

Item No: 4.1

Date: 3 April 2023

Attachment: A, B, C, D, E, F

<b>Meeting:</b>	Council
<b>Title:</b>	CEO Recruitment Process - Appointment of Recruitment Agency & Independent Legal Advisor / Person
<b>Responsible Manager:</b>	Acting Chief Executive Officer, Scott Reardon
<b>Author:</b>	Acting Chief Executive Officer, Scott Reardon Council Secretariat, Danielle Edwards
<b>Key Pillar:</b>	<b>Financial Guiding Principle 1- Finances managed responsibly</b>
<b>Key Focus Area:</b>	<b>Strategic Community Plan Focus area 3 - Transparent and accountable local tier of Government</b>
<b>Type of Report:</b>	<b>Decision Required</b>

### Recommendation (Public)

#### Pursuant to section 90(3)(k)

Pursuant to section 90(2) of the *Local Government Act 1999* (the **Act**) the Council orders that all members of the public except the Council Secretariat Danielle Edwards be excluded from attendance at the meeting for Agenda Item 4.1 CEO Recruitment Process - Appointment of Recruitment Agency & Independent Legal Advisor / Person.

The Council is satisfied that pursuant to sections 90(3)(k) of the Act, the information to be received, discussed and considered in relation to this Agenda Item is information relating to tenders for the provision of services.

### Recommendation (Confidential)

1. That Council engage McArthur (SA) Pty Ltd (ABN 97 007 895 703) as the qualified recruitment company to assist with the recruitment process for the new Chief Executive Officer.
2. That Council engage Norman Waterhouse Lawyers Pty Ltd (ABN 18 621 909 395) as the qualified independent legal adviser / person in accordance with s 98(4a)(b) of the *Local Government Act 1999*, so as to obtain their advice on matters of probity, candidate suitability and application assessment throughout the recruitment process for the new Chief Executive Officer.
3. That Administration close out RFQs VP349315 and VP350944, thus notifying all successful and unsuccessful Respondents accordingly.
4. That Administration liaise with both McArthur (SA) Pty Ltd and Norman Waterhouse Lawyers Pty Ltd to arrange their attendance at a future meeting of the CEO Performance Review Committee.

### Recommendation (Public)

#### Pursuant to section 91(7)

That having considered Agenda Item 4.1 CEO Recruitment Process - Appointment of Recruitment Agency & Independent Legal Advisor / Person in confidence under section 90(2) & 90(3)(k) of the Act, the Council, pursuant to section 91(7) of that Act orders that the report, minutes and all Attachments to this Agenda Item be retained in confidence for a period of 12 months or until the conclusion of the recruitment process, and that pursuant to section 91(9)(c) of the Act the Council delegates to the Acting Chief Executive Officer the review and power to revoke this Order;

and

That the Council resolves to end its confidential deliberations pursuant to section 90(2) of the Act and re-admit the public.

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## Summary

Following the recommendations of the CEO Performance Review Committee (the **Committee**) from 31 January 2023 (**CEO19/21-22**), and in accordance with the legal advice received (appearing as Attachment F to this report), at their Ordinary Meeting of 20 February 2023 Council resolved (**CNC216/22-23**) to proceed to an open RFQ tender process (the **RFQ**) in order to seek out both a suitably qualified recruitment agency and independent legal adviser / person to assist with the recruitment process for the Town of Walkerville's new Chief Executive Officer.

In accordance with resolution **CNC216/22-23** Administration conducted the RFQ through Vendor Panel between Monday 27 February 2023 and Sunday 19 March 2023 (inclusive). Upon close of the RFQ, a total of 27 submissions were received from recruitment companies, and two (2) submissions were received from legal firms.

For the purposes probity, Administration undertook a preliminary analysis of the submissions prior to providing them to the Committee for their consideration at their meeting on 28 March 2023, whereby the Committee determined to recommend that Council engage both McArthur (SA) Pty Ltd and Norman Waterhouse Lawyers Pty Ltd to assist with the recruitment process for the new Chief Executive Officer.

## Background

At their meeting of 31 January 2023 the CEO Performance Review Committee determined to make the following recommendation to Council:

### **CEO19/21-22**

**Moved:** Cr Trotter

**Seconded:** Cr Allanson

### **Recommendation (Confidential)**

- 1. That Members of the CEO Performance Review Committee be advised that the initial three (3) proposals from Hender Consulting, McArthur Consulting and Perks People Solutions as obtained by Her Worship the Mayor Melissa Jones and distributed to said Members on 16 January 2023 are unable to be received and considered, and must be disregarded as the quotes were obtained prematurely and without authorisation.*
- 2. That the CEO Performance Review Committee in their capacity as the CEO Recruitment and Selection Panel recommend to Council at their Ordinary Meeting of 20 February 2023 that the recruitment process for the Chief Executive Officer now commence and be undertaken in accordance with both the prescribed 'appointment procedures' as outlined under section 98 of the Local Government Act 1999 and the legal advice obtained, appearing as Attachment B to this report, and in doing so Council:*

- a. *appoints a suitably qualified recruitment company through an open request for quotes tender process conducted via Vendor Panel to assist with the CEO recruitment process, and that subject to Council's endorsement this open request for quotes tender process be undertaken for the 21 day period as soon as reasonable practical after the Council's determination but no later than Monday 27 February 2023.*
- b. *engages an independent legal adviser to provide advice and probity on issues relating to the CEO recruitment process through an open request for quotes tender process conducted via Vendor Panel, and that subject to Council's endorsement this open request for quotes tender process be undertaken for the 21 day period as soon as reasonable practical after the Council's determination but no later than Monday 27 February 2023.*
3. *That the CEO Performance Review Committee recommend to Council that the Acting Chief Executive Officer be authorised to write to those three (3) companies, namely Hender Consulting, McArthur Consulting and Perks People Solutions, to advise that Council will undertake an open tender process to appoint a suitably qualified recruitment company, and as part of which the respective companies may submit a proposal.*
4. *That the CEO Performance Review Committee request that Administration draft the requisite tender documentation relating to recommendations 2 a. and 2 b. above, and that this draft documentation be submitted to Council for reference and noting at their Ordinary Meeting of 20 February 2023.*
5. *That following completion of recommendations 1, 2 and 3 above, the CEO Performance Committee convene a Special Meeting at which [REDACTED] be invited to assist and provide guidance to Council on any/all tender submissions received, so that the Committee can subsequently make recommendations to Council on the appointment of both a suitably qualified recruitment company and independent legal adviser.*

At their meeting of 20 February 2023 Council resolved:

**CNC216/22-23**

**Moved:** Cr Vanstone

**Seconded:** Cr Trotter

**Resolution (Confidential)**

1. *That the CEO Performance Review Committee in their capacity as the CEO Recruitment and Selection Panel recommend to Council that the recruitment process for the Chief Executive Officer now commence and be undertaken in accordance with both the prescribed 'appointment procedures' as outlined under section 98 of the Local Government Act 1999 and the legal advice obtained, appearing as Attachment B to this report, and in doing so Council:*
  - a. *appoints a suitably qualified recruitment company through an open request for quotes tender process conducted via Vendor Panel to assist with the CEO recruitment process, and that subject to Council's endorsement this open request for quotes tender process be undertaken for the 21 day period as soon as reasonable practical after the Council's determination but no later than Monday 27 February 2023.*
  - b. *engages an independent legal adviser to provide advice and probity on issues relating to the CEO recruitment process through an open request for quotes tender process conducted via Vendor Panel, and that subject to Council's endorsement this open request for quotes tender process be undertaken for the 21 day period as soon as reasonable practical after the Council's determination but no later than Monday 27 February 2023.*
2. *That the CEO Performance Review Committee recommend to Council that the Acting Chief Executive Officer be authorised to write to those three (3) companies, namely Hender*

*Consulting, McArthur Consulting and Perks People Solutions, to advise that Council will undertake an open tender process to appoint a suitably qualified recruitment company, and as part of which the respective companies may submit a proposal.*

3. *That the CEO Performance Review Committee request that Administration draft the requisite tender documentation relating to recommendations 1 a. and 1 b. above, and that this draft documentation be submitted to Council for reference and noting at their Ordinary Meeting of 20 February 2023.*
4. *That Council note that the CEO Performance Review Committee have determined that following completion of recommendations 1, 2 and 3 above, the CEO Performance Committee will convene a Special Meeting at which [REDACTED] will be invited to assist and provide guidance on any/all tender submissions received, so that the Committee can subsequently make recommendations to Council on the appointment of both a suitably qualified recruitment company and independent legal adviser.*

At their meeting of 28 March 2023 the CEO Performance Review Committee determined to make the following recommendation to Council:

### **CEO22/22-23**

**Moved:** Cr Trotter

**Seconded:** Cr Rypp

### **Recommendation (Confidential)**

*That the CEO Performance Review Committee recommend to Council that:*

1. *McArthur be engaged as the qualified recruitment company to assist with the recruitment process the new Chief Executive Officer; and*
2. *Norman Waterhouse be engaged as the independent legal adviser as required under s 98(4a) of the Local Government Act 1999 to provide advice and probity on issues relating to the recruitment process the new Chief Executive Officer.*

### **Discussion/Issues for Consideration**

#### CEO Appointment Procedures

Pursuant to Chapter 7, Part 1 of the Act a Council must employ a Chief Executive Officer,<sup>1</sup> to primarily, and among other things prescribed by the Act, oversee the day-to-day operations and affairs of the Council and to ensure that all policies and lawful decisions of Council are implemented in a timely and efficient manner.<sup>2</sup>

If a vacancy occurs in the Office of the Chief Executive Officer the provisions of the Act require that a Council take reasonable steps to fill the vacancy.<sup>3</sup> It should be noted that while the Act is silent on a required or stipulated timeframe to fill the position, other legislative provisions require that the position be filled as soon as is reasonably practicable.<sup>4</sup>

Noting that the resignation of the Chief Executive Officer occurred concurrently with the 2022 Local Government General Elections and that a Council was precluded from making a designated decision during a declared election caretaker period,<sup>5</sup> verbal advice obtained in October 2022 from Norman Waterhouse Lawyers suggested that it would be prudent for the incoming Council to wait and

<sup>1</sup> Local Government Act 1999 s 96(1).

<sup>2</sup> Local Government Act 1999 s 99(1)(a)&(b).

<sup>3</sup> Local Government Act 1999 s 98(1).

<sup>4</sup> Legislation Interpretation Act 2021 s 44(3).

<sup>5</sup> Local Government (Elections) Act 1999 s 91A(2)(a).

commence the recruitment process in 2023 instead of commencing the process immediately after the election.

At their Ordinary Meeting of 20 February 2023 Council resolved to commence the recruitment process, and at their meeting of 28 March 2023 the Committee determined to recommend that Council engage both McArthur (SA) Pty Ltd and Norman Waterhouse Lawyers Pty Ltd to assist with the recruitment process for the new Chief Executive Officer.

#### Mandatory Procedural Steps

In accordance with the Act, for the purpose of filling said vacancy, the Council must undertake the following **mandatory steps**:

- 1) Appoint a selection panel to make recommendations to Council pertaining to the specified process of recruitment.<sup>6</sup>
- 2) Ensure **either or both** of the following processes are followed as part of the recruitment:<sup>7</sup>
  - A. appoints at least one (1) person who is not an Elected Member or employee of the Council to the selection panel;
  - B. obtain and consider the advice of a qualified independent person on the assessment of applications and recommendations on the appointment.
- 3) Invite applicants to apply for the position of Chief Executive Officer by advertising on a website as determined by the Council, and/or take any other appropriate action or steps.<sup>8</sup>
- 4) That the CEO Recruitment and Selection Panel assess any applications received for the position, and to recommend to Council either the:<sup>9</sup>
  - appointment of a suitable candidate to the position of Chief Executive Officer;
  - re-advertisement of the position if all candidates are deemed to be unsuitable;
  - or any other additional steps (if necessary) the panel deems appropriate.

