

## **Special Council Agenda**

***7 September 2022***

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

[city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)

**CITY OF BUSSELTON**

**MEETING NOTICE AND AGENDA – 7 SEPTEMBER 2022**

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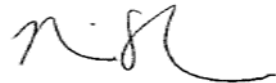
**TO: THE MAYOR AND COUNCILLORS**

**NOTICE** is given that a meeting of the Special Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday, 7 September 2022, commencing at 5.00pm.

Your attendance is respectfully requested.

**DISCLAIMER**

Statements or decisions made at Council meetings or briefings should not be relied on (or acted upon) by an applicant or any other person or entity until subsequent written notification has been given by or received from the City of Busselton. Without derogating from the generality of the above, approval of planning applications and building permits and acceptance of tenders and quotations will only become effective once written notice to that effect has been given to relevant parties. The City of Busselton expressly disclaims any liability for any loss arising from any person or body relying on any statement or decision made during a Council meeting or briefing.



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**NAOMI SEARLE**

**A/CHIEF EXECUTIVE OFFICER**

7 September 2022

**CITY OF BUSSELTON**

**AGENDA FOR THE SPECIAL COUNCIL MEETING TO BE HELD ON 7 SEPTEMBER 2022**

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**1. ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE****Apologies****Approved Leave of Absence**

Nil

**2. PURPOSE OF MEETING**

The purpose of this meeting is to:

1. Adopt the Position Description for the position of Chief Executive Officer;
2. Establish and appointment a Chief Executive Officer Selection Committee; and
3. Resolve on the process for the recruitment and selection of the Chief Executive Officer and other matters required for the purposes of advertising.

**3. PUBLIC QUESTION TIME****4. DISCLOSURE OF INTERESTS**







Conflicts of Interest are dealt with in the *Local Government Act 1995* and the *Local Government (Model Code of Conduct) Regulations 2021*.

Members must declare to the Presiding Member any potential conflict of interest they have in a matter on the Council Agenda.

**5. PRESENTATIONS BY PARTIES WITH AN INTEREST**

## 6. FINANCE AND CORPORATE SERVICES REPORT

### 6.1 ESTABLISHMENT OF CEO SELECTION COMMITTEE AND ENDORSEMENT OF JOB DESCRIPTION

<b>STRATEGIC THEME</b>	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
<b>STRATEGIC PRIORITY</b>	4.4 Govern a professional organisation that is healthy, capable and engaged.
<b>SUBJECT INDEX</b>	Employment
<b>BUSINESS UNIT</b>	Corporate Services
<b>REPORTING OFFICER</b>	Manager Governance and Corporate Services - Sarah Pierson
<b>AUTHORISING OFFICER</b>	Manager Governance and Corporate Services - Sarah Pierson
<b>NATURE OF DECISION</b>	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
<b>VOTING REQUIREMENT</b>	Absolute Majority
<b>ATTACHMENTS</b>	Attachment A CEO Selection Committee Terms of Reference   Attachment B Position Description Chief Executive Officer   Attachment C CEO Standards  

### OFFICER RECOMMENDATION

That the Council:

1. Pursuant to section 5.8 of the *Local Government Act 1995* (the Act) establishes a Chief Executive Officer Selection Committee (the Committee) and adopts the Terms of Reference for the Committee at Attachment A; and
2. Appoints the following Councillors and independent person to the Committee as members:
  - (a) Cr. \_\_\_\_\_
  - (b) Cr. \_\_\_\_\_
  - (c) Cr. \_\_\_\_\_
  - (d) Cr. \_\_\_\_\_
  - (e) Mr Gary Brennan
3. Appoints the following Councillor to the Committee as deputy member:
  - (a) Cr. \_\_\_\_\_
4. as Adopts the Position Description at Attachment B as the job description form for the position of Chief Executive Officer, setting out the duties and responsibilities of the position, and the selection criteria for the position.
5. Resolves for the purposes of providing Statewide Public Notice / Advertising:
  - (a) a contract term of three to five years;
  - (b) a total remuneration package of between \$300,000 to \$350,000, subject to negotiation and inclusive of a base salary component, superannuation, provision of a private use vehicle or allowance and professional development and memberships; and
  - (c) Reasonable relocation expenses.

