

INQUIRY UNDER SECTION 438U OF THE LOCAL GOVERNMENT ACT

BALRANALD SHIRE COUNCIL

Public Hearing

Held at  
Balranald Shire Council Chambers  
70 Market Street  
Balranald, New South Wales

On Wednesday, 7 August 2019 at 10.00am

Before Ms Roslyn McCulloch, Commissioner

1 THE COMMISSIONER: Good morning, everyone. We will start  
2 this morning and I call Councillor O'Halloran.

3  
4 <STEPHEN O'HALLORAN, affirmed: [9.59am]

5  
6 THE COMMISSIONER: Q. Councillor, you were invited to  
7 make a written submission to the inquiry but you didn't do  
8 so, is there a reason for that?

9 A. I'd have to say that due to my ill health in the last  
10 18 months and other commitments, I just didn't get around  
11 to the timeline that was put before me.

12  
13 Q. Did you have anything you want to submit in writing  
14 today?

15 A. I'll answer your questions and I'm not sure of the  
16 format, to be honest with you.

17  
18 Q. It is pretty free and easy so I will ask you some  
19 questions and if you want to make a statement to the  
20 inquiry?

21 A. I have a couple of pages of statements here. I doubt  
22 if you can read my writing, that's all. I went to school a  
23 few years ago.

24  
25 Q. Perhaps if I start with the questions and then at the  
26 end you can sum up with your statement, if that suits you?

27 A. Can I say that I'd just like to do this particular  
28 case without prejudice.

29  
30 Q. There's no such thing as giving evidence without  
31 prejudice. There's no criminal charges likely to arise  
32 from this so you are not going to incriminate yourself, but  
33 there is a requirement to give evidence when you are under  
34 summons so you can't - I won't be asking you questions  
35 about the caravan park?

36 A. I just wanted to clear that up, thank you. The other  
37 thing is I believe I was the recipient of an unfortunate  
38 phone call from this office the other day and I'd like to  
39 make it known to here.

40  
41 Q. Which office are you talking about?

42 A. You people here in this office.

43  
44 Q. The public inquiry or the council?

45 A. You people, after the closure of this session. I was  
46 rung --

47

1 Q. I am sorry, can you tell me who 'you people' means?  
2 A. The people that were in this room.  
3  
4 Q. Somebody in this room rang you?  
5 A. Yes, and changed my day, which I had another  
6 appointment for but I know I committed to come so I come,  
7 changed my day to today.  
8  
9 Q. Correct?  
10 A. And after that, I was in bed because I just come out  
11 of hospital in Swan Hill, and the phone rings again and the  
12 whole conversation you people are having, just on an hour,  
13 was on my phone the whole time, whatever you said. And I  
14 just feel that that's quite unfortunate that that happened  
15 and I just wanted to make clear that I have nothing to  
16 hide, that I want to tell you that there was a certain  
17 amount of carelessness there and there was nothing I could  
18 do about it except for the fact that --  
19  
20 Q. Was it a voicemail message or was it a call?  
21 A. No, the phone obviously was what they call, I believe,  
22 pocket dialled.  
23  
24 Q. Yes.  
25 A. And you people were having a great time and it wasn't  
26 ceased until obviously who had the phone with them went to  
27 the motel.  
28  
29 Q. And you continued to listen, do you?  
30 A. I was aware that that question would be asked and  
31 that's what I wanted to get it out in the open, I've got  
32 nothing to hide, I am not secretive or divisive or anything  
33 like that. I wanted to be honest and upfront, how would  
34 you turn that off on a mobile phone.  
35  
36 Q. I'm sorry, I didn't make the call to you?  
37 A. No, but it was from someone that made the call to me  
38 to change my appointment, obviously.  
39  
40 Q. It sounds like there was an error and --  
41 A. A big error, I'd say, very big error in some of the  
42 things that were said, but I am not going to release them  
43 because I don't think that's quite the practice - that's  
44 not the way to go about it.  
45  
46 Q. Councillor, you will make a statement at the end of  
47 your evidence?

1 A. I will, yes.  
2  
3 Q. Can I just take back to June 2013, do you recall a  
4 complaint was made about you by then general manager  
5 Littlemore and the complaint concerned attempts by you to  
6 persuade him to drop the code of conduct complaint against  
7 Councillor Cooke?  
8 A. That's absolutely not true.  
9  
10 Q. That there was no complaint?  
11 A. I've never been put in a position where I've asked for  
12 any type of complaint to be dropped by anyone. As a matter  
13 of fact --  
14  
15 Q. Are you suggesting the complaint wasn't made by  
16 Councillor Littlemore?  
17 A. It was never raised by Mr Littlemore to me.  
18  
19 Q. Do you recall a report by a O'Connell's Workplace  
20 Relations in August 2013. It concerned Councillor Cooke,  
21 you were the mayor at the time?  
22 A. No, I don't know who O'Connell's are.  
23  
24 Q. Do you recall receiving a letter dated 15 August a  
25 2013 from Graham Evans of O'Connell Workplace Relations?  
26 A. No, sorry.  
27  
28 Q. Do you recall being advised to how to handle the code  
29 of conduct complaint that was made against Councillor  
30 Cooke, to discuss it with your fellow councillors, to  
31 discuss it with Councillor Cooke and the general manager,  
32 to impress upon the parties their need to accept their  
33 differences but show respect to each other and if they were  
34 unable to meet those requirements, to have further remedial  
35 action. Do you remember that letter?  
36 A. I'd have to say there is a vague memory there of  
37 something in relation to Councillor Cooke, but I don't  
38 remember O'Connell at all.  
39  
40 Q. You don't remember being provided with a copy of that  
41 report by the then acting general manager Robert Rainer on  
42 14 August 2013?  
43 A. No, I'm sorry.  
44  
45 Q. Then do you recall the meeting in August 2013 when the  
46 council resolved not to renew the contract of General  
47 Manager Littlemore?

1 A. All matters in relation to the senior staff - only one  
2 person council employs - were dealt with in closed  
3 committee and we had always had two resolutions and one was  
4 that you remove the staff, the second one was to remove the  
5 general manager and all those discussions were made behind  
6 closed doors.

7  
8 Q. Do you recall the resolution to not renew the contract  
9 of Councillor Littlemore?

10 A. I am sorry, I don't, but I am just telling you that's  
11 how we process any matters in relation to the general  
12 manager.

13  
14 Q. And you don't recall that the general manager - that  
15 the council resolved not to renew the general manager's  
16 contract?

17 A. Not really, no.

18  
19 Q. Do you recall then that there was a complaint by  
20 Councillor Purtill and Byron after that meeting as to how  
21 it was conducted?

22 A. No, I'm sorry.

23  
24 Q. You don't recall a complaint --

25 A. Can I ask who would their complaint be to?

26  
27 Q. To the appropriate officer at the council who dealt  
28 with misconduct matters?

29 A. No, I am not aware of that.

30  
31 Q. So you are not aware that the Councillors Byron and  
32 Purtill complained that the motion for the non-renewal of  
33 the contract was moved by Councillor Cooke at a time when  
34 she was subject to a code of conduct complaint by General  
35 Manager Littlemore?

36 A. No, I'm sorry, I might be seeming to be vague but I've  
37 got to be honest and tell you truth and I don't recall that  
38 at all.

39  
40 Q. Do you remember in August and September 2013 there  
41 were a series of incidents which later became the subject  
42 of a report by AIB? Let me give you some context. There  
43 was a series of complaints, one was against Rose Wright, a  
44 person who came to address the council and it is alleged  
45 that you called her the dago, do you remember that?

46 A. I do remember being accused of that - accused I would  
47 like to emphasise.

1  
2 Q. Do you remember there was an allegation that you had  
3 been interfering with the day-to-day running of the  
4 council?  
5 A. No, I don't know --  
6  
7 Q. A series of allegations?  
8 A. I don't know where that came from.  
9  
10 Q. Did you read the AIB report?  
11 A. No, what's AIB report?  
12  
13 Q. That was a report dated October 2014 by Nick Symonds?  
14 A. Oh, yes, yes, that's --  
15  
16 Q. So a report came out about, more than a year after the  
17 incidents, the series of incidents that were investigated?  
18 A. I went to a lawyer to represent me there.  
19  
20 Q. Correct, yes?  
21 A. And I answered the questions the way I saw them and as  
22 he told me, Nick Symonds said he was a former policeman  
23 from South Australia and his presentation and the whole lot  
24 left a fair bit to be desired in my mind but that's his  
25 business, I suppose. When I got a copy of the report back,  
26 I was absolutely shocked at the - I think only six of the  
27 allegations he gave me the benefit of doubt with the  
28 others, he just said, 'Oh, they were the facts' and they  
29 weren't the facts at all.  
30  
31 Q. You found them proved, is that what you are saying?  
32 A. I don't know how he could find them proved but what  
33 could I do about it?  
34  
35 Q. It is not for me to advise you but in the long and  
36 short he did direct you to apologise to Rose Wright and to  
37 General Manager Littlemore, do you remember that?  
38 A. Which - I don't remember it but I do - I remember Rose  
39 Wright, that I wrote a letter to her.  
40  
41 Q. You wrote a her to her?  
42 A. I apologised to her, yeah.  
43  
44 Q. Did you write a letter to her?  
45 A. I'd better be clear about that, I apologised to her.  
46 Whether it was in person or --  
47

1 Q. When did you apologise to her?  
2 A. At the appropriate time whenever that was but I do  
3 recall apologising to her.  
4  
5 Q. After the release --  
6 A. I think it was a letter, actually.  
7  
8 Q. After the release of the report or before?  
9 A. Look, I'm not sure about that, it's a long time ago.  
10  
11 Q. Did you apologise to Councillor Littlemore after you  
12 were directed to?  
13 A. I did, yes.  
14  
15 Q. Did you, because there was a further investigation by  
16 the Office of Local Government about your failure to  
17 apologise to Councillor Littlemore?  
18 A. Never saw that.  
19  
20 Q. You don't recall getting a letter from the Office of  
21 Local Government?  
22 A. Could I just reiterate there that my concerns the  
23 other day, when I was contacted about not apologising to  
24 the former mayor here recently, when I was - came back from  
25 suspension, three months, I stood up and said I wished to  
26 apologise to the former mayor, and I did that. Then next  
27 thing I was made aware that because I hadn't apologised to  
28 his face, which when I read carefully it said I have to, I  
29 did so last month. The other matter in that was that I -  
30 when it was pointed out to me that I - I wasn't descended  
31 down to (indistinct) the letter of apology, that I hadn't  
32 sent it to the lady concerned, I did that by email and I  
33 did follow up with a letter but unfortunately it wasn't  
34 received that way and then when I explained that, the  
35 gentleman told me that he felt he would cease the phone  
36 call but then a few days later, on my way back from Broken  
37 Hill, halfway between here and Mildura, I got a phone  
38 calling to tell me that perhaps we had better talk about it  
39 and this is what we require you to do.  
40  
41 Q. This is a different incident you are talking about?  
42 A. It is, it is, but it is relevant. I am just trying to  
43 make the point that there are errors, perhaps, on both  
44 sides.  
45  
46 Q. You said you did apologise to General Manager  
47 Littlemore?

1 A. To Littlemore.  
2  
3 Q. How did you do that?  
4 A. I went to his office and said I was sorry.  
5  
6 Q. When did you do that?  
7 A. When I was directed to.  
8  
9 Q. After the release of the AIB report?  
10 A. After that, yeah, when it came back that I had to.  
11  
12 Q. Do you recall an incident in October 2016 at the  
13 meeting of the Tourism Committee where you spoke in a  
14 manner that was unbecoming to your office to a then  
15 employee of the council, Connie Mallet?  
16 A. Yeah, I was accused of that and I don't believe that I  
17 was out of order. I made a point and next thing, the lady  
18 concerned burst into tears uncontrollably and therefore I  
19 am guilty and guilt and hung.  
20  
21 Q. When did she burst into tears?  
22 A. Straight away.  
23  
24 Q. During the meeting?  
25 A. Yeah, oh well, at the end of the meeting actually,  
26 from memory. At the end of the meeting, yeah.  
27  
28 Q. It wasn't just the - there was a report that  
29 eventually --  
30 A. What actually happened was, there was an order in for  
31 20,000 more leaflets for promoting tourism and I said  
32 there's 20,000 up at the depot, why don't we use some of  
33 them, and that's the exact words that I said.  
34  
35 Q. You think that's what upset her, do you?  
36 A. That's what upset her.  
37  
38 Q. Have you read the ACCA report that was published in  
39 May 2017?  
40 A. What was that relevant to?  
41  
42 Q. That's a report concerning both that incident and a  
43 series of incidents concerning Connie Mallet, Elisabeth  
44 White, your failure to treat staff with respect, your  
45 direction of staff, your behaviour being improper,  
46 unethical and abuse of power. Do you remember that report,  
47 it was quite lengthy?

1 A. I would have to say that my disposure (sic) might lead  
2 a lot of people to think that I might be rude or whatever  
3 but I think that the days of an environment in this office  
4 where you can enjoy yourselves and have a bit of  
5 cooperation and work with one another seem to be thrown out  
6 the window and, you know, if you blink, you'll get  
7 reported, that's what it seems to be to me.

8  
9 Q. So do you think Connie Mallet would enjoy being  
10 criticised in a public --

11 A. Connie Mallet wouldn't have the job only for me. I  
12 met with her with Mr Littlemore in Swan Hill in the main  
13 street over a coffee and offered her the job with him.

14  
15 Q. So did you feel you had some control over her because  
16 you --

17 A. No --

18  
19 Q. -- arranged for her --

20 A. I used to go regularly over there when she was over  
21 there, when we opened that building, and have a cup of  
22 coffee with her.

23  
24 Q. She eventually resigned, didn't she?

25 A. Well, I'm not aware. Like so many other things today,  
26 like meetings get cancelled and you know nothing about it,  
27 staff come and go, no-one sends you any emails, you know  
28 nothing about anything, so, you know, the onus comes back  
29 on me, but, you know, I think some of the others might have  
30 to lift their game a bit too.

31  
32 Q. You were censured by the council following the release  
33 of that report, do you recall that?

34 A. What does that mean?

35  
36 Q. In June 2017, the council censured your behaviour?

37 A. What's that mean? I don't know that word.

38  
39 Q. You don't know what "censured" means?

40 A. Yeah, I know what "censured" means, but what path did  
41 that take?

42  
43 Q. The council publicly censured your behaviour. It then  
44 sent the report to the Office of Local Government?

