



**Shire of Derby /  
West Kimberley**

# **AGENDA**

## **Special Council Meeting Thursday, 19 September 2024**

**I hereby give notice that a Special Meeting of Council will be held on:**

**Date: Thursday, 19 September 2024**

**Time: 5:00 PM**

**Location: Council Chambers  
Clarendon Street  
Derby**

**Neil Hartley**

**Director, Strategic Business**



## Our Guiding Values

We are **PROUD** of who we are and where we live.

We will create a **POSITIVE LEGACY** for our children and children's children.

We will go about our business with **INTEGRITY, TRANSPARENCY and AUTHENTICITY**.

We value and **RESPECT** what our community has to say and will strive to make things happen.

We are **PROUD** of and value the **KNOWLEDGE** of our diverse and strong people and cultures.

We value our **RELATIONSHIPS** and will work with others to achieve common goals and gain maximum impact.

We are **PROUD** of and **COMMITTED** to the responsible preservation of our unique natural environment and making sure our built environment reflects our current and future needs.

We are open for and encourage business, industry and all aspects of **COMMUNITY DEVELOPMENT**, particularly our thriving arts and cultural scene.

## Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Derby/West Kimberley (Shire) for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any Council Member or officer of the Shire during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire.

The Shire warns that anyone who has any application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application and any conditions attaching to the decision made by the Shire in respect of the application.

## Notes for Members of the Public

### **PUBLIC QUESTION TIME**

The Shire of Derby/West Kimberley extends a warm welcome to you in attending any Shire meeting. The Shire is committed to involving the public in its decision-making processes whenever possible. The ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective. The Shire sets aside a period of 'Public Question Time' to enable a member of the public to put questions. Questions should only relate to the business of the Shire and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Presiding Member may either answer the question or direct it to an officer to answer, or it will be taken on notice.

Any comments made by a member of the public become a matter of public record as they are minuted by Council. Members of the public are advised that they are deemed to be held personally responsible and legally liable for any comments made by them that might be construed as defamatory or otherwise considered offensive by any other party.

### **MEETING FORMALITIES**

Local government Council meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation. Members of the public shall ensure that their mobile telephone or audible pager is not switched on or used during any Shire meeting.

Members of the public are hereby advised that the use of any electronic, visual or audio recording device or instrument to record proceedings of the meeting is not permitted without the permission of the Presiding Member.

### **COPYRIGHT**

Any plans or documents contained within this agenda may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

## Notes for Council Members

### NATURE OF COUNCIL'S ROLE IN DECISION MAKING

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive/Strategic:	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations, grants, and setting and amending budgets.
Legislative:	Includes adopting local laws, town planning schemes and policies.
Administrative:	When Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.
Review:	When Council reviews a decision made by Officers.
Information:	Includes items provided to Council for information purposed only that do not require a decision of Council (that is for 'noting').

### ALTERNATIVE MOTIONS

Council Members wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Chief Executive Officer prior to the Council meeting.

### DECLARATIONS OF INTERESTS

Council Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Council Members must disclose the nature of their interest in matters to be discussed at the meeting (Part 5 Division 6 of the *Local Government Act 1995*). Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (Sections 5.70 and 5.71 of the *Local Government Act 1995*).

### APPLICATION FOR LEAVE OF ABSENCE

In accordance with Section 2.25 of the *Local Government Act 1995*, an application for leave requires a Council resolution granting leave requested. Council may grant approval for Leave of Absence for a Council Member for ordinary Council meetings for up to but not more than six consecutive meetings. The approval of the Minister is required for leave of absence greater than six ordinary Council meetings.

This approval must be by Council resolution and differs from the situation where a Council Member records their apologies for the meeting. A failure to observe the requirements of the Act that relates to absence from meetings can lead to a Council Member being disqualified should they be absent without leave for three consecutive meetings.

