

## C23/5971 – CONFIDENTIAL PETITION – CEO CONTRACT (REC)

Ward : All  
Category : Operational  
Subject Index : City of Melville  
Customer Index : City of Melville  
Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.  
Previous Items : Item 12.2 Confidential Petition – CEO Contract, 21 February 2023 Ordinary Meeting of Council.  
Item 7.2 Confidential Petition – CEO Contract, 30 March 2023 Governance Committee Meeting  
Works Programme : Not Applicable  
Funding : Not Applicable  
Responsible Officer : Corrine Newman  
Head of Governance

### AUTHORITY / DISCRETION

#### DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	<b>Executive</b>	<b><i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i></b>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes &amp; policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

### KEY ISSUES / SUMMARY

- At the Ordinary Meeting of Council held 21 February 2023, a confidential petition relating to employee matter was referred to the Governance Committee.
- A Governance Committee Meeting was held on 30 March 2023.
- At the time of the Governance Committee Meeting, a Special Meeting of Council had been scheduled that dealt with the matter the subject of the petition.
- The matter is referred back to the Council for final determination.

## **C23/5971 – CONFIDENTIAL PETITION – CEO CONTRACT (REC)**

### **BACKGROUND**

At the Ordinary Meeting of Council held 21 February 2021, the Council considered a petition regarding the CEO's Contract. As the petition dealt with an employee matter, it was considered behind closed doors, with the Council resolving to refer the matter to the Governance Committee.

### **DETAIL**

At the Governance Committee Meeting held on 30 March 2023, the Committee considered the contents of the petition, which related to the CEO's contract. The Petition related to a matter that was already the subject of a Special Meeting of Council scheduled to be held on 3 April 2023. The Agenda for the Special Meeting of Council, including the officer report on the matter had been distributed prior to the Governance Committee Meeting being held.

The matter is referred back to the Council for final determination.

### **STAKEHOLDER ENGAGEMENT**

#### **I. COMMUNITY**

There was no community consultation undertaken in relation to this matter.

#### **II. OTHER AGENCIES / CONSULTANTS**

There was no external consultation undertaken in relation to this matter.

### **STATUTORY AND LEGAL IMPLICATIONS**

Section 5.23(2)(a) of the Local Government Act provide that a meeting of the Council or a Committee, or part of a meeting, may be closed to members of the public if a matter affecting an employee is being dealt with.

In relation to petitions, the City of Melville Meeting Procedures provide for the Council to:

- (a) give due consideration to the petition when deliberating on the relevant matter listed on the same agenda; or
- (b) refer it to a committee for consideration and report; or
- (c) direct that a report on the matters raised be prepared by a date determined by Council; or
- (d) take no further action.

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### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this matter.

### **STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS**

As the matter has been considered at a previous meeting of the Council, there are no strategic, risk or environment management implications associated with this report.

### **POLICY IMPLICATIONS**

There are policies associated with this report.

### **ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

There are no alternative options associated with this matter.

### **CONCLUSION**

The matter the subject of the petition was considered at the Special Meeting of Council.

### **COMMITTEE RESOLUTION**

### **APPROVAL**

**That the Council notes the petition, and that the CEO's contract renewal was resolved at the Special Meeting of Council held for 3 April 2023. That the lead petitioner be advised of that determination.**