



MINUTES – SPECIAL COUNCIL MEETING - 2 DECEMBER 2022
(Teleconference Meeting)

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1.1 OPENING

The President thanked all Councillors, guest and staff present for their attendance and declared the meeting open at 11.10am

Acknowledgement of Country

We would like to respectfully acknowledge the Yamatji People who are the Traditional Owners and First People of the land on which we meet. We would like to pay our respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of the Yamatji People.

2. PRESENT

Cr L Sudlow	President	Northampton Ward
Cr R Horstman	Deputy President	Northampton Ward
Cr R Suckling		Northampton Ward
Cr D Pike		Kalbarri Ward
Cr R Burges		Kalbarri Ward
Cr P Stewart		Kalbarri Ward
Maurice Battilana	Acting Chief Executive Officer	
Lydia Highfield	Recruitment Consultant (11:10am to 11:16am)	
Nils Hay	CEO Recruitment Panel - Independent Member (11:13am to 11:16am)	

PREVIOUSLY APPROVED LEAVE OF ABSENCE
(by Resolution of Council October 2022 meeting)

Cr T Hay Northampton Ward

APOLOGIES

Cr T Gibbs Kalbarri Ward



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11.4 QUESTION TIME

Nil

11.5 DISCLOSURE OF INTEREST

Cr Suckling declared an impartiality interest in Item 5.1.3 as she is related to the Chief Executive Officer, Garry Keeffe.

Acting Chief Executive Officer, Maurice Battilana, declared an impartiality interest in Item 5.1.3 as he is related to the Chief Executive Officer, Garry Keeffe.

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5.1.1 CEO RECRUITMENT PROCESS – INDEPENDENT PANEL MEMBER

FILE REFERENCE:	17.1.12
DATE OF REPORT:	11 November 2022
REPORTING OFFICER:	Maurice Battilana, Acting CEO
APPENDICES:	1 Revocation Process – Flow Chart

SUMMARY:

Council is required to revoke the appointment of Cr Hellene McTaggart as the Independent Member on the CEO Recruitment Panel due to a ruling made by the Department of Local Government on the legislation associated with the appointment of this Panel Member.

BACKGROUND:

Council resolved the Following at the November 2022 Ordinary Council Meeting:

Moved Cr STEWART seconded Cr GIBB

Council endorse the “CEO Recruitment Panel–Terms of Reference 2022” as per Attachment 3 to comply with the Standards and relevant Regulations and appoint the following as Panel Members:

- *President*
- *Deputy President*
- *Cr Pike*
- *Cr Suckling*
- *Independent Member – Hellene McTaggart.*
- *Recruitment Consultant – Lydia Highfield.*

CARRIED 6/0

COMMENT:

Since this resolution it has been pointed out by the Department of Local Government (and confirmed by the Western Australian Local Government Association) the Independent Member of the Panel cannot be a Councillor in any local government authority in the State (and maybe even in the nation).

The Acting CEO disputed this interpretation; however, as it has been pointed out by the Department, if the process is not followed strictly in accordance with

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legislation (or their interpretation of the legislation) the Shire may be legally required to run the whole process again.

Under the *Local Government (Administration) Amendment Regulations, 2021*, the Guidelines for the Local Government CEO Recruitment and Selection, Performance Review and Termination were amended February 2021. Local Government Councils are required to develop or update policies, procedures and/or terms and reference relating to the management and implementation of future CEO recruitment, selection, performance and termination processes.

On this basis the Council, having already adopted “*Standards for the CEO Recruitment, Performance and Termination Policy*” to comply with the above regulations and is required to consider and endorse:

- the CEO Recruitment Panel – Terms of Reference
- **establish a CEO Recruitment Panel**
- establish a Confidentiality Agreement for the CEO Recruitment Panel
- determine the selection criteria for the position of CEO
- approve a Job/Position Description form for the position of CEO
- endorse a Draft CEO Employment Contract

STATUTORY ENVIRONMENT

Local Government Act, 1995

Local Government(Administration) Regulations – Schedule 2, Clause 8(1)(a)

