



Media Release

30th January 2019

Public Inquiry into Balranald Shire Council

“On the 29th January 2019, Minister the Hon Gabrielle Upton MP, announced the appointment of a Commissioner for the conduct of a public inquiry for Balranald Shire Council under section 438U of the Local Government Act 1993. Whilst the Balranald Shire Councillors are disappointed that the Minister has taken this approach, we do see this as a positive step towards finalising the current performance improvement order we are operating under.

On behalf of my fellow Councillors and I, we would like to express our support for the process and will work proactively with the Commissioner to work through this Public Inquiry”

Cr Alan Purtill, Mayor Balranald Shire Council

“The provisions of the Local Government Act allow the Minister under section 438U to appoint a Commissioner for the conduct of a Public Inquiry. From an operational perspective, Council will continue to deliver the high level of service as our community has come to expect. Our priority and critical concern at this time remains on the availability of safe and secure water for critical human requirements and we will continue to work with all levels of Government in delivering services to our Community.

The process associated with the inquiry will examine matters as detailed in the below terms of reference.

Ms Roslyn McCulloch has been appointed as Commissioner to hold a Public Inquiry into Balranald Shire Council under section 438U of the *Local Government Act 1993* with the following terms of reference:

To inquire and report to the Minister for Local Government with respect to whether:

- 1. In exercising its functions pursuant to sections 21, 22, 23 and 24 of the LG Act, the governing body is meeting its obligations to provide strong and effective leadership in a manner consistent with the guiding principles set out in sections 8A, 8B and 8C of the LG Act, including whether its leadership with respect to Council’s management of its responsibilities relating to long term financial planning, public land management and provision of services is appropriate;*
- 2. In exercising its functions pursuant to sections 21, 22, 23 and 24 of the LG Act Council is meeting its obligations to act as a responsible employer, providing a safe, consultative and supportive working environment for the general manager and other staff in a manner consistent with the guiding principles set out in section 8A(1)(i) of the LG Act and any other statutory requirements considered relevant;*
- 3. In exercising its functions pursuant to sections 21, 22, 23 and 24 and Part 2, Divisions 2 and 3 of Chapter 9 of the LG Act, the governing body’s Mayor and councillors’ conduct and decision-making both collectively and/or individually demonstrates an understanding of their*

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role under sections 226 and 232 of the LG Act.

- 4. In exercising its functions pursuant to sections 21, 22, 23 and 24 of the LG Act, the governing body acts in accordance with the guiding principles set out in section 8A of the LG Act including whether the governing body commands the confidence of its community.*
- 5. In exercising its functions pursuant to sections 21, 22, 23 and 24 of the LG Act, Council has complied with its obligations as Reserve Trust Manager under the Crown Lands Act 1989 of the Balranald Caravan Park.*
- 6. Any other matter that warrants mention, particularly those that may impact on the effective administration of Council's functions and responsibilities or the community's confidence in the Council being able to do so.*

The Commissioner may make recommendations as the Commissioner sees fit having regard to the outcomes of the Inquiry, including whether all civic offices at Balranald Shire Council should be declared vacant.

The Public Inquiry will provide an opportunity for a public, detailed examination of the issues confronting Council.

Further information in relation to the public inquiry will be made available in the coming days.

General Manager, Mr Michael Kitzelmann