

## 9.10 General Manager Performance Review Panel

REPORT BY THE PEOPLE & PERFORMANCE MANAGER  
TO 13 DECEMBER 2023 ORDINARY MEETING  
GOV400105, A0381418

### RECOMMENDATION

#### That Council:

1. **receive the report by the People & Performance Manager on the General Manager Performance Review Panel;**
2. **appoint a Performance Review Panel ('panel') in line with the Guidelines for the Appointment and Oversight of General Managers 2022 ('Guidelines');**
3. **notes that the General Manager's nominated Councillor be appointed by Council;**
4. **appoints the Mayor, the Deputy Mayor, Councillor \_\_\_\_\_ and Councillor \_\_\_\_\_ to the panel;**
5. **delegates the responsibility of performance management of the General Manager under the Guidelines to the panel; and**
6. **receive a report back to Council with an updated annual performance agreement that adheres to all requirements of the Guidelines, outlines the performance review process undertaken, and provides the findings and recommendations of the performance review process.**

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### Executive summary

The new Guidelines for the Appointment and Oversight of General Managers 2022 ('Guidelines') outlines Council's legislative requirement to conduct an annual performance appraisal with the General Manager and ensure a fair and equitable process is adhered to through the appointment of a suitable performance review panel ('panel') to conduct the review process.

The panel will be delegated responsibility to undertake performance management functions of the General Manager which requires them to conduct an annual performance review process and report back to Council in a confidential meeting. The panel must provide an updated annual performance agreement, an outline of the review process undertaken and provide the findings and the recommendations of the review to the Council.

### Disclosure of Interest

Nil

### Detailed report

The *Local Government Act 1993* (the Act) outlines Council's legislative requirement to determine the process for the appointment of the general manager and monitor their performance (section 223).

The Guidelines require a new best practice process under section 23A of the Act. Council should adhere to this process when conducting annual performance appraisals in order to obtain legislative compliance. It is recommended that the full responsibility for performance management of the general manager be delegated to the panel. The panel must comprise of the Mayor, Deputy Mayor, a councillor nominated by the Council and another councillor nominated by the General Manager. The panel members appointed must be trained in performance management of general managers. The Council may also consider including an independent observer to the panel. It is recommended that the panel make a decision on whether and whom to include as an independent observer, but the Council could also resolve that now.

The role of the panel includes:

- conducting performance reviews;
- report the findings and recommendations of the review to the Council; and
- develop an updated performance agreement reflective of the requirements in the Guidelines.

Council should decide on the suitable panel members through means of a nomination process. Should the Council have two (2) or more nominations, it is recommended that Council propose the preferred candidates through a process of resolution, amendment or foreshadowing alternates.

Councillors who are not members of the panel may be invited to contribute to the performance review process by providing feedback to the Mayor on the General Manager's performance relevant to the agreed performance criteria, which will be provided to the Councillors by the panel.

All councillors should be notified of relevant dates in the performance review cycle and be kept advised of the panel's findings and recommendations.

The panel should provide the General Manager with written notice at least ten (10) days prior to any performance review meeting along with the agreed performance criteria in which the general manager will be assessed on.

## Community Plan implications

<b>Theme</b>	<b>Good Government</b>
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

## Strategic implications

### **Council Strategies**

The General Managers performance agreement is required to align to the Community Strategic Plan and Delivery Program.

### **Council Policies**

Not Applicable

### **Legislation**

Local Government Act 1993

Section 8A – Guiding Principles for Council:

- 1(i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

### Section 23A - Departmental Chief Executive's Guidelines

- (3) A council must take any relevant guidelines issued under this section into consideration before exercising any of its functions.

### Section 223 – Role of governing body

- (a) to direct and control the affairs of the council in accordance with this Act,
- (b) to provide effective civic leadership to the local community,
- (i) to determine the process for appointment of the general manager by the council and to monitor the general manager's performance.

### Financial implications

There are no budget variations recommended in this report. The operational budget for Human Resources is adequate to cover staff resourcing required to facilitate the panel process.

### Associated Risks

Should Council not endorse the recommendations in this report, Council is at risk of not meeting the legislative requirements of part 23A of the Act.

SHARNA ROSS  
PEOPLE & PERFORMANCE MANAGER

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

29 November 2023

*Attachments:* 1. Guidelines for Appointment and Oversight of General Managers 2022.  
(separately attached)

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER