



1. Name

The name of the Panel is the Chief Executive Officer Panel (the Panel).

2. Establishment

2.1 The Panel was appointed on by resolution of the Council pursuant to section 41 of the *Local Government Act 1999* (the Act).

3. Functions and Duties

3.1 The Panel is established for the purposes of:

3.1.1 Assisting the Council in relation to the process, management and conduct of the recruitment and appointment, or the reappointment, of the Chief Executive Officer.

3.1.2 Assisting the Council with the reappointment and appointment of the Chief Executive Officer with the assistance of a qualified independent human resources management specialists as determined by Council.

3.1.3 Assisting the Council in relation to the initial probationary performance review of the Chief Executive Officer including developing the agreed initial Key Performance Indicators in accordance with the Employment Agreement

3.1.4 Assisting the Council in undertaking the ongoing annual performance review of the Chief Executive Officer and reviewing the Key Performance Indicators of the Chief Executive Officer in accordance with the Employment Agreement.

3.1.5 Undertaking the annual performance review with the assistance of a qualified independent human resources management specialist as determined by Council and agreed by the Chief Executive Officer.

3.1.6 Undertaking the performance review prior to the reappointment of the Chief Executive Officer with the assistance of a qualified independent human resources management specialist as determined by Council and agreed by the Chief Executive Officer.

3.1.7 Conducting an annual review of the remuneration and employment conditions of the Chief Executive Officer in accordance with the Employment Agreement and if applicable consider the minimum and maximum remuneration determination made by the Remuneration Tribunal of SA.

3.2 That all functions and duties be undertaken in accordance with Sections 97, 98, 99A and 102A of the Local Government Act.



4. Membership

- 4.1 The Panel is to consist of all Council Members including the Mayor who shall be the Presiding Member of the Panel. The Deputy Presiding Members shall be the Deputy Mayor..
- 4.2
- 4.3 At the request of the Presiding Member, Council administration support will be provided to assist the Panel in fulfilling the duties specified under Clause 3 above. Any staff or external consultant invited to attend meetings of the Panel will be considered as advisors only and not part of the Panel membership.
- 4.4 Requests for advice will be made by the Presiding Member to the person identified in 4.3 above.

5. Panel Meetings

- 5.1 The Panel shall meet at least 4 times per year provided meeting times are not in conflict with any other scheduled Council or Council Committee meeting.
- 5.2 The Presiding Member may cancel a Panel meeting for any other reasonable reason.
- 5.3 The Presiding Member will be responsible for the preparation and distribution of agendas/minutes of meetings.
- 5.4 Panel Members are to be given copies of agendas and any relevant reports at least three (3) clear days before each meeting.
- 5.5 Panel Meetings will be held at 4 Gleeson Street, Clare the Council Chambers / Boardroom Offices or another location nominated by the Presiding Member.
- 5.6 The Council delegates to the Panel all of the relevant powers and functions of the Council necessary to perform its function with this Terms of Reference.
- 5.7 As all members of the Council have been appointed to membership of the Panel, the Council does not (for the purpose of Section 41 (8) of the Act) impose any specific reporting or other accountability requirements in the Panel.
- 5.8 The Panel shall act at all times in strict accordance with the Local Government Act 1999 and the Local Government (Procedures at Meeting) Regulations 2000 and with policies and guidelines of the Council which are relevant to the Panel in the performance of its functions.
- 5.9 All decisions of the Panel shall be made on the basis of a majority decision of the Panel Members present



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- 5.10 A quorum for a meeting of the Panel shall be three members of the Panel.
- 5.11 A meeting of the Panel will only commence or continue if there is a quorum present.

6. Amendment of Terms of Reference

The Panel may make recommendations to the Council to amend these Terms of Reference where the Panel forms the opinion that such amendments are necessary for the better operation of the Panel in the performance of its functions and responsibilities.

7. Winding up of Chief Executive Officer Panel

The Panel may be wound up at any time by resolution of the Council, at its absolute discretion.