

INQUIRY UNDER SECTION 438U OF THE LOCAL GOVERNMENT ACT

BLUE MOUNTAINS CITY COUNCIL

Public Hearing

Held at
Blue Mountains Cultural Centre
30-32 Parke Street, Katoomba, NSW

On Monday, 9 September 2019 at 10.00am
(Day 6)

Before Mr Richard Beasley SC, Commissioner

1 MR GLOVER: I call Mr Blackadder.

2

3 <STEPHEN JOHN BLACKADDER, affirmed: [10.04am]

4

5 <EXAMINATION BY MR GLOVER:

6

7 MR GLOVER: Q. Can you state your full name, please,
8 sir?

9 A. Mr Glover, Stephen John Blackadder.

10

11 Q. And what is your current position?

12

13 A. I'm the managing director of Blackadder Associates Pty

14 Limited.

15

16 Q. What does Blackadder Associates Pty Limited do?

17

18 A. We fundamentally work with local government in
19 executive recruitment in leadership development, in
20 organisation reviews and in training and induction of
21 councillors.

22

23 Q. When you say you work in local government, you provide
24 consultancy services to councils; is that right?

25

26 A. Yes, for the last 12 years.

27

28 Q. I'm going to show you MFI 11. Is that a copy of
29 a report that you prepared for the purposes of this inquiry
30 and dated September 2019?

31

32 A. Thank you, yes, that is.

33

34 MR GLOVER: I tender that report.

35

36 **EXHIBIT #56 REPORT BY BLACKADDER ASSOCIATES ENTITLED "BLUE
37 MOUNTAINS CITY COUNCIL PUBLIC INQUIRY - ORGANISATION
38 STRUCTURE AND RESOURCE ALLOCATION ISSUES" DATED SEPTEMBER
39 2019**

40

41 MR GLOVER: Q. Mr Blackadder, if you just take up your
42 report there, I see you have your own copy, feel free to
43 use your own version, and turn to page 2, please. In that
44 section you set out your experience in local government;
45 correct?

46

47 A. Yes.

48

49 Q. Part of that experience is that you served as the
50 general manager or acting general manager of various
51 councils over the period, combined, of about 20 years;
52 correct?

53

1 A. Correct.
2
3 Q. In an answer a moment ago you said you have been
4 providing consulting services for 12 years?
5 A. Yes.
6
7 Q. And there you list a number of dot points of areas of
8 your expertise; do you see that?
9 A. Yes.
10
11 Q. The third one down, you refer to leadership and
12 culture building; do you see that?
13 A. Yes.
14
15 Q. I want to ask you generally, when one speaks of
16 culture within a council, what are you referring to?
17 A. It is a very interesting concept, Mr Glover. Some
18 people commonly say, "It's how we do things around here",
19 and the culture of an organisation and particularly
20 a council will be dependent on a number of aspects,
21 firstly, the leadership of that organisation, how effective
22 the leadership is in engaging with staff and encouraging
23 and empowering them to perform and, at the same time, make
24 them accountable for their responsibilities; in that
25 engagement, how well they empower them to make decisions;
26 how they, I suppose, acknowledge and recognise the
27 performance and how they might reward that performance and
28 recognise that performance. So the culture will be largely
29 how the staff feel about their work and whether they are
30 being recognised and acknowledged.
31
32 Q. Two dot points down from there you referred to your
33 experience in providing organisational review; does do you
34 see that?
35 A. Yes.
36
37 Q. Can you just describe what involvement you have had in
38 those processes?
39 A. Yes. I have conducted numerous organisation reviews
40 in the work that I have done over the last 12 years for
41 a fairly broad range number of councils across the state
42 and including Queensland. In conducting those organisation
43 reviews, it depends upon the terms of reference that the
44 council is seeking to consider and have examined.
45 Sometimes, it might be a very narrow examination of
46 a particular function of the council, a particular
47 department of the council, or it could be a very

1 broad-ranging review of the whole organisation.

2

3 Q. And from that, do we take it that when a council comes
4 to review an organisational structure, on occasion it will
5 be across the board, top-down; correct?

6 A. Yes.

7

8 Q. And at other times it may well be more confined to
9 a particular service that is being delivered or
10 a particular function within the council?

11 A. That's correct, yes.

12

13 Q. Would you turn ahead to page 4, please.

14

15 THE COMMISSIONER: Q. You say on the bottom of page 3
16 that the last significant review Blackadder did was for the
17 Parramatta City Council last year. What did that involve
18 in general terms?

19 A. Commissioner, that was a comprehensive review of the
20 whole organisation. It involved a very comprehensive
21 consultation with staff and with councillors over many
22 number of months, and it examined fundamentally the
23 structure of the organisation and it resulted in a very
24 comprehensive report with options proposed and
25 a recommendation for a change to the structure.

26

27 Q. In general terms why, for example, does a council like
28 Parramatta come to you for assistance? Was there some
29 ongoing lack of reform that they had identified or what's
30 the process where they think, "Look, we need external
31 assistance"?

32 A. In the Parramatta case, I think it was
33 a dissatisfaction of the council with how the organisation
34 was functioning, and it decided on an external review.

35

36 THE COMMISSIONER: Thank you.

37

38 MR GLOVER: Q. Page 4, Mr Blackadder? In this section
39 you just set out some general background about the council;
40 correct?

41 A. Yes. What I've been provided with about the council.

42

43 Q. About halfway down you make a note of the fact that
44 the council developed organisational values in 2013/14
45 through a comprehensive staff consultation process. Why
46 did you see significance in that to note it in this
47 section?

1 A. Yes, I personally, Mr Glover, am very values based.
2 I think organisation values are one of the more important
3 things that a council or an organisation should do. It
4 should clearly articulate the importance that it places on
5 how the organisation shall function. What will it value?
6 An organisation will, or a council will, obviously value
7 its staff; it will value its community; it will value its
8 relationship with the governing body; it will endeavour to
9 have its staff behave in a particular way, how those
10 behaviours align with the values that are adopted. And so
11 I just made the note, based upon the information that
12 I have been provided with, that the Blue Mountains City
13 Council did go through a values process in 2013/14 and very
14 pleasingly to see that they have adopted organisation
15 values and I presume have had its staff align their
16 behaviours with those values.

17
18 Q. Picking up from that last answer, what is your view
19 about the significance of the council having adopted a set
20 of organisational values to the - what we were talking
21 about earlier, the culture within the workplace?

22 A. Yes, the values seek to build a culture, to build the
23 behaviours and the issues which are deemed to be important
24 in that organisation. It's interesting that many
25 organisations, not necessarily councils, will adopt common
26 values, integrity and the like. But the ones that I've
27 seen work the best are the ones where they try to clearly
28 articulate what the organisation is passionate about.

29
30 Q. Do you have a view about the values adopted by the
31 Blue Mountains City Council in that context?

32 A. Yes, I think they are relevant to its organisation.
33 They are probably relevant to most councils and they would
34 be deemed to be common values, but I like them, they seem
35 to articulate what is important for a council to pursue.

36
37 Q. The last line on page 4, you also noted that the
38 council has 24 strategic plans developed or under
39 development. Do you see that?

40 A. Yes.

41
42 Q. What was the significance in that point that you wish
43 to note here?

44 A. The fact that whilst a council is required to work
45 with its community to develop a community strategic plan,
46 that's not the be all and end all. It does mean also that
47 the council, in the very, very broad range of

1 responsibilities that it has, will look at particular
2 strategies and I suppose I just wanted to acknowledge that
3 a council and in this case Blue Mountains City Council has
4 pursued and has adopted a range of strategic documents to
5 assist in its delivery of services.
6

7 Q. Turn ahead to page 6 for me, please. This is in
8 section 5, "Methodology and considerations when determining
9 an organisational structure". The first point you make
10 here is that the most suitable structure for any
11 organisation is a combination of many factors; do you see
12 that?

13 A. Yes.
14

15 Q. What are the types of factors in the context of
16 a council that go into determining a suitable
17 organisational structure?

18 A. Perhaps if I referred further on to around about
19 page 9 or page 8 and page 9. Firstly, I will just
20 generalise. Firstly, a council must have regard firstly
21 for the state plan, so the New South Wales Government does
22 adopt a state plan which guides the provision of services
23 and facilities generally across the state, and a council is
24 required to have regard for that state plan. In so doing,
25 it will work with its community to develop a community
26 strategic plan, and I like to say that the community
27 strategic plan is the community's plan; it is not the
28 council's plan. If it is effectively done it gives a voice
29 to the community as to its aspirations and future needs.
30 So that community strategic plan - it has a minimum of
31 10-year framework and --
32

33 Q. This is part of the integrating planning and reporting
34 framework; correct?

35 A. Yes.
36

37 THE COMMISSIONER: Q. What's the state plan? Is it the
38 greater Sydney regional plan?

39 A. No, Commissioner. There is such a thing as a state
40 plan and it is an overarching series of, I guess,
41 objectives that the state has for the development of the
42 state. And following the community strategic plan, the
43 council develops its own four-year delivery program and it
44 has a one-year operational plan which is effectively the
45 council budget. It also has a resourcing strategy which
46 involves staff, finance and assets in order to equip it
47 with the necessary resources to deliver those aspirations

1 in the delivery program. So I think that gives you a bit
2 of a framework for how it works.

3
4 MR GLOVER: Q. So in determining a suitable
5 organisational structure, is it driven by the objectives
6 that come through that planning process; is that how
7 I understand your evidence?

8 A. Yes, largely it tries to set up the organisation to
9 deliver the community strategic plan, and there will be
10 certain priorities in the community strategic plan, but
11 ultimately the council is then in charge of its own
12 priorities to resource and deliver the plan.

13
14 THE COMMISSIONER: Q. Just to my question, the state
15 plan is the New South Wales 2021 State Plan, which is the
16 10-year plan to rebuild the economy, provide quality
17 services, renovate infrastructure, restore accountability,
18 et cetera, strengthen local government. That's the plan.

19 A. Thanks, Commissioner.

20
21 MR GLOVER: Q. The second point you make in that
22 introductory sentence is that there is no perfect structure
23 for a local council generally. I understand what those
24 words mean, but what is the point you are seeking to make
25 in that comment?

26 A. That it's up to each council to determine a structure
27 that works for itself. I think I note in there the common
28 term "structure follows strategy", and the strategy is the
29 community strategic plan and it will then, hopefully,
30 determine what the council develops in its structure to
31 deliver that plan.

32
33 Q. You have touched on this a moment ago in some of your
34 earlier answers, but I want to now turn to your description
35 of the integrated planning and reporting framework which
36 commences about halfway down page 6.

37 A. Thank you.

38
39 Q. You have described the elements in your evidence
40 earlier, but what I would like to explore with you is how
41 do those elements sit together?

42
43 THE COMMISSIONER: Q. Sorry, just before you do that,
44 I just had a question I will forget about. On page 6,
45 where you are talking about how ten-year community
46 strategic plans have come to the fore since 2009, then you
47 say, in this paragraph under the heading "Integrating

1 planning reporting framework" in that first paragraph it
2 has:

3
4 *Prior to that each council developed*
5 *a four-year management plan which was*
6 *effectively the council business plan.*
7

8 Then you say:

9
10 *Which looked inwards rather than outwards.*
11

12 Could you just explain what you mean by looking inwards
13 rather than outwards?

14 A. The previous legislative requirement was that councils
15 develop a four-year management plan, and there was no
16 requirement to consult with its community; it was, as
17 I say, effectively a business plan, it described how the
18 organisation would function. It would describe how certain
19 functions and services would be funded and it really did
20 not, in my view, give life to what the community aspired to
21 because there was no requirement to consult with the
22 community. So it fundamentally was a business plan of how
23 to deliver the business of the council.
24

25 Q. Rather than assisting creating a community?

26 A. Yes. I give great credit, Commissioner, to the state
27 government from 2009 in introducing the integrated planning
28 and reporting framework. I was also privileged to be part
29 of the Local Government Act's task force in 2011 to 2013
30 when we examined the Local Government Act and what we
31 concluded was that in any legislation going forward, it
32 should have as its fundamental foundation the integrated
33 planning framework.
34

35 Q. Was that the key reform in the amendments made to the
36 Act during that period, at the end of that period, or --

37 A. No. I think it's fair to say that the government is
38 still introducing legislative changes. The Act's task
39 force and the review panel made many recommendations and
40 the government has been slow to introduce those changes,
41 but they are gradually coming in.
42

43 MR GLOVER: Q. In that same section, where the
44 Commissioner just took you, you set out the elements of the
45 integrated planning and reporting framework. What I want
46 to explore with you now is how do those elements sit
47 together, how do they interact? Can you give us a general

1 description, perhaps starting from the top, working down,
2 of how these plans and programs work?

3 A. Okay. So Mr Glover, the community strategic plan - if
4 it's done well, if the council engages well with its
5 community, it will end up with a whole series of
6 aspirations for the future over a 10-year period. The
7 council's then task is to work out how it will give life to
8 those aspirations and it does so through the four-year
9 delivery program, which are a series of priorities that the
10 council attaches to delivering those aspirations. It also
11 has a one-year operational plan, which is fundamentally the
12 council budget, and it resources those initiatives in that
13 one-year period.

14
15 It also is required - every council in the state is
16 required to have what is called a resourcing strategy,
17 which is a 10-year asset management plan, a 10-year
18 financial plan, and a four-year workforce plan to detail
19 the staffing that's required to help deliver the budget, if
20 you like.

21
22 So that's basically the way that the council's
23 integrated planning works. Once the services are delivered
24 in the year, the council has an accountability to its
25 community to report through its annual report on outcomes,
26 and it also has an accountability to the community every
27 four years to report on outcomes in a four-year report to
28 its community.

29
30 Q. On page 7, in the second paragraph on that
31 page commencing "Each local council" - do you have that?

32 A. Yes.

33
34 Q. You refer to a quadruple bottom line assessment. Can
35 you just explain what that is, please?

36 A. What I have found, Mr Glover, is that most councils in
37 the state, through its community strategic plan, will look
38 at four aspects, which are common to, I would suggest, all
39 councils in the state. Firstly, environmental
40 considerations - how the council protects and enhances its
41 environment. Secondly, the social and community aspects -
42 how it provides community services to its population and
43 the different demographics, children's services, aged
44 services and the like. Third, how the council seeks to
45 enhance the economy of its local area through town centre
46 improvements, through job creation initiatives, through
47 economic development initiatives, tourism initiatives, to

1 try and provide a greater opportunity for its community to
2 have an economic future. Then the fourth area is the
3 council's governance, its own structure, its leadership,
4 its decision-making and how it sets itself up to help in
5 those other three areas.

6

7 Q. Correct me if I'm wrong, but when one comes to look at
8 the council's overall approach to resource allocation,
9 since the introduction of the integrated planning and
10 reporting framework, it's done through that process; is
11 that correct?

12 A. Yes, indeed. The resource allocation has to have
13 regard, as I say, for what the council is seeking to
14 deliver on behalf of its community. So it has a discretion
15 about priorities. The delivery program, the operational
16 plan are still council priorities to deliver what the
17 community seeks. So the community strategic plan will have
18 some outcomes and the council then has to adopt a way of
19 delivering those, but the council still has the discretion
20 as to what priorities it would attach to it.

21

22 Q. And minds might reasonably differ about priorities, of
23 course?

24 A. Well, it's quite interesting that a council every four
25 years gets elected, and sometimes there is a "change of
26 government", and that group of councillors may have a very
27 different idea of what priorities should be - no different
28 to any government that might change. There may be
29 a platform that a group of councillors have to come in and
30 deliver in a different way, and they can do that by
31 changing the delivery program every year and the budget
32 every year.

33

34 Q. The essential point is that when reviewing those
35 priorities and directing resources, the context in which it
36 is done is the community strategic plan; correct?

37 A. Correct.

38

39 Q. In the next section on page 7 you set out some
40 statutory provisions. Then over on page 8 you start to
41 discuss the methodology for reviewing a council's
42 organisational structure; do you see that?

43 A. Yes.

44

45 Q. Before coming to the methodology, I just want to
46 explore with you generally the roles of, on the one hand,
47 the governing body, and the general manager on the other,

1 in the process of determining, reviewing and redetermining
2 an organisational structure. How, in practice, does that
3 work?

4
5 THE COMMISSIONER: Are you, in asking that question,
6 looking with an eye to section 332(1)?

7
8 MR GLOVER: In part, yes.

9
10 THE COMMISSIONER: Because I was curious as to whether -
11 the legislative command is that a council must, after
12 consulting with the general manager, determine the
13 following - senior staff positions, et cetera, roles and
14 reporting lines. My curiosity was obviously there has to
15 be a consultation between the governing body and the
16 general manager.

17
18 Q. In practice, does it really work - you tell me what
19 your experience is. In practice, does it work exactly that
20 way or is it usually the council relying to some degree on
21 advice from the general manager?

22 A. Commissioner, perhaps if I answer in a very short way:
23 the council adopts the structure on the advice of the
24 general manager.

25
26 THE COMMISSIONER: Was that where you were headed?

27
28 MR GLOVER: It was. We got there a lot quicker.

29
30 THE COMMISSIONER: I'm very efficient.

31
32 MR GLOVER: You are.

33
34 THE COMMISSIONER: Q. Can I ask, just while Mr Glover is
35 sorting out where he's exploring next, I notice where you
36 are talking about the methodology on page 8 for conducting
37 a review with your six phases and then on page 9 you then
38 start talking about vertical design and typical management
39 layers?

40 A. Yes.

41
42 Q. What I was interested in on that page was perhaps the
43 difference between strategic leadership and strategic
44 decision-making and tactical decision-making. Have I got
45 it right, based on my assumption - please tell me if I'm
46 wrong - is strategic decision-making related mainly to
47 devising what are the councils overarching plans; tactical

1 decision-making, that is actually the actions based on the
2 plans, is it? Is that how it works? Is that what you
3 mean?

4 A. Commissioner, I think that's a fair statement.

5

6 Q. If it is more nuanced than that, please --

7 A. I think it comes down to roles and responsibilities
8 and the executive leadership of the organisation, the
9 general manager and the senior staff - they should be
10 devoting a fair bit of time to the strategy and strategic
11 thinking. Sometimes, that does not happen because of all
12 of the operational aspects that staff - that those senior
13 staff get involved with. So that's the real challenge for
14 a leader, is leading versus managing, you know, leading
15 people instead of managing things. And so down the line
16 it's --

17

18 Q. Senior leaders, whoever they may be, need time to
19 think as well as not just do things; is that right?

20 A. Yes, and sometimes they get overwhelmed with the
21 operations of the day; they get overwhelmed with the
22 politics of the day; they get overwhelmed with community
23 needs and desires, and I think the good organisations are
24 the ones that do devote some time to strategic thinking,
25 and they may, every now and again, go away for a day or
26 two, without the problems of the day, and think about where
27 they are heading. I'm seeing a lot more of that happening
28 in local government today. I think, from my experience
29 over many years now, councils are incredibly professional
30 today compared to how they have been in the past.

31

32 MR GLOVER: Q. In that process that you set out on
33 page 8 and over the following two pages, is that a process
34 that is directed to a review of a structure that
35 encompasses the whole of the organisation or is it one that
36 could equally apply to a more narrow review?

37 A. I think it would cover both. In my experience,
38 Mr Glover, a review of a particular function of the
39 council - that is, a particular department, it might be an
40 external engineering infrastructure review or it might be
41 an internal corporate services review or it might be across
42 the board, those principles apply.

43

44 Q. And you note in the introduction to this section on
45 page 8 that there are no guidelines published in relation
46 to how a council should approach a review of its structure;
47 correct?

1 A. Yes, that's correct.

2

3 Q. But these phases are what you consider to be a best
4 practice approach; is that right?

5 A. I guess what I'm articulating there is, based upon my
6 experience, the sorts of things that an organisation would
7 do and yes, there are no guidelines. Every council
8 approaches this in a different way. There are some common
9 principles that they would follow, but there is no guide
10 book, as there, for example, with the integrated planning
11 legislation, there is a very comprehensive guideline
12 document which, to the credit of government and local
13 government, they have developed together.

