



AGENDA

LATE REPORTS COUNCIL MEETING

2 MARCH 2023

Our Community Vision

"We are a thriving region which is safe, liveable and welcoming.

We value our quality of life and embrace our natural environment which affords us both economic and recreational pursuits.

Our industries are recognised for their resilience, quality and innovation and for their contribution to the state of Western Australia.

Our economic diversity provides business and employment opportunities for all."

	LATE REPORTS	PAGE
1		
L.1	Resignation of Chief Executive Officer and Pathway for the Recruitment of a New Chief Executive Officer	3

ATTACHMENT

L.1 Resignation of Chief Executive Officer and Pathway for the Recruitment of a New Chief Executive Officer

PROPONENT	Shire of Manjimup
OWNER	N/A
LOCATION / ADDRESS:	N/A
WARD:	N/A
ZONE:	N/A
DIRECTORATE:	Office of the CEO
FILE REFERENCE:	F230040
LEGISLATION:	<i>Local Government Act 1995</i>
AUTHOR:	Andrew Campbell
DATE OF REPORT:	24 February 2023
DECLARATION OF INTEREST:	The author of this report is the existing Chief Executive Officer

BACKGROUND:

On Friday 24 February 2023 the Chief Executive Officer provided a notice of resignation to the Shire President in accordance with Clause 11.4(1) of his employment contract with the Shire of Manjimup.

Termination at will by the Chief Executive Officer under this Clause requires a three month notice period. The Chief Executive Officer has advised the Shire President of the proposal to work until the 17 March 2023 and then take the remaining three month notice period as accrued leave. The Chief Executive Officers' final day of employment is 18 May 2023.

The purpose of this report is for Council to consider the appointment of an Acting Chief Executive Officer during the period of leave of the Chief Executive Officer and to chart the pathway for Council's recruitment of a new Chief Executive Officer.

PUBLIC CONSULTATION UNDERTAKEN:

Nil.

COMMENT (Includes Options):

In accordance with Council Policy *2.1.3 Appointment of Acting Chief Executive Officer and Senior Managers* Council is to appoint an Acting Chief Executive Officer for any scheduled absence of the Chief Executive Officer that is more than four weeks in duration.

Whilst the Chief Executive Officer has rotated the Acting Chief Executive Officer role through each of the Shire of Manjimup's Directors under delegation in past years, it is considered in this instance that the Director of Development and Regulation, Mr Brian Robinson is best placed to be the Acting Chief Executive Officer for the period 20 March 2023 to 18 May 2023. After this time the Chief Executive Officer recruitment process is expected to be well underway and

Council will be able to make further decisions on the Acting Chief Executive position until the Chief Executive Officer position is filled.

The process of appointing a Chief Executive Officer has changed significantly in recent times due to the Local Government reform process. The Chief Executive Officer Review Advisory Committee and Council Policy 1.2.12 *Chief Executive Officer Selection Panel* provide current guidance to the recruitment of a Chief Executive Officer. Councillors Omodei, Dawson Vidovich, Taylor, Skoss and Ventriss are current members of the Chief Executive Officer Review Advisory Committee. The Terms of Reference for the Committee and the Policy document are provided for reference.

ATTACHMENT: L.1(1)

ATTACHMENT: L.1(2)

Council will need to determine whether to use a recruitment consultant, and who the “independent” person will be on the Chief Executive Officer Selection Panel in addition to a range of matters specifically related to the Chief Executive Officer position such as the job description. The correct mechanism to determine these matters is via the Chief Executive Officer Review Advisory Committee which should be convened forthwith. It is recommended that the Shire of Manjimup’s Director Business, Mr Greg Lockwood, is the conduit to facilitate the administration of this process.

STATUTORY ENVIRONMENT:

The *Local Government Act 1995* and subsidiary legislation guides the statutory appointment process of the Chief Executive Officer.

POLICY / STRATEGIC IMPLICATIONS:

The Chief Executive Officer Review Advisory Committee and Council Policy 1.2.12 *Chief Executive Officer Selection Panel* guide the process of recruitment of a Chief Executive Officer.

ORGANISATIONAL RISK MANAGEMENT:

Under the recent reforms to the *Local Government Act 1995* it is critical to ensure that the correct statutory process is followed. If the correct process is not followed, the appointment of a new Chief Executive Officer may be disallowed by the State Government and Council will be required to recommence the process from the start.

FINANCIAL IMPLICATIONS:

The recruitment of a Chief Executive Officer is likely to come at a considerable expense primarily due to the use of a recruitment consultant and matters such as advertising. The financial expense will be required to be funded through the existing budget.

SUSTAINABILITY:

Environmental: Nil.

Economic: Nil.

Social: Nil.

VOTING REQUIREMENTS: SIMPLE MAJORITY

OFFICER RECOMMENDATION:

That Council:

- 1. Appoint Mr Brian Robinson as Acting Chief Executive Officer for the period of 20 March 2023 to 18 May 2023;**
- 2. Convene a meeting of the Chief Executive Officer Review Committee to discuss the recruitment of a Chief Executive Officer at the earliest convenience; and**
- 3. Appoint Mr Greg Lockwood as the administrative support to the Chief Executive Officer Review Committee.**

ATTACHMENTS

- | | |
|--|---------|
| 1 ↓ CEO Advisory Committee Terms of Reference | 1 Page |
| 2 ↓ Council Policy 1.2.12 Chief Executive Officer Selection Panel | 3 Pages |



CHIEF EXECUTIVE OFFICER REVIEW ADVISORY COMMITTEE TERMS OF REFERENCE

Status:	<u>Occasional Committee</u>
Members:	Shire President and 4 Councillors (Total 5)
Proxies:	Nil
Quorum:	At least 3 Members
Term of Appointment:	2 years to 21 October 2023
Officer Responsible:	Chief Executive Officer
Meetings:	Annually
Reporting:	Direct to Council
Delegated Power:	Nil

FUNCTIONS OF COMMITTEE

1. To review the progress and performance of the Chief Executive Officer against pre-determined objectives.
2. Oversee the appointment process and recommendation to Council of a new Chief Executive Officer.

