

PUBLIC INQUIRY INTO THE NORFOLK ISLAND REGIONAL COUNCIL

**South Pacific Hotel Board Room
110 Taylors Road, Norfolk Island 2889**

Before: Ms Carolyn McNally, Commissioner

Counsel Assisting:

**Mr Paul Bolster
Ms Kathleen Morris**

On Tuesday, 1 June 2021 at 10.03am NFT

(Day 2)

1 THE COMMISSIONER: Hello, Mr Bolster.

2

3 MR BOLSTER: Good morning, Commissioner. I should say for
4 the record that there will be three witnesses today instead
5 of four. First off we will have Mr Neilsen, then we will
6 have Mr Wilson and then we will ask you to adjourn until 2
7 and we'll come back for suspended Councillor Buffett at 2.

8

9 THE COMMISSIONER: I think we've got a problem with the
10 audio though. I don't think they can hear up the back. Is
11 that better?

12

13 UNIDENTIFIED SPEAKER: Yes.

14

15 THE COMMISSIONER: Okay.

16

17 MR BOLSTER: All right, in that case I'll proceed and call
18 Mr Roger Neilsen.

19

20 <ROGER JAMES NEILSEN, sworn: [10.04am]

21

22 <EXAMINATION BY MR BOLSTER:

23

24 MR BOLSTER: Q. Sir, for the benefit of the Commission,
25 could you state your full name, please?

26 A. Roger James Neilsen.

27

28 Q. You were formerly employed by the Norfolk Island
29 Regional Council as its chief financial officer?

30 A. No, that's not correct.

31

32 Q. What was the role that you held?

33 A. I came over as a contract accountant and I think they
34 gave me the title of interim finance manager.

35

36 Q. Was there a chief financial officer from whom you
37 received some form of handover at the time?

38 A. No.

39

40 Q. How did you come to be on the Island? Did you have a
41 communication with Mr Roach?

42 A. Yes.

43

44 Q. What was the brief that he gave to you?

45 A. He said he needed some assistance with a number of
46 financial matters and asked if I would be available to come
47 over for a period of up to three months.

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Q. What sort of assistance did he tell you that he needed right from the start?

A. He needed some help in completing the third quarter budget review, putting together the 20/21 budget, reinstatement and reconciliation of several court trust accounts, distribution of overheads and depreciation, looking at an asset management system, implementing a purchase card system.

Q. You took up the appointment and you came to Norfolk; had you had any involvement with Norfolk Island Regional Council before?

A. I had no involvement with them prior.

Q. Never been to the Island before?

A. I was here about nine years ago just for a week on vacation.

Q. When you arrived was the end date of three months into the future?

A. Yes.

Q. And so, when did you start and when did you finish?

A. Well, I arrived on the Island on 18 April and I was placed into isolation, because this was during the COVID period.

Q. Of course, yes.

A. For a period of two weeks, but fortunately they were able to move me up to a house where they had set up an office, the council had set up an office for me, so I effectively started working on the following Tuesday.

Q. So, 18 April through till around the 2nd - 1st or 2nd of May you were on your own, I take it?

A. Pretty much; I had email contact.

Q. What was the state of the information that was provided to you at that time?

A. Disarray could be a good term.

Q. What documents were you given?

A. I was given a few papers just outlining a few of the issues that they needed to resolve, I don't actually recall the details of those, but I had access to the finance system.

1
2 Q. And what sort of system was that, was that the Civica
3 system?
4 A. That was the Civica system.
5
6 Q. What was the state of the records in the Civica system
7 at that time?
8 A. Well, previously as I had said, disarray, and that was
9 a fair way of viewing it.
10
11 Q. What needed to be done to enable those records to
12 properly reflect the books and records of the council?
13 A. There was an inability to access the information in
14 any meaningful way. There was a whole layer of
15 functionality in Civica that had never been set up.
16 There's an area above, if you like, the GL accounts
17 called - and it's a hierarchy. So, you can install the
18 hierarchy so you can see what departments look like, what
19 cost centres look like, what the whole of the council would
20 look like, and that hierarchy can be connected to a product
21 called Biz which gives you a much better view of that
22 hierarchy and gives you the ability to drill down through
23 the system down to the transactions that was missing from
24 the system.
25
26 Q. Is that sort of capability normally evident in local
27 government functions elsewhere, in your experience?
28 A. Yes.
29
30 Q. What sort of data were you prevented from accessing or
31 obtaining because of the state of the accounts?
32 A. The data was there but it was difficult to extract.
33
34 Q. How long did it take you to extract it?
35 A. I probably spent a week figuring out how to get the
36 data out of the system that I needed.
37
38 Q. That's when you were in isolation?
39 A. While I was in isolation.
40
41 Q. Were you provided with the six-monthly accounts to the
42 end of 31 December 2019?
43 A. I had a copy of the second quarter budget review.
44
45 Q. The second quarter budget review, that's what I'm
46 talking about.
47 A. Yes.

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Q. Assume for the record that that was presented to council on 18 March, council did certain things with it, but that was a document you recall being provided to you?

A. Yes.

Q. When you look at that document - we might bring that up, if we could. NIRC.PUB.001.0261.00001. You will see that pop up on the screen there. This is Mr Roach's report. If we could go down a few pages to the commencement of the actual - if you go down a bit to the next page, thank you. That's what we're talking about, aren't we?

A. Um, yes.

Q. Perhaps if we keep scrolling down so Mr Neilsen can familiarise himself with it. You recall being provided with that?

A. It looks like what I was provided with.

Q. When you read those accounts what do you recall as being the significant features that stood out to you?

A. I don't actually recall there being any; there may have been at the time, but I don't recall what they were.

Q. You then prepared the first quarter budget review, if we could bring that up, please. NIRC.PUB.001.0263_0549. You will see here, not only did you do the accounts, you prepared a report for council; do you remember that?

A. I remember preparing the report, yes.

Q. What was the most significant thing that council needed to know about its position at the end of that third quarter in 2020, do you recall?

A. I don't know what the council felt was the most significant thing but --

Q. What did you think they needed to --

A. Well, it would be whether or not they were going to make a surplus or a deficit given the fact that COVID had impacted dramatically on their revenue sources and whether or not they'd have sufficient funds to meet their immediate obligations.

Q. On that second question, what was the view that you formed?

A. My view was, they did have sufficient funds to meet

1 their obligations until 30 June.

2

3 Q. Until 30 June?

4 A. M'mm.

5

6 Q. Did you form a view about that position going forward
7 into 2020/2021?

8 A. I had concerns that, if the COVID lockdown situation
9 continued, that they would not have sufficient funds to
10 roll out their programs.

11

12 Q. I take it, at the time there was still expenditure on
13 both the airport and roads contracts that was expected to
14 be paid out/dispersed, not in the current financial year,
15 but in the 2020/21 financial year?

16 A. Yes.

17

18 Q. Is it a fair summary to say that cash reserves looked
19 as though they would dwindle or reduce, however you want to
20 put it, to an unsustainable point at some stage during
21 2020/2021?

22 A. At the time that I did the third quarter budget
23 review?

24

25 Q. Yeah.

26 A. No, because I didn't have sufficient information about
27 what would happen in the following year at that point.

28

29 Q. Did Mr Roach discuss with you his concerns about where
30 council's finances were heading at around that time?

31 A. Yes.

32

33 Q. What was the tenor at the discussion? What was the
34 message he conveyed to you?

35 A. Well, he was concerned that, if the COVID lockdown
36 situation continued, that council would effectively run out
37 of money at some point in the future.

38

39 Q. Can I ask you a question, I don't know the answer to
40 this, but was there a JobKeeper/JobSeeker support package
41 in place on Norfolk Island at the time?

42 A. I don't know.

43

44 Q. Was the council entitled to any payments to subsidise
45 keeping employees employed at that time?

46 A. Not that I'm aware of.

47

1 Q. Were you consulted about the plan to reduce staff
2 members as a means of bringing the budget into a better
3 position?
4 A. I don't believe "consulted" would be the right word, I
5 mean --
6
7 Q. How would you describe it?
8 A. I was told that there would be a need to reduce staff.
9
10 Q. Just so I can be clear, in terms of developing policy
11 and strategy around the books, was that a matter that you
12 were involved with or did you have more of a traditional
13 accountant's role and effectively reporting on implementing
14 what other people had made decisions about?
15 A. Mine was more of a traditional accounts role.
16
17 Q. Do I take it, that means you didn't offer advice about
18 the way in which council should be positioning itself in
19 terms of strategy?
20 A. I had no strategy input.
21
22 Q. When you came out of lockdown and you were, I assume,
23 tasked with dealing with the accounting staff that are
24 employed in council, how many people did that involve?
25 A. Two.
26
27 Q. Were they qualified?
28 A. No.
29
30 Q. And, I don't want to name them, but how would you
31 describe their skills in terms of what was needed to run
32 the books and records of the council?
33 A. Well, they didn't have those skills, they weren't -
34 that wasn't their responsibility.
35
36 Q. That wasn't their skill set, I take it?
37 A. No.
38
39 Q. What were their roles?
40 A. They were finance admin people responsible for
41 accounts receivable and accounts payable and bank
42 reconciliations.
43
44 Q. Were there issues in the way that Civica had been run
45 up until the time that you arrived that you identified
46 in --
47 A. Yes.

1
2 Q. What did those deficiencies show about the skill set
3 of the people who were operating those systems?
4 A. They weren't skilled enough to operate the system
5 effectively.
6
7 Q. Can you give us an example of mistakes that were made
8 that indicate that?
9 A. There are/were a number of items taken up as
10 liabilities which were actually trust monies and they
11 should have been held in the trust section of the ledger,
12 not incorporated into the operating position of the
13 organisation.
14
15 Q. Any other examples?
16 A. There was an issue with determining whether or not
17 when they were doing manual journals whether they should
18 be - what they should be debiting and what they should be
19 crediting.
20
21 Q. Did you endeavour to expand their skill set when you
22 met them face-to-face?
23 A. From time to time when I became across an issue I
24 would discuss it with the person involved, though I didn't
25 undertake any training of the staff.
26
27 Q. Do I take it, effectively the only person who was able
28 to reinstate/regularise the Civica set of accounts was
29 yourself?
30 A. Yes.
31
32 Q. Did Mr Roach have a skill set in that area?
33 A. He at one point in his career was an accountant, but I
34 think that's some years ago.
35
36 Q. You didn't observe him to be involved in the process
37 of restoring the accounts?
38 A. Oh, no, no.
39
40 Q. That wasn't your task?
41 A. No, it wasn't. My task was to undertake the tasks
42 that I read out earlier, but there wasn't sufficient time
43 for me to rebuild or fix the problems within the Civica
44 system.
45
46 Q. At the end of the three month period when you left
47 what was the state of the Civica system at that time?

1 A. The state of the Civica system was pretty much how I
2 found it, hadn't really improved all that much; a few
3 issues would have been rectified, but the skill set of the
4 people downstairs was still pretty much the same as it was
5 when I was there.

6
7 Q. So, I may be missing something, but if the system was
8 the same as it was and the two people had the same skills,
9 how did you present the accounts in a proper form?

10 A. Well, the reports that I did, the budget reports and
11 the reviews, I used a query to extract data out of Civica
12 into a spreadsheet and then I would manipulate that data
13 into a format where those could be presented as a report.
14 Any obvious errors that I identified during that process, I
15 would have corrected.

16
17 Q. The position as you left it was that someone still
18 needed to come in as the chief financial officer and they
19 had to effectively confront the same problem that you
20 confronted in terms of Civica and fix it moving forward?

21 A. Yes. There was already someone appointed by the time
22 I --

23
24 Q. And that was Mr Dennis Walker?

25 A. Correct.

26
27 Q. Did he have the benefit of a handover from you about
28 how to move things forward?

29 A. We had a number of discussions about the problems. He
30 was appointed about early June, maybe 6 June, something
31 like that. So, I was there till the middle of July, so you
32 know, we had a number of weeks together going through
33 various issues.

34
35 Q. Is there anything else that you think the Commission
36 needs to know about the way in which you observed the
37 accounting system at Norfolk Island at that time? You're a
38 very experienced local government accountant, I take it?

39 A. Yes.

40
41 Q. What's the take away for the Commission about the
42 accounting systems that were in place?

43 A. The accounting systems were never set up correctly in
44 the first place. I spoke about the need to have the
45 hierarchy in place that had never been built; I'd like to
46 point out that it is being built at the moment. And, as a
47 result, if you weren't particularly experienced in local

1 government, you would find it extremely difficult to
2 manoeuvre your way around the Civica system and make any
3 sense of the information that you could get out of it.

4
5 MR BOLSTER: Thank you, Mr Neilsen. Commissioner, I don't
6 have any further questions.

7
8 THE COMMISSIONER: Q. Mr Neilsen, could you explain for
9 me why the accounts are more difficult if they're accounts
10 being set up for a council? Like, why would it be so
11 difficult for staff to manoeuvre their way around the
12 system?