45 A. I don't recall.

46  
47 Q. Do you recall an incident on 2 January 2018, when you

1 were speaking to Galina Adamek in the office here?  
2 A. As a matter of fact, that's interesting you ask that,  
3 because I went to the counter with other councillors around  
4 me and I asked could I speak to the DID, and as seems to be  
5 the format nowadays, even if you ring up areas, "Can I tell  
6 them what it's about?" and I said, "As a matter of fact, I  
7 want to talk to the DID about the cemetery. It's untidy  
8 and needs cleaning up", they were my 100 per cent honest  
9 words, and the next thing I know is I'm reported for saying  
10 that I want to get her husband sacked. I never said that  
11 at all. I asked her could I talk to the DID, there's a  
12 lady at the front desk. I tried to make that clear when I  
13 had to go to lawyers and get it sorted - try and get it  
14 sorted out, but they said, "No, this is what you said", so  
15 I thought, "Oh well, I've got to apologise", so I did.  
16  
17 Q. So you were at the counter, were you?  
18 A. At the counter.  
19  
20 Q. Perhaps you're thinking of a different incident?  
21 A. No way.  
22  
23 Q. Because Connie Mallet's - sorry, Galina Adamek's  
24 version is that you telephoned into the council?  
25 A. I didn't. Councillor Jolliffe was right behind me and  
26 other councillors were around, because we were waiting to  
27 come in here to come to a meeting.  
28  
29 Q. So you didn't say, "You tell that husband of yours to  
30 clean up the cemetery, otherwise his job might be on the  
31 line"?  
32 A. I don't know where that come from. All I asked  
33 Ms Adamek was could I speak to the DID, please, and she  
34 said, "What do you want to speak to him about?", which  
35 seems to be the format nowadays, and I'll tell you now if  
36 someone asked me that, I'd say, "I'm not sure what I want  
37 to talk to him about." I feel that if I can't talk to the  
38 staff when I've got a matter that the rate payers have  
39 brought to my attention, well it's a pretty sad day for a  
40 place like this. I've been here for a few years and that's  
41 the only way we've been able to make people aware of what's  
42 required and what's not required.  
43  
44 Q. You think it's unreasonable for a director of the  
45 staff to have an idea of the topic that you want to talk  
46 about so that they can determine whether it needs to be  
47 dealt with immediately or later, you think that's

1 unreasonable?  
2 A. Well, I wouldn't have asked her if it wasn't a serious  
3 matter.  
4  
5 Q. But the --  
6 A. We had a Catholic priest come here and give us a  
7 demonstration of photos and whatever on the wall, how bad  
8 it was and this went on for months and months and months.  
9  
10 Q. And you weren't prepared to inform Ms Adamek what the  
11 purpose of your visit was?  
12 A. I told her what I wanted. I wanted to talk to the  
13 DID.  
14  
15 Q. But you wouldn't tell her the purpose of your visit?  
16 A. I said I wanted to talk to him about the cleaning up  
17 of the cemetery.  
18  
19 Q. You did say that, did you?  
20 A. I did, but I didn't say anything about her husband.  
21  
22 Q. It's not unreasonable to --  
23 A. She has jumped to that conclusion because he was the  
24 overseer. I never said that.  
25  
26 Q. That wasn't the finding of the report?  
27 A. I know what the finding was, and I'm getting a bit  
28 used to being accused, over the recent years, by people,  
29 you know, and it makes me a bit concerned about the path  
30 we're taking. As a matter of fact, I've got written down  
31 here I think it's the department's problem, myself. And  
32 when we first came into the council there, Mr Payne was the  
33 director - you might recall him or you might not - he would  
34 visit here at least twice a year and he'd have his staff  
35 come here and all councillors and staff, including general  
36 managers, because a lot of them are pastry makers or  
37 barbecue cooks or whatever you like, I don't know, but a  
38 lot of them need training, and I think you'll find that  
39 this situation was - that the department, in those days,  
40 made sure we all had training. Nowadays, in the last 10  
41 years, you can count on one finger how many times we've had  
42 appropriate training and all councillors and staff  
43 (indistinct) attend.  
44  
45 Q. Do you any the training that you've received has been  
46 effective?  
47 A. Over the years, firstly I - there's a lot of things

1 that I personally didn't have confidence in, but over the  
2 years I've learned to appreciate and respect, but I'm very  
3 disappointed that the department let the role of training  
4 slip off the edge.

5

6 Q. And you don't think it's a responsibility for the  
7 council itself?

8 A. I believe the council has always put money in the  
9 budget to do that, but the last little bit of a session  
10 that we had was a code of conduct thing, about one and a  
11 half pages, and there's people in the gallery here that  
12 were at that and I personally didn't think the person that  
13 delivered that really had the understanding or the interest  
14 in reading it out. It lasted about five minutes. And does  
15 that affect the public too that come to some of our  
16 meetings, if they come? No-one knew. I don't know.

17

18 Q. Who provided that training?

19 A. An acting general manager.

20

21 Q. Bob Stewart, was it?

22 A. (indistinct).

23

24 Q. What other training have you undergone?

25 A. Over the years, we used to have a lot of training. A  
26 particular gentleman from Swan Hill used to come and train  
27 the staff, we did a lot of training in relation to the  
28 levels and bands, we're all involved in that over the  
29 years.

30

31 Q. What does "levels and bands" mean?

32 A. When the change of the award has been brought in.

33

34 Q. How long ago was that?

35 A. That's 20 years ago now.

36

37 Q. Did you do training after the release of the ACCA  
38 report? It was a recommendation of that report?

39 A. Oh yeah, yeah. I went to - where did I go to? I went  
40 to Orange.

41

42 Q. By yourself, did you?

43 A. I took the general manager's car and drove up there in  
44 a day and stayed with him until 3 o'clock the next day and  
45 then turned around and drove all the way home.

46

47 Q. And who conducted that training?

1 A. (indistinct) I can't say. I know (indistinct).  
2  
3 Q. But it was an external provider?  
4 A. External. He used to be the general manager of the  
5 shire.  
6  
7 Q. Do you recall a meeting on 9 February 2018, an  
8 extraordinary general meeting, where you had an incident  
9 concerning councillors Byron and Purtill?  
10 A. No. What's that about?  
11  
12 Q. You might recall that you arrived late?  
13 A. I've never been late to a meeting in me life, unless  
14 something really, really radically went wrong. I've always  
15 been early, and known to be early.  
16  
17 Q. There'd been a workshop the night before and you were  
18 very aggressive and yelling and the mayor called order  
19 several times and you refused to stop speaking, do you  
20 remember that?  
21 A. Oh is this the one I had to apologise to Councillor  
22 Byron, that's the one, is it?  
23  
24 Q. I believe it was Councillor Byron?  
25 A. Yeah, that's the one you just asked me about a few  
26 minutes ago.  
27  
28 Q. No, that would have been a different incident. That  
29 was way back in --  
30 A. That's the one that I related to, when I had to  
31 apologise.  
32  
33 Q. That was back in 2013?  
34 A. Yeah. I personally think that I wasn't late at all, I  
35 was here for the start of the meeting.  
36  
37 Q. I'm not being critical of you being late --  
38 A. I wasn't late.  
39  
40 Q. I was trying to get you to remember the event?  
41 A. Yeah, I was here, yeah, I did, and --  
42  
43 Q. You were definitely there?  
44 A. And I definitely roused on him, I can tell you,  
45 because I think it's high time that we all learnt our roles  
46 and did them correctly and properly.  
47

1 Q. Do you think it's appropriate to try to talk on  
2 matters that are not on the agenda when you start a  
3 meeting?  
4 A. I think the problem is that we're now not permitted at  
5 all to ask any questions at all. We get questions asked of  
6 us by the rate payers, who are the people who elect you and  
7 they're the most important people in the community, and  
8 you're not even allowed to ask a question.  
9  
10 Q. Without notice?  
11 A. How ridiculous is that. Now we've got a situation  
12 where a resolution is moved before you can even talk about  
13 it. Well, that means that unless you change standing  
14 orders --  
15  
16 Q. There's no such thing as standing orders, councillor.  
17 Do you understand that? The code of meeting practice has  
18 changed?  
19 A. I'm not aware of that. So there's a lack of training  
20 for me, isn't there?  
21  
22 Q. Have you read the code of meeting practice?  
23 A. Read it?  
24  
25 Q. Yes, read it?  
26 A. Yeah. I've got one in me bag, but it's out in the  
27 car.  
28  
29 Q. Do you understand what the rules around closing a  
30 meeting are?  
31 A. Closing a meeting?  
32  
33 Q. Yes, closing a meeting?  
34 A. You stand up and close it.  
35  
36 Q. Can you close it for any reason?  
37 A. No, you have to have a reason.  
38  
39 Q. What are the reasons that you can close a meeting?  
40 A. It could be varied. It could be - I've actually been  
41 on the verge of closing one in my time as mayor, but I  
42 never did.  
43  
44 Q. You did call for a meeting to be closed the other day  
45 - that was in June 2019, the meeting regarding rates, rates  
46 review. You heard an address from Mr Morton and then you  
47 called for the meeting to be closed?

1 A. I thought the meeting --

2

3 Q. You suggested that the meeting go into a committee of  
4 the whole?

5 A. Well, I thought we were in a hell of a mess. In  
6 actual fact, that's an interesting question because - how  
7 our problems started in the Balranald council in the last  
8 few years was that we didn't have our management plan - our  
9 budget up to date and by the due date. I actually went to  
10 Swan Hill, where I'm supposed to go to today, for the  
11 Murray regional transport forum, on behalf of the shire,  
12 and coming back with the DID, I said to the DID, you know,  
13 "I don't know what we're going to do, but if we don't hurry  
14 up and start getting the budget done or the management plan  
15 done, it will be too late for this year and we'll be in  
16 more trouble."

17

18 One thing I did know was the minute the DID got out of  
19 the car, he went straight into the general manager's office  
20 and the next thing I hear, there's a special quick meeting  
21 for the budget. Not enough time. You've got to - if  
22 you're going to have budget meetings and that, you've got  
23 to make sure that all your staff and your councillors  
24 understand what they're agreeing to. That 1919 pedestal  
25 charge, not one councillor understood that, not one,  
26 because they didn't even know it was there.

27

28 Q. You know that that was introduced into the budget the  
29 previous year but hadn't been implemented?

30 A. Hadn't been implemented. But not one councillor was  
31 aware of it, that it was going to be implemented.

32

33 Q. Not even you?

34 A. Not even me, except I been told at the football match,  
35 which I have no doubt I've been seen talking to someone at  
36 a football match, saying, "Are you aware you're going to be  
37 charged for your (indistinct) and they said, "No, we're not  
38 aware of it" and I asked had the people been informed. I  
39 was told letters were sent out a month ago and that  
40 definitely didn't happen. The letters came out a couple of  
41 days before the budget.

42

43 Q. And you understand that the budget was advertised in a  
44 number of ways, including in the newspaper, on the radio,  
45 on Facebook?

46 A. I think I could agree with you (indistinct) if I may,  
47 Commissioner, but the problem is in my day, you never

1 rushed the budget. It might take you three or four days,  
2 but at least every delegate, every member, knew exactly  
3 what was in that management plan for the ensuing 12 months  
4 so that the general manager and his staff could get that  
5 management plan carried out, but that seems to have been  
6 forgotten about, and the sooner it comes back and there's  
7 some guideline, the better, because it's got a lot of  
8 councillors into a lot of hot water because there's no way,  
9 in my opinion, which I've got written down here now,  
10 there's no way, in my opinion, that the administration  
11 charges are getting 65 per cent of the usage of those  
12 pedestals. The administration just swallow up any revenue  
13 that they might get out of them.

14  
15 Q. I'm not interested in the actual rate that is being  
16 charged. That's a decision for the council. My enquiry is  
17 about the process that the council has followed to make the  
18 decision. The meeting was addressed by Mr Morton and then  
19 the meeting was called into a committee of the whole and  
20 the monitor was turned off and you went into a closing  
21 meeting?

22 A. I will just tell you what happened there. I said I  
23 think we are in a bit of a mess here, we don't know what  
24 we're doing. And the mayor says, 'It seems like Councillor  
25 O'Halloran wants to go into (indistinct)'. That's what the  
26 mayor said. Whether it was putting words in my mouth or  
27 not, I don't know, so in actual fact, I did move it because  
28 I knew we were in a hell of a mess because we did not  
29 understand what this pedestal charge was all about, like a  
30 lot of other things.

31  
32 Q. There was no reason to have that meeting closed, was  
33 there?

34 A. I accept that, but it happened and if it's my fault,  
35 I'll take the blame.

36  
37 Q. Do you understand then that the public was derived of  
38 the debate that ought to have happened about the rates?

39 A. Commissioner, I appreciate you giving me a bit of a  
40 hard time about that and I understand what you're say but  
41 in actual fact I was looking for a way to get the  
42 councillors and staff to understands what we were actually  
43 doing. We are crippling the businesses of this community  
44 and if we don't wake up to ourselves in the very near  
45 future, in this council, it is not possible for us as a  
46 small council in the western division to ever, ever, as an  
47 itinerant council town, to ever pay our own way. We will

1 always - always fought the elements and we also saw that if  
2 we didn't manage our budget properly and carefully, we  
3 wouldn't be able to live with what we did do. Delivering  
4 what we've done, as I've said here later, I am so proud of  
5 what we have achieved but it was through careful - and I  
6 know one of the former councillors in the room here that  
7 was quite adamant and quite keen to make sure all of our  
8 figures were right and I think, you know, when I see here,  
9 newspaper articles in relation to expenses from the  
10 hospital that we had to pay and that because we didn't do  
11 things properly, you know, I think we really - righto, we  
12 might have slipped off the radar a little bit, but by hell,  
13 I tell you what, it takes - it is pretty difficult to try  
14 and get a likelihood general manager that can work with the  
15 community, work with the staff and work with the  
16 councillors and that's what, in my time, was being won and  
17 we've trained a lot of them.

18  
19 Q. And you don't think the current general manager needs  
20 to --

21 A. I'm not saying that - I think if we don't get a  
22 handling on what the situation is in relation to the rate  
23 payers of this Shire, if we just keep saying, look, we know  
24 they are not paying enough rates, and keep putting them up,  
25 we won't have anyone left here, we won't have a business  
26 here. And that has been our argument all the years. Like,  
27 everyone used to say, 'You know, you are bound by rate  
28 pegging'. Yes, personally, I used to argue and I still  
29 argue that it's the best thing that could ever happen  
30 because it is only just a few years ago we had the  
31 millennium drought here and only for the help of Chris  
32 Littlemore, helping me and trying to get through that with  
33 the people that were really desperate and ringing in all  
34 hours of the night and day to talk to you about - and I  
35 will say he was very, very helpful to us to try and address  
36 those things. Did come with me to some - on some  
37 occasions, to talk to some of these people. And I believe  
38 that if you don't get a general manager that is prepared to  
39 listen and then - I saw a classic example the other day,  
40 we've got a new DID here - who said, 'I want to involve the  
41 people of experience' - obviously he will make his own mind  
42 up what he does as a director but inducting his staff -  
43 general manager. If you don't get the correct process and  
44 respect those, you just won't have a town here. So it  
45 doesn't matter who the general manager is, if they are not  
46 able to work with the people, you can't tell me that doing  
47 what we did down at the caravan park, the bombastic way

1 that that was handled, the disastrous situation we find  
2 ourselves in now, after admitting we were wrong, and it was  
3 put before us, here we are, what are we going to do?  
4 Cripple those poor young family, throw them out of the  
5 community.

