

Chief Executive Officer's Contract and Performance Review Committee Terms of Reference

The Chief Executive Officer's Contract and Performance Review Committee is established as a Special Committee pursuant to section 24 of the *Local Government Act 1993* (Tas) (the Act).

This Special Committee will operate in accordance with meeting procedures specified in the Chief Executive Officer's Contract and Performance Review Special Committee meeting procedures (14-Pr-018) (the Procedures).

For the avoidance of doubt, the Chief Executive Officer is a term of reference for General Manager within the meaning of the Act.

PURPOSE

The purpose of the Chief Executive Officer's Contract and Performance Review Committee (Committee) is to uphold the requirements of the Act in relation to performance management of the Chief Executive Officer (CEO) as per the CEO's employment contract.

The Committee will undertake an annual performance review of the Chief Executive Officer's performance against planned objectives in accordance with the employment agreement.

The Committee will obtain and consider the advice of an appropriately qualified person to;

- support the establishment of performance objectives, and the conduct of the remuneration review, as described in the *Local Government (Appointment and Performance of General Managers) Order 2024*.
- oversee and complete the annual performance review of the Chief Executive Officer in accordance with the Act
- make recommendations to Council relating to the Chief Executive Officer's employment contract.

ROLE AND RESPONSIBILITIES

Council

Council is responsible for ensuring the effective and lawful conduct of the CEO's annual performance review and will:

- Ensure the annual performance review is completed no later than 31 July.
- Engage a suitably qualified and experienced external person to:
 - conduct the CEO's performance review and assist in the setting of new annual key performance indicators; and
 - facilitate an annual 360-degree appraisal of the CEO's performance, with participants to be mutually agreed.
- Consider whether amendments are required to:
 - the CEO's Position Description.
 - the personal performance agreement; and
 - the employment contract, to ensure alignment with Council's strategic objectives.
- Review the remuneration and any other conditions of employment of the CEO.

- Ensure the CEO is treated fairly, equitably, and without discrimination throughout the annual performance review cycle.
- To appoint Members of the Special Committee.
- To receive reports and recommendations from the Special Committee and make determinations accordingly

Committee

The Committee acts in an advisory capacity to Council and has no delegated authority to make binding determinations regarding the CEO's employment or remuneration.

The Committee is responsible for overseeing and conducting the CEO's annual performance review process and will:

- Conduct the CEO's performance review in a manner agreed between the CEO and the Committee.
- Ensure the review:
 - is conducted in accordance with relevant legislation, employee agreements, and performance criteria.
 - measures achievement against the annual performance agreement.
 - evaluates adherence to the Position Description; and
 - includes a remuneration review in accordance with the CEO's employment agreement.
- Ensure the CEO is provided with at least 28 days' notice of any performance review meetings the CEO is required to attend.
- Consider written feedback from Councillors on the CEO's performance, where provided to the Chair for inclusion in Committee deliberations.
- Communicate recommendations to Council.
- Following Council consideration of the Committee's recommendations, the Chair, together with the Deputy Mayor and/or a nominated Committee member, will meet with the CEO to communicate the outcomes of the performance review. A formal record of the review will be placed on the CEO's personnel file.

Chief Executive Officer (CEO)

As part of the annual performance review process, the CEO may:

- Provide written feedback on matters to be considered at the performance review by submitting this to the Chair.
- Present outcomes achieved against the performance agreement as a component of the review process.

Administrative Support

Administrative support for the Committee is provided by an appropriate Council Officer.

AUTHORITY

Council will engage at least one individual who is not a Councillor to assist with the CEO performance assessment, as determined by Council. Any appointed independent person acts in an advisory and facilitative capacity only and does not exercise decision making authority in relation to the CEO's performance assessment or employment arrangements.

The appointed person will provide guidance to Council on contemporary human resource practices and procedures relevant to this work and must hold appropriate qualifications and experience in senior executive performance assessment

The appointed person must

- I. hold experience in the recruitment of senior management personnel; and
- II. hold relevant qualifications in contemporary human resource practices and procedures

The Mayor is the responsible liaison, on behalf of Council, with the CEO in relation to performance matters. The Mayor may delegate these functions as described at section 27(1)(g) of the Act. to the Deputy Mayor.

MEMBERSHIP

The Special Committee is comprised of five Councillors, including the Mayor as Chair.

