



Notice of Special Council Meeting

To be held on 12 November 2025 and commence at 5:00pm
To be held at the Council Chambers in Donnybrook
(1 Bentley Street, Donnybrook)

The Purpose of this meeting is for Council to:

- Declare the 2026 Extraordinary Election, including setting the date, voting method and Returning Officer.
- Endorses the proposed Chief Executive Officer Key Performance Criteria (KPI's) 2025/2026; and
- Approve Additional Purpose Expenditure – Organisation Restructure (Confidential).

Authorised:

Nick O'Connor, Chief Executive Officer

Prepared:

7 November 2025

TABLE 2: MEASURES OF CONSEQUENCE

| Rating | Insignificant (1) | Minor (2) | Moderate (3) | Major (4) | Catastrophic (5) |
|----------------------|--|--|--|---|--|
| Health & Safety | First aid injuries | Medical treatment | Lost time injury of > 5 days | Notifiable incident | Fatality, permanent disability |
| Financial | Less than \$2,000 | \$2,000 - \$20,000 Or < 5% variance in cost of project | \$20,001 - \$100,000 Or > 5% variance in cost of project | \$100,001 - \$1M | More than \$1M |
| Service Interruption | No material service interruption | Temporary interruption to an activity – backlog cleared with existing resources | Interruption to Service Unit/(s) deliverables – backlog cleared by additional resources | Prolonged interruption of Service Unit core service deliverables – additional resources; performance affected | Indeterminate prolonged interruption of Service Unit core service deliverables |
| Compliance/ Legal | No noticeable regulatory or statutory impact | Some temporary non compliances | Short term non-compliance but with significant regulatory requirements imposed | Non-compliance results in termination of services or imposed penalties | Non-compliance results in criminal charges or significant damages or penalties |
| Reputation | Unsubstantiated , localised low impact on community trust, low profile or no media item | Substantiated, localised impact on community trust or low media item | Substantiated, public embarrassment, moderate impact on community trust or moderate media profile | Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions | Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions |
| Community | No noticeable effect on constituents, community, organisations, businesses, services, etc. | Limited effect on constituents, community, organisations, businesses, services, etc. | Moderate and manageable effect on constituents, community, organisations, businesses, services, etc. | Substantial effect on constituents, community, organisations, businesses, services, etc. | Devastating effect on constituents, community, organisations, businesses, services, etc. |
| Property | Inconsequential or no damage. | Localised damage rectified by routine internal procedures | Localised damage requiring external resources to rectify | Significant damage requiring internal & external resources to rectify | Extensive damage requiring prolonged period of restitution. Complete loss of plant, equipment & building |
| Environment | Contained, reversible impact managed by on site response | Contained, reversible impact managed by internal response | Contained, reversible impact managed by external agencies | Uncontained, reversible impact managed by a coordinated response from external agencies | Uncontained, irreversible impact |

TABLE 3: MEASURES OF LIKELIHOOD

| Rating | Description | Frequency |
|--------------------|---|----------------------------|
| Almost Certain (5) | The event is expected to occur in most circumstances | More than once per year |
| Likely (4) | The event will probably occur in most circumstances | At least once per year |
| Possible (3) | The event should occur at some time | At least once in 3 years |
| Unlikely (2) | The event could occur at some time | At least once in 10 years |
| Rare (1) | The event may only occur in exceptional circumstances | Less than once in 15 years |

TABLE 4: RISK MATRIX

| | | Consequence | | | | |
|------------|--------------------|-------------------|--------------|--------------|--------------|------------------|
| | | Insignificant (1) | Minor (2) | Moderate (3) | Major (4) | Catastrophic (5) |
| Likelihood | Almost Certain (5) | Moderate (5) | High (10) | High (15) | Extreme (20) | Extreme (25) |
| | Likely (4) | Low (4) | Moderate (8) | High (12) | High (16) | Extreme (20) |
| | Possible (3) | Low (3) | Moderate (6) | Moderate (9) | High (12) | High (15) |
| | Unlikely (2) | Low (2) | Low (4) | Moderate (6) | Moderate (8) | High (10) |
| | Rare (1) | Low (1) | Low (2) | Low (3) | Low (4) | Moderate (5) |

