



COOTAMUNDRA-
GUNDAGAI REGIONAL
COUNCIL

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Business Paper

EXTRAORDINARY COUNCIL MEETING

**ALBY SCHULTZ MEETING CENTRE,
COOTAMUNDRA**

6.00pm, Wednesday 18th October, 2023

Administration Centres: 1300 459 689

The Mayor & Councillors
Cootamundra-Gundagai Regional Council
PO Box 420
Cootamundra NSW 2590

NOTICE OF MEETING

An Extraordinary Meeting of Council will be held in the Alby Schultz meeting Centre, Cootamundra on:

Wednesday, 18th October, 2023 at 6.00pm

The agenda for the meeting is enclosed.

Steve McGrath
Interim General Manager

Live Streaming of Meetings Statement

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and, or, voice being live streamed and publicly available. Please refrain from making any defamatory statements.

AGENDA

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1 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges the Wiradjuri people, the Traditional Custodians of the Land at which the meeting is held and pays its respects to Elders, both past and present, of the Wiradjuri Nation and extends that respect to other Aboriginal people who are present.

ADJORN MEETING FOR OPEN FORM

2 OPEN FORUM

RESUME OPEN MEETING

3 APOLOGIES

4 DISCLOSURES OF INTEREST

5 GENERAL MANAGER'S REPORT

5.1 GENERAL MANAGER OFFICE

5.1.1 DEMERGER STATUS - CGRC	
DOCUMENT NUMBER	400130
REPORTING OFFICER	Steve McGrath, Interim General Manager
AUTHORISING OFFICER	Steve McGrath, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p>4. Collaborative and progressive leadership</p> <p>4.4 Recognised as a premier local government Council that represents and advocates for community needs</p>
FINANCIAL IMPLICATIONS	There are potentially Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	<ol style="list-style-type: none"> 1. Office of Local Government Update on the Demerger of CGRC ↓ 2. Media Release from Minister for Local Government ↓ 3. Correspondence from Minister for Local Government 4 October 2023 ↓ 4. Proposal from Counsel House ↓ 5. Correspondence to Minister for Local Government from CGRC ↓ 6. Confidential - Legal Advice Lindsay Taylor Lawyers - Confidential (under separate cover)
PROVISIONS FOR CONFIDENTIALITY (ATTACHMENT 6)	Section 10A (2) (g) - advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
PUBLIC INTEREST (ATTACHMENT 6)	It is considered that discussion of this matter in Open Council would, on balance, be contrary to the public interest as it may prejudice Council's ability to secure the optimum outcome for the community.

RECOMMENDATION

Council resolve to adopt a recommendation from within the four options put forward in this report.

Introduction

Since the then Minister for Local Government's announcement in August 2022 that Cootamundra-Gundagai Regional Council's (CGRC) proposal for demerger under 218CC of the *Local Government Act 1993 (the Act)*, Council has been seeking direction from the NSW Government, prior to the March 2023 election and post the election with the newly elected Government, on progress of the demerger. Numerous requests for a meeting with Councillors had been made to the new Minister for Local Government since April 2023, see Attachment 5.

The Minister for Local Government, Hon Ron Hoenig MP, met with Councillors in Cootamundra on Tuesday 3 October 2023 to discuss the demerger and convey his position. According to the Minister, should CGRC wish to pursue the demerger of CGRC, effectively a fresh process will need to be initiated resulting in consideration by the NSW Local Government Boundaries Commission (LGBC) and a public inquiry for the third time.

Discussion

The proposed demerger of CGRC has been the subject of various processes in recent years:

- 2020/2021 – An elector led process initiated under section 215 of *the Act* was conducted resulting in a LGBC review and resultant LGBC report to the Minister for Local Government recommending the demerger proposal not be implemented (this included submission of a Business Case prepared by Professor Drew; understood there was a dissenting report issued by 2 Commissioners of the LGBC). The Minister for Local Government accepted the recommendation of the LGBC.
- 2021 – Amendments were introduced to *the Act* including 218CC which provided a path for a newly merged Council to seek de-amalgamation within 10 years of a merger, and provided that the State would fully fund resultant de-amalgamations.
- 2022 – CGRC lodged a demerger proposal under section 218CC of *the Act*. This proposal was once again referred to the LGBC, a review and public inquiry held resulting in the LGBC issuing a report recommending that the Proposal be implemented (understood that a dissenting report was issued signed by 1 Commissioner of the LGBC). The then Minister for Local Government accepted the recommendations of the LGBC and in August 2022 issued correspondence approving the demerger of CGRC, effectively to form two new Councils, Cootamundra and Gundagai.
- 2022/2023 – Since August of 2022, CGRC has been in a holding pattern waiting for the Minister and OLG to provide the direction for the demerger pathway. More specifically, since the election of a new Government in March 2023 and new Minister in April, CGRC has been seeking confirmation of the demerger progressing and the path to move forward.

On Tuesday 3 October 2023, the NSW Minister for Local Government, Hon Ron Hoenig MP, visited Cootamundra and met with the Councillors of CGRC. The message delivered by the Minister is contained in the October 2023 Update, attachment 1 to this report. In summary:

- The Minister advised that he is in receipt of advice from a Barrister advising *the Act* does not provide a legal pathway to demerge under section 218CC of *the Act*;
- The Minister announced a “pathway that will empower the Councils to take ownership of the demerger process.”
- The pathway will require a CGRC developed detailed implementation plan creating two sustainable councils;
- The implementation plan is to be reviewed by the LGBC, including a further public inquiry;

- If the LGBC is satisfied that the CGRC approach is sound, the Minister will proceed to dissolve CGRC (section 212 of *the Act*) and create two new areas (section 204 of *the Act*);
- No funding will be provided by the State Government to support CGRC for this process or any subsequent demerger.

