



Policy Review and Development Committee

Notice of Meeting and Agenda 2 April 2025

Committee Terms of Reference

- 1** *To review all existing Bunbury City Council policies within a two year period, in line with the local government election cycle and facilitate the development of new policies for consideration by Council on an ongoing basis.*
- 2** *To make recommendations to Council on matters of policy, policy and local law review and policy and local law development.*
- 3** *To explore opportunities that promote policy development in all areas that are within Council's jurisdiction.*
- 4** *To allow any draft policy developed and fully considered by another Advisory Committee of Council to be referred directly to Council for consideration.*
- 5** *To provide Bunbury City Councillors with assistance and support to develop new Council policies.*

City of Bunbury
4 Stephen Street
Bunbury WA 6230
Western Australia

Correspondence to:
Post Office Box 21
Bunbury WA 6231

**Policy Review and Development Committee
Notice of Meeting**

Dear Committee Members

An ordinary meeting of the Policy Review and Development Committee will be held in the Ocean Room, 2-4 Stephen Street, Bunbury on 2 April 2025 at 10.00am.

Signed:



**Alan Ferris
Chief Executive Officer**

**Agenda
2 April 2025**

Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

Committee Members:

Member Name	Representing
Cr Gabi Ghasseb	City of Bunbury
Cr Karen Steele	City of Bunbury
Cr Marina Quain (Presiding Member)	City of Bunbury
Cr Cheryl Kozisek	City of Bunbury
Cr Tresslyn Smith	City of Bunbury

Ex-officio Members (non-voting):

Member Name	Representing
Mr Alan Ferris	Chief Executive Officer
Mrs Karin Strachan	Director Corporate and Community

Support Staff:

Name	Title
Mr Greg Golinski	Manager Governance and Integrated Planning
Mrs Maureen Keegan	Senior Governance Officer

Table of Contents

<u>Item No</u>	<u>Subject</u>	<u>Page No</u>
1.	Declaration of Opening	1
2.	Disclaimer	1
3.	Announcements from the Presiding Member	1
4.	Attendances	1
4.1	Apologies	1
4.2	Approved Leave of Absence	1
5.	Declaration of Interest	1
6.	Confirmation of Minutes	1
7.	Method of Dealing with Agenda Business	1
8.	Reports	2
8.1	Review of CBD Street Activity Policy	2
8.2	Review of Records Management Policy	7
8.3	Proposed New Council Policy: Electronic Attendance at Meetings	12
8.4	Review of Standards for CEO Recruitment, Performance and Termination	18
8.5	Proposed Council Policy: CEO Performance and Salary Review	30
9.	Questions from Members	39
9.1	Response to Previous Questions from Members taken on Notice	39
9.2	Questions from Members	39
11.	Date of Next Meeting	39
10.	Urgent Business	39
12.	Close of Meeting	39

Acknowledgement of Country

We acknowledge the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal community and their culture; and to Elders past, present and emerging.

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

We are one team
We keep each other safe
We display empathy and respect
We have fun and celebrate our successes
We work together to achieve great outcomes

WE ARE OPEN

We are open to opportunities
We actively listen and think things through
We are inclusive and treat everyone equally
We are honest and open in our communications
We are open to feedback to improve our performance

WE ARE BRAVE

We lead the change, we own it
We trust and empower each other
We have the difficult conversations early
We hold ourselves to the highest standard
We have the courage to improve and simplify

Nature of Council's Role in Decision Making

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Quasi-Judicial:** When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.
- Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information Purposes:** Includes items provided to Council for information purposes only which do not require direction from Council (that is for 'noting').

1. Declaration of Opening

The Presiding Member will declare the meeting open.

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

4. Attendances

4.1 Apologies

4.2 Approved Leave of Absence

Cr Ghasseb has an approved leave of absence for 18 March 2025 – 9 April 2025.

5. Declaration of Interest

IMPORTANT: Committee members to complete a “Disclosure of Interest” form for each item on the agenda in which they wish to disclose a financial/proximity/impartiality interest. They should give the form to the Presiding Member before the meeting commences. After the meeting, the form is to be forwarded to the Administration Services Section for inclusion in the Corporate Financial Disclosures Register.

6. Confirmation of Minutes

Committee Decision: Moved _____ Seconded _____

The minutes of the Policy Review and Development Committee Meeting held on 29 January 2025 are confirmed as a true and accurate record.

CARRIED/LOST

7. Method of Dealing with Agenda Business

8. Reports

8.1 Review of CBD Street Activity Policy

File Ref:	COB/306						
Applicant/Proponent:	Internal						
Responsible Officer:	Juaini Taylor, Team Leader Place Activation						
Responsible Manager:	Tamara Clark Acting Manager Communication and Place Activation						
Executive:	Karin Strachan Director Corporate Community						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input type="checkbox"/> Legislative							
Attachments:	Appendix 8.1-A: Council Policy: CBD Street Activity						

Summary

The purpose of this report is for the Policy Review and Development Committee to review existing Council Policy: CBD Street Activity. A copy of the current policy is presented at appendix 8.1-A.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of the current Council Policy: CBD Street Activity, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar: People
Aspiration: A safe, healthy and connected community
Outcome 7: A growing hub of culture and creativity
Objective 7.1: Grow participation in arts, culture and community events.

Regional Impact Statement

This Council Policy ensures that on-street donations made by visitors to the Bunbury Central Business District remain in the Bunbury Geographe region. The Policy also provides opportunities for emerging entertainers to practice their (low risk) activities in a public forum without the need to take out their own public liability insurance policy.

