
TRANSCRIPT OF PROCEEDINGS

THURSDAY 7 APRIL 2016

BEFORE COMMISSIONER ANTHONY HUDSON

MURRAY SHIRE COUNCIL PUBLIC INQUIRY

1 COMMISSIONER: All right, we'll get started again. Are you
2 ready? Okay.

3 MR BROAD: All right. Councillor Campbell, at the close
4 yesterday I was asking you some questions about the
5 attendance by you and other councillors at Deep Creek.
6 What I was wanting to do this morning is go through some
7 of the aspects of the communications that followed or
8 preceded the attendance at Deep Creek. And if I can show
9 an annexure to a conduct complaint in relation to that and
10 go through some of the documents there. Now, Councillor
11 Campbell, those documents basically provide a chronology
12 of the events and it starts with an indication that
13 there'd been a report to councillors' at a meeting about
14 the legal issues. And rather than focus on that can
15 I focus on these issues? There appear to have been a
16 number of emails, I don't know whether you've seen that
17 document. Just have a little bit of a look through?---I'm
18 not sure about the first one.

19 Yes?---The page, first page item 1 and, well, from there.

20 But if you can just glance through?---Yeah.

21 And see if generally - - -?---Some I have.

22 - - - you've got a recollection seeing a number
23 of - - -?---Yep, definitely.

24 - - - the emails?---Definitely.

25 Can I start off by taking you to the foot of the third page and
26 to an email of Monday, 16 March 2015 sent at 12 noon?
27 It's an email from Matthew Rogers of Kell Moore Solicitors
28 to Simon Arkinstall, which gives an opinion that the
29 current proceedings were unlikely to see a resolution of
30 the uncertainty of the sewage treatment at Deep Creek.
31 Can you see that email?---Yes, I can.

1 Was the nature of that email, and I know it's a long email,
2 ever drawn to your attention?---I believe some of this
3 email was. Actually, no, on reading those paragraphs
4 there's some things I've never seen before. No, I don't
5 believe I've seen that one.

6 Can I take you to another email, which is on the fifth page?

7 It was sent on 16 March of 2015 at, sorry, 2.41 pm. It's
8 again from Michael Down. Now, I understand Michael Down
9 is a solicitor with the Sydney Solicitors representing
10 councillors' insurers, that was sent at 2.41 pm to the
11 general manager to Mr Rogers who I've referred to and
12 Mr Arkinstall. Can you look at that email and indicate
13 whether the contents of that email were made known to
14 you?---Yes, they were.

15 They were. How were they made known to you?---I think they
16 might have been made known to me, I don't know but I got
17 them in this document that was given to me on the sewage
18 treatment plant on the Code of Conduct, they're in that
19 document.

20 So you saw them - to the best of your recollection did you see
21 those as part of the documentation relating to the
22 subsequent Code of Conduct complaint?---I might have seen
23 them before because I recognise this email that as
24 councillors, so long as we don't meet with people and give
25 them some sort of direction or that we weren't breaking
26 any legal rules where it says that we don't go off and
27 promise something and they were sort of fairly clearly set
28 out. And I may have got that because it related to the
29 email from Simon Arkinstall.

30 COMMISSIONER: So did you know that before you went to the
31 meeting?---I don't know, I can't remember but I know

1 reading this at some stage thinking that can't be right.

2 MR BROAD: Can I go over the page and take you to an email of

3 18 March 2015 sent by Mr Arkinstall at 3.27 pm to

4 Councillor Mackenzie? Do you recall seeing that

5 email?---No, I don't think I do. Hang on, I recall

6 getting an email with some of the similarities on the end

7 of this email and I think it was directed at me. This one

8 says it's to Councillor Mackenzie.

9 Do you recall getting a similar email sent to you?---Yeah,

10 I think so, yeah. Well, I remember the last on the next

11 page on those questions, I remember getting those

12 questions sent to me.

13 So that appears to have been directly sent to you?---Well, that

14 one's going to Mackenzie but I think I got one similar.

15 I can't answer that question for you, that's - - -?---No,

16 I don't know.

17 - - - exactly why I'm putting it?---Yeah.

18 May it have been circulated to you by Councillor

19 Mackenzie?---Well, I wasn't aware of the discussions that

20 were had at Bunaloo, that bit in there, during our

21 discussions. But I've got one in there that relates to

22 that, so that would have been after.

23 To your recollection does the one to you give the similar sort

24 of warning?---I got a - I definitely got a warning from

25 Simon Arkinstall.

26 There's the following email, which was sent at 3.37 pm on

27 18 March from Simon Arkinstall to councillors. Can you

28 look at that email and is that the email you recall

29 receiving?---Yes.

30 So that appears to be the email?---I definitely got that email.

31 Right?---Actually it says to councillors.

1 The reason I'm asking about the earlier email is it sets out
2 very clearly some very personal risks and those risks are,
3 of course, loss of insurance, negligence, misconduct and
4 the potential of a surcharge. Do you remember receiving
5 an email in that sort of vein?---Yes, I do.

6 COMMISSIONER: After the meeting or before the meeting? That's
7 the issue? It doesn't really matter?---After the meeting.
8 Yes?---Yeah, well and truly. And it wasn't a meeting, sorry.
9 Well, when I say "Meeting" I mean what you described
10 yesterday?---Yeah. No, that was after.

11 MR BROAD: In the lead up to the attendance at Deep Creek did
12 you have discussions with Councillor Mackenzie in relation
13 to any concerns he had about the Deep Creek issue?---I've
14 had a discussion where he had concerns regarding a
15 ratepayer contact regarding that sewage tank.

16 All right. And the ratepayer contacted - did you
17 ever - - -?---No, I never had contact.

18 You didn't see that?---No, no.

19 You don't know the source of that?---No.

20 Now, there is some subsequent, which you were obviously copied
21 to yourself, which were sent by Councillor Mackenzie on
22 18 March, that follow those emails from Mr Arkinstall. Do
23 you recall receiving those? They follow immediately from
24 the email that I was just talking about, one was at
25 3.37?---I was aware of the emails going between Councillor
26 Mackenzie and the council staff.

27 Can I take you over the page? There's an email sent on
28 18 March, again of 2015 at 4.33 pm and it reads, "Dear
29 admin, attention relevant officer" and it seeks advice
30 about the tank itself. Do you recall seeing that
31 email?---This is on 18 March at 20.35, is it?

1 No, this is at 4.33 pm?---Sorry.

2 You may have to go back?---Yeah, right. Yeah, I've got it.

3 I don't recall but I would say I was pretty much across
4 the emails that were going backwards and forwards.

5 And why would you - sorry, you weren't across them or you
6 were?---Well, I'd got copies of some of these emails.

7 And is that because they might have been copied to you by
8 Councillor Mackenzie?---That's correct.

9 And I assume you work fairly closely with Councillor
10 Mackenzie?---On some issues.

11 At the bottom of that page there's a one line reference
12 to March 19, 2015, 7.58 am and then over the
13 page - - -?---Whereabouts are you? Sorry.

14 I'll show you?---Sorry, yeah.

15 It's an email passing between Councillor Burke and Councillor
16 Mackenzie. Can you read that email and tell us if you've
17 seen that email?---I have seen this email.

18 Do you know where that email came from?---From Councillor Gavin
19 Burke.

20 He emailed a blind copy to you?---Where I got it?

21 Yes?---No, I don't know where I got this, where I copied but
22 I was aware of it at some stage.

23 Do you know at what stage you would have been aware of
24 it?---No, but I'd know on my iPad when I got it. Like it
25 would have come through to me when I got that, so that'll
26 be recorded but I'm not sure when.

27 But you certainly recall seeing it?---I do recall seeing that.

28 There's a record, going over the page, of a telephone
29 conversation between Councillor Weyrich and Councillor
30 Burke. It's March 19, 2015, 12.50 pm. Can you read that
31 record of conversation and indicate whether you were aware

1 of the nature of that conversation?---I'm aware of that
2 conversation as that's all in this document. A lot of
3 these - these emails are all in this document that was
4 given to me regarding that Code of Conduct investigation.

5 Right, and that's how you - - -?---So I definitely know about
6 that one.

7 Is that how you became aware of it?---Yes, I think so. Yes.

8 It appears that Councillor Mackenzie took concerns about the
9 safety of the sewage tank to the Environment Protection
10 Authority. Were you aware of his intention to do
11 so?---No, but I was aware when he went to Deniliquin
12 because I was very concerned with the EPA's response
13 because I believe they would have had to have known about
14 this and I got some grave concerns for a government
15 department not doing their job.

16 So there was some follow up after these events with the EPA at
17 Deniliquin?---Yes, they - you'd have to ask Councillor
18 Mackenzie but I was of the understanding that they denied
19 any knowledge and had referred him to a Mr Brian Wild in
20 Albury I think. But Councillor Mackenzie will know this
21 better than I will. And I just - I totally believe they
22 were well aware of this issue and gave the, you know, they
23 didn't seem to know anything about it, so I had some
24 concerns.

25 Now, this became a conduct complaint about you. You, as
26 I recall, didn't participate by providing any response to
27 the reviewer, is that the - - -?---Correct.

28 That's correct?---Yes, that's correct.

29 Why didn't you do that?---Because in most of the Code of
30 Conduct reviews against me none of the information
31 I provide seems to be taken seriously I suppose. I just

1 chose not to answer them.

2 It was an opportunity for you to respond?---Yes, there was.

3 It was an opportunity for you to simply tell what had happened
4 at the meeting at Deep Creek.

5 COMMISSIONER: Like you've told us yesterday?---I've a document
6 here where the general manager has gone back to the
7 reviewer and they seem to be on very, very good terms.
8 I think it's 5 June, that document is, where she provides
9 additional information to the reviewer, that she had lunch
10 today with Emma Bradbury from the Murray Darling
11 Association, which I'm a private member. I'd approached
12 that association to get some assistance or some help and
13 here's the CEO, Emma Bradbury, divulging my private, as a
14 private member of that association, my concerns of this
15 tank and they thought that was a big joke and I just found
16 that I was never going to get a right hearing in this case
17 anyway when I've got the Murray Darling Association chair
18 or CEO lunching with the operator of this facility and
19 laughing how our concerns are going nowhere. I'm a Murray
20 Darling Association private member, I have the right to
21 ask that - - -

22 Sorry, I don't understand what your relevance relates to the
23 question?---Well, the reviewer - Margot Stork writes to
24 the reviewer with, you know, dear first name terms
25 whatever, and I don't believe I would have - my
26 information would have been - - -

27 Was she answering a response from the reviewer? Have you got
28 that email? 5 June, is it? I mean I will just put it on
29 the list but you can get it out in the break or whatever.
30 Is it nearby? Is that email nearby?---What would you
31 like?

1 You said there was an email 5 June?---5 June, yeah, I've got it
2 here. I will have it there, yeah, I'll give it to you
3 later.

4 MR BROAD: And can you note that down and provide it the
5 Commissioner or to me?---Yes, I can.
6 Please.

7 COMMISSIONER: And just so I understand, you're saying that
8 email of 5 June is from Margot Stork?---Margot Stork.
9 To the conduct reviewer?---Yeah, Caroline or whoever, it's
10 there.

11 Yes?---I'll give it to you later.

12 And what are you saying it does?---Well, they have - they
13 looked to have a fairly close working relationship.

14 Do you know that?---No, I don't.

15 Well, then why are you saying it?---Well, because I just felt
16 that my information was not going to be of any benefit.

17 Understand. Anyway you had the right not to respond and in
18 that particular instance you didn't?---That's right.

19 MR BROAD: When you received the report did you read through
20 the report? Sorry, I'll go back one, I'll go back one.
21 Did you receive a draft version of the reviewer's
22 report?---I received this.

23 But before the final report - - -

24 COMMISSIONER: That's what usually happens. I mean you
25 probably have been through the process a couple of times
26 but do you usually get a draft report?---Yeah, I usually
27 get a report on some of them.

28 And then you have the - I think what Mr Broad's going to say.

29 MR BROAD: Which would allow you an opportunity to reply to the
30 contents?---No.

31 You don't recall?---No.

1 Right. We'll move forward then. When you received the final
2 version of the report did you read it?---Yes, I did.
3 Did you form a view about the findings that had been made in
4 that report?---Yes, I did.
5 And what was your view?---That it was made up of
6 misinformation. There was reports put in from other
7 councillors that I'm not so sure of the credibility of
8 those reports. I have a lot of issues with that report.
9 Right. And did you have issues at the time? You say, "I have
10 issues with it", did you have issues with the report at
11 the time?---Yes, I did concerning the conversation between
12 the mayor and Gavin Burke, major issues.
13 Did you take any action to get some advice in respect to the
14 issues you had?---No, I didn't know I would be allowed to.
15 Right. So, well, was it your view that you were stuck with
16 that report?---I believe it shows the targeted campaign
17 against Councillor Gavin Burke and I believe it has had
18 major consequences.
19 COMMISSIONER: You just said before about you had major issues
20 with the reportsome of the documents that were provided
21 or - I mean just tell me what your major issues
22 are?---Well, there's a document in there from Councillor
23 Weyrich where they were at a senior's day representing
24 council consisting of the general manager, Councillor
25 Weyrich, Councillor Pocklington and Councillor Murphy. He
26 states he made a phone call to Gavin Burke, had told Gavin
27 Burke the speaker - his phone was on loudspeaker and that
28 the general manager and others were party to this
29 conversation. Gavin Burke has told me that it's totally
30 incorrect.
31 Is that in this report, is it?---The report from Councillor

1 Weyrich stating that - - -
2 No, no, in the Code of Conduct, you said it's in the Code of
3 Conduct report?---It's in this report that I got from,
4 yes, from the - - -
5 So let's just - we're talking about 8 July report?
6 MR BROAD: I'll get the report out and show it to you?---Good.
7 COMMISSIONER: Is that what we're talking about? Just so we
8 make sure we've got the right - so that's the actual
9 report, the final report. And what I'm understanding you
10 said is there's something in here that you have a grave
11 issue with?---No, it's in this report. It's another one.
12 What report are you talking about?---The Code of Conduct
13 findings into the Deep Creek issues 10 July 2015.
14 Can you show Mr Broad that?---Yeah.
15 Or can he just have a quick look at what it looks like?
16 MR BROAD: So we are talking about the same report but it may
17 not be in the actual report itself?---No, well - - -
18 COMMISSIONER: So who gave you all those documents?---It was
19 delivered to my home address by a council employee.
20 So all those documents attached?---Well, the top - - -
21 MR BROAD: It's the report and the attachments to the report.
22 COMMISSIONER: Okay?---There's some at the front, sorry.
23 Now I understand, right, sorry. Now I understand?---Yeah.
24 So you say in there is one of the attachments or something is
25 what you're talking about?---Correct. Which is that one
26 there.
27 Yes, what is it?
28 MR BROAD: So what you're referring to is the statement made by
29 Councillor Weyrich on 10 June 2015?---Correct.
30 And at paragraph 5 it says, "On 19 March 2015 at approximately
31 12.50 pm I phoned Councillor Gavin Burke. I advised him

1 that I put the call on loudspeaker and that Margot Stork
2 the general manager was present". Yes. I'll not ask you
3 questions further about that but that might be a matter
4 I can deal with Councillor Burke in his evidence and
5 I won't - turning now to Councillor Burke, I won't ask you
6 to make any comment at this stage.

