

**City of Adelaide**  
**Chief Executive Officer Performance Review Committee**  
**Terms of Reference**  
**2018 – 2022 Council Term**



**1. Establishment and Purpose**

- 1.1 The Chief Executive Officer Performance Review Committee (“the Committee”) is established as a formal committee of Council to conduct the performance review for the Chief Executive Officer (CEO).
- 1.2 The Committee may be wound up at any time by resolution of the Council.
- 1.3 The Terms of Reference are as adopted by Council on 09 November 2021 and may be varied through resolution of the Council at any time.
- 1.4 The primary purpose of the Committee is to develop, monitor and assess key performance indicators and a process by which CEO performance is measured.

**2. Status of the Committee**

- 2.1 The Committee is formed under Section 41 of the *Local Government Act 1999 (SA)* (the Act) to provide advice to Council and determine matters relating to CEO performance as delegated by Council and contained within these Terms of Reference.
- 2.2 The Committee has delegated authority to:
  - 2.2.1 Appoint the independent members to the Committee.
  - 2.2.2 Establish Key Performance Indicators for the CEO.
  - 2.2.3 Determine the performance review process for the CEO.
  - 2.2.4 Undertake the performance review of the CEO.
  - 2.2.5 Provide advice and support regarding the CEO’s performance development.
  - 2.2.6 Prepare and provide advice to Council to inform the CEO’s Total Employment Cost Package review, for decision by Council.
- 2.3 To do anything necessary, expedient or incidental to performing or discharging the functions of the Committee as listed herein or to achieving its objectives.

**3. Membership and Attendance**

- 3.1 The membership of the Committee is to comprise five members:
  - 3.1.1 The Lord Mayor
  - 3.1.2 The Deputy Lord Mayor
  - 3.1.3 One Councillor
  - 3.1.4 Two independent members, one of whom will have substantial local government experience.

- 3.2 The independent members will be appointed by the Committee, in agreement with the CEO at least six months prior to the end of each financial year of the Council term of Office.
- 3.3 The Council can make changes to the Committee by Council resolution at any time.
- 3.4 All Committee members must attend the meeting and where unable to do so, provide an apology prior to the meeting.

#### 4. **Role of the Presiding Member**

- 4.1 The Presiding Member will be the Lord Mayor and the Deputy Presiding Member will be the Deputy Lord Mayor (to be known as the Chair and Deputy Chair).
- 4.2 If the Chair is absent from a meeting the Deputy Chair will preside at that meeting. If both the Chair and the Deputy Chair are absent from a meeting, then a Committee member chosen from those present will preside at the meeting until the Chair or Deputy Chair is present.
- 4.3 The role of the Chair includes:
  - 4.3.1 Overseeing and facilitating the conduct of meetings in accordance with the Act, the Local Government (Procedures at Meetings) Regulations 2013 (SA) (the Regulations), The Review Committee Terms of Reference and any Code of Practice determined by the Council.
  - 4.3.2 Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.
  - 4.3.3 Requesting a motion to be moved, seconded and voted upon by Committee members for procedural matters (ie confirm Minutes, order the exclusion of the public from attendance, create a confidentiality order).
  - 4.3.4 Where a matter has been significantly discussed and no new information is being introduced to call the meeting to order and ask for the discussion to be finalised and put to the vote or proceed to the next discussion item.
  - 4.3.5 Regularly engage with the Council, other Committee members and senior officers outside of meetings to facilitate the timely progression of the Committee's work.
  - 4.3.6 Working with the Chief Operating Officer to build knowledge relative to the Committee's priorities and activities.

#### 5. **Operational Matters**

To ensure that clear expectations of the CEO's performance are established, that the CEO's performance is assessed in line with a clear and consistent process, and that professional development is made available as required, the Committee will undertake the following:

##### 5.1 **Performance Review**

- 5.1.1 Establish, in collaboration with the CEO, a set of Key Performance Indicators to be monitored for the performance period.
- 5.1.2 Annually, and/or periodically, review the Key Performance Indicators to ensure relevance and, if required, alter such indicators following reasonable consultation with the CEO.

- 5.1.3 Determine the appropriate performance review process against which the CEO's performance will be assessed, noting that this must be in accordance with any provisions specified in the CEO's Employment Contract.
- 5.1.4 Review performance at least annually within three (3) months of the end of each financial year of the Term.

## **5.2 Performance Development and Support**

- 5.2.1 To meet with the CEO, at least annually, to discuss progress on Key Performance Indicators and to understand the context in which the CEO's performance is being achieved, including organisational issues that are impacting on the CEO's performance and/or how the performance of Council is impacting on organisational performance.
- 5.2.2 To recommend counselling, advice, assistance and/or professional development activities to support the CEO in achievement of Key Performance Indicators, including the provision of any resources required to access these.

## **5.3 Total Employment Cost Package Review**

- 5.3.1 Review of the CEO's Total Employment Cost (TEC) Package will be undertaken annually in conjunction with the performance review process.
- 5.3.2 The Committee will provide to Council the results of the performance review and any other information relevant to inform the TEC Package review for Council decision.

## **6. Notice of Meetings**

- 6.1 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee at least three clear days before the date of the meeting.
- 6.2 The agenda with supporting papers (excluding matters requested to be considered in confidence) for the meeting will be made publicly available on Council's website - <http://www.cityofadelaide.com.au>, and placed on display at the Customer Centre, 25 Pirie Street, Adelaide.

## **7. Public Access to Meetings**

- 7.1 The Committee shall meet in the Colonel Light Room, Town Hall, King William Street, Adelaide.
- 7.2 Members of the public can attend all meetings of the Committee.
- 7.3 The public may be excluded from the meeting by resolution of the Committee in accordance with the confidentiality provisions of section 90 of the Act.

## **8. Conduct of Meetings**

- 8.1 Meetings of the Committee will be conducted in accordance with Parts 1, 3 and 4 the Local Government (Procedures at Meetings) Regulations 2013, and any Code of Practice for Meetings determined by Council.

- 8.2 The decision of the person presiding at meetings of the Committee in relation to the interpretation and application of these Meeting Procedure Protocols shall be absolute and binding on the Committee.
- 8.3 Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 8.4 All decisions of the Committee shall be made on the basis of a majority of the members present.
- 8.5 A quorum for a meeting of the Committee is 50% of the membership of the Committee plus one. If the meeting is held electronically members must be seen and heard to be present at the meeting.

**9. Reporting and Accountability**

- 9.1 The Committee shall report to the Council after every meeting to inform Council of its decisions (under delegation) and identify and present any advice and/or recommendations appropriate for Council decision.
- 9.2 The Presiding Member will make representations to Council on matters considered by the Committee, as and when required.

**10. Other Matters**

- 10.1 The Chief Operating Officer will provide administrative resources as required to support the Committee to carry out its functions, including the provision of professional expertise as and when required.

**Revision History – 2018-2022 Term of Office**

In Response to:	Revision to ## Committee Terms of Reference