



Shire of Woodanilling

Chief Executive Officer

(Package negotiable from \$156,780 to \$240,396 as per SAT Determination 2024)

The Shire of Woodanilling is seeking to appoint a dynamic and innovative Chief Executive Officer. This is a unique opportunity to join a Shire that is energetic, progressive and has a strong connection to its community and environment.

As Chief Executive Officer you will take overall corporate responsibility for the organisation. You will foster a customer service focus, a positive team culture, a cohesive relationship with the Council and the community and a basis for efficient planning and delivery of services provided by the organisation. You will develop and lead the goals and objectives of the Council as set out in plans, budgets, capital works programs and integrated and asset management plans. You will be accountable for the Council's human, financial and physical resources whilst acting as the face of the organisation in the community.

Ideally, you will have intimate knowledge of the workings of local government or have worked within a senior management capacity. Additionally, you will hold relevant tertiary qualifications or have equivalent relevant senior management experience as well as sound knowledge of the outside operations of a small Shire.

A performance based 3 to 5-year contract will be negotiated which includes an attractive remuneration package in the vicinity of \$156,780 to \$240,396 including a negotiable cash component commensurate with qualifications and experience plus generous annual leave, up to 16.5% superannuation (conditional), unrestricted business & private use of a vehicle and rent-free housing and utilities supplied.

Interested applicants may obtain the Position Description by contacting Mike Fitzgerald on 0419907443 or emailing mike@fitzgeraldstrategies.com.au or by downloading the document from <https://www.fitzgeraldstrategies.com.au/local-government-job-vacancies/>

Applications addressed to **Cr Dale Douglas, Shire President**, including a Curriculum Vitae and statement addressing the Selection Criteria should reach the Fitz Gerald Strategies 9 The Crest CANNING VALE WA 6155 or scanned and emailed to mike@fitzgeraldstrategies.com.au by the close of business Friday 24th January 2025.

Mike Fitz Gerald
PRINCIPAL
Fitz Gerald Strategies
Licensed Employment Agent (Lic No EA2423)



Shire of Woodanilling
PO Box 99
WOODANILLING WA 6316
Telephone: (08) 9823 1506
Email: ceo@woodanilling.wa.gov.au

Chief Executive Officer

INFORMATION PACKAGE

January 2025

Advertisement



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2 Information for Applicant

Thank you for your interest in the advertised position of Chief Executive Officer for the Shire of Woodanilling.

Selection on the Basis of Merit

The Shire of Woodanilling is an equal opportunity employer. All applications will be assessed against the same criteria included in the information package and position description.

No application will be considered until after the advertised closing date at which time it will be assessed. Selection will be based on highest merit for the position, past experience and ability to perform the advertised position.

What to include in your application

Your application should include the following information:

- A covering letter
- A statement addressing each of the selection criteria.
- A copy of your current Resumé
- Contact details of three employment referees, preferably one to be your current employer.
- Completed Application Cover Form (see 6 below)
- Signed Declaration Authorisation and Waiver (see 7 below)

Applications should preferably be scanned and lodged electronically by email.

Applications in hard copy should not be submitted in plastic sleeves, binders or files. Please do not submit originals of important documents such as qualifications and references. Submit photocopies only.

Statement Addressing Selection Criteria

Your application should contain a concise statement specifically addressing each of the **SELECTION CRITERIA** in this information package and the Position Description with examples, which demonstrate how you meet the requirements of each objective. Address each item separately and make your comments adequate enough to demonstrate your ability to meet the criteria.

Resume

You should attach a copy of your current resume, listing academic achievement, professional training, memberships and relevant employment experience.

Referees

You should include the names and contact details of at least three referees we can contact to provide information on your past work performance, preferably one to be current employer. Applicants who do not provide referee contact details up front will not be considered for the position.

One copy only

You should provide us with only one copy of your complete application.

Address for Applications

Applications in hard copy should be marked "CEO CONFIDENTIAL" and addressed to:

Cr Dale Douglas – Shire President
9 The Crest
CANNING VALE WA 6155

Email applications are preferred and should be sent to mike@fitzgeraldstrategies.com.au.

Applications close at 4:00pm on Friday 17th January 2025.

Late Applications

Ensure your application is received prior to the closing date and time, late applications will only be considered if prior arrangements are agreed to for late lodgement.

Post Application Process

Short listed applicants will be contacted by telephone to arrange an interview. Unsuccessful applicants will be advised by email.

Pre-employment Medical

The successful applicant will be required to undertake a pre-employment medical examination, prior to commencement, at the Council's expense.

Further Information

Should you require further information about the position, please contact the current CEO on ☎(08) 9823 1506 or ceo@woodanilling.wa.gov.au.

For more information on the Shire please refer to the website at www.woodanilling.wa.gov.au

Remuneration Package

REMUNERATION PACKAGE (DEFINED TERM NEGOTIATED CONTRACT POSITION)

A reward package in the range of \$128,226 to \$201,113 (Band 4 SAT Determination of 2023) including a negotiable cash component commensurate with qualifications and experience plus generous annual leave, up to 16% superannuation, unrestricted business & private use of a vehicle and free housing and utilities, will be negotiated.

The components of the total reward package are:

Cash salary	Negotiable
Superannuation 16.5%	Conditional
Associated FBT (estimate)	TBA
Association Membership Fees & LGMA Conference	Paid in full
Clothing allowance	\$600 per annum
Work mobile & portable device (Inc. all usage and data)	Provided (excluded from package)
Telecommunications Allowance	\$1,200 per annum
Utilities allowance (Gas & Electricity)	Paid in full
Utilities allowance (Water)	\$1,400 per annum
TOTAL	Negotiable

Salary Package and Conditions

1. Contract

A performance based contract of between three (3) – five (5) years duration will be negotiated with the successful candidate.

2. Base Salary

An appropriate salary will be negotiated with the successful candidate. As a guide it is envisaged that a position of this calibre will command a cash component in the range of \$110,000 to \$150,000 per annum, with the overall package to fall within the total remuneration package range of \$136,023 - \$213,356 per annum, in accordance with the latest SAT Band 4 Determination.

3. Hours of Work

As the Chief Executive Officer of the Shire of Woodanilling, flexibility is required, and additional hours will be needed at times to achieve objectives and attend meetings, and this is reflected in the compensation for the position.

4. Housing

The Council will provide a well-appointed 4 x 1 home, the benefit value of the house is \$13,000 per annum. This is currently outside the reportable SAT remuneration calculation.

5. Motor Vehicle

Council will provide a fully maintained vehicle which includes unrestricted private use within Western Australia.

6. Water Allowance

Council will provide up to \$1,400 per annum towards water usage charges.

7. Corporate Clothing Allowance

Council will provide up to \$600.00 per annum towards the CEO's corporate wardrobe.

8. Telecommunication Allowance

Council will provide a mobile phone and laptop/iPad for work purposes also pay all usage and data fees.

A telecommunications allowance of up to \$1,200 per annum towards the costs of home based communications including internet.

9. Relocation Expenses

Council will reimburse reasonable relocation expenses for the successful applicant to relocate to Woodanilling. The successful applicant will be required to submit a minimum of three (3) quotes prior to engaging relocation services. Receipts verifying expenditure must be produced.

Reimbursement to be made in the following manner:

- 50% of the agreed cost will be reimbursed upon commencement of employment. The remaining 50% of the agreed cost will be reimbursed on completion of 12 months service.
- 100% of the relocation costs will be reimbursed to the Shire by the successful applicant if he/she leaves their position within 12 months of service, and 50% within two years of service.

10. Superannuation

Employees have the choice to nominate a compliant superannuation fund of their choice or the WA Local Government Superannuation Plan.

(a) Superannuation Guarantee

Council currently contributes 11.5% of salary. This will be paid to a compliant fund of your choice.

(b) Additional contributions (optional)

Council currently contributes up to an additional 5% of salary when an employee contributes a minimum of 5% of their salary.

11. Probationary Period

A six (6) month probationary period is applicable to this position. At the successful completion of this period, your permanency will be confirmed by the Council.

12. Pre-Employment Medical

The successful applicant will be required to successfully complete a pre-employment medical prior to commencement. Full documentation for the requirements of the position will be given to the Medical Practitioner, prior to the examination and costs are paid for by the Shire of Woodanilling. Existing medical conditions will not preclude an appointment.

13. Annual Leave

Employees will be entitled to five (5) weeks annual leave. Leave loading is already included in the remuneration package.