Background

The Policy was last reviewed with no changes on the 30 November 2022 it will next be reviewed in 2026.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

The City's Public Places and Local Government Property Local Law is also applicable to Street Trading and Trading in Public Places.

Officer Comments

Officers have reviewed the current policy and recommend no changes.

Analysis of Financial and Budget Implications

Public liability insurance for buskers will require approximately \$1,000 annually which will be funded through existing baseline budgets.

Community Consultation

Nil

Councillor/Officer Consultation

Nil

Applicant Consultation

Nil

Timeline: Council Decision Implementation

Immediately following Council endorsement.



CBD STREET ACTIVITY COUNCIL POLICY

POLICY STATEMENT

To effectively manage street activities; encompassing fundraising, information distribution and busking; in the Bunbury Central Business District in a way that supports charities and other social causes whilst fostering a vibrant, welcoming and accessible environment encouraging stay and spend.

POLICY SCOPE

This policy applies to the following activities taking place on-street on public land in the Bunbury Central Business District:

1. Fundraising;
2. Information distribution; and
3. Busking.

POLICY DETAILS

For-profit busking and not-for-profit appeal and information distribution activities shall be permitted throughout the Bunbury Central Business District without the requirement to obtain a permit subject to the following conditions:

Conditions pertaining to all street activities

- No harassment of pedestrians is permitted
- Adequate space for a double pram and/or large wheelchair to pass must be maintained at all times
- Business entrances must not be obstructed and permission must be sought from any business located directly adjacent to and in earshot of the activity prior to commencement
- A maximum of three hours in one space is permitted
- Activities must be located a minimum of 50 metres apart with the exception of Paisley Square where earshot distance applies
- A maximum of four (4) people are permitted for each activity
- If equipment such as tables, chairs, and marquees is intended to be used, Paisley Square and the corner of Victoria and Stephen Street are the only permitted locations
- All litter created as a result of the activities is to be removed from its environs
- Street activity organisers must respond to any instruction from an authorised person (e.g. Rangers, Police, Council Officer)
- A three-strike system applies for complaints with the banning of the organisation/group/individual applying following three complaints relating to these conditions

- The City of Bunbury reserves the right to discontinue the activity of any organisation/group/individual for any reason at any time
- Requests from adjacent businesses to cease the activity must be respected
- No activity is permitted at public events without the permission of the event organiser
- On occasion the City may issue permits for a special purpose; in this instance permit holders have sole rights to the space in question
- People under the age of 14 must be supervised by a parent at all times
- People under the age of 16 are not permitted to conduct an activity during school hours

Conditions pertaining specifically to fundraising activities

- Unless otherwise approved by the City of Bunbury, only local clubs and organisations within the Bunbury Geopraphe region may fundraise
- Only cash and EFT transactions to be conducted, (no written Credit Card or Bank Details to be taken) All collectors must display a name tag including the name of the organisation/group they represent
- A current public liability insurance policy must be provided upon request
- Charities must hold a special license for fundraising which is obtained from the Department of Mines, Industry Regulation and Safety

Conditions pertaining specifically to information distribution

- A current public liability insurance policy must be provided upon request

Conditions pertaining specifically to busking

- Busking involving the use of knives, swords (including theatrical knives and swords) or any activity involving the use of fire requires a permit issued by the City's Events Team
- Only chalk is to be used for pavement art
- Amplifiers must be no more than fifty (50) watts and must only be used following permission from businesses within earshot
- No music containing offensive or adult language or themes is permitted

In this case the Bunbury CBD is limited by Stirling Street in the south and the corner of Estuary Drive and Austral Parade in the east. This includes Koombana Bay, Marlston Hill and The Quays.

COMPLIANCE REQUIREMENTS**LEGISLATION**

- Local Government Act

INDUSTRY**ORGANISATIONAL**

Document Control					
Document Responsibilities:					
Owner:	Director Sustainable Communities	Owner Business Unit:	Community Services		
Reviewer:	Team Leader Community Partnerships	Decision Maker:	Council		
Document Management:					
Council Adoption	Council Decision 064/19 19 March 2019	Review Frequency:	biennial	Next Due:	2024
Review Version	Decision Reference:	Synopsis:			
DOC/455539[v2]	Council Decision 289/22 20 December 2022	Reviewed with amendment to allow EFT payments for fundraising activities.			
DOC/455539[v1]	Council Decision 259/20 8 December 2020	Reviewed with no changes			
CP-044620	064/19 19 March 2019	Adopted			
Date Printed	20/03/2025				

8.2 Review of Records Management Policy

File Ref:	COB/545		
Applicant/Proponent:	Internal		
Responsible Officer:	Sheree McGee Senior Corporate Information Officer		
Responsible Manager:	Elijah Glass Manager Information Service		
Executive:	Karin Stachan Director Corporate and Community		
Authority/Discretion	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information	
	<input type="checkbox"/> Legislative	Purposes	
Attachments:	Appendix 8.2-A: Council Policy: Records Management		

Summary

The purpose of this report is for the Policy Review and Development Committee to review existing Council Policy Records Management.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the revised Record Management Policy as presented at Appendix 8.2-A.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance
Outcome 13	A leading local government
Objective 13.3	Provide, strong, accountable leadership and governance

Regional Impact Statement

Nil this policy applies to the City of Bunbury.