In accordance with **CNC61/22-23** [REDACTED]

[REDACTED] As such, and in further accordance with **CEO19/21-22** and **CNC216/22-23** [REDACTED] was invited to the CEO Performance Review Committee's Special Meeting of 28 March 2023 to assist the Committee in their assessment of respondent tenders relating to the appointment of both the suitably qualified recruitment company and independent legal adviser / person.

#### RFQs VP349315 and VP350944, Mandatory Conditions and Quote Evaluation

The RFQ documentation (appearing as Attachments B & D respectively) included a number of mandatory conditions / requirements the Respondents were required to complete in order for their submission to be considered **conforming**.

All Respondent were required to submit **the original Form of Quote and the completed Schedules** (appearing as **Section C** of the RFQ).<sup>10</sup> While the RFQ states that any quote may be rejected if it does

<sup>6</sup> Town of Walkerville CEO Performance Review Committee Terms of Reference, section 2.7.

<sup>7</sup> Local Government Act 1999 s 98(4a).

<sup>8</sup> Local Government Act 1999 s 98(3).

<sup>9</sup> Local Government Act 1999 s 98(4).

<sup>10</sup> Clause 2.5 of RFQs VP349315 and VP350944.

not conform with the requirements of the Specifications or this RFQ,<sup>11</sup> Council reserves the right to accept or reject any quote, including those considered to be non-confirming quotes.<sup>12</sup>

The RFQ documentation also clearly states that Council will have regard to, but not necessarily be limited to, the following criteria (not listed in any order of priority):<sup>13</sup>

- completion of the Form of Quote (**mandatory per Section C**);
- compliance with the Specifications (**mandatory per Section C**);
- warranties and guarantees on the Services;
- timeframe for the completion of the Services (**mandatory per Section C**);
- demonstrated experience in completing similar processes;
- referees; and
- insurance (**mandatory per Section C**).

#### RFQ VP349315 – Professional Recruitment Services Evaluation

Upon close of the RFQ a total of 27 submissions were received for recruitment services, with Respondents being located nationally: QLD (7), NSW (6), ACT (1), VIC (4), SA (8) and NT (1).

Upon review, the Committee determined to shortlist the 27 submission by:

1. Excluding all non-confirming submissions.
2. Excluding all submission made by Respondents located outside South Australia.
3. The remaining eight South Australian Respondents were then further shortlisted to include only Hender, McArthur and Perks .
4. Perks was then excluded on the basis that their submission was silent on a *Post Placement Guarantee*, which McArthur provided a 12-month period and Hender a two year period.
5. Finally, Hender was excluded on the basis that their submission did not provide clarity around who the nominated recruiting officer was to be.

It was on this basis that the Committee determined to recommend that Council engage McArthur (SA) Pty Ltd to provide recruitment services, the cost of which totaling \$13,200 plus additional costs associated with advertising etc.

#### RFQ VP350944 – Professional Legal Services Evaluation

Upon cessation of the RFQ, a total of two (2) RFQ submissions were received for legal services, with both Respondents being located in SA.

Upon review, while their submission was considered to be non-confirming as their submission did not comply why the mandatory requirements of Clause 2.5 of the RFQ, the Committee determined appoint Norman Waterhouse Lawyers Pty Ltd as the independent legal advisor / person to pursuant to s 98(4a)(b) of the *Local Government Act 1999*. The cost of their appointment totaling \$8,250.

#### Anticipated Timeline

While noting that the recruitment process and timeline will ultimately now be determined by McArthur (SA) Pty Ltd, it is anticipated that the following timeline will be applicable to the recruitment process.

<b>CEO Performance Review Committee Meeting</b> <i>Recommendations of this report endorsed.</i>	31 January 2023
<b>Council Meeting</b> <i>Endorsement of Committee's recommendations as outlined in this report.</i>	20 February 2023

<sup>11</sup> Clause 2.6 of RFQs VP349315 and VP350944.

<sup>12</sup> Clause 5.6 of RFQs VP349315 and VP350944.

<sup>13</sup> Clause 6 of RFQs VP349315 and VP350944.

<b>Open Request for Quote Tender Processes</b>	27 February – 19 March 2023
<b>CEO Performance Review Committee Meeting</b> <i>Consideration of submissions and further recommendations to Council regarding the appointment of a suitably qualified recruitment company and qualified independent person.</i>	28 March 2023
<b>Special Council Meeting</b> <i>Endorsement of Committee's recommendation regarding the appointment of a suitably qualified recruitment company and qualified independent person.</i>	3 April 2023
<b>Notification of Service Provider Appointment</b>	4 April 2023
<b>CEO Performance Review Committee Meeting</b> <i>Meeting with appointed suitably qualified recruitment company and qualified independent person to finalise the precise recruitment process and timeline.</i>	11 April 2023
<b>Council Meeting</b> <i>Update from the Committee regarding the recruitment process.</i>	17 April 2023
<b>Advertisement, recruitment, interview and appointment process.</b>	18 April – 30 June 2023

### Options for Consideration

#### Option 1

1. That Council engage McArthur (SA) Pty Ltd (ABN 97 007 895 703) as the qualified recruitment company to assist with the recruitment process for the new Chief Executive Officer.
2. That Council engage Norman Waterhouse Lawyers Pty Ltd (ABN 18 621 909 395) as the qualified independent legal adviser / person in accordance with s 98(4a)(b) of the *Local Government Act 1999*, so as to obtain their advice on matters of probity, candidate suitability and application assessment throughout the recruitment process for the new Chief Executive Officer.
3. That Administration close out RFQs VP349315 and VP350944, thus notifying all successful and unsuccessful Respondents accordingly.
4. That Administration liaise with both McArthur (SA) Pty Ltd and Norman Waterhouse Lawyers Pty Ltd to arrange their attendance at a future meeting of the CEO Performance Review Committee.

#### Option 2

That Council direct Administration to undertake the following alternate action(s):

- \_\_\_\_\_

### Financial Implications

In accordance with the fees set out by both McArthur (SA) Pty Ltd and Norman Waterhouse Lawyers Pty Ltd (\$13,200 (plus advertising etc) and \$8,250 respectively), the cost of the recruitment process for the new Chief Executive Officer will total approximately \$21,450.

### Governance Implications

Option 1 provides an outcome that ensures that Council is aligned with statutory requirements and procedural compliance so as to ensure that a transparent, rigorous, accountable and robust recruitment process for the new Chief Executive Officer is undertaken.

### Attachments

<b>Attachment A</b>	Table of RFQ Submissions
<b>Attachment B</b>	RFQ Documentation - Recruitment Services

<b>Attachment C</b>	McArthur Submission
<b>Attachment D</b>	RFQ Documentation – Independent Legal Services
<b>Attachment E</b>	Norman Waterhouse Submission
<b>Attachment F</b>	Legal Advice – 21 January 2023

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RFQ VP349315 – Professional Recruitment Services

Upon close of the RFQ a total of 27 submissions were received for recruitment services, with Respondents being located nationally; QLD (7), NSW (6), ACT (1), VIC (4), SA (8) and NT (1). Administration has conducted a preliminary evaluation of the submissions in order to assist the Committee, and provide the following table which outlines each respective submission's perceived conformity to the RFQ:

Respondent Recruitment Agency	RFQ Conformity	Comment	Proposed Fee	Timeframe	Location
All Aspects Recruitment & HR Services	Conforming RFQ	Only Section C submitted. No additional information.	\$24,200	4-8 weeks	NT
Approach Consulting	Conforming RFQ	Section C and additional information provided.	\$33,000	8-12 weeks	ACT
ASPL Group	Conforming RFQ	Section C and additional information provided.	\$66,000	8 weeks	VIC
AWX Pty Ltd	Non-conforming RFQ	Section C not provided. No clear timeframe indicated.	\$46,750	Not specified	QLD
Bespoke HR	Conforming RFQ	Section C and additional information provided.	\$16,500	9 weeks	SA
Capstone Recruitment	Conforming RFQ	Section C and additional information provided.	\$26,950	8 weeks	NSW
Careerlink People Solutions	Conforming RFQ	Only Section C submitted. No additional information	\$29,700	5 weeks	SA
Davidson Executives & Boards	Conforming RFQ	Section C and additional information provided.	\$38,500	6 weeks	SA & QLD
Drake Australia	Non-conforming RFQ	Section C and additional information provided. No clear timeline indicated.	\$28,260	Not specified	VIC
Elite Executive	Non-conforming RFQ	Section C not provided. No clear timeframe indicated.	\$38,500	Not specified	QLD
eTeam Workforce	Non-conforming RFQ	Not specified	\$65,637	Not specified	NSW
First Grade Group	Non-conforming RFQ	Section C and additional information provided. No clear timeframe indicated.	\$24,750	Not specified	QLD

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Hardy Group Leadership	Conforming RFQ	Section C and additional information provided.	\$27,500	7 weeks	SA
Harrison McMillan	Conforming RFQ	Section C and additional information provided.	\$21,450	8 weeks	SA
Haynes Labour Hire	Non-conforming RFQ	Details of relevant insurance not provided as required under Section C.	From \$43,758	8-11 weeks	QLD
Hender Consulting	Conforming RFQ	Section C and additional information provided.	\$19,800 + advertising	6-7 weeks	SA
Horner Recruitment	Conforming RFQ	Section C and additional information provided.	\$57,736 + additional costs	9 weeks	VIC
Hudson Global	Non-conforming RFQ	Section C not provided. No clear timeframe indicated.	\$36,300	Not specified	NSW
Leading Roles	Conforming RFQ	Section C and additional information provided.	\$21,120	5-6 weeks	QLD
Local Government Management Solutions	Conforming RFQ	Section C and additional information provided.	\$21,450	7 weeks	NSW
Mason Blackadder	Conforming RFQ	Section C and additional information provided.	\$21,450 + additional costs	9-10 weeks	NSW
McArthur	Conforming RFQ	Section C and additional information provided.	\$13,200 + additional costs	8 weeks	SA
Oceans Group Search & Solutions	Non-conforming RFQ	Section C not provided. No clear timeframe indicated.	\$33,000	Not specified	NSW
Pacific People Solutions	Non-conforming RFQ	Section C not provided.	\$38,500	10 weeks	QLD
Perks People Solutions	Conforming RFQ	Section C and additional information provided.	\$19,800 + advertising	10 weeks	SA
Quality People	Conforming RFQ	Section C and additional information provided.	\$54,450 + additional costs	10 weeks	VIC
Scout Talent	Conforming RFQ	Only Section C submitted. No additional information.	\$15,339	4-6 weeks	QLD

**NB: timeframe does not include candidate notice period.**

RFQ VP350944 – Professional Legal Services

Upon cessation of the RFQ, a total of two (2) RFQ submissions were received for legal services, with both Respondents being located in SA. The following table outlines the submissions received and their perceived conformity to the RFQ:

<b>Respondent Recruitment Agency</b>	<b>RFQ Conformity</b>	<b>Comment</b>	<b>Proposed Fee</b>
Kelley Jones	Conforming RFQ	Section C and additional information provided.	\$8,745
Norman Waterhouse	Non-confirming RFQ	Original Section C not returned as required under Clause 2.5 of the RFQ.	\$8,250

RELEASED



## Request for Quotes For

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***Professional Recruitment Services for  
the position of Chief Executive Officer***

***RFQ VP349315***

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RELEASED

## Structure of this Request for Quotes

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This Request for Quotes is comprised of three sections:

- Section A - Quote Conditions
- Section B – Specifications
- Section C – Form of Quote and Schedules

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## Section A – Quote Conditions

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### 1. Definitions

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In this RFQ:

- 1.1 **Closing Date** means the time and date specified in clause 2.7, or such later time and date as may be notified in writing to Respondents by the Council.
- 1.2 **Form of Quote** means the form contained in Section C of this RFQ.
- 1.3 **Respondent** refers to any party who responds to this RFQ.
- 1.4 **RFQ** means this Request for Quotes.
- 1.5 **Quote** means a quote submitted by a Respondent pursuant to this RFQ.
- 1.6 **Schedules** means the schedules contained in Section C of this RFQ.
- 1.7 **Services** means the services sought to be purchased by the Council pursuant to this RFQ, pursuant to those outlined in the Specifications.
- 1.8 **Specifications** means the specifications specified in Section B of this RFQ.

