



SHIRE OF CARNARVON  
**AGENDA**  
SPECIAL COUNCIL MEETING  
TUESDAY 7 MAY 2024

Shire Council Chambers,  
Stuart Street Carnarvon,  
West Australia  
Phone: (08) 9941 000  
Fax: (08) 9941 1099  
Website – [www.carnarvon.wa.gov.au](http://www.carnarvon.wa.gov.au)

*The Shire of Carnarvon acknowledges and respects the Yinggarda (Carnarvon) and Baiyungu (Coral Bay) as the traditional custodians of the lands where we live and work. We pay our respects to Elders, past, present and emerging. The Shire of Carnarvon is committed to honouring the traditional custodians' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.*

## NOTICE OF MEETING

Notice is hereby given

Shire of Carnarvon  
Special Council Meeting  
will be held  
on Tuesday 7 May 2024  
at the Shire Council Chambers, Stuart Street  
Carnarvon,  
commencing at 8:00am.



Andrea Selvey  
CHIEF EXECUTIVE OFFICER

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### DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Carnarvon for any act, omission or statement or intimation occurring during Council/Committee Meetings or during formal/informal conversations with Staff or Councillors. The Shire of Carnarvon disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee Meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Carnarvon during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnarvon. The Shire of Carnarvon warns that anyone who has an application lodged with the Shire of Carnarvon must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnarvon in respect of the application.



## INFORMATION ON PUBLIC QUESTION TIME

The following information is provided should you wish to ask a question of Council at the Ordinary Meetings held on a monthly basis.

Please note that questions that have not been filled out on the Submission Form will not be accepted.

- The Local Government Act 1995 allows members of the public to ask questions in regard to any issue relating to the Shire.
- A maximum of 15 minutes will be allowed for public question time and the Presiding Member will allow a maximum of three (3) verbal/written questions per person.
- Prior to asking a question, the speaker must state his/her name and address.
- Members of the public are discouraged from asking questions which contain defamatory remarks, offensive language or questioning the competency of staff or Council members.
- The Presiding Member may nominate a member or officer to answer the question and may also determine that any complex questions requiring research be taken on notice and answered in writing.
- No debate or discussion is allowed to take place on any question or answer.
- A summary of each question asked and the response given will be included in the minutes of the meeting –

*Local Government (Administration) Regulations 1996 – Pt 2, r.11 – (in part reads - )*  
*11. Minutes, content of (Act s.5.25(1)(f))*

*The content of minutes of a meeting of a council or a committee is to include –  
(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question.*

Responses to questions that are taken on notice will be responded to as soon as possible.

- If you wish to ask a question, please complete the Public Question Time Submission Form at the back of this information sheet. Alternatively, questions can be submitted in writing to the Shire of Carnarvon 3 days prior to the meeting.

### SPECIAL MEETINGS OF COUNCIL

Members of the public are welcome to attend a Special Meeting of Council if open, and ask questions of the Council within the allotted public question time *subject to the questions being asked only relating to the purpose of the Special Meeting (s5.23 of the Act and regulation 12 (4) of the Local Government (Administration) Regulations 1996, the Department of Local Government and Communities Guide to Meetings and Governance Bulletin April 2014 and Guideline No. 3 Managing Public Question Time.)*

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**1 ATTENDANCE, APOLOGIES & APPROVED LEAVE OF ABSENCE**

(The Local Government Act 1995 Section 2.25 provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. The leave cannot be granted retrospectively and an apology for non-attendance at a meeting is not an application for leave of absence.)

**2 DECLARATIONS OF INTEREST**

(Elected Members and Officers are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

**3 PUBLIC QUESTION TIME**

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

**3.1 PUBLIC QUESTION TIME**

## 4 DEPARTMENTAL REPORTS

### 4.1 GOVERNANCE

#### 4.1.1 APPOINTMENT OF TEMPORARY CEO, AND INDEPENDENT MANAGEMENT REVIEW COMMITTEE MEMBER AND RECRUITMENT CONSULTANT

File No:	ADM2111
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author(s):	Andrea Selvey, Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Previous Report:	N/A
Schedules:	1. CV - Mr John Atwood - Confidential

#### Authority/Discretion:

<input type="checkbox"/>	<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	<b>Executive</b>	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets
<input type="checkbox"/>	<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/>	<b>Information</b>	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
<input type="checkbox"/>	<b>Quasi-judicial</b>	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses

#### Summary of Report

The resignation of the current CEO, Ms Andrea Selvey, initiates the process and responsibility for Council to appoint a suitably qualified Temporary CEO and recruitment process of a permanent CEO.

Under the *Local Government Act 1995*, Council is responsible for the recruitment and selection of their sole employee, the CEO.

This item has been prepared under the direction of the Shire President to present to Council the following:

1. Appointment of a Temporary CEO as per Council Policy *EME005 CEO Leave, Appointment of Acting or Temporary CEO* along with endorsement of a remuneration package;
2. Appointment of an Independent Member of the Management Review Committee in accordance with the *Local Government (Administration) Regulations 1996*;
3. Endorsement of the recruitment process in accordance with the requirements of the minimum standards;
4. Appointment of a Specialist Recruitment Consultant to assist Council with the recruitment process.

## Background

Ms Selvey has provided notice to the Shire President of her intention to resign from her position with the proposed last day of employment being date 30 June 2024. The Shire President has accepted the proposed date, subject to the appointment and availability of a suitably qualified Temporary CEO.

