



EMPLOYMENT COMMITTEE MEETING

MINUTES

2nd March 2023

These minutes were confirmed by the Employment Committee as a true and correct record at proceedings by the Employment Committee Meeting held on/...../.....

Presiding Member: **Date:**

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1.03.23 DECLARATION OF OPENING / ATTENDANCE

The Employment Committee Chair, Cr Crute, will declare the meeting open at 6.30pm

On behalf of Council, I would like to acknowledge that this meeting is being held on the traditional lands of the Nyoongar People and pay respect to all Elders, past, present, and emerging. I wish to acknowledge and respect local people's continuing culture and the contribution they make to Country and its life.

2.03.23 ATTENDANCE

Elected Members (Voting)

Cr KL Crute (Committee Chair)
Cr NC Walker (Committee Deputy Chair)
Cr HA Bell

Elected Members (Non-Voting)

Cr MG Macnab
Cr TD Lilly

Staff (Non-Voting)

Mr Gary Sherry Chief Executive Officer

Apologies

Nil

Members of the Public

Nil

3. 03.23 CONFIRMATION OF PREVIOUS MINUTES

OFFICER'S RECOMMENDATION

That the minutes of the meeting of the Employment Committee of the Shire of Brookton, held in the Shire of Brookton Council Chambers on 5 July 2022, be confirmed as a true and correct record of the proceedings.

ECM 03.23-01

COMMITTEE RESOLUTION

MOVED Cr Walker

SECONDED Cr Bell

That the minutes of the meeting of the Employment Committee of the Shire of Brookton, held in the Shire of Brookton Council Chambers on 5 July 2022, be confirmed as a true and correct record of the proceedings.

CARRIED BY SIMPLE MAJORITY VOTE 3/0

4.03.23 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.03.23 PUBLIC QUESTION TIME

Nil

6.03.23 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil

7.03.23 DECLARATIONS BY MEMBERS AND OFFICERS

Members and Officers to declare Financial, Proximity or Impartiality Interests & submit forms to the Chief Executive Officer at the commencement of the meeting and prior to the item.

Disclosure of Financial & Proximity Interests

- a. Members must disclose the nature of their interest in matters to be considered at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*).
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*).

Disclosure of Interest Affecting Impartiality

- a. Members and staff must disclose their interest in matters to be considered at the meeting in respect of which the member or employee has given or will give advice.

Financial, Proximity and Impartiality Interests

Item no.	Members/Officers	Type of Interest	Nature of Interest
10.02.23.01	Mr Gary Sherry	Direct Financial	Mr Sherry is the Officer whose contract is being reviewed.

8.03.23 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

9.03.23 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil

10.03.23 CONFIDENTIAL REPORTS

Statutory Environment:

Local Government Act 1996

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;and

- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

OFFICER'S RECOMMENDATION

The Employment Committee close the meeting to the public in accordance with Section 5.23 (2)(a) as this report affects an employee.

ECM 03.23-02

COMMITTEE RESOLUTION

MOVED Cr Bell

SECONDED Cr Walker

The Employment Committee close the meeting to the public in accordance with Section 5.23 (2)(a) as this report affects an employee.

CARRIED BY SIMPLE MAJORITY VOTE 3/0

ECM 03.23-03

COMMITTEE RESOLUTION

MOVED Cr Bell

SECONDED Cr Walker

The Employment Committee suspend standing orders to facilitate open discussion of Item 10.03.23.01.

CARRIED BY SIMPLE MAJORITY VOTE 3/0

Mr Sherry declared a Direct Financial Interest in that he is the applicant in Item 10.03.23.01 and left the meeting at 6:31pm.

OFFICER'S RECOMMENDATION

That the Employment Committee, under Council's Delegation 1.44 Employment Committee:

1. completes the Chief Executive Officer performance review process by accepting the findings of the collated Chief Executive Officer Review document as presented in Attachment 10.03.23.01A;
2. accepts the Key Performance Indicators (KPIs) presented in Attachment 10.03.23.01C and acknowledge that these KPIs will form the basis for measurement with the Chief Executive Officers 2023/24 Review;
3. accepts the annual review of the Chief Executive Officer's remuneration contained Attachment 10.03.23.01D; and
4. thanks the Chief Executive Officer for his performance over the past 12 months.

Mr Sherry returned to the meeting at 7:05pm to respond to inquiries by Councillors over aspects of the Chief Executive Officer's Performance Review.

Mr Sherry declared a Direct Financial Interest in that he is the applicant in Item 10.03.23.01 and left the meeting at 7:19pm.

ECM 03.23-04

COMMITTEE RESOLUTION

MOVED Cr Bell

SECONDED Cr Walker

The Employment Committee resume standing orders.

CARRIED BY SIMPLE MAJORITY VOTE 3/0

ECM 03.23-05

COMMITTEE RESOLUTION

MOVED Cr Bell

SECONDED Cr Walker

That the Employment Committee, under Council's Delegation 1.44 Employment Committee:

1. ***completes the Chief Executive Officer performance review process by accepting the findings of the collated Chief Executive Officer Review document as presented in Attachment 10.03.23.01A;***
2. ***accepts the Key Performance Indicators (KPIs) presented in Attachment 10.03.23.01C and acknowledge that these KPIs will form the basis for measurement with the Chief Executive Officers 2023/24 Review;***
3. ***accepts the annual review of the Chief Executive Officer's remuneration contained Attachment 10.03.23.01D; and***

4. *accepts the request to amend the Chief Executive Officer's Employment Contract contained at Attachment 10.03.23.01D; and*
5. *thanks the Chief Executive Officer for his performance over the past 12 months.*

CARRIED BY SIMPLE MAJORITY VOTE 3/0

11.03.22	CLOSURE OF MEETING
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With no further business, Employment Committee Chair, Cr Crute, will declare the Meeting closed at 7:24pm.