



AGENDA

Special Council Meeting

To be held in Council Chambers, Wolfram Street
Westonia Wednesday 27th October 2021
Commencing 2.00pm

Dear Councillors,

The next Special Meeting of the Council of the Shire of Westonia will be held on Wednesday 27th October 2021 at the Council Chambers, Wolfram Street, Westonia.

Council Meeting – 2.00pm

A handwritten signature in black ink, appearing to read 'J. Criddle', is positioned above the name of the Chief Executive Officer.

JAMIE CRIDDLE
CHIEF EXECUTIVE OFFICER
27th October 2021



No responsibility whatsoever is implied or accepted by the Shire of Westonia for any act, omission or statement or intimation occurring during Council meetings.

The Shire of Westonia disclaims and liability for any loss whatsoever and howsoever caused by arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during the Council Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting does that persons or legal entity's own risk.

In particular and without derogating in any way from the board disclaimer above, in any discussion regarding any planning application or application for a license, any statement or intimation made by any member or Officer of the Shire of Westonia during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Westonia.

The Shire of Westonia warns that anyone who has any application lodged with the Shire of Westonia 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 Westonia in respect of the application.

TABLE OF CONTENTS

1.	DECLARATION OF OPENING	4
2.	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE.....	4
3.	PUBLIC QUESTION TIME).....	4
4.	APPLICATIONS FOR LEAVE OF ABSENCE	4
5.	CONFIRMATION OF PREVIOUS MINUTES.....	4
6.	RECEIVAL OF MINUTES	4
7.	PRESIDENT/COUNCILLORS ANNOUNCEMENTS	4
8.	DECLARATION OF INTEREST	5
9.	MATTERS REQUIRING A COUNCIL DECISION	6
9.1.1	CEO RECRUITMENT	6
10	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	11
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING	11
12	DATE AND TIME OF NEXT MEETING.....	11
13	MEETING CLOSURE	11

1. DECLARATION OF OPENING

The President, Cr Day welcomed Councillors and staff and declared the meeting open at 1.31pm.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Councillors:

Cr KM Day	President
Cr RM Crees	Deputy President
Cr RS Corsini	
Cr DL Geier	
Cr WJ Huxtable	
Cr RA Della Bosca	

Staff:

Mr. JC Criddle	Chief Executive Officer
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Members of the Public:

Apologies:

Approved Leave of Absence:

Nil

3. PUBLIC QUESTION TIME)

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. CONFIRMATION OF PREVIOUS MINUTES

Nil

6. RECEIVAL OF MINUTES

Nil

7. PRESIDENT/COUNCILLORS ANNOUNCEMENTS

Nil.

8. DECLARATION OF INTEREST

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Financial** interest were made at the Council meeting held on **27th October 2021**.

Name/Position	
Item No./Subject	
Nature of interest	
Extent of Interest	

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting held on **27th October 2021**.

Name/Position	
Item No./Subject	
Nature of interest	
Extent of Interest	


In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of **Proximity** interest were made at the Council meeting held on **27th October 2021**.

Name/Position	
Item No./Subject	
Nature of interest	
Extent of Interest	

9. MATTERS REQUIRING A COUNCIL DECISION

9.1.1 CEO RECRUITMENT

Responsible Officer:	Jamie Criddle, CEO
Author:	Jamie Criddle, CEO
File Reference:	
Disclosure of Interest:	Nil
Attachments:	CEO Resignation letter
Signature:	Officer CEO



Purpose of the Report



Executive Decision



Legislative Requirement

To inform Council of the processes involved with the recruitment of a new Chief Executive Officer.

Background

As Council will be aware, the current CEO, Jamie Criddle advised the President of his resignation from Council on Wednesday 20th October 2021 to take up the role of CEO with the Shire of Chapman Valley.

In order to ensure that Council complies with the new Local Government Act regulations, it is suggested that Council employ the services of a Human Resource (HR) Consultant to facilitate the recruitment process.

Comment

To satisfy the requirements of the Clause 11.4(1 &2), the CEO wishes to give 3 months notice from 20th October 2021, leaving the end date of 20th January 2022. The CEO has informed that he has holidays booked in January and would like his last official day to be the 23rd December 2021, be he would be popping into the office after his break and the 20th January.

11.4 Termination by You at will

(1) *You may, for any reason, terminate Your employment on a date specified by You at any time by giving 3 months' notice in writing to the President.*

(2) *The period of notice may be varied by mutual agreement between the Council and You.*

Based on the decision by the CEO, it is considered that Council should start planning now for his replacement. The following timeline is submitted for Council consideration:-

1. October 2021 - Seek quotations from suitably qualified Recruitment Consultants to assist Council with the recruitment process.
2. Late October 2021 – Council at a Special meeting in late October to appoint preferred Recruitment Consultant, appoint the Selection Panel.
3. November/December 2021 – Commence advertising process and interview in early December ; and
4. Late December 2021 – Interview and appoint preferred candidate. Dependent upon preferred candidate's current employment status and requirement for notice from existing employee, this should allow adequate time for handover.
5. Employ the services of a temporary CEO for the period between the existing CEO and the preferred candidate.

Statutory Environment

Local Government (Administration) Regulations 1996

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.

[Regulation 18A inserted: Gazette 31 Mar 2005 p. 1037-8; amended: Gazette 19 Aug 2005 p. 3872; 3 May 2011 p. 1594; SL 2021/14 r. 4.]

18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c)) 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.

[Regulation 18B inserted: Gazette 13 May 2005 p. 2086.]

[18C, 18D. Deleted: SL 2021/14 r. 5.]

18E. False information in application for CEO position, offence A person must not, in connection with an application for the position of CEO of a local government —

- (a) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant that the person knows is false in a material particular; or
- (b) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant which is false or misleading in a material particular, with reckless disregard as to whether or not the statement or information is false or misleading in a material particular.

Penalty: a fine of \$5 000.

[Regulation 18E inserted: Gazette 31 Mar 2005 p. 1038-9; amended: Gazette 19 Aug 2005 p. 3872; 4 Mar 2016 p. 650.]

18F. Remuneration and benefits of CEO to be as advertised The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

[Regulation 18F inserted: Gazette 31 Mar 2005 p. 1039.]

18FA. Model standards for CEO recruitment, performance and termination (Act s. 5.39A(1))

Schedule 2 sets out model standards for local governments in relation to the following —

- (a) the recruitment of CEOs;
- (b) the review of the performance of CEOs;
- (c) the termination of the employment of CEOs.

[Regulation 18FA inserted: SL 2021/14 r. 6.]

18FB. Certification of compliance with adopted standards for CEO recruitment (Act s. 5.39B(7))

- (1) In this regulation —
adopted standards means —
 - (a) the standards adopted by a local government under section 5.39B; or
 - (b) if the local government has not adopted standards under that section, the standards taken under section 5.39B(5) to be the local government's adopted standards.
- (2) This regulation applies if —
 - (a) a local government employs a person in the position of CEO of the local government; and
 - (b) the local government's adopted standards in relation to the recruitment of CEOs apply to the employment.
- (3) As soon as practicable after the person is employed in the position of CEO, the local government must, by resolution*, certify that the person was employed in accordance with the local government's adopted standards in relation to the recruitment of CEOs.
* Absolute majority required.
- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

[Regulation 18FB inserted: SL 2021/14 r. 6.]

18FC. Certification of compliance with adopted standards for CEO termination (Act s. 5.39B(7))

- (1) In this regulation — adopted standards has the meaning given in regulation 18FB(1).
- (2) This regulation applies if a local government terminates the employment of the CEO of the local government.
- (3) As soon as practicable after the CEO's employment is terminated, the local government must, by resolution*, certify that the CEO's employment was terminated in accordance with the local government's adopted standards in relation to the termination of the employment of CEOs.
* Absolute majority required.
- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the

resolution is passed by the local government.

[Regulation 18FC inserted: SL 2021/14 r. 6.]

Division 2 — Standards for recruitment of CEOs

[Heading inserted: SL 2021/14 r. 7.]

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

[Clause 3 inserted: SL 2021/14 r. 7.]

4. Application of Division

(1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.

(2) This Division does not apply —

(a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or

(b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

[Clause 4 inserted: SL 2021/14 r. 7.]

5. Determination of selection criteria and approval of job description form

(1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.

(2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —

(a) the duties and responsibilities of the position; and

(b) the selection criteria for the position determined in accordance with subclause (1).

[Clause 5 inserted: SL 2021/14 r. 7.]

6. Advertising requirements

(1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the Local Government (Administration) Regulations 1996 regulation 18A.

(2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the Local Government (Administration) Regulations 1996 regulation 18A as if the position was vacant.

[Clause 6 inserted: SL 2021/14 r. 7.]

7. Job description form to be made available by local government If a person requests the local government to provide to the person a copy of the job description form, the local government must —

(a) inform the person of the website address referred to in the Local Government (Administration) Regulations 1996 regulation 18A(2)(da); or

(b) if the person advises the local government that the person is unable to access that website address —

(i) email a copy of the job description form to an email address provided by the person; or

(ii) mail a copy of the job description form to a postal address provided by the person.

[Clause 7 inserted: SL 2021/14 r. 7.]

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.

[Clause 8 inserted: SL 2021/14 r. 7.]

9. Recommendation by selection panel

(1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.

(2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —

(a) a summary of the selection panel's assessment of each applicant; and

(b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.

(3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —

(a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and

(b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

(4) The selection panel must act under subclauses (1), (2) and (3) —

(a) in an impartial and transparent manner; and

(b) in accordance with the principles set out in section 5.40 of the Act.

(5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —

(a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and

(b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and

(c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.

(6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

[Clause 9 inserted: SL 2021/14 r. 7.]

10. Application of cl. 5 where new process carried out

(1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.

(2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —

(a) clause 5 does not apply to the new recruitment and selection process; and

(b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

[Clause 10 inserted: SL 2021/14 r. 7.]

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

(a) the making of the offer of employment to the applicant; and

(b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

[Clause 11 inserted: SL 2021/14 r. 7.]

Local Government Act 1995

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.

5.39A. Model standards for CEO recruitment, performance and termination

(1) Regulations must prescribe model standards for local governments in relation to the following —

(a) the recruitment of CEOs;

(b) the review of the performance of CEOs;

(c) the termination of the employment of CEOs.

(2) Regulations may amend the model standards.

[Section 5.39A inserted: No. 16 of 2019 s. 22.]

5.39B. Adoption of model standards

(1) In this section —

model standards means the model standards prescribed under section 5.39A(1).

(2) Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.

* Absolute majority required.

(3) Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend* the adopted standards to incorporate the amendments made to the model standards.

* Absolute majority required.

(4) A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.

(5) The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.

(6) The CEO must publish an up-to-date version of the adopted standards on the local government's official website.

(7) Regulations may provide for —

(a) the monitoring of compliance with adopted standards; and

(b) the way in which contraventions of adopted standards are to be dealt with.

Policy Implications

Nil

Strategic Implications

Shire of Westonia Strategic Community Plan 2020-2030 – Civic Leadership – Maintain a high level of corporate governance, responsibility and accountability.

Financial Implications

There will be a financial cost to Council in the recruitment process as well as the employment of the temporary CEO.

Voting Requirements

Simple Majority

Absolute Majority

OFFICER RECOMMENDATIONS

That

1. Council accepts the resignation of the Chief Executive Officer, Jamie Criddle and terms as per the resignation letter.
2. That in accordance with the Local Government Act 1995 and the Local Government (Administration) Regulations 1996 relating to the recruitment of CEO's, Council approves and commences the following processes for the selection and appointment of a new CEO:-
 - i. October 2021 - Seek quotations from suitably qualified Recruitment Consultants to assist Council with the recruitment process.
 - ii. Late October 2021 – Council at a Special meeting in late October to appoint preferred Recruitment Consultant, appoint the Selection Panel.
 - iii. November/December 2021 – Commence advertising process and interview in early December ; and
 - iv. Late December 2021 – Interview and appoint preferred candidate. Dependent upon preferred candidate's current employment status and requirement for notice from existing employee, this should allow adequate time for handover.
 - v. Employ the services of a temporary CEO for the period between the existing CEO and the preferred candidate.



