



Published Minutes

Chief Executive Officer's Recruitment and Performance Review
Committee Meeting

Tuesday, 10 December 2024

Date:	Tuesday 10 December 2024
Time:	10:15am
Location:	Clem Thompson Sports Pavilion,, Stadium Road, Tom Price
Distribution Date:	Friday 13 December 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.

Chantelle McGurk

Chantelle McGurk
Acting Chief Executive Officer
13 December 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, 10 December 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 10:15am.

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 Tom Price Ward
Employees:	J Bray	Manager Governance
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

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 –

5.2 Chief Executive Officer Recruitment - Appointment of an External Recruitment Consultant	
Name	Kenn Donohoe – Chief Executive Officer
Nature of interest	Impartiality
Interest description	Impartiality

7.1 Appointment of Acting Chief Executive Officer	
Name	Kenn Donohoe – Chief Executive Officer
Nature of interest	Direct Financial
Interest description	As matters refer to the existing Chief Executive Officers salary and conditions.
Name	Kenn Donohoe – Chief Executive Officer
Nature of interest	Impartiality
Interest description	A number of persons that Council may consider for an Acting CEO role are known to the Chief Executive Officer with over three decades experience in Western Australia and Queensland. Two persons listed have worked with the CEO as senior officers in other Councils.

Name	SP A Smith
Nature of interest	Impartiality
Interest description	One person that CEO Recruitment and Performance Review Committee and Council may consider for Acting CEO role is known to me. One person listed has previously worked as a contract employee for the Shire of Ashburton. As a consequences, there may be a perception that my impartiality on the matter may be affected. I declare and affirm my commitment to evaluate this matter on its merits and vote accordingly.
Name	Cr L Rumble JP
Nature of interest	Impartiality
Interest description	An applicant has worked in Ashburton Shire as employee of the Shire.
Name	Cr M Lynch
Nature of interest	Impartiality
Interest description	An applicant has previously been employed by the Shire of Ashburton.
Name	Cr A Sullivan
Nature of interest	Impartiality
Interest description	I know the applicant when they undertake some work for the Shire of Ashburton. I am able to make an unbiased decision.
Name	Cr K White
Nature of interest	Impartiality
Interest description	An applicant has previously been employed by the Shire of Ashburton.

5 Public Agenda Items

Suspension of Standing Orders

Procedural Motion

Moved Cr K White

Seconded Cr L Rumble JP

A motion was moved that Council suspend standing orders at 10:20am.

For: A Smith, A Sullivan, M Lynch, K White and L Rumble JP

Against: Nil

Carried 5/0

Resumption of Standing Orders

Procedural Motion

Moved Cr K White

Seconded Cr A Sullivan

A motion was moved that Council resume standing orders at 11:01am.

For: A Smith, A Sullivan, M Lynch, K White and L Rumble JP

Against: Nil

Carried 5/0

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

File Reference	PE.CE001
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Associated Person	A Smith, Shire President
Previous Meeting Reference	Ordinary Council Meeting 20 August 2024 – Item 11/CP.2 – 156/2024 Ordinary Council Meeting 17 September 2024 – Item 11/CEO.1 – 172/2024 Ordinary Council Meeting 19 November 2024 – Item 19/CEO.1 – 232/2024
Disclosure(s) of interest	Author – Nil
	Authorising Officer – N/A
Attachments	1. Chief Executive Officer Position Description - proposed amendments tracked 2. Draft CEO Recruitment Selection Panel Terms of Reference

Report Purpose

The purpose of this report is to present proposed amendments to the Chief Executive Officer (CEO) position description, and a draft Terms of Reference for the CEO Recruitment Selection Panel, as detailed in Attachment 2, for Chief Executive Officer's Recruitment and Performance Review Committee (the Committee) and Council's consideration.

