

# minutes

## Special Chief Executive Officer Recruitment and Performance Review Committee

MEETING HELD ON

WEDNESDAY 13 SEPTEMBER 2023

### **Acknowledgement of Traditional Custodians**

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

*This document is available in alternate formats upon request*

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**Note:**

Clause 15.10 of the City's *Meeting Procedures Local Law 2013* states:

*This local law applies generally to committee meetings except for clause 7.1 in respect of members seating and clause 7.8 in respect of limitation on members speaking.*

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## CITY OF JOONDALUP

### MINUTES OF THE SPECIAL CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON WEDNESDAY 13 SEPTEMBER 2023

#### ATTENDANCE

##### Committee Members:

Mayor Hon. Albert Jacob, JP *Presiding Member*  
Cr Tom McLean, JP  
Cr Daniel Kingston  
Cr Suzanne Thompson  
Cr Christine Hamilton-Prime, JP  
Cr John Chester

*from 6.35pm*

##### Observer:

Cr John Raftis

*to 7.47pm*

##### Officers:

Mr James Pearson Chief Executive Officer

*from 6.57pm  
to 8.22pm*

Mr Jamie Parry Director Governance and Strategy

*absent from 6.33pm to 6.55pm  
absent from 6.57pm to 8.23pm*

##### Guest:

Mrs Helen Hardcastle Director, Learning Horizons

## 1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.30pm.

## 2 DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY

### 2.1 DISCLOSURES OF FINANCIAL INTEREST / PROXIMITY INTEREST

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

<b>Name / Position</b>	<b>Mr James Pearson, Chief Executive Officer.</b>
<b>Meeting Type</b>	Special Chief Executive Officer Recruitment and Performance Review Committee.
<b>Meeting Date</b>	13 September 2023.
<b>Item No. / Subject</b>	Item 7.1 – Confidential – Chief Executive Officer Annual Performance Review – Pre-Interview Report.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Pearson holds the position of Chief Executive Officer.

<b>Name / Position</b>	<b>Mr James Pearson, Chief Executive Officer.</b>
<b>Meeting Type</b>	Special Chief Executive Officer Recruitment and Performance Review Committee.
<b>Meeting Date</b>	13 September 2023.
<b>Item No. / Subject</b>	Item 7.2 – Confidential – Chief Executive Officer Annual Performance Review – Interview Report.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Pearson holds the position of Chief Executive Officer.

## 2.2 DISCLOSURES OF INTEREST AFFECTING IMPARTIALITY

Elected Members (in accordance with clause 22 of Schedule 1 of the *Local Government [Model Code of Conduct] Regulations 2021*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member / employee is also encouraged to disclose the nature of their interest.

<b>Name / Position</b>	<b>Mr Jamie Parry, Director of Governance and Strategy.</b>
<b>Meeting Type</b>	Special Chief Executive Officer Recruitment and Performance Review Committee.
<b>Meeting Date</b>	13 September 2023.
<b>Item No. / Subject</b>	Item 7.1 – Confidential – Chief Executive Officer Annual Performance Review – Pre-Interview Report.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Parry's employment relationship with the Chief Executive Officer.

<b>Name / Position</b>	<b>Mr Jamie Parry, Director of Governance and Strategy.</b>
<b>Meeting Type</b>	Special Chief Executive Officer Recruitment and Performance Review Committee.
<b>Meeting Date</b>	13 September 2023.
<b>Item No. / Subject</b>	Item 7.2 – Confidential – Chief Executive Officer Annual Performance Review – Interview Report.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Parry's employment relationship with the Chief Executive Officer.

## 3 APOLOGIES AND LEAVE OF ABSENCE

### 3.1 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Russ Fishwick	12 to 18 September 2023 inclusive.
Cr Christine Hamilton-Prime	20 September to 16 October 2023 inclusive.
Cr John Logan	23 September to 1 October 2023 inclusive.

### 3.2 APOLOGIES

Cr Christopher May, JP.

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**4 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

**5 IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

In accordance with Clause 5.2 of the City's *Meeting Procedures Local Law 2013*, this meeting is not open to the public.

**6 PETITIONS AND DEPUTATIONS**

Nil.

## 7 REPORTS

### Disclosure of Financial Interest

<b>Name / Position</b>	<b>Mr James Pearson, Chief Executive Officer.</b>
<b>Meeting Type</b>	Special Chief Executive Officer Recruitment and Performance Review Committee.
<b>Meeting Date</b>	13 September 2023
<b>Item No. / Subject</b>	Item 7.1 – Confidential – Chief Executive Officer Annual Performance Review – Pre-Interview Report.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Pearson holds the position of Chief Executive Officer.