22nd October 2021

Jamie Criddle
Chief Executive Officer
Shire of Westonia
41 Wolfram Street
Westonia WA 6423

Dear Jamie

RE: CHIEF EXECUTIVE OFFICER – RECRUITMENT SERVICES

Thank you for the opportunity to submit a proposal to assist the Shire of Westonia 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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Executive Recruitment Services

Proposal to the

Shire of Westonia

for the Position of

Chief Executive Officer

Presented to:

Jamie Criddle
Chief Executive Officer
Shire of Westonia
41 Wolfram Street
WESTONIA WA 6423
T: (08) 9046 7063
E: ceo@westonia.wa.gov.au

Submitted by:

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CONTENTS

	Page
General Company information	1
Primary Contact	2
Legislative Compliance	3
Guarantee	3
Confidentiality	3
Summary of recent executive assignments, Company referees	4
Executive Recruitment and Selection Methodology	5
Recruitment process timeline	6
Proposal fee structure	7
Proposal acceptance form	8



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 - Shire of Chapman Valley - Shire of Waroona - Shire of Wandering (<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 - (<i>currently recruiting 1 Managerial role</i>) - Shire of Mount Magnet - Shire of Morawa - Shire of Broome - Shire of Derby/West Kimberley

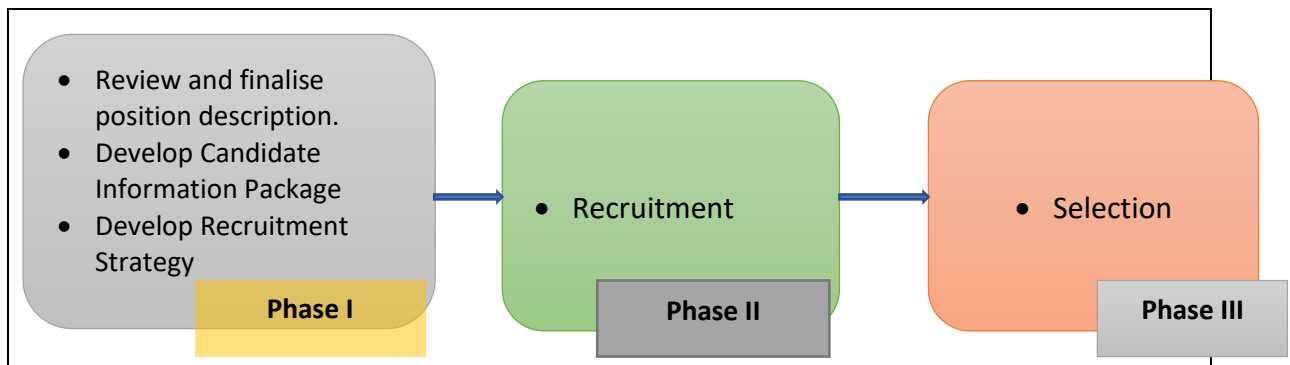
REFEREES

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 WESTONIA – BAND 4	\$128,226 to \$201,113 per annum

DESCRIPTION	PROPOSAL FEE
PROFESSIONAL SERVICES FEE	\$ 6,586 plus GST (Six Thousand Five Hundred and Eighty Six 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 WESTONIA 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:

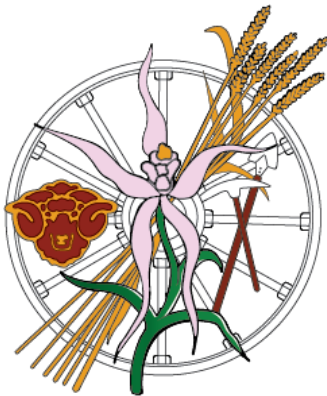
- a) Recruitment Guarantee (page 3); and
- b) Fees, Expenses and Payment Terms (page 7)

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



EXECUTIVE RECRUITMENT PROPOSAL

**Chief Executive Officer
Shire of Westonia**





EXECUTIVE SUMMARY

We appreciate the opportunity to express our capability and confidence in providing executive recruitment and search services for the Shire of Westonia, and specifically for the position of Chief Executive Officer. The following proposal outlines our credentials and the methodology we would utilise on this assignment.

Mills Recruitment is suitably equipped to complete these search processes through our significant knowledge of local government and our extensive background working in partnership with our clients and candidates. Over time we have established a network of contacts second-to-none and we fully understand the intricacies and importance of positions within the sector.

For this assignment, we will arrange a meeting to gain a full appreciation of the intricacies of the role and its specific requirements. We would then prepare an Assignment Specification for your approval before preparing draft advertisements for relevant print media and publications, Seek and LinkedIn. This complements our targeted search process and utilisation of our networks to ensure we have the best possible candidates.

Our proposal outlines the key steps and milestones in the recruitment process together with details of our credentials, previous experience with similar assignments, an anticipated timeline for service delivery and the proposed fee structure for our consulting services and related costs.

We use all means at our disposal to ensure our clients and candidates receive the highest possible care and attention during the recruitment process. In addition to an unconditional six-month guarantee on placements, we provide a psychological assessment on the preferred candidate to ensure the right cultural fit with your organisation. We follow up with on-boarding of the placed candidate and performance reviews.

We look forward to working closely with you on these critical appointments and welcome any additional questions you might have.

Yours sincerely,

Peter Casey

Principal Consultant



MARKET PRESENCE AND SKILLS OF KEY PERSONNEL

Darryl Mills founded Mills Resources in 2010 with a vision to steer clear of the road well-travelled and offer a fresh approach to people management and recruitment services focused on innovation, flexibility and accessibility.

With its roots firmly in Western Australia, the collective industry knowledge, experience and skills of the Mills Recruitment team has helped shaped a business that is nimble enough to deliver recruitment solutions as required and in response to fast paced changes in industry demand.

It is true to say this vision has been welcomed by industry and jobseekers alike and Mills has proudly celebrated its 10th Anniversary.

Mills is passionate about partnering with ambitious organisations and providing innovative people solutions by Bringing Great People Together. We never lose sight of the fact that people are the most important business asset and are firmly focused on building ethical and trusted partnerships for sustainable business success.

Our consultants are highly experienced practitioners and well regarded in their areas of expertise. Our industry specialisations include engineering, legal, accounting and finance, and local government.

Peter Casey

Principal Consultant Peter Casey has more than thirty years' experience in executive search and selection, with a special emphasis in local government. Peter will be the primary contact and project manager on this assignment but assisted where necessary by Senior Consultant Kate Barr. Peter's profile is found at Appendix 1.

You will note that Peter Casey has considerable experience in Senior Executive appointments. In addition to the numerous successful appointments with which he has been associated in local government, he has also been involved with CEO recruitment for Ports Corporations (e.g Pilbara Ports, Mid-West Port Authority and Southern Ports) as well as major Not-For-Profit organisations (Telethon Speech and Hearing, Senses Foundation and WestCycle) and in the private sector.

Peter has recently completed CEO recruitment assignments with the Shires of Yilgarn and Exmouth, and four General Manager and Executive Director roles for the City of Perth.

Our Approach

Mills' approach to this assignment is a partnership arrangement. We will maintain open and transparent communication with you and your candidates, ensuring that search is progressing towards the best possible outcome.

EXPERIENCE AND TRACK RECORD

Principal Consultant Peter Casey has many years of experience in sourcing and evaluating talented individuals who can add value at all stages of the project or company life cycle. He is also accomplished in searching the marketplace for corporate executives, directors and managers who can contribute to the strategic development of our client's businesses.

Through his considerable experience in search and selection within the local government sector, Peter has a thorough understanding of the Local Government Act and associated legislation. Of particular relevance to this assignment was his involvement in the placement of the following positions:

Organisation	Appointment
WALGA City of Kwinana	<ul style="list-style-type: none"> • Chief Executive Officer • Chief Executive Officer
Town of Mosman Park	<ul style="list-style-type: none"> • Chief Executive Officer
City of Subiaco	<ul style="list-style-type: none"> • Chief Executive Officer
City of Vincent	<ul style="list-style-type: none"> • Chief Executive Officer • Director Planning and Development • Director Technical Services • Manager Compliance
City of Bayswater	<ul style="list-style-type: none"> • Chief Executive Officer • Director Community and Strategy
City of Belmont	<ul style="list-style-type: none"> • Chief Executive Officer
City of Bunbury	<ul style="list-style-type: none"> • Chief Executive Officer • Director Planning and Development
Shire of Exmouth	<ul style="list-style-type: none"> • Chief Executive Officer (2) • Executive Manager Corporate Services • Executive Manager Technical Services
Shire of Yilgarn	<ul style="list-style-type: none"> • Chief Executive Officer
City of Stirling	<ul style="list-style-type: none"> • Manager Development Services • Manager Community Services
City of Joondalup	<ul style="list-style-type: none"> • Chief Executive Officer • Manager Communications and Stakeholder Relationships
City of Wanneroo	<ul style="list-style-type: none"> • Manager Waste Services • Manager Development Services • Various Director roles

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Stipulation of Competencies

In all of the above assignments, Peter Casey has carried out all the associated responsibilities of the recruitment process; i.e. taking the brief, reviewing position descriptions and selection criteria, preparing application packs, advertising, conducting search, responding to enquiries, conducting screening interviews, preparing reports and recommendations for the Panels, organising and participating in the Panels interviews, conducting referee checks, preparing the selection reports and negotiating offers of employment. The breadth and high level of Peter's recruitment competencies is the result of many years in the industry and are also reflected in the successful placements he has achieved.

Challenges and Solutions in CEO Assignments

In 2017, Peter Casey was appointed to assist the Shire of Exmouth with the appointment of the new CEO. At the time, the Council was in suspension and he was reporting to the Commissioner, Ian Fletcher. This situation presented several challenges. Firstly, it was imperative that the appointment of a new CEO was made as soon as possible. Secondly, because of the CCC investigation, there was huge public scrutiny on the selection process. Thirdly, given the negative press coverage, many potential candidates may not wish to pursue the opportunity. However, with the combination of well worded advertising and targeted search approaches (via his expansive network) Peter was able to attract a strong field resulting in the appointment of the current CEO, Cameron Woods. The entire recruitment process was completed within five weeks.

Then, in 2019 Peter won the assignment to assist WA Local Government Association in the search and selection for their new CEO. The previous incumbent, Ms Ricky Burges had been in the position for over twenty years, so it was important to ascertain if there was any necessity for change in direction in the operational management of the organisation. Given this situation, and in advance of the advertising and search process, Peter conducted a survey with all thirty State Councillors to establish what expectations and profile they had in mind for the new appointment. With the assistance of an organisational psychologist, the survey results were compiled in a report form and then discussed with the full Council before agreement on the key requirements and profile for the new CEO. This ensured all parties were on board and that the eventual recommendation to Council aligned with the strategic direction of the organisation. The advertising, search and selection process then took place and the final recommendation met with the agreement of the full Council.



RECRUITMENT METHODOLOGY AND TIMING

Candidate Sourcing

Before going into details of the full recruitment process, it is worthwhile noting the methods we use to source appropriate candidates. We map and research the marketplace to target professionals across each role competency with relevant experience.

We propose a multi-pronged approach to this assignment including:

- Targeted and discreet search into agreed organisations and industry sectors
- Preparing attractive advertisements for relevant print media
- Reviewing several recent assignments to consider relevant high-quality individuals
- Utilisation of appropriate job boards such as LinkedIn and Seek and social media
- Contacting people within our extensive network and reviewing our database

Council Survey and Briefing

If we are successful in our bid for this assignment, we will conduct a survey with all Councillors to ascertain their thoughts on, and expectations of the new CEO. We will then consolidate the results and prepare a report with appropriate recommendations for discussion with the Council/Selection Panel along with existing information (e.g. Community Strategic Plan) to reach consensus on the CEO position profile. If necessary, we will amend the existing Position Description and Selection Criteria. The meeting will provide us with a detailed understanding of the challenges and opportunities for the Shire, as well as the critical skills and strengths necessary for the successful candidates. This knowledge also allows Mills to become the Shire's informed advocate in the market and more successfully attract talented individuals to the position.

The Assignment Timetable

At the meeting we will also confirm specific dates for the various milestones in the recruitment process so that all parties are suitably informed. Obviously, concluding this assignment and getting to a successful appointment and start date can often depend on candidate and client availability. We do however maintain a continued focus on purposefully moving the process through to a successful outcome for you. We anticipate that the process (from commencement to formal offer) will take approximately seven to eight weeks.

Methodology

The following milestones outline the key steps in our quality monitored process:

Assignment authorised and Terms of Engagement (TOE) accepted by the client	The cornerstone of our commercial relationship and the start of our business partnership.	Week 1
Advertisement	Mills will draft and then finalise the agreed recruitment advertisement for placement in the media and on relevant job boards	Week 1
Assignment specification	To ensure a complete understanding of your requirements, we prepare a profile of your organisation and document the accountabilities and KPI's of the position and the required experience and competencies of candidates.	Week 1
Market mapping and 'Target' candidates identified and approached. Advertising commences. Mills responds to enquiries and despatches Application Packs	Mills will research the marketplace to create a list of target organisations within which suitable potential candidates will be employed. This will be done discretely, and appropriate individuals will be approached and evaluated to assess their suitability for the positions. Timing of the search process will coincide with the advertised application closure.	Weeks 2/3
Review quality of potential candidates with client.	Following closure of applications, we will screen all applications and prepare a matrix of all candidates for discussion with the Selection Panel. We will also recommend an initial long list for our further examination.	Week 4
Mills conducts initial candidate interviews	We then use proven behavioural and preferential interviewing techniques in personal interviews with long list candidates.	Weeks 4/5
Shortlist identified and candidate reports presented	Mills will prepare a Candidate Report on each of the shortlisted candidates supported by the resume and interview outcomes. These are then discussed with the Panel and a final short list is determined. We also table a suitable Questionnaire for discussion and the agreement of the Panel.	Week 5
Panel Interviews	Mills assists in the coordination of interview times and arranging meetings between shortlisted candidates and the Panel. The Principal Consultant participates in the interviews and acts as scribe.	Week 6

Review with client & conduct reference checks on preferred candidate/s	On completion of the interviews, we will review outcomes with the Panel and agree on preferred candidate or candidates. Mills will validate the qualifications, achievements and personal characteristics of candidates by contacting suitable referees and representatives of institutions who can provide reliable and objective information pertaining to the credentials of the candidates. We will also arrange Psychological Assessment and cultural fit profiling.	Week 6/7
Preparation of Selection Report. Shire selects preferred candidates.	We then prepare a comprehensive Selection Report detailing all steps in the search and selection process, including Referee Reports. Following endorsement of the preferred candidate by the Selection Panel, and then Council, we will coordinate any further meetings between relevant personnel at the Shire and the preferred candidate.	Week 7
Offer of employment to successful candidate	Peter Casey is available to assist the Shire in discussion and contract negotiations between the client and the successful candidate who will also undergo a pre-employment medical.	Week 8
Six-month guarantee commences	From the commencement date of a placed candidate a 6-month unconditional replacement guarantee commences. This assumes compliance with Mills' Terms of Engagement.	
Review after three and six months	In co-operation with the Shire, Mills offers to conduct performance reviews of the placed candidate to assess impact and to assist in ongoing management and development.	



