

TAMALA PARK
REGIONAL COUNCIL

Meeting of Council

AGENDA

Thursday 6 April 2006
City of Wanneroo, 5pm

TAMALA PARK
REGIONAL COUNCIL
(TPRC)
COMPRISES THE
FOLLOWING
COUNCILS:

Town of Cambridge
City of Joondalup
City of Perth
City of Stirling
Town of Victoria Park
Town of Vincent
City of Wanneroo

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TAMALA PARK REGIONAL COUNCIL

Councillors of the Tamala Park Regional Council are respectfully advised that the ordinary meeting of Council will be held in the Council Chambers of the City of Wanneroo, 23 Dundobar Road, Wanneroo, at 5pm on Thursday 6 April 2006.

The business papers pertaining to the meeting follow.

Your attendance is requested.

Yours faithfully

R A CONSTANTINE
A/Chief Executive Officer

MEMBERSHIP

OWNER COUNCIL	MEMBER	DEPUTY MEMBER
Town of Cambridge	Mayor Anderton	Cr Barlow
City of Joondalup	Cmr Paterson Cmr Clough	Cmr Anderson *
City of Perth	Cr Evangel	Cr Sutherland *
City of Stirling	Mayor Tyzack Cr Boothman Cr Clarey Cr Stewart	Cr Ham Cr Rose
Town of Victoria Park	Cr Nairn	Cr Skinner
Town of Vincent	Mayor Catania	Deputy Mayor Farrell *
City of Wanneroo	Mayor Kelly Deputy Mayor Salpietro	Cr Treby Cr Roberts

*** *Alternate member declaration of office to be completed***

PRELIMINARIES

1. OFFICIAL OPENING

DISCLOSURE OF INTERESTS

2. PUBLIC QUESTION TIME

3. APOLOGIES AND LEAVE OF ABSENCE

- Deputy Mayor (Town of Vincent) Cr Steed Farrell

4. PETITIONS

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council - 9 March 2006

Moved Cr Seconded Cr

That the Minutes of the Ordinary Meeting of Council of 9 March 2006 be confirmed, and signed by the Chairman as a true and correct record of proceedings, subject to recording that in respect of the resolution for:

Item 9.7 - Appointment of Audit Committee

That the resolution recorded in the minutes was carried by an Absolute Majority Vote.

The Acting Chief Executive reports that the resolution appointing members to the Audit Committee of the Tamala Park Regional Council is required to be carried by an absolute majority vote. The Motions were carried by the required absolute majority vote (the vote was in fact a unanimous vote, however the voting detail was not recorded in the draft minutes). The recommendation corrects the omission.

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

8. REPORTS OF COMMITTEES

9. ADMINISTRATION REPORTS

9.1 Business Report – Period Ending 30 March 2006

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: A/Chief Executive Officer

Recommendation

That the Business Report to 30 March 2006 be RECEIVED.

Report Purpose

To advise Council of matters of interest not requiring formal resolutions.

Relevant Documents

Attachments: Nil
Available for viewing at the meeting: Nil

Background

The business of the Council requires adherence to many legislative provisions, policies and procedures that aim at best practice. There are also many activities that do not need to be reported formally to the Council but will be of general interest to Council members and will also be of interest to the public who may, from time to time, refer to Council minutes.

In context of the above, a Business Report provides the opportunity to advise on activities that have taken place between meetings. The report will sometimes anticipate questions that may arise out of good governance concerns by Council members.

Comment

Since the inaugural meeting of Council the following several matters have been transacted:

1. Statutory advertising has occurred for the proposed Standing Orders Local Laws and Council meeting dates.
2. Formal advice of the first meeting of the Council has been provided to statutory agencies.
3. Research is in progress with respect to changes to the Local Government Act to facilitate a general code of conduct to be prescribed for use by Council members making declarations of office for use with members' declarations for new Councils.
4. Research is in progress to ascertain if alternate/deputy members for Regional Councils can receive an attendance allowance in circumstances where an annual members allowance is paid to the principle Council members.
5. Service provider arrangements are being negotiated for the following:
 - Investment advice
 - Accounting services

- Insurance indemnities
- Legal services
- Banking services

Whelans, surveyors and town planners, are already engaged to assist with survey and structure planning work that was commenced by the participant Councils' CEO representatives.

6. Administrative issues including the acquisition of a common seal, stationery, training for web site development and a Council newsletter (*'Talking Tamala'*) have been progressed.
7. A firebreak has been provided on the northern boundary of land West of Marmion Avenue adjoining the Mindarie Keys subdivision.
8. Work is continuing on the draft Structure Plan for residential land West of Marmion Avenue. It is expected the draft plan will be available from Whelans and SKM in the near future.
9. Negotiations are proceeding with Western Power about location of a substation site to service Tamala Park.
10. The landowner issues, as distinct from those, which are the responsibility of the TPRC, which are of interest to TPRC, are being progressed as follows:
 - The Negotiated Planning Solution documentation with the WAPC is being prepared by the WAPC together with transfer of land documents.
 - A valuation of land subject of WAPC compensation is being obtained for establishing GST at the margin scheme that will be payable by the landowners immediately following receipt of compensation.
 - Endorsement of the lease of 151 hectares to Mindarie Regional Council by the WAPC is being sought to fulfil requirement of Section 20 of the Town Planning & Development Act.
11. The address for the TPRC has been established as TPRC c/- City of Stirling, 25 Cedric Street, Stirling. It has been necessary to identify an address for formal correspondence. Correspondence includes registration and formal advertising.

9.2 Appointment of Chief Executive Officer

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: A/Chief Executive Officer

Recommendation

1. That a Committee comprising the Chairman and 4 Council members be APPOINTED to work with a recruitment consultant to report to the full Council on the following matters relative to the appointment of Chief Executive Officer:
 - A process plan and timeline for the appointment
 - The preparation of a job description and performance measures
 - A draft contract for employment conditions and remuneration
 - A package of data for consideration by the Salaries & Allowances Tribunal to assess a remuneration package for the position
 - A draft advertisement and advertising schedule
2. That the Committee appointed in (1) REPORT on the listed matters to a special meeting of the full Council to be held prior to the Mindarie Regional Council meeting on 27 April 2006.

NB: The special meeting may also consider the draft structure plan for land West of Marmion Avenue.

Report Purpose

To advise action necessary to progress the appointment of Chief Executive Officer for the Tamala Park Regional Council.

Relevant Documents

Attachments: Copy of letter to Recruitment Agencies dated 31 March 2006, which includes the following attachments:

Appointing a CEO Local Government Operational Guidelines (refer page 13)

Gender Diversity and the Selection of CEOs (refer page 16)

Model Contract of Employment (refer page 28)

TPRC Profile (refer page 39)

Local Government Act Extract (refer page 42)

Local Government Regulations Extract (refer page 45)

TPRC Chief Executive Officer Appointment Timeline (refer page 47)

Available for viewing at the meeting: Nil

Background

The Council at the meeting on 9 March 2006 resolved as follows:

That the Council CONSIDER and resolve the process for appointment of a Chief Executive Officer to the Tamala Park Regional Council by the next meeting of the Council.

The steps necessary to move through the process of making an appointment of a CEO will include the following:

1. Set a process plan and timeline for making the appointment;
2. Appoint a consultant to assist the recruitment process;
3. Draft a job description and performance measures;
4. Prepare a draft contract containing employment requirements, remuneration details and obligations of the parties on termination of the contract;
5. Apply to the Salaries & Allowances Tribunal for evaluation of the position based upon the job description and performance measures;
6. Set the criteria for applicant responses and selection committee evaluation;
7. Advertise the position;
8. Appoint a selection panel and define an evaluation process;
9. Final contract negotiations; and
10. Set a commencement date.

Comment

Since the last meeting, the Chairman has authorised contact with the following recruitment services to obtain proposals to provide consultancy for recruitment of a CEO:

- Beilby
- Gerard Daniels
- Hays Group
- Anne Lake Consulting

All of the above recruitment services have had a significant involvement in engagement of personnel for local governments.

The intent is to have a range of recruitment proposals available for the Council to consider.

The consultant responses will be made direct to the Chairman of the Council.

A copy of correspondence inviting responses is attached for information of the Council.

Contact has been made with the Salaries & Allowances Tribunal. The Tribunal is completing a survey of all 153 local and regional governments in Western Australia and has required some information to be provided by the TPRC to complete its survey. The Tribunal will undertake an assessment of the CEO position and provide the required advice that is to be taken into account by the Council in setting the remuneration package for the position.

It has been suggested that a special meeting of the Council could be convened to receive personal submissions from the recruitment agencies listed and any others decided by the Council. The meeting could also resolve matters listed as items 1, 3 and provide an outline of requirements relative to the remaining items for further development with the consultant appointed to assist with the recruitment process.

The Department of Local Government & Regional Development and WALGA have set out guidelines and model contracts for appointment of CEO's in consequence of

controversies that have occurred over time. These guidelines have been well tested and do provide a solid foundation upon which the Council might proceed with the current proposed recruitment.

The Council has appointed an Acting Chief Executive Officer until 5 September 2006 and the program for recruitment of a permanent CEO should be factored to that timeline. Attached is a schedule showing tasks and possible completion times. The project schedule will enable an appointment to be made prior to September 2006.

In order to progress matters, it would be possible for the Chairman and a nominated committee of members to advance items 1, 2, 3, 4 and 5 on the project schedule, in conjunction with an appointed consultant, with the view of reporting proposals to the full Council at a special meeting which might be held on or about 26 April 2006.

The full Council would then be involved in the endorsement of all of the activities, documentation and timelines and the position could be advertised no later than 17 May 2006.

It is strongly recommended that the Council be fully acquainted with and endorse each step to ensure completeness, accuracy and transparency of the process.

ATTACHMENT – COPY OF LETTER TO RECRUITMENT AGENCIES



Your ref: N/A
Our ref: RC 1/2006

31 March 2006

Insert Name
Insert Title
Insert Company
Insert Address

Dear *Insert Name*

RECRUITMENT OF CHIEF EXECUTIVE OFFICER - TAMALA PARK REGIONAL COUNCIL

The Tamala Park Regional Council was established by proclamation in the Government Gazette on 3 February 2006. It is the 153rd local government in Western Australia.

The new Council decision making body has met and has resolved to proceed forthwith with the appointment of a Chief Executive Officer. The Chief Executive Officer is a mandatory appointment made under the Local Government Act.

The Department of Local Government & Regional Development, in response to probity concerns has issued guidelines to assist Councils in making appointments of Chief Executive Officers. The Department and the West Australian Local Government Association have also collaborated in the preparation of other support documentation including a document addressing gender diversity in local governments and a draft model contract for local authority Chief Executive Officers.

A copy of these documents is enclosed along with extracts of the Local Government Act and the Local Government Regulations, which are required to be adhered to in the process of local authority Chief Executive Officer and senior officer recruitments. Also enclosed is a copy of a timeline suggesting the completion of the recruitment process in August 2006. A summary profile of the Tamala Park Regional Council is also enclosed.

You are invited to submit a proposal to act as recruitment consultants assist the Tamala Park Regional Council in appointing its Chief Executive Officer.

The process for appointment would need to closely follow the guidelines contained in the documents enclosed. It is anticipated that the full Council of 12 members will wish to be involved at all stages of the Chief Executive Officer recruitment process. Specifically, you should assume that the Council would wish to have the recruitment consultant involved in the following:

TAMALA PARK REGIONAL COUNCIL (TPRC) COMPRISES 7 LOCAL AUTHORITY OWNERS

Please address all correspondence to:

c/- City of Stirling
25 Cedric Street
STIRLING WA 6021

Phone: 9345 8595 Fax: 9345 8809

- 2 -

- Development of a selection process – this is a mandatory requirement of regulations
- Development of position description
- Development of a selection criteria
- Drafting of the advertisement
- Preliminary assessment of the applications
- Final short listing
- Drafting of the questions for interview
- Coordinating interviews

As part of the initial response, the Council would request information from your consultancy covering the following:

- That you understand the process set out in the Local Government legislation and guidelines for the appointment of a local government Chief Executive Officer;
- A statement of fees for your appointment. You may be assisted in calculating fees in knowing that the Council has appointed an Acting Chief Executive Officer with a salary package of approximately \$164,000 per annum.
- An indication of whether the timelines proposed are achievable.
- An understanding that the recruitment consultant would need to meet periodically with the full Council and provide written reports on all of the matters listed at the top of this page.
- Other matters that you consider relevant and necessary in recruiting a Chief Executive Officer for the Tamala Park Regional Council.

It will be appreciated if an initial response could be available by Wednesday evening (5 April 2006). Your consultancy is one of 4 invited to respond. The Tamala Park Regional Council will meet on 6 April 2006 and will consider appointing a recruitment consultant at that time.

Responses should be made direct and only to the Chairman of the Tamala Park Regional Council, Cr Sam Salpietro, c/- City of Wanneroo, Locked Bag 1, Wanneroo WA 6946. It will be sufficient if the response is emailed in the first instance to sam.salpietro@wanneroo.wa.gov.au with a hard copy following in the post.

Please contact the undersigned (on 9345 8595) or the Chairman of the Council (Cr Sam Salpietro, 9247 1601) as necessary for further information relating to this request.

Yours sincerely

R A Constantine
A/CHIEF EXECUTIVE OFFICER

Encl: Local Government Operational Guidelines
Gender Diversity & the Selection of CEOs
Local Government Regulations (extract)
Local Government Act (extract)
Model Contract of Employment
Timeline
Tamala Park Regional Council Profile

ATTACHMENT – APPOINTING A CEO OPERATIONAL GUIDELINES

Appointing a CEO

1. Introduction

1. Selecting and appointing a CEO is one of the most important tasks elected members may undertake during their term of office. Choosing the right person is critical to the success of the council and the local government.
2. It is essential that correct processes are followed so that every opportunity is given to the candidates to put the appropriate information forward so the council can choose the person most suited to the position. It is important that elected members understand that when they appoint a CEO they are entering into a contractual relationship with the CEO. A commitment to trust and good faith by both parties will lead to an effective relationship between the council and the CEO. This guideline has been developed to assist councils to conduct an effective process when selecting their new CEO.

2. Legislation

3. There are three sections of the *Local Government Act 1995* (the Act) that have direct application to the appointment of a CEO. Section 5.36 of the Act requires a local government to employ a "suitably qualified" person to fill the position of CEO. Section 5.39 contains provisions for the contracts of CEOs. Section 5.40 requires that all employees are to be selected in accordance with the principles of merit and equity.
4. The principles of merit and equity refer to the process of filling vacancies whereby a thorough assessment is made of the candidates' skills, knowledge and abilities against the work related requirements of the vacancy. The process must be open, competitive and free from bias, unlawful discrimination, nepotism or patronage.
5. "Suitably qualified" is not defined in the legislation but the intention is not limited to academic qualifications. Through the position description and selection criteria the council needs to ensure that processes are in place to appoint the person that best meets the qualities required in terms of academic qualifications, experience, skills and knowledge.

3. Outsourcing the Recruitment Process

6. Depending on the size of the local government and the availability and skills of staff, outsourcing the recruitment process may be the best option.
7. Generally recruitment consultants provide a professional service and possess a wide range of knowledge and skills in staff recruitment. It is recommended that rigorous checks be conducted on any recruitment consultants before they are appointed to ensure they have the necessary skills and experience (local government recruitment experience would be beneficial) to effectively assist the council in its selection of a CEO.
8. An early decision needs to be made by council on whether it will handle the recruitment in-house or appoint a consultant to coordinate the appointment process. If a recruitment consultant is chosen, council should provide the consultant with a copy of these guidelines as part of the appointment process.

9. A recruitment consultant may be involved in the following aspects of the selection process:

- development or review of the position description;
- development of selection criteria;
- drafting of the advertisement;
- preliminary assessment of the applications;
- final shortlisting;
- drafting of the questions for interview;
- coordinating interviews; and
- finalising the contract.

10. If a decision is made to outsource the recruitment process it is imperative that the council maintains a high level of involvement in the process and enters into a formal agreement (contract) with the consultant. In order to manage the contract efficiently and ensure an effective outcome, regular contact with the consultant is required during the process.

4. Reviewing Necessary Documentation

11. There are two very important documents that need to be reviewed and approved by council prior to advertising the position. These are the Position Description Form and the Contract of Employment.

4.1 Position Description Form

12. The Position Description Form, particularly the selection criteria and performance criteria (where it is included in the Position Description Form) should be reviewed prior to advertising. The council, a committee of council or the consultant (if one is used) should undertake this task.
13. Council needs to determine what they want their CEO to do and whether the selection criteria will facilitate the appointment of a person with the appropriate set of skills. For example, it may be very important that a CEO work with diverse elements of the community such as developers, mine operators, Indigenous communities or other specific interest groups. Therefore, a selection criterion might be "Proven ability to work and negotiate with diverse groups in the community". If such a criteria is not included an assessment of the applicants' abilities in this area may be overlooked. This is why councils must decide when commencing the task of appointing a new CEO that the skills and qualities required are well understood and documented.
14. Selection criteria are generally classified as "essential" and "desirable". Applicants who are able to satisfy all the essential criteria should be considered for interview. If an application does not fully address the essential selection criteria the applicant should not be considered for interview. However, on occasions an application may be received where the applicant has the skills and experience which indicate a capacity to satisfy the essential selection criteria even though it is not clearly elaborated in the application. In these circumstances the application may warrant further consideration. Desirable criteria are not an essential requirement of the position. They are normally identified to attract applicants who may have a wider range of skills and experience which an employer would consider desirable.
15. Council may decide that it would be more appropriate to attract applicants with a wider range of knowledge, experience and management skills than just local government. If this is the case the selection criteria should accommodate this.

4.2 Performance Criteria

16. Performance criteria are quantitative and/or qualitative measures of performance. There are two broad categories of performance criteria. Those that have general application and apply at all times and specific criteria that apply for a limited period of time. An example of the first type would be, "Advice to council is relevant, accurate and timely." An example of the second type of performance criteria would be, "Calling of tenders for the new recreation centre is undertaken on time and in compliance with the law." It is obvious that the first is always going to be required, whereas at other times the local government will not be building a new recreation centre.
17. Council may set ongoing permanent performance criteria that will be included in the contract. The successful applicant needs to be informed that performance criteria relevant to a specific project/s will also be subject to annual negotiation. These will be assessed at least once during each year.
18. In setting performance criteria, council will need to determine what it is they want their CEO to do over and above legislative requirements. Councils need to be realistic in terms of their expectations and provide appropriate resources to facilitate achievement of performance criteria. The performance criteria must be consistent with the position description and the selection criteria.
19. It is not essential that performance criteria relating to a specific project/s are identified prior to the appointment but, if not, they must be identified very soon after so that the new CEO is aware of what is required of him or her in the coming year or years.