7 COMMISSIONER: So that issue you had an issue. Is that the
8 only concern with the report?---Well, by the looks of my
9 tags in this report I must have had a few.

10 Okay, all right.

11 MR BROAD: I assume you didn't go back to the reviewer and
12 raise your concerns directly with the reviewer?---I didn't
13 know that was an opportunity I had.

14 Okay. Did you raise your concerns with the officer of local
15 government?---I don't know. I think Councillor Mackenzie
16 had raised the concern about it.

17 That matter came before council on 9 July of 2015, as I recall,
18 in responding to the conduct complaint as it was then
19 being considered by the council. Did you address the
20 issue of your concerns about the quality of the
21 report?---I was under the understanding that the report
22 stood as it was and - I don't know.

23 You don't recall what you might have said?---I recall
24 addressing the councillors when they were going to place a
25 censure motion against me, I recall addressing them
26 regarding that.

27 To what effect? What did you say?---Well, I told them that
28 I thought they were scurrilous in their accusations
29 against us to sit in judgment when they've all been party
30 to the reports, like Councillor Weyrich has submitted.
31 And I just found it a disgrace that the people who were

1 making the accusations were sitting in judgment of my
2 actions. I thought I was - well, I am, I'm representing
3 the community.

4 COMMISSIONER: But you're doing more than that, aren't
5 you?---I felt a bit like Erin Brokovich, yes, I am.

6 I mean you've also got this duty to the corporate body and all
7 that sort of stuff that we've heard evidence about. How
8 do you - it's not just to the elected representatives.
9 When the body's telling you what to do you've got to -
10 I mean that applies to all councillors. Just what's your
11 response to that?---I don't think the body's telling me
12 the truth.

13 But if it's resolutions of the council and things like that how
14 do you deal with it when you don't like them?---It's 5-4
15 all the time, it's established. And because they like -
16 because they wish to vote in a block I can't - - -

17 You can't deal with that?---Well, I have to deal with it.

18 You do, that's right, that's the point?---But I let them know
19 that I'm none too happy with some of those. I mean they
20 deliberately vote in a block and it's - - -

21 But that happens all around the State?---This is a safety
22 issue, it's an issue affecting our river, which is the
23 lifeblood of our community. It also affects everyone
24 downstream. This issue was an environmental health issue
25 that should have been done. I've since found a document
26 that the council were well aware of this in 2013 where
27 they said it was a potential for a legal issue.

28 I accept all that and I understand all that but if the council
29 moves through its processes and passes resolutions, that's
30 the outcome whatever happens?---What happens if there's a
31 safety issue involved?

1 Well, then it'll be in for another body but if the council
2 passes a resolution it may have to face the consequences
3 of that in due course. That's the part that's
4 difficult?---When you put it like that it is.

5 All right. I'm just - - -?---Yeah. No, I'm - - -

6 Have you got - - -?---Yeah, I'm hearing you.

7 MR BROAD: You made a comment a short time ago to the effect
8 when you were referring to that statement of Councillor
9 Weyrich that Councillor Burke as he then was being
10 targeted. Can you explain that?

11 I think that's in your submissions?---I sat next to Councillor
12 Burke at council meetings. I believe they saw him as a
13 weak link and, yes, they did target Councillor Burke in my
14 opinion.

15 MR BROAD: In what way?---Just making remarks. Why wouldn't
16 they have rang all of us, why wouldn't Councillor Weyrich
17 ring all of us? Councillor Burke has expressed those
18 opinions to me anyway.

19 COMMISSIONER: What sort of remarks? I mean just give us a
20 flavour of what you're talking about?---Well, one
21 councillor picked up his delegate's report and muttered,
22 you know, extraordinary or, you know, muttered some remark
23 that Councillor Burke took a huge offence to. Why
24 wouldn't he look at all our delegate's reports and pass
25 remarks? Councillor Burke did take his concerns to
26 Councillor Weyrich at the time.

27 Did Councillor Burke respond back? Did he give - - -?---Did
28 Councillor Weyrich respond back you mean? Yeah, I think
29 they were in dialogue. I don't know what finished with
30 that but he did - - -

31 I mean did Councillor Burke take offence to the

1 things?---Totally, totally.

2 And did he respond?---I don't think so.

3 Never?---He responded to the - - -

4 In the meeting I'm talking about?---In the meeting? There was

5 one issue when we had an issue regarding the PDFNL and we

6 had all the supporters of that in the council meeting.

7 Councillor Weyrich unbeknownst to me at the time had

8 allowed Councillor Burke to read out a document that he

9 considered was important to that meeting. And Councillor

10 Burke proceeded to read out that document and I could hear

11 the general manager saying to the mayor, "Ask the date".

12 And Councillor Weyrich after the first few paragraphs

13 said, "Councillor Burke, can you tell me the date on that

14 letter?" And Councillor Burke looked up and said, "I know

15 the letter, 2006". With that the gallery erupted in

16 laughter and Councillor Burke was just devastated.

17 Just out of interest how could a 2006 document be read?---You'd

18 have to ask Councillor Burke that. But it was a total

19 setup to embarrass and that meeting the mayor allowed the

20 people in the gallery to - - -

21 Okay, I understand?--- - - - do whatever they liked.

22 All right.

23 MR BROAD: You used the expression "They". You've given an

24 indication of the involvement of Councillor Weyrich. Was

25 it only Councillor Weyrich or who were the others?---Well,

26 it was general but you'd have to ask Councillor Burke

27 that.

28 Well, your observation at the meetings?---Yeah, my observations

29 were Councillor Bilkey, yeah, mainly Weyrich and Bilkey

30 I suppose.

31 In respect of yourself and Councillor Weyrich there appear to

1 have been a number of conduct complaints, which relate to
2 matters very personal to Councillor Weyrich and one
3 relates to a meetingbetween you and Councillor Weyrich's
4 wife and said to relate to further statements in relation
5 to Councillor Weyrich's son?---Can I have that again,
6 please?

7 One of the allegations purports to relate a mettingbetween
8 yourself and Councillor Weyrich's wife and Councillor
9 Weyrich's son. Would you like me to show you the
10 document?---Yes, please.

11 COMMISSIONER: So there's a couple of things there?---Yep.

12 And I don't know whether you've heard about these sort of
13 issues before but it's throughout the documents?---Right.

14 And the first one is when you're at your workplace and
15 someone's overheard you and I think it's that first part.
16 Tell me what your response is the easiest way?---I dispute
17 some of that evidence.

18 Okay, so "She had a folder full of evidence showing conflict of
19 interest, corruption, Murray Shire Council. She and the
20 general manager always (indistinct). Photos". And then
21 it says, "She had photos of the mayor and general manager
22 meeting out on the road near their block of land and
23 photos of (indistinct) having an affair". Did you ever
24 say that?---No, I did not.

25 Did you ever have any photos?---I have some photos and they're
26 my personal photos and they're definitely not of the mayor
27 and the general manager. I take lots of photos but that
28 is totally incorrect.

29 And "Spoken to the mayor's son and got some information, went
30 to say" - , you know, the next bit about going to the -
31 have you ever spoken to the mayor's son?---I did once,

1 yes, but that's totally incorrect.

2 Was it relevant to - and it talks about the mayor's wife

3 I think also?---Yes, I'll get to that. The mayor's wife

4 had contacted me. I've never met with her over any of

5 this. She'd rang me in a distressed state one day. Why

6 she picked me I don't - actually she did say because she

7 worked with a girl who had said nice things about me, so -

8 anyway she was in a distressed state. I listened to what

9 she had to say. She'd sent me some phone messages. I was

10 fairly careful about what I had to say to her.

11 I'm not asking you to tell me all about it but did it relate to

12 the council?---It related to - it was personal matters to

13 Mrs Weyrich. No, it didn't really relate to council as

14 such, it was her personal - she did make mention of some

15 council matters.

16 Okay. All right.

17 MR BROAD: The question that follows from that general vein, is

18 this an area where there's a lot of contact between people

19 around the various towns whether it be Moama, whether it

20 be Mathoura, where there's gossip that involves what

21 happens in council?---Totally.

22 I'll just retrieve that.

23 COMMISSIONER: You also mentioned, just while we're on that

24 same sort of topic, in your actual submission, I think you

25 made a statement that it said something like a close

26 relationship between the mayor and the general manager.

27 I'm just making sure I understand, what were you

28 suggesting by that? If you'd like to just tell me

29 briefly?---I suggest that the general manager and the

30 mayor of the - clearly the mayor of the day - - -

31 Yes. Well, we're talking about Councillor Weyrich?---Well,

1 talking about - yes, I do believe they had a very close
2 personal relationship.

3 Well, what do you mean by that?---Well, but I don't know that
4 there was any more than that either in saying that. At
5 one meeting I overheard the general manager ask the mayor
6 if she thought her nails were too long. I find that
7 comment totally inappropriate and I was in conflict in my
8 mind as did she say that for my benefit or why would she
9 say that.

10 So when you say "Occasionally", so what did - I mean is that
11 the only - I mean how far are you taking this because it's
12 very difficult to understand your submission?---Well, I'm
13 just saying the business I just think some of the issues
14 that the mayor had with me she took up personally for the
15 mayor because I did have an issue with the mayor and
16 council but actually I did make an allegation of his
17 bullying behaviour towards me, singling me out, yelling
18 and screaming. And I had approached the general manager
19 or written - I think it's in email form because I didn't
20 have very many conversations with the general manager,
21 regarding the mayor's speech to the C4EM breakfast where
22 it was reported back to me of the disparaging comments
23 he'd made regarding myself. And the general manager
24 seemed to take offence at my wanting to know if I could
25 have a copy of the mayor's speech.

26 Yes, I've read about that. And she said - - -?---Yeah.

27 She responded saying, "It doesn't really (indistinct)"?---Yeah.

28 Yeah, that's right.

29 Is that unreasonable?---No, no, but it was just there was many
30 issues like that and I just thought, well, she advised me
31 to go and speak directly with the mayor and I wasn't going

1 to be in any - - -
2 I'll come to that in a minute. I want to know what you're
3 talking about now but you've also used the word
4 infatuation in your response. So I mean these are strong
5 words and I just want to understand whether you're making
6 some sort of assertion that they had an inappropriate
7 relationship?---No. No, not - - -
8 And, well, your evidence so far is (indistinct) comment in the
9 meeting?---Well, I have some issues that - well, the PDFNL
10 I'd say was the general manager assisting Councillor
11 Weyrich with a personal issue against the PDFNL president.
12 You think that that issue he had too much of a personal issue
13 with because - - -?---Definitely, definitely.
14 Well, that's (indistinct), I understand what you're saying,
15 yes?---And, yeah, they worked as a team, the pair of them
16 worked as a team.
17 But in a workplace situation, in a working situation, in a
18 council situation, not in any other situation. You don't
19 have any evidence to suggest anything else. I mean it
20 might have been strong, it might have been they worked
21 together, they might have been working against you,
22 I don't know, but I'm just saying?---They were working
23 against me. The threat that I'd received that if
24 I continued the general manager was writing everything
25 down and it was sent to a few of - the threat was to go to
26 a few councillors, that we would cost the general manager
27 or Sue an cost this council a million dollars.
28 Yes, I've read that one before. Yes, I know?---So I took the
29 two of them as working in tandem to achieve that goal and
30 I personally was very, very mindful after that.
31 So can we put aside that you don't say there's an infatuation

1 or an affair or any of that sort of stuff? Can we get
2 that closed?---Well, the infatuation comment came from
3 Councillor Weyrich when he was referring to Councillor
4 Pocklington as infatuation with the general manager.
5 That's where that infatuation - - -
6 Well, you're not suggesting he had an affair with her?---No,
7 I'm not but I'm not suggesting that that was a comment
8 from Councillor Weyrich himself, that he said to me
9 and - - -
10 Did you hear Councillor Weyrich as Councillor Pocklington give
11 his explanation about how these families had met?---Yes,
12 I did.
13 Did you know that before that?---No.
14 And so because I've read other stuff that says that you were
15 concerned about their relationship with their families and
16 all that sort of stuff. Do you accept that don't have a
17 relationship at all?---Can I have that question back
18 about - - -
19 You heard Councillor Pocklington say how Margot Stork first met
20 his mother and himself, just prior to when she
21 commenced?---Yes, I did hear that, yes.
22 And there was no prior relationship with his family or any of
23 that sort of thing. That's what he said, I'm just
24 asking?---I heard that, yes.
25 Do you accept that or do you have evidence to suggest that's
26 incorrect?---I don't have evidence to suggest that's
27 incorrect but I heard some of his evidence that I found
28 totally inaccurate.
29 Yes. So go back a step, you don't have any evidence about
30 that, so why wouldn't you believe that on face
31 value?---Well, I was concerned when he was one of the

1 movers for the long service leave.
2 Yes?---He was the mover on some of the key points that
3 were - - -
4 Yes, but what's that relevant to having a relationship with his
5 family and his mother? That's the part I don't
6 understand?---Prior to her appointment?
7 Yes?---Well, shouldn't they have declared that? Shouldn't
8 someone - - -
9 What that they'd met for two minutes?---Well, I don't know that
10 it was for two minutes.
11 Well, I'm asking you to accept that that's what it is. Do you
12 now accept that that wouldn't be a problem or would it be
13 a problem in your mind, that's really the question? I'm
14 not judging, I just want to know what you think?---Well,
15 if they only met for two seconds probably not but I didn't
16 know that and I'm not sure of - - -
17 So you don't have any suggestion - I mean that's the trouble
18 with some of your statements is it's rumoured, it's said,
19 it could be, it might be, and your concerns and all that
20 sort of stuff and that can be problematic and I'm just
21 using this as an example. Because that obviously the
22 general manager took great exception to that and so did
23 Councillor Pocklington to some extent. I'm just asking
24 whether you can - how you feel about that?---Well, I would
25 have liked for them to have told us when there's a
26 workplace order on we're not to have any contact with the
27 general manager and they can - - -
28 Hang on, this is well before the WorkCover order, this is
29 before she started in the job?---But I didn't get that
30 information until after, I've only got that information,
31 it was only given to me by Councillor Weyrich when he had

1 a fallout, so I didn't have any of that information prior
2 but I was concerned.

