



Published Minutes

Chief Executive Officer's Recruitment and Performance Review
Committee Meeting

Tuesday, 20 February 2024

Date:	Tuesday 20 February 2024
Time:	9:00am
Location:	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow
Distribution Date:	Friday 23 February 2024



Shire of Ashburton

Chief Executive Officer's Recruitment and Performance Review Committee Meeting

The Chief Executive Officer recommends the endorsement of these minutes at the next Chief Executive Officer's Recruitment and Performance Review Committee Meeting.

K Donohoe
Chief Executive Officer
23 February 2024

These minutes were confirmed by Council as a true and accurate record of proceedings at the Chief Executive Officer's Recruitment and Performance Review Committee Meeting held on Tuesday, 20 February 2024.

Presiding Member

Date

16/7/24

Disclaimer

The Shire of Ashburton warns anyone who has an application lodged with Council must obtain, and should only rely on, written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by Council in respect of the application. No responsibility whatsoever is implied, or accepted, by the Shire of Ashburton for any act, omission, statement, or intimation occurring during a Council meeting.

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1 Declaration Of Opening

The Chief Executive Officer declared the meeting open at 9:01am.

1.1 Acknowledgement Of Country

As representatives of the Shire of Ashburton Council, we respectfully acknowledge the local Indigenous people, the traditional custodians of this land where we are meeting upon today and pay our respects to them and all their elders past, present and emerging.

2 Announcement Of Visitors

Nil

3 Attendance

3.1 Present

Elected Members:	SP A Smith Cr K White Cr M Lynch Cr A Sullivan Cr B Healy	Shire President Onslow Ward Tom Price Ward Paraburdoo Ward Tom Price Ward (Deputy Member)
Observers:	Cr R De Pledge Cr L Rumble	Ashburton-Tablelands Ward Paraburdoo Ward
Employees:	K Donohoe J Bray A Furfaro	Chief Executive Officer (left meeting at 9:06am) Manager Governance Governance Officer
Guests:	Nil	
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	
Members of media:	There were no members of the media in attendance at the commencement of the meeting.	

3.2 Apologies

Nil

3.3 Approved Leave Of Absence

Nil

3.4 Election of the Presiding Member and Deputy Presiding Member

The Chief Executive Officer to preside at the meeting in accordance with clause 3, Schedule 2.3 of the *Local Government Act 1995*, until the office of Presiding Members filled.

Election of Presiding Member

In accordance with section 5.12(1) and clause 2, Schedule 2.3 of the *Local Government Act 1995*, the office of Presiding Member is to be filled as the first matter dealt with at the first meeting of the committee after an ordinary election.

How elected:

The election of the Presiding Member is to be conducted in accordance with clause 4, Schedule 2.3 of the *Local Government Act 1995* as follows:

1. The committee is to elect a committee member to fill the office.
2. The election is to be conducted by the CEO in accordance with the procedure prescribed.
3. Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
4. Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
5. If a committee member is nominated by another committee member the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
6. The committee members are to vote on the matter by secret ballot as if they were electors voting at an election.
7. Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
8. As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

The Chief Executive Officer called for nominations for the position of Presiding Member.

A nomination was received, in writing, by the Chief Executive Officer for President Audra Smith.

The Chief Executive Officer, as the returning officer, informed the committee that President Audra Smith was elected unopposed as the Presiding Member of the Chief Executive Officer's Recruitment and Performance Review Committee.

At 9:05am, President Audra Smith assumed the chair.

At 9:06am, Chief Executive Officer declared a financial interest and left the meeting.

Election of Deputy Presiding Member

How elected

The election of the Deputy Presiding Member is to be conducted in accordance with clause 8, Schedule 2.3 of the *Local Government Act 1995* as follows:

1. The committee is to elect a committee member (other than the presiding member) to fill the office.
2. The election is to be conducted in accordance with the procedure prescribed by the presiding member, or if he or she is not present, by the CEO.
3. Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
4. Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
5. If a committee member is nominated by another committee member the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
6. The committee members are to vote on the matter by secret ballot as if they were electors voting at an election.
7. Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
8. As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

The Presiding Member called for nominations for the position of Deputy Presiding Member.

