



**15.2 AUDIT COMMITTEE MEETING HELD 7 MAY 2009**  
**(REFER TO MINUTES OF COMMITTEE - PINK PAGES)**  
**REFERENCE: COMMITTEES-9301**

The minutes of the Audit Committee meeting held on **7 May 2009** accompany and form part of this agenda – (refer to pink section of 'Minutes of Committees' for Council accompanying this Agenda).

**QUESTIONS**

The Chairman invited general questions from members on the report of the report of the Audit Committee.

**RECOMMENDATION(S)**

That with the exception of items ....., which are to be withdrawn and dealt with separately, the recommendations in the Audit Committee report (Section 15.2) be adopted.

**COUNCIL RESOLUTION(S)**

MOVED CR CUCCARO                      SECONDED CR KLEIN

THAT THE RECOMMENDATIONS IN THE AUDIT COMMITTEE REPORT (SECTION 15.2) BE ADOPTED.

**CARRIED UNANIMOUSLY**

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**AUDIT COMMITTEE****MINUTES****7 May 2009****(REF: COMMITTEES-9301)**

A meeting of the Audit Committee was held at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 7 May 2009**. The meeting commenced at **5.00pm**.

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## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting at 5.00pm.

## 2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

### Councillor Attendance

Cr David Färdig ( <b>Chairman</b> )	EMRC Member	City of Swan
Cr Tina Klein ( <b>Deputy Chairman</b> )	EMRC Member	Town of Bassendean
Cr Sylvan Albert (Deputising for Cr Magro)	EMRC Member	City of Bayswater
Cr Janet Powell	EMRC Member	City of Belmont
Cr Don McKechnie	EMRC Member	Shire of Kalamunda
Cr Tony Cuccaro (Deputising for Cr Lavell)	EMRC Member	Shire of Mundaring

### Apologies

Cr Lou Magro	EMRC Member	City of Bayswater
Cr David Lavell	EMRC Member	Shire of Mundaring

### EMRC Officers

Mr Peter Schneider	Acting Chief Executive Officer
Mr David Ameduri	Manager, Financial Services
Ms Mary-Ann Winnett	Personal Assistant to Executive Manager, Corporate Services (Minutes)

### Visitors

## 3 DISCLOSURE OF INTERESTS

Nil

## 4 ANNOUNCEMENT BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION

Nil

## 5 APPLICATION FOR LEAVE OF ABSENCE

Nil

## 6 PRESENTATIONS

Nil



## **7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **7.1 MINUTES OF AUDIT COMMITTEE MEETING HELD ON 16 APRIL 2009**

That the Minutes of the Audit Committee meeting held 16 April 2009, which have been distributed, be confirmed.

#### **AUDIT COMMITTEE RESOLUTION(S)**

MOVED CR POWELL

SECONDED CR MCKECHNIE

THAT THE MINUTES OF THE AUDIT COMMITTEE HELD ON 16 APRIL 2009, WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.

**CARRIED UNANIMOUSLY**

## **8 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

## **9 QUESTIONS WITHOUT NOTICE**

Nil

## **10 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

Nil

## **11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**

Nil



## 12 REPORTS OF OFFICERS/AUDITORS

### 12.1 EXTERNAL AUDIT CONTRACT TENDER

**REFERENCE: COMMITTEES-9317**

#### PURPOSE OF REPORT

The purpose of this report is to provide Council, via the Audit Committee, of the results of Tender 2009/07 for the Provision of External Audit Services and recommend acceptance of the tender from Macri Partners.

#### KEY ISSUES AND RECOMMENDATION(S)

- It is a requirement of the Local Government Act (Part 7, Division 2 - Appointment of auditors) and the Local Government (Audit) Regulations 1996 that a Local Government is to appoint a person, on the recommendation of the audit committee, to be its auditor.
- The previous audit contract expired with the completion of the audit undertaken on the 2007/2008 Annual Financial Statements.
- A tender for the provision of external audit services was advertised in the West Australian newspaper on 4 April 2009.
- Tenders were invited from qualifying persons for the provision of external audit services in accordance with the requirements of the Local Government Act 1995 and the Local Government (Audit) Regulations 1996, for the Eastern Metropolitan Regional Council (EMRC).
- Tenders closed on 24 April 2009. Four tenders were received and assessed against a pre-defined selection criterion.

#### Recommendation(s)

That Council, by absolute majority in accordance with Section 7.3 of the Local Government Act 1995, appoints Anthony Macri, Registered Company Auditor (No. 14034), of Macri Partners, for the period 1 July 2008 to 30 June 2011 at an annual fee in accordance with Attachment 1 to this report with an option of a further two (2) year extension, at the sole discretion of the EMRC, commencing 1 July 2011 and ending on 30 June 2013.

#### SOURCE OF REPORT

Manager, Financial Services

#### BACKGROUND

It is a requirement of the Local Government Act (Part 7, Division 2 - Appointment of auditors) and the Local Government (Audit) Regulations 1996 that a Local Government is to, from time to time whenever such an appointment is necessary or expedient, appoint (by absolute majority) a person, on the recommendation of the audit committee, to be its auditor.

EMRC's audit contract with Anthony Macri of Macri Partners expired with the completion of the audit undertaken on the 2007/2008 Annual Financial Statements.

Macri Partners have been the external auditors for all of the EMRC's member councils for a number of years, and, for those member councils who have been out to tender this year, with the exception of the City of Swan who are currently still in the process of appointing their external auditors, have reappointed Macri Partners for at least the next two (2) years.

On 4 April 2009 tenders were invited from qualified persons for the provision of external audit services in accordance with the requirements of the Local Government Act 1995 and the Local Government (Audit) Regulations 1996, for the Eastern Metropolitan Regional Council (EMRC).



*Item 12.1 continued*

## REPORT

Tender 2009/07 was advertised on 4 April 2009, and four (4) submissions were received. Tenders were received from:

- Grant Thornton
- Macri Partners
- Stamfords
- UHY Haines Norton

Tenders were assessed against the following pre-defined selection criteria:

Criteria	Weighting
1. Demonstrated experience in providing similar external audit services, particularly in local government	20%
2. Skills and experience of key personnel	20%
3. Tenderer's resources	10%
4. A demonstrated understanding of the required tasks	10%
5. Tendered price	40%

Whilst all tenderers scored similarly in parts 1 to 4 of the criteria, Macri Partners had either the highest or equal highest weighted score as assessed by the evaluation panel. They were also significantly better on a price basis than the other tenderers

Macri Partners senior qualified staff will spend approximately 60 hours on the audit of a total estimated time of 75 hours to complete the audit.

Macri Partners are the current auditors for 16 metropolitan local governments and 2 local government regional councils. The Metropolitan local governments include the Cities of Bayswater and Belmont, the Shires of Kalamunda and Mundaring and the Town of Bassendean.

Overall the weighted score ranking for Macri Partners was higher than the other tenderers and as such they are recommended as the preferred tenderer.

## STRATEGIC/POLICY IMPLICATIONS

Key Result Area 4 - Good Governance

- 4.5 To provide responsible and accountable governance and management of the EMRC; and
- 4.6 To continue to improve financial and asset management practices.

## FINANCIAL IMPLICATIONS

As the contract has a maximum potential period of five years (three years plus a two year extension at the sole discretion of the EMRC), the total contract value is \$45,000 (ex GST).



*Item 12.1 continued*

## **SUSTAINABILITY IMPLICATIONS**

Nil

## **MEMBER COUNCIL IMPLICATIONS**

<b>Member Council</b>	<b>Implication Details</b>
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
Shire of Kalamunda	
Shire of Mundaring	
City of Swan	

## **ATTACHMENT(S)**

Tender 2009/07 Price Schedule - Macri Partners ([Ref: Committees-9318](#))

## **VOTING REQUIREMENT**

Absolute Majority

## **RECOMMENDATION(S)**

That Council, by absolute majority in accordance with Section 7.3 of the Local Government Act 1995, appoints Anthony Macri, Registered Company Auditor (No. 14034), of Macri Partners, for the period 1 July 2008 to 30 June 2011 at an annual fee in accordance with Attachment 1 to this report with an option of a further two (2) year extension, at the sole discretion of the EMRC, commencing 1 July 2011 and ending on 30 June 2013.