**Order Of Business**

<b>1</b>	<b>Declaration of Opening, Announcement of Visitors</b> .....	<b>7</b>
<b>2</b>	<b>Acknowledgment of Country</b> .....	<b>7</b>
<b>3</b>	<b>Attendance via Telephone/Instantaneous Communications</b> .....	<b>7</b>
<b>4</b>	<b>Disclosure of Interests</b> .....	<b>7</b>
4.1	Declaration of Financial Interests .....	7
4.2	Declaration of Proximity Interests .....	7
4.3	Declaration of Impartiality Interests .....	7
<b>5</b>	<b>Public Time</b> .....	<b>7</b>
5.1	Public Question Time .....	7
5.2	Public Statements .....	7
<b>6</b>	<b>Announcements by Presiding Person without Discussion</b> .....	<b>7</b>
	<b>Reports</b> .....	<b>8</b>
<b>7</b>	<b>Executive Services</b> .....	<b>8</b>
7.1	Adoption of Committee Minutes - CEO Performance Review/CEO Appointment Committee Meeting.....	8
7.2	CEO Appointment Coordination Panel - Appointment of Independent Person.....	17
<b>8</b>	<b>New Business of an Urgent Nature</b> .....	<b>20</b>
<b>9</b>	<b>Closure</b> .....	<b>20</b>
9.1	Date of Next Meeting.....	20
9.2	Closure of Meeting.....	20



**1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS****2 ACKNOWLEDGMENT OF COUNTRY**

In the spirit of reconciliation, the Shire of Derby/West Kimberley acknowledges the traditional custodians of country throughout the Shire and their connection to land, sea and community.

The Shire of Derby/West Kimberley would like to pay respect to the past, present and future traditional custodians and Elders of this nation and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

**3 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

A Council Member may attend council or committee meetings by electronic means if the member is authorised to do so by the President or the Council. Electronic means attendance can only be authorised for up to half of the Shire's in-person meetings they have attended in total, in any rolling 12 months prior period. Authorisation can only be provided if the location and the equipment to be used by the Councillor are suitable to enable effective, and where necessary confidential, engagement in the meeting's deliberations and communications.

**4 DISCLOSURE OF INTERESTS****4.1 Declaration of Financial Interests****4.2 Declaration of Proximity Interests****4.3 Declaration of Impartiality Interests****5 PUBLIC TIME**

Due to the nature of this meeting, being a Special Council Meeting, only questions relating to matter on this agenda may be addressed.

**5.1 Public Question Time****5.2 Public Statements****6 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

**REPORTS****7 EXECUTIVE SERVICES****7.1 ADPTION OF COMMITTEE MINUTES - CEO PERFORMANCE REVIEW/CEO APPOINTMENT COMMITTEE MEETING****File Number: 4110****Author: Noelene Bain, Executive Services Project Officer****Responsible Officer: Neil Hartley, Director, Strategic Business****Authority/Discretion: Executive****SUMMARY**

For Council to receive and consider the recommendations outlined in the minutes of the CEO Performance Review/CEO Appointment Committee Meeting held on 4 September 2024.

*Note: if there are multiple nominations for the position of the fourth Councillor representative on the Panel, the legislated Local Government Act electoral requirements to nominate and select a Councillor representative will need to be followed.*

**COMMITTEE RESOLUTION CR02/24****Moved: Cr Geoff Haerewa****Seconded: Mr Peter McCumstie****That it be recommended to Council that for the current CEO vacancy:**

