

# Kojonup



SHIRE OF KOJONUP

# MINUTES

Special Council Meeting

23 February 2021

**MINUTES FOR THE SPECIAL COUNCIL MEETING HELD ON 23 FEBRUARY 2021**

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The Shire of Kojonup has a set of six guiding principles it uses when making decisions. These principles are checked and enhanced every two years; in line with the Strategic Community Plan review schedule.



AGENDA

**1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President, Cr Benn, declared the meeting open at 11.14am and alert the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meeting's attention to the disclaimer below:

*Disclaimer*

*No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.*

*The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.*

*Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.*

**Acknowledgement of Country**

*The Shire of Kojonup acknowledges the first nations people of Australia as the Traditional custodians of this land and in particular the Keneang people of the Noongar nation upon whose land we meet.*

*We pay our respect to their Elders past, present and emerging*

**Prayer by Cr Pedler**

Gracious Father

As we go into this special council meeting, help us to listen before speaking, help us to value and appreciate the diversity of our community. We acknowledge our need and simply ask for your help in the duties performed here today.

May the appointment of an independent person on the selection committee add value in the choosing of the new shire CEO. Bring to mind anything that needs clarification in the standards for our new CEO. May our decisions not bring conflict nor hostility in our community.

Through Jesus Christ.

Amen

**2 ATTENDANCE and APOLOGIES**

**COUNCILLOR**

Cr Benn

Shire President

Cr Radford

Deputy Shire President

Cr Fleay (from 11.21am)

Cr Pedler

Cr Webb

Cr Wieringa

Cr Gale

**STAFF**

Rick Mitchell-Collins

Chief Executive Officer

Lorraine Wyatt

Executive Assistant

**LEAVE OF ABSENCE**

Cr Singh

**APOLOGIES**

Nil

**GALLERY**

Wendy Anderson

**3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PETITIONS, DEPUTATIONS AND PRESENTATIONS**

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7     CONFIRMATION OF MINUTES**

Nil

**8     ANNOUNCEMENTS by the Presiding Member without discussion**

I have attended the WALGA Zone conference and Regional Road Group special meeting.

**9     DECLARATIONS OF INTEREST**

Nil

**10**    **KEY PILLAR 1 – ‘PLACE’ REPORTS**

Nil

**11**    **KEY PILLAR 2 – ‘CONNECTED’ REPORTS**

Nil



## 12 **KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS**

### 12.1 CEO RECRUITMENT – ADOPTION OF SHIRE OF KOJONUP STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

<b>AUTHOR</b>	Lorraine Wyatt, Executive/Human Resource Coordinator
<b>DATE</b>	Thursday 18 February 2021
<b>FILE NO</b>	PE.RCR.9
<b>ATTACHMENT(S)</b>	<a href="#">12.1.1 – Shire of Kojonup Standards for CEO Recruitment, Performance and Termination</a>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
<b>“Smart Possibilities – Kojonup 2027+”</b>		<b>“Smart Implementation – Kojonup 2018-2022”</b>
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP3 – Performance	<p>3.1 Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.</p> <p>3.4 Be organised and transparent with our financial management.</p>	3.1.4 Implement strategies to improve Councillors role as community leaders and asset custodians.

#### **DECLARATION OF INTEREST**

Nil

#### **SUMMARY**

The purpose of the report is to present Council with the *Shire of Kojonup Standards for CEO Recruitment, Performance and Termination* for adoption before 3 May 2021 as required in the *Local Government (Administration) Amendment Regulations 2021*.

#### **BACKGROUND**

In 2017 the State Government announced a review of the *Local Government Act 1995*. According to the Department of Local Government Sport and Cultural Industries (DLGSC), the purpose of this review is “to deliver a new, modern Act that empowers local governments to better deliver for the community”.

Local Government has continuously drawn scrutiny from consecutive state governments which has been exacerbated by matters such as the Enquiry into the City of Perth which commenced in April 2018 and concluded June 2020.

As a result of the review, the enquiry, and significant industry consultation, the *Local Government (Administration) Amendment Regulations 2021* were developed and came into effect on 3 February 2021, The Model Standards contained within the regulations, are made up of three elements based on distinct principles being:

1. Standards for Recruitment of CEO's: Based on the principle of merit, equity and transparency.
2. Standards for Review of Performance of CEO's: Based on the principle of fairness, integrity and impartiality.
3. Standards for Termination of Employment of CEO's: Based on the principle of procedural fairness and transparency (common law: procedure that should apply when a decision is made that may adversely impact on a person's rights and interests).

The CEO Standards already apply, but council is now required to formally adopt them by 3 May 2021 and publish them on the local government website. Given that the Shire of Kojonup commenced the CEO recruitment process in November 2020 and applications closed 5.00pm Friday 19 February 2021, the formal adoption of the new standards needs to occur immediately.

