WINGECARRIBEE SHIRE COUNCIL PUBLIC INQUIRY

At Wingecarribee Shire Council Chambers, Civic Centre,
Elizabeth Street, Moss Vale, NSW 2577

Before: Mr Ross Glover (Commissioner)

           Mr David Parish (Counsel Assisting)
           Mr Angus Broad (Officer Assisting)
           Ms Bron Hewson (Officer Assisting)

On 28 April 2022 at 12.00pm

(Day 15)

Transcript produced by Epiq

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 1      THE COMMISSIONER:   Yes, we'll resume with the last
 2      witness.  Before I do, I acknowledge the Gundungurra people
 3      as the traditional custodians of the land, described as the
 4      Wingecarribee Shire.  I pay my respects to Elders, both
 5      past, present and emerging.  I'd also like to extend that
 6      respect to all Aboriginal or Torres Strait Islanders
 7      present here or who may be watching online today.
 8
 9          I remind those watching that these proceedings are not
10      to be recorded, whether audio, video or by still image.
11
12          Mr Parish.
13
14      MR PARISH:   Thank you, Commissioner, the last witness is
15      Lisa Miscamble, the current general manager of the shire
16      council.
17
18      THE COMMISSIONER:   Yes.  Ms Miscamble, do you wish to take
19      an oath or an affirmation?
20
21      MS MISCAMBLE:   An oath, Commissioner.
22
23      <LISA MISCAMBLE, sworn:                       [12.07pm]
24
25      THE COMMISSIONER:   A reminder to everybody, including
26      myself, the transcribers who were here and did a great job
27      during the hearings are watching online, which means that
28      we'll have to speak very clearly into the microphone to
29      make sure that it can be all picked up.  I'm notoriously
30      bad at it, but a reminder to all.  Thank you.
31
32      <EXAMINATION BY MR PARISH:
33
34      MR PARISH:   Q.   Thank you, Commissioner.  Ms Miscamble,
35      can we start with your personal background and particularly
36      your vocational background in the local government space?
37      A.   Yep.  So, I've had a career in local government over
38      30 years.  I have worked at seven councils during that
39      time, including Sutherland, Marrickville, Campbelltown,
40      Camden, Canada Bay, Hunters Hill and now here.  I hold a
41      Bachelor of Education and also a Masters of Business
42      Administration.
43
44      Q.   What was the post you held immediately preceding your
45      appointment here?
46      A.   I was the general manager at Hunters Hill Council.
47
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1   Q.   You were appointed and commenced at the shire council
2   in June 2021; is that correct?
3   A.   That's correct.
4
5   Q.   Can you tell the Commissioner what your first steps
6   were in terms of ascertaining the state of the council and
7   what you perceived you were going to need to do when you
8   came here?
9   A.   Yes. So, I commenced on 21 June 2021, and in that
10   first week - it was the week before COVID so I was actually
11   in the office - and then after that COVID hit and I was
12   working remotely because I at that time lived in a hotspot
13   in Sydney.
14
15   In the first six weeks I met with staff one-on-one via
16   Teams, met with community groups, community associations
17   majority of time via Teams and then post COVID in person.
18   Undertook a review of strategic documents, the Community
19   Strategic Plan, regional plan, looked it at the reviews
20   that had been undertaken prior to my commencement, and
21   started to pull together a bit of a view or a picture about
22   where we were as an organisation.
23
24   I also looked at the 2019 staff survey results, the
25   2021 Community Satisfaction Survey results, met with
26   general managers of neighbouring councils and also the
27   regional stakeholders as well. So, it was very much an
28   information-gathering exercise for the first six weeks or
29   so.
30
31   Q.   I understand. One of the documents you had occasion
32   to review was the 2012 Division of Local Government
33   Promoting Better Practice Program Review Report; is that
34   correct?
35   A.   That's correct.
36
37   Q.   Do you recall what the takeaways from that
38   document were?
39   A.   Some of the key points were around roles and
40   responsibilities between the councillors and staff, senior
41   staff. Issues were raised around Code of Conduct and the
42   number of Code of Conduct complaints or issues that had
43   been raised in that time. And at that time it was flagged
44   by the Department of Local Government, which is now the
45   Office of Local Government, that if these matters weren't
46   addressed that it would lead to dysfunction within the
47   council.

1
2   Q.   Do you recall in that report, insofar as it dealt with
3   the roles and responsibilities, what the concerns or
4   problems were at that time?
5   A.   Broadly around understanding the role of the elected
6   council and - my words - interference with staff-related
7   responsibilities.
8
9   Q.   And, in comparing that report to the impression that
10   you had gained from June 2021 onwards, had those issues in
11   your view been resolved or at a high level were they still
12   outstanding?
13   A.   From what I read and what I saw and what people told
14   me in that initial period, those issues that were evident
15   in 2012 were still evident in 2021.
16
17   Q.   Dealing first with the staff: you interviewed about 70
18   staff; is that correct?
19   A.   Approximately.
20
21   Q.   Can you give me, firstly, your high level impressions
22   about the culture that they were working under and any
23   specific examples, if you can give us those?
24   A.   So, in that initial period I met with approximately 70
25   staff via Teams majority, some in my first week and then
26   the balance via Teams. When I met with the individual
27   staff it was to gain a sense of who they were, what their
28   role was, how long they'd been with council, what they saw
29   as the things that the organisation did well, what we could
30   improve on, what they saw as challenges, opportunities, and
31   also just gaining a sense of their understanding of where
32   we were now as an organisation as a council and where they
33   would hope to be in 12 months' time or in the future.
34
35   As a general comment people were proud to - sorry, I
36   would say - they are very committed to their work, they
37   were proud to work with the council. A number expressed
38   that over the last few years they didn't feel that they had
39   that same level of pride. There was a feeling that
40   different areas were siloed. Bullying, mentioning of
41   bullying or intimidation was raised a number of times.
42
43   At the time I started meeting with individual staff
44   there were concerns about when the next election would be
45   and the impact of that, but I would also say in those
46   discussions there was cautious optimism about change moving
47   forward, as general comments.

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1
2     Q.   Do you have any impression what created that cautious
3     optimism about change moving forward?
4     A.   From the conversations that were had in that time I
5     think that one of the comments was made is, was that "We
6     can now exhale".  I think there was a feeling from
7     individuals that they actually had time to focus on what
8     they needed to do perhaps without some of the distractions
9     that were happening at a political level or at a senior
10    staff level, without wanting to sound critical of anybody,
11    that was the feedback that I was receiving.  I think they
12    also saw that with some of the changes that there'd be an
13    opportunity to actually move forward.
14
15    Q.   And the bullying and intimidation that you mentioned,
16    was that at a staff-staff level, at a senior staff-junior
17    staff level, or at a councillor-senior staff level or
18    indeed councillor-staff level?
19    A.   A combination.  Examples between councillors and staff
20    and also between senior staff or management and then
21    between management and staff officer level.
22
23    Q.   Can you give me your impression of the structure of
24    the senior staff roles at the time that you came on board:
25    was it an appropriate structure, was it a top-heavy
26    structure, was it a structure which needed some tweaking?
27    A.   I think structures have to be appropriate for the time
28    and what you're trying to achieve.  When I arrived the
29    review that Samantha Charlton undertook, which was the
30    governance and human resource review, had been undertaken
31    and in that review there are a number of recommendations.
32    When I was appointed the interim administrator asked me to
33    review the structure and form a view about how we should
34    organise - how I felt as a general manager I should
35    organise the structure to deliver what needed to be
36    delivered.
37
38         So, in that first few weeks and taking on board the
39    feedback looking at the structure I formed a view that we
40    should move to a three-directorate structure rather than
41    the former two deputy general manager structures.  The
42    previous structure was quite narrow and deep.  The deputy
43    general managers had - there were two DGMs reporting to the
44    general manager and they had quite a depth and breadth of
45    responsibility.
46
47         The structure that we moved to provided for three
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1   directorates but also within the executive elevating
2   strategy and people in culture, and the reasoning for that
3   was that out of the community satisfaction surveys and the
4   staff surveys there was a need to really focus on culture
5   and strategy. So, I'm not in a position to say whether it
6   was appropriate or not, I think it's whatever's relevant
7   and appropriate for the time.
8
9   Q.   I understand. And, quite apart from the
10 investigations you had made with staff, there were also
11 staff surveys available to you; is that correct?
12 A.   Correct.
13
14 Q.   Do you recall what they revealed?
15 A.   Again, issues around communication, visibility of the
16 executive and the management team; comments around bullying
17 and harassment, intimidation; concerns around health and
18 wellbeing and psychological wellbeing.
19
20 Q.   And in respect of the stakeholders in the community
21 that you talked to in this investigation stage, what was
22 the feedback that you were getting from them, if there were
23 any common themes coming through?
24 A.   In terms of the broad, just general community as well
25 as community organisations, they had a varied level of
26 experience with parts of the organisation and that was
27 variable. They were very positive around some sections of
28 council or individuals, but then also critical of others.
29 There was a feeling that there wasn't an openness or a
30 clear flow or open flow of communication as a general
31 comment, but also a desire from the community and community
32 groups to want to work with council and be involved in the
33 decision-making process.
34
35 Q.   We have had some evidence that the culture in the
36 workplace was toxic around the time of the suspension and
37 that has been to some extent refuted or disagreed by some
38 of the senior staff who have subsequently left. Do you
39 have any view about whether there was a toxic work culture
40 and indeed, if so, what that actually means in a practical
41 sense?
42 A.   The word "toxic" was used in the 2019 staff survey,
43 the authors of that report did use that word, and I have
44 heard that word used in meetings with individual staff,
45 that it wasn't a healthy workplace. The flow-on from that
46 is that, if you don't have a healthy and open workplace, it
47 doesn't bring out the best in people and people aren't able

1   to contribute to the best of their ability but also their
2   professional expertise isn't always harnessed, and it also,
3   I guess, restricts the ability to address issues early
4   before they escalate.
5
6   Q.   There was some observations made by a staff member
7   that, "If an organisation could have PTSD we would have
8   it"; are you aware of that comment?
9   A.   I am, yes.
10
11   Q.   Do you have any views as to whether that was justified
12   from the experience you had?
13   A.   That comment was made in one of the one-on-one
14   discussions I had and I believe based on other reports I've
15   read that that would be warranted.
16
17   Q.   In respect of the workers' compensation claims made
18   over the prior five years, you had occasion to review those
19   claims; is that correct?
20   A.   At a high level, yes.
21
22   Q.   Can you tell us what you recall the findings of that
23   review were and what it means or what the effect of that
24   was?
25   A.   Probably three key effects. In terms of workplace
26   health and safety there has been an increase in the number
27   of claims and the cost of claims; that obviously has an
28   impact on people, on humans and their health and wellbeing.
29   It also has an impact on the finances of the organisation
30   and means that funds that could be directed to more
31   positive or proactive initiatives are being directed
32   towards claims, but I think the most important thing is,
33   where there are increases in claims, it's the human impact.
34
35   Q.   The shire council had a turnover of about 24 to
36   27 per cent over the past five years; does that sound about
37   right to you as a number?
38   A.   Approximately, yes.
39
40   Q.   What effect does that have on an organisation both in
41   terms of institutional effectiveness and financially?
42   A.   When you have turnover like that it's very difficult
43   to gain traction. So, when you have a churn with turnover
44   or use of short-term contracts what it means is that it's
45   very difficult for teams to gel; it's very difficult to
46   form relationships both internally within teams to know who
47   to go to when, but also externally when you're trying to