- 1. The coordination of the CEO appointment process not be undertaken by the existing CEO Performance Review / CEO Appointment Committee but instead by a CEO Appointment Coordination Panel, consisting of the President; Deputy President; Cr O'Meara; a fourth Councillor; and an Independent Person;**
- 2. The Terms of Reference for the CEO Appointment Coordination Panel to be those parts of the attached Terms of Reference as agreed to by the Panel in consultation with the Specialist Recruitment Consultant, LOGO Appointments;**
- 3. The Director Strategic Business coordinate local advertising inviting applications for the position of Independent Person (for the term of this current CEO appointment process) and that a report to Council follow, to enable a selection to be made;**
- 4. Council endorses the recruitment process as outlined by LOGO in the attachment to this report, which addresses the following:**
  - (a) Confidentiality agreement;**
  - (b) Interview Panel Members;**
  - (c) The Council's expectations of their preferred candidate for the role based on their knowledge, skills, experience, and personality;**
  - (d) Selection Criteria;**
  - (e) Advertising mediums;**
  - (f) Recruitment process; and**
  - (g) Recruitment Timeline Schedule**
- 5. The Acting CEO address in the next Budget Review, the matter of Consultants expenses for this CEO replacement process.**




**In Favour: Crs Peter McCumstie and Geoff Haerewa****Against: Nil**



**VOTING REQUIREMENT**

Absolute majority

**ATTACHMENTS**

1. Minutes - CEO Performance Review Committee Meeting - Confidential
2. Recruitment Panel Terms of Reference  
3. Recruitment Panel Confidentiality Agreement  

**RECOMMENDATION**

1. That Council:
  1. Receive the Minutes of the CEO Performance/CEO Appointment Review Committee Meeting held on 4 September 2024 and adopt the recommendations contained therein, namely:
    2. *That for the current CEO vacancy:*
      - I. *The coordination of the CEO appointment process not be undertaken by the existing CEO Performance Review / CEO Appointment Committee but instead by a CEO Appointment Coordination Panel, consisting of the President; Deputy President; Cr O'Meara; a fourth Councillor; and an Independent Person;*
      - II. *The Terms of Reference for the CEO Appointment Coordination Panel to be those parts of the attached Terms of Reference as agreed to by the Panel in consultation with the Specialist Recruitment Consultant, LOGO Appointments;*
      - III. *The Director Strategic Business coordinate local advertising inviting applications for the position of Independent Person (for the term of this current CEO appointment process) and that a report to Council follow, to enable a selection to be made;*
      - IV. *Council endorses the recruitment process as outlined by LOGO in the attachment to this report, which addresses the following:*
        - a. *Confidentiality agreement;*
        - b. *Interview Panel Members;*
        - c. *The Council's expectations of their preferred candidate for the role based on their knowledge, skills, experience, and personality;*
        - d. *Selection Criteria;*
        - e. *Advertising mediums;*
        - f. *Recruitment process; and*
        - g. *Recruitment Timeline Schedule*
      - V. *The Acting CEO address in the next Budget Review, the matter of Consultants expenses for this CEO replacement process.*
  2. Endorse the fourth Councillor member of the CEO Appointment Coordination Panel as Cr. ....(insert name);
  3. Adopt the attached Panel *Terms of Reference*, noting that the Panel is authorised to add further provisions conditional on them being consistent with existing legislation, the

**Department of Local Government's *Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination*, and Shire policy positions; and**

- 4. Adopt the attached Panel *Confidentiality Agreement*, noting that the Panel is authorised to add further provisions conditional on them being consistent with existing legislation, the Department of Local Government's *Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination*, and Shire policy positions.**



## CEO APPOINTMENT COORDINATION PANEL – TERMS OF REFERENCE

### 1. Establishment of Panel

Pursuant to Section 5.36 of the Local Government Act, and the Local Government (Administration) Amendment Regulations 2021, as amended in February 2021, and the *Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination*, every Western Australian local government is required to employ a person to the Chief Executive Officer (CEO) of the local government.

Whilst the decision to appoint a CEO is a whole of Council responsibility, the Council can appoint a Panel to facilitate the recruitment and selection process (prior to Council making the final appointment decision).

### 2. Purpose of Panel

The purpose of the CEO Appointment Coordination Panel (the "Panel") is to provide general oversight of the recruitment and selection process for the Chief Executive Officer; to make recommendations to Council on the most suitable candidate(s) for the position; and to ensure the recruitment and selection process is fair, robust, and carried out consistent with relevant legislation and regulations.