Background

The policy was last reviewed by Council in March 2023, and is due for its biennial review.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

N/A

Officer Comments

The Council's Record Keeping policy (the Policy) complements the City's Record Keeping Plan (RKP).

The intent of the Policy is to:

- Outline the principles, approach and rules associated with records management
- Ensure that Elected Members, employees, and contractors understand their recordkeeping roles and responsibilities; and
- Outline the City's commitment to effective, efficient, and compliant record keeping practices.

There is two minor wording amendments to the policy to provide clarity to users.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

This matter is presented to the Policy Review and Development Committee for consideration.

Timeline: Council Decision Implementation

Any changes to the policy will become effective immediately once adopted by Council.



RECORDS MANAGEMENT COUNCIL POLICY

POLICY STATEMENT

The City of Bunbury (the City) is committed to creating and maintaining full and accurate records of its business transactions and official activities. In accordance with legislative requirements, the City is obligated to maintain a records management system that completely, accurately and reliably creates and maintains evidential records. Records created and received by Elected Members, Committee Members, City employees (including volunteers, contractors, and consultants) are to be managed in accordance with the City's approved Record Keeping Plan, this Policy and any associated management policies and procedures.

POLICY SCOPE

This policy applies to: Elected Members, Committee Members, employees (including volunteers, contractors, and consultants).

POLICY DETAILS

A record can be defined as any record of information, in any medium, including correspondence and communications, file notes made after verbal communications (meetings, phone calls etc,) emails, word processed documents, databases, photographs, video and audio recordings, text messages, messages from Apps (e.g. WhatsApp, Messenger) and social media posts relevant to the business of the organisation. Government records are those records created or received by a government organisation, or by an Elected Member, Committee Member, and employee in the course of their work for the organisation.

This Policy applies to all external and internal records, that are handled, received or generated by the City, regardless of their physical format or media type.

1. It is the responsibility of all employees to ensure that the business, operational and administrative activities of the City are appropriately documented and that records are created and maintained in accordance with legislative requirements and City record keeping processes.
2. All information received will be assessed for significance and registered accordingly into the City's official record keeping system. All [incoming](#) hard copy documents are to be forwarded to the Corporate Information Office for digitisation and retention.
3. The City is responsible for the security and protection of all records created or captured as part of the City's day to day operations. All City employees and contractors have a responsibility to identify appropriate security and protection measures to all records created or received when carrying out the City's business.

4. Access to the City's records by individual staff and contractors will be in accordance with designated access and security classifications. Access to the City's records by the public will be in accordance with sections 5.94 and 5.95 of the *Local Government Act 1995*, and the *Freedom of Information Act 1992*. Access to the City's records by Elected Members will be through the Chief Executive Officer in accordance with the *Local Government Act 1995*.
5. Records will only be destroyed or otherwise disposed of in accordance with the General Disposal Authority (GDA) for Local Government Records issued by the State Records Office and following authorisation from the Manager of the Corporate Information Department and the Chief Executive Officer. Records identified as a State Archive should be transferred to the State Records Office in accordance with the requirements of the GDA.
6. Records are not to be removed from the City's sites [and/or digital assets](#). Electronic versions will be made available.

ROLES AND RESPONSIBILITIES:

1. Elected Members

Elected Member records must be created and kept in a manner that properly and adequately records the performance of member functions arising from participation in decision making processes, where they represent Council on committees or external bodies.

This requirement should be met through the creation and retention of records of meetings of the local government, as well as other communications and transactions of Elected Members that constitute evidence affecting the accountability of Council and the discharge of its business.

Political and personal records of Elected Members are exempt. Records created or received by Elected Members that relate to local government business must be captured as part of the City's corporate memory in accordance with the City of Bunbury's Record Keeping Plan.

2. Chief Executive Officer

In accordance with section 5.41(h) of the *Local Government Act 1995*, the Chief Executive Officer is to 'ensure that records and documents of the local government are properly kept for the purpose of this act and any other written law'.

3. Executive and Managers

Executive and Managers are to ensure that all employees under their supervision comply with this Policy and associated records management procedures and the City's Record Keeping Plan.

4. All Employees

All employees, including volunteers, contractors, and consultants are to create, manage and retain records relating to business activities they perform.

5. Corporate Information (Records) Staff

Records staff are responsible for providing a records management service which complies with this Policy, associated procedures and any State Records Office requirements.

The City of Bunbury will ensure that appropriate practices are established to facilitate the ease of capture and management of all corporate records.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*
- *State Records Act 2000*
- *Freedom of Information Act 1992*

INDUSTRY

- [State Records Office – Records Management Advice Recordkeeping Responsibilities and You](#)
- [State Records Office – Records Management Advice – Local Government Elected Members’ Records](#)

ORGANISATIONAL

- City of Bunbury Code of Conduct for Council Members, Committee Members and Candidates 2021
- City of Bunbury Code of Conduct for Employees
- City of Bunbury Record Keeping Plan
- City of Bunbury FOI Information Statement

Document Control					
Document Responsibilities:					
Owner:	Director Strategy and Organisational Performance		Owner Business Unit:	Governance	
Reviewer:	Senior Corporate Information Officer		Decision Maker:	Council	
Document Management:					
Adoption Details	Council Decision 62/21 27 April 2021		Review Frequency:	biennial	Next Due: 2025
Review Version	Decision Reference:		Synopsis:		
DOC/620544[v2]	Council Decision 033/23 14 March 2023		Policy reviewed with minor changes		
DOC/620544[v1]	Council Decision 62/21 27 April 2021		New Policy adopted		
Date Printed	20 March 202517 March 2025				

