

INQUIRY UNDER SECTION 438U OF THE LOCAL GOVERNMENT ACT

BALRANALD SHIRE COUNCIL

Public Hearing

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

On Tuesday, 6 August 2019 at 10.00am

Before Ms Roslyn McCulloch, Commissioner

1 <DOUG ALLEN, affirmed: [9.59am]

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THE COMMISSIONER: Q. I understand that this is your first term of office as a councillor?

A. Yes, it is.

Q. Do you think you'll apply again to be a councillor on the Balranald Shire Council?

A. I'm thinking about it.

Q. Is there any reason that would make you reluctant to do that?

A. I've got a newborn.

Q. Would that be the only reason?

A. Possibly.

Q. You haven't served as a mayor or a deputy mayor in your period?

A. No.

Q. Have you been on any committees?

A. Yes. I've been on the Balranald Early Learning Centre Committee, the Balranald Inc Committee.

Q. That's a tourism-type committee, is it?

A. Yeah, it's like local community development.

Q. Is it run by the council or is it separate?

A. No.

Q. And I understand you're an ambulance officer?

A. Yes.

Q. So you've got an interest in things medical?

A. I do.

Q. Including the hostel?

A. The hostel, general community-type issues.

Q. You're familiar with the code of conduct?

A. Yes, I am.

Q. Have you ever engaged in conduct, do you think, that would bring the council into disrepute?

A. No.

1 Q. Have you observed any other councillors engaging in
2 conduct that you think would bring the council into
3 disrepute?
4 A. I have no first-hand knowledge of any other councillor
5 where there may have been a breach of any code of conduct.
6
7 Q. What about the health and safety of staff? Have you
8 ever observed councillors engaging in conduct that you
9 think might engage in the health and safety of staff?
10 A. No.
11
12 Q. Are you aware of the council's policy regarding
13 interactions with staff between councillors and staff?
14 A. Yes.
15
16 Q. And what do you understand it to be?
17 A. As per the code of conduct, just not to interfere with
18 any operational staff.
19
20 Q. Are there any staff members that you can talk to?
21 A. Probably the general manager.
22
23 Q. Is that the only one?
24 A. That's the only one that I've had engagement with.
25
26 Q. And what do you understand by operational matters of
27 the council?
28 A. Just the nuts and bolts of the council services and
29 procedures and day-to-day operations.
30
31 Q. So entering contracts?
32 A. Yeah, contracts and providing services, payroll,
33 contracts, et cetera.
34
35 Q. Employing staff?
36 A. Yep.
37
38 Q. And are you aware of the requirements about
39 councillors and contractors to the council?
40 A. As in not interfering with any processes or getting
41 involved with any tendering or --
42
43 Q. You tell me what your understanding is?
44 A. We're not to get involved with that.
45
46 Q. With?
47 A. With any contractors or employment contracts,

1 et cetera.
2
3 Q. So not just at the formulation of the contract stage,
4 the implementation of the contract as well?
5 A. I believe all operations are the general manager's
6 area.
7
8 Q. And what do you understand your role as a councillor
9 in terms of the interests of the community as a whole?
10 A. I'm supposed to advocate the community with a voice
11 for the shire, not just the ones who actually contact me
12 about things but everyone. So when I make a decision about
13 an agenda item, I'm not thinking about individuals or
14 single organisations, I'm thinking about the wellbeing of
15 the entire shire.
16
17 Q. What do you think the community's perception to the
18 council is at the moment?
19 A. There probably is a bit of confusion and a bit of - I
20 mean, not so much aggression but perhaps hostility towards
21 certain proposals or --
22
23 Q. Anything in particular?
24 A. The caravan park issue has been potentially the most
25 contentious that I've observed in my time.
26
27 Q. Anything else?
28 A. The hostel, at the start of my term, was a bit of a
29 hot topic issue, but --
30
31 Q. Because it was losing money?
32 A. Yeah, because of the possible consideration of closure
33 and impact on the town but, thankfully, it's been turned
34 around, so it's no longer a big topic.
35
36 Q. Do you ever feel intimidated in a council meeting to
37 the point where you wouldn't enter a debate?
38 A. No.
39
40 Q. Have you ever voted contrary to your own opinion on
41 anything because you've been pressured into it?
42 A. Sometimes you have to make decisions that you may not
43 wholly agree with in order to get it through.
44
45 Q. Can you just explain to me how that works? You've got
46 a vote in a council meeting?
47 A. Yes.

1
2 Q. You could vote contrary to the majority?
3 A. Yeah.
4
5 Q. Do you mean that you would vote with the majority to
6 get it through, or what do you mean?
7 A. I mean if there is a split in the council chambers
8 about a particular issue and one is saying no, we don't
9 want that at all and others saying we want maximum, maybe a
10 compromise can be reached. I would be open to a
11 compromise.
12
13 Q. But then you would still be voting in accordance with
14 your opinion?
15 A. Yes.
16
17 Q. Have you ever abstained or left the chamber to avoid
18 having to vote?
19 A. No.
20
21 Q. You've prepared a written submission. Thank you very
22 much. Just a couple of things out of that. You've
23 addressed the terms of reference and in relation to the
24 health and safety of the staff, the general manager and the
25 staff, your response is that this is primarily an
26 operational issue. So do you see that as just a staff
27 issue, you don't consider that there's an interaction
28 between staff and the councillors?
29 A. There is interaction, of course, you know, general
30 saying hi/bye as I enter the chambers. If I call the
31 council front desk, I'll be put forward to a receptionist
32 and I might just say hello, but --
33
34 Q. Do you understand that the general manager can't
35 control all aspects of the health and safety of the staff
36 there?
37 A. Yes.
38
39 Q. And so there are, for example, staff members who
40 attend committee meetings?
41 A. Yes.
42
43 Q. And there are staff members who attend council
44 meetings?
45 A. Yes.
46
47 Q. And in those positions, they interact with

1 councillors?
2 A. Yep.
3
4 Q. You've described debate amongst councillors as
5 sometimes rigorous?
6 A. Yes.
7
8 Q. Is it ever aggressive?
9 A. I wouldn't say aggressive. I've seen some assertive
10 displays of passionate ideas I guess you could say.
11
12 Q. Have you ever seen raised voices?
13 A. Yes.
14
15 Q. Finger pointing?
16 A. Yes.
17
18 Q. At staff members?
19 A. Not so much staff members as in other councillors.
20
21 Q. And you consider that you abide by the code of conduct
22 and show mutual respect to your colleagues?
23 A. Yes.
24
25 Q. Does everybody on the council?
26 A. Most of the time.
27
28 Q. When does that not occur - or when has that not
29 occurred?
30 A. Usually when there's a difference of opinion regarding
31 an issue.
32
33 Q. Who have you observed not to show mutual respect?
34 A. I would say most people are pretty good, but at times
35 Councillor O'Halloran has spoken over people.
36
37 Q. Is that a common occurrence?
38 A. I wouldn't say common, but it has happened.
39
40 Q. Other people have mentioned that he talks for a long
41 time?
42 A. Yes, he does have a lot of long answers and things.
43
44 Q. Does he talk on matters that aren't listed on the
45 agenda, from your observation?
46 A. Yes, he has brought up, without notice, other issues
47 that may not be related to the topic at hand.

1
2 Q. Has the chair of any particular meeting always been
3 able to control that behaviour?
4 A. Eventually, yes.
5
6 Q. Do you understand the difference between council's
7 responsibilities as a council and its responsibilities as
8 the reserve trust manager for the Balranald Caravan Park?
9 A. Yes.
10
11 Q. What do you understand that --
12 A. The caravan park is Crown land, so it's a complicated
13 process, so we can't just pull out a tender on behalf of
14 council, it has a bit of a process to be approved by the
15 minister, I believe, as part of the Crown land leasing
16 arrangement.
17
18 Q. You say that you believe that the elected body to have
19 its highest level of community confidence since you joined
20 the council?
21 A. Yes.
22
23 Q. What was that level of confidence when you joined the
24 council?
25 A. Well, I mean, I've lived in a lot of different
26 council's areas and most of the opinion of the population's
27 always either very low or oblivious to the actions of
28 council. When I first got on, there was a bit of a feeling
29 that council was not really knowing what they're doing, a
30 bit lost, particularly with the hostel, but since I've been
31 on and with the hostel turned around and a lot of really
32 good community projects that have been green lighted, I
33 think the community have come around that we are on the
34 right track.
35
36 Q. Would you say - would it be fair to say that a large
37 percentage of that turnaround is due to the actions of the
38 staff members?
39 A. The staff members and councillors for voting on these
40 items.
41
42 Q. Just excuse me. Do you think there are any
43 councillors who let their personal friendships cloud their
44 judgment?
45 A. I have no first-hand knowledge of any inappropriate
46 relationships between councillors and their friends in the
47 community.

1
2 Q. Have you - do you think there are any councillors who
3 aren't willing to make hard decisions?
4 A. I think there is, yeah, a couple.
5
6 Q. And who would they be?
7 A. I think some of the older councillors, maybe. It's
8 hard to adapt to change, change in circumstances, change in
9 financials, a changing world.
10
11 Q. And who are they?
12 A. Probably Councillor O'Halloran, Councillor Jolliffe
13 and Councillor Mannix.
14
15 Q. It's been suggested that you don't engage in debate
16 very often. Do you think that's a fair comment?
17 A. No. I don't feel the need to comment on every item
18 that I see. I read the agenda comprehensively before each
19 meeting and every item doesn't require comment. If I
20 believe in an issue, I will definitely raise my voice and
21 make my opinion known to council.
22
23 Q. And to your observation, do all of the councillors
24 read their business papers prior to the meeting?
25 A. I couldn't say if they do or not. There have been
26 times when it appears that they aren't completely aware of
27 each item, or the details of each item.
28
29 Q. Can you give me an example?
30 A. Like perhaps asked me a question which is answered in
31 the next page of the item, so it appears to be that there
32 are times when they haven't read the complete article or
33 the complete agenda item information.
34
35 Q. And who have you observed doing that?
36 A. I couldn't say for sure if this was the case or not.
37 It appears sometimes Councillor O'Halloran hasn't read the
38 complete agenda. Maybe once or twice I noticed that, but I
39 couldn't say for sure if that is true or not.
40
41 Q. It's your perception?
42 A. Yes.
43
44 Q. And do you remember what the topic was?
45 A. I think it was in regard to a DA approval.
46
47 Q. You don't remember which development application?

1 A. I think it was just a shed on someone's property, a
2 pretty standard application.

3
4 THE COMMISSIONER: Do you have any questions?

5
6 MS ANNIS-BROWN: Q. I just wanted to ask you you raise
7 in your submission the issue around the communication
8 between councillors and the community. I just wanted your
9 view on whether you think that's improved, whether there's
10 been a difference since you first commenced on council and
11 whether you can attribute that difference to anything in
12 particular?

13 A. I think communication is always a problem with most
14 organisations and the lack of communication, particularly
15 in this community, leads to speculation about why things
16 are done. The monthly newsletter has always been good, but
17 with a renewed emphasis now on press releases, for example
18 for the pedestal charge issue, the community has full
19 information as to why we've done it, it was done after
20 considered debate and we weren't happy to do it, but
21 complaints had been made. The new senior staff, in
22 particular the general manager, has been more proactive in
23 doing the Facebook live streaming to the community about
24 particular issues, so I think that is an improvement.

25
26 Q. And just with respect to debates (indistinct) which
27 has only recently occurred, there has been some criticism
28 around that, that there wasn't enough consultation and the
29 community, perhaps, were not as well informed as they could
30 have been. What's your view on that?

31 A. The questions that I got from the community were like
32 the rates, regarding a misunderstanding of what they
33 actually meant. People saw their rates notices and thought
34 that the entire rates, including their water and sewer,
35 were going up by 10 per cent, but the actual details were
36 that only the general rates were affected, which were quite
37 small, so I believe the average residential home in the
38 shire were going to be paying an extra \$35 per year for the
39 general rates.

40
41 Q. So how well do you think council communicated that
42 information?

43 A. Not very well.

44
45 Q. So you think (indistinct) criticism?

46 A. Yeah, I think in that regard they were on point.

47

1 Q. Just in relation to council meetings, how well do you
2 believe they are run and managed generally, do you think
3 some improvements could be made there, in particular the
4 chairing of the council meetings?

5 A. I think the chair does a fair job. Currently our
6 mayor is doing an admirable job of running council
7 chambers. We are a diverse range of people, we have
8 different opinions, we have different life experiences. It
9 can be hard to bring all the rabble together and progress
10 through the general items. Maybe a bit more respect
11 towards the chairperson would be a good.

12
13 Q. In terms of voting at council meetings, on occasion,
14 it appears that there's not a very good indication about
15 whether councillors are voting or not and how they are
16 voting, is that your observation? How do you understand
17 you are meant to vote at council meetings?

18 A. How do I have who vote?

19
20 Q. Yes, is it a show of hands?

21 A. Yes a show of hands. There will be debate around the
22 table and when all the debate has concluded, there will be
23 a vote on favour and the majority will get the vote.

24
25 Q. So to your mind, that's when it went around the table,
26 the chair understands who is voting what?

27 A. I believe so, yeah.

28
29 THE COMMISSIONER: Q. Thank you very much Councillor.
30 Did you want to say anything to the committee? I know you
31 have made a submission already, did you want to add
32 anything to that?

33 A. Yes. I just wanted to say, I don't blame the
34 community for being upset because there have been issues
35 with communication, they have a right to. We are not above
36 scrutiny. We're elected members, we are the
37 representatives for the Shire and should be up for scrutiny
38 all the time. So I hope the community can see that we are
39 trying to be transparent, we are here, we are not hiding
40 behind any kind of closed doors, but we want to hear what
41 they have to say, we want to address the issues as best we
42 can and we are doing our best.

43
44 Q. Thank you, Councillor. You can stay if you want or if
45 you want to go home to your new baby.

46
47 <THE WITNESS WITHDREW

1 THE COMMISSIONER: Next I will hear from Mr Mengler.

2

3 <RON MENGLER, sworn: [10.17am]

4

5 THE COMMISSIONER: Q. Can I just start by saying you
6 gave me some information earlier and it was about the
7 caravan park?

8 A. Yes.

9

10 Q. The issues you have raised if that letter to the
11 editor, back in 2018, we won't be going into here because
12 it is the subject of litigation and we are not treading
13 into the area of the subject of the litigation. What I am
14 more concerned about?

15 A. Litigation on me?

16

17 Q. No, litigation between the caravan park operators and
18 council. What I am more concerned to enquire into is the
19 council's behaviour around different things but not the
20 actual subject matter of the litigation which you did go
21 into in the matter, yes by way of preface?

22 A. Yes on that - yeah, well, I accept that. And I didn't
23 expect you to question me on that anyway, I expected you to
24 question me on our joint submission.

25

26 Q. Yes. So did you want to speak to a particular aspect
27 of the joint submission that you made to Mr Lawler and
28 Mr Conway?

29 A. I'll just give a quick background. The three of us
30 got involved with being on this for two years, and most of
31 us around mismanaged the council going back to the start of
32 when the GM, Mr Drenovski was employed and the circumstance
33 around that. Hostel was a big issue with the losses,
34 within the hostel, the caravan park was a major issue,
35 major concern for the whole community. So on that, Peter
36 and Tony, they got a lot of information, they have sat on
37 the Hostel Committee and they have (indistinct) on that.
38 So I will allow them to do that, but I might just touch on
39 it, but not take away - because the joint commission have
40 been working together so we respect each other's positions.
41 I will speak on - I will just grab the submission, sorry
42 about that. I will speak on the turn over of senior staff
43 and I will speak on my, you know, the way the Minister, the
44 local government has run the investigation. I will speak
45 on Alan McCormack. I will just briefly touch on the
46 community grants, the caravan park - can I have a ruling on
47 the caravan park? Are we allowed? I know it is in - but

1 the places by council - and I don't think it is
2 confidential information I have got because it was handed
3 to us at a meeting with Bob Stewart and I will go into that
4 later on.

5

6 Q. I will perhaps deal with it as we come to?

7 A. Sorry, I am taking your thunder.

8

9 Q. No, I think we are stepping beyond what the purpose of
10 this inquiry is?

11 A. So yeah, right, we will let it go. The hostel,
12 everyone has got, within our joint submission, everyone has
13 something to commit - to commit - what's the word? I will
14 speak on the closing of the Bircham Road with the
15 consultant and the consultative process there that happened
16 that's when I first got involved.

17

18 Q. Sorry, what are you going on speak to?

19 A. Bircham Road and Taylor Road closes and the process
20 that went through. Kilpatrick Road upgrades, DAs,
21 accountability.

22

23 Q. You might have to, as you want to speak on them, you
24 might have to how they --

25 A. I will let you run the process, Commissioner.

26

27 Q. No. Why don't we start from the stop. What did you
28 want to add to the comments you have already made about the
29 retention of staff?

30 A. Can I give you a bit of history?

31

32 Q. Yes?

33 A. I love this community and especially the Euston
34 community I have been involved in a lot of things in the
35 Euston community but I want bore you because, you know, I
36 have five children, eight grandchildren, they are all in
37 fantastic jobs and I am very produced of their
38 achievements. I was born in Robinvale and lived in Euston
39 area and the other day I had to get a passport and I
40 realised on the passport that it was - that the residence
41 was Euston station. So I might have some claim to that in
42 future as, you know, having been born there. Anyway, I
43 won't go on. I am a third generation farmer, Lake Benanee
44 on an original selected property. And as I was talking to
45 Katrina today and telling me how great it was a bit of the
46 history about my family squatting there and I talked to you
47 about it, you know, it is a beautiful spot and comment as

1 you drive past. Michael and myself, for 42 years,
2 represented this community of the Balranald Shire, proud,
3 honesty (indistinct) conduct and always with the community
4 at heart and communication. I've had a number - I have
5 repaid the community over the years by being involved in
6 sporting organisations, local government, P & C, school
7 council when my children were growing up and numerous other
8 things. So that's just a brief background. I'd just like
9 to bring you back to when my uncle was up there, 26 years
10 in local government, he was a mayor for 13 years and in
11 them days, that is completely different. There is respect
12 between the State Government and councils and it's only
13 fell away in the last ten years. I always - I represented
14 the council from day 1. I joined the council - I've been
15 in there - 17 years in council. From '95 to 2012. You
16 know the history of the mayor, deputy mayor. I have been
17 on numerous planning processes through the Murray-Darling
18 district over these years and developed plans in the
19 regions. During these years I have many great experience
20 and gained a wealth of knowledge and its been one of the
21 greatest experiences I have ever had. To tell you the
22 truth, my uncle was - 26 reruns, he run the farm and that's
23 where a lot of the (indistinct) come from and I swore I
24 never go into local government because it's like - in the
25 family, he was the oldest, he run the money, he run -
26 (indistinct) after the rest of us, my father and I, but
27 that doesn't matter, that's part of the - anyway, our
28 submission, and I will speak on it now, I will get to the
29 submission, and if I bore you, just pull me up, that's no
30 problem. I will speak Chris Littlemore. The main part of
31 the submission as you read it, the three of us cannot
32 understand how good senior staff have left this Shire and
33 that's where we feel it needs investigation. I don't -
34 every year I get a card from Cassie, that's the only -
35 Littlemore and I have good relationships with Robert
36 Rainer, I just respect - I might have rung him once in
37 about - 18 months ago. But John Stephenson, I am good
38 friends with - the only social thing that I have had with
39 John since I left council was his milestone birthday and
40 that's the only social thing but I will have to declare a
41 conflict of interest if it is - at the moment, I was
42 talking to him one day and I am building double story
43 townhouses - a townhouse in Euston and also double story
44 townhouse he is, units in Euston, because of the petrol.
45 Anyway, so that's the - that's a conflict of interest and I
46 can't speak on John, that's fair enough.
47

1 Q. There's no conflict of interest in you giving
2 evidence. What I want to hear from you is what your
3 concern is about the high turnover of staff, is it limited
4 to just those three people or are you concerned about staff
5 members that the left since that time?

6 A. No, that's what the submission is all about, the
7 starting date, (indistinct) time and the way the council is
8 managed and obviously (indistinct) you know, hostile with
9 the way --

10
11 Q. Can we just do the staff turnover because that's the
12 first topic that you wanted to talk about?

13 A. That's right, righto. All I am going to say there is
14 that like - Littlemore is a (indistinct) by doing a Shire
15 in Western Australia and they have gone on to better and
16 better things and they are building a house and they have
17 just renewed his contract for five years, gone through the
18 business centre of Darling as the director - maybe not as
19 director, but working in, you know - so in the same
20 position that he was here. Robert Rainer is no corporate
21 services at (indistinct) Shire and I talked to him about 18
22 months ago and, you know, he was telling he had 16 - they
23 had the council running really financially well and I
24 presume that he is talking about 16 million dollars in the
25 black and I assume that would be in reserves. But all of
26 them have achieved, in their new roles since I have - and
27 my point is we have lost that experience, they were an
28 asset to the town, they loved the town, and we just can't
29 understand why the council would - and I know the
30 circumstances, they have moved on, and it is not up to me,
31 that's up to the inquiry over the - anyway.

32
33 Then I will talk to the next part of our submission is
34 (indistinct). As you can see, what it says there, they put
35 - under - she appointed Alan McCormack the advisor. He
36 brought out 39 conditions, starting from 11:19 to 39. I've
37 read those reasons and, you know, I have issues with that,
38 because out of those 39 conditions, 85 per cent of those
39 relate to governance, policy and, as you know, policy is a
40 living document. Policy is a document that you need to add
41 to, so, you know, obviously within some of the - within the
42 inquiry, some of the submissions and talking to the
43 submissions and obviously I'm not going to go into that
44 because that's been addressed by other submissions and it
45 doesn't look very good, but anyway, that's beside the
46 point. It's not up to me to judge. Anyway, apart from
47 that, McCormack, he had no - there was no consultation with

1 the community as an advisor.

2

3 Q. What did you understand Mr McCormack's role to be?

4 A. When you put an advisor in, like a minister, and
5 you're coming into a council or a business, you've got to
6 get to the bottom of what the issues are, you don't go and
7 get the information from staff, general managers or anyone
8 directly involved, you go out into the community and
9 consult with the community and I would have thought his
10 role would have been to go out and consult with the
11 community, have consultative meetings, look at the issues,
12 because in that issues, he's raised three other major
13 points. One is the hostel, one was the caravan park and
14 the other one is the recommendation for the sale - where
15 the money had to go. And, you know, I would have thought
16 that the only internal investigation would have been on a
17 visual basis - I don't know what happened - but that he
18 would come in and talk to senior staff, the general
19 manager, interview each individual councillor and more or
20 less doing a background research and then going away and
21 once he's got all the information, assessing the
22 information and make a recommendation to go to Upton, the
23 then Minister for Local Government. So really it is in all
24 the times he should be keeping the community's - you know,
25 protecting the community. I don't see that as happening.

26

27 Q. Did you think he was somehow standing in as the
28 council or - I just wonder why you had this perception that
29 he needed to consult with the community because he was the
30 special advisor to the council?

31 A. Well, when I say that, I would have thought he would
32 have went out and had community consultative meetings, put
33 the reasons why they've breached 39 conditions. I'll say
34 that because we had meetings in Euston and that was a great
35 opportunity - you know, with special rate variations and
36 that was really a consultant's meeting with a 10-year plan
37 and that was part of that plan.

38

39 Q. Did you understand his role was largely financial?

40 A. I beg your pardon?

41

42 Q. It was to do with the performance improvement --

43 A. Yeah, it was largely financial. I understand all
44 that, but what I'm saying is in that community, you've got
45 to consult when you've got an advisor, and this is where
46 it's all started, these 39 conditions on council, that he
47 would have came out there and addressed - you know, been

1 there to advise the council of the financial situation
2 going forward to get a - you know, to put a better case for
3 the special rate variation.

4
5 Q. You didn't see that as the council's job, to inform
6 the community --

7 A. No - in cooperation with the mayor and at those
8 meetings, Councillor Byron was the mayor. He never
9 attended those meetings and there was nothing wrong with
10 him. I went down to get a cup of tea and he's walking in
11 to collect the mail, so, you know, I don't know what it
12 was. At that time there was a lot of anxiety in the
13 community with those meetings. So, in essence, I thought
14 the proper process would be to have him there. You know,
15 the buck started with him and it would have been --

16
17 Q. "Him" being, sorry?

18 A. The buck started with him with the conditions on it --

19
20 Q. Mr McCormack?

21 A. Yeah, Mr McCormack. Sorry, I'll refer to the names.
22 I apologise.

23
24 Q. That's okay.

25 A. Yeah, so the buck started with him, and I've read his
26 interview in Sydney, his responses, and the more I read
27 them, I thought, you know - to me, it was incompetent the
28 way he run the place, and that's my personal view.

29
30 Q. What about the statement - do you know what particular
31 grant we're talking about?

32 A. Yeah, it was a state grant that was - my understanding
33 is it was a \$760,000 state grant.

34
35 Q. For what purpose?

36 A. A community grant, and that \$760,000 community grant,
37 I would have thought that council would have consulted --

38
39 Q. Can you just tell me when it was? I need to identify
40 what the grant was about and when it was. Otherwise it's
41 really hard to investigate?

42 A. Well, I have no records to do that. That's about the
43 only thing I didn't research.

44
45 VOICE: (inaudible).

46
47 THE COMMISSIONER: Q. Just a minute. We can only have

1 one person talking on the recording at a time?

2 A. Anyway, Tony will cover that.

3

4 Q. Okay.

5 A. You can ask him that question. And the only thing I'm
6 going to say is there was no community consultancy process.

7

8 Q. Do you know whether it was a tied grant?

9 A. I understand it wasn't, it wasn't a dollar for dollar.
10 There was a community grant --

11

12 Q. That's not what a tied grant is. A tied grant is a
13 grant for a particular purpose, where the money has to be
14 used for the purpose for which it was granted?

15 A. No, when it first started out it wasn't and it was a
16 community grant where the community could go in and - I
17 understood it to be, and I should have researched it
18 better, but I understood it to be, you know, that the
19 community and the council - that money would go into
20 benefiting the community, it's an individual grant for the
21 community, and, you know, you could be forgiven to think
22 there's only one town in the shire in this inquiry because
23 everything is Balranald central. There's another town
24 called Euston, there are other country towns, and I'm sure
25 with that \$760,000 community grant, that with public
26 consultancy, going out to look at, you know, what can we do
27 with those grants and get some ideas, and I've just listed
28 a few, Lake Benanee, you know, they could have used it to
29 put a boat ramp in there. You know, over the years it's
30 been an issue and that's on a concept plan. They could
31 have used something for there. There's a development up in
32 Euston called Batsey's development. The developers could
33 have, you know, in partnership with the council, look at
34 developing Cathy's Park - this is only in Euston - and
35 there's a great need to capture the tourists coming in from
36 Euston to Mildura at the recreation oval and they could
37 have put toilets in there and revisited that, because
38 that's one of the - years and years ago, that was one of
39 the - the management plan and wish lists and an information
40 centre at the recreational van. So that's just three to
41 make a list, plus everyone else, because I understood the
42 grant to be that individuals could put in for that grant.

43

44 Q. I don't know enough about it?

45 A. Well, you're with me. I should have researched it
46 more than I probably did. Now, I'll let you run the
47 process. Do you want me to talk on - what else would you

1 like me to talk on?
2
3 Q. Can I just ask you do you understand that the council
4 made a decision not to exercise the second two-year option
5 of the caravan park, the council resolved not to?
6 A. Explain that to me again.
7
8 Q. The council made a resolution not to enter the second
9 extension of the caravan park lease back in 2018 or '17?
10 A. Yes, I understand that.
11
12 Q. '17?
13 A. And that's in that letter to the editor. I
14 understand --
15
16 Q. So it wasn't the GM who made that decision?
17 A. Oh. Maybe he's (indistinct) because I know that the
18 GM - I understand, and I'll go into that, the meetings tht
19 I had with - to try and resolve this over the period of
20 time, but we won't go there yet. Yeah, I understand that
21 very well, because the council, and this is where the
22 system is all back to front, the GM runs the process. He
23 brings a resolution to council, the council debate it and
24 then there's a resolution and the resolution is then
25 supposed to be acted on by the GM.
26
27 Q. That's correct.
28 A. That's dead wrong. Well, if you've (indistinct). That
29 resolution that went to council was not to extend it, you
30 know, and you've just mentioned that there's an inquiry
31 into - at the moment (indistinct) started, an inquiry into
32 the caravan park and litigation, did you say that?
33
34 Q. There's litigation?
35 A. Yeah, litigation to do with the caravan park and the
36 history is that - I won't jump. I'll leave that to Ray.
37 Anyway. So I understand the process very well. I've had
38 17 years of local government and I understand the process.
39 And I didn't want to jump to this, but I'll jump to it now
40 because you've asked me the question, and I'll - I got
41 involved in this when they were going to close Bircham Road
42 and there was no - Bircham and Taylor Road and there was no
43 consultation. The further we dug --
44
45 Q. Can you just tell me when this occurred, as I haven't
46 heard anybody about the closure of Bircham Road and Taylor
47 Road and --

1 A. I got the Traffic Committee's report back in May and
2 obviously that occurred around - obviously the process
3 started before 8 May because --
4

5 Q. What year, Mr Mengler?

6 A. 2017, and it was the closure of Bircham and Taylor
7 Road at the community request, so obviously they had a
8 request from the council, they put it to the Traffic
9 Committee, but I'd like to hold off on that. So that
10 occurred around that time. So I want to just lead that one
11 until later on down the track. I understand the
12 responsibility of the mayor and I wasn't - the council
13 according to the general manager, they've got to direct the
14 general manager and there's got to be a balance and -
15 balanced decisions throughout the council, there's got to
16 be discussion and debate and in my view, in this council
17 that hasn't taken place and I think it has been indicated
18 by persons throughout the inquiry, other people have put
19 submissions in, and I think you're well aware of the way
20 the process has been run here at council in that time,
21 because I've talked to Katrina on the phone and when I
22 talked to her, she said, "We're under the pump, but" - this
23 is about three or four weeks ago - and she said to me - I
24 brought up a couple of issues and she said to me, "Ron,
25 we're in the process, we're investigating that", she run me
26 through how the process was going to happen and so I
27 accepted that. So you obviously have done a lot of
28 research. And it is evident through the inquiry here, that
29 I've sat through, and through the inquiry in Balranald - in
30 Sydney, with the questions that have been asked. So, you
31 know - anyway, I'll get back to - I'll come back to that
32 one. But, yes, I do understand it, I do understand the
33 caravan park issues. I'll do a bit of background. I got
34 involved when Bircham - as I said, and I won't (indistinct)
35 - back then, when they wanted to close Bircham and Taylor
36 Road and we run through a process. I'll explain that later
37 on. And I got a phone call from (indistinct) about the
38 caravan park and what was happening there and the way the
39 process went through - you know, that's going and he asked
40 me could we meet and I said yes, so I said yeah, we'll
41 meet. In that time we've met. We keep in contact
42 regularly. In that time I've brought - both Tony and I and
43 Peter have had - the first cab off the rank was the acting
44 GM, Bob Stewart, and we met with them. At that meeting was
45 Bob Stewart, the director of infrastructure and finance,
46 corporate and finance, Terri Bilske. We walked into that
47 meeting and I was - I rang up and talked to Bob and said,,

1 'Can we meet', and he said, 'No problem'. He said, 'What's
2 the issue', and I give him an issue. Walked into that
3 meeting, laid out for us on the table, three lots - every
4 bit of information. Every bit of information from the 39
5 conditions down to the advice of the court, Alan McKinnon -
6

7 Q. McCormack?

8 A. Yeah, McCormack, sorry. Look, when you are starting
9 to get on to 70 or 69, and I don't look it, but you've got
10 to start to remember. Anyway, Your Honour - I get off the
11 track, so just pull me back, that's all. But anyway, and I
12 was on a good track then too, but now - there alternative
13 diverted, sorry.
14

15 Q. So acting general manager Stewart gave you some
16 information about performance improvement order?

17 A. Yes, there was the terms of - the advisory report from
18 Alan McCormack and in that was, you know, recommendations
19 from - one of those recommendations was, you know - I
20 understand it very well, I have been there a long time, and
21 that was the caravan park, you know, it is Crown land
22 reserve, and we trust these are the Crown land reserves
23 such as the caravan park, then the recreational ground, one
24 another of Crown land reserves, but - and in that report,
25 there was - I'll just - report from the advisor to
26 Balranald, that was McCormack's, that was introduction.
27

28 Q. Was that at July 2018?

29 A. Yeah.
30

31 Q. 2017, sorry?

32 A. Beg your pardon.
33

34 Q. Is that a July 2017?

35 A. Oh, there's not a date on it, Commissioner. And in
36 that report, you know, it lists a number of recommendations
37 for council, come across this - the council consider the
38 future operation of the Balranald caravan park to ensure
39 the park continues to be a major asset for the district and
40 to produce realistic incomes at minimal risk. And this is
41 the one that I have highlighted, and the council caravan
42 park at Balranald is a major earner for the council,
43 generating a large section of council's income. It is
44 located on the a Crown reserve. The management lease of
45 the park is expiring toward the end of the year. It should
46 be remembered, though, that there is a caveat on the
47 income, it is to be directly - it is to be redirected back

1 into the reserve and then associated function.

