

# **ADMINISTRATION AND FINANCE COMMITTEE MEETING**

## **BUSINESS PAPER**

**TUESDAY 13 AUGUST 2013**

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## ADMINISTRATION AND FINANCE COMMITTEE MEETING

Notice is hereby given that a Administration and Finance Committee Meeting of the Council of the City of Randwick will be held in the Council Chamber, First Floor, 90 Avoca Street, Randwick, 30 Frances Street, Randwick, on Tuesday, 13 August 2013 at 6:00pm.

Committee Members: The Mayor (T Bowen), Andrews, Belleli, D'Souza, Garcia, Matson, Moore (Chairperson), Nash, Neilson, Roberts (Deputy Chairperson), Seng, Shurey, Smith, Stavrinou and Stevenson.

Quorum: Eight (8) members

NOTE: At the Extraordinary Meeting held on 28 September 2004, the Council resolved that the Administration and Finance Committee be constituted as a committee with full delegation to determine matters on the agenda.

### Apologies/Granting of Leave of Absences

### Confirmation of the Minutes

Administration and Finance Committee Meeting - 9 July 2013

### Declarations of Pecuniary and Non-Pecuniary Interests

### Address of Committee by Members of the Public

*Privacy warning:*

*In respect to Privacy & Personal Information Protection Act, members of the public are advised that the proceedings of this meeting will be recorded for the purposes of clause 66 of Council's Code of Meeting Practice.*

### Urgent Business

### Administration Reports

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| A5/13 | Contingency Fund - status as at 31 July 2013 .....   | 1 |
| A6/13 | Appointment of Independent Conduct Review Panel..... | 3 |

### Finance Reports

Nil

### Notice of Rescission Motions

Nil

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Ray Brownlee  
**GENERAL MANAGER**



## Administration Report No. A5/13



**Subject:** Contingency Fund - status as at 31 July 2013

**Folder No:** F2004/07396

**Author:** Julie Hartshorn, Senior Administrative Coordinator

### Introduction

The purpose of this report is to detail the progressive amount of donations, allocations, waiving of fees and other similar contributions for the 2013-14 financial year.

In the 2013-14 financial year there have been 14 allocations totalling \$81,935.10 as listed in the table below.

| Meeting   | Details  | Approved allocation |
|---|--|---------------------|
| <b>Annual contributions (ongoing)</b>               |  |                     |
| Ord Council – 24 Nov 2009                           | <u>Annual contribution</u> (5 years from 2010-2015) Waiving of fees – Rainbow Club Australia – Ocean Swim (Maroubra to Little Bay) | \$10,820.00         |
| Ord Council – 27 July 2010                          | <u>Annual contribution</u> (5 years from 2010-11) - Randwick Boys High School - 'Mayor's Award'                                    | \$1,000.00          |
| Ord Council – 22 Feb 2011                           | <u>Annual contribution</u> (5 years from 2010-11) - Randwick Girls High School - 'Mayor's Award'                                   | \$1,000.00          |
| Ord Council – 25 June 2013                          | <u>Annual contribution</u> Sponsorship of the Westpac Rescue Helicopter Lifesaver Service – 3 year agreement commencing 2013-14    | \$15,000.00         |
| Planning Comm – 13 Mar 2012                         | <u>Annual contribution</u> – Australia Day Botany Bay Regatta  | \$750.00            |
| <b>2013-14 Contingency Fund allocations</b>         |  |                     |
| Ord Council – 25 June 2013                          | 13th Annual Des Renford Chair of Hearts Research Family Gala and Charity Day   | \$8,500.00          |
| Ord Council – 25 June 2013                          | Maroubra Surfing Walk of Fame – community event  | \$14,000.00         |
| Ord Council – 25 June 2013                          | Waiving of fees and sponsorship - Surfing NSW Junior Titles contest  | \$11,000.00         |
| Ord Council – 23 July 2013                          | Sponsorship - Maroubra Junction Public School's Centenary Cookbook   | \$500.00            |
| Ord Council – 23 July 2013                          | Waiving of fees - St Nicolas' Anglican Church, Coogee - Carols by Candlelight  | \$1,347.00          |
| Ord Council – 23 July 2013                          | Advisory Group lunch - Prince of Wales Hospital proposed new Hybrid Operating Suite  | \$1,800.00          |
| Ord Council – 23 July 2013                          | Sponsorship and waiving of fees - NSW Police Force Brazillian Beach Soccer Event - Coogee Beach                                    | \$4,018.10          |
| Ord Council – 23 July 2013                          | Support for the Better Block project proposed for Clovelly Road  | \$7,700.00          |
| Ord Council – 23 July 2013                          | Community forum and presentation with UNSW Expert Reference Group on environmental issues  | \$4,500.00          |
| <b>Total - 2013-14 Contingency Fund allocations</b> |  | <b>\$81,935.10</b>  |

