

INQUIRY UNDER SECTION 438U OF THE LOCAL GOVERNMENT ACT

BLUE MOUNTAINS CITY COUNCIL

TRANSCRIPT OF 2GB RADIO BROADCAST

Aired on 9 November 2017

Participants: Mr Ray Hadley
 Mr Matt Kean MP

1 RAY HADLEY: Now, I have been reporting about asbestos
2 issues at the Blue Mountains City Council for quite some
3 time, but I've been contacted by people concerned about
4 dangerous asbestos at a public hospital in the Blue
5 Mountains - and you'd better wait for this one: it was
6 identified 20 years ago.

7
8 I can reveal a report that I have in front of me on
9 Blue Mountains District Anzac Memorial Hospital, which is
10 currently better known as Katoomba Hospital. This report
11 in May discovered numerous locations of friable asbestos.
12 Now, "friable" means that it's disintegrating and could be
13 inhaled by people.

14
15 Areas which were given the highest danger rating,
16 priority 1, include the women's and children's ward, the
17 child assessment and development unit, and the medical
18 imaging and other areas. These locations are commonly used
19 by the public, patients and staff, but I'm told there are
20 still no safeguards or asbestos warning signs in place.

21
22 A New South Wales Health report notes that some of the
23 friable asbestos was identified in 2013. Many areas were
24 also identified as contaminated with asbestos in a report
25 in 1997 conducted by the New South Wales Environment
26 Management and Technology at the request of the New South
27 Wales Department of Public Works and Services. The 1997
28 report says:

29
30 *There is considerable asbestos-containing*
31 *material, some of it loose --*

32
33 "friable", in other words --

34
35 *and easily disturbed.*

36
37 And that's the most dangerous type of asbestos: once you
38 disturb it, you're in all sorts of strife.

39
40 Particularly, the report raises concerns about
41 asbestos lagging material used to insulate pipes - everyone
42 did it in the old days - the debris from which has
43 contaminated other areas, including ceiling cavities.

44
45 The report's recommendation says:

46
47 *The preformed asbestos lagged pipes are to*

1 *be removed prior to any work being done in*
2 *the area.*

3
4 There are concerns, in the 20 years since,
5 asbestos-contaminated material such as these pipes, which
6 were meant to be fixed or labelled, have been disturbed by
7 tradesmen and staff who are unaware of the problem.

8
9 Most of the priority 1 rated locations of asbestos
10 noted in the 2017 report are contaminated by debris from
11 the asbestos lagging material on the pipes identified way
12 back, 20 years earlier, in 1997. And it comes from the
13 asbestos management register for Katoomba Hospital, more
14 commonly known as Blue Mountains District Anzac Memorial
15 Hospital. These are public documents which can be accessed
16 by any member of the public, which we have done, and I've
17 got them here in front of me, and there is a grave concern.

18
19 Now, I've been attacking Blue Mountains City Council,
20 and with some justification in light of what we've found
21 out about what they are doing there, but now we find out
22 the whole thing extends not just to the council but also to
23 the State Government or successive State Governments who
24 have been inactive.

25
26 In the meantime - back we go to Blue Mountains
27 council - SafeWork New South Wales has commenced a full
28 investigation into asbestos management practices at Blue
29 Mountains City Council. SafeWork New South Wales has also
30 issued 17 improvement notices and four prohibition notices
31 in relation to asbestos management at council sites since
32 the completion of council's asbestos management plan. This
33 includes a prohibition notice at a preschool in Wentworth
34 Falls - which we, of course, told SafeWork about -
35 directing them to identify and assess the condition of all
36 asbestos-containing materials and to put in place
37 appropriate controls to safely manage those materials.

38
39 SafeWork New South Wales has also issued an
40 improvement notice directing council to undertake more
41 comprehensive asbestos testing at the preschool. The
42 preschool will remain closed until SafeWork New South Wales
43 determines that the prohibition notice has been complied
44 with.

45
46 Now, I notice that the acting general manager of Blue
47 Mountains council has put out a release herself, saying,

1 "Oh, look, it's unlikely that we will open it before its
2 closing date", which is this Friday. Well, of course you
3 won't reopen it. You've got nothing to say about it. It's
4 being controlled by SafeWork New South Wales, not by you.
5 So please don't tell fibs to your staff and to your
6 constituents. You've got nothing to do with it. It's been
7 closed down by SafeWork. You did nothing about it, Blue
8 Mountains City Council.

10 SafeWork New South Wales will remain vigilant to
11 ensure Blue Mountains City Council workplaces comply with
12 work, health and safety laws in relation to asbestos
13 safety, and they have to go to the next step now: they've
14 got to make sure that this hospital, like the preschool, is
15 a safe place for people to go.

17 Minister for Better Regulation in New South Wales,
18 responsible for SafeWork, is Matt Kean. Minister, good
19 morning.

21 MATT KEAN MP: Good morning, Ray.

23 RAY HADLEY: I initially wanted to talk to you about how
24 we're going with this look at Blue Mountains City Council,
25 but there are other things to talk about, including the
26 place known as Katoomba Hospital or Blue Mountains District
27 Anzac Memorial Hospital, and whether you know about that
28 place as well.

30 But let me deal with the council first of all. I know
31 this is not your deal, but I, for the life of me, can't
32 understand why the government hasn't appointed an
33 administrator to take control of this council, given - they
34 are reacting now, but by geez, Minister, they had to be
35 carried kicking and screaming to the table to actually do
36 something about this place.

38 MATT KEAN MP: Yeah, Ray, the whole thing up there seems
39 absolutely shambolic. The situation is nothing short of
40 a disgrace. Nothing appears to be written down, and the
41 records appear to be inaccurate. No-one at council seems
42 to have any understanding about what their responsibilities
43 are or what actually is going on at the site. And we saw
44 that with regards to the Wentworth Falls preschool, which
45 I know you've been very passionate about, which SafeWork
46 went out to inspect on site and they discovered that the
47 council records were in conflict with the reality, and that

1 just seems to be the tip of the iceberg.

2

3 So, Ray, I've ordered that SafeWork commence a full
4 investigation into the asbestos management practices of
5 Blue Mountains City Council. And let me tell you this,
6 Ray: if there is a breach of the law here - and we've
7 already issued eight prohibition notices - then I think
8 that's very strong ground for the Minister for Local
9 Government to take further steps.

10

11 RAY HADLEY: Now, just so I know technically where she can
12 act - and I don't expect you to have thorough knowledge of
13 it, but maybe you can help me: if there's any breach - one
14 breach, not 10, not 14, but if there's one breach - can
15 that be the tipping point for a minister to sack a council?

16

17 MATT KEAN MP: Look, I'm not across the exact details of
18 the Local Government Act, but it's my understanding that
19 the minister is looking at these issues very closely.
20 I spoke to her this morning. I understand they are getting
21 legal advice and they will have more to say in the coming
22 days.

23

24 RAY HADLEY: Okay. Well, it's just that a lawyer, who is
25 obviously not attached to the council but lives in the
26 area, wrote to me and said, "Ray, if there's one single
27 breach, the government is entitled to and should act almost
28 immediately." How many breaches have we found so far?

29

30 MATT KEAN MP: We've had eight breaches so far, Ray, and
31 I've connected my SafeWork inspector, the head of SafeWork,
32 Peter Dunphy, to Minister Upton this morning. So that's
33 being worked through as we speak.

34

35 RAY HADLEY: Okay. Now - good, thank you for the update
36 on that. If I can then go to this Blue Mountains District
37 Anzac Memorial Hospital. I don't know if you heard my
38 comments earlier about what's been discovered and the
39 report that we have in front of us, but it would appear
40 that, somehow, this one has slipped through the cracks as
41 well. It appears there's friable asbestos up hill and down
42 dale. Are you aware of this one at all?

43

44 MATT KEAN MP: Yeah, Ray. I heard your comments earlier.
45 The brief update I had while I was waiting on hold was that
46 there was a report done in 1997, for goodness sake,
47 identifying these issues. So I've just called my head of

1 SafeWork to go and find out what's going on. The SafeWork
2 inspectors will be onto that today, Ray, and I'll come back
3 on your program and give you a further update later in the
4 week, if that's okay.

5
6 RAY HADLEY: Okay. Well, I'm here until Friday. I'd
7 expect, based on our conversation this morning, that
8 Minister Upton may move against the council between now and
9 when we go off air on Friday. But, anyway, I know that
10 Mark Levy will be all over it next week as well. But
11 I appreciate your time today --

12
13 MATT KEAN MP: No, thanks for --

14
15 RAY HADLEY: -- and we'll talk again later in the week.
16 Thank you.