2

3 When I was on council, Your Honour, or Commissioner -
4 I don't know whether I am in court. I think I am in the
5 family court in Melbourne at the moment. Anyway, get away
6 from that. To me, when we were in council, we had separate
7 (indistinct) to the caravan park and we also - it is an
8 asset to the community, it is owned by the community, and
9 to me, in business, it is a business. It is a business of
10 the community. Trustee of - and to me, we haven't seen -
11 no report, not even in this issue of management plan and
12 budget, 2019, and there's nothing really in that to be
13 (indistinct) the way that's been presented. I have got
14 issues with that. But anyway, so, that's the way that
15 under the Crown land reserves Act and there would be a
16 reporting system every year to go to the minister - for
17 western lands or a relevant authority

18

19 Q. There was a requirement?

20 A. A requirement, yes. So I understand is very well. So
21 that was a requirement. That hasn't happened. That is
22 right. So anyway, apart from that, there is number of
23 recommendations and they went on with, you know - I won't
24 go into them but they were the main points. It was
25 interesting, Your Honour, because in that hand out - just
26 bear with me. You mightn't get home until Wednesday, by
27 the looks of the way I am going. In that hand out, the
28 document, I have looked at it and I said, was this
29 confidential, and I've come to the view it's not. There
30 was a letter from Tim Hurst. It was handed to us, on a
31 process of a meeting on the 20th of October 2017. And I've
32 looked up the minutes and I can't find it. It was supposed
33 to be - and my question is the acting chief executive of
34 local government has put this into a letter of the 20th of
35 October 2000 - about the process, obviously that was either
36 - that as either an extraordinary meeting or a special
37 meeting or a confidential meeting.

38

39 Q. It was extraordinary and confidential, yes?

40 A. Yes. Out of that, we have got one on 3rd October but
41 they don't relate to the one on the 20th. I have looked up
42 the one on the 3rd October and it doesn't come up. My
43 concern is that the process of a confidential meeting is
44 highlight what the purpose of is. Council make a
45 resolution, and it comes out in open council. Well that's
46 not happened. I can't even find the minutes of that
47 meeting. I have looked and I have looked on the council's

1 website.

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Q. So that's the meeting with Bob Stewart?

22

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32

A. With Bob Stewart. And that would have been - it was two weeks before - and don't hold me to this, I have formal notes and I take that seriously, I should have dated it because I had a number of questions, but I didn't. And so that was at that - you know, two weeks before the, the consultation with council was done and it was already - he was already appointed as a GM at that time. So it was within that period. Tony and Peter got the dates. So that was at that - that's my perception of it. So I think I will leave it there, Your Honour.

33

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I'd just like to add that, following on from what I was saying, that I will make - if there's any problems with any of the community over the years, people have rang me up and said, 'Ron, we've got a problem' and then I will arrange a meeting, which we have, public meeting with Michael Kitzelmann in Euston, when he first came in, there's at least 15 down in Euston, and they had concerns over roads and different things like that and, yes, and so we had many - and Peter was attending at that meeting at that time so we covered a number of issues. We felt - then we went on - I exhausted every avenue to try and resolve this caravan park so there wasn't a burden on the rate payer, the taxpayer, and try and get a commonsense resolution out of it. And we did meet with - when GM Michael Kitzelmann was here, Tony, Peter and I, we had a

1 meeting with him. We weren't allowed to talk with the
2 caravan park, but we eventually got there. And out of that
3 meeting, actually, he more or less, what he told us, give
4 the caravan park lessees a great reference
5

6 Q. I don't think there's anybody I've heard from, during
7 this inquiry, that says anything other than that they are
8 great caravan park operators?

9 A. At that meeting, the purpose of the meeting was why,
10 you know, that council decided to put the lessees in court.
11

12 Q. I am not going to go --

13 A. No, you don't have to go there, I am just explaining
14 my position as a rate payer.
15

16 Q. But I don't want to hear from you on that topic?

17 A. No, well, that was the purpose of the meeting, so I
18 won't go on. Then we discussed it --
19

20 Q. I understand that you did what you could to try and
21 avoid the litigation?

22 A. Yeah, know, that's fine, because it is in - I
23 understand the position on that, I think, on the caravan
24 park. Your Honour - Commissioner. From there we discussed
25 a number of things, what's happening in the Shire.
26 Explained to us how he is going to be the messiah and get
27 this council straightened out in two years, so we wished
28 him all the best, we left the meeting. And Councillor
29 Bilske was there at that time, too. There was no documents
30 handed out, it was just a general discussion. The other
31 time was a phone call and it was in relation to the caravan
32 park and it was around the time of the contract and I asked
33 - rang the general manager and said, you know, what's going
34 on with the contract, and he said, 'Well, you know, the
35 contract is here' he assured me and so did the mayor, on
36 one occasion, that it was the same contract --
37

38 Q. I am not going to let you go on, on the caravan park.
39 I think we had better change topics?

40 A. Sorry, I will tick that one off, I won't talk about
41 it. No worries, I respect your position.
42

43 Q. If we could move on to the hostel --

44 A. What I am trying to say is we tried to resolve it and
45 what I am trying to say is I offered my services to go and
46 sit as an observer to Matt, and I asked whether he would
47 have any objections to that and he said no. And I go into

1 the contract, the alarm bells rang when --

2

3 Q. We will just move off the caravan park?

4 A. Oh, right, sorry, I didn't understand you, sorry, we
5 will move off the caravan park.

6

7 Q. I want to hear from the on the aged care hostel, if
8 you want to add anything to your --

9 A. The only thing, I won't take the thunder of the other
10 - of the joint submission but only to say that it is public
11 money, and to say that there's definitely, from the mayor -
12 the mayors of the time, in confidence, and the reason I say
13 that is that - I'll give you an example. Terri Bilske, she
14 was going back when Des was here and she came later, after
15 - that's Des Bilske, the CEO here - our general manager
16 here, and Terri came in and then in that first six years of
17 my council - of my time in council, it was no different to
18 what it is now. It was bedlam. And I was just about ready
19 to get off. Then a GM came after Terri - after the general
20 manager Bilske left and then Terri was here then and then
21 she stayed on and (indistinct) Carter came, an experienced
22 GM. He'd worked here at the shire as the GM - as a clerk
23 at the time and he's a local bloke. He came and he started
24 to straighten the ship. Then Terri had left and we got a
25 bloke called Col Smith and he was an ex-copper and he
26 worked with my cousin, he was high up in the Victorian
27 police force and one of the six commissioners and he had a
28 big involvement in the National Crime Authority.

29

30 Q. I don't mean to interrupt you, Mr Mengler, but we
31 really do need to concentrate on --

32 A. Righto. I'll just give --

33

34 Q. Before the commission --

35 A. Sorry for rambling on. Righto. Let's go. Anyway.
36 So what I'm trying to say to you, and I'm making an
37 example, in that time the caravan park was ready - you
38 know, it looked as though we're going into the red by
39 \$20,000 --

40

41 Q. The hostel we were talking about.

42 A. The hostel, it looked as though it was going into debt
43 by \$20,000 for that annual year and it was slowly going
44 into debt previously over those few times, but it's making
45 a small profit. So the director of infrastructure and
46 finance - the director of corporate service and finance,
47 Col Smith at the time, I don't know what the circumstances

1 was, but he left and then we - Christopher Moore was
2 engaged as the director of corporate services and finance.
3 He came in. He had experience in aged care. He turned
4 that around from a potential loss of 20,000 to a 60,000
5 profit.

6
7 Q. What year are you talking about?

8 A. Well, you'd have to check it, I haven't checked the
9 dates, but that's the history of it. So my point is the
10 general manager at the time and the director of corporate
11 services and finance should have made the mayor aware of
12 the situation. In that time, in the first year on,
13 Councillor O'Halloran went into debt I think - I've got the
14 figures there - it's in debt about 450,000 and the next
15 year 600 and it was about 1.1 million and then a projected
16 396,000. But my point is that in that time, the biggest
17 issue - and it's going into debt that far, you know, into
18 debt over those three years to those big amounts. The
19 council at the time should have been well aware of what the
20 process is and addressed the issues, and that's the only
21 thing I'll comment on the caravan park.

22
23 Q. The hostel.

24 A. Now, let me go - what else would you like to ask me?

25
26 Q. I don't need to hear any more from you.

27 A. Well, can I just touch on the sale of Caltex. All I'm
28 going to say there --

29
30 Q. You can't ask me any questions, though. Your
31 submission is a series of questions and I can't answer
32 questions?

33 A. No, I'm going to answer them for you, I'm going to
34 just say what should have been the process. The process
35 should have been - the \$1.9 million, after legal costs, in
36 my estimation, we should have about 1.8 million in reserve
37 and we've got 750, so that's the question - that's the
38 history, that's my - you know, that's my view, where's the
39 money gone, and I know what - righto. Now, I'd like to get
40 back to Bircham Road, and I'm still confused how this
41 process was run.

42
43 Q. Can you just tell me why that should be considered in
44 this public inquiry?

45 A. Well, I think it's the --

46
47 Q. What head of consideration - what term of reference

1 does it come under?
2 A. It comes under dot point 6. I'll just read it to you.
3
4 Q. I've got it in front of me, there's no need to read
5 it?
6 A. That's all right. But that's the whole point, plus -
7 dot point 5 and dot point 6 is a major concern of
8 mismanagement of ratepayers' money and --
9
10 Q. It can't be 5 because that's the reserve trust.
11 A. Yeah, but it still comes - well, that's right, it's
12 not - we haven't got a ruling on it yet. It comes under
13 any other matters that warrant mentioning, particularly
14 those that may impact on the effective administration of
15 council and (indistinct) and a responsibility for community
16 confidence in the council being able to do so, and that's
17 what it's about, it's about the way the processes are run,
18 it's about --
19
20 Q. Can you just get to the point about the road closure.
21 What was it that you think was an ineffective
22 administration of council's function?
23 A. Well, it's in breach of the code of conduct, if you
24 want to --
25
26 Q. What happened?
27 A. Righto. So obviously when I got involved, and a quick
28 history and I won't ramble, I was in town at the time, I
29 met with three elderly gentlemen older than me. One was a
30 bus driver - two were bus drivers, one was a local cab. We
31 were at a local baker shop, we sat down and had a coffee,
32 and they said, "What's going on with the closure of Bircham
33 Road and Taylor Road?" and I said, "I don't know." He
34 said, "The council is going to close it and they're going
35 to put gates" and this and this and this and give people a
36 key and I said, "That's just not on." So anyway, what I
37 did, I rang - the information come early in August to me
38 and I rang Aaron. I said - Mr Drenovski, the GM at the
39 time - I asked him what - the process that was happening.
40 He said "Ron" - and then he talked about it. I talked to
41 him about a process that he needed to take, that's
42 community consult - I've asked him did he (indistinct) with
43 the major stakeholders and he said no. I said what's the
44 reason - what is the reason. He said because - it was
45 brought up by Councillor Byron and Councillor Roberts that
46 the road be closed because the community wanted it closed
47 and I said, "Well, that's" - I said, "Have you" - exactly

1 the same, have you followed the right process, community
2 consultancy, the ones that are - the impact on the
3 community? That area is a major (indistinct) area, the bus
4 runs - links through Taylor Road to --
5

6 Q. What was the result of your representations to the
7 general manager?

8 A. Well, the result was, "No, we're putting it to the
9 Traffic Committee to close - for a recommendation to close
10 the road".

11
12 Q. And did you --

13 A. And that was in mid-August, but what - the process
14 that the council used --
15

16 Q. What ended up happening, can you tell me?

17 A. No, I'm just saying --
18

19 Q. No, no, just get --

20 A. What ended up happening --
21

22 Q. Was the road closed?

23 A. Yeah. What ended up happening is it went to the
24 Traffic Committee in May. In May the Traffic Committee
25 resolved that - they reduced the speed limit from 80 to 60
26 and installed temporary traffic calming measures and not
27 interrupting traffic. Out of that, there was - you know,
28 that was the agreed consensus of the Traffic Committee, so
29 obviously they had - there was a request to close it from
30 certain people and so - and then it went to the Traffic
31 Committee, they give that resolution. Then on 17 August --
32

33 Q. Are you talking about 2018?

34 A. No, 2017 I'm talking about. 17 August there was a
35 brief discussion to close the roads and, you know, an
36 acknowledgment that council's now resolved to move ahead -
37 council referred to it at the meeting. They acknowledged
38 that the council is now resolving to move ahead with the
39 plan to block the roads, according to the original meeting
40 of council held on May 16th. Well, that contradicts that
41 original consensus, so I'm just questioning the process.
42 And then down a bit, the ADI outlined the next step in the
43 process, consultation and demonstrates and (indistinct)
44 prior to public. And so, you know - so that was the start
45 of the consultation process. It's like putting the horse
46 before the cart, the way I read it. So that went out. And
47 at the time I rang a couple of the stakeholders. They came

1 and advised them - they were in uproar. I advised them the
2 process, to write to council, to address council on the
3 matters, and the outcome of that was that there was a
4 resounding motion put by Councillor Jolliffe, Councillor
5 Mannix - I was there, involved in that (indistinct) - and
6 the motion was made on the motion of Councillor Mannix and
7 others, the report received and recommended and out of that
8 it was resolved, a motion was made by Councillor Roberts
9 and Councillor Allen and - to form a committee with members
10 that were directly affected, Chris Bilzone, Louis Sofina
11 and also Natasha Terefa. And so obviously that was an
12 advisory committee to look at how, you know, they can see
13 with minimising the risk, but the history behind that,
14 Commissioner, is that at my time in council, we had that
15 issue come up, it was a 100 kilometre speed limit, the
16 director of infrastructure, Roy Ahern, at the time, we met
17 with them, with Councillor Mannix and I think Councillor
18 Barnes, with the concerned residents along that road - it's
19 a horticultural road - so the history behind that, we met
20 with them, we resolved that and then it rises its head
21 again and out of that, it demonstrates the code of conduct
22 because there's no consultation, they went ahead on hearsay
23 --
24

25 Q. How does it demonstrate any breach of the code of
26 conduct?

27 A. Well, it does (indistinct) if a major impact on the
28 community, the council has got to do the research and
29 (indistinct) for the best outcome of the community.
30

31 Q. Closure of a public road is dealt with under the
32 Public Roads Act - the Roads Act, sorry, and there are
33 procedures for advertising under that --

34 A. Well, it connects - what it does, it's not only a
35 public road, it connects with Morrish Road, which is a real
36 road.
37

38 Q. Look, I can understand that there are differences of
39 opinion, but that doesn't mean that there's a breach of the
40 code of conduct?

41 A. Well, to me it is, and I don't (indistinct) make that
42 ruling, but under my - under the code of conduct that I was
43 - that I adhered to when I was on council, it's about
44 communication, it's about the process of two councillors
45 making the decision that our consultation to the community
46 - and it's a major asset with the next - their organisation
47 - it connects the (indistinct) organisation and it also -

1 it is also (indistinct) it runs a business. So in my view
2 of the code of conduct, it comes back to the council's
3 responsibility for a consultation within the community and
4 the process - the way the process was run. You can't have
5 two councillors, for instance, make a decision on behalf of
6 the community without consultation. Now, under that Act,
7 most of that Act is about consultation and about being
8 aware of protecting the community financially, and that's
9 the way I read the Act. Anyway, I'd just like - so further
10 on that, that was the resolution. At the moment it's the
11 same - it's the status quo it was before, and a lot of
12 people use that road as a shortcut.

13
14 Q. So it is still not closed?

15 A. No, it is not closed. So it is left open. It is a
16 major arterial for the community, and for a bypass around
17 Euston and that's what it was used - that was the concern,
18 the traffic movements. Anyway. Righto, so that's that
19 one. I think, by the sound of it, you want me to sum up.

20
21 Q. I do?

22 A. Right, I will get on to that. Obviously my experience
23 in local government over the years and the way I see
24 responsibility to the community and the way I see the
25 process that the mayor and his relationship with
26 councillors is in question, because the way I see it is the
27 general manager's role, and the process that I am familiar
28 with, the general manager's role is to protect, is there to
29 do the every day running of the community and, you know,
30 deliver services to community, and also, the main part of
31 it for him to protect the community such as legislation
32 changes and make the mayor aware of, you know, if it
33 impacts on the community, that we need to bring it to
34 council, make him aware of it, and that's the way - and
35 protect the mayor. In other words, it is just - it is a
36 position where he is responsible for management, plan and
37 budget, and making sure those timeframes are met through
38 that 2016, 2017 - mayor's role is to make sure he brings
39 anything that impacts on the community to council meetings
40 and there's fair and proper process that every one gets a
41 say to make a balanced decision. I see that that hasn't
42 happened over the last few years.

43
44 I'd like to say, in the case - in the submission
45 Councillor Roberts put forward, commencing where, when she
46 first came into council, she had all these ideas and she
47 came there --

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Q. I don't need you to critique the other evidence, I want you to just sum up your position?

A. I am just saying that she, Councillor Roberts come in and that she is new and obviously she has come into an environment where, you know, where what she thought was, wasn't, and the other thing is I can relate to her talking and trying to put a point over and not being heard and that's happened thousands of time in my time and it is about, you know, what's the other Councillors think, are they representing the community in the right way.

In this submission - I'll move on. In this submission, in my summing up, is the caravan park is a major issue to the community, it needs to be resolved. As you said, it is in the litigation process. Those responsible for - from Drenovski's time to now should be made accountable, and in their actions, and those - and the other thing I'd like to comment on is that this submission, in the notes I have written with the enquiries, with the submissions that is been put, everyone, it seems to me that Councillor O'Halloran, plus Councillor Mannix, but Councillor Jolliffe and her man, it was mentioned at one stage, seems to be the major names that are being brought up as disruption of council meetings.

I have observed when I am sitting in this meeting, I looked over and I heard this movement and when Councillor Jolliffe is sitting here, I don't know whether you have noticed, (indistinct) he is doing this all the time. Now, that was just a - a lot of finger pointing, that's just a natural way that he used his hands. Councillor Roberts mentioned that, nobody is listening to her and sometimes they are asleep. I looked over and I seen Councillor - the mayor, nodding off, and I have experienced that plenty of times. And then this - the focus on those three concerns me, Commissioner. Because in experience when you have been in the public sector, in committees or on footy clubs or president or that, you have got to be honest. My view, and with Councillor O'Halloran, yes, I have known him, I have experienced some of that, but I have got to the stage where I feel sorry for him a bit. And I sort of might add, been asked a question about Councillor O'Halloran and the experience in my time and what I was going to say was that I think he has been put under the bus enough and I wasn't going to be the final wheel to run over him. I think it has been too much focused on those three. The issues at

1 hand is that block voting, along with the general manager's
2 recommendation - going along with the general manager and I
3 think one of the major thing is that council are going to
4 get the blame for putting, you know, as you said, it is
5 about council, it is not about general managers, about
6 putting the caravan park into legal proceedings. But my
7 view is that the council - the GM got a lot of control over
8 councils. My view is the responsibility is on those five
9 councillors that have voted - whether they have voted or
10 not, I can't find that recommendation, of that meeting,
11 where any part of any of the minutes, where that
12 recommendation was passed by councillors, a resolution, to
13 put the caravan park into legal - into the legal system.
14 That would never be done in my time. Under Ari Van Santin
15 Councillor Purtill, O'Halloran and the councillors - we had
16 a wide variety of councillors, they were from all over -
17 and representative all over this council, at the moment,
18 when the elections come along, nobody wants to stand for
19 council because the simple reason is that - the simple
20 reason is that the mayor is now - the issue is that - it
21 has always been a contest between the mayors, Councillor
22 O'Halloran and Councillor Purtill and that has been a big
23 impact on this council going back even in my time and I was
24 lucky enough to have two and a half years and so was
25 Councillor Byron, and it's about the numbers game. That
26 allows the GM to side with whoever, that allows the council
27 not to have a balanced decision, and so what's happened is,
28 in my view, you know, it undoes all the processes and
29 they're position of trust within the community and code of
30 conduct. And that impacts on the whole community. Now, I
31 am not a fool, I have been around a long time. The other
32 process I will quickly mentioned, when I exhausted all the
33 processes here, I started to involve the member for Murray,
34 Austin Evans, he came and met with the (indistinct) - he
35 was well aware of it. The reason this inquiry was put into
36 an inquiry, he was ready to overlook it. I hammered the
37 ear of his secretary. I rang up him, I rang up Austin
38 Evans and - a fortnight before the election or three weeks
39 before the election. I told him to grow some testicles, he
40 knows the issues, he had an opinion on it, and then the
41 next week, there's an announcement that there would be a
42 public inquiry into Balranald. But through the efforts of
43 myself, Tony and Peter - we have known each other in
44 council for a long time, we respect them, in our time, we
45 represented the community at all times with the code of
46 conduct in place and the Act. I could go on for a week to
47 tell you the history, whatever, but I won't. I would just

1 like to say that there's - general managers have too much
2 power, we have already lobbied Helen Dalton - actually,
3 Helen Dalton, Tony and I - and it is funny how things
4 change and you don't know what to expect to get
5 (indistinct) she had to get a 28 per cent - our support
6 behind her because we (indistinct) and we like it was and
7 the whole thing came out that country people and their
8 (indistinct) representative and when we lost in the
9 community, compared to the old days - sorry about that
10 Commissioner. Anyway, I would like to say, it is not about
11 personalities. I have enjoyed my time in council and over
12 time, with Councillor Purtill and with Councillor
13 O'Halloran and all the councillors that have served under
14 the great respectful - and we have had some fantastic times
15 and this morning, I just thinking of a few things and I
16 won't bore you with that but I was having a little laugh to
17 myself and that was, you know, that social time was the
18 greatest thing I've had. On all those committees, and I've
19 gone away to a lot of, like, the western vision conference
20 and a lot of conferences and also I've picked up a lot of,
21 you know, networking through our group, around the
22 (indistinct) go out and talk to or learn from others and
23 try and bring back some benefits and ideas from our
24 councillors.

25
26 The other greatest experiences I have had, Your Honour
27 - now I am a bit like Michael, I am blowing my bag but it
28 is not that way - the other great experience I had, when I
29 was mayor, that the president - the Prime Minister at the
30 time, Rudd, he called us all to Canberra, all the mayors
31 over Australia. He sat in, you know, on three occasions -
32 it's the greatest experience I have ever had. We sat
33 around a table with - (indistinct) with remotes and that
34 was under - with the minister, and also, you know, and I
35 learnt a lot out of that. And so that's my experience.

36
37 The outcome of this inquiry and today - what I'd like
38 to see with the caravan park, and I am trying to get a
39 ruling on that now, is that we stop it now, I don't know
40 whether the minister, the local government minister can put
41 a stop to it, I don't know whether she has got the power,
42 but I am getting a ruling on that now and if she can, it
43 needs to be stopped.

44
45 Q. Are you asking me?

46 A. No, I am just making comments. This is my summing up.

47

1 Q. Okay, can we --
2 A. On behalf of the best interests of the community, we
3 need to stop this straight away, because at the moment it
4 is dividing the community, it is a major issue, the hostel
5 has been sorted out, you know, those issues, Caltex is
6 still a concern, the money, mismanagement of the money.
7 It's not up to me, it will be up to your recommendations,
8 but the major issue is the caravan park. We hear one side
9 of the stories about bullying of the staff and how council
10 is bullying staff. It is an interesting and Michael, the
11 GM, Michael, and I am thinking, Jesus, Steven surely hasn't
12 lost it and gone and thrown stuff at staff and you asked
13 about what the council - GM Drenovski and then I realised
14 that, yeah, that, you know, doesn't go good for his CV.
15 Anyway. Apart from that, I've worked - over that period of
16 time, I think I've covered most things or most probably -
17 you know (indistinct) wish I'd done - wish I'd said this or
18 wish I'd said that, but I hope I haven't bored you. I know
19 that my style of presenting may be not what you're used to
20 hearing from a professional or other - when you're in other
21 inquiries in the - you know, that you might be involved
22 with (indistinct) and most of those (indistinct) aligned
23 with parties or professional people, but country people
24 tell it as it is, they're honest.
25
26 Q. Thanks, Mr Mengler.
27 A. I think I'll end it at that.
28
29 Q. Thank you. Now, we'll take a short adjournment. I'll
30 come back at five to?
31 A. Just the other - one point before you take off. The
32 caravan park --
33
34 Q. Go ahead.
35 A. The caravan park, they employed Matt Williams to do --
36
37 Q. The council did?
38 A. Yeah, the council employed him, Matt Williams to do a
39 strategy and management (indistinct) - it's in there. I
40 won't bore you with going and checking the - but some of
41 these councillors have been here a long time, they've had
42 30 years' experience, and when McCormack come along and
43 said, you know, "We need to look into the caravan park, we
44 need to look at preparing another master plan", well, there
45 it is. It was prepared in about 2005 and my perception is,
46 you know - look, I've got a good memory, but I've never -
47 and I remembered it, I went through it to pick it up, it

1 was a fantastic - and that's what - you know, that concept
2 plan, that's where the money should have been going back
3 in, and it would have been a financial win for the
4 community by having more and more units in it, if they had
5 of kept working under this plan. So my position with
6 McCormack - I'll quickly just make the point - in those 39
7 conditions, there's 14 consultants. Some have been costed
8 at \$230,000. My - and you asked me about McCormack. I'm
9 sorry to come back to it, but that's one thing with his
10 incompetence. In that review, he knows that we're low rate
11 based and the main thing is we should be protecting the
12 community, and yet he puts another \$400,000-odd on this
13 community to run the - for the council that is not
14 necessary. These 39 conditions are governance and as we
15 said in our submission, what we said, the CEO at the time,
16 who'd been stood down, and we wouldn't be in this position.
17 There was no need to put those 39 conditions on
18 (indistinct) has come in, advised the council and given
19 directions. This cost this council half the rate base, and
20 more. Thank you.

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THE COMMISSIONER: Thanks, Mr Mengler. Now we'll adjourn until 12.

<THE WITNESS WITHDREW

SHORT ADJOURNMENT

1 THE COMMISSIONER: We will get started again. Mr Lawler,
2 would you come forward please.

3
4 <PETER LAWLER, sworn:

[11.59am]

5
6 THE COMMISSIONER: Q. Thanks, Mr Lawler, can you give me
7 a thumbnail of your background?

8 A. I spent most of my life as a wool classer and have a
9 small farm where we grew olives. I was on the council from
10 2004 until 2012.

11
12 Q. And a stint as deputy mayor?

13 A. No, no.

14
15 Q. You have contributed, along with two other colleagues,
16 to this joint submission, what parts of it do you want to
17 talk to?

18 A. I'd just like to make a few comments on the previous
19 general manager, Littlemore, a short couple of points on
20 the caravan park, and the hostel.

21
22 Q. Okay, go right ahead.

23 A. As far as Mr Littlemore is concerned, my main concern
24 was the way he was dealt with, I thought he was dealt with
25 unfairly. He, from what I understand, he was informed in
26 2013 that his contract wasn't going to be renewed, so he
27 knew that his term was up, he wasn't going to be
28 reappointed. I think that he was fairly upset about this,
29 naturally, but anyway, I think he accepted it. Now, in my
30 time, I always found him a satisfactory GM, he was an
31 exceptionally good director of finance or director of
32 corporate services, and he was appointed from that position
33 to that of GM.

34
35 Now, I went to see Mr Littlemore before he departed
36 the place, he and his wife, he informed me then that he had
37 offered a set of circumstances to the Shire in which he
38 could serve his term out by taking leave and different
39 other mechanisms, but unfortunately, the council decided to
40 sack him in the interim. So this placed him in a position
41 where he had a black mark against his CV and naturally that
42 would limit his employment prospects once he left
43 Balranald. Now, I don't know what it cost the council, I
44 don't know what legal action was taken, but I did hear that
45 Mr Littlemore took legal redress or took legal action
46 against the council for the way he was treated.

47

1 I don't know the circumstances, the cost was never
2 disclosed to the public, it was all dealt with in secret
3 men's business, but I felt that his sacking was unnecessary
4 and I think he was badly treated. I just leave it at that.
5 But I think the amount of money that council may have had
6 to compensate him, or whoever, would have had a major
7 impact on the budget of the council.

8
9 As far as the caravan park is concerned, I can't
10 understand why there was any necessity to interfere with
11 the current lease arrangements. The place was making a
12 healthy profit for the Shire and the lessees; the place was
13 well managed, the managers were well regarded in the
14 industry, have a good reputation and provide good service.
15 I can't see where this was any real attempt at mediation in
16 this process. It appears to me that the council have
17 rushed into legal action when it wasn't necessary.

18
19 Q. I won't be going to that, as I said with the previous
20 witness.

21 A. I realise the situation there. My main concern with
22 this is that whatever happens, there will be significant
23 cost to the council and the community. There's also
24 significant cost and significant stress to the lessees,
25 where they have been forced to defend themselves legally.
26 I think the whole thing could have been avoided if the 3,
27 2, 2 arrangement that was in place was allowed to run its
28 course. As it has turned out, the second two year option
29 is almost expired and the legal action is not complete. If
30 that original arrangement would have been allowed to run
31 its course, it would have been at no cost to anybody. I'd
32 just like to make that comment.

33
34 We come to the hostel. In between 2004 and '12, while
35 I was on council, I was also on the committee. From my
36 memory, it was never really a financial burden to the
37 council, it was never seriously in debt, it always finished
38 up with a small profit or broke even. In 2016/15 - I think
39 these figures are accurate - it made a \$440,000 loss.
40 2016, \$600,000 loss, and there was a projected loss of some
41 300-odd thousand and for the next financial year. The
42 demise of the finances of the hostel coincided with the
43 appointment of Mr Drenovski as GM. And also Elisabeth
44 White as Director of Corporate Services. These losses
45 occurred under their watch. And also about this time, the
46 co-ordinator of the hostel, who had been there a long time,
47 was moved on.

1
2 In 2017, there was a lot of angst in the community
3 about the finances of the hostel, a lot of people were
4 apprehensive about its future. Mia Sofina, Tony Conway and
5 myself applied to go back on to the Hostel Committee. I
6 was on the Hostel Committee for that time, Tony was also on
7 it for a long time, Mia was chair for a long time. So we
8 applied to go back on to the Hostel Committee to see if we
9 could perhaps be of some assistance in the situation.

10
11 The Hostel Committee found it difficult to have any
12 meaningful discussions with the council about the hostel.
13

14 Q. Can I just ask, were you successful in your
15 application to join the committee?

16 A. Yes, we were. A lot of times it was - the council was
17 sidelined or ignored. Council and senior management held
18 many meetings with other aged care providers and advisors.
19 The committee was not invited to any of these discussions,
20 nor asked for any input. GM Drenovski, and this is just my
21 observation, he seemed to view the committee structure or
22 the committee system as public interference rather than
23 public participation.
24

25 Now, in previous times on the committee, councillors
26 and Hostel Committee members received a monthly financial
27 statement detailing the operations of the hostel. It came
28 out with the notice paper, it was always made available at
29 meetings. To the best of my knowledge, these statements
30 were not made available for at least 12 months prior to the
31 30th June '17 to the councillors or to the members then of
32 that committee.
33

34 In September 2017, the meeting agenda for that month,
35 council considered five options for the management of
36 Bidgee Haven in a discussion paper. Four of these options
37 involved handing management to another party, which I think
38 was not what the community wanted. Option one identified
39 the actual problems that led to the financial losses.
40 These were a disconnect between patient care and business
41 management, residents allowed to take up residency without
42 paying any bond or completing proper paperwork. Not
43 invoicing correctly for resident fees. Foregone revenue
44 through lack of bond receipts and associated interest.
45 Accommodation charges not invoiced due to paperwork not
46 being completed. Incorrect charging. You can add to this
47 the employment of costly agency staff to replace the

1 co-ordinator and the use of expensive consultants. All had
2 a bearing on the losses.

3
4 The point I am making here is that council knew what
5 was wrong with the management of the hostel but they seemed
6 paralysed to do anything about it. Bidgee Haven has since
7 returned to profitability, largely due to the efforts of
8 the director, Terri Bilske and with a lot of assistance
9 from Arthur Graham, aged care advisor from Swan Hill and
10 Jenny McConnelly, co-ordinator who was returned to the
11 position of co-ordinator. The Hostel Committee, chaired by
12 Mia Sofina must also be acknowledged for their assertive
13 support of this community asset. That's all I need to say
14 on that matter.

15
16 I think to make a comment on the financial problems of
17 the Balranald Shire, I think the rot set in when
18 Mr Littlemore was sacked, at what expense, was never
19 revealed. The appointment of Mr Drenovski and a subsequent
20 restructure of the Balranald Shire, I will just make
21 mention here that at some time prior to my departure, we
22 went to a system of three directors. The third director
23 was appointed, Director of Economic and Community
24 Development, to cover tourism grant applications and assist
25 the community with grant applications. And liaison between
26 the Shire and the community. I thought it was a very
27 important appointment. Under Mr Drenovski, that
28 directorship was removed. We went back to two directors.
29 In this situation, there was no-one in the organisation
30 directly responsible for chasing grants. Limited grant
31 moneys were forthcoming, and I think that had a detrimental
32 effect on the budget.

33
34 I'd just like to make a short comment about the office
35 of local government. I think in the structure of local
36 government that general managers have a tremendous amount
37 of power, especially over staff, staffing arrangements, and
38 also over structures within the council. That's the first
39 point.