TABLE 5: RISK TOLERANCE CRITERIA

| Risk Rank | Description | Criteria For Risk Tolerance | Responsibility |
|-----------|---------------------------|---|---------------------|
| Low | Tolerated | Risk tolerated with adequate controls, managed by routine procedures and subject to annual monitoring | Operational Manager |
| Moderate | Monitor | Risk tolerated with adequate controls, managed by specific procedures and subject to semi-annual monitoring | Operational Manager |
| High | Urgent Attention Required | Risk tolerated with effective controls, managed by senior management / executive and subject to monthly monitoring | Director / CEO |
| Extreme | Unacceptable | Risk only tolerated with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring | CEO / Council |

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1. Declaration of Opening / Announcement of Visitors

Acknowledgement of Country:

The Shire President to acknowledge the continuing connection of Aboriginal people to Country, culture and community, including traditional custodians of this land, the Wardandi and Kaneang People of the Noongar Nation, paying respects to Elders, past and present.

The Shire President to declare the meeting open welcome the public gallery.

The Shire President to advise that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The President further stated the following:

"This meeting is being digitally recorded in accordance with Council Policy.

Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.

Whilst every endeavour has been made to only record those who are actively participating in the meeting, loud comments or noises from the gallery may be picked up on the recording."

2. Attendance

Councillors Present:

☐ Cr John Bailey

☐ Cr Alexis Davy

☐ Cr Tyler Hall

☐ Cr Anita Lindemann

☐ Cr Vivienne MacCarthy

☐ Cr Amanda McNab

☐ Cr Grant Patrick

☐ Cr Alex Purich

Staff Present:

Nick O'Connor, Chief Executive Officer

Ross Marshall, Director Operations

Loren Clifford, Acting Director Finance and Corporate

Samantha Farquhar, Administration Officer Corporate Services

Public Gallery:

2.1. Apologies

Nil.

2.2. Approved Leave of Absence

Nil.

2.3. Application for Leave of Absence

Nil.

3. Announcements from the Presiding Member

Nil.

4. Declarations of Interest

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Loren Clifford has declared a Financial Interest in Item 11.1.1

5. Public Question Time

5.1. Responses to previous public questions that were taken on notice

Nil.

5.2. Public Question Time

6. Presentations

6.1. Petitions

Nil.

6.2. Presentations

Nil.

6.3. Deputations

Nil.

6.4. Delegates' Reports

Nil.

7. Reports of Committees

Nil.

8. Reports of Officers

8.1. Director Operations

Nil.

8.2 Director Finance and Corporate

8.2.1 Extraordinary Election 2026

Report Details:

Prepared by: Loren Clifford, Acting Director Finance and Corporate

Manager: Nick O'Connor, Chief Executive Officer

File Reference: CNL09/1

Voting Requirement: Absolute Majority

Attachment(s):

8.2.1(1) Cost Estimate - Postal

8.2.1(2) Written Agreement - Postal

Executive Recommendation

That Council:

1. In accordance with section 4.9(1)(b) of the *Local Government Act 1995*, sets the date of the extraordinary election for the filling of one (1) Councillor vacancy as Thursday, 26 March, 2026; and
2. Declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Western Australia Electoral Commissioner is to be responsible for the conduct of the 2026 extraordinary election, together with any other elections or polls which may be required; and
3. Decides, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election; and
4. Approves unbudgeted expenditure of \$43,250 (GST exclusive) in the 2025/2026 Annual Budget to conduct the 2026 Extraordinary Election, to be funded from the 2024/2025 surplus.

Strategic Alignment

The following outcomes from the Council Plan relate to this proposal:

Outcome: 11 - Strong, visionary leadership.

Objective: 11.1 - Provide strategically focused, open and accountable governance.