## **AUDIT COMMITTEE RECOMMENDATION(S)**

MOVED CR ALBERT

SECONDED CR KLEIN

THAT COUNCIL, BY ABSOLUTE MAJORITY IN ACCORDANCE WITH SECTION 7.3 OF THE LOCAL GOVERNMENT ACT 1995, APPOINTS ANTHONY MACRI, REGISTERED COMPANY AUDITOR (NO. 14034), OF MACRI PARTNERS, FOR THE PERIOD 1 JULY 2008 TO 30 JUNE 2011 AT AN ANNUAL FEE IN ACCORDANCE WITH ATTACHMENT 1 TO THIS REPORT WITH AN OPTION OF A FURTHER TWO (2) YEAR EXTENSION, AT THE SOLE DISCRETION OF THE EMRC, COMMENCING 1 JULY 2011 AND ENDING ON 30 JUNE 2013.

**CARRIED UNANIMOUSLY**

**PRICE SCHEDULE AS SUBMITTED BY MACRI PARTNERS AS PART OF  
TENDER 2009/07 – PROVISION OF EXTERNAL AUDIT SERVICES**

**LUMP SUM – EXTERNAL AUDIT SERVICES**

Based on their estimated time to carry out the audit, they envisage the staffing would be as follows:

<b>Staffing</b>	<b>No of Hours</b>	<b>Hourly Cost (ex GST)</b>	<b>Total Cost (ex GST)</b>
Partner	11	\$180	\$ 1,980
Manager	19	\$140	\$ 2,660
Senior	30	\$120	\$ 3,600
Assistant	15	\$100	\$ 1,500
<b>TOTALS</b>	<b>75</b>		<b>\$ 9,740</b>

Macri Partners believe that the above hours would be required to undertake the audit of the Council. However, with their knowledge of the local government systems and with their experienced staff who are familiar with the EMRC's audit, they will be able to discount their fees, without reducing the hours, and perform the audit at the following fees:

<b>Year</b>	<b>Price Tendered (ex GST)</b>	<b>GST</b>	<b>Price Tendered (inc GST)</b>
2008/2009	\$ 8,000	\$ 800	\$ 8,800
2009/2010	\$ 8,500	\$ 850	\$ 9,350
2010/2011	\$ 9,000	\$ 900	\$ 9,900
2011/2012 (Optional)	\$ 9,500	\$ 950	\$ 10,450
2012/2013 (Optional)	\$ 10,000	\$ 1,000	\$ 11,000
<b>TOTALS</b>	<b>\$ 45,000</b>	<b>\$ 4,500</b>	<b>\$ 49,500</b>



### 13 REPORTS OF DELEGATES

Nil

### 14 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Nil

### 15 GENERAL BUSINESS

Nil

### 16 FUTURE MEETINGS OF THE AUDIT COMMITTEE

Meetings of the Audit Committee are covered under the Audit Committee Terms of Reference as follows.

#### **“2.3 Meetings**

*The committee meet as required at the discretion of the chairman of the committee at least three (3) times per year to coincide with approval of strategic and annual plans, the annual budget and the auditor’s report on the annual financial report.*

*Additional meetings shall be convened at the discretion of the Chairman or at the written request of any member of the Committee or external auditor.”*

#### **Future Meetings 2009**

Thursday	16 April	at	EMRC Administration Office
Thursday	11 June (if required)	at	EMRC Administration Office
Thursday	9 July (if required)		
Thursday	13 August	at	EMRC Administration Office
Thursday	10 September (if required)	at	EMRC Administration Office
Thursday	15 October (if required)	at	EMRC Administration Office

### 17 DECLARATION OF CLOSURE OF MEETING

There being no further business the meeting was closed at 5.03pm.



**15.3 CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE MEETING HELD  
14 MAY 2009  
(REFER TO MINUTES OF COMMITTEE - MAUVE PAGES)  
REFERENCE: COMMITTEES-9327**

The minutes of the Chief Executive Officer Recruitment Committee meeting held on **14 May 2009** accompany and form part of this agenda – (refer to mauve section of 'Minutes of Committees' for Council accompanying this Agenda).

**QUESTIONS**

The Chairman invited general questions from members on the report of the Chief Executive Officer Recruitment Committee.

**RECOMMENDATION(S)**

That with the exception of items ....., which are to be withdrawn and dealt with separately, the recommendations in the Chief Executive Officer Recruitment Committee report (Section 15.3) be adopted.

**COUNCIL RESOLUTION(S)**

MOVED CR KLEIN

SECONDED CR CUCCARO

THAT THE RECOMMENDATIONS IN THE CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE REPORT (SECTION 15.3) BE ADOPTED.

**CARRIED UNANIMOUSLY**

The Chairman advised that the Acting CEO had disclosed a Financial Interest – Local Government Act 1995 Sections 5.60B, 5.65, 5.70 and 5.71 and Interests Affecting Impartiality, (EMRC Code of Conduct 1.3(a)) in Item 11.1 of the CEORC Minutes – Appointment of an External Recruitment Consultant to the Chief Executive Officer Recruitment Committee and Item 11.2 of the CEORC Minutes – Recruitment Selection and Appointment Methodology and Timeframe, under Item 15.3 of this agenda.

The Acting CEO departed the Council Chambers at 7.24pm and returned to Council Chambers at 7.25pm.

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**CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE (CEORC)**

**MINUTES**

**14 May 2009**

**(Ref: COMMITTEES-9327)**

A meeting of the Chief Executive Officer Recruitment Committee was held at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 14 May 2009**. The meeting commenced at **5.00pm**.

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## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Acting Chief Executive Officer opened the meeting at 5.00pm.

## 2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

### Councillor Attendance

Cr Tina Klein	EMRC Member	Town of Bassendean
Cr Glenys Godfrey	EMRC Member	City of Belmont
Cr Don McKechnie	EMRC Member	Shire of Kalamunda
Cr Tony Cuccaro	EMRC Member	Shire of Mundaring
Cr David Färdig	EMRC Member	City of Swan

### Apologies

Cr Lou Magro	EMRC Member	City of Bayswater
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### Advisor

Mr Jonathan Throssell	Chairman of the Chief Executive Officers Advisory Committee
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### EMRC Officers

Mr Peter Schneider (until 5.05pm)	Acting Chief Executive Officer
Ms Terri-Ann Ashton (until 5.05pm)	Manager Administration and Compliance
Ms Nadine Salvigny	Manager Human Resources
Ms Emma Joy	Executive Assistant to CEO (Minutes)

## 3 DISCLOSURE OF INTERESTS

The Acting Chief Executive Officer advised the following disclosures of interest.

### 3.1 MR PETER SCHNEIDER – ACTING CHIEF EXECUTIVE OFFICER – INTERESTS AFFECTING IMPARTIALITY:

Item:	11.1
Subject:	Item 11.1 – Appointment of an External Recruitment Consultant to the Chief Executive Officer Recruitment Committee
Nature of Interest:	Disclosure of Interests Affecting Impartiality, EMRC Code of Conduct 1.3(a). Due to reporting relationship to the Chief Executive Officer

Item:	11.2
Subject:	Item 11.2 – Recruitment Selection and Appointment Methodology and Timeframe
Nature of Interest:	Disclosure of Interests Affecting Impartiality, EMRC Code of Conduct 1.3(a). Due to reporting relationship to the Chief Executive Officer

### 3.2 MR PETER SCHNEIDER - ACTING CHIEF EXECUTIVE OFFICER – FINANCIAL INTEREST:

Item:	11.1
Subject:	Item 11.1 – Appointment of an External Recruitment Consultant to the Chief Executive Officer Recruitment Committee
Nature of Interest:	Disclosure of Financial Interest – Local Government Act 1995 Sections 5.60B, 5.65, 5.70 and 5.71 Due to current position as Acting Chief Executive Officer

Item:	11.2
Subject:	Item 11.2 – Recruitment Selection and Appointment Methodology and Timeframe
Nature of Interest:	Disclosure of Financial Interest – Local Government Act 1995 Sections 5.60B, 5.65, 5.70 and 5.71 Due to current position as Acting Chief Executive Officer.



## **4 ANNOUNCEMENT BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION**

### **4.1 ELECTION OF A CHAIRMAN OF THE CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE**

**REFERENCE: COMMITTEES-9335**

#### **PURPOSE OF REPORT**

To provide for an election to be conducted for the office of Chairman of the Chief Executive Officer Recruitment Committee.

#### **KEY ISSUES AND RECOMMENDATION(S)**

- It is a statutory requirement that a Committee elects a Chairman at the first meeting of the Committee.

#### **Recommendation(s)**

That the members of the Chief Executive Officer Recruitment Committee elect a Chairman by secret ballot.

