

# minutes

## Chief Executive Officer Recruitment and Performance Review Committee

MEETING HELD ON

MONDAY 29 MAY 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.*

## CITY OF JOONDALUP

### MINUTES OF THE CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 29 MAY 2023.

#### ATTENDANCE

##### Committee Members

Mayor Hon. Albert Jacob, JP      *Presiding Member*  
Cr Tom McLean, JP  
Cr Daniel Kingston  
Cr Christopher May

*from 6:06pm  
absent from 7.04pm to 7.05pm*

Cr Suzanne Thompson  
Cr Christine Hamilton-Prime, JP  
Cr John Chester

##### Observers:

Cr Russ Fishwick, JP  
Cr John Raftis  
Cr Adrian Hill  
Cr John Logan

##### Officers:

Mr James Pearson	Chief Executive Officer
Mr Jamie Parry	Director Governance and Strategy
Mrs Kylie Bergmann	Manager Governance
Ms Lauren Cross	Executive Officer

## DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.00pm.

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

### 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>Item No. / Subject</b>	Item 1 - Confidential - Chief Executive Officer Annual Performance Review Program 2023.
<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>Item No. / Subject</b>	Item 2 - Progress Report – Chief Executive Officer Performance Review.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Pearson holds the position of Chief Executive Officer

## APOLOGIES AND LEAVE OF ABSENCE

### Leave of Absence Previously Approved

Cr Nige Jones                      21 to 29 May 2023 inclusive.

## **CONFIRMATION OF MINUTES**

### **MINUTES OF THE CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE HELD ON 13 MARCH 2023**

Moved Cr McLean, seconded Cr Thompson that the minutes of the meeting of the chief executive officer recruitment and performance review committee held on 13 March 2023 be confirmed as a true and correct record.

The Motion was Put and

**CARRIED (6/0)**

In favour of the motion: Mayor Jacob, Crs Chester, Hamilton-Prime, Kingston, McLean and Thompson

## **ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

## **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.

## **PETITIONS AND DEPUTATIONS**

Nil.

## REPORTS

### Disclosure of Financial Interest / Proximity Interest

<b>Name / Position</b>	<b>Mr James Pearson, Chief Executive Officer.</b>
<b>Item No. / Subject</b>	Item 1 - Confidential - Chief Executive Officer Annual Performance Review Program 2023.
<b>Nature of Interest</b>	Financial Interest.
<b>Extent of Interest</b>	Mr Pearson holds the position of Chief Executive Officer.

### ITEM 1

### CONFIDENTIAL - CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW PROGRAM 2023

<b>WARD</b>	All
<b>RESPONSIBLE A/DIRECTOR</b>	Simone Holmes-Cavanagh Director Governance and Strategy
<b>FILE NUMBER</b>	74574, 101515
<b>ATTACHMENT</b>	<p>Attachment 1 Clauses 11 and 12.19-12.22 of the Chief Executive Officer's Contract of Employment.</p> <p>Attachment 2 Chief Executive Officer Performance Review – Timetable 2023.</p> <p>Attachment 3 Chief Executive Officer KPIs 2022/23.</p> <p>Attachment 4 Draft RFQ for Consultancy Services to Support the Chief Executive Officer Recruitment and Performance Review Committee.</p> <p>Attachment 5 City of Joondalup Model Standards for CEO Recruitment and Selection, Performance Review and Termination.</p> <p>Attachment 6 DLGSCI Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination.</p> <p><i>(Please Note: This Report and Attachments are Confidential and will appear in the official Minute Book only).</i></p>
<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 is provided to Elected Members under separate cover. The report is not for publication.

## **OFFICER'S RECOMMENDATION**

That the Chief Executive Officer Recruitment and Performance Review Committee:

- 1 APPROVES the timetable for the performance review of the Chief Executive Officer as detailed in Attachment 2 of this Report, and sets the date for the formal performance review interview as 29 August 2023;
- 2 NOTES the draft Request for Consultation for Consultancy Services to Support the Chief Executive Officer Recruitment and Performance Review as detailed in Attachment 4 to this Report, to meet the requirements of Clause 11.6 (a) of the Chief Executive Officer Employment Contract;
- 3 ENDORSES the process of seeking input into the Chief Executive Officer's Key Performance Indicators from Elected Members at the same time as feedback is provided in relation to the CEO's performance review and that the review of the Chief Executive Officer's Key Performance Indicators be undertaken at the interview with the Chief Executive Officer in relation to his annual performance;
- 4 ENDORSES the process of undertaking the annual salary review at the same meeting as its consideration of the Concluded Annual Performance Review Report.

*Cr May entered the room at 6.06pm.*

**MOVED Cr Thompson, SECONDED Cr May that the Chief Executive Officer Recruitment and Performance Review Committee:**

- 1 **APPROVES the timetable for the performance review of the Chief Executive Officer as detailed in Attachment 2 of this Report, and sets the date for the formal performance review interview as 29 August 2023;**
- 2 **NOTES the draft Request for Consultation for Consultancy Services to Support the Chief Executive Officer Recruitment and Performance Review as detailed in Attachment 4 to this Report, to meet the requirements of Clause 11.6 (a) of the Chief Executive Officer Employment Contract;**
- 3 **ENDORSES the process of seeking input into the Chief Executive Officer's Key Performance Indicators from Elected Members at the same time as feedback is provided in relation to the CEO's performance review and that the review of the Chief Executive Officer's Key Performance Indicators be undertaken at the interview with the Chief Executive Officer in relation to his annual performance;**
- 4 **ENDORSES the process of undertaking the annual salary review at the same meeting as its consideration of the Concluded Annual Performance Review Report;**
- 5 **NOTES the City of Joondalup Standards for Local Government CEO Recruitment and Selection, Performance Review and Termination Policy will be reviewed following assent of the Local Government Amendment Bill 2023.**