1   work with the community or other key stakeholders. It
2   takes time when you bring someone on board to get them up
3   to speed so that they are productive in the role. When you
4   do have that turnover it also has an impact on morale and
5   impact on teams and the broader organisation, and again,
6   there's a financial cost in terms of the downtime or the
7   lag between filling positions, the downtime when the person
8   who's commencing comes up to speed.
9
10   THE COMMISSIONER: Q.   It might have been in the
11   question, but over what time period was this being
12   experienced, to your knowledge?
13   A.   At least the last few years. Anecdotally I've been
14   told five to six years, but maybe longer.
15
16   Q.   And, is there a benchmark figure that - I mean,
17   accepting that no organisation is identical, but is there a
18   benchmark figure that would be reasonable or is that not
19   really something that can be done in local government given
20   the disparity between organisations across the state?
21   A.   I think it's dependent on the circumstance. It's good
22   to have some turnover to bring in, you know, new and fresh
23   ideas, but not at that level.
24
25   Q.   Not at that level?
26   A.   No.
27
28   THE COMMISSIONER: Thank you.
29
30   MR PARISH: Q.   We have some evidence that, by way of an
31   explanation for the high turnover, perhaps the location of
32   the shire relative to Sydney and the ability to attract
33   younger workers might be a cause of high turnover. Do you
34   have a view as to whether that might be part of the cause
35   or whether there's a link between the high turnover and the
36   culture that we've previously identified with the council?
37   A.   I think it's a combination. There are roles within
38   local government that are particularly hard to fill because
39   the market is quite tight around engineering and planning
40   in particular. There are some challenges with location and
41   housing affordability's becoming an increasing issue, but
42   there's also reputation. A local government is quite a
43   small industry and people are aware of different councils,
44   where they're at, their reputation, and that also has an
45   impact and that's one of the areas that we're looking to
46   address moving forward.
47

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1    Q.   Do I take it from that answer then that, at least as
2    far as your impression was gleaned, that the general
3    reputation as a workplace of the shire council was not good
4    around the time that you came in?
5    A.   Within industry there have been comments and I know of
6    at least two current managers who, when they accepted a
7    role here, were - by their colleagues said, "Do you really
8    want to go there?"
9
10   Q.   In respect of the investigations you took about the
11   strategic planning and that level of the organisation, can
12   you tell us what your impression was about whether the
13   strategic planning was up to scratch and fit for purpose?
14   A.   There is the Community Strategic Plan, there are some
15   high level plans, however, there are a number of gaps that
16   need to be filled.  In the last six months or eight months
17   we've adopted the - the council have adopted the local
18   housing strategy.  We have then updated the population
19   forecasts, the demography or demographic information, and
20   are currently preparing a community and recreation facility
21   strategy and an integrated transport strategy.  There is a
22   need to flesh out a lot more of that strategic framework
23   and also ensure that it flows through from that strategic
24   into action plans as well, so there are gaps.
25
26   Q.   And these are things that in your experience and view
27   ought to have been done at the time you came into the
28   organisation?
29   A.   Again, every organisation is different.
30
31   Q.   I might rephrase it.
32   A.   Yes.
33
34   Q.   Could you ascertain any reason why it had not been
35   done?
36   A.   No.
37
38   Q.   In respect of, just going back to staffing matters for
39   a second, were you able to form any impression as to
40   whether there was any political influence over some or any
41   of the staffing matters when you came on board?
42   A.   There was, yes.
43
44   Q.   Can you give us some examples, and you don't have to
45   give a specific example, of the general impression at least
46   that you formed as to why that might be the case?
47   A.   There's evidence of, where there was a particular
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1   staffing matter where there were performance issues and
          2   there was an investigation and then there was reluctance on
          3   behalf of senior management to progress with the
          4   recommendations from that draft investigation report.
          5
          6   Q.   In respect of compliance functions, were you able to
          7   gain any impression as to whether the organisation was
          8   appropriately exercising its compliance functions?
          9   A.   Could you maybe clarify "compliance" for me?
         10
         11   Q.   Well, for instance, I might just deal with loans to
         12   community and supporting organisations for a start?
         13   A.   So, broadly compliance?
         14
         15   Q.   Yes, broadly.
         16   A.   In that first few months there were some examples
         17   where the loans, for example, under section 356 of the
         18   Local Government Act there are certain requirements in
         19   terms of advertising, financial assistance to groups,
         20   having clear policies around that, and in that review of
         21   loans to community or sporting groups - and notwithstanding
         22   the purpose of the loan - some of those compliance
         23   requirements don't appear to have been followed.
         24
         25   Q.   Can I just go back to the staff investigations and
         26   survey that you dealt with. Did you talk to any staff
         27   about their impressions about how the use of the press by
         28   certain councillors might affect their morale and how they
         29   do their job?
         30   A.   Not directly, however, those comments came through in
         31   terms of, "What do you see as some of the challenges going
         32   forward?", and there were some concerns expressed about how
         33   council was being portrayed in the local media. And I
         34   think sometimes people forget, when council as a body is
         35   mentioned, there are individuals that actually work for
         36   council and so those criticisms or those negative comments
         37   can be taken very personally by people who actually are
         38   employed and want to feel proud that they work for the
         39   organisation.
         40
         41   Q.   I might just take you to a document that you prepared
         42   for the ordinary meeting of council dated 16 March 2022,
         43   which is Exhibit M. Do you have that document in front of
         44   you?
         45   A.   I do.
         46
         47   Q.   That's the document provided at 9.1 of that meeting

called, "Our Roadmap: Moving Forward to Reset Our
Organisation"; is that correct?
A.   Yes.

Q.   And that's also a document authored by you; is that
correct?
A.   Yes.

Q.   I might start at page 94, if you can flick to that,
which summarises your findings and we might work backwards
as to how you came to those opinions or recommendations.
A.   So, 94 is the summary?

Q.   Yes. The first one is:

     Get the basics right: communication,
     response and delivery: get the organisation
     'humming'.

     Can you explain to us what, in your view, needs to be
done or what has commenced to be done to get those basics
right?
A.   Yep. So, one of the key messages that came from the
2021 Community Satisfaction Survey and also in the
conversations with individuals in the community as well as
community groups was communication and ensuring that we -
(a) we let people know what's happening, that people are
aware of how they can engage with council, and also that it
is a two-way open and honest, frank conversation. And
also, within the organisation with the staff one-on-ones,
that was also raised but from the perspective that, "We do
a lot of great things but we don't actually share that
effectively with the community".

     So, communication was about making sure that we
involve people with that engagement, responding to the 2021
survey, and getting the organisation humming, basically
breaking down the silos, so we look, we think, we act and
we sound like one organisation.

     So, some of the things that we are doing: we had a
review by KPMG of our communications and we're implementing
actions out of that. Improving the type of information:
we're putting out in our weekly messages, the executive are
undertaking what we're calling the executive listening
tours. We've had 17 sessions organised, we've completed 12
and we have another five to go, and that's going out to the

villages, localities and towns. As part of that
re-connection with the community and understanding and
listening to what their concerns are, needs, wants,
aspirations, and then how can we work together.

        We've also appointed a place liaison officer. Again,
a strong message from the villages and localities was that
they felt forgotten and that the three towns of Mittagong,
Bowral and Moss Vale seem to have all the attention.
Through the place liaison officer that gives those villages
and localities a central contact point, a bit of a conduit
into the organisation; we can be a bit difficult sometimes
to navigate, so trying to make it easier.

        We're moving to a place-based approach as well, so
looking at working in places and tailoring our response to
places, and currently have the Robertson Place Plan
underway as part of that.

        We're also having a program of meeting with community
groups, so the executive and myself will go to different
functions, different meeting groups, speak to groups,
again, to have that dialogue and look for opportunities to
work together but also share, you know, what we're doing as
a council and the direction.

Q.   You might just have to explain to me what you mean by
a "place-based approach"?
A.   So, local government, we have many, many disciplines
in local government: you have engineers, town planners,
transport people and often you will look at a place in
terms of your own discipline. By taking a place-based
approach it's looking at the place and then how those
disciplines can then work together to create a better
place.

Q.   Thank you. The next on your list is to secure grants.
Can you tell us what steps are being taken or are proposed
to be taken in that respect?
A.   So, the reason for including secure grants was one of
the pieces of feedback I received when I commenced was that
Wingecarribee as a local government area had missed out on
a lot of grants that were available to Regional Councils.

        Grants are important for two reasons: one is, we have
a lot of infrastructure we need to provide, there are a lot
of projects we need to provide and it's good to secure

