

7.1 Conduct Review Panel

REPORT BY THE MANAGER GOVERNANCE TO 6 JUNE 2013 COUNCIL MEETING

Conduct Review Panel

A0100056, A0110003

RECOMMENDATION

That:

1. **the report by the Manager Governance on the Conduct Review Panel be received;**
 2. **Council appoint the following new members to its panel of conduct reviewers:**
 - **Mr Robert Ball**
 - **Mr John Burgess**
-

Executive summary

The purpose of this report is to include on the Council's panel of conduct reviewers two additional members as an interim measure up until the new panel required by the procedures for the Code of Conduct is appointed.

Detailed report

Councillors will recall that the report to the Council meeting on 6 February 2013 regarding the review of the Council's Code of Conduct explained that councils are required to appoint a panel of conduct reviewers by 30 September 2013 using the selection process prescribed under the new procedures for the Model Code and that Council had resolved to use as its new conduct reviewers those appointed through Hunter ROC. In this regard, Hunter ROC is currently going through the advertising process for the panel.

In the meantime, any conduct issues that arise now and until such time as the new conduct reviewers are appointed, will need to be dealt with by the Council's existing panel of conduct reviewers. For Council's information the current panel consists of

Mr David Clarke
Mr Stephen Flynn
Mr Russell Sear
Mr Stephen Blackadder
Mr John Honeysett
Mr Keith Baker
Mr Pat Bird
Sr Alice Sullivan

Of those, Messrs Sear and Blackadder have indicated that they find they are no longer able to participate as members of Council's panel. This presents somewhat of a problem as it effectively unbalances the range of talents that were at Council's disposal to resolve conduct issues.

Given this development, and as an interim measure, it would be prudent for Council to review its current panel and to confirm the conduct reviewers that Council may use until such time as the new panel is appointed. I have made enquiries and have determined that two well respected former local government professionals, Mr Robert Ball (former General Manager of Hornsby Shire Council) and Mr John Burgess (former General Manager of Auburn City Council) would be prepared to assist as necessary and accordingly consider that as well as the members of the former panel, Council should appoint them to its current panel.

I consider that the breadth of experience and expertise of these two gentlemen will complement the members of the current panel.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

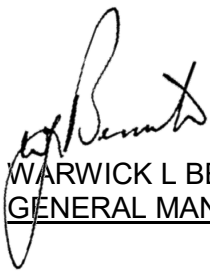


IAN ROBERTS
MANAGER GOVERNANCE

4 June 2013

Attachments: 1. CV of Mr Robert Ball
2. CV of Mr John Burgess

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

Robert J Ball
312 Galston ROAD
GALSTON NSW 2159

3 June 2013

Mr Ian Roberts
Manager Governance
Mid-Western Regional Council

Dear Mr Roberts

Thank you for the opportunity to submit an application for appointment as a conduct reviewer. Attached is my resume, which clearly displays my long involvement in and extensive knowledge of local government.

For your information the following briefly addresses the requirements for appointment as a conduct reviewer.

An understanding of Local Government.

I commenced my local government service in 1964 and when I retired in 2011 I had completed in excess of 47 years; 33 years as either Town Clerk or General Manager.

I was appointed Town Clerk of Waverley Municipal Council in 1978 and resigned from that position to accept appointment as General Manager at Hornsby Shire Council in 1992. I retired as General Manager in October 2011.

During this long period of service I have attained an enviable understanding of the operations and conduct 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*.

During my long career I have personally conducted a number of staff grievance complaint investigations, as well as councillor and staff code of conduct investigations. Reports of councillor investigations at Hornsby were publicly reported to council meetings and the results have been accepted by complainants, councillors and council. Some of my more recent reports relating to councillors are readily available on Hornsby Shire Council's website.

I am aware of and have actively practised the rules of natural justice. Any person whose rights, interests or legitimate expectations are affected by a decision or finding will be afforded an adequate opportunity of being heard. In order to properly present their case, the person is entitled to know the grounds on which that decision or finding is to be made.