**AMENDMENT MOVED Cr Kingston, SECONDED Cr McLean that Part 2 of the Motion be amended to read as follows:**

**“2 NOTES the draft Request for Consultation for Consultancy Services to Support the Chief Executive Officer Recruitment and Performance Review as detailed in Attachment 4 to this Report, to meet the requirements of Clause 11.6 (a) of the Chief Executive Officer Employment Contract, subject to the insertion of ‘and/or’ at the end of dot point one of clause 1.5.2;”**

**The Amendment was Put and**

**CARRIED (7/0)**

**In favour of the Amendment:** Mayor Jacob, Crs Chester, Hamilton-Prime, Kingston, May, McLean and Thompson

**The Original Motion as Amended being:**

**That the Chief Executive Officer Recruitment and Performance Review Committee:**

- 1 APPROVES the timetable for the performance review of the Chief Executive Officer as detailed in Attachment 2 of this Report, and sets the date for the formal performance review interview as 29 August 2023;**
- 2 NOTES the draft Request for Consultation for Consultancy Services to Support the Chief Executive Officer Recruitment and Performance Review as detailed in Attachment 4 to this Report, to meet the requirements of Clause 11.6 (a) of the Chief Executive Officer Employment Contract, subject to the insertion of ‘and/or’ at the end of dot point one of clause 1.5.2;**
- 3 ENDORSES the process of seeking input into the Chief Executive Officer’s Key Performance Indicators from Elected Members at the same time as feedback is provided in relation to the CEO's performance review and that the review of the Chief Executive Officer’s Key Performance Indicators be undertaken at the interview with the Chief Executive Officer in relation to his annual performance;**
- 4 ENDORSES the process of undertaking the annual salary review at the same meeting as its consideration of the Concluded Annual Performance Review Report;**
- 5 NOTES the City of Joondalup Standards for CEO Recruitment, Performance and Termination Council Policy will be reviewed following assent of the Local Government Amendment Bill 2023.**

**Was Put and**

**CARRIED (7/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Hamilton-Prime, Kingston, May, McLean and Thompson



*“That Council:*

- 1 *ADOPTS the Chief Executive Officer Recruitment and Performance Review Committee’s Confidential Concluded Annual Performance Review Report as an Attachment 1 to Report CJ181-10/22 and endorses the overall rating of “met or exceeded the performance requirements” set by Council for the period ending 30 June 2022;*
- 2 *ADOPTS the Key Performance Indicators for the 2022-23 review period as detailed in Attachment 2 to Report CJ181-10/22;*
- 3 *REQUESTS the Chief Executive Officer prepare a report on the potential development of efficiency and effectiveness measures for the City of Joondalup services.”*

At this meeting, the Chief Executive Officer outlined his commitment to providing quarterly progress reports to the Committee towards achieving the KPIs.

At the Council meeting held on 18 October 2022 the Key Performance Indicators for the Chief Executive Officer for 2022-2023 were adopted (CJ181-10/22 refers).

The Chief Executive Officer Recruitment and Performance Review Committee Meeting 13 March 2023 NOTED the progress towards the Key Performance Indicators for the Chief Executive Officer for the period 1 October 2022 to 31 December 2022.

## **DETAILS**

The Committee is responsible for reviewing the Chief Executive Officer’s performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer’s employment contract; as well as reviewing the key performance indicators to be met by the Chief Executive Officer.

The 2022-2023 Quarter Three progress report provides information relating to the progress of the CEO KPIs for the period 1 January 2023 to 31 March 2023 (Attachment 1 refers).

## **Legislation / Strategic Community Plan / Policy implications**

**Legislation** Section 5.38 (1) and (3) of the *Local Government Act 1995*.

*“Annual review of employees’ performances*

- (1) *A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.*
- (3) *A review under subsection (1) must be conducted at least once in relation to each year of the person’s employment”.*

## **Strategic Community Plan**

**Key theme** Leadership.

**Outcome** Capable and effective - you have an informed and capable Council backed by a highly skilled workforce.

**Policy** *City of Joondalup Standards for CEO Recruitment, Performance and Termination.*

### **Risk management considerations**

The performance review process is designed to evaluate and assess the Chief Executive Officers Performance against KPIs on a periodic basis.

### **Financial / budget implications**

Not applicable.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

Not applicable.

### **COMMENT**

The 2022-23 Quarter Three progress report provides information relating to the progress of the CEO KPIs adopted at the Council meeting held on 18 October 2022.

### **VOTING REQUIREMENTS**

Simple Majority.

*Cr May left the room at 7:04pm and returned at 7.05pm.*

**MOVED Cr May, SECONDED Cr McLean that the Chief Executive Officer Recruitment and Performance Review Committee NOTES the progress towards the Key Performance Indicators for the Chief Executive Officer for the period 1 January 2023 to 31 March 2023.**

**The Motion was Put and**

**CARRIED (7/0)**

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

## **URGENT BUSINESS**

Nil.

## **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

## **REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

Nil.

## **CLOSURE**

There being no further business, the Presiding Member declared the Meeting closed at 7.13pm the following Committee Members being present at that time:

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