FEE STRUCTURE

Our clients engage us on a partnership basis as they understand that the best result depends on more than a thorough search and selection process; it requires both parties to be truly committed to a successful outcome.

Our fee for the recruitment of the CEO position will be a set fee of \$10,200 plus GST.

The only additional charges would be for psychological testing of the preferred candidate (estimated at \$450 plus GST) as well as advertising.

- Seek and LinkedIn \$400
- A full page in the Australian Local Government Directory costs approximately \$225 plus GST.
- If agreed, advertising in the West Australian would be invoiced at cost.

Principal Consultant Peter Casey is prepared to meet in person with Council for the initial briefing. However, if this briefing was conducted via Zoom, travel costs would likely be limited to one return trip (mileage) plus accommodation and meals for one night (for the conduct of Panel interviews). Total cost for one trip would approximate \$600. Travel costs for short listed candidates for Panel interviews would be additional.

Our approach is to enter a contract with you on a fee for service basis. Our policy is for equal payments (i.e., \$3,400) at three key stages of the process, on our appointment, at agreement of the shortlist, and on acceptance of your offer by your successful candidate. Being rewarded for the work that is done, on a progress basis, ensures that no shortcuts are taken, and that both parties 'own' the process.

We look forward to partnering with you on this assignment and are totally committed to a successful outcome.



APPENDIX ONE

Peter Casey Profile and Testimonial



PETER CASEY

Peter Casey started his career with the Federal Department of Employment and Industrial Relations where he spent a total of eighteen years in both Perth and Canberra, starting as an Employment Officer and rising to the positions of Employment Office Manager and Assistant Director. His work primarily focussed on the management and promotion of national labour market programs including apprenticeships, traineeships and industrial training.

In 1990 Peter was a founding partner of the recruitment company, Trott Casey and Associates. In addition to the provision of professional search and selection services to the private sector, this company was successful in obtaining substantial funding for the management of specialist employment programs for disadvantaged jobseekers.

Peter has now accumulated over thirty years' experience in recruitment and HR consulting. He has worked for international companies such as KPMG, Beilby and Talent2. He continues to focus on executive search and selection for specialist roles across a broad range of industry sectors including mining, engineering services, professional services and oil and gas. His clients include engineering consulting groups, State and local government authorities, ports corporations, technology companies, EPCMs, building and construction companies and not-for-profit organisations.

Peter has coordinated successful recruitment processes for the CEOs at the Cities of Joondalup, Belmont, Cockburn and Busselton, and the Town of Port Hedland. In 2017 he recruited the Chief Executives for the City of Bayswater, City of Belmont, the Shire of Exmouth and the City of Bunbury. This was followed in 2018 by his coordination of the appointments of CEOs with the City of Vincent and the City of Subiaco. In December 2018, he was also appointed to assist with the search and selection for the new CEO at WALGA, and in 2019 he coordinated the recruitment for the CEO at the Town of Mosman Park. He more recently assisted the City of Kwinana and the Shire of Toodyay in the search and selection process for their new CEOs, as well as the Shire of Yilgarn and Exmouth.

Over the last few years Peter has also assisted a number of Councils with the recruitment of Directors and Managers, including three such roles over the last two months. Peter studied History and Politics at Murdoch University. He also holds a Certificate IV in Customer Contact. In 2009 he was admitted to the Australian Institute of Company Directors and he is a member of the WA Mining Club.

“The Shire of Exmouth contracted Mills Recruitment to assist in the placement of a new CEO in early 2021.

Through the entire process, Peter was professional, approachable and exceptionally knowledgeable.

We were made to feel that we were the most important client on the books at all times throughout the process.

I, Personally would have no hesitation in recommending Peter Casey, and Mills Recruitment to any potential client in the future.”

Cr Matthew Niikkula, President, Shire of Exmouth

Mills
Bringing Great People Together

Bringing Great People Together



APPENDIX TWO

Letter of Commendation

PO Box 21
22 Maidstone Crescent
Exmouth
Western Australia 6707

Phone: (08) 9949 3000
Fax: (08) 9949 3050
Email: records@exmouth.wa.gov.au
Web: www.exmouth.wa.gov.au
ABN: 32 865 822 043



Our Ref: OCR17066, PE.RE.14

4 May 2017

Mr Peter Casey
Beilby Recruitment
Level 1 79 Hay Street
Subiaco WA 6008

Dear Peter

I wanted to personally say thank you so much for the outstanding effort you made towards the selection of our new Chief Executive Officer, Mr Cameron Woods.

Without your highly professional approach, I doubt that we would have had such a large number of applicants, many of whom were high quality candidates.

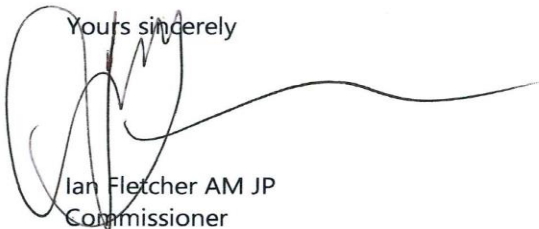
You delivered an excellent outcome within the time frame you outlined. As you know, time was a critical factor due to the situation that existed in the Shire as a result of the CCC investigation and my appointment as Commissioner.

The other members of the selection panel share my view that your research on those shortlisted was very thorough and you handled every applicant in a sensitive way. Furthermore, the final selection process was faultless.

I know that the choice of Cameron will result in the Shire moving forward to become an exemplar of what will be a good local government. The number of people whom I know and respect who have spoken very positively about Cameron as a result of working with him is testimony to a very good outcome.

Once again, on behalf of the community of the Shire of Exmouth, thank you for your significant contribution to this selection.

Yours sincerely



Ian Fletcher AM JP
Commissioner

Capability Statement

TRUST

INTEGRITY

RESPECT

**Bringing
Great
People
Together**

Mills 



WE ARE PASSIONATE ABOUT PARTNERING WITH AMBITIOUS ORGANISATIONS AND PROVIDING INNOVATIVE PEOPLE SOLUTIONS BY BRINGING GREAT PEOPLE TOGETHER.

OUR STORY

Darryl Mills founded Mills Corporation in 2010 with a vision to steer clear of the road well-travelled and offer a fresh approach to people management and recruitment services focused on innovation, flexibility and accessibility.

With our roots firmly in Western Australia, the collective industry knowledge, experience and skills of the Mills Recruitment team has helped shaped a business that is able to deliver recruitment solutions in response to fast-paced changes in industry demand.

With more than ten successful years under our belt, it's safe to say this vision has been welcomed by both industry and jobseekers who have continually looked to us to assist them with their success.

OUR VALUES

The mainstay behind our success, our clients and candidates know that we are a tenacious, forward-thinking team who act with Trust, Integrity and Respect at all times. This ensures that we are able to provide a highly personal service on time, every time.

Trust:

Trust is at the core of Mills business. We appreciate and acknowledge the confidence our clients and candidates place in us to act in their best interest. Our honesty and reliability through the recruitment process ensures that we earn your trust.

Integrity:

We show integrity by operating transparently, honestly, professionally and authentically at all times. We only provide services that we know we can deliver.

Respect:

We treat people fairly and equally at all times.

WHY CHOOSE MILLS RECRUITMENT?

People come first:

We never lose sight of the fact that people are the most important asset of a business and we're firmly focused on building ethical and trusted partnerships for sustainable success.

Uncomprised Client Service:

You can be assured of prompt and professional attention to your unique recruitment requirements. We work as a team and use every tool at our disposal to ensure that we identify the best possible candidates for your organisation.

Specialist Industry Consultants:

Our consultants are highly experienced practitioners and well regarded in their respective areas of expertise. These include Accounting, Engineering, Executive, Legal and Local Government.

Local Government Expertise:

Peter Casey, Principal Consultant, and Kate Barr, Senior Consultant, have considerable years of experience in successfully in meeting the needs of this vital sector.

LOCAL GOVERNMENT

We provide an extensive and diverse range of services and are committed to extending and improving our offering to ensure we are delivering the best possible solution and support to our clients.

PETER CASEY, Principal Consultant

With more than thirty years' recruitment experience, Peter's is renowned for his expertise in the search and selection of CEOs and senior management.

Peter has coordinated successful recruitment processes for the CEOs at the Cities of Joondalup, Belmont, Cockburn and Busselton, and the Town of Port Hedland. In 2017 he recruited the Chief Executives for the City of Bayswater, City of Belmont, the Shire of Exmouth and the City of Bunbury.

This was followed in 2018 by Peter's coordination of the appointments of CEOs with the City of Vincent and the City of Subiaco. In December 2018, he was also appointed to assist with the search and selection for the new CEO at WALGA, and in 2019 he coordinated the recruitment for the CEO at the Town of Mosman Park. Peter more recently assisted the City of Kwinana, the Shire of Toodyay and the Shire of Yilgarn in the search and selection process for their new CEOs.

Over the last few years Peter has also assisted a number of Councils with the recruitment of Directors and Managers, including seven such roles over the last six months.

Peter always provides his clients with a comprehensive service and carries out all the associated responsibilities of the recruitment process;

- takes the brief
- reviews position descriptions and selection criteria
- prepares application packs; advertising;
- conducts the search;
- responds to enquiries;
- conducts screening interviews;
- preparing reports and recommendations for the Panels;
- organises and participates in the Panels interviews;
- conducts referee checks;
- prepares the selection reports and
- negotiates offers of employment.

The breadth and high level of Peter's recruitment competencies are the result of many years in the industry and are also reflected in the successful placements he has achieved.

Peter studied History and Politics at Murdoch University. He also holds a Certificate IV in Customer Contact. In 2009 he was admitted to the Australian Institute of Company Directors, and he is a member of the WA Mining Club.



0408 325 936

peter.casey@millsrecruitment.com.au

WALGA PREFERRED SUPPLIER

Mills Recruitment is able to assist you with your temporary recruitment requirements across all six WALGA Categories.

KATE BARR, Senior Consultant

Kate has more than ten years' experience recruiting specifically for Local Government and State Government organisations.

Since first starting in recruitment more than 13 years ago, Kate has been successfully providing her clients with both white and blue-collar recruitment solutions across the board.

Her success is based on her ability to build strong relationships with both clients and candidates alike in mining & resources, engineering, construction, local government, property, sales and marketing, settlements, IT and HR sectors.

Kate connects easily with people across all levels ensures her success in sourcing various white- and blue-collar recruitment solutions for local government agencies that Mills looks after as a Preferred Supplier for WALGA across all categories.

Kate is responsible for both metro and regional areas sourcing for a variety of roles including General Labourers / HR Truck Drivers / Plant Operators / Final Trim Graders / HD Mechanics / Service Technicians / Riggers / Warehouse Operators/ Forklift Operators / MC Drivers / Lawnmower Operators / Horticulturalists. Her white-collar roles include Rates Officer / Admin Assistants / Contracts/Procurement / Town Planners / Building Surveyors / Caravan Park Managers / Payroll Officers / Finance Controllers and Executive Management roles.

WALGA Categories:

- Corporate and Governance
- Community Services
- Planning & Regulatory Services
- Engineering & Infrastructure Services
- Parks and Gardens Operations
- Fleet, Waste and Works Operations



0478 644 025

kate.barr@millsrecruitment.com.au





Our Vision

To be **your**
trusted recruitment partner
by **bringing great people together**
through innovative people solutions.

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core srm
AUSTRALIA



Shire of Westonia

Recruitment Services – Chief Executive Officer

Version No.1

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Core Business Australia

Document:

HR Recruitment Service – CEO for the Shire of Westonia

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Unit 6 / 71 Kent Street
Busselton WA 6280

Date:

22 October 2021

Postal Address

PO Box 797
Busselton WA 6280

Synopsis:

A response to the Shire of Westonia's Request for Quotation to undertake recruitment services to recruit a new Chief Executive Officer

P: 1800 001 776

E: admin@corebusiness.net.au

DISTRIBUTION SCHEDULE

Version No.	Date	Distribution	File Name
Version 1	22 October 2021	Issued for Customer consideration	1035 Westonia CEO Recruitment (RFQ Response).docx
Version 2			
Version 3			
Version 4			

Table of Contents

1.0	Introduction.....	4
2.0	Organisation Profile.....	5
2.1	Company Ethos	5
2.2	Understanding the Challenges.....	5
2.3	What we do	6
2.4	Our Project Team	7
3.0	Referees.....	8
4.0	Relevant Experience.....	9
4.1	Details of Similar Work.....	9
4.2	Contact Details of Referees	10
5.0	Demonstrated Understanding.....	11
5.1	Proposed Methodology	11
5.2	Indicative Timeline	17
6.0	Insurances	18
7.0	Price structure.....	18

1.0 Introduction

Core SRM (Strategic Resource Management), is pleased to provide the Shire of Westonia (the Shire) with this request for quote response to undertake recruitment services to assist the Council in recruiting a new Chief Executive Officer.

Core SRM is based in the South West Region of WA, in Busselton and we also have an office in the Perth (Subiaco). Core SRM's primary focus is on the local government sector, not only across WA but across the entire country. Our knowledge of the sector coupled with our intimate knowledge of Regional WA makes us the ideal partner for the Shire to assist with this important recruitment exercise.