13 A. Effectively, you have access as an individual to
14 what's called a query where you can look at one account or
15 maybe a few accounts at that time, but you can't get an
16 easily consolidated view of what's going on in a cost
17 centre or a department or in the whole of the council.

18
19 Q. Right, it's more like a running sheet, almost like a
20 household running sheet; is that --

21 A. I'm not sure what a household running sheet is.

22
23 Q. Expenses in, money in, money out?

24 A. Yes, I guess if - you could look at - I'll give you an
25 example. If you were in charge of a department or a costs
26 centre and you knew that expenditure had been applied to an
27 account, you could query that account and look at all the
28 transactions that had occurred within that account, and
29 that in itself is a bit confusing, the way Civica records
30 commitments, the invoices, then the payment of the
31 invoices; each step of that appears in that stream.

32
33 Q. So, do you have to base purchase orders and things
34 through Civica?

35 A. Yes.

36
37 Q. So, can people raise purchase orders after they pay
38 accounts?

39 A. Yes.

40
41 Q. So, that sort of thing that you saw, that was more
42 sort of maybe not a matching up of payments and purchase
43 orders and things like that?

44 A. I didn't observe that directly but what I did observe
45 was that purchase orders were being raised in order to
46 process an invoice rather than as a system of control.

47

1 Q. You said in one of your answers earlier that you
2 thought that there was insufficient funds. Can you
3 describe that a bit for me?

4 A. Council have allocated sums of money - well, for the
5 airport it was \$7 million, so that money wasn't going to be
6 spent by 30 June, therefore they had - that money would be
7 carried forward and be available, so that would give them
8 sufficient funds to actually pay (indistinct words) to use
9 those funds.

10

11 Q. So, if I was in the council, do you think I would've
12 left the council meeting comfortable that we were in an
13 okay position after they examined the accounts at that
14 meeting, or do you think there would have been some things
15 that they would be focused on that they needed to continue
16 to focus on?

17 A. I think they were maybe - I don't know this for a
18 fact, I just, this is what I've heard: they were made aware
19 of the fact that, if the COVID situation continued then
20 there would have to be some very difficult decisions made
21 going forward about expenditure and expediting things.

22

23 Q. So, they were really decisions about things
24 unforeseen, they weren't related to the way the accounts
25 when they needed - there was no unforeseen circumstance, in
26 your view?

27 A. Yes, if you're talking short-term, then yes.

28

29 THE COMMISSIONER: Mr Bolster.

30

31 MR BOLSTER: Can I ask that Mr Neilsen be excused and
32 released from his summons?

33

34 THE COMMISSIONER: Sorry, what was that?

35

36 MR BOLSTER: Can I ask that Mr Neilsen be excused from
37 further attendance and from his summons?

38

39 THE COMMISSIONER: Thank you, Mr Neilsen, for your
40 insights and for coming along today.

41 A. Thank you.

42

43 <THE WITNESS WITHDREW

44

45 MR BOLSTER: We're going to need to have a break to fix up
46 a technical problem with the sound.

47

1 THE COMMISSIONER: Okay, all right. Thanks everyone,
2 we'll take a bit of a break, we'll reconvene shortly.

3

4 **SHORT ADJOURNMENT**

5

6 THE COMMISSIONER: Have we fixed our technical issues?
7 Good.

8

9 MS MORRIS: Commissioner, the next witness today is
10 Mr Peter Wilson.

11

12 <PETER JOHN GARDE WILSON, affirmed: [10.38am]

13

14 <EXAMINATION BY MS MORRIS:

15

16 MS MORRIS: Q. Thank you, Mr Wilson. Could you state
17 your full name for the record?

18

19

20 A. Peter John Garde Wilson.
21 Q. Thank you. You are currently team leader of waste and
22 environment?

23

24

25 A. That's correct.
26 Q. And you have been in that role since the council was
27 formed on 1 July 2016?

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31 A. Not in that role, but I have worked for council since
32 the 1st.

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1 Q. Was there any material given to you to understand the
2 state of, for example, the finances or the assets at that
3 stage?

4 A. Of the previous government? No.

5

6 Q. So, when the council first started when you were in
7 your previous role, what was the staff interaction
8 structure; for example, did you have an open flow of
9 information with the general manager or did you have to go
10 through a few layers?

11 A. We had a few layers, yeah, I mean, in my position.
12 So, at the time there was a team leader above me, then a
13 manager, then a group manager and then the general manager.

14

15 Q. Was there any form of regular reporting whereby you
16 could escalate concerns that you might have had about the
17 areas you were managing or involved with?

18 A. Yeah, definitely, that was easy to do. I mean, Lotta
19 at the time, and even Andrew today, have a pretty open door
20 policy; if we do have concerns we can certainly raise them
21 directly with them.

22

23 Q. Was there an active seeking out? Have you noticed,
24 for example, any difference in Lotta's approach versus
25 Andrew's approach to seeking information about the areas
26 you're involved in?

27 A. Um, different approach - I mean, yeah, definitely
28 different approaches. I mean, one thing Lotta did do
29 regularly, or every quarter which I thought was good, we
30 had all staff meetings, yeah. So, there was a lot of
31 monthly team meetings where all team leaders and managers
32 got together, so to talk about various projects; that sort
33 of doesn't happen much any more, COVID was sort of the
34 reason for stalling that. So, yeah, maybe there was a
35 little bit more in the past than there is now, but yeah, in
36 saying that Andrew's very much got an open door policy,
37 yeah.

38

39 Q. Were you in the early stages in your previous role
40 still involved with the wastewater and sewerage?

41 A. Yes.

42

43 Q. Were you given a copy of the report that had been done
44 by the previous administration around the wastewater
45 sewerage assets?

46 A. The condition assessment report?

47

1 Q. Yes, and the report by A.Prince Consulting about --
2 A. Yes, so that's about the waste management centre?

3

4 Q. Yes.

5 A. Well, I wasn't given them, but I found them, yes.

6

7 Q. Was there discussions around the recommendations in
8 that report?

9 A. No.

10

11 Q. So, what was the discussions you did have about the
12 state of the assets at the beginning?

13 A. Well, in the beginning the state - well, in the - the
14 water assurance scheme, the state of the asset was
15 absolutely important. We didn't know where any of the
16 sewers were. We were - well, I was crawling on my belly
17 through the sewer lines trying to find the assets, there
18 was no mapping really. I mean, in the early days I was
19 literally walking down the sewer lines with a metal rod in
20 the hope that I'd stumble across a manhole, so the state of
21 the assets were pretty - the water assurance scheme was
22 pretty concerning, and I mean, the waste - I didn't really
23 have much involvement in waste until probably the first -
24 maybe 2017. But look, the Anne Prince report very clearly,
25 you know, stated we were piling our rubbish up and burning
26 it and putting - and we still do.

27

28 Q. So I take it from that, you haven't seen a big shift
29 in how the assets are run since when you started to today?

30 A. Oh, definitely, a huge shift. So, we've got regular
31 maintenance of the sewer lines now, and there's a lot more
32 infrastructure available to council now than when I
33 started. You know, we were sort of flying very much blind
34 in the beginning hoping - and I pushed really hard to get a
35 sewer camera, because it's all well and good to, you know,
36 hope that things are flowing downhill, but with a sewer
37 camera it's just - you know, we can actually physically go
38 down and look and assess, so that probably arrived maybe
39 2018. Yeah, and being able to do that and, you know, we've
40 done lots of works on the pump stations; they've all got
41 new pumps, control boards. The main pump station's been
42 completely relined with PET plastic.

43

44 The treatment plant, however, we just essentially need
45 a new one, it's beyond the state of repair now, so really
46 not much has changed with the operation of the treatment
47 plant itself. And then the waste management centre, we've

1 seen a lot of improvements in the last five years. We've
2 invested about \$2.5 million in infrastructure for the waste
3 management centre itself. I mean, when I started it was
4 literally just dumped on the floor, we piled it all up in a
5 heap, put it on the back of a truck and took it down to the
6 Headstone and burnt the whole lot, so since that time we've
7 managed to divert, say, roughly 70% of the whole of the
8 waste that goes to Headstone from ocean outfall from
9 general waste, steel cans, aluminium cans, cardboard,
10 asbestos, waste oils, white goods; I mean, everything,
11 literally everything. It's hard to believe in the 21st
12 Century that it was occurring, but there's still a long way
13 to go, I acknowledge that, but there's certainly been
14 improvements.

15
16 Q. In terms of those improvements that have been made
17 over the last five years, what was the process of
18 identifying, for example, the top priorities? Were you
19 asked to identify what you considered the top priorities or
20 was that something you were given a policy in and expected
21 to implement ?

22 A. I was certainly not given any policy as such. I mean,
23 the waste manage, the improvements to the waste management
24 centre have been based around the Anne Prince report, and
25 she's made some clear recommendations in that, so that's
26 sort of what, yeah, that's why we purchased the
27 multi-purpose baler and sort line, that was one of her
28 recommendations; the composting unit, the car baler, so
29 that was pretty well mapped out.

30
31 There are missing links in that study that was done in
32 2015, it doesn't quite address the last bit, but still
33 going down there which is predominantly builder's
34 demolition waste and large bulky items that we can't
35 feasibly package.

36
37 So, we did commission another report through the
38 environmental assessment, that was a Commonwealth funded
39 project which is just in draft form now, we only received
40 the draft, and so, that's going to step out how we're going
41 to do the last bit. And the reason it's been delayed, it
42 was supposed to be done last year, but of course the last
43 18 months have been challenging for most and they weren't
44 able to come to the Island because we were locked down.

45
46 The water assurance scheme: there is the report, the
47 condition assessment report. Most of the recommendations

1 are around the sewer network itself, but to be honest, I
2 didn't take a lot of - we just started again. Like, (1) I
3 had to find them. I mean, that report didn't go through
4 the whole sewer network for a start, so we had to find the
5 manholes, uncover them, open them all up and address the
6 problems. You know, we were taking out tree roots out of
7 manholes that were 20 metres long. And then so, once we've
8 identified, we've covered them - uncovered them all and now
9 it's just a matter of making sure we can still keep access
10 to those areas.

11
12 I wrote a report, a condition assessment report of the
13 treatment plant itself in 2016 that was handed then to
14 Lotta, Lotta Jackson who was our general manager at the
15 time, which basically stepped out what I felt that we
16 needed moving forward, and then that eventually led to
17 council engaging New South Wales Public Works to come to
18 the Island to give us options for a new treatment plant,
19 and then we also funded a business case. It cost council
20 about \$90,000 and that business case has been sitting with
21 the department since. Because, I mean, it's \$17.5 million
22 and we just don't have the means to fund that.

23
24 Q. At a practical level, is that something that has been
25 driven by yourself identifying the needs based on being on
26 the ground or is it coming to you?

27 A. No, it's been driven by me.

28
29 Q. You've occasionally done reports to council, for
30 example meetings, what has been the response you've
31 received from council from those reports?

32 A. Well, the councillors have always been really
33 supportive of an upgrade to really all of the waste
34 management infrastructure, because all of the big items had
35 to go through council, so all of the councillors obviously
36 were supportive of ending ocean outfall and making
37 improvements to the wastewater treatment plant. It just
38 came down to what council could reasonably afford and, you
39 know, obviously there's only so much that 1700 people can
40 fund.

41
42 Q. On the funding side of it, did you have discussions
43 with the finance team or CFO about those options, or was it
44 more that you put forward what was needed and then it was
45 left to someone else?

46 A. Yes, correct.

47

1 Q. When those funds weren't available, or if the CFO
2 wasn't able to budget, was that then reported back to you
3 and adjustments made in what you could achieve in a year,
4 for example?

5 A. Yes.

6
7 Q. I understand for the waste part of the major funding
8 sources through a grant application for Building Better
9 Regions Fund in the 2017, 2018 there was applications made
10 but not received?

11 A. Yes, correct, so we ended up funding it out of our
12 reserves.

13
14 Q. So, the composter and the baler was purchased out of
15 reserves instead?

16 A. Correct.

17
18 Q. Did that then have discussions around how to fund it
19 going forward, for example, through user charges or waste
20 management charges?

21 A. We did. Well, I did, I put it forward for the
22 composter, you know, we've estimated the operational costs
23 for that. Set the fee - well, we did set a fee for the
24 charging of green waste in addition to assist with that,
25 and also the sale of the compost at the end.

26
27 With the car baler it's a little bit different and I
28 think it's important through this forum that you realise
29 that a lot of the waste streams that we inherit, we
30 inherited them; they're legacy items. You know, I was just
31 doing some costings this morning for a barge movement that
32 we sent out in December, and the freight was \$305,000 and
33 disposal was about \$300,000 at the other end for items that
34 had been sitting around the waste management centre for
35 over a decade, so well and truly before council formed.

36
37 So, you know, there's something like 3,000 car bodies
38 around the Island and now the local government has to find
39 probably a million dollars to dispose of them; it's
40 expensive, you know.

