



# Council Agenda



**Date:** 26 May 2022  
**Time:** 6:00pm  
**Venue:** Virtual Meeting

**Photo Left to Right:** Cr Adrian Weston, Cr Tony Marwood, Cr Rob Amos, Cr Colleen Gates (Deputy Mayor), Cr Daniel Mackrell, Cr Chrissy Weller (Mayor), Cr Paul Jarman, Cr John Zobec and Cr Leanne Pentreath.

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For a meeting of the eighth Campaspe Shire Council held as a virtual meeting on Thursday 26 May 2022, commencing at 6:00 pm.

## **Acknowledgement of Country**

The Shire of Campaspe is the traditional lands of the Dja Dja Wurrung, Taungurung and Yorta Yorta Peoples.

We respect and acknowledge their unique Aboriginal cultural heritage and pay our respect to their ancestors, descendants and emerging leaders as the Traditional Owners of this Country.

We acknowledge their living culture and their unique role in the life of this region.

## **Opening Prayer**

We pray to almighty God that our decisions as a Council be in the best interest of the people, culture and the environment of the Shire of Campaspe.

Amen

## **Meeting Procedures**

Please ensure that all electronic devices are turned off or switched to silent.

Council meetings are broadcast live via the internet. During the meeting, members of the public may be recorded, particularly those speaking to an item. By attending this meeting, you are consenting to the possibility that your image may also be broadcast to the public. Any personal and health information voluntarily disclosed by any person at Council meetings may be broadcast live, held by Council and made available to the public for later viewing.

Those people who have requested to speak to an item will be allowed five minutes to address Council. Speakers will be notified with a bell when there is 60 seconds remaining. Speakers must only speak in relation to the subject stated on their application and shall not debate the issue with Councillors and officers. Councillors are able to ask questions of the speaker on points of clarification.

Speakers are advised that they do not enjoy any special protection from defamation arising from comments made during their presentation to Council and should refrain from voicing defamatory remarks or personal defamatory statements against any individual. Speakers will be treated with respect when addressing Council. I ask that the same respect is extended to Councillors and officers.

## **1 Apologies**

### **1.1 Apologies**

## **2 Declarations of Conflict of Interest**

In accordance with Section 130(1)(a) of the *Local Government Act 2020* Councillors are required to disclose any conflict of interest in respect of a matter to be considered at a Council meeting.



## 3 Council Decisions

### 3.1 Adoption of Policy 175 - CEO Employment and Remuneration Policy

Author	Department	Manager	General Manager
Acting Chief Executive Officer	Office of the CEO		

#### 1. SUMMARY

First adopted by Council in May 2020, Policy 175 Chief Executive Officer Remuneration and Employment, was implemented to provide a framework that guides the employment and remuneration of the Chief Executive Officer.

Implementation of the new policy since its inception coupled with the introduction of the new Local Government Act 2020, has prompted an opportunity to refresh the document.

#### 2. RECOMMENDATION

**That Council adopt revised Policy 175 Chief Executive Officer Remuneration and Employment, appended as attachment one.**

#### 3. PURPOSE

To adopt the revised Policy 175 Chief Executive Officer Remuneration and Employment, which is reflective of the Council's obligations under the *Local Government Act 2020*.

Since its implementation in May 2020, this policy has been used as a guide for managing the life cycle of the Chief Executive Officer's employment. Analysis and use of the policy has identified opportunities to improve guidance within the Policy document.

Council is about to embark on a new CEO recruitment process and adoption of the Policy at the outset is important for providing clarity on process, and Council and Committee roles.

#### 4. DISCUSSION

Members of Council's Remuneration and Employment Advisory Committee (the Committee) commenced a review process of Policy 175 to enable the development of more comprehensive information to the guide the CEO remuneration and performance review process.

With the assistance of the Governance Manager, Justitia Lawyers and Consultants (Justitia) were engaged to assist the Committee with this task. It was also agreed that the Victorian Local Government Association (VLGA) would be approached to provide an external peer review of the final draft document in order to incorporate a broader Victorian local government sector perspective.

A need to review the Policy was based on the identification of the following gaps and presented an opportunity for improving clarity:

- The Policy had not been reviewed since the new Local Government Act (the Act) came into effect;
- The Policy did not refer to Section 45 of the Act which provides for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy;
- Furthermore in accordance with the Act, the policy must provide for the following—
  - i. the recruitment and appointment process;
  - ii. provisions to be included in the contract of employment; (this is missing)
  - iii. performance monitoring;
  - iv. an annual review; and

- v. include any other matters prescribed by the regulations
- Emphasis on independency of the external person not clear in the policy
- Selection criteria of the Independent Member could be expanded to include additional attributes other than HR experience
- The process for appointing an Independent Member and their role on the Committee is not clear.
- Frequency of how often the Committee meets, requires clarification.
- There is no guidance for dispute resolution.

## 5. OPTIONS

### Option 1: Adopt the revised Policy 175 Chief Executive Officer Remuneration and Employment

The revised policy is aligned with Council feedback and expectations and has been through a rigorous review process with support from Justitia and VLGA. This option is recommended by officers.

### Option 2: Do Not Adopt the revised Policy 175 Chief Executive Officer Remuneration and Employment

By not adopting the revised policy, it places Council at risk of embarking on a recruitment process without an adequate framework and guidance.

This option is not recommended by officers.

## 6. CONSULTATION

External:

- Victorian Local Government Association

CEO:

- 9 February 2022

Councillors:

- 5 December 2021 (Committee only)
- 2 February 2022 (All Councillors)

## 7. POLICY AND LEGISLATIVE IMPLICATIONS

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and no Council Policy and relevant law has been identified within this report.

## 8. FINANCIAL AND ECONOMIC IMPLICATIONS

Section 45 (2) of the Local Government Act 2020 requires that the Chief Executive Officer Employment and Remuneration Policy provides for the Council to obtain independent professional advice in relation to the matters dealt with in the Policy.

Justitia Lawyers and Consultants (Justitia) were engaged to assist the CEO Remuneration and Employment Advisory Committee (the Committee) complete this task with the provision of professional impartial advice.

Fees incurred by Justitia for professional advice comprised \$5,000 incl GST.

## 9. ENVIRONMENTAL IMPLICATIONS

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and no environmental sustainability implications have been identified within this report.

## **10. SOCIAL IMPLICATIONS**

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and no social implications for the municipality have been identified with this report.

## **11. RELEVANCE TO COUNCIL PLAN 2021-2025**

Responsible Management

Addresses the Council's employer obligations

## **12. ISSUES AND RISK MANAGEMENT**

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

## **13. CONFLICT OF INTEREST**

In accordance with section 130 of the Local Government Act 2020, the officer preparing this report declares no conflict of interest regarding this matter

## **14. CHARTER OF HUMAN RIGHTS**

This Report has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

## **15. INSTRUMENT OF DELEGATION**

This report has considered and complies with the Instrument of Sub-Delegation by the Chief Executive Officer is so far as this report is not contrary to the existing policy or strategy previously adopted by Council.

