

# Shire *of* Capel

## MINUTES

SPECIAL COUNCIL MEETING  
Wednesday, 28 March 2018



*Experience the*  
Shire *of* Capel



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**SHIRE OF CAPEL**  
**SPECIAL COUNCIL MEETING – 28.03.18**

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**IMPORTANT NOTE:**

Members of the public are advised that any decisions made at the meeting tonight, can be revoked, pursuant to the *Local Government Act 1995*. Therefore, members of the public should not rely on any decisions until formal notification in writing by Council has been received.

SHIRE OF CAPEL

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, SHIRE ADMINISTRATION BUILDING, FORREST ROAD, CAPEL ON WEDNESDAY 28 MARCH 2018, COMMENCING AT 3.40PM.

PRESENT: Councillors MT Scott  
BW Bell  
BW Hearne  
DJ Kitchen  
PK McCleery  
DL Radisich  
SV Schiano  
JA Scott  
MT Southwell  
Chief Executive Officer PF Sheedy  
Manager Human Resources C Anderson  
Visitor IJ McCabe

APOLOGY: Nil

PURPOSE OF MEETING

- Appointment of the Chief Executive Officer

**PUBLIC QUESTION TIME** Nil

**ITEMS TO BE CONSIDERED BEHIND CLOSED DOORS**

The following item will be considered for discussion behind closed doors (meeting will be closed to members of the public) as allowed under section 5.23(2)(b)and(c) of the Local Government Act 1995 as the matter is related to personal affair of a person and a contract that may be entered into.

*(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (b) the personal affairs of any person; and*
- (c) 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; and*

**VOTING REQUIREMENTS**

Simple majority

**SC0301 PROCEDURAL MOTION**

Moved Cr Hearne, Seconded Cr McCleery

**That Council close the meeting to members of the public to discuss the item behind closed doors as the matter is related to personal affair of a person and a contract that may be entered into and which relates to a matter to be discussed at the meeting under the Local Government Act 1995, section 5.23(2)(b) & (c).**

Carried 9/0

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**SC0302 (4.1) Appointment of the Chief Executive Officer**

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Location: Capel  
Applicant: Shire of Capel  
File Reference: HR.REC.4  
Disclosure of Interest: Nil  
Date: 14.03.18  
Author: Manager Human Resources, C Anderson  
Senior Officer: Chief Executive Officer, PF Sheedy  
Attachments: 1. Recruitment Consultant Report - **CONFIDENTIAL**  
2. CEO Contract of Employment - **CONFIDENTIAL**

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**IN BRIEF**

The Council is required to appoint a person to the position of Chief Executive Officer. Council engaged a Recruitment Consultant, John Phillips, and appointed a Recruitment Committee to undertake the recruitment of a new Chief Executive Officer. This item is for the Council to consider the appointment of the new Chief Executive Officer as per the attached confidential Recruitment Consultant Report and the confidential CEO Contract of Employment.

**RECOMMENDATION****That Council:**

- 1. Appoints Mr Ian James McCabe to the position of Chief Executive Officer with the Shire of Capel for a period of five (5) years commencing on 2 July 2018 and concluding on 2 July 2023;**
- 2. Is of the belief that Mr Ian James McCabe is suitably qualified for the position of Chief Executive Officer;**
- 3. Is satisfied with the provisions of the proposed employment contract to be entered into with Mr Ian James McCabe with a total reward package of \$221,832 per annum; and**
- 4. Authorises the Shire President to endorse and affix the common seal to the Chief Executive Officer Contract of Employment.**

**BACKGROUND / PROPOSAL****Background**

Further to the Council's resolution on 25 October 2017, OC1004 (13.2) for the Chief Executive Officer Recruitment, the appointed Recruitment Committee along with the assistance of John Phillips Consulting have undertaken the recruitment process for the position of Chief Executive Officer. A summary of the process is provided for in the attached Confidential Report.

The Committee along with the Recruitment Consultant have selected a preferred candidate for Council's consideration.

