

**CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING MONDAY 10 OCTOBER 2016
63 MT BARKER ROAD STIRLING**

(These minutes are unconfirmed until the next meeting of this Committee)

Members:

Presiding Member: Cr Jan-Claire Wisdom

Mayor Bill Spragg

Cr Ian Bailey

Ms Paula Davies, Independent Member

In attendance:

Megan Sutherland

Executive Manager Organisational Development

Lachlan Miller

Executive Manager Governance & Risk

1 Commencement

The meeting commenced at 3.08pm.

2 Apologies/Leave of Absence

2.1 Apology

Nil

2.2 Leave of Absence

Cr Jan Loveday

2.3 Absent

Nil

3 Previous Minutes

3.1 CEO Performance Review Panel Meeting – 27 July 2016

Moved Cr Ian Bailey

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S/- Mayor Bill Spragg

That the minutes of the CEO Performance Review Panel meeting held on 27 July 2016 as distributed, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

4 Delegation of Authority

The CEO Performance Review Panel operates in accordance with the relevant sections of the *Local Government Act 1999*, and its Terms of Reference.

Presiding Member _____

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- 5 **Declaration of Interest by Members of the Committee**
Nil
- 6 **Officer Reports – Decision Items**
Nil
- 7 **Officer Reports – Information Items**
Nil
- 8 **Confidential items**
- 8.1 **2016 CEO Performance Review Report - Exclusion of the Public**
- Moved Mayor Bill Spragg 30
S/- Cr Ian Bailey

That the CEO Performance Review Panel (the Panel) resolves that:

Pursuant to section 90(2) of the *Local Government Act 1999* the CEO Performance Review Panel (the Panel) orders that all members of the public, except:

- Executive Manager Governance and Risk, Lachlan Miller
- Executive Manager Organisational Development, Megan Sutherland

be excluded from attendance at the meeting for Agenda Item 8.1: 2016 CEO Performance Review Report in confidence.

The Panel is satisfied that, pursuant to Section 90(3)(a) of the Act, information to be received, discussed and considered in relation to the Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the personal affairs of the Chief Executive Officer, in that details of his performance review will be discussed.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

The Panel is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of information could unreasonably reveal personal information regarding the CEO's performance prior to the performance review being completed.

Carried Unanimously

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8.1.1 2016 CEO Performance Review Report - Confidential Item

RELEASED 16 NOVEMBER 2016

**Moved Mayor Bill Spragg
S/- Cr Ian Bailey**

31

That the Panel:

- 1. Receives and notes the report**
- 2. Recommends to Council that the CEO has achieved an overall rating of 'above expected performance' in relation to the 2016 CEO Performance Review Report.**
- 3. Having considered at Agenda Item 8.1 the matter of 2016 CEO Performance Review Report in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of the CEO Performance Review Panel and the discussion of the subject matter be retained in confidence until the 2016 Performance Review process has been completed by the acceptance of a final report by Council.**
- 4. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, that the Panel delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or his sub-delegate.**
- 5. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, that the Panel delegates the power to revoke the confidentiality order to the Chief Executive Officer, or his sub-delegate.**

Carried Unanimously

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8.2 CEO Remuneration Review – Exclusion of the Public

Moved Cr Ian Bailey
S/- Mayor Bill Spragg

32

That the CEO Performance Review Panel (the Panel) resolves that:

Pursuant to section 90(2) of the *Local Government Act 1999* the CEO Performance Review Panel (the Panel) orders that all members of the public, except:

- Executive Manager Governance and Risk, Lachlan Miller
- Executive Manager Organisational Development, Megan Sutherland

be excluded from attendance at the meeting for Agenda Item 8.2: 2016 Remuneration Review in confidence.

The Panel is satisfied that, pursuant to Section 90(3)(a) of the Act, information to be received, discussed and considered in relation to the Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the personal affairs of the Chief Executive Officer, in that details of his remuneration package will be discussed.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

The Panel is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of information could unreasonably reveal personal information regarding the CEO's remuneration prior to the performance review being completed.