17
18 MATT KEAN MP: Good on you, mate, bye.

19
20 RAY HADLEY: Thanks. That's Matt Kean, the Minister for
21 Better Regulation, responsible for SafeWork New South
22 Wales. I've got to say that until he got involved, well,
23 I was banging my head against a brick wall, and as soon as
24 he found out about this, he got SafeWork up there, they've
25 closed down Wentworth Falls Preschool. They've now got
26 eight breaches, and according to the lawyer who lives in
27 the area that's emailed me, he said, "Ray, one breach is
28 all that's required - one breach - to sack the council and
29 appoint an administrator."

30
31 There's a smell about Blue Mountains City Council.
32 It's odious. It's just absolutely - there's an odour there
33 that needs to be investigated about the mayor, his links
34 with the Labor member in the area and the sort of
35 appointment of friends from within the energy sector to key
36 positions at Blue Mountains City Council.

37
38 "Marky the Sparky": the union's called a number of
39 times, United Services Union, for him to go, and somehow
40 there's a protection racket being run out there to protect
41 him. He's the bloke that was contracted to the council to
42 examine this. Found no problems. And he's the bloke now
43 employed by the council who also found no problems. "Marky
44 the Sparky" should be put on the XPT, sent back to
45 Bathurst, and there he should stay.

46
47 (Music)

1
2 RAY HADLEY: And Zoe's done an incredible job in all of
3 this, who is one of my team here, and - they all do great
4 jobs, but Zoe has been absolutely forensic through all of
5 this, and I would say that there are people now in Blue
6 Mountains City Council that fear her phone calls, because
7 she knows more about asbestos and Blue Mountains City
8 Council than anyone working for the council ever knew,
9 including "Marky the Sparky", and if someone - you can't
10 pinch her off me, but if someone in Blue Mountains City
11 Council wants to appoint someone with absolutely no history
12 with discovering asbestos, she might be the one you need to
13 pinch, because she knows more about it than any individual
14 in the council. She knows more about it than any
15 individual in the council, which tells you that someone in
16 the council isn't really dotting the "i"s and crossing the
17 "t"s.

18
19 131873 is that open line number; 2GB.com, click onto
20 the "feedback" icon if you would like to join us. And
21 I repeat, and I've now confirmed it: if there is -
22 according to the Local Government Act, we've just checked,
23 if there is one breach, the minister can sack the council
24 today. Well, there is more than one breach. There's eight
25 breaches so far, and the investigation continues.

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27 END OF AUDIO
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INQUIRY UNDER SECTION 438U OF THE LOCAL GOVERNMENT ACT

BLUE MOUNTAINS CITY COUNCIL

TRANSCRIPT OF 2GB RADIO BROADCAST

Aired on 17 November 2017

Participants: Mr Ray Hadley
 Mr Steve Donley (USU)

1 RAY HADLEY: As I've said, I've found corruption within
2 the Blue Mountains council, and we go through it in leaked
3 emails.
4

5 This all started with asbestos being illegally dumped
6 at Blackheath and Lawson. Then we found out it was at
7 Springwood as well, and workers were not told, after they
8 found it two and a half years ago, that there was asbestos
9 at that Springwood depot. Men, women, and younger men have
10 been subjected to it, and it was May this year that the
11 council decided to come clean.
12

13 It led me to a whole range of other things: the boys'
14 club, where it appeared that people who had a connection
15 with the electricity sector seemed to be favoured to gain
16 management positions. Like I say, it started with a look
17 at asbestos in that area.
18

19 I've got an email dated 4 November last year, sent to
20 a bloke called Mark Bruhn, who's now left the council. The
21 email says:
22

23 *I'd like to request your approval to raise*
24 *two orders from the following*
25 *requisitions ...*
26

27 And it goes into the various requisitions:
28

29 *The requisition is for internal auditing to*
30 *the value of \$80,000. There are no*
31 *references to quotations received on the*
32 *requisition as required by council's*
33 *written quotation protocol.*
34

35 *Additionally, there is a second order this*
36 *year on Centium --*
37

38 now, Centium's the mob that did the investigation into
39 asbestos --
40

41 *for internal auditing. The previous order*
42 *was valued at \$59,000. This year, the*
43 *expenditure is over 140, well in excess of*
44 *council's tender limit. It also raises the*
45 *issues, as spelled out in the*
46 *abovementioned procurement review, of*
47 *potential order splitting.*

1
2 Second, there's a request and a requisition from
3 a bloke called John Hargreaves. Now, he's the golfing
4 partner of Stuart Liddell. He's also a council officer.

5
6 *This is for consulting on MA&SE Mulligan --*

7
8 that's "Marky the Sparky" and obviously his partner --

9
10 *to the value of \$65,000. Once again, no*
11 *reference to quotations received. The*
12 *tender quote is quoted "NA" - not*
13 *applicable. There was no tender.*

14
15 Now, the author of this one, this email, sent it to
16 Mr Bruhn and copied it to quite a number of other council
17 officers.

18
19 Now, it somehow went from him to Mr Liddell.
20 Mr Liddell wrote, "Comments please". It also went to the
21 outgoing general manager, Robert Greenwood. He said:

22
23 *Mark will raise with you. I told him not*
24 *to respond until he spoke to you. I assume*
25 *we went through a due process for*
26 *engagement.*

27
28 He sent this to Stuart Liddell. "Comments please."

29
30 This came from a bloke called Grant McKay, another one
31 of the boys' club, to Stuart Liddell:

32
33 *Regarding safety, as you will recall, two*
34 *submissions were sought. They responded in*
35 *writing, were interviewed by John --*

36
37 that would be John Hargreaves --

38
39 *and I. Mark was chosen, without a view, at*
40 *the time, how long he was to be engaged*
41 *for.*

42
43 That's "Marky the Sparky":

44
45 *The full extent of the P0 may ultimately*
46 *not be drawn down upon.*
47

1 The final email I've got goes from Mark Bruhn to
2 Stuart Liddell. This is what Mark Bruhn says to
3 Stuart Liddell, and this dated 7 November 2016:

4
5 *G-day,*

6
7 *As per our discussion, this is the email*
8 *trail --*

9
10 and they name the person that started the email trail.
11 He's a cleanskin trying to get to the bottom of it.
12 I won't identify him:

13
14 *The way forward, from my perspective, is --*

15
16 this is what Mark Bruhn said to Stuart Liddell, the senior
17 manager, and recently appointed acting general manager, and
18 now stood down by his own account --

19
20 *1. Written quotations guidelines as*
21 *follows --*

22
23 and he downloads some particular piece of information:

24
25 *2. Normal practice is for quote numbers or*
26 *TRIM records to be referred in the text of*
27 *the requisition.*

28
29 Not "NA", for example, as was the case here. He says:

30
31 *I suggest --*

32
33 the person who issued the original document, whom I won't
34 name --

35
36 *produces a document for each purchase.*

37
38 Now, just so I've got it right:

39
40 *I suggest Grant --*

41
42 Grant McKay --

43
44 *produce a document for each purchase,*
45 *analysis and acceptance of written*
46 *quotations report, as per page 6 of the*
47 *document I've sent to you, for you to*

1 *approve/accept. This will enable*
2 *a background, a rationale for each process*
3 *to be recorded.*

4
5 *Once you are satisfied that this is done,*
6 *the requisition is updated with quote*
7 *reference from TRIM file, and let me know*
8 *and I can remove the hold.*

9
10 What these blokes have done, they've been warned by an
11 officer of the council that they haven't followed procedure
12 in procuring the services of a number of people. And what
13 the advice is, a suggestion that Grant McKay produce
14 a document for each purchase: in other words, get
15 a document that proves that they did do it correctly.
16 A document for each purchase called, "Analysis and
17 acceptance of written quotations report".

18
19 We started looking at this council because of
20 asbestos. We now find corruption. The minister should
21 intervene immediately and stand down the council, based on
22 this and this alone. Forget about the asbestos, because in
23 40 years' time, some of these poor buggers who were either
24 at Springwood, Lawson or Blackheath could be confronting
25 the most dire of circumstances, but this proves that this
26 council is corrupt; that they give jobs to their mates, to
27 their golfing partners, to their former colleagues from
28 Country Energy or Endeavour Energy, and it's been going on
29 for quite some time.

30
31 Now, last night there was a farewell for the outgoing
32 general manager, Robert Greenwood. The MC was the mayor,
33 Mr Greenhill. Out of 550 staff that work at the council,
34 about 30 entered the venue. It was held at the Blue
35 Mountains Cultural Centre and drinks and food provided.