4.3 Contract of Employment

20. The council should review and amend, where necessary, the existing terms and conditions of the CEO contract before proceeding to advertise the position. In accordance with section 5.39(7) of the Act, a local government is to take into account the recommendations contained in the report of the Salaries and Allowances Tribunal as to the remuneration to be paid to a CEO.
21. It is also recommended that council obtains advice on the contract where alterations or amendments are proposed and there is the slightest doubt as to the meaning of those alterations or amendments.
22. The Department has worked with the Western Australian Local Government Association and Local Government Managers Australia to prepare a model contract. It is recommended that this model be used as the basis for the contract of employment with the new CEO. The model contract can be downloaded from the Department's website at www.dlgrd.wa.gov.au.

5. Advertising the Vacancy

23. Ideally, the position should be advertised as widely as possible to attract the best possible field. The minimum requirement for advertising under *Local Government (Administration) Regulation 18A(1)* is for the position to be advertised in a newspaper circulating generally throughout the State.
24. Regulation 18A(2) prescribes the minimum requirements to be included in an advertisement for the position of CEO.
25. The content and context of advertisements should be carefully considered. An attractive and well constructed advertisement is more likely to attract the interest of potential candidates.
26. A comprehensive application kit comprising documentation relevant to the vacant position should be developed and provided to potential applicants on request. Reference to, and instructions on how to access the kit should be included in the advertisement.

27. Allow sufficient time within the advertisement for potential applicants to prepare and forward applications. It is recommended that the position be open for a minimum of two weeks with a definite date and time after which applications will not be considered.

6. Confidentiality

28. From the beginning to the conclusion of the process, absolute confidentiality must be maintained by every person involved in the selection process. This cannot be emphasised enough, as any information which finds its way into the public domain before a recommendation is made to council may well compromise the selection process.
29. Council should consider the use of a confidentiality agreement, which requires all persons involved in the selection process to agree to appropriate levels of confidentiality.

7. Selection and Appointment Process

30. The selection and appointment process to be applied to a CEO position must be approved by council prior to advertising as prescribed under *Local Government (Administration) Regulation 18C*.
31. Extensive consideration should be given to the overall process, especially the shortlisting, whether preliminary interviews will be conducted and whether final interviews will be with full council. Council must be very clear about the methods, techniques and questions used during the selection process.
32. It is essential that the council manages the process professionally and members involved in the process have a thorough understanding of their roles and responsibilities.
33. Council may decide to establish a committee to coordinate the preliminaries of the selection process. This committee should liaise with the employment consultant if one is appointed.
34. The respective roles of a consultant, council committee, full council and an individual elected member must be clear.
35. Applicants should be shortlisted according to their capacity to address the relevant selection criteria. Where there is a large pool of applicants, the most competitive should be shortlisted for interview. It is the responsibility of the interview panel/selection committee to determine how many applicants it will interview. Their assessment must involve detailed consideration of the applications and may involve a preliminary interview.
36. Elected members may act as referees for applicants. This most often occurs when a person already employed by the local government applies for the CEO position. When this occurs it is recommended that the member provide a written referee report prior to interview (assuming the applicant is granted an interview).
37. Elected members should declare any previous association with a potential applicant at the time of shortlisting if they are part of the interview panel/selection committee established for the purpose. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence. If a member's relationship with an applicant is significant and may result in claims of nepotism or patronage, the member should exclude themselves from the selection process.
38. Where rating scales and other scoring tools are used to assess the relative performance of applicants, it is important that all elected members and other members involved in the interview understand how these are applied so they produce meaningful results. The interview panel/selection committee may also consider using psychological or other testing as part of the selection process.

8. Conducting the Interview

39. The interview process can be challenging for both panel members and applicants.
40. It is a practice in local government that the full council be involved with the final interview and selection. This is perfectly understandable, as all members of council have to work closely with this person and trust them. Often, all elected members feel they need to be involved in the assessment and final selection. If this does not occur it is desirable that at the very least, all members of council have the opportunity to meet the recommended applicant prior to the appointment being considered by council.
41. Applicants should be provided with at least five working days notice of the impending interview wherever possible to allow them to adequately prepare for the interview. Obviously, if you are a council in regional Western Australia and are expecting an applicant to travel, then sufficient time needs to be allowed. Interviewing over a weekend may be an option.
42. It is important to provide an environment that puts the interviewee at ease and allows them to perform at the highest possible level. In this regard, consideration should be given to environmental factors such as location and lighting etc. A well organised process will ensure that everything runs smoothly.
43. The importance of the chairperson in managing the interview process cannot be overstated. The chairperson is responsible for ensuring that the interview is managed efficiently and effectively.
44. Ideally, all elected members who are to be in attendance at the final interview should be involved in planning the interview process. Each applicant must be subject to the same assessment method, ie interview questions, tests etc. It is quite acceptable for the panel to ask additional questions to clarify a point or tease out further information during the interview.
45. It is not necessary for all elected members to have the opportunity to ask a question. Often, it is best to allocate the questions to a small group of elected members (maximum 3) which ensures consistency of approach.
46. At the conclusion of the interview it is appropriate to provide the applicant with an opportunity to clarify any issues with the panel/selection committee.

9. Making a Decision

47. The council should not make a decision to appoint an applicant until all available information has been considered. This includes, but is not limited to, assessment of interview performance, quality of application, referee reports, copies of reports written by the applicant and the results of any psychological or other tests (if used).
48. The council must be satisfied regarding the claims by the applicant about their relative experience and qualifications. Local Government (Administration) Regulation 18E makes it an offence for a person to provide false information relating to their academic qualifications.
49. Given the importance of the position of CEO, a police clearance should be sought.
50. Referee reports are an important part of the process and should be in writing and address the relevant selection criteria for the position.
51. The council may source a referee who is not one nominated by an applicant, providing they advise the applicant of their intention to do so.

52. In the event that a referee who was not nominated by the applicant provides a report that contains negative comments, the applicant should be given the opportunity to respond to any such comments.

10. Finalising the Appointment

53. Eventually, after considering all the information available to it, the interview panel/selection committee then has to make a decision on which applicant is the most suitable for appointment.
54. A selection report should be prepared for consideration by council which documents the assessment of each applicant interviewed. The report should identify the most suitable applicant and include a recommendation for appointment.
55. Following approval of the appointment by council, the successful applicant should be offered the position. The unsuccessful applicants (including those not interviewed) should be notified of the decision and offered the opportunity to seek feedback on their application or interview performance if they were granted an interview.
56. Should an unsuccessful applicant request feedback, it is recommended that the chairperson of the interview panel/selection committee provide this. If a recruitment consultant is used they can undertake this task.
57. Local Government (Administration) Regulation 18F does not allow a local government to increase the value of a CEO's remuneration and benefits in excess of those advertised when finalising the appointment. If the remuneration and benefits are to be increased prior to finalising the appointment, the position must be readvertised.
58. It is intended that this Guideline be read in conjunction with the companion document, "Gender Diversity and the Selection of CEOs and Senior Staff in Local Governments", developed by the Advisory Committee on Women in Local Government.

ABOUT THE GUIDELINE SERIES

This document and others in the series are intended as a guide to good practice and should not be taken as a compliance requirement. The content is based on Departmental officers' knowledge, understanding, observation of, and appropriate consultation on contemporary good practice in local government. Guidelines may also involve the Department's views on the intent and interpretation of relevant legislation.

All guidelines are subject to review, amendment and re-publishing as required. Therefore, comments on any aspect of the guideline are welcome. Advice of methods of improvement in the area of the guideline topic that can be reported to other local governments will be especially beneficial.

Further Information

For more information about this and other guidelines, contact the Local Government Support and Development Branch of the Department of Local Government and Regional Development on 9217 1500 or e-mail lgzd@dlgrd.wa.gov.au

These guidelines are also available on the Department's website at <http://www.dlgrd.wa.gov.au>

ATTACHMENT – GENDER DIVERSITY & THE SELECTION OF CEOs

Gender Diversity and the SELECTION OF CEOs AND SENIOR STAFF
in local governments

FOREWORD

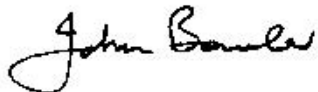
The selection of a Chief Executive Officer and senior staff are important processes, impacting on the quality of management and decision making in a local government. It is therefore essential that the most suitable people are recruited for these positions.

An essential part of the process is that a local government recognises the need to provide services and facilities for communities which are increasingly diverse. The selection process must also reflect this, such that relevant requirements are included in position statements and selection criteria and people with appropriate knowledge and skills are attracted in the pool of applicants for positions.

This recruitment guide has been prepared to assist local governments with this key task. It was initiated by the Advisory Committee on Women in Local Government which provides advice to me as the Minister for Local Government and Regional Development on ways of encouraging and assisting women to seek employment and progress their careers in the Western Australian local government sector. The Advisory Committee has been undertaking a number of activities which are promoting and supporting the development of the sector as a whole. This guide, too, has general application for the successful recruitment of the best possible people, men and women, needed to carry out the increasingly diverse and complex work of a local government.

As is highlighted in the Introduction, it is intended that the guide be used as a companion document to the *Local Government Operational Guidelines for Appointing a CEO*, issued in conjunction with the guide by the Department of Local Government and Regional Development.

I urge all local governments to use these publications to ensure that their selection processes achieve the best possible outcome for the organisation and the community.



JOHN BOWLER JP MLA
MINISTER FOR LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT,
LAND INFORMATION; GOLDFIELDS – ESPERANCE; GREAT SOUTHERN

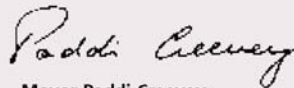
FOREWORD

It is with great pleasure that I invite you to read and use this guide for the recruitment of Chief Executive Officers and senior staff in local governments.

The guide recognises the considerable diversity in communities across the State and the key role which local governments play in providing facilities, programs and services to meet the equally diverse needs of people in those communities. To do this successfully, local governments must conduct recruitment processes which encourage the widest possible range of applications with the best possible knowledge and skills to bring to these senior positions.

The Advisory Committee on Women in Local Government, which I chair, acknowledges the important contribution which women are making in senior roles in the administrations of local governments. However, the knowledge and skills which women hold are not always acknowledged in selection processes, including the transferability of this knowledge and these skills to various senior management and professional positions within the sector. This situation applies for both male and female applicants for local government positions and the Advisory Committee has therefore given a high priority to contributing to the improvement of selection processes in the sector per se.

With this in mind, the Advisory Committee has prepared the guide as a companion document to the *Local Government Operational Guidelines for Appointing a CEO*. These are being made available to local governments as a package. Both are easy to use and apply. I trust that they assist you in developing the capacity of your local government to meet the challenges facing the sector today.



Mayor Paddy Creevey
Chair
Advisory Committee on Women in Local Government

Gender Diversity and the **SELECTION OF CEOs AND SENIOR STAFF**
in local governments

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INTRODUCTION

Purpose of This Guide

This guide is a companion document to the *Local Government Operational Guidelines for Appointing a CEO*, issued by the Department of Local Government and Regional Development. It has been designed to assist those recruiting suitably qualified people for CEO and other senior positions for a local government to integrate gender diversity strategies within a standard recruitment process. Whether managing the selection or working with a recruitment consultant (or HR department), you can use this kit to ensure that the most important strategies have been taken into account. Useful diversity tips and easy-to-use checklists are presented in sequence for each key stage of the recruitment process. The Guide provides a fully integrated strategic diversity reference for achieving successful, inclusive selections.

Background

The *Advisory Committee on Women in Local Government* was established to advise the Minister for Local Government and Regional Development on ways of encouraging and assisting women to seek employment and progress their careers in the Western Australian local government sector. In addressing this role, the Advisory Committee has considered a number of issues relating to decision making in the recruitment and selection of Chief Executive Officers and staff for other senior positions in local government. In planning and undertaking its activities, the Advisory Committee promotes the principles of merit and equity for all employees and applicants in recruitment and

selection processes. The Advisory Committee also recognises the importance of an appropriately skilled workforce in the local government sector in effectively delivering services to members of the community.

The Changing Business Environment—Diversity of Local Communities

Many local government leaders are recognising the need to provide services and facilities for communities which are increasingly diverse. Women are an important part of that diversity, making up a growing percentage of the workforce and the community. In recent years, a number of studies have shown that diversity has a positive impact on the bottom line, so it is not surprising that businesses and governments are developing workforces which are more reflective of the community population. Here are some interesting statistics about the gender diversity in local government communities:

THE FACTS AND FIGURES

- 2004 census estimates show that women make up 49.93% of local Western Australian communities
- As at June 2005, only 3% of CEOs were women
- Following the May 2005 elections, 22.9% of Mayors and Presidents were women and 29% of Councillors were women
- In 2005, 51.3% of all local government electors were women
- According to the Australian Bureau of Statistics, *Characteristics of Small Business 2003*, 32% of new small businesses are owned and run by women

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The Changing Workforce—Delivering Quality Services

Diversity is a business issue and presents a prime capacity building opportunity for local governments. In today's competitive world, Western Australian local governments must operate with tighter resources and are increasingly reliant on highly effective workforces to meet the changing needs of an increasingly diverse community. Capacity building objectives and high productivity must be achieved through creative problem solving, creation of new products and innovation in the provision of services and facilities.

Servicing a diverse community involves understanding different values, norms, languages and points of view. In such an environment, a traditional workforce with traditional skills and customer service practices is not enough. To be truly competitive and relevant, the local government focus and workforce today needs to be inclusive of different generations, ethnicities and genders, catering to differences, including gender differences, within the workplace and engaging with the community and diverse stakeholder groups. By focusing attention on the diversity capabilities of the workforce as a strategic resource, it becomes clear that gender diversity in leadership teams is critical for building capacity and meeting community needs. To summarise, gender diversity on management teams can help local governments build community capacity by:

- ensuring that local government products and services are relevant to an increasingly diverse community;
- providing opportunities to understand the need for new products and services that

result from changing demographics and community needs and values; and

- establishing a capacity building environment which promotes innovation and flexibility for dealing with clients and the community.

Strategically Recruiting for Gender Diversity

In terms of diversity capability, today's local government CEOs and senior staff must manage a complex, diverse internal and external environment. Recruiters therefore play a vital role in incorporating diversity as a key criterion for hiring CEOs and senior staff who can bring relevant expertise and capability to their local government.

Here are three key planning strategies for ensuring that diversity is strategically integrated with the overall executive recruitment plan:

- use merit based recruitment and selection to assess how candidates could make use of their capabilities, including diversity capabilities, to add value to the business of local government;
- use diversity criteria in the job advertisement and selection criteria with the aim of enhancing the capability of the organisation to deliver quality services and products; and
- advertise CEO and senior positions widely and ensure that women get the opportunity to be in the candidate pool for the position being offered.

Legislative Considerations

Those conducting recruitment and selection processes must take care not to breach applicable legislation such as the *Equal Opportunity Act 1984* and the *Local Government Act 1995*.

INTEGRATING DIVERSITY WITH THE RECRUITMENT PROCESS — 3 EASY STEPS



Checklists for Each Step are presented on the following pages.

Gender Diversity and the **SELECTION OF CEOs AND SENIOR STAFF**
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**STEP 1 DEVELOP A RECRUITMENT PLAN
TO MEET THE ORGANISATIONAL
AND SERVICE DELIVERY NEEDS OF
A GENDER DIVERSE COMMUNITY**

A good plan for the recruitment of a CEO and senior staff is vital for ensuring that the business needs of local government are achieved by obtaining the most suitable people with the best skills mix.

A typical planning exercise must include consideration of the requirements of the *Local Government Act 1995* and other relevant legislation along with the *Local Government Operational Guidelines for Appointing a CEO*, the companion document to this guide.

The simplicity or complexity of planning will of course vary with the size and purpose of each local government. However, taking an integrated approach to diversity and recruitment planning will help local governments to attract gender diversity in applicant pools. An integrated approach should have a direct bearing on the content of job descriptions and the type of recruitment strategies and selection techniques used.

**Gender Diversity and
Recruitment Planning Checklist**

The good practice recruitment plan...

- ...is based on a fair process for assessing each applicant's ability to meet the work related requirements of the position being advertised (ie based on the principles of merit and equity).
- ...shows clear links with the local government plan for workforce diversity with a focus on matching the employee profile to the community demographics.
- ...factors in an understanding of the legislative requirements, including those for Equal Employment Opportunity.
- ...if needed, includes a review and update of the job description and selection criteria, based on the job requirements for meeting local government business and community service needs.
- ...provides panel members with a choice of the most effective assessment methods for identifying the best candidate.
- ...ensures that the selection panel has the right mix of skills and executive selection experience to assess diverse candidate pools for a senior position and that it comprises at least three people.
- ...if needed, identifies any parts of the recruitment to be handled by a recruitment agency. Ensures that the agency understands the local government need for gender diversity in the search for suitable applicants and any screening process to be conducted.
- ...identifies the most appealing advertising design and the most appropriate advertising medium(s) to attract the widest possible applicant pool. This will increase the likelihood of gender diversity in the applicant pool.

**STEP 2 ADVERTISE AND ATTRACT
TALENTED PEOPLE WHO ARE
REPRESENTATIVE OF A GENDER
DIVERSE WESTERN AUSTRALIAN
COMMUNITY**

There are many options available with respect to attracting gender diverse candidate pools for CEO and senior positions. The state of the labour market will have some effect on who, and how many applicants, you can attract. Sometimes, there are relatively few people for the type of position available. However, as a general guide, gender diversity strategies should be targeted to reach the greatest field of applicants and to find the most suitable person for the job. Local governments are encouraged to promote gender diversity and family friendly policies.

Some of the most common and effective means of advertising and attracting executive applicants include:

- national and metropolitan newspapers;

- professional journals;
- the internet; and
- executive search consultants.

Checklist

Gender Diversity and Attracting the Best Field of Candidates

- Advertising medium(s) decided: a variety of ways of advertising the position and attracting a wide and diverse field of applicants has been considered.
- An attractive job advertisement has been written to sell the benefits of the position and to catch the eye of highly qualified applicants:
 - the advertisement is written in non-discriminatory language;
 - gender specific terms such as 'he' or 'she' are not used;
 - there are no references to age, race or nationality; and
 - qualities and attributes that are not necessary for the job are not included.

Chief Executive Officer

Looking for a change and a better life ...join a winning team

Our City council is successfully moving towards a vision of a vibrant, picturesque and popular centre of work, leisure and living. We are a diverse and progressive organisation with a reputation for inclusiveness and excellence.

Are you a leader with entrepreneurial flair, who thrives on a collaborative approach, who has the resilience to join a creative, busy executive team? If you answer 'yes', and you have a track record for achieving results, a working knowledge of local government, strong financial management with strategic thinking skills and the ability to communicate with diverse groups of people, then this is your dream job.

We offer excellent remuneration, superannuation and work flexibility supporting family friendly work policies. Centred in the heart of the beautiful Lake Mountains region, our City has easy access to many national parks, lakes and tourist attractions. An information pack is available and candidates will be required to submit a written application addressing the selection criteria. This is to be forwarded to:

Rex Cruiment
Clever Recruiting
PO Box 1
Good Practice WA 007

Information Packs: Obtained by contacting Lesley on (08) 9007 007*.