## **16. CONCLUSION**

Officers recommend Council adopt the updated policy.

## **17. ATTACHMENTS**

1. Proposed - Policy 175 CEO Employment and Remuneration [3.1.1 - 7 pages]
2. Current - Policy 175 CEO Employment and Remuneration [3.1.2 - 6 pages]
3. Tracked - Policy 175 CEO Employment and Remuneration [3.1.3 - 11 pages]

# Chief Executive Officer Employment and Remuneration

<b>Council Policy Number</b>	175
Date adopted	26 May 2022
Scheduled for review	May 2026



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## Purpose

To provide a fair, transparent and consistent framework for management of the employment cycle of the Chief Executive Officer (CEO) including aspects such as recruitment, performance and contract related processes.  
To provide Terms of Reference for a CEO Employment and Remuneration Advisory Committee.

## Policy Statement

This policy has been developed to support the requirements of the *Local Government Act 2020* that Council must develop, adopt and keep in force a CEO Employment and Remuneration Policy.

The Campaspe Shire Council ('**Council**') is responsible for managing processes that may occur throughout the employment cycle.

- the recruitment, appointment and cessation of employment of the CEO;
- formulating the CEO's Performance Plan in consultation with the CEO, and assessing their performance against that plan; and
- determining the CEO's contractual conditions including remuneration.

Council will carry out its functions relating to recruitment, performance review and remuneration of the CEO in accordance with the following principles:

Decision-making principles that are fair, transparent and applied consistently;

Decision-making criteria that are relevant, objective and available to the person subject to the decision;

Decisions and actions that are conducive to ongoing good governance;

Documentation that is clear and comprehensive to render decisions capable of effective review;

Employment decisions that are based on the proper assessment of an individual's work-related competencies and potential against the genuine requirements of the role; and

Decisions to appoint an employee are based on merit.

The responsibility for assisting Council with its obligations regarding CEO employment, performance and remuneration will be delivered through the CEO Employment and Remuneration Advisory Committee. However the Council will approve all key recommendations provided by the Committee, as indicated in this policy.

The Council must comply with any requirements prescribed by the regulations in relation to the employment of a CEO.

## 1 Establishment of the CEO Employment and Remuneration Advisory Committee

### 1.1. Purpose

Council shall maintain a CEO Employment and Remuneration Advisory Committee (the **Committee**).

The Committee's role is to assist and advise the Council on matters relating to the employment, performance and remuneration of the CEO, including:



- Recruitment of the CEO or a person to act as the CEO, while awaiting the appointment of the CEO;
- Appointment of a recruitment consultant to advise the Committee throughout any recruitment and appointment process for a new CEO;
- CEO contract finalisation;
- An on boarding program for the new CEO.
- CEO remuneration and other provisions included in the contract of employment;
- Setting a Performance Plan including annual measures, with and for the CEO; and
- Monitoring the CEO's performance against the requirements of the position, and the performance plan, at six (6) monthly intervals;
- Completing an annual Performance Review; and
- Appointment of an independent professional for provision of advice where required, to advise the Committee in relation to any matters dealt with in this Policy.

#### Membership

Membership of the Committee (Members) will comprise the following:

- The Mayor, who will be the Chairperson
- Three (3) Councillors.
- An independent member (Independent Member) who may be the alternative Chairperson if elected by the Committee.

#### 1.2. Recruitment, Duties, Term and Remuneration of the Independent Member

The Independent Member will be appointed by Council following a public process seeking Expressions of Interest from suitably qualified and experienced candidates (Appointment Process).

The Appointment Process will be managed by the Mayor with Committee Support as noted by section 1.5. A recommendation for a preferred candidate will be made by the Committee and the Council will make the final decision. The preferred candidate will have been able to demonstrate attributes and/or experience from the following:

- A clear understanding of the objectives, roles, duties and obligations of the CEO and Council under the Local Government Act 2020;
- Demonstrated understanding of leadership principles;
- Demonstrated human resource management skills, senior business experience or relevant qualifications;
- Experience in senior management recruitment and development;
- An understanding of performance management processes and procedural fairness; and
- Senior Level experience, preferably within the Local Government sector and sound knowledge of governance and legal obligations; and
- Previous experience working effectively with Councillors, Executive Governance bodies or Board Members in advisory and/or facilitation roles.

Duties of the Independent Member are to provide independent professional advice, actively participate on the Committee and support its Purpose in accordance with section 1.1 herein. The Independent Member may share secretariat support duties with other members of the Committee such as documenting the Performance Review process and assisting with the preparation of draft Council Reports.

The Independent member will be appointed for a term of up to three years and must sign a non-disclosure agreement with the Council.

At the conclusion of the three-year term, the incumbent will be eligible to apply for reappointment, at the discretion of Council for a second three-year term.

A maximum of two consecutive 3 year terms may be served.

Duties of the independent member include actively participating in the Committee's six monthly review of the CEO's performance against the agreed annual performance plan.

Independent member remuneration will be based on a sitting fee per meeting, in line with Victorian Government guidelines for like committees and will be paid within 30 days of attendance at the meeting.

Travel costs will be reimbursed in accordance with ATO allowances.

The sitting fee of the Independent Member will be reviewed at the conclusion of each term.

### 1.3. Meetings

The committee will meet as frequently as necessary to effectively perform its functions, but at least twice per year.

A quorum will consist of the Independent Member plus two other Committee Members.

A quorum must be reached in order to transact business.

### 1.4. Committee support

The CEO will ensure support is provided to the Committee where appropriate and subject to confidentiality provisions. Such support may include:

- Scheduling meetings of the Committee
- Preparing relevant documentation including contractual documents;
- Filing of reports and minutes of Council Meeting agenda items;
- Payment of the Independent Member;
- Assisting to coordinate the advertising, recruitment and appointment process of the CEO or the Independent Member; and
- Development of a CEO on-boarding program.

## 2 Recruitment of the CEO

### *Independent Professional Advice and Support*

**2.1.** Council will engage an independent and suitably qualified recruitment consultant (the Consultant) to manage the end-to-end recruitment process.

**2.2.** The key criteria for appointment of the Consultant should consider track record of successful CEO appointments, price, availability, qualifications and experience in the local government sector.

### *Recruitment and appointment process*

**2.3.** In conjunction with the consultant, the Committee will develop and agree upon a Recruitment Plan, which will include the following:

- The key factors that the Consultant should consider when preparing a list of candidates to be recommended for the Committee to interview.
- Development of the Position Description, Performance Criteria and any other attributes required for the role.
- Remuneration and other employment conditions, in accordance with the requirements set out at section 5 below.
- Selection criteria based on the Position Description and Performance Criteria.
- A search and selection process and timeframe for Committee consideration which may include:
  - Candidate information package comprising a Position Description, a model contract, information about the area, the Council Plan and an annual report.
  - A candidate identification strategy including advertisements in at least one leading recruitment website and/or platform, the Council website, social media and relevant newspapers for an appropriate period of time.

