



Shire of Northam
Heritage, Commerce and Lifestyle

Shire of Northam

Minutes

Chief Executive Officer Review Committee

12 July 2023



DISCLAIMER

In certain circumstances members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential, and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

No responsibility whatsoever is implied or accepted by the Shire of Northam for any act, omission, statement or intimation occurring during Council or Committee meetings.

The Shire of Northam 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 of 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 member or Officer of the Shire of Northam during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Northam.

The Shire of Northam advises that anyone who has any application lodged with the Shire of Northam 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 of Northam in respect of the application.

The Shire of Northam advises that 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.

Contents

| | | |
|-----|---|----|
| 1. | DECLARATION OF OPENING | 4 |
| 2. | ACKNOWLEDGEMENT TO COUNTRY | 4 |
| 3. | ATTENDANCE | 4 |
| 3.1 | APOLOGIES | 4 |
| 3.2 | APPROVED LEAVE OF ABSENCE | 4 |
| 3.3 | ABSENT | 4 |
| 4. | DISCLOSURE OF INTERESTS | 4 |
| 5. | CONFIRMATION OF MINUTES | 6 |
| 5.1 | COMMITTEE MEETING HELD ON 15 JUNE 2023 | 6 |
| 6. | COMMITTEE REPORTS | 7 |
| 6.1 | TERMS OF REFERENCE AND SELECTION PANEL FOR CHIEF EXECUTIVE OFFICER RECRUITMENT AND SELECTION | 7 |
| 7. | URGENT BUSINESS APPROVED BY DECISION | 10 |
| 8. | DATE OF NEXT MEETING | 10 |
| 9. | DECLARATION OF CLOSURE | 10 |

1. DECLARATION OF OPENING

The Shire President, Cr C R Antonio declared the meeting open at 4:04pm.

2. ACKNOWLEDGEMENT TO COUNTRY

The Shire President, Cr C R Antonio acknowledged the Traditional Owners of the land on which we meet, the Ballardong and Whadjuk people of the Nyoongar nation and paid our respects to Elders, past present and emerging.

3. ATTENDANCE

Committee:

| | |
|------------------------|----------------|
| Shire President | C R Antonio |
| Deputy Shire President | M P Ryan |
| Councillors | J E G Williams |
| | A J Mencshelyi |
| | D A Hughes |

Staff:

| | |
|------------------------|------------|
| Governance Coordinator | A C McCall |
|------------------------|------------|

3.1 APOLOGIES

Nil.

3.2 APPROVED LEAVE OF ABSENCE

Nil.

3.3 ABSENT

Nil.

4. DISCLOSURE OF INTERESTS

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.

*As defined in section 5.60A of the Local Government Act 1995, a **financial interest** occurs where a Councillor / Committee Member, or a person with whom the Councillor / Committee Member is closely associated, has a direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.*

*As defined in section 5.61 of the Local Government Act 1995, an **indirect financial interest** includes a reference to a financial relationship between that person and another person who requires a Local Government decision in*

relation to the matter.

As defined in section 5.60B of the Local Government Act 1995, a person has a **proximity interest** in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; or a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

As defined in 34C of the Local Government (Administration) Regulations 1996, an **impartiality interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

| Item Name | Item No. | A Name | Type of Interest | Nature of Interest |
|--|----------|-------------------|------------------|---|
| Terms of Reference and Selection Panel for Chief Executive Officer Recruitment and Selection | 6.1 | Cr C R Antonio | Impartiality | Mia Davies recommended to the committee is well known to Cr Antonio (independent panel member). |
| | | Cr M P Ryan | Impartiality | Ms Mia Davies is known to Cr Ryan as his Local Legislative Assembly Member of Parliament and is a consideration of the CEO selection panel. |
| | | Cr J E G Williams | Impartiality | The nominated independent panel member is known to Cr Williams. |
| | | Cr D A Hughes | Impartiality | Mia Davies is known to Cr Hughes. |
| | | Cr A J Mencshelyi | Impartiality | Independent panel member is known to Cr Mencshelyi. |

5. CONFIRMATION OF MINUTES

5.1 COMMITTEE MEETING HELD ON 15 JUNE 2023

RECOMMENDATION/COMMITTEE DECISION

Minutes No: CEO.133

Moved: Cr Mencshelyi

Seconded: Cr Hughes

That the minutes of the Chief Executive Officer Review Committee meeting held on 15 June 2023 be confirmed as a true and correct record of that meeting.

