

INQUIRY UNDER SECTION 438U OF THE LOCAL GOVERNMENT ACT

BALRANALD SHIRE COUNCIL

Public Hearing

Held at

Level 1, Selborne Chambers
174 Phillip Street
Sydney, New South Wales

On Monday, 22 July 2019 at 9.30am
(Day 1)

Before Ms Roslyn McCulloch, Commissioner

1 THE COMMISSIONER: Hi, everyone. My name is Roslyn
2 McCulloch and I'm the Commissioner in the proceedings
3 today. I just have a few opening remarks before we get
4 started.

5

6 The role of this public inquiry is to inquire and
7 report on matters that largely relate to the governance of
8 Balranald Shire Council. The inquiry is taking place as a
9 result of the appointment of me as Commissioner to hold a
10 public inquiry by the Minister for Local Government, the
11 then Honourable Gabrielle Upton, on 24 January 2019 under
12 section 438U of the Local Government Act. I will now
13 discuss the terms of reference, the nature of the inquiry
14 and certain matters of procedure.

15

16 The terms of reference are broad. However, it's not
17 possible for this inquiry to enter every matter that might
18 fall within those terms of reference. That would require
19 the expenditure of an unreasonable amount of time and
20 resources. I should first read the terms of reference on
21 to the record. These are the terms of reference:

22

23 *To inquire and report to the Minister for*
24 *Local Government with respect to whether:*

25

26 *1. In exercising its functions pursuant to*
27 *sections 21, 22, 23 and 24 of the Local*
28 *Government Act, the governing body is*
29 *meeting its obligations to provide strong*
30 *and effective leadership in a manner*
31 *consistent with the guiding principles set*
32 *out in sections 8A, 8B and 8C of the Local*
33 *Government Act, including whether its*
34 *leadership with respect to Council's*
35 *management of its responsibilities relating*
36 *to long term financial planning, public*
37 *land management and provision of services*
38 *is appropriate;*

39

40 *2. In exercising its functions pursuant to*
41 *sections 21, 22, 23 and 24 of the Local*
42 *Government Act, Council is meeting its*
43 *obligations to act as a responsible*
44 *employer, providing a safe, consultative*
45 *and supportive working environment for the*
46 *general manager and other staff in a manner*
47 *consistent with the guiding principles set*

1 out in section 8A(1)(i) of the Local
2 Government Act and any other statutory
3 requirements considered relevant;
4

5 3. In exercising its functions pursuant to
6 sections 21, 22, 23 and 24 and Part 2,
7 Divisions 2 and 3 of Chapter 9 of the Local
8 Government Act, the governing body's Mayor
9 and councillors' conduct and
10 decision-making both collectively and/or
11 individually demonstrates an understanding
12 of their role under sections 226 and 232 of
13 the Local Government Act;
14

15 4. In exercising its functions pursuant to
16 sections 21, 22, 23 and 24 of the Local
17 Government Act, the governing body acts in
18 accordance with the guiding principles set
19 out in section 8A of the Local Government
20 Act including whether the governing body
21 commands the confidence of its community;
22

23 5. In exercising its functions pursuant to
24 sections 21, 22, 23 and 24 of the Local
25 Government Act, Council has complied with
26 its obligations as Reserve Trust Manager
27 under the Crown Lands Act 1989 of the
28 Balranald Caravan Park;
29

30 6. Any other matter that warrants mention,
31 particularly those that may impact on the
32 effective administration of Council's
33 functions and responsibilities or the
34 community's confidence in the Council being
35 able to do so.
36

37 So those terms of reference have a direct link to the
38 provisions of the Local Government Act, which you heard,
39 and other relevant legislation concerning both the role of
40 the governing body of the council and the role of the
41 staff, including senior staff. Councillors and staff of
42 local councils play a vital role in the affairs and
43 administration of local government. The councillors
44 control the affairs of the council subject to and in
45 accordance with the Local Government Act. Councillors help
46 create council policies and objectives. They represent the
47 interests of residents and ratepayers and are in a position

1 to provide leadership and guidance to their communities.

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Staff of councils also play important roles in management and policy formulation at senior levels and implementation of policy at all levels. The Local Government Act contains an overarching provision requiring that all councillors and staff act honestly and exercise reasonable care and diligence in the carrying out of their functions under the Act.

Councillors and staff of local councils must comply with a model code of conduct. The code contains obligations which require councillors and staff to act lawfully, honestly and with reasonable care and diligence in relation to carrying out their functions under the Act. It contains obligations against behaviour that would be unethical or an abuse of power. It obliges fairness in relation to development decisions and contains provisions that largely mirror the obligations in the Act concerning conflicts of interest and disclosure of pecuniary interests in relation to decision making.

At the top of the system of local government are the residents and ratepayers. This is reflected in term of reference 4 which authorises inquiry into whether the elected representatives of the council command the confidence of the community. This is an administrative inquiry. In essence it is a fact-finding inquiry set up to obtain facts and not to finally determine rights. A public inquiry such as this can only make recommendations to the minister. Any findings of fact that are ultimately made are expressions of opinion and they bind no-one. No recommendations that might be made bind the minister. The inquiry itself cannot implement any recommendations it may make. It is an administrative inquiry. The rules of evidence do not apply, but the rules of fairness do apply.

Additionally, there is also the requirement that any finding of fact must be rationally made and in accordance with the proper standards of satisfaction. With the exception of section 13 in division 2 of part 2, the provisions of the Royal Commissions Act of New South Wales apply to this inquiry. Amongst other things this means that persons may be summoned to give evidence at the public hearings and also to produce documents.

Shortly after the minister appointed me as

1 Commissioner for the inquiry, I appointed Ms Katrina
2 Annis-Brown, who is to my right, of the Office of Local
3 Government as officer assisting the inquiry. A number of
4 persons have been summonsed or invited to appear at these
5 public hearings, including all of the current councillors
6 and some current and former senior staff. Submissions were
7 sought from the public in relation to the terms of
8 reference. A number of other persons or entities were
9 specifically invited to make submissions. This approach
10 was consistent with the nature of the inquiry. It is
11 public in nature and active community and interested group
12 participation is encouraged.
13

14 A number of submissions were received and I determined
15 that it was not appropriate to put the submissions on a
16 public website, for reasons including that what was
17 received were generally just submissions and no more than
18 that. In some instances they contained untested
19 assertions. Some submitters requested anonymity.
20 Interested parties, if they make application, may see the
21 submissions, with the exception of those whose authors had
22 requested anonymity.
23

24 This inquiry is opening in Sydney to assist some
25 witnesses who would otherwise have difficulty in attending
26 a hearing in Balranald. The proceedings, other than
27 evidence taken in private, will be transcribed and the
28 transcript will be available on the inquiry website. The
29 inquiry will thereafter sit in Balranald commencing on
30 31 July and concluding by or before 9 August 2019. It is
31 proposed to sit, other than today, between 10 am and 4.30
32 pm daily with a morning tea and lunch break.
33

34 I hope the inquiry can be conducted with a minimum of
35 formality; however, everyone attending and appearing should
36 be mindful of the purpose of the inquiry and respectful of
37 those persons participating in it. Thanks.
38

39 So there's been an order of witnesses for today
40 published on the website and Lyn Brown from the Office of
41 Local Government is the initial witness. So, Lyn, would
42 you like to come forward and be sworn?
43

44 MS BROWN: Anywhere in particular?

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46 THE COMMISSIONER: Wherever you'd like to sit at that
47 table.

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<LYN BROWN, affirmed:

[9.41am]

THE COMMISSIONER: Q. Ms Brown, can you tell us what your position is?

A. I'm the manager of the investigations team at the Office of Local Government, Department of Planning, Industry and Environment.

Q. And have you been involved in this matter concerning Balranald Council for very long?

A. Yes. I guess more particularly since the last election in 2012 where matters came to our attention. Of course I have obviously always been aware of Balranald, but it's come to the fore since that time.

Q. And you've prepared a lengthy submission to the inquiry?

A. Yes.

Q. And you have also prepared five volumes of supporting material relating to that submission?

A. Yes.

Q. Thank you for that work. Can I just take you to a few things in your submission, if you have that handy?

A. Yes, I have.

Q. So I take you to page 13. You say, "A new general manager commenced in 2018, but he's struggling to effectively implement change due to the issues that have been identified by the temporary adviser still being present at the council."

A. Yes.

Q. Are they all of the dot points that precede that paragraph?

A. Yes, particularly those dot points, the lack of respect in the council chamber and in staff dealings; the poor morale throughout the organisation; low standing in the community waxes and wanes, but there's some evidence that it's there; inadequate staff numbers and capabilities I am unsure of, but I accept what the temporary adviser is telling us as he was on the ground; and the procedures that the elected members undertake and their understanding of their role, particularly in relation to operational and strategic matters and their role as councillors.

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Document 9, which was provided, has got probably the evidence that's relevant to this, and this is a range of documents that relate to the performance improvement order and in particular the temporary adviser's report about what was happening at the council at that time, and that's his first report.

Q. When you talk about document 9, is that document in your - you prepared a --

A. Yes, sorry.

Q. An evidence reference?

A. Yes.

Q. Is that 9 in the first column?

A. It is, sorry, yes. They are all referenced. Yes, it's 9 in the first column.

Q. And you are talking there about the temporary adviser's final report --

A. No, this is his first report. This is following the preparation of - I believe this is his first report, the preparation of the implementation plan, council's --

Q. I had that. What's the date of the report?

A. The date of the report is 3 July 2017.

Q. Let me just pull that up because I have numerous reference.

A. Yes, I'm sorry, there's a lot of material. Page 4 of his report particularly, which is the page with the date on it, where he's dot pointed some --

Q. I have it.

A. You have it, some salient matters there: the lack of strategic planning within the organisation, council not having a good reputation in the community, meeting procedures being a concern, training for councillors insufficient, and relations with staff, yes, they say were professional and satisfactory at that time. That's some councillors' views expressing what was going on at the council at that time. So it's not only coming from an expert's observation, it's also coming from within the council as well, and additionally from general managers, different reports from general managers and senior staff and how they were feeling.

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Q. You prepared this report reasonably recently?

A. Yes.

Q. So those are things you are still concerned about in relation to Balranald's council?

A. Particularly the role - councillors understanding their role, councillors' compliance with their obligations under the code of conduct, councillors understanding that when they make decisions, the effect of those decisions on the community as a whole, so to make sure that they are making decisions in the best interests of the whole community. They are probably the most relevant. And the other concern that I have is the "us and them" mentality that appears prevalent there between council, elected body and the administration, and I have witnessed personally the way councillors speak to the senior staff there which should not be occurring, certainly not in public, certainly not in private, it's just not acceptable. So there seems to be a breakdown in that relationship at the council.

Q. And what opportunities have you had to observe the council yourself?

A. Yes, I've attended - I've been down twice to the council and I've been invited and participated in a video observation of a meeting with council knowing that I was observing the meeting. The first visit was towards the end. It was in November/December 2017, towards the end of council's compliance with the performance improvement order. This was an opportunity for us to go down and say, "Keep doing this." They had done their first compliance report. They had a final one to do. Encouraging them to implement the performance improvement order and to keep going. I did that visit with the director of our legal services.

The councillors were robust in their discussion, which I appreciate. Everyone has a view and is entitled to that. It's the way people express it, I guess, that's important. They certainly were robust, but they certainly gave me at that time and our director of legal a guarantee they would get on with it and they would do it. That was confirmed in writing. Our then chief executive wrote to the council and confirmed the outcome of that meeting. The next time I had to go down was in --

Q. Just on that time, did you observe any behaviour in

1 December 2017 towards staff, for example?
2 A. Yes, but minimal. It was there, but I would have to
3 say it was more subtle than other behaviours I've observed.
4 So again it was this questioning of, "Well, staff don't
5 know what they're doing" more than anything else. But it
6 was dealt with and certainly our director legal services
7 dealt with that front on. Certainly there was one
8 councillor who was probably a bit more vocal than others.
9 I'd have to say, though, he wasn't disrespectful at that
10 meeting.

11
12 Q. And that was councillor?

13 A. O'Halloran. I'll just get my notes from the December
14 meeting - the June meeting, if I may, just to jog my
15 memory.

16
17 Q. Sure. That's the next one you attended?

18 A. Yes. So the next time I had to go down was in June
19 2018. This was at the request of staff, senior staff
20 particularly, concerned that council was not really
21 continuing on with the progress it had made on the
22 performance improvement order. The council needed to know
23 that we were still monitoring the council; we were still
24 watching what was going on. I took a principal
25 investigator with me and our main role was to observe the
26 meeting, but we also then met with senior staff
27 individually after that meeting to really get a gauge of
28 how they were feeling about things. Very concerned about
29 the welfare of the senior staff, I'd have to say.

30
31 Q. You were at that time?

32 A. I was, and I remain concerned about their welfare,
33 both psychological and physical I'd have to say as well.
34 And I have provided in the submission some evidence of that
35 concern which I think is real. So I can go into that
36 later, if you like, after the meeting observations.

37
38 So, I did document my observations of that meeting and
39 my principal investigator has collaborated on those and
40 agreed with them. I'd have to say - I have provided those
41 to the inquiry - that the meeting was a little chaotic and
42 that I wasn't really quite sure that people knew what they
43 were talking about at the time or voting on. The chairing
44 of the meeting could have been much better, much clearer.

45
46 I'd have to say, though, that what we observed was the
47 behaviour, particularly of Councillor O'Halloran, was quite

1 aggressive. He interrupted frequently the mayor when he
2 was attempting to chair the meeting, spoke over other
3 councillors, brought up matters that weren't even on the
4 agenda that were not related, and really it just
5 highlighted the information we'd received about his conduct
6 at meetings. As the inquiry knows, Councillor O'Halloran
7 was suspended for two months for his behaviour at a
8 particular meeting previously. So, yes, his behaviour was
9 concerning.

10
11 I'd have to say there were only two - I think there
12 were two councillors who didn't speak at all at that
13 meeting. If they did, it was minimally. Whenever
14 Councillor O'Halloran was challenged, he became very
15 agitated, quite aggressive. So, it wasn't a good way to
16 run a meeting. Everybody has different views, but you have
17 to be able to express those views without fear of
18 retribution, I guess. So what I saw is some councillors
19 not speaking at all. I don't know whether they were afraid
20 to speak up or whether they just didn't have anything to
21 say. Maybe they didn't. But certainly it was
22 uncomfortable in the room.

23
24 Q. Okay. So they were the two times that you observed an
25 actual meeting?

26 A. Yes, and then I observed a further meeting at the
27 request again of council in March this year, and I will
28 just go to those notes to refresh my memory, if that's
29 okay.

30
31 Q. Certainly.

32 A. When I find the document. This was done by videolink
33 into the meeting. I need to preface this by saying that
34 that meeting was a confidential meeting, so it was closed
35 to the public. I won't speak about perhaps the detail that
36 was discussed at the meeting.

37
38 Q. You don't need to discuss - I'm more concerned about
39 how the meeting progressed --

40 A. Yes.

41
42 Q. And the behaviour of the councillors.

43 A. Okay.

44
45 Q. Particularly were the staff present at this
46 confidential meeting?

47 A. Yes. Certainly the general manager was there.

1 I believe there may have been one - no, there were two
2 other directors there as well, from my recollection. It
3 was a difficult meeting. Council's legal adviser was there
4 on video as well, so they had council's legal adviser on
5 video and myself and again a principal investigator on
6 another video watching this.

7
8 There was only one item on the agenda. Again,
9 Councillor O'Halloran spoke often with no matter before the
10 meeting for debate. So, again new matters were raised that
11 weren't on the agenda. There was only one item on the
12 agenda and then I think one of the councillors actually
13 moved a motion, which was great, and that motion was then
14 debated. So we moved into proper chairing of the meeting.
15 Sorry, I'm looking at the wrong one. My apologies. I'm
16 looking at the wrong meeting. That was the other one
17 again.

18
19 Q. Sorry, so those comments about Councillor O'Halloran
20 related to --

21 A. Still right, sorry. We are in March 2019. My
22 apologies. I was just reading the June one again. But,
23 anyway, the same things occurred. What the chair was
24 trying to do was to get the legal people to give
25 information to the council. So, the chair was interrupted
26 the whole way through that. Finally, the chair was able to
27 get the legal person to provide their information to the
28 council. But it was not without, as I say, particularly
29 Councillor O'Halloran interrupted, made statements, trying
30 to - wanting to - the Marsden's representative who was
31 there was there to provide information to clarify all of
32 these issues. So, finally the legal representative was
33 able to do that and the legal representative proceeded to
34 do that, and that was when the councillor then put the
35 motion and so they were able to debate a motion.

