

SHIRE OF WYNDHAM EAST KIMBERLEY

Special Council Meeting: Agenda

Tuesday 8 September 2026



DISCLAIMER

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

Members of the public, please note that this meeting is being broadcast live and a video record will be made of these proceedings and published on the Shire's website.

Signed on behalf of Council



VERNON LAWRENCE

CHIEF EXECUTIVE OFFICER

NOTES:

1. Councillors wishing to make alternate motions to officer recommendations are requested to provide notice of such motions electronically to the minute taker prior to the Council Meeting.
2. Councillors needing clarification on reports to Council are requested to seek this from relevant Officers prior to the Council meetings.

TABLE OF CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2. ATTENDANCE / APOLOGIES	3
3. DECLARATION OF INTEREST	3
4. OFFICER REPORTS.....	3
4.1. Appointment Of Acting Chief Executive Officer And Associated Policy Updates - POL-1016 Designation Of Senior Employees – Rescind POLICY & POL-1019 Appointment Of Acting Or Temporary Chief Executive Officer Policy Review	4
5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC.....	7
5.1. MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	7
5.2. PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC.....	7
6. CLOSURE	7

**SHIRE OF WYNDHAM EAST KIMBERLEY
SPECIAL COUNCIL MEETING
AGENDA
KUNUNURRA COUNCIL CHAMBERS
TO BE HELD ON TUESDAY 8 SEPTEMBER 2026 AT 5:00PM**

- 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
- 2. ATTENDANCE / APOLOGIES**
- 3. DECLARATION OF INTEREST**
- 4. OFFICER REPORTS**

4.1. APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER AND ASSOCIATED POLICY UPDATES - POL-1016 DESIGNATION OF SENIOR EMPLOYEES – RESCIND POLICY & POL-1019 APPOINTMENT OF ACTING OR TEMPORARY CHIEF EXECUTIVE OFFICER POLICY REVIEW

AUTHOR:	Governance Officer
RESPONSIBLE OFFICER:	Vernon Lawrence, Chief Executive Officer
FILE NO:	CM.11.2
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Regulator - enforce state legislation and local laws
VOTING REQUIREMENT:	Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Rescinds POL-1016 Designation of Senior Employees (Version 3.1), noting that the policy no longer reflects the Shire's organisational structure following the removal of Director positions.
2. Adopts POL-1019 Appointment of Acting or Temporary Chief Executive Officer (Version 3.0), as contained in Attachment 2, pursuant to section 5.39C of the *Local Government Act 1995*.
3. Determines that Stuart Dyson, Executive Manager Strategy & Grants, is suitably qualified to perform the role of Acting Chief Executive Officer and appoints Mr Dyson as Acting Chief Executive Officer with effect immediately following this resolution until the earlier of:
 - a. The substantive Chief Executive Officer resuming the duties of the office;
 - b. Council resolving to vary or terminate the appointment; or
 - c. 30 September 2026.
4. Determines that remuneration and conditions applying to the Acting Chief Executive Officer appointment are to be administered in accordance with POL-1019, Mr Dyson's existing employment arrangements and the applicable Salaries and Allowances Tribunal determination.

PURPOSE

To enable Council to appoint an Acting Chief Executive Officer during the substantive Chief Executive Officer's unplanned absence and to update the Shire's policy framework so that future Acting Chief Executive Officer appointments reflect the current organisational structure.

BACKGROUND / PREVIOUS CONSIDERATIONS BY COUNCIL OR COMMITTEE

Council adopted POL-1019 Appointment of Acting or Temporary Chief Executive Officer V2.0 on 28 April 2026. The policy was prepared under section 5.39C of the *Local Government Act 1995* and

was based on the Shire's former organisational structure, under which substantive Director positions were designated senior employees under POL-1016 Designation of Senior Employees.

The Shire has since implemented an organisational restructure. Director positions no longer exist and the executive structure now includes a Chief Operating Officer, Chief Financial Officer and three Executive Manager positions. The Chief Financial Officer position is currently vacant.

The substantive Chief Executive Officer is presently on unplanned leave. As the current POL-1019 only provides an administrative pathway for a Director to be appointed as Acting Chief Executive Officer, it does not provide an effective appointment pathway for the Shire's current executive structure.

COMMENTS

It is necessary to ensure that the Shire has a person formally authorised to perform the statutory functions of the Chief Executive Officer during the current absence. Waiting until the next Ordinary Council Meeting would create a period in which the authority to exercise CEO-specific statutory functions and Council delegations may be unclear. A retrospective appointment is not considered an appropriate governance control.