- Methods of applicant evaluation.
- An effective psychological profiling tool recommended for the purposes of executive recruitment.

**2.4.** The Committee will seek Council approval of the Recruitment Plan once completed.

**2.5.** Once the Recruitment Plan has been approved, the Committee will:

- Oversee the development of the candidate pool by the consultant, providing feedback on the quality of candidates being identified.
- Review the Consultant's report on the candidate pool and short-list candidates to be carried forward to a first round interview to be conducted by the Committee.
- Work with the Consultant to develop questions and obtain relevant support and guidance from the Consultant for the interviews with the leading five to eight candidates identified by the Consultant.
- In consultation with the Consultant, select/refer a short list of preferably three (3) candidates for a second interview with the full Council.

**2.6.** Once the preferred candidate is determined by the Council, the Committee will, with the support and guidance of the Consultant:

- negotiate the terms of employment within the general framework and policies of the Council and subject to section 5.
- Ensure, through the Consultant, that all candidates are updated on the outcome of the process.
- In consultation with the Manager Human Resources develop and recommend to the Council an on boarding program for the new CEO.
- Liaise with the Council's Communications team regarding the internal and public announcements of the appointment of the new CEO.

### **3 CEO Performance Review and Planning Process**

**3.1.** A Performance Review will be conducted annually in accordance with the following process:

- Prior to the Performance Review, the CEO will submit a progress report to the Council Committee setting out their progress and achievements against the Performance Criteria and any specific deliverables and measures of success documented within the annual Performance Plan.
- On a confidential basis, the Independent Member will invite and collate feedback from all Councillors regarding the CEO's performance. This process could also be delegated to a third-party HR specialist.
- The Committee will:
  - Consider the feedback provided by all Councillors;
  - Request further information where applicable or available to support their evaluation;
  - Meet with the CEO to provide an opportunity to discuss the content of the CEO progress report and the CEO's achievements for the period in review; and
  - Prepare a draft report.
- The Committee will make recommendations to Council on matters including:
  - the extent to which the CEO has achieved the Performance Criteria;
  - the CEO's remuneration (having regard to the requirements of section 4 of this Policy); and
  - Whether any variation to the terms of the Contract needs to be considered for presentation and agreement with the CEO.
- Within three months of commencement of the CEO's employment, and then again annually following completion of the Performance Review, the Council and the CEO will establish a Performance Plan for the following 12 months.

- The Committee will seek independent professional advice on the development of the Performance Plan, if required.
- 3.2.** The Committee will conduct a mid-year performance review with the CEO within 6 months of the Performance Review. This mid-year review will provide the opportunity for the Committee to provide the CEO with feedback and adjust the Performance Plan if necessary.

#### **4 Remuneration of the CEO**

- 4.1.** When determining or reviewing the Total Remuneration Package (TRP) of the CEO, the Council will have regard to:
- industry benchmarks including any published data available by Council Category;
  - any current statement of wages policy issued by the Government of Victoria;
  - any Determination that is in effect under Section 21 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.
- 4.2.** The TRP will be inclusive of salary, superannuation and other employment benefits, including associated Fringe Benefits Tax.
- 4.3.** The Council will review the TRP annually within one month following the Performance Review, in accordance with the terms of the CEO's contract of employment (the Contract) and this Policy.
- 4.4.** No performance bonus arrangements will apply.

#### **5 Contractual Requirements**

- 5.1.** The Committee will seek independent professional (legal) advice regarding the terms of the Contract.
- 5.2.** The CEO will be appointed on a contract of employment that does not exceed five years.
- 5.3.** The Contract will include, as a minimum, provisions relating to:
- The duties and responsibilities of the position (Position Description);
  - Leave and other terms and conditions of employment;
  - The Total Remuneration Package (TRP) and its inclusions;
  - Provisions for early termination by either party, with the required minimum written notice in accordance with guidance provided by the Government of Victoria; and
  - Any other requirements prescribed by the regulations in relation to the employment of the CEO.

#### **6 Termination or Expiry of Contract**

- 6.1.** The Committee may seek independent professional advice, if required, to ensure that it is meeting its obligations relating to termination or expiry provisions of the Contract.
- 6.2.** The Committee will be responsible for advising the Council on its options when various end of contract clauses come into effect. Such advice will include but is not limited to, recommendations to Council six months prior to the expiry of the Contract as to whether the Council should either:
- Reappoint the CEO under a new contract of employment (for five or less years); or
  - Cease the employment of the CEO due to the expiry of the Contract.
- 6.3.** Any decision to reappoint or cease the employment of the new CEO under paragraph 6.2 will be made by the Council

## 7. Acting or Interim CEO Appointment

- 7.1. In accordance with Section 11 (3) of the *Local Government Act 2020* a Council may delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days.
- 7.2. If there is a vacancy in the office of CEO or the CEO is unable to perform the duties of the office of CEO, the Council must appoint a person to be the Acting CEO. This may occur in the event the CEO:
  - takes a period of leave for more than 28 days, or
  - resigns; or
  - ceases to be employed by the Council;
- 7.3. The Committee will make a recommendation to Council (after consulting with the CEO where appropriate) regarding any acting/interim arrangements.
- 7.4. The Council will make the final decision regarding the acting/interim arrangements.

## 8. Dispute Resolution

- 8.1. Should a dispute arise in relation to any matter under this policy or the Contract, the CEO and Council will use their best endeavours to resolve their issue or dispute in a courteous and respectful manner between themselves.
- 8.2. If informal attempts to resolve the dispute are not successful, either the CEO or Mayor will:
  - Send a written request to the Independent Member that a meeting be convened to discuss the dispute; and
  - Within 14 days of receiving a written request specified in clause 8.2 above, the Independent Member will convene a meeting between the Mayor (or a nominated representative(s) of Council) and the CEO (along with any nominated representative of the CEO) in an attempt to resolve the dispute.
- 8.3. Should the CEO and Council be unable to resolve the dispute at this meeting, the CEO and Council will:
  - Refer the dispute to an independent mediator as agreed by the parties, or otherwise as nominated by the Executive Director of Local Government Victoria; and
  - Agree to participate in any mediation process in good faith.
- 8.4. The cost of the mediation service will be met by Council.
- 8.5. The CEO and Council will each be responsible for paying costs of any advisor or nominated representative used by them.

