



Minutes of Special Council Meeting

Held on 3 July 2024 and commenced at 4:30pm
Held at the Council Chambers in Donnybrook
(1 Bentley Street, Donnybrook)

Authorised:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Tim Clynch, Chief Executive Officer (Temporary)

Prepared:

12 July 2024

MEASURES OF CONSEQUENCE

LEVEL	RATING	HEALTH & SAFETY	FINANCIAL	SERVICE INTERRUPTION	COMPLIANCE	REPUTATION	PROPERTY	ENVIRONMENT
1	Insignificant	Negligible injuries	Less than \$5,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, localised low impact on community trust, low profile or no media item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
2	Minor	First aid injuries	\$5,000 - \$20,000 Or < 5% variance in cost of project	Temporary interruption to an activity – backlog cleared with existing resources	Some temporary non compliances	Substantiated, localised impact on community trust or low media item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
3	Moderate	Medical type injuries	\$20,001 - \$100,000 Or > 5% variance in cost of project	Interruption to Service Unit(s) deliverables – backlog cleared by additional resources	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
4	Major	Lost time injury	\$100,001 - \$1M	Prolonged interruption of Service Unit core service deliverables – additional resources; performance affected	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
5	Catastrophic	Fatality, permanent disability	More than \$1M	Indeterminate prolonged interruption of Service Unit core service deliverables	Non-compliance results in criminal charges or significant damages or penalties	Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

MEASURES OF LIKELIHOOD

LEVEL	RATING	DESCRIPTION	FREQUENCY
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

RISK MATRIX

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	MODERATE (5)	HIGH (10)	HIGH (15)	EXTREME (20)	EXTREME (25)
Likely	4	LOW (4)	MODERATE (8)	HIGH (12)	HIGH (16)	EXTREME (20)
Possible	3	LOW (3)	MODERATE (6)	MODERATE (9)	HIGH (12)	HIGH (15)
Unlikely	2	LOW (2)	LOW (4)	MODERATE (6)	MODERATE (8)	HIGH (10)
Rare	1	LOW (1)	LOW (2)	LOW (3)	LOW (4)	MODERATE (5)

RISK ACCEPTANCE CRITERIA

RISK RANK	DESCRIPTION	CRITERIA FOR RISK ACCEPTANCE	RESPONSIBILITY
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Director / CEO
EXTREME	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

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1. Declaration of Opening / Announcement of Visitors

Acknowledgement of Country:

The Presiding Member acknowledged the continuing connection of Aboriginal people to Country, culture and community, including traditional custodians of this land, the Wardandi and Kaneang People of the Noongar Nation, paying respects to Elders, past and present.

The Presiding Member declared the meeting open at 4:33pm.

The Presiding Member advised that the meeting is not being live streamed however is being recorded for minute taking purposes.

Cr Mitchell read aloud the following:

“Pursuant to Section 14CA(5) of the *Local Government (Administration) Regulations 1996*, I Cr Anne Mitchell declare that I am situated in a location where I can maintain confidentiality throughout the duration of the meeting.”

2. Attendance

Councillors Present:

Cr Vivienne MacCarthy

Cr Lisa Glover

Cr John Bailey

Cr Alexis Davy

Cr Peter Gubler

Cr Anita Lindemann

Cr Anne Mitchell (Teams)

Cr Grant Patrick

Cr Deanna Shand

Staff Present:

Tim Clynych, Chief Executive Officer (Temporary)

Loren Clifford, Manager Corporate Services

Public Gallery:

Nil.

2.1. Apologies

Nil.

2.2. Approved Leave of Absence

Nil.

2.3. Application for Leave of Absence

Cr Shand has requested a leave of absence for the August OCM.

COUNCIL RESOLUTION: 74/24	
MOVED BY: Cr Lisa Glover	SECONDED BY: Cr Alexis Davy

That Council:

- 1. Approve Cr Deanna Shand's request for a leave of absence for the Ordinary Council Meeting held on 28 August 2024.**

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Patrick, Cr Shand
Against: Nil.
Carried: 9/0

3. Announcements from the Presiding Member

Nil.

4. Declarations of Interest

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Nil.

5. Public Question Time

5.1. Responses to previous public questions that were taken on notice

Nil.

5.2. Public Question Time

Nil.

6. Presentations

6.1. Petitions

Nil.

6.2. Presentations

Nil.

6.3. Deputations

Nil.

6.4. Delegates' Reports

Nil.

7. Reports of Committees

Nil.

8. Reports of Officers

Nil.

9. Elected Member Motions of which previous notice has been given

Nil.

10. New Business of an urgent nature introduced by Decision of the Meeting

Nil.

11. Meetings Closed to the Public

11.1. Matters for which the Meeting may be closed.

11.1.1 Offer of employment, Chief Executive Officer (Confidential)

This report is confidential in accordance with Section 5.23(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

COUNCIL RESOLUTION: 75/24	
MOVED BY: Cr Grant Patrick	SECONDED BY: Cr Deanna Shand

That the meeting be closed in accordance with section 5.23(c) of the *Local Government Act 1995* to discuss the following confidential items:

11.1.1 Offer of employment, Chief Executive Officer (Confidential)

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Patrick, Cr Shand
Against: Nil.
Carried: 9/0

The meeting was closed to the public at 4:38pm.

COUNCIL RESOLUTION: 77/24	
MOVED BY: Cr Grant Patrick	SECONDED BY: Cr Deanna Shand

That the meeting be reopened to the public.

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Patrick, Cr Shand
Against: Nil.
Carried: 9/0

The meeting was reopened to the public at 4:54pm.

11.2. Public reading of Resolutions that may be made public

Special Council Meeting held 3 July 2024 – Item 11.1.1 Offer of Employment – Chief Executive Officer - Confidential

COUNCIL RESOLUTION: 76/24	
MOVED BY: Cr Grant Patrick	SECONDED BY: Cr Lisa Glover

That Council:

- 1. Authorises the President to negotiate the contract commencement date as detailed in Item 1 of Schedule 2 in Confidential Attachment 11.1.1(2); and**
- 2. Approves by Absolute Majority and is satisfied with the proposed terms of the CEO employment contract detailed in Confidential Attachment 11.1.1(2); and**
- 3. Authorises the President to execute the CEO employment contract and apply the common seal in accordance with section 9.49A(1)(a) of the *Local Government Act 1995*, subject to the candidate agreeing to enter into the proposed terms of the CEO employment contract without amendment; and**
- 4. Notes that subject to the candidate named in Confidential Attachment 11.1.1(1) accepting the proposed terms of the CEO employment contract Attachment 11.1.1(2) the candidate is appointed to the position of CEO at the Shire of Donnybrook Balingup; and**
- 5. Authorises the President to present the contract to the candidate named in Confidential Attachment 11.1.1(1) and, if the candidate negotiates under clause 12 of Schedule 2 of the *Local***

Government (Administration) Regulations 1996 terms different to the proposed terms, the amended proposed contract will be provided to Council for approval before the contract is executed; and

- 6. Certifies that the CEO recruitment process is completed on execution of the CEO employment contract detailed in Confidential Attachment 11.1.1(2) and was conducted in accordance with the Shire's Standards for CEO Recruitment, Performance, and Termination.**

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Patrick, Cr Shand
Against: Nil.
Carried: 9/0

12. Closure

The Shire President advised that the next Agenda Briefing Session will be held on 17 July 2024 at 5:00pm, in the Shire of Donnybrook Balingup Council Chamber. Meeting closed at 4:54pm.