



CHIEF EXECUTIVE OFFICER REVIEW COMMITTEE

Terms of reference

1. ESTABLISHMENT

- 1.1. The Council has established the Chief Executive Officer Review Committee (referred to in these Terms of Reference as "the Committee") pursuant to section 41 of the *Local Government Act 1999* ("the Act").
- 1.2. The Committee will be known as Chief Executive Officer Review Committee.
- 1.3. The Committee may be wound up at any time by resolution of the Council.
- 1.4. These Terms of Reference were adopted by the Council on **November 28, 2022 (CO 22/181.)**.

2. FUNCTIONS

- 2.1. The Committee is established to fulfil the following functions:
 - 2.1.1 appraise the performance of the Chief Executive Officer annually using a formal performance appraisal methodology; and
 - 2.1.2 set performance indicators and objectives based on the objectives included in the position description; and
 - 2.1.3 review the Officer's remuneration in accordance with the contract of employment on an annual basis; and
 - 2.1.4 prepare a report for Council on the outcomes of the annual appraisal and include recommendations in respect to the remuneration review
 - 2.1.5 to do anything necessary, expedient or incidental to performing or discharging the functions of the Committee as listed herein or to achieving its objectives.

3. MEMBERSHIP

- 3.1. The Committee will comprise of **five(5)** members, with one (1) member being the Mayor and **four(4)** members being elected Councillors:
- 3.2. The current members of the Committee are listed at Schedule 1 to these Terms of Reference.
- 3.3. Subject to clause 1.3 of these Terms of Reference, membership of the Committee is for the current term of the Council *unless* a member resigns or is otherwise incapable of continuing as a member or is removed from office by the Council.
- 3.4. The Committee may, by a vote supported by at least three (3) members of the Committee, make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee.

- 3.5. Members of the Committee are eligible for re-appointment at the expiration of their term of office.
- 3.6. The Committee may be re-established by the Council after each Council general election.

4. PRESIDING MEMBER

- 4.1. The Mayor is appointed the Presiding Member (to be known as the Chairperson) of the Committee.
- 4.2. The Council authorises the Committee to determine if there will be a Deputy Presiding Member (to be known as the Deputy Chairperson) of the Committee and, if so, authorises, the Committee to make the appointment to that position for a term determined by the Committee.
- 4.3. If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, as the case may be) is present.
- 4.4. The role of the Presiding Member includes:
 - 4.4.1 ensuring that the Committee acts and operates at all times in accordance with these Terms of Reference;
 - 4.4.2 overseeing and facilitating the conduct of meetings in accordance with the *Local Government Act* and the *Local Government (Procedures at Meetings) Regulations 2013*;
 - 4.4.3 ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and
 - 4.4.4 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.

5. OPERATIONAL MATTERS

- 5.1. The Council has not delegated any of its powers to the Committee. Accordingly, all decisions of the Committee constitute recommendations to the Council.
- 5.2. For the purposes of section 41(8) of the Act, the reporting and other accountability requirements of the Council are satisfied by the delivery of a copy of the minutes of each meeting of the Committee to each Elected Member of the Council and the inclusion of those minutes in the agenda papers for the next ordinary meeting of the Council.
- 5.3. The Committee shall meet at least once per year on such dates and at such times as the Committee determines.

6. NOTICE OF MEETINGS

6.1. Notice of the meetings of the Committee will be given in accordance with sections 87 and 88 of the Act. Accordingly, notice will be given: -

6.1.1 to members of the Committee by email or as otherwise agreed by Committee members at least three (3) clear days before the date of the meeting; and

6.1.2 to the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

7. PUBLIC ACCESS TO MEETINGS

7.1. The Committee shall meet at least once per year at the Offices of the Council located at 60 Tasman Terrace, Port Lincoln.

7.2. Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of section 90 of the Act.

8. MEETING PROCEDURE

8.1. The Committee shall act at all times in accordance with the Local Government Act and the Local Government (Procedure at Meetings) Regulations 2013.

8.2. Subject to clause 3.4 of these Terms of Reference, all decisions of the Committee shall be made on the basis of a majority of the members present.

8.3. A quorum for a meeting of the Committee is **three (3)** members.

8.4. All members of the Committee must (subject to a provision of the Act or Meeting Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.

8.5. Every member of the Committee has a deliberative vote only. In the event of a tied vote the person presiding at the meeting does not have a second or casting vote.

8.6. The format of the agenda for all meetings of the Committee is as set out at Schedule 2 to these Terms of Reference.

8.7. The agenda and reports for all meetings of the Committee must be delivered to members of the Committee at least three (3) clear days before the meeting.

8.8. Any decision of the Committee which does not arise from a recommendation of a Council officer must be supported in the minutes of the meeting by clear reasons for the decision.

8.9. The Council Chief Executive Officer will provide executive support and the Executive Assistant to the Mayor and CEO to provide secretarial support for the purposes of co-ordination and preparation of agendas and reports for and minutes of Committee meetings and as a point of contact for all Committee members.

SCHEDULE 1

The members of the Committee are as follows:

- Mayor Diana Mislov
- Deputy Mayor Jack Ritchie
- Cr Andrea Broadfoot
- Cr Robyn Rowsell
- Cr Dylan Cowley

SCHEDULE 2

The Committee meeting agenda is based on the following agenda:

Item Number	Heading
1.	Present
2.	Apologies
3.	Declaration of Conflict of Interest
4.	Confirmation of Minutes of Previous Meeting
5.	Committee Reports
6.	Confidential Reports
7.	Next Meeting
8.	Meeting Close