14

15 THE COMMISSIONER: Q. Is that something that is missing
16 from the assistance that the higher level of government
17 gives to local council in terms of not having a guideline
18 about how councils should, in a general way, go about
19 conducting organisational reviews, structural reviews?

20 A. Commissioner, it is missing. I suppose the question
21 is, in every aspect of the council's operations, what would
22 be desirable in having some guidelines?

23

24 Q. It couldn't be a straitjacket sort of document,
25 I guess that, but could one be created that was of general
26 assistance to all councils that were looking to undertake
27 an organisational structure review?

28 A. Commissioner, to the credit of the Office of Local
29 Government, they have worked closely with councils to
30 develop numerous guidelines over the years, and I think it
31 is fair to say that there is resident in local government
32 a real expertise that the government should use, the Office
33 of Local Government should use, and they do that, but here
34 is perhaps an example where it may be useful for some
35 guidelines to be developed using those councils that have
36 been through the process.

37

38 MR GLOVER: Q. The six phases you identify there, rather
39 than as I have put to you as best practice, provide some
40 operational principles in the approach to a review; is that
41 a better way to describe it?

42 A. Yes, thank you, yes.

43

44 Q. Would you turn ahead to page 12, please. Do you have
45 page 12?

46 A. Yes, got that.

47

1 Q. In this section you identify primarily that the Act
2 enables the council to review the organisational structure
3 at any time, and then you give some examples of when
4 a review might be triggered; correct?
5 A. Correct.
6
7 Q. One that you note is the appointment of a new general
8 manager; do you see that?
9 A. Yes.
10
11 Q. I am going to show you MFI 8.
12
13 THE COMMISSIONER: Is that in a form that it can become an
14 exhibit?
15
16 MR GLOVER: I haven't had a chance to discuss that with
17 Mr Broad yet. If not, it is imminent.
18
19 Q. Would you turn to page 148 for me please,
20 Mr Blackadder.
21 A. It is a business paper.
22
23 Q. Yes, of 22 August. Do you have that?
24 A. Yes.
25
26 Q. Would you then turn ahead to page 152, just to provide
27 you the context. You will see in the first paragraph on
28 that page, this is a paper provided in the context of
29 a review of the structure, organisational structure; do you
30 see that?
31
32 THE COMMISSIONER: Was this the mandatory one or was this
33 one - is this the one that has to be done 12 months after
34 an election or was it one that the council just decided to
35 do from time to time.
36
37 MR GLOVER: The timing might be the mandatory one. I will
38 come back to that.
39
40 THE COMMISSIONER: Yes, come back to that.
41
42 MR GLOVER: Q. Now, if you then turn ahead to page 155,
43 please, Mr Blackadder?
44 A. Yes.
45
46 Q. You should have a heading "Director, service
47 delivery".

1 A. Yes.

2

3 Q. Just read that section to yourself, down to the next
4 heading, and stop there, and tell me when you have
5 finished, please.

6

7 MR GLOVER: The answer to your question is yes,
8 Commissioner. It was the mandatory review.

9

10 THE COMMISSIONER: Thank you.

11

12 THE WITNESS: Yes, thank you.

13

14 MR GLOVER: Q. I want you to assume for the moment that
15 the then general manager had announced his intended
16 retirement in May of that year, and this is a paper
17 presented in August. You will see in the second --

18

19 THE COMMISSIONER: And he was resigning in October
20 or November?

21

22 MR GLOVER: Retiring in November.

23

24 Q. So under this heading there is a vacant director
25 position and a determination to engage a director for
26 12 months in the first paragraph. Then the rationale is
27 set out, and the first is that it provides an incoming
28 general manager the ability to determine the incumbent for
29 this position. Now, in a context where the then general
30 manager was to retire and a new one was yet to be
31 appointed, do you have a view about whether appointing
32 a director-level position on that interim basis is an
33 appropriate course?

34

35 A. Yes, I do. I suppose I would have a couple of views,
36 depending upon the circumstances. Firstly, as a matter of
37 principle, to provide a new general manager with the
38 opportunity to recruit an executive team member for up to
39 five years is probably the most desirable outcome. The
40 decision taken to appoint on an interim basis for 12 months
41 was probably, based upon what I'm seeing here generally,
42 was probably a good decision, and on the other side --

42

43 THE COMMISSIONER: Q. Is that in the sense that if you
44 appoint someone for five years and they turn out to be
45 someone that, for whatever reason, the director of service
46 delivery and the new general manager have difficulties
47 working together, that five years is an issue compared to

1 having a 12-months position?

2 A. I think that's fair to say, Commissioner, but I would
3 say, on the other side, that it's horses for courses. It
4 could be that to bring stability to the organisation
5 a longer-term appointment might have been highly desirable.
6 There could have even been a person internally --

7

8 Q. I suppose also an outstanding candidate, if the
9 consensus from an interview panel was, "Boy, this is the
10 best person we're ever going to get for service delivery,
11 but they are only going to come with us if they get
12 a five-year contract", that's a decision that has to be
13 weighed, and I guess you would exercise judgment saying
14 "Look, this person is so good, they will get along with
15 anyone, whoever the new general manager is"?

16 A. Yes. So there is an in-principle decision, yes, it
17 would probably be best if the new general manager had the
18 discretion to appoint their director, but at the same time,
19 the current general manager may have had a very good reason
20 to put someone in place who would deliver more effectively
21 the objectives of the council. So, again, horses for
22 courses.

23

24 MR GLOVER: Q. That's a judgment call?

25 A. Completely a judgment call.

26

27 Q. And there is nothing, to your mind, wrong with the
28 judgment that was exercised here; is that fair?

29 A. No, I think that's a sound judgment.

30

31 Q. Would you close that folder up for the moment but keep
32 it with you, Mr Blackadder. I will take you back to it
33 later. I am now going to ask you to turn ahead to page 13
34 of your report, please.

35 A. Thank you.

36

37 Q. Here you give an overview of resource allocation and
38 the IP & R Framework, and you introduce it by referring to
39 resourcing of staff, and then in the third paragraph down
40 you make the point "Resourcing goes further than staff"; do
41 you see that?

42 A. Yes.

43

44 Q. What is the point you are seeking to highlight there?

45 A. Well, firstly under section 332, there is a specific
46 requirement of the council to determine the resources to be
47 allocated towards the employment of staff. So that's the

1 first thing. But secondly, under the Integrating Planning
2 and Reporting Framework, resourcing involves the council
3 adopting a resourcing strategy which has three components.
4 One is staff, the workforce management plan, four years.
5 But the other two are equally important - the long-term
6 financial plan, the 10-year financial plan for projections
7 forward; and secondly, probably the most important of the
8 lot is the Asset Management Planning Framework, 10 years,
9 where the council is required to identify assets that need
10 to be maintained and replaced. It's probably why the Fit
11 For the Future initiatives were undertaken by the
12 government, the failure of councils to adequately plan for
13 the maintenance and replacement of its assets.

14
15 Q. We will come to Fit For the Future in a moment, but in
16 that answer you said that you had a view that the asset
17 management component of the resourcing strategy was the
18 most important. Can you just explain why you hold that
19 view?

20 A. Largely because of the failure of councils over many
21 years to adequately plan for the maintenance and
22 replacement of those assets. My history in local
23 government tells me that councils have devoted more of its
24 resourcing to what you might call community services over
25 the years. There's been a big demand for children's
26 services, aged services, ethnic services, and a greater
27 proportion of the council's budget over many years - and
28 I'm talking generally in local government - has been
29 devoted towards those community services. What it has
30 meant is that the infrastructure has been forgotten about
31 to a degree. If I go back to my past history as a general
32 manager, the council at the time used to take money from
33 what was called the resealing vote, to reseal council's
34 roads, and it was an easy decision to make to take money
35 away from that to put into what might have been regarded at
36 the time as more important priorities. But what it meant
37 is that local government did not adequately maintain its
38 assets.

39
40 Q. And in your evidence a moment ago you suggested that
41 that experience meant that the Fit For the Future - it
42 wasn't an investigation, it was a review, I suppose - was
43 of some significance. Why did you hold that view?

44 A. It was fascinating. There were a succession of
45 investigations into local government and one of those
46 called for submissions from local councils and local
47 councils complained that they weren't being provided with

1 sufficient funds to maintain their assets, and they were
2 able to show how degraded those assets were. One of the
3 government's initiatives were to look at mergers of
4 councils, and that resulted in a bit of a shock to local
5 government because they suddenly realised that they had to
6 look after their own budget; they could not be bailed out
7 by state government. And so the Fit For the Future, in my
8 view, was a real wake-up call for local government that it
9 had to look after its own area; that it had to properly
10 maintain its assets and infrastructure; and to do so, it
11 had to ask its community for a greater level of funding.
12 There have been successive councils who have sought rate
13 increases from their community and those successful
14 councils have been the ones who have been able to explain
15 to their community why.

16
17 Q. And the Fit For the Future assessment was conducted by
18 IPART; correct?

19 A. Yes. There was the audit office, there was IPART,
20 there were a number of investigations.

21
22 Q. Can you just explain in general terms, what did the
23 Fit For the Future process involve?

24 A. It fundamentally involved a council being required to
25 report to the government, to IPART, to the Audit Office on
26 how it was managing its business, how it was funding.
27 There were a series of financial performance indicators
28 that were adopted as measures, and one of them was scale
29 and capacity to be able to provide ongoing services, and
30 IPART eventually made a finding on whether a council was
31 financially sustainable or not.

32
33 Q. You are aware that the Blue Mountains City Council was
34 determined to be Fit For the Future; correct?

35 A. Yes, I have got general knowledge of that.

36
37 Q. And what significance can be drawn from that
38 conclusion?

39 A. Well, I think, without a detailed knowledge of how
40 that occurred, I would understand that the council would
41 have made an assessment of its financial performance using
42 those sustainability indicators, particularly schedule 7,
43 its assets, and there would have been a finding about
44 whether, going forward, the council had the financial
45 capacity to deliver services and to maintain its assets and
46 infrastructure. So I presume they would have got a tick on
47 those indicators.

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Q. And at a general level - and if you can't say, please say so - the fact that they were determined to be Fit For the Future following that role, does it say anything of significance about the performance of the council as a whole?

A. It would say, similar to other councils that have been determined fit, that they have a good chance, ongoing, to deliver what their community is seeking for it to deliver.

Q. Turn ahead to page 14 of your report, please. In this section, you identify some structures at other councils, over through to page 19. Do you see that?

A. Yes.

Q. Given, in the context where there is no one size fits all model, what significance, if any, can be drawn from looking at structures implemented by other councils?

A. I think the conclusion is drawn that every council is different and will have its own view as to the type of structure that will suit itself. In saying that, I don't think there is any perfect structure. I did mention earlier the quadruple bottom line. A lot of councils do structure themselves along those lines, so they will have an environmental department, they will have an economic department, whether it's tourism, economic development, could be planning, town planning could come into that, it could have a community department and it could have a corporate services governance department. So there sometimes is that four structure that is adopted by councils, and that is well aligned with the community strategic plan.

Q. If one looks at the structures that were implemented by the Blue Mountains City Council, say, since 2011, which was the last major reconsideration that you note in your report prior to the recent one, have the structures that have been adopted by the Blue Mountains City Council been largely consistent with the approach taken of other councils?

A. I think the answer generally is yes. My understanding is that the last major review by Blue Mountains was in 2011, when it adopted a three directorate and two executive manager function, for internal services, and more recently, as I understand it, that has been converted into four directorates with a support to the general manager or the CEO. Again, horses for courses. What is relevant at the

1 time, what is appropriate for the time. The recent
2 adoption of that four directorate and support to the CEO,
3 I suggest, is not unusual.

4
5 THE COMMISSIONER: Q. Just for the purposes of the
6 transcript, I think in relation to the council being
7 assessed as Fit For the Future, that comes from an IPART
8 report which is entitled "Assessment of council Fit For the
9 Future proposals - local government final report"
10 dated October 2015.

11
12 MR GLOVER: I will be tendering some extracts from that
13 report in due course.

14
15 THE COMMISSIONER: Yes. Don't tender the whole thing.

16
17 MR GLOVER: No. We have prepared some extracts.

18
19 THE COMMISSIONER: Sorry, I might have interrupted
20 a question.

21
22 MR GLOVER: No, that's okay.

23
24 Q. Certainly looking at the structures adopted since 2011
25 and as until recently reviewed, one wouldn't conclude that
26 what the council had done was unusual or inappropriate in
27 any way; is that fair?

28 A. Not unusual and not inappropriate. Mr Glover, I have
29 been provided with a whole series of reports of what the
30 council has done - I think it was since January 2018, when
31 it commenced a process of review. What that led to was the
32 adoption of a new structure. Again, it's horses for
33 courses. I make no judgment about the merit of what has
34 been adopted, but from what I can see, the process that has
35 been adopted has been very comprehensive and it would
36 certainly align with the sort of methodology that I would
37 think would be appropriate.

38
39 Q. Can you turn to page 25 of your report, please. This
40 picks up on the answer that you gave a moment ago
41 concerning the review that was conducted in 2018 and 2019,
42 the section primarily focuses on that review. What I want
43 to ask you about is what you describe I think as
44 adjustments or refinements to the organisational structure
45 in between 2011 and 2019; can you recall that?

46 A. Yes, I think there were two or three - the information
47 that I have been provided with suggests that there were two

1 or three adjustments.
2
3 Q. I'm going to show you a folder.
4
5 THE COMMISSIONER: The bundle of materials that
6 Mr Blackadder has been provided with - will that become an
7 exhibit?
8
9 MR GLOVER: Yes. I will have copies made and we can
10 tender that.
11
12 THE COMMISSIONER: Are they all documents that are
13 available online?
14
15 MR GLOVER: I haven't looked through them but they appear
16 to be.
17
18 THE COMMISSIONER: If they are, we can do an electronic
19 tender, I think, rather than --
20
21 MR GLOVER: Yes. And some of them are in evidence in
22 other ways. I will have Mr Broad do a cross-reference.
23
24 THE COMMISSIONER: Yes.
25
26 MR GLOVER: Q. You have just been handed a folder
27 entitled "BMCC organisational structure 2011-2019"?
28 A. Yes.
29
30 THE COMMISSIONER: Do I have that?
31
32 MR GLOVER: You don't, Commissioner. This was helpfully
33 put together by the council on Friday. We are getting some
34 more copies made. Where I am going to go first is to the
35 first tab, which should be 2011/2012. Do you see that?
36
37 MR RYAN: Is there another copy?
38
39 MR GLOVER: I don't have any more copies but copies will
40 be coming.
41
42 MR RYAN: Thank you.
43
44 MR GLOVER: These are all publicly available documents, as
45 I understand it.
46
47 Q. The first tab deals with the 2011 review,

1 Mr Blackadder?
2 A. Yes.
3
4 Q. You should have a report to the governing body; do you
5 see that?
6 A. Yes.
7
8 Q. If you turn to page 3 of that document, there it sets
9 out a consultation and communication process. Just have
10 a read of that section. Just glance down the page and have
11 a look at the sorts of steps that were taken in the
12 consultation process and let me know when you have absorbed
13 that.
14 A. Thank you. I've read through to page 4, at the top,
15 the five dot points on the top of page 4.
16
17 Q. Thank you. In the context of a comprehensive review
18 of the organisational structure, are you able to express
19 a view about the level of consultation described in those
20 two pages?
21 A. Yes, it looks fairly comprehensive, Mr Glover. There
22 were individual meetings conducted with staff; there were
23 meetings conducted with unions; the staff consultative
24 committee; briefing sessions with all staff groups;
25 directors conducted workshops with their staff; there were
26 workshops with the senior team; draft structures were
27 distributed to all staff for comment; and there were, it
28 appears to be, two group manager positions were filled
29 through a competitive process. So it looks like it was
30 a fairly comprehensive review of structure at the time.
31
32 Q. If you then turn ahead to the 2019 tab - not the 2019
33 org chart, just the 2019 tab?
34 A. Yes.
35
36 Q. Do you have that? And the first document should be
37 a report for a meeting on 26 March 2019; do you have that?
38 A. Yes.
39
40 Q. Would you turn ahead, please, to page 15 of that
41 document.
42 A. Yes.
43
44 Q. This is in the context of the most recent
45 organisational review, which you have spent a bit of time
46 analysing?
47 A. I did.

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Q. Just have a look, there is a table in red and a pinky colour. Would you have a look at that table which continues through four stages over the next page and a half, and let me know when you have had a chance to absorb that.

A. Yes, thank you.

Q. That is the consultation process which you refer to in your report, in section 10; correct?

A. Yes.

Q. What is your view about the level of consultation engaged in in that process?

A. Mr Glover, from my viewpoint, and bearing in mind the many organisation reviews I have conducted at councils, this is the most comprehensive I've ever seen.

Q. If you turn back in that same document to page 7, please?

A. Yes.

THE COMMISSIONER: Sorry, go back to which page?

MR GLOVER: Page 7, Commissioner.

Q. You should have a heading on that page "Proposed organisational structure"; do you see that?

A. Yes.

Q. Then in the second paragraph it notes the last major review in 2011 and some refinements in following years. Then there is a sentence commencing "The proposed new structure summarised below represents a significant change aimed at the following", and there is a series of dot points?

A. Yes.

Q. Can you read those dot points, down to the next heading, please.

A. Yes. I've read down to the heading "Overview of new directorates."

Q. Having been referred to that section of this report, what is your view about the purpose and focus of this review?

A. Purpose - I think the purpose was to conduct a very

1 comprehensive review of the organisation, with the end
2 result being to adopt a new structure. The process, as
3 I've indicated before, is probably one of the most
4 comprehensive I've ever seen. So the outcomes or the
5 changes that are listed here in dot points, I think, have
6 served the purpose. The new structure has been developed
7 and it has some very clear accountabilities and
8 responsibilities.

9
10 Q. Is that consistent with the approach adopted here
11 aligning with the six foundational principles that you
12 identify in your report as being how one should approach
13 this process?

14 A. Yes. I think the council has very comprehensively
15 stepped through a process which I would regard as generally
16 best practice.

17
18 Q. Can you turn to page 13, please.

19 A. Yes.

20
21 Q. On that page there is a heading "Proposed approach to
22 supporting the change management process"; do you see that?

23 A. Yes.

24
25 Q. That continues over to page 14. Would you just
26 refresh your memory about that section of this report,
27 please?

28 A. Yes, I've read down to point 7.

29
30 Q. Do you have a view about whether providing a change
31 management framework to affected staff is important as part
32 of this process?

33 A. Yes, definitely, Mr Glover. Once the council has
34 decided on a change, it's obligated under clause 39 of the
35 local government state award to go through a process of
36 notifying affected staff, and it appears in the steps that
37 are outlined here - it has a process of consulting with
38 union representatives, the staff consultative committee;
39 there is a project management approach taken, which I think
40 is very commendable. I note that a change management
41 support team was to be established. Staff impacted by the
42 structure will be consulted. Any changes will have regard
43 for the New South Wales capability framework, the local
44 government capability framework, to articulate
45 responsibilities in position descriptions; a communication
46 strategy, and of course compliance with the award. So it
47 looks like the council has adopted a very effective and

1 logical process.

2

3 Q. Can you just pick up your report again, please - keep
4 that folder with you, we will come back to it in a moment.

5

6 THE COMMISSIONER: This isn't a question necessarily for
7 Mr Blackadder, but where is that proposed new structure at
8 now? It is not in place yet, is it?

9

10 MR GLOVER: 1 July.

11

12 Q. If you have your report at page 26, Mr Blackadder?

13 A. Yes.

14

15 Q. About halfway down the page, after you quote the six
16 phases, you make the point that, in your view, the Blue
17 Mountains City Council has met all the requirements for
18 delivering a sound result - and that's based on the
19 thoroughness of the process that we have been discussing in
20 your evidence; correct?