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1    external funding, but also over time we do need to reduce
2    our reliance on rates income.  I think our reliance on
3    rates income is over 70 per cent, so if we can diversify
4    our revenue base moving away from that majority of rates,
5    that's also a better outcome.
6
7         So, we employed a grants management officer;
8    unfortunately they left due to family reasons, so we have
9    an acting grants officer at the moment.  We've been very
10   fortunate in the last six months to secure some large
11   grants to assist with the bushfire recovery for water
12   tanks, for an off-leash dog park at Bundanoon, for a
13   recovery officer and program money for a further two years.
14
15        We have received financial assistance to undertake
16   design work along Old South Road, an additional $1.1m, and
17   we've recently also secured a grant for $4.6m for a
18   detention basin as well as smaller grants as well, so
19   they're opportunities to progress things that are in our
20   CSP and in our delivery plan and, again, meeting community
21   needs.
22
23   Q.   Thank you.  The next one there, "Plan for
24   Infrastructure", what's being done in that respect or
25   proposed to be done?
26   A.   So, council adopted the local housing strategy
27   around July/August last year, that now sets the development
28   pattern over the next 20 years for how we're going to
29   accommodate and provide for our community.
30
31        We're now in the process, we've commissioned the
32   Community and Recreation Facility Strategy and we should
33   have a draft by July, it's on the council business paper
34   for the extraordinary meeting next week.  That will look at
35   the assets we have, the current facilities we have, and
36   then what is needed over the next 20 years to provide for
37   our community based on population need as well as
38   contemporary practice.
39
40        We're currently reviewing the asset management plan,
41   we're also in the process of commissioning the Transport
42   for Strategy Program, that's out for tender at the moment,
43   and we're also preparing some master plans; the first one
44   will be the Bowral Master Plan.
45
46   Q.   Thank you.  The next one says, "Planning and
47   Development needs to be more dynamic".  Can you explain
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 1    what you mean by that and what steps are being taken to
 2    make it so?
 3    A.    So, council adopted the local strategic planning
 4    statement, that's a bit of a forerunner for the review of
 5    the LEP, the Local Environment Plan.  There's a need and it
 6    was highlighted in the Writing the Wrongs report by Malcolm
 7    Ryan to review the LEP and the DCPs to bring them
 8    up-to-date, bring them into synch.
 9
10        The other work that we're doing to support that or as
11    a lead into that is undertaking a review of our residential
12    controls, our medium density controls.  We've also had
13    meetings with the Department of Planning to secure
14    additional funds for further strategic work and studies we
15    need to undertake, including employment land studies.
16
17        We've commissioned and have a draft vision for the
18    Southern Highlands Innovation Precinct; that was land that
19    was re-zoned over 20 years ago and has yet to be activated,
20    so looking at how that can be taken forward.  Why that's
21    important is that that land has the capacity to grow local
22    jobs, and what that then means is that people do not need
23    to commute out of the area for work and whether, within
24    that vision, we can also provide employment for younger
25    people so we can retain younger people within our shire.
26
27    Q.    The next one there is, "Local economic development is
28    critical".  Can you explain what you mean by that and what
29    steps are or will be taken to make that happen?
30    A.    So, after the last 12 months there's been quite a lot
31    of work done with local business.  There was a Small
32    Business Commissioner's report undertaken in early 2021.
33    We had an economic roundtable with local business in June
34    2021 as part of the re-engagement.  There was a feeling
35    from business that council was difficult to deal with, and
36    again, our planning controls perhaps were limiting business
37    opportunities, for example, in the visitor economy, farm
38    gate and agribusiness areas, agritourism.  So, with that
39    local economic development re-engaging with business and
40    with the Visitor Economy to put in place strategies when
41    COVID was happening and we partnered with the Visitor
42    Economy and undertook a social media campaign and that
43    drove up visitation and, I guess, the eyes on the
44    Highlands, and we're also doing a lot of work in terms of
45    events as well.
46
47    Q.    This isn't in the summary but it's probably a good
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1    time to ask.  The evidence we've had has frequently
2    returned to the issue of heritage in the shire council area
3    and the need to protect heritage and how that can be a
4    flash point and, very broadly, I guess, the Pin Oaks on
5    Station Street can be an example of not the only problem
6    that community members had with the Station Street bypass
7    but which was part of it.
8
9        In your view, either in respect of the council or just
10   more generally in your experience, how does a general
11   manager and the governing body reconcile a deal with those
12   competing interests of local economic development,
13   infrastructure planning, dynamic planning, whilst also
14   protecting the heritage of an area?
15   A.   It's a challenge.
16
17   Q.   Yes, probably not a very fair question.
18   A.   It's about understanding what makes a place unique,
19   and you can't stop change, you can't stop growth, but what
20   you can do is take a strategic approach where you identify
21   what makes an area unique or what its strengths are, its
22   attractors are, and setting controls or setting policy that
23   enables the retention of what's valued whilst still
24   optimising growth.
25
26       So, if I use heritage, it's looking at buildings that
27   there might be a re-adaptive use of a building.  It's
28   looking, particularly in the Highlands, at the landscape,
29   the cultural landscape; trees, gardens are really
30   important, so how that is factored into the controls that
31   are set, use of materials, it's a balance and it's working
32   with developers, working with proponents and having a clear
33   strategic framework and the policies that support that.
34
35   Q.   So that's something which, I take from your answer,
36   primarily happens at a strategic rather than an operational
37   level through the DCPs and the LEP?
38   A.   Yes.
39
40   Q.   Thank you.  Sorry, that was a digression.
41
42   THE COMMISSIONER:   Q.   Sorry, before you return, is that
43   something that on your arrival you formed a view needed to
44   be developed or implemented, that overarching strategic
45   framework?
46   A.   There's a bit - there's more work to be done in that
47   area, yes.
```

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1
2     Q.    And does part of that process involve effective
3     communication with the community so that the council's
4     overall strategy, not only takes into account feedback but,
5     once it's resolved the community understands where and why
6     the council are doing things?  Would you agree with that?
7     A.    Correct, yes.
8
9     Q.    And, if there is that effective communication, does
10    that go some way to - I'll withdraw that, I'll put it in a
11    different way.  There will always be decisions made by
12    council that certain sections of the community do not agree
13    with; is that a fair general proposition at a very high
14    level?
15    A.    Yes.
16
17    Q.    Let's just deal with it in the example that Mr Parish
18    has used, that is, the competition between what might be
19    seen as economic progress and heritage.  How does an
20    organisation effectively try to avoid getting into a
21    situation of conflict with the community about those
22    things?  Are there tools that can be used, are there
23    methods that can be implemented to try and, if not avoid,
24    at least soften those sorts of disputes?  That's not a very
25    clear question but do you understand what I'm driving at?
26    A.    I understand.  It is about process I think, and I'm
27    not a planner, so I'll put that there, but it is about
28    process and being very clear about what's the strategic
29    intent and the communication and engagement that goes with
30    that and how people can have a say; there will be the broad
31    community, there will be interest groups; you know, you'll
32    have heritage societies or historical societies that will
33    have very strong views; there will be property owners who
34    will be impacted by decisions as well, and so, it's
35    balancing all of that up and working out, (a) that there's
36    a clear process, what will deliver the best and fairest
37    outcome and at the end of the day there will be people that
38    may not be happy, but if they feel that they've had a fair
39    say and they feel that they have been listened to and their
40    concerns or their ideas have been taken on board but they
41    understand at the end of the day how that was considered or
42    dealt with, most reasonable people would accept that if
43    they felt that it was a fair process.
44
45    Q.    And part of that, touching on the last part of your
46    answer, involves perhaps an explanation of why a particular
47    path was followed --
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 1      A.    That's correct.
 2
 3      Q.    -- where feedback might have said you can do it a
 4      different way; would you agree with that?
 5      A.    Yes.
 6
 7      Q.    Are there policies and frameworks in which that type
 8      of consultation with the community and stakeholders is
 9      undertaken?
10      A.    We have a community engagement policy, it is something
11      we need to review.  I think, and again without sounding
12      critical, I think as an organisation that's something we
13      need to improve on and being very clear, when we do go out
14      to consult, people understand that the framework we use is
15      IAP 2, so it's on a continuum, and consultation can be at
16      the inform level where, you know, explaining what we're
17      doing, why we're doing it and how it's going to happen if
18      it's, say, for path replacement, right through to
19      empowerment which is, you know, "Tell us what you would
20      like to do with this", and then there are variations within
21      that.
22
23          I think as an organisation, when we do go out to
24      consult with our community we need to be very clear about
25      what type of consultation and the purpose, how we're going
26      to use your feedback when you give it to us and how we're
27      now then going to feed back to you what we did with it.
28      So, some areas do it very well; others, I think we've got
29      to build a bit more capacity in those areas.
30
31      Q.    And the lack of process or clarity around that, can
32      that lead to a breakdown of trust between the community and
33      the organisation if not implemented effectively; would you
34      agree with that?
35      A.    Yes.
36
37      Q.    Is that something that you've seen in your feedback
38      listening sessions with the community, that expression that
39      you weren't listening and we can't trust you?
40      A.    Yes.
41
42      Q.    Not you personally, the organisation; I'm sorry, I
43      shouldn't have put it that way.
44      A.    Well, we are working to rebuild trust.  Yes, I think
45      if people don't understand or they don't feel that they've
46      had the information, then that breeds mistrust and
47      sometimes that may be warranted and other times it may not
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be, but when that information isn't forthcoming or it's not
open, it doesn't breed a trusting relationship.

THE COMMISSIONER: Yes, thank you. Sorry, Mr Parish, to
interrupt.

MR PARISH: Thank you, Commissioner.

Q.   I might actually take you on another digression before
we go back to this document, I'm starting to remember what
this inquiry is about after two subsequent back-to-back
long weekends.

     The local planning panel, in your view, does that
assist with the balancing act and the community confidence
that is necessary in planning decisions? Do you have a
view on that?
A.   I do. I believe it adds a layer of independence but
also the benefit to councillors is that they are able then
to be active in advocating or objecting to a particular DA
because they're not the decision maker; whereas, when their
DAs come to the council, that's a different situation.

Q.   Have you had any feedback so far from the community or
indeed staff about the implementation of the local planning
panel?
A.   On the whole from the staff side I think it's been
seen as a positive. I haven't had any direct feedback from
community.

Q.   Thank you. Back to the summary now on page 94 of
Exhibit M. We're dealing next with the, "Strong governance
framework, understanding the principles with clear roles
and responsibilities", can you explain what you mean by
that and what steps you are undertaking in that regard?
A.   Yep. So, with the governance side it's a reset. So,
we've rolled out training in terms of the code - it's about
training and awareness, so we've rolled out the Code of
Conduct trainings; staff are aware of their roles and
responsibilities under that.

     We're currently in phase 2 of our structural - or our
restructure; as part of that we'll also be making it much
clearer in terms of roles and responsibilities, there was
some overlap or lack of clarity under the previous
structure. Setting up a rolling program of policy reviews,
putting in place the legislative compliance framework.

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 1       We've recently employed a new coordinator governance, so
 2       will be taking a stronger role with that.  We've also
 3       updated the Code of Meeting Practice, staff and councillor
 4       interaction policy as well.
 5
 6   Q.    Just, that comment you made about phase 1: is that the
 7   Horizons that you refer to in the roadmap earlier on?
 8   A.    Yep.
 9
10   Q.    I might just take you to page 11 of the report.  It
11   might be an appropriate time if you could just explain to
12   us what the three Horizons are and what stage we're at at
13   the moment?
14   A.    Horizon 1: so, basically there's a lot of work to be
15   done within the organisation to build a strong base, and
16   until we have strong foundations it's going to be very
17   difficult to move forward because we won't be standing on
18   anything solid.
19
20       So, in setting the roadmap it's framed around three
21   Horizons: Horizon 1 is around back to basics, so it's about
22   building those strong foundations, around refocussing on
23   the future and setting that strategic framework.
24
25       Around re-invigorating our workplace and that's around
26   getting our structure in place, the culture, attraction and
27   retention strategies, communication.
28
29       And, the third element of the Horizon 1 is about
30   rebuilding trust with our community but also within the
31   organisation, so a lot of work around re-establishing
32   relationships, getting the communication effective, two-way
33   communication, and realistically we're looking at a
34   three-year timeframe.
35
36       Culture's very difficult to change; you know, we've
37   got a few hundred people who have their own personalities,
38   their own experiences, and changing that and moving us to a
39   different way of operating will take time.
40
41       The second Horizon is between 2025 and 2026 and that's
42   about adapting to agility, starting to be a bit more agile
43   in how we respond, how we deliver.  And then Horizon 3,
44   2027 and onwards is about being a mature organisation and
45   being more of an innovating phase and a leader again in
46   local government.
47
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1    Q.    Thank you.  If I can take you back to page 94 again.
2
3    THE COMMISSIONER:   Q.    I'm sorry, just to round that out.
4    So, I think you said phase 2 of the - that's phase 2 of the
5    structural review of the organisation; is that what you --
6    A.    We're - sorry, Commissioner, we're currently going
7    through phase 2 of the structure which is part of Horizon 1
8    which is making sure we've got a strong foundation and we
9    have basically the right people in the right positions with
10   clear responsibilities, accountabilities and deliverables.
11
12   THE COMMISSIONER:   Yes, thank you.
13
14   MR PARISH:   Q.    Pardon me, and just to clarify on that:
15   it's three years that you anticipate until the completion
16   of Horizon 1?
17   A.    Yes.
18
19   Q.    And that's from 16 March 2022, very roughly?
20   A.    Yes.
21
22   Q.    Thank you.  Back to page 94, the next observed next
23   steps are to:
24
25        Ensure appropriate training and awareness
26        of roles, responsibilities in our
27        legislative framework.
28
29        Can you tell me what you mean by that and what steps
30   are being taken to implement that?
31   A.    Yep.  So, with the training and awareness, it is
32   linked to phase 2 of the structure, so making sure that we
33   have people in their roles with clear responsibilities,
34   accountabilities and deliverables.  We're also rolling out
35   training, as mentioned before, the Code of Conduct, some
36   informal training and mentoring of our managers and
37   leadership team.  Also setting up meetings, so we've
38   commenced our managers meetings now and at each managers'
39   meeting we have a guest speaker, but also have a focus on
40   corporate strategy and resourcing, budgets, and also having
41   each manager present on a topic of interest or shining a
42   spotlight on their area as well, so it's going to be a
43   process and we're at the beginning of that.
44
45   Q.    Does that include at least to prepare now councillor
46   induction training?
47   A.    That's correct.  Back in July there was a report on
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 1      the council business paper that was prepared in
 2      anticipation of what we understood to be the elections
 3      in September 2021 and that report set out a detailed
 4      councillor induction program.  And what was also proposed
 5      as part of that induction program was, once the council
 6      were elected, that an individual program also be developed
 7      for each councillor based on the capability framework that
 8      LG New South Wales have.
 9
10      THE COMMISSIONER:   Q.   I'm sorry, is this a report that
11      went to council at that time?
12      A.   That's correct.
13
14      Q.   Did you mention a date, just out of interest?
15      A.   I believe it was July.
16
17      THE COMMISSIONER:   Thank you.
18
19      MR PARISH:   Q.   Did you form any view as to the program
20      in place for councillor induction at the time that you came
21      into the organisation?
22      A.   No.
23
24      Q.   The next one is to:
25
26          Foster healthy, collaborative work
27          practices that engage our people.
28
29          Can you explain what you mean by that and what steps
30      have been taken?
31      A.   Yep.  So, putting in place both formal and informal.
32      So, it started when I started and meeting with people
33      one-on-one and also with teams via Teams via Zoom, and just
34      starting to talk to teams about, you know, what are their
35      thoughts, where are we going, and again, being visible.
36      Some of the comments that I had at that time were that,
37      "This is the first time the general manager's ever spoken
38      to me and I've been here for 27 years", so it's that
39      informal one-on-one.
40
41          Putting in place - we've introduced very simple things
42      like, "Caught you being awesome awards" where, you know, we
43      ask for people to look for positives or look for a team
44      member that has done something, could be small, could be
45      large, and then put them forward to be recognised.
46
47          We had a whole staff meeting back in March, it's the
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 1      first whole staff meeting that's been held for a few years,
 2      and at that staff meeting also providing service awards.
 3      We have staff members who have been here 25, 30, 40 years,
 4      so recognising that.  So, they're small things but they
 5      make a big difference.
 6
 7      Q.    Is part of that healthy collaborative workplace a
 8      properly articulated and implemented policy as to how
 9      councillors interact with staff?
10      A.    The councillor-staff interaction is part of that, yes.
11
12      Q.    Has that policy been updated or reviewed in your time?
13      A.    It has.
14
15      Q.    The next one that you have is to:
16
17            Apply consistency in approach: whether
18            internally with policy and procedures or
19            externally in the advice and approach we
20            take.
21
22            Can you explain what you mean by that and what steps
23      are being taken or will be taken to implement that?
24      A.    The feedback in the initial period and based on some
25      of the reports I read was that there was an inconsistent
26      approach in terms of how matters were dealt with,
27      particularly internal matters within human resources or
28      management of people, and so, having very - basically
29      there's one rule rather than different rules and applying
30      those consistently and fairly.
31
32            So, part of that is looking at the policies within HR
33      or people in culture that we now call them; making it a lot
34      clearer around rewards and recognition, so salary
35      increases.  We're still on a learning process there but we
36      are reviewing - we're currently reviewing the salary system
37      as well to ensure that it is a clear and understood process
38      that we're going through.
39
40      Q.    The next one is to:
41
42            Improve implementation of systems and
43            processes.
44
45            Can you explain what you mean by that and what's
46      being done?
47      A.    We are very paper-heavy.  Over the last two years,
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 1      three years, there has been a lot of work done in the IT
 2      space in terms of upgrading our systems, however, we still
 3      have some more work to be done.  So, the types of things
 4      we're implementing and we should be launching in May, our
 5      customer request management system.  What that means is
 6      that we will actually have a system to track customer
 7      requests as they come in and keep a record of that; at the
 8      moment we don't have that capacity.
 9
10          Looking at digitising our paper-based records and
11      moving to more of an open access information on our
12      website, augmenting our website.  Using analytics and data,
13      real-time data to gather information from the community.
14      Looking at streamlining processes, so in the planning space
15      looking at how we can simplify that process but also
16      improving the amount and the type of information we have on
17      our DA tracking system.
18
19          We're also looking at our asset management plan and
20      putting more information on our website so people
21      understand the condition of our assets and where priorities
22      are and where money is being spent.
23
24      Q.   I recall some evidence critical of the asset
25      management of the council and the fact that it hadn't even
26      audited or undertaken a process of identifying every single
27      asset of the council.  Do you have any knowledge or view as
28      to whether such an audit or stocktake had taken place and
29      indeed whether it's even possible in a council to undertake
30      such an asset strategy?
31      A.   There is an asset management plan but we're in the
32      process of reviewing that and updating that.
33
34      Q.   And the implementation of the IT systems is obviously
35      something which is clearly operational, but do you have any
36      view or impression as to whether the initiative to upgrade
37      or improve IT systems is something that ought to come from
38      the strategic governing body level or is it something
39      solely within the domain of a general manager at the
40      operational level?
41      A.   From the council's perspective or the governing body,
42      in terms of a strategic approach, it would be what is the
43      outcome that they're trying to achieve, and then at the
44      operational level or at the general manager's level it's
45      then, how do we enact that?  So, if the feedback from the
46      elected body or the governing body is, you know, "We'd like
47      to make our information more accessible", then we would
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1     look at a management or administrative process looking at,
2     well, how do we achieve that?  And that may be through IT
3     or a website, whatever it is, but in my view it's not up to
4     the governing body to tell you how to do it; it's to let
5     you know what they want to achieve and then we work out how
6     to get there.
7
8     Q.    What about the counterpoint to that where it's the
9     general manager whose initiative it is to upgrade IT
10    systems; how would that take place?  Would it still require
11    the general manager to go to the governing body and say,
12    "Here's what I think needs to be done, you need to put in
13    place something at a strategic level to make it happen?"  I
14    mean, there's obviously the money aspect of it but?
15    A.    Yep, so you'd have those conversations through the
16    budget process and also when you set the resourcing plans.
17    So, within the integrated planning and reporting framework
18    you will generally have the asset management plan, the
19    workforce management plan and the long-term financial plan.
20
21    Within our framework we're adding a digital or IT
22    resourcing strategy because it is such a large component of
23    what we do and I think the future of local government in
24    terms of how we communicate and how we can be efficient and
25    effective, so that plan sits within the IP&R framework and
26    you would have that conversation with the council when you
27    set the budget and also when they consider the resourcing
28    strategies.
29
30    Q.    The next observation you have is the need to:
31
32         Have a clear vision for the future and be
33         proactive.
34
35    Can you explain what you mean by that and what steps
36    have been taken or will be taken?
37    A.    So that's about refocussing on the future, basically
38    have clear strategies, and once you have - strategies like
39    the community and recreation facilities strategy or the
40    integrated transport strategy; it provides a very clear
41    focus for the future over the next 20 years, it provides
42    certainty to the community and different sporting groups or
43    community groups when we're talking about community rec
44    facilities.  It also gives the council the greater
45    opportunity to take advantage of grant opportunities as
46    they come up, and also enables the council to be more
47    proactive around opportunities, and it signals to potential
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1     partners where we're heading and if there are opportunities
2     as well to partner.
3
4     Q.    Is that more of a Horizon 2 type matter or that's --
5     A.    (Witness shakes head.)
6
7     Q.    Dammit, I failed the test.  Which Horizon would you
8     put that, or is that still part of Horizon No.1?
9     A.    Sorry, Mr Parish: in Horizon 1.
10
11    Q.    The next one you have there is to:
12
13          Ensure role clarity between the elected
14          Council and Administration and the rules of
15          engagement.
16
17          I think we've touched on a few of those, but can you
18    explain what you mean by that to the extent that you're not
19    repeating yourself, tell me what you intend to do?
20    A.    So at a broad level there's the induction program and,
21    yes, you have the Local Government Act, but it's also
22    important to then translate that into what that actually
23    means on a day-to-day.  So, as an example, there's the
24    councillor-staff interaction policy that sets in terms of
25    who councillors can speak to, and usually it is at the
26    manager level or tier 3.  But then, what is the process
27    when you do want to request information and then how is
28    that reported back?  So, setting up clear processes that
29    underpin those policies and making it very clear, this is
30    who you go to, this is the expectation, this would be the
31    turnaround time, and this is what you can expect.
32
33    Q.    Was that policy lacking when you entered the
34    organisation or sufficient?
35    A.    I can't really answer that.
36
37    Q.    The last --
38
39    THE COMMISSIONER:   Just before we leave that.
40
41    Q.    That's because policies of that kind have to be viewed
42    in the context in which they're implemented at the time; is
43    that why you --
44    A.    In part.
45
46    Q.    -- it would be difficult for you to express a view on
47    something that was implemented a number of years before you
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 1    arrived; is that fair?
 2    A.    In part, and policies evolve.
 3
 4    Q.    Yes.  You see room for improvement, I take it?
 5    A.    There's always room for improvement.
 6
 7    THE COMMISSIONER:    Yes, thank you.
 8
 9    MR PARISH:    Q.    Lastly in your summary is the need to:
10
11          *Improve communication internally and*
12          *externally to build trust: early and open*
13          *communication and building a shared*
14          *understanding (e.g. service levels for the*
15          *community & councillors).*
16
17          Again, I think we've touched on a few of these topics
18    throughout the morning or afternoon, but to the extent that
19    you're not repeating yourself can you explain what you mean
20    by that and what steps have been taken?
21    A.    So, in terms of internal communication, I'd say
22    95 per cent of the time I've sent out a weekly update to
23    all staff since I've been here, so again a quick update but
24    just any key highlights as well as recognising people for
25    the work that they've done or particular highlights,
26    looking at regular managers meetings, we have weekly
27    executive meetings, trying to get that flow of
28    communication, that's still a work-in-progress but getting
29    that flow of communication between the executive and teams
30    and then back again.
31
32          Ensuring we have regular work health and safety
33    committee meetings, consultative committee meetings, and
34    externally again being available if groups wish to meet,
35    whether it's with the executive or myself, being available,
36    being open to meet.  As I mentioned before, the listening
37    tours, so just doing I guess a lot of rebuilding and
38    relationship building.
39
40    Q.    Do I take it that these steps forward that you intend
41    to take or are taking relate to Horizon 1?
42    A.    That's correct, yep.
43
44    Q.    And therefore I take it that, once these are completed
45    in the next three years, there will be another set of
46    goals, aims, strategies, to achieve Horizon 2; is that
47    correct?
```

```
 1     A.    That's correct.
 2
 3     Q.    And that will be done when you get there, as it were?
 4     A.    That's right.
 5
 6     Q.    That's a definition of "horizon" really, isn't it?
 7     Can I take you to the community survey which we've dealt
 8     with in some detail in one of the exhibits but we also have
 9     within the roadmap itself.  Can I take you to page 52 of
10     your report.
11     A.    Yep.
12
13     Q.    That commences at the top left there with, "Our
14     Community: what they think", do you see that?
15     A.    Yes.
16
17     Q.    And you then say that you have set out below the key
18     points from the 2021 Community Survey.  Do you see that?
19     A.    Yes.
20
21     Q.    I take it from that, therefore, that the following
22     pages that we'll go to now are derived from your
23     understanding and indeed are extracts from that 2021
24     Community Survey; is that correct?
25     A.    That's correct, yes.
26
27     Q.    Can I take you over to page 54 to start with.  Can you
28     just either give us your impressions or interpret for us
29     what you think or what you understand the results of this
30     survey to be, firstly in respect of the council's image:
31     good, bad, about right?
32     A.    I think what the survey results show is that a small
33     percentage of people felt that the image was excellent or
34     very good, and there was a decline between 2019 and 2021 in
35     terms of the community feeling that it was good and that
36     there was probably growth in the very poor, poor and poor
37     areas in 2021 as compared to 2019.
38
39     Q.    Is that a number - accepting that we can always do
40     better - that is a primary focus for you of raising,
41     getting higher?
42     A.    You would like to think majority of people would be in
43     the good-to-excellent percentage.
44
45     Q.    Perhaps a more diplomatic way of putting the question
46     at least would have been, is this within the mean of the
47     bounds of what you would expect or do you think that there
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1    is room for improvement?
2    A.   I think there's room for - I think it indicates that
3    there was an issue and that there was room for improvement.
4
5    THE COMMISSIONER:   Q.   Does that extend not only to the
6    baseline score but the trend as well in your experience?
7    A.   Yes.
8
9    Q.   Are trends important in reviewing surveys of this
10   kind?
11   A.   Trends and understanding context at the time as well.
12
13   THE COMMISSIONER:   Yes, thank you.
14
15   MR PARISH:   Q.   Do you have any view as to whether or
16   what external events may have affected this downward trend,
17   if any?
18   A.   (Witness shakes head.)
19
20   THE COMMISSIONER:   It might be difficult if Ms Miscamble
21   wasn't here at the time perhaps.
22
23   MR PARISH:   Yes.   Thought I'd ask.
24
25   THE COMMISSIONER:   Yes.
26
27   MR PARISH:   Q.   Can I just go over to page 59, and just
28   in respect of the summary of the numbers there which also
29   include the council's communication and the performance of
30   councillors.  Same question as before, is this something
31   which you would think would be within the normal kind of
32   standard deviation or something which needs to be or can be
33   improved upon?
34   A.   It's something that can definitely be improved upon.
35
36   Q.   And I take it from your previous answers that at least
37   partly the way to do that is through the roadmap that
38   you're implementing at present; is that correct?
39   A.   That's correct.
40
41   Q.   And that's something which, at least in respect of
42   Horizon 1, is something which is going to be two or three
43   years away; is that correct?
44   A.   That's correct.  So, looking at the council image, and
45   only 25 per cent of residents rated council's image as good
46   to excellent.  With effective communication, and I think
47   rebuilding relationships and having mutual respect, you
```