### 2. Request for Quotes

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- 2.1 The Council seeks Quotes from Respondents for the provision of the Services.
- 2.2 Prices quoted are to be in a lump sum basis.
- 2.3 All prices for the Services are to be fixed. Quoted prices must **include** GST and all applicable levies, duties, taxes and charges.
- 2.4 Any charge not stated in the Quote will not be payable by the Council.
- 2.5 The Respondent must submit:
  - 2.5.1 the original Form of Quote; and
  - 2.5.2 the completed Schedules.
- 2.6 Any Quote may be rejected if it does not conform with the requirements of the Specifications or this RFQ.
- 2.7 **Electronic Lodgement of Quotes**

- 2.7.1 Quotes must be lodged electronically via Vendor Panel (VP349315) or directly to [office@walkerville.sa.gov.au](mailto:office@walkerville.sa.gov.au) before the closing date **(5:00pm Sunday 19 March 2023)** and in accordance with the Quote lodgement procedure set out in this clause.
- 2.7.2 Where there is any inconsistency between the lodgement procedure set out on the Vendor Panel website and those set out in this RFQ, this RFQ will prevail.
- 2.7.3 Quotes lodged by any other means will not be considered.
- 2.7.4 Respondents warrant that they have taken all reasonable steps to ensure that their Quotes are free of viruses or any other matter which would cause harm to the Council's website or systems.
- 2.7.5 Respondents acknowledge that it is their sole responsibility to ensure that sufficient time has been allowed for Quote lodgement, including time that may be required for any problem analysis and resolution prior to the Closing Date.
- 2.7.6 If Respondents have any problem submitting their Quote, they must contact the Nominated Contact Person (**Danielle Edwards, Council Secretariat on 8342 7100**) prior to the Closing Date. Any failure to do so will result in the Quote being a non-conforming Quote.
- 2.7.7 A Quote is deemed to have been lodged by the Respondent when the Quote has been received by Vendor Panel or the Town of Walkerville server.
- 2.8 This RFQ closes on the Closing Date.
- 2.9 Quotes received after the Closing Date will **NOT** be considered.
- 2.10 The Council will not accept any responsibility in the event that a Quote is not received by the Closing Date.
- 2.11 Respondents must not use this RFQ (including any attached technical and other written information supplied by the Council) for any purpose other than to prepare a Quote. This includes not copying this RFQ (including any attached technical and other written information supplied by the Council) and providing a copy to any third party not involved in the preparation of a Quote.
- 2.12 Any Respondent that solicits an Elected Member will result in their Quote not being considered.

### 3. **Acceptance of Quote**

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- 3.1 The Respondent agrees that the Quote remains open for a minimum period of 60 days after the Closing Date.



- 3.2 This RFQ, together with the Council's written acceptance of the Quote and the issue of an official Council purchase order, constitute the contract between the Council and the successful Respondent.

#### 4. **No Legal Requirement**

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The issue of this RFQ or any response to it does not commit, obligate or otherwise create a legal requirement on the Council to acquire the Services from a Respondent.

#### 5. **Council's Rights**

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The Council reserves the right to:

- 5.1 amend, vary, supplement or terminate this RFQ at any time;
- 5.2 accept or reject any Quote, including the lowest price Quote;
- 5.3 negotiate with any service provider on all or any part of the Services to be supplied pursuant to this RFQ;
- 5.4 postpone or abandon this RFQ;
- 5.5 add or remove any Respondent;
- 5.6 accept or reject any Quotes;
- 5.7 accept all or part of any Quote;
- 5.8 negotiate or not negotiate with one or more Respondents;
- 5.9 discontinue negotiations with any Respondent; and
- 5.10 include the Respondents' names in Council reports and make them public. This may include the order of Respondents on the basis of quoted price but without the specific amount quoted.

#### 6. **Quote Evaluation**

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In assessing Quotes, the Council will have regard to, but not necessarily be limited to, the following criteria (not listed in any order of priority):

- 6.1 completion of the Form of Quote;
- 6.2 compliance with the Specifications;
- 6.3 warranties and guarantees on the Services;

- 6.4 timeframe for the completion of the Services;
- 6.5 demonstrated experience in completing similar processes;
- 6.6 referees; and
- 6.7 insurance.

## 7. Respondent's Confidential Information

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- 7.1 Subject to clauses 7.2 and 8.1, the Council will treat as confidential all Quotes submitted by Respondents in connection with this RFQ.
- 7.2 The Council will not be taken to have breached any obligation to keep information provided by Respondents confidential to the extent that the information:
  - 7.2.1 is disclosed by the Council to its advisers, officers, employees or subcontractors solely in order to conduct the RFQ process or to prepare and manage any resultant agreement;
  - 7.2.2 is disclosed to the Council's internal management personnel, solely to enable effective management or auditing of the RFQ process;
  - 7.2.3 is disclosed by the Council to the responsible Minister;
  - 7.2.4 is authorised or required by law to be disclosed; or
  - 7.2.5 is in the public domain otherwise than due to a breach of the relevant obligations of confidentiality.

## 8. Governing Law

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- 8.1 This RFQ is governed by the law in South Australia.
- 8.2 The parties irrevocably submit to the exclusive jurisdiction of the courts in South Australia.

## 9. ICAC

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Respondents acknowledge that if they enter into a contract with the Council they will be considered to be public officers for the purposes of the *Independent Commissioner Against Corruption Act 2012 (SA)* (the **ICAC Act**) and will be obliged to comply with the ICAC Act and the Directions and Guidelines issued pursuant to the ICAC Act.

## Section B – Specifications

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Provide a full fixed fee costings (plus GST) for the provision of a comprehensive end-to-end candidate search and recruitment process for the position of **Chief Executive Officer**, with the proposal including, but not restricted to:

1. Meeting with the CEO Performance Review Committee / Selection Panel (the **Committee**) to discuss options for the recruitment process.
2. Assist with the refinement of any/all documentation (if necessary).
3. Conduct all advertising on online platforms.
4. Assist with candidate shortlisting.
5. Assist the with panel interview preparation.
6. Conduct preliminary interviews with candidates (if necessary).
7. Conduct reference checking.
8. Assist the Committee with KPI setting.
9. Candidate notification – successful / unsuccessful.
10. Provide advice on an appropriate benchmarked remuneration package.

While noting the aforementioned, Registrants are encouraged to propose any other appropriate and relevant value-adds as part of their proposals.

## Section C – Form of Quote & Schedules

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### Schedule 1 Form of Quote

I/We (Respondent) on having read, understood and fully informed myself/ourselves/itself of the contents, requirements and obligations of this RFQ, hereby provide a Quote for the Services.

<b>1. Name of Respondent</b>  State in full the name(s) of the Respondent(s) and trading names  ABN	
<b>2. Contact Person</b>	
<b>3. Registered Address</b>	
<b>4. Postal Address</b>	
<b>5. Telephone</b>	
<b>6. Fax</b>	
<b>7. Email</b>	

**8. Price Schedule**

Description	Unit (if applicable)	Price (ex GST)	GST Component	Price (inc GST)

**Schedule 2 Compliance with the Specifications**

Please indicate if you intend to comply with the Specifications.

RELEASED

**Schedule 3    Timeframe**

RELEASED

## Schedule 4 Insurance

Provide details of insurance currently held by you that would be extended to provide cover for the Services.

Insurance type	Policy no	Extent of cover		Expiry date	Name of insurer
		Per incident \$A	In aggregate \$A		
Public and products liability					
Professional indemnity (if applicable)					
Property and facilities					
Contents					
Vehicles plant & equipment					
Workers compensation					
Directors and officers (if applicable)					
Other					

The undersigned undertakes that if selected as the successful Respondent, I/we/it will be bound by the conditions provided.

If the Respondent is a company, the Quote must be executed as follows:

<b>Executed by [Insert Company name]</b> pursuant to section 127 of the <i>Corporations Act 2001</i>	
Signature of Director	Signature of Director/Company Secretary <i>(Please delete as applicable)</i>
Name of Director (print)	Name of Director/Company Secretary (print)
<b>OR</b>	
Signature of Sole Director and Sole Company Secretary	
Name of Sole Director and Sole Company Secretary (print)	
<b>OR</b> <b>Signed for [Insert Representative's name]</b> by an authorised representative in the presence of:	
Signature of witness	Signature of authorised representative
Name of witness (print)	Name of authorised representative (print)
	Position of authorised representative (print)



If the Respondent is an individual, the Quote must be executed as follows:

<b>Signed by [insert name] in the presence of:</b>	
..... Signature of witness	..... Respondent
..... Name of witness (print)	

p  
If the Respondent is a partnership, the Quote must be executed as follows:

**Partner 1:**

<b>Signed sealed and delivered by [insert name] in the presence of:</b>	
..... Signature of witness	..... Signature of partner
..... Name of witness (print)	
..... Address of witness (print)	

**Partner 2:**

<b>Signed sealed and delivered by [insert name] in the presence of:</b>	
..... Signature of witness	..... Signature of partner
..... Name of witness (print)	
..... Address of witness (print)	

## Section C – Form of Quote & Schedules

### Schedule 1 Form of Quote

We MCARTHUR (SA) PTY LTD (Respondent) on 1st March 2023 having read, understood and fully informed myself/ourselves/itself of the contents, requirements and obligations of this RFQ, hereby provide a Quote for the Services.

1. <b>Name of Respondent</b>  State in full the name(s) of the Respondent(s) and trading names  ABN	MCARTHUR (SA) PTY LTD  97 007 895 703
2. <b>Contact Person</b>	Steve Nolis
3. <b>Registered Address</b>	Level 12, 101 Grenfell Street, Adelaide SA 5000
4. <b>Postal Address</b>	As Above
5. <b>Telephone</b>	8100 7000
6. <b>Fax</b>	8215 0200
7. <b>Email</b>	steve.nolis@mcarthur.com.au

### 8. Price Schedule

Description	Unit (if applicable)	Price (ex GST)	GST Component	Price (inc GST)
Full end to end CEO Recruitment (including on-line advertising)		\$12,000	\$1,200	\$13,200
Print Media Advertising (at cost, if requested)		TBC dependent on Town of Walkerville's requirements		\$4,000 - \$5,000

## Schedule 2 Compliance with the Specifications

Please indicate if you intend to comply with the Specifications.