#### **SOURCE OF REPORT**

Manager, Administration and Compliance

#### **BACKGROUND**

It is a requirement of Schedule 2.3 of the Local Government Act 1995 (the Act) that the election for Chairman is conducted by the Chief Executive Officer and the nominations for the Office are to be given to the Chief Executive Officer in writing before the meeting or during the meeting before the close of nominations. Furthermore, if a member is nominated by another member, the Chief Executive Officer is not to accept the nomination unless the nominee has advised the Chief Executive Officer, orally or in writing, that he or she is willing to be nominated for the Office. Members are to vote on the matter by secret ballot.

The procedure outlined in Schedule 2.3 of the Act will be followed if there is an equality of votes i.e. count to be discontinued and meeting adjourned for not more than 7 days. If there is still an equality of votes at the resumption of the meeting then lots will be drawn if there are only 2 candidates or candidates excluded and preferences transferred if there are more than 2 candidates.

#### **REPORT**

The Acting Chief Executive Officer will preside at the meeting until the office of Committee Chairman is filled.

The following material accompanies the agenda for this meeting as a means of assisting members of the Committee to nominate themselves or another member for the Office of Chairman of the Chief Executive Officer Recruitment Committee.

1. A blank nomination form for the Office of Chairman of the Chief Executive Officer Recruitment Committee, nominate oneself
2. A blank nomination form for the Office of Chairman of the Chief Executive Officer Recruitment Committee, nominate another
3. A blank ballot paper for Election of Chairman of the Chief Executive Officer Recruitment Committee

Ballot papers will be made available prior to voting.



*Item 4.1 continued*

The completed nomination forms are to be given to the Acting Chief Executive Officer of the EMRC before the meeting or when the Chief Executive Officer calls for them when dealing with this item at the meeting.

**CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE MEMBERS 2009**

**The following Chief Executive Officer Recruitment Committee members were appointed to the Chief Executive Officer Recruitment Committee at the Ordinary Meeting of Council held on 30 April 2009:**

EMRC Member	Cr David Färdig	City of Swan
EMRC Member	Cr Glenys Godfrey	City of Belmont
EMRC Member	Cr Don McKechnie	Shire of Kalamunda
EMRC Member	Cr Tina Klein	Town of Bassendean
EMRC Member	Cr Tony Cuccaro	Shire of Mundaring
EMRC Member	Cr Lou Magro	City of Bayswater

**STRATEGIC/POLICY IMPLICATIONS**

Election of a Chairman is a statutory requirement.

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**MEMBER COUNCIL IMPLICATIONS**

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
Shire of Kalamunda	
Shire of Mundaring	
City of Swan	

**ATTACHMENT(S)**

1. A blank nomination form for the Office of Chairman of the Chief Executive Officer Recruitment Committee, nominate oneself (Ref: Committees-9363)
2. A blank nomination form for the Office of Chairman of the Chief Executive Officer Recruitment Committee, nominate another (Ref: Committees-9364)
3. Ballot Paper – Election of Chief Executive Officer Recruitment Committee Chairman (Ref: Committees-9365)



*Item 4.1 continued*

#### VOTING REQUIREMENT

Secret Ballot by Chief Executive Officer Recruitment Committee Members.

#### **RECOMMENDATION(S)**

That the members of the Chief Executive Officer Recruitment Committee elect a Chairman.

#### **ANNOUNCEMENT: OF THE OFFICE OF CHAIRMAN**

The Acting Chief Executive Officer noted one (1) nomination for the Office of Chairman of the CEORC had been received from Cr Färdig nominating himself.

The Acting Chief Executive Officer called for any further nominations.

No further nominations were received and the Acting Chief Executive Officer announced that the nominations were closed.

As no other nominations were received, Cr Färdig was declared Chairman of the Chief Executive Officer's Recruitment Committee for the term commencing 14 May 2009.

The Acting Chief Executive Officer vacated the Chair at 5.02 pm.

At 5.02pm, Cr Färdig took the Chair and thanked members for their support.



## Nomination for Chairman

To the Acting Chief Executive Officer

I hereby nominate myself, \_\_\_\_\_ for the position of Chairman of the Eastern Metropolitan Regional Council Chief Executive Officer Recruitment Committee for the term of Office commencing on the date of the election and continuing until a new Chief Executive Officer is appointed.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



## Nomination for Chairman

To the Acting Chief Executive Officer

I hereby nominate \_\_\_\_\_ for the position of Chairman of the Eastern Metropolitan Regional Council Chief Executive Officer Recruitment Committee for the term of Office commencing on the date of the election and continuing until a new Chief Executive Officer is appointed.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_ 2009

\*I \_\_\_\_\_ hereby certify that I accept the above nomination to the position of Chairman of the Eastern Metropolitan Regional Council Chief Executive Officer Recruitment Committee.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_ 2009

\*This certificate is to be completed when a Representative is nominated by another Representative.



## Eastern Metropolitan Regional Council

### BALLOT PAPER FOR THE ELECTION OF THE CEORC CHAIRMAN

#### *HOW TO VOTE*

*Please indicate preference by placing a tick  in the box along side candidate of your choice. Do not make any other marks on the ballot paper.*

Last name, First Name

Last Name, First Name

Last Name, First Name



## **4.2 ELECTION OF A DEPUTY CHAIRMAN OF THE CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE**

**REFERENCE: COMMITTEES-9336**

### **PURPOSE OF REPORT**

To provide for an election to be conducted for the office of Deputy Chairman of the Chief Executive Officer Recruitment Committee.

### **KEY ISSUES AND RECOMMENDATION(S)**

- In accordance with section 5.12 (2) of the Local Government Act 1995, the members of a committee may elect a deputy presiding member from amongst themselves.

#### **Recommendation(s)**

That the members of the Chief Executive Officer Recruitment Committee elect a Deputy Chairman by secret ballot.

### **SOURCE OF REPORT**

Manager, Administration & Compliance

### **BACKGROUND**

In accordance with section 5.12 (2) of the Local Government Act 1995, the members of a committee may elect a deputy presiding member from amongst themselves.

It is a requirement of Schedule 2.3 of the Local Government Act 1995 (the Act) that the election for Deputy Chairman is conducted by the Chairman and the nominations for the Office are to be given to the Chairman in writing before the meeting or during the meeting before the close of nominations. Furthermore, if a member is nominated by another member, the Chairman is not to accept the nomination unless the nominee has advised the Chairman, orally or in writing, that he or she is willing to be nominated for the Office. Members are to vote on the matter by secret ballot.

The procedure outlined in Schedule 2.3 of the Act will be followed if there is an equality of votes i.e. count to be discontinued and meeting adjourned for not more than 7 days. If there is still an equality of votes at the resumption of the meeting then lots will be drawn if there are only 2 candidates or candidates excluded and preferences transferred if there are more than 2 candidates.

### **REPORT**

Material accompanies the agenda for this meeting as a means of assisting members of the Committee to nominate themselves or another member for the Office of Deputy Chairman of the Chief Executive Officer Recruitment Committee.

1. A blank nomination form for the Office of Deputy Chairman of the Chief Executive Officer Recruitment Committee, nominate oneself
2. A blank nomination form for the Office of Deputy Chairman of the Chief Executive Officer Recruitment Committee, nominate another
3. A blank ballot paper for Election of Deputy Chairman of the Chief Executive Officer Recruitment Committee

Ballot papers will be made available prior to voting.

The completed nomination forms are to be given to the Chairman before the meeting or when the Chairman calls for them when dealing with this item at the meeting.



*Item 4.2 continued*

#### **CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE MEMBERS 2009**

**The following Chief Executive Officer Recruitment Committee members were appointed to the Chief Executive Officer Recruitment Committee at the Ordinary Meeting of Council held on 30 April 2009:**

EMRC Member	Cr David Färdig	City of Swan
EMRC Member	Cr Glenys Godfrey	City of Belmont
EMRC Member	Cr Don McKechnie	Shire of Kalamunda
EMRC Member	Cr Tina Klein	Town of Bassendean
EMRC Member	Cr Tony Cuccaro	Shire of Mundaring
EMRC Member	Cr Lou Magro	City of Bayswater

#### **STRATEGIC/POLICY IMPLICATIONS**

Election of a Deputy Chairman is permissible in accordance with section 5.12 (2) of the Local Government Act 1995.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **SUSTAINABILITY IMPLICATIONS**

Nil

#### **MEMBER COUNCIL IMPLICATIONS**

<b>Member Council</b>	<b>Implication Details</b>
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
Shire of Kalamunda	
Shire of Mundaring	
City of Swan	

#### **ATTACHMENT(S)**

1. A blank nomination form for the Office of Deputy Chairman of the Chief Executive Officer Recruitment Committee, nominate oneself (Ref: Committees-9366)
2. A blank nomination form for the Office of Deputy Chairman of the Chief Executive Officer Recruitment Committee, nominate another (Ref: Committees-9367)
3. Ballot Paper – Election of Chief Executive Officer Recruitment Committee Deputy Chairman (Ref: Committees-9368)

#### **VOTING REQUIREMENT**

Secret Ballot by Chief Executive Officer Recruitment Committee Members.



