



City of Nedlands

# AGENDA

## Special Council Meeting

Wednesday 13 May 2026

### Notice of Meeting

A Special Council Meeting of the City of Nedlands is to be held on Wednesday 13 May 2026 in the Council Chambers at 71 Stirling Highway, Nedlands commencing at 5:30pm.

This meeting will be livestreamed [Livestreaming Council & Committee Meetings » City of Nedlands](#)

**Arthur Kyron** | Interim Chief Executive Officer  
12 May 2026



## Information

A Special Council Meeting Agenda are run in accordance with the City of Nedlands Standing Orders 2016. If you have any questions in relation to the agenda, procedural matters, addressing the Council or attending these meetings please contact the Governance Officer on 9273 3500 or [governance@nedlands.wa.gov.au](mailto:governance@nedlands.wa.gov.au)

## Public Question Time

Public question time at a Special Council Meeting is available for members of the public to ask a question about items on the agenda. Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any Council Member, Committee Member or Employee.

Questions should be submitted via the online form available on the City's website: [Public question time | City of Nedlands](#)

Questions may be taken on notice to allow adequate time to prepare a response and all answers will be published in the minutes of the meeting.

## Disclaimer

Members of the public who attend Council Meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example, by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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## 1 DECLARATION OF OPENING

The City of Nedlands acknowledges the traditional custodians of this land, the Whadjuk people of the Nyoongar Nation, and pay our respects to culture and Elders, past and present. The City of Nedlands also values the contributions made to the community over the years by people of diverse backgrounds and cultures, including those who have served and sacrificed.

## 2 PRESENT AND APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

This item will be dealt with at this point.

## 3 PUBLIC QUESTION TIME

Questions received from members of the public will be read at this point. The order in which the CEO receives questions shall determine the order of questions, unless the Presiding Member determines otherwise. Questions must relate to the meeting's agenda.

## 4 DISCLOSURES OF INTERESTS

The Presiding Member will remind Members of Council and Staff of their obligations under the *Local Government Act 1995* and the City's Code of Conduct to disclose interests that may arise during the meeting.

### **Financial Interests (s.5.65, Local Government Act)**

Members and Staff are required to disclose any financial interest in a matter being considered. The nature of the interest must be disclosed, and the declarant must not preside, participate in, or be present during any related discussion or decision-making.

However, other members may permit participation if, after further disclosure of the extent of the interest, they determine the interest is trivial, insignificant, or common to a significant number of electors or ratepayers.

### **Interests Affecting Impartiality (s.5.103, Local Government Act and Code of Conduct)**

Members and Staff are also required to disclose any interest that may affect their impartiality. This does not restrict their right to participate in or be present during decision-making but ensures transparency.

The following pro forma declaration is provided to assist:

*"With regard to the matter in item x..... I disclose that I have an association with the applicant (or person seeking a decision). This association is ..... (nature of the interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."*

Members and employees are encouraged to disclose the nature of the association.



**5      DECLARATIONS BY MEMBERS THAT THEY HAVE NOT GIVEN  
DUE CONSIDERATION TO PAPERS**

This item will be dealt with at this point.

**6      MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil



**7 DIVISIONAL REPORTS – CITY DEVELOPMENT AND REGULATORY SERVICES**

Nil



**8 DIVISIONAL REPORTS – CITY PERFORMANCE AND  
COMMUNITY DEVELOPMENT**

Nil



## 9 DIVISIONAL REPORTS - CHIEF EXECUTIVE OFFICER

### 9.1 CEO Recruitment and Selection

<b>Report Number</b>	<b>CEO10.05.26</b>
<b>Applicant</b>	City of Nedlands
<b>Disclosure of Interest</b>	Nil
<b>Voting Requirements</b>	Absolute Majority
<b>Authority/Discretion</b>	Legislative
<b>Contributing Officer</b>	Jonathan Allen - Manager Governance and Risk Management
<b>Responsible Officer</b>	Jonathan Allen - Manager Governance and Risk Management
<b>Director</b>	Arthur Kyron - Interim Chief Executive Officer
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Position Description - Chief Executive Officer May 2026 [9.1.1]</li> <li>2. Standards for CEO Recruitment, Performance and Termination Policy [9.1.2]</li> <li>3. Extract from Local Government Chief Executive Officers and Elected Council Members Determination No. 1 of 2026 [9.1.3]</li> </ol>

#### Purpose

For Council to consider and adopt the ‘Selection Criteria’ and ‘Job Description’ relating to the recruitment of the permanent Chief Executive Officer (CEO); to approve the remuneration package range associated with that recruitment; to approve the term of the CEO contract; and to authorise the Interim CEO to finalise and carry out all necessary public notifications.

