#### **Summary**

This item seeks to authorise the recruitment process of a new Chief Executive Officer.

#### **Background**

At the May Ordinary Council meeting, Council resolved to commence the process for recruitment of a new Chief executive Officer.

Selecting and appointing a Chief Executive Officer (CEO) is one of the most important tasks elected members may undertake during their term of office. Choosing the right person is critical to the success of the council and the local government.

#### **Comment**

It is essential that correct processes are followed so that every opportunity is given to the candidates to put the appropriate information forward so the council can choose the person most suited to the position. It is important that elected members understand that when they appoint a CEO they are entering into a contractual relationship with the CEO.

The principles of merit and equity refer to the process of filling vacancies whereby a thorough assessment is made of the candidates' skills, knowledge and abilities against the work related requirements of the vacancy. The process must be open, competitive and free from bias, unlawful discrimination, nepotism or patronage.

"Suitably qualified" is not defined in the legislation but the intention is not limited to academic qualifications. Through the position description and selection criteria the council needs to ensure that processes are in place to appoint the person that best meets the qualities required in terms of academic qualifications, experience, skills and knowledge.

There are many steps in the recruitment process for a CEO including:

- development or review of the position description;
- development of selection criteria;
- drafting of the advertisement;
- preliminary assessment of the applications;
- final shortlisting;
- drafting of the questions for interview;
- coordinating interviews; and
- finalising the contract.

The Position Description, particularly the selection criteria and performance criteria (where it is included in the Position Description Form) should be reviewed prior to advertising. The

council should undertake this task. Council needs to determine what they want their CEO to do and whether the selection criteria will facilitate the appointment of a person with the appropriate set of skills.

A draft Position Description for Council consideration is in the attachment.

Selection criteria are generally classified as 'essential' or 'desirable'. Applicants who are able to satisfy all the essential criteria should be considered for interview. If an application does not fully address the essential selection criteria the applicant should not be considered for interview. However, on occasions an application may be received where the applicant has the skills and experience which indicate a capacity to satisfy the essential selection criteria even though it is not clearly elaborated in their address of the selection criteria in their application. In these circumstances the application may warrant further consideration.

Draft Selection Criteria for Council consideration is included in the Position Description.

Performance criteria are quantitative and/ or qualitative measures of performance. There are two broad categories of performance criteria; those that have general application and apply at all times and specific criteria that apply for a limited period of time.

In setting performance criteria, council will need to determine what it is they want their CEO to do over and above legislative requirements. Councils need to be realistic in terms of their expectations and provide appropriate resources to facilitate achievement of performance criteria.

Draft Performance Criteria for Council consideration is in the attachment.

It is proposed to appoint a Selection Panel to shortlist applicants for interview by full Council. Applicants should be shortlisted according to their capacity to address the relevant selection criteria. Where there is a large pool of applicants, the most competitive should be shortlisted for interview. It is the responsibility of the selection panel to determine how many applicants Council will interview. Their assessment must involve detailed consideration of the applications and may involve a preliminary interview. The Council should be provided with the full list of applicants, not just those recommended for short listing and interviews.

Draft Interview Questions will be developed for Council consideration prior to interviewing candidates and a Draft Employment Contract will be developed for Council consideration prior to appointment of the CEO.

It is a practice in local government that the full council be involved with the final interview and selection. This is perfectly understandable, as all members of council have to work closely with this person and trust them.

It is not necessary for all elected members to have the opportunity to ask a question. Often, it is best to allocate the questions to a small group of elected members (a maximum of 3 is ideal) which ensures consistency of approach.

A selection report should be prepared for consideration by council which documents the assessment of each applicant interviewed. The report should identify the most suitable applicant/s and include a recommendation for council to approve an offer of appointment. Following the decision of council to approve an offer to appoint, with the contract negotiations finalised and the preferred applicant accepting the offer of appointment, council is required to make the formal and final appointment of the CEO.

### **Statutory Environment**

*There are three sections of the Local Government Act 1995 (the Act) that have direct application to the appointment of a CEO. Section 5.36(2)(a) and (b) of the Act provides that a local government is not to employ a person to fill the position of CEO unless council believes that the person is suitably qualified for the position and is satisfied with the provisions of the proposed employment contract.*

*Section 5.39 contains provisions for the contracts of CEOs. Section 5.40 requires that all employees are to be selected in accordance with the principles of merit and equity.*

*In addition to the above provisions of the Act the Local Government (Administration) Regulations 1996, regulations 18A, 18B, 18C, 18E, 18F and 19A also deal with advertising, contracts, and the selection and appointment process.*

### **Financial Implications**

The Shire of Ngaanyatjarraku is classified as a Band 4 Local Government in accordance with the determinations of the Salaries and Wages Tribunal of Western Australian Local Government. Salary Range for a Band 4 CEO Position is a Total Remuneration Package (TRP) of \$128,226 - \$200,192. In addition, the Shire may provide housing and private use of a motor vehicle which is not included in the TRP. A Regional/Isolation Allowance may be payable as salary to the Chief Executive Officer of up to \$40,000.

### **Strategic Implications**

Integrated Strategic Plan 2018 - 2028

Goal 3, Leadership

Outcome 3.2, Good Leadership

### **Risk Management**

This item has been evaluated against the Shire of Ngaanyatjarraku's Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "High" risk and can be managed by close monitoring by Council.

### **Policy Implications**

Not Applicable.

### **Attachments**

Attachment 6.1 – CEO Application Package

The Acting Chief Executive Officer having declared a conflict of interest left the meeting and exited the chamber at 12.11pm

### **Voting Requirement**

Absolute Majority Required.



**Officers Recommendation and Council Resolution**

**Moved: Cr A Jones      Seconded: Cr D Frazer**

**That Council:**

- 1. Approves the selection and appointment process outlined in this report for recruitment of a new Chief Executive Officer;**
- 2. Approves the use of the attached (Att. 6.1) CEO Application Package;**
- 3. Appoints the President and Deputy President to undertake shortlisting of applicants for full Council interview; and**
- 4. Notes that Draft Interview Questions will be developed for Council consideration prior to interviewing candidates and a Draft Employment Contract will be developed for Council consideration prior to appointment of the new CEO.**

**Carried: 5/0**

The Acting Chief Executive Officer rejoined the meeting at 12.15pm

**8. CLOSURE OF MEETING**

There being no further business to discuss the Presiding Member closed the meeting at 12.16 pm.