Closing Date: 5.00pm, Friday 22 January 200X

* Callers who are deaf, or who have a hearing impairment or a speech/communication impairment, may call through the National Relay Service by dialling 133 677 and then quote 08 0000 000.

EXAMPLE
Advertisement for attracting gender diverse candidate pools



City of
Good
Practice

AN EQUAL OPPORTUNITY AND DIVERSITY FRIENDLY EMPLOYER

Gender Diversity and the **SELECTION OF CEOs AND SENIOR STAFF**
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**STEP 3 ASSESS AND SELECT THE MOST
SUITABLE PERSON TO SUPPORT
ORGANISATIONAL PERFORMANCE
IN THE DELIVERY OF SERVICES**

Fundamental to assessing and selecting the best candidate is to plan and prepare well for the assessment and interview. This involves ensuring that the assessment method used is fair and suited to each of the selection criteria and will give reliable information about the abilities of every candidate. A fair assessment method will ensure that all applicants have an opportunity to demonstrate their ability to meet the requirements of the position they have applied for.

It is important that the panel is constituted so as to ensure that fair consideration will be given to all applicants and that there is an appropriate gender balance. It is also important for panel members to be aware that the validity of any assessment method they use can be affected by their own personal bias. They need to be aware of the impact that their bias can have on a fair assessment. Personal qualities unrelated to effective job performance should not be taken into account. By emphasising fairness and merit, selectors can reduce the risk of gender bias and increase the gender diversity of the final candidate pool.

Applications, reference checks, rating scales and the final decision should all be relevant to the selection criteria. All information from written applications, resumes, referees, presentations and any tests undertaken must be evaluated fairly and objectively in order for a final decision to be reached and so show that the person to be hired best meets the stated job and candidate requirements.

Choosing the best person for the job is a difficult and challenging task. However, preparing well for the assessment and interview and applying the principles of fairness, merit and diversity will help those undertaking the recruitment and selection process to feel confident in their final decision making and in demonstrating that the person selected best meets the stated job and candidate requirements.

Checklist

Fair Assessment and Selection Which is Based on Merit

- Applicant Shortlist: A shortlist of the most suitably qualified applicants, men and women, has been prepared and the applicants advised. The short list includes only those who clearly meet the selection criteria.
- The Interview Plan: Assessment methods, specific questions and assessment points have been prepared as part of an overall interview plan.
- The Panel: Comprises at least three people and is constituted to ensure gender balance and fair consideration for all applicants.
- Style of Interview and Interviewing Techniques: The style of interview has been decided and is conducive to interviewing people from different backgrounds and with various communication styles. Questions should be phrased in ways that do not invade privacy or breach discrimination legislation. For example, avoid asking an applicant about their marital status or their ability/preference to relocate.
- Referee Checks: To help selectors make up their minds about candidates, referees have been contacted to confirm the work history, skills and capabilities of applicants. Questions for referee interviews were based on the selection criteria and the responses were documented.
- Selection Report: A full selection report has been prepared. It records the Panel's deliberations and selection decision and includes all relevant information for their decision. For example, the report is based on the selection criteria and includes the CEO Evaluation form with comments for each individual, a comparative assessment sheet and referee comments.
- Advising Unsuccessful Applicants: A courtesy letter has been sent to each unsuccessful applicant to advise them about the outcome of their application.

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OTHER RESOURCES AND INFORMATION

Further Reading

Compton, R., Morrissey, W., and Nankervis, A.
(2002) *Effective Recruitment and Selection
Practices*. Sydney: CCH Australia Ltd

Wackerle, F. (2001) *The Right CEO Straight,
Talk about Making Tough CEO Selection
Decisions*. San Francisco: Jossey-Bass

Sessa, V., and Taylor, J. (2000) *Executive
Selection, Strategies For Success*. San Francisco:
Jossey-Bass

Carey, D. and Ogden, D. (2000) *CEO
Succession, A Window on How Boards Can Get
it Right When Choosing a New Executive*. New
York: Oxford University Press

"Gender Diversity and the Selection of CEOs and Senior Staff in Local Government" was prepared by a working group of the Advisory Committee on Women in Local Government, the group convened by the Director of the Office of Equal Employment Opportunity, a member of the Advisory Committee.

No person or organisation should act on the basis of any matter contained in this document without considering and, if necessary, taking appropriate advice. Neither the Department of Local Government and Regional Development or the Office of Equal Employment Opportunity, nor any of their employees, undertake responsibility to any person with respect to this document.

Published August 2005

ISBN 0 7307 6340 4



**Department of Local Government
and Regional Development**
Government of Western Australia

Published by the Department of Local
Government and Regional Development

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Development website at www.dlgrd.wa.gov.au

ATTACHMENT – MODEL CONTRACT OF EMPLOYMENT

THIS CONTRACT OF EMPLOYMENT

is made on the _____ day of _____

BETWEEN:

1. _____ (the Local Government)

_____ (address for service of notices)

and

2. _____ (the Chief Executive Officer)
_____ (address for service of notices)

1. POSITION

The position is that of Chief Executive Officer of the Local Government.
This contract relative to that position is made under and subject to the *Local Government Act 1995*.

2. DEFINITIONS

In this Contract:

- 2.1 “Act” means the *Local Government Act 1995*;
- 2.2 “CEO” means the Chief Executive Officer of the Local Government;
- 2.3 “Confidential Information” means any and all confidential information, data, reports, operations, dealings, records, materials, plans, statistics, finances or other agreements and things (other than an agreement or thing which is already in the public domain), whether written or oral and of whatever type or nature relating to property, assets, liabilities, finances, dealings or functions of the Council or any undertaking from time to time carried out by the Council.
- 2.4 “Council” means the Council of the Local Government;
- 2.5 “Long Service Leave Regulations” means the Local Government (Long Service Leave) Regulations.
- 2.6 “Mediation Service” as referred to in clause 17 means an individual or company contracted to mediate a dispute between the parties.
- 2.7 “Policies” means the policies adopted by Council.

- 2.8 “Position” means the office or position defined in Clause 1.
- 2.9 “Remuneration Package” means the total of the remuneration package specified in Clause 12.
- 2.10 “Term” means, the term specified in Clause 4.

3. CONSTRUCTION

Unless expressed to the contrary, words importing:

- 3.1 The singular include the plural and vice versa.

A reference to:

- 3.2 A person includes a firm, an unincorporated association, an incorporated association, a corporation and a government or statutory body or authority.
- 3.3 A person includes their legal personal representatives, successors and assigns.
- 3.4 A statute, ordinance, code, regulation, award or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
- 3.5 A right includes a benefit, remedy, discretion, authority or power.
- 3.6 An obligation includes a warranty or representation and a reference to a failure to observe or perform an obligation includes a breach of warranty or representation.
- 3.7 Provisions or terms of this Contract, or another document, contract, understanding or arrangement include a reference to both express and implied provisions and terms.
- 3.8 This Contract or any other document includes this Contract or other document as varied or replaced and notwithstanding any change in the identity of the parties.
- 3.9 Writing includes any mode of representing or reproducing words in tangible and permanently visible form, and includes facsimile transmissions or other electronic mail or transmissions.
- 3.10 Any thing (including, without limitation, any amount) is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to any one or more of them.
- 3.11 Headings are for convenience only and do not effect the interpretation of this Contract.

4. TERM OF EMPLOYMENT

Subject to the terms and conditions contained in this contract, the Local Government will employ the CEO for a term of _____, commencing on the _____ day of _____ and expiring on the _____ day of _____.

5. FURTHER CONTRACTS

There is no compulsion on either the Council or the CEO to agree to a new Contract. The Council and/or the CEO shall initiate discussions not later than 12 months prior to the expiry of the Term for the parties to enter into a new Contract for a further term with the Council making a decision to finalise those discussions not later than 9 months prior to the expiry of the term of this Contract. In the event that the Council and the CEO agree to a new contract, a new contract will be executed.

6. CHIEF EXECUTIVE OFFICER'S DUTIES AND FUNCTIONS

The CEO must carry out the duties and functions as are:

- 6.1 Set out in the Position Description and as varied from time to time by agreement between the parties.
- 6.2 Set out in the policies of the Local Government as adopted by the Local Government from time to time during the term of employment.
- 6.3 Imposed by the Act or in any other statute and associated regulations relevant to the position.

The CEO shall:

- 6.4 Work such reasonable hours as are necessary to carry out the duties and functions of the position.
- 6.5 Observe and carry out all lawful directions given by the Council, in relation to the performance of the CEO's duties and functions under this Contract.
- 6.6 Disclose any financial or other interest relating to the business of the Local Government in accordance with the Act or which conflicts or may conflict with the discharge of the duties and functions of the office and comply with any reasonable direction given by the Council in respect of that interest.
- 6.7 Devote the whole of their professional effort to their employment and will not hold any position or take on any activities which may in any way be seen to conflict with the CEO's obligations under this contract unless approved by the Council.

7. PERFORMANCE CRITERIA

The following performance criteria applies to this contract:

- Provide accurate and timely advice to council;
- Work in collaboration with council;
- Provide innovative and visionary leadership;
- Establishes effective networks;
- Maintains a work environment that facilitates the development of people and encourages them to perform at a high level;
- Ensure the effective and accountable application of financial and physical resources;
- Develops and implements change management strategies to enhance service delivery;
- Initiates the development, implementation and review of effective policies.

These performance criteria may be varied and any other criteria may be included by agreement between the parties at any time during the term of this contract.

8. PERFORMANCE REVIEWS

Council will ensure that a review of the CEO's performance is conducted annually or more frequently if the Council or the CEO perceives there is a need to do so.

The Council shall give the CEO a minimum of ten working days notice in writing that a performance review is to be conducted to enable the CEO sufficient time to prepare.

Where an external facilitator is to be used, both parties must agree to the nominated facilitator.

The CEO will prepare and submit to the council and/or facilitator an assessment of his/her own performance prior to the assessment by council.

The final report on the performance of the CEO is to be forwarded to council for consideration to either accept or reject the report.

9. CONFIDENTIAL INFORMATION

The CEO shall not divulge any confidential information about the Local Government both during and after their term of employment with the Local Government. Confidential information includes all information and intellectual property relating to the functions and operations of the Local Government which is not made available to the public.

In the event of termination, the CEO must deliver to the Local Government all confidential information relating to the local government in the CEO's possession and must not keep or make copies of such information.

10. CONDUCT

The CEO shall at all times carry out his/her duties and functions in the best interests of the Local Government, and ensure that the CEO's actions do not bring the Local Government into disrepute or cause the Local Government damage.

The CEO will comply with the code of conduct adopted by the Local Government pursuant to section 5.103 of the Act or as prescribed in Regulations under the Act.

11. SUSPENSION

The Council may, during a period which the CEO is under charge with any criminal offence, suspend the CEO from duty on full pay.

12. REMUNERATION

Note: The list of items in this clause is not exhaustive.

The Local Government will provide the CEO with the remuneration package detailed below:

12.1 The CEO shall be entitled to a total remuneration package of \$_____ per annum, which takes into account:

- the requirement to attend Council meetings outside working hours;
- an acknowledgment that the position is measured on performance and not on the number of hours worked; and
- all additional loadings and allowances.

The components representing the remuneration package shall be:

12.1.1	Salary (cash component)	\$	per annum
12.1.2	Motor Vehicle	\$	per annum
12.1.3	Superannuation	\$	per annum
	other options include:		
12.1.4	Professional Development Allowance	\$	per annum
12.1.5	Home Telephone Reimbursement	\$	per annum
12.1.6	Home Facsimile Reimbursement	\$	per annum
12.1.7	Personal Computer/Laptop	\$	per annum
12.1.8	Professional Memberships/Subscriptions	\$	per annum
12.1.9	Income Protection Insurance	\$	per annum
12.1.10	Location Allowance	\$	per annum

12.2 Salary (Cash Component)

- 12.2.1 The remuneration package referred to in subclause 12.1 shall be reviewed annually by Council. A review shall not result in a decrease in the remuneration package.
- 12.2.2 The CEO's salary shall be payable fortnightly, in arrears to an account nominated by the CEO.

12.3 Motor Vehicle

- 12.3.1 The Local Government shall provide unlimited private use of a motor vehicle in accordance with policy as at the date of signing this contract, equivalent in value to a _____, for the use of the CEO.
- 12.3.2 The Local Government shall be responsible for all running costs of the motor vehicle including, but not limited to all registration, insurance, fuel and maintenance costs of the motor vehicle.
- 12.3.3 The CEO is responsible for organising for the motor vehicle to be maintained, serviced and cleaned in an appropriate manner.
- 12.3.4 Unlimited private use entitles the CEO and a driver designated by the CEO to use the motor vehicle for both business and private purposes in Western Australia.

12.4 Superannuation

- 12.4.1 The Local Government will make superannuation contributions during the term of the contract of ___% subject to the CEO making contributions equivalent to ___% of their salary. The Local Government's contribution includes the Superannuation Guarantee levy.
- 12.4.2 The CEO may elect to pay additional superannuation contributions as part of a salary sacrifice arrangement with the Local Government. Such an agreement will result in a lower cash component being paid to the CEO.

12.5 Fringe Benefits Tax

The Local Government shall pay any liability with respect to Fringe Benefits Tax incurred as a result of the benefits provided in this Contract, or the ordinary carrying out of Local Government business by way of functions or travelling.

12.6 Valuation

The value to be allocated to each component of the CEO's total remuneration shall be determined by the Local Government in accordance with such valuation principles as it may adopt from time to time to value benefits extended to its employees.

12.7 Relocation Expenses

- 12.7.1 Travel costs for the CEO, spouse and dependent children shall be reimbursed to a maximum value of \$_____ when taking up the position of CEO.
- 12.7.2 The costs of relocating household goods, personal effects, furniture and transport of personal vehicles shall be reimbursed to a maximum value of \$_____.

13. LEAVE

This may include, but is not limited to:

13.1 Annual Leave

The CEO is entitled to five weeks' paid annual leave each year, to be taken during agreed periods.

13.2 Long Service Leave

Long service leave shall be in accordance with the Local Government (Long Service Leave) Regulations.

13.3 Personal Leave

13.3.1 The CEO is entitled to two weeks (cumulative) per annum paid personal leave when he/she is absent:

- due to personal illness or injury (sick leave); or
- for the purposes of caring for an immediate family or household member who is sick and requires the CEO's care and support (carer's leave);

13.3.2 The CEO is entitled to two days bereavement leave as non cumulative leave on any occasion on which a member of the CEO's immediate family or household dies.

13.4 Parental Leave

Parental Leave encompasses Maternity Leave, Paternity Leave and Adoption Leave, and is available if the CEO has been employed for a 12 month period or more immediately preceding the commencement of the leave.

13.4.1 The leave is unpaid (including Public Holidays), and is available for a period of up to 52 weeks in one unbroken period. Personal leave is not available and no leave entitlements accrue during the period of Parental Leave.

13.4.2 The CEO may take any other forms of paid leave to which he/she are entitled, such as annual or long service leave, in substitution for some or all of this 52 week period. The maximum entitlement to Paternity Leave is reduced by any maternity leave taken by the CEO's spouse. Paternity Leave cannot normally be taken while the CEO's spouse is on maternity leave.

13.5 Public Holidays

The CEO shall be entitled to Western Australian Gazetted public holidays and 2 days in lieu for the day after New Years Day and the Tuesday after Easter.

14. TERMINATION OF EMPLOYMENT

14.1 Effluxion of Time

The employment of the CEO shall, unless a new contract is negotiated, terminate on the expiry date specified in Clause 4 of this Contract.

14.2 Termination by Either Party

Either party may terminate this contract by giving three months written notice to the other party. Council may approve a payment to the CEO of up to the value of one years remuneration if the contract has one year or more to run, or, if the contract has less than one year to run, a payment not exceeding the value of remuneration the CEO would have received if the contract had been completed.

The CEO retains the right to recourse for unfair dismissal remedies if termination is harsh, unjust or unreasonable.

14.3 Summary Dismissal

The Council may terminate the employment of the CEO in writing for a period of less than 3 months if:

14.3.1 The CEO commits any wilful or serious misconduct or wilful neglect in the discharge of the CEO's responsibilities or obligations under this Contract.

14.3.2 The CEO wilfully disobeys any reasonable and lawful order or direction by the Council.

14.3.3 The CEO is convicted and under sentence for a crime or has been convicted of a serious Local Government offence within the meaning of Section 2.22 of the *Act*.

A payment under sub-clause 14.2 does not apply where the termination is a result of an event identified under sub-clause 14.3.1, 14.3.2 or 14.3.3.

15. INCONSISTENCY AND SEVERANCE

This Contract shall be governed by and construed in accordance with the laws of the State of Western Australia.

If there is any inconsistency between this Contract and any Industrial Relations Law, the Industrial Relations Law prevails, but only to the extent of the inconsistency.

If there is any inconsistency between this Contract and the *Local Government Act 1995*, the Act prevails but only to the extent of the inconsistency.

Each provision of this document shall be read and construed independently of the other provisions of this document so that if one or more are held to be invalid for any reason whatsoever, then the remaining provisions shall be valid to the extent that they are not held to be so invalid.

If a provision of this document is found to be void or unenforceable but would be valid if some part hereof were deleted or the period of application reduced, such provision shall apply with such modification as may be necessary to make it valid and effective.

16. ALTERATIONS TO THIS CONTRACT

This contract may only be varied or replaced by agreement in writing signed by the parties.

17. DISPUTE RESOLUTION

In relation to any matter that may be in dispute between the CEO and the Council, the parties will:

- 17.1 Attempt to resolve the matter at workplace level by the CEO and the Council, or a person or a committee delegated by the Council for that purpose, meeting and conferring on the matter.
- 17.2 Agree to allow either party to refer the matter to mediation if the matter cannot be resolved at the workplace level.
- 17.3 Agree that if either party refers the matter to an independent mediator, both parties will participate in the mediation process in good faith.
- 17.4 Acknowledge the right of either party to appoint, in writing, another person to act on behalf of the party in relation to the mediation process. Such mediation shall operate in a manner as agreed by the parties

The cost of the mediation service will be met by the Local Government. Where an advisor is used by either party, that party will be responsible for meeting the cost of the advisor.

18. NOTICES

Any notice or other communication between the parties:

- 18.1 Must be in legible writing to the last recorded (or known) address;
- 18.2 Is regarded as being given to the sender and received by the addressee:
 - if by person, when delivered;
 - if by post, 3 business days from and including the date of postage; and
 - if by facsimile transmission, whether or not legibly received, when transmitted to the addressee, but if the delivery or receipt is on a day which is not a business day or is after 4.00pm (addressee's time) it is regarded as received at 9.00am on the following business day.
 - if by email, the date of receipt shown on the email.
- 18.3 If the sender is advised that a facsimile transmission is not legible within 2 hours after transmission, the facsimile transmission is not regarded as legible.