## EXECUTIVE SUMMARY

Mr Michael Archer resigned from the position of Chief Executive Officer (CEO) of the City of Busselton, effective 19 August 2022. In accordance with the *Local Government Act 1995* (the Act) and the City of Busselton CEO Recruitment, Performance Review and Termination (the CEO Standards) - established under the Act - the Council is required to establish a 'selection panel' for the recruitment and selection of a new CEO, and to endorse by absolute majority a job description form setting out the duties and responsibilities of the position and the selection criteria for the position.

This report recommends that the Council establish the selection panel as a formal Committee of Council under section 5.8 of the Act and that it endorse the Position Description attached (Attachment B) as the job description. The Council is also required to advertise the position in accordance with the Act and Regulation 18A of the *Local Government Administration Regulations 1996* (the Regulations) which requires the giving of Statewide public notice. For that purpose Council is asked to resolve on the contract term and the total remuneration package range inclusive of benefits.

## BACKGROUND

Mr Archer commenced employment with the City on 9 August 2010. He provided notice of his resignation from his position on Friday 8 July 2022, having been offered the position of CEO at Shellharbour City Council in NSW.

At the Ordinary Council meeting on 27 July 2022 the Council resolved to accept Mr Archer's final date of employment (19 August 2022) and to appoint the City's Senior Employees to successively act in the position of CEO, through to the 24<sup>th</sup> December 2022, with further acting arrangements to be considered as required beyond that date (C2207/193).

Further, at the Ordinary Council Meeting on 17 August 2022 the Council, after seeking and considering requests for quotations, resolved to appoint McArthur to assist them in facilitating the recruitment and selection process for a new CEO (C2208/208).

## OFFICER COMMENT

Changes to the Act and the Regulations in 2021 resulted in a set of model standards being prescribed in relation to the recruitment of CEOs, the review of the performance of CEOs, and the termination of employment of CEOs (Model Standards). Local governments were required within three months to adopt (by absolute majority) standards to be observed by the local government which incorporate the Model Standards. The City of Busselton CEO Recruitment, Performance Review and Termination (CEO Standards) were adopted on 28 April 2021 (C2104/083) (Attachment C).

## Position Description and Selection Criteria

Under the CEO Standards the Council must determine the selection criteria for the position of CEO, based on its consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position. They then must, by absolute majority, approve a job description form setting out the duties and responsibilities of the position and the selection criteria for the position.

On 24 August 2022, McArthur's lead consultant facilitated a workshop with Councillors for the purpose of determining the skills, qualifications, experience and qualities that the Council will expect of CEO candidates. The outcomes of this workshop, along with subsequent further discussions with Councillors, have informed the development of the Position Description and specifically the selection criteria for the position. These are the selection criteria against which each applicant will be assessed.

### **CEO Selection Committee**

Establishment of a 'selection panel' is a requirement under the CEO Standards, with the panel comprising Council Members (the number of which is determined by the Council) and at least one independent person. Under the CEO Standards the selection panel must act in an impartial and transparent manner and in accordance with the principles set out in Section 5.40 of the Act; that is they must act in accordance with the principles of merit and equity, without nepotism or patronage, and without discrimination.

In order to strengthen these obligations, and to ensure application of the City's Standing Orders to decision making, and confidentiality provisions of the Act, it is recommended that the selection panel is established as a formal Committee of Council under Section 5.8 of the Act. A proposed Terms of Reference for the CEO Selection Committee (the Committee) is presented for Council adoption (Attachment A).

The Committee is responsible (under the CEO Standards and the Terms of Reference) for providing to the Council a summary of its assessment of each applicant (done by it or on its behalf) and its recommendation as to which applicant or applicants are suitable to be employed in the position of CEO (unless it considers that none of the applicants are suitable). As part of their overall responsibility the Committee will be responsible for determining and interviewing an initial shortlist of applicants, before making a recommendation of suitable candidate/s to Council. It is expected that suitable candidate/s will then undertake a final presentation / interview with all Councillors, further to a recommendation being made as to the preferred candidate.

As per the Terms of Reference the Committee members may meet outside of formal Committee meetings to undertake functions which inform their formal decision making as a Committee e.g. interviews, assessments, verification checks.

With respect to membership it is recommended that the Committee consist of 4 Councillors and 1 independent person, plus 1 deputy member. From the perspective of assessment and interviews a panel of 5 people plus the consultant facilitator (who is not however a member of the Committee) is considered workable and efficient from a management of time and process perspective. The CEO Standards require the Committee to make a recommendation to Council, with Council having the final decision, and so it is considered that a smaller Committee membership is efficient and provides the separation between the recommendation and the full decision of Council.

