

CEO Performance Review Panel

Minutes

22 September 2021

Committee Terms of Reference

- 1.1 Council to appoint CEO Performance Review Panel following every local government election.***
- 1.2 The panel must comprise of five members. The panel may include an independent observer.***
- 1.3 Council authorises the CEO Performance Review Panel to undertake the CEO performance Review and report findings and recommendations to Council.***
- 1.4 The primary functions of the Panel include:***
 - Developing the initial performance agreement;***
 - Conducting the performance review in line with the Policy requirements;***
 - Reporting the performance review findings and recommendations to Council; and***
 - Regular meetings to discuss and provide feedback if performance issues are identified.***
- 1.5. Responsibilities of panel members:***
 - Be fair, impartial and undertake the process with integrity;***
 - Assessment is made free from bias and based on evidence of the CEO's achievements against documented performance criteria;***
 - Findings and recommendations are impartial and transparent; and***
 - Any information received or produced by the Panel will be kept confidential;***
 - The report for the performance review to Council will be presented in confidence in accordance with section 5.23 of the Act;***
 - Accurate and comprehensive records of the performance management process will be created and registered within the City's Electronic Data Record Management System; and***
 - Manage all records in accordance with the City's Record Keeping Plan.***
- 1.6 The performance review process should commence at least 4 months prior to the required completion date.***
- 1.7 Support, limited to administrative, will be provided by the Executive Assistant to the Mayor and the Manager People and Safety.***



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Table of Contents

Item No	Subject	Page No.
1.	Declaration of Opening.....	4
1.1	Request by Councillors to Participate by Phone	4
2.	Disclaimer	4
3.	Announcements from the Presiding Member.....	4
4.	Attendances.....	5
4.1	Apologies.....	5
4.2	Approved Leave of Absence.....	5
5.	Declaration of Interest.....	5
6.	Confirmation of Minutes	5
7.	Method of Dealing with Agenda Business.....	5
8.	Reports.....	6
8.1	Summary Report - CEO Performance Review January 2021- August 2021	6
9.	Questions from Members.....	9
9.1	Response to Previous Questions from Members taken on Notice	9
9.2	Questions from Members	9
10.	Urgent Business	9
11.	Date of Next Meeting	9
12.	Close of Meeting.....	9

Acknowledgement of Country

We acknowledge the Traditional Custodians of this land, the Wardandi Noongar people, and pay our respects to Elders past, present and future.

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

We are one team
We keep each other safe
We display empathy and respect
We have fun and celebrate our successes
We work together to achieve great outcomes

WE ARE OPEN

We are open to opportunities
We actively listen and think things through
We are inclusive and treat everyone equally
We are honest and open in our communications
We are open to feedback to improve our performance

WE ARE BRAVE

We lead the change, we own it
We trust and empower each other
We have the difficult conversations early
We hold ourselves to the highest standard
We have the courage to improve and simplify

1. Declaration of Opening

The Presiding Member declared the meeting open at 4.00pm.

1.1 Request by Councillors to Participate by Phone

Councillor Plumb requested to participate in this CEO Performance Review Panel Meeting via telephone. In order for Councillor Plumb to participate, three conditions must be met in accordance with regulation 14A(1) of the *Local Government (Administration) Regulations 1996*.

- a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and
- b) the person is in a suitable place; and
- c) the council has approved of the arrangement.

Councillor Plumb has advised that he will be situated at Forrest Hwy &, Rigg Rd, Myalup for the duration of the meeting.

To fulfil this request, Committee consideration is required as follows:

That the CEO Performance Review Panel:

1. Approves Forrest Hwy &, Rigg Rd, Myalup as a suitable place for the purposes of Regulations 14A(1)(b) and 14A(4).
2. Approves the participation of Councillor Plumb at the CEO Performance Review Panel Meeting held 22 September 2021 via telephone pursuant to Regulation 14A(1)(c).

Outcome of Meeting 22 September 2021

The Presiding Member put the motion to the vote, and it was adopted to become the Committee's decision on the matter.

That the CEO Performance Review Panel:

1. ***Approves Forrest Hwy &, Rigg Rd, Myalup as a suitable place for the purposes of Regulations 14A(1)(b) and 14A(4).***
2. ***Approves the participation of Councillor Plumb at the CEO Performance Review Panel Meeting held 22 September 2021 via telephone pursuant to Regulation 14A(1)(c).***

**CARRIED UNANIMOUSLY
4 votes "for" / nil votes "against"**

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

Nil

4. Attendances

Committee Members:

Member Name	Representing
Mayor Gary Brennan (Presiding Member)	City of Bunbury
Councillor Wendy Giles	City of Bunbury
Councillor Betty McCleary	City of Bunbury
Councillor Kris Plumb	City of Bunbury (by telephone)
Councillor Cheryl Kozisek	City of Bunbury

Ex-officio Members (non-voting):

Member Name	Representing
Nil	

Support Staff:

Name	Title
Mrs Leanne French	Senior Governance and Risk Officer

4.1 Apologies

4.2 Approved Leave of Absence

5. Declaration of Interest

IMPORTANT: Committee members to complete a "Disclosure of Interest" form for each item on the agenda in which they wish to disclose a financial/proximity/impartiality interest. They should give the form to the Presiding Member before the meeting commences. After the meeting, the form is to be forwarded to the Administration Services Section for inclusion in the Corporate Financial Disclosures Register.