19. OTHER TERMS AND CONDITIONS

Subject to any express provision in this Contract to the contrary, each party shall bear its own legal and other costs and expenses relating directly or indirectly to the preparation of, and performance of its obligations arising out of this Contract

20. EXECUTION BY THE PARTIES

THE COMMON SEAL of the Local Government
was hereunto affixed by authority of a resolution
of the Council in the presence of:



President/Mayor

Name of President/Mayor

signed by:

Chief Executive Officer

Name of Chief Executive
Officer

in the presence of:

Witness

Name of Witness

ATTACHMENT – TPRC PROFILE

The Tamala Park Regional Council (TPRC) has been established under the Local Government Act.

The Council is a body corporate with a common seal.

The Council's office is located at the City of Stirling administration centre in Cedric Street, Stirling.

The Council has 7 local government participants. The participants are all joint owners in a 432 hectare land parcel known as Lot 118 Mindarie. The land is situated in the local authority district of the City of Wanneroo.

151 hectares of Lot 118 Mindarie is leased to the Mindarie Regional Council, which is comprised of the same participants as the new TPRC.

The participant local governments and their respective ownership shares of Lot 118 Mindarie are as follows:

Council	Project Shareholding Joint Development Shares
Town of Cambridge	1/12
City of Perth	1/12
Town of Victoria Park	1/12
Town of Vincent	1/12
City of Joondalup	2/12
City of Wanneroo	2/12
City of Stirling	4/12

The 7 local authorities that are participants in the Council represent an overall population of approximately 500,000 persons.

The Council has a specific regional purpose which is:

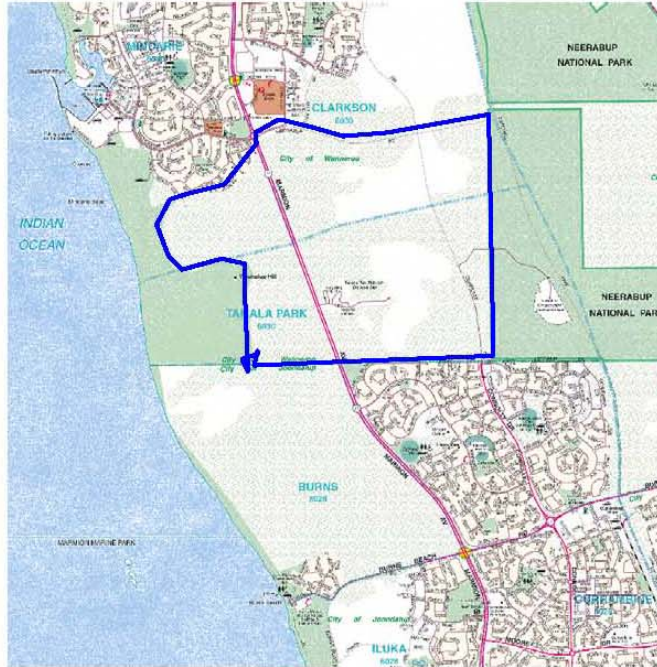
- a) To undertake, in accordance with the objectives, the rezoning, subdivision, development, marketing and sale of the land comprising the developable portion of Lot 118 Mindarie; and
- b) To carry out and do all other acts and things which are reasonably necessary for the bringing into effect of the matters referred to in paragraph (a).

The objectives of the TPRC are:

1. To develop and improve the value of the land;
2. To maximise, within prudent risk parameters, the financial return to the Participants;
3. To balance economic, social and environmental issues; and
4. To produce a quality development demonstrating the best urban design and development practice.

The name Tamala Park Regional Council is derived from the name applied to the area by the State Geographic Names Committee.

The location of the land is shown on the following plan.



The land is situated in the developing northern corridor of Perth. The City of Wanneroo anticipates that growth in the northern corridor will expand the population from 120,000 to 300,000 over the next 14 years.

The TPRC development has the potential to provide approximately 2,600 urban development sites.

In keeping with the objectives of the Council the development managed by the TPRC will have regard for the liveable neighbourhoods philosophy and a balanced economic and social outcome for the local and regional communities.

The TPRC will commence land development in 2007. Structure planning to integrate the Tamala Park site with the surrounding established subdivisions at Mindarie Keys, Somerly and Kinross is now in progress.

In 2006 structure planning for a 30-hectare residential land parcel on the West side of Marmion Avenue will be complete. The land will produce 380 residential lots, many of which will have ocean and bushland views. The land in its developed form will be worth in excess of \$100M.

The Council comprises 12 representatives from participant Councils. Representation is in proportion to ownership shares.

The Chairman of the Council is elected by Council members and holds office for a period of 2 years.

The inaugural Chairman is the Deputy Mayor of City of Wanneroo; Cr Sam Salpietro. The Deputy Chairman is Cr Vin Nairn from Town of Victoria Park.

The TPRC is required to produce a future plan outlining activities for a period of at least 5 years. It is expected that the plan will be developed during 2006 and will be available for public comment.

The Regional Council is subject to all of the compliance issues stipulated by the Local Government Act.

The Council will be supported by technical officers from constituent local authorities on an as required basis.

ATTACHMENT – LOCAL GOVERNMENT ACT EXTRACT

Division 4 — Local government employees

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

** Absolute majority required.*

- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) If the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

[Section 5.36 amended by No. 49 of 2004 s. 44.]

5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), 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.
- (3) If the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

[Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4).]

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
 - (1a) Despite subsection (1) —
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and

- (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
 - (a) the expiry date is specified in the contract;
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A report made by the Salaries and Allowances Tribunal, under section 7A of the *Salaries and Allowances Act 1975*, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

[Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3).]

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity;
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage;
- (c) employees are to be treated fairly and consistently;
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground;
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;
- (b) ensure that advice and information is available to the council so that informed decisions can be made;
- (c) cause council decisions to be implemented;
- (d) manage the day to day operations of the local government;
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
- (f) speak on behalf of the local government if the mayor or president agrees;
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

ATTACHMENT – LOCAL GOVERNMENT REGULATIONS EXTRACT

18A. Advertisement for position of CEO or senior employee — s. 5.36(4) and 5.37(3)

- (1) If a position of CEO, or of senior employee, of a local government becomes vacant, the local government is to advertise the position —
 - (a) on a notice board exhibited to the public at the local government's offices, if the position is —
 - (i) to be filled on a part time basis by a person who is also employed by another local government; or
 - (ii) an acting position for a term not exceeding one year; or
 - (b) otherwise, in a newspaper circulating generally throughout the State.
- (2) An advertisement referred to in subregulation (1) is to contain —
 - (a) the details of the remuneration and benefits offered;
 - (b) details of the place where applications for the position are to be submitted;
 - (c) the date and time for the closing of applications for the position;
 - (d) the duration of the proposed contract;
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

[Regulation 18A inserted in Gazette 31 Mar 2005 p. 1037-8; amended in Gazette 19 Aug 2005 p. 3872.]

18B. Matters to be included in contracts for CEO's and senior employees — s. 5.39(3)(c)

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of—

- (a) the value of one year's remuneration under the contract;
or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

[Regulation 18B inserted in Gazette 13 May 2005 p. 2086.]

18C. Selection and appointment process for CEO's

The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

[Regulation 18C inserted in Gazette 31 Mar 2005 p. 1038.]

18D. Local government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

[Regulation 18D inserted in Gazette 31 Mar 2005 p. 1038.]

18E. Offence to give false information in application for employment with local government

A person must not, in connection with an application for the position of CEO of a local government —

- (a) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant that the person knows is false in a material particular; or
- (b) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant which is false or misleading in a material particular, with reckless disregard as to whether or not

the statement or information is false or misleading in a material particular.

Penalty: \$5 000.

[(2) repealed]

[Regulation 18E inserted in Gazette 31 Mar 2005 p. 1038-9; amended in Gazette 19 Aug 2005 p. 3872.]

18F. Remuneration and benefits of CEO to be as advertised

The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

[Regulation 18F inserted in Gazette 31 Mar 2005 p. 1039.]

Agenda TPRC Meeting of Council – 6 April 2006

ATTACHMENT – TPRC CHIEF EXECUTIVE OFFICER APPOINTMENT TIMELINE



9.3 Elected Member Allowances

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: A/Chief Executive Officer

Recommendation

1. That the resolution of the Council dated 9 March 2006 (Item 9.6), which reads in part as follows:

[Local Government Allowance Chairman and Deputy Chairman of the Tamala Park Regional Council]

1. That the local government allowance for Chairman of the TPRC be an amount equivalent to that prescribed for the Chairman of the Mindarie Regional Council.
2. That the local government allowance for the Deputy Chairman be 25% of the amount payable to the Chairman.

be RESCINDED.

NB1: Written notice to rescind by one third of Council members.

NB2: Absolute majority vote required.

2. That the Local Government allowance for Chairman of the Tamala Park Regional Council BE AN AMOUNT of 25% of the maximum prescribed allowance i.e. \$3,000 per annum pro rata from 9 March 2006 to the end of the Council year on 6 May 2006.
3. That the Local Government allowance for the Deputy Chairman BE 25% of the amount payable to the Chairman of the Tamala Park Regional Council.
NB: Absolute majority vote required.
4. That the Local Government allowances for the Chairman and Deputy Chairman of the Tamala Park Regional Council for the year from 6 May 2006 to 8 May 2007 be CONSIDERED at the June 2006 meeting with Council in conjunction with the preliminary budget for 2006/07.

Report Purpose

To remedy an inadequacy with respect to the Council's intent to pay Local Government allowances as permitted under Section 5.98 of the Local Government Act.

Relevant Documents

Attachments: Nil
Available for viewing at the meeting: Nil

Background

At the Council meeting held on 9 March 2006 allowances for the Chairman and Deputy Chairman were related to payments made to Chairman and Deputy Chairman positions with the Mindarie Regional Councils.

It has subsequently been established that there is no Local Government allowance paid to the Chairman of the Mindarie Regional Council.

Comment

The intention to make a quantitative payment to the Chairman and Deputy Chairman of the Tamala Park Regional Council is not possible with the resolution passed at the last meeting.

The last part of the Council discussion on 9 March 2006 centred around a payment of 25% of the maximum \$12,000 allowance set out in the Local Government Act and Regulations.

It will be appropriate that the Council's resolution on this matter takes a specific form and therefore a revised resolution is proposed.

The proposed resolution suggested pro rata payments to the end of current Council year which will then allow reconsideration of the Local Government allowances together with the attendance allowances for councillors in June 2006.

9.4 Budget 2005/06 and Draft Budget 2006/07

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: A/Chief Executive Officer

Recommendation

1. That the budget for the residual part of the 2005/06 financial year showing nil operating revenue and an operating expenditure of \$116,918 be adopted by the Council.
Absolute majority vote required.
2. That the Council request constituent local authorities to contribute an amount sufficient to meet budget requirements for the remaining part of the 2005/06 financial year at a rate of \$10,000 per ownership share i.e.
 - Town of Cambridge - \$10,000
 - City of Joondalup - \$20,000
 - City of Perth - \$10,000
 - City of Stirling - \$40,000
 - Town of Victoria Park - \$10,000
 - Town of Vincent - \$10,000
 - City of Wanneroo - \$20,000
3. That the Council note the preliminary estimates for 2006/07 and the projected surplus of revenue over expenditure of \$208,330 and further note that the budget for the 2006/07 financial year will be subject of further submissions during June 2006 aiming at adoption of a budget no later than the scheduled Council meeting on 3 August 2006.

Report Purpose

To seek authority for budget funds to meet Council liabilities until 30 June 2006.

Relevant Documents

Attachments: Nil
Available for viewing at the meeting: Nil

Background

The Council was formally established on 3 February 2006.

Until this time, expenditures incurred in advancing the work of the Council have been met by constituent Councils. Some accounts for development of the Structure Plan for

the area West of Marmion Avenue have continued to be met by City of Stirling on behalf of the Council and will be recovered from other constituent members in due course.

A budget is required to facilitate administrative and other costs involved in establishing the Council.

The Local Government Act requires expenditures of the Council to be budgeted in advance and provisions of the Act and regulations require expenditures to be incurred on issue of appropriate purchase orders and otherwise according to defined procedures.

Comment

It is expected that prior to 30 June 2006 there will be continuing expenditures relating to town planning work and survey work aimed at developing the structure plan for the residential land west of Marmion Avenue. There will also be expenditures incurred for routine administration costs and for reimbursement of staff costs to the City of Stirling.

A schedule of expenditures anticipated for the balance of 2005/06 financial year and projected into 2006/07 is as follows.

Tamala Park Regional Council		
Projected Budgets by Nature Class		
	Budget 2005/06	Budget 2006/07
OPERATING REVENUE		
General Rates	-	-
Underground Power Rates	-	-
Security Service Charge	-	-
Grants & Subsidies	-	-
Contributions, Donations, Reimbursements	-	-
Profit on Sale of Assets	-	-
Rubbish Service Charges	-	-
Fees & Charges	-	-
Interest Earnings	-	660,000
Registrations, Licences and Permits	-	-
Other Revenue	-	-
	-	-
Total Operating Revenue	\$ -	660,000
OPERATING EXPENDITURE		
Employee Costs	65,885	263,540
Materials & Contracts Direct MTC of NCA	1,700	6,800
Materials & Contracts Other Works	39,128	140,510
Utilities	50	200
Depreciation	625	2,500
Interest	-	-
Insurance	2,663	11,650
Fire Service Levy	-	-
Other	6,618	26,470
Less Allocated to Works and Services	-	-
Total Operating Expenditure	\$ 116,668	451,670
CHANGE IN NET ASSETS RESULTING FROM OPERATIONS	\$ - 116,668	208,330

Budget Summary

Rates		
Grants & Subsidies		
Contributions, Reimbursements & Donations		
1333	Donations	
1339	Employee Contrib to Vehicle Exp Pre Tax	
1349	Other Operating Contributions	
1365	Legal Fees Recovered	
1379	Reimbursements from Other Councils	
Interest		
1711	Interest on Municipal Fund	660,000
1716	Interest on Reserve Funds	
1731	Interest on Trust Funds	
1749	Other Interest	
		<hr/> 660,000 <hr/>
Profit / Loss on Asset Disposal		
Registration, Licences & Permits		
1519	Sign License Applications	
1529	Other Miscellaneous License Fees	
		<hr/> - - <hr/>
Service Charges		
1556	Hire of Facilities	
1565	Reserve Hire Fees	
1584	Freedom of Information Applications	
1599	Other Miscellaneous Fees & Charges	
		<hr/> - - <hr/>
Other		
1631	Sale of Reports	
1632	Sale of Surplus Materials	
1673	Advertising & Sponsorship	
1683	Discounts Received	
1699	Other Miscellaneous Revenue	
		<hr/> - - <hr/>
3011	Salaries - Basic Costs	55,000
3012	Salaries - Overtime	-
3013	Salaries - Allowances	-
3014	Salaries - Sick/Leave Pay	-
3015	Salaries - Occupational Superannuation	2,310
3016	Salaries - WALGS Superannuation	4,950
3017	Salaries - Other Superannuation	-
3018	Salaries - Workers Compensation Payments	-
3021	Salaries - Inc/(Dec) in A/L Provision	-
3022	Salaries - Inc/(Dec) in LSL Provision	-
3061	Advertising - Staff Vacancies	1,500
3066	Fringe Benefits Tax	750
3067	Insurance - Workers Compensation	1,100
3069	Medical Examination Costs	25
3071	Staff Amenities (Tea/Coffee/Milk/Sugar)	-
3072	Staff Training and Development	150
3074	Telephone - Staff Allowance	-
3075	Telephone - Staff Reimbursement	100
		<hr/> 65,885 <hr/>
		<hr/> 220,000 <hr/>
		<hr/> 263,540 <hr/>

Agenda TPRC Meeting of Council – 6 April 2006

3123 Plant & Equipment-Maintenance & Repair	50	200
3125 Furniture & Office Equip-Maint & Repair	100	400
3133 Fuel, Oils & Grease	750	3,000
3134 Tyres & Tubes	-	-
3136 Registration	50	200
3137 Replacement Parts	-	-
3143 Vehicle Cleaning	-	-
3147 Fences/Walls (Sumps & in Road Res) Maint	250	1,000
3181 Recreation Reserves Maintenance	500	2,000
	1,700	6,800
3217 Rates Paid	250	1,000
3218 Relocation Costs	-	-
3219 Rental/Hire of Accommodation Costs	-	-
3221 Refuse Removal Costs	-	-
3222 Property Management Costs	-	-
3223 Security Costs	250	1,000
3229 Other Accomodation and Property Costs	1,350	5,400
3231 Advertising - General	750	3,000
3232 Advertising - Public/Statutory	1,500	6,000
3235 Graphics Consumables	750	3,000
3239 Photocopying	1,200	4,800
3240 Photography	50	200
3241 Postage, Courier & Freight Services	540	2,160
3242 Printing	500	2,000
3243 Signage/Decals	375	1,500
3244 Stationery	250	1,000
3249 Other Administration Expenses	750	3,000
3261 Office Telephones & Faxes	500	2,000
3263 Mobile Phones, Pagers, Radios	75	300
3264 After Hours Emergency Telephone Service	25	100
3271 Bank Charges	35	140
3272 Credit Card Charges	15	60
3273 EFTPOS Charges	-	-
3274 Dishonoured Cheque Fee	-	-
3291 Audit Fees	750	3,000
3292 Membership Fees	500	2,000
3293 Legal Expenses	3,000	12,000
3297 Conveyancing Expenses	125	500
3298 Lodgment Fees	-	-
3299 Surveyors Fees	1,500	6,000
3300 Title Searches	75	300
3303 Valuation Fees	1,000	4,000
3309 Other Professional Fees and Charges	3,000	12,000
3311 Public Relations	250	1,000
3312 Promotions	1,000	4,000
3315 Business Hospitality Expenses	1,000	4,000
3321 Consultancy	7,500	30,000
3322 Professional Retainer	500	2,000
3323 Research	500	2,000
3324 External Contract Services	150	600
3332 Computer Software Maintenance	750	3,000
3333 Computer Software Purchase	3,000	2,000
3334 Computer Sundries	1,000	2,000
3335 Data Communication Links	500	2,000
3336 Internet Provider Costs	250	1,000
3339 Other Computing Costs	1,000	-
3343 Plant & Equipment Purchase - Non Cap Ass	75	300
3344 Mob Veh and Plant Purchase - Non Cap Ass	-	-
3345 Furn & Off Equip Purchase - Non Cap Ass	63	250
3346 Recreational Equip Purch - Non Cap Ass	-	-
3349 Hire of Equipment	100	400
3350 Vehicle Operating Expense	750	3,000
3363 Consumable Stores	25	100
3384 Newspapers & Periodicals,	50	200
3385 Publications & Brochures	125	500
3386 Subscriptions	25	100
3391 Parking Expenses	50	200
3393 Travel Allowances	-	-
3432 Sale Expenses on Land	-	-
3433 Commission on Land Sales	-	-
3456 Plans	100	400
3459 Pest Control	-	-
3462 Emergency Services	750	3,000
3479 Other Miscellaneous Service Expenses	500	2,000
	39,128	140,510

Agenda TPRC Meeting of Council – 6 April 2006

3511 Electricity	50	200
3512 Gas		
3513 Water		
	50	200
3612 Depreciation - Buildings	-	-
3613 Depreciation - Plant & Equipment	75	300
3614 Depreciation - Mobile Vehicles	500	2,000
3615 Depreciation - Furniture & Office Equip	25	100
3622 Depreciation - Drainage Infrastructure	-	-
3624 Depreciation - Other Eng Infrastructure	25	100
	625	2,500
3713 Interest on Overdrafts	-	-
3811 Professional Indemnity	500	2,000
3813 Insurance Premium-Public Liability	2,000	8,000
3815 Insurance Premium-Property (ISR)	25	100
3817 Insurance Premium-Motor Vehicle	100	400
3818 Insurance Premium-Other Insurances		1,000
3819 Insurance Excess - Public Liability		-
3820 Insurance Excess - Property (ISR)		-
3821 Insurance Excess - Motor Vehicle		-
3822 Insurance Excess - Other		-
3829 Other Insurances	38	150
	2,663	11,650
3911 Contributions		-
3913 Donations - Statutory		-
3915 Donations - Non Statutory		-
3923 Sponsorship		-
3943 Mayoral Allowance	750	3,000
3945 Deputy Mayor Allowance	188	750
3947 Elected Members Remuneration	4,130	16,520
3949 Elected Members Conference Expenses	1,000	4,000
3953 Elected Members Training	50	200
3959 Other Members Costs	500	2,000
	6,618	26,470
Total Operating Expenditure	116,668	451,670

Comment on some of the estimated items is as follows.

