

Memorandum



To:	Administrator Viv May
From:	General Manager, Lisa Miscamble
Subject:	<i>Appointment of Director Communities and Place</i>
Date:	8 August 2022

I am writing to advise of my intention to appoint the Director Communities and Place, following the resignation of Mr Geoff King as of 30 June 2022.

The recruitment of the new Director was undertaken 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
- Craig Wrightson, General Manager Lane Cove Council
- General Manager, Lisa Miscamble.

Following a highly competitive process a successful candidate was selected.

OLG requirements for the appointment of Senior Staff

As this is a designated Senior Staff role, appointments are to be made in accordance with the NSW Office of Local Government requirements. Set out below are the pertinent requirements contained in the Circular (August 2021):

- *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.*
- *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.*
- *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*

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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 Adan Davis to the role of Director Communities and Place.

Mr Davis has experience in both local government and private practice. Over his career Adan has held roles at Canterbury, Fairfield, Holroyd/ Cumberland and Liverpool City Council's and has extensive experienced in management roles in the planning area as well as implementing organisational change in complex settings. In addition, Mr Davis has worked in his own planning practice as well as holding Associate Director and Director roles in planning and place consultancies. Mr Davis is in the process of securing accommodation in the area and will be joining us mid September.

It is my intention to appoint of Mr Davis, under s233 of the Act as Senior Staff on 4-year performance-based contract, to bring him in line with the terms of the other two Directors.

A handwritten signature in dark ink, appearing to read 'Lisa Miscamble'. The signature is fluid and somewhat abstract, with several loops and a long horizontal stroke at the end.

Lisa Miscamble
General Manager