



# MINUTES

## SPECIAL MEETING OF COUNCIL

held on

**Wednesday, 30 October 2024 at 7:00pm**

at the

**Shire of Morawa Council Chambers  
26 Winfield Street, Morawa**



WESTERN AUSTRALIA'S  
**WILDFLOWER COUNTRY**

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## DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

*Local Government Act 1995 – Section 5.65, 5.70 and 5.71 Local Government (Administration) Regulation 34C*

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C</i>			
Name of person declaring the interest			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

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

***Important Note:***

Should you declare a **Financial** or **Proximity** Interest, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

*“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”*

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**Item 1 Opening of Meeting**

The President declared the meeting open at 7:00pm.

**Item 2 Acknowledgement of Traditional Owners and Dignitaries**

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji Elder's past, present and future, in working together for the future of Morawa.

**Item 3 Recording of Attendance****3.1 Attendance****Council – In Person Attendance**

President (Presiding Member) Councillor Karen Chappel

Deputy President Councillor Ken Stokes

Councillor Grant Chadwick

Councillor Dean Clemson

Councillor Mark Coaker

Councillor Debbie Collins

Councillor Diana North

**Staff – In Person Attendance**

Mike Cole

Acting EMCCS

**Members of the Public – Electronic Attendance**

Chief Executive Officer Recruitment Consultant

Lydia Highfield

**3.2 Apologies**

Nil

**3.4 Approved Leave of Absence**

Nil

**3.5 Disclosure of Interests**

Nil

**Item 4 Applications for Leave of Absence**

Nil

**Item 5 Declaration by all Members to have given due consideration to All Matters Contained in the Business Paper before the Meeting**

The Elected Members to declare that they had given due consideration to all matters contained in the agenda.

- President (Presiding Member) Councillor Karen Chappel
- Deputy President Councillor Ken Stokes
- Councillor Grant Chadwick
- Councillor Dean Clemson
- Councillor Mark Coaker
- Councillor Debbie Collins
- Councillor Diana North

**Item 6 Reports from Officers**

*The Reports from Officers forms part of the Confidential Agenda.*

**Item 7 New Business of an Urgent Nature**

Nil

**Item 8 Matters for Which the Meeting May Be Closed (Confidential Items)****8.1 Matters for Which the Meeting May Be Closed (Confidential Items)****Author:** Executive Assistant**Authorising Officer:** Executive Assistant**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.**OFFICER'S RECOMMENDATION/RESOLUTION**

241013

**Moved: Cr Stokes****Seconded: Cr Chadwick****That Council:**

**That Council closes the meeting to the public under section 5.23 (2)(a) and (c) of the *Local Government Act 1995* and the *Shire of Morawa Meeting Procedures Local Law 2012 s 6.2* so that it can consider the following Items:**

- **15.2 Confidential Report – Recruitment of a Chief Executive Officer**

**CARRIED BY SIMPLE MAJORITY 7/0****PURPOSE**

This item seeks Council's approval under s5.23 (2) of the *Local Government Act 1995* to move into camera or closed session to consider confidential matters.

**DETAIL**

Under s5.23 (2) of the *Local Government Act 1995*, Council must resolve to move into camera or closed session. The following Items are 'confidential matters' as addressed below:

- 15.2 Confidential Report – Recruitment of a Chief Executive Officer

**LEVEL OF SIGNIFICANCE**

High – Confidential Items

**CONSULTATION**

Lydia Highfield – Recruitment Consultant

**LEGISLATION AND POLICY CONSIDERATIONS**



## Local Government Act 1995

Under section 5.23 (2) of the *Local Government Act 1995*, part of a council meeting may be closed, if the meeting deals with any of the following:

- (a) *a matter affecting an employee or employees;*
- (b) *the personal affairs of any person;*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (e) *a matter that if disclosed, would reveal —*
  - (i) *a trade secret;*
  - (ii) *information that has a commercial value to a person;*
  - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*
- (f) *a matter that if disclosed, could be reasonably expected to —*
  - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
  - (ii) *endanger the security of the local government’s property;*
  - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*

**Shire of Morawa Meeting Procedures Local Law 2012**

The key parts include:

## 6.2 Meetings not open to the public;

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried— (a) the presiding member is to direct everyone to leave the meeting except— (i) the members; (ii) the CEO; and (iii) any officer specified by the presiding member; and (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the presiding member is to ensure that any resolution of the Council

made while the meeting was closed is to be read out including a vote of a member to be included in the minutes.

