

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 18 APRIL 2024

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SHIRE OF BRUCE ROCK
MINUTES – ORDINARY MEETING 18 APRIL 2024

1. Declaration of Opening

The Shire President Ram Rajagopalan declared the meeting open at 3.06pm.

2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)

Shire President	Cr R Rajagopalan
Deputy Shire President	Cr AR Crooks
Councillors	Cr S Strange
	Cr KP Foss
	Cr PK Hodgkiss
	Cr J Verhoogt
	Mr DRS Mollenoyux
Chief Executive Officer	Mr DRS Mollenoyux
Manager of Governance and Community	Ms N Ugarte
Manager of Finance	Mrs M Barthakur
Manager of Regulatory Services	Mr J Goldacre
Executive Services Manager	Mrs M Schilling
 Apology	 Cr BJ Waight

3. Declarations of Interest

In accordance with Section 5.65 of the Local Government Act 1995, the following disclosures of **financial** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with Section 5.65 of the Local Government Act 1995, the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with Sections 5.60B and 5.65 of the Local Government Act 1995, the following disclosures of **Proximity** interest were made at the Council meeting.

Date	Name	Item No	Reason

4. Response to Previous Public Questions Taken on Notice

5. Public Question Time

6. Petitions/Deputations/Presentations/Submissions

7. Applications for Leave of Absence

8. Announcements by Presiding Member

9. Confirmation of Minutes

Bush Fire Advisory Committee Meeting held on Friday, 15 March 2024.

COUNCIL DECISION

Resolution OCM April 24 – 9.1.1

Moved: Cr Crooks

Seconded: Cr Foss

That the minutes of the Bush Fire Advisory Committee Meeting held on Friday, 15 March 2024 be received as a true and correct record.

For: Cr A Crooks, Cr KP Foss, Cr P Hodgkiss, Cr R Rajagopalan, Cr S Strange and Cr J Verhoogt

Against: Nil

Carried: 6/0

Ordinary Meeting of Council held on Thursday, 21 March 2024.

COUNCIL DECISION

Resolution OCM April 24 – 9.1.2

Moved: Cr Strange

Seconded: Cr Foss

That the minutes of the Ordinary Meeting of Council held on Thursday, 21 March 2024 be received as a true and correct record.

For: For: Cr A Crooks, Cr KP Foss, Cr P Hodgkiss, Cr R Rajagopalan, Cr S Strange and Cr J Verhoogt

Against: Nil

Carried: 6/0

Special Council Meeting held on Tuesday, 9th April 2024.

COUNCIL DECISION

Resolution OCM April 24 – 9.1.3

Moved: Cr Strange

Seconded: Cr Foss

That the minutes of the Special Council Meeting held on Tuesday, 9 April 2024 be received as a true and correct record.

For: Cr A Crooks, Cr KP Foss, Cr P Hodgkiss, Cr R Rajagopalan, Cr S Strange and Cr J Verhoogt

Against: Nil

Carried: 6/0

10. Officers' Reports

10.1 Manager of Works and Services

Nil.

10.2 Manager of Finance

Agenda Reference and Subject:	10.2.1 Statement of Financial Activity
Reporting Officer:	Manisha Barthakur, Manager of Finance
Author:	Manisha Barthakur, Manager of Finance
Disclosure of Interest:	Nil
Attachments:	<i>Item 10.2.1 Attachment A – Monthly Financial Statements – March 2024 (to be sent under separate cover)</i>

Summary

A statement of financial activity must be produced monthly and presented to Council.

Background

In accordance with the Local Government Act 1995, a Statement of Financial Activity must be presented to each Council meeting, including a comparison of actual year to date to the budget year to date and variances from it. It must also include explanations of any variances and any other associated information that would be useful for readers of the report.

Comment

The Statement of Financial Activity will be made available to Councillors prior to the meeting.

Consultation

Darren Mollenoyux, Chief Executive Officer
Nerea Ugarte, Manager Governance and Community Services
Brock Williams, Supervisor, Works and Services
Julian Goldacre, Manager of Regulatory Services
Mike Darby, Senior Finance Officer and other finance staff

Statutory Implications

r. 34 Local Government (Financial Management) Regulations 1996

34. Financial activity statement required each month (Act s. 6.4)

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- (b) budget estimates to the end of the month to which the statement relates; and*
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) the net current assets at the end of the month to which the statement relates.*

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) recorded in the minutes of the meeting at which it is presented.*

Policy Implications

Nil

Risk Implications

Risk: Financial performance is not monitored against approved budget		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly financial report tracks the Shire’s actual financial performance against its budgeted financial performance to ensure that the Council is able to monitor the Shire’s financial performance throughout the year.		