Councillors are asked to nominate their interest in sitting on the Committee and, in the event that there are more nominations than member positions, a ballot will be undertaken in accordance with the Act. Note under Section 5.10(4) of the Act, the Mayor will be appointed to the Committee if he informs the CEO of his wish to be a member of the Committee; which would leave open 3 remaining member positions.

With respect to the independent person, it is recommended that Mr Gary Brennan be appointed to the Committee. Mr Brennan was the Mayor of the City of Bunbury for 8 years from 2013 to 2021 and has also previously held the position of Chief Executive Officer within local government, at the City of Bunbury and the City of Geraldton Greenough. He has been a board member on the South West Development Commission and a member of the South West Region Planning Committee (of the Department of Planning). Given his knowledge and experience within local government and across the South West region Mr Brennan is considered a suitable independent person. He has confirmed his willingness to be involved in the process and his availability.

### **Position Advertising**

The CEO Standards require the position of CEO to be advertised in accordance with section 5.36(4) of Act and Regulation 18A of the Regulations. This requires the giving of Statewide public notice, which must contain:

- the details of the remuneration and benefits offered;
- details of the place where applications for the position are to be submitted;
- the date and time for the closing of applications for the position;
- the duration of the proposed contract;
- a website address where the job description form for the position can be accessed;
- contact details for a person who can provide further information about the position; and
- any other information that the local government considers is relevant.

For that purpose Council is asked to resolve on a contract term of between three and five years and a total remuneration package of between \$300,000 and \$350,000 subject to negotiation, and may include base salary, superannuation, provision of a private use motor vehicle or allowance, and professional development and memberships. Reasonable relocation expenses will also be provided.

Advertising is expected to commence on Friday 9 September online, with the West Australian advertisement being published on Saturday 10 September.

### **Statutory Environment**

#### **CEO Standards**

Section 5.39B of the Act requires local governments to adopt standards to be observed in relation to CEO recruitment, performance review and termination, which incorporate prescribed Model Standards. The CEO Standards meet this requirement and outline what is required with respect to the adoption of a position description, inclusive of selection criteria, the advertising of a vacant CEO position, and the establishment and responsibilities of a selection panel (or committee).

#### **Establishment of a Committee**

Under Section 5.8 of the Act, a local government may, by absolute majority, establish committees of three or more persons to assist the Council. Sections 5.9(2)(c) and 5.9(2)(d) of the Act set out that, *inter alia*, a committee may comprise “Council members (i.e. Councillors), employees and other persons; or Council members and other persons”.

Section 5.10(4) of the Act provides for the Mayor to be appointed at their election to the Committee:

“If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.”

### **Position Advertising**

As outlined in the Officer Comment section of this report advertising must comply with section 5.36(4) of the Act and Regulation 18A which requires Statewide public notice.

### **Relevant Plans and Policies**

There are no relevant plans or policies to consider in relation to this matter, outside of the City's Strategic Community Plan which sets out the guiding vision for the City of Busselton over the next ten years.



**Financial Implications**

There are no financial implications associated with the officer recommendation, with the City's 2022/23 budget containing relevant and adequate funding allocations.

**Stakeholder Consultation**

No external stakeholder consultation was required or undertaken in relation to this matter. Officers have however sought advice from both the Department of Local Government, Sport and Cultural Industries and WALGA in relation to the application of the CEO standards.

**Risk Assessment**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

**Options**

As an alternative to the proposed recommendation the Council could:

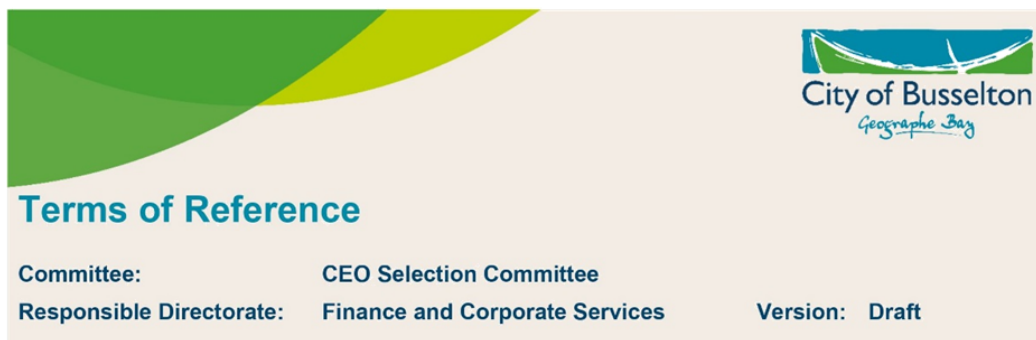
1. Not seek to establish a committee under Section 5.8 of the Act and instead establish a selection panel governed by a Terms of Reference alone. This would require amendments to the Terms of Reference to ensure relevant matters covered by the Act and the City Standing Orders Local Law are incorporated, and is not recommended;
2. Amend the Committee Terms of Reference to appoint more council members to the Committee;
3. Make amendments to the Position Description;
4. Amend the total remuneration package range.

**CONCLUSION**

The recruitment and selection of the City of Busselton CEO is to be carried out in accordance with the Act and the CEO Standards. Accordingly this report recommends that Council establish a CEO Selection Committee; appoint members to that Committee, including an independent person; adopt the Position Description inclusive of the selection criteria; and resolve on remuneration and benefits for the purposes of advertising.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Upon adoption the candidate package will be finalised by McArthur and advertising will commence on 9<sup>th</sup> September.



## 1. INTRODUCTION

- 1.1. The CEO Selection Committee (the Committee) is established under the powers given in Section 5.8 of the *Local Government Act 1995* (the Act).
- 1.2. The Committee is established for the purpose of assisting the Council to fulfil its functions under Section 5.36(2) of the Act, in accordance with the City of Busselton CEO Recruitment, Performance Review and Termination Standards (CEO Standards).
- 1.3. The Committee shall act for and on behalf of Council in accordance with the provisions of the Act, associated regulations, local laws and policies of the City of Busselton, and these Terms of Reference.

## 2. OBJECTIVE

- 2.1. The objective of the Committee is to assist Council in the recruitment and selection of applicant/s for the position of CEO.
- 2.2. The following specific duties and responsibilities have been given to the Committee in order to facilitate the achievement of its objectives:
  - a. to assess, or consider an assessment done on its behalf of applicants' knowledge, experience, qualifications and skills against the selection criteria established by the Council;
  - b. to determine a shortlist of applicants' for interview;
  - c. to interview selected applicants' for the purpose of assessing their suitability for the position of CEO;
  - d. to verify or ensure any academic or other tertiary level qualifications an applicant/s claims to hold are verified;
  - e. to verify or ensure the applicants character, work history, skills and performance claims of an applicant/s are verified;
  - f. to provide a recommendation to Council on the candidate/s that are considered suitable to be employed in the position of CEO.
  - g. to work in conjunction with any independent consultant engaged to assist with the recruitment and selection process.

## 2. MEMBERSHIP

- 2.1. The Council shall appoint:
  - a. four elected members to the Committee; and
  - b. at least 1 independent person in accordance with the CEO Standards.
- 2.2. Council shall appoint one elected member as a deputy member of the Committee.
- 2.3. Membership of the Committee shall, unless determined otherwise, cease on the day of the next ordinary Council election.

- 2.4. The membership of a member may be ceased in accordance with the Act.
- 2.5. Members must at all times act
  - a. in an impartial and transparent manner and
  - b. in accordance with the principles set out in section 5.40 of the Act.
- 2.6. All members must adhere to the Code of Conduct for Council Members, Committee Members and Candidates and must promptly disclose all impartiality interests.

### **3. PRESIDING MEMBER**

- 3.1. The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business.

### **4. MEETINGS**

- 4.1. The Committee shall hold formal Committee meetings as required. The Committee members may also meet outside of formal Committee meetings to undertake functions which inform their decision making e.g. interviews, assessments, verification checks.
- 4.2. Notice of Committee meetings shall be given to members at least 48 hours prior to each meeting, with the agenda papers to be provided to members not less than 24 hours prior to the meeting.
- 4.3. All members shall have one vote at a Committee meeting. If the vote of the members present is equally divided, the Presiding Member shall cast a second vote.
- 4.4. The Presiding Member shall ensure that minutes of all Committee meetings are kept in accordance with the Act and Part 14 of the Local Law.
- 4.5. The Committee shall report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders Local Law 2018* (Local Law).
- 4.6. Committee recommendations to Council will be placed on the agenda of the next practicable ordinary Council meeting, or as required, the agenda of a relevant special Council meeting.

