

1645—MR DICK PERSSON

Ms Ficarra to the Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance representing the Premier, Minister for Citizenship—

The Minister for Education and Training representing the Premier stated in his answer to the Question on Notice 1505 that Mr Dick Persson is an "SES officer of the Department of Premier and Cabinet, Mr Persson is subject to the Code of Conduct for officers of the Department of Premier and Cabinet. Mr Persson is also subject to any whole of government codes by virtue of his appointment to an SES position in the Department of Premier and Cabinet" .

1. In view of the Premier's answer, will the Premier ensure that a full investigation be undertaken by his Department into Mr Persson's conduct in relation to breaches of the Code of Conduct for officers of the Department of Premier and Cabinet, possible maladministration pursuant to the Ombudsman's Act and corrupt conduct pursuant to the Independent Commission Against Corruption Act?
 - a. If so, will the Department look at Mr Persson's conduct in relation to the following;
 - i. abuse of residents of Warringah and making defamatory comments about objectors to the Dee Why Town Centre LEP at Council meetings since 13 November 2007?
 - ii. breaches of the principles of administrative law in that he has fettered his discretion and failed to provide procedural fairness by issuing a Media Release on Warringah Council letterhead in November 2007 promoting the Dee Why Town Centre proposal to increase height limits from 5 and 6 storeys to 20 storeys in stating "it is Dee Why's last chance" and also providing the contact details of Multiplex developments in the Council Media Release?
 - iii. conduct that amounts to maladministration pursuant to the Ombudsman's Act 1974 and possible corrupt conduct pursuant to the ICAC Act 1988 by his comments regarding objectors, for why a Public Hearing should not be held and failure to adhere to the Warringah Council Code

of Conduct and Independent Hearing and Assessment Panel Charter?

- iv. conduct that amounts to maladministration pursuant to the Ombudsman's Act 1974 and possible corrupt conduct pursuant to the ICAC Act 1988 due to his conflict of interest occasioned by his meetings with Multiplex/Vambucca development representatives and public comments in relation to the applicants and the applications?
 - v. alleged misuse of the Warringah Council issued Credit Card?
 - vi. failing to act impartially, in the public interest and to maintain public trust?
- b. If not, why not?

Answer—

1. If the member has any evidence to suggest maladministration or potential corrupt conduct by Mr Persson that evidence should be referred to either the Ombudsman or the Independent Commission Against Corruption.
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Question asked on 9 April 2008 (session 54-1) and printed in [Questions & Answers Paper No. 46](#).

Answer printed in [Questions & Answers Paper No. 51](#).

1857—SECONDARY EMPLOYMENT AND REMUNERATION OF LOCAL GOVERNMENT ADMINISTRATORS

Ms Ficarra to the Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance representing the Premier, Minister for Citizenship—

1. Does Ms Gabrielle Kibble hold any other positions either publicly or privately other than as Administrator of Liverpool and Wollongong Councils?
 - a. If so,
 - i. what are the positions held?
 - ii. what is the total amount of remuneration she is receiving per annum for any Government, Government Boards or Statutory Authority appointments?

- iii. has Ms Kibble applied for permission pursuant to the Government's Policy on secondary employment?
- 2. Does Mr Robert McGregor hold any other position either publicly or privately other than as Administrator of Wollongong Council?
 - a. If so,
 - i. what are the positions held?
 - ii. what is the total amount of remuneration he is receiving per annum for any Government, Government Boards or Statutory Authority appointments?
 - iii. has Mr McGregor applied for permission pursuant to the Government's Policy on secondary employment?
 - 3. Does Dr Col Gellatly hold any other position either publicly or privately other than as Administrator of Wollongong Council?
 - a. If so,
 - i. what are the positions held?
 - ii. what is the total amount of remuneration he is receiving per annum for any Government, Government Boards or Statutory Authority appointments?
 - iii. has Dr Gellatly applied for permission pursuant to the Government's Policy on secondary employment?
 - 4. Does Mr Dick Persson hold any other position either publicly or privately other than as Administrator of Warringah and Port Macquarie-Hastings Councils?
 - a. If so,
 - i. what are the positions held?
 - ii. what is the total amount of remuneration he is receiving per annum for any Government, Government Boards or Statutory Authority appointments?
 - iii. has Mr Persson applied for permission pursuant to the Government's Policy on secondary employment?
 - 5. For those Administrators who are the subject of Senior Executive Service Contracts, who undertakes their performance reviews as required under their Senior Executive Service contracts?
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Question asked on 4 June 2008 (session 54-1) and printed in [Questions & Answers Paper No. 55](#).

