



Shire of Northam
Heritage, Commerce and Lifestyle

Shire of Northam

Agenda

Chief Executive Officer Review & Selection Committee

2 August 2023

NOTICE PAPER

Chief Executive Officer Review & Selection Committee Meeting

2 August 2023

Committee Members

I inform you that a Chief Executive Officer Review Committee meeting will be held in the Meeting Room, located at 395 Fitzgerald Street, Northam on 2 August 2023 at 4:00pm.

Yours faithfully



Chris Antonio
Shire President

28 July 2023

DISCLAIMER

This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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1. DECLARATION OF OPENING

2. ACKNOWLEDGEMENT TO COUNTRY

The Shire of Northam would like to acknowledge the Traditional Owners of the land on which we meet, the Ballardong and Whadjuk people of the Nyoongar nation and pay our respects to Elders, past present and emerging.

3. ATTENDANCE

Committee:

Shire President
Deputy Shire President
Councillors

C R Antonio
M P Ryan
J E G Williams
A J Mencshelyi
D A Hughes

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

5. CONFIRMATION OF MINUTES

5.1 COMMITTEE MEETING HELD ON 19 JULY 2023

RECOMMENDATION

That the minutes of the Chief Executive Officer Review Committee meeting held on 19 July 2023 be confirmed as a true and correct record of that meeting.

6. COMMITTEE REPORTS

6.1 FINALISATION OF CHIEF EXECUTIVE OFFICER RECRUITMENT PROCESS

RECOMMENDATION

That Council certifies that the Chief Executive Officer recruitment process completed on execution of the Chief Executive Officer employment contract dated 20 July 2023 and approved by Council Resolution C.4814 dated 19 July 2023, was conducted in accordance with the Shire of Northam's adopted standards for CEO recruitment.

ABSOLUTE MAJORITY REQUIRED

6.2 APPOINTMENT OF TEMPORARY CHIEF EXECUTIVE OFFICER



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:



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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



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- 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



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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.

6.3 APPLICATION OF POLICY G 1.14 GRATUITY, GIFTS AND DEPARTING EMPLOYEES



Shire of Northam Policy Manual (Section I)
Policy
G 1.14 Gratuity, Gifts and Departing Employees

GOVERNANCE

G 1.14 Gratuity, Gifts and Departing Employees

<i>Responsible Department</i>	Chief Executive Officer
<i>Resolution Number</i>	C.4052
<i>Resolution Date</i>	21/10/2020
<i>Next Scheduled Review</i>	2022
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	<i>Pursuant to s 5.50 of the Local Government Act 1995 Local Government Regulations – Reg 19A – Restrictions on Gratuity Payments to Employees</i>

OBJECTIVE

To ensure the public is informed on the basis for any such gratuity payment and all local government staff are familiar with the legislative requirements regarding gratuities for the formal recognition of satisfactory and extended service by the local government's employees.

SCOPE

All employees.

POLICY

1 Gifts & Gratuity Payments

When an employee's services are ceasing with the Shire of Northam for any of the reasons identified below, the employee may be entitled to a gratuity payment as outlined within this policy, based on completed years of service:

- Resignation (not as a result of any performance management or investigation being conducted by the local government);
- Retirement; or
- Redundancy



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The gratuity payment identified within this policy does not apply to an employee who has been dismissed by the local government for any reason other than redundancy.

2 Gifts and Gratuity Payments – Value Limits

The Shire of Northam may purchase a gift or provide a gratuity payment in recognition of the service provided by an employee whose employment with the Shire is finishing as follows:

- (a) 3 - 10 years continuous service – a gift or payment of \$50 for each year of completed services
- (b) > 10 years continuous service – a gift of \$100 for each year of completed services to a maximum value of \$3,000

Employees whose employment is finishing and have served in excess of fifteen (15) years will be invited to attend a meeting of Full Council, where the Shire president and Chief Executive Officer shall make a presentation to the employee recognising their years of service to the Shire of Northam.

3 Exercise of discretion

- (1) A payment and the amount of that payment under this policy is to be at the discretion of –
 - (a) Council, if the employee is the Chief Executive Officer; or
 - (b) the Chief Executive Officer, if the employee is not the Chief Executive Officer.

7. URGENT BUSINESS APPROVED BY DECISION

8. DATE OF NEXT MEETING

13 September 2023.

9. DECLARATION OF CLOSURE