

Notice of Meeting



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Dear Elected Member

Special Council meeting of the Shire of Ravensthorpe will be held on Tuesday, 5 October 2021 at the Ravensthorpe Recreation Centre commencing at 2.30pm.

Schedule

2.30pm Special Council Meeting

Brian Jones
Acting Chief Executive Officer

1 October 2021

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Ravensthorpe for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of Ravensthorpe disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Ravensthorpe during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Ravensthorpe. The Shire of Ravensthorpe warns that anyone who has an application lodged with the Shire of Ravensthorpe must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Ravensthorpe in respect of the application.

AGENDA

Shire of Ravensthorpe
Special Council Meeting
5 October 2021

MISSION STATEMENT

To Grow Our Community through the provision of leadership, services and infrastructure.

DISCLAIMER

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Please Note:

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils decision.

Meeting Procedures:

1. All Council meetings are open to the public, except for matter raised by Council under "confidential items".
2. Members of the public may ask a question at an ordinary Council Meeting under "public question time".
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council's standing orders, policies and decision of the Shire of Ravensthorpe.

Council Meeting Information:

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report back to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters under "confidential items". On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the presiding member.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and the response is included in the meeting minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next ordinary meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the presiding member of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas, including an Information Bulletin, are delivered to Councillors within the requirements of the *Local Government Act 1995*, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by a Shire Officer. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes the Friday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

Agendas for Ordinary Meetings are available at the Shire of Ravensthorpe Office and on the Shire website seventy-two (72) hours prior to the meeting and the public are invited to view a copy at the Shire Office.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 2).

Public Inspection of Unconfirmed Minutes (Regulation 13).

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of Ravensthorpe Office and the Shire of Ravensthorpe website within ten (10) working days after the Meeting.



Brian Jones
Acting Chief Executive Officer



WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

NOTE: USE ONE FORM PER DECLARATION

(1) I, _____
wish to declare an interest in the following item to be considered by council at its meeting
to be held on (2) _____

Agenda item (3) _____

The type of interest I wish to declare is;

- Financial pursuant to Sections 5.60A of the *Local Government Act 1995*.
- Proximity pursuant to Section 5.60B of the *Local Government Act 1995*.
- Indirect Financial pursuant to Section 5.61 of the *Local Government Act 1995*.
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007.

(2) The nature of my interest is

(3) The extent of my interest is

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

DECLARATION BY:

Signature

Date

RECEIVED BY:

Chief Executive Officer

Date

- (1) Insert your name.
- (2) Insert the date of the Council Meeting at which the item is to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box to indicate the type of interest.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act).

DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY

Financial pursuant to Sections 5.60A of the Local Government Act 1995

5.60A – Financial Interest

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

Proximity pursuant to Section 5.60B of the Local government Act 1995

5.60B – Proximity Interest

- (1). For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
 - (a). a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b). a proposed change to zoning or use of land that adjoins that person's land; or
 - (c). a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.

- (2). In this section, land ("**the proposal land**") adjoins a person's land if –
 - (a). the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b). the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c). the proposal land is that part of a thoroughfare that has a common boundary with the person's land.

- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No 64 of 1998 s. 30.]

Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995

5.61 – Indirect financial interest

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

11 – Disclosure of interest

- (1). In this regulation –
Interest means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship friendship or membership of an association.

- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose nature of the interest –

- (a). in a written notice given to the CEO before the meeting;
or
 - (b). at the meeting immediately before the matter is discussed.
- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
 - (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
 - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
 - (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
 - (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act)

5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
 - (a). may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b). may allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest –
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter;
or
 - (II) is common to a significant number of electors or ratepayers.
- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.

- (3). This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.

SHIRE OF RAVENSTHORPE

Agenda for the Special Meeting of Council to be held at the Ravensthorpe Recreation Centre on Tuesday, 5 October 2021 – commencing at 2.30pm.

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EXTRACT FROM LOCAL GOVERNMENT ACT 1995

5.5. CONVENING COUNCIL MEETINGS

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) **The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.**

1. Declaration of Opening / Announcements of Visitors

The Presiding Member to declare the meeting open.

2. Attendance / Apologies / Approved Leave of Absence

COUNCILLOR'S: Cr Keith Dunlop (Shire President)
 Cr Julianne Belli (Deputy Shire President)
 Cr Sue Leighton
 Cr Thomas Major
 Cr Mark Mudie
 Cr Graham Richardson

STAFF: Brian Jones (Acting Chief Executive Officer)
 Les Mainwaring (Director Corporate and Community Services)
 Graham Steel (Director Technical Services)
 Kim Bransby (Executive Assistant)

APOLOGIES:

ON LEAVE OF ABSENCE: Nil.

