



MEDIA RELEASE

3 March 2022

Council considers public meeting outcomes

At its recent meeting, the Huon Valley Council considered the outcomes from the public meeting held on 4 February on the process undertaken for recruiting and appointing the General Manager.

Motions from the public meeting were addressed in both open and closed sessions of the meeting in line with the requirements within the Local Government meeting regulations.

Mayor Bec Enders said the public meeting had been an opportunity for members of the community to share their concerns about the process.

"A range of views were expressed at the public meeting, and we listened to those attending to better understand their concerns.

"At our last council meeting, we spent a great deal of time considering each motion that was carried and our goal was to provide responses to the motions and matters raised. Attached to this media release are our responses to those motions.

"Based on qualified advice from independent advisors, all the information we have been able to release we have made public. We have given the matter a great deal of time and attention and it is now time to draw a line in the sand on the recruitment process and focus on the probation review of the General Manager.

"I acknowledge that we may continue to receive questions from the community regarding the process, that is, even after we have responded comprehensively to the community concerns to date.

"However, in future, all those asking questions about the process will be referred to our dedicated page on our website where the new information will be uploaded."

Communications & Media Officer

Huon Valley Council

communications@huonvalley.tas.gov.au



One of the resolutions from last Wednesday's council meeting was to undertake a survey as part of the General Manager's probation review. This survey will be conducted by an external party and will invite councillors and the General Manager's direct reports to provide feedback on his performance since commencing in the role.

Once the responses have been received, councillors will review the feedback, and a decision will be made regarding the General Manager's performance evaluation. A special meeting will be held to undertake the probation review prior to 21 March.

Mayor Bec Enders said councillors involved in the recruitment process have learnt a great deal over the past few months.

"We have all completed training to ensure current and future councillors are better supported in identifying and managing of conflicts of interest in accordance with better practice guidelines that are being developed by WLF Accounting and Advisory for council.

"We have been advised that these guidelines will be available for us to review in coming weeks. These guidelines will not only benefit councillors and the councillor induction program for 2022 but will also be imbedded into the administration practices of the Council.

"We have come away feeling very equipped with expected standards for management of conflicts of interest, that will not only be useful for recruitment purposes but a whole range of council processes."

For more information: Mayor Bec Enders (03) 6264 0300

ATTACHMENT A

TABLE OF MOTIONS CARRIED AT THE MEETING

NO.	MOTION	COUNCIL POSITION
1	THAT: At the end of Jason Browne's probationary period his ongoing employment should not be confirmed and the position be declared vacant and a truly independent recruitment agency be engaged to re-advertise the position of General Manager	Council has not supported this motion
3	THAT: No money should have ever been paid to Red Giant and that any money that has already been paid should be recovered and returned to the ratepayers of the Huon Valley Council to be used towards the recruitment of the next General Manager	<p>Huon Valley Council on 25 November, 2021 sought advice on the following matters</p> <ol style="list-style-type: none">1. <i>Whether Red Giant has met or breached their contract terms with the Huon Valley Council;</i>2. <i>Whether the Huon Valley Council has met or breached their contract terms with Red Giant;</i>3. <i>In the event that the Director of Local Government should prosecute the Council, and individual or individuals in relation to confidential information being leaked about the recruitment of the general manager, what impact would that prosecution have on the contract terms;</i>4. <i>In the event that it is considered that a prosecution is likely for a confidential leak of candidate information by Council, a Councillor or Councillors, does the liability for compensation to Red Giant transfer to the convicted party/s?</i>5. <i>Whether Council has substantial grounds to:</i><ol style="list-style-type: none">(i) <i>refuse stage 3 payment of the Red Giant account, the amount being \$7,333.34 (inc GST), invoice dated 2 November 2021;</i>(ii) <i>request Red Giant to refund stage 2 payment, the amount being \$7,334.34 (inc GST), invoice dated 4 August 2021; and</i>(iii) <i>request Red Giant to refund stage 1 payment, the amount being \$7333.34 (inc GST), invoice dated 18 May 2021.</i> <p>Council has been advised that there are no legal grounds not to pay (dishonour) the contract.</p>