CGRC is now faced with considering its options moving forward, noting that progressing in the manner advised by the Minister for Local Government on 3 October 2023 will require initial investment by CGRC, consideration by the LGBC including a further public inquiry and ultimately a final decision by the Minister for Local Government. Additionally, following the Minister's current advice, all costs associated with a demerger will need to be factored into the detailed implementation plan and will have impact on the financial analysis (Note: the 2022 LGBC process was based on assumption that the NSW Government was required to fund the demerger costs).

Since the Minister's meeting with the Councillors of CGRC, the Mayor and Interim General Manager have fielded numerous enquiries given the implications of the Minister's advice to the sector generally.

The Mayor has made general enquiries of a professional public affairs, advisory organisation, Counsel House, which Council may consider engaging to undertake a lobbying/advocacy service on behalf of CGRC. A subsequent proposal has been received from Counsel House and is attached to this report as Attachment 4. The proposal indicates the nature of the service provided by Counsel House and advises that an investment of \$7,000/month is required, noting that this service can be effectively turned on and off on a calendar month basis as required.

The Interim General Manager has sought some initial legal advice from a firm on Council's legal panel and has also made general enquiries in regard to potential resources that may be available to assist with the development of the detailed implementation plan should Council progress in that direction. It is noted that discussions with representatives of the NSW OLG indicate that the detailed implementation plan would benefit from the input and direction of resources that have a strong financial qualification and background, as well as a practical hands on knowledge of the operations of councils. Council has sought further information/advice from the Minister and/or the OLG in regard to any guidelines and or further detail regarding just how detailed the implementation plan needs to be.

It has also been suggested that a dedicated media/comms campaign could be implemented by CGRC to raise awareness of the situation that CGRC now finds itself in and to mount a campaign that keeps the pressure on the NSW Government to take reasonable action in this matter. To this end, it is suggested that a potential media/comms campaign could be an item for further consideration once Council has commenced the actions identified in the adopted Option. That is, further consideration could be given to the development of this campaign at an Ordinary Council meeting in the coming months.

OPTIONS:

Option 1

Council accept the Minister for Local Government's current position and resolve to not progress any further action. This would require communications to the community explaining the situation.

Option 2

Council seek further detailed legal advice, including the engagement senior counsel, to explore any potential legal avenues to achieve progress of the demerger of CGRC under the Act without the

need for a further LGBC process and public inquiry. Additionally, Council resolve to engage Counsel House to undertake a campaign of advocacy and lobbying on behalf of CGRC.

Should Council wish to pursue this option, the recommendation would be as follows:

RECOMMENDATION:

1. *Council seek further legal advice through its Solicitors, including the engagement of senior counsel, to provide advice to Council to progress the demerger of Cootamundra-Gundagai Regional Council;*
2. *Council engage Counsel House to undertake a campaign of advocacy and lobbying on behalf of Cootamundra-Gundagai Regional Council in pursuit of the demerger of Council to form two new Councils, Cootamundra and Gundagai; and*
3. *Council allocate the sum of \$50,000 in its 2023/24 budget for demerger planning, such funding will reduce the projected operating surplus for the 2023/24 budget year.*

Option 3

Council pursue the development of a detailed implementation plan in preparation for lodgement with the Minister and the LGBC, noting that such implementation plan will need to demonstrate two financially viable and sustainable councils will result post the demerger.

Should Council wish to pursue this option, the recommendation would be as follows:

RECOMMENDATION:

1. *Council resolve to prepare a detailed implementation plan which creates two sustainable councils in preparation for lodgement with the Minister for Local Government and the Local Government Boundaries Commission to pursue the demerger of Cootamundra-Gundagai Regional Council; and*
2. *Council allocate the sum of \$180,000 in its 2023/24 budget for demerger planning, such funding will reduce the projected operating surplus for the 2023/24 budget year.*

Option 4

Council effectively pursue a combination of Options 2 and 3. This would mean running processes concurrently, noting that should either of items 1 and 2 in Option 2 achieve a positive result, Council may be in a position to cease the progress of item 1 in Option 3.

Should Council wish to pursue this option, the recommendation would be as follows:

RECOMMENDATION:

1. *Council seek further legal advice through its Solicitors, including the engagement of senior counsel, to provide advice to Council to progress the demerger of Cootamundra-Gundagai Regional Council;*
2. *Council engage Counsel House to undertake a campaign of advocacy and lobbying on behalf of Cootamundra-Gundagai Regional Council in pursuit of the demerger of Council to form two new Councils, Cootamundra and Gundagai;*
3. *Council resolve to prepare a detailed implementation plan which creates two sustainable councils in preparation for lodgement with the Minister for Local Government and the Local Government Boundaries Commission to pursue the demerger of Cootamundra-Gundagai Regional Council; and*

4. *Council allocate the sum of \$230,000 in its 2023/24 budget for demerger planning, such funding will reduce the projected operating surplus for the 2023/24 budget year.*

Financial

There will be financial implications for CGRC to consider moving forward dependent on the option that Council resolves to pursue. Should Council decide not to progress with the demerger at all, there would obviously be no demerger costs and therefore no financial implications.