ABSENT:

MEMBER OF THE PUBLIC:

3. Swearing in of Newly Elected Councillor

s.2.29 of the *Local Government Act 1995* requires the newly Elected Councillor to make a declaration prior to performing the duties of a Council Member.

"2.29 Declaration

- (1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
- (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
- (3) *A declaration required by this section is to be taken or made before a prescribed person.*
- (4) *A person who acts in an office contrary to this section commits an offence."*

Mr Brian Jones will officiate the swearing in of the newly Elected Councillors Tom Major and Graham Richardson as a prescribed person.

4. Announcements by the Presiding Member

5. Business of an Urgent Nature Introduced by Decision of Meeting

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

5.1 Elected Members

Nil.

5.2 Officers

5.2.1 Chief Executive Officer Recruitment

File Reference:	PL.RE.16
Location:	Shire of Ravensthorpe
Applicant:	A/Chief Executive Officer
Author:	A/Chief Executive Officer
Authorising Officer	A/Chief Executive Officer
Date:	17 September 2021
Disclosure of Interest:	Nil
Attachments:	Quotations Received (x 2) – Attachment A Draft Terms of Reference – Attachment B (Attachment Green)
Previous Reference:	Nil

Summary:

The purpose of this report is for the Council to initiate the recruitment process to appoint a Chief Executive Officer (CEO).

Background:

The appointment of a CEO is governed by the *Local Government Act 1995* and the *Local Government (Administration) Regulations*. This report provides relevant information to enable Council to meet its legal obligations and to ensure that all Councillors have a clear understanding of their roles and responsibilities.

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* lists a number of principles of employment that apply to local governments:

- a. employees are to be selected and promoted in accordance with the principles of merit and equity; and
- b. no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- c. employees are to be treated fairly and consistently; and
- d. there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and

- e. employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and
- f. such other principles, not inconsistent with this Division, as may be prescribed.

Comment:

All Councillors have been provided with a copy of the *Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination*, These Guidelines stipulate that the minimum standard for recruitment and selection will be met if:

- a. 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.
- b. 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.
- c. 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.
- d. The local government attracts applicants through a transparent, open and competitive process. The local government must advertise a vacancy for the position of CEO in the manner prescribed.
- e. The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- f. The local government has verified the recommended applicant's work history, qualifications, referees and claims made in their job application.
- g. The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how their knowledge, skills and experience meet the selection criteria.

Recruitment Consultant

In order for Council to meet its obligations, it is recommended that a recruitment consultant with experience in the recruitment of senior executive positions for local government be appointed to provide professional services and to ensure the selection process complies with best practice and relevant legislation.

Proposals/quotations were sought from three recruitment consulting businesses to assist Council with the recruitment process, selection and appointment of a CEO. Requests were sent to JCP Consulting (John Phillips), Lo-Go Appointments and Fitzgerald Strategies. JCP Consulting declined to submit a proposal due to current workload.

Proposals/quotations were received from Lo-Go Appointments and Fitzgerald Strategies which are attached for Council consideration.

Both recruitment consultants are specialised in local government recruitment at CEO and Director/Manager level positions and are well regarded throughout the industry.

Council needs to determine which proposal to accept.

CEO Job Description Form, Selection and Performance Criteria

The Council must be satisfied with the provisions of the employment contract prior to advertising the position. The Job Description Form (JDF), selection criteria and performance criteria are to be endorsed by Council prior to the position being advertised.

The Job Description Form, selection and performance criteria will need to be reviewed by Council in consultation with the recruitment consultant. A Special Council meeting will be required to formally endorse the Job Description Form, as required by legislation, to commence advertising of the position.

Selection Panel

In accordance with the *Local Government (Administration) Regulations 1996*, local governments are required to establish a selection panel to conduct and facilitate the recruitment and selection process.

Terms of Reference (TOR) for the selection panel have been developed that incorporate the standards for recruitment as defined in Schedule 2, Division 2 of the *Local Government (Administration) Regulations 1996*. These TOR are attached to this report.

The selection panel are responsible for the recruitment and selection process for the CEO, to make recommendations to the whole Council on the most meritorious candidate for the position and to ensure that the recruitment and selection process is fair and robust.

It is essential that prior to a person's appointment to the selection panel they are informed of the duties and responsibilities of their role and that of the panel. It is recommended that the attached Terms of Reference be adopted to assist with the facilitation of this process.