Carried Unanimously

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8.2.1 CEO Remuneration Review – Confidential Item

RELEASED 16 NOVEMBER 2016

Moved Mayor Bill Spragg
S/- Cr Jan-Claire Wisdom

That the Panel:

1. Receives and notes the report
2. Recommends to Council to increase the CEO's TEC Package by 3.6% to commence from 1 October 2016.
3. Having considered at Agenda Item 8.2 the matter of 2016 CEO Remuneration Review Report in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of the CEO Performance Review Panel and the discussion of the subject matter be retained in confidence until the 2016 Performance Review process has been completed by the acceptance of a final report by Council.
4. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, that the Panel delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or his sub-delegate.
5. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, that the Panel delegates the power to revoke the confidentiality order to the Chief Executive Officer, or his sub-delegate.

The Motion was varied with Leave of the Meeting

Moved Mayor Bill Spragg
S/- Cr Jan-Claire Wisdom

33

That the Panel:

1. **Receives and notes the report**
2. **Recommends to Council to increase the CEO's TEC Package by 3.6% to commence from 1 October 2016.**
3. **Having considered at Agenda Item 8.2 the matter of 2016 CEO Remuneration Review Report in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of the CEO Performance Review Panel and the discussion of the subject matter be retained in confidence until the 2016**

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Performance Review process has been completed by the exchange of correspondence with the Chief Executive Officer.

4. Pursuant to section 91(9)(a) of the *Local Government Act 1999*, that the Panel delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or his sub-delegate.
5. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, that the Panel delegates the power to revoke the confidentiality order to the Chief Executive Officer, or his sub-delegate.

Carried Unanimously

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8.3 CEO Performance Targets – Exclusion of the Public

**Moved Mayor Bill Spragg
S/- Cr Ian Bailey**

34

That the CEO Performance Review Panel (the Panel) resolves that:

Pursuant to section 90(2) of the *Local Government Act 1999* the CEO Performance Review Panel (the Panel) orders that all members of the public, except:

- **Executive Manager Governance and Risk, Lachlan Miller**
- **Executive Manager Organisational Development, Megan Sutherland**

be excluded from attendance at the meeting for Agenda Item 8.3: 2016 CEO Performance Targets in confidence.

The Panel is satisfied that, pursuant to Section 90(3)(a) of the Act, information to be received, discussed and considered in relation to the Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the personal affairs of the Chief Executive Officer, in that details of his performance review will be discussed.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

The Panel is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of information could unreasonably reveal personal information regarding the CEO's performance targets prior to the performance review being completed.

Carried Unanimously

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8.3.1 CEO Performance Targets – Confidential Item

RELEASED 16 NOVEMBER 2016

Moved Cr Ian Bailey
S/- Mayor Bill Spragg

35

That the Panel:

1. **Receives and notes the report**
2. **Recommends to Council to adopt the suite of performance targets as presented in Agenda Item 8.3.**
3. **Having considered at Agenda Item 8.3 the matter of 2016-17 CEO Performance Targets in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999, that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the report, related attachments and the minutes of the CEO Performance Review Panel and the discussion of the subject matter be retained in confidence until the Performance Target process has been completed by exchange of correspondence with the Chief Executive Officer.**
4. **Pursuant to section 91(9)(a) of the *Local Government Act 1999*, that the Panel delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or his sub-delegate.**
5. **Pursuant to section 91(9)(c) of the *Local Government Act 1999*, that the Panel delegates the power to revoke the confidentiality order to the Chief Executive Officer, or his sub-delegate.**

Carried Unanimously

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- 9 Next Meeting**
The next ordinary meeting of the CEO Performance Review Panel will be held at 63 Mount Barker Road Stirling, at a time and date to be determined.
- 10 Close Meeting**
The meeting closed at 4.40pm.