21 A. Yes, yes.

22

23 Q. Then, in the last sentence in that same paragraph you
24 say:

25

26 *There is no one size fits all for*
27 *organisational structures and in my view,*
28 *any structure can be made to work.*

29

30 Can you just explain what you are driving at there, please?

31 A. Yes, Mr Glover, over the years, councils have adopted
32 many varied structures. There was a trend some years ago
33 for a purchaser/provider arrangement, where effectively the
34 structure was split into two or three functions. That
35 trend has disappeared. There was a trend at one stage to
36 have two parts of the organisation, the service delivery
37 and the corporate governance side. There has been an
38 alignment with the quadruple bottom line that I mentioned
39 earlier, the four parts. There has been many different
40 ways in which councils have structured their operations,
41 and I guess I make the point that there is no one that is
42 relevant; there is no one that works best. It is up to
43 each council to decide on a structure that works for it.

44

45 I will say, and I don't think I have said this in my
46 report, that it also comes down to the capacity and
47 capability of the staff. In my view, the council should be

1 using its staff to the best of their ability, and the
2 capacity and capability of that staff group will vary. So
3 a structure can be built around the capabilities of staff,
4 and that is not right. It will be up to the council to
5 make a judgment on who is capable of delivering what, and
6 in some cases, a structure will be adopted to move people
7 out of the organisation because they don't have the
8 capability or the capacity to deliver what is required in
9 the future.

10
11 Q. On that same page, two paragraphs down commencing "We
12 have observed" - do you have that?

13 A. Yes.

14
15 Q. There you refer to a result from a survey of the
16 community on satisfaction with council services of 3.44 out
17 of 5 in 2018; do you see that?

18 A. Yes.

19
20 Q. What conclusions, if any, can be drawn from that
21 result?

22 A. I think that, firstly, councils that survey their
23 community - it's a meritorious action taken to ask your
24 community what they think of how you are performing. So
25 firstly, I think it's something that every council should
26 do and probably do every two years, once at the start of
27 the term and once at the end of the term. It's interesting
28 that in Victoria they are required by legislation to
29 review, to ask their community every year how they are
30 performing, and that works for that state. Those councils
31 in New South Wales that survey the community - I think it's
32 a "best practice" practice.

33
34 So Blue Mountains City Council, in asking its
35 community, the overall satisfaction rating of 3.4 out of 5
36 I think is acceptable. I would much prefer that to be in
37 the 80 per cent, in the 4 out of 5, and that's probably
38 something that the council should aspire to. But 3.44 is
39 not too bad. I am not aware of what the score might have
40 been in the past, if the council did survey its community
41 in the past, but if there has been an increase, well and
42 good. It just seems to me that there should be an
43 aspiration to get into the 4 out of 5 or 80 per cent.

44
45 THE COMMISSIONER: When in 2018 was that survey conducted -
46 early or middle or late in 2018? The CEO tells me that it
47 was April/May 2018.

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MR GLOVER: Q. Mr Blackadder, I'm drawing this from a document entitled "Community strategic plan - progress and issues background paper", February 2017, which my learned friend Mr Singleton has just handed to me. In 1996 the score was 2.6 out of 5.

A. Last century.

Q. Yes. In 2000 it was 3.1; in 2002, 3.24; in 2003, 3.18; in 2004, 3.1; in 2006, 3.23; in 2007, 3.16; in 2009, 3.36; in 2010, 3.23; in 2011, 3.21; in 2012, 3.43; in 2013, 3.42; in 2014, 3.6 and in 2016, 3.53?

A. 3.6 was the highest.

Q. 3.6 was the highest.

A. Okay. That's quite interesting that there is somewhat of a consistency there over the years. There has been a consistent view, perhaps, of the council services. It would seem to me that the objective now should be to increase that.

Q. But are those ranges, in the 3.2, the 3.6 through most of those years - does that still fall within the "acceptable" description that you gave to the 3.4 in 2018?

A. I think so. I think that you would probably classify it as good.

Q. The next paragraph on page 26, please, Mr Blackadder.

A. Which one, Mr Glover.

Q. "At the same time", do you see that?

A. Yes.

Q. You refer to six priority areas being identified as a focus for improvement. The number 1 being to break down the silos that exist in different parts of the organisation. Do you see that?

A. Yes.

Q. Is the need to break down - well, first of all, what do we understand the reference to "silos" to be?

A. It's where different parts of the organisation run their own show and don't have regard for the support or the assistance required by other sections of the council. It could mean, for example, that the corporate services of the council are not so corporate, don't necessarily support the whole organisation. It could mean that a particular

1 function of the council operates fairly independently of
2 the other parts of the organisation. In my experience,
3 this is not unique or at all unique to the Blue Mountains.
4 Organisations and councils that have a silo issue, it is
5 a common challenge to have a one-council approach to
6 service delivery, to have very effective complaints
7 management, very effective service delivery, very effective
8 customer response, and my experience is that silos are best
9 broken down by way of a project management approach.

10
11 Q. We will come to that in a moment.

12
13 THE COMMISSIONER: I was going to ask how you break down
14 silos, but you are going to come to it.

15
16 MR GLOVER: I am.

17
18 THE COMMISSIONER: You come to it when you are ready.

19
20 MR GLOVER: I just wanted to backtrack and clarify.

21
22 Q. So when one is talking about silos, it is a concern
23 about a lack of communication and cooperation between
24 different parts of the business; is that a fair summary?
25 A. Yes. Local government is, you know, a very complex
26 being. It is one of the more complex businesses that you
27 would find. So many services and activities. I walked in
28 to the Tweed Shire Council foyer a few months ago and they
29 proudly proclaimed on the wall, "We provide 65 services",
30 so the diversity and complexity of local government can be
31 perhaps illustrated there and, therefore, how the
32 organisation communicates and relates within those
33 65 operations, is quite challenging.

34
35 Q. You said that this issue, this breaking down of silos,
36 is common in your experience across local government; is
37 that right?

38 A. It's probably the challenge of every leadership team
39 in every council, as to how to have that effective
40 communication and teamwork. As I was indicating earlier,
41 one of the ways that I have found is to have a very
42 effective project management approach to the operations of
43 the council, how it might involve different areas of the
44 organisation in taking that one council approach to service
45 delivery.

46
47 MR GLOVER: Is that a convenient time, Commissioner?

1
2 THE COMMISSIONER: Yes, it is. We will have a morning tea
3 until 10 to 12.

4
5 **SHORT ADJOURNMENT**

6
7 MR GLOVER: Q. Mr Blackadder, before morning tea we were
8 giving some evidence about breaking down silos. Just in
9 general terms, what are the benefits to the organisation in
10 achieving the breakdown of those silos?

11 A. In the staff surveys that I have been associated with,
12 I've probably found three areas that are common. One is
13 a lack of leadership, and that is particularly at the
14 middle management level not at the top level. Secondly,
15 a lack of internal communication, and third is a lack of
16 internal teamwork. So they are the three that keep on
17 repeating, and they are common challenges.

18
19 The silos relate to all of that. If middle managers
20 are sticking to their own area and not liaising with,
21 communicating with other sections of the organisation, that
22 is a real problem that perpetuates the silos.

23
24 Secondly, if there is poor communication across the
25 organisation, if staff are not kept informed of, you know,
26 the strategy of the organisation; if they are not kept
27 informed of council decisions; if they are not kept
28 informed of decisions by the executive, then that
29 perpetuates the silo effect, sticking to your own area,
30 "Don't bother me", "I haven't got time to help you".

31
32 And then the teamwork, particularly at that middle
33 management level where staff have their own world to
34 manage. The issue that I've found generally is that the
35 teamwork does not happen, because those staff have their
36 own world to manage and they just don't give enough time to
37 integrating across the organisation. So they are three
38 common areas that are impacted by silos, or they actually
39 create silos.

40
41 Q. And if one follows that through, is the breakdown of
42 those silos significant in achieving operational outcomes
43 for the council as a whole?

44 A. It's one of those ways in which that can be achieved,
45 yes.

46
47 Q. And in addition to the project management approach

1 that you referred to in your evidence earlier, are there
2 any other tools available to councils to break down silos -
3 for example, communication technologies, are they the sorts
4 of things that councils can employ?

5 A. Yes. I think it's largely behaviours, rather than
6 technologies or the like - they can all help, but I think
7 it comes back to the culture of the organisation and the
8 behaviours of the staff and what they value. If the
9 organisation values communication, shared knowledge, if the
10 organisation values teamwork, and behaviours are
11 acknowledged and rewarded, that's probably the main way in
12 which you can break down silos.

13
14 Q. And please tell me if you are not in a position to
15 express a view, but based on what you have seen in relation
16 to Blue Mountains City Council, do you have a view about
17 whether the values of the organisation provide a promising
18 environment for breaking down silo culture?

19 A. Mr Glover, I want to emphasise that I have not worked
20 at Blue Mountains City Council. In fact, I have not, until
21 today, met some of the senior staff of that council. I'm
22 not close enough to observe the feel, some might say the
23 vibe, of the place. So I make no judgment on whether there
24 are silos and what the behaviours of staff might be, but
25 what I have seen in the documentation provided to me is
26 a very comprehensive process that hopefully might lead to
27 a far better operation of the council.

28
29 Q. Do you have your report there, Mr Blackadder?

30 A. Yes.

31
32 Q. Turn to page 26 - you may still be there. The last
33 paragraph on that page.

34 A. Yes.

35
36 Q. You say:

37
38 *Whilst the council might introduce a new*
39 *organisational structure and appoint a new*
40 *and modified executive team, the real*
41 *challenge ahead is to build a culture of*
42 *performance and accountability.*

43
44 What are you referring to there?

45 A. I think any organisation can adopt a structure, but
46 it's the people that make it work, and that starts with
47 very effective leadership and it requires a really good

1 performance management framework. Interestingly, the
2 Office of Local Government hopefully is soon to deliver
3 a new performance management framework for local
4 government, because at the moment there is not one. So
5 performance is a really important area for any council. It
6 is how to measure performance. It is the performance of
7 individuals. It is a performance agreement that applies to
8 the general manager and senior staff. It involves
9 monitoring and measuring performance of not only
10 individuals but of the organisation, how effective those
11 measures are developed. We talked earlier about the six -
12 seven financial sustainability indicators. So there are
13 measures, but there are other measures to measure the
14 performance of an organisation.

15
16 The other issue that you drew out is this thing called
17 accountability. From my work across local government and
18 in local government over many years, it is probably one of
19 the most significant challenges - people being made
20 accountability for results and taking accountability.
21 That's a bit of a culture thing again, but it does require
22 staff to be given clear direction, given clear outcomes to
23 achieve, and to be held to account for the delivery of the
24 results.

25
26 You know, Mr Glover, there is also an issue here about
27 the governing body being accountable to its community.
28 Through the integrated planning framework it has that
29 accountability to report annually through the annual report
30 on results. So accountability is a really important
31 concept, but not well-practised.

32
33 Q. So the point you are seeking to make, if I can
34 summarise, is, well, one thing to adopt an organisational
35 structure, but the overall performance and accountability
36 of the council as a whole, governing body and the
37 organisation, is developed through other ways, not just the
38 organisational structure; correct?

39 A. Yes. The proof is in the result. A structure will
40 not deliver you a result; it is the people within that do
41 that.

42
43 Q. Turn the page to page 27, please. This is picking up
44 some of the evidence you have given earlier about some
45 guidelines for councils in approaching reviews of
46 organisational structures. Do you see that?

47 A. Yes.

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Q. The Commissioner asked you a couple of questions about this earlier. If the relevant department, be it the OLG or otherwise, were to develop such guidelines, what things, in your view, should they include?

A. Probably going back to the steps outlined in my report. What I've tried to articulate are the steps that any organisation should follow. But then, what are the actual - what are the things that would be involved in those steps? What might be best practice? I think that would be valuable for local government. But at the same time, I acknowledge that each council will need to make its own judgment about how comprehensive a review might be. It may require just a little touch-up to the structure or a part of it, so comprehensive guidelines may not facilitate that. But certainly every council is required at the start of a term to review its structure, so to have the guidelines available to a new council and, you know, with the changes to local government over the years, we're seeing a reasonable turnover of councillors, and in some cases, a majority of councillors changing over, and sometimes, a brand new mayor, without any experience in local government. So to have some guidelines available in the first year would be quite valuable.

Q. In your experience, when councils undertake this process of reviewing organisational structure and implementing changes, is finding that aspects of the organisation find adapting to that change difficult - is that a common experience?

A. I think anyone finds it difficult to adapt to change. I think that's a common issue. Change is hard. When you get your world disrupted, that you are used to, that can be an issue.

On the other side, I think what I'm seeing more and more is through the engagement of staff, the effective engagement of staff - they welcome change, they want change, they are seeking change, they know what the problems are, they articulate what opportunities there are for change. Through the documentation that I've read in relation to Blue Mountains City Council, it seems to me that the staff have had this wonderful opportunity to express their feelings about the organisation and the opportunities that there are for improvement. So I think more and more, change is being welcomed, because staff see the benefits that will arise for them.

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THE COMMISSIONER: Q. Do I take from your answer that the level of resistance to change is often linked to the process adopted for bringing in the change or bringing in the reform? If staff are engaged at an early stage and they are able to make contributions and express opinions, that there is far less resistance and angst than if they are simply presented with "Well, this is what is happening"?

A. Commissioner, that is right. If I go in to a council to undertake an organisational review, the very first thing I do with the general manager is to develop a communication strategy. It's not me doing the communication to the general manager, it's the general manager's task to let the staff know, firstly, what a great opportunity this is; and, secondly, to give some reassurance that the results will be acted upon. It's like a staff survey. I have had experience of a council and a general manager who did not implement the results of the staff survey, and that general manager was dismissed by the council because of it. So there is no use doing something but it's giving the staff some assurance that something will come out of it. So the process that I see adopted here in those seven steps gives me confidence that they are on the right track.

MR GLOVER: Q. Would you just turn back to page 26 of your report. I'm going to pick up that topic. At the top of the page, this is where you refer to the last major change in the organisation's structure in 2011. Then you refer to some refinements. We have been through the consultation processes adopted in 2011 and in the recent change, and you have expressed your view about those. But would you take up the organisation structure folder again, if you have that folder?

A. Yes.

THE COMMISSIONER: Are you going to tender that?

MR GLOVER: Everyone has a copy so I can tender that now.

EXHIBIT #57 FOLDER OF DOCUMENTS ENTITLED "BMCC ORGANISATIONAL STRUCTURE 2011-2019".

MR GLOVER: Q. I'm just going to use 2015 as an example, Mr Blackadder, so there should be a 2015 tab; do you have that?

A. Yes, I do.

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Q. The first document is a councillor briefing by Mr Greenwood. If you turn ahead, the pages aren't internally numbered, but you will then come across a business paper for 23 June 2015. Do you have that?

A. Yes, I do.

Q. Then, just to give you the context and refresh your memory, if you turn to page 6 of that document, you will see a heading "Observation and proposed changes".

A. Yes.

Q. Just read that section to yourself, just to identify the context of what this report is and where this report sits.

A. Just in that section, the three paragraphs, "Overall structure".

Q. Yes. You will see there that no fundamental changes are being recommended, but there are some adjustments to certain functions; do you see that?

A. Yes, I do.

Q. Would you then, just to give you a diagram reference for what those changes were, just turn ahead to page 11 for me, please.

A. Yes.

Q. The white boxes in that diagram indicate no change, but there has been some redesign of the grade position, so there have been adjustments to a number of positions below director level; do you see that?

A. Yes, I do.

THE COMMISSIONER: Anyone can answer this: what does the "M" and the "PL" stand for.

MR GLOVER: Manager and program leader, as I understand it. Someone will correct me if I'm wrong.

Q. This is one of the adjustments or refinements, I think you called them, in your report. What I am exploring with you is the difference between the level and detail of consultation that might be undertaken in a whole organisation review like we have been discussing in 2011 and 2018, as against what this process involved. The consultation is summarised on page 10 of the document you

1 are in. So if you have a look from the top of page 10 and
2 read down to the heading "Conclusion", please?

3 A. Yes, thank you.

4

5 Q. So, you would agree with me that the consultation
6 process undertaken here is not as in depth as in 2011 or
7 2018; correct?

8 A. That is correct. What I'm seeing here, Mr Glover is -
9 and I would have to read the report more fully what I think
10 I'm seeing is that there has been a proposal to change some
11 functions some management functions at the third level, and
12 not touch the second level.

13

14 Q. Correct?

15 A. And therefore, those changes are proposed to then be
16 accompanied by consultation with staff. Whereas in 2011
17 and 2018, it was the consultation upfront.

18

19 Q. Yes.

20 A. So this is the consultation after the proposal.

21

22 Q. Yes. Do you have a view about whether, in the context
23 of a review of this nature, that is what was being
24 undertaken in 2015, whether this method of consultation was
25 appropriate?

26 A. Yes, again, horses for courses. It just seems to me,
27 based upon what I'm seeing, there are a number of changes
28 proposed or were proposed to the third level functions, and
29 as a result of that, there would be consultations
30 specifically with those staff affected. So it's a very
31 different approach that was taken.

32

33 Q. Is it your view that in the horses for courses example
34 that we are in in 2015, that it was an appropriate approach
35 to consultation for this type of review?

36 A. Yes, but I suppose what I haven't been able to
37 understand is how it came about initially. There is on
38 page 5 background and key considerations. If I can just
39 quickly have a look at that.

40

41 Q. Yes, just take your time and read as much of it as you
42 need, Mr Blackadder.

43 A. So, Mr Glover, what I'm seeing from the report, the
44 review of organisational structure in 2015, 23 June 2015,
45 what I'm seeing is that there was an examination of
46 structure at the time, and it had regard for what was
47 happening at the time of the Fit For the Future submission

1 to the Office of Local Government, there was an
2 establishment of a regional alliance with Penrith and
3 Hawkesbury councils, there was the review of the LEP, so
4 there were a number of things happening which presumably
5 led to the need to look at structure, and there were
6 specific proposals outlined for each directorate. Again,
7 I make no value judgment on whether those considerations
8 were relevant. It was just simply that it's been examined
9 and it looks like it's been fairly effectively examined,
10 and there's been a proposition to make some changes at
11 a third level. So it seems to me to be a logical process
12 that has been adopted to suit the needs of time.
13

14 Q. And when we come to the summary of the steps of
15 consultation, the inquiry has become aware of a concern
16 that rather than, as occurred in 2011 and 2018,
17 consultation with staff occurring before a proposed
18 structure has been identified, in, for example, this
19 process, adopted in 2015, a proposed restructure was
20 presented and then consultation followed. Do you have
21 a view about whether that approach, in the context of what
22 happened in 2015, is appropriate?

23 A. I think it was probably appropriate for the time,
24 bearing in mind that under clause 39 of the local
25 government state award, the consultation with staff has to
26 happen after a proposal is developed, so it's quite
27 interesting that that happened in 2015 and it appears the
28 council has, you know, followed the award requirements. So
29 there was the consultation following the proposal to make
30 changes.
31

32 As you say, that was very different to 2011 and 2018,
33 where the council did a very comprehensive review at the
34 front and involved the consultation with staff and unions
35 and councillors, and then has come up with a proposal right
36 at the end. That's a different approach, but they both
37 comply with legislative and award requirements.
38

39 Q. And when an adjustment to the organisational structure
40 such as here, as you say adjusting or redesigning
41 third-level management positions, is to be undertaken,
42 would you agree that it's really not necessary for the
43 council to engage in the wide-ranging and lengthy process
44 it did, for example, in 2018?

45 A. It's not necessary but, again, horses for courses -
46 I'm reading what was happening at that time, the Fit For
47 the Future, the LEP. There were a number of considerations

1 that were before the council at the time. So if I put
2 myself in the council's position in 2015, they made
3 a judgment about how they would devise the revisions and
4 then they undertook a consultation. I'm not seeing
5 anything wrong with that.

6
7 Q. I'm going to move to a different topic now,
8 Mr Blackadder. You can close up that folder, exhibit 57,
9 and put it to one side. In your experience in local
10 government, you have described to us earlier some
11 involvement in staff surveys?