3 So what made you say prior to that in some of your
4 documentation?---Where have I said that prior?
5 Well, that's what (indistinct words)?---I had the - - -
6 You say that's after?---I had information on the Barham Water
7 Conference when they met for their afternoon tea or tea or
8 whatever they had at their house.

9 Yes?---I had information on that.

10 But that's fairly early on in the piece, isn't it?---No, we
11 were on a WorkCover order then.

12 Okay, right?---Yeah, so that - I'm thinking, well - - -
13 So that's the point?---Well, we're on a WorkCover order and
14 councillors even that going back to, I don't even know
15 when we were on that order, but some councillors enjoyed a
16 pleasant relationship with the general manager and others
17 were left totally out of the loop.

18 You've said that a number of times?---Yeah. No, that's my
19 concern too.

20 That's one of your issues?---One of them.

21 Yes, okay. All right.

22 MR BROAD: Can I turn to - actually I'll just briefly ask you
23 about the WorkCover the Janice Macleay Report and your
24 views in relation to that report as it affected
25 you?---I suppose it's the ongoing campaign by some
26 councillor's wives and family - - -

27 Hold on, I'm talking about the report?---How it affected me?
28 I'm talking about the report itself, not what may have flowed
29 from that report. What was your view about the findings
30 in the report in respect of yourself?---I didn't agree
31 with them.

1 Did you agree with any of the findings?---Well, there was many
2 of the findings that weren't substantiated that I still
3 have to - that they're alleged in the first place. And
4 there's a report.

5 But the report was, of course, leaked. What was the effect of
6 that so far as it affected you?---Well, everybody - not
7 everyone, it's been the topic of major conversation
8 everywhere, not just confined to Murray Shire. My
9 personal opinion, I only have to be true to myself,
10 they'll allege what they like.

11 You spoke about Facebook and the comments on Facebook?---Yep.
12 Are the comments on Facebook more in the nature of gossip, what
13 occurs?---Well, some are staff members. Councillor's
14 wives that have a different name, like Lyn Gillard and
15 Councillor Bilkey's wife, so they can hide behind a
16 certain amount of anonymity.

17 COMMISSIONER: Hang on a minute, just what are you suggesting
18 there? Was that your comment a minute ago about the
19 families and wives of councillors?---That's right.

20 And what - just can you - - -?---Well, they're on the social
21 media. I'm not on Facebook, so I get, you know - some
22 people see it their right to print it and give it to me,
23 which I really rather they didn't. And there's
24 disparaging comments about four councillors. I believe,
25 and I don't if it's one and the same, there's a comment
26 from Mary Stevens who might our HR officer.

27 When you say, "You believe"?---Well, I don't know that that's
28 her, it's just funny there's the same name. That are
29 ticking a like to some disparaging remarks about us and
30 I don't believe that that's very good.

31 MR BROAD: Can I refine it this way? Are you saying that some

1 members of council staff are either making comments about
2 councillors on Facebook or endorsing comments?---Endorsing
3 comments, there's one I've seen but I don't know if Mary
4 Stevens is the same Mary Stevens who is our HR officer.
5 I don't know.

6 So you refer to a person named Mary Stevens?---That's right.

7 Is there any other person on council staff who you might be
8 able to identify?---I was, and I won't go there because it
9 was a rumour on another staff, but that was a long time
10 ago regarding - - -

11 COMMISSIONER: Well, don't go there?---No, I won't.

12 Because rumours a long time ago?---Yeah, right.

13 That's where you're going to get into difficulty,

14 right?---Right. No, but there's councillor's wives or -
15 no, wives, yeah.

16 MR BROAD: Right. The general manager has described yourself,
17 Councillor Mackenzie, Councillor Moon and the former
18 Councillor Mr Burke as, "Having engaged in conduct
19 designed to tie her up in low level administrative
20 functions and to distract her from her role as general
21 manager". Can you give your view as to yourself in
22 relation to that?---I don't believe so.

23 COMMISSIONER: Do you accept that you did ask a lot of
24 questions on the notice for a lot of different
25 things?---Yes, I am inquiring.

26 And some of those things related to sometimes years gone
27 by?---I don't - - -

28 And if so, what would be the point of asking those
29 question?---I'd have to see that.

30 All right, we'll have a look. Just one other thing on your
31 submission, you made a statement that, "General Manager

1 Stork has and continues to have a recognised dislike for
2 certain officials". I understand what you're saying
3 there. This bit, "A view she harboured prior to her
4 commencement of duties at MSC see documentation to
5 support". What did you mean by that?---In the Janice
6 Macleay Report it states that during the interview process
7 Councillor Campbell didn't engage or words to that effect.
8 I definitely engaged in the interview process. And so
9 prior to her appointment she had already made aspersions
10 against me personally or - - -

11 Whereabouts?---Well, she's already - she's formed a view on me
12 in the report from Janice Macleay, that in her interview
13 process she identified me as a problem.

14 If I adjust that statement, and I understand you don't have to
15 the document?---And she also in the Janice Macleay Report
16 it also states something about the constant lies from
17 Campbell, Moon and Mackenzie that she's subject to.

18 But that would be after she commenced work?---That, well - - -
19 Yes, it must be?---Well, yeah, but - - -

20 But it's a broad statement like that, she's formed a view,
21 harboured prior to the commencement. I just want to
22 understand, you got that from the Macleay Report because
23 she said you didn't engage with her, is that the total
24 amount of the evidence to give rise to that
25 statement?---Well, the general manager has never engaged
26 with me and I believe - - -

27 That it follows on from where she first (indistinct)?---It's
28 just been a constant. Yeah, I thought in the very first
29 start that we would enjoy - I thought our relationship was
30 fine. It soured from probably when I asked if I could get
31 the, you know, mayor's speech for the C4EM breakfast

1 meeting and it deteriorated from thereon but I believe she
2 was siding with the mayor and it went from there.

3 MR BROAD: There was reference yesterday to a meeting that took
4 place on 24 November 2014 involving the general manager
5 and there was some questions asked in relation to that.
6 On 3 December 2014 you sent an email to the general
7 manager with the subject line "Questions on notice". I'll
8 show you that. Going through those questions some of
9 those questions relate to a request that the president of
10 the PDFNL had been involved. Some of them appear to be
11 very personal and so, you know, whilst some, for instance,
12 which are simply, "When will council expect a copy of the
13 submission to be tabled re hosting of the 2015 MBA
14 conference?"

15 Then another one, "Can the general manager provide a
16 report of her attendance at the 2014 MBA Tumut
17 conference?" They appear to be very simple questions that
18 simply relate to the business of council. Some of the
19 questions appear much more personal and one of them, the
20 first question, asks, "Can the general manager explain the
21 reason for terminating (during the arranged meeting
22 between eight councillors and herself 24/11/2014)?", that
23 was the 24 November meeting. The next one asks, "Can the
24 general manager and/or Mayor Weyrich explain the recent
25 advice that insurers be notified?"

26 Now, I understand that relates to a workplace claim
27 lodged by the general manager. The next one, again
28 appears to be personal, which reads, "Can the general
29 manager explain her reluctance to allow MSC and
30 councillors to hear from the president of the PDFNL?"

31 They seem to be very personal to the general manager or

1 the mayor. Are those questions appropriate for a question
2 on notice in respect of councillor's business?---The
3 WorkCover claim is definitely. Councillors should be
4 aware I would think to know that there was some sort of
5 claim against a councillor. We were not told.

6 You were not told in a confidential briefing that there was
7 such a claim?---Just a very vague - vague, like I wasn't
8 aware at that meeting in November that I called or asked
9 to have was subject to this WorkCover claim. I wasn't
10 aware of that until - - -

11 When did you first become aware of the WorkCover claim?

12 COMMISSIONER: I was just about to ask the same
13 question?---I don't know. We were pretty much the last to
14 know about it.

15 MR BROAD: Well, did you know about it by 3 December?---I knew
16 there was a claim but I didn't know what it was in
17 relation to.

18 COMMISSIONER: Well, you knew it was a claim by the general
19 manager?---No, I don't think I did. I knew there was some
20 sort of claim. Sorry, yes, I did, I knew it was from the
21 general manager but I didn't know what it was in relation
22 to. Every time we asked about this we were basically told
23 there was something with the insurers and the mayor would
24 not go on further with. We really didn't get told
25 anything about it.

26 MR BROAD: Had you been able to delve down sufficiently to know
27 that it was a workers' compensation claim?---No.

28 So you had no idea of what the nature of the claim might
29 be?---Not really, no.

30 What do you mean by "Not really"?---Well, no, I knew there was
31 a claim and that was it. I didn't know the nature of it,

1 I had no idea, I didn't know it related to that meeting,
2 I didn't know - we were never told. The mayor would never
3 tell us in confidential.

4 COMMISSIONER: So the claim was made on 3 December I think 2014
5 originally, so we're working from that date
6 onwards?---I don't know.

7 And then I think the second one - and then there's a second
8 one. I mean you ultimately found that there was a claim
9 to SafeWork or WorkCover by the general manager?---Yep.
10 And how did you find out in the end to be able to say that
11 precisely like I did, when did you - - -?---Well, it just
12 come about in council business but it was - we were never
13 told any of the details of it.

14 MR BROAD: The first question you asked was, "Can the general
15 manager explain her reasons for terminating that meeting
16 on 24 November?" And the second one, sorry, the third one
17 asked, "If the general manager could explain her
18 reluctance for having a representative of the PDFNL
19 attending whether it be a council". They're fairly
20 directly aimed at the general manager, aren't
21 they?---Well, she made the call.

22 In what sense?---Well, she wouldn't allow the PDFNL, well, I'd
23 asked several times and I wanted to know what the reasons
24 were.

25 But councillors couldn't simply put a motion forward in the
26 usual course in respect to the PDFNL?

27 COMMISSIONER: It would have been defeated, wouldn't
28 it?---Well, yeah, not that I considered that avenue but,
29 yes, it would have been defeated. But surely if Murray
30 Shire Council are going to commit significant funds we
31 need to hear - - -

1 But again, the council as a group has passed the resolution to
2 do it and they've been given advice that's lawful. You
3 have to live with that. I mean that's the proposition.
4 How do you respond to that? I mean that's the reality of
5 it I suppose?---Well, that we commit large sums of money
6 and only hear half the story. Well, (indistinct words)
7 that then.

8 MR BROAD: Would you agree that that could be perceived as an
9 attack on the general manager?---No.

10 COMMISSIONER: She's implementing the resolution of the
11 council, that they take on - they give the funds to the
12 side A for the purposes of litigation. That's her job.
13 Why isn't that her job?---No, that is her job, correct.

14 MR BROAD: Can I show you the minutes of council's meeting on
15 20 May and some subsequent extracts of them and some
16 subsequent meetings?

17 COMMISSIONER: I'm sorry it had to go like this. We have to
18 take - this is a big issue that's been raised about
19 your - the way your use of notice, questions on notice,
20 all those type of things?---Yep, yep.

21 So we have to do it.

22 MR BROAD: We've got to deal with all these issues, I'm sorry
23 if it takes sometime. Can I take you to that meeting and
24 avoid the possibility that there'll be just a review by
25 numbers. At that meeting Councillor Burke asked one
26 question on notice, Councillor Mackenzie one question on
27 notice, you asked 16. And rather than having that lost
28 it's important to go through some of those questions and
29 the first question deals with matters of amalgamation and
30 that's on the front page?---Yep.

31 And I'm content to happily suggest that that's an entirely

1 appropriate question for you to ask?---That's okay.
2 Then proceeding to question 2 it asks about LED lighting and it
3 appears to be an entirely appropriate question. The third
4 question talks about water storage and there's a question
5 number 4, which also talks about water storage and again,
6 they appear to be entirely appropriate in your role.
7 Question 5 asks for data on some costings. And there's a
8 notation that that would be available, so I wouldn't see
9 that again as entirely inappropriate. Again,
10 question - - -?---Pardon? Was that appropriate?

11 Yes?---Yes. No, that's all right.

12 COMMISSIONER: It's not for us to judge (indistinct)?---No,
13 I was just wondering.

14 MR BROAD: What I want to be saying to you I'm trying to
15 probably get into evidence the fact that you asked 16
16 questions. We're proceeding through those questions but
17 basically saying that the raw figure needs to be looked at
18 in the terms of the question.

19 COMMISSIONER: And the response, yes. Yes, there will be and
20 you'll get some information coming, so all good, no
21 problem?---Yep, good.

22 MR BROAD: Again, question 6 falls into a similar vein.
23 Question 8 though seems to have a rather personal issue
24 involving the mayor and accessing the cheque account.
25 That seems to be a question, which may reflect adversely
26 on the mayor.

27 COMMISSIONER: And when you say, "It was reported", is this
28 information you have for this particular issue, council
29 chequebook properly understood, explain why incorrect was
30 reported, you mean reported in the press that four
31 councillors were present?---Correct.

1 Okay, yes?---Can I respond to that? It was Councillor Murphy
2 stated at the meeting or I wanted to know how the mayor,
3 just a simple question, accesses the cheque account. It
4 was to do in relation with the supermarket in Mathoura,
5 goods and chattels there when the supermarket was closing
6 down and the mayor said that, you know, he thought it
7 warranted buying the goods for 10,000 or something like
8 that. He said they'd had a meeting and Councillor Murphy
9 had said that it was between - Councillor Burke was
10 present at this meeting. Councillor Burke, in fact, was
11 not present at that meeting and given that it was her,
12 Councillor Weyrich and Councillor Pocklington I think were
13 the only ones making these decisions, I wanted to know
14 more about that and Councillor Murphy had after those
15 questions had written and said that she thought Councillor
16 Burke was at the meeting but, in fact, he was not. I've
17 got an email from Councillor Murphy about that. But I did
18 want to know how the mayor uses the chequebook. And can
19 I just ask, were we - when these questions - - -

20 MR BROAD: I'm sorry, I can't help you with answering
21 questions?---Okay.

22 COMMISSIONER: And then the next bit says, "The mayor considers
23 this issue was thoroughly discussed". So in other words
24 this is the second time this has come up because
25 they're - well, the minutes are suggesting that it was
26 also discussed one meeting before presumably?---Well,
27 I don't agree with that.

28 There were no minutes of that?---Well, that - - -

29 Or there's a question?---That they were thoroughly discussed.

30 Was there a question before in the meeting before?---I'd have
31 to look.

1 MR BROAD: Going through the questions, and I don't want to go
2 into each one individually much further, each of those
3 questions appears to have been answered and each of them
4 other than that last question appears to have a level of
5 legitimacy. My ultimate question to you is, in asking
6 those questions were you engaging in conduct designed to
7 tie the general manager, staff as necessary up in low
8 level administrative functions to distract her from her
9 role as general manager?---Definitely not.