8.3 Proposed New Council Policy: Electronic Attendance at Meetings

File Ref:	COB/7509						
Applicant/Proponent:	Internal						
Responsible Officer:	Maureen Keegan, Senior Governance Officer						
Responsible Manager:	Greg Golinski, Manager Governance and Integrated Planning						
Executive:	Karin Strachan, Director Corporate and Community						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input type="checkbox"/> Legislative							
Attachments:	Appendix 8.3-A: Draft Electronic Attendance at Meetings						

Summary

The purpose of this report is for the Policy Review and Development Committee to consider a new Council Policy in relation to electronic attendance at meetings by Elected Members. A copy of the proposed policy is attached at Appendix 8.3-A.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt new Council Policy: Electronic Attendance at Meetings as presented at Appendix 8.3-A.

Voting Requirement: Simple Majority Vote

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance
Outcome 13	A leading local government
Objective 13.3	Provide, strong, accountable leadership and governance

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

Although electronic attendance at meetings is covered by the *Local Government (Administration) Regulations 1996*, these provisions are high level and broadly leave the decision to approve or not approve a member's attendance to the Mayor or Council. Many other local governments have a policy in this regard to complement the legislative provisions and provide some procedural guidance to the Mayor and Council in making these determinations.

Council Policy Compliance

This report facilitates the consideration of a new Council Policy.

Legislative Compliance

Electronic attendance at meetings is covered by regulation 14C and 14CA of the *Local Government (Administration) Regulations 1996*.

Officer Comments

Officers have drafted a policy for consideration of the committee that is consistent with the Regulations and that of other Band 1 local governments. It is important to note that although a policy gives direction, it is not binding, and in this instance the final decision to either approve or not approve a member's attendance at a meeting remains with the Mayor and Council.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

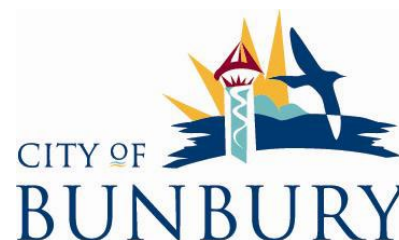
This matter is presented to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediately following Council endorsement.



DRAFT ELECTRONIC ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS POLICY

POLICY STATEMENT

This policy provides a framework to guide Council on the requirements for Elected Members and Committee Members to participate in meetings of Council via electronic means.

This policy complements the requirements of regulation 14C and 14CA of the *Local Government (Administration) Regulations 1996* (the Regulations).

POLICY SCOPE

This policy applies to Elected Members and Committee Members.

DEFINITIONS

Meeting: Ordinary Council Meeting, Special Council Meeting, Committee Meeting, Agenda Briefing and Strategic Briefing Workshops.

Electronic Means: the approved electronic requirements to access in person meeting per the requirements in this policy.

Members: Mayor, Councillors, Committee Members

Committee: Council Committees established under s5.8 of the *Local Government Act 1995*

POLICY DETAILS

1. Attendance at Meetings by Electronic Means

- 1.1 Requests by Members to attend a meeting via electronic means, must be made prior to the commencement of the meeting.
- 1.2 To allow sufficient time for the request to be approved and ensure the necessary technology is available, the request should be in writing and be provided 2 days prior to the meeting.

- 1.3 A request for electronic attendance at a Meeting:
 - a) is to be provided to the Mayor; or
 - b) where the Mayor is unavailable to approve a request, the request can be approved by the Deputy Mayor or Council.
- 1.4 If the Mayor refuses to approve the request the Member may elect to have the request considered by Council.
- 1.5 A request must identify the location the Member intends to attend the meeting from, confirming that the Member will be in a private and quiet space, and that the equipment and network to be used comply with this policy. Failure to comply may result in the request being refused.
- 1.6 In accordance with sub regulation 14C (3) of the Regulations, requests must be refused if the Member's attendance by electronic means would result in the Member attending more than half of the meetings of Council or Committee in a 12 month period. A request cannot be refused if a Member is a person with a disability as defined in sub regulation 14C(4) of the Regulations.
- 1.7 There is no limit on the number of Agenda Briefing sessions or Strategic Briefing workshops attended by electronic means.
- 1.8 Attendance at a meeting held entirely by electronic means is not counted towards the 50% cap in place on a Members attendance by electronic means authorised under sub regulation 14C(3) of the Regulations.
- 1.9 The Council considers that its preference is for Members to attend meetings in person wherever possible, with consideration given to electronic attendance generally limited to where it is not physically possible for the Member to attend (ie. away from Bunbury), or other instances such as illness etc.
- 1.10 It is noted that this policy is provided as a guide only and ultimately the power to approve/decline electronic attendance rests with the Mayor and Council in accordance with sub regulation 14C(2)(b) of the Regulations.

2. Suitable Networks and Equipment

- 2.1 Members attending a Meeting by electronic means should connect to the meeting through the Council's Zoom account utilising the link provided.
- 2.2 Subject to approval, Members may participate via audio only in instances of poor network issues or where no alternative is available.
- 2.3 It is the responsibility of the Members to ensure their electronic device has sufficient battery power for the duration of the meeting.

