



**QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE**

**BUSINESS PAPER**  
**EXTRAORDINARY COUNCIL**  
**MEETING**  
**FRIDAY, 29 JANUARY 2021**

Notice is hereby given in accordance with the provisions of the *Local Government Act 1993*, and pursuant to Clause 3.3 of Council's Code of Meeting Practice that an **Extraordinary Council Meeting** will be held in the RSL Pavilion, rear of Tenterfield Memorial Hall, on **Friday, 29 January 2021** commencing at **9.30 am**.

Kylie Smith  
**Actg Chief Executive**

## COMMUNITY CONSULTATION – PUBLIC ACCESS

**Community Consultation (Public Access) relating to items on this Agenda can be made between 9.30 am and 10.30 am on the day of the Meeting. Requests for public access should be made to the General Manager no later than COB on the Monday before the Meeting.**

Section 8 of the Business Paper allows a period of up to 30 minutes of Open Council Meetings for members of the Public to address the Council Meeting on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of five (5) minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone or in person prior to close of business on the Monday prior to the day of the Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

Council will only permit two (2) speakers in support and two (2) speakers in opposition to a recommendation contained in the Business Paper. If there are more than two (2) speakers, Council's Governance division will contact all registered speakers to determine who will address Council. In relation to a Development Application, the applicant will be reserved a position to speak.

Members of the public will not be permitted to raise matters or provide information which involves:

- Personnel matters concerning particular individuals (other than Councillors);
- Personal hardship of any resident or ratepayer;
- Information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
- Commercial information of a confidential nature that would, if disclosed:
  - Prejudice the commercial position of the person who supplied it, or
  - Confer a commercial advantage on a competitor of the Council; or
  - Reveal a trade secret;
- Information that would, if disclosed prejudice the maintenance of law;
- Matters affecting the security of the Council, Councillors, Council staff or Council property;
- Advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- Information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- Alleged contraventions of any Code of Conduct requirements applicable under Section 440; or
- On balance, be contrary to the public interest.

Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of order and may be expelled.

## CONFLICT OF INTERESTS

**What is a "Conflict of Interests"** - A conflict of interests can be of two types:

**Pecuniary** - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

**Non-pecuniary** - a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

### **Remoteness**

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

**Who has a Pecuniary Interest?** - A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- Another person with whom the person is associated (see below).

### **Relatives, Partners**

A person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. "Relative", in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

### **No Interest in the Matter**

However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

### **Disclosure and participation in meetings**

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
  - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

**No Knowledge** - A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

### **Participation in Meetings Despite Pecuniary Interest (S 452 Act)**

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

**Non-pecuniary Interests** - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

### **Disclosures to be Recorded (s 453 Act)**

A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee or Sub-Committee must be recorded in the minutes of the meeting.

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## ORDER OF BUSINESS

1. Opening & Welcome
2. Civic Prayer & Acknowledgement of Country
3. Apologies
4. Disclosure & Declarations of Interest
5. Business of the Meeting
6. Meeting Close

# AGENDA

## WEBCASTING OF MEETING

This meeting will be recorded for placement on Council's website for the purposes of broadening knowledge and participation in Council issues, and demonstrating Council's commitment to openness and accountability.

All speakers must ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms or mentioning any private information.

No other persons are permitted to record the meeting, unless specifically authorised by Council to do so.

## 1. OPENING & WELCOME

### 2. (A) OPENING PRAYER

*"We give thanks for the contribution by our pioneers, early settlers and those who fought in the various wars for the fabric of the Tenterfield Community we have today.*

*May the words of our mouths and the meditation of our hearts be acceptable in thy sight, O Lord."*

### (B) ACKNOWLEDGEMENT OF COUNTRY

*"I would like to acknowledge the traditional custodians of this land that we are meeting on today. I would also like to pay respect to the Elders past, present, and emerging of the Jukemba, Kamilaroi and Bundjalung nations and extend that respect to other Aboriginal people present."*

## 3. APOLOGIES

## 4. DISCLOSURES & DECLARATIONS OF INTEREST

## 5. BUSINESS OF THE MEETING

(ITEM GOV2/21) CHIEF EXECUTIVE - RECRUITMENT & SELECTION  
PROCESS .....5

## 6. MEETING CLOSED

|                      |                                                              |
|----------------------|--------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                         |
| <b>Submitted by:</b> | Manager HR Workforce Development & Safety                    |
| <b>Reference:</b>    | <b>ITEM GOV2/21</b>                                          |
| <b>Subject:</b>      | <b>CHIEF EXECUTIVE - RECRUITMENT &amp; SELECTION PROCESS</b> |

