



CONFIRMED MINUTES

CEO PERFORMANCE REVIEW COMMITTEE MEETING

31 AUGUST 2022

I certify that the minutes of the meeting of the CEO Performance Review Committee held on Wednesday, 31 August 2022 were confirmed on _____.

Presiding Person



**CONFIRMED MINUTES
CEO PERFORMANCE REVIEW COMMITTEE MEETING
31 AUGUST 2022**

ATTENTION/DISCLAIMER

The purpose of this Committee Meeting is to discuss and make recommendations to Council about items appearing on the agenda and other matters for which the Committee is responsible. The Committee has no power to make any decisions which are binding on the Council or the Shire of Mundaring unless specific delegation of authority has been granted by Council. No person should rely on or act on the basis of any advice or information provided by a Member or Employee, or on the content of any discussion occurring, during the course of the Committee Meeting.

The Shire of Mundaring expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a Member or Employee, or the content of any discussion occurring during the course of the Committee Meeting.

CONTENTS

1.0	OPENING PROCEDURES	4
1.1	RECORD OF ATTENDANCE.....	4
2.0	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	4
3.0	DECLARATION OF INTEREST	4
3.1	DECLARATION OF FINANCIAL INTEREST AND PROXIMITY INTERESTS.....	4
3.2	DECLARATION OF INTEREST AFFECTING IMPARTIALITY.....	5
4.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	5
	CEOPR1.08.22.....	5
5.0	PRESENTATIONS	5
6.0	REPORTS OF EMPLOYEES	5
7.0	URGENT BUSINESS (LATE REPORTS)	5
8.0	CONFIDENTIAL REPORTS	5
	CEOPR2.08.22.....	6
8.1	CEO ANNUAL PERFORMANCE REVIEW REPORT 2021/22.....	6
8.2	CEO PERFORMANCE EVALUATION FRAMEWORK 2022/23.....	6
8.3	REVIEW OF CEO CONDITIONS OF EMPLOYMENT.....	6
	CEOPR3.08.22.....	7
	CEOPR4.08.22.....	8
MEETING ADJOURNED.....		9
	CEOPR1.08.22.....	9
MEETING RESUMED.....		9
	CEOPR6.08.22.....	10
	CEOPR7.08.22.....	10
9.0	CLOSING PROCEDURES	11
9.1	DATE, TIME AND PLACE OF THE NEXT MEETING.....	11
9.2	CLOSURE OF THE MEETING.....	11

**CEO PERFORMANCE REVIEW COMMITTEE
WEIR ROOM, SHIRE OF MUNDARING ADMINISTRATION CENTRE**

1.0 OPENING PROCEDURES

The Presiding Person declared the meeting open at 4.01pm.

Acknowledgement of Country

Shire of Mundaring respectfully acknowledges the Whadjuk people of the Noongar Nation, who are the traditional custodians of this land. We acknowledge Elders past, present and emerging and respect their continuing culture and the contribution they make to the region.

1.1 Record of Attendance

Members	Cr Paige McNeil (Deputy President) (Presiding Person)	Central Ward
	Cr James Martin (President)	South Ward
	Cr Trish Cook	South Ward
	Cr John Daw	East Ward
	Cr Doug Jeans	Central Ward
Staff	Jonathan Throssell	Chief Executive Officer
	Garry Bird	Director Corporate Services
	Anna Italiano	Minute Secretary
Apologies	Nil	
Absent	Nil	
Guests	Lianne Cretney-Barnes	Board Connexions

2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

3.0 DECLARATION OF INTEREST

3.1 Declaration of Financial Interest and Proximity Interests

Elected Members must disclose the nature of their interest in matters to be discussed at the meeting (*Part 5 Division 6 of the Local Government Act 1995*).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

CEO disclosed a financial interest in Item 8.1 (CEO Annual Performance Review 2021/22), Item 8.2 (CEO Performance Evaluation Framework 2022/23) and Item 8.3 (Review of CEO Conditions of Employment) as the items refer to his contract of employment.

3.2 Declaration of Interest Affecting Impartiality

An Elected Member or an employee who has an interest in a matter to be discussed at the meeting must disclose that interest (*Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C*).

Director Corporate Services disclosed an interest affecting impartiality in Item 8.1 (CEO Annual Performance Review 2021/22), Item 8.2 (CEO Performance Evaluation Framework 2022/23) and Item 8.3 (Review of CEO Conditions of Employment) as the CEO is his employer.

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COMMITTEE DECISION RECOMMENDATION	CEOPR1.08.22
Moved by Cr Martin	Seconded by Cr Cook

That the Minutes of the CEO Performance Review Committee Meeting held 7 June 2022 be confirmed.

CARRIED 5/0

For: Cr Daw, Cr Cook, Cr Jeans, Cr McNeil and Cr Martin

Against: Nil

5.0 PRESENTATIONS

Nil

6.0 REPORTS OF EMPLOYEES

Nil

7.0 URGENT BUSINESS (LATE REPORTS)

Nil

8.0 CONFIDENTIAL REPORTS

Meeting Closed to Public at 4.03pm

The Local Government Act 1995, Part 5, Section 5.23 states in part:

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
- (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government’s property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
- (h) such other matters as may be prescribed.

