

**CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF SPECIAL MEETING WEDNESDAY 19 OCTOBER 2016
63 MT BARKER ROAD STIRLING**

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

Members:

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

In the absence of the Presiding Member, the Executive Manager Governance & Risk opened the meeting and called for nominations.

Mayor Bill Spragg was nominated and the matter was put to the vote and carried.

Mayor Bill Spragg assumed the Chair.

1 Commencement

The meeting commenced at 5.05pm.

2 Apologies/Leave of Absence

2.1 Apology

Cr Jan Loveday

2.2 Leave of Absence

Cr Jan-Claire Wisdom (12 October to 19 November 2016)

2.3 Absent

3 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.

4 Declaration of Interest by Members of the Committee

Nil

Presiding Member _____

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5 Officer Reports – Decision Items
Nil

6 Confidential items

6.1 CEO Request for Further Employment Agreement – Exclusion of the Public

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

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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 6.1: CEO Request for Further Employment Agreement in confidence.

The Panel is satisfied that, pursuant to Section 90(3)(a) of the Act, that 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 employment status, contract and arrangements and may prematurely be disclosed before the details of the reviews have been discussed with the Chief Executive Officer.

Carried Unanimously

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6.1.1 CEO Request for Further Employment Agreement – Confidential Item

RELEASED 28 JUNE 2017

Moved Cr Ian Bailey
S/- Mayor Bill Spragg

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That the Panel:

1. **Receives and notes the report**
2. **Recommends to Council that negotiations commence on a Further Employment Agreement with a view to commencing the Agreement on 1 July 2017.**
3. **Having considered at Agenda Item 6.1 the matter of CEO Request for Further Employment Agreement 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 negotiation process has been completed through a decision with Council and 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.**

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7 Close Meeting

The meeting closed at 5.18pm.

Presiding Member _____