



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

**MINUTES
(Public Document)**

**Council Chambers, Onslow Shire Complex,
Second Avenue, Onslow
14 August 2018
9.45 am**

MINUTES - CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW OCCASIONAL
COMMITTEE 14 AUGUST 2018

SHIRE OF ASHBURTON

CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW OCCASIONAL COMMITTEE
MEETING

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

CEO: 

Date: 14/08/2018

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 14 August 2018.

Presiding Member: 

Date: 15/01/2019

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by the Committee and/or endorsement by the 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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1. DECLARATION OF OPENING

The Chief Executive Officer declared the meeting opened at 9.45 am.

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 and present.

1.2 ELECTION OF CHAIRPERSON

The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3 of the Local Government Act 1995 (S5.12 Local Government Act 1995).

Cr Dias nominated Cr White to the position of presiding member. Cr White declined the nomination.

Cr Lynch nominated Cr Diver to the position of presiding member. Cr Diver accepted the nomination.

There being no further nominations the Chief Executive Officer declared Cr Diver to be elected as the Presiding Member of the Chief Executive Officer's Performance Review Occasional Committee until October 2019.

Cr Diver assumed the chair as presiding member.

2. ATTENDANCE

2.1 PRESENT

Elected Members:	Cr K White Cr D Dias Cr M Lynch Cr D Diver Cr L Thomas Cr R De Pledge	Shire President, Onslow Ward Paraburdoo Ward Tom Price Ward Tom Price Ward, Presiding Member Tableland Ward Ashburton Ward
Staff:	Mr R Paull Ms A Serer Ms K Fisher Ms J Smith Mrs M Lewis	Chief Executive Officer Director Strategic & Community Development Finance Manager Executive Officer CEO & Councillor Support Officer
Guests:		
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.	

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2.2 APOLOGIES

There were no apologies.

2.3 APPROVED LEAVE OF ABSENCE

Cr L Rumble Deputy Shire President, Paraburdoo Ward
Cr P Foster Tom Price Ward
Cr M Gallanagh Pannawonica Ward

1. ANNOUNCEMENT OF VISITORS

There were no visitors in attendance.

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.

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

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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:
 - 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 PROBATIONA AND 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

There are no minutes of a previous meeting as this is the inaugural meeting of the Committee.

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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.

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

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(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.

Committee Decision

MOVED: Cr M Lynch

SECONDED: Cr D Dias

That Council close the meeting to the public at 9.53 am pursuant to sub section 5.23 (2) (a), (b), (c), and (d) of the *Local Government Act 1995*.

CARRIED 6/0

Crs White, Dias, Lynch, Diver, Thomas, and De Pledge voted for the motion

All staff members left the room.

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**7.1 CONFIDENTIAL ITEM - CHIEF EXECUTIVE OFFICER PROBATION AND
PERFORMANCE REVIEW**

MINUTE: 409/2018

FILE REFERENCE:	GV05
AUTHOR'S NAME AND POSITION:	Rachel Cassidy Acting Manager, Organisational Development
AUTHORISING OFFICER AND POSITION	Rob Paull Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	30 July 2018
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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Consultant's Recommendation and Committee Decision

MOVED: Cr K White

SECONDED: Cr D Dias

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

- 1. Receives the Performance Review report and endorses the overall performance rating for Mr Paull as the Shire of Ashburton's CEO, for the interim review period 8 January to 8 July 2018, as 'Meets Performance Requirements';**
- 2. Affirms the contract of employment between Council and Mr. Paull; and**
- 3. Schedules the first annual review of performance to be completed by January 2019.**

**CARRIED BY ABSOLUTE MAJORITY
6/0**

Crs White, Dias, Lynch, Diver, Thomas, and De Pledge voted for the motion

Committee Decision

MOVED: Cr K White

SECONDED: Cr L Thomas

That Council re-open the meeting to the public at 9.58 am.

CARRIED 6/0

Crs White, Dias, Lynch, Diver, Thomas, and De Pledge voted for the motion

All staff re-entered the room at 9.59 am and the Presiding Member advised the Staff of the Committee's Decision.

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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 10.00 am.