

POLICY

TITLE:	Recruitment of CEO Policy		
DIRECTORATE:	Council		
ADOPTED BY:	Council Resolution:		
DATE OF ADOPTION:	29 November 2024	DATE OF REVIEW:	29 November 2026
POLICY NUMBER:	117		
LEGISLATIVE REF:	<i>Local Government Act 2019; S73, 114-115, 117, 165-166, 169, 172, 178-179</i> <i>Local Government Regulations 2021; Section 109</i> <i>Local Government Act Ministerial Guideline No. 2</i> <i>Fair Work Act 2009</i> <i>Corporations Act 2001 (Cth)</i> <i>Corporations (Aboriginal and Torres Strait Islander) Act (Cth)</i> <i>Associations Act 2003</i> <i>Information Privacy Act 2009</i> <i>Information Act 2002 (NT)</i> <i>Human Rights and Equal Opportunity Commission Act 1986</i> <i>Various Commonwealth and State Anti-Discrimination legislation</i>		

1. INTRODUCTION

1.1. Purpose

It is a requirement of the Local Government Act for Council to have processes in place which addresses the recruitment of the Chief Executive Officer (CEO) in accordance with the requirements of the Act and Ministerial Guidelines. This Policy captures all relevant requirements in one policy document.

1.2. Scope

This Policy applies to the recruitment of the CEO of Barkly Regional Council.

1.3. Responsibilities

Council is responsible for adhering to this Policy and all relevant legislation and relevant BRC Policies in relation to the appointment of a CEO.

The incoming CEO is responsible for making a Conflict of Interest Declaration.

1.4. Policy Objectives

- 1) The objectives of this Policy are to guide the Council in the appointment of a high quality and appropriately skilled CEO.
- 2) Ensure the ongoing viability of a Council by appointing a CEO with high level leadership and management capabilities, who is subject to regular performance reviews.
- 3) Maintain the integrity of the Council by ensuring that the Council is aware of any conflict of interest of a prospective CEO.

2. POLICY STATEMENT

2.1 Policy

- 1) It is a requirement of the Act that a vacant CEO position must be advertised within 6 weeks of the vacancy occurring, and in accordance with the requirements prescribed by the Regulations.
- 2) Where the role of CEO is vacant, the Council may appoint a temporary CEO for a period specified by the Council or until a CEO is appointed.
- 3) A recruitment process, approved by Council resolution, must be followed in relation to appointments to the Office of CEO before the vacancy is advertised.
- 4) The duration of the contract for CEO is at the discretion of Council upon resolution; however, typically is 3-5 years with or without options for renewal.
- 5) When Council resolves to appoint a recruitment agency to manage the recruitment, it is responsible for making the agency aware of this Policy and its requirements, which must be met.
- 6) The remuneration package, as approved by Council resolution and subsequently advertised, must not be increased when offering a contract. The package may be advertised as a range.
- 7) There must not be any discrimination based on an 'irrelevant criminal record' as defined in Anti-Discrimination legislation. Where the Council has concerns about disclosures relating to criminal activity, it is recommended that Council seeks advice on how best to proceed.
- 8) The Council, by resolution, must appoint an individual to be the CEO.

3. RECRUITMENT PROCESS REQUIREMENTS

- 1) The Regulations require that the vacant position be publicly advertised, including by newspaper circulating in the area.
- 2) The advertisement must set out the eligibility requirements under Section 166 of the Act.
- 3) As a minimum, it is a requirement for the recruitment process to:
 - a. Consider the use of a professional recruitment agency when appointing a CEO; and making this decision for or against this decision by Council resolution.
 - b. Establish a recruitment panel, who is responsible for providing a confidential report to the Council including a list of all applicants and access to all applicant documents.
 - i. It is a requirement of the Regulations that the recruitment panel must consist of at least one person who is independent from the Council.
 - c. Review of the CEO's position description, including essential and desirable selection criteria, knowledge and qualifications.
 - d. Ensure that disclosures of any perceived or actual conflicts of interest are made by panel members in accordance with Council procedures and the Code of Conduct (Elected Members).
 - e. Obtain written references for the preferred candidate's past 3 years of work history from the candidate's Supervisors or Managers (or, if the candidate was a CEO of another Council, from the Principal Member of that Council).
 - f. Verify the candidate's qualifications and professional memberships and obtain evidence of these.
 - g. Make enquiries and ensure that the candidate is not disqualified from holding the Office of CEO, as outlined at Clause 4 (2) of this Policy.