Background

Following the resignation of the Shire of Ashburton's (the Shire) current CEO, Mr. Kenn Donohoe, on 6 July 2024, Council, at its meeting held 20 August 2024, resolved as follows:

- “1. Notes the acknowledgement of the Chief Executive Officer, Mr Kenn Donohoe's resignation and that Mr Kenn Donohoe will remain the Chief Executive Officer with all benefits until a mutually agreed separation date is determined by both parties;
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 five elected members;
5. Appoints the following elected members to the selection panel, President A Smith, Cr A Sullivan, Cr M Lynch, Cr K White and Cr L Rumble JP;

6. *Delegates the Shire President to have a conversation with the Western Australian Local Government Association for recommendations for an independent selection panel member;*
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; and*
8. *Allocates a sum of up to \$70,000 for the recruitment process."*

At its meeting held 19 November 2024, Council resolved to commence a new recruitment and selection process.

Comments

Position Description and Selection Criteria

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

The CEO position description has been reviewed and minor amendments have been made to the objectives of the role. The selection criteria have been clarified and clearly identified. The proposed amendments (tracked in Attachment 1) were approved by the CEO in consultation with the Shire President.

CEO Recruitment Selection Panel

A draft Terms of Reference has been prepared to provide clarity of the role of the selection panel in the CEO recruitment process. This Terms of Reference has been prepared to reflect the Standards and is based on other local government examples provided by the Western Australian Local Government Association (WALGA).

Selection Panel

At its meeting held 20 August 2024, Council appointed Shire President Audra Smith, Deputy Shire President Kerry White, Councillors Alana Sullivan, Matthew Lynch and Linton Rumble JP to the selection panel.

Council appointed an external independent member to the selection panel, at its meeting held 17 September 2024, as follows:

"That with respect to the Chief Executive Officer Recruitment - Appointment of an External Independent Panel Member, the Chief Executive Officer's Recruitment and Performance Review Committee recommends that Council,

1. *Appoints Arthur Kyron as the first option, as the external independent member on the selection panel for the recruitment of a Chief Executive Officer for the Shire of Ashburton.*
2. *Appoints Carol Adams as the second option should Arthur Kyron not be available, as the external independent member on the selection panel for the recruitment of a Chief Executive Officer for the Shire of Ashburton."*

As no term was set for the appointment of the panel members and the recruitment process is ongoing, it is considered that the appointed selection panel remains in place.

The Shire contacted Arthur Kyron to seek his availability to continue as the independent member on the selection panel. Unfortunately, Arthur is not available in the new year due to other commitments.

As per Council's resolution above, Carol Adams may be contacted as an alternative or Council may choose to conduct a new expression of interest process.

Consultation

Chief Executive Officer
Shire President
WALGA

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 set 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 2024/2025 Annual Budget to address this recommendation.

Future Financial Year(s)

The cost of this position will be included in the Shire's salaries and wages 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.

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, the Chief Executive Officer’s Recruitment and Performance Review Committee recommends that Council,

1. Approves the amended Chief Executive Officer position description, as detailed in Attachment 1, which includes the duties, responsibilities and selection criteria of the position.
2. Endorses the Chief Executive Officer Recruitment Selection Panel Terms of Reference, as detailed in Attachment 2.

Committee Decision

Moved **Cr M Lynch**

Seconded **Cr A Sullivan**

That with respect to Chief Executive Officer Recruitment - Approval of Position Description, Selection Criteria and Selection Panel, the Chief Executive Officer's Recruitment and Performance Review Committee recommends that Council,

- 1. Approves the amended Chief Executive Officer position description, as detailed in Attachment 1, which includes the duties, responsibilities and selection criteria, with the following amendments under the heading Licenses, Registrations, Memberships or Qualifications Required of Role:
 - a. First point amended to read "Tertiary qualifications and/or significant relevant experience at an executive level", and**
 - b. Second point amended to read "Demonstrate Western Australian local government experience and understanding of the Western Australian local government landscape".****
- 2. Endorses the Chief Executive Officer Recruitment Selection Panel Terms of Reference, as detailed in Attachment 2.**

For: A Smith, A Sullivan, M Lynch, K White and L Rumble JP

Against: Nil

Carried 5/0

Kenn Donohoe disclosed an impartiality interest in Item 5.2 (detailed in Item 4.2).