The Shire President has consulted with Council Members, and has identified a suitably qualified Temporary CEO, who is familiar with the Shire of Carnarvon and has previously served Council. It is proposed that Council appoint Mr John Attwood into the position of Temporary CEO, with a start date to be negotiated between the current incumbent and Mr John Attwood to ensure a comprehensive handover is completed prior to the departure of Mrs Selvey.

Mr Attwood has indicated that he is available and is willing to accept an offer of Temporary Employment as the CEO for the Shire of Carnarvon until 30 September 2024. The proposed remuneration for the Temporary CEO, is the same package as the current CEO.

The proposed remuneration for Mr Attwood is as follows:

Annualised Salary	\$239,586p/a pro-rata
11% Superannuation	\$26,354.46 pro-rata
Vehicle	Vehicle – Toyota Landcruiser provided for duration the appointment. Work and unlimited private use in Western Australia
Housing	Accommodation inclusive of utilities (Water, Electricity, Gas and Internet) to be provided

Under the “Guidelines for Local Government CEO Recruitment and Selection, Council must adhere to the minimum standard for recruitment and selection of a CEO. The minimum standards will be met if:

- S1.1: The council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular local government context.
- S1.2: The council has approved, by absolute majority, the Job Description Form (JDF) which clearly outlines the qualifications, selection criteria and responsibilities of the position. The JDF is made available to all applicants.
- S1.3: The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member, human resources consultant, or staff member of the local government.
- S1.4: The local government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year). The local government must advertise a vacancy for the position of CEO in the manner prescribed.
- S1.5: The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- S1.6: The local government has verified the recommended applicant’s work history, qualifications, referees and claims made in their job application.
- S1.7: The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how their knowledge, skills and experience meet the selection criteria.



**Stakeholder and Public Consultation**

WALGA

**Statutory Environment**

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

**Relevant Plans and Policy**

EME004 CEO STANDARDS, PERFORMANCE, MANAGEMENT REVIEW COMMITTEE

EME005 CEO LEAVE, APPOINTMENT OF ACTING OR TEMPORARY CEO

**Financial Implications**

The estimated that the cost of a Specialist Recruitment Consultant will be between \$20,000 and \$30,000. The sitting fees and any reimbursements for an independent panel member is not likely to exceed \$2000. The recruitment process for a new CEO was not included in the current budget and therefore a budget adjustment will be required once costs have been determined.

**Risk Assessment**

STEP 3 – Risk Tolerance Chart Used to Determine Risk						
Consequence →		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood ↘						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating	Mitigating Action/s
Financial	The cost of recruitment cannot be accommodated within the budget.	Low	Funding can be found from savings within the Council adopted budget but will require a budget adjustment. The budget adjustment will be presented at the Ordinary Meeting of Council in May after the preferred recruitment specialist has been selected.
Health & Safety	N/A		
Reputation	A poor recruitment process can cause reputational damage.	Low	The support of the Manager People Culture and Systems and the Specialist Recruitment Consultant minimises the risk of non-compliance.
Service disruption	Transition at the CEO level can cause disruptions to continuity of service.	Moderate	Appointment of a Temporary CEO and a handover period will minimise disruption to service delivery.
Compliance	The recruitment is non-compliant with		The support of the Manager People Culture and Systems and the Specialist

	the strict legislative requirements.		Recruitment Consultant minimises the risk of non-compliance.
Property	N/A		
Environment	N/A		
Fraud	N/A		

### Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

#### OBJECTIVES

In 2040 Carnarvon is a place where:

- N/A

#### ADDITIONAL FOCUS AREAS:

- N/A

#### BIG IDEAS FOR THE FUTURE OF CARNARVON:

- N/A

### Comments

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- S1.3: The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member, human resources consultant, or staff member of the local government.
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### Stakeholder and Public Consultation

WALGA

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### Relevant Plans and Policy

EME004 CEO STANDARDS, PERFORMANCE, MANAGEMENT REVIEW COMMITTEE  
EME005 CEO LEAVE, APPOINTMENT OF ACTING OR TEMPORARY CEO

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The recruitment process for a new CEO was not included in the current budget and therefore a budget adjustment will be required once costs have been determined.

### OFFICER'S RECOMMENDATION

*That Council, by Absolute Majority in accordance with the Local Government Act 1995 and Local Government (Administration) Regulations 1996 resolves to:*

1. *Endorse the appointment of Mr John Attwood as Temporary CEO until 30 September 2024 and offer a contract based on the following:*

<i>Annualised Salary</i>	<i>\$239,586 per annum pro-rata</i>
<i>Superannuation</i>	<i>\$26,354.46 per annum pro-rata</i>
<i>Vehicle</i>	<i>Vehicle – Toyota Landcruiser provided for duration the appointment. Work and unlimited private use in Western Australia</i>

***Housing***

***Accommodation inclusive of utilities (Water, Electricity, Gas and Internet) to be provided***

2. ***Appoint \_\_\_\_\_ as the Independent Panel Member to the Management Review Committee;***
3. ***Endorse the process for the recruitment of a CEO as per the minimum standard for recruitment and selection of a CEO as outlined in this report; and***
4. ***Appoint \_\_\_\_\_ as the Specialist Recruitment Consultant to assist Council with the recruitment process.***

**5 CLOSURE**