Financial Implications

Comparison of actual year to date to the 2022-23 Budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

4.1 Our organisation is well positioned and has capacity for the future

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM April 24 – 10.2.1

Moved: Cr Foss

Seconded: Cr Verhoogt

That the Statements of Financial Activity for the month ending 31 March 2024 are received.

For: Cr A Crooks, Cr KP Foss, Cr P Hodgkiss, Cr R Rajagopalan, Cr S Strange and Cr J Verhoogt

Against: Nil

Carried: 6/0

Agenda Reference and Subject:	10.2.2 List of Payments
Reporting Officer:	Manisha Barthakur, Manager of Finance
Author:	Cinil Thomas, Finance Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 10.2.2 Attachment A – List of Payments March 2024</i>

Summary

List of payments made since the last Ordinary Council Meeting.

Background

As the Chief Executive Officer has been delegated the authority to make payments from the municipal and trust funds, a list of payments made is to be presented to Council each month.

Comment

Following is a list of payments made from Council’s Municipal and Trust Accounts and payments made for the month of March.

If you have any queries regarding the list of payments, please advise prior to the meeting to enable staff to seek relevant information.

Consultation

Nil

Statutory Implications

s.6.10 Local Government Act 1995

r.13(1) Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Risk Implications

Risk: Payments are not monitored against approved budget and delegation.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly list of payments provides an open and transparent record of payments made under the appropriate approved delegations.		

Financial Implications

Payments must be made in accordance with the 2023/24 Budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

4.3 Our organisation is well positioned and has capacity for the future

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM April 24 – 10.2.1

Moved: Cr Strange

Seconded: Cr Hodgkiss

Officer Recommendation

That Council endorse the list of payments from the Municipal Account consisting of:

- a. EFT voucher numbers EFT22744 to EFT22872 totalling \$370,305;**
- b. Cheque number 149 to 151 totalling \$1,591.24;**
- c. Trust EFT Payments \$0;**
- d. Wages and Superannuation payments totalling \$197,155.21;**
and;
- e. Credit Card payments \$625.35;**

(Please note that the credit card payment is reported separately, but is a part on EFT payment)

With all payments totalling \$569,051.52 for the month of March 2024.

For: Cr A Crooks, Cr KP Foss, Cr P Hodgkiss, Cr R Rajagopalan, Cr S Strange and Cr J Verhoogt

Against: Nil

Carried: 6/0

Agenda Reference and Subject:	10.2.3 Fuel Cards and Credit Card Transactions
Reporting Officer:	Manisha Barthakur, Manager of Finance
Author:	Cinil Thomas, Finance Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 10.2.3 Attachment A – List of Credit Card & Fuel Card transactions March 2024</i>

Summary

List of transactions through corporate cards are reported to the Council.

Background

Consistent with the Local Government Regulations Amendment Regulations 2023, from 1 September 2023, local governments are required to prepare a list of corporate card/ credit card payments made by employees each month. The list must be presented to Council at the next ordinary meeting and recorded in the minutes.

Comment

Following is a list of all transactions for all corporate cards that the Shire holds.

If you have any queries regarding the transactions, please advise prior to the meeting to enable staff to seek relevant information.

Consultation

Nil

Statutory Implications

s.6.10 Local Government Act 1995

r.13(1) Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Risk Implications

Risk: Payments are not monitored against approved budget and delegation.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly corporate card transactions provide an open and transparent record of payments made under the appropriate approved delegations through the cards.		

Financial Implications

Payments must be made in accordance with the 2023/24 Budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

4.3 Our organisation is well positioned and has capacity for the future.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM April 24 – 10.2.3

Moved: Cr Crooks

Seconded: Cr Verhoogt

That Council endorse the list of transactions through the:

- a. Bendigo Bank Corporate Credit Card; and**
- b. Great Southern Fuel Card.**

For: Cr A Crooks, Cr KP Foss, Cr P Hodgkiss, Cr R Rajagopalan, Cr S Strange and Cr J Verhoogt

Against: Nil

Carried: 6/0

Mrs M Barthakur left the Council Chambers at 3.25pm and did not return.