**Strategic Community Plan 2022 to 2032**

***Be future focused in all we do:***

Ensure the Shire and its assets are well resourced and sustainable.

**FINANCIAL AND RESOURCES IMPLICATIONS**

Any known financial implications are addressed in the respective reports.

**RISK MANAGEMENT CONSIDERATIONS**

There are no known risk management implications in relation to this item.

**CONCLUSION**

That Council closes the meeting to the public under section 5.23 (2) of the *Local Government Act 1995* and the *Shire of Morawa Meeting Procedures Local Law 2012* s 6.2 so that it can consider the reports as addressed.

**ATTACHMENTS**

*Nil*

*7:02pm - Mike Cole left the meeting.*

**8.2 Confidential Report – Recruitment of a Chief Executive Officer**

**Author:** Lydia Highfield - Chief Executive Officer Recruitment Consultant

**Disclosure of Interest:** The Author declares that they do not have any conflicts of interest in relation to this item.

**AUTHOR'S RECOMMENDATION**

That with regards to the recruitment of a permanent Chief Executive Officer, Council:

1. Adopt the draft employment contract and salary range as per *Attachment 1*, and as per the Position Description and Selection Criteria adopted by Council on 15 August 2024;
2. Approves and is satisfied with the proposed terms of the CEO employment contract detailed in Confidential *Attachment 1*, being for a period of five (5) years inclusive of a Total Reward Package valued at \$xxx,xxx calculated in accordance with the 2024 Salaries and Allowances Tribunal Local Government Determination Band 4 range;
3. Endorses Candidate No.X in the Confidential matrix as Council's Preferred Candidate. Following interviews with the Chief Executive Officer's Recruitment Panel decision on Friday, 25 October 2024. Should the preferred candidate not proceed, Council endorses Candidate No.X as Council's second Preferred Candidate who Council believes is suitably qualified for the position of the CEO in accordance with section 5.36 (2) of the *Local Government Act 1995*;
4. Authorises the Shire President and the appointed Recruitment Consultant to progress to conduct due diligence referee checks and other relevant checks for the Preferred or second Preferred Candidate;
5. Authorises the Shire President, Deputy President and the Recruitment Consultant to negotiate and finalise the employment contract within the advertised and agreed salary package and benefits as per SAT band 4 range; and
6. Notes that subject to the Preferred or second Preferred Candidate accepting the proposed terms of the CEO employment contract, the candidate is appointed to the position of Chief Executive Officer at the Shire of Morawa.

**Motion to Suspend Standing Orders**

Moved: Cr Stokes

Seconded: Cr Chadwick

**ACCEPTED 7/0**

Standing Orders Suspended at 7:03pm

*Council discussed the Author's Recommendation.*

**Motion to Resume Standing Orders**

**Moved: Cr Coaker**

**Seconded: Cr Clemson**

**ACCEPTED 7/0**

**Standing Orders Resumed at 7:30pm**

*7:37pm – Lydia Highfield left the meeting and did not return.*

***Motion to Adjourn Meeting***

**Moved: Cr Chadwick**

**Seconded: Cr Clemson**

**ACCEPTED 7/0**

**Meeting Adjourned at 7:38pm**

*Presiding Member sought external governance advice.*

***Motion to Reconvene Meeting***

**Moved: Cr Collins**

**Seconded: Cr North**

**ACCEPTED 7/0**

**Meeting Reconvened at 7:56pm**

**COUNCIL RESOLUTION - Alternate Motion**

**That Council defer the current process and not appoint any of the Candidates.**

**241014**

**Moved: Cr Stokes**

**Seconded Cr Chadwick**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**Reason for Change**

***After lengthy consideration, Council did not accept the Selection Panel's recommendation.***

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**8.3 Reopening of the Meeting to the Public**

**OFFICER’S RECOMMENDATION/RESOLUTION**

**241015 Moved: Cr Stokes Seconded: Cr Clemson**

**That Council reopens the meeting to the public.**

***CARRIED BY SIMPLE MAJORITY 7/0***

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*8:05pm - Mike Cole returned to the meeting.*

**Item 9 Closure**

There being no further business, the President declared the meeting closed at 8:06pm.