

ACTING CHIEF EXECUTIVE OFFICERS REPORT

5.1.1	CEO RECRUITMENT PROCESS – INDEPENDENT PANEL MEMBER.....	2
5.1.2	CEO RECRUITMENT PROCESS – POSITION DESCRIPTION & SELECTION CRITERIA	7
5.1.3	RETIRING CEO – CONTRACT DISCUSSIONS	10

5.1.1 CEO RECRUITMENT PROCESS – INDEPENDENT PANEL MEMBER

FILE REFERENCE:	17.1.12
DATE OF REPORT:	11 November 2022
REPORTING OFFICER:	Maurice Battilana, Acting CEO
APPENDICES:	1 Revocation Process – Flow Chart

SUMMARY:

Council is required to revoke the appointment of Cr Hellene McTaggart as the Independent Member on the CEO Recruitment Panel due to a ruling made by the Department of Local Government on the legislation associated with the appointment of this Panel Member.

BACKGROUND:

Council resolved the Following at the November 2022 Ordinary Council Meeting:

Moved Cr STEWART seconded Cr GIBB

Council endorse the “CEO Recruitment Panel–Terms of Reference 2022” as per Attachment 3 to comply with the Standards and relevant Regulations and appoint the following as Panel Members:

- *President*
- *Deputy President*
- *Cr Pike*
- *Cr Suckling*
- *Independent Member – Hellene McTaggart.*
- *Recruitment Consultant – Lydia Highfield.*

CARRIED 6/0

COMMENT:

Since this resolution it has been pointed out by the Department of Local Government (and confirmed by the Western Australian Local Government Association) the Independent Member of the Panel cannot be a Councillor in any local government authority in the State (and maybe even in the nation).

The Acting CEO disputed this interpretation; however, as it has been pointed out by the Department, if the process is not followed strictly in accordance with

legislation (or their interpretation of the legislation) the Shire may be legally required to run the whole process again.

Under the *Local Government (Administration) Amendment Regulations, 2021*, the Guidelines for the Local Government CEO Recruitment and Selection, Performance Review and Termination were amended February 2021. Local Government Councils are required to develop or update policies, procedures and/or terms and reference relating to the management and implementation of future CEO recruitment, selection, performance and termination processes.

On this basis the Council, having already adopted “*Standards for the CEO Recruitment, Performance and Termination Policy*” to comply with the above regulations and is required to consider and endorse:

- the CEO Recruitment Panel – Terms of Reference
- **establish a CEO Recruitment Panel**
- establish a Confidentiality Agreement for the CEO Recruitment Panel
- determine the selection criteria for the position of CEO
- approve a Job/Position Description form for the position of CEO
- endorse a Draft CEO Employment Contract

STATUTORY ENVIRONMENT

Local Government Act, 1995

Local Government(Administration) Regulations – Schedule 2, Clause 8(1)(a)

The legislation in dispute is *Local Government(Administration) Regulations - Schedule 2, Clause 8(1)(a)* which states:

8. Establishment of selection panel for employment of CEO

(1) In this clause —

independent person means a person other than any of the following —

- (a) **a council member**;
- (b) an employee of the local government;
- (c) a human resources consultant engaged by the local government

(2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.

(3) The selection panel must comprise —

- (a) council members (the number of which must be determined by the local government); and
- (b) at least 1 independent person.

POLICY/PROCEDURE IMPLICATIONS

Standards for the CEO Recruitment, Performance and Termination Policy

FINANCIAL & BUDGET IMPLICATIONS:

No implications.

STRATEGIC IMPLICATIONS:

5.	Our Leadership			
5.1	To be accountable for good governance, strong stewardship and leadership with proactive communication and consultation			
	Key Outcomes	Objectives	Success Measures	Timelines
5.1.1	To maintain and expand capacity and capability in the Shire workforce as required for ongoing good governance, accountability,	A retained and developed workforce and effective recruitment in staff turnover	Stable workforce and successful recruitment	Ongoing

VOTING REQUIREMENT:

Varies depending on specific motion.

There is a process Council is required to follow when revoking or substantially changing a Council decision (see **Attachment 1**).

RECOMMENDATION 1 (ONE THIRD MAJORITY) – AGREE TO DEAL WITH REVOCATION

Council agree to deal with the revocation Motion as presented.

RECOMMENDATION 2 (ABSOLUTE MAJORITY)

Council:

- 1. Revoke the appointment of Hellene McTaggart as the Independent Member of the CEO Recruitment & Selection Panel.**
- 2. Council appoint Mr Nils Hay as the Independent Member of the CEO Recruitment & Selection Panel.**