### **5. QUORUM**

- 5.1. The quorum for a Committee meeting shall be at least 50% of the number of offices of membership, whether vacant or not.

### **6. DELEGATED POWERS**

- 6.1. The Committee does not have any delegated powers pursuant to section 5.17 of the Act.
- 6.2. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

### **7. EVALUATION OF COMMITTEE'S EFFECTIVENESS**

- 7.1. At the meeting of the Committee prior to the ordinary Council elections, the Committee shall undertake a review to evaluate its effectiveness, and as a guide the following should be determined:
  - a. are the Committee's purpose and objectives being met?
  - b. should the purpose and objectives be amended?
  - c. is the Committee functioning effectively and as per the requirements of the Act?
  - d. are the Committee members regularly attending meetings?
  - e. review the Terms of Reference, including membership.

**8. APPROVAL**

<b>Council Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	
<b>Previous Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	



## Position Description

### CHIEF EXECUTIVE OFFICER

#### Regional Profile

The City of Busselton is located on Wadandi Boodja, part of the Noongar Country. The Wadandi Bibulmun People are the Traditional Custodians of the land and have lived here for over 50,000 years. European settlement commenced in 1834, making it one of the earliest in Western Australia.

Situated 223kms from Perth in the South West corner of Western Australia, the City of Busselton is an important regional centre covering 1,454 square kilometres. The City is a place where people can enjoy all the experiences that nature has to offer, along with the benefits that come with living away from a busy capital City. Our population continues to grow, attracting both families and retirees, along with new businesses and investment. The City's estimated population sits at over 41,000 people, the largest local government area by population outside of Perth/Peel.

#### Our Vision - Where environment, lifestyle and opportunity meet!



##### Environment

An environment that is valued, conserved and enjoyed by current and future generations.



##### Lifestyle

A place that is relaxed, safe and friendly with services and facilities that support our lifestyle.



##### Opportunity

A vibrant City with diverse opportunities and a prosperous economy.



##### Leadership

A Council that connects with the community and is accountable in its decision making.

#### Our Values

- Listening
- Considered Decision Making
- Appreciation
- Respect
- Team Work





### Position Details

<b>Title</b>	Chief Executive Officer
<b>Position Number</b>	1
<b>Directorate</b>	Office of the CEO
<b>Reports to</b>	City of Busselton Council
<b>Status</b>	Fixed Term
<b>Industrial Instrument</b>	Negotiated Contract
<b>Level</b>	Negotiated Contract
<b>Date Issued</b>	September 2022

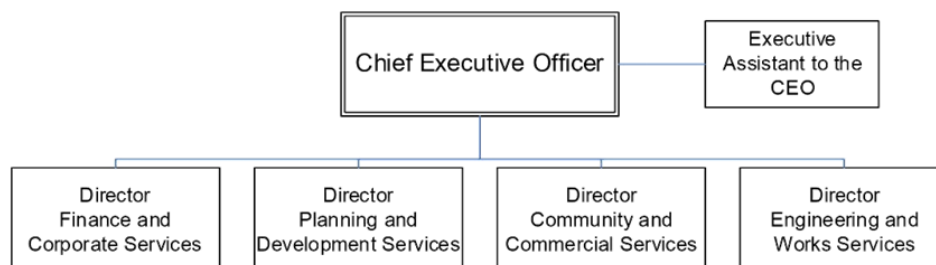
### Position Overview

#### Summary of the key objectives of the position.

The Chief Executive Officer (CEO) is accountable to lead the City of Busselton in the implementation of Council's strategic direction, in collaboration with the Mayor, Councillors, and Senior Management Team.

The CEO will provide leadership and organisational direction across all City functions and activities, ensuring delivery of the strategic vision through the development of plans, policies and operational practices, and the achievement of a strong organisational and service excellence culture, and in accordance with the legislative framework.

