



AGENDA

Chief Executive Officer Performance Appraisal Committee Meeting Thursday, 16 November 2023

**I hereby give notice that a Chief Executive Officer Performance
Appraisal Committee Meeting will be held on:**

Date: Thursday, 16 November 2023

Time: 10:00am

**Location: Meeting Room Bidjpidji (Meeting Room 1)
Level 1, Civic Centre
Harry Chan Avenue, Darwin**

**Kon Vatskalis
Lord Mayor**

CHIEF EXECUTIVE OFFICER PERFORMANCE APPRAISAL COMMITTEE MEMBERS

The Right Worshipful, the Lord Mayor Kon Vatskalis (Chair)

Councillor Jimmy Bouhoris

Councillor Kim Farrar

Councillor Mick Palmer

Councillor Peter Pangquee

Councillor Morgan Rickard

OFFICERS

Executive Manager Human Resources and Safety, Alexandra Vereker

Order Of Business

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1 MEETING DECLARED OPEN

2 APOLOGIES AND LEAVE OF ABSENCE

2.1 Apologies

2.2 Leave of Absence Granted

2.3 Leave of Absence Requested

3 ELECTRONIC MEETING ATTENDANCE

3.1 Electronic Meeting Attendance Granted

3.2 Electronic Meeting Attendance Requested

4 DECLARATION OF INTEREST OF MEMBERS AND STAFF

5 CONFIRMATION OF PREVIOUS MINUTES

Nil

6 ACTION REPORTS

6.1 CHIEF EXECUTIVE OFFICER PERFORMANCE APPRAISAL COMMITTEE TERMS OF REFERENCE

Author: Manager Office of Council and CEO

Authoriser: Chief Executive Officer

Attachments:

1. Chief Executive Officer Performance Appraisal Committee Terms of Reference - Current [↓](#)
2. Chief Executive Officer Performance Appraisal Committee Terms of Reference - Tracked Changes [↓](#)
3. Chief Executive Officer Performance Appraisal Committee Terms of Reference - Revised [↓](#)

RECOMMENDATIONS

1. THAT the report entitled Chief Executive Officer Performance Appraisal Committee Terms of Reference be received and noted.
2. THAT the Chief Executive Officer Performance Appraisal Committee adopt the revised Terms of Reference at **Attachment 3**.

PURPOSE

The purpose of this report is for the Chief Executive Officer Performance Appraisal Committee to endorse the amendments to the Terms of Reference.

KEY ISSUES

- Council adopted the Chief Executive Officer Performance Appraisal Committee Terms of Reference on 28 September 2021.
- The Governance Team are reviewing all Council Committee Terms of References.

DISCUSSION

At the mid-year review of the Chief Executive Officer, the Committee was advised of the following proposed changes to the Terms of Reference. These changes have now been incorporated in the revised Terms of Reference at **Attachment 3**. The Governance team has also included governance and legislated requirements for consistency across all Council Committee Terms of Reference.

Membership

There is no stipulated expectation of gender representation in the current Terms of Reference which led to appointment of a committee without any female representation. Subsequently, an additional female Councillor was elected to the Committee to ensure there is female representation. It is recommended to include an expectation around representation of both genders in the revised Terms of Reference.

Another proposed change to the membership, includes one Elected Member from each Ward.

The current Terms of Reference didn't contain any information about the roles and responsibilities of the Committee members. An additional section in the Terms of Reference has been included to provide the responsibilities and expectations of the Committee members.

Meeting Frequency

Meeting frequency is currently stipulated as a minimum of four (4) meetings, which is not required. It is recommended to change the frequency to at least two (2) meetings, and no more than four (4) between February and November. The Committee can hold further meetings as required.