<p>4</p>	<p>THAT:</p> <p>(a) Huon Valley Council release the Edge Legal report in its entirety and, if independent legal advice confirms that portions have to be redacted, these should be shown in blacked out form</p> <p>(b) Mayor Enders release all the facts she claims would lead to a better understanding of why councillors ignored the warnings from Edge Legal, HVRRA and other concerned ratepayers.</p>	<p>Council does not support this motion. The Council has released the summary of the Report and this is all information it considers is appropriate to do so. No release of information will occur in relation to the Edge Legal Report.</p> <p>Information has already been provided.</p>
<p>5</p>	<p>THAT:</p> <p>In the interests of transparency and accountability the Mayor and Deputy Mayor provide statutory declarations that contain all the actions they undertook during April 2021 in relation to the recruitment process for the general manager, including minutes of all meetings of the Panel and file notes on discussions with other parties (eg advisors, recruitment agencies (names redacted) and all other relevant parties).</p>	<p>This motion was considered in agenda item 9.002/22. Information has already been provided.</p>
<p>6</p>	<p>THAT:</p> <p>The Huon Valley Council engage an independent staff survey firm, (ideally mainland based), to conduct an Employee Satisfaction survey of ALL Council staff.</p> <p>The survey to be completely anonymous with all the raw results to reside with the appointed market research firm.</p> <p>The GM, Mayor, Deputy Mayor and Cr Newell are to be completely excluded from any involvement in the creation and administering of the survey.</p> <p>The results of the survey are to be presented to all councillors confidentially in closed council and fed into the 6-month probation GM Review process, therefore the timing of the survey is urgent.</p> <p>The survey to include job satisfaction, employee confidence in the current GM, employee opinion on the flawed recruitment process and whether the GM recruitment process should start again.</p> <p>The Council's HR Manager to liaise and coordinate this survey with the agency who will maintain confidentiality between the agency and the collection of any sealed envelopes.</p> <p>No Councillors or staff are to open the sealed envelopes.</p>	<p>Council will be undertaking an external survey for General Managers probation review that invites direct reports of the General Manager and the Councillors to respond.</p>
<p>7</p>	<p>THAT:</p> <p>As a resident and ratepayer of the Huon Valley my motion to this Public Meeting is that I have no confidence in the appointment of Mr Jason Browne to the position of GM of the HVC, I have no confidence in the GM recruitment process, I do not believe</p>	<p>This action was resolved as per Motion 1 above. Council has not supported this motion.</p>

	<p>our Council can function with a conflicted person in such an important role as GM, and I am calling on his immediate resignation and requesting Council to that the GM recruitment process commence again.</p> <p>I am also calling on Council to seek the recovery of all expenses plus costs from Red Giant for the flawed recruitment process.</p>	<p>This action was resolved as per Motion 3 above. Council has not supported this motion.</p>
9	<p>THAT: The Huon Valley Council to release for public viewing the complete and unredacted legal reports as provided to Council from Edge Legal and Simmons Wolfhagen and all correspondence between Council and the legal firms and the legal firms and Council to include the Mayor, GM Recruitment Panel and Council staff.</p>	<p>This action was resolved as per motion 4 above. Council has not supported this motion.</p>
12	<p>2. Council to explain why legal action should not be taken against individual Councillors that openly and deliberately ignored all the independent reports that confirmed HVC was conducting a flawed and conflicted recruitment process of Jason Browne, and the inappropriate appointment of him to General Manager of HVC.</p> <p>3. Council to recommence the recruitment process. Failure to recommence the GM appointment process before the conclusion of the probationary period of his employment would see legal action instigated against all Councillors who were supportive of the flawed recruitment process. Ratepayers and Council insurance must not be liable for legal costs of individual Councillors in any legal action.</p> <p>4. HVC to fully explain the roles that former GM Emilio Reale, and former Commissioner Adriana Taylor played in relation to the General Manager Recruitment Process, and why.</p>	<p>Council has referred the matters to the Director Local government and the Auditor General and no breaches have been found.</p> <p>This action was resolved as per Motion 1 above.</p> <p>The previous General manager had no involvement in the General Manager recruitment process. Prior to seeking a request for quote from any recruitment agency, contact was made with former Commissioner Taylor who provided some advice to support the request.</p>
16	<ul style="list-style-type: none"> • I move that Council accepts and recognises the Integrity Commission works with public sector organisations to develop education plans for employees, including elected representatives, usually at no cost. • That the Integrity Commission’s general training for councillors provides: an introduction to the Commission and their functions; discussion of the concept of integrity in public service; steps for managing misconduct risks, particularly conflicts of interest; and tools to guide good decision making. 	<p>Training by WLF Accounting and Advisory has been undertaken. (On 1 February, 2022).</p>

	<ul style="list-style-type: none"> • This motion confirms the fact that the Integrity Commission were not approached by LGAT, LGD or Huon Valley Council to discuss the content of the training or Council's current needs. • I move that Council immediately abandon their plans to spend yet further ratepayers money on this flawed GM Recruitment Process. • I move that the training is not urgent, that there are only 8 months left in this term for our current elected Councillors, and if formerly approached the Integrity Commission will most likely be able to accommodate all the stated requirements of Councillor training at no cost to the Ratepayers. 	
<p>18</p>	<p>This motion requests that 'Huon Valley Council and Mayor Enders disclose in full who was involved in the decision-making process, which resulted in continuing with the flawed recruitment process from July 2021. Who gave legal and other advice to the Panel and Councillors which resulted in their decision to continue despite the declared conflict of interest? Did this advice come from the HVC's own legal department? We request that it be disclosed to the residents and ratepayers of the Huon Valley specifically who gave the advice, what advice was given, and with what grounds.'</p>	<p>The Report of the Auditor General on the Council General Manager recruitment, appointment and performance assessment includes a timeline of the key events in the Council's process to recruit the General Manager (Page 45). Council GM recruitment, appointment and performance assessment (audit.tas.gov.au)</p> <p>Council also confirms no legal advice or other advice on the conflict of interest was obtained.</p>