### Reporting Relationships



### Key Duties and Responsibilities

#### Strategic Direction and Organisational Leadership

- Articulate a vision and sense of purpose aligned to Council's strategic plans, and motivate and inspire staff to achieve the Council's aims and objectives.
- Implement the Corporate Business Plan and report progress to Council.
- Review the Strategic Community Plan, Corporate Business Plan and other strategic plans in line with legislative requirements, revising strategy and priorities to meet changing circumstances.
- Proactively identify to Council, and monitor and manage, strategic risks for the organisation.
- Foster and promote an organisational culture that empowers staff to achieve or exceed organisational goals and ensures a climate of teamwork and collaboration in which staff share their expertise and experience in a productive manner.





- Ensure a safety culture that provides a visible and tangible commitment to the health and safety of all employees, contractors, volunteers and visitors.
- Value wellbeing of self and others through sponsorship of wellbeing initiatives, managing stress levels and promoting work/life balance.
- Lead in the upholding and application of the City's core values.

#### Provision of advice to the Mayor and Councillors

- Develop and maintain a positive working relationship with the Mayor and Councillors
- With Council, develop governance policies that assist elected members to perform their role, encouraging open and honest, two-way communication.
- Ensure Council members are provided with support, guidance, and accuracy of information to inform decision making.
- Ensure Council is provided with relevant reports and briefings that inform Councillors of the status and effectiveness of all operations and major projects.
- Attendance at meetings as required.

#### Service Excellence

- Foster and enhance a culture of service excellence (internal and external), ensuring the operations of the City are aimed at providing high levels of value for money service delivery and customer focus to the community.
- Develop, maintain and enhance a continuous improvement and efficiency focus to service delivery.

#### Compliance and Governance

- Ensure that the functions and responsibilities of Council are carried out in accordance with Council policy and with the provisions of the *Local Government Act 1995* and other relevant legislation
- Ensure all Council decisions are implemented effectively and reported on as required.
- Ensure effective and efficient decision making through appropriate delegations, with all staff having a clear understanding of responsibilities.
- Identify and develop with Council corporate performance indicators and the means of measurement and evaluation.

#### Financial Management

- Ensure effective financial planning, control and management of the City and provide Councillors with relevant financial reports and budget reviews in accordance with the *Local Government Act 1995* and associated regulations.
- Integrate strategic and financial goals through regular review of the City's Long Term Financial Plan to ensure realistic long-term targets are set within the constraints and opportunities of the external environment.
- Proactively identify and develop strategies to maintain and enhance existing funding and develop new sources of funding.

#### Stakeholder Management and Engagement

- Develop and manage productive relationships with all stakeholders including all levels of government, elected representatives, business and community representatives.
- Represent Council and the organisation as required at public forums, industry events, public meetings, and on State, regional and industry groups.
- Facilitate community input to the decision-making process through informed public debate and effective two-way consultation with stakeholders and the broader community across multiple platforms.



#### Asset and Infrastructure Management

- Maintain an effective asset and infrastructure management plan/s in line with the long-term financial plan and strategic community plan, recognising the City's roles and responsibilities with respect to key local assets and infrastructure.
- Ensure the development of long term sustainable solutions for waste management.
- Continue to proactively and sustainably manage the City's local road networks to ensure the safe, effective movement of people.

#### Planning and Development

- Oversee the development of the City's Local Planning Scheme 22 and other critical, strategic planning documents.
- Ensure there is due consideration to the retention of the character and environmental aspects of the region when considering development.

#### Economic Development and Tourism

- Work with local business and agencies to develop new and innovative opportunities to attract and retain visitors to the region, including through events and promotion.
- Maintain and implement our Economic Development Strategy to assist and support both new business opportunities and current business.
- Continued development of the Busselton Margaret River Airport precinct including infrastructure and commercial space to ensure viable and efficient operations.
- Continue stakeholder engagement to attract direct flights from other capital cities or international departure ports.

### Authorities

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Subject to the provisions of the Local Government Act 1995 and the delegations provided by Council, the CEO has the principal authority to implement action to achieve Council's decisions, policies, goals and objectives and has the responsibility for day-to-day management of the City.

Within the constraints of statutory obligations, Council's policies, procedures, delegations, and budget framework, the authority of the CEO extends to all decision making which does not require a direct decision by Council.

