

**SHIRE OF BROOKTON**  
**SPECIAL COUNCIL MEETING**

**7 NOVEMBER 2016**

**AGENDA**



**6.30pm - Confidential Item – CEO Appointment.**

A handwritten signature in black ink, appearing to read "Dale Stewart".

**Dale Stewart**  
**ACTING CHIEF EXECUTIVE OFFICER**

**2 November 2016**



## **SHIRE OF BROOKTON**

### **SPECIAL COUNCIL MEETING**

Dear Councillor,

Notice is hereby given that a Special Meeting of the Brookton Shire Council will be held on 7 November 2016 in the Council Chambers at the Shire Administration Centre commencing at 6.30 pm.

The business to be transacted is to consider the appointment of the new Chief Executive Officer.

**Kym Wilkinson**  
**SHIRE PRESIDENT**

2 November 2016

TABLE OF CONTENTS

**1.11.16 DECLARATION OF OPENING/ATTENDANCE .....4**

**2.11.16 DISCLOSURE OF INTERESTS .....4**

**3.11.16 PUBLIC QUESTION TIME .....5**

**4.11.16 CONFIDENTIAL REPORT .....5**

    4.11.16.01 APPOINTMENT OF CHIEF EXECUTIVE OFFICER .....7

**5.11.16 CLOSURE .....11**

## 1.11.16 DECLARATION OF OPENING/ATTENDANCE

The Presiding Member welcomed everyone and opened the meeting at....

### Attendance

#### Elected Members (Voting)

Cr KT Wilkinson	Shire President (Presiding Member)
Cr KL Crute	
Cr TM Eva	
Cr RT Fancote	
Cr NC Walker	
Cr KH Mills	
Cr L Allington	

#### Staff (Non Voting)

Dale Stewart	Acting Chief Executive Officer
Peter Kocian	Acting Deputy Chief Executive Officer
Courtney Fulwood Officer	Acting Executive Support and Administration Officer

#### Apologies or Leave of Absence

## 2.11.16 DISCLOSURE OF INTERESTS

### Disclosure of Financial & Proximity Interests

- a. Members must disclose the nature of their interest in matters to be considered at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*).
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*).

### Disclosure of Interest Affecting Impartiality

- a. Members and staff must disclose their interest in matters to be considered at the meeting in respect of which the member or employee has given or will give advice.

### Financial, Proximity and Impartiality Interests

Item no.	Members	Type of Interest	Nature of Interest

#### 3.11.16 PUBLIC QUESTION TIME

The opportunity presents for members of the public at a Special Meeting of the Council to ask questions of the local government, however, however at a Special Meeting, they should relate to the purpose of the meeting.

#### 4.11.16 CONFIDENTIAL REPORT

*Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:*

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*
- (a) *a matter affecting an employee or employees;*
  - (b) *the personal affairs of any person;*
  - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
  - (d) *legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at the meeting;*
  - (e) *a matter that if disclosed, would reveal*
    - (i) *a trade secret*
    - (ii) *information that has a commercial value to a person*  
*or*

**(iii) information about the business, professional, commercial or financial affairs of a person,**

**Where the trade secret or information is held by, or is about, a person other than the local government.**

- (f) a matter that if disclosed, could be reasonably expected to:**
- (i) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;**
  - (ii) Endanger the security of the local government's property; or**
  - (iii) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;**
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and**
- (h) such other matters as may be prescribed.**

---

#### **OFFICER RECOMMENDATION**

**That pursuant to the Local Government Act 1995, Part 5, and Section 5.23 (2) (a), the Council proceed behind closed doors, the time being....., to discuss item Number 5.11.16.01 Appointment of Chief Executive Officer.**

***SIMPLE MAJORITY VOTE REQUIRED***

---

#### **4.11.16.01 APPOINTMENT OF CHIEF EXECUTIVE OFFICER**

File No:	Personal File
Applicant/ Proponent:	Not applicable
Subject Land/ Locality:	Not applicable
Date:	02/11/2016
Author:	Dale Stewart, Acting Chief Executive Officer
Authorising Officer:	Dale Stewart, Acting Chief Executive Officer
Disclosure of Interest from Author:	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interest that requires disclosure.
Authority/Discretion:	<input checked="" type="checkbox"/> Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

Confidential Attachments:

1. Late attachments to be provided Monday 7 November

---

#### **OFFICER RECOMMENDATION**

**That with respect to recruitment of the new Chief Executive Officer of the Shire of Brookton, Council;**

- 1) Receive the Confidential Selection Report 4.11.16.01.01 dated .... 2016 prepared by WALGA on behalf of the Employment Committee; and**
- 2) Agree that from the confidential Selection Report that the preferred candidate is suitably qualified for the position in accordance with section 5.36 (2) of the Local Government Act 1995; and**
- 3) Approve the contract of employment and provisions contained therein (Confidential Attachment 4.11.16.01.02); and**
- 4) Appoint the preferred candidate as the Chief Executive Officer of the Shire of Brookton for a period of .... years commencing on ..... 2017; and**
- 5) Maintain confidentiality as to the identity of the individual, until the successful candidate has formally executed the proposed contract with Council and this has been confirmed by the Shire President.**

***ABSOLUTE MAJORITY VOTE REQUIRED***

## SUMMARY

This report recommends that Council appoint the preferred applicant as the Shire's Chief Executive Officer (CEO) under the terms and conditions of a .... year contract.

## BACKGROUND

Following the resignation of the former CEO effective 18 August 2016, WALGA Recruitment Services were engaged to conduct the recruitment process for a new CEO.

Shortlisted candidates were interviewed by the Shire's Employment Committee. Following the interviews the Employment Committee selected a preferred candidate.

The terms and conditions of the employment contract have been the subject of negotiations between the candidate and the Shire President and Deputy Shire President with assistance from WALGA Recruitment Services.

## COMMENT

The preferred candidate's appointment and the terms and conditions of his contract are now required to be approved by an absolute majority decision of Council.

## CONSULTATION

The Shire's Employment Committee and Lydia Highfield, Manager, WALGA Recruitment Services have been extensively involved in the recruitment process.

## LEGISLATIVE IMPLICATIONS

*Section 7A of the Salaries and Allowances Act 1975* provides that the Tribunal shall, from time to time, enquire into and make a report containing recommendations as to the remuneration to be paid or provided to Chief Executive Officers (CEO) of local governments.

*Section 5.36 Local Government Act 1995 – Local Government Employees;*  
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.

*Section 5.39 Local Government Act 1995 - Contracts for CEO and senior employees also relates.*



## **POLICY IMPLICATIONS**

There are no Council Policy implications relative to this issue.

## **FINANCIAL IMPLICATIONS**

The financial terms of the remuneration package in the newly appointed CEO's contract will be allowed for in each annual budget over the term of the contract.

The current Salaries and Allowances Tribunal Total Rewards Package applied to Brookton's classification of band 4 has a range of between \$126,956 - \$198,210 for the CEO and this is consistent with the recommended and negotiated contract.

## **STRATEGIC IMPLICATIONS**

The Council's Community Strategic Plan Outcomes relate as follows;

- Good governance and an efficient organisation.

Strategies that relate include;

- 5.1: Effective leadership and governance.
- 5.2: Committed and skilled staff members in a supportive environment.
- 5.3: Effective and efficient corporate and administrative services.

## **SUSTAINABILITY IMPLICATIONS**

### *Environmental*

There are no significant identifiable natural or built environmental impacts arising from adoption of the officer's recommendation.

### *Economic*

It is important that the new CEO can communicate well and can develop strong relationships with the Shire's stakeholders.

### *Social*

The Brookton community will be impacted by this decision as the CEO of the Shire of Brookton is the most important role within the organisation. This position is responsible for enabling and actioning all Council decisions and ensuring the community is well informed.

## Risk

Risk	That the Council does not feel an adequate candidate is suitable to be appointed at this time.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Impact / Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Employment Practices
Risk Action Plan (Controls or Treatment proposed)	Accept Officer and Committee Recommendation if it believes the candidate is suitably qualified.

## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

## CONCLUSION

The Special Council meeting has been called to ratify the appointment of the preferred candidate as the Shire's CEO and to endorse the contract of employment (Attachment 4.11.16.01).

---

**OFFICER RECOMMENDATION**

That Council proceed in public, the time being....and advise of the public component of any resolutions passed behind closed doors.

***SIMPLE MAJORITY VOTE REQUIRED***

---

<b>5.11.16</b>	<b>CLOSURE</b>
----------------	----------------

There being no further business to discuss the Presiding Member closed the meeting at .....