Core SRM is a subsidiary of Core Business Australia Pty Ltd. We supply specialised placement & recruitment services, project delivery and advisory services across all aspects of Local Government with a dedicated team of professionals who have all had extensive experience in senior positions in local government, some at CEO level.

The future of local government is challenging and the transformation over the next few years will continue to require an exceptional leader to support Council in planning for and delivering the Communities aspirations and ensure this is done in an open and transparent manner, in line with good practice, ethical standards, the Local Government Act 1995 and related legislation and accounting standards.

Core SRM strives to source exceptional leaders that are dynamic and vibrant, and which can work with Council, staff and community in a communicative and collaborative manner. Core SRM is not a traditional recruitment company in that we go far beyond our competitors to challenge thinking, attract the right talent and ensure our customers receive a truly successful outcome. Our local government network across the country means that we have insight into potential candidates that other recruiters would not even know about.

2.0 Organisation Profile

Core Business Australia (CORE) was established in 2011 to focus on providing business planning and advisory services to local government, particularly in the areas of Strategic Planning, Community Engagement, Asset Management, Long-Term Financial Planning, Project & Contract Management, Procurement and Professional Placements. The majority of our business is delivered to Regional Local Governments across Western Australia.

Core SRM is a division of Core Business Australia and was established as a registered employment agency to support our local government customers with all their recruitment needs and to provide a tailored service to ensure the best possible resources are available to our regional customers.

While Core Business Australia has been a long-time member of WALGA's Preferred Supplier panels for Civil Engineering and Asset Management Services, Core SRM has recently been appointed to WALGA's preferred supplier panel for Permanent Recruitment Services.

2.1 Company Ethos

Everything we do is backed by a strong desire to improve the quality of life for people living in the communities for which we work. We do this by building multi-disciplined teams of highly capable and experienced people who have a passion for community service. We support our people with simple yet rigorous systems and processes to help them solve often complex and diverse problems for our customers.

As true Local Government professionals, we partner with our customers on their recruitment needs and work as your trusted advisor. With CEO recruitment, we understand the critical nature of this role and we work closely with your Shire President, and your Councillors, to attract the right candidates aimed at ensuring that the Council's Strategic Community Plan is delivered, and the agreed community aspirations are achieved.

Our team understands the benefits and challenges of attracting the best candidates to any regional community and we work closely with you to ensure your community is thoroughly showcased and applicants understand all the benefits of living and working in regional Western Australia. Our head office is based in the South West and therefore we have intimate understanding of the local environment.

2.2 Understanding the Challenges

The future of Local Government is challenging and the transformation over the next few years will continue to require an exceptional leader to deliver the Strategic Community Plan for Council and the required outcomes.

At Core SRM we recognise that converting these outcomes into a clear Corporate Business Plan and a vibrant transformational organisation will take an exceptional leadership talent

to continue the work already done. We believe in sourcing exceptional leaders from across all business sectors to ensure a dynamic and vibrant delivery that goes far beyond traditional Local Government. Core SRM is not a traditional recruitment company in that we go far beyond our competitors to challenge thinking, attract the right talent and ensure our customers receive a truly successful outcome.

2.3 What we do

Core SRM provides a wide range of services to the Local Government sector covering all aspects of business advisory and project management. Our Core SRM division focuses on resource management services based on finding quality, high performing professionals who can provide our customers with a competitive edge. Our resource service includes:

- Contract, Permanent and Strategic Resource Management;
- Executive Search & Selection;
- Research & Sourcing Strategy;
- Senior executive Networks- Local, National, Regionally and Globally;
- Panel Reviews/ Interviews;
- Job & Position Description Design;
- Support with Relocation, Immigration & Visa Services.
- Tailored Advertising & Marketing Campaigns

Core SRM works as a professional executive sourcing and placement team to ensure that we provide a complete end to end service to both our Customers and Executive professionals.

Our goal is to provide highly skilled executive leadership professionals with a strong cultural fit to our Customers and communities they serve, whilst offering constructive guidance and consultation throughout the search engagement.

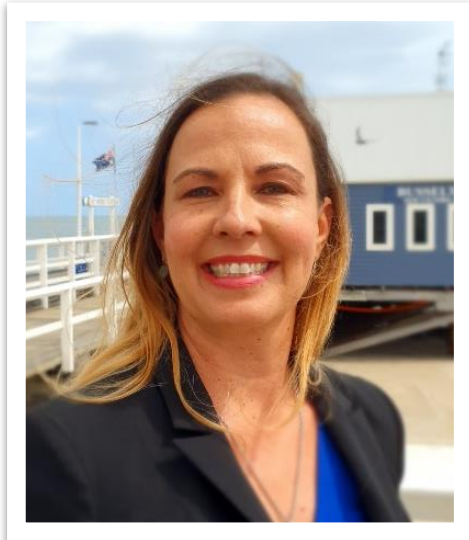
We believe our outcome focussed commitment, delivers excellence in all areas for our Customers business. We work in a competitive and demanding marketplace, but our Customers' needs come first, and we are passionate about delivering great service which ensures our joint success.

We have a track record of success in working with a wide variety of public and private service customers and all our team are fully trained and have a solid understanding and experience in their specialist industry sector with a strong level of dedication and commitment.

Paramount to our success we consider ourselves an extension of our Customer's business and we always act as an ambassador for our customers and the executives we represent.

2.4 Our Project Team

Our project team for this project will be Michelle Roberts as our SRM Manager and Lead Recruiter and our Managing Director, Bruce Lorimer.



Michelle Roberts **SRM Manager**

Michelle holds a Bachelor of Commerce in Industrial Psychology, is a strategic recruiting professional and leads our Core SRM team.

Michelle has a broad range of experience at finding critical leadership talent within the mining, agricultural and tertiary sectors with extensive experience working in talent advice and acquisition across several industries for over 15 years.

Prior to joining Core SRM, Michelle has supported the strengthening of organisations such as Curtin University and Fortescue Metals Group through executive level and leadership selection, evaluation, transition, and succession.



Bruce Lorimer **Managing Director & Recruitment Support**

Bruce is the Managing Director of Core SRM, is an experienced local government engineer and has previously held Director and Chief Executive Officer positions in local government in the South West of WA in the past.

Bruce's role these days is guiding and supporting the multi - disciplined Core Business Australia and Core SRM team to deliver local government projects and services across WA.

Bruce has delivered numerous workshops to local governments across WA and interstate base on Integrated Planning, Asset Management, Long Term Financial Planning and Sustainability for local governments. Importantly Bruce understands the challenges facing local governments such as Westonia, particularly in relation to the challenges of providing a vibrant community, maintaining, providing and successfully delivering community infrastructure and managing and planning for the economic change.

Bruce works with local government across WA to help them fill critical gaps in resource and finds and provides experienced local government personnel to fill key roles on a professional placement basis.

Admin Support Team

The Core SRM team is supported by extensive online recruitment systems and a team of staff who are focused on ensuring that our approach is thoroughly managed from a technical perspective, and we utilise state of the art online advertising on all our engagements along with our own extensive network of contacts across Western Australia.

3.0 Referees

Core Business Australia has extensive experience in finding key resources to fill positions in local government across WA. We are particularly expert in providing high quality, contemporary solutions for regional and remote clients in the form of temporary Professional Placements from CEO down. More recently we've established Core SRM to focus on providing this same service for local governments on a permanent basis.

We've provided three referees where we've recruited and provided key resources for regional remote local governments to fill critical roles.

Shire of Ashburton – Director Infrastructure

When Rob Paull took over as Chief Executive Officer, he needed to attend to some legacy staff issues that resulted in his Director of Infrastructure departing relatively quickly. Rob needed to fill the role urgently and turned to Core Business Australia for help in fill that role. We were able to provide the Shire with an experienced Director Infrastructure who also had extensive local government CEO experience across two States and who was not only a great support in the Infrastructure role but also great support and mentorship for Rob in the CEO role.

Shire of Ngaanyatjarraku – Deputy Chief Executive Officer

Ngaanyatjarraku (Ng) is on the Western Australia / Northern Territory boarder with the main centre being Warburton a which is extremely remote. Ng has a predominantly Aboriginal community and struggle to attract professional staff. The long-term CEO was proposing to take annual leave and needed a competent person to act in his role. He turned to Core Business Australia for help as we had been doing extensive work with the Shire around Integrated Planning and Reporting.

We recruited and provide the Shire with an Acting CEO to cover a two-week stint that turned into a four-year role of Deputy CEO. That person is now the permanent CEO of the Shire of Ngaanyatjarraku after transferring from Core Business Australia to the Shire on a permanent basis. He has made a significant contribution to the district and has completely transformed the Shire.

Shire of Ngaanyatjarraku – Manager Youth Services

Similar to the Deputy CEO role the Shire urgently needed the services of a Manager Youth Services and approached Core Business Australia for this. We were able to fill the roles with a very experienced Manager who had extensive qualification in recreation and had a pilot's licence and own aircraft and could easily access the remote communities that make up the Shire.

Shire of Coolgardie – Manager Technical Services

The Shire of Coolgardie is experiencing significant growth generated by the resources sector. The Shire struggles to attract and retain experienced professional staff from time to time and had an urgent need for a Manager Technical Services and asked Core Business Australia to recruit and provide someone. CORE was able to provide a highly experienced person to fill the role with just the skills and experience the Shire needed. The position is currently ongoing and the Shire is in the process of recruiting for the position to be filled on a permanent basis.

4.0 Relevant Experience

From our response to Referees, it can be seen that we have extensive experience in recruiting and providing high calibre people to key roles across local government. While most of this experience is Core Business Australia experience in relation to temporary placements, we have developed and refined this experience to tailor a permanent recruitment solution for local government and hence why we've been appointed to WALGA's Preferred Supplier panel to now offer this service across local government.

4.1 Details of Similar Work

As detailed above, we have provided numerous roles across local government in WA. Additionally, all of our people involved in permanent recruitment have had extensive experience working for local governments and recruiting senior roles in those local governments. A summary of key roles that we've recruited and provided personnel for are as follows;

- Manager Technical Services – Shire of Coolgardie
- Project Supervisor / Acting Manager Technical Services – Shire of Irwin
- Executive Manager Infrastructure and Development Services – Shire of York
- Director Infrastructure – Shire of Ashburton
- Manager Technical Services – Shire of Ashburton
- Executive Manager Finance – Shire of Gnowangerup
- Project Engineer – Shire of Ashburton
- Operations Manager - Shire of Broome
- Acting CEO – Shire of Willuna
- Pool Manager – Shire of Wiluna
- Deputy CEO – Shire Ngaanyatjarraku
- Manager Youth Services – Shire of Ngaanyatjarraku

- Flood Recovery Supervisor – Shire of Wynham East Kimberley
- Executive Manager Technical Services – Shire of Laverton
- Operations Manager – Shire of Broome
- Infrastructure Compliance Officer – City of Rockingham
- Asset Engineer – City of Greater Geraldton
- Flood Recovery Supervisor – Shire of Northam
- Flood Recovery Supervisor – Shire of Yalgoo

4.2 Contact Details of Referees

Referee 1

Role Director Infrastructure – Shire of Ashburton

Referee Rob Paull, Director Planning, Shire of Derby West Kimberley

Phone 0477 670 448

Email ceo@morowa.wa.gov.au

Referee 2

Role Deputy CEO – Shire of Ngaanyatjarraku &
Manager Youth Services – Shire of Ngaanyatjarraku

Referee Kevin Hannigan, CEO, Shire of Ngaanyatjarraku
Damian McLean. Shire President

Phone 0428 848 916

Email ceo@ngaanyatjarraku.wa.gov.au

Referee 3	
Role	Manager Technical Services – Shire of Coolgardie
Referee	Robert Hicks, Director Operations, Shire of Coolgardie
Phone	0456 239 255
Email	do@coolgardie.wa.gov.au

5.0 Demonstrated Understanding

To undertake the recruitment exercise, we propose the following methodology. Please note that the scope of work we have described aligns to the published standards for recruitment of a Local Government Chief Executive Officer on a contract not to exceed the maximum five (5) year term. ([Ref - DLG Standards & Guidelines for CEO Recruitment & Selection](#)).

5.1 Proposed Methodology

Task 1 - Project Establishment and Management

Core SRM understands that the new CEO recruitment will be accountable to Council, for the delivery of the long-term vision for the Shire, as laid out in your Strategic Community Plan. As such, our initial phase will be an in-depth review of the Shire’s Integrated Planning & Reporting Framework (IPRF) documentation to determine all components that will need to be linked to the advert and selection criteria for the new CEO.

<p>Outcomes</p> <p>A clear summary of all areas of the IPRF documents that need to be linked to the role description and selection criteria to ensure that applicants understand the delivery requirements.</p>
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Task 2 – Council Selection Committee Engagement- Onsite 1 full day (incl. evening)

At CORE SRM we believe in forming a strong trusted advisor relationship with the Council and being available for the Shire President and the Shire Selection Panel throughout the recruitment process. This day is about meeting and understanding the key stakeholders in the Shire workforce along with spending time to meet and work with the Shire President and the Selection Panel. As such this day will include any required evening session to meet all the key stakeholders.

It is recommended that during this day our team will spend some time with key Shire Officers to understand the benefits of living in the Shire and to facilitate Shire staff to start

preparing a short introduction to living in the Shire. (This will form part of the overall recruitment package and be used to attract quality applicants).

