



SHIRE OF WOODANILLING



SPECIAL MEETING OF COUNCIL Unconfirmed Minutes 19 December 2024

Disclaimer

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Woodanilling warns that anyone who has an application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Woodanilling for any act, omission or statement or intimation occurring during a Council Meeting.

Agendas and Minutes are available on the Shire website www.woodanilling.wa.gov.au

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SPECIAL MEETING OF COUNCIL AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairperson, Cr Douglas declared the meeting open at 11:00am. The Chairperson will alert the meeting to the procedures for emergencies including evacuation, designated exits, and muster points.

1.1. DISCLOSURE OF INTEREST

Division 6 Subdivision 1 of the *Local Government Act 1995* requires Council Members and Employees to declare any direct or indirect financial interest or general interest in any matter listed in this Agenda.

The Act also requires the nature of the interest to be disclosed in writing before the meeting or immediately before the matter be discussed.

NB: A Council member who makes a disclosure must not preside or participate in, or be present during, any discussion or decision making procedure relating to the declared matter unless the procedures set out in Sections 5.68 or 5.69 of the Act have been complied with.

DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Disclosures of Interest Affecting Impartiality are required to be declared and recorded in the minutes of a meeting. Councillors who declare such an interest are still permitted to remain in the meeting and to participate in the discussion and voting on the particular matter. This does not lessen the obligation of declaring financial interests etc. covered under the Local Government Act.

To help with complying with the requirements of declaring Interests Affecting Impartiality the following statement is recommended to be announced by the person declaring such an interest and to be produced in the minutes.

"I (give circumstances of the interest being declared, eg: have a long standing personal friendship with the proponent). As a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Present:

Cr D Douglas	Shire President
Cr HR Thomson	Deputy Shire President
Cr B Smith	
Cr I Garstone	
Cr R Marshall	
Cr K Stephens	Attendance Online via Microsoft Teams

Officers:

Paul Hanlon	Chief Executive Officer
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Apologies:

Observers:

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

Nil.

5. PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil.

6. APPLICATIONS FOR LEAVE OF ABSENCE.

Nil.

7. ANNOUNCEMENTS BY SHIRE PRESIDENT AND/OR DEPUTY SHIRE PRESIDENT WITHOUT DISCUSSION

Nil.

8. OFFICER REPORTS

8.1. ADVERTISING PROCESS OF THE CHIEF EXECUTIVE OFFICER POSITION

File Reference	ADM0374
Date of Report	19 December 2024
Responsible Officer	Paul Hanlon, Chief Executive Officer
Author/s of Report	Paul Hanlon, Chief Executive Officer
Disclosure of any Interest	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
Voting Requirement	Absolute Majority
Attachments	Attachment 8.1.1 - Shire of Woodanilling Chief Executive Officer Position Advertisement 2025 Attachment 8.1.2 - Shire of Woodanilling Chief Executive Officer Position Information Package 2025 Attachment 8.1.3 - DLGSC-Op-Guidelines-CEO-standards-and-guidelines.

BRIEF SUMMARY

This report is for Council to consider:

1. The advertising process of the vacant Chief Executive Officer Position,
2. The Shire of Woodanilling Chief Executive Officer Position Advertisement and,
3. The Shire of Woodanilling Chief Executive Officer Position Information Package

COMMENT

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.

Article I. 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.

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.

Further information about the process can be found in **Attachment 8.1.3** - DLGSC-Op-Guidelines-CEO-standards-and-guidelines.

FitzGerald Strategies was appointed by Council at the December 2024 Ordinary Council Meeting to lead the recruitment of the Shire's next Chief Executive Officer. FitzGerald Strategies has now provided the following documents for Council's approval to ensure the CEO Recruitment Standards are met and the best possible applicants are attracted to the role:

- **Attachment 8.1.1** - Shire of Woodanilling Chief Executive Officer Position Advertisement 2025
- **Attachment 8.1.2** - Shire of Woodanilling Chief Executive Officer Position Information Package 2025

STATUTORY/LLEGAL IMPLICATIONS

The process of appointing a CEO is conducted in accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* and *Local Government (Administration) Amendment Regulations 2021* (CEO Standards).