Should Council progress with seeking detailed legal advice and actively pursuing the assistance/support of a professional lobbying/advocacy group, it is anticipated that the financial investment required would be in the order of \$50,000.

Pursuing the development of the detailed implementation plan advised by the Minister on 3 October 2023 would require financial investment in the order of \$180,000.

Council could resolve to undertake some of the above processes concurrently, which would require financial investment reflecting the combination of the processes resolved to be undertaken.

It should also be noted that consistent with the Minister's suggestion that the OLG could offer support, some discussions have occurred with representatives of the OLG and the nature and level of support that the OLG may be able to offer is currently being explored. The support provided by the OLG may have the effect of reducing the expenditure incurred by Council, and therefore reduce the budget allocation necessary.

The other financial implication to be considered relates to the actual one-off demerger costs that would be incurred if ultimately Council's detailed implementation plan is approved by the LGBC and the Minister for Local Government. Previously, as mentioned elsewhere in this report, Council and the community were progressing for a demerger on the basis that it was expected that the NSW Government would be funding the one-off demerger costs. The Minister for Local Government has been clear that from his perspective there is no funding available from the State Government for the demerger and CGRC will need provide the funding.

It is noted that there has been some conjecture by various parties regarding what is the investment required to fund one-off demerger costs. Professor Drew's business case, prepared in 2020, suggested a figure of \$1.75m. This was peer reviewed by Deloitte's on behalf of the LGBC in November 2020 resulting in a range of \$1.8m to \$4.2m being suggested and a mid-point of \$3m being utilised for further financial analysis. In more recent times, much higher figures have been suggested apparently as a result of further analysis conducted by the Office of Local Government.

For the purpose of Council's consideration of likely demerger costs should the detailed implementation plan or some other outcome result in a decision to demerge by the Minister for Local Government, it is perhaps appropriate to estimate these costs as being between \$4.5m and \$6.5m, given the time that has elapsed since the initial analysis and the significant increase in costs since 2020.

OLG 23a Guideline consideration

At face value, there will be implications for Council as a result of the 23A Guidelines issued by the Office of Local Government. Should Council resolve to pursue an option from this report to move forward on the demerger, it is quite likely that Council will incur additional expenditure that is not currently provided for in the 2023/24 Operational Plan and Budget.

This may require public advertisement and comment sought, and potentially communication with the Office of Local Government.

It should be noted that this potential additional expenditure results directly from the position taken by the current Minister for Local Government on this matter. It is suggested that the 23A Guideline constraints may be unreasonable under the current circumstances.

Office of Local Government

Update on the demerger of Cootamundra-Gundagai Regional Council

October 2023

In 2021, Cootamundra-Gundagai Regional Council (CGRC) submitted a business case to the previous Government. The business case was referred as required under 218CC of the *Local Government Act 1993* (the Act) to the Local Government Boundaries Commission (Boundaries Commission).

Following the recommendation of the Boundaries Commission to reinstate the shires of Cootamundra and Gundagai as separate local government areas, the former Government released a roadmap to demerger.

This roadmap was flawed, as the Act does not provide a legal pathway to demerge under 218CC.

Since coming to office, Local Government Minister Ron Hoenig has been working to determine a pathway that can achieve the demerger of CGRC under the Act.

The New Pathway Forward

The NSW Government will support CGRC to demerge providing two councils can be established that are sustainable and financially viable.

On 3 October 2023, Minister Hoenig met with CGRC and announced a pathway that will empower the Councils to take ownership of the demerger process.

The pathway will require CGRC to develop a detailed implementation plan which creates two sustainable councils. The implementation plan will be reviewed by the Boundaries Commission, with a further public inquiry to be held in the first half of 2024.

Should CGRC satisfy the Boundaries Commission that the Council's approach is sound, the Minister will proceed to dissolve CGRC and proclaim the creation of two new areas. This is possible under sections 204 and 212 of the Act.

Upon proclamation of the two new Council areas by the Governor of NSW, a date will be set for the election of the two new councils by their communities.



What does Council need to do now?

In preparing its implementation plan, CGRC will need to demonstrate that a demerger will create two sustainable councils. This includes plans for:

- where the boundaries should be;
- electoral matters such as wards, number of councillors and the method of electing Mayor;
- division and sharing of assets and liabilities;
- allocation of staff, as well as management and organisational structures;
- rate levels and charges; and
- service standards and shared service arrangements.

CGRC is being encouraged to start work on its plan as soon as possible. To complete the demerger and elect the new councils before the end of 2024, the implementation plan needs to be completed expeditiously.

How will the community have their say?

Provided the implementation plan to demerge is completed by CGRC in early 2024, the Boundaries Commission will conduct a public inquiry in the first half of 2024. The community will be invited to comment on the proposal at this time.

What was the problem with the roadmap released by the previous government?

Demerging CGRC using the roadmap announced by the previous government was never possible under section 218CC of the Act.

The section of the act explains how demerger proposals must be handled but it does not give the Minister the legislative power to prepare and recommend to the Governor a proclamation that would legally create the two new Councils.