- 2.4 The equipment must have the capability of allowing the Member to clearly hear the meeting proceedings and to be heard. Subject to clause 2.2, video cameras are to be enabled on the device. If possible, the Member is recommended to join the meeting 10 minutes prior to the commencement of the meeting to ensure connectivity and working equipment.
- 2.5 Public wi-fi networks may be vulnerable to cybersecurity threats and are not to be used. A private home or business internet connection, or hotspot from a trusted source is suitable.
- 2.6 In the event of loss of connectivity, the times of the loss and reconnection are to be recorded in the minutes.

3. Suitable Location

- 3.1 Members are to be located at a premise that is suitable for the purpose effectively participating in a meeting.
- 3.2 Confidential discussion under s5.23(2) of the *Local Government Act 1996* (the Act) and clause 1.5 of this policy requires that a Member must ensure they cannot be observed or overheard by any other person.

4. Conflicts of Interest

- 4.1 Where a Member attending a meeting by electronic means has disclosed an interest under Part 5, Division 6 of the Act, and are to leave the proceedings of the meeting during the consideration of the relevant item, the Member must leave the meeting (for example by exiting the videoconference or terminating the telephone call) so they cannot see nor hear any of the proceedings. This must be confirmed with the City Officer by the Presiding Member before the meeting will proceed further. The Mayor or Chairperson will contact the Member at the conclusion of the item and invite them to resume their participation in the meeting.

5. Register of Attendance

- 5.1 The Chief Executive Officer will maintain a register of Attendance by Electronic Means, as a part of the Register of Meeting Attendance.

COMPLIANCE REQUIREMENTS

LEGISLATION

INDUSTRY

- Local Government Act 1995
- Local Government (Administration) Regulations 1996

ORGANISATIONAL

- City of Bunbury Standing Orders Local Law

Document Control					
Document Responsibilities:					
Owner:	Chief Executive Officer		Owner Business Unit:	Manager Governance	
Reviewer:	Manager Governance		Decision Maker:	Council	
Document Management:					
Adoption Details			Review Frequency:	biennial	Next Due: [20##]
Review Version	Decision Reference:		Synopsis:		
	[decision date / TRIM Ref]		[brief description of the adoption / changes approved]		
Date Printed	28-Mar-25				

8.4 Review of Standards for CEO Recruitment, Performance and Termination

File Ref:	COB/5458	
Applicant/Proponent:	Internal	
Responsible Officer:	Maureen Keegan, Senior Governance Officer	
Responsible Manager:	Greg Golinski, Manager Governance	
Executive:	Karin Strachan, Director Strategy and Organisational Performance	
Authority/Discretion	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
Attachments:	Appendix 8.4-A: Model Standards for CEO Recruitment, Performance and Termination	

Summary

The purpose of this report is for the Policy Review and Development Committee to review the Council's current standards covering the recruitment and selection, performance review and termination of employment of the Chief Executive Officer (CEO).

A copy of the current City of Bunbury CEO Standards is attached at Appendix 8.4-A.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of the City of Bunbury Standards for CEO Recruitment, Performance and Termination, with no changes recommended.

*Voting Requirement: **Absolute Majority***

Strategic Relevance

Pillar	Performance
Aspiration:	Leading with purpose and robust governance.
Outcome 13:	A leading local government.
Objective 13.1:	Provide strong, accountable leadership and governance.

Regional Impact Statement

These standards apply only to the City of Bunbury.

Background

The *Local Government Legislation Amendment Act 2019* included a requirement for model standards covering the recruitment and selection, performance review and termination of employment of local government CEOs. The reforms were intended to ensure best practice and greater consistency in these processes between local governments.

The Model Standards for CEO recruitment, performance and termination were included in the *Local Government (Administration) Amendment Regulations 2021* which took effect on Wednesday, 3 February 2021.

Council adopted its standards on 23 May 2023 (reference Council decision 081/23), which included some minor variations to the model standards.

Council Policy Compliance

Council policies Temporary Appointment of CEO and CEO Performance and Salary Review relate to this matter.

Legislative Compliance

Section 5.39B(2), (3), (5) and (6) of the *Local Government Act 1995* – Adoption of Model standards apply as follows:

Adoption of Model standards

- (2) *Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.*
- (3) *Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend* the adopted standards to incorporate the amendments made to the model standards.*
- (5) *The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.*
- (6) *The CEO must publish an up-to-date version of the adopted standards on the local government's official website.*

Officer Comments

The model standards provide a framework for local governments to select a CEO in accordance with the principles of merit, probity, equity and transparency.

Officers have reviewed the Council's adopted standards and can confirm that they are still consistent with the model standards that are legislated. Accordingly no amendments are suggested at this time.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

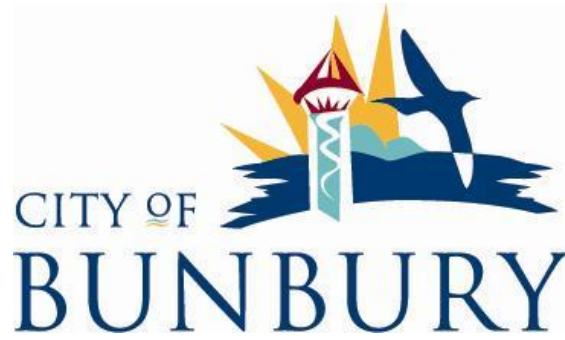
The City of Bunbury CEO Standards for Recruitment, Performance and Termination are presented to the Policy Review and Development Committee for consideration and recommendation to Council.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Once adopted by Council, any changes to the Standards will become effective immediately.