It is recommended that the selection panel consist of:

1. The Shire President, as this person has a key legislative relationship with the CEO under the Act;
2. The Deputy Shire President, as this person acts in the capacity of Shire President when required and also has a key legislative relationship with the CEO; and
3. Other Councillor/s as deemed appropriate by Council.

The selection panel should be made up of elected members and must also include at least one independent person who cannot be a current elected member, human resources consultant, or employee of the local government.

After discussion with the Shire President it has been suggested that Cr Ian Mickel, Shire of Esperance Shire President, would be a most suitable candidate due to his extensive local government experience and the Esperance Shire Council has just completed a recruitment process for a CEO.

Council needs to determine the appointment of an independent panel member.

Consultation:

All Councillors.

Statutory Environment:

The *Local Government Act 1995 and the Local Government (Administration) Regulations 1996* prescribe the requirements for the recruitment and selection of Local Government CEOs.

Policy Implications:

Policy – Standards for CEO Recruitment, Performance and Termination (as adopted by Council at the ordinary Council meeting held on Tuesday 14 September 2021).

Financial Implications:

The remuneration package for the CEO is already an inclusion in the annual budget. A general provision for recruitment costs is also included in the 2021/22 budget.

Strategic Implications:

Nil.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	(2) Low
Risk Likelihood (based on history and with existing controls)	(2) Low
Risk Impact / Consequence	(2) Low
Risk Rating (Prior to Treatment or Control)	(2) Low
Principal Risk Theme	(2) Low
Risk Action Plan (Controls or Treatment Proposed)	(2) Low

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 2 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.

Voting Requirements:

Absolute Majority.

Recommendation:

That Council:

1. **Initiate the recruitment process to appoint a Chief Executive Officer;**
2. **Appoint _____ to facilitate the process to recruit for the role of Chief Executive Officer;**
3. **Approve a remuneration package that offers salary, superannuation, motor vehicle, housing and other benefits as set by the Salaries and Allowances Tribunal (SAT), within the range of SAT level 3 banding, for the position of Chief Executive Officer with a contract term of three to five years;**
4. **Appoint a Chief Executive Officer Selection Panel comprising Cr Keith Dunlop, Cr _____, and Cr _____ supported by the recruitment consultant appointed by Council (see 2 above), to shortlist and interview candidates with all members of Council being invited to be present to conduct final interviews;**
5. **Appoints Mr Ian Mickel from the Shire of Esperance to join the CEO selection panel as the independent person, pursuant to Regulation 8(3)(b) of the *Local Government (Administration) Regulations 1996*;**
6. **Adopt the attached Terms of Reference (TOR) for the CEO Selection Panel that incorporates the standards for recruitment as defined in Schedule 2, Division 2 of the *Local Government (Administration) Regulations 1996*.**

Moved: _____

Seconded: _____

5.2.2 Appointment of Acting Chief Executive Officer

File Reference:	PL.RE.16
Location:	Shire of Ravensthorpe
Applicant:	A/Chief Executive Officer
Author:	A/Chief Executive Officer
Authorising Officer	A/Chief Executive Officer
Date:	21 September 2021
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary:

To consider the appointment of an Acting Chief Executive Officer.

Background:

Mr Brian Jones' appointment as Acting Chief Executive Officer finishes on Friday 8 October 2021. Council now needs to appoint an Acting Chief Executive Officer until the commencement of a permanent CEO (following a recruitment process).

Comment:

Mr Gary Clark is an experienced local government executive and is available to undertake the position of Acting CEO until a permanent CEO can be appointed and commence.

A copy of his Resume and the offered conditions of employment have been sent separately.

The Shire President has done due diligence reference checks and is satisfied that Gary has the skills and knowledge to fulfil the role to a high standard.

It is acknowledged that Gary has advised he will be required to take 2 to 3 days leave without pay to undertake previous commitments with his contract as a training provider with WALGA.

Consultation:

Shire President.
Executive Staff.

Statutory Environment:

Section 5.36 of the *Local Government Act 1995* provides that:

- (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.
- (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 into 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 requirement to advertise a position before the renewal of contract referred to in section 5.39.

