

**PUBLIC MINUTES - CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW
OCCASIONAL COMMITTEE 15 JANUARY 2019**



**SHIRE OF ASHBURTON
CHIEF EXECUTIVE OFFICER'S PERFORMANCE
REVIEW OCCASIONAL COMMITTEE**

PUBLIC MINUTES

**Clem Thompson Sports Pavilion, Stadium Road,
Tom Price
15 January 2019
10.30 am**

**PUBLIC MINUTES - CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW
OCCASIONAL COMMITTEE 15 JANUARY 2019**

SHIRE OF ASHBURTON

CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW OCCASIONAL COMMITTEE

The Chief Executive Officer recommends the endorsement of these minutes at the next Chief Executive Officer's Performance Review Occasional Committee Meeting.

CEO: 

Date: 15-01-2019

These minutes were confirmed by the Committee as a true and correct record of proceedings of the Chief Executive Officer's Performance Review Occasional Committee Meeting held on 15 January 2019.

Presiding Member: _____

Date: _____

DISCLAIMER

The resolutions contained in the Minutes are subject to confirmation by Council. The Shire of Ashburton warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ashburton for any act, omission or statement or intimation occurring during a Council meeting.

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UNCONFIRMED MINUTES

**PUBLIC MINUTES - CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW
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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 10.31am.

1.1 ACKNOWLEDGEMENT OF COUNTRY

As representatives of the Shire of Ashburton Council, we respectfully acknowledge the local Indigenous people, the traditional custodians of this land where we are meeting upon today and pay our respects to them and all their elders both past, present and future.

2. ATTENDANCE

2.1 PRESENT

Elected Members:	Cr K White Cr L Rumble Cr D Dias Cr P Foster Cr M Lynch Cr D Diver Cr L Thomas Cr R De Pledge	Shire President, (Presiding Member) Onslow Ward Deputy Shire President, Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Tom Price Ward Tableland Ward Ashburton Ward
Staff:	Mr R Paull Mr Ian Hamilton Mr J Bingham Ms J Smith Mrs M Lewis	Chief Executive Officer Director Infrastructure Director Corporate Services Executive Coordinator Council Support Officer
Guests:	Nil	
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were no members of the media in attendance at the commencement of the meeting.	

2.2 APOLOGIES

Cr M Gallanagh Pannawonica Ward

2.3 APPROVED LEAVE OF ABSENCE

There were no Approved Leave of Absence for this meeting.

3. ANNOUNCEMENT OF VISITORS

There were no visitors for this meeting.

4. DECLARATION BY MEMBERS

4.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

All Councillors noted that they had given due consideration to all matters contained in the Agenda presently before the meeting.

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4.2 DECLARATIONS OF INTEREST

Councillors to Note

A member who has a Financial 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 Chief Executive Officer before the Meeting
or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter.

I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:

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- 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*, or
- 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act*, with or without conditions.

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
7.1	CONFIDENTIAL ITEM - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW	
Rob Paull	Financial	The nature of my interest is I am employed as CEO with the Shire of Ashburton and receive remuneration along with accommodation and vehicle. The extent of my interest is Financial interest pursuant to Section 5.60A of the <i>Local Government Act 1995</i> .

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW OCCASIONAL COMMITTEE MEETING HELD ON 14 AUGUST 2018

<p>Committee Decision</p> <p>MOVED: Cr P Foster SECONDED: Cr D Diver</p> <p>That the Unconfirmed Minutes of the Chief Executive Officer's Review Occasional Committee held on 14 August 2018, (ATTACHMENT 5.1) be confirmed as a true and accurate record.</p> <p align="right">CARRIED 8/0</p> <p>Councillors White, Rumble, Dias, Thomas, Foster, Diver, Lynch and de Pledge voted for the motion</p>
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6. REFERENCE

6.1 TERMS OF REFERENCE

Members: All Councillors.

Secretariat: Executive Officer.

Membership: All Councillors.

Quorum: 5 Councillors.

Purpose:

- Compile the consensus response for each of the key result areas detailed in clause of the Chief Executive Officer's (CEO) contract of employment.
- Conduct a performance review feedback session with the CEO.
- Prepare and submit for Council approval a report describing the assessment developed during the performance review, changes to be made, special tasks to be done, or decisions to follow as a result of the evaluation.
- Prepare and submit for Council approval the agreed performance objectives for the next review period.
- Prepare and submit for Council approval any variations to the CEO's conditions of employment.

Meeting cycle: Anniversary of the CEO's contract and then biannually or as required.