12 A. Yes.

13
14 Q. Have you been involved in other tools used in staff
15 engagement?

16 A. Yes, I have. I have been familiar with a number of
17 other staff survey methodologies. In my past life as
18 a general manager I commissioned, engaged through a number
19 of firms, climate surveys at my organisations. So, yes,
20 I've got general knowledge of different approaches.

21
22 Q. And in addition to staff surveys, what other tools are
23 available to councils to engage with their workforce?

24 A. Firstly, there is the staff consultative committee
25 that's required under the award to have a representative
26 number of staff who can examine particular workplace issues
27 and proposals of the council, and different councils have
28 different ways of forming and being representative on those
29 committees. Sometimes, the general manager is a member and
30 is available to participate in examination of issues. So
31 that staff consultative process is a fundamental provision
32 of the award.

33
34 I think it's also important that senior staff of the
35 organisation have a regular engagement with their staff.
36 This can range from, for example, outdoor staff, the
37 director responsible, having regular breakfast sessions
38 with staff and conveying to staff the directions of the
39 council and some issues of the day and having an
40 opportunity for staff to have a say. So I have seen that
41 as a best practice of both the general manager and the
42 director attending those breakfast sessions.

43
44 Q. And by a breakfast session, you mean the director or
45 other members of the ELT going to depots, going on site and
46 meeting with staff; is that the sort of thing you are
47 referring to?

1 A. Yes, a 7 o'clock or even earlier session before the
2 staff jump into their trucks and go out into the field. So
3 everyone's there, everyone's hearing the same message. So
4 that is an important facility that is often used by general
5 managers and directors.

6
7 Q. And that's a method of direct engagement between
8 management and the workforce; correct?

9 A. Mmm.

10
11 Q. I want you to assume for the moment that Blue
12 Mountains council has undertaken a series of staff surveys;
13 that it has formulated the staff consultative committee;
14 that it has formed a work health and safety committee with
15 employee representatives; that it has established what it
16 calls a team brief, which is a staff - not quite
17 a newsletter but a method by which information can be
18 disseminated to staff and questions can come back and
19 responses given; that it has the employee assistance
20 program in place and opportunities for direct engagement
21 like you have described. With those tools in place, do you
22 have a view about the steps to which the council has taken
23 to engage with its workforce?

24 A. That sounds like a fairly comprehensive series of
25 opportunities for staff to input into decisions by
26 management, by leadership. One of the things that I'm
27 familiar with is that the general manager, the CEO of
28 a council might have a weekly blog, a video message that
29 goes out to staff. That is a really useful means of
30 communicating with staff. It could be a weekly email
31 address to staff. One of the things that I think is
32 absolutely vital is that the general manager, the CEO of
33 the council, has visibility; that people know their name
34 and what they look like. Poor leadership means that they
35 are not visible and they are not known. So I think the
36 leadership of the organisation is absolutely vital in
37 breaking down those silos and having effective teamwork and
38 effective communication.

39
40 Q. And is one way of ensuring the executive leadership is
41 known to have sessions where the executive leadership will
42 go out to the depot or on site?

43 A. Yes. Not only the general manager, but the executive
44 team, the second-level executive team, for those people to
45 have visibility with staff is very important as well. For
46 that executive team to appear together, to appear to be
47 a team, to be seen to enjoy their company, to be present at

1 workshops and saying the same thing, so there is
2 a consistency in message. There is also obviously a need
3 for that executive team, when they come out of an executive
4 team meeting, that they are all mouthing the same words,
5 that there are not different messages floating around. So,
6 yes, the second-level executive team members, they are
7 vital also in improving leadership and communication and
8 teamwork.

9
10 Q. I'm going to show you exhibit 37, Mr Blackadder, which
11 is the bundle of staff surveys. I'm going to show you
12 a colour extract of the results for 2015, which for those
13 with the exhibit starts at page 65. Yours won't have these
14 page numbers, but for the benefit of the transcript, I will
15 say some page numbers, but I will just direct you to where
16 I want you to go. Would you turn to the second page, which
17 is page 66 of the exhibit. There is a heading
18 "Background"; do you have that?

19 A. Yes, I do.

20
21 Q. You will see the 10 topic areas which the survey
22 covered. Do you have that?

23 A. I do.

24
25 Q. Are they the sorts of areas that you would expect to
26 be covered by such a survey?

27 A. Yes, and I have a question later on for you.

28
29 Q. A question for me?

30 A. Well, I suppose can I ask whether this is an internal
31 staff survey conducted by --

32
33 Q. The council?

34 A. -- by council --

35
36 Q. Yes.

37 A. -- rather than a survey conducted by an external body.

38
39 Q. I will have Mr Broad check but I am confident that
40 this one was conducted internally.

41 A. Thank you. So, yes, these are the issues that I think
42 would be covered generally in a staff survey.

43
44 Q. If you turn ahead a few pages, this is page 71 in the
45 exhibit, so turn ahead five pages in yours, Mr Blackadder.
46 You will see a heading "BMCC response rates"?

47 A. Yes.

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Q. You will see there some trends have been graphed. In 2015, it was 63.7; and in 2013, for example, 65.3. Do you see that?

A. Yes.

Q. In your experience, are they good response rates?

A. My answer - I would use the word "reasonable", and probably not good.

Q. Why do you say probably not good?

A. I like to see response rates to staff surveys - and we're talking about an all-staff survey here - I think they should be in the top 80 to early 90 per cent. I say that because most of the staff in a council organisation are outdoor staff, and it is very difficult to engage with outdoor staff. So this seems to suggest to me that that is not being achieved. There is a fair group of staff here, 35 per cent, who are not responding, and my experience in the surveys that I've conducted, I think a best practice is in the 90 per cent.

Now, how do you achieve that? Well, you go to the depot and you sit with all staff and you get them to fill out a response form and you give them certain assurances about confidentiality, how their privacy will be protected and you try and get as many staff as possible to respond so that it can be more of a valid survey.

Q. Would you turn ahead three pages.

THE COMMISSIONER: I would like the witness to be shown page 72, based on the context of his last answer.

MR GLOVER: Yes.

THE COMMISSIONER: I need a colour copy, because I can't tell which group is what.

MR GLOVER: Q. Mr Blackadder, you have the next page --

THE COMMISSIONER: Are you going to make some colour copies? Why don't you delay these questions on this topic and get Mr Broad to get a couple of colour copies now, because just in context, the witness has a colour copy, but clearly, there are some directorates or groups responding in that 80, 84 per cent, 100 per cent, and one is at 50,

1 and I just don't know what the significance of that is.
2 I can't tell what is what with the black copy. So come
3 back to this document.

4
5 MR GLOVER: I hadn't quite anticipated going there, but we
6 will get Mr Broad to get some copies.

7
8 THE COMMISSIONER: The whole document is really very hard
9 to make out what it means.

10
11 MR GLOVER: Yes.

12
13 THE COMMISSIONER: Not what it means, what it is saying,
14 with the black and white copy.

15
16 MR GLOVER: There are some other aspects of it which
17 I think I can conveniently deal with.

18
19 Q. Would you turn ahead three pages from where you are,
20 Mr Blackadder. You will have a section "BMCC overall
21 satisfaction"?

22 A. Yes.

23
24 Q. Yes, I have that. It is a line graph. In 2015, the
25 result was 75.5 per cent; do you see that?

26 A. Yes.

27
28 Q. In your experience, what does that result suggest?
29 A. Firstly, it has to be read in the context of the
30 response rate, but 75 per cent, generally, is pretty good.
31 Staff can be very discerning about their working
32 conditions, their leadership, so 75 per cent seems to me to
33 be not too bad.

34
35 THE COMMISSIONER: Q. Is that answer based on having
36 seen similar-type survey results for other councils?

37 A. Yes, Commissioner. I have experience with a number of
38 councils and also my own council that I have been
39 associated with.

40
41 Q. What's the highest you have ever seen, out of
42 interest?

43 A. Recently at Tenterfield Council, 93 per cent.

44
45 Q. That's a small council, is it?

46 A. A small council, but the response rate was the same.
47 95 per cent. So it was a very valid survey.

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Q. Can I just ask, 93 per cent is obviously excellent, and you have described the 75 per cent range as pretty good. What is a pass mark, in round terms?

A. I think a pass should be at the 70 per cent mark. If you are below that, that's a fairly significant number of staff or staff that are not satisfied.

MR GLOVER: Q. Mr Blackadder, if you turn to the second-to-last page of the document you have, please. This is page 103 in the exhibit.

A. Headed up?

Q. "Next steps", it should be?

A. "Next steps", yes.

Q. Just have a read of those dot points, if you would, and let me know when you are finished.

THE COMMISSIONER: Is this still the 2015?

MR GLOVER: Yes.

THE WITNESS: Thank you.

MR GLOVER: Q. Of course, this is a summary of those steps but, in your experience, are these the sorts of steps you would expect to see following the completion of the staff survey?

A. Yes. My qualification is that I would - well, the second-last dot point, "Each branch to identify and formalise action on areas for local improvement", and the last dot point, "Organisational-wide outcomes to drive specific initiatives to be developed and announced at all-staff meeting" - my point in drawing those out is that arising from a staff survey, the best practice is an implementation plan is then developed.

THE COMMISSIONER: Q. The next steps, in part, are driven by what the results of the survey are, aren't they?

A. Exactly.

Q. I mean, if satisfaction levels are at 40 per cent, it might need more than five steps; it might require some really huge remedial action. If satisfaction is at 85 per cent it's going to be very different?

A. I think, Commissioner, out of any staff survey, there

1 are improvements that come out of it. I guess all I'm
2 saying here is that there should be an implementation plan
3 which should clearly articulate the steps to be taken to
4 action those outcomes, and that then gives confidence to
5 staff that something's going to result from their voice.
6 And if they see the actions taken in the next 12 months,
7 they are more than likely to want to participate in another
8 survey.

9

10 MR GLOVER: Q. If you just turn, just to finish on this
11 document until we get the colour copy, back four pages, if
12 you would, please, this is page 99 of the exhibit, you
13 should have a heading "Local Actions from 2013"?

14 A. Yes.

15

16 Q. Do you see there 90 per cent of branches prepared
17 action plans, so that's the sort of thing you were just
18 referring to, is it?

19 A. Yes. An action plan is the same as an implementation
20 plan, yes.

21

22 Q. So this is referencing back to the prior survey, but
23 you can see there that plans of the type that you were
24 referring to in your qualification were being developed;
25 correct?

26 A. Yes.

27

28 Q. If you then just turn ahead two pages, you will see
29 a heading "Organisational Response"?

30 A. Yes.

31

32 Q. And the second dot point "Formal ELT Field Visit
33 Program to establish more visibility and connection with
34 the workforce"?

35 A. Yes.

36

37 Q. Is that the sort of thing you were referring to
38 earlier about getting the entire ELT into the field and
39 visible to outdoor staff?

40 A. Yes. I'm just reading the dot point above:

41

42 *Leadership development program to be taken*
43 *to the next level:*

44 *. More active role from senior*
45 *leadership ...*

46 *. Supervisor support/mentoring ...*

47

1 and that second dot point, yes, that sounds like it's
2 a very valuable initiative that the executive leadership
3 team members would go out and be visible and to model the
4 actions that are required.

5

6 Q. Having developed that response from a staff survey,
7 are you able to offer a general view about how the Blue
8 Mountains City Council, at least in this instance, has used
9 the results of the survey to implement change?

10 A. Yes. I am not seeing what actually resulted, but what
11 has been initiated looks to be quite commendable.

12

13 MR GLOVER: Commissioner, subject to dealing with the
14 response rates and the colour version of the document when
15 it arrives, that's all I have for Mr Blackadder.

16

17 THE COMMISSIONER: We can come back to you, then, for
18 that. Do you have any questions, Mr Ryan?

19

20 MR RYAN: I do, yes.

21

22 <EXAMINATION BY MR RYAN:

23

24 MR RYAN: Q. Thank you, Mr Blackadder. My name is James
25 Ryan. I'm representing Councillor Brown. I just had
26 a couple of questions. One of the areas I was very keen to
27 ask you about, if I can find your report, which we haven't
28 been to yet, is the role of the councillor. I think that
29 is on possibly page 20, which you were asked to comment
30 about. The role of the governing body. I think you were
31 asked to comment on section 223(1), the role of the
32 governing body, and it was (g), (h) and either (i) or (l),
33 I think - (l); correct?

34 A. Yes, correct.

35

36 Q. Obviously you have highlighted those there, to keep
37 under review the performance of the council, including
38 service delivery, make decisions necessary for the proper
39 exercise of the regulatory functions; (l), of course, is
40 quite important, be responsible for ensuring the council
41 acts honestly, efficiently and appropriately; and you have
42 made a note there that a councillor is required to be an
43 active and contributing member of the governing body, to
44 make considered and well-informed decisions. That's at the
45 bottom of page 23.

46 A. Yes, correct.

47

1 Q. So I was just wondering, because we haven't touched on
2 this, if you could describe maybe the attributes of a model
3 councillor, undertaking their role in the governing body?

4 A. Okay. So --

5
6 MR GLOVER: I object.

7
8 THE COMMISSIONER: Yes?

9
10 MR GLOVER: In what context, in what function?

11
12 THE COMMISSIONER: It is a very broad question. Even
13 though it is a very broad question, are you comfortable
14 giving a broad answer.

15
16 THE WITNESS: Yes, for sure.

17
18 THE COMMISSIONER: Okay, go ahead.

19
20 THE WITNESS: Thanks, Commissioner. A councillor has
21 certain responsibilities under section 232 of the Act and
22 those responsibilities were modified in 2016 with a change
23 to the role of councillor. One of those was to gain the
24 skills necessary to be a councillor, so it has brought into
25 play training and development of councillors. So there are
26 specific requirements of an individual councillor.

27
28 In relation to the governing body, I mean, that's very
29 different. A governing body sitting as the council has
30 a collective responsibility, and fundamentally, under
31 section 223 of the Act, the council has an overall
32 responsibility to provide governance, effective governance,
33 to make decisions in the best interests of the community,
34 and without going into specific detail of all of those
35 responsibilities, fundamentally, it seems to me that the
36 role of the governing body is to oversee the performance of
37 the organisation. That's probably the most important
38 responsibility of the governing body, apart from making
39 good decisions, but it is to oversee the performance of the
40 organisation. So I will just leave it there at this stage.

41
42 MR RYAN: Q. Yes. You have made that note at the end of
43 page 23, which was "read also in the context of the role of
44 a councillor", and that's what you meant by the individual
45 councillor having responsibilities to make considered and
46 well-informed decisions as a member of the governing body?
47 A. Yes.

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Q. And I think you note section 335 here somewhere, the general manager?

A. General manager.

Q. In fact, it is just at the top of page 21, and importantly, of course, there is 335(f) - I'm not sure if there is a number, just 335(f), to ensure that the mayor and the other councillors are given timely information and advice to effectively discharge their functions.

A. Yes, this is an important addition to the legislation. Previously, and currently, a council has to adopt a civic officers and expenses policy, but for the first time in 2016 there was this provision that came in where the general manager has to ensure that the councillors have the administrative and professional support necessary to perform their role. That has been really important, because, in the past, it seemed to me that councillors were just left to their own devices. Now there is a clear responsibility on the part of the general manager to provide that support, whether it's training, development - there are new training and education guidelines that have been developed by the office, which is a very welcome addition to assist councillors in their role, and it highlights to the general manager how important it is to provide that support.

Q. Thank you. So you have emphasised there the administrative and professional support. Am I correct in thinking that you have done that in context with your previous comment that the changes required councillors to undergo training to enable them to perform their role?

A. Yes, that has been an initiative that I think has been welcomed by most councils and councillors, to have certain guidelines that allow them to obtain the skills necessary, the training; how a councillor - for example, next year, in September 2020, we're going to have a new council elected. Now, what that means is that there is going to be a requirement on the part of the general manager to provide a very effective induction program for those councillors and ongoing training. What I see happening in councils at the moment is that there are audits being conducted, sort of skills audits of councillors. As I mentioned before, local government is a very complex business, and for a councillor to come across all of the - and be skilled in all of the issues that they have contact with, it is quite challenging - financial management, town planning, service

1 delivery and the like. So I think councillors have been
2 given certain education opportunities in the past, but now
3 there is a specific obligation on them to participate in
4 that.

5

6 Q. Can I just take you to your note at the bottom of
7 page 23, which is again "Considered and well informed
8 decisions". Taken, I think, on a plain reading of that, to
9 be considered and well informed implies that the councillor
10 must have a degree of knowledge about whatever they are
11 being asked to decide on and give policy direction to, and
12 to have that degree of knowledge they need information, and
13 then, going back to 335(f), it is said "To ensure the mayor
14 and the councillors are given timely information and
15 advice", so is this the place in the Act where the power is
16 found in the Act that provides the avenue for the
17 councillors to get that timely information?

18 A. Yes, I think this is where the partnership comes in,
19 where the general manager, the mayor and the councillors
20 really are now required to be more of a team than ever
21 before, to have that partnership. Not only does
22 a councillor have an obligation to gain the necessary
23 skills, but there is an obligation on the general manager
24 to assist in that happening. So there is a good sharing of
25 responsibilities there.

26

27 Q. I just want to move you away from skills, because that
28 is part of what is in (f), and I wanted to focus on "timely
29 information and advice"?

30 A. Yes.

31

32 Q. I'm relating that to the requirement, the legislative
33 requirement, for the councillor to make considered and
34 well-informed decisions.

35 A. Yes. Well, under section 335, the general manager has
36 a very clear obligation, now, more than what the general
37 manager had prior to 2016. Firstly, (c) to advise the
38 mayor and the governing body on the development and
39 implementation of strategic plans, policies; (d) to advise
40 the mayor and the governing body on community consultation;
41 (e) to prepare, in consultation with the mayor and the
42 governing body, the council's community strategic plan,
43 et cetera; and (f) to ensure that the mayor and other
44 councillors are given timely information and advice,
45 et cetera. So there is this clear obligation for the
46 general manager to give a council as much assistance as
47 possible to allow them to perform not only their individual

1 responsibilities as a councillor but also as the governing
2 body.

3
4 Q. I don't want on spend too long on this, but there was
5 something earlier in your evidence, and I think you
6 discussed it with the Commissioner about the partnership
7 between the general manager and the councillors. I think
8 the question was - I'm sure I will be corrected if I have
9 got it wrong - is there consultation with the councillors,
10 or do the councillors just take the general manager's
11 advice? And in that context, you know, they are very
12 different things, I would suggest: one is an interactive
13 process and the other is a tick-a-box process, if you took
14 it to the extreme. I'm just wondering - if you were to
15 look at this as a spectrum of what you have called
16 teamwork, where do you see it appropriate that this
17 teamwork gets to and sits along that spectrum?

18 A. I'm not sure whether I've got the substance of your
19 question.

20
21 Q. I've explained it badly, yes.

22 A. I guess it comes down to role and responsibility, and
23 the legislation provides clear roles and responsibilities.
24 The "but" word is the practical application of that. For
25 example, some general managers get hung up on
26 a councillor's role to adopt policy and not get involved in
27 operational matters. Well, I have a particular view that
28 councillors must get involved in operational matters. They
29 have got a responsibility under the Act to allocate the
30 resources for the employment of staff, so they need to know
31 what's going on operationally.

32
33 This becomes very blurred. It's not a very clear-cut
34 thing at all. In my view, this is where the partnership
35 comes in. For example, I do general manager performance
36 reviews, and one of the things that I always build into
37 that process is that the general manager gives feedback to
38 the performance review committee on the performance of
39 directors. And, yes, councils generally have some
40 involvement there with the appointment and dismissal of
41 senior staff, but a general manager can't perform unless
42 their staff are performing, and the councillors need to
43 know that, and so there is this interesting dilemma that
44 happens in local government about how far a councillor
45 should get involved in operational matters. Well, I have
46 a very practical view that the general manager should be
47 keeping the councillors informed of what is going on. It

1 does not mean at all that a councillor has a responsibility
2 to order staff around, it does not mean that they get
3 involved in operational matters generally, but they need to
4 know what's going on. So I think there is a communication
5 issue there. There is a role and responsibility under the
6 legislation, but there is a practical way of interpreting
7 that.