No answer has been published

1856—CODE OF CONDUCT AND ETHICS FOR PUBLIC SECTOR EXECUTIVES

Ms Ficarra to the Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance representing the Premier, Minister for Citizenship—

1. Are all Chief and Senior Executive Service Officers required to comply with the Code of Conduct and Ethics for Public Sector Executives as a condition of their contract of employment, in addition to meeting the requirements of their own agency's Code of Conduct?
2. In relation to the issues raised in the Question on Notice 1274 asked in the Legislative Council on 4 December 2007, as well as conduct outlined in letters to the Premier and Director General of the Department of Premier and Cabinet and other Ministers from Friends of Warringah Inc, other Warringah community groups and residents, has Mr Persson breached sections 1.3, 2.1-2.6, 4.2, 6.2, 7.1, 10.2 and 13.1 of the Code of Conduct and Ethics for Public Sector Executives?
 - a. If so,
 - i. what action does the Department of Premier and Cabinet propose to take in relation to these alleged breaches?
 - ii. will the Government terminate Mr Persson's contract?
3. Why has the Department of Premier and Cabinet failed to conduct a formal investigation into Mr Persson's alleged breaches of the Code of Conduct and Ethics for Public Sector Executives?
4. Will the Department of Premier and Cabinet ensure an independent disciplinary investigation pursuant to the provisions of the Public Sector Employment and Management Act is conducted into Mr Persson's apparent breaches of the Code of Conduct for Executives and provisions of the Public Sector Employment and Management Act?
 - a. If not, why not?

Question asked on 4 June 2008 (session 54-1) and printed in [Questions & Answers Paper No. 55](#).

No answer has been published

1274—DRAFT LOCAL ENVIRONMENT PLAN — DEE WHY TOWN CENTRE

Ms Ficarra to the Minister for Lands, Minister for Rural Affairs, Minister for Regional Development representing the Minister for Local Government, Minister for Aboriginal Affairs, Minister Assisting the Minister for Health (Mental Health)—

- a. Did Mr Dick Persson, the Administrator of Warringah Council, issue a Media Release on Warringah Council letterhead dated 9 November 2007 supporting the proposal to increase the height limits of the Dee Why Town Centre to 20 storeys, which also included the name and contact details of the private developer's media spokesperson, prior to making a decision at the Warringah Council meeting on 13 November 2007?
- b. Did Mr Persson voice his support of the proposal in the Manly Daily on 10 November 2007 and in the ratepayer funded council column in the Manly Daily, prior to making a decision at the Warringah Council meeting on 13 November 2007?
- c. At the Council meeting of 13 November 2007 was Mr Persson abusive and dismissive and did he denigrate members of the community who objected to the proposal, contrary to the Council's Code of Conduct, meeting practice and Local Government Act 1993?
- d. Will the Minister and Department of Local Government ensure that an investigation into Mr Persson's conduct is undertaken?
 - i. If not, why not?
- e. In view of Mr Persson fettering his discretion and breaching the principles of administrative law in relation to the proposal regarding the Dee Why Town Centre and Warringah Local Environment Plan, will the Minister appoint an alternate Administrator to consider all proposals in relation to the Dee Why Town Centre and Warringah Local Environment Plan?
 - i. If not, why not?