41
42 Q. And part of the legacy was, to your understanding,
43 because of inability to fund that removal of waste by the
44 previous administration?

45 A. Definitely. So, there's a number of issues. So, one,
46 asbestos is a prime example. So, we had 120 tonne of -
47 140 tonne, I believe, of asbestos stockpiled and most of it

1 came out of the buildings in KAVHA, so they're all packaged
2 up ready for export. In the end I ran out of room and we
3 had to do something. So, I was leasing a shed in Burnt
4 Pine for \$1,000 a month, and this is an issue that had been
5 going on for over a decade. There's a lot of regulations
6 around the movement of waste; it's not just as simple as
7 putting waste on a plane or on a ship and sending it
8 somewhere, so you can't send waste to another country.

9
10 And unfortunately for us, even to this day, our ship
11 doesn't go to our country, so our ship goes to New Zealand
12 so it means that we can only send certain waste out. So,
13 we have sent recyclables to New Zealand quite easily. It
14 took three years to get the permit to send out car
15 batteries to New Zealand; 65 tonne of car batteries we had
16 stockpiled, but asbestos was never gonna happen. Waste oil
17 was never gonna happen; I had a stockpile of 75,000 litres
18 that were all there well and truly before council.

19
20 But with the asbestos in particular, you couldn't send
21 it to Australia either because even though we are a part of
22 Australia, for Customs reasons we're not. So, the Customs
23 regulations prohibited the import of asbestos into mainland
24 Australia, so we were considered, yeah, outside of that, so
25 we actually had to lobby to have the Customs regulations
26 amended so we could even send it to Australia, so that was
27 the big - so now the external territories are included in
28 that. So, although there was obviously issues to fund it,
29 there was also issues in the ability and that remains
30 today.

31
32 I mean, we air freight rubbish, you're probably aware,
33 every week we're sending out about 12 to 14 tonne of waste
34 on the air freighter because it's the only connection that
35 we have between Norfolk Island and our mother country,
36 because you can't put it on a ship.

37
38 Q. So, separate to the funding of it, in terms of those
39 permits and the applications that were required, that was a
40 process that was started by the council, it hadn't already
41 been started when the council was formed?

42 A. No. Yeah, I put it all together.

43
44 Q. And so, your understanding is that much of those
45 issues pre 1 July 2016 were just left on the Island as
46 opposed to being handled?

47 A. Yes.

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THE COMMISSIONER: Can I just ask a question?

MS MORRIS: Yes, Commissioner.

THE COMMISSIONER: Q. Why do you think there was no action previously? Do you think the establishment of the council drew in a whole lot of other specific laws that you had to abide by, or do you think it was a funding issue, or do you think there was no dedicated staff, or what do you think?

A. Well, I think maybe dedicated staff. Look, there was - we have had a small amount of pressure from marine parks to - obviously, the practice of dump ocean outfall is inconsistent with the plans of management now we have a marine park surrounding the Island. But, for whatever reason, marine parks haven't been - really laid the law down.

So, to be honest, I mean, Lotta was the one that put the self-imposed deadline of no rubbish over the edge by July 2018, and we're still getting there. I think there's always been a desire to end it, and why it wasn't driven as far in the past I can't really say but, I mean, money would have had a lot to do with it under the previous administration like it has for us.

You know, I mean, the \$2.5 million that we've invested out of council's reserves is a significant investment and there's a lot more that needs to be invested, so we do have a Building Better Regions application for another \$2 million, and hopefully we get it otherwise we're really hamstrung.

Q. So you mentioned you'd applied for some grants and you haven't received them; is that correct?

A. Correct.

Q. What sort of amounts of money are we talking about? How many goes did you have?

A. We applied for a composter and the car baler, that was - yeah, I think we put in about \$2 million for that. And look, the grant application - or at that time we had a grants officer and she did a fantastic job of pulling it together, but at the end with a lot of these grants, you know, you can write a great application but once it gets to the next level it's highly competitive, and at the time the

1 Banyan Park facility won. And look, it was also a
2 wonderful project and at the time the parents of children
3 couldn't get the daycare subsidy because we didn't have an
4 accredited facility, so I think the political will to have
5 the new daycare centre won out over waste management.
6

7 Q. Okay, and that was just because of the type of
8 program, they wouldn't fund two things or?

9 A. Yeah, well, who knows - like I said, who knows? I
10 mean, I'm sure they would. But the other thing for Norfolk
11 is, the Building Better Regions, we can't apply for state
12 level funding and so the Building Better Regions is really
13 our only option to get infrastructure, so it's really our
14 one shot. We're even bringing - us paying for New South
15 Wales Public Works to come out and assess our treatment
16 plant. Well, if we were in New South Wales they would come
17 for free and probably give us some money to help replace
18 it, but yeah, we're just sitting outside of that box.
19

20 Q. So, was the finding that you applied for that you were
21 unsuccessful on, was that for the Building Better Regions
22 Fund?

23 A. Yes.
24

25 Q. Okay.

26 A. And then the other, the Balmoral Report, we requested
27 that directly to the department, so we were told, if we
28 want to seek funding for those sort of things to provide it
29 directly to the Department of Infrastructure.
30 Unfortunately, they haven't indicated whether we will get
31 any funding for that, but in addition that Balmoral Report
32 also has in it some sewerage - some preliminary designs for
33 some sewer extensions to some critical areas, really
34 critical, so we've put in a Building Better Regions
35 application for that as well this round but we haven't
36 heard anything yet.
37

38 Q. So, given the SDA sort of centres on an arrangement
39 around infrastructure where when it's looking like it's the
40 end of its life or it's failing, go to the infrastructure
41 department, are you aware of any approaches to the
42 infrastructure department for funding on the basis of
43 extreme need for sewerage?

44 A. No, not as extreme as I think it is, but it's
45 certainly been - it's getting a lot more traction now. I
46 mean, the Balmoral Report quite clearly states that we've
47 got five years until we've got some serious structural

1 failures with our treatment plant and they said that
2 in July 2019.

3

4 Q. What happens with structural failures? What are we
5 looking at here?

6 A. Well, whether it would be, you know, a structural
7 failure in one of the clarifier tanks or the - yeah, the
8 first, the primary settling tank, whatever, so potentially
9 we could have raw sewerage running down the valley and
10 there would be absolutely nothing we could do about it, and
11 so, it is critical.

12

13 Q. So there seems to be two systems: there's the more
14 general system and then there seems to be individual
15 private systems, people have their own sewerage tanks and
16 so on?

17 A. Correct.

18

19 Q. Are those inspected and monitored?

20 A. No - oh, we've done inspections through KAVHA and some
21 of the KAVHA catchment, but they're not licensed like you
22 would in a local government elsewhere, yeah, so we run
23 under still the local government, the Norfolk Island
24 legislation with regards to that. There is an
25 environmental regulation that's pretty poor, so yeah, we
26 have inspected them in the past but it's certainly not
27 like, if we lived in New South Wales you'd have a
28 certificate to operate and the certified person would come
29 around and sign off and give that paperwork to council:
30 that doesn't happen, no.

31

32 Q. Where I live we have to actually pay ourselves for a
33 quarterly inspection four times a year.

34 A. Yeah, so none of that happens here.

35

36 Q. Do you have a reason for that?

37 A. Well, that legal framework hasn't been rolled out to
38 Norfolk Island.

39

40 Q. So that's a council legal framework in New South
41 Wales, so that's probably not something the council's yet
42 thought of in terms of how it can --

43 A. No, there's definitely discussions around that. I
44 mean, we need the community to be on board with it, it's a
45 big change, you know. So, there is work-in-progress, but
46 until our environmental laws are brought up to standard -
47 and, like, I can go around and inspect someone's septic

1 tank based on the Environmental Regulations (NI) 1990, you
2 know, and say, yep, they've got a septic tank and a trench
3 and that's fine. Whereas the reality is, if Norfolk Island
4 was to be compliant with the basic New South Wales or
5 Queensland standards, there wouldn't be a septic tank on
6 Norfolk because they just don't deliver - I mean, there's a
7 range of buffer zones, you know, they need soil analysis to
8 work out the size of the trenches or the dispersal areas.
9 The environmental regulations on Norfolk just says, "Trench
10 20 metres", done.

11
12 Q. So, if there were similar standards as there are in
13 states in the mainland, that would then become another cost
14 for council?

15 A. Oh, and the community, more the community.

16
17 Q. More the community.

18 A. And look, it's something - I mean, Lord Howe Island
19 did it, they were in a similar situation as Norfolk was
20 10 years ago, but you know, it's going to take a lot of
21 change and a lot of bringing the community on board; it's
22 not something that we can just change overnight and we
23 certainly can't without that legislation.

24
25 THE COMMISSIONER: Okay, thanks.

26
27 MS MORRIS: Thank you, Commissioner.

28
29 Q. What would you say is the appetite for change of that
30 kind; start with the councillors?

31 A. The councillors? I think that there's certainly
32 appetite there in the meetings, you know, that all of the
33 councillors certainly had a - you know, were
34 environmentally conscious and wanted to see - yeah, I would
35 have said there would have been appetite for that, but it's
36 important to note that that change needs to come from
37 higher above than council.

38
39 Q. But in terms of, for example, the additional costing
40 that it would then result for the community or for council
41 were that change to happen, is there the appetite to say,
42 if that legislative change were to happen, that they'd be
43 prepared to pay the extra amounts in the community and at
44 council?

45 A. Maybe. Yeah, sorry, it's probably a bit above, yeah.

46
47 Q. So, if we take for example the waste management

1 centres. There have been over the past few years a series
2 of proposals put forward at times to increase the charges
3 for disposal of certain waste, those have not always been
4 passed through.

5 A. Correct.

6

7 Q. What's your understanding as to the rationale why
8 those recommended increases in charges weren't passed
9 through?

10 A. I mean, I think mainly some of them were because - to
11 avoid illegal dumping, to be honest. I mean, the community
12 were reluctant to pay \$2 for a bag, you know, where the
13 reality is anywhere else you'd pay four times that probably
14 over, you know, over your land rates and everything. So,
15 yeah, there's always a lot of pressure from community to
16 keep the costs down, but yeah, why those fees didn't come
17 up at the time - because, I'm not in the council meetings
18 like a manager would be, but I'll put them forward.

19

20 Q. Did the manager report back to you at all as to why
21 the council decided?

22 A. I'm just trying to think if there's some examples of
23 fees that you could maybe give me. I mean, I know there
24 was a fee for the disposal of cars that was changed.

25

26 Q. There was a discussion at one point about increased
27 fee at the point of importation as well of certain goods
28 and concerns about double dipping.

29 A. The reason for that, the reason the waste - the import
30 levy hasn't been changed is because it actually requires -
31 it's in the Act; council don't have the power to change
32 that Act. So, if we want to increase the waste management
33 levy, we actually have to get the Commonwealth to change it
34 for us, so that's why there's always been a reluctance
35 because it's quite a process. We did try and do it for
36 vehicle imports and it was delayed by three months and then
37 I believe there was more community consultation and they
38 chose to keep the fee the same.

39

40 Q. For example, we mentioned the composter that was
41 brought in, there was discussion at that point around
42 charges for using the composter to cover the costs; do you
43 recall the discussions around that and the appetite for
44 imposing those charges?

45 A. Yeah, like I said, not directly with councillors, but
46 I think at the time I have set a fee of approximately \$10 a
47 cubic metre for the disposal of green waste that was

1 rejected in council, and the reason I think is because the
2 councillors wanted to see more green waste brought into the
3 centre so we could compost more.

4

5 Q. So, do I take it from that, the attitude was that if
6 there was a charge it wouldn't be used and the preference
7 was to use it?

8 A. Correct.

9

10 Q. Were you involved in any discussions then of how it
11 would be funded without the charge that you'd recommended?

12 A. No.

13

14 Q. Did that affect the budget that was available to you
15 in a particular year of the money you had available to
16 maintain or invest in other aspects of the management?

17 A. Well, not so much of the compost because it's been so
18 delayed in the operation. I mean, that last financial year
19 we had a cut of - I mean, I put in the budget for - I
20 proposed half a million dollars for export and then there
21 was \$50,000 allocated, so that means we can't - you know,
22 we had to open up Headstone again, so yeah, it certainly
23 affected the budget and there will be a significant deficit
24 this financial year.

25

26 Q. On a slightly different topic, I understand one of the
27 difficulties when the council was formed in discussing
28 things around sewerage was also about infrastructure on
29 private land as opposed to council land?

30 A. Correct.

31

32 Q. And there'd been recommendations before the council
33 was formed about easements and compensation; has that been
34 progressed at all?

35 A. No. So, one of the biggest risks for me as the
36 operator of the sewer network is that the sewer network and
37 all seven pump stations are on private land and I don't
38 have legal access or right to any of them. So, there's
39 about 225 affected portions of land, some of them do have
40 easements but in the main they don't; yeah, so it's a big
41 risk to council.

