



City of
Melville

AGENDA

SPECIAL COUNCIL MEETING

NOTICE OF MEETING

I respectfully bring to the attention of Elected Members that a Special Meeting of the Council will be held in the Council Chambers, Melville Civic Centre, 10 Almondbury Road, Booragoon on Tuesday, 30 January 2024 commencing at 6:00.

The Special Meeting is for the purpose of considering item M24/22 – Confidential Staffing Matter.

Gail Bowman
Chief Executive Officer

The City of Melville acknowledges the Bibbulmun people as the Traditional Owners and custodians of the lands on which the City stands today and pays its respect to the Whadjuk people, and Elders both past, present and emerging.

Use this link to [Register to attend the Ordinary Meeting of the Council Tuesday, 30 January 2024 electronically](#)

Our Vision

Engaging with our diverse community to achieve an inclusive, vibrant and sustainable future.

Our Mission

To provide good governance and quality services for the City of Melville community.

Our Values

Excellence

Striving for the best possible outcomes

Participation

Involving, collaborating and partnering

Integrity

Acting with honesty, openness and with good intent

Caring

Demonstrating empathy, kindness and genuine concern



Making A Deputation

A deputation is a verbal presentation by one or more members of the public on a matter to be considered at the Council meeting. Deputations are made at the relevant Agenda Briefing Forum, held one week prior to the Ordinary Meeting of Council.

Information on making a deputation is available on the City's website. [Request to make a Deputation.](#)

Public Question Time

You can ask a question at a Council meeting during Public Question Time. Information on how to ask a question can be found on the City's website. [Public Question Time.](#)

Complex questions or those related to matters on the agenda and requiring a response at the meeting are "questions on notice" and should be submitted in writing, by the close of business the Tuesday prior to the meeting.

Disclaimer

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as representation by the City should be sought in writing and should make clear the purpose of the request.

Audio Recording/ Access to Recording

In accordance with the Council Policy CP- 088 Creation, Access and Retention of Audio Recordings of the Public Meetings this meeting is electronically recorded. All recordings are retained as part of the City's records in accordance with the State Records Act 2000 and the General Disposal Authority for Local Government Records. The Audio recording may be accessed at www.melvillecity.com.au/agendas.

The nature of the Council's decision making role in the matter:

Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

Contents

1	Official Opening	5
2	Attendance and Apologies	5
3	Declarations by Members	6
3.1	Declarations by Members who have not read and given due consideration to all matters contained in the business papers presented before the Meeting	6
3.2	Declarations by Members who have received and not read the Elected Members Bulletin	6
4	Announcements by the Presiding Member (Without Discussion)	6
	Approved Deputations	6
	Approved Written Submission	6
5	Disclosure of Interest	6
5.1	Financial or Proximity Interests	6
5.2	Disclosure of Interest That May Cause a Conflict	6
6	Public Question Time	6
6.1	Questions Received with Notice	6
6.2	Questions Received at the Meeting	6
7	New Business of an Urgent Nature	6
8	Identification of Matters for which Meeting May Be Closed	6
	That the meeting may close to members of the public, if required, to allow for items with attachments deemed confidential in accordance with Section 5.23(a)(b)(e) of the Local Government Act 1995 to be discussed behind closed doors.	6
	• M24/22 Confidential Staffing Matter	6
9	Adoption of Recommendations En Bloc	6
	Not applicable.	6
10	Reports	7
10.1	Reports of the Chief Executive Officer	7
	Management Services	7
	M24/22 Confidential Staffing Matter	7
11	Motions without Previous Notice (approval by absolute majority)	11
12	Decisions made while Meeting was Closed to the Public	11
13	Closure	11

1 OFFICIAL OPENING

2 ATTENDANCE AND APOLOGIES

In Attendance

Councillors

Ward

Officers

Apologies

On Approved Leave of Absence

3 DECLARATIONS BY MEMBERS

3.1 Declarations by Members who have not read and given due consideration to all matters contained in the business papers presented before the Meeting

3.2 Declarations by Members who have received and not read the Elected Members Bulletin

4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Approved Deputations

Approved Written Submission

5 DISCLOSURE OF INTEREST

5.1 Financial or Proximity Interests

Under sections 5.60A and/or 5.60B of the *Local Government Act 1995*

5.2 Disclosure of Interest That May Cause a Conflict

Under *22 Local Government (Model Code of Conduct) Regulations 2021* or a City of Melville Code of Conduct)

6 PUBLIC QUESTION TIME

6.1 Questions Received with Notice

6.2 Questions Received at the Meeting

7 NEW BUSINESS OF AN URGENT NATURE**8 IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

That the meeting may close to members of the public, if required, to allow for items with attachments deemed confidential in accordance with Section 5.23(a)(b)(e) of the Local Government Act 1995 to be discussed behind closed doors.

- M24/22 Confidential Staffing Matter

9 ADOPTION OF RECOMMENDATIONS EN BLOC

Not applicable.