10 COMMISSIONER: Just another one on the specific ones about the
11 minutes, on number 14, still got that there. I just
12 notice this seems to have been an issue for you about the
13 minutes, the taking of the minutes and there's some other
14 documentation earlier than this date where it's been set
15 out what the requirements are for the taking of minutes in
16 the regulations and you didn't accept that?---No, I've
17 got - well, my documentation was that the minutes have to
18 reflect accurately and clearly what was said and done at
19 the meetings.

20 But doesn't it - I think you were told this before, that the
21 minutes of the meeting are not meant to be a detailed
22 transcript of court proceeding, not a record of interview,
23 (indistinct word) behaviour. The main purpose of the
24 minutes is to say what the resolutions are, what the
25 minutes are, who voted for what, who voted so forth and
26 that's what's in the regulations, that's what you were
27 told before. Did you think - what part of that was not
28 being (indistinct word)? It seems to be, just looking at
29 this, that they're doing exactly that?---Yes, but there's
30 sometimes in the minutes when they're not reflected
31 accurately and we have to comb through them and - - -

1 Every meeting you're asked to adopt the minutes from

2 before?---Yes, we are, yep.

3 And you get the opportunity then to say should the minutes

4 reflect A, B, C or D?---That's right, that's right.

5 And did you do that?---Most times, yes.

6 All right. So you understood that process?---Yes.

7 MR BROAD: I don't propose to go through the subsequent minutes

8 with you but that seemed to be a meeting where you asked a

9 number of questions?---Yes, but there'd be meetings where

10 I asked none, so I must have had time to put questions

11 together on that meeting.

12 COMMISSIONER: I mean there was another one in June I think and

13 there's quite a few questions in a June meeting. Just

14 pardon me for a moment.

15 MR BROAD: I think that at the meeting on 3 June you asked

16 three questions, Councillor Pocklington asked six. So has

17 council utilised the ability to ask questions on notice,

18 and I'm not just talking of yourself I'm talking council

19 widely to obtain information?---Well, given we can't - in

20 those questions there with, you know, about the bindis or

21 whatever it was Maninya Street, which we've got them all

22 over the place now, normally I would have sent an email to

23 Lee Robins or the director involved and just it would have

24 been a blah blah, there's a pothole here, someone's

25 complained about this, whatever. And Lee Robins to his

26 credit would probably have that issue resolved in 24, 48

27 hours and would reply in an email that that issue was done

28 or couldn't be done. Those issues were taken up with just

29 a quick email and it was all over.

30 COMMISSIONER: And often that type of thing potholes, I mean

31 typically sort of rural council type of things

1 I suppose---Yes. And I see in that list you gave me there
2 was something about the bindis. Well, normally that just
3 goes straight to Lee, it's a two second thing. And Lee at
4 a public meeting even says, "Just pick up the phone, ring
5 me".

6 MR BROAD: The interaction policy traditionally I suppose
7 councils would differentiate between correspondence,
8 between complaints and requests for service. In your view
9 did the councillor staff interaction policy restrict all
10 aspects of those matters---The new one that come in, yes.
11 And so if, as you were talking about the bindi eye, which
12 appears to be a request for service, you as a councillor
13 couldn't raise a simply request for service without going
14 through the admin mailbox---No, the general manager wanted
15 to be across all aspects. We weren't allowed to do
16 anything unless it went straight to the general manager
17 through admin.

18 That was the first policy adopted---Yep.

19 And then it was changed with the one to the admin---Well, we
20 were just constantly told to send anything we wanted or
21 with any regard had to go to admin, so I really don't know
22 the intricate details of all this. The only time I really
23 received any information was on the Fair Work Australia
24 notice that come from Councillor Pocklington where he set
25 out the two Fair Work, the two things that had happened,
26 you know and that was only recent.

27 COMMISSIONER: That was only early this year?---And when I read
28 that I thought, well, now I can see what's going on.

29 So just say that again, what was the new information you got
30 from that document?---Well, when the - - -

31 It's about that access to - - -?---Yeah, well, when the general

1 manager had the WorkCover involvement and Councillor
2 Pocklington had written about that to the Fair Work
3 Australia and I got a copy of that.

4 But, sorry, we were talking about the access to - - -?---Access
5 to information.

6 In that sense?---Yeah. No, we don't have any access.

7 I meant the policy. So the policy first of all was adopted by
8 the council, the first policy was adopted by the council
9 following the Department of Local Government or OLG came
10 down and did all that?---Yep, yep.

11 That was one of the things that came about was the policy. The
12 council voted on that and I presume you were part of
13 that?---Yeah.

14 And then the change went from everything to the general manager
15 to everything to admin, that changed. Do you know how
16 that happened?---No.

17 No, okay.

18 MR BROAD: Your conduct complaints about other people, have you
19 lodged conduct complaints?---I think I may have lodged one
20 about Councillor Weyrich very early in the piece, that's
21 about it.

22 Is that what we discussed yesterday, the dickhead
23 complaint?---No, I don't think I lodged a complaint about
24 that at the time. I might have in subsequent
25 investigations that were asked I would have mentioned
26 that.

27 I've seen a complaint, which you appear to have lodged in or
28 about October of 2014, which relates to that issue. You
29 don't recall that?---No, I'd have to say - - -

30 COMMISSIONER: I think I know what that one is, it's this
31 series of emails, it's the emails 13 October. "It was

1 reported to me that the mayor publicly stated that he
2 refused Councillor Campbell and Councillor Mackenzie the
3 right to attend the MDA conference because they needed to
4 be taught a lesson. I've raised my concern with the
5 mayor"?---Yeah, definitely, yeah.

6 You probably know what I'm talking about now?---Yeah. No,
7 I do, yeah. He wouldn't allow me to go.

8 And then - - -?---Who did I lodge that with?
9 Phil Higgins?---Yeah.

10 "Please take whatever course of action needed"?---Yep.

11 And then effectively the response back was, "If this is a Code
12 of Conduct complaint, please provide evidence"?---And
13 I don't think I did that, did I?
14 I don't think you did?---No, no.

15 I'm just saying. But I think what happened was - I mean the
16 general manager then said basically, I'm just paraphrasing
17 here, and you can read it, "I've said before", in a sort
18 of professional way I suppose, if you want to make Code of
19 Conduct you've got to do this, this and this and outline
20 the process, I've told you that before. And then I think
21 you wrote back and said, "Your advice is unsatisfactory to
22 me to suggest that I speak directly to the mayor". Well,
23 but she didn't really say that in those documents, I mean
24 I can take you through them but that's the
25 point?---I wouldn't speak directly to the mayor, no.

26 No, no, but "Your previous advice was unsatisfactory to suggest
27 that I speak directly to the mayor after my complaint to
28 you, which related directly to him". I understand that
29 but that's not what she said in her email. She just said,
30 if you've got a complaint do all bells and whistles?---No,
31 that response was in relation to the bullying accusation

1 against the mayor and the general manager I think had told
2 me to take my - - -
3 Then maybe that's not the right trail?---I don't know.
4 That's all that and then the way this document is?---This one
5 was on an issue a long time ago, right.
6 Yeah, I understand that. And Phil says if it's a complaint do
7 it effectively?---Yep.
8 And then it ends up to the - he says he's given it to the
9 GM?---Yep.
10 And this is the GM's response. And then the last one is, well,
11 I'm assuming that's your response?---I don't recall this.
12 I do not recall that bit at all.
13 It's in the email?---Yeah, yeah, I know, I did that but I don't
14 recall that bit at all.
15 But I mean I can understand, I mean what the issue, it might
16 have been the issue and you say I'm faced with it, I've
17 got to do a Code of Conduct, do I really want to do that
18 and you do or you don't, whatever the result. And
19 obviously you didn't?---Well, I wouldn't - - -
20 Yes, that's what I'm saying and that's the decision you made,
21 that's the outcome really of that?---Well, it's a cost,
22 it's an unnecessary cost.
23 MR BROAD: And while we're on conduct issues can I obtain your
24 views in respect of the extent and number of conduct
25 complaints that have been lodged?
26 COMMISSIONER: Against you.
27 MR BROAD: Whether it was against you or overall?---Can you
28 rephrase that?
29 Could I obtain your views in respect of the number of conduct
30 complaints that have been lodged against you
31 firstly?---I don't know why they couldn't sit around a

1 table and voice their concerns and tell me where they
2 think my behaviour's inappropriate.

3 Who is "They"?---The general manager, the mayor, the directors,
4 whoever, just get a round table that surely they could sit
5 around and just discuss these matters instead of costing.
6 Wasn't that the general thrust of the mediation?---Yes.

7 And did that sort of stuff come out during the course of the
8 mediation process, the underlying issues as between
9 yourself, the general manager, the mayor, the other
10 councillors?---The mediation was directed to all
11 councillors and I considered it very beneficial. I did
12 however have issues signing off on it with the mediator,
13 that's why there's a little four next to my signature
14 because I said much as I applauded the concept and was a
15 hundred per cent committed to that document I advised him
16 that it would be four minutes or four hours before it was
17 breached.

18 On 16 January you sent an email to fellow councillors with the
19 subject "Continual denigration", I'll show you that
20 email?---Yep.

21 COMMISSIONER: You mean the four in a circle next to your
22 signature?---Yes, there's the four there because I said to
23 Norm - - -

24 It's almost like a mental note?---Yeah. And I said I'll -
25 yeah, anyway.

26 MR BROAD: In that email you refer to the mediation agreement,
27 referred to aspects of it, item 4, that you agree to be
28 mindful of the media et cetera. Also refer to the clause
29 that referred to a breach and taking personal
30 responsibility. You then refer to the comment in the
31 Riverina Herald on 29 December 2014, which is I suppose

1 what we've referred to as the dickhead comment, and raise
2 questions about the process. Do you regard the mediation
3 agreement as having the potential to change the
4 relationship between councillors?---Yes.

5 I assume by 16 January it had failed?---Yes, that document that
6 you've got is my - a letter to the councillors that that
7 mediation agreement was relied on all councillors to
8 effectively make it work and while they sat in silence and
9 did nothing I found that to be in breach of that agreement
10 because we all have a personal responsibility to make that
11 work.

12 You cite instances of behaviour and you state in respect of
13 that, "Not one councillor to my knowledge has offered to
14 reign in this continuing behaviour, the silence is
15 deafening". And then it continues, "Due to the mayor's
16 personal attacks directed at myself, Councillor Moon,
17 Councillor Mackenzie and Burke, it appears to me that
18 these attacks are okay with other councillors who support
19 the mayor by their non-action", and it refers to item 5.
20 And then it suggests, "The mayor would like to have us all
21 stood down", and refers to Riverina Herald January 7,
22 2015. Were they issues that had arisen after the
23 mediation agreement?---They must have for me to write it.

24 I'll show you the email. That email clearly apportions blame
25 on other councillors?---It draws their attention that that
26 mediation agreement, I think there's a clause in the
27 mediation agreement that we've all signed up to it to, you
28 know, improve our behaviours. If I saw a councillor that
29 I could approach that was breaching that agreement I would
30 have definitely tried to coerce or whatever to stop it.

31 You then continue, "Ratepayer's money used to educate and

1 assist to establish a professional working relationship
2 within the council group". Then, "What a disgrace, we did
3 not even get to the end of 2014". Now, the question I've
4 got is following the mediation to the extent that you may
5 have regarded any of your conduct as inappropriate, did
6 you take positive moves to change your conduct?---Yes,
7 I did.

8 In what way?---I think I just probably got a bit quieter,
9 conversed more with other councillors that normally
10 I probably wouldn't have and just generally put on a
11 happier face.

12 In your view did other councillors also modify their
13 behaviour?---Yeah, I think so, yes.

14 Who were they?---All of us in general. I think everyone was
15 fairly upbeat, pretty happy. And it did serve as a good
16 circuit breaker and the mediator was excellent in my
17 opinion but I think everyone other listening to the
18 mayor's comments yesterday, I think everyone was pretty
19 happy with that mediation, I thought it went very well.

20 COMMISSIONER: So what happened after it? Like in terms of you
21 say it was a circuit breaker what built it up
22 immediately?---What built it up.

23 Well, what was the first thing that started to break it down
24 after?---Probably, you know, the continuing comments in
25 the press and then people would tell you what the mayor
26 was saying on radio and just his general - - -

27 So you're talking about the mayor?---Yeah, the mayor at the
28 time. And no one telling the mayor that could probably
29 because I couldn't because he'd see that as an attack.

30 No other particular councillors, you know, (indistinct
31 words)?---No, there was no other councillors, it was

1 mainly in my opinion the mayor was just wasn't coming to
2 the party.

3 MR BROAD: And what you were doing in writing to the
4 councillors was taking issue with their inaction?---That's
5 exactly right.

6 You then continued to indicate that you wouldn't be attending
7 further council meetings with the mayor present unless you
8 were directed by an officer of the Office of Local
9 Government.

10 COMMISSIONER: Is that one of those emails you wrote where you
11 say 24 hours?---Yeah. No, I was pretty sooky, yeah.

12 MR BROAD: Was that a realistic threat?---Probably not at the
13 time but I was just off my tree.

14 COMMISSIONER: That's what I mean?---I was very, yeah, very
15 cranky at that time. I'd just had it.

16 I was often told learning write the email, wait 24 hours and
17 see whether you send it the next day?---Well, normally
18 I do but that time I'd just had it.

19 We understand.

20 MR BROAD: Going back to the conduct complaints, we got to
21 numbers and we addressed the numbers relating to yourself.
22 The overall numbers are very high and I think you've been
23 here when I've referred to the comparison between other
24 local or regional councils, the costs have for a number of
25 years been very high and we've got a figure, of course, of
26 in excess of 125,000 in the period up to the end
27 of August 2015. What's your view on that?---I think it's
28 a disgrace.

29 In what sense?---Ratepayer's money being used to smack certain
30 councillors when we should be just sitting down having a
31 conversation. I just find it disgraceful.

1 Do you have any view on the legitimacy or otherwise of the
2 complaints?---I just can't believe that these complaints,
3 if you've got a complaint about someone why can't you,
4 even if you need a third party or whatever, why can't you
5 sit down and voice that complaint and hope to resolve,
6 have some conflict resolution. And given a lot of these
7 complaints come from the general manager who came to us as
8 a lawyer, I would have - well, I just can't believe we got
9 to this when you can't sit around a table and discuss it.
10 A number of the complaints have been sent back, and I'm not
11 referring to complaints just about yourself, on the basis
12 that they be resolved by alternative means or referred
13 back to the general manager or mayor to resolve. In
14 respect of resolving by alternative means, I suppose you
15 could list the mediation as part of that, has there been
16 any other attempt to resolve by alternative
17 means?---I don't believe so.
18 What about training?---We have had some training but unless the
19 participants want to be a hundred per cent behind and in
20 agreement it's not going to work.
21 But you talk about a participant are you talking about a
22 councillor who may be potentially breaching the code or
23 are you talking about a complainant?---Both.
24 In relation to matters that have been referred back to the
25 general manager or mayor, do you have a view whether their
26 involvement in respect of any complaint against yourself
27 could lead to a resolution?---I think any positive, if its
28 positive involvement could definitely lead to a
29 resolution.
30 You appear to have been critical of the former mayor Councillor
31 Weyrich. In your view would it have been beneficial for

1 you to have sat down with Councillor Weyrich one to one to
2 resolve issues?---I'd be happy to sit down with Councillor
3 Weyrich but I'd need other people in the room with me
4 because I'm not confident that - I'd need some other
5 people in the room with me.