6  
7 Q. Can I just stop you there, please, Councillor?

8 A. No worries.

9

10 Q. You are not answering the question, you are just  
11 ranting, to be honest?

12 A. I have got to get it off my chest, though, because  
13 unlike you, you have got evidence against me - I've got to  
14 try and clear my name. I've got a family that lives here  
15 too.

16

17 Q. Can I take you back to your claims about General  
18 Manager Littlemore, you acknowledged that he did a good  
19 job?

20 A. I worked very closely with him. As a matter of fact,  
21 he had a hip operation, he had time off, and I went down to  
22 Bendigo to pick him up from hospital, on the train, to come  
23 from Melbourne. We worked very very closely together. And  
24 then it surprised me that, here, I am supposed to be the  
25 villain in the piece with him.

26

27 Q. You moved the resolution to have his contract not  
28 renewed, didn't you?

29 A. In local government, those particular people, and  
30 you'd be aware of it, if think can't - if they can't move  
31 around, they can't progress in life and that's what they  
32 do.

33

34 Q. He isn't the only general manager that you've  
35 terminated or threatened to terminate?

36 A. Me?

37

38 Q. Yes?

39 A. What, am I the only councillor?

40

41 Q. No, but his --

42 A. Can I have a drink of water please?

43

44 Q. Certainly.

45 A. Am I the only councillor? It sound like I am the only  
46 bloke who had any decency to stand up and say something or  
47 ask a question.

1  
2 Q. Did you threaten to sack General Manager Drenovski?  
3 A. I think I was accused of giving him the job. I didn't  
4 know I was - in closed committee, I didn't know I was  
5 accused of sacking him.  
6  
7 Q. I said threatened to sack?  
8 A. Me?  
9  
10 Q. Did you threaten to sack?  
11 A. No, no. I thought he was - I thought he had enormous  
12 opportunity and enormous potential.  
13  
14 Q. When you started?  
15 A. If he only listened and learnt to - and if you heard  
16 what I just said a while ago, if they work with their  
17 councillors, their staff, and the rate payers in the  
18 community, they've got a bright future. But if you run off  
19 and just do what you like, well, you're not going to - if  
20 you don't stick to the management plan, if you don't stick  
21 to the budget, you are going to get into trouble.  
22  
23 Q. Did you threaten to sack the acting general manager,  
24 Bob Stewart?  
25 A. No, I hardly knew Bob Stewart. I remember him many  
26 many years ago, he used to work at Griffith, I believe, as  
27 a - what was he there, something or other there, then he  
28 went up into --  
29  
30 Q. I am not really interested in his work history?  
31 A. No.  
32  
33 Q. Did you threaten to sack him?  
34 A. No, but I know - I know one of the staff told me that  
35 they were bullied by him to put a report in about me.  
36  
37 Q. Did you threaten to sack the current general manager?  
38 A. No. He's just made contact with me. Matter of fact,  
39 I was sitting in a little office over there one day and he  
40 walked past and he came back and abused shit out of me and  
41 told me what he thought of me, he never talked to me again.  
42 And he still got his job. So what do you do about that?  
43 You know, in front of - in the foyer, in front of everyone,  
44 his staff, anyone in the public. What am I meant to do?  
45 Just say, 'Oh, good fellow', you know.  
46  
47 Q. So you are denying that you've ever threatened to sack

1 him?  
2 A. I have nothing to do with him because I thought - the  
3 day he was interviewed, I was - his interview was nearly  
4 finished when I got here because I was coming back from  
5 Broken Hill, and the people who are engaged to do the  
6 employment, management company for the local government,  
7 New South Wales, they promised that they would wait until  
8 12 o'clock until I got here off a plane from Broken Hill,  
9 but there was one already done, another one was nearly  
10 completed, and he was given the opportunity and what I  
11 heard was, yes, I will keep you all informed and we will  
12 all work together and that's relationship - I was  
13 absolutely aghast when I heard one day that, when he just  
14 got here, that he said someone was putting lights in his  
15 windows. Well in a town like this, a small town, if  
16 someone is putting lights in your window, you walk out in  
17 the street and say, 'Hey, what the hell's going on here,  
18 mate' you know. 'What are you doing, I'm trying to get' --  
19  
20 Q. You are wife and children are terrified?  
21 A. That's - walk out and see what the hell they're doing,  
22 tell them that they are frightening your kids. You don't  
23 just go and make a hell of a song and dance about it. As a  
24 matter of fact, if you are coming in Mower Street and you  
25 are turning east, of course the lights are going to go into  
26 the house he lives in.  
27  
28 Q. You think it was a car just driving past, do you?  
29 A. This is an itinerant town of workers, shearers and  
30 whatever else (indistinct) and whatever. Three-quarters of  
31 them have got spot lights on their vehicles check heck.  
32  
33 Q. Do you have any firsthand knowledge of that?  
34 A. No, I'm just hearing what I hear up the street and I  
35 thought to myself, well, first thing I would have done is  
36 walk out into the street and said, 'Hey, listen mate, what  
37 are you doing?'  
38  
39 Q. Do you recall a workshop regarding the caravan park in  
40 June 2018?  
41 A. Yes, most definitely. The mayor organised that with  
42 the chairman of the Caravan Park Committee who I asked to  
43 do the chairing when I'm there.  
44  
45 Q. Did you treat the staff who attended that meeting with  
46 respect?  
47 A. Didn't know there was any staff there.

1  
2 Q. It was a workshop that was attended by the general  
3 manager and both directors?  
4 A. Whereabouts? It must have been --  
5  
6 Q. I don't know the location?  
7 A. There hasn't been a meeting, apart from one down to  
8 the caravan park for three years the caravan park --  
9  
10 Q. No, at the caravan park, but that was the topic?  
11 A. No staff there. We were waiting for the mayor. The  
12 mayor organised it and then he finally rang up and said he  
13 was running late, he wouldn't be able to get there.  
14  
15 Q. Do you recall the staff walked out of that meeting  
16 because of the way they were treated by you?  
17 A. The staff?  
18  
19 Q. The general manager and two directors?  
20 A. That's not the meeting I'm talking about.  
21  
22 Q. I recall the general manager - I tell you what, I  
23 might have got a letter from him when I was the mayor but,  
24 it doesn't matter. I just said in relation to that that we  
25 are dealing with people here and their livelihoods and  
26 their young families and I don't think we are handling it  
27 too well. Next thing, the general manager gets up and  
28 says, 'Well, don't worry about it, you're not worrying  
29 about my kids' or something, and walks out. I don't know  
30 why the mayor didn't haul him back and tell him to sit  
31 down, but he took his - the other staff just followed him  
32 out. I don't know what possessed him to do that. I wasn't  
33 talking about his family, I was talking about the Jess  
34 family, the way we were treating them. And it's even got  
35 worse. I didn't know that we'd taken the Jesses to court.  
36 No resolution to council. Then when next thing we know is  
37 Councillor Jolliffe and Councillor Mannix put a resolution  
38 up that we discuss the matter at council - in relation to  
39 the reinstatement of the Jesses formally, and that  
40 resolution wasn't tabled. Another one was pulled out from  
41 under the table with a little bit of - you know, bit of  
42 paper, and read out by a councillor saying that we endorse  
43 the general manager's actions to do whatever he likes in  
44 relation to the Jesses and the caravan park. That means  
45 the council have got no control over it, no control over  
46 the budget of it, and to hell with all respect for anyone.  
47 I'm really, absolutely, that frustrated at the way we have

1 handled this situation. I think, for the general manager  
2 to walk out, that's not very good leadership?  
3  
4 Q. He walked out because he was offended by what you had  
5 said to him?  
6 A. I wasn't even talking to him, I was talking to the  
7 council meeting, I talked to the mayor, not the - the  
8 general manager might have to resolve his role, assess his  
9 role. His role is, I believe, that the mayor is the boss.  
10  
11 Q. Is that what you believe, is it?  
12 A. I believe the mayor is in charge - if the general  
13 manager wanted to go, I would have thought he would sought  
14 permission from the mayor to leave.  
15  
16 Q. Do you recall in August 2018 you received an order  
17 from the Office of Local Government to apologise to  
18 Councillors Byron and Purtill and to cease misconduct --  
19 A. Excuse me, not Purtill, just Byron.  
20  
21 Q. I apologise. And you were suspended for two months?  
22 A. Three, actually.  
23  
24 Q. I think you will find it was two months - can I not  
25 have comments from the public gallery, please?  
26 A. Three.  
27  
28 Q. The order says two?  
29 A. I missed three council meetings.  
30  
31 Q. You may well have, but there is a suspension for two  
32 months?  
33 A. Gee whiz, I tell you what, I bet the department are  
34 proud of that.  
35  
36 Q. Councillor, I don't need gratuitous comments from you?  
37 A. I don't know what that word means.  
38  
39 Q. What I want is evidence - gratuitous means not  
40 invited. There was a meeting on 27 November 2018 in  
41 Euston, do you recall that?  
42 A. When was it, sorry?  
43  
44 Q. 27 November 2018. It is a recorded meeting that is on  
45 the council's website?  
46 A. We would have had that at the hall.  
47

1 Q. At the hall?  
2 A. Yeah, yeah, with the --  
3  
4 Q. Did you approach the general manager prior to that  
5 meeting to say anything to him?  
6 A. Never went near the general manager that day because I  
7 sat in my car when I got there because I - you mightn't  
8 think it, but I might have disappointed a lot of people, I  
9 actually lived, I was supposed to die, pretty close to  
10 there, and I am still on 15 pills a day but I'm still a  
11 live and I just feel that the mayor came to me at the time  
12 and said that if there was anything he would do to help me,  
13 he'd help me. My wife came down with another lady, who  
14 used to be a councillor, and brought me down some fruit to  
15 eat, but to my knowledge, unless the general manager said  
16 g'day to me, I don't recall talking to him.  
17  
18 Q. You say you didn't say anything to him before --  
19 A. No. I'm just amazed at some of these things. Whether  
20 they're factual or not, I don't know, but I'm here on oath  
21 to tell the truth. I wish some of them were.  
22  
23 Q. Do you understand your obligations as a councillor -  
24 what do you understand your obligations as a councillor are  
25 in relation to contact with contractors to the council?  
26 A. I talk to contractors at different times.  
27  
28 Q. Do you understand that that's a breach of the code of  
29 conduct?  
30 A. What are contractors?  
31  
32 Q. Contractors, people who have contracts with the  
33 council. For example, the caravan park lessees?  
34 A. I would think - in relation to the caravan park, I've  
35 been going to the caravan park since 1961, when the  
36 Johnsons were the lessees of it, and if I've got visitors,  
37 which I do do, staying at the caravan park and within the  
38 last few months, 18 months, I addressed the Probus club of  
39 Echuca down there --  
40  
41 Q. I'm not talking about attending the caravan park, I'm  
42 saying what do you understand your responsibilities as a  
43 councillor are in relation to contact with contractors?  
44 A. The obligations are that you're not permitted to talk  
45 to contractors or anyone like that, but I can tell you that  
46 in a small community like this, as you know - well, I do,  
47 Commissioner, that there's no way that I can walk out of

1 this room without coming into contact with the Jess family,  
2 former councillors, former whatever. Go up the street to  
3 have a cup of coffee, you come in contact. If they're  
4 contractors, what am I going to do, just turn me back on  
5 them? No.

6  
7 Q. Councillor, the code of conduct doesn't require you to  
8 have no contact with contractors, it requires you not to  
9 contact them about the contract. Have you ever spoken to  
10 the caravan park operators about the lease of the caravan  
11 park?

12 A. I've got a copy of the lease, which I had as mayor,  
13 when I signed it, there was a copy put in the mayor's  
14 office.

15  
16 Q. This is the lease from 2012?

17 A. That would be the one, yes, and the lease, which I've  
18 said at council meetings, that was put up for the current  
19 lessees to sign was not the same lease as we wished them to  
20 sign.

21  
22 Q. We won't go into that because that's going to be the  
23 subject of litigation. Have you --

24 A. Well, someone ought to burn in hell for that.

25  
26 Q. Can you please answer my questions rather than making  
27 gratuitous comments?

28 A. That's how I feel.

29  
30 Q. It's not the forum to express how you feel. I'm just  
31 seeking evidence. Have you ever spoken to the contractors  
32 for the caravan park, the operators, about the lease for  
33 the caravan park?

34 A. No. I can tell you - if I go to the caravan park to  
35 visit anyone, or whatever, which I do get phone calls to  
36 do, I have to call in and let them know that I'm going to  
37 see someone and find out where they are, that's correct  
38 procedure, and I let them know when I leave, but that's -  
39 if someone is trying to pin something on me for talking  
40 about a contract with them, they better find someone else  
41 to pin it on.

42  
43 Q. Did you ever provide copies of the letter from the  
44 Office of Local Government - two letters, dated 3 November  
45 and 6 November 2017, to the caravan park operators?

46 A. Not me.

47

1 Q. Did you ever provide a copy of the minutes of the  
2 caravan park committee --  
3 A. Not me.  
4  
5 Q. -- to the caravan park operators?  
6 A. No. They'd be public minutes, so they'd be on the  
7 website and whatever. Not me.  
8  
9 Q. Have you seen them on the website?  
10 A. No. I don't usually (indistinct).  
11  
12 Q. Do you recall an incident back in 2013 when the bird  
13 hide I think it is, was coming into operation? You  
14 directed that the water not be turned on in the bird hide?  
15 A. When the acting general manager, Robert Rayner, was  
16 here, there was complaints about going up River Street,  
17 that people had no pressure - no water pressure. The  
18 obligations put to me by the fire brigade is there had to  
19 be certain amounts of pressure in case there was a fire in  
20 a home. I went to the general manager, as mayor, and  
21 suggested - or the acting general manager, and suggested to  
22 him that we have an issue and we'll need to do something  
23 about it, no direction, no nothing. That's a tremendous  
24 way of trying to get your fellow man into trouble, to say  
25 that I directed. I discussed how we were going to handle  
26 the situation, because the water was just running to waste  
27 out in a flood plain that normally gets flooded and we were  
28 on water restrictions and the people didn't have pressure  
29 in their homes and the fire brigade obligation is that we  
30 have to have a certain pressure.  
31  
32 Q. So you --  
33 A. I discussed it with Robert Rayner and if he wants to  
34 say it to me face, I'll tell him the same thing because I'm  
35 under oath here today.  
36  
37 Q. So you deny that you directed him --  
38 A. I'm not denying it, I'm telling you straight out I  
39 didn't direct him, I just said to him, "We've got to work  
40 something out here, mate. We can't have water running out  
41 there going to waste when we've got no pressure up River  
42 Street and while we've got an obligation to the fire  
43 brigade."  
44  
45 Q. So you concede that you directed a staff member --  
46 A. I didn't direct him. No, I'm not conceding I  
47 directed. I discussed how we were going to handle this

1 matter.