36
37 I'd have to say that this is where it probably got a
38 bit nasty and there certainly was - Councillor Jolliffe in
39 particular made allegations about the former general
40 manager, made allegations about a former senior staff
41 member and made a negative comment about giving the power
42 to the current general manager. So the fact that the
43 general manager is undertaking his role and his duties made
44 that comment, and then started finger pointing at the
45 general manager. He was rude and aggressive. So it wasn't
46 just Councillor O'Halloran, who was certainly aggressive
47 right from the get-go. Councillor Jolliffe joined in with

1 that.

2

3 I'd have to say not many other councillors said much.
4 The motion was put. It was carried five votes to three and
5 that was the end of the meeting. But it was unpleasant,
6 and we weren't in the room but it was unpleasant. And it
7 was the same behaviour with Councillor O'Halloran getting
8 into the meeting and starting right from the word go in
9 being aggressive. Again the code of conduct matter, the
10 misconduct matter, that was the same conduct that occurred
11 that he was suspended for, so it's the same type of
12 conduct.

13

14 So they are the three observations that I've had of
15 the two observations of meetings and a visit at the council
16 discussing matters with councillors.

17

18 Q. So the council now webcasts its council meetings?

19

A. It does.

20

21 Q. And they are available on the council's website?

22

A. They are.

23

24 Q. Have you viewed any of those meetings?

25

A. I think I viewed one or two. They vary. They are
26 generally the same. I don't watch all of them all the way
27 through, but on the whole council is getting through its
28 business. It's making decisions. It just has
29 uncomfortable moments.

30

31 Q. And do you think the fact that it's now webcast
32 publicly has helped that process?

33

A. I'm not sure. I'm not sure if it was - I'm not sure
34 how bad it was before. I only know since 2012 the various
35 reports we've had. I'm not sure how consistent that was,
36 though.

37

38 Q. And this March 19 meeting that you attended via video
39 link --

40

A. Yes

41

42 Q. Was well after they commenced the publication of the
43 webcast council meetings?

44

A. Yes, yes.

45

46 Q. Okay. Now, you said that you wanted to come back to
47 the effect on the staff?

1 A. Yes. I think this is probably the concern certainly
2 that I have most. People are entitled to work in an
3 environment where they feel safe. The information I have
4 about this is primarily from the staff themselves and from
5 my discussions with staff. I think I've provided the
6 inquiry with a range of file notes with conversations that
7 I've had, that some of my principal investigators have had
8 and that one of our directors has had with various staff at
9 the council.

10
11 I do recall the extraordinary story that the current
12 general manager told us about the lights outside his house
13 one night, you know, frightened his family. I know that
14 one other senior staff member is concerned about welfare
15 there. But it's the emotional and the psychological
16 welfare where the general managers tell me - it's not just
17 the current general manager, it's been an acting general
18 manager and one before that - where it's constant,
19 I suppose, attack on the staff. You know, it's the feeling
20 that the staff can't do anything right. They're being
21 asked to do things continually that interrupts their
22 programs and their work that they have. When they don't do
23 it, they're threatened, and certainly the general managers
24 feel it more than others. The other staff I guess in some
25 sense are protected because they are employed by the
26 general manager. But general managers say, you know,
27 "They're threatening to end my contract," and certainly an
28 acting general manager, who I know you're going to talk to,
29 had similar threats. He was an acting general manager.

30
31 So, I think when you look at that context, how you
32 feel about going to work every day and doing your job and
33 whether you can do it efficiently and effectively has to be
34 in question when you are subject to that sort of pressure
35 all the time from people who are in a position to affect
36 your employment.

37
38 Q. So you've been watching the council, if you like,
39 since about 2013?

40 A. Mm-hm.

41
42 Q. What have you observed about the staff --

43 A. There's been some turnover in the staff.

44
45 Q. Has it been different to other councils, though?

46 A. I can't tell you that. I'm not sure. Certainly that
47 would be something that we could look at, though, if that's

1 something you would like information about. I can
2 certainly undertake to get some information to you about
3 that. I think there are some statistics that are kept on
4 turnover of staff.

5

6 Q. I'm particularly interested in those high level
7 positions --

8 A. Yes.

9

10 Q. Because it seemed to me there was an unusual
11 frequency?

12 A. Yes, yes. The other aspect, and this is probably not
13 unique to Balranald, is the difficulty of attracting staff
14 to those areas as well in the first place. So, when you
15 get them, you want to keep them. So there are those two
16 components. Yes, I'll get some details and pass those on
17 to the inquiry.

18

19 Q. Yes.

20 A. We certainly know it's a problem in rural areas
21 generally. So they're not unique in that regard.

22

23 Q. That's the difficulty to attract staff?

24 A. And sometimes retain them, to give them development
25 and professional opportunities out there. It's always
26 challenging, I think, in the rural areas.

27

28 Q. And have you seen any impact of the policies that the
29 council has adopted in relation to staff on the staff?

30 A. I'm not sure, sorry.

31

32 Q. There's a policy about training. Are you aware of
33 that?

34 A. No, no.

35

36 Q. There's a policy about the interaction of councillors
37 with staff?

38 A. Mm-hm.

39

40 Q. Have you noticed any difference between the situation
41 --

42 A. No. Well, I'm not sure that it's had any effect.
43 Indeed, the suspension, the councillor misconduct matter
44 that I mentioned before of Councillor O'Halloran, related
45 not just to the meeting but inappropriately interacting
46 with a staff member, in the sense that under those policies
47 there are certain staff councillors are allowed to contact

1 and there are others that you're not supposed to. You go
2 through the director or you go through the general manager.
3 This councillor contacted a staff member he's not supposed
4 to have direct contact with and also made a throw-away
5 comment about affecting the person's spouse's employment.
6 So, again the interaction policy was in place at the time.
7 That's just one example. But when I --

8
9 Q. This is the Galina Adamek?

10 A. Yes, that's right, yes. When I look at the meetings,
11 the way staff are spoken to is not very respectful, that's
12 the senior staff, is not very respectful.

13
14 Q. Okay. I just want to take you now on to the special
15 rate variation that the council obtained?

16 A. Right.

17
18 Q. Are you aware of recent decisions of the council in
19 relation to the rating review that was conducted?

20 A. Yes, look, I'm aware of it. I'm not probably the best
21 person to give evidence about it. You probably need
22 someone from our performance team who deals with rating
23 matters. I did get a briefing from them before I came and
24 as I understand it - are you talking about the rating
25 review and the operational plan and the revenue policy for
26 the council? Is that the issue?

27
28 Q. Yes, and I think in particular there was a meeting on
29 I think 28 June this year where the rates for the ensuing
30 financial year were to be adopted and there were three
31 variations made to that?

32 A. Yes, and there's a meeting coming up on the 29th,
33 I think, where they are going to adopt the rates. As
34 I understand it, it related to a gypsum mine and it related
35 to pedestal charges, water charges, as I understand it.

36
37 Q. And there was a third item relating to
38 the - I actually don't think it was a rate. It was a
39 charge relating to the rental of the football club?

40 A. Rental of?

41
42 Q. The football club premises?

43 A. Right. Okay. That one I'm not familiar with.

44
45 Q. I think the pedestal charges also fall under the
46 charges rather than the rates?

47 A. They are a charge. They are a charge rather than a

1 rate. The rate is mainly the business rate relating to the
2 gypsum. As I understand it, they've now made a subrate, a
3 subcategory rate, so it's business. They have four rating
4 categories. Business is one of those.

5

6 Q. They actually only have three. For some reason they
7 rate mining as business --

8 A. As business.

9

10 Q. "Business - mining".

11 A. It depends on the mine, so maybe they don't have any
12 mines that fit within the mining category. I'm not sure.
13 As I say, our performance team would be the better people
14 to tell you about that. As I understand it, though, the
15 gypsum one has become a subcategory under the business rate
16 and will be rated differently and separately from other
17 businesses. As a result of that, they've had to
18 redistribute the rate burden across the other businesses
19 and so I guess the issue in talking it through with the
20 performance team is the generational equity issue. So --

21

22 Q. Can I just stop you there. You say they have to
23 redistribute?

24 A. Yes.

25

26 Q. I've actually listened to the meeting and the order of
27 business was that they adopted everything other than the
28 three things that they varied?

29 A. Mm-hm.

30

31 Q. So I'm really trying to understand whether in fact
32 there was a redistribution of the money that would have
33 been lost under those three variations?

34 A. Yes, there is, because they can only gather a certain
35 amount of rates and to be able to do that there has to be
36 distributed, as I understand it. So if they are affecting
37 one of those, then they can't not have that money coming
38 from somewhere. So they have to redistribute then to
39 gather that money from other businesses in that category.

40

41 Q. I'm just curious because it didn't happen in that
42 meeting?

43 A. No, it's happening on 29 July.

44

45 Q. I see. So the staff have then --

46 A. They've had to re-exhibit it. So they have
47 re-exhibited the rates and then they will have to make the

1 rate on 29 July.

2

3 Q. So it's an amended rate review?

4 A. It will be, yes. It will be an amended rating
5 decision, yes. So they must make their rates by 1 August,
6 essentially. So, yes, as I understand it, they've had to
7 redistribute that. So that's about the extent of my
8 understanding, unfortunately, on the rating matters.

9

10 Q. And is that all that your performance people said?

11 A. Well, they were concerned about councillors not
12 thinking strategically, that in fact, yes, spread the
13 burden of the rates. So there's an equity issue, I guess,
14 that an individual ratepayer benefits but the other
15 ratepayers pick up the burden of that.

16

17 The same thing for the pedestal charge, where it's a
18 charge, is that it is being charged to some businesses and
19 not others, and I think this year - last year it was
20 flagged that that charge would be brought in in full this
21 year. So now they've gone back on that, so it's the same
22 as what it was last year. Some businesses are being
23 charged that, the newer businesses in town. The other
24 businesses are not going to get charged that charge now.
25 They don't have to redistribute that, though. It's only a
26 charge. But what it means is the sewer and water fund will
27 not have the benefit of that money.

28

29 Q. And do you know what the quantum of the difference
30 would be?

31 A. No, I'm not sure. I understand the charge is \$200 a
32 pedestal, so I'm not sure what quantum of that is.

33

34 Q. Compared to 100?

35 A. Mm-hm.

36

37 Q. Presumably council's finance officer can tell us that?

38 A. Yes.

39

40 Q. Okay. I just want to turn now to the Bidgee Hostel.
41 Have you had much to do with that?

42 A. At the beginning, yes. We did preliminary inquiries
43 in relation to the Bidgee Haven Hostel. It was back
44 in - I'll just have to check the date. 2015.

45

46 Q. I noticed from the material provided by the Office of
47 Local Government that there was a referral of information

1 provided to the office to the police?

2 A. Mm-hm.

3

4 Q. And also I think to the federal Department of Health?

5 A. Yes.

6

7 Q. Did you have any response to those notifications?

8 A. No. I did follow both those up. My understanding is
9 the Department of Health did attend Bidgee Haven and do a
10 review, provided that review to the council. As
11 I understand, they have implemented the recommendations
12 from that review.

13

14 Q. And I seem to note from the material that - I don't
15 know what they're called - the money that they get from
16 the government has actually increased quite significantly?

17 A. Yes, to put in a dementia unit, as I understand it,
18 yes.

19

20 Q. No, I'm not talking about the grant, but the actual
21 funding of beds --

22 A. Yes.

23

24 Q. Has increased because of the review of the packages.

25 A. Yes.

26

27 Q. So rather than the council - the operation claiming
28 more than it was entitled to, it wasn't claiming enough.

29 A. Enough, m'mm.

30

31 Q. Do you have any concern about the council decision to
32 continue to manage Bidgee?

33 A. This is definitely a matter for council, but it needs
34 to do it in the context of its community strategic plan and
35 its financial sustainability. So, whatever it does needs
36 to ensure that it can sustain the particular service that
37 it's providing, that communities aren't burdened down the
38 track with a debt, I guess.

39

40 As I understand it, I think that they're doing okay at
41 the moment. Certainly the information I've heard from
42 the general manager is the director corporate, who does the
43 finances, that they are keeping their heads above water.
44 So it's not the deficit that it was before, which to me
45 seems that they've done something about improving what
46 they're doing and that they've implemented the
47 recommendations from the federal government. So, if

1 council believes that that's an important service for its
2 community, then it's within its rights to provide that to
3 the community, as long as it's financially sustainable.
4

5 Q. Do you know whether it undertook any investigation as
6 recommended in the report to investigate other methods of
7 operating?

8 A. I believe it did. I think there were advertisements
9 put out. I don't think they received any response to those
10 advertisements. You'd certainly need to clarify that with
11 the general manager. I'm sure he would be able to tell you
12 that in detail. And I think the committee - I think
13 there's a committee still set up. They were going to
14 disband the committee, but I believe the committee is still
15 operating that oversees that hostel.
16

17 Q. Does it have to operate under a committee?

18 A. It doesn't have to, no. It's a matter for council as
19 to how the governance works for that.
20

21 Q. Because the operation of that particular committee was
22 also a problem?

23 A. It was in the sense - certainly the information I have
24 from the file notes is the staff felt uncomfortable going.
25 They were criticised when they went. It was quite a vocal
26 committee. Again, the disrespect is showing through. So
27 they ended up not attending meetings and they got
28 criticised for not going to the meetings. So, yes, they've
29 had some difficulties with the committee in the past.
30

31 Q. And there also seemed to be a bit of
32 a turnover - during a period, I should say, and I don't
33 know that it's continued - of staff at the hostel?

34 A. There was, yes. I'm not sure if that's continued, but
35 there certainly was. Certainly I think one of their
36 managers left and other staff, yes.
37

38 Q. Just turning now to the caravan park.

39 A. Mm-hm.
40

41 Q. There was a report done for the council which looked
42 at other methods of operating the facilities --

43 A. Yes.
44

45 Q. That might have provided greater financial benefit and
46 reduced the risk to the council?

47 A. Yes.

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Q. Do you have any view on the appropriateness of the council decision to not proceed with those other options?

A. My view is mainly about council complying with its legislative responsibilities. How it does that is a matter for the council. It needed - and you'd be aware that we wrote on two occasions - to follow a proper tendering process for the management of that caravan park. Yes, so in terms of how it's managed, you know, the style of the caravan park, I have no view on that. It's a matter for council to do what is best for the community and what's financially sustainable. But certainly the council needed to follow and needs to follow the legislation in doing whatever it's doing.

Q. Do you have any concern about the lack of verification of income that's reported to the council?

A. Yes. I have read the audit reports and, yes, I am concerned about that. Again this is an issue that the council - it's now got an internal audit service. It's had the report commissioned and I believe that, you know, there would be some obligation for the council to make sure that it is receiving - that that caravan park is properly managed and is receiving the funds that it should be receiving. I understand that's probably a little difficult for the council at the moment given there's some legal action on foot. But, yes, they need to be doing something about that at some stage, yes.

Q. And they seem to have made provision for that in the new lease?

A. Yes, but that lease hasn't been signed, as I understand it.

Q. No, but at least that's the intention, is to remedy that shortcoming?

A. Yes.

Q. So there's nothing really else you can talk to us about the caravan park?

A. I'm concerned not to say too much as I understand it's in the courts, but I reiterate that our main concern with the council is that it complies with its legislative obligations and it has those not only under the Local Government Act, but at the time under the Crown Lands Act as well, and there's some evidence that it hasn't complied with its obligations under either Act. It needs to make

1 sure, I guess, in whatever it does that it's using proper
2 accounting methods, that it can undertake its fiscal
3 responsibilities appropriately - I'm not sure council could
4 guarantee that that's the case at the moment - and needs to
5 make sure that going into the future it's sustainable.
6

7 Q. Do you have any comments about the effect of that
8 issue on the staff?

9 A. Again from reading file notes and information that's
10 been provided to us, it's been very difficult and I know
11 there have been some altercations with councillors, there
12 have been staff harassed by members of the community, is
13 what I've heard, allegedly. I think it's - a small
14 community, I think it's very uncomfortable for the staff,
15 who are after all just doing their job.
16

17 Q. They are not the decision makers.

18 A. No.
19

20 Q. Okay. Then I wanted to ask you about whether you had
21 any view on the reliability of the information about
22 infrastructure and particularly the values that it's been
23 assigned in the overarching asset management --

24 A. Again, our performance team would be the people to get
25 here. We can give you specific information if you want.
26 If you just ask us, we'll provide that advice. As
27 I understand it from what I've read and the briefings I've
28 been given, it's the people who did the asset - sorry, I'll
29 just get their name.
30

31 Q. Morrison Low?

32 A. Morrison Low, yes, that's them. Sorry. As
33 I understand it, Morrison Low have done a report. The
34 information that we've got has come mainly and primarily
35 from there and I think the salient point was that in that
36 report, when it came to asset classes, there was some
37 concern about the data upon which the decisions had been
38 based, so that would be the valuations and the condition of
39 the assets. Roads and buildings seemed to be better, but
40 the data was old and some documentation was missing and
41 there were unconfirmed reports relied upon.
42

43 So that was for roads and buildings, but when we got
44 to other classes, water, sewer, stormwater and open space,
45 the overall confidence was low and that was mainly because
46 a lot of the records, procedures, investigation and
47 analysis were incomplete or unsupported. So I think

1 there's a lot of work to be done there with that, but
2 I understand council has moved forward since then and has
3 now got an asset management plan together. I would have to
4 ask performance to review that to be able to let you know
5 whether that's an improvement on what was there before.

