

**PUBLIC MEETING
FRIDAY 4 FEBRUARY 2022**

MOTIONS

1. MOTION

Archie Donley

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

2. MOTION

Archie Donley

THAT:

Mayor Enders and Deputy-Mayor Doyle take full responsibility for the debacle of the selection process, and the consequent lack of trust in them by the community, and resign

3. MOTION

Archie Donley

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

4. MOTION

**Pat Syngge on behalf of
Huon Valley Residents &
Ratepayers Association**

THAT:

- (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
- (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.

5. MOTION

Liz Smith

THAT:

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).

6. MOTION

Geoffrey Swan

THAT:

The Huon Valley Council engage an independent market research firm, (ideally mainland based), to conduct an Employee Satisfaction survey of ALL Council staff.

The survey to be completely anonymous with all the raw results to reside with the appointed market research firm.

The GM, Mayor, Deputy Mayor and Cr Newell are to be completely excluded from any involvement in the creation and administering of the survey.

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.

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.

Councillor Campbell to liaise and coordinate this survey with Council staff (possibly HR Manager) and the agency who will maintain confidentiality between the agency and the collection of any sealed envelopes.

No Councillors or staff are to open the sealed envelopes.

7. MOTION

Geoffrey Swan

THAT:

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 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.

I am also calling on Council to seek the recovery of all expenses plus costs from Red Giant for the flawed recruitment process.

8. MOTION

Geoffrey Swan

THAT:

As a resident and ratepayer of the Huon Valley my motion to this Public Meeting is that I have no confidence in the ongoing positions of Mayor Bec Enders, Deputy Mayor Sally Doyle and Cr Mick Newell, because of their complete mismanagement of the flawed GM Recruitment Process that has resulted in the flawed appointment of a conflicted General Manager in Mr Jason Browne.

Because these three Councillors were unable to comprehend the importance and relevance of the conflict of interest between Mr Browne and his life partner in Ms Joanne Inches, the Managing Director of the recruitment agency Red Giant, then it is impossible for these three Councillors to continue in their role representing the residents and ratepayers of the Huon Valley.

This motion is calling for their immediate resignations from Council.

9. MOTION

Geoffrey Swan

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.

10. MOTION

Stanley Armstrong

THAT:

That Mayor Enders be held wholly responsible for the situation created with the flawed recruitment process of the GM and that she accepts her failures and resigns her position as Mayor.

11. MOTION

J Paul McArthy

Seconded by RM Duncan

THAT:

The recently appointed General Manager of Huon Galley Council, Mr. Jason Browne, resign his position forthwith due to the flawed selection process leading to his appointment.

12. MOTION

Debbie Armstrong

1. That the Huon Valley Council request the Office of Local Government
 - a. Establish an independent Commission to manage and facilitate investigations into the possible corrupt practices.
 - b. That investigative powers be legislated.
 - c. The independent Commission to investigate poor governance practices within the Huon Valley Council in an open and transparent manner.
 - d. The independent Commission reports its findings to the appropriate authority for remedial action or prosecution.
 - e. The independent Commission reports its findings to the Parliament and the Minister for Local Government for review, validation or further assessment.
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.
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.
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.

13. **MOTION**

Peter Coad

Seconded by D Pennington

THAT:

The Huon Valley Community supports the Auditor General's report of the 12 October 2021 and its outcomes that the General Manager Recruitment Process was flawed.

The Huon Valley Community also accepts the Edge Legal Report considered by Council on the 15 September 2021 which has confirmed the recruitment process was flawed, which has been acknowledged by the Director of Local Government.

It is apparent the Huon Valley Council, Councillors, the Director of Local Government and the Minister for Local Government and Planning have collectively taken no action to request the flawed recruitment process be recommenced.

The Huon Valley Community seeks to take legal action against individual Councillors, against Red Giant Managing Director Joanne Inches, and the Minister for Local Government and Planning for possible breaches and non-compliance with the provisions of the Local Government Act 1993, in providing good governance and duty of care to the Huon Valley Community.

It is also recommended that legal action be taken against the individual Councillors that supported the flawed recruitment process and not the legal entity of the full Council.

14. **MOTION**

Irene Swan

I move that all motions and submissions from this Public Meeting when taken back into the next Ordinary Meeting of Council be discussed openly in Open Council.

I move that there be no discussion from this Public Meeting be taken into Closed Council.

I move that Council adhere to the principles of Good Governance and allow Councillors to speak freely and openly about any matters that are not defamatory concerning the GM Recruitment Process.

15. **MOTION**

Peter Coad

This meeting requests the Huon Valley Council to forward the signed Statutory Declaration to be tabled and read at the Public meeting on the 4 February 2022, to the Solicitor General, Auditor General and Director of Local Government for investigation. This meeting also calls upon Council to conduct an independent investigation as to the contents of the Statutory Declaration as a matter of urgency and to provide a full report to the public of the outcome of this investigation.

16. **MOTION**

Geoffrey Swan

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.
- 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.
- 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.
- Council immediately abandon their plans to spend yet further ratepayers money on this flawed GM Recruitment Process.
- 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.

17. **MOTION**

Jen Hadaway

That this meeting requests the Auditor General of Tasmania to immediately begin a comprehensive investigation, that will answer in detail the points raised in the public petition to the Huon Valley Council that is under discussion here tonight.

Further, that the Auditor General takes each point of the petition separately as follows and:

1. Investigates the process undertaken by the Council for the appointment of the new General Manager.
2. Makes a finding re the implications of the conflicts of interests involved.
3. Advises the Council about what action it should undertake to rectify the situation.
4. Includes in this review two areas identified as not part of the earlier limited review being: "suitability of the applicant" and the 'identifying and entering into a contract with the consultant."

And finally, that the Auditor General releases a public report of the investigation and the findings as soon as practicable.

18. **MOTION**

Brian Miller

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.'

19. **MOTION**

Lance Hadaway

That this meeting pass a vote of no confidence in the general manager Jason Browne because he does not have and cannot earn community confidence having accepted the position after taking part in a conflicted recruitment process.

20. **MOTION**

Derek Pennington

Can the General Manager, Mr Jason Browne, please explain what measures he took to manage his conflict of interest along with his partner Joanne Inches of Red Giant appropriately and in accordance with contemporary HR practices that All conflicts of interest, actual, apprehended or potential, should be documented and effectively managed during the recruitment process? Could he please refer to the various stages of the progression of his application from the time of submitting his application, through the short listing selection procedure and ultimately at interview.

It appears the Auditor General found the whole recruitment process flawed. Having been appointed to the position, can Mr Browne further please explain what measures he has taken since starting as General Manager to ensure that the conflict of interest is adequately documented, and therefore that there is an ongoing basis the announcement on the HVC website that "The announcement of the new General Manager comes at the end of a rigorous recruitment process"

<https://www.huonvalley.tas.gov.au/new-general-manager-announced/?highlight=general%20manager>