8
9 Q. We're going to run into lunchtime soon, I think, so
10 I'm going to try to be as quick as I can with this next
11 bit.

12
13 THE COMMISSIONER: Q. When section 332 says, "A council
14 must, after consulting with the GM determine various
15 things", that consultation process is not going to be
16 sensibly construed as one where, "We are the governing
17 body, we have decided this, now we are telling you, GM,
18 this is what we're going to do, thanks very much, see you
19 later." It's going to be a process where almost
20 inevitably, because of the matters that the consultation is
21 going to take place from, that the council will receive
22 advice from the GM about certain things, which, in many
23 instances, is advice that the GM is obliged to give under
24 335. You agree with that?

25 A. Yes, I do.

26
27 MR RYAN: Q. Just following on from that, I think the
28 Commissioner is asking a practical question about what
29 happens in, I think you have described, complex situations,
30 particularly with the allocation of the resources to meet
31 the multiple needs of the service delivery. The
32 councillor, as I understand the Act correctly, is still
33 required to consider that advice and make a well-informed
34 and reasonable decision about that. Presumably, the role
35 of the governing body is to interact with the general
36 manager and provide their opinions, if they indeed have
37 any, on that one. Would you say that's fair?

38 A. Mmm.

39
40 Q. Just to move to the appropriate organisational
41 structure, I think Mr Glover took you to this document
42 here, which has been produced this morning from the
43 council, going through all of the different restructures
44 and minor rejigging, if you like, since 2011, as
45 I understand it?

46 A. Yes.

47

1 Q. I think you made some complimentary comments about the
2 process that seemed to have been followed in 2018,
3 thereabouts, for the restructure that has been implemented
4 on 1 July.

5 A. Yes, correct.

6

7 Q. Can I ask you in how much detail you looked at those
8 documents? Was this part of preparing your report?
9 I guess what I'm really asking you is is this something you
10 considered over time in preparing your report?

11 A. Yes, what I was provided with were all of the
12 documents that arose in the council from I think January
13 2018, and the four steps that were taken to review the
14 structure and to review the organisation. So I had -
15 I have in front of me all of the outcomes from the
16 consultation, the individual consultation with the senior
17 executive, with the individual staff teams, with the
18 consultative committee, with the all-staff briefings, with
19 workshops and, as Mr Glover pointed out to me earlier, the
20 comprehensive list of the people that were consulted at
21 each step. So there were four steps, and there seemed to
22 be a follow-up on each step of consulting with staff,
23 councillors and generally. So, yes, I have all those
24 documents and I have read them.

25

26 Q. Excellent. Thank you for that. Can I ask were you
27 asked to or provided with documents regarding any of the
28 2011 or 2015 or 2017 restructures?

29 A. What I did receive was in relation to the organisation
30 structures. I was provided with the council reports at the
31 time and the decisions of the council at the time. The
32 23 June 2015 report, the 23 March 2019 report, the
33 22 August 2017 report - so, yes, I was provided with those
34 documents.

35

36 Q. Am I to understand correctly that you were provided
37 with far less of the process and consultation documents
38 that went into making up the final reports on 2015 and
39 2017, than you were on 2019?

40

41 MR GLOVER: I object. There is a premise in that
42 question.

43

44 THE COMMISSIONER: Which is?

45

46 MR GLOVER: What more is there to have provided? What
47 should have been - that seems to be implicit in the

1 question. The fact that there is more for one year than
2 others doesn't follow the proposition through.

3

4 THE COMMISSIONER: Why do you want to know?

5

6 MR RYAN: Mr Blackadder has been asked very specific
7 questions and in great detail regarding the 2015
8 restructure.

9

10 THE COMMISSIONER: Yes. Well, he has been asked a couple
11 of questions about the 2015 restructure, which, calling it
12 a restructure is probably glorifying it, it was more of
13 a review and a tinkering in 2015.

14

15 MR RYAN: That's correct. I'm trying to establish how
16 much information Mr Blackadder has been provided with for
17 2015 and the extent to which favourable comments were made,
18 what material were they based upon.

19

20 THE COMMISSIONER: Why don't we find that out over lunch.
21 I have to say, though, for the purposes of term of
22 reference 8, I'm not sure how important or how interested -
23 I can't speak for the current Minister for Local
24 Government, but I don't think it's going to provide her
25 with much assistance for me to inquire into in enormous
26 detail what the restructure of the council was in 2011.
27 I would have thought that of far more benefit is to look at
28 what has happened now and is happening now for the purposes
29 of me answering term of reference 8 in a responsible way,
30 because I don't think it's going to be particularly
31 responsible to focus too much, other than as a matter of
32 historical fact, what occurred in 2011. It's really how is
33 the council structured now and moving into the future,
34 I think, for this particular term of reference.

35

36 MR RYAN: I understood the terms of reference to be from
37 approximately 2012 through to --

38

39 THE COMMISSIONER: Yes, but not so much for - I don't think
40 that's right in relation to organisational structure and
41 resource allocation. I think, really, that term of
42 reference, 8, is really about what is current and what does
43 the future look like in terms of the organisational
44 structure and resource allocation. Having an inquiry into
45 what happened in 2011 or 2001 or 1993 doesn't seem to me to
46 have a great deal of purpose or really will it provide any
47 benefit.

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MR RYAN: Okay.

THE COMMISSIONER: You are definitely right that, you know, term of reference 6, as an example, and term of reference 3 do. Term of reference 1 and 5 requires looking at matters from 2012 onwards, but for organisational structure and resource allocation, unless there is something of enormous significance in relation to 2011 or 2015 --

MR RYAN: I was just trying to establish what is known about the level of consultation.

THE COMMISSIONER: Sure.

MR RYAN: Really that's all.

THE COMMISSIONER: We might break for lunch now, because we've only got one person here working to record what is happening. Can you give me an approximate time, how much longer you are going to be?

MR RYAN: Possibly five. I doubt more than 10 minutes.

THE COMMISSIONER: Okay. What about you, Mr Singleton?

MR SINGLETON: 15, maybe 20.

THE COMMISSIONER: Great. Okay, so we should get to the next witness by about 2.30, then. Excellent. We will break until 2.

LUNCHEON ADJOURNMENT

MR RYAN: Q. Mr Blackadder, I just had a couple of questions left. The first one was surrounding the council surveys, you were taken to those by Mr Glover. I think he delivered you a bundle of those surveys and you made comments generally, I think some of which included that it was good. I think you made notes that you clarified whether they were internal or external, and you said that there was a pass - you would regard a pass at about 70, and you were thinking that the desirable rate - it would be desirable to get that response, favourable response rate, up to about 80 per cent rather than the 75?

A. There is a distinction here between response and

1 satisfaction.

2

3 Q. Yes, sorry, I meant the satisfaction --

4 A. Yes, different issue.

5

6 Q. The weighting, yes.

7 A. So, yes --

8

9 THE COMMISSIONER: Q. "Response" you said over 90, I
10 think, or 90 and above would be good?

11 A. Yes, I would like to see most staff respond or have
12 the opportunity to respond, but in terms of satisfaction,
13 overall employee satisfaction, yes, 70 per cent would be
14 just a pass.

15

16 MR RYAN: Q. And did I hear you correctly in saying that
17 you think it would be good to aspire to more than
18 75 per cent?

19 A. Yes.

20

21 Q. Get it up into the 80s and try to get to 90 at some
22 point?

23 A. 90 is very difficult to achieve in terms of
24 satisfaction, but certainly aspiring to above 70 is good.

25

26 Q. So the question that I wanted to ask is obviously one
27 of the reasons for this inquiry is the upheaval that
28 occurred in 2017 and issues which were raised with the
29 minister. I am informed that in 2017 and 2018 there were
30 no staff surveys. The question I wanted to ask you was,
31 would that have an impact on staff, having been surveyed
32 regularly and then the surveys ceasing?

33

34 MR GLOVER: I object.

35

36 THE COMMISSIONER: I don't quite understand the question.
37 Sorry --

38

39 MR RYAN: It is about term of reference 6, about
40 a supportive and consultative working environment.

41

42 THE COMMISSIONER: What's the question?

43

44 MR RYAN: The question is would the ceasing of having
45 staff surveys in 2017 and 2018 have an impact on the level
46 of staff --

47

1 THE COMMISSIONER: What do you mean, ceasing of having
2 surveys?

3
4 MR RYAN: No staff surveys were conducted in 2017 and
5 2018.

6
7 THE COMMISSIONER: Right. Okay, and the question about
8 that is?

9
10 MR RYAN: The question is that, having been surveyed each
11 year for a number of years, how would ceasing of the
12 surveys be interpreted by the staff.

13
14 THE COMMISSIONER: I don't see how Mr Blackadder could
15 possibly know how - what, if anything, people at the Blue
16 Mountains Council think about that. What you could ask him
17 is how often do you think staff surveys should be
18 conducted.

19
20 MR RYAN: Commissioner, if I may, Mr Blackadder has given
21 a lot of evidence about what he has observed in councils in
22 his career, both as a general manager and as a consultant.
23 He's made particular comments about what I would like to
24 see as an implementation plan coming out of those surveys.
25 Obviously they are not specific comments directed at Blue
26 Mountains but they are comments made on experience. My
27 question is, asking from his experience, if a council
28 stopped surveying their staff, does it have an effect on
29 staff morale and staff's perceptions of degree to which
30 they are supported. Clearly, he can't make a comment on
31 Blue Mountains City Council, but I don't think he is here
32 to make a comment on Blue Mountains City Council.

33
34 THE COMMISSIONER: Q. Do you understand the question?
35 A. Yes, I do, Commissioner.

36
37 Q. All right. Go ahead.

38 A. I think, Mr Ryan, the answer is that it has to have
39 context of what is happening at the council at the time.
40 I have had some general managers say to me, "Look, it's
41 just not the time to do a survey." And my answer to them
42 is, "Well, really, that's probably the best time, because
43 if you get a bad result, you can do something about it."
44 Regular surveys I think are highly desirable, so that there
45 is a consistency in flow to see how things have changed
46 over time. But there will be circumstances, for example,
47 an emergency, a bushfire, a flood; there could be all sorts

1 of reasons why a council does not continue that consistent
2 survey. If they missed a year and did the survey the
3 following year, not a problem with me. You just need to
4 look at the circumstances of the time.

5

6 THE COMMISSIONER: Q. Would those circumstances
7 include - I mean, it's obviously reasonably clear that the
8 council has undergone a fairly - a reasonably broad
9 restructure process throughout 2018 and 2019, in which
10 there has been staff consultation over that restructure,
11 that it might make the most sense to have a staff survey
12 once that structure's been put in place and see how it's
13 going?

14 A. I think that's a logical conclusion, Commissioner. If
15 an organisation is going through a very comprehensive
16 review or there are external factors that impact on the
17 council, it would be quite logical not to do a survey of
18 staff who may well be distracted from what they are
19 normally doing.

20

21 MR RYAN: Q. Thank you, Mr Blackadder. I wanted to just
22 revisit the analysis that you did of Blue Mountains'
23 structure and also the consultation over the restructure
24 for 2019. It is a very simple question. Did you interview
25 people to produce the report?

26

27

28 Q. I am only asking that just to clarify, as my
29 impression was that it's essentially a desk top review, you
30 get the documents that are available or have been provided
31 to you?

32

33

34 Q. And you make your assessment based on the documents?

35

36

37

38 Q. I think the paragraphs that I have found quite
39 influential or significant on page 26 of the report - it is
40 easier to work from the bottom up, the fourth
41 paragraph from the bottom?

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THE COMMISSIONER: Which paragraph is this one "From the
information", or "We have, however".

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MR RYAN: "We have, however."

Q. You make some statements, and I think it's really one long sentence, if I have this correct, it is the second sentence:

If staff are adequately resourced, have strong leadership from the general manager, executive team and managers, are motivated and inspired to deliver for the community, are empowered ... recognised and rewarded for effort, these are the characteristics which ultimately determine success and not organisational structure.

Is it correct to say - and I think you make what I think of as a similar comment in the last sentence - the real challenge ahead is to build a culture of performance and accountability. Am I correct in thinking that you see this even less tangible challenge, I think you may have called it, to build a culture in the organisation, as more important than the structure?

A. Yes, most definitely. I've also said in my report that structure follows strategy, so community strategic plan, structure to deliver the plan, resource to deliver the plan, but ultimately - and I am quoting from someone else here where they have said, "The most important game in town is culture", and that means that it does not matter what your structure is, as long as the staff are motivated and inspired to deliver that strategy.

THE COMMISSIONER: Q. I might have asked another witness this: when you are talking about the culture of, for example, a council, what are you in particular talking about? Is it a set of goals, a set of beliefs, the standards the council wants to set, those that it doesn't approve of - a mix of all those things? You tell us in your words what culture of a council means?

A. Yes, thanks Commissioner. I did refer to this previously this morning. It is really the values and the beliefs and the behaviours that the staff have about their organisation. It is about what they think is important. It depends upon whether the leadership of the organisation provide them with a clear view of what you might call the vision of the organisation, where it's heading, whether the staff are then motivated and inspired to deliver that

1 vision, and then the good organisations adopt values which
2 define the sorts of behaviours that the staff will
3 exhibit in delivering those outcomes. So, yes, culture is
4 personal. It's not structure, it's not strategy, it's very
5 much how the organisation delivers those outcomes through
6 their staff.

7
8 MR RYAN: Q. Mr Blackadder, you did say earlier that you
9 liked, I think it was, the 2019 restructure, and you said
10 it was values-led, and you - I forget the words you said,
11 but you said that organisations tend to then encourage
12 employees to act in accordance with their values?

13 A. Yes, I didn't say that I liked the structure.

14
15 Q. No.

16 A. What I think I did say is that I was impressed that
17 the council, in 2013/2014 had developed the values. The
18 information that I was provided showed me the sorts of
19 behaviours that the council staff were expected to exhibit.
20 I was impressed with the fact that the council had
21 conducted staff surveys to find out what the staff thought
22 about the leadership and the working conditions and where
23 they are heading. So it seemed to me that Blue Mountains
24 City Council was doing all the things that it should do and
25 needed to do to provide a good, healthy workplace.

26
27 Q. Have you ever had experience with a council where it
28 had adopted a values-based plan but failed to actually
29 achieve a change in culture?

30
31 MR GLOVER: I object on this basis: I think we need to be
32 clear what a valued-based plan is, for this to be useful.

33
34 THE COMMISSIONER: So you want to know whether
35 Mr Blackadder is aware of a council that has outlined what
36 it says a statement of its values are, but then has failed
37 in putting in place a structure after that?

38
39 MR RYAN: No. I think what we have been talking about is
40 adopting a set of values and having the culture of council
41 take on those values.

42
43 THE COMMISSIONER: You want to know, "Have you seen
44 a council put out a statement, 'These are the values we
45 believe in', and ultimately the culture of the council
46 doesn't reflect that?"

47

1 MR RYAN: That they do not live up to it, essentially,
2 yes.

3

4 THE WITNESS: That's an interesting question. I think my
5 general answer is, most councils - and I can't point to an
6 individual council that hasn't, but most councils that have
7 been values-based or are values-based will have a good
8 chance of having a good culture, and not every council has
9 values. Not every council has adopted values. In fact,
10 when you talk about values, you need to differentiate
11 between organisation values and community values. Some
12 councils, in working with their community to develop the
13 community strategic plan, will develop community values,
14 and then the staff are invited to make sure that they
15 deliver services and provide their performance in
16 accordance with those community values. So they are very
17 different to the organisation values.

18

19 Q. Thank you. You did say in your evidence earlier -
20 I think you were trying to emphasise that you had conducted
21 a desktop review and that you weren't close enough to
22 anyone at Blue Mountains City Council to get the vibe of
23 the things, I think were the words that you used. You then
24 said that from what you have seen the documents should lead
25 to a far better operation or outcome for the council than
26 there had been in the past.

27

28 MR GLOVER: I object to this. It is not a fair summary of
29 the witness's evidence.

30

31 THE COMMISSIONER: Where are you going with this, Mr Ryan?
32 You want to ask --

33

34 MR RYAN: I'm asking Mr Blackadder about his comment that
35 the documents have a good chance of leading to better
36 outcomes for the council.

37

38 MR GLOVER: That's a different question.

39

40 MR RYAN: A better operational outcome for the council.
41 And I'm asking what he meant by that comment, and what it
42 is based on.

43

44 THE WITNESS: Commissioner, I can probably answer
45 generally.

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47 THE COMMISSIONER: Yes, go on.

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THE WITNESS: So if we go back to 2011, the council did adopt a very comprehensive process of review, and that led to an outcome. In 2015 it conducted what might be regarded as a minor review and looked at some operational aspects. In 2018 into 2019, what I think I observed was that the council had conducted probably the most comprehensive review that I've ever seen, and therefore, the council probably has a very good chance of delivering the services that its community is seeking. I qualified it by saying that the jury is still out in terms of performance and accountability. So it's still up to the council to perform, and it's still a responsibility of the council, both the administrative arm of the council and the governing body, to be accountable for that performance.

MR RYAN: Q. Thank you. Did you include the 2017 restructure in that?

A. That was a minor - as I recall reading it, there was a minor change. I noted that there was some modification but I don't think that I provided a detailed comment on that. I think it was just noting that a change had occurred.

MR RYAN: That's all, Commissioner, thank you.

THE COMMISSIONER: Yes, Mr Singleton?

<EXAMINATION BY MR SINGLETON:

MR SINGLETON: Q. Mr Blackadder, I refer to the phrase "structure follows strategy". Another phrase might be "structure follows function". Is function considered a synonym for strategy; does strategy follow function, or is there some other relationship?

A. Yes, the other term that I'm familiar with is "form follows function".

Q. Yes.

A. Structure follows strategy is something that I've adopted over many years. Going back to my past life as a general manager, I've fundamentally had the belief that the organisation needs to know where it's going before it sets up to deliver that result. So the 2009 integrated planning and reporting and the community strategic plan was just a wonderful initiative by local government to find out from its community just exactly what it wanted in the

1 future, and to have a 10-year minimum horizon, and some
2 progressive councils, rightly or wrongly, adopted 20 years.
3 It's a little bit hard to predict where you are heading in
4 20 years, but, nonetheless, some councils have tried to do
5 that. So certainly the community strategic plan has been
6 critical in the council deciding how to set itself up to
7 deliver, and then the integrated planning and reporting
8 framework brings in a number of the other components.
9

10 Q. At page 9 of your report, you talk about the vertical
11 design. First thing I want to talk about is the
12 terminology of strategy and tactics. I will put
13 a proposition with some historical analogy and then ask you
14 to comment. The proposition is that whether some plan is
15 categorised as strategy or tactic actually depends on the
16 context in which you are asking, and the same thing may be
17 a strategy for one person and a tactic for another. There
18 is the historical analogy. The Allied grand strategy, at
19 the top, was fight Germany first, so that the plan for
20 attacking Europe, which was Africa first, then Italy, then
21 France, was just a tactic. But, of course, once you are
22 looking at the level of what is the plan for Europe,
23 Africa, Italy, France is a grand strategy, and then there
24 will be tactics for how to invade France. Of course, some
25 of those tactics are strategies from the point of view of
26 a corporal. Do you agree with the proposition that these
27 are words that entirely depend on context?

28 A. I don't think I can give a "yes" or "no" there, but
29 what I can say is that in my view, strategy is the "what",
30 and the tactics, the plan, is the "how". A good community
31 strategic plan is quite interesting in its wording. The
32 strategy is what the community wants to see in 10 years or
33 more - and I emphasise the "see", the outcome; and the plan
34 is the way to get there. So a strategic plan is a little
35 bit anomalous, because the strategy is the "what" and the
36 plan is the "how". Bringing them together in one document
37 is fair, but I am very much an advocate of the strategy
38 first, having a clear idea of where you are heading, and
39 then motivating and inspiring the staff to get there.
40

41 Q. You have mentioned that a number of layers in an
42 organisation is ideally between five and seven, or from
43 five to seven. That proposition depends on the size of the
44 organisation, doesn't it? If you are the government of the
45 United States, you might have more than seven layers?