36
37 This is quite remarkable. The stood-down
38 Stuart Liddell attended and had drinks with the very people
39 embroiled in these issues, and he shouldn't be speaking to
40 those people. If you either stand down on a voluntary
41 basis, as he's done, or you're forced to stand down, it
42 means you hand back your phone, your keys, and you have no
43 contact with council staff in any way while investigations
44 are finalised.

45
46 The mayor knows that Stuart Liddell should not have
47 been there last night. "Marky the Sparky" was there as

1 well.

2

3

4

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47

Stuart Liddell was formerly the HR chief. He writes the letters to stand down staff and delivers them to staff. There's no excuse for this. Don't forget, he also signs directors to gag orders, and used over \$200,000 of public funding to secure their silence. That's money I believe paid to the aforementioned Mark Bruhn.

Now, this is not me speculating. These are documents that have been leaked to me by the council, by people in the council who are very concerned about the level of corruption at the council, and that needs to change and change immediately.

The documents will be forwarded to the minister. She's unavailable to speak to me today. We will be following it up, if not today, certainly again on Monday. It's a damned disgrace.

Workers are being left in the lurch out there over asbestos. That's where we started. We had no idea where we were heading, and now we find other things happening, including corruption, where documents are being doctored on the advice of people within the council.

The metropolitan manager of the United Services Union, who was the acting general secretary - his permanent position is metropolitan manager now - is on the line. Steve Donley, g-day.

STEVE DONLEY: G-day, Ray, how are you?

RAY HADLEY: Not bad. I don't know if you heard my comments this morning in relation to what's been discovered by my staff and given to me by one of the people who no longer works at council.

STEVE DONLEY: Thank you, I --

RAY HADLEY: Who - yeah.

STEVE DONLEY: Sorry, mate. Yeah, I heard you've got some emails about Grant and Stuart --

RAY HADLEY: Mmm.

1 STEVE DONLEY: -- and the interview panel for Mark - the
2 position, yes.

3

4 RAY HADLEY: Yeah, Mark Mulligan. Well, without going
5 through it all again, Steve, what it is, for people that
6 may have missed it, there's a process that has to be
7 followed before you employ people, a tender process, and
8 a gentleman on the executive discovered that this process
9 had not been followed.

10

11 STEVE DONLEY: Mmm-hmm.

12

13 RAY HADLEY: He passed it back to the general manager, who
14 gave it to the human resources manager, who is the
15 stood-down acting general manager, Liddell, who gave it
16 back to this bloke, Mark Bruhn, who's the one that's left
17 the council - and I don't know whether he's the one that
18 sent it to me, but I guess he's the most likely source,
19 given that he's no longer employed by the council;
20 hasn't much - not much to lose. And it illustrates that
21 they have connived - council officers - to backdate all of
22 the information so that people would think there'd been
23 some sort of process or selection process that adhered to
24 the council policy. That's what it appears from the email
25 trail I've got. It all happened in November, and if you
26 follow it through - November last year - you'll - you can
27 see it, and I will make it available to the minister, who
28 is not available to me today.

29

30 But this started, Steve, by looking at asbestos in
31 three areas - Lawson, Blackheath and Springwood - and the
32 fact that people knew about it in May, or officially knew
33 about it, but knew about it well before that, and never
34 told the workers. We believe at least two or three years
35 ago they knew about the asbestos.

36

37 But what we have discovered, Steve Donley, is by going
38 through that, reams of information have come to me, and it
39 illustrates that asbestos is a major problem, and the
40 treatment of workers is a major problem, but corruption's
41 also a major problem inside Blue Mountains council.

42

43 STEVE DONLEY: Yeah, well, we've certainly sent letters
44 off requesting that, and we had a meeting with the mayor
45 and the general manager on Tuesday, Ray.

46

47 RAY HADLEY: Mmm.

1
2 STEVE DONLEY: And they told us that they were certainly
3 investigating the appointment of Mark Mulligan, but also -
4 they're also hiring a private company to do the
5 investigation into the allegations of the asbestos, of when
6 it was actually noted.

7
8 RAY HADLEY: Did you accept that the asbestos - they -
9 someone in council, senior people, knew about this asbestos
10 either in 2014 or 2015? Do you accept that?

11
12 STEVE DONLEY: We believe that's the case but we have no
13 direct evidence. We've been requesting the evidence.

14
15 RAY HADLEY: Yeah.

16
17 STEVE DONLEY: We're still waiting for that evidence.

18
19 RAY HADLEY: Mmm.

20
21 STEVE DONLEY: And we request more, with more letters, and
22 then now what we're being told is that they're going to
23 hold - they're going to get their solicitors to get some
24 private companies in to do the private investigations into
25 it. So it's all done up in a report.

26
27 RAY HADLEY: Have you got - confident that this - that the
28 solicitors - they've been the solicitors for council, I'm
29 not suggesting anything untoward with them, they've been
30 there for decades - are you happy with them appointing an
31 independent investigator?

32
33 STEVE DONLEY: Yeah, because we've done our investigation
34 on Clyde & Co, the company that there - or the gentleman
35 that is going to do the investigation for the asbestos.

36
37 RAY HADLEY: Mmm.

38
39 STEVE DONLEY: And he's a highly respected health and
40 safety lawyer, so we don't have a problem with him doing
41 the investigation.

42
43 We've got - we've got certain information as well. So
44 once the investigation - once their investigation's done
45 and they do a - give us an outcome, if it doesn't marry
46 with what our - what we've got, then of course we will
47 challenge.

1
2 RAY HADLEY: Okay. I - just to clear up what I've said,
3 okay, in a timeline between 4 November last year and
4 7 November, a very decent person inside council, who
5 obviously is responsible for making sure that things are
6 hunky-dory, identified that there had been money paid to
7 MA&SE Mulligan to the value of \$65,000. There's no
8 reference to quotations received. The tender quote
9 received is quoted as "NA", not applicable, and there are
10 others that he asked about as well, and a question - to
11 that question, it passes down the chain to the general
12 manager, who then goes to Liddell, who was then in charge
13 of human resources, as I understand it, and it ended up on
14 the desk of Mark Bruhn.

15
16 Mark Bruhn wrote back to Stuart Liddell and said:

17
18 *As per our discussion - g-day - here's the*
19 *email trail.*

20
21 And he names the person:

22
23 *The way forward, from my perspective, is,*
24 *I suggest Grant --*

25
26 that would be Grant McKay --

27
28 *produces a document for each purchase.*

29
30 So, in other words, there was no document for each
31 purchase, and he's asking Stuart Liddell to get Grant McKay
32 to produce documents, well and truly after the appointment
33 of these people, that would seem to indicate that protocols
34 were followed, when, in fact, they were not. He says:

35
36 *I suggest Grant produce a document for each*
37 *purchase --*

38
39 STEVE DONLEY: Yep, and --

40
41 RAY HADLEY: --

42
43 *... for you to approve and accept.*

44
45 "For you to" - so, in other words, "We didn't do it
46 correctly, but what I say to you, Mr Liddell, is I suggest
47 Grant produces a document for each purchase, for you to

1 approve and accept", after the money had already been paid.

2

3 STEVE DONLEY: After it's been paid. Yep. Yep. Well,
4 certainly we have - not that exact information that you've
5 got; certainly your intelligence on it, around the
6 recruitment stuff, is very, very good. We've got - we've
7 been told about this, we wrote letters, and now when we
8 raised it again the other day we got told that they can't
9 give us anything yet, pending the investigation. Once the
10 investigation - then we'll receive the letters and that.
11 But your information and our information is coming pretty
12 close.

13

14 RAY HADLEY: Okay. All right, then. Well, we'll keep
15 chasing it. And, as I said, my major concern at the moment
16 is still for these poor workers who weren't told about the
17 asbestos at Springwood, and also at Blackheath and at
18 Lawson, but mainly at Springwood, which is a depot where
19 men, women, young men, apprentices, were all the time, and
20 their families are greatly concerned. That's one aspect of
21 it. But in uncovering that mess, we uncover what appears
22 to be, and is, in my opinion, corruption among senior
23 council officers that needs to be identified. And I'm
24 calling on the minister, and she's out of the state today,
25 I understand. I'm calling on the minister on Monday to
26 appoint an administrator to take charge of this council
27 before documents start to get burned, destroyed and a whole
28 range of other things could happen.

29

30 Unfortunately for them, I've got the documents here in
31 front of me, sent to me, I believe, by someone who's no
32 longer employed by the council, who decided to blow the
33 whistle on them.