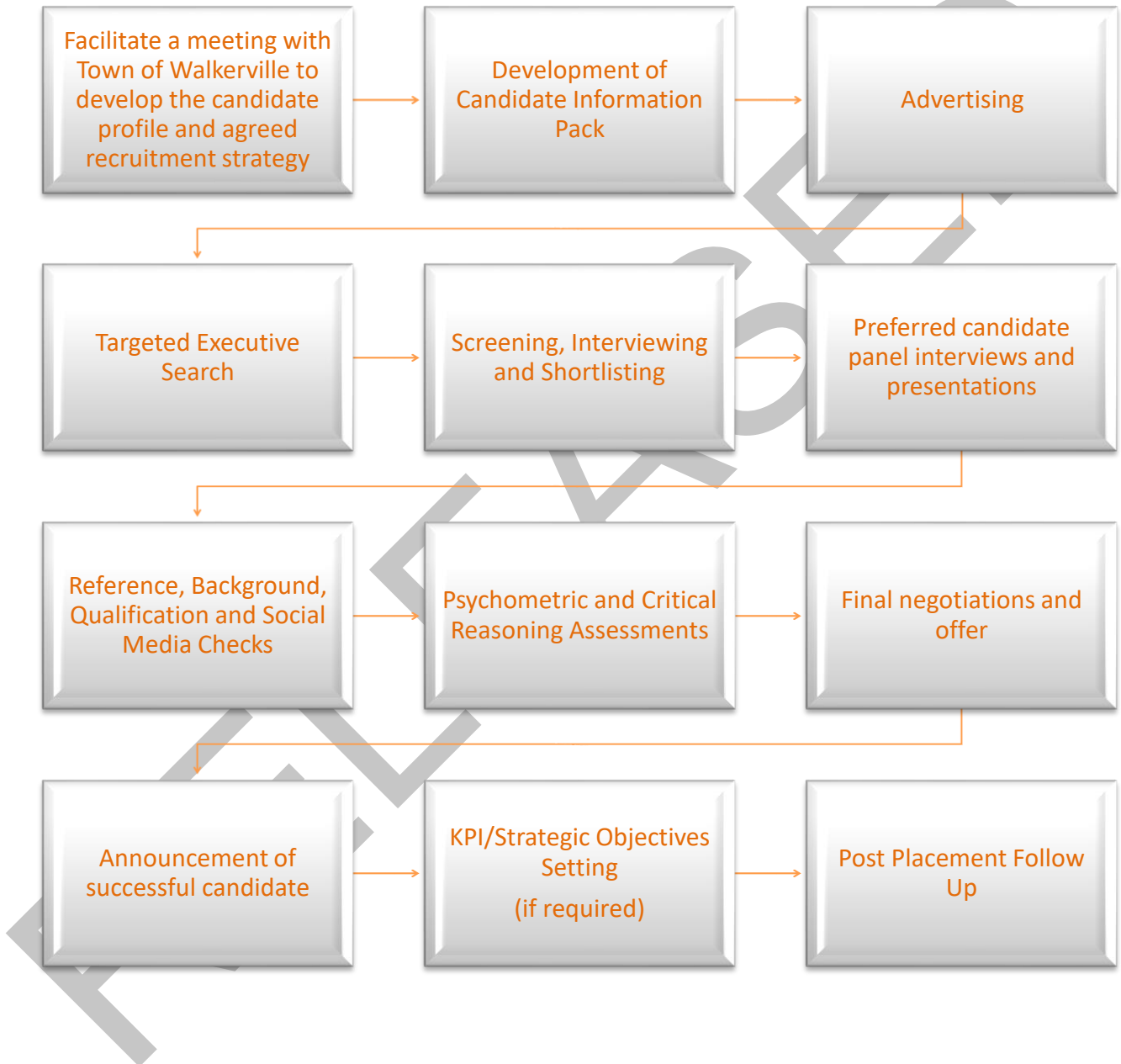
### Recruitment Process Summary:

A summary of our holistic and robust recruitment process is outlined as follows:

- Conduct a meeting with the Town of Walkerville prior to the commencement of the recruitment process to gain a comprehensive briefing, agree the recruitment strategy and establish the essential selection criteria
- Assist with the development and/or refinement of the position description to ensure it accurately reflects the skills, experience, qualifications, and personal qualities sought in the successful candidate
- Conduct a Benchmarked CEO Remuneration Review and provide a report to Council to advise and agree the remuneration level and benefits for this position, term of contract, relocation etc
- Prepare thorough and detailed online and print (if required) media advertisements
- Prepare a tailored and comprehensive Candidate Information Pack containing key information about Town of Walkerville, the organisation structure, position description, facilities, and links to key documents i.e. Strategic Plan to inform and facilitate the application process
- Undertake a targeted search activity locally and nationally
- Detail the key McArthur contact's name and mobile telephone number in advertisements and Candidate Information Pack, to ensure all enquiries can confidentially and promptly be managed
- Provide weekly updates to Town of Walkerville verbally and in the form of a Candidate Matrix which summarises all applications, discussions, and enquiries
- Ensure any internal candidates are promptly and respectfully managed throughout the recruitment process
- Conduct preliminary competency-based screening and interviews (in person or via videoconference) with all potential candidates
- Present to Town of Walkerville a long list of prequalified candidates with detailed reports and identify those recommended for shortlisting for panel interviews
- Facilitate shortlist panel interviews
- Offer McArthur Adelaide office and facilities to conduct shortlist panel interviews (if required)
- Guide Town of Walkerville in assessing the final candidates against the selection criteria
- Undertake a minimum of two detailed reference checks for preferred candidate/s
- Undertake psychometric testing – tailored to the expectations of the role (skill and personality fit)
- Undertake background, social media, qualification and police checking of preferred candidate/s (if required)
- Preparation of a report on the outcome of interviews and attendance at meetings (if required)
- Provide general secretarial and consulting support to Town of Walkerville throughout the recruitment process including acknowledgement of applications, coordination of interviews, development of competency-based interview questions and any ad hoc reporting requirements
- Provide feedback to all interviewed unsuccessful candidates
- Assist with the negotiation of offer of employment to successful candidate
- Assist with the communications strategy for an appointment (if applicable)
- Post placement support and follow-up to monitor and ensure the successful transition and integration to the role

## Strategy and Methodology

M<sup>c</sup>Arthur delivers a robust end to end, quality assured and competency-based recruitment methodology.



### **Recruitment Briefing Meeting**

The M<sup>c</sup>Arthur team will meet to conduct a Recruitment Meeting with Town of Walkerville at the commencement of the process to gain a full and clear understanding of Town of Walkerville's requirements. This meeting serves as the opportunity to have a comprehensive, open and honest discussion to ensure that we have clarity about the ideal candidates sought, along with clarifying the finer details around the timing, flow and key milestones of the recruitment process, executive search and advertising campaign. This will ensure the best outcome for Town of Walkerville. The meeting is critical as it will enable the establishment of the key selection criteria, which will form the basis of advertising, search, interviewing, psychometric testing, reference checking and future performance appraisals.

### **Candidate Information Packs**

We will assist in the refinement of the position descriptions and selection criteria for the roles to ensure it accurately reflects the experience and characteristics sought in the successful candidates. We will use the information provided to help prepare a detailed Candidate Information Pack for the roles. This will include:

- Key information about Town of Walkerville
- Organisational chart
- Position description, person specification, qualifications, experience, and essential criteria
- Links to key relevant information
- Conditions of employment – some of the information may include remuneration, contract term, relocation details, benefits etc. - the content will be approved by Town of Walkerville Other relevant links or documents as required can be included.

### **Advertising**

An online digital advertising campaign will be determined by M<sup>c</sup>Arthur and Town of Walkerville that is aimed to create maximum reach to candidates locally and nationally and attract the attention of passive job seekers. This can be combined with select print media advertising if deemed appropriate. All options and costs would be discussed in detail for Town of Walkerville to decide upon prior to the commencement of the assignment. Online and social media campaigns include -



Careful wording of the advertisements, attractive display and appropriate industry/sector categorisation are all important to ensure depth of reach to potential candidates. To ensure prompt contact with potential and interested candidates, the M<sup>c</sup>Arthur Lead Consultant's name and mobile telephone number will be published in the advertisement/s.

### **Candidate Search, Acquisition and Attraction**

M<sup>c</sup>Arthur has a proud 54-year history of undertaking successful Executive recruitment assignments across a range of sectors. We will undertake extensive talent mapping, identifying a list of potential candidates, and agree on any organisations and sectors to be targeted. Search is essentially a process of timely assessment, and commercial in confidence judgement calls around suitability, fit and availability. It is this process that distinguishes a traditional recruitment process, and a recruitment company, into a seasoned and respected search consultancy.

Specialist Search is at the forefront of everything we do and has been a key contributor to our success. The key to search is knowing the market and the best applicants to directly approach. These candidates are discreetly sourced via a range of search tools and methods.

- **Traditional head-hunting methodologies**
- **Extensive database searching**
- **Networking and referrals**
- **Social media sourcing and attraction**
- **Conferences and event relationship development**
- **LinkedIn recruiter advertising and search**

We will undertake extensive talent mapping, identifying a list of potential candidates, and agree on any organisations and sectors to be targeted. Through extensive research activity and our networks, we will approach these people to discuss the vacancy, gauge interest and encourage interested candidates to apply, or alternatively provide names of acquaintances or referrals that may be suitable or interested in hearing about these opportunities.

M<sup>c</sup>Arthur has prior experience in filling hard roles in the metropolitan area and in remote rural locations. Our strategy is based on a combination of search and networking with our national database of clients, candidates, and specialist consultants. Through undertaking a fortnightly national WIP meeting, roles are discussed and shared with our 150 recruitment staff across Australia and shared across platforms such as LinkedIn where M<sup>c</sup>Arthur have over 30,000 followers and each consultant has considerable individual connections. We also own a “LinkedIn Recruiter” license whereby, we can access passive candidates – many of which have unique and in-demand skill sets.

### **Candidate Applications**

All applications are acknowledged in writing and we recommend keeping applications open for a three week period (flexible if a longer period is preferred or deemed necessary), to ensure maximum visibility, allowing both active and passive candidates have adequate time to see or hear about the opportunity. M<sup>c</sup>Arthur is flexible to continue to speak with potential candidates if late in applying and/or if the Town of Walkerville wishes for us to do so.

Great care is taken with any internal candidates, ensuring they are respected and treated fairly throughout the process.

### ***Candidate Matrix***

Each week of the advertising campaign we will prepare and or update a Candidate Matrix which summarises applications received to date. This will contain summaries of the details of all applicants including their current and past positions, employer, qualifications, location etc. We will also provide an initial rating based on their background and application as to whether the candidate should be potentially considered for preliminary interviewing by our M<sup>c</sup>Arthur Lead Consultant. Full details of all applications will be made available upon request at any time throughout the recruitment process.

### ***Screening, Interviewing and Shortlisting***

We will undertake preliminary detailed telephone screening with all potential candidates, to enable us to narrow the field down to a long list of those most suitably matched, based on the agreed criteria. These candidates will then be invited to a face to face or videoconference interview. Specific competency-based interview questions will be developed to draw upon the essential skills, test experience and highlight personal qualities required for success. The nature of the questions will also provide a good understanding of indicative behaviour in the workplace and community and will test motivational factors relating to the fit and desire to take up the role and location.

We also discuss how a position and relocation (if applicable) of this type would impact any family members. We strongly recommend internal (if applicable) and external candidates should undertake the same application and interviewing process, to ensure they are fairly and consistently benchmarked and considered for the position.

Once our preliminary competency-based interviews are completed, we would then arrange to discuss all candidates with Town of Walkerville - identifying those we recommend for shortlisting. Detailed candidate reports including full application documents and CV will be prepared for all candidates successful to this point, together with commentary around reasons for applying, suitability for the role, current salary remuneration expectations, notice period, family and or relocation requirements.

### ***Shortlist Panel interviews***

Once shortlisted candidates are agreed, M<sup>c</sup>Arthur will schedule and co-ordinate all shortlist interviews for Town of Walkerville on a pre-agreed date and location. As candidates may be coming in from a range of locations for interviews, we can conduct interviews at M<sup>c</sup>Arthur's Adelaide Office or alternatively, at Town of Walkerville offices.

M<sup>c</sup>Arthur's highly experienced Lead Consultant is available join Town of Walkerville at this stage to help with coordination, facilitation, and administration of this part of the process. Timing on the day/s, preparing and asking pre-agreed competency-based questions, making observations and further assessment of each candidate, notation of candidate answers, and any other functions deemed necessary by Town of Walkerville can all be facilitated by the M<sup>c</sup>Arthur Lead Consultant.