46 A. The principal I think is probably constant. You would
47 want a strategic thinking layer; you would want a planning

1 layer, a delivery layer, and in local governments we are
2 probably guilty of having too many layers, and therein lie
3 the problems with the silos, having communication that goes
4 down the line. If a general manager adopts a particular
5 policy or the council adopts a particular action, how do
6 you communicate that down the line? It becomes more
7 difficult the more layers there are. So the principle -
8 one of the principles that I've outlined I think is to be
9 simple and clear in how those functions are grouped
10 together. The other function is, or the other one is task
11 complexity. You know, the more complex the operations are,
12 the more difficult it is to get teamwork and effective
13 communication. So the number of layers is something that
14 an organisation and a council has to be quite careful with.
15

16 Q. Can I take you to page 14. At the beginning you say
17 there is a somewhat common refrain when speaking with
18 councils - "Oh, but we are different ... ". The
19 impression - do you intend - is the following, that very
20 often the claim "we are different" is not an accurate
21 claim, or is an exaggerated claim?

22 A. Yes, I think what I am saying there is that based upon
23 my experience, I've had situations where I've recommended
24 both in my past life as a general manager and now as
25 a consultant, I've recommended that councils go and
26 benchmark with others, and I often get the claim, "Oh, no,
27 we're different." And therein lies the reason why they
28 should do it, to understand how that difference has come
29 about and what they can do, and learn from the experience
30 from others. So a lot of councils think that they are
31 quite special, but really, you know, local government,
32 we're trying to do the same thing. How we do it, we vary
33 ourselves. We've got different needs and aspirations of
34 local community, we have different environmental
35 challenges, social challenges, economic challenges. If you
36 go up to Tenterfield and Armidale today, with their
37 bushfires, and certainly Blue Mountains is right at the
38 forefront of that - so having certain challenges means that
39 you might be different, and you have to structure yourself
40 to take account of that difference, and I guess what I'm
41 saying about Blue Mountains City is that it does have some
42 quite different challenges to others.
43

44 Q. It is in category 7.

45
46 THE COMMISSIONER: Q. It almost seems incongruous to
47 call it a city had when it is made up of 27 towns and

1 villages?
2 A. Twenty-seven, yes.
3
4 Q. Perhaps the CEO and the mayor can tell us about that
5 and how that relates to --
6
7 THE COMMISSIONER: What did you say?
8
9 MR SINGLETON: I was talking to Mr Glover. I said
10 "kingdom".
11
12 THE COMMISSIONER: Right. I don't know what that means.
13
14 THE WITNESS: Commissioner, if you indulge me, I've often
15 said that one of the more difficult councils in the state
16 to administer would be Blue Mountains City Council, because
17 of that very reason - 27 defined communities,
18 27 aspirations, 27 place management challenges. It's a
19 little bit similar to another council I'm familiar with,
20 the Shoalhaven City Council, with about 110 kilometres of
21 coastline and all of the villages along there. That is
22 a significant challenge for anyone to administer.
23
24 THE COMMISSIONER: There are logistics and no doubt
25 a whole range of things that I can't think of at the
26 moment. Someone can tell me. Yes.
27
28 MR SINGLETON: Q. Another one of which you are aware, I
29 think, Mr Blackadder, is that the council, being in one of
30 only two in the world, in a world heritage area, has a vast
31 amount of land which requires some facilities but doesn't
32 generate much revenue?
33 A. Yes, and probably no different to many councils in the
34 state that have state land, national parks, non-income
35 producing assets - a lot of churches, et cetera, et cetera
36 that, you know, don't pay rates. But certainly Blue
37 Mountains City can claim to be a little bit unique there.
38
39 Q. I was about to ask you, what defines category 7? You
40 have said that Blue Mountains is a category 7 --
41 A. I think they call it "urban large", so most of the
42 periphery councils, on the periphery of Sydney, the large
43 councils constitute category 7 under the Office of Local
44 Government categorisation.
45
46 Q. You have listed them in your report?
47 A. I have.

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Q. There are seven of them. And even amongst those seven, one can see that Blue Mountains has a fair claim for uniqueness, and I will suggest it for your comment in a few parts: firstly, Campbelltown, Penrith and Hornsby are quite comparable to one another, in geographical terms at least?

A. Yes.

Q. The Central Coast and Camden, again, have some comparable natures - one doesn't have beaches, but they are both really outside Sydney, but similar?

A. Growth communities.

Q. Yes. The Blue Mountains, even among those seven, stands out as different from the others, doesn't it?

A. I think that's correct. If I were to draw any sort of parallel, it would probably be Central Coast. That has a number of communities, a number of suburbs. But the population is very different, the population size.

Q. The proposition on page 26 of your report that the organisational culture is the one overriding determinant of success is followed up at the bottom of the page with the proposition that the real challenge ahead is to build a culture of performance and accountability. That latter proposition is one based on the principle in the first proposition, not a specific assessment of the Blue Mountains; it applies to everyone, doesn't it?

A. Correct. Oh, I qualify that by saying that now that the council has gone through the process, a very comprehensive one at that, its challenge now is to give effect to the strategy, through the structure, and in terms of culture, I guess I'm commenting that that is the performance and accountability challenge ahead. So that's ahead of the council, and I make no judgment about whether they are capable of doing that. It just seems to me they have set themselves up to do it.

Q. So you make no judgment about the current culture - you didn't assess --

A. I haven't been able to do that, no.

Q. Nor whether they will succeed in the future - you make no judgment about that?

A. Sorry, I will make the judgment that with adoption of values, with the survey of staff, with a very comprehensive

1 consultation process, and now adoption of a structure,
2 I think the council has now provided a great degree of
3 certainty to the staff about where they are heading, and
4 now the challenge is to do it.

5
6 Q. And it is the process recently undertaken to come up
7 with a new organisation structure and a few other aspects
8 of the organisational review that you suggest would be
9 a good place to start in developing a model for the state?

10 A. Yes, it seems to me that all of the components of
11 a process, of a good process, have been adopted by the
12 council.

13
14 Q. A proposition, and at the end I will ask you to
15 comment on whether you agree, and elaborate: the
16 proposition is that the position of general manager is
17 actually quite unique compared with state and federal
18 governments, neither of which has a single head of public
19 service. It's not merely like the head of the Premier's
20 Department or the head of the Prime Minister's department,
21 it's the head of the entire public sector for, in this case
22 the Blue Mountains, in other cases, different cities, and
23 it has a second unusual feature, the head public servant
24 doesn't report to a single minister, who is the political
25 figure, but is answerable to 12 of them, in this case,
26 albeit the mayor has a particular conduit role, but not
27 a true ministerial role. Do you agree with that analysis?
28 Is it unique compared with other levels of government, and
29 does it say anything about or do you have anything to say
30 about whether it is a good situation?

31 A. Wow, that's an interesting proposition. This is
32 a very topical and difficult issue, role and responsibility
33 of the general manager and relationships with the governing
34 body and the mayor. There have been many not so celebrated
35 examples where general managers have bitten the dust
36 through politics, and it doesn't necessarily mean that they
37 have performed poorly, it might have been that they have
38 fallen out with the politicians of the day.

39
40 It would seem to me that that is no different to
41 a director-general and the relationship that they have with
42 a minister, so there are certain parallels there. I think
43 that's one of the difficulties that a general manager,
44 a CEO of local government, has, and that's the
45 relationships management, dealing with the mayor on
46 a day-to-day basis. That is a really important
47 relationship, and some general managers do it so well, they

1 get accused of bias towards the mayor, when they are really
2 just doing their job.

3
4 A good general manager, CEO, will treat all
5 councillors equally, but in the way that local government
6 is becoming increasingly structured, with political
7 aspects, it is difficult for a general manager to be seen
8 to be treating every councillor equally, because
9 ultimately, there may be a governing body - I'm sorry,
10 a majority in the governing body that wants things done,
11 and that is just a platform or a policy position that the
12 general manager under section 335 has to implement, I think
13 the words are, "without undue delay", and so a general
14 manager can fall by the wayside simply by doing their job.

15
16 Q. The proposition that all councillors should be treated
17 equally by a general manager doesn't mean that a general
18 manager wouldn't spend more time with the mayor because of
19 the mayor's special role as conduit and spokesperson?

20 A. Yes, normally, the mayor would be delegated authority
21 to oversee the functioning of the general manager. There
22 is a particular provision in section 226 I think it is, the
23 role of the mayor, about how they relate to the general
24 manager and give guidance. But a good delegation to the
25 mayor will enable the mayor to approve leave and, you know,
26 there's one provision under - goodness me - it might be
27 335, where the general manager has to be careful that they
28 are not absent without leave for three or more days without
29 the approval and, you know, that's normally the council
30 would delegate power to the mayor to give authority for
31 general managers' absences. So there is a day-to-day
32 relationship with the mayor. If you look at councils
33 across the state, I would propose that the good councils
34 are the ones with a good mayor and a good general manager
35 who have a very good working relationship.

36
37 Q. One of the many relevant factors in designing an
38 organisational structure and, indeed, developing other
39 plans, is who is available, what staff do you actually
40 have, what are their skills and expertise; that's correct?

41 A. Yes, I think it's fair to say that a structure can be
42 secondary to the capacity and capability of the staff. In
43 the work that I do with councils in reviewing structure,
44 I try and find out who is performing well and who is not.
45 My view is that a council should be trying to hang on to
46 their good performing staff and can actually structure
47 around those staff, can facilitate their retention. If

1 a council does not have a good performance management
2 system, some councils use the structure to structure out
3 some staff, and I think that is unfortunate. They should
4 be using performance management to do that, not structure.
5 But I like it when a council use structure to hang on to
6 staff.

7
8 Q. The Fit For the Future program and analysis which led
9 to only six metropolitan councils, plus the Blue Mountains
10 City Council, which is on the edge of the metropolis
11 getting through, seems to have been a very rigorous process
12 with quite stringent analysis from IPART. Did you have an
13 opportunity to consider that issue and, if so, is what
14 I say correct, that it was stringent and difficult to pass?

15 A. Yes, most definitely, IPART did put all councils
16 through the hoops and they had to provide very
17 comprehensive responses to the status of their
18 infrastructure and their projections on expenditure. So,
19 yes, IPART, because of their independent nature, I think
20 you can guarantee that they did a very comprehensive and
21 thorough process, so that those councils that have come out
22 with that status of "Fit For the Future", have done very
23 well. That's probably qualified by a need for those
24 councils to continue to stay fit and to ensure that they
25 meet those financial sustainability indicators on an
26 ongoing basis.

27
28 Q. In the context of Fit For the Future, your earlier
29 evidence went on to say that successful councils - or at
30 least some of them, that went to their communities to
31 obtain approval for rate rises and part of it was to
32 explain why it was needed. I'm not talking politics in
33 this question, but do you agree with the proposition that,
34 wherever a council went to its community to seek a rate
35 rise - that's a taxation increase - really, and explained
36 the whole need and process, it's an act of real leadership
37 by that council?

38 A. It is a very good comment. Historically, many
39 councils failed to exercise that leadership. They failed
40 to go to their communities seeking rate increases because
41 of the politics and not wanting to be seen by communities
42 to be bad financial managers, and history will show - and
43 the IPART reports will show - that many councils failed to
44 adequately fund their operations and failed to have their
45 communities pay a reasonable share of that cost, and
46 through the Fit For the Future process, I think one of the
47 great outcomes of that was that councils realised that they

1 had to go to their communities and own up, "Look, here is
2 where we are heading, here is where you want us to end up.
3 In order to do it, you need to pay a little bit more
4 money." So it has been a very good outcome that councils
5 have now worked with their communities to show them where
6 they are heading.

7
8 Q. That's a great place to finish, but I forgot something
9 earlier, so I'm going to have to finish on another more
10 boring note, a bit of a push-back. I think you said that
11 the response rate for the staff survey should have a pass
12 mark of about 70 per cent?

13 A. Not a pass mark. It was two issues. One was the
14 response rate and the other was the satisfaction rating.

15
16 Q. Yes. I'm asking about response rate?

17 A. So response rate, what I like to see is a response
18 rate in the 90s.

19
20 Q. I suppose 99.6, with one person held for questioning,
21 is the best, but whilst the 90s is a good and desirable
22 outcome, what is an acceptable outcome or a benchmark of
23 reasonably good performance, rather than excellent?

24 A. Unacceptable is in the 70s. 80s is getting there, and
25 90s is pretty good.

26
27 Q. Are you familiar with the New South Wales Government's
28 People Matter Employment Survey?

29 A. No.

30
31 Q. It's a survey that is very similar in nature to the
32 one that the council conducted in some previous years, with
33 a series of positive propositions like, "My senior managers
34 model the values of the organisation", to which there can
35 be a "strong", or - I won't say "weak", but a "strong", or
36 "normal" positive response or negative response sometimes
37 a neutral response. It is quite comprehensive I happen to
38 have the figures for 2016, which is a comparable year.
39 They used to do it every second year, now it is every year.
40 The response rate for the New South Wales public sector for
41 its employee survey was 36 per cent. Treasury got
42 96 per cent - you would say that's desirable. Premier and
43 Cabinet, 80 per cent, that's a little on the cusp, in your
44 assessment. I will read them out; there is about half
45 a dozen more. Finance, 79 per cent; planning and
46 environment, 78 per cent; transport, 48 per cent; family
47 and community services, 46 per cent; industry, 40 per cent;

1 education, 35 per cent; justice, 35 per cent; and health,
2 27 per cent. Now, I've had a bit of a chance to look at
3 these over lunch. There is a bit of a pattern. The more
4 powerful and the more office-bound and the less useful, the
5 higher the result. And the more useful and field operated,
6 the lower the result. What I want to suggest is that if
7 the New South Wales public sector as a whole has
8 a 36 per cent response rate, and only the powerful
9 office-bound agencies with nothing better to do get past
10 78 per cent, this council wasn't doing too badly, and your
11 standard is a good standard, but it's actually a very high
12 standard on that measure, isn't it?

13 A. We didn't get back to the survey results.

14
15 Q. I'm just talking about how many people?

16 A. Yes, I understand. What you did say, though, for
17 example, transport - so rail, buses, probably comparable to
18 local government outdoor staff, and so it did show that
19 there was a smaller response rate there, which would
20 parallel local government. My proposition earlier was that
21 a council should put a lot of effort in to engaging with
22 its outdoor staff, and on the same basis, it appears that
23 the state should be doing the same.

24
25 Q. None of which is disputed.

26
27 MR SINGLETON: Those of my questions. Thank you,
28 Mr Blackadder.

29
30 THE COMMISSIONER: Did you want to go back to that chart?

31
32 MR GLOVER: Yes, the witness has just raised it.

33
34 **<EXAMINATION BY MR GLOVER**

35
36 MR GLOVER: I think, Commissioner, it is not
37 page numbered, but the seventh page in is a directorate
38 group response rate, graph.

39
40 Q. Do you have that?

41 A. Yes, I do.

42
43 Q. This breaks down the response rates, as it suggests,
44 by directorate. The lowest is CS, which is city services,
45 which later came to be known as service delivery?

46 A. So that's the outdoor staff.

47

1 Q. So what significance do you place on that number in
2 the context of your opinion?

3 A. So I guess, Mr Glover, it validates my comment earlier
4 that the overall response rate has been devalued by the low
5 response rate with the outdoor staff, and it just suggests
6 to me that at the next time that the council does a staff
7 survey, it needs to put a lot of effort into engaging with
8 its outdoor staff.

9

10 Q. Indeed, if you look across the graph, the green one,
11 C&CO, city and community outcomes, is 82; D&CS - does
12 someone want to remind me what that means? I can't
13 remember. In any event, the next is 78.5. It will come
14 back to me. The general manager's office is 68.4; people
15 and systems, 84.4; and integrated planning and finance at
16 100. So the comment you made earlier, that the overall
17 score is being pulled down by the low score in city
18 services, is that what you are referring to?

19 A. Yes. I'm not sure that it says it here, but it be
20 doesn't have numbers of staff. It would seem to me that
21 the 100 per cent might be five staff, whereas the
22 50.3 per cent might be 250 staff.

23

24 Q. Yes. If you go back to the fourth page of the
25 document, it doesn't have staff numbers, but there is a pie
26 chart with group responses. 42 per cent of the responses
27 came from city services.

28

29 THE COMMISSIONER: Over the page, from "Directorate/Group
30 Response Rate", it's got "Branch response rates". How do
31 you get over 100 per cent?

32

33 MR SINGLETON: We will be in a position to attempt an
34 explanation. I am not sure which page you are on.

35

36 THE COMMISSIONER: It is just that Mr Glover was asking
37 Mr Blackadder about the group response rate, but the
38 following page is "Branch response rate", where somehow,
39 finance, 107.7 per cent.

40

41 MR SINGLETON: The answer - we will give a fuller answer
42 later in the week when Mr Glover calls one of the staff,
43 but there is a couple of possible explanations. They
44 include people voting twice - that's a possibility, only,
45 however, with the paper ballots, not with the computer
46 ballot; casuals were allowed to vote, and that's reflected
47 in some of these pie charts, so that it's of the things we

1 are looking into --
2
3 THE COMMISSIONER: Anyway, you can tell me later.
4
5 MR SINGLETON: There are some possible answers.
6
7 THE COMMISSIONER: All right.
8
9 MR GLOVER: Q. I think, Mr Blackadder, you were drawing
10 attention to the potential impact on the staff numbers that
11 make up these directorates to the response rate result; is
12 that right?
13 A. Yes, Mr Glover, it would be valuable to have an
14 indication of how many staff constituted that response
15 rate. And it would seem to me that a lot of the staff
16 would be in the - I think you referred to it as the city
17 services area.
18
19 Q. Yes.
20 A. And, therefore, the response rate there, that's
21 probably a development opportunity next time it is done.
22
23 Q. A couple of times during your evidence you used the
24 phrase "outdoor staff". For my benefit, at least, what do
25 you mean by "outdoor staff"?
26 A. Yes, it is a common term - I apologise to anyone that
27 might be offended by it. It describes those people that
28 you might see on the roads, in the parks.
29
30 THE COMMISSIONER: Q. Waste collection?
31 A. In waste, in water and sewer, if the council had
32 a function there - that sort of thing. Those operational
33 staff, perhaps those that have the fluoro vests.
34
35 MR GLOVER: Q. Out in the community, working on provided
36 services?
37 A. Yes, the pointy end of the stick, as you might
38 describe it, the ones that are under constant review by the
39 community.
40
41 Q. And finally, my learned friend Mr Ryan asked you
42 a question in which he was summarising your evidence and
43 referred to you having said that you liked the structure
44 that was adopted in 2019, and then you responded by saying
45 you didn't say you liked the structure that was adopted.
46 Do you remember that evidence?
47 A. Yes.

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Q. The reason why you made that observation was because, in fact, you are not expressing a view one way or the other about the ultimate structure that was adopted in 2019 but, rather, the process to get there; correct?

A. Yes, that's what I was asked to do, was to evaluate the process that the council took to get to the end point, and I make no judgment on the merit of the end point; it's just that it seemed to me that the council had adopted a very comprehensive series of steps to get to the end point, but, you know, I don't think there is any perfect structure.

MR GLOVER: Thank you. That's all, Commissioner.

THE COMMISSIONER: All right. Thank you. I'm going to make that coloured employee survey 2015BMCC results just part of exhibit 37.

MR GLOVER: Thank you, Commissioner.

THE COMMISSIONER: Thank you very much, Mr Blackadder, for your assistance. You are excused. Thank you.

<THE WITNESS WITHDREW

MR GLOVER: Commissioner, the next witness will be Mr Greenwood, but can we have five minutes.

THE COMMISSIONER: Yes. We will have a seven-minute break until 3.05.

MR GLOVER: Thank you.

SHORT ADJOURNMENT

THE COMMISSIONER: All right. Are we ready for the next witness?

