

1.15 Standards for the Recruitment, Selection, Performance Review and Termination of CEOs

Schedule 2 — Model standards for CEO recruitment, performance and termination

[r. 18FA]

Division 1 — Preliminary provisions

1. Citation

These are the *Shire of Trayning Standards for CEO Recruitment, Performance and Termination*.

2. Terms used

(1) In these standards —

Act means the *Local Government Act 1995*;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the local government under clause 5(2);

local government means the Shire of Trayning;

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

4. Application of Division

(1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.

(2) This Division does not apply —

(a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or

- (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

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.

7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
 - (i) email a copy of the job description form to an email address provided by the person; or
 - (ii) mail a copy of the job description form to a postal address provided by the person.

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.

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
 - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
 - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

10. Application of cl. 5 where new process carried out

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
 - (a) clause 5 does not apply to the new recruitment and selection process; and
 - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and

- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

12. Variations to proposed terms of contract of employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the *negotiated contract*) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

13. Recruitment to be undertaken on expiry of certain CEO contracts

- (1) In this clause —
commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —
 - (a) upon the expiry of the contract of employment of the person (the *incumbent CEO*) who holds the position of CEO —
 - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
 - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;
 - and
 - (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —
 - (a) the process by which the CEO's performance will be reviewed; and
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
 - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs

20. Overview of Division

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

21. General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
 - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
 - (b) notifying the CEO of any allegations against the CEO; and
 - (c) giving the CEO a reasonable opportunity to respond to the allegations; and

- (d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance-related reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
 - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the *performance issues*) related to the performance of the CEO; and
 - (b) informed the CEO of the performance issues; and
 - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
 - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

24. Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

End of Policy

COMMENT

Nil

ANNEXURE 1

Position Description



Rock Solid

1. **TITLE** Chief Executive Officer
2. **LEVEL** Band 4 Salaries and Allowances Tribunal
3. **DEPARTMENT/SECTION** Office of the Chief Executive Officer
4. **POSITION OBJECTIVES**
 - 4.1 **Objectives of this Position**
 - Implement Council's direction in a timely manner.
 - Implement the strategic goals and objectives of the organisation.
 - Lead and manage the people, infrastructure and assets of the Shire.
 - Represent Council in matters of regional significance.
 - 4.2 **Within Section**
 - Meet corporate objectives
 - Ensure that delegations are exercised within statutory requirements, Council Policies and strategic objectives. Lead the organisation in providing a high level of service to the Community and Elected Members.
 - 4.3 **Within Organisation**
 - Develop a Corporate approach within the Executive Management Team towards the development of a budget and have financial controls within each operating Department and functional areas.
 - Ensure staff have the appropriate skills, knowledge, experience and qualifications to perform their role;
 - Manage the performance of employees with reference to appropriate key performance indicators;
 - Monitor and improve organisational culture and the morale of staff.
 - Ensure continuous improvement both in the natural and built environment and customer service.
 - Administer the legal, and statutory processes of the Local Government's operation and be the chief adviser to Council on these matters.
 - Provide strategic direction and strong leadership to the entire organisation.
 - Manage the preparation, review and enforcement of Council's statutes, policies and local laws including review of delegations of authority.

5. COMPETENCY REQUIREMENTS/SELECTION CRITERIA

Note - all requirements are essential unless otherwise stated

5.1 Leadership

- Proven leadership at the senior management level, with the demonstrated intellectual capacity to develop an understanding of all legislation impacting on Local Government.
- High level Strategic Planning skills and knowledge of corporate management.
- Delegation skills to ensure the achievement of outcomes, accountability of management, staff and the development of employees' abilities.
- Understanding of the application of contemporary human resource management principles.
- Understanding of social media use and implementing policy and procedures in the organisation.

5.2 Policy Implementation

Good knowledge of public policy issues as they impact on Local Government.

5.3 Governance and Compliance

- Demonstrated strong working relationship with Councils/Board of Management.
- Demonstrated capacity to administer the Local Government Act (1995) and associated Legislation involved in Local Government.
- Proven provision of professional, comprehensive and timely advice to support Council in making informed decisions on behalf of constituents.
- Knowledge of statutory, legal and contractual obligations.

5.4 Financial results

- Extensive experience in the area of financial management.