#### Officer Recommendation

That Council:

1. **APPROVES** the Position Description (Attachment 1) that encompasses both the Selection Criteria and Job Description for the recruitment of the permanent CEO
2. **AUTHORISES** the Interim CEO to finalise details for, and carry out, Statewide public notification of the position in accordance with the requirements of Regulation 18A(2) of the Local Government (Administration) Regulations 1996, including a:
  - a. Total Reward Package range of between \$246,467 and \$383,393; and
  - b. Five-year employment contract

#### Background



On 22 April 2026, the Council considered and adopted resolutions relating to the recruitment of a permanent CEO for the City (see item 18.1 [Public Minutes - 22 April 2026](#)).

This included:- the appointment of Elected Members and an Independent Member to the CEO Recruitment and Selection Committee (the 'Committee'); the adoption of Terms of Reference for that Committee; and the appointment of a recruitment consultancy service to assist with the CEO recruitment process.

In accordance with the City's *Standards for CEO Recruitment, Performance and Termination Policy* (the 'Recruitment Policy') the Council is required to approve the selection criteria for the position of CEO and to approve the job description.

A Position Description encompassing both of these elements has been prepared by the Interim CEO and is shown at **Attachment 1** for the Council's consideration.

The City is also required to provide Statewide public notice of the position, including details of the remuneration package and proposed duration of the contract. The *Local Government Chief Executive Officers and Elected Council Members Determination No. 1 of 2026* sets the relevant CEO Total Reward Packages, which for Band 2 Councils, must be between \$246,467 and \$383,393.

## Consultation

Nil

## Strategic Implications

This item is strategically aligned to the City of Nedlands Council Plan 2023-33 vision and desired outcomes as follows:

### **Vision: Sustainable and responsible for a bright future**

#### **Performance**

11. Effective leadership and governance.

## Financial Implications

Approving the Job Description and Selection Criteria does not create any additional costs to the CEO recruitment process.

It is proposed that the Statewide notice sets the remuneration band within the limits set by the Salaries and Allowances Tribunal. The final decision on a remuneration package for a candidate is not being determined at this time, and will be presented to Council in a future decision. There are therefore no immediate financial impacts of setting the range.



Any costs for public advertising will be met from existing budgets.

## Legislative and Policy Compliance

The City is required to have a policy on the recruitment of CEO's, which incorporates the 'model standards' (see section 5.39B of the *Local Government Act 1995* (the 'Act'). Those 'model standards' are contained at Schedule 2 of the *Local Government (Administration) Regulations 1996* (the 'Regulations').

The City's Recruitment Policy incorporates those model standards as required by the *Regulations* (see **Attachment 2**). Paragraph 5 of that policy requires Council to approve the Selection Criteria and Job Description as follows:

### **5. Determination of selection criteria and approval of job description form**

*(1) The local government must determine the selection criteria for the position of Chief Executive Officer, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of Chief Executive Officer of the local government.*

*(2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of Chief Executive Officer which sets out—*

*(a) the duties and responsibilities of the position; and*

*(b) the selection criteria for the position determined in accordance with subclause (1).*

### Publicity

The City is required to give Statewide public notice of the position (in accordance with Reg.18A(1) of the *Regulations*).

Reg 18A(2) sets out that the notice must contain:

*a) the details of the remuneration and benefits offered; and*

*b) details of the place where applications for the position are to be submitted;  
and*

*c) the date and time for the closing of applications for the position; and*

*d) the duration of the proposed contract; and*

*e) a website address where the job description form for the position can be accessed; and*

*f) contact details for a person who can provide further information about the position; and*



*g) any other information that the local government considers is relevant.*

As set out at Regulation 18A(2)(a), the notice must contain details of the total remuneration and benefits offered. The *Local Government Chief Executive Officers and Elected Council Members Determination No 1 of 2026* (the 'Determination') – which has effect from 1 July 2026 – provides that the 'Total Reward Package' for a CEO in a Band 2 Council is to be between \$246,467 and \$383,393.

A description of what is to count towards the 'Total Reward Package' for CEOs is set out in the guidance to that Determination (see section 2.1(3)&(4) of Part 2), an extract of which can be seen at **Attachment 3**.

As set out at Regulation 18A(2)(e) and paragraph 7 of the Recruitment Policy - the 'Job Description Form' (in this case the Position Description document), needs to be made available on the City's website.

