

Template for submissions

Members of the public are welcome to make written submissions to the Inquiry which address one or more of the Terms of Reference.

The Terms of Reference for the Inquiry are:

1. To conduct an inquiry into matters relating to the affairs of the South Gippsland Shire Council, including through an examination of:
 - a. The final report from the municipal monitor and any responses from the Council or Councillors to the Minister's letter dated 2 April 2019;
 - b. The conduct of individual councillors during the term of the current Council;
 - c. Processes and decisions in the lead up to the conclusion of the current Chief Executive Officer contract, including the appointment of an Acting Chief Executive Officer;
 - d. Any other decisions made, or actions taken, by the Council after the Minister's letter dated 2 April 2019 to the Council;
 - e. The efficiency and effectiveness of the Council's governance arrangements in delivering services to its constituents; and
 - f. Any other matters identified by the Commission that have an impact on the Council's ability to function.
2. To report to the Minister for Local Government in writing on the matters outlined above by 13 June 2019.

Authors of submissions can also indicate if they would like to speak about their submission with Commissioners, either privately or publicly.

All submissions will be made public on the website unless:

- The author requests that their submission is not made public; and/or
- They are considered to contain content which could be defamatory.

Name:	John McCombe
Name made public on the website?	Yes
Submission made public on the website?	Yes

Please outline any matters relating to the Terms of Reference for the inquiry:

Please consider the attached open letter dated May 16, 2019 – ACTING CEO Appointment. This letter was published in each of the 4 local newspapers (South Gippsland Sentinel Times and The Great Southern Star -May 21, Foster Mirror and Mirboo North Times- may 22)

Please see the dot points below:-

- **May 7th - The Star front page "Council to choose new boss -"**Tim Tamlin been shot and is out the door". However on Page 8, the full story had a more balanced coverage in reporting a statement attributed to Tim Tamlin – " council had formally considered him for the position of CEO twice – when they had opportunity to re-appoint him and then to consider his application for the acting CEO role – but had rejected him". That statement is proof positive that the Council did not act hastily as some portrayed.
- **A further extract from Tim Tamlin notes :** Now that his hat is not in the ring for the Acting CEO role, Mr Tamlin has encouraged other Council staff to apply".
- **In a radio interview it is reported that Tim Tamlin nominated Bryan Sword as his "Captains Pick" to fill the role of Acting CEO.**

- **It is hard to believe that on the basis of the above that Council acted inappropriately.**

Also I wish to draw your attention to the attached email exchange between myself Cr R. Cousins pertaining to the aforementioned letter. Why was the original email "Bounced"? The reason given in the rejection notification was "Rejected for Policy Reasons". I believe this required further investigation as it may be part of a bigger problem. Its noted there all too frequent mentions from Councillors they have not received an email wheras other have received it.

There has also been instance when a question has been submitted – sometimes lodged personally at the Council offices – where the question has been "lost" in the processing. Furthermore a question submitted by [REDACTED] at approx. 10.00amat the Ordinary Council Meeting, 24 April 2019, was morphed into an entirely different question when it was answered at approximately 2.00pm by the Mayor, Cr Don Hill. Answers are required as to the altered question and why it was done!!! Who authorised the changes – part of the revamped question was not mentioned at all in the original? Did the Mayor realise the question he answered was not the same as the question submitted earlier by the ratepayer? The official notification of the response (dated 30 April, 2019) is signed by the CEO Tim Tamlin and includes the wording of the question that was answered but not the wording of the question as submitted. (see attachment).



TO: 395 CEO
PRIVATE BAY
LEONSBATHA. VIC 3953.

DEAR COUNCILLORS

ENCLOSED SUBMISSIONS NUMBERED 1 -
RE PROPOSED RAINBOW STRATEGY 2014 - 2022

I,  formally

request to be heard in support of each of

the 5 submissions, as per the S92C

submission process as outlined in SECTION

of the LOCAL GOV ACT 1989

Yours faithfully,



TO: CEO SGC
SUBMISSION 5

SUBMISSION 5

SUBMISSION RE SYS RATING STRATEGY
QUESTION WITHOUT NOTICE:
PROPOSAL 2019 - 2022

Question No: 1.