### Selection Criteria

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#### Essential

- Experience in overseeing the implementation of organisational strategic planning, measurement and reporting on outcomes.
- Extensive senior management experience within a demanding and diverse organisation, with a demonstrated understanding of business or service excellence principles.
- Demonstrated leadership skills and the ability to foster a progressive and engaged workforce culture.
- Experience in effectively networking, developing and managing strategic relationships with a variety of stakeholders.
- Highly developed research, analytical and problem-solving skills with the ability to think strategically.
- Understanding and commitment to corporate governance and compliance including internal audit and risk management.
- Demonstrated effective communication and presentation skills





- Sound financial acumen including an ability to establish budgets, manage expenditure, allocation of revenues, interpret financials and recognise financial opportunities.

#### Desirable

- Senior management experience within a local government environment.
- Qualifications in business administration, financial management, marketing or project management.
- Prior experience in managing airport operations and precincts.
- An understanding of coastal erosion and environmental challenges.
- Proven experience in the formulation and implementation of tourism and economic development strategies and policies in regional areas.

#### Appointment Pre-requisites

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This appointment is subject to:

- Current C Class drivers' licence
- National Police Clearance not more than six months old.
- Bankruptcy Check
- Verification of qualification achievements

#### Other

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- It is preferred that the CEO resides within the City of Busselton Council region (subject to suitable housing availability)



## STANDARDS

CEO Recruitment, Performance  
Review and Termination



#### PART 1 - CITATION

1. These are the City of Busselton Standards for Chief Executive Officer (CEO) Recruitment, Performance and Termination.

#### Part 2 - TERMS USED

2. In these standards –

**Act** means the *Local Government Act 1995*;

**additional performance criteria** means performance criteria agreed by the local government and the CEO under clause 18.1(b);

**applicant** means a person who submits an application to the local government for the position of CEO;

**contract of employment** means the written contract, as referred to in section 5.369 of the Act, that governs the employment of the CEO;

**contractual performance criteria** means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act

**job description form** means the job description form for the position of CEO approved by the local government under clause 7.2;

**local government** means the City of Busselton;

**Regulations** means the *Local Government (Administration) Regulations 1996*

**selection criteria** means the selection criteria for the position of CEO determined by the local government under clause 7.1 and set out in the job description form;

**selection panel** means the selection panel established by the local government under clause 10 for the employment of a person in the position of CEO.

3. Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

#### PART 3 - STANDARDS FOR THE RECRUITMENT OF CEOs

4. This Part sets out standards to be observed by the local government in relation to the recruitment of CEOs.
5. Except as provided in clause 6, this Part applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
6. This Part does not apply –
  - a. if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
  - b. in relation to renewal of the CEO's contract of employment, except in the circumstances referred to in clause 15.

#### 7. Determination of selection criteria and approval of job description form

7.1 The local government must determine the selection criteria for the position of CEO, based on the local government consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibility of the position of CEO of the local government.

7.2 The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out –

- a. the duties and responsibilities of the position; and
- b. the selection criteria for the position determined in accordance with clause 7.1.

**8. Advertising requirements**

- 8.1 If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and regulation 18A of the Regulations.
- 8.2 If clause 15 applies, the local government must advertise the position of CEO in the manner referred to in regulation 18A of the Regulations, as if the position was vacant.

**9. Job description form to be made available by the local government**

- 9.1 If a person requests the local government to provide to the person a copy of the job description form, the local government must –
  - a. inform the person of the website address referred to in Regulation 18A(2)(da) of the Regulations; or
  - b. if the person advised the local government that the person is unable to access that website address
    - i. email a copy of the job description form to an email address provided by the person; or
    - ii. mail a copy of the job description form to a postal address provided by the person.

**10. Establishment of selection panel for employment of CEO**

- 10.1 In this clause –

*independent person* means a person other than any of the following –

- i. a council member;
- ii. an employee of the local government;
- iii. a human resources consultant engaged by the local government.

- 10.2 The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- 10.3 The selection panel must comprise –
  - a. council members (the number of which must be determined by the local government); and
  - b. at least 1 independent person.