City of Bunbury Standards for CEO Recruitment, Performance and Termination

Contents

Contents.....	2
Division 1 – Preliminary provisions	3
1. Citation.....	3
2 Terms used.....	3
Division 2 – Standards for recruitment of CEO’s	3
3. Overview of Division	3
4. Application of Division	3
5. Determination of selection criteria and approval of job description form	3
6. Advertising requirements	4
7. Job description form to be made available by local government.....	4
8. Establishment of selection panel for employment of CEO	4
9. Recommendation by selection panel	4
10. Application of cl. 5 where new process carried out	5
11. Offer of employment in position of CEO	5
12. Variations to proposed terms of contract of employment.....	5
13. Recruitment to be undertaken on expiry of certain CEO contracts	6
14. Confidentiality of information	6
Division 3 – Standards for review of performance of CEOs.....	6
15. Overview of Division	6
16. Performance review process to be agreed between local government and CEO	6
17. Carrying out a performance review	7
18. Endorsement of performance review by local government.....	7
19. CEO to be notified of results of performance review	7
Division 4 – Standards for termination of employment of CEO’s.....	7
20. Overview of Division	7
21. General principles applying to any termination	7
22. Additional principles applying to termination for performance related reasons.....	7
23. Decision to terminate	8
24. Notice of termination of employment.....	8

POLICY STATEMENT

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 Bunbury 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 Bunbury;

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 CEO's

3. Overview of Division

This Division sets out standards to be observed by the City of Bunbury 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 City of Bunbury 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 18A¹.
- (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

¹ Regulation 18A Vacancy in position of CEO or senior employee to be advertised (Act s.5.36(4) and 5.37(3))

- (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.

- (3) Pursuant to the requirements of Regulation 18FB of the *Local Government (Administration) Regulations 1996*, as soon as practicable after the person is employed in the position of CEO, the local government must, by absolute majority resolution certify that the person was employed in accordance with the local government's adopted standards in relation to the recruitment of CEO's.
 - (a) A copy of the resolution must be given to the Departmental CEO within 14 days after the resolution is passed by the local government.

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 [3 February 2021].
- (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 CEO's

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

- (1) 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.
- (2) Pursuant to the requirements of Regulation 18FC of the *Local Government (Administration) Regulations 1996*, as soon as practicable after the CEO's employment is terminated, the local government must, by absolute majority resolution, certify that the CEO's employment was terminated in accordance with the local government's adopted standards in relation to the termination of CEOs.
 - (a) A copy of the resolution must be given to the Departmental CEO within 14 days after the resolution is passed by the local government.

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.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996, Schedule 2*

INDUSTRY

- Department of Local Government Sport and Cultural Industries Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination

ORGANISATIONAL

- Council Policy CEO Performance and Salary Review Council Policy



CEO Performance
and Salary Review C

- Council Policy Temporary Appointment of CEO



Temporary
Appointment of CEC

Document Control					
Document Responsibilities:					
Owner:	Council	Owner Business Unit:	Office of the CEO		
Reviewer:	Manager Governance	Decision Maker:	Council		
Document Management:					
Adoption Details	Council Decision 71/21 27 April 2021	Review Frequency:	biennial	Next Due:	2025
Review Version	Decision Reference:	Synopsis:			
DOC/726835 [v1.1]	Council Decision 081/21 23 May 2023	Policy reviewed with no changes			
DOC/726835	Council Decision 71/21 27 April 2021	Policy adopted by Council			
Date Printed	21 March 2025				

Changes to this document can only be made by the document owner. The electronic version on the Intranet is the controlled version. Printed copies are considered uncontrolled and should be verified as current version.

8.5 Proposed Council Policy: CEO Performance and Salary Review

File Ref:	COB/5458						
Applicant/Proponent:	Internal						
Responsible Officer:	Maureen Keegan, Senior Governance Officer						
Responsible Manager:	Greg Golinski, Manager Governance						
Executive:	Karin Strachan, Director Strategy and Organisational Performance						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Information Purposes</td></tr><tr><td><input checked="" type="checkbox"/> Legislative</td><td></td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	<input checked="" type="checkbox"/> Legislative	
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes						
<input checked="" type="checkbox"/> Legislative							
Attachments:	Appendix 8.3-A: Revised Council Policy: CEO Performance and Salary Review						

Summary

The purpose of this report is for the Policy Review and Development Committee to review existing Council Policy CEO Performance and Salary Review.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy CEO Performance and Salary Review as presented at Appendix 8.5-A.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar:	Performance
Aspiration:	Leading with purpose and robust governance.
Outcome 13:	A leading local government.
Objective 13.1:	Provide strong, accountable leadership and governance.

Regional Impact Statement

This Policy will apply only to the City of Bunbury.

Background

Section 5.38(1) of the *Local Government Act 1995* provides that a local government must review the performance of the CEO if the CEO is employed for a term of more than one year.

The Model Standards for CEO recruitment, performance and termination (Schedule 2 of the *Local Government (Administration) Regulations 1996*) provides the Standards for review of performance of CEOs. These performance review standards are based on the principles of fairness, integrity, and impartiality.

The minimum standard for performance review will be met if*:

1. Performance criteria is specific, relevant, measurable, achievable and time-based.

2. The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
3. The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
4. The collection of evidence regarding performance outcomes is thorough and comprehensive.
5. Assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent.
6. The Council has endorsed the performance review assessment by absolute majority.

*Department of Local Government, Sport and Cultural Industries (the Department) Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination.