### Exclusions

Nil

### Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

### Definitions

The Act	<i>Local Government Act 2020</i>
CEO	Chief Executive Officer
Committee	CEO Employment and Remuneration Advisory Committee
Contract	Chief Executive Officer Employment Contract
Council	Campaspe Shire Council
Councillor	Mayor or Councillor as defined by the Act
Independent member	Suitably qualified and experienced professional who is not a Councillor or Officer of the Council and is a voting member of the Committee
Position Description	An organised, factual statement of the duties and responsibilities to be

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	executed by a specific role. This may include title, location, position summary, nature and objectives of the role, tasks and duties to be performed, working conditions and equipment to be used or provided.
Performance Criteria	The objectives by which the CEO's performance is evaluated during the Performance Review.
Performance Plan	A document setting out the specific deliverables and measures of success, as established by the CEO and Council, that will be used during the Performance Review to evaluate the CEO's level of achievement of the Performance Criteria. The Performance Plan will be prepared within 3 months of commencement in the role, and then annually following completion and formal ratification of the annual Performance Review.
Performance Review	A formal appraisal of the CEO's performance in achieving the Performance Criteria, conducted during any Probationary Period and annually by the Committee.
Recruitment Consultant	Nationally recognised consultant with specialist expertise in sourcing and evaluating candidates for senior executive roles
Remuneration	Salary and salary equivalents

**Related Legislation***Local Government Act 2020**Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.***Related Policies, Procedures and Strategies**

Council Policy 126 - Procurement

**Attachments**

Nil

**Review Period**

Four years

**Responsible officer**

Human Resources Manager

**Administrative Updates**

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

**Approval History**

Adopted	19 May 2020	Minute Book Reference No 2062 (Item 9.5) Administrative update to apply consistent reference to Campaspe Shire Council ('Council') and abbreviations
Revised	22 February 2021	
Revised	18 May 2022	Various changes and new additions as per Council Resolution 18-May-2022

Chief Executive Officer

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Date

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# Chief Executive Officer Employment and Remuneration

<b>Council Policy Number</b>	175
Date adopted	19 May 2020
Scheduled for review	May 2024



Council Policy

## Purpose

To provide direction and guidance on the management of the life cycle of the Chief Executive Officer's ('CEO') employment including recruitment, performance and end of contract processes.

To provide Terms of Reference for a CEO Employment and Remuneration Advisory Committee.

## Policy Statement

The Campaspe Shire Council ('Council') is responsible for the appointment of the CEO, determining (with the CEO) the CEO's Performance Plan assessing the CEO's performance against that plan and determining the CEO's contract conditions including remuneration.

This policy has been developed to support the requirements of the *Local Government Act 2020* relating to CEO employment and remuneration.

Council will carry out its functions relating to the appointment, remuneration and performance appraisal of the CEO in accordance with the following best practice principles:

- Decision-making principles that are fair, transparent and applied consistently;
- Decision-making criteria that are relevant, objective and available to the person subject to the decision;
- Decisions and actions that are conducive to ongoing good governance;
- Documentation that is clear and comprehensive to render decisions capable of effective review;
- Employment decisions that are based on the proper assessment of an individual's work-related qualities, abilities and potential against the genuine requirements of the role; and
- Decisions to appoint a new employee are based on merit.

The responsibility for assisting Council with its obligations regarding CEO employment, performance and remuneration will be delivered through the CEO Employment and Remuneration Committee.

## 1. Establishment of the CEO Employment and Remuneration Committee

### 1.1 Purpose

Council shall establish a committee to be known as the CEO Employment and Remuneration Committee (the Committee).

The role of the Committee is to recommend to Council:

- 1.1.1. A Position Description for the CEO, the appointment of a recruitment consultant and undertake the recruitment process leading to the recommendation to Council of a preferred candidate for the CEO position and a recommended remuneration package;
- 1.1.2. Employment contract conditions (including any agreed modifications to the Position Description) and determining the CEO's initial Performance Plan,
- 1.1.3. After assessing the CEO's performance against that plan, annual remuneration increases and a course of action when the CEO's contract is nearing its end.

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**1.2 Membership**

Membership of the Committee will comprise the following:

- The Mayor, who will be the Chairperson
- Three (3) Councillors.
- An independent member with extensive executive human resources experience.

**1.3 Recruitment, Duties, Term and Remuneration of the Independent Member**

The independent member will be appointed by Council following a public process seeking Expressions of Interest from suitably qualified and experienced candidates to fill the position of independent member of the committee. The independent member will have:

- Human resource qualifications and demonstrated management skills, senior business experience (including Local Government) and/or an employment law background;
- Demonstrated ability in relation to executive level performance appraisal, professional development and remuneration;
- Significant experience working with Executives and Board Members in a similar professional advisory role.

The Independent member will be appointed for a term of three years.

At the conclusion of the three-year term, the member will be eligible to apply to be reappointed at the discretion of Council for a second three-year term.

A maximum of two 3 year terms may be served.

Duties of the independent member are to actively participate in the Committee's six monthly review of the CEO's performance against the agreed annual performance plan.

Independent member remuneration will be based on a sitting fee per meeting, in line with Victorian Government guidelines for like committees and will be paid within 30 days of attendance at the meeting.

Travel costs will be reimbursed in accordance with ATO allowances.

**1.4 Meetings**

The committee will meet twice per year.

A quorum will consist of the Chairperson plus two (2) other members.

A quorum must be reached in order to transact business.

**1.5 Role**

The Committee's role is to assist and advise the Council on matters including:

- Appointment of a recruitment consultant to advise the Committee throughout the recruitment and appointment process of a new CEO.
- Recruitment of the CEO or a person to act as the CEO, while awaiting the appointment of the CEO.
- CEO remuneration and other contractual conditions of employment.
- An on boarding program for the new CEO.
- CEO contract finalisation.
- An agreed Performance Plan with and for the CEO.
- Monitoring the CEO's performance against the requirements of the position, and the agreed performance plan, at six (6) monthly intervals.

### 1.6 Administrative support

Secretarial and logistical support for the committee will be provided by the Office of the CEO.

The Human Resources Manager will provide (on request) information, advice and arrange training for committee members.

## 2. Process

This policy sets out Council's directions to the Committee for the conduct of its functions.

### 2.1 Process for the Recruitment of the CEO

#### *Independent Professional Advice*

In accordance with Council's procurement policy and with the assistance of the Human Resources Manager, seek and appoint a nationally recognised recruitment consultant to:

- manage and assist in the process of selecting suitable candidates and managing interviews for the position of CEO.
- provide advice on remuneration.
- provide advice on contract conditions.
- provide advice on a performance plan for the probation period.

A track record of successful CEO appointments should be the main criteria for appointment of the recruitment consultant.

### 2.2 Recruitment and appointment process

#### *Undertake preparation work*

In conjunction with the consultant, the Committee will develop and agree upon:

- The key factors that the Consultant should consider when preparing a list of candidates to be recommended for the Committee to interview.
- Remuneration and other employment conditions based on industry benchmarks, any statement of wages policy issued by the Government of Victoria and any Determination that is in effect under Section 21 of the Victorian *Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*.
- Remuneration arrangements that should be sufficient to attract, retain and motivate senior executives of the quality required, while not paying more than is necessary for this purpose.