I have the relevant and appropriate experience to undertake preliminary assessments, sole investigations or participate in three member "Conduct Review Committee" investigations.

Knowledge and experience of one or more of the following:

law, investigations, public administration, public sector ethics or alternative dispute resolution.

As indicated above I have personally conducted a number of staff grievance complaint investigations, as well as councillor and staff code of conduct investigations. I have studied law at tertiary level with successful completion of studies in Principles of Law, Local Government, Town Planning, Constitution, Business, Taxation and Commercial Law. This has enabled me to develop the skill of interpreting legislation and regulations.

From 47 years in local government I have an impressive understanding of public administration and have had published many articles including "Practical Difficulties with Ethics", Public Management Magazine, 2001.

Since the introduction of formal codes of conduct in local government, I have continuously updated my knowledge and understanding of these codes. I have read and understand the requirements of the Model Code of Conduct for Local Councils and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, 2013.

I have relevant and appropriate experience for appointment to undertake preliminary assessments, sole investigations or participate in three member "Conduct Review Committee" investigations.

Independence in relation to council.

I do not live, work, own property or have had dealings including employment with the Mid-Western Regional Council.

Remuneration and charges

My remuneration will be at the hourly rate of \$250 (plus GST). It is not expected that expenses would be claimed with the exception of travelling and accommodation, if necessary for interview purposes. Travelling time however will not be charged. In the unlikely event that unexpected expenses need to be incurred, approval of the Council would be sought before incurring the expense.

Referees

Mr Stephen Blackadder
Blackadder Associates
stephen@blackadderassoc.com.au
Office: 02 8765 1200
Mob: 0412 255 149

If necessary the names of additional relevant referees can be made available.

Yours faithfully
Robert Ball
Tel: 02 9653 1888
Mob: 0400 212 968

ROBERT J BALL

312 Galston Road Galston NSW 2159
Home: 02 9653 1888 Mobile: 0400 212 968
Email: robertballau@gmail.com



CAREER OVERVIEW

A local government professional with forty seven years experience in the industry; thirty three years as Town Clerk and/or General Manager. I have a proven track record of financial management, negotiation, change management, strategic planning and motivating a team to consistently achieve targets. I've devoted my professional career to local government but at the same time broadened my professional skills particularly in management, law and property development.

EDUCATION & TRAINING

- University of New South Wales
Bachelor of Commerce with Merit – majoring in Accounting and Financial Systems
- University of Western Sydney
Bachelor of Business – majoring in Land Economy
- Graduate, Australian Institute of Company Directors
- Local Government Clerks Certificate No. 1466
- University of Canberra
Graduate, Senior Management Course, Australian Centre for Local Government Studies
- University of New South Wales AGSM
Graduate, Organisational Change Executive Program
- James Cook Memorial Boys High School
Leaving Certificate

KEY STRENGTHS

- Expertise in financial management
- Project and change management
- Strategic planning
- Resident communication
- Strong focus on customer service
- Leadership
- Policy formulation

CAREER HISTORY

1992 – Oct 2011 (Retired)

General Manager - Hornsby Shire Council

Key responsibilities

Budget: \$120 mill per annum

Staff: 680 EFT

Key achievements

- Financial management including three successful applications to DLG and IPART for rate variations
- \$200mill Westfield redevelopment
- Hornsby CBD Master plan
- Environmental initiatives and awards
- Heritage buildings refurbishment
- Management of community growth
- RFS Headquarters development

1978 - 1992

Town Clerk - Waverley Municipal Council

Key achievements

- Financial management
- Waverley Woollahra Process Plant operated commercially by both councils
- Development of council's property portfolio
- Joint development with private enterprise of a major shopping centre
- Restoration of historic buildings

1966 - 1978

Waverley Municipal Council

Various positions progressing as follows:

- Accounts Clerk
- Acting Cashier
- Acting Paymaster
- Acting Cost Clerk
- Acting Accountant
- Deputy Town Clerk – Administration
- Deputy Town Clerk