10.3 Manager of Regulatory Services

Nil

10.4 Manager of Governance and Community Services

Agenda Reference and Subject:

10.4.1 Shire Seal

Reporting Officer:

Nerea Ugarte, Manager of Governance and Community Services

Author:

Shaan Wood, Executive Support Officer

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Use of the Shire Seal in February 2024.

Background

Nil

Comment

As per Council's policy, the Shire Seal has been used during the month of February 2024 as follows:

- Application for New Title, 52 Johnson Street

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM April 24 – 10.2.3

Moved: Cr Strange

Seconded: Cr Hodgkiss

Officer Recommendation

That Council endorse the use of the Shire Seal during February 2024.

For: Cr A Crooks, Cr KP Foss, Cr P Hodgkiss, Cr R Rajagopalan, Cr S Strange and Cr J Verhoogt

Against: Nil

Carried: 6/0

10.5 Chief Executive Officer

Agenda Reference and Subject:

10.5.1 Standardised Meeting Procedures – Public Consultation

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 10.5.1 Attachment A – Department of Local Government Consultation Paper – Standardised Meeting Procedures
Item 10.5.1 Attachment B – WALGA Discussion Paper – Standardised Meeting Procedures

Summary

Council is asked to consider making a submission to the Department of Local Government, Sport and Cultural Industries department in relation to their Consultation Paper for Standardised Meeting Procedures (February 2024) and to provide comment on the WA Local Government Association's proposed submission.

Background

On the 28th February 2024 Councils received notification from the Department advising they have commenced a three month consultation period for their proposed Standardised Meeting Procedures for Local Government.

The State Government is implementing a number of reforms to the Local Government Act 1995 (the Act) to improve transparency and accountability in local government in Western Australia and deliver benefits to ratepayers and residents.

Standardising Council and committee procedures is part of these reforms. Establishing a consistent approach to all local government council and committee meetings will make it easier and simpler for people to participate in and observe Council meetings, wherever they are held.

Establishing one standard is expected to simplify and improve training for Council members and local government staff. It can also strengthen the enforcement of breaches of meeting procedures (for instance, if a person repeatedly and unreasonably disrupts a meeting).

A copy of the public consultation paper is provided as Attachment A to this item.

The Department has advised that submissions close on the 29th May 2024.

Subsequently WALGA has advised Councils of their proposed approach to the responding to Consultation Paper and provided a WALGA Discussion Paper, seeking a response by the 29th April 2024.

Comment

The Shire of Bruce Rock does not have Local Laws / Standing Orders for the conduct of Council and Committee Meetings. The WALGA Discussion Paper on Standardised Meeting Procedures will assist Council in a clearer understanding of the proposed meeting procedures.

The Chief Executive Officer has provided comment and direction via the questions in the WALGA Discussion Paper. A copy is provided at ATTACHMENT B.

Consultation

To assist in the preparation of this item, Council was provided a copy of the Consultation Paper on the proposed Standardised Meeting Procedures at the March 2024 Councillor Information Session.

WALGA has developed a Discussion Paper, including guidance and proposed feedback for consideration by Councils. This was also addressed at the WALGA Zone Meeting on the 11th April 2024.

Statutory Implications

Currently, it is usual practice for local governments to have local laws and policies in place to govern the conduct of Council meetings. However, this approach means that there can be variation in how members of the public can engage with Council meetings.

The Shire of Bruce Rock does not have Local Laws / Standing Orders for the conduct of Council and Committee Meetings.

The Local Government Amendment Act 2023 inserts section 5.33A to allow standardised meeting procedures for all local governments to be made in the form of Regulations or model provisions.

The State Government intends, under section 5.33A, to make Regulations that apply to all local governments and an order of the Governor under section 3.17 of the Act to repeal all existing local government meetings procedures, standing orders or Council meeting local laws.

It is intended that the new standard meeting procedures (also known as “standing orders”) apply to all Council and committee meetings held by local governments. It is also intended that Regulations will contain consistent rules for how meetings are held.

It is envisaged that relevant elements of Parts 2 and 3 of the Local Government (Administration) Regulations 1996 (the Regulations) would be incorporated into the new standardised meeting procedures.