COMMITTEE DECISION		CEOPR2.08.22	
RECOMMENDATION			
Moved by	Cr Cook	Seconded by	Cr Martin

That the Committee closes the meeting to members of the public, in accordance with s5.23(2) of the *Local Government Act 1995*, in order to consider the confidential reports as detailed below:

8.1 CEO Annual Performance Review Report 2021/22

Item 8.1 is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (a) as it contains information relating to a matter affecting an employee or employees.

8.2 CEO Performance Evaluation Framework 2022/23

Item 8.2 is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (a) as it contains information relating to a matter affecting an employee or employees.

8.3 Review of CEO Conditions of Employment

Item 8.3 is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (a) as it contains information relating to a matter affecting an employee or employees.

CARRIED 5/0

For: Cr Daw, Cr Cook, Cr Jeans, Cr McNeil and Cr Martin

Against: Nil

8.1 CEO Annual Performance Review Report 2021/22

File Code	P/F
Author	Garry Bird, Director Corporate Services
Senior Employee	Jonathan Throssell, Chief Executive Officer
Disclosure of Any Interest	Financial - Jonathan Throssell, Chief Executive Officer Impartiality - Garry Bird, Director Corporate Services
Attachments	1. CEO Performance Review Report 2021-22 (confidential)

Please refer to confidential item provided under separate cover.

COMMITTEE RECOMMENDATION	CEOPR3.08.22		
RECOMMENDATION			
Moved by	Cr Jeans	Seconded by	Cr Martin

That Council:

1. Receives the “Shire of Mundaring 2021/22 Performance Review Report – Chief Executive Officer” dated 26 August 2022 prepared by Board Connexions (per **Confidential Attachment 1**); and
2. Endorses the findings of the CEO Performance Review for 2021/22.

CARRIED 5/0

For: Cr Daw, Cr Cook, Cr Jeans, Cr McNeil and Cr Martin

Against: Nil

8.2 CEO Performance Evaluation Framework 2022/23

File Code	P/F
Author	Jonathan Throssell, Chief Executive Officer
Senior Employee	Jonathan Throssell, Chief Executive Officer
Disclosure of Any Interest	Financial - Chief Executive Officer Jonathan Throssell Impartiality - Garry Bird Director Corporate Services
Attachments	1. CEO KFA's 2022-23 2. CEO KPI's 2022-23

Please refer to confidential item provided under separate cover.

COMMITTEE RECOMMENDATION	CEOPR4.08.22		
RECOMMENDATION			
Moved by	Cr Martin	Seconded by	Cr Jeans

That Council:

1. Endorses the CEO Performance Evaluation Framework for 2022/23 as detailed in **Confidential Attachments 1** and **2**; and
2. In regards Decision 2 from the Annual Electors Meeting held 13 March 2022, Council notes the decision and takes no further action on the basis that it is not appropriate for "*a measure of improvement in the community's perceptions of its transparency and improvement in that result*" to be used by Council as a Key Performance Indicator for the CEO, as community perception is a result of a number of factors, not all of which are able to be influenced or controlled by the Chief Executive Officer.

CARRIED 4/1

For: Cr Cook, Cr Jeans, Cr McNeil and Cr Martin

Against: Cr Daw

5.11pm Meeting Adjourned

COMMITTEE DECISION MOTION	CEOPR5.08.22		
Moved by	Cr Daw	Seconded by	Cr Jeans

That the meeting be adjourned.

CARRIED 5/0

For: Cr Daw, Cr Cook, Cr Jeans, Cr McNeil and Cr Martin

Against: Nil

5.45pm Meeting Resumed

The meeting resumed with the following in attendance:

Members	Cr Paige McNeil (Deputy President) (Presiding Person)	Central Ward
	Cr James Martin (President)	South Ward
	Cr Trish Cook	South Ward
	Cr John Daw	East Ward
	Cr Doug Jeans	Central Ward
Staff	Jonathan Throssell	Chief Executive Officer
	Anna Italiano	Minute Secretary

8.3 Review of CEO Conditions of Employment

File Code	P/F
Author	Garry Bird, Director Corporate Services
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Impartiality - Garry Bird, DCS
Attachments	1. 2022 Salaries and Allowances Tribunal Determination (confidential)

Please refer to confidential item provided under separate cover.

COMMITTEE RECOMMENDATION	CEOPR6.08.22		
RECOMMENDATION			
Moved by	Cr Jeans	Seconded by	Cr Martin

That Council:

1. Approves an increase of **2%** to the CEO's base salary for 2022/23;
2. Approves an amendment to the Contract of Employment with the Chief Executive Office to reflect the method of calculating the private benefit value of the motor vehicle is to be based on clause 5.2 of the Salaries and Allowances Tribunal Determination, as detailed in this report; and
3. Notes the content of this report remains confidential and located on Mr Jonathan Throssell's personnel file.

CARRIED 5/0

For: Cr Daw, Cr Cook, Cr Jeans, Cr McNeil and Cr Martin

Against: Nil

Meeting Opened to Public at 5.50pm

COMMITTEE DECISION	CEOPR7.08.22		
MOTION			
Moved by	Cr Martin	Seconded by	Cr Cook

That the meeting be open to the public.

CARRIED 5/0

For: Cr Daw, Cr Cook, Cr Jeans, Cr McNeil and Cr Martin

Against: Nil

9.0 CLOSING PROCEDURES

9.1 Date, Time and Place of the Next Meeting

The date of the next CEO Performance Review Committee is to be determined.

9.2 Closure of the Meeting

The Presiding Person declared the meeting closed at 5.50pm.