Nominations were received, in writing, by the Presiding Member for Cr Kerry White and Cr Alana Sullivan.

An election was conducted in accordance with clause 4, Schedule 2.3 of the Local Government Act 1995 to fill the position of Deputy Presiding Member.

The results of the election were, Cr Alana Sullivan three votes, Cr Kerry White two votes.

The Presiding Member, as the returning officer, informed the committee that Cr Alana Sullivan was elected as the Deputy Presiding Member of the Chief Executive Officer's Recruitment and Performance Review Committee.

4 Declaration By Members

4.1 Due Consideration By Elected Members To The Agenda

Elected members noted they have given due consideration to all matters contained in this agenda.

4.2 Declaration Of Interest

A member who has an Impartiality, Proximity or Financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice, given to the Chief Executive Officer, prior to the meeting, or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to an interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

The following declarations of interest are disclosed –

6.1 Review - Standards for Chief Executive Officer Recruitment, Performance and Termination	
Name	Kenn Donohoe, Chief Executive Officer
Nature of interest	Direct Financial
Interest description	Item considers Chief Executive Officer contract, standards applicable and remuneration.

8.1 Chief Executive Officer's 2023/24 Performance Review Process	
Name	Kenn Donohoe, Chief Executive Officer
Nature of interest	Direct Financial
Interest description	Item considers Chief Executive Officer contract, standards applicable and remuneration.

6 Public Agenda Items

6.1 Review - Standards for Chief Executive Officer Recruitment, Performance and Termination

File Reference	GV20
Applicant or Proponent(s)	Not Applicable
Author	R Marlborough, Senior Governance Officer
Authorising Officer	D Kennedy, Director Corporate Services
Previous Meeting Reference	Ordinary Council Meeting 20 April 2021 - Item 12.3 – 53/2021
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. Standards for CEO Recruitment, Performance and Termination

Report Purpose

The purpose of this report is to present a periodic review of the Standards for CEO (Chief Executive Officer) Recruitment, Performance and Termination (Standards) to the Committee for consideration and for subsequent recommendation to Council for adoption, if supported.

The Committee is requested to support the updated Standards for Chief Executive Officer Recruitment, Performance and Termination (refer to Attachment 1) and make a recommendation to Council for endorsement.

Background

In March 2019, the Local Government Legislation Bill 2019 was introduced to Parliament. This Bill's broad intent was to better equip Council members to undertake their role and to provide greater transparency and accountability to the community. One portion of this Bill introduced requirements into the *Local Government Act 1995* (the Act), for local governments to adopt minimum standards in relation to the recruitment, selection, performance review and early termination, if required of the Chief Executive Officer. Subsequently sections 5.39A and 5.99B of the Act, were proclaimed.

In February 2021, as a consequence of the Local Government Legislation Bill 2019 being passed the *Local Government (Administration) Amendment Regulations 2021* were introduced. These regulations amended the *Local Government (Administration) Regulations 1996 (the Regulations)*. In the case of the Standards, Regulation 18FA was introduced to provide the broad context, and Schedule 2 of the Regulations prescribed the model Standard to be formally adopted.

In April 2021 Council considered the matter of formally adopting Standards for Chief Executive Officer Recruitment, Performance and Termination.

Comments

Although there is no statutory requirement to review the Standards, it is considered good governance to undertake periodic reviews. The review completed did not identify any statutory need to amend the content of the existing Standards.

However, the Standards presented for the Committee consideration and Council's subsequent endorsement have been updated to a more contemporary format, to meet the Shire's Corporate Style Guide and improve presentation and readability.