Item: Nil.

Executive Summary

This report seeks Council's endorsement to set the date of the 2026 extraordinary election, to appoint the WA Electoral Commissioner to conduct the 2026 extraordinary election via postal voting and to amend the 2025/2026 Annual Budget to allocate the necessary funding. This approach ensures compliance with legislative requirements and supports efficient, transparent electoral processes.

Background

The need for the 2026 extraordinary election arises due to the resignation of Councillor Lisa Glover, who was elected during the 2023 Ordinary Elections for a term ending in 2027. Councillor Glover formally resigned from Council on 24 October 2025, creating a vacancy that cannot be filled by backfilling by the ‘first unelected candidate’ from the recent 2025 election.

Under Section 2.32 of the *Local Government Act 1995*, a Councillor’s office becomes vacant upon resignation. While the Act allows for vacancies to be filled without an election under certain conditions, this is only applicable when:

- The vacancy occurs within 12 months of the relevant Councillor being elected, and
- The replacement is selected from the same pool of candidates from the election in which the vacancy occurred.

Because Lisa Glover was elected in 2023, and the vacancy occurred in 2025, the 12-month window has lapsed.

Consultation with WALGA’s governance team has confirmed there is no legal mechanism for Council to obtain an exemption to the requirement to hold an extraordinary election.

As such, an extraordinary election to fill the vacancy is required.

Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|-------------------|--|--------------|--------------|
| Compliance | Unlikely | Moderate | Moderate (6) |
| Risk Description: | Failure to appoint the Electoral Commissioner or determine the election method in accordance with the <i>Local Government Act 1995</i> may result in non-compliance. | | |
| Mitigation: | Appoint the Electoral Commissioner as per the Executive recommendation. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Community | Possible | Minor | Moderate (6) |
| Risk Description: | Selecting an unsuitable voting method may result in reduced voter turnout, diminished community representation, and reputational harm due to perceived inaccessibility or inconsistency with established practices. | | |
| Mitigation: | Proceeding with postal voting—used consistently over the past 28 years—aligns with community expectations, recent local government reforms, and ensures a familiar, accessible, and standardized process for all electors. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Financial Impact | Possible | Moderate | Moderate (9) |
| Risk Description: | Without a formal budget amendment, these costs cannot be incurred, potentially delaying the election or breaching financial protocols. | | |
| Mitigation: | Amend the 2025/2026 Annual Budget as outlined in this report. | | |

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|----------------------|---|--------------|--------------|
| Service Interruption | Possible | Minor | Moderate (6) |
| Risk Description: | <ul style="list-style-type: none"> Decision-Making Capacity: The vacancy may hinder Council's ability to achieve quorum or pass resolutions requiring an absolute majority. Portfolio Coverage: Responsibilities previously held by the departing Councillor may be temporarily unassigned or redistributed, affecting service continuity. Community Representation: The community may experience a gap in representation, potentially leading to reduced community confidence in Council decisions. Operational Disruption: Election logistics may temporarily impact access to Council facilities and divert staff resources from regular operations. | | |
| Mitigation: | <ul style="list-style-type: none"> Decision-Making Capacity: Schedule critical decisions to align with full Council attendance. Portfolio Coverage: Reassign the departing Councillor's responsibilities to existing members on an interim basis. Community Representation: Continue to communicate proactively with the community to reassure constituents of continued representation and responsiveness. Operational Disruption: Plan the Election logistics to minimize impact on core services, including early scheduling of venue use and staff support. | | |

Financial Implications

WAEAC has estimated the cost to conduct 2026 extraordinary election for the Shire as a postal election at \$38,250 (ex GST) as per the Cost Estimate provided at ([Attachment 8.2.1\(1\)](#)). This cost is based on the following assumptions:

- The method of election will be postal; and
- One (1) vacancy; and
- 5,000 electors; and
- A response rate of approximately 45%; and
- Appointment of a local Returning Officer; and
- Count to be conducted at the Shire Administration Office using the CountWA system.