CGRC develops a detailed implementation plan to demonstrate how two sustainable councils can be established

- Council must determine rates, service levels, and boundaries

The Boundaries Commission undertakes a public inquiry into the Council's plan

- The community will be invited to have their say in the first half of 2024

The Minister considers the report and makes a decision

- The Government must be satisfied the demerger proposal will achieve two sustainable councils

CGRC is dissolved and two new areas are proclaimed - Cootamundra and Gundagai

- Elections will be held for the two new council areas



Ron Hoenig
Minister for Local Government



Media Release

New pathway to guide Cootamundra-Gundagai Regional Council de-amalgamation

Tuesday 3 October 2023

The NSW Government has today salvaged the plan to de-amalgamate Cootamundra-Gundagai Regional Council (CGRC).

Since coming to office, the Minister and Office of Local Government have explored the legal avenues available to achieve a successful demerger under the roadmap provided by the previous Liberal-National government.

This roadmap has only succeeded in leading to a dead end, with no statutory mechanism under the legislation (section 218CC of the *Local Government Act 1993*) to create two independent and fully functioning councils.

Minister for Local Government Ron Hoenig is today meeting with CGRC to outline a new pathway which empowers the Council to develop a detailed implementation plan to guide the establishment of two new sustainable local government areas. The plan must include propositions for:

- where the boundaries should be;
- electoral matters such as wards, number of councillors and the method of electing Mayor;
- division of assets and liabilities;
- allocation of staff, as well as management and organisational structures;
- rate levels and charges; and
- service standards and shared service arrangements.

The plan will then be assessed by a public inquiry led by the Boundaries Commission. This inquiry will determine if independent Cootamundra and Gundagai councils are capable of operating in a financially sustainable way that will provide necessary infrastructure and services to their respective communities.

Providing the NSW Government is satisfied that the plan and the public inquiry process provides enough certainty to the local community, CGRC will be dissolved and two new council areas proclaimed.

Quotes attributable to the Minister for Local Government Ron Hoenig:

"The NSW Government supports the communities in Cootamundra and Gundagai's desire to demerge and frame their own future for local governance.

"The Liberals and Nationals created this problem by forcibly merging two communities with nothing in common.

"The previous Government knew there were legal issues but it was left to us to find a way through the mess.

"Since coming to office, the Government has made it clear that the demerger framework must support and enhance local democracy while ensuring the practical and financial impacts are fully understood.

"The new approach announced today is a necessary step as I am unable to give legal effect to the former Minister for Local Government's intention under section 218CC of the Local Government Act to demerge the Council.

"This approach recognises Council and the community's desire to demerge and lets the community shape their own destiny in creating their two new councils.

"Any future councils must be sustainable and able to continue to deliver services and infrastructure to their community, now and into the future.

"In the meantime, the existing Council will remain in place and continue its operations under the current Mayor Charlie Sheahan.

"I want to thank the councillors, staff, and community of Cootamundra-Gundagai for their patience as we have progressed through this complex process."

MEDIA: Clare Dowswell | Minister Hoenig | 0448 540 073

Leader of the House in the Legislative Assembly
Vice-President of the Executive Council
Minister for Local Government



Our Ref: A878046

His Worship the Mayor
Cr Charlie Sheahan
Cootamundra-Gundagai Regional Council
PO Box 420
COOTAMUNDRA NSW 2590

Dear Cr Sheahan,

I write in relation to the demerger proposal for the Cootamundra-Gundagai Regional Council (CGRC).

Since coming to government, I have been seeking to give legal effect to my predecessor's road map for demerger. Unfortunately, I have not been able to find a legislative path to give effect to the demerger in the way my predecessor had proposed.

The law does not enable me to progress the existing demerger process under section 218CC of the *Local Government Act 1993* (the Act).

I remain convinced of the conceptual merits of a demerger, recognising that it is the strong desire of the Council and was recommended by the Boundaries Commission. I am asking Council to expeditiously prepare for me an implementation plan that will demonstrate how it will create two sustainable new local government areas for assessment.

In preparing such a plan I am asking Council to be mindful of previous assessment by the Boundaries Commission and relevant best practice.

It is then my intention, should the plan demonstrate a financially sustainable path in this implementation program, to refer it for a concurrent Public Inquiry and as a proposal for examination by the Boundaries Commission under the relevant sections of the *Local Government Act 1993*.

Should a report be made by the Public Inquiry under section 212(2) of the Act, this would provide an available avenue for the proposed demerger to continue and to progress to detailed implementation. I will also ask the Boundaries Commission for an examination and report on the plan and the appropriate constitution of the two new councils.

I intend to appoint the current Commissioners of the Boundaries Commission to undertake the Public Inquiry, and for the Boundaries Commission to undertake any

proposal examination. This will allow councillors to develop an implementation plan for assessment by the joint Boundaries Commission examination and Public Inquiry.

I have taken this course of action because it is an efficient, cost effective and practical way to be able to determine whether Cootamundra and Gundagai councils, however they may be constituted, are capable of operating in a financially sustainable way.

I encourage councillors to start work on a plan as soon as possible to allow me to commence the legal processes I have outlined here to consider the demerger of CGRC.

Yours sincerely,



The Hon. Ron Hoenig MP
Leader of the House in the Legislative Assembly
Vice-President of the Executive Council
Minister for Local Government

Date: 4/10/23



Cr. Charlie Sheahan
Mayor
Cootamundra Gundagai Regional Council
PO Box 420
Cootamundra NSW 2590

6 October 2023

Dear Mayor Sheahan

Thank you for the opportunity to present you with a proposal of how Counsel House can assist Cootamundra Gundagai Regional Council in your public advocacy efforts with the New South Wales Government. Counsel House is a bipartisan national public affairs firm, with advisers located throughout the country with backgrounds across the political spectrum. We have deep ties spanning the Minns Government and a proven track record of working with local government and are ideally placed to assist on this brief.