The Department also recommends that Council develop a policy to guide the performance review process, which Council adopted on 23 May 2023 (refer Council Decision 072/23).

The policy is now due for its biennial review.

Council Policy Compliance

This report facilitates the review of an existing Council policy.

Legislative Compliance

Section 5.38(1) *Local Government Act 1995* - Annual review of employees' performance.

Section 5.39B(2), (3), (5) and (6) of the *Local Government Act 1995* - Adoption of Model standards.

Schedule 2 of the *Local Government (Administration) Regulations 1996* – Model standards for CEO recruitment, performance and termination.

Salaries and Allowances Act 1975 and associated regulations.

Officer Comments

The current policy provides for the composition of a review panel, primary functions, the role and appointment of an independent consultant, setting performance criteria and the responsibilities of review panel members. It is a requirement of the regulations that the process by which the CEO's performance will be reviewed is documented and agreed to by both parties. Therefore, a signatory block for the CEO is included within the policy document.

Officers have reviewed the current policy in this regard, and given that the document reflects the legislated standards in this regard, only minor typographical amendments are proposed, as reflected at Appendix 8.5-A.

Analysis of Financial and Budget Implications

Any external consultancy will need to be funded from existing budget lines for that purpose.

Community Consultation

Nil

Elected Member/Officer Consultation

This report is presented to the Policy Review and Development Committee for consideration and recommendation to Council.

Applicant Consultation

N/A

Timeline: Council Decision Implementation

Once adopted by Council, any changes to the Policy will become effective immediately.



CEO PERFORMANCE AND SALARY REVIEW COUNCIL POLICY

POLICY STATEMENT

The Council of the City of Bunbury will review the performance of the Chief Executive Officer (CEO) if the CEO is employed for a period of more than 1 year in accordance with section 5.38 of the *Local Government Act 1995* (the Act).

POLICY SCOPE

This Policy applies to the annual performance review of the City of Bunbury CEO.

This Policy outlines the processes to be undertaken in meeting the standard for performance reviews, pursuant to Division 4 of Schedule 2 of the *Local Government (Administration) Regulations 1996* (the Regs.) Model Standards for CEO Recruitment, Performance and Termination.

POLICY DETAILS

It is recommended that Council engages in regular discussions with the CEO regarding their performance against the performance criteria, including progress and the ways that the CEO can be supported.

Clause 16. Performance review process to be agreed between local government and CEO (the Regs.)

- (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.*

1. CEO Performance Review Panel

- 1.1 Council to appoint CEO Performance Review Panel following each every local government ordinary election.
- 1.2 The Panel must comprise of at least five members. The Panel may include an independent observer.
- 1.3 Council authorises the CEO Performance Review Panel to undertake the CEO performance Review and report findings and recommendations to Council.
- 1.4 The primary functions of the Panel include:
 - Developing the initial performance agreement;
 - Conducting the performance review in line with the Policy requirements;

- Reporting the performance review findings and recommendations to Council; and
- Regular meetings to discuss and provide feedback if performance issues are identified.

1.5. Responsibilities of Panel members:

- Be fair, impartial and undertake the process with integrity;
- Assessment is made free from bias and based on evidence of the CEO's achievements against documented performance criteria;
- Findings and recommendations are impartial and transparent; and
- Any information received or produced by the Panel will be kept confidential;
- The report for the performance review to Council will be presented in confidence in accordance with section 5.23 of the Act;
- Accurate and comprehensive records of the performance management process will be created and registered within the City's Electronic Data Record Management System; and
- Manage all records in accordance with the City's Record Keeping Plan.

1.6 The performance review process should commence at least 4 months prior to the required completion date.

1.7 Support, limited to administrative, will be provided by the Executive Assistant to the Mayor and the Manager People and Safety.

2. Independent consultant

2.1 If the Panel does not have the resources and expertise to meet the expected standard of performance review, the Panel, through the administration support provided via point 1.7 may engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement.

2.2 A consultant must have experience in performance review and, if possible, experience in local government or dealing with the performance review of senior executives.

2.3 A consultant must not have any interest in, or relationship with, the Council or the CEO. In this policy, interest

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- (b) includes an interest arising from kinship, friendship or membership of an association.

2.4 A consultant may be required to facilitate:

- Setting performance criteria;
- Preparing the performance agreement;
- Collecting performance evidence;
- Writing the performance appraisal report;
- Facilitating meetings between the performance review panel;
- Assisting with the provision of feedback to the CEO;
- Formulating plans to support improvement (if necessary); and
- Providing an objective view regarding any performance management-related matters between the concerned parties.

2.5 Consultant services must be secured in accordance with the City's Purchasing Policy.

3. Performance criteria

3.1 Ongoing permanent performance criteria for the purpose of reviewing the CEO's performance must be included within the CEO's employment contract [the Act s.5.39(3)]. Performance criteria outcomes must be measurable and clearly defined. Performance indicators must relate to the selection criteria used in selecting the CEO.

- 3.2 Additional performance criteria (e.g. specific projects, priorities of Council, goals in the Strategic Community Plan and Corporate Business Plan) and the assessment criteria may be included in a separate additional document. The CEO's professional development goals may also be included. The additional document together with the permanent performance criteria will be known as a "performance agreement".
- 3.3 Performance criteria should focus on the priorities of the Council. The Council and CEO should set goals related to target outcomes for future achievement in the performance criteria. Goals should be specific, measurable, achievable, relevant and time-based.
- 3.4 The performance agreement must be negotiated and agreed upon by the CEO and the Council. Adjustments may be initiated by either the CEO or the Council.