The meeting with the Selection Panel members is about forming a working relationship and will review the following:

- The overall end-to-end selection process that will include the required key dates;
- Review the existing role and position descriptions and suggest any additions or changes;
- Review any draft selection criteria and how they link to the IPRF requirements;
- Initial review of any drafted employment contract with the Selection Panel and what performance criteria are included;
- Discuss the key components a successful draft advert will need;
- Agree a timetable for key dates and actions; and,
- Sharing the direct contact details for any key stakeholders so they can discuss any questions or points with our consultant at any time.

Note that we have also included an optional Community Stakeholder workshop. The Shire CEO role is an important position in the community. This workshop would aim to provide a forum for key community stakeholders such as the Chamber of Commerce, Mines, Police, Emergency Services, Community Groups to have input to the process, to first explain the role of the CEO and the positions relationship to Council and secondly seek input into the attributes that key community members feel should be targeted by through the recruitment process. Ideally this will occur adjacent to the Council Selection Committee engagement so as to inform the committee of the outcome of the workshop.

Outcomes

- Shire staff helping prepare a high-level summary on what it is like to live and be part of the local community (to be available online to applicants). This will include the key photos that will allow an applicant to get an overview of the Shire (promotional opportunity for Westonia);
- The end-to-end selection process agreed along with key dates;
- The gathering of required information for the updated role description, selection criteria and draft advert;
- Key advertising channels will be agreed;
- Community input into the process if the optional community workshop is included in the process.

Task 3 – Present Recruitment Package to Council Selection Panel / Committee

Our recruitment team will present and walk Councillors through the full draft recruitment package. The recruitment package will include the following documents;

- An outline of the process
- Draft Position Description
- Draft Selection Criteria

- Draft Employment Contract
- Draft Remuneration Package
- Draft KPIs
- Draft Position Advert and overview of the proposed advertising campaign
- Updated Project Timeline

Once the overview has been provided, the recruitment team will seek feedback from the Shire President and Councillors and tidy up the documents based on the feedback and then resubmit for final approval prior to commencing the advertising campaign. We appreciate that this may require approval by Full Council.

Outcome

- This will deliver the final recruitment package prior to commencing the advertising campaign.

Task 4 – Advertising Campaign

Once the recruitment package has been approved, the advertising campaign will commence. The agreed adverts will be placed by our team utilising our in-house tools and we will work with the Shire’s HR, who are required to place the same advert on the Shire’s own website.

During the application process, our team will manage all applications via our online recruitment systems and review every application carefully against the agreed selection criteria.

At Core SRM we understand that every applicant will be interacting with the Shire’s brand and we ensure that every applicant, who does not meet the selection criteria will be responded to and given feedback on which criteria they have not met.

Applicants who meet the selection criteria will be selected for the long list interviews by our consultant along with one of our specialist Local Government team meet. These are in-depth interviews against the selection criteria to identify a recommended shortlist for the Selection Panel.

All applicants who do not make the shortlist will be responded to and given more detailed feedback as to why they are not proceeding to the next stage.

Our team will create a report on a recommended shortlist for Selection Panel interviews that will include the full application, photographs, full ‘due diligence’ on each candidate and a report on the candidate’s initial interview with our team. This will include an initial health declaration that advises the shortlisted candidates that, should they be successful, they will be required to carry out a full medical examination, at the Shire’s cost.

Due Diligence carried out will include:

- Verifying an applicant’s qualifications such as university degrees and training courses;
- Verifying the applicant’s claims (in relation to the applicant’s character, details of work experience, skills and performance) by contacting the applicant’s referees;
- Ensuring (if required by the Selection Panel) that all shortlisted applicants obtain a working with children check (costs of which will be passed on to the Shire);
- Ensuring no conflicts of interests arise by checking all outside interests such as board memberships and any secondary employment;
- An initial search of online media material and whether an applicant has an online presence in case any issues are identified, such as views that are against the Shire’s values; and,
- Arranging for each shortlisted applicant to have a National Police Clearance (costs of which will be passed on to the Shire).

Also, during the month-long advertising process and initial applications being reviewed via our online system our team will be work with the Selection Panel to develop the questions for the face-to-face interviews. This is to support the Selection Panel with the development of suitable open questions that will allow them to make the final recommendation to Council.

Outcomes

- Agree advertising is actioned and available for at least 4 weeks and informs applicants there will be full due diligence completed, including review of their social media footprints;
- A review of all applicants against the required selection criteria with clear communication to those that do not meet the selection criteria with evidence of why;
- A report on all shortlisted candidates recommended to be interviewed by the Selection Panel; and,
- Due diligence on all shortlisted applicants completed and, in the report.

Outcome

- The development of a clear set of questions that can be applied to all final candidates who are interviewed by the Selection Panel. During this time the dates will be set for the onsite interviews.

Task 6 – Arrange and Run Interviews

Our team will work with the Shire to arrange the Selection Panel interviews to suit availability, but where possible all interviews should be carried out within the same time period.

We will work with the Selection Panel to ensure they are fully prepared for the interviews and our team will be present during the interviews. However, our team will only be available to support Selection Panel members as it is important the members make the final choices. We will be providing advice between interviews, introducing the candidates, taking separate notes during interviews and supplying due diligence to the process.

The selection Panel members are each required to take notes during the process and these notes will need to be captured and stored as records within Council systems.

After the interviews are completed our consultant will chair the discussions by Selection Panel members, collect copies of all notes and decisions made.

Once the Selection Panel has agreed on their recommendation/s our consultant will require summary for presentation to the full Council. At this stage the Selection Panel may request the shortlisted final candidates to create a presentation to be delivered to full Council.

Outcomes

- Selection Panel interviews all shortlisted applicants; and,
- Report with the Selection panel recommendations is sent to Council.

Task 7 – Interview Follow-up Tasks

This is the confidential full discussion at Council of the final recommendations and interview of the final candidates who do a presentation to full Council, followed by questions.

Our team will be present to support Council with any questions and answers and introduce the candidates briefly.

After these presentations then a decision should be made on the Candidate to proceed with and the Shire President authorised to finalise negotiations. (Our team will support the Shire President during this process).

The final candidates can be contacted the next day by the Shire President and finalise any negotiations with the successful candidate and the Shire President will call and provide feedback to the unsuccessful candidate.

Our team will have gathered any information and create a draft of the formal feedback letter for the Shire President to send to the unsuccessful candidate.

Our team will support the Shire President (and HR) on the final offer letter along with the feedback letter to any unsuccessful final candidates.

Outcomes

- Final presentation and Q&A with Council members from final candidates;
- Council approval of preferred Candidate;
- Shire President has concluded offer and gained verbal acceptance;
- Shire President supplies feedback verbally to unsuccessful candidate;
- Shire President has draft letters for those that are rejected with accurate feedback against selection criteria; and,
- Final negotiations and Shire President has the draft offer package to send to candidate.

Task 8 - Onboarding

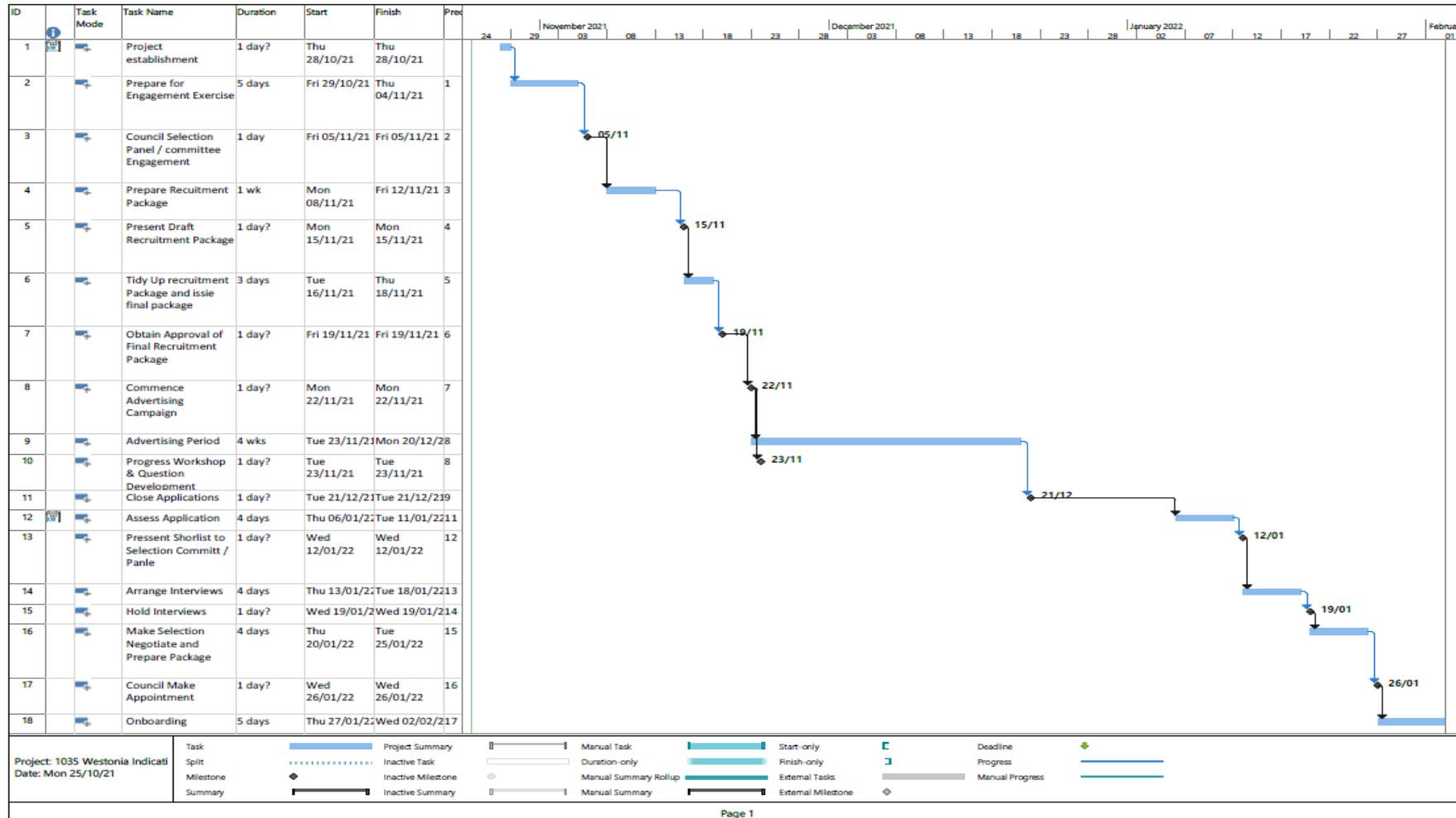
Our team will assist the Shire through the onboarding process and ensure that they provide the CEO with the necessary information on the local government's processes, policies, procedures and systems at the commencement of the CEO's employment and importantly arrange for execution of the employment contract.

New CEOs are eligible to participate in the Local Government CEO Support Program which is a joint initiative of the Department and LGPro to provide mentoring and general support to those appointed to the position of CEO in a local government for the first time. The program runs for six to nine months from the time a CEO is appointed and involves the CEO being matched with a mentor that best meets the needs of the CEO.

The program provides the CEO with an opportunity (through meetings and on-going regular communications) to discuss a wide range of issues with their appointed mentor in the strictest confidence. The program is aimed at addressing the individual needs of the CEO. Examples of issues that may be covered include the following:

- Role of the CEO
- Governance
- Strategic and long-term planning
- Legislative framework
- Relationships and dealing with council members
- Risk management
- Resource management
- Managing the business of Council
- Family considerations

5.2 Indicative Timeline



6.0 Insurances

Type	Insurer	Policy No	Insured Amount	Expiry Date
Public Liability	The Hollard Insurance Company Pty Ltd	PHO020861BUS	\$20m	31/01/2022
Professional Indemnity	Arch Underwriting at Lloyd's (Australia) Pty Ltd	P0012032PI2020AU 1	\$5m	31/01/2022
Workers' Compensation	Allianz Australia Workers' Compensation	WWH0083030	\$50m	31/01/2022
Vehicle and Equipment	Allianz Australia Insurance Limited	161AN05695VSD	Agreed Value	20/11/2021

7.0 Price structure

Total Project Estimate

Cost (ex GST)	GST	Cost (inc GST)
\$12,000.00	\$1,200.00	\$13,200.00

Optional community workshop

Cost (ex GST)	GST	Cost (inc GST)
\$2,500.00	\$250.00	\$2,750.00

Short Form Contract

AGREEMENT FOR THE PROVISION OF CONSULTING SERVICES

BETWEEN

Core Business Australia Pty Ltd

(the "Consultant")

AND

Shire of Westonia

(the Client")

1. The Consultant shall provide to the Client the consulting services described in the accompanying proposal together with such other services as may be agreed from time to time (the "Services").

2. The Consultant shall provide the Services with such skill, care and diligence as is generally exercised by competent members of the consulting profession performing services of a similar nature, at the time the Services are provided.

3. The Services will be performed at either or both the site of the project (the "Site") or at other places reasonably required by the Client. Where the locations of the Consultant's work are not under the Consultants control (including the Site), the Client must provide reasonable access to allow the Consultant to fulfil its obligations (including to provide the Services).

4. The Client shall, at its own cost, as soon as practicable make available to the Consultant all information, documents and other particulars relating to the Client's requirement for the project as is necessary for the Consultant to carry out the services as expressly set out in this Agreement (the "Requirements"). The Consultant is entitled to rely on such information, documents and other particulars as are provided by the Client pursuant to or in connection with this Agreement.