The brief

We understand you require an advocacy service which:

- Will advance the case for de-merger of your council with the NSW Government, as well as other issues that arise from the de-merger process.
- Understands the history of a proposed de-merger for Cootamundra Gundagai Regional Council and can shape and influence the attitudes of key government Ministers toward the proposed de-merger.
- Has a deep understanding and appreciation of local government in NSW and the impacts of forced mergers upon many communities.
- Develops and implements an effective communication strategy that engages with the Minns Government, the NSW Opposition and the NSW Independent and minor parties, and the NSW Office of Local Government to deliver upon the promised de-merger of Cootamundra Gundagai Regional Council.



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In delivering this service we will provide specifically:

- **High level strategic counsel** on your government relations efforts
- Identification and **mapping of key decision makers and influencers** seen and unseen
- **Communications advice** on your messaging to political stakeholders, to ensure that you are communicating clearly and persuasively, achieving real 'cut through' on your issues
- **Proactive insights gathering** to provide current, relevant, and accurate insights and information into the political and policy landscape
- **Monitoring of government activity** and advice to you on major policy or legislative developments
- **Arrange and attend** meetings with key Ministers and bureaucrats to assist in your parliamentary and government engagement efforts
- **Prepare and refine** collateral, supporting and leave-behind material and speaking notes for government and parliamentary engagement
- Additional support, but not duplication, of the existing capacity in your team

About Counsel House

Counsel House is a national government and public affairs advisory firm made up of some of the most experienced and effective advocates in the country. Together, Counsel House's group of highly skilled multidisciplinary advisors form bespoke teams around our clients' issues covering the full suite of services across government relations, communications, stakeholder consultation, polling, and creative production.

We are bound by a common direction and ethic: to excel at our crafts, and to be the pre-eminent advocacy team for hire in the country.

Our specialist areas include:

- Government Counsel (including progressive, conservative and crossbench)
- Communication Counsel
- Stakeholder Counsel
- Insights Counsel
- Creative Counsel



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Advisors

Counsel House's Advisors are working contemporaries, who are highly active in their field.

This gives them an unrivalled understanding of the current state of affairs of Australia's political, policy and media landscape.

This project would be led by your dedicated Chief of Staff, Hon. Mick Veitch and would include insights from our team of Advisors. Your dedicated Chief of Staff will run your project, set and communicate KPI's, and coordinate Advisors and activities to ensure the seamless running of your brief.



The Hon. Mick Veitch
Director



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Mick Veitch has an unrivalled understanding of the NSW political landscape and the Minns Labor Government. During his 16-year, high level political career (2007 to 2023) he served in host of key roles including Parliamentary Secretary and Shadow Minister. From 2011 to 2023 he was on NSW Labor's front bench holding responsibilities across a range of vital economic policy areas including Industry, Trade & Investment, Regional Development, Water and Primary Industries.

During his time in public office Mick established strong credentials as a decision maker and public policy practitioner who understands and respects the commercial realities of business and industry. He offers excellent insights on federal-state relations and how issues management regularly moves between the national and state jurisdictions.

He maintains an extensive network of trusted relationships across the NSW Parliament and the incumbent governments in Macquarie Street and Canberra. Combined with his deep understanding of policy development, parliamentary processes and portfolio administration Mick brings a wealth of experience and insights to his clients.

Born in Gundagai and raised in country NSW, Mick has spent his life advocating for regional and rural communities.

Should you require assistance, the below advisors are available to assist on your brief:

Advisor	Role	Contact details
<u>Claire March</u> Managing Director	Federal Labor	Level 8, Suite 4, 24 Collins Street, Melbourne, VIC 3000 Unit 18, 16 National Circuit, Barton ACT 2600 Phone: 0403 937 849 Email: claire.march@counselhouse.com.au
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Our full team of state and territory advisors can be found here: counselhouse.com.au/advisors/



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Our fees

In order to provide you with maximum flexibility, our fees are charged on a month-to-month basis and can be 'switched off' or 'paused' at the end of any calendar month based on your business needs. Should you engage us in an ongoing capacity, our work will continue month-to-month unless notified at the end of any calendar month. Our standard terms and conditions are attached.

Our fee for all work in the New South Wales jurisdiction is \$AUD7,000 (plus GST) per month.

Initial work plan

In delivering the advocacy strategy, we will undertake an initial work plan which would include:

- An **issues mapping** session so we have a full understanding of your issues
- An **engagement mapping** session to ascertain your current engagement and provide guidance on any gaps in your coverage
- A **literature review** of your existing resources to provide advice on your messaging to political stakeholders
- A regular weekly meeting where Counsel House can report our insights and set the activity for the forthcoming period

There is no additional fee for this work, and it is done as part of our standard government relations work.

Next Steps

We are keen to assist on the brief and can commence work immediately. Of course, should you have any questions on any aspect of this brief, I am very happy to discuss, and can be contacted on 0419 009 505.

Regards

Hon. Mick Veitch
Director
Counsel House



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COUNSEL HOUSE – CLIENT ENGAGEMENT TERMS

This document outlines Counsel House's client engagement policy. It contains the terms and conditions upon which Counsel House will provide the Services. These conditions are in addition to any conditions relating to the costs of services provided as set out in the letter of engagement.