6 There's a fundamental difference between the two of you?---Yes.
7 Again, there appears to have been an issue between yourself and
8 the general manager. Would a resolution between the two
9 of you be possible?---Most definitely. I don't believe
10 I have an issue with the general manager.

11 And do you believe she has an issue with you?---Definitely.
12 Definitely.

13 And what does that stem from?---I don't know, you'd have to ask
14 her.

15 You've attended training?---Yes, I have.

16 And that's in respect of?---I've attended a lot of workshops
17 over the time as councillor, just different things.

18 In relation to conduct complaints under the Code of Conduct
19 have you attended training?---I think I would have.

20 You don't recall?---I've attended training, I'd have to -
21 different training on - we had a workshop once on what
22 constitutes bullying I think it was at Moama. We've had
23 other workshops here on different issues to do with
24 council.

25 Has it involved the operation of the Code of Conduct?---I don't
26 believe so.

27 Okay. Has it involved the role of a councillor in relation to
28 a councillor's governance role and the operational role of
29 council as in the general manager and staff?---I don't
30 believe so.

31 COMMISSIONER: Just on the - is there one occasion, in terms of

1 the times when there's been a Code of Conduct complaint
2 found and proven against you and then there's meant to do
3 something, apology, is there a time when you haven't done
4 that? I can tell you why because it's asserted that in
5 the meeting of 17 November, I think there was a lack of
6 quorum and in that meeting - 2015 I should say, in that
7 meeting there was going to be that you would have had to
8 have given an apology. And then I think its asserted that
9 that's never been dealt with since, is that right?---That
10 could be right, that could be right. Show me, I'll know.

11 I think it was about the 21 July 2015 Code of Conduct no perks,
12 anyway?---Yes, and I'd spoken to Councillor Weyrich. Or
13 maybe someone else had told me but there was Councillor
14 Weyrich had said he didn't have an issue. And I was
15 never - - -

16 I mean the reason for asking you that because the assertion is
17 that the council receives a report, they pass a
18 resolution, they say you're meant to do something and it's
19 done, therefore the particular councillor i.e. you is not
20 following what the council says, that type of
21 assertion?---I don't recall that but I do recall
22 Councillor Weyrich saying somewhere he did not have an
23 issue with it.

24 About that?---So it was discussed somewhere along the line
25 because he didn't have an issue.

26 In that sort of one on one?---In that code he didn't have the
27 issue.

28 Yes, all right.

29 MR BROAD: In September 2015 you were elected as deputy mayor
30 and I've seen documents sent by you which suggest that you
31 have been left out of matters or you've not been given the

1 usual role as deputy mayor. Can you indicate why you say
2 so?---Prior to me being deputy mayor all the
3 correspondence, and there's much of it, the general
4 manager's stance is that all emails had to be CCd to the
5 mayor and deputy mayor. The deputy mayor also is part of
6 the general manager's performance review. Everything was
7 done to change the historical performance review of Murray
8 Shire Council because I was the deputy mayor and they were
9 trying to - which I believe anyway, that they were trying
10 to get around that. First of all the mayor stated that we
11 weren't trained in performance reviews, then the next one
12 he said, I can't remember what he said, it's in a report.
13 But basically it was designed to keep me out. Several
14 councillors went along with that information, which was
15 incorrect, that, in fact, we had been trained in
16 performance reviews. At the last performance review of
17 Greg Murdoch Councillor Weyrich, Councillor Pocklington,
18 Councillor Murphy and Councillor Anderson all did the
19 performance review. Mark Anderson who was appointed by
20 John Pocklington was the convenor of the workshop that we
21 had to do performance reviews, so he would have known he'd
22 already given this council a performance review workshop,
23 that we were trained in performance reviews.

24 COMMISSIONER: Sorry, when did he do that roughly?---He did
25 that when I was a councillor, so it would have been in
26 2012 probably, '13. 2012 because I believe Councillor
27 Bilkey and Councillor Mackenzie may not be trained, so it
28 was prior to their appointment and as from 2012
29 I was - - -

30 So when you first were elected, yes?---Yes, I was part of the
31 council team. And I reject any allegation that I would

1 have had any negative or - I would have had input into
2 that performance review but it would have been done to the
3 best of my ability to the criteria of performance reviews.
4 So they went to a lot of trouble to keep me out of that.
5 Listening to Councillor Pocklington's evidence the other
6 day, if I'm that woman I find that that comment to me when
7 I heard that shows the general manager can't work with me.

8 What comment?---When Councillor Pocklington said that in the
9 business of redoing her contract of employment, that she
10 wouldn't have me at that meeting, that woman.

11 Yes, yes?---I find that to be her problem to work with council
12 elected officials, that that is an issue.

13 MR BROAD: Can I deal with that question in a minute or that
14 statement in a minute? At page 2 of your submission to
15 the inquiry, the third paragraph, you say in the second
16 sentence, "It is my belief that the mayor's desire to
17 accommodate personal factional agendas has compromised our
18 obligation to the people of Murray Shire". Can I ask you
19 to indicate who you're talking about in making that
20 statement?---That was in response to - was it to have the
21 councillor stood down? Not turning up the meeting?

22 No, it was in response to I assume the third of the terms of
23 reference. Would you like me to read that to
24 you?---I think that was in response to a letter from
25 Mr Paul Toole, was it?

26 I'll show you your submission?---Right, yes.

27 It does relate to a letter sent to the Minister. What I'm
28 trying to do is ascertain whether we are talking about a
29 period where Councillor Weyrich was mayor or whether we're
30 talking about a period where Councillor Pocklington was
31 mayor or otherwise?---Well, what that refers to is when

1 Councillor Anderson became ill and was apparent he wasn't
2 going to be attending council meetings for some time, it's
3 reduced the numbers of councillors considerably in the
4 whole of council, so we've gone down now nine to
5 seven. Mayor Pocklington in the seat and the differences
6 that stemmed out of that with Councillor Weyrich and
7 Councillor Pocklington and his drift to the other team,
8 they had enjoyed - the mayor of the day has always enjoyed
9 the ruling faction that was supported by the general
10 manager and I found that the agendas or whatever they had
11 enjoyed in the past the sands were shifting. And my
12 response to Minster Toole when he wanted to - I think it
13 was then to standing down councillors, was he, in that,
14 was the mayor - it was said in response to him not turning
15 up to the meeting, that just because numbers are changing
16 surely the business of council should be able to continue
17 instead of worrying about whether you're the ruling
18 faction or not.

19 COMMISSIONER: In that meeting earlier this year, if they'd
20 already turned up it's likely that the resolution having
21 no faith, so to speak, in the general manager would have
22 passed?---Well, if they had have turned up we could have
23 debated the whole issue and it would have been a decent
24 debate but I'm not so sure how number 1 I wouldn't be so
25 sure how all the councillors would vote. And until that
26 meeting was held the mayor had sent councillors an email
27 on the 20th, the day after, to say that motion was not
28 legal and I wasn't part of that motion that was put up
29 before council, but that it wasn't legal. So that was the
30 day after the meeting, so prior, right on the meeting day
31 I don't know why they wouldn't have - you've just got to

1 turn up, that's what you're there to represent.

2 Yes. And so that wasn't your - you weren't party to the
3 motion?---No.

4 MR BROAD: Page 3 of your submission, second paragraph, you've
5 written, "The campaign continues with General Manager
6 Stork colluding with the defunct ruling faction who refuse
7 to attend 19/1/2016 councillor meetings at Mathoura, which
8 forced the meeting to be cancelled as a quorum could not
9 be attended". Now, leaving aside some of the grammatical
10 issues, are you saying there is a level of collusion
11 between the general manager and certain
12 councillors?---Yes.

13 COMMISSIONER: What do you mean? What sort of collusion? In
14 what - I mean I have a flavour of what you mean but what
15 do you mean?---Well, we had a meeting on
16 29 September - - -
17 '15?---September '15 with Mayor Pocklington and there was many
18 comments made at that meeting that gave me the
19 understanding, and that was when the comment that was it
20 was unlikely that the deputy mayor would be accepted given
21 the history from Councillor Bilkey. It's a lot of
22 comments in that meeting, that we wanted to put Mr Higgins
23 acting GM in the position. Councillor Bilkey and
24 Councillor Murphy were only agreeable if we waited until
25 12 October, would not have him put in until then.
26 I couldn't understand why they wanted to delay it until
27 12 October but we all agreed anyway because that was going
28 to be the only way we'd get it over the line was to agree
29 to their demands. I'm amazed that the general manager
30 returned on 12 October and after the meeting I said to,
31 when I found that out, I said to Councillor Murphy and

1 Councillor Bilkey, I took my concerns to them and said,
2 "How would you know that the general manager was coming
3 back on 12 October?" And Councillor Pocklington
4 interjected and said, "I couldn't believe the motion that
5 Councillor Bilkey put up, I was the only one that knew",
6 which gave me the impression that we've had a meeting on
7 29 September using council resources and everything else
8 in the meeting room, there's travelling expenses and all
9 things to do with that meeting. Councillor Pocklington
10 already knew the outcome before we had the meeting. So my
11 file notes on that meeting - - -

12 When would have been the next council meeting after
13 that?---Well, if that was on the 29th September the next
14 one would have been in October, the first Tuesday
15 in October. So when the mayor went to Melbourne on a fact
16 finding mission, just a listening mission, to meet with
17 the general manager's legal people and her - - -

18 And that's what you understood the resolution of
19 29 September?---Definitely. Just was a listening. And he
20 did come back and came to my house, Councillor Mackenzie,
21 we were sitting out the front of my house, which is near
22 the council offices, discussing whatever. Councillor
23 Pocklington come up, Councillor Mackenzie and Councillor
24 Pocklington got into some issues on, I can't even
25 remember, maybe the sewage tank, yes, it was the sewage
26 tank because Councillor Pocklington said, "You went about
27 it the wrong way". Councillor Mackenzie left. Councillor
28 Pocklington told me, I've got that here somewhere, that
29 Mr Higgins could not act as the acting general manager and
30 that he was - anyway, and that was confidential. I did
31 not breach the mayor's confidentiality because I'd given

1 him a hundred per cent undertaking that I would totally
2 support him and that we needed to change the council
3 perception. And it come up at 29 September meeting that -
4 and Councillor Pocklington had said that, "We can't
5 appoint the director of corporate services Phil Higgins
6 into acting GM as the GM has decided to implement the Fit
7 for the Future early, which will dissolve". There are
8 more issues to that. And that has been notified to the
9 director of corporate services Mr Higgins. If we put him
10 in as acting, if the GM decides to come back it could be
11 another NCAT dispute. And he went on to state that there
12 was a suggestion that we have a locum GM with fresh views
13 and not tainted and that's - - -

14 Wouldn't he have only been an acting GM until the general
15 manager came back?---That's right. That's right but
16 anyway Councillor Pocklington then went into why we
17 couldn't have him because the Fit for the Future the GM
18 had decided to enact it early. My response was if the
19 GM's on sick leave, which we only just found out about
20 too, we didn't know she was on sick leave, if she's on
21 sick leave what's she doing enacting the Fit for the
22 Future?

23 When you say "Enacting" you mean preparing a
24 submission?---Well, no, enacting.

25 There's nothing to enact?---Well, I know. Well, Councillor
26 Pocklington had said that she had enacted that Fit for the
27 Future early and that's why Mr Higgins couldn't take the
28 role.

29 MR BROAD: At page 4 of your submission towards the end,
30 I don't know whether you've got your submission in front
31 of you?---Yeah, I have.

1 Page 4 towards the end of the page you say, "General Manager
2 Stork has and continues to have a recognised dislike for
3 certain elected officials, a view that she has harboured
4 prior to her commencement of duties at MSC"?---No,
5 I haven't got that, sorry.
6 I'm sorry, I'll show you it?---That's different. No, there you
7 are, yep. Yep.
8 Is that your concluded view in relation to the actions of the
9 general manager?---Yes, it is.
10 And the elected officials who you list in that group who are
11 they?---Councillor Mackenzie, Campbell and Moon.
12 And did she have a similar dislike for Councillor Burke when he
13 was a councillor?---Not as much I don't think.
14 You then go on to say, "General Manager Stork has enjoyed the
15 support of the ruling faction to assist with her
16 unrelenting campaign of creating division and spending
17 thousands of dollars on Code of Conducts"?---That's
18 correct.
19 COMMISSIONER: Well, when you say, "They're assisting her",
20 I mean - - -?---Well, totally from leaving us out any
21 information, we were left out of everything, we were not
22 included in any shape or form. And I see the frustration
23 now with Councillor Weyrich being left out of information
24 and I just think join the club.
25 MR BROAD: Earlier this year the general manager lodged an
26 application with the Fair Work Commission and in respect
27 of that application you lodged a response?---I did.
28 Can I just take you briefly to that response? That response,
29 of course, commences with the denial of any bullying. The
30 second sentence says, "I'm of the view that I've been
31 bullied by exclusion and have been burdened with excessive

1 amounts of vexatious claims by the applicant"?---Correct.
2 Can I then skip the next paragraph and to your statement? "It
3 is my belief that anyone who does not expressly agree with
4 the applicant is labelled a bully"?---Correct.

5 Is that your view?---Yes, it is.

6 The next paragraph in the second sentence says, "It appears to
7 me the applicant has now engaged in a new campaign of
8 bringing people in our council meetings to sit in the
9 gallery and attempt to intimidate and goad certain male
10 councillors"?---Correct.

11 Can you enlarge on that?---There was a meeting one day when
12 Councillor Weyrich and myself walked out of the meeting
13 because of maybe interest things in the meeting. I walked
14 behind Councillor Weyrich, I noticed the general manager's
15 husband leering and giggling at Councillor Weyrich and
16 pulling faces. And as you can see I'm not a big fan of
17 Councillor Weyrich but when we got outside I did applaud
18 him for his restraint of walking past and doing nothing
19 because he could not have missed it.

