

3 Presentation of officer reports

3.1 Appointment of independent advisor

Executive Summary

Purpose

The purpose of this report is for Council to consider the appointment of an Independent Advisor for the Council's Employment and Remuneration Committee.

Background

The *Local Government Act 2020* (Act) required Councils to develop, adopt and keep in force a CEO Employment and Remuneration policy (Policy) by 31 December 2021. Council adopted its Policy on 13 December 2021 (Attachment A) and resolved to establish the CEO Employment and Remuneration Committee (Committee) consisting of all 11 Councillors.

The Act states that the CEO Employment and Remuneration Policy must provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy.

Further, Council's Policy specifies that a key purpose of the Committee is 'to consider, determine (when applicable) and make recommendations to Council with respect to the:

- selection and appointment of the Independent Advisor;
- independent advice received from time to time from the Independent Advisor'.

Key Issues

Council requested officers to commence the engagement process for an Independent Advisor for the Committee. Council officers sought appropriate candidates and three submissions were received from experienced consultants.

On Thursday 13 October 2022, all submissions were discussed and assessed. Submissions were assessed on a range of factors including:

- Understanding and experience of the Local Government sector, including understanding the role of Council and CEO, and the relationship between them;
- Qualifications;
- Experience in Board membership or Advisory Groups; and
- Cost.

Following the assessment, Ms. Anne-Marie Leslie was recommended as the preferred candidate for the role of Independent Advisor (**Confidential Attachment 1**).

It is proposed that Council appoints Ms. Leslie in the role for a one-year term on the terms set out in the **Confidential Attachment 2** to this report.

Next Steps

The Committee will formally meet to undertake annual review requirements in accordance with Council's legislative and contractual obligations.

Confidentiality

Confidential information is contained in **Attachments 1, 2 and 3**, as circulated in the confidential section of the agenda, in accordance with Section 66(2)(a) and the definitions of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to:

- a) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- b) private commercial information, being information provided by a business, commercial or financial undertaking that ...if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

The item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

If discussion of the confidential information in the attachments to this report is required in order for Council to make a decision, this item will be deferred to the confidential section of the agenda.

Officers' recommendation

That Council resolve to:

1. Engage Anne-Marie Leslie as its Independent Advisor based on the terms set out in the Confidential Attachment 2 to this report;
2. Note the attachments to the report remain confidential in accordance with section 125 of the Local Government Act 2020 or until Council resolves otherwise; and
3. Authorise Council officers to disclose any confidential information in relation to this item, but only to the extent necessary to give effect to the resolution.

Responsible director: Mary-Anne Palatsides, Executive Manager People, Culture and Development

2. Purpose

The purpose of this report is for Council to consider the appointment of an Independent Advisor for the Council's Employment and Remuneration Committee.

3. Policy implications and relevance to community plan and council plan

There is a requirement under the *Local Government Act 2020* to establish a CEO Employment and Remuneration Policy and to provide the Committee with access to independent advice on matters contained within the Policy as needed.

This item links to the priority theme of Leadership and Governance in the Boroondara Community Plan.

4. Background

The *Local Government Act 2020* required Councils to develop, adopt and keep in force a CEO Employment and Remuneration policy (**Policy**) by 31 December 2021. Council adopted its Policy on 13 December 2021 and resolved to establish the CEO Employment and Remuneration Committee (**Committee**) consisting of all 11 Councillors.

The Instrument of Delegation for the Committee was adopted by Council on 28 February 2022.

The Act states that the CEO Employment and Remuneration Policy must provide for the Council to obtain independent professional advice in relation to the matters dealt with in the CEO Employment and Remuneration Policy.

Further, Council's Policy specifies that a key purpose of the Committee is 'to consider, determine (when applicable) and make recommendations to Council with respect to the:

- selection and appointment of the Independent Advisor;
- independent advice received from time to time from the Independent Advisor'.

5. Outline of key issues/options

Council requested officers to commence the engagement process for an Independent Advisor for the Committee. Council officers sought appropriate candidates and three submissions were received from experienced consultants.

On Thursday 13 October 2022, all submissions were discussed and assessed. Submissions were assessed on a range of factors including:

- Understanding and experience of the Local Government sector, including understanding the role of Council and CEO, and the relationship between them;

- Qualifications;
- Experience in Board membership or Advisory Groups; and
- Cost.

Following the assessment, Ms. Anne-Marie Leslie was recommended as the preferred candidate for the role of Independent Advisor. It is proposed that Council appoints Ms. Leslie in the role for a one-year term on the terms set out in the confidential Attachment 2 to this report.

6. Consultation/communication

Not applicable.

7. Financial and resource implications

The appointment of an Independent Advisor will attract remuneration. This will need to be accommodated within Council's operating budget. Ms. Leslie has proposed an hourly rate, meeting rate and daily rate which has been assessed as reasonable.

8. Governance issues

No officers involved in the preparation of this report have any general or material interest in this matter.

9. Social and environmental issues

Not applicable.

10. Conclusion

As a public entity it is important that Council has processes for managing employment matters relating to the CEO in a way that is transparent, fair, and consistent with sound employment relations principles.

All submissions for the role of Independent Advisor have been assessed and Ms. Anne-Marie Leslie has been recommended as the preferred candidate for the role. It is suggested that Council endorse this recommendation.

Manager: Mary-Anne Palatsides, Executive Manager PCD

Report officer: Mary-Anne Palatsides, Executive Manager People, Culture & Development