42

43 So, I believe John Gibbons who was the CEO of the
44 previous government, he identified it as a risk. How he
45 was the first person in 30 years to identify it as a risk
46 is beyond me, but he was, and then they engaged Don Taylor
47 the surveyor to survey the sewer network, and that's sort

1 of the most accurate map that I have of where the sewers
2 go, but it hasn't progressed. But, once again, it's a
3 legacy item that we inherited and I think the
4 Valuer-General at the time estimated about \$850,000 to pay
5 out the landowners, so we're talking six years ago.

6
7 Q. Were there discussions early on in, say, 2016/2017,
8 about affecting that recommendation that had been made?

9 A. Only with one landowner.

10
11 Q. And what's your understanding as to why there wasn't
12 broader discussions about that?

13 A. Because we couldn't afford it, is my understanding,
14 yeah.

15
16 Q. Was that an issue that you've re-agitated as an
17 ongoing concern?

18 A. Absolutely.

19
20 Q. And what's been the response you've received?

21 A. Essentially, how do we fund it? Where is the council
22 going to find the money to do this? So that's been very
23 much - I mean, like, there was one offer made to one
24 landholder but it was a drop in the ocean compared to the
25 whole - paying out the whole network. I mean, I know
26 Andrew would like to hope that a lot of the owners of these
27 portions might just allow us to formalise these easements.
28 Because, I mean, some areas are obviously much more
29 affected than others, but the conversation needs to be had
30 definitely.

31
32 Q. The person that you've had the conversation with
33 around raising your risk concerns and being told the funds
34 aren't available, who's the particular person you generally
35 had those conversations with?

36 A. Well, probably every manager I've had since 2016.

37
38 Q. Is that the services level manager, is it general
39 manager?

40 A. Oh, I definitely had a conversation about it with
41 Andrew and I definitely had a conversation about it with
42 Lotta in her time. My current manager now is, I believe,
43 my 11th manager in five years, so it's - yeah, it's hard to
44 effect change.

45
46 Q. And that manager changeover, has that caused you
47 difficulties in, for example, having to get new managers up

1 to scratch?

2 A. Absolutely.

3

4 Q. And has that meant projects have been delayed because
5 of a changeover in new managers wanting to review things?

6 A. Maybe not, I wouldn't say necessarily that's caused
7 projects to be delayed but it certainly affects the
8 direction, because, I mean, every manager has a different
9 direction, they have different priorities, so ...

10

11 Q. What's your understanding as to why there's been that
12 turnover?

13 A. I think, yeah - I mean, look, I think early on, even
14 today, maybe the policies and procedures aren't there that
15 they would expect to see in a local government elsewhere;
16 the legal framework is different to what they would see in
17 a local government elsewhere. And, you know, I mean, being
18 in a position like that in a small community can be
19 difficult. I mean, I'm from Norfolk, I'm used to it, but
20 if you're not used to - I mean, you're always at work; you
21 know, every time you go to Foodlands or you go out for
22 dinner there's always someone asking you about your job.
23 And, like I said, I'm used to that and people that come
24 here thinking, you know, it can be daunting, and look,
25 there's been a range of reasons, yeah.

26

27 MS MORRIS: Commissioner, I'm just going to move to a
28 slightly different topic, but I just wanted to check if you
29 had any other questions?

30

31 THE COMMISSIONER: All good.

32

33 MS MORRIS: Q. One of the measures that, as I understand
34 it, council brought in in early 2017 was a memorandum of
35 understanding with Port Macquarie Council, and I've seen
36 you went across there in about May 2017 for five days.
37 What was the purpose of that trip?

38 A. I mean, one to meet - that was more around the public
39 health section of my job, so at the time I was the health
40 inspector and now currently the health inspector sits in
41 under my banner, so it was to get to know their public
42 health team. Like, I was taken on a few public health
43 inspections - sorry, sale of food inspections, some import
44 inspections, and just sort of to get a bit of a -
45 networking.

46

47 Q. I understand part of the purpose of it was meant to be

1 an ongoing knowledge exchange between Port Macquarie and
2 Norfolk; did you experience that, did that occur?
3 A. I still have contacts that I, you know, I contact
4 regularly, I can ask questions. I think the arrangement
5 between the two councils could be further developed though.

6
7 Q. How in particular would you say it could be further
8 developed?

9 A. We have used them for assessing some of council's
10 development applications, for example. I mean, I'd like to
11 see it actually reciprocated, that they might have a
12 contingent that came here, for example. I mean, they've
13 been set up for a lot longer than we have, to help us out
14 in our role. I mean, they did send the work health and
15 safety officer there, and I believe at the time she gained
16 a lot out of that experience. So, you know, broadening
17 across all their council services I think could be
18 beneficial.

19
20 Q. Has there been a knowledge exchange over things such
21 as managing waste, managing sewerage, managing other
22 assets?

23 A. (No audible answer).

24
25 Q. No. Has there been a reason that hasn't been explored
26 with them?

27 A. Not particularly, no.

28
29 Q. Has anyone else within the council, do you know, gone
30 across to Port Macquarie as part of that process?

31 A. The only one I know of is the work, health and safety
32 officer, yeah, there could have been more though, I'm not
33 sure but I'm not - I don't think so.

34
35 MS MORRIS: Commissioner, no further questions for this
36 witness from me.

37
38 THE COMMISSIONER: All right, I don't have any more
39 questions for you either, Mr Wilson, I think you may be
40 excused from your summons.

41
42 Look, I'd really like to thank you and it sounds like
43 you're doing a really good job and it sounds like you've
44 still got a lot of challenges ahead of you, you know, I
45 guess my view is that the council is lucky to have someone
46 so dedicated to pushing these issues forward.

47

1 I'm glad you got your camera, you don't have to slide
2 around on your belly any more, but thank you so much for
3 your evidence today, it's really helped me understand the
4 environment that you work in.

5 A. Thank you very much.

6

7 MR BOLSTER: Commissioner, the next witness will be at
8 2 o'clock and that will be Councillor Buffett.

9

10 THE COMMISSIONER: Okay, looks like we've got a nice long
11 break and we'll reconvene at 2 o'clock. Thanks everyone.

12

13 **LUNCHEON ADJOURNMENT**

14

15 THE COMMISSIONER: Mr Bolster.

16

17 MR BOLSTER: Thank you, Commissioner. The next witness is
18 Mr Rod Buffett, who I call.

19

20 <ROD CHARLTON BUFFETT, sworn: [2.03pm]

21

22 <EXAMINATION BY MR BOLSTER:

23

24 MR BOLSTER: Q. For the record, Mr Buffett, would you be
25 able to state your full name, please?

26 A. Roderick Charlton Buffett.

27

28 Q. You were born on Norfolk Island?

29 A. No.

30

31 Q. You weren't?

32 A. No.

33

34 Q. How long have you lived on the Island?

35 A. I've been back for seven and a half years.

36

37 Q. How many years in total have you spent living on
38 Norfolk Island?

39 A. I came back here at the age of 4, left at 16, came
40 back when I was 25, left when I was 36 or something, 36,
41 and since then I've been travelling backwards and forwards,
42 usually at least once a year, if not twice because of my
43 parents and that, they were here; so, I was away for
44 30-odd years in Queensland.

45

46 Q. What was your involvement in the local government or
47 the Territory Government before this council was

1 established in 2016?
2 A. Sorry, what was?
3
4 Q. What was your involvement? Had you held office in the
5 previous administration?
6 A. No, I hadn't, no.
7
8 Q. And so, this was your first foray into politics, in a
9 loose sense?
10 A. Yep.
11
12 Q. A local representative of Norfolk Island people?
13 A. Yeah.
14
15 Q. What was the thing that attracted you to being a local
16 government representative?
17 A. Just, you know, the way - we went through training and
18 that as to what can happen and what, how it should be run,
19 and I was approached by a lady and I went to the meetings
20 prior to the elections and that, and I was handed an
21 application form and I'd thought about it and I thought,
22 well, I'll give this a go, yeah.
23
24 Q. Your professional or your trade qualifications, what's
25 your work history in a nutshell?
26 A. Electrician by trade and electrical field mechanic,
27 and I started just while I was here on Norfolk, electrical
28 business for 10 years. When I left I joined an electrical
29 wholesale electrical company in Queensland, and became a
30 manager and looked after four of their branches from time
31 to time and travelled throughout Queensland with that
32 company.
33
34 Q. I take it, in that role you had considerable
35 experience in business principles surrounding accounting?
36 A. When I joined the company, yes. I went through
37 training for that.
38
39 Q. So, a balance sheet, profit and loss, all of those
40 things were things that you understood?
41 A. Well, basically we had to lay our own budgets and all
42 that sort of stuff, but when it came to that I went to the
43 accountants and that sort of stuff.
44
45 Q. So, let me explore that. In your previous role you
46 were someone who was familiar with and had some direct
47 experience of budgeting in an organisation?

1 A. Until I joined that company, no.
2
3 Q. But for how long had you had experience in budgeting?
4 A. Before that, none.
5
6 Q. No, but after that?
7 A. After that?
8
9 Q. After you started, what was the length of experience
10 you had in budgeting processes?
11 A. Probably five years.
12
13 Q. And the sort of budget, the amount of money that you
14 were responsible for projecting and dealing with?
15 A. Well, it varied, but it was in-house what each - what
16 the branch had to - what we thought we may make and what we
17 had - we were allowed to have an upper mark and a bottom
18 marker, but we had to produce a profit at the end of the
19 financial year. And we'd sit down and go through with the
20 staff and that as to how we could raise - you know, get
21 more customers in and that sort of stuff and the proposal
22 was then put to head office, and we may at times had to go
23 back over those because they weren't happy with it. We got
24 a lot of help, put it that way.
25
26 Q. You had accounting professionals assist you in that
27 process?
28 A. I did, yes, they did.
29
30 Q. But ultimately were you accountable for the budgets
31 that you prepared?
32 A. I wouldn't say we were accountable, it was expected of
33 us, and if the performance wasn't there, it was then up to
34 the company whether we stayed as managers or not.
35
36 Q. Fast-forward then to 1 July 2016, at midnight there is
37 a thing called the Norfolk Island Regional Council,
38 something that had never been there before. What was the
39 most significant thing, to you, about the council? What
40 was important about the Norfolk Island Regional Council?
41 A. Well, at that stage I did - we, along with my
42 colleagues, we didn't really know what was going to happen.
43 We knew it was a new - it was new to the Island, we hadn't
44 been pre-trained, we hadn't been pre-told, only briefly, so
45 it was open ground, we went in green.
46
47 Q. When did that training begin?

1 A. Well, I can't say that we ever had training. I'm sure
2 we never had training.

3
4 Q. Were you given any guidance about your obligations
5 under the Local Government Act as a council member?

6 A. Not really, no.

7
8 Q. To assist you can I bring up on the screen, you'll see
9 it in front of you, some provisions in the Act and we might
10 just go through them and I want to get a sense of how any
11 of this fairly black and white recitation of obligations
12 and principles was ever conveyed to you.

13
14 If we can go to section 8A. There's some general
15 principles that apply to the exercise of functions by
16 councils, I just wanted to draw to your attention a couple
17 of them:

18
19 *... strong and effective representation,*
20 *leadership, planning and decision-making.*

21
22 You see that, that's paragraph (a)?

23 A. Yes.

24
25 Q.

26 *(b) ... carrying out functions in a way*
27 *that provides the best possible value for*
28 *residents and ratepayers.*

29
30 *(c) ... plan strategically, using the*
31 *integrated planning and reporting*
32 *framework ...*

33
34 Et cetera. Have you seen those principles previously?

35 A. No, I haven't.

36
37 Q. When you read them you can see that they make some
38 sense; would you agree with me about that?

39 A. To a degree, yes.

40
41 Q. If we could then turn perhaps to section 223(1) which
42 is on page 150. What I just took you to were principles,
43 we might say that that's a fairly soft statement of the way
44 in which councils should go about their responsibilities.

45
46 Here, in section 223, there's discussion about the
47 role of the governing body, which was yourself and your

1 five other councillors. I wanted to draw a number of the
2 items there to your attention:

3

4 At 223(1)(c):

5

6 *To ensure as far as possible the financial*
7 *sustainability of the council.*

8

9 Was that a concept that you, even if you hadn't read
10 these sorts of things before, was that a concept that you
11 had in the back of your mind when you were carrying out
12 your responsibilities as a councillor from 2016 onwards
13 A. I think that's just normal for any, any - to ensure as
14 far as possible the financial situation of the council
15 because, if we didn't see the financial situation was all
16 right we'd end up in the situation we probably are in now.

17

18 Q. Subparagraph (g):

19

20 *To keep under review the performance of the*
21 *council, including service delivery.*

22

23 Do you think you were able to keep the performance of
24 council under review in the time that you were there?

25

26 A. No, because - you know, and including service
27 delivery, that falls under the general managers and that,
28 and we certainly did not have access to any of that.