6
7 Q. Is that something that post-dates the Morrison Low
8 document?

9 A. Yes, yes, yes.

10
11 Q. Because if the Morrison Low report was painting a rosy
12 picture, it won't bode well for the council, will it, in
13 terms of the rate increase wasn't going to cover the
14 backlog of infrastructure improvement?

15 A. Yes.

16
17 Q. And so if that situation is actually worse than they
18 anticipated --

19 A. Yes, that's not good. Interestingly, when I got this
20 advice from performance they did say that they were
21 concerned that the figures didn't appear to add up. So the
22 expenditure over the 10 years didn't equal the valuation
23 increase, the variation that was given. So maybe what we
24 need to do is provide you with more advice around that, the
25 financial aspects of this, so that you've got more detail
26 about that.

27
28 Q. But really I think we should be looking at the current
29 management plan.

30 A. The current, yes, rather than the future, yes. Yes.

31
32 Q. We might organise for that to happen.

33 A. Yes.

34
35 Q. Now, you were alerted to some problems at the
36 council's waste management facility late last year?

37 A. Mm-hm.

38
39 Q. You notified the EPA. Was there any response from
40 the EPA?

41 A. It would be the council that notified the EPA. So we
42 were really just informed about it. We were concerned to
43 make sure council was doing everything legally it was meant
44 to do and it seemed to be doing that. It has notified that
45 to the EPA. I'm sure the general manager will be able to
46 give you an update on that.

47

1 Q. Okay. Connie Mallet, she was a tourism adviser?

2 A. Mm-hm.

3

4 Q. Do you know the circumstances of her departure from
5 the council?

6 A. No, I don't.

7

8 Q. I think I've probably asked what I need to about your
9 submission. Is there anything that you wanted to add
10 today, Ms Brown?

11 A. I think I've covered - there's a few - I know in the
12 documents, I've given you a lot of documents, a lot of the
13 information comes from what people tell us, whether it's
14 community, staff, councillors, and a lot of that has been
15 file noted and provided and I think going through those
16 tells the story about the consistent sort of behaviour
17 there. I know it ebbs and flows, but tends to always be
18 there underlying the undercurrent, I suppose, where staff
19 feel that they are I suppose threatened a lot of the time,
20 pressured a lot of the time. I gave examples of, you know,
21 things being called for to go to meetings and, no, they
22 just don't discuss them. I'm not sure what's going on
23 there, but at the top of this is I think the councillors
24 not fully understanding their role. So it's like, "Staff
25 will do everything we say. They just do it. We don't
26 worry about the procedure or the process and, you know,
27 whether it wastes council staff time or not is not
28 important," and they've lost that picture, the strategic
29 picture, I think, that councillors don't seem to be keeping
30 their eye on the strategic. They are very enmeshed in the
31 operational aspects of the council.

32

33 Q. You used that term earlier.

34 A. Mm-hm.

35

36 Q. What do you mean when you say "operational"?

37 A. Okay. So as a councillor, an elected representative,
38 the role is outlined in the Local Government Act. In 2016
39 changes were made to the Act to make it clearer for
40 councillors what that role is. So, your role is the
41 strategic direction of the council and, yes, your role is
42 to make sure that funds are allocated appropriately, that
43 they're done for the benefit of the whole local area and,
44 yes, your role is to make sure you are in touch with what's
45 going on in the community so that you can represent that at
46 the council. That does not mean that you're out there
47 digging and filling holes in the road and you're not out

1 there telling staff to do that. Your role is a higher
2 level one than that. You have a general manager who is
3 responsible for doing that and the general manager is the
4 one that makes sure that council's decisions are
5 implemented.

6

7 So I think - and this might not be unique for
8 Balranald, but I see this in some rural communities. They
9 are very small communities and I understand that; everybody
10 knows everybody. But councillors have to understand that
11 if Mary Brown comes to them because Mary Brown has a hole
12 in the road in front of her house, you take that to the
13 general manager and leave it with the general manager to
14 do. You don't then ride the general manager until that
15 pothole is covered in or filled, that there's strategic
16 process in place, there's processes to deal with these
17 things and the council's role is to bring those issues to
18 attention but not to fix them. And I think that
19 councillors - and they might be well meaning - want to fix
20 everything and that's not their role.

21

22 So, I think councillors really need to understand they
23 are there for the collective interests of residents and
24 rate payers primarily, not individuals necessarily, and
25 they must make well-informed decisions and they need to be
26 thinking strategically. They provide the resources for
27 staff, the administration to actually implement their
28 decisions and their direction. I think that's lost a
29 little at Balranald.

30

31 Q. I did see that there was some suggestion that there
32 was going to be a complaint response system adopted both
33 for councillors as well as I think there's already one for
34 general complaints?

35 A. For community, and that would be good practice. I've
36 seen that in other councils. Councillors bring any
37 inquiries they get from community members in. They feed it
38 into that system. There's a benefit there. If the staff
39 do that, it's a win/win for everyone because there are
40 usually service standards for the staff in dealing with
41 those. If the staff do that, the councillor feels good
42 about that and the councillor can say to the resident,
43 "We're responsive to what you're doing." So it's a win/win
44 if they get a system in place. But to just have this ad
45 hoc where councillors can just harass, particularly the
46 general manager, continually about these matters, the
47 general manager can't get his or her work done and everyone

1 feels a little aggrieved by that, I guess; they are
2 threatened, it's harassing.

3

4 So they really need to do something to try and fix
5 that. But, overall, councillors need to understand their
6 role as a strategic one. They need to be out there in the
7 community talking to the community about what we need in
8 the future, you know, the aspirational stuff. The other
9 stuff, yes, it's there, but there should be a way of
10 dealing with that that doesn't take them away from that
11 strategic role.

12

13 Q. I will just ask my assistant. Did you have anything
14 that you --

15

16 NEW SPEAKER: No, I don't believe so, Commissioner.

17

18 THE COMMISSIONER: Okay. Thank you, Ms Brown.

19 A. That's all right, and we will provide you the
20 information, turnover of staff, asset management plan and
21 the cost of assets information.

22

23 Q. That would be great. Thank you very much for coming
24 up today.

25 A. No worries. Thank you.

26

27 <THE WITNESS WITHDREW

28

29 THE COMMISSIONER: So the next witness on the order of
30 witnesses is Alan McCormack.

31

32 MR McCORMACK: Sit anywhere, Commissioner?

33

34 THE COMMISSIONER: Wherever you like, whatever's
35 comfortable.

36

37 <ALAN McCORMACK, sworn: [10.27am]

38

39 THE COMMISSIONER: So, Mr McCormack, can you just tell me
40 what your relationship with the council was?

41 A. Commissioner, I can go back a long way. I was
42 actually the shire clerk there in the early 70s, so I've
43 actually spent two working sessions at Balranald Shire
44 Council.

45

46 Q. How long were you there in the 70s?

47 A. I was there from '68 to '72, and from '72 - sorry,

1 from '74 to '76.

2

3 Q. Okay. And then you came back as a special adviser
4 appointed by the minister?

5 A. I was appointed the special adviser under the
6 performance improvement order, yes.

7

8 Q. Have you done that role in any other councils?

9 A. No, I haven't, and I think it's fairly rare for that
10 sort of role. It's a fairly new thing in local government.

11

12 Q. So what was your role, exactly?

13 A. I think I was there to assist the council. They were
14 served with a performance improvement order that had 13
15 areas of deficiency. My role was to review that, monitor
16 their progress against those areas and actually I augmented
17 the performance improvement order with another 26 items
18 that I felt council should have been addressing, and my
19 role was to help them get through that and it concluded
20 with the final compliance report. So that's when
21 I concluded my stay at Balranald.

22

23 Q. Just physically were you there every day? How did
24 that work?

25 A. No, I was there intermittently. I actually lived over
26 500k away, so I had to travel quite extensively to get
27 there. I probably visited 15 times and I was there from
28 May '17 until February '18.

29

30 Q. Did you keep in contact with anybody in the interim
31 when you weren't physically at the council?

32 A. I was in constant contact with the general manager.

33

34 Q. Daily?

35 A. Sorry?

36

37 Q. Daily? Is that what you mean, daily contact?

38 A. Not daily, no.

39

40 Q. So when you were there - when you started, let me get
41 the dates right. You started in December 2017?

42 A. No, I started in May 2017.

43

44 Q. Okay. I saw at one point you named as an acting
45 director infrastructure. Were you ever in that role?

46 A. No, no.

47

1 Q. Sorry, got the wrong person. That's all right. May,
2 was it, not April?
3 A. It might have been late April.
4
5 Q. Okay. And then you stayed until the performance
6 improvement order final report was submitted in March 2018;
7 okay. So, can I start first with the financial position of
8 the council. You were instrumental in getting the special
9 rate variation up and running?
10 A. No, that was a recommendation of mine. But the work
11 behind a special rate variation is quite intense and the
12 council staff worked very hard to get that through. But
13 I had no physical input --
14
15 Q. So it was just a recommendation?
16 A. It was a recommendation.
17
18 Q. Okay.
19 A. I was concerned, Commissioner, about the level of
20 rating at Balranald Council in contrast to other councils
21 in that category which --
22
23 Q. Group 9?
24 A. Yes. They were very low.
25
26 Q. Yes.
27 A. And had been for quite some time.
28
29 Q. And have you seen how they compare now with the
30 special rate variation --
31 A. No, I haven't had a look at it lately, but they were
32 very low. They were low to the point, Commissioner, where
33 their federal assistance grant was probably three to four
34 times what their general rate value was, so they were
35 heavily reliant on other sources apart from their own
36 rating revenue.
37
38 Q. And what's the recommended balance of rating as the
39 primary source?
40 A. In a normal council it would be 60 per cent of own
41 sourced revenue, but Balranald will never get to that.
42
43 Q. No?
44 A. They just don't have the rating base to get to that.
45
46 Q. Not even if industry inundates them?
47 A. Well, it could be. All councils are subject to a rate

1 cap and normally if you get money from one section, other
2 people benefit. So, you know, it sort of evens itself out.
3 Unless they did a special rate variation for industries, as
4 other councils have done, they haven't benefited really
5 from the industry that's come into the council. And it's
6 quite substantial, the industry that's coming into the
7 area.

8
9 Q. Yes, you did mention something I think about the
10 possibility of a further special rate variation for
11 industry?

12 A. Yes, yes.

13
14 Q. And any particular industry?

15 A. There are two sand mines in the area, and the point
16 was made earlier on about that mining category.
17 I understand what Lyn Brown was saying. I think sand mines
18 are not regarded as a normal metalliferous mine, they are
19 regarded as different, and there are two major solar farms
20 planned or underway in the area.

21
22 Q. Now, one of the things that you were recommending was
23 that the council adopt some sort of contributions plan.
24 Then it was section 94 or section 94A?

25 A. Yes.

26
27 Q. Now section 7.117.12. The council could have at any
28 time dealing with a development application have asked for
29 a voluntary planning agreement?

30 A. They could have.

31
32 Q. It would have had the same effect. Did that happen on
33 anything that you saw coming through the council?

34 A. No, it didn't happen and I think there was an
35 opportunity missed there.

36
37 Q. Okay. Are you aware of the state of the contributions
38 position at the council now?

39 A. No, I'm not.

40
41 Q. But that's something that you would strongly
42 recommend?

43 A. Yes. I've had nothing to do with Balranald since
44 I left, Commissioner. But the council next door has a sand
45 mine and their annual rate levy on that mine is in the
46 order of \$800,000.

47

1 Q. That's rates?
2 A. Yes.
3
4 Q. But do you know whether they paid contributions when
5 they --
6 A. I don't know. I don't know.
7
8 Q. Okay. You were also concerned about the state of the
9 charges, apart from the rates, particularly water, sewer
10 and stormwater assets were diminishing and the funds
11 weren't sufficient to replenish them and renew them?
12 A. I was. The council had missed the boat on - there's a
13 special charge that councils can impose called a stormwater
14 levy. It's been \$25 per tenement for many years now.
15 Council have never imposed that, so they've missed the boat
16 on the stormwater levy. I was concerned that they didn't
17 really have business plans for their water and sewer
18 operations, which would set out financial details. So,
19 those sort of plans weren't in place.
20
21 Q. But they seem to now have been adopted, albeit with
22 --
23 A. They have.
24
25 Q. Perhaps over-valued assets?
26 A. It's the general rate that worried me particularly,
27 Commissioner.
28
29 Q. Yes. So you're satisfied that with the special rate
30 variation they are back in a better position, but they will
31 never be able to reach the 60 per cent mark?
32 A. I don't think they'll ever reach 60 per cent.
33 Councils like Balranald from memory can - I spoke about the
34 federal assistance grant earlier. They can count that in
35 their 60 per cent. I think that's the case. I'd have to
36 check on that. But they are regarded as so remote and
37 doing it really tough out there that I think they can add
38 in that federal assistance grant.
39
40 Q. Even if it's not specifically a rate. And how do the
41 federal assistance grants work? Are they applied for
42 annually?
43 A. I can tell you explicitly, Commissioner, because I'm
44 one of the commissioners on the New South Wales Local
45 Government Grants Commission. There are two sides to them:
46 a general purpose grant which is given under federal
47 legislation, that's the general purpose grant, completely

1 an untied grant made on an assessment basis; and about --

2

3 Q. Assessment of need?

4 A. Yes, relative need. Relative need and revenue raising
5 capacity. So if you've got greater needs and lower revenue
6 raising capacity you'll do well out of the federal
7 assistance general purpose grant. And the other side of
8 it, which is probably 30 per cent of the quantum, is given
9 for rural local roads - or local roads, sorry, not rural
10 local roads. Local roads.

11

12 Q. And how is that assessed?

13 A. That's assessed generally on road lengths, population
14 and bridge lengths.

15

16 Q. Bridge length?

17 A. Bridge length, yes. But both sides of the grant are
18 given as completely untied grants. They don't have to be
19 spent. The local roads component doesn't have to be spent
20 on local roads. It can be spent to top up revenue and in
21 fact Balranald actually did that because they weren't
22 balancing their budget, so they took some money out of the
23 local roads component and applied it to balance their
24 budget. That's completely legitimate, yes.

25

26 Q. Okay. And do you know how well or badly they do under
27 those grants, Balranald?

28 A. Comparatively they're doing really well and that will
29 continue because I deal with the government and the
30 minister to get the money to where it's needed most. So
31 they do well and they will continue to do well.

32

33 Q. And they will continue to do well presumably because
34 of their relative need?

35 A. Yes.

36

37 Q. And their reduced revenue raising capacity?

38 A. Yes.

39

40 Q. Other than the topping up of the general revenue, did
41 you see that money being used wisely when you were there?

42 A. I thought, yes, the services that the council provides
43 are really good. I mean, if physical appearance is a
44 barometer, the towns of Balranald and Euston are really
45 pretty, attractive places. So, I thought they were using
46 their money really well. It's just that there wasn't
47 enough of it.

1
2 Q. Not enough?
3 A. Mm-hm.
4
5 Q. You also expressed a concern in your reports about the
6 staffing levels, lack of stability, the turnover, absence
7 of training, absence of any succession planning. Did that
8 change during your tenure?
9 A. No, not really. The staff, the admin staff is quite
10 small, the administration side of things, the general
11 manager assisted by two senior staff members, two
12 directors. They had changed since I was there. The
13 general manager has changed since I was there. I felt the
14 general manager was fairly lonely in the job.
15
16 Q. So you were there when Mr Drenovski was the general
17 manager?
18 A. Yes, yes. And normally, Commissioner, in the
19 hierarchy you'll have a general manager, directors and then
20 managers. In the admin side again there were vacancies for
21 managers that hadn't been filled.
22
23 Q. So that middle level?
24 A. Yes, just wasn't there.
25
26 Q. So you went from the operational people up to the
27 director, basically?
28 A. Well, operational, yes, that's right. Generally
29 councils are regarded loosely as inside and outside staff,
30 but there was a deficiency in the inside staff. There
31 weren't enough people there.
32
33 Q. You said the general manager was lonely?
34 A. I think so. A bigger council has a lot more support
35 around its staff, even for the staff members, but Balranald
36 didn't have the capacity for that high-powered interaction
37 between the staff members.
38
39 Q. Did you get to observe any interactions between the
40 councillors and the staff?
41 A. Sorry, did I get?
42
43 Q. To observe interactions between councillors and staff?
44 A. Yes, yes.
45
46 Q. And what did you observe?
47 A. If I could start off, Commissioner, the council and

1 the eight individual members on the council, and they all
2 act differently. Some of those eight councillors were
3 quite disrespectful to the staff, particularly the general
4 manager.

