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## **CONFIDENTIAL ORDINARY COUNCIL MEETING**

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Released 28 November 2018

**CONFIDENTIAL MATTERS**

16.1 Deputy Chief Executive Officer .....3

Released 28 November 2018

**16.1 DEPUTY CHIEF EXECUTIVE OFFICER**

Contact Person: Mr Mal Hemmerling

**Why is this matter confidential?**

Subject to an order pursuant to Section 90 (3) (a) of the Local Government Act 1999, this matter is confidential because the present matter relates to information pertaining to the personal affairs of persons and the disclosure of this information would be unreasonable because the information is sensitive to those persons and is not a matter of public knowledge.

**A. COUNCIL/COMMITTEE TO MOVE MOTION TO GO INTO CONFIDENCE**

No action – this motion passed in the open section

**B. THE BUSINESS MATTER****16.1 DEPUTY CHIEF EXECUTIVE OFFICER****Why is this matter before the Council or Committee?**

Matters which have been delegated to staff but they have decided not to exercise their delegation.

**Purpose**

To seek concurrence from the Council on the appointment of the Deputy Chief Executive Officer (CEO).

**STAFF RECOMMENDATION**

That Council concurs on the selection of \_\_\_\_\_ as the Deputy Chief Executive Officer.

**Relevance to Strategic Plan**

Strategy 5. Building our capabilities  
Outcome 5.1 Highly performing organisation

**Relevance to Public Consultation Policy**

There is no requirement to consult the public on this matter under the Local Government Act or Council's Public Consultation Policy.

## Background

On 21 September 2015, the Council appointed Dr Mal Hemmerling as its new CEO. Upon his appointment, the CEO presented to Council his vision including a proposed realignment of the organisational structure and introduction of a Deputy CEO role.

In determining the organisational structure the Act requires that the CEO consult with the Council on whether to have a position that is assigned the responsibility of deputy to the Chief Executive Officer. During the CEO's presentation on 21 September, the Council indicated its support of the introduction of this role.

Further to s100 of the Local Government Act:

*"... the chief executive officer must obtain the concurrence of the council before the chief executive officer makes an appointment to, or removes a person from, the position of deputy".*

This matter is now brought to Council for its concurrence on the CEO's selection of the Deputy CEO.

## Analysis of Issues

Between 30 September and 14 October 2015, the CEO consulted the organisation on his proposed realignment, including the consolidation into three business units and the introduction of a Deputy CEO. At the conclusion of the consultation period, the general feedback received was positive about these high level changes. On 15 October the CEO advertised the Deputy CEO position internally with applications closing on 22 October.

The Deputy CEO reports directly to the CEO and is responsible for a significant portfolio of council operations and employees. As a senior member of the Executive Team the Deputy CEO assists the CEO in providing strategic leadership and direction for the organisation on behalf of the Council and is accountable for aspects of the daily operations as outlined in the local government act.

The Deputy CEO assists the CEO to facilitate Council in its decision-making and structures the organisation to effectively implement decisions of Council to provide optimised service delivery for the community. The Deputy CEO also plays an integral role in fostering Federal and State Government relations and in delivering the operational management and leadership culture of the organisation.

The appointment of this position is a priority step in the change process as having a Deputy CEO will stabilise the organisation during this period of swift change, demonstrate the qualities and behaviours that the CEO expects from his leaders and enable the CEO to pursue and maximise opportunities for the community through his relationship building with government and the private sector.

This role is sought to be filled from within the organisation to ensure that the Deputy CEO is someone who understands the organisation and the community, has an established and productive working relationship with the Council and staff and is right across all the priorities and opportunities for this Council.

## Options

### Option 1

That Council concurs on the selection of \_\_\_\_\_ as the Deputy Chief Executive Officer.

### Option 2

That the CEO broadens the search for a Deputy CEO.

## Analysis of Options

### Option 1

This option enables a high calibre appointment from within the organisation to be appointed swiftly. The appointment will provide for stability during a time of change for the organisation and demonstrate the kind of leadership attributes and behaviours that are expected from the rest of the leadership group. The Council will have an established relationship and rapport with the Deputy CEO and work can continue in a seamless manner as the Deputy CEO is someone who understands the challenges and opportunities, community context and Council and CEO priorities. The appointment of \_\_\_\_\_ as the Deputy CEO is one that the CEO believes is the best option for the organisation and someone who will be able to be strongly assist the CEO in providing strategic leadership and direction for the organisation.

### Option 2

This option would provide for a broader candidate pool across and outside of local government, which may bring different qualities and experience to that of the CEO's preferred candidate. However, the likelihood is that other candidates will not have the experience or established relationships with the Council, CEO or staff and will not be across the challenges, opportunities and priorities for Council and the community. The appointment of this position would also be delayed, hindering the CEO's strategy of decisive and swift action to stabilise the leadership group and organisation. It would also mean the CEO would not have his preferred deputy to assist him providing strategic leadership and direction for the organisation.

## Financial Implications

The Deputy CEO position will be accommodated within the existing Council budget regardless of which option is taken.

There may be additional recruitment costs to engage an external recruitment agency with option 2.

## Preferred Options and Justification

### Option 1

That Council concurs on the selection of \_\_\_\_\_ as the Deputy Chief Executive Officer.

**C. COUNCIL/COMMITTEE TO DECIDE HOW LONG ITEM 16.1 IS TO BE KEPT IN CONFIDENCE****Purpose**

To resolve how long agenda item 16.1 is to be kept confidential.

**STAFF RECOMMENDATION**

That pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999 the Council orders that the following aspects of Item 16.1 be kept confidential:

- Report for Item 16.1 until the execution of the employment contract with the preferred candidate.
- Attachment(s) for Item 16.1 until the execution of the employment contract with the preferred candidate.
- Discussion for Item 16.1 until the execution of the employment contract with the preferred candidate.
- Decision for Item 16.1 until the execution of the employment contract with the preferred candidate.

**Options**Option 1

That pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999 the Council orders that the following aspects of Item 16.1 be kept confidential:

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- Discussion for Item 16.1 until the execution of the employment contract with the preferred candidate.
- Decision for Item 16.1 until the execution of the employment contract with the preferred candidate.

Option 2

The Council/Committee determines a different timeframe for any "in confidence" aspects of agenda item 16.1 to remain in confidence.