**Proposal**

A report from the Recruitment Consultant is provided to assist Council in the recruitment, selection and appointment process. The Recruitment Consultant has also prepared a proposed contract of employment for Council's consideration.

## **STATUTORY ENVIRONMENT**

Local Government Act 1995, Sections 5.36, 5.39 and 5.40

### **5.36. Local government employees**

- (1) A local government is to employ;
  - (a) a person to be the CEO of the local government; and
- (2) A person is not to be employed in the position of CEO unless the council;
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied\* with the provisions of the proposed employment contract.

### **5.39. Contracts for CEO and senior employees**

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (2) A contract under this section;
  - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
  - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless;
  - (a) the expiry date is specified in the contract; and
  - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
  - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A.
- (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

### **5.40. Principles affecting employment by local governments**

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- (c) employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

## **POLICY IMPLICATIONS**

Policy 3.25 Recruitment and Selection

Policy 3.26 Designated Senior Employees

## **RISK IMPLICATIONS**

As the recruitment process has been undertaken with an appointed Recruitment Specialist along with the recruitment committee it is considered that the risk implications are low.

## **FINANCIAL IMPLICATIONS**

### **Budget**

The financial implications relevant to this matter include the cost of employment of the Chief Executive Officer, including:

- total reward package of \$221,832 per annum,
- \$7,500 professional development per annum, and
- Potential one off relocation assistance of up to \$5,000 plus personal travel.

These costs are currently included in the annual budget as a normal allocation.

### **Long Term**

The long term financial implications relevant to this matter include the ongoing cost of employment of the Chief Executive Officer and the Long Term Financial Plan has an allocation to meet these costs.

## **SUSTAINABILITY IMPLICATIONS**

There are no direct sustainability implications as a result of the recruitment and appointment process, but the Chief Executive Officer being the Administrative leader of the organisation will have input and influence on the future sustainability of the organisation.

## **STRATEGIC IMPLICATIONS**

The appointment of the Chief Executive Officer directly impacts the effectiveness of all elements of the Shire of Capel Strategic Community Plan 2018-2028 but specifically:

The Leadership Experience, *'Open, transparent, and effective good governance.'*

Strategic Objective:

- 1.6 Council is effective and efficient in the financial management stewardship of community assets.

## **CONSULTATION**

Consultation has taken place with the Recruitment Consultant, Recruitment Committee and applicants throughout the recruitment process.

## **COMMENT**

The consultant and the Recruitment Committee have undertaken an exhaustive process from advertising, shortlisting of candidates and interviews to arrive at the preferred candidate who is recommending to Council for appointment as the Chief Executive Officer for a five (5) year period commencing on 2 July 2018.

**VOTING REQUIREMENTS**

Absolute majority

<b>SC0302 OFFICER'S RECOMMENDATION – 4.1/COUNCIL DECISION</b>
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Moved Cr J Scott, Seconded Cr McCleery

That Council:

1. Appoints Mr Ian James McCabe to the position of Chief Executive Officer with the Shire of Capel for a period of five (5) years commencing on 2 July 2018 and concluding on 2 July 2023;
2. Is of the belief that Mr Ian James McCabe is suitably qualified for the position of Chief Executive Officer;
3. Is satisfied with the provisions of the proposed employment contract to be entered into with Mr Ian James McCabe with a total reward package of \$221,832 per annum; and
4. Authorises the Shire President to endorse and affix the common seal to the Chief Executive Officer Contract of Employment.

Carried with an Absolute majority 9/0

**VOTING REQUIREMENTS**

Simple majority

<b>OC0303 PROCEDURAL MOTION</b>
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Moved Cr Hearne, Seconded Cr Kitchen

That the meeting be re-opened to the public.

Carried 9/0

Mr I McCabe joined the meeting at 3.55pm.

**PUBLIC QUESTION TIME**

Nil

**MEETING CLOSURE**

The meeting closed at 4.05pm