## Risk Considerations

Risk Category	Adopted Risk Appetite Rating	Comment on Risk
Compliance	Minimal	Approving the relevant documents ensures compliance with the relevant provisions of the Regulations and the Recruitment Policy. Carrying out a recruitment process without these in place could invalidate the process.
Reputational	Cautious	Ensuring a compliant CEO recruitment process is important to the City's good governance and reputation.

## Analysis and Conclusion

The Job Description and Selection Criteria are key documents in the CEO recruitment process. The advertisement of the CEO role should not be conducted until these documents have been formally approved by Council.

The Position Description reflects the organisational values, as currently set, and is drafted in order to seek suitably qualified candidates for this key leadership role.

Authorising the Interim CEO to conduct the Statewide public notification ensures both that the recruitment process can be begun, and that the City complies with its statutory requirements.

The remuneration range reflects the statutory minimum and maximum sums, as set by the Determination. Including the full pay range ensures the candidate pool is as wide as possible at the initial stage of assessment. Consideration as to the final rewards package will be made by the Council at a later date, in the context of the candidates that have applied and their relevant expertise and experience.



It is proposed that the role be advertised with a 5 year employment contract term. This is consistent with general of West Australian local governments, and is a period which provides sufficient time for a CEO to deliver on strategic planning objectives.



**Title:** Chief Executive Officer  
**Division:** Executive  
**Level:** Band 2 Council LG CEO

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## Organisational Overview

The City of Nedlands community is vibrant, diverse and engaged. The City stretches from the Swan River to the coast. Our residents value their natural environment, heritage character, high-quality public spaces and strong neighbourhood identity.

Within the organisation, we are united by a commitment to support community wellbeing, deliver meaningful services and create a safe, respectful and inclusive workplace where people can thrive, contribute and grow.

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## Organisational Values

We strive to live our Values in what we do, both internally and externally.

**Accountability** We conduct our business and all our services in an open, transparent, and financially responsible manner.

**Partnership** We work together for the benefit of the community.

**Fairness** We provide consistent, fair and unbiased treatment of the whole community.

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## Organisational Relationships

**Reporting to:** Council

**Membership of:** Executive Leadership team

**Supervision of:**

- Director City Performance and Community Development
- Director City Development and Regulatory Services
- Director City Infrastructure and Environmental Services
- Chief People Officer
- Manager Executive and Project Management Services
- Manager Communications and Stakeholder Relations
- Manager Governance and Risk Management



## Position Overview

The Chief Executive Officer (CEO) provides people first leadership that champions a strong organisational culture, builds meaningful relationships, and ensures the community's aspirations are reflected in every decision.

The CEO supports Council as the community's elected voice, and empowers staff to deliver high quality, responsive and compassionate services.

This role requires a leader who:

- Brings clarity, stability and inspiration to the organisation.
- Builds trust and genuine connection with staff, Council and the community.
- Creates an environment where people feel safe, supported and valued.
- Ensures decisions reflect empathy, evidence and community outcomes.
- Leads with humility, openness and respect for diverse perspectives.
- Translates Council's strategic direction into real outcomes that strengthen community wellbeing.
- Ensures governance, compliance and resource management are of the highest standard.
- Builds an easy-to-do business philosophy and approach embedding this across all Council activities

The CEO influences the City's success not only through strategic leadership, but through the way they engage, listen, support and inspire people.

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## Position Objectives

### Leadership

- Demonstrates vision and values-based leadership.
- Demonstrates a strong commitment to customer service excellence and ensure a positive, community centred service culture is embedded across the organisation.
- Leads and develops a high performing Executive Team founded on trust, confidence and respectful relationships.
- Models collaborative, people focused leadership that builds capability and shared purpose.
- Promotes transparent and well governed decision making that supports accountability and responsible resource use.
- Provides steady, empathetic leadership through change while encouraging continuous learning and adaptability.



- Champions equity, opportunity and professional development to build a skilled and supported workforce.
- Fosters a culture that embraces innovation, curiosity and contemporary approaches to enhancing services and community outcomes.
- Maintains visible and accessible leadership that builds confidence and connection across the organisation.

### **Strategic Delivery**

- Provides clear, future-focused leadership that ensures the City has the systems and capability to achieve Council's priorities.
- Shapes and communicates a compelling strategic vision for the City's future.
- Embeds the Strategic Community Plan in operational planning, service delivery and decision-making.
- Inspires staff to recognise the value of their work and its contribution to the City's long-term goals.
- Ensures strategic planning is collaborative, evidence-based and responsive to community needs and emerging challenges.
- Strengthens organisational alignment so teams clearly understand how their work supports broader strategic goals.
- Monitors performance and proactively identifies opportunities for improvement and innovation.