The Panel is to achieve this by:

- a. Working with the appointed Recruitment Consultant;
- b. Facilitating the preparation and recommendation of the position description for the role of Chief Executive Officer to Council;
- c. Recommending to Council for endorsement the draft employment contract, prior to advertising occurring;
- d. Facilitating the preparation of the advertisement and approving the media to be used;
- e. Recommending to Council the total remuneration package and employment conditions (consistent with any relevant Council policies);
- f. Approving the *Application Information Package*;
- g. Reviewing the application shortlisting report as provided by the Recruitment Consultant;
- h. Agreeing on the shortlisted applicants for interview;
- i. Agreeing on the scoring method for the interview process to determine preferred applicant(s) for the position;
- j. Facilitating and agreeing on the interview questions (with drafts provided by the Recruitment Consultant);
- k. Interviewing short listed applicants; and
- l. Facilitating the interview process of preferred candidates in consultation with Recruitment Consultant.

### 3. Membership

Membership of the Panel is to be:

Membership (five of)	Voting Rights
<b>Elected Members</b> <ul style="list-style-type: none"> <li>• President;</li> <li>• Deputy President;</li> <li>• Cr Kerissa O'Meara; and</li> <li>• Cr (insert name of fourth member).</li> </ul>	Yes
<b>Advisory Representatives</b>	
<b>Independent Representative</b> <ul style="list-style-type: none"> <li>• (insert name)</li> </ul>	No
<b>Executive Recruitment Consultant:</b> <ul style="list-style-type: none"> <li>• Geraldine Kistnasing – Executive Recruitment Consultant at LO-GO Appointments WA</li> </ul>	No

The Presiding Member and/or Deputy Presiding Member is to be determined in accordance with Section 5.12 of the Local Government Act 1995.

If the Presiding Member of the Panel is absent from a meeting of the Panel, the Deputy Presiding Member will preside at the meeting.

### 4. Quorum

The Quorum for the meeting is at least 50% of the number of Panel members (vis. not including any advisory or Shire officer representatives).

### 5. Panel Terms of reference – Roles and Responsibilities

- a. To provide general guidance and participate in the recruitment process for the position of Chief Executive Officer of the Shire of Derby/West Kimberley, in accordance with the indicative process agreed by the Council.
- b. To make recommendations to the Council at each stage of the selection process, including but not limited to:
  1. The position description;
  2. The Key Result Areas (KRAs) and/or Key Performance Indicators (KPIs);
  3. The Draft CEO employment contract prior to advertising; and
  4. The preferred candidate(s).
- c. To consider the assessment of applicants for the position of Chief Executive Officer.
- d. To consider the advertisement and/or re-advertisement or other additional steps (if necessary and in consultation with the Recruitment Consultant).
- e. Ensure appropriate advertising mediums are used such a social media, websites, SEEK, LG Job Directory and written formats such as West Australian newspaper professional and/or local government job section.
- f. To provide a report to Council with recommendation(s) of the preferred candidate, including negotiated employment contract (to be considered and endorsed by Council).
- g. Any other matter which is not stipulated within these terms of reference, but which is within the powers and functions of the Panel or other matters which are specifically referred by Council to the Panel and relate to the selection of the Chief Executive Officer.

## 6. Terms of Reference – Operational Matters

- a. The Panel shall always act in strict accordance with relevant legislation and regulations (being the Local Government Act 1995 and associated Regulations) and in accordance with these Terms of Reference in the performance of its purpose, roles, and responsibilities.
- b. The Panel does not have any delegated powers, and cannot perform the functions and duties otherwise legislatively preserved for the Council. Any decision that require Council endorsement will therefore, be in the form of a Panel recommendation to Council.
- c. For the purposes of reporting and accountability requirements, the Panel must keep minutes of all meetings of the Panel. The Reporting of the recommendations of the Panel to the Council in this manner is sufficient to satisfy the reporting and accountability requirements of the Council.
- d. All recommendations of the Panel shall be made on the basis of a majority decision of the voting members present.
- e. Meetings of the Panel will be held at a location as determined by the Presiding Member of the Panel.
- f. The Panel shall meet as often as the Panel considers necessary.
- g. The Panel can utilise video conferencing as and when considered necessary.
- h. The procedure to be observed in relation to the conduct of the meeting of the Panel is generally to be in accordance with the Local Government Act, associated regulations and the Shire of Derby/West Kimberley Standing Orders Local Law and these terms of reference.