What specific event &/or administration performance failure happened between 1ST. October, 2018, when Cr. Don Hill, in the presence of Cr. Meg Edwards & MP Danny O'Brien, addressed about 80 ratepayers at a Public Meeting (Scout Hall, Korumburra) & firmly indicated a rate reduction of 10% was affordable & yet, by March, 2019 Cr. Hill is supporting a 2.5% rate increase – effectively that's a multi-million \$, 12 ½% turnaround in the rate revenue target in just 5 months - such a change of position appears odd, given [REDACTED] said around that time: "Cash and other financial assets were projected to be \$18.87 million in 2018-19" (Ref. The Great Southern Star, 30 Oct. 2018, p9) & moreover when considered in light of Cr. Hill's previous commitment to the 'South Gippsland Council Plan 2017-2021 (Adopted Revised Version – June 2018), Ref. page 23, where in the segment 'Enhance Organisational Development & Implement Governance Best Practice' – Strategies to Achieve the Objective, 4.3, it states: "Work in partnership with the Chief Executive Officer and senior staff to develop a four year Rate Reduction Strategy, to reduce the rate burden by 3% through improved innovation and productivity savings, streamlining the administrative structures and processes, through improved Business Unit performance and economic growth"?

Ref D3024719



South Gippsland
Shire Council

Come for the beauty. Stay for the life!

30 April 2019



Dear 

**Ordinary Council Meeting 24 April 2019 –
response to question submitted to Council**

Thank you for presenting at Council's public presentation session and submitting a written question to the Ordinary Meeting of Council 24 April 2019. A response was provided in the Meeting by the Mayor, Councillor Hill and as an Attachment to this letter.

The question and response were tabled at the Ordinary Meeting, and are available in the Council Minutes, refer [http://www.southgippsland.vic.gov.au/meetings/meeting/132/council_meetings - agendas and minutes](http://www.southgippsland.vic.gov.au/meetings/meeting/132/council_meetings_-_agendas_and_minutes)

For further enquiries, please contact the Council Business Team on 5662 9200 or council@southgippsland.vic.gov.au.

Yours sincerely

Tim Tamlin
Chief Executive Officer



Attachment

Minutes - 24 April 2019

11.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Ordinary Council Meetings are to be written and submitted to the Council Business Team by close of business on the Friday preceding the meeting to allow time for a response to be prepared, where possible, for the Council Meeting.

Questions can also be submitted in hard copy format into the 'Public Question Box' within the first 15 minutes of an Ordinary Council Meeting.

Public Question Time in Ordinary Council Meetings is to be used for matters that are generally political in nature or that cannot be addressed by other means. This session should not be used for questions on routine works or operational matters, planning (application) matters or for repeating previously answered questions.

Source: Public Participation in Meetings with Council Policy (C65) – adopted 28 November 2018.

_____ submitted a question which was read aloud at the Public Presentation session earlier at 10am. A response to the question is provided.

Question

At our community rates meeting 1/10/18 Cr Hill publicly assured the audience that there were sufficient funds in council for a rates decrease to be honored by SGSC. By March 2019 this information was overturned by a proposed rating strategy that increases SGSC rates making them disproportionately high to those of our neighbours. Why did this change?

Not mentioned original question

Response

The Mayor, Cr Hill responded to this question in the Council Meeting.

Council has established Budget Committees where proposals are discussed and recommended to the draft budget which was approved by this Council, this is the position of Council. I expressed a view on the day that was not reported correctly, a rate reduction of 10% was achievable over time I probably said over 10 years and that certain things would need to happen. I never suggested that a 10% rate reduction could be achieved overnight.