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                             |                                                                                                                                                                    |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>Leadership</b> - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan. |
| <b>CSP Strategy:</b>        | Council is an employer of choice in the region, providing sound leadership and supported by a committed workforce.                                                 |
| <b>CSP Delivery Program</b> | Manage the implementation of Council's Workforce Management Strategy.                                                                                              |

#### **SUMMARY**

The purpose of this report is to commence recruitment and selection of a Chief Executive to fill the current senior staff vacancy. This report is to seek quotations from qualified persons to act as the Recruitment Consultant to assist with the recruitment of the position.

#### **OFFICER'S RECOMMENDATION:**

##### **That Council:**

- (1) Seek quotes to select and engage a Recruitment Consultant to conduct the recruitment process for the position of Chief Executive of Tenterfield Shire Council.**
- (2) Ensure that the quotations expressly state that the recruitment be facilitated by the preferred Recruitment Consultant in conjunction with a Council selection panel comprising of all Councillors.**
- (3) Hold an Extra Ordinary Council Meeting to select the successful quotation upon the close of the quotation period.**

#### **BACKGROUND**

Council needs to undertake a recruitment process to ensure a Chief Executive is recruited to commence as soon as reasonably practicable.

The Office of Local Government (OLG) issued guidelines pursuant to s23A of the Local Government Act 1993, which Councils must take into consideration when exercising its functions.

Of particular note are the "Guidelines for the Appointment and Oversight of General Managers", issued in July 2011.

The purpose of these Guidelines is to assist Councillors in meeting their obligations under the *Local Government Act 1993* (LG Act) and the *Local Government (General) Regulation 2005* (Regs) when recruiting, appointing and overseeing the performance of general managers.

Our Governance No. 2 Cont...

Council must ensure that the recruitment of the General Manager is undertaken:

- Using merit selection principles (s349)
- In accordance with Equal Employment Opportunity principles (s349 and 344)
- In an open and transparent manner whilst ensuring appropriate confidentiality is maintained.

**REPORT:**

As per the *Director General's Guidelines for the Appointment & Oversight of General Managers*, a minimum of three (3) quotations are required to be sought from recruitment organisations experienced in the recruitment of senior staff in the NSW Local Government sector.

The advantages of outsourcing the recruitment process from end to end would include:-

- Access to the best job-seekers on the market (both active and passive). People who are actively looking for new positions are more likely to register with agencies. In addition, most recruitment agencies will position their vacancy adverts on a range of job boards, and they should understand what it takes for that advert to rank highly in candidates' job searches. Recruiters are also well positioned to make discreet approaches to appropriate candidates who may not necessarily be active in a job search, but open to possibilities.
- Utilisation of an expert who understands the candidates in the field and has a database of them to call upon. Using a recruitment agency will result in only candidates who are fully qualified for the role being shortlisted for the position.
- The process should lead to a quicker turnaround on filling the vacancy, which in turn leads to increased efficiency of the organization.
- Recruitment agencies offer a range of specialist services such as psychometric tests, to help give Council a unique insight into candidates.
- Recruitment consultants are experts at screening, filtering and profiling highly experienced executive candidates. This leads to time and cost efficiencies in the long run.
- The recruitment agency is ideally placed to give Council an accurate market rate using salary data and local market knowledge.

Council's Manager HR Workforce Development & Safety will provide the necessary assistance to Council in undertaking the task of seeking quotations for the recruitment.

**COUNCIL IMPLICATIONS:**

**1. Community Engagement / Communication (per engagement strategy)**

Nil.

**2. Policy and Regulation**

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Section 23A of the Local Government Act 1993 - Guidelines for the Appointment & Oversight of General Managers

Our Governance No. 2 Cont...

**3. Financial (Annual Budget & LTFFP)**

Budget allocation for the service will need to be addressed in the budget review process as this was an unbudgeted for item in the current year.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Kylie Smith**

**Chief Corporate Officer & Acting Chief Executive**

Prepared by staff member:

Wes Hoffman

Approved/Reviewed by Manager:

Kylie Smith, Chief Corporate Officer & Acting Chief Executive

Department:

Office of the Chief Executive

Attachments:

There are no attachments for this report.