### **Governance, Compliance & Council Support**

- Provides Council with accurate, balanced and impartial advice.
- Ensures compliance with the *Local Government Act 1995* and all statutory obligations.
- Maintains strong governance frameworks that uphold transparency, integrity and responsible risk management.
- Fosters respectful and professional relationships between the Administration and Elected Members.
- Supports the Mayor and Councillors in their roles as civic leaders.

### **Community & Stakeholder Engagement**

- Develops strong relationships with government representatives, regional partners and key stakeholders to advance community priorities.
- Promotes and facilitates effective community participation and engagement processes.
- Builds and maintains positive relationships with the community based on respect, trust and transparency.



- Represents the City with professionalism and approachability at community events, external committees and public forums.

### Resource Management

- Provides strong stewardship of the City's financial sustainability and responsible use of public funds.
- Oversees long-term financial planning that balances community expectations with organisational capacity.
- Ensures effective management of human, financial and physical resources.
- Champions positive workforce practices, contemporary People and Culture approaches, and a safe, supportive work environment.

### Work, Health & Safety

- Acquires and maintains up-to-date knowledge of work health and safety matters in accordance with the *Work Health and Safety Act 2020* and the *Work Health and Safety (General) Regulations 2022*.
- Understands the nature of the City's operations and the associated hazards and risks across all directorates.
- Ensures the City has effective resources, systems and processes in place to eliminate or minimise risks to health and safety as far as reasonably practicable.
- Ensures the organisation has clear, reliable processes to receive, consider and respond to information about work-related incidents, hazards and risks in a timely and transparent manner.
- Ensures the City implements and maintains processes to meet all WHS duties and obligations, including reporting notifiable incidents, consulting with workers, complying with notices, providing appropriate training and instruction, and supporting Health and Safety Representatives with their training entitlements.
- Builds a psychologically safe workplace.

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### Selection Criteria – all essential unless otherwise stipulated

- Extensive senior leadership experience in local government, including leading complex portfolios and multidisciplinary teams across technical disciplines.
- High level strategic financial management experience, including developing business plans and budgets and overseeing financial performance at a whole of organisation or divisional level.
- Demonstrated experience leading contemporary organisational reviews, change management, performance improvement and cultural transformation initiatives.
- Strong governance capability, including a comprehensive understanding of the



statutory and regulatory environment and the roles and functions of local government.

- Highly developed stakeholder engagement and communication skills, with a proven ability to build positive internal and external relationships across political, legal, economic and social stakeholders.
- Proven project management capability with a strong track record delivering complex and transformational projects.
- Strong commitment to internal and external customer service, and the delivery of timely, reliable and expert advice within areas of responsibility.

## Qualifications

- Tertiary qualifications in a discipline relevant to public sector management
- Post graduate qualifications in leadership, management or business administration are highly desirable

## Extent of Authority

- Delegated authority as determined by Council, to manage Council's services, functions and expenditure
- Accountable for organisational efficiency and effectiveness
- Position operates within the limits of Council Policy, Council resolutions, Delegated Authority and requirements of relevant legislation
- Position operates independently from supervision and problem solving and is performed using own initiative within Council Policy

## Certification

*Authorised by:* Interim CEO – Arthur Kyrton

*Signature:*

*Date Reviewed:* 13 May 2026

# City of Nedlands

## Standards for CEO Recruitment, Performance and Termination



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## Policy Purpose:

This Policy is adopted in accordance with section 5.39B of the *Local Government Act 1995*.

## Division 1 — Preliminary provisions

### 1. Citation

These are the *City of Nedlands* Standards for CEO Recruitment, Performance and Termination.

### 2. Terms used

(1) In these standards —

**Act** means the Local Government Act 1995;

**additional performance criteria** means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

**applicant** means a person who submits an application to the local government for the position of CEO;

**contract of employment** means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

**contractual performance criteria** means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

**job description form** means the job description form for the position of CEO approved by the local government under clause 5(2);

**local government** means the *City of Nedlands*;

**selection criteria** means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

**selection panel** means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

## Division 2 — Standards for recruitment of CEOs

### 3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.



#### **4. Application of Division**

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
  - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
  - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

#### **5. Determination of selection criteria and approval of job description form**

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
  - (a) the duties and responsibilities of the position; and
  - (b) the selection criteria for the position determined in accordance with subclause (1).

#### **6. Advertising requirements**

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

#### **7. Job description form to be made available by local government**

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the Local Government (Administration) Regulations 1996 regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
  - (i) email a copy of the job description form to an email address provided by the person; or
  - (ii) mail a copy of the job description form to a postal address provided by the person.



