

## MINUTES OF SPECIAL COUNCIL MEETING

Held on

**Tuesday 7 February 2023 at 5.30PM**

Held at Council Chamber, 83 Mandurah Terrace Mandurah

**PRESENT:**

MAYOR	R WILLIAMS	
COUNCILLOR	B POND	COASTAL WARD
COUNCILLOR	C DI PRINZIO	COASTAL WARD
COUNCILLOR	D PEMBER	EAST WARD
COUNCILLOR	D WILKINS	EAST WARD
COUNCILLOR	A KEARNS	EAST WARD
COUNCILLOR	C KNIGHT	NORTH WARD
COUNCILLOR	P JACKSON	NORTH WARD
COUNCILLOR	A ZILANI	NORTH WARD
COUNCILLOR	D SCHUMACHER	TOWN WARD
COUNCILLOR	R BURNS	TOWN WARD

MR	M NEWMAN	CHIEF EXECUTIVE OFFICER
MR	M HALL	DIRECTOR BUILT AND NATURAL ENVIRONMENT
MRS	T JONES	EXECUTIVE MANAGER GOVERNANCE SERVICES
MS	L CLARK	ACTING MINUTE OFFICER

### 1 OPENING OF MEETING

Prior to commencement of this electronic meeting Committee Member and other attendee connections by electronic means were tested and confirmed.

The Mayor declared the meeting open at 5.30pm.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

Mayor Williams acknowledged that the meeting was being held on the traditional land of the Bindjareb people, and paid his respect to their Elders past and present.

## **3 APOLOGIES**

### Leave of Absence

Nil

### Apologies

Councillor Jenny Green  
Councillor Peter Rogers

## **4 DISCLAIMER**

The Mayor advised that the purpose of this Special Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the *Local Government Act 1995* (Section 5.25(e)) and the *City of Mandurah Standing Orders 2016* (Section 13.1(1)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The City of Mandurah expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

## **5 PUBLIC QUESTION TIME**

Nil.

## **6 DEPUTATIONS**

Nil.

## **7 DECLARATION OF INTERESTS**

Nil.

## **8 QUESTIONS FROM ELECTED MEMBERS**

**Questions of which due notice has been given**

Nil.

### Questions of which notice has not been given

Nil.

## 9 REPORTS

### SP.01/02/23 CHIEF EXECUTIVE OFFICER RECRUITMENT

#### Summary

In accordance with City of Mandurah Standards for CEO Recruitment, Performance and Termination, Section 5.42 *Local Government Act 1995* and regulation 18A of the *Local Government (Administration) Regulations 1996* Council is requested to:

- By absolute majority, approve the position description form setting out the duties and responsibilities and the selection criteria for the position of Chief Executive Officer (CEO) (refer to **Confidential Attachment 1.1**);
- Approve the remuneration and benefits and contract term for the position of CEO; and
- Approve the CEO to undertake the Statewide Public Notice process.

#### Officer Recommendation

That Council:

1. Adopts the Chief Executive Officer Position Description at per *Confidential Attachment 1.1* setting out the duties and responsibilities and the selection criteria for the position.\*
2. Approves a contract term of five years, to be advertised.
3. Approves the Chief Executive Officer Total Reward Package of \$350,000 to \$390,810, to be advertised.
4. Approves the Chief Executive Officer to commence the Statewide Public Notice in accordance with section 5.36(4) of *Local Government Act 1995* and regulation 18A of *Local Government (Administration) Regulations 1996*.

**\*ABSOLUTE MAJORITY REQUIRED\***

#### Council Resolution

#### **MOTION**

**Moved: Councillor Don Pember**  
**Seconded: Councillor Ahmed Zilani**

That Council:

1. **Adopts the Chief Executive Officer Position Description at per *Confidential Attachment 1.1* setting out the duties and responsibilities and the selection criteria for the position.\***

2. Approves a contract term of five years, to be advertised.
3. Approves the Chief Executive Officer Total Reward Package of \$350,000 to \$390,810, to be advertised.
4. Approves the Chief Executive Officer to commence the Statewide Public Notice in accordance with section 5.36(4) of *Local Government Act 1995* and regulation 18A of *Local Government (Administration) Regulations 1996*.