20 Are there other instances?---I've been attending council
21 meetings when I can as a suspended councillor sitting in
22 the gallery. The general manager at the meeting, I don't
23 know, it's reported in the paper, so I'll be able to find
24 it. Lana Murphy of the Riverina Herald, Karl Wood general
25 manager's husband walked out, Lana Murphy or Geoff
26 Mackenzie walked out behind him, Lana Murphy the Riverina
27 Herald journalist and myself filed out of the meeting
28 because of the confidential part in the meeting. We were
29 standing outside and Karl Wood the general manager's
30 husband launched into a verbal attack against myself and
31 Councillor Mackenzie.

1 Can I ask you to indicate what sort of response you've had from
2 the community as a councillor throughout your period as a
3 councillor? And as a subsidiary question since the
4 inquiry has been announced?

5 COMMISSIONER: What did the husband, what did the general
6 manager's husband - when you said, "Launched into attack",
7 just what sort of things?---What a pathetic - I've written
8 it down, of course, I have. Just a pathetic group we
9 were, then proceeded to just - he was just yelling and
10 generally - - -

11 Was his voice raised?---Yes. There was people trying to get
12 into the council offices that weren't sure whether they
13 could trespass in front of us. I didn't speak believe it
14 or not.

15 So you'd say in layman's terms he let you have it, did he?---He
16 had a bit of a carry on, yes. Actually so much so that
17 Lana Murphy - - -

18 The press lady?--- - - - the press lady had said, "What was
19 that? What was that all about?" But she proceeded to
20 write a story about it.

21 MR BROAD: Could I ask this question? What sort of response
22 have you had from the community as a
23 councillor - - -?---Positive.

24 - - - throughout your - in what respect?---Most people have
25 been very positive, lots of people have been worried about
26 my wellbeing. Yeah, very positive.

27 And since the inquiry's been announced?---A lot of people have
28 asked my opinion actually, what I think about it.

29 COMMISSIONER: And what about your wellbeing and your health,
30 what do you say? How has this been for you?---I have a
31 lot of measures in place, yeah.

1 Has it had an impact on you?---I think so.

2 This whole period from 2013 roughly on?---Well, pretty much so,
3 yeah. I've had to - I won't go into detail but, yes,
4 I make sure that health physically and mentally I'm fine,
5 I've put measures in place and not by medication either.

6 MR BROAD: My next question is do you think the current
7 councillors are dysfunctional and can't operate
8 together?---No, I don't think we're dysfunctional.
9 I believe we could operate together.

10 In what circumstances?---Well, I think the council operate all
11 right. I think that it's clear, well, my personal
12 opinion, the general manager has difficulty working with
13 elected officials and I also question why the mayor -
14 Councillor Pocklington while he's suspended is still in
15 dialogue with the general manager on council issues.

16 So how then would you overcome the issue with the general
17 manager? You've certainly made your feelings known
18 towards her, how would you overcome that issue?---Well,
19 I'd have to wait for a resolution of council. Well,
20 I don't know how I'd overcome the issues, they would be
21 overcome, we would be - we're democratically elected.

22 COMMISSIONER: Would that be a sticking point in the council
23 continuing to operate or not being dysfunctional with the
24 current general manager?---It may well be.

25 MR BROAD: You've given some fairly detailed responses to each
26 of the terms of reference of the inquiry. I'm just
27 wondering if you'd like to add anything further.

28 COMMISSIONER: And in that general sort of response yesterday
29 I made some notes that I said we'd come back to and I just
30 want to make sure that you get the opportunity to say what
31 you may want to say. It was something about the Hill

1 affidavit, I don't know if you still want to say anything
2 about that. You mentioned something about Burgundy Court,
3 I might not have written that down, that was another
4 issue. And I think you were just going to check, you were
5 going to try and get that email about the notes for - and
6 you can do that after, not right now?---Well, I want to go
7 to that email on what you asked for with that email when
8 I can find it.

9 I thin it was just the list of things for the meeting, wasn't
10 it?---Yeah, the list of the things, which I'll find that
11 when I pack it all up because I've got stuff everywhere
12 here.

13 Yes, you don't have to do it right now?---But I've also got a
14 file on it that goes with that email. I'm unable to find
15 any of my emails now because my iPad's been wiped of all
16 its information. And I was told on the Friday prior to
17 this Commission inquiry that the general manager had
18 personally accessed my iPad for information and had asked
19 the IT man to access my iPad and it was my iPad only.

20 Who told you that?---That was Councillor Moon via Councillor
21 Weyrich and Councillor Weyrich said that I was the target.
22 I didn't realise I had my information wiped off my iPad
23 because I hadn't really been to access it since we were
24 suspended.

25 MR BROAD: Returning to the terms of reference, are there
26 further comments you'd like to make in respect of the
27 terms of reference?---Not really, I don't think so.

28 I mean we can get that email?---Pardon?

29 We'll arrange to get that email, the one of 24, if you don't
30 have it we'll arrange to get it?---Of what? My list of
31 questions.

1 Yes?---Yes. Because the - - -

2 And the other one you wanted to (indistinct)?--- - - - other

3 thing is the document you showed me regarding that list of
4 questions I would also to say because I was caught off
5 guard because I was still trying to recall what I was
6 reading when you were asking me questions, there's a last
7 comment there that refers to Councillor Campbell having a
8 discussion about performance review.

9 Yes?---I totally refute that I made any comment. That became
10 an issue between the general manager and another
11 councillor and - - -

12 Was this, sorry to interrupt but was the assertion that you
13 turned it into a performance review?---I made no comment.
14 My last comment would have been the last - whatever
15 question I'd got to because I didn't get to the end of
16 them and another councillor and general manager were in
17 dialogue and that's when - that was the end of the
18 meeting. So I did not make any - no, I stuck totally to
19 my questions and I don't even recall Councillor Bilkey
20 making any comment during that meeting because he sat to
21 my right and I was very surprised he did make no comment.
22 So there's a few things in that document you handed me
23 that are totally false.

24 MR BROAD: If you can get out your record of that?---I've got
25 it here so I'll give it to you today because it's here.

26 Thank you?---This is yours too, Angus. Mr Broad.

27 I'll pick it up in a minute. Look, my final question is
28 whether the current suspension of councillors should come
29 to an end?---Yes, it should.

30 COMMISSIONER: Except you've got the issue about the general
31 manager?---Well the ratepayers aren't being elected -

1 represented by their elected representatives. The
2 administrator in there, in our place, comes from the
3 Bathurst City Council which worked with Mr Paul Toole,
4 Honourable Minister in Bathurst. I would've thought he
5 would've appointed an ex-councillor, not an ex-member of
6 the planning department. I would have thought the
7 ratepayers would have enjoyed a councillor person
8 representing them, so I find a few things about the
9 appointment - - -

10 MR BROAD: So you take issue in relation to the person who's
11 been appointed as administrator?---I do, that's one.

12 Leaving that aside, because that's not an issue for the
13 Inquiry, given the clear issues that have continued up to
14 19 January, is it your view if the councillors were to be
15 returned from suspension those issues wouldn't
16 continue?---Well I see the whole dynamics of council are
17 changing with Councillor Anderson not being there, so
18 everything's a bit up in the air for people that have
19 enjoyed the support and given we have a different mayor in
20 the chair. I think we could - well we definitely could
21 continue.

22 Those are the questions that I have got.

23 COMMISSIONER: Is there anything further you want to say in
24 terms of those matters that I - well, any other matters -
25 sorry, that I mentioned before, the Hill affidavit.
26 I said I'd park it and I wanted to make sure that
27 you - - -?---Well not the affidavit in itself but the
28 threat. I'd just like to say that we have a - actually
29 I'd better not say anymore.

30 It is entirely up to you. The other thing you mentioned was
31 Burgundy Court. I said I'd get to that. Is that

1 important or not important, or?---Well not really but it's
2 just another way that I wasn't allowed to speak
3 unless - - -
4 Was it a DA or was it a - - -?---No, it was concerns I had from
5 a ratepayer and if I could've just taken those concerns
6 straight to Lee Robins.
7 What sort of thing you wanted?---Well, the ratepayer had
8 concerns regarding - they'd changed all the numbers in his
9 court. It wasn't a big deal but they turned it into a big
10 deal.
11 In his court, what is that?---In his court, in his street, that
12 there was a - - -
13 I see?---It's just a - - -
14 It's a street number. So it's one of those
15 issues - - -?---Yeah, that - - -
16 If I put it in that category you talked about before with -
17 "Before I could've spoken with Lee Robins" - - -?---That's
18 all right.
19 "He always did it pretty quickly, potholes et cetera"?---Yeah,
20 it's fantastic.
21 Is this one of those examples?---That's right.
22 Okay?---And I do also, now that I bring that up when you asked
23 for any more things. We had issues in council where we
24 had - for instance, we had a DA come before us regarding
25 crossovers to a property and they come before us because
26 it was a safety issue because it was right on a
27 roundabout. Given that the property was - - -
28 You mean the crossover across the council reserve to
29 the - - -?---No, just their driveway, sorry, into the edge
30 of the - - -
31 Yes, driveway. Yes, sorry, that's jargon for the same thing.

1 Sorry?---Yes, sorry. And I was against only on the safety
2 aspect and given the property was close to where the
3 council officers were, I said why can't we just go and
4 have a look and I'll explain what I mean. When we got
5 there the driveways were already installed. Why do we
6 need to do - like just come clean with us, or don't bring
7 it to us. There was many instances of that information
8 being given to us. Another one was at 260-something, you
9 know quarter of a million dollar job to pipe under the
10 road reserve for the rec reserve that I'd asked about and
11 wanting to know how they got to that. I had rang a - and
12 might be in trouble - I rang a contractor through just a
13 rough estimate as he did all the commercial, Telstra and
14 all these people, you know, that was his business, and he
15 told me that maximum he would have thought \$60,000 to
16 \$70,000, maximum, so - - -

17 I understand that?---But there's a lot of issues that we get
18 told - - -

19 Is that a current thing?---No, that's - I've left that.

20 I mean how long - - -?---Yeah, no but I'm just saying there's
21 issues where with council that I have on given correct
22 information.

23 Okay. Anything else?---No. Thank you very much.

24 Thank you?---I'll get all that. That's yours.

25 <(THE WITNESS WITHDREW)

26 (Witness excused.)

27 COMMISSIONER: Please come forward, Councillor Mackenzie.

28 <GEOFFREY MACKENZIE, examined 12.27 PM:

29 COMMISSIONER: I think we already know you became a councillor
30 in 2013?---Correct.

31 Under the bi-election?---Correct.

1 You had been a councillor?---No.

2 That is the first time wasn't it, yes. All right?---The answer

3 is yes. I'm nodding my head. Probably not much good for

4 the people recording it. It does rattle a bit but - - -

5 Yes, I understand.

6 MR BROAD: Following your election as councillor,

7 Councillor Mackenzie, did you undergo or were you given an

8 induction in respect of your role as a councillor?---No.

9 None whatsoever?---No.

10 Did you have an expectation that you would?---I did.

11 Had you stood for election in the 2012 elections?---Yes, I was

12 very lucky.

13 In what respect?---I didn't get elected.

14 And in the latter bi-election?---I had a bit of bad luck.

15 You got elected. In standing for election in 2012 there was

16 some orientation of several hours provided by, I think,

17 the State Electoral Commission and the Office of Local

18 Government. Did you attend those?---I can't recall.

19 I can't recall. I've been to a lot of workshops and

20 things and I'm blank about that.

21 Since your election have you undertaken workshops training that

22 relate to your role as a councillor?---I don't recall -

23 put it this way, there was workshops that we had that have

24 related to that sort of thing but not specifically pointed

25 at me not having it before, just group workshops on

26 procedures and different things and other - we've had a

27 lot of workshops.

28 I'm trying to ascertain whether you've had any training or

29 workshops that you've attended on the code of

30 conduct?---I do believe I did attend a code of conduct

31 thing. I think it was back in Greg Murdoch's time, we had

1 a code of conduct and I think he may have even - did the
2 workshop himself.

3 In respect of your roles under various Acts, say for instance
4 the Planning Act which is one of those matters or one of
5 those Acts that's probably foremost in the role of
6 councillors determining development applications and the
7 like, have you had any training in respect of those sort
8 of matters?---Well I'm sure we would've but I - you know,
9 like I have a lot of other things go on in my feeble brain
10 and I am over the top of a lot of planning issues. I was
11 - in a prior life I was a real estate agent and had been
12 sort of all my life.

13 You have come to council with a broad understanding of issues
14 like town planning, developments, those sort of things
15 because of your role as a real estate agent?---Yeah,
16 I reckon I've got a pretty good handle on, well one, the
17 Shire, the area, and planning matters and the family were
18 pretty big developers, probably the biggest developers in
19 Moama.

20 Your family were?---M'mm.

21 And so you've got a background from that?---Yeah. I'm not
22 involved in it now but I think we'd probably have
23 developed about 400 blocks, housing blocks in the town.
24 And I'm out of it now, my brother's running it and I think
25 he's got about 11 acres of residential land and I think
26 he's got a block that's - that I've - I walk out on all
27 those issues, so I don't know and I don't even ask what
28 went on.

29 What is relevant, yes that's all right?---I don't even ask what
30 went on in the - of the other councillors. There was some
31 issue just some time back where they wanted to take the

1 corner off the 11 acre block that's in a company that's
2 owned by a superannuation company that does attribute only
3 to my brother, but they would take the corner off to widen
4 a - - -

5 A splay thing?---No, the corner off it to a roundabout near the
6 school that's in town, and I never even asked, I have to
7 this day and that's probably nearly 12 months ago, I never
8 even asked what happened to it. So that's - - -

9 In terms of the role of councillors and the role of the mayor,
10 did you come to council with an understanding of what your
11 role would be as a councillor?---Yeah, I didn't think
12 I had to have any rocket science degree and I just
13 thought - - -

14 Sorry, say that again?---I didn't think I had to have a rocket
15 science degree to be a councillor. Just common sense on
16 what you saw and you represented the ratepayer - the
17 people of the Shire.

18 The role of a councillor is what's described as a governance
19 role and the role of the staff is what's known as an
20 operational role?---Correct.

21 Did you understand the divide between those two roles as
22 created by the Local Government Act?---Well I'm sure I've
23 got a pretty good idea of that. I have nothing to do with
24 operational matters at all in the Shire and I understood
25 that the only person that we hire or employ is the general
26 manager and the operational matters - and I'm sure that
27 you've got a letter there where I refer to it in an email
28 to me that operational matters are their responsibility.
29 In saying that, that doesn't alter the fact that we, as
30 councillors - and I don't care really what the Act says,
31 our responsibility is to the residents and ratepayers of

1 the Shire and the Government of course but - - -

2 COMMISSIONER: That's one issue?---Yeah, that's one issue and
3 that's the major issue for me. They are democratic
4 people. We're a lot easier to get rid of than any staff,
5 employed staff. Just don't vote for us at the next
6 election and steer us out the gate.