Regulation 18 of the Local Government (Administration) Regulations provides that:

- (1) If a position of CEO, or of senior employee, of a local government becomes vacant, the local government is to advertise the position —
 - (a) on a notice board exhibited to the public at the local government’s offices, if the position is —
 - (i) to be filled on a part time basis by a person who is also employed by another local government; or
 - (ii) an acting position for a term not exceeding one year;
 - or
 - (b) otherwise, in a newspaper circulating generally throughout the State.
- (2) An advertisement referred to in sub regulation (1) is to contain —
 - (a) the details of the remuneration and benefits offered;
 - (b) details of the place where applications for the position are to be submitted;
 - (c) the date and time for the closing of applications for the position;
 - (d) the duration of the proposed contract;
 - (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.

Policy Implications:

Temporary Employment or Appointment of CEO Policy.

Financial Implications:

CEO Salary allocation contained within the Budget.

Strategic Implications:

Nil.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	(2) Low
Risk Likelihood (based on history and with existing controls)	(2) Low
Risk Impact / Consequence	(2) Low
Risk Rating (Prior to Treatment or Control)	(2) Low
Principal Risk Theme	(2) Low
Risk Action Plan (Controls or Treatment Proposed)	(2) Low

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
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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 2 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.

Voting Requirements:

Absolute majority.

Recommendation:

That Council appoint Mr Gary Clark as Acting Chief Executive Officer in accordance with the Terms of Appointment provided, for the period commencing Monday, 11 October 2021 until further notice

Moved: _____

Seconded: _____

6. Matters Behind Closed Doors

Voting Requirements:

Simple Majority.

Recommendation:

**That the meeting be closed to members of the public for this item in accordance with section 5.23 (2) of the *Local Government Act 1995* as the following subsection applies:
e) a matter that if declared, would reveal iii) information about the business, professional, commercial, financial affairs of a person**

Moved: _____ Seconded: _____

6.1 Medical Services Deed - Livingston Medical Pty Ltd

File Reference: PH.SP.7
Location: Shire of Ravensthorpe
Applicant: A/Chief Executive Officer
Author: A/Chief Executive Officer
Authorising Officer: A/Chief Executive Officer
Date: 22 September 2021
Disclosure of Interest: Nil
Attachments: Medical Services Deed – Attachment Blue
Previous Reference: OCM 18 May 2021 – Item 18.2 – Medical Services Contract – Resolution 61/21

6.2 Entitlement to Long Service Leave

File Reference: PL.ES.172
Location: Shire of Ravensthorpe
Applicant: A/Chief Executive Officer
Author: A/Chief Executive Officer
Authorising Officer: A/Chief Executive Officer
Date: 21 September 2021
Disclosure of Interest: Nil
Attachments: Legal Advice – McLeods Lawyers (Attachment Orange)
Previous Reference: Nil

7. Closure of Meeting

The Presiding Member to declare the meeting closed.

ATTACHMENT



9 The Crest
CANNING VALE WA 6155
Phone: +61 8 9455 3887
Cell: +61 4 1990 7443

Email:
mike@fitzgeraldstrategies.com.au
Web: www.fitzgeraldstrategies.com.au
ABN: 42 131 734 342

**Mr Brian Jones
Acting Chief Executive Officer
Shire of Ravensthorpe
65 Morgans Street
RAVENSTHORPE WA 6346**

Dear Brian

RE: RECRUITMENT OF NEW CEO – QUOTATION AS TO FEES

I refer to your request for a quotation as to our fees to assist the Council with the recruitment and selection of a new CEO.

Having regard for the recent amendments to the *Local Government Act 1995*, (the Act) specifically the new CEO Recruitment and Selection Standard (attached), we are obliged to assist the Council to conduct the CEO recruitment and selection process in accord with the new standard.

By way of process, we will assist Council with the following matters in preparation for the recruitment and selection:

1. Identification and agreement to the qualifications and selection criteria to be used in the selection process.
2. Approval by absolute majority of a Job Description Form (JDF) that clearly outlines the qualifications, selection criteria and responsibilities of the position.
3. Establishment of a selection panel including Councillors and at least one independent panel member who is not currently a member of Council, such that the Council acts collectively throughout the recruitment and selection process.
4. Ensuring a transparent, open and competitive recruitment process that is advertised in the prescribed manner.
5. Assessing the applicants' knowledge, experience, qualifications and skills against the selection criteria.
6. Verification of the preferred applicant's work history, qualifications, referees, and claims made in their job application.
7. Ensuring a merit-based selection of the successful applicant that has clearly demonstrated how their knowledge, skills and experience meets the selection criteria.
8. Ensuring that the appointment is made impartially and free from nepotism, bias, or unlawful discrimination.

9. Ensuring that the final appointment is endorsed by absolute majority of Council.
10. Ensuring that Council has approved the Contract of Employment by absolute majority.