28

29 Q. Are you saying that there were things that prevented
30 you from keeping under review the performance of council?

31

32 A. Yes.

33

34 Q. One of the reasons for calling you to give evidence is
35 to understand what those things were. What's the most
36 significant thing that prevented you from keeping under
37 review the performance of council?

37

38 A. Well, we had no access to projects that were going on.
39 We had very little input into any contracts and that that
40 were being developed with the airport, generators and that
41 sort of stuff, we had no input with that whatsoever.

41

42 Q. Do you include the road, the Boral road contract as
43 well in that?

44

45 A. The Boral road contract we heard of - well, we did,
46 and as in council it was discussed, yes, we did hear about
47 that.

47

1 Q. Let's talk about the airport contract and the Boral
2 road contract. Each of those proposals came to
3 confidential meetings of the council, you recall being
4 present at each of those: one in February 2019, the other
5 in June 2019?

6 A. Maybe not the June one, I wouldn't be sure about that
7 one, it's possible I wasn't there.

8
9 Q. What do you remember of the February meeting where
10 council resolved to accept the tender of Boral? What
11 happened at that meeting? What were you told about the
12 project before you made that decision?

13 A. Well, from my memory, we were told that they were,
14 that was that Boral was going to be selected to do the
15 project of the airport upgrade, and basically not much more
16 than that.

17
18 Q. Didn't council resolve to accept the tender?

19 A. We did, yes.

20
21 Q. So, it's not as though the general manager at the time
22 could have accepted that tender on behalf of council?

23 A. Well, I don't know whether she did or not. I don't
24 even know, and we did ask if the contract had been signed
25 on a regular basis, but we were never told whether it had
26 been signed or not.

27
28 Q. What I want to suggest to you is that, when that issue
29 came before council, there was a discussion by Ms Jackson
30 and she told you the results of a tender evaluation
31 process; does that sound right?

32 A. Yeah.

33
34 Q. Do you remember, without naming them, how many tenders
35 there were?

36 A. From memory, I think it was four, maybe five.

37
38 Q. Four or five?

39 A. Yeah.

40
41 Q. Do you remember, without naming the figures,
42 identifying the amounts, the range of figures? So, in
43 relation to Boral, the Boral tender and the other tenders,
44 what was the sort of range that the tender evaluation
45 process was considering?

46 A. I really couldn't tell you, I know it did vary though.

47

1 Q. There was an issue, wasn't there, about where the
2 aggregate to be put on the surface of the runway would be
3 obtained.
4 A. Mmm-hmm.
5
6 Q. Do you remember what the discussion was around that?
7 A. Well, the discussion was initially that it had to be
8 done from the quarry at Cascade; there was a whole process
9 that they had to go through for that.
10
11 Q. What was the thing in your mind as you approached that
12 particular resolution? What were you focused on? What was
13 important to you?
14 A. About the aggregate?
15
16 Q. Yes.
17 A. The important thing to me was, the job had to get done
18 because we had been briefed by CASA and also
19 Air New Zealand, that the airport was in a situation that
20 had to be done in a certain time and, if that didn't
21 happen, you know, we might not get any flights in here.
22
23 Q. You were aware of how much that was going to cost?
24 A. The airport itself or?
25
26 Q. Yeah?
27 A. At that stage, no.
28
29 Q. Are you sure about that?
30 A. Well, it varied because we didn't know.
31
32 Q. It was either going to be one price or another price?
33 A. Yeah.
34
35 Q. Do you remember what the two prices were ?
36 A. I think it was \$40 million-odd or something, I'm not
37 exactly sure with it, but then we found out later on there
38 was extras to go on top of that.
39
40 Q. Well, the Commonwealth was only ever going to pay
41 \$43 million; you knew that?
42 A. Not really, no.
43
44 Q. At the time you don't think you knew that?
45 A. No. We thought the money that was set down for that
46 particular project, that was it.
47

1 Q. What do you mean by that, you thought you had money
2 set down for the project?
3 A. With the project that we did was according to the
4 amount of money, that we were getting it as a grant from
5 the Commonwealth.
6
7 Q. I just want to make it clear, is it your evidence that
8 you --
9 A. I don't have evidence.
10
11 Q. Sorry?
12 A. I don't have the evidence.
13
14 Q. No, no, no, your evidence today, I'm trying to
15 summarise to assist the Commissioner what you're saying,
16 you tell me if I'm right or if I'm wrong; but that, when it
17 came to voting to proceed with the tender of Boral you had
18 no idea how much money the council may be required to pay
19 to complete the project?
20 A. Having looked at the yesterday's thing, I'm not sure,
21 I think we had - there was a possibility that we might have
22 to pay extra money over and above the contract, yes.
23
24 Q. Do you recall being told by the officers in the
25 briefing that the chances of being able to use the rock
26 from the Island were fairly remote given --
27 A. That was discussed, yes.
28
29 Q. Do you recall them giving you a figure about how much
30 more expensive it would be if that were the case, as seemed
31 likely?
32 A. That was probably discussed, yeah, I would imagine it
33 would have been discussed with council, yes.
34
35 Q. But you don't recall the figure?
36 A. No, I don't know.
37
38 Q. Did you have any misgivings then when it came to that
39 decision not knowing, may I suggest, how much it was going
40 to cost because that's what I understand your evidence to
41 be? Did you have any misgivings about proceeding with
42 accepting the tender not knowing how much the project cost?
43 A. No, I didn't, I wanted to know how much it cost now,
44 yes, because we had got in the situation where we didn't
45 know whether we were going to get rock from here or rock
46 from there.
47

1 Q. Do you think that you asked for that pricing?
2 A. We didn't ask for it, it was the committee that was
3 formed; the council didn't ask for it.
4
5 Q. No, but did you, before voting to accept the tender,
6 ask the officers - if it was important to you I expect you
7 would have asked them - did you ask them, what is this
8 thing going to cost if we have to import the rock from the
9 mainland?
10 A. I think we did that prior to all this coming to a
11 head, about where the rock was going to come from. We
12 thought that it was all going to come - well, initially
13 from the quarry at Cascade, yes.
14
15 Q. Were you familiar with how much rock there was at the
16 Cascade Quarry?
17 A. Only what we were told; not prior to it, no.
18
19 Q. Does the figure of 15,000 tonnes ring a bell?
20 A. Possibly, yes.
21
22 Q. I want to suggest to you that the documents indicate
23 and other evidence indicates that, whilst you had approval
24 to quarry 15,000 tonnes of aggregate from the Island, it
25 needed 30,000 tonnes to do the runway; does that ring a
26 bell?
27 A. To that - some of those figures, yes.
28
29 Q. And that if you needed to increase the approval to
30 extract 30,000 tonnes, you would need to go through a
31 process with the Department of the Environment at Canberra;
32 does that bring a bell?
33 A. Yep.
34
35 Q. Did anyone tell you about the sort of timeframe for
36 that approval to occur?
37 A. Yes, they did, but to what dates and that, I don't
38 know; I know we had to get approvals from Canberra to do
39 it, yeah.
40
41 Q. After that occurs, to what extent did you get reports
42 back from the general manager and staff at subsequent
43 meetings about how the airport project was going?
44 A. Well, it was very scant as far as I'm concerned, you
45 know, it was just basically said - well, we just got the
46 basic sound of it. We didn't know what was going on behind
47 the scenes and so we just had to take what we were getting.

1
2 Q. Did you ever see the contract that was signed with
3 Boral?
4 A. No.
5
6 Q. Are you sure about that?
7 A. Yeah.
8
9 Q. How many times do you recall asking to see it?
10 A. Several times we'd asked the general manager if we
11 could see it, and again, had it been signed and, had it
12 been signed, who was it signed by.
13
14 Q. Why did you want to see whether it had been signed,
15 what was the concern that you had about that?
16 A. Well, I just thought that, you know, it was up to us
17 to - you know, you can't just go flying around in the dark
18 and say, yes, go do this whether it had been signed or not
19 and how it had been done, but we never got to that stage.
20
21 Q. In fairness to you, I'm assuming you're saying that
22 you were trying to keep under review the performance of the
23 council?
24 A. Yes.
25
26 Q. How many times do you think you tried to get that
27 information from Ms Jackson?
28 A. Oh, I don't know, half a dozen times.
29
30 Q. Did you speak to Mr Taylor or Mr Innes-Walker?
31 A. We weren't allowed to speak to Mr Taylor.
32
33 Q. Who told you that?
34 A. The general manager.
35
36 Q. When did she tell you that?
37 A. Probably 12 months at least into, maybe 18 months into
38 it that, should we wish to have a conversation with any of
39 her staff, that we were to approach her at that time and
40 she would be present at that meeting.
41
42 Q. Let's just get the timing right. The contract was not
43 signed until around the time Ms Jackson left the employment
44 of council, so that was around September 2019 and the
45 decision to proceed with the tender was in February/March
46 2019. Do you think you may have asked her in that period?
47 A. No.

1
2 Q. She leaves in September, Friday, 13 September is her
3 last day, and Mr Roach, her replacement, arrives on
4 6 January, so there's a significant period of time in which
5 Mr Taylor is the interim general manager. Hence my
6 question, did you ask Mr Taylor if you could see the
7 contract?
8 A. I don't think I was on the Island at that stage, to be
9 quite honest.
10
11 Q. This was, at all?
12 A. At all.
13
14 Q. You weren't on the Island?
15 A. I would have been away for at least a week.
16
17 Q. A week?
18 A. Yep.
19
20 Q. But we're talking about a period of October?
21 A. Yeah, I've never asked him, no.
22
23 Q. Why didn't you ask him?
24 A. Boral was - I was told that Boral's already got the
25 contract, they will be here at such and such a time, there
26 was no point asking when it was already in movement.
27
28 Q. What was the relationship like between council and the
29 general manager in the first half of 2019?
30 A. We were all on a, certainly a learning curve, and we
31 relied on her very heavily to show us the way and how
32 things should be done; we got on reasonably well with her.
33
34 Q. You said earlier today that you were concerned that
35 she prevented you from keeping under review the performance
36 of the council, and I would take it that that introduced a
37 strain into the relationship between councillors and
38 herself. How was that evident? What other respects was
39 she, did she as you say, prevent you from getting the
40 information you needed?
41 A. Well, basically most of the projects that were going
42 on, we just did not have access to.
43
44 Q. Did you complain to her about that?
45 A. We did at times.
46
47 Q. Did you send her emails about that?

1 A. No, I never sent her an email, no.
2
3 Q. Do you recall an occasion where you have said, look,
4 Lotta, this is unsatisfactory? Can you tell us what you
5 said?
6 A. Yes.
7
8 Q. What did you say?
9 A. Basically what you've just said, "Why aren't we
10 allowed to have access?"
11
12 Q. In that conversation, what were you seeking access to?
13 A. Access to - like, yeah, we'll go back as an example -
14 the contract with Boral.
15
16 Q. What did she say?
17 A. "It's operational."
18
19 Q. Were you aware that she showed the contract to other
20 members of the council?
21 A. I can't say I am, but again, I may not have been here;
22 I was travelling on and off this Island every three weeks.
23
24 Q. Every three weeks, for your own work?
25 A. No, for my - for health reasons.
26
27 Q. The Boral road project: can you say whether you were
28 present at the meeting in which that issue was discussed?
29 A. Yes.
30
31 Q. You were?
32 A. Yeah.
33
34 Q. You see, that meeting was a confidential meeting, so
35 it was just between you and the officers, it wasn't
36 recorded or broadcast, and there are no records of the
37 discussion, so the only people who know what was said were
38 you and the other four councillors, Ms Jackson, Mr Taylor,
39 and probably Mr Innes-Walker. What do you recall being
40 told about that project?
41 A. Well, (indistinct) seeing it's confidential, I've got
42 no comment on it.
43
44 Q. I think you need to answer that question in this
45 context.
46 A. I can't really - the context, that we were just told
47 that that was, you know, what has been offered to us by

1 Boral.

2

3 Q. What had been offered?

4 A. To use the machinery that they had here. Where that
5 actually came from initially, the idea, I don't know. That
6 Boral had a break between sealing the runway, between
7 gapping across the thing, a certain period they had to do,
8 instead of having to leave the Island and come back that's
9 where this all came from. Who instigated it, I don't know.

10

11 Q. Were you told how much it was going to cost?

12 A. We didn't. We were told, depending on - and I notice
13 that what you had there on the board yesterday, on that
14 particular one I think - I don't know, say \$8 million,
15 but --

16

17 Q. It wasn't 8, it was about 5.3.

18 A. Okay.

19

20 Q. 5.3 was the figure. Perhaps if we could, just to
21 assist Mr Buffett, if we could bring up - I don't have the
22 number at the moment. It's in the airport bundle. Sorry,
23 Mr Buffett, we'll find it for you, I just want to make sure
24 you have the document in front of you,
25 NIRC.PUB.001.0192_0021. And I've just shown you the wrong
26 one, I'm sorry, that's the airport one; we might just have
27 a look at that though and we'll come back to the road one
28 in a minute.

