

CONFIDENTIAL REPORT

Filename: REPA3713

FILE REF: 2053 – Crime Prevention

DATE: 18th February 2004

TO: Her Worship the Mayor & Councillors

FROM: Human Resource Manager
via Senior Management Group

SUBJECT: **Total Cost of Termination of Employment Contract (Ray Willis)**

In response to Cr Veen's "Elected Member Request" (106645), I submit the following.

Background

The employment of Council's Crime Prevention Officer was terminated on 20th June 2003. Such termination was a direct result of Government funding being withdrawn from this particular Program.

Mr Willis lodged an "unfair dismissal claim" with the Industrial Relations Commission on 3rd July 2003, siting (and sought a compensation figure of one year's salary) :-

- a) *No consultation*
- b) *Undertakings to employ until August 2004, regardless of external funding*
- c) *Funds still available to employ*
- d) *Failure to offer alternative arrangements*
- e) *Not allowing notice to be worked*
- f) *Manner in which dismissal was carried out*

(It should be noted that during the course of the Conferences only one item above (b) remained in dispute viz all other were withdrawn).

Four (4) conciliation meetings (convened at Council's request) were attended by either the City Manager, Director – Social Vision & City Image, and Human Resource Manager (not necessarily as one group). All conciliation meetings were presided over by Deputy President Hampton.

Miss Sonia Albertini (Norman Waterhouse) was engaged by Council on 22nd August 2003 to act/intervene on Council's behalf.

During the course of negotiations, the following out of Court offers were made :-

- 1) \$3,000 – refused.
- 2) \$5,000 – refused.
- 3) \$6,500 – refused.
- 4) \$12,000 – refused.
- 5) \$14,000 – accepted.

It should be noted that the final two offers by Council were viewed as "generous" by Deputy President Hampton.

On 29th January 2004 a legal disclaimer document (confidential) was signed by the City Manager, and the case was closed.

Summary of Costs

a) Out of Court Settlement	\$14,000-00
b) Legal Costs	\$29,791-69
c) PACC Staff Costs (est)	\$3,339-00
d) Travel, Accommodation & related costs	<u>\$230-00</u>
	<u>\$47,360-60</u>

Out of Court Settlement Advice

The out of court settlement advice was given by Miss Sonia Albertini, and recommended by Deputy President Hampton. (It should also be noted that having spent \$29,791.69 on legal advice merely for the Conferences, it was commercially prudent to settle this matter out of Court. A Court Hearing was set down for 2 to 3 days and could have involved staff time, travel & accommodation, and considerable legal costs (regardless of outcome). The outcome could have also involved costs of the other Party).

Council receives and notes the confidential report (REPA3713) dated 18th February 2004, submitted by the Human Resource Manager, concerning "**Total Cost of Termination of Employment Contract (Ray Willis)**".

AD McCOY