The updated Standards for the Committee's consideration is provided in Attachment 1.

These Standards will continue to provide an effective functional framework to support the vital position of the Chief Executive Officer and guide recruitment, performance and termination.

Consultation

Chief Executive Officer

Manager Organisational Development

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	1. People - We will support opportunities for the community to be safe, socially active, and connected.
Strategic Outcome	1.1 Coordinated delivery of social services and projects for the community
Strategy	1 Develop and maintain key social services partnerships, both internally and externally, to support Council's vision.

Council Policy

[Council Policies » Shire of Ashburton](#)

Nil

Financial Implications

Current Financial Year

Nil

Future Financial Year(s)

Nil

Legislative Implications

Local Government Act 1995

Section 5.39A - Model standards for CEO recruitment, performance and termination

Regulations must prescribe model standards for local governments in relation the recruitment of CEOs, the review of the performance of CEOs and the termination of the employment of CEOs.

Section 5.39B. Adoption of model standards

In this section it is and was a requirement for local governments to prepare and adopt (by absolute majority) Standards to be observed by the local government that incorporate the model Standards prescribed in section 5.39A(1) of the Act ,within 3 months.

Local Government (Administration) Regulations 1996

Regulation 18FA provide the context for the model Standards in relation to CEO's and Schedule 2 of the Regulations prescribes the content of the Model Standards to be adopted by a local government.

Risk Management

Risk has been assessed against the Shire of Ashburton Risk Management Framework.

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	The Standards not being statutory compliant, fit for purposes or effective.	Unlikely (2)	Moderate (3)	Low (1-4)	Periodic reviews ensure statutory compliance, improve overall organisational awareness and ensure documents are fit for purpose and effective.

Based on the inherent risk rating and risk treatments, the residual risk to the Shire is considered to be low.

Voting Requirements

Simple Majority

Officer Recommendation

That with respect to Standards for Chief Executive Officer's Recruitment, Performance and Termination, the Chief Executive Officer's Recruitment and Performance Review Committee recommends that Council, adopts the reviewed Standards for CEO Recruitment, Performance and Termination, as provided at Attachment 1.

Committee Decision

Moved Cr A Sullivan

Seconded Cr K White

That with respect to Standards for Chief Executive Officer's Recruitment, Performance and Termination, the Chief Executive Officer's Recruitment and Performance Review Committee recommends that Council, adopts the reviewed Standards for CEO Recruitment, Performance and Termination, as provided at Attachment 1.

For: A Smith, K White, M Lynch, A Sullivan and B Healy

Against: Nil

Carried 5/0

7 New Business Of An Urgent Nature Introduced By Council Decision

Nil

8 Confidential Matters

8.1 Chief Executive Officer's 2023/24 Performance Review Process

File Reference	PE.23
Applicant or Proponent(s)	Not Applicable
Author	A Heraty, Manager Organisational Development
Authorising Officer	I Bishop, Deputy Chief Executive Officer
Previous Meeting Reference	Ordinary Council Meeting 11 July 2023 - Item 7.1 – 141/2023
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	1. CEO KPI's 2023/24

Reason for Confidentiality

<i>Section under the Act</i>	<i>This matter is to be considered behind closed doors pursuant to s.5.23(2)(a) of the Local Government Act 1995 as the subject matter relates to:</i>
<i>Sub-clause and Reason:</i>	<i>“s.5.23(2)(a) a matter affecting an employee or employees.”</i>

Report Purpose

Council is required to endorse the 2023/24 timing and process for the Chief Executive Officer's end of year performance review.

Voting Requirements

Simple Majority

9 Next Meeting

The next Chief Executive Officer's Recruitment and Performance Review Committee Meeting will be held at 8:30am on Tuesday 18 June 2024, Ashburton Hall, Paraborndoo.

10 Closure Of Meeting

There being no further business, the Presiding Member closed the meeting at 9:17am.