

ATTACHMENT A

NSW DEPARTMENT OF PLANNING, HOUSING AND INFRASTRUCTURE OFFICE OF LOCAL GOVERNMENT

NOTICE OF DECISION TO CONDUCT AN INVESTIGATION AND INSTRUMENT OF AUTHORISATION AND DELEGATION LOCAL GOVERNMENT ACT 1993

I, Brett Whitworth, Deputy Secretary, Office of Local Government, under delegation from the Secretary, Department of Planning, Housing and Infrastructure, have **DETERMINED** that there should be an investigation under section 430 of the *Local Government Act 1993* into those aspects of Liverpool City Council (the Council) and its work and activities set out in the Terms of Reference below, and I hereby **AUTHORISE** Director Brad Wade and Principal Investigators Roger North and Martin Bass to conduct the investigation.

Terms of Reference

a) Recruitment and Selection Matters

To investigate and report on the recruitment, selection process and appointment of persons into senior positions following the Council's restructure from 2022 through 2023.

In particular:

- 1. Whether the Council complied with statutory obligations and its Policies and Procedures in recruitment and selection relating to the occupants for the relevant positions*
- 2. Whether the recruitment and selection process for the relevant positions was merit based and/or whether other identifiable factors influenced recruitment and selection processes and if so, what were those factors*
- 3. Whether the Council complied with Council Policies and its obligations under the NSW State Records Act in regard to the maintenance and retention of records relating to recruitment and selection for the relevant positions*
- 4. Whether there were any conflicts of interest which may have influenced recruitment for the relevant positions, and whether any such conflicts may have influenced recruitment and selection processes for those positions*
- 5. Whether Council's finances are being adversely affected as a result of staffing decisions including, but not limited to, termination payouts.*
- 6. Whether concerns raised regarding the conduct of staff or councillors have been adequately managed and addressed to ensure a safe and functional operation of Council consistent with WHS obligations, and*

7. Any other related matters identified by this Office that may have impacted upon the governance and effective administration of the Council

b) Liverpool Civic Place Project

Review and report on the status and implementation of recommendations made relevant to a Public Interest Disclosure investigation report dated 13 September 2022 into allegations of mismanagement by Council relating to the Liverpool Civic Place Project.

NOTE: The matters listed above will be the subject of separate reports.

AND

Under section 745(2) of the *Local Government Act 1993* and any other power or delegation enabling me to do so, I hereby **SUB-DELEGATE** to Director Brad Wade, all the powers and functions of the Secretary, Department of Planning, Housing and Infrastructure under section 429, 431, 432 and 434(C) of the Act, for the purpose of conducting the investigation and I further **AUTHORISE** Principal Investigators Roger North and Martin Bass, from the Office of Local Government, to exercise all the powers and functions of the Secretary, Department of Planning, Housing and Infrastructure under section 429, 431, 432 and 434(C) of the Act, for the purpose of assisting in the conduct of the investigation. This instrument takes effect from the date of signature.

Signed this 6th Day of May 2024



Brett Whitworth

Deputy Secretary

Office of Local Government