**\*ABSOLUTE MAJORITY REQUIRED\***

CARRIED WITH ABSOLUTE MAJORITY: 11/0

**10 CONFIDENTIAL BUSINESS**

Nil.

**11 CLOSE OF MEETING**

There being no further business the Mayor declared the meeting closed at 5.33pm.

CONFIRMED ..... (MAYOR)

**Attachments to Council Minutes:  
7 February 2023 Special Council Agenda**



**NOTICE OF MEETING**

**SPECIAL MEETING OF COUNCIL  
CONSIDERING**

**Chief Executive Officer Recuritment**

Members of Council are advised that a meeting will be held in the  
Council Chambers 83 Mandurah Terrace, Mandurah on:

**Tuesday 7 February 2023 at 5.30pm**

**MARK R NEWMAN**  
Chief Executive Officer  
3 February 2023

## **AGENDA:**

**1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS**

**2 ACKNOWLEDGEMENT OF COUNTRY**

**3 APOLOGIES**

**4 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.

**5 AMENDMENT TO STANDING ORDERS**

Modifications to City of Mandurah *Standing Orders Local Law 2016*

**6 PUBLIC QUESTION TIME**

Public Question time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time please visit the City's website [www.mandurah.wa.gov.au](http://www.mandurah.wa.gov.au) or telephone 9550 3787.

**7 DEPUTATIONS**

Any person or group wishing to make a Deputation to Council regarding a matter listed on this agenda for consideration must complete an application form. For more information regarding making a deputation please visit the City's website [www.mandurah.wa.gov.au](http://www.mandurah.wa.gov.au) or telephone 9550 3787.

**8 DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS**

**9 QUESTIONS FROM ELECTED MEMBERS (WITHOUT DISCUSSION)**

9.1 Questions of which due notice has been given

9.2 Questions of which notice has not been given

**10 REPORTS:**

<b><i>No.</i></b>	<b><i>Item</i></b>	<b><i>Page No</i></b>	<b><i>Note</i></b>
1	Chief Executive Officer Recruitment	4-6	Absolute Majority Required Confidential Attachment

**11 CONFIDENTIAL ITEMS**

**12 CLOSE OF MEETING**

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<b>1</b>	<b>SUBJECT:</b>	<b>Chief Executive Officer Recruitment</b>
	<b>DIRECTOR:</b>	Office of the Chief Executive Officer
	<b>MEETING:</b>	Special Council Meeting
	<b>MEETING DATE:</b>	7 February 2023

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## Summary

In accordance with City of Mandurah Standards for CEO Recruitment, Performance and Termination, Section 5.42 *Local Government Act 1995* and regulation 18A of the *Local Government (Administration) Regulations 1996* Council is now requested to:

- By absolute majority, approve the position description form setting out the duties and responsibilities and the selection criteria for the position of Chief Executive Officer (CEO) (refer to **Confidential Attachment 1.1**);
- Approve the remuneration and benefits and contract term for the position of CEO; and
- Approve the CEO to undertake the Statewide Public Notice process.

## Disclosure of Interest

Nil

## Previous Relevant Documentation

- |             |                  |  |
|-------------|------------------|--|
| • G13/11/22 | 22 November 2022 | Appointment of Elected Members to the Selection Panel for the CEO position |
| • SP2/11/22 | 16 November 2022 | Appointment of HR Consultant and Independent Selection Panel Member        |
| • G11/10/22 | 25 October 2022  | Chief Executive Officer Resignation and Recruitment Commencement of CEO    |

## Background

- At the meeting of 25 October 2022 Council received the resignation of Mark Newman, Chief Executive Officer.
- At the meeting of 16 November 2022 Council appointed Lester Blades Pty Ltd as the Human Resource Consultant and Nick Sloan as the Independent Person to the Selection Panel.
- At the meeting of 22 November 2022 Council appointed Mayor Rhys Williams and Councillors Caroline Knight (Deputy Mayor) and Peter Rogers to the Selection Panel.