34

35 STEVE DONLEY: Mmm. Well, I don't think they'll be
36 burning any paperwork now, Ray.

37

38 RAY HADLEY: Well, not that they know I've got it, and
39 it's just disgraceful.

40

41 And the other thing about this Liddell bloke, who
42 stood himself down as acting general manager, he attended
43 the farewell last night for the general manager,
44 Mr Greenwood, and under guidelines of the council, he's not
45 supposed to have anything to do with anyone while this
46 investigation is conducted into his behaviour.

47

1 STEVE DONLEY: Yes. In general rules of thumb, when
2 they - when somebody is stood down, they're told to -
3 they're not allowed to have contact with anyone within
4 council; they're not to come to council until they get
5 their - the directions from the general manager.

6
7 RAY HADLEY: Mmm, yeah, well, he was at the farewell --

8
9 STEVE DONLEY: So we were - we were tipped off --

10
11 RAY HADLEY: -- last night and he was there with
12 Mark Mulligan and a whole range of other people that he
13 shouldn't have had contact with, that he did have contact
14 with.

15
16 STEVE DONLEY: No, I agree. We're a bit shocked about it
17 as well. We got - we were told that this morning as well.

18
19 RAY HADLEY: All right, Steve, we'll stay in contact.
20 Thanks for your time.

21
22 STEVE DONLEY: All right. Thanks, Ray. Cheers.

23
24 RAY HADLEY: All the best. Steve Donley, who is the
25 metropolitan manager of the United Services Union; was,
26 when we first started the discussion, the acting general
27 secretary.

28
29 I've been leaked another email out of Blue Mountains
30 council, this time from "Marky the Sparky", who was in
31 Bathurst earlier this week, of course, during working
32 hours. Anyway, "Marky the Sparky" has said:

33
34 *Stuart and I did work together at Essential*
35 *Energy. We've never made any secret of*
36 *this fact. However, understanding it was*
37 *an organisation of 4,500 people, I worked*
38 *directly with Stuart, 2003 and 2004, from*
39 *the Bathurst office, and after that located*
40 *in different towns and offices. Stuart*
41 *ceased working at Essential Energy in 2009.*

42
43 So there is an association, but there is no boys' club and
44 never was. Well, "Marky the Sparky", there is, mate.

45
46 Now, this is what he says:

47

1 *I can also confirm I won't be taking stress*
2 *leave, so whomever the weasels are that are*
3 *running this BS to Hadley, I'm not going to*
4 *back down, and they're not going to see the*
5 *back of me any time ...*
6

7 Well, you see, the problem for you, "Marky the Sparky", is
8 this: the weasels to whom you refer have now leaked me
9 more documents, today, and when you wrote this, you
10 wouldn't have known about that, "Marky the Sparky",
11 Mark Mulligan.

12
13 But an email was sent to Mark Bruhn, who's now left
14 the council - was paid out and moved on his merry way -
15 from a very responsible member of council, who said:

16
17 *Secondly, we got a note from*
18 *John Hargreaves, a requisition ...*
19

20 132145, the requisition number --

21
22 *This is for consulting services to*
23 *MA&SE Mulligan --*
24

25 That would be you, "Marky":

26
27 *-- to the value of \$65,000. Once again, no*
28 *reference to quotations received. The*
29 *tender quote reference is quoted "NA".*
30

31 Not applicable.

32
33 Now, "Marky the Sparky", you would know - you would
34 know that there has to be a tender process. Now, there is
35 no fault of you, because you weren't part of the process,
36 except that you got the job. But as I've already
37 indicated, Mark Bruhn then sent to your old mate, from the
38 boys' club, Stuart Liddell - and, by the way, his name is
39 spelt S-T-U-A-R-T. Given you are part of a boys' club, you
40 keep spelling it S-T-E-U - or E-W-A-R-T, but, anyway,
41 that's another point. But Mark Bruhn said in his email to
42 Stuart Liddell about the fact that you got a \$65,000
43 stipend without a quotation or a tender process, he said:

44
45 *I suggest Grant McKay produce a document*
46 *for each purchase, analysis and acceptance*
47 *of written quotations, for you to approve*

1 *and accept.*

2

3 So this was well and truly after you had copped the
4 \$65,000 - well and truly after you had copped it.

5

6 So, "Marky the Sparky", the weasels to whom you refer
7 are people who understand the money that's being paid to
8 weasels like you comes from the ratepayers of Blue
9 Mountains, and they're not happy, I wouldn't think, about
10 you getting money without a quote being asked for, because
11 of your association with Stuart, spelt S-T-U-A-R-T,
12 Liddell.

13

14 (Music)

15

16 RAY HADLEY: And all you're doing, "Marky the Sparky", is
17 making me angrier, and we'll get you, and we'll get your
18 mate Stuart, and we'll get the others, because they have
19 acted reprehensibly on behalf of the ratepayers of Blue
20 Mountains.

21

22 END OF AUDIO

23

24

25

26

27

28

29

30

31

32

33

34

35

36

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INQUIRY UNDER SECTION 438U OF THE LOCAL GOVERNMENT ACT

BLUE MOUNTAINS CITY COUNCIL

TRANSCRIPT OF 2GB RADIO BROADCAST

Aired on 20 November 2017

Participants: Mr Ray Hadley
 Ms Gabrielle Upton MP

1 RAY HADLEY: For the last couple of weeks I've been
2 talking in detail about Blue Mountains City Council, and
3 I have revealed, with the help of whistleblowers inside
4 council, serious misconduct within the council. I'm in
5 possession of a report, which I detailed last week, showing
6 council knew about asbestos contamination in its Springwood
7 depot as early as 2014, but didn't take any action
8 until May this year, almost three years. Information I've
9 received suggests council has also known about asbestos at
10 many other sites, but failed to act, including a preschool.

11
12 I also have been reporting a boys' club within senior
13 ranks of council who have used bullying tactics to prevent
14 staff from speaking out. This group consists, allegedly,
15 of Stuart Liddell, who's now stood down as acting general
16 manager; Grant McKay; John Hargreaves, a golfing partner of
17 Mr Liddell's; Robert Greenwood, the outgoing general
18 manager; and Mark Bruhn.

19
20 On Friday, I revealed emails between some of the men
21 which confirmed they didn't follow required procedures when
22 awarding lucrative contracts to Mark Mulligan, known as
23 "Marky the Sparky". Mark Mulligan previously worked with
24 Stuart Liddell at Essential Energy, and I am told they are
25 very close friends.

26
27 While Robert Greenwood and Mark Bruhn are no longer at
28 council - well, Greenwood's about to go and Bruhn went
29 earlier this year with a payment - and Stuart Liddell has
30 been stood down, Mark Mulligan remains as the director,
31 service delivery.

32
33 I wanted to speak to the Minister for Local
34 Government, Gabrielle Upton, about this one, and the
35 minister's online. Minister, good morning.

36
37 GABRIELLE UPTON MP: Morning, Ray.

38
39 RAY HADLEY: Have you got the documents that I've been
40 referring to, or has your office got copies of it?

41
42 GABRIELLE UPTON MP: I believe the Office of Local
43 Government has those documents, Ray, and possibly more.
44 Look, it is - they are, and there are a lot of them there,
45 very serious allegations.

46
47 RAY HADLEY: Well, they're a bit more than allegations.

1 I've got in front of me an email from a purchasing
2 coordinator, leaked to me by someone who's no longer
3 employed by council. It talks about consulting services
4 for MA&SE Mulligan to the value of \$65,000. This was when
5 he was not full time, but a contractor. Once again, no
6 reference to quotations received, the tender quote referred
7 to "NA", not applicable. This is the second order raised
8 this year, on this supply, with possibly no quotes
9 received, which once again raises the possibility of
10 supplier favouritism.

11
12 I then have a report from Mark Bruhn. Mark Bruhn, in
13 answering the request from this particular purchasing
14 coordinator, said:

15
16 *Written quotation guidelines as follows --*

17
18 he has downloaded something --

19
20 *normal practice is for quote numbers or*
21 *TRIM records to be referred to in the text*
22 *of the requisition. I suggest Grant --*

23
24 that would be Grant McKay --

25
26 *produce a document for each purchase,*
27 *analysis and acceptance of written*
28 *quotations report, for you to approve and*
29 *accept.*

30
31 That was after this bloke's already been employed. So they
32 are asking someone, the purchasing coordinator, to do
33 something that's quite illegal - to raise documents that
34 should have been done before this bloke's company was
35 contracted to the council.

36
37 Now, it gets a bit worse than that. This all started,
38 as you would appreciate, minister, when we were told about
39 asbestos contamination at Springwood, Lawson and
40 Blackheath.

