



MINUTES OF THE MEETING OF CEO PERFORMANCE REVIEW COMMITTEE

held on Wednesday 5 June 2024 commencing at 4.00pm
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

MINUTES

Welcome by Deputy Mayor Cr Kathryn Schilling, who declared the meeting open at 4.00pm.

1. ATTENDANCE RECORD

1.1 Members Present

Mayor Bim Lange (via Teams), Crs Kathryn Schilling, David de Vries, John Angas, Andrew Reed (Hender Consulting) and Gillian Standen-Thomas,.

Apologies

Nil

Not Present

Nil

Leave of Absence

Nil

2. CONFIRMATION OF PREVIOUS MINUTES

2.1 Minutes of previous meetings – for confirmation:

MOVED Cr Angas

That the Minutes of the CEO Performance Review Committee held on Wednesday 3 April 2024 at 4.00pm, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

SECONDED Mayor Lange

CARRIED CPRCC/3

2.2 Matters arising from previous minutes

Nil

3. MATTERS FOR INFORMATION

Nil

4. DEBATE REPORT

Nil

5. CONFIDENTIAL AGENDA

Cr de Vries left the meeting at 4:03pm.

Cr de Vries returned to the meeting at 4.06pm.

5.1 CEO PERFORMANCE REVIEW OUTCOMES **24/34608**

The matter of the agenda item being 5.1 CEO Performance Review Outcomes – all information is provided pursuant to Section 83(5) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence.

There is strong public interest in enabling members of the public to observe CEO Performance Review Committee's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a CEO Performance Review Committee meeting is one means of satisfying this interest. The public will only be excluded from a CEO Performance Review Committee meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that matters relating to the performance and employment contract of the CEO

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

MOVED Cr Angas

That CEO Performance Review Committee:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting, in order to consider in confidence a report relating to being information that must be considered in confidence pursuant to:

Section 90(3)(a) of the *Local Government Act 1999*:

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

- (2) Accordingly, on this basis, CEO Performance Review Committee is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that matters relating to the performance and employment contract of the CEO

SECONDED Mayor Lange

CARRIED CO CPRCC/4

The Meeting moved in to confidence at 4.03pm.

MOVED Cr de Vries

That CEO Performance Review Committee, (CONFIDENTIAL):

- (1) Confidential Resolution
- (2) Confidential Resolution
- (3) Confidential Resolution
- (4) Confidential Resolution.
- (5) Having considered this matter in confidence under Sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential CEO Performance Review Committee Meeting held on 1 May 2024 in relation to item 5.1 CEO Performance Review Outcomes be kept confidential and not available for public inspection until annual review of Confidential Orders.

SECONDED Cr Angas

CARRIED CO CPRCC/5

Resumption of open meeting at 4.37pm.

5.2 **CEO PERFORMANCE TARGETS 2023-24 AND CEO ACCOUNTABILITY REPORT 24/41912**

The matter of the agenda item being: 5.2 – CEO Performance Targets 2023-24 and CEO Accountability Report – all information is provided pursuant to Section 83(5) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence.

There is strong public interest in enabling members of the public to observe CEO Performance Review Committee's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a CEO Performance Review Committee meeting is one means of satisfying this interest. The public will only be excluded from a CEO Performance Review Committee meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that matters relating to the performance and employment contract of the CEO.

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

MOVED Cr Angas

That CEO Performance Review Committee:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting, in order to consider in confidence a report relating to being information that must be considered in confidence pursuant to:

Section 90(3)(a) of the *Local Government Act 1999*:

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and

Section 90(3)(e) of the *Local Government Act 1999*:

matters affecting the security of the council, members or employees of the council, or council property; or the safety of any person;

- (2) Accordingly, on this basis, CEO Performance Review Committee is satisfied that public interest in conducting meetings in a place open to the public has been

outweighed by the need to keep the information and discussion confidential in order that In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that matters relating to the performance and employment contract of the CEO.

SECONDED Cr de Vries

CARRIED CO CPRCC/6

The meeting moved into confidence at 4.37pm.

MOVED Cr Angas

That CEO Performance Review Committee:

- (1) Confidential Resolution.
- (2) Having considered this matter in confidence under Sections 90(2) and 90(3)(a) and (e) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential CEO Performance Review Committee Meeting held on 5 June 2024 in relation to item 5.2 CEO Performance Targets 2023-24 and CEO Accountability Report be kept confidential and not available for public inspection until an annual review of Confidential Orders.

SECONDED Cr de Vries

CARRIED CO CPRCC/7

Resumption of open meeting at 4.38pm.

5.3 EMPLOYEE EXIT DATA - 2023/24

24/41905

The matter of the agenda item being: 5.3 – Employee Exit Data – all information is provided pursuant to Section 83(5) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence.

There is strong public interest in enabling members of the public to observe CEO Performance Review Committee's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a CEO Performance Review Committee meeting is one means of satisfying this interest. The public will only be excluded from a CEO Performance Review Committee meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public

interest are that they are matters relating to the performance and employment contract of the CEO.

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

MOVED Cr de Vries

That CEO Performance Review Committee:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting, in order to consider in confidence a report relating to being information that must be considered in confidence pursuant to:

Section 90(3)(a) of the *Local Government Act 1999*:

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and

Section 90(3)(e) of the *Local Government Act 1999*:

matters affecting the security of the council, members or employees of the council, or council property; or the safety of any person;

- (2) Accordingly, on this basis, CEO Performance Review Committee is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that they are matters relating to the performance and employment contract of the CEO.

SECONDED Mayor Lange

CARRIED CO CPRCC/8

The meeting moved into confidence at 4.38pm.

MOVED Cr de Vries

That CEO Performance Review Committee:

- (1) Confidential Resolution.
- (2) Having considered this matter in confidence under Sections 90(2) and 90(3)(a) and (e) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential CEO Performance Review Committee Meeting held on 5 June 2024 in relation to item 5.3 Employee Exit

Data - 2023/24 be kept confidential and not available for public inspection until annual review of Confidential Orders.

SECONDED Cr Angas

CARRIED CO CPRCC/5

Resumption of open meeting at 4.40pm.

6. URGENT OTHER BUSINESS

Nil

7. NEXT MEETING

To be determined.

8. CLOSURE

Deputy Mayor, Cr Kathryn Schilling declared the meeting closed at 4.44pm.

Confirmed at CEO Performance Review Committee Meeting on

Date:.....

Chairperson:.....