## Comment

### Position Description and Selection Criteria

On 18 January 2023, the Council appointed human resources consultant facilitated a workshop with the Selection Panel for the purpose of determining the skills, qualifications, experience and qualities that the Council will expect of CEO candidates. Following this workshop, engagement was undertaken with Councillors and the independent member of the Selection Panel to review the position description form and provide input accordingly.

The outcomes of this workshop and engagement with Councillors have informed the development of the CEO position description and specifically the selection criteria for the position, which will be used to assess each applicant.

Council is now required, by absolute majority, to approve the position description form setting out the duties and responsibilities and the selection criteria (refer to **Confidential Attachment 1.1**).

### Total Reward Package

Council should note that the CEO's remuneration is determined by the Salaries and Allowances Tribunal, under Section 7A of the *Salaries and Allowances Act 1975* and the remuneration package may not fall outside the band applicable to the City. The City of Mandurah is determined as a Band One Local Government.

Council is asked to resolve on a contract term of five years and a Total Reward Package of \$350,000 to \$390,810.

### Statewide Notice (advertising)

City of Mandurah Standards for CEO Recruitment, Performance and Termination require the position of CEO to be advertised in accordance with section 5.36(4) of Act and regulation 18A of the *Local Government (Administration) Regulations 1996* which requires Statewide public notice.

The Statewide Public Notice 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.

Once Council has resolved the position description and selection criteria, the contract term and the Total Reward Package the position will progress to advertisement in accordance with the Statewide Public Notice Process.

### **Consultation**

Consultation has been undertaken with the Selection Panel and Councillors in the development of the position description and selection criteria.

### **Statutory Environment**

Section 5.39A and 5.39B of the *Local Government Act 1995*  
Regulation 18 of the *Local Government (Administration) Regulations 1996*  
*Salaries and Allowances Act 1975*

### **Policy Implications**

City of Mandurah Standards for CEO Recruitment, Performance and Termination<sup>1</sup>

### **Financial Implications**

There are no financial implications as the City's budget contains funding required.

<sup>1</sup>City of Mandurah Standards for CEO Recruitment, Performance and Termination <https://www.mandurah.wa.gov.au/-/media/files/com/downloads/council/governance/code-of-conduct/standards-for-ceo-recruitment-performance-and-termination.pdf>

## Risk Analysis

It is important that the recruitment process is in accordance with legislation and the City of Mandurah Standards for CEO Recruitment, Performance and Termination.

Council deciding on the job description and selection criteria will ensure that the preferred candidate will deliver Mandurah's vision.

## Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2020 – 2040 are relevant to this report:

### Organisational Excellence:

- Demonstrate regional leadership and advocate for the needs of our community.
- Provide professional customer service, and engage our community in the decision making process.
- Build and retain a skilled, agile, motivated and healthy workforce.
- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices.
- Ensure that our actions maintain a sustainable balance between economic growth, the environment and social values.

## Conclusion

Council is now requested to approve the position description form and selection criteria (refer **Confidential Attachment 1.1**, the contract term and remuneration and benefits for the position of CEO.

NOTE:

- Refer **Confidential Attachment 1.1 Chief Executive Officer Position Description and Selection Criteria**

## RECOMMENDATION

That Council:

1. Adopts the Chief Executive Officer Position Description at per **Confidential Attachment 1.1** setting out the duties and responsibilities and the selection criteria for the position.\*
2. Approves a contract term of five years, to be advertised.
3. Approves the Chief Executive Officer Total Reward Package of \$350,000 to \$390,810, to be advertised.
4. Approves the Chief Executive Officer to commence the Statewide Public Notice in accordance with section 5.36(4) of *Local Government Act 1995* and regulation 18A of *Local Government (Administration) Regulations 1996*.

**\*ABSOLUTE MAJORITY REQUIRED\***