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

File Reference	PE.CE001
Applicant or Proponent(s)	Not Applicable
Author	J Bray, Manager Governance
Authorising Officer	K Donohoe, Chief Executive Officer
Previous Meeting Reference	Ordinary Council Meeting 20 August 2024 – Item 11/CP.1 – 155/2024 Ordinary Council Meeting 19 November 2024 – Item 19/CEO.1 – 232/2024
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Impartiality
Attachments	1. External Recruitment Consultant Summary - Confidential 2. External Recruitment Consultant Proposals - Confidential

Report Purpose

The purpose of this report is to present the proposals received following a request for quotation issued for a consultant to conduct the recruitment process for the position of Chief Executive Officer (CEO).

The CEO Recruitment and Performance Review Committee (the Committee) is requested to consider and make recommendation to Council for the appointment of an external consultant to undertake the recruitment process for the position of CEO of the Shire of Ashburton (the Shire).

Background

Following the resignation of the Shire’s current CEO, Mr. Kenn Donohoe, on 6 July 2024, Council appointed Leading Roles to conduct the recruitment process at its meeting held 20 August 2024.

Leading Roles conducted the recruitment process and interviews were held by the Selection Panel in November 2024. At the conclusion of the recruitment process Council resolved, at its meeting held 19 November 2024, to commence a new recruitment and selection process.

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.

Comments

The scope from the previous recruitment process was reviewed by Governance and the updated scope as detailed below was endorsed by the CEO and Shire President:

"The recruitment consultant must have an understanding of the:

- *expectations of the role of a local government CEO; and*
- *legislative requirements for the recruitment process of a local government CEO as set out in the Local Government Act 1995, Local Government (Administration) Regulations 1996 and Council's adopted Standards for CEO Recruitment, Performance and Termination.*

The successful recruitment consultant will be required to undertake the following (scope of works) in consultation with the Shire President:

- *Develop the Application Package;*
- *Draft and conduct advertising, in accordance with section 5.36(4) of the Local Government Act 1995 and regulation 18A of the Local Government (Administration) Regulations 1996;*
- *Develop assessment methods in relation to Council's adopted selection criteria;*
- *Conduct an executive search;*
- *Conduct a preliminary assessment of the applications;*
- *Coordinate a meeting with the Selection Panel to shortlist candidates for interview;*
- *Draft questions for interview in consultation with the Selection Panel;*
- *Coordinate interviews;*
- *Arrange integrity checks, police clearance and psychometric testing; and*
- *Prepare the selection summary assessment and recommendation report and confidential covering report for presentation to the CEO Recruitment and Performance Review Committee and Council;*
- *Facilitate the offer process and assist the Council in preparing the employment contract."*

Five recruiters from the Western Australian Local Government Association (WALGA) preferred supplier panel, were contacted by the Shire to seek availability and were provided with the scope as detailed above. The recruitment consultants contacted were:

- Chandler Macleod
- Hays Specialist Recruitment
- McArthur
- Mills Recruitment
- Robert Walters.

Hays Specialist Recruitment did not provide a submission.

To assist the Committee with their assessment, a summary of the submissions received is provided in Attachment 1. Full submissions received are provided in Attachment 2.

The Committee is requested to consider the provided submissions based on value for money principles as detailed in clause 3 of Council Policy – Purchasing and Procurement and provide recommendation to Council for the appointment of an external recruitment consultant.

Consultation

Chief Executive Officer
Shire President

Members of the Committee were provided with an evaluation matrix to assist with their assessment of the proposals provided.

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](#)

Council Policy – Purchasing and Procurement requires the Shire to apply value for money principles in assessing quotations received.

Financial Implications

Current Financial Year

Sufficient funds are available in the 2024/2025 Annual Budget to address this recommendation.

