



HEPBURN SHIRE COUNCIL
SPECIAL MEETING OF COUNCIL
PUBLIC MINUTES

Tuesday 11 May 2021

Virtual Meeting
via Video Conference

5:00 PM

A LIVE STREAM OF THE MEETING CAN BE VIEWED
VIA [COUNCIL'S FACEBOOK PAGE](#)

Confirmed at the Ordinary Meeting of Council held 18 May 2021

A handwritten signature in black ink, appearing to read "Lesley Hewitt".

Chair, Cr Lesley Hewitt, Mayor

MINUTES

Tuesday 11 May 2021

Virtual Meeting

via Video Conference

Commencing at 5:00 PM

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BRADLEY THOMAS

INTERIM CHIEF EXECUTIVE OFFICER

Tuesday 11 May 2021

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We would like to acknowledge we are meeting on Jaara people country, of which members and elders of the Dja Dja Wurrung community and their forebears have been custodians for many centuries.

On this land, the Jaara people have performed age old ceremonies of celebration, initiation and renewal.

We acknowledge their living culture and their unique role in the life of this region.

2 OPENING OF MEETING

COUNCILLORS PRESENT: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday, Cr Tim Drylie

OFFICERS PRESENT: Mr Bradley Thomas - Interim Chief Executive Officer, Mr Andrew Burgess - Acting Director Community and Corporate Services, Mr Bruce Lucas - Director Infrastructure and Development Services, Mr Chris Whyte – Manager Information and Communication Technology, Ms Krysten Forte - Manager Governance and Risk

The meeting opened at 5:07 pm.

STATEMENT OF COMMITMENT

“WE THE COUNCILLORS OF HEPBURN SHIRE
DECLARE THAT WE WILL UNDERTAKE ON EVERY OCCASION
TO CARRY OUT OUR DUTIES IN THE BEST INTERESTS OF THE COMMUNITY
AND THAT OUR CONDUCT SHALL MAINTAIN THE STANDARDS OF THE CODE OF
GOOD GOVERNANCE
SO THAT WE MAY FAITHFULLY REPRESENT AND UPHOLD THE TRUST PLACED IN THIS
COUNCIL BY THE PEOPLE OF HEPBURN SHIRE”

3 APOLOGIES

Nil.

4 DECLARATIONS OF CONFLICTS OF INTEREST

Mr Bradley Thomas declared a direct interest for Item 4.1 Appointment of a Chief Executive Officer.

Mr Thomas left the meeting at 5:15pm.

5 CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

Pursuant to section 66(1) of the *Local Government Act 2020* (the Act) Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.

The circumstances detailed in section 66(2) of the Act are:

- a) the meeting is to consider confidential information; or
- b) security reasons; or
- c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

MOTION

That in accordance with sections 66(1) and 66(2)(a) of the Local Government Act 2020, the meeting to be closed to members of the public for the consideration of the following confidential items:

- *Appointment of a Chief Executive Officer*

These agenda items are determined to be confidential information for the purposes of section 3(1) of the Local Government 2020:

*f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- This ground applies because the agenda concerns the details of the appointment of the CEO and would, if prematurely released, disclose personal information regarding the applicants and may breach their privacy or cause them disadvantage.*

Moved: Cr Don Henderson

Seconded: Cr Juliet Simpson

Carried

The meeting closed to the public at 5:21pm.

The Confidential Meeting opened at 5:35pm.

6 OFFICER REPORTS

6.1 APPOINTMENT OF A CHIEF EXECUTIVE OFFICER

ACTING DIRECTOR COMMUNITY AND CORPORATE SERVICES

In providing this advice to Council as the Manager People and Culture, I Sharon Link have no interests to disclose in this report.

ATTACHMENTS

1. Nil

EXECUTIVE SUMMARY

At a Special Council meeting held on 19 January 2021, Council resolved to appoint Mr Bradley Thomas as the Interim Chief Executive Officer from 30 January 2021 for the period of not more than twelve months or until the commencement of the new Chief Executive Officer. Council also endorsed the formulation of a sub-committee consisting of Cr Brian Hood, Cr Don Henderson and chaired by Cr Lesley Hewitt to seek proposals and engage a recruitment company to assist Council in the recruitment of a new Chief Executive Officer. Following a procurement process, Council engaged McArthur to seek applications and assist Council with the recruitment process.

Advertising commenced on 6 March 2021 in The Age newspaper and online advertising platforms. Shortlisting was finalised on 31 March 2021 with first round interviews conducted on 12 April 2021 and final round interviews on 26 April 2021.

Pre-employment checks including reference checks have been undertaken.

The purpose of this report is for Council to consider appointment of a Chief Executive Officer.

OFFICER'S RECOMMENDATION

That Council:

1. *Appoints _____ as Chief Executive Officer under an employment contract commencing on _____;*
2. *Authorises the Mayor to negotiate and sign the contract of employment on behalf of Council; and*
3. *Makes public its decision when the meeting is reopened and records this decision in the public meeting minutes.*

MOTION

That Council:

1. *Appoints Mr Bradley Thomas as Chief Executive Officer under an employment contract commencing on 12 May 2021;*

2. *Authorises the Mayor to negotiate and sign the contract of employment on behalf of Council; and*
3. *Makes public its decision when the meeting is reopened and records this decision in the public meeting minutes.*

Moved: Cr Brian Hood

Seconded: Cr Don Henderson

Carried

BACKGROUND

CEO Mr Evan King resigned from Council with his last effective day of employment being Sunday 14 February 2021. Since this time, Mr Bradley Thomas, Director Community and Corporate Services, was appointed as Interim CEO until recruitment was undertaken.

The *Local Government Act 1989* allows for the appointment of an Acting CEO for a period of not more than 12 months while recruitment for a permanent CEO is undertaken.

KEY ISSUES

To commence recruitment for a permanent CEO, Council will appoint a panel to select a recruitment company to conduct canvassing for a permanent CEO.

POLICY AND STATUTORY IMPLICATIONS

Section 94 (1) of the *Local Government Act 1989* requires that Council must appoint a natural person to be its CEO. Section 94 (1A) requires that Council must make a permanent appointment as soon as is reasonably practicable after the vacancy arises. Section 94 outlines the conditions required to be met for appointment of a permanent CEO, including public advertising.

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The proposed employment conditions, including remuneration, are as per the attached letter of offer of employment.

RISK IMPLICATIONS

All delegations from Council to the Interim Chief Executive Officer apply to the permanent Chief Executive Officer. Delegations from the Interim Chief Executive Officer to staff remain in effect until revoked.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Following the appointment of the CEO, Council will share this publicly via a media release and through our Advocate page, website and Facebook page.

7 REOPENING OF MEETING TO THE PUBLIC

MOTION

That Council, having considered the confidential item, re-opens the Meeting to members of the public and makes public its decision.

Moved: Cr Don Henderson

Seconded: Cr Juliet Simpson

Carried

The confidential meeting closed at 5:46pm.

The meeting reopened to the public at 5:49pm.

Mr Thomas rejoined the meeting at 5:50pm.

8 CLOSE OF MEETING

The Meeting closed at 5:55pm.