Budget 2005/06

- There is no revenue anticipated for the balance of 2005/06 financial year.
- Employee costs have been pro rataed on the assumption of 50% time utilisation until 30 June 2006.
- 3231 advertising assumes direct payment of advertising costs for recruitment of a Chief Executive Officer.
- 3232 will cover statutory advertising of the Marmion Avenue West Structure Plan.
- 3293 legal expenses will cover legal support costs relating to the Structure Plan and associated reports including any requirement for ethnographic studies.
- 3321 is designed to provide for consultancy supporting structure planning.
- 3333 will provide accounting services software.
- 3813-3819 provides for essential insurances.

Budget 2006/07

- 1711 interest – assumes that payment of compensation for land transfer to the WAPC will be remitted to the TPRC by constituent Councils, as provided in the Establishment Agreement. The budget provision assumes the payment will be received by 1 October 2006 and will be invested for interest earnings from that time.
- From 8 July 2006 employee costs are assumed at full time rates for the 2006/07 financial year.
- 3293 legal expense will cover preparation of contracts for the first stage of development work.
- 3321 consultancy costs in 2006/07 will include commencement of structure planning for land East of Marmion Avenue.

It is expected that the Council will provide considerable guidance about its expectations as it develops its future plan from June 2006 assesses possibilities for proceeding with development of land West of Marmion Avenue following advertising of the Structure Plan for that area. These matters will assist the further refinement of the budget for 2006/07.

It is understood that all of the constituent local authorities have already made provision for expenditures approximating \$40,000 per ownership share in 2005/06. The request for a \$10,000 contribution per ownership share to cover expenditure for the balance of the 2005/06 financial year should therefore be within the existing budget allowances for all Councils.

9.5 Future Plan (Local Government Act Requirement)

Report Information

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: A/Chief Executive Officer

Recommendation

1. That the TPRC participant Councils be requested to ADVISE any specific matters that should be canvassed in the development of the Future Plan for the TPRC.
2. That the Acting Chief Executive Officer CONSULT with all Council members for input to an agenda for discussion of the Future Plan for the TPRC at the Council meeting scheduled for 8 June 2006.
3. That the subject matter Future Plan be LISTED for the Council meeting agenda on 8 June 2006 with appropriate background information to facilitate constructive discussion and the preparation of draft parameters for the TPRC Future Plan.

Report Purpose

To draw attention to the Statutory Requirement Section 5.56 of the Local Government Act which requires local governments to plan for the future.

Relevant Documents

Attachments: Nil
Available for viewing at the meeting: Nil

Background

Local Government Act was amended in 2004 by the insertion of a new requirement for local governments to provide a 'Future Plan'.

Previous provisions of the Local Government Act required Councils to prepare a principal activity plan. This type of plan was imprecise in its requirements and most often focused upon financial matters rather than the broad objectives of the local government.

The legislative changes in 2004 were followed by regulations in March 2005 which set out some specific guidelines and requirements. An extract from the plain English regulations follows:

'19C Planning for the Future s.5.56

1. *In this regulation and regulation 19D-
'plan for the future' means a plan made under section 5.56.*
2. *A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).*

3. *A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.*
4. *A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.*
5. *A Council is to consider a plan, or modifications, submitted to it and is to determine* whether or not to adopt the plan, or the modifications, as is relevant.
* Absolute majority required*
6. *If a plan, or modified plan, is adopted by the Council then the plan or modified plan is to apply to the district for the period of time specified in the plan.*
7. *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.*
8. *A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.*
9. *A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.'*

When a future plan has been completed by a local government, it must be notified by public advertisement for access by the general public.

Comment

Planning for the TPRC will necessarily include all of the objectives set out in the Establishment Agreement. These objectives address not only the physical transition of predominantly virgin land to an engineered urban development, but also the creation of a local community adequately serviced with appropriate infrastructure, commercial and other services that aim at liveability and the creation of community.

The Future Plan will provide great opportunity for the Council to address social and economic issues at Tamala Park and to also integrate with the objectives of the 7 participant Councils relative to the utilisation of cash flow that is generated as Tamala Park develops.

Timing for development of the Future Plan will conveniently occur contemporaneous with the development of the Council's budget projections for 2006/07, and for future years.

In context of all of the above, it will be appropriate for the Council to commence the generation of its first future plan. If the plan is to inform the 2006/07 budget, there will need to be significant progress achieved prior to the last date for adoption of the budget which will be in August 2006.

9.6 Marmion Avenue West – Structure Plan

Report Information

Location: Lot 118 Mindarie – West of Marmion Avenue
Applicant: Not Applicable
Reporting Officer: A/Chief Executive Officer

Recommendation

That the Council RECEIVE a presentation of the draft Structure Plan report and plans from consultants (Whelans, planners and surveyors) at a special Council meeting on 27 April 2006 – at the City of Wanneroo - estimated presentation time 15 minutes.

Report Purpose

To advise progress with preparation of a Structure Plan for 30 hectares of Lot 118 Mindarie – west of Marmion Avenue.

Relevant Documents

Attachments: Nil
Available for viewing at the meeting: Nil

Background

In a background report provided as part of item 9.11 of the agenda for the inaugural meeting of the Council on 9 March 2006 some information was provided about progress with a Structure Plan for part of land within Lot 118 Mindarie which is already zoned Residential.

Whelans have been appointed consultants to prepare the Structure Plan and accompanying subdivision plan.

Whelans have been supported in their endeavours by a sub committee of town planning professionals from a number of the TPRC participant Councils.

Comment

As the Structure Plan is nearing completion, it may be appropriate for the Council to set a date to review the Plan as soon as possible.

Whelans have indicated that the plan should be available in the week ending 7 April 2006.

It will be possible for a meeting of planning officers to be convened in the fortnight following 7 April 2006 to review the report and ensure adequacy of the documentation for submission to the Council.

It will therefore be possible for a presentation of the Structure Plan to the Council on or about 27 April 2006.

Early consideration of the report by the Council will enable:

- Formal submission of the Structure Plan to the City of Wanneroo;
- Advertising of the plan as required under the City of Wanneroo District Planning Scheme; and
- Submission of the plan to the WAPC for necessary consideration and approval.

The timeframes involved in approving Structure Plans can be significant. In this case, it is likely that a retention period of 90 days at the City of Wanneroo will be required. The City of Wanneroo allows a further 60 days for consideration of the plan following advertising and assessment.

It would be desirable for the Council to have the option of advertising for development work based upon an approved Structure Plan prior to Christmas 2006 and formal submission will need to be made in May 2006 in order to realise this option.

A visual presentation to Council accompanied by the hard copy report would be appropriate as the plan includes a number of cross sections and two 3-dimensional views to demonstrate the view corridors to the ocean from the Eastern portion of the land adjacent to Marmion Avenue.

Whelans have indicated that they will be happy to give a presentation on the plan on or about 27 April 2006 and that date is recommended for the presentation as it will then coincide with the proposed deliberation of the appointment of Chief Executive Officer, which is listed as item 9.2 on the agenda.

9.7 Lot 118 Mindarie – Land Components

Report Information

Location: Lot 118 Mindarie
Applicant: Not Applicable
Reporting Officer: A/Chief Executive Officer

Recommendation

That the proposed presentation in reference to the different land components within Lot 118 Mindarie be RECEIVED.

Report Purpose

To present for information background material relevant to the several land parcels and associated existing and prospective uses in Lot 118 Mindarie.

Relevant Documents

Attachments: Nil
Available for viewing at the meeting: PowerPoint Presentation

Background

Lot 118 Mindarie is subject to a Negotiated Planning Solution (NPS) with the WAPC which involves a number of separate land parcels. The NPS also involves land external to Lot 118 which could be acquired by the TPRC and incorporated in an overall Structure Plan for the Tamala Park area.

Negotiations on outcomes that have been advised in brief to participant Councils, over time, are continuing. Some of the negotiations are well advanced and will require specific consideration and decisions by the Council in the near future.

Comment

In order to provide advance knowledge of transactions in progress and to identify specific land parcels involved in those transactions it is proposed to have available a visual presentation – of approximately 10 minutes duration – to familiarise Council members with the different land components in Lot 118 Mindarie, their zoning area, valuation and status in existing and proposed land exchange/compensation/development negotiations.

The presentation will provide an opportunity for Councillors to identify specific items on which they may wish further detailed reports.

10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN
11. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
12. URGENT BUSINESS APPROVED BY THE CHAIRMAN
13. MATTERS BEHIND CLOSED DOORS
14. FORMAL CLOSURE OF MEETING

**TAMALA PARK REGIONAL COUNCIL
APPOINTMENT OF CHIEF EXECUTIVE OFFICER**

	HAYS EXECUTIVE	BEILBY	ANNE LAKE CONSULTANCY	GERARD DANIELS
CONSULTANT FEES	\$24,000 + GST (payable in 3 instalments)	\$15,300 + GST (payable in 3 instalments)	\$7,000 (all inclusive)	\$22,500 + GST + Executive Search Option = \$27,500 + GST (total)
ADVERTISING	West Australian Financial Review The Australian Total - \$15,455.71 + GST	West Australian Weekend Australian LG Job Directory Beilby Website Seek Executive Website Total - \$9,500 + GST (approx)	West Australian and other as agreed by the Council	West Australian Australian Weekend Australian LG Job Directory Internet Options up to \$17,481
OTHER COSTS	Not listed	Travel costs to bring candidates to WA Pre-approved out of pocket expenses (i.e. travel, video, conferencing etc)	Travel costs to bring candidates to WA Out of pocket expenses (i.e. travel, couriers etc)	Travel costs to bring candidates to WA Out of pocket expenses (i.e. travel, couriers etc)
TIME TO COMPLETE	19 weeks, 3 days (from 6 April 2006-12 October 2006)	17 weeks, 5 days (from 6 April 2006- 27 September 2006)	Agreed timeline stages 1-6 to be completed prior to 25 April 2006	17 weeks, 5 days (from 6 April 2006-27 September 2006)
OTHER POINTS OF INTEREST	Not listed	Replacement assignment without fee – 24 months		Replacement assignment without fee – 12 months
RELEVANT CEO RECRUITMENTS	Not listed	Port Hedland Port Authority City of Joondalup City of Fremantle City of Cockburn WA Museum (others listed)		City of Perth City of Mandurah City of Subiaco Town of Claremont City of Nedlands (others listed)



ANNE LAKE
CONSULTANCY

INDUSTRIAL RELATIONS & HUMAN RESOURCE SOLUTIONS

Monday, 3 April 2006

Councillor Sam Salpietro
Chairman
Tamala Park Regional Council
Locked Bag 1
Wanneroo WA 6946

Dear Councillor Salpietro

Thank you for your invitation to submit a proposal for the recruitment and selection of the Chief Executive Officer (CEO) of Tamala Park Regional Council. I will respond to each of the requested response points individually so that the Council may get a better understanding of my Local Government Experience.

My understanding of the legislation and guidelines for the appointment of a CEO.

I have been involved in the industry of Local Government for the last 10 years both as an Officer at a senior level and as a consultant. My consultancy is broken up into about 95% local government work and 5% private sector work.

Over the years I have been involved in a large number of CEO recruitment exercises for large to medium sized Councils. For two years I led the Workplace Relations section of WALGA whilst they underwent a change process in the way they delivered their services and was responsible for the start of their recruitment consultancy.

I sit on a number of the industry committees that had input into the formation of the new CEO contract and also input into the new DLGRD/ Salaries and Allowances Tribunal CEO Remuneration recommendation due out shortly.

My recent experience in CEO recruitment has been more regionally based and includes Merredin, Gnowangerup and Kojonup and more recently the CEO of LGMA which is following the department's guidelines and legislative obligations.

In essence I have a solid understanding of the legislation and requirements imposed by the legislation.

An indication that the timelines

I believe the timelines are achievable however I will be in Canada from the 25 April until the 25 May so if I was the preferred recruiter I would need to bring the completion date for the resolution of the Selection Criteria forward by several days.



An understanding of regular meetings with the Council supported by formal reports.

This is usually the case in all of the Local Government CEO Recruitment exercises and I have no difficulty with either the requirement to attend or the requirement to produce quality reports.

Other matters that may be considered relevant to this exercise.

I believe that my long history in this industry allows me to know information that may not be readily accessible or may not be easily discoverable. I am told by Councils that my knowledge has been invaluable in the CEO recruitment processes. I also carry out very thorough reference checking so that there is little to no risk of surprises for the Council at a later date. As a matter of fact I have done a number of assignments with all of the Waste Management Council's in the metropolitan area and I believe that I have a sound understanding of the additional statutory and environment legislation that will also impact on this position.

Fee Structure

As most of the Councillors will appreciate I am a sole practitioner who prefers to work with the Council to assist them to bring a project to a successful fruition. The Advertisements would go out in the name of Tamala Park with me as the contact person and the person responsible for each activity in each timeframe. As such I would be working in the name of Tamala Regional Council as if I was part of the staff for that period. My fee for this service would be **\$7500.00** with Tamala being responsible for the advertising and disbursement costs (eg postage etc).

I have also included a work profile for your further information.

If I may be of any further assistance please do not hesitate to contact me on 9382 4825 or 0438 194724.

Yours sincerely

Anne Lake (Mrs)
Anne Lake Consultancy

Anne Lake (Mrs)
Anne Lake Consultancy



PROFILE ANNE LAKE

Anne Lake is an experienced Human Resources specialist professional with a strong understanding and practical approach to industrial relations. She has been the central figure in the design, negotiation and implementation of innovative and effective workplace strategies and enterprise agreements. These agreements have formed the basis of lasting workplace reform and equitable compensation packages.

Anne began her reform agendas in the early 1980's when she worked in the building and information services industries and then in the late 80's as the Human Resource Manager for Perth's largest law firm with staff in excess of 300. Her achievements at that time included a complete overhaul of the extensive Superannuation Fund (making it a recognised Australian leader in its field); rationalisation of work practices from the design of new administrative procedures, work flow and customer service programmes to the design of in-house training programmes and the development and implementation of Performance Appraisals.

By the nineties Anne recognised the increasing influence of changing industrial practices and moved from personnel administration and human resource management to focus on contemporary issues such as Enterprise Bargaining, Award Restructuring, Organisation Downsizing, Performance Management, CEO Reviews, Staff Grievances and Consultative Mechanisms

Anne established her own industrial relations consultancy business and after a twelve month contract with the Staff Association of Edith Cowan University, began an association with Local Government through her work with the then Shire of Swan. This work covered all areas of reform from Award and Classification restructuring in the blue collar workforce to the completion of Enterprise Agreements and a number of in-depth reviews of middle management structure with accompanying recommendations for management and organisational development. She was also responsible for Award interpretation, settlement of industrial grievances and the negotiation of complex staff issues. Anne was involved in the Award Translation process and worked around the state at that time.



In September 1994, Anne began the reform process with the Shire of Roebourne and by June 1995 the Shire had negotiated an enterprise agreement that covered its entire workforce. Of note was the 99% acceptance vote by the blue-collar workers and the absence of any industrial disputation from clause interpretation. The Shire became the first Shire to complete an Enterprise Agreement with its entire staff without the Union as a party but with the Union's input.

In March 1995 in addition to her Consultancy role with the Shire of Roebourne and the City of Swan, Anne accepted the position of Human Resources Manager with the City of Perth. Her appointment coincided with the downsizing and restructuring of the blue-collar workforce and therefore a time of intensive industrial unrest. Anne developed policies to minimise unrest and resolve industrial problems at the workplace. The City of Perth did not experience one unauthorised stop work meeting or strike during this time.

Anne has designed and or facilitated Enterprise Agreement Negotiations for a large number of councils including the City of Perth, the City of Mandurah, City of Swan and the Shire of Roebourne and the City of Joondalup and the City of Stirling. She has also negotiated a range of Workplace Agreements for both large and small councils. Anne has worked closely with the Chief Executive Offices, Elected Members or Commissioners after Departmental Inquiries or Royal Commission Hearings.

In 1998 Anne joined WAMA as the Manager Workplace Relations Services. Her role was to restructure both the Business Unit and the delivery of Industrial and Human Resource Services to the Local Government section. Amongst the services she introduced, the CEO Performance Review, workplace negotiation and enterprise bargaining were the services most frequently called upon by both Chief Executive Officer and Elected members. She was extensively involved in the Award Simplification process and represented WAMA members in both the State and Commonwealth Industrial Relations Commissions. Anne is best known for her no nonsense approach to the settlement of industrial matters in an equitable and dignified manner. Whilst at WAMA and prior to joining WAMA Anne spoke at a significant number of conferences on a variety of topical issues. She concluded her



contract in October 2000 to return to her own consultancy practice. Her practice particularly in CEO and Executive Staff Recruitment, CEO Reviews, Mentoring and Enterprise Bargaining Negotiations and facilitation continues to grow.

During her career in both the private and public sector, Anne has been responsible for the Recruitment of Chief Executive Officers, Senior Staff and law firm partners and senior associates. She is also proficient in CEO review procedures and has worked extensively with both small and medium country and large City Councils. Amongst her ongoing clients are the City of Swan, the City of Stirling and the Shire of Gnowangerup, Boddington and Kojonup. Of more recent time she has extended her consultancy to include mentoring of management staff in both the private and Local Government sectors. Her private work clients include Dampier Salt and Pilbra Iron where she is a workplace advocate for their fair treatment policies.

