



**Shire of Derby /  
West Kimberley**

# **UNCONFIRMED MINUTES**

## **CEO Performance Review Committee Meeting**

**Thursday, 16 July 2020**

**Date: Thursday, 16 July 2020**

**Time: 3.30pm**

**Location: Council Chambers  
Clarendon Street  
Derby**





**Order Of Business**

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**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY  
CEO PERFORMANCE REVIEW COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY  
ON THURSDAY, 16 JULY 2020 AT 3.30PM**

**PRESENT:** Cr Geoff Davis (via telephone), Cr Geoff Haerewa (Shire President), Cr Rowena Mouda, Cr Steve Ross, Cr Andrew Twaddle

**IN ATTENDANCE:** Natalie Lincolne, Senior Consultant from Price Consulting Group

**VISITORS:** Nil

**GALLERY:** Nil

**APOLOGIES:** Cr Keith Bedford, Cr Chris Kloss, Cr Pat Riley, Cr Paul White (Deputy Shire President)

**APPROVED LEAVE OF ABSENCE:** Nil

**ABSENT:** Nil

**1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS**

The meeting was opened at 3.30pm by Shire President, Geoff Haerewa.

**2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

In accordance with regulation 14A of the Local Government (Administration) Regulations 1996 Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by absolute majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

Cr Geoff Davis

**3 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**4 DISCLOSURE OF INTERESTS**

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

**4.1 Declaration of Financial Interests**

Nil

**4.2 Declaration of Proximity Interests**

Nil

**4.3 Declaration of Impartiality Interests**

Nil

**5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**COMMITTEE RESOLUTION CR06/20**

**Moved: Cr Rowena Mouda**

**Seconded: Cr Steve Ross**

**That the Minutes of the CEO Performance Review Committee Meeting held at the Council Chambers, Clarendon Street, Derby, on 14 May 2020 be CONFIRMED.**

In Favour: Crs Geoff Davis, Geoff Haerewa, Rowena Mouda, Steve Ross and Andrew Twaddle

Against: Nil

**CARRIED 5/0**

## 6 REPORTS

### 6.1 CEO PERFORMANCE APPRAISAL 2020 - SUMMARY COMMITTEE REPORT

**File Number:** 4180

**Author:** Carlie McCulloch, Executive Services Coordinator

**Responsible Officer:** Amanda O'Halloran, Chief Executive Officer

**Authority/Discretion:** Executive

#### SUMMARY

This item is requesting the CEO Performance Committee to recommend to Council the approval the CEO Performance Appraisal and Performance Criteria/Key Result Areas for the 2020-2021 period.

#### DISCLOSURE OF ANY INTEREST

Nil

#### BACKGROUND

At the CEO Performance Committee (the Committee) Meeting on 14 May 2020, the Committee resolved to appoint Price Consulting Group to conduct the CEO performance review in consultation with the CEO Performance Review Committee.

Natalie Lincolne, Senior Consultant from Price Consulting Group, facilitated the appraisal process. The process was completed in July 2020 and now requires the Committee to review the appraisal and review and approve the proposed Performance Criteria/Key Result Areas for the 2020-21 period.

Section 5.38 of the *Local Government Act 1995 (the Act)*, provides that the performance of the CEO is to be reviewed formally at least once in every year of their employment.

This is further maintained by the *Local Government Legislation Amendment Act 2019* which stipulates a requirement for model standards covering but not limited to a performance review.

It is one of Councils most important governance responsibilities to steward the CEO's performance review and create the key result areas for the following 12 months based on community and commercial requirements.

#### STATUTORY ENVIRONMENT

Section 5.38 and 5.39(3)(b) of the Act and Regulation 18D of the *Local Government (Administration) Amendment Regulations (No 2) 2005*, which requires that:

- The performance of the CEO be reviewed at least once a year;
- The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review; and
- A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

In order to engage an independent consultant to conduct the performance review and establish the KPI's/KRA's for the CEO \$10,000.00 was allocated in the 2019/20 Annual Budget.

**STRATEGIC IMPLICATIONS**

GOAL	OUTCOME	STRATEGY
Good Governance and an effective organisation	<b>Outcome 4.1:</b> Effective Governance and Leadership	Leadership that provides strategic Direction for the Community, supported by efficient and effective service delivery.
	<b>Outcome 4.5:</b> Skilled, committed and professional staff in a supportive environment	Provide opportunities for the training and development of the Shires' employees

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Legal &amp; Compliance:</b> 1. Failure to conduct the annual performance review of the CEO would result in noncompliance of a statutory requirement under the Local Government Act 1995. 2. If the process is not conducted well there is a risk of supporting poor performance and reputational and operational risks. 3. If the relationship between the Shire/Council and CEO is untenable then failure to conduct a performance review	Possible	Moderate	Low	Accept officer recommendation.

could prohibit the ability to manage the situation in a timely and procedurally correct manner.				
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## CONSULTATION

CEO

Councillors

Sarah Hardman, HR Advisor

## COMMENT

The Performance Review Committee has a legislative requirement under the *Local Government Act 1995*, to review the CEO's performance on a yearly basis. The primary purpose of the performance review is to assess the performance of the CEO on key result areas, key performance indicators or goals and set new agreed objectives for the next 12 months.

As per the *Standards and Guidelines For Local Government CEO Recruitment and Selection, Performance Review and Termination*, an external consultant is sought to assist the Council for the purposes of the review in facilitating the process.

It is recommended that the Committee recommended to Council to accept the Officer Recommendation in the report.

## VOTING REQUIREMENT

Simple majority

## ATTACHMENTS

1. **Summary Committee Report to Council - CEO Performance Review 2019-2020. - Confidential**
2. **Confidential Assessment Report - Amanda OHalloran 2019\_2 - Confidential**

## COMMITTEE RESOLUTION CR07/20

**Moved: Cr Andrew Twaddle**

**Seconded: Cr Rowena Mouda**

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

1. **Note that the appraisal of Ms O'Halloran, Chief Executive Officer, has been undertaken for the period of June 2019 to May 2020;**
2. **Accepts the outcome of 'Meets expectations to a high level' and thanks Ms O'Halloran for her efforts; and**
3. **Approves the CEO's Performance Criteria for the 2020-2021 period, as per attachment.**

**In Favour: Crs Geoff Davis, Geoff Haerewa, Rowena Mouda, Steve Ross and Andrew Twaddle**

**Against: Nil**

**CARRIED 5/0**





**7 NEW BUSINESS OF AN URGENT NATURE**

**8 NEW AND EMERGING ITEMS FOR DISCUSSION**

**9 DATE OF NEXT MEETING**

The next meeting of CEO Performance Review Committee will be held Thursday, 20 August 2020 in the Council Chambers, Clarendon Street, Derby.

**10 CLOSURE OF MEETING**

The Presiding Member closed the meeting at 4.10pm.

**These minutes were confirmed at a meeting on**

.....

**Signed:** .....

**Presiding Person at the meeting at which these minutes were confirmed.**

**Date:** .....