

minutes

Chief Executive Officer Recruitment and Performance Review Committee

MEETING HELD ON

WEDNESDAY 3 APRIL 2024

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 WEDNESDAY 3 APRIL 2024.

ATTENDANCE

Committee Members:

Mayor Hon. Albert Jacob, JP	<i>Presiding Member</i>	
Cr Christopher May, JP	<i>Deputy Presiding Member</i>	<i>attended Electronically</i>
Cr Adrian Hill		
Cr Russ Fishwick, JP		
Cr John Chester		<i>from 6.02pm</i>
Cr Christine Hamilton-Prime, JP		

Officers:

Mr James Pearson	Chief Executive Officer	<i>to 6.21pm</i>
Mr Jamie Parry	Director Governance and Strategy	<i>absent from 6.39pm to 6.55pm</i>

1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.00pm.

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.

Name / Position	Mr James Pearson, Chief Executive Officer.
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	3 April 2024.
Item No. / Subject	8.2 – Progress Report – Chief Executive Officer Performance Review.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

Name / Position	Mr James Pearson, Chief Executive Officer.
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	3 April 2024.
Item No. / Subject	8.3 – Confidential – Chief Executive Officer Annual Performance Review Program 2024.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

Name / Position	Mr James Pearson, Chief Executive Officer.
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	3 April 2024.
Item No. / Subject	8.4 – Confidential – Chief Executive Officer Performance Review Process.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

Name / Position	Mr James Pearson, Chief Executive Officer.
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	3 April 2024.
Item No. / Subject	8.5 – Confidential – Salary Review – Chief Executive Officer.
Nature of Interest	Financial Interest.
Extent of Interest	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.

Name / Position	Mr Jamie Parry, Director Governance and Strategy.
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	3 April 2024.
Item No. / Subject	8.4 – Confidential – Chief Executive Officer Performance Review Process.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of Mr Parry's employment relationship with the Chief Executive Officer.

Name / Position	Mr Jamie Parry, Director Governance and Strategy.
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	3 April 2024.
Item No. / Subject	8.5 – Confidential – Salary Review – Chief Executive Officer.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	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 Nige Jones	29 March to 4 April 2024 inclusive.
Cr Daniel Kingston	2 April to 10 April 2024 inclusive.
Cr Phillip Vinciullo	3 to 13 April 2024 inclusive.
Cr John Raftis	8 to 10 April 2024 inclusive.
Cr Adrian Hill	28 June to 15 July 2024 inclusive.

Cr Chester entered the Room at 6.02pm.

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE SPECIAL CHIEF EXECUTIVE OFFICER RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE HELD ON 26 JUNE 2023, 28 AUGUST 2023, 13 SEPTEMBER 2023, 9 OCTOBER 2023, 6 NOVEMBER 2023 AND 27 NOVEMBER 2023

MOVED Mayor Jacob, **SECONDED** Cr Hamilton-Prime that the Minutes of the following meetings of the Chief Executive Officer Recruitment and Performance Review Committee be **CONFIRMED** as a true and correct record:

- 1 Special Chief Executive Officer Recruitment and Performance Review Committee meeting held on 26 June 2023;
- 2 Special Chief Executive Officer Recruitment and Performance Review Committee meeting held on 28 August 2023;
- 3 Special Chief Executive Officer Recruitment and Performance Review Committee meeting held on 13 September 2023;
- 4 Special Chief Executive Officer Recruitment and Performance Review Committee meeting held on 9 October 2023;
- 5 Special Chief Executive Officer Recruitment and Performance Review Committee meeting held on 6 November 2023;
- 6 Special Chief Executive Officer Recruitment and Performance Review Committee meeting held on 27 November 2023.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Mayor Jacob, Cr Chester, Cr Fishwick, Cr Hamilton-Prime, Cr Hill and Cr May.

Against the Motion: Nil.

5 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

6 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.

7 PETITIONS AND DEPUTATIONS

Nil.

8 REPORTS

8.1 SETTING OF 2024 MEETING DATES - CEO RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	02153, 103963, 101515
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

PURPOSE

For the CEO Recruitment and Performance Review Committee to consider the setting of committee meeting dates for 2024.

