

From: Ian Robertson

Sent: Wednesday, 19 August 2015 9:36 AM

To: (names deleted)

Cc: 'Marcia Doheny' <Marcia.Doheny@olg.nsw.gov.au>

Subject: FW: Response from the Chief Executive, Office of Local Government (Our Ref: A429661)

Hi (names deleted)

(Name deleted), when we spoke a fortnight ago (while I was trying to find out if you lot were going to do anything at all about the fiasco at North Sydney) you were tightlipped and didn't want to disclose what was being contemplated other than it was getting "very serious" consideration. I observed in response that I thought this is what had been happening for the last nine months or more anyway.

So, I'm enormously surprised and disappointed at the content of this bullshit letter from OLG dated 17 August. Surprised and disappointed, but in a way at the same time, unfortunately not.

The history of Code of Conduct findings; censure resolutions for breaching confidences; a PIO; two failed conflict resolution processes as a result of the PIO; a response to the OLG/Minister advising that they had failed - so if there was going to be any performance improvement, it wouldn't be happening through the vehicle provided by the PIO. You won't need reminding that under 438B(2) the Minister **must be satisfied** that the Council has complied with the PIO but I'm sure that the Minister wanted something more in issuing a PIO and requiring conflict resolution processes, that those processes would have worked. If they fail, what's next? Nothing?

But the best that the OLG can say is this:

I appreciate that this is a difficult situation for all parties involved. However, all individuals have a responsibility to ensure that working relationships are productive and professional despite any personal differences that may exist.

"Personal differences"? Does that mean that the view of the OLG and the Minister is that what you have at North Sydney is nothing more than a manifestation of personal differences?

Even if that is true (and we say it is demonstrably and unarguably untrue) I would have thought that the failed conflict resolution processes would have exhausted that as an excuse to do nothing.

The list of issues identified above in my third paragraph, possibly individually but certainly collectively constituting sufficient for a suspension under section 438I and 438 are being ignored or rejected as sufficient cause by you. 438B(1) allows the Minister to suspend "to restore the proper or effective functioning of the Council" and you would struggle to find anyone who thought that North Sydney was manifesting proper and effective functioning.

More importantly, 440F defines misconduct in a way that would allow the almost instantaneous suspension of the Mayor. This behaviour is notorious at the Council, in the community and the industry and well known to OLG and the Minister. It is also continuing and showing no sign of abatement.

The bullshit letter from OLG refers to my emails at 23 and 24 July, so was clearly a response to that, amongst other things.

In my 23 July email (you both were copied in as well) I said this:

If you are at the stage now that you want to tell us that regardless of what happens at North Sydney; regardless of how many Code of Conduct findings may be made against the Mayor; regardless of the breaches and leaking of confidential information; and regardless of the constant bagging of majority decision-making, you are not going to do anything at all, then please tell us.

Clearly the 17 August letter confirms that you are not going to do anything at all. I would like something unequivocal in reply as we contemplate what to do next.

Please confirm.

I would also like an urgent meeting with you and/or OLG before we entirely write off the willingness of the Minister to act consistent with his legislative discretion and obligations.

Finally, let me make the observation that we are entitled in examining and absorbing the correspondence, when OLG says "all individuals have a responsibility to ensure the working relationships are productive and professional", that the observation does not apply to them.

Regards

Ian Robertson
Secretary
depa

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From: Office of Local Government Response [<mailto:OLGResponse@olg.nsw.gov.au>]
Sent: Monday, 17 August 2015 1:40 PM
To: Ian Robertson <ian@depa.net.au>
Subject: Response from the Chief Executive, Office of Local Government (Our Ref: A429661)

Dear Mr Robertson

Please find attached a response from the Office of Local Government, in Adobe Acrobat format.

To view the attachment, you will need to have the Acrobat Reader program installed on your computer. If you don't, you can download it (free of charge) from the Adobe website at <http://get.adobe.com/reader/?promoid=JZEUFU>.

Regards

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