



Shire of Northam
Heritage, Commerce and Lifestyle

Shire of Northam

Minutes

Chief Executive Officer Review and Selection Committee

19 July 2023

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1. DECLARATION OF OPENING

The Shire President, Cr C R Antonio declared the meeting open at 3:39pm.

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

Guests:

Independent Panel Member	Hon. Mia Davies
Mills Recruitment (Consultant)	Peter Casey

Staff:

Governance Coordinator	A C McCall
People and Culture Coordinator	J Byers entered at 3:54pm and left at 4:08pm

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.	Name	Type of Interest	Nature of Interest
Appointment of Chief Executive Officer	6.1	Cr C R Antonio	Impartiality	Some of the applicants are known to Cr Antonio.
		Cr M P Ryan	Impartiality	Some of the applicants are known to Cr Ryan.
		Cr A J Mencshelyi	Impartiality	Some of the candidates and panel member are known to Cr Mencshelyi.
		Cr J E G Williams	Impartiality	Some of the applicants are known to Cr Williams.
		Cr D A Hughes	Impartiality	Some of the applicants are known to Cr Hughes.
		Hon. Mia Davies	Impartiality	Some of the applicants are known to Hon. Davies.

5. CONFIRMATION OF MINUTES

5.1 COMMITTEE MEETING HELD ON 12 JULY 2023

RECOMMENDATION / COMMITTEE DECISION

Minute No: CEO.135

Moved: Cr Williams

Seconded: Cr Mencshelyi

That the minutes of the Chief Executive Officer Review Committee meeting held on 12 July 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 – Appointment of Chief Executive Officer as some of the applicants are known to Cr Antonio.

Cr M P Ryan declared an "Impartiality" interest in item 6.1 – Appointment of Chief Executive Officer as some of the applicants are known to Cr Ryan.

Cr A J Mencshelyi declared an "Impartiality" interest in item 6.1 – Appointment of Chief Executive Officer as some of the candidates and panel member are known to Cr Mencshelyi.

Cr J E G Williams declared an "Impartiality" interest in item 6.1 – Appointment of Chief Executive Officer as some of the applicants are known to Cr Williams.

Cr D A Hughes declared an "Impartiality" interest in item 6.1 – Appointment of Chief Executive Officer as some of the applicants are known to Cr Hughes.

Hon. Mia Davies declared an "Impartiality" interest in item 6.1 – Appointment of Chief Executive Officer as some of the applicants are known to Hon. Davies.

6.1 APPOINTMENT OF CHIEF EXECUTIVE OFFICER

RECOMMENDATION / COMMITTEE DECISION

Minute No: CEO.136

Moved: Cr Mencshelyi

Seconded: Cr Hughes

1. That Council:

- (a) Approves the making of an offer to the candidate named in the Selection Report detailed in the confidential attachment for the position of CEO at the Shire of Northam as the person the Council believes to be most suitably qualified for the position;
- (b) Approves and is satisfied with the proposed terms of the Draft CEO employment contract detailed in the confidential attachment being for a period of 5 years inclusive of a Total Reward Package valued at \$317,410 calculated in accordance with the 2023 Salaries and Allowances Tribunal Local Government Determination Band 2 range.

**CARRIED 5/0
BY ABSOLUTE MAJORITY**

RECOMMENDATION / COMMITTEE DECISION

Minute No: CEO.137

**Moved: Cr Mencshelyi
Seconded: Cr Hughes**

2. That Council:

- (a) Authorise the Shire President to execute the CEO employment contract and apply the common seal in accordance with section 9.49A(1)(a) of the Local Government Act 1995, subject to the candidate agreeing to enter into the proposed terms of the CEO employment contract without amendment;**
- (b) Notes that subject to the candidate named in Selection Report accepting the proposed terms of the CEO employment contract, the candidate is appointed to the position of CEO at the Shire of Northam;**
- (c) Notes that, if the candidate negotiates under clause 12 of Schedule 2 of the Local Government (Administration) Regulations 1996 terms different to the proposed terms, the Shire President will present the amended proposed contract to Council for approval before the contract is executed.**

CARRIED 5/0

RECOMMENDATION / COMMITTEE DECISION

Minute No: CEO.138

**Moved: Cr Williams
Seconded: Cr Ryan**

That Council withhold all decision relating to the Chief Executive Officer recruitment process / contract from public record until the contract has been executed.

CARRIED 5/0

Ms Jan Byers entered the meeting at 3:54pm.

6.2 COMMENCEMENT DATE FOR CHIEF EXECUTIVE OFFICER / APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

MOTION / COMMITTEE DECISION

Minute No: CEO.139

Moved: Cr Williams

Seconded: Cr Hughes

That Council advertise internally to the Executive Managers for the position of Temporary Chief Executive Officer for the period commencing approximately on 4 September 2023 to 13 October 2023.

CARRIED 5/0

Ms Jan Byers left the meeting at 4:08pm.