Model Contract & Position Description

THIS CONTRACT OF EMPLOYMENT

is made on the _____ day of _____ 2025

BETWEEN:

1. **Shire of Woodanilling**
PO Box 99
WOODANILLING WA 6316
(Employer)

and

- 2 **Name**
Address
Address
(Employee)

1. POSITION

- 1.1 The position is that of Chief Executive Officer of the Local Government. This contract relative to that position is made under and subject to the Local Government Act 1995.

2. DEFINITIONS

In this Contract:

- 2.1 "Act" means the *Local Government Act 1995*;
- 2.2 "Award" means the *Western Australia Salaries and Allowances Act 1975*;
- 2.3 "CEO" means the Chief Executive Officer of the Local Government;
- 2.4 "Confidential Information" means any and all confidential information, data, reports, operations, dealings, records, materials, plans, statistics, finances or other agreements and things (other than an agreement or thing which is already in the public domain), whether written or oral and of whatever type or nature relating to property, assets, liabilities, finances, dealings or functions of the Council or any undertaking from time to time carried out by the Council.
- 2.5 "Council" means the Council of the Local Government;
- 2.6 "Long Service Leave Regulations" means the Local Government (Long Service Leave) Regulations.
- 2.7 "Policies" means the policies adopted by Council.
- 2.8 "Position" means the office or position defined in Clause 1.
- 2.9 "Remuneration Package" means the total of the remuneration package specified in Clause 12.
- 2.10 "Term" means, the term specified in Clause 4.

3. CONSTRUCTION

Unless expressed to the contrary, words importing:

- 3.1 The singular include the plural and vice versa.
- 3.2 If a word or phrase is defined, cognate words or phrases having corresponding definitions;
A reference to:
- 3.3 A person includes a firm, an unincorporated association, an incorporated association, a corporation and a government or statutory body or authority.
- 3.4 A person includes their legal personal representatives, successors and assigns.
- 3.5 A statute, ordinance, code, regulation, award or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
- 3.5 A right includes a benefit, remedy, discretion, authority or power.
- 3.6 An obligation includes a warranty or representation and a reference to a failure to observe or perform an obligation includes a breach of warranty or representation.
- 3.7 Provisions or terms of this Contract, or another document, contract, understanding or arrangement include a reference to both express and implied provisions and terms.
- 3.8 This Contract or any other document includes this Contract or other document as varied or replaced and notwithstanding any change in the identity of the parties.
- 3.9 Writing includes any mode of representing or reproducing words in tangible and permanently visible form, and includes facsimile transmissions or other electronic mail or transmissions.
- 3.10 Anything (including, without limitation, any amount) is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to anyone or more of them.
- 3.11 Headings are for convenience only and do not affect the interpretation of this Contract.

4. TERM OF EMPLOYMENT

Subject to the terms and conditions contained in this contract, the Local Government will employ the CEO for a term of <<Insert number of years>> years, commencing on the <<insert date>> and expiring on the <<insert date>>. Provided that the first six months of the term shall serve as a probation period during which either party may terminate the contract for any reason by giving the other party 1 months' notice or by paying the other party 1 month's salary in lieu of notice.

5. FURTHER CONTRACTS

There is no compulsion on either the Council or the CEO to agree to a new Contract. The Council and/or the CEO shall initiate discussions not later than 6 months prior to the expiry of the Term for the parties to enter into a new Contract for a further term with the Council making a decision to finalise those discussions not later than 3 months prior to the expiry of the term of this Contract. In the event that the Council and the CEO agree to a new contract, a new contract will be executed.

6. CHIEF EXECUTIVE OFFICER'S DUTIES AND FUNCTIONS

The CEO must carry out the duties and functions as are:

- 6.1 set out in the Position Description and as varied from time to time by agreement between the parties;
- 6.2 set out in the policies of the Local Government as adopted by the Local Government from time to time during the term of employment;
- 6.3 imposed by the Act or in any other statute and associated regulations relevant to the position.

The CEO shall:

- 6.4 work such reasonable hours as are necessary to carry out the duties and functions of the position;
- 6.5 observe and carry out all lawful directions given by the Council, in relation to the performance of the CEO's duties and functions under this Contract;
- 6.6 disclose any financial or other interest relating to the business of the Local Government in accordance with the Act or which conflicts or may conflict with the discharge of the duties and functions of the office and comply with any reasonable direction given by the Council in respect of that interest;
- 6.7 devote the whole of his/her professional effort to his/her employment and will not hold any position or take on any activities which may in any way be seen to conflict with the CEO's obligations under this contract unless approved by the Council (or, if the Council so chooses, by the President).

7. PERFORMANCE STANDARDS

7.1 The following performance criteria apply to this contract:

- Effectively and efficiently carry out all the statutory functions required of a CEO
- Ensuring sound administrative and financial controls are in place
- Managing, developing and co-ordinating Council's resources
- Meeting all statutory obligations
- Using sound business practices to deliver programmes and services within budget and in accordance with Council's approved plan
- Making timely and sound decisions
- Fostering the development of a common vision and organisational values
- Willing to challenge the status quo and implement change where appropriate

5. REQUIREMENTS OF THE POSITION

- To manage the day-to-day operations of the local government
- To liaise with the President on the local government's affairs and the performance of the local governments functions
- To provide effective leadership, direction and motivation of human resources, to participate in staff performance review processes, and to ensure that staff are appointed, promoted, demoted and terminated within a culture of equity, fairness and with due consideration of relevant employment legislation and established best practice
- To maximise the use of initiative to capitalise on opportunities which will advance the cause of improved local government and community services in the Shire of Woodanilling.
- To foster an environment which encourages and facilitates economic development in the town and district
- To ensure the effective implementation of the Council's budget, policies, programmes and decisions and that all resource are deployed towards these ends
- To fulfil the statutory requirements of Chief Executive Officer and to advise Council on its compliance with the Local Government Act and other relevant statutes, and, to fulfil the role of Returning Officer
- To brief the President and Councillors on their statutory and community roles and to provide training and development opportunities to assist
- To assist and advise in the development of responsible and appropriate corporate objectives and policies
- To be the principal adviser to Council on matters of policy, and on their statutory powers and limitations
- To ensure that the annual budget and capital works programme are submitted to Council on time for their approval
- To develop a customer service focus throughout the organisation in order to foster excellent community relationships
- To maintain effective administrative procedures and systems
- To promote a positive image of the Council and the organisation by developing and maintaining sound relationships with the general community
- To represent the council on various community bodies to foster effective relationships
- To ensure the Council is properly advised on all matters of relevance and importance, and on any exceptional matters likely to influence the Council's planning or operational activities
- To attend all Council meetings and other official functions as required or deemed necessary
- To undertake or initiate special projects or any other duties required by the Council
- To engage in self-development activities and maintain the highest ethical and managerial standards
- To promote and implement effective occupational health and safety practices
- To ensure that the road infrastructure data base is maintained in a timely manner

8. PERFORMANCE REVIEWS

- 8.1 Council will ensure that a review of the CEO's performance is conducted annually or more frequently if the Council or the CEO perceives there is a need to do so.
- 8.2 In any case, a performance review will be initiated at the 6 month probation period and annually thereafter.
- 8.3 Performance reviews will be conducted in accordance with the provisions of this contract.
- 8.4 Where an external facilitator is to be used, both parties must agree to the nominated facilitator.
- 8.5 The CEO will prepare and submit to the council and/or facilitator an assessment of his/her own performance prior to the assessment by council.

- 8.6 The final report on the performance of the CEO is to be forwarded to Council for consideration to either accept or reject the report.

9. CONFIDENTIAL INFORMATION

- 9.1 The CEO shall not divulge any confidential information about the Local Government both during and after his/her term of employment with the Local Government. Confidential information includes all information and intellectual property relating to the functions and operations of the Local Government which is not made available to the public.
- 9.2 In the event of termination, the CEO must deliver to the Local Government all confidential information relating to the local government in the CEO's possession and must not keep or make copies of such information.

10. CONDUCT

- 10.1 The CEO shall at all times carry out his/her duties and functions in the best interests of the Local Government, and ensure that the CEO's actions do not bring the Local Government into disrepute or cause the Local Government damage.
- 10.2 The CEO will comply with the code of conduct adopted by the Local Government pursuant to section 5.103 of the Act or as prescribed in Regulations under the Act.

11. SUSPENSION

- 11.1 The Council may suspend the CEO from duty on full pay during any period in which the CEO has been charged with a criminal offence or a Local Government offence, and that charge has not been determined or where the Council deems it necessary to suspend the CEO for a reasonable period so as to allow the Council to investigate any serious allegations against the CEO in respect to misconduct or a breach of this contract.

12. REMUNERATION

In order to ensure compliance with section 5.39 (7) and (8) of the *Local Government Act 1995*, the remuneration package is categorised as follows to reflect the provisions of the Salaries and Allowances Tribunal's Determination dated 6 April 2023.