1   would see that that should significantly improve.
2
3   THE COMMISSIONER: Q.   Can I just ask you generally about
4   the importance of community surveys of this kind - I think
5   there's some water there if you need it.
6   A.   Thank you.
7
8   Q.   What function do they have in the organisation
9   generally? What's the purpose and what do you do with
10   them?
11   A.   Yes. Trends are important, understanding the context
12   as well, but also using them to drive priorities in terms
13   of focus, whether that be with resources, whether it be
14   budget. So, as an example, the top priority for council
15   was around improving and maintaining roads and so we've got
16   a very clear focus on roads maintenance at the moment but
17   also our roads program and major - basically major
18   expenditure in renewal and reconstruction works as well as
19   interim measures around putting on additional pothole crews
20   to maintain, so it should drive the priorities of the
21   council.
22
23   Q.   Through the Community Strategic Plan delivery
24   programs, operational --
25   A.   And operational plan budget, yes.
26
27   Q.   Is it also a way of measuring the council's
28   performance against those overall strategic plans?
29   A.   Yes.
30
31   Q.   I might have this wrong, and I haven't looked at it
32   recently, but I seem to recall the Community Strategic Plan
33   includes as a performance metric feedback via the community
34   surveys; have I understood that correctly?
35   A.   Yes.
36
37   Q.   So, in a way I suppose would it be fair to say this
38   forms part of the planning, reporting and assessment at the
39   strategic level; is that fair?
40   A.   That's fair. It gives you an indication, you know,
41   are you heading in the right direction or not and do you
42   need to recalibrate; are there areas that need additional
43   attention, you know, so communication,
44   decision-making/governance was one, so that's about our
45   practice about how we do things. Some of the feedback
46   around the roads, that's about how we allocate resourcing
47   and also how we explain how we're allocating resourcing and