MOTION / COMMITTEE DECISION

Minute No: CEO.140

Moved: Cr Williams

Seconded: Cr Ryan

That Council withhold decision CEO.139 from public record until the process has been finalised.

CARRIED 5/0



Shire of Northam Policy Manual (Section I)
Policy
G 1.6 Approval of annual & long service leave for the CEO and
appointment of an Acting CEO

GOVERNANCE

G 1.6 Approval of annual & long service leave for the CEO and appointment of an Acting CEO

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.4691
<i>Resolution Date</i>	15/03/2023
<i>Next Scheduled Review</i>	2025
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	S5.36, 5.39C, 5.40 Local Government Act 1995

OBJECTIVE

To establish policy, in accordance with Section 5.39C of the Local Government Act 1995 ('the Act'), that details the Shire of Northam's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

SCOPE

This policy applies to the statutory position of Chief Executive Officer (CEO) of the Shire of Northam.

POLICY

1. Definitions:

- (1) **Acting CEO** means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.
- (2) **Temporary CEO** means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

2. Approval of Annual & Long Service Leave

The Shire of Northam Council approves the taking of leave by the Chief Executive Officer and the appointment of an Acting Chief Executive Officer for a period not exceeding six (6) weeks, in accordance with the following parameters:



Shire of Northam Policy Manual (Section I)
Policy
**G 1.6 Approval of annual & long service leave for the CEO and
appointment of an Acting CEO**

1. The Shire President, or in his/her absence the Deputy Shire President, authorise all annual and long service leave to be taken by the Chief Executive Officer, so long as the period of leave does not exceed 6 weeks.

3. **Acting and Temporary CEO Requirements and Qualification**

- (1) When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.
- (2) Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive position(s) of Executive Manager/s are considered suitably qualified to perform the role of Acting or Temporary CEO.
- (3) A person appointed to act in the position of Executive Manager/s is not included in the determination set out in Clause 3 (2).

4. **Appoint Acting CEO – Planned and unplanned leave for periods up to 6 weeks**

- (1) The CEO is authorised to appoint the Executive Manager/s in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the Executive Manager/s performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
- (2) The CEO must appoint an Acting CEO for any leave periods greater than 5 days and less than 6 weeks.
- (3) The CEO is to immediately advise all Council Members when and for what period of time the Executive Manager/s is appointed as Acting CEO.
- (5) Council may, by resolution, extend an Acting CEO period under subclause (4) beyond 6 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties.

5. **Appoint Acting CEO for extended leave periods greater than 6 weeks but less than 12 months.**

- (1) This clause applies to the following periods of extended leave:
 - a. Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and



*Shire of Northam Policy Manual (Section I)
Policy*

*G 1.6 Approval of annual & long service leave for the CEO and
appointment of an Acting CEO*

- b. **Substantive CEO's Extended Unplanned Leave** which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- (2) The Council will, by resolution, appoint an Acting CEO for periods greater than 6 weeks but less than 12 months, as follows:
- a. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - b. Conduct an external recruitment process in accordance with clause 6(1)(c).
- (3) The President (or in their absence the Deputy President) will liaise with the CEO, or in their unplanned absence the People and Culture Coordinator to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- (4) Subject to Council's resolution, the President (or in their absence the Deputy President) will execute in writing the Acting CEO appointment with administrative assistance from the People and Culture Coordinator.
- 6. Appoint Temporary CEO – Substantive Vacancy**
- (1) In the event that the substantive CEO's employment with the Shire of Northam is ending, the Council when determining to appoint a Temporary CEO may either:
- a. by resolution, appoint an Executive Manager/s as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
 - b. by resolution, appoint an Executive Manager/s as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - c. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.
- (2) The President (or in their absence the Deputy President) will liaise with the People and Culture Coordinator to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- (3) The President (or in their absence the Deputy President) is authorised to execute in writing the appointment of a Temporary CEO in accordance with



*Shire of Northam Policy Manual (Section I)
Policy
G 1.6 Approval of annual & long service leave for the CEO and
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Councils resolution/s, with administrative assistance from the People and Culture Coordinator.

7. Remuneration and conditions of Acting or Temporary CEO

- (1) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at no less than 85% of the cash component only of the substantive CEO's total reward package.
- (2) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.
- (3) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

7. URGENT BUSINESS APPROVED BY DECISION

Nil.

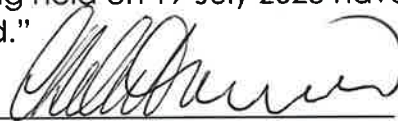
8. DATE OF NEXT MEETING

2 August 2023 at 4:00pm.

9. DECLARATION OF CLOSURE

There being no further business, the Shire President, Cr C R Antonio, declared the meeting closed at 4:11pm.

"I certify that the Minutes of the Chief Executive Officer Review & Selection Committee Meeting held on 19 July 2023 have been confirmed as a true and correct record."



Presiding Member

2 August 2023 Date