ADVERTISING:

We will prepare a draft advertisement of the position that clearly informs prospective applicants about the application process, the application requirements, the closing date for applications and how the applications are to be submitted. In addition, we will prepare a draft information package for applicants containing the following details:

- 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; and
- any other relevant information.

The cost of advertising is to be covered separately by the Shire and is not included in this quote.

We will recommend a diverse range of advertising methods, mediums and platforms in addition to the advertising requirements of Section 5.36(4) of the Act as well as advertising on our website and the Shire's website, posting on online jobs boards (e.g. SEEK) sharing the advertisement via professional networks (LGP) and undertaking an executive search.

In our capacity of Licensed Employment Agent (Lic No EA2423) we will undertake 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; and
- assisting the council in preparing the employment contract.

We acknowledge that the decision as to which applicant should be recommended for the position is a decision solely at the discretion of the Council/Selection Panel Members.

Once the Council has selected its preferred applicant and determined the contents of the employment contract and PDF, we will assist with the offer of employment to the preferred applicant on approval of an absolute majority of Council.

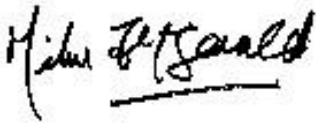
We will ensure that all unsuccessful applicants are notified of the outcome of their applications and provide them with an opportunity to receive feedback on their application, or their performance at the interview for those interviewed.

OUR FEES:

We are prepared to undertake this project set out above for a fixed fee of \$7,121.20, including GST, travelling, meals and accommodation.

Thank you for the opportunity to provide this quotation. We look forward to the Council's instructions.

Yours sincerely

A handwritten signature in black ink that reads "Mike Fitz Gerald". The signature is written in a cursive style and is positioned above a horizontal line.

Mike Fitz Gerald

PRINCIPAL

14 September 2021



15th September 2021

Brian Jones
Acting Chief Executive Officer
Shire of Ravensthorpe
65 Morgans Street
RAVENSTHORPE WA 6346

Dear Mr Brian

RE: CHIEF EXECUTIVE OFFICER – RECRUITMENT SERVICES

Thank you for the opportunity to submit a proposal to assist the Shire of Ravensthorpe with the recruitment for a Chief Executive Officer. LO-GO Appointments is extremely qualified to assist the Council with this recruitment as we have vast experience in assisting Local Government with executive talent search, screening, and placement.

As a specialist in Local Government recruitment LO-GO Appointments is committed on delivering personalised, results-oriented services, utilising best practice methods of recruitment and selection strategies. It is our commitment to work in partnership with your organisation towards a successful result.

Should you have any questions regarding the information presented in this Proposal please do not hesitate to contact me on 9380 4505 or email geraldine@logoapp.com.au

Again, many thanks for the opportunity to be considered for this assignment and we look forward to a positive outcome.

Yours sincerely

Laura Russo
Business Liaison Manager

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LO-GO
Appointments
People who know Local Government

Executive Recruitment Services

Proposal to the

Shire of Ravensthorpe

for the Position of

Chief Executive Officer

Presented to:

Brian Jones
Acting Chief Executive Officer
Shire of Ravensthorpe
65 Morgans Street
RAVENSTHORPE WA 6346
T: (08) 9839 0000
E: ceo@ravensthorpe.wa.gov.au

Submitted by:

Geraldine Kistnasing
Senior Recruitment Consultant
LO-GO Appointments
3/74 Hay Street
SUBIACO WA 6008
T: (08) 9380 4505
E: geraldine@logoapp.com.au

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OUR COMPANY – GENERAL INFORMATION

LO-GO Appointments was established in Western Australia in 1995 by Helen Passmore with branches also in Queensland and New South Wales and recently celebrated 25 years of service.

We provide executive recruitment services with extreme professionalism, the highest professional standards and accountability, ethical values alongside outstanding knowledge of Local Government throughout Australia, and best practice as a certified member of the Recruitment & Consulting Services Association of Australia & New Zealand (RCSA) that is built on international standards ISO 9001:2000.

Principal Place of Business - Suite 3, 74 Hay Street, SUBIACO WA 6008

Company Registration

Venus Corporation Pty Ltd t/a LO-GO Appointments WA	ABN: 83 554 0363 358	ACN: 0701 60655
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Licences

Employment Agents License No1124	Industrial Agent under Section 11A of the Industrial Relations Act (1979)
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Insurances

Public Liability Insurance - \$20,000,000	Professional Indemnity Insurance - \$20,000,000
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Note: A copy of our Insurance Certificates will be provided if our proposal is accepted

Executive Director: **Helen Passmore (MAICD)**

Helen has more than 30 years' experience in Local Government including nine years as an elected member, five of those years as Mayor of the City of Subiaco. She is a member of the Australian Institute of Company Directors and a member of the Recruitment & Consulting Services Association of Australia & New Zealand. Helen has experience in dealing with State and Local Government at the highest levels.

