

Shire of Denmark

Special Council Meeting MINUTES

23 May 2023



HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK ON TUESDAY, 23 MAY 2023.

The purpose of the meeting is to appoint:

1. An Independent Panel Member to the CEO Selection Panel; and
2. An Independent Human Resources Consultant to assist the panel with the CEO Recruitment Process.



Contact Us

953 South Coast Highway, Denmark WA 6333

Correspondence to:

Post Office Box 183, DENMARK WA 6333

Phone: (08) 9848 0300 | Email: enquiries@denmark.wa.gov.au

Website: www.denmark.wa.gov.au

Facebook: shireofdenmark

Strategic Community Plan (snapshot)

E1.0

Our Economy

We are an attractive location to live, invest, study, visit and work

- E1.1 To have a stable and locally supported business community that embraces innovation, creativity, resourcefulness and originality
- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets
- E1.3 To have diverse education and employment opportunities
- E1.4 To recognise the importance of agriculture in our local economy and protect prime agricultural land

N2.0

Our Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future

- N2.1 To preserve and protect the natural environment
- N2.2 To promote and encourage responsible development
- N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy
- N2.4 To acknowledge and adapt to climate change

B3.0

Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative, active and safe community

- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community
- B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users
- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation
- B3.4 To manage assets in a consistent and sustainable manner
- B3.5 To have diverse and affordable housing, building and accommodation options

C4.0

Our Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit

- C4.1 To have services that foster a happy, healthy, vibrant and safe community
- C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature
- C4.3 To create a community that nurtures and integrates natural, cultural and historical values
- C4.4 To recognise and respect our local heritage and Aboriginal history

L5.0

Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government

- L5.1 To be high functioning, open, transparent, ethical and responsive
- L5.2 To have meaningful, respectful and proactive collaboration with the community
- L5.3 To be decisive and to make consistent and well considered decisions
- L5.4 To be fiscally responsible
- L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency
- L5.6 To seek two-way communication that is open and effective

Contents

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	5
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	5
3.	ANNOUNCEMENT BY THE PERSON PRESIDING.....	5
4.	PUBLIC QUESTION TIME	5
4.1	PUBLIC QUESTIONS.....	5
5.	REPORTS OF OFFICERS	6
5.1	APPOINTMENT OF INDEPENDENT MEMBER TO THE CEO SELECTION PANEL AND APPOINTMENT OF HUMAN RESOURCES CONSULTANT	6
6.	MATTERS BEHIND CLOSED DOORS	9
7.	CLOSURE OF MEETING.....	10

DISCLAIMER

These minutes and resolutions are subject to confirmation by Council and therefore prior to relying on them, one should refer to the subsequent meeting of Council with respect to their accuracy.

No responsibility whatsoever is implied or accepted by the Shire of Denmark for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Denmark 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/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that 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 license, any statement or limitation or approval made by a member or officer of the Shire of Denmark during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Denmark. The Shire of Denmark warns that anyone who has an application lodged with the Shire of Denmark must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Denmark in respect of the application.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.01pm – The Shire President, Cr Gearon, declared the meeting open and acknowledged the Bibbulmun and Minang people as the traditional custodians of the land on which the meeting was being held. Cr Gearon paid her respects to Elders past, present and emerging.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS:

Cr Ceinwen Gearon (Shire President)
 Cr Kingsley Gibson (Deputy Shire President)
 Cr Clare Campbell
 Cr Donna Carman
 Cr Donald Clarke
 Cr Nathan Devenport
 Cr Jan Lewis

STAFF:

David King (Chief Executive Officer)
 Lee Sounness (Acting Director Corporate & Community Services)

APOLOGIES:

Cr Janine Phillips

ON LEAVE OF ABSENCE:

Cr Jackie Ormsby (approved February 2023 / Resolution No. 020223)

ABSENT:

Nil

VISITORS:

Nil

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Gearon	5.1	Impartiality	The applicant is known to me, on a board together for a not for profit charity.

3. ANNOUNCEMENT BY THE PERSON PRESIDING

Nil

4. PUBLIC QUESTION TIME

4.1 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council.

For a Special Meeting of Council, such as this, **they must however relate to the item(s) on the Agenda.**

Questions from the public are invited and welcomed at this point of the Agenda.

Should you wish to address Council please note that the Presiding Person (the Shire President) may have to limit the time of individual speakers in order to allow sufficient time for all speakers present at the meeting to address Council. The rules of this process and the time allocated will be determined by the Presiding Person at the Meeting dependent upon the indicative number of speakers.

Questions from the Public

There were no members of the public in attendance.

5. REPORTS OF OFFICERS

Cr Gearon declared that the applicant is known to her as they are on a board together for a not for profit charity and as a consequence there may be a perception that her impartiality on this matter may be affected.

5.1 APPOINTMENT OF INDEPENDENT MEMBER TO THE CEO SELECTION PANEL AND APPOINTMENT OF HUMAN RESOURCES CONSULTANT

File Ref:	PER.11.23.CEO
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	17 May 2023
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	5.1a – CEO Selection Panel Terms of Reference 5.1b – Standards for CEO Recruitment, Performance and Termination Policy 5.1c – CONFIDENTIAL Application 5.1d – CONFIDENTIAL HR Consultant Proposals

IN BRIEF

- Council is required to appoint an Independent Member to the CEO Selection Panel ('Panel').
- Council is requested to consider the proposals received from suitably qualified Human Resources Consultants, and appoint one to assist the Panel and the Council with a CEO recruitment process.