5
6 Q. Can you tell me who?

7 A. Yes, they've been mentioned earlier.

8
9 Q. So Councillor O'Halloran?

10 A. And Councillor Jolliffe.

11
12 Q. Anyone else?

13 A. Councillor Ugarte, I think he embarrassed the general
14 manager on occasions. I know at one meeting, public
15 meeting regarding the special rate variation, he told the
16 general manager to shut up in a public meeting. He put
17 letters or his opinions in the paper which were not
18 complimentary to the general manager.

19
20 Q. I did see something in your report about a media
21 release. Is that what you're referring to there by
22 Councillor Ugarte?

23 A. Councillor Ugarte issued a couple of media releases,
24 yes, one where he opposed the - after the event he came out
25 against the special rate variation.

26
27 Q. Do you know what the other one was about?

28 A. I think it was in support of the caravan park
29 situation, the lessees of the caravan park.

30
31 Q. So were they published in the paper?

32 A. Yes.

33
34 Q. The media releases? What's the paper?

35 A. The Swan Hill Guardian. That's a Victorian paper.

36
37 Q. Yes. So that's interactions between the councillors
38 and the staff. What effect did you see that having on the
39 staff?

40 A. Very low morale with the staff. My view was the
41 general manager felt that he was a scapegoat for a lot of
42 the decisions that were made in the council, and
43 councillors wouldn't own their decisions and pointed to the
44 general manager as the architect of the decisions, and the
45 previous general manager, Mr Drenovski, he was absolutely
46 demoralised by it all.

47

1 Q. Mr Littlemore?
2 A. Sorry?
3
4 Q. Mr Littlemore?
5 A. No, Drenovski.
6
7 Q. Drenovski, sorry.
8 A. Drenovski, yes.
9
10 Q. So was Mr Stewart the general manager at any time
11 while you were --
12 A. Yes, he became the acting general manager when
13 Mr Drenovski left.
14
15 Q. And what did you observe about his relationship with
16 the councillors?
17 A. Mr Stewart was quite a strong leader and a very
18 experienced local government executive too, so I think he
19 was able to straighten the ship up a bit with them. But in
20 the end, Commissioner, Councillor O'Halloran was calling
21 for his sacking as well.
22
23 Q. Just going on to the councillors' reaction to the
24 necessity for change, what did you observe about the
25 attitude to it?
26 A. They were quite good. I ran a workshop about the
27 augmented performance improvement order, which there were
28 no adverse comments about that, so I think there was a
29 realisation that they had to change the way they were doing
30 things. Whether that eventuated, I'm not too sure, but
31 certainly there was a realisation they couldn't continue
32 the way they were going, and that's in effect the
33 performance improvement order, the 39 items, they were
34 largely attended to, so there was a good response to that
35 and I think the council were happy to take ownership of
36 that.
37
38 Q. You expressed a disappointment that I think you had
39 done a survey of councillors and you got a pretty poor
40 response?
41 A. Yes, it wasn't a good response to the survey and the
42 responses were mixed. But the ones I had, they mainly
43 thought they were doing okay and they mainly thought the
44 staff relations were good too.
45
46 Q. Do you think the councillors are aware of the impact
47 on the staff?

1 A. No. No. And I think, Commissioner, if I may, I think
2 it's a culture thing. I've alluded to how long I've been
3 in local government, but by its nature culture prevails in
4 local government. So, the councillor who did it before the
5 last election, their behaviour will almost come forward to
6 the newer council because that's the way we do it, and that
7 culture in Balranald wasn't good.

8

9 Q. How do you change that?

10 A. It's very hard. It is very hard. I don't think
11 they'd had sufficient training or exposure to the correct
12 procedures and I think they were just guided by the
13 older - some of the newer councillors particularly were
14 guided by the older councillors.

15

16 Q. You tried to organise some training for financial
17 knowledge too, didn't you? It might have been the general
18 manager.

19 A. I didn't try to organise --

20

21 Q. It might have been the mayor, actually?

22 A. Yes. No, it wasn't me.

23

24 Q. Okay. Can I just take you to some comments that you
25 made. Can I just say when I read through your
26 conversations and your emails and things, I got a sense
27 that you were very concerned about the council, but it
28 doesn't come through in your reports; is that a fair thing
29 to say?

30 A. I was happy - my task was to sort of guide the
31 performance improvement order and that's probably an
32 effect, not a cause, and I was happy with how the
33 performance improvement order was being handled. But
34 behind that what had caused all those problems in the first
35 place, and that's where I was concerned, and would those
36 problems continue.

37

38 Q. And you still had concerns that were evident in your
39 final report?

40 A. Yes.

41

42 Q. I'll just go to that. You were still observing lack
43 of respect in the council chamber?

44 A. Yes.

45

46 Q. Dealings with staff, those other matters we've just
47 talked about with staff. You also perceived that the

1 elected members didn't understand their different role from
2 between operational and strategic?
3 A. That's right, yes. Those two terms, "operational",
4 the operational side of the council, the day-to-day falls
5 to the general manager and some councillors wouldn't wear
6 that. They wanted to be involved in the day-to-day
7 management and, you know, someone like Councillor
8 O'Halloran was constantly ringing the general manager about
9 issues, and the mayor.
10
11 Q. Who was the mayor during your time? It was Mr Byron?
12 A. Leigh Byron.
13
14 Q. Was he the mayor for the whole period?
15 A. While I was there.
16
17 Q. You said in your final report, you said it was good
18 that the policies that the council adopted, but they
19 adopted them en masse and you were concerned that they
20 might have little appreciation for what they were actually
21 doing?
22 A. Mm-hm.
23
24 Q. Do you think they were read?
25 A. Perhaps in a cursory fashion. But there's no way,
26 when a councillor gets a block of new policies put in front
27 of him or her, that they can go through and assimilate them
28 all and that's not good practice, I don't think. My view
29 is that they should be put up on a piecemeal basis and
30 explained to the councillors. If they get a whole whack of
31 them come up, they won't understand them.
32
33 Q. Did you observe any change in behaviour following the
34 adoption of those policies?
35 A. I think, Commissioner, when I went there it was a
36 little bit of a honeymoon period because I was there.
37
38 Q. You mean you were watching?
39 A. But later on, I think the disrespect emerged later on.
40
41 Q. Do you mean during your tenure or --
42 A. Yes, yes.
43
44 Q. So the honeymoon was when you began?
45 A. Yes.
46
47 Q. And then the real behaviour, it still emerged. In

1 relation to the caravan park, did you have any concern
2 about the strategic direction that the council took?
3 A. I have to be careful of the situation where it's in
4 the court, Commissioner, but --
5
6 Q. I'm just talking about the council level, at the
7 council level?
8 A. The caravan park issue was handled very badly, very
9 badly. The council took a decision not to extend the lease
10 and I don't think they appreciated or some of the
11 councillors didn't appreciate the ramifications of that.
12
13 Q. Did the council actually take a decision?
14 A. Yes. Then it was an irrevocable situation and some of
15 the councillors then tried to overturn that situation,
16 which led to a lot of unrest and debate and perhaps motions
17 being put before the council that were illegal, procedures
18 that weren't properly followed.
19
20 Q. There was a report prepared that suggested the council
21 examine different options for the way the caravan park was
22 operated and to look at the best value outcomes. Do you
23 think that was achieved?
24 A. The council adopted that report. "Sustainable Park
25 Solutions", it was adopted by the council. But then the
26 adoption of it was rescinded by the council.
27
28 Q. So it didn't have any effect on the council?
29 A. No, as a matter of fact a decision was made by the
30 council to offer a new contract on the same terms as the
31 previous contract, and that was a two-year tenure.
32
33 Q. Your conclusion about the caravan park in terms of the
34 PIO was that the council hadn't complied with item 16?
35 A. No, I don't think they - I think in the end the
36 council - well, the majority of the council, bearing in
37 mind it's a four/four council, one is away, it's a crucial
38 vote, in the end the view was, "Let the status quo
39 prevail."
40
41 Q. Just talking about Bidgee Haven now, are you satisfied
42 with the way that was approached?
43 A. Yes, yes.
44
45 Q. You are not concerned about continuing risk to the
46 council of trying to operate an aged care facility?
47 A. I'm convinced, Commissioner, some councillors'

1 behaviour won't change; that some of those councillors want
2 to get involved in the day-to-day operations of the council
3 and won't change their mind on that. They probably see it
4 as their role. So I think it would be very difficult to
5 change the current councillors' attitudes.
6

7 Q. During your tenure what did you observe about the
8 ability of the mayor to manage meetings and other behaviour
9 of councillors?

10 A. The mayor is a really nice person. He was under
11 pressure because of sickness in his family, and he was also
12 under pressure from a couple of the councillors and I think
13 in the end he was almost at the stage of giving up and
14 letting the whole thing go and go to an administrator he
15 was that - he plumbed so low that he felt that, you know,
16 there was no way out of it.
17

18 Q. He expressed that concern to you?

19 A. He had spoken to people about that. He had spoken to
20 others about that.
21

22 Q. That's not something that you recommended, though?

23 A. No.
24

25 Q. What do you think the effect would be?

26 A. I'm a great believer in the democratic system, and
27 I think if you - it's a big decision to take the elected
28 members out of the equation and put in an administrator
29 because it is destroying what the local people have voted
30 for. So I don't know that that is always the answer. But
31 in Balranald it may be the answer because the council is
32 dysfunctional and I think that's to the detriment of the
33 residents.
34

35 Q. Did you ever in your career get to observe a council
36 operating under an administrator?

37 A. Central Darling, where the next witness will be - Rob
38 Stewart is an administrator at Central Darling now. I was
39 approached to do it some years ago, Commissioner, but that
40 didn't come off. But that's the closest I've been.
41

42 Q. He might have more light to shed then. Now, there was
43 some really disturbing incidents, including back in
44 November 2017 when Mr Drenovski's wife's car was spray
45 painted?

46 A. Mm-hm.
47

1 Q. You were very concerned about that?

2 A. Absolutely.

3

4 Q. Were you concerned about it just from the staff's
5 point of view?

6 A. I was concerned for the health and welfare of the
7 Drenovski family, but generally for the lack of respect for
8 council staff. I believe that that act was probably the
9 final straw for Mr Drenovski. He wasn't going to expose
10 his family to that sort of behaviour, and he left shortly
11 afterwards. I was very concerned with that attack on a
12 staff member's wife's vehicle; very concerned. It should
13 have been - honestly, it's a police matter.

14

15 Q. I think it was reported to the police?

16 A. Yes. It showed to me the depth of feeling in the
17 community towards the general manager, which was very
18 unfortunate.

19

20 Q. Now, can I just run through a few discussions that you
21 have had with staff at the Office of Local Government.
22 Back in July, so this is sort of early - relatively early
23 on in your stay there, you had a feeling then that it might
24 be back to business as usual; there had been an initial
25 embracement of the PIO, but there was some suggestion. Did
26 that continue?

27 A. Generally the boxes were ticked with the performance
28 improvement order, which was specific - in many cases
29 specific items. They were required to do this, and then
30 they did it. The special rate variation was a very big
31 one. But there were others. But the council behaviour
32 didn't improve. I guess all the time I was there the
33 morale in the office didn't improve.

34

35 Q. If you just excuse me while I run through some of
36 these. Again, in November you felt the council was
37 reverting to its old ways?

38 A. Mm-hm.

39

40 Q. I don't know if you recall this incident. "The
41 general manager had prepared a report to go to the council
42 meeting about the hostel. The report recommended that some
43 of the hostel accommodation be converted to staff offices.
44 Councillors advised the GM at the last minute not to
45 present the report to the council." Is that an unusual
46 step?

47 A. I thought it was because one method of attracting

1 staff to Balranald is accommodation. It's a prime factor,
2 really, when people are considering moving to Balranald
3 that they know they have got accommodation there. They
4 don't want to buy. They want to rent and --

5

6 Q. I think this was talking about staff offices, though;
7 that the hostel accommodation be converted to staff
8 offices?

9 A. No, there was accommodation at the hostel which could
10 have been used for staff accommodation.

11

12 Q. That's what the issue was, was it?

13 A. And I think that was the issue, Commissioner, yes.
14 And that was knocked on the head by the councillors. So
15 that avenue was sort of closed, that avenue of attraction
16 was closed.

17

18 Q. I noticed actually that the council does own a number
19 of residential properties?

20 A. Yes, it's quite common.

21

22 Q. And that's the way to attract staff, is it?

23 A. It is, because people are not going to invest in
24 housing in those western places. It's quite common.

25

26 Q. And in November 2017 you did a brain dump, if I can
27 call it that. You did an email that sort of you were
28 trying to get all of your concerns out on to paper, but in
29 a less formal way than the report on the PIO?

30 A. Yes.

31

32 Q. Your comments on the PIO.

33 A. I felt I had to address the councillors and just
34 express concerns that what was happening wasn't good.
35 I felt I had to point out that their staff welfare should
36 be a prime - their staff's welfare should be a prime
37 consideration for them.

38

39 Q. I think you talk there about all of the things that
40 you've dealt with here this morning. Is there anything
41 else that you wanted to say to the inquiry?

42 A. No, Commissioner. I'm virtually out of it now, and
43 I was only there for that small window, and I have little
44 contact with the council. But I'm led to believe there are
45 still major issues, especially on the floor of the elected
46 council. One of the councillors I think has several code
47 of conducts out against him, Councillor O'Halloran. I'm

1 not sure what the status of those is. But that suggests to
2 me that that behaviour hasn't improved there. So I would
3 be particularly concerned.
4

5 I'm also concerned, Commissioner, and this may be
6 hearsay, that a number of the councillors won't stand at
7 the next election, which is only 12 months away or
8 13 months away. I would be really concerned about where
9 the council goes to if those councillors actually leave, as
10 they have indicated they would.
11

12 Q. Is there a benefit in councillors remaining in the
13 position for more than the minimum term?

14 A. Yes and no. Yes and no. It depends how you classify
15 them personally, I think.
16

17 Q. There's a training period, isn't there?

18 A. Yes. It takes a councillor a couple of years to get
19 up to speed, quite honestly. The business of a local
20 government is quite complicated. The finances are quite
21 complicated. So there is benefit in continuity, I feel.
22 But I would be concerned if some of those councillors
23 actually left, and left that void in the council.
24

25 Q. Okay. Ms Annis-Brown?
26

27 MS ANNIS-BROWN: Yes, just one question, Mr McCormack.
28 Just in relation to community engagement I just wanted your
29 views on how you thought council had managed that during
30 your tenure, because you did certainly raise it in your
31 final compliance report and I just wanted you to elaborate
32 on that just in terms of the relationship between council
33 and the community members generally because it is one of
34 our terms of reference?

35 A. Can I say, Commissioner, that the general community
36 feeling was that the council wasn't communicating enough
37 with them. It's difficult in a town - in a shire like
38 Balranald, with a town that doesn't have a local newspaper,
39 very hard to get TV coverage. So people felt that they
40 were left out of the communication loop. I think that's
41 improved now with a newsletter type of thing.
42

43 But could I say that when council ran the SRV public
44 hearings they attracted quite big crowds to those public
45 hearings, and I think that was people coming out to voice
46 their sort of concern about things. They attracted big,
47 big crowds to their public hearings on the special rate

1 variation. But generally people were saying, "We don't get
2 enough communication out of the council." That was a
3 problem.

4
5 Q. So in those community meetings what was the mood? Was
6 it positive towards council?

7 A. I didn't go. I only read the reports. There were
8 something like 180 submissions, I think, on the special
9 rate variation, and over 150 said they didn't want it,
10 which says a couple of things: one, they really felt they
11 couldn't afford it or, two, they didn't want the council,
12 this council, to go ahead with it anyway. They didn't have
13 the confidence in the council.

14
15 Other councils - the previous council I was at,
16 Commissioner, at Parkes we had a special rate variation
17 went through and hardly anyone turned up to the public
18 hearings because they had confidence that council were
19 doing the right thing. The Balranald ones I think were
20 people voicing their displeasure at the way things were
21 going, and that's what attracted the big crowds.