**11. Recommendation by selection panel**

- 11.1 Each applicants' knowledge, experience, qualification and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- 11.2 Following the assessment referred to in clause 11.1 the selection panel must provide to the local government –
  - a. a summary of the selection panel's assessment of each applicant; and
  - b. unless clause 11.3 applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- 11.3 If the selection panel considers that none of the applications are suitable to be employed in the position of CEO, the selection panel must recommend to the local government –
  - a. that a new recruitment and selection process for the position be carried out in accordance with these standards; and
  - b. the changes (if any) that the selection panel considers should be made to the duties and responsibility of the position or the selection criteria.
- 11.4 The selection panel must act –
  - a. in an impartial and transparent manner; and
  - b. in accordance with the principles set out in section 5.40 of the Act

- 11.5 The selection panel must not recommend an applicant to the local government under clause 11.2(b) unless the selection panel has –
- assessed the applicant as having demonstrated that the applicants knowledge, experience, qualifications and skills meet the selection criteria; and
  - verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
  - whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicants character, work history, skills, performance and any other claims made by the applicant.
- 11.6 The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

**12. Application of clause 7 where new process carried out**

- 12.1 This clause applies if the local government accepts a recommendation by the selection panel under clause 11.3(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- 12.2 Unless the local government considers that changes should be made to the duties and responsibilities of the position of the selection criteria –
- clause 7 does not apply to the new recruitment and selection process; and
  - the job description form previously approved by the local government under clause 7.2 is the job description form for the purposes of the new recruitment and selection process.

**13. Offer of employment in position of CEO**

- 13.1 Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve –
- the making of the offer of employment to the applicant; and
  - the proposed terms of the contract of employment to be entered into by the local government and the applicant.

**14. Variations to proposed terms of contract of employment**

- 14.1 This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 13 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 13.1(b).
- 14.2 Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

**15. Recruitment to be undertaken on expiry of certain CEO contracts**

- 15.1 In this clause –
- commencement day*** means the day on which regulation 6 of the Regulations comes into operation.
- 15.2 This clause applies if –
- upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO –
    - the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
    - a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day; and



b. the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.

15.3 Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.

15.4 This does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in clause 15.3 to be employed in the position of CEO.

**16. Confidentiality of information**

16.1 The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purposes of, or in connection with, that recruitment and selection process.

**PART 4 - STANDARDS FOR REVIEW OF PERFORMANCE OF CEOS**

17. This Part sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

**18. Performance review process to be agreed between local government and CEO**

18.1 The local government and the CEO must agree on –  
a. the process by which the CEO's performance will be reviewed; and  
b. any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

18.2 Without limiting clause 18.1, the process agreed under 18.1(a) must be consistent with clauses 19, 20 and 21.

18.3 The matters referred to in clause 18.1 must be set out in a written document.

**19. Carry out a performance review**

19.1 A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.

19.2 The local government must –  
a. collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and  
b. review the CEO's performance against the contractual performance criteria and any additional performance criteria based on that evidence.

**20. Endorsement of performance review by local government**

20.1 Following a review of performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

**21. CEO to be notified of results of performance review**

21.1 After the local government has endorsed a review of the performance of the CEO under clause 20, the local government must inform the CEO in writing of –  
a. the results of the review; and  
b. if the review identifies any issues about the performance of the CEO – how the local government proposes to address and manage those issues.

**PART 5 - STANDARDS FOR TERMINATION OF EMPLOYMENT OF CEOS**

22. This Part sets out standards to be observed by the local government in relation to the termination of employment of CEOs.

23. **General principles applying to any termination**

23.1 The local government must make a decision in relation to the termination of the employment of a CEO in an impartial and transparent manner.

23.2 The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including –

- a. informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
- b. notifying the CEO of any allegations against the CEO; and
- c. giving the CEO a reasonable opportunity to respond to the allegations; and
- d. genuinely considering any response given by the CEO in response to the allegations.

24. **Additional principles applying to termination for performance-related reasons**

24.1 This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.

24.2 The local government must not terminate the CEO's employment unless the local government has –

- a. in the course of carrying out the review of the CEO's performance referred to in clause 24.3 or any other review of the CEO's performance, identified any issues (the performance issues) related to the performance of the CEO; and

- b. informed the CEO of the performance issues; and
- c. given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
- d. determined that the CEO has not remedied the performance issues to the satisfaction of the local government.

24.3 The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

25. **Decision to terminate**

25.1 Any decision by the local government to terminate the employment of the CEO must be made by resolution of an absolute majority of the council.

26. **Notice of termination of employment**

26.1 If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.

26.2 The notice must set out the local government's reasons for terminating the employment of the CEO.

**ENDORSEMENT**

<b>Council Adoption</b>	<b>DATE</b>	28 April 2021	<b>Resolution #</b>	C2104/083
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**7. CLOSURE**