1964- 1966

Rockdale Municipal Council

Junior Clerical positions

PROFESSIONAL MEMBERSHIPS

- Life Member, Local Government Managers Australia (NSW Division)
- Retired Member, Australian Society of Certified Practising Accountants (CPA)
- Graduate, Australian Institute of Company Directors (GAICD)

PROFESSIONAL INTERESTS

- President, Vice President and Committee Member IMM (1987-1996), now Local Government Managers Australia (LGMA) (NSW Division)
- Recipient, Local Government Association Albert Mainerd Scholarship
- Publications: “Entrepreneurialism in Local Government”, 1983; “Entrepreneurial Opportunities”, Local Government Administration Magazine, 1983; “Practical Difficulties with Ethics”, Public Management Magazine, 2001.
- Conference Speaker: National Public Libraries Conference, Local Government Auditors Association Conferences, California League of Cities US, Local Government Public Relations Association, SOLACE England, Australian Centre for Local Government Studies, IMM.

HOBBIES & INTERESTS

- Philately
- Photography
- Family
- Travel

John Burgess

ADDRESS

48 Murrumbidgee
Crescent
Bateau Bay NSW 2261

PHONE

43320705 home
0419208963 mobile

Profile

I am a career local government employee with many years of senior management experience in a large urban fringe multi purpose Council and inner west Sydney Council.

I am widely regarded and respected throughout New South Wales for my knowledge of local government the roles and responsibilities local government has in service delivery, the relationships between local, State and Federal Government and capacity building with the community.

I build organizational capacity through leadership development, encourage and foster innovation and creativity, engender trust, confidence and respect by listening and providing honest feedback and encouragement.

I am outcome focussed setting realistic and practical objectives for staff ensuring all staff are aware of their individual role in contributing to the overall objectives of the Council.

I am committed to consultation with the community, elected Council and staff. I have a personal philosophy organizations exist to serve community needs. Local Governments role in meeting community needs is often not by direct service

delivery rather engaging with the community to involve themselves in volunteering creating community ownership of the communities built and natural assets.

I am committed to change. Organizations must continually strive to achieve excellence and efficiency. I achieve these outcomes through organization development. I engage and empower staff to review processes listening and acting with staff to make changes that benefit the Council and community.

Experience

GENERAL MANAGER, Auburn City Council.

Auburn City Council is one of the most culturally diverse local government authorities in Australia with more than 126 different nationalities. More than half the population were born overseas. 66% of residents speak a language other than English. 27% of the population have arrived in Australia in the past 5 years.

I was responsible for the entire organizations performance.

I initially commenced with Auburn in 2005 the Council itself was fractured, staff divided and systems of management less than effective. I instigated reviews that lead to a complete turn round in organizational performance including introduction of organization development by engaging staff,

Councillors and business partners in improving an organization that wanted change.

Staff initiative had long been submerged by management systems that did not listen submerging critical input impeding efficient work practices.

I insist on engaging and developing staff no matter what their role in Council may be.

I also engage with Councillors and ensure they are provided with material fact and information to allow them to make decisions on behalf of the community.

ACHIEVEMENTS

As General Manager of Auburn Council staff achieved many industry awards and recognition under my leadership.

- A.R. Bluett Memorial Award 2008 for the most improved Council. The one and only award of this nature ever awarded to Auburn.
- Many LGMA Awards for Excellence honouring staff excellence
- Metro Pool excellence Awards for "Burning Cost Model" Workers Compensation with annual premium savings of \$1.3million.
- Introduced whole of business supply management systems.
- Introduced Strategic Planning systems and methodology.

- Introduced performance planning including "Auburn 2030" with a supporting 30 year financial model. This model preceded the DLG integrated planning legislation but met all the requirements of the legislation.
- Introduced Staff performance planning and remuneration systems based on performance.
- Planned and financed a capital works program achieving 2 new road bridges, multi storey car park, open space irrigation and lighting, public golf course redevelopment including stormwater recycling and other improvements valued in excess of \$40million.
- Planned and built the first community centre at North Auburn.
- Achieved all capital works improvements on time on budget.
- Led reform in local government in terms of professional development and staff training.
- Spoke at international conferences in Shenyang China on "Capacity Building within the public sector" and addressed Council members on Olympic Legacy in Beijing and London.
- Speaker at Local Government Auditors annual conferences and other professional conferences.