Anne was also the co-writer of a training course for legal assistants, which continues to be delivered three times a year. These courses are held under the banner of the Law Society and for the last 12 years Anne has been responsible for quality of the service delivery of the Legal Assistants Course and she delivers the commencement lecture on Ethics in the Workplace. This work complements her mediation and facilitation work in both the public and private sector. Of interest is her work with the medical profession and associated agencies and public support bodies. She has completed assignments with the Cystic Fibrosis WA in the performance review and salary bench marking and assisted the President with some matters of dealing with some staffing issues surrounding relationships and impersonal skills. Anne has also presented to the general and managerial staff of the practices associated with the Rockingham Division of General Practice in dealing with difficult bosses and clients. She has also worked with the staff of a number of medical practices in securing equitable workplace agreements.

Anne has a Bachelor of Business in Human Resource Management and a Masters Degree in Industrial Relations from the University of Western Australia where her studies developed a framework for analysing how blue collar workers negotiate with each other before coming to the table to negotiate with management.



BEILBY CORPORATION PTY LTD A.C.N. 087 109 012
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www.beilby.com.au

PRIVATE AND CONFIDENTIAL

5 April 2006

Cr Sam Salpietro
Chairman
Tamala Park Regional Council
C/- City of Wanneroo
Locked Bag 1
WANNEROO WA 6906

Dear Cr Salpietro,

RECRUITMENT OF CHIEF EXECUTIVE OFFICER – TAMALA PARK REGIONAL COUNCIL

Thank you for the opportunity to provide our proposal to assist in the above process. We are confident that we have the necessary experience, competencies and enthusiasm to work in partnership with the Council in effecting a suitable appointment to the position of Chief Executive Officer.

As stipulated in our proposal we fully understand the process set out in the Local Government Regulations and Guidelines for the appointment of a Local Government Chief Executive Officer. You will note that the nominated consultant for the assignment, Mr Peter Casey, has considerable experience in the successful completion of assignments of a similar nature.

Should Beilby be appointed to this assignment, Mr Casey will work closely with the Council throughout the advertising and selection process to ensure full transparency in all the procedures and also that ownership remains with the Council. Regular meetings and written reports at various milestones in the process will be initiated by the consultant.

We look forward to your positive response to our submission, and are available at short notice to meet with Council and obtain an initial briefing. Should you require any additional information please contact myself on 9323 8888.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter Casey".

Peter Casey
Managing Consultant

Sydney
Melbourne
Perth
Brisbane
Associates in other locations

Executive Search
Recruitment & Contracting
Outplacement
HR Consulting

Over 30 years of Success and the Confidence to provide a 2 Year Candidate Performance Guarantee



AdSearch Proposal

for

**Tamala Park Regional Council
Chief Executive Officer
April 2006**

Peter Casey, Managing Consultant
Beilby Corporation Pty Ltd
2 Brook Street, East Perth WA 6004
Phone: (08) 9323 8888 Email: peter.casey@beilby.com.au



www.beilby.com.au

EXECUTIVE SUMMARY

The Tamala Park Regional Council is seeking to effect the appointment of a Chief Executive Officer and requires the services of a professional recruitment firm to assist in the assessment and selection of a suitable candidate.

As the appointed consultant and in consultation with the Tamala Park Regional Council Beilby will;

- Facilitate the development of a selection process
- Prepare a draft Position Description
- Assist in the development of Selection and Performance Criteria
- Develop an Application Kit for potential candidates
- Draft an appropriate advertisement
- Advertise the position locally and nationally in newspapers, industry publication(s), and on the internet
- Take enquiries from interested parties
- Conduct a targeted executive search for suitable candidates
- Undertake the initial screening, assessment and shortlisting of applicants
- Liaise with the Council to determine a shortlist of applicants to be interviewed
- Draft questions for interview and co-ordinate arrangements
- Participate on the Selection Panel
- Conduct reference and qualifications checking
- Prepare a full Selection Report for consideration by the Council
- Assist in the negotiations with the preferred candidate concerning remuneration and contract
- Notify unsuccessful candidates and offer feedback.

Beilby offers the experience and professionalism required to assist with the recruitment of this senior and integral role. In addition, we believe the added value Beilby can offer in undertaking this assignment on behalf of the Tamala Park Regional Council, has been very competitively priced.

CAPABILITY STATEMENT

COMPANY PROFILE

Company Name	:	Beilby Corporation Pty Ltd
ACN	:	097 109 012
ABN	:	91097109012
Address	:	2 Brook Street, East Perth WA 6004
Phone	:	(08) 9323 8888
Fax	:	(08) 9323 8899
Email	:	peter.casey@beilby.com.au
Contact Person	:	Peter Casey, Managing Consultant

COMPANY BACKGROUND

Beilby is a human resource consulting firm offering a range of **services designed to add value** to our client's business.

Our core business is professional recruitment, but is supported by staff assessment (psychological appraisal/counselling), development and career transition functions. We employ over forty consultants and support staff in Perth, Brisbane, Sydney and Melbourne.

Beilby is a privately owned company, with a national presence and 30 years industry experience. We are more than capable of meeting the requirements of the Tamala Park Regional Council in regard to this recruitment assignment. Our recruitment experience includes positions at Chief Executive Officer and Director level and encompasses Local Government, State Government and private organisations, as well as significant education sector experience.

Beilby is committed to providing clients with the very highest standard of service available within our industry.

Our **corporate philosophy and objectives**, shared by all members of staff within the firm, are directed towards ensuring Beilby is:

- A company which genuinely seeks to form an ongoing and mutually beneficial relationship with its clients
- A company with a high ethical code relative to applicant confidentiality and business activity
- A company that treats all applicants with respect and consideration
- Committed to adding something of value to our clients' business
- Providing a good value for money service
- Being effective in difficult-to-find searches

PROPOSED METHODOLOGY

In conducting this assignment for the Tamala Park Regional Council, Beilby proposes that the following methodology apply (NB: this may be modified following our briefing with the Council).

Full confidentiality will be maintained throughout the entire process.

POSITION DESCRIPTION / SELECTION CRITERIA / PERFORMANCE INDICATORS

Following a full briefing, Beilby will prepare a Position Description, draft Selection Criteria and the Key Performance Indicators, pertaining to this role.

We will draw on experience gained through the conduct of similar assignments in the public sector and commercial environment.

In addition to the functional requirements of the role, there are other skills and attributes which the successful candidate should possess and demonstrate by experience. These skills and attributes will also require assessment and determination of priority for inclusion.

EMPLOYMENT CONTRACT

Beilby will prepare and submit a draft employment contract for consideration.

Similar contracts have been previously prepared by Beilby, and have taken into account templates that have been prepared by industry associations and the Department of Local Government and Regional Development.

REMUNERATION

Beilby will advise the Council, based upon a review of current competitive salaries, in regard to salary and employment conditions commensurate with the particular role.

APPLICATION KIT

Beilby will compile an Application Kit containing information relevant to the position and including a Covering Letter, Job Description Form, Selection Criteria, Application Form (if deemed appropriate) and Information for Applicants (to assist in preparation of the application). Reference will also be made to any relevant Council website. Candidates seeking to apply will be forwarded the Application Kit by Beilby. This will be done by email or post, at the candidate's discretion.

Candidates will be requested to return their applications directly to Beilby by a nominated closing date.

ADVERTISING

We will draft an appropriate advertisement for approval by the Council and placement.

In order to gain the widest possible exposure but selectively target persons most likely to be considered suitable candidates, we propose the position be advertised in the following media outlets:

Press

"The West Australian"

Beilby can guarantee **front page exposure, at no additional cost**, in the "Professional Appointments" section of the Saturday edition of this newspaper.

Consideration can also be given to placement of the advertisement in the national press. Should this be agreed we propose the position also be advertised in the following newspaper:

"The Weekend Australian"

On the basis of national circulation, this newspaper provides the best value for money for the target candidate base.

Industry Publications

We would recommend placement in the weekly publication "**Australian Local Government Job Directory**".

Website

In addition, Beilby operates its own employment website (**www.beilby.com.au**) and proposes placement of the relevant advertisement, on that website. Furthermore, we will place the advertisement on **Seek Executive**.

Utilisation of these websites will facilitate the level of response to the advertisement, as evidenced by responses received from these sources in relation to a number of senior roles for which Beilby has been appointed as the exclusive recruitment company.

POST BOX FOR APPLICATIONS

Beilby would take enquiries, provide Job Application Kits, receive and acknowledge all applications 'in confidence', via post, 'in person' or email. All candidates will be kept fully informed of the Selection Process.

SEARCH

Our assignment procedure is research based. Through the utilisation of our very large range of contacts in business and industry nationally and internationally we will, if necessary, develop information on a broad field of prospective candidates from within nominated target organisations in order to compile a shortlist of those candidates who best match the specifications of the position.

Discreet inquiries into the performance and track records of the most appropriate prospective candidates would be undertaken with a view to refining the field and ranking these individuals into a provisional priority order.

Once we have refined the general field of prospective candidates, we would review the suitability of these individuals to gain agreement on those with whom we should enter detailed discussions.

Candidates subsequently selected and whose interest in the position is confirmed, would be encouraged to submit written applications.

Those candidates deemed worthy of further consideration would then be psychologically tested and included for interview by the Selection Panel.

SHORTLISTING

Having, in consultation with the Council, determined the relevant Position Description and Selection Criteria pertaining to this role, applicants will initially be assessed by Beilby. This assessment will be based upon review of the written applications (qualifications and experience) and candidates' address of Selection Criteria.

Beilby will provide a Summary Report detailing, amongst other things, response levels and a recommended shortlist. This will include a matrix summarising the respective scores of applicants against the essential and preferred criteria. This Summary Report will be submitted to the Council who will then substantiate the final shortlist.

PSYCHOLOGICAL TESTING

At the discretion of the Selection Panel, those candidates nominated on the final shortlist will be requested to attend psychological appraisal testing. This testing can be conducted in-house by our Registered Psychologists or, alternatively, at any one of a number of accredited test administrators located throughout Australia.

For each candidate tested, a comprehensive report detailing such traits as general reasoning (verbal, numerical, abstract) ability, career interests, team roles and personality profile will be prepared. This information is a valuable and integral part of our quality recruitment process.

The cost of conducting these tests **is included within our fee.**

INTERVIEWS

Following final determination of a shortlist and the psychological appraisal testing, Beilby will undertake all necessary arrangements for the Selection Panel to interview the candidates at an agreed location.

Beilby operates from modern, accessible premises located in the redeveloped East Perth area and has facilities to accommodate Panel interviews of this nature, if the Tamala Park Regional Council considers that to be appropriate.

Tamala Park Regional Council

Where applicants reside interstate, overseas or are otherwise unable to personally attend at the agreed location, then use of video conferencing facilities is recommended.

Beilby will prepare draft interview questions for consideration by the Council. These questions will relate to the Selection Criteria. In addition to the agreed interview questions, Beilby suggests it may facilitate the selection process if those candidates interviewed provide a brief presentation as to their perceived understanding of the challenges of the position. Peter Casey will participate in the interview as scribe and/or as the human resources professional.

To assist in the assessment of candidates' performance at interview, an Interview Assessment will be prepared and used by all panel members. Post interview discussions following each candidate's presentation will ensure continuity and fairness in the overall assessment process.

REFERENCE/QUALIFICATIONS CHECKS

Following interviews conducted by the Council, Beilby shall conduct reference checks on final candidate(s) considered suitable for appointment.

Reference checks will be conducted by telephone and comments recorded against each question, which will relate to the Selection Criteria and also any specific areas identified by the Council. If necessary written referee reports will also be requested. Completed reports will be provided to Members for their consideration and discussion.

All shortlisted candidates will be required to provide certified copies of their tertiary qualifications or originals for sighting.

A National Police Check will also be arranged for shortlisted candidates.

FINAL REPORT

Beilby will prepare and submit a Final Report to the Tamala Park Regional Council detailing, amongst other things, the recruitment process, applicant response levels, interview commentary, comparative assessment and recommendation.

This report will adhere to all the necessary obligations and standards.

OFFER OF EMPLOYMENT

In conjunction with the Tamala Park Regional Council, Beilby will assist in the preparation and negotiation of the Offer of Employment and Contract.

UNSUCCESSFUL APPLICANTS

All unsuccessful applicants/candidates will receive written notification from Beilby, advising them of the status of their application. They will be offered the opportunity of feedback interviews, while maintaining appropriate confidentiality.

CANDIDATE GUARANTEE

Beilby has the confidence in the quality of its recruitment process to provide a performance guarantee of **up to 24 months** for the person successfully appointed to the nominated position.

Specifically, should the appointee cease employment for any reason during the first six months, then a replacement assignment will be conducted without fee to replace the original candidate in the same position.

In addition, a performance guarantee of 24 months will be provided on this position on the condition that Beilby is formally advised by the Tamala Park Regional Council of any performance related issues as and when they arise that could lead to the successful candidate being required to leave the organisation and the appointed position.

The cost of any advertising or other out of pocket expenses in connection with the replacement assignment will be at the Council's expense.

The guarantee provisions are subject to all invoices raised in association with this assignment being paid within the applicable trading terms.

PROFILES OF KEY PERSONNEL

PETER CASEY - Managing Consultant

Competencies : Human Resource Management
Executive Search and Selection
Job Descriptions
Job Evaluation
Career Transition
Performance Reviews

Experience :

Peter has over 25 years experience in recruitment and human resource management consulting both in the public and private sectors. As a director of his own recruitment practice, and then with KPMG, Peter conducted and project managed a wide range of recruitment assignments across a broad spectrum of industry sectors.

In 1998, when operating his own business, Peter was one of only three consultants appointed by the Office of the Public Sector Standards Commissioner, to carry out executive search and selection for Chief Executive Officers in State Government agencies and departments. Beilby was subsequently awarded a similar contract with Peter as the Principal Consultant.

Peter has had direct experience in conducting a number of recruitment assignments for Chief Executive Officers. The scope of work has encompassed the complete recruitment process from advertising to final selection, including participation on selection panels. Peter has a comprehensive knowledge of Public Service Practices and Public Sector Standards in Human Resource Management. He is also very familiar with the requirements of the Local Government Act and Local Government Regulations pertaining appropriate processes for Chief Executive Officers and Senior Executive appointments.

Prior to joining Beilby in 2001, Peter held the following positions.

1999 – 2001:	KPMG Senior Consultant
1996 – 1999:	Peter Casey Executive Recruitment Director
1990 – 1996:	Trott Casey & Associates Founding Partner and Director
1988 – 1990:	ACROD (WA) Executive Director
1971 – 1988:	Federal Department of Employment & Industrial Relations <ul style="list-style-type: none">• Employment Officer and Manager• Assistant Director

Since joining Beilby, Peter has continued to focus on advertised recruitment and executive search at the Chief Executive Officer and Executive Management levels in all sectors.

DENISE BEDFORD - Senior Consultant

Experience:

Denise Bedford's career in Human Resources began in 1990 and her international Human Resource consulting career in 1998. She has successfully led projects with large international organisations where she focused on achieving project objectives whilst adhering to the country's legislative requirements. Additionally, she has provided advice to these organisations on Employment Law and general procedural compliance.

Denise brings to the Beilby team an expertise in interpreting Psychometric Tests as well as the ability to design and deliver training workshops for clients. More importantly, Denise has exceptional Consulting experience and is able to assist clients in the recruitment, retention and development of staff. This enables clients to reduce costs in the long-term.

Prior to joining Beilby, Denise was a successful consultant with Gilmore House Associates, a Human Resource Consultancy that assisted clients in the recruitment, retention and development of staff. She has also been involved in the Public Sector, Financial Services, Life Assurance and Hospitality industries.

Since joining Beilby Denise's significant experience in working with the public sector has encompassed executive search and selection assignments, bulk recruitment assignments, specific single position assignments, partial recruitment services and graduate recruitment. Denise has a thorough understanding of Public Sector Service Standards and is ideally suited to managing these assignments for you.

Competencies:

- Recruitment and Selection
- Training and Development
- Psychometric Testing
- Generalist HR practices

Qualifications:

- Qualified in the administration and delivery of psychometric testing
- Practitioner in Neuro Linguistic Programming (NLP)
- Diploma in Personnel Management

Professional Affiliations:

- Full Member of the Chartered Institute of Personnel and Development (CIPD)

OTHER RESOURCES

Our team of consultants are supported by an experienced administrative and research team. Administrative staff are trained in state of the art technology, which includes a sophisticated on-line registration and tracking system for applications and assignments.

With over 30 years experience in executive recruitment and selection, Beilby operates from modern, professional offices in East Perth. Boardroom facilities and separate interview rooms ensure appropriate comfort and confidentiality is provided for all candidates and clients.

DEMONSTRATED EXPERIENCE

Beilby has over 30 years experience specialising in executive and management recruitment. These roles have encompassed a variety of industries and include recruitment for Local and State Government entities, Government and Private educational institutions.

Public Sector recruitment experience has enabled Beilby to gain a comprehensive understanding of Public Sector Practices and Public Sector Standards in Human Resource Management.

The specific team to be assembled for this assignment will be led and project managed by Peter Casey, who is highly experienced in undertaking recruitment assignments for Public Sector entities, Local Government and Not-for-Profit organisations. He will be ably assisted, as necessary, by Senior Consultant Denise Bedford and Researcher, Kim Knight.

In addition, and as demonstrated evidence of the skills and experience of the Beilby team to undertake the required duties of this assignment, the following provides an indicative list of similar assignments undertaken by Beilby.

RECRUITMENT

Responsibilities ranged from draft and placement of advertisement, taking enquiries, receiving applications, shortlisting, preparation of interview questions and attendance at interviews through to reference checking and preparation of the final report. Organisations include:

Assignment: Chief Executive Officer
Client: Port Hedland Port Authority
Description: AdSearch
Scope: Establishment of Selection Criteria and Position Profile
Extensive Australia-wide search
Date Completed: December 2005
Outcome: Successful placement

Assignment: Chief Executive Officer
Client: City of Joondalup
Description: AdSearch
Scope: Establishment of Selection Criteria and Position Profile.
Extensive Australia-wide search
High Profile
Politically sensitive
Date Completed: January 2005
Outcome: Successful placement

Assignment: Chief Executive Officer
Client: City of Fremantle
Description: Advertised
Scope: Establishment of Selection Criteria and Position Profile.
Extensive Australia-wide search.
High Profile
Date Completed: December 2004

Assignment: Chief Executive Officer
Client: Bunbury Port Authority
Description: Adsearch
Scope: Establishment of Selection Criteria and Position Profile.
Australia wide search
High Profile
Date Completed: May 2005
Outcome: Successful placement

Tamala Park Regional Council

Assignment: Chief Executive Officer
Client: Wesley City Mission
Description: Advertised
Scope: Establishment of Selection Criteria and Position Profile.
High Profile
Date Completed: November 2004
Outcome: Successful placement

Assignment: Director / CEO
Client: Western Australian Museum
Description: AdSearch
Scope: Establishment of Selection Criteria and Position Profile
Australia wide search
High Profile
Date Completed: October 2004
Outcome: Successful placement

Assignment: Chief Executive Officer
Client: City of Cockburn
Description: AdSearch
Scope: Establishment of Selection Criteria and Position Profile.
Extensive Australia-wide search.
Date Completed: August 2004
Outcome: Successful placement

Assignment: Chief Executive Officer
Client: Real Estate Institute of Western Australia
Description: AdSearch
Scope: Establishment of Selection Criteria and Position Profile.
Extensive Australia-wide search.
High Profile
Politically sensitive
Date Completed: July 2004
Outcome: Successful placement

Other assignments successfully completed over the last twelve months include several Director level positions for Local Government organisations including the City of Cockburn, City of Albany and the Shire of Busselton.