Under section 5.36 of the *Local Government Act 1995*, states:

5.36. Local government employees

- (1) *A local government is to employ —*
 - (a) *a person to be the CEO of the local government; and*
 - (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*
 - (2) *A person is not to be employed in the position of CEO unless the council —*
 - (a) *believes that the person is suitably qualified for the position; and*
 - (b) *is satisfied* with the provisions of the proposed employment contract.*
- * Absolute majority required.*
- (3) *A person is not to be employed by a local government in any other position unless the CEO —*
 - (a) *believes that the person is suitably qualified for the position; and*
 - (b) *is satisfied with the proposed arrangements relating to the person's employment.*
 - (4) *Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
 - (5A) *Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
 - (5) *For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.*

Part 4 of the *Local Government (Administration) Regulations 1996* provides that:

Part 4 — Local government employees

[Heading inserted: Gazette 26 Aug 2011 p. 3482.]

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) *If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government must give Statewide public notice of the position unless it is proposed that the position be filled by —*
 - (a) *a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or*
 - (b) *a person who will be acting in the position for a term not exceeding one year.*
- (2) *The Statewide public notice must contain —*
 - (a) *the details of the remuneration and benefits offered; and*
 - (b) *details of the place where applications for the position are to be submitted; and*
 - (c) *the date and time for the closing of applications for the position; and*
 - (d) *the duration of the proposed contract; and*
 - (da) *a website address where the job description form for the position can be accessed; and*
 - (e) *contact details for a person who can provide further information about the position; and*
 - (f) *any other information that the local government considers is relevant.*

For the purposes of section 5.39 (3) (c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of –

- (a) The value of one year’s remuneration under the contract; or
- (b) The value of the remuneration that the person would have been entitled to had the contract not been terminated.

POLICY IMPLICATIONS

There is the current Council Policy – Adopted Standards for CEO Recruitment, Performance and Termination associated with this item.

FINANCIAL IMPLICATIONS

The costs are factored into the budget with the current salaries and wages. Any variation can be considered through the Budget amendment in January/February Budget Review process.

STRATEGIC IMPLICATIONS

Theme 3

Customer Service

VISION

- To be responsive to the expectations of our clients and users in the area of customer service
- To promote excellence in customer service

OBJECTIVES

- To observe the service standards in the Woodanilling Customer Service Charter (2010)
- To build confidence, support and satisfaction in service delivery by increasing and developing communication channels with the whole community

STRATEGIES

- By ensuring elected members and staff are supported by ongoing professional development, and the maintenance of their professional standards
- An awareness of community views and listening to our community and being responsive

CONSULTATION/COMMUNICATION

Consultation has occurred between the CEO, Shire President and Councillors as well as recruitment advisor FitzGerald Strategies.

RISK MANAGEMENT

If the Council fails to exercise due diligence in the recruitment of the appointment of an Acting CEO, fails to establish effective uncertainty, inconsistency and lack of leadership. It is assessed that the risk is “High” as reflected below.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Authorises Mr Mike FitzGerald of FitzGerald Strategies to immediately commence advertising the position of Chief Executive Officer of the Shire of Woodanilling in line with section 5.36(4) of the Local Government Act 1995 using a diverse range of advertising methods, mediums and platforms,
2. Endorses **Attachment 8.1.1** - Shire of Woodanilling Chief Executive Officer Position Advertisement 2025
3. Endorses **Attachment 8.1.2** - Shire of Woodanilling Chief Executive Officer Position Information Package 2025

COUNCIL RESOLUTION – 8.1. ADVERTISING PROCESS OF THE CHIEF EXECUTIVE OFFICER POSITION (34/12/2024)

Moved: Cr Smith Seconded: Cr Thomson

That Council:

1. Authorises Mr Mike FitzGerald of FitzGerald Strategies to immediately commence advertising the position of Chief Executive Officer of the Shire of Woodanilling in line with section 5.36(4) of the Local Government Act 1995 using a diverse range of advertising methods, mediums and platforms,
2. Endorses Attachment 8.1.1 - Shire of Woodanilling Chief Executive Officer Position Advertisement 2025
3. Endorses Attachment 8.1.2 - Shire of Woodanilling Chief Executive Officer Position Information Package 2025

CARRIED 6/0

For: Cr Douglas, Cr Thomson, Cr Smith, Cr Stephens, Cr Garstone, Cr Marshall

Against: Nil

9. MOTIONS WITHOUT NOTICE BY PERMISSION OF THE COUNCIL

10. CLOSURE OF MEETING

There being no further business the President declared the meeting closed at 11:06am.

Presiding Member – Councillor Dale Douglas

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Date.....