Policy Implications

Nil

Risk Implications

Risk: That no comment be provided and Council does not provide feedback giving their opinions on the proposed new legalisation for Standardised Meeting Procedures.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and will be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

Priority 4.1 Our organisation is well positioned and has capacity for the future

Priority 4.3 Proactive and well governed Shire

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM April 24 – 10.2.3

Moved: Cr Verhoogt

Seconded: Cr Crooks

Officer Recommendation.

That Council:

1. considers the comments provided in the WALGA Discussion Paper on Standardised Meeting Procedures and endorses the Chief Executive Officer's feedback; and
2. agrees to submit a response to the Department of Local Government and WALGA on the proposed Standardised Meeting Procedures.

For: Cr A Crooks, Cr KP Foss, Cr P Hodgkiss, Cr R Rajagopalan, Cr S Strange and Cr J Verhoogt

Against: Nil

Carried: 6/0

11. Regional Reports

Nil.

Mr J Goldacre entered the Council Chambers at 3.49pm.

12. New Business of an Urgent Nature Introduced by Discussion of the Meeting

Agenda Reference and Subject:

12.1 Development Application for a Step Ramp and step with rails on the Main Street Thoroughfare, adjacent to the Ardath Hotel

Reporting Officer:

Julian Goldacre, Manager of Regulatory Services

Author:

Julian Goldacre, Manager of Regulatory Services

Disclosure of Interest:

Nil

Attachments:

Item 10.3.1 - Attachment A - Development Application for construction of a Step Ramp, Pram Ramp and Landing, with required rails on the Main Street Thoroughfare, Ardath Hotel.

Item 10.3.1 - Attachment B – Onsite Investigation Pictures with Measurements and Geographic Information System Mapping Details

Summary

That approval is granted for the Development Application for the ‘works’ and ‘use’ of the Step Ramp and Pram Ramp with rails on the Main Street Thoroughfare, adjacent to the Ardath Hotel with two conditions, and an advice note.

Background

The Manager of Regulatory Services (MoRS) was informed by the owners of the Ardath Hotel, Ardath town site of the intentions to construct an accessible ramp and a Pram Ramp with handrails. The purpose of such is to assist elderly patrons and disabled persons to access the outside licensed premises of the Ardath Hotel. The MoRS worked with the DA applicant Mr Bradley Sedgwick (the Owner) of the Ardath hotel to ensure the design of the proposal was compliant with the applicable standard and that planning and building requirements were achievable and complied with.

Comment

The Development Application [Reference DA23/24-Lot25 Main St - appurtenant thoroughfare-Ardath] detailed in Attachment A (the DA) is a proposal to construct on Shire of Bruce Rock thoroughfare land a step ramp, Pram Ramp, and landing with handrails (the Ramps). The Ramps are deemed required by the Owner of the Ardath hotel for patrons that require assistance to navigate the thoroughfare kerb between the thoroughfare and the Ardath hotel outdoor facility. The Ramps as proposed in Attachment A has been assessed against the Building Code of Australia, and AS 1428.1 – 2009 (Amendment 1) Design for access and mobility (AS 1428.1 – 2009), and the specifications for Pram Ramps and are principally compliant. Consequently, there are two missing details that will be required for compliance with AS 1428.1 – 2009. Firstly, a rail on the landing to separate the landing off the step ramp for the purpose to prevent persons using the step ramp and accessing the Pram Ramp accidentally. Secondly, the step ramp requires a smooth and hard landing area on the thoroughfare that is required to be as wide as the ramp, and 1,500mm in length. In both cases there is enough area to accommodate these requirements on the thoroughfare and on the landing area.

Furthermore, Attachments A and B describes the Ramps proposal to occupy land on the thoroughfare that is under the control of the Shire of Bruce Rock. Development of this kind are permissible due to the ‘Instrument of Authorisation’ (the IA) signed by then Minister Mr D T Redman in 2016 of which the Shire

of Bruce Rock is a registered party to. The IA allows for the Chief Executive Officer for the Shire of Bruce Rock to sign as the ‘Owner’ on a planning application for development approval which needs such signature in order to validate the application.

The proposal details. Attachments A and B shows a ramp at 1.9 meters length, a Pram Ramp at 2.04 meters length, and a landing of 2.5 meters length. Overall, the Step Ramp proposal will be 6.404 meters in length and 1.415 meters width thus occupying an area of 9.1m². The thoroughfare presently is paved with red brick. It has been discussed with the Owner that those pavers in the Step Ramp area of works will need to be removed. It is possible that those removed pavers can be used to construct the required 1.5 meter landing at the base of the ramp (see Attachment B yellow highlighted area on photograph of the Ardath hotel and thoroughfare).

The DA as presented, noting the two required missing matters, has sound merit. The DA will be undertaken wholly by the Owner for the purpose of providing an accessible access component of the existing thoroughfare. Furthermore, should the DA be approved, the balance of the trafficable thoroughfare after the construction of the Ramps will be 2 meters in width which is suitable for two directions of concurrent pedestrian traffic. This DA for the Step Ramp is deemed an appropriate thoroughfare development to permit foot, pram and assisted pedestrian ease of movement from the thoroughfare to the Ardath hotel facility especially those with mobility issues, and those using accessibility devices. To date, the Owner has not provided a request for in-kind and/or financial assistance from the Shire of Bruce Rock for the Step Ramp works as proposed in the DA.

Consultation

Mr & Mrs B & T Sedgwick, Ardath Hotel, Ardath.

Statutory Implications

Shire of Bruce Rock Local Planning Scheme No. 3, and
Activities on thoroughfares and trading in thoroughfares and public places local law 2004.

Policy Implications

Nil

Risk Implications

Risk: The Ramps development exceeds the area as shown in the development application.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate
Action / Strategy		
Medium Risk: This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

Development Application fee of \$147.00.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

1.2 Inclusive community activities, events, and initiatives,

Voting Requirements

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM April 24 – 10.2.1

Moved: Cr Foss

Seconded: Cr Hodgkiss

That Council:

Resolves to approve the Development Application Reference 'DA23/24-Lot25 Main St - appurtenant thoroughfare-Ardath' for the 'works' and 'use' of a Step Ramp, and Landing, and Pram Ramp with required rails on the Main Street thoroughfare appurtenant to the Ardath hotel as presented in Attachment A of this Item. And with the following conditions –

a) That the applicant Mr Bradley Sedgwick interacts with the Manager of Regulatory Services (MoRS) Mr Julian Goldacre to ensure to the MoRS satisfaction that the proposed Step Ramp, and Landing, Pram Ramp, and with required rails on the Main Street thoroughfare is in full compliance with AS 1428.1 – 2009 (Amendment 1) Design for access and mobility, and with particular detail to the required -

i) separation rail on the landing to delineate the Pram Ramp and the step ramp uses, and

ii) the construction of the required AS 1428.1 – 2009 (Amendment 1) Design for access and mobility step ramp landing on the thoroughfare.

b) That where practicable to do so that the required 1,500mm step ramp landing on the thoroughfare is constructed in a manner and form to match the amenity of the current red brick paving of the thoroughfare.

Advice notes:

That Council advises in regard to this Development Approval, which is done so in good faith and not limited to:

1. Any variations in location and/or design must be reported to the Shire of Bruce Rock for assessment to determine a variation approval, or not as so required.

For: Cr A Crooks, Cr KP Foss, Cr P Hodgkiss, Cr R Rajagopalan, Cr S Strange and Cr J Verhoogt

Against: Nil

Carried:

Mr J Goldacre left the Council Chambers at 3.54pm and did not return.

Agenda Reference and Subject:

12.2 Appointment of Independent Panel Member for CEO
Selection Panel

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Author: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest: Nil

Attachments: Nil

Summary

Council is asked to endorse the appointment of Mr Quentin Davies as the Independent Panel Member for the CEO Recruitment Process.

Background

On the 9th April 2024 Council held a special Meeting of Council to commence the process for the recruitment of a new Chief Executive Officer, following the resignation of Darren Mollenoyux who will finish at the Shire of Bruce Rock on the 28th June 2024.