RECOMMENDATION

The Officer Recommendations are based on the Panel's recommendation.

Recommendation 5.1a)

That Council APPOINT Beilby Downing Teal as the Human Resources Consultant to assist the CEO Selection Panel, and the Council, to undertake a CEO Recruitment process.

Recommendation 5.1b)

That Council:

1. APPOINT Trevor Hunt as the Independent Panel Member on the CEO Selection Panel;
2. AGREE to reimburse Trevor for reasonable, related travel costs in accordance with the Council's *Elected Member Allowances and Expenses Policy*.

LOCATION

1. Not applicable.

BACKGROUND

2. At the 18 April 2023 meeting, Council established a CEO Selection Panel and requested the CEO to advertise for independent person applications, as well as seek quotes for a qualified Human Resources Consultant.
3. Councillors Gearon, Ormsby, Devenport and Lewis were appointed as the councillor representatives to the Panel.
4. See Attachment 5.1a for a copy of the Panel's Terms of Reference.
5. On the 16 May 2023, councillor members of the Panel reviewed the application for the independent person and the proposals from Human Resource Consultants.

DISCUSSION / OFFICER COMMENTS**INDEPENDENT PANEL MEMBER**

6. In accordance with Regulations, the Panel is required to have an independent person as a member.
7. The vacant position was advertised in the Denmark Bulletin, and on the Shire's website, Facebook page and Notice Boards.
8. One application was received and has been provided to Councillors under separate confidential cover.

HUMAN RESOURCES (HR) CONSULTANT

9. It is up to Council whether to engage an external consultant, not a statutory requirement.
10. The Department of Local Government, Sport and Cultural Industries Guideline, suggests that a local government should seek independent advice and guidance from a human resources consultant, '*where the Council lacks the capacity or expertise to facilitate the recruitment and selection process*'.
11. The Department Guideline also states that the human resource officers within the local government should not be involved in any CEO recruitment process.

12. Three external agencies were contacted, and two proposals were received, which have been provided to Councillors under separate confidential cover.

CONSULTATION AND EXTERNAL ADVICE

13. The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

STATUTORY / LEGAL IMPLICATIONS

14. LOCAL GOVERNMENT ACT 1995

Section 5.39B – local government must adopt model standards for the appointment of a CEO.

Section 5.100(1) – a person who is committee member but who is not a council member or an employee is not to be paid a fee for attending any committee meeting.

Section 5.100(2) – where a local government decides to reimburse a committee member, who is not a council member, for an expense incurred and a maximum amount has been determined, for the purposes of s 5.98(3)(b) (relating to expenses to be reimbursed to Elected Members), the local government must ensure that the amount reimbursed does not exceed that maximum.

15. LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996

Regulation 18FA – Schedule 2 sets out the model standards for the appointment of a CEO.

STRATEGIC / POLICY IMPLICATIONS

16. The Council adopted the model standard in September 2021 and created the Shire of Denmark's *Standards for CEO Recruitment, Performance and Termination Policy*.
17. Clause 8(1) states that an *independent person* means;

"a person other than a council member, an employee of the local government and/or a human resources consultant engaged by the local government".
18. Clause 8(3) requires that the Council must establish a Panel and the Panel must comprise of at least one independent person.
19. The Council's *Elected Member Allowances and Expenses Policy* has determined that the amount to be reimbursed for travel costs is as determined by the Salaries and Allowances Tribunal. This policy and the limits within can be used to guide any travel reimbursement claims made by the independent person, in accordance with section 5.100(2) of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

20. The quotes received from the two Human Resource Consultants were similar however, Council will need to consider the proposals in their entirety, not just cost.

21. It is predicted that the entire recruitment program, including advertising will be around \$25,000.
22. This can be accommodated within the current Budget under GL 1420152.

OTHER IMPLICATIONS

Environmental

23. There are no known significant environmental implications relating to the report or officer recommendation.

Economic

24. There are no known significant economic implications relating to the report or officer recommendation.

Social

25. There are no known significant social considerations relating to the report or officer recommendation.

RISK MANAGEMENT

26. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

27. Simple majority.

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 5.1 a)
MOVED: CR GIBSON	SECONDED: CR CLARKE
That Council APPOINT Beilby Downing Teal as the Human Resources Consultant to assist the CEO Selection Panel, and Council, to undertake a CEO Recruitment process.	
CARRIED: 7/0	Res: 200523

COUNCIL RESOLUTION & OFFICER RECOMMENDATION	ITEM 5.1 b)
MOVED: CR CLARKE	SECONDED: CR DEVENPORT
That Council:	
1. APPOINT Trevor Hunt as the Independent Panel Member on the CEO Selection Panel; and	
2. AGREE to reimburse Trevor for reasonable, related travel costs in accordance with the Council's <i>Elected Member Allowances and Expenses Policy</i> .	
CARRIED: 7/0	Res: 210523

6. MATTERS BEHIND CLOSED DOORS

Nil

7. CLOSURE OF MEETING

4.09pm – *There being no further business to discuss the Shire President declared the meeting closed.*

The Chief Executive Officer recommends the endorsement of these minutes at the next meeting.

Signed: _____
David King – Chief Executive Officer

Date: _____

These minutes were confirmed at a meeting on the _____.

Signed: _____
(Presiding Person at the meeting at which the minutes were confirmed)