41
42 Now, I've got documents in front of me that you may
43 not have yet, but it talks about exactly what's happened at
44 the place, Blue Mountains council:

45
46 *Staff at the Blue Mountains City Council*
47 *have major concerns about the way the*

1 *council has managed the asbestos management*
2 *process at the site. We're concerned that*
3 *the council's senior management is not*
4 *taking its responsibility to ensure the*
5 *health and safety of all employees.*
6 *Between March 2014 and November 2015, the*
7 *Blue Mountains council received three*
8 *asbestos audits and reports from Airsafe*
9 *that identified in over 100 buildings and*
10 *work sites. These reports formed the basis*
11 *of the asbestos register. The register*
12 *identified a number of corrective actions*
13 *that needed to be done. However, this*
14 *information was not made available or*
15 *forwarded to staff until May of this year.*
16 *An asbestos register was not created or*
17 *distributed out to the affected workers*
18 *until June of this year. The Blue*
19 *Mountains council did not have an asbestos*
20 *management plan until October of this year.*

21
22 And I can add to the concerns for - apart from the workers
23 at Springwood, at Lawson and Blackheath, because today
24 I will reveal that there is a preschool in the area that
25 had a concern about asbestos, and again, the council took
26 no action in identifying and correcting what had been
27 identified.

28
29 Now, Katoomba Falls Kiosk is another one that I've got
30 in front of me; the Solitary Restaurant is another one; the
31 Warrimoo Citizens' Hall is another one. It just goes on
32 and on and on. The Springwood depot gardener's shed, which
33 I've spoken about, and now this one, Wentworth Falls
34 Kindergarten Preschool, the serious matter regarding
35 children at the Wentworth Falls Preschool Kindergarten
36 potentially being exposed to asbestos. December 2014,
37 Airsafe inspected the Wentworth Falls Kindergarten
38 Preschool and found large amounts of asbestos material in
39 and outside the building. Nothing was done for 18 months.
40 Nothing was done for 18 months.

41
42 Now, I've been calling on you for a week to take some
43 action. This council --

44
45 GABRIELLE UPTON MP: Well, Ray --

46
47 RAY HADLEY: -- Minister, needs to be sacked.

1
2 GABRIELLE UPTON MP: Yes, so, Ray, look, they are
3 incredibly serious things that you raise. There is already
4 a preliminary investigation under way. That is the formal
5 process under the Act, the Local Government Act, and today,
6 we have a senior investigator from the Office of Local
7 Government who is going to council. It is to further
8 gather the evidence, because steps beyond this require that
9 evidence to stack up, so that we can make sure the
10 seriousness is met with the consequence. So that is taking
11 place today as we speak.
12

13 RAY HADLEY: Well, the problem is that anyone that spoke
14 out has either been terminated or put on extended leave or,
15 in the case of Mark Bruhn, paid out and sent packing, and
16 signed a confidentiality agreement. But I've got all these
17 documents, and they come from inside council, because staff
18 have had a gutful of the actions of the general manager
19 who's going; of Liddell, who's suspended himself; of
20 Greenhill, the mayor; and a whole range of other people who
21 have put the workers, the staff, and kids, now, at risk.
22 I might also mention that Wentworth Falls Preschool, 2014;
23 asbestos is identified at Katoomba Leura Preschool as early
24 as 2007. Kids there were put at risk. And every document
25 you find - and we've known about asbestos, Minister,
26 I checked this morning, since 1943 and earlier. 1943 we
27 first identified the dangers of asbestos.
28

29 This mob have allowed workers, and a whole range of
30 other people, to be at risk, and they won't know for
31 decades and decades and decades whether they've been
32 affected by it.
33

34 GABRIELLE UPTON MP: Ray, and that is why I've taken those
35 steps today. As I said, there are a range, a very broad
36 range, of matters that are raised here, some of which
37 you've raised this morning on radio and over the last
38 while, and that is why we have a senior investigator there
39 today. That is so that we can assess formally what we can
40 do. It's the legal process we're going through.
41

42 I don't want to say too much on air, as you
43 appreciate, about that process, but we have to do the
44 process to be able to get to an outcome, which, as you say,
45 would seem to indicate there will be some incredibly
46 serious consequences for people involved.
47

1 RAY HADLEY: Well, let's hope so. Could you let us know
2 when you have got to that stage?

3
4 GABRIELLE UPTON MP: I will, Ray. I will keep you in
5 touch, yes.

6
7 RAY HADLEY: Okay, thank you. That's the Minister for
8 Local Government, Gabrielle Upton. The investigation
9 starts today and I hope that it's finished before
10 Christmas, and I hope some people are sent packing well and
11 truly before then.

12
13 END OF AUDIO
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INQUIRY UNDER SECTION 438U OF THE LOCAL GOVERNMENT ACT

BLUE MOUNTAINS CITY COUNCIL

TRANSCRIPT OF 2GB RADIO BROADCAST

Aired on 13 December 2017

Participants: Mr Ray Hadley
 Councillor Kerry Brown

1 (Advertisement)

2
3 RAY HADLEY: Breaking news, 14 to 10, 14 to 9 in
4 Queensland, and I've been calling this for the last three
5 weeks, and it's finally happened.
6

7 In New South Wales, the Local Government Minister,
8 Gabrielle Upton, has issued Blue Mountains City Council
9 a notice of intention to suspend it following serious
10 allegations relating to its asbestos management practices.
11 The council now has seven days to respond to the notice and
12 put forward an alternative case, or face being suspended
13 and an interim administrator appointed. Councillors will
14 remain in place during the seven-day response period.
15

16 The minister said:

17
18 *I am concerned the council is not*
19 *functioning effectively following the*
20 *volume and scope of recent regulatory*
21 *notices issued by SafeWork New South Wales*
22 *and the EPA, including SafeWork's decision*
23 *to launch a full investigation into the*
24 *council's management of asbestos, the*
25 *significance of the problem identified in*
26 *these notices and the level of community*
27 *concern.*
28

29 *Under the Local Government Act, a council*
30 *can be suspended for three months, an*
31 *interim administrator appointed, to restore*
32 *its proper or effective functioning. The*
33 *Act requires the Minister to give notice of*
34 *intention, providing the Council with the*
35 *opportunity to make any submissions on the*
36 *intention to suspend.*
37

38 In other words, we are very, very, very close to an
39 administrator being appointed for the dysfunctional Blue
40 Mountains City Council. I will be talking to one of the
41 councillors who's done a fantastic job, the Greens
42 Councillor, Councillor Brown, in the next hour of the
43 program.
44

45 Now, I mentioned earlier that we'd had some success in
46 relation to Blue Mountains City Council and their absolute
47 disregard for their constituents and workers in relation to

1 asbestos.

2

3 I now have an all-staff memo from the acting general
4 manager, Rosemary Dillon. She says:

5

6 *Dear staff,*

7

8 *I regret to inform you, I have this morning*
9 *been advised by the Office of Local*
10 *Government they will today serve the*
11 *Council with a notice of intent to suspend*
12 *Councillors of the Council. The proposed*
13 *suspension is for a period of three months,*
14 *during which time an interim administrator*
15 *would be appointed under the Local*
16 *Government Act. The Council has seven days*
17 *to respond. I will address staff in the*
18 *Council Chambers at 11am. Attendance is*
19 *optional but encouraged.*

20

21 *Directors and group managers will also be*
22 *briefed as a matter of priority.*

23

24 *Please be assured that the mayor and I are*
25 *working for the very best outcome for the*
26 *council, for our staff and for the city.*

27

28 *While this has come as a shock, given how*
29 *hard we have been working --*

30

31 oh, yeah, blah, blah, blah, blah, blah. They haven't
32 implemented the asbestos plan they should have implemented
33 four years ago, and they still haven't implemented it
34 today. Well, they pretended they have, but they haven't.

35

36 Now, as I've been telling you, I have concerns about
37 serious misconduct, apart from the asbestos out there.
38 Council failed to act for years after being alerted to
39 potential asbestos exposure on a number of sites, including
40 preschools. Wentworth Falls Preschool is now closed. I've
41 been reporting about a boys' club within the senior ranks
42 of council, who have been using bullying tactics to prevent
43 staff from speaking about their concerns about asbestos.
44 The group I allege consists of Stuart Liddell, who's
45 suspended, at the moment on pay; Grant McKay;
46 Mark Mulligan, a mate of Liddell's, appointed by Liddell,
47 known as "Marky the Sparky"; Robert Greenwood, who's

1 retired; and Mark Bruhn, among others.

2

3 Last month I detailed emails between some of these men
4 which confirmed they didn't follow required procedures when
5 awarding lucrative contracts to Mark Mulligan.

6

7 I can now reveal I'm in possession of a mayoral minute
8 from a confidential council meeting in August where
9 a restructure of the organisation was approved. This
10 restructure included an important change to the director of
11 service delivery role, which was given to "Marky the
12 Sparky" - Mark Mulligan.