2

3 Q. Do you recall --

4 A. And I think - from memory, I think he might have said  
5 to the DID - or called the DID in, John Stevenson, to turn  
6 it off, I think he might have. But I don't know where that  
7 had come from, because I certainly - I know exactly what  
8 happened there, because it was a bit dear to my heart, that  
9 Ben Scott memorial bird hide.

10

11 Q. Do you recall when the council resolved not to let out  
12 the Theatre Royal without a payment of a fee?

13 A. Do I what, sorry?

14

15 Q. Do you recall that - it was back in 2013 - the council  
16 resolved not to let out - let people use the Theatre Royal  
17 without paying a fee?

18 A. No, we've always been asked, as a council, to waive  
19 the fee, not to charge it.

20

21 Q. So you don't recall a resolution of the council to  
22 require payment of a fee for the letting of the Theatre  
23 Royal?

24 A. I don't know what that would be for, because it's  
25 generally the other way around. Generally we get letters  
26 requesting that we waive the charge.

27

28 Q. You do now because you have a different policy, but  
29 back in 2013, you had a policy that everybody would be  
30 charged to use the Theatre Royal?

31 A. And that's why that wrote to us and asked us to waive  
32 the charge.

33

34 Q. Do you recall allowing somebody to use the Theatre  
35 Royal, shortly after that resolution, contrary to that  
36 resolution?

37 A. No, not really. If you can remind me, I might be able  
38 to remember it.

39

40 Q. Do you ever have to disclose an interest in any  
41 matters that come before the council?

42 A. I most certainly do, and I'm very concerned that  
43 others don't.

44

45 Q. What do you --

46 A. Because I've got no real interest - it's only a small  
47 community now - to declare. Most of my interests have been

1 divested of me - my wife and I, and I'm just a backbencher  
2 nowadays, as you're fully aware.

3

4 Q. Do you mean you're retired?

5 A. I'm well down the back of the council chambers, that's  
6 what I mean.

7

8 Q. You're not the mayor?

9 A. No. I think that's what most of the questions are  
10 about.

11

12 Q. No. Do you recall a letter that was published by the  
13 councillors on 13 November 2017 to inform the residents of  
14 Balranald about the need to comply with the performance  
15 improvement order?

16 A. I assume that's the letter and if someone hasn't  
17 briefed you, I was struggling a bit in a hospital bed in  
18 intensive care when that was brought up to me by certain  
19 staff and when I think about it, I think they were pretty  
20 desperate asking me to sign a piece of paper when I  
21 couldn't lift my head or I don't think I could have even  
22 signed it or written.

23

24 Q. So ill health was the only reason you didn't sign it?

25 A. No, no, I'm not going down the path of stupidity.  
26 We've got a business to run here. We're elected members  
27 and if they want to try and justify whatever they're trying  
28 to justify, I don't know what they're on about.

29

30 Q. So you didn't agree with the contents of the letter?

31 A. Well, later on, when I read it. I wasn't able to sign  
32 it when it was brought to me. I think it was three staff  
33 brought it to me.

34

35 Q. So my question earlier whether it was only ill health  
36 that prevented you from signing it, the answer would be yes  
37 then? Once you read it, did you agree with its contents?

38 A. I'd have to - look, really, I'd have to recall what  
39 was in it, to be honest with you. I only - I'm only aware  
40 of the situation that the public has said to me, "What the  
41 hell is going on with the council sending out a letter like  
42 that?", and there was an article in the paper saying one of  
43 the former councillors didn't agree with me, when he agreed  
44 that - he agreed with me this time but not signed it. The  
45 reason I didn't sign it was because I wasn't able to.

46

47 But I'm still - I was still a bit aghast with the

1 number of people that were there trying to get me to sign  
2 this piece of paper. Even the former general manager came  
3 up.  
4

5 Q. You don't think it's important that the council  
6 communicate what it's doing to the community?

7 A. I've probably been the biggest advocate that that  
8 happens because of the lack of opportunity in the media  
9 around here to get that message out there and I don't think  
10 there'd be a councillor or a staff member who'd know -  
11 who'd say that I wasn't the biggest advocate of trying to  
12 get a message out there.  
13

14 Q. Do you think it's important that council has a unified  
15 position on --

16 A. We don't even get messages ourselves now.  
17

18 Q. Can you just answer my question, Councillor  
19 O'Halloran?

20 A. Yeah. Sorry.  
21

22 Q. Do you think it's important that the council, once  
23 it's made resolutions, has a unified position about those  
24 resolutions?

25 A. What's that?  
26

27 Q. Do you think it's important that once a council has  
28 made a resolution, that the councillors have a unified  
29 position about that resolution?

30 A. Most definitely, and I think that's been our downfall.  
31 A lot of the resolutions, as I said earlier, that we have  
32 here just haven't been adhered to or taken any notice of,  
33 and I think that's probably the downfall and what - when  
34 councillors put in requests for a discussion, other  
35 resolutions come up and get voted on and carried, you know,  
36 and there's an open chequebook to crucify the family down  
37 at the caravan park when that could be resolved in five  
38 minutes. If I couldn't resolve that - if there's anyone in  
39 this room that couldn't resolve that in five minutes, I'm  
40 not here, including yourself, Commissioner.  
41

42 Q. Do you understand the council's obligations in  
43 relation to reserve trust land are different to those that  
44 - for land that it owns itself?

45 A. I think you'll find that I was probably the only  
46 councillor in the room at the time that understood that it  
47 was on a reserve for a caravan park and I kept warning the

1           councillors that it was a difficult situation, that the  
2           government owned the land, they're going to control it, it  
3           was under the auspices of the western lands commissioner  
4           and the same as the common out there, the same as other  
5           areas here, half our airport hangar is on freehold, half is  
6           on western lands and this building here, where we're  
7           sitting now, is half western lands, unless it's been  
8           freeholded recently, and half is freehold. There's a few  
9           issues that we need to concentrate on. Instead of running  
10          around chasing some of these JOs and whatever, just another  
11          pipedream, stay home, get some of these things sorted out.  
12          We've been talking about them for years, and I'll take the  
13          blame for some of it because we just haven't done it, but  
14          we need to get - now that the opportunity is there, we need  
15          to find some money, go to the government and ask them to  
16          give us a help - give us help and clarify the ownership  
17          into freehold land. The opportunity is there now. We've  
18          got to do it.

19

20          Q.    Well, there's been changes to the Crown Lands Act, are  
21          you aware of that?

22          A.    I am, but I haven't followed it closely.

23

24          Q.    I take it then that you're not a great supporter of  
25          the joint organisations of councils?

26          A.    Look, over the years, I've seen many organisations  
27          come and go and I'm proud to say that you get involved with  
28          them but, unfortunately, they haven't got the financial  
29          backing to survive. The only one that has the money to  
30          survive is the local government, the third tier of  
31          government, and there's no-one that - we used to have a  
32          very, very proud record as a council here and we've been  
33          able to stand the test of time and deliver to the  
34          ratepayers, not only to the best of our ability in the  
35          confines of our budget, if you got phone calls or whatever,  
36          you always had an agenda of roads programs and you could  
37          tell people or in the towns you could tell people, or in  
38          the towns, you could tell them of footpaths or whatever  
39          that seems to be all forgotten nowadays but I think the  
40          knew DID might try and get us back on track and has had two  
41          or three infrastructure meetings. I think it is a credit  
42          to him that we have had those things. We have got it with  
43          other committees, we've got - I've come in here, 30Ks to  
44          meetings and they've just been abandoned, not even bothered  
45          to let me know. You know, we really, really --

46

47          Q.    Councillor, I think we are going off track again. I

1 was asking you about --

2 A. I am sorry, I don't mean to take you off track, I just  
3 need to tell you what - the way things are going here.  
4 That's what I thought - I asked you clarification of what  
5 we were trying to find out.

6  
7 Q. I was asking you about your attitude to joint  
8 organisations?

9 A. Joint organisations, I just think they are another  
10 spin doctor by some bureaucrats who are trying to deprive  
11 us - in my time, there's been four opportunities - four  
12 attempts by the governments of the day to try and do  
13 something in the western division with the council. They  
14 haven't, at this stage, got any further than to be able to  
15 be satisfied that we are delivering the services that are  
16 required to be. With the JOs, I am afraid to say it won't  
17 be long the general managers will all be having a blue.  
18 Next thing we know is that - as I found out just a while  
19 back is that - one of the (indistinct) - the RMS boss at  
20 Wagga or whatever he comes from, he suggested that he's got  
21 7 JOs in his Shire so you can do what you like, like we did  
22 at the last meeting, just decide we might put some money on  
23 the 514 Oxley Road. And it will be up to him, through the  
24 JOs, where the money will go. To me, that's a disaster.  
25 If we're here at local government and they want to  
26 undermine us, why not just stay home and try and get this  
27 place delivering what we used to do over the years. If you  
28 go out there and you see these chambers named after  
29 Ms Male. See what she did with your and a lady that lives  
30 over the road, now up in the hospital. What they did in a  
31 year. And how there was not one road around the Shire that  
32 - they put a ring around the road for the Shire, around,  
33 and then they put roads through the middle of the Shire.  
34 To their credit, we've now got a lot of bitumen on a lot of  
35 those roads. And I think to myself, we are getting a bit  
36 carried away with trying to do away with the large western  
37 business shires. We are the fifth largest Shire in the  
38 State and I think to bring in another spear to try and  
39 undermine us would be quite damaging. Matter of fact, I am  
40 prepared to tell you that I have dedicated myself to try  
41 and maintaining to keep this Shire because there was talk  
42 some years ago that it was just about a done job, done  
43 deal. That we'd be taken over, Euston be put into the  
44 Wentworth Shire. We thought that and luckily we were able  
45 to maintain Euston as a critical part of our Shire.

46  
47 Q. Councillor, I am going to change topics. Have you

1 ever been disrespectful to a staff member during a council  
2 meeting or a workshop meeting?  
3 A. Not to my knowledge, not that I feel that I have,  
4 anyhow.  
5  
6 Q. Do you recall ever saying --  
7 A. A lot of them had a crack at me too, you know, so I am  
8 not allowed to have a go back.  
9  
10 Q. Please, can you just answer my questions. You will  
11 get an answer to make your statement shortly. Do you  
12 recall making a statement to Mrs Bilske that you can't  
13 trust that woman's figures?  
14 A. I don't know where that's come from.  
15  
16 Q. You deny that?  
17 A. Oh - no, I wouldn't deny it, I just say it is just not  
18 factual.  
19  
20 Q. What's the difference between a denial and saying it  
21 is not factual?  
22 A. I would have thought that whoever said that - look,  
23 I've read some of the transcripts, I can't believe that  
24 there's such a witch hunt to get me, I am bugged if I  
25 can, but that's certainly one that is made up, for sure.  
26  
27 Q. I don't have any more questions for you so if you  
28 would like to provide your address to the inquiry, you may  
29 do that now?  
30 A. I have put most of it. Can't believe I went to all  
31 this trouble of writing this stuff out and now you asked me  
32 most of the questions relevant to it. I'd just like to  
33 reiterate, I think, unfortunately, we've come to this  
34 scenario, and I think it possibly is a blame game and it is  
35 - I will see the department, they are prepared to put  
36 themselves to a minister saying that the Balranald Council  
37 haven't done this and haven't done that - in my humble  
38 opinion, they hadn't pulled their weight. They personally,  
39 I believe, they are our bosses, they should be able to come  
40 out and give us directs and give us help like Mr Gary Payne  
41 used to and they didn't have aeroplanes in those days, he  
42 used to drive out here. And he'd sit down with you and  
43 come to a council meeting or sit down and have a meeting  
44 with you and all councillors and all staff and this is the  
45 way it would be. So, you know, I don't think that we  
46 shouldn't hold our hat on the fact that, you know, the  
47 department really have to - rather than just run to the

1 minister who is heavily involved in banking and really  
2 wouldn't know too much about the western division, or she  
3 was, when she was the minister, I heard her address to the  
4 New South Wales local government conference and it really  
5 wasn't relevant and wouldn't answer any questions. So, we  
6 were left a bit up in the air. I did bring a couple of  
7 clippings from former hostel staff. I was going to say  
8 it's not easy to put your hand up to be a councillor, there  
9 are times that you have got to stand up and be counted and  
10 I'll tell ya, I haven't been afraid to stand up and be  
11 counted. I am not ashamed of that, I am pretty proud of  
12 that, and most people will understand and see your point of  
13 view when you explain it to them. But you've got to be  
14 able to explain it to them. You can't just bulldoze your  
15 way through and tell them what you think of them. Can I  
16 just pick pieces out of here, because I have answered some.  
17 I'd just like to say, even though many adversities have  
18 come our way and crossed our paths, droughts, floods,  
19 destroying parts of our roads and network, distances,  
20 education, taken from Balranald, leaving an enormous hole  
21 in the economy. We lost 21 teachers which (indistinct) -  
22 you know that, righto. National parks, they were taken  
23 away from us. Yanga, I believe, at a maximum could shear  
24 up to 50,000 sheep there and probably run three or four  
25 thousand head of cattle. Just taken out of our - that's a  
26 neighbouring property as well - taken out of our economy.  
27 Yanga alone would spend, I believe, the manager told me,  
28 would spend probably 10 million, with stock and  
29 (indistinct) agents and other expenditures for transports  
30 and whatever in the community. The important committee  
31 structures with guidance from senior staff have seen  
32 council and councillor comply with the Act in delivering  
33 the first completed LEP in the State. Thanks largely, and  
34 I want to mention a name here, Mr Roy Heddington, he is not  
35 retired, but I think it's worth noting that we are not just  
36 a council between city and (indistinct) one another, I'm  
37 not sure where all these challenges have come from, but it  
38 wasn't easy. Electricity rights through the Shire, new  
39 sub-station, levy banks, Balranald, Euston, sewerage,  
40 Balranald, Euston - obviously enormous problems with us  
41 claiming a million dollars here and there for the upgrade  
42 of the new water towers, where I would say again, the new  
43 DID suggested with us at the infrastructure meeting the  
44 other day that there are new technologies and perhaps we  
45 don't have to spend that money, that there might be other  
46 ways that we can bypass but still deliver the service. And  
47 I think, you know, they are positives for us. Filtered