7 But it's not quite as simple as that because the Act doesn't
8 differentiate one way or the other. It just says you've
9 got the two roles which extend together?---Yeah.

10 I understand.

11 But like you say, the people can speak at the next
12 election?---Yeah. When I stood I said if you want a
13 rubber stamp don't vote for me because I won't be rubber
14 stamping anything. If I can't get my head around it
15 I won't be - I'll be making what I think. If you think if
16 you want someone to just stand there and wake up when it's
17 time to vote and hold your hand up it won't be me.

18 MR BROAD: There have been suggestions that you've come to
19 council with one or more agendas. Is that the case, that
20 you'd like - - -?---I'd like to know the agendas, yeah.
21 Just what I said is my agenda.

22 And that's purely and simple, your agenda is that?---Yeah, it
23 was to be frugal and trim back - trim back a few of the
24 unnecessary expenses under policy. And one was, which
25 I stood and it was clearly in all my agenda - my election
26 paraphernalia was that there was 46 cars at the time with
27 private running expenses. No log books, no requirements -
28 to just use them, what I saw at that point, and that's how
29 I stood, that there was no control other than the general
30 manager, but there was no documentation to support, no log
31 books.

1 COMMISSIONER: On the cars?---On the cars, on the private
2 contracts. And I had a great concern, 46 private
3 vehicles, passenger vehicles, and 22 or 23 at the time
4 with private usage attached to it. And I've failed in
5 that because every time it's been brought up it just gets
6 thrown out and I had a huge concern about the style of the
7 vehicles and I have had that for a number of years.
8 I brought it up to the whole council and I was with
9 Greg Murdoch, the previous general manager, and he said to
10 me when I brought it up, they were all running around in
11 Falcon - S Class Falcons or something. I said, "What's
12 the matter with an ordinary car for these blokes?" and he
13 said, "We make a profit on them". And that was correct,
14 because that was before the GST, so it wasn't just
15 yesterday that came up. But I understand now there was no
16 stamp duty paid on them at that stage and he was correct
17 because he gave me some information on it.
18 That is right?---But since the GST there is no provision and
19 they do lose money on them. There's no reason to be
20 driving around in those.
21 Some councils have packages and stuff - - -?---Yeah, well
22 that's never been explained to me either and I have asked,
23 but anyway I can be convinced, I have fairly strong views
24 on a lot of things but I am convinced - I am able to be
25 convinced if they wish to take the time to tell me, or
26 I might say I want to cut that.
27 MR BROAD: Can I deal with that issue this way. That as a
28 councillor you've got a role as a policy maker?---Yeah.
29 As a policy maker you can bring about controls through a fraud
30 policy?---Yeah.
31 It is common for councils to have a fraud policy. Does

1 Murray Shire Council have a fraud policy?---I don't know.
2 I don't know. We've got a lot of policies and that was
3 another agenda of mine was to wind back the red tape and
4 I've failed in that because all they've done is jam red
5 tape on.

6 Let us go to red tape soon. The other way is to have someone
7 independent audit that and that's commonly done through
8 the appointment of an internal auditor. And my question
9 is, does Murray Shire Council have an internal
10 auditor?---I don't think so but we were going to have an
11 audit committee and that's never been enacted and
12 that's - - -

13 So you don't have an audit committee?---No, we don't have an
14 audit committee.

15 COMMISSIONER: I think there was a resolution or there was a
16 discussion about it in some of the minutes wasn't
17 there?---Yeah, and it was - - -

18 I think it passed the resolution?---I think it - there's been a
19 resolution passed but it's never been enacted.

20 MR BROAD: The third way is potentially to call for a report on
21 what processes council has in place to ensure that there
22 is not an abuse of those vehicles. My question to you is
23 have you ever called for such a report?---I've asked.
24 I've asked a lot of questions and I've - I'm one of the
25 sheep. I now trot along behind the mob and I've said a
26 few times, this will be - this will be enacted at the next
27 election so you - because this council will not remain the
28 same. It will not remain the same and I only hope - I had
29 the intention to coming on council for one term and one
30 term only. Mainly because the Shire's been very kind to
31 me and the family, and I thought I might be able to throw

1 a bit back in and I - I have had the worst three years of
2 my life I would say, with frustration, red tape and just
3 total blockage of anything that - any ideas that I might
4 have brought to the place and I'm not a sooky about that
5 either, that's the system, I've got to wear it. But I did
6 decide and say I - health standing, when you get to my age
7 you don't know what tomorrow's going to bring but I was
8 born a couple of days after they invented the wheel and
9 now I'm running around with two Smartphones and an iPad
10 and a computer at home and an 80 square house that looks
11 like a hoarder's joint with so much paperwork and what,
12 crap and hell like, but anyway. And I was - I will, if
13 I get the opportunity and my health's all right, I will be
14 standing at the next election and hope to see a different
15 council.

16 Councillor Pocklington in his submission about you said that
17 you'd been a real estate operator. You'd sold land
18 adjoining the river. You then approached council in about
19 94-95 to have building rights approved for the land and
20 these were refused due to clauses in the LEP?---Could you
21 repeat that again?

22 I'll read it in full. "Councillor Mackenzie as a real estate
23 operator sold land adjoining the river. He then
24 approached council about 1994-95 to have building rights
25 approved for the land. Council refused due to clauses in
26 the LEP". My question to you, has that event, assuming
27 it's correct, affected your views in standing as a
28 councillor?---No, I didn't have any land adjacent to the
29 river.

30 I am not talking about whether you had land. It - - -?---Well
31 I didn't sell land and I haven't applied and I haven't

1 ever - ever had an application that's been, in my opinion,
2 been approved or disapproved. It had nothing to do with
3 it. I have had a number of issues with the council over
4 the years and I've championed a few arguments for other
5 people, for other - either clients as a real estate agent.
6 I have a good relationship with a fellow here, that still
7 lives here called Barry McMillan, the building planning
8 officer or building inspector. He dished it all out, he
9 did the property single-handedly and with a little bit of
10 background help but he looked at everything and he
11 approved the early subdivisions and we had a good
12 relationship. I might have a few arguments with him but
13 everything settled okay with - you know with - but I'm
14 unaware of what Councillor Pocklington would say and
15 I dispute that anyway. I dispute that I've ever applied
16 for anything that would have - I didn't come on this
17 council for any other reason than I said. That I have a
18 good relationship with a lot of people and at the first
19 election in 2012 I was standing at the gate dishing out
20 tickets and telling them to vote for another councillor
21 and make sure that councillor got in and leave me out.

22 I go back to roles. What in your view is the role of the
23 mayor?---The role of the mayor is to be the leader and
24 facilitate between - as we facilitate as councillors,
25 between the ratepayers and the general manager questions
26 within council of concerns of theirs. I believe the
27 mayor's job is a similar job, the same as a councillor
28 only he is the spokesman and the front person for the
29 council and he should, or she should, whoever the mayor
30 is, should facilitate good or the best relationship
31 between the councillors and the general manager or the

1 other councillors. Take the leading position, a
2 conciliatory position in doing so.

3 As a councillor do you believe that you should also provide
4 statements or facilitate portraying council in its best
5 light?---Yeah, I do.

6 Delving down, in respect of the decision making processes.
7 Councillors appoint a general manager and that general
8 manager has the role of employing staff and has the
9 supervision of the staff. Rather than nodding can you
10 answer?---Correct.

11 Or we won't pick that up?---Correct.

12 The is to implement the decisions?---Yes.

13 Are you satisfied that the decisions of council are being
14 implemented?---Are you asking me am I 100 per cent
15 satisfied?

16 I am asking for your answer. You can give it?---Well
17 I don't - - -

18 COMMISSIONER: You answer it how you want to?---I don't believe
19 that all resolutions are enacted.

20 MR BROAD: Do you single out any resolutions?---Yes.
21 What are they?---I think that there's a resolution, maybe 845
22 or 865, where the mayor and the deputy mayor pursue all
23 personnel matters for the council, and that's fairly
24 recent.

25 COMMISSIONER: You mean 29 September, I think?---No, no, no.
26 No, no, before that. Before that, I would imagine it was
27 probably somewhere around about maybe early September or
28 mid-September maybe; 865.

29 On 15 September council seek leave - hang on, let's just make
30 sure, we don't want to talk about the wrong one. So
31 15 September is first of all that's about seeking leave of

1 legal advice of the employment arrangements of the Acting
2 General Manager's role and the mayor and the deputy mayor
3 be delegated authority to deal with personnel issues.
4 That's all about the general manager, that one?---That's
5 it. That's it.

6 MR BROAD: We are talking about 466?---466 or 465.
7 465.

8 COMMISSIONER: That is 15 September resolution which is the
9 first - the beginning of the general manager return
10 issue?---Yeah, yeah. And I believe that there's another
11 one back a year or so before that, about 412, 412, that
12 was a resolution where the Murray Shire take action
13 against the Picola and District Football League and
14 I don't believe that happened.

15 But didn't they - - -?---Well we're getting a very legalistic
16 type of advocate of things here - - -

17 I will come back to you. I just want to make sure we're
18 talking about the right thing. The resolution of the
19 council was, or so we heard, is to fund - - -?---No,
20 that's not the resolution on the books. The resolution of
21 council clearly says that the Murray Shire Council take
22 action against the Picola and District Football League.

23 So that's the point you're making?---Yes, I'm making that
24 because everything we do in this place, if it's a fly spot
25 or a spider spot it must be directly - no - like that's
26 the way it's got. In the way of the country you can say
27 that's the thrust of what was agreed but the legislation
28 says that the resolution of council be enacted, not read
29 another action beside it that's similar or near it. If we
30 want to take these things as a proper court case,
31 everything must be done as per the book.

1 You are saying that - - -?---And I'm saying that - - -
2 That resolution should have - - -?---Did not happen.
3 Should have been the council actually commencing the
4 proceedings and taking the proceeding?---Yes, and that's
5 what the resolution says.

6 MR BROAD: The problem with that resolution is council probably
7 couldn't have been able to take - and so there may have
8 been an error of - - -?---That's nothing to do with the
9 other resolution, I can assure you to that. But what I'm
10 saying, with the way this council goes, I'm quite happy to
11 go, "Yeah, that's - I'm more - yeah, that'll be right",
12 you know sort of thing but now we've got into this state
13 where, as I said, a fly spot and the spider spot must be
14 defined. "No, that's not and that could be", it's got to
15 be - that's the way we're going and if they want to do it
16 that way.

17 COMMISSIONER: So if that's the way you are being told to do it
18 well then you're responding in kind?---Exactly. Exactly.

19 MR BROAD: You used the word "if that's the way they want to do
20 it", or, "If they want to do it - if they want to do it
21 that way", who is the "they"?---The they is the other
22 faction of council which has been recognised. I've said
23 along the line, this is - there's a faction in this
24 council that supports that faction to exclude and the
25 exclusion of anyone else in the place. And they've gone,
26 "Code of conduct, point of order. Apology required".
27 It's fact. It's fact. So it's fact. Now it's come out
28 that there is a faction, it's been written in the
29 complaints, there is a faction.

30 COMMISSIONER: There was a voting pattern?---Sorry?
31 There was obviously - the voting often happened the way it

1 happened?---Let's say - I sat in and watched it and
2 council refused to vote and - "How is your votes? Yes",
3 you know, like - - -

4 Yes, I understand?---I am a single man - single in a couple of
5 ways but I do make my own mind up and I don't care getting
6 beat either. It doesn't worry me getting beat but why ask
7 - there's another part in the early - towards this general
8 manager where it was brought up.

9 MR BROAD: What you are basically saying in respect of my
10 question about whether the decisions have been implemented
11 is that there has to be a literal approach because of the
12 events that have taken place and that's really where the
13 faction is and has led to it. Because what you're really
14 saying is in respect of the resolution about the football
15 club was that council was to bring the litigation, not to
16 support the litigation. My question was aimed at whether
17 the general manager had implemented decisions. Your
18 answer was two-fold I suppose. One in respect of the
19 football, that council, as in the staff didn't bring the
20 litigation?---Yes.

21 In accordance with the resolution?---You are going along there.
22 I can name quite a few - back gone by. This isn't a new
23 thing that all resolutions aren't carried and aren't
24 enacted. I go back to a laneway in the main street of
25 Moama that council were to take as a condition of a
26 planning approval given and they have never taken that
27 lane and now it's been sold and it's still not in the
28 council's name and the lane is a - is still with that
29 property, it was part of it. I can understand also that
30 I have got a bit of a smart - a smart A attitude with a
31 few things, as you have probably already come to that

1 opinion anyway, but - - -
2 COMMISSIONER: No, not - - -?---No, I don't care whether you
3 have or you haven't but the last general manager,
4 Greg Murdoch - - -
5 Not in 10 minutes?---Well you will. Greg Murdoch is a past
6 general manager and I bought a block of land down the end
7 of Chanter Street on consignment for a fellow; another
8 agent had the sale and the bloke asked me, he said, "Can
9 you go and bid on that block for me?" and I said, "Yes,
10 not a problem. How much do you want to give?" and he gave
11 me a figure and he said, "What do I do now?" I said,
12 "I'll you what to do. Don't come to the auction, just go
13 away. Don't be at the auction. Give me a cheque", which
14 he did, to pay the deposit. And Greg Murdoch was the
15 losing bidder, unfortunate, but I was operating for
16 another fellow and I bought it 70,000-odd less than what
17 he was prepared to go to and Murdoch came to me after it
18 was being, and I've got no problem with him either, but he
19 came and he said, "What are you going to do with that?"
20 I said, "I bought it for so and so and I think he's going
21 to build on it". And he said, "Good luck to him", and
22 when he applied for the housing permit they - even though
23 it had a permit, he sort of mucked him around. The bloke
24 rang me up and said, "I'm having a bit of trouble getting
25 a permit for this", so I walked into the office over the
26 road, I happened to see Greg's car there and walked in
27 there and I said to him, "Don't give this bloke the grief,
28 Greg", you know like - and he said, "Oh go away, go away".
29 I said, "Well, just remember that if you want to do
30 everything totally by the book that's fine but don't ever
31 step out of line yourself", you know like what goes round

1 come round and anyway that went on and - - -
2 Is this before you were a councillor?---A long, long - 20 years
3 ago. Actually the bloke got the house and then Greg
4 bought a block of land very near to it off another old
5 farmer, and I knew it definitely didn't have a housing
6 permit but because I got the bloke - I said to him,
7 "You're going to have to put some grape vines or chook
8 farm or something here and make it a viable proposition or
9 you're not going to get it". So Greg applied on a five
10 acre block for a housing permit and the next thing he's
11 got one, so I rung up and got the conditions of it and he
12 had to plant grapevines and I used to see Greg around the
13 place - like again before I was a councillor - and say,
14 "Give us a yell if you need a hand to pick them grapes,
15 Greg", and he'd go "Arghh". Anyway, he developed with a
16 condition but never complied. So anyway that's going -
17 all I'm saying is - - -

18 Well let's go back. It's probably not - we have
19 got - - -?---Yeah, no, - - -

20 We have dealt with - one of the matters you have raised, the
21 resolutions you have raised. The other one is in respect
22 of the negotiations relating to the compensation claimed
23 by the general manager. That, could I suggest to you, is
24 not something to be enacted by the general manager but
25 rather something as between the mayor and deputy
26 mayor?---Tell me this again, tell me this again?