Arrangements will include:

- Contract of employment for up to five years.
- Total remuneration package (includes salary, cost to employer of motor vehicle, superannuation and other employment benefits, all to include associated fringe benefits tax).
- A probationary period of six (6) months.
- Assessment for annual remuneration increases based on performance and prevailing industry standards.
- Termination of contract provisions; by the Council or CEO.
- Key accountabilities of the role; succinct statements about the most important things upon which the CEO will have to focus.
- Selection criteria based on the key accountabilities.
- A search and selection process and timeframe including:
  - Candidate application material including an information package comprising a position description, a model contract, information about the area, the Council Plan and an annual report.
  - A candidate identification strategy including advertisements in at least one leading recruitment website, the Council website, social media and relevant newspapers for an appropriate period of time.

- Methods of applicant evaluation.
- An executive psychological profiling tool used/endorsed by the Government of Victoria.
- Public relations activities.

### 2.3 The Committee will seek Council approval of preparatory work once completed.

Then, in conjunction with the consultant:

- Oversee the development of the candidate pool by the consultant, providing feedback on the quality of candidates being identified.
- Review the consultant's report on the candidate pool and make decisions regarding which candidates should be carried forward to interviews by the committee.
- The committee will interview the leading five to eight candidates identified by the consultant and select/refer the final 3 candidates for short list interviews with the full Council.
- Once the preferred candidate is determined by the full Council, with the support of the consultant, negotiate the terms of employment within the general framework and policies of the Council.
- Ensure, through the consultant, that all candidates are updated on the outcome of the process.
- Develop and recommend to the Council an *on boarding* program for the new CEO.

### 2.4 CEO Performance Review and Planning Process

The Council is responsible for determining the CEO's Performance Plan (with the CEO), assessing the CEO's performance against that plan and determining the annual remuneration package for the CEO.

But following the CEO's appointment, the Committee's role is to:

- prepare a draft annual performance plan (with the CEO) for Council's consideration,
- seek advice on remuneration benchmarks from a nationally recognised recruitment consultant while taking into account any legislative requirements,
- seek advice (if required) on facilitation and criteria for performance plan and review from a nationally recognised recruitment consultant,
- conduct the performance review of the CEO and make recommendations to Council on matters including whether:
  - the CEO meets the performance plan criteria.
  - to vary performance plan criteria, remuneration, or other terms and conditions of the contract.

The Committee will:

- Ensure that the CEO is consulted and advised of the process.
- In consultation with the CEO, identify and agree the performance plan goals and activities that the CEO should work towards achieving over a 12-month period.
- Ensure that the CEO submits a Performance Plan report and is given the opportunity to present his/her self-assessment to the Council.
- Ensure all Councillors are invited to provide comments of appraisal of the CEO's performance to the Committee.
- Attend to the collection and collation of Councillor feedback in relation to the CEO's performance as measured against the performance plan approved by Council.
- Review the CEO's remuneration package as a component of the annual review in accordance with contract conditions.
- Provide feedback to the CEO about their performance and proposed outcome of the remuneration review.
- Report to Council seeking decisions on outcomes of the review process in relation to:
  - the CEO's achievement of the Performance Criteria;
  - any proposed variation in remuneration;



- agree in relation to the setting of the performance plan for the measurement of the CEO's performance for the next 12-month period;
- agree with the CEO on a personal and professional development plan for the next 12-month period;
- whether any options of the CEO's contract should be exercised in accordance with the contract.

## 2.5 End of Contract

The Committee will be responsible for advising the Council on its options when various end of contract clauses come into effect.

The Committee may seek independent professional advice, if required, to ensure that it is meeting its obligations relating to contract expiry.

## Exclusions

Nil

## Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

## Definitions

The Act	<i>Local Government Act 2020</i>
CEO	Chief Executive Officer
Contract	Chief Executive Officer Employment Contract
Council	Campaspe Shire Council
Councillor	Mayor or Councillor as defined by the Act
Independent member	Suitably qualified and experienced HR professional who is not a Councillor or Officer of a Council and is a voting member of the Committee
Recruitment Consultant	Nationally recognised consultant with specialist expertise in sourcing and evaluating candidates for senior executive roles
Remuneration	Salary and salary equivalents

## Related Legislation

*Local Government Act 1989 and Local Government Act 2020*

*Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.*

## Related Policies, Procedures and Strategies

Council Policy 126 - Procurement

## Attachments

Nil

## Review Period

Four years

## Responsible officer

Human Resources Manager

## Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.



**Approval History**

Adopted 19 May 2020  
Revised 22 February 2021

Minute Book Reference No 2062 (Item 9.5)  
Administrative update to apply consistent reference to  
Campaspe Shire Council ('Council') and abbreviations

Chief Executive Officer .....

Date .....

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# Chief Executive Officer Employment and Remuneration

<b>Council Policy Number</b>	175
Date adopted	18 May 2022
Scheduled for review	May 2024/2026



Council Policy

## Purpose

To provide a fair, transparent and consistent framework for management of the employment direction and guidance on the management of the life-cycle of the Chief Executive Officer's ('CEO') employment including aspects such as recruitment, performance and end-of-contract related processes.

To provide Terms of Reference for a CEO Employment and Remuneration Advisory Committee.

## Policy Statement

The Campaspe Shire Council ('**Council**') is responsible for the appointment of the CEO, determining (with the CEO) the CEO's Performance Plan assessing the CEO's performance against that plan and determining the CEO's contract conditions including remuneration.

This policy has been developed to support the requirements of the *Local Government Act 2020* that Council must develop, adopt and keep in force a relating to CEO Employment and Remuneration Policy.

The Campaspe Shire Council (**Council**) is responsible for managing processes that may occur throughout the employment cycle of the CEO including:

- the recruitment, appointment and cessation of employment of the CEO;
- formulating the CEO's Performance Plan in consultation with the CEO, and assessing their performance against that plan; and
- determining the CEO's contractual conditions including remuneration.

Council will carry out its functions relating to the appointment recruitment, remuneration and performance appraisal-review and remuneration of the CEO in accordance with the following best practice principles:

Decision-making principles that are fair, transparent and applied consistently;

Decision-making criteria that are relevant, objective and available to the person subject to the decision;

Decisions and actions that are conducive to ongoing good governance;

Documentation that is clear and comprehensive to render decisions capable of effective review;

Employment decisions that are based on the proper assessment of an individual's work-related qualitiescompetencies, abilities and potential against the genuine requirements of the role; and

Decisions to appoint a newan employee are based on merit.

The responsibility for assisting Council with its obligations regarding CEO employment, performance and remuneration will be delivered through the CEO Employment and Remuneration Advisory Committee. However the Council will approve all key recommendations provided by the Committee, as indicated in this policy.

The Council must comply with any requirements prescribed by the regulations in relation to the employment of a CEO.

