

REPORTS FROM THE DIRECTOR TECHNOLOGY & CORPORATE SERVICES

a33 [TCS-CM] Conduct Review Panel Status Report

ORIGIN:

Corporate Governance

SUMMARY OF REPORT:

Recent press reports have indicated that clarification of the Conduct Review Panel and Code of Conduct is required. This report also advises the resignation of one (1) panel member and releases details of Panel Members following their endorsement in accordance with Section 12 of the Local Government Act.

RECOMMENDATION:

That the status report on the Conduct Review Panel be received and noted.

REPORT:

Following recent media reports that have raised the purpose and functionality of the Conduct Review Panel it is seen as an opportune time to provide some further background information regarding its formation and operation.

Since January 2005 Council, as has every other general purpose and county council within New South Wales, had to comply as a minimum with the provisions of the Model Code of Conduct as proposed by the New South Wales Department of Local Government. The Code of Conduct (version 1.4) that was adopted by Council (under Administration) on 15 July 2008 was the result of a revised model Code of Conduct by the New South Wales Department of Local Government that became effective as at 20 June 2008 and included provisions for complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer.

Section 12.12 of the Code of Conduct states - *'Council must resolve to appoint persons independent of council to comprise the members of a conduct review committee and/or act as sole conduct reviewers.'*

Section 12.13 states *'The members of the conduct review committee and/or persons acting as sole conduct reviewers should be appropriately qualified persons of high standing in the community. These persons do not need to be residents of the local government area of the council that has appointed them.'*

Section 12.14 further states *'The conduct review committee, members of such committee and sole conduct reviewers may act in that role for more than one council.'*

Also, within the Code of Conduct the following section clarifies the role of the conduct review committee/reviewer:

Section 14.1 – Jurisdiction of the conduct review committee/reviewer

The complaint handling function of the conduct review committee/reviewer is limited to consideration of, making enquiries into and reporting on complaints made under clause 11.1, about councillors and/or the general manager.

Council further reviewed and amended the Code of Conduct (version 1.5) at the Council Meeting of 17 March 2009 with amendments to sections 9.9 and 10.22.

The following information on the formation of the Conduct Review Panel is provided in a timeline form to highlight that this matter has been previously considered by Council on a number of occasions.

15/07/08 Council adopts June 2008 Model Code of Conduct which included sections relating to the establishment and functioning of the Conduct Review Committee (Council under Administration)

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- 15/07/08 Council defers the appointment of at least 3 independent members to the Conduct Review Committee until the election of the Council in September 2008 (Council under Administration)
- 13/09/08 Election of Councillors
- 16/12/08 Consideration by Council of the establishment of the Conduct Review Committee Panel

RESOLVED that Council:-

1. Adopts the Draft Conduct Review Committee/Sole Reviewer Policy.
2. Invites an Expression of Interest from suitably qualified persons independent of council in order to establish a Conduct Review Committee panel of at least five members.
3. Considers the inclusion of:
 1. Superintendent Michael Kenny, Local Area Commander, Tweed / Byron Police District;
 2. David Gibson, former Director LGSA; and
 3. Dr Roslyn Cameron Lecturer in HR at the School of Commerce and Management, Southern Cross University, Tweed Heads

for membership of the Conduct Review Panel as part of the Expression of Interest process.

4. Determines that the fee for service payable to members appointed to each Conduct Review Committee/Sole Reviewer is:

	Chair	Member
Full Day	\$372.00	\$225.00
Half Day	\$186.00	\$113.00

together with reasonable out of pocket expenses, with the fee for service shall be indexed annually by CPI.

The expression of interest was undertaken in accordance with the requirements of the Code of Conduct with advertisements being placed in the Tweed Link and Northern Star.

- 17/02/09 Consideration by Council of a Confidential Report on appointment of members of Conduct Review Panel following the calling of expressions of interest for membership of the panel

RECOMMENDED that Council:

1. Appoints to the Conduct Review Committee Panel:
 - Superintendent Michael Kenny (Local Area Commander, Tweed/Byron Police District);
 - David Gibson (former Director LGSA); and
 - Dr Roslyn Cameron (Lecturer in HR at the School of Commerce and Management, Southern Cross University, Tweed Heads).
2. Determines the appointment of a further three members to the Conduct Review Committee Panel be candidates 1, 8 and 11 of the list contained in the report.

As the three further panel members appointed at the February Council Meeting were only referenced by candidate number within the Council resolution, in accordance with the Confidential report, after confirmation from the successful candidates the following details are provided:

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|---------------------|--|
| 1. Maryann Andersen | March 2005 to March 2008 – served as a Review Commissioner for Local Government Electoral & Boundaries Review Commission;
December 2008 – Appointed by Redland City Council (QLD) to Councillors Conduct Review Panel |
| 8. Glen Ratjens | Long career in NSW Police Force, conducting criminal investigations
Lecturer and tutor in the subject of “Ethics” and Managing Criminal Investigation
Masters Degree in Ethics |
| 11. John Hawkins | Life membership High Court of Australia
Diploma in Law – Supreme Court of NSW
Retired 15 years |

Mr Michael Kenny has resigned from the panel effective 27 July 2009 and there is no requirement to call for any further nominations as the panel currently consists of the minimum requirement of five panel members as prescribed in the Conduct Review Committee/Sole Reviewer Policy.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Fees payable to panel members in accordance with budget allowance.

POLICY IMPLICATIONS:

In accordance with Code of Conduct and Conduct Review Committee/Sole Reviewer Policy

UNDER SEPARATE COVER:

Nil.

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COUNCIL MEETING DATE: TUESDAY 18 AUGUST 2009
ADDENDUM
