



Published Minutes

Chief Executive Officer's Recruitment and Performance Review
Committee Meeting

Tuesday, 19 November 2024

Date:	Tuesday 19 November 2024
Time:	8:30am
Location:	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow
Distribution Date:	Friday 22 November 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
22 November 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, 19 November 2024.

Presiding Member

Date

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 Presiding Member declared the meeting open at 8:31am.

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:	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
Observers:	Cr R De Pledge Cr B Healy Cr R Kapor	Ashburton-Tablelands Ward Tom Price Ward (via electronic means) Tom Price Ward
Guests:	Mark Ogston, Leading Roles Arthur Kyron, Enosis Consulting	
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

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 from elected members are disclosed –

Nil

The report author and approver for the following matters lodged declarations of interest –

Item 5.1 Chief Executive Officer Annual Leave – Appointment of Acting Chief Executive Officer	
Name	Kenn Donohoe, Chief Executive Officer
Nature of interest	Direct Financial
Interest description	The Chief Executive Officer has a contract of employment with the Shire.

5 Public Agenda Items

The report author and approver declared an impartiality interest in Item 5.1 (detailed in Item 4.2).

5.1 Chief Executive Officer Annual Leave - Appointment of Acting Chief Executive Officer

File Reference	CEO01
Applicant or Proponent(s)	Not Applicable
Author	K Donohoe, Chief Executive Officer
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Financial
	Authorising Officer – Financial
Attachments	Nil

Report Purpose

Council is required to appoint an Acting Chief Executive Officer, where the Chief Executive Officer seeks to take annual leave beyond thirty (30) days.

Background

The Chief Executive Officer had sought to resign with Council in accordance with his contractual obligations.

The Council subsequently resolved to have the Chief Executive Officer retained in addition to that contractual notice period to assist Council while recruiting for a new Chief Executive Officer. The contractual termination date has been amended to a mutual agreement between the parties.

The Chief Executive Officer's contract expires with Council in April 2025 though it is expected that the Chief Executive Officer will be able to finish his statutory role with the Council before that time.

The Chief Executive Officer is desirous of taking leave from Council over the Christmas period for annual leave.

The Chief Executive Officer seeks leave from 6 December 2024 to 10 January 2025 inclusive of public holidays. If Council is in a position to appoint a new Chief Executive Officer during that period of leave the Chief Executive Officer will resign formally for a second period to ensure the professional hand over of the position to the newly appointed person.

Council's current policy provides delegated authority to the Chief Executive Officer to appoint an Acting Chief Executive Officer for up to 30 working days. Working days to mean the five days of normal work excluding public holidays or operational closure.

While the period requested for leave is such that it is less than 30 days with Christmas and New Years holidays included.

The Chief Executive Officer will not seek to initiate the delegated authority due to the current recruitment process for a new Chief Executive Officer. This is an ethical provision considering the existing changeover period and to seek formal discussion with Council's direction due to the new Chief Executive Officer coming onboard and Council may seek to consider an alternative in relation to the Acting Chief Executive Officer being an internal applicant.

As abovementioned it is presumed that a new Chief Executive Officer will be appointed over that period, and it would be the intention of the Chief Executive Officer to resign with a mutually agreed date if that was the case.

The requested leave provides an opportunity for the Chief Executive Officer to have Christmas with family and coordinate the relocation of personal belongings to his new residence.

Comments

Considering the leave requested by senior officers over the period of time and organisational need, inclusive of appropriateness and ensuring the Executive team maintain functionality.

The Chief Executive Officer recommends that the Director of Community Development undertake the Acting Chief Executive Officer role during the Chief Executive Officer's annual leave. The Director is fully aware of projects and is not going on leave over that period and has an excellent knowledge of the district.

The communities generally see a significant exodus of population over the Christmas New Year Period, and this extends well into January for the residential community. Council does not have an Ordinary meeting in January 2025.

After January 2025, if a new Chief Executive Officer is not about to commence in approaching weeks the Council may choose to appoint an external Acting Chief Executive Officer to assist Council with significant experience in local government and/or resource companies and experience in negotiating complex agreements or choose to appoint one of the senior officers into that role if the Council believes the person has the skills to manage the role.

Council is aware that a significant number of complex matters will need to be considered by Council from March 2025 through to July 2025 that have significant impacts on the Council's operations.

Consultation

Nil

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	2 Lead and empower employees to seek and attain performance excellence.

Council Policy

Council Policy – Senior Employees and Acting Chief Executive Officer

Excerpt – “Acting CEO

In accordance with section 5.36(2)(a) of the *Local Government Act 1995*, Council has determined that persons appointed as senior employees in accordance with section 5.37 of the Act, are suitably qualified to perform the role of acting CEO.

In the event of an absence of the CEO, an incumbent of the position of Director may be appointed, for a period not exceeding 30 working days.

Such an appointment shall be made by the CEO, under delegated authority, or may be made by the Council.

Elected members and the Executive Leadership Team will be advised via email, of the appointment of the acting CEO.”

Financial Implications

Current Financial Year

Covered in current salary and wages budget, unless an external person is selected.

External consultancies for highly skilled and experienced persons may range from \$300 to \$500 per hour depending on the person, scope and period of time.

Future Financial Year(s)

Nil

Legislative Implications

Local Government Act 1995

Section 5.37 - Senior Employees

Section 5.41 - Functions of the CEO

6 New Business Of An Urgent Nature Introduced By Council Decision

Nil

7 Confidential Matters

Procedural Motion

Moved Cr M Lynch

Seconded Cr A Sullivan

That Council move behind closed doors at 8:36am, pursuant to clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* to consider the following confidential items.

7.1 Chief Executive Officer Recruitment

Pursuant to sub section 5.23(2)(c) of the *Local Government Act 1995* which provides:

- (a) a matter affecting an employee or employees**

Carried 5/0

7.1 Chief Executive Officer Recruitment

File Reference	PE.CE001
Applicant or Proponent(s)	Not Applicable
Author	Leading Roles
Authorising Officer	Leading Roles
Previous Meeting Reference	Ordinary Council Meeting 20 August 2024 – Item 11/CP.1 – 155/2024 Ordinary Council Meeting 20 August 2024 – Item 11/CP.2 – 156/2024 Ordinary Council Meeting 17 September 2024 – Item 11/CEO.1 – 172/2024
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. CEO Applicant Pack 2. Shortlist Recommendations 3. Candidate 1 - Summary 4. Candidate 2 - Summary 5. Candidate 3 - Summary 6. Candidate 4 - Summary 7. Candidate 2 - Qualifications 8. Candidate 2 - Candidate Feedback Report 9. Candidate 2 - Leadership Report 10. Candidate 2 - Universal Competency Report 11. Candidate 4 - Qualifications 12. Candidate 4 - Candidate Feedback Report 13. Candidate 4 - Leadership Report 14. Candidate 4 - Universal Competency Report

Reason for Confidentiality

Section under the Act	<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>
Sub-clause and Reason:	<i>“s.5.23(2)(a) a matter affecting an employee or employees.”</i>

Report Purpose

Leading Roles and the appointed selection panel have completed a series of interviews, verifications and reference checks for the role of Chief Executive Officer (CEO) of the Shire of Ashburton.

The purpose of this report is to present our update and findings from the recruitment process.

Voting Requirements

Simple Majority

8 Next Meeting

The next Chief Executive Officer's Recruitment and Performance Review Committee Meeting will be determined at a later date.

9 Closure Of Meeting

There being no further business, the Presiding Member closed the meeting at 8:50am.