## 7. Independent Recruitment Consultant (IRC) – Role & Responsibilities

Should not be associated with the local government or any of its Council members.

Provides independent human resources consultant advice to the Panel on how to conduct the recruitment process which covers the following aspects of the process:

- Development or review of the position description;
- Development of the selection criteria;
- Development of assessment methods in relation to the selection criteria;
- Drafting of the advertisement;
- Executive search;
- Preliminary assessment of the applications;
- Shortlisting recommendation to the Panel;
- Drafting questions for interview;
- Coordinating interviews;
- Preparing the selection summary assessment and recommendations;
- Arranging for an integrity check and/or police clearance, qualifications, medical;
- Assisting the Panel in preparing the employment contract;
- As directed by the Panel, to commence preliminary negotiations of employment contract;
- Conduct referee checks and provide a written report to the Panel of referee outcomes; and
- Preparation of Council report as directed by Panel for Council consideration of the preferred candidate and employment contract.

The Consultant is not to be directly involved in determining which applicant should be recommended for the position, their role is not one of decision-maker.

All documents managed by the Recruitment Consultant must be provided to the Shire in line with the Shire recording keeping policy and procedure.



## 8. Independent Person other than Recruitment Consultant– Role & Responsibilities

The essence of the role of an independent Panel Member is to bring an impartial perspective to the process and reduce any perception of bias or nepotism.

The independent person cannot be a current elected member, human resource team member, or staff member of the Shire of Derby/West Kimberley.

An independent person can be:

- A former elected member or staff member of the Shire of Derby/West Kimberley;
- A former or current elected member or staff member of another local government; or
- A prominent or highly regarded member of the community.

Their role is:

- a. An advisor. Their role is not one of decision-maker so they cannot be directly involved in for example, determining which applicant should be recommended for the position;
- b. To follow the agreed recruitment process and to contribute impartially, constructively, and professionally; and
- c. To be available to attend Panel meetings.

## 9. Confidentiality Agreement

All Panel Members and Representatives must sign a Confidentiality Agreement before the recruitment process commences. A copy is to be provided to the Recruitment Consultant for record keeping purposes.

## 10. Tenure

The Panel will be wound up upon the Council making the appointment to the office of Chief Executive Officer of the Shire of Derby/West Kimberley.

## PANEL MEMBER ACKNOWLEDGEMENT & ACCEPTANCE OF TERMS & REFERENCE

**NAME**

(Print Name)

**SIGNATURE**

**DATE**





## CEO RECRUITMENT PANEL – CONFIDENTIALITY AGREEMENT

The following Panel Representatives have been authorised by Council (19 September 2024) to participate as CEO Selection Panel Members/Advisory Representatives in the CEO Recruitment & Selection Process commencing 29 August 2024.

### **Councillors on the Recruitment and Selection Committee:**

- Shire President (Cr Peter McCumstie);
- Deputy President (Cr Geoff Haerewa);
- Cr Kerissa O'Meara; and
- Cr (insert name of fourth member).

### **Independent Representative:**

- Insert name.

### **Executive Recruitment Consultant:**

- Geraldine Kistnasing, Executive Recruitment Consultant at LO-GO Appointments.

### **Shire Officers:**

- (as relevant).

In accordance with the Local Government (Administration) Amendment Regulations 2021 and as outlined in the *Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination*, all individuals involved must sign a Confidentiality Agreement in relation to any of the processes undertaken in either Part 1,2 or 3 of the above Guidelines. Therefore, the Confidentiality Agreement set out below is in line with the Guidelines, Part 1, Recruitment and Selection and applies to all the individuals nominated above.