Consequently, the remuneration is detailed into 3 categories:

- Total Reward Package
- Regional / Isolation Allowance
- Other benefits

The Local Government will provide the CEO with the remuneration package detailed below:

- 12.1 The CEO shall be entitled to a total remuneration package of \$(Negotiable) per annum, which takes into account:
- the requirement to attend Council meetings outside working hours;
 - An acknowledgment that the position is measured on performance and not on the number of hours worked; and
 - All additional loadings and allowances.

The components represented by the total reward package shall include:

- Base salary

- Annual Leave Loading (deemed to be included in base salary)
- Associated FBT accrued (total annual amount of fringe benefits tax paid by the local government for all fringe benefits provided to the CEO).
- Association membership fees
- Attraction/retention allowance (not being provided for under Schedule 2 of the SAT Determination)
- Cash bonus and performance incentives
- Fitness club fees
- Grooming / clothing allowance
- Health insurance
- School fees
- Superannuation (all mandatory and non-mandatory employer superannuation contributions)
- Travel or any other benefit taken in lieu of salary.
- Travel for spouse or any other family member
- Utilities allowances (any water, power or any other utility subsidy provided to the CEO); and
- Any other form of payment, in cash or not, in consideration of a reward or benefit of the CEO's duties.

The components of the total reward package are:

Cash salary	Negotiable
Superannuation 16%	Conditional
Associated FBT (estimate)	TBA
Association Membership Fees & LGMA Conference	Paid in full
Clothing allowance	\$600 per annum
Work mobile & portable device (Inc. all usage and data)	Provided (excluded from package)
Telecommunications Allowance	\$1,200 per annum
Utilities allowance (Gas & Electricity)	Paid in full
Utilities allowance (Water)	\$1,400 per annum
TOTAL	Negotiable

Agreed benefit values are:

12.2 Cash Salary

12.2.1 The Remuneration Package referred to in subclause 12.1 shall be reviewed annually by Council. There is no obligation on the local government to increase the salary or amount of the remuneration package. A review shall not result in a decrease in the Total Reward Package.

12.2.2 The CEO's salary shall be payable fortnightly, in arrears to an account nominated by the CEO.

12.3 Superannuation Contributions

12.3.1 The Local Government will make Superannuation Guarantee Contributions during the term of the contract of 11% of the Chief Executive Officer's base salary, or such higher percentage as the Government may legislate for from time-to-time.

12.3.2 Subject to the CEO making salary sacrifice contributions to their superannuation up to the maximum allowable employee's contributions under the legislation, the local government shall make an additional contribution equivalent to 5% of the CEO's base salary and any isolation allowance paid.

12.3.3 The CEO may elect to pay additional superannuation contributions as part of the salary sacrifice arrangement with the Local Government. Such an agreement will result in a lower cash component being paid to the CEO.

12.4 Gas, Electricity & Water Allowance

12.4.1 This allowance is calculated on an FBT-year basis (i.e. From 1 April to 31 March in the following year). Part-year entitlements are calculated on a pro rata basis.

12.4.2 For employees resident in the Shire-owned dwellings, the Shire will continue to pay the gas, electricity and water bills.

12.5 Fringe Benefits Tax

12.5.1 The Local Government shall pay any liability with respect to Fringe Benefits Tax incurred as a result of the benefits provided in this Contract, or the ordinary carrying out of Local Government business by way of functions or travelling.

12.5.2 The Salaries and Allowances Tribunal has determined that the total amount of fringe benefits tax paid by the Local Government for all fringe benefits provided to a CEO must be included in the Total Reward Package for the purposes of compliance with the Tribunal's determination.

12.6 Other benefits (not included in the Total Reward Package)

12.6.1 Motor Vehicle

12.6.1.1 The Local Government shall provide for the private and business use of the CEO a motor vehicle to the standard: minimum seating capacity of five persons.

12.6.1.2 The Salary and Allowances Tribunal has determined that any motor vehicle provided to the CEO by the local government is to be considered a tool of trade, and that any private benefit of the vehicle will not be considered as part of the Total Reward Package.

12.6.1.3 However, the Australian Taxation Office still considers the provision of a motor vehicle to be a taxable Fringe Benefit, and the Salary and Allowances Tribunal has determined that the total amount of FBT for all benefits provided to the CEO will form part of the Total Reward Package. Therefore, FBT relating to the motor vehicle provided will form part of the Total Reward Package, even though the benefit of having a motor vehicle provided will not.

12.6.1.4 Except as provided for in subparagraph 12.9.1.6 (b) of this Agreement, the Local Government shall be responsible for all running costs of the motor vehicle including, but not limited to all registration, insurance, fuel and maintenance costs of the motor vehicle.

12.6.1.5 The CEO is responsible for:

a) Keeping a motor vehicle log book for the first three months of

employment, and for three months immediately following the allocation of any replacement vehicle; and

- b) organising for: the motor vehicle to be maintained, serviced and cleaned in an appropriate manner.

12.6.1.6 Unlimited private use entitles the CEO and a driver designated by the CEO to use the motor vehicle for both business and private purposes in Western Australia and for business and private travel within the state of Western Australia in accordance with Council Policy:

- (a) the terms and conditions of the Local Government's insurance policy in respect of the vehicle in place from time to time with which the CEO agrees to comply; and,
- (b) the CEO paying the cost of fuel purchased outside the Shire during periods of private use (and providing tax invoices therefor for reimbursement by the Shire if not purchased on the Shire fuel card).

12.6.2 Housing

12.6.2.1 The Local Government shall provide, free of rental, the unfurnished residence at 3327 Robinson Road Woodanilling to the CEO for his or her use during the life of this contract.

12.6.2.2 The Salaries and Allowances Tribunal has determined that, where a local government owns a property and provides that property to the Chief Executive Officer for accommodation, the value of this accommodation will not be included in the Total Reward Package.

12.6.3 Salary Sacrifice

12..6.3.1 The CEO may elect to enter into a salary sacrifice arrangement with the Local Government in relation to superannuation contributions to a complying fund or funds of the CEO's choice up to a maximum permitted by law.

12...6.3.2 The CEO may elect to enter into a salary sacrifice arrangement with the Local Government in respect to other FBT free or FBT exempt items.

12..6.3.3 Where the CEO elects to enter into any salary sacrifice arrangement in accordance with 12.8.1 and 12.8.2 above, the cash salary payable in accordance with this Contract shall be reduced accordingly.

12.6.4 T a x Effective Packaging

12.6.4.1 The parties agree that at any time during the term of this Contract they may enter into negotiations and agree to vary any elements of the remuneration package provided in this Contract with a view to making the remuneration package most tax effective and to the parties mutual advantage, provided that such variation shall not add to the cost to the Local Government and are lawful.

12.6.5 Relocation

12.6.5.1 On condition that the CEO remains in the Local Government's employment for a period of at least two years, the Local Government shall pay, on the production of tax invoices by the CEO, reasonable packaging and removalists expenses incurred by the CEO for removal of the CEO's furniture and personal effects from their current residence to Woodanilling in WA.

12.6.5.2 If the CEO's employment with the Local Government is terminated for any reason at any time within the first 12 months of engagement, they shall be liable to reimburse 50% of the packaging and removalist expenses to the Local Government on termination.

12.6.5.3 If the CEO's employment with the Local Government is terminated for any reason at any time after 12 months and before 24 months of engagement, they shall be liable to reimburse 25% of the packaging and removalist expenses to the Local Government on termination.

12.6.5.4 The CEO hereby authorises the Local Government to deduct any amounts that they may be liable to reimburse to the Local Government in accordance with any monies due and payable to the CEO in accordance with this Contract at termination.

12.6.5.5 The costs of relocating household goods, personal effects, furniture and transport of personal vehicles shall be reimbursed to a maximum value of \$6000.

12.6.5.6 The Salaries and Allowances Tribunal has determined that relocation expenses, like reimbursement for other genuine work expenses, is excluded from the Total Reward Package.

12.6.6 Valuation

12.6.6.1 The value to be allocated to each component of the CEO's total remuneration shall be determined by the Local Government in accordance with such valuation principles as it may adopt from time to time to value benefits extended to its employees.

12.6.6.2 Any change in valuation of any component of the remuneration package shall not reduce the total value of the remuneration package:

13. LEAVE

13.1 Annual Leave

13.1.1 The CEO is entitled to five weeks' paid Annual Leave each year, to be taken during agreed periods. No leave loading is to be paid as the remuneration package is deemed to be sufficient to compensate for leave loading.