5. The Client shall pay to the Consultant:

- (a) the Fee and the Reimbursable Expenses as set out in the accompanying proposal together with such other amounts in respect of other services agreed to be provided;
- (b) reasonable adjustments to the Fee and the Reimbursable Expenses to reflect the additional costs, expenses, liabilities, losses or other amounts incurred or suffered by the Consultant in the performance of the Services and arising out of or in connection with any event or matter beyond the Consultant's control; and
- (c) to the extent that amounts payable under this Agreement are not expressed to be GST inclusive, an additional amount for the GST incurred by the Consultant in relation to the supply of the Services ("GST").

6. The Consultant may claim payment in accordance with the times set out in the accompanying proposal or, if no time is set out, monthly in arrears. The Client must pay to the Consultant within 21 days of the Consultant's invoice, without set-off or deduction:

- (a) the amount payable under this Agreement for the Services provided during the relevant period.
- (b) the GST payable under this Agreement for the Services provided during the relevant period.

7. If the Client does not pay the Consultant in accordance with this agreement then, without prejudice to any other rights or remedies the Consultant Engineer may have, interest will be payable from the date of invoice until payment at a rate per annum equal to the Unsecured Personal Overdraft Rate as most recently published by the Australian Financial Review, plus 1% per annum.

8. To the maximum extent permitted by law:

- (a) subject to paragraphs (b), (c) and (d) below, the Consultant's liability to the Client arising out of or in connection with this Agreement (including the performance or non-performance of the Services), whether under the law of contract, in tort, in equity, under statute or otherwise, shall be limited in aggregate to the amount specified in the accompanying proposal or \$300,000, if no amount is stated in the letter.
- (b) the Consultant is not liable to the Client in respect of any indirect, consequential or special losses (including loss of profit, loss of business opportunity and payment of liquidated sums or damages under any other agreement);
- (c) the Consultant shall be deemed to have been discharged from all liability in respect of the Services whether under contract, in tort, in equity, under statute or otherwise, at the expiration of the period specified in the accompanying letter, or if no date is specified, on the expiration of 3 years from the completion of the Services;
- (d) if, and to the extent that, any of this clause is void as a result of section 68 of the Trade Practices Act 1974 (Cth), then the Consultant's liability for a breach of a condition or warranty is limited to:
 - (i) the supplying of the relevant Services again; or
 - (ii) the payment of the cost of having the Services supplied again.

9. Subject to the Client complying with its obligations under the Agreement, the Consultant grants to the Client a non-exclusive, royalty-free and irrevocable license to use (and allow others to use) any intellectual property (including all drawings, reports, specifications, bills of quantity, calculations and other documents, including "works" as defined in the Copyright Act 1968 (Cth) created or produced by the Consultant arising out of provision of the Services ("IP Rights") for the purposes of completing the Project. As between the Client and the Consultant, the ownership of the IP Rights vests in the Consultant.

10. Neither the client nor the Consultant shall disclose to third parties or use for any purpose (other than providing or benefiting from the Services) any information provided by the other unless:

- (a) required by law;
- (b) the information is already generally known to the public; or
- (c) the other consents to the disclosure,

All documentation and materials containing confidential information provided by one party to the other shall be returned upon request.

11. Any dispute or difference ("Dispute") between the Client and the Consultant may be notified by a party to the other party and the parties shall
- (a) firstly, meet to negotiate, in good faith, resolution of the Dispute, and
 - (b) secondly, if negotiation fails to achieve a resolution of the Dispute within 5 working days of the notification of the Dispute, attend mediation, administered in accordance with procedures as set out by the Institute of Arbitrators and Mediators Australia.

provided that this provision shall not prevent the Consultant from instituting legal action at any time to recover moneys owing by the Client to the Consultant.

12. The Client may, without prejudice to any other rights or remedies it may have, by written notice served on the Consultant terminate its obligations under this Agreement:

- (a) if the Consultant is in breach of the terms of the Agreement and the breach has not been remedied within 28 days of a written notice served by the Client on the Consultant specifying the breach and requiring the breach to be remedied; or
- (b) upon the Client giving the Consultant 60 days' written notice of its intention to do so; or
- (c) if the Consultant informs the Client that it is insolvent, becomes bankrupt, or becomes subject to any official management, receivership, liquidation, provisional liquidation, voluntary administration, winding up or external administration ("Insolvency Event").

13. The Consultant may, without prejudice to any other rights or remedies it may have, by notice in writing served on the Client suspend its obligations under this Agreement:

- (a) immediately by written notice if the Client has failed to pay in accordance with this Agreement; or
- (b) if the Client is in breach of any of the other terms of the Agreement and the breach has not been remedied within 10 working days (or longer as the Consultant may allow) of a written notice served by the Consultant on the Client specifying the breach and requiring the breach to be remedied.

14. The Consultant may, without prejudice to any other rights or remedies it may have, terminate its obligations under this Agreement'

- (a) if the breach referred to in clause 13(a) has not been remedied within 5 days of a written notice served by the Consultant on the Client specifying the breach and requiring the breach to be remedied; or
- (b) if the Client is in breach of any of the other terms of the Agreement and the breach has not been remedied within 28 days of a written notice served by the Consultant on the Client specifying the breach and requiring the breach to be remedied; or
- (c) upon the Consultant giving the Client 60 days' written notice of its intention to do so; or
- (d) if an Insolvency Event occurs in relation to the Client.

15. If the Consultant considers it appropriate to do so, it may, with the Client's prior approval, which shall not be unreasonably withheld or delayed, engage other consultants to assist the Consultant in specialist areas.

16. Neither party may assign, transfer or sublet any obligations under this Agreement without the written consent of the other. Unless stated in writing to the contrary, no assignment, transfer or subletting shall release the assignor from any obligation under this agreement.

17. In the interpretation of this Agreement, no rule of construction applies to the disadvantage of one party on the basis that it put forward this Agreement or any part of it.

SIGNED by the parties on

Prepared by



core business
AUSTRALIA

PO Box 797

Busselton WA 6280

Ph 1800 001 776

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Adopted Standards for CEO Recruitment, Performance and Termination



Schedule 2 — Model standards for CEO recruitment, performance and termination [Local Government Act 1995 S5.39A & Local Government (Administration) Regulations 1996 R18FA].

1. Citation

These are the Shire of Westonia Standards for CEO Recruitment, Performance and Termination.

2. Terms used

(1) In these standards —

Act means the Local Government Act 1995;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

CEO means the local government's Chief Executive Officer;

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the local government under clause 5(2);

local government means the [insert name of local government];

selection criteria means the selection criteria for the position of Chief Executive Officer determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

4. Application of Division

(1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.

(2) This Division does not apply —

(a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or

(b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

5. Determination of selection criteria and approval of job description form

(1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.

(2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of Chief Executive Officer which sets out —

(a) the duties and responsibilities of the position; and

(b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

(1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the Local Government (Administration) Regulations 1996 regulation 18A.

(2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the Local Government (Administration) Regulations 1996 regulation 18A as if the position was vacant.

7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

(a) inform the person of the website address referred to in the

Local Government (Administration) Regulations 1996 regulation 18A(2)(da); or

(b) if the person advises the local government that the person is unable to access that website address —

(i) email a copy of the job description form to an email address provided by the person; or

(ii) mail a copy of the job description form to a postal address provided by the person.

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.

9. Recommendation by selection panel

(1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.

(2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —

(a) a summary of the selection panel's assessment of each applicant; and

(b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.

(3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —

(a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and

(b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

(4) The selection panel must act under subclauses (1), (2) and (3) —

(a) in an impartial and transparent manner; and

(b) in accordance with the principles set out in section 5.40 of the Act.

(5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —

(a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and

(b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and

(c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.

(6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

10. Application of cl. 5 where new process carried out

(1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.

(2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —

(a) clause 5 does not apply to the new recruitment and selection process; and

(b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

(a) the making of the offer of employment to the applicant; and

(b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

12. Variations to proposed terms of contract of employment

(1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 11(b).

(2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

13. Recruitment to be undertaken on expiry of certain CEO contracts

(1) In this clause —

commencement day means the day on which the Local Government (Administration) Amendment Regulations 2021 regulation 6 comes into operation.

(2) This clause applies if —

(a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —

(i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and

(ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day; and

(b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.

(3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.

(4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

(1) The local government and the CEO must agree on —

(a) the process by which the CEO's performance will be reviewed; and

(b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

(2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.

(3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

(1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.

(2) The local government must —

(a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and

(b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

(a) the results of the review; and

(b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs

20. Overview of Division

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

21. General principles applying to any termination

(1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.

(2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —

(a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and

(b) notifying the CEO of any allegations against the CEO; and

(c) giving the CEO a reasonable opportunity to respond to the allegations; and

(d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance-related reasons

(1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.

(2) The local government must not terminate the CEO's employment unless the local government has —

(a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the performance issues) related to the performance of the CEO; and

(b) informed the CEO of the performance issues; and

(c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
(d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.

(3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

24. Notice of termination of employment

(1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.

(2) The notice must set out the local government's reasons for terminating the employment of the CEO.

– End of Schedule

A copy of these Standards is to be placed on the local government's official website, pursuant to Section 5.39B(6) of the Local Government Act 1995.



Department of
Local Government, Sport
and Cultural Industries



Local Government
Act 1995 Review
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Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination

***Local Government (Administration) Amendment
Regulations 2021***

February 2021

Contents

Preface	1
Part 1 – Recruitment and Selection	2
Principles.....	2
Recruitment and Selection Standard	2
Recruitment and Selection Standard continued	3
Guidelines	3
Recruitment and selection process	3
Advertising.....	4
Selection panel and independent person	4
Independent human resources consultant.....	5
Council’s responsibilities	6
Creating Diversity.....	6
Due Diligence.....	7
Selection	8
Employment contract	9
Appointment.....	9
Confidentiality	10
CEO induction.....	10
Principles.....	11
Performance Review Standard	11
Guidelines	11
Employment contract and performance agreement.....	11
Performance Criteria.....	12
Performance review panel.....	13
Independent consultant.....	13
Assessing performance.....	13
Addressing performance issues	14
Confidentiality	15
Part 3 – Termination	16
Principles.....	16
Termination Standard	16
Guidelines	16
Reason for termination.....	16
Opportunity to improve and mediation.....	18
Termination report.....	18

Confidentiality	18
Disclaimer	18



Preface

The *Local Government Legislation Amendment Act 2019* includes a requirement for model standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes between local governments.

The accompanying guidelines outline the recommended practice for local governments in undertaking these processes. These guidelines will assist local governments in meeting the model standards prescribed in the *Local Government (Administration) Amendment Regulations 2021*.

The standards and guidelines have been developed by the Department of Local Government, Sport and Cultural Industries (Department), in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LGPro). The Department gratefully acknowledges the participation and contribution of these representatives.

The Department notes that the content of these guidelines does not necessarily reflect the views or policies of the organisations or individuals that have been consulted.

Part 1 – Recruitment and Selection

One of the fundamental roles of the council is the employment of the local government's CEO. The CEO is responsible for implementing the council's strategic vision and leading the local government administration.

Principles

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* (Act) lists a number of general principles of employment that apply to local governments.

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.

Recruitment and Selection Standard cont.

- 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.

Guidelines

Recruitment and selection process

The council of the local government should act collectively throughout the recruitment and selection process. To uphold the integrity of the process, the council must resist any attempt to influence the outcome through canvassing or lobbying.

The local government should carefully consider the role of the CEO. This includes the CEO's legislated powers and functions and their role as the head of the administrative arm of the local government. In determining the selection criteria for the position of CEO, it will be important for a local government to consider the needs of the community and the specific skills and experience that will be required of the CEO in that particular local government. The competencies the council looks for in its CEO should reflect the council's strategic community plan.

Once the essential skills and experience which form the selection criteria for the position have been established, the local government must set out the selection criteria (essential and desirable) and the responsibilities of the position in a Job Description Form (JDF). If emphasis is placed on certain selection criteria, this should be highlighted in the JDF so that applicants are aware of this. For example, some level of project management experience will usually be an important criterion, but if the local government is undertaking a major development such as a new recreation centre, added emphasis may need to be given to this criterion.

The JDF must be approved by an absolute majority of the council.

Advertising

The local government should ensure that applicants are clearly informed about the application process, such as the application requirements, the closing date for applications and how applications are to be submitted. It is essential that this process is transparent and that each step in the process is documented. Associated records must be kept in a manner consistent with the *State Records Act 2000 (WA)*.

It is a requirement that a local government is to give Statewide public notice if the position of CEO becomes vacant. Statewide public notice must contain:

- 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.

In order to attract the best possible pool of applicants for the position of CEO, it is recommended that local governments use a diverse range of advertising methods, mediums and platforms (in addition to the advertising requirement under section 5.36(4) of the Act). For example:

- advertising on the local government's website;
- posting on online jobs boards (e.g. SEEK);
- sharing the advertisement via professional networks; and
- undertaking an executive search.

A local government must publicly advertise the CEO position if the same person has remained in the job for 10 consecutive years. This requirement does not prevent the incumbent CEO from being employed for another term, provided they are selected in accordance with the standards for recruitment and selection.

Selection panel and independent person

Local governments are required to establish a selection panel to conduct and facilitate the recruitment and selection process. The selection panel should be made up of elected members (the number of which is determined by the council) and must include at least one independent person. The independent person cannot be a current elected member, human resources consultant, or staff member of the local government. Examples of who the independent person could be include:

- former elected members or staff members of the local government;
- former elected members (such as a Mayor or Shire President) or staff members of *another* local government;
- a prominent or highly regarded member of the community; or
- a person with experience in the recruitment of CEOs and senior executives.