40
41 The second point is that I don't think the office of
42 local government uses its power, sometimes not wisely but
43 sometimes not to the extent that it should. I think that
44 stronger action needs to be taken regarding breaches of the
45 code of conduct, and serial offenders need to be expelled
46 from local government. Also, the third point, I think that
47 the department of local government or the OLG, I don't know

1 who is responsible for this, but I think consideration
2 should be given to limiting the terms that a councillor can
3 serve. I think there is a lot of councillors in the
4 system, not just in the Balranald Council, but in other
5 country councils especially where some councils have been
6 there too long and are past their use by date and my
7 inclination is that they shouldn't be allowed to serve any
8 more than three terms.

9
10 And one final point, you have asked other participants
11 in this inquiry what their view is on administration. As
12 far as Balranald is concerned, over recent times, probably
13 the last 15 or 20 years, we went through the millennium
14 drought, we had a timber industry shutdown, a sawmill
15 closure, the pet food processing industry closed because of
16 the drought, we had the removal of the distance education
17 from Balranald Central School, which cost us 16 teachers
18 and 10 staff, which had an enormous effect on the town, so
19 that - the pet food processing plant lost 30 jobs, the
20 transfer of the distance education 26, and countless
21 numbers of jobs in the timber industry and the sawmill
22 closure, so we did it hard for a long time. Balranald's
23 economy has recovered, fortunately, with an almond industry
24 development, two solar farms, sandmining, tourism, a new
25 tourism development coming up, aged care industry, Main
26 Street redevelopment, extensive irrigation and development
27 in the Euston area. I think all this could be put into
28 jeopardy if we lose control of our council by
29 administration. We have to bear in mind that
30 administration wouldn't last five minutes. I believe that
31 if we were put into administration, it would go for the
32 remainder of this term and the next, which would probably
33 account for about five years with somebody else running our
34 council. There's a danger that we might get an
35 administrator who doesn't understand Balranald or
36 understand small country communities, to our detriment.
37 Our future would be at the whim of one person. Our aged
38 care facility could be sold against the wishes of the
39 community. Now I would ask you, Commissioner, to consider
40 these points very carefully when you make your
41 recommendations. Thank you.

42
43 Q. Thank you. Thanks, Mr Lawler. Thank you. You're
44 excused.

45 A. Thank you.

46
47 Q. And thank you for preparing. That was very useful.

1 <THE WITNESS WITHDREW

2

3 THE COMMISSIONER: Now we're going to hear from Mr Conway.

4

5 <TONY CONWAY, sworn: [12.18pm]

6

7 THE COMMISSIONER: Q. Thanks, Mr Conway. So what's your
8 background on the council?

9 A. I'm not quite a local, I've only lived here 50 years,
10 but, no, we've been in - our family has been in business
11 here for 50 years. We're employed for an extensive period
12 of time in the shearing industry as a wool classer and
13 shearer and that sort of stuff and then gradually took over
14 the family business. We do livestock, real estate, farm
15 merchandise, a bit of retail and anything else, yeah. And
16 in my spare time I'm involved with the race club and the
17 footy club and all those sort of things, yeah.

18

19 Q. And how long were you on the council?

20 A. I done one term. 2004 I think it was, to 2007 or 8,
21 yeah.

22

23 Q. Now, you gave me some material the other day. I don't
24 really need to listen to a critique of other people's --

25 A. That's all right.

26

27 Q. But is there anything that you want to - in the joint
28 submission that you wanted to add to that hasn't already
29 been said by Mr Mengler or Mr Lawler?

30 A. Well, both of them have done a pretty good job, I
31 reckon.

32

33 Q. They've done an excellent job.

34 A. Just - I have a few grave concerns. One of them, I
35 was involved as the selling agent of the Caltex Service
36 Station. After the sale, I was very disappointed and quite
37 perplexed about the process that followed, about two
38 specifics. A legal firm was involved to prepare the
39 contract. The purchasers had a legal firm in Brisbane that
40 acted on their behalf. And after the deposit was paid,
41 settlement was organised, then the solicitor acting on
42 behalf of the purchasers contacted me to say there's going
43 to be a hold-up because - it's a bit complicated - but the
44 Caltex company had lodged a complaint to the Balranald
45 Shire; they reckon they were entitled to carry on trading
46 there, it shouldn't have been sold. It was only a bluff.
47 But the solicitor in Brisbane informed me - he said, "Look"

1 - he said, "I don't know your town, I don't know your
2 people, you're the only person I've had contact with", plus
3 the legal person representing the vendor, but he said, "I
4 don't know what sort of a GM you've got there, or council
5 you've got, but they've agreed to engage a legal firm -
6 take it away from the local guy and give it to another
7 legal company, which was Marsdens" and he said, "I don't
8 know what cost it is going to be", but he said, "The
9 outcome will be the same." He said, "It's a legal sale,
10 everything is above board." Anyway, after a few months -
11 it dragged on quite a few months and then the general
12 manager, Mr Rinovski, come and approached me one day about
13 another matter in the town and I said, "When is this Caltex
14 going to get settled?" I said, you know, it needs a bit of
15 commission money to keep going. And he said, "Just go and
16 take - you've still got the deposit in your trust account"
17 and I said, "Yeah. Why?" He said, "Well, just take what
18 you're owed and don't worry about it." I said, "No, I
19 can't touch that until settlement or I'll finish up in
20 bloody gaol." He said, "What?" I said, "Don't you
21 understand all this?" He said, "No, it's your money,
22 you've done the job, so you should be paid", so obviously
23 he had no idea and it probably alluded to a few other facts
24 that he was totally out of his depth in his job, but
25 anyway, eventually the Caltex went ahead, but my concern
26 was what did it cost council and where did the money go to,
27 the balance, that was supposed to go into reserves or
28 whatever? No-one was ever told. And I think that was a
29 bit of a blight on the council, that it was a community
30 asset and it was sold and, you know, none of us were ever -
31 no-one was ever informed of where the proceeds went to. So
32 that was a bit of a concern to me at that stage. And
33 Mr Lawler spoke extensively about the hostel and gave a
34 pretty detailed report. I only can endorse what he said.
35 But some of the things there that have happened were
36 outrageous and I guess - I thought it might have got a
37 mention in dispatches there for raising me voice at one
38 meeting, but I never, by the looks of it, out of sheer
39 frustration, when you're told there's nothing you can do
40 about it, it will have to be sold and so forth and you knew
41 darn well it was a very, very viable and vibrant little
42 operation if it was run properly. Mr Lawler alluded to
43 Arthur Graham. I went to school with Arthur Graham a long
44 time ago and haven't had a close association with him, but
45 he's a very, very smart man and he's in charge of the
46 Alcheringa Hostel in Swan Hill, which is a very big
47 concern, and he specialises in succession planning and aged

1 care administration and that sort of stuff, so he was the
2 ideal person to get it back on track. But why he was never
3 consulted after we'd more or less pleaded for two or three
4 years to get him involved, it all fell on deaf ears, and he
5 was - and because of his business, he had five clients at
6 that stage - I don't know how many he's got now, but at
7 that stage he had five clients as residents in the hostel,
8 so it wasn't that he wasn't aware of the running of the
9 place or - he was just shocked that it had got into such a
10 bad state, yeah. The other thing that gravely concerns me
11 is the lack of consultation. Mr Lawler and Mengler and
12 myself and Mia Sofina and - I can't - we approached
13 Mr Rinovski about issues in the community, were told not to
14 worry about it, more or less fobbed off like we didn't
15 exist. You know, at the time, it was the start of the
16 fiasco that eventuated at the caravan park. We went and
17 asked could we have some input to help, so it wouldn't
18 escalate into something out of control, it was quite a
19 simple solution, to keep the thing on track, which would
20 have been to give the lessees their extension and work out
21 a program going forward without any cost to council. It's
22 a bit like sacking general managers that wanted to work out
23 a program to finish their term, all that sort of thing.
24 It's just - to me, that's just total incompetence and it
25 shouldn't be happening, but these things continually happen
26 within our council, and it's gone on for a long time, and
27 that's why people are frustrated and angry about those sort
28 of issues. Amazingly enough, we had that scenario of
29 Mr Rinovski, we went and approached Mr Stewart. "Yeah."
30 He did give Mr Mengler all the paperwork he had. And we
31 also went and approached Michael and all the time our main
32 thing was to resolve the caravan park issue, because until
33 that happens, you're going to get no respect from the
34 council - from the community, and Mr Kitzelmann spoke about
35 his staff being abused, people saying harsh things to them
36 and abusing them in public. Well, I mean, of course that's
37 going to happen. People are frustrated, they're angry.
38 The rates process was never done properly, so people are
39 going to be angry. You know, I feel really sorry for the
40 staff that live in the community, especially the more minor
41 staff in the office. I mean, the people that run the
42 office, the director of finance, the GM, very rarely are
43 they seen in public. I mean, that's their prerogative,
44 but, you know, they're not out there coping the flack, you
45 know. And, of course, Mr Kitzelmann also spoke about the
46 mental health concerns of his staff. Well, you know, did
47 anyone ever stop and give any thought to the mental health

1 of some of the people that have been affected by their
2 decisions, you know, as well, that aren't involved in
3 council? I mean, I find that very hard to take, because
4 Balranald is a very, very good town, a good community full
5 of good people and they deserve better than that. They
6 deserve to be treated with respect. And if you come to the
7 council - to the GM, or one of the councillors, and you've
8 got an issue, it doesn't matter how minor it is, surely
9 someone can give you the respect to look into it for you
10 and - I don't mean to go and abuse anyone - but to look
11 into it and say - come up with a solution. You know, I
12 mean, our committees of council, that we were very strong
13 on when I was involved in council when Laurie Carter was
14 here, you know, there was a detailed report that went in
15 from every committee every month at the council meeting.
16 Well, they're almost non-existent now. The community has
17 no say in what's happening in the community. Like I tried,
18 last year, wrote a letter - I think it was either when
19 Mr Stewart was here or when Mr Kitzelmann started - about
20 forming a user's committee for Greenham Park, which is a
21 sporting complex, not-for-profit organisations, so that we
22 could work with council, because we never had any grant
23 money for so long - I mean, okay, we've gone through - the
24 stars aligned and there was a State election and a Federal
25 election and both sitting members were under the pump so we
26 did get a lot of money into the area, which was great, but
27 prior to that, we had nothing and the state of Greenham
28 Park over there, the football club facility, was appalling.
29 It was like a bloody third-world country - I've never been
30 to one, but what you hear about them. Like it was wrong.
31 Like my wife got her fingers crushed over there under a
32 door that was serving as a table. But, I mean, that's part
33 of it, but, you know, we tried to form this committee and
34 we had one meeting over there and the butcher's paper come
35 out. When butcher's paper comes out at anything, you know
36 it's never going to work because everyone walks out feeling
37 warm and fuzzy and nothing happens. But we put forward our
38 ideas to - you know, what each organisation wanted and,
39 okay, with the grant applications, some of the
40 organisations were lucky to receive a grant, which was
41 great, but, you know, a couple of more times I've mentioned
42 about this committee and no, it's not going to happen,
43 obviously, because they don't want it to happen. But here
44 was a group of people who were happy to work with council
45 to make things better, and when grant applications were
46 coming up, inform the committee, if they meet every three
47 or four days, and say, "Okay, which organisation wants this

1 grant?" So members of that committee can sit down and say,
2 "Okay, the pony club needs a new toilet or the tennis club
3 wants a new pavilion, or whatever, so what say we all work
4 together and try and get that organisation." And also it
5 helps council in their budgeting going forward, for the
6 next time they do a budget for the following year, "Hang
7 on, we better keep a bit of money aside because these guys
8 are going to apply for this and it might be a dollar for
9 dollar grant, or whatever." But those sort of things
10 aren't happening and that's what I find very frustrating.

11
12 Q. Can I just ask you the \$760,000 community grant that's
13 mentioned in your submission, do you know what that was
14 for?

15 A. It was - well, my understanding, from the media
16 release that I read, it was there to be spent on community
17 projects, after consultation with the community. And to my
18 knowledge, there was no consultation and when I questioned
19 a couple of the learned gentlemen that work here why wasn't
20 there a consultation, they said it's a waste of time
21 because the Main Street project was the only shovel-ready
22 project available and it had to be a shovel-ready thing, it
23 had to be done straightaway. Well, it's coming up three
24 years and it still hasn't been done, so, I mean, that was
25 obviously just a fob-off again, you know, to --

26
27 Q. Just taking you back, the date of that, approximately?

28 A. 2017, was it, or '16? I think - I've probably got it
29 here somewhere. I'm not going to fiddle through that.

30
31 Q. And it was from the State Government?

32 A. But that was the State Government. Every council in
33 New South Wales got that grant, between 760,000 and 1.3
34 million. I think it depended on the size of the council.

35
36 Q. And it was required to be spent within a certain
37 period of time?

38 A. I think so, yeah.

39
40 Q. You don't know what period of time that was?

41 A. No, I don't, but it must have been a fairly big
42 timeframe because nothing has happened.

43
44 Q. Or a short one. Do you know whether the grant --

45 A. I think it was supposed to be 12 months originally,
46 but - I suppose by the time most councils went to their
47 communities and talked to them, it would have been nearly

1 impossible to get everything done in 12 months, so they
2 probably would have asked for extensions or whatever. That
3 normally happens, I think. If you've got good reasons,
4 it's fine, yeah.

5

6 Q. We'll make some more enquiries about that. That
7 probably covers the things that you wanted to talk about
8 then?

9 A. Mainly, yeah. As I said, I have got plenty of things
10 I can comment about the caravan park but obviously it's not
11 - its in court, I understand that. I do have a very deep
12 understanding of what's happened there and it is quite
13 appalling by anyway, that's another matter. Yeah, and the
14 other thing I feel strongly about was the process of the
15 special rate variation. I think that was - not enough
16 information to the public, not enough consultation. When
17 we did have the original meetings about it, it was never
18 documented very well and no consideration was given to the
19 people who raised objections, and very valid reasons why
20 they shouldn't be so steep. You know, Bob Stewart informed
21 me that the day we went to speak to him, that the 180
22 letters or emails or whatever, in writing.

23

24 Q. Submissions.

25 A. He said my aim is to return to answer every one and
26 explain it. Obviously never had time to, never - I've
27 written quite a few things to council over the last few
28 years, going back to Mr Drenovski's stage - not so much
29 things not happy with, there's always things - no-one is
30 ever happy, but just things that would give consideration
31 to improvements for the town but, you know, the frustrating
32 part, you never even get an answer back. That's probably
33 the worst part. You think, what am I doing it for? Then
34 you think, well, if someone doesn't try and do something -
35 and you know, it gets back as Councillor - Mr Lawler said,
36 the general managers have too much power and the senior
37 staff, they make all the decisions. You know, if you
38 haven't got a - if you have got a divided council, you've
39 got no hope. It is open slather for those people - they
40 have got to make the decisions in the finish, and the
41 recommendations, because the council is divided. That's
42 the thing that I find very frustrating.

43

44 Q. Okay, is there anything else you wanted to say?

45 A. Is that all right, you want to knock off?

46

47 Q. I am inviting you to make your statement?

1 A. No, that's fine, look, you've got a lot of people to
2 listen to.

3

4 Q. Not before lunch?

5 A. I can hear a few stomachs rumbling in the background,
6 you had better get going.

7

8 Q. Thanks for coming along.

9

10 <THE WITNESS WITHDREW

11

12 THE COMMISSIONER: We will adjourn now until 2 o'clock.

13

14 LUNCHEON ADJOURNMENT

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1 THE COMMISSIONER: Looks like we are ready to start and we
2 will get moving. Mr Beckett.

3
4 <STEPHEN BECKETT, sworn: [1.58pm]

5
6 THE COMMISSIONER: Q. Thanks, Mr Beckett. Can you just
7 explain who you are, why you are here?

8 A. My name is Stephen Beckett. I own the Balranald Motel
9 Inn and it has even got its own little restaurant attached
10 to it, and we are here because of this latest round of
11 absurd charges which is pretty much going to make ruin to
12 what is otherwise a good family business.

13
14 Q. Do you understand that the scope of this inquiry isn't
15 to go into the amount that the council is charging, it is
16 really about the processes that the council follows in
17 order to set rates and make other decisions of the council,
18 do you understand that?

19 A. As close as (indistinct) in that case. Like, when
20 they jumped, one charge, by 400 per cent.

21
22 Q. No, because I am not enquiring into the amount of the
23 rate. What we are looking at in the enquire is the
24 behaviour of the council to make sure that the proper
25 procedures are followed to adopt the rates?

26 A. Well that's far worse than this, that's good, we can
27 do that.

28
29 Q. One of your concerns was that you didn't have adequate
30 notice of the changes to the rates and charges?

31 A. No notice. First time we heard it wasn't from
32 council, we heard nothing from council, to be honest, even
33 though we owned the building. It came from Ashton Lisa,
34 the operators of the business.

35
36 Q. So you did get a letter, though, from the council,
37 you've said in your submission you had a letter that you
38 received on 24 June?

39 A. Letter (indistinct) no reply. Nothing I fired off, I
40 can't remember. That would be a response, something I
41 fired off.

42
43 Q. You said you received a letter from the council,
44 letter dated 21 July, on either 23 or 24th of June and you
45 received it a couple of days later. You don't recall that?

46 A. No.

47

1 Q. Are you on Facebook?
2 A. I don't go on. I do have an account but I don't go on
3 there very much at all. As can be seen by the fact I'm
4 here because I didn't look at it and I would have been in
5 Sydney.
6
7 Q. Well, no, only certain people were invited to attend
8 in Sydney. Do you go on to the council's Facebook page?
9 A. Occasionally look around, yeah.
10
11 Q. Because we understand from earlier evidence that there
12 was advertising on the council's Facebook page as well as
13 in local papers and I understand that you wouldn't have
14 received that, not being residents in Balranald or its
15 environs?
16 A. Just you look around on the Facebook page and, like,
17 unless you have got to find links after links to find
18 anything so no, I don't, I am not flash on this stuff. I
19 am with that age group where if it doesn't work I stay away
20 from it and I find it very difficult to navigate.
21
22 Q. So the only - you say you only got it by word of
23 mouth?
24 A. That's all I remember receiving it by.
25
26 Q. Right, okay. Now, the council has made its decision
27 and the rate notices have gone out. You have received the
28 rate notices?
29 A. The operator would have received it, yeah, the
30 operators of the business would have received it, yeah.
31
32 Q. So really, if that's the ambit of your complaint,
33 there's not a lot that the inquiry is looking into the
34 amount - we are not looking into the amount, we are only
35 looking at the process?
36 A. The process, there was no due diligence, in it, I
37 would like to bring up. The business is reconsidering
38 options. When viewing the footage of the (indistinct),
39 talking about the operational procedures the council used,
40 when I was looking at the footage of it --
41
42 Q. The council meeting?
43 A. The council meeting footage, they have dropped the
44 pedestal charge from \$200 to \$100. I fired off a letter
45 about, what the hell do you think you're doing charging
46 \$200. So they have dropped that down. But then the mayor
47 has made the comment, what other charges - along the lines

1 of, 'What other charges have been made up to cover the
2 shortfall', so they didn't really know - they claim
3 consultation but they didn't make any consultation. So
4 they have dropped the pedestal charge from 100 to 200,
5 initially they timed 200 by whatever amount of (indistinct)
6 came up with. They have cut that in half but then they
7 have (indistinct) up all these other charges.

8
9 Q. That's right, because there was a certain amount of
10 money they needed to recover from rates and charges?

11 A. It is all back door charges, should have been honest
12 that they were going to come through the front door, you
13 know. Why, should have left the pedestal charge of \$200.
14 They come in with all these other charges and now they have
15 opened a Pandora's Box of fairly horrifying possibilities
16 for operators. I mean, they've been charged twice for the
17 same order, for instance. It is fairly horrifying. While
18 they did consultate, this Pandora's Box of other charges
19 they have rigged up that you don't me to read, you don't
20 want on record for some reason, would it have been - we
21 would have said no, said no to that.

22
23 And the other thing about the consultation, had I been
24 asked - I've got a rates notice here from the same sized
25 motel in the very next Shire over from Hay one room less
26 than our motel, their total charges except for water, we've
27 got to pay \$8,000 for water, the same hotel, one room less,
28 is 3,300 and I have their rates notice here. So I would
29 have had that in the consultation process too. So, like
30 what the heck is this Shire up to

31
32 Q. You viewed the video of the June meeting when the
33 pedestal changes changed from --

34 A. What are the charges that are dreamt up, yes, that's a
35 horrifying comment right there.

36
37 Q. Do you understand that that was then advertised for a
38 month before it was adopted?

39 A. No, as far as I understood, it was adopted, when I
40 heard the meeting.

41
42 Q. There was a period then, because there was a change to
43 the rates, that there was a statutory application --

44 A. They hadn't replied to anyone previously so I thought,
45 well, there it is in a meet, made up. So done and dusted.
46 What are you going to do? Just got a sore head, you know,
47 bashing your head against the wall. Because when we went

1 looking for - when they said that there was previous
2 charges being consulted and voted up a year before, we went
3 looking for those and somewhere in my submission there, I
4 think I challenged you to try and find where the heck it
5 was and Sandy is far better on the computers than I am and
6 Sandy took I think a day and a half before she could turn
7 up something that was vaguely - you know, was vaguely
8 recommended to it. Again, that problem with the computer,
9 no direct link. When you say something is linked to it,
10 you know, there was no direct link across. It took a lot
11 of searching by Sandy to find what they had referred to
12 that they had voted up the year before. And on that - when
13 they voted up the year before, there was no consultation on
14 that anyway, I didn't receive any from the year before.

15
16 Q. It would have been the same form of advertising, local
17 papers. I don't know that they went to the extent of
18 Facebook that year, but it is a statutory advertisement so
19 there is prescribed --

20 A. It is all very (indistinct) so people who are going to
21 get copped by it don't know about it, yeah, that's how it
22 feels, exactly. If we keep it in-house, it will minimise
23 people who know about it.

24
25 Q. So essentially your complaint is about a lack of
26 communication?

27 A. And consultation. (Indistinct) consultation is
28 extensive, I've a letter here from Lisa that she would like
29 me to give you when I am leaving because she said that in
30 (indistinct) of the business and still waiting for a reply
31 to that, months later. So the consultation doesn't occur
32 nearly as well it was claimed earlier on today by the
33 Councillor that was up here. So that doesn't happen at
34 all, as well as they reckon. And, yeah, that's really just
35 poor consultation. Because they need to understand that if
36 the Shire across can do it for \$3,300, and they need
37 \$8,000, the businesses here are going to be destroyed and
38 that needs a forensic investigation, a police forensic
39 investigation as to why you need to have - that's a hundred
40 percent loss, 200 per cent dearer to operate in this - it
41 is over 200 per cent dearer to operate in this council's
42 Shire area than it is just to operate just down at Hay.

43
44 Q. I don't know how the Hay rates are made up, they
45 have --

46 A. Clearly they are operating a business that's a lot
47 more efficient because they don't need \$8,000, plus, plus,

1 plus.

2

3 Q. Do you know the reason the council had to increase or
4 to introduce pedestal charges and other charges that would
5 be paid into its sewer fund?

6 A. We can't talk the about caravan park, apparently, but
7 I'd say there's been a lot of money drawn out of accounts
8 to fund that particular court event, I'd say there's been a
9 lot of money there, unless they have got a grant for it. I
10 can't imagine the government giving grants for that sort of
11 behaviour but seems to be a lot of money channelled into
12 that.

13

14 Q. Are you aware that there's a separate sewer fund at
15 the council that is not contributed to by general revenue,
16 by anything else, and you can't touch it other than for the
17 purposes of sewer?

18 A. On that point, I had a look at the sewer fund and I
19 cannot see where the actual pedestal money is going. I can
20 see where some of these charges you don't want me to
21 mention go in, but the actual pedestal money, I cannot see
22 where that actually goes in. The pedestal money is there.
23 If you look at it you can see - discharge and filtered
24 water. You can see where the money is coming in from that
25 end of the - into the council accounts but you can't
26 actually see where the money - it says pedestal fees - you
27 can't actually see where that is coming into that sewer
28 fund.

29

30 Q. What document are you looking at when you say --

31 A. The council financial records which is a brilliant
32 thing to try and look through. It is a whole lot of
33 figures and no words. Very few words that says what it is
34 about.

35

36 Q. Is it an historical document? So is it recording
37 income received up to a certain date?

38 A. Yeah.

39

40 Q. So there haven't previously been pedestal charges?

41 A. No, not previous ones there, but there's no allowance
42 for it in that one I looked at.

43

44 Q. So it wasn't historical --

45 A. You need to set out a document that is going to
46 capture the money, don't you, if you are going to start
47 expanding your business, you need to start capturing more

1 money, you need to have sewer discharge fund, pedestal
2 charges, those sort of areas need to be ready for money to
3 go into, you can't just dump into a fund there and make out
4 it is all in there.
5
6 Q. No, it is not in there yet. It hasn't been made yet?
7 A. It is not set out to take it, is my point.
8
9 Q. It was a historical document --
10 A. No, no, the historical document, I looked at, I said I
11 found very gobbly-gookey, but when I looked at the most
12 recent one I could find and that isn't set out to take the
13 pedestal fund.
14
15 Q. Okay. Do you understand that the fund is in dire
16 straits?
17 A. Well, I talked to previous people who have been on
18 council here and they told me that the fund was topped up,
19 what it needed, and 10 per cent was going in there each
20 year for contingencies into the future. So no, I can't
21 sort of see where that's going. I think that needs a
22 forensic investigation into it, like, how, if it was - like
23 one or the other person, you know, not telling the truth.
24 Otherwise the money would be there or wouldn't be there.
25 And so if one is claiming it is there and the other is
26 claiming it is not there, that needs to be forensically
27 investigated as to why money was supposedly going in but it
28 is not there now.
29
30 Q. Historically it hadn't been going in and the council,
31 yes, had been taking money out of general revenue to pay
32 for the sewer fund so this is something that has come out
33 of the performance improvement order to try and rectify
34 that problem and to charge the cost of providing the sewer
35 to those who use it. Do you understand that?
36 A. I understand that, yep.
37
38 Q. So is there anything else that you wanted to put to
39 the inquiry this afternoon?
40 A. I think I have document here where the council have
41 replied to one of my letters --
42
43 Q. Sorry, what document are you reading from?
44 A. One I have given you.
45
46 Q. Which - I can't say that?
47 A. Sure. Doug Allen, they ran a special weight

1 variation.

2

3 Q. An individual Councillor responded to you?

4 A. M'mm.

5

6 Q. Yes.

7 A. And point 4 is, short answer, no. Grant opportunities
8 have been missed due to council playing catch up on and
9 updating financial plans et cetera. Which is not good
10 enough, particularly when you consider state and federal
11 grant money make up 90 per cent of council income. So
12 there's a Councillor admitting that they haven't been doing
13 their stuff, so.

14

15 Q. Historically, that's correct?

16 A. Yeah, so, it's tough that people have to do it.

17

18 Q. Sorry?

19 A. It is stuff that people have to make up, when there's
20 a lot of staff that are paid to chase these things up and
21 do a certain job, they should do their certain jobs, you
22 know, booking around people around the caravan park or
23 cooking dinner at the motel, then that's your job. If
24 that's their role then they should have that role or they
25 should be terminated. They shouldn't be able to sit there
26 and get along not doing the job which seems to be what
27 happens. Or it is clear it is not happening. It hasn't
28 been happening historically.

29

30 Q. Historically, yes?

31 A. Not much evidence of it in the future yet. I mean
32 there's grants available I'm lead to believe, is that true,
33 I don't know, grants available for these sort of catch up
34 things.

35

36 Q. We have heard from the council what steps they have
37 been taking to take advantage of grants but grants of
38 various types, some of them are tides, some of them are for
39 specific purposes and need to be spent within a specific
40 amount of time and some require collateral funding from the
41 council, sometimes they can't afford it. Do you have any
42 specific information about the council not applying for a
43 grant that it would have been entitled to?

44 A. What, just the fact that an individual council has
45 written back and stated that they haven't been chasing the
46 grants that are available.

47

1 Q. In the past?
2 A. Been missing out on money, yeah, missing (indistinct).
3 This is dated 2017 so not that long ago. That's when the
4 catastrophe - what was it, the dire straits of the
5 financial situation --
6

7 Q. Oh, no, that occurred over 30 years?
8 A. (Indistinct) disastrous. That's pretty ordinary. My
9 other major concern is the way things operate generally in
10 regards to - like, one instance is the tip out there. That
11 supposedly - well, it is receiving a lot of stuff from the
12 mines - from the solar farm and that, a lot of plastic,
13 cardboard and wooden parts coming in. The wooden pallets -
14 it's all supposed to be separated and the wooden pallets
15 are supposed to be shredded and there's a little bit of
16 show and tell just inside the gate, but if you go in and
17 look around, as I did yesterday, you'll see there's a pit
18 dug and then there's an excavator there that's digging
19 another 12-metre hole and down in that area, there's all
20 the plastic and cardboard and timbers all stacked together
21 and it's all been pushed into these deeper holes, these
22 extra 12-metre holes. So I'm not sure if the
23 infrastructure director, or whoever is responsible for what
24 is going on out there --
25

26 Q. And do you say that that is an improper practice?
27 A. Well, I was talking to the bloke who's been terminated
28 out there and he said the way it's supposed to come in is
29 this, and it's not coming in that way. So I don't know
30 which director would be responsible for that. But also,
31 that company - Cleanaway I think it is - they're going to
32 start trucking stuff from other shires, like at Hay, the
33 tip is nearly full and they'll start bringing stuff in, and
34 this bridge on the southern end of town - the eastern end
35 of town, it's already in a bad state and the lead-in road
36 is starting to collapse down.
37

38 Q. So you think Cleanaway is going to bring rubbish from
39 other councils?

40 A. Well, they're doing it at the shire below us, they're
41 bringing stuff out of Victoria. Like I look at the Gold
42 Coast and they bring stuff from New South Wales and tip it
43 in behind Ipswich in millions of tonnes a year, so, yeah,
44 it gets trucked around no doubt.
45

46 Q. And does the - is that for a fee or how does that
47 work?

1 A. I don't know how it's going to work. I don't know if
2 there's going to be a financial benefit to the rate payers
3 of the shire here. That's a major issue for the future.
4 In 100 years' time, apparently, our tip will be full, just
5 like everyone else's, and then there'll be an issue.
6 Somebody else will be looking at that.
7
8 Q. And how do you get this information about Cleanaway?
9 A. Cleanaway?
10
11 Q. Yeah, how do you know it?
12 A. Because they operate the shires below and you talk to
13 people in those areas and they're saying that their trucks
14 are coming in from other shires to theirs.
15
16 Q. So you just anticipate that it will happen in --
17 A. Well, that tip is nearly full, Hay's tip is nearly
18 full, so the next logical progression, if they've taken
19 this one over, is to bring stuff here.
20
21 Q. So is Cleanaway operating the waste facility?
22 A. They've got machinery out there, there was skip bins
23 out there, there were trucks coming and going, so I'm not
24 exactly sure.
25
26 Q. Okay.
27 A. I did read some transcript from Michael Kurtzor and he
28 said they're operating out there during the period of the
29 solar farms at least.
30
31 Q. But I understood his evidence to be that that waste
32 was limited to waste from the solar farm construction?
33 A. Yeah, wind is the future.
34
35 Q. But not from other parts of the country or --
36 A. No, not yet.
37
38 Q. Okay.
39 A. All righty. That's about it. I can't come to all
40 this other stuff?
41
42 Q. No. Look, I'm sorry that you've gone to all that
43 effort, but it's just not part of the inquiry that we're
44 conducting here?
45 A. All righty. That's disappointing. It would have been
46 good to get that in the notice. All the time and effort.
47

1 Q. Well, the terms of reference are there.
2 A. I've got the terms of reference right here in front of
3 me, actually. Council governing bodies providing strong
4 and effective leadership. Go down. The mayor and
5 councillors conduct decision-making both collectively and
6 individually at Balranald. Yeah, I've got it there.
7 Righty. That will have to do.

8
9 Q. Okay. Thanks, Mr Beckett.
10 A. Disappointing. Did you have any more?

11
12 THE COMMISSIONER: No (indistinct).

13
14 **<THE WITNESS WITHDREW**

15
16 THE COMMISSIONER: Now, unfortunately, our next witness is
17 Councillor Ugarte, who is speaking to us from Spain, I
18 think, and because of the time differences, he can't start
19 until 4 o'clock. So it's still going to be a public forum,
20 you're welcome to come back at 4.00. We'll be speaking to
21 him through Skype, but we're going to adjourn until 4.00.

22
23 **SHORT ADJOURNMENT**

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1 THE COMMISSIONER: Okay. We'll commence for the
2 afternoon. Thank you for joining us, Councillor Ugarte.
3 I'm the Commissioner, Roslyn McCulloch, and I've got my
4 assistant, Katrina Annis-Brown, next to me. Can you see
5 us?
6
7 COUNCILLOR UGARTE: Yeah.
8
9 THE COMMISSIONER: Good. And you can hear okay?
10
11 COUNCILLOR UGARTE: So far.
12
13 THE COMMISSIONER: Good.
14
15 COUNCILLOR UGARTE: So far so good.
16
17 THE COMMISSIONER: And is it recording okay? We'll just
18 have to get you to make an affirmation before you start
19 giving evidence.
20
21 COUNCILLOR UGARTE: Yep.
22
23 **<GERMAN UGARTE, affirmed: [4.00pm]**
24
25 THE COMMISSIONER: Q. Thank you, councillor. Now, I
26 understand this is your first term on Balranald Shire
27 Council?
28 A. Yes.
29
30 Q. Okay. Do you think you'll re-apply for council - run
31 for council again?
32 A. Definitely, yes.
33
34 Q. You're aware of the code of conduct that applies to
35 all councillors?
36 A. There's a lot of that been put, emphasis, in the last
37 two and a half years. It seems to be a recurrent topic.
38
39 Q. Are you familiar with the code of conduct?
40 A. (indistinct).
41
42 Q. Sorry, I didn't get your answer?
43 A. I said for sure.
44
45 Q. Now, have you ever made a pecuniary or a non-pecuniary
46 disclosure of interest?
47 A. I think I've done a few times. Talking about that

1 issue, I think once I was accused of a conflict of interest
2 with the caravan park and the OLG clearing of that.