13.2 Long Service Leave

13.2.1 Long service Leave shall be in accordance with the Local Government (Long Service Leave) Regulations.

13.3 Personal Leave

13.3.1 The CEO is entitled to two weeks (cumulative) per annum paid Personal Leave when he/she is absent:

- due to personal illness or injury (sick leave); or
- for the purposes of caring for an immediate family or household member who is sick and requires the CEO's care and support (carer's leave);

13.3.2 The CEO is entitled to two days Bereavement Leave as non-cumulative leave on any occasion on which a member of the CEO's immediate family or household dies.

13.4 Parental Leave

- 13.4.1 Parental Leave encompasses Maternity Leave, Paternity Leave and Adoption Leave, and is available if the CEO has been employed for a 12 month period or more immediately preceding the commencement of the leave.
- 13.4.2 The leave is unpaid (including Public Holidays), and is available for a period of up to 52 weeks in one unbroken period. Personal leave is not available and no leave entitlements accrue during the period of Parental Leave.
- 13.4.3 The CEO may take any other forms of paid leave to which he/she are entitled, such as annual or long service leave, in substitution for some or all of this 52 week period. The maximum entitlement to Paternity Leave is reduced by any maternity leave taken by the CEO's spouse. Paternity Leave cannot normally be taken while the CEO's spouse is on maternity leave.

13.5 Public Holidays

- 13.5.1 The CEO shall be entitled to Western Australian Gazetted public holidays and 2 days in lieu for the day after New Years Day and the Tuesday after Easter.

14 TERMINATION

14.1 EFFLUXION OF TIME

The employment of the Chief Executive Officer shall, unless a new contract is negotiated, terminate on the expiry date specified in clause 3 of this contract without the need for either party to give notice.

14.2 NOTICE OF TERMINATION

- 14.2.1 Where the termination of the Chief Executive Officer's contract is to be implemented on notice, the Council shall provide the Chief Executive with the lesser of 6 months' notice or the balance of the contract term, where the contract has less than 6 months to run. The Council may elect to pay the Chief Executive Officer in lieu of notice paid at the total remuneration package rate.
- 14.2.2 Where the Chief Executive Officer's contract is terminated summarily by the Council as a result of serious misconduct or a repudiation of the contract by the Chief Executive Officer, the termination may be implemented by the Council without any requirement to give notice of termination to the Chief Executive Officer or to pay in lieu of notice.

14.3 TERMINATION STANDARDS

- 14.3.1 Any decision to terminate the Chief Executive Officer's employment, other than a termination pursuant to clause 9.1 above, shall be based upon an assessment of the Chief Executive Officer's performance as measured against the documented performance criteria in the Chief Executive Officer's contract.
- 14.3.2 Any performance issues, which the Council seeks to rely in the termination process, must have been identified as part of a performance review, conducted within the preceding twelve months, about which the Council has informed the Chief Executive Officer and provided the Chief Executive Officer a reasonable opportunity to improve and implement a plan to remedy the performance issues, and the Chief Executive Officer has failed to subsequently remedy these issues to the satisfaction of the Council.

14.3.3 That the Chief Executive Officer has been afforded procedural fairness by being informed of their rights, entitlements and responsibilities in the termination process, including being provided with notice of any allegations against them and given a reasonable opportunity to respond to those allegations or decisions affecting them, and their response is genuinely considered in the decision-making process leading to a termination the contract.

14.3.4 Any decision whether to terminate the Chief Executive Officer must be impartial and transparent.

14.3.5 Any decision to terminate the Chief Executive Officer's contract of employment must be carried by an absolute majority of the Council.

14.3.6 Where a termination has been determined by the Council, the Chief Executive Officer must receive written notice outlining the Council's reasons for the termination.

14.4 REASONS FOR TERMINATION

14.4.1 The early termination of the Chief Executive Officer's contract of employment may end due to the following reasons:

- poor performance;
- misconduct; or
- non-performance or repudiation of the contract terms.

14.4.2 DIFFERENCE BETWEEN POOR PERFORMANCE AND MISCONDUCT

14.4.2.1 Poor performance is defined as an employee not meeting the required performance criteria or demonstrating unacceptable conduct and behaviour at work, it includes:

- not carrying out their work to the required standard or not doing their job at all;
- not following workplace policies, rules or procedures;
- unacceptable conduct and behaviour at work;
- disruptive or negative behaviour at work;
- not meeting the performance criteria set out in the employment contract and/or performance agreement unless these are outside the CEO's control;
- not complying with an agreed plan to address performance issues;
- failing to comply with the provisions of the *Local Government Act 1995* and other relevant legislation;
- failing to follow council endorsed policies.

14.4.2.2 Serious misconduct can include when the Chief Executive Officer:

- causes serious and imminent risk to the health and safety of another person or to the reputation or revenue of the local government; or
- behaves unlawfully or corruptly; or
- deliberately behaves in a way that's inconsistent with continuing their employment.

14.4.2.3 Examples of serious misconduct can include:

- matters arising under section 4(a), (b) and (c) of the Corruption, Crime and Misconduct Act 2003;

- theft;
- fraud;
- assault;
- falsification of records;
- being under the influence of drugs or alcohol at work; or
- refusing to carry out appropriate and lawful resolutions of council.

14.5 COMPLIANCE WITH RELEVANT LAWS

- Misconduct is also defined in section 4 of the Corruption, Crime and Misconduct Act 2003 (WA). Under this Act, misconduct can be either serious or minor and the obligation to notify the Public Sector Commission (PSC) or the Corruption and Crime Commission (CCC) is paramount.
- Termination on the basis of misconduct is covered by employment law. A local government should seek independent legal, employment or industrial relations advice prior to a termination. A council should also seek independent advice during the termination process including advice on the relevant employment legislation affecting CEO employment and the application of that legislation to their specific circumstances. This will ensure that a council complies with employment law during the entire termination process.
- A local government is required to endorse the decision to terminate a CEO's employment by way of an absolute majority decision. A local government must certify that the termination was in accordance with the adopted standards in regulations.

14.6 OPPORTUNITY TO IMPROVE AND MEDIATION

- If a Chief Executive Officer is deemed to have been performing poorly, the Council must be transparent and inform the Chief Executive Officer of this. It is important that the Chief Executive Officer is given an opportunity to remedy the issues within a reasonable timeframe as agreed between the Chief Executive Officer and the Council. The Council should clearly outline the areas in need of improvement, and with the Chief Executive Officer's input, determine a plan to address any issues. If a plan for improvement is put in place and the Chief Executive Officer's performance remains poor, then termination may be necessary. If the Council decides to terminate the employment of the Chief Executive Officer it must have conducted a performance review in the previous 12 months in accordance with section 5.38 of the Act.
- Where the concerns or issues relate to problematic working relationships or dysfunctional behaviour, the Council may engage an independent accredited mediator to conduct a mediation between the parties. A mediation session may be useful in assisting parties to understand and address issues before the situation escalates to a breakdown in the working relationship (which affects the ability of the Chief Executive Officer to effectively perform their duties) and the subsequent termination of the Chief Executive Officer's employment.

14.7 TERMINATION REPORT

- The Council should prepare a termination report which outlines the reasons for termination, the opportunities and assistance provided to the Chief Executive Officer to remedy any issues, and an explanation of the Chief Executive Officer's failure to do so. Council must provide prior opportunities and support

to the Chief Executive Officer to assist them in remedying the issues which form the basis of the termination. It is a requirement of the regulations that Council must provide written notice to the Chief Executive Officer outlining the reasons for their decision to terminate. In addition, Council must certify that the termination of the Chief Executive Officer's employment was carried out in accordance with the standards set out in regulations.

14.8 CONFIDENTIALITY

- Local governments should ensure that the termination process is kept confidential. The Chief Executive Officer is to be informed of their rights and entitlements. Notice of termination of employment is required to be given in writing. Where possible, the news of termination of employment should also be delivered in person. The Chief Executive Officer should be provided with a letter outlining the reasons for, and date of, the termination of their employment.
- Before making any public announcements on the termination of the Chief Executive Officer, a Council should ensure that the entire termination process is complete, including that the Chief Executive Officer has been informed in writing of the termination.

14.9 TERMINATION BY THE CHIEF EXECUTIVE OFFICER

- 14.9.1 The Chief Executive Officer may terminate this contract by giving three months' written notice to the Council.

14.10 RETURN OF PROPERTY ON TERMINATION

Unless otherwise agreed in writing between the parties, within 24 hours of termination of this contract, the Chief Executive Officer must deliver up to the Local government and property or thing to which the Local Government has an entitlement to possession, namely any Local Government vehicle, keys and other security devices, electronic equipment, credit cards and all documents relating to the Local Government, such documents comprising any form of information storage including but not limited to financial records, ratepayer lists, information held in any computer compatible form, any security codes used by the Chief Executive Officer in conjunction with the Local Government's IT systems, agreements and computer software in their possession or control which relate to the Local Government. The Chief Executive Officer must not retain a copy of any documents referred to in this clause.