We will develop an appropriate interview guide specific to the role utilising targeted competency based (behavioural) interview questions. This will not only enable Town of Walkerville to explore skills and experience, but also assess values, behaviours, cultural fit, and alignment to their strategic direction. We can also discuss the need for further assessments e.g. scenario based and presentation topics.

We will have all paperwork including interview schedules, interview guides, candidate reports, position description etc, ready for the Interview Panel on interview day. Full administrative support will also be available on interview day/s, along with refreshments, morning and or afternoon tea, lunch etc. An Interview Panel debrief discussion typically follows Shortlist Panel Interviews.

### **Reference checking**

A minimum of two reference checks are undertaken for all potential candidates following shortlist interviews however, we will undertake as many as Town of Walkerville would like.

The M<sup>c</sup>Arthur team are highly experienced in conducting robust Executive level reference checks. Referees will be asked to comment on the key selection criteria and aspects specifically relating to the individual and competency based, rather than simply offering generic feedback.

Areas such as leadership style and effectiveness, team and culture development, strategic contribution and planning, change management, technical knowledge, overall strengths and weaknesses, internal and external relationships are typically interrogated.

Where candidates have not nominated appropriate referees, we will ask for additional names. We also conduct background, internet, social media and police checks. Transcripts of the reference checks will be provided to Town of Walkerville once completed.

### **Psychometric Assessment**

Psychometric assessment techniques and tools for validity are offered in assessing levels of competence, cultural fit, aptitude and future potential of the preferred candidate/s. These will be administered by our in-house M<sup>c</sup>Arthur Human Resources Consulting specialist Rebecca Hunt, who will provide detail reports and will add value to the process by providing additional predictive material and verbal feedback and advice to Town of Walkerville. Independent of the recruitment process, the psychometric assessment/s will provide Town of Walkerville with a profile on the candidate/s against pre-determined benchmarks. The assessments comprehensively assess behaviours, personality, leadership etc, along with critical, verbal, numerical and abstract reasoning skills.

### **Confirmation of Qualifications**

Academic qualifications and/or professional memberships will be validated with the appropriate institution/s on behalf of the preferred candidate/s. Certificates and academic transcripts are also requested as part of the recruitment process for all candidates being considered for the positions.

### **Second Interview or Presentation**

For an Executive appointment it is typical that a second meeting, interview or presentation be conducted. Suggestions for the format of this process would be discussed with Town of Walkerville. This meeting generally would be recommended after all due diligence has been completed and prior to an offer of employment being formalised.

### **Offer and Acceptance**

The M<sup>c</sup>Arthur Lead Consultant will typically assist and facilitate the offer process on behalf of Town of Walkerville.

M<sup>c</sup>Arthur also has extensive experience assisting organisations to determine appropriate key performance indicators aligned to their Strategic objectives. M<sup>c</sup>Arthur can assist in facilitating this between Town of Walkerville and the successful candidate. We can also provide non-legal support and assistance in relation to the review of the employment contract.



### **Unsuccessful Candidates**

Once an offer has been accepted, all unsuccessful shortlisted candidates will be notified and provided with specific and personalised feedback. We are also happy to undertake this process face to face, by videoconference or telephone with any unsuccessful internal candidates to assist with their future professional development aspirations and to ensure they feel valued and have been fairly considered for the position.

### **Post Placement Guarantee and Follow-up**

Although unlikely to be required, M<sup>c</sup>Arthur will provide an unconditional 12-month replacement guarantee to support the robust recruitment process.

M<sup>c</sup>Arthur's Lead Consultant will follow-up with Town of Walkerville at the one, three, six and twelve month point as a minimum. We are keen to ensure the successful candidates make a smooth transition into their roles, are progressing toward meeting KPIs, and are proving to be well aligned culturally to Town of Walkerville and the local government sector.

M<sup>c</sup>Arthur are very well experienced with Performance Review's and KPI Setting, measuring and monitoring advice, and will be available to help at any point along the successful candidate's career journey with Council.

### **The M<sup>c</sup>Arthur Difference**

- Proudly Australian owned and operated, South Australian based with a 54 year history
- The only Senior Executive recruitment firm serving Local Government nationally, ensuring the generation of a wider pool of talent
- Unrivalled experience managing Senior Executive recruitment assignments within Local Government
- 150 nationally located M<sup>c</sup>Arthur recruitment and human resources specialists
- Robust end to end, quality assured and competency-based recruitment methodology
- Approved supplier to Local Government nationally
- Major Sponsor and Partner of LGA and Local Government Professionals events nationally
- Annual production of the Local Government National Remuneration Survey
- Leading firm in Local Government Performance Reviews, Remuneration Benchmarking and KPI Setting
- Preferred pricing and positioning for all Local Government online and print advertising nationally
- Leading technology and capability in relation to local, national and international candidate search
- Comprehensive, flexible and transparent fixed fee pricing for the robust end to end recruitment process
- Objective and accurate assessment of the qualities, aptitudes and capabilities of candidates recommended for short-listing
- Leading Psychometric Assessment tools and processes managed by our dedicated in-house M<sup>c</sup>Arthur specialist
- Provide assistance to Council with the setting of Performance Objectives and KPI's after appointment of the successful candidates
- Unconditional 12 month guarantee period.

## Experience and Resources

Steve Nolis will lead and personally manage the recruitment process with Council, assisted by Paul Coyle, Executive Senior Consultant and Rebecca Hunt, General Manager Recruitment & Human Resources Consulting. This team approach will ensure the constant availability of resources to personally facilitate and assist Council and candidates throughout the recruitment processes.

A summary of our experienced M<sup>c</sup>Arthur Local Government team members is outlined as follows:

### Steve Nolis – Managing Director South Australia – MBA, BICIS, MAICD

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Steve is the Managing Director SA for M<sup>c</sup>Arthur. Prior work experience includes Executive Director Commercial for the Local Government Association and CEO of a prominent legal firm. He has extensive experience in managing CEO's through being a 10-year Director of Beyond Bank where he held titles of Deputy Chair and Chairman of Governance and Remuneration. Other prior and existing Board roles include Chair of the Corporate Traveller Customer Advisory Board, Director of Netball SA, and Chair of the Adelaide Thunderbirds Commission.

Steve has over 20 years Executive Recruitment experience having successfully placed CEO's and Senior Executives locally and nationally. Through deep relationships with LGA's across Australia, he has established a national referral network within the Local Government sector assisting candidates with future career opportunities whilst authenticating and developing a talent pool across Australia. His Commercial networks run deep, providing clients with a wide diversity of experience and skill sets of short list candidates.

Steve works closely with CEO's, Mayors and Elected Members to ensure that the candidate profile, skill set, and personality fit matches the requirements and expectations of the role. Through behavioural style interviewing, Steve has the philosophy to only short list exceptional candidates for clients. An understanding of the culture and environment is also critical when matching candidates within metropolitan, peri-urban, and rural Councils.

His tertiary qualifications include a Graduate Certificate in Management, Diploma in Management, and a Master of Business Administration (MBA). He has also completed studies through The Business in China Intensive School in Shanghai, China.

## Rebecca Hunt – General Manager Recruitment & Human Resources Consulting – BA Hons / MAHRI

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Rebecca has over 15 years' experience across a wide range of Human Resources Consulting disciplines including:

- Executive Recruitment
- Remuneration Reviews
- Psychometric Testing
- Selection Criteria Development
- Position Description Development
- KPI setting
- Contract Management
- Performance Management
- Organisational Reviews
- Team Profiling
- Engagement/Culture Surveys

Prior to joining M<sup>c</sup>Arthur, Rebecca acquired extensive experience in the UK and USA and more recently from working in a “Big 4” professional services firm. Rebecca’s astute business acumen, exceptional communication / organisation skills and wealth of experience ensure clients are provided with a holistic, high quality and comprehensive service. Rebecca is passionate about creating lasting relationships with clients, based on integrity, effective tailoring of service to clients’ needs/requirements and ingrained best practice approach.

## Paul Coyle – Senior Executive Consultant

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Having joined McArthur as a Senior Recruitment Consultant in September 2019, Paul partners with Local, State and Federal Government, Not for Profit and Commercial clients to provide quality and value-added recruitment and HR solutions. He brings over 10 years of Executive recruitment experience in the Adelaide market.

With a proven track record and a significant network across South Australia, Paul is seen as a trusted advisor who goes beyond the call of duty when it comes to understanding client needs and candidate care to ensure not only a skills match but also a cultural fit.

He is highly regarded and noted for his high attention to detail and one who will ensure a true and proper process is followed when undertaking a recruitment assignment.

## M<sup>c</sup>Arthur Executive Success Stories (CEO Placements nationally)

Organisation	Position/s
<b>SA</b>	
District Council of Barunga West	Chief Executive Officer
Local Government Association SA	Chief Executive Officer
Adelaide Plains Council	Chief Executive Officer
City of Mount Gambier	Chief Executive Officer
District Council of Lower Eyre Peninsula	Chief Executive Officer
City of Port Lincoln	Chief Executive Officer
City of Whyalla	Chief Executive Officer
District Council of Karoonda East Murray	Chief Executive Officer
District Council of Ceduna	Chief Executive Officer
Berri Barmera Council	Chief Executive Officer
Alexandrina Council	Chief Executive Officer
District Council of Tumby Bay	Chief Executive Officer
District Council of Orroroo Carrieton	Chief Executive Officer
Rural City of Murray Bridge	Chief Executive Officer
Flinders Ranges Council	Chief Executive Officer
Tatiara District Council	Chief Executive Officer
Mid-Murray Council	Chief Executive Officer
Wattle Range Council	Chief Executive Officer
District Council of Streaky Bay	Chief Executive Officer

City of Marion	Chief Executive Officer
Berri Barmera Council	Chief Executive Officer
Local Government Association Procurement	Chief Executive Officer
Northern Areas Council	Chief Executive Officer
Murraylands & Riverlands LGA	Chief Executive Officer
Wudinna District Council	Chief Executive Officer
<b>VIC</b>	
City of Ballarat	Chief Executive Officer
Mitchell Shire Council	Chief Executive Officer
Warnambool City Council	Chief Executive Officer
Mildura Rural City Council	Chief Executive Officer
Kingston District Council	Chief Executive Officer
Queenscliffe Borough Council	Chief Executive Officer
Mansfield Shire Council	Chief Executive Officer
Yarra Ranges Shire Council	Chief Executive Officer
Mornington Peninsula Shire	Chief Executive Officer
Ararat Rural City Council	Chief Executive Officer
Hepburn Shire Council	Chief Executive Officer
Colac Otway Shire Council	Chief Executive Officer
Knox City Council	Chief Executive Officer
Mount Alexander Shire Council	Chief Executive Officer
City of Greater Geelong	Chief Executive Officer

Greater Shepparton City Council	Chief Executive Officer
Wyndham City Council	Chief Executive Officer
<b>NSW</b>	
Lithgow City Council	Chief Executive Officer
Cessnock City Council	General Manager
Upper Lachlan Shire Council	General Manager
Glen Innes Severn Council	General Manager
Yass Valley Council	General Manager
Inner West Council	General Manager
City of Ryde	General Manager
City of Blue Mountains	General Manager
<b>QLD</b>	
Winton Shire Council	Chief Executive Officer
South Burnett Regional Council	Chief Executive Officer
<b>NT</b>	
City of Darwin	Chief Executive Officer
West Daly Regional Council	Chief Executive Officer
West Arnhem Regional Council	Chief Executive Officer
Litchfield Council	Chief Executive Officer
Alice Springs Town Council	Chief Executive Officer
City of Palmerston	Chief Executive Officer
<b>TAS</b>	

Burnie City Council	General Manager
Devonport City Council	General Manager
George Town Council	General Manager
Meander Valley Council	General Manager
West Tamar Council	General Manager
Break O'Day Municipal Council	General Manager
Kingborough Council	General Manager
Northern Midlands Council	General Manager
<b>WA</b>	
City of Busselton	Chief Executive Officer

## Referees

Referee Name	Position Recruited	Organisation	Telephone
Mayor Dean Johnson	Multiple roles	District Council of Kimba & LGA SA President	0427 619 815
Mayor Caroline Phillips	Chief Executive Officer	District Council Karoonda East Murray	0418 841 552
Mayor Sue Scarman	Chief Executive Officer	Northern Areas Council	0418 844 935
Mayor Leonie Kerley	Chief Executive Officer	District Council of Barunga West	0428 353 025

## Professional Fee (End to End recruitment)

A fixed fee of **\$12,000 plus GST** would apply for the comprehensive end to end recruitment process and benchmarked remuneration review.