*Item 4.2 continued*

**RECOMMENDATION(S)**

That the members of the Chief Executive Officer Recruitment Committee elect a Deputy Chairman.

**ANNOUNCEMENT: OF THE OFFICE OF DEPUTY CHAIRMAN**

The Chairman announced that one (1) nomination had been received for the Office of Deputy Chairman to the Chief Executive Officer Recruitment Committee from Cr Klein nominating herself.

The Chairman called for any further nominations.

No further nominations were received and the Chairman announced that the nominations were closed.

As no further nominations were received, Cr Klein was declared Deputy Chairman of the Chief Executive Officer Recruitment Committee for the term commencing 14 May 2009.

The Acting Chief Executive Officer and Manager Administration and Compliance departed the meeting at 5.05pm after the elections had concluded.



## **Nomination for Deputy Chairman**

**To the Acting Chief Executive Officer**

**I hereby nominate myself, \_\_\_\_\_ for the position of Deputy Chairman of the Eastern Metropolitan Regional Council Chief Executive Officer Recruitment Committee for the term of Office commencing on the date of the election and continuing until a new Chief Executive Officer is appointed.**

**Signed: \_\_\_\_\_**

**Date: \_\_\_\_\_**



## Nomination for Deputy Chairman

To the Acting Chief Executive Officer

I hereby nominate \_\_\_\_\_ for the position of Deputy Chairman of the Eastern Metropolitan Regional Council Chief Executive Officer Recruitment Committee for the term of Office commencing on the date of the election and continuing until a new Chief Executive Officer is appointed.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

\*I \_\_\_\_\_ hereby certify that I accept the above nomination to the position of Deputy Chairman of the Eastern Metropolitan Regional Council Chief Executive Officer Recruitment Committee.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

\*This certificate is to be completed when a Representative is nominated by another Representative.



## Eastern Metropolitan Regional Council

### BALLOT PAPER FOR THE ELECTION OF THE CEORC DEPUTY CHAIRMAN

#### *HOW TO VOTE*

*Please indicate preference by placing a tick  in the box along side candidate of your choice. Do not make any other marks on the ballot paper.*

Last name, First Name

Last Name, First Name

Last Name, First Name



## **5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Nil

## **6 PRESENTATIONS**

The Chairman invited the Chairman of the Chief Executive Officer Advisory Committee and Manager Human Resources to outline the process thus far.

The Manager Human Resources noted as outlined in Item 11.1, that seventeen recruitment agencies, experienced in executive recruitment, had been requested to submit quotes in relation to the recruitment of the Chief Executive Officer.

Ten submissions were received from the seventeen requested.

The Chairman of the Chief Executive Officer Advisory Committee stated that both he and the Manager Human Resources had independently evaluated and ranked all submissions.

The Manager Human Resources left the meeting at 5.08pm.

The Manager Human Resources returned to the meeting at 5.10pm.

The Manager Human Resources tabled a confidential record of written quotations received from the recruitment agencies.

## **7 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

## **8 QUESTIONS WITHOUT NOTICE**

Nil

## **9 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

### **RECOMMENDATION (Closing meeting to the public)**

That the meeting be closed to members of the public in accordance with Section 5.23 (2) (a) & (c) of the Local Government Act for the purpose of dealing with information of a commercial in confidence nature.

### **CEORC RESOLUTION(S)**

MOVED CR KLEIN

SECONDED CR MCKECHNIE

THAT THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC IN ACCORDANCE WITH SECTION 5.23 (2) (A) & (C) OF THE LOCAL GOVERNMENT ACT FOR THE PURPOSE OF DEALING WITH INFORMATION OF A COMMERCIAL IN CONFIDENCE NATURE.

**CARRIED UNANIMOUSLY**



*Item 9 continued*

The meeting was closed to the public at 5.15pm.

**10 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**

Item dealt with behind closed doors.



## 11 REPORTS OF OFFICERS

### 11.1 APPOINTMENT OF AN EXTERNAL RECRUITMENT CONSULTANT TO THE CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE

**REFERENCE: COMMITTEES-9338**

#### PURPOSE OF REPORT

The purpose of this report is for the Council to approve the appointment of a an external recruitment consultant to the Chief Executive Officer Recruitment Committee to assist with the process for selecting and appointing a new permanent Chief Executive Officer (CEO) for the Eastern Metropolitan Regional Council (EMRC).

#### KEY ISSUES AND RECOMMENDATION(S)

- The CEORC was appointed at the Ordinary Meeting of Council on 30 April 2009.
- At the Ordinary Meeting of Council on 30 April 2009 it would be the intention of Council to appoint a new permanent CEO to the EMRC prior to the October 2009 Council elections.
- The CEORC have been given delegated power to engage an independent consultant or agency to assist in carrying out its functions.

#### **Recommendation(s)**

That the Chief Executive Officer Recruitment Committee, by its delegated power, approves the appointment of ..... as the external independent consult to assist in carrying out its functions.

#### SOURCE OF REPORT

Chair of the Chief Executive Officer Advisory Committee  
 Manager Human Resources

#### BACKGROUND

At the Ordinary Council Meeting on 30 April 2009, Council resolved that:

BY AN ABSOLUTE MAJORITY IN ACCORDANCE WITH SECTION 5.16 OF THE LOCAL GOVERNMENT ACT 1995 DELEGATES TO THE CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE THE POWER TO ENGAGE AN INDEPENDENT CONSULTANT OR AGENCY TO ASSIST IN CARRYING OUT ITS FUNCTIONS.

On Friday 1 May, in consultation with EMRC Chairman, a Request for Quotation (RFQ) (Attachment 1) was sent to the following seventeen companies:

1. Alliance Recruitment
2. Allstar Executive Headhunters
3. Anne Lake Consultancy
4. Asphar & Associates
5. Beilby



*Item 11.1 continued*

6. Chandler Macleod
7. Derwent Executive Recruitment
8. Gerard Daniels
9. Hays
10. Hudson
11. Kellahan Saunders
12. Lester Blades
13. Michael Page International
14. Placer Group
15. Robert Walters
16. Talent2
17. WALGA Workplace Solutions

**REPORT**

The appointment of an external recruitment consultant would ensure that sufficient resources were allocated specifically to the recruitment process and would enable the process to be strengthened with an executive search element. Generally, specialist recruitment consultants provide a professional and confidential service and possess a wide range of knowledge and skills in executive recruitment, albeit this comes at a cost; typically 16 to 18% of the value of the first year's total remuneration package.

Based on the brief provided, an external consultant could be involved in any or all of the following aspects of the recruitment and selection process:

- Development and review of the position description;
- Development of selection criterion for the position;
- Drafting of the advertisement and placement in the selected media;
- Preparation of candidate information packs;
- Acting as point of contact for application enquiries;
- Preliminary assessment of the applications;
- Final short-listing of suitable candidates;
- Drafting interview questions;
- Coordinating interviews;
- Conducting background and reference checks; and
- Finalising the contract.

It is recommended that a suitably experienced recruitment consultant or agency, preferably with experience in local government recruiting, be engaged to complete this assignment.

To assist this process, a consultancy brief was prepared by the Manager Human Resources and forwarded to a select number of agencies specialising in executive recruitment in order to obtain written quotations for the provision of this service and an outline of the recruitment process they propose.

The closing date for these RFQ was 5.00pm on Tuesday 12 May 2009. Both the Manager Human Resources and the Chair of the Chief Executive Officer Advisory Committee will meet prior to the Committee Meeting scheduled for Thursday 14 May 2009 at 5.00pm and provide a verbal update and recommendation regarding the appointment of an external recruitment consultant to the committee.

**STRATEGIC/POLICY IMPLICATIONS**

Key Result Area 4 – Good Governance

- 4.5 To provide responsible and accountable governance and management of the EMRC.



*Item 11.1 continued*

### **FINANCIAL IMPLICATIONS**

The engagement of an external recruitment consultant to facilitate the process will incur service provider fees estimated to be in the vicinity of 18% of the total remuneration package provided for the position for the first year of employment. The extent of such expenditure will be dependent upon the final remuneration package approved by Council, however it is anticipated it would potentially be in line with the package provided to the present incumbent. Costs incurred for the use of an external recruitment consultant are therefore estimated to be approximately \$43,000.