### **CONFIDENTIALITY EXPECTATIONS:**

- From the beginning to the conclusion of the process, absolute confidentiality must be maintained by every individual involved in the recruitment and selection process;
- Panel Representatives will possess confidential information relating to candidates, employees, Panel members, referees, recruitment consultant and independent representative, which are required to be collected and stored securely as per the State Records Act 2000 and Privacy Act WA 1988;
- Panel Representatives may be privy to confidential information in relation to their duties at the Shire or externally; and
- Panel Representatives will deal with the confidential information in accordance with the terms of this Confidentiality Agreement, and the Guidelines.



**1. DEFINITIONS**

For the Purposes of this Agreement:

<b>Confidential information</b>	means all information, data or experience relating to the personal files and all forms including documents, databases, records, certificates, oral disclosures.
<b>Documents</b>	includes, but is not limited to - applications by candidates, emails, staff meeting minutes, telephone calls/messages, questionnaires, resumes, working with children checks, police clearance, staff information forms, reports from outside professionals pertaining to candidate, personal correspondence, panel meeting minutes.
<b>Code of Conduct</b>	The Shire of Derby/West Kimberley’s Codes of Conduct.
<b>Guidelines</b>	Department of Local Government’s <i>Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination</i> .

**2. CONFIDENTIAL OBLIGATIONS**

2.1 Panel Members (unless it is otherwise expressly agreed) must:

- (a) not to reveal any of the confidential information to any person outside of the Panel or relevant staff;
- (b) keep all the confidential information confidential and securely stored; and
- (c) not make copies or duplicates of the confidential information except to the extent that it is reasonably necessary to carry out their duties.

2.2 The obligation to maintain confidentiality and not to use the confidential information shall remain in effect for an indefinite period, unless the disclosure is otherwise required or permitted by law.

**3. GENERAL**

- 3.1 Panel Representatives must adhere to the Shire’s Code of Conduct, the Guidelines, and to the professional standards expected in providing services to the Shire. If there is a proven breach of this Confidentiality Agreement, disciplinary action will be taken, including removal from the Panel.
- 3.2 Third party recruitment consultants or the independent representative must act in a professional manner always and abide by this Confidentiality Agreement. If there is a proven breach of this Confidentiality Agreement, this may result in termination of the contract.

ACKNOWLEDGE AND AGREEMENT	
<b>I will abide by this Confidentiality Agreement:</b>	
<b>PANEL REPRESENTATIVE NAME</b>	
<b>SIGNATURE</b>	
<b>DATE</b>	



**7.2 CEO APPOINTMENT COORDINATION PANEL - APPOINTMENT OF INDEPENDENT PERSON****File Number: 5340****Author: Neil Hartley, Director, Strategic Business****Responsible Officer:****Authority/Discretion: Executive****SUMMARY**

To accommodate a new requirement of the WA Local Government Act, every WA local government is now required to have an independent person sit on its Executive Officer (CEO) Selection Panel. The Shire of Derby/West Kimberley therefore, in light of the recent resignation of its current CEO, Amanda Dexter, invited interested people to sit on its *CEO Appointment Coordination Panel* (Panel).

The role of the Panel is to facilitate the recruitment and selection process for the Shire's new CEO and the essence of the role of an independent panel member is to bring an impartial perspective to the process and reduce any perception of bias or nepotism.

Applications were called, closing at 5.00pm Monday 16 September 2024 and this report provides the mechanism for Council to select the preferred candidate for this position.

**DISCLOSURE OF ANY INTEREST**

Nil by Author.

**BACKGROUND**

To accommodate a new requirement of the WA Local Government Act, every WA local government is now required to have an independent person sit on its selection panel. The essence of the role of an independent panel member is to bring an impartial perspective to the process and reduce any perception of bias or nepotism. The independent person cannot be a current elected member, human resources consultant, or staff member of the Shire.