22
23 Q. And so my understanding at the time was that council
24 had put off that decision on a special rate variation for
25 several years?

26 A. Mm-hm.

27
28 Q. It seems perhaps that was because they believed the
29 community was going to be unhappy about the decision, but
30 ultimately I suspect council needed it from a financial
31 perspective?

32 A. That could be the case. I'm not sure why it was
33 deferred. The position on the special rate variation went
34 through on the casting vote of the mayor. So you could
35 assume from that that four councillors wanted it and four
36 councillors didn't, and that's hard to sell then when you
37 are going out to the public saying, "We need this."

38
39 Q. And I think as you said that was a symptom of
40 council's fine balance, I suppose, four against four, and
41 the mayor often perhaps having to use that casting vote in
42 order to get a decision over the line?

43 A. Yes, and if one councillor was away there was a
44 majority, an absolute majority there. So it was finely
45 balanced, the whole thing.

46
47 Q. Yes.

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THE COMMISSIONER: And there was councillor discrediting of the decision as well?

A. Yes, that was Councillor Ugarte.

MS ANNIS-BROWN: That's all, Commissioner.

THE COMMISSIONER: Thank you, Mr McCormack. You are excused.

A. Thank you.

<THE WITNESS WITHDREW

THE COMMISSIONER: I think we have arranged for the others to come at 2 o'clock. So we will adjourn now until 2 o'clock. Thanks.

LUNCHEON ADJOURNMENT

THE COMMISSIONER: We should get started. So, our next witness was being to be Bob Stewart, but with his permission I will call Aaron Drenovski. If you want to come forward, please, Mr Drenovski. Just take a seat.

<AARON DRENOVSKI, sworn: [2.02pm]

THE COMMISSIONER: So you were the general manager at Balranald Council. What was the term, what dates? I think it was May --

A. Three and a half years.

Q. 2014 to December 2017?

A. 2017, yes, that's sounds right.

Q. How did you come to be appointed? Can you just describe the process for me?

A. I put in for the position. It was advertised.

Q. Advertised, yes?

A. And went through that process and was the successful applicant, I guess, after the interview process.

Q. Okay. Who was interviewing you?

A. It was a consultancy firm. McArthurs? Yes, McArthurs, and the full council.

Q. Wow, that would have been fun. Okay. Now, once you

1 had started at the council - first of all, what was your
2 background?
3 A. So I had actually worked for the council probably
4 eight, 10 years earlier as an engineer.
5
6 Q. Okay?
7 A. And career progression ended up back there as general
8 manager.
9
10 Q. And where had you been in between times? At a council
11 or somewhere else?
12 A. Yes, at councils and a water authority. So,
13 Deniliquin, Hay and then in Victoria as well, too, and from
14 the engineering stream.
15
16 Q. Okay, but you didn't previously have experience as a
17 general manager?
18 A. No, that was my first role as general manager.
19
20 Q. But you had been a manager in an engineering capacity?
21 A. Yes, director.
22
23 Q. Director?
24 A. And at times filled in for the general manager.
25
26 Q. Now, when you came to Balranald, what was your
27 perception of how the councillors reacted or interacted,
28 should I say, with the staff at the council?
29 A. Council meetings or organisation as general?
30
31 Q. Both. Both. So start with council meetings?
32 A. Okay, that's going back a bit, but I guess it
33 was - I had worked at other councils, larger councils that
34 were very strategic focused, and I guess when I started
35 there it was rather operational, so just dealing with the
36 day to day, keeping residents happy with the roads, rates,
37 rubbish type issues.
38
39 Q. When you say "rather operational", are you talking
40 about the councillors?
41 A. Yes, the councillors, yes, dealt with that quite a
42 bit.
43
44 Q. How did they communicate those things to the staff?
45 A. There was - I'd say councillors would raise either a
46 phone call or conversation verbally. That was more so to
47 myself and the directors.

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Q. So telephone or pop in and see you?

A. Yes.

Q. How did that affect you in your role as the general manager?

A. It wasn't really - well, I never thought that was the general manager's role, it's more at the higher level, the strategic level, and I guess that's what we worked on over the period of time, to focus more at that level.

Q. And what about outside council meetings and aside from you? Did you see any interactions of councillors with staff?

A. Yes, I guess given it's a small community and, you know, you live in those communities, both Euston and Balranald, so, you know, there'd be interactions, I guess. I'd get it as well, too. You'd go down to the club or you'd go to --

Q. Outside of work?

A. Yes, outside of work. So staff members are bound to bump into councillors, you know, during their weekend and personal time, I guess, being a small community.

Q. How did that affect the staff?

A. In those earlier days I don't think it was an issue.

Q. And did it become an issue?

A. I guess later on when difficult decisions needed to be made.

Q. And what way did it manifest itself then?

A. It's just hard. It manifested in --

Q. Did you have staff complaining to you about interactions that they'd had with councillors?

A. Yes, look, I've just got to think back to some examples.

Q. I appreciate it's not yesterday.

A. Yes, it's been a couple of years ago. But, yes, at times I'd have staff saying, you know, "I've had a councillor speak to me about this or that," a particular issue and --

Q. And were they staff that the councillors were allowed

1 to contact?
2 A. Yes, in the early days we didn't have policies or
3 procedures that prohibited that and then over time we
4 developed or there was a policy set that I guess that's
5 what stemmed from, was that council had to deal directly
6 with the general manager or the directors.
7
8 Q. Do you know when that policy came in? Was it in your
9 reign?
10 A. Yes, it was during my time. It was a generic one that
11 we had grabbed from another council.
12
13 Q. And was it effective? Did the councillors stop
14 contacting the staff?
15 A. Well, to the best of my recollection I'd say so, yes.
16 It wasn't, you know - I really can't - it's going back a
17 few years ago. There wasn't the staff that outrightly came
18 to me and said, you know, that councillors had been
19 contacting them about issues.
20
21 Q. So the staff were aware of the policy, were they?
22 A. Yes, the policy was rolled out to staff and
23 councillors as well, too.
24
25 Q. What about in council meetings? Did you ever see any
26 behaviour that you thought might have affected your staff
27 or you?
28 A. Absolutely.
29
30 Q. Can you tell me about that?
31 A. At times - it brings back bad memories - but there
32 would be yelling matches. There was a particular time with
33 a councillor bad mouthing staff members.
34
35 Q. Who was that councillor?
36 A. Do I need to mention names?
37
38 Q. Sorry, but you do need to.
39 A. Councillor O'Halloran, and I raised the issue, a point
40 of order with the mayor about the matter.
41
42 Q. Did that prevent it from happening again?
43 A. No.
44
45 Q. Was it only you? Were there other staff members who
46 were affected by similar behaviour?
47 A. I'd say the directors at times.

1
2 Q. Who were the directors in those days?
3 A. There were a couple of directors. I'm trying to think
4 back now. It's one of those things you just want to cast
5 and put to the side. We had Charmaine was the last
6 director, and the earlier director --
7
8 Q. She was finance?
9 A. Yes, finance. And then there was an earlier director
10 there for a year and a half, two years.
11
12 Q. In that position or --
13 A. Yes, in that position prior to Charmaine. Her name
14 just escapes me. Am I able to ask Katrina?
15
16 Q. Female?
17 A. Yes, female.
18
19 Q. It's okay. We'll be able to find it.
20
21 MS ANNIS-BROWN: Yes, I'm trying to think of the name too.
22 I read about her just recently. Anyway.
23 A. Yes, sorry, I can't recall the name.
24
25 THE COMMISSIONER: Anybody else do you think that would
26 have been affected in the same way that you've described?
27 A. Then you've got the director of engineering side as
28 well, too.
29
30 Q. And that was?
31 A. So we had Andre --
32
33 Q. Pretorius?
34 A. Pretorius, and then - I can't think of the other guy's
35 name. I can see him. And then the gentleman prior to him.
36
37 Q. So it was largely directed at the senior staff?
38 A. Yes.
39
40 Q. You didn't have any junior staff complaining to you
41 about anything from the councillors, or the not senior
42 staff I should say?
43 A. No, because - not in the council meetings.
44
45 Q. Outside the council meetings?
46 A. Yes, like, in the earlier days councillors were able
47 to just walk into the office and walk through the office,

1 so it was difficult to stop - well, stop that interaction
2 because you could just come straight into the office.

3

4 Q. And did that change?

5 A. Yes, we put some security systems - security doors in
6 place like most organisations have. That was a result of
7 threats made against a director and myself from a staff
8 member, former staff member.

9

10 Q. What was the nature of those threats?

11 A. It was actually a staff member was going through
12 difficult times I guess personally and we received a call
13 where threats were made as mentioned. I think it was the
14 doctor actually raised the issue.

15

16 Q. The doctor rang you?

17 A. The doctor of the staff member, and then I spoke with
18 the mayor and we organised - I think it was just a meeting
19 to brief the councillors as a matter of urgent business to
20 get some security measures in place. There were issues --

21

22 Q. So it wasn't a physical threat, was it?

23 A. It was. Well, the doctor rang us, so it was
24 definitely serious. The doctor of the staff member rang us
25 to say he feared for our safety and that, "You need to get
26 some security measures in place." So we put security and
27 that in, but even during that time there was at least one
28 councillor raised grave concerns - well, concerns why we're
29 jumping in so quick to put security in. Well, it was to do
30 with the threats made towards staff members.

31

32 Q. And who was that councillor?

33 A. Councillor O'Halloran.

34

35 Q. And who was the staff member?

36 A. That had the threats made against them?

37

38 Q. M'mm?

39 A. It was the director of corporate. It was before
40 Charmaine, so the lady prior to Charmaine.

41

42 Q. Okay, whose name you can't recall?

43 A. Yes.

44

45 Q. Okay. Now I'm going to move on to another topic which
46 is about councillor contact with contractors. First of
47 all, did you have a policy about councillors contacting

1 contractors, a separate policy?
2 A. I don't think it was a policy. It would have been in
3 the code of conduct, though.
4
5 Q. So had the code of conduct been formally adopted by
6 the council?
7 A. I can't say 100 per cent. I think we had one there
8 and then we were going through - I just remember there was
9 a process when the new council was elected we went
10 through - we had code of conduct training and a few other
11 training - we had a number of days with councillors.
12
13 Q. At the beginning of their tenure?
14 A. At their tenure, so September 2016, within a couple of
15 months. I can't say with certainty, but I assume we had a
16 code of conduct.
17
18 Q. We should be able to find that in a minute or at the
19 council meeting. Okay. So the code of conduct mentions
20 the behaviour of councillors and contractors. Councillors
21 should not contact contractors. Were you aware of any
22 circumstances when that occurred?
23 A. It would have, definitely with the caravan park.
24
25 Q. What's your knowledge of the councillor contact with
26 those contractors?
27 A. Again, being a small community, the councillors -
28 like, we had meetings with the caravan park managers.
29
30 Q. When you say "we"?
31 A. There was a committee, so that included them as well
32 too.
33
34 Q. The caravan park committee?
35 A. The contractors and a number of councillors and senior
36 staff members. So we'd have formal meetings, but at times
37 councillors would meet up with them.
38
39 Q. The committee meeting wouldn't have been prohibited
40 under the code of conduct?
41 A. No, no.
42
43 Q. What other types of interactions did you observe
44 between councillors and contractors?
45 A. I'm just trying to think of other ones. That's the
46 most notable. Construction - I'm just thinking out loud.
47

1 Q. Did you observe any councillors having contact with
2 the caravan park operators or was it just something you had
3 heard along the grapevine?
4 A. No, once or twice a councillor would ring me saying,
5 "I'm down here speaking with them. Where are we at" with a
6 matter.
7
8 Q. Do you now recall who the councillors were?
9 A. There was a couple. It happened a couple of times
10 dealing with issues down there. Councillor O'Halloran.
11 Councillor Jolliffe had rung me about an issue.
12
13 Q. That's all you can recall?
14 A. Yes. Again it's going back a while. But I know we
15 had a number of meetings down there again as committee, but
16 at times they had raised issues, they had been down there
17 and rung up --
18
19 Q. Outside the committee?
20 A. Outside the committee.
21
22 Q. Okay. Is that the only contractor that you are aware
23 of that the councillors had contact with or were there any
24 other contractors to the council that the councillors were
25 communicating with? And I'm talking about outside
26 committee roles?
27 A. Yes, look, being a small community I know we had
28 construction, you know, contractors in town and that, but
29 I can't recall --
30
31 Q. Any specific instance?
32 A. Any specifics, no.
33
34 Q. Now, while you were at the council the performance
35 improvement order was put in place; is that right?
36 A. Yes.
37
38 Q. Did you observe a change in the behaviour of the
39 councillors once the performance improvement order had been
40 made? A change in the attitude, should I say?
41 A. In the attitude, yes. The council was very focused on
42 addressing the issues, like in the letter back in time, and
43 committing to addressing the issues.
44
45 Q. One of the witnesses this morning described it as a
46 tick a box exercise. Is that what your perception of the
47 process might have been?

1 A. Yes, look, it was to, you know, respond back and say
2 that we're going to address those issues. So, yes, tick
3 the box.
4
5 Q. Did it address any underlying issues with the council?
6 A. Well, it just highlighted a number of strategic areas
7 that we needed to improve in.
8
9 Q. Did it change councillor behaviour to staff?
10 A. I guess there was a bit of a reprieve there initially.
11
12 Q. But the behaviour returned?
13 A. Yes.
14
15 Q. So generally did you get the impression that the
16 councillors were willing to change or they were being
17 dragged to change?
18 A. The latter. Dragged.
19
20 Q. Now, I think the process to assess the infrastructure
21 commenced while you were still in office, to prepare an
22 asset management plan?
23 A. Asset management plans, yes.
24
25 Q. Do you know whether the information that was provided
26 to Morrison Low, who were preparing that plan, was accurate
27 and I'm talking specifically now about the condition of the
28 infrastructure and its expected life and that sort of
29 thing?
30 A. It was an issue. We had Treasury Corp do a - invited
31 them along to do a presentation to council on how the
32 organisation was travelling and that was something
33 identified under that, that our depreciation value that we
34 were recording per annum was close to double the average of
35 the group in the western area. So that sort of flagged the
36 issue that there were issues there. So we basically - we
37 provided the information that we had. We also brought in a
38 consultant engineer from Victoria, Malcolm Styles, and he
39 had spent quite a bit of time out in the field travelling
40 around with - it could have been the works coordinator or
41 staff member assessing the roads.
42
43 Q. Was it just confined to roads or --
44 A. No, it was all assets, but the roads was the biggest
45 issue. That's where the major issue was with our annual
46 depreciation figure.
47

1 Q. But the depreciation figure was more an accounting
2 exercise than an actual state of affairs, wasn't it?
3 A. Well, that's what led to it, to get out there and
4 assess, and coming from an engineering point of view the
5 understanding was that there was not as much gravel out on
6 the roads as what the old data indicated.
7
8 Q. So was the information gathered by Mr Styles provided
9 to Morrison Low?
10 A. I'd assume so. I can't say with certainty.
11
12 Q. Did he prepare a report for the council?
13 A. He prepared a report.
14
15 Q. Ms Annis-Brown, we might need to see if we can get
16 that report, because it's not a name I've come across in
17 the material.
18 A. It may not be a study that went to council. It may
19 have been just operational activities for the engineering.
20
21 MS ANNIS-BROWN: So, sorry, just to confirm, that was
22 Murray Styles?
23 A. Malcolm Styles.
24
25 Q. Malcolm Styles, okay, thank you.
26
27 THE COMMISSIONER: Was there a company involved?
28 A. He trades as Malcolm Styles or - I can find you the
29 detail.
30
31 Q. Okay, so under his name.
32
33 MS ANNIS-BROWN: All right. I'll follow that up and get
34 the information.
35 A. Yes.
36
37 THE COMMISSIONER: So you can't really assist us on the
38 current state of affairs of - current state of condition of
39 the infrastructure at the council?
40 A. Yes, that was wholly - that was more on the roads.
41 The water and sewer I'm not - when I was there I think we
42 had some people looking at relining or something the
43 sewerage. But, yes, we hadn't done an assessment on the
44 sewerage, I don't believe.
45
46 Q. Can I just take you to some specific things about the
47 caravan park committee. Ms Annis-Brown, can you just

1 assist me to tell me where I will find the emails of 24 and
2 25 February '16?

3

4 MS ANNIS-BROWN: Just bear with me. I can hand you a
5 copy, if that would help.

6

7 THE COMMISSIONER: That's great, thank you. So I don't
8 know if you recall, Mr Drenovski, but you had received an
9 email from Dee Jess about the IT situation at the caravan
10 park?