5.5 Community Development

- A proven history of building and maintaining positive relationships within the community.
- Demonstrated ability to play an active role in community consultation to initiate and implement services, projects and programs.
- Appreciation of the culture and heritage of the Shire and how it integrates with planning and policy.

5.6 General Management

- Excellent interpersonal and communication skills focussing on maintaining good relationships with all stakeholders.
- Degree in relevant Management, Business and/or Public Sector Administration discipline or experience that is accepted as comparable is desirable.

Note: Employment is subject to relevant Police Clearances and other checks

6. KEY DUTIES/RESPONSIBILITIES

- 6.1** In consultation with Council, promote and implement strategic and service delivery plans for the Shire.
- 6.2** Co-ordinate, in conjunction with the Executive Management Team, the fiscal management of the Shire to reflect Council's aims and objectives.
- 6.3** Manage the Human Resources to ensure the supervision and management of Departments are all in accordance with corporate aims laid down by Council.
- 6.4** Promote a staff training program that will improve staff skills across the organisation, which will assist staff in focusing on service delivery to the Community.
- 6.5** Administer the legal, statutory and election process of the Council's operations and be the chief adviser to Council on these matters to ensure Council is operating within the statutes and all legal requirements are met.
- 6.6** Be responsible for effective day to day operations of the Shire.
- 6.7** Ensure all legal and statutory compliances are met particularly related to substantial asset infrastructure.
- 6.8** On behalf of Council, make effective representation of the issues, views, policies and needs of Council, as required.

7. ORGANISATIONAL RELATIONSHIPS

7.1 Responsible to

The President and Council of the Shire of Trayning.

7.2 Supervision of

All staff by delegation to relevant Executive Managers.

7.3 Internal and External Liaison

7.3.1 Internal

- President and Councillors individually
- All Committees
- All Staff
- Kununoppin Medical Centre
- NEWROC

7.3.2 External

- Community, Ratepayers, Public
- Business community
- Sporting Groups
- Federal & State Governments Departments and Agencies
- Local Governments
- Media
- Primary contractors and suppliers
- Mining organisations

8. EXTENT OF AUTHORITY

- All authority vested in a Chief Executive Officer under the Local Government Act (1995) and associated Regulations and Local-Laws and all other relevant Acts State and Federal Parliament.
- Authority to sign all legal documents and cheques as delegated and properly directed by Council

Remuneration

The position is offered under a performance based contract of three years. An attractive remuneration package is offered and is to be set in accordance with the Salaries and Allowances Tribunal Band 4, negotiable up to \$240,210 per annum.

- Base Salary
- Superannuation 11.5% plus an additional 3% employer contribution if matched by the employee.
- Motor Vehicle – private use
- Association membership and Professional Development
- Utilities (electricity, gas, landline and internet)
- Fringe benefit tax

In addition

4 x2 Executive House (unfurnished residence at 44 Coronation Street Trayning) rent free.

- Built in robes in all rooms
- Evaporative A/C to all rooms
- Reverse cycle A/C to lounge and master bedroom
- Outdoor patio area
- Double carport
- Double Shed/garage at rear

Please note:

- Council will meet the cost of the Chief Executive Officer's relocation expenses up to \$5,000 subject three quotations.
- The Shire will meet the cost (fuel) of one accompanying vehicle, one way.

Should the employee resign from their employment for any reason whatsoever within:

1. Six months of commencing employment, the employee shall reimburse Council all relocation expenses paid by the Council; or
2. Twelve months of commencing employment, the employee shall reimburse Council 50% of the relocation expenses paid by the Council.

Applicant Notes

Thank you for your enquiry regarding the advertised position. These notes are provided to assist you in the preparation of your application and to help the selection panel judge your application amongst the others that will be received for the position.

Application:

Your application should include a covering letter explaining your interest in the position and a current resume detailing your qualifications, experience and attributes for the position. It is essential that the information you provide is clear, concise and relevant, so that the selection panel can readily assess your claim for the position. It is up to you to demonstrate to the panel that you understand the requirements of the position and that you have the necessary knowledge, experience and qualifications to successfully carry out the duties.

Referees:

Applicants should provide the names and contact details of **two referees** in their application. The most valuable referees will be those that can comment on work experience that is relevant to this position.

Referee details should be provided on the understanding that they may be contacted shortly after the close of applications without any prior notification to the applicant.