13

14 The mayoral minute says:

15

16 *The new Director of Service Delivery will*
17 *be recruited on an interim basis, which*
18 *provides the incoming General Manager --*

19

20 that's Stuart Liddell, who's suspended at the moment --

21

22 *the ability to determine the incumbent for*
23 *that position.*

24

25 This change enabled retiring general manager,
26 Robert Greenwood, and soon to be acting general manager,
27 Stuart Liddell, to quietly appoint Liddell's mate,
28 Mulligan, to the role.

29

30 The Blue Mountains Greens Councillor, Kerry Brown,
31 opposed the restructure and changes to the director's role,
32 and even introduced a rescission motion in October.
33 Councillor Brown has been working tirelessly to maintain
34 pressure on council over staff appointments and asbestos
35 exposure issues.

36

37 You may remember I played you audio of
38 Councillor Brown being shouted down by the mayor,
39 Mark Greenhill, after she raised concerns about council's
40 failures in managing asbestos. At last night's council
41 meeting she introduced two more motions. We're going to
42 find out about them in a moment.

43

44 I wanted to speak to the Greens Councillor, Kerry
45 Brown, this morning. Now, let me tell you about this lady,
46 and I want to declare this: it wouldn't matter to me who
47 Kerry Brown is aligned to, she could be Green, brown,

1 Callithumpian, Labor, Liberal or Conservative. The reason
2 I rely upon Kerry Brown is because I am told by people in
3 the community: "This is a very community-minded person.
4 She is a can-do person; not 'I will do ', she does things.
5 She tells her constituents what she's going to do, and she
6 does it", and the locals tell me she epitomises what local
7 councillors should be all about, selflessly serving the
8 community.

9
10 Kerry Brown, good morning.

11
12 COUNCILLOR BROWN: Oh, good morning, Ray. Thank you for
13 that little tribute. That was very, very kind of you.

14
15 RAY HADLEY: Well, that's what they tell me, Councillor.
16 I don't live out there, but your locals tell me, "This is
17 a woman that does things and gets things done." So
18 I commend you for that.

19
20 Now, if I can get to the motions last night, similar
21 to your motion that was voted down in November or October,
22 proposing council's work health and safety - what was the
23 outcome of the motion you put to council last night?

24
25 COUNCILLOR BROWN: They did agree to it. There was
26 a slight - there were two motions. One was to look at
27 getting full work health and safety Australian Standard
28 accreditation.

29
30 RAY HADLEY: Right.

31
32 COUNCILLOR BROWN: Which would mean that we really went
33 across all the risks that we have in our properties and we
34 have independent auditors coming in, you know, forever -
35 like not just once, but that we have to meet the top
36 standards, which means we have to spend a lot more on
37 training and on getting a risk register. And so there has
38 been resistance, but certainly last night - I think the
39 councillors are finally beginning to understand: actually,
40 we are the governing body. And, to be honest, I think
41 we've been slow to realise that, and so people are now
42 a bit shocked to think, "Yes, if we haven't got work health
43 and safety in place, ultimately, the buck did stop with
44 us." So they did agree to it last night.

45
46 RAY HADLEY: Oh, good.

1 COUNCILLOR BROWN: But it seems, now, we may have come in
2 a bit late on that.
3
4 RAY HADLEY: Yeah.
5
6 COUNCILLOR BROWN: In terms of what the minister's now
7 deciding.
8
9 RAY HADLEY: Well, I've got to tell you, and you'd know
10 that, that I've been advocating that the - you know, the
11 council be replaced by an administrator on a short-term
12 basis. Because I've got to tell you, while I have complete
13 confidence in you - and I've told the minister that,
14 Councillor Brown - I have no confidence in your mayor, none
15 whatsoever. None at all.
16
17 COUNCILLOR BROWN: Yeah, I mean, I suppose I wouldn't
18 speak to a personality on this. I do think that there's
19 really long-term cultural problems, and - which you and
20 your researcher, Zoe, have done amazing work identifying,
21 and clearly the workers have come to you. And that's for
22 me - you know, as we've said before, you and I have very
23 different political views, probably, but on this one, it
24 really comes down to the workers and the community.
25
26 RAY HADLEY: Mmm.
27
28 COUNCILLOR BROWN: And I - you know, of course, as
29 a councillor, it would be sad to think, well, we've been
30 suspended, but we - it's sort of like you have to take - we
31 took responsibility for overseeing a billion dollars of
32 assets, 80,000 constituents, I think nearly 600 workers -
33 we are responsible.
34
35 RAY HADLEY: Sure.
36
37 COUNCILLOR BROWN: So if it hasn't been right - and
38 I presume the minister will give us reasons and then there
39 will be some detail on this.
40
41 RAY HADLEY: Yeah, I'm sure.
42
43 COUNCILLOR BROWN: And we - you know, I think it's a bit
44 of a learning curve. It's a learning curve for anyone who
45 ever runs for council.
46
47 RAY HADLEY: Mmm.

1
2 COUNCILLOR BROWN: It's not - it's not to be taken
3 lightly.
4
5 RAY HADLEY: No.
6
7 COUNCILLOR BROWN: You know, you - in the end, we - if -
8 we have to take responsibility for the fact that there were
9 not the right - there was not an asbestos management plan
10 in place. Those are facts.
11
12 RAY HADLEY: Now, if I can get to a second issue,
13 Councillor Brown, I'm in possession of this mayoral minute
14 from a confidential council meeting back in August, where
15 a restructure of the organisation was approved, but it
16 appears to me that this - they've tried to - it has many,
17 many pages of it, but I - thanks to Zoe and help from
18 others, I've determined the restructure was simply all
19 about making sure that either the former general manager or
20 the incoming general manager, being Mr Liddell, who's no
21 longer there at the moment, had an opportunity to simply
22 appoint to the director of service delivery role their
23 mate, or Mr Liddell's mate more particularly,
24 Mark Mulligan. Now, it appears that it's a whole lot of
25 gobbledygook, but the main thrust of it is that it gives
26 him the right to appoint this one specific person to this
27 one specific job. Is that your understanding of it?
28
29 COUNCILLOR BROWN: I mean, it's the only - it is a bit -
30 it's another one of those documents where you read it and
31 you think "What?" "What are they actually telling me here?"
32 Most of what's in there did not have to come to
33 councillors. The only thing that needed approval was that
34 the director role become an interim role, which means it
35 doesn't go out to full - it doesn't get advertised under
36 the Government Employment Act; it simply gets - as you say,
37 that role can then, because it's for one year instead of
38 permanently, it can be appointed without the normal -
39 that's my understanding.
40
41 RAY HADLEY: Yeah.
42
43 COUNCILLOR BROWN: And, I mean, at the time I had no idea
44 why that would be the case, but then you're looking at it
45 and thinking, "Why are they doing that?" But I rescinded -
46 I put up the rescission motion because I thought (a) we
47 were going to be spending more money, it was going to cost

1 us more because there were all these other upgrades of
2 people's positions, and it didn't make any sense. The
3 general manager's leaving, there's no way we should be
4 restructuring right - he should not be proposing
5 a restructure as he goes out the door.

6
7 RAY HADLEY: Sure. Sure.

8
9 COUNCILLOR BROWN: So, that's it. And the only thing that
10 we really needed to approve that couldn't have been done
11 anyway was that change to that one role, so, you are
12 correct in that. You're correct.

13
14 RAY HADLEY: Well, it appeared, like, "Oh, we're looking
15 at a whole range of different things" - and you've
16 pin-pointed it - but it was all about providing an
17 opportunity for Mr Liddell, as the incoming general
18 manager, to appoint Mark Mulligan to this role, and that's
19 the start and finish of it. It doesn't go anywhere else.

20
21 COUNCILLOR BROWN: Yeah, but of course none of the
22 councillors understood that. I mean, I suppose I'm the one
23 who, if I don't understand something, I don't want to vote
24 for it.

25
26 RAY HADLEY: Sure.

27
28 COUNCILLOR BROWN: So I'm a bit - but, you know, that, for
29 me, is, "I don't know why we're doing this, but I can see
30 it's going to cost more money, and I can see that someone
31 leaving should not be making changes."

32
33 RAY HADLEY: Sure.

34
35 COUNCILLOR BROWN: Because the next person who comes in
36 should decide what's done, so --

37
38 RAY HADLEY: Exactly.

