



SHIRE OF CARNARVON

AGENDA

MANAGEMENT REVIEW COMMITTEE

MONDAY 21 JULY 2025

Shire Council Chambers,
Stuart Street Carnarvon,
West Australia
Phone: (08) 9941 000
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The Shire of Carnarvon acknowledges and respects the Yinggarda (Carnarvon) and Baiyungu (Coral Bay) as the traditional custodians of the lands where we live and work. We pay our respects to Elders, past, present and emerging. The Shire of Carnarvon is committed to honouring the traditional custodians' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

NOTICE OF MEETING

Notice is hereby given

Shire of Carnarvon
Management Review Committee Meeting
will be held
on Monday 21 July 2025
at the Shire Council Chambers, Stuart Street
Carnarvon,
commencing at 9.30am.

Amanda Dexter
CHIEF EXECUTIVE OFFICER

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Carnarvon for any act, omission or statement or intimation occurring during Council/Committee Meetings or during formal/informal conversations with Staff or Councillors. The Shire of Carnarvon disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee Meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Carnarvon during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnarvon. The Shire of Carnarvon warns that anyone who has an application lodged with the Shire of Carnarvon must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnarvon in respect of the application.

TERMS OF REFERENCE

NOVEMBER 2023

Objectives of the Management Review Committee

The objectives of the Management Review Committee are to assist Council to manage its responsibilities in relation to the recruitment, performance management and termination of the Shire's Chief Executive Officer.

Legislative Considerations

The Management Review Committee (the Committee) is established by Council according to:

- a. Schedule 2 of the *Local Government (Administration) Regulations 1996 Model standards for CEO recruitment, performance and termination*; and
- b. Section 5.8 of the *Local Government Act, 1995*.

The Committee does not have any delegated authority, other than performing the role and responsibilities, as outlined in this Terms of Reference. The Committee recommendations must be adopted by Council before identified actions can be implemented.

All recruitment and review processes must be conducted in line with procedural fairness principles under the *Fair Work Act, 2009* and *Equal Opportunity Act, 1984*,

Membership

The Committee will consist of at least (5) members with four (4) being elected members of the local government, including the Shire President, plus one independent member. The independent member cannot be a current elected member, human resources consultant, or staff member of the local government.

All members will have full voting rights.

For the purpose of this Committee the Shire President has been elected the Presiding Member. In the absence of the Shire President a Deputy Presiding Member is to be nominated and endorsed to preside at that meeting in accordance with Section 5.14 of the *Local Government Act, 1995*.

The role of the Presiding Member includes:

- a) Overseeing and facilitating the conduct of meetings in accordance with the Act and the Shire's Standing Orders Local Law; ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and
- b) Where a matter has been debated significantly and no new information is being discussed, to call the meeting to order and ask for the debate to be finalised and the motion to be put.

A Facilitator is to assist the Committee in the recruitment or performance review processes but is not a member of the Committee and has no voting rights.

Appointment to the Committee is determined by Council following the Ordinary Local Government Elections, for a term to expire on the date of the subsequent Ordinary Local Government Elections in two years. If a member of the Committee resigns prior to an Ordinary Local Government Election, the Council will appoint a replacement.

Meetings

The Committee is to meet at least once a year to facilitate an annual assessment of the CEO's performance, and in relation to matters arising in relation to the CEO position.

A Committee meeting may also be held if called by Council, requested by the Shire President or requested by at least two (2) members of the Committee in writing to the CEO.

The Committee shall meet with the CEO on such dates and at such times as the Presiding Member determines, to receive and discuss an update on the progress of key performance indicators or other matters.

The following voting protocol applies:

Each member of the Committee at a meeting is to only have one vote.

- a) The Chairperson does not in the event of an equality of votes have a casting vote.
- b) In the event of a tied vote the matter will be referred to the Council for deliberation.

A quorum of the Committee is three (3) members.

Reporting

Minutes of Committee meetings will be kept in accordance with section 5.22 of the *Local Government Act, 1995*. The Committee is to close the meeting to members of the public if the meeting deals with any of the matters listed in section 5.23(2) of the *Local Government Act, 1995*.

Committee Functions

The Committee is to fulfill the following functions:

- a) Review the employment applications received through advertising of the CEO position and determine a short listing of applicants to be interviewed.
- b) Review draft interview questions as prepared by the Facilitator and establish the questions to be asked of the interviewees.
- c) Conduct initial interviews, and if determined by the Committee, second interviews with independent scoring of the candidates.
- d) Undertake negotiation with the preferred candidate to reach consensus on an agreed draft of the employment package and wording of the employment contract for consideration by Council.
- e) Provide a recommendation to Council on the preferred candidate for the position of CEO and agreed remuneration package, including employment contract, for Council's acceptance and adoption.
- f) Further review and recommend changes to Council regarding the key performance indicators for the CEO to achieve the key priorities of the Corporate Business Plan, and any other means that will be used to assess the CEO's future performance to meet the expectations of Council;
- g) In conjunction with a facilitator, undertake an assessment annually, or as requested by Council, of the CEO's performance in accordance with the provisions of the CEO's contract of employment and key performance indicators.
- h) Review the CEO's remuneration package annually and make recommendations to Council in relation to remuneration in accordance with the CEO's contract of employment, having consideration to the CEO's performance, current level of remuneration, and the Salaries and Allowances Determination.
- i) Respond to matters raised by the CEO in the attainment of the performance objectives.
- j) Following each performance review committee meeting report any recommendations to the next Ordinary Council Meeting.

Code of Conduct and Ethical Practices

Members of the Committee acknowledge that they are subject to the Shire of Carnarvon Code of Conduct for Elected Members, Committee Members and Candidates, and will in the discharge of their duties and responsibilities, exercise honesty, objectivity and probity and not engage knowingly in acts or activities that have the potential to bring discredit to Council.

Expiry and Review

The Committee will operate as per these Terms of Reference for two years at which time the Committee's functions and Terms of Reference will be reviewed unless, by decision of Council, the Terms of Reference are amended prior to the expiry.

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1 ATTENDANCE AND APOLOGIES

(The Local Government Act 1995 Section 2.25 provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. The leave cannot be granted retrospectively and an apology for non-attendance at a meeting is not an application for leave of absence.)

2 PUBLIC QUESTION TIME

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

3 DECLARATIONS OF INTEREST

(Elected Members and Officers are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

4 CONFIRMATION OF MINUTES

4.1 Minutes of the Management Review Committee Meeting - 26 May 2025

5 MATTERS FOR WHICH MEETING MAY BE CLOSED TO THE PUBLIC

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

5.1 REVIEW OF CEO PERFORMANCE AND SETTING OF KPIS

This matter is considered to be confidential under Section 5.23(2) - (a), (b) and (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees, the personal affairs of any person and 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.

6 DATE OF NEXT MEETING

7 CLOSE