1 water at Euston, that was an impossible task. (Indistinct)  
2 was the water minister at the time, he later became premier  
3 for a while. He told us that we cross subsidised the  
4 filtered water which was the only way we could filter the  
5 water at Euston, were in breach of the Act, we were in  
6 breach of the Act. We did it. He did chastise me  
7 personally for allowing that to happen but I felt that  
8 after a while, in the discussion, he realised that Euston  
9 would never have filtered water without it. The  
10 administration of all the roads and the footpaths in the  
11 council, I'm pleased to say that a lady from the western  
12 division whose idea it was, was raised (indistinct), and  
13 that was Councillor Harris, who has now passed away. She,  
14 with John Anderson, she had the idea. I have heard plenty  
15 of people say it was their idea, but Mrs Harris, Councillor  
16 Harris, was definitely the lady that brought that. It's  
17 been a lifesaver to us fortunately most of our (indistinct)  
18 grants now doesn't go to roads where we did years ago,  
19 50/50. Maintenance of local, federal and state road  
20 funding, rural towns, the western division shires over the  
21 years has been an outstanding endorsement for us as the  
22 local government for the western division. We actually,  
23 through the western division, had a dentist retire at the  
24 western division council, actually started in the western  
25 division. He was probably unaware of that situation but it  
26 was the fact that the western division council did do that.  
27 We provided houses for doctors as well as staff - we are  
28 grateful and very lucky to have a doctor. I personally  
29 think and I have said, that I am very sad that the  
30 situation has come to this, this is the third year of  
31 government, because if we counted to ten and had a bit of a  
32 look around the Shire and just see what has been achieved,  
33 not only by those people there, and they're colleagues, but  
34 people that had put their heart and soul into it and  
35 really, we all hear about the world heritage Mungo, certain  
36 names up there, councillor - it was him alone who pushed  
37 and pushed and pushed the aboriginal people to work on  
38 Mungo and next thing we know it is the - he had the  
39 endorsement of his council to do it but he did it and it  
40 was only just recently that I heard his name acknowledged  
41 for what he did. I heard the same councillor, he wasn't  
42 Shire president at the time but it was his idea and he had  
43 another councillor support him and others backed him up in  
44 relation to buying the Church of England tennis courts, to  
45 build a hostel on, as a member of the grants commission, he  
46 saw the opportunity to build a small hostel and we did do  
47 and I think, things like those - a lot of those things have

1       been very very special to a place like us. Local  
2       government could say, or the department could say they are  
3       not our core business but they are delivering an  
4       opportunity and a service to these communities and I think  
5       it would be really sad if local government in the western  
6       division didn't do those things for the people. Obviously,  
7       as I mentioned, we are the fifth largest Shire in the  
8       State. We are a low population, low rate base. Still  
9       required and expected to deliver services for the local and  
10      visitors alike, keeping pace with a modern world. We are  
11      expected in kind to make money available for telephone  
12      towers in the rural remote areas, which we do do. We have  
13      20,000 currently reserved for a new tower and 170 from the  
14      mark. Obviously you heard about the completion - when I  
15      first got on to council, bitumen only used to go out of  
16      sight on the town here, and now we've got a connection not  
17      only from Hay to Ivanhoe, but we've got a connection from  
18      Balranald to Ivanhoe and, you know, they - if you talk -  
19      people want to talk about arguments and disrespect and  
20      whatever. Have a go back in those days, when you wanted to  
21      take some money or 514 or 67 South, which they were all the  
22      same roads those days, they were all State Government  
23      roads, have a go at some of the arguments with them. Some  
24      of these people would be horrified, but, you know, you had  
25      to get in there and stand up for yourself and argue for  
26      what you wanted. We deliberately took money off 514.  
27      Luckily, the State Government took over 67 South, but if we  
28      didn't do that, we wouldn't have had that road complete  
29      with bitumen now. So, you know, when you look back,  
30      perhaps you could say, "Perhaps I shouldn't have said that"  
31      or "I should reflect on what I said at such-and-such", but  
32      at the end of the day, at the end of the meeting, you never  
33      thought any more of it. I acknowledge things have changed,  
34      but I hope they don't change for the worse .

35  
36           I think, as I said, and I'll repeat it, no doubt the  
37      department and government today lack understanding and  
38      appreciation of the itinerant populations and the boom and  
39      bust scenarios that we face as providers in these shires.  
40      I'll give you an example. We've had to call special  
41      meetings, which you obviously haven't got them there - you  
42      might have them there but you haven't brought them up -  
43      because we've had a big thunderstorm or something and  
44      wrecked a road or we've had a wind storm and wrecked a road  
45      and we've had other disasters that, you know, you have to  
46      have a meeting and you have to go through the proper  
47      process of having a resolution if you're going to take

1 money from there, where you're going to take it from to put  
2 it back. Those things have gone out the window lately. I  
3 don't know. That's why I say we need the training. The  
4 training has dropped off. I mentioned (indistinct).

5  
6 We've been advised, as a council, that we have  
7 completed the orders from the minister, compliance orders.  
8 I would like to make comment there that when Mr McCormack  
9 was here, he did ask us to fill in particularly information  
10 for him, he gave us little things to do. I personally met  
11 with him on a couple of occasions in relation to budgets  
12 and whatever else and the only concern he had was, in his  
13 last day here, was the elephant in the room and none of us  
14 were going to mention it, but we have a \$600,000 debt at  
15 the hostel and everyone said, "It's your fault, it's your  
16 fault, it's your fault." When you've got to keep a place  
17 open and you've got to keep it somehow or other servicing  
18 the community and looking after people there, the locum  
19 people you've got to pay to come, they do absorb a lot of  
20 money and we did make mistakes, we had to pay back money to  
21 the Federal Government that we'd overcharged. No-one wants  
22 to know about that. Our staff forgot to put in for the  
23 \$60,000 for the sprinklers, so we had to find that. You  
24 know, they're all in a newspaper article which former staff  
25 and now the staff again have written in the paper,  
26 criticising the shire about it. I just kept those as a  
27 matter of interest. But hopefully we can comply with our  
28 wishes and extend the hostel because it's badly needed,  
29 something like that. There's people come from - there was  
30 a lady here from (indistinct) there was a lady here from  
31 Sydney whose daughter lives here. People like the  
32 environment, they love to live here and they enjoy the  
33 facility, so I just hope that we might be able to do as  
34 we've wished and absorb the grant that's been offered to us  
35 and we've put in close on \$300,000 in this year's budget,  
36 which we weren't advised we had to, but we did do it  
37 because we saw an opportunity and when the department told  
38 us we weren't to do it last time, because I was certainly  
39 one of the ones that said we had to comply with the  
40 department and we couldn't do it, but I knew that the time  
41 would come again, which it did do, but it would be a shame  
42 if some spanner falls in the works and it doesn't happen.

43  
44 Mr McCormack, in saying that there was an elephant in  
45 the room, he never offered us any solution, he never really  
46 told us that he was never coming back again. The last time  
47 I saw him, he was just driving out there with his wife. I

1 felt we paid him at least \$60,000 and then his  
2 accommodation and travel and all that. I would have  
3 thought we would have had some outcomes and if there was  
4 any further problem with the compliance order, that we  
5 wouldn't have come to this situation, but that doesn't seem  
6 to be the case.

7  
8 I've mentioned the caravan park. I'll never forgive  
9 ourselves for that error and I think at least we were man  
10 enough, though, to say we've made an error and we tried to  
11 rectify it and I'm still shocked that we're in court.  
12 We're just going to put those people through hell and put  
13 ourselves through hell. The public money - if it was our  
14 money, we wouldn't be doing it, no way. Not one of us  
15 could afford it, and I don't know how those people afford  
16 it either, especially in the environment we're in today,  
17 and I've never seen the place, and I've been here a long  
18 time, since the inception of it, managed as well and run as  
19 well as it has been, so I certainly - whether I'm breaching  
20 the Act or whether I get the sack or what, I certainly will  
21 be declaring that - if I'm subpoenaed to court, I would be  
22 saying that this is the best I've ever seen the place  
23 presented, managed and looked after and I've been through a  
24 number of issues in relation to it, one when Mr Rayner came  
25 in one day and he had a \$40,000 bill for water. We  
26 suddenly discovered that we were charging the people  
27 filtered water when it was supposed to be raw water going  
28 in there, issues like that, that no-one wants to talk about  
29 or hear about. You know, we just needed to understand that  
30 half the pipes were wrecked. I just can't believe it. We  
31 haven't had a meeting for three years down there. We used  
32 to have regular meetings and we used to regularly update  
33 the cabins and whatever. I don't know that there's been a  
34 new cabin put in in the last four or five or 10 years.  
35 It's one of our main earners and, you know, we asked where  
36 some of the money has gone and we can't find out. The  
37 hostel is the same. Caltex is the same. Anyhow. I'll  
38 come to that.

39  
40 I'm very concerned that we appear sometimes - we don't  
41 comply with our budgets and obviously don't comply with the  
42 Act. I think the sooner we can get that through - into the  
43 administration, that we have to have resolutions if you're  
44 going to take money from there or do this or do that, you  
45 just can't go and do it, I think that's the most critical  
46 thing we have to do, because that's when the department  
47 would be very hard on us.

1  
2 I just want to reiterate my concerns about - you know,  
3 I said about the blame game, because I do think that the  
4 department, over the years, had an obligation and a role  
5 and a responsibility to assist shires in the state, and  
6 particularly keeping pace and assisting council to comply  
7 with the Act and deliver outcomes for the development of  
8 the future, because I'm publicly saying that this approach  
9 is, no doubt, sadly lacking. I don't know that - you know,  
10 the phone calls I've had have just been totally negative.  
11 I'd like everyone to cool down a little bit and let us -  
12 okay, if you're wrong, you're wrong and if you're right,  
13 you're right, but come and explain it to us, let's get all  
14 our staff together, let's get all our councillors together,  
15 and I mean all of them, not just two or three councillors,  
16 everyone, it's got to be compulsory.

17  
18 The committee structure, I've mentioned that. I think  
19 we need to get on to that. I think if you did require  
20 copies of those articles, I can make them available to you.

21  
22 Q. They're newspaper articles, are they?

23 A. They are, in the Riverine Grazier, June the 1st 2016.

24  
25 Q. And what is the topic of the articles?

26 A. About the council and the hostel development at the  
27 time and some of the issues that weren't adhered to by the  
28 council and cost us extra money. We didn't follow through  
29 and we made a blue, so --

30  
31 Q. I have a lot of information about the hostel. If you  
32 want to provide those articles --

33 A. I'll have to get copies of them, but if you want them,  
34 you're quite welcome to have them. I found them  
35 interesting reading, actually.

36  
37 I'll just finish by saying that - I said that I worked  
38 closely with the general manager. You have to, as mayor,  
39 you can't not. You have your disagreements and you sort it  
40 out. We'd usually go for a drive. I just think it's  
41 over-exaggerated. If you're going to say that everything  
42 is rosy in the garden, it's not always rosy in the garden.  
43 People have issues that need to be resolved and you have to  
44 go to the boss because that's the only person you've really  
45 got an opportunity to go to.

46  
47 In relation to the criticism that - you haven't raised

1 it - I did get (indistinct) was the plaques around the town  
2 here. The council actually had a resolution and they had  
3 to pay - paid for the installation of them and the  
4 resolution when I was mayor was that they had proper  
5 guidelines where they were going, what format they would  
6 require, and I know one particular gentleman saw the  
7 opportunity to, which you've got to learn to take if you  
8 put yourself in a position that I was in, but they were  
9 installed at council expense at parks and the next thing  
10 they're up in front of the club, shifted, at council  
11 expense, no resolution of council, nothing, but we had a  
12 resolution where they were to go. And I just feel that  
13 sort of stuff is the beginning of the end. If you start -  
14 other people start overruling staff and resolutions of  
15 council, that's really - that's a sad day for the  
16 organisation.

17

18 Q. Do you know when that occurred, Councillor O'Halloran?

19 A. I can't tell you exactly.

20

21 Q. Roughly?

22 A. Mr Drenovski had just started, if that's any help to  
23 you.

24

25 Q. It is.

26 A. Not long, anyhow, he hadn't been here long. I'll just  
27 finish by saying that over the years, if I could, the  
28 council has given me a wonderful opportunity. Probably I  
29 haven't done the right thing by my family by it, but I've  
30 enjoyed the fellowship and the friendship, the opportunity  
31 to serve as a Murray River County councillor for 16 years  
32 was, no doubt, one of the highlights, the opportunity of -  
33 from councils from Wentworth to Albury and being a part of  
34 delivering electricity to the back country from when we  
35 moved to that country, we were on 32 volt electricity and  
36 got 240 volt (indistinct) but somehow or another things  
37 changed and ladies then wanted washing machines, they  
38 wanted deep freezers and whatever else, and you can't blame  
39 them, because it was a bit of a convenience for yourself,  
40 too, to flick the switch. I chuckle to myself when I hear  
41 people talking about they have just discovered batteries.  
42 As far as I am concerned, they want to throw them all down  
43 the river, because we had batteries and it kept us broke,  
44 buying new ones. But that was an opportunity. The Outback  
45 Regional Development Organisation, based at Broken Hill, I  
46 was a chairman of that, that was a wonderful organisation,  
47 it gave me a different perspective of delivering the first

1 internet right up to just south of Alice Springs, right  
2 down to Balranald, and, you know, that was one of those  
3 things that I really, really, took a lot of pride in. I  
4 don't think that - we were given \$2 million at the time to  
5 provide these facilities for the outlying communities and  
6 we did that. And we were only challenged once and we were  
7 found to be 20 cents out in our budget so, luckily we  
8 didn't go to gaol for that. I have had a keen interest,  
9 being President of Lowbidgee and all the development that  
10 was done, for ten years, that was a challenge. Some of  
11 those didn't finish until 4 o'clock in the morning. I can  
12 remember one bloke, I took him home, (indistinct) the  
13 manager, he said, 'I don't know what you're been drinking',  
14 he said - I thought I was being a bit cunning, I was  
15 drinking dry ginger. He thought I was drinking whisky. It  
16 just - I enjoyed the opportunity of the western business  
17 shire, the local government all the things, the men's shed,  
18 I don't visit it much, but I am a member of it. Fishing  
19 club. I don't have anything to do it but I am a member of  
20 it. That committee, I drive the bus and car occasionally  
21 for people that need to go somewhere to live better. I  
22 think I've enjoyed public life, it's been a wonderful  
23 opportunity. I followed on from my father's footsteps and  
24 probably my family prior to that, and I'd hate that I  
25 wouldn't be seeing someone that didn't aspire to do the  
26 right thing by the rate payers and the visitors. I have  
27 always endeavoured to be upfront and honest and I've found  
28 that, yes, you do make mistakes, you have got to show  
29 upfront and when I was mayor, I was the first to say, well,  
30 I've bugged up there, I've made a mess of that. And  
31 councillors would get around to resolving it. I personally  
32 would thank you for the opportunity to be here today and I  
33 am sorry I wasn't able to be last time, but you can't come  
34 off an operating theatre and come here. So I've done my  
35 best today and I'm always available if you need to ask me  
36 anything else. I hope you haven't seen us as someone that  
37 deliberately aspires to take the advantage of someone else.  
38 Because I think the reason that I've probably survived in  
39 the community is because I have been able to work with the  
40 community, be able to pull me weight wherever required and  
41 I think the formation of Balranald, I know a lot of people  
42 say they had a lot to do with - to the visitor's  
43 information centre, but I can tell you, without people  
44 taking credit for too much of it, without Aaron Drenovski,  
45 that wouldn't be there, that's the only reason it is there,  
46 because he said it had to be done. I've heard people say,  
47 'We're upon for that'. They weren't responsible for it at

1 all. He was the one that did it. We all talked about it  
2 and argued about it. In the meantime, he got the drawings  
3 done and got it done. The bloke that people say did  
4 nothing, that he brought in to do it, yes, he cost us  
5 money, but at least it was done and - it wasn't right,  
6 we've got it there and I think it is a building that not  
7 only us should be proud of, the people that visit it can.  
8 So there are a lot of things I think we can hash over and  
9 whatever, a lot of things at Euston we've done that people  
10 say, oh, Euston is forgotten. It is not forgotten at all.  
11 We pull our weight in both towns and all our shires to the  
12 best of our ability, as long as it is within our budget.  
13 Thank you

14  
15 Q. Just one question, do you intend to run for council  
16 again at the next election?