29

30 Just a couple of things about this that we discussed
31 yesterday. If you were here you would have heard reference
32 to this loan from the Norfolk Island International Airport
33 Government Business Enterprise; did that make any sense to
34 you at the time?

35 A. At the time, not really; I don't, to be quite honest,
36 don't know where it came from.

37

38 Q. The amendment, may I suggest, that involved adding
39 provisions that referred to Cascade Reserve and the Youngs
40 Road Quarry came from you?

41 A. The?

42

43 Q. Came from you, you moved the amendment. If we could
44 go up the page, please, to the amendment. So, you moved
45 Councillor McCoy's second, that words be included that
46 involved using local rock, seeking in the expedition of
47 approval to those two sites, and then if that approval

1 could not be obtained by 31 March, bearing in mind this
2 meeting occurred on 20 February - I think I might have said
3 the 19th earlier - 20 February, then you would proceed with
4 the tender. Does that assist you with your recollection of
5 that meeting?
6 A. I guess so, got it here.
7
8 Q. Sorry?
9 A. Yes.
10
11 Q. Does it assist with your recollection of what you were
12 told about the project and what you were told about the
13 likelihood of the option that involved aggregate from the
14 Island being approved?
15 A. We discussed it, this was being done and moved, and
16 amendments being moved and that for discussion, and we
17 looked very strongly at whether we could quarry Cascade and
18 whether we could get the amount of rock from Cascade, but
19 subject to that not being able to happen, we did have to,
20 but we were to approve the Boral contract.
21
22 Q. Were you told that there was some testing and some
23 drilling carried out to see whether this could occur?
24 A. Yeah.
25
26 Q. Who told you that?
27 A. Came from, I think, the general manager from memory.
28
29 Q. Did you receive a report from the general manager when
30 the results of that testing came through?
31 A. Not to my recollection, no.
32
33 Q. Do you now know that the report from Boral came back
34 that it was unsuitable for the airport --
35 A. Yes, that was told to us, yes.
36
37 Q. Who told you that?
38 A. I don't know, general manager or might have been one
39 of the people working underneath her at that stage in that
40 department.
41
42 Q. When the general manager informed you of that, did you
43 follow up the issue, did you have any follow-up questions
44 for her, what does that mean in terms of costs, for
45 example? What does that mean in terms of timing, is that
46 going to delay the project?
47 A. Well, we all knew about the timing prior to that.

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Q. What did you know about the timing prior to that?

A. That if we didn't have that airport sealed within a certain time period it'll be closed down.

Q. I understand that. In terms of the timing of finishing the job, would it take longer to bring the material from the mainland?

A. I don't know, I'm not that - you'd have to - I don't know what the difference would have been in actually bringing it from there and quarrying, the timeframe, no. I don't know how long it takes to, you know, blast the rock down there and crush it and all that sort of stuff to actually purchasing it and bringing it here.

Q. We'll go back then, we found the reference to the road resolution, that's NIRC.PUB.001.0227_0022. So, the \$5.065 million, you saw that, will be spent in two years. You see those words "from existing cash reserves"?

A. Yes.

Q. When you seconded this motion and then voted for it, what did you understand the cash reserves of council to be?

A. Were to be?

Q. What were they?

A. It was --

Q. How much? How much were your cash reserves on 17 July 2019?

A. Without looking the records up, I can't tell you, I wouldn't know.

Q. I'm sure you can't remember the exact figure, but did you have in your mind how much the cash reserves would be at the time? Did you turn your mind to what the figure was and whether it was sufficient to fund this expenditure?

A. I don't believe that we physically saw the books on that, but we were told that it would be within what we could afford.

Q. Taking you forward and perhaps taking a shortcut to the finish line here, I'm assuming you appreciated, when the council began in July or pretty soon after that you had \$9 million in the bank?

A. Yes.

1 Q. And, more recently you've ascertained or you were led
2 to believe and you were informed that the amount of money
3 in the bank that was unrestricted was well under
4 \$1 million?
5 A. Mmm-hmm.
6
7 Q. And that that placed the council in a virtually
8 untenable financial position on an ongoing basis; you
9 understand that?
10 A. M'mm.
11
12 Q. So, somewhere in between decisions were made to get to
13 that end point. What I'm asking you is, when you came to
14 consider this decision whether the risk of getting to where
15 we are now, where Norfolk Island is now or at least where
16 it was as Nexia found it, was that something that you
17 thought about?
18 A. No, I didn't because we were relying on the
19 information coming from head office on how we were
20 financially and otherwise.
21
22 Q. Do you recall being provided with reports on a regular
23 basis about the extent of council's tied restricted,
24 whether internally or externally, and unrestricted cash
25 reserves?
26 A. At every council meeting that was put forward, yes.
27
28 Q. What did you do with that information?
29 A. I don't understand that question.
30
31 Q. Was that something that you turned your mind to at
32 every council meeting, the cash position?
33 A. Well, we looked at the cash position to see what - how
34 we were financially and were we making money, were we not
35 making money.
36
37 Q. When a resolution comes up to spend \$5 million, this
38 would be the second most significant resolution passed by
39 the council in its time, may I suggest you would have
40 considered the cash position at that time?
41 A. There would have been discussions prior to that being
42 put up as a resolution, yes.
43
44 Q. Do I understand your evidence to be that, when that
45 matter was discussed you were given some comfort from the
46 officers present?
47 A. Yes.

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THE COMMISSIONER: Mr Bolster said you were given some comfort, I'm just trying to understand what that was?

A. Sorry?

Q. Mr Buffett, you said you were given some comfort, I'm just trying to understand what that comfort was. I'm trying to get clear in my mind the question around, there were cash reserves; you would have probably known exactly what those cash reserves were before you seconded this motion?

A. Mmm-hmm.

Q. How did you have that information and how was that presented to you?

A. We were asked for that information as to whether we can afford it or not and before we would have gone ahead with that and we want to give --

MR BOLSTER: Q. Who did you ask for that?

A. Sorry?

Q. Did you ask the general manager at that meeting?

A. Would have been through the general manager because everything at that stage was going through the general manager. She may have got one of her - one of the accountants and that to discuss it with us, but any of these things - we certainly didn't jump in there and do it without having the money, we were assured that the money was available.

Q. What I want to suggest to you is this: that it was apparent that at least on one view of the airport contract, the extra costs above the \$43 million could be as much as \$5 million or \$6 million?

A. M'mm.

Q. And that the costs of the Boral road contract were going to be \$5 million. So, let's take a conservative figure there, let's say \$10 million, which is roughly where things turned out. The unrestricted position at 30 June 2019 was around \$11 million. The figure had gone up and down a little bit, but did you think that it was legitimate to spend virtually all of the cash reserves or did you just not look at it on that basis?

A. Well, again, as I said, the only thing we had access to was, with that sort, reserved/unreserved, was at the

1 council meetings. Now, I don't know what was in there; I
2 mean, I don't know what was going on behind the scenes, we
3 can only go by what we're told.
4

5 Q. Let's move forward then to the following year.
6 Ms Jackson's gone, the CFO is gone. Mr Roach has
7 commenced, he's brought in someone from Queensland to do
8 the accounts, and he asks to speak to councillors about his
9 concerns. If the witness could be shown a copy of
10 Exhibit 3. Were you present yesterday for Mr Roach's
11 evidence?

12 A. Yes.
13

14 Q. We'll get a photocopy for you. While we're doing
15 that, were there a number of meetings after Mr Roach
16 arrived where he sought to give you an update as to where
17 things stood?

18 A. Yes, there was.
19

20 Q. What was the principal message that you understood him
21 to be conveying to you about the state of the council's
22 finances?

23 A. In my mind, that basically we weren't as good as we
24 thought we were financially and he could see worse things
25 happening.
26

27 Q. What could he see happening?

28 A. The possibility that we weren't going to have as much
29 financially, at the end of the financial year, as we
30 thought we would.
31

32 Q. He told you that some staff would have to be let go?

33 A. Yes.
34

35 Q. 20 to 24 staff?

36 A. Yes.
37

38 Q. Did he tell you that he needed to find - if you just
39 put that down, we'll come back to that in a minute - did he
40 tell you that he had had to find about \$2 million in
41 savings before 30 June?

42 A. Yes, possibly, yes.
43

44 Q. Did he tell you about the liquidated damages that were
45 accruing to the airport contract because of COVID?

46 A. Yeah, we did go through some of those discussions,
47 yeah.

1
2 Q. Do you remember how much it was costing?
3 A. No, I don't.
4
5 Q. Do you remember him telling you about the biosecurity
6 costs that were involved with spraying the aggregate?
7 A. No, I don't know about the cost, but there was
8 discussions about that, yeah.
9
10 Q. Did he tell you that the combined cost of the airport
11 and the road contracts was around \$10-12 million and that
12 it would wipe out council's cash reserves?
13 A. I can't recall that, no.
14
15 Q. What's your best recollection about what he said to
16 you in those conversations?
17 A. Well, with Boral are we talking about or?
18
19 Q. About council's overall position.
20 A. That, you know, we were heading to a situation where
21 we - and of course with COVID - that we were going to go
22 out the back door with our finances at the end of the
23 financial year.
24
25 Q. I'm just waiting for that copy of the exhibit. But
26 your recollection is that he thought that your finances
27 could go out by the end of the year?
28 A. Yeah, by the end of the financial.
29
30 Q. What do you mean "go out"?
31 A. Well, we'd be in the red, we wouldn't have any cash
32 left.
33
34 Q. His file note refers to the words "voluntary
35 administration"; do you remember that being discussed at
36 all?
37 A. Possibly, I'm not - now, I wouldn't be sure.
38
39 Q. Do you know what voluntary administration means?
40 A. Not - no, depends how you want to use it, no; no, I
41 don't, no.
42
43 Q. It's a term associated with the bankruptcy of a
44 company, to use the vernacular expression; does that ring a
45 bell to you?
46 A. I can't say it does, no.
47

1 Q. What did he tell you about your options?
2 A. That we would have to move more staff and try and get,
3 you know, get the thing back in the black.
4
5 Q. Did he suggest a way forward? What do you recall him
6 suggesting was the way out?
7 A. I can't recall that, no.
8
9 Q. Was there a suggestion that an audit be arranged?
10 A. Possibly, yes; yes.
11
12 Q. Who raised that idea? Was that something that you and
13 your colleagues raised or something that he raised?
14 A. I really, I really can't answer that, I'm not sure.
15 It's possible that we did it because we wanted to find out
16 what was going on.
17
18 Q. His note says:
19
20 *Agree to audit but get a trade-off for*
21 *Island.*
22
23 Do those words ring a bell to you?
24 A. No, this is what - Andrew would have written this
25 during the meeting.
26
27 Q. Yes.
28 A. And we would never have read that. He's never shown
29 us this, put it that way.
30
31 Q. No, but this is his note of the things that are being
32 discussed and I'm assuming, and I'm wanting to get your
33 recollection, whether you recall those words being used
34 because I want to know what was said?
35 A. Well, I can't say that I heard those words, no.
36
37 Q. Fast-forward then to the preparation of the budget for
38 the following year and it's generally been the practice on
39 the council, hasn't it, for the general manager and his
40 staff to prepare a budget to present to councillors?
41 A. M'mm.
42
43 Q. Then councillors would approve that going on display
44 so that the public can see what's being proposed?
45 A. Mmm-hmm.
46
47 Q. And then there would be a subsequent council meeting

1 in which the budget would either be adopted or it would be
2 varied. Now, the budget for this current year, which was
3 agreed in June of last year in the middle of COVID, it
4 proposed some increases to council rates; do you recall
5 that?

6 A. Mmm-hmm.

7
8 Q. Do you recall, what was your position in relation to
9 those suggested changes?

10 A. Well, the situation that we had with rates was, it's
11 minimal compared to any other council, I know that,
12 understand that - is we were asked previously that the
13 properties on the Island be revalued because there's a lot
14 of property on this island that you can't grow, you can't
15 put cattle on it, it's too steep, that sort of stuff;
16 there's certainly not the values. We would get the
17 valuation of this Island as though it was flat, and some of
18 those properties, I can't see that there's any value to
19 them. Now, we still haven't had that done. I don't know
20 how you go around it, you have to get somebody in to
21 re-survey the Island. What we were presented with was a
22 flat map of the Island, and a lot of property around here
23 cannot be used for anything apart from maybe growing trees
24 on. You can't run cattle on them, it's too steep, you
25 can't build on it, it's too steep.

26
27 Q. It's fair to say that basically, with one or two very
28 minor exceptions, whenever a rate proposal came before
29 council from the general manager - whether it's Ms Jackson
30 or Mr Roach - it was voted down, wasn't it?

31 A. Yes, yes.

32
33 Q. One exception I think being the mandatory increase
34 from 50% to 100% after the first year; you understood that?

35 A. Yep.

36
37 Q. That year though, wasn't there an acceptance that
38 there be an increase from 1.5 to 2.5%?

