



CEO Performance Review

Minutes

Wednesday 13 March 2024



Our Vision

Where environment, lifestyle and opportunity meet!

Community Aspirations



KEY THEME 1

Environment

An environment that is valued, conserved and enjoyed by current and future generations.



KEY THEME 2

Lifestyle

A place that is relaxed, safe and friendly, with services and facilities that support positive lifestyles and wellbeing.



KEY THEME 3

Opportunity

A vibrant City with diverse opportunities and a prosperous economy.



KEY THEME 4

Leadership

A Council that connects with the community and is accountable in its decision making.

MINUTES

Minutes of a meeting of the CEO Performance Review Committee held in the Council Chambers, Administration Building, Southern Drive, Busselton, on Wednesday 13 March 2024 at 9:00 am.

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1 OFFICIAL OPENING

The meeting opened at 9:04am.

Ms Sarah Pierson, Director Corporate Strategy and Performance, welcomed Councillors, staff, guests and members of the public to the CEO Performance Review Committee meeting of 13 March 2024.

Ms Pierson acknowledged the Wadandi and Bibbulmun people as the traditional custodians of this region and paid respects to Elders past and present.

This meeting was audio recorded for minute taking purposes.

2 ATTENDANCE

MEMBERS	
Mayor Phill Cronin	
Cr Kate Cox	
Cr Val Kaigg	

OFFICERS	
Ms Sarah Pierson	Director Corporate Strategy and Performance
Mr Ben Whitehill	Manager Legal and Governance
Ms Shannon Pettengell	Manager People, Culture and Strategy
Ms Jo Barrett-Lennard	Governance Officer

APOLOGIES	
Nil	

3 ELECTION OF PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER

Ms Sarah Pierson, Director Corporate Strategy and Performance, called for nominations for the position of Presiding Member of the CEO Performance Review Committee.

Cr Val Kaigg nominated Mayor Phill Cronin for the position of Presiding Member. Mayor Cronin accepted the nomination.

With no other nomination received, Mayor Cronin was appointed Presiding Member.

9:07am: At this time, Mayor Cronin assumed the chair.
Mr Whitehill left the meeting.

The Presiding Member called for nominations for the position of Deputy Presiding Member.

Cr Val Kaigg nominated Cr Kate Cox for the position of Deputy Presiding Member. Cr Cox accepted the nomination.

With no other nominations received, Cr Cox was appointed Deputy Presiding Member.

4 DISCLOSURES OF INTEREST

DISCLOSURES OF FINANCIAL INTEREST

Nil

DISCLOSURES OF IMPARTIALITY INTEREST

Nil

5 CONFIRMATION AND RECEIPT OF MINUTES

5.1 CEO Performance Review Committee 27 February 2023

COMMITTEE DECISION

PR2403/1 Moved Cr Val Kaigg, seconded Cr Kate Cox

That the minutes of the CEO Performance Review Committee 27 February 2023 be confirmed as a true and correct record.

CARRIED 3 / 0

FOR: Mayor Cronin, Cr Kate Cox, and Cr Val Kaigg

AGAINST: Nil

6 PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

6.2 QUESTION TIME FOR PUBLIC

Nil

7 REPORTS

7.1 Initiation of Annual CEO Performance Review

Strategic Theme:	Key Theme 4: Leadership 4.4 Govern a professional organisation that is healthy, capable and engaged.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Director Corporate Strategy and Performance - Sarah Pierson
Authorised By:	Director Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Final CEO Performance Agreement 2023-2024 Addition Performance Criteria [7.1.1 - 2 pages] 2. CEO Contract Schedule 2 [7.1.2 - 1 page]

COMMITTEE RECOMMENDATION

PR2403/2 Moved Cr Kate Cox, seconded Cr Val Kaigg

That the Committee:

- 1. In accordance with point 5.12 of the CEO Performance Review Policy, hereby give notice to the CEO of commencement of the performance review process; and**
- 2. Resolve to engage an independent facilitator to assist the Committee in undertaking the performance review process, using the nominated administrative support.**

CARRIED 3 / 0

FOR: Mayor Phill Cronin, Cr Kate Cox and Cr Val Kaigg

AGAINST: Nil

OFFICER RECOMMENDATION

That the Committee, in accordance with point 5.12 of the CEO Performance Review Policy, hereby give notice to the CEO of commencement of the performance review process.