The engagement of a legal firm to review the final contract document would incur an estimated cost of \$2,000.

A provision would need to be included in the governance operational budget for 2009/2010 to support this recruitment.

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **MEMBER COUNCIL IMPLICATIONS**

<b>Member Council</b>	<b>Implication Details</b>
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
Shire of Kalamunda	
Shire of Mundaring	
City of Swan	

### ATTACHMENT(S)

Request for Quotation (Ref: Committees-9341)

### VOTING REQUIREMENT

Simple Majority

### **RECOMMENDATION(S)**

That the Chief Executive Officer Recruitment Committee, by its delegated power, approves the appointment of ..... as the external independent consultant to assist in carrying out its functions.

### Discussion ensued

Discussion ensued in relation to the evaluation of submissions from consultants.



*Item 11.1 continued*

**CEORC RESOLUTION(S)**

MOVED CR MCKECHNIE

SECONDED CR GODFREY

That the Chief Executive Officer Recruitment Committee, by its delegated power, approves the appointment of Geoff Blades from Lester Blades as the external independent consultant to assist in carrying out its functions.

**CARRIED UNANIMOUSLY**



## REQUEST FOR QUOTATION

<b>Request for Quotation (RFQ):</b>	EXECUTIVE RECRUITMENT SERVICES
<b>Deadline:</b>	Tuesday 12 <sup>th</sup> May 2009
<b>Address for Delivery:</b>	Manager Human Resources 226 Great Eastern Highway Belmont WA 6104 (PO Box 234, Belmont WA 6984)  Email: <a href="mailto:nadine.salvigny@emrc.org.au">nadine.salvigny@emrc.org.au</a>
<b>RFQ Number:</b>	N/A

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## REQUEST FOR QUOTATION (RFQ)

### 1. INTRODUCTION

The Eastern Metropolitan Regional Council (EMRC) invites executive recruitment specialists ("contractor") to provide a written quotation for the supply of services described in Schedule A (the "services"). The description of the services sets out the minimum requirements of the EMRC.

A contractor that submits a quotation should prepare a quotation that meets the minimum requirements, and in addition may choose to also include services or terms that exceed the minimum requirements.

### 2. TERM

The contractor will provide the services set out in Schedule A commencing upon award of the contract and terminating upon the appointment of an individual to the position of Chief Executive officer. It is the intention of the EMRC for the recruitment and selection process to be finalised by October 2009.

### 3. ADDRESS FOR DELIVERY

The quotation should be submitted to the EMRC at the office of:

Manager Human Resources  
 226 Great Eastern Highway  
 Belmont WA 6104  
 (PO Box 234, Belmont WA 6984)  
 Email: nadine.salvigny@emrc.org.au

### 4. DEADLINE AND DELIVERY METHOD

Written quotations must be received by no later than Tuesday 12<sup>th</sup> May 2009.

A quotation may be:

- (a) Mailed through Australia Post;
- (b) Delivered by hand; or
- (c) Sent via fax or electronic mail.

The EMRC's office hours are 8:30 a.m. to 5:00 p.m., Monday to Friday, except statutory holidays.

### 5. ENQUIRIES

All enquiries related to this Request for Quotation ("RFQ") should be directed to:

Name: Nadine Salvigny, Manager Human Resources  
 Telephone: (08) 9424 2230  
 Fax: (08) 9277 7598  
 Email: nadine.salvigny@emrc.org.au  
 Address: 226 Great Eastern Highway  
 Belmont WA 6104  
 (PO Box 234, Belmont WA 6984)

### 6. DURATION OF QUOTATION

The quotation will remain open for acceptance by the EMRC for a minimum period of three (3) months from the deadline.

## 7. NO CONTRACT

This RFQ is simply an invitation for quotations (including prices and terms) for the convenience of all parties. It is not a tender and no obligations of any kind will arise from this RFQ or the submission of quotations.

The EMRC may negotiate changes to any terms of a quotation, including terms in Schedules A and B and including prices, and may negotiate with one or more contractors or may at any time invite or permit the submission of quotations (including prices and terms) from other parties who have not submitted quotations.

## 8. ACCEPTANCE

A quotation will be an offer to the EMRC which, subject to Section 7, the EMRC may accept at any time by signing the copy of the quotation and delivering it to the contractor. A quotation is not accepted by the EMRC unless and until the authorised signatory has signed on behalf of the EMRC.

## 9. CONTRACTOR'S EXPENSES

Contractors are solely responsible for their own expenses in preparing and submitting quotations, and for any meetings, negotiations or discussions with the EMRC or its representatives relating to or arising from the RFQ. The EMRC will not be liable to any contractor for any claims, whether for costs, expenses, losses or damages, or loss of anticipated profits, incurred by the contractor in preparing and submitting a quotation, or participating in negotiations for a contract, or other activity related to or arising out of this RFQ.

## 10. CONTRACTOR'S QUALIFICATIONS

By submitting a quotation, a contractor represents that it has the expertise, qualifications, resources, and relevant experience to supply the services.

## 11. CONFLICT OF INTEREST

A contractor must disclose in its quotation any actual or potential conflicts of interest and existing business relationships it may have with the EMRC, its elected or appointed officials or staff. The EMRC may rely on such disclosure.

## 12. SOLICITATION OF COUNCILLORS AND EMRC STAFF

Contractors and their agents will not contact any member of the EMRC Council or staff with respect to this RFQ, other than the contact person named in Section 3, at any time prior to the award of a contract or the cancellation of this RFQ.

## 13. CONFIDENTIALITY

All quotations become the property of the EMRC and will not be returned to the contractor. All quotations will be held in confidence by the EMRC unless otherwise required by law. Contractors should be aware the EMRC is a "public body" defined by and subject to the *Freedom of Information Act 1992* of Western Australia.

## 14. SIGNATURE

The legal name of the person or company submitting the quotation should be inserted in the quotation. The quotation should be signed by a person authorised to sign on behalf of the company.

## SCHEDULE A – SCOPE OF SERVICES

### **1. SCOPE OF WORK**

The EMRC seeks to retain the services of an external recruitment agency or consultant (“consultant”) to assist Council with the recruitment of a permanent Chief Executive Officer for a fixed term contract period of up to five (5) years.

The consultant will conduct a workshop with the CEO Recruitment Committee (“Committee”) to define and scope the services and techniques of the recruitment. The consultant will be required to facilitate the recruitment and selection process for the duration of the project. This will include attendance at Committee and Council meetings when considered necessary. The consultant will search for potential candidates through a variety of resources and short list and interview qualified candidates who can be referred to the EMRC as a qualified participant in the EMRC’s selection process.

### **2. TYPE OF SERVICES REQUIRED**

- Facilitating the recruitment and selection process in conjunction with a Recruitment Committee;
- Assisting with a review of the position requirements and the development of the position description and performance criteria;
- Drafting advertisements and placing in selected media;
- Acting as the contact person for enquiries relating to the position;
- Identifying and assessing suitably qualified candidates;
- Conducting background, reference, and qualification checks;
- Conducting preliminary interviews and selecting for short-listing;
- Preparing interview questions for use by the Committee for the final selection process;
- Providing written background reports to the Committee and Council on the preferred candidate(s);
- Coordinating interviews with the Committee and Council;
- Assisting with the preparation / construction of the contract;
- Assisting with the negotiation of terms of employment; and
- Undertaking post-engagement follow-up.

It may also include:

- Assisting the Committee with the interview process;
- Testing of those short listed candidates (if required); and
- Attending Council to discuss the preferred candidate(s).

### **3. FORMAT OF QUOTATION**

#### **1) Cover Letter**

All quotations must include a cover letter submitted under the company’s name on the company’s letterhead containing the name, signature and title of the official of the company who is authorised to commit the company to a potential contract with the EMRC.

The cover letter must identify the primary contact for the quotation and must serve as an executive summary of the service proposed.

#### **2) Qualifications**

The company’s proposal must describe the company’s qualifications to provide the requested recruitment service, and must include the following:

- (a) Overview of the nature of the company's business including a description of its experience with executive recruitment and the number of years in business;
- (b) Description of the company's capabilities to provide the requested service including information on the background and experience of all key personnel proposed to provide the service;
- (c) Details of the company's experience with recruitment to executive positions for local government authorities (if any);
- (d) Details of recent recruitment services provided to other organisations for similar positions;
- (e) Details of contactable business references (name, title and telephone number). The EMRC's preference is to have a minimum of three references; and
- (f) An overview of the approach and methodology to be used for the requested recruitment service.

