

14 August 2025



CONFIDENTIAL MINUTES

Special Meeting of Council

Held at 4pm Thursday 14 August
2025

Shire of Wyalkatchem Council
Chambers

27 Flint St. Wyalkatchem

PUBLIC MINUTES

Unconfirmed minutes.

These Minutes will be confirmed at a future ordinary meeting.

These minutes were approved for distribution 19 August 2025.

A handwritten signature in black ink, appearing to read 'Ian McCabe', is positioned above the printed name.

IAN MCCABE

Acting Chief Executive Officer

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decisions, which will be provided within ten days of this meeting.

DISCLOSURE OF INTEREST

Councillors and staff are reminded of the requirements of section 5.65 of the *Local Government Act 1995*, to disclose any interest or perceived interest in any matter to be discussed during a meeting, and also the requirement to disclose any item affecting impartiality.

Financial Interest:

Under section 5.60A of the *Local Government Act 1995*, a person is said to have a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the Local Government in a particular way, result in a financial gain, loss, benefit or detriment for the person.

Proximity Interest:

Under section 5.60B of the *Local Government Act 1995*, a person is said to have a proximity interest in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development of land that adjoins the person's land.

Impartiality Interest:

As per the Shire of Wyalkatchem Code of Conduct for Council Members, Committee Members, and Candidates for Election, and to maintain transparency, it is important to disclose all interests, including impartiality interests which include interests arising from kinship, friendship and membership of associations. If it is possible that your vote on a matter may be perceived as impartial, you should disclose your interest. Having disclosed the interest, you may declare your objectivity on the matter, and remain in the Chamber, and chair, or move/second, speak and vote on the matter.

Disclosing an Interest:

Disclosures must be made, in writing, to the Chief Executive Officer prior to the meeting, or prior to consideration of the item in which an interest exists.

If you disclose a Financial or Proximity Interest, you must leave the room while the matter is discussed and voted on. Only after a decision has been reached may you return to the meeting, at which time the Presiding Person will inform you of Council's decision on the matter.

Contents

1.	DECLARATION OF OPENING	4
2.	ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE	4
2.1	Attendance.....	4
2.2	Apologies.....	4
3.	DECLARATIONS OF INTEREST	4
3.1	Financial and Proximity Interest.....	4
3.2	Impartiality Interests	4
4.	MATTERS BEHIND CLOSED DOORS	4
4.1	GOVERNANCE AND COMPLIANCE	5
4.1.1	EMPLOYMENT MATTER	5
5.	CLOSURE OF MEETING	8

1. DECLARATION OF OPENING

The Presiding Member Cr Garner opened the meeting at 4.03pm

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

2.1 Attendance

Cr Owen Garner	President and Presiding Member
Cr Christy Petchell	Deputy President, attended remotely via TEAMS
Cr Mischa Stratford	
Cr Christopher Loton	
Cr Tracy Dickson	
Cr Rod Lawson Kerr	
Cr Justin Begley	
Ian McCabe	Acting Chief Executive Officer

2.2 Apologies

NIL

3. DECLARATIONS OF INTEREST

3.1 Financial and Proximity Interest

3.2 Impartiality Interests

NIL

4. MATTERS BEHIND CLOSED DOORS

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

(89/2025) Moved: Cr Begley Seconded: Cr Lawson Kerr

That Council close the meeting to members of the public under Sec. 5.23 (2) of the Local Government Act 1995 as the meeting will be dealing with:

- (a) a matter affecting an employee or employees; and*
- (b) the personal affairs of any person; and*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) a matter that if disclosed, would reveal —*
 - (iii) information about the business, professional, commercial or financial affairs of a person.*

CARRIED: 7/0

Voted For: Cr's Garner, Stratford, Lawson Kerr, Dickson, Loton, Petchell, Begley.

4.1 GOVERNANCE AND COMPLIANCE

4.1.1 EMPLOYMENT MATTER

Applicant: Not Applicable
Location: Not Applicable
Date: 12 August 2025
Reporting Officer: Ian McCabe, Acting Chief Executive Officer
Disclosure of Interest: No interest to disclose
File Number: 22.23.5 Recruitment Selection
Attachment Reference: 1. Preferred Candidate 2. CV of Preferred Candidate 3. Referees Report. 4. Draft form employment contract. All attachments are confidential.

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

(90/2025) Moved: Cr Petchell Seconded: Cr Lawson Kerr

That Council:

1. Endorse the selection and recommendation for appointment as Manager of Works the **Preferred Candidate** as identified in Appendix 1.
2. Approve an employment contract in the form of Appendix 4 and that this be prepared by the Acting Chief Executive Officer.
3. Authorise the Acting Chief Executive Officer to negotiate with the Preferred Candidate a commencement date and relevant matters within the form of this contract, compliant with the parameters of the 2025 / 26 Approved Budget and accepted employment conditions as legislated and in conformance with council policy; and make corrections or amendments to comply with law or clarify clauses within the spirit of the agreement.
4. Authorise the President and Acting Chief Executive Officer to sign the said employment contract in acceptance on behalf of the local government and affix the Common Seal.
5. Authorise the Acting Chief Executive Officer in liaison with the President to make any representations to the Community and stakeholders once a contract and commencement date are agreed.

CARRIED: 7/0

Voted For: Cr's Garner, Stratford, Lawson Kerr, Dickson, Loton, Petchell, Begley.

