



# Agenda

## 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:	Thursday 14 November 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 8:30am on Tuesday 19 November 2024 at Council Chambers, Onslow Shire Complex, Second Avenue, Onslow.

A handwritten signature in black ink, appearing to read 'Kenn Donohoe', with a horizontal line underneath.

Kenn Donohoe  
Chief Executive Officer  
18 November 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	Manager Governance
Guests:	<a href="#">Enter names</a>	
Members of Public:	There were <a href="#">enter number</a> members of the public in attendance at the commencement of the meeting.	
Members of media:	There were <a href="#">enter number</a> 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 Elected Members To The Agenda**

Elected Members 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 Public Agenda Items

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

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



**Risk Management**

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

Theme	Risk	Likelihood	Consequence	Inherent Risk Rating	Risk Treatment
People	Council does not appoint an Acting Chief Executive Officer.	Unlikely (2)	Minor (2)	Low (1-4)	Council supports the appointment recommended by the Chief Executive Officer.

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 Annual Leave - Appointment of Acting Chief Executive Officer, the Chief Executive Officer Recruitment and Performance Review Committee recommends, that Council,

1. Endorses the Chief Executive Officer’s Annual Leave from 6 December 2024 to 10 January 2025; and
2. Endorses the appointment of the Director Community Development into the Acting Chief Executive Officer role over that period.

## **6 New Business Of An Urgent Nature Introduced By Council Decision**

## 7 Confidential Agenda Items

### 7.1 Chief Executive Officer Recruitment

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

#### **Reason for Confidentiality**

<b>Section under the Act</b>	<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>
<b>Sub-clause and Reason:</b>	<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 is to be confirmed.

## **9 Closure Of Meeting**

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