REFEREES

In support of our submission and as evidence of Beilby's ability to undertake assignments of this nature in a successful and timely manner, we provide the following names and contact numbers for reference checking purposes.

MR GARY HOLLAND

Chief Executive Officer
City of Rockingham
Ph: (08) 9528 0323

MR IAN WILLIAMS

Chairman
Port Hedland Port Authority
Ph: (08) 9173 0000

MR STEPHEN LEE

Mayor
City of Cockburn
Ph: (08) 9411 3444

TIMETABLE

Beilby has no difficulty adhering to the suggested timelines for the assignment, as outlined in the Appointment Timeline document appended to the RFT document.

We are also willing to discuss appropriate amendments to this proposed timetable at an initial briefing with Council.

FEES

Our normal fee for advertised / search assignments at this level is 18% of the negotiated remuneration package for the successful candidate. However, in recognition of establishing a long-term business relationship with the Tamala Park Regional Council, we are prepared to conduct this assignment for the flat fee of **\$15,300**.

The above fee would be invoiced in these stages: One third on appointment to the assignment, the second third on presentation of the shortlist, and the final invoice on acceptance of employment offer by the successful candidate.

ADVERTISING COSTS (SEPARATE)

Estimated cost of advertising at cost, including:

- ✓ Advertising in The West Australian
- ✓ Advertising in The Weekend Australian
- ✓ Advertising in The Australian Local Government Job Directory
- ✓ Advertising on the Beilby website
- ✓ Advertising on the Seek Executive website

\$9,500 (approximately)

OTHER COSTS

Any travel costs associated with bringing candidates to Western Australia for client interviews will be charged to the client and the only other costs would be pre-approved out-of-pocket expenses incurred by Beilby (e.g. travel, video, conferencing etc.)



GERARD DANIELS

PROPOSAL TO:

**TAMALA PARK REGIONAL
COUNCIL**

April 2006



Contact: Paul Duffy
Level 15, QV1 Building
250 St Georges Terrace
Perth Western Australia 6000
Telephone: +61 89322 0882
Mobile: +61 407 066 636
Email: pauld@gerard-daniels.com
www.gerard-daniels.com

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05 April 2006

Cr Sam Salpietro
Chairman
Tamala Park Regional Council
C/- City of Wanneroo
Locked Bag 1
Wanneroo WA 6946

Dear Sam

RECRUITMENT OF A CHIEF EXECUTIVE OFFICER

Thank you for the opportunity to submit our proposal outlining the methodology and costs associated with the recruitment of a Chief Executive Officer.

Recruitment Overview

Tamala Park Regional Council has sought a proposal from external recruiting agencies to outline the methodology and costs associated with the recruitment and selection of a Chief Executive Officer. Shown below is an overview of our approach.

Selection Methodology Overview

- Meet with the Council President and all Elected Members for input to the selection process.
- Review and prepare a Position Description Specification and Selection Criteria for approval.
- Conduct formal remuneration review for the salary package.
- Liaise with the Committee on final package range and prepare advertising copy.
- Candidate sourcing strategy to be tailored to the requirements of the position.
- Continuous communication with all members of the Selection Panel and updates to Elected Members.
- Conduct preliminary assessment of the applications in order to create a 'longlist' of candidates. Conduct a preliminary Consultant interview with longlisted candidates. Through consultant assessment, create a 'shortlist' of candidates.
- Comprehensive Due Diligence and testing on shortlist group (academic qualifications, police clearance, work history, performance; medical and psychometric testing).
- Preparation of draft interview questions for the Selection Panel.
- Formal Selection Panel interviews for shortlist with Consultant attending.
- Selection report prepared and presented to the Committee. A final interview(s) with all members of Council may be recommended/required.
- Present final candidates to full Council to make a formal presentation.
- Invite final selected candidate and spouse/partner to meet full Council in a social situation.
- Negotiate outcome and finalise contract.
- Present a final report to the Council.

Level of Elected Member Involvement

A high level of inclusion for all Elected Members of the Tamala Park Regional Council is critical to the success of this appointment. In the initial stages, we recommend a workshop meeting to be held with all members of the Selection Panel. This is to enable the Consultant to gain an appreciation of the prime requirements of the role as well as the challenges and priorities for an incoming Chief Executive Officer. We view this as a critical and productive step to identify the type of individual the Tamala Park Regional Council sees as being suitable. If the Elected Members prefer, they have the option to meet on a one to one basis with the Consultant.

We understand that there is a need to meet periodically with the full council and provide written reports.

In forming a Selection Panel, we would propose the group comprise the Council President and up to three Elected Members as well as the Consultant.

Executive Search Option

Executive Search at a national level is also a potential component in filling a position of this kind, in order to maximise the number of potential applicants. This approach identifies individuals who may not otherwise consider or appreciate the breadth and depth of this role, or be aware that the position is available.

This process, if chosen by the Council, would be interconnected with the consideration and management of internal and external applicants who apply to advertisements.

Gerard Daniels has been actively involved in the recruitment of Chief Executive roles and a range of senior management positions across Australia for over 20 years.

We understand that leadership positions require not only a strong skill and core values set, but the ability to lead organisations and their employees to be the best they can be. The ability to search the market to identify those individuals requires a thorough understanding of the role's core competencies and skill requirements and a comprehensive methodology in our search and selection process. Our approach and experience can assure you of positive assignment outcomes.

As this is an optional part of our service, this is reflected in the fee options.

RECRUITING A NEW CHIEF EXECUTIVE OFFICER

Key Issues

We look forward to the opportunity to partner with Tamala Park Regional Council in this critical assignment. In approaching the assignment we believe there are a number of key issues including:

- The entire process must be transparent with a focus on equity, fairness and confidentiality with respect to all candidates.
- The Consultants must conduct this assignment in a totally professional manner that will enhance the reputation of Tamala Park Regional Council.
- The Council must have absolute confidence in the people appointed to carry out this work. Further there must be an individual who will keep the Elected Members well informed on issues on a regular basis.
- Comprehensive due diligence is critical to ensure the recommended person has a record of achievement and all employment and qualifications have been verified.
- The organisation will enter a new phase with the appointment of a new Chief Executive Officer. It is therefore critical for the successful appointee to possess the leadership, business acumen and communication skills to deal effectively at all levels of the Council, community and constituent organisations.
- The role will involve standard local government compliance and administrative management together with the delivery of specific outcomes for urban development. It is important that the consultant chosen has an understanding of the issues for local government together with land and urban development issues.

GERARD DANIELS

There are several key reasons why Gerard Daniels is well placed to assist Tamala Park Regional Council:

- A significant track record in the appointment of Chief Executive and senior management positions for local government, state government, and private sector organisations. We also have specific experience in recruiting key positions for various property development organisations and for LandCorp, WA's largest urban developer.
- A thorough methodology, including extensive documentation, due diligence and post placement follow-up, which differentiates us from our competitors.
- Event based fee structures not tied to monthly timelines.
- Market assessment approach where candidates are pre-qualified by their peers before being presented to the client.
- Due diligence includes qualifications and membership organisation checking of all candidates as well as police and financial checks if required.
- Senior experienced recruitment professionals.
- Extensive contact base in the West Australian, national and international public and private sectors.
- 12 months unconditional replacement guarantee.

SERVICE COMMITMENT

Gerard Daniels specialises in executive recruitment and search. Our commitment to client service is responsible for our recognition as one of Australia's leading recruitment firms. Our experience covers most major industry sectors throughout Australia with international exposure in the UK, Europe, North America and Asia.

We believe that client care and consultant performance are a sound basis for successful executive search. These values have served the company well and have evolved to include:

- **Client service and communication**

We are committed to frequent contact with you throughout all phases of a search. We accommodate any special needs and requests that may arise during a search and we always 'go the extra mile'

- **Candidate respect**

Candidates are treated with respect and the utmost confidentiality. We measure our success in candidate care through post-assignment questionnaires of all interviewees.

- **Complete commitment to a successful appointment**

We are committed to a successful completion on every assignment. Our goal is to complete an assignment as successfully and quickly as possible. However, in the unlikely event the assignment is extended, we remain committed to a positive outcome and our fee structure reflects this commitment.

RECRUITMENT METHODOLOGY

The Team

Gerard Daniels has one of the most experienced teams available in Perth with extensive track records in recruitment and executive level search within local government. The contributing members proposed for these assignments are:

Name	Title	Assignment Role
Paul Duffy	General Manager	Lead Consultant
Renee Macpherson	Consultant	Consultant
Pamela-Jane Kinder	Remuneration Consultant	Remuneration Consultant
Bree Mitchelson	Research Associate	Search and Remuneration Research Assistant

Role Definition and Position Description

An understanding of the requirements of the position and specific challenges that the successful candidate will face is essential and the cornerstone of the assessment process. Gerard Daniels is able to prepare a Position Description defining the roles and describing the key performance indicators of success for review and endorsement by you. All subsequent research and due diligence on candidates will be centred on how closely candidates match the criteria described in the Position Description.

Remuneration Review and Advice

Having the salary range correct is intrinsic to the recruitment process.

One method of forming a view on the salary package, would be to make an 'estimate' not based upon thorough research. We would not recommend this approach, as it is a high risk approach. Gerard Daniels has a remuneration review division, which differentiates us from many of our competitors. Our Remuneration Consultant, whose profile is attached, specialises in WA based remuneration reviews, and has completed recent assignments for various government clients.

Our approach would be to research the current salaries of CEO's for a range of relevant councils and relevant organisations. Our remuneration consultant will then analyse the information and produce a report with a salary range recommendation.

Advertising

We would propose that the position be advertised utilising both print and internet media both within WA and nationally – profiling Tamala Park Regional Council.

Print Media Advertising

We will draft the advertisement in consultation with the Tamala Park Regional Council and arrange placement in suitable newspapers and directories.

Our recommendation for advertising would be the Saturday Professional Appointments section of the West Australian newspaper (with a pointer to the advertisement in the Local Government employment section), The Weekend Australian, and The Australian Local Government Job Directory. These costs are additional to the recruitment fee.

Option 1

Size	Location	Cost
Colour 9 x 8	West, Professional Appointments	\$3060.52+GST
Mono 5 x 2 pointer ad	West, Local Government Vacancies	\$349.82+GST
Mono 12 x 3	West, Local Government Vacancies	\$1241.80+GST

Option 2

Size	Location	Cost
Full Page	Australian Local Government Job Directory	\$1228+GST

Option 3

Size	Location	Cost
Mono 9 x 7	The Weekend Australian	\$5052.44+GST
Colour 9 x 7	The Weekend Australian	\$6553.27+ GST

Internet Advertising—

In order to attract a broader level of interest and capture candidates utilising Internet media, we propose placing an advertisement on targeted job board sites. The cost to Tamala Park Regional Council is \$300 + GST for placement on the SEEK Executive website. There is no cost for placement on Gerard Daniels' website.

Candidate Identification*Internal*

Gerard Daniels will manage any applications received from internal candidates. This is an important element of the recruitment process. Internal applicants are treated with the utmost respect and with recognition of their contribution to the organisation. Gerard Daniels is conscious of the sensitivity in advising the result of an internal candidate's application.

External

Target candidates identified from search/research (should this option be chosen) and from our Information Management System will be approached to determine their initial level of interest and our view as to their suitability for the role. The timeline and conduct of these discussions will be undertaken in accordance with the schedule outlined in the Appendices to this Proposal.

Candidate Screening

Prior to screening applicants for this position, we will work with you to develop a competency profile. This competency profile will form the basis of the position description and will be used to develop appropriate behaviourally based interview questions.

Based on the position description and competency profile, resumes will be screened and candidates selected for consultant interview.

The Consultant will conduct initial behaviourally based interviews to gain a comprehensive understanding of the candidate's suitability according to the selection criteria. Second interviews will be conducted, if required, to develop a final shortlist for recommendation to you. Candidates who do not reach the final shortlist will be notified.

We appreciate the importance of assessing candidates for this role from a multi-dimensional perspective. Target candidates will be interviewed by the consultant to fully assess suitability for the position, determined through a combination of competency, skill and value assessment, together with an assessment of fit with culture of Tamala Park Regional Council. Internal candidate interviews (if applicable) will be undertaken in the early stages of the Executive Search process.

Gerard Daniels can add value to the process with the use of our confidential interviewing facilities. Our offices are located in the QV1 Building, Perth, and we have 8 purpose build interview rooms of varying sizes. Four of these interview rooms are for small group interviews with two large rooms suitable for panel interviews. Teleconferencing facilities are available from all rooms, and videoconferencing can be arranged if required.

Consultant Recommendation

At the conclusion of the internal Gerard Daniels screening process recommendation will be made to Tamala Park Regional Council on the final shortlist of candidates to be interviewed.

Due Diligence Report

The due diligence process is a powerful element in the decision to make an offer of employment. We will provide you with a written Due Diligence Report which will include:

- **Reference checks** – this will involve contact with up to ten people who have supervised, reported to and worked with the candidate as peers. It will also include people who have supplied services to the candidate, who are external to the candidate's employers. The referee report will be presented to you in montage format to protect the privacy of those involved.
- **Verification** of the preferred candidate's relevant degree or post-graduate qualifications and professional memberships/registrations is sought. We require written confirmation directly from the institution.
- **Statutory Declaration** – the preferred candidate(s) is also required to complete a declaration attesting that the content of their CV accurately depicts their qualifications and experience.
- **Background checks** – Criminal record and other relevant background checks are conducted if required.

Psychological Assessment

Psychological Assessment may be included in the selection process as information which may assist in decision making.

Predictions as to intellectual capacity, personality and leadership profile from test results may be beneficial in the decision process.

Gerard Daniels can organise this assessment at an additional cost of \$850 per candidate assessment.

Reports

The following reports will be produced throughout the assignment:

- A summary shortlist report for discussion with Tamala Park Regional Council, on each recommended shortlist candidate stating education, professional memberships, employment history, remuneration requirements and Consultant's observations on the candidate.
- If the national search function is used, a research summary, outlining the details of each candidate contacted and their comments or feedback about the role and salary requirements.
- Following identification of the final candidate, a report containing results of detailed reference checking will be provided.

Client Panel Interviews

Gerard Daniels will coordinate all client interviews and will provide assistance if required in the form of:

- Preparation of draft interview questions.
- Attending candidate shortlist interviews as an observer or participant as required.

We will assist as required with the negotiation of terms and conditions of employment including feedback on the Offer of Employment. We will also provide debriefing to unsuccessful candidates.

We will maintain contact with the appointed candidate and yourself in accordance with our Placement Programme to assist in a successful transition to the position. At each interval a direct contact will be made with the appointee and Tamala Park Regional Council School with a free exchange of feedback from all parties.

Post Placement

Gerard Daniels will maintain contact with you and the appointee during the first year of employment to ensure that the transition to your organisation is as successful as possible. Formal contacts will be made on Day 1 of commencement of employment and thereafter at Month 1, Month 3, Month 6 and 12 Months.

PROJECT TIMELINE

We agree that the project delivered within the timeline that you suggest, resulting in the completion of the recruitment process in August 2006. We do however suggest changes to the time taken to complete certain tasks, in particular for advertising and screening (these sections are highlighted in blue).

ID	Task Name	Duration	Start	Finish
1	Agree process for appointment	7 days	09/03/06	17/03/06
2	Appoint Consultant	14 days	20/03/06	06/04/06
3	Decide Job Description, Contract, Adv	14 days	07/04/06	26/04/06
4	Salaries & Alice Tab Salary Review	28 days	07/04/06	16/05/06
5	Resolve Selection Criteria	14 days	07/04/06	26/04/06
6	Advertise Position	33 days	17/05/06	19/06/06
7	Initial Screening and Consultant Interviewing of candidates	28 days	09/06/06	07/07/06
8a	Agree candidate shortlist	7 days	10/07/06	16/07/06
8b	Panel Interview/ select shortlisted candidates	7 days	17/07/06	24/07/06
9	Reference feedback	7 days	25/07/06	31/07/06
10	Medical and Police Clearance	7 days	25/07/06	31/07/06
11	Contract Completion	14 days	1/08/06	18/08/06
12	Appointee Commencement	28 days	21/08/06	27/09/06

RELEVANT PREVIOUS EXPERIENCE:

LOCAL GOVERNMENT

Our Local Government experience (Chief Executive and Executive Director level roles) of recruitment includes the following.

Position	Organisation
Chief Executive Officer	City of Perth
Chief Executive Officer	City of Mandurah
Chief Executive Officer	City of Subiaco
Chief Executive Officer	Town of Claremont
Chief Executive Officer	Council of Manjimup
Chief Executive Officer	City of Nedlands
Executive Director	WA Local Government Association
Chief Executive Officer	Eastern Metropolitan Regional Council
Chief Executive Officer	Council of Ashburton
Chief Executive Officer	WA Local Government Super Fund

Note that in all cases listed above, liaising with the Elected Member Selection Panels was part of the recruitment process for local government. It has always been the Gerard Daniels approach to maintain a high level of involvement with the council throughout the recruitment process, even prior to the "Appointing a CEO" guidelines being published in August 2005. Mr Lloyd Smith, Managing Director of Gerard Daniels, was an expert witness at the Joondalup Inquiry where he outlined this process.
(Ref: http://www.joondalupinquiry.wa.gov.au/pubbin/hearing_011004.pdf page 64)

Gerard Daniels has gained an understanding of, together with practical experience of, the CEO Contractual Provisions. We have been involved in working with councils to review and amend the terms and conditions of the CEO contract, post the Department of Local Government and Regional Development developing a base contract for use (November 2005).

In all cases of local government CEO recruitment listed above, we have conducted a salary trend analysis, in order to recommend a salary range to the council. As Remuneration Review is a stand-alone specialty service area for Gerard Daniels, we have also carried out many ad-hoc salary trend surveys for a variety of government clients including local government clients.

RELEVANT PREVIOUS EXPERIENCE:

GOVERNMENT

Gerard Daniels, in conjunction with the Public Sector Standards Commission has successfully completed many Executive Search and Selection assignments at Executive Director/Chief Executive Officer level within the Western Australian State Public Sector. Previous appointments have included:

Position	Organisation
Inspector of Custodial Services	Ministry of the Premier & Cabinet
Auditor General	Parliament
Commissioner	Public Sector Standards Commission
State Ombudsman	Western Australian Government
Chief Executive Officer	Department of Training
Chief Executive Officer	Ministry of Fair Trading
Director General	Department of Minerals & Energy
Chief Executive Officer	State Supply Commission
Chief Executive Officer	Department of Productivity & Labour Relations
Chief Executive Officer	Department of Conservation and Land Management
Chief Executive Officer	Fremantle Port Authority
Director General	Department of Minerals & Energy
Chief Executive Officer	WA Treasury Corporation
Chief Executive Officer	Department of Environmental Protection
Executive Director	Electricity Reform Implementation Unit
Chief Executive Officer	Dampier Port Authority
Chief Executive Officer	Geraldton Port Authority
Chief Executive Officer	Department of Training

Position	Organisation
Chief Executive Officer South Metropolitan Area Health Service	Department of Health
Chief Executive Officer North Metropolitan Area Health Service	Department of Health
Area Director of Medical Services North	Department of Health
Area Director of Population and Community Health North	Department of Health
Area Director of Finance and Corporate Services North	Department of Health

We have carried out all recruiting of senior positions for LandCorp in WA, so have an understanding of the competencies required for executives land/urban development positions.

