

## ITEM NUMBER: 8.1

### CONFIDENTIAL REPORT

#### ACTING CHIEF EXECUTIVE OFFICER ARRANGEMENTS

*Pursuant to Section 87(10) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Executive Committee upon the basis that the Committee consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Executive Committee will receive, discuss or consider:*

- a. Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- e. matters affecting the security of the council, members or employees of the council, or council property; or the safety of any person.



**Recommendation – Exclusion of the Public – Section 90(3)(a and e) Order**

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Executive Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff minute taker in attendance at the meeting in order to consider Report No: 251/24 – Acting Chief Executive Officer Arrangements in confidence.
  2. That in accordance with Section 90(3) of the *Local Government Act 1999* Executive Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 251/24 – Acting Chief Executive Officer Arrangements on the following grounds:
    - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 251/24 – Acting Chief Executive Officer Arrangements is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
    - e. pursuant to section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of employees of the Council.
  3. The Executive Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.
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**Item No:** 8.1

**Subject:** **ACTING CHIEF EXECUTIVE OFFICER ARRANGEMENTS**

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## Summary

The Chief Executive Officer, Roberto Bria has tendered his resignation which will be effective from Friday 30 August 2024.

Section 96 of the Local Government Act 1999 states that each council must have a Chief Executive Officer. Further section 98(2) states that council must appoint a person to act in the position of Chief Executive Officer until a vacancy is filled.

This report recommends the appointment of Pamela Jackson to act in the position of CEO until the vacancy has been filled.

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## Recommendation

**That the Executive Committee recommends to Council:**

1. the appointment of Pamela Jackson to act in the position of Chief Executive Officer from 31 August 2024 until the vacancy is filled.
2. the acting CEO be remunerated at the current CEO remuneration.

### RETAIN IN CONFIDENCE - Section 91(7) Order

3. That having considered Agenda Item 8.1 251/24 – Acting Chief Executive Officer Arrangements in confidence under section 90(2) and (3)(a and e) of the *Local Government Act 1999*, the Executive Committee, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence for a period of 12 months and the Chief Executive Officer is authorised to release the documents and that this order be reviewed every 12 months.
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## Background

The Chief Executive Officer, Roberto Bria has tendered his resignation which will be effective from Friday 30 August 2024.

Section 96 of the *Local Government Act 1999* states that each council must have a chief executive officer. Further section 98(2) states that council must appoint a person to act in the position of chief executive officer until a vacancy is filled.

## Report

Council has previously endorsed General Managers Beth Davidson-Park, Pamela Jackson and Marnie Lock to act in the role of the Chief Executive Officer during periods of absence by the CEO. All three General Managers have acted successfully in the role of CEO over the years.

As Council has just approved its Annual Business Plan and Budget (ABP) and is commencing the Transforming Jetty Road Project, it is clear what Administration needs to focus on for the next 12 months and therefore a stable Administration over the next six months would be optimal in assisting delivery of the ABP. A recruitment process in the middle of this could be a de-stabilising factor for Administration. Also currently there has been a number of Local Government CEO roles being advertised, which in discussions with Christine Molitor could limit the pool of quality applicants at this time. The recruitment process will be discussed in the next report in this agenda.

With the focus on the next six months being delivery on the ABP and the key infrastructure projects it is recommended that Pamela Jackson be appointed to the role of Acting Chief Executive Officer until the vacancy is filled. Pamela, having been the General Manager, Strategy and Corporate and now the General Manager, Assets and Delivery provides her with the understanding to successfully transition into the acting role.

During this acting period Pamela will establish the appropriate support in regard to the Assets and Delivery Division.

### **Remuneration**

The current total remuneration of the CEO is \$354,163.

As previously discussed with the Committee, on 1 July 2023 the Remuneration Tribunal Determination on the minimum and maximum remuneration for council Chief Executive Officers came into effect. The minimum and maximum remuneration for the band that the City of Holdfast Bay sits is \$319,280 to \$358,550. This band is expressed on a total remuneration package basis. Therefore, the acting Chief Executive's remuneration must sit within the band determined by the Remuneration Tribunal.

As previously reported to the Committee, Mercer was commissioned to undertake an independent review of the CEO's job value and salary. The full report was provided to the Committee at its meeting on 7 May 2024. This report showed that the job value of the position is significantly higher than the maximum remuneration band set by the Remuneration Tribunal. Therefore, it is recommended that the acting CEO be remunerated at the current CEO remuneration

## Budget

The budget for the CEO salary is included in the operational budget.

## Life Cycle Costs

Not applicable

## Strategic Plan

Statutory compliance

## Council Policy

Not applicable

## Statutory Provisions

*Local Government Act 1999, sections 96 and 98(2)*

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**Written By:** Chief Executive Officer

**Chief Executive Officer:** Mr R Bria

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