15. OTHER TERMS AND CONDITIONS

- 15.1 Subject to any express provision in this Contract to the contrary, each party shall bear its own legal and other costs and expenses relating directly or indirectly to the preparation of, and performance of its obligations arising out of this Contract

16. EXECUTION BY THE PARTIES

THE COMMON SEAL of the Local Government was hereunto affixed by authority of a resolution of the Council in the presence of:

Cr Dale Douglas

President

In the presence of:

Witness signature

Name of Witness

Signed by:

<<Insert Name>>

Chief Executive Officer

In the presence of:

Witness signature

Name of Witness

POSITION DESCRIPTION

1. **POSITION TITLE** **Chief Executive Officer**
2. **LEVEL:** Negotiated (within SAT Band 4)
3. **DEPARTMENT:** Administration

4. **POSITION OBJECTIVES:**

The CEO is the chief non-elective officer of the Council and is responsible for the operations of the Council to ensure that the wishes of the elected personnel are carried out and that the relevant Act and Statutes are adhered to in the running of the operation.

The CEO shall at all times facilitate the policy making function of the Council.

5. **ORGANISATIONAL RELATIONSHIPS**

Responsible to the Council

Overall responsibility for all Council Staff

6 **SPECIFIC DUTIES AND RESPONSIBILITIES:**

- Responsible to ensure that the policy making functions and requirements of the council are carried out.
- Provide substantiated reports to Council and advise Council on matters relevant to promotion and operation of the Shire.
- Research and report specific matters relevant to the Council arising from Government Reports, statutes or any other matter which effects the operation of the Shire.
- At all times administer the affairs of the Council so as to enhance the image of the Shire and establish a relationship with the public to reflect credibility on the organisation.
- Provide an ongoing assessment of the function of the Council to ensure that the resources of the establishment adequately meet the requirements of the users of the business.
- Deal with other affiliated departments, which are relevant to the operations of the Shire to ensure that the Council is kept abreast of change to requirements and any item, which involves the function of the authority.
- Provide an ongoing overview of the various departments and of the Council staff to ensure that at all times the Council is performing at the highest achievable standard in the execution of its duties.
- At all times ensure that the position reflects credibility on the Council and refrain from becoming involved in any situation which is contrary to the wishes of the Council or in the best interest of the district as a whole.
- Overview the functions of other staff. Supervise the complete operations of the accounting requirements and prepare the certification of accounts, allocation of accounts, debtor and creditor control, preparation of monthly and annual statements, maintenance of financial registers and any other function relating to

the accurate and complete presentation of the accounting functions of the Council as required by statute or by Council. Prepare all budgets.

- Attend Council meetings and committee meetings and compile minutes of meetings as required by Council.
- Prepare and co-ordinate agenda preparation for Council meetings Focus Group Meetings and Forums.
- Attend to correspondence as required by the Council.
- Review and maintain Council local law control.
- Administer the insurance requirement of the Council.
- Attend to servicing of Council committees as required.
- Control all elections, loan polls and referendums.
- Organise the preparation of submissions to Grant Commissions.
- Carry out all duties in accordance with the provisions of the Local Government Act.
- Undertake communication with the community in relation to decisions and policies of Council and promote Council's decisions and policies via the media.
- Ensure that adequate action is taken to fulfil Council's decisions from all meetings and conferences.
- Assist the Council in long-term strategies for the development of the Community.
- Ensure the highest quality services are delivered to the Shire within budgetary constraints.

7 PERFORMANCE STANDARDS

To be determined on an annual basis – see Clause 7 of the contract document.

8 SELECTION CRITERIA

All applicants must address the following Selection Criteria in order to be considered for the position of Chief Executive Officer with Shire of Woodanilling.

Selection will be based on the applicant's ability to demonstrate that he/she can meet the skills, knowledge, qualifications, and experience listed below and contained in the Position Description.

Essential

1. A thorough understanding of financial reporting and compliance obligations relevant to Local Government
2. A leadership style that has a strong focus on motivating a team and building a skilled workforce
3. An ability to effectively lead a diverse workforce and work collaboratively in order to achieve the strategic objectives of an organisation
4. High level strategic business management skills and an understanding of budgetary constraints and funding streams in Local Government
5. Previous experience working in a regulatory environment

6. A passion for driving relevant and sustainable community development strategies, underpinned by thorough research and community engagement
7. A commitment to working with Council in an open, accountable, and inclusive manner
8. Exceptional communication skills with a proven ability to build and maintain positive relationships with internal and external stakeholders
9. A working knowledge of road construction principles
10. Valid WA Drivers Licence

Desirable

1. A strong desire to be part of the Community and an appreciation of working in a small town
2. A tertiary qualification in a discipline relevant to Management and/or Local Government, or significant experience in a management role

Please attach this form to the front of your application

Chief Executive Officer
PO Box 99
WOODANILLING WA 6316
Telephone: (08) 9823 1506
Email: ceo@woodanilling.wa.gov.au

PLEASE PRINT IN BLOCK LETTERS	
SURNAME:	
GIVEN NAMES:	
ADDRESS:	
EMAIL:	
CONTACT NUMBERS:	
POSITION APPLIED FOR:	CHIEF EXECUTIVE OFFICER

Declaration Authorisation and Waiver

SHIRE OF WOODANILLING

APPLICATION FOR POSITION OF CEO DECLARATION, AUTHORISATION AND WAIVER

I certify that all the information contained in this application and supporting information is, to the best of my knowledge and belief, true and accurate in every detail.

I understand that the Council reserves the right to verify all information in the application and that false or misleading information will be sufficient reason for my rejection as an applicant or my dismissal if appointed.

I authorise the Council or its agents to make whatever background checks are considered necessary or desirable in order to satisfy itself of my suitability for the position and to check any information contained in my application for supporting information.

I also accept that any information obtained from any background check is strictly confidential and, subject to Freedom of Information provisions, I undertake not to seek any access or information concerning such checks.

NB: The Council undertakes that any information obtained during any background check will only be used for the purpose of verifying information contained in the application and determining the applicants' suitability for the position. Any information obtained will be treated as strictly confidential by Council and its agents and will only be made available to the selection Committee/Council at the time, and for the purpose, of selecting the suitable applicant.

Signature of Applicant:

Date:



Department of
**Local Government, Sport
and Cultural Industries**

Local government operational guidelines

CEO recruitment and selection,
performance review and termination

Local Government (Administration)
Regulations 1996

May 2022



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Preface

The Local Government Legislation Amendment Act 2019 included a requirement for model standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEOs). These reforms intend to ensure best practice and greater consistency in these processes between local governments.

The accompanying guidelines outline the recommended practice for local governments in undertaking these processes. These guidelines will assist local governments in meeting the model standards prescribed in the Local Government (Administration) Amendment Regulations 2021.

The standards and guidelines have been developed by the Department of Local Government, Sport and Cultural Industries (DLGSC), in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LG Pro). The Department gratefully acknowledges the participation and contribution of these representatives.

The DLGSC notes that the content of these guidelines does not necessarily reflect the views or policies of the organisations or individuals that have been consulted.

Part 1 – Recruitment and Selection

One of the fundamental roles of the council is the employment of the local government's CEO. The CEO is responsible for implementing the council's strategic vision and leading the local government administration.

Principles

A local government must select a CEO in accordance with the principles of merit, equity and transparency. A local government must not exercise nepotism, bias or patronage in exercising its powers. Additionally, a local government must not unlawfully discriminate against applicants. Section 5.40 of the Local Government Act 1995 (the Act) lists several general principles of employment that apply to local governments.

Recruitment and Selection Standard

The minimum standard for recruitment and selection will be met if:

- S1.1** The council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular local government context.
- S1.2** The council has approved, by absolute majority, the Job Description Form (JDF) which clearly outlines the qualifications, selection criteria and responsibilities of the position. The JDF is made available to all applicants.
- S1.3** The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member, human resources consultant, or staff member of the local government.
- S1.4** The local government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year). The local government must advertise a vacancy for the position of CEO in the manner prescribed.
- S1.5** The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- S1.6** The local government has verified the recommended applicant's work history, qualifications, referees and claims made in their job application.
- S1.7** The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how their knowledge, skills and experience meet the selection criteria.

Recruitment and Selection Standard cont.

