



Minutes of Special Council Meeting

Held on 13 August 2025 and commenced at 5:00pm

Held at the Council Chambers in Donnybrook

(1 Bentley Street, Donnybrook)

Authorised:

A handwritten signature in black ink, appearing to read "Nick O'Connor".

Nick O'Connor, Chief Executive Officer

Prepared:

15 August 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 Presiding Member acknowledged 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 Presiding Member declared the meeting open at 5:00pm.

The Presiding Member advised 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 livestreamed and 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 Vivienne MacCarthy

Cr Lisa Glover

Cr Alexis Davy

Cr Peter Gubler

Cr Anita Lindemann

Cr Grant Patrick

Staff Present:

Nick O’Connor, Chief Executive Officer

Loren Clifford, Acting Director Finance and Corporate

Ross Marshall, Director Operations

Samantha Farquhar, Administration Officer Corporate Services

Public Gallery: 0 members of the public were in attendance.

2.1. Apologies

Cr John Bailey

Cr Anne Mitchell

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.

CEO Nick O'Connor advised that under the terms of his employment contract the process for undertaking the annual performance review needed to be agreed to by Council and him. However, in the interest of transparency he declared an impartiality conflict for the purpose of this meeting. Further, given one of the future considerations as part of the review process will be consideration of amendments to the CEO's salary package. Mr O'Connor advised he would declare a conflict of interest and not be present for Council discussions at that juncture.

5. Public Question Time

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

Nil.

5.2. Public Question Time

Nil.

6. Presentations

6.1. Petitions

Nil.

6.2. Presentations

Nil.

6.3. Deputations

Nil.

6.4. Delegates' Reports

Nil.

7. Reports of Committees

7.1.1. CEO Performance Review Process

Report Details:

Prepared by: Loren Clifford, Acting Director Finance and Corporate

Manager: Nick O'Connor, Chief Executive Officer

File Reference: EMP889

Voting Requirement: Absolute Majority

Attachment(s):

7.1.1(1) CEO Performance Review Process

7.1.1(3) Price Consulting's Proposal – Confidential

Executive Recommendation

That Council:

1. Adopt the attached CEO Performance Review Process for Nicholas O'Connor.
2. Disband the CEO Recruitment and Performance Review Committee.
3. Appoint the CEO Performance Review Panel.
 - 3.1. Shire President
 - 3.2. Elected Member 1 -
 - 3.3. Elected Member 2 -
4. Appoint Price Consulting as the external reviewer (Consultant) for the 2025 CEO Performance Review.

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 Performance Review Process for 2025, disbandment of the existing CEO Recruitment and Performance Review Committee, and appointment of both the Performance Review Panel and the external reviewer. The proposed process aligns with the *Local Government Act 1995*, the CEO's employment contract, and the Model Standards for CEO Recruitment, Performance and Termination. It ensures transparency, impartiality, and compliance with statutory obligations.

Background

The CEO Performance Review Process was developed collaboratively between Council, the CEO, and governance staff. It outlines a structured annual review cycle, including key dates, responsibilities, and methodology. The process includes appointing an external reviewer to facilitate the review and ensure impartiality. A workshop was held on 6 August 2025 to discuss the process prior to Council

adoption. Consultation with WALGA and internal governance officers informed the development of the process and associated tools. Price Consulting was selected following a procurement process and CEO agreement.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Unlikely	Minor	Low (4)
Risk Description:	Statutory Non-Compliance, and contractual non-compliance with the CEO's employment contract.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Service Interruption	Unlikely	Minor	Low (2)
Risk Description:	Failure to complete a CEO performance review in accordance with legislative and contractual obligations		
Mitigation:	Implement: <ul style="list-style-type: none"> • A structured review process aligned with statutory requirements • Appointment of an external reviewer for impartiality • Secure document management protocol 		

Financial Implications

The estimated cost for the CEO Annual Performance Review is \$5,500–\$6,000 (plus GST), based on 22–24 hours at \$250/hour. Setting new performance criteria is estimated at \$3,000–\$3,750 (plus GST) for 12–15 hours. Additional travel costs per trip are approximately \$1,204.60 (plus GST), with two trips anticipated. These costs reflect the agreed process, which includes structured consultations, transparent timelines, and evidence-based assessments, ensuring compliance with legislative standards and the Shire's internal review framework.

Policy Compliance

Council Policy FIN/CP-4- Purchasing

Three quotes were sought, while only one proposal was received, Governance staff have confirmed satisfaction with the scope and cost. The process complies with the Shire's policy and was initiated in advance to allow for scheduling and engagement.

Standard for CEO Recruitment, Performance Review and Termination

The process aligns with the Standards adopted by Council in April 2021

Statutory Compliance

Local Government Act 1995

The process complies with:

- Section 5.39(3)(b): Requires performance criteria in the CEO's contract.
- Sections 5.60, 5.60A, 5.70(2): Relating to financial interest and disclosure.

Local Government (Administration) Regulations 1996

- Schedule 2, Clauses 16–19: Prescribe standards for CEO performance review, including agreement in writing, impartiality, evidence-based assessment, and communication of outcomes.

Consultation

Internal consultation included:

- Workshop with Council on 6 August 2025.
- Two meetings with the CEO, governance staff and the CEO to discuss and refine the draft process for agreement.
- Email exchanges between governance staff and Shire President confirming process details and consultant selection.

External Consultation:

- WALGA advice on performance review methodology and compliance.

Community consultation was not undertaken, as the matter pertains to internal governance and contractual obligations.

Officer Comment

Process

The proposed process aligns with the *Local Government Act 1995*, the CEO's employment contract, and the Model Standards for CEO Recruitment, Performance and Termination. It ensures transparency, impartiality, and compliance with statutory obligations.

The CEO Performance Review Panel will comprise three Elected Members, of which one will be the Shire President.

External Reviewer

The external reviewer will audit the process for compliance and prepare all necessary documentation for Council endorsement. RFQs were sent to three suitably qualified consultancy firms, with only one firm responding.

It is proposed that the Price Consulting Group be appointed to act as an independent facilitator for the Shire of Donnybrook Balingup's CEO Annual Performance and Remuneration Review for 2024–2025. The scope includes collecting and collating feedback on the CEO's performance against agreed criteria, preparing a comprehensive assessment report, facilitating Council discussions, and assisting with revising performance criteria for the next review period. The methodology aligns with the *Local Government Act 1995*, associated regulations, and the Shire's CEO Performance Review Process, ensuring impartiality, confidentiality, and compliance. The process also includes optional workshops for setting new KPIs for 2025–26 and delivering a summary report for Council consideration.

The proposal emphasises fairness, integrity, and confidentiality, aligning with the principles outlined in Division 3 – Standards for the review of performance of CEOs.

Price Consulting has extensive experience facilitating CEO performance reviews and KPI development for numerous WA local governments, including repeat engagements with Shires such as Augusta-

Margaret River, Bridgetown-Greenbushes, and Broome, as well as major councils like the City of Fremantle and WALGA.

COUNCIL RESOLUTION: 146/08-25	
MOVED BY: Cr Anita Lindemann	SECONDED BY: Cr Lisa Glover

That Council:

1. **Adopt the attached CEO Performance Review Process for Nicholas O'Connor.**
2. **Disband the CEO Recruitment and Performance Review Committee.**
3. **Appoint the CEO Performance Review Panel.**
 - 3.1. **Shire President**
 - 3.2. **Elected Member 1 – Cr Glover**
 - 3.3. **Elected Member 2 – Cr Patrick**
4. **Appoint Price Consulting as the external reviewer (Consultant) for the 2025 CEO Performance Review.**

For: Cr MacCarthy, Cr Glover, Cr Davy, Cr Gubler, Cr Lindemann, Cr Patrick
Against: Nil.
Carried: 6/0 by absolute majority vote

8. Reports of Officers
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
Nil.

11.2. Public reading of Resolutions that may be made public
Nil.

12. Closure
The Presiding member to advised that the next Agenda Briefing Session will be held on 20 August 2025 at 5:00pm, in the Shire of Donnybrook Balingup Council Chamber.

The Presiding member declared the meeting closed at 5:13pm.

These Minutes were confirmed as a true and accurate record at the Ordinary Council Meeting held 27 August 2025.

A handwritten signature in black ink, appearing to read 'V MacCarthy', with a long horizontal stroke extending to the right.

Vivienne MacCarthy

President – Shire of Donnybrook Balingup