CARRIED 5/0

6. COMMITTEE REPORTS

Cr C R Antonio declared an "Impartiality" interest in item 6.1 – Terms of Reference and Selection Panel for Chief Executive Officer Recruitment and Selection as Mia Davies recommended to the committee is well known to Cr Antonio (independent panel member).

Cr M P Ryany declared an "Impartiality" interest in item 6.1 – Terms of Reference and Selection Panel for Chief Executive Officer Recruitment and Selection as Ms Mia Davies is known to Cr Ryan as his Local Legislative Assembly Member of Parliament and is a consideration of the CEO selection panel.

Cr J E G Williams declared an "Impartiality" interest in item 6.1 – Terms of Reference and Selection Panel for Chief Executive Officer Recruitment and Selection as the nominated independent panel member is known to Cr Williams.

Cr D A Hughes declared an "Impartiality" interest in item 6.1 – Terms of Reference and Selection Panel for Chief Executive Officer Recruitment and Selection as Mia Davies is known to Cr Hughes.

Cr A J Mencshelyi declared an "Impartiality" interest in item 6.1 – Terms of Reference and Selection Panel for Chief Executive Officer Recruitment and Selection as independent panel member is known to Cr Mencshelyi.

6.1 TERMS OF REFERENCE AND SELECTION PANEL FOR CHIEF EXECUTIVE OFFICER RECRUITMENT AND SELECTION

RECOMMENDATION/COMMITTEE DECISION

Minutes No: CEO.134

Moved: Cr Mencshelyi

Seconded: Cr Hughes

That Council:

- 1. Adopt the Chief Executive Officer Review and Selection Committee Terms of Reference as provided in Attachment 1.**
- 2. Confirms the following as members of the selection panel for the employment of the Chief Executive Officer:**
 - Members of the Chief Executive Officer Review and Selection Committee, comprising of Cr Chris Antonio, Cr Michael Ryan, Cr Julie Williams, Cr Attila Mencshelyi and Cr Des Hughes; and**
 - Hon. Mia Davies (independent panel member as per decision C.4730).**

CARRIED 5/0

Shire of Northam CEO Review Committee Terms of Reference 2021 - 2023

**TERMS OF REFERENCE
SHIRE OF NORTHAM CHIEF EXECUTIVE OFFICER REVIEW AND
SELECTION COMMITTEE**

1. Objectives of the Shire of Northam ~~CEO~~ Chief Executive Officer Review and Selection Committee

The primary objective of the Shire of Northam CEO Review and Selection Committee is to make recommendations to Council on: ~~the Shire of Northam's CEO's past performance and future performance requirements.~~

- The review of the Chief Executive Officer's salary and performance;
- Employment of the Chief Executive Officer;
- Other matters referred by Council.

2. Powers of the Shire of Northam ~~CEO~~ Chief Executive Officer Review and Selection Committee

The committee is a formally appointed committee of Council and is responsible to that body. The committee does not have executive powers or authority to implement actions in areas over which the ~~CEO~~ Chief Executive Officer has legislative responsibility and does not have any delegated financial responsibility. The committee does not have any management functions and cannot involve itself in management processes or procedures.

The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the ~~CEO~~ Chief Executive Officer.

3. Membership

The committee shall consist of elected members only, being:

- Shire President
- Deputy Shire President
- Three (3) Elected Members

All members have full voting rights.

4. Meetings

The committee shall meet as and when required.

Additional meetings shall be convened at the discretion of the presiding member.

5. Reporting

CEO-TR-02 CEO Review Committee Terms of Reference 2021 - 2023_DRAFT
~~CEO-TR-02 CEO Review Committee Terms of Reference 2021 - 2023_V2~~

Shire of Northam CEO Review Committee Terms of Reference 2021 - 2023

Minutes and recommendations of each committee meeting shall be presented to the next Ordinary Meeting of the Council.

7. URGENT BUSINESS APPROVED BY DECISION

Nil.

8. DATE OF NEXT MEETING

19 July 2023 at 3:30pm.

9. DECLARATION OF CLOSURE

There being no further business, the Shire President, Cr C R Antonio, declared the meeting closed at 4:14pm.

"I certify that the Minutes of the Chief Executive Officer Review Committee Meeting held on 12 July 2023 have been confirmed as a true and correct record."


_____ Presiding Member

19 July 2023 Date