- S1.8** The appointment is made impartially and free from nepotism, bias or unlawful discrimination.
- S1.9** The council has endorsed by absolute majority the final appointment.
- S1.10** The council has approved the employment contract by absolute majority.
- S1.11** The local government re-advertises the CEO position and undertakes a recruitment and selection process after each instance where a person has occupied the position for ten (10) consecutive years.

Guidelines

Recruitment and selection process

The council of the local government should act collectively throughout the recruitment and selection process. To uphold the integrity of the process, the council must resist any attempt to influence the outcome through canvassing or lobbying.

The local government should carefully consider the role of the CEO. This includes the CEO's legislated powers and functions and their role as the head of the administrative arm of the local government. In determining the selection criteria for the position of CEO, it will be important for a local government to consider the needs of the community and the specific skills and experience that will be required of the CEO in that particular local government. The competencies the council looks for in its CEO should reflect the council's strategic community plan.

Once the essential skills and experience for the position have been established, the local government must set out the selection criteria (essential and desirable) and the responsibilities of the position in a Job Description Form (JDF). If emphasis is placed on certain selection criteria, this should be highlighted in the JDF so that applicants are aware of this. For example, some level of project management experience will usually be an important criterion, but if the local government is undertaking a major development such as a new recreation centre, added emphasis may need to be given to this criterion.

The JDF must be approved by an absolute majority of the council.

Advertising

The local government should ensure that applicants are clearly informed about the application process, such as the application requirements, the closing date for applications and how applications are to be submitted. It is essential that this process is transparent and that each step in the process is documented. Associated records must be kept in a manner consistent with the State Records Act 2000 (WA).

It is a requirement that a local government gives Statewide public notice if the position of CEO becomes vacant. Statewide public notice must contain:

- details of the remuneration and benefits offered
- details of the place where applications are to be submitted
- the date and time applications close
- the duration of the proposed contract
- a web address where the JDF can be accessed
- contact details for a person who can provide further information
- any other relevant information.

To attract the best possible pool of applicants for the position of CEO, it is recommended that local governments use a diverse range of advertising methods, mediums and platforms (in addition to the advertising requirement under section 5.36(4) of the Act). For example:

- advertising on the local government's website
- posting on online jobs boards (e.g. SEEK)
- sharing the advertisement via professional networks
- undertaking an executive search.

A local government must publicly advertise the CEO position if the same person has remained in the job for 10 consecutive years. This requirement does not prevent the incumbent CEO from being employed for another term, provided they are selected in accordance with the standards for recruitment and selection.

Selection panel and independent person

Local governments are 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. The independent person cannot be a current elected member, human resources consultant, or staff member of the local government. Examples of who the independent person could be include:

- former elected members or staff members of the local government
- former elected members (such as a Mayor or Shire President) or staff members of another local government
- a prominent or highly regarded member of the community
- a person with experience in the recruitment of CEOs and senior executives.

The panel are responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant or applicants. The essence of the role of an independent panel member is to bring an impartial perspective to the process and reduce any perception of bias or nepotism.

It is essential that prior to a person's appointment to a selection panel they are informed of the duties and responsibilities of their role and that of the panel. It is recommended that local governments develop a policy or terms of reference to facilitate this process that incorporate the standards for recruitment at Division 2 of Schedule 2 of the Local Government (Administration) Regulations 1996. A policy should include important information that outlines:

- the primary functions of the panel
- roles and responsibilities of panel members
- composition of the panel
- duration of term
- desirable criteria for appointment to the panel
- a requirement that panel members sign a confidentially agreement and agree to the duties and responsibilities of their role
- any other information the local government deems necessary for the panel to effectively carry out their role.

Independent human resources consultant

A local government should seek independent advice from a human resources consultant where the council lacks the capacity or expertise to facilitate the recruitment and selection process (or any aspect of it). A member of the human resources team within a local government should not be involved in the recruitment of a new CEO.

The consultant should not be associated with the local government or any of its council members. The consultant can be an independent human resource professional, recruitment consultant, or recruitment agency.

An independent human resources consultant can provide advice to the selection panel on how to conduct the recruitment process, or a local government may engage a consultant to support it in undertaking certain aspects of the recruitment process, such as one or more of the following:

- development or review of the JDF
- development of selection criteria
- development of assessment methods in relation to the selection criteria
- drafting of the advertisement
- executive search
- preliminary assessment of the applications
- shortlisting
- drafting questions for interview
- coordinating interviews
- preparing the selection summary assessment and recommendation
- arranging for an integrity check and/or police clearance
- assisting the council in preparing the employment contract.

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

It is recommended that rigorous checks be conducted on any independent consultants before they are engaged to ensure they have the necessary skills and experience to effectively assist the council. Local government recruitment experience may be beneficial but is not a requirement.

The independent human resources consultant must be able to validate their experience in senior executive recruitment and appointments. It is important to note that if the local government uses a consultant or agency to assist in finding applicants, they will require an employment agent licence under the Employment Agents Act 1976 (WA).

A good independent human resources consultant will bring expertise, an objective perspective and additional human resources to what is a complex and time-consuming process. Given the time and effort involved in finding a competent CEO, and the cost of recruiting an unsuitable CEO, there can be a good business case for spending money on a human resources consultant.

If a decision is made to engage an independent human resources consultant, it is imperative that the council maintains a high level of involvement in the process and enters into a formal agreement (contract) with them. To manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process. As with any contractor engagement, the local government must ensure their procurement and tender processes comply with the Act and the procurement policy of the local government.

Council's responsibilities

A human resources consultant cannot undertake the tasks for which the council is solely responsible. An independent consultant cannot and should not be asked to:

- Conduct interviews – as this should be done by the selection panel. However, council may decide to interview applicants recommended by the selection panel. A consultant can provide support with interviews, providing advice on the recruitment and selection process and writing up recommendations. The consultant may also arrange referee reports and checks of applicants.
- Make the decision about who to appoint to the position of CEO: Only the council can make this decision, drawing upon advice from the selection panel.
- Negotiate the terms and conditions of employment: Noting that the consultant should be able to provide advice on remuneration constraints and other terms and conditions.

Creating Diversity

In order to ensure all applicants are given an equal opportunity for success, selection methods need to be consistent and objective. In a structured interview, each applicant should have the opportunity to answer the same primary questions with follow-up questions used to illicit further detail or clarification. Behavioural-based interview questions are objective and gauge the applicants' suitability, reducing biases in assessment (see examples below).

Basing a selection decision on the results of several selection methods can help to reduce procedural shortcomings and ensure the best applicant is chosen. Psychometric, ability and aptitude testing are considered valid, reliable and objective. While applicants with extensive experience and reputable education may appear to be more qualified, an objective assessment of each person's ability and personal traits can help to provide a clearer picture of the applicant.

Where possible, it is recommended that local governments ensure diversity on the selection panel. This may be achieved by ensuring gender, ethnicity, age and experiential diversity is represented on the panel. Diversity is also a consideration when selecting an independent person for the selection panel, particularly where there is a lack of diversity on the council. A diverse selection panel will assist in making quality decisions regarding suitable applicants.

Individuals are often unaware of biases they may have. For this reason, it is helpful for the selection panel to undertake training about unconscious biases. Awareness of unconscious biases assists individuals in preventing those biases from interfering in their decision making. For example, if there are considerable discrepancies in the assessment scores between two panel members, discussion will be required to ensure bias has not influenced these scores. Allowing team members to acknowledge and recognise prejudices is essential to managing those biases. The following biases should be addressed:

- “Similar-to-me” effect – if interviewers share the same characteristics with the applicants or view those characteristics positively, they are more likely to score them highly
- “Halo” effect – interviewers may let one quality (such as race, gender, looks, accent, experience, etc.) positively or negatively affect the assessment of the applicant's other characteristics.

Due Diligence

It is essential that the local government ensures that the necessary due diligence is undertaken to verify an applicant's qualifications, experience and demonstrated performance. This includes:

- verifying an applicant's qualifications such as university degrees and training certificates
- verifying the applicant's claims (in relation to the applicant's character, details of work experience, skills and performance) by contacting the applicant's referees. Referee reports should be in writing in the form of a written report, or recorded and verified by the referee
- requesting that an applicant obtains a national police clearance as part of the application process
- ensuring no conflicts of interests arise by looking to outside interests such as board membership and secondary employment.

A council may wish to contact a person who is not listed as an applicant's referee, such as a previous employer. This may be useful in obtaining further information regarding an applicant's character and work experience, and verifying related claims. The applicant should be advised of this and be able to provide written comments to the council.

A search of social media and whether an applicant has an online presence may also assist in identifying potential issues. For example, an applicant may have expressed views which conflict with the local government's values. This should be made clear in the application information. To ensure the integrity of the recruitment process, a council must act collectively when performing due diligence.