Nil

6. Confirmation of Minutes

Committee Decision: Moved Cr Giles Seconded Cr McCleary

- 1. The minutes of the CEO Performance Review Panel meeting held on 30 July 2021 are confirmed as a true and accurate record.***
- 2. The notes taken of the informal meeting of the CEO Performance Review Panel and the consultant from Price Consulting held on 13 August 2021 are noted.***

CARRIED

7. Method of Dealing with Agenda Business

All items were dealt with in the order they appeared in the agenda.

8. Reports

8.1 Summary Report - CEO Performance Review January 2021- August 2021

File Ref:	COB/515
Applicant/Proponent:	Internal
Responsible Officer:	Leanne French, Senior Governance and Risk Officer
Responsible Manager:	Greg Golinski, Manager Finance
Executive:	Office of the CEO
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix CRSUC-1 CEO Annual Performance Review Report

Summary

The review of Mr Mal Osborne’s, Chief Executive Officer (CEO), annual performance for the period January 2021 to August 2021 has been carried out in accordance with Council’s statutory and contractual obligations. A summary report of the review has been prepared for Council.

Executive Recommendation

That the CEO Performance Review Panel recommends that Council:

1. Note that the appraisal of Mr Mal Osborne, Chief Executive Officer, has been undertaken for the period January 2021 to August 2021.
2. Endorses the findings of the 2020/2021 Annual Performance Review Report prepared by Price Consulting as presented at Appendix CRUSC-1, and thanks Mr Osborne for his efforts.

Voting Requirement: Simple Majority

Strategic Relevance

Theme 4: Our City
Goal Civic leadership, partnerships and sound governance in delivering with and for the community.
Objective 4.4: A skilled organisation, which exercise responsible asset stewardship, sound financial management, and exemplary customer service.

Regional Impact Statement

Not applicable.

Background

The Panel authorised the engagement of Angie Dominish, Senior Consultant from Price Consulting Group Pty Ltd to facilitate the appraisal process.

The parties met with the consultant on 13 August 2021 to discuss and agree upon the performance review process and timeline.

An online feedback questionnaire was developed, and telephone interviews conducted for Councillors which sought an assessment and feedback for 22 key performance indicators. Additionally, comments were sought regarding the CEO's contract key duties and responsibilities, the CEO's strengths and development needs as well as an overall rating of his performance in delivering the City's objectives. Feedback questionnaires were also developed for key staff and stakeholders.

A copy of the CEO's self-assessment report and the questionnaires can be found in the attachments to the Summary Report which is included at **Appendix CRUSC- 1**.

Council Policy Compliance

The Council Policy CEO Performance and Salary Review authorises the CEO Performance Review Panel to undertake the CEO Performance Review and report findings and recommendations to Council.

Legislative Compliance

Local Government Act 1995

Sections 5.38 and 5.39(3)(b) of the Local Government Act 1995, 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.

Local Government (Administration) Regulations 1996

The review has also been conducted in line with *Local Government (Administration) Regulations 1996* (Schedule 2 Division 3) requirements, specifically the principles and standards for CEO Performance Reviews.

In addition, clause 4 of the CEO's contract of employment requires that a performance review be undertaken at least annually, and more frequently if Council or the CEO perceives there is a need to do so, and that the review references Performance Criteria that are agreed in writing by the parties.

Officer Comments

The Consultant consolidated the feedback and developed a confidential Performance Assessment Report, which was emailed to the CEO Performance Review Panel and the CEO.

In order to discuss performance review outcomes, the Consultant attended a meeting at the City's offices on 6th September 2021 to consider the Performance Assessment Report and to undertake the confidential formal performance feedback meeting.

Following these meetings, the consultant has provided a confidential summary report including attachments for Council. This report is presented at **Appendix CRUSC 1**.

Analysis of Financial and Budget Implications

Not applicable.

Community Consultation

Not applicable.

Councillor/Officer Consultation

The CEO Performance Review Panel is requested to formally consider the report and subsequently, present a Panel recommendation to Council for consideration.

Applicant Consultation

Not applicable

Timeline: Committee Decision Implementation

Pursuant to clause 19 of the *Local Government (Administration) Regulations 1996* (Schedule 2 Division 3), specifically the principles and standards for Standards for CEO Recruitment, Performance and Termination, it must inform the CEO in writing of:-

- The results of the review ; and
- If the review identifies any issues about the performance of the CEO – how the local government proposes to address and manage those issues.

Outcome of Meeting 22 September 2021

General discussion took place in relation to this item.

The executive recommendation was moved by Mayor Brennan and seconded by Cr McCleary and was carried unanimously as follows:

That the CEO Performance Review Panel recommends that Council:

- 1. Note that the appraisal of Mr Mal Osborne, Chief Executive Officer, has been undertaken for the period January 2021 to August 2021.***
- 2. Endorses the findings of the 2020/2021 Annual Performance Review Report prepared by Price Consulting as presented at Appendix CRUSC-1, and thanks Mr Osborne for his efforts.***

9. Questions from Members

9.1 *Response to Previous Questions from Members taken on Notice*

9.2 *Questions from Members*

10. Urgent Business

Nil

11. Date of Next Meeting

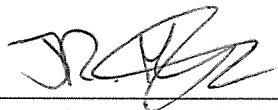
TBC

12. Close of Meeting

The Presiding Member closed the meeting at 4.03pm.

These Minutes were confirmed as true and accurate record by the CEO Performance Review Committee at its meeting held on 8 December 2021.

Signed _____



Mayor Jaysen de san Miguel, Chair