The panel are responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant or applicants. The essence of the role of an independent panel member is to bring an impartial perspective to the process and reduce any perception of bias or nepotism.

It is essential that prior to a person's appointment to a selection panel they are informed of the duties and responsibilities of their role and that of the panel. It is recommended that local governments develop a policy or terms of reference to facilitate this process that incorporate the standards for recruitment at Division 2 of the *Local Government (Administration) Amendment Regulations (No.2) 2020*. A policy should include important information that outlines:

- The primary functions of the panel;
- Roles and responsibilities of panel members;
- Composition of the panel;
- Duration of term;
- Desirable criteria for appointment to the panel;
- A requirement that panel members sign a confidentially agreement and agree to the duties and responsibilities of their role; and
- Any other information the local government deems necessary for the panel to effectively carry out their role.

Independent human resources consultant

A local government should seek independent advice from a human resources consultant where the council lacks the capacity or expertise to facilitate the recruitment and selection process (or any aspect of it). A member of the human resources team within a local government should not be involved in the recruitment of a new CEO.

The consultant should not be associated with the local government or any of its council members. The consultant can be an independent human resources professional, recruitment consultant, or recruitment agency.

An independent human resources consultant can provide advice to the selection panel on how to conduct the recruitment process, or a local government may engage a consultant to support it in undertaking certain aspects of the recruitment process, such as one or more of 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.

The consultant is not to be directly involved in determining which applicant should be recommended for the position, their role is not one of decision-maker.

It is recommended that rigorous checks be conducted on any independent consultants before they are engaged to ensure they have the necessary skills and experience to effectively assist the council. Local government recruitment experience may be beneficial but is not a requirement.

The independent human resources consultant must be able to validate their experience in senior executive recruitment and appointments. It is important to note that if the local government uses a consultant or agency to assist in finding applicants, they will require an employment agent licence under the *Employment Agents Act 1976* (WA).

A good independent human resources consultant will bring expertise, an objective perspective and additional human resources to what is a complex and time-consuming process. Given the time and effort involved in finding a competent CEO, and the cost of recruiting an unsuitable CEO, there can be a good business case for spending money on a human resources consultant.

If a decision is made to engage an independent human resources consultant, it is imperative that the council maintains a high level of involvement in the process and enters into a formal agreement (contract) with them. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process. As with any contractor engagement, the local government must ensure their procurement and tender processes comply with the Act and the procurement policy of the local government.

Council's responsibilities

A human resources consultant cannot undertake the tasks for which the council is solely responsible. An independent consultant cannot and should not be asked to:

- Conduct interviews: This should be done by the selection panel. However, council may decide to interview applicants recommended by the selection panel. A consultant can provide support with interviews, providing advice on the recruitment and selection process and writing up recommendations. The consultant may also arrange referee reports and checks of applicants.
- Make the decision about who to appoint to the position of CEO: Only the council can make this decision, drawing upon advice from the selection panel.
- Negotiate the terms and conditions of employment: Noting that the consultant should be able to provide advice on remuneration constraints and other terms and conditions.

Creating Diversity

In order to ensure all applicants are given an equal opportunity for success, selection methods need to be consistent and objective. In a structured interview, each applicant should have the opportunity to answer the same primary questions with follow-up questions used to illicit further detail or clarification. Behavioural-based interview

questions are objective and gauge the applicants' suitability, reducing biases in assessment (see examples below).

Basing a selection decision on the results of a number of selection methods can help to reduce procedural shortcomings and ensure the best applicant is chosen. Psychometric, ability and aptitude testing are considered to be valid, reliable and objective. While applicants with extensive experience and reputable education may appear to be more qualified, an objective assessment of each person's ability and personal traits can help to provide a clearer picture of the applicant.

Where possible, it is recommended that local governments ensure diversity on the selection panel. This may be achieved by ensuring gender, ethnicity, age and experiential diversity is represented on the panel. Diversity is also a consideration when selecting an independent person for the selection panel, particularly where there is a lack of diversity on the council. A diverse selection panel will assist in making quality decisions regarding suitable applicants.

Individuals are often unaware of biases they may have. For this reason, it is helpful for the selection panel to undertake training about unconscious biases. Awareness of unconscious biases assists individuals in preventing those biases from interfering in their decision making. For example, if there are considerable discrepancies in the assessment scores between two panel members, discussion will be required to ensure bias has not influenced these scores. Allowing team members to acknowledge and recognise prejudices is essential to managing those biases. The following biases should be addressed:

- "Similar-to-me" effect - if interviewers share the same characteristics with the applicants or view those characteristics positively, they are more likely to score them highly;
- "Halo" effect – interviewers may let one quality (such as race, gender, looks, accent, experience, etc.) positively or negatively affect the assessment of the applicant's other characteristics.

Due Diligence

It is essential that the local government ensures that the necessary due diligence is undertaken to verify an applicant's qualifications, experience and demonstrated performance. This includes:

- verifying an applicant's qualifications such as university degrees and training certificates;
- verifying the applicant's claims (in relation to the applicant's character, details of work experience, skills and performance) by contacting the applicant's referees. Referee reports should be in writing in the form of a written report, or recorded and verified by the referee;
- requesting that an applicant obtains a national police clearance as part of the application process; and
- ensuring no conflicts of interests arise by looking to outside interests such as board membership and secondary employment.

A council may wish to contact a person who is not listed as an applicant's referee,

such as a previous employer. This may be useful in obtaining further information regarding an applicant's character and work experience, and verifying related claims. The applicant should be advised of this and be able to provide written comments to the council.

A search of social media and whether an applicant has an online presence may also assist in identifying potential issues. For example, an applicant may have expressed views which are in conflict with the local government's values. This should be made clear in the application information. To ensure the integrity of the recruitment process, a council must act collectively when performing due diligence.

Selection

Once the application period closes, the selection panel, or consultant on behalf of the selection panel, must assess applications and identify a shortlist of applicants to be interviewed.

In shortlisting applicants for the interview phase, the selection panel should consider the transferable skills of applicants and how these would be of value in the role of CEO. The selection panel should not overlook applicants who do not have experience working in the local government sector.

It is important that the assessment process is consistent for all applicants. For example, each applicant is asked the same interview questions which are related to the selection criteria and each are provided with the same information and undertake the same assessments.

Elected members should declare any previous association with an applicant or any potential conflict of interest at the time of shortlisting if they are part of the selection panel. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence. If the potential conflict of interest is significant or a member's relationship with an applicant may result in claims of nepotism, patronage or bias, the council may need to consider whether to exclude the elected member from the process. The decision should be documented and recorded for future reference.

Selecting an applicant should be based on merit; that is, choosing an applicant that is best suited to the requirements of the position and the needs of the local government. This involves the consideration and assessment of applicants' skills, knowledge, qualifications and experience against the selection criteria required for the role. As part of the selection process, a council may consider it appropriate for each of the preferred candidates to do a presentation to council.

The appointment decision by the council should be based on the assessment of all measures used, including:

- assessment technique(s) used (e.g. interview performance);
- quality of application;
- referee reports;
- verification and sighting of formal qualifications and other claims provided by the applicant; and
- other vetting assessments used (e.g. police checks, integrity checks, etc.).

Employment contract

In preparing the CEO's employment contract, the council must ensure the contract includes the necessary provisions required under section 5.39 of the Act and associated regulations.

Section 5.39 of the Act provides that a CEO's employment contract must not be for a term exceeding five years. The term of a contract for an acting or temporary position cannot exceed one year.

Further, the employment contract is of no effect unless it contains:

- the expiry date of the contract;
- the performance review criteria; and
- as prescribed under regulation 18B of the Administration Regulations, the maximum amount of money (or a method of calculating such an amount) to which the CEO is to be entitled if the contract is terminated before the expiry date. The amount is not to exceed whichever is the lesser of:
 - the value of one year's remuneration under the contract; or
 - the value of the remuneration that the CEO would have been entitled to, had the contract not been terminated.

It is recommended that the council seeks independent legal advice to ensure that the contract is lawful and able to be enforced. In particular, advice should be sought if there is any doubt as to the meaning of the provisions of the contract.

Councils should be aware that CEO remuneration is determined by the Salaries and Allowances Tribunal and the remuneration package may not fall outside the band applicable to the particular local government.

The CEO's employment contract should clearly outline grounds for termination and the termination process in accordance with the standards in regulations.

The council of the local government must approve, by absolute majority, the employment contract and the person they appoint as CEO.

Appointment

A decision to make an offer of employment to a preferred applicant must be made by an absolute majority of council. If the preferred applicant accepts the offer and the proposed terms of the contract without negotiation, there is no further requirement for council to endorse the applicant and the contract. However, if there is a process of negotiation to finalise the terms and conditions of the contract, council is required to endorse the appointment and approve the CEO's employment contract by absolute majority. In both instances, the employment contract must be signed by all parties.

The council should notify both the successful individual and the remaining unsuccessful applicants as soon as possible before publicly announcing the CEO appointment.

The successful applicant should not commence duties with the local government as CEO until the employment contract has been signed.

The unsuccessful applicants (including those not interviewed) should be notified of the outcome of their application. It is recommended that the local government creates a template letter for unsuccessful applicants that can be easily personalised with the applicants' details and sent out quickly.

The council should keep a record of their assessment of the unsuccessful applicant(s) and provide the unsuccessful applicant(s) with the opportunity to receive feedback on their application, or interview performance if they were granted an interview. Should an unsuccessful applicant request feedback, it is recommended that a member of the selection panel provides this. If a recruitment consultant is used, they may undertake this task.

Confidentiality

The local government should ensure that all information produced or obtained during the recruitment and selection process is kept confidential. This includes applicants' personal details, assessment details, the selection report and outcome of the process. This ensures privacy requirements are met and maintains the integrity of the process. It is recommended that selection panel members and councillors sign a confidentiality agreement to ensure that they are aware of their obligations.

CEO induction

Local governments should ensure that they provide the CEO with all of the necessary information on the local government's processes, policies, procedures and systems at the commencement of the CEO's employment.

New CEOs are eligible to participate in the Local Government CEO Support Program which is a joint initiative of the Department and LG Pro to provide mentoring and general support to those appointed to the position of CEO in a local government for the first time. The program runs for six to nine months from the time a CEO is appointed and involves the CEO being matched with a mentor that best meets their needs.

The program provides the CEO with an opportunity (through meetings and on-going correspondence) to discuss a wide range of issues with their appointed mentor in the strictest confidence. The program is aimed at addressing the individual needs of the CEO. Examples of issues that may be covered include the following:

- Role of the CEO
- Governance
- Strategic and long-term planning
- Legislative framework
- Relationships and dealing with council members
- Risk management
- Resource management
- Managing the business of Council
- Family considerations

Part 2 – Performance Review

Principles

The standards regarding CEO performance review are based on the principles of fairness, integrity and impartiality.

Performance Review Standards

The minimum standard for performance review will be met if:

- S2.1** Performance criteria is specific, relevant, measurable, achievable and time-based.
- S2.2** The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
- S2.3** The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
- S2.4** The collection of evidence regarding performance outcomes is thorough and comprehensive.
- S2.5** Assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent.
- S2.6** The council has endorsed the performance review assessment by absolute majority.

Guidelines

Section 5.38 of the Act provides that, for a CEO who is employed for a term of more than one year, the performance of a CEO is to be reviewed formally at least once in every year of their employment.

In addition to this minimum requirement, it is recommended that the council engages in regular discussions with the CEO regarding their performance against the performance criteria, including progress and ways that the CEO can be supported. Any changes to the CEO's performance agreement such as changes to the performance criteria should also be discussed, and agreed to, between the council and the CEO, as the matter arises.

Employment contract and performance agreement

Section 5.39, of the Act requires the employment contract to specify the performance criteria for the purpose of reviewing the CEO's performance. This will include ongoing permanent performance criteria. A local government may wish to have a separate additional document called a "performance agreement" which includes the

performance review criteria in the employment contract, additional criteria (e.g. the performance indicators in relation to specific projects) and how the criteria will be assessed. The performance agreement should be negotiated and agreed upon by the CEO and the council. The performance agreement may also set out the CEO's professional development goals and outline a plan to achieve these goals.

Performance Criteria

Setting the performance criteria is an important step. One of the CEO's key responsibilities is to oversee the implementation of council's strategic direction, and so it is important to align the CEO's performance criteria to the goals contained in the council's Strategic Community Plan and Corporate Business Plan. Accordingly, as these plans are updated, the CEO's performance criteria should be updated to reflect the changes.

In leading the administrative arm of a local government, the CEO is responsible for undertaking core tasks, the achievement of which will contribute to the effectiveness of the council. It is important that the outcomes associated with these tasks are measurable and clearly defined. These could be in relation to:

- service delivery targets from the council's Strategic Community Plan;
- budget compliance;
- organisational capability;
- operational and project management;
- financial performance and asset management;
- timeliness and accuracy of information and advice to councillors;
- implementation of council resolutions;
- management of organisational risks;
- leadership (including conduct and behaviour) and human resource management; and
- stakeholder management and satisfaction.

Performance criteria should focus on the priorities of the council and, if appropriate, can be assigned priority weighting in percentages. The council and CEO should set goals related to target outcomes for future achievement in the performance criteria. Goals should be specific, measurable, achievable, relevant and time-based.

Following the determination of the performance criteria and goals, the council will need to determine how to measure the outcomes of each criteria. It is important to relate performance indicators to the selection criteria used in selecting the CEO. For example, if the CEO has been selected due to their financial experience and ability to improve the local government's finances, indicators regarding improved revenue and reduced expenses are obvious starting points.