Business Liaison Manager: **Laura Russo**

Laura holds a Diploma in Business and is qualified in Assessment and Workplace Training. She has extensive experience in recruitment with over nine years of industry and Local Government experience. With her wealth of knowledge, professionalism, and complete understanding of compliance and correct processes surrounding Local Government requirements she will ensure that all aspects of your recruitment needs are met.

PRIMARY CONTACT FOR THIS PROPOSAL

Geraldine Kistnasing, MBA(International), BSc (HRM)
Senior Recruitment Consultant

- Master of Business Administration (International) with specialisation in Human Resources Management
- Bachelor of Science (Human Resource Management)
- More than two years' experience recruiting for senior positions in Western Australian Local Government
- Completely proficient in end-to-end recruitment
- Complete understanding of Executive Talent Search
- Extensive experience in developing Human Resource policies, procedures, and position descriptions for Local Government
- Extensive experience in contract negotiation
- Fully conversant with safety and risk management
- Comprehensive knowledge of Salaries and Allowances Act (1975) and the Local Government Act (1995)

LEGISLATIVE COMPLIANCE

LO-GO Appointments is confident in the knowledge of all relevant legislation that applies to the recruitment of a Local Government Chief Executive Officer or Senior Officer.

Our Company abides by the legislation as stipulated in the Local Government Act (1995)

LO-GO Appointments has extensive experience in recruitment of Chief Executive Officers and Senior Officers and guarantee compliance with all legislative requirements throughout the recruitment process.

GUARANTEE

LO-GO Appointments guarantees the suitability of all appointments in line with the recruitment and selection procedure.

Should the appointed person resign or be terminated by Council within their contract probationary period LO-GO Appointments will conduct the recruitment process again at a reduced professional service fee as negotiated with the client.

Conditions beyond LO-GO Appointments' control including but not limited to the following, will not invoke the guarantee – retrenchment; restructuring or significant job change; unforeseen medical problems, retirement; unsafe working conditions; misrepresentation of position; workplace bullying; harassment; discrimination and unfair dismissal.

CONFIDENTIALITY – Client, Candidates & Referees

Personal information collected from candidates and referees for the position advertised shall only be used for the purpose of determining their suitability for the position.

Business information collected from the client shall only be used for the purpose of undertaking the recruitment and selection procedure.

Both candidates and referees are advised of the purposes for which their information will be used and their subsequent rights under the Privacy Act 1988.

RECENT EXECUTIVE ASSIGNMENTS & COMPANY REFEREES

During more than 25 years of operation LO-GO Appointments has recruited for senior appointments such as Chief Executive Officers, Deputy CEOs, Directors, Executive Managers and Managers in Corporate & Community Services, Infrastructure Services, Engineering/Technical Services, Finance, Human Resources/Organisational Development, Building Services, Administration, Recreation Services, Governance, Regulatory services, and Information Technology.

Over the last twelve months we have provided Executive Recruitment Services for the following organisations:

CEO POSITIONS	SENIOR EXECUTIVE POSITIONS
<ul style="list-style-type: none"> - Shire of Yalgoo - Shire of Yalgoo Deputy CEO - Shire of Collie - Shire of Carnarvon - Shire of Boyup Brook Acting CEO - Mindarie Regional Council - Shire of Meekatharra - Shire of Broomehill-Tambellup - Shire of Brookton (<i>currently recruiting</i>) - Shire of Chapman Valley (<i>currently recruiting</i>) - Shire of Waroona (<i>currently recruiting</i>) 	<ul style="list-style-type: none"> - Town of Cottesloe - Shire of Ashburton - Shire of Victoria Plains - Shire of Collie - Shire of Yalgoo - Shire of Katanning - Shire of East Pilbara - 3 Directors & 5 Managers - Shire of Mount Magnet - Shire of Morawa (<i>currently recruiting</i>) - Shire of Broome

