

Unconfirmed copy of Special Confidential Minutes of Meeting held on 28 September 2021 subject to confirmation at Ordinary Council Meeting to be held on 22 October 2021



EAST PILBARA SHIRE COUNCIL

MINUTES

SPECIAL CONFIDENTIAL COUNCIL MEETING

NOTICE IS HEREBY GIVEN

that a Special CONFIDENTIAL Meeting of the Council will be held,
in Council Chambers, Newman and Marble Bar (via MS Teams Remotely),
4.00pm, Tuesday 28 September 2021

Steven Harding
CHIEF EXECUTIVE OFFICER



DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of East Pilbara for any act, omission or statement or intimation occurring during Council or Committee Meetings. The Shire of East Pilbara disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee Meeting does so at that person's or legal entity's own risk.

In particular and without derogating any planning application or application of a licence, any statement or intimation of approval made by any member or Officer of the Shire of East Pilbara during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of East Pilbara.

The Shire of East Pilbara warns that anyone who has any application lodged with the Shire of East Pilbara must obtain and should only rely on

WRITTEN CONFIRMATION

of the outcome of the application and any conditions attaching to the decision made by the Shire of East Pilbara in respect of the application.

Signed: _____
Steven Harding
Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING/ANNOUNCEMENT	1
2	RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE	1
2.1	ATTENDANCES	1
2.2	APOLOGIES	1
2.3	LEAVE OF ABSENCE	1
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	2
4	CONFIDENTIAL MATTERS BEHIND CLOSED DOORS	3
5	REPORTS BY OFFICERS	3
5.1	CHIEF EXECUTIVE OFFICER.....	3
5.1.1	CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW	3
6	CLOSURE	8

1 DECLARATION OF OPENING/ANNOUNCEMENT

The Shire President (Presiding Member) declared the meeting open at 4.00pm and welcomed the Elected Members and Staff and acknowledged the Nyamal People, Nyiyaparli and Martu peoples being the traditional custodians of the lands across which we all meet.

We also pay our respects to Elders, both past, present and emerging.

2 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

2.1 ATTENDANCES

Councillors

Cr Anthony Middleton	Shire President
Cr Geraldine Parsons	Deputy Shire President
Cr Anita Grace	Councillor
Cr Holly Fleming	Councillor MS Teams (Newman)
Cr Karen Lockyer	Councillor MS Teams (Perth)
Cr Langtree Coppin OAM	Councillor MS Teams (Marble Bar Council Chamber)
Cr Stacey Smith	Councillor MS Teams (Mandurah)
Cr Adrienne Mortimer	Councillor MS Teams (Medical Centre)
Cr Wendy McWhirter-Brooks	Councillor MS Teams (Marble Bar Council Chamber)

Officers

Mr Steven Harding	Chief Executive Officer
Ms Emma Landers	Acting Director Community Services

Public Gallery

Nil

No local public notice has been provided. Under the *Local Government (Administration) Regulations 1996* reg12(4) the meeting is not open to the public due to the confidential nature of the item to be discussed, under the *Local Government Act 1995* s5.23(2)(a) - A matter affecting an employee.

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Nil

3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Questions have been raised regarding whether the confidential report to be considered, required Simple / Absolute Majority decisions.

Verbal advice was sought from the West Australian Local Government Association (WALGA) and the report recommendation has been updated to reflect the required majority decisions in accordance with *Local Government (Administration) Regulations 1996*, Schedule 2, Model Standards for CEO recruitment, performance and termination.

4 CONFIDENTIAL MATTERS BEHIND CLOSED DOORS

5 REPORTS BY OFFICERS

5.1 CHIEF EXECUTIVE OFFICER

5.1.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

Responsible Officer: Mr Steven Harding Chief Executive Officer

Author: Ms Emma Landers - Acting Director Community Services

Meeting Date: 28 September 2021

REASONS FOR CONFIDENTIALITY

That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

- (a) A matter affecting an employee or employees.

COUNCIL RESOLUTION

Moved: Cr Parsons

Seconded: Cr Fleming

THAT the meeting go behind closed doors in accordance with 5.23{2} of the Local Government Act 1995.