### **3) Terms and Conditions of Business**

All quotations must include a copy of the company's Terms and Conditions of Business for permanent placements.

A schedule of the placement fee applicable for the requested recruitment service is also required as is details of the replacement guarantee offered by the company.

### **4) Responses to Scope of Work**

Responses must be clear, thorough and concise, and written in plain, easy to understand language.

<b>SCHEDULE B – SELECTION CRITERIA</b>
--

## **1. SELECTION AND AWARD OF CONTRACT**

The contract may be awarded to a sole contractor who best demonstrates the ability to provide a quality service at a competitive price. The quoted prices will be assessed together with other criteria to determine the most advantageous outcome for the EMRC.

Quotations shall be evaluated based on the requirements set forth in the RFQ. Selection will be at the discretion of the EMRC and will be based on the proposal that the EMRC deems to be the most responsive and responsible and serves the best interests of the EMRC.

Proposals will be reviewed by staff of the EMRC and the Committee and will be evaluated based on the following criteria in addition to any specified Scope of Work:

**1. Relevant experience and qualifications:**

- experience with recruitments of a similar type and scope; and
- experience with executive recruitment for local government authorities.

**2. Expertise of key personnel:**

- their role in the performance of the contract;
- qualifications of key personnel proposed to be involved in the project;
- expertise of key personnel in the recruitment of executive positions (proven and demonstrated); and
- demonstrated expertise in working with a recruitment panel or committee.

**3. Intended project approach and methodology:**

- description of the approach, methodology and project structure to be used to satisfy the EMRC's project scope and objectives.

**4. Project delivery:**

- ability to meet the timeline proposed by the EMRC; and
- the process for the delivery of the required recruitment service.

**5. Financial considerations:**

- total cost of service proposed.

**6. References:**

- recommendations received by submitted referees.

Those contractors short-listed may be required to make an on-site presentation to the Committee outlining their proposal. If required, the presentation should last no more than one hour in duration. The EMRC will schedule the time and location for the presentation and any costs associated with the presentation shall be the responsibility of the contractor.

It is the intent of the EMRC to negotiate and enter into a contract with the preferred contractor following a final decision of the Committee.

<b>SCHEDULE C – GENERAL CONDITIONS OF CONTRACT</b>
--

## **DEFINITIONS AND INTERPRETATION**

1. In these General Terms and Conditions:
  - (a) "Agreement" has the meaning set out in Section 2;
  - (b) "EMRC" means the Eastern Metropolitan Regional Council;
  - (c) "Contractor" means a contractor whose quotation has been accepted by the EMRC and who is providing the services under this Agreement;
  - (d) "Disbursements" means the actual out-of-pocket costs and expenses which the contractor incurs in the performance of the services as identified in the quotation and reimbursement of which is accepted by the EMRC;
  - (e) "Fees" means the price quoted by the contractor and accepted by the EMRC for the provision of the services, unless otherwise agreed by the parties in writing, excluding GST; and
  - (f) "Services" means the services as described generally in Schedule A, including anything and everything required to be done for the fulfilment and completion of this Agreement.
  
2. This Agreement may be modified only by express and specific written agreement. In the event of a conflict between the provisions of any documents listed below, then the documents shall govern and take precedence in the following order:
  - (a) the general terms and conditions set out in this Schedule D ("General Conditions of Contract") of the Request for Quotations ("RFQ");
  - (b) the scope of Services set out in Schedule A of the RFQ;
  - (c) the RFQ;
  - (d) the Quotation; and
  - (e) other terms, if any, that are agreed to by the parties in writing.

## **SERVICES**

3. The contractor covenants and agrees with the EMRC to provide the services in accordance with this Agreement. The services provided must meet the scope set out in Schedule A of the RFQ and as described in the quotation.
4. The EMRC may from time to time, by written notice to the contractor, make changes in the scope of the services. The fees will be increased or decreased by written agreement of the EMRC and the contractor according to the rates set out in the quotation.
5. The contractor will, if required in writing by the EMRC, provide additional services as may be listed in the quotation. The terms of this Agreement will apply to any additional services, and the fees for additional services will generally correspond to the fees as described in the quotation. The contractor will not provide any additional services in excess of the scope of services requested in writing by the EMRC.
6. The contractor will perform the services with that degree of care, skill and diligence normally provided by a qualified and experienced practitioner performing services similar to the services, and on the understanding that the EMRC is relying on the contractor's experience and expertise. The contractor represents that it has the expertise, qualifications, resources, and relevant experience to provide the services.



## **FEES AND DISBURSEMENTS**

7. The EMRC will pay the fees and disbursements to the contractor in accordance with this Agreement. Payment by the EMRC of the fees and disbursements will be full payment for the services and the contractor will not be entitled to receive any additional payment from the EMRC.
8. For greater certainty, costs of general management, non-technical supporting services and general overhead are deemed to be covered by the fees and will not be subject to additional payment by the EMRC.

## **PAYMENT**

9. Subject to any contrary provisions set out in the quotation, the contractor will submit an invoice to the EMRC upon the commencement of the successful candidate to the position. Invoices must include the company name, address, telephone number, ABN number, and the EMRC's purchase order number. The contractor will on request from the EMRC provide receipts and invoices for all disbursements claimed.
10. If the EMRC reasonably determines that any portion of an invoice is not payable, then the EMRC will so advise the contractor.
11. The EMRC will pay the invoice, in the amount as the EMRC determines is correct, within 30 days of the receipt of the invoice, unless the parties have agreed in writing to other payment terms. The payment by the EMRC of any invoice will not bind the EMRC with respect to any subsequent payment and will not mean that the EMRC has accepted services that are not in accordance with the requirements of this Agreement, or that the contractor is in any manner released from its obligation to comply with this Agreement.

## **PERSONNEL AND SUBCONTRACTORS**

12. The contractor will provide only personnel who have the qualifications, experience and capabilities to perform the services.
13. If the EMRC reasonably objects to the performance, qualifications, experience or suitability of any of the contractor's personnel or sub-contractors then the contractor will, on written request from the EMRC, replace such personnel or sub-contractors.
14. The contractor will preserve and protect the rights of the EMRC with respect to any services performed under sub-contract and incorporate the General Terms and Conditions of this Agreement into all sub-contracts as necessary to preserve the rights of the EMRC under this Agreement. The contractor will be as fully responsible to the EMRC for acts and omissions of sub-contractors and of persons directly or indirectly employed by them as for acts and omissions of persons directly employed by the contractor.

## **LIMITED AUTHORITY**

15. The contractor is not and this agreement does not render the contractor an agent or employee of the EMRC, and without limiting the above, the contractor does not have authority to enter into any contract or reach any agreement on behalf of the EMRC, except for the limited purposes as may be expressly set out in this agreement, or as necessary in order to provide the services. The contractor will make such lack of authority clear to all persons with whom the contractor deals in the course of providing the services.
16. The contractor is an independent contractor. This agreement does not create the relationship of employer and employee, a partnership, or a joint venture. The EMRC will not control or direct the details, means or process by which the contractor performs the services. The contractor will determine the number of days and hours of work required to properly and completely perform the services. The



contractor is primarily responsible for performance of the services and may not delegate or assign any services to any other person except as provided for above.

### **CONFIDENTIALITY AND DISCLOSURE OF INFORMATION**

17. Except as provided for by law or otherwise by this Agreement, the contractor will keep strictly confidential any information supplied to, obtained by, or which comes to the knowledge of the contractor as a result of the performance of the services and this Agreement, and will not, without the prior express written consent of the EMRC, publish, release, disclose or permit to be disclosed any such information to any person or corporation, either before, during or after termination of this Agreement, except as reasonably required to complete the services.
18. The contractor acknowledges that the EMRC is subject to the *Freedom of Information Act 1992* of Western Australia and agrees to any disclosure of information by the EMRC required by law.
19. The contractor agrees to return to the EMRC all of the EMRC's property at the completion of this Agreement, including any and all copies or originals of reports provided by the EMRC.

### **EMRC RESPONSIBILITIES**

20. The EMRC will, in co-operation with the contractor, make efforts to make available to the contractor information which the EMRC has in its files and records that relate to the services. The contractor will review any such material upon which the contractor intends to rely and take reasonable steps to determine if that information is complete or accurate. The contractor will assume all risks that the information is complete and accurate and the contractor will advise the EMRC in writing if in the contractors judgment the information is deficient or unreliable and undertake such new investigations as are necessary.
21. The EMRC will in a timely manner make all decisions required under this Agreement, examine documents submitted by the contractor and respond to all requests for approval made by the contractor pursuant to this Agreement.
22. If the EMRC observes or otherwise becomes aware of any fault or defect in the services, it may notify the contractor, but nothing in this Agreement will be interpreted as giving the EMRC the obligation to review the contractors performance of the services.