17 A. Um, I wonder why you'd ask that.

18  
19 Q. Because I've asked every other councillor?

20 A. Did I give you the impression that I'd had enough of  
21 it?

22  
23 Q. No?

24 A. That's your answer.

25  
26 Q. Thank you. Thank you Councillor O'Halloran.

27  
28 **<THE WITNESS WITHDREW**

29  
30 THE COMMISSIONER: We will adjourn now until 12 o'clock.

31  
32 **SHORT ADJOURNMENT**

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1 THE COMMISSIONER: We will resume and we have Mr Morton  
2 giving evidence.

3  
4 <PETER MORTON, sworn: [12.00pm]

5  
6 THE COMMISSIONER: Q. Thanks, Mr Morton. Now, I  
7 understand that you are the owner of the gypsum mines in  
8 town - out of town?

9 A. Correct.

10  
11 Q. Okay. And you wanted to address the public inquiry.  
12 Can I just start by letting you know that we're not looking  
13 at the actual rates that were set by the council but,  
14 rather, the processes that the council went through to get  
15 to those decisions?

16 A. Yes, I understand that, that's clear. I can keep it  
17 to the terms of reference.

18  
19 Q. Yes, okay. So what did you want to say?

20 A. I'll start off like the others, I suppose, I'll  
21 introduce myself.

22  
23 Q. Yes.

24 A. And put on the record that I've been in the area  
25 nearly all me life and part of a farming family. I started  
26 off as a shearer and got married, I've got three children,  
27 I went into farming. From there, we went into the gypsum  
28 business, I've still got the farming enterprise as well,  
29 and I have a hearing disability from the shearing work, so  
30 sometimes - I'm high frequency - I might have to get you to  
31 repeat.

32  
33 Q. M'hmm.

34 A. I'm hoping that I've read the terms of reference and  
35 got this, so I can cover these subjects that I think are  
36 relevant. A subject briefly that I'd like to cover is the  
37 outlining of the gypsum business, briefly. I understand  
38 you've seen it - there was a presentation to the council.  
39 I'd like to table a response I got from the councillors  
40 from my lobbying to brief them on the business so that they  
41 go to council with a full knowledge of what they were  
42 voting on. I can comment on the ad valorem and the new  
43 category that they put me in.

44  
45 Q. I won't be going to those issues.

46 A. You won't be going to those issues?

47

1 Q. No, because that's a decision of the council as to how  
2 to rate you and what actual ad valorem amount they're going  
3 to charge you. What I'm looking at is the way the council  
4 communicated its rates to you, the proposed rates, and what  
5 it did with the decision-making.

6 A. Okay. Fair enough. I present - also, I had a couple  
7 of other - quite a few people come up and would like to -  
8 when they heard - no-one was really sure what was going to  
9 happen until they got their rates and when they got their  
10 rates, people were coming up - I've got a couple of people  
11 - developers that had problems with the council getting  
12 development applications through and I'd like to present -  
13 that's their writing just a short letter that they've  
14 written.

15  
16 Q. I don't know that that's going to fall within any of  
17 the terms of reference?

18 A. It is, I feel, because the conflict of interest within  
19 the council has been there on the board - the RSL Club I'm  
20 talking about and the restaurant and Councillor Purtill  
21 hasn't declared his interest when he's voting on these  
22 developments that were proposed. It's only a short letter.

23  
24 Q. They're development applications, and I don't have  
25 anything before me that relates to development  
26 applications?

27 A. Well, how can these people get their development  
28 through if the councils have lobbied against them? It's  
29 the lobbying of the council, I think. What's why we're all  
30 here.

31  
32 Q. I'll let you start and then I'll see --

33 A. I can leave the letter with you and you can decide  
34 what you do with it. If you don't want to --

35  
36 Q. You have to give me the background to the information  
37 because we have had no information from you about these  
38 matters in advance.

39 A. No. Well, they only just come up. I've been away up  
40 north and they've only - people have rang me up to say,  
41 "Can you do this?" and I said I'll put it to the  
42 Commissioner and see if --

43  
44 Q. So it's not your development applications?

45 A. No, it's two other developments that have left town  
46 because of lack of council support.

47

1 Q. So development applications that were refused, is that  
2 what you're saying?  
3 A. No, they finished up walking out of the town because  
4 they couldn't get it through - the support of the  
5 councillors and the admin.  
6  
7 Q. So they were refused development applications?  
8 A. No, one had a DA approved, but then he walked away  
9 from it after 18 months of work trying to get it through,  
10 and the other one was, I think, nine months, and they've  
11 both left.  
12  
13 Q. First of all start with the address of the property?  
14 A. Okay. I'll just - if we can't do it when we get into  
15 it, you pull me up. I can comment on the council's  
16 performance over the years, as I've found, being a  
17 developer. I'd like to note the effort that we've done, as  
18 a family group, to work with the council on roads and  
19 what's happened with that. I'd like to just read a letter  
20 that my wife has written and then basically the summary.  
21  
22 Q. Okay. So what was the - you're going to start with  
23 the development application?  
24 A. I was going to start with the outlining of the gypsum  
25 business and how it's - you're not concerned about how the  
26 rates are affected, because we've got a large area of land,  
27 a thousand acres, gypsum --  
28  
29 Q. Let me just start by saying I have listened to your  
30 presentation to the council that's on the internet?  
31 A. Right. Okay.  
32  
33 Q. I don't need you to repeat any of that information.  
34 A. Righto. That's good. That will save some time. I'd  
35 like to present the lobbying - when it was going to  
36 council, I couldn't - I had trouble getting a presentation  
37 to the council. I rang my solicitor and I said, you know,  
38 "What do I do?" and he said, "You've got to get in and  
39 explain to the councillors so that they understand the  
40 issues so that they can vote fairly on it." So I rang  
41 Michael and he said, "No, we can't see you. You can't have  
42 a submission because you've been to a solicitor." And I  
43 rang my solicitor back and I said, "Look, I'm out because  
44 I've been speaking to you." He said, "That's not true."  
45 He said, "I've been 30 years as a government solicitor" -  
46 he apparently works for the Gundagai council - Peter Gain  
47 is his name - and he said, "That's not right. I think he's

1 bluffing." I said, "Well, he's telling me I can't." So  
2 then I rang the mayor on the 21st and he said the same, he  
3 said, "You can't - you've had legal advice. You can't - we  
4 can't speak to you." I rang me man back and he said,  
5 "(Indistinct) it looks like you're heading to court." I  
6 said, "I'm anti-court, I hate it. We can mediate our way  
7 through, whatever it takes", I said. "Councillor Purtill,  
8 I'll do whatever I can to get this over the line. Can I  
9 please have an audience with the council to explain?", and  
10 he arranged it with Michael, Sue and I, my wife and I, had  
11 a meeting with Michael and explained the situation. Then I  
12 lobbied the councillors.

13  
14 Councillor Byron - I've got the shire note with all  
15 the councillors on, so I've just written down when I rang  
16 them and their response. Councillor Leigh Byron had no  
17 reply. I left a message saying I wanted to discuss the  
18 rating - that was on the 21st. I rang on the 23rd and  
19 still no answer. And then I got a text saying he was -  
20 from his wife, saying he was very sick and he couldn't see  
21 me. Okay, so he's out. The mayor, I run it past him. He  
22 didn't really comment a lot. I rang - I got in touch with  
23 Hermann Ugarte and his - it was very interesting because at  
24 a house down here in Chess Street, he said, "There's  
25 nothing you can do and there's nothing I can do." I said,  
26 "What are you talking about?" He said, "You will not get  
27 it through, you're wasting your time. You haven't got the  
28 numbers." So I left flat, because it appeared that the  
29 decision had already been made at council level to leave  
30 the rates as was suggested

31  
32 Q. What date are you talking about?

33 A. When I rang him, it was the 19th of the 6th '19.

34  
35 Q. So it was before the council meeting that you  
36 addressed?

37 A. I'm not sure what time - the day the council meeting  
38 was on.

39  
40 MS ANNIS-BROWN: It was 29 June.

41  
42 THE COMMISSIONER: The 29th.

43  
44 MS ANNIS-BROWN: The 27th, sorry.

45  
46 THE COMMISSIONER: Q. 27 June.

47 A. I talked to him. I said, "That doesn't sound right."

1 He said, "The only way you're going to get it through is to  
2 convince all the councillors and I know you're not going to  
3 be able to." I like the man for his honesty. I heard what  
4 happened yesterday with his Facebook, but I thought he was  
5 sympathetic and had a crack.  
6

7 I then rang Councillor Jo Roberts - that was on the  
8 Wednesday night - and she told me that she was going on  
9 holidays - she had a planned holiday with family, a single  
10 mother with an 18-year-old kid and had planned this trip  
11 for a long, long time and she definitely would not be at  
12 the meeting. Blow me down, she turns up at the meeting.  
13

14 Then I rang Councillor Jolliffe and he heard me out  
15 and asked a few questions that were relevant and I also  
16 spoke to Councillor Doug Allen and put it to him. So I  
17 thought it's fair and equitable to get a reasonable  
18 hearing, that I would be happy with, that's all I want.  
19 I'll go with whatever the council says, within the  
20 decision, and then will obviously come back if it's too  
21 financial - too much financial hardship, we'll have to  
22 decide what we do with the business, as simple as that.  
23

24 So that's the presentation on what the councillors  
25 responded to my lobbying. I felt, after I'd done that,  
26 that I was wasting my time really sticking around for it  
27 because I didn't have the numbers, as it turned out at the  
28 final event.  
29

30 I want to touch on the ad valorem. The business  
31 category was discussed at length here. The sand and gravel  
32 is .005. Gravel is calcium carbonate. Gypsum is calcium  
33 sulphate.  
34

35 Q. I recall it being .125, or something like that?

36 A. Sorry?  
37

38 Q. I thought it was a different number to .005.

39 A. I think it is .005. I'll check that in a minute.  
40 Sand and gravel is .005, and when --  
41

42 Q. Can I just stop you there. I am not going to be  
43 listening to the --

44 A. If you ask Mr Gitzelmann why he was in that - about  
45 sand and gravel --  
46

47 Q. Kitzelmann?

1 A. Michael, you ask Michael about the sand --  
2  
3 Q. Mr Kitzelmann?  
4 A. -- and he spoke about mineral sand. Mineral sand is a  
5 different category --  
6  
7 Q. He distinguished between the two categories. But can  
8 I just tell you, Mr Morton, the decision has been made by  
9 the council about the ad valorem rate. I'm not interested  
10 in exploring why the council came to that conclusion?  
11 A. I'm sorry.  
12  
13 Q. So if we can just move on from there.  
14 A. Yes. I'm sorry. So to deal with that, where would  
15 you suggest I go? Now I'm out of avenues to appeal to the  
16 shire - would that be correct?  
17  
18 Q. I can't advise you, I'm sorry.  
19 A. Okay. Thank you. Now, the next one I had was a  
20 couple of young fellows, and one older fellow, wrote me a  
21 letter and he wanted that tabled or read out.  
22  
23 Q. Could I read that letter first before you start  
24 talking about it, and that might short-cut things.  
25 A. I think it's relevant.  
26  
27 Q. I'd prefer to take the written evidence rather than  
28 your interpretation of what Mr Walsh --  
29 A. I appreciate that, because he's a very passionate  
30 young fellow and both parents live here.  
31  
32 Q. So is there other material here that he sent you?  
33 A. Yes, there was two developers that had very similar  
34 problems to one another and both - one had to go to the  
35 local member and one had to go to the legal advice and then  
36 he walked away from his - both those people walked away  
37 from projects.  
38  
39 Q. What I will do is I will detach the email from  
40 Mr Walsh and I'll take that into evidence?  
41 A. And the other one displays the inability of the  
42 councillors to get a development through with - not in  
43 Balranald, which is a garden centre, and we still haven't  
44 got one --  
45  
46 Q. Just a moment, do you need a copy of that?  
47 A. I would have one at home.

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Q. There's also a document, Dave Chastain?

A. Dave Chastain was the other developer that couldn't - he walked away from his project after 18 months and the solicitor letter in the council responses there to the problems he had. I am really highlighting the problems I had as a developer and I note that there's been no developers really --

Q. Just a minute, sorry, I'm reading the material from Mr Chastain. I don't think any of his material goes to the terms of reference. Now you said you had your own issues with the council?

A. Yes, it is along a similar line, can I touch on those from when I started developing the (indistinct).

Q. If its relevant to the terms of reference, so how the council is exercising its function?

A. Pull me up if I'm wrong, Commissioner. In 2004, I was looking at putting in a fertiliser factory in. I bought land over the road, the BP, and five acres there, freehold land, and put a development application in, brought this big shed and the equipment to do this. I was levied up with, I think it was \$100,000, flag fall, and it basically was too much so I sold the land since and walked away from that project. It was - some of the comments are pretty bad. Roy Heddington was the man that - infrastructure and development. It was only when he said, 'You've over capitalised, you've spent this money, I've got you where I want you, you'll pay because I've got the numbers' and I said, 'What's the money going to go to, is it bribe or blackmail?' He said, 'It's either one of those, Peter, but you will pay because I've got the numbers' and I said, 'I'll wait for the next election and we'll see'. It was in the newspaper to everyone talks --

Q. It is a little bit before the period that the inquiry is looking at, 2004 is quite a long time ago?

A. Yes, well, it all seemed to be happening now.

Q. That's what I am more interested in hearing about?

A. Conway and Mengler got on to the council, and we got it through. Otherwise, the gypsum probably would not have been going there. So we - that development also got shelved. That was another one, there was three that I had. I got out of court, anyway. I waited 18 months but. I think you probably want to hear about the road damage and

1 someone mentioned earlier on that we had unpaid rates and  
2 road to the Shire.