### Disclosure of interest affecting Impartiality

<b>Name / Position</b>	<b>Mr Jamie Parry, Director Governance and Strategy.</b>
<b>Meeting Type</b>	Special Chief Executive Officer Recruitment and Performance Review Committee.
<b>Meeting Date</b>	13 September 2023.
<b>Item No. / Subject</b>	Item 7.1 – Confidential – Chief Executive Officer Annual Performance Review – Pre-Interview Report.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Parry's employment relationship with the Chief Executive Officer.

## 7.1 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW PRE-INTERVIEW REPORT

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Director Governance and Strategy
<b>FILE NUMBER</b>	74574, 101515
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (a) *a matter affecting an employee or employees.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

*The Director Governance and Strategy left the Room at 6.33pm.  
Cr Hamilton-Prime entered the Room at 6.35pm.*

**OFFICER'S RECOMMENDATION MOVED Cr McLean, SECONDED Mayor Jacob that the Chief Executive Officer Recruitment and Performance Review Committee:**

- 1 NOTES that the requirements of clause 11.4 of the Chief Executive Officer's Employment Contract have been met, in relation to the Chief Executive Officer completing a self-evaluation report assessing his performance against the prescribed Key Performance Indicators;**
- 2 RECEIVES the Chief Executive Officer's Self Evaluation Report on his performance as per Attachment 2 to this Report;**
- 3 NOTES that the requirements of clause 11.6(b) of the Chief Executive Officer's Employment Contract have been met, in relation to inviting all Elected Members to make written comments on the Chief Executive Officer's performance;**
- 4 RECEIVES the Consultant's Report on Elected Member Feedback as per Attachment 1 to this Report;**
- 5 ENDORSES the revised draft 2023-24 Key Performance Indicators for the Chief Executive Officer as discussed at the Chief Executive Officer Recruitment and Performance Review Committee at its meeting held on 13 September 2023, for consideration and discussion with the Chief Executive Officer at the Chief Executive Officer Performance Interview.**

**AMENDMENT MOVED Cr Kingston, SECONDED Cr Thompson that Part 4 of the Motion be AMENDED to read as follows:**

***"4 RECEIVES the Consultant's Report on Elected Member Feedback as per Attachment 1 to this Report and individual Elected Member Feedback as per Attachment 3 to this Report".***

**AMENDMENT TO THE AMENDMENT MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Part 4 of the Motion be AMENDED to read as follows:**

***"4 RECEIVES the Consultant's Report on Elected Member Feedback as per Attachment 1 to this Report and individual Elected Member Feedback.".***

**The Amendment to the Amendment was Put and**

**TIED (3/3)**

**In favour of the Amendment to the Amendment:** Mayor Jacob, Cr Hamilton-Prime and Cr McLean.

**Against the Amendment to the Amendment:** Cr Chester, Cr Kingston and Cr Thompson.

There being an equal number of votes, the Presiding Member exercised his casting vote and declared the Motion **CARRIED (4/3)**

The AMENDMENT AS AMENDED MOVED Cr Kingston, SECONDED Cr Thompson that Part 4 of the Motion be AMENDED to read as follows:

**"4 RECEIVES the Consultant's Report on Elected Member Feedback as per Attachment 1 to this Report and individual Elected Member Feedback".**

The Amendment as Amended was Put and **CARRIED (6/0)**

In favour of the Amendment as Amended: Mayor Jacob, Cr Chester, Cr Hamilton-Prime, Cr Kingston, Cr McLean and Cr Thompson.

Against the Amendment as Amended: Nil

The Original Motion as Amended being MOVED Cr McLean, SECONDED Mayor Jacob that the Chief Executive Officer Recruitment and Performance Review Committee:

- 1 NOTES that the requirements of clause 11.4 of the Chief Executive Officer's Employment Contract have been met, in relation to the Chief Executive Officer completing a self-evaluation report assessing his performance against the prescribed Key Performance Indicators;
- 2 RECEIVES the Chief Executive Officer's Self Evaluation Report on his performance as per Attachment 2 to this Report;
- 3 NOTES that the requirements of clause 11.6(b) of the Chief Executive Officer's Employment Contract have been met, in relation to inviting all Elected Members to make written comments on the Chief Executive Officer's performance;
- 4 RECEIVES the Consultant's Report on Elected Member Feedback as per Attachment 1 to this Report and individual Elected Member Feedback;
- 5 ENDORSES the revised draft 2023-24 Key Performance Indicators for the Chief Executive Officer as discussed at the Chief Executive Officer Recruitment and Performance Review Committee at its meeting held on 13 September 2023, for consideration and discussion with the Chief Executive Officer at the Chief Executive Officer Performance Interview.

The Motion was Put and **CARRIED (5/1)**

In favour of the Motion: Mayor Jacob, Cr Chester, Cr Hamilton-Prime, Cr McLean and Cr Thompson.