3

4 Q. What I'm asking you is have you ever made a disclosure
5 at a council meeting that you consider that you have a
6 conflict of interest?

7 A. I think that I've done, especially when I started the
8 role.

9

10 Q. And what did you understand that conflict of interest
11 to involve?

12 A. At that time I was doing a project for the shire
13 council - that started before me being a councillor - so I
14 made that aware.

15

16 Q. I see. So there was no disclosure about your
17 business, for example?

18 A. Definitely, yes.

19

20 Q. Yes? Which business was that?

21 A. I'm a tour operator for the last seven years.

22

23 Q. And can you remember the times that you made a
24 disclosure?

25 A. I wish I could. I will have to (indistinct). I
26 wouldn't remember exactly.

27

28 Q. Are you aware of the council's policy about
29 interacting with staff at the council?

30 A. Yeah. Well, they make emphasis on that, I think, all
31 the time and I think I've been very respectful about that.
32 Usually every time I go to the shire office to talk to the
33 GM, I usually give him a call before.

34

35 Q. And is the GM the only one you have contact with?

36 A. Some time with the directors, but I try to leave them
37 be, I try not to interfere much.

38

39 Q. And what do you understand by your responsibilities as
40 a councillor to distinguish between strategic and
41 operational matters for the council?

42 A. Well, strategic, obviously, is the big picture, is all
43 about policy, knowing the direction of the council. It's
44 basically that, that's the way I see it, not getting into
45 the nitty-gritty of things. Some time when things get out
46 of control, I think we have a duty of care. Some time you
47 need to voice some concerns.

1
2 Q. So what do you understand by "operational matters"?
3 A. What do I understand by "operational matters"?
4
5 Q. Yes.
6 A. All the things that basically the shire office conduct
7 based on the strategic direction that we are given. They
8 are the one that put things into action.
9
10 Q. So, for example, employing staff, engaging
11 contractors, entering contracts?
12 A. Yeah.
13
14 Q. Those sort of things you consider operational?
15 A. Yeah, for sure.
16
17 Q. In your submission --
18 A. The day-to-day things that happen inside the office,
19 the implementation of our strategies, implementation.
20
21 Q. Thank you. Do you have a copy of your submission that
22 you made to the inquiry?
23 A. Yeah.
24
25 Q. Okay. I'm just reading from the second paragraph of
26 that submission. You say that after the notice of
27 intention to issue the improvement order, there was a quick
28 and irresponsible response?
29 A. Yeah.
30
31 Q. Why did you think it was irresponsible?
32 A. Because I think the answers were sent in less than a
33 week after. We didn't even discuss anything. The general
34 manager then kind of downplay it, kind of it was nothing to
35 worry about, and as a new councillor, you tend to believe
36 that. I never heard about an intention to issue an order
37 of improvement before. And less than a week after, we had
38 everything kind of done, it was kind of a quick tick of the
39 box, and we thought that we were going to be okay and then
40 at the end we were not okay at all.
41
42 Q. Did you read the response that was made to the notice
43 of intention?
44 A. I think I remember. It was like a very basic table,
45 not much content on it, so probably a bit naive, probably
46 being new in the role, but I think notice of intention,
47 there was way more work to be done, and I think they gave

1 us more time to do it properly, but this was rushed.

2

3 Q. You mean --

4 A. We had one quick workshop, I think, I remember, at the
5 theatre and that was it.

6

7 Q. Was that workshop after the performance improvement
8 order had been issued or before?

9 A. That was for the intention of the issue.

10

11 Q. So there was a workshop after the notice of intention
12 was received?

13 A. Yes. I think we got the intention, I think - I will
14 say the following day, or a few days after. We met at, I
15 remember, the theatre to discuss this, but it was kind of,
16 "Oh yeah, don't worry, we (indistinct)."

17

18 Q. Do you know what --

19 A. If I knew - if that happened today, I would have a
20 different view of how to treat this, but on that day I was
21 new to the role, I thought that this is a common thing that
22 happened. At the end, it wasn't.

23

24 Q. And do you think that the response that the council
25 made was instrumental in the council receiving a
26 performance improvement order?

27 A. Oh definitely. I think it show that that initial work
28 wasn't done in the right way, that it should have been
29 discussed further, it should have been transparent further,
30 it should have been done correctly.

31

32 Q. But the council had received a number of visits from
33 the Office of Local Government prior to the notice of
34 intention, hadn't it?

35 A. Oh look, probably before my time. I wasn't aware. So
36 this was - as I put in my submission, this was my welcome
37 to local government council.

38

39 Q. Okay. In the third paragraph, you say that many of
40 the staff were suffering high levels of anxiety and
41 depression?

42 A. Yeah.

43

44 Q. Did that continue?

45 A. Well, during the time of Mr Drenovski, it was an
46 absolute chaotic time for that council. I must say, for
47 your information, that I used to work for the council.

1
2 Q. Yes.
3 A. I used to be the tourism manager. Actually, one of
4 the reason I left is because of a stress-related illness.
5 So I knew very well the toxic culture inside that office
6 and I can tell you I absolutely reject any type of
7 bullying, harassment within the working force, because I
8 think there's nothing worse in life to go to work and a
9 place that you really don't want to be.
10
11 Q. When did you work at the council?
12 A. I worked for about 10 months in 2011.
13
14 Q. And who was the general manager then?
15 A. Mr Littlemore.
16
17 Q. And why do you think there was a toxic culture at that
18 stage?
19 A. Well, because the bullying was coming definitely from
20 the top. I was - I don't know how I made it for 10 months,
21 to be honest. It was terrible. I was --
22
23 Q. Who was the top? What was the cause of the - who was
24 the cause of the bullying?
25 A. I think there's a recurrent name around the different
26 presentations I've read. Mr O'Halloran is always getting
27 involved in everything. I think probably one of the main
28 reason I left was because of that, because mental health is
29 number one.
30
31 Q. And can you give me an example in your job then, as
32 the tourism manager, of what happened to you in the
33 workplace?
34 A. Once was like a little incident - like this is the
35 most ridiculous thing ever - we were folding like
36 newsletters and the general manager, always in his
37 authoritarian way, said, "You need to start folding
38 newsletters" and when I was folding, I had a paper cut and
39 he completely lost his mind. He start shouting, yelling at
40 me. There was some --
41
42 Q. Sorry, you just mentioned the general manager was
43 shouting at you?
44 A. Yeah, yelling and shouting at me. I had a very bad
45 probably - I don't know. Let's be very transparent. I
46 think I had a bit of a panic attack.
47

1 Q. And that was general manager Littlemore at that stage?
2 A. Yeah.
3
4 Q. You mentioned Councillor O'Halloran before. What
5 contact did you have with him in your position at the
6 council?
7 A. Like very little, he never said a word to me in that
8 time, but I know by information given to me by, I think,
9 the director and also - that he was trying to find a way to
10 sack me.
11
12 Q. There was no threat made to you personally?
13 A. No.
14
15 Q. Have you --
16 A. So that culture was very - I couldn't say I enjoyed
17 any minute there.
18
19 Q. Okay. So when you came to the council as a
20 councillor, you were conscious of your responsibility, as a
21 councillor, to make sure that the staff didn't suffer from
22 anxiety or depression?
23 A. Well, I lost my number one priority, to become a
24 councillor, because, as you know, we, as councillor, we are
25 as good as the people that work inside that office, so if
26 these people are not feeling well, they're not feeling
27 comfortable, obviously no-one can perform and,
28 unfortunately, after Littlemore, things got worse.
29
30 Q. How did you have an opportunity to observe that if you
31 were no longer working at the council?
32 A. Because, as you know, we are a small community here.
33 Before being a Councillor, you talk to people and they tell
34 you how they feel and this is shocking, it's like - it was
35 something being bad and then going worse and thought this
36 time being, like, I can't tell you, like, I had a - you can
37 check on the papers, I had a stress leave for two weeks and
38 it's the worst thing that can happen to you because it is
39 really - it is terrible.
40
41 Q. Have you observed any staff in recent years who
42 appeared to have been suffering from anxiety or stress
43 related to their job?
44 A. You mean with the previous GM or with the current.
45
46 Q. With the current general manager?
47 A. I haven't seen that level of - the way it used to be

1 before, obviously, at the moment, with this review, I know
2 that the (indistinct) are high, not because of people being
3 bullied or being harassed, this is because - mainly because
4 of work.

5

6 Q. You think they have a higher workload because of the
7 public inquiry?

8 A. For sure.

9

10 Q. Have you observed any staff in council meetings being
11 treated disrespectfully?

12 A. Yeah, absolutely.

13

14 Q. Can you tell me about that?

15 A. Well, you used to have council meetings, every time we
16 got a council meeting, I nearly always said, 'What's going
17 to be Mr O'Halloran's show this time' because it has turned
18 into a circus some times because of his behaviour and
19 suddenly, out of nowhere you get attacks, especially to the
20 directors. I am the chair and I am not (indistinct), of
21 course, but it makes everyone uncomfortable and basically,
22 the council dynamic, it stalls, because it is always
23 something that doesn't belong on the agenda, something that
24 has nothing to do with what we are discussing, so - and you
25 can feel it in the faces of the people. I must say that it
26 is amazing sometimes how the directors can contain
27 themselves when they get this abuse.

28

29 Q. And has that sort of behaviour been able to be
30 controlled by the chair of the meeting?

31 A. No, I think the chair at the time tried to do their
32 best, at some times I reckon not the best chair in the
33 world would be able to control some of this behaviour so it
34 is not about the quality of the chair. When Mr O'Halloran
35 got suspended for two months, the council meeting went
36 great, like, we could relax, we could debate, we could
37 think, things were good. As soon as he came back, straight
38 away, boom, anxiety, like, all these thing come back. So
39 the dynamic, as a team, gets destroyed.

40

41 Q. Have you ever been intimidated to the point that you
42 wouldn't participate in a debate because of that feeling in
43 the chamber?

44 A. No, (indistinct) so sometimes I want to debate more
45 and I hate when - and the total thing that's recurrent
46 about, I've seen written there, the previous declarations,
47 there are a few councillors that don't talk, not talking,

1 but I can understand sometimes we try to talk and somebody
2 comes on top of you and - (indistinct) intimidated, and
3 many people don't have the experience to be in front of a
4 council chambers. At the end, yeah, that's the way I see
5 it. Plus (indistinct).
6

7 Q. So my question was whether you had ever not
8 participated fully in a debate because of that feeling in
9 the chamber, that discomfort that you described?

10 A. No, probably, special occasion, I have got
11 (indistinct) examples, sometime you probably get to a point
12 that whatever you say is going to turn into a war zone but
13 most of the time I always try to have my say and, yeah,
14 that's it.
15

16 Q. Have you ever felt that you have voted contrary to
17 your opinion?

18 A. No. I am always voting for what is best for the
19 community.
20

21 Q. And have you ever abstained or left the chamber to
22 avoid having to vote on something?

23 A. No, never.
24

25 Q. In your submission, at the foot of the first page, you
26 say that you weren't supportive initially of the special
27 rate variation. Would it be fairer to say that you
28 actively opposed it?

29 A. No. I think what I opposed was the 10 per cent
30 because what I wanted to - I never opposed the variation,
31 we had to have it, but I don't like even numbers, I wanted
32 a bit of negotiation and it was a very contentious matter
33 for the community and basically what I wanted to do is to
34 listen to all the submission that the people were saying.
35 We are (indistinct) community, we were suffering from
36 drought, the economy wasn't the best, so we cannot just
37 come and slap them with a 10 per cent number. So I was
38 saying - what I was saying to the council and to the
39 community, that - I think we received 150 submissions or
40 something like that. Somehow we need to listen because
41 what people - the feeling that people have every time we
42 have consultation is that we are not listening. So I was
43 saying why don't we go eight, why don't we go nine, what
44 about something that we get that feels something like a
45 democracy. Obviously we are in dire straits but that was
46 basically that. I wanted to get to - like anything I do,
47 when we get people's concerns, we need to listen.

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Q. So you were quoted in the press about your opinion on the extent of the rate rise?

A. Probably, about the special variation, but as I said, and I also stated on my Facebook page, that I wanted a number, that really would - would instill the feeling of the views of the community. I never said I didn't want the SRV definitely we want it, but we wanted to get it to a consensus because if you get 150 submissions and you go back to the 10 per cent, that means you weren't listening.

Q. Were you happy with the rates that were recently set in July 2019?

A. So you are referring to the pedestal charge.

Q. There were rates as well as charges set. So you were satisfied with those amounts?

A. Yeah, I think I was a bit, a little bit concerned about the (indistinct) because it was a crazy big number, so I think it should have been more gradual. I don't know that those people were (indistinct), but if you get slapped with a 1,000 per cent increase in a rate, I think that's a bit like we are punishing somebody because of previous management. We are not able to determine that. So I think it should have been a bit more, a bit of negotiation there. I think it was a bit abrupt.

Q. But the final decision was somewhat less than the original proposed 12 cents?

A. At least there was negotiation there, that's what I mean, at least there was debate about it and we got to a number that wasn't perfect for everyone but at least was discussed.

Q. Do you understand the 10 per cent you are talking about isn't necessarily a 10 per cent increase across the board on everyone's rates, is it?

A. Sorry, these are the general rates.

Q. So it might reflect in a smaller increase as a percentage of the total rates that somebody pays each year, the 10 per cent?

A. By the end of the seven year, you need as many (indistinct) so, look, if we would have got to 9.9, probably would have been happier but it was - it is all about listening to people.

1 Q. Do you see any problem in you speaking to the press or
2 going on Facebook to express your opinions about these
3 things when the council has a different platform to express
4 its opinion, by voting?

5 A. Not really. At the end I am trying to transmit what
6 most of the community feels, so, in the end, if the people
7 check on my Facebook, there's always been on there, open, I
8 think (indistinct) knows very well what I've got there. At
9 the end, is (indistinct) issue. We were frustrated because
10 we were trying to amend a mistake.

11
12 Q. What I'm talking about is the code of conduct requires
13 councillors to act in a way so that it does not bring the
14 council into disrepute. Do you not think that your public
15 statements in the media and on Facebook would have the
16 tendency to bring the council into disrepute?

17 A. What - I want to clarify something, I never did any
18 media release to any paper so as Mr McCormack said on p.32,
19 that I did two media releases, one to the SRV - about the
20 SRV, and the other one about (indistinct) - an absolute lie
21 from Mr McCormack.

22
23 Q. But you were interviewed by The Guardian about both
24 matters and you were quoted by The Guardian about --

25 A. I never send that media release.

26
27 Q. No, it might not have been in the form of a media
28 release, but you answered questions from a journalist which
29 were then published in a paper, correct?

30 A. I think probably but I think most of what they on the
31 paper, they just copy, pasted it from my posts on Facebook.

32
33 Q. No, there was further comments from you in the
34 newspaper that weren't part of your Facebook post?

35 A. Probably. Let's be honest, when you make a mistake
36 (indistinct) you try to do whatever it takes to amend it.
37 If that takes to go to the media and talk about it, I don't
38 see anything wrong about it. I also got my say. So I'm
39 not doing this thinking about I'm going to put the council
40 into disrepair, I think this is my right to express how I
41 feel.

42
43 Q. So you don't care if it puts the council - your
44 comments bring the council into disrepute?

45 A. No, but what is going to put the council into - I was
46 just - was saying what most of the community were thinking
47 at the time.

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Q. So did you, as a Councillor, feel the need to put it in a public forum like that, why wouldn't you confine your comments to a debate within the council?

A. Because the council wasn't listening. This was a serious matter and again, I'm going back into the mental health issue. We were dealing here with human beings, people with families and I was worried that these people could get really ill because of this. This is just serious stuff. I am not doing it there because I want to be a super hero, I want to do it there because this is serious stuff. We are talking about human beings here. Look, I'm (indistinct) could you please show me anywhere, where we are not allowed to say, to have our voices say about Facebook, make a comment. So what's the role of council, do nothing.

Q. The code of conduct requires councillors to act in a way that does not bring the council into disrepute, and that's now reflected in the council's own social media policy, but that wasn't in place at the time that you made these Facebook posts?

A. For sure. I haven't - probably I haven't put any comments in probably two years.

Q. So what was your relationship with the caravan park operators?

A. Well, as you know, I've been a tour guide for seven years, so obviously I pick up people from the caravan park.

Q. So did the caravan park make bookings directly with you, or how did that work?

A. No, I just pick up people from the caravan park.

Q. So people who were staying at the caravan park would book directly with you?

A. Yeah.

Q. And then you would go and pick them up at the caravan park?

A. Yeah, that's basically it.

Q. And when did that relationship sour?

A. After they decide not to sign the lease that was granted by council, they absolutely put me on the blacklist, to put it that way. It even got to a point I being harassed by the manager outside the caravan park

1 office while I was picking up some passengers, like he was,
2 with the mobile phone, filming me and he was saying, "You
3 are double faced" blah blah blah and I reported that
4 straightaway to the general manager and the police.
5

6 Q. And is that the extent of the interaction between you
7 and the caravan park operators at that stage?

8 A. Yeah. It got to a point once I went - because this
9 was going out of hand and we were advised by the OLG that
10 we should not have any contact at all with them. I went
11 one day - I can't remember when. Probably over a year ago
12 - and I said to them - I shake hands. "Guys, from now on,
13 no more talking, no more nothing." And that's when,
14 obviously, things start becoming a bit sour. But also the
15 thing that mainly triggered this was once the general
16 manager had to send a media release to tell what was going
17 on, the process and about this, and I reply back in an
18 email to all the councillor, "Well done. That's the way it
19 should be (indistinct) transferring this" and this
20 information got leaked in less than 10 minutes and I
21 receive a very interesting, to put it this way, message on
22 my phone from the caravan park managers, "I cannot believe
23 what you're doing." So that's when things completely - as
24 you can see, initially I was very vocal and supportive of
25 it and now it turned to the other way.
26

27 Q. You say in your submission that when - let me just
28 find it. That when the tender document wasn't signed,
29 that's when it became operational. Didn't it become
30 operational from the very beginning? Wasn't the entry of
31 the council into a contract, in accordance with a
32 resolution, an operational matter?

33 A. Well, probably, but I think what - the main issue
34 before was why these people were not given the two year
35 that they deserve? And then when nobody does anything - we
36 have a duty of care and we were - that's why we were so
37 vocal trying to amend this.
38

39 Q. Are you aware that the council voted, on 28 June 2017,
40 not to extend the contract of the caravan park operators?

41 A. Probably I was aware, but probably - and that's what
42 I'm saying, I'm saying, but I can't recall, I think there
43 were two motions there and I think we didn't read it well
44 and that's the thing. Why we're not going to extend the
45 two years known by everyone that they doing an amazing job?
46 So that's the thing. That's why things turn. We made a
47 mistake. We made a strategic mistake and then we were

1 trying in any way to fix it. And then they put all sort of
2 barriers, like the time to sign the agreement is over, and
3 that when everything went terribly wrong.
4

5 Q. The decision of the council in June 2017 was against
6 the backdrop of some investigations by the Office of Local
7 Government, so the council was looking for ways to obtain
8 best value for money from the caravan park; is that right?

9 A. I think it was - if I understand what you're saying, I
10 think that the main - more than value for money, I think
11 the main issue there was the cash handling procedures, it
12 wasn't because we were losing money. The only thing I
13 remember was cash handling procedures and because of that,
14 that is when --
15

16 Q. You think that was the motivation for the council not
17 resolving in June 2017?

18 A. No, I think it's not - I'm not blaming the council. I
19 think this was - I think that was never the intention. I
20 think what was - everybody, I think, got confused, we made
21 a mistake, that's what I'm trying to say. Like why, as
22 council, we're not going to grant them the extra two years
23 if they're doing an amazing job? And we were like, "Wow,
24 we voted this? Oh, we've made a mistake." We were trying
25 to fix the mistake.
26

27 Q. And there were legal barriers to you fixing the
28 mistake?

29 A. Yeah. So there were - because of, I think, the time
30 to sign the agreement had expire and then because of that,
31 new kind of worms open and then we begin to learn that
32 because of this being Crown land, we were not doing the
33 things correctly for many years and that open a whole new
34 world that I would never ever have suspected and until
35 today, this case hasn't been solved, so it's been very
36 draining. I wish we would have been (indistinct) I wish I
37 would have read better and everybody, because we all want -
38 our intention wasn't that. We made a strategic mistake
39 that we wanted to amend and when we tried to amend it, we
40 had all this legal barriers, as you said, that we couldn't
41 fix. We felt terrible. I feel terrible until today, like
42 the poor people, they been going through a horrible time
43 and we just wanted to make justice, give them the two years
44 and then we were thinking of a new lease for the future, a
45 new plan, but we couldn't. And then when we got to the
46 stage of - okay, finally we got to - we follow on what's
47 recommended by OLG and we gave the lease back to them, they

1 didn't sign, so that's - I don't know. That's it.

2

3 Q. Did you understand that the council had different
4 obligations because the caravan park was Crown land?

5 A. Well, not initially. When all this start happening,
6 that's when you start learning all these things. But, as
7 you know, I'm new in the role, I didn't know - I'm learning
8 all the time.

9

10 Q. Now, you mentioned in your letter that the councillors
11 have had training. What did that consist of?

12 A. We've had a few, obviously, code of conduct. I think
13 we had a very productive one about finance. I thought that
14 was very interest. Actually, at that time I suggested that
15 we should have some sort of dashboard reporting system with
16 all these different balances. I can't remember all the
17 names and things. But I thought it would have been great
18 to have something like that. That give you a good picture
19 or what's happening. But because of all the changes in the
20 staff, that hasn't occurred.

21

22 Q. So a monthly snapshot you mean?

23 A. Yeah, yeah. So I think --

24

25 Q. And who conducted - sorry. Who conducted the
26 training?

27 A. Yeah, I think that was very useful. At the moment I
28 think we've been requesting training, we want a bit more
29 like face to face but, as you know, we've got some
30 distance, it's always tricky to get them. I think there
31 was one that I was interested, actually - it probably looks
32 like one of my contentious topics, that is Facebook in
33 local government or in council. So I think that will be
34 one that I would like to follow further.

35

36 Q. Who conducted the finance training?

37 A. Look, I wish I could remember.

38

39 Q. Somebody from outside?

40 A. Yes, somebody came to the chamber office.

41

42 Q. And what about the code of conduct training?

43 A. Yeah, I think initially we had a bit of that briefly
44 and we were given the councillor's handbook and, as you
45 know, most of the thing that they emphasise is the dealing
46 between councillor and staff.

47

1 Q. And councillors and contractors?

2 A. And contractors, yes.

3

4 Q. Did you ever have any conversations with the caravan
5 park operators about the lease?

6 A. Not the lease as such, but I had conversation with
7 them about how bad I felt of all this happening and I felt
8 bad about them and I felt that we - I felt bad about it
9 because we should have given them the two years.

10

11 Q. I'm now reading from the paragraph numbered 4 in your
12 submission. You say, "A few councillors can get a bit
13 passionate." Have you ever seen aggressive or threatening
14 behaviour by councillors?

15 A. In the chambers?

16

17 Q. Yes.

18 A. Of course.

19

20 Q. Can you tell me about that?

21 A. Well, as you know, I mentioned before Councillor
22 O'Halloran usually gets very heated, out of context many
23 times, ranting about things that have nothing to do with
24 the agenda and usually that many time happen at the
25 beginning of the council meeting, so that kind of always
26 set the pace on many occasions. Always pointing fingers,
27 always banging papers on the table. I wouldn't say every
28 council meeting, but I've seen it a few times - not just in
29 council meeting but also in workshops and meetings in
30 general. So, as you may guess, he's not very - I don't
31 know - nice, really.

32

33 Q. Is he the only councillor you've observed any
34 aggressive or threatening behaviour from?

35 A. Look, I must be fair. Councillor Jolliffe can get a
36 bit passionate, I will say, but I never - of what I can
37 recall, I never seen him threatening anyone or - I think
38 it's more passion than anything.

39

40 Q. You say:

41

42 *In the last two and a half years that I've*
43 *been a councillor, I can say that always*
44 *the same group of people are the ones that*
45 *complain and diminish council's ability to*
46 *get things done.*

47

1 Who are you talking about?
2 A. I am talking about members of the community. And they
3 always are the same recurring one that you see in every -
4 well social media post or other - they tend to be very
5 vocal and always diminish anything that we try to do.
6 Everything is wrong for them. Doesn't matter what we do.
7
8 Q. So you weren't talking about anyone within the council
9 staff or council --
10 A. I was talking about the committee members.
11
12 Q. Do you recall receiving letters that were from the
13 Office of Local Government in November 2017 about the
14 council's actions in relation to the caravan park lease?
15 There was a letter of the 3rd and a letter of the 6th of
16 November?
17 A. Yeah, I can recall something, something about - that
18 we have to go through the tender process, probably.
19
20 Q. Did you ever give those letters to anybody outside the
21 council?
22 A. No, never.
23
24 Q. Did you ever give any minutes of council meetings or
25 committee meetings to anybody outside the council?
26 A. No, I don't know why I should do that, but no.
27
28 Q. No, I am just asking you, you did make a request at
29 one stage, I think, for confidential meeting minutes. Do
30 you recall that?
31 A. Do you mean for inside the office?
32
33 Q. Yes, you made a request of the general manager?
34 A. Sometime I request minutes, I done it a few times
35 because I want to refresh my memory on all these things, I
36 guess I was being - for me. I think I recently requested
37 to Carol about - I always wanted to - even until today I
38 still don't - grey areas on how this whole caravan thing
39 turned so bad. Probably it would have been about that.
40
41 Q. You weren't providing documents to anyone outside the
42 council?
43 A. No.
44
45 Q. I don't have any more questions for you, Councillor
46 Ugarte, did you want to add anything to your written
47 submission?

1 A. Yeah, look, I filled in all the little things that I
2 picked reading other people's statements, that I would like
3 to clarify.

4
5 Q. You can.

6 A. First of all is - I'm a bit surprised, I don't know
7 what to put but on the statement of Ms Brown from the OLG
8 that they said that they had been - they know about the
9 situation of council since 2012, I cannot believe that in
10 all that time, nothing basically has been - actually wait
11 until all this time for this to really explode, is, like -
12 I've also got (indistinct) in my head, how many code of
13 conduct do you have to have before you know that some real
14 action is taken because this is very, I don't know, I can't
15 understand it. And the other thing I wanted to raise is
16 about, I think I put it before, I was surprised that
17 Mr McCormack states that I have put two media releases to
18 different papers. That's absolutely false. And then that
19 I embarrassed the general manager in front of the SRV -
20 actually it was the other way around, he wasn't allowing me
21 to talk, because it says it was for the committee to
22 (indistinct). And then I find - Bob Stewart, I find very
23 irresponsible from him because he hasn't been here for over
24 18 months, making suggestion that we should go into
25 administration based on what he says 18 months ago and I
26 think administration is the worst thing that could ever
27 happen to a community because that's the loss of our
28 democracy and an opportunity to have our say. So I think
29 that is very irresponsible from him, someone with his
30 experience, to just put that without knowing what we had
31 done in the last 18 months.

32 I think the last thing I want to (indistinct), I was a
33 bit surprised about Mr Kitzelmann saying that the GM - I
34 (indistinct) them my (indistinct) in the chambers, kind of
35 implied I don't read my papers and I can tell you I am very
36 responsible for reading all my documents and I am always
37 pointing different things about it, so I don't know where
38 he got this - so very disappointing, to be honest. But
39 other than that, many thanks for the opportunity to express
40 my views and I hope all this get cleared.

41
42 Q. Okay, thank you Councillor.

43 A. No worries.

44

45 <THE WITNESS WITHDREW

46

47 THE COMMISSIONER: So we will adjourn until tomorrow at 10

1 am.

2

3 AT 4.30PM THE INQUIRY WAS ADJOURNED TO WEDNESDAY,
4 7 AUGUST 2019 AT 10AM

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44

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47

\$

\$100 [1] - 293:44
\$20,000 [2] - 269:39, 269:43
\$200 [3] - 293:44, 293:46, 294:13
\$230,000 [1] - 279:8
\$3,300 [1] - 295:36
\$35 [1] - 254:38
\$440,000 [1] - 281:39
\$600,000 [1] - 281:40
\$760,000 [4] - 261:33, 261:36, 262:25, 289:12
\$8,000 [3] - 294:27, 295:37, 295:47

'

'12 [1] - 281:34
'16 [1] - 289:28
'17 [3] - 263:9, 263:12, 282:31
'95 [1] - 258:15
'Can [1] - 265:1
'No [1] - 265:1
'Ron [1] - 267:36
'well [1] - 268:34
'what [1] - 294:1

1

1 [1] - 258:14
1,000 [1] - 310:22
1.1 [1] - 270:15
1.3 [1] - 289:33
1.58pm [1] - 292:4
1.8 [1] - 270:36
1.9 [1] - 270:35
10 [13] - 254:35, 284:18, 297:19, 306:12, 306:20, 309:29, 309:37, 310:10, 310:35, 310:36, 310:42, 313:20, 318:47
10-year [1] - 260:36
10.00am [1] - 246:32
10.17am [1] - 256:3
100 [3] - 273:15, 294:4, 300:4
10AM [1] - 319:4
11.59am [1] - 280:4
11:19 [1] - 259:36
12 [5] - 279:23, 282:30, 289:45, 290:1, 310:29
12-metre [2] - 299:19, 299:22

12.18pm [1] - 285:5
13 [1] - 258:10
14 [1] - 279:7
15 [2] - 267:39, 284:13
150 [2] - 309:39, 310:9
16 [3] - 259:22, 259:24, 284:17
16th [1] - 272:40
17 [4] - 258:15, 263:38, 272:31, 272:34
175 [1] - 267:9
18 [5] - 258:37, 259:21, 318:24, 318:25, 318:31
180 [1] - 290:21

2

2 [3] - 281:27, 291:12
20 [1] - 284:13
20,000 [1] - 270:4
200 [4] - 294:4, 294:5, 295:40, 295:41
2000 [1] - 266:35
2004 [3] - 280:10, 281:34, 285:20
2005 [1] - 278:45
2007 [1] - 285:20
2011 [1] - 306:12
2012 [3] - 258:15, 280:10, 318:9
2013 [1] - 280:26
2016 [2] - 274:38, 281:40
2016/15 [1] - 281:38
2017 [14] - 264:6, 265:31, 265:34, 266:31, 272:34, 274:38, 282:2, 282:34, 289:28, 299:3, 313:39, 314:5, 314:17, 317:13
2018 [4] - 256:11, 263:9, 265:28, 272:33
2019 [4] - 246:32, 266:12, 310:13, 319:4
20th [3] - 266:31, 266:34, 266:41
21 [1] - 292:44
23 [1] - 292:44
24 [1] - 292:38
24th [1] - 292:44
26 [3] - 258:9, 258:22, 284:20
28 [2] - 277:5, 313:39

3

3 [1] - 281:26
3,300 [1] - 294:28
30 [3] - 278:42, 284:19, 299:7
300-odd [1] - 281:41
30th [1] - 282:31
39 [9] - 259:36, 259:38, 260:33, 260:46, 265:4, 279:6, 279:14, 279:17
396,000 [1] - 270:16
3rd [3] - 266:40, 266:42, 317:15

4

4 [3] - 298:7, 301:19, 316:11
4.00 [2] - 301:20, 301:21
4.00pm [1] - 302:23
4.30PM [1] - 319:3
400 [1] - 292:20
400,000-odd [1] - 279:12
42 [1] - 258:1
438U [1] - 246:9
450,000 [1] - 270:14

5

5 [2] - 271:7, 271:10
50 [2] - 285:9, 285:11

6

6 [3] - 246:32, 271:2, 271:7
60 [1] - 272:25
60,000 [1] - 270:4
600 [1] - 270:15
69 [1] - 265:9
6th [1] - 317:15