39 A. I believe so, yes.

40
41 Q. Of course, by that stage you knew that the council's
42 financial position was far weaker than had been anticipated
43 one year, two years, three years earlier; it was in
44 significant deficit for the very first time; correct?

45 A. Yep.

46
47 Q. I'm just wondering why in those circumstances, where

1 council is in such jeopardy, a problem was found with the
2 rate proposal. Am I right in thinking that, from your
3 perspective, it was a matter of principle?

4 A. I guess you could put it that way because - if you
5 wished - because we wanted it to be re-assessed because of
6 the properties - just weren't - the rates and that were
7 overrated for what the property was.

8

9 Q. Are you opposed to rates?

10 A. No, I'm not opposed to rates.

11

12 Q. How then do you see council broadening its base
13 without increasing the rates?

14 A. I really haven't looked into it, I mean, to be quite
15 honest; I mean, we've got to be very careful with what
16 we're dealing with here with the finances of some people.
17 I don't know how many people haven't paid their rates.
18 Obviously, those that are paying their rates, they haven't
19 got a concern.

20

21 Q. There was a resolution earlier in that year that there
22 were six people who had unpaid rates of about \$119,000 and
23 there was a resolution passed that those rates be pursued.

24 A. Yeah.

25

26 Q. Was that something that came from staff or was it
27 something that came from councillors?

28 A. It didn't come from us, no. That proposal was put to
29 us and it put us in a position where we really couldn't get
30 out of it.

31

32 Q. Just pausing there: the absent landowners levy, can
33 you tell the Commission what that's about, how did that
34 work?

35 A. I don't know where it came from, but if you weren't
36 present on the Island or you weren't living here you paid a
37 flat rate on the property that was yours on the Island.

38

39 Q. When did that cease?

40 A. I'm not sure whether it was 2016 or prior to that.

41

42 Q. So, it was a charge levied by the former government,
43 was it?

44 A. Yes.

45

46 Q. To attempt to raise some sort of value for services
47 provided to those properties?

1 A. I don't know what the services are, I would say no
2 with services.

3

4 Q. Let me raise with you one rationale for it. The
5 principal source of income for the government was the GST;
6 it was payable by the people who were on the Island?

7 A. Yes.

8

9 Q. If they weren't on the Island, they weren't paying
10 GST, and therefore they weren't making a contribution to
11 the costs of the local governance services.

12 A. M'mm.

13

14 Q. So, the rationale might be, can I suggest, you can't
15 own your property, have it serviced, have it looked after,
16 and live in Sydney, or Brisbane or Auckland, and not pay
17 for it.

18 A. That would have been serviced by the council of the
19 day; they didn't do that.

20

21 Q. Well, they probably received electricity and waste for
22 their tenant, perhaps?

23 A. That wasn't part of the - part of it.

24

25 Q. The roads would still connect to the property, that
26 would have to be serviced?

27 A. That I don't know, I wasn't here so I really can't
28 comment.

29

30 Q. All right, we might explore that with the other
31 councillors. What do you see as the way forward for
32 expanding the revenue base? Do you favour the
33 re-introduction of a GST?

34 A. I do so in some manner, but in - probably not to the -
35 whatever the charge was, I don't know, if it was 10% or
36 what it used to be, it will increase the cost of living. I
37 know a lot of people will say, no, it doesn't, we were
38 better off with the GST. I believe the bandied amount was
39 around \$5 million or \$6 million or something; I don't know
40 whether that's a complete figure. But, you know, we could
41 all live in the same way we're basically living without
42 more costs on us, because we've got tremendous rate costs
43 in this place at the moment; we have no shipping as such.
44 But sure, a GST, that would be fine, but I think that it
45 needs to be looked at, you know, a little bit more than
46 just saying we're going to whack on a small percent or
47 something. But other ways, I don't know, I haven't thought

1 about it.

2

3 Q. Mr Buffett, you were a member of the audit committee
4 of the council from the beginning of the establishment of
5 that committee in 2016 right through until the suspension.
6 What was the purpose of the audit committee from your
7 perspective?

8 A. We were to look at the financial statement, that sort
9 of stuff, and not to question - well, not to question it,
10 just to see how it was being done, workplace health and
11 safety, how that was going when it was first introduced,
12 and purely - as we had no power, it was purely advisory.
13

14 Q. The audit committee from time to time made a number of
15 recommendations that went to council; correct?

16 A. Yes, would have been, yes.

17

18 Q. Let me run past some of them with you. The first of
19 those occurred with the first budget in December 2016 and
20 there was a resolution passed there that council undertake
21 those necessary actions to bring the budget to at least a
22 break-even position as soon as possible. Do you remember
23 that being discussed with people on the --

24 A. I can't say I do.

25

26 Q. Do you remember what the financial position was as you
27 were concluding the first six months of the council's
28 operations?

29 A. No.

30

31 Q. In April the following year the audit committee passed
32 a resolution that:

33

34 *Council actively communicates the key*
35 *achievements and performance of council to:*

36

37 *(1) ensure the community is provided with*
38 *transparent and accurate performance*
39 *information.*

40

41 How did that happen? I withdraw that. Did that
42 happen?

43 A. I don't think it did.

44

45 Q. Do you know why not?

46 A. Well, I guess they could have, again, fallen under the
47 general manager. We didn't have the approval, we were only

1 advisory, we had no power.

2

3 Q. But when you sit on the council and that resolution
4 from your audit committee comes up to the council, then you
5 have the power, don't you?

6 A. Not as I (indistinct). I had no training on it, so I
7 really don't know what the laws and regulations are about
8 it.

9

10 Q. When the audit committee says that you need to ensure
11 that the community is provided with transparent and
12 accurate performance information, does the council go, we
13 don't know how to do that?

14 A. I don't remember that, no.

15

16 Q. At the same meeting there was a resolution that:

17

18 *Council should be undertaking actions to*
19 *reduce the projected budget deficit of*
20 *\$5.27 million for the 2016/17*
21 *financial year.*

22

23 Do you remember that being an issue?

24 A. I remember it coming up, yes.

25

26 Q. I take it, you would have been concerned about the
27 size of that budget deficit?

28 A. Oh, naturally we would be.

29

30 Q. What's your recollection of your concern at the time?

31 A. How we were going to get out of it.

32

33 Q. How did you get out of it?

34 A. I don't really know, to be quite honest; I think we
35 applied to the Federal Government for - I forget the
36 wording - the grants that we were given for running
37 council, like any other council is, not the projects but
38 grants, and I believe we might have got some money from
39 that.

40

41 Q. Moving ahead to March 2018. This was moved by you and
42 seconded by Councillor Porter, it involved some resolutions
43 from the audit committee in these terms:

44

45 *... that the projected financial position*
46 *as at 30 June 2018 will be unsatisfactory*
47 *and that actions should be undertaken to*

1 *rectify the situation.*

2

3 Do you remember moving that motion?

4 A. I must have done, my name's on it.

5

6 Q. I'll ask again: do you recall what was done about that
7 by the council?

8 A. No, I'm not, no.

9

10 MR BOLSTER: Commissioner, that might be a convenient time
11 to have a brief break given we've been going for just over
12 an hour. I can say, if we break for 10 minutes, we'll
13 finish by just on 4 o'clock.

14

15 THE COMMISSIONER: Okay, everyone, we'll take a break.

16

17 **SHORT ADJOURNMENT**

18

19 THE COMMISSIONER: Okay, Mr Bolster.

20

21 MR BOLSTER: Thank you, Commissioner.

22

23 Q. Mr Buffett, I think we'd got to the point where in
24 June 2018 you moved a motion that council note the audit
25 committee again occurs with the responsible accounting
26 officer that council's financial position is unsatisfactory
27 and that the audit committee was concerned that council had
28 found it necessary to delay purchase of capital equipment
29 to the value of \$1.9 million. That was a motion you moved
30 on the basis of a recommendation from the audit committee,
31 of which you were a member, and that flowed from a meeting
32 that you had with the other two audit committee members.
33 Do you recall what aspects of the council's financial
34 position were unsatisfactory at that time? This is June
35 2018 when the budget's being prepared and being approved.

36 A. What part of it?

37

38 Q. Yes.

39 A. Well, would have been the cash that we had in those
40 accounts.

41

42 Q. What about delaying capital equipment; that was
43 something that happened fairly regularly during the first
44 three or four years of the council?

45 A. Well, we couldn't afford it.

46

47 Q. Can you give us an example of the sorts of capital

1 expenditure that was delayed?

2 A. At one stage vehicles, replacement vehicles for the -
3 you know, at the works depot, they were put off at one -
4 for a while. Instead of buying two cranes, we refused to
5 let that go through and I - only bought one crane.

6
7 Q. That's down at the wharf at Kingston?

8 A. For use at the wharf, yes. The rest I'm not - there
9 will be other things in amongst there. There were probably
10 projects we put off, small projects.

11
12 Q. What was your understanding of capital expenditure
13 that was needed but was not being implemented? What did
14 you understand the effect that would be?

15 A. Well, if we had spent it, we would have been in that
16 position a lot earlier than we are now, but this particular
17 situation we are in now is more driven by COVID than
18 anything else.

19
20 Q. Is it?

21 A. Yes.

22
23 Q. On that note, can I bring up the cash report that was
24 provided to you at a council meeting in July where the
25 Boral road contract was discussed. It's July 2019, so at
26 least six months before COVID. You see in front of you the
27 report. Can I ask you, what was your understanding at the
28 time for the difference between restricted funds and
29 unrestricted funds?

30 A. The restricted funds we can't touch unless it's for
31 good reason - emergency, et cetera - and unrestricted, we
32 can use at any given time.

33
34 Q. I think we discussed earlier that council was
35 regularly given reports of restricted and unrestricted cash
36 available at each council meeting?

37 A. Yes.

38
39 Q. This was the report for 17 July 2019. You will see
40 there that externally restricted funds at that time were
41 quite limited; this is before the airport project was
42 underway, so the Commonwealth hadn't yet given you any cash
43 to spend on the airport resurface - withdraw that: that the
44 Commonwealth hadn't given you any cash.

45
46 If you go down to the internally restricted, you will
47 see that council had provisionally internally restricted

1 \$2.5 million for the airport runway resurface grant. I'm
2 assuming, correct me if I'm wrong, that that was included
3 to provision for the amount by which the cost of the
4 contract would exceed \$43 million which you would be in due
5 course getting from the Commonwealth; does that accord with
6 your recollection?
7 A. No, I can't say why it's there, I don't understand why
8 it's there, no.
9
10 Q. You don't understand why it's there?
11 A. Yeah.
12
13 Q. And you will see there unrestricted cash of
14 \$8.4 million. That was the same meeting where council
15 resolved to spend \$5.3 million?
16 A. To?
17
18 Q. Spend \$5.3 million on the roads.
19 A. Mmm-hmm.
20
21 Q. Did you look at that figure, that 8.456 figure, and
22 ask yourself where you would be at the end of the roads
23 project if you spent \$5.3 million?
24 A. Again, we would have been relying very heavily on -
25 our main market here is the tourists, to continue to feed
26 that money back in.
27
28 Q. I want to suggest to you, you didn't turn your mind to
29 the question of what the cash position would be at the end
30 of the roads project having spent \$5 million?
31 A. Possibly, yes. But you must understand that we - when
32 this was put to us, we do question it, we do question it
33 from time to times, and obviously we - I'm not sure what
34 would have gone into the conversation about that, but we
35 would have then, I'd say, basically ensured that there was
36 more to come to back this up.
37
38 Q. In fairness to you, this document prepared by one of
39 the staff only provisioned an extra 2.5 for the airport
40 contract.
41 A. M'mm.
42
43 Q. But from what I can understand of your evidence, you
44 didn't look at it in those terms?
45 A. No, possibly not, no, because we would have been
46 relying on all the information that what we had done with
47 the main contract.

1
2 Q. If I understand your evidence correctly, you really
3 had no idea about how much the airport runway was going to
4 cost the budget at the time you approved that?
5 A. We were given the figure of the 40,000-odd, I think it
6 was.
7
8 Q. 40 million-odd?
9 A. Million, sorry, yes.
10
11 Q. Well, come July, did you have any greater idea about
12 what the airport runway would cost in total, above the 43?
13 A. We had passed that we would pick up the extra.
14
15 Q. Whatever it was?
16 A. Up to, I think there was a figure that was bandied
17 which went through, I think it was another so many million,
18 4 million, whatever it was, yeah.
19
20 Q. Did you read the Nexia report?
21 A. Not totally, no.
22
23 Q. I mean, it was a report that was - council paid for?
24 A. Mmm-hmm.
25
26 Q. Because council formed the view that it was in a dire
27 financial position, and it said that council needed around
28 \$7 million in unrestricted cash to be operational, to be
29 financially sound. Did you read that?
30 A. No.
31
32 Q. Is that the first time, listening to me today, that
33 you've heard that that is the figure that they recommended
34 as being --
35 A. I'd say so, yes.
36
37 Q. Does it surprise you?
38 A. That that's what they came up with? No. Wouldn't
39 surprise me, no; again, because of the situation we're in.
40
41 Q. No, I can understand that. Mr Buffett, I understand
42 that, I understand the airport, completely understand the
43 airport, but not being fully aware of what it would cost,
44 knowing it would be some many millions of dollars more than
45 \$43 million which you would have to pay?
46 A. But we also - we did query that as councillors as to
47 what was going on.