Against the Motion: Cr Kingston.

*The Director Governance and Strategy entered the Room at 6.55pm.*

#### **MOTION – THAT THE MEETING BE ADJOURNED**

**MOVED** Mayor Jacob, **SECONDED** Cr Hamilton-Prime that the meeting of the Chief Executive Officer Recruitment and Performance Review Committee **BE ADJOURNED** until such time that the Chief Executive Officer's annual performance review interview is concluded.

The Motion was Put and **CARRIED (6/0)**

In favour of the Motion: Mayor Jacob, Cr Chester, Cr Hamilton-Prime, Cr Kingston, Cr McLean and Cr Thompson.

Against the Motion: Nil.

*The Director Governance and Strategy left the Room at 6.57pm.*

*The Chief Executive Officer entered the Room at 6.57pm.*

**Disclosure of Financial Interest**

<b>Name / Position</b>	<b>Mr James Pearson, Chief Executive Officer.</b>
<b>Meeting Type</b>	Special Chief Executive Officer Recruitment and Performance Review Committee.
<b>Meeting Date</b>	13 September 2023.
<b>Item No. / Subject</b>	Item 7.2 – Confidential – Chief Executive Officer Annual Performance Review – Interview Report.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Pearson holds the position of Chief Executive Officer.

**Disclosure of interest affecting Impartiality**

<b>Name / Position</b>	<b>Mr Jamie Parry, Director Governance and Strategy.</b>
<b>Meeting Type</b>	Special Chief Executive Officer Recruitment and Performance Review Committee.
<b>Meeting Date</b>	13 September 2023.
<b>Item No. / Subject</b>	Item 7.2 – Confidential – Chief Executive Officer Annual Performance Review – Interview Report.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Due to the nature of Mr Parry’s employment relationship with the Chief Executive Officer.

**7.2 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW - INTERVIEW REPORT**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Jamie Parry Director Governance and Strategy
<b>FILE NUMBER</b>	74574, 101515
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This report is confidential in accordance with section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (a) *a matter affecting an employee or employees.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

*Cr Raftis left the Room at 7.47pm.  
The Chief Executive Officer left the Room at 8.22pm.  
The Director Governance and Strategy entered the Room at 8.23pm.*

**MOTION – THAT THE MEETING BE RESUMED**

**MOVED** Mayor Jacob, **SECONDED** Cr Thompson following the interview between Committee Members and the Chief Executive Officer, the Presiding Member declared the Chief Executive Officer Recruitment and Performance Review Committee meeting **RESUMED** at 8.23pm on 13 September 2023 with the following persons being present:

**Committee Members**

**Mayor Albert Jacob, JP  
Cr Tom McLean  
Cr Daniel Kingston  
Cr Suzanne Thompson  
Cr Christine Hamilton-Prime  
Cr John Chester**

**Officers**

**Mr Jamie Parry, Director Governance and Strategy**

**Guest**

**Ms Helen Hardcastle, Director, Learning Horizons**

**The Motion was Put and**

**CARRIED (6/0)**

**In favour of the Motion:** Mayor Jacob, Cr Chester, Cr Hamilton-Prime, Cr Kingston, Cr McLean and Cr Thompson.  
**Against the Motion:** Nil.

**OFFICER'S RECOMMENDATION MOVED** Cr Hamilton-Prime, **SECONDED** Cr McLean that the Chief Executive Officer Recruitment and Performance Review Committee:

**1 REQUESTS** the Director Governance and Strategy, in conjunction with Ms Helen Hardcastle, Learning Horizons to prepare a report on the:

- 1.1 Draft Concluded Annual Performance Review Report of the Chief Executive Officer;**
- 1.2 Draft Key Result Areas and KPI's for the Chief Executive Officer for 2023-24;**

**for consideration by the Chief Executive Officer Recruitment and Performance Review Committee at a special meeting to be called by the Presiding Member of the Committee;**

**2 NOTES** that a report on the Annual Salary Review of the Chief Executive Officer will be presented at the Chief Executive Officer Recruitment and Performance Review Committee special meeting to be called by the Presiding Member of the Committee.

**The Motion was Put and**

**CARRIED (5/1)**

**In favour of the Motion:** Mayor Jacob, Cr Chester, Cr Hamilton-Prime, Cr McLean and Cr Thompson.  
**Against the Motion:** Cr Kingston.

## **8 CLOSURE**

There being no further business, the Presiding Member declared the Meeting closed at 8.25pm the following Committee Members being present at that time:

MAYOR HON. ALBERT JACOB, JP  
CR TOM MCLEAN, JP  
CR DANIEL KINGSTON  
CR SUZANNE THOMPSON  
CR CHRISTINE HAMILTON-PRIME, JP  
CR JOHN CHESTER