### **DEFAULTS AND TERMINATION**

23. The EMRC may at any time and for any reason by written notice to the contractor terminate this Agreement before the completion of all the services, such notice to be determined by the EMRC at its sole discretion. Upon receipt of such notice, the contractor will perform no further services other than the work which is reasonably required to terminate the services and return the EMRC's property to the EMRC.
24. The EMRC may terminate this Agreement for cause as follows:
  - (a) If the contractor is declared bankrupt, or makes a general assignment for the benefit of creditors because of its insolvency, or if a receiver is appointed because of its insolvency, the EMRC may, without prejudice to any other right or remedy the EMRC may have, terminate this Agreement by giving the contractor or receiver or trustee in bankruptcy written notice; or
  - (b) If the contractor is in breach of any term or condition of this Agreement, and such breach is not remedied to the reasonable satisfaction of the EMRC within 5 days after delivery of written notice from the EMRC to the contractor, then the EMRC may, without prejudice to any other right or remedy the EMRC may have, terminate this Agreement by giving the contractor further written notice.



## **COMPLIANCE**

25. The contractor will provide the services in full compliance with all applicable laws and regulations.
26. The contractor will, as a qualified and experienced practitioner, interpret applicable laws and regulations applicable to the performance of the services.

## **NOTICES**

27. Any notice, report or other document that either party may be required or may wish to give to the other must be in writing, unless otherwise expressly provided for.

The addresses for delivery will be as shown in the quotation. In addition, the EMRC may give notice to the contractor by email at the contractor's email address as shown in the quotation, which email will be deemed to be validly given and received by the contractor on transmission.



## 11.2 RECRUITMENT SELECTION AND APPOINTMENT METHODOLOGY AND TIMEFRAME

**REFERENCE: COMMITTEES-9337**

### PURPOSE OF REPORT

The purpose of this report is for the Chief Executive Officer Recruitment Committee (CEORC) to confirm the methodology and timeframe for selecting and appointing a new permanent Chief Executive Officer (CEO) for the Eastern Metropolitan Regional Council (EMRC).

### KEY ISSUES AND RECOMMENDATION(S)

- The CEORC was appointed at the Ordinary Meeting of Council on 30 April 2009.
- At the Ordinary Meeting of Council on 30 April 2009 it was the preference of Council to appoint a new permanent CEO to the EMRC prior to the October 2009 Council elections.
- A selection and recruitment process and timetable has been drafted for adoption by Council (Attachment 1)

#### Recommendation(s)

That Council endorse the methodology and timeframe, subject to variations required by the Chief Executive Officer Recruitment Committee, for the selection and appointment of a Chief Executive Officer as detailed in Attachment 1 to this report.

### SOURCE OF REPORT

Chair of the Chief Executive Officer Advisory Committee  
 Manager Human Resources

### BACKGROUND

At the Ordinary Council Meeting on 30 April 2009, Council agreed that the methodology and timetable of the appointment of a new CEO should be a decision of the CEORC.

The same attachment that was provided to Councillors at the 30 April Council meeting has again been included (attachment 1) for the Committee's resolution and recommendation to Council.

The relevant legislation covering the advertising and appointment of a local government CEO is contained within Part 5 Division 4 of the Local Government Act 1995 and the Local Government (Administration) Regulations 1996 (regulation 18A to 18F).

The specific documentation that guides the recruitment and appointment process includes:

- Relevant sections of the Local Government Act 1995 (5.36, 5.39, 5.40);
- Relevant sections of the Local Government (Administration) Regulations 1996 (18A, 18B, 18C, 18E, 18F);
- DLGRD publication - Local Government Operational Guidelines Number 10 – Appointing a CEO;
- DLGRD publication – Model Contract for Local Government CEOs;
- DLGRD publication – Gender Diversity and the Selection of CEOs and Senior Staff in Local Government; and
- Equal Opportunity Act 1984.



*Item 11.2 continued*

## **REPORT**

Selecting and appointing a CEO is an important decision that should be underpinned by an effective recruitment and selection process. The process should be seen as being professional, confidential, and transparent, and be designed to attract suitably qualified and experienced candidates. Attachment 1 outlines a suggested timeframe and methodology for the GEORC to following in undertaking its task.

## **STRATEGIC/POLICY IMPLICATIONS**

Key Result Area 4 – Good Governance

4.5 To provide responsible and accountable governance and management of the EMRC.

## **FINANCIAL IMPLICATIONS**

Nil

## **SUSTAINABILITY IMPLICATIONS**

Nil

## **MEMBER COUNCIL IMPLICATIONS**

<b>Member Council</b>	<b>Implication Details</b>
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
Shire of Kalamunda	
Shire of Mundaring	
City of Swan	

## **ATTACHMENT(S)**

CEO Recruitment Selection and Appointment Methodology and Timetable (Ref: Committees-9361)

## **VOTING REQUIREMENT**

Absolute Majority



*Item 11.2 continued*

### **RECOMMENDATION(S)**

That Council endorse the methodology and timeframe, subject to variations required by the Chief Executive Officer Recruitment Committee, for the selection and appointment of a Chief Executive Officer as detailed in Attachment 1 to this report.

#### Discussion ensued

Discussion ensued in relation to the methodology and timeframe of the process to be followed by the committee.

### **CEORC RECOMMENDATION(S)**

MOVED CR CUCCARO                      SECONDED CR MCKECHNIE

That Council endorse the methodology, subject to variations required by the Chief Executive Officer Recruitment Committee, for the selection and appointment of a Chief Executive Officer as detailed in Attachment 1 to this report.

**CARRIED UNANIMOUSLY**

### **COUNCIL RESOLUTION(S)**

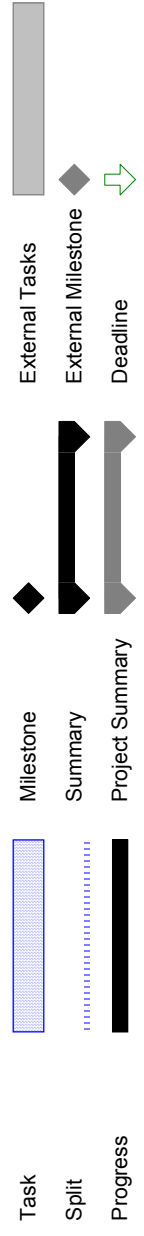
MOVED CR KLEIN                      SECONDED CR CUCCARO

THAT COUNCIL ENDORSE THE METHODOLOGY AND TIMEFRAME, SUBJECT TO VARIATIONS REQUIRED BY THE CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE, FOR THE SELECTION AND APPOINTMENT OF A CHIEF EXECUTIVE OFFICER AS DETAILED IN ATTACHMENT 1 TO THIS REPORT.