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Q. Did you ever query or were you ever told how much you should leave as unrestricted cash to fund your daily operations?

A. I don't believe so, no.

Q. You see, if you look at that figure of \$8.456 million before you commit to the roads contract, you're very close to that sort of minimum level of unrestricted cash. Do you think with hindsight, if you'd known what you now know based on the Nexia report, you might have thought twice about the road contract? I can understand why you would do the airport contract, but the road contract?

A. And the restricted which I can answer there; we had to look at that very closely because that was to cover superannuation, all that sort of stuff, and that had to be a fixed figure for employment, holiday, that sort of stuff we had to do mainly for staff.

Q. That's all there?

A. Yeah.

Q. That's the 450?

A. Yeah.

Q. And then there's money you hold as the curator of deceased estates? There's money that you've elected to hold for capital projects at 5.662.

A. Mmm-hmm.

Q. But that figure of 8.456 would rapidly turn into three as soon as you made the decision to go ahead with the Boral contract; you must have known that?

A. Um, possibly.

Q. One other thing I wanted to raise with you. The electricity services provided by council on the Island do not recover in fees and charges from residents enough to cover the costs of those operations, do they?

A. At this stage, no.

Q. That's been an ongoing issue that's faced council from day one?

A. Yes.

Q. And you had a study prepared by the Tassie Hydro people, Tasmania Hydro, I forget their exact name. What

1 did you ask them to do?

2 A. To go through the whole process of where we need to be
3 with the use of solar power and blend it with the use of
4 the generators on the Island, looking at the possibility of
5 having the generators as a standby and solar as the main
6 provider.

7

8 Q. As a result of that some proposals were put forward by
9 Ms Jackson, and later Mr Roach, to increase the electricity
10 charge to at least go some way towards recovering those
11 costs; you understood that?

12 A. Yes.

13

14 Q. What was your position in relation to those proposals?

15 A. That I thought, I understood that we needed to go
16 there, that a couple of cents would have been, probably
17 would have got through, even 5 cents, 10 cents, but to go
18 to the jump we were looking at - I don't know the actual
19 figure - I think would have been a little bit too much at
20 the time.

21

22 Q. The suggestion was to go up 10 cents, from 72 to
23 82 cents, in a situation where you were not recovering
24 costs and that is that the ratepayers would be having to
25 pay for their electricity in some other way. So, I'm just
26 wondering why - you have to match your revenue and your
27 expenditure according to the Local Government Act; you have
28 to be financially sustainable according to the Local
29 Government Act - I'm just wondering why, when a proposal
30 like that that would have only added a modest amount to the
31 budget but it would have moved towards a sustainable
32 electricity system, it was knocked back? Why?

33 A. It was just decided by, at that particular time - I'm
34 not sure what stage we were going through - not to make
35 that increase.

36

37 Q. Can I ask you a question from a policy perspective?
38 You'd obviously be aware of the extent to which the council
39 is dependent upon Commonwealth Government grants, both
40 operationally and for a capital basis?

41 A. Mmm-hmm.

42

43 Q. Is it something that you can shift to the Commonwealth
44 in terms of asking them for grant funding to plug all of
45 these holes in wastewater treatment, electricity,
46 et cetera?

47 A. Well, we have approached them for both of those

1 things.

2

3 Q. But at no stage, correct me if I'm wrong, was there
4 any meaningful movement towards making the people of
5 Norfolk Island contribute a little bit more towards the
6 cost of the services they received? Council seems to have
7 resisted that at every opportunity.

8 A. Yep.

9

10 Q. Is that a fair analysis or an unfair? If you take
11 issue with it, please do.

12 A. It's a very fragile economy here for a lot of people
13 and, you know, unfortunately it's just one of those things;
14 I mean, how far can we go? We will never be able to
15 financially look after the Island without the support of
16 the Commonwealth Government. You know, there's a lot that
17 could be done that could save money both ways, but it's
18 going to take a lot of money to do it.

19

20 Q. Is that a philosophy of the council, that is, well,
21 why should the people of Norfolk Island pay a little bit
22 more for electricity, why should they pay a little bit more
23 for rates --

24 A. Well, the rates --

25

26 Q. -- let's just ask the Commonwealth to pay for it
27 because that's what's been the story on Norfolk Island
28 for --

29 A. No, I didn't mean that. I've already explained what I
30 think about the land rates, but there's a lot that needs
31 doing here, I know that, we all know that, and it's - I
32 don't know where you start, but it's going to cost a lot of
33 money and, if it's done properly, that there will be
34 certain things that will have to be increased and that's
35 just normal throughout, you know, the signs.

36

37 But it gives, if we had photovoltaic electricity and
38 all that sort of stuff we would be able to cut the
39 electricity back to 35 cents or whatever it is on the
40 mainland, and understanding that also, if you pay over
41 35 cents on the mainland, you get subsidised by the state.
42 We don't have that option, but if we could get back to that
43 figure then we would be able to maintain the generators,
44 make enough money to do all that sort of stuff, but we've
45 got to get it done first to do it and it's going to take a
46 lot of money, and the only support financially that we have
47 is the Commonwealth Government.

1
2 Q. I am not familiar with whether there are any groupings
3 amongst the council. Are there any particular groups or
4 parties or divisions in the council?
5 A. Probably outside of council, yes.
6
7 Q. But on the council, on the council, are all five
8 members of council independents or do they have an
9 affiliation to a particular grouping?
10 A. Some do, yes.
11
12 Q. What are the groups that operate on council?
13 A. Oh, I don't know, um.
14
15 Q. Are you in one?
16 A. No, I'm not. Except for a meeting on, what, Tuesdays
17 just with a couple of guys.
18
19 Q. So, who do you meet with on the Tuesday to discuss the
20 business of council?
21 A. Oh, we don't discuss council, or very little of
22 council, just to get together.
23
24 Q. Was there a ticket at the election?
25 A. A what?
26
27 Q. A ticket. Did you have a ticket saying, you know --
28 A. No.
29
30 Q. -- vote for me and then vote for A, B, C or D?
31 A. No.
32
33 Q. So, there's no formal or informal grouping as such,
34 you each come to the council chamber as independents; is
35 that the evidence?
36 A. It was initially, yes, yeah. I believe, I'm not sure.
37
38 Q. When did it change?
39 A. Well, we haven't had an election, so I can't say.
40
41 Q. Did it change at all in the time that you were on
42 council?
43 A. I don't think so, no.
44
45 Q. I just wanted to ask you some questions in closing to
46 recap on the provisions that we started off with. In
47 fairness to you, what is your position about the extent to

1 which the council spent council money responsibly and
2 sustainably in the years that you were on the council?
3 A. Well, I believe we did because the monies that we
4 spent were not just haphazardly, it was always done through
5 the general manager and the accountant of the day as to
6 whether we could afford to do these things. A lot of
7 agendas and that that went through in the meetings, we were
8 definitely looking for grants from the Commonwealth
9 Government. What happened behind the scenes, I have no
10 control over and I don't know what happened behind the
11 scenes.

12
13 Q. What's your evidence about the extent to which you as
14 a council aligned general revenue and expenses; that is,
15 sought to bring them into balance?

16 A. What was the first bit?

17

18 Q. The extent to which you and the council were able to
19 align general revenue, that is, the revenue with the
20 expenditure with the aim being of having a balanced budget?
21 Do you think that the council was successful or not in
22 doing that?

23 A. Not at times, no.

24

25 Q. When was it not successful in doing that?

26 A. I think it was two years ago it looked like we, you
27 know, we weren't looking too good. There were times where
28 it didn't look good and other times where we were quite
29 comfortable with it.

30

31 Q. Can you point to any revenue measures that council
32 decided to implement to meet the prospective shortfall for
33 2020/2021?

34 A. No, I can't, no.

35

36 MR BOLSTER: I have no further questions, thank you,
37 Commissioner.

38

39 THE COMMISSIONER: Thanks, Mr Buffett.

40

41 MR BOLSTER: I think my learned friend --

42

43 MR SIMONE: Madam Commissioner, perhaps after your
44 questions I could ask a couple of questions?

45

46 THE COMMISSIONER: Sure.

47

1 Q. I want to see if you can clarify for me some of the
2 things you mentioned during the conversation because I
3 think I missed it; I might ask you to clarify something
4 because I think I didn't quite understand it at the time.
5 You talked about your role being advisory. I think what I
6 heard you say was that that's what the general manager
7 implied or said to you, that the role's advisory, or was
8 that what you thought the role of the council was, rather
9 than an advisory role but as a decision-making role?

10 A. I'm not sure what the --

11
12 Q. Earlier in your answers to the questions you made the
13 comment about, "We were more advisory", I think it might
14 have been that the general manager was implying to you that
15 you were more of an advisory role: was that in relation to
16 not being able to obtain information?

17 A. I don't know, I can't recall saying we were an
18 Advisory Council.

19
20 Q. So you are quite clear that you are the
21 decision-making body that held the future of the Island
22 basically in your hands in terms of service delivery?

23 A. We had very little to do with that and, as I said, we
24 had no - we were - if we asked questions about a lot of
25 that it was just told to us, "Sorry, that's operational, it
26 doesn't entitle you to know about those things."

27
28 Q. So what did you see as your responsibilities compared
29 to the general manager's?

30 A. Ours is trying to keep our heads above the water and
31 know what was going on to inform the general public of what
32 was happening and to keep them in touch, and also to try
33 and get, you know, a steady pace with the new accountant,
34 new type of governance on the Island with this type of
35 council.

36
37 Q. So, did the sense of responsibility, sort of when
38 you're making financial decisions, changing your mind? I
39 mean, it's fairly difficult to make, you know, steady as
40 she goes type of feeling of being on a council rather than,
41 you know, we're making significant decisions here as to
42 what's going to happen to the council on the Island?

43 A. What, at this stage, now?

44
45 Q. While you were on the council in the last 12 months?

46 A. In myself, I wondered whether it would last, yes.

47

1 Q. When did you sort of feel things were looking pretty
2 shaky and weren't going to last?

3 A. Probably, I don't know, maybe 12 months ago, yeah.

4

5 THE COMMISSIONER: All right then.

6

7 MR SIMONE: Madam Commissioner.

8

9 <EXAMINATION BY MR SIMONE: [3.45 pm]

10

11 MR SIMONE: Q. Mr Buffett, earlier on in your evidence
12 you mentioned that council was briefed by airlines that the
13 runway needed some work; do you recall when that was?

14 A. No, I don't, it was prior to - I don't know whether
15 Boral had already - it was prior to Boral - well, I don't
16 know when the contract - sorry: it would have been around
17 the time that we were looking for somebody to do the seal.

18

19 Q. Do you recall which airlines were involved?

20 A. No, I don't.

21

22 Q. What was the suggestion, if you know, what was the
23 suggestion from the airlines as to what would occur with
24 flights to the Island had the runway replacement not been
25 carried out?

26 A. There was a possibility that they would stop flying.

27

28 Q. What would the consequences to the Island have been if
29 that occurred?

30 A. Well, there goes the tourist industry and we're back
31 to where we basically are with COVID, same situation.

32

33 Q. Would it be fair to describe the runway at the airport
34 as a vital conduit into the Island?

35 A. It is, yes.

36

37 Q. In terms of the roads, how would you describe the
38 roadways prior to Boral's contract to replace it with
39 asphalt?

40 A. It needed, it did need looking - or covering.

41

42 Q. Had Boral not conducted those roadworks at that time,
43 what effect would that have had on the Island?

44 A. Oh, I don't think it would have had a big effect on
45 the Island, but it certainly would have made it a lot
46 comfortable for the visitors we have here, again, looking
47 after the tourism. I mean, outside the general and the

1 busy area, which is from the airport through to here and a
2 few little spots, corners and that, it was basically to
3 make it look a little bit more respectable and a little bit
4 more comfortable, I believe, for the market we have.

5
6 MR SIMONE: No further questions.

7
8 MR BOLSTER: Nothing arising, Commissioner. Unless you
9 had any questions, if Mr Buffett can be excused from
10 further attendance?

11
12 THE COMMISSIONER: Okay. Thanks, Mr Buffett.
13 A. Thank you.

14
15 <THE WITNESS WITHDREW

16
17 THE COMMISSIONER: We'll reconvene in the morning at 10am.

18
19 MR BOLSTER: At 10am. Thank you, Commissioner.

20
21 (After adjourning the start time was changed to 9am.)

22
23 **AT 3.48PM THE PUBLIC INQUIRY ADJOURNED**
24 **TO WEDNESDAY, 2 JUNE 2021 AT 9.00AM**

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