10 REPORTS

10.1 Reports of the Chief Executive Officer

Management Services

M24/22 Confidential Staffing Matter

File Number:	
Responsible Officer:	Chief Executive Officer
Voting Requirements:	Simple Majority
Officer Disclosure of Interest:	No Officer involved in the preparation has a declarable interest
Attachments:	1. Recruitment and Selection Report - Director Community Development (confidential)

COUNCIL'S ROLE

Executive: The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

SUMMARY

- The recruitment and selection process for the Director Community Development role is complete.
- That the Council accept the report recommending the appointment of the preferred candidate in the senior designated employee position of Director Community Development.
- If the Council does not endorse the recommendation, it is to inform the CEO of the reasons for its doing so however, the decision in relation to the appointment still remains with the CEO.

The Council is satisfied that, pursuant to Section 5.23(2) of the *Local Government Act 1995*, the information to be received, discussed or considered in relation to the attachment to this report is:

- (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
- (e) a matter that if disclosed, would reveal –
 - (i) a trade secret; or
 - (ii) information that has a commercial value; or
 - (iii) information about the business, professional, commercial or financial affairs of a person.

OFFICER RECOMMENDATION

That the Council accept the report recommending the appointment of the preferred candidate in the senior designated employee position of Director Community Development.

PURPOSE

The Council to consider the Confidential Recruitment Report and to accept or not endorse the Chief Executive Officer's recommendation for the appointment of the Director Community Development position.

STRATEGIC ALIGNMENT

Priority	<p>4 Support healthy lifestyles and wellbeing</p> <p>P4/1 Invest strategically in local infrastructure and built environments that support physical activity and healthy lifestyles.</p> <p>P4/2 Increase advocacy and partnerships for identified needs relating to community health, safety and security.</p> <p>P4/3 Empower inclusive participation and support for sports and community groups.</p> <p>P4/4 Support National, State and community efforts to assist people in need.</p> <p>5 Ensure long term financial sustainability</p> <p>P5/1 Undertake efficiency improvements to maximise cost effectiveness.</p> <p>P5/2 Advocate at National and State levels to maximise funding.</p> <p>P5/3 Identify opportunities for appropriate alternative revenue streams.</p>
Outcome Indicator	<p>5 Sense of Community</p> <p>Goal 1 Life Long Learning and Creativity</p> <p>Goal 2 Participation and Inclusion</p> <p>Goal 4 Sense of Identity through Collective Memory</p> <p>Goal 3 Place Activation and Liveability</p> <p>Goal 5 Social Connectedness and Belonging</p> <p>4 Safe and Secure</p> <p>Goal 2 People Feel Safe and Secure in All Places at All Times</p> <p>Goal 1 Being Prepared for an Emergency</p> <p>Goal 3 Reduce Business Crime</p> <p>Goal 4 Reduce Household Crime</p> <p>Goal 7 Safe and Secure Places and Environment</p> <p>3 Healthy Lifestyles</p> <p>Goal 1 A Safe and Healthy Urban Environment</p> <p>Goal 2 Healthy Eating</p> <p>Goal 3 Increased Physical Activity</p> <p>Goal 4 Mentally Healthy Community</p> <p>Goal 5 Reduce Alcohol and Other Drug Use</p>

BACKGROUND

The vacancy of the Director Community Development position prompted the recruitment action to fill this vacancy. The recruitment action has been conducted by Beilby Downing Teal.

A **Confidential Recruitment and Selection Report** was distributed to Elected Members, under confidential cover on Thursday 25 January 2024 prior to the Special Meeting of Council to be held Tuesday 30 January 2024.

CONSIDERATION

This information is contained in the confidential attachment to this report.

ENGAGEMENT

Beilby Downing Teal was engaged by the City of Melville to recruit a new Director Community Development.

SUSTAINABILITY IMPLICATIONS

The position of Director Community Development is a key member of the Executive Leadership Team and provides leadership and direction for the Community Development Directorate. This directorate is accountable for the delivery of major community projects and services linked to the Community Strategic Plan.

LEGISLATIVE AND POLICY ALIGNMENT

There are a variety of legal and policy requirements as detailed below. The specific relevant documentation that guides this process includes;

- Relevant sections of the *Local Government Act 1995* (Sections 5.37,5.39,5.40);
- *Equal Opportunity Act 1984*;
- Council Policy CP-026 – Employee Appointments

The role of Director Community Development is deemed under our Organisational Policy to be a Senior Employee as required by the *Local Government Act 1995*.

Section 5.37 (2) of the *Local Government Act 1995* states that “*The CEO is to inform the council of each proposal to employ or dismiss a senior employee and the council may accept or reject the CEO’s recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*”

It is also noted that, in accordance with the *Local Government Act 1995*, the value of the remuneration and benefits in the proposed contract cannot be greater than the amount advertised.

FINANCIAL IMPLICATIONS

This information is contained in the confidential attachment to this report.

Costs associated with recruitment fees are in line with current operational budget.

CONSEQUENCE

Should the Council not endorse the CEO's recommendations, there may be financial implications of running the recruitment process again. Additionally, not securing the preferred candidate will require reconvening the recruitment process.

11 MOTIONS WITHOUT PREVIOUS NOTICE (APPROVAL BY ABSOLUTE MAJORITY)

12 DECISIONS MADE WHILE MEETING WAS CLOSED TO THE PUBLIC

13 CLOSURE