In accordance with the *Local Government (Elections) Regulations 1997*, WAEAC conducts elections on the basis of full cost recovery. This means the final cost may differ from the Cost Estimate provided. Should a significant change in the estimated cost become evident prior to, or during, this election, Council will be advised as early as possible.

An estimated additional \$5,000 in staff-related costs is anticipated for the conduct of the count, over and above the WAEAC's quoted cost.

The 2025/2026 Budget will need to be amended to have an allocation of \$43,250 (ex GST) to meet the total costs associated with undertaking the extraordinary election. This amount includes operational costs such as staff wages and overheads. It is recommended that the \$43,250 of unbudgeted expenditure be funded from the 2024/25 surplus, which is estimated to be significantly more than the 2024/25 mid-year budget review figure of \$125,000.

An alternative informal cost estimate was provided by WAEC to conduct an in-person election at \$26,998. This cost is based on the following assumptions:

- 5016 electors; and
- Participation rate 18%; and
- 1 polling place in the district; and
- 1 councillor vacancy.

This does not include:

- Staff to issue early votes during the election,
- Staff to assist the Returning Officer on the day / with the count on election night.

Policy Compliance

Nil.

Statutory Compliance

Local Government Act 1995

Section 4.9(1)(b) of the *Local Government Act 1995* requires Council to decide the date of an extraordinary election within one month of the vacancy occurring.

Section 4.20(4) of the *Local Government Act 1995* allows Council to declare the Electoral Commissioner responsible for conducting elections.

Section 4.61(2) permits Council to decide that an election be conducted by postal voting.

Section 6.8 requires an absolute majority decision to authorise expenditure not included in the adopted budget.

The WA Electoral Commission's Service Charter outlines the procedural timeline and responsibilities for postal elections, reinforcing the need for timely declarations and budget allocations

Consultation

Staff have consulted with WAEC, WALGA and the Local Government Department regarding the 2026 extraordinary election process.

The Electoral Commissioner will arrange the Statewide public election notice as required by the s. 4.64 of the *Local Government Act 1995*. The Shire will promote the Election through the Shire's website and social media.

Officer Comment

Following the receipt of two cost estimates for the upcoming extraordinary election, it's recommended that Council proceed with the postal voting method.

While postal voting incurs an additional cost of approximately \$10,000, it offers a significantly higher response rate of 45%, compared to 18% for in-person voting. This method aligns with broader local government trends and supports accessibility for remote and regional voters, which is particularly important given the geographic diversity of our community.

Postal voting is consistent with the recent local government reforms in Western Australia, which emphasise increased participation, accessibility, and standardisation of electoral processes. Choosing postal voting ensures we are aligned with these reforms and reinforces what our community has come to expect as the normal process—having conducted postal elections for the past 28 years.

Council should also consider the impact of voter fatigue, with residents having recently participated in Federal, State, and Local Government ordinary elections, and now facing this extraordinary election. Postal voting offers a more convenient and familiar option that can help mitigate disengagement and maintain democratic participation.

8.2.2 Endorsement of the Chief Executive Officer's 2025/2026 Performance Criteria (KPI's)

Report Details:

Prepared by: Loren Clifford, Acting Director Finance and Corporate

Manager: Nick O'Connor, Chief Executive Officer

File Reference: EMP889

Voting Requirement: Simple Majority

Attachment(s):

8.2.2(1) Price Consulting - Summary Report (Confidential)

Executive Recommendation

That Council:

1. **Notes the Summary Report provided by Price Consulting (Attachment 8.2.2(1)); and**
2. **Endorses the proposed Chief Executive Officer Key Performance Criteria (KPI's) 2025/2026 as detailed in the body of this report; and**
3. **Requests the Chief Executive Officer to publish the 2025/2026 Key Performance Indicators on the Shires website.**

Strategic Alignment

The following outcomes from the Council Plan relate to this proposal:

Outcome: 12 - A well respected, professionally run organisation.

Objective: 12.1 - Deliver effective and efficient operations and service provision.

