



Agenda

Chief Executive Officer's Recruitment and Performance Review Committee Meeting

Tuesday, 20 August 2024

Date:	Tuesday 20 August 2024
Time:	11:00am
Location:	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow
Distribution Date:	Thursday 15 August 2024



Shire of Ashburton

Chief Executive Officer's Recruitment and Performance Review Committee Meeting

Please be advised Chief Executive Officer's Recruitment and Performance Review Committee Meeting will be held at 11:00am on Tuesday 20 August 2024 at Council Chambers, Onslow Shire Complex, Second Avenue, Onslow.

A handwritten signature in black ink, appearing to read "Kenn Donohoe".

Kenn Donohoe
Chief Executive Officer
15 August 2024

Disclaimer

The recommendations contained in the agenda are subject to confirmation by Council. 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 Presiding Member declared the meeting open at [enter time](#).

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

The Presiding Member welcomed members of the public to the gallery.

3 Attendance

3.1 Present

Elected Members:	Cr A Smith Cr A Sullivan Cr M Lynch Cr K White Cr L Rumble JP	Shire President Paraburdoo Ward Tom Price Ward Onslow Ward Paraburdoo Ward
Employees:	J Bray B Van Rensburg	Manager Governance Council Support Officer
Guests:	Enter names	
Members of Public:	There were enter number members of the public in attendance at the commencement of the meeting.	
Members of media:	There were enter number members of the media in attendance at the commencement of the meeting.	

3.2 Apologies

To be informed at the meeting.

3.3 Approved Leave Of Absence

Nil

4 Declaration By Members

4.1 Due Consideration By Councillors To The Agenda

Councillors will be requested to note 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 –

To be advised at the meeting.

5 Confirmation Of Minutes

5.1 Confirmation Of Previous Minutes

5.1.1 Minutes Of The Chief Executive Officer's Recruitment and Performance Review Committee Meeting Held On 16 July 2024

Officer Recommendation

That the Minutes of the Chief Executive Officer's Recruitment and Performance Review Committee Meeting held 16 July 2024 (Item 5.1.1 Attachment 1) be confirmed as a true and accurate record.

6 Public Agenda Items

6.1 Chief Executive Officer Recruitment - Appointment of an External Recruitment Consultant

File Reference	PE.CE001
Applicant or Proponent(s)	Not Applicable
Author	A Heraty, Manager Organisational Development
Authorising Officer	A Heraty, Manager Organisational Development
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Impartiality
	Authorising Officer – Impartiality
Attachments	<ol style="list-style-type: none"> 1. Chief Executive Officer External Recruitment Submissions - Confidential 2. Recruiter Assessment - Confidential

Report Purpose

The purpose of this report is to commence the recruitment process for the position of Chief Executive Officer (CEO).

The CEO Recruitment and Performance Review Committee (the Committee) is required to consider the appointment of an external recruitment consultant to commence the recruitment process for the position of CEO on behalf of the Council.

Background

The Shire of Ashburton's (the Shire) current Chief Executive Officer, Mr. Kenn Donohoe, tendered his resignation on 6 July 2024.

The Council is now required to commence the recruitment and selection for a new CEO in accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

The Department of Local Government, Sport, and Cultural Industries 'Local Government Operational Guidelines CEO Recruitment and Selection, Performance Review and Termination' recommend that an external human resource (recruitment) consultant be engaged to facilitate the recruitment and selection process on behalf of the Council.

The process for the recruitment and selection to the position of CEO is to be approved by the Committee. It is therefore, recommended that the Committee considers and makes recommendation to Council on a recruitment consultant to conduct the recruitment process.

Comments

As a result of recent research conducted into recruitment consultancies that offer executive search as part of their recruitment methodology, five external recruitment consultants were contacted, requesting a cost proposal for consideration for the recruitment of the Shire's new CEO. Note that there was no requirement for a formal procurement process due to the value of the cost investment, which is sitting at a maximum of \$30,000 or less. Out of the five recruiters, only one was a Western Australian Local Government Association (WALGA) panel member.