General Manager, Business Development
Project Managers
Senior Project Managers
Business Manager, Alkimos
Business Manager, Special Regional

REFEREES

We would kindly invite you to contact clients we have acted for in the past. Please provide us with 24 hours notice, so that we can advise our referees of your call.

Contact	Title	Organisation
John McNally	Chief Executive Officer	WA Local Government Superannuation Plan
Tim Shanahan	Chief Executive Officer	Chamber of Minerals and Energy
Ian King	Chairman	Geraldton Port Authority
Vanessa Donaldson	HR Manager	Landcorp
Mark Newman	Chief Executive Officer	City of Mandurah

SUMMARY OF TERMS OF ENGAGEMENT

A brief overview of our Terms of Engagement is set out below and in full detail under Terms of Business.

Fees

Option 1: Advertised Recruitment Process

To give Tamala Park Regional Council certainty in determining recruitment fees in relation to this assignment we are pleased to offer a flat fee for our professional consulting fees of \$22,500 plus GST.

Option 2: Advertised Search Recruitment Process

Should the council wish to obtain a broader range of candidates, the advertised search option (as outlined on page 4) is recommended. Our flat fee for this option would be \$27,500 plus GST.

Terms

Our fees are raised in three stages: the first stage is payable upon commencement of the assignment, a further third is invoiced on presentation of the Shortlist Report and the balance on receiving the signed Letter of Offer from the preferred candidate.

Expenses

All out of pocket expenses, such as candidate or consultant travel, accommodation, couriers and ISD phone calls are invoiced at cost. Significant expenses, such as travel, accommodation and advertising are authorised by the client prior to expenditure.

Client Referral

Where a candidate has been referred by the client and is subsequently appointed to the role, all Terms of Engagement as described herein will apply.

Quality Assurance

Gerard Daniels is an ISO 9001:2000 quality assured organization. This governs the systems and processes that we use to conduct our assignments.

Guarantee

A replacement Guarantee is available to the client where a candidate is engaged and subsequently resigns or is terminated. The guarantee under the Managed Recruitment Service applies as follows:

0-3 Months	100%
3-6 Months	75%
6-9 Months	50%
9-12 Months	25%

The guarantee applies as a credit against the fee applicable to replacement candidate for the specific position to which the credit relates.

Please refer to the attached Terms of Business for full details.

Privacy

Gerard Daniels is committed to the National Privacy Principles. This means that we have implemented policies and procedures that ensure both candidate and client information is treated in a way that protects the privacy of the information we hold. Our commitment to the National Privacy Principles enables us to represent your business in a way that will complement your own commitment to privacy.

I trust that the above meets with your approval and I look forward to hearing from you to discuss these details further.

Kind regards,

Yours sincerely

PAUL DUFFY
GENERAL MANAGER

Enc. Terms of Business

Paul Duffy General Manager



Qualifications:

Bachelor of Commerce
University of Western Australia

Professional Associations:

Member
Australian Institute of Company Directors

Areas of Specialisation:

CEO's
General Managers
Executive Directors

With over ten years of experience recruiting senior executive positions, Paul brings a wealth of knowledge to any recruitment engagement.

Paul joined Gerard Daniels after a successful career in recruitment with a leading global recruitment company in Melbourne. Originally from Perth, Paul joined Gerard Daniels as General Manager Executive Recruitment after running Finance and IT executive recruitment businesses in Melbourne. Paul has a track record of success recruiting for leading blue-chip companies in the banking, financial services, consulting, IT, telecommunications and resources sectors.

Paul worked for six years in Perth and Melbourne for one of Australia's leading insurance, funds management and superannuation companies before entering the world of recruitment in 1994. He now manages a specialist team of executive recruitment consultants focussing on delivering solutions to clients in Western Australia, interstate, and abroad.

**Renee Macpherson
Consultant
Executive Search
& Recruitment**



Areas of Specialisation:

Sector

Government
Charities
Not for Profit
Education

Function

Public Sector Consultants
Executive General Managers
Sales & Marketing Executives

Renee Macpherson joined Gerard Daniels in 2005 after approximately four years experience as a Recruitment Consultant and Human Resources Consultant with London consultancies.

During her previous experience in Recruitment Consulting, Renee provided Interim and Executive Permanent staff primarily to the public sector. This involved using a wide variety of recruitment methodologies in order to source quality candidates, including advertising and searching.

During her previous experience in Human Resource Consulting, Renee researched and reported upon key HR issues and wrote HR policy for a variety of high profile public sector clients. This required a well maintained knowledge of HR legislation and best practice in areas such as recruitment, talent management, training and development, performance management, coaching, and succession planning.

Prior to that Renee worked in-house for various organisations writing policy and delivering training programmes.

Renee studied a Bachelor of Business at the Queensland University of Technology with a major in Communication. She is currently studying post-graduate Human Resource Management with Curtin University.

**Pamela-Jayne Kinder
Consultant
Board Consulting**

Qualifications

Bachelor of Economics
Graduate Diploma in Applied Finance and
Investment
Fellow Australian Institute of Securities,
Finance and Banking

Pamela-Jayne is an Economist who began her career working with the Bank of Western Australia Ltd (BankWest) in 1990. Roles in Strategic Planning, Risk Management and Bank Treasury have seen her gain specific expertise in the financial services industry.

She has worked as a consultant in Singapore and has advised a leading home builder on their submission to the Federal Government's inquiry into housing affordability.

Throughout her career, Pamela-Jayne has worked closely with senior executives on a number of change programmes and during the privatisation and listing of BankWest, was responsible for corporate governance issues.

She is currently a Board Member of Women's Health Services, a former Chairman of the Western Australian branch of the Australian Institute of Banking and Finance, Treasurer of West Australian Ballet's fundraising association, as well as a lecturer in a number of subjects for the Securities Institute of Australia (now FINSIA).

Pamela-Jayne joined Gerard Daniels in 2003 and leads the Remuneration Practice within the Board Consulting Division and is focused on delivering high level services and solutions to clients in Western Australia, interstate and internationally.

Bree Mitchelson
Research Associate
Executive Search



Qualifications:

Bachelor of Commerce
University of Western Australia

Areas of Specialisation:

Sector
Professional Services
Information & Communication
Technology
Banking & Finance

Function
Executive & General Management
Commercial Sales and Management

Bree Mitchelson joined Gerard Daniels in 2005 after a period as Delivery Manager with an Executive Search firm in Sydney.

During her previous experience in Executive Search, Bree was responsible for the Search and Selection of senior Information and Communication Technology Sales and Management positions. The role involved identifying appropriate parties in this market sector, eliciting their interest in positions available and qualifying their relevant experience. The position required extensive co-ordination, liaison, research and qualification and a well maintained market knowledge. Bree has previously completed Executive Search and Selection assignments for roles in Sydney, Melbourne and Brisbane.

Since joining Gerard Daniels, Bree has worked on commercial roles within the Executive Search and Executive Recruitment teams, expanding her market knowledge across a broader range of commercial sectors.

Bree holds a Bachelor of Commerce, with majors in Psychology and Human Resource Management, from The University of Western Australia.



GERARD DANIELS

TERMS OF BUSINESS

PERMANENT EXECUTIVE RECRUITMENT

GENERAL

1. All recruitment undertaken by Gerard Daniels Australia is subject to the terms and conditions here set out.
2. These terms and conditions cannot be varied or waived, unless in writing and signed by a director or manager of Gerard Daniels.

FEES

3. Gerard Daniels fees are payable in accordance with the following provisions.
4. Gerard Daniels fees quoted here are exclusive of GST. The Tax Invoice to be sent by Gerard Daniels will contain a GST charge in accordance with the relevant legislation.

EXCLUSIVE RETAINER

5. Where Gerard Daniels is engaged on an exclusive retainer, it will offer the following services:
 - 1.1 Reviewing/updating a current position description or alternatively developing a position description;
 - 1.2 Identifying key competencies for the position;
 - 1.3 Undertaking behavioural-based interviews;
 - 1.4 Developing appropriate interview questions;
 - 1.5 Having a Gerard Daniels consultant attend client interviews;
 - 1.6 Checking references;
 - 1.7 Managing the offer of employment process;
 - 1.8 Undertaking post-placement review.
6. Gerard Daniels does not determine candidates' residency status and this would need to be determined on a case by case basis by the client.
7. Gerard Daniels fees for exclusive retained assignments are calculated at **18%** of the remuneration of the recruited person.
8. Gerard Daniels fees are payable in three instalments as follows:

First instalment	-	At the commencement of the assignment. This instalment is, in all circumstances, non refundable.
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- Second instalment - On presentation to the client of a short list of candidates consistent with the recruitment brief.
- Third instalment - After the candidate selected by the client has accepted the position for which he/she was interviewed.

9. Where Gerard Daniels has an exclusive retainer, the replacement guarantee offered is:

<u>Duration of Employment</u>	<u>Percentage Credit</u>
0 - 3 months	100
3 - 6 months	75
6 - 9 months	50
9 - 12 months	25

10. For a better understanding of the replacement guarantee the following example is given:

- (a) If the service provided by Gerard Daniels was Retained Executive Recruitment and the employee's remuneration was \$80,000 then Gerard Daniels fee would be \$14,400 (being 18% of \$80,000) plus out-of-pocket expenses.
- (b) If the recruited person's employment is terminated between 6-9 months from its commencement for substandard work performance, then Gerard Daniels would credit the client \$7,200 (being 50% of \$14,400) (excluding out-of-pocket expenses) towards the fee payable by the client for locating a replacement.

CONTINGENCY ASSIGNMENTS

11. In the event that Gerard Daniels is engaged on a contingency (success only) basis, it will provide the following executive recruitment service:

- Undertaking reference checking;
- Managing the offer of employment process;
- Undertaking post-placement review.

12. Gerard Daniels fees for contingency assignments are calculated at 18% of the remuneration of the recruited person.

13. Gerard Daniels fees on a contingency basis are invoiced on the recruited person accepting the position offered by the client.

14. Where Gerard Daniels completes a contingency assignment, the replacement guarantee offered is:

<u>Duration of employment</u>	<u>Percentage credit</u>
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REPLACEMENT GUARANTEE

15. (a) Subject to clause 15(b) and (c), where the employment of a person who Gerard Daniels has recruited for a specified position with a client, terminates within the period specified for exclusive retainer and non-exclusive retainer respectively (calculated from the date when that person first commenced in the position), Gerard Daniels will seek a replacement for the position.
- (b) The replacement guarantee is limited to the position for which Gerard Daniels had recruited the person whose employment has now ceased. Specifically, the replacement guarantee cannot be used by the client to fill another position or be offset against any other monies owing by it to Gerard Daniels.

The replacement guarantee is not valid if:

The client does not notify Gerard Daniels in writing of the termination of employment within 7 days of the termination taking effect;

The fees and expenses are not paid in full within 14 days of the date of the Tax Invoice;

Termination of the employment of the person recruited by Gerard Daniels is for any reason other than substandard work performance;

The person recruited by Gerard Daniels is, after termination of employment with the client who retained Gerard Daniels, then (even if not immediately afterwards) employed by a related body corporate of the client or a successor, assignee or transferee of the client's business or persons associated with the client.

Subject to clause 15(c) the client will pay Gerard Daniels' fees for locating a replacement which fees shall be calculated on the same scale as the initial retainer.

This replacement guarantee operates as a credit (in the percentages specified for exclusive retainer and non-exclusive retainer respectively) against Gerard Daniels fees for locating a replacement.

This replacement guarantee does not extend to out-of-pocket costs and expenses incurred by Gerard Daniels in locating a replacement.

This replacement guarantee is valid for only one replacement of a person recruited by Gerard Daniels for each assignment.

CANCELLATION

16. In the event that a client cancels an assignment placed with Gerard Daniels for any reason (including appointment of an internal candidate) and where Gerard Daniels has undertaken work and incurred expenses in relation thereto then, even though the recruitment process is not complete, the client is liable to Gerard Daniels for the fees and expenses here set out as though Gerard Daniels had completed the assignment.



DEFINITION – “REMUNERATION”

17. For the purposes of these terms of business “remuneration” means:
- (a) The gross annual employment cost of an employee to the client for the first year of employment, including (but not limited to) cash salary, bonus, commissions, allowances, sign-on payment, non-cash benefits, statutory superannuation and motor vehicle and tax exempt component.
 - (b) Where a motor vehicle is part of the remuneration package, the value attributed to the vehicle by Gerard Daniels for the purpose of calculating the total amount of remuneration, is \$18,000.
 - (c) When the remuneration includes a tax-exempt component, the value attributed to it will be “grossed up” to the equivalent taxed amount for the purpose of calculating the amount of remuneration.

INDIRECT EMPLOYMENT

18. In the event that:
- (a) A person(s) presented by Gerard Daniels for a specified position with the client does not accept an offer of employment in that position; and
 - (b) The client does not offer the position to the presented person(s);
and that presented person(s) within 12 months from the date that Gerard Daniels
 - (c) Sends his/her resumé to the client; or
 - (d) Commences employment with the client or any related body corporate of the client or a successor, assignee or transferee of the client’s business or persons associated with the client either in the initial position or a similar position; or
 - (e) The client introduces the presented person(s) to a third party who then employs that person(s);
- then the client is liable to pay to Gerard Daniels the fees and expenses as if it had employed the presented person via Gerard Daniels.

OUT-OF-POCKET EXPENSES

19. (a) Gerard Daniels is authorised by the client to incur costs of advertising the position(s) to be filled. Prior to advertisements being placed, Gerard Daniels will obtain the client’s approval for the text of the advertisement.
- Before incurring any substantial advertising costs, Gerard Daniels will seek prior approval from the client in relation to those costs.

If the client cancels advertising which Gerard Daniels has booked, the client is liable for the costs of and associated with the cancellation of the advertisement(s), or if cancellation falls outside the parameters of the advertiser's terms of business, the client is liable for the costs of the advertisement(s).

20. Out-of-pocket expenses incurred by Gerard Daniels (such as facsimiles, couriers, telephones) will be invoiced when the person recruited accepts the position for which he/she has been recruited.

PAYMENT

21. Gerard Daniels fees (including any out-of-pocket expenses) are payable within 14 days of the date appearing on the Tax Invoice. Note that invoices are sent direct to the client's accounts payable department/division discreetly describing Gerard Daniels services provided to maximise confidentiality.
22. If the client does not pay any sum due within the time specified for payment, the amount outstanding will bear interest at 10% per annum accruing for each day from the last date of payment until it is actually paid.

NOLLIABILITY

23. Gerard Daniels is not liable for any loss, damage, injury, costs (including legal), claims or expenses sustained by the client or its employees, agents or customers, arising directly or indirectly from or connected with the employment (or non-employment) of the Gerard Daniels recruited person, including any loss or damage caused by the recruited person's negligence, fraud, dishonesty or lack of skills and qualifications.
24. Gerard Daniels uses its best endeavours to recruit person(s) for the client in accordance with the client's instructions. In so doing, Gerard Daniels maintains best practice industry standards and ethics. However, Gerard Daniels makes no warranty, express or implied, as to the suitability of a recruited person(s). Accordingly, the client acknowledges that it is solely responsible for its decision(s) in respect of the person(s) recruited by Gerard Daniels and that it does not rely on any statements or representations however made by Gerard Daniels in relation to a person's suitability for a specified position.

CONFIDENTIAL INFORMATION

25. Gerard Daniels provides confidential information to its clients about potential recruits on the understanding that the confidentiality of that information will be maintained by the client. The confidential information must not be disclosed to persons other than those immediately involved in the recruitment and selection process at the client's offices and then only on the basis that those persons will maintain the confidentiality of the confidential information.

GOVERNING LAW

26. These terms of business are to be read and construed according to the laws in force in Western Australia and Gerard Daniels and the client agree to submit to the jurisdiction of the Courts of that State.

MULTIPLE PLACEMENTS

27. In the event that more than one successful placement arises from a recruitment process undertaken by Gerard Daniels, the client is liable for a fee for each successful placement made by Gerard Daniels under our standard terms of business.

Issued To: Tamala Park Regional Council

Issue Date: April 2006



Initial Response for Tamala Park Regional Council.

1. Selection Process:

Hays Executive acknowledges and understands the local government legislation and guidelines and will comply accordingly.

2. Consultant Fees:

Our compensation is typically based on a % of the first year's total remuneration package, plus GST invoiced in three equal staged payments. Based upon a salary package of around \$164,000 for this appointment this would translate into a total fee of \$41000 + GST.

Rather than base our compensation around a variable commission, we propose to work for a **fixed fee**. This ensures we remain truly objective, because our fee is not tied to the compensation package you offer the successful candidate. The prospect of presenting candidates with higher salaries to increase our commission is never a possibility so is never a temptation. Our one and only mission is to present to you the best possible candidates for the position.

Given the nature of the organisation we are recruiting for, we are happy to negotiate a preferential fixed fee as follows:

\$24,000 plus GST, invoiced in three staged payments, as follows:

On approval of this proposal and commencement of assignment	\$8,000
On presentation of shortlist	\$8,000
On commencement of successful candidate	\$8,000

Advertising Costs

The following are confirmed costs of advertising negotiated by Hays Executive on your behalf:

15 x 4	The West Australian – Saturday Professional Appts	\$4180.98 + GST
15 x 3.5	The Financial Review - Friday	\$6941.41 + GST
14 x 3	The Australian – Saturday EGN	\$4333.32 + GST

The most appropriate advertising strategy can be discussed on commencement of assignment.



3. Timeline:

The recommendation would be as follows.

ID:	Task:	Duration:
1	Agree Process for Appointment	7 days
2.	Appoint Consultant	14 days
3.	Decide job Description	7 days
4.	Salaries and Allowance Review	14 days
5.	Resolve Selection Criteria	7 days
6.	Advertise position	14 days
7.	Initial Screening of Applicants	14 days
8.	Interview/Select Applicant	14 days
9.	Referee Feedback	3 days
10.	Medical and Police Clearance	7 days
11.	Contract Completion	7 days
12.	Appointee Commencement	28 days

4. Recruitment Process:

A detailed executive proposal will be prepared to outline the recruitment process.

5. Further Matters:

Not presently.

On behalf of Hays Executive:

Signed Clayton Duncan Dated: 04/04/06

Level 8/172 St Georges Terrace, Perth WA 6000

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