CARRIED UNANIMOUSLY

RECORD OF VOTE 9/0

For: Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks, Grace and Smith

Against: Nil

5.1 CHIEF EXECUTIVE OFFICER

5.1.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

Attachments: Attachment 1 - Chief Executive Officer Performance Review Summary
Attachment 2 - Facilitators Review Letter
Attachment 3 - Minutes of the CEO Performance Review Committee Meeting held 15 September 2021

Responsible Officer: Mr Steven Harding
Chief Executive Officer

Author: Ms Emma Landers
Acting Director Community Services

Proposed Meeting Date: 24 September 2021

Location/Address: N/A

Name of Applicant: N/A

Author Disclosure of Interest:

The Chief Executive Officer declared an interest in item being discussed and left Council Chamber at 4.07pm

COUNCIL RESOLUTION / COMMITTEE RECOMMENDATION

(Resolution No: 202021/270)

Moved: Cr Parsons
Seconded Cr Mortimer

The Chief Executive Officer Performance Committee recommends that Council:

- 1) RECIEVES the Minutes from the Chief Executive Performance Management Committee Meeting held Wednesday 15 September 2021.**
- 2) ACKNOWLEDGE completion of the Chief Executive Officer's Performance Review.**

**CARRIED UNANIMOUSLY
RECORD OF VOTE 9/0**

For: Shire President, Deputy Shire President, Councillors Pleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks, Grace and Smith

Against: Nil

COUNCIL RESOLUTION / COMMITTEE RECOMMENDATION

(Resolution No: 202021/271)

Moved: Cr Parsons

Seconded Cr Mortimer

- 3) **ENDORSE the assessment of the performance of the Chief Executive Officer as being “competent and effective”:**

CARRIED BY AN ABSOLUTE MAJORITY

RECORD OF VOTE 9/0

For: Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks, Grace and Smith

Against: Nil

COUNCIL RESOLUTION / COMMITTEE RECOMMENDATION

(Resolution No: 202021/272)

Moved: Cr Parsons

Seconded Cr Mortimer

4) ADOPT the following six (6) Key Focus Areas for the attention of the Chief Officer over the forthcoming year:

	Key Focus Area	Measure
KFA 1	Establish a high performing executive team that can effectively lead, foster, and mentor the Shire's human resource. Utilise contemporary strategic human resource practices in maximising the potential and capacity of all Shire staff.	CEO to provide comprehensive quarterly strategic human resource updates to Council.
KFA 2	Strengthen relationships with key strategic stakeholders including but not limited to Indigenous, sporting and community groups and major businesses with significant investment in the Shire.	Interviews with leaders of key stakeholder groups as part of the next year's CEO performance review process.
KFA 3	Undertake a complete revision of the 4 major elements of the Integrated Strategic Planning and Reporting Framework (Community Plan, Corporate Plan, Long Term Financial Plan and Workforce Plan) ensuring effective and thorough engagement with Councillors, key stakeholders and community in general. Deliver by June 2022.	Satisfactory completion by June 2022. Level of meaningful involvement and consultation with Councillors and the community during the review process.
KFA 4	Review the Reconciliation Action Plan ensuring effective engagement with and acknowledgement of all Shire based Indigenous stakeholders and enhanced organisational cultural awareness.	Satisfactory completion by December 2022.
KFA 5	Project Delivery Completion of or substantial progress of the following projects: <ul style="list-style-type: none"> • Newman Wastewater Treatment Plant • Yurlu Carvan Park Masterplan; and • Liquid Waste Treatment Plant. 	Demonstrated quality, timeliness, and budget control of project delivery.

KFA 6	Undertake an independent Fraud and Misconduct Risk Assessment across all relevant areas of Shire operations and deliver to Council via the Audit and Risk Committee by June 2022.	Completion and delivery of Assessment Report to the Audit and Risk Committee by June 2022.
--------------	---	--

**CARRIED BY AN ABSOLUTE MAJORITY
RECORD OF VOTE 9/0**

For: Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks, Grace and Smith

Against: Nil

COUNCIL RESOLUTION / COMMITTEE RECOMMENDATION

(Resolution No: 202021/273)

Moved: Cr Parsons

Seconded Cr Mortimer

- 5) AGREES that the Chief Executive Officer has satisfactorily completed the 6-month probationary period.**

**CARRIED UNANIMOUSLY
RECORD OF VOTE 9/0**

For: Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks, Grace and Smith

Against: Nil

COUNCIL RESOLUTION

Moved: Cr Parsons

Seconded: Cr McWhirter-Brooks

THAT the meeting come out from behind closed doors in accordance with 5.23{2} of the Local Government Act 1995.

CARRIED UNANIMOUSLY

RECORD OF VOTE 9/0

For: Shire President, Deputy Shire President, Councillors Fleming, Lockyer, Coppin, Mortimer, McWhirter-Brooks, Grace and Smith

Against: Nil

The CEO returned to the Council Chamber at 4.48pm.

6 CLOSURE

There being no further business the Presiding Member declared the Special Confidential Council Meeting of the Shire of East Pilbara for 28 September 2021 closed at 4.49pm.