Other Documents:

It is recommended that only copies of supporting documents be enclosed with your application so as to avoid loss or damage to originals. Nonetheless, the Council may ask to sight the originals at a later time.

Police Clearance:

The preferred applicant after the interview process will be required to provide a current police clearance.

Contact Number:

Please ensure that you provide a convenient telephone number so that you can be contacted if you are invited for an interview or there are any queries regarding your application.

Late Applications:

In fairness to all applicants, late applications cannot be received unless permission has been sought prior to the closing date.

Interviews:

Interviews will be held at the Shire of Trayning.

Equal Opportunity:

Council maintains an equal opportunity policy in assessing all applications for any advertised position and provides a smoke free work environment.

Website:

The Shire maintains a website www.trayning.wa.gov.au which contains substantial information about Trayning and the Shire.

THE ORGANISATION

The Shire of Trayning has a total annual revenue of approximately \$4 million and consists of seven Councilors, including the Shire President. Council currently meets on the third Wednesday of the month with the exception of January.

THE STAFF

Chief Executive Officer	1
Works Supervisor	1
Manager of Financial Services	1
Manager of Corporate Services	1
Customer Service Officers F/Time	2
Gardening Staff	1
Outside Workforce	6
Cleaning Staff	1
Swimming Pool Manager	1
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PHYSICAL CHARACTERISTICS

Location

There are three townships within the Shire, being Trayning, Kununoppin and Yelbeni. The town of Trayning (235 kms from Perth) is the Administrative Centre.

Population

Approximately 250 people live in the towns of Trayning, Kununoppin, Yelbeni and the surrounding farming district. (ABS 2016 Census)

Area

The Shire has a total area of 1,632 km² consisting of agricultural land, the Billyacatting Hill Nature Reserve and other nature reserves.

Climate

Rainfall is mainly during the winter and spring months and averages approximately 300 mm. Temperatures range from moderate in winter up to 40°C plus in the summer.

PHYSICAL INFRASTRUCTURE

Roads

Total length in the district	815.00 kms
Highways and secondary roads	40.0 kms
Sealed local roads	181.00 kms
Unsealed local roads	594.00 kms

PUBLIC UTILITIES

Water

WA Water Authority supplies water from the Goldfields Pipeline Scheme.

Electricity

Electricity is supplied from the South West Grid.

Telephone / Internet

Telstra services the entire Shire district. The Shire has good 4G mobile telephone service, operated by Telstra, with the base stations located in Trayning (4G) and Kununoppin (4G). Crisp Wireless Internet Service is also available.

Airstrip

RFDS Lighted and sealed Airstrip.

BUSINESS AND INDUSTRY

Rural

Mixed farming - wheat and other cereals, wool, sheep, cattle and pigs.

Support Industries

Light industrial, agricultural agencies, transport operations.

COMMUNITY SERVICES

Health

- * Child and community health
- * District hospital at Kununoppin (8 minutes from Trayning Townsite)
- * Resident Doctor at Kununoppin
- * St John's Ambulance
- * Royal Flying Doctor Service
- * Aged hostel at Kununoppin (Ninghan Lodge)
- * 5 Independent Living Units in Kununoppin
- * 6 Aged Care Units in Trayning
- * Home and Community Care (HACC)

Emergency Services

- * Police – Bencubbin Police Station
- * Fire & Emergency Services Authority (incorporating 3 fire brigades and 1 road rescue)

Education and Training

- * Primary School in Trayning
- * Bus service to Merredin and Wyalkatchem High Schools

Recreation and Culture

- * Library
- * Tennis Courts – four grass and two hard courts
- * Grassed Sports Oval
- * Lawn Bowls
- * Trayning Aquatic Centre – 6 lane pool with separate diving area and toddlers pool.
- * Gymnasium – Ninghan Fitness Centre with modern gym equipment
- * Senior Citizens Group

Community and Service Organisations

- * P & C Association
- * Church groups - Anglican, Catholic, Uniting
- * Tourism Development Association
- * Kununoppin Sports and Progress

Other Facilities

- * Various Halls and Community Centres
- * Caravan Park
- * Trayning Sporting Club

Media Services

- * The district is digital television and all Council residences are fitted with a VAST satellite service.
- * Council retransmits FM Radio services.