The initial brief to recruiters for the purpose of providing a proposal was:

- A high-level overview of expectations of the role of the CEO; and
- Awareness of legislative requirements relating to the recruitment of a local government CEO.

Each recruiter was informed that the successful recruiter, as appointed by Council will receive a formal brief, including a position description and selection criteria. The scope for the appointed recruiter will be to:

1. Receive a detailed brief on mandatory and desirable technical and non-technical competencies, including selection criteria and Total Reward Package (TRP);
2. Gain an understanding of key priorities and the complexities of the Shire and its stakeholders;
3. Provide feedback on role expectations and selection criteria as well as market insights in relation to potential CEO applicants;
4. Develop a national search strategy, research and profiling;
5. Commencement of advertising, as prescribed in regulation 18A of the *Local Government (Administration) Regulations 1996*;
6. Candidate presentation to the selection panel;
7. Psychometric testing of shortlisted candidates;
8. Negotiate, complete all required due diligence, including reference checks;
9. Development of a successful candidate report for Council endorsement;
10. Facilitate offer process, including return of acceptance; and
11. Regular check-in with the Shire to ensure that the newly appointed CEO is effective, delivering quality work and is culturally aligned.

The following five companies, in no particular order, provided the Shire with proposals (refer to Attachment 1) for consideration:

- Capstone Recruitment
- Ethos BeathChapman
- Leading Roles (WALGA member)
- LG Talent
- U&U.

All five proposals were reviewed and assessed, taking into account relevant experience, value for money and adhering to the recruitment and selection standards of the *Local Government (Administration) Regulations 1996*.

Attachment 2 details the assessment based on information contained in each proposal.

Consultation

Shire President

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.1 Coordinated delivery of organisational leadership and performance excellence for the benefit of the community
Strategy	3 Provide professional leadership and advice to assist Council.

Council Policy

[Council Policies » Shire of Ashburton](#)

[Standards for CEO Recruitment, Performance and Termination](#) – sets out the process to be followed for the recruitment of the Shire’s CEO.

Financial Implications

Current Financial Year

The maximum cost that will be incurred for the successful selection and appointment of the CEO is \$30,000, including assessments. This cost is included in the 2024/25 Annual Budget.

Future Financial Year(s)

Nil

Legislative Implications

The recruitment of a CEO must be conducted in accordance with the Standards for CEO Recruitment, Performance and Termination as determined under regulation 18FA of the *Local Government (Administration) Regulations 1996*.

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Non-compliance with section 5.36(4) of the <i>Local Government Act 1995</i> and regulation 18A of the <i>Local Government (Administration) Regulations 1996</i> .	Unlikely (2)	Moderate (3)	Moderate (5-9)	Follow the procedures as detailed in the Standards for CEO Recruitment and Selection. Select a suitably qualified recruitment consultant.

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 the Chief Executive Officer Recruitment - Appointment of an External Recruitment Consultant, the Chief Executive Officer's Recruitment and Performance Review Committee recommends to Council, that _____ as detailed in Attachment 1, be appointed as the external recruitment consultant to conduct the Chief Executive Officer recruitment process on behalf of Council.

6.2 Chief Executive Officer Recruitment - Approval of Position Description, Selection Criteria and Selection Panel

File Reference	PE.CE001
Applicant or Proponent(s)	Not Applicable
Author	A Heraty, Manager Organisational Development
Authorising Officer	A Heraty, Manager Organisational Development
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Impartiality
	Authorising Officer – Impartiality
Attachments	<ol style="list-style-type: none"> 1. Acknowledgement of Resignation Letter - Confidential 2. Draft Position Description - Chief Executive Officer 3. Independent Panel Member Profile - Reimagine HR - Trina Sunday - Confidential 4. Independent Panel Member Profile - Reframe WA - Dr Nancy Bonfiglio-Pavisich - Confidential 5. Independent Panel Member Profile - BoardConnexions - Dr Lianne Cretney-Barnes - Confidential 6. WALGA CEO Employment Contract Template with Guidance Notes - Confidential

Report Purpose

This report provides the process and recommendations to commence the recruitment for the Chief Executive Officer (CEO) of the Shire of Ashburton (the Shire).