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 1      the prioritisation.
 2
 3      Q.   And I suppose it also enables the organisation to
 4      understand if the community's priorities have changed given
 5      that there will always be competition on the council's
 6      resourcing to achieve a variety of aims; is that fair?
 7      A.   That's correct, and I think, too, over time as you
 8      hope you achieve or you address concern areas then there
 9      will be changes in that.  So, as an example, if in an area
10      there might be concerns around council's response to
11      environmental matters; once that's addressed or the
12      community feel, yes, there are programs in place or things
13      have been addressed, then it may shift to a different area
14      of focus, so it will change over time.
15
16      THE COMMISSIONER:   Yes, thank you.  Yes, Mr Parish.
17
18      MR PARISH:   Q.   If the Commissioner asked you the same
19      line of questioning but in respect of staff surveys instead
20      of community surveys, would you give broadly the same
21      answers or are they to be distinguished in terms of their
22      importance and effect on the planning, reporting and
23      assessment framework?
24      A.   So, staff surveys will influence how we look at
25      training; might be around health and wellbeing initiatives,
26      could be around work and health safety practices, or it
27      could be providing - depending on what the results are, it
28      could be about providing additional training to supervisory
29      staff around having difficult conversations or how to lead
30      and manage.
31
32      MR PARISH:   Thank you.  Commissioner, I was going to move
33      on from the community survey, I know you've always got a
34      particular interest in it; if you --
35
36      THE COMMISSIONER:   No, I think you've explored it.  I just
37      see the time, I was proposing to take a short break at
38      1.30, so shall I do that now?
39
40      MR PARISH:   Yes, thank you, Commissioner.
41
42      THE COMMISSIONER:   Ms Miscamble I was going to take a
43      short break so we can stretch our legs.  I'll take
44      15 minutes and I'll start again at 20 to 2.
45
46      MR PARISH:   Thank you, Commissioner.
47
```

1   **SHORT ADJOURNMENT**
2
3   THE COMMISSIONER: Yes, Mr Parish.
4
5   MR PARISH: Thank you, Commissioner.
6
7   Q.   The first thing I might do is ask Ms Miscamble to
8   identify one of the other documents you referred to before.
9   If she could be shown the Corporate Relations Service
10   Review. Is that the report you were referring to before
11   titled, "Corporate Relations Service Review Final Report
12   Wingecarribee Shire Council September 2021"?
13   A.   Yes.
14
15   MR PARISH: Thank you. Commissioner, at this stage I
16   might just ask for it back. I am going to tender a bunch
17   of documents soon and, rather than mark it for
18   identification or put it out of order, I might just do it
19   when the time comes.
20
21   THE COMMISSIONER: Yes, that's fine.
22
23   Q.   Before the document goes back, Ms Miscamble, can you
24   just in a general sense tell me what this report was, why
25   it was commissioned and what it's being used for now, if
26   anything?
27   A.   Yes. So, in the 2021 Community Satisfaction Survey
28   communication was highlighted as one of the areas that
29   council needed to put greater focus on, so we engaged KPMG
30   to undertake what was called a corporate relations review
31   which, in essence, was about communication and engagement
32   and it looked at what we currently were doing and then has
33   made recommendations moving forward.
34
35   Some of the recommendations are around resourcing and
36   providing greater resource to that area which we're
37   addressing through phase 2 of our restructure which is
38   underway, moving from a number of different channels to
39   speaking with one voice and having one consistent channel,
40   and also just looking at the regularity, the type of
41   communication and, in a sense, how we were doing that.
42
43   Q.   Thank you. While I'm on the topic of reports, do you
44   still have your - I'll call it "your roadmap document",
45   Exhibit M, in front of you; do you have that?
46   A.   Yes.
47

```
1      Q.    If you could just turn up page 42, please?
2      A.    Yes.
3
4      Q.    On the right-hand side of that page is a bit of a
5      timeline and there's reference to various reviews and
6      reports that have been commissioned; do you see that?
7      A.    Yes.
8
9      Q.    Would you mind casting your eye down that list and
10     then tell me if there are any other reviews or reports that
11     have been commissioned that aren't - may not have made its
12     way in there, if any?
13     A.    I think, I believe the majority would be on there,
14     yes.
15
16     THE COMMISSIONER:    Thank you.   Yes, Mr Parish.
17
18     MR PARISH:    Q.    I just want to ask you a few general
19     questions and tap into your experience as a general manager
20     rather than ask specific questions about this council,
21     although buy all means if you feel like giving an example,
22     do so.
23
24          I firstly want to ask about the relationship between a
25     general manager and the chair of a meeting, whether that be
26     the mayor or someone else.  Can you explain to us how you
27     understand the role of the GM to be in respect of
28     supporting or providing information or assistance to a
29     chair in a meeting context?
30     A.    As a general comment the general manager's there to
31     provide advice and support to the council and to the mayor
32     of the day; in a council meeting to provide advice to the
33     mayor if there are any procedural matters that need to be
34     clarified.
35
36     Q.    In your experience does that include having some sort
37     of unspoken codes or ways to identify when you might need
38     to intervene and deal with something on behalf of the
39     chair, or is that something you've experienced before, or
40     is that not always so covert?
41     A.    In my previous role with one of my mayors there was
42     that opportunity that, if I needed to intervene, we had a
43     way of doing that, yes.
44
45     Q.    And in your experience, again at a general level, is
46     it unusual or appropriate for a general manager and a
47     mayor, or whoever is chairing, to have a discussion perhaps
```

1   after the meeting or in some way, shape or form to discuss
2   how the management of the meeting is going?
3   A.   Part of the role - my view - part of the role of the
4   general manager is to support the mayor and to provide
5   feedback, frank and fearless advice, and part of that can
6   involve providing guidance or feedback in terms of where
7   there might be opportunities to improve particular ways
8   that things are managed.
9
10   Q.   Thank you. My next, again hypothetical, high level
11   question is, how councillor conduct in the way that they
12   behave towards each other can affect staff or whether it
13   does affect staff in an organisation: is it something which
14   staff can be insulated from or is it effectively something
15   which does trickle down into the staff or senior staff?
16   A.   I think senior staff, when there is discord in a
17   council senior staff will try and act as a buffer between
18   that and the organisation, however, the reality is that it
19   will still flow through. A number of staff will watch
20   council meetings, so they will see that. They will read
21   things in the media or hear it on the radio and it does
22   have an impact on staff who are in the chambers, either
23   directly or indirectly, and that can flow on, not
24   necessarily intentionally, but can flow on to their teams.
25
26   Q.   Thank you. And again, at a hypothetical high level,
27   how would you deal with requests for councillors to speak
28   to specific staff members about operational matters?
29   What's your experience or protocol for dealing with those
30   sort of requests?
31   A.   I'm choosing my words. I wouldn't - that wouldn't
32   happen. So, if a councillor had feedback about a
33   particular operational area I would ask for that feedback;
34   generally I would do that with the responsible director and
35   then the director and I would then look at that, whether
36   that was reasonable, fair, and then take whatever action.
37   As the general manager I'm responsible for the management
38   of the organisation and the staff, not the council.
39
40   Q.   Thank you. I was going to move on from those high
41   level questions, Commissioner, unless you had any
42   questions?
43
44   Can I just ask you a few questions about your
45   appointment to the role. Do you recall who was on the
46   recruitment panel who appointed you?
47   A.   Yes. So, LG NSW were responsible for the recruitment.

```
 1          So, there was the recruiter from LG NSW, Mr Viv May who was
 2          the interim administrator, John Rayner who is a former
 3          general manager and is currently providing assistance to
 4          other councils, and there were two female community
 5          representatives as well.
 6
 7          Q.    Did you know any of those panel members, and
 8          distinguish here if you want between knowing of someone and
 9          having any sort of personal interaction with them?
10          A.    Not on a - what I would say a personal or friendship
11          level.  I knew of Mr May because he has been in local
12          government a long time, but I did not know him.  I knew
13          John Rayner.  I was employed at Sutherland Council back in
14          1987 as a childcare teacher and John Rayner was the shire
15          clerk back then, but I was - at the time of my appointment
16          I was based in a childcare centre at Minmi, but I did know
17          John Rayner as I progressed within the council there.  I
18          left there in 1994 when I was a childrens services
19          coordinator.  The other two community representatives, no.
20
21          Q.    And, did you know of or did you know in a capacity Les
22          McMahon before you applied for the job?
23          A.    I knew Les McMahon as the former general manager of
24          Wollondilly.  I have worked at Camden and Campbelltown
25          Councils and both of those councils are part of the
26          Macarthur.  And in my role as manager I believe at Camden I
27          met Les, but not - he was not someone I would ring up and
28          say, "How are you?"
29
30          THE COMMISSIONER:   Q.    These interactions with Mr Rayner
31          and Mr McMahon are in the professional workplace capacity,
32          are they not?
33          A.    Yes.
34
35          THE COMMISSIONER:    Thank you.
36
37          MR PARISH:    I have no further questions at this stage,
38          Commissioner.
39
40          THE COMMISSIONER:   Q.    Ms Miscamble, at this stage is
41          there anything else that you wish to draw to my attention
42          or place before me before we excuse you from your evidence?
43          A.    May I make a closing comment, if that's okay?
44
45          Q.    Yes, of course, yes.
46          A.    There has been a lot of interest with the inquiry and,
47          coming in as a new general manager, my role has been to
```

1 look forward rather than necessarily look back and, if you
2 wouldn't mind, I'd just like to make some comments?
3
4 Q.   Yes, I think that's more than appropriate.
5 A.   Just in closing I'd just like to say that there is a
6 lot to do at Wingecarribee Shire Council and it represents
7 a great challenge but also a great opportunity.
8
9   We're working to reset and rebuild our organisation
10 and our relationship with the community and other key
11 stakeholders. We're dealing with legacy issues and I want
12 to make it clear that this is not about the current staff
13 nor their performance; the legacy issues are about the
14 decisions of the past that are having an impact now.
15
16   Thirdly, we're working to reset, stabilise and rebuild
17 the organisation, recruit the right people with the right
18 skills, aptitude and attitude required to take us forward
19 and at the same time support our existing teams to move
20 forward.
21
22   We're upgrading and implementing new systems such as
23 the CRM to improve communication and customer service and
24 we're augmenting the DA tracker, again, to improve the
25 information and communication about development processes
26 and progress, and we are focusing on the future moving from
27 being a reactive to a proactive organisation with clear
28 strategies for the future that position us to deliver and
29 also take advantage of opportunities.
30
31   To do these three things is a challenge; it takes
32 energy, persistence and time, and I'm very proud of the
33 team at Wingecarribee Shire Council for their resilience
34 and their commitment. The team do a great job and have
35 done so through natural disasters, impacts of COVID, and
36 working in a challenging council environment, great
37 resilience and a firm commitment to do the best job they
38 can in often very difficult times.
39
40   Our team work across a broad range of functions, from
41 customer service, libraries, water and sewer, community
42 services, IT, governance, facilities, assets, waste seven
43 days a week across 24-hours a day. The operation staff do
44 an incredible job in adverse conditions: acts of heroism in
45 the bushfires and most recently the floods and the major
46 storm event of last week. The planning and certification
47 teams are working under immense pressure to clear the

backlog as well as managing increases in applications.

    We're working to change the culture and rebuild trust
both internally as well as externally and build a
sustainable and resilient organisation that is focused on
outcomes and positioned to deliver on our community's
needs, wants and aspirations.

    We have a committed team and the new executive and I
are working hard to rebuild the organisation and our
relationship with the community and other key stakeholders.
This is not a quick fix and it will take a number of years
to stabilise and set the strong foundation. We have the
roadmap and that will guide our actions.

    In the next three years we will take a back-to-basics
approach and focus on the fundamentals to ensure we've got
a strong base upon which to build. The challenge is to
move at a pace where we bring our team, almost 500
individuals and our community of over 50,000 residents
along with us. Some say we're going too fast, others say
we're going too slow: that said, there is genuine hope,
optimism and goodwill to see us succeed.

    I've appreciated the opportunity today and also to
thank the public inquiry and the Commissioner on your
approach and understanding in needing to reschedule due to
COVID. Thank you.

THE COMMISSIONER: That's quite all right, there's never a
convenient time to get sick; Mr Broad is evidence of that
today, so I hope he's watching along from home.

    Mr Parish, did you have something?

MR PARISH: I did forget one question just on that last
topic we were dealing with.

Q.   Did you have any personal relationship or did you have
any knowledge of Nathaniel Smith before you applied for
this job, other than the fact that you knew him as a member
for the area?
A.   I didn't even know him as the member for Wollondilly.

MR PARISH: Well, we might strike that part out of the
transcript. Thank you.

