

Minutes

Chief Executive Officer Review Committee

Wednesday 15 March 2023

By signing these minutes I certify that they were confirmed at the Chief Executive Officer Review Committee held on _____.

Cr Filomena Piffaretti, Mayor
CHAIRPERSON

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Minutes of the Chief Executive Officer Review Committee of the Bayswater City Council which took place in the Committee Room, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on Wednesday 15 March 2023.

1 OFFICIAL OPENING

The Presiding Member, Cr Filomena Piffaretti, Mayor, declared the meeting open at 4:59 pm.

2 ACKNOWLEDGEMENT OF COUNTRY

In accordance with the City of Bayswater's Reflect Reconciliation Action Plan November 2019- November 2020, the Presiding Member will deliver the Acknowledgement of Country.

Noongar Language

Ngalla City of Bayswater kaatanginy baalapa Noongar Boodja baaranginy, Wadjuk moort Noongar moort, boordiar's koora koora, boordiar's ye yay ba boordiar's boordawyn wah.

English Language Interpretation

We acknowledge the Traditional Custodians of the Land, the Whadjuk people of the Noongar Nation, and pay our respects to Elders past, present and emerging.

The Presiding Member, Cr Filomena Piffaretti, Mayor acknowledged the Traditional Custodians of the land, the Whadjuk people of the Noongar nation, and paid respects to Elders past, present and emerging.

3 ATTENDANCE

In accordance with r14C(2)(b) of the Local Government (Administration) Regulations 1996, Cr Filomena Piffaretti, Mayor, gave approval for Cr Elli Petersen-Pik to attend this meeting via electronic means.

Members

Cr Filomena Piffaretti, Mayor
Cr Elli Petersen-Pik
Cr Giorgia Johnson

Chairperson
(attended via electronic means)

Officers

Mr Jeremy Edwards
Ms Amanda Albrecht

Chief Executive Officer (attended from 5:52 pm)
Manager Governance & OPD (minute-taker)
(left the meeting at the request of the Committee from 5:08 pm to 5:45 pm, and then from 5:53 pm onwards)

Consultant

Ms Helen Hardcastle AM

Director – Learning Horizons

3.1 Apologies

Nil.

3.2 Approved Leave Of Absence

Nil.

4 DISCLOSURE OF INTEREST SUMMARY

In accordance with section 5.65 of the *Local Government Act 1995*:

A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

The following disclosures of interest were made at the meeting:

Name	Item No.	Type of Interest	Nature of Interest
Jeremy Edwards	11.1	Financial	Holds position of Chief Executive Officer
Amanda Albrecht	11.1	Impartiality	Direct report to the Chief Executive Officer

5 DELEGATED AUTHORITY BY COUNCIL

There are no items appearing in this agenda for which the Chief Executive Officer Review Committee has been granted delegated authority by Council in accordance with section 5.23(1)(b) of the *Local Government Act 1995 (WA)*; this meeting is closed to the Public.

6 TERMS OF REFERENCE

TERMS OF REFERENCE Chief Executive Officer Review Committee	
Purpose:	<p>The purpose of the Chief Executive Officer Review Committee is:</p> <ol style="list-style-type: none"> 1. To ensure compliance with Section 5.39 and 5.39A of the <i>Local Government Act 1995 (WA)</i>; and 2. To ensure the annual review of performance is consistent with the principles and standards outlined by the Department of Local Government in the Operational Guideline ‘Guidelines For Local Government CEO Recruitment and Selection, Performance Review and Termination’ (https://www.dlgsc.wa.gov.au/department/publications/publication/appointing-a-ceo), specifically: <ul style="list-style-type: none"> • The principles of fairness, integrity and impartiality; • The minimum approved standards; namely <ul style="list-style-type: none"> ○ S2.1 Performance criteria is specific, relevant, measurable, achievable and time-based. ○ S2.2 The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council. ○ S2.3 The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment. ○ S2.4 The collection of evidence regarding performance outcomes is thorough and comprehensive. ○ S2.5 Assessment is made free from bias and based on the CEO’s achievements against documented performance criteria, and decisions and actions are impartial and transparent. ○ S2.6 The council has endorsed the performance review assessment by absolute majority. <ul style="list-style-type: none"> • To make recommendations to Council on any proposed changes to the

	Chief Executive Officer's Contract of Employment or Conditions of Employment.
Training in CEO Performance Reviews:	At least one member will be required to undertake appropriate training in Chief Executive Officer performance reviews.
Elected Member membership:	Three Elected Members*. <i>*minimum three required under legislation</i>
External Member membership:	Nil.
Role of Representatives:	The roles and responsibilities of the City of Bayswater representatives on this Committee are: <ul style="list-style-type: none"> • Member in own right; and • Spokesperson for City of Bayswater.
Delegated Authority:	Nil.
Meetings:	Committee meetings are to be in accordance with the <i>City of Bayswater Standing Orders Local Law 2021</i> .
Meeting Frequency:	Quarterly or as required.
Meeting Date and Time:	When suitable.
Location:	City of Bayswater Civic Centre
Liaison Officer:	Chief Executive Officer.