#### **COMMENT**

Guidelines developed by the DLGSC provide a comprehensive overview of the new regulations and best practice recommended for Councils when undertaking the CEO recruitment process, and draws heavily on the standards already in place within the State Public Sector. Further, the Standards provide clarity with regards to obligations and expectations for both Councils and CEO's which should promote a mutually respectful arrangement between "employer and employee" as procedural fairness is not only required but, enforced.

The most significant change which has occurred is the tenure of CEO's. Division 2 outlines the requirement for Councils to undertake the recruitment process when CEO's have been consecutively employed for a period of 10 or more years. This does not prevent the incumbent from being re-engaged provided the CEO participates in the recruitment and selection process in an open and transparent manner like all other applicants.

#### **CONSULTATION**

Elected Members: Briefing Session, 16 February 2021  
Department of Local Government Sport and Cultural Industries  
Senior Management Meeting, 9 February 2021

#### **STATUTORY REQUIREMENTS**

*Local Government Act: Part 5, Division 6, Subdivision 1: sections 5.60, 5.61 and 5.62*  
*Local Government (Administration) Amendment Regulations, Model Standards for CEO Recruitment, Performance and Termination*

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

<i>RISK MANAGEMENT FRAMEWORK</i>			
<i>Risk Profile</i>	<i>Risk Description/Cause</i>	<i>Key Control</i>	<i>Current Action</i>
2 Business & Community Disruption	Loss of key staff	Emergency Resources and support budget	Workforce Planning
5. Employment Practices	Failure to effectively manage and lead human resources. This includes: -Not having appropriately qualified or experienced people in the right roles; -Insufficient staff numbers to achieve objectives; -Breaching employee regulations; -Poor employee wellbeing (causing stress); -Key person dependencies without effective succession planning in place.	Human Resource Management (Policies and Procedures) Workforce planning	Ongoing
<i>Risk rating - Adequate</i>			
<b>IMPLICATIONS</b>			
<i>The confidential appointment of a new CEO is of vital importance to Council, team members, community, VROC, Great Southern Region and WALGA/Government Authorities. Inadequate recruitment practices can lead to incorrect appointments resulting in increased costs associated with repeated recruitment processes.</i>			

**ASSET MANAGEMENT IMPLICATIONS**

Nil.

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**13/21 Moved Cr Radford, seconded Cr Gale**

**That Council**

- 1. adopts the Shire of Kojonup Standards for CEO Recruitment, Performance and Termination, and**
- 2. publish the Shire of Kojonup Standards for CEO Recruitment, Performance and Termination on the Shire of Kojonup website.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**

12.2 CEO RECRUITMENT – CEO POSITION DESCRIPTION APPROVAL

<b>AUTHOR</b>	Lorraine Wyatt, Executive/Human Resource Coordinator
<b>DATE</b>	Thursday, 18 February 2021
<b>FILE NO</b>	PE.RCR.9
<b>ATTACHMENT(S)</b>	<b>12.2.1 – Chief Executive Officer Position Description</b>

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
<b>“Smart Possibilities – Kojonup 2027+”</b>		<b>“Smart Implementation – Kojonup 2018-2022”</b>
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP3 – Performance	3.1 Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.  3.4 Be organised and transparent with our financial management.	3.1.4 Implement strategies to improve Councillors role as community leaders and asset custodians.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of the report is to present to Council the CEO Position Description (including the selection criteria) for formal approval in accordance with the *Local Government (Administration) Amendment Regulations 2021* (CEO Standards Regulations).

**BACKGROUND**

At the Briefing Session held 3 November 2020, Elected Members held discussions with the Executive Assistant/Human Resources Coordinator regarding CEO Recruitment options which included:

- Development/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.

A further workshop was conducted at the Briefing Session held 17 November 2020 and via the CEO Recruitment Committee Meeting held 24 November 2020. The first draft of the CEO Position Description was subsequently circulated to Elected Members.

At the Council Meeting held 8 December 2020, Council resolved as follows.

**166/20 Moved Cr Gale, seconded Cr Benn**

**That:**

1. **Council engage Lester Blades being a suitably qualified independent recruitment consultant to progress the Recruitment, Selection and Appointment of a Chief Executive Officer on the terms and conditions as outlined in the Proposal including the fee schedule being:**
  - a) **A Retainer of one third (33.3%) of the total fee is raised on commencement of the assignment.**
  - b) **The second one third is raised once the client accepts the shortlist of candidates.**
  - c) **The balance of the total fee is raised on successful completion of the assignment. Successful completion of the assignment is defined as being once the candidate has signed the contract of employment and agreed a start date.**
2. **A budget of \$19,500 be applied for the recruitment process at the mid-year budget review for the 20/21 financial year.**
3. **That the Committee meet with the Consultant on Tuesday 15 December 2020 to formally commence the process.**

**CARRIED 7/0**

Council met with Geoff Blades on 15 December and reiterated the key elements of the CEO Position Description and selection criteria demonstrating consideration for the complexity of the role of a CEO; the skills, knowledge, experience and qualifications required for this role in line with the strategic goals of Councils.

