

AGENDA

Chief Executive Officer Performance Review Committee

Tuesday 25 March 2025



I hereby give notice that a Chief Executive Officer Performance Review Committee will be held on:

Time: 4:00 pm
Date: Tuesday 25 March 2025
Location: Council Chamber - Civic Centre
10 Watson Terrace, Mount Gambier



Jane Fetherstonhaugh
**GENERAL MANAGER CORPORATE
AND REGULATORY SERVICES**
21 March 2025

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1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

Nil

3 CONFIRMATION OF MINUTES

3.1 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Chief Executive Officer Performance Review Committee Meeting held on 11 February 2025 be confirmed as an accurate record of the proceedings of the meeting.

4 QUESTIONS WITHOUT NOTICE

5 REPORTS

Nil

6 URGENT MOTIONS WITHOUT NOTICE

7 CONFIDENTIAL ITEMS

7.1 INDEPENDENT SPECIALIST SUPPORT SELECTION

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Independent Specialist Support Selection.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the matter relates to consideration of submissions for the provision of consultancy services which includes commercial information the disclosure of which would confer benefit on third parties and prejudice the commercial position of Council in obtaining best value on behalf of the community.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Independent Specialist Support Selection and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (b) information the disclosure of which -
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.

be kept confidential and not available for public inspection until 2 years have elapsed with the name and value of the selected supplier be released immediately upon execution of a contract.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

- 8 MEETING CLOSE**
- 9 ATTACHMENT - PREVIOUS COMMITTEE MINUTES**



MINUTES

Chief Executive Officer Performance Review Committee Meeting Tuesday 11 February 2025



Minutes of Confidential Chief Executive Officer Performance Review Committee held at:

Time: 4:00 pm
Date: Tuesday 11 February 2025
Location: Council Chamber - Civic Centre
10 Watson Terrace, Mount Gambier

City of Mount Gambier
Chief Executive Officer Performance Review Committee Meeting Minutes

11 February 2025

PRESENT: Mayor Lynette Martin (OAM)
Cr Max Bruins
Cr Josh Lynagh
Cr Sonya Meziniec
Cr Frank Morello

**MEMBERS AS
OBSERVERS:** Cr Paul Jenner

**OFFICERS IN
ATTENDANCE:** General Manager Corporate and Regulatory Services - Mrs J Fetherstonhaugh
Executive Administrator - Mrs A Pasquazzi

- 1 **ACKNOWLEDGEMENT OF COUNTRY**
WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

- 2 **APOLOGIES**

Nil

- 3 **CONFIRMATION OF MINUTES**

3.1 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION CEOPR 2025/1

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

That the minutes of the Chief Executive Officer Performance Review Committee Meeting held on 22 July 2024 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

- 4 **QUESTIONS WITHOUT NOTICE**

Nil

5 REPORTS

5.1 CHIEF EXECUTIVE PERFORMANCE REVIEW PROCESS 2025

COMMITTEE RESOLUTION CEOPR 2025/2

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Chief Executive Officer Performance Review Committee report titled 'Chief Executive Performance Review Process 2025' as presented on Tuesday 11 February 2025 be noted.
2. The process for the 2025 Chief Executive Officer Performance Review Committee be noted.
3. The procurement process for engaging an 'Independent Specialist Support' to conduct a transparent and impartial performance evaluation of the Chief Executive Officer be approved.

CARRIED

5.2 TERMS OF REFERENCE - PERIODICAL REVIEW

COMMITTEE RESOLUTION CEOPR 2025/3

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Chief Executive Officer Performance Review Committee report titled 'Terms of Reference - Periodical Review' as presented on Tuesday 11 February 2025 be noted.
2. That the updated Chief Executive Officer Performance Review Committee Terms of Reference having been reviewed by the Chief Executive Officer Performance Review Committee at its meeting on 10 February 2025, be adopted.
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the Terms of Reference arising from this meeting, together with any typographical corrections, amendments to position or organisation titles, and finalisation of the document's formatting that do not materially alter the integrity of the document.

CARRIED

6 URGENT MOTIONS WITHOUT NOTICE

Nil

7 CONFIDENTIAL ITEMS

7.1 REMUNERATION TRIBUNAL REVIEW 2024

RESOLUTION CEOPR 2025/4

Moved: Cr Josh Lynagh

Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except the Mayor, Councillors and Council Officers, J Fetherstonhaugh and A Pasquazzi be excluded from attendance at the meeting for the receipt and consideration in confidence of Remuneration Tribunal Review 2024.

The Council is satisfied that, pursuant to section 90(3) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances as the subject matter to be discussed includes information concerning the employment conditions of the Chief Executive Officer outside of those required to be published under the Local Government Act 1999 and also relates to a draft report and determination of the Remuneration Tribunal.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension To discuss the Remuneration Tribunal Review 2024

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 4:11pm.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 4:30 pm.

RESOLUTION CEOPR 2025/6

Moved: Cr Sonya Meziniec
Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report Remuneration Tribunal Review 2024 and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under:
 - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
 - (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.be kept confidential and not available for public inspection until until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has lapsed, to be reviewed at least once in every 12 month period, with the exception of the relevant salary register details which are to be updated within 28 days of any change in remuneration.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

CARRIED

8 MEETING CLOSE

The meeting closed at 4:45pm.

The minutes of this meeting were confirmed at the Chief Executive Performance Review Committee Meeting held on

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PRESIDING MEMBER