EXECUTIVE SUMMARY

In order to assist with forward planning for all Elected Members, management and staff, a schedule of meeting dates has been prepared for the Policy Committee, ensuring synergy between meeting dates and the flow of information and decision-making.

It is therefore recommended that the CEO Recruitment and Performance Review Committee ADOPTS the following meeting dates and times for the CEO Recruitment and Performance Review Committee of the City of Joondalup to be held at the Joondalup Civic Centre (Conference Room 1), Boas Avenue, Joondalup:

- 1 *Tuesday 21 May 2024, commencing at 6.00pm;*
- 2 *Monday 11 November 2024, commencing at 6.00pm.*

BACKGROUND

The CEO Recruitment and Performance Review Committee was established at the Special Council Meeting held on 6 November 2023 (CJ213-11/23 refers) and the CEO Recruitment and Performance Review Committee's Terms of Reference were adopted at that time as follows:

- 1 recommend to Council the selection and appointment process of a Chief Executive Officer;
- 2 recommend to Council the preferred consultant to assist with the recruitment process for a Chief Executive Officer;
- 3 undertake the interview of preferred applicant(s) on the advice of the appointment consultant's shortlisted applicants for the position of Chief Executive Officer;

- 4 recommend to Council the appointment of a preferred applicant as Chief Executive Officer under the terms and conditions of an agreed Chief Executive Officer Employment Contract;
- 5 review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;
- 6 prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to Council;
- 7 review 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;
- 8 review the Key Performance Indicators to be met by the Chief Executive Officer;
- 9 review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;
- 10 review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary.

DETAILS

The CEO Recruitment and Performance Review Committee oversees the development and review of the CEO's employment contract and all associated performance matters.

The CEO's Key Performance Indicators adopted by Council at its meeting held on 12 December 2023 have been aligned with the City's *Corporate Business Plan* (CBP). The CBP progress report is provided to Council on a quarterly basis. The quarterly meetings of this committee are aligned with Council's acceptance of the quarterly CBP progress report in the following periods:

Quarter Meeting	Period	Council Meeting	Committee
<i>One</i>	<i>July/September</i>	<i>November</i>	<i>November</i>
<i>Two</i>	<i>October/December</i>	<i>February</i>	<i>March</i>
<i>Three</i>	<i>January/March</i>	<i>May</i>	<i>May</i>
<i>Four</i>	<i>April/June</i>	<i>August</i>	<i>August</i>

In addition, meetings of this committee are aligned to the performance review process as outlined in the CEO's employment contract. It has been usual practice to hold a meeting earlier in the year to appoint an external and independent HR expert or similar to consult with and seek guidance from and to facilitate the annual review of the CEO's performance.

Further special committee meetings will be determined for the purpose of undertaking the CEO's annual performance review. The annual review process requires the committee to conduct a formal interview with the CEO, (clause 11.2(b)). The process for conducting the CEO's performance review, as set out in clause 11.2, provides not only for the various tasks and issues that need to be considered but also specific timeframes.

The key element for the annual CEO performance review that drives the timeframes is the formal scheduled interview by the committee with the CEO. With this in mind the critical timeframes for the annual review are as follows:

- The CEO is to be given at least 25 working days notice of the scheduled interview.
- The CEO is required to prepare a self-evaluation report and submit it to all of the Elected Members as well as the committee not less than 15 working days prior to the scheduled interview.
- The committee is required to invite written comments from all individual Elected Members addressing their views on the CEO's performance at least 15 working days prior to the scheduled interview and the responses, which must be dated and signed must be received back by the committee at least five working days prior to the scheduled interview.
- The committee must prepare a report within 30 days of the conclusion of the review.
- As soon as the report is completed the committee must provide a copy to the CEO and give him up to five working days to provide any written comments of the CEO to the next meeting of Council provided Council receives it at least five working days prior to the meeting.

The proposed quarterly committee meeting dates for 2024 are as follows:

- Tuesday 21 May 2024, commencing at 6.00pm.
- Monday 11 November 2024, commencing at 6.00pm.