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## 1 Establishment of the CEO Employment and Remuneration Advisory Committee

### 1.1. Purpose

Council shall ~~establish~~ **maintain** a ~~committee to be known as the~~ CEO Employment and Remuneration Advisory Committee (the **Committee**).

~~The role of the Committee's role is to assist and advise the recommend to Council on matters relating to the employment, performance and remuneration of the CEO, including:~~

- ~~Recruitment of the CEO or a person to act as the CEO, while awaiting the appointment of the CEO;~~
- ~~Appointment of a recruitment consultant to advise the Committee throughout any recruitment and appointment process for a new CEO;~~
- ~~CEO contract finalisation;~~
- ~~An on boarding program for the new CEO.~~
- ~~CEO remuneration and other provisions included in the contract of employment;~~
- **Setting a** ~~Performance Plan including annual measures, with and for the CEO; and~~
- ~~Monitoring the CEO's performance against the requirements of the position, and the performance plan, at six (6) monthly intervals;~~
- ~~Completing an annual Performance Review; and~~
- ~~Appointment of an independent professional for provision of advice where required, to advise the Committee in relation to any matters dealt with in this Policy.~~

### 1.2. Role

~~The Committee's role is to assist and advise the Council on matters including:~~

- ~~Appointment of a recruitment consultant to advise the Committee throughout the recruitment and appointment process of a new CEO.~~
- ~~Recruitment of the CEO or a person to act as the CEO, while awaiting the appointment of the CEO.~~
- ~~CEO remuneration and other contractual conditions of employment.~~
- ~~An on boarding program for the new CEO.~~
- ~~CEO contract finalisation.~~
- ~~An agreed Performance Plan with and for the CEO.~~
- ~~Monitoring the CEO's performance against the requirements of the position, and the agreed performance plan, at six (6) monthly intervals.~~
- ~~A Position Description for the CEO, the appointment of a recruitment consultant and undertake the recruitment process leading to the recommendation to Council of a preferred candidate for the CEO position and a recommended remuneration package;~~

~~Employment contract conditions (including any agreed modifications to the Position Description) and determining the CEO's initial Performance Plan;~~

~~After assessing the CEO's performance against that plan, annual remuneration increases and a course of action when the CEO's contract is nearing its end~~

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**1.3.1.2. Membership**

Membership of the Committee (Members) will comprise the following:

- The Mayor, who will be the Chairperson
- Three (3) Councillors.
- An independent member ~~with extensive executive human resources experience~~(Independent Member) who may be the alternative Chairperson if elected by the Committee.

**1.4.1.3. Recruitment, Duties, Term and Remuneration of the Independent Member**

The ~~independent~~ Independent member Member will be appointed by Council following a public process seeking Expressions of Interest from suitably qualified and experienced candidates (Appointment Process).

~~The Appointment Process will be managed by the Mayor with Committee Support as noted by section 1.5. A recommendation for a preferred candidate will be made by the Committee and the Council will make the final decision. The preferred candidate will have been able to demonstrate attributes and/or experience from the following to fill the position of independent member of the committee. The independent member will have:~~

- ~~A clear understanding of the objectives, roles, duties and obligations of the CEO and Council under the Local Government Act 2020;~~
- ~~Demonstrated understanding of leadership principles;~~
- ~~Demonstrated human resource management skills, senior business experience or relevant qualifications;~~
- ~~Experience in senior management recruitment and development;~~
- ~~An understanding of performance management processes and procedural fairness; and~~
- ~~Senior Level experience, preferably within the Local Government sector and sound knowledge of governance and legal obligations; and~~
- ~~Previous experience working effectively with Councillors, Executive Governance bodies or Board Members in advisory and/or facilitation roles.~~

~~Human resource qualifications and demonstrated management skills, senior business experience (including Local Government) and/or an employment law background;~~

- ~~Demonstrated ability in relation to executive level performance appraisal, professional development and remuneration;~~
- ~~Significant experience working with Executives and Board Members in a similar professional advisory role.~~

~~Duties of the Independent Member are to provide independent professional advice, actively participate on the Committee and support its Purpose in accordance with section 1.1 herein. The Independent Member may share secretariat support duties with other members of the Committee such as documenting the Performance Review process and assisting with the preparation of draft Council Reports.~~

The Independent member will be appointed for a term of up to three years and must sign a non-disclosure agreement with the Council.

At the conclusion of the three-year term, the ~~member incumbent~~ will be eligible to apply ~~to be reappointed for reappointment~~, at the discretion of Council for a second three-year term.

A maximum of two consecutive 3 year terms may be served.

Duties of the independent member ~~are to include~~ actively participatinge in the Committee's six monthly review of the CEO's performance against the agreed annual performance plan.

Independent member remuneration will be based on a sitting fee per meeting, in line with Victorian Government guidelines for like committees and will be paid within 30 days of attendance at the meeting.

Travel costs will be reimbursed in accordance with ATO allowances.



The sitting fee of the Independent Member will be reviewed at the conclusion of each term.

#### **1.5.1.4. Meetings**

The committee will meet as frequently as necessary to effectively perform its functions, but at least twice per year.

A quorum will consist of the Chairperson, the Independent Member plus two (2) other members, Councillors or other Committee Members.

A quorum must be reached in order to transact business.

#### **1.6.1.5. Role**

~~The Committee's role is to assist and advise the Council on matters including:~~

- ~~▪ Appointment of a recruitment consultant to advise the Committee throughout the recruitment and appointment process of a new CEO.~~
- ~~▪ Recruitment of the CEO or a person to act as the CEO, while awaiting the appointment of the CEO.~~
- ~~▪ CEO remuneration and other contractual conditions of employment.~~
- ~~▪ An on boarding program for the new CEO.~~
- ~~▪ CEO contract finalisation.~~
- ~~▪ An agreed Performance Plan with and for the CEO.~~
- ~~▪ Monitoring the CEO's performance against the requirements of the position, and the agreed performance plan, at six (6) monthly intervals.~~

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**1.7.1.6. Administrative Committee support**

The CEO will ensure support is provided to the Committee where appropriate and subject to confidentiality provisions. Such support may include: Secretarial and logistical support for the committee will be provided by the Office of the CEO.

- Scheduling meetings of the Committee
- Preparing relevant documentation including contractual documents;
- Filing of reports and minutes of Council Meeting agenda items;
- Payment of the Independent Member;
- Assisting to coordinate the advertising, recruitment and appointment process of the CEO or the Independent Member; and
- Development of a CEO on-boarding program.

**2 Recruitment of the CEO The Human Resources Manager will provide (on request) information, advice and arrange training for committee members.***Independent Professional Advice and Support*

**2.1.** Council will engage an independent and suitably qualified recruitment consultant (the Consultant) to manage the end-to-end recruitment process.

**2.2.** The key criteria for appointment of the Consultant should consider track record of successful CEO appointments, price, availability, qualifications and experience in the local government sector.