The legislation in dispute is *Local Government(Administration) Regulations - Schedule 2, Clause 8(1)(a)* which states:

8. Establishment of selection panel for employment of CEO

(1) *In this clause —*

independent person means a person other than any of the following —

- (a) **a council member**;
- (b) *an employee of the local government*;
- (c) *a human resources consultant engaged by the local government*

(2) *The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.*

(3) *The selection panel must comprise —*

- (a) *council members (the number of which must be determined by the local government); and*
- (b) *at least 1 independent person.*

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POLICY/PROCEDURE IMPLICATIONS

Standards for the CEO Recruitment, Performance and Termination Policy

FINANCIAL & BUDGET IMPLICATIONS:

No implications.

STRATEGIC IMPLICATIONS:

5.	Our Leadership			
5.1	To be accountable for good governance, strong stewardship and leadership with proactive communication and consultation			
	Key Outcomes	Objectives	Success Measures	Timelines
5.1.1	To maintain and expand capacity and capability in the Shire workforce as required for ongoing good governance, accountability,	A retained and developed workforce and effective recruitment in staff turnover	Stable workforce and successful recruitment	Ongoing

VOTING REQUIREMENT:

Varies depending on specific motion.

There is a process Council is required to follow when revoking or substantially changing a Council decision (see **Attachment 1**).

COUNCIL RESOLUTION/STAFF RECOMMENDATION 1 (ONE THIRD MAJORITY) –

Moved Cr Suckling

Seconded Cr Horstman

Council agree to deal with the revocation Motion as presented.

CARRIED UNANIMOUSLY 6/0



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COUNCIL RESOLUTION/RECOMMENDATION 2 (ABSOLUTE MAJORITY)

Moved Cr Stewart

Seconded Cr Suckling

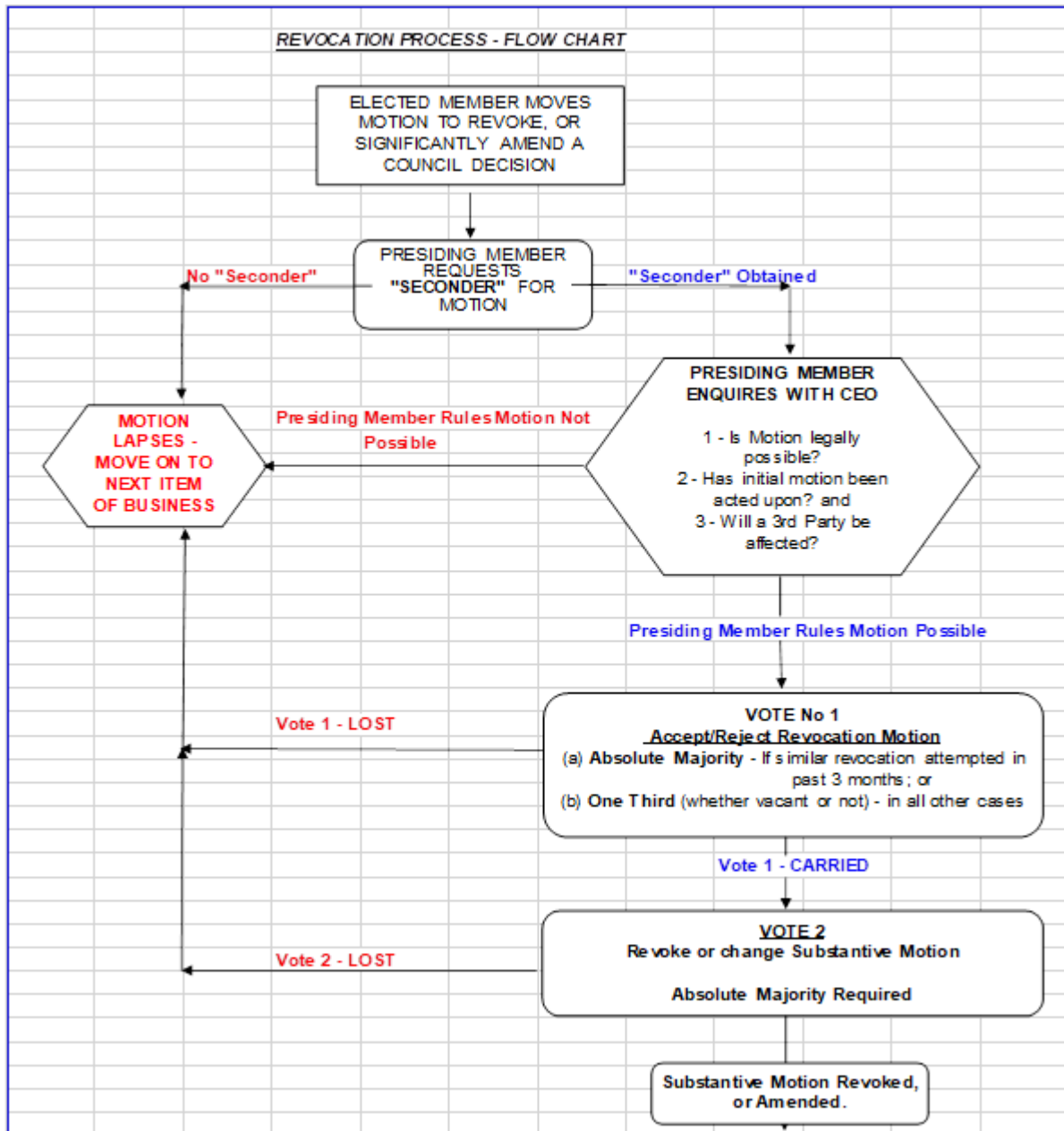
Council:

- 1. Revoke the appointment of Hellene McTaggart as the Independent Member of the CEO Recruitment & Selection Panel.**
- 2. Council appoint Mr Nils Hay as the Independent Member of the CEO Recruitment & Selection Panel.**

CARRIED UNANIMOUSLY 6/0

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ATTACHMENT 1





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11:13am - Mr. Nils Hay joined the meeting by teleconference link.

CONFIDENTIAL AGENDA REPORTS

COUNCIL RESOLUTION

Moved Cr Horstman

Seconded Cr Stewart

Council close the meeting to the public in accordance with section 5.23(a) of the Local Government Act, 1995, to deal with Agenda Item 5.1.2 & 5.1.3 as both items relate to matters affecting an employee and the personal affairs of a person.

CARRIED UNANIMOUSLY 6/0



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5.1.2 CEO RECRUITMENT PROCESS – POSITION DESCRIPTION & SELECTION CRITERIA

FILE REFERENCE: 17.1.12
DATE OF REPORT: 2 December 2022
REPORTING OFFICER: Maurice Battilana, Acting CEO
APPENDICES: 1. Draft Position Description & Selection Criteria

COUNCIL RESOLUTION/STAFF RECOMMENDATION – ITEM 5.1.2

Moved Cr Stewart

Seconded Cr Burges

Council endorse the “CEO Position Description” as presented to comply with the Shire’s “Standards for the CEO Recruitment, Performance and Termination Policy” and associated legislation to commence advertising of the position.

CARRIED UNANIMOUSLY 6/0

11:16am – Lydia Highfield, Nils Hay, disconnected and left meeting

11:16am – Maurice Battilana left the meeting.

5.1.3 RETIRING CEO – CONTRACT DISCUSSIONS

FILE REFERENCE: 17.1.2
DATE OF REPORT: 2 December 2022
REPORTING OFFICER: Maurice Battilana, Acting CEO
APPENDICES: 1. G Keeffe’s - Eligible Termination Payments (ETP) Application
2. G Keeffe’s - Employment Contract

11:47am – Maurice Battilana returned to the meeting.

COUNCIL RESOLUTION

Moved Cr Stewart

Seconded Cr Burges

Council endorse Option3 of the Confidential Schedule and if this is accepted by the Chief Executive Officer the President be authorised to finalise a Deed of Settlement with the Chief Executive Officer and a budget variation be implemented to accommodate this arrangement.”

CARRIED UNANIMOUSLY 6/0



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6. CLOSURE

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 11:51am.