7

7 [1] - 319:4
70 [2] - 246:24, 265:9
750 [1] - 270:37
760,000 [1] - 289:33

8

8 [2] - 264:3, 285:20
80 [1] - 272:25
85 [1] - 259:38

9

9.59am [1] - 247:1
9.9 [1] - 310:44
90 [1] - 298:11

A

Aaron [1] - 271:38
abide [1] - 251:21
ability [1] - 316:45
able [6] - 252:3, 271:16, 298:25, 308:29, 308:33, 310:24
abrupt [1] - 310:26
absolute [2] - 305:46, 311:20
absolutely [4] - 306:6, 308:12, 312:45, 318:18
abstained [2] - 250:17, 309:21
absurd [1] - 292:11
abuse [2] - 288:10, 308:27
abused [1] - 287:35
abusing [1] - 287:36
accept [1] - 256:22
accepted [2] - 264:27, 280:29
accommodation [1] - 282:45
accordance [2] - 250:13, 313:31
according [2] - 264:13, 272:39
account [3] - 284:33, 286:16, 293:2
accountability [1] - 257:21
accountable [1] - 275:18
accounts [2] - 296:7, 296:25
accurate [1] - 281:39
accused [1] - 303:1
achieved [1] - 259:26
achievements [1] - 257:38
acknowledged [2] - 272:37, 283:12
acknowledgment [1] - 272:36
ACT [1] - 246:9
Act [7] - 266:15, 273:32, 274:6, 274:7, 274:9, 276:46
act [2] - 311:13, 312:18

acted [2] - 263:25, 285:40
acting [4] - 264:43, 265:15, 266:33, 285:41
action [7] - 280:44, 280:45, 281:17, 281:29, 283:44, 304:8, 318:14
actions [4] - 252:27, 252:37, 275:18, 317:14
actively [1] - 309:28
actual [5] - 254:35, 256:20, 282:39, 296:19, 296:21
adapt [1] - 253:8
add [9] - 255:31, 257:28, 259:40, 267:33, 269:8, 275:42, 282:46, 285:28, 317:46
address [2] - 255:41, 273:2
addressed [4] - 250:23, 259:44, 260:47, 270:20
adequate [1] - 292:29
adhered [1] - 273:43
ADI [1] - 272:42
adjourn [4] - 279:22, 291:12, 301:21, 318:47
ADJOURNED [1] - 319:3
adjournment [1] - 278:29
ADJOURNMENT [3] - 279:27, 291:14, 301:23
administration [9] - 271:14, 271:22, 284:11, 284:29, 284:30, 284:31, 287:1, 318:25, 318:26
administrator [1] - 284:35
admirable [1] - 255:6
admitting [1] - 298:12
adopt [1] - 292:25
adopted [2] - 294:38, 294:39
advantage [1] - 298:37
advertised [1] - 294:37
advertisement [1] - 295:18
advertising [3] -

273:33, 293:12, 295:16
advice [1] - 265:5
advise [1] - 261:1
advised [4] - 273:1, 279:18, 313:9
advisor [7] - 259:35, 260:1, 260:4, 260:30, 260:45, 265:25, 283:9
advisors [1] - 282:18
advisory [2] - 265:17, 273:12
advocate [1] - 249:10
affected [3] - 254:36, 273:10, 288:1
affirmation [1] - 302:18
affirmed [2] - 247:1, 302:23
afford [1] - 298:41
afternoon [2] - 297:39, 302:2
age [1] - 293:19
aged [7] - 269:7, 270:3, 282:18, 283:9, 284:25, 284:37, 286:47
agency [1] - 282:47
agenda [8] - 249:13, 251:45, 253:18, 253:33, 253:38, 282:34, 308:23, 316:24
agent [1] - 285:35
aggression [1] - 249:20
aggressive [4] - 251:8, 251:9, 316:13, 316:34
ago [8] - 258:37, 259:22, 262:38, 264:23, 286:44, 299:3, 313:11, 318:25
agree [1] - 249:43
agreed [2] - 272:28, 286:5
agreement [2] - 314:2, 314:30
ahead [6] - 272:36, 272:38, 273:22, 278:34, 280:22, 286:25
Ahern [1] - 273:16
aim [1] - 290:25
Alan [4] - 256:45, 259:35, 265:5, 265:18
alarm [1] - 269:1
Alcheringa [1] - 286:46
aligned [2] - 278:22, 288:24
ALLEN [1] - 247:1
Allen [2] - 273:9, 297:47
allow [1] - 256:38
allowance [1] - 296:41
allowed [7] - 256:47, 268:1, 281:27, 281:30, 282:41, 284:7, 312:14
allowing [1] - 318:20
allows [2] - 276:26
alluded [2] - 286:23, 286:42
almond [1] - 284:23
almost [2] - 281:29, 288:16
alternative [1] - 265:12
amazing [3] - 308:26, 313:45, 314:23
amazingly [1] - 287:28
ambit [1] - 293:32
ambulance [1] - 247:32
amend [5] - 311:10, 311:36, 313:37, 314:39
amount [9] - 281:5, 283:36, 292:15, 292:22, 293:34, 294:5, 294:9, 298:40
amounts [2] - 270:18, 310:17
angry [3] - 287:27, 287:37, 287:39
angst [1] - 282:2
Annis [1] - 302:4
ANNIS [1] - 254:6
ANNIS-BROWN [1] - 254:6
Annis-Brown [1] - 302:4
announcement [1] - 276:41
annual [1] - 269:43
answer [7] - 267:10, 270:31, 270:33, 290:25, 290:32, 298:7, 302:42
answered [2] - 253:30, 311:28
answers [2] - 251:42, 304:32
anticipate [1] - 300:16
anxiety [5] - 261:12, 305:40, 307:22, 307:42, 308:38
anyway [27] - 256:23, 257:42, 258:27, 258:45, 259:31, 259:45, 259:46, 262:2, 263:37, 264:31, 265:10, 265:11, 266:5, 266:14, 266:22, 267:7, 269:35, 271:36, 274:9, 274:18, 277:10, 278:15, 280:29, 286:10, 286:25, 290:13, 295:14
apart [3] - 259:46, 266:22, 278:15
apologise [1] - 261:22
appalling [2] - 288:28, 290:13
appeared [1] - 307:42
application [4] - 253:47, 254:2, 282:15, 294:43
applications [4] - 283:24, 283:25, 288:39, 288:45
applied [2] - 282:5, 282:8
applies [1] - 302:34
apply [3] - 247:7, 289:8, 302:30
applying [1] - 298:42
appointed [4] - 259:35, 267:28, 280:32, 283:23
appointment [3] - 281:43, 283:19, 283:27
apprehensive [1] - 282:4
approached [4] - 286:12, 287:12, 287:29, 287:31
approval [1] - 253:45
approved [1] - 252:14
area [9] - 249:6, 256:13, 257:39, 272:3, 284:27, 288:26, 295:42, 299:19
areas [4] - 252:26, 297:2, 300:13, 317:38
Ari [1] - 276:14
arrange [1] - 267:37
arrangement [3] - 252:16, 281:27, 281:30
arrangements [2] - 281:11, 283:37
arterial [1] - 274:16
Arthur [3] - 283:9, 286:43
article [1] - 253:32
Ashton [1] - 292:33
aside [1] - 289:7
asleep [1] - 275:34
aspect [1] - 256:26
aspects [1] - 250:35
assertive [2] - 251:9, 283:12
assessing [1] - 260:21
asset [6] - 259:28, 265:39, 266:8, 273:46, 283:13, 286:30
assist [1] - 283:24
assistance [2] - 282:9, 283:8
assistant [1] - 302:4
associated [2] - 266:1, 282:44
association [1] - 286:44
assume [1] - 259:25
assured [1] - 268:35
AT [2] - 319:3, 319:4
attached [1] - 292:9
attack [1] - 306:46
attacks [1] - 308:19
attempt [1] - 281:15
attend [3] - 250:40, 250:43, 293:7
attended [1] - 261:9
attending [1] - 267:41
attribute [1] - 254:11
August [5] - 246:32, 271:37, 272:13, 272:31, 272:34
AUGUST [1] - 319:4
Austin [2] - 276:34, 276:37
Australia [2] - 259:15, 277:31
authoritarian [1] - 306:37
Authority [1] - 269:28
authority [1] - 266:17
available [6] - 282:28, 282:30, 289:22, 298:32, 298:33, 298:46
avenue [1] - 267:43
average [1] - 254:37
avoid [3] - 250:17, 268:21, 309:22
avoided [1] - 281:26
aware [18] - 248:12, 248:38, 253:26, 264:19, 270:11, 270:19, 274:8, 274:32, 274:34, 276:35, 287:8, 296:14, 302:34, 303:14, 303:28, 305:35, 313:39, 313:41

B

baby [1] - 255:45
backdrop [1] - 314:6
background [7] - 256:29, 258:8, 260:20, 264:33, 280:7, 285:8, 291:5
bad [8] - 287:10, 299:35, 306:44, 307:35, 316:7, 316:8, 317:39
badly [1] - 281:4
bag [1] - 277:27
baker [1] - 271:31
balance [2] - 264:14, 286:27
balanced [3] - 264:15, 274:41, 276:27
balances [1] - 315:16
BALRANALD [1] - 246:13
Balranald [26] - 246:23, 246:25, 247:8, 247:23, 247:24, 252:8, 258:2, 262:23, 264:29, 265:26, 265:38, 265:42, 276:42, 280:43, 283:17, 283:20, 284:4, 284:12, 284:17, 284:35, 285:44, 288:4, 292:8, 293:14, 301:6, 302:26
Balranald's [1] - 284:22
banging [1] - 316:27
Barnes [1] - 273:18
barriers [3] - 314:2, 314:27, 314:40
base [1] - 279:19
based [3] - 279:11, 304:7, 318:25
bashing [1] - 294:47
basic [1] - 304:44
basis [1] - 260:17
Batsey's [1] - 262:32
bear [2] - 266:26, 284:29

bearing [1] - 283:2
beautiful [1] - 257:47
became [1] - 313:29
Beckett [3] - 292:2, 292:6, 292:8
beckett [1] - 301:9
BECKETT [1] - 292:4
become [2] - 307:23, 313:29
becoming [1] - 313:14
bedlam [1] - 269:18
beg [2] - 260:40, 265:32
begin [1] - 314:31
beginning [2] - 313:30, 316:25
behalf [5] - 252:13, 274:5, 278:2, 285:40, 285:42
behaviour [9] - 252:3, 256:19, 292:24, 296:11, 308:18, 308:29, 308:33, 316:14, 316:34
behind [5] - 255:40, 273:13, 273:19, 277:6, 299:43
beings [2] - 312:7, 312:12
bells [1] - 269:1
belong [1] - 308:23
below [2] - 299:40, 300:12
Benanee [2] - 257:43, 262:28
benefit [1] - 300:2
benefiting [1] - 262:20
benefits [1] - 277:23
beside [1] - 259:45
best [11] - 255:41, 255:42, 268:28, 273:29, 278:2, 282:29, 308:32, 309:18, 309:36, 314:8
better [11] - 259:15, 259:16, 261:2, 262:18, 268:39, 288:5, 288:45, 289:7, 291:6, 295:5, 314:37
between [15] - 248:13, 250:28, 252:6, 252:46, 254:8, 256:17, 258:12, 276:21, 281:34, 282:40, 283:25, 289:33, 303:40, 313:6, 315:46
beyond [1] - 257:9
Bidgee [2] - 282:36, 283:6
big [9] - 249:34, 256:33, 269:28, 270:18, 276:22, 286:46, 289:41, 303:42, 310:19
biggest [1] - 270:16
Bilske [6] - 264:46, 268:29, 269:13, 269:15, 269:20, 283:8
Bilzone [1] - 273:10
bins [1] - 300:22
Bircham [10] - 257:14, 257:19, 263:41, 263:42, 263:46, 264:6, 264:34, 264:35, 270:40, 271:32
birthday [1] - 258:39
bit [39] - 249:19, 249:28, 252:14, 252:28, 252:30, 255:10, 257:30, 257:45, 264:33, 265:4, 272:42, 275:42, 277:27, 285:15, 285:43, 286:14, 286:29, 286:32, 287:22, 289:7, 299:15, 304:45, 306:46, 309:32, 310:18, 310:23, 310:25, 310:26, 313:14, 315:28, 315:43, 316:12, 316:36, 318:6, 318:33
black [2] - 259:25, 280:41
blacklist [1] - 312:46
blah [3] - 313:3
blame [2] - 255:33, 276:4
blaming [1] - 314:18
blight [1] - 286:29
block [2] - 272:39, 276:1
bloke [3] - 269:23, 269:25, 299:27
bloody [3] - 267:15, 286:20, 288:29
blowing [1] - 277:27
bluff [1] - 285:46
board [2] - 286:10, 310:37
boat [1] - 262:29
Bob [10] - 257:3, 264:44, 264:45, 264:47, 267:4, 267:7, 267:21, 267:22, 290:20, 318:22
bodies [1] - 301:3
body [1] - 252:18
bolts [1] - 248:28
bond [2] - 282:42, 282:44
book [1] - 312:36
booking [1] - 298:22
bookings [1] - 312:31
boom [1] - 308:38
bore [4] - 257:35, 258:29, 277:16, 278:40
bored [1] - 278:18
born [2] - 257:38, 257:42
bottom [1] - 260:6
Box [2] - 294:15, 294:18
box [1] - 304:39
boys [1] - 267:18
breach [4] - 248:5, 271:23, 273:25, 273:39
breached [1] - 260:33
breaches [1] - 283:44
bridge [1] - 299:34
brief [2] - 258:8, 272:35
briefly [2] - 256:45, 315:43
brilliant [1] - 296:31
bring [14] - 247:45, 248:2, 255:9, 258:9, 274:33, 277:23, 293:37, 299:38, 299:42, 300:19, 311:13, 311:16, 311:44, 312:19
bringing [2] - 299:33, 299:41
brings [2] - 263:23, 274:38
Brisbane [2] - 285:39, 285:47
broke [1] - 281:38
brought [6] - 251:46, 259:36, 264:24, 264:42, 271:45, 275:24
brown [1] - 318:7
BROWN [1] - 254:6
Brown [1] - 302:4
buck [3] - 261:15, 261:18, 261:25
budget [5] - 266:12, 274:37, 281:7, 283:32, 289:6
budgeting [1] - 289:5
building [3] - 258:42, 259:16, 292:33
bullied [1] - 308:3
bullying [5] - 278:9, 278:10, 306:7, 306:19, 306:24
burden [2] - 267:44, 281:36
bus [4] - 271:30, 272:3, 275:45
business [21] - 253:24, 259:18, 260:5, 266:9, 274:1, 281:3, 282:40, 285:10, 285:14, 287:5, 292:12, 292:34, 293:30, 293:37, 295:30, 295:46, 296:47, 303:17, 303:20
businesses [1] - 295:37
butcher's [2] - 288:34, 288:35
bypass [1] - 274:16
Byron [3] - 261:8, 271:45, 276:25

C

cab [2] - 264:43, 271:30
calming [1] - 272:26
Caltex [6] - 270:27, 278:5, 285:35, 285:44, 286:13, 286:25
Canberra [1] - 277:30
cannot [6] - 258:31, 296:19, 296:21, 309:36, 313:22, 318:9
capture [2] - 262:35, 296:46
capturing [1] - 296:47
Caravan [1] - 252:8
caravan [61] - 249:24, 252:12, 256:7, 256:17, 256:34, 256:46, 256:47, 260:13, 263:5, 263:9, 263:32, 263:35, 264:33, 264:38, 265:21, 265:23, 265:38, 265:41, 266:7, 267:44, 268:2, 268:4, 268:8, 268:23, 268:31, 268:38, 269:3, 269:5, 269:37, 270:21, 275:14, 276:6, 276:13, 277:38, 278:8, 278:32, 278:35, 278:43, 280:20, 281:9, 287:16, 287:32, 290:10, 296:6, 298:22, 303:2, 312:26, 312:29, 312:31, 312:33, 312:35, 312:39, 312:47, 313:7, 313:22, 313:40, 314:8, 315:4, 316:4, 317:14, 317:38
card [1] - 258:34
cardboard [2] - 299:13, 299:20
care [11] - 269:7, 270:3, 282:18, 282:40, 283:9, 284:25, 284:38, 287:1, 303:46, 311:43, 313:36
carefully [1] - 284:40
Carol [1] - 317:37
carry [1] - 285:45
cart [1] - 272:46
Carter [2] - 269:21, 288:13
case [5] - 253:36, 261:2, 274:44, 292:19, 314:35
cash [2] - 314:11, 314:13
Cassie [1] - 258:34
catastrophe [1] - 299:4
catch [2] - 298:8, 298:33
Cathy's [1] - 262:34
caveat [1] - 265:46
cent [15] - 254:35, 259:38, 277:5, 292:20, 295:40, 295:41, 297:19, 298:11, 309:29, 309:37, 310:10, 310:22, 310:35, 310:36, 310:42
Central [1] - 284:17
central [1] - 262:23
Centre [1] - 247:23
centre [2] - 259:18, 262:40
cents [1] - 310:29

CEO [2] - 269:15, 279:15
certain [8] - 249:21, 272:30, 289:36, 293:7, 294:9, 296:37, 298:21
cetera [3] - 248:33, 249:1, 298:9
chair [9] - 252:2, 255:5, 255:26, 282:7, 308:20, 308:30, 308:31, 308:32, 308:34
chaired [1] - 283:11
chairing [1] - 255:4
chairperson [1] - 255:11
challenged [1] - 295:4
chamber [5] - 250:17, 308:43, 309:9, 309:21, 315:40
Chambers [1] - 246:23
chambers [6] - 250:7, 250:30, 255:7, 309:4, 316:15, 318:34
change [6] - 253:8, 268:39, 277:4, 294:42
changed [1] - 294:33
changes [4] - 274:32, 292:30, 294:33, 315:19
changing [1] - 253:9
channelled [1] - 296:11
chaotic [1] - 305:46
charge [8] - 254:18, 286:45, 292:20, 293:44, 294:4, 294:13, 297:34, 310:14
charged [1] - 294:16
charges [19] - 282:45, 292:11, 292:30, 293:47, 294:1, 294:7, 294:10, 294:11, 294:14, 294:18, 294:26, 294:34, 295:2, 296:4, 296:20, 296:40, 297:2, 310:16
charging [3] - 282:46, 292:15, 293:45
chase [1] - 298:20
chasing [2] - 283:30, 298:45
check [3] - 270:8, 307:37, 311:7
checked [1] - 270:8
checking [1] - 278:40
chief [1] - 266:33
children [2] - 257:36, 258:7
Chris [2] - 258:30, 273:10
Christopher [1] - 270:1
circumstance [1] - 256:32
circumstances [5] - 253:8, 259:30, 269:47, 280:37, 281:1
circus [1] - 308:18
claim [2] - 257:41, 294:2
claimed [1] - 295:32
claiming [2] - 297:25, 297:26
clarify [2] - 311:17, 318:3
classer [2] - 280:8, 285:12
Cleanaway [5] - 299:31, 299:38, 300:8, 300:9, 300:21
clear [1] - 298:27
cleared [1] - 318:40
clearing [1] - 303:2
clearly [1] - 295:46
clerk [1] - 269:22
clients [2] - 287:5, 287:7
close [9] - 263:41, 264:35, 271:34, 272:9, 272:29, 272:35, 286:44, 292:19
closed [7] - 255:40, 271:46, 272:22, 274:14, 274:15, 284:15
closes [1] - 257:19
closing [1] - 257:14
closure [8] - 249:32, 263:46, 264:6, 271:20, 271:32, 273:31, 284:15, 284:22
cloud [1] - 252:43
club [5] - 285:16, 285:17, 288:28, 289:2
clubs [1] - 275:38
co [4] - 281:46, 283:1, 283:10, 283:11
co-ordinator [4] - 281:46, 283:1, 283:10, 283:11
Coast [1] - 299:42
code [20] - 247:41, 248:5, 248:17, 251:21, 271:23, 273:21, 273:25, 273:40, 273:42, 274:2, 276:29, 276:45, 283:45, 302:34, 302:39, 311:12, 312:18, 315:12, 315:42, 318:12
coffee [1] - 271:31
coincided [1] - 281:42
Col [2] - 269:25, 269:47
collapse [1] - 299:36
collateral [1] - 298:40
colleagues [2] - 251:22, 280:15
collect [1] - 261:11
collectively [1] - 301:5
comfortable [1] - 307:27
coming [13] - 260:5, 262:35, 284:25, 288:46, 289:23, 291:8, 296:24, 296:27, 299:13, 299:29, 300:14, 300:23, 306:19
commence [1] - 302:1
commenced [1] - 254:10
commencing [1] - 274:45
comment [13] - 253:16, 253:17, 253:19, 257:47, 270:21, 275:19, 281:32, 283:16, 283:34, 290:10, 293:47, 294:35, 312:15
comments [7] - 257:28, 277:46, 280:18, 311:33, 311:44, 312:4, 312:24
commission [3] - 256:39, 269:34, 286:15
Commissioner [11] - 246:36, 257:25, 265:35, 266:3, 267:3, 268:24, 273:14, 275:37, 277:10, 284:39, 302:3
COMMISSIONER [22] - 247:3, 254:4, 255:29, 256:1, 256:5, 261:47, 279:22, 280:1, 280:6, 285:3, 285:7, 291:12, 292:1, 292:6, 301:12, 301:16, 302:1, 302:9, 302:13, 302:17, 302:25, 318:47
commissioners [1] - 269:27
commit [2] - 257:13
Committee [15] - 247:24, 256:37, 264:9, 272:9, 272:24, 272:28, 272:31, 282:5, 282:6, 282:8, 282:11, 282:26, 283:11
committee [21] - 247:26, 250:40, 255:30, 273:9, 273:12, 281:35, 282:15, 282:19, 282:21, 282:22, 282:25, 282:32, 288:15, 288:20, 288:33, 288:42, 288:46, 289:1, 317:10, 317:25, 318:21
Committee's [1] - 264:1
committees [4] - 247:22, 275:38, 277:18, 288:12
common [3] - 251:37, 251:38, 305:21
commonsense [1] - 267:45
communicated [1] - 254:41
communication [7] - 254:7, 254:13, 254:14, 255:35, 258:4, 273:44, 295:26
communities [2] - 284:36, 289:47
community [105] - 247:27, 247:39, 249:9, 249:10, 252:19, 252:32, 252:33, 252:47, 254:8, 254:15, 254:18, 254:23, 254:29, 254:31, 255:34, 255:38, 256:35, 256:46, 257:33, 257:34, 257:35, 258:2, 258:3, 258:5, 260:1, 260:8, 260:9, 260:11, 260:25, 260:29, 260:32, 260:44, 261:6, 261:13, 261:36, 262:6, 262:10, 262:16, 262:19, 262:20, 262:21, 262:25, 264:7, 266:8, 266:10, 267:35, 271:15, 271:42, 271:46, 272:1, 272:3, 273:28, 273:29, 273:45, 274:3, 274:6, 274:8, 274:16, 274:24, 274:29, 274:30, 274:31, 274:33, 274:39, 275:11, 275:15, 276:29, 276:30, 276:45, 277:9, 278:2, 278:4, 279:4, 279:12, 279:13, 281:23, 282:2, 282:38, 283:13, 283:25, 283:26, 284:39, 286:29, 287:13, 287:34, 287:40, 288:4, 288:16, 288:17, 289:12, 289:16, 289:17, 307:32, 309:19, 309:33, 309:35, 309:39, 310:7, 311:6, 311:46, 317:2, 318:27
Community [1] - 283:23
community's [2] - 249:17, 260:24
community-type [1] - 247:39
company [3] - 285:44, 286:7, 299:31
compared [1] - 277:9
compensate [1] - 281:6
complain [1] - 316:45
complaint [3] - 285:44, 293:32, 295:25
complaints [1] -

254:21
complete [4] - 253:32, 253:33, 253:38, 281:29
completed [1] - 282:46
completely [4] - 253:26, 258:11, 306:39, 313:23
completing [1] - 282:42
complex [1] - 288:21
complicated [2] - 252:12, 285:43
comprehensively [1] - 253:18
compromise [2] - 250:10, 250:11
computer [1] - 295:8
computers [1] - 295:5
concentrate [1] - 269:31
concept [2] - 262:30, 279:1
concern [13] - 256:35, 259:3, 266:43, 267:7, 271:7, 274:17, 278:6, 280:23, 281:21, 286:25, 286:32, 286:47, 299:9
concerned [9] - 256:14, 256:18, 259:4, 267:4, 273:18, 280:23, 281:9, 284:12, 310:18
concerns [8] - 267:39, 275:36, 285:34, 287:10, 287:46, 292:29, 303:47, 309:47
concluded [1] - 255:22
conditions [9] - 259:36, 259:38, 260:33, 260:46, 261:18, 265:5, 279:7, 279:14, 279:17
conduct [26] - 247:41, 247:44, 248:2, 248:5, 248:8, 248:17, 251:21, 258:3, 271:23, 273:21, 273:26, 273:40, 273:42, 274:2, 276:30, 276:46, 283:45, 301:5, 302:34, 302:39, 304:6, 311:12, 312:18, 315:12, 315:42, 318:13
conducted [3] - 315:25, 315:36
conducting [1] - 300:44
conference [1] - 277:19
conferences [1] - 277:20
confidence [4] - 252:19, 252:23, 269:12, 271:16
confidential [6] - 257:2, 266:29, 266:37, 266:39, 266:43, 317:29
confine [1] - 312:3
conflict [6] - 258:41, 258:45, 259:1, 303:1, 303:6, 303:10
confused [2] - 270:40, 314:20
confusion [1] - 249:19
connects [3] - 273:34, 273:35, 273:47
conscious [1] - 307:20
consensus [3] - 272:28, 272:41, 310:9
consider [7] - 250:27, 251:21, 265:37, 284:39, 298:10, 303:5, 304:14
consideration [5] - 249:32, 270:47, 284:1, 290:18, 290:30
considered [3] - 254:20, 270:43, 282:35
consist [1] - 315:11
construction [1] - 300:32
consult [5] - 260:9, 260:10, 260:29, 260:45, 271:42
consultancy [3] - 262:6, 262:26, 272:2
consultant [1] - 257:15
consultant's [1] - 260:36
consultants [2] - 279:7, 283:1
consultate [1] - 294:18
consultation [26] - 254:28, 259:47, 263:43, 267:27, 272:43, 272:45, 273:22, 273:45, 274:3, 274:6, 274:7, 287:11, 289:17, 289:18, 289:20, 290:16, 294:3, 294:23, 294:29, 295:13, 295:27, 295:31, 295:35, 309:42
consultative [3] - 257:15, 260:11, 260:32
consulted [3] - 261:37, 287:3, 295:2
contact [6] - 249:11, 264:41, 286:2, 303:35, 307:5, 313:10
contacted [1] - 285:42
contain [1] - 308:26
content [1] - 304:45
contentious [3] - 249:25, 309:32, 315:32
contest [1] - 276:21
context [1] - 316:22
contingencies [1] - 297:20
continually [1] - 287:25
continue [1] - 305:44
continues [1] - 265:39
contract [12] - 249:3, 249:4, 259:17, 268:32, 268:34, 268:35, 268:36, 269:1, 280:26, 285:39, 313:31, 313:40
contractors [5] - 248:39, 248:47, 304:11, 316:1, 316:2
contracts [5] - 248:31, 248:32, 248:33, 248:47, 304:11
contradicts [1] - 272:40
contrary [3] - 249:40, 250:2, 309:16
contributed [2] - 280:15, 296:15
control [7] - 250:35, 252:3, 276:7, 284:28, 287:18, 303:46, 308:33
controlled [1] - 308:30
conversation [1] - 316:6
conversations [1] - 316:4
Conway [2] - 256:28, 282:4
conway [2] - 285:3, 285:7
CONWAY [1] - 285:5
cooking [1] - 298:23
cooperation [1] - 261:7
copped [1] - 295:21
copper [1] - 269:25
copping [1] - 287:44
copy [2] - 304:21, 311:31
Corporate [1] - 281:44
corporate [6] - 259:20, 264:46, 269:46, 270:2, 270:10, 280:32
correct [3] - 263:27, 298:15, 311:29
correctly [3] - 282:43, 305:30, 314:33
cost [11] - 279:19, 280:43, 281:1, 281:23, 281:24, 281:31, 284:17, 286:8, 286:26, 287:21, 297:34
costed [1] - 279:7
costly [1] - 282:47
costs [1] - 270:35
COUNCIL [1] - 246:13
council [224] - 247:29, 247:45, 248:2, 248:27, 248:28, 248:39, 249:18, 249:36, 249:46, 250:7, 250:31, 250:43, 251:25, 252:7, 252:14, 252:20, 252:24, 252:28, 252:29, 253:21, 254:10, 254:41, 255:1, 255:4, 255:6, 255:13, 255:17, 256:18, 256:31, 257:1, 258:7, 258:14, 258:15, 258:39, 259:7, 259:23, 259:29, 260:5, 260:28, 260:30, 260:46, 261:1, 261:37, 262:19, 262:33, 263:3, 263:5, 263:8, 263:21, 263:23, 263:29, 264:8, 264:12, 264:15, 264:16, 264:20, 265:37, 265:41, 265:42, 266:3, 266:6, 266:44, 266:45, 267:27, 268:10, 268:27, 269:17, 270:19, 271:15, 271:16, 271:34, 272:14, 272:37, 272:38, 272:40, 273:2, 273:14, 273:28, 273:43, 274:34, 274:39, 274:46, 275:25, 276:3, 276:5, 276:7, 276:17, 276:19, 276:23, 276:26, 276:44, 277:11, 278:9, 278:13, 278:37, 278:38, 279:13, 279:18, 279:19, 280:9, 280:39, 280:43, 280:46, 281:5, 281:7, 281:16, 281:23, 281:35, 281:37, 282:12, 282:16, 282:17, 282:35, 283:4, 283:38, 284:28, 284:34, 285:8, 285:19, 286:4, 286:26, 286:29, 287:21, 287:26, 287:34, 288:3, 288:7, 288:12, 288:13, 288:15, 288:22, 288:44, 289:5, 289:32, 289:34, 290:27, 290:38, 290:41, 292:15, 292:16, 292:17, 292:24, 292:32, 292:36, 292:43, 293:26, 293:39, 293:42, 293:43, 296:3, 296:15, 296:25, 296:31, 297:18, 297:30, 297:40, 298:8, 298:11, 298:36, 298:41, 298:42, 298:44, 301:3, 302:30, 302:31, 303:5, 303:13, 303:29, 303:41, 303:43,

305:24, 305:25,
305:32, 305:37,
305:46, 305:47,
306:11, 307:6,
307:19, 307:31,
308:10, 308:15,
308:16, 308:22,
308:35, 309:4,
309:38, 311:3,
311:14, 311:16,
311:39, 311:43,
311:44, 311:45,
312:4, 312:5,
312:15, 312:19,
312:45, 313:31,
313:39, 314:5,
314:7, 314:16,
314:18, 314:22,
315:3, 315:33,
316:25, 316:28,
316:29, 317:8,
317:9, 317:21,
317:24, 317:25,
317:42, 318:9

Council [4] - 246:23,
247:8, 284:4, 302:27

council's [17] -
248:12, 252:6,
252:26, 256:19,
261:5, 265:43,
266:47, 271:22,
272:36, 274:2,
293:8, 293:12,
295:41, 303:28,
312:20, 316:45,
317:14

