



6 April 2023

The Hon Nic Street MP
Minister for Local Government
Department of Premier & Cabinet
GPO Box 123
HOBART TAS 7001

Email: lgconsultation@dpac.tas.gov.au

Dear Minister,

RESPONSE TO DISCUSSION PAPER – PROPOSED REFORMS TO LOCAL GOVERNMENT ACT 1993 – “Merit based recruitment in councils”

Devonport City Council (DCC) welcomes the opportunity to comment on the ‘Merit based recruitment in councils’ discussion paper and submit a number of comments as outlined below:

Merit-based principle

- DCC currently have a publicly available ‘recruitment and selection’ policy which endorses a merit-based process. This policy references its requirements of the General Manager under S63 (2) of the *Local Government Act 1993* requiring human resource policies and practices which ensure fair and equitable treatment of employees. Whilst potentially debatable, this is taken as both existing and potential employees (applicants).
- DCC certainly support the principle of merit-based recruitment, however considering the legislation noted above, along with existing protections under the *Anti-discrimination Act 1998* and oversight by Equal Opportunities Tasmania the need for additional legislation is questioned. On the surface it appears an overly heavy response to a report by the Integrity Commission raising concerns that related specifically to issues at a single council. The existing protections appear sufficient, and examples of persons disadvantaged by unfair employment practices are few and far between and are generally addressed through the courts or existing oversight bodies.
- Local government has the advantage of being nimble and responsive in comparison to other larger tiers of government. If additional legislation is introduced it should not be onerous and overly prescriptive, and avoid adding additional administration, cost and time delays.



- The majority of councils in Tasmania have identified skill shortages as a major impediment to the delivery of services to the community. This challenge will only increase as additional red tape is applied to local government recruitment and promotion.
- It is difficult to see the proposed changes have any material benefit for the way council services are delivered, however they could potentially have a negative impact simply by adding to the existing burden on the public sector in comparison to private enterprise regarding constraints to just 'get things done'.

General Manager recruitment and performance assessment

- The policy direction proposed in relation to the recruitment and performance assessment of General Managers is broadly supported by DCC. It recognised the recent report by the Tasmanian Audit Office which identified a number of areas for improvement across the 6 sample councils that were reviewed.
- External advertising is considered beneficial for such a senior position to not only attract the most suitable candidate but also in creating community confidence. It is a public role and therefore not unreasonable that the community would expect an open and transparent recruitment process. This would ultimately assist and benefit any internal candidates who were successfully appointed as General Manager removing any doubt regarding the merit of their appointment.
- The importance of the General Manager position does justify the need for professional recruitment support to ensure due process and it is not appropriate for the elected members to receive this service from existing HR staff from within the council.
- Any legislative changes should not preclude a council from reappointing a General Manager for multiple terms once the initial recruitment has occurred. The introduction of a requirement to advertise at the end of each contract term would no doubt lead to an increase in General Manager turnover resulting in a lack of continuity in leadership and ultimately be detrimental to the council.
- In relation to the annual performance review of General Managers, the discussion paper suggests the need for councils to obtain advice and support with the process from a human resource professional. Again, it is not appropriate for this to be a council employees and therefore external consulting advice would need to be sought. The need for this support every year is considered excessive as provided a robust system is in place, councillors are generally able to perform the review satisfactorily. Potentially the HR professional at the recruitment point could establish the process to be used by councillors over the duration of the General Manager's contract and only participate with the review at a mid-point (say 3 years) unless required more often at the discretion of the Council.

Yours sincerely,



Cr Alison Jarman
MAYOR, CITY OF DEVONPORT