



## Minutes of Special Council Meeting

Held on 7 January 2025, after the CEO Recruitment and Performance Review Committee Meeting, which commenced at 5:00pm

Held at the Council Chambers in Donnybrook  
*(1 Bentley Street, Donnybrook)*

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### **The purpose of this Special Council Meeting is for Council to consider:**

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- Chief Executive Officer's Probationary Review Outcome

**Authorised:**

A handwritten signature in black ink, appearing to read "N. O'Connor", is positioned to the right of the "Authorised:" label.

Nicholas O'Connor, Chief Executive Officer

**Prepared:**

13 January 2025

## MEASURES OF CONSEQUENCE

LEVEL	RATING	HEALTH & SAFETY	FINANCIAL	SERVICE INTERRUPTION	COMPLIANCE	REPUTATION	PROPERTY	ENVIRONMENT
1	Insignificant	Negligible injuries	Less than \$5,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, localised low impact on community trust, low profile or no media item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
2	Minor	First aid injuries	\$5,000 - \$20,000 Or < 5% variance in cost of project	Temporary interruption to an activity – backlog cleared with existing resources	Some temporary non compliances	Substantiated, localised impact on community trust or low media item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
3	Moderate	Medical type injuries	\$20,001 - \$100,000 Or > 5% variance in cost of project	Interruption to Service Unit(s) deliverables – backlog cleared by additional resources	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
4	Major	Lost time injury	\$100,001 - \$1M	Prolonged interruption of Service Unit core service deliverables – additional resources; performance affected	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
5	Catastrophic	Fatality, permanent disability	More than \$1M	Indeterminate prolonged interruption of Service Unit core service deliverables	Non-compliance results in criminal charges or significant damages or penalties	Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

## MEASURES OF LIKELIHOOD

LEVEL	RATING	DESCRIPTION	FREQUENCY
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

### RISK MATRIX

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	MODERATE (5)	HIGH (10)	HIGH (15)	EXTREME (20)	EXTREME (25)
Likely	4	LOW (4)	MODERATE (8)	HIGH (12)	HIGH (16)	EXTREME (20)
Possible	3	LOW (3)	MODERATE (6)	MODERATE (9)	HIGH (12)	HIGH (15)
Unlikely	2	LOW (2)	LOW (4)	MODERATE (6)	MODERATE (8)	HIGH (10)
Rare	1	LOW (1)	LOW (2)	LOW (3)	LOW (4)	MODERATE (5)

### RISK ACCEPTANCE CRITERIA

RISK RANK	DESCRIPTION	CRITERIA FOR RISK ACCEPTANCE	RESPONSIBILITY
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Director / CEO
EXTREME	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

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## 1. Declaration of Opening / Announcement of Visitors

### **Acknowledgement of Country:**

The Shire President acknowledged the continuing connection of Aboriginal people to Country, culture and community, including traditional custodians of this land, the Wardandi and Kaneang People of the Noongar Nation, paying respects to Elders, past and present.

The Shire President declared the meeting open at 5:35pm and welcomed those present.

The Shire President advised that the meeting is being recorded in accordance with Council Policy EM/CP-2. The President further stated the following:

*“This meeting is being digitally recorded in accordance with Council Policy.*

*Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.*

*Whilst every endeavour has been made to only record those who are actively participating in the meeting, loud comments or noises from the gallery may be picked up on the recording.”*

Cr Patrick, Cr Shand, Cr Davy read the following declaration, attending the Meeting externally via Microsoft Teams:

“Pursuant to Section 14CA(5) of the *Local Government (Administration) Regulations 1996*, I (Councillor name said) declare that I am situated in a location where I can maintain confidentiality throughout the duration of the meeting”.

## 2. Attendance

### **Councillors Present:**

Cr Vivienne MacCarthy

Cr Lisa Glover

Cr Alexis Davy

Cr Anita Lindemann

Cr Anne Mitchell

Cr Grant Patrick

Cr Deanna Shand

### **Staff Present:**

Nicholas O’Connor, Chief Executive Officer    Emma Thomas, Acting Manager Corporate Services

### **Public Gallery:**

Nil.

2.1. Apologies

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Ross Marshall, Director Operations

Loren Clifford, Acting Director Finance and Corporate

2.2. Approved Leave of Absence

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Nil.

2.3. Application for Leave of Absence

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Nil.

3. Announcements from the Presiding Member

Nil.

4. Declarations of Interest

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Nil.

5. Public Question Time

5.1. Responses to previous public questions that were taken on notice

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Nil.

5.2. Public Question Time

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In accordance with the Clause 7(3) of the *Local Government (Administration) Regulations 1996*, public questions must relate to the stated purpose of the Special Meeting of Council.

Nil.

6. Presentations

6.1. Petitions

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Nil.

6.2. Presentations

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Nil.

6.3. Deputations

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Nil.

6.4. Delegates' Reports

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Nil.

7. Reports of Committees

Nil.

8 Reports of Officers

Nil.

9. Elected Member Motions of which previous notice has been given

Nil.

10. New Business of an urgent nature introduced by Decision of the Meeting

Nil.

11. Meetings Closed to the Public

11.1. Matters for which the Meeting may be closed

**11.1.1 Endorse Chief Executive Officer Recruitment and Performance Review Committee Assessment of CEO Nick O'Connor Probationary Performance**

This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public:

- a) a matter affecting an employee or employees.

<b>COUNCIL RESOLUTION:</b> 1/01-25		
<b>MOVED BY:</b>	Cr Lisa Glover	<b>SECONDED BY:</b> Cr Anita Lindemann

**That the meeting be closed in accordance with section 5.23(c) of the *Local Government Act 1995* to discuss the following confidential item:**

**11.1.1 Endorse Chief Executive Officer Recruitment and Performance Review Committee Assessment of CEO Nick O'Connor Probationary Performance**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 7/0</b>

The meeting was closed to the public at 5:39pm.

<b>COUNCIL RESOLUTION:</b> 3/01-25		
<b>MOVED BY:</b>	Cr Lisa Glover	<b>SECONDED BY:</b> Cr Anita Lindemann

**That the meeting be re-opened to the public.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 7/0</b>



The meeting was reopened to the public at 5:41pm.

11.2. Public reading of Resolutions that may be made public

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<b>COUNCIL RESOLUTION:</b> 2/01-25		
<b>MOVED BY:</b>	Cr Lisa Glover	<b>SECONDED BY:</b> Cr Anita Lindemann

**That Council:**

- 1. Receive Chief Executive Officer Nick O'Connor's Probationary Performance Report** (Attachment 11.1.1(3));
- 2. Note the completed Individual and Aggregated Probationary Performance Review outcomes** (Attachments 11.1.1(4) to 11.1.1(11));
- 3. Receive the Minutes of the Performance Review Meeting, held 24<sup>th</sup> December 2024** (Attachment 11.1.1(12)); **and**
- 4. Confirm Chief Executive Officer Nick O'Connor's successful completion of his probation period and affirm his continued employment as per the Employment Agreement.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 7/0 by absolute majority</b>

12. Closure

The Shire President advised that the next Agenda Briefing Session will be held on 19 February 2025, in the Shire of Donnybrook Balingup Council Chamber.

The Chairperson declared the meeting closed at 5:42pm.