COUNCILLOR [4] -
302:7, 302:11,
302:15, 302:21

Councillor [48] -
251:35, 253:12,
253:13, 253:37,
255:29, 255:44,
261:8, 268:28,
270:13, 271:45,
273:4, 273:6, 273:8,
273:9, 273:17,
274:45, 275:4,
275:22, 275:23,
275:28, 275:32,
275:34, 275:40,
275:43, 276:15,
276:21, 276:22,
276:25, 277:12,
290:35, 295:33,
298:3, 298:12,
301:17, 302:2,
307:4, 307:33,
312:2, 316:21,
316:35, 317:45,
318:42

councillor [19] -
247:4, 247:7, 248:4,
249:8, 260:19,
267:13, 284:2,
302:25, 303:13,
303:40, 304:35,
307:20, 307:21,
307:24, 313:18,
315:46, 316:33,
316:43

councillor's [1] -
315:44

Councillors [1] -
275:10

councillors [39] -
248:1, 248:8,
248:13, 248:39,
250:28, 251:1,
251:4, 251:19,
252:39, 252:43,
252:46, 253:2,
253:7, 253:23,
254:8, 255:15,
273:44, 274:5,
274:26, 276:9,
276:12, 276:15,
276:16, 277:13,
277:24, 278:41,
282:25, 282:31,
284:3, 288:7, 301:5,
302:35, 308:47,
311:13, 312:18,
315:10, 316:1,
316:12, 316:14

councils [6] - 258:12,
276:8, 284:5,
289:46, 299:39

countless [1] - 284:20

country [7] - 262:24,
277:7, 278:23,
284:5, 284:36,
288:29, 300:35

couple [8] - 250:22,
253:4, 264:24,
272:47, 280:19,
288:41, 289:19,
292:45

course [7] - 250:29,
281:28, 281:31,
287:36, 287:45,
308:21, 316:18

court [6] - 265:5,
266:4, 266:5,
268:10, 290:11,
296:8

cousin [1] - 269:26

cover [3] - 262:2,
283:24, 294:1

covered [2] - 267:42,
278:16

covers [1] - 290:7

crazy [1] - 310:19

Crime [1] - 269:28

criticism [2] - 254:27,
254:45

critique [2] - 275:2,
285:24

Crown [9] - 252:12,
252:15, 265:21,
265:22, 265:24,
265:44, 266:15,
314:32, 315:4

crushed [1] - 288:31

culture [3] - 306:5,
306:17, 307:16

cup [1] - 261:10

current [3] - 281:11,
307:44, 307:46

cut [2] - 294:6, 306:38

CV [2] - 278:14,
280:41

D

DA [1] - 253:45

Dalton [2] - 277:2,
277:3

danger [1] - 284:34

Darling [2] - 258:17,
259:18

darn [1] - 286:41

DAs [1] - 257:20

dashboard [1] -
315:15

date [5] - 259:7,
265:35, 284:6,
289:27, 296:37

dated [3] - 267:24,
292:44, 299:3

dates [2] - 267:29,
270:9

day-to-day [2] -
248:29, 304:18

days [5] - 258:11,
277:9, 288:47,
292:45, 305:14

dead [1] - 263:28

deaf [1] - 287:4

deal [1] - 257:6

dealing [2] - 312:7,
315:45

dealt [4] - 273:31,
280:24, 281:2

dearer [2] - 295:40,
295:41

debate [14] - 249:37,
251:4, 253:15,
254:20, 255:21,
255:22, 263:23,
264:16, 308:36,
308:42, 308:44,
309:8, 310:31, 312:4

debates [1] - 254:26

debt [7] - 269:42,
269:44, 270:13,
270:14, 270:17,
270:18, 281:37

decide [1] - 312:44

decided [2] - 268:10,
280:39

decision [11] - 249:12,
263:4, 263:16,
273:45, 274:5,
274:41, 276:27,
293:26, 301:5,
310:28, 314:5

decision-making [1] -
301:5

decisions [7] -
249:42, 253:3,
264:15, 288:2,
290:37, 290:40,
292:17

declarations [1] -
308:46

declare [1] - 258:40

deep [1] - 290:11

deeper [1] - 299:21

defend [1] - 281:25

definitely [7] - 253:20,
269:11, 302:32,
303:18, 305:27,
306:19, 310:8

deliver [1] - 274:30

demise [1] - 281:42

democracy [2] -
309:45, 318:28

demonstrate [1] -
273:25

demonstrates [2] -
272:43, 273:21

departed [1] - 280:35

department [1] -
283:47

departure [1] - 283:21

depended [1] - 289:34

deposit [2] - 285:40,
286:16

depression [2] -
305:41, 307:22

depth [1] - 286:24

deputy [3] - 247:18,
258:16, 280:12

Des [2] - 269:14,
269:15

described [2] - 251:4,
309:9

deserve [3] - 288:5,
288:6, 313:35

desk [1] - 250:31

destroyed [2] -
295:37, 308:39

detailed [2] - 286:34,
288:14

detailing [1] - 282:27

details [2] - 253:27,
254:35

determine [1] - 310:24

detriment [1] - 284:36

detrimental [1] -
283:31

developed [1] -
258:18

developers [1] -
262:32

developing [1] -
262:34

development [7] -
247:27, 253:47,
262:31, 262:32,
284:24, 284:25,
284:26

Development [1] -
283:24

difference [4] -
251:30, 252:6,
254:10, 254:11

differences [2] -
273:38, 301:18

different [15] - 252:25,
255:8, 256:19,
258:11, 267:40,
269:17, 280:38,
305:20, 306:25,
311:3, 315:3,
315:16, 318:18,
318:37

difficult [2] - 282:11,
293:20

digging [1] - 299:18

diligence [1] - 293:36

diminish [2] - 316:45,
317:5

dinner [1] - 298:23

dire [3] - 297:15,
299:4, 309:45

direct [3] - 264:13,
295:9, 295:10

direction [2] - 303:43,
304:7

directions [1] - 279:19

directly [6] - 260:8,
265:47, 273:10,
283:30, 312:31,
312:36

Director [2] - 281:44,
283:23

director [16] - 259:18,
259:19, 264:45,
269:45, 269:46,

270:2, 270:10,
273:16, 280:31,
283:8, 283:22,
287:42, 299:23,
299:30, 307:9
directors [5] - 283:22,
283:28, 303:36,
308:20, 308:26
directorship [1] -
283:28
disappointed [1] -
285:36
disappointing [3] -
300:45, 301:10,
318:38
disastrous [1] - 299:8
discharge [2] -
296:23, 297:1
disclosed [1] - 281:2
disclosure [4] -
302:46, 303:4,
303:16, 303:24
discomfort [1] - 309:9
disconnect [1] -
282:40
discuss [2] - 304:33,
305:15
discussed [4] -
268:18, 268:24,
305:29, 310:33
discussing [1] -
308:24
discussion [4] -
264:16, 268:30,
272:35, 282:36
discussions [2] -
282:12, 282:19
dispatches [1] -
286:37
displays [1] - 251:10
disrepair [1] - 311:40
disrepute [6] - 247:45,
248:3, 311:14,
311:16, 311:44,
312:19
disrespectfully [1] -
308:11
disruption [1] -
275:25
distance [3] - 284:16,
284:20, 315:30
distinguish [1] -
303:40
district [2] - 258:18,
265:39
diverse [1] - 255:7
diverted [1] - 265:13
divided [2] - 290:38,
290:41
dividing [1] - 278:4
document [11] -
259:40, 266:28,
296:30, 296:36,
296:45, 297:9,
297:10, 297:40,
297:43, 313:28
documented [1] -
290:18
documents [3] -
268:29, 317:41,
318:36
dollar [4] - 262:9,
289:8, 289:9
dollars [1] - 259:24
done [26] - 254:16,
254:19, 264:27,
267:27, 276:14,
278:17, 285:20,
285:30, 285:33,
286:22, 287:38,
289:23, 289:24,
290:1, 294:45,
302:47, 303:7,
304:38, 304:47,
305:28, 305:30,
313:18, 316:46,
317:34, 318:31
door [3] - 288:32,
294:11, 294:12
doors [1] - 255:40
dot [3] - 271:2, 271:7
double [3] - 258:42,
258:43, 313:3
doubt [1] - 299:44
DOUG [1] - 247:1
Doug [1] - 297:47
down [13] - 261:10,
264:11, 265:5,
267:39, 271:31,
272:42, 279:16,
289:1, 293:46,
295:42, 299:19,
299:36, 301:4
downplay [1] - 304:34
dragged [1] - 286:11
draining [1] - 314:36
drawn [1] - 296:7
dreamt [1] - 294:34
Drenovski [8] -
256:32, 271:38,
278:13, 281:43,
282:20, 283:19,
283:27, 305:45
Drenovski's [2] -
275:17, 290:28
drive [1] - 258:1
driver [1] - 271:30
drivers [1] - 271:30
dropped [3] - 293:43,
293:46, 294:4
drought [3] - 284:14,
284:16, 309:36
due [5] - 252:37,
282:45, 283:7,
293:36, 298:8
dug [2] - 263:43,
299:18
dump [1] - 297:3
during [4] - 258:19,
268:6, 300:28,
305:45
dusted [1] - 294:45
duty [2] - 303:46,
313:36
dynamic [2] - 308:22,
308:39

E

ear [1] - 276:37
early [1] - 271:37
Early [1] - 247:23
earner [1] - 265:42
ears [1] - 287:4
eastern [1] - 299:34
Economic [1] - 283:23
economy [2] - 284:23,
309:36
editor [2] - 256:11,
263:13
education [2] -
284:16, 284:20
effect [2] - 283:32,
284:18
effective [2] - 271:14,
301:4
efficient [1] - 295:47
effort [2] - 300:43,
300:46
efforts [2] - 276:42,
283:7
eight [2] - 257:36,
309:43
either [5] - 252:27,
266:35, 266:36,
288:18, 292:44
elderly [1] - 271:29
elected [2] - 252:18,
255:36
election [4] - 276:38,
276:39, 288:24,
288:25
elections [1] - 276:18
Elisabeth [1] - 281:43
email [1] - 313:18
emails [1] - 290:22
embarrassed [1] -
318:19
emphasis [3] -
254:17, 302:36,
303:30
emphasise [1] -
315:45
employed [4] -
256:32, 278:35,
278:38, 285:11
employing [2] -
248:35, 304:10
employment [3] -
248:47, 280:42,
282:47
end [12] - 265:45,
278:27, 296:25,
299:34, 304:40,
305:22, 309:4,
310:43, 311:5,
311:6, 311:9
ended [3] - 272:16,
272:20, 272:23
endorse [1] - 286:34
engage [3] - 248:9,
253:15, 286:5
engaged [2] - 247:44,
270:2
engagement [1] -
248:24
engaging [3] - 248:1,
248:8, 304:10
enjoyed [2] - 277:11,
307:16
enormous [1] - 284:18
enquire [2] - 256:18,
292:23
enquiries [2] - 275:20,
290:6
enquiring [1] - 292:22
ensure [1] - 265:38
enter [3] - 249:37,
250:30, 263:8
entering [2] - 248:31,
304:11
entire [2] - 249:15,
254:34
entitled [2] - 285:45,
298:43
entry [1] - 313:30
environment [1] -
275:6
environs [1] - 293:15
escalate [1] - 287:18
especially [6] -
257:33, 283:37,
284:5, 287:40,
303:7, 308:19
essence [1] - 261:13
essentially [1] -
295:25
estate [1] - 285:14
estimation [1] -
270:36
et [3] - 248:33, 249:1,
298:9
Euston [15] - 257:33,
257:35, 257:38,
257:41, 258:43,
258:44, 260:34,
262:24, 262:32,
262:34, 262:36,
267:38, 267:39,
274:17, 284:27
Evans [2] - 276:34,
276:38
event [1] - 296:8
eventually [3] - 252:4,
268:2, 286:25
eventuated [1] -
287:16
evidence [6] - 259:2,
275:2, 293:11,
298:31, 300:31,
302:19
evident [1] - 264:28
ex [1] - 269:25
ex-copper [1] - 269:25
exactly [4] - 271:47,
295:22, 300:24,
303:26
example [8] - 250:39,
253:29, 254:17,
269:13, 269:37,
303:17, 304:10,
306:31
examples [1] - 309:11
excavator [1] - 299:18
excellent [1] - 285:33
except [1] - 294:26
exception [1] - 267:14
exceptionally [1] -
280:31
excuse [1] - 252:42
excused [1] - 284:44
executive [1] - 266:33
exercise [1] - 263:4
exhausted [2] -
267:43, 276:32
exist [1] - 287:15
existent [1] - 288:16
expanding [1] -
296:47
expect [2] - 256:23,
277:4
expected [1] - 256:23
expelled [1] - 283:45
expense [1] - 283:18
expensive [1] - 283:1
experience [12] -
258:19, 259:27,
270:3, 274:22,
275:37, 275:44,
277:28, 277:32,

277:35, 278:42,
309:3, 318:30
experienced [3] -
269:21, 275:35,
275:41
experiences [3] -
255:8, 258:21,
277:26
expire [1] - 314:30
expired [1] - 281:29
expiring [1] - 265:45
explain [5] - 249:45,
263:6, 264:36,
290:26, 292:7
explained [1] - 268:26
explaining [1] -
268:13
explode [1] - 318:11
express [4] - 311:2,
311:3, 311:40,
318:39
extend [3] - 263:29,
313:40, 313:44
extension [2] - 263:9,
287:20
extensions [1] - 290:2
extensive [3] - 284:26,
285:11, 295:28
extensively [1] -
286:33
extent [4] - 283:43,
295:17, 310:3, 313:6
extra [3] - 254:38,
299:22, 314:22
extraordinary [2] -
266:36, 266:39

F

face [2] - 315:29
Facebook [15] -
254:23, 293:1,
293:8, 293:12,
293:16, 295:18,
310:5, 311:2, 311:7,
311:15, 311:31,
311:34, 312:15,
312:22, 315:32
faced [1] - 313:3
faces [1] - 308:25
facility [3] - 284:38,
288:28, 300:21
fact [2] - 293:3, 298:44
facts [1] - 286:23
fair [6] - 252:36,
253:16, 255:5,
258:46, 274:40,
316:35
fairer [1] - 309:27
fairly [4] - 280:28,

289:41, 294:15,
294:17
false [1] - 318:18
familiar [3] - 247:41,
274:27, 302:39
families [1] - 312:8
family [6] - 257:46,
258:25, 266:5,
285:10, 285:14,
292:12
fantastic [3] - 257:37,
277:14, 279:1
far [9] - 270:17,
280:23, 281:9,
284:12, 292:26,
294:39, 295:5,
302:11, 302:15
farm [6] - 258:22,
267:6, 280:9,
285:14, 299:12,
300:32
farmer [1] - 257:43
farms [2] - 284:24,
300:29
father [1] - 258:26
favour [1] - 255:23
federal [1] - 298:10
Federal [1] - 288:24
fee [1] - 299:46
fees [2] - 282:43,
296:26
fell [2] - 258:13, 287:4
felt [8] - 267:42, 281:3,
309:16, 314:41,
316:7, 316:8
few [20] - 262:28,
269:44, 274:42,
277:15, 280:18,
285:34, 286:10,
286:11, 286:23,
290:27, 291:5,
296:33, 302:47,
305:14, 308:47,
315:12, 316:12,
316:28, 317:34
fiasco [1] - 287:16
fiddle [1] - 289:29
figures [3] - 270:14,
281:39, 296:33
filled [1] - 318:1
filming [1] - 313:2
filtered [1] - 296:23
final [3] - 275:46,
284:10, 310:28
finally [1] - 314:46
finance [10] - 264:45,
264:46, 269:46,
270:2, 270:11,
280:31, 287:42,
315:13, 315:36

finances [2] - 281:42,
282:3
financial [13] - 260:39,
260:43, 261:1,
279:3, 281:36,
281:41, 282:26,
282:39, 283:16,
296:31, 298:9,
299:5, 300:2
financially [2] -
259:23, 274:8
financials [1] - 253:9
fine [3] - 268:22,
290:4, 291:1
finger [2] - 251:15,
275:31
fingers [2] - 288:31,
316:26
finish [3] - 286:19,
287:23, 290:40
finished [1] - 281:37
fired [3] - 292:39,
292:41, 293:44
firm [3] - 285:38,
285:39, 286:5
first [18] - 247:4,
248:4, 252:28,
252:45, 254:10,
257:16, 259:12,
262:15, 264:43,
267:38, 269:16,
270:12, 274:46,
283:38, 292:31,
302:26, 309:25,
318:6
first-hand [2] - 248:4,
252:45
five [10] - 257:36,
259:17, 267:5,
276:8, 278:30,
282:35, 284:30,
284:33, 287:5, 287:7
fix [3] - 314:1, 314:25,
314:41
fixing [1] - 314:27
flack [1] - 287:44
flash [1] - 293:18
fob [1] - 289:25
fob-off [1] - 289:25
fobbed [1] - 287:14
focus [1] - 275:36
focused [1] - 275:47
folding [3] - 306:35,
306:37, 306:38
follow [2] - 314:46,
315:34
followed [3] - 272:1,
285:37, 292:25
following [3] - 267:33,
289:6, 305:14

follows [1] - 292:16
food [2] - 284:15,
284:19
fool [1] - 276:31
foot [1] - 309:25
footage [3] - 293:38,
293:40, 293:43
football [1] - 288:28
footy [2] - 275:38,
285:17
force [2] - 269:27,
306:7
forced [1] - 281:25
foregone [1] - 282:43
forensic [3] - 295:38,
297:22
forensically [1] -
297:26
forgiven [1] - 262:21
form [4] - 273:9,
288:33, 295:16,
311:27
formal [1] - 267:23
forming [1] - 288:20
formulation [1] -
249:3
forth [1] - 286:40
forthcoming [1] -
283:31
fortnight [1] - 276:38
fortunately [1] -
284:23
forum [2] - 301:19,
312:3
forward [7] - 250:31,
261:2, 274:45,
280:2, 287:21,
288:37, 289:5
four [3] - 264:23,
282:36, 288:47
friends [2] - 252:46,
258:38
friendships [1] -
252:43
front [7] - 250:31,
263:22, 271:4,
294:12, 301:2,
309:3, 318:19
frustrated [3] -
287:27, 287:37,
311:9
frustrating [3] -
289:10, 290:31,
290:42
frustration [1] -
286:39
full [6] - 254:18, 288:4,
299:33, 300:4,
300:17, 300:18
fully [1] - 309:8

function [2] - 266:1,
271:22
fund [11] - 296:5,
296:8, 296:14,
296:18, 296:28,
297:1, 297:3,
297:13, 297:15,
297:18, 297:32
funding [1] - 298:40
funny [1] - 277:3
future [9] - 257:42,
265:38, 282:4,
284:37, 297:20,
298:31, 300:3,
300:33, 314:44
fuzzy [1] - 288:37

G

gained [1] - 258:20
game [1] - 276:25
gaol [1] - 286:20
gate [1] - 299:16
gates [1] - 271:35
general [46] - 247:39,
248:21, 249:5,
250:24, 250:29,
250:34, 254:22,
254:36, 254:39,
255:10, 260:7,
260:18, 264:13,
264:14, 265:15,
268:30, 268:33,
269:15, 269:19,
270:10, 272:7,
274:27, 274:28,
276:1, 276:2, 276:5,
277:1, 280:19,
283:36, 286:11,
287:22, 290:36,
296:15, 297:31,
304:33, 306:14,
306:36, 306:42,
307:1, 307:46,
310:38, 313:4,
313:15, 316:30,
317:33, 318:19
generally [2] - 255:2,
299:9
generating [1] -
265:43
generation [1] -
257:43
gentlemen [2] -
271:29, 289:19
GERMAN [1] - 302:23
given [9] - 279:18,
284:2, 290:18,
297:44, 304:7,
307:8, 313:34,

315:44, 316:9
GM [29] - 256:32,
263:16, 263:18,
263:22, 263:25,
264:44, 267:13,
267:28, 267:46,
269:19, 269:22,
271:38, 276:7,
276:26, 278:11,
278:13, 280:30,
280:33, 281:43,
282:20, 286:4,
287:42, 288:7,
303:33, 303:35,
307:44, 318:33
gobbly [1] - 297:11
gobbly-gookey [1] -
297:11
Gold [1] - 299:41
gookey [1] - 297:11
governance [2] -
259:39, 279:14
governing [1] - 301:3
Government [7] -
258:12, 260:23,
289:31, 289:32,
305:33, 314:7,
317:13
GOVERNMENT [1] -
246:9
government [16] -
256:44, 258:6,
258:10, 258:24,
263:38, 266:34,
274:23, 277:40,
283:35, 283:36,
283:42, 283:46,
283:47, 296:10,
305:37, 315:33
grab [1] - 256:41
gradual [1] - 310:20
gradually [1] - 285:13
Graham [3] - 283:9,
286:43
grandchildren [1] -
257:36
grant [33] - 261:31,
261:32, 261:33,
261:36, 261:40,
262:8, 262:10,
262:12, 262:13,
262:16, 262:20,
262:25, 262:42,
283:24, 283:25,
283:30, 288:22,
288:39, 288:40,
288:45, 289:1,
289:9, 289:12,
289:33, 289:44,
296:9, 298:7,

298:11, 298:43,
314:22
granted [2] - 262:14,
312:45
grants [9] - 256:46,
262:27, 283:30,
296:10, 298:32,
298:33, 298:37,
298:46
grave [1] - 285:34
gravely [1] - 287:10
great [12] - 257:45,
258:19, 260:34,
262:35, 268:4,
268:8, 277:14,
277:28, 288:26,
288:41, 308:36,
315:17
greatest [4] - 258:21,
277:18, 277:26,
277:32
green [1] - 252:32
Greenham [2] -
288:20, 288:27
grew [1] - 280:9
grey [1] - 317:38
gritty [1] - 303:45
ground [1] - 265:23
group [4] - 277:21,
288:44, 293:19,
316:44
grow [1] - 276:39
growing [1] - 258:7
Guardian [2] - 311:23,
311:24
guess [4] - 251:10,
286:36, 316:30,
317:36
guide [1] - 312:28
guy [1] - 286:6
guys [2] - 289:7,
313:12

H

half [6] - 276:24,
279:19, 294:6,
295:6, 302:37,
316:42
hammered [1] -
276:36
hand [7] - 248:4,
251:47, 252:45,
266:25, 266:27,
276:1, 313:9
handbook [1] - 315:44
handed [3] - 257:2,
266:30, 268:30
handing [1] - 282:37
handling [2] - 314:11,

314:13
hands [4] - 255:20,
255:21, 275:32,
313:12
hang [1] - 289:6
happier [1] - 310:45
happy [5] - 254:20,
288:44, 290:29,
290:30, 310:12
harassed [2] - 308:3,
312:47
harassment [1] -
306:7
hard [6] - 253:3,
253:8, 255:9,
261:41, 284:22,
288:3
harsh [1] - 287:35
hate [1] - 308:45
Haven [2] - 282:36,
283:6
Hay [4] - 294:25,
295:42, 295:44,
299:32
Hay's [1] - 300:17
head [5] - 270:47,
273:20, 294:46,
294:47, 318:12
health [8] - 248:7,
248:9, 250:24,
250:35, 287:46,
287:47, 306:28,
312:7
healthy [1] - 281:12
hear [12] - 255:40,
256:1, 259:2,
268:16, 269:7,
270:26, 278:8,
280:44, 285:3,
288:30, 291:5, 302:9
heard [9] - 263:46,
268:6, 275:8,
275:28, 292:31,
292:32, 294:40,
298:36, 304:36
hearing [1] - 278:20
Hearing [1] - 246:19
hearsay [1] - 273:22
heart [1] - 258:4
heated [1] - 316:22
heck [2] - 294:30,
295:4
Held [1] - 246:22
held [2] - 272:40,
282:17
Helen [2] - 277:2,
277:3
hell [1] - 293:45
hello [1] - 250:32
help [1] - 287:17

helps [1] - 289:5
here' [1] - 268:35
hero [1] - 312:11
hi/bye [1] - 250:30
hiding [1] - 255:39
high [4] - 259:3,
269:26, 305:40,
308:2
higher [1] - 308:6
highest [1] - 252:19
highlight [1] - 266:44
highlighted [1] -
265:41
Hill [2] - 283:9, 286:46
himself [1] - 267:17
historical [4] - 296:36,
296:44, 297:9,
297:10
historically [4] -
297:30, 298:15,
298:28, 298:30
history [10] - 257:30,
257:46, 258:16,
263:36, 270:9,
270:38, 271:28,
273:13, 273:19,
276:47
hold [3] - 264:9,
267:23, 285:43
hold-up [1] - 285:43
hole [1] - 299:19
holes [2] - 299:21,
299:22
home [4] - 254:37,
255:45, 266:26,
267:6
honest [7] - 275:39,
278:24, 292:32,
294:11, 306:21,
311:35, 318:38
honesty [1] - 258:3
Honour [7] - 265:10,
266:3, 266:25,
267:3, 267:31,
268:24, 277:26
hope [4] - 255:38,
278:18, 290:39,
318:40
horrible [1] - 314:42
horrifying [3] -
294:15, 294:17,
294:35
horse [1] - 272:45
horticultural [1] -
273:19
hostel [25] - 247:38,
247:39, 249:28,
252:30, 252:31,
256:33, 256:34,
257:11, 260:13,

268:43, 269:7,
269:41, 269:42,
270:23, 278:4,
280:20, 281:34,
281:42, 281:46,
282:3, 282:12,
282:27, 283:5,
286:33, 287:7
Hostel [8] - 256:37,
282:5, 282:6, 282:8,
282:11, 282:26,
283:11, 286:46
hostile [1] - 259:8
hostility [1] - 249:20
hot [1] - 249:29
hotel [1] - 294:27
house [2] - 259:16,
295:22
human [2] - 312:7,
312:12
hundred [1] - 295:39
Hurst [1] - 266:30

I

idea [1] - 286:23
ideal [1] - 287:2
ideas [5] - 251:10,
262:27, 274:46,
277:23, 288:38
identified [1] - 282:38
identify [1] - 261:39
ignored [1] - 282:17
ill [1] - 312:9
illness [1] - 306:4
imagine [1] - 296:10
impact [6] - 249:33,
271:14, 272:2,
273:27, 276:23,
281:7
impacts [3] - 274:33,
274:39, 276:30
implementation [3] -
249:4, 304:19
implied [1] - 318:35
important [1] - 283:27
impossible [1] - 290:1
improper [1] - 299:26
improved [1] - 254:9
improvement [8] -
254:24, 260:42,
265:16, 297:33,
304:27, 304:37,
305:7, 305:26
improvements [2] -
255:3, 290:31
in-house [1] - 295:22
inappropriate [1] -
252:45
inaudible [1] - 261:45

Inc [1] - 247:24
incident [1] - 306:34
inclination [1] - 284:7
including [2] - 247:38, 254:34
income [4] - 265:43, 265:47, 296:37, 298:11
incomes [1] - 265:40
incompetence [2] - 279:10, 287:24
incompetent [1] - 261:27
incorrect [1] - 282:46
increase [4] - 296:3, 310:22, 310:36, 310:40
indicated [1] - 264:17
indication [1] - 255:14
indistinct [68] - 254:26, 254:45, 256:37, 258:3, 258:23, 258:26, 259:7, 259:8, 259:14, 259:21, 263:17, 263:31, 264:34, 264:37, 266:7, 266:13, 269:21, 271:15, 271:42, 272:3, 272:43, 273:5, 273:27, 273:29, 273:41, 273:47, 274:1, 275:30, 276:34, 277:5, 277:6, 277:8, 277:22, 277:33, 278:17, 278:22, 278:39, 279:18, 292:19, 292:39, 293:38, 294:5, 294:7, 295:20, 295:27, 295:30, 299:8, 308:2, 308:20, 308:44, 309:2, 309:11, 309:35, 310:19, 310:21, 310:44, 311:8, 311:9, 311:20, 311:36, 312:13, 313:19, 314:36, 318:12, 318:32, 318:34
indistinct [9] - 259:34, 263:28, 299:2, 301:12, 302:40, 303:25, 305:16, 309:5, 318:22
individual [4] - 260:19, 262:20, 298:3, 298:44
individually [1] - 301:6
individuals [2] - 249:13, 262:42
industry [7] - 281:14, 284:14, 284:15, 284:21, 284:23, 284:25, 285:12
ineffective [1] - 271:21
inform [2] - 261:5, 288:46
information [22] - 253:33, 254:19, 254:42, 256:6, 256:36, 257:2, 260:7, 260:21, 260:22, 262:39, 265:4, 265:16, 267:16, 267:18, 271:37, 290:16, 298:42, 300:8, 305:47, 307:8, 313:20
informed [6] - 254:29, 280:25, 280:36, 285:47, 286:31, 290:20
infrastructure [4] - 264:45, 269:45, 273:16, 299:23
initial [1] - 305:27
Inn [1] - 292:9
input [2] - 282:20, 287:17
inquiries [1] - 278:21
INQUIRY [2] - 246:9, 319:3
inquiry [22] - 257:10, 259:31, 259:42, 262:22, 263:30, 263:31, 264:18, 264:28, 264:29, 268:7, 270:44, 276:35, 276:36, 276:42, 277:37, 284:11, 292:14, 293:33, 297:39, 300:43, 304:22, 308:7
inside [5] - 299:16, 304:18, 306:5, 307:25, 317:31
installed [1] - 272:26
instance [3] - 274:5, 294:17, 299:10
instill [1] - 310:6
instrumental [1] - 305:25
intention [10] - 304:27, 304:36, 304:43, 304:46, 305:9, 305:11, 305:13, 305:34, 314:19, 314:38
interact [1] - 250:47
interacting [1] - 303:29
interaction [3] - 250:27, 250:29, 313:6
interactions [1] - 248:13
interest [10] - 247:35, 258:41, 258:45, 259:1, 282:44, 302:46, 303:1, 303:6, 303:10, 315:14
interested [1] - 315:31
interesting [3] - 266:25, 278:10, 313:21
interests [2] - 249:9, 278:2
interfere [3] - 248:17, 281:10, 303:37
interference [1] - 282:22
interfering [1] - 248:40
interim [1] - 280:40
internal [1] - 260:16
interrupt [1] - 269:30
interrupting [1] - 272:27
interview [2] - 260:19, 261:26
interviewed [1] - 311:23
intimidated [3] - 249:36, 308:41, 309:2
introduce [1] - 296:4
introduction [1] - 265:26
investigate [1] - 261:41
investigated [1] - 297:27
investigating [1] - 264:25
investigation [6] - 256:44, 258:33, 260:16, 295:38, 295:39, 297:22
investigations [1] - 314:6
invited [2] - 282:19, 293:7
inviting [1] - 290:47
invoiced [1] - 282:45
invoicing [1] - 282:43
involve [2] - 276:33, 303:11
involved [20] - 248:41, 248:44, 256:30, 257:16, 257:34, 258:5, 260:8, 263:41, 264:34, 271:27, 273:5, 278:21, 282:37, 285:16, 285:35, 285:38, 287:4, 288:2, 288:13, 306:27
involvement [1] - 269:28
Ipwich [1] - 299:43
irresponsible [4] - 304:28, 304:31, 318:23, 318:29
irrigation [1] - 284:26
issue [32] - 249:24, 249:29, 250:8, 250:26, 250:27, 251:31, 253:20, 254:7, 254:18, 256:33, 256:34, 262:30, 265:2, 266:11, 270:17, 273:15, 275:15, 276:20, 278:4, 278:8, 287:32, 288:8, 300:3, 300:5, 303:1, 304:27, 304:36, 305:9, 311:9, 312:7, 313:33, 314:11
issue [1] - 265:2
issued [1] - 305:8
issues [20] - 247:39, 251:46, 254:24, 255:34, 255:41, 256:10, 259:37, 260:6, 260:11, 260:12, 264:24, 264:33, 266:14, 267:42, 270:20, 275:47, 276:40, 278:5, 287:13, 287:28
item [7] - 249:13, 253:17, 253:19, 253:27, 253:31, 253:33
items [2] - 252:40, 255:10

J

Jenny [1] - 283:10
jeopardy [1] - 284:28
Jesus [1] - 278:11
job [14] - 255:5, 255:6, 261:5, 285:30, 285:33, 286:22, 286:24, 298:21, 298:23, 298:26, 306:31, 307:43, 313:45, 314:23
jobs [4] - 257:37, 284:19, 284:21, 298:21
John [3] - 258:37, 258:39, 258:46
join [1] - 282:15
joined [3] - 252:19, 252:23, 258:14
joining [1] - 302:2
joint [8] - 256:24, 256:27, 256:39, 257:12, 267:15, 269:10, 280:16, 285:27
Jolliffe [5] - 253:12, 273:4, 275:23, 275:29, 316:35
journalist [1] - 311:28
judge [1] - 259:46
judgment [1] - 252:44
July [4] - 265:28, 265:34, 292:44, 310:13
jump [3] - 263:36, 263:39
jumped [1] - 292:20
June [7] - 282:31, 292:38, 292:44, 294:32, 313:39, 314:5, 314:17
justice [1] - 314:43

K

Katrina [3] - 257:45, 264:21, 302:4
keep [5] - 264:41, 286:15, 287:19, 289:7, 295:22
keeping [1] - 260:24
kept [1] - 279:5
key [1] - 271:36
kilometre [1] - 273:15
Kilpatrick [1] - 257:20
kind [9] - 255:40, 304:34, 304:38, 305:15, 314:31, 316:25, 318:34

Kitzelmann [7] - 267:14, 267:38, 267:47, 287:34, 287:45, 288:19, 318:33
knock [1] - 290:45
knowing [3] - 252:29, 303:43, 318:30
knowledge [5] - 248:4, 252:45, 258:20, 282:29, 289:18
known [4] - 253:21, 275:40, 276:43, 313:45
knows [3] - 276:40, 279:10, 311:8
Kurtzor [1] - 300:27

L

lack [4] - 254:14, 282:44, 287:11, 295:25
laid [1] - 265:3
Lake [2] - 257:43, 262:28
land [8] - 252:12, 252:15, 265:21, 265:22, 265:24, 266:15, 314:32, 315:4
lands [1] - 266:17
large [2] - 252:36, 265:43
largely [3] - 260:39, 260:43, 283:7
last [11] - 258:13, 274:42, 284:13, 284:30, 288:18, 290:27, 302:36, 303:21, 316:42, 318:31, 318:32
latest [1] - 292:10
laugh [2] - 267:5, 277:16
Laurie [1] - 288:13
lawler [4] - 285:29, 286:33, 286:42, 287:11
Lawler [5] - 256:27, 280:1, 280:6, 284:43, 290:35
LAWLER [1] - 280:4
lead [3] - 264:10, 298:32, 299:35
lead-in [1] - 299:35
leadership [1] - 301:4
leads [1] - 254:15
leaked [1] - 313:20

learn [2] - 277:22, 314:31
learned [1] - 289:19
Learning [1] - 247:23
learning [2] - 315:6, 315:7
learnt [1] - 277:35
lease [9] - 263:9, 265:44, 281:11, 312:44, 314:44, 314:47, 316:5, 316:6, 317:14
leasing [1] - 252:15
least [6] - 267:39, 282:30, 300:29, 310:30, 310:31, 310:32
leave [6] - 263:36, 267:31, 280:38, 281:4, 303:36, 307:37
leaving [1] - 295:29
led [1] - 282:39
left [15] - 250:17, 258:32, 258:39, 259:5, 267:12, 268:28, 269:20, 269:24, 270:1, 274:15, 280:42, 294:13, 306:4, 306:28, 309:21
legal [17] - 270:35, 276:6, 276:13, 280:44, 280:45, 281:17, 281:29, 285:38, 285:39, 286:3, 286:5, 286:7, 286:9, 314:27, 314:40
legally [1] - 281:25
legislation [1] - 274:31
less [10] - 260:20, 268:3, 287:3, 287:14, 294:25, 294:27, 304:32, 304:37, 310:28, 313:20
lessees [5] - 268:4, 268:10, 281:12, 281:24, 287:20
letter [15] - 256:10, 263:13, 266:30, 266:34, 288:18, 292:36, 292:37, 292:39, 292:43, 292:44, 293:44, 295:28, 315:10, 317:15
letters [4] - 290:22,