Answer—

I provide the following details in response to your questions:

1. to (5). The role of an administrator is to carry out the functions of the council under administration that are normally

undertaken by the council's elected representatives.

Administrators and the councils under their administration are subject to the same level of departmental and public scrutiny as any other council.

The role of an administrator is to carry out the functions that would normally be undertaken by the elected representatives of the council, including policy making, ceremonial functions and exercising community leadership.

Any member of the community who feels they were treated contrary to the Council's Code of Conduct should write to the Director General of the Department of Local Government providing details of the alleged breach.

Upon receipt of any complaints in regard to this matter, the Department of Local Government will review and assess the matter.

There are no grounds for appointing an alternative Administrator.

Question asked on 4 December 2007 (session 54-1) and printed in [Questions & Answers Paper No. 34](#).

Answer printed in [Questions & Answers Paper No. 36](#).

1855—APPOINTMENT OF SENIOR EXECUTIVE SERVICE OFFICERS

Ms Ficarra to the Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance representing the Premier, Minister for Citizenship—

1. In relation to recent events involving the appointment of Mr Joe Scimone to the New South Wales Senior Executive Service, what process is being undertaken by way of background checks by the Government to confirm the integrity of such people before appointment?
2. It was alleged in Queensland Parliament, particularly on 2 April 1996, that Mr Dick Persson was fraudulently given Government money to relocate from New South Wales to Queensland prior to his appointment by the Queensland Labor Government in 1989/1990. It was further alleged that during this time the calculation of his leave entitlements was fraudulent. In relation to these allegations:
 - a. Did Mr Persson disclose these allegations to the Government prior to his appointment as a NSW Senior Executive Service Officer?
 - b. What background checks did the Government undertake into Mr Persson prior to him being appointed to the Government following his employment in Queensland?
 - c. Was the Government aware of these allegations?

- d. Did Mr Persson have a 18 month break from the public service?
 - i. If so, has this been taken into account in the calculation of leave entitlements by the Government?
- e. Does the Department of Premier and Cabinet administer Mr Persson's leave records and are absences from duty at Warringah Council taken into account for the purpose of Mr Persson's leave entitlements?
- f. For the following periods, how many recreation leave days has Mr Persson taken and who authorised this leave:
 - i. 2003/2004?
 - ii. 2004/2005?
 - iii. 2005/2006?
 - iv. 2006/2007?
 - v. 2007 to present?
- g. For the following periods, how many days extended leave has Mr Persson taken and who authorised this leave:
 - i. 2003/2004?
 - ii. 2004/2005?
 - iii. 2005/2006?
 - iv. 2006/2007?
 - v. 2007 to present?
- h. For the following periods, how many sick leave days has Mr Persson taken and who authorised this leave:
 - i. 2003/2004?
 - ii. 2004/2005?
 - iii. 2005/2006?
 - iv. 2006/2007?
 - v. 2007 to present?
- i. As at 31 May 2008, how many days does Mr Persson have in recreation leave entitlements, extended leave entitlements and sick leave entitlements?

Question asked on 4 June 2008 (session 54-1) and printed in [Questions & Answers Paper No. 55](#).

No answer has been published

1853—APPOINTMENT OF LOCAL GOVERNMENT ADMINISTRATORS

Ms Ficarra to the Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance representing the Premier, Minister for Citizenship—