PREVIOUS COUNCIL RESOLUTION

At the 28 September 2021 meeting Council resolved:

RESOLUTION ORD410/21

Moved: Alderman Jimmy Bouhoris

Seconded: Alderman Brian O'Gallagher

1. THAT Council, pursuant to Section 82 of the *Local Government Act 2019*, establishes the following Executive and Advisory Committees and that the respective terms of reference be ADOPTED:
 - (a) Executive Committees
 - (i) Administrative Review Committee, Terms of Reference, **Attachment 1**
 - (ii) Chief Executive Officer Performance Appraisal Committee, Terms of Reference, **Attachment 2**
 - (b) Advisory Committees
 - (i) Access and Inclusion Advisory Committee, Terms of Reference, **Attachment 3**
 - (ii) Arts and Cultural Development Advisory Committee, Terms of Reference, **Attachment 4**
 - (iii) East Point Reserve Advisory Committee, Terms of Reference, **Attachment 5**
 - (iv) International Relations Advisory Committee, Terms of Reference, **Attachment 6**
 - (v) Military and Civilian History Advisory Committee, Terms of Reference, **Attachment 7**

<p>(vi) Sister City Advisory Committee, Terms of Reference, Attachment 8</p> <p>(vii) Youth Advisory Committee, Terms of Reference, Attachment 9</p> <p>2. THAT Council, pursuant to Section 86 of the <i>Local Government Act 2019</i>, establishes the Risk Management and Audit Committee and <u>ADOPTS</u> the committee Terms of Reference provided at Attachment 10.</p> <p style="text-align: right;">CARRIED 13/0</p>	
STRATEGIC PLAN ALIGNMENT	<p>6 Governance Framework</p> <p>6.3 Decision Making and Management</p>
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	<p>Budget/Funding: N/A</p> <p>Is Funding identified: N/A</p> <p>Existing Position No: N/A</p> <p>Contractor: N/A</p>
LEGISLATION / POLICY CONTROLS OR IMPACTS	<p>Legislation:</p> <p><i>Local Government Act 2019</i></p> <p>Policy:</p> <p>Meetings Policy</p> <p>Advisory and Other Committees Policy</p>
CONSULTATION, ENGAGEMENT & COMMUNICATION	<p>Engagement Level: Inform</p> <p>Tactics:</p> <p>N/A</p> <p>Internal:</p> <p>Chief Executive Officer</p> <p>Executive Manager Human Resources and Safety</p> <p>Supervisor Councillor Governance</p> <p>External:</p> <p>N/A</p>
DECLARATION OF INTEREST	<p>The report author does not have a conflict of interest in relation to this matter.</p> <p>The report authoriser does not have a conflict of interest in relation to this matter.</p> <p>If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).</p>



1 PURPOSE

The Chief Executive Officer Performance Appraisal Committee is an Executive Committee of Council established to conduct performance appraisals of the Chief Executive Officer.

2 SCOPE

The Chief Executive Officer Performance Appraisal Committee operates to monitor the performance of the Chief Executive Officer and report to Council.

3 AUTHORITY / DELEGATION

The Chief Executive Officer Performance Appraisal committee is an Executive Committee to Council. Pursuant to Council decision ORDXXX/21, the Committee has the following delegations

THAT Council, pursuant to Section 40 of the Local Government Act 2019 delegates to the Chief Executive Officer's Performance Appraisal Committee the power to:

- (a) *conduct and finalise a performance evaluation and review of the Council's Chief Executive Officer; and*

any other powers and functions delegated to it under its Terms of Reference from time to time.

The Committee must present the outcome of the performance appraisal to Council for endorsement.

4 FUNCTIONS

The functions of the Chief Executive Officer Performance Appraisal Committee are to:

- a) Conduct and finalise the performance appraisal of the Chief Executive Officer and provide a report to Council.

5 MEMBERSHIP

Membership will consist of the Lord Mayor as Chair of the Committee, four (4) Council Members and in Independent facilitator.

The independent facilitator will prepare and oversee the performance appraisal process.

The Term of Membership for Community members is one year from July to June.

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Responsible Officer: Chief Executive Officer		Next Review Date: 28/09/2025

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CHIEF EXECUTIVE OFFICER PERFORMANCE APPRAISAL COMMITTEE TERMS OF REFERENCE 1250.001.E.R

GOVERNANCE

5.1 CHAIR

The chair of the committee will be the Lord Mayor.