1. Term and timing of the contract

Counsel House will commence providing the Services once you accept these terms. It will continue to do so on a monthly basis until terminated by either party at the end of a calendar month. In the event that Counsel House and the client have agreed to a specified number of months' work, and the work continues beyond that specified period, the contract may continue on a monthly basis as agreed by both parties and may be terminated by either party at the end of any calendar month.

Should the contract commence part-way through any month, the client will be billed, pro rata, for the remainder of that month, unless both parties agree otherwise.

2. Fees

A tax invoice will be issued at the end of the calendar month and will require payment within 30 days. GST will be added to this fee as applicable.

In the event of non-payment, Counsel House may seek to claim any penalty interest due.

3. Expenses

Counsel House will charge for accommodation and travel, including transfers, expenses that it reasonably incurs in providing the Services. Counsel House undertakes not to incur such expenses without the prior explicit agreement of the client

4. Confidentiality

Confidential information means the terms of this policy and all information, material and technology disclosed or provided in any form by any party to any other party in confidence in connection with the provision of the services.

Party means either your organisation or Counsel House as the context indicates.

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Each party must maintain in confidence all Confidential Information and ensure that the Confidential Information is kept confidential. However, a party may reveal Confidential Information of another party if required by law or by any stock exchange to disclose, in which case the disclosing party must immediately notify the other party of the requirement and must take lawful steps to and permit the other party to oppose or restrict the disclosure to preserve, as far as possible, the confidentiality of the Confidential Information.

This obligation continues after Counsel House's engagement ends. It does not apply if the Confidential Information is in or enters the public domain for reasons other than a breach of this clause.

If the Confidential Information is disclosed to a party by a third party legally entitled to disclose that information and who is not under an obligation of confidentiality to a party, then this clause does not apply.

A party receiving a record or document recording or containing Confidential Information from another party will destroy or return the record or document on request of the other party.

5. Conflict of Interest

In the event of a conflict of interest, Counsel House will immediately notify you and, subject to confidentiality obligations, seek to resolve the conflict with you to the mutual satisfaction of Counsel House and you.

6. Public Disclosure

Legislation in various jurisdictions in Australia requires public disclosure of lobbying activities in certain circumstances. Counsel House will comply with all legal requirements and consult with you about compliance.

7. Ownership of advertising materials and intellectual property rights

For the purposes of this clause **Intellectual Property Rights** means all intellectual property and other analogous rights including current and future registered and unregistered rights in respect of copyright, designs, trademarks, know-how, confidential information, patents, inventions and discoveries.

(a) **Background Intellectual Property Rights:** All Intellectual Property Rights created prior to, or independently of this agreement by either party will remain the property of that party.

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- (b) **Licence to Counsel House:** The Client grants Counsel House a licence to use the background Intellectual Property Rights in any material it provides to Counsel House for the purposes of this agreement in order to provide the Services to the Client.
- (c) **Intellectual Property Rights:** All rights, title and interest in and to any materials or deliverables created by Counsel House in connection with this agreement (**Materials**) will be the exclusive property of Counsel House upon creation.
- (d) **Third Party Intellectual Property Rights:** Any materials which are created or owned by third parties and which will be used by Counsel House in the Materials (**Third Party Material**) will, where possible, be provided to the Client in accordance with the procedure set out in this clause. However, the Client acknowledges that an assignment of Third Party Material will not always be possible, in which case Counsel House will use its best endeavours to obtain a licence of the Third Party Material for the benefit of the Client for purposes in connection with this agreement.

8. Warranties

- (a) The Client warrants to Counsel House that:
 - (i) all information and material provided by or on behalf of the Client to Counsel House for inclusion in the Materials, or upon which the Materials may be based (**Client Material**), will not breach any law or regulation or infringe any relevant rules, recommendations, guidelines and codes relevant to those Materials;
 - (ii) all Client Material will be factually accurate; and
 - (iii) the use of Client Material by Counsel House and any person to whom Counsel House may supply that Client Material will not give rise to any action, proceeding, suit, claim or demand against Counsel House or that person.
- (b) The Client indemnifies and holds Counsel House harmless from and against any and all actions, proceedings, suits, claims and demands brought or made against the other by any person arising from or in connection with any breach of a warranty made by the Client in this clause (9), any of those warranties, and from and against any damage loss, cost or expense (including legal expenses) suffered or incurred by the other as a result.

9. Limitation of liability

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- (a) Counsel House is committed to helping clients achieve their commercial objectives, but makes no guarantee, assurance or undertaking that the advice provided will result in any particular outcome being achieved.
- (b) Unless otherwise specifically stated in this agreement, all terms, conditions and warranties implied into this agreement in respect of Counsel House by statute at common law or otherwise, and any and all liability of Counsel House for any indirect or consequential loss (including any loss of profits, loss of revenue, or loss of opportunity) arising in any way (including as a result of the negligence of Counsel House), is excluded from this agreement except where to do so would contravene any statute or cause any part of this agreement to be void or unenforceable.
- (c) Neither party will, in any circumstances, be liable to the other party for any indirect, incidental or consequential damage or loss of any nature however caused (whether based on tort, contract or otherwise) including loss of profits, loss of production, loss of sales opportunity or business reputation, direct or indirect labour costs and overhead expenses, even if such damage or loss could reasonably be supposed to have been in the contemplation of both parties.