4. SUITABLE CANDIDATE REQUIREMENTS

- 1) When considering applicants, the selection panel (or recruitment agency) must consider applicant skills, attributes, employment history and any relevant criminal history.
- 2) Suitable candidates must have:
 - a. A tertiary qualification in a relevant field;
 - b. Commensurate work experience that demonstrates both capacity at an equivalent level and capability of recognised prior learning by an educational institution; and
 - c. High level leadership and management capabilities.
- 3) A person is not eligible to be a CEO if the person is disqualified from managing a corporation under the Corporations Act 2001 (Cth) or the Corporations (Aboriginal and Torres Strait Islander) Act (Cth), disqualified under the Associations Act 2003, or bankrupt.

5. CANDIDATE CONFLICTS OF INTEREST

- 1) It is a requirement for Council or the Recruitment Agency to identify through the recruitment process whether the candidate to be appointed holds any conflict of interest (whether potential, perceived or actual conflicts).
- 2) Prior to an offer of appointment being made, the candidate is to be issued with the *Conflict of Interest Policy* and the *Conflict of Interest Declaration Form* and is requested to complete and submit their completed Declaration to the Council (or Recruitment Agency).
- 3) If a conflict of interest is identified in a candidate to be appointed, the Council must give due consideration as to how the conflict of interest will be managed. It is recommended the Council refer to the Act Sections 73, 114, 115 and 179 and/or seek legal advice if unsure
- 4) If a candidate with a conflict of interest is appointed, the conflict of interest must be recorded in the Council's resolution made under Section 165 (1) of the Act, and notified as soon as practicable to the Minister's Agency after the appointment is confirmed.

6. CEO EMPLOYMENT CONTRACT

- 1) The Council must approve the proposed CEO contract that contains an agreed remuneration package covering cash and non-cash benefits and any limitations or entitlements over private use of Council assets.
- 2) A CEO's contract of employment must include provisions in relation to the following:
 - a. The term of the contract, including the commencement date and the expiry date;
 - b. Probation period, which must be at least 6 months;
 - c. Key performance indicators and regular performance reviews;
 - d. Termination of employment provisions;
 - e. Cash and non-cash benefits and entitlements;
 - f. Leave entitlements and requirements in relation to providing notice before taking leave.
- 3) A Council may, by resolution, reappoint a CEO (subject to employment legislation permitting this), and may, by resolution, vary the terms of the reappointed CEO's contract of employment.

7. RETURN OF INTEREST FORM

- 1) It is a requirement of the Act for the CEO to submit to Council an *Annual Returns of Interest Declaration* within 14 days of the CEO commencing employment.
- 2) The details of the above declaration must be included on the *Register of Annual Returns of Interests*.

8. RELEVANT POLICIES

Policies and procedures to be read in conjunction with this policy are:

- 1) Code of Conduct (Elected Members)
- 2) Human Resources Management Policy
- 3) Conflict of Interest Policy
- 4) Conflict of Interest Declaration
- 5) Conflict of Interest Register
- 6) Annual Returns of Interest Declaration & Register

9. IMPLEMENTATION AND REVIEW

9.1. Implementation

Relevant personnel will be made aware of this policy. It is not a requirement of the Act to publish this Policy on the Barkly Regional Council website.

9.2. Review

This policy will be reviewed on or before 29 November 2026.

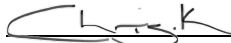
10. VARIATIONS, REVOCATIONS AND/OR CHANGES

Barkly Regional Council reserves the right to revoke and/or amend this policy from time to time as is considered necessary to better manage its business and/or to comply with any legislative requirements. Employees will be given sufficient notice of any such revocations, amendments, or changes.

11. APPROVAL

This policy is approved.

Chris Kelly
Chief Executive Officer


Signature

29 Nov 2024
Dated

END