The Committee Chair is responsible for:

- Ensuring the good conduct of meetings in accordance with the role and functions of the Committee; and
- Ensuring that the Committee's recommendations and actions are in line with the Terms of Reference.

The Committee Chair may be called upon to represent the Committee to Council.

The committee may appoint a Deputy Chair for the purposes of chairing a meeting if the Chair is not present or at a meeting as required.

6 MEETINGS

6.1 FREQUENCY AND LOCATION

Subject to direction by Council, the Committee will set its meeting schedule the calendar year prior.

The Committee will meet at least four (4) times per year and no more than eight (8) times annually, between February and November.

Time and location of meetings is to be determined by the Committee.

Special meetings can be convened by the Chief Executive Officer on the request of the Chair, or a majority of committee members. The Chief Executive Officer will then issue a Notice of Meeting with the time, date and location of the meeting, and the items to be discussed at the special meeting.

6.2 VOTING

A resolution of the committee will be passed by a majority vote. A majority vote is half plus 1 of the members present at the meeting

The chair must exercise, in the event of an equality of votes, a second or casting vote.

7 CODE OF CONDUCT

All members are accountable to the *Local Government Act 2019* Code of Conduct, Schedule 1. This includes the requirement to declare gifts and/or benefits.

8 CONFLICT OF INTEREST

On appointment to a Committee, all members must identify if there are any conflicts of interest in performing their role on the committee.

Conflicts of Interest must also be identified at any meeting in which a member has a conflict of interest on a matter.

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**CHIEF EXECUTIVE OFFICER PERFORMANCE APPRAISAL COMMITTEE
TERMS OF REFERENCE 1250.001.E.R**

GOVERNANCE

9 REVIEW AND PERFORMANCE EVALUATION

9.1 TERMS OF REFERENCE

The Terms of Reference will be reviewed annually by the Committee and any changes will be put to Council for endorsement.

9.2 PERFORMANCE EVALUATION

Commencing November 2022, at the end of each calendar year, the Committee will conduct an annual review of the Committee to assess outcomes against these terms of reference.

The review and any amendments to the Terms of Reference will be provided to Council at the commencement of each calendar year.

10 RESPONSIBILITY / APPLICATION

All members of the committee will be asked to sign the Terms of Reference as part of their induction to the committee, to ensure they are aware of their responsibilities under the *Local Government Act 2019* as member of a Council appointed committee.

These Terms of Reference were adopted by Council on 28 September 2021.

Name: _____

Signature: _____

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1 PURPOSE

The Chief Executive Officer Performance Appraisal Committee is established in accordance with section 82 of the Local Government Act 2019. The purpose of the Committee is an Executive Committee of Council established to conduct performance appraisals of the Chief Executive Officer.

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2 SCOPE

The Chief Executive Officer Performance Appraisal Committee operates to monitor the performance of the Chief Executive Officer, and report to Council.

3 AUTHORITY / DELEGATION

The Chief Executive Officer Performance Appraisal eCommittee is an Executive Committee to Council.

-Pursuant to Council decision ORD~~409XXX~~/21, the Committee has the following delegations

THAT Council, pursuant to Section 40 of the Local Government Act 2019 delegates to the Chief Executive Officer's Performance Appraisal Committee the power to:

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(a) conduct and finalise a performance evaluation and review of the Council's Chief Executive Officer; and

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(b) any other powers and functions delegated to it under its Terms of Reference from time to time.

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The Chief Executive Officer Performance Appraisal Committee must present the outcome of the performance appraisal to Council for endorsement.

4 FUNCTIONS

The functions of the Chief Executive Officer Performance Appraisal Committee are to:

a) Conduct and finalise the performance appraisal of the Chief Executive Officer and provide a report to Council. In consultation with the Chief Executive Officer, set the Key Performance Measures.

b) Participate and undertake the performance appraisal of the Chief Executive Officer.

c) Present a report to Council with the outcome of the performance appraisal for endorsement.

