

CITY OF WEST TORRENS



Confidential Report Item 21.1

of the

COUNCIL MEETING

of the

CITY OF WEST TORRENS

will be held in the Council Chambers, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 5 MARCH 2019
at 7.00pm**

Pursuant to Section 83 (5) of the *Local Government Act 1999* the Confidential Item for the Council meeting is delivered to the Council Members upon the basis of my recommendation that the matters to which the Agenda relates be received, considered and discussed by the Council in confidence under Part 3 of the Act.

**Terry Buss PSM
Chief Executive Officer**

City of West Torrens Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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Released

21 CONFIDENTIAL

21.1 Chief Executive Officer Employment Contract

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

RECOMMENDATION

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Executive Coordinator Office of the Mayor and Chief Executive Officer be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 21.1 Chief Executive Officer Employment Contract, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(a) because the matter relates to contractual employment arrangements of an employee and disclosure may breach the duty of confidence owed to the employee and result in the unreasonable disclosure of information concerning the personal affairs of the employee.
2. At the completion of the confidential session the meeting be re-opened to the public.

Brief

Mayor Michael Coxon gave notice of his intention to move the following motion:

MOTION

That:

1. Council agree to offer the Chief Executive Officer an extension of his current employment contract for a further period of 3 years to expire at the end of 2023.
2. The subject extension be on the same terms and conditions as contained within the prevailing employment contract.
3. Should the Chief Executive Officer accept such offer, the Mayor be authorised to sign an extension of the contract of employment between Council and the Chief Executive Officer.

FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the Item 21.1 Chief Executive Officer Employment Contract the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(a), be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting or if an employment contract extension is agreed and signed, whichever is the sooner, on the basis that the matter relates to contractual employment arrangements of an employee and disclosure may breach the duty of confidence owed to the employee and result in the unreasonable disclosure of information concerning the personal affairs of the employee.
 2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.
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Introduction

Mayor Coxon is proposing an extension of the contract of employment of the Chief Executive Officer for a period of three (3) years which if approved by Council and accepted by the Chief Executive Officer would have the employment contract of the Chief Executive Officer concluding at midnight on 31 December 2023.

Discussion

Mayor Coxon has given notice of his intention to move the above listed Motion with Notice relating to the employment contract of the Chief Executive Officer (CEO).

The Chief Executive Officer commenced in the position on 4 July 2008 and has had several contract extensions over the term of his employment. His current contract concludes at midnight on 31 December 2020 and the current employment contract specifies that the CEO's employment will terminate on that date (the expiry date) unless, among other things, the CEO's employment is subject to a further contract of employment or contract extension.

Conclusion

The employment of the Chief Executive Officer is not ongoing and will continue only for the term specified in the contract of employment. The Council may, in its absolute discretion, extend the term of the CEO's employment contract without recourse to further recruitment processes in accordance with Section 98 (6) of the *Local Government Act 1999*.

Attachments

Nil