39
40 COUNCILLOR BROWN: So there was certainly - I was very,
41 very uncomfortable with it. And for me, that means you
42 don't do something. And I think it's a real - it's very
43 important for councillors to not - to learn about not
44 voting for things that we're not sure on or that we don't
45 think we're being given the full information on. And that
46 for me, as I've said before, Ray, I have struggled, in my
47 first - in my year as a councillor, to feel that I have got

1 the information.

2

3 RAY HADLEY: Sure.

4

5 COUNCILLOR BROWN: And one of the things is we didn't have
6 the information we needed about safety. We did not. And
7 we didn't probably ask the right questions and we have
8 learned something quite hard, that when we don't ask and we
9 don't push really hard --

10

11 RAY HADLEY: Yeah.

12

13 COUNCILLOR BROWN: -- we get - we will be held responsible
14 in the end.

15

16 RAY HADLEY: Sure.

17

18 COUNCILLOR BROWN: Which is what's happened.

19

20 RAY HADLEY: Now, I played my audience the audio of you
21 being - I mean, there's no nice way to put it - shouted
22 down by the mayor when you wanted to make a statement at
23 a recent meeting, and the council's lawyer, Trevor Cork,
24 urging councillors, including you, to be mindful what you
25 say in public, because it could lead to legal action. If
26 they have exposed people to asbestos knowingly, and that's
27 what we believe they have done, well, obviously there will
28 be legal action. But, I mean, at the end of the day, the
29 truth must prevail, must it not?

30

31 COUNCILLOR BROWN: Absolutely. And I mean - and I, you
32 know, I had every right to say what I was saying. I was
33 not just making allegations, and I said things like our
34 work health and safety has lacked things that the law
35 requires of us, such as the register - the asbestos
36 register and a management plan. That was a fact. So
37 I think that's where the focus has been wrong. We should
38 always have been focused on, very quickly, on the fact that
39 it looks like the council has let down workers and the
40 community for a long time. We should not have been worried
41 about our own skins. We should not have been worried about
42 protecting council. That's my view. We should have been
43 worried, immediately, about what's happened with the
44 workers: are they all being tested, are we doing
45 everything we can now, both to make sure those who appear
46 to have been affected are given everything we can give
47 them, the best care - and remembering, Ray, that none of

1 these people who have been exposed to asbestos have any
2 right to compensation unless they get sick in decades to
3 come and can prove it.

4
5 RAY HADLEY: Yes.

6
7 COUNCILLOR BROWN: So it's a terrible form of - it's
8 a dreadful form of negligence, if that's what it is, which
9 I think it is. I'm willing to say that. Because the - you
10 know, people get put under enormous stress. In some cases,
11 their children or their wives may also have to be tested.

12
13 RAY HADLEY: Sure.

14
15 COUNCILLOR BROWN: But they don't get compensation,
16 which - you know, for the fear they now have to live with.
17 So that - you know, that should have been where we worried.

18
19 RAY HADLEY: Exactly.

20
21 COUNCILLOR BROWN: That's where I'm worried. That's where
22 I feel bad.

23
24 RAY HADLEY: Anyway, I'm sorry that the minister's
25 decision will impact on you individually, but I think it's
26 for the greater good and, as I've said previously, you have
27 my support, it will continue, because you are a fair and
28 decent person.

29
30 As you've already indicated, we may have different
31 persuasions in relation to policies and politics, but that
32 doesn't mean I won't support someone who's right. In this
33 particular matter, Councillor Brown, you're a hundred per
34 cent right and I thank you for your time.

35
36 COUNCILLOR BROWN: Thank you very much, Ray.

37
38 RAY HADLEY: Thank you. That's Kerry Brown, a Greens
39 councillor at the Blue Mountains City Council, which is
40 about to be suspended. They have seven days to reply to
41 the minister, and they should hang their heads in
42 collective shame. Mayor Greenhill, shame on you. To pinch
43 one from Derryn, "Shame, shame, shame". Councillor
44 Greenhill, shame on you. Mark Mulligan, get back to
45 Bathurst and stay there. Liddell, get back to the golf
46 course and improve your handicap, you don't deserve the
47 general manager's job.

1
2 Now, as I said, Mark Greenhill, the disgraced Labor
3 mayor of the Blue Mountains City Council, has spoken to the
4 ABC this morning, trying to justify what Minister Upton has
5 done, giving them seven days before she suspends the
6 council. This is what he's had to say to the ABC:

7
8 *Asbestos issues that have been raised are*
9 *deeply troubling, and of course the elected*
10 *councillors, you know, don't literally*
11 *physically run the operational part of the*
12 *council, but our job is to hold it to*
13 *account when these issues arise. In the*
14 *last few months as these issues have come*
15 *up, we've just - we've done exactly that.*
16 *We've said to our officers, "Well, you need*
17 *to do exactly what the State Government*
18 *requires of you to do and you need to work*
19 *with the government to ensure, as we do,*
20 *that all of these matters are addressed."*
21 *Now, we've done that. And yet it's the*
22 *elected body that's cooperated that's being*
23 *dismissed. On that - well, I should say,*
24 *suspended.*

25
26 *I can only conclude that that is*
27 *a politically motivated decision, because*
28 *it is the political arm, not the*
29 *operational arm, that this impacts.*

30
31 RAY HADLEY: Well, it's a very heavy expression, but
32 Mark Greenhill is an unabashed liar. He's known
33 personally - personally - about the asbestos problems in
34 the Blue Mountains, not just for the last few months
35 since May, in fact, but he's known about it since 2014, and
36 I've got documented evidence to state that he has known
37 about it. So he's lying to the ABC. He's a liar. An
38 unmitigated liar, Mark Greenhill, and I'll defend my right
39 to say that with proof, that he's lied to the presenter on
40 the ABC. He's known about the asbestos problem, and he's
41 done nothing about it, since 2014. Done nothing about it
42 until 2017. He's a liar. He continued:

43
44 *I think what needs to happen is that we*
45 *need to get to the bottom of what has*
46 *happened with asbestos management, get an*
47 *outcome, get an inquiry outcome that tells*

1 *us what the facts actually are, analyse*
2 *those facts and act on them. The*
3 *investigation into the asbestos issues was*
4 *only announced by the minister on Monday*
5 *night.*

6
7 "The investigation". They are - it's Caesar investigating
8 Caesar. They initiate their own inquiry to be conducted by
9 someone appointed by their lawyer - their own lawyer, who's
10 been their lawyer for three or four decades. They had to
11 be dismissed, suspended, because they have done nothing
12 about the inherent asbestos problem in the Blue Mountains
13 for at least three years we know, possibly longer, and
14 Mark Greenhill has known that. So to suggest that this is
15 some sort of politically motivated witch-hunt is just
16 nonsense, absolute and utter nonsense, and he knows it.

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18 END OF AUDIO
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INQUIRY UNDER SECTION 438U OF THE LOCAL GOVERNMENT ACT

BLUE MOUNTAINS CITY COUNCIL

TRANSCRIPT OF 2GB RADIO BROADCAST

Aired on 24 January 2018

Participants: Mr Ray Hadley
 Mr Matt Keane MP

1 RAY HADLEY: Now, we go from that to other matters, and
2 I'm on again about Blue Mountains council, and let me just
3 say, again, the decision by Gabrielle Upton on 22 December
4 to give this mob a second chance beggars belief. They've
5 presided over inaction in the management and control of
6 asbestos at buildings and sites across the Blue Mountains
7 for a number of years. They shouldn't be in the position
8 they're in now, in power.
9

10 I thank Matt Kean, the New South Wales Minister for
11 Better Regulation, because when Upton was sitting on her
12 hands last year, Kean got SafeWork New South Wales to work
13 and they did a good job, closing down places, including
14 a preschool at Wentworth Falls that had asbestos there.
15 Now that's open. Hopefully, people have moved in and made
16 sure it's safe for the children attending that preschool.
17 The building's owned by the Blue Mountains City Council.
18

19 And I'm saying, today, Blue Mountains City Council
20 have proven once again why they can't be trusted to fix
21 these problems with asbestos.
22

23 Yesterday, union delegates closed parts of the
24 council's Springwood depot after discovering asbestos
25 material had not been treated as it should have been - in
26 poor condition.
27

28 The human [sic] resources and waste services building
29 at the depot remains closed this morning after that
30 discovery.
31

32 Council staff tell me the asbestos material in this
33 building was identified by SafeWork New South Wales
34 in December as being needed to be either sealed or removed.
35

36 Now, I'm told council hired SafeWork New South Wales
37 licensed asbestos removalist, a company called Beasy, to
38 remove or seal the asbestos at the site, and SRL [sic]
39 Consulting to issue a clearance certificate for the work
40 that was done. However, multiple areas of asbestos at the
41 site remain damaged or in poor condition.
42

43 The New South Wales Minister for Innovation and Better
44 Regulation, Matt Kean, is the minister responsible for
45 SafeWork New South Wales. He's on the line. Minister,
46 good morning.
47

1 MATT KEAN MP: Ray, great to hear you back on air.

2

3 RAY HADLEY: Good to be back. Now, you - let me do this
4 correctly: not "you". Your colleague threw a lifeline to
5 this reprehensible council and its mayor on December 22,
6 which I don't understand. The council promised
7 on December 22, to Gabrielle Upton, your colleague, they
8 would now handle such matters in the correct fashion, after
9 ignoring the pleas of residents and workers for quite some
10 time.