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5 MEMBERSHIP

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5.1 MEMBERS

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5

Membership of the committee will be appointed by Council.

To ensure gender equity, the Committee shall appoint at least one female and one male Elected Member.

Membership will consist of:

- The Lord Mayor
- One (1) Elected Member from each Ward
- An independent facilitator

Membership will consist of the Lord Mayor as Chair of the Committee, four (4) Council Members and an independent facilitator.

The independent facilitator will prepare and oversee the performance appraisal process for the final review.

The Term of Membership for Community members is one year from July to June.

Members are appointed to represent the interests and needs of the community relevant to the committee purpose.

The responsibility of the members are to:

- Regularly attend meetings and to actively contribute ideas and commentary, including but not limited to the completion of the Chief Executive Officer Performance assessment documentation as part of the review process.
- Actively participate in working groups, sub-committees or specialist panels as required.

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PERFORMANCE

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**CHIEF EXECUTIVE OFFICER PERFORMANCE APPRAISAL COMMITTEE
TERMS OF REFERENCE 1250.001.E.R**

5.45.2 CHAIR

~~The chair of the committee will be the Lord Mayor. The Lord Mayor is the chair of the Committee.~~

The Committee Chair is responsible for:

- Ensuring the good conduct of meetings in accordance with the role and functions of the Committee; and
- Ensuring that the Committee's recommendations and actions are in line with the Terms of Reference.

The Committee Chair may be called upon to represent the Committee to Council.

The Chief Executive Officer Performance Appraisal eCommittee may appoint a Deputy Chair for the purposes of chairing a meeting if the Chair is not present or at a meeting as required.

5.3 TERMS AND VACANCIES

~~Membership term of an Elected Member will be for one year, by nomination at an Ordinary Council Meeting.~~

~~Membership will expire if a member does not attend three (3) consecutive meetings without an approved leave of absence.~~

6 MEETINGS

~~The Chief Executive Officer Performance Appraisal Committee will adhere to the requirements for meetings as outlined in the Local Government Act 2019, Local Government (General) Regulations 2021 and relevant City of Darwin policies.~~

6

6.1 FREQUENCY AND LOCATION

Subject to direction by Council, the Committee will set its meeting schedule the calendar year prior.

The Committee will meet at least ~~four-two (42)~~ times per year and no more than four (4) times annually, and no more than eight (8) times annually, between February and November.

Time and location of meetings is to be determined by the Committee.

Special meetings can be convened by the Chief Executive Officer on the request of the Chair, or a majority of committee members. The Chief Executive Officer will then issue a Notice of Meeting with the time, date and location of the meeting, and the items to be discussed at the special meeting.

6.2 VOTING

~~For voting purposes, the Chairperson shall accept motions moved and seconded by members of the Committee, by show of hands.~~

GOVERNANCE

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**CITY OF
DARWIN**

CHIEF EXECUTIVE OFFICER PERFORMANCE APPRAISAL COMMITTEE

TERMS OF REFERENCE

1250.001 E.R

GOVERNANCE

~~A Committee decision is made by a majority vote of voting members present at the meeting.~~
 A resolution of the committee will be passed by a majority vote. A majority vote is half plus one (1) of the members present, at the meeting.
 Each member present has and must exercise one vote on a question arising for decision at the meeting.

The chair must exercise, in the event of an equality of votes, a second or casting vote.

6.3 SECRETARIAT

City of Darwin will provide secretarial services to the Chief Executive Officer Performance Appraisal Committee. This includes assisting the Chief Executive Officer to ensure:

- The business papers are distributed no later than three (3) business days prior to a meeting and available on the website
- Proper minutes are kept and ensure that they are tabled at the next meeting of Council
- A copy of the minutes must, within 10 business days after the date of the meeting to which the minutes relate, be available on the website

6.4 MEETINGS

Meetings are open to the public unless confidential business is being considered.

Observers with specialist skills and experience may also attend by invitation of the Committee and / or Council.