On the resignation of the current CEO, the existing CEO Performance Review/Selection Committee met and proposed (see Adoption of Committee Minutes section of this Agenda) that a *CEO Appointment Coordination Panel* be established to progress the coordination of the CEO appointment process, in lieu of the existing Committee structure. This report progresses on the basis that this Committee's recommendation was adopted by Council.

An invitation for interested people to sit on the CEO Appointment Coordination Panel was called on Friday 6 September (closing at 5.00pm on Monday 16 September 2024) in the following media forms:

- Created public notice flyer with the key information;
- Published public notice to website as well as latest news;
- Created community consultation where people can see all info (on the website);
- Published public notice to Facebook; and
- Placed notice on Public Notice Boards and in Shire Libraries.

Applicants were asked to outline in a written application, any prior experience they may have in the selection and appointment of employees, and highlight any personal or other attributes that would make them the most suitable applicant for the position. Applicants were also asked to outline the remuneration they were seeking to secure (if any) in exchange for their attendance and contribution as a CEO Selection Panel member.

Three applications were received before the close of nominations and these are attached under confidential cover for Council's consideration.

### STATUTORY ENVIRONMENT

**Local Government Act 5.39A (Model standards for CEO recruitment, performance and termination)** prescribes model standards for local governments in relation to the recruitment of CEOs.

### POLICY IMPLICATIONS

Nil Applicable.

### FINANCIAL IMPLICATIONS

Candidates were invited to outline the participation fee they would like. One has stated \$100/meeting, another has stated they will leave that decision in Council's hands, and the other has not commented on the subject of a fee at all. The sitting fees for the independent member was always something that was going to be decided by Council upon the appointment of the preferred applicant (plus it would be expected that reasonable expense reimbursements would prevail irrespective of any participation fee).

The calling for nominations for an independent panel member consumed several hours of officer time, but negligible cash expenses.

### STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.2 Provide strong governance

### RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Legal &amp; Compliance:</b> Not appointing the Independent Person would be a breach of the Local Government Act/Regulations.	Rare	Moderate	Low	Appoint a person from the applications to hand.

### CONSULTATION

An invitation for interested people to sit on the Panel was called on Friday 6 September (closing at 5.00pm on Monday 16 September 2024) in the following media forms:

- Created public notice flyer with the key information;
- Published public notice to website as well as latest news;
- Created community consultation where people can see all info (on the website);
- Published public notice to Facebook; and
- Placed notice on Public Notice Boards and in Shire Libraries.

## COMMENT

Under normal circumstances, the actioning of the Committee recommendation (vis. that calling of applications) would not have commenced until after Council had endorsed the Committee's recommendation. In light of the time expediency warranted on this occasion however, applications were in fact called after the meeting's recommendation was made, but before the recommendation was formally endorsed by Council.

## VOTING REQUIREMENT

Simple majority

## ATTACHMENTS

1. **Applicant #1 - Confidential**
2. **Applicant #2 - Confidential**
3. **Applicant #3 - Confidential**

## RECOMMENDATION

That Council:

1. **Endorse the actions of the Director Strategic Business in authorising the calling applications for the position of Independent Person for the CEO Appointment Coordination Panel, in order that they could be considered at this 19 September 2024 Special Council Meeting;**
2. **Expresses its appreciation to every applicant that applied for the position of Independent Person representative on the CEO Appointment Coordination Panel;**
3. **Invites [insert name] to accept the position of Independent Person on the CEO Appointment Coordination Panel for the term of the current Panel, conditional on them accepting a participation fee of \$[insert amount] per meeting/per hour[delete as decided].**

**8 NEW BUSINESS OF AN URGENT NATURE**

**9 CLOSURE**

**9.1 Date of Next Meeting**

The next ordinary meeting of Council will be held Thursday, 26 September 2024 at the Karrayilli Adult Education Centre , Fitzroy Crossing.

**9.2 Closure of Meeting**