PERFORMANCE REVIEW PROCESS

Clause 17. Carrying out a performance review (the Regs.)

- (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.*

4. Assessment of CEO performance

- 4.1 Performance is to be measured in an objective manner against the performance criteria alone. Reviews must be impartial and not skewed by personal relationships between the CEO Review Panel and the CEO.
- 4.2 Evidence for CEO performance may be provided by:
 - Achievement of key business outcomes;
 - Interactions with the Council and progress that has been made towards implementing the Council's strategic vision;
 - Audit Committee reports;
 - Workforce metrics (e.g. the average time to fill vacancies, retention rate, information about why people leave the organisation and staff absence rate);
 - Incident reports (e.g. results of occupational health and safety assessments, the number and nature of occupational health and safety incident reports, and the number and nature of staff grievances);
 - Organisational survey results;
 - Relationships (e.g. with relevant organisations, stakeholder groups, and professional networks); or
 - Insights from key stakeholders (by way of survey etc).
- 4.3 Consideration should be given to:
 - How the CEO has achieved the outcomes. Whether or not their methods are acceptable and sustainable.
 - The extent to which current performance is contingent upon current circumstances. Has the CEO demonstrated skills and behaviours to address and manage changes in circumstances which have affected their performance (e.g. the impact of COVID-19)?

- What the CEO has done to ensure the wellbeing of staff and to maintain trust in the local government.
 - What attention has the CEO given to ensuring:
 - equal employment opportunity,
 - occupational health and safety,
 - privacy,
 - managing potential conflicts of interest; and
 - complying with procurement process requirements.
- 4.4 It is important that contextual factors, external or otherwise are given appropriate weight. Failure to meet performance criteria does not necessarily mean the CEO has performed poorly and, for this reason, performance and outcome should be considered separately.

Clause 18. Endorsement of performance review by local government (the Regs.)

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.

Clause 19. CEO to be notified of results of performance review (the Regs.)

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.*

5. Addressing Performance Issues:

- 5.1 Any areas that require attention or improvement must be:
- identified,
 - discussed with the CEO; and
 - a constructive plan agreed and put in place to address the issues.
- 5.2 The plan should outline the actions to be taken, who is responsible for the actions and an agreed timeframe.
- 5.3 Appropriate courses of action in addressing the performance issue may include:
- Professional development courses;
 - Training;
 - Counselling;
 - Mediation;
 - Mentoring; or
 - Developing new work routines to ensure specific areas are not neglected.
- 5.4 Regular discussion and ongoing feedback on the identified performance issues should be scheduled to ensure improvements are being made.

6. Misconduct

Potential wrongdoing (misconduct) or suspected serious misconduct as defined in section 4 of the *Corruption Crime and Misconduct Act 2003* must be referred to the Corruption and Crime Commission (CCC). This provides an independent process to follow and ensures probity, natural justice and oversight of allegations.

Corruption and Crime Commission info@ccc.wa.gov.au
Telephone: 1800 803 186 (Mon-Fri; 9am-4pm)

Download a [Report Serious Misconduct Form](#)

7. Salary Review

The Council shall periodically (not less than annually) review the salary for the CEO to assess whether and what increase in salary and allowances are to be made. CEO remuneration is determined by the Salaries and Allowances Tribunal and the remuneration package may not fall outside the band applicable to the City of Bunbury.

In agreement with the Chief Executive Officer.




CEO: ~~MJ (Mal) Osborne~~ Alan Ferris

Date: <date>

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Corruption, Crime and Misconduct Act 2003*
- *Salaries and Allowances Act 1975*

INDUSTRY

- [Department of Local Government, Sport and Cultural Industries, Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination February 2021](#)
- [CCC Notifying misconduct – a guide for principal Officers of notifying authorities August 2018](#)
- [DLGSC Complaint of Minor Breach Form \(Form 1, Form 1A and Form 1B\)](#)

ORGANISATIONAL

- Current CEO Performance Agreement as adopted by Council
- Existing CEO Contract of Employment
- ~~Work Procedure #005 – CEO Performance Review Process (DOC/739658)~~ CEO KPIT and Review Schedule 2025 – 2027 (Doc/1400459)

Document Control					
Document Responsibilities:					
Owner:	Chief Executive Officer		Owner Business Unit:	Office of the CEO	
Reviewer:	Manager Governance		Decision Maker:	Council	
Document Management:					
Adoption Details	Council Decision 68/21 27 April 2021		Review Frequency:	biennial	Next Due: 2025
Review Version	Decision Reference:		Synopsis:		
DOC/728847[v2]	Council Decision 072/23 23 May 2023		Reviewed and amended		
DOC/728847 [v1.1]	Senior Governance and Risk Officer		Inclusion of City of Bunbury Model standards reference		
DOC/728847	Council Decision 68/21 27 April 2021		New Policy adopted by Council		
Date Printed	21 March 2025				

- City of Bunbury Model Standards for CEO Recruitment, Performance and Termination (DOC/726835)

9. Questions from Members

9.1 Response to Previous Questions from Members taken on Notice

9.2 Questions from Members

11. Date of Next Meeting

The next PRDC meeting is scheduled for Wednesday, 28 May 2025.

10. Urgent Business

12. Close of Meeting

The Presiding Member closed the meeting at _____.