*In accordance with Council's procurement policy and with the assistance of the Human Resources Manager, seek and appoint a nationally recognised recruitment consultant to:*

*manage and assist in the process of selecting suitable candidates and managing interviews for the position of CEO.*

*provide advice on remuneration.*

*provide advice on contract conditions.*

*provide advice on a performance plan for the probation period.*

*A track record of successful CEO appointments should be the main criteria for appointment of the recruitment consultant.*

*Recruitment and appointment process Undertake preparation work*

**2.1.2.3.** In conjunction with the consultant, the Committee will develop and agree upon a Recruitment Plan, which will include the following:

- The key factors that the Consultant should consider when preparing a list of candidates to be recommended for the Committee to interview.
- Development of the Position Description, Performance Criteria and any other attributes required for the role.
- Remuneration and other employment conditions, in accordance with the requirements set out at section 5 below based on industry benchmarks, any statement of wages policy issued by the Government of Victoria and any Determination that is in effect under Section 21 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.
- Selection criteria based on the Position Description and Performance Criteria.
- A search and selection process and timeframe for Committee consideration which may include:
  - Candidate information package comprising a Position Description, a model contract, information about the area, the Council Plan and an annual report.

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- A candidate identification strategy including advertisements in at least one leading recruitment website and/or platform, the Council website, social media and relevant newspapers for an appropriate period of time.
- Methods of applicant evaluation.
- An effective psychological profiling tool recommended for the purposes of executive recruitment.

2.2.2.4. The Committee will seek Council approval of preparatory work the Recruitment Plan once completed.

2.3.2.5. ~~Then, in conjunction with the consultant~~ Once the Recruitment Plan has been approved, the Committee will:

- Oversee the development of the candidate pool by the consultant, providing feedback on the quality of candidates being identified.
- Review the ~~consultant's~~ Consultant's report on the candidate pool and ~~make decisions regarding which short-list~~ candidates ~~should to~~ be carried forward to a first round interviews ~~to be conducted~~ by the ~~committee~~ Committee.
- Work with the Consultant to develop questions and obtain relevant support and guidance from the Consultant for the interviews with the leading five to eight candidates identified by the Consultant.
- In consultation with the Consultant, The committee will interview the leading five to eight candidates identified by the consultant and select/refer a the final 3 candidates for short list of preferably three (3) candidates for a second interviews with the full Council.

2.6. Once the preferred candidate is determined by the full Council, with the support of the consultant the Committee will, with the support and guidance of the Consultant;

- negotiate the terms of employment within the general framework and policies of the Council and subject to section 5.
- Ensure, through the ~~consultant~~ Consultant, that all candidates are updated on the outcome of the process.
- In consultation with the Manager Human Resources develop Develop and recommend to the Council an on boarding program for the new CEO.
- Liaise with the Council's Communications team regarding the internal and public announcements of the appointment of the new CEO.

### 3 CEO Performance Review and Planning Process

3.1. A Performance Review will be conducted annually in accordance with the following process:

- Prior to the Performance Review, the CEO will submit a progress report to the Council Committee setting out their progress and achievements against the Performance Criteria and any specific deliverables and measures of success documented within the annual Performance Plan.
- On a confidential basis, the Independent Member will invite and collate feedback from all Councillors regarding the CEO's performance. This process could also be delegated to a third-party HR specialist.
- The Committee will:
  - Consider the feedback provided by all Councillors;
  - Request further information where applicable or available to support their evaluation;
  - Meet with the CEO to provide an opportunity to discuss the content of the CEO progress report and the CEO's achievements for the period in review; and
  - Prepare a draft report.
- The Committee will make recommendations to Council on matters including:
  - the extent to which the CEO has achieved the Performance Criteria;

- the CEO's remuneration (having regard to the requirements of section 4 of this Policy); and
- Whether any variation to the terms of the Contract needs to be considered for presentation and agreement with the CEO.
- Within three months of commencement of the CEO's employment, and then again annually following completion of the Performance Review, the Council and the CEO will ~~agree on~~ establish a Performance Plan for the following 12 months.
- The Committee will seek independent professional advice on the development of the Performance Plan, if required.

**3.2.** The Committee will conduct a mid-year performance review with the CEO within 6 months of the Performance Review. This mid-year review will provide the opportunity for the Committee to provide the CEO with feedback and adjust the Performance Plan if necessary.

The Council is responsible for determining the CEO's Performance Plan (with the CEO), assessing the CEO's performance against that plan and determining the annual remuneration package for the CEO.

But following the CEO's appointment, the Committee's role is to:

~~prepare a draft annual performance plan (with the CEO) for Council's consideration,~~

~~seek advice on remuneration benchmarks from a nationally recognised recruitment consultant while taking into account any legislative requirements,~~

~~seek advice (if required) on facilitation and criteria for performance plan and review from a nationally recognised recruitment consultant,~~

~~conduct the performance review of the CEO and make recommendations to Council on matters including whether:~~

- ~~▪ the CEO meets the performance plan criteria.~~
- ~~▪ to vary performance plan criteria, remuneration, or other terms and conditions of the contract.~~

The Committee will:

~~Ensure that the CEO is consulted and advised of the process.~~

~~In consultation with the CEO, identify and agree the performance plan goals and activities that the CEO should work towards achieving over a 12-month period.~~

~~Ensure that the CEO submits a Performance Plan report and is given the opportunity to present his/her self-assessment to the Council.~~

~~Ensure all Councillors are invited to provide comments of appraisal of the CEO's performance to the Committee.~~

~~Attend to the collection and collation of Councillor feedback in relation to the CEO's performance as measured against the performance plan approved by Council.~~

#### **4 Remuneration of the CEO**

**4.1.** When determining or reviewing the Total Remuneration Package (TRP) of the CEO, the Council will have regard to:

- industry benchmarks including any published data available by Council Category;
- any current statement of wages policy issued by the Government of Victoria;
- the size of Council in terms of number of workers, constituents and budget, compared to other Councils, and
- any Determination that is in effect under Section 21 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.

**4.2.** The TRP will be inclusive of salary, superannuation and other employment benefits, including associated Fringe Benefits Tax.