The CEO's Recruitment and Performance Review Committee (the Committee) is required to:

1. Notes the acknowledgement of the Chief Executive Officer, Mr Kenn Donohoe's resignation;
2. Approve the CEO position description, as detailed in Attachment 2, which sets out the duties, responsibilities and selection criteria of the position;
3. Confirm the remuneration package on offer to attract suitable applicants;
4. Select the panel members, including an independent panel member, who will be responsible for interviewing selected shortlisted candidates; and
5. Approve the use of the Western Australian Local Government Association (WALGA) Standard CEO Employment Contract template when appointing a new CEO.

Background

The Shire current CEO, Mr. Kenn Donohoe, tendered his resignation on 6 July 2024, which has since been accepted by the Shire President.

The Shire must now commence the recruitment and selection process for a new CEO in accordance with the Standards for CEO Recruitment, Performance and Termination.

Comments

Acknowledgement of Resignation

The CEO's resignation was accepted by the Shire President. A copy of the Shire President's acknowledgement letter is provided for the Committee's information (refer to Attachment 1).

Position Description and Selection Criteria

In accordance with clause 5(2) of the Standards for CEO Recruitment, Performance and Termination (the Standards), Council must, by absolute majority, approve the position description for the position of CEO which sets out the duties, responsibilities and selection criteria of the position.

Clause 7 of the Standards, the Shire must make the position description publicly available on our website.

Remuneration Package

CEO salaries are regulated by the State Administrative Tribunal (SAT). The SAT Determination 1 of 2024 came into effect on 1 July 2024. The Total Reward Package range for a Band 2 Local Government CEO is \$228,973-\$356,181 per annum.

As such, this range needs to be used when recruiting for the CEO of the Shire.

Selection Panel

The selection panel is established to play a crucial role in the recruitment and selection process. The selection panel has responsibility for assessment of each applicant against the endorsed selection criteria, verification of application qualifications and claims and recommending one or more suitable applicants. It is therefore required to act in an impartial and transparent manner and in accordance with the principles of employment prescribed under section 5.40 of the *Local Government Act 1995* (the Act).

Responsibilities of each panel member includes the declaration of conflict of interest, impartial and transparent decision making and maintaining confidentiality.

In accordance with clause 8 Standards, a selection panel for the employment of the CEO must be established. The selection panel must comprise of:

- elected members (the number of which must be determined by the Council); and
- at least one independent person.

Elected members

In accordance with the Standards, Council must determine the number, and which elected members will sit on the selection panel.

Option 1

Two elected members – the Shire President, Audra Smith and Deputy Shire President, Councillor Kerry White.

Option 2

Two elected members – the Presiding Member, Shire President Audra Smith and Deputy Presiding Member, Councillor Alana Sullivan, of the Committee.

Option 3

All members (5) of the Committee – Shire President Audra Smith, Deputy Shire President Kerry White, Councillors Alana Sullivan, Matthew Lynch and Linton Rumble.

Independent member

The independent person cannot be an elected member of a Western Australian local government, employee of the Shire or a human resources consultant engaged by the Council to conduct the recruitment process.

The Shire has obtained a list of potential candidates suitable to be appointed as an independent person on the selection panel. Once appointed, the candidate will be entitled to payment, based on a suitable quote as part of the procurement process.

The following independent selection panel members have confirmed their availability and provided a profile for the Committee's consideration:

1. Reimagine HR – Trina Sunday [Perth Expert HR Solutions, Services & Consulting | Reimagine HR](#) (refer to Confidential Attachment 3)
2. ReframeWA Consulting – Dr Nancy Bonfiglio-Pavisich [Reframe – Review Renew Regenerate \(reframewa.com\)](#) (refer to Confidential Attachment 4)
3. Board Connexions – Dr Lianne Cretney-Barnes [Board Connexions | Governance Leadership Strategy](#) (refer to Confidential Attachment 5).

