



Curriculum vitae

Monica Kelly

B Comm, LLB, MALP, FGIA

Principal

I hold an unrestricted legal practicing certificate, a Bachelor of Communication (Writing), Bachelor of Laws, Masters of Administrative Law and Policy, and I have been appointed Fellow of the Governance Institute of Australia.

Prevention Partners NSW is a firm with a difference – it avoids litigation. While court work is the cash-cow for most lawyers I choose to steer my clients away from the courts and away from all corporate risk.

All of my clients are either not-for-profit organisation or local government councils. I have been in sole practice for over seven years and my business continues to grow because of my focus on ethics, risk avoidance, and good governance.

My clients

- Prevention Partners NSW has secured positions upon the legal panels of Tweed Shire Council, Armidale Regional Council, Dubbo Regional Council, and Wollondilly Shire Council.
- I am a legal advisor to Local Government Procurement Pty Ltd on all things contract, procurement, and probity related. I speak at LGPs quarterly network meetings and their annual conferences.
- I am contracted to ArcBlue to draft and deliver training by on contract law topics for Chartered Institute of Procurement and Supply (CIPS).
- I also wrote the following workshops that have been rolled out across NSW on behalf of LGNSW:
 - Code of Conduct;
 - Complaints Coordinators;
 - *Government Information (Public Access) Act 2009*;
 - Hands up all Whistleblowers: *Public Interest Disclosures Act 1994*;
 - ICAC and Council.
- I am appointed to the Conduct Panels of over 20 councils.



Key major projects

- I am probity advisor to the Smithfield Road upgrade project which is Federally-funded and overseen by RMS.
- I assisted MidCoast Water Council negotiate an IT contract worth \$1.8 - \$2 mil. I secured 14 separate 'wins' for our client and conceded one.
- I acted as probity and legal advisor to Cumberland Council in relation to a complex waste tender and design and construct contract tender for the existing Granville swimming pool.
- I am appointed as probity advisor over the contentious development of the Ashfield Aquatic Centre.
- I have advised WSROC and all its member councils, and fellow ROCs, on implementation of the Container Deposit Scheme.
- I conducted a governance review of a not-for-profit organisation that was funded by a council. I considered delegations, policies, processes, procurement and organisation structure. All of my recommendations were adopted.
- I was probity advisor on a joint waste tender for four City Councils. This involved dealing with the ACCC to secure authorisation to undertake the contract formation required by the councils.
- I oversaw the drafting of LGP's suite of procurement and contractual documents for use by all NSW councils.
- I undertook a conduct review of an elected official that was overseen by the ICAC because of the severity of the allegations.
- I provided independent advice to a council regarding the structure and standing of its legal panel.

Prior to establishing Prevention Partners NSW I have most recently held the positions of:

- Principal Solicitor of Strathfield Municipal Council;
- Associate at Maddocks Lawyers, Sydney (Public Law, Planning and Environment team);
- Legal Services Coordinator at Liverpool City Council; and
- Governance Officer at Parramatta City Council.

My roles saw me charged with overseeing, steering and/or advising upon high level legal, governance and strategic decisions made within councils. I have focused on detection and avoidance of corporate risk and have frequently been called upon to assist dealing with elected officials. I am also a Conduct Reviewer on over 20 council panels.

I have also provided legal services on a broad and varied range of matters, including:



- Advising upon public/private partnerships, including probity.
- Defamation of public officials.
- Privacy matters including Privacy Management Plan drafting and interpretation of the *Privacy and Personal Information Protection Act 1998*.
- Drafting Management Agreements and Plans of Management for Community facilities.
- Public Interest Disclosure matters and interpretation of that Act.
- Conduct Committee appointment, roles and functions.
- Management of elected officials.
- Advising upon and assisting during ICAC, Information Commissioner and Ombudsman inquiries.
- The conduct of government meetings and the powers and functions of public officials.
- Procedural fairness and natural justice considerations relevant to various administrative decisions.
- Government procurement process and probity advice, including acting as probity advisor for complex tenders.
- Roles and responsibilities of Mayors, General Managers and elected officials.
- Access to government documents.
- Conflicts of interests, Code of Conduct and Code of Meeting Practice.
- Drafting of and advising on voluntary planning agreements.
- Classification of council land and implementation and amendment of Plans of Management.
- Leasing and licensing council land.
- Illegal bill posting.
- Right of way over community land and withholding owner's consent.
- Compulsory acquisition of private land.
- Policy formulation, review, advice and maintenance.
- Negotiating with solicitors and other third parties regarding various contracts.
- Public liability, professional indemnity, property loss, motor vehicle claims, workers compensation and occupational health and safety issues.
- Councils' statutory reporting requirements.
- Conducting Alternative Dispute Resolution.



- Representation in the courts, including Local and Land and Environment Courts.

Publications and Training

I have designed and presented various Continuing Legal Education papers, webinars, and training sessions for the College of Law, numerous councils, the LGMA and the LGSA, including:

- The *Government Information (Public Access) Act* 2009, both Intermediate and Advanced.
- The Power of Probity in Government.
- Think Probity and Avoid Problems.
- Conflicts of Interest for Public Officials.
- Confidentiality for Councils.
- Code of Conduct.
- Privacy and Access to Documents.
- Roles and Responsibilities of Councillors.
- Code of Meeting Practice.
- Local Government Procurement; Pitfalls and Tips.
- Councillor, Governance and Boards.
- Councils as Information Guardians.
- Councillor Induction.
- Conduct Coordinators.
- ICAC and Council.
- Probity in Procurement.

I have also written the following papers, which have either been published or presented:

- “Creative contracts”, presented at LGP’s conference 2017.
- “Probity, governance and procurement”, presented at LGP’s conference 2016.
- “Is it a deed, is it a contract? It’s a matter of construction’, presented at LGP’s conference 2015.
- “Goldilocks and the Wiley Fox” a case study of successful contract negotiation with an IT company, November 2014.
- “ICAC, beauty or beast”, NSW Law Society Journal, August 2014.



- “Experience: Snapshot of Conduct Reviews under the Model Code of Conduct June 2008”, presented at the LGSA Annual Conference, General Manager’s Forum on 2 June 2009.
- “Issues surrounding the disclosure of personal information and internal reviews”, Local Government Reporter, August 2009.
- "Local Government Procurement", in-house CLE held on 16 September 2008 at Maddocks.
- “Full disclosure: councils uphold the public’s right to be informed”, Local Government Reporter, June 2008.
- "The Governance Year in Review", CLE presented at the College of Law on 19 November 2008 as part of the New Directions in Local Government and Planning Law.
- "Leaking Confidential Information", published in Council Manager magazine, November 2007.