7 QUORUM

Quorum consists of a majority of its members holding office at the time of the meeting. Majority is half plus one (1).

7.8 CODE OF CONDUCT

All Committee members are required to abide with Schedule 1 Code of Conduct of the Local Government Act 2019.

~~All members are accountable to the Local Government Act 2019 Code of Conduct, Schedule 1.~~
 This includes the requirement to declare gifts and/or benefits.


8.9 CONFLICT OF INTEREST

Committee members must declare any real or perceived conflicts of interest when joining the committee.

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On appointment to a Committee, all members must identify if there are any conflicts of interest in performing their role on the committee.

Conflicts of Interest must also be identified at the start of each meeting in which a member has a conflict of interest on a matter.

Conflicts of Interest must also be identified at any meeting in which a member has a conflict of interest on a matter.

10 REVIEW AND PERFORMANCE EVALUATION

10.1 TERMS OF REFERENCE

The Terms of Reference will be reviewed every four (4) years by the Committee and any changes will be put to Council for endorsement.

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**CHIEF EXECUTIVE OFFICER PERFORMANCE APPRAISAL COMMITTEE
TERMS OF REFERENCE 1250.001.E.R**

~~9 REVIEW AND PERFORMANCE EVALUATION~~

~~9.1 TERMS OF REFERENCE~~

~~The Terms of Reference will be reviewed annually by the Committee and any changes will be put to Council for endorsement.~~

~~9.2 PERFORMANCE EVALUATION~~

~~Commencing November 2022, at the end of each calendar year, the Committee will conduct an annual review of the Committee to assess outcomes against these terms of reference.~~

~~The review and any amendments to the Terms of Reference will be provided to Council at the commencement of each calendar year.~~

10.11 RESPONSIBILITY / APPLICATION

All members of the committee will be asked to sign the Terms of Reference as part of their induction to the committee, to ensure they are aware of their responsibilities under the *Local Government Act 2019* as member of a Council appointed committee.

These Terms of Reference were adopted by Council on ~~29 September 2021~~.

Name: _____

Signature: _____

GOVERNANCE

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Chief Executive Officer performance appraisal committee terms of reference

No.1250.001.E.R

1 Purpose

The Chief Executive Officer Performance Appraisal Committee is established in accordance with section 82 of the *Local Government Act 2019*. The purpose of the Committee is to conduct performance appraisals of the Chief Executive Officer.

2 Scope

The Chief Executive Officer Performance Appraisal Committee operates to monitor the performance of the Chief Executive Officer.

3 Authority / delegation

The Chief Executive Officer Performance Appraisal Committee is an Executive Committee to Council.

Pursuant to Council decision ORD409/21, the Committee has the following delegations:

THAT Council, pursuant to Section 40 of the *Local Government Act 2019* delegates to the Chief Executive Officer Performance Appraisal Committee the power to:

- Conduct and finalise a performance evaluation and review of the Council's Chief Executive Officer; and
- Any other powers and functions delegated to it under its Terms of Reference from time to time.

The Chief Executive Officer Performance Appraisal Committee must present the outcome of the performance appraisal to Council for endorsement.

Chief Executive Officer performance appraisal committee terms of reference -
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Responsible Officer: Chief Executive Officer

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4 Functions

The functions of the Chief Executive Officer Performance Appraisal Committee are to:

- In consultation with the Chief Executive Officer, set the Key Performance Measures.
- Participate and undertake the performance appraisal of the Chief Executive Officer.
- Present a report to Council with the outcome of the performance appraisal for endorsement.

5 Membership

5.1 Members

Membership of the Committee will be appointed by Council.

To ensure gender equity, the Committee shall appoint at least one female and one male Elected Member.

Membership will consist of:

- The Lord Mayor
- One (1) Elected Member from each Ward
- An independent facilitator

The independent facilitator will prepare and oversee the performance appraisal process for the final review.

The responsibility of the members is to:

- Regularly attend meetings and to actively contribute ideas and commentary, including but not limited to the completion of the Chief Executive Officer Performance assessment documentation as part of the review process.
- Actively participate in working groups, sub-committees or specialist panels as required.