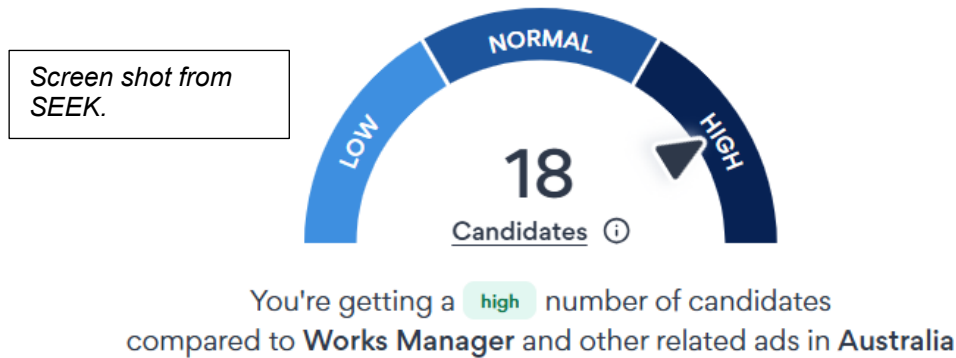
BACKGROUND

The position of Manager of Works is an important and senior officer role of the Shire of Wyalkatchem. Providing leadership and management to Council's works and services, the occupant oversees the road construction, drainage, infrastructure, parks and gardens, waste and property management programmes, with significant capital and financial expenditures. This is the major service portfolio of the local government.

The Acting CEO identified recruitment as high priority and advertised the vacancy via SEEK 24 July 2025 with an advertising period to 5 August 2025 (12 calendar days). There were 18

candidates within the SEEK environment and a further seven that directly emailed the local government, a total of 25 applications.

COMMENT



The 25 applications were reviewed by the Acting CEO against the criteria identified in the advertisement and with reference to the position description. Of the 25, a total of 19 were excluded from further consideration and six candidates short-listed for interview.

Mr Allister Butcher, principal Rural Infrastructure and consultant to the Shire of Wyalkatchem, agreed to participate in the interview process. A set of six interviews were scheduled for Monday 11 August with Ian McCabe and Allister Butcher interviewing. One candidate withdrew prior to the interviews, and five interviews were held, three in-person and two online.

The interviews were structured to identify strengths in Leadership; Technical Ability; Effectiveness; and Experience; with candidates' responses independently scored by the interviewers and recorded into a matrix which averaged and ranked the scores. In all three tables (each scorer plus a combined table), there was a clear preferred candidate.

Candidate	1	2	3	4	5
Question					
1	5	9	8	9	7
2	6	9	8	10	5
3	6	8	7	10	6
4	4	10	8.5	9	7
5	4	10	7.5	8	3
6	5	8	8	9	6
7	6.5	8	9	9	5.5
8	5.5	9	10	9.5	5.5
9	5.5	9	10	10	8
Total	47.5	80	76	83.5	53
Average	5.3	8.9	8.4	9.3	5.9
Rank	5	2	3	1	4

Candidate performance as rated by the interviewers (maximum ten points per question). The preferred candidate is Candidate 4.

As listed in the attached papers, the Preferred Candidate has demonstrated he is qualified, experienced, has technical skills and strengths and demonstrated leadership ability. The selection committee is pleased to make this recommendation to Council and seeks the endorsement of Council and approval to commence contract negotiations.

STATUTORY ENVIRONMENT

Section 5.41 of the Local Government Act 1995 ('the Act') states at (2) (d) that the CEO (is) 'responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37 (2) in relation to senior employees)'.

Shire of Wyalkatchem Council Policy 5.16 designates the Chief Executive Officer and Manager of Works as 'Senior Employees',

At section 5.37, the Act deals with Senior Employees and at paragraph (2) states: 'The CEO is to inform Council of each proposal to employ or dismiss a senior employee' and further, 'the council may accept or reject the CEO's recommendation but if council rejects the recommendation, it is to inform the CEO of the reasons for its doing so.'

This clearly places selection with the CEO who should then put a recommendation before council who may accept or reject this recommendation. This recruitment process has identified a qualified and Preferred Candidate and seeks council's endorsement of that recommendation. The process is therefore compliant with policy and legislation.

POLICY IMPLICATIONS

This item meets the requirements of policy 5.16.

FINANCIAL IMPLICATIONS

Expenditure related to recruitment for this position is expected to be less than the amount included in the Approved Budget 2025 / 26.

COMMUNITY & STRATEGIC OBJECTIVES

Section 2.7 of the Act sets out the obligations of Council as 'responsible for the performance of the local government's functions' (s. 2.7 (1)), including 'the services and facilities to be provided by the local government in the district' (2.7 (2) (d)). These and other decisions in relation to evidence and finance underpin the delivery of 'planning for the future' (s. 5.56 refers). The appointment of a Manager of Works is a key decision in service delivery, preservation of assets and positioning for the future, a decision taken seriously by Council and by the Administration.

The following references to the Shire of Wyalkatchem Strategic Community Plan 2024 – 2034 are relevant to this decision:

Pillar 1 Economy: 1. Our transport network responds to the accessibility and connectivity needs of all; 2. Essential services and infrastructure enable local economic growth.

Pillar 2 Community: 1. A safe and healthy community for all ages. 3. Minimise risk and impact of natural disasters.

Pillar 3 Environment: 2. Resource efficiency.

Pillar 4 Civic Leadership: 1. Consult and engage with our community and strategic partners. 2. High standard of governance.

5. CLOSURE OF MEETING

5.1 OFFICER'S RECOMMENDATION

Officer's Recommendation:

(91/2025) Moved: Cr Lawson Kerr Seconded: Cr Dickson

That Council move out from behind closed doors

CARRIED: 7/0

Voted For: Cr's Garner, Stratford, Lawson Kerr, Dickson, Loton, Petchell, Begley.

5.2 Closure of meeting

The Presiding Member Cr Garner closed the meeting at 4.22pm