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## Relationship to City Plan

The relationship with the City Plan is as follows:

- Outcome 2: A vibrant and diverse community.  
Our community will be proud to be part of our City and celebrate its range of cultures and people.
- Direction 2b: Enrich our range of community services that meet our community's needs.
- Key Actions: Support the provision of services and facilities to meet the needs of our Target Groups and celebrate the range of cultures and people within Randwick City.

## Financial impact statement

Council has allocated \$75,796 in the 2013-14 Budget for contingencies. This amount will be adjusted, as necessary, during September quarterly budget review.

## Recommendation

That the report be received and noted.

## Attachment/s:

Nil

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## Administration Report No. A6/13



**Subject:** Appointment of Independent Conduct Review Panel

**Folder No:** F2013/00244

**Author:** David Kelly, Manager Administrative Services

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### Introduction

At its ordinary meeting held 26 February 2013 Council resolved that:

- "a) the new Model Code and Procedures be adopted, with the modifications mentioned in this report, for implementation on 1 March 2013.*
- b) it be noted that the General Manager intends to appoint the Manager Administrative Services as Council's Complaints Coordinator and the Internal Auditor as alternate Complaints Coordinator for the purposes of the 'Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW'.*
- c) a shared Conduct Review Panel be established with Woollahra Council, for a period of four years in accordance with the provisions set out in the Code.*
- d) Council call for an Expression of Interest to appoint a suitable panel of Conduct Reviewers and report the outcome back to Council for endorsement.*
- e) the current conduct review panel remain in place until the new panel is appointed, following the EOI process."*

In accordance with clause (c) a proposed Conduct review Panel is submitted for approval.

### Issues

Council must appoint a new panel of conduct reviewers under the provisions and process prescribed by the 2013 Model Code and Procedures. The role of conduct reviewers is to review certain complaints of breaches of the code of conduct by Councillors and the General Manager. The General Manager is responsible for reviewing complaints about staff.

The 2013 Model Code and Procedures require that certain complaints about Councillors and the General Manager must be referred to the Division of Local Government (*the Division*) to investigate and allows for other complaints to be managed as follows:

1. where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to *the Division*, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the Council's complaints coordinator (for referral to a conduct reviewer),
2. where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to *the Division*, by alternative

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means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the Council's complaints coordinator (for referral to a conduct reviewer).

Complaints about Councillors that the General Manager must refer to *the Division* are:

- a) complaints alleging a breach of the pecuniary interest provisions of the Local Government Act,
- b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations,
- c) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
- d) complaints the subject of a special complaints management arrangement with *the Division* under clause 5.40 (of the Model Code and Procedures).

Complaints about the General Manager that the Mayor must refer to *the Division* are:

- a) complaints alleging a breach of the pecuniary interest provisions of the Local Government Act,
- b) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
- c) complaints the subject of a special complaints management arrangement with *the Division* under clause 5.40 (of *the Procedures*).

If a complaint is not referred to *the Division* or resolved by the above alternative dispute resolution process, it is to be referred to the Council's complaints coordinator (Manager Administrative Services) to manage the process of referring the complaint to a conduct reviewer for preliminary assessment and if appropriate, investigation.

### **Proposal:**

*The Model Code and Procedures* prescribe the manner in which Council must call for public expressions of interest for appointment to the panel, the eligibility and skills required to be a member of a panel, who may not be a member of a panel and that the maximum term of appointment to a panel is 4 years. *The Model Code and Procedures* also allows Council to enter into an arrangement with one or more other councils to share a panel of conduct reviewers.