Item: Nil.

Executive Summary

This report seeks Council's endorsement of the CEO's Key Performance Criteria (KPIs) for 2025–2026, which have been developed collaboratively by the Council's Review Panel, the CEO, and an external consultant, and recommends their publication on the Shire's website.

Background

To support the development of the CEO's Key Performance Criteria (KPIs) for 2025–2026, Council engaged Price Consulting Group Pty Ltd.

The CEO performance review process encompasses the establishment of expectations, ongoing guidance, and formal assessment of performance. Defining clear KPIs is essential to ensure alignment between Council's strategic priorities and the CEO's operational focus, and to provide a transparent framework for accountability. These criteria are typically cascaded throughout the organisation to reinforce strategic alignment across all levels. Given the increasing emphasis on governance and

performance transparency, regular reviews enable Council to identify emerging issues early and adjust expectations or resources as needed.

This report presents the outcomes of the recent workshop convened to finalise the CEO's performance criteria for the 2025–2026 period.

Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|----------------------|---|---------------|--------------|
| Compliance | Unlikely | Minor | Low (4) |
| Risk Description: | Inadequate documentation or failure to follow due process could breach statutory obligations or internal policies. | | |
| Mitigation: | <ul style="list-style-type: none"> Ensure performance criteria are developed in accordance with the <i>Local Government Act 1995</i> and <i>Administration Regulations 1996</i>. Engage external consultants (e.g., Price Consulting) to guide the process. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Service Interruption | Unlikely | Minor | Low (4) |
| Risk Description: | Poorly defined or unrealistic KPIs could result in operational disruptions or failure to meet community expectations. | | |
| Mitigation: | <ul style="list-style-type: none"> Align KPIs with council plan outcomes. Cascade criteria throughout the organisation to reinforce strategic alignment. Conduct regular reviews to identify emerging issues and adjust expectations or resources as needed. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Reputational | Unlikely | Insignificant | Low (2) |
| Risk Description: | Poorly defined or unrealistic KPIs could result in operational disruptions or failure to meet community expectations. | | |
| Mitigation: | <ul style="list-style-type: none"> Publish the CEO's KPIs publicly to demonstrate accountability. Ensure the criteria reflect community values and strategic priorities. Facilitate inclusive workshops with Council and the CEO to co-develop KPIs. | | |

Financial Implications

Nil.

Policy Compliance

Standard for CEO Recruitment, Performance Review and Termination

The Performance Criteria were set in accordance with the standards and the CEO's employment contract.

CEO's Contract of Employment

Clause 4 of the CEO's contract of employment requires that a performance review is undertaken at least annually, and that the review references Performance Criteria that are agreed in writing by the parties.

Statutory Compliance

Local Government Act 1995

The CEO Key Performance Criteria (KPIs) have been established as part of the Shire's governance framework, the CEOs contract and in accordance with:

Sections 5.38 and 5.39(3)(b) of the *Local Government Act 1995*, which requires that:

- The performance of the CEO be reviewed at least once a year, and
- The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review.

Schedule 2 Division 3 of the *Local Government (Administration) Regulations 1996* requirements, specifically the principles and standards for CEO Performance Reviews relating to agreement between local government and the CEO on any performance criteria to be met in addition to the contractual performance criteria.

Consultation

The process for setting the CEO Performance Criteria (KPI's) was developed and approved in discussion with the Review Panel and the CEO. The process entailed:

- Drafting an initial set of KPI's and circulating to the Review Panel and CEO via email.
- Facilitating a workshop on 13 October 2025 with the Review Panel and the CEO to fine tune the set of key performance indicators.
- Preparing a report summarising the outcomes for CEO and Council consideration and approval.

In line with the *Local Government Amendment Act 2023*, it is recommended that Council endorse the CEO's Key Performance Criteria (KPIs) and approve their publication on the Shire's website. This approach promotes transparency and aligns with the reform objectives to improve accountability and community engagement. Publishing the KPIs also reflects best practice and prepares the Shire for compliance with upcoming regulatory requirements, while reinforcing public confidence in the CEO's performance framework.

