

Department of Premier and Cabinet

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Councillor Bec Enders
Mayor
Huon Valley Council
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Dear Mayor

Prior to the public meeting today about the process undertaken by the Huon Valley Council (the Council) for recruiting and appointing the new General Manager, I consider it important to provide information on several issues that may be raised. I request that this letter is read out at the meeting to inform the community in their discussion.

Firstly, I am aware that this has been a challenging process for both the Council and the community. I sincerely hope that the public meeting provides an opportunity for the Council and the community to explore issues and identify a constructive way forward.

Responsibility under the Local Government Act 1993

Section 61 of the Local Government Act 1993 (the Act) provides that the appointment of a general manager is the responsibility of the council. The Minister for Local Government and Planning and/or the Director of Local Government have no authority to intervene or to direct the Council to recommence the process or take alternate action.

The Minister has the ability to specify principles or procedures for the recruitment of general managers generally across the sector. This has not been required in the past. The Minister has, however, requested that Office of Local Government work with the sector to develop principles for the recruitment of general managers that will apply to all future processes. This work is underway.

The Director has several specific functions, including the general administration of the Act. This includes promoting good governance and working with councils and councillors to ensure that they understand and can deliver on their statutory responsibilities.

The former Director (Mr Craig Limkin) was advised of concerns about the way that conflicts of interest were being managed in the process of recruiting the General Manager. The former Director immediately sought advice from the Council and strongly encouraged the Council to initiate an independent review of the process. The Council accepted this advice and acted on it.

Investigations

The Council's General Manager appointment process has been reviewed by several entities, including the Auditor-General, the Director, and by an independent consultant. While these reviews pointed to areas of the process that could have been improved, and potential conflicts of interest better managed, no breach of the Act was identified. Both the independent review and the Auditor-General also found that there was no evidence that there was actual bias in Council's resolution to appoint Mr Browne as the preferred candidate.

Managing conflicts of interest is a critical element in the good governance of local government. I am encouraged by the actions taken by the Council to provide additional training for all councillors following the receipt of these reports.

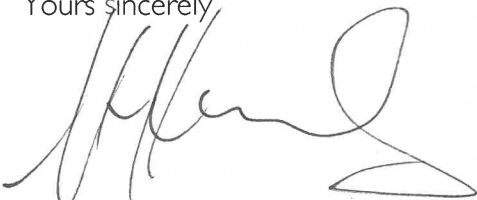
Maintaining confidentiality is also a critical element of good governance. Disclosing confidential information undermines the integrity of the decision-making process and can undermine the confidence of the public in the Council.

I am aware that confidential information associated with the selection process was released during the general manager's recruitment process. Both the former Director and myself have actively investigated the disclosure, including requesting statutory declarations, accessing and reviewing files and conducting formal interviews. I am aware of individuals that know who disclosed this information. Both the former Director and myself have requested that they provide advice on the identity of the person that disclosed this information. They have, however, been unwilling to provide that information to me or the former Director to date and instead have resorted to playing matters out in the media.

I cannot take action against individuals that commit offences under the Act without evidence. I am disappointed that individuals have chosen to frustrate the investigation by not sharing with me their knowledge. It is also disappointing that these individuals choose to express their frustrations publicly, without taking steps to resolve these issues through the formal processes that are available to them.

I again express my sincere hope that this public meeting provides an avenue to discuss the community's concerns about the process for recruiting the General Manager and for identifying an appropriate, constructive way forward.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mathew Healey', with a large, stylized flourish at the end.

Mathew Healey

Director of Local Government

4 February 2022