```
1    THE COMMISSIONER:   Q.   Yes, there's just a couple of
2    things that I wouldn't mind taking up with you, perhaps I
3    should have done that before giving you the opportunity to
4    raise any issues.  But do you still have Exhibit M, the
5    roadmap report?
6    A.   Yes.

7
8    Q.   Page 69, please.
9    A.   Yes.
10
11   Q.   In the column on the left - feel free to refresh
12   yourself by looking at the whole page if you need - but the
13   last paragraph refers to the Strategic Asset Management
14   Plan; do you have that?
15   A.   Yes.
16
17   Q.   Just read that paragraph, if you wouldn't mind, and
18   let me know when you've done that?
19   A.   Yes, would you like me to read it out?
20
21   Q.   No, no, just read it to yourself so you have it fresh
22   in your mind, you don't need to read it aloud.
23   A.   Yes.
24
25   Q.   That's part of the overall strategic planning
26   framework that councils use; correct?
27   A.   That's correct.
28
29   Q.   Do I take it, from the comments there in the last
30   sentence, that there was no evidence of a review and
31   confirmation of assumptions, that strategic plans including
32   of this kind should be kept under constant review by the
33   organisation?
34   A.   Yes.
35
36   Q.   What role, if any, does the governing body have in
37   that process?
38   A.   So, with the - as I mentioned, we're currently
39   reviewing the asset management plan and with the strategic
40   asset management plan it should be presented to the council
41   for their review and endorsement.
42
43   Q.   And that applies to all strategic level plans, does
44   it?
45   A.   That's correct.
46
47   Q.   There was another reference which I'm just trying to
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1     turn up, just bear with me a moment.
2
3          Perhaps, rather than keep you waiting while I try and
4     turn up the page: when reviewing the strategic plans that
5     were in place when you arrived, did that include having a
6     look at how they'd been reviewed and their presentation to
7     council over some time or were you, with your
8     forward-looking approach, working out what you were going
9     to do to take them forward?
10    A.   That's correct, so just looked at the document, not
11    the process to get to the end point and, again, looking
12    forward.
13
14    Q.   Yes, thank you.  You referred earlier in your evidence
15    to the listening sessions, I think 17, 12 of which have
16    been completed; have I got that right?
17    A.   That's correct.
18
19    Q.   Were they community, business, community groups or a
20    mixture?
21    A.   The Executive Listening Tours, as we've called them,
22    they're just general community, so they're open to anybody
23    and generally individual residents.  So, we actually have
24    one again tonight, but just general.
25
26    Q.   And, why is that a good idea, from your perspective?
27    A.   I think it's good to hear from individual residents as
28    well as community groups as well as special interest groups
29    because not all community associations represent that
30    community's interests, and the same of special interest
31    groups, so it just helps round out the view.  And I think
32    it's important, (a) for the executive to hear from the
33    community directly but also for the community to see and
34    hear from the executive and understand a bit about us,
35    about our experience and what we're hoping to achieve as
36    well.
37
38    Q.   And, is that part of the rebuilding engagement and
39    trust?
40    A.   That's correct.
41
42    Q.   Have there been any consistent themes or issues that
43    have come out of the 12 so far, or tell me if you think it
44    would jeopardise the remaining process for you to say so in
45    this forum and we can do it another way?
46    A.   No, no, I'm happy to share.  General feedback about
47    roads, which is got unexpected given the weather we've had
```

1   as well; that's compounded. So, a bit about roads.
2   Questions around development going forward and just
3   understanding the process, who approves what, how that
4   happens, how people can have a say, and I think that goes
5   back to the 2021 feedback in the survey around governance
6   and decision making.
7
8   An appreciation of actually holding them. At a number
9   of the sessions a number of the participants have said
10   "Thank you, thank you for coming out and talking with us",
11   and, "We appreciate your time", and, "It's refreshing" has
12   been a common comment, and other sort of themes around
13   trees and weeds depending on location on properties.
14   They're the general themes.
15
16   Q.   And any themes about their experiences with the
17   organisation, either historically or recently that are
18   coming out, or are they very much individual issues?
19   A.   As a general comment, just that they haven't felt that
20   they've had that opportunity or that access previously, and
21   that goes hand-in-hand with, "Thank you for making
22   yourselves available".
23
24   Q.   Can I ask you some general questions, and given how
25   clear you've been in your evidence about not looking to the
26   past but looking forward, I'm going to take them out of
27   this council and I want to draw on your experience more
28   generally similarly to how Counsel Assisting did a moment
29   ago and just explore with you the issue of trust between
30   the governing body and the executive staff.
31
32   Is it important that there's mutual trust and respect
33   between the governing body and the executive staff?
34   A.   It's critical.
35
36   Q.   Why?
37   A.   Because you have to work together and respect each
38   other's roles. It's not easy being a councillor: you're
39   visible, you're accessible in the community, and you've
40   often got to make difficult decisions which may or may not
41   be popular decisions, so it's a difficult role.
42
43   For officers it's challenging too because we work
44   within a myriad of legislation, there are requirements and
45   also you want to make it as easy and as streamlined as you
46   can as well whilst still doing everything you need to do to
47   be compliant with whatever Act, and you need to satisfy the

1 community as well as other stakeholders, whether they be
2 government agencies or funding bodies or groups.
3
4   But if there isn't mutual respect and mutual trust the
5 relationship breaks down and then you end up in a situation
6 where you're second-guessing; you find in the chamber there
7 might be rescission motions or there might be a lot of
8 notices of motion which then tie up the resources of the
9 organisation and divert attention away. There can be
10 uncertainty in decision-making, there can be confusion in
11 the community.
12
13   As a council, the most effective way is to speak with
14 one voice, once a decision is made speak with one voice and
15 move forward; when that doesn't happen it undermines the
16 council.
17
18 Q.   Does that extend to that observation about mutual
19 trust and respect about interactions between councillors
20 and staff either at meetings or in other public forum?
21 A.   Yes.
22
23 Q.   And why is that important?
24 A.   Because, from the staff, side it's important that we
25 listen to the councillors and their concerns and, you know,
26 their ideas and take them seriously and respectfully and
27 look at those opportunities. And, from the councillor's
28 side, it's having respect for professional officers' advice
29 and their expertise and their skill.
30
31 Q.   And, if there are interactions in a public forum, be
32 it council meetings or otherwise, between councillors and
33 staff which demonstrate a lack of trust and respect, can
34 that have a wider effect on the organisation, not just the
35 staff themselves who might be involved?
36 A.   Yes.
37
38 Q.   In what way?
39 A.   It can undermine the decision-making process, it can
40 create uncertainty, it sets a tone: you know, you want a
41 productive, healthy, safe, happy workplace and when
42 relationships and interactions aren't respectful or
43 trustworthy - you know, they don't demonstrate trust,
44 again, that undermines that productive and happy culture.
45 It maybe has the potential to limit the extent of advice
46 that can be provided if staff feel that they're going to be
47 criticised or torn apart for giving professional advice, it

1   can make them hesitant.
2
3   Q.   By that do you mean the environment prevents - or
4   "prevents" may not be the right word - but leads to a
5   situation where staff may not be comfortable in giving that
6   frank and fearless advice which they're here to do?
7   A.   It can limit that, yes.
8
9   Q.   If the situation you just described were to eventuate
10   how would that, if at all, affect the overall functioning
11   of the organisation?
12   A.   It can - it diverts resources away from actually
13   achieving what you need to achieve; it can make the
14   organisation and council very insular and turn inward
15   rather than outward; and, rather than focusing necessarily
16   on the delivery of what the community is wanting or
17   needing, it becomes more about how is this going to be
18   taken, what might happen if I raise, and that's not the
19   environment that you want, you need an environment where
20   people feel confident and comfortable in giving that advice
21   and having respect and trust.
22
23   Q.   And I take it, if one follows that line through, that
24   a council that turned insular and diverted resources away
25   from service delivery and strategic planning to focus on
26   itself would not be well-placed to meet its statutory
27   obligations; is that a fair observation?
28   A.   It makes it very difficult.
29
30   Q.   Finally, I just wanted to - Mr Parish asked you some
31   questions earlier about the number of claims, workers'
32   compensation claims, I think they were; do you remember
33   that passage of evidence?
34   A.   Yes.
35
36   Q.   I think, let me just find the page in your report
37   where I think there are some statistics; I just want to
38   make sure I'm understanding the data correctly. It's
39   page 81. Do you have that?
40   A.   Yes.
41
42   Q.   There are a number of graphs there, I just want to
43   make sure I understand them correctly while I've got you
44   here. The first on the left-hand column towards the bottom
45   of the page, "Premium Performance"; so, does that graph
46   indicate to the reader that the council's workers'
47   compensation premium has increased, in fact it's almost

```
1      doubled between 17, 18 and 2021; is that how I read that
2      graph?
3      A.    That's correct.
4
5      Q.    There's a line that's a bluish colour on my copy with
6      the acronym "CPM"; do you know what "CPM" means?
7      A.    I need to check that.
8
9      Q.    That's fine, you can perhaps take that on notice and
10     perhaps feed it back to Ms Hewson or Mr Broad.  Then the
11     next graph which is at the top of the right-hand column,
12     this is categorising claims into - "business units" might
13     not be the right word, but areas within the council; is
14     that how I read that?
15     A.    That's correct.
16
17     Q.    And the last graph gives a general description of the
18     categories, whether they be impacts, falls, trips, body
19     stressing or mental stress, then that's divided by not only
20     the amounts incurred but the number of claims; is that
21     right?
22     A.    That's correct.
23
24     Q.    And the line is the number of claims, the bar is the
25     value; is that how I read that?
26     A.    That's correct.  So, the green line is the number of
27     claims and then the bar shaded blue is the dollar value.
28
29     THE COMMISSIONER:   Yes, thank you.  Yes, I think that's
30     all I have.
31
32          Mr Parish, do you have anything arising from my
33     questions?
34
35     MR PARISH:   Yes, thank you, Commissioner, just one
36     question still on page 81.
37
38     Q.    In the light blue there on the left-hand side, second
39     paragraph down, it says:
40
41          *As at 1 October there are approximately 40*
42          *vacancies.*
43
44          Do you see that?
45     A.    Yes.
46
47     Q.    Do you have any recollection off the top of your head
```

roughly what that might be today; more or less or about the
same as that number?
A.   No.   Will have more, I believe, right at this point.

Q.   Do you know if it would be significantly more or would
be - sorry to put you on-the-spot; if you don't recall,
that's fine?
A.   Not off the top of my head, but we're around about the
20 per cent mark.

MR PARISH: Okay, thank you.

THE COMMISSIONER: Q.   It was suggested to me in some
evidence that the number of vacancies might be as high as
180; has it ever approached anything like that?
A.   Not 180, no.

THE COMMISSIONER: Thank you.

        Ms Miscamble, that completes your evidence, thank you
very much for your time today and I do appreciate it's
taken you away from other things you should be doing in the
organisation, so thank you for making yourself available
and at the end of the hearings on the 14th I expressed my
thanks to the council more generally for making these
facilities available to us.

        The statistics for the live stream have been
surprising to me in the sense that they are so high, which
I think is an excellent thing and that could not have been
achieved without this facility being made available, so I
again thank the council for the provision of the facilities
and the excellent support from the staff that have been
provided to us over the journey.

        You can be excused, thank you

<THE WITNESS WITHDREW

THE COMMISSIONER: Mr Parish, what's next? I'm sorry, I
see Councillor Nelson in the back. Do you have an
application to make? No. He's given me the no signal.
I'm sorry, I should have asked you before.

        Mr Parish.

MR PARISH: I have two matters to deal with, Commissioner.