In January 2021, Lester Blades subsequently contributed minor amendments to the Candidate Information Package and commenced advertising from 29 January 2021 indicating that applications close 5.00pm, Friday 19 February 2021.

**COMMENT**

The *Local Government Act 1995* (the Act) places specific obligations on elected members of council, local government employees and other persons involved in making decisions or giving advice on Council matters, to act honestly and responsibly in carrying out their functions.

On 3 February 2021, the *Local Government (Administration) Amendment Regulations 2021* came into effect, and included the requirement for Council to abide by the model standards covering recruitment, selection, performance review and termination of local government Chief Executive Officers.

The principle underpinning the Model Standards is to ensure that Local Governments select, and appoint a CEO in accordance with the principles of merit, equity and probity.

*Division 2, Standards for Recruitment of CEO's*, requires that Councils formally approve, by absolute majority, the CEO position description (attachment 12.1.1) which must clearly outline the qualifications, selection criteria and responsibilities of the position.

## CONSULTATION

Elected Members: Briefing Session conducted:

3 November 2020

17 November 2020

16 February 2021

CEO Recruitment Committee workshop 24 November 2020

Department of Local Government Sport and Cultural Industries

Senior Management Meeting 9 February 2021

## STATUTORY REQUIREMENTS

*Local Government Act: Part 5, Division 6, Subdivision 1: sections 5.60, 5.61 and 5.62*

*Local Government (Administration) Amendment Regulations, Model Standards for CEO Recruitment, Performance and Termination*

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

## RISK MANAGEMENT IMPLICATIONS

<i>RISK MANAGEMENT FRAMEWORK</i>			
<i>Risk Profile</i>	<i>Risk Description/Cause</i>	<i>Key Control</i>	<i>Current Action</i>
5. Employment Practices	Failure to effectively manage and lead human resources. This includes: -Not having appropriately qualified or experienced people in the right roles; -Insufficient staff numbers to achieve objectives; -Breaching employee regulations; -Poor employee wellbeing (causing stress); -Key person dependencies without effective succession planning in place.	Human Resource Management (Policies and Procedures) and Workforce planning	Ongoing
<i>Risk rating - Adequate</i>			
<b>IMPLICATIONS</b>			
<i>The confidential appointment of a new CEO is of vital importance to Council, team members, community, VROC, Great Southern Region and WALGA/Government Authorities. Inadequate recruitment practices can lead to incorrect appointments resulting in increased costs associated with repeated recruitment processes.</i>			

**ASSET MANAGEMENT IMPLICATIONS**

Nil.

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS)  
IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

**14/21 Moved Cr Radford, seconded Cr Wieringa**

**That Council approve the Chief Executive Officer Position Description including the selection criteria for the role.**

**CARRIED BY ABSOLUTE MAJORITY 6/0**



Councillor Fleay entered the meeting at 11.21am.

12.3 CEO RECRUITMENT – APPOINTMENT OF INDEPENDENT PERSON TO THE SELECTION PANEL

<b>AUTHOR</b>	Lorraine Wyatt, Executive/Human Resource Coordinator
<b>DATE</b>	Thursday, 18 February 2021
<b>FILE NO</b>	PE.RCR.9
<b>ATTACHMENT(S)</b>	Nil

<b>STRATEGIC/CORPORATE IMPLICATIONS</b>		
<b>“Smart Possibilities – Kojonup 2027+”</b>		<b>“Smart Implementation – Kojonup 2018-2022”</b>
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP3 – Performance	<p>3.1 Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.</p> <p>3.4 Be organised and transparent with our financial management.</p>	3.1.4 Implement strategies to improve Councillors role as community leaders and asset custodians.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of the report is to guide Council in appointing a suitably qualified Independent person to the selection panel for the purposes of recruiting, selecting and appointing a Chief Executive Officer (CEO).

**BACKGROUND**

The CEO recruitment and selection process, commenced in November 2021 and Lester Blades was appointed as the suitably qualified independent recruitment consultant to progress the recruitment, selection and appointment of a Chief Executive Officer.

The implementation of the *Local Government (Administration) Amendment Regulations, Model Standards for CEO Recruitment, Performance and Termination*, requires that as part of the recruitment and selection process to appoint a CEO, Council must appoint an “independent person” to the selection panel. This person should have experience in the recruitment and selection of CEO’s and/or senior executives however cannot be, a human resources consultant or employee of the local government.

