



Notice of a Special Meeting of Council

Dear Council Member

A Special Council meeting will be held Thursday 6 March 2025, commencing at 4.30pm for Council to consider the commencement of Chief Executive Officer recruitment.

AGENDA

**Special Council Meeting
Thursday, 6 March 2025
4.30 pm in Council Chambers**

A handwritten signature in black ink, appearing to read "Arthur Kyron".

Arthur Kyron

Chief Executive Officer (Temp)

Date: 4 March 2025

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SHIRE OF BRIDGETOWN GREENBUSHES

ITEM 1 OPENING OF MEETING

Meeting to be opened by the Presiding Member.

ITEM 2 ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the cultural custodians of the land on which we gather, the Kaneang, Pibelmun and Wadandi people. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

ITEM 3 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Councillors

Councillor T Lansdell	Shire President
Councillor S Mahoney	Deputy President
Councillor J Boyle	
Councillor M Christensen	
Councillor M Fletcher	
Councillor L Pearce	
Councillor T Pratico	
Councillor R Redman	

Council Officers

Temporary Chief Executive Officer A Kyron
Manager Human Resources S Alexander
Executive Assistant E Reynolds

Observers/Visitor

Nil

Apologies

Nil

Leave of Absence Previously Granted

Nil

ITEM 4 ATTENDANCE OF GALLERY

ITEM 5 PUBLIC QUESTION TIME

ITEM 6 PETITIONS/DEPUTATIONS/PRESENTATIONS

ITEM 7 COMMENTS ON AGENDA ITEMS BY PARTIES WITH AN INTEREST

ITEM 8 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

ITEM 9 NOTIFICATION OF DISCLOSURE OF INTEREST

Part 5, Division 6 of the *Local Government Act 1995* requires a member who has an interest in any matter to be discussed at the meeting to disclose the interest and the nature of the interest in writing before the meeting, or immediately before the matter is discussed.

ITEM 10 REPORTS OF OFFICERS**10.1 Recruitment of Shire of Bridgetown-Greenbushes Chief Executive Officer****File Ref****Responsible Officer** Arthur Kyron, Chief Executive Officer (Temp)**Reporting Officer** Arthur Kyron, Chief Executive Officer (Temp)**Attachments** 1. CEO Recruitment Scope of Works
 2. CEO Position Description
 3. CEO Key Performance Indicators**Voting Requirements** Absolute Majority**Disclosure of Interest** Reporting Officer: Nil
 Responsible Officer: Nil**OFFICER RECOMMENDATION****That Council:**

1. **Endorses the proposed process for the recruitment of the new CEO as outlined in Attachment 1;**
2. **Endorses the appointment of recruitment consultant preferred supplier No. [_____] to assist with the recruitment process;**
3. **Approves the CEO job description and performance criteria;**
4. **Endorses a CEO Total Reward Package in line with the range applicable to the Shire's Band 3 classification as outlined in the Salaries and Allowances Tribunal Local Government Chief Executive Officers and Elected Members Determination, and an employment term of five years for advertising of the CEO vacancy;**
5. **Approves the use of the draft WALGA CEO employment contract template;**
6. **Establishes a Selection Panel comprising of elected members Shire President Cr Tracy Lansdell, Cr [_____], Cr [_____], and independent person [_____]; and**
7. **Appoints _____ as the independent panel members.**

MATTER FOR CONSIDERATION

The Shire's Chief Executive Officer (CEO), Ms Nicole Gibbs was dismissed by the Council on 29 January 2025.

A temporary CEO, Athanasios (Arthur) Kyron was appointed on 16 December 2025 and contracted to work until a new CEO is appointed.

Quotations have been sought from recruitment consultants to assist with the CEO recruitment process, all of which will be evaluated and a preferred supplier determined for Council consideration in time for the Ordinary Council Meeting.

Key CEO recruitment information has been updated and provided for Council consideration that includes the following:

- recruitment process and estimated timeline
- job description
- performance criteria
- draft employment conditions including remuneration package and employment term.
- draft employment contract template.

The council is required to establish a Selection Panel that will comprise representation from elected members plus an independent person.

BACKGROUND

Previous Relevant Council Decision

RESOLUTION: SCM 296-24/25

Moved: Cr T Pratico

Seconded: Cr J Boyle

That Council:

1. Appoint Mr Malcolm Osborne to the position of Acting Chief Executive Officer in accordance with Clause 2.2 of the Employment Contract for a period commencing 30th November 2024 through to the 15th December, 2024 or earlier such time if the incumbent CEO resumes work;
2. Is satisfied that the extension of the contract with Mr Osborne will be under the same terms and conditions as previously resolved by Council and that the total remuneration package is within the Salaries and Allowances Tribunal Local Government Band range; and
3. Authorises the Shire President to execute the extension of the employment contract for the Acting Chief Executive Officer, Mr Osborne in accordance with this resolution.