Selection

Once the application period closes, the selection panel, or consultant on behalf of the selection panel, must assess applications and identify a shortlist of applicants to be interviewed.

In shortlisting applicants for the interview phase, the selection panel should consider the transferable skills of applicants and how these would be of value in the role of CEO. The selection panel should not overlook applicants who do not have experience working in the local government sector.

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.

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.

Selecting an applicant should be based on merit; that is, choosing an applicant that is best suited to the requirements of the position and the needs of the local government. This involves the consideration and assessment of applicants' skills, knowledge, qualifications and experience against the selection criteria required for the role. As part of the selection process, a council may consider it appropriate for each of the preferred candidates to do a presentation to council.

The appointment decision by the council should be based on the assessment of all measures used, including:

- assessment technique(s) used (e.g. interview performance)
- quality of application
- referee reports
- verification and sighting of formal qualifications and other claims provided by the applicant
- other vetting assessments used (e.g. police checks, integrity checks, etc.).

Employment contract

In preparing the CEO's employment contract, the council must ensure the contract includes the necessary provisions required under section 5.39 of the Act and associated regulations.

Section 5.39 of the Act provides that a CEO's employment contract must not be for a term exceeding five years. The term of a contract for an acting or temporary position cannot exceed one year.

Further, the employment contract is of no effect unless it contains:

- the expiry date of the contract
- the performance review criteria
- as prescribed under regulation 18B of the Administration Regulations, the maximum amount of money (or a method of calculating such an amount) to which the CEO is to be entitled if the contract is terminated before the expiry date. The amount is not to exceed whichever is the lesser of:
 - the value of one year's remuneration under the contract; or
 - the value of the remuneration that the CEO would have been entitled to, had the contract not been terminated.

It is recommended that the council seeks independent legal advice to ensure that the contract is lawful and able to be enforced. Advice should be sought if there is any doubt as to the meaning of the provisions of the contract.

Councils should be aware that CEO remuneration is determined by the Salaries and Allowances Tribunal and the remuneration package may not fall outside the band applicable to that particular local government.

The CEO's employment contract should clearly outline grounds for termination and the termination process in accordance with the standards in regulations.

The council of the local government must approve, by absolute majority, the employment contract and the person they appoint as CEO.

Appointment

A decision to make an offer of employment to a preferred applicant must be made by an absolute majority of council. If the preferred applicant accepts the offer and the proposed terms of the contract without negotiation, there is no further requirement for council to endorse the applicant and the contract. However, if there is a process of negotiation to finalise the terms and conditions of the contract, council is required to endorse the appointment and approve the CEO's employment contract by absolute majority. In both instances, the employment contract must be signed by all parties.

The council should notify both the successful individual and the remaining unsuccessful applicants as soon as possible before publicly announcing the CEO appointment.

The successful applicant should not commence duties with the local government as CEO until the employment contract has been signed.

The unsuccessful applicants (including those not interviewed) should be notified of the outcome of their application. It is recommended that the local government creates a template letter for unsuccessful applicants that can be easily personalised with the applicants' details and sent out quickly.

The council should keep a record of their assessment of the unsuccessful applicant(s) and provide the unsuccessful applicant(s) with the opportunity to receive feedback on their application, or interview performance if they were granted an interview. Should an unsuccessful applicant request feedback, it is recommended that a member of the selection panel provides this. If a recruitment consultant is used, they may undertake this task.

Confidentiality

The local government should ensure that all information produced or obtained during the recruitment and selection process is kept confidential. This includes applicants' personal details, assessment details, the selection report and outcome of the process. This ensures privacy requirements are met and maintains the integrity of the process. It is recommended that selection panel members and councillors sign a confidentiality agreement to ensure that they are aware of their obligations.

CEO induction

Local governments should ensure that they provide the CEO with all the necessary information on the local government's processes, policies, procedures and systems at the commencement of the CEO's employment.

New CEOs are eligible to participate in the Local Government CEO Support Program which is a joint initiative of the DLGSC and LG Pro to provide mentoring and general support to those appointed to the position of CEO in a local government for the first time. The program runs for six to nine months from the time a CEO is appointed and involves the CEO being matched with a mentor that best meets their needs.

The program provides the CEO with an opportunity (through meetings and on-going correspondence) to discuss a wide range of issues with their appointed mentor in the strictest confidence. The program is aimed at addressing the individual needs of the CEO. Examples of issues that may be covered include the following:

- Role of the CEO
- Governance
- Strategic and long-term planning
- Legislative framework
- Relationships and dealing with council members
- Risk management
- Resource management
- Managing the business of Council
- Family considerations

Part 2 – Performance Review

Principles

The standards regarding CEO performance review are based on the principles of fairness, integrity and impartiality.

Performance Review Standards

The minimum standard for performance review will be met if:

- S2.1** Performance criteria is specific, relevant, measurable, achievable and time-based.
- S2.2** The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
- S2.3** The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
- S2.4** The collection of evidence regarding performance outcomes is thorough and comprehensive.
- S2.5** Assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent.
- S2.6** The council has endorsed the performance review assessment by absolute majority.

Guidelines

Section 5.38 of the Act provides that, for a CEO who is employed for a term of more than one year, the performance of a CEO is to be reviewed formally at least once in every year of their employment.

In addition to this minimum requirement, it is recommended that the council engages in regular discussions with the CEO regarding their performance against the performance criteria, including progress and ways that the CEO can be supported. Any changes to the CEO's performance agreement such as changes to the performance criteria should also be discussed, and agreed to, between the council and the CEO, as the matter arises.

Employment contract and performance agreement

Section 5.39, of the Act requires the employment contract to specify the performance criteria for the purpose of reviewing the CEO's performance. This will include ongoing permanent performance criteria. A local government may wish to have a separate additional document called a "performance agreement" which includes the performance review criteria in the employment contract, additional criteria (e.g. the performance indicators in relation to specific projects) and how the criteria will be assessed. The performance agreement should be negotiated and agreed upon by the CEO and the council. The performance agreement may also set out the CEO's professional development goals and outline a plan to achieve these goals.

Performance Criteria

Setting the performance criteria is an important step. One of the CEO's key responsibilities is to oversee the implementation of council's strategic direction, and so it is important to align the CEO's performance criteria to the goals contained in the council's Strategic Community Plan and Corporate Business Plan. Accordingly, as these plans are updated, the CEO's performance criteria should be updated to reflect the changes.

In leading the administrative arm of a local government, the CEO is responsible for undertaking core tasks, the achievement of which will contribute to the effectiveness of the council. It is important that the outcomes associated with these tasks are measurable and clearly defined. These could be in relation to:

- service delivery targets from the council's Strategic Community Plan
- budget compliance
- organisational capability
- operational and project management
- financial performance and asset management
- timeliness and accuracy of information and advice to councillors
- implementation of council resolutions
- management of organisational risks
- leadership (including conduct and behaviour) and human resource management
- stakeholder management and satisfaction.

Performance criteria should focus on the priorities of the council and, if appropriate, can be assigned priority weighting in percentages. The council and CEO should set goals related to target outcomes for future achievement in the performance criteria. Goals should be specific, measurable, achievable, relevant and time-based.

Following the determination of the performance criteria and goals, the council will need to determine how to measure the outcomes of each criterion. It is important to relate performance indicators to the selection criteria used in selecting the CEO. For example, if the CEO has been selected due to their financial experience and ability to improve the local government's finances, indicators regarding improved revenue and reduced expenses are obvious starting points.

Considering the context within which the local government is operating is important. For example, if a significant financial event occurs, such as a downturn in the economy, financial performance indicators will likely need to be adjusted. It is important that such contextual factors are given appropriate weighting and that goals are flexible to allow regular adjustment. Adjustments may be initiated by either the CEO or the council. Councils need to be realistic in terms of their expectations of a CEO's performance and provide appropriate resources and support to facilitate the achievement of performance criteria.

Performance review panel

It is recommended that the council delegates the CEO performance review to a panel (e.g. comprising certain council members and an independent observer). The panel has a duty to gather as much evidence as possible upon which to base their assessments. The role of the review panel includes developing the performance agreement in the first instance, conducting the performance review and reporting on the findings and recommendations of the review to council. It is also recommended that council develop a policy to guide the performance review process. A policy might include the composition of the panel, primary functions, the role and appointment of an independent consultant, and the responsibilities of review panel members.

Independent consultant

If a council lacks the resources and expertise to meet the expected standard of performance review, the council should engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement.

The local government should ensure that the consultant has experience in performance review and, if possible, experience in local government or dealing with the performance review of senior executives. The consultant should not have any interest in, or relationship with, the council or the CEO.