11 A. About the computer system?

12

13 Q. Yes, the RMS reservation program?

14 A. Yes.

15

16 Q. And she raised that the computer software was outdated
17 and needed to be updated, and then you wrote back the next
18 day saying "That's timely" because you've actually read the
19 contract. I think you were talking about the lease --

20 A. Yes.

21

22 Q. Between the trust, the council acting as the trust and
23 the caravan park operators, and that you noticed that there
24 wasn't any provision in there to require the council to
25 upgrade the RMS system, although there was provision for
26 you to have access to it from time to time, and then you
27 also raised that the lease actually required the payment
28 for gas, electricity, water and other services. Then there
29 was a meeting of the committee, the caravan park committee.
30 Were you on that committee or were you at that meeting?

31 I believe it was --

32 A. Yes, because I think we ended up paying then for the
33 committee or - because I think we ended up paying then for
34 the licence.

35

36 Q. Yes.

37 A. Yes.

38

39 Q. So there was a resolution of that committee meeting.
40 Under the heading of "Rates and water charges" in the
41 minutes it says:

42

43 *The general manager advised the committee*
44 *that it states in the current contract that*
45 *lessees pay the costs of water and rates.*

46

47 Then it says:

1
2 *The committee agreed although it is worded*
3 *in the contract the committee has resolved*
4 *for council to continue to pay for water.*
5

6 So that was a decision of the committee. Did that report
7 or those minutes ever go to the council? We haven't been
8 able to find a record of the council considering those?

9 A. Okay, I --

10
11 Q. You don't recall?

12 A. I remember that being discussed at the committee.

13
14 Q. Yes?

15 A. It should have then gone up to the next council
16 meeting for endorsement.

17
18 Q. Yes. So you are not aware of any reason why it
19 didn't?

20 A. No.

21
22 Q. You weren't pressured to prevent it from going up or,
23 likewise, you weren't pressured to put it up?

24 A. No, no. I do remember about that particular RMS thing
25 that, yes, the committee was saying, "Just pay. We pay the
26 fees. We've paid it in the past."

27
28 Q. The licence fee for the --

29 A. Yes, the licence fee for it. I think we bought a new
30 computer at that time too.

31
32 Q. Yes, but that was the extra question, whether there
33 was going to be another computer. Okay, so you don't have
34 any explanation for why those committee minutes were never
35 forwarded to council?

36 A. No, they should have gone to - look, I assume they
37 would have gone to the next meeting.

38
39 Q. Was that the practice at the time? Did all of
40 the committee meetings minutes --

41 A. Yes, the committee ones would then go to. So I don't
42 know why that one hasn't specific - you know, like, each of
43 them after the meetings, they would then go to the next
44 meeting that fell - that followed, and if it wasn't that
45 one it would be the next one.

46
47 Q. Okay. I'm just reading from some notes of

1 conversations that you'd had with people. In October 2017
2 you were concerned about two matters: one, the Bidgee Haven
3 Hostel and, two, the caravan park lease. You felt that the
4 council was delaying making decisions about both of those
5 items; do you recall that?

6 A. Yes, the caravan park we were looking at a strategic
7 study, like long-term, and we had consultants come in, do a
8 presentation. Initially the council were accommodating of
9 that.

10
11 Q. When you say "accommodating" --

12 A. They liked the idea of getting a plan that shows
13 future growth for the area. But I think something about
14 when we - something to do with - I'm not sure if you're
15 getting to that later - with the contract, with the
16 existing contract was basically we were looking at going
17 out a longer term with the new contract based on this
18 study.

19
20 Q. So can you just go back to the study. Was that an
21 initiative of the councillors or the staff? How did that
22 come about? This is "Sustainable Parks Solutions"?

23 A. Yes. It was looking at - someone had suggested to me
24 they had done one at other caravan park - for other caravan
25 parks, and we were looking then to do - because we wanted
26 to get a plan in place. We had capital works going into
27 the future over a number of years instead of just when we
28 met as a committee picking a few things so we could have a
29 budget long-term, get that into the long-term financial
30 plan.

31
32 Q. Was it part of the response to the PIO?

33 A. I don't know if that was before it or - no, the PIO
34 timeframe wise, when was the PIO?

35
36 MS ANNIS-BROWN: I don't have the exact date, but we
37 commenced preliminary inquiries I believe in June 2016 and
38 I think that was issued in December or January 2017,
39 I believe. The minister --

40
41 THE COMMISSIONER: I see. You might have been on alert
42 that there was an issue about both the hostel and the
43 caravan park at that stage?

44 A. But it was something as a committee we were talking
45 about and getting long-term so we could see that. They
46 were talking about additional cabins. We had already done
47 some things to the camp kitchen, a few other - you know,

1 improved a number of other cabins and it was looking more
2 long-term and opportunities for funding as well too.

3

4 Q. So you started off with some eagerness?

5 A. Yes.

6

7 Q. And then it waned?

8 A. Yes, it waned. I think that was - again, apologies,
9 it was some time ago. It was to do with - that we'd have
10 to go out, contract it out again, because all of that was
11 focused on long-term, you know, many years.

12

13 Q. When you say "contract it out", did you mean go to
14 tender?

15 A. Yes, go to tender, and we still had an existing
16 contract

17

18 MS ANNIS-BROWN: So, Commissioner, if I can just confirm
19 that the performance improvement order was issued by the
20 minister on 24 April 2017.

21

22 THE COMMISSIONER: And this note is in October that you
23 were concerned with?

24 A. So several months down the track, yes.

25

26 Q. Now, you expressed concern that you were threatened to
27 be sacked at certain times while you were at the council?

28 A. Well, that happened quite a bit.

29

30 Q. Can you tell me about that? Who threatened you?

31 A. Councillor O'Halloran.

32

33 Q. Was he the only person who threatened you?

34 A. Directly, yes.

35

36 Q. And was it confined to one issue or was there more
37 than one issue?

38 A. It would have been more than one issue.

39

40 Q. When I say "issue", was it only about the caravan park
41 or were there other matters where he was dissatisfied and
42 made threats to you?

43 A. There would have been other issues too. Look, it
44 happened a number of times. I think it might have even
45 been in a workshop in front of others.

46

47 Q. What was the workshop for?

1 A. I can remember us sitting around the table and him
2 throwing out.
3
4 Q. Was that at a time when you used to have regular
5 workshops prior to council meetings or was this, like, when
6 you had ad hoc workshops on specific topics?
7 A. I can't recall. I can just remember us sitting around
8 in the chambers. Sorry that doesn't help. I don't have a
9 specific --
10
11 Q. But you know it wasn't a council meeting; it was a
12 workshop rather than --
13 A. It was around that table. I can't comment with
14 certainty which one it was, a workshop or a council
15 meeting.
16
17 Q. What effect did it have on you, the threat to be
18 sacked?
19 A. I thought I was thick-skinned for some time. But it
20 does, it drains on you.
21
22 Q. Did it affect your performance?
23 A. I guess it affected me for some time after I left the
24 council, but at the time I shrugged it off. I thought,
25 "Oh, well, maybe that's just being a GM. That's what it
26 is."
27
28 Q. So you thought that was part of the job?
29 A. Well, I think at times people would say, "That's what
30 you're on the big bucks for."
31
32 Q. When you were, for example, an acting general manager
33 at another council, had you observed any behaviour like
34 that?
35 A. No.
36
37 Q. Had you heard about behaviour like that at other
38 councils that you'd worked at?
39 A. No, I've heard of - no specifics, but I have heard,
40 and in my current role it's refreshing. I'm a general
41 manager at a county council and it's refreshing where, you
42 know, the board appreciates you. They appreciate the
43 staff.
44
45 Q. You had a chance to observe the conduct within council
46 meetings while you were there. I think the mayor at the
47 time was Councillor Byron; is that correct?

1 A. For the majority of the time, yes.
2
3 Q. And who else?
4 A. Councillor O'Halloran prior. So he was for three or
5 so months, and then Councillor Byron.
6
7 Q. Okay. So with each of them, how did Councillor
8 O'Halloran conduct the council meetings?
9 A. He chaired them. I remember the meetings were rather
10 short, actually.
11
12 Q. Were meeting procedures followed?
13 A. That's going back five years or something.
14
15 Q. If you can't answer, that's okay
16 A. I can't.
17
18 Q. With Councillor Byron, did he have control of the room
19 when he was the mayor?
20 A. He's a gentleman. He's a nice guy. I guess just
21 sometimes there were some headstrong people, you know,
22 around the table, so it made it difficult at times.
23
24 Q. Was he able to manage the meetings or not?
25 A. I'm just trying to think back. I guess the best he
26 could. That's all I could say.
27
28 Q. I don't know if you recall this. In October 2017 you
29 said that you'd received legal advice that you needed to go
30 to tender for the caravan park lease. Do you remember who
31 you got the legal advice from?
32 A. I'd assume it's LG New South Wales. I'd been dealing
33 with their legal officer.
34
35 Q. Now, in November 2017 your wife's car was graffitied?
36 A. Mm-hm.
37
38 Q. What effect did that have on you as the general
39 manager?
40 A. It was shocking. Absolutely shocking.
41
42 Q. Did it affect your attitude to work?
43 A. Yes, absolutely, to think that something like that
44 happened to my wife's vehicle, assumed to be a result of
45 work, work issues, and the family side of it was just
46 massive.
47

1 Q. Was your family there at the time?
2 A. No, thank goodness we were away. And again, you know,
3 a small community, it was good. People had found out and,
4 you know, we were away for the weekend, they grabbed the
5 keys and hid it, so it wasn't on show for everyone.
6
7 Q. What did the words say on the car?
8 A. In big pink writing "Leave town" on all panels or
9 basically right round the car.
10
11 Q. Was that a factor in your decision - it wasn't your
12 decision to leave council, was it?
13 A. Make it very hard to stay.
14
15 Q. But it wasn't your decision to leave the council, was
16 it?
17 A. No, it was --
18
19 Q. A resolution of council?
20 A. It was a resolution of council.
21
22 Q. So if the council hadn't terminated you, you would
23 have found it difficult to stay there, you're saying?
24 A. Absolutely. Like, it's a small community. Everyone
25 knows.
26
27 Q. Give me a moment. 6 November 2017 - and this is
28 second-hand, so somebody else was telling somebody else -
29 that you'd become aware of Facebook posts that had been put
30 up by Councillor Ugarte over the weekend? You might recall
31 that was the weekend of the attack on your wife's car. Did
32 you see the Facebook posts?
33 A. There was - yes, no, I can't - there was
34 something - I know there was something on that weekend.
35 I don't know.
36
37 Q. Are you on Facebook?
38 A. No, I'm not. Still not either.
39
40 Q. Neither am I. We'll have to find somebody who is. So
41 you'd heard about them third-hand, had you?
42 A. Which ones? There were a few Facebook posts from that
43 councillor.
44
45 Q. This was Councillor Ugarte and it was over the weekend
46 of 4 and 5 November.
47 A. That was the race weekend, horse races, I'm guessing.

1 That was when my car was - when the car was --

2

3 Q. Yes, that same weekend.

4 A. No.

5

6 Q. You don't know what the content was?

7 A. No.

8

9 Q. Ms Annis-Brown, did you have anything else that you
10 needed to raise?

11

12 MS ANNIS-BROWN: I just wanted to ask you, Mr Drenovski,
13 in terms of the - we have some records here of some
14 discussions you'd had with OLG in relation to the SRV
15 proposal and just in terms of the consultation process that
16 had been undertaken and in terms of the community support
17 or otherwise for that. So could you just elaborate a
18 little bit on the focus groups that were held and how that
19 had worked and --

20 A. I never want to go through that again. That was - if
21 you'd like to get comments from the gentleman from Morrison
22 Low, because at one stage he lent over to me saying, "I'm
23 feeling unsafe," at one of these meetings. It was like a
24 lynch mob almost at one stage. Like, just a few loud
25 voices just very critical of council or particularly
26 myself.

27

28 Q. In what regard? What was said?

29 A. I think there was a staff member that said, "Anyone in
30 the room could do a better job than you as GM," and certain
31 other things. There was a great turnout in terms of people
32 turning out for an SRV. You know, some of these meetings
33 had 50 or 60 people. I think there were about 200 that
34 turned up, so that's a huge proportion. It's just
35 disappointing that a few loud, outspoken people, you know,
36 raised just particular issues. You know, aged care
37 facility, caravan park, they were the two main ones. And,
38 yes, just again just listen to a lot of frustration,
39 I guess, directed towards council and at times particularly
40 myself.

41

42 Q. So is it fair to say that the community perhaps used
43 those forums as an opportunity to vent about a range of
44 issues rather than just the SRV proposal?

45 A. Absolutely.

46

47 Q. Had council held many forums like that before?

1 A. No, we had organised something as part of - that was
2 part of our public consultation increasing. Like,
3 I remember when looking at the mergers and the rest, OLG or
4 one of the organisations was doing a road show. We
5 organised a number of public meetings for that. So we got
6 great turnout. Give the community credit. Like, huge
7 numbers turned up to those meetings, the same too with the
8 SRV. But as something new we did the newsletter once a
9 month, but then we started doing flyers and again these
10 meetings, you know, engaging with the community.

11
12 Q. So it appears a lot of that community engagement was
13 in fact one of the recommendations of the temporary
14 adviser, I think if I recollect from the performance
15 improvement order, in terms of raising awareness of
16 council's activities through the community?

17 A. Yes, there was mention in there about that.

18
19 THE COMMISSIONER: Just a few things arising out of that.
20 Who said that anyone in the room would be a better GM than
21 you?

22 A. We were up at Clare and I can't recall the staff
23 member. It was a resident up there.

24
25 Q. A resident?

26 A. Yes. Very colourful language used at times.

27
28 Q. And how did the hostel and the caravan park have
29 anything to do with the special rate variation?

30 A. I guess they were just contentious issues at the time
31 while we were looking at the SRV. Council was running out
32 of cash, so they needed to look at opportunities to
33 generate revenue and reduce expenditure.

34
35 Q. And you mentioned your newsletter. That started about
36 that time, did it?

37 A. No, sorry, it had been going for some time.

38
39 Q. Okay.

40 A. It was a monthly, because there's no paper in town and
41 we do a fortnightly or monthly in the Swan Hill paper and
42 the Hay paper we had a section. We just provide updates.
43 If you want to put it in context, like, when I first turned
44 up to council the website had been down for a couple of
45 months.

46
47 Q. The council website?

1 A. The council website. So it had been down for probably
2 three months, I guess.
3
4 Q. When you arrived?
5 A. Or just prior, because I do remember when I was
6 researching to interview the website was down.
7
8 Q. Do you know the reason it was down for three months?
9 A. I don't know, sorry. Sorry, if I can retract that
10 three months. It was just a period of - sorry, it was some
11 time.
12
13 Q. Yes, some time. So you only had the newsletter in the
14 paper? That's the only really regular consultation at the
15 time that you were at the council?
16 A. No, it was a newsletter that we printed, we folded up
17 and we gave to whoever does the mail run and everyone would
18 get an A4 folded sheet.
19
20 Q. Plus you had a column --
21 A. Plus the column in the two papers that cover most of
22 the area. But I guess it was a big change from not having
23 many public meetings and the councillors weren't
24 too - I guess their preference was not to have those.
25
26 Q. Sorry, I missed that?
27 A. I guess the councillors weren't too - well, they
28 hadn't had the public meetings in the past, you know, to
29 consult the community. So it was a big change. You know,
30 all of a sudden we had those ones to do with the reform and
31 then all of a sudden the SRV and that got everyone - again,
32 you had a couple of contentious issues that came up at the
33 same time.
34
35 Q. Did you get an impression that the squeaky wheels were
36 being listened to rather than the whole of the community?
37 A. Yes.
38
39 Q. You do know what I mean by that?
40 A. And you could see that at budget time, too, when you
41 go out for consultation. You get letters back from
42 concerned people who are wanting funds directed certain
43 ways and council would then consider those.
44
45 Q. And that's not improper?
46 A. Yes.
47

1 Q. That council consider them. But you felt they were
2 getting more attention than the overall community?

3 A. Well, I guess with the roads in the earlier days we
4 used to go and grade the areas that we got concerns raised
5 by community members. Then we started a process there, you
6 know, more strategically focused and we would do certain
7 sections rather than the whole road.

8

9 Q. So you moved from a complaint or a reaction basis to a
10 program of works?

11 A. A program, yes.

12

13 MS ANNIS-BROWN: Just to go back to the Commissioner's
14 earlier question to you about threats made to sack you by
15 certain councillors, there were some records here in terms
16 of some conversations that you'd had with the Office of
17 Local Government and one of them was on 12 October 2017.
18 Once again during that telephone discussion you just noted
19 that several councillors appear to have become complacent
20 about the performance improvement order and consider that
21 they are able to act as they please because they don't feel
22 that anyone's watching, so to speak?