A summary of the inclusions as outlined in detail this proposal is:

- Full end to end search and recruitment service as outlined in this proposal (including comprehensive search exercise)
- Benchmarked Remuneration Review
- Online advertising – M<sup>c</sup>Arthur website, Seek, Local Government Job Directory and LinkedIn (including feature LinkedIn tiles shared by our 120 consultants nationally)
- Psychometric Assessment/s for preferred shortlisted candidate/s
- Assistance with KPI setting
- Assistance with non-legal employment contract review and advice
- 12-month unconditional replacement guarantee period
- Post placement support as outlined in this proposal.

### Additional Costs:

- Print media advertising at cost (if requested)

### Payment of fees:

The fee to undertake this assignment would be invoiced in three stages as follows:

- 30% on commencement of assignment
- 40% at shortlist stage
- 30% on placement of the position.



### Schedule 3 Timeframe

#### Timing (adaptable to suit your time frame)

Upon being selected as the successful consultancy to undertake this assignment, the M<sup>c</sup>Arthur team will be immediately available to meet with Town of Walkerville at their convenience to, discuss and agree the timeline options and preferences to commence the recruitment process.

An indicative timeline to conduct these recruitment assignments is demonstrated below, which can be varied to suit the Town of Walkerville.

Activity	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8
Meet with Town of Walkerville to conduct briefing meeting and agree selection criteria's, recruitment milestones and timelines.								
Review position descriptions, KPI's, key documents and information to include in the Candidate Information Packs, develop, and book all advertisements.								
Commence advertising campaigns, sourcing and search activities, telephone enquiries receive applications.								
Undertake initial interviewing and screening of applications and develop long lists of candidates for discussion. Agree shortlisted candidates.								
Co-ordinate and conduct shortlisted candidate interviews with Town of Walkerville and following, agree preferred candidate/s. Conduct second interviews/presentations.								
Reference, qualification, background, social media and psychometric assessments. Assist with negotiation and acceptance of preferred candidates and assist with Employment Agreements.								


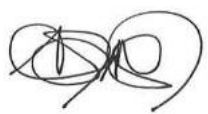
## Schedule 4 Insurance

Provide details of insurance currently held by you that would be extended to provide cover for the Services.

Insurance type	Policy no	Extent of cover		Expiry date	Name of insurer
		Per incident \$A	In aggregate \$A		
Public and products liability	REC 22 000096	\$20,000,000		13/02/2024	About UNDERWRITING
Professional indemnity (if applicable)	REC 22 000096	\$20,000,000		13/02/2024	About UNDERWRITING
Property and facilities					
Contents					
Vehicles plant & equipment					
Workers compensation	03783410			30/06/2023	Return to Work SA
Directors and officers (if applicable)					
Other					
Licence to Carry on the business of an Employment Agent	10442			13/06/2024	SafeWork SA

The undersigned undertakes that if selected as the successful Respondent, I/we/it will be bound by the conditions provided.

If the Respondent is a company, the Quote must be executed as follows:

<b>Executed by [Insert Company name]</b> pursuant to section 127 of the <i>Corporations Act 2001</i>	
..... Signature of Director	..... Signature of Director/Company Secretary <i>(Please delete as applicable)</i>
Name of Director (print)	Name of Director/Company Secretary (print)
<b>OR</b>	
..... Signature of Sole Director and Sole Company Secretary	
..... Name of Sole Director and Sole Company Secretary (print)	
<b>OR</b> <b>Signed for Steve Nolis</b> by an authorised representative in the presence of:	
 ..... Signature of witness	 ..... Signature of authorised representative
Rebecca Hunt ..... Name of witness (print)	Steve Nolis ..... Name of authorised representative (print)
	Managing Director SA & WA ..... Position of authorised representative (print)



## Request for Quotes For

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***Professional Legal Services for the  
position of Chief Executive Officer***

***RFQ VP350944***

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RELEASED

## Structure of this Request for Quotes

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This Request for Quotes is comprised of three sections:

- Section A - Quote Conditions
- Section B – Specifications
- Section C – Form of Quote and Schedules

RELEASED

## Section A – Quote Conditions

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### 1. Definitions

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In this RFQ:

- 1.1 **Closing Date** means the time and date specified in clause 2.7, or such later time and date as may be notified in writing to Respondents by the Council.
- 1.2 **Form of Quote** means the form contained in Section C of this RFQ.
- 1.3 **Respondent** refers to any party who responds to this RFQ.
- 1.4 **RFQ** means this Request for Quotes.
- 1.5 **Quote** means a quote submitted by a Respondent pursuant to this RFQ.
- 1.6 **Schedules** means the schedules contained in Section C of this RFQ.
- 1.7 **Services** means the services sought to be purchased by the Council pursuant to this RFQ, pursuant to those outlined in the Specifications.
- 1.8 **Specifications** means the specifications specified in Section B of this RFQ.

### 2. Request for Quotes

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- 2.1 The Council seeks Quotes from Respondents for the provision of the Services.
- 2.2 Prices quoted are to be in a lump sum basis.
- 2.3 All prices for the Services are to be fixed. Quoted prices must **include** GST and all applicable levies, duties, taxes and charges.
- 2.4 Any charge not stated in the Quote will not be payable by the Council.
- 2.5 The Respondent must submit:
  - 2.5.1 the original Form of Quote; and
  - 2.5.2 the completed Schedules.
- 2.6 Any Quote may be rejected if it does not conform with the requirements of the Specifications or this RFQ.
- 2.7 **Electronic Lodgement of Quotes**

- 2.7.1 Quotes must be lodged electronically via Vendor Panel before the closing date (**5:00pm Sunday 19 March 2023**) and in accordance with the Quote lodgement procedure set out in this clause.
- 2.7.2 Where there is any inconsistency between the lodgement procedure set out on the Vendor Panel website and those set out in this RFQ, this RFQ will prevail.
- 2.7.3 Quotes lodged by any other means will not be considered.
- 2.7.4 Respondents warrant that they have taken all reasonable steps to ensure that their Quotes are free of viruses or any other matter which would cause harm to the Council's website or systems.
- 2.7.5 Respondents acknowledge that it is their sole responsibility to ensure that sufficient time has been allowed for Quote lodgement, including time that may be required for any problem analysis and resolution prior to the Closing Date.
- 2.7.6 If Respondents have any problem submitting their Quote, they must contact the Nominated Contact Person (**Danielle Edwards, Council Secretariat on 8342 7100**) prior to the Closing Date. Any failure to do so will result in the Quote being a non-conforming Quote.
- 2.7.7 A Quote is deemed to have been lodged by the Respondent when the Quote has been received by Vendor Panel or the Town of Walkerville server.
- 2.8 This RFQ closes on the Closing Date.
- 2.9 Quotes received after the Closing Date will **NOT** be considered.
- 2.10 The Council will not accept any responsibility in the event that a Quote is not received by the Closing Date.
- 2.11 Respondents must not use this RFQ (including any attached technical and other written information supplied by the Council) for any purpose other than to prepare a Quote. This includes not copying this RFQ (including any attached technical and other written information supplied by the Council) and providing a copy to any third party not involved in the preparation of a Quote.
- 2.12 Any Respondent that solicits an Elected Member will result in their Quote not being considered.

### 3. **Acceptance of Quote**

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- 3.1 The Respondent agrees that the Quote remains open for a minimum period of 60 days after the Closing Date.



- 3.2 This RFQ, together with the Council's written acceptance of the Quote and the issue of an official Council purchase order, constitute the contract between the Council and the successful Respondent.

#### 4. **No Legal Requirement**

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The issue of this RFQ or any response to it does not commit, obligate or otherwise create a legal requirement on the Council to acquire the Services from a Respondent.

#### 5. **Council's Rights**

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The Council reserves the right to:

- 5.1 amend, vary, supplement or terminate this RFQ at any time;
- 5.2 accept or reject any Quote, including the lowest price Quote;
- 5.3 negotiate with any service provider on all or any part of the Services to be supplied pursuant to this RFQ;
- 5.4 postpone or abandon this RFQ;
- 5.5 add or remove any Respondent;
- 5.6 accept or reject any Quotes;
- 5.7 accept all or part of any Quote;
- 5.8 negotiate or not negotiate with one or more Respondents;
- 5.9 discontinue negotiations with any Respondent; and
- 5.10 include the Respondents' names in Council reports and make them public. This may include the order of Respondents on the basis of quoted price but without the specific amount quoted.

#### 6. **Quote Evaluation**

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In assessing Quotes, the Council will have regard to, but not necessarily be limited to, the following criteria (not listed in any order of priority):

- 6.1 completion of the Form of Quote;
- 6.2 compliance with the Specifications;
- 6.3 warranties and guarantees on the Services;

- 6.4 timeframe for the completion of the Services;
- 6.5 demonstrated experience in completing similar processes;
- 6.6 referees; and
- 6.7 insurance.

## 7. Respondent's Confidential Information

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- 7.1 Subject to clauses 7.2 and 8.1, the Council will treat as confidential all Quotes submitted by Respondents in connection with this RFQ.
- 7.2 The Council will not be taken to have breached any obligation to keep information provided by Respondents confidential to the extent that the information:
  - 7.2.1 is disclosed by the Council to its advisers, officers, employees or subcontractors solely in order to conduct the RFQ process or to prepare and manage any resultant agreement;
  - 7.2.2 is disclosed to the Council's internal management personnel, solely to enable effective management or auditing of the RFQ process;
  - 7.2.3 is disclosed by the Council to the responsible Minister;
  - 7.2.4 is authorised or required by law to be disclosed; or
  - 7.2.5 is in the public domain otherwise than due to a breach of the relevant obligations of confidentiality.

## 8. Governing Law

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- 8.1 This RFQ is governed by the law in South Australia.
- 8.2 The parties irrevocably submit to the exclusive jurisdiction of the courts in South Australia.

## 9. ICAC

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Respondents acknowledge that if they enter into a contract with the Council they will be considered to be public officers for the purposes of the *Independent Commissioner Against Corruption Act 2012 (SA)* (the **ICAC Act**) and will be obliged to comply with the ICAC Act and the Directions and Guidelines issued pursuant to the ICAC Act.

## Section B – Specifications

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Provide a full fixed fee costings (plus GST) for the provision of a legal advice and services to assist as part of the recruitment process for the position of Chief Executive Officer, with the proposal including, but not restricted to:

1. In conjunction with the CEO Selection Panel (the Panel) attend meetings (expected four) to discuss the recruitment process.
2. In conjunction with the Panel and appointed recruitment agency, provide legal advice to assist with the refinement of any/all documentation (if necessary).
3. Provide probity and legal advice regarding the recruitment process and candidate shortlisting.
4. Provide an independent opinion as to the suitability of shortlisted candidates.

While noting the aforementioned, Registrants are encouraged to propose any other appropriate and relevant value-adds as part of their proposals.

## Section C – Form of Quote & Schedules

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### Schedule 1 Form of Quote

I/We (Respondent) on having read, understood and fully informed myself/ourselves/itself of the contents, requirements and obligations of this RFQ, hereby provide a Quote for the Services.