## **COMMENT**

The *Local Government Act 1995* (the Act) places specific obligations on elected members of council, local government employees and other persons involved in making decisions or giving advice on Council matters, to act honestly and responsibly in carrying out their functions.

Through Council via the Briefing Session held Tuesday, 16 February 2021, the Executive Assistant/Human Resources Coordinator sought the interest of independent individuals who were the Council's preferred candidates to participate on the selection panel.

Candidates were provided a copy of the Guidelines for Local Government CEO Recruitment, Selection, Performance Review and Termination developed by the Department of Local Government, Sport and Cultural Industries (DLGSC) and the Model Standards. Interest was sought on the basis that the role of the Independent Person is to "*bring an impartial perspective to the process and to reduce the perception of bias or nepotism*".

Details of the candidates is as follows:

### **Digby Stretch**

Mr. D Stretch's experience with selection panels and governance includes 12 years on the Scotch College Council, which he chaired for 3 years. During his time on council he was part of the selection panel which appointed the current Headmaster. He has also been involved with selection interviews for Boarding Housemasters, including as Chair, and has regularly conversed with the Headmaster regarding selection and governance issues.

Mr. D Stretch is currently Vice President of the Pastoralists and Graziers Association of WA, where he has also been involved with selection of staff members. He takes a keen interest in the governance of businesses and organisations. Mr. Stretch is the President of the Kojonup Volunteer Bush Fire Association, member of the Kojonup Bush Fire Advisory Committee and Kojonup Local Emergency Management Committee.

### **Bruce Manning**

Mr. B Manning is the former Chief Executive Officer of the Great Southern Development Commission. His regional development experience also includes five years as the Regional Manager for WA TAFE in the Great Southern region and five years as Executive Officer of the Southern Province Projects Group.

## **CONSULTATION**

Elected Members: Briefing Session; 16 February 2021

Senior Management Meeting; 9 February 2021

Department of Local Government, Sport and Cultural Industries.

## **STATUTORY REQUIREMENTS**

*Local Government Act*: Part 5, Division 6, Subdivision 1: sections 5.60, 5.61 and 5.62

*Local Government (Administration) Amendment Regulations, Model Standards for CEO Recruitment, Performance and Termination*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

<i>RISK MANAGEMENT FRAMEWORK</i>			
<i>Risk Profile</i>	<i>Risk Description/Cause</i>	<i>Key Control</i>	<i>Current Action</i>
2 Business & Community Disruption	Loss of key staff	Emergency Resources and support budget	Workforce Planning
5. Employment Practices	Failure to effectively manage and lead human resources. This includes: -Not having appropriately qualified or experienced people in the right roles; -Insufficient staff numbers to achieve objectives; -Breaching employee regulations; -Poor employee wellbeing (causing stress); -Key person dependencies without effective succession planning in place.	Human Resource Management (Policies and Procedures) and Workforce planning	Ongoing
<i>Risk rating - Adequate</i>			
<b>IMPLICATIONS</b>			
<i>The confidential appointment of a new CEO is of vital importance to Council, team members, community, VROC, Great Southern Region and WALGA/Government Authorities. Inadequate recruitment practices can lead to incorrect appointments resulting in increased costs associated with repeated recruitment processes.</i>			

**ASSET MANAGEMENT IMPLICATIONS**

Nil.

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute majority

**OFFICER RECOMMENDATION**

That Council appoint \_\_\_\_\_ to the Chief Executive Officer Selection Committee as the Independent Person.

**COUNCIL DECISION**

**15/21 Moved Cr Radford, seconded Cr Gale**

That

- 1. Council appoint Mr Bruce Manning to the Chief Executive Officer Selection Committee as the Independent Person; and**
- 2. Council formally thank Mr Digby Stretch for lodging an interest and advise the independence of Mr Manning was the distinction between the two candidates.**

**CARRIED BY ABSOLUTE MAJORITY 6/1**

Cr Pedler requested that her vote in the negative be recorded.

**13**    **KEY PILLAR 4 – ‘PROSPERITY’ REPORTS**

Nil

**14**    **KEY PILLAR 5 – ‘DIGITAL’ REPORTS**

Nil

**15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**16 NEW BUSINESS**

Nil

**17 CONFIDENTIAL REPORTS**

Nil

**18 NEXT MEETING**

Ordinary Council Meeting Tuesday, 16 March 2021 commencing at 3.00pm

**19 CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 11.28am.

**20**    **ATTACHMENTS (SEPARATE)**

- |           |        |  |
|-----------|--------|--|
| Item 12.1 | 12.1.1 | Shire of Kojonup Standards for CEO Recruitment,<br>Performance and Termination |
| Item 12.2 | 12.2.1 | Chief Executive Officer Position Description                                   |