Officer Comment

The Proposed CEO Performance Criteria (KPI's) 2025 - 2026, are structured around the following four key strategic outcomes:

1. Performance of the Functions of the CEO, as outlined in s5.41 of the Local Government Act,
2. Delivery of Strategic Community Plans Outcomes, ensuring alignment with Council's priorities,
3. Key Focus Areas,
4. Leadership and embedding the Shire's Values.

The proposed CEO Key Performance Criteria (KPIs) for 2025 - 2026 are outlined below.

1. Performance of the Functions of the CEO in s5.41 of the LG Act
 - 1.1. Advise the Council in relation to the functions of a local government under the LG Act and other written laws.
 - 1.2. Ensure that advice and information is available to the Council so that informed decisions can be made.
 - 1.3. Implement Council decisions in a timely manner.
 - 1.4. Liaise with the Shire President on the local government's affairs and the performance of the local government's functions.
 - 1.5. Be responsible for the employment, management, supervision, direction, and dismissal of other employees (subject to section 5.37(2) in relation to senior employees).
 - 1.6. Ensure annual governance returns and audits are conducted.
2. Delivery of Strategic Community/Council Plan Outcomes
 - 2.1. *People* - 1.4.1 Engage with local Indigenous community representatives
 - 2.2. *People* - 2.1.5 Facilitate Development of a Public Health Plan
 - 2.3. *Planet* - 4.2.2 Implement and expand climate action initiatives that improve energy efficiency, promote sustainability, and support community-led environmental engagement.
 - 2.4. *Planet* - 5.3.2 Collaborate with neighbouring Councils to review regional waste options to reduce landfill.
 - 2.5. *Place* - 6.1.4 Advocate for provision of relevant services and infrastructure to facilitate appropriate land development.
 - 2.6. *Place* - 6.2.1 Support the Energy Efficient Pilot Program (EEPP) to help residents and businesses build energy literacy and implement efficiency measures through home audit kits, workshops and resources.
 - 2.7. *Prosperity* – 9.4.1 Through the Workforce Plan explore opportunities for apprenticeships and traineeship to provide more employment opportunities in the Shire of Donnybrook Balingup organisation.
 - 2.8. *Prosperity* – 10.1.1 Develop a Tourism and Economic Development Strategy.
 - 2.9. *Performance* – 11.1.1 Provide an annual review of key informing strategies to the Integrated Planning and Reporting Framework to inform the Annual Budget.
 - 2.10. *Performance* - 11.2.1 Develop a Community Engagement Plan
3. Key Focus Areas
 - 3.1. Develop and ICT strategy to guide future investment in technology.

- 3.2. Review the Terms of Reference and operations of the Audit and Risk Management Committee.
- 3.3. Develop and implement a Councillor induction program following the 18 October Council elections.
- 3.4. Develop and implement an enhanced capital project reporting framework to provide Councillor visibility of project delivery.
- 4. Leadership and embedding the Shire's Values
 - 4.1. CEO displays leadership attributes/behaviours.

The proposed CEO performance criteria (KPIs) above have been developed for the 2025 - 2026 performance review cycle and align to the planning and budget cycle to enable key priorities to be progressed in line with the Shire's direction and resourcing framework and will form the basis for the performance review cycle.

8.3 Chief Executive Officer

Nil.

9. Elected Member Motions of which previous notice has been given

Nil.

10. New Business of an urgent nature introduced by Decision of the Meeting

Nil.

11. Meetings Closed to the Public

11.1. Matters for which the Meeting may be closed

11.1.1 Organisation Restructure - Additional Purpose Expenditure

This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

(a) a matter affecting an employee or employees; and

11.2. Public reading of Resolutions that may be made public

12. Closure

The Shire President to advise that the next Agenda Briefing Session will be held on 19 November 2025 at 5:00pm, in the Shire of Donnybrook Balingup Council Chamber.