

## 7.3 Adoption of Management Performance Review Delegated Committee Minutes

### Executive Summary

#### Purpose

The purpose of this report is to adopt and confirm the minutes of the Management Performance Review Delegated Committee meeting held on 11 November 2021.

#### Background

The Management Performance Review Delegated Committee (MPRDC) is a former delegated committee of Council and dealt with all matters relating to the management of the Chief Executive Officer's contract of employment.

The former Instrument of Delegation from Council to the MPRDC was adopted on 27 September 2021. Item three of this Council resolution stated that upon the adoption of the Chief Executive Officer Employment and Remuneration Policy the MPRDC is revoked.

The policy was adopted on 13 December 2021 thus revoking the Instrument of Delegation and concluding the MPRDC. This resulted in the meeting of the MPRDC held on the 11 November 2021 being the final meeting of the committee.

#### Key Issues

The Governance Rules state that a resolution of the Delegated Committee is required to confirm the minutes and the minutes must, if practicable, be signed by the Chairperson of the meeting at which they have been confirmed.

It is not possible for the MPRDC to adopt and confirm the minutes of the last meeting as it has now been concluded. As such it is now the responsibility of the Council to confirm the minutes.

The Governance Rules also state that, unless otherwise resolved or required by law, minutes of a delegated committee requiring confirmation by Council must not be available to the public until confirmed by Council.

#### Next Steps

Once confirmed by Council the minutes will be signed by the Chairperson of the Council meeting, the Mayor, and the public minutes will be published to the Council website.

#### Confidentiality

Confidential information is contained in **Attachment 2 and Attachment 3**, as circulated in the confidential section of the agenda attachments, in accordance with Section 66(2)(a) and the definitions of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The item has been included in the public agenda to facilitate transparency and accountability in Council's decision making.

If discussion of the confidential information in the attachments to this report is required in order for Council to make a decision, this item will be deferred to the confidential section of the agenda.

## **Officers' recommendation**

That Council resolve to adopt and confirm the minutes of the Management Performance Review Delegated Committee held on 11 November 2021.

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**Responsible officer:**        **Phillip Storer, Chief Executive Officer**

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## **1. Purpose**

The purpose of this report is to adopt and confirm the minutes of the Management Performance Review Delegated Committee meeting held on 11 November 2021.

## **2. Policy implications and relevance to community plan and council plan**

The adoption and confirmation of delegated committee minutes relates to Priority Theme 7: Leadership and Governance in the Boroondara Community plan 2021-2031.

The adoption and confirmation of minutes is also consistent with Strategic Objective 7:1: Decision making is transparent and accountable through open governance processes with timely communication and reporting.

## **3. Background**

The Management Performance Review Delegated Committee (MPRDC) is a former delegated committee of Council and dealt with all matters relating to the management of the Chief Executive Officer's contract of employment.

The former Instrument of Delegation from Council to the MPRDC was adopted on 27 September 2021. Item three of the Council resolution stated that upon the adoption of the Chief Executive Officer Employment and Remuneration Policy the MPRDC is revoked.

The policy was adopted on 13 December 2021 thus revoking the Instrument of Delegation and concluding the MPRDC. This resulted in the meeting of the MPRDC held on the 11 November 2021 being the committees final meeting.

## **4. Outline of key issues/options**

The Governance Rules state that a resolution of the Delegated Committee is required to confirm the minutes and the minutes must, if practicable, be signed by the Chairperson of the meeting at which they have been confirmed.

It is not possible for the MPRDC to adopt and confirm the minutes of the last meeting as it has now been concluded. As such it is now the responsibility of the Council to confirm the minutes.

The Governance Rules also state that, unless otherwise resolved or required by law, minutes of a delegated committee requiring confirmation by Council must not be available to the public until confirmed by Council.

## **5. Consultation/communication**

No consultation has been conducted in connection to this report.

**6. Financial and resource implications**

The costs to adopt and confirm the minutes of the MPRDC are minimal and has been met within the current Governance and Legal departmental budget.

**7. Governance issues**

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under Chapter 5 of the Governance Rules.

This report and the recommendation contained within the report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

**8. Social and environmental issues**

The adoption and confirmation of minutes assist in reinforcing public confidence in the integrity of Council's decision making process and the Council's ability to ensure good corporate governance within the municipality.

**Manager:** Adele Thyer, Acting Manager Governance and Legal

**Report officer:** Kirstin Ritchie, Coordinator Governance



# MANAGEMENT PERFORMANCE REVIEW DELEGATED COMMITTEE PUBLIC MINUTES

(Open to the Public)

**Thursday 11 November 2021**

Online - Delivered via Webex Events

**Commencement**

The meeting commenced at 7:09pm

**Attendance**

Councillor Garry Thompson (Mayor)  
Councillor Cynthia Watson  
Councillor Wes Gault  
Councillor Jane Addis  
Councillor Victor Franco

**Officers**

Phillip Storer, Chief Executive Officer (8pm)  
David Thompson, Manager Governance and Legal  
Kate Western, Administration and Civic Officer  
Clare McCartin, Managing Partner - Davidson Search and Advisory

**Apologies**

Nil

22 November 2021  
(Date of Issue)

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**1. Apologies**

Nil

**2. Declaration of conflicts of interest of any member of the delegated committee or council officer**

Nil

**3. Resolution to close the meeting to consider business in accordance with the Local Government Act 2020****MOTION**

**Moved Councillor Gault**

**Seconded Councillor Watson**

**The Management Performance Review Delegated Committee resolve:**

- 1. That, in accordance with sections 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for the consideration of a confidential item, being personal information.**
- 2. This is confidential information for the purposes of section 3(1) of the *Local Government Act 2020*:**
  - (a) because it is personal information, being information which if released would result in the unreasonable disclosure of information about a person's personal affairs (section 3(1)(f)); and**
  - (b) this ground applies because the agenda item concerns the personal affairs of an identifiable person and the premature disclosure of the information could be prejudicial to the interests of Council and this person.**

**CARRIED**

*The Management Performance Review Delegated Committee meeting was closed to the public at 7:12pm.*

**8. Resolution to open the meeting to the public**

**MOTION**

**Moved Councillor Addis**

**Seconded Councillor Watson**

**The Management Performance Review Delegated Committee resolve to open the meeting to the public.**

**CARRIED**

*The Management Performance Review Delegated Committee meeting was open to the public at 10:01pm with all Committee members present.*

**The meeting concluded at 10:01pm.**

**Confirmed**

**Chairperson**

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**Date**

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