Council made the following resolution at the Special Council Meeting;

COUNCIL DECISION

Resolution Special Council Meeting April 24 – 8.1

Moved: Cr Verhoogt

Seconded: Cr Foss

That Council:

- 1. formally accepts Darren Mollenoyux's notice of resignation, with employment to finish on the 28th June 2024;*
- 2. commences the process of recruitment for a new CEO, in line with the adopted Model Standards for CEO Recruitment, Performance and Termination;*
- 3. The Selection Panel for the recruitment of the new CEO, is to include following Councillors: Cr Rajagopalan, Cr Crooks, Cr Strange, Cr Waight, Cr Foss, Cr Verhoogt and Cr Hodgkiss;*
- 4. engages Beilby Downing Teal to assist in the recruitment of a new CEO in line with the Model Standards for CEO Recruitment, Performance and Termination*

Council also considered options for the appointment of an independent panel member for the CEO Selection Panel and the first preference was Mr Quentin Davies, recently retired President at the Shire of Wyalkatchem.

Selection Panel and Independent Member

Local governments are required to establish a selection panel to conduct and facilitate the recruitment and selection process. The selection panel should be made up of elected members (the number of which is determined by the council) and must include at least one independent person. The independent person cannot be a current elected member, human resources consultant, or staff member of the local government.

Examples of who the independent person could be include:

- *former elected members or staff members of the local government*
- *former elected members (such as a Mayor or Shire President) or staff members of another local government*
- *a prominent or highly regarded member of the community*
- *a person with experience in the recruitment of CEOs and senior executives.*

The panel are responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant or applicants. The essence of the role of an independent panel member is to bring an impartial perspective to the process and reduce any perception of bias or nepotism.

It is essential that prior to a person's appointment to a selection panel they are informed of the duties and responsibilities of their role and that of the panel. It is recommended that local governments develop a policy or terms of reference to facilitate this process that incorporate the standards for recruitment at Division 2 of Schedule 2 of the Local Government (Administration) Regulations 1996.

Comment

As per Council request the Chief Executive Officer contacted Mr Quentin Davies to seek his consideration as to being appointed as the independent panel member for the CEO Selection Panel for the Shire of Bruce Rock. The CEO provided an overview of the requirements and timeframes to Mr Davies.

Quentin Davies has advised that he accepts the offer to be a member of the Shire of Bruce Rock's CEO Selection Panel for the recruitment of a new CEO commencing in April 2024.

Consultation

Council considered options for an independent panel member at the Special Meeting of Council held on the 9th April 2024.

The CEO contacted Mr Quentin Davies to discuss the process and his consideration as to being part of the panel. Mr Davies confirm he would be part of the Shire of Bruce Rock's CEO Selection Panel.

Statutory Implications

The Local Government Legislation Amendment Act 2019 included a requirement for model standards covering the recruitment and selection, performance review and termination of employment of local government Chief Executive Officers (CEOs). These reforms intend to ensure best practice and greater consistency in these processes between local governments.

The Shire of Bruce Rock adopted the Model Standards in 2021.

Model standards for CEO recruitment, performance and termination

Division 1 — Preliminary provisions

8. Establishment of selection panel for employment of CEO

(1) *In this clause —*

independent person means a person other than any of the following —

(a) *a council member;*

(b) *an employee of the local government;*

(c) *a human resources consultant engaged by the local government.*

(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.*

(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.

Policy Implications

Nil

Risk Implications

Risk: That if Council does not endorse an independent panel member for the recruitment of a new Chief Executive Officer it would leave Council in breach of the Local Government Act.		
Likelihood	Consequence	Rating
Unlikely	Likely	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

Contained within the budget parameters and refund for expenses incurred.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

- Priority 4.1 Our organisation is well positioned and has capacity for the future
- Priority 4.3 Proactive and well governed Shire

Voting Requirements

Simple Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM April 24 – 10.2.3</p> <p>Moved: Cr Foss Seconded: Cr Strange</p> <p>Officer Recommendation Council endorses the appointment of Mr Quentin Davies as the independent person to be part of the Shire of Bruce Rock’s Chief Executive Officers Recruitment Selection Panel.</p> <p>For: Cr A Crooks, Cr KP Foss, Cr P Hodgkiss, Cr R Rajagopalan, Cr S Strange and Cr J Verhoogt Against: Nil Carried: 6/0</p>

13. Confidential Items

14. Closure of Meeting

The Shire President Ram Rajagopalan thanked everyone for their attendance and declared the meeting closed at 3.55pm.

These minutes were confirmed at a meeting on 16 May 2024.

Cr R Rajagopalan
Shire President