5.2 Chair

The Lord Mayor is the chair of the Committee.

The Committee Chair is responsible for:

- Ensuring the good conduct of meetings in accordance with the role and functions of the Committee; and
- Ensuring that the Committee's recommendations and actions are in line with the Terms of Reference.

The Committee Chair may be called upon to represent the Committee to Council.

The Chief Executive Officer Performance Appraisal Committee may appoint a Deputy Chair for the purpose of chairing a meeting if the Chair is not present or at a meeting as required.

Chief Executive Officer performance appraisal committee terms of reference -
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5.3 Terms and vacancies

Membership term of an Elected Member will be for one (1) year, by nomination at an Ordinary Council Meeting.

Membership will expire if a member does not attend three (3) consecutive meetings without an approved leave of absence.

6 Meetings

The Chief Executive Officer Performance Appraisal Committee will adhere to the requirements for meetings as outlined in the *Local Government Act 2019, Local Government (General) Regulations 2021* and relevant City of Darwin policies.

6.1 Frequency and location

Subject to direction by Council, the Committee will set its meeting schedule the calendar year prior.

The Committee will meet at least two (2) times per year and no more than four (4) times annually, between February and November.

Time and location of meetings is to be determined by the Committee.

Special meetings can be convened by the Chief Executive Officer on the request of the Chair, or most committee members. The Chief Executive Officer will then issue a Notice of Meeting with the time, date and location of the meeting, and the items to be discussed at the special meeting.

6.2 Voting

For voting purposes, the Chairperson shall accept motions moved and seconded by members of the Committee, by show of hands.

A Committee decision is by majority vote of voting members present at the meeting.

A majority vote is half plus one (1) of the members present.

Each member present has and must exercise one (1) vote on a question arising for decision at the meeting.

The chair must exercise, in the event of an equality of votes, a second or casting vote.

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6.3 Secretariat

City of Darwin will provide secretarial services to the Chief Executive Officer Performance Appraisal Committee. This includes assisting the Chief Executive Officer to ensure:

- The business papers are distributed no later than three (3) business days prior to a meeting and available on the website.
- Proper minutes are kept and ensure that they are tabled at the next meeting of Council.
- A copy of the minutes must, within ten (10) business days after the date of the meeting to which the minutes relate, be available on the website.

6.4 Meetings

Meetings are open to the public unless confidential business is being considered.

Observers with specialist skills and experience may also attend by invitation of the Committee and / or Council.

7 Quorum

Quorum consists of a majority of its members holding office at the time of the meeting. Majority is half plus one (1).

8 Code of conduct

All Committee members are required to abide with Schedule 1 Code of Conduct of the *Local Government Act 2019*.

This includes the requirement to declare gifts and / or benefits.

9 Conflict of interest

Committee members must declare any real or perceived conflicts of interest when joining the Committee.

Conflicts of Interest must also be identified at the start of each meeting in which a member has a conflict of interest on a matter.

10 Review and performance evaluation

10.1 Terms of reference

The Terms of Reference will be reviewed every four (4) years by the Committee and any changes will be put to Council for endorsement.

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11 Responsibility / application

All members of the Committee will be asked to sign the Terms of Reference as part of their induction to the Committee, to ensure they are aware of their responsibilities under the *Local Government Act 2019* (NT) as members of a Council appointed Committee.

These Terms of Reference were adopted by Council on

Name _____

Signature _____

Chief Executive Officer performance appraisal committee terms of reference -
1250.001.E.R

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7 QUESTIONS BY MEMBERS

8 GENERAL BUSINESS

9 CLOSURE OF MEETING TO THE PUBLIC

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be closed to the public to consider the Confidential Items of the Agenda.

RECOMMENDATIONS

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 99(2) of the Local Government Act:

12.1 Chief Executive Officer Performance Appraisal - Final Review Financial Year 2022/23

This matter is considered to be confidential under Section 99(2) - 51(a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual.