FOR: Crs J Mountford, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman.

AGAINST: Nil.

CARRIED BY ABSOLUTE MAJORITY 8/0

RESOLUTION: SCM 297-24/25

Moved: Cr M Christensen

Seconded: Cr R Redman

1. Appoint Arthur Kyron to the position of Acting Chief Executive Officer commencing 16 December 2024 until the 31st March, 2025, with the tenure period able to be reduced or extended in accordance with the terms of the employment contract;
2. Is satisfied with the provisions of the draft employment contract for the Acting Chief Executive Officer, Arthur Kyron and that the total remuneration package is within the Salaries and Allowances Tribunal Local Government Band range; and
3. Authorises the Shire President to execute the draft employment contract which may include minor variations, for the Acting Chief Executive Officer, Aruthur Kyron in accordance with this resolution.

FOR: Crs J Mountford, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman.

AGAINST: Nil.

CARRIED BY ABSOLUTE MAJORITY 8/0

The temporary CEO, Athanasios (Arthur) Kyron was appointed on 16 December 2025 until 31 March or until a new CEO is appointed.

The Department of Local Government, Sport and Cultural Industries (DLGSC) have developed guidelines to assist Councils undertake a CEO recruitment process consistent with the recent introduction of the model standards prescribed in the *Local Government (Administration) Amendment Regulations 2021*. These guidelines have informed the Shire's proposed CEO recruitment process and associated timeline.

Previously, Council has sought the services of an independent recruitment consultant to assist with the employment of a new CEO.

In accordance with s.5.36 of the *Local Government Act 1996*, the Council is required to employ a person to be CEO of the Shire and as outlined in s.5.40 apply the employment principles, as per below:

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.

In addition, Council is required to, at a minimum, apply the model standards covering the recruitment and selection of a CEO that are set out in Schedule 2 of the *Local Government (Administration) Regulations 1996* with s.5 and s.6 being the most relevant sections applying, as per below:

5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (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 subclause (1).

6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the Local Government (Administration) Regulations 1996 regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the Local Government (Administration) Regulations 1996 regulation 18A as if the position was vacant.

In determining the advertising requirements for the CEO vacancy, Council will need to apply Part 4, 18A. of the *Local Government (Administration) Regulations 1996*, refer below:

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government must give Statewide public notice of the position unless it is proposed that the position be filled by —
 - (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.
- (2) The Statewide public notice must contain —
 - (a) the details of the remuneration and benefits offered; and
 - (b) details of the place where applications for the position are to be submitted; and
 - (c) the date and time for the closing of applications for the position; and
 - (d) the duration of the proposed contract; and
 - (da) a website address where the job description form for the position can be accessed; and
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

In determining the CEO's employment conditions for the purpose of advertising, Council will need to apply Part 5, Division 4 s.5.39 of the *Local Government Act 1996*, refer below:

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.
- (1a) Despite subsection (1) —
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and

- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (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.

The Determination of the Salaries and Allowances Tribunal on Local Government Chief Executive Officers and Elected Member, as at April 2024, classifies the Shire as a Band 3 (Schedule 1.) with s2.2 (1) specifying a Band 3 Total Reward Package Range which is currently \$175,105 - \$288,817.

In determining the composition of the Selection Panel for the recruitment of the CEO recruitment process, Council will need to consider Schedule 2 of the *Local Government (Administration) Regulations 1996* with s8 being the most relevant sections applying in respect to the establishment of a selection panel, as per below:

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.

The proposed CEO recruitment process (refer Attachment 1) estimates that the recruitment, selection, and appointment actions may take up to 10 weeks to undertake once a recruitment consultant has been engaged, after which the preferred candidate may need to serve a notice period with their current employer that can normally extend up to 12 weeks. The recruitment process will therefore seek to have the CEO appointment finalised by early May with the incumbent potentially starting in late July or early August.

Recruitment consultants were requested to submit quotes to assist with the CEO recruitment process. At the time of writing this report the response time for submitting responses had not closed. The quotes from consultants will be provided prior to the OCM. They will be assessed by a panel of Shire officers based on the following evaluation criteria:

- Market presence and key personnel
- Experience and track record
- Recruitment methodology and timing

The temporary CEO has undertaken a review of the CEO's position description and performance criteria (refer Attachments 2 and 3 respectively) which now include a more consolidated approach on key focus areas.

The proposed CEO employment arrangements to be applied for advertising purposes include the following:

- Employment term up to five years
- Remuneration package consistent with the Salaries and Allowances Tribunal Local Government Chief Executive Officers and Elected Members Determination (currently \$175,105 - \$288,817 per annum for 2025-26).
- Application of the model CEO employment contract as developed by WALGA and Local Government Professionals WA.