```
1
2      THE COMMISSIONER:   Yes.
3
4      MR PARISH:   Commissioner, firstly the tender of documents
5      which I ought to tidy up before we rise.
6
7      THE COMMISSIONER:   Yes.  I've been given a list.
8
9      MR PARISH:   Yes.
10
11     THE COMMISSIONER:   I think the appropriate way is to do it
12     one-by-one so that can be read into the transcript.
13
14     MR PARISH:   Yes.  The first document I tender is an email
15     from Mr Viv May dated 8 April 2022.
16
17     THE COMMISSIONER:   Yes.  On my list that's been given a
18     number of "U", but I think we already have a U and V, so
19     I'm going to give the email from Viv May dated 8 April 2022
20     as Exhibit W.  That email, as I understand it, Mr Parish,
21     relates to a point of clarification that Mr May wanted to
22     make about his evidence; is that right?
23
24     MR PARISH:   Yes, that's correct.
25
26     THE COMMISSIONER:   Thank you, so that'll be Exhibit W.
27
28     **<EXHIBIT #W - EMAIL FROM MR VIV MAY DATED 08/04/22**.
29
30     MR PARISH:   The next document I tender is a summary of
31     employee data which sets outs the staff turnover and
32     vacancies.
33
34     THE COMMISSIONER:   Yes, Exhibit X will be a
35     document summary of employee data of staff turnover and
36     vacancies.
37
38     **<EXHIBIT #X - DOCUMENT SUMMARY OF EMPLOYEE DATA OF STAFF**
39     **TURNOVER AND VACANCIES**.
40
41     MR PARISH:   The next document I tender is a letter from
42     Ally Dench of the Office of Local Government dated 8 April
43     2022 and titled, "Supplementary submission to the
44     Wingecarribee Share Council Public Inquiry".
45
46     THE COMMISSIONER:   As I understand it, Mr Parish, that was
47     provided in lieu of evidence that might have otherwise been
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 1    called orally; is that right?
 2
 3    MR PARISH:   That's correct.
 4
 5    THE COMMISSIONER:   And that's merely a submission on the
 6    law, is it not?
 7
 8    MR PARISH:   That's correct, Commissioner, yes.
 9
10    THE COMMISSIONER:   The letter from Ms Dench dated - I'm
11    sorry, can you give me the that date again?
12
13    MR PARISH:   8 April 2022.
14
15    THE COMMISSIONER:   8 April 2022 will be Exhibit Y.
16
17    <EXHIBIT #Y - LETTER FROM ALLY DENCH OF THE OFFICE OF LOCAL
18    GOVERNMENT DATED 08/04/22 AND TITLED, "SUPPLEMENTARY
19    SUBMISSION TO THE WINGECARRIBEE SHARE COUNCIL PUBLIC
20    INQUIRY".
21
22    MR PARISH:   The next document I tender is the Community
23    Strategic Plan adopted June 2017.
24
25    THE COMMISSIONER:   Yes, the Community Strategic Plan
26    adopted June 2017 will be Exhibit Z.
27
28    <EXHIBIT #Z - COMMUNITY STRATEGIC PLAN ADOPTED JUNE 2017.
29
30    MR PARISH:   The next document I tender is the development
31    applications timeline graphs which sets outs the total
32    applications against the average days.
33
34    THE COMMISSIONER:   Yes.  Exhibit AA will be a summary of
35    development application timeline total applications
36    v average days.
37
38    <EXHIBIT #AA - SUMMARY OF DEVELOPMENT APPLICATIONS TIMELINE
39    GRAPHS SETTING OUT THE TOTAL APPLICATIONS VERSUS AVERAGE
40    DAYS.
41
42    MR PARISH:   The next document I tender is the councillor
43    request summary which is in the form of a spreadsheet.
44
45    THE COMMISSIONER:   Yes.  I think that's here, isn't it, in
46    hard copy?
47
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 1      MR PARISH:   Yes.
 2
 3      THE COMMISSIONER:   Can I just have a copy of that?   I
 4      think there's a direction I need to make about it.
 5      Exhibit BB will be a spreadsheet of a summary of councillor
 6      requests.   I have seen that document, Mr Parish, it
 7      includes - it is a very, very large document and it
 8      includes personal information and identifying information
 9      of members of the public which ought not be, it seems to
10      me, plastered all over the internet.
11
12          What I propose then is, because the redaction
13      process - and when it comes in I'll show you how big it
14      is - would take days and days and days perhaps or many,
15      many hours, is that I propose to make an order under
16      section 12B of the Royal Commissions Act that Exhibit BB
17      not be published, including by posting on the inquiry
18      website, but that would not prevent you from, should you
19      see the need to do so - yes, just hand it up, please -
20      referring to what I'll call the summary of the issue.
21
22          I'm not sure that you will, but for those who may be
23      seeing, it's an A3 document that runs to many hundreds of
24      pages, multiple columns identifying individual
25      identification features of members of the public, but it
26      does include a "subject" column.
27
28          So my order under section 12B would prevent this being
29      published in order to protect the privacy of those who are
30      referred to in it, but should you need to refer to the
31      subject of any particular request, Mr Parish, the intention
32      of my order is not to prevent you from doing so, rather to
33      protect the private information of those who are referred
34      to in it.
35
36          Do you wish to be heard further on any of that?
37
38      MR PARISH:   No, thank you, Commissioner.
39
40      THE COMMISSIONER:   So, Exhibit BB won't be made public,
41      but for those who are interested they can understand why.
42      Is this mine now?   Great.
43
44      <EXHIBIT #BB - SPREADSHEET OF SUMMARY OF COUNCILLOR
45      REQUESTS.
46
47      THE COMMISSIONER:   Yes, Mr Parish, what's next?
```

1
2   MR PARISH: The next document I tender, or at least
3   notionally tender, are the various videos and audio files
4   of council meetings.
5
6   THE COMMISSIONER: Yes, Exhibit CC will be a group of
7   video and audio files of council meetings. They will be
8   able to be placed on the website, I take it? At the very
9   least, if there's some impediment there should be a list of
10   the council meeting with a link to the YouTube page.
11
12   MR PARISH: Yes.
13
14   THE COMMISSIONER: So members of the public can follow the
15   link should they have a desire to do so.
16
17   **<EXHIBIT #CC - GROUP OF VIDEO AND AUDIO FILES OF COUNCIL**
18   **MEETINGS.**
19
20   MR PARISH: The next document I tender is an email from
21   suspended Councillor Ian Scandrett dated 14 April 2022.
22
23   THE COMMISSIONER: That's the email that he sent in
24   response to a request by him and approved by me to provide
25   some further information during his evidence; is that that
26   email, Mr Parish?
27
28   MR PARISH: That's correct, Commissioner.
29
30   THE COMMISSIONER: Yes, Exhibit DD will be an email from
31   Councillor Scandrett to the inquiry dated 14 April 2022.
32
33   **<EXHIBIT #DD - EMAIL FROM SUSPENDED COUNCILLOR IAN**
34   **SCANDRETT TO THE INQUIRY DATED 14/05/22.**
35
36   MR PARISH: The next document I tender is the 2012
37   Division of Local Government Promoting Better Practice
38   Program Review Report.
39
40   THE COMMISSIONER: The 2012 Division of Local Government
41   Promoting Better Practice Program Review Report will be
42   Exhibit EE.
43
44   **<EXHIBIT #EE - 2012 DIVISION OF LOCAL GOVERNMENT PROMOTING**
45   **BETTER PRACTICE PROGRAM REVIEW REPORT**.
46
47   MR PARISH: The next document I tender is the Customer

1 Service Strategy 2016-2020.

2

3 THE COMMISSIONER: Exhibit FF will be the Customer Service
4 Strategy 2016-2020.

5

6 **<EXHIBIT #FF - CUSTOMER SERVICE STRATEGY 2016-2020**.

7

8 MR PARISH: The next document or documents I tender is the
9 bundle of general manager briefing notes October 2020
10 onwards.

11

12 THE COMMISSIONER: Mr Parish, some of those will have
13 personal and staffing information in them as I recollect;
14 is that right?

15

16 MR PARISH: Yes.

17

18 THE COMMISSIONER: So, I think they should be a
19 confidential exhibit for the moment and if there's a need
20 for you to refer to them in your ultimate submissions then
21 that can be dealt with then.

22

23 MR PARISH: Yes.

24

25 THE COMMISSIONER: You can make an application to me to
26 vary that order, but I'll admit them as Exhibit GG, but
27 given that they refer to, again, personal information of
28 staff and staffing matters they should be made a
29 Confidential Exhibit under section 12B of the Royal
30 Commissions Act and not be published to anybody other than
31 those assisting the inquiry.

32

33   If, Mr Parish, there's a reason that you need to refer
34 to them in your submission, then there may be the need to
35 vary that order so that those who are affected by the
36 submission can inspect them, but for the moment I'll leave
37 it at that and then you can make that application at the
38 time.

39

40 **<CONFIDENTIAL EXHIBIT #GG - BUNDLE OF GENERAL MANAGER**
41 **BRIEFING NOTES OCTOBER 2020 ONWARDS**.

42

43 MR PARISH: Thank you, Commissioner. The next document I
44 tender is the Ombudsman Report dated 23 March 2021.

45

46 THE COMMISSIONER: Remind me: this is separate to the
47 small business Commissioner's report obviously; what's the

1   topic of this report?
2
3   MR PARISH: Let me come back to you on that.
4
5   THE COMMISSIONER: This is about the, if I recollect it
6   correctly, the application - the term will be wrong, but my
7   memory is there was an Ombudsman's report about the way
8   councils dealt with certain fees paid by developers which
9   came to the council just before the suspension, and again,
10   was returned to council shortly after the appointment of
11   the administrator?
12
13   MR PARISH: Yes, that's correct.
14
15   THE COMMISSIONER: That Ombudsman's Report dated 23 March
16   2021 will be Exhibit HH.
17
18   **<EXHIBIT #HH - OMBUDSMAN REPORT DATED 23/03/21**.
19
20   MR PARISH: The next documents I tender, a bundle of
21   correspondence between any suspended councillors or former
22   councillors received by council from 1 January 2022 until
23   11 April 2022.
24
25   THE COMMISSIONER: That bundle of correspondence between
26   suspended or former councillors and the council between
27   1 January 2022 and - what's the second date, sorry.
28
29   MR PARISH: 11 April 2022.
30
31   THE COMMISSIONER: -- 11 April 2022 will be Exhibit II.
32
33   **<EXHIBIT #II - BUNDLE OF CORRESPONDENCE BETWEEN ANY**
34   **SUSPENDED COUNCILLORS OR FORMER COUNCILLORS RECEIVED BY**
35   **COUNCIL FROM 01/01/22 UNTIL 11/04/22**.
36
37   MR PARISH: The next documents I wish to tender are the
38   bundle of correspondence from suspended Mayor Gair to the
39   general manager regarding Station Street.
40
41   THE COMMISSIONER: Bundle of correspondence between
42   Councillor Gair and the then general manager regarding
43   Station Street will be Exhibit JJ.
44
45   **<EXHIBIT #JJ - BUNDLE OF CORRESPONDENCE BETWEEN COUNCILLOR**
46   **GAIR AND THE THEN GENERAL MANAGER REGARDING STATION STREET**.
47

MR PARISH: The next document I tender is the Draft
Performance Improvement Order that's attached to the notice
of intention to issue the Performance Improvement Order.

THE COMMISSIONER: The Draft Performance Improvement Order
that was attached to the notice of intention to issue the
Performance Improvement Order, that notice being found at
page 1 of Exhibit B, will be Exhibit KK.

**<EXHIBIT #KK - DRAFT PERFORMANCE IMPROVEMENT ORDER THAT WAS
ATTACHED TO THE NOTICE OF INTENTION TO ISSUE THE
PERFORMANCE IMPROVEMENT ORDER FOUND AT PAGE 1 OF EXHIBIT B**.

MR PARISH: And we then have the document identified by
Ms Miscamble a short while ago, being the Corporate
Relations Service Review final report Wingecarribee Shire
Council dated September 2021.

THE COMMISSIONER: The Corporate Relations Service Review
Final Report of KPMG dated September 2021 will be
Exhibit LL.

**<EXHIBIT #LL - CORPORATE RELATIONS SERVICE REVIEW FINAL
REPORT WINGECARRIBEE SHIRE COUNCIL DATED SEPTEMBER 2021**.

MR PARISH: There's two further confidential exhibits,
Commissioner, that I wish to tender, firstly, is the
Malcolm Ryan Operational Report dated 18 November 2021.

THE COMMISSIONER: What's the basis of confidentiality?

MR PARISH: It deals with certain staff members, some of
whom have pending issues ongoing still.

THE COMMISSIONER: Yes. Well then, given it refers to
personal and staffing matters, some of which are
outstanding, it's appropriate in my view that there be an
order pursuant to section 12B of the Royal Commissions Act
that the - I'll admit it as Confidential Exhibit 1 and,
subject to section 12B of the Royal Commissions Act I
direct that the exhibit not be published to anyone other
than those assisting the inquiry.

**<CONFIDENTIAL EXHIBIT #1 - MALCOLM RYAN OPERATIONAL REPORT
DATED 18/11/21**.

THE COMMISSIONER: Mr Parish, again, if there's a need for

1   you to refer to this in your ultimate submission to me or a
2   suggestion that I should make any finding in relation to
3   this or any other confidential exhibit there may be a need
4   to vary that order so that those affected by the potential
5   finding can review it, but you can make that application at
6   the time.
7
8   MR PARISH: Thank you, Commissioner. The second
9   confidential document I wish to tender is the spreadsheet
10   of staff interviews conducted by Ms Miscamble which has
11   various dates on it and which includes information both in
12   respect of personal staffing matters, and also, it was done
13   on the basis that it was confidential as well.
14
15   THE COMMISSIONER: Yes, I see. Is there a hard copy of
16   that in the room?
17
18   MR PARISH: Yes, there is.
19
20   THE COMMISSIONER: If you just hand that up just so I can
21   ... thank you. Yes, the document has a number of features
22   which would identify those persons interviewed.
23
24   Mr Parish, what I would propose to do, and I'll tell
25   you what I propose to do with it and then perhaps if you
26   can liaise with the council to see whether this would
27   address the confidentiality concerns, is that I propose to
28   make an order under section 12B of the Royal Commissions
29   Act that the exhibit as a whole not be published to anyone
30   other than those assisting the inquiry, but cut out from
31   that order any restriction on you from being able to refer
32   to the comments made in it as long as those comments did
33   not identify the particular person who gave it.
34
35   So, I think from Ms Miscamble's evidence some of the
36   comments that appear here have in fact made their way into
37   the roadmap report, so what I have in mind is that general
38   observations and comments and feedback which can't be
39   identified back to the person who gave it would be able to
40   be referred to, but things that would identify the
41   particular person would remain confidential in the same way
42   that I said a moment ago to the extent there's a need to
43   refer to them - those aspects in your final submission,
44   then there may be a need to review the order.
45
46   Is that an appropriate way to proceed?
47