EXECUTIVE SUMMARY

This report recommends that the Committee formally resolve to commence the annual CEO performance review process by giving notice to the CEO, and that the Committee considers the appointment of an independent facilitator to assist with the process.

STRATEGIC CONTEXT

An effective CEO performance review process is vital for the good governance of the organisation.

BACKGROUND

The Council has established a CEO Performance Review Committee (the Committee) for the purpose of assisting the Council to fulfil its functions under the City of Busselton Standards for CEO Recruitment, Performance Review and Termination (CEO Standards), in relation to review of the Chief Executive Officer's (CEO) performance.

The Committee is responsible for undertaking the performance review of the CEO and reporting findings and recommendations to Council. The Committee is required to do this in accordance with the provisions contained in the CEO's employment contract and the CEO Performance Review Policy (the Policy)

The Policy was adopted by the Council at its Ordinary Council meeting on 25 January 2023 (C2301/010) and outlines (in accordance with the CEO Standards) the process by which the CEO's performance will be reviewed.

OFFICER COMMENT

The Policy sets out that the performance review process will generally commence around March each year (point 5.11); and further that the Committee will give the CEO notice of commencement of the performance review process, and within 21 days the CEO will prepare and submit a report to the Committee assessing their performance against the performance criteria and their duties under their employment contract and the *Local Government Act 1995* (point 5.12).

This report recommends that the Committee provides to the CEO notice of commencement of the performance review process.

The performance criteria to be met by the CEO, in addition contractual performance criteria, were adopted by the Council on 1 March 2023, and are outlined in Attachment 1. The contractual performance criteria were also adopted by Council on 1 March and are outlined in Attachment 2.

Under the Policy, the Committee may, if it does not have the resources and / or expertise to undertake the performance review process to the expected standard, or considers it may otherwise be beneficial, engage (using nominated administrative support) an independent facilitator to assist (point 5.4).

An independent facilitator may be required to assist in:

- a. development and review of performance criteria;
- b. preparation of a performance agreement;
- c. collection of performance evidence;

- d. preparation of the performance appraisal report;
- e. facilitating meetings between the Committee and the CEO;
- f. the provision of feedback to the CEO;
- g. preparation of plans to support improvement (if required); and
- h. the provision of an objective view regarding any performance management related matters.

Use of an experienced, independent facilitator can aid in a more effective review process, particularly noting this is the first performance review process to be undertaken by the current Committee, and with the CEO.

If the Committee wishes to engage an independent facilitator, it is recommended that it resolve on its desire to do so by adding to the officer recommendation as follows:

That the Committee:

1. *In accordance with point 5.12 of the CEO Performance Review Policy, hereby give notice to the CEO of commencement of the performance review process; and*
2. *Resolve to engage an independent facilitator to assist the Committee in undertaking the performance review process, using the nominated administrative support.*

Administrative support will be provided by the Manager of People, Culture and Strategy, Ms Shannon Pettengell.

Regardless of whether the Committee wishes to engage an independent facilitator, on giving notice of commencement of the process to the CEO, the CEO will prepare and submit the self-assessment report.

Statutory Environment

Section 5.38 of the Act requires a local government to review the performance of the CEO annually.

Section 5.39B(2), (3), (5) and (6) of the Act relate to adoption of model standards, as contained within Schedule 2 of the Regulations. The CEO Standards reflect these model standards.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not Applicable

Policy:

[Chief Executive Officer Performance Review](#)

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place.

No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Committee could seek not to initiate the CEO Performance Review Process.

CONCLUSION

Under the CEO Performance Review Policy, the CEO Performance Review is set out to generally commence around March each year. This report recommends that the Committee formally resolve to commence the process by giving notice to the CEO and considers the appointment of an independent facilitator to assist with the process.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Notice provided to the CEO	14 March 2024
CEO prepare and provide self-assessment report	3 April 2024
Engagement of an independent facilitator (if resolved)	5 April 2024

8 CONFIDENTIAL MATTERS

Nil

9 NEXT MEETING DATE

To be confirmed.

10 CLOSURE

The meeting closed at 9:14am.

The minutes for the CEO Performance Review Committee meeting held 13 March 2024 were confirmed as a true and correct record on:

Date: 17.4.24

Presiding Member:

