



## Minutes of Special Council Meeting

Held on 9 October 2025 and commence at 5:00pm

Held at the Council Chambers in Donnybrook

*(1 Bentley Street, Donnybrook)*

Purpose: CEO performance review (confidential)

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**Authorised:**

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

Nick O'Connor, Chief Executive Officer

**Prepared:**

15 October 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 5:01pm and welcomed the public gallery.

The Presiding Member advised that the meeting is not being live streamed, but is being recorded in accordance with Council Policy EM/CP-2. The Presiding Member 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 Vivienne MacCarthy

Cr Lisa Glover

Cr John Bailey

Cr Alexis Davy

Cr Peter Gubler

Cr Anita Lindemann

Cr Anne Mitchell (teams)

Cr Grant Patrick (teams)

Cr Mitchell read the following out loud:

*"Pursuant to Section 14CA(5) of the Local Government (Administration) Regulations 1996, I Councillor Mitchell declare that I am situated in a location where I can maintain confidentiality throughout the duration of the meeting."*

Cr Patrick read the following out loud:

*"Pursuant to Section 14CA(5) of the Local Government (Administration) Regulations 1996, I Councillor Patrick declare that I am situated in a location where I can maintain confidentiality throughout the duration of the meeting."*

### **Staff Present:**

Loren Clifford, Acting Director Finance and Corporate

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

2.1. Apologies

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Nil.

2.2. Approved Leave of Absence

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Nil.

2.3. Application for Leave of Absence

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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.

Nil.

5. Public Question Time

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

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Nil.

5.2. Public Question Time

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Nil.

6. Presentations

6.1. Petitions

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Nil.

6.2. Presentations

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Nil.

6.3. Deputations

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Nil.

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6.4. Delegates' Reports

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Nil.

7. Reports of Committees

Nil.

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

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11.1.1 2024/2025 CEO Performance Review – Mr O'Connor – Confidential

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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

That the meeting be closed to the public.

<b>COUNCIL RESOLUTION:</b> <b>185/10-25</b>		
<b>MOVED BY:</b>	Cr Anita Lindemann	<b>SECONDED BY:</b> Cr Alexis Davy

**That the meeting be closed in accordance with section 5.23(a) of the *Local Government Act 1995* to discuss the following confidential items:**

**11.1.1 2024/2025 CEO Performance Review – Mr O'Connor – Confidential**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Bailey, Cr Davy, Cr Gubler, Cr Lindemann, Cr Mitchell, Cr Patrick
<b>Against:</b> Nil.
<b>Carried: 8/0</b>

The meeting was closed to the public at 5:03pm.

That the meeting be re-opened to the public.

<b>COUNCIL RESOLUTION:</b> <b>187/10-25</b>			
<b>MOVED BY:</b> Cr Alexis Davy		<b>SECONDED BY:</b> Cr Lisa Glover	

**That Council re-open the meeting to the public.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Bailey, Cr Davy, Cr Gubler, Cr Lindemann, Cr Mitchell, Cr Patrick
<b>Against:</b> Nil.
<b>Carried: 8/0</b>

The meeting was re-opened to the public at 5:08pm.

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

##### **That Council:**

- 1. Notes that the appraisal of Mr O'Connor, Chief Executive Officer, has been completed for the period of October 2024 to September 2025,**
- 2. Endorses by *Absolute Majority* the findings as presented in this report and the Review Report (Attachment 11.1(1)) by Price Consulting and thanks Mr O'Connor for his efforts,**
- 3. Approves an increase of 4% to Mr O'Connor's salary (cash component) effective 1 July 2025, and**
- 4. Endorses the Performance Review Panel to hold a separate workshop with Mr O'Connor to develop the 2025 – 2026 Performance Criteria and associated professional development plan (if required) by 30 November 2025.**

#### 12. Closure

The Presiding Member advised that the next Agenda Briefing Session will be held on 15 October 2025 at 5:00pm, in the Shire of Donnybrook Balingup Council Chamber.

The Presiding Member declared the meeting closed at 5:10pm.