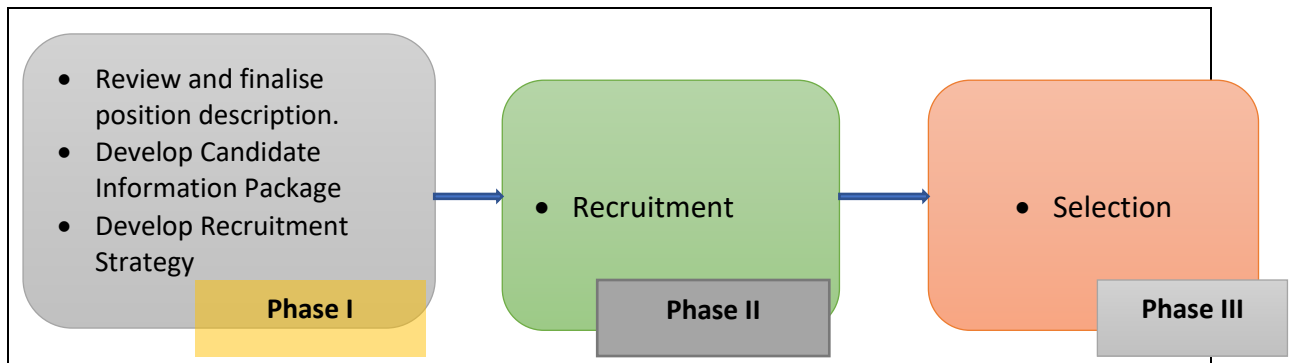
REFEREES

1. Chief Executive Officer – Kelvin Matthews – Shire of Mount Magnet
Mobile – 0417 177 524 Email – ceo@mtmagnet.wa.gov.au
2. Chief Executive Officer – Steven Harding – Shire of East Pilbara
Mobile – 0404 132 373 Email – ceo@eastpilbara.wa.gov.au
3. Chief Executive Officer – Scott Wildgoose – Shire of Morawa
Mobile – 0427 711 204 Email – ceo@morawa.wa.gov.au

Additional referees are available upon request.

RECRUITMENT and SELECTION METHODOLOGY

Our proposed executive search process is designed to provide the Council with the full range of services required to ensure the ultimate selection of a Chief Executive Officer who is uniquely suited to the Council's needs. Our recruitment process is made up of three phases outlined below.



PROJECT TASKS

The following project tasks demonstrate our ability to meet the Council's goals in successfully attracting and selecting a Chief Executive Officer.

Phase I – Develop Candidate Profile and Recruitment Strategy

- Review and finalise in consultation with Council the Executive Search Process and Schedule
- Development of Candidate Profile and Recruitment Strategy in consultation with Council
- Finalise review of Position Description including Selection Criteria, and develop Candidate Information Package for approval by Council
- Develop, finalise, and place advertisements in consultation with Council

Phase II - Recruitment

- Identify and contact potential candidates through executive search
- Review applications received and screen candidates if necessary
- Provide Council with summary of applicants and liaise with council to finalise shortlist of candidates to be interviewed and arrange schedule for candidate interview

Phase III – Selection

- Design Selection Process – interview techniques and questions, scoring process
- Conduct Interview Process
- Arrange reference and background checks for top candidates, including psychometric testing options in accordance with Council direction
- Council determination of preferred candidate to enter contract negotiations
- Consultant to finalise contract negotiations in consultation with Council
- Prepare Council agenda for endorsement of preferred candidate and signing of contract
- Finalise assignment with Council

RECRUITMENT TIMELINE SCHEDULE

The precise schedule will depend on the placement of advertisements in the appropriate professional mediums including social media, and the ability to schedule, as quickly as possible, the initial meeting with the Council to commence the process.

A proposed schedule of major milestones is presented below.

Task	Month 1				Month 2				Month 3	
	1	2	3	4	5	6	7	8	9	10
Initial meeting / candidate profile / position description	█									
Draft candidate information package	█									
Candidate information package and advertisements approved and placed		█								
Closing date for applicants 2 weeks open period			█	█						
Preliminary screening					█					
Present leading candidates to Council						█				
Conduct interviews/prepare interview questions with Council							█			
Reference/background checks as directed by Council								█		
Contract negotiations as directed by Council								█		
Council endorsement and contract signed									█	
Finalise process with Council, HR, and issue final invoice										█
Weeks	1	2	3	4	5	6	7	8	9	10

PROPOSAL FEE, EXPENSES & PAYMENT TERMS SCHEDULE

The Chief Executive Officer remuneration range is outlined below in accordance with the West Australian Salaries and Allowance Act 1975.