**CARRIED UNANIMOUSLY**

CEO Recruitment Selection and Appointment Methodology and Timetable

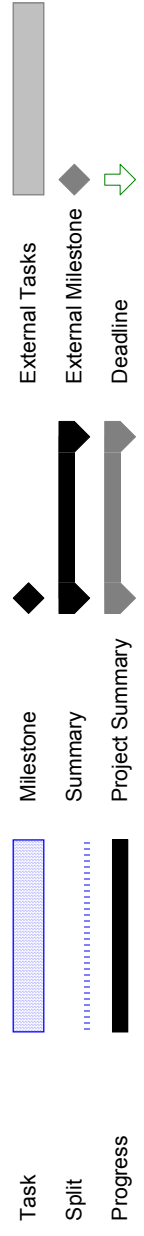
ID	Task Name	Duration	Start	Finish	pr'09							
					T	W	T	F	S	S	M	
1	Quotations to be assessed and short-listed by staff to two preferred consultants or agencies.	2 days	Tue 12/05/09	Wed 13/05/09								
2	Committee meeting - to consider staff recommendations	1 day	Thu 14/05/09	Thu 14/05/09								
3	Committee meeting to discuss agency submissions - agencies to make 30 min presentation on their proposals. Decide on consultant or agency to be engaged (delegated power). IF REQUIRED.	1 day	Wed 20/05/09	Wed 20/05/09								
4	Combined committee meeting / workshop with the consultant to: recruitment methodology, develop PD, prepare interview questions, develop draft employment contract, draft advert, recommend cost to cover /state applicant interviews etc	6 days	Wed 3/06/09	Wed 10/06/09								
5	Consultant to provide a report confirming actions agreed to and documents prepared.	3 days	Thu 11/06/09	Mon 15/06/09								
6	Finalise minutes of the committee meeting / workshop (3/10 June) - incorporate consultants notes.	2 days	Tue 16/06/09	Wed 17/06/09								
7	Finalise and forward agenda for Council meeting of 25 June 2009 - including draft PD & remun' package, cost covered by Council in interviewing /state applicants.	2 days	Thu 18/06/09	Fri 19/06/09								
8	Council meeting.	1 day	Thu 25/06/09	Thu 25/06/09								
9	Obtain legal review of draft employment contract	1 day	Fri 26/06/09	Fri 26/06/09								
10	Candidate information package to be prepared. Include copy of PD, remuneration, application instructions, contact details, EMRC org'n details etc.	9 days	Tue 16/06/09	Fri 26/06/09								
11	Advertisements to be placed in selected media - Saturday 27th June 2009	1 day	Fri 26/06/09	Fri 26/06/09								
12	Consultant to manage all enquiries and applications.	11 days	Mon 29/06/09	Mon 13/07/09								
13	Short-listing and preliminary interviews to be conducted by the consultant.	7 days	Tue 14/07/09	Wed 22/07/09								
14	Consultant to provide a confidential report on all suitable candidates interviewed, including recommendations to enable the committee to finalise the candidates who are to proceed to the next stage of the process.	5 days	Thu 23/07/09	Wed 29/07/09								
15	Consultant to liaise with the committee to confirm the questions for the committee interviews - to be completed via email response.	35 days	Thu 11/06/09	Wed 29/07/09								
16	Prepare and send out Committee agenda	5 days	Wed 29/07/09	Tue 4/08/09								
17	Prepare Council report on draft employment contract containing legal feedback	6 days	Mon 3/08/09	Mon 10/08/09								
18	Committee meeting to finalise shortlisted applicants for interview and finalise interview questions	1 day	Mon 10/08/09	Mon 10/08/09								
19	Consultant to schedule committee interviews with preferred candidates	4 days	Tue 11/08/09	Fri 14/08/09								
20	Consultant to provide committee members with all required documentation for the interviews (e.g. questions and candidate information)	1 day	Mon 17/08/09	Mon 17/08/09								
21	Council meeting - provide report on solicitor's review of contract to Council for endorsement.	1 day	Thu 27/08/09	Thu 27/08/09								
22	Committee interviews conducted with short-listed candidates e.g. no more than 4 interviews. Coordinate interviews all on same day if possible between 2.00pm - 9.00pm (allows for 1hr dinner break).	5 days	Mon 24/08/09	Fri 28/08/09								
23	Background and reference checking to be conducted, police clearances obtained (if applicable), and qualifications verified for preferred candidates.	5 days	Mon 31/08/09	Fri 4/09/09								



Project: Updated CEO Recruitment Se  
Date: Fri 8/05/09

CEO Recruitment Selection and Appointment Methodology and Timetable

ID	Task Name	Duration	Start	Finish	pr'09								
					T	W	T	F	S	S	M		
24	Psychometric and other testing for short-listed candidates from interviews with the committee to be undertaken (if required).	5 days	Mon 31/08/09	Fri 4/09/09									
25	Prepare and send out Committee agenda.	8 days	Mon 31/08/09	Wed 9/09/09									
26	Committee meeting to review all information gathered and make a decision on which candidate(s) are most suitable for final selection by Council.	1 day	Mon 14/09/09	Mon 14/09/09									
27	Consultant to schedule final interviews with Council and advise topic of presentation	5 days	Mon 14/09/09	Fri 18/09/09									
28	Recommendation report to Council documenting the assessment of the preferred candidate(s) to be prepared on behalf of the committee by the consultant.	9 days	Tue 15/09/09	Fri 25/09/09									
29	Special Council meeting to assess the preferred candidate(s) through a presentation and question session and also referring to information provided in the selection report from the committee.	1 day	Thu 1/10/09	Thu 1/10/09									
30	Council to make a decision on the preferred candidate and to determine the package to be offered - Absolute Majority decision required..	1 day	Thu 1/10/09	Thu 1/10/09									
31	Offer made to the preferred candidate.	1 day	Fri 2/10/09	Fri 2/10/09									
32	Possible negotiations in respect of the offer of employment.	6 days	Fri 2/10/09	Fri 9/10/09									
33	Employment contract finalised based on package determined by Council and acceptance of offer.	6 days	Fri 2/10/09	Fri 9/10/09									
34	Consultant advises unsuccessful candidates and provides feedback if required.	1 day	Mon 12/10/09	Mon 12/10/09									
35	Formal announcement made of the appointment to the position of Chief Executive Officer.	1 day	Mon 12/10/09	Mon 12/10/09									



Project: Updated CEO Recruitment Se  
Date: Fri 8/05/09



## **12 REPORTS OF DELEGATES**

Item dealt with behind closed doors.

## **13 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

### **RECOMMENDATION [Meeting re-opened to the public]**

That the meeting be re-opened, the public be invited to return to the meeting and the recommendations passed behind closed doors be recorded.

### **CEORC RESOLUTION(S)**

MOVED CR CUCCARO                      SECONDED CR GODFREY

THAT THE MEETING BE RE-OPENED, THE PUBLIC BE INVITED TO RETURN TO THE MEETING AND THE RECOMMENDATIONS PASSED BEHIND CLOSED DOORS BE RECORDED.

**CARRIED UNANIMOUSLY**

The meeting was reopened to the public at 5.45pm.

Recording of the recommendations passed behind closed doors, namely:

### **ITEM 11.1 APPOINTMENT OF AN EXTERNAL RECRUITMENT CONSULTANT TO THE CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE**

### **CEORC RESOLUTION(S)**

MOVED CR MCKECHNIE                      SECONDED CR GODFREY

That the Chief Executive Officer Recruitment Committee, by its delegated power, approves the appointment of Geoff Blades from Lester Blades as the external independent consultant to assist in carrying out its functions.

**CARRIED UNANIMOUSLY**

### **ITEM 11.2 RECRUITMENT SELECTION AND APPOINTMENT METHODOLOGY AND TIMEFRAME**

### **CEORC RECOMMENDATION(S)**

MOVED CR CUCCARO                      SECONDED CR MCKECHNIE

That Council endorse the methodology, subject to variations required by the Chief Executive Officer Recruitment Committee, for the selection and appointment of a Chief Executive Officer no later than September 2009, as detailed in Attachment 1 to this report.

**CARRIED UNANIMOUSLY**



#### **14 GENERAL BUSINESS**

Members noted the two documents published by the Department of Local Government and Regional Development.

1. Appointing a CEO – Local Government Operational Guidelines – Number 10 August 2005.
2. Gender Diversity and the Selection of CEOs and Senior Staff in local governments – A Companion to the Local Government Operational Guidelines For Appointing a CEO and a Guide for Councillors, Managers and Recruitment Consultants - August 2005.

Cr Cuccaro requested that members advise the Manager Human Resources of their availability in the next six month period to assist in arranging future meetings.

#### **15 FUTURE MEETINGS OF THE CEORC**

The next meeting of the Chief Executive Officer Recruitment Committee will be held at 4.30pm on Thursday 21 May 2009 at the EMRC Administration Offices at 226 Great Eastern Highway Belmont, 6104.

#### **16 DECLARATION OF CLOSURE OF MEETING**

There being no further business the meeting was closed at 5.46pm.



**16 REPORTS OF DELEGATES**

Nil

**17 MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**18 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PERSON PRESIDING OR BY DECISION OF MEETING**

Nil

**19 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

Nil

**20 FUTURE MEETINGS OF COUNCIL**

The next meeting of Council will be held on **Thursday 25 June 2009** at the EMRC Administration Office, 1<sup>st</sup> Floor, Ascot Place, 226 Great Eastern Highway, Belmont WA 6104 commencing at 6.00pm.

**Future Meetings 2009**

Thursday	25	June	at	EMRC Administration Office
Thursday	23	July (if required)	at	EMRC Administration Office
Thursday	27	August	at	EMRC Administration Office
Thursday	24	September (if required)	at	EMRC Administration Office
Thursday	29	October	at	EMRC Administration Office
Thursday	3	December	at	EMRC Administration Office
January 2010 (recess)				

**21 DECLARATION OF CLOSURE OF MEETING**

There being no further business, the meeting was closed at 7.25pm.