CURRENT MEMBERS FROM 21 OCTOBER 2021

Cr Paul Omodei	Shire President
Cr Robert Taylor	Councillor
Cr Murray Ventris	Councillor
Cr Kim Skoss	Councillor
Cr Susan Dawson Vidovich	Councillor



1. COUNCIL POLICIES
1.2 OFFICE OF CEO
1.2.12 Chief Executive Officer Selection Panel

Background and Issues

One of the fundamental roles of Council is the employment of the local government's Chief Executive Officer (CEO) to action Council's business.

As part of this process, the Shire of Manjimup is required to establish a selection panel to conduct and facilitate the recruitment and selection process. The selection panel should be made up of elected members (the number of which is determined by the Council) and must include at least one independent person.

Objectives

The purpose of this policy is to guide Council on the establishment of a CEO Selection Panel to employ a CEO for the Shire of Manjimup in the event the position is vacant.

Definitions

Independent Person – 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.

Area of Application

This policy applies only in the recruitment of a CEO for the Shire of Manjimup. This policy should be read in conjunction with Council's adopted document, *Shire of Manjimup Standards for Chief Executive Officer Recruitment, Performance and Termination* and the *Local Government (Administration) Amendment Regulations 2021*.

Policy Measures

1. Primary Functions of the Panel

The primary function of the selection panel is to assess applicants for the role of CEO, and make a recommendation to Council on the employment of a suitably qualified person to that role.

2. Roles and Responsibilities of Panel Members

To provide a uniform selection process for applicants to vacancies and to create an ethical foundation to which consistent selection decisions are made, selection panel members are expected to uphold certain responsibilities. These include:

- Ensuring all selection procedures comply with the relevant clauses of Division 2 – Standards for recruitment of CEOs of the *Local Government (Administration) Amendment Regulations 2021*;
- Ensuring that all appointments are made on merit;

SHIRE OF MANJIMUP**1. COUNCIL POLICIES****1.2 OFFICE OF CEO****1.2.12 Chief Executive Officer Selection Panel**

- Ensuring that selection procedures are clear, valid and consistently applied by those involved in selecting candidates and that they provide for fair and equitable treatment for those who apply for employment;
- Basing selection decisions and criteria directly on the demands and requirements of the job and the competencies identified as necessary for satisfactory performance; and
- Observing any legal requirements which apply to the selection process.

3. Composition of the Panel

Selection panels for all positions will usually be a maximum of five (5) Councillors and one (1) independent person. The Shire President shall sit on the selection panel.

The four Councillors and Shire President are to be appointed to the Selection Panel by Absolute Majority decision by Council.

The independent person as defined above is recommended to be an independent human resources professional, recruitment consultant, or a recruitment agency not currently engaged by the Shire of Manjimup.

It is recommended that rigorous checks be conducted on any independent consultant before they are engaged to ensure they have the necessary skills and experience to effectively assist the selection panel and Council.

4. Duration of Term

Councillors are to be appointed to the Selection Panel as required to fulfil the statutory requirements of *Local Government (Administration) Amendment Regulations 2021*.

The independent person is to be engaged for the recruitment of the Chief Executive Officer only.

5. Criteria for Appointment of Independent Person to Panel

The independent person should be able to support and advise the Selection Panel, and provide advice on how to conduct the recruitment process. The independent person should be able to assist Council in achieving the following activities:

- development or review of the Job Description Form;
- development of a selection criteria;
- development of assessment methods in relation to the selection criteria;
- drafting of the advertisement;
- conducting an executive search;
- preliminary assessment of the applications;
- shortlisting applicants;

SHIRE OF MANJIMUP
1. COUNCIL POLICIES
1.2 OFFICE OF CEO

1.2.12 Chief Executive Officer Selection Panel

- drafting questions for interview;
- coordinating interviews;
- preparing the selection summary assessment and recommendation;
- arranging for an integrity check and/or police clearance; and
- assisting the Council in preparing the employment contract.

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

6. Confidentiality

All information produced during the selection and recruitment process is to be kept confidential. This is to ensure that the integrity of the employment process is maintained.

All panel members, inclusive of Councillors and the independent person appointed to assist the panel during the selection and recruitment process, must sign a confidentiality agreement to ensure that they are aware of their obligations in this regard.

7. Other requirements

a. Conflicts of Interest

Elected members should declare any previous association with an applicant or any potential conflict of interest at the time of shortlisting if they are part of the selection panel. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence. If the potential conflict of interest is significant or a member's relationship with an applicant may result in claims of nepotism, patronage or bias, the council may need to consider whether to exclude the elected member from the process. The decision should be documented and recorded for future reference.

b. Consistency of Assessment Process

It is important that the assessment process is consistent for all applicants. For example, each applicant is asked the same interview questions which are related to the selection criteria and each are provided with the same information and undertake the same assessments.

REVIEWED AND ADOPTED 27 MAY 2021

NEXT DUE FOR REVIEW MAY 2025

The Administration of this Policy is by Office of CEO
--