In addition, further special committee meetings will be determined for the purpose of undertaking the CEO's annual performance review. It is anticipated that these meetings will be held on the following dates, which will be confirmed with the Presiding Member closer to the date:

- Monday 24 June 2024, commencing at 6.00pm.
- Monday 19 August 2024, commencing at 6.00pm.
- Tuesday 20 August 2024, commencing at 6.00pm.
- Monday 9 September 2024, commencing at 6.00pm.

Issues and options considered

The CEO Recruitment and Performance Review Committee can either:

- adopt the meeting dates as proposed in this Report
or
- amend the meeting dates.

Legislation / Strategic Community Plan / Policy implications

Legislation *City of Joondalup Meeting Procedures Local Law 2013.*
Local Government (Administration) Regulations 1996.
Local Government Act 1995.

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-1 Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

Policy Not applicable.

Risk management considerations

Should forward planning of committee meetings not be identified, then there is a risk for meetings to be held on an ad-hoc basis, lacking coordination with other key meetings and corporate planning processes.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The proposed committee meeting dates align with the quarterly Corporate Business Plan reporting being considered by Council as many of the CEO's Key Performance Indicators are contained within the Corporate Business Plan. In addition, further special committee meetings will be determined for the purpose of undertaking the CEO's annual performance review. The proposed meeting dates for the CEO Recruitment and Performance Review Committee are also cognisant of the proposed meeting dates for a variety of other committees.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION MOVED Cr Fishwick, SECONDED Cr Hill that the Chief Executive Officer Recruitment and Performance Review Committee ADOPTS the following meeting dates and times for the CEO Recruitment and Performance Review Committee of the City of Joondalup to be held at the Joondalup Civic Centre (Conference Room 1), Boas Avenue, Joondalup:

- 1 Tuesday 21 May 2024, commencing at 6.00pm;**
- 2 Monday 11 November 2024, commencing at 6.00pm.**

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Mayor Jacob, Cr Chester, Cr Fishwick, Cr Hamilton-Prime, Cr Hill and Cr May.
Against the Motion: Nil.

ATTACHMENTS

Nil

Disclosure of Financial Interest / Proximity Interest

Name / Position	Mr James Pearson, Chief Executive Officer.
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	3 April 2024.
Item No. / Subject	8.2 – Progress Report – Chief Executive Officer Performance Review.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

8.2 PROGRESS REPORT – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	74574, 101515
AUTHORITY / DISCRETION	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for ‘noting’).

PURPOSE

For the Chief Executive Officer Recruitment and Performance Review Committee (the Committee) to receive the progress report on the Chief Executive Officer’s Key Performance Indicators (CEO KPIs) for 2023-24 (Quarter One and Two) and provide feedback.

EXECUTIVE SUMMARY

The 2023-24 Quarter One and Two progress report provides information relating to the progress of the CEO KPIs for the period 1 July 2023 to 31 December 2023.

It is therefore recommended that the Chief Executive Officer Performance and Review Committee NOTES the progress towards the Key Performance Indicators for the Chief Executive Officer for the period 1 July 2023 to 31 December 2023.

BACKGROUND

Following the special Committee meeting held on 27 November 2023, Council resolved at its meeting held on 12 December 2023, by an absolute majority:

- “1 *ENDORSES the Chief Executive Officer Recruitment and Performance Review Committee’s Confidential Concluded Annual Performance Review Report as in Attachment 1 to this Report and the overall rating of “met the performance requirements set by Council for the period ending 30 June 2023”;*
- 2 *ADOPTS the Key Performance Indicators for the 2023-24 review period as detailed in Attachment 2 to this Report.”*

DETAILS

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

The CEO KPIs for 2023-24 were adopted by Council at its meeting held on 12 December 2023; towards the end of Quarter 2 for the year.

The 2023-24 Quarter One and Two progress report provides information relating to the progress of the CEO KPIs for the period 1 July 2023 to 31 December 2023. (Attachment 1 refers).

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

10-Year Strategic Community Plan

Key theme 5. Leadership.

Outcome 5-1 Capable and effective - you have an informed and capable Council backed by a highly-skilled workforce.

Policy *City of Joondalup Model Standards for CEO Recruitment and Selection, Performance Review and Termination Council Policy.*

Risk management considerations

The performance review process is designed to evaluate and assess the CEO’s performance against KPIs on a periodic basis.