<b>1. Name of Respondent</b>  State in full the name(s) of the Respondent(s) and trading names  ABN	
<b>2. Contact Person</b>	
<b>3. Registered Address</b>	
<b>4. Postal Address</b>	
<b>5. Telephone</b>	
<b>6. Fax</b>	
<b>7. Email</b>	

**8. Price Schedule**

Description	Unit (if applicable)	Price (ex GST)	GST Component	Price (inc GST)

**Schedule 2 Compliance with the Specifications**

Please indicate if you intend to comply with the Specifications.

RELEASED

**Schedule 3    Timeframe**

RELEASED

**Schedule 4 Insurance**

Provide details of insurance currently held by you that would be extended to provide cover for the Services.

Insurance type	Policy no	Extent of cover		Expiry date	Name of insurer
		Per incident \$A	In aggregate \$A		
Public and products liability					
Professional indemnity (if applicable)					
Property and facilities					
Contents					
Vehicles plant & equipment					
Workers compensation					
Directors and officers (if applicable)					
Other					

The undersigned undertakes that if selected as the successful Respondent, I/we/it will be bound by the conditions provided.

If the Respondent is a company, the Quote must be executed as follows:

<b>Executed by [Insert Company name]</b> pursuant to section 127 of the <i>Corporations Act 2001</i>	
Signature of Director	Signature of Director/Company Secretary <i>(Please delete as applicable)</i>
Name of Director (print)	Name of Director/Company Secretary (print)
<b>OR</b>	
Signature of Sole Director and Sole Company Secretary	
Name of Sole Director and Sole Company Secretary (print)	
<b>OR</b> <b>Signed for [Insert Representative's name]</b> by an authorised representative in the presence of:	
Signature of witness	Signature of authorised representative
Name of witness (print)	Name of authorised representative (print)
	Position of authorised representative (print)



If the Respondent is an individual, the Quote must be executed as follows:

<b>Signed by [insert name] in the presence of:</b>	
Signature of witness	Respondent
Name of witness (print)	

p  
If the Respondent is a partnership, the Quote must be executed as follows:

Partner 1:

<b>Signed sealed and delivered by [insert name] in the presence of:</b>	
Signature of witness	Signature of partner
Name of witness (print)	
Address of witness (print)	

Partner 2:

<b>Signed sealed and delivered by [insert name] in the presence of:</b>	
Signature of witness	Signature of partner
Name of witness (print)	
Address of witness (print)	

# Provision of Legal Services

RFQ VP350944

Request for Quotes for Professional Legal  
Services for the position of Chief Executive  
Officer

Date: 17 March 2023

# Contents

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Schedule 2: Compliance with the Specifications .....	5
Schedule 3: Timeframe .....	6
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# Schedule 1: Form of Quote

We Norman Waterhouse Lawyers on 17 March 2023, having read and fully informed ourselves of the contents, requirements, and obligations of this RFT VP350944, hereby provide a Quote for the Services.

<p><b>1. Name of Respondent</b> State in full the name(s) of the person(s) or the registered name(s) of the company(s) and trading names.</p> <p><b>ABN Number:</b></p> <p><b>ACN Number:</b></p>	<p>Norman Waterhouse Lawyers Pty Ltd</p> <p>18 621 909 395</p> <p>621 909 395</p>
<p><b>2. Contact Person</b> Nominate a contact person for this tender to deal with any questions or queries that may arise.</p> <p><b>3. Registered Address</b></p> <p><b>4. Postal Address</b></p> <p><b>5. Telephone</b></p> <p><b>6. Email</b></p>	<p><b>Sathish Dasan, Principal</b></p> <p>Level 11, 431 King William Street, Adelaide SA 5000</p> <p>PO Box 639, Adelaide SA 5001</p> <p>08 8210 1253 0412 823 850</p> <p>sdasan@normans.com.au</p>

## 8. Price Schedule

Description	Unit (if applicable)	Price (ex GST)	GST Component	Price (inc GST)
<ul style="list-style-type: none"> <li>- Attendance at committee meetings</li>   <li>- Provide a Charter for the committee (if required), including advice on engaging a placement company to undertake advertising and shortlisting duties on behalf of the committee.</li>   <li>- Provide support to update position description and setting of key performance indications.</li>   <li>- Provide and draft a best practice CEO contract for Local Government, after council has decided on preferred appointment.</li> </ul>		\$7 500	\$750	\$ 8250

<ul style="list-style-type: none"> <li>- Additional offer of advice if needed</li> <li>- Employment Contract</li> </ul>	Rates upon request
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# Schedule 2: Compliance with the Specifications

Please indicate if you intend to comply with the Specifications.

Norman Waterhouse Lawyers complies with the Specifications.

# Schedule 3: Timeframe

Norman Waterhouse Lawyers complies with the Timing Specifications.

# Schedule 4: Insurance



Provide details of insurance currently held by you that would be relevant to the works.

Please refer to Annexure A: Insurance.

Insurance type	Policy no	Extent of cover		Expiry date	Name of insurer
		Per incident \$A	In aggregate \$A		
Public and products liability	SMIO22441422	\$ 20,000,000	\$ 20,000,000		Vero
Professional indemnity (if applicable)	2022/16762 Master Policy No. 2022 SA	\$ 2,000,000	\$ 2,000,000		The Law Society of Australia legal Practitioners professional Indemnity Insurance
Professional indemnity (if applicable)	201807-1651 R4 BIA	\$ 18,000,000	\$ 18,000,000		Berkley Insurance Australia
Contract Works Insurance (if applicable)		N/A	N/A		
Workers Compensation	29205811				Return to Work SA



The undersigned undertakes that if selected as the successful Respondent, We will bound by the conditions provided.

Executed by Norman Waterhouse pursuant on section 127 of the <i>Corporations act 2001</i>	
	
Signature of Director	Signature of Director/Company Secretary
Sathish Dasan	Michael Taylor
Name of Director (print)	Name of Director/Company Secretary (print)
Date: 17 March 2023	

# Annexure A: Insurance

## Professional Indemnity Insurance

### THE LAW SOCIETY OF SOUTH AUSTRALIA LEGAL PRACTITIONERS' PROFESSIONAL INDEMNITY INSURANCE

#### CERTIFICATE OF INSURANCE

for the period ending 30/06/2023

No.: **2022/16762** Master Policy No. 2022 S.A.

The Law Practice: **Norman Waterhouse Lawyers Pty Ltd**

Address of all Insured offices:

**Norman Waterhouse Lawyers Pty Ltd**

Level 11 431 King William Street

ADELAIDE SA 5000

**Norman Waterhouse**

Level 11 431 King William Street

ADELAIDE SA 5000

Period of Insurance: From **1 July 2022** to **30 June 2023** both days inclusive

Sum Insured: \$2,000,000.00 each Claim (inclusive of Defence Costs)

Deductible / Excess: **\$60,000.00**

Endorsement:

DATED at Adelaide 29/06/2022

The under mentioned Insurers severally agree each for their own part and not one for another for the proportion set against their name to indemnify the Insured in accordance with the terms and conditions contained in the Legal Practitioners Professional Indemnity Insurance Scheme 2022.

(a) Liberty Specialty Markets 100%



Will Laundry  
Director  
Pillar Brokerage Pty Ltd  
39 William Street,  
Norwood SA 5067  
ABN: 23 647 708 307  
CAR No 001285560 of  
AFSL 277842

**Authorised Signatory**

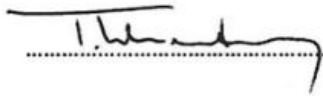
This document is issued as evidence of insurance only. Please refer to the Legal Practitioners Professional Indemnity Insurance Scheme 2022 for the full terms & conditions of cover which document can be viewed at [www.lawsociety.sa.asn.au](http://www.lawsociety.sa.asn.au)

Printed 11/07/2022 ID:101607 Policy No. 2022/16762

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## Certificate of Currency

**POLICY NO:** 201807-1651 R4 BIA  
**INSURANCE TYPE:** Professional Indemnity  
**POLICY WORDING:** BIA Sol XS Professional Indemnity 2022  
**THE INSURED:** Norman Waterhouse Lawyers Pty Ltd  
Norman Waterhouse Services Pty Ltd ATF Norman Waterhouse Services Trust  
**ABN:** 83643524813  
**PRINCIPAL ADDRESS:** Level 8,11,12 431 King William Street  
Adelaide SA 5000 AUSTRALIA  
**BUSINESS:** Solicitors  
**POLICY PERIOD:** From: 30/06/2022 4pm To: 30/06/2023 4pm  
Both days inclusive (Local Standard Time)  
**LIMIT OF INDEMNITY:** \$18,000,000 Any one Claim - Inclusive of Costs and Expenses  
**RETROACTIVE DATE:** Unlimited, excluding known claims and / or circumstances



Signed for and on behalf of Berkley Insurance Australia.  
Date of issue 22/06/2022

This policy is current at date of issue.  
For full details of cover please refer to the policy wording.  
This certificate is only valid at the date of issue.

# Public and Products Liability

## Business Insurance Certificate of Currency



Policy Number: SMI022441422

**Certificate Date** 18 July, 2022

### Insurer

AAI Limited ABN 48 005 297 807 trading as Vero Insurance

### Important Information

The policy referred to is current as at the date of issue of this certificate and whilst an expiry date has been indicated it should be noted that the policy may be cancelled in the future. Accordingly, reliance should not be placed on the expiry date

**Period of Cover** 30/06/2022 to 30/06/2023 at 4pm

### Insured

**Insured Name** NORMAN WATERHOUSE LAWYERS PTY LTD  
**ABN** 18 621 909 395  
**Address** LEVEL 8,11 & 12  
431 King William St  
ADELAIDE, SA, 5000

### Policy Wording

Vero SCTP PDS Policy Wording V0004 V1 05/10/21 A

### Situation Details

**Situation:** Levels 8,11 and 12 431 King William Street Adelaide SA 5000 (Principal)

### Business Details

Solicitor

### Interested Parties

#### Interested Party # 1

**Risks** Public and Products Liability  
**Name** QE MF 102 P/L ACN.628 230 026 ATF QE MF 102 Property Trust  
**Nature of Interest** Lease

#### Address

Level 2 30 Collins Street,  
Melbourne, VIC, 3000

### Public and Products Liability

#### Limit of Liability

Limit of Liability - Public & Products Liability \$ 20,000,000

#### Additional Benefit

Property in Physical & Legal Control - Limit \$ 250,000

# Workers Compensation

OFFICIAL: Sensitive



## Certificate of registration

*Return to Work Act 2014*

Employer number 29205811  
Employer name Norman Waterhouse Lawyers Pty Ltd  
Trading name Norman Waterhouse

Date of issue: 9 June 2022

### Statement of coverage valid until 30 June 2023

This employer is registered as an employer under the *Return to Work Act 2014* (the Act).

Norman Waterhouse Lawyers Pty Ltd is registered from 01/01/2018.

The information provided in this Certificate of registration is correct at the date of issue.

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### Important information

A certificate of registration is issued in South Australia to certify that an employer is registered under the Act. This certification is valid until 30 June 2023 or until Norman Waterhouse Lawyers Pty Ltd ceases to be an employer who is required to be registered under the Act.

If there are any errors on this form, please inform ReturnToWorkSA within 30 calendar days. If you do not do this, under section 165(6) of the Act a maximum penalty of \$5,000 may apply.

A copy of this certificate must be produced within 30 days where requested by a person authorised under section 165(8) of the Act. A maximum penalty of \$1,000 under section 165(3) of the Act may apply.

A person who fraudulently alters a certificate of registration issued under section 165 of the Act is guilty of an offence. A maximum penalty of \$25,000 under section 165(5) of the Act may apply.

If you require any further assistance or information, please contact ReturnToWorkSA on 13 18 55 or by email to [info@rtwsa.com](mailto:info@rtwsa.com).