It is therefore recommended that Council appoint Stuart Dyson, Executive Manager Strategy & Grants, as Acting Chief Executive Officer for the current absence. Mr Dyson is considered suitably qualified having regard to his senior organisational role, knowledge of the Shire's operations and governance environment, and capacity to provide continuity of executive leadership. The appointment is proposed to commence immediately following Council's resolution and cease when the substantive Chief Executive Officer resumes duties, unless otherwise determined by Council, with a long-stop date of 30 September 2026.

The organisational restructure also provides an opportunity to correct the underlying policy issue. POL-1016 is no longer operationally relevant because it designates employees whose position title begins with "Director" as senior employees; those positions no longer exist. Rescinding POL-1016 does not prevent Council from identifying other employees as suitably qualified to act as CEO.

The proposed POL-1019 V3.0 removes the dependency on designated senior employee status and instead identifies the substantive Chief Operating Officer, Chief Financial Officer and Executive Manager positions reporting directly to the CEO as the pool of positions Council considers suitably qualified for Acting CEO appointments. An employee merely acting in one of those substantive positions would not automatically qualify and would require a separate Council determination.

For routine planned or unplanned absences of up to six weeks, the amended policy allows the substantive CEO to appoint one of the predetermined eligible employees in writing. Where the CEO becomes unexpectedly unavailable before making an appointment, Council is to make the Acting CEO appointment as soon as practicable. Longer absences, suspension or a vacancy in the substantive CEO position remain matters for Council.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 5.36(2)(a) provides that a person is not to be employed in the position of CEO unless Council believes the person is suitably qualified for the position. Council's determination of the positions considered suitable to act as CEO provides a clear governance basis for future acting appointments.

Section 5.39(1a) provides that an employee may act in the position of CEO for a term not exceeding one year without a written contract for that acting position.

Section 5.39C requires a local government to prepare and adopt a policy setting out the process for temporary employment of a CEO or appointment of an employee to act as CEO for a term not exceeding one year. Adoption or amendment of the policy requires an absolute majority.

The CEO must publish the current version of the policy on the Shire's official website.

Section 5.41 sets out the statutory functions of the CEO. A valid Acting CEO appointment ensures continuity in the exercise of those functions and other statutory or delegated CEO responsibilities during the substantive CEO's absence.

POLICY IMPLICATIONS

POL-1016 Designation of Senior Employees is proposed to be rescinded as it no longer reflects the current organisational structure.

POL-1019 Appointment of Acting or Temporary Chief Executive Officer is proposed to be amended to reflect the Chief Operating Officer, Chief Financial Officer and Executive Manager structure and to provide a clear process for planned and unplanned CEO absences.

STRATEGIC IMPLICATIONS

This matter relates to the following sections of the *Strategic Community Plan 2023-2033*:

Focus Area: SUSTAINABILITY

Goal 10: Community-driven Leadership - Leaders work with the community to develop and implement change in delivering positive outcomes

Goal Outcome 10.3: Advocacy - Strong and consistent advocacy for local needs and priorities

Strategy 10.3: The Shire will influence decisions of others in a way that recognises and prioritises the needs of our local community

RISK IMPLICATIONS

Risk: In the absence of a valid Acting CEO appointment, there is a risk that CEO-specific statutory functions, delegations and executive decisions may be exercised without clear authority.

Control: Council formally appoints an Acting CEO for the current absence and adopts an updated POL-1019 that aligns with the current organisational structure and provides a clear appointment pathway for future absences.

FINANCIAL IMPLICATIONS

Any higher duties or Acting CEO remuneration associated with the temporary appointment will be administered within the existing salaries and wages budget and in accordance with the applicable employment arrangements and Salaries and Allowances Tribunal determination. No material additional financial impact is anticipated.

Current and Future Asset Considerations

Nil

COMMUNITY ENGAGEMENT

No community engagement is required. This matter relates to internal governance, organisational continuity and statutory compliance.

ATTACHMENTS

1. POL-1016 Designation of Senior Employees V3.1 [4.1.1]
2. POL-1019 Appointment of Acting or Temporary Chief Executive Officer V3.0 - Clean Copy [4.1.2]
3. POL-1019 Appointment of Acting or Temporary Chief Executive Officer V3.0 - Tracked Changes [4.1.3]

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

5.1. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

5.2. PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

6. CLOSURE