



City of
**Norwood
Payneham
& St Peters**

CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW COMMITTEE

TERMS OF REFERENCE

1. ESTABLISHMENT AND FUNCTION OF THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW COMMITTEE

- 1.1 Pursuant to Section 41 of the Local Government Act 1999 the Council establishes a Committee to be known as the Chief Executive Officer's Performance Review Committee ("the Committee").
- 1.2 The Committee is to continue in existence until the Review has been completed.

2. OBJECTIVES

The Committee is established for the purposes of conducting a review of the Chief Executive Officer's performance as required and in accordance with the Officer's Contract of Employment.

3. MEMBERSHIP

- 3.1 Membership of the Committee will comprise:
 - Mayor Robert Bria;
 - Cr Sue Whittington;
 - Cr Christel Mex;
 - Cr Kevin Shepherdson; and
 - Dr Wayne Coonan (Independent Member).
- 3.2 The Council appoints the Mayor as the Presiding Member of the Committee.
- 3.3 Membership of the Chief Executive Officer's Performance Review Committee continues for the term of the Committee unless a member resigns from the Committee or is removed earlier by resolution of Council.

4. DELEGATED AUTHORITY

Pursuant to Section 44 of the Local Government Act 1999 the Council has delegated to the Committee the powers, duties and functions of the Council necessary for the Committee to perform its functions in respect to:

- a. to appoint, following discussion with the Chief Executive Officer and subject to the agreement of the Chief Executive Officer, the Independent Member to the Committee; and
- b. the conduct of the review of the Chief Executive Officer's performance in accordance with the Chief Executive Officer's Contract of Employment and Protocols established by the Council.

5. TERMS OF REFERENCE – OPERATIONAL MATTERS

- 5.1. The Committee shall act at all times in strict accordance with the Local Government Act 1999 and any other relevant legislation.
- 5.2. In particular, the Committee shall act at all times in strict accordance with the Local Government Act 1999 and Part 2 of the Local Government (Procedures at Meetings) Regulations 2013, provided that the Committee may alter in whole or in part the application of Part 2 of the Regulations where it forms the opinion that such alterations are necessary for the better operation of its meetings.
- 5.3. The Committee shall meet at the Norwood Town Hall, 175 The Parade, Norwood, in accordance with the responsibilities imposed upon it at Clause 7 of these Terms of Reference and otherwise on such dates and at such times as the Presiding Member of the Committee or the Committee by resolution may determine.
- 5.4. A quorum for a meeting of the Committee shall be three (3) members of the Committee which shall include the Independent Member.
- 5.5. If the Presiding Member of the Committee is absent from a meeting then the members present will determine between themselves who will preside.
- 5.6. All decisions of the Committee shall be made on the basis of a majority decision of the members present.
- 5.7. Insofar as the Local Government Act 1999 and Regulations and these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.

6. REPORTING

- 6.1. Pursuant to Section 41(8) of the Local Government Act 1999, all decisions of the Committee will be reported to the Council for the purposes of information only. The reporting of the decisions of the Committee in this manner and the final report of the Committee, in accordance with Clause 1.2 of these Terms of Reference, will satisfy the requirements of Section 41(8).
- 6.2. The reports, minutes and resolutions of the Committee shall be kept confidential.

7. TERMS OF REFERENCE – FUNCTIONS AND RESPONSIBILITIES

- 7.1. The Chief Executive Officer's Performance Review Committee is charged with undertaking the following functions:
 - a. To undertake a review of the Chief Executive Officer's performance as required by Clause 7 of the Chief Executive Officer's Contract of Employment.
 - b. In undertaking the review, the Committee shall assess the Chief Executive Officer's performance by reference to the extent to which the Chief Executive Officer has discharged the goals, objectives, responsibilities and duties as set out in the Contract of Employment and as required by Schedule 3 of the Contract of Employment.
 - c. The process to be followed by the Committee in discharging its powers, duties and functions shall be in accordance with the Protocols agreed to by the Council at its meeting held on 11 October 2004 and which are attached to these Terms of Reference.

8. WINDING UP OF COMMITTEE

- 8.1. The Committee will be wound up without further action by the Council upon the finalisation of the Chief Executive Officer's Performance Review process required by Clause 1.2 of these Terms of Reference.



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Protocols to be used to Conduct the Performance Review of the Chief Executive Officer

1. The Council must nominate the members of the Review Panel by no later than two weeks before the annual review is due to commence. The Mayor will chair the Panel.
2. At least six weeks prior to nominating the independent person to the Review Panel, a transparent selection process to be managed by a nominated senior Manager other than the Chief Executive Officer, must be undertaken.
3. The candidates to be considered by the Council for nomination to the Review Panel must be approved as potential members of the Review Panel by the Chief Executive Officer prior to commencement of this selection process.
4. The Council must deliver a written "Terms of Reference" to the Review Panel at the time of nomination.
5. The "Terms of Reference" for the Review Panel must include a copy of the Chief Executive Officer's current Contract of Employment, all of the previously agreed statements of "goals, objectives, responsibilities and duties" and "performance criteria" of the Chief Executive Officer against which the Chief Executive Officer is to be reviewed and assessed. The "Terms of Reference" must also include a copy of the previous written annual review report which may include criteria for development/improvement against which the Chief Executive Officer may also need to be assessed, together with the outcome of any mid term action plan required from the previous year's Report.
6. At the first meeting of the Review Panel the members must first agree on a methodology for the review process and relevant protocols for undertaking the Review and Assessment.
7. Panel members shall not disclose any details of the Review to any other person, must keep all documents provided to them confidential and must return all documents so provided to them for the purpose of the Review, to the Mayor for secure and confidential storage at the completion of the Review.
8. The Independent Member of the Review Panel shall in addition to participating as an equal member of the Panel, provide relevant professional advice to the Panel and be responsible for fully supporting the Panel and preparing the Report as required by the Panel after consultation with the Chief Executive Officer.
9. The Chair of the Panel shall be responsible for calling and organising meetings of the Panel which shall be held in confidence.
10. The assessment report developed for the Panel shall include details of the methodology used and the findings of each stage of the Review process including a summary of the outcomes of qualitative methods such as interviews, but will not include material which could breach the confidentiality of participants in the Review process.
11. The Chief Executive Officer will have the opportunity to comment on both the preliminary report and the final report of the Panel before the latter is delivered to the Council with the intent that the Panel and the Chief Executive Officer have agreed on the final Report and the recommendations.
12. Any matters which cannot be agreed by the Review Panel and the Chief Executive Officer shall be clearly identified in the final Report, but the only matters to be referred to the Council for action must be of substance regarding the failure of the Chief Executive Officer to meet expected performance and which would warrant the Council commencing a formal warning procedure as provided in the Chief Executive Officer's Contract of Employment.