MR GLOVER: Yes, Commissioner. I call Mr Greenwood.

<ROBERT KEITH GREENWOOD, affirmed: [3.07pm]

<EXAMINATION BY MR GLOVER:

MR GLOVER: Q. Could you state your full name, please?
A. Robert Keith Greenwood.

1
2 Q. You were the general manager of the Blue Mountains
3 City Council; correct?
4 A. That's correct.
5
6 Q. When did you finish in that role?
7 A. In November 2017.
8
9 Q. And how long were you in that role?
10 A. For seven years.
11
12 Q. And before commencing at general manager, did you hold
13 any other roles with the council?
14 A. I did.
15
16 Q. When did you first commence employment with the
17 council?
18 A. 1986.
19
20 Q. And in general terms, what other roles did you have?
21 A. I started there as the deputy health and building
22 surveyor. I then went on to become the director of
23 development in health. From then I went on to become the
24 director of city sustainability. That was then changed -
25 given another name, which I can't quite remember, it was
26 a similar role, in terms of being sustainability, the
27 policy area. Then I went back to being the director of
28 development and customer service and then acting general
29 manager and then the general manager.
30
31 Q. Thank you, Mr Greenwood. I'm first going to ask you
32 some questions about the circumstances in which Mr Mulligan
33 came to be engaged by the council in 2016. All right?
34 A. Was that the safety job?
35
36 Q. That was, yes. Now, do you have a recollection of the
37 circumstances of that engagement?
38 A. The only - the circumstances as I understand it is
39 that the person that had been employed to do that job on
40 a contract basis left the position on fairly short notice
41 and Mr Mulligan was then recruited to take his place, to
42 carry out the safety management project.
43
44 Q. The project involved was the safety improvement
45 project; do you remember that?
46 A. That's correct. I do.
47

1 Q. Do you remember what that project was directed to?
2 A. Was directed to ensuring that the Blue Mountains
3 council was, if you like, current in terms of the Work
4 Health and Safety Act in our general policies and
5 procedures in relation to safety, so that we would be best
6 practice.
7
8 Q. Was it an important project from your perspective?
9 A. Absolutely. One of the hot, top priorities.
10
11 Q. One of your top priorities, did you say?
12 A. It was one of mine, but it was one of the council's as
13 well.
14
15 Q. Why was it one of your top priorities?
16 A. Because of the importance that I placed on safety
17 within the organisation. It was also one of our values.
18 It was something that, if you like, enterprise risk
19 management and safety was one of the sort of, I guess, my
20 initiatives, it was at a fairly low base when I started and
21 it was one of my initiatives because it was so important to
22 the workforce and to the council in terms of its risks and
23 its reputation.
24
25 Q. Is the "Work Safe - Home Safe" phrase one of yours?
26 A. Well, it's one of the staff 's, because we developed
27 up the values with the staff. It was a two-year process,
28 intensive process with the staff. So it's everybody's.
29
30 Q. And that was done in 2013, 2014; is that correct?
31 A. That's correct.
32
33 Q. And that was one of the values that came out of it?
34 A. That's correct.
35
36 Q. The inquiry has heard some evidence that you were the
37 project sponsor of the safety improvement project; is that
38 correct?
39 A. That's correct.
40
41 Q. What does it mean to be a project sponsor?
42 A. I guess it was - I was giving it the highest priority
43 to demonstrate to the staff the importance that I placed on
44 it, and that's how important it was and that's why it was
45 important to them. So being the sponsor was really that,
46 you know, I had a keen interest and overview and I was
47 briefed during the process of that project, during its

1 development.

2

3 Q. And was there any particular significance in having
4 you as the general manager as the sponsor of that project?

5 A. Well, the significance was the importance to staff of
6 safety, that's how - that's the importance I put on it. It
7 was probably the only project where I was the sponsor, and
8 eventually became the chair of the committee. So that was
9 to demonstrate that we were fair dinkum about safety, I was
10 fair dinkum and I guess it was a leadership role in that
11 regard.

12

13 Q. So as you saw it, you being the sponsor of that
14 project sent a message to the wider organisation that this
15 was a top priority within the council; correct?

16 A. Correct.

17

18 Q. Earlier you mentioned that there had been someone in
19 the role of project lead for that project, but they
20 resigned at short notice; is that correct?

21 A. Correct.

22

23 Q. Do you remember who that was?

24 A. I am struggling with his name.

25

26 Q. Mr Shellshear?

27 A. Yes, Shellshear, that sounds right.

28

29 Q. Were you then involved in the process to replace him?

30 A. No.

31

32 Q. Did you form a view about whether there was a need to
33 replace that position quickly?

34 A. There was a need to replace the position as
35 expediently as we could, yes.

36

37 Q. Why was that?

38 A. Because the project had been launched, it was being -
39 the message had gone to the staff that the project was
40 significant and had commenced, so we had commenced the
41 process, and we thought that we didn't want it to stall,
42 that it was important that there was that continuity. We
43 didn't want to lose traction.

44

45 Q. Who led the process to replace Mr Shellshear?

46 A. It could have been Mr McKay or Mr Liddell.

47

1 Q. So apart from being aware of the need to replace that
2 position, is it the case that you didn't take an active
3 part in that process?
4 A. I didn't take an active role in that process, no.
5
6 Q. Did you become aware of the proposal to engage
7 a contractor to that position rather than fill it on
8 a recruitment basis?
9 A. I was.
10
11 Q. Did you think that that was an appropriate course?
12 A. At the time I did, yes.
13
14 Q. When you say "at the time", do you have a different
15 view now?
16 A. No.
17
18 Q. Why did you consider it was appropriate to fill it on
19 a contractor basis rather than through what might be
20 described as a traditional recruitment approach?
21 A. I'm not quite sure of your question - the difference.
22
23 Q. All right. I will try it in a different way. Would
24 it have been appropriate to fill the position by
25 re-advertising in the market, for example, at that time?
26 A. I guess I would have left that to the staff that were
27 doing that particular recruitment. I think it was the -
28 really it was about - there were two things: one is to -
29 the timing, but the other is to get the expertise that you
30 are looking for. So really it's sometimes - there are two
31 different approaches, one is just a general advertisement;
32 one is to actually try to head hunt and to go to somebody
33 that can actually target, if you like, people that have got
34 the expertise that you want. This is one where you
35 definitely need the expertise. It's not a run of the mill,
36 if you like. So there would be two things. One would be
37 timing, one would be to get the right person. I would have
38 left that to the group manager and the manager.
39
40 Q. And in the particular circumstance of this project,
41 targeting the particular expertise that was needed was, to
42 your mind, an appropriate way to go about it; correct?
43 A. It was, yes.
44
45 Q. I'm sorry?
46 A. Yes.
47

1 Q. Thank you. There has been a suggestion in some
2 evidence given to the inquiry that there was sufficient
3 capability within the organisation to fill that role. What
4 do you say to that proposition?
5 A. I say that's incorrect.
6
7 Q. Are you aware of a suggestion that Mr Liddell had
8 a prior association with Mr Mulligan, before Mr Mulligan
9 was appointed?
10 A. What was that question again?
11
12 Q. Were you aware.
13
14 THE COMMISSIONER: Perhaps be more specific rather than
15 association.
16
17 MR GLOVER: Yes. I withdraw that.
18
19 Q. A suggestion has been made that Mr Mulligan and
20 Mr Liddell were close friends prior to Mr Mulligan being
21 appointed to his position in the council.
22 A. I'm not aware of that.
23
24 Q. Not aware of that?
25 A. No.
26
27 Q. Did Mr Liddell at any time inform you that he had had
28 prior dealings with Mr Mulligan before Mr Mulligan was
29 appointed?
30 A. At the time he was appointed.
31
32 Q. Yes.
33 A. He did tell me that he had worked with him in the
34 electricity industry.
35
36 Q. What did you understand Mr Liddell's role to be in
37 considering whether Mr Mulligan should be appointed to that
38 position in 2016?
39 A. I'm still not clear on that question, what --
40
41 Q. Were you aware of what role Mr Liddell played in the
42 consideration of who was to be appointed to the position in
43 2016?
44 A. I think he would have led the process. He would have
45 been the ultimate decision-maker.
46
47 Q. When you say you think - you didn't actually have an

1 involvement yourself at the time?
2 A. I didn't have an involvement at the time, but he
3 should have - I would expect him to have had it, as the
4 group manager.
5
6 Q. Did you become aware of a concern having been raised
7 about the process that was adopted which resulted in
8 Mr Mulligan's appointment to that position?
9 A. Subsequent, do you mean?
10
11 Q. Yes.
12 A. Yes.
13
14 Q. And what did you understand that concern to be?
15 A. My understanding - I'm trying to recollect now, going
16 back a few years, but I think there was a formal complaint.
17
18 Q. And what did you understand that complaint to be?
19 A. I understood that complaint to be that there was
20 a conflict of interest between Mr Liddell and Mr Mulligan.
21
22 Q. Were you also aware of a complaint or a concern having
23 been raised as to whether or not the procurement policy had
24 been followed?
25 A. I was.
26
27 Q. What was your involvement in, first, considering the
28 complaint about the suggested conflict of interest?
29
30 THE COMMISSIONER: Just hang on. The complaint is from
31 who? Who is the complaint from?
32
33 MR GLOVER: They are both from Mr Whatmore and Mr Irwin.
34
35 Q. Dealing first with the conflict of interest complaint
36 that came to your attention, I've suggested that was from
37 Mr Whatmore and Mr Irwin. Is that consistent with your
38 recollection?
39 A. It is.
40
41 Q. What involvement did you have in considering that
42 complaint?
43 A. Well, I referred the matter to the executive officer
44 as a formal complaint.
45
46 Q. Who was that at the time?
47 A. Jasmine Cooper, I think.

1
2 Q. Following that being referred to her, what was the
3 process for considering that complaint?
4 A. I think there just - there was a preliminary - I think
5 Jasmine carried out a preliminary inquiry and then I think,
6 from memory, that was then outsourced to council's
7 solicitor to review. That's my recollection. I'm
8 struggling a bit with that.
9
10 Q. Did you get a report, ultimately, about that process?
11 A. I did.
12
13 Q. I will just see if I can help you. I will show you
14 MFI 8. Would you turn to page 42, please. Is that the
15 preliminary report?
16 A. Mmm-hmm.
17
18 Q. Is that a document that comes to you in your position
19 as general manager?
20 A. Yes.
21
22 Q. And then if you would turn ahead to page 55, do you
23 have the final report dated 7 February?
24 A. Yes, I do.
25
26 Q. Feel free to peruse as much as you need, but if you
27 turn ahead to page 66 --
28 A. Yes.
29
30 Q. -- that's your signature on --
31 A. At the bottom.
32
33 Q. And they are your handwritten notations; correct?
34 A. They are.
35
36 Q. Do you recall after that review had been completed,
37 Mr Whatmore in particular asked to see a copy of that
38 report? Do you remember that?
39 A. No.
40
41 THE COMMISSIONER: There is the complaint about not
42 following the procurement procedure. Where is the
43 complaint about an alleged conflict of interest? Where do
44 I find that?
45
46 MR GLOVER: I'm not sure it was raised in this
47 investigation.

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THE COMMISSIONER: You took Mr Greenwood firstly to page 42, the preliminary assessment report. If you go to page 46, "Recommendation", it has a bullet point:

- . *The process undertaken to engage Centium ...*
- . *The process undertaken to engage Mark Mulligan ...*
- . *The requirement for and reporting of conflict of interest.*

I've certainly obviously been taken, a number of times, to Mr Whatmore's email, which is actually extracted on page 43. There is a copy of Mr Whatmore's email about the two requisitions.

MR GLOVER: Page 44, Commissioner, under the heading "Allegations", third dot point.

THE COMMISSIONER: Yes. "The complainant makes the following allegations" did he do that in an email?

MR GLOVER: Not one that I've seen.

THE COMMISSIONER: That's why it hasn't sparked a memory with me. Do you know, Mr Singleton?

MR SINGLETON: I had not conceived that there was a separate conflict of interest complaint in respect of this procurement.

THE COMMISSIONER: In my head, I only have Mr Whatmore and Mr Irwin complaining about not following the procurement policy.

MR SINGLETON: Yes.

THE COMMISSIONER: Not having a quote and there not being a TRIM record. But this allegation of an existing relationship is one I've seen in a transcript from a broadcast, but not - anyway.

MR SINGLETON: The third dot point, I think it was at the end of the interim report, the one that you, Commissioner, identified, read in context, was a list of things that Ms Cooper was going to consider.

1
2 THE COMMISSIONER: Whereabouts in the evidence is that
3 chain of emails to Mr Whatmore.
4
5 MR GLOVER: There is a bundle of them in exhibit 34.
6
7 THE COMMISSIONER: Exhibit 34. Is that in a folder?
8
9 MR GLOVER: Yes, it should be. I don't think it comes
10 from Mr Whatmore's emails, but the timing of the
11 preliminary report would postdate some of the allegations
12 that were aired in the media, Commissioner, so it may be
13 that it originated from there.
14
15 THE COMMISSIONER: I can't find exhibit 34, I'm afraid.
16 Oh, someone has a copy, thanks. Oh, I know what this is.
17 I don't think it has been given back to me, actually. It
18 doesn't seem to be raised in Mr Whatmore's emails.
19
20 MR GLOVER: No. Commissioner, I think the timing --
21
22 THE COMMISSIONER: One possibility is he raised it after
23 complaining and raised it with Ms Cooper.
24
25 MR GLOVER: Or Ms Cooper added it to her - anyway, we will
26 hear from Ms Cooper in the next day or so to get to the
27 bottom of that.
28
29 THE COMMISSIONER: All right. Let's move on.
30
31 MR GLOVER: Q. Perhaps if the witness could be shown
32 exhibit 34.
33
34 MR SINGLETON: Can we assist?
35
36 THE COMMISSIONER: Yes.
37
38 MR SINGLETON: Starting at page 47 of MFI 8, one can see
39 that the document that starts on that page is notes of
40 a meeting between Ms Cooper and Mr Liddell, Mr Buchanan
41 also present, on December 21, 2016.
42
43 THE COMMISSIONER: Sorry, MFI 8 at page?
44
45 MR SINGLETON: 47. This will ultimately be redacted out
46 in large measure, which is not to preclude it becoming
47 a confidential exhibit, but it is an interview with

1 Mr Liddell.
2
3 THE COMMISSIONER: 21 December, yes.
4
5 MR SINGLETON: There is a series of headings, the first is
6 on page 47. As one goes a little further along, at the
7 bottom of page 48, there is a question about the connection
8 between Liddell and Mulligan.
9
10 THE COMMISSIONER: Oh, yes.
11
12 MR SINGLETON: And there is the answer. And on the top of
13 page 49, effectively the second paragraph "I considered the
14 fact".
15
16 THE COMMISSIONER: Yes.
17
18 MR SINGLETON: As far as we can tell at a quick look, this
19 is the origin of the issue of whether there was a conflict
20 of interest.
21
22 THE COMMISSIONER: It may not have been raised by
23 Mr Whatmore.
24
25 MR SINGLETON: We can't see it being raised by
26 Mr Whatmore. It has arisen in the course of the inquiry.
27 In fact, Mr Liddell himself has raised the issue and
28 indicated how he dealt with it, possibly overcautiously.
29
30 THE COMMISSIONER: But it got to Mr Hadley somehow.
31
32 MR SINGLETON: Yes. We don't think Mr Liddell is the
33 source.
34
35 THE COMMISSIONER: No, no doubt. All right. Thank you
36 for that.
37
38 MR GLOVER: Mr Greenwood has been handed pages 40 and 41
39 of exhibit 34.
40
41 THE COMMISSIONER: Right.
42
43 MR GLOVER: Q. Mr Greenwood, that's a letter signed by
44 you to Mr Whatmore; correct?
45 A. That's correct.
46
47 Q. Have you just had a chance then to review it?

1 A. I'm getting there, yes.
2
3 Q. Do you recall the circumstances that gave rise to you
4 writing that letter?
5 A. This was because Mr Whatmore wanted a copy of the
6 findings. I then sought some legal advice and then
7 I responded to him in the terms of the legal advice that
8 I received.
9
10 Q. So in that letter - I am sorry, I have given you my
11 copy - you tell him that he is not going to receive a copy
12 of the report?
13 A. That's correct.
14
15 Q. Your evidence is that was based on legal advice that
16 you had received; correct?
17 A. Correct.
18
19 Q. Thank you. You can hand that back. Now, one of the
20 concerns raised by Mr Whatmore was whether or not the
21 relevant procurement policy had been followed in relation
22 to Mr Mulligan's appointment, in particular, whether quotes
23 had been obtained; do you recall that?
24 A. I do.
25
26 Q. And again, was that something that was left to be
27 considered as part of Ms Cooper's work; is that right?
28 A. Correct.
29
30 Q. Did you form a view about whether, to ease
31 Mr Whatmore's concerns, he should just be shown the quotes
32 that were in existence? Did you ever turn your mind to
33 that issue?
34 A. No.
35
36 Q. In hindsight, given the concerns that Mr Whatmore had
37 raised, would it have been an appropriate response to his
38 concerns to simply have him shown the quotes that were in
39 existence?
40
41 THE COMMISSIONER: Just before you answer that, an
42 appropriate response from whom?
43
44 MR GLOVER: The council.
45
46 THE COMMISSIONER: I think you need to be a bit more
47 specific, to be fair, don't you? It is not an

1 appropriate - are you saying that Mr Greenwood should have
2 done that or someone else?
3
4 MR GLOVER: Well, I will break it up.
5
6 THE COMMISSIONER: Yes.
7
8 MR GLOVER: Q. Mr Whatmore had raised a concern to his
9 director, Mr Bruhn; correct; do you recall that?
10 A. Not really, but I will believe it.
11
12 Q. Mr Whatmore, having raised a concern with his director
13 about whether the appropriate procurement process had been
14 followed, in particular, whether quotes existed - do you
15 have a view about whether, in responding to that concern,
16 it would have been appropriate for Mr Bruhn to show him the
17 quotes that were in existence?
18 A. I wasn't really working at that level with it.
19 I mean, I would have been relying on the staff to be doing
20 that and advising me. I wouldn't be turning my mind to it
21 specifically.
22
23 Q. One of the other issues that Ms Cooper considered was
24 the engagement of Centium; do you remember that?
25 A. Yes.
26
27 Q. Did you have an understanding of what Centium had been
28 engaged to do in 2016?
29 A. Centium did quite a bit of work for us. Probably to
30 do an audit, I would have expected.
31
32 Q. One of Mr Whatmore's concerns related to the
33 engagement of Centium; do you remember that?
34 A. I do.
35
36 Q. In particular, to be clear, if you have that folder
37 there, go to page 57, please.
38
39 THE COMMISSIONER: Of MFI 8?
40
41 MR GLOVER: Of MFI 8, yes.
42
43 Q. That folder, page 57.
44
45 THE COMMISSIONER: The page numbers are right down the
46 bottom. Do you have that?
47

1 THE WITNESS: Yes.
2
3 MR GLOVER: Q. The first dot point relates to Centium,
4 "Internal audit services to the value of 60,000 in 15/16
5 and 80,000 in 17, et cetera, in excess of the tender
6 limit"?
7 A. Yes.
8
9 Q. Again, did you leave the consideration of that
10 complaint to Ms Cooper?
11 A. I did.
12
13 Q. And then you acted on her report, did you; is that
14 right?
15 A. Correct, correct.
16
17 Q. Is that the way, as general manager, you would
18 ordinarily deal with complaints or concerns that had been
19 raised by staff - that is, they would be investigated at
20 the appropriate level and you would receive a report; is
21 that right?
22 A. That's correct.
23
24 Q. And you would rely on that report in determining what
25 action to take; is that right?
26 A. I would. I would.
27
28 Q. Mr Mulligan returned to the council in about November
29 2017 as the acting director of service delivery; do you
30 remember that?
31 A. I do.
32
33 Q. If you turn to page 148 of that bundle, please,
34 Mr Greenwood?
35 A. This is the business paper?
36
37 Q. Yes. And then, just to identify it for you, it is
38 a business paper of 22 August?
39 A. Yes.
40
41 Q. Then if you turn ahead to page 155 for me, please,
42 there is a heading "Director, service delivery"?
43 A. Yes.
44
45 Q. If you just read those two paragraphs under that
46 heading and let me know when you have finished, please.
47 A. Yes.