1. In relation to the appointment of Mr Robert McGregor, Dr Col Gellatly and Ms Gabrielle Kibble as Administrators for the dismissed Wollongong Council:
 - a. Why did the Government appoint three Administrators to Wollongong Council when they only appointed one person to be the Administrator of Warringah Council and Port Macquarie-Hastings Council?
 - b. At the time of appointment, were Mr McGregor, Dr Gellatly and Ms Kibble displaced Senior Executive Service Officers of the Government?
 - i. If so, what was the date of commencement and date of expiration of each of their Senior Executive Service contracts?
 - ii. What remuneration is each Administrator receiving for their terms as Administrator of Wollongong Council?
 - iii. If the Administrators are subject to Senior Executive Service contracts, who is responsible for conducting their performance reviews as required under the Senior Executive Service contract of employment?
2. In view of the Government appointing three Administrators for Wollongong Council and Tweed Council, and the community's concerns surrounding Mr Dick Persson's conduct at Warringah Council, will the Government ensure that two more Administrators are appointed to Warringah and Port Macquarie-Hastings Council to ensure transparency and integrity in decision-making?
 - a. If not, why not?

Question asked on 4 June 2008 (session 54-1) and printed in [Questions & Answers Paper No. 55](#). No answer has been published

1787—LEAVE OF ABSENCE—ADMINISTRATOR OF WARRINGAH COUNCIL

Ms Ficarra to the Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance representing the Premier, Minister for Citizenship—

1. Did you or any member of the Department of Premier and Cabinet authorise the leave and overseas travel of the Administrator of Warringah Council who is subject to a Senior Executive Service contract?
 - a. If so,
 - i. who authorised the leave?
 - ii. on what date was the leave authorised?
 - iii. what is the period of leave authorised?
 - iv. will the Administrator be receiving any payments by the Government or Warringah Council while he is overseas?
 - v. is the Administrator entitled to use any credit cards issued by Port Warringah Council or the State Government while overseas?
2. Has the Government appointed an alternate Administrator to oversee Warringah Council during the Administrator's absence overseas?
 - a. If not, why not?

Question asked on 15 May 2008 (session 54-1) and printed in [Questions & Answers Paper No. 53](#).

No answer has been published

1786—LEAVE OF ABSENCE—ADMINISTRATOR OF PORT MACQUARIE-HASTINGS COUNCIL

Ms Ficarra to the Minister for Lands, Minister for Rural Affairs, Minister for Regional Development representing the Minister for Local Government, Minister for Aboriginal Affairs, Minister Assisting the Minister for Health (Mental Health)—

1. Did you or any member of the Department of Local Government authorise the leave and overseas travel of the Administrator of Port Macquarie-Hastings Council who is subject to a Senior Executive Service contract?
 - a. If so,
 - i. who authorised the leave?

- ii. on what date was the leave authorised?
 - iii. what is the period of leave authorised?
 - iv. will the Administrator be receiving any payments by the Government or Port Macquarie-Hastings Council while he is overseas?
 - v. is the Administrator entitled to use any credit cards issued by Port Macquarie-Hastings Council or the State Government while overseas?
2. Has the Government appointed an alternate Administrator to oversee Port Macquarie-Hastings Council during the Administrator's absence overseas?
 - a. If not, why not?

Question asked on 15 May 2008 (session 54-1) and printed in [Questions & Answers Paper No. 53](#).

No answer has been published

1760—HEALTHQUEST

Ms Ficarra to the Attorney General, and Minister for Justice representing the Minister for Health—

1. What salary, allowances and sitting fees do the following members of the HealthQuest Board receive:
 - a. Mr Richard Persson - [Chairman]?
 - b. Mr Wayne Cahill - [Deputy Chair]?
 - c. Dr Ian R Gardner - Occupational Physician?
 - d. Mr Terrence Hannan - Representative of the Labour Council of NSW?
 - e. Ms Rosemary Milkins - Health NSW Senior Executive?
 - f. Ms Dianne Pattenall?
 - g. Ms Jan McLelland?

Question asked on 14 May 2008 (session 54-1) and printed in [Questions & Answers Paper No. 52](#).

