

## COMMISSIONER'S RULING ON TERM OF REFERENCE 8

The Blue Mountains Public Inquiry has received a number of submissions raising issues (“other issues”) not related to either asbestos management (Terms of Reference 1,2,5,7 and 9), or relating to employment, working environment and alleged conflicts of interest (Terms of Reference 3,4 and 6). Many of these other issues raised in submissions either expressly or by implication refer to Term 8 of the Terms of Reference (TOR), whereby the Minister has directed me to inquire into whether:

*“In exercising functions pursuant to Parts 1 and 2 of Chapter 11 and Part 2 Chapter 13 of the LG Act, the governing body and the senior staff of the Council has determined, reviewed and re-determined an appropriate organisational structure and resource allocation in accordance with the guiding principal in section 8A(1)(c), 2(c) and the role of the governing body in section 223(1)(g), (h) and (l) of that Act.”*

While Term of Reference 8 is broad, that term must be read in the context of the other terms referred to above relating to asbestos management, and employment and working environment. As such, I do not believe these other issues, which are unrelated to the issues addressed in the other terms of reference, fall within Term of Reference 8.

The view I have reached however should in no way be construed by anyone as an indication that I consider these other issues to be unimportant. I simply do not believe I have been appointed by the Minister to inquire into them. The Terms of Reference would need significant amendment for me to lawfully do so.