



LATE REPORTS TO COUNCIL

19 December 2017

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Department:	Community and Governance
Submitted by:	<i>Director Community and Governance</i>
Reference/Subject:	Late Report 3 Expression of Interest - Panel of Conduct Reviewers

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	4.1 A strong, accountable and representative Council
Strategy:	4.1.5 Undertake the civic duties of Council with the highest degree of professionalism and ethics
Activity:	4.1.5.1 Implement and manage Council's integrity system
Action:	4.1.5.1.3 Coordinate code of conduct complaints in accordance with legislation, policy, and procedures

SUMMARY:

This report addresses the legislative requirement to appoint a panel of independent conduct reviewers as required under Council's Code of Conduct and pursuant to provisions under section 440 and 440A of the NSW Local Government Act

OFFICER'S RECOMMENDATION:

1. That Council

- a. share a panel of conduct reviewers with the following other councils:
 - Tamworth Regional Council,
 - Gunnedah Shire Council,
 - Narrabri Shire Council, and
 - Walcha Shire Council.

- b. appoint the panel of conduct reviewers for a period of 4 years as set out below:
 - O'Connell Workplace Relations Pty Ltd
 - SINC Solutions Pty Ltd
 - Centium Group Pty Ltd
 - Locale Consulting Pty Ltd
 - Linda Petterson Consulting Pty Ltd

BACKGROUND:

The Office of Local Government Procedures for the Administration of the Model Code of Conduct (Procedure) requires all councils to establish a Panel of Conduct Reviewers by resolution of Council, following a prescribed Expression of Interest (EOI) process. The Procedure allows councils to share a panel with other councils by resolution.

Council does not currently have a Panel of Conduct Reviewers.

This is Page 2 of the Report referred to in the Minutes of the Ordinary Meeting held on 19 December 2017

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The Procedure provides for all Code of Conduct complaints made against councillors, where an initial assessment by the General Manager is that the complaint cannot be resolved by negotiation or other means, to be referred by the General Manager to the Complaints Coordinator for referral to a Conduct Reviewer for assessment, investigation and report in accordance with the Procedure.

REPORT:

Tamworth Regional Council offered to conduct an EOI process to establish a shared Panel of Conduct Reviewers. An EOI was invited by newspaper advertisements and Tenderlink, and 21 submissions were received and evaluated by a panel consisting of governance professionals from each participating council.

The evaluation panel gave consideration to the following mandatory requirements:

- (a) *Public Liability Insurance of \$20 million.*
- (b) *Professional Indemnity Insurance of minimum \$2 million.*
- (c) *Workers Compensation Insurance to the extent required by law.*

To be eligible to be a member of a panel of conduct reviewers, a person must have at a minimum:

- (a) *Have an understanding of local government, and*
- (b) *Experience in assessing complaints under the NSW Office of Local Government Model Code of conduct*
- (c) *Be familiar with investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and*
- (d) *Have knowledge and or experience in one or more of the following disciplines:*
 - (i) *investigations, or*
 - (ii) *law, or*
 - (iii) *public administration, or*
 - (iv) *public sector ethics, or*
 - (v) *alternative dispute resolution.*

A person is not eligible to be a member of the panel of conduct reviewers if they are:

- (a) *a Councillor, or*
- (b) *a nominee for election as a councillor, or*
- (c) *an administrator, or*
- (d) *an employee of a Council, or*
- (e) *a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or*
- (f) *a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or*
- (g) *a person who has a conviction for an indictable offence that is not an expired conviction.*

The evaluation panel assessed the submissions received against the following qualitative criteria:

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No.	Evaluation Criteria	Weighting
1	<u>Understanding of the Local Government Environment</u> Demonstrated understanding of the environment in which Local Government operates. <i>No more than one page</i>	30%
2	<u>Skills and Specific Industry Experience</u> Evidence the Specified Personnel have the skills required to perform Conduct Reviews and have experience in providing services for similar organisations. <i>No more than one page</i>	40%
3	<u>Value-For-Money</u> Value-for-money pricing for each service provided and an hourly rate to deliver a Conduct Review including travel and other costs.	30%
		100%

The evaluation panel unanimously agreed that the submissions listed below, be the Panel of Conduct Reviewers.

1. O'Connell Workplace Relations Pty Ltd, refer Confidential Attachment 1
2. SINC Solutions Pty Ltd, refer Confidential Attachment 2
3. Centium Group Pty Ltd, refer Confidential Attachment 3
4. Locale Consulting Pty Ltd, refer Confidential Attachment 4
5. Linda Pettersson Consulting Pty Ltd, refer Confidential Attachment 5

This report recommends that Council enter into a shared Panel of Conduct Reviewer with the participating councils, and appoint the Panel of Conduct Reviewer for a term of 4 years.

KEY ISSUES:

Council:

- is legislatively required to have a Conduct Reviewer Panel
- currently does not have a Conduct Reviewer Panel
- can establish a Panel of Conduct Reviewers by resolution
- can terminate a Panel of Conduct Reviewers by resolution
- can share a Panel of Conduct Reviewers with other councils by resolution

CONCLUSION:

This report recommends that Council enter into a shared Panel of Conduct Reviewer with the participating councils, and appoint the Panel of Conduct Reviewers for a term of 4 years.

COUNCIL IMPLICATIONS:

- 1. Community Engagement/ Communication (per engagement strategy)**
Not applicable

- 2. Policy and Regulation**

Section 440 and 440A of the NSW Local Government Act

Office of Local Government's Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, refer

<https://www.olg.nsw.gov.au/sites/default/files/Procedures-for-Administration-of-Model-Code-of-Conduct.pdf>

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- 3. Financial (LTFP)**
Conduct reviewers will be engaged, if the need arises, on a fee for service basis.
- 4. Asset Management (AMS)**
Not applicable
- 5. Workforce (WMS)**
Not applicable
- 6. Legal and Risk Management**
Not applicable
- 7. Performance Measures**
Not applicable
- 8. Project Management**
Not applicable

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