Financial / budget implications

The preparation of progress reports of the CEO KPIs is carried out using existing budgeted resources.

Regional significance

Ensuring effective and consistent reporting of the CEO KPIs and submitting to the Committee and Council, provides oversight which enhances the City’s capability to deliver services to the district, and beyond, as relevant.

Sustainability implications

Effective and consistent reporting of the CEO KPIs enhances the sustainability of the City's operations. Being accountable and transparent is part of the goals of the City's *Strategic Community Plan*.

Consultation

Not applicable.

COMMENT

Some CEO KPIs refer to reporting information to elected members, which has not been possible on some occasions, due to the adoption of the CEO KPIs in December 2023.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION MOVED Cr May, SECONDED Cr Hamilton-Prime 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 July 2023 to 31 December 2023.

The Motion was Put and

CARRIED (6/0)

In favour of the Motion: Mayor Jacob, Cr Chester, Cr Fishwick, Cr Hamilton-Prime, Cr Hill and Cr May.

Against the Motion: Nil.

ATTACHMENTS

1. CONFIDENTIAL REDACTED - CEO KPI Progress Report Q 1 - Q 2 2023-24 [8.2.1 - 15 pages]
2. CONFIDENTIAL REDACTED - KPI 4 Department of Water and Environmental Regulation Approval - Co J WOC Waste Facility Licence [8.2.2 - 1 page]
3. CONFIDENTIAL REDACTED - KPI 6 Summary of Development Applications Q 1 and 2 [8.2.3 - 2 pages]
4. CONFIDENTIAL REDACTED - KPI 6 Advocacy and Investment Meetings 2023 24 [8.2.4 - 4 pages]

8.3 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW PROGRAM 2024

Disclosure of Financial Interest / Proximity Interest

Name / Position	Mr James Pearson, Chief Executive Officer.
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	3 April 2024.
Item No. / Subject	8.3 – Confidential – Chief Executive Officer Annual Performance Review Program 2024.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	74574, 101515
AUTHORITY / DISCRETION	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) 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 20 August 2024;
- 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; and
- 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 GIVES CONSIDERATION to recommending to the Council that it appoint an independent observer to the Chief Executive Officer Recruitment and Performance Review Committee, for the duration of the 2024 performance review process, and seek public expressions of interest from suitably qualified applicants.

ALTERNATE RECOMMENDATION MOVED Mayor Jacob, SECONDED Cr Fishwick 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 20 August 2024;**
- 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; and**
- 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 **REQUESTS the Chief Executive Officer to provide a further report to the Committee to consider recommending to the Council the appointment of an independent observer to the Chief Executive Officer Recruitment and Performance Review Committee, for the duration of the 2024 performance review process, seeking public expressions of interest from suitably qualified applicants.**

The Motion was Put and

CARRIED (6/0)

In favour of the Alternate Motion: Mayor Jacob, Cr Chester, Cr Fishwick, Cr Hamilton-Prime, Cr Hill and Cr May.
Against the Alternate Motion: Nil.

The Chief Executive Officer left the Room at 6.21pm.

Disclosure of Financial Interest / Proximity Interest

Name / Position	Mr James Pearson, Chief Executive Officer.
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	3 April 2024.
Item No. / Subject	8.4 – Confidential – Chief Executive Officer Performance Review Process.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

Disclosures of interest affecting Impartiality

Name / Position	Mr Jamie Parry, Director Governance and Strategy.
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	3 April 2024.
Item No. / Subject	8.4 – Confidential – Chief Executive Officer Performance Review Process.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of Mr Parry’s employment relationship with the Chief Executive Officer.

8.4 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW PROCESS (WARD – ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	74574
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

This report is confidential in accordance with section 5.23(2) 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 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.*

A full report is provided to elected members under separate cover. The report is not for publication.

OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES the advice received from Civic Legal regarding whether Clause 11 of the Chief Executive Officer Employment Contract is considered to meet best practice;
- 2 AGREES that Clause 11 of the Chief Executive Officer Employment Contract be utilised as the process for Performance Development and Review, as required by Clause 16 of the *City of Joondalup Standards for CEO Recruitment, Performance and Termination Policy*;
- 3 GIVES CONSIDERATION to the recommendations provided by Civic Legal contained within the report, to improve provisions related to the Chief Executive Officer performance review process, when a new employment contract is developed;
- 4 ENDORSES the development of a Chief Executive Officer Performance Review Procedure/Process to supplement and provide administrative guidance to Clause 11 of the Chief Executive Officer Employment Contract.