3

4 Q. No, not unpaid rates, there was --

5 A. Road levy.

6

7 Q. Not a levy. There was a provision in perhaps an  
8 expired lease or leases, mining leases, that required you  
9 to pay to the local authority for damage to roads?

10 A. Okay. My memory, we had a contract with Australian  
11 Cement for 30,000 tonne. There was road damage appearing,  
12 the Shire said you must pay - that might have been \$300,000  
13 or something.

14

15 Q. Do you require what year or about?

16 A. It was when we first started to mine outback, no, my  
17 wife is here, she knows my birthday, even. No.

18

19 Q. You don't remember when you started the gypsum mine?

20 A. Sorry.

21

22 Q. You don't remember when you started the gypsum mine?

23 A. I've got three, this was another thing I hadn't  
24 mentioned, the council have submitted - that's coming up in  
25 the next letter - that I only had one and they rated me on  
26 for their budget on one but actually we had three, so we  
27 had to bring that to their attention. But the submission  
28 to the public and the councillors was on one particular  
29 mine. Look, it might have been 15 years ago.

30

31 Q. Yes, that's still a bit early for this inquiry?

32 A. When we got put up with this levy and had to do all  
33 the road damage, we look at putting our own road in but in  
34 the end we just had to shut that contract of 30,000 tonne  
35 down, so we just shut it down. Back to the Shire council,  
36 to negotiate a way around it, and they explained that one  
37 truck movement a day, it wouldn't occur, this levy. So we  
38 then started the business and got a little business going  
39 that requires one truck movement, value added gypsum.  
40 Which is what we were going to do with the fertiliser,  
41 anyway. That was a win/win. It took - Australians  
42 warranted our stuff. At Kandos, it was going, I got the  
43 start accredited (indistinct) by rail. We put in and still  
44 have, I think, a right to use the rail siding at Ivanhoe.  
45 The business has closed down. We thought we might start it  
46 up again but at the moment, it is bitumen now. The road  
47 levy that the Shire imposed on us shut that business down

1 as well as the fertiliser plant here, the two things,  
2 that's why I went to Darwin, bought a park up there and I  
3 won't invest in here again. Now we are heading with these  
4 extraordinary rates, a hike, we'll just have to play it by  
5 ear and see what happens. So we made every effort to  
6 repair, to work with the Shire on the road - we had 30  
7 kilometres of Shire road out there, roughly. It was rated  
8 at one grade a year. I know the owner of the land and I  
9 rang this morning again, I don't think - he said at one  
10 stage it went three years without a grade. From what they  
11 said this morning, they don't think it has been graded in  
12 the last 12 months so any damage that's - they said they  
13 are going to monitor and have a look at - could well be due  
14 to lack of maintenance over the last ten years. So that  
15 would be taken into account.

16  
17 Q. I think the council staff understand it. There has to  
18 be a baseline taken before any request for payment for  
19 damage can be made?

20 A. Not being graded, and you let pot holes get bigger and  
21 bigger, and the top soil --

22  
23 Q. That would be the baseline and then from there it  
24 would be any additional damage?

25 A. I said I was quite happy to pay for any extra gradings  
26 required. We also offered gypsum to - excellent road base,  
27 and we put that on the road - I haven't been out there for  
28 12 months myself, because my son manages that -  
29 (indistinct) son, they both manage. The land owner out  
30 there said the only road that's any good is where we put  
31 the gypsum. My wife went to the council in February this  
32 year and I've got the dates and the time and said, look, we  
33 had some fines, it was out of the gypsum, I'd say it was  
34 7,000 tonne. Would have done a lot of road - and we had to  
35 - under the mine rehabilitation, annual environmental plan,  
36 you must rehab. So we went to the council to see if we  
37 could work in to put it on the road. They said no,  
38 wouldn't touch the road. If you have an accident, it is  
39 not (indistinct). She went to the desk, said she'd like to  
40 see someone regarding it. She got a phone call at 6.15,  
41 she keeps a very good diary, my wife, she remembers every  
42 time I go to the hotel - I've written down her comments on  
43 that, but someone from the council got back to her and she  
44 said, 'Look, I am in IGA, with all the shopping, can you  
45 ring me back tomorrow'. She didn't get a phone call back  
46 so she came down to the Shire here again and requested to  
47 see someone regarding the use of this road material for

1 surfacing, to do the road. We have not heard anything  
2 since.

3

4 Q. Mr Morton, I have no idea whether gypsum is an  
5 appropriate road material and I don't think you can tell me  
6 that. It is just not something that is within the ambit of  
7 this inquiry. That matter being quite appropriate for the  
8 council not to --

9 A. Why didn't the councillors go out and have a look?  
10 The councillors did go out and say, look --

11

12 Q. It's not a matter for the council, it is a matter for  
13 the technical staff and whoever the roads authorities are.

14 A. I would have thought it was a golden opportunity to  
15 get this road problem sorted out.

16

17 Q. I can't answer that and you can't tell me that so  
18 let's move on?

19 A. Okay. The presentation that you've seen here with the  
20 charges - can I talk about them? On the road, Michael said  
21 - we had an interview with Michael, my wife and I, and  
22 Michael said that the road we were working on - we only had  
23 10 kilometres of road that we had been working out that's  
24 all we had. It was an RMS road. Michael - and now we've  
25 moved out to another mine that is 23 kilometres out and  
26 Michael is saying their charges reflect - I understand  
27 that. Charges got to relate to the services the council  
28 have to provide.

29

30 Q. It is a user pay system?

31 A. Yes, yes. So Michael said it is council - Shire road.  
32 I said, no, mate it is not. We argued at length. And  
33 that's why, when I got to that meeting, you will see me  
34 hold up a piece of paper and ask Michael to explain how he  
35 could have possibly got it wrong and could he explain to  
36 the councillors in the room what is the actual - happens.  
37 So he got Ray Davies to explain, it was in fact an RMS  
38 road, funded by the State and the Shire do a little bit of  
39 maintenance on it to patch up the pot holes, I think. I  
40 thought that was a bit unfair on Michael not to know that  
41 and say (indistinct) - making these roads up with the road  
42 damage not occurring. The two new mines I am developing in  
43 the area, put a presentation in to the Shire and requested  
44 them to have a look to give us some idea of access, how  
45 much it was going to cost us for a turning lane. I just  
46 put one in out at the new mine I've started. It cost about  
47 \$120,000. That would depend on our access. That was in on

1 12 June, I think, there's a letter here. Have not heard  
2 anything back. We are waiting to do the EIS and we can't  
3 do the EIS until we say where we are going to go with our  
4 exit and entry. Just the little problems I've had with --  
5  
6 Q. You don't think it is your responsibility as the  
7 developer to obtain that advice yourself and present it to  
8 the council?  
9 A. No, it's a Shire road. This is a Shire road we are --  
10  
11 Q. No, but the costing of it?  
12 A. The what, sorry?  
13  
14 Q. The costing of it?  
15 A. Yeah, I am happy to pay.  
16  
17 Q. No. Do you not think it is your responsibility as the  
18 developer to obtain advice about the cost of doing the slip  
19 lane or the turning lane or whatever you are proposing?  
20 A. I'm sorry, I can't hear - if I could have a guess what  
21 you're saying. You are saying it is fair that I do the  
22 costings.  
23  
24 Q. Yes. Do you not think it is your responsibility as  
25 the developer to work out that cost yourself. You are  
26 asking the council to do an exercise which it is probably  
27 not within its responsibilities to do until it has --  
28 A. The GM said he was out there, they are doing the road  
29 then and he would be happy to do it and I think it was  
30 under their jurisdiction.  
31  
32 Q. But it was only 12 June, it is not a very long time  
33 ago?  
34 A. The EIS people are waiting to start and we can't --  
35  
36 Q. Get the advice yourself from a road engineer?  
37 A. I am not an engineer, either.  
38  
39 Q. Anyway.  
40 A. Perhaps I can read my wife's letter out that she --  
41  
42 Q. I will read your wife's letter.  
43 A. You will?  
44  
45 Q. Yes. Thank you. I can just take that document.  
46 A. Beg your pardon.  
47

1 Q. I will just take that document. Do you need a copy of  
2 this one?

3 A. No.

4

5 Q. Because it's got some handwriting on it, that's all.

6 A. Yeah. That's what I just --

7

8 Q. Maybe once we've adjourned, we can obtain a copy and  
9 I'll give it back to you.

10 A. Yeah, if you could. I better keep that. Thank you.  
11 Basically, I think that's all, taking out the explanation  
12 on - because I'm not a lawyer and I haven't engaged a  
13 lawyer - only briefly, when Michael was upset that we were  
14 getting legal advice and I thought we'll take it a step at  
15 a time and what date we need a lawyer, obviously we'll get  
16 one if we can't operate. As I said, it's a family business  
17 and if the charges are - gypsum is one of the last prized  
18 minerals out there, unfortunately, and that's what is  
19 probably going to make, apart from where minerals are  
20 concerned about this, because it could - if this levy is  
21 adopted from the other shires out west - gypsum runs from  
22 probably 100 (indistinct) line west, right up to Bourke,  
23 Swan Hill, but this is about the line of gypsum. They're  
24 in small deposits and it costs you half a million bucks to  
25 put a mine down and then if you've got these charges on top  
26 of it, which is going to be a couple of hundred thousand  
27 dollars, which is what we're looking at here, it's really  
28 going to bowl the industry, I think, especially if you're  
29 paying on unmined country, that you're waiting to move to,  
30 or country that's been rehabbed. There's no future for my  
31 family either long-term - we've got some to go on with, but  
32 long-term we'd be looking at something else. It's not fair  
33 and equitable to the road the damage that we're doing.

34

35 Last night I picked the mail up - I don't know whether  
36 this is relevant or not - but now we've got a new Balranald  
37 rating and they're going to - they've applied for a review  
38 of valuation to the Valuer-General, I suppose - I haven't  
39 read it all - but I imagine this is because Iluka has  
40 bought a lot of country and they had a valuable mineral  
41 underneath it, they've paid a good price for their country,  
42 so the value of that land is going to be reflected on the  
43 surrounding properties, that will increase the rate. So -  
44 I'm only guessing --

45

46 Q. Did Iluka buy it for gypsum mining?

47 A. No, they bought it for mineral sands.

1  
2 Q. They'll be a difference in the value then?  
3 A. Yeah. I've got to find out. There's a lot of legal  
4 stuff happening now. Mineral sands is about 1500 bucks a  
5 tonne and gypsum \$15 a tonne, so how can we finish up in  
6 the same rating? If I can get that looked at.  
7  
8 Q. I don't think you are in the same rating?  
9 A. I don't know how they do the ratings. The mayor was -  
10 I think this is an important one - it's in that letter, I  
11 think.  
12  
13 Q. There is some comment in your wife's note, yes?  
14 A. The mayor stated that he didn't understand how the  
15 rating system worked. He found it very, very --  
16  
17 Q. I've got your wife's words here and I've listened to  
18 the tape, so --  
19 A. Okay. So that's --  
20  
21 Q. -- that's enough.  
22 A. Once again, I think this is what everyone has been  
23 saying - Councillor O'Halloran said that a lot of people  
24 don't understand the issues they're voting on. There's not  
25 many business people on the council, I notice, now.  
26 They're good, hardworking citizens, there's no doubt, I'm  
27 not criticising them, but to get people to understand the  
28 business side of things is a bit hard, and I think  
29 Balranald having the population that we've got, it's hard  
30 to get those people out of this community and some of the -  
31 I'm not mocking the people, whether it be a shearer or a  
32 wool classer. The two people who are sitting in this room  
33 here I'd say were two of the most independent,  
34 conscientious councillors we've seen. There have been  
35 other good ones, but it has been a long time over the  
36 years, a lack of control and I believe especially now, with  
37 the current mayor, a lack of control over the councillors  
38 and having some put - controlling their operative and  
39 getting back to the constituents has been a major, major  
40 problem with Balranald Shire over a number of years.  
41  
42 I'd like to touch on the mental and monetary and the  
43 time waste when you're trying to get a DA through. I've  
44 done a few and I've still got a few.  
45  
46 Q. I don't know how that's going to come into the terms  
47 of reference.

1 A. It seems a waste to me. Anyway, we've got another DA  
2 in the Central Darling Shire, so we might be moving out to  
3 there, but that's neither here nor there, but certainly  
4 (indistinct) see what we can do to work through this one.  
5

6 You've heard plenty about the caravan park, so I'm not  
7 going to mention it, but there's only one thing. I can  
8 understand clearly how that happened so quickly.  
9

10 I don't think I've got anything (indistinct) have you  
11 got any questions for me?  
12

13 Q. No, I don't, Mr Morton?

14 A. Okay.  
15

16 THE COMMISSIONER: Ms Annis-Brown does.  
17

18 MS ANNIS-BROWN: Q. I have one, Mr Morton. Just in one  
19 of your submissions to the inquiry, and this was signed by  
20 Peter and Sue Morton, just one of the last issues you  
21 raised was internal conflict within council has made it  
22 hard for some meetings to reach conclusions. I just wonder  
23 what you mean by that. If you could just elaborate or  
24 provide an example.

25 A. I think you heard a little bit of it this morning. In  
26 my experience, the voting - they vote block. So the  
27 internal conflict, someone will start a conflict and it  
28 goes to the vote, and I believe exactly what happened here,  
29 I felt the voting was going to go the way it did beforehand  
30 and that's exactly what happened, but that's been happening  
31 over a number of years. If you've got the numbers - the  
32 people that are at the top that have got the votes -  
33 Councillor O'Halloran had the maximum votes and Purtill is  
34 probably not far behind. They lobby the community to get  
35 someone - their friends to sit on the council, and that's -  
36 at the moment, I think it's - what have we got? It's a 5-3  
37 standing that generally happens now, unless you've got  
38 conscientious people there. This 5-3 voting happens fairly  
39 regularly if you look back over the thing. In my case,  
40 there was one councillor missing. Even with that, it would  
41 have been 5-3, I think. So that's, I think, the biggest  
42 concern, like I said, for anyone trying to get a DA  
43 through. If you don't get on with those people, perhaps  
44 you're not going to get your job over the line.  
45

46 Q. You do appreciate each councillor only has one vote  
47 ultimately?

1 A. Yes. We've got eight councillors.  
2  
3 THE COMMISSIONER: Yes, unless it's tied, in which case  
4 the mayor has a --  
5  
6 MS ANNIS-BROWN: Casting vote.  
7  
8 THE COMMISSIONER: -- casting vote, that's right.  
9  
10 MS ANNIS-BROWN: That was all from me, Commissioner.  
11 Thank you.  
12  
13 THE COMMISSIONER: Q. Okay. If there's nothing more,  
14 Mr Morton, we will adjourn until 2 o'clock?  
15 A. Thank you very much.  
16  
17 **<THE WITNESS WITHDREW**  
18  
19 **LUNCHEON ADJOURNMENT**  
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1 UPON RESUMPTION:

2

3 <MICHAEL KITZELMANN, on former oath: [1.59pm]

4

5 THE COMMISSIONER: Q. Mr KitzeImann would you take the  
6 chair. You are on your former oath. And I've asked Mr  
7 KitzeImann to return to provide some information to the  
8 inquiry that arose during questioning yesterday. So Mr  
9 KitzeImann, the first thing I wanted to find out about was  
10 that there was mention of a \$760,000 State government grant  
11 for community purposes in about 2016/17. Were you able to  
12 figure out what that was?