UNCONFIRMED MINUTES

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7. CONFIDENTIAL MATTERS

Under the Local Government Act 1995, Part 5, and 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;*
 - (b) the personal affairs of any person;*
 - (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;*
 - (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;*
 - (e) a matter that if disclosed, would reveal:
 - (I) a trade secret;*
 - (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.*
 - (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;*
 - (II) Endanger the security of the local government's property; or*
 - (III) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;**
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*
 - (h) such other matters as may be prescribed.*

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Committee Decision

MOVED: Cr P Lynch

SECONDED: Cr D Diver

That Council close the meeting to the public at 10.33 am pursuant to sub section 5.23 (2) (a) and (b) of the *Local Government Act 1995*.

CARRIED 8/0

Councillors White, Rumble, Dias, Thomas, Foster, Diver, Lynch and de Pledge voted for the motion

Declaration of Interest

Prior to consideration of this Agenda Item

Mr Rob Paull declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Mr Rob Paull left the room at 10.33 am, due to his financial declaration of interest for this agenda item.

Mr Ian Hamilton, Mr John Bingham, Ms Janyce Smith and Mrs Michelle Lewis, left the room at 10.33 am, due to Confidential Item 7.1 Chief Executive Officer Performance Review. Cr Foster resumed taking the Minutes when staff had left the room.

Committee Decision

MOVED: Cr L Rumble

SECONDED: Cr M Lynch

That Council suspend Standing Orders at 10.34 am.

CARRIED 8/0

Councillors White, Rumble, Dias, Thomas, Foster, Diver, Lynch and de Pledge voted for the motion

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Committee Decision

MOVED: Cr D Diver

SECONDED: Cr L Thomas

That Council resume Standing Orders at 10.53 am.

CARRIED 8/0
Councillors White, Rumble, Dias, Thomas, Foster, Diver, Lynch and de Pledge voted for the motion

7.1 CONFIDENTIAL ITEM - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

MINUTE: 486/2019

FILE REFERENCE: GV05

AUTHOR'S NAME AND POSITION: Carla Loney
Acting Manager Human Resources

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 January 2019

DISCLOSURE OF FINANCIAL INTEREST: The authorising officer has a financial interest in the matter as he is employed as the CEO and receives remuneration along with accommodation and vehicle.

PREVIOUS MEETING REFERENCE: Not Applicable

REASON FOR CONFIDENTIALITY

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) the *Local Government Act* because it deals with matters affecting s5.23 (2):

- (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;*

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Voting Requirement

Absolute Majority Required

Consultant's Recommendation

That the Chief Executive Officer's Performance Review Occasional Committee recommend that with respect to the Chief Executive Officer's Performance Review, that Council:

1. Receive the Performance Review Committee Report and endorses the overall performance rating for Mr Paull for the review period January to December 2018, as 'Meets Performance Requirements';
2. Adopt the draft Key Result Areas and Outcomes/Actions for 2019; and
3. Schedule the next review of performance to be commenced by 1 November 2019 and completed by 31 January 2020.

Council Decision

MOVED: Cr D Dias

SECONDED: Cr L Thomas

That the Chief Executive Officer's Performance Review Occasional Committee recommend that with respect to the Chief Executive Officer's Performance Review, that Council:

- 1. Receive the Performance Review Committee Report and endorses the overall performance rating for Mr Paull for the review period January to December 2018, as 'Meets Performance Requirements';**
- 2. Adopt the draft Key Result Areas and Outcomes/Actions for 2019; and**
- 3. Schedule the next review of performance to be commenced by 1 November 2019 and completed by 31 January 2020.**
- 4. Approve a salary increase of 7% in recognition of improvements and savings achieved across the Shire.**

CARRIED 8/0

Councillors White, Rumble, Dias, Thomas, Foster, Diver, Lynch and de Pledge voted for the motion

Reason for change

The Committee recommended that the Chief Executive Officer be adequately rewarded financially for his performance in line with the Salaries and Allowances Tribunal's Determination dated 11 April 2017.

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Committee Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council re-open the meeting to the public at 10.54 am.

CARRIED 8/0
Councillors White, Rumble, Dias, Thomas, Foster, Diver, Lynch and de Pledge voted for the motion

Mr Rob Paull, Mr Ian Hamilton, Mr John Bingham, Mrs Sarah Johnston, Mr Brian Cameron, Ms Janyce Smith and Mrs Michelle Lewis re-entered the room at 10.55 am, the Presiding Member advised all staff of the outcome of the vote for this agenda item.

8. NEXT MEETING

The next Chief Executive Officer's Performance Review Occasional Committee meeting will be held at a date and time yet to be determined.

9. CLOSURE OF MEETING

The Presiding Member closed the meeting at 10.56 am.