ALTERNATE RECOMMENDATION MOVED Cr Fishwick, SECONDED Mayor Jacob that Council:

- 1 **NOTES the advice received from Civic Legal regarding whether Clause 11 of the Chief Executive Officer Employment Contract is considered to meet best practice;**
- 2 **AGREES that Clause 11 of the Chief Executive Officer Employment Contract be utilised as the process for Performance Development and Review, as required by Clause 16 of the *City of Joondalup Standards for CEO Recruitment, Performance and Termination Policy*;**
- 3 **NOTES the recommendations provided by Civic Legal contained within the report, to improve provisions related to the Chief Executive Officer performance review process, and gives further consideration to them when a new employment contract is developed;**
- 4 **ENDORSES the development of a Chief Executive Officer Performance Review Procedure/Process to supplement and provide administrative guidance to Clause 11 of the Chief Executive Officer Employment Contract.**

The Motion was Put and

CARRIED (6/0)

In favour of the Alternate Motion: Mayor Jacob, Cr Chester, Cr Fishwick, Cr Hamilton-Prime, Cr Hill and Cr May.
Against the Alternate Motion: Nil.

The Director Governance and Strategy left the Room at 6.39pm.

Disclosure of Financial Interest / Proximity Interest

Name / Position	Mr James Pearson, Chief Executive Officer.
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	3 April 2024.
Item No. / Subject	8.5 – Confidential – Salary Review – Chief Executive Officer.
Nature of Interest	Financial Interest.
Extent of Interest	Mr Pearson holds the position of Chief Executive Officer.

Disclosures of interest affecting impartiality

Name / Position	Mr Jamie Parry, Director Governance and Strategy.
Meeting Type	Chief Executive Officer Recruitment and Performance Review Committee.
Meeting Date	3 April 2024.
Item No. / Subject	8.5 – Confidential – Salary Review – Chief Executive Officer.
Nature of Interest	Interest that may affect impartiality.
Extent of Interest	Due to the nature of Mr Parry’s employment relationship with the Chief Executive Officer.

8.5 CONFIDENTIAL - SALARY REVIEW – CHIEF EXECUTIVE OFFICER (WARD - ALL)

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	74574, 108783
AUTHORITY / DISCRETION	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) 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.

The Director Governance and Strategy returned to the Room at 6.55pm.

OFFICER'S RECOMMENDATION

That Council:

- 1 ACKNOWLEDGES that the Salaries and Allowances Tribunal has determined (6 April 2023) that the Local Government Band Classifications have been increased by 3.5% effective from 1 July 2023;
- 2 CONSIDERS the Chief Executive Officer's total reward package for the 2023 salary review (to be determined by the Committee).

ALTERNATE RECOMMENDATION MOVED Mayor Jacob, SECONDED Cr Fishwick that Council:

- 1 **ACKNOWLEDGES that the Salaries and Allowances Tribunal has determined (6 April 2023) that the Local Government Band Classifications have been increased by 3.5% effective from 1 July 2023;**
- 2 **ADOPTS the Chief Executive Officer's total reward package for the 2023 salary review to be an increase of 4.0% being \$396,351, plus the 0.5% increase to the statutory superannuation guarantee, effective from 1 July 2023.**

The Motion was Put and

CARRIED (6/0)

In favour of the Alternate Motion: Mayor Jacob, Cr Chester, Cr Fishwick, Cr Hamilton-Prime, Cr Hill and Cr May.
Against the Alternate Motion: Nil.

9 URGENT BUSINESS

Nil.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11 REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

12 CLOSURE

There being no further business, the Presiding Member declared the Meeting closed at 7.01pm the following Committee Members being present at that time:

MAYOR HON. ALBERT JACOB, JP
CR CHRISTOPHER MAY, JP
CR ADRIAN HILL
CR RUSS FISHWICK, JP
CR JOHN CHESTER
CR CHRISTINE HAMILTON-PRIME, JP