23 A. Yes.

24

25 Q. You once again mention that they threatened to sack
26 you if you don't comply with their requests, but they don't
27 have the numbers. So that was basically what you were
28 putting. You also sought advice from OLG, the Office of
29 Local Government, as to whether they could perhaps attend
30 the next council meeting, and I note that wasn't the first
31 request that you'd made in that regard. So what you were
32 concerned about seemingly is that - and I think comments
33 were made to that effect, that the councillors tend to
34 behave if they think the office is there or someone is
35 watching them?

36 A. Yes.

37

38 Q. So if you could perhaps just elaborate on that.
39 I mean, that was your sense at the time, that otherwise
40 they just thought that no one was watching and they could
41 get away with whatever they pleased?

42 A. Yes, that was definitely the case, like initially when
43 we got the order the council were very serious about
44 dealing with it. But as months went on and there wasn't
45 much, I guess, follow-up, then I guess, you know, some went
46 back to their old ways.

47

1 Q. But you'd made sure, and correct me if I'm wrong here,
2 that the performance improvement order was a standing item
3 on the meeting agenda?
4 A. Yes, every month we reported and just gave progress.
5
6 Q. So it was visible to the councillors at least that
7 someone was still watching, the minister was still very
8 interested to ensure that council was complying with the
9 recommendations that had been made and in fact it was
10 council's compliance report, was it not?
11 A. What was that last bit, sorry?
12
13 Q. So it was actually council's compliance report?
14 A. Yes, it was council's.
15
16 Q. So council had prepared the recommendations in that
17 compliance report and submitted that to the minister?
18 A. Yes.
19
20 Q. So it wasn't something of the minister's making. It
21 was something that council had prepared itself?
22 A. Yes.
23
24 Q. And therefore had --
25 A. And put a timetable as to when we were going to
26 address all the issues, yes, and then monthly provided
27 updates on the progress.
28
29 Q. Yes, okay. That's all, Commissioner.
30
31 THE COMMISSIONER: Thank you. I don't think I have any
32 more questions for you, Mr Drenovski. Is there anything
33 else that you wanted to tell the commission that's relevant
34 to the terms of reference?
35 A. No, thank you.
36
37 Q. Okay. Thank you. Thank you very much for attending.
38
39 **<THE WITNESS WITHDREW**
40
41 THE COMMISSIONER: Then I call Robert Stewart.
42
43 **<ROBERT STEWART, sworn: [2.55pm]**
44
45 THE COMMISSIONER: Thanks for coming today, Mr Stewart.
46 Can you just explain to me your relationship with the
47 council? I seem to see that you had a role before your

1 acting general manager role?
2 A. I went out to the council on 19 December 2016, stayed
3 there until 9 June '17 as the director infrastructure and
4 development.
5
6 Q. Was it an advertised position? Were you filling in?
7 What was --
8 A. I was filling in until they recruited a new director.
9 It was initially for a shorter period. It ended up being
10 that longer period.
11
12 Q. Okay. And was it an advertised job or did somebody
13 contact you and invite you?
14 A. Contact through Local Government New South Wales
15 Employment Solutions. They were asked to look around to
16 see if they could get a temporary replacement.
17
18 Q. Did you in your role as the director of infrastructure
19 observe anything about the council relative to your role
20 then?
21 A. Yes. I suppose initially I'd come from a larger
22 council as a general manager.
23
24 Q. Where had you been?
25 A. At Tumut. I was general manager at Tumut for a number
26 of years, about seven years, and then nearly 12 months as
27 the interim general manager for Snowy Valley's council.
28
29 Q. So you were used to a larger council. What did you
30 observe when you came to Balranald?
31 A. A council under stress. Poor systems and processes.
32 They had at that stage no record, electronic record
33 management system. That was a bit of a shock. Their
34 delegations were out of date at that time. I arrived and
35 they hadn't really commenced the community strategic plan
36 update and budget process. I was concerned their long-term
37 financial plan wasn't a good one. Subsequently it was
38 picked up. Their meeting procedures noted that they didn't
39 really understand meeting procedures, declaration of
40 interest in terms of not declaring the nature of the
41 interest. They didn't understand - during the meeting
42 councillors tend to get two or three goes at speaking,
43 where one councillor speaks and that's only, instead of
44 going into committee as a whole and having a debate. They
45 weren't using that process at that time, and the policies
46 certainly required review and that was reflective in the
47 notice of the improvement order.

1
2 Q. So then you came back to the council in December 2017?
3 A. Yes, on 11 December. If I can just drop back to what
4 the - as the infrastructure development.
5
6 Q. Sure.
7 A. It concerned me their assets, particularly water and
8 sewerage, they really didn't have the information there for
9 long-term planning, pricing strategy and even asset
10 management upgrades. They had received a report from the
11 previous director recommending to do an integrated water
12 cycle management strategy to deal with that. They rejected
13 that. I subsequently --
14
15 Q. Can I just stop you there. Do you remember who the
16 director was then?
17 A. John Stephenson, and the cost of that was in the order
18 of \$90,000. At that stage there was a 50 per cent subsidy
19 available from the state government. So, that was never
20 proceeded with. I put a report up in that time, I think
21 about February some time recommending to proceed, and it
22 was planned to put some money in the budget, 50 per cent
23 into the budget to proceed and subsequently that got
24 knocked out, I understand, in future budgets. Sorry I went
25 back there.
26
27 Q. No, that's very useful, actually, because we still
28 have I think a problem today about the proper valuation and
29 condition and useful life of those assets, and I didn't
30 understand that this problem went back that far. Do you
31 know why Mr Stephenson's recommendation for the strategy
32 was rejected?
33 A. I don't know. I can't speculate on that.
34
35 Q. Okay. And when you came in January, this would have
36 been January 2017?
37 A. That was in my stint as - no, that was during my stint
38 as the director of infrastructure and development.
39
40 Q. Yes?
41 A. When I came back I realised that had been taken out of
42 the budget. It hadn't gone forward on that.
43
44 Q. I see. So that was as you were GM?
45 A. Yes.
46
47 Q. So it was January 2018?

1 A. So I went out there as acting GM on 11 December and
2 why I remember that I think the council meeting was on
3 19 December and we had to notify IPART that council
4 intended to apply for a special rate variation, one that
5 hadn't been done. So I focused my mind on that, plus
6 trying to get an agenda ready for the council meeting.

7
8 Q. Just explain to me what would have been involved in
9 preparing for the IPART application? So first of all you
10 have to give notice of an intention to apply and that's
11 what that step was?

12 A. Yes, you had to do that by 15 December, notify, then
13 I think from memory about March you had to submit the
14 application to IPART.

15
16 Q. And what would the application include? What sort of
17 material?

18 A. It included all the preparatory work. You mentioned
19 the asset planning. Updating the long-term financial plan.
20 The community consultation, et cetera. Now, that had been
21 done in part and there were some issues that emerged on
22 that.

23
24 Q. So in January - this is in December you notified
25 IPART?

26 A. We notified IPART. There were certainly some issues.
27 I couldn't find a council resolution where they had
28 resolved to do it, but they had undertaken all the actions,
29 the intent to do it, and I sought some advice from OLG and
30 we lodged on the 5th - we lodged I think on 11th or 12th,
31 I can't recall, the notification to IPART.

32
33 Q. And then in January you became aware that what had
34 previously been budgeted for the assessment of
35 infrastructure had been taken out of the budget?

36 A. Yes, in digging back through the asset planning and
37 the special rate variation.

38
39 Q. So what did you do then?

40 A. There was nothing I could do at that stage because
41 I made some suggestions to the director of engineering they
42 should be including that in the next budget period.

43
44 Q. And the budget runs July to June?

45 A. Yes.

46
47 Q. And did that occur, do you know?

1 A. I don't know. I can't answer that.
2
3 Q. When did you finish as acting GM?
4 A. About March. They recruited the new general manager,
5 Michael KitzeImann.
6
7 Q. Okay. So you departed shortly before he commenced?
8 A. I think I departed on the Friday and he started on the
9 Monday.
10
11 Q. Okay?
12 A. But there was a handover exchange of notes.
13
14 Q. There was?
15 A. Yes.
16
17 Q. And have you been in contact with him since?
18 A. I've spoken to him. I'm now the administrator at
19 Central Darling. Balranald forms part of our joint
20 organisation and part of the western division, so I catch
21 up with him regularly.
22
23 Q. But does he consult you about Balranald issues or is
24 it more a --
25 A. It's a catch-up talk and Balranald typically comes up.
26
27 Q. Okay.
28 A. I just want to correct the notification of IPART was
29 by 17 December we had to notify. I lodged that on
30 15 December.
31
32 Q. Okay. Now, you were asked by the Office of Local
33 Government to - you had a number of concerns about the
34 behaviour of the council back in - I'll check the date.
35 You wrote to the Office of Local Government anyway in
36 January 2018. Do you remember you did a memo that --
37 A. I basically had - we returned from the Christmas
38 break. I found out there had been councillor contact and
39 direction of operational staff. I sent a series of emails
40 at that time and I think --
41
42 Q. Can you tell us about that incident first?
43 A. From recollection I recall it was about a water issue.
44 They went direct to the operators and we had put in place
45 before Christmas an emergency contact system, after hours
46 contact, and certainly all the directors and my phone
47 number was available to them.

1
2 Q. And what was the nature of the intervention by the
3 councillors?
4 A. I understand directing of works to proceed. There was
5 a water damage issue, and, you know, it happened and
6 certainly I recall it was dry at the time. So it did need
7 response, but my concern was interaction with council
8 staff.
9
10 Q. Okay. Do you know who the councillor was, do you
11 recall?
12 A. I can't recall. So, I sent a general email at that
13 stage to all councillors. My focus was on SRV and the
14 improvement order at that stage.
15
16 Q. Understandably.
17 A. Yes.
18
19 Q. Okay. Sorry, I interrupted you?
20 A. No, that's fine.
21
22 Q. So you came back in January. That was the first thing
23 to hit your desk?
24 A. Yes.
25
26 Q. This memo, if you like, that I'm reading from covers a
27 number of issues. You were concerned that Councillor
28 O'Halloran was using his position to intimidate and bully
29 the staff, and that's despite having gone through code of
30 conduct training and being aware of the council policy?
31 A. Was that an incident with one of our counter staff?
32
33 Q. I'm not sure. Yes, it was. Galina Adamek?
34 A. Yes. What was the date of that email? 2 January too?
35
36 Q. The incident was 2 January, yes.
37 A. Okay. Again I had that person - my PA came and saw
38 me. That person was very upset. She was worried her
39 husband was going to be sacked. That was the indication
40 from the councillor. I subsequently spoke to her and
41 indicated that the general manager did the hiring and
42 firing, not the councillors, and told her not to worry
43 about it and asked to document so I could have that
44 information. I then sent an email drawing councillors'
45 attention to their policy they adopted 20 October 2016,
46 minute number 10.16.3857.
47

1 Q. Do you think the councillors were aware of their own
2 policy?
3 A. I think the council struggled with policy and
4 governance.
5
6 Q. So that matter ended up being the subject of a
7 complaint and that has been fairly well documented in the
8 material that's been submitted to the commission.
9 A. Yes.
10
11 Q. You then went on to say that Councillor O'Halloran was
12 actively calling and canvassing for your dismissal?
13 A. Yes. I was heading home to Tumut on the Friday
14 afternoon. I got a phone call from the mayor that he had
15 received a phone call and he had the numbers to get me
16 dismissed.
17
18 Q. He'd had a phone call from?
19 A. Councillor O'Halloran. The mayor had the phone call.
20 The mayor rang me.
21
22 Q. The mayor being Mayor Byron?
23 A. Byron, yes.
24
25 Q. That didn't happen, though?
26 A. I beg your pardon?
27
28 Q. That didn't happen?
29 A. What, getting sacked?
30
31 Q. That you were dismissed?
32 A. No.
33
34 Q. Was there ever a motion moved to that effect?
35 A. No.
36
37 Q. How did that affect you in your position?
38 A. I was employed as an acting GM and I had given an
39 undertaking to the mayor that I would do everything
40 possible to help Balranald in terms of getting the SRV
41 application in and the integrated plan. That was my focus
42 and I wasn't going to let Councillor O'Halloran distract me
43 from that.
44
45 Q. Had you come across behaviour like this before?
46 A. I have come across that. Not calling for my
47 dismissal, but disrespect to council senior staff, I've

1 experienced that in local government.
2
3 Q. Would you say it's widespread?
4 A. It's perhaps spasmodic at times. I think we all go
5 through highs and lows. Sometimes I think some of the
6 elected people see general managers and directors as fair
7 game. I think about that time I received - I put it in a
8 note, I think - a phone call from Councillor O'Halloran
9 counselling me that I should have counted to 10 before
10 I pressed those email buttons around early January.
11
12 Q. Yes, 2 January?
13 A. Yes. And he said, "They're out to get me." And my
14 response was, "If I receive complaints I will deal with
15 them under the code of conduct and the best way to handle
16 the situation, councillor, is comply with the code."
17
18 Q. So he felt he was being targeted?
19 A. Yes.
20
21 Q. Can I take you back to something that happened in the
22 meeting in December 2017. I'm not sure I have the date of
23 it.
24 A. Yes.
25
26 Q. It was an ordinary council meeting and there was a
27 discussion about the discovery centre master plan?
28 A. Yes.
29
30 Q. Do you remember that?
31 A. Yes, I've got my notes here.
32
33 Q. Yes. You speak of a staff member but you don't - was
34 it Ms Mallet who was the tourism coordinator?
35 A. Yes.
36
37 Q. So she was explaining the master plan?
38 A. The master plan, yes, correct.
39
40 Q. And what happened?
41 A. Councillor O'Halloran raised some concerns that a
42 staff member was criticising council in that master plan.
43 I didn't understand it at the time, so therefore let it go.
44 But subsequently in a discussion with her director,
45 Charmaine Murfet, I learnt that the issue was around the
46 SWOT analysis in there. The councillor took offence to --
47

1 Q. So you learnt that later?
2 A. Later, yes.
3
4 Q. And what's a SWOT analysis?
5 A. Strength, weakness, opportunities and threats.
6
7 Q. And why was that offensive?
8 A. I would assume, and I can't recall the actual
9 analysis, somewhere in there there must have been some
10 comments critical of council, and the SWOT analysis purpose
11 is bring out all the issues, so councillors or whoever is
12 making the decision can recognise and deal with them
13 appropriately.
14
15 Q. You don't now recall what the --
16 A. No, I don't.
17
18 Q. Presumably it was a weakness, not a strength?
19 A. Yes, or a threat.
20
21 Q. Yes. And what happened at the meeting?
22 A. Just very loud discussion, voice, et cetera, as I can
23 recall, in an aggressive tone, and I know Ms Mallet was
24 very upset about that after the meeting.
25
26 Q. And was it reasonable for her to have been upset?
27 A. When you report to council, that report becomes
28 council's; it's not your report anymore. But I think as a
29 reporting officer you would ask council to understand the
30 issues there and a SWOT analysis is a basic tool you use
31 for examining issues. So I don't see any offence and
32 I don't believe it was unreasonable she was upset, given
33 the manner in that discussion that occurred.
34
35 Q. You said that "She's proposing to resign". How long
36 later did that occur?
37 A. I know she did resign and that was a contributing
38 factor afterwards there. She felt that council wasn't
39 supporting the Visitors Centre and it was certainly I think
40 one of the jewels in the Crown of Balranald in terms of
41 what it did and stopped people on that highway.
42
43 Q. Because Ms Mallet had also been the subject of a code
44 of conduct, not herself; she'd been --
45 A. Yes.
46
47 Q. I don't want to use the word "victim", but involved in

