



Dungog Shire Council

AGENDA

Extraordinary Council Meeting

Monday, 10 February 2020

I hereby give notice that an Extraordinary Meeting of Council will be held on:

Date: Monday, 10 February 2020

Time: 6.00pm

Location: Council Chambers, Brown Street, Dungog

Coralie Nichols
General Manager

DECLARATION OF INTERESTS

It is the duty of staff and Councillors to be mindful of their responsibilities and to properly address conflicts of interest as they arise. A conflict of interest exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty.

As a Councillor you must appropriately resolve any conflict or incompatibility between your private or personal interests and the **impartial performance** of your public duty.

1. Councillors are under an obligation at law to disclose any interest they may have in any matter before the Council.
2. Councillors must disclose any interest in any matter noted in the business paper prior to or at the opening of the meeting.
3. The nature of the interest shall be included in the notification.
4. Councillors are required during the meeting to disclose any interest in respect of any matter arising during the meeting which is not referred to in the business paper.
5. All declarations of interest shall be recorded by the General Manager.
6. All disclosures of interest shall as far as is practicable be given in writing.
7. Any member of staff or Councillor that has a pecuniary interest shall leave the meeting and remain absent while the subject of the interest is being considered by Council.
8. A non pecuniary conflict of interest (e.g a friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature) Part 4 of Councils Code of Conduct highlights the options available. However the most publicly transparent option is to disclose the interest and absent oneself from the meeting while the subject of the interest is being considered by Council.

References:

- (a) Local Government Act (NSW) 1993 Chapter 14 Part 2 Duties of Disclosure
- (b) Division of Local Government "Model Code of Conduct for Local Councils in NSW" March 2013 adopted as Councils Code of Conduct 19 February 2013.

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- 1 ACKNOWLEDGEMENT OF COUNTRY**
- 2 APOLOGIES**
- 3 LEAVE OF ABSENCE**
- 4 DECLARATION OF INTERESTS**
- 5 PRAYER**
- 6 ODE**
- 7 PUBLIC ACCESS SESSION**

8 OFFICE OF THE GENERAL MANAGER**8.1 APPOINTMENT OF ACTING GENERAL MANAGER AND RECRUITMENT OF NEW GENERAL MANAGER**

File Number: EF12/23
Author: General Manager
Authoriser: General Manager
Annexures: Nil

Precis

This report deals with the matter of the appointment of a General Manager under Section 351 of the NSW *Local Government Act 1993*

RECOMMENDATION

That Council

1. Determine a preferred Option to secure the services of an acting General Manager post the 13 March, 2020 for a period not exceeding 12 months and until such time that a permanent appointment is made to the role of General Manager; and
2. Call for quotes from three (3) suitably qualified recruitment consultants for the purposes of appointing a General Manager for Dungog Shire Council on a 5 year contract.

REPORT

The Mayor has requested an Extra Ordinary Council Meeting to address the resignation of the General Manager. The current General Manager's last day with Council is Friday 13 March, 2020.

Section 351 of the NSW *Local Government Act 1993* permits Council to temporarily appointment a person to the position of General Manager should the position become vacant or the holder of such a position is suspended from duty, sick or absent.

The Council are also seeking to commence the process of recruiting for a new General Manager.

Temporary Appointment

Council has the following options available in relation to a temporary appointment into the position of General Manager until such time that a General Manager is permanently recruited at Dungog Shire Council:-

Option 1 - seek an internal Council officer from the current Senior Leadership Team to act up in the position of General Manager;

Option 2 – call for expressions of interest from interested parties to temporarily act in the position of General Manager. It is noted that unsolicited approaches have been made by well qualified potential candidates who would be interested in assisting in a temporary capacity; or

Option 3 – by mutual agreement, seek a secondment from a neighbouring Council, preferably in the Hunter Region, to act in the position of General Manager. The Chief Executive Officers/General Managers of the Hunter Region have been approached to consider possible secondments and a

number have responded positively with senior personnel in their respective councils who could be considered for the role.

Each of the above three options can be co-ordinated by Council's Senior Human Resources Advisor in consultation with Council's Selection Committee consisting of the Mayor and Councillors Connors, Rayward and Riley. A report to Council to finalise the acting General Manager will be required.