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Q. This was a recommendation made by you to the governing body; is that correct?

A. That's correct.

Q. You will see in the second paragraph there are two rationale identified for the proposal to appoint the position on a 12-month fixed period; do you see that?

A. Yes.

Q. The first is to give the incoming general manager the ability to determine the incumbent?

A. Yes.

Q. Why did you think that was a good idea?

A. Well, from my own perspective, I like to - if I'm the general manager responsible to the council, I always like to choose the directors that I'm going to be working with; and I guess that's a philosophy and that's one I would pass on to the next - being just about to leave the organisation, I felt that that was appropriate.

Q. And then you identify a second - well, sorry, the paper identifies a second rationale, which is to enable the interim director to have a stronger focus in delivering against specific outcomes, et cetera, do you see that?

A. I do.

Q. What was meant by that?

A. What was meant by that was that my view was that the director at the time didn't have that strong alignment with the organisation, they weren't driving the business reform or taking the council's prerogative for business reform to the level that I expected and I think the council expected, and in terms of strengthening their service delivery, so my view was that I needed someone to come in that did have that skill and to, I guess, try and, in some ways, turn that directorate around, and possibly that's a job for someone in 12 months and where they can see where they go from there, maybe they just come in and do that job and leave, or they may - it may be they are suitable for the job and they continue in the job. That would be up to the next general manager.

Q. It was suggested in a media outlet that the reason for this position being appointed on a 12-month basis was to enable Mr Mulligan to be appointed to that role because he

1 was Mr Liddell's mate. What do you say to that suggestion?
2 A. Incorrect.
3
4 Q. Were you involved in the process to fill that interim
5 director role?
6 A. I was.
7
8 Q. Do you recall how it proceeded?
9 A. It proceeded by the council engaging Hays executive
10 recruiters to try and fill the position for us.
11
12 Q. Was that something that the council had done before -
13 that is, the engagement of Hays?
14 A. We had.
15
16 Q. Mr Mulligan was shortlisted by Hays, was he?
17 A. He was.
18
19 Q. Was he suggested to Hays as a potential candidate?
20 A. He was. He was.
21
22 Q. Do you know by whom?
23 A. By me.
24
25 Q. And why did you suggest Mr Mulligan to Hays for
26 consideration?
27 A. Because of the way - I was very impressed with him,
28 the way he conducted the safety review, and I got to know
29 him and his skills. He was certainly someone that operated
30 at a level that I felt would be suitable for our
31 organisation and for local government. We had been out to
32 recruit for that position when Mr Bruhn got the job.
33 I have to say that we were underwhelmed, in terms of the
34 candidates. Traditionally it is an area that is
35 difficult - I've found difficult to fill. The further you
36 move away from the Sydney CBD, the harder it gets. So
37 having seen his skills, and another person who
38 I recommended - I'm trying to think of his name, but there
39 were two people I recommended to Hays, not just him.
40
41 THE COMMISSIONER: Was that Mr Skinner?
42
43 MR GLOVER: No.
44
45 THE WITNESS: No, that's another person, but there were
46 two people who I recommended who I felt operated at a very
47 high level, had experience at that level and in large

1 organisations. That's why I put him forward.
2
3 MR GLOVER: Q. Were you involved in the interview
4 process for that position?
5 A. I was. I was.
6
7 Q. Was it the case that the candidates were interviewed
8 in two rounds; is that right?
9 A. That's correct.
10
11 Q. Did you participate in both or only one?
12 A. I did - both.
13
14 Q. And was Mr Mulligan ultimately interviewed by the
15 entire executive leadership team?
16 A. He was.
17
18 Q. And ultimately he was appointed to that position,
19 wasn't he?
20 A. He was.
21
22 THE COMMISSIONER: Q. Can I just ask, at page 178 of
23 that bundle, or, actually, page 177 go to first, sorry. Is
24 that your handwriting?
25 A. 177?
26
27 Q. Yes. It's got Interviewer name "Robert Greenwood" --
28 A. Certainly it looks very familiar. It is very
29 familiar, yes.
30
31 Q. Am I reading it correctly, where it has overall
32 comments, that says "Highly suitable candidate", on 177?
33 A. Oh, yes, it is, yes.
34
35 Q. And 178, that's your notes you made during the
36 interview, are they?
37 A. That's correct.
38
39 Q. What does "R", "L" and "S" mean in the left-hand
40 column?
41 A. That's the initial of the person on the panel that
42 would be doing the - asking the questions.
43
44 Q. Asking the questions, yes.
45 A. R is for Robert; L is --
46
47 Q. Do you know who created the questions? Did Hays do

1 that for you.
2 A. I think they were questions that we had used before
3 and they were amended slightly.
4
5 Q. I had just better understand in case it is relevant,
6 what you are saying here. In box 1, is it "Understands the
7 challenge" - the first line. It's definitely something --
8 A. "Understands the current situation". "Can you please
9 share with us your understanding of the current situation."
10
11 Q. It's something "the challenge", I'm sure. "Business
12 improvement", is that the next thing? If you can't read
13 it, because it's a photocopy --
14 A. "Tell us why you are interested in the opportunity",
15 is the second one.
16
17 Q. But does that say "Business Improvement"?
18 A. Are you talking about question 2?
19
20 Q. No, in the first box --
21 A. Oh, okay, sorry.
22
23 Q. Your handwriting. It looks to me like "Understands
24 the challenge", but you are not sure.
25 A. "Understands the challenge. Business improvement", my
26 writing you are looking at, yes.
27
28 Q. What's the next thing?
29 A. I struggle with that. My PA would know better than
30 I would.
31
32 Q. What's the next one?
33 A. "Time and motion benchmarking".
34
35 MR SINGLETON: Commissioner, unless it is necessary --
36
37 THE WITNESS: I'm struggling to read it.
38
39 MR SINGLETON: It is obviously scanned and low res. There
40 must be an original --
41
42 MR GLOVER: We have sought production.
43
44 THE COMMISSIONER: Q. Just see how we go. The second
45 box, does that say "Change in the Energy industry"?
46 A. "Change in the Energy industry", yes.
47

1 Q. "What works well -"?

2 A. "Doesn't".

3

4 Q. "Doesn't". I see. "How do you handle people who

5 don't want to participate"?

6 A. Yes.

7

8 Q. I can't read the next line. "Network" something

9 "combined".

10 A. Handwriting was never my - part of my --

11

12 Q. "Design Platform - Vision" something. Maybe we are

13 going to need the original.

14

15 MR GLOVER: We have sought them from Hays.

16

17 THE COMMISSIONER: All right. Let's move on.

18

19 MR GLOVER: Q. I think, Mr Greenwood, you left within

20 a very short time of Mr Mulligan commencing in that role;

21 is that right?

22 A. That's correct.

23

24 Q. The other engagement that I wanted to ask you about

25 was the engagement of Mr Hargreaves. Do you remember him

26 being engaged by the council?

27 A. I do.

28

29 Q. Do you remember the role that he was engaged for?

30 A. Manager for business improvement.

31

32 Q. What was the business improvement project?

33 A. Well, the business improvement - there were many

34 business improvement projects. At the time that - the

35 initial one when he was appointed was the safety project.

36

37 Q. What involvement did you have in the process that

38 resulted in Mr Hargreaves' engagement?

39 A. Well, I sat on the - I sat as part of the panel.

40 I sat in Mr Liddell's position that he would have normally

41 taken.

42

43 Q. Why did you do that?

44 A. Because Mr Liddell indicated to me that he knew

45 Mr Hargreaves and he would excuse himself from the process.

46 Given that the position was a new position and it was one

47 that was to deliver on the council's key priority area,

1 I felt that I should step in rather than give it to
2 somebody else.

3

4 Q. I think you said a moment ago that Mr Liddell played
5 no part in the process that resulted in Mr Hargreaves; is
6 that right?

7 A. No, that's correct. Correct.

8

9 Q. Would you turn to page 251 of the bundle, please. You
10 will see at the bottom of that page there is an email from
11 Mr McKay, dated 15 April 2016 - do you have that at the
12 very bottom?

13 A. 19th, did you say?

14

15 THE COMMISSIONER: 19 April 2016.

16

17 MR GLOVER: Q. No, at the very bottom of the page, there
18 is an email from Mr McKay dated 15 April. Do you have that
19 at the foot of the page?

20 A. Oh, it goes over the page; is that what you are
21 saying?

22

23 Q. Yes. And it continues over. That's an email to you;
24 do you see that continuing on 252?

25 A. Yes. I can see it.

26

27 Q. Just have a read of that email, just to refresh your
28 memory.

29 A. Yes.

30

31 Q. In that email, Mr McKay refers to concerns you
32 expressed; do you see that in the second paragraph?

33 A. I do.

34

35 Q. Do you recall what he is referring to?

36 A. Yes, I do.

37

38 Q. What was that a reference to?

39 A. That was a reference to Mr Hargreaves had moved to the
40 mountains, he had sort of finished his employment, from
41 memory, at that time, and was seeking to come back into the
42 workforce. My concern was whether he had the enthusiasm
43 and the drive to deliver such an important project for the
44 council, whether he still had that. He was fairly laid
45 back at the interview, and it was my suggestion to Mr McKay
46 that he take - has the informal interview, I have used that
47 practice myself, and really just talk to people, not in

1 that formal situation, but just to test them out about
2 their enthusiasm and their ability - their enthusiasm for
3 the job and to get it done.
4
5 Q. And Mr McKay did that, didn't he?
6 A. He did.
7
8 Q. And back over on 251, having reported back to you his
9 views following that informal meeting, as you describe
10 it --
11 A. Yes.
12
13 Q. You write to him on 19 April at 2.50pm. Just refresh
14 your memory of that email.
15
16 Q. The reference to fairly significant doubts - they are
17 the doubts you referred to a moment ago?
18 A. They are.
19
20 Q. And you indicated a view that the position should be
21 appointed on a 12-month contract; do you see that?
22 A. Yes.
23
24 Q. In the fourth line. Why did you express that view?
25 A. The 12-month contract?
26
27 Q. Yes.
28 A. Well, I also suggested the three-month and nine-month
29 probation checks as well. Well, I mean, it's - I guess you
30 really don't want to be stuck with somebody that doesn't
31 turn out to be any good, for such an important role. So
32 I wanted to ensure that we had an out.
33
34 Q. Now, there has been some suggestions made in a media
35 outlet that there was a "jobs for the boys" culture at the
36 Blue Mountains City Council in the period just until you
37 retired. What do you say to that suggestion?
38 A. I disagree with it.
39
40 Q. There is a suggestion that has been made that
41 Mr Liddell used his position to make appointments or engage
42 people for work on the basis of prior associations he had
43 with them. What do you say to that?
44 A. Didn't witness that at all.
45
46 Q. I'm sorry?
47 A. I didn't witness that at all.

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Q. I want to ask you to change topics away from recruitment issues at the moment and I want to ask you some questions about your general approach as general manager to certain things. The first thing I want to ask you about is staff engagement and consultation. In your time as general manager, in particular from about 2012 onwards, did you consider staff engagement to be an important part of the council's function?

A. I did.

Q. And what measures were in place during your time as general manager to facilitate that?

A. Well, I think there was quite a lot, which is on the record - trying to remember everything is not easy. Everything probably that I did would be on the record in some way. I think this morning there was the discussion about the 2011 restructure.

Q. Yes.

A. I think in that report it says that I actually went to every directorate, spoke to every directorate about how they would be involved and what we were looking to do. There was also a mention this morning about getting outdoor workers to be involved in the staff satisfaction survey. I went to the depots for the first one, maybe even the second one, spoke to each group and gave them the time, gave them the forms, gave them the time while I was there. But my main purpose in going there was to assure them of the confidentiality, because they are suspicious of filling out forms. And also some of them needed assistance in filling out forms. So that was, I guess, another initiative in terms of engaging with the staff.

The team brief that we established, which was my initiative, was to get a weekly - sorry, a monthly newsletter out with information from myself and the executive, but it wasn't just a matter of getting a newsletter out, it was the function of how we did it. So every direct report would talk to their direct reports about it. So everybody had the same message, from me to my directors, directors to managers, managers so forth, so that, therefore, then there was an engagement through the whole organisation. So it forced people to actually go to their direct reports and engage with them. So they could engage with them on team brief, but then it would also give them the opportunity to engage on other things that the

1 staff may want to engage with them on.

2

3 Other things? The all-staff meeting, we had an
4 all-staff meeting. The all-staff meeting was about the
5 strategic direction, generally about the strategic
6 direction of the council.

7

8 Q. How often would they be held?

9 A. Pardon?

10

11 Q. How regularly would they be held?

12 A. It was the annual staff - all-staff meeting, which was
13 extremely well attended. And outdoor staff were given
14 special dispensation, they came in in the morning, they
15 didn't go to the job, so we had a lot of yellow vests in
16 the room. We would then also give them the feedback on the
17 staff survey. We would then tell them what our commitments
18 were in relation to usually the lowest five scores, and we
19 would also celebrate success of the organisation, in other
20 words, projects and things that they had done. So that was
21 another way of engaging with the staff.

22

23 We also had another newsletter, which was "Out of the
24 Blue", which was more topical, a means of communicating
25 with the staff. All of the major projects and initiatives
26 that we led, the leadership program, the - what is called
27 the DISC profiling, which we did for all staff, which is
28 a bit of a Myers-Briggs type - so those, the actual launch
29 of those, those particular projects, I would be at those,
30 and I would be there in terms of each of the areas, and
31 I would launch them, I would tell them why we are doing it
32 and so forth. So I was actively there and engaged with the
33 staff in relation to those sorts of things.

34

35 Other things? With the staff survey, we had branches.
36 The branches would actually have to report back on their
37 area, how they saw it, their view of the world in terms of
38 the staff surveys. The executive team would attend those
39 sessions around the organisation, and I would was one of
40 the people. So I would go and I would attend, say, with
41 the operations area, so I would be there to listen to their
42 feedback, their concerns and what they were going to do, so
43 actively involved in terms of the staff satisfaction
44 report, so it was actually a live thing, it wasn't
45 something we did and put away, just told them the scores,
46 it was something that we actually did take notice of and
47 then do some work on.

1
2 Q. Were the staff surveys an important tool in your view?
3 A. Absolutely.
4
5 Q. I'm just going to go to the colour version of the 2015
6 results, which has now been added to exhibit 37. Just to
7 pick up on a couple of things you mentioned in that answer,
8 Mr Greenwood. If you turn - I'm going to work from the
9 back, it might be easier to get you to the page that I'm
10 interested in. It is six pages from the back, you come
11 across a page "Local actions from 2013".
12 A. Six - is it the sixth printed page or the sixth page.
13
14 Q. Oh, yours is double-sided, I'm sorry. Maybe three
15 printed pages?
16 A. "Organisational responses", yes.
17
18 Q. Have you got local actions from 2013.
19
20 THE COMMISSIONER: It looks like this, Mr Greenwood.
21
22 MR GLOVER: Q. Maybe turn one page back. Local actions.
23 I've got it.
24
25 Q. That's the one. In your answer a moment ago, you
26 mentioned the branches taking action as a result of the
27 staff surveys?
28 A. Yes.
29
30 Q. And is the preparation of action plans part of that?
31 A. That's correct.
32
33 Q. And what did those action plans entail?
34 A. Well, they would all be different. Every branch would
35 have their own. So the organisation might have its lowest
36 five scores, but a branch may have different ones, and
37 different concerns. So we would have our response for
38 everyone, and then each branch would then look at the
39 issues that they would have and then their action plan
40 would be tailored to that.
41
42 Q. So targeted steps to address those --
43 A. Their lowest scores, their main concerns.
44
45 Q. If you then turn ahead in the document, maybe one
46 page for you, to that organisational response slide?
47 A. Yes.

1
2 Q. Is this an example of some of the organisation-wide
3 responses to the results of the staff survey?
4 A. That's correct.
5
6 Q. Each time a staff survey was done, were these
7 organisation-wide responses developed?
8 A. That's correct. That's correct.
9
10 Q. And were they targeted to the particular results that
11 had been derived from each survey; correct?
12 A. Yes. Yes.
13
14 Q. That's all I need for that, thank you. Now, you were
15 here during the evidence of Mr Blackadder this morning;
16 correct?
17 A. I was.
18
19 Q. There was some discussion about the culture within
20 a workplace in a council; do you remember that?
21 A. I do.
22
23 Q. What, to your mind, is the culture within the council?
24 What does it entail?
25 A. It entails the behaviours and the values of the
26 organisation, and it entails how people are recognised.
27
28 Q. I think earlier in your evidence you mentioned the
29 2013/2014 process to identify organisational values;
30 correct?
31 A. Correct.
32
33 Q. In the period that followed the development of those
34 values, was there a focus, from your perspective, on
35 developing the culture within the organisation?
36 A. There was.
37
38 Q. What processes were put in place to develop that
39 culture?
40 A. I guess it was front of mind with most of the things
41 that we did. The values - the values, for instance, were -
42 there was staff orientation, all new staff, for instance,
43 and my presentation to new staff was on the values, was
44 based on the values and making them real. So that was -
45 that's the start of anyone new in the organisation.
46
47 The excellence awards that we did, for instance, at

1 the all-staff meeting, the categories for those were based
2 on the values.

3
4 When staff were working on projects, a lot of those
5 report-backs involved their use of the values and their use
6 of the DISC profiling. So the values, I guess, were in all
7 our documentations. The team brief - the team brief would
8 set out - all the categories in team brief were set out
9 under the values. So if there was a message to staff, it
10 would relate to one of those values. So it was sort of -
11 it was organic and it was there all of the time and we were
12 using it all of the time in a practical way.

13
14 Q. And to your observation, was there any resistance
15 within your organisation to development of those values?

16 A. There wasn't any resistance to the development of the
17 values.

18
19 Q. Any resistance to the implementation of those values
20 within the organisation?

21 A. Let's say some areas were better than others.

22
23 Q. Is there any area in particular that you recall posing
24 some challenges in that area?

25 A. The operations area did form some challenges.

26
27 Q. How did they manifest themselves to your observation?

28 A. My observation was really about, I guess, feedback
29 from staff. It became obvious, for instance, that when we
30 did site visits, that they weren't receiving the team brief
31 in the way that it was planned, so that was a good example,
32 where management and supervisors weren't connecting well
33 enough with their staff in some areas, not - it was more in
34 an operational area. The directorate was bigger than that.
35 In actual fact, the leisure area was best in the
36 organisation at doing the team brief and the values. So
37 the other comment that I would make is that, you know, the
38 safety officer made a comment to me that he thought it was
39 a nonsense, and I asked his director to take it up with
40 him.

41
42 THE COMMISSIONER: Q. Sorry, who was the safety officer?

43 A. Mr Anderson.

44
45 THE COMMISSIONER: We are obviously going to have to
46 finish Mr Greenwood tomorrow morning, unfortunately, so
47 it's after 4, and we're down rotations.

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MR GLOVER: Yes, that's a convenient spot.

THE COMMISSIONER: How much further do you think you have to go tomorrow morning?

MR GLOVER: 20 minutes, maximum.

THE COMMISSIONER: How long do you anticipate asking Mr Greenwood questions for?

MR RYAN: It's hard to say, but possibly 20 minutes, half an hour.

MR SINGLETON: I could be three-quarters of an hour. I think we should budget that.

THE COMMISSIONER: Unfortunately, you are going to have to come back tomorrow morning. It looks like we might get you through to lunch as well, but hopefully, that will be it.

Thank you, we will adjourn until 10 tomorrow morning.

<THE WITNESS WITHDREW

**AT 4.05PM THE INQUIRY WAS ADJOURNED TO
TUESDAY, 10 SEPTEMBER 2019 AT 10AM**

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