1 a code of conduct complaint?
2 A. Yes, I'm aware of that. On the day I arrived out
3 there in December, Mr Drenovski asked me had I had any
4 experience with code of conduct. I said "Yes". He said,
5 "Welcome, Bob, you are now the coordinator." So I picked
6 those pieces up and built with that, yes.
7
8 Q. Crown of thorns?
9 A. Yes.
10
11 Q. Okay. The special adviser suggested that you
12 interview Ms Mallet when she resigned to find out why. Do
13 you know why she resigned?
14 A. Again from recollection I think it was from - she had
15 lost - she believed that council had lost the direction in
16 terms of the Visitors Centre and confidence in her to
17 deliver. Was that all the reasons? I don't know. People
18 have various reasons for resigning.
19
20 Q. That's all she expressed to you?
21 A. Yes.
22
23 Q. Did you observe her work to be of a high standard or
24 not?
25 A. Extremely high standard. Very competent. She
26 attracted the Red Bull tree climbing event to Balranald
27 which was very significant and she put a lot of work into
28 what she did and did it at a very high standard.
29
30 Q. She wasn't responsible for communicating with
31 the community, though? That wasn't part of her role, was
32 it, the newsletter and that sort of thing?
33 A. No, she wasn't, no. The recommendation in the
34 improvement order was that we employ a communications
35 officer. That position would have sat under Ms Mallet
36 there in terms of - at that stage when I was there.
37
38 Q. Sorry, the communications officer was someone who
39 reported to her?
40 A. Would have reported to her, yes.
41
42 Q. And did you have any role in replacing Ms Mallet?
43 A. No. It was coming to the end of my tenure as the
44 acting GM. That was a matter for the new GM and I think we
45 canvassed that in the handover notes, and at that stage
46 even the director of finance was only acting. So I left
47 that for the --

1
2 Q. Yes. I don't know whether you can tell me, but from
3 your time at the council, both periods, did you observe
4 there to be an unusual amount of staff turnover?
5 A. Not initially when I went out there as director. When
6 I went back as general manager there was some unfinished
7 business with the staff restructure. So two people left as
8 part of that restructure when I was there. I finalised
9 that. But I would make the note morale generally across
10 the organisation was low.
11
12 Q. And was that the same when you were there as a
13 director of infrastructure or --
14 A. Yes.
15
16 Q. So it didn't improve during your period then?
17 A. No.
18
19 Q. You had a strategic workshop with the council in
20 January?
21 A. Yes.
22
23 Q. 2018. Did all of the councillors attend that?
24 A. From recollection, yes.
25
26 Q. What would you say the mood in the councillors was at
27 that point?
28 A. I think at that stage they saw the need for the
29 special rate variation and the improvement order. They
30 certainly had issues about the caravan park there. I think
31 I laid it on the line to them that change needed to occur
32 and it started in the chamber. I don't know if they
33 understood that.
34
35 Q. What did you mean by that in relation to the caravan
36 park?
37 A. I wasn't directing - sorry, my comment in the caravan
38 park or change has to occur?
39
40 Q. Oh, were they not connected? Sorry. So when you said
41 there were issues about the caravan park?
42 A. We went through the options of tendering there.
43 I raised the issue that they had excluded one of the
44 expressions of interest. It was the people who did the
45 master plan or a company connected with them. They wanted,
46 from recollection, to use the same tender documents, terms
47 and conditions, and they also wanted, from memory again, to

1 review the tender documentation prior to it going out,
2 which I pointed out I had never run across in my experience
3 in local government. Council typically makes the policy
4 decision to go to tender, the type of tendering, and the
5 staff prepare the documentation and do that process. So we
6 ended up subsequently having a meeting where they got 124
7 pages of the tender document and went through it.

8
9 Q. Did they change the tender at the meeting?

10 A. I can't recall. I don't think there was too many
11 changes there.

12
13 Q. But that process of calling for all of the tender
14 documents you've never come across?

15 A. I'd never come across in local government. I've
16 certainly raised that with the adviser and he had indicated
17 he hadn't seen that either.

18
19 Q. And in your report you make comment on it as well, in
20 your report to the council?

21 A. Yes, I do.

22
23 Q. Do you see that as the councillors stepping beyond
24 their strategic role into the operational area of the
25 council?

26 A. Very much so, and not understanding their role, and
27 I think I raised that in a text to the mayor. It was at
28 7.49 in the morning, so it must have concerned me.

29
30 Q. That was the morning after that meeting or after
31 the --

32 A. It must have been very - I reminded the mayor of their
33 commitment given to OLG they would work constructively with
34 the adviser and OLG. They do not understand their roles.
35 Considerable stress that we had two senior staff leave, the
36 general manager and the director of corporate services.
37 Yes, so I raised that then.

38
39 Q. What was the date of that message?

40 A. I don't have the date. I just have a printout there.
41 Unfortunately when I left Balranald I didn't print all the
42 emails.

43
44 Q. Well, I think we've got them.

45 A. You may have them there somewhere. And I pointed it
46 out at that time, given the workload, our most precious
47 resource was time and I had the frustration that we were

1 dealing with spotfires, operational issues which we
2 shouldn't have been in. We should have been getting on
3 with the big issues that were going to impact on council,
4 the SRV variation and there was a number of issues we
5 picked up through there we had to backtrack on.

6
7 Q. What are those issues?

8 A. In going through I couldn't find the resolution in the
9 council minutes adopting the budget for the year. It
10 wasn't an administrative error. It was in the notes.
11 Council passed the thing, but it didn't get into the
12 minutes. Unfortunately that wasn't picked up, so we had an
13 extraordinary meeting. We corrected that.

14
15 Q. So it wasn't picked up by the next council meeting?

16 A. No, by the councillors or the staff at the time.
17 I couldn't find a formal resolution adopting the asset
18 management plan. It was a recommendation of the
19 infrastructure committee, 9 October, but it never went to
20 council, so we had to sort that out. So they were the two
21 big ones, the long-term financial plan and the asset plan
22 adoption, which really underpinned the SRV application.

23
24 Q. So you were being frustrated in that larger role by
25 being distracted with small things?

26 A. M'mm.

27
28 Q. Was that for the whole time that you were at the
29 council, was it like that?

30 A. I believe, yes, you could say that. And if I reflect
31 back when the mayor rang me and asked me would I take on
32 that role, the two jobs he mentioned was the SRV and the
33 improvement order. "By the way, we've got a western
34 division conference in Ballarat and it's all organised."
35 It wasn't organised, so we had to sit down and organise all
36 that in that time period again.

37
38 Q. Which reminds me, before you mentioned the joint
39 organisation?

40 A. Yes.

41
42 Q. So the council did join the joint organisation?

43 A. When I was there there was a lot of debate whether
44 they should or not. We organised for the Office of Local
45 Government to visit and Melissa Gibbs and another officer
46 to talk to council about the joint organisation.
47 Subsequently they joined. But, again, it was this issue of

1 understanding the really strategic importance to do that.
2 "Let's get on and do it." But, "No, we want to deal with
3 the political issue there. We shouldn't be involved."
4

5 Q. And what was the political issue? Weren't there
6 benefits to come out of the joint organisation?

7 A. There were supposed benefits to come out and the issue
8 was you had the four councils involved, Wentworth, Broken
9 Hill, Balranald and Central Darling. The concern was
10 Broken Hill, given its size, would become the dominant
11 partner in there and that was never intended in the
12 proposals for the JR.
13

14 Q. And they each have equal voting rights; is that how it
15 works?

16 A. Yes. Each of the mayor votes there, or his delegate
17 if he's not there - he or she is not there.
18

19 Q. And was that clear?

20 A. That was clear at that stage.
21

22 Q. Anyway, it did go through; the council actually
23 joined?

24 A. Yes, I know. I sit there now on the JR as my role as
25 administrator of Central Darling.
26

27 Q. One of the things you had raised was in terms of the
28 need for sources of funding. Were you concerned that the
29 council didn't have any means of collecting contributions
30 from developers?

31 A. Yes, the intent was - my background is town planning.
32 I'm a town planner - the section 94A contributions plan,
33 which would have been reasonably simple to introduce.
34 I don't know if they have done that or not.
35

36 Q. Was that something that you tried to get happening
37 when you were there?

38 A. Didn't have the time to do it. It was certainly -
39 I discussed with the director, Mr Pretorius, that that
40 needed to happen. It was in my handover notes to the new
41 general manager too.
42

43 Q. Okay. And were there any developments going through
44 the council when you were there?

45 A. We had major developments occurring. The solar farms;
46 they were State significant. We had massive almond
47 plantings occurring. And the sand mining, it had occurred.

1 There were some contributions flowing from that. But there
2 were I believe opportunities to leverage some of that.
3 Yes.

4
5 Q. The solar probably is in a different category if it
6 was State significant development. But with the nut farm
7 and the sand mining was there any consideration given to
8 entering a voluntary planning agreement with those
9 developers?

10 A. My understanding is Premier & Cabinet did a lot of
11 work - this is going to my discussions when I was acting
12 director and made a series of recommendations to council
13 about SRVs, contribution plans, and my discussion with one
14 of the officers of Premier & Cabinet they were frustrated
15 the council had never taken that up.

16
17 Q. When you say "that", the opportunity to do a voluntary
18 planning agreement on an individual DA?

19 A. Yes, and section 94A plans et cetera.

20
21 Q. For the long haul, yes.

22 A. Yes.

23
24 Q. Have you ever been at a council that didn't have a
25 contributions plan?

26 A. Yes.

27
28 Q. Oh, there you go.

29 A. Quirindi or Liverpool Plains didn't have one.
30 I actually wrote it and put it in place when I was there,
31 which I forgot about until the previous GM told me.
32 I said, "That's a good plan," and he said, "You wrote it."

33
34 Q. And it was a 94A?

35 A. It was a 94A plan.

36
37 Q. Because you don't need a lot of preparatory material
38 to do one of those?

39 A. No.

40
41 Q. That's the only other council that you have been at?

42 A. I have worked at a number of councils around the
43 State --

44
45 Q. That didn't have a contributions plan of some sort?

46 A. No, the others had those. Certainly in the early days
47 of the Act not many council did. But as the Act progressed

1 and councils - as development occurred we had them.

2

3 Q. Okay. What was your perception of whether there was
4 any institutional change in the council from the beginning
5 to the end of your tenure?

6 A. There had been some I think significant steps for
7 Balranald. They introduced the electronic record
8 management system. They had started the restructure. The
9 new director of finance and corporate services certainly
10 implemented change in the finance, and I think they got
11 their audit in on time, which was a first. And I think
12 I mentioned in the handover notes to the GM that there
13 needed to be a sustained cultural change program in the
14 organisation.

15

16 Q. And what do you see as that? What does the cultural
17 change look like? What needs to happen?

18 A. I think a whole approach. I think they need to
19 rebuild systems and processes in there. They need staff
20 resources. I say staff resources; capable staff who
21 understand local government. That's an issue for all the
22 western division councils; how do they attract and retain
23 staff for those areas. Performance management of staff
24 needs to be very strong. They didn't have a good
25 performance management system. We started to talk and
26 started to write position descriptions. I don't know how
27 far that's gone.

28

29 Q. And, apart from at a staff level, what about the
30 councillors? Did they seem to get on board with changing
31 the way they were behaving?

32 A. I don't believe so. It was a tick the box exercise.
33 Even though we talked about training, meeting practice,
34 they exhibited signs of excellence at times and then
35 descended back.

36

37 Q. What do you think needs to happen in Balranald to
38 effect that change?

39 A. Honestly?

40

41 Q. Honestly.

42 A. Unfortunately we are about 18 months too late.
43 I think this inquiry should have been held 18 months ago.
44 I think it needs a time-out to effect change in the council
45 at the council level. I don't normally recommend
46 administration, but I certainly see in Balranald's case
47 that time-out would allow the general manager to rebuild

1 the organisation to a capable and contemporary one that the
2 community deserves.

3

4 Q. You are an administrator at the moment?

5 A. Yes.

6

7 Q. What effect is that having in Central Darling?

8 A. I have only been there since January, and Central

9 Darling has been in administration since 2014 because of

10 their financial position. In that time since 2014 to now

11 they have rebuilt the finances. They will be debt-free in

12 five years time and starting to put money in the bank.

13 That was a series of poor council and management decisions

14 that occurred there. I'm reading history, and there's

15 certainly a big report from a commissioner there before

16 they went to administration.

17

18 My brief when I went there was to prepare the council

19 for possible elections in September 2020; engage the

20 community, and particularly the Indigenous population there

21 and advocate for the community. I've taken the approach in

22 looking at it that we need to quickly now build the

23 governance foundations. We have put in place - adopted the

24 new code of conduct, the new code of meeting practice.

25 They had no expenses and facilities policy. That's been

26 put in place.

27

28 Because they are in administration they really had no

29 performance management of the GM; it was left to the

30 administrator. I have put in place the section 23A

31 guidelines for the future council there. Procurement

32 policy we have put in place. So we have been able to do

33 that very quickly. The staff develop the policy. I can

34 run my eye over it. We put it to council, adopt it as

35 draft and then out on exhibition.

36

37 Q. Sorry, the staff development policy, is that Central
38 Darling?

39 A. Yes. All those policies were Central Darling.

40

41 Q. Yes. You put it to council?

42 A. Yes, I am the council.

43

44 Q. Oh, sorry, okay.

45 A. So it still goes formally - when I said "staff develop

46 it", staff develop the policy. They typically give me a

47 draft to review. Then it goes into the council agenda.

1 I may make some comments and suggestions. It goes into the
2 council agenda. It's dealt with at the meeting there by
3 formal resolution.

4
5 Q. So you effectively conduct a council meeting?

6 A. Yes. When I argue with myself I'm in trouble.

7
8 Q. Okay. Do you have people addressing you?

9 A. Yes. The last meeting there were two couples there.
10 We are now broadcasting the - webcasting the meeting after
11 the meeting.

12
13 Q. So having an administrator won't impact adversely on
14 the community's ability to interact with the council?

15 A. It depends on the administrator, I would suggest.
16 They certainly need - and one of the comments, and I have
17 worked in local government for a number of years and worked
18 under two administrators. From a staff viewpoint
19 administrators are great. You can get along without the
20 politics in doing the business of council. But I think
21 there needs to be a very planned approach to the
22 administration: why I highlighted Central Darling, get the
23 finance right, now rebuild the governance and structural
24 frameworks in there. But the typical comment is you lose
25 advocacy. You need to put in place to make sure the
26 administrator is engaging. I go out to the communities.
27 I spend a week a month out there, to each of the
28 communities one day a month and meet with people there.
29 The last time was Menindee. I met seven of the residents
30 there.

31
32 Q. Okay. But the staff seem to like the process of
33 working under an administrator because there's not that
34 interruption to their work?

35 A. Yes, not the politics there and you get decisions
36 quickly there.

37
38 Q. And you think that's what's needed in Balranald at the
39 moment?

40 A. I think it needs a period of time-out and that
41 rebuilding process.

42
43 Q. So what happened in Central Darling? What period of
44 administration? You said they have been in administration
45 since 2014?

46 A. Central Darling, given the issues of a rural remote
47 council the size of Tasmania, 2,000 people, very low rate

1 base is a special case I think in New South Wales. You
2 couldn't compare it to other councils there.
3
4 Q. So it's unlike Balranald in it didn't have a centre?
5 A. Unlike Balranald, yes. Has one large centre there and
6 well-developed infrastructure et cetera there.
7
8 Q. Okay. And what were the other councils that you
9 worked at under administrators?
10 A. On the amalgamation of - back in the early '70s,
11 Quirindi - sorry, Quirindi Shire, part of Parry and part of
12 Murrurundi, we had an administrator in a very short period,
13 very focused, developed the strategic plans et cetera we
14 had to get in place in a short period, and I think it was
15 only a matter of 12 weeks or something.
16
17 Q. And that was just a hiatus when the councils were
18 being amalgamated?
19 A. Yes. We had to divide assets and whatever in that
20 time so we could get decisions quickly. And certainly on
21 the merged council with Tumut and Tumbarumba.
22
23 Q. And that was more recently then?
24 A. Yes.
25
26 Q. And how long was the administrator in place in
27 Tumut-Tumbarumba?
28 A. I think it was 18 months, two years. I'm not too
29 sure.
30
31 Q. But again that was just a specific purpose to --
32 A. Facilitate the merge.
33
34 Q. I think that's probably all I have.
35
36 MS ANNIS-BROWN: I don't have anything, Commissioner, no.
37
38 THE COMMISSIONER: Thank you, Mr Stewart.
39 A. Thank you.
40
41 Q. Do you have anything you want to add to the public
42 inquiry?
43 A. No, I think we have covered it.
44
45 Q. Okay. Thank you very much for your attendance today.
46 A. Thank you.
47

1 <THE WITNESS WITHDREW.

2

3 THE COMMISSIONER: We will close for today, and then we
4 will re-open the Commission inquiry in Balranald on
5 31 July. We will be starting at 10 o'clock. We will be
6 sitting in the council - I'm not sure exactly --

7

8 MS ANNIS-BROWN: Chambers. Council chambers, yes.

9

10 THE COMMISSIONER: Council chambers, is it? Okay. We
11 will be operating there. We will also have it transcribed
12 and it will go onto the website as soon as possible after
13 the hearing. So thanks, everyone, for attending.

14

15 **AT 3.38PM THE INQUIRY WAS ADJOURNED TO**
16 **WEDNESDAY, 31 JULY 2019 AT 10.00AM.**

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