27 Okay. What you have said is not - - -?---Yeah, the personnel
28 matter, the personnel matter.

29 A personnel matter - - -?---Yes, yes. I don't know the proper
30 term.

31 The 15 September was joint and that was between the mayor and

1 deputy mayor?---Yeah.

2 MR BROAD: He delegated authority to deal with the personnel
3 issue on that one?---No, this is - this is before that.
4 This was a delegation made on the 29th, after the initial
5 comments were made. Now there was a meeting between the
6 solicitors for the general manager and the solicitors for
7 the - - -

8 COMMISSIONER: You are jumping ahead I think. You are talking
9 about the meeting that brings the general manager back,
10 you're talking about that?---No, no, no, I'm not. I'm
11 not. I'm talking about prior to this 29 September
12 meeting.

13 MR BROAD: What I'll do is - - -

14 COMMISSIONER: I tell you what, look it's 1 o'clock. We'll
15 have lunch and then we'll get them out and we might - it
16 might make it easier?---Yeah, well you'll want to go back
17 about two weeks, two weeks before the 29th.

18 Just before you go - - -

19 MR BROAD: It is the 15th.

20 COMMISSIONER: Just before you go, I'll just show you this as
21 part of the proceeding, before we break; 15 September,
22 here are the minutes. So that's 15 September
23 minutes?---Yeah.

24 That's what these say. Just have a quick read of those?---Yes,
25 that's right. This is right. That's right, that's the
26 one but - - -

27 Let's make sure there's nothing over here. No, so - - -?---No,
28 this is the one.

29 That's what you are talking about, all right?---This, this one
30 here, is the one I'm talking about.

31 So you say - - -?---I'm saying there's a meeting between the

1 solicitors - a meeting between the solicitors for the
2 general manager and the Shire and Councillor
3 Pocklington, Mayor Pocklington, that's outside that
4 resolution.

5 Do you think that's anything to do - you were here when
6 Councillor Pocklington was giving his evidence?---Yes,
7 I did.

8 About going down to Melbourne?---Yes.

9 You think it relates to that?---Yes, it does relate to that.

10 Well let's talk about that when you come back so we understand
11 what you're talking about?---Righto, all right, yep.

12 Thank you.

13 <(THE WITNESS WITHDREW) 1.00 PM

14 LUNCHEON ADJOURNMENT

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UPON RESUMING AT 2.02 PM:

COMMISSIONER: We just finished on all the resolutions? What are we going back on to now?

MR BROAD: Sorry.

COMMISSIONER: What are we going to move on to? Where did we leave off?

MR BROAD: It is up to us.

COMMISSIONER: I have just got to give them back to Councillor Campbell when she comes in. Just for the record, just before the break Councillor Campbell gave me some documents that I asked her to provide, which she has provided to me and I am just giving them back to her. I have taken a copy.

<GEOFFREY MCKENZIE, recalled 2.04 PM:

MR BROAD: Councillor McKenzie, just before the break we were dealing with issues that surrounded the resolution of council on the 15 September and that resolution was to the effect that both the mayor and deputy mayor would be involved in negotiations in relation to the - - -?---Personnel matters.

The resolution we are talking about?---Yes.

In reviewing the minutes there appears to have been a subsequent minute on 29 September?---Correct.

That gave sole power to the mayor in respect of those matters?---Yes.

Your concern was that in that period where both the mayor and deputy mayor should have been involved. There was a meeting without the deputy mayor?---Absolutely. Absolutely. That was a meeting in Melbourne.

COMMISSIONER: That was a meeting in Melbourne?---Yeah, that is

1 a meeting in Melbourne where I believe Mayor Pocklington
2 said that he said after they met that he then met - spoke
3 separately to the general manager and said "I wish you
4 were still there." And then we had a meeting on the 29th
5 where it was bestowed by the ruling faction to bestow it
6 on Councillor Pocklington that he could deal on his own
7 and I believe that these negotiations were commenced
8 without the deputy member and without that resolution of
9 council being enacted.

10 So you are not disputing that the second resolution was passed
11 that gave the mayor - - - ?---I think the deal was done by
12 them.

13 Okay, we will come to that but the actual resolution of
14 29 September that the council authorised the mayor to
15 represent the council and legal representation related to
16 the (indistinct) that was the terms of the
17 resolution?---Yes.

18 Do you understand that?---Yes.

19 Are you suggesting that the one before that wasn't
20 properly - - -?---I am saying the resolution on the 15th
21 was a resolution at hand and the meeting with the mayor
22 and the representative in Melbourne commenced in between -
23 was taken between the 15th and the 29th.

24 Because it says that the mayor and the deputy mayor, got the
25 delegated authority to deal with
26 personnel - - - ?---Exactly, and I don't believe that
27 resolution took place and I - - -

28 Because the deputy mayor wasn't part of it?---Yes.

29 Is that the point?---Yes, that is the point, and we gave
30 evidence yesterday that the general manager said she
31 wouldn't have that woman there.

1 MR BROAD: Yes, we understand that. I am not trying to cut you
2 short, I - - - ?---No, that's - - -
3 I am wanting to move forward. As a general statement, and
4 I make it very clear that I am not asking for a response
5 in relation to the current general manager but as a
6 general statement, what is your understanding of the role
7 of the general manager and the way in which councillors
8 should act with a general manager? I am taking it away
9 from the current general manager?---Yes, I believe -
10 I believe my short experience on council that the prior
11 general manager, and speaking on that, we had a great
12 relationship with - and I have given you a background
13 where we had a bit of acrimony, but we were always okay
14 and I - I appreciated his position at the time and we
15 could have discussions and he was quite happy to ring and
16 he would return calls and he would engage and he said, "If
17 you've got a problem with that, give Phil a ring, give Lee
18 a ring, give Simon a ring", and it seemed to work well in
19 a small council and a country council. We got - we went
20 from there to not allowed to listen to gossip. Well they
21 should've shut every pub in the town, because that - pubs
22 just thrive on gossip. They wouldn't sell a glass of beer
23 without gossip.

24 COUNCILLOR: So in your view, in the period when you were on
25 council during the period in which Mr Murdoch was general
26 manager, the interaction worked well, for you?---Fine,
27 fine.

28 You were able to talk to directors?---Fine.

29 Were you able to talk to staff below directors?---Didn't ever
30 want to, never had the cause to.

31 All right, and you differentiate that between the interaction

1 that arose after the appointment of the general
2 manager?---Yeah, I do.

3 In part there was a change which was thrust on council as a
4 result of the intervention by WorkCover. Do you agree
5 with that?---That was - that was a long way after that.

6 All right. Well let's differentiate - - - ?---That was always
7 - that's history, yes, but it they - from the outset - - -
8 Yes, when the general manager first started, which I think is
9 what Mr Broad is going to ask you?---Yeah, yeah.

10 What happened then?

11 MR BROAD: That's what I am trying to get to?---When the
12 general manager first commenced, I think all councillors
13 had a one-on-one meeting with the general manager.

14 One-one-one?---One-on-one.

15 Yes, yes?---Okay. I had a conversation with the general
16 manager that took the place of, "Welcome to the Murray
17 Shire, it's a really great place to live, it's a great
18 town", meaning the twin towns, Echuca and Moama, "Great
19 town, and congratulations, I hope you really enjoy your
20 time here, it's a great place to live and, you know,
21 I hope you - I hope you do well. Good luck". That was
22 good and fine, "Thank you very much, we will have a cup of
23 coffee any time you like", and that was the last probably
24 - probably the last, probably the last good will wishes
25 from me to her or her to me. The next meeting we had, we
26 had a council discussion on a joint Campaspe Shire and
27 Murray Shire annual dinner, and we were discussing where
28 we were going to have it, and I think Mayor Weyrich might
29 have said Madison Spa and I said "Everything we have is at
30 Madison Spa and as a council there's a lot of other
31 venues. We should consider somewhere else". "Where would

1 you say?" and I said, "What about the RSL or what about
2 the golf club" and I think the answer was it's not
3 private, and I said, "And you're saying that this is
4 recollecting the debate at council and you're telling me
5 that the Madison's private? It's an open public dining
6 room and they've only got one and people come in and out
7 and there's in and out, far from private". Quite fine, I
8 had nothing against the Madison Spa I might add. We took
9 a discussion they're going to put up something else and
10 discuss - the mayor was going to decide - the following
11 week we got off the mayor's assistant and the general
12 manager's assistant Kerry Keogh, or Kerry Marsh she might
13 have been then, I can't remember, a letter saying the
14 Madison Spa, it was booked last Thursday, already booked
15 last Thursday and I've gone "Reply" as I said, with my
16 fabulous experience with these new machines, I go "Reply"
17 and up in the heading part I've got "M Stork" which was
18 then Margot's address went in automatically, "What's the
19 point of bringing things to council and causing a debate
20 it it's already been decided, why not just tell us, it's
21 been decided. We're big people, we can decide, say that's
22 okay", so Margot then sent me a letter, excuse me calling
23 her Margot, but the general manager sent me a letter and
24 said, "Do not speak to my staff like that, all things come
25 through via me", and I said, "I'd like to see you" so we
26 met at the Moama office on the way home from work and I
27 said, "I'm okay with this" but I said, "You tell Kerry
28 Keogh do not contact me direct, everything comes through
29 your desk, you send it to me" and she said "That is
30 unworkable". I said, "Well, I see what you're telling me
31 is unworkable, if she's your thing and I did copy you into

1 the address, it wasn't as if I was having a private
2 conversation", you know, "AM with her, I just responding
3 and you were copied in". She - "Anyway, that's what I
4 want, I don't want you contact", "Okay, that's fine, well
5 you deal with that", she said "That's unworkable" and I
6 said, "No worries", walked out the door and off. I note
7 that that's been handled, handled in that way. I think
8 the next time, I then have always in July and August, but
9 somewhere in there I usually miss one or two meetings
10 because I have business, I'm always at the Alice Springs
11 Show, the show sale, the cattle sale at Alice Springs once
12 a year as a rule, on the first Thursday in July or
13 preceding that it could be the last Thursday in June,
14 yeah, but I'm always there, so I usually do the meeting,
15 the first meeting of the month and get straight on a plane
16 and fly to Alice Springs, so I missed that meeting and
17 when I got back the - the mayor and the general manager
18 had had a meeting with the Picola and District Football
19 League and the discussion went that Railton is unworkable,
20 and unreasonable person, and I went up to hand Phil
21 Higgins a travel sheet, I think, because I usually do it
22 here on a Thursday and the only thing I ever claim is just
23 my car from Moama to here with three other councillors in
24 it, and I handed it to him and I just said to Margot, "I
25 really reckon these negotiations have been handled by the
26 wrong people, it's pretty amateurish" and it wasn't really
27 a criticism but knowing the, or understanding from talk
28 that Weyrich and Railton didn't have a flash relationship
29 and there was a few other parts in the council here that
30 had a preconceived idea of Railton - I do not know - I
31 don't know, I've never pressed flesh with Railton, I don't

1 - wouldn't know him if he was sitting there - but I have
2 spoken to him subsequent to the court case, and I think
3 that was discussion 3. I've had four discussions, open
4 discussions with the general manager since her appointment
5 and I think the last was around August 2014, and I did
6 speak once more - because I know you're going to ask
7 anyway - once more to the general manager. The only one
8 on one conversation was at the Murray-Darling Basin Murray
9 Darling Association at the Tumut Annual Conference, and we
10 were all sitting at a table, there was me, Councillor
11 Campbell, Councillor Moon, Councillor Anderson, Don
12 (indistinct) a life member of the association that comes
13 from Echuca, Jenny Johnson, a private member of the Murray
14 Darling, and a woman from, a life member lady from
15 Adelaide, and there was one spare chair at the table we'd
16 reserved for Margot. She didn't have - we had the entrée
17 and maybe the second meal, and I said, "I'll just walk
18 over and talk to the Deni boys and Des Bilske, and Jeff
19 Shand and Margot were at a table with others, and I walked
20 over, "How you going, how you going", I said, "I hope
21 you're enjoying the conference", you know, "Hello, general
22 manager, I hope you're enjoying the conference" and she
23 went - and didn't speak, and that was well witnessed by
24 them and I said to the Deni blokes, "That went well for
25 me" and walked back to the table, so, as I said, I have
26 not spoken to Margot other than through a general meeting
27 or a meeting with a chair.

28 MR BROAD: There's an allegation that you made, and correct me
29 if I'm wrong, a statement to the effect of the size of a
30 handbag at - in leaving a meeting.

31 MR MCKENZIE: Yeah, that was at the - that was an allegation

1 and I've seen that, an allegation where we had the joint
2 Campaspe meeting, and I am - I admit totally to saying
3 something like that. not quite what was said, she said
4 "Could you pass my handbag" because we were sitting in,
5 and her handbag was there where she was sitting, and I
6 picked the handbag up and went, "This is not heavy, we're
7 not paying you enough", and handed it over, over, "See the
8 paymaster, you need some more" but that's when it was sort
9 of amicable, that was very early in the piece, but
10 obviously I wasn't aware of the things in the - the people
11 enough and - - -

12 COMMISSIONER: So you put that just as a - - -

13 MR MCKENZIE: That wasn't - - -

14 COMMISSIONER: A throwaway line.

15 MR MCKENZIE: It was - I'm so surprised that it would even make
16 it, you know what I mean?

17 COMMISSIONER: Yeah, I understand.

18 MR BROAD: I think it was put the other way, and in fact I
19 think it was put on the basis that, "That's very heavy,
20 we're paying you too much".

21 MR MCKENZIE: No, no, it wasn't.

22 MR BROAD: That's what they - - -

23 MR MCKENZIE: No, they - it wasn't said that, I picked her
24 handbag up and it was just a lady's handbag and handed it
25 over the table like that and said, "That's not too heavy,
26 you should see the paymaster, you need more money".

27 MR BROAD: Can I ask you a bit about the Code of Conduct and,
28 without being in any way cheeky.

29 MR MCKENZIE: You can ask whatever you like.

30 MR BROAD: You've had a bit of a few dealings with this.

31 MR MCKENZIE: Yeah, I've had - I've had more than I can even -

1 I - more than probably most councillors in New South Wales
2 and I've been a very short