

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

The Chief Executive Officer's Contract and Performance Review Committee is a council committee established pursuant to section 23(1) of the *Local Government Act 1993* (Tas).

PURPOSE

The lead purpose of the Chief Executive Officer's Contract and Performance Review Committee is, in consultation with the Chief Executive Officer, to establish performance objectives for the Chief Executive Officer and undertake formal reviews of performance against those objectives at intervals specified within the Chief Executive Officer's employment agreement.

The Committee will also undertake an annual review of the Chief Executive Officer's remuneration in accordance with the employment agreement.

The Committee will obtain and consider the advice of an appropriately qualified person to support the establishment of performance objectives and the conduct of the remuneration review described above.

ROLE AND RESPONSIBILITIES

The Committee will advise the Council on matters relating to the Chief Executive Officer's performance and development:

- Reviewing the Chief Executive Officer's performance over the performance periods specified in the employment agreement
- Monitoring progress towards agreed targets
- Determining targets for future performance periods
- Identifying professional development opportunities for the Chief Executive Officer
- Reviewing remuneration and any other conditions of employment of the Chief Executive Officer
- Making recommendations to Council in respect of any of the above

DELEGATED AUTHORITY

The Council authorises the Committee to engage an appropriately qualified person to support the establishment of performance objectives and conduct remuneration reviews. In all other matters, the Committee acts in an advisory capacity and has no delegated authority to make decisions on Council's behalf.

From time to time, the Council may determine to delegate additional decision making authority to the Committee.

MEMBERSHIP

The Committee is comprised of up to five Councillors, which includes the Mayor, Deputy Mayor and up to three other Councillors who will be appointed to the Committee by the Council.

TERMS OF APPOINTMENT

- Excluding the membership of the Mayor and Deputy Mayor, the Committee's membership will be reviewed every two years.
- Any member may resign at any time by advising their resignation to the Committee in writing.
- If a Committee member is absent without notification for two consecutive meetings, the Committee may declare the position vacant. When a vacancy occurs, the Mayor will determine the process for filling the vacancy.

CHAIR OF THE COMMITTEE

The Mayor is the Chair of the Committee.

If the Mayor is absent from a meeting, the Deputy Mayor will act as Chair during the absence of the Mayor.

The role of the Chair is to facilitate the conduct of meetings in accordance with the *Local Government (Meeting Procedures) Regulations 2015*.

MEETING ARRANGEMENTS

The Committee will meet at least quarterly, on days and times to be determined by the Committee at its first meeting.

The days and times of meetings will be published in keeping with the requirements for a council committee, as detailed in the *Local Government (Meeting Procedures) Regulations 2015*.

MEETING QUORUM

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

MEETING NOTICES

Notice of meetings will be issued as required by the *Local Government (Meeting Procedures) Regulations 2015*.

Meeting Agendas, Minutes and meeting papers will be distributed to all Committee members via email at least four clear days of the scheduled Meeting.

A Committee Member may request an item to be included on the Agenda by advising the Chair at least eight working days prior to a Meeting.

Minutes of Committee meetings will be kept in accordance with the *Local Government (Meeting Procedures) Regulations 2015* and circulated to Committee Members following the Meeting.

MEETING PROCEDURES

The meeting procedures for the Committee are set out in the *Local Government (Meeting Procedures) Regulations 2015*.

PUBLIC ACCESS TO MEETINGS AND DOCUMENTS

Subject to a decision of the Committee by simple majority at each of its meetings, meetings of the Chief Executive Officer's Contract and Performance Review Committee will be held in closed session pursuant to regulation 15(2)(a) of the *Local Government (Meeting Procedures) Regulations 2015*. As is required by the *Local Government (Meeting Procedures) Regulations 2015*, the Committee will consider while in closed session whether any discussions, decisions reports or documents are to remain confidential or released to the public, taking into account privacy and confidentiality issues.

FEEDBACK OF CHIEF EXECUTIVE OFFICER PERFORMANCE

Feedback may be positive of the raising of issues or concerns.

Councillors are encouraged to provide feedback regarding the Chief Executive Officer's performance. They may do so by detailing their feedback in writing to the Mayor for consideration at the next Committee meeting.

The Committee will consider any formal feedback provided by a Councillor and respond in writing when it considers a written response appropriate.

RECOMMENDATIONS FROM THE COMMITTEE

The Committee may make recommendations to the Council on any matter discussed in these terms of reference.

The Committee may recommend to Council the appointment of a qualified independent person (or persons) who:

- i. has appropriate qualifications or experience in human resource management (and employment law if the review relates to the Chief Executive Officer's Employment Agreement)
- ii. must not be a member or employee of the City of Launceston to provide advice during the conduct of the Chief Executive Officer's annual performance, remuneration and performance criteria reviews or any other review of the Chief Executive Officer's Employment Agreement.

AMENDMENT TO THE TERMS OF REFERENCE

The Committee and the Chief Executive Officer will be invited to comment on any amendment to these terms of reference that may be proposed by the Council.

INTERPRETATION

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

CODE OF CONDUCT

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

ORGANISATIONAL VALUES

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



**Our people
matter**



**We care about
our community**



**We bring an
open mind**



**We go home
safe and well**

CONFLICT OF INTEREST

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

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

OTHER MATTERS

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

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

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

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

CONTACT WITH THE COMMITTEE

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

Chief Executive Officer's Contract and Performance Review Committee

In person: Town Hall, St John Street, Launceston
Email: contactus@launceston.tas.gov.au
Via Post: PO Box 396, Launceston TAS 7250.

RELATED POLICIES AND PROCEDURES

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

REVIEW

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