COUNCIL BAND	CEO REMUNERATION RANGE
SHIRE OF RAVENSTHORPE – BAND 3	\$157,920 - \$260,471

DESCRIPTION	PROPOSAL FEE
PROFESSIONAL SERVICES FEE	\$ 8,368 plus GST (Eight Thousand Three Hundred and Sixty-Eight dollars plus GST)
PAYMENT TERMS	50% (non- refundable) deposit upon acceptance of our proposal 50% balance on completion of assignment
Expenses INCLUDED	<ul style="list-style-type: none"> • Develop/review position description and Application Package • Prepare advertisement and required bookings • Video conferencing facilities (Zoom/Team viewer) if required for meetings with Consultant or candidate interviews as determined by client • Develop all documents required for the process • Coordinate interviews for the Council/Selection Panel • Extensive background, reference checks and verification of qualifications • Candidate selection report for Council/Selection Panel • Medical and police clearance • Shortlist candidate report for Council/Selection Panel • Negotiate employment contract as directed by Council including review of contract and negotiations on the remuneration package • Advertising on LO-GO Appointments’ website – WA, NSW & Qld, and all social media platforms • Assist Council with the development of the first year KPIs
Expenses EXCLUDED	<ul style="list-style-type: none"> • West Australian display advertisement in professional section or lineage style under Local Government Vacancies, size and cost to be determined by Council • Seek advertisement approx. \$350 plus GST (maximum) • LG Job Directory \$225 plus GST • Travel and/or accommodation for Consultant or candidate(s) to be negotiated with Council if necessary • Psychometric testing maximum \$500 for preferred candidate – at Council discretion and depending on what level of testing • Additional service if required by Council – CEO Probationary and Performance Plan development and annual performance review

ACCEPTANCE OF PROPOSAL

Thank you for considering our proposal. We are committed to providing quality, expert solutions to help you achieve your goals and would be pleased to partner with the Council in this important endeavour.

The SHIRE OF RAVENSTHORPE agrees for VENUS CORPORATION PTY LTD trading as LO-GO APPOINTMENTS, ABN 83 554 036 358 to undertake the Executive Recruitment Services contract for the position nominated below and agrees to the terms outlined in this proposal including:

- a) Recruitment Guarantee (page 3); and
- b) Fees, Expenses and Payment Terms (page 7)

EXECUTIVE RECRUITMENT SERVICES FOR POSITION	CHIEF EXECUTIVE OFFICER
AUTHORISED OFFICER for the COUNCIL	
NAME	
POSITION	
DATE	
COUNCIL PURCHASE ORDER NUMBER	
SIGNATURE	

Shire of Ravensthorpe
Terms of Reference
Chief Executive Officer Selection Panel

Establishment of the Selection Panel

The Council of the Shire of Ravensthorpe establishes the Chief Executive Officer (CEO) Selection Panel to undertake the recruitment and selection process for the position of CEO of the Shire of Ravensthorpe in accordance with the *Local Government Act 1995*.

Purpose

The purpose of the CEO Selection Panel is to be responsible for the recruitment and selection process for the Chief Executive Officer, to make recommendations to the whole Council on the most meritorious candidate for the position and to ensure that the recruitment and selection process is fair and robust.

The CEO Selection Panel will conduct an assessment process which ensures the candidate's suitability is based on merit selection principles, taking into account knowledge, skills, qualifications and experience, which is considered against the specific requirements of the vacancy as set out in the selection criteria.

Membership

Membership of the CEO Selection Panel shall consist of:

- The Shire President, Cr Keith Dunlop
- Two (2) x Councillors (to be appointed by Council)
- 1 x Independent Member (to be appointed by Council)

In addition to the above, a Council appointed independent recruitment consultant will provide professional services to ensure the recruitment and selection process complies with best practice and relevant legislation.

Terms of Reference

The Terms of Reference for the CEO Selection Panel are as follows:

- To be an advisory committee for the duration of the CEO recruitment and selection process;
- To coordinate the recruitment process in an appropriately confidential manner, including working with the appointed independent recruitment consultant to attract and select appropriate candidates;
- To coordinate the advertising, search for candidates, short listing, interview process, conducting interviews, screening, assessing, conducting second round interviews, referee checks, writing reports and contract preparation;
- To report back to Council throughout the process and provide Council with sufficient advice to permit a determining decision to be made at a Meeting of Council regarding the final selection, appointment and contracting of the CEO.

Tenure

The CEO Selection Panel which is established for the purpose of assisting the Council in taking steps to fill the vacancy of Chief Executive Officer for the Shire of Ravensthorpe will be wound up upon the date that the Council makes the appointment of Chief Executive Officer.