



CITY OF WEST TORRENS

Terms of Reference

CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW COMMITTEE

PREAMBLE

A Committee of Council may be established by resolution of the Council.

Section 41 of the *Local Government Act 1999* (Act) empowers a Council to establish committees to:

- assist the Council in the performance of its functions;
- enquire into and report to the Council on matters within the ambit of the Council's responsibilities;
- provide advice to the Council;
- exercise, perform or discharge delegated powers, functions or duties.

The establishment of a Committee does not derogate from the power of the Council to act in a matter.

1. ESTABLISHMENT

Pursuant to s41 of the Act Council has established a committee to be known as the Chief Executive Officer's Performance Review Committee (referred to in these Terms of Reference as 'Committee').

2. OBJECTIVES

The primary objective of the Committee is to assist Council by:

- 2.1 Ensuring that a review of the Chief Executive Officer's (CEO's) performance is conducted annually (or more frequently if the Council requires) in accordance with the terms and conditions of the CEO's Contract of Employment.
- 2.2 Considering any other matter which is within the powers and functions of the Council and which is referred to the Committee by the Council.

The Committee may at any time make recommendations to the Council to amend these Terms of Reference if the Committee forms the opinion that such amendments are necessary for the better operation of the Committee in the performance of its role.

3. MEMBERSHIP

3.1. Membership of the Committee will comprise up to seven (7) Elected Members being:

- Cr Sara Comrie
- Cr Lana Gelonese
- Cr Anne McKay
- Cr Kym McKay
- Cr Graham Nitschke
- Cr Elisabeth Papanikolaou
- Cr Sam Whiting

3.2 All members of the Committee will hold office for the period 1 February 2023 to the conclusion of the 2026 Local Government elections.

3.3 Members of the Committee may be removed from office by Council resolution at any time.

3.4 Members of the Committee may resign their position at any time by giving notice of their intention, in writing, to the Chief Executive Officer.

3.5 If a vacancy occurs on the Committee, in accordance with clauses 3.3 or 3.4, the Council may appoint a replacement Member.

3.6 An Elected Member who is not a duly appointed member as listed in clause 3.1, may attend a committee meeting, with the right to speak and ask questions relating to motions but not debate or vote on motions.

4. PRESIDING MEMBER

4.1. Council (at its meeting held 13 December 2022) appointed Cr Surender Pal as the Presiding Member of the Committee for the period 1 February 2023 to 30 November 2024.

4.2. Council (at its meeting held 13 December 2022) appointed Cr Jassmine Wood as the Deputy Presiding Member of the Committee for the period 1 February 2023 to 30 November 2024.

4.3. Council (at its meeting held 13 December 2022) appointed Cr Anne McKay as the Presiding Member of the Committee for the period 1 December 2024 to 30 November 2025.

4.4. Council (at its meeting held 13 December 2022) appointed Cr Elisabeth Papanikolaou as the Deputy Presiding Member of the Committee for the period 1 December 2024 to 30 November 2025.

4.5. Council (at its meeting held 13 December 2022) appointed Cr Jassmine Wood as the Presiding Member of the Committee for the period 1 December 2025 to the conclusion of the 2026 Local Government elections.

4.6. Council (at its meeting held 13 December 2022) appointed Cr John Woodward as the Deputy Presiding Member of the Committee for the period 1 December 2025 to the conclusion of the 2026 Local Government elections.

4.7. The role of the Presiding Member is to:

- 4.7.1 oversee and facilitate the conduct of meetings in accordance with the Act and *Local Government (Procedures at Meetings) Regulations 2013* (Regulations);
- 4.7.2 ensure that the Guiding Principles at regulation 5 are observed and that all Committee members have an opportunity to participate in discussions in an open and responsible manner; and
- 4.7.3 call the meeting to order and move the debate towards finalisation when a matter has been debated significantly and no new information is being discussed.

5. OPERATIONAL MATTERS

- 5.1 The Committee does not enjoy any delegated powers or functions from the Council so that all decisions of the Committee (subject to any clause of these Terms of Reference to the contrary) will constitute recommendations to the Council.
- 5.2 For the purposes of s41(8) of the Act, the Council's reporting and other accountability requirements are satisfied by the delivery of a copy of the minutes of each meeting of the Committee to each member of the Council and the inclusion of those minutes in the agenda papers for the next ordinary meeting of the Council.
- 5.3 If the Presiding Member of the Committee, is absent from a meeting the Deputy Presiding Member will preside at that meeting. If both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee then a member of the Committee chosen from those present, by formal resolution, will preside at the meeting until the Presiding Member (or Deputy Presiding Member) is present.
- 5.4 The Committee must obtain and consider the advice of a qualified independent person when undertaking a review of the CEO's performance.

6. MEETINGS

- 6.1 The Committee will act at all times in strict accordance with the Act and will at all times be subject to the operation of Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* and the *City of West Torrens Code of Practice - Procedures at Meetings*.
- 6.2 Insofar as the Act 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 has determined its own procedure as articulated in the *City of West Torrens Code of Practice - Procedures at Meetings*.
- 6.3 The attached agenda format will be used for the conduct of meetings.

7. MEETING TIME AND PLACE

- 7.1 The Committee will meet annually on the fourth Thursday of September each year commencing September 2023 at 6.00pm, in the Mayor's Reception Room, Civic Centre, 165 Sir Donald Bradman Drive, Hilton SA 5033.
- 7.2 The Chief Executive Officer is delegated authority to vary the meeting date, time and place of the Committee meeting in consultation with the Presiding Member.

8. QUORUM

- 8.1 A quorum for a meeting of the Committee will be half of the number of members plus one.
- 8.2 No business can be transacted at a meeting unless a quorum is present.

9. DECISIONS

All decisions of the Committee will be made on the basis of a majority of members present.

10. VOTING

- 10.1 All members of the Committee must (subject to any provisions of the Act or Regulations to the contrary) vote on all matters presented for decision at a meeting of the Committee.
- 10.2 For the avoidance of doubt, every member of the Committee, including the Presiding Member has a deliberative vote only, i.e. no casting vote.
- 10.3 The Presiding Member will ask for members to vote and will then declare whether the motion is carried or lost.
- 10.4 The Presiding Member is deemed to vote in the affirmative unless clearly declared otherwise.

11. FUNCTIONS AND RESPONSIBILITIES

The primary function of the Committee is to assist the Council achieve the stated objectives listed in section 2.

12. LIABILITIES OF MEMBERS

No civil liability attaches to a member of a committee for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the members' or committee's powers, functions or duties. Such a liability attaches instead to the Council.

***Agenda Format for the Chief Executive Officer's
Performance Review Committee***

- 1. MEETING OPENED**
- 2. PRESENT**
- 3. APOLOGIES**
- 4. DISCLOSURE STATEMENTS**
- 5. CONFIRMATION OF MINUTES**
- 6. COMMUNICATIONS BY THE PRESIDING MEMBER**
- 7. REPORTS**
- 8. OTHER BUSINESS**
- 9. NEXT MEETING**
- 10. MEETING CLOSE**