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~~4.3. The Council will review the TRP annually within one month following the Performance Review, in accordance with the terms of the CEO's contract of employment (the Contract) and this Policy.~~

~~4.1. No performance bonus arrangements will apply seek advice on remuneration benchmarks from a nationally recognised recruitment consultant while taking into account any legislative requirements.~~

~~4.2. Review the CEO's remuneration package as a component of the annual review in accordance with contract conditions.~~

~~4.3. Provide feedback to the CEO about their performance and proposed outcome of the remuneration review.~~

~~4.4. Report to Council seeking decisions on outcomes of the review process in relation to:~~

~~4.5. the CEO's achievement of the Performance Criteria;~~

~~4.6. any proposed variation in remuneration;~~

~~4.7. agree in relation to the setting of the performance plan for the measurement of the CEO's performance for the next 12-month period;~~

~~4.8. agree with the CEO on a personal and professional development plan for the next 12-month period;~~

~~4.9.4.4. whether any options of the CEO's contract should be exercised in accordance with the contract.~~

## 5 Contractual Requirements

~~5.1. The Committee will seek independent professional (legal) advice regarding the terms of the Contract.~~

~~5.2. The CEO will be appointed on a contract of employment that does not exceed five years.~~

~~5.3. The Contract will include, as a minimum, provisions relating to:~~

- ~~▪ The duties and responsibilities of the position (Position Description);~~
- ~~▪ Leave and other terms and conditions of employment;~~
- ~~▪ The Total Remuneration Package (TRP) and its inclusions;~~
- ~~▪ Provisions for early termination by either party, with the required minimum written notice in accordance with guidance provided by the Government of Victoria; and~~
- ~~▪ Any other requirements prescribed by the regulations in relation to the employment of the CEO.~~

## 6 Termination or ExpiryEnd of Contract

~~6.1. The Committee may seek independent professional advice, if required, to ensure that it is meeting its obligations relating to termination or expiry provisions of the Contract.~~

~~6.2. The Committee will be responsible for advising the Council on its options when various end of contract clauses come into effect. Such advice will include but is not limited to, recommendations to Council six months prior to the expiry of the Contract as to whether the Council should either:~~

- ~~▪ Reappoint the CEO under a new contract of employment (for five or less years); or~~
- ~~▪ Cease the employment of the CEO due to the expiry of the Contract.~~

~~6.1.6.3. Any decision to reappoint or cease the employment of the new CEO under paragraph 6.2 will be made by the Council~~

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**7. Acting or Interim CEO Appointment**

- 7.1.** In accordance with Section 11 (3) of the *Local Government Act 2020* a Council may delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days.
- 7.2.** If there is a vacancy in the office of CEO or the CEO is unable to perform the duties of the office of CEO, the Council must appoint a person to be the Acting CEO. This may occur in the event the CEO:
- takes a period of leave for more than 28 days, or
  - resigns; or
  - ceases to be employed by the Council;
- 7.3.** The Committee will make a recommendation to Council (after consulting with the CEO where appropriate) regarding any acting/interim arrangements.
- 7.4.** The Council will make the final decision regarding the acting/interim arrangements.

**8. Dispute Resolution**

- 8.1.** Should a dispute arise in relation to any matter under this policy or the Contract, the CEO and Council will use their best endeavours to resolve their issue or dispute in a courteous and respectful manner between themselves.
- 8.2.** If informal attempts to resolve the dispute are not successful, either the CEO or Mayor will:
- Send a written request to the Independent Member that a meeting be convened to discuss the dispute; and
  - Within 14 days of receiving a written request specified in clause 8.2 above, the Independent Member will convene a meeting between the Mayor (or a nominated representative(s) of Council) and the CEO (along with any nominated representative of the CEO) in an attempt to resolve the dispute.
- 8.3.** Should the CEO and Council be unable to resolve the dispute at this meeting, the CEO and Council will:
- Refer the dispute to an independent mediator as agreed by the parties, or otherwise as nominated by the Executive Director of Local Government Victoria; and
  - Agree to participate in any mediation process in good faith.
- 8.4.** The cost of the mediation service will be met by Council.
- 8.5.** The CEO and Council will each be responsible for paying costs of any advisor or nominated representative used by them.

**Exclusions**

Nil

**Human Rights**

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

**Definitions**

The Act	<i>Local Government Act 2020</i>
CEO	Chief Executive Officer
Committee	CEO Employment and Remuneration Advisory Committee
Contract	Chief Executive Officer Employment Contract
Council	Campaspe Shire Council
Councillor	Mayor or Councillor as defined by the Act

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Independent member	Suitably qualified and experienced <del>HR</del> professional who is not a Councillor or Officer of the Council and is a voting member of the Committee
<u>Position Description</u>	<u>An organised, factual statement of the duties and responsibilities to be executed by a specific role. This may include title, location, position summary, nature and objectives of the role, tasks and duties to be performed, working conditions and equipment to be used or provided.</u>
<u>Performance Criteria</u>	<u>The objectives by which the CEO's performance is evaluated during the Performance Review.</u>
<u>Performance Plan</u>	<u>A document setting out the specific deliverables and measures of success, as <del>established</del> <u>agreed upon</u> by the CEO and Council, that will be used during the Performance Review to evaluate the CEO's level of achievement of the Performance Criteria. The Performance Plan will be prepared within 3 months of commencement in the role, and then annually following completion and formal ratification of the annual Performance Review.</u>
<u>Performance Review</u>	<u>A formal appraisal of the CEO's performance in achieving the Performance Criteria, conducted during any Probationary Period and annually by the Committee.</u>
Recruitment Consultant	Nationally recognised consultant with specialist expertise in sourcing and evaluating candidates for senior executive roles
Remuneration	Salary and salary equivalents

**Related Legislation**

~~Local Government Act 1989 and~~ Local Government Act 2020

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019.

**Related Policies, Procedures and Strategies**

Council Policy 126 - Procurement

**Attachments**

Nil

**Review Period**

Four years

**Responsible officer**

Human Resources Manager

**Administrative Updates**

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

**Approval History**

Adopted	19 May 2020	Minute Book Reference No 2062 (Item 9.5)
Revised	22 February 2021	Administrative update to apply consistent reference to Campaspe Shire Council ('Council') and abbreviations
Revised	<del>XX</del> 18 May 2022	<del>XXXX</del> Various changes and new additions as per Council
		<a href="#">Resolution 18-May-2022</a>

Chief Executive Officer .....

Council Policy



Date .....

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## 4 Confidential Business

### Closure of Public Meeting

#### RECOMMENDATION

That pursuant to the provisions of the *Local Government Act 2020* (the Act), the meeting will now be closed to members of the public in accordance with section 66(2)(a) of the Act to enable consideration to be given to items that contain confidential information as defined in section 3(1) of the Act as follows:

- a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
- b) Security information, being information that if released is likely to endanger the security of Council property or the safety of any person.
- c) Land use planning information, being information that if prematurely released is likely to encourage speculation in land values.
- d) Law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person.
- e) Legal privileged information, being information to which legal professional privilege or client legal privilege applies.
- f) Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.
- g) Private commercial information, being information provided by a business, commercial or financial undertaking that:
  - (i) relates to trade secrets; or
  - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
- h) Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).
- i) Internal arbitration information, being information specified in section 145.
- j) Councillor Conduct Panel confidential information, being information specified in section 169.
- k) Information prescribed by the regulations to be confidential information for the purposes of this definition.
- l) Information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

#### Items

##### 4.1 Appointment of Interim CEO

### Resumption of Public Meeting

## **5 Close Meeting**

Keith Oberin

Acting Chief Executive Officer