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COOTAMUNDRA-
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Teresa Breslin

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The Hon. Ron Hoenig, MP
NSW Minister for Local Government
GPO Box 5341
SYDNEY NSW 2001

Dear Minister Hoenig,

RE: Demerger of Cootamundra-Gundagai Regional Council

First, on behalf of Cootamundra-Gundagai Regional Council (CGRC), may I take this opportunity to congratulate you on your appointment to the role of Minister for Local Government. Given the time you invested as the Mayor of the former City of Botany, we know that you are no stranger to local government.

I wrote to the NSW Premier on 28 March 2023 likewise extending congratulations and seeking greater certainty around the demerger process for CGRC with the election of a new Government of the State of NSW. I have attached a copy of the correspondence sent to the NSW Premier for your information.

In brief, the desire within the CGRC community for the approved demerger to happen sooner rather than later continues to be raised at every opportunity. CGRC fully understands the need for the demerger to be undertaken in a structured and compliant manner, notwithstanding the desire for this to happen in a timely fashion and is eager to work with you and the NSW Office of Local Government to ensure this is achieved.

The CGRC Mayor, Cr Charlie Sheahan, is very keen to meet with you at the earliest opportunity to discuss progress on the demerger of CGRC and to this end an invitation is extended for you to visit Cootamundra-Gundagai Regional Council to meet with the Mayor and other Councillors at a time of your convenience in the very near future. Should a personal visit to either Cootamundra or Gundagai not be possible, the Mayor and myself would be more than willing to travel to Sydney to attend a meeting with you, or alternately participate in a videoconference meeting.

Council looks forward to your response and also looks forward to working with the NSW Government during the demerger transition period.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Steve McGrath'.

Steve McGrath
Interim General Manager

18 April 2023



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The Hon. Ron Hoenig, MP
NSW Minister for Local Government
GPO Box 5341
SYDNEY NSW 2001

Dear Minister Hoenig,

RE: Demerger of Cootamundra-Gundagai Regional Council

Thank you for giving me the opportunity to speak with you regarding the future demerger of the Cootamundra-Gundagai Regional Council last Thursday.

I do appreciate your generosity at short notice, and I fully understand that your time is in high demand at the present time with councils/mayors seeking information and direction around a raft of issues.

As a result of our meeting, I now have a far better understanding of your position as it relates to demergers. Whilst the decision to demerge was the previous Government's, it will be you as Minister and this Government that will have to implement the process and be accountable for the outcome.

Once more, I reiterate that we are here to assist, and support you in any way possible. If at all possible, any communication of progress that I could relay to my communities and staff, by way of reassurance that we are moving forward, would be greatly appreciated.

I know the Drew report is just one viewpoint but I hope it is helpful, and he did gain a good grasp of the communities, staff, councillors and the situation, so I hope you find it of some assistance with your decision making.

Again, I extend an invitation for you to visit our wonderful region, as you are quite familiar with, anytime and meet with us all.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Charlie Sheahan'.

Cr Charlie Sheahan
Mayor

8 June 2023



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Teresa Breslin
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Hon Ron Hoenig, MP
NSW Minister for Local Government
GPO BOX 5341
SYDNEY NSW 2001

By Email: office@Hoenig.minister.nsw.gov.au

Dear Minister Hoenig,

RE: Cootamundra-Gundagai Regional Council (CGRC) - Demerger

I refer to correspondence dated 18 April 2023 from the Interim General Manager of CGRC and 8 June 2023 from the Mayor of CGRC. Since the decision made by the then Minister in late August 2022 to approve the demerger of CGRC following extensive processes with the Local Government Boundaries Commission, our goal has been to ensure that the demerger process is expedited in a manner that provides certainty and confidence to our community and the workforce at CGRC.

The time you afforded the Mayor on 4 June 2023 is greatly appreciated and it is also understood that you needed to take an informed approach to progressing the demerger of CGRC which has consumed considerable time in your busy schedule.

Right now, under the earlier published demerger roadmap, it was expected that a Transition Manager would be appointed, and the demerger process would be underway with a view to the establishment of two new councils. In fact, that is what our community and importantly our workforce was expecting.

Currently, the following issues are causing significant concern:

- The Cootamundra-Gundagai community is expecting the demerger to occur given the earlier decision and comms;
- The CGRC organisation workforce is in a state of flux. Staff were buoyed earlier this year with the roadmap to demerger however, the mood right now is perhaps best described as uncertain, anxious and a lack of confidence is evident. In brief, we are observing signs of an organisation in distress;
- Several key leadership roles are presently occupied by individuals in "interim" or "acting" roles because permanent appointments cannot be made in the current period of uncertainty;
- The filling of vacancies within the staff establishment is challenging enough in the current employment market however, with the uncertainty created by the lack of direction on the demerger, this situation is further exacerbated;
- Morale within the organisation was on the improve however, with the contributing factors noted above it is anecdotally suggested that this trend is now reversing;
- As the senior leaders for CGRC, we are concerned for the mental health of members of the CGRC organisation.

Given the extensive process that CGRC followed under the adopted framework and the resultant decision by the then Minister, it is suggested that the situation that CGRC now finds itself in could be described as unfair. Business cases prepared by CGRC were referred to the Local Government Boundaries Commission with reports returned to the then Minister, the result was a decision in late August 2022 by the Minister and importantly those processes and decisions were undertaken within the legislative framework that remains in place today. Notwithstanding this and the formative work carried out through to the State election in March this year, CGRC submits that it is now in a greater situation of uncertainty given the void of information/direction from the Minister for Local Government.

Considering the impacts outlined above which are arguably impacting on the delivery of services to our community, we respectfully seek your prompt attention to finalising your position on the demerger of CGRC to enable our organisation to move forward with certainty and remove the anxiety and lack of confidence within the CGRC workforce that is contributing to morale concerns and potentially contributing to stress and mental health concerns.

Yours faithfully



Cr Charlie Sheahan
Mayor



Steve McGrath
Interim General Manager



24 July 2023

CC Hon Chris Minns, MP, NSW Premier



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Teresa Breslin
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Hon Ron Hoenig MP
NSW Minister for Local Government
GPO Box 5341
SYDNEY NSW 2001

By Email: office@Hoenig.minister.nsw.gov.au

Dear Minister Hoenig,

RE: Cootamundra-Gundagai Regional Council (CGRC) – Demerger

Reference is made to our letter dated 24 July 2023 seeking direction from you as Minister regarding the future direction of the demerger of Cootamundra-Gundagai Regional Council. Whilst our letter acknowledged the somewhat difficult position that you are in as the newly appointed Minister for Local Government tasked with oversight of the demerger process, the position that Cootamundra-Gundagai Regional Council can only be defined as unfair.

A response to our letter dated 24 July 2023 is yet to be received however, we have heard through various means that you may be planning a visit to meet with the Councillors of Cootamundra-Gundagai Regional Council around the end of August 2023. It would be appreciated if you could provide advice as to the date of your planned visit so that the Councillors are able to plan for their attendance at the meeting and provide some confidence that the demerger process is still on the Government's agenda.

We look forward to confirmation of the date of your visit to Cootamundra-Gundagai Regional Council at the earliest convenience.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Charlie Sheahan'.

Cr Charlie Sheahan
Mayor

A handwritten signature in black ink, appearing to read 'Steve McGrath'.

Steve McGrath
Interim General Manager

21 August 2023



COOTAMUNDRA-GUNDAGAI
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Hon Ron Hoenig MP
NSW Minister for Local Government
GPO Box 5341
SYDNEY NSW 2001

By email: office@Hoenig.minister.nsw.gov.au

Dear Minister Hoenig,

RE: Request for Meeting with Cootamundra-Gundagai regional Council (CGRC) Representatives

I refer to various items of correspondence forwarded to your office, most recently 24 July and 21 August 2023, seeking confirmation of the commitment you gave to meet with the Councillors of Cootamundra-Gundagai Regional Council at the earliest opportunity. To date CGRC has no record of response to these letters.

CGRC has been seeking direction from you in your capacity as Minister for Local Government since May/June 2023. Councillors, community and staff are all exhibiting signs of frustration as to the lack of direction on the demerger of CGRC, given the decision to demerge was made in August 2022.

This has now culminated in a Notice of Motion being considered at Council's meeting held 26 September 2023 and Council resolving unanimously as follows:

"Council contacts the Office of Local Government Minister the Hon Ron Hoenig MP, to request a meeting, to be scheduled as soon as possible, at the Minister's Office, between available CGRC Councillors and the Minister to discuss the urgency surrounding the demerger of CGRC and the implications of the delay."

I respectfully seek your assistance in scheduling the requested meeting at your earliest convenience under the circumstances.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Steve McGrath".

Steve McGrath
Interim General Manager

28 September 2023

6 MOTION OF WHICH NOTICE HAS BEEN GIVEN

6.1 NOTICE OF MOTION - ARRANGE MEETING WITH THE HON WENDY TUCKERMAN AND THE HON STEPH COOKE RELATING TO DEMERGE

DOCUMENT NUMBER	400305
REPORTING OFFICER	Logan Collins, Councillor
AUTHORISING OFFICER	Charlie Sheahan, Mayor

The following Notice of Motion signed by Councillor Cr Logan Collins was submitted on 6 October, 2023.

I hereby give notice of my intention to move the following motion at the Extraordinary Council meeting of Wednesday, 18 October, 2023:

MOTION

That CGRC immediately contact the Shadow Minister for Local Government (The Hon. Wendy Tuckerman - Member for Goulburn) and State Member (The Hon. Steph Cooke - Member for Cootamundra) to arrange to meet with council, senior staff and Human Resources to discuss the implications of the NSW Government's new method for a demerger as a matter of urgency.

Note from Councillor

We all agree that it is imperative that Council immediately investigate the new method of a demerger given to the council on Tuesday the 3rd of October by the Minister for Local Government (The Hon. Ron Hoenig - Member for Heffron).

This meeting will be to (one) address our concerns we also expressed to the minister, (two) question the previous government on their commitment and their roadmap to a demerger, and (three) enquire what support the opposition will give to the CGRC during our deliberations and work towards a demerger.

The council committed a second time to a demerger and was successful in August of 2022 when the former Minister for Local Government, who is now the Shadow Minister, announced the de-amalgamation of the CGRC and restoring the previous councils in their respective boundaries. This was interrupted by a state election, which resulted a change of government and into a new Minister with a different direction for the CGRC's promised demerger.

It has been stated that we are effectively at square one again. With the local government elections less than 11 months away due to take place on Saturday the 14th of September 2024, our council must act swiftly but cautiously and professionally to ensure a successful outcome for the people of Cootamundra & Gundagai.

Note from Interim General Manager

Should Council resolve to adopt the Notice of Motion submitted by Cr Collins, steps will be put in place to arrange the suggested meeting at the earliest opportunity.