



MEDIA RELEASE

30 September 2021

Mayor apologises and vows to restore public confidence in recruitment processes

Huon Valley Council Mayor Bec Enders last night apologised to the community for the negative focus on Council's recruitment of its new General Manager.

Mayor Enders said some members of the public have used the word 'corruption' and made assertions that individuals and/or council had committed a crime under the Criminal Code Act 1924.

"Understandably, reading these words would be disturbing for anyone. For this reason, we requested legal advice from Simmons Wolfhagen Lawyers. The opinion provided indicated there is no evidence to assert that a crime has been committed under the Criminal Code Act 1924 by anyone associated with the recruitment process," she said.

The independent Review of the Recruitment Process for the New General Manager Appointment Report found there were no breaches of the Council's Code of Conduct, the Local Government Act or the Huon Valley Council Governance Framework, and equally as important, no evidence the recruitment was tainted by actual bias. However, the review did find Council's management of the recruitment process fell below expected standards for the management of conflicts.

"I would like to assure the Huon Valley community that as soon as the recruitment panel became aware of the conflict of interest, we implemented control measures to manage it. While the review found that these control measures did not adequately address the perception of bias, the review did find there was no actual bias in Council's resolution of Mr Browne as the preferred candidate for the role," Mayor Enders said.

"The independent review into the recruitment process has made it clear to Council what actions we should have taken. Council accepts that it needs to learn from its mistakes and will adopt a best practice approach for managing conflict of interest in the future."

Having considered privacy and confidentiality issues, Council last night agreed to release a redacted version of the key findings of the Review of the Recruitment Process for the New General Manager Appointment Report (these findings are attached to this media release).

Communications & Media Officer

Huon Valley Council

communications@huonvalley.tas.gov.au



“While we recognise the community may want to see the whole report, due to confidentiality and privacy obligations, as well as potential defamation, Council is unable to release the full report following legal advice in relation to what can be confidently released without creating further issues for the council.”

Mayor Enders said in order to restore public confidence in Council’s recruitment processes, Council has agreed to the report’s recommendations that it implement a guideline or supporting document to the Code of Conduct as a best practice approach to managing conflicts of interest in recruitment, and further, that Councillors undertake training in relation to managing conflicts of interest.

Council has already started the process by seeking a proposal to meet their commitment to signing off on the recommendations.

Mayor Enders said once established the new guidelines would be used as a tool for recruitment and other situations particularly where panels or committees are used for decision making on behalf of Council.

Councillors also agreed to undertake training in relation to the set up and best use of panels and committees to maximise efficient and effective decision making. Key areas of focus will be:

- (i) the function and scope of a panel or committee and when it is appropriate to report back to the full Council for further guidance including how to progress in circumstances where a consensus is unable to be reached;
- (ii) how to engage in robust but respectful discussion;
- (iii) the importance of note taking as well as discretion throughout the conduct of the process; and
- (iv) how to give adequate reasons in making decisions.

“Council remains confident that it has appointed the best candidate for the role and it believes Mr Jason Browne is an excellent choice to ensure that the Council will remain sustainable and relevant for future generations,” Mayor Enders said.

“It’s important for Council to move forward now, learn from this experience, put in place measures that will avoid it happening again, and uphold ourselves to the highest standards of professional conduct.”

Mayor Enders said Council had been assisting the Tasmania Audit Office with its examination into how conflicts of interest were managed by Council in the recruitment process.

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“The Tasmanian Audit Office will table a report to the Parliament in October 2021.”

Council has a dedicated page located on its website which has information and documentation about the GM Recruitment process. Please go to www.huonvalley.tas.gov.au/consultations/general-manager-appointment/

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



The following is the redacted version of the Key Findings of the Review of the Recruitment Process for the New General Manager Appointment Report:

1. That Council being aware of public interest in the circumstances of the appointment of its new General Manager and having taken the step of commissioning a thorough independent review of the appointment process, considers that it is appropriate in the interests of informing the public as to the outcome of that review that it formally accept and adopts the following summary of the key findings of that review. Namely that:
 - 1.1 On 6 May 2021, a potential conflict of interest came into existence.
 - 1.2 Ideally, the recruitment agency engaged by the Council ('the recruitment agency') should have disclosed the potential conflict to Council's Recruitment Panel.
 - 1.3 On 24 May 2021, there was an actual conflict.
 - 1.4 The failure to disclose the conflict (to the Council) until 4 July 2021 was not a disclosure 'as soon as practicable' and in breach of the Conflict of Interest Policy of the recruitment agency.
 - 1.5 The recruitment agency in good faith disclosed the conflict as soon as (it) considered it appropriate to do so.
 - 1.6 The responsibility to appropriately manage the conflict ultimately lies with Council and not Ms Inches the recruitment agency.
 - 1.7 The recruitment agency assiduously restricted her involvement in the recruitment process to follow the control measures (proposed by the recruitment agency). In the circumstances there was no actual bias or undue influence in the recruitment process as a consequence of the late disclosure.
 - 1.8 Council's appointment of the recruitment agency, a reputable and highly credentialed executive recruitment agency in Tasmania, was appropriate in the circumstances.
 - 1.9 Council's Recruitment Panel should have referred the conflict back to the full Council to resolve how to manage it when meeting on 5 July 2021 to, among

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other things, discuss the conflict which was notified to them on 4 July 2021. The late disclosure by the recruitment agency would have made it undesirable to remove the recruitment agency from the process at a late stage. The Recruitment Panel was confident in being able to select for themselves a short list but was unaware as to how to properly manage such a conflict.

- 1.10 The full Council did not properly consider the adequacy of the management of the conflict of interest until its ordinary meeting on 25 August 2021 where the focus is on resolving to decide the preferred candidate and a coterminous independent review of the recruitment process as to the conflict of interest. The late notification of the conflict of interest by Council's Recruitment Panel disadvantaged the full Council in managing the conflict and, like the Panel, the full Council lacked an adequate understanding of the conflict of interest issue.
- 1.11 The restriction of the recruitment agency not being involved in any decision as to the relevant candidate's suitability to manage the conflict of interest did not adequately address the perceived bias.
- 1.12 The appropriate management strategy was to remove the recruitment agency from the recruitment process. This would have entirely removed the perceived conflict of interest or any potential conflict of interest.
- 1.13 There was no actual bias in Council's resolution of the relevant candidate as the preferred candidate. Each of the Councillors selected their preferred candidate following the process recommended by the recruitment agency and free from any influence or bias created by the recruitment agency. The Panel members selected their preferred 6 candidates, and then their top 3 following interviews to present to Council, and then their individually preferred candidate following a full Council interview. They did so using an Assessment Matrix where they scored candidates. The remaining 5 Councillors did the same in selecting their individually preferred candidate from the 3 candidates presented to full Council.
- 1.14 The Council's management of the conflict of interest in the General Manager recruitment process did not breach the Code of Conduct, LG Act or Framework.
- 1.15 The conduct engaged in by the Council in managing the conflict falls below expected standards of managing conflicts, particularly having regard to the need for public confidence in the recruitment process of its General Manager.



2. Notes the finding of the Independent Review that there was no actual bias in the appointment process but resolves to have regard to the findings of the Independent Review in all future appointment processes.