#### ReturnToWorkSA

400 King William Street Adelaide SA 5000 • GPO Box 2668 Adelaide SA 5001 • ABN 83 687 563 395

General Enquiries 13 18 55 • [www.rtwsa.com](http://www.rtwsa.com)

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**Sathish Dasan**  
Principal

Phone +61 8 8210 1253  
Mobile +61 412 823 850  
Email [sdasan@normans.com.au](mailto:sdasan@normans.com.au)



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**Overview**

Sathish has earned a reputation as one of South Australia's pre-eminent specialists in the respective fields of industrial relations, human resource management, public and administrative law.

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**About**

Sathish is the Principal in charge of the Firm's Employment & Industrial Relations, Insurance, and Governance & Regulatory teams.

By examining his clients' specific real-world requirements and circumstances, Sathish is able to provide sound, practical insights and advice.

Sathish has been named as one of Australia's leading lawyers in Doyle's Legal Guide for the last ten years.

Based in Adelaide for many years, Sathish has navigated complex legal issues in both the public and private spheres and frequently shares his knowledge through training sessions and speaking engagements.

Sathish regularly conducts and develops training programs (including for accredited qualifications), seminars and publications on numerous topics within his areas of expertise and specialisation.

Sathish has provided legal advice to the majority of Councils in South Australia in relation to the engagement of their Chief Executive Officers over the last 20 years.

## Specialisations

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- Industrial relations – public and private sectors
- Drafting and interpretation of contractual, policy and procedural documentation
- Advice and representation in employment disputes, including dismissals
- Equal opportunity and discrimination matters
- Workplace investigations
- Organisational restructuring
- Enterprise bargaining
- Industrial action and union right of entry issues
- All aspects of work health and safety, encompassing physical and psychological risk/incidents
- Enforceable undertakings
- Workers' compensation
- Public sector governance and conduct
- Government decision-making and administrative law
- Advice on the appointment of senior officers and CEO's in the Local Government sector

SOUTH AUSTRALIA  
*Legal Practitioners Act 1981*

# PRACTISING CERTIFICATE

## Category A

Pursuant to Part 3 of the *Legal Practitioners Act 1981*  
this is to certify that

**Sathish Kumar Dasan**

P Code: P4706

is entitled to practise the profession of the law for the period

**1 July 2022 to 30 June 2023**

Pursuant to Rule 10 of the *Rules of the Legal Practitioners Education and Admission Council 2018* this Category A practising certificate enables the holder to practise as the principal of a law practice entitled to receive and manage trust monies.



Certificate number 2022-P4706-4746 issued by the Law Society of South Australia on 29 June 2022

Printed 1/07/2022

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**Felice D'Agostino**  
Principal

Phone +61 8 8210 1202  
Mobile +61 423 301 204  
Email fdagostino@normans.com.au



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### Overview

Felice assists and provides advice to local authorities on a wide variety of matters involving statutory interpretation, administrative law, governance, public administration, freedom of information, and public integrity. Felice takes a practical and solutions-based approach to representing her clients and assisting them to deal with competing pressures

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### About

As a principal in Norman Waterhouse's Employment, Governance and Regulatory Services team Felice specialises in governance and public administration and is committed to assisting her clients to make defensible decisions that will withstand scrutiny.

In recent times, Felice has provided advice and representation to the following agencies in respect of the following matters:

- Ombudsman SA in relation to judicial review proceedings challenging the Ombudsman's findings and opinions on an investigation of a matter referred to the Ombudsman by the Independent Commissioner Against Corruption;
- Ombudsman SA in relation to external reviews under the Freedom of Information Act 1991;
- Department for Corrections in relation to a freedom of information application;
- Department for Health and Wellbeing in relation to an investigation of potential misconduct by a public officer; and
- Aboriginal Lands Trust in relation to a complaint of misconduct by an officer of the Aboriginal Lands Trust.

## Specialisations

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- Statutory advice and interpretation
- Governance and public administration
- Code of conduct and conflict of interest
- Public officer duties
- Delegations and authorisations
- Public interest disclosure
- Meeting procedures and confidentiality
- Elections and polls
- Rates imposition and recovery
- Freedom of information and other access to information regimes
- Ombudsman and independent commission against corruption
- Judicial reviews and administrative appeals
- Council subsidiary charters
- Legislative compliance and due diligence audits

SOUTH AUSTRALIA  
*Legal Practitioners Act 1981*

# PRACTISING CERTIFICATE

## Category A

Pursuant to Part 3 of the *Legal Practitioners Act 1981*  
this is to certify that

**Felice D'Agostino**

P Code: P5502

is entitled to practise the profession of the law for the period

**1 July 2022 to 30 June 2023**

Pursuant to Rule 10 of the *Rules of the Legal Practitioners Education and Admission Council 2018* this Category A practising certificate enables the holder to practise as the principal of a law practice entitled to receive and manage trust monies.



Certificate number 2022-P5502-4745 issued by the Law Society of South Australia on 29 June 2022.

Printed 1/07/2022

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## Scott Reardon

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**From:** Tracy Riddle <triddle@kelledyjones.com.au>  
**Sent:** Monday, 23 January 2023 5:29 PM  
**To:** Scott Reardon  
**Subject:** CEO - Advice - Possible Behavioural Matter (KJ 220537)  
**Attachments:** Fwd: CEO Performance Committee - proposals

**Caution:** This is an external email. Please take care when clicking links or opening attachments.

Hi Scott

You have requested advice, on behalf of the CEO Performance Review / Recruitment Committee, with respect to its procedural requirements in commencing the CEO Recruitment process.

I understand your request arises on the basis that prior to the first meeting of the Committee, as below, the Mayor obtained three (3) proposals from recruitment firms, for consideration by the Committee, in commencing the process.

Our advice, in short, is that the Mayor's actions, however well intentioned, were premature and unauthorised. We set out below the steps for the Committee's, and Council's, subsequent consideration in ensuring a transparent, accountable and robust recruitment process.

### Background

Briefly by way of background, as it serves to inform our advice, we note as follows:

- pursuant to Section 41 of the *Local Government Act 1999* (the **Act**) the Council has established a committee known as the *Chief Executive Officer's Performance Review Committee*, referred to in the Terms of Reference (**ToR**) as the Committee;
- clause 3 of the ToR confirms the Council has not delegated any authority to the Committee, rather, it performs a recommendatory role;
- clause 5.1 of the ToR confirms that the Committee is comprised of five (5) Elected Members with the Mayor and the Deputy Mayor being Members. The remaining Elected Members are to be appointed to the Committee by resolution of Council;
- that is, the ToR specifically requires the Mayor will be a Member of the Panel, with clause 6.1 specifying '*The Mayor will be appointed as the Presiding Member*';
- the membership of four (4) Members of the Committee was determined by resolution of the Council at its Meeting of Monday 19 December 2022, with a subsequent resolution of the Council, made at its meeting of Monday 16 January 2023, increasing membership of the Committee to five (5) Members;
- the first meeting of the Committee has yet to be held, with the meeting originally scheduled for Tuesday 17 January 2023 postponed, so the Committee may receive advice on the issue of the proposals obtained, absent a recommendation from the Committee, or a resolution of the Council, to advance the same;
- clause 2.7 of the ToR for the Panel provides in the event of a vacancy for the position of CEO, **the Committee** is to develop and **recommend to Council** the necessary steps to fill the vacancy within the requirements of the Act;

- that is, the Committee has yet to determine the ‘necessary steps’ to recommend to the Council as to process, let alone which recruiters to approach;
- the Mayor does identify in an email to the Committee Members that:

*To be completely honest, I am not sure if I should (and am allowed to) have gone to the lengths of getting proposals, but to my mind, without a knowledge of expertise, experience and fees, I think it makes it hard to make a meaningful recommendation to the full Council.*

## Next Steps

We now recommend the first meeting of the Committee be convened, and Members be advised the initial proposals obtained by the Mayor are unable to be received and considered, the Mayor having no authorisation from the Council to obtain the same.

The first item of business for the Committee under clause 2.7 of the ToR will be to develop and recommend to Council the necessary steps to fill the vacancy within the requirements of the Act.

This will include a recommendation that the Council now commence a recruitment process, with the assistance of a suitably qualified recruitment company, as well as in accordance with the Act, and specifically section 98(4a) of the Act.

We note that section 98(4a) of the Act provides that the Council must ensure that either **or** both of the following applies to the process for appointing a CEO:

- (a) *the council appoints at least 1 person who is not a member or employee of the council to the selection panel;*
- (b) *before making the appointment to the office of chief executive officer, the council obtains and considers the advice of a qualified independent person on the assessment of applications and recommendations on the appointment under subsection (4) (and that advice may include recommendations to the council on the appointment).*

It is our advice the Council may wish, in addition to engaging a recruitment company to assist with the recruitment process, also engage one of its independent legal advisers as a ‘qualified independent person’ on the issue of the recruitment ‘process’, given this initial ‘false’ start to the process. Such an engagement will ensure a sufficiently rigorous, transparent and accountable recruitment process.

We also recommend the Committee recommends to the Council that the RFQ process for the Recruitment Company be by **open tender**, on Vendor Panel or similar. That is, open to any company which may wish to submit a proposal for the consideration of the Committee, in the first instance, and then by the Council.

This will address the issue of the initial three (3) companies having been approached for a proposal, absent a recommendation from the Committee, and resolution of the Council to do so.

The Committee should also recommend to the Council that you be authorised to write to those companies, advising the Council has now determined to go to an open tender process, inviting each to re-submit any proposal they may wish to have considered as part of the same.

In our view, if the Council resolves to progress the recruitment process in this manner, it will address the process and procedural errors that have been made to date.

For completeness, subject to any further representation the Mayor may have made to those recruiters (that is, as long as the Mayor did not represent to any of those recruiters they would be successful in their proposal), simply requesting proposals for the consideration of the Committee, in the first instance, has not exposed the Council to a risk of litigation at all.

Lastly, whilst section 62(4a) and 90(3)(k) of the Act provide for the confidentiality obligations of Members, in our view, these provisions have not been breached in the circumstances of this matter, the proposals not

having been distributed beyond the membership of the Committee (and senior Council employees), and not having been received and considered by the Council under section 90(2) ad 90(3) of the Act.

Please let me know if we can assist further.

Regards

Tracy

**Tracy Riddle**  
Lawyer

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**From:** Melissa Jones <[mjones@walkerville.sa.gov.au](mailto:mjones@walkerville.sa.gov.au)>  
**Sent:** Monday, January 16, 2023 8:57:35 PM  
**To:** Liz Trotter <[ltrotter@walkerville.sa.gov.au](mailto:ltrotter@walkerville.sa.gov.au)>; Jay Allanson <[jallanson@walkerville.sa.gov.au](mailto:jallanson@walkerville.sa.gov.au)>; Steven Rypp <[srypp@walkerville.sa.gov.au](mailto:srypp@walkerville.sa.gov.au)>; John Zeppel <[jzeppel@walkerville.sa.gov.au](mailto:jzeppel@walkerville.sa.gov.au)>  
**Subject:** CEO Performance Committee - proposals

Dear Committee members

I have taken the liberty of obtaining proposals from the top 3 recruiters in SA with local government recruitment expertise:

1. Hender
2. Perks
3. McArthur

Please find these attached for your information.

These are for discussion tomorrow at our meeting in coming to a recommendation to Council regarding the independent person to advise on the recruitment of a CEO ( a statutory requirement) and to conduct the recruitment itself.

To be completely honest, I am not sure if I should (and am allowed to) have gone to the lengths of getting proposals, but to my mind, without a knowledge of expertise, experience and fees, I think it makes it hard to make a meaningful recommendation to the full Council.

See you tomorrow, happy to discuss prior if you wish.

Kind regards  
Mel

Regards,

Mayor Melissa Jones

**Town of Walkerville**

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