CEO Employment Contract

Section 5.39 of the Act and regulation 18B of the *Local Government (Administration) Regulations 1996*, prescribes mandatory requirements for CEO employment contracts:

- A contract for a substantive CEO position cannot be for a term exceeding five years.
- A contract must specify, the expiry date, performance criteria and any other matter prescribed.
- A contract must be renewable and may be varied, provided the contract remains in compliance with the Act.
- The contract may be terminated before the expiry date, on the happening of any event specified in the contract.
- The CEO remuneration cannot exceed the amount determined by the Salaries and Allowances Tribunal. The Council must ensure this is complied with when entering into or renewing a CEO employment contract.
- The contract must include the maximum amount of money (or method for calculating it) to which the CEO would be entitled if the contract is terminated before the expiry date. This value must not exceed the value of one year's remuneration or the value of remuneration that the person would have been entitled to, had the contract not been terminatedg.18B.

WALGA have developed a standard CEO employment contract template to assist local governments. The template ensures compliance with the abovementioned legislation. It is recommended that Council endorses the use of the WALGA standard CEO employment contract template subject to amendments as negotiated with the newly appointed CEO.

Consultation

Shire President

Strategic Community Plan

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	4. Performance - We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	4.1 Coordinated delivery of organisational leadership and performance excellence for the benefit of the community
Strategy	3 Provide professional leadership and advice to assist Council.

Council Policy

[Council Policies » Shire of Ashburton](#)

The Standards for CEO Recruitment, Performance and Termination sets out the process which must be followed for the recruitment of a local government CEO.

Financial Implications

Current Financial Year

Sufficient funds exist within the 2024/25 Annual Budget to address this recommendation.

Future Financial Year(s)

The cost of this position will be included in the Shire's salaries budget for the life of the employment contract.

Legislative Implications

Local Government Act 1995

Local Government (Administration) Regulations 1996

Risk Management

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
Compliance	Non-compliance with the provisions contained within the Act and Regulations.	Possible (3)	Moderate (3)	Moderate (5-9)	Ensure a legally compliant CEO recruitment and appointment process by endorsing recommendations as outlined in this report.
Reputation (social/community)	Appointing an ineffective CEO.	Unlikely (2)	Minor (2)	Low (1-4)	Ensure a rigorous and comprehensive recruitment and selection process is followed.

Financial impact	Not enabling a viable and sustainable organisation.	Unlikely (2)	Major (4)	Moderate (5-9)	Select and appoint an effective and accountable CEO.
People	Disengaged workforce.	Unlikely (2)	Minor (2)	Low (1-4)	Endorse recommendations as outlined in this report, ensure a rigorous and comprehensive recruitment and selection process is followed and select and appoint an effective and accountable CEO.

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

Voting Requirements

Absolute Majority

Officer Recommendation

That with respect to Chief Executive Officer Recruitment - Approval of Position Description, Selection Criteria and Selection Panel

1. Notes the acknowledgement of the Chief Executive Officer, Mr Kenn Donohoe’s resignation;
2. Approves the Chief Executive Officer position description, as detailed in Attachment 2, which includes the duties, responsibilities and selection criteria of the position;
3. Endorses the Total Rewards Package range of \$228,973-\$356,181, in line with the State Administrative Tribunal Determination 1 of 2024;
4. Determines the selection panel comprises of ____ elected members;
5. Appoints the following elected members to the selection panel, _____;
6. Appoints _____ as the independent selection panel member; and
7. Approves the use of the Western Australia Local Government Association standard Chief Executive Officer contract template for use when appointing the new Chief Executive Officer.

7 Confidential Agenda Items

Nil

8 Next Meeting

The next Chief Executive Officer's Recruitment and Performance Review Committee has been tentatively scheduled to be held at 8:30am on Tuesday 15 October 2024 at Ashburton Hall, Ashburton Avenue, Paraborndoo.

9 Closure Of Meeting

There being no further business, the Presiding Member closed the meeting at [enter time](#).