

**7 Adjourned Items - Nil****11 Confidential Items****11.1 Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held on 3 May 2022**

<b>Report Reference</b>	GC220524F11.1
<b>Originating Officer</b>	Manager People and Culture - Jessica Lynch
<b>Corporate Manager</b>	N/A
<b>General Manager</b>	Chief Executive Officer - Tony Harrison

**CONFIDENTIAL MOTION**

That pursuant to Section 90(2) and (3)(d) and (a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager Corporate Services, General Manager City Development, General Manager City Services, Manager People and Culture, Manager Office of the CEO, Unit Manager Governance and Council Support, be excluded from the meeting as the Council receives and considers information relating to Confirmation of confidential Minutes of the Review and Selection Committee Meeting, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to commercial information of a third party and information relating to personal affairs.

**REPORT OBJECTIVE**

The purpose of this report is to facilitate the receiving and noting of the confidential minutes of the Review and Selection Committee meeting held on 3 May 2022.

**EXECUTIVE SUMMARY**

A summary of confidential items considered by the Committee Members is noted below.

**Confidential Items**

- CEO Performance and Remuneration Review
- COVID Mandatory Vaccination Policy implementation update
- Staff movements and exit survey data – 31/12/21 & 31/3/22
- Confirmation of the Confidential Minutes of the Review and Selection Committee Meeting held on 1 February 2022

**RECOMMENDATION**

**That Council:**

1. **Receives and notes the confidential minutes of the Review and Selection Committee meeting held on 3 May 2022.**
2. **Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.**
3. **In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the attachments to the report, *Confirmation of confidential Minutes of the Review and Selection Committee Meeting*, having been considered in**

confidence under Section 90(2) and (3)(d) and (a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

## **ATTACHMENTS**

1. RSC220503 - Final Confidential Minutes [11.1.1 - 5 pages]



## **Confidential Minutes**

**Review and Selection Committee  
held on Tuesday, 3 May 2022 at 6.00 pm  
Virtual Meeting Room - Zoom**





**7 Adjourned Items**  
**8 Confidential Items**

**8.1 CEO Performance and Remuneration Review**

**Report Reference** RSC220503F8.1

**Moved Councillor Shilling**

**Seconded Councillor Duncan**

That pursuant to Section 90(2) and (3)(d) of the Local Government Act 1999, the Committee orders that all persons present, with the exception of the following persons: Chief Executive Officer, Manager People and Culture, Manager Office of the CEO, Chief Financial Officer, be excluded from the meeting as the Council receives and considers information relating to CEO Performance and Remuneration Review, upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to commercial figures of an independent third party.

**Carried unanimously**

6.40 the meeting went into confidence.

The Committee discussed:

- The rationale for paper recommending to Council the appointment of the external consultant.
- The credentials and prior history of engaging the consultant for the Chief Executive Performance process.
- Use of the 360 degree survey and interviews.
- Process for selection of persons to provide performance feedback.

**Moved Councillor Shilling**

**Seconded Councillor Duncan**

That the Review and Selection Committee:

1. Recommends to Council the appointment of the external consultant, Kathryn McEwen, to deliver the 360-degree feedback process and reports for the 2021-22 CEO Performance and Remuneration Review.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that this report, CEO Remuneration Review, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act, except when required to effect or comply with the Committee's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

**Carried unanimously**

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RSC220503 - Confidential Review and Selection Committee Meeting - 3 May 2022



6.45pm the meeting came out of confidence.

## 8.2 COVID Mandatory Vaccination Policy implementation update

Report Reference RSC220503F8.2

**Moved Councillor Duncan**

**Seconded Councillor Shilling**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee orders that all persons present, with the exception of the following persons: Chief Executive Officer, Manager People and Culture, Manager Office of the CEO, Chief Financial Officer, General Manager Corporate Services be excluded from the meeting as the Committee receives and considers information relating to COVID Mandatory Vaccination Policy Update, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal affairs of City of Marion employees.

**Carried unanimously**

6.45pm the meeting went into confidence.

The General Manager Corporate Services entered the meeting at 6.47pm.

The Committee discussed:

- Additional information provided by the Manager People and Culture prior to the meeting, to provide data on the number of COVID-19 infections reported by staff.
- Current status of employees who remain unvaccinated.
- Workplace controls to minimize the spread of the virus.
- The rationale for the policy under Work Health and Safety legislation.
- Review of the policy and other settings impacting the rationale for the policy
- Basis and timeframes for review of the policy.
- The Mayor proposed a motion that the Committee ask Council to reconsider the mandatory vaccination policy and consider other health and safety measures.  
Management advised that such a motion would be *ultra vires*.
- The Mayor then proposed that the Committee ask the CEO to reconsider the mandatory vaccination policy and consider other health and safety measures.  
Management advised that this motion was also *ultra vires*.

**Moved Councillor Duncan**

**Seconded Councillor Shilling**

That the Review and Selection Committee:

1. Note the report.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that this report, COVID Mandatory Vaccination Policy implementation update, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with the



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Committee's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

**Carried unanimously**

7.03 the meeting came out of confidence.

### 8.3 Staff movements and exit survey data – 31/12/21 & 31/3/22

**Report Reference** RSC220503F8.3

**Moved Councillor Duncan**

**Seconded Councillor Shilling**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager Corporate Services, Manager People and Culture, Manager Office of the CEO, Chief Financial Officer, be excluded from the meeting as the Committee receives and considers information relating to Staff Movements and Exit Survey Data, upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to past and present employees of the City of Marion.

**Carried unanimously**

7.03 the meeting went into confidence.

The Committee discussed:

- Retention of City of Marion employees and use of agency staff.

#### **Action:**

- Administration to provide further information in the next report on City of Marion staff retention rates in comparison to other Councils.

**Moved Councillor Duncan**

**Seconded Councillor Shilling**

That the Review and Selection Committee:

1. Note the report.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999, the Committee orders that this report, Staff Movements and Exit Survey Data, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential and not available or public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

**Carried unanimously**

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RSC220503 - Confidential Review and Selection Committee Meeting - 3 May 2022



7.07 the meeting came out of confidence.

#### 8.4 Confirmation of the Confidential Minutes of the Review and Selection Committee meeting held on 1 February 2022

Report Reference RSC220503F8.4

**Moved Councillor Shilling**

**Seconded Councillor Duncan**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager Corporate Services, Manager People and Culture, Manager Office of the CEO, Chief Financial Officer be excluded from the meeting as the Council receives and considers information relating to confirmation of the confidential minutes of the Review and Selection Committee meeting held on 1 February 2022, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal affairs of City of Marion employees and Independent Committee Members.

**Carried unanimously**

7.07 the meeting went into confidence.

**Moved Councillor Shilling**

**Seconded Mayor Hanna**

That Council:

1. Receives and notes the confidential minutes of the Review and Selection Committee meeting held on 1 February 2022.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.
3. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the attachments to the report, Confirmation of the confidential minutes of the Review and Selection Committee Meeting held on 1 February 2022 arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

**Carried unanimously**

7.09 the meeting came out of confidence.