Following discussions with Woollahra Council, it was decided to call for expression of interest for membership to a joint Randwick and Woollahra Council panel of conduct reviewers. The expression of interest process was managed by Randwick Council and conducted in accordance with the statutory requirements of *the Model Code and Procedures*.

The closing date for the expressions of interest was 9 July 2013 and the following submissions were received:

1. Ally Group P/L
2. BDO East Coast Partnership
3. Chris Gallagher Consulting
4. Desmond Crowley
5. Jeremy Bingham
6. John Kleem Consulting
7. Julie Baker-Smith & Associates
8. Inconsult
9. Internal Audit Bureau (IAB)

10. LKA Group
11. Lloyd Graham
12. Mayer Vandenberg Lawyers
13. McClintock Lawyers
14. Mediate Today
15. MSM Fidelity Services
16. Nemesis Consulting Group
17. O'Connor Marsden & Associates
18. Peter Zdjelar
19. Prevention Partners
20. Sinc Solutions
21. Strategic Risk Solutions
22. Third Party Neutral
23. Tress Cox Lawyers
24. Warfield & Associates
25. Wright Associates
26. Woodward Legal

The submissions have been reviewed independently by both Randwick and Woollahra Council based on the following core criteria:

- an understanding of local government.
- a demonstrated experience in, and knowledge of, investigative processes including, but not limited to, procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994.
- an understanding of the Model Code of Conduct for Local Councils in NSW 2013 and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2013 and other relevant applicable Legislation including but not limited to the Local Government Act 1993.
- knowledge and experience of one or more of the following: law, investigations, public administration, public sector ethics, or alternative dispute resolution.
- not precluded from eligibility as a "conduct reviewer" under Clause 3.6 of the Procedures for Administration of the Model Code of Conduct for Local Councils in NSW 2013.
- price to undertake preliminary assessments and investigations.

Further consideration was given to the following additional criteria:

- independence and freedom from contractual arrangements in relation to the subject councils.
- the ability to prepare a report to Councils on the investigations, findings and recommendations.
- the ability to provide the service at a high standard, which reflects value for money.
- the ability to communicate effectively and work in partnership with officers of Council.
- the ability to provide flexibility and availability of time whenever an assessment or investigation is required.

It is recommended that the following be appointed to the joint panel of conduct reviewers for Randwick and Woollahra Councils for a 4 year term commencing 14 August 2013:

1. Inconsult
2. Wright Associates
3. Jeremy Bingham
4. Sinc Solutions
5. Strategic Risk Solutions
6. Woodward Legal.

It should be noted that either Council may terminate the panel of conduct reviewers at any time by resolution. Should the need arise for a reviewer to be appointed to undertake a preliminary assessment or investigation, one of the above panel members will be selected based on their particular skills and experience relative to the matters being assessed/investigated.

The requirement for Council to appoint independent persons, to comprise the membership of a conduct review committee or to act as a sole conduct reviewer, was introduced with the 2008 Model Code of Conduct. Since that time Council has not had a need to refer any complaints to a conduct review committee or a sole conduct reviewer.

### **Relationship to City Plan**

The relationship with the City Plan is as follows:

Outcome 1: Leadership in Sustainability.  
Direction 1d: Continuous improvement based on accountability, transparency and good governance.

### **Financial impact statement**

Funding for these positions has been allowed for in the 2013-14 budget.

### **Conclusion**

Based on the criteria listed above, it is considered that the reviewers appointed provide the best mix of experience required to best serve Council. As stated by the DLG, the establishment of an independent Conduct Review Panel will provide Council with independent assurance and assistance in the assessment and investigation of alleged Code of Conduct breaches by Councillors.

### **Recommendation**

That in accordance with the statutory provisions of the Model Code of Conduct for Local Councils in NSW and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, Randwick and Woollahra Councils appoint Inconsult, Wright Associates, Jeremy Bingham, Sinc Solutions, Strategic Risk Solutions and Woodward Legal as members of our joint Conduct Review Panel.

### **Attachment/s:**

Nil