

Council won't pay

By BRETT COX

WOLLONGONG City Council has written to former general manager Rod Oxley advising him it will not be paying his legal fees for the Independent Commission Against Corruption hearing.

Present general manager David Farmer informed last night's extraordinary council meeting that legal advice sought by the council suggests a letter written to Mr Oxley by Lord Mayor Alex Darling, informing Mr Oxley upon his resignation that the council would cover his fees, is not enforceable because it was not supported by a resolution from the full council.

Mr Farmer said he expected to receive written advice via fax over the coming days as to the State Government's decision about the future of the council and who the new administrator would be.

In a remarkable council meeting, held as the council looks set to be dismissed, councillors also voted to:

- Elect Cr Alice Cartan to the position of Deputy Lord Mayor in place of Cr Kiril Jonovski;

- Re-establish the system of neighbourhood committees so the public can have a greater say in council matters;

- Have re-examined a code of conduct finding against Cr Anne Wood from last year for leaking confidential information, brought about by the then general manager Rod Oxley;

- Sack Cr Val Zantotto from his position as chairman of the audit and governance committee and set up a new committee to deal with ethics;

- Have a report written on the committees to which Crs Zantotto, Zeki Esen, Frank Gigliotti and Kiril Jonovski have been appointed via their position as councillors and seek replacements.

In an interview with the *Mercury* before last night's meeting, Lord Mayor Alex Darling announced he was retiring from politics.

He blamed the State Government for the proposal to have all Wollongong councillors sacked, claiming they had pushed the focus from the misbehaviour of ministers onto the council.

"They concentrated very heavily on nine councillors and I think that's very unfair," he said.

"They've taken the pressure off themselves. But I think the commissioner did what he had to do to be honest."

After 21 years in local government, he "didn't think I'd finish this way".



Vacant: Usually the setting for noisy debate, Wollongong City Council chambers is likely to have quiet times ahead.

Picture: ORLANDO CHIODO

"I don't think you'll see any of these councillors re-appearing again, and that's a shame. I'm finished. It is sad, I wanted to choose my own time, I don't have that choice now."

The mayor of six-and-a-half years said setting up the Light and Hope mental health campaign, forming the Southern Councils group and being part of the expansion of Port Kembla were among the highlights of his career.

"I think I've brought stability back to council after a rough time," Cr Darling said.

But he says he is frustrated by rumours that continue to be spread about him and other councillors not involved in the Independent Commission Against Corruption proceedings.

"As Neville Wran once said: 'throw enough mud some will stick', and unfortunately it does stick," he said.

"You are guilty, that's how some people look at it."

Council was a big responsibility for "13 individual people" but nine councillors had done a good job and worked hard for the last term.

Cr Darling did not think there was any substantial action that could have been taken by the nine remaining councillors to stop some of the behaviour that ICAC has been dealing with.

"I've thought about that," he said.

"I suppose you could have spent more time on DAs (development applications) and followed them

Recommendation puts lemma in uncertain

By SARAH ALLEY

THE State Government found itself in uncharted waters yesterday after the NSW corruption watchdog recommended Wollongong City Council be sacked.

The Independent Commission Against Corruption informally advised the Government that all Wollongong councillors should go, after finding systemic corruption throughout the council.

Premier Morris Iemma had repeatedly promised to act immediately on such a recommendation.

Last night, the Premier's office awaited necessary legal paperwork from the commission in order to act on the recommendation.

"We are in uncharted waters. This has never been done before, so how the process works is being sorted out," Department of Local Government deputy director-general Ross Woodward said.

"This provision hasn't been used before, the normal process is a public inquiry where everyone has a say and then the minister makes a decision," he said.

When Port Macquarie-Hastings

Council was sacked by the Government last week, it was as the result of a public inquiry where a commissioner recommended that an administrator be appointed.

This is the usual process for situations where a council is sacked.

But on Friday, the ICAC Commissioner Jerrold Cripps, QC, reminded all that under new legislation he had the power to call for a full sacking, if "systemic corruption" at a council is found.

Yesterday Mr Cripps announced that he thought it was in the

public's interest to immediately get rid of Wollongong councillors, rather than wait two months for the inquiry's full findings and report.

However, Mr Woodward said the reason the Government was not able to follow through yesterday with its promise to act on the recommendation was that legislation still required a report of some kind to be handed down.

The process could also be delayed by the need for the Government to select an administrator or panel to take the reins from the

council. Usually they are announced simultaneously as councils are sacked, and are normally senior public servants - retired or otherwise. Occasionally elected politicians are appointed.

Mr Woodward would not be drawn on whether the Government could face controversy if it appointed those with Labor Party connections, given much of the inquiry has centred on ALP connections through local and state governments.

He said the administrator or

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I'm finished. It is sad, I wanted to choose my own time, I don't have that choice now.

- LORD MAYOR ALEX DARLING ANNOUNCES HE IS RETIRING FROM POLITICS

Oxley's legal fees

Emotional meeting for the final nine

THEIR heads on the chopping block with the axe poised, Wollongong City councillors last night sat through probably their last meeting as elected officials.

There was a full public gallery, but it was as much family and friends of remaining councillors as the type who gather at a public hanging.

Critics of the council took the opportunity to interrupt the meeting a number of times, however, and through Wollongong Against Corruption spokesman Paul Matters, have demanded new elections.

Political careers lie in tatters: Lord Mayor Alex Darling doesn't think any present councillors will be elected again.

There is likely to be at least four years before that theory is tested.

Last night, the nine councillors who are likely to lose their jobs - despite not being the subject of any official investigation into how they carried out their duties - told the *Mercury* of their anger and sadness.

No-one supported the recommendation that the council be dismissed and most disagreed with the ruling of "systemic corruption".

Some admitted to tears. For most there was anger at their four colleagues, whose behaviour is yet to be ruled on by ICAC.

They also suspended standing orders of the environment and planning committee to publicly speak for probably the last time - though not without regular interruptions and abuse from the public gallery.

Speeches were from the heart but the public wasn't in the mood to tolerate sentimentality.

Councillors promised there was no way they could have known the goings-on amongst others. They spoke of good times on the council, but last night their message was lost against a background of the very bad.

Labor councillor David Brown, who had previously angrily thrown aside the metal

THE SCENE

BRETT COX



name tags of the four Labor councillors who have stood down from their positions, took the opportunity to speak of the council's achievements and criticise the "bozo ethnic branch-stackers" of his own party.

"Nobody in this room should feel a personal failing other than a failure of imagination," he said.

"I've met nobody who has not felt stunned and betrayed by the recent unfolding events - it has been an experience beyond our imagination."

Independent Alice Cartan told the meeting she was unhappy with media coverage of the ICAC hearings, believing those councillors not the subject of ICAC should have been given more of an opportunity to be heard and the good work of the council promoted.

Cr Darling said: "We have 1200 people on our staff and morale is at an all-time low."

"I wish you all in your various lives well."

Last night was likely to be the lord mayor's final after 21 years in local government. It was the same for independent Dave Martin.

Cr Carolyn Griffiths said she believed the proposed sacking of the council would be used by the State Government as the lever to close down the entire local government level across NSW.

For the 61-year-old, popular among her supporters for her tenacity, it was the first time in her life that she looked likely to be sacked from a job.

"I just want to say to everybody, goodbye and good luck," she said.

Then it was back to business. Councillors debated a number of planning matters - several calling for changes in council operations in light of ICAC.

Then, at 7.04pm, it was over. Indefinitely.



Dave Martin (independent)
I am extremely disappointed that the commissioner is recommending that all offices be declared vacant. I believe that those found by the commission to have done the wrong thing or found to have lied should resign. This is rough justice - it's guilt by association. The community will not be allowed to participate with an administrator.

Alice Cartan (independent)
I'm devastated. I was, right up until the time I heard the news, hopeful (the commissioner) would see the sort of people who are on the council now. There will be an administrator for the next four years. I feel really disappointed that this sort of behaviour could have this sort of impact on our council.

Janice Kershaw (Labor)
It's disappointing the commissioner has reached the recommendation that the whole council be dismissed when there's only four that have been named and nine other councillors that have no indication of having done anything wrong. After 17 years it's certainly a disappointing way to leave my community service.

Tony Kent (independent)
I was a bit disappointed with the decision. I think there'll be an administrator for at least four years. No, I don't feel any anger, it's just something that happens. The administrator will probably just rubber-stamp future decisions.



Anne Wood (independent)
Personally, I am feeling very happy for Wollongong. You only have to look at the pain this city has been in for the past few weeks to see a circuit-breaker such as this is a welcome relief. I am disappointed though the independent councillors have become collateral damage in this. I have always aimed to carry out the views of people in my electorate and I think that's what this decision is.

David Brown (Labor)
It's just terrible. This is a black day for the city of Wollongong. A handful of councillors, public servants and business people have blackened this city for the rest of us. I'll have to reassess now. For the last couple of months I've received some support from certain people for me to run for lord mayor. But now ... I guess there's more time to go fishing.

Carolyn Griffiths (independent)
I'm devastated. I thought it might happen but I also thought there might be some justice in the world. The good, honest councillors are collateral damage. The only way a good thing could come out of this is if some of these despicable people go to jail. But it's more likely they'll laugh all the way to the bank. I know I'm innocent and have a made a difference to the community.

Andrew Anthony (Independent)
I'm totally disillusioned with everything right now. Deeply upset. I feel it's an injustice to those councillors who haven't been named. It's a setback for me. I ran for this position with the intention of cleaning the place up and I have become an innocent victim.



Val Zanotto (Labor)
Named during the ICAC inquiry. Unable to comment.

Frank Gigliotti (Labor)
Named during ICAC inquiry. Unable to comment.

Kiril Jonovski (Labor)
Named during ICAC inquiry. Unable to comment.

Zeki Esen (Labor)
Named during ICAC inquiry. Unable to comment.



through ... but I don't know what you could do to be honest. I think we've acted pretty responsibly."

Self-employed since he was 21, Cr Darling joked "I've never been sacked in my life."

"This is a very low point. "It's an awful way to end one's career."

"I have no regrets at all from being mayor, I've enjoyed every day of it."

territory

panel carried out all the duties of a full council and mayor, including attending all the ceremonial functions.

But Wollongong residents won't be able to elect a fresh team at the local government elections in September.

Instead they will be governed by the administrator for at least four years.

"If Port Macquarie is anything to go on, it'll be the next election after this one. It's usually that period of time to allow the council to get itself organised for the return of democracy," Mr Woodward said.

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I've met nobody who has not felt stunned and betrayed by the recent unfolding events.

- CR DAVID BROWN