7 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION (OFFICER'S RECOMMENDATION)

The Minutes of the CEO Review Committee held on 11 October 2022 which have been distributed, be confirmed as a true and correct record, subject to the following amendment:

The CEO KPI number 3 be corrected with the changes shown below (as per the addendum for Item 10.6.2.1 from the 25 October 2022 Ordinary Council Meeting):

KPI	Deliverable	Measurement	
		Probation Period (6-month review)	Annual Performance Review (12-month review)
Review City property portfolio	Review Progress the implementation of the City's Land Acquisition and Disposal Strategy		Revised Strategy ready for Council adoption by 30 June 2023. Ongoing implementation with quarterly progress updates to 30 June 2023

Cr Elli Petersen-Pik Moved, Cr Giorgia Johnson Seconded

CARRIED UNANIMOUSLY: 3/0

For: Cr Filomena Piffaretti, Mayor, Cr Giorgia Johnson and Cr Elli Petersen-Pik.
Against: Nil.

Please note: This amendment was made to the CEO KPIs 2022-23 by the CEO Review Committee through an addendum provided to Council at the 25 October 2022 Ordinary Council Meeting. The Council adopted the CEO KPIs 2022-23 as recommended by the CEO Review Committee with this amendment included.

8 REPORTS

8.1 Terms Of Reference Review

Responsible Branch:	Governance, Organisational Planning and Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority
Attachments:	1. Terms of Reference Showing Tracked Changes [8.1.1 - 1 page]

SUMMARY

The CEO Review Committee reviewed its Terms of Reference at the meeting held 11 October 2022, and noted some anomalies. The Committee sought further advice from City officers, which is provided below. It is recommended that these anomalies be addressed in the biennial review of the Terms of Reference for all Committees prior to the 2023 Ordinary Election.

COMMITTEE RECOMMENDATION TO COUNCIL **(OFFICER'S RECOMMENDATION)**

That Council requests the Chief Executive Officer to prepare a report for Council with a review of the Terms of Reference for all Committees prior to the 2023 Ordinary Election.

Cr Giorgia Johnson Moved, Cr Elli Petersen-Pik Seconded

CARRIED UNANIMOUSLY: 3/0

For: *Cr Filomena Piffaretti, Mayor, Cr Giorgia Johnson and Cr Elli Petersen-Pik.*

Against: *Nil.*

Feedback from the Committee: The Committee asked that the future review of the Terms of Reference for all Committees also considered requiring all members of the CEO Review Committee to attend the WALGA CEO Performance Review Training and making this part of the Committee's induction program.

BACKGROUND

At the Ordinary Council Meeting held 26 October 2021, the Council adopted the Terms of Reference for the CEO Review Committee for the term 26 October 2021 to 20 October 2023.

At this meeting, the Council also directed each Committee to review their terms of reference at their first meeting and recommend any changes considered necessary to improve the efficiency or effectiveness of the Committee to Council.

At its first meeting, held 11 October 2022, the CEO Review Committee duly reviewed the Terms of Reference and noted two anomalies for clarification.

Training in CEO Performance Reviews	The Committee noted an error in the sentence structure, which should read: At least one member will be required to <u>undertake</u> appropriate training in <u>undertaking</u> Chief Executive Officer performance reviews.
Roles of Representatives:	The Committee noted that the Terms of Reference stated that representatives on this

	<p>Committee are:</p> <ul style="list-style-type: none"> • Spokesperson for the City of Bayswater <p>The Committee sought clarification as to why this had been included, given that the Mayor is identified in the <i>Local Government Act 1995</i> as speaking on behalf of the local government.</p>
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City officers undertook to follow this up and report back to the Committee.

EXTERNAL CONSULTATION

No consultation has occurred with the public or other agencies on this matter.

OFFICER'S COMMENTS

At the Ordinary Council Meeting held 26 October 2021, the City introduced a new template for the Terms of Reference to be established for all Committees. This was recommended to Council to ensure consistent formatting and content for all minor committees.

The error noted by the Committee in relation to the Training in CEO Performance Review has been corrected, as this was a minor administrative error that does not change the intent of the Terms of Reference.

In relation to the Roles of Representatives, and the reference made to Committee Members being a 'Spokesperson for the City of Bayswater', City officers understand that the wording was included to cover situations where the Mayor may not be a member of the Committee. Under these circumstances it may be more appropriate for a Committee member to speak on matters relating to the Committee.

