



CONFIRMED MINUTES

CEO PERFORMANCE REVIEW COMMITTEE MEETING

14 MARCH 2023

I certify that the minutes of the meeting of the CEO Performance Review Committee held on Tuesday, 14 March 2023 were confirmed on 2 May 2023.

A handwritten signature in blue ink, appearing to read "S. M. H.", written over a horizontal line.

Presiding Person

**CONFIRMED MINUTES
CEO PERFORMANCE REVIEW COMMITTEE MEETING
14 MARCH 2023**

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.

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

1.0 OPENING PROCEDURES

The Presiding Person declared the meeting open at 4.03pm.

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

Committee Members	Cr Paige McNeil (Deputy President) (Presiding Person)	Central Ward
	Cr James Martin (President)	South Ward
	Cr John Daw	East Ward
	Cr Trish Cook	South Ward
	Cr Doug Jeans	Central Ward
Staff	Jonathan Throssell	Chief Executive Officer
	Anna Italiano (left at 4.07pm)	Minute Secretary
Apologies	Nil	
Absent	Nil	
Guests	Nil	

2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

3.0 DECLARATION OF INTEREST

3.1 Declaration of Financial Interest and Proximity Interests

Council 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*).

Nil

3.2 Declaration of Interest Affecting Impartiality

A Council 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*).

The CEO disclosed an interest affecting impartiality in Item 8.1 (CEO 2022/23 Performance Review) as the report relates to himself.

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COMMITTEE DECISION RECOMMENDATION		CEOPR1.03.23	
Moved by	Cr Martin	Seconded by	Cr Jeans

That the Minutes of the CEO Performance Review Committee Meeting held 31 August 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 4.05pm

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 RECOMMENDATION		CEOPR2.03.23	
Moved by	Cr Daw	Seconded by	Cr Cook

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 2022/23 Performance Review

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.

CARRIED 5/0

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

Against: Nil

4.07pm Meeting Adjourned

COMMITTEE DECISION MOTION		CEOPR3.03.23	
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

4.07pm, CEO left the meeting

4.07pm, Minute Secretary left the meeting and did not return

5.07pm Meeting Resumed

COMMITTEE DECISION MOTION		CEOPR4.03.23	
Moved by	Cr Daw	Seconded by	Cr Martin

That the meeting resume.

CARRIED 5/0

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

Against: Nil

The meeting resumed with the following in attendance:

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

8.1 CEO 2022/23 Performance Review

File Code	P/F
Author	Jonathan Throssell, Chief Executive Officer
Senior Employee	Jonathan Throssell, Chief Executive Officer
Disclosure of Any Interest	Impartiality
Attachments	Nil

Refer to confidential item provided under separate cover.

COMMITTEE DECISION MOTION		CEOPR5.03.23	
Moved by	Cr Jeans	Seconded by	Cr Daw

That the CEO Performance Review Committee determine a Request for Quotation (RFQ) process be undertaken as soon as possible to appoint an independent facilitator to undertake a review of the agreed 2022/23 CEO Performance Criteria.

CARRIED 5/0

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

Against: Nil

Meeting Opened to Public at 5.25pm

COMMITTEE DECISION MOTION		CEOPR6.03.23	
Moved by	Cr Cook	Seconded by	Cr Jeans

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

Date to be determined

9.2 Closure of the Meeting

The Presiding Person declared the meeting closed at 5.25pm.