DIRECTOR, CORPORATE AND COMMUNITY SERVICES, Wyong Shire Council.

Wyong Shire was one of the most outstanding performing Councils in New South Wales. Its leadership was visionary and risk oriented. The elected Council was supportive and prepared to respect and support the professionalism of the staff.

Wyong Shire is one of the largest multi purpose local government authorities in New South Wales employing more than 1200 employees with a budget of \$350 Million serving a resident population of 150,000 residents.

As Director I was responsible for

- Entire financial planning and budget control
- Supply and contract management
- Human resource management
- Staff training
- Enterprise risk management including self insurance workers compensation
- Business enterprises including 10 childcare centres, 4 caravan parks and land development
- Economic development
- Community Services
- Customer Services
- Libraries
- IT

- Property management
- Legal services
- Administration
- Council services
- Contract Audit Services
- Event Management

ACHIEVEMENTS

- Introduced e-commerce processes before e-commerce became industry practice
- Established and introduced integrated customer service centres through library networks
- Initiated workplace reform processes with staff input saving millions of dollars through productivity savings
- Initiated strategic resourcing reducing supplier numbers and saving supply costs
- Planned and managed the Sydney 2000 Wyong segments of the Olympic and Paralympic Torch Relays and received commendations from the Organizing Committee for the excellence of the events
- Initiated Councillor Weekend Workshop planning sessions now used by most Councils and State Government to chart strategic directions
- Established the nationally acclaimed "Central Coast Business Mentor Service"

- Refinanced loans saving \$39 Million in real terms
- Negotiated the establishment of corporate headquarters for business in Wyong
- Established Self Insurance Workers Compensation for Wyong

DEPUTY SHIRE CLERK, Wyong Shire Council

The duties of the Deputy Shire Clerk were the same as that of the Director Corporate and Community Services.

DIRECTOR, FINANCE AND RESOURCES, Wyong Shire Council

As Director I was responsible for

- All financial functions
- Supply and contract management
- Human resource management
- Staff training
- Enterprise risk management including all insurances
- Business enterprises consisting of 4 caravan parks
- Customer services
- IT

TOWN CLERK, Glen Innes Municipality

Responsible for the management and performance of the Council.

ACHIEVEMENTS

- Introduced Corporate Management systems and philosophy
- Developed the historic town centre theme
- Sponsored joint development of depots and shared facilities with adjoining Shire

Deputy Town Clerk, Glen Innes Municipality

- Financial management
- Rating
- Gas billing
- IT
- Community services

Education

- Qualified Town and Shire Clerk under the 1919 Local Government Act

- Diploma Local Government Management Mitchell College of Advanced Education
- Master of Business Public Sector Management Charles Sturt University

Skills

- Demonstrated leadership skills in managing a diverse range of teams including the ability facilitate and support change management
- Ability to think strategically
- Established networks within local, state and federal governments
- Political awareness and demonstrated ability to develop positive working relationships with Councillors and staff
- Financial Management skills
- Demonstrated judgement, strong interpersonal skills, conflict resolution and negotiation skills
- Policy development and implementation skills
- Extensive written communication skills
- Legal skills
- Enterprise risk management including work health and safety knowledge
- Ability to liaise with key stakeholder groups
- Contract Management skills

- Property management skills
- Public presentation skills
- Ability to influence and direct outcomes
- Sound knowledge of meeting law and practice
- Demonstrated ability to innovate
- Demonstrated knowledge of business process improvement
- Demonstrated knowledge of human resource issues including industrial relations
- Demonstrated knowledge of IT systems
- Demonstrated ability to provide fearless advice
- Demonstrated ability gain commitment and respect of staff
- Demonstrated ability to think outside the box to achieve best results
- Demonstrated ability to engage with the community

Referees

I can provide referee contacts when requested.