City officers consider that this wording may result in confusion to Committee members, given that the Mayor is responsible for speaking on behalf of the City of Bayswater. It is recommended that this is removed from the Terms of Reference.

However, the reference made under Roles of Representatives to Committee Members being 'a Spokesperson for the City of Bayswater' is included in all of the Terms of Reference for Committees. Therefore, any change made to the CEO Review Committee Terms of Reference should arguably also be made to all other Committee Terms of Reference.

Given that the 2023 Ordinary Election is now only seven months away, City officers recommend that this correction is made as part of the biennial review of the Terms of Reference for all Committees. This will occur as a part of the review of Committees, following the 2023 Ordinary Election.

LEGISLATIVE COMPLIANCE

Nil.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The officer recommendation will ensure that a consistent approach is taken to all Committee Terms of Reference.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L2: Plan and deliver projects and services in a sustainable way.

Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

CONCLUSION

It is recommended that the Council considers a review of all Committee Terms of Reference prior to the Ordinary Election 2023, to ensure consistency of approach, content and format.

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Training in CEO Performance Reviews:	At least one member will be required to <u>undertake</u> appropriate training in <u>undertaking</u> Chief Executive Officer performance reviews.
Elected Member membership:	Three Elected Members*. <i>*minimum three required under legislation</i>
External Member membership:	Nil.
Role of Representatives:	<p>The roles and responsibilities of the City of Bayswater representatives on this Committee are:</p> <ul style="list-style-type: none"> • Member in own right; and • Spokesperson for City of Bayswater.
Delegated Authority:	Nil.
Meetings:	Committee meetings are to be in accordance with the <i>City of Bayswater Standing Orders Local Law 2021</i> .
Meeting Frequency:	Quarterly or as required.
Meeting Date and Time:	When suitable.
Location:	City of Bayswater Civic Centre
Liaison Officer:	Chief Executive Officer.

9 PREVIOUS MATTERS DEALT WITH NOT ON THE AGENDA

Questions raised at the Chief Executive Officer Review Committee of 11 October 2023 regarding the Terms of Reference for this Committee have been addressed in item 8.1.

10 GENERAL BUSINESS

Nil.

11 CONFIDENTIAL ITEMS

Cr Elli Petersen-Pik declared that he was able to maintain confidentiality while behind closed doors in accordance with regulation 14CA sub-regulation (5).

COMMITTEE RESOLUTION

That the meeting go behind closed doors.

Cr Giorgia Johnson Moved, Cr Elli Petersen-Pik Seconded

CARRIED UNANIMOUSLY: 3/0

For: Cr Filomena Piffaretti, Mayor, Cr Giorgia Johnson and Cr Elli Petersen-Pik.

Against: Nil.

At 5:08 pm, the meeting went behind closed doors.

11.1 Chief Executive Officer Performance Review (Probation) 2023

Responsible Branch:	Governance and Organisational Planning and Development
Responsible Directorate:	Office of the Chief Executive Officer
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority (<i>for the Committee</i>) ABSOLUTE MAJORITY REQUIRED (<i>Council must approve the Performance Review by Absolute Majority</i>)

REASON FOR CONFIDENTIALITY

Item 11.1 Chief Executive Officer Performance Review is a CONFIDENTIAL REPORT in accordance with section 5.23(2) of the Local Government Act 1995 (WA), which permits the meeting to be closed to the public for the business relating to:

(a) a matter affecting an employee or employees;

COMMITTEE RECOMMENDATION TO COUNCIL
(OFFICER'S RECOMMENDATION)

That the recommendation as contained in the "Confidential Report" be adopted and remain confidential until Council resolves to make the resolution public.

Cr Elli Petersen-Pik Moved, Cr Giorgia Johnson Seconded

CARRIED UNANIMOUSLY: 3/0

For: Cr Filomena Piffaretti, Mayor, Cr Giorgia Johnson and Cr Elli Petersen-Pik.

Against: Nil.

COMMITTEE RESOLUTION

That the meeting come out from behind closed doors.

Cr Giorgia Johnson Moved, Cr Elli Petersen-Pik Seconded

CARRIED UNANIMOUSLY: 3/0

For: Cr Filomena Piffaretti, Mayor, Cr Giorgia Johnson and Cr Elli Petersen-Pik.

Against: Nil.

At 7:00 pm, the meeting came out from behind closed doors.

12 NEXT MEETING

The next meeting of the Chief Executive Officer Review Committee will take place in the Committee Room, 61 Broun Avenue, Morley, on Monday, 24 July 2023 commencing at 5pm.

13 CLOSURE

There being no further business to discuss, the Chairperson, Cr Filomena Piffaretti, Mayor, declared the meeting closed at 7:00 pm.