TERMS OF APPOINTMENT

- Excluding the membership of the Mayor, the Committee's membership will be reviewed every two years.
- The resignation of a Councillor from office will result in a casual vacancy on the committee, to be filled by an elected member appointed by Council resolution.

CHAIR OF THE COMMITTEE

- The Mayor is the Chair of the Committee.
- The Deputy Mayor may act as Chair where delegated in the absence of the Mayor.
- The role of the Chair is to facilitate the meeting in accordance with the Procedures.

MEETING ARRANGEMENTS

The Committee will meet annually or as required at the discretion of the Committee, on days and times to be determined by the Committee at its first meeting.

MEETING QUORUM

A quorum is three Councillors, at least one of whom must be the Mayor, or Deputy Mayor where delegated in the absence of the Mayor. If a quorum cannot be achieved, the meeting is to be postponed and reconvened at a later date.

If at any time during a meeting the required quorum is no longer present, the Chair is to adjourn the meeting until the quorum is present or until a later date, unless the quorum is likely to be present at the next item of business.

MEETING NOTICES

- Notice of meetings will be issued electronically.
- Meeting Agendas, Minutes and meeting papers will be distributed to all Committee members at least four clear days of the scheduled Meeting.
- A Committee Member may request an item to be included on the agenda by advising the Chair at least eight working days prior to a Meeting.
- Minutes of Committee meetings will be kept in accordance with the Procedures and circulated to Committee Members following the Meeting.
- Once confirmed, the meeting minutes will be presented to Council in closed session for completeness of the official record.

MEETING PROCEDURES

The meeting procedures are detailed in (14-Pr-018).

PUBLIC ACCESS TO MEETINGS AND DOCUMENTS

- Meetings of the Committee are to be held privately, with attendance limited to Committee members and other persons invited by the Chair.
- All discussions, decisions, reports and documents considered by the Committee are confidential and are not to be released to the public, except as authorised or required under law.
- Information relevant to the Committee is subject to the Right to Information Act 2009. Information held by the Committee is not exempt from right to information assessment and will be managed, assessed and disclosed strictly in accordance with legislative requirements.

AMENDMENT TO THE TERMS OF REFERENCE

These Terms of Reference will be reviewed at least every two years, or earlier if there is a material change in legislation, Council resolution, or Committee membership.

The Committee will be entitled to comment on any amendment to these terms of reference that may be proposed by the Council.

INTERPRETATION

Any disputes in relation to the interpretation or application of these terms of reference that are not able to be resolved by the Committee will be determined by the Council.

CODE OF CONDUCT

All Committee members must adhere to the Code of Conduct for Councillors.

ORGANISATIONAL VALUES

The Committee will conduct itself in a manner that supports the City of Launceston's organisational values.



CONFLICT OF INTEREST

If a committee member has an interest in any matter to be discussed in the meeting, they must declare a conflict of interest in it at the commencement of the meeting. A declared interest will result in the inability for that member to be involved in the discussion of that matter. The committee member must withdraw from the meeting during the discussion of the matter and can return to the meeting at the conclusion of the item.

Declarations of interest will be minuted and the times that committee members are absent from the meeting due to a declaration of interest will also be recorded at the appropriate item in the minutes.

OTHER MATTERS

The Committee will have reasonable access to resources to meet its purpose, with due regard to the budgetary and other resourcing constraints of Council.

The Committee will consider relevant laws, regulations and guidelines in its approach to monitoring the performance of the Chief Executive Officer.

The Committee and the Chief Executive Officer will approach negotiations on matters within the Committee's remit in good faith.

The Office of the Mayor will provide administrative support to the Committee, including coordination of agendas and minutes, and will act as a point of contact to all Committee members and qualified independent people.

CONTACT WITH THE COMMITTEE

Members of the public who wish to make contact with the Committee may address correspondence to:

Chief Executive Officer's Contract and Performance Review Special Committee Chair

In person: Town Hall, St John Street, Launceston

Email: contactus@launceston.tas.gov.au

Via Post: PO Box 396, Launceston TAS, 7250.

RELATED POLICIES AND PROCEDURES

[Code of Conduct Framework for Tasmanian Councillors](#)

REVIEW

These Terms of Reference will be reviewed each time there is a change in membership of the Committee, or earlier if determined by Council.