Permanent Appointment

Council have indicated a willingness to commence the process of recruiting for a new General Manager as soon as practicably possible.

The Council, in a Strategic Workshop meeting on the 3 February, 2020 advised of their intention to utilise Council's Senior Human Resources Advisor to commence the process of advertising and shortlisting potential candidates for the role of General Manager. At the time a shortlist is determined, Council is then wishing to seek the services of a consultant to assist with the final shortlist and interviews.

The utilisation of Council's Senior Human Resources Advisor for the purposes of recruiting a new General Manager is problematic. The current workload of the Senior Human Resources Advisor includes the implementation of a new Workplace Health and Safety system for all staff at Dungog Shire Council (Administration and Depot), the review and update of outdated operational industrial relations policies, recruitment and orientation of new staff (9 vacancies are currently being filled), resourcing and supporting the re-establishment of Council's Consultative Committee, review of Position Descriptions in accordance with contemporary industrial instruments and the finalisation of performance appraisal documents and staff values. Being new to local government (under twelve months in the role) and given the significant workload already being undertaken by Council's Senior Human Resources Advisor as a sole operator, it is not recommended that further responsibility of this magnitude be placed on the officer. This function would be better undertaken by the appointment of an external recruitment specialist with expertise in recruiting at the executive level.

The advantages of outsourcing the recruitment process from end to end would include:-

- Access to the best job-seekers on the market (both active and passive). People who are actively looking for new positions are more likely to register with agencies. In addition, most recruitment agencies will position their vacancy adverts on a range of job boards, and they should understand what it takes for that advert to rank highly in candidates' job searches. Recruiters are also well positioned to make discreet approaches to appropriate candidates who may not necessarily be active in a job search, but open to possibilities.
- Utilisation of an expert who understands the candidates in the field and has a database of them to call upon. Using a recruitment agency will result in only candidates who are fully qualified for the role being shortlisted for the position
- The process should lead to a quicker turnaround on filling the vacancy, which in turn leads to increased efficiency of the organisation
- Recruitment agencies offer a range of specialist services such as psychometric tests, to help give Council an unique insight into candidates.
- Recruitment consultants are experts at screening, filtering and profiling highly experienced executive candidates. This leads to time and cost efficiencies in the long run.
- The recruitment agency is ideally placed to give Council an accurate market rate using salary data and local market knowledge.

Council's Senior Human Resources Advisor can provide the necessary background information and assistance to the recruitment agency in undertaking the task of recruitment of a General Manager.

COMMUNITY STRATEGIC PLAN

Theme 7 – Dungog Shire Council Governance and Finance: *We will strengthen our financial position and invest in our people, systems and governance to firmly establish Dungog Shire Council as an efficient and effective service organisation.*

DELIVERY PROGRAM

Council is recognised for strong community leadership, financial sustainability and ethical, accountable and responsive governance.

IMPLICATIONS**Finance and Resourcing**

There are provisions in the adopted 2019/2020 budget for temporary staff replacements and the salary for a General Manager.

It is proposed that a quote be sought by Council for the services of a recruitment agency and that this matter be further considered by Council via an adopted budget variation.

Previous Council Resolutions

Not applicable to this report.

Implementation

Council have indicated a willingness to commence the process of recruiting for a new General Manager as soon as practicably possible.

An acting General Manager is required post the 13 March, 2020.

Statutory/Legislative

Section 334 of the NSW *Local Government Act 1993* states:

(1) A council must appoint a person to be its general manager. The person must not be a body corporate.

Section 336 of the NSW *Local Government Act 1993* states:

If a vacancy occurs in the position of general manager, the council must immediately appoint a person under section 334 to the vacant position or appoint a person to act in the vacant position.

Section 351 of the NSW *Local Government Act 1993* states;

(1) If a position (including a senior staff position) within the organisation structure of the council is vacant or the holder of such a position is suspended from duty, sick or absent:

(a) the council, in the case of the general manager's position, or

(b) the general manager, in the case of any other position, may appoint a person to the position temporarily.

(2) A person who is appointed to a position temporarily may not continue in that position: (a) if the holder of the position is on parental leave—for a period of more than 24 months, or (b) in any other case—for a period of more than 12 months.