Considering the context within which the local government is operating is important. For example, if a significant financial event occurs, such as a downturn in the economy, financial performance indicators will likely need to be adjusted. It is important that such contextual factors are given appropriate weighting and that goals are flexible to allow regular adjustment. Adjustments may be initiated by either the CEO or the council. Councils need to be realistic in terms of their expectations of a CEO's performance and provide appropriate resources and support to facilitate the

achievement of performance criteria.

Performance review panel

It is recommended that the council delegates the CEO performance review to a panel (e.g. comprising certain council members and an independent observer). The panel has a duty to gather as much evidence as possible upon which to base their assessments. The role of the review panel includes developing the performance agreement in the first instance, conducting the performance review and reporting on the findings and recommendations of the review to council. It is also recommended that council develop a policy to guide the performance review process. A policy might include the composition of the panel, primary functions, the role and appointment of an independent consultant, and the responsibilities of review panel members.

Independent consultant

If a council lacks the resources and expertise to meet the expected standard of performance review, the council should engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement. The local government should ensure that the consultant has experience in performance review and, if possible, experience in local government or dealing with the performance review of senior executives. The consultant should not have any interest in, or relationship with, the council or the CEO.

With guidance from the performance review panel, a consultant can facilitate the following tasks:

- setting performance criteria;
- preparing the performance agreement;
- collecting performance evidence;
- writing the performance appraisal report;
- facilitating meetings between the performance review panel;
- assisting with the provision of feedback to the CEO;
- formulating plans to support improvement (if necessary); and
- providing an objective view regarding any performance management-related matters between the concerned parties.

Assessing performance

It is a requirement of the regulations that the process by which the CEO's performance will be reviewed is documented and agreed to by both parties. Council and the CEO must also agree on any performance criteria that is in addition to what is specified in the CEO's contract of employment. The option to include additional criteria for performance review purposes by agreement provides a degree of flexibility for both parties in response to changing circumstances and priorities.

It is essential that CEO performance is measured in an objective manner against the performance criteria alone. It is important that reviews are impartial and not skewed by personal relationships between the review panel and the CEO. Close personal relationships between the panel members and the CEO can be just as problematic as extremely poor relationships. Evidence of CEO performance may come from an array of sources, many of which the CEO themselves can and should provide to the

council as part of regular reporting. These sources include:

- achievement of key business outcomes;
- interactions with the council and progress that has been made towards implementing the council's strategic vision;
- audit and risk committee reports;
- workforce metrics (e.g. the average time to fill vacancies, retention rate, information about why people leave the organisation and staff absence rate);
- incident reports (e.g. results of occupational health and safety assessments, the number and nature of occupational health and safety incident reports, and the number and nature of staff grievances);
- organisational survey results;
- relationships (e.g. with relevant organisations, stakeholder groups, and professional networks); and
- insights from key stakeholders (this could be done by way of a survey to obtain stakeholder input).

It is important that, in addition to looking at the achievement of key performance indicators (KPIs), the council considers the following:

- How the CEO has achieved the outcomes. In particular, whether or not their methods are acceptable and sustainable.
- The extent to which current performance is contingent upon current circumstances. Has the CEO demonstrated skills and behaviours to address and manage changes in circumstances which have affected his or her performance? (for example, the impact of COVID-19.)
- What the CEO has done to ensure the wellbeing of staff and to maintain trust in the local government.

The council should consider the attention the CEO has given to ensuring equal employment opportunity, occupational health and safety, privacy, managing potential conflicts of interest, and complying with procurement process requirements.

Addressing performance issues

Once the CEO's performance has been assessed, it is essential that any areas requiring attention or improvement are identified, discussed with the CEO and a plan is agreed and put in place to address these. The plan should outline the actions to be taken, who is responsible for the actions and an agreed timeframe.

The performance review panel must decide on an appropriate course of action that will address the performance issue. This may include professional development courses, training, counselling, mediation, mentoring or developing new work routines to ensure specific areas are not neglected. The performance review panel should then arrange for regular discussion and ongoing feedback on the identified performance issues, ensuring improvements are being made.

It is important to keep in mind that a local government falling short of its goals is not always attributable to the CEO. External factors may have resulted in initial performance expectations becoming unrealistic. Failure to meet performance criteria does not necessarily mean the CEO has performed poorly and, for this reason,

performance and outcome should be considered separately. Where ongoing issues have been identified, the council will need to take a constructive approach and seek to develop the CEO's competency in that area.

While there are obligations on the council to manage the CEO in regard to their performance, when it extends into potential wrongdoing (misconduct), the council should be referring the matter to the Public Sector Commission or Corruption and Crime Commission. This provides an independent process to follow and ensures probity, natural justice and oversight of allegations.

Confidentiality

The council must ensure that accurate and comprehensive records of the performance management process are created. Any information produced must be kept confidential.

Part 3 – Termination

Principles

The standards for the termination of a local government CEO's employment (other than for reasons such as voluntary resignation or retirement) are based on the principles of fairness and transparency. Procedural fairness is a principle of common law regarding the proper and fair procedure that should apply when a decision is made that may adversely impact upon a person's rights or interests.

Termination Standards

The minimum standards for the termination of a CEO's contract will be met if:

- S3.1** Decisions are based on assessment of the CEO's performance as measured against the documented performance criteria in the CEO's contract.
- S3.2** Performance issues have been identified as part a performance review (conducted within the preceding 12 months) and the CEO has been informed of the issues. The council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues to the satisfaction of the local government.
- S3.3** The principle of procedural fairness is applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decisions affecting them, and their response is genuinely considered.
- S3.4** Decisions are impartial and transparent.
- S3.5** The council of the local government has endorsed the termination by absolute majority.
- S3.6** The required notice of termination (which outlines the reasons for termination) is provided in writing.

Guidelines

Reasons for termination

The early termination of a CEO's employment may end due to:

- poor performance;
- misconduct; or
- non-performance or repudiation of contract terms.

There is a difference between poor performance and serious misconduct. Poor performance is defined as an employee not meeting the required performance criteria or demonstrating unacceptable conduct and behaviour at work, it includes:

- not carrying out their work to the required standard or not doing their job at all;
- not following workplace policies, rules or procedures;
- unacceptable conduct and behaviour at work;
- disruptive or negative behaviour at work;
- not meeting the performance criteria set out in the employment contract and/or performance agreement unless these are outside the CEO's control;
- not complying with an agreed plan to address performance issues;
- failing to comply with the provisions of the *Local Government Act 1995* and other relevant legislation;
- failing to follow council endorsed policies.

Serious misconduct can include when an employee:

- causes serious and imminent risk to the health and safety of another person or to the reputation or revenue of the local government; or
- behaves unlawfully or corruptly; or
- deliberately behaves in a way that's inconsistent with continuing their employment.

Examples of serious misconduct can include:

- matters arising under section 4(a), (b) and (c) of the *Corruption, Crime and Misconduct Act 2003*;
- theft;
- fraud;
- assault;
- falsification of records;
- being under the influence of drugs or alcohol at work; or
- refusing to carry out appropriate and lawful resolutions of council.

Misconduct is also defined in section 4 of the *Corruption, Crime and Misconduct Act 2003* (WA). Under this Act, misconduct can be either serious or minor and the obligation to notify the Public Sector Commission (PSC) or the Corruption and Crime Commission (CCC) is paramount.

Termination on the basis of misconduct is covered by employment law. A local government should seek independent legal, employment or industrial relations advice prior to a termination. A council should also seek independent advice during the termination process including advice on the relevant employment legislation affecting CEO employment and the application of that legislation to their specific circumstances. This will ensure that a council complies with employment law during the entire termination process.

A local government is required to endorse the decision to terminate a CEO's employment by way of an absolute majority decision. A local government must certify that the termination was in accordance with the adopted standards in regulations.

Opportunity to improve and mediation

If a CEO is deemed to have been performing poorly, the council must be transparent and inform the CEO of this. It is important that the CEO is given an opportunity to remedy the issues within a reasonable timeframe as agreed between the CEO and the council. The council should clearly outline the areas in need of improvement, and with the CEO's input, determine a plan to address any issues. If a plan for improvement is put in place and the CEO's performance remains poor, then termination may be necessary. If a local government decides to terminate the employment of the CEO it must have conducted a performance review in the previous 12 months in accordance with section 5.38 of the Act.

Where the concerns or issues relate to problematic working relationships or dysfunctional behaviour, it is recommended that a council engages an independent accredited mediator to conduct a mediation between the parties. A mediation session may be useful in assisting parties to understand and address issues before the situation escalates to a breakdown in the working relationship (which affects the ability of the CEO to effectively perform their duties) and the subsequent termination of the CEO's employment.

Termination report

The council should prepare a termination report which outlines the reasons for termination, the opportunities and assistance provided to the CEO to remedy any issues, and an explanation of the CEO's failure to do so. Council must provide prior opportunities and support to the CEO to assist them in remedying the issues which form the basis of the termination. It is a requirement of the regulations that council must provide written notice to the CEO outlining the reasons for their decision to terminate. In addition, council must certify that the termination of the CEO's employment was carried out in accordance with the standards set out in regulations.

Confidentiality

Local governments should ensure that the termination process is kept confidential. The CEO is to be informed of their rights and entitlements. Notice of termination of employment is required to be given in writing. Where possible, the news of termination of employment should also be delivered in person. The CEO should be provided with a letter outlining the reasons for, and date of, the termination of their employment.

Before making any public announcements on the termination of the CEO, a council should ensure that the entire termination process is complete, including that the CEO has been informed in writing of the termination.

Disclaimer

It is outside the scope of these guidelines to provide legal advice, and local governments should seek their own legal advice where necessary. Guidance as to legal requirements and compliance in relation to the termination of employment is provided by the Fair Work Commission at www.fwc.gov.au, the Fair Work Ombudsman at www.fairwork.gov.au and the Western Australian Industrial Relations Commission at www.wairc.wa.gov.au.

1.20 Acting Chief Executive Officer

PURPOSE

The purpose of this policy is to appoint an Acting Chief Executive Officer while the Chief Executive Officer is away on an extended period of leave.

SCOPE

This policy is applied to the Shire of Westonia Chief Executive Officer and senior staff.

DEFINITIONS

NIL

Term	Meaning
Act	Local Government Act 1995
CEO	Shire of Westonia Chief Executive Officer
Council	Local Government of the Shire of Westonia, as per <i>Act Division2, Section 2.5</i>

STRATEGIC CONTEXT

This policy links to key goal areas:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

POLICY STATEMENT

Pursuant to Section 5.37 of the Act, the following employees are designated as senior employees –

- a) Manager of Corporate Services; and
- b) Manager Works & Services

For the purposes of Section 5.36 (2) of the Act, the Council has determined that employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the CEO, from time to time, when the CEO is on periods of leave, subject to the following conditions:

1. The CEO is not an interim CEO or Acting in the position;
2. The term of appointment is not longer than 20 working days consecutive;
3. That the employee's employment conditions are not varied other than the employee is entitled at the CEO's discretion, no greater than the salary equivalent to that of the CEO during the Acting period.

In the case of the unavailability of the CEO due to an emergency, the Manager of Corporate Services is automatically appointed as the Acting CEO for up to a period of 2 weeks from commencement, and continuation is then subject to determination by the Council.

All other interim, Acting or CEO appointments to be referred to Council.

RELATED LEGISLATION/ DOCUMENTATION

CEO is a designated senior employee under the Act. There is no requirement to have designated employees other than for the purpose of automatic appointment as Acting Chief Executive Officer. Most requirements placed on designated employees are already covered by s.5.74 – to declare gifts and to make primary / annual declarations if making direct report to Council or exercising delegated authority.

Local Government Act 1995.

Schedule 2 — Model standards for CEO recruitment, performance and termination

[r. 18FA]

Division 1 — Preliminary provisions

1. Citation

These are the [*insert name of local government*] *Standards for CEO Recruitment, Performance and Termination*.

2. Terms used

(1) In these standards —

Act means the *Local Government Act 1995*;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the local government under clause 5(2);

local government means the [*insert name of local government*];

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
 - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
 - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
 - (i) email a copy of the job description form to an email address provided by the person; or

- (ii) mail a copy of the job description form to a postal address provided by the person.

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.

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.

- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
 - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
 - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

10. Application of cl. 5 where new process carried out

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
 - (a) clause 5 does not apply to the new recruitment and selection process; and
 - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

12. Variations to proposed terms of contract of employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the *negotiated contract*) containing terms different to the proposed terms approved by the local government under clause 11(b).

- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

13. Recruitment to be undertaken on expiry of certain CEO contracts

- (1) In this clause —
commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —
 - (a) upon the expiry of the contract of employment of the person (the *incumbent CEO*) who holds the position of CEO —
 - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
 - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;
 - and
 - (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Division 3 — Standards for review of performance of CEOs**15. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —
 - (a) the process by which the CEO's performance will be reviewed; and
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
 - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs

20. Overview of Division

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

21. General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
 - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
 - (b) notifying the CEO of any allegations against the CEO; and
 - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
 - (d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance-related reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
 - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the *performance issues*) related to the performance of the CEO; and
 - (b) informed the CEO of the performance issues; and
 - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
 - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

24. Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

N. HAGLEY, Clerk of the Executive Council.

10 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING

Nil

12 DATE AND TIME OF NEXT MEETING

The next ordinary meeting of Council will be held on Thursday 18 November 2021 commencing at 3.30pm

13 MEETING CLOSURE

There being no further business the President, Cr Day declared the meeting closed at