Future Financial Year(s)

Nil

Legislative Implications

The recruitment of a CEO is to 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 _____, be appointed as the external recruitment consultant to conduct the Chief Executive Officer recruitment process on behalf of Council.

Committee Decision

Moved Cr A Sullivan

Seconded Cr M Lynch

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,

- 1. That Mills Recruitment, be appointed as the external recruitment consultant to conduct the Chief Executive Officer recruitment process on behalf of Council.**
- 2. Approves a budget amendment of an increase of \$50,000.**

For: A Smith, A Sullivan, M Lynch, K White and L Rumble JP

Against: Nil

Carried 5/0

6 New Business Of An Urgent Nature Introduced By Council Decision

Nil

Kenn Donohoe disclosed a direct financial interest in Item 7.1 (detailed in Item 4.2).
Kenn Donhoe disclosed an impartiality interest in Item 7.1 (detailed in Item 4.2).
SP A Smith disclosed an impartiality interest in Item 7.1 (detailed in Item 4.2).
Cr L Rumble JP disclosed an impartiality interest in Item 7.1 (detailed in Item 4.2).
Cr M Lynch disclosed an impartiality interest in Item 7.1 (detailed in Item 4.2).
Cr A Sullivan disclosed an impartiality interest in Item 7.1 (detailed in Item 4.2).
Cr K White disclosed an impartiality interest in Item 7.1 (detailed in Item 4.2).

7.1 Appointment of Acting Chief Executive Officer

File Reference	PE.CE001
Applicant or Proponent(s)	Not Applicable
Author	K Donohoe, Chief Executive Officer
Associated Person	A Smith, Shire President
Previous Meeting Reference	Ordinary Council Meeting 17 December 2019 - Item 12.2 – 695/2019 Ordinary Council Meeting 19 November 2024 – Item 11/CEO.1 – 211/2024
Disclosure(s) of interest	Impartiality Interest – A number of persons that Council may consider for an Acting CEO role are known to the Chief Executive Officer with over three decades experience in Western Australia and Queensland. Two persons listed have worked with the CEO as senior officers in other Councils. Direct Financial Interest as matters refer to the existing Chief Executive Officers salary and conditions.
	Authorising Officer – N/A
Attachments	<ol style="list-style-type: none"> 1. Letter of Resignation - Kenn Donohoe 2. Attachment 2 - CV and Confirmation of Availability 3. Attachment 3 - CV and Confirmation of Availability 4. Attachment 4 - CV and Confirmation of Availability 5. Item 18.4 and Attachment Ordinary Council Meeting 17 December 2019

Reason for Confidentiality

Section under the Act	<i>This matter is to be considered behind closed doors pursuant to s.5.23(2)(a), (b) and (c) of the Local Government Act 1995 as the subject matter relates to:</i>
Sub-clause and Reason:	<i>"s.5.23(2)(a), (b) and (c) a matter affecting an employee or employees, the personal affairs of any person and a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."</i>

Report Purpose

Council is required to consider the resignation submitted by the Chief Executive Officer (Attachment 1) and to consider the appointment of an Acting Chief Executive Officer from 11 January 2025.

The purpose of this report is to accept the resignation of the Chief Executive Officer and for Council to consider the appointment of an Acting Chief Executive Officer.

Voting Requirements

Absolute Majority

Officer Recommendation

That with respect to the , the Chief Executive Officer's Recruitment and Performance Review Committee recommends that Council,

1. Accepts the Chief Executive Officer's resignation effective from 11 January 2025 as detailed in Attachment 1 and appoints _____ from 11 January 2025 until the commencement of _____ as Acting Chief Executive Officer pending the appointment of a suitably qualified and experienced Chief Executive Officer.
2. Authorises the Shire President to carry out the function of engrossing correspondence appointing the Acting Chief Executive Officer as determined by Council within the salary Band Level 2.

7 Next Meeting

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

8 Closure Of Meeting

There being no further business, the Presiding Member closed the meeting at 11:04am.