With guidance from the performance review panel, a consultant can facilitate the following tasks:

- setting performance criteria
- preparing the performance agreement
- collecting performance evidence
- writing the performance appraisal report
- facilitating meetings between the performance review panel
- assisting with the provision of feedback to the CEO
- formulating plans to support improvement (if necessary)
- providing an objective view regarding any performance management-related matters between the concerned parties.

Assessing performance

It is a requirement of the regulations that the process by which the CEO's performance will be reviewed is documented and agreed to by both parties. Council and the CEO must also agree on any performance criteria that is in addition to what is specified in the CEO's contract of employment. The option to include additional criteria for performance review purposes by agreement provides a degree of flexibility for both parties in response to changing circumstances and priorities.

It is essential that CEO performance is measured in an objective manner against the performance criteria alone. It is important that reviews are impartial and not skewed by personal relationships between the review panel and the CEO. Close personal relationships between the panel members and the CEO can be just as problematic as extremely poor relationships. Evidence of CEO performance may come from an array of sources, many of which the CEO themselves can and should provide to the council as part of regular reporting. These sources include:

- achievement of key business outcomes
- interactions with the council and progress that has been made towards implementing the council's strategic vision

- audit and risk committee reports
- workforce metrics (e.g. the average time to fill vacancies, retention rate, information about why people leave the organisation and staff absence rate)
- incident reports (e.g. results of occupational health and safety assessments, the number and nature of occupational health and safety incident reports, and the number and nature of staff grievances)
- organisational survey results
- relationships (e.g. with relevant organisations, stakeholder groups, and professional networks)
- insights from key stakeholders (this could be done by way of a survey to obtain stakeholder input).

It is important that, in addition to looking at the achievement of key performance indicators (KPIs), the council considers the following:

- How the CEO has achieved the outcomes. Whether or not their methods are acceptable and sustainable.
- The extent to which current performance is contingent upon current circumstances. Has the CEO demonstrated skills and behaviours to address and manage changes in circumstances which have affected his or her performance? (for example, the impact of COVID-19.)
- What the CEO has done to ensure the wellbeing of staff and to maintain trust in the local government.

The council should consider the attention the CEO has given to ensuring equal employment opportunity, occupational health and safety, privacy, managing potential conflicts of interest, and complying with procurement process requirements.

Addressing performance issues

Once the CEO's performance has been assessed, it is essential that any areas requiring attention or improvement are identified, discussed with the CEO and a plan is agreed and put in place to address these. The plan should outline the actions to be taken, who is responsible for the actions and an agreed timeframe.

The performance review panel must decide on an appropriate course of action that will address the performance issue. This may include professional development courses, training, counselling, mediation, mentoring or developing new work routines to ensure specific areas are not neglected. The performance review panel should then arrange for regular discussion and ongoing feedback on the identified performance issues, ensuring improvements are being made.

It is important to keep in mind that a local government falling short of its goals is not always attributable to the CEO. External factors may have resulted in initial performance expectations becoming unrealistic. Failure to meet performance criteria does not necessarily mean the CEO has performed poorly and, for this reason, performance and outcome should be considered separately. Where ongoing issues have been identified, the council will need to take a constructive approach and seek to develop the CEO's competency in that area.

While there are obligations on the council to manage the CEO regarding their performance, when it extends into potential wrongdoing (misconduct), the council should be referring the matter to the Public Sector Commission or Corruption and Crime Commission. This provides an independent process to follow and ensures probity, natural justice and oversight of allegations.

Confidentiality

The council must ensure that accurate and comprehensive records of the performance management process are created. Any information produced must be kept confidential.

Part 3 – Termination

Principles

The standards for the termination of a local government CEO's employment (other than for reasons such as voluntary resignation or retirement) are based on the principles of fairness and transparency. Procedural fairness is a principle of common law regarding the proper and fair procedure that should apply when a decision is made that may adversely impact upon a person's rights or interests.

Termination Standards

The minimum standards for the termination of a CEO's contract will be met if:

- S3.1** Decisions are based on assessment of the CEO's performance as measured against the documented performance criteria in the CEO's contract.
- S3.2** Performance issues have been identified as part a performance review (conducted within the preceding 12 months) and the CEO has been informed of the issues. The council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues to the satisfaction of the local government.
- S3.3** The principle of procedural fairness is applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decisions affecting them, and their response is genuinely considered.
- S3.4** Decisions are impartial and transparent.
- S3.5** The council of the local government has endorsed the termination by absolute majority.
- S3.6** The required notice of termination (which outlines the reasons for termination) is provided in writing.

Guidelines

Reasons for termination

The early termination of a CEO's employment may end due to:

- poor performance
- misconduct
- non-performance or repudiation of contract terms.

There is a difference between poor performance and serious misconduct. Poor performance is defined as an employee not meeting the required performance criteria or demonstrating unacceptable conduct and behaviour at work, it includes:

- not carrying out their work to the required standard or not doing their job at all
- not following workplace policies, rules or procedures
- unacceptable conduct and behaviour at work
- disruptive or negative behaviour at work
- not meeting the performance criteria set out in the employment contract and/or performance agreement unless these are outside the CEO's control
- not complying with an agreed plan to address performance issues
- failing to comply with the provisions of the Local Government Act 1995 and other relevant legislation
- failing to follow council endorsed policies.

Serious misconduct can include when an employee:

- causes serious and imminent risk to the health and safety of another person or to the reputation or revenue of the local government
- behaves unlawfully or corruptly
- deliberately behaves in a way that is inconsistent with continuing their employment.

Examples of serious misconduct can include:

- matters arising under section 4(a), (b) and (c) of the Corruption, Crime and Misconduct Act 2003
- theft
- fraud
- assault

- falsification of records
- being under the influence of drugs or alcohol at work
- refusing to carry out appropriate and lawful resolutions of council.

Misconduct is also defined in section 4 of the Corruption, Crime and Misconduct Act 2003 (WA). Under this Act, misconduct can be either serious or minor and the obligation to notify the Public Sector Commission (PSC) or the Corruption and Crime Commission (CCC) is paramount.

Termination on the basis of misconduct is covered by employment law. A local government should seek independent legal, employment or industrial relations advice prior to a termination. A council should also seek independent advice during the termination process including advice on the relevant employment legislation affecting CEO employment and the application of that legislation to their specific circumstances. This will ensure that a council complies with employment law during the entire termination process.

A local government is required to endorse the decision to terminate a CEO's employment by way of an absolute majority decision. A local government must certify that the termination was in accordance with the adopted standards in regulations.

Opportunity to improve and mediation

If a CEO is deemed to have been performing poorly, the council must be transparent and inform the CEO of this. It is important that the CEO is given an opportunity to remedy the issues within a reasonable timeframe as agreed between the CEO and the council.

The council should clearly outline the areas in need of improvement, and with the CEO's input, determine a plan to address any issues. If a plan for improvement is put in place and the CEO's performance remains poor, then termination may be necessary. If a local government decides to terminate the employment of the CEO it must have conducted a performance review in the previous 12 months in accordance with section 5.38 of the Act.

Where the concerns or issues relate to problematic working relationships or dysfunctional behaviour, it is recommended that a council engages an independent accredited mediator to conduct a mediation between the parties. A mediation session may be useful in assisting parties to understand and address issues before the situation escalates to a

breakdown in the working relationship (which affects the ability of the CEO to effectively perform their duties) and the subsequent termination of the CEO's employment.

Termination report

The council should prepare a termination report which outlines the reasons for termination, the opportunities and assistance provided to the CEO to remedy any issues, and an explanation of the CEO's failure to do so. Council must provide prior opportunities and support to the CEO to assist them in remedying the issues which form the basis of the termination. It is a requirement of the regulations that council must provide written notice to the CEO outlining the reasons for their decision to terminate. In addition, council must certify that the termination of the CEO's employment was carried out in accordance with the standards set out in regulations.

Confidentiality

Local governments should ensure that the termination process is kept confidential. The CEO is to be informed of their rights and entitlements. Notice of termination of employment is required to be given in writing. Where possible, the news of termination of employment should also be delivered in person. The CEO should be provided with a letter outlining the reasons for, and date of, the termination of their employment.

Before making any public announcements on the termination of the CEO, a council should ensure that the entire termination process is complete, including that the CEO has been informed in writing of the termination.

Disclaimer

It is outside the scope of these guidelines to provide legal advice, and local governments should seek their own legal advice where necessary. Guidance as to legal requirements and compliance in relation to the termination of employment is provided by the Fair Work Commission at www.fwc.gov.au, the Fair Work Ombudsman at www.fairwork.gov.au and the Western Australian Industrial Relations Commission at www.wairc.wa.gov.au.