The 2.5% rate increase is Consumer Price Index (CPI). All Councils have CPI increases as a matter of fact, whether we can reduce the overall rate burden or not, the 2.5% CPI is applied this year. It is not a turnaround as suggested. The current Council Plan 2017 – 21 does include [Objective] 4.3 statement about the 3% reduction and at the moment this is in Council's Plan. The proposed

This was intro from 2016-17 - A was already on to D.H. when he addressed the meeting.

Council Plan, put for consultation does not have that in there that is the recommendation of the Council at the current moment. It is open for the community members to submit submissions (section 223 process) to the Budget, Council Plan and Rating Strategy. When responses are received, they will then be heard and possible changes made to those documents by Council.

It will be noted on in June this year after the consultation process.

[Web]link to Council's documentations on public exhibition.

[\[Web\]link to Council's documentations on public exhibition.](#)

John McCombe

From: "John McCombe" <[REDACTED]>
Date: Friday, 17 May 2019 8:05 AM
To: [REDACTED]
Attach: Acting CEO appointment.docx
Subject: Fact Check

Good morning, [REDACTED]

FYI – This went out yesterday in a group email. Yours, along with several others bounced back from the shire: "Rejected for policy reasons". So I am trying to see if it goes through as an individual email.

The message read: "The error referred to is easily made, but, it completely changes the connotation of the decision made. I considered it important to draw it to the attention of the 4 local papers – all of whom made the same mistake – & hopefully the SGS constituents & all others with an interest in the allegations concerning SGSC."

I do hope you are getting adequate rest during this very difficult time – I have a pretty good idea what you are going through. You don't get over it, but you learn to live with it.

Kind regards,

John McCombe

John McCombe

From: "John McCombe" <[REDACTED]>
Date: Friday, 17 May 2019 11:49 AM
To: [REDACTED]
Attach: Letter dated 16 May 2019.docx
Subject: Correction

My apologies, [REDACTED]

My earlier email had a draft of the letter attached, rather than the finished version, which I have attached herewith.

Regards,

John McCombe

16 May 2019

Acting CEO appointment

The sensationalizing of the reporting of the appointment of Mr Bryan Sword as Acting Chief Executive Officer (CEO) by Council at the Special Emergency Meeting, on 8 May 2019, might help sell papers, but please guys, be factual.


I was in the Public Gallery and checked the Minutes after reading our local papers, to make sure I was at the same meeting:

- Council are under instruction to continue with '*business as usual*'.
- They continued with '*proper process*', commenced months ago, concerning the commencement of a new contract with the impending expiration of the current CEO's (Mr Tamlin) contract, on the 25 June 2019.
- Mr Tamlin confirmed he would be seeking a further term and applied for the position.
- Even though Mr Tamlin was the only '*first round*' applicant, he was unsuccessful. The reason being '*Council wanted to go in a new direction*'. Is there anyone out here in the '*real world*' that will take issue with that objective? Given Mr Tamlin has been in the role for 10 years, an exceptional length of time for any CEO, this can only be viewed as '*standard practice*' and nothing to do with his performance – good or bad, depending on your viewpoint.
- The timelines available controlled the vetting process of '*second round*' candidates and forced far from desirable limitations on to Council. Check the *Local Government Act 1989 (the Act)*, Section 94 (1A) and 94 (4A), and you will find Council followed the letter of the law, insofar as humanly possible. Cr Argento certainly saw it this way, and in this case, I happen to agree with him.

The reporting erred in a critical area. The temporary appointment is for "... ending no later than 24 June 2020". That has a completely different connotation to the one year term reported. If an administrator is appointed, the temporary CEO position can be overturned. If democracy prevails and Council is not interfered with, the normal replacement process can be resumed, when advantageous.

Abandon the Tim Tamlin '*band-wagon*' - he is accepted employment elsewhere. Give Bryan Sword '*clean air*' and the fair go he's entitled to!

Yours faithfully



John McCombe