

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* (NT). 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* (NT) 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
- 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.

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.

Version:	Decision Number:	Adoption Date:	Next Review Date:
2	ORD049/24	26 March 2024	26 March 2028

Responsible Officer: Chief Executive Officer

Electronic version current. Uncontrolled copy valid only at time of printing.

5 Membership

5.1 Members

Membership of the Committee will be appointed by Council.

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

The Committee will, where possible, appoint a First Nations representative - either an appropriate organisation or Elected Member.

Membership will consist of:

- The Lord Mayor
- One 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
- 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.

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 consecutive meetings without an approved leave of absence.

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6 Meetings

The Chief Executive Officer Performance Appraisal Committee will adhere to the requirements for meetings as outlined in the *Local Government Act 2019 (NT)*, *Local Government (General) Regulations 2021 (NT)* 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 times per year and no more than four 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.

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

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

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 equal number 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 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 business days after the date of the meeting to which the minutes relate, be available on the website.

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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, being half plus one of its members holding office at the time of the meeting.

8 Code of conduct

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

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

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

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 _____