```
 1      MR PARISH:   Yes, thank you, Commissioner.
 2
 3      THE COMMISSIONER:   If you can make those enquiries with
 4      the council promptly because, if there's a need to keep
 5      more of it confidential, then I'll hear the application.
 6
 7      MR PARISH:   Thank you.
 8
 9      THE COMMISSIONER:   Confidential Exhibit 2 will be a
10      spreadsheet summary of the numerous interviews conducted by
11      Ms Miscamble.  Pursuant to section 12B of the Royal
12      Commissions Act I direct that the Confidential Exhibit 2
13      not be published to anyone beyond those assisting the
14      inquiry.  That direction, however, does not prevent Counsel
15      Assisting from referring to and quoting in his final
16      submission comments or observations that are recorded in
17      that spreadsheet, however, it does operate to prevent the
18      publication of matters that would identify the person who
19      made those observations to Ms Miscamble.
20
21          Yes, that deals with Confidential Exhibit 2
22
23      <CONFIDENTIAL EXHIBIT #2 - SPREADSHEET SUMMARY OF
24      INTERVIEWS CONDUCTED BY MS MISCAMBLE.
25
26      MR PARISH:   Yes, that's all the tenders I wish to make,
27      Commissioner.
28
29      THE COMMISSIONER:   Yes, all right.  In the event that it
30      wasn't clear for those who may be watching, confidentiality
31      orders have been made over certain exhibits to prevent
32      personal and staffing matters which are not the focus of
33      this inquiry from being revealed in the public domain;
34      that's a normal function of inquiries of this kind and is
35      indeed why the power exists.
36
37          To the extent that Counsel Assisting invites me to
38      make a finding on any matter that is currently the subject
39      of a confidentiality order, then he will be required to
40      make an application to me to vary the order such that the
41      relevant parts of the confidential exhibit can be made
42      available to those who may be affected by the finding on
43      which it is based.
44
45          Yes, I think that explains my position.
46
47      MR PARISH:   Thank you, Commissioner.  That was the first
```

1   of the two issues I wished to deal with today.
2
3   THE COMMISSIONER: Yes.
4
5   MR PARISH: The second issue relates to an email we
6   received from suspended Mayor Gair on 27 April 2022 at
7   4.16pm.   It was received into the public inquiry mailbox
8   and attached to it what purported to be an anonymous WeChat
9   or some sort of message that made certain allegations
10   against - or in respect of procurement and the position of
11   the general manager.
12
13   I have dealt with some of those matters in terms of
14   putting to the general manager what her position was. I
15   haven't decided yet as to whether this document ought to be
16   tendered but, in my submission, the next step would be to
17   give the other person against whom matters are alleged in
18   this message, being Viv May, an opportunity to address them
19   in terms of what I would take to be standard procedural
20   fairness and something which may assist the inquiry.
21
22   THE COMMISSIONER: Yes, all right. Well, there's no -
23   just because we rise here doesn't mean that documents can't
24   be tendered in chambers - that's not an invitation to
25   avalanche documents in but there's no reason why documents
26   can't be received late.
27
28   How do you envisage Mr May being given an opportunity
29   to respond?
30
31   MR PARISH: I think the most cost-effective and
32   appropriate way to deal with it would be a witness
33   statement provided in respect of the discrete matters.
34
35   THE COMMISSIONER: Yes. Which, should you decide to
36   pursue it further, could be tendered with the exhibit: is
37   that what you have in mind?
38
39   MR PARISH: That's what I have in mind, Commissioner.
40
41   THE COMMISSIONER: Yes, all right. Obviously that should
42   be done sooner rather than later. If there is to be a
43   further tender of that and a statement, is that something
44   that could be done by the end of next week?
45
46   MR PARISH: Yes, subject obviously to the fact that Mr Viv
47   May has not been consulted as to his timetable as yet.

```
1
2      THE COMMISSIONER:   Yes, quite.
3
4      MR PARISH:   Perhaps you could make that order and he can
5      apply to vary it if --
6
7      THE COMMISSIONER:   I won't make a direction about it given
8      that this may well be news to him based on what you're
9      telling me, but given that I've made directions about
10     submissions and I am very anxious to get on with that
11     process, I don't want it to be delayed, so if it can go
12     along with my urging that, if something is to happen about
13     it, it can happen by close of business next Thursday; that
14     gives a week.
15
16     MR PARISH:   Thank you, Commissioner.
17
18     THE COMMISSIONER:   All right, is there anything else from
19     you?
20
21     MR PARISH:   No, Commissioner.
22
23     THE COMMISSIONER:   Just bear with me one moment, there's
24     one thing that I wish to address.
25
26         Mr Parish, I'm just having a bit of a technical issue
27     with my IT, but that's my machine, not anything else.  Can
28     you access the direction I made about submissions on your
29     device and then I'll read it onto the record?  It's on the
30     inquiry web page but I just want to, for the benefit for
31     those who are watching, read it out again in case they have
32     missed it and then it will also be on the transcript.
33
34     MR PARISH:   Order 1, Commissioner --
35
36     THE COMMISSIONER:   Yes, I might do it, if Ms Hewson might
37     bring it up.  Thank you.
38
39         On the last day that we were here on 14 April I
40     foreshadowed that I'd make some directions about written
41     submissions and I did so early in the following week and
42     they've been placed on the website.  I think there's some
43     benefit to me reading them onto the record for those who
44     may be watching along now or for those who may go back to
45     the transcript, so these are the directions I made on
46     19 April:
47
```

1   1. Counsel Assisting is to provide final written
2   submissions by email to the inquiry email address by no
3   later than 5pm on 9 May 2022.

4

5   2. Any suspended councillor, any former councillor of
6   the 2016 term, the Wingecarribee Shire Council, the interim
7   administrator or any other person who considers that they
8   are directly affected by the terms of reference or any
9   evidence given during the public hearings of the inquiry
10   and who wishes to make final submissions, including any
11   submissions that respond to those made by Counsel Assisting
12   must provide that submission by email to the inquiry email
13   address by no later than 5pm on 16 May 2022.

14

15   Counsel Assisting is to provide any submissions in
16   reply to the submissions received in accordance with
17   Direction 2 above by email to the inquiry email address by
18   no later than 5pm on 23 May 2022. Any final written
19   submissions provided in accordance with those directions
20   must include references to the evidence by identifying
21   particular exhibits and/or identifying the relevant pages
22   of transcript on which reliance is to be placed. If, in
23   making a final written submission, any person wishes to
24   place any documents before the Commissioner that are not
25   already in evidence, copies of those documents must be
26   attached to that person's submission.

27

28   I have received some further submissions from either a
29   former councillor or suspended councillor during the
30   hearings and I propose to treat those as being in the
31   category of final written submissions; that's not to say
32   that those people can't provide further submissions in
33   accordance with the directions I have made but I think
34   that, given that they were given in that way during the
35   hearings, the most appropriate course is to treat them as a
36   form of final submission.

37

38   Those who are observing will see that there's a week
39   between each of them. I've done it that way not only to
40   ensure that the submissions are closed by late May, but
41   also because I provided a lengthy lead-in period between
42   when the hearings adjourned on 14 April and when both
43   Counsel Assisting and any other persons' first round of
44   submissions are due, being 9 May and 16 May. That
45   contemplates the fact that, if someone wants to make a
46   final submission to me, they should not be waiting to
47   receive Counsel Assisting's submission, that work should be

```
 1    undertaken and, in the absence of exceptional
 2    circumstances, it should not be assumed that I will grant
 3    an extension of time or consider submissions that are
 4    received otherwise in accordance with the timetable.
 5
 6        There was an approach to submissions in the advance of
 7    the hearings that they would be received late, indeed up
 8    until the commencement of the hearings, but the evidence is
 9    in, the submissions need to get on and the report needs to
10    be prepared, so any person who wishes to make a submission
11    should treat those dates as being as I've directed the
12    dates that they must be submitted and if there is some
13    reason why that can't be done an application will need to
14    be made but, in the absence of exceptional circumstances,
15    it should not be assumed that an extension will be given.
16
17        Mr Parish, do you wish to say anything further at this
18    stage?
19
20    MR PARISH:   No, Commissioner.
21
22    THE COMMISSIONER:   All right, I repeat the various thanks
23    that I gave on 14 April, again, thanks to the council and
24    the staff who have assisted us in being able to do this
25    today at, no doubt, some inconvenience to them and the
26    organisation.
27
28        I am very much appreciated to you, Mr Parish, again
29    for your assistance and to those assisting the inquiry,
30    Ms Hewson who is here, Mr Broad who is probably watching
31    from home, hopefully he is on the mend.
32
33        That completes the hearings and, as I said earlier on
34    the 14th, it's my intention to issue the report as promptly
35    as I can, but for those who have been keen observers they
36    will realise that there is a rather large amount of
37    material to get through, so I'll do it as soon as I can but
38    I can't tell you when that will be at the moment.
39
40        I'll adjourn, thank you.
41
42    AT 2.46PM THE INQUIRY WAS CONCLUDED
43
44
45
46
47
```

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