297:41, 317:12, 317:20
level [3] - 252:19, 252:23, 307:47
levels [1] - 305:40
liaison [1] - 283:25
lie [1] - 311:20
life [3] - 255:8, 280:8, 306:8
lighted [1] - 252:32
limit [3] - 272:25, 273:15, 280:42
limited [3] - 259:3, 283:30, 300:32
limiting [1] - 284:2
lines [1] - 293:47
link [2] - 295:9, 295:10
linked [1] - 295:9
links [3] - 272:4, 293:17
Lisa [2] - 292:33, 295:28
list [1] - 262:41
listed [2] - 251:44, 262:27
listen [5] - 285:24, 291:2, 309:34, 309:40, 309:47
listening [5] - 275:33, 309:42, 310:10, 310:46, 312:5
lists [2] - 262:39, 265:36
litigation [10] - 256:12, 256:13, 256:15, 256:17, 256:20, 263:32, 263:34, 263:35, 268:21, 275:16
littlemore [1] - 306:15
Littlemore [10] - 258:30, 258:35, 259:14, 280:19, 280:23, 280:35, 280:45, 283:18, 307:1, 307:28
live [2] - 254:23, 287:40
lived [3] - 252:25, 257:38, 285:9
livestock [1] - 285:14
living [1] - 259:40
lobbied [1] - 277:2
Local [4] - 260:23, 305:33, 314:6, 317:13
LOCAL [1] - 246:9
local [23] - 247:27, 256:44, 258:6, 258:10, 258:24,

263:38, 266:34, 269:23, 271:30, 271:31, 274:23, 277:40, 283:35, 283:42, 283:46, 283:47, 285:9, 286:6, 293:13, 295:16, 305:37, 315:33
located [1] - 265:44
lodged [1] - 285:44
logical [1] - 300:18
look [31] - 259:45, 260:11, 262:26, 262:33, 265:8, 265:9, 273:12, 273:38, 278:43, 278:44, 278:46, 285:47, 288:9, 288:10, 291:1, 293:4, 293:9, 293:16, 295:10, 296:18, 296:23, 296:32, 299:17, 299:41, 300:42, 305:35, 310:44, 312:12, 315:37, 316:35, 318:1
looked [12] - 266:28, 266:32, 266:41, 266:47, 269:38, 269:42, 275:28, 275:34, 296:42, 297:10, 297:11
looking [10] - 292:23, 293:33, 293:34, 293:35, 293:40, 295:1, 295:3, 296:30, 300:6, 314:7
looks [4] - 266:27, 286:38, 292:1, 315:31
lose [1] - 284:28
losing [2] - 249:31, 314:12
loss [6] - 270:4, 281:39, 281:40, 295:40, 318:27
losses [4] - 256:33, 281:44, 282:39, 283:2
lost [7] - 252:30, 259:27, 277:8, 278:12, 284:19, 306:39, 307:23
Louis [1] - 273:10
love [1] - 257:33
loved [1] - 259:28
low [2] - 252:27, 279:10

lucky [2] - 276:24, 288:40
lunch [1] - 291:4
LUNCHEON [1] - 291:14

M

m'mm [1] - 298:4
machinery [1] - 300:22
mail [1] - 261:11
Main [2] - 284:25, 289:21
main [11] - 258:30, 266:24, 274:30, 279:11, 280:23, 281:21, 287:31, 306:27, 313:33, 314:10, 314:11
major [19] - 256:34, 256:35, 260:12, 265:39, 265:42, 271:7, 271:43, 272:3, 273:27, 273:46, 274:16, 275:15, 275:24, 276:3, 278:4, 278:8, 281:6, 299:9, 300:3
majority [3] - 250:2, 250:5, 255:23
man [2] - 275:23, 286:45
managed [3] - 255:2, 259:8, 281:13
management [11] - 262:39, 265:44, 266:11, 274:36, 278:39, 282:17, 282:35, 282:37, 282:41, 283:5, 310:24
manager [30] - 248:21, 250:24, 250:34, 252:8, 254:22, 260:19, 264:13, 264:14, 265:15, 268:33, 269:15, 269:20, 270:10, 272:7, 276:2, 280:19, 286:12, 304:34, 306:3, 306:14, 306:32, 306:36, 306:42, 307:1, 307:46, 312:47, 313:4, 313:16, 317:33, 318:19
manager's [4] - 249:5, 274:27, 274:28,

276:1
managers [8] - 260:7, 276:5, 277:1, 281:13, 283:36, 287:22, 290:36, 313:22
Mannix [5] - 253:13, 273:5, 273:6, 273:17, 275:22
mark [1] - 280:41
Market [1] - 246:24
Marsdens [1] - 286:7
master [1] - 278:44
material [1] - 285:23
Matt [3] - 268:46, 278:35, 278:38
matter [1] - 256:20, 256:21, 258:27, 283:14, 286:13, 288:8, 290:13, 309:32, 312:6, 313:32, 317:6
matters [8] - 248:26, 251:44, 271:13, 273:3, 303:41, 304:2, 304:3, 311:24
maximum [1] - 250:9
mayor [2] - 247:18, 255:6, 258:10, 258:16, 261:7, 261:8, 264:12, 268:35, 269:11, 270:11, 274:25, 274:32, 274:35, 275:35, 276:20, 277:29, 280:12, 293:46, 301:4
mayor's [1] - 274:38
mayors [3] - 269:12, 276:21, 277:30
McConnelly [1] - 283:10
McCormack [14] - 256:45, 259:35, 259:47, 261:20, 261:21, 265:7, 265:8, 265:18, 278:42, 279:6, 279:8, 311:18, 311:21, 318:17
McCormack's [2] - 260:3, 265:26
McCulloch [2] - 246:36, 302:3
McKinnon [1] - 265:5
mean [23] - 249:20, 250:5, 250:6, 250:7, 252:25, 269:30, 273:39, 287:36, 287:41, 287:43, 288:3, 288:10, 288:12, 288:23, 288:32, 289:24, 294:16, 298:31, 305:3, 307:44, 310:31, 315:22, 317:31
meaningful [1] - 282:12
means [1] - 310:10
meant [2] - 254:33, 255:17
measures [1] - 272:26
mechanisms [1] - 280:39
media [11] - 289:15, 311:15, 311:18, 311:19, 311:25, 311:27, 311:37, 312:20, 313:16, 317:4, 318:17
mediation [1] - 281:15
medical [1] - 247:35
meet [5] - 264:40, 264:41, 267:46, 288:46, 294:45
meet' [1] - 265:1
meeting [49] - 249:36, 249:46, 252:2, 253:19, 253:24, 257:3, 260:36, 264:44, 264:47, 265:3, 266:31, 266:36, 266:37, 266:43, 266:47, 267:4, 267:7, 267:14, 267:21, 267:37, 267:41, 268:1, 268:3, 268:9, 268:17, 268:28, 272:37, 272:39, 275:27, 276:10, 282:34, 286:38, 288:15, 288:34, 293:42, 293:43, 294:32, 294:40, 303:5, 308:16, 308:30, 308:35, 316:25, 316:28, 316:29, 317:29
meetings [23] - 250:40, 250:44, 255:1, 255:4, 255:13, 255:17, 260:11, 260:32, 260:34, 261:8, 261:9, 261:13, 263:18, 274:39, 275:25, 282:18, 282:29, 290:17, 308:10, 308:15, 316:29, 317:24, 317:25
Melbourne [1] - 266:5
member [1] - 276:33
members [16] - 248:20, 250:39, 250:43, 251:18, 251:19, 252:38, 252:39, 255:36, 259:5, 273:9, 282:26, 282:31, 288:25, 289:1, 317:2, 317:10
memory [3] - 278:46, 281:36, 317:35
men's [1] - 281:3
mengler [7] - 264:5, 269:30, 278:26, 279:22, 285:29, 287:11, 287:30
Mengler [1] - 256:1
MENGLER [1] - 256:3
mental [4] - 287:46, 287:47, 306:28, 312:6
mention [3] - 283:21, 286:37, 296:21
mentioned [11] - 251:40, 263:30, 275:23, 275:33, 276:32, 288:41, 289:13, 306:42, 307:4, 315:10, 316:21
mentioning [1] - 271:13
merchandise [1] - 285:15
message [1] - 313:21
messiah [1] - 268:26
met [8] - 264:41, 264:44, 271:29, 273:16, 273:19, 274:37, 276:34, 305:14
mia [1] - 282:4
Mia [3] - 282:7, 283:12, 287:12
Michael [9] - 258:1, 267:13, 267:38, 267:47, 277:27, 278:10, 278:11, 287:31, 300:27
mid [1] - 272:13
mid-August [1] - 272:13
might [14] - 248:9, 250:32, 256:38, 257:23, 257:24, 257:41, 258:36, 275:42, 278:21, 284:34, 286:36, 289:8, 310:40, 311:27
mightn't [1] - 266:26
Mildura [1] - 262:36
milestone [1] - 258:39
millennium [1] - 284:13
million [5] - 259:24, 270:15, 270:35, 270:36, 289:34
millions [1] - 299:43
mind [3] - 255:25, 284:29, 306:39
mines [1] - 299:12
minimal [1] - 265:40
minimise [1] - 295:22
minimising [1] - 273:13
Minister [3] - 256:43, 260:23, 277:29
minister [6] - 252:15, 260:4, 266:16, 277:34, 277:40
minor [2] - 287:40, 288:8
minute [2] - 261:47, 307:17
minutes [9] - 266:32, 266:46, 267:6, 276:11, 284:30, 313:20, 317:24, 317:29, 317:34
mismanaged [1] - 256:31
mismanagement [2] - 271:8, 278:6
missed [1] - 298:8
missing [2] - 299:2
mistake [9] - 311:10, 311:35, 313:47, 314:21, 314:24, 314:25, 314:28, 314:38
misunderstanding [1] - 254:32
mobile [1] - 313:2
moment [9] - 249:18, 258:41, 263:31, 266:5, 274:10, 276:17, 278:3, 308:1, 315:27
money [38] - 249:31, 258:25, 260:15, 262:13, 262:19, 269:11, 270:39, 271:8, 278:6, 279:2, 281:5, 286:15, 286:21, 286:26, 288:23, 288:26, 289:7, 294:10, 296:7, 296:9, 296:11, 296:19, 296:21, 296:22, 296:24, 296:26, 296:46, 297:1, 297:2, 297:24, 297:27, 297:31, 298:11, 299:2, 314:8, 314:10, 314:12
moneys [1] - 283:31
month [3] - 282:34, 288:15, 294:38
monthly [3] - 254:16, 282:26, 315:22
months [14] - 258:37, 259:22, 282:30, 286:10, 286:11, 289:45, 290:1, 295:31, 306:12, 306:20, 308:35, 318:24, 318:25, 318:31
Moore [1] - 270:1
morning [1] - 277:15
Morrish [1] - 273:35
most [19] - 249:24, 251:26, 251:34, 252:26, 254:13, 256:30, 274:7, 278:16, 278:22, 280:8, 289:46, 297:11, 306:35, 309:13, 311:6, 311:30, 311:46, 315:45
Motel [1] - 292:8
motel [3] - 294:25, 294:26, 298:23
motion [4] - 273:4, 273:6, 273:8
motions [1] - 313:43
motivation [1] - 314:16
mouth [1] - 293:23
move [7] - 267:8, 268:43, 269:3, 269:5, 272:36, 272:38, 275:13
moved [2] - 259:30, 281:47
movement [1] - 275:28
movements [1] - 274:18
moving [1] - 292:2
MS [1] - 254:6

Murray [2] - 258:17,
276:33
Murray-Darling [1] -
258:17
must [5] - 283:12,
289:41, 305:46,
308:25, 316:35
mutual [2] - 251:22,
251:33

N

naive [1] - 304:45
name [2] - 292:8,
306:25
names [3] - 261:21,
275:24, 315:17
Natasha [1] - 273:11
National [1] - 269:28
natural [1] - 275:32
naturally [2] - 280:29,
280:41
navigate [1] - 293:20
nearly [6] - 289:47,
295:32, 299:33,
300:17, 308:16
necessarily [1] -
310:36
necessary [2] -
279:14, 281:17
necessity [1] - 281:10
need [31] - 253:17,
259:40, 261:39,
262:35, 269:31,
270:26, 271:4,
274:33, 275:2,
278:3, 278:43,
278:44, 279:17,
283:13, 283:45,
285:24, 295:35,
295:36, 295:39,
295:47, 296:45,
296:47, 297:1,
297:2, 298:39,
303:47, 306:37,
309:40, 309:47,
310:43, 312:2
needed [4] - 260:29,
271:41, 294:10,
297:19
needs [9] - 258:33,
275:15, 277:43,
283:44, 286:14,
289:2, 295:38,
297:21, 297:26
negotiation [3] -
309:32, 310:25,
310:30
networking [1] -
277:21

never [30] - 258:24,
261:8, 276:14,
278:46, 281:1,
281:36, 281:37,
283:18, 286:38,
287:2, 287:38,
288:22, 288:29,
288:36, 290:17,
290:26, 290:32,
304:36, 307:7,
309:23, 309:30,
310:7, 311:17,
311:25, 314:19,
314:34, 316:36,
316:37, 317:22
new [16] - 254:21,
255:45, 259:26,
267:12, 275:5,
284:24, 289:2,
289:3, 304:35,
304:46, 305:21,
314:31, 314:33,
314:44, 314:45,
315:7
New [3] - 246:25,
289:33, 299:42
newborn [1] - 247:13
newsletter [1] -
254:16
newsletters [2] -
306:36, 306:38
newspaper [1] -
311:34
next [14] - 253:31,
256:1, 259:33,
270:14, 272:42,
273:46, 276:41,
281:41, 284:32,
289:6, 294:25,
300:18, 301:16,
302:4
nice [1] - 316:31
nine [1] - 309:43
nitty [1] - 303:45
nitty-gritty [1] -
303:45
no-one [5] - 283:29,
286:28, 286:31,
290:29, 307:27
nobody [3] - 275:33,
276:18, 313:35
non [2] - 288:16,
302:45
non-existent [1] -
288:16
non-pecuniary [1] -
302:45
none [1] - 286:30
normally [1] - 290:3
not-for-profit [1] -

288:21
notes [2] - 267:24,
275:20
nothing [15] - 261:9,
266:12, 286:39,
288:27, 288:37,
289:42, 292:32,
292:39, 304:34,
306:8, 308:24,
312:16, 313:13,
316:23, 318:10
notice [12] - 251:46,
282:28, 292:30,
292:31, 294:24,
294:28, 300:46,
304:26, 304:42,
304:46, 305:11,
305:33
noticed [2] - 253:38,
275:30
notices [3] - 254:33,
293:27, 293:28
November [2] -
317:13, 317:16
nowhere [1] - 308:19
number [13] - 258:4,
265:36, 266:22,
267:25, 267:42,
268:25, 305:32,
306:29, 307:23,
309:37, 310:6,
310:19, 310:32
numbered [1] - 316:11
numbers [3] - 276:25,
284:21, 309:31
numerous [2] - 258:7,
258:17
nuts [1] - 248:28

O

o'clock [2] - 291:12,
301:19
O'Halloran [14] -
251:35, 253:12,
253:37, 270:13,
275:22, 275:40,
275:43, 276:15,
276:22, 277:13,
306:26, 307:4,
308:34, 316:22
O'Halloran's [1] -
308:17
objections [2] -
268:47, 290:19
obligations [1] - 315:4
oblivious [1] - 252:27
observation [4] -
251:45, 253:23,
255:16, 282:21

observe [1] - 307:30
observed [9] - 248:1,
248:8, 249:25,
251:33, 253:35,
275:27, 307:41,
308:10, 316:33
observer [1] - 268:46
obtain [1] - 314:7
obviously [25] - 259:8,
259:41, 259:43,
264:2, 264:7,
264:27, 266:35,
271:27, 272:29,
273:11, 274:22,
275:5, 286:22,
288:43, 289:25,
290:10, 290:26,
303:42, 307:27,
308:1, 309:45,
312:29, 313:14,
315:12
occasion [3] - 255:13,
268:36, 309:10
occasionally [1] -
293:9
occasions [2] -
277:31, 316:26
occur [2] - 251:28,
295:31
occurred [8] - 251:29,
254:27, 263:45,
264:2, 264:10,
281:45, 299:7,
315:20
occurrence [1] -
251:37
October [4] - 266:31,
266:35, 266:40,
266:42
OF [1] - 246:9
offenders [1] - 283:45
offered [2] - 268:45,
280:37
office [13] - 247:4,
283:34, 283:41,
287:41, 287:42,
303:32, 304:6,
304:18, 306:5,
307:25, 313:1,
315:40, 317:31
Office [3] - 305:33,
314:6, 317:13
officer [1] - 247:32
often [1] - 253:16
old [1] - 277:9
older [2] - 253:7,
271:29
oldest [1] - 258:25
OLG [5] - 283:47,
303:2, 313:9,
314:47, 318:7
olives [1] - 280:9
once [8] - 253:38,
258:36, 260:21,
280:42, 303:1,
306:34, 313:8,
313:15
one [78] - 248:23,
248:24, 250:8,
258:20, 258:42,
260:13, 260:14,
262:1, 262:22,
262:38, 264:10,
264:32, 265:19,
265:23, 265:41,
266:40, 266:41,
266:42, 267:11,
268:36, 268:40,
269:27, 271:29,
271:30, 274:19,
274:40, 275:23,
276:3, 278:8,
278:31, 279:9,
282:38, 283:29,
284:10, 284:37,
285:20, 285:34,
286:12, 286:28,
286:31, 286:37,
288:7, 288:30,
288:34, 289:44,
290:25, 290:29,
292:20, 292:29,
294:25, 294:27,
296:42, 297:12,
297:23, 297:25,
297:41, 297:44,
299:10, 300:19,
303:35, 304:8,
305:4, 306:3,
306:27, 306:29,
307:23, 307:27,
311:19, 311:20,
313:11, 315:13,
315:31, 315:32,
315:34, 317:3,
317:29
ones [4] - 249:11,
272:2, 296:41,
316:44
open [7] - 250:10,
266:45, 274:15,
290:39, 311:7,
314:31, 314:33
opened [1] - 294:15
operate [5] - 295:40,
295:41, 295:42,
299:9, 300:12
operating [3] - 295:46,
300:21, 300:28
operation [2] - 265:38,

286:42
operational [11] - 248:18, 248:26, 250:26, 293:39, 303:41, 304:2, 304:3, 304:14, 313:29, 313:30, 313:32
operations [3] - 248:29, 249:5, 282:27
operator [2] - 293:29, 303:21
operators [9] - 256:17, 268:8, 292:34, 293:30, 294:16, 312:27, 313:7, 313:40, 316:5
opinion [10] - 249:40, 250:14, 251:30, 252:26, 253:21, 273:39, 276:40, 309:17, 310:2, 311:4
opinions [2] - 255:8, 311:2
opportunities [1] - 298:7
opportunity [4] - 260:35, 307:30, 318:28, 318:39
opposed [3] - 309:28, 309:29, 309:30
option [3] - 263:4, 281:28, 282:38
options [3] - 282:35, 282:36, 293:38
order [9] - 249:43, 265:16, 292:17, 294:17, 297:33, 304:27, 304:36, 305:8, 305:26
ordinary [1] - 299:8
ordinator [4] - 281:46, 283:1, 283:10, 283:11
organisation [6] - 273:46, 273:47, 283:29, 288:38, 288:47, 289:4
organisations [5] - 249:14, 254:14, 258:6, 288:21, 288:40
organised [1] - 285:41
original [6] - 257:44, 272:39, 272:41, 281:30, 290:17, 310:29
originally [1] - 289:45
otherwise [3] - 261:40, 292:12, 297:24
outcome [4] - 273:3, 273:29, 277:37, 286:9
outlined [1] - 272:42
outrageous [1] - 286:36
outside [5] - 312:47, 315:39, 317:20, 317:25, 317:41
oval [1] - 262:36
overlook [1] - 276:36
owed [1] - 286:18
own [4] - 249:40, 292:8, 292:9, 312:20
owned [2] - 266:8, 292:33

P

p.32 [1] - 311:18
pace [1] - 316:26
page [6] - 253:31, 293:8, 293:12, 293:16, 309:25, 310:5
paid [4] - 285:40, 286:22, 296:5, 298:20
pallets [2] - 299:13, 299:14
Pandora's [2] - 294:15, 294:18
panic [1] - 306:46
paper [8] - 282:28, 282:36, 288:34, 288:35, 306:38, 311:18, 311:29, 311:31
papers [7] - 253:24, 293:13, 295:17, 307:37, 316:27, 318:18, 318:35
paperwork [3] - 282:42, 282:45, 287:30
paragraph [3] - 304:25, 305:39, 316:11
paralysed [1] - 283:6
pardon [2] - 260:40, 265:32
parents [1] - 267:5
park [62] - 249:24, 252:12, 256:7, 256:17, 256:34, 256:46, 256:47, 260:13, 263:5, 263:9, 263:32, 263:35, 264:33, 264:38, 265:21, 265:23, 265:38, 265:39, 265:42, 265:45, 266:7, 267:44, 268:2, 268:4, 268:8, 268:24, 268:32, 268:38, 269:3, 269:5, 269:37, 270:21, 275:14, 276:6, 276:13, 277:38, 278:8, 278:32, 278:35, 278:43, 280:20, 281:9, 287:16, 287:32, 290:10, 296:6, 298:22, 303:2, 312:26, 312:29, 312:31, 312:33, 312:35, 312:40, 312:47, 313:7, 313:22, 313:40, 314:8, 315:4, 316:5, 317:14
Park [4] - 252:8, 262:34, 288:20, 288:28
part [12] - 252:15, 258:27, 258:30, 259:33, 260:37, 274:30, 276:11, 288:32, 290:32, 290:33, 300:43, 311:34
participants [1] - 284:10
participate [1] - 308:42
participated [1] - 309:8
participation [1] - 282:23
particular [11] - 249:23, 250:8, 252:2, 254:12, 254:22, 254:24, 255:3, 256:26, 261:30, 262:13, 296:8
particularly [4] - 252:30, 254:14, 271:13, 298:10
parties [1] - 278:23
partnership [1] - 262:33
parts [3] - 280:16, 299:13, 300:35
party [1] - 282:37
passed [1] - 276:12
passengers [1] - 313:1
passion [1] - 316:38
passionate [3] - 251:10, 316:13, 316:36
passport [2] - 257:39, 257:40
past [3] - 258:1, 284:6, 299:1
pasted [1] - 311:31
patient [1] - 282:40
pavilion [1] - 289:3
pay [2] - 294:27, 297:31
payer [2] - 267:45, 268:14
payers [1] - 300:2
paying [2] - 254:38, 282:42
payroll [1] - 248:32
pays [1] - 310:41
pecuniary [2] - 302:45
pedestal [14] - 254:18, 293:44, 294:4, 294:13, 294:33, 296:4, 296:19, 296:21, 296:22, 296:26, 296:40, 297:1, 297:13, 310:14
people [55] - 251:34, 251:35, 251:40, 254:33, 255:7, 259:4, 264:18, 267:35, 271:35, 272:30, 274:12, 277:7, 278:23, 282:3, 286:2, 287:27, 287:35, 287:37, 287:38, 287:41, 288:1, 288:5, 288:44, 290:19, 290:39, 291:1, 293:7, 295:20, 295:23, 297:17, 298:16, 298:19, 298:22, 300:13, 307:25, 307:26, 307:33, 308:2, 308:25, 309:3, 309:34, 309:41, 310:21, 310:46, 311:6, 312:8, 312:29, 312:33, 312:35, 313:34, 314:42, 316:44
people's [3] - 285:24, 309:47, 318:2
per [17] - 248:17, 254:35, 254:38, 259:38, 277:5, 292:20, 295:40, 295:41, 297:19, 298:11, 309:29, 309:37, 310:10, 310:22, 310:35, 310:36, 310:42
percent [1] - 295:40
percentage [2] - 252:37, 310:41
perception [5] - 249:17, 253:41, 260:28, 267:30, 278:45
perfect [1] - 310:32
perform [1] - 307:27
performance [5] - 260:42, 265:16, 297:33, 305:7, 305:26
perhaps [5] - 249:20, 253:30, 254:29, 257:6, 282:9
period [9] - 247:19, 263:19, 267:29, 278:15, 285:11, 289:37, 289:40, 294:42, 300:28
perplexed [1] - 285:37
person [6] - 262:1, 284:37, 286:2, 286:3, 287:2, 297:23
personal [2] - 252:43, 261:28
personalities [1] - 277:11
personally [1] - 307:12
persons [1] - 264:18
pet [2] - 284:15, 284:19
Peter [6] - 256:35, 264:43, 267:29, 267:41, 267:47, 276:43
PETER [1] - 280:4
petrol [1] - 258:44
phone [5] - 264:21, 264:37, 268:31, 313:2, 313:22
pick [4] - 278:47, 312:29, 312:33, 312:39
picked [2] - 277:20, 318:2
picking [1] - 313:1
picture [2] - 303:42, 315:18

pit [1] - 299:17
place [11] - 261:28, 264:17, 267:14, 276:46, 280:36, 281:11, 281:12, 281:27, 287:9, 306:9, 312:21
placed [1] - 280:40
places [1] - 257:1
plan [11] - 260:36, 260:37, 262:30, 262:39, 266:11, 272:39, 274:36, 278:44, 279:2, 279:5, 314:45
planning [2] - 258:17, 286:47
plans [2] - 258:18, 298:9
plant [1] - 284:19
plastic [2] - 299:12, 299:20
platform [1] - 311:3
playing [1] - 298:8
pleaded [1] - 287:3
plenty [2] - 275:35, 290:9
plus [8] - 262:41, 271:6, 275:22, 286:2, 295:47, 296:1, 309:5
point [26] - 249:37, 254:46, 259:27, 259:46, 270:9, 270:16, 271:2, 271:6, 271:7, 271:20, 275:8, 278:31, 279:6, 283:4, 283:39, 283:41, 283:46, 284:10, 296:18, 297:7, 298:7, 308:41, 309:11, 312:46, 313:8
pointing [4] - 251:15, 275:31, 316:26, 318:37
points [4] - 260:13, 266:24, 280:19, 284:40
police [3] - 269:27, 295:38, 313:4
policy [7] - 248:12, 259:39, 259:40, 303:28, 303:43, 312:21
pony [1] - 289:2
poor [2] - 295:35, 314:42
population's [1] - 252:26
position [14] - 259:20, 267:19, 268:14, 268:23, 268:41, 274:36, 275:3, 276:29, 279:5, 279:16, 280:32, 280:40, 283:11, 307:5
positions [2] - 250:47, 256:40
possibilities [1] - 294:15
possible [1] - 249:32
possibly [1] - 247:16
post [2] - 311:34, 317:4
posts [2] - 311:31, 312:22
potential [1] - 270:4
potentially [1] - 249:24
power [5] - 277:2, 277:41, 283:37, 283:42, 290:36
practice [1] - 299:26
prerface [1] - 256:21
prepare [1] - 285:38
prepared [2] - 250:21, 278:45
preparing [2] - 278:44, 284:47
prerogative [1] - 287:43
prescribed [1] - 295:19
presentations [1] - 306:26
presented [1] - 266:13
presenting [1] - 278:19
president [2] - 275:39, 277:29
press [3] - 254:17, 310:2, 311:1
pressured [1] - 249:41
presume [1] - 259:24
pretty [6] - 251:34, 254:2, 285:30, 286:34, 292:11, 299:8
previous [9] - 280:18, 281:19, 282:25, 295:1, 296:41, 297:17, 307:44, 308:46, 310:23
previously [3] - 269:44, 294:44, 296:40
primarily [1] - 250:25
Prime [1] - 277:29
priority [1] - 307:23
proactive [1] - 254:22
problem [5] - 254:13, 258:30, 295:8, 297:34, 311:1
problem' [2] - 265:1, 267:36
problems [3] - 267:34, 282:39, 283:16
procedures [6] - 248:29, 273:33, 292:25, 293:39, 314:11, 314:13
proceedings [1] - 276:6
proceeds [1] - 286:31
process [49] - 252:13, 252:14, 257:15, 257:19, 257:25, 261:14, 262:6, 262:47, 263:22, 263:37, 263:38, 264:2, 264:20, 264:25, 264:26, 264:36, 264:39, 266:31, 266:35, 266:43, 270:20, 270:34, 270:41, 271:39, 271:41, 272:1, 272:13, 272:41, 272:43, 272:45, 273:2, 273:44, 274:4, 274:25, 274:27, 274:40, 275:16, 276:32, 281:16, 285:37, 287:38, 290:14, 293:35, 293:36, 294:29, 313:17, 317:18
processes [6] - 248:40, 258:17, 271:17, 276:28, 276:33, 292:16
processing [2] - 284:15, 284:19
produce [1] - 265:40
produced [1] - 257:37
productive [1] - 315:13
professional [2] - 278:20, 278:23
profit [5] - 269:45, 270:5, 281:12, 281:38, 288:21
profitability [1] - 283:7
program [2] - 287:21, 287:23
progress [1] - 255:9
progression [1] - 300:18
project [3] - 289:21, 289:22, 303:12
projected [2] - 270:15, 281:40
projects [2] - 252:32, 289:17
promised [2] - 267:9, 267:10
promises [1] - 267:11
proper [4] - 261:14, 274:40, 282:42, 292:24
properly [3] - 286:42, 287:38, 305:1
property [2] - 254:1, 257:44
proposals [1] - 249:21
proposed [1] - 310:29
prospects [1] - 280:42
protect [3] - 274:28, 274:31, 274:35
protecting [3] - 260:25, 274:8, 279:11
proud [1] - 258:2
provide [1] - 281:14
providers [1] - 282:18
providing [4] - 248:32, 297:34, 301:3, 317:41
public [19] - 262:25, 267:37, 269:10, 270:44, 272:44, 273:31, 273:35, 275:38, 276:42, 281:2, 282:22, 282:23, 287:36, 287:43, 290:16, 301:19, 308:7, 311:14, 312:3
Public [2] - 246:19, 273:32
published [1] - 311:29
pull [3] - 252:13, 258:29, 265:11
pump [2] - 264:22, 288:25
punishing [1] - 310:23
purchasers [2] - 285:39, 285:42
purpose [7] - 257:9, 261:35, 262:13, 262:14, 266:44, 268:9, 268:17
purposes [2] - 296:17, 298:39
Purtill [3] - 276:15, 276:22, 277:12
pushed [1] - 299:21
put [42] - 250:31, 259:34, 260:4, 260:32, 261:2, 262:29, 262:37, 262:42, 264:8, 264:18, 266:34, 267:17, 268:10, 271:35, 273:4, 274:45, 275:8, 275:21, 275:45, 276:13, 276:35, 277:40, 279:17, 284:27, 284:31, 288:37, 297:38, 302:36, 304:8, 305:36, 311:39, 311:45, 312:2, 312:23, 312:45, 312:46, 313:21, 314:1, 318:7, 318:16, 318:17, 318:30
puts [2] - 279:12, 311:43
putting [4] - 272:8, 272:45, 276:4, 276:6

Q

quality [1] - 308:34
questioned [1] - 289:18
questioning [1] - 272:41
questions [9] - 254:4, 254:31, 264:30, 267:25, 270:30, 270:31, 270:32, 311:28, 317:45
quick [6] - 256:29, 267:16, 271:27, 304:27, 304:38, 305:4
quickly [2] - 276:32, 279:6
quite [7] - 254:36, 285:9, 285:36, 286:11, 287:18, 290:12, 290:27
quo [1] - 274:11
quoted [2] - 310:2, 311:24