## 8. Establishment of selection panel for employment of CEO

- (1) In this clause —  
***independent person*** means a person other than any of the following —
  - (a) a council member;
  - (b) an employee of the local government;
  - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
  - (a) council members (the number of which must be determined by the local government); and
  - (b) at least 1 independent person.

## 9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
  - (a) a summary of the selection panel's assessment of each applicant; and
  - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
  - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
  - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
  - (a) in an impartial and transparent manner; and
  - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
  - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and



- (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
  - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

#### **10. Application of cl. 5 where new process carried out**

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
- (a) clause 5 does not apply to the new recruitment and selection process; and
  - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

#### **11. Offer of employment in position of CEO**

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

#### **12. Variations to proposed terms of contract of employment**

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

#### **13. Recruitment to be undertaken on expiry of certain CEO contracts**

- (1) In this clause —
- commencement day** means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —

- (a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —
  - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
  - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;
- and
- (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

#### **14. Confidentiality of information**

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

### **Division 3 — Standards for review of performance of CEOs**

#### **15. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

#### **16. Performance review process to be agreed between local government and CEO**

- (1) The local government and the CEO must agree on —
  - (a) the process by which the CEO's performance will be reviewed; and
  - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.



- (3) The matters referred to in subclause (1) must be set out in a written document.

#### **17. Carrying out a performance review**

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
  - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
  - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

#### **18. Endorsement of performance review by local government**

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

#### **19. CEO to be notified of results of performance review**

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

### **Division 4 — Standards for termination of employment of CEOs**

#### **20. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

#### **21. General principles applying to any termination**

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
  - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
  - (b) notifying the CEO of any allegations against the CEO; and
  - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
  - (d) genuinely considering any response given by the CEO in response to the allegations.

## **22. Additional principles applying to termination for performance related reasons**

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
  - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the performance issues) related to the performance of the CEO; and
  - (b) informed the CEO of the performance issues; and
  - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
  - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12 month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

## **23. Decision to terminate**

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

## **24. Notice of termination of employment**

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

## 2.1 General

1. Offices listed in this Part have been assigned by the Tribunal to one of four classifications designated Band 1 to Band 4.
2. Each classification (Band 1 to Band 4) has a commensurate Total Reward Package (TRP) range.
3. For the purposes of this determination, the TRP must capture the full value of all monetary and non-monetary items of remuneration provided to a CEO as a reward or benefit provided for the performance of their duties as a CEO. Without limiting the generality of this, some examples of items that qualify for inclusion in a TRP are:
  - a. Base salary
  - b. Annual leave loading
  - c. Associated FBT accrued (total annual amount of fringe benefits tax paid by the local government for all fringe benefits provided to a CEO; FBT for a motor vehicle, even if tool of trade, is to be included in the TRP)
  - d. Association membership fees
  - e. Attraction/retention allowance, not being provided under Part 3
  - f. Personal benefit value of the provision of a motor vehicle for private use (if applicable) as defined under Part 5 of this determination
  - g. Cash bonus and performance incentives
  - h. Cash in lieu of a motor vehicle
  - i. Fitness club fees
  - j. Grooming/clothing allowance
  - k. Health insurance
  - l. School fees and/or child's uniform
  - m. Superannuation (all mandatory and non-mandatory employer superannuation contributions)
  - n. Travel or any other benefit taken in lieu of salary
  - o. Travel for spouse or any other member of family
  - p. Unrestricted entertainment allowance
  - q. Utilities allowance (any water, power or other utility subsidy provided to the CEO).
4. The only exclusions from the TRP are:
  - a. items listed in Parts 3, 4 and 5 of this determination (however, any superannuation guarantee associated with the payment of a Regional/Isolation Allowance and any associated FBT accrued from the provision of a motor vehicle or accommodation are to be included as part of the TRP);
  - b. employer obligations such as professional development (restricted to the CEO), reimbursement for genuine work expenses or the cost of recruitment and relocation expenses; and
  - c. items considered by the local government to be a tool of trade (i.e. equipment needed to undertake the duties of a CEO, such as a laptop or mobile phone) and which are not a direct or indirect reward or benefit for the performance of duties as a CEO.



**10 DIVISIONAL REPORTS – CITY INFRASTRUCTURE AND ENVIRONMENT**

Nil



**13 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**

This item will be dealt with at this point.



**14 CONFIDENTIAL ITEMS**

Nil



## **15 DECLARATION OF CLOSURE**

There being no further business, the Presiding Member will declare the meeting closed.