

Memorandum



To:	Interim Administrator Viv May
From:	General Manager, Lisa Miscamble
Subject:	<i>Appointment of Directors under the revised structure</i>
Date:	26 August 2021

Council at its meeting held on 14 July 2021 considered a report on the realignment of the organisational structure and subsequently resolved that:

- 1. As per s332 of the Local Government Act 1993 Council adopts an Executive Team structure comprising of three Directors.*
- 2. The Director positions be designated senior staff positions and to be engaged on performance-based contracts, following a competitive merit-based recruitment process.*
- 3. Council note that following the appointment of the three (3) Directors further adjustments will be undertaken to the structure which will involve staff engagement and consultation.*
- 4. Council note that a Cultural Change Program will be implemented to support the organisation to foster a healthy and productive workplace that is focussed on delivery of community outcomes.*

Following Council's resolution, recruitment for the three Director roles commenced, with the assistance of Judith Carpenter and Associates. Judith Carpenter and Associates is a well-respected and established specialist recruitment agency.

A Panel consisting of the following members was convened to interview the short-listed applicants:

- Judith Carpenter, the recruitment specialist
- John Rayner, former General Manager of Sutherland Shire Council (35 years) as respected local government professional
- General Manager, Lisa Miscamble.

Following a highly competitive process three successful candidates were selected.

OLG requirements for the appointment of Senior Staff

On 10 August 2021 the NSW Office of Local Government issued a Circular: 21-22 Updated guidance on the appointment and dismissal of senior staff.

Set out below are the key changes contained in this Circular:

- *Under section 337 of the Act general managers must consult with the governing body of the council before appointing or dismissing the holders of "senior staff" positions. It is important to note that section 337 requires this consultation to occur before a decision on appointment or dismissal has been made. The requirement to consult with the governing body under section 337 will not be satisfied where a general manager informs councillors of their decision after it has been made.*
- *Consultation with the governing body of the council on the appointment and dismissal of senior staff need not necessarily occur at a formal council meeting. For example, consultation can occur at a councillor briefing, an informal workshop or with each councillor individually by telephone or email.*

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- *Where consultation occurs outside of a council meeting, the requirement to consult with the “council” under section 337 necessarily requires that this be undertaken in a way that ensures that all members of the governing body are informed of the proposed decision and are given the opportunity to provide comment to the general manager.*
- *When consulting with councillors on decisions to appoint or dismiss senior staff, the general manager should inform them of their proposed decision and provide sufficient information to allow councillors to understand the reasons for the decision and to allow them to provide input into the decision.*
- *When consulting councillors on a decision to appoint or terminate the employment of a senior staff member, the general manager should consider the views of councillors. However, the ultimate decision to appoint or dismiss senior staff rests with the general manager and not the governing body. It is therefore not open to the governing body of the council to direct the general manager on the appointment or dismissal of senior (and any other) staff.*
- *The requirement to consult with councillors on the appointment of senior staff under section 337 of the Act is not satisfied by including councillors on recruitment panels for senior staff. Section 335 of the Act expressly confers on the general manager responsibility for the appointment of staff, and councillors should not, as a rule, be included on recruitment panels for staff. As ICAC has noted, the inclusion of councillors on recruitment panels has the potential to create confusion about who is responsible for the appointment of the successful candidate. It may also send the wrong message to the employee as to who may give directions about the exercise of their functions. Under the Act senior and other staff are subject to direction by the general manager and not councillors.*

The following link provides the full Circular on the OLG website:

[21-22 updated guidance on the appointment and dismissal of senior-staff](#)

As per this Circular I now wish to advise of my intention to appoint the following three individuals to the Directors roles and provide details of their experience and qualifications.

Director Communities and Place: Geoff King

Mr King has extensive experience in local and State government including roles at Parramatta City Council; the former Rockdale Council, Fairfield, Baulkham Hill, NSW Department of Planning and the NSW National Parks and Wildlife Service.

Mr King’s most recent role at Parramatta City Council was Group Manager City Strategy where he was responsible for leading the major strategic and policy functions of Council, including major components of the IP&R framework. The Unit is also responsible for several key strategies, programs and projects across a range of disciplines including social, environmental, economic, culture, transport and innovation policy and strategy. Of note is Mr Kings role in smart city initiatives and strong place management focus.

Mr King holds a Master of Environmental Planning, Bachelor of Landscape Architecture (Hons) and a graduate Certificate in Public Sector Management.

Director Corporate Strategy and Resourcing: Ms Carmel Foster

Ms Foster has extensive experience in local government, state and private sector, holding senior positions at Port Stephens Council, Lake Macquarie and Landcom (Hunter/Central Coast).

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Ms Fosters' most recent role was Group Manager (Director) Corporate Services at Port Stephens Council. In this role Ms Foster was responsible for leading the functions of Financial Services, Workplace Development, Information Technology, Business Improvement, Holiday Parks and Commercial and Statutory Property. Of note is Ms Fosters involvement in the establishment of a koala sanctuary tourism facility at Anna Bay.

Ms Foster holds a Master of Planning, Masters of Property Development, Post Graduate Diploma in Urban Estate Management and is also a graduate of the Australian Institute of Company Directors.

Director Service Delivery and Projects: Karin Targa

Ms Targa has extensive experience in local government holding roles at Bayside and the former Rockdale Council; Blue Mountains, City of Thuringowa (Qld), City of Moreland (Vic).

In her most recent roles at Bayside, as City Projects Director and Director of City Operations, Ms Targa has been responsible for the effective delivery of a capital program of \$60m per annum, stewardship of Council's \$910m in assets, delivery of Council's projects, city assets, traffic and road safety, spatial and asset information, procurement and fleet, domestic waste collection and cleansing, parks, civil works and commercial businesses. Of note are Ms Targa's skills and demonstrated experience in leading the effective delivery of complex community projects.

Ms Targa holds a Bachelor of Science Landscape Architecture and Environmental management and qualifications in Project Management.

It is my intention to appoint of Mr Geoff King and Ms Carmel Foster and Ms Karin Targa, under s233 of the Act as Senior Staff on 5-year performance-based contracts.

A handwritten signature in black ink, appearing to read 'Lisa Miscamble', with a small mark to the right.

Lisa Miscamble
General Manager