



Terms of Reference

Section 41

Chief Executive Officer Performance Review Committee

1. ESTABLISHMENT

- 1.1 The Chief Executive Officer Performance Review Committee (the Committee) is established pursuant to Section 41 of the [Local Government Act 1999](#) (the Act).
- 1.2 These Terms of Reference were adopted by Council on 21 February 2023 (Resolution No. CM 02-2023/014).
- 1.1 The Committee is a prescribed committee as defined in the Remuneration Tribunal Determination No. 2 of 2022, [Allowances for Members of Local Government Councils](#), as published in the [Government Gazette](#) on 7 July 2022.
- 1.2 The term of the Committee shall be for a period not exceeding the term of Council, unless terminated earlier by resolution of Council.

2. OBJECTIVES

- 2.1 The Committee is established for the purposes of:
 - 2.1.1 performing the functions of a selection panel pursuant to section 98(4) of the Act;
 - 2.1.2 recommending to Council a qualified independent person to provide advice to the selection panel pursuant to Section 98(4a) of the Act;
 - 2.1.3 ensuring that an annual performance review is conducted for the Chief Executive Officer pursuant to Section 102A(1) of the Act.
 - 2.1.4 appointing a qualified independent person pursuant to Section 102A(2) of the Act to assist the Committee, in consultation with the Chief Executive Officer, with:
 - determining the Key Performance Indicators of Council's Chief Executive Officer;
 - monitoring the performance of Council's Chief Executive Officer; and

- reviewing the remuneration and conditions of employment of the Chief Executive Officer at 12 monthly intervals, with reference to Section 99A of the Act.

3. MEMBERSHIP

- 3.1 The Committee will consist of four (4) members, comprising of:
 - 3.1.1 The Mayor, as the Presiding Member of the Committee; and
 - 3.1.2 Three (3) Elected Members representatives, with there being one (1) representative from each Ward of Council.
- 3.1 The term of appointment for Committee Members will be from the date of appointment until the end of the current term of Council.
- 3.2 Membership of the Committee continues for the term of appointment unless a member resigns, is otherwise incapable of continuing as a member, or is removed from office by Council.
- 3.3 The Committee may, by a vote supported by at least half plus one of the members of the Committee, make a recommendation to Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee, or for determined breaches of Council's policies, codes and procedures.

4. PRESIDING MEMBER

- 4.1 Should the Presiding Member be absent from a meeting, the Committee members present may appoint a person to act as acting Presiding Member for that meeting.
- 4.2 The role of the Presiding Member includes:
 - 4.2.3 overseeing and facilitating the conduct of meetings in accordance with the Act, and the [Local Government \(Procedures at Meetings\) Regulations 2013](#) (the Regulations).
 - 4.2.4 ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.

5. OPERATIONAL MATTERS OF THE COMMITTEE

5.1 Frequency of Meetings

- 5.1.3 The Committee shall meet at least two (2) times in every calendar year, on such dates and at such times as determined by the Chief Executive Officer.
- 5.1.4 A Special Meeting of the Committee may be called in accordance with the Act and Regulations.

5.2 Notice of Meetings

- 5.2.3 Notice of the meetings of the Committee will be given in accordance with sections 87 and 88 of the Act. Accordingly, notice will be given:

- a) to members of the Committee by email, or in a form as otherwise agreed by Committee members, at least three (3) clear days before the date of the meeting; and
- b) to the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website. The agenda and reports for all meetings of the Committee must be delivered to members of the Committee at least three (3) clear days before the meeting.

5.3 Reporting

For the purposes of section 41(8) of the Act, the Council determines that the Committee will satisfy reporting and other accountability requirements through the presentation of the minutes of each meeting of the Committee at the next ordinary meeting of the Council following each Committee meeting.

5.4 Public Access to Meetings

- 5.4.3 Agendas and Minutes of the Committee will be published on Council's [website](#).
- 5.4.4 The Committee shall meet at the Principal Officer of Mid Murray Council, 49 Adelaide Road, Mannum, or at an alternate venue as advised by the Chief Executive Officer.
- 5.4.5 Meetings of the Committee will be recorded and accessible via Council's [YouTube Channel](#).
- 5.4.6 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

6. MEETING PROCEDURES

- 6.1 Council has resolved to apply Part 2 of the Regulations for the administration of this Committee.
- 6.2 Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe a procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 6.3 Subject to clause 6.4 of these Terms of Reference, all decisions of the Committee shall be made on the basis of a majority of the members present.
- 6.4 A quorum is ascertained by dividing the total number of Committee members by two, and adding one.
- 6.5 All members of the Committee must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.
- 6.6 Every member of the Committee has a deliberative vote only. In the event of a tied vote the Presiding Member does possess a casting vote to determine a matter for recommendation to Council.

- 6.7 Members of the Committee may participate in the meeting by telephone or other electronic means in accordance with any procedures prescribed by regulation or determined by Council under section 89 of the Act.
- 6.8 Any recommendation of the Committee which does not arise from a recommendation of a Council officer must be supported in the minutes of the meeting by clear reasons for the decision.

7. DELEGATION

- 7.1 Beyond what is prescribed in this Terms of Reference, Council has not delegated any of its powers to the Committee. Accordingly, all decisions of the Committee constitute recommendations to Council.
- 7.2 The Committee has delegated authority to expend Council funds or contract external parties within Council's budgeted funds, in relation to the appointment of a qualified independent person, pursuant to section 102A(2).