13 A. Yes, Commissioner. So there was no \$760,000 or  
14 \$750,000 grant at that time. There was a \$923,300 grant  
15 which was for the Stronger Country Communities Fund round  
16 one. Then there was the Stronger Country Communities Fund  
17 round two which was 979,000 and both of those round one and  
18 round two are being expended on the upgrade of the main  
19 street, Market Street, here in Balranald.

20

21 Q. And that's about to commence, I understand?

22 A. So the contract has been awarded for the commencement  
23 of works and works are expected to be completed by  
24 mid-to-late January 2020 with final acquittal of the grant  
25 by the end of February 2020 which is in accordance with the  
26 funding deed.

27

28 Q. So the funding deed has a time limit on it?

29 A. That's correct, yes.

30

31 Q. Okay. Another question that arose was what happened  
32 with the proceeds of sale of the Caltex service station?

33 A. Thank you Commissioner. So as per the documents that  
34 I provided to the officer assisting before we sat back  
35 down, the service station - the funds were separated up to  
36 meet the legal costs, the real estate agent's commission  
37 and a few other incidental elements with the cost of the  
38 sale and the proceeds and transactions. Then it was  
39 divided into conducting some operational works for council  
40 so the preparation of the paperwork for the SRV, special  
41 rate variation, was funded out of the proceeds. The  
42 establishment of the long term financial plan, the asset  
43 management plan and a few other consultancy around project  
44 preparation were funded out of it, and \$750,000 is in  
45 restricted reserve and that's for a special purpose for  
46 future activities such as the establishment of  
47 infrastructure et cetera.

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Q. And the council hasn't decided on that yet?

A. Not at this stage, no, Commissioner. And one of the other documents that were provided to you is the meeting minutes and resolution associated with the restriction of that fund in reserve.

Q. Okay. Then there was inquiry about road closures, I think it is Bircham and Taylor roads?

A. Yes, Commissioner.

Q. What can you tell me about that?

A. So there's been a little bit of discussion for some time with Bertram and Taylor roads.

Q. Bertram, sorry?

A. In Euston. There was some concern over the traffic volumes that were using it and incidents there and there was a proposal to close those roads to stop the roads being used as a shortcut, and they will be used as a shortcut by some tradesmen, et cetera, staffing living in Robinvale, heading through to Mildura as a shortcut, and there was excessive speeds. So council has engaged with Roads and Maritime Service who are the authority to allow us and approve for the closure of a road, to have some assessments conducted. There were several submissions by members of the public. The Traffic Committee has assessed those roads - those roads are still open now and the issue is still ongoing now and RMS has agreed to do a reduction in the speed limit and to do more active monitoring of driver behaviour on those roads. The minutes of the earlier Traffic Committee meeting have been provided as part of the evidence there and right up until the most current outcome that has occurred.

Q. So just can you explain the correct procedure when you are closing a road?

A. To close a road, we have to go through and make an assessment as to why it is being closed. We then have to liaise with the referral agency, such as Roads and Maritime Service, in some circumstances with police, et cetera, to determine if it is able to be closed. Then a proposal is put forward to council with a recommendation as to why it should be closed including the referral agency feedback. Council then will pass a resolution to go out to public consultation. A public consultation process will occur and then the determination will be made after that as to close

1 the road.  
2  
3 Q. Does it go to a Traffic Committee as well?  
4 A. The Traffic Committee recommends it to council for  
5 consideration.  
6  
7 Q. I see.  
8 A. The Traffic Committee is comprised of Roads and  
9 Maritime Service representatives, police representatives,  
10 local community representatives, council are on that  
11 committee.  
12  
13 Q. Where did the Bertram and Taylor roads proposed  
14 closure get to in terms of that process?  
15 A. It didn't get to a resolution of council to close, by  
16 memory.  
17  
18 Q. So it had gone through the Traffic Committee?  
19 A. The Traffic Committee had reviewed it and presented  
20 it, but it didn't get to the final stage. I'd be guessing  
21 as to why because that was before I commenced, but the  
22 problem is ongoing now which is why we are working actively  
23 with (indistinct) to have the speed reduced.  
24  
25 Q. I see there's something as recently as 19 June?  
26 A. Yes.  
27  
28 Q. Do you have any idea of the cost of compliance with  
29 the performance improvement order and the compliance report  
30 that accompanied it?  
31 A. I had a conversation with the finance manager after  
32 you requested that request. It will take an extensive  
33 amount of time to establish that. One example is the rates  
34 - the rate review, which was a requirement under the  
35 performance improvement order, has been ongoing for 12  
36 months. But the staff member who has been doing that, has  
37 been doing that amongst their normal duties, so I would  
38 have to sit down and establish the cost, and at the end of  
39 the day, that would be an indicative cost because we  
40 haven't specifically set up a cost setting code associated  
41 with completion of the activities under the performance  
42 improvement order.  
43  
44 Q. Do you anticipate being able to provide that to the  
45 inquiry at some stage?  
46 A. The finance manager is working on it now.  
47

1 Q. It can be a rough figure, it doesn't need to be  
2 precise. Now, there was some discussion yesterday about  
3 the sacking of General Manager Littlemore and this was a  
4 suggestion that he brought legal action against the council  
5 and that they paid him a lot of money; can you tell me what  
6 happened?

7 A. So, obviously being an HR matter, it is fairly  
8 confidential. I can confirm, however, that Mr Littlemore  
9 left, and a deed of release was issued for him leaving and  
10 he was paid out the conditions as per his contract. So no  
11 additional payment over and above the entitlements under  
12 his contract were paid and no legal action did proceed.  
13

14 Q. Okay. And finally, there was some talk yesterday  
15 about the waste facility and the contractual arrangement  
16 between the council and Cleanaway. It was suggested that  
17 it might be possible for Cleanaway to be importing waste  
18 from Victoria to put in the council's waste facility?

19 A. There's several elements there which prohibit that  
20 from occurring; one, for waste to come border, there's  
21 actually quite hefty fees associated with bringing waste  
22 across the border and it goes in convention to the  
23 requirements under the environmental protection, so that  
24 will not be occurring without special approval, and that  
25 wouldn't be the approval of council, that would need to go  
26 through to the department to be approved.  
27

28 So at this point in time, I can categorically state  
29 Cleanaway is not permitted to bring waste from outside the  
30 shire to that facility, it is specifically for the solar  
31 farm project and waste generated within the shire.  
32

33 Q. And how long will that arrangement continue?

34 A. That arrangement is in place for approximately  
35 12 months or until the solar farm project is completed.  
36

37 Q. And then what does the council propose to do with the  
38 waste facility and its operation?

39 A. Part of the arrangement with Cleanaway is we need to  
40 upgrade the waste facility. If it's managed properly, we  
41 have between 50 and 70 years of operation without a problem  
42 at that facility. And at the moment we've had some  
43 challenges around how the cells, et cetera, are being  
44 managed, so part of the arrangement with Cleanaway is  
45 they're taking some repat - I got tongue twisted on this  
46 word the other day too.  
47

1 Q. Remediation.  
2 A. Remediation works at the waste facility to try and  
3 sort the problems out. At the end of that process, which  
4 let's say 12 months for ease of conversation, at the end of  
5 the 12-month period, that agreement is finished. Council  
6 will then be going out to tender for the management of a  
7 waste facility and for the collection of our residential  
8 and domestic waste here in the township of Balranald and  
9 putting a contract out to manage the whole process.  
10  
11 Q. Okay. Now, I think you wanted to correct something  
12 that you saw in the transcript you thought might have been  
13 an error.  
14 A. Yes. There's two elements, please, Commissioner. One  
15 of them was in relation to the mining category for mineral  
16 sands. It is categorised as a business mining. I got a  
17 little bit tongue twisted on it and thought it was under a  
18 different category, but it isn't, it is actually business  
19 mining; it is in a higher dollar value bracket than  
20 business mining gypsum.  
21  
22 Q. And is it business mining sands or is it just business  
23 mining?  
24 A. Business mining mineral sands I believe it is.  
25  
26 Q. Mineral sands. Okay.  
27 A. Whereas I stated it was in a different category, it's  
28 not. It's in the same category, but it's a different --  
29  
30 Q. At a different ad valorem rate?  
31 A. Correct.  
32  
33 Q. Do you know what that ad valorem rate is, off the top  
34 of your head?  
35 A. Yes. It's 12.5 cents in the dollar.  
36  
37 Q. I was right.  
38 A. On top of that, the mineral sands have other legal  
39 obligations in relation to fees they must pay for the  
40 disposal of their waste, so they actually will be required  
41 to pay a fee to council for disposal of waste, and they  
42 have an obligation to contribute to road maintenance. For  
43 every dollar that council spends on road maintenance,  
44 they're required to pay council \$1.44, which is a very good  
45 outcome, up to a cap.  
46  
47 Q. Presumably they're operating on a much more recent

1 development consent than the gypsum mine?

2 A. Much more recent, yes.

3

4 THE COMMISSIONER: Okay. Well, that concludes my  
5 questions. Did you have any more, Ms Annis-Brown?

6

7 MS ANNIS-BROWN: Just the graph in relation to  
8 (indistinct) just to clarify that.

9

10 THE COMMISSIONER: Do you want to --

11

12 MS ANNIS-BROWN: Yes.

13

14 Q. There was a suggestion that council was required to  
15 pay back some money to the department, as it then was, the  
16 Department of Social Services, which I believe now is the  
17 Department of Health, and I just wanted to seek  
18 clarification around that, because I believe that that  
19 wasn't actually the case?

20 A. So council was successful in receiving a grant for the  
21 upgrade of the Bidgee Haven Hostel. For one reason or  
22 another - this was before my time - for one reason or  
23 another, council didn't go forward with that grant. There  
24 was a co-contribution obligation, but it was a very small  
25 co-contribution obligation, and council determined that  
26 they weren't going to move forward with the grant and, in  
27 simple terms, they handed back the \$2 million they were  
28 given, but in actual fact, they never received the money.  
29 For the record, with grant allocation, you're approved the  
30 grant, you then put in your scope of work specification,  
31 enter into a deed with the agency, whether it be State or  
32 Federal, and then as you go through, you submit your  
33 invoices for payment and council is reimbursed those costs.  
34 It's very, very rare, except in instances of the Federal  
35 assistance grant, to be paid moneys in advance. So, no, we  
36 actually didn't have to give money back, but we -  
37 effectively we did in fact but we didn't action the grant  
38 that we were awarded.

39

40 Q. But the suggestion was that there had been an  
41 overclaim on the rebates that the Department of Social  
42 Services was giving to Bidgee Haven. Did that happen?

43 A. There was - there's a fee which is paid per resident,  
44 based on the category of care that they required. There  
45 was a suggestion that we were overclaiming the level of  
46 care that was required. There has been an assessment  
47 conducted and in actual fact, it was proven across the

1 board that we, in some instances, were underclaiming the  
2 fee that was able to be applied for. That goes to part of  
3 the reason why the Bidgee Haven Hostel was in financial  
4 difficulty for a number of years around the management of  
5 the appropriate fees that can be claimed from government.  
6

7 There's been wild accusations that residents have  
8 donated millions of dollars. That has not occurred. There  
9 were comments about residents not paying fees. That  
10 actually has happened. There was a couple of instances  
11 where the fees were not charged and, unfortunately, that  
12 resident was then deceased and the estate had settled and  
13 we were unable to claim those funds back. So we've sorted  
14 out those problems as part of our review process and we now  
15 have a grant for 4.66 million, I think - 66 or 68 million  
16 for the establishment of a high-care dementia wing, an  
17 additional 15 beds, which is great because it's a critical  
18 service to the community.  
19

20 THE COMMISSIONER: Thank you. I have nothing further. Do  
21 you?  
22

23 MS ANNIS-BROWN: No.  
24

25 THE COMMISSIONER: Q. Thank you, Mr KitzeImann. Was  
26 there something else?

27 A. The only other one, Commissioner, reading through my  
28 transcript, I did misstate in relation to a staff member  
29 who's on special leave at the moment. That special leave  
30 is not associated with stress because of what's occurring,  
31 it's for other matters.  
32

33 Q. Okay.

34 A. So I just wanted to make sure that was correct,  
35 because it was wrong.  
36

37 <THE WITNESS WITHDREW  
38

39 THE COMMISSIONER: Okay. Thank you. Now, we'll conclude  
40 the public hearings in the inquiry. There may still be  
41 other information that we will seek from various places,  
42 including the council, but we will attempt to conclude the  
43 report and provide it to the minister at the earliest  
44 opportunity. I can warn you it will take months. There's  
45 a lot of material to summarise and a lot of evidence to go  
46 through.  
47

1 I just wanted to say, on behalf of the Office of Local  
2 Government and me, to thank the people of Balranald,  
3 because we've been made very welcome, we've had excellent  
4 facilities provided by the council, which has managed to  
5 cap the expense of this inquiry. It would be really  
6 difficult and expensive if it had to be conducted in a  
7 hired facility. And I was very grateful to have the  
8 attention of the public and the respect that the inquiry  
9 deserved and thank you. We'll close now and adjourn until  
10 there's a report.

11  
12 **AT 2.15PM THE INQUIRY WAS ADJOURNED**  
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**\$1.44** [1] - 379:44  
**\$100,000** [1] - 366:24  
**\$120,000** [1] - 369:47  
**\$15** [1] - 372:5  
**\$300,000** [2] - 354:35, 367:12  
**\$40,000** [1] - 355:25  
**\$60,000** [2] - 354:23, 355:1  
**\$600,000** [1] - 354:14  
**\$750,000** [2] - 375:14, 375:44  
**\$760,000** [2] - 375:10, 375:13  
**\$923,300** [1] - 375:14

**'**  
**'19** [1] - 363:33  
**'hey** [2] - 339:17, 339:36  
**'I'll** [1] - 366:34  
**'it** [1] - 335:24  
**'look** [1] - 368:44  
**'oh** [2] - 325:28, 338:45  
**'we're** [1] - 358:47  
**'well** [1] - 340:28  
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