R

rabble [1] - 255:9
race [1] - 285:16
Rainer [2] - 258:36,

259:20
raise [3] - 253:20, 254:6, 318:15
raised [4] - 251:12, 256:10, 260:12, 290:19
raising [1] - 286:37
ramble [1] - 271:28
rambling [1] - 269:35
ramp [1] - 262:29
ran [1] - 297:47
rang [9] - 264:47, 267:35, 268:33, 269:1, 271:37, 271:38, 272:47, 276:37
range [1] - 255:7
rank [1] - 264:43
ranting [1] - 316:23
rarely [1] - 287:42
rate [15] - 260:35, 261:3, 267:9, 267:44, 268:14, 279:10, 279:19, 290:15, 292:23, 293:27, 293:28, 300:2, 309:27, 310:3, 310:22
ratepayers' [1] - 271:8
rates [19] - 254:32, 254:33, 254:34, 254:36, 254:39, 287:38, 292:17, 292:25, 292:30, 294:10, 294:24, 294:28, 294:43, 295:44, 310:12, 310:16, 310:37, 310:38, 310:41
rather [1] - 282:22
Ray [1] - 263:36
re [1] - 302:30
re-apply [1] - 302:30
reached [1] - 250:10
read [20] - 253:18, 253:24, 253:32, 253:37, 258:31, 259:37, 261:25, 261:26, 271:2, 271:4, 272:46, 274:9, 289:16, 294:19, 300:27, 304:42, 306:26, 313:43, 314:37, 318:35
reading [5] - 297:43, 304:25, 316:11, 318:2, 318:36
ready [8] - 267:8, 269:18, 269:37, 276:36, 289:21, 289:22, 292:1, 297:2
real [4] - 273:35, 281:15, 285:14, 318:13
realise [1] - 281:21
realised [2] - 257:40, 278:13
realistic [1] - 265:40
really [22] - 252:29, 252:31, 259:23, 260:23, 260:36, 261:41, 266:12, 269:31, 281:36, 285:24, 287:39, 292:16, 293:32, 294:2, 295:34, 306:9, 307:39, 310:6, 311:5, 312:9, 316:31, 318:11
reappointed [1] - 280:28
reason [12] - 247:11, 247:15, 269:12, 271:44, 276:19, 276:20, 276:35, 294:20, 296:3, 306:4, 306:28
reasons [4] - 259:37, 260:33, 290:3, 290:19
receipts [1] - 282:44
receive [3] - 288:40, 295:14, 313:21
received [13] - 273:7, 282:26, 292:38, 292:43, 292:45, 293:14, 293:27, 293:29, 293:30, 296:37, 305:12, 305:32, 309:39
receiving [4] - 293:24, 299:11, 305:25, 317:12
recent [3] - 284:12, 297:12, 307:41
recently [3] - 254:27, 310:12, 317:36
receptionist [1] - 250:31
reckon [4] - 285:31, 285:45, 295:34, 308:32
recommendation [6] - 260:14, 260:22, 272:9, 276:2, 276:10, 276:12
recommendations [7] - 265:18, 265:19, 265:36, 266:23, 278:7, 284:41, 290:41
recommended [3] - 273:7, 295:8, 314:47
reconsidering [1] - 293:37
record [1] - 294:20
recording [3] - 262:1, 296:36, 302:17
records [2] - 261:42, 296:31
recover [1] - 294:10
recovered [1] - 284:23
recreation [1] - 262:36
recreational [2] - 262:40, 265:23
rectify [1] - 297:33
recurrent [3] - 302:37, 306:25, 308:45
recurring [1] - 317:3
red [1] - 269:38
redevelopment [1] - 284:26
redirected [1] - 265:47
redress [1] - 280:45
reduced [1] - 272:25
refer [1] - 261:21
reference [5] - 250:23, 268:4, 270:47, 301:1, 301:2
referred [2] - 272:37, 295:11
referring [1] - 310:14
reflect [1] - 310:40
reflected [1] - 312:20
refresh [1] - 317:35
regard [2] - 253:45, 254:46
regarded [1] - 281:13
regarding [4] - 248:12, 251:30, 254:32, 283:44
regards [1] - 299:10
regions [1] - 258:19
regularly [1] - 264:42
reject [1] - 306:6
relate [3] - 259:39, 266:41, 275:7
related [3] - 251:47, 306:4, 307:43
relation [4] - 250:23, 255:1, 268:31, 317:14
relationship [3] - 274:25, 312:26, 312:43
relationships [2] - 252:46, 258:35
relax [1] - 308:36
release [5] - 289:16, 311:18, 311:25, 311:28, 313:16
releases [3] - 254:17, 311:19, 318:17
relevant [1] - 266:17
relieve [1] - 267:17
reluctant [1] - 247:11
remainder [1] - 284:32
remember [14] - 253:44, 253:47, 265:10, 292:40, 293:24, 303:23, 303:26, 304:44, 305:4, 305:15, 313:11, 314:13, 315:16, 315:37
remembered [2] - 265:46, 278:47
remotes [1] - 277:33
removal [1] - 284:16
removed [1] - 283:28
renewed [3] - 254:17, 259:17, 280:26
repaid [1] - 258:5
replace [1] - 282:47
replied [2] - 294:44, 297:41
reply [3] - 292:39, 295:30, 313:17
report [9] - 264:1, 265:17, 265:24, 265:25, 265:36, 266:11, 273:7, 286:34, 288:14
reported [1] - 313:3
reporting [2] - 266:16, 315:15
representations [1] - 272:6
representative [2] - 276:17, 277:8
representatives [1] - 255:37
represented [3] - 258:2, 258:13, 276:45
representing [2] - 275:11, 286:3
reputation [1] - 281:14
request [6] - 264:7, 264:8, 272:29, 317:28, 317:33, 317:34
requested [1] - 317:36
requesting [1] - 315:28
require [2] - 253:19, 298:40
required [1] - 289:36
requirement [3] - 266:19, 266:20, 266:21
requirements [1] - 248:38
requires [2] - 311:12, 312:18
reruns [1] - 258:22
research [4] - 260:20, 261:43, 264:28, 273:28
researched [2] - 262:17, 262:45
reserve [6] - 252:8, 265:22, 265:44, 266:1, 270:36, 271:10
reserves [5] - 259:25, 265:22, 265:24, 266:15, 286:27
residence [1] - 257:40
residency [1] - 282:41
resident [1] - 282:43
residential [1] - 254:37
residents [4] - 273:18, 282:41, 287:7, 293:14
resolution [11] - 263:8, 263:23, 263:24, 263:29, 266:45, 267:46, 272:31, 274:10, 276:12, 313:32
resolve [4] - 263:19, 267:43, 268:44, 287:32
resolved [6] - 263:5, 272:25, 272:36, 273:8, 273:20, 275:15
resolving [2] - 272:38, 314:17
resounding [1] - 273:4
respect [12] - 251:22, 251:33, 254:26, 255:10, 256:40, 258:11, 258:36, 268:41, 276:44, 287:33, 288:6, 288:9
respectful [2] - 277:14, 303:31
responded [1] - 298:3
response [5] - 250:25, 292:40, 304:28, 304:42, 305:24
responses [1] - 261:26
responsibilities [3] -

252:7, 303:39
responsibility [6] - 264:12, 271:15, 274:3, 274:24, 276:8, 307:20
responsible [7] - 274:36, 275:17, 283:30, 284:1, 299:23, 299:30, 318:36
rest [1] - 258:26
restaurant [1] - 292:9
restructure [1] - 283:20
result [2] - 272:6, 272:8
retail [1] - 285:15
retention [1] - 257:29
return [1] - 290:25
returned [2] - 283:7, 283:10
revealed [1] - 283:19
revenue [3] - 282:43, 296:15, 297:31
review [2] - 279:10, 308:1
revisited [1] - 262:37
ridiculous [1] - 306:35
rigged [1] - 294:19
righto [7] - 259:13, 267:18, 269:32, 269:35, 270:39, 271:27, 274:18
righty [3] - 300:39, 300:45, 301:7
rigorous [1] - 251:5
Rinovski [3] - 286:12, 287:13, 287:29
rise [1] - 310:3
rises [1] - 273:20
risk [2] - 265:40, 273:13
road [10] - 271:20, 271:46, 272:22, 273:18, 273:19, 273:31, 273:35, 273:36, 274:12, 299:35
Road [15] - 257:14, 257:19, 257:20, 263:41, 263:42, 263:46, 263:47, 264:7, 264:36, 270:40, 271:33, 272:4, 273:35
road" [1] - 272:10
roads [3] - 267:40, 272:35, 272:39
Roads [2] - 273:32
Robert [2] - 258:35, 259:20
Roberts [5] - 271:45, 273:8, 274:45, 275:4, 275:32
Robinvale [1] - 257:38
role [14] - 249:8, 260:3, 260:10, 260:39, 274:27, 274:28, 274:38, 298:24, 303:8, 304:46, 305:21, 312:15, 315:7
roles [1] - 259:26
RON [1] - 256:3
Ron [2] - 264:24, 271:40
room [2] - 294:25, 294:27
Roslyn [2] - 246:36, 302:3
rot [1] - 283:17
round [1] - 292:10
Roy [1] - 273:16
rubbish [1] - 299:38
Rudd [1] - 277:30
ruin [1] - 292:11
ruling [5] - 256:46, 271:12, 273:42, 277:39, 277:42
rumbling [1] - 291:5
run [22] - 247:29, 255:2, 256:44, 257:25, 258:22, 258:25, 261:28, 262:46, 264:20, 264:25, 264:36, 270:41, 271:17, 274:4, 275:46, 279:13, 281:27, 281:30, 286:42, 287:41, 302:30
rung [1] - 258:36
running [5] - 255:6, 259:23, 274:29, 284:33, 287:8
runs [3] - 263:22, 272:4, 274:1
rushed [2] - 281:17, 305:1

S

sack [2] - 280:40, 307:10
sacked [1] - 283:18
sacking [2] - 281:3, 287:22
safety [4] - 248:7, 248:9, 250:24, 250:35
sale [4] - 260:14, 270:27, 285:36, 286:9
sandmining [1] - 284:24
Sandy [3] - 295:5, 295:6, 295:11
Santin [1] - 276:14
sat [5] - 256:36, 264:29, 271:31, 277:31, 277:32
satisfactory [1] - 280:30
satisfied [1] - 310:17
saw [1] - 254:33
sawmill [2] - 284:14, 284:21
scenario [1] - 287:28
school [2] - 258:6, 286:43
School [1] - 284:17
scope [1] - 292:14
scrutiny [2] - 255:36, 255:37
searching [1] - 295:11
second [5] - 263:4, 263:8, 281:28, 283:41, 304:25
secret [1] - 281:2
secretary [1] - 276:37
section [1] - 265:43
SECTION [1] - 246:9
sector [1] - 275:38
see [32] - 250:26, 253:18, 255:38, 259:34, 260:25, 261:5, 273:12, 274:23, 274:24, 274:26, 274:41, 277:38, 280:35, 281:15, 282:8, 296:19, 296:20, 296:21, 296:23, 296:24, 296:26, 296:27, 297:21, 299:17, 302:4, 303:16, 303:44, 309:4, 311:1, 311:38, 313:24, 317:3
selected [1] - 257:44
selling [1] - 285:35
send [2] - 311:25, 313:16
senior [6] - 254:21, 256:42, 258:32, 260:18, 282:17, 290:36
sent [1] - 304:32
separate [3] - 247:29, 266:6, 296:14
separated [1] - 299:14
September [1] - 282:34
serial [1] - 283:45
series [1] - 270:31
serious [3] - 312:6, 312:9, 312:11
seriously [2] - 267:24, 281:37
serve [3] - 280:38, 284:3, 284:7
served [2] - 247:18, 277:13
Service [1] - 285:35
service [2] - 269:46, 281:14
Services [1] - 281:44
services [8] - 248:28, 248:32, 259:21, 268:45, 270:2, 270:11, 274:30, 280:32
servicing [1] - 288:32
set [9] - 280:37, 283:17, 292:17, 296:45, 297:7, 297:12, 310:12, 310:16, 316:26
settled [1] - 286:14
settlement [2] - 285:41, 286:19
seven [3] - 303:21, 310:43, 312:28
sewer [9] - 254:34, 296:5, 296:14, 296:17, 296:18, 296:27, 297:1, 297:32, 297:34
shake [1] - 313:12
shearer [1] - 285:13
shearing [1] - 285:12
shed [1] - 254:1
sheer [1] - 286:38
ship [1] - 269:24
shire [10] - 249:11, 249:15, 254:38, 262:22, 269:22, 299:40, 300:3, 303:12, 303:32, 304:6
SHIRE [1] - 246:13
Shire [19] - 246:23, 247:8, 255:37, 258:2, 258:32, 259:14, 259:21, 268:25, 280:37, 281:12, 283:17, 283:20, 283:26, 285:45, 294:25, 294:30, 295:36, 295:42, 302:26
shires [3] - 299:32, 300:12, 300:14
shocked [1] - 287:9
shocking [1] - 307:34
shop [1] - 271:31
short [5] - 278:29, 280:19, 283:34, 289:44, 298:7
SHORT [2] - 279:27, 301:23
shortcut [1] - 274:12
shortfall [1] - 294:2
shouting [3] - 306:39, 306:43, 306:44
shovel [2] - 289:21, 289:22
shovel-ready [2] - 289:21, 289:22
show [8] - 251:22, 251:33, 255:20, 255:21, 299:16, 305:27, 308:17, 312:13
shredded [1] - 299:15
shutdown [1] - 284:14
side [2] - 276:26, 278:8
sidelined [1] - 282:17
sign [4] - 312:44, 314:2, 314:30, 315:1
signed [1] - 313:28
significant [3] - 281:22, 281:24
simple [3] - 276:19, 287:19
single [1] - 249:14
sit [3] - 268:46, 289:1, 298:25
sitting [3] - 275:27, 275:29, 288:25
situation [7] - 261:1, 270:12, 281:21, 282:9, 283:29, 299:5, 318:9
six [2] - 269:16, 269:27
size [1] - 289:34
sized [1] - 294:24
skip [1] - 300:22
Skype [1] - 301:21
slap [1] - 309:37
slapped [1] - 310:21
slather [1] - 290:39
slowly [1] - 269:43
small [6] - 254:37, 269:45, 280:9, 281:38, 284:36, 307:32

smaller [1] - 310:40
smart [1] - 286:45
Smith [2] - 269:25, 269:47
snapshot [1] - 315:22
social [5] - 258:38, 258:40, 277:17, 312:20, 317:4
Sofina [4] - 273:10, 282:4, 283:12, 287:12
solar [4] - 284:24, 299:12, 300:29, 300:32
sold [4] - 284:38, 285:46, 286:30, 286:40
solicitor [2] - 285:41, 285:47
solution [2] - 287:19, 288:11
solved [1] - 314:35
someone [3] - 288:9, 290:34, 318:29
sometime [2] - 309:11, 317:34
sometimes [10] - 249:42, 251:5, 253:37, 275:33, 283:42, 283:43, 298:41, 308:26, 308:44, 309:1
somewhat [1] - 310:28
somewhere [2] - 289:29, 295:3
soon [1] - 308:37
sore [1] - 294:46
sorry [24] - 256:41, 257:7, 257:18, 261:17, 261:21, 265:8, 265:13, 265:31, 268:40, 269:4, 269:35, 273:32, 275:42, 277:9, 279:9, 287:39, 297:43, 298:18, 300:42, 302:42, 306:42, 310:38, 315:25
sort [16] - 275:42, 285:13, 285:17, 286:4, 287:1, 287:23, 287:27, 289:9, 296:10, 297:2, 297:21, 298:33, 304:14, 308:29, 314:1, 315:15
sorted [1] - 278:5
sound [1] - 274:19
sour [2] - 312:43, 313:14
South [3] - 246:25, 289:33, 299:42
southern [1] - 299:34
Spain [1] - 301:17
spare [1] - 285:16
speaking [3] - 301:17, 301:20, 311:1
special [10] - 260:30, 260:35, 261:3, 266:36, 267:9, 290:15, 297:47, 309:10, 309:26, 310:4
specialises [1] - 286:47
specific [3] - 298:39, 298:42
specifics [1] - 285:38
speculation [1] - 254:15
speed [2] - 272:25, 273:15
spent [4] - 280:8, 289:16, 289:36, 298:39
split [1] - 250:7
spoken [1] - 251:35
sporting [2] - 258:6, 288:21
spot [1] - 257:47
squatting [1] - 257:46
SRV [4] - 310:8, 311:19, 311:20, 318:19
stacked [1] - 299:20
staff [48] - 248:7, 248:9, 248:13, 248:18, 248:20, 248:35, 250:24, 250:25, 250:26, 250:28, 250:35, 250:39, 250:43, 251:18, 251:19, 252:38, 252:39, 254:21, 256:42, 257:29, 258:32, 259:3, 259:4, 259:11, 260:7, 260:18, 278:9, 278:10, 278:12, 282:47, 283:37, 284:18, 287:35, 287:40, 287:41, 287:46, 290:37, 298:20, 303:29, 304:10, 305:40, 307:21, 307:41, 308:10, 315:20, 315:46, 317:9
staffing [1] - 283:37
stage [12] - 249:3, 275:24, 275:41, 286:32, 287:6, 287:7, 290:28, 306:18, 307:1, 313:7, 314:46, 317:29
stakeholders [2] - 271:43, 272:47
stalls [1] - 308:22
stand [1] - 276:18
standard [1] - 254:2
standing [1] - 260:27
stars [1] - 288:24
start [19] - 249:28, 256:5, 256:31, 257:27, 265:10, 272:44, 287:15, 292:1, 296:46, 296:47, 299:32, 299:33, 301:18, 302:18, 306:37, 306:39, 313:14, 315:5, 315:6
started [13] - 260:46, 261:15, 261:18, 261:25, 262:15, 263:31, 264:3, 269:23, 276:33, 280:1, 288:19, 303:7, 303:13
starting [4] - 259:7, 259:36, 265:8, 299:36
state [6] - 261:32, 261:33, 287:10, 288:27, 298:10, 299:35
State [4] - 258:12, 288:24, 289:31, 289:32
statement [4] - 261:30, 282:27, 290:47, 318:7
statements [3] - 282:29, 311:15, 318:2
states [1] - 318:17
Station [1] - 285:36
station [1] - 257:41
status [1] - 274:11
statutory [2] - 294:43, 295:18
stay [2] - 255:44, 293:19
stayed [1] - 269:21
staying [1] - 312:35
steep [1] - 290:20
step [1] - 272:42
STEPHEN [1] - 292:4
Stephen [1] - 292:8
Stephenson [1] - 258:37
stepping [1] - 257:9
steps [1] - 298:36
Steven [1] - 278:11
Stewart [12] - 257:3, 264:44, 264:45, 265:15, 267:4, 267:8, 267:21, 267:22, 287:29, 288:19, 290:20, 318:22
still [10] - 250:13, 270:40, 271:11, 274:14, 278:6, 286:16, 289:24, 295:30, 301:19, 317:38
stint [1] - 280:12
stomachs [1] - 291:5
stood [1] - 279:16
stop [5] - 257:27, 277:39, 277:41, 278:3, 287:47
stopped [1] - 277:43
stories [1] - 278:9
story [2] - 258:42, 258:43
straight [2] - 278:3, 308:37
straightaway [2] - 289:23, 313:4
straighten [1] - 269:24
straightened [1] - 268:27
straits [3] - 297:16, 299:4, 309:45
strategic [5] - 303:40, 303:42, 304:7, 313:47, 314:38
strategies [1] - 304:19
strategy [1] - 278:39
streaming [1] - 254:23
Street [3] - 246:24, 284:26, 289:21
stress [4] - 281:24, 306:4, 307:37, 307:42
stress-related [1] - 306:4
strong [2] - 288:12, 301:3
stronger [1] - 283:44
strongly [1] - 290:14
structure [2] - 282:21, 283:35
structures [1] - 283:38
stuff [15] - 278:12, 285:13, 287:1, 293:18, 298:13, 298:19, 299:11, 299:32, 299:33, 299:41, 299:42, 300:19, 300:40, 312:10, 312:12
style [1] - 278:19
subject [3] - 256:12, 256:13, 256:20
submission [33] - 250:21, 254:7, 255:31, 256:24, 256:27, 256:41, 257:12, 258:28, 258:29, 258:31, 259:6, 259:33, 269:10, 270:31, 274:44, 275:13, 275:14, 275:19, 279:15, 280:16, 285:28, 289:13, 292:37, 295:3, 304:17, 304:21, 304:26, 305:36, 309:25, 309:34, 313:27, 316:12, 317:47
submissions [9] - 259:42, 259:43, 259:44, 264:19, 267:10, 275:21, 290:24, 309:39, 310:9
subsequent [1] - 283:19
successful [1] - 282:14
succession [1] - 286:47
suddenly [1] - 308:19
suffer [1] - 307:21
suffering [3] - 305:40, 307:42, 309:35
suggested [2] - 253:15, 315:14
suggestion [1] - 318:24
sum [2] - 274:19, 275:3
summing [2] - 275:14, 277:46
super [1] - 312:11
support [2] - 277:5, 283:13
supportive [2] - 309:26, 313:24
suppose [1] - 289:46

supposed [8] - 249:10, 263:25, 266:32, 286:27, 289:45, 299:14, 299:15, 299:28
supposedly [2] - 297:27, 299:11
surely [2] - 278:11, 288:8
surprised [3] - 318:6, 318:16, 318:33
suspected [1] - 314:34
suspended [1] - 308:35
Swan [2] - 283:9, 286:46
swore [1] - 258:23
sworn [4] - 256:3, 280:4, 285:5, 292:4
Sydney [4] - 261:26, 264:30, 293:5, 293:8
system [7] - 263:22, 266:16, 276:13, 282:22, 283:22, 284:4, 315:15

T

table [7] - 255:22, 255:25, 265:3, 277:33, 288:32, 304:44, 316:27
talks [1] - 251:40
taxpayer [1] - 267:45
Taylor [7] - 257:19, 263:42, 263:46, 264:6, 264:35, 271:33, 272:4
tea [1] - 261:10
teachers [1] - 284:17
team [1] - 308:39
temporary [1] - 272:26
ten [1] - 258:13
tend [2] - 304:35, 317:4
tendency [1] - 311:16
tender [3] - 252:13, 313:28, 317:18
tendering [1] - 248:41
tennis [1] - 289:2
Terefa [1] - 273:11
term [10] - 247:4, 249:28, 267:12, 270:47, 280:27, 280:38, 284:32, 285:20, 287:23, 302:26
terminated [2] - 298:25, 299:27

terms [8] - 249:9, 250:23, 255:13, 265:17, 284:2, 284:8, 301:1, 301:2
Terri [7] - 264:46, 269:13, 269:16, 269:19, 269:20, 269:24, 283:8
terrible [4] - 306:21, 307:39, 314:41
terribly [1] - 314:3
testicles [1] - 276:39
thankfully [1] - 249:33
THE [30] - 246:9, 247:3, 254:4, 255:29, 255:47, 256:1, 256:5, 261:47, 279:22, 279:25, 280:1, 280:6, 285:1, 285:3, 285:7, 291:10, 291:12, 292:1, 292:6, 301:12, 301:14, 301:16, 302:1, 302:9, 302:13, 302:17, 302:25, 318:45, 318:47, 319:3
theatre [2] - 305:5, 305:15
theirs [1] - 300:14
themselves [2] - 281:25, 308:27
there'll [1] - 300:5
they've [8] - 260:33, 264:13, 278:41, 285:33, 286:5, 294:16, 300:18, 300:22
thinking [8] - 247:9, 249:13, 249:14, 277:15, 278:11, 311:39, 311:46, 314:44
third [5] - 257:43, 283:22, 283:46, 288:29, 305:39
third-world [1] - 288:29
thousand [1] - 281:41
thousands [1] - 275:9
threat [1] - 307:12
threatening [3] - 316:13, 316:34, 316:37
three [18] - 256:29, 258:31, 259:4, 260:12, 262:40, 264:23, 265:3, 270:18, 271:29, 275:36, 275:47, 276:38, 277:31, 283:22, 284:8, 287:3, 288:46, 289:23
throughout [2] - 264:15, 264:18
thrown [1] - 278:12
tht [1] - 263:18
thumbnail [1] - 280:7
thunder [2] - 257:7, 269:9
tick [2] - 268:40, 304:38
tides [1] - 298:38
tied [3] - 262:8, 262:12
Tim [1] - 266:30
timber [2] - 284:14, 284:21
timbers [1] - 299:20
time' [1] - 308:17
timed [1] - 294:5
timeframe [1] - 289:42
timeframes [1] - 274:37
tip [6] - 299:10, 299:33, 299:42, 300:4, 300:17
TO [1] - 319:3
today [7] - 257:45, 277:37, 295:32, 305:19, 314:35, 314:41, 317:37
together [4] - 255:9, 256:40, 289:4, 299:20
toilet [1] - 289:2
toilets [1] - 262:37
tomorrow [1] - 318:47
tonnes [1] - 299:43
Tony [9] - 256:36, 262:2, 264:42, 267:29, 267:47, 276:43, 277:3, 282:4, 282:6
TONY [1] - 285:5
took [5] - 267:4, 280:45, 285:13, 295:6
top [3] - 306:20, 306:23, 309:2
topic [7] - 249:29, 249:34, 251:47, 253:44, 259:12, 268:16, 302:37
topics [2] - 268:39, 315:32
topped [1] - 297:18
total [4] - 287:24, 294:26, 308:45,

310:41
totally [1] - 286:24
touch [5] - 256:38, 256:45, 270:27, 286:19, 296:16
tough [1] - 298:16
tour [2] - 303:21, 312:28
tourism [6] - 247:26, 283:24, 284:24, 284:25, 306:3, 306:32
tourism-type [1] - 247:26
tourists [1] - 262:35
toward [1] - 265:45
towards [2] - 249:20, 255:11
town [13] - 249:33, 259:28, 262:22, 262:23, 271:28, 284:18, 286:1, 286:13, 288:4, 290:31, 299:34, 299:35
townhouse [2] - 258:43, 258:44
townhouses [1] - 258:43
towns [1] - 262:24
toxic [2] - 306:5, 306:17
track [6] - 252:34, 264:11, 265:11, 265:12, 287:2, 287:19
trading [1] - 285:45
traffic [3] - 272:26, 272:27, 274:18
Traffic [7] - 264:1, 264:8, 272:9, 272:24, 272:28, 272:30
training [5] - 315:11, 315:26, 315:28, 315:36, 315:42
transcript [1] - 300:27
transfer [1] - 284:20
transferring [1] - 313:19
transmit [1] - 311:5
transparent [3] - 255:39, 305:29, 306:45
treading [1] - 256:12
treat [1] - 305:20
treated [4] - 280:46, 281:4, 288:6, 308:11
tremendous [1] - 283:36

tricky [1] - 315:30
tried [5] - 268:44, 288:17, 288:33, 308:31, 314:39
triggered [1] - 313:15
trucked [1] - 299:44
trucking [1] - 299:32
trucks [2] - 300:13, 300:23
true [2] - 253:39, 298:32
trust [5] - 252:8, 265:22, 271:10, 276:29, 286:16
trustee [1] - 266:10
truth [2] - 258:22, 297:23
try [16] - 263:19, 267:43, 267:45, 268:20, 277:23, 289:4, 290:34, 295:4, 296:32, 297:33, 303:36, 303:37, 309:1, 309:13, 311:36, 317:5
trying [13] - 255:39, 268:44, 268:45, 269:36, 275:8, 277:38, 307:9, 311:5, 311:10, 313:37, 314:1, 314:21, 314:24
Tuesday [1] - 246:32
turn [4] - 256:42, 295:6, 309:12, 313:46
turnaround [1] - 252:37
turned [7] - 249:33, 252:31, 270:3, 281:28, 308:17, 313:25, 317:39
turnover [2] - 259:3, 259:11
twice [2] - 253:38, 294:16
two [29] - 256:30, 263:4, 267:12, 267:23, 267:26, 268:27, 271:30, 273:44, 274:5, 276:24, 280:15, 281:28, 283:28, 284:24, 285:37, 287:3, 302:37, 307:37, 308:35, 311:19, 312:24, 313:34, 313:43, 313:45, 314:22,

314:43, 316:9,
316:42, 318:17
two-year [1] - 263:4
type [3] - 247:26,
247:39, 306:6
types [1] - 298:38

U

Ugarte [3] - 301:17,
302:2, 317:46
UGARTE [5] - 302:7,
302:11, 302:15,
302:21, 302:23
uncle [2] - 258:9,
258:22
uncomfortable [1] -
308:21
UNDER [1] - 246:9
under [20] - 259:35,
264:22, 266:15,
271:1, 271:2,
271:12, 273:31,
273:33, 273:42,
274:6, 275:45,
276:14, 277:13,
277:34, 279:5,
281:45, 283:27,
288:25, 288:31
understood [5] -
262:17, 262:18,
262:41, 294:39,
300:31
undoes [1] - 276:28
unfairly [1] - 280:25
unfortunately [3] -
280:39, 301:16,
307:28
units [2] - 258:44,
279:4
unless [2] - 293:17,
296:9
unnecessary [1] -
281:3
up [67] - 251:46,
254:35, 255:37,
258:7, 258:9,
258:29, 259:30,
259:31, 259:46,
262:31, 264:24,
264:47, 266:32,
266:41, 266:42,
267:35, 269:26,
271:45, 272:16,
272:20, 272:23,
273:15, 274:19,
275:3, 275:14,
275:25, 276:37,
277:20, 277:46,
278:7, 278:47,

280:27, 281:38,
282:41, 284:25,
285:43, 286:19,
288:11, 288:46,
289:23, 293:37,
294:1, 294:6, 294:7,
294:19, 294:30,
294:34, 294:45,
295:2, 295:7,
295:12, 295:13,
295:33, 295:44,
296:37, 297:18,
298:8, 298:11,
298:19, 298:20,
298:33, 312:29,
312:33, 312:39,
313:1
updating [1] - 298:9
upgrades [1] - 257:20
uproar [1] - 273:1
upset [2] - 255:34,
280:28
Upton [1] - 260:22
useful [2] - 284:47,
315:27
user's [1] - 288:20
uses [1] - 283:42

V

vaguely [2] - 295:7
valid [1] - 290:19
value [2] - 314:8,
314:10
van [1] - 262:40
Van [1] - 276:14
variation [7] - 261:3,
267:9, 290:15,
298:1, 309:27,
309:30, 310:4
variations [1] - 260:35
variety [1] - 276:16
various [1] - 298:38
vendor [1] - 286:3
viable [1] - 286:41
vibrant [1] - 286:41
Victoria [1] - 299:41
Victorian [1] - 269:26
video [1] - 294:32
view [15] - 254:9,
254:30, 261:28,
264:16, 266:29,
267:3, 270:38,
274:1, 275:39,
276:7, 276:8,
276:28, 282:21,
284:11, 305:20
viewed [1] - 294:32
viewing [1] - 293:38
views [2] - 310:7,

318:40
vision [1] - 277:19
visits [1] - 305:32
visual [1] - 260:17
vocal [3] - 313:24,
313:37, 317:5
voice [4] - 249:10,
253:20, 286:37,
303:47
VOICE [1] - 261:45
voices [2] - 251:12,
312:14
vote [9] - 249:46,
250:2, 250:5,
250:18, 255:17,
255:18, 255:23,
309:22
voted [9] - 249:40,
276:9, 295:2,
295:12, 295:13,
309:16, 313:39,
314:24
voting [9] - 250:13,
252:39, 255:13,
255:15, 255:16,
255:26, 276:1,
309:18, 311:4

W

wait [2] - 267:15,
318:10
waiting [1] - 295:30
Wales [3] - 246:25,
289:33, 299:42
walked [2] - 264:46,
265:2
walking [1] - 261:10
walks [1] - 288:36
wall [1] - 294:47
wants [3] - 276:18,
288:47, 289:3
war [1] - 309:12
warm [1] - 288:37
warrant [1] - 271:13
WAS [1] - 319:3
waste [4] - 289:20,
300:21, 300:31,
300:32
watch [1] - 281:45
water [4] - 254:34,
294:26, 294:27,
296:24
ways [1] - 314:7
wealth [1] - 258:20
website [1] - 267:1
WEDNESDAY [1] -
319:3
Wednesday [1] -
266:26

week [4] - 276:41,
276:46, 304:33,
304:37
weeks [6] - 264:23,
267:12, 267:23,
267:26, 276:38,
307:37
weight [1] - 297:47
welcome [2] - 301:20,
305:36
wellbeing [1] - 249:14
Western [1] - 259:15
western [2] - 266:17,
277:19
wheel [1] - 275:46
whim [1] - 284:37
White [1] - 281:44
who'd [1] - 279:16
whole [9] - 249:9,
256:35, 271:6,
276:30, 277:7,
281:26, 296:32,
314:33, 317:38
wholly [1] - 249:43
wide [1] - 276:16
wife [2] - 280:36,
288:31
Williams [2] - 278:35,
278:38
willing [1] - 253:3
win [1] - 279:3
wind [1] - 300:33
wisely [1] - 283:42
wish [8] - 262:39,
278:17, 278:18,
303:25, 314:36,
315:37
wished [1] - 268:27
wishes [1] - 284:38
WITHDREW [6] -
255:47, 279:25,
285:1, 291:10,
301:14, 318:45
witness [2] - 281:20,
301:16
WITNESS [6] - 255:47,
279:25, 285:1,
291:10, 301:14,
318:45
wonder [1] - 260:28
wooden [3] - 299:13,
299:14
wool [2] - 280:8,
285:12
word [3] - 257:13,
293:22, 307:7
words [3] - 274:35,
296:33
workload [1] - 308:6
workplace [1] -
306:33
works [1] - 249:45
workshop [3] - 305:4,
305:7, 305:11
workshops [1] -
316:29
world [4] - 253:9,
288:29, 308:33,
314:34
worms [1] - 314:31
worried [1] - 312:8
worries [2] - 268:41,
318:43
worry [4] - 286:18,
287:14, 304:35,
305:16
worse [4] - 292:26,
306:8, 307:28,
307:35
worst [3] - 290:33,
307:38, 318:26
wow [1] - 314:23
write [1] - 273:2
writing [1] - 290:22
written [6] - 250:21,
275:20, 290:27,
298:45, 308:46,
317:46
wrote [1] - 288:18

Y

year [25] - 254:38,
258:34, 263:4,
264:5, 265:45,
266:16, 269:43,
270:7, 270:12,
270:15, 281:28,
281:41, 288:18,
289:6, 295:2,
295:12, 295:13,
295:14, 295:18,
297:20, 299:43,
310:41, 310:43,
313:11, 313:34
years [40] - 256:30,
258:1, 258:5, 258:9,
258:10, 258:13,
258:15, 258:18,
258:19, 259:17,
262:29, 262:38,
263:38, 267:35,
268:27, 269:16,
270:18, 274:23,
274:42, 276:24,
284:13, 284:33,
285:9, 285:11,
287:4, 289:24,
290:28, 299:7,
302:37, 303:21,

307:41, 312:24,
312:29, 313:45,
314:22, 314:33,
314:43, 316:9,
316:42

years' [2] - 278:42,
300:4

yelling [2] - 306:39,
306:44

yesterday [1] - 299:17

Z

zone [1] - 309:12