The Selection Panel is to comprise of Elected Members and an independent person. The temporary CEO has canvassed several suitable qualified independent and experienced people who can participate in the CEO recruitment process.

The two potential panel members are:

- Dr Christine Cunningham (Note: Dr Cunningham was a Councillor and Deputy Mayor while I was employed as CEO with the City of Canning).
 - Dr Cunningham is a past Councillor and Deputy Mayor with the City of Canning. She has a PHD from Murdoch University in educational leadership. She is an Academic Staff Member to ECU' University Council and ECU's Branch President of the National Tertiary Education Union.
 - She is the coordinator for
 - Leading for Improvement
 - Leading Staffing

- Research area and interests
 - Educational administration, management and leadership
 - Comparative and cross-cultural education.
- Dr Shayne Silcox (Note: Dr Silcox and I were colleagues while employed as Directors at the City of Gosnells and colleagues while we were employed as CEOs in the various local governments in WA).
 - Dr Silcox has been the CEO of the City of Nedlands, Belmont and Melville.
 - He also worked for Western Power in Organisational Improvement, Business Processes and HR and Engineering Services Business Development and Management Services.
 - He has a PHD in Management and Marketing from UWA.
 - He has previously been a board member of the Local Government Managers Association (now LG Pro), Disability Services Commission Board and many other board positions.
 - Dr Silcox is also an accredited Quality Council Assessor.
 - He is currently the principal of Strategic Leadership Consulting, a successful leadership consulting business.

Either of the candidates above would provide valuable guidance to the CEO selection panel.

All Selection Panel members will be required to sign a confidential agreement and to make any conflict-of-interest declarations as they may arise, all of which will be facilitated and supported by the recruitment consultant.

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996

Local Government Act 1995

POLICY IMPLICATIONS

P 3 - Appointment of an Acting CEO

FINANCIAL IMPLICATIONS

When the 2024/25 budget was developed no provision was made for the recruitment of a CEO. However, funds have been identified for the purpose of recruitment of a CEO. The estimated cost for recruitment is estimated to be \$45,000; this includes the engagement of a recruitment consultant and other recruitment, advertising, and incidental expenses.

A Councillor training provision of \$3,800 for CEO recruitment and performance review has also been included in the mid-year budget review.

STRATEGIC COMMUNITY PLAN

- 13 Proactive, visionary leaders who respond to community needs.
 - 13.1 Strengthen leadership and advocacy.
- 14 Effective governance and financial management.
 - 14.1 Achieve excellence in organisational performance and service delivery.
 - 14.2 Improve real and perceived value for money from Council rates.

16 An engaged and effective workforce.

16.1 Attract, train, develop and retain an effective workforce.

CORPORATE BUSINESS PLAN

13 Proactive, visionary leaders who respond to community needs.

13.1 Strengthen leadership and advocacy.

13.1.1 Communicate a clear vision for Bridgetown Greenbushes with regular updates to the community.

16 An engaged and effective workforce

16.1 Attract, train, develop and retain an effective workforce.

16.1.1 Provide a major review of the Workforce Plan, including an employee engagement survey to benchmark performance levels and assess employee priorities.

LONG TERM FINANCIAL PLAN

The cost of employment of a CEO has been included within the Long-Term Financial Plan. A factor of 2.4% has been applied in the plan to cover increased costs over the life of the plan.

ASSET MANAGEMENT PLANS

Nil

CONSULTATION AND ADVICE

The Shire has sought advice from the Western Australia Local Government Association (WALGA) regarding the recruitment process, potential available independent recruitment consultants and recruitment training for Councillors.

The temporary CEO has canvassed and consulted with suitably experienced and skilled people who may be available to participate in and contribute to the Selection Panel as an independent person for Council consideration.

RISK MANAGEMENT

The proposed engagement of an independent recruitment consultant will ensure that there is appropriate management of compliance risks associated with the recruitment process, whilst also providing capabilities that will support an efficient and effective recruitment process to be undertaken.

This will include having appropriate measures in place to manage conflict of interests and confidentiality requirements that will be facilitated by the recruitment consultant.

In addition, CEO recruitment training has also been incorporated into the process for Councillors that seeks to ensure that there is an appropriate level of awareness concerning the recruitment process being undertaken by Council.

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

ITEM 11 QUESTIONS ON AGENDA ITEMS BY ELECTED MEMBERS

ITEM 12 ELECTED MEMBERS QUESTIONS WITH NOTICE

ITEM 13 NOTICE OF MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

Nil

ITEM 14 CLOSURE

The Presiding Member to close the meeting.