11

12 However, having made that promise to Gabrielle Upton,
13 workers notified senior council staff about the asbestos
14 problems at the waste services office
15 on January 9 - January 9 - but council didn't notify
16 SafeWork of the problem until yesterday. Is that the way
17 a council operates to be responsible, Minister?

18

19 MATT KEAN MP: Ray, it just beggars belief, and my
20 confidence in Blue Mountains City Council is at an all-time
21 low.

22

23 RAY HADLEY: Well, can you pick up the phone, either ring
24 the Premier or ring the lightweight Local Government
25 Minister and tell her what a botched mess she's made of
26 this? Because I'm telling you, Matt, it's a bloody
27 disgrace, an absolute disgrace, that this mob are still in
28 charge. Honestly, if they told you it was raining in the
29 Blue Mountains, you'd have to go outside and check.
30 They're unmitigated liars, and Upton has fallen for them
31 hook, line and sinker. Hook, line and sinker. It's
32 a disgrace, Matt.

33

34 MATT KEAN MP: Ray, it is - it just beggars belief that
35 they've had SafeWork crawling all over their sites, issuing
36 remediation orders, in some cases closure orders, yet
37 they've failed to inform the regulator, being SafeWork, of
38 another find of asbestos. I mean, I have no confidence.
39 It's totally irresponsible and raises very serious
40 questions about council's attitude to asbestos and their
41 workers.

42

43 RAY HADLEY: Well, there appears to have been some
44 remediation work done on some of the areas of that asbestos
45 in question that I'm referring to here. However -
46 however - there is still asbestos there. The workers are
47 phoning me, they're emailing me and saying, "Ray, please

1 help us. This mob are not doing what they should be
2 doing."

3
4 Now, they got the SafeWork New South Wales licensed
5 asbestos removalist in; they got another mob in to issue
6 a clearance certificate. But the workers say it's still
7 there; it hasn't been made safe as it was supposed to be
8 made safe. And yet again, we have the minister
9 responsible - not you, your colleague, Gabrielle Upton -
10 putting her faith in them and saying, "Oh, they told me it
11 would be okay."

12
13 I'll repeat what I just said: that staff at that site
14 contacted the council, senior staff at the council, on
15 9 January. Council did not notify your organisation, being
16 SafeWork, of the problem until yesterday. And now, let me
17 just say, Matt, there's some backside covering. There's
18 a very coarse expression that I won't use here, because it
19 would be unpalatable, but there is a bit of [beep] covering
20 going on out there from your staff, okay? SafeWork I'm
21 calling out. A bit of that covering going on out there,
22 because they've come back and said, "Oh, look, it's not as
23 bad as they're making out."

24
25 If you get one of those fibres in your lungs, in
26 30 years' time when you're committing, you know, yourself
27 to a life of misery, well, the bloke from SafeWork that
28 said in 2018, "It's not as bad as you think", he might have
29 a bit to answer for, because asbestos is a deadly, deadly,
30 deadly way of contracting all sorts of diseases, and we
31 can't have workers or members of the public put at risk,
32 even if there's a minimal risk.

33
34 MATT KEAN MP: Yeah, you're spot on. This is an insidious
35 thing, it's dangerous, and we cannot take any shortcuts
36 whatsoever.

37
38 So I've spoken to the head of SafeWork this morning
39 and yesterday. A team of inspectors are going up there
40 right now to get to the bottom of what's gone on, Ray, and
41 I'll come back to you with further information.

42
43 RAY HADLEY: Well, the bloke you sent up yesterday said,
44 "Oh, there's a minor risk." Well, if there's a minor risk,
45 let him go out there without masks on and without
46 protective gear and work there all day for eight hours and
47 see how he likes it.

1
2 MATT KEAN MP: Yeah --

3
4 RAY HADLEY: The bloody workers deserve better than that,
5 I'm telling you, Minister.

6
7 MATT KEAN MP: You're spot on, and no matter how small the
8 risk, you can't take any chances with this stuff, as you
9 said. So we're not going to take any chances. A team of
10 inspectors is going up there tomorrow. I'll keep you in
11 the loop as to what's going on.

12
13 RAY HADLEY: Okay. Look, just on another matter, in
14 September last year you ordered a review of SafeWork's
15 processes for granting these licences to these people after
16 revelations companies associated with the - well, he's not
17 convicted yet, but he will be shortly, because he's made
18 admissions and police have charged him - Paul Mouawad
19 illegally dumping asbestos out there at Arcadia. He
20 somehow held SafeWork asbestos removal licences, and he's
21 a cowboy, a cowboy who was dumping asbestos left, right and
22 centre at a range of sites, and we know all about that,
23 from down towards Redfern way, out to the south-west, and
24 also his involvement with what happened on Geelans Road,
25 Arcadia. What's the outcome of that review that you put in
26 place?

27
28 MATT KEAN MP: Yeah, the first thing, Ray, as a result of
29 what's happened in Arcadia, we've cancelled Mr Mouawad's
30 licences immediately. So that's for Aussie Earthmovers and
31 MC Civil Pty Limited. They were cancelled in October,
32 16 October last year.

33
34 RAY HADLEY: Mmm.

35
36 MATT KEAN MP: In addition to that, it beggars belief that
37 someone could get a licence with past like this.

38
39 RAY HADLEY: Well, he had - let me just explain to our
40 listeners who've forgotten about Mouawad - and they don't
41 want to - apparently, he's wanting to change his name.
42 He'll need a facelift as well; he needs a good plastic
43 surgeon, because I know what he looks like. He'd already
44 had a conviction from the Hills Shire Council for doing
45 exactly what he did in Hornsby; he did it in the Hills
46 area, out around Annangrove, I think.

1 MATT KEAN MP: Well, we've reviewed the systems and
2 processes in place. I've ordered an immediate review.
3 We've looked at it. Now we'll be rolling out background
4 checks for all the licences that SafeWork issues. So this
5 shouldn't happen again, a character like Mr Mouawad getting
6 a licence to handle such sensitive stuff like asbestos.

7
8 RAY HADLEY: You wouldn't think you'd have to do this
9 review. I mean, commonsense, the pub test would be, "We've
10 got a bloke here who has a conviction for the illegal
11 dumping of material in the Hills Shire; but let's give him
12 another licence so he can dump illegal material in the
13 Hornsby Shire. Let's do that." I mean, you wouldn't think
14 we'd need to put something in place, but, thank God we have
15 something in place now.

16
17 MATT KEAN MP: You're spot on. What we relied on before
18 was people filling in or admitting as to what their
19 background was. Obviously, shonks and skivs like this
20 don't do that. But now we're implementing a mandatory
21 background check before we issue licences.

22
23 RAY HADLEY: Okay. All right. Well, I'll leave this in
24 your capable hands and the capable hands of your staff
25 going out there.

26
27 And, as I repeat, the inhalation of fibres of
28 asbestos - I don't want to hear anyone from your
29 department, or from the union, saying, "Oh, there's only
30 a minor risk", because there are plenty of people in
31 Rookwood who were subjected to a minor risk 40 and 50 years
32 ago who died from mesothelioma, and we don't want that to
33 happen in 50 years' time.

34
35 MATT KEAN MP: I don't care how small the risk is. We're
36 not going to take any chances when it comes to asbestos,
37 Ray.

38
39 RAY HADLEY: Okay. And perhaps you can talk to your
40 colleague about - and explain to the people of New South
41 Wales, among all the other things you have to explain, how
42 she could possibly - possibly - say to that council, "Look,
43 we're going to give you another chance. You've had 186,
44 and now 187, because you didn't report what you should have
45 reported on 9 January until 23 January, but we think you're
46 going to do the right thing eventually". She is, fair
47 dinkum, in cloud cuckoo land, your colleague

1 Gabrielle Upton, and she needs to pull her finger out and
2 do something about this mob urgently. Urgently.
3 I appreciate your time.
4

5 MATT KEAN MP: Good on you, Ray.
6

7 RAY HADLEY: Thank you, Matt Kean.
8

9 **END OF AUDIO**
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