No answer has been published

1505—DISPLACED DIRECTOR GENERAL

Ms Ficarra to the Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance representing the Premier, Minister for Citizenship—

1. On what date did Mr Dick Persson become a displaced Director General?
2. At the time of displacement, what was the date of expiration of Mr Persson's SES contract?
3. On what date was Mr Persson's SES contract renewed and on what terms?
4. What is the date of expiry for Mr Persson's current SES contract?
5. Is Mr Persson subject to the Code of Conduct for Senior Executive Service Officers?
6. Will the Premier ensure that the issues raised in the Question on Notice 1274, asked on 4 December 2007 are fully investigated by the Department of Premier and Cabinet?
 - a. If not, why not?
7. Following Mr Persson's representations to you for the appointment of the Director General of either the Premier's Department or Cabinet, what were the reasons for not appointing him?
8. Is Mr Persson's appointment as Administrator of Port Macquarie Council a result of the Government's refusal to appoint him a Departmental Director General?
9. What Boards and other organisations has the Government appointed Mr Persson to and what is the salary for each appointment?
10. Does Mr Persson have an SES Credit Card?
 - a. If so, what has been the expenditure on that card for the following financial years:
 - i. 2003/2004?
 - ii. 2004/2005?
 - iii. 2005/2006?
 - iv. 2006 to present?
11. Is it true that Mr Persson has a Warringah Council Credit Card and that on more than one occasion he has been required to pay back certain moneys due to such payments not falling within his role as Administrator?
 - a. If so,

- i. Is this conduct contrary to the Code of Conduct of Senior Executive Service Officers?
 - ii. Will you ensure that Mr Persson's use of the Warringah Council Credit card is fully investigated by your Department?
 - b. If not, why not?
12. What salary will Dick Persson receive as Administrator of Port Macquarie Council?
 13. Will he receive two salaries and other allowances for being Administrator of both Port Macquarie and Warringah Council?
 - a. If so, what is the total amount of salary, allowances and any other payments he will receive for the period 4 March 2008 to 30 September 2008 as Administrator of both Councils?
 14. What is the total amount of salary and allowances Mr Persson receives for all his State Government appointments?

Answer—

1. Mr Persson became an unattached CES officer following the abolition of the former Department of Public Works and Services.
2. At the time of his unattachment as a CES officer Mr Persson's appointment was current until 3 December 2004.
3. Mr Persson was subsequently appointed to an SES position in the Department of Premier and Cabinet with effect from 4 December 2004. The appointment was for a five year period expiring on 27 September 2008.
4. 27 September 2008.
5. As an SES officer of the Department of Premier and Cabinet Mr Persson is subject to the Code of Conduct for officers of the Department of Premier and Cabinet. Mr Persson is also subject to any whole of government codes by virtue of his appointment to an SES position in the Department of Premier and Cabinet.
6. Question 1274 of 4 December 2007 is a matter for the Minister for Local Government.
7. Ms Robyn Kruk was appointed Director General of the Department of Premier and Cabinet following the retirement of Dr Colin Gellatly. The question is irrelevant.
8. Mr Persson's appointment as Administrator, Port Macquarie Council is a matter for the Minister for Local Government.
9. During his appointment as Administrator of Warringah Council Mr Persson has held appointment to a number of Boards. The remuneration for each Board has been paid to his employer, the Department of Premier and Cabinet.

10. There is no such item as an SES credit card. For the record Mr Persson does not hold a Department of Premier and Cabinet credit card.
11. This is a question more appropriately responded to by the Minister for Local Government.
12. As Administrator of Port Macquarie Council Mr Persson will only receive his remuneration as an SES officer of the Department of Premier and Cabinet. Any fees as Administrator will be paid to the Department of Premier and Cabinet.
13. See answer to Question (12). Mr Persson is remunerated by the Department of Premier and Cabinet as an SES officer.
14. Mr Persson is only remunerated as an officer of the Department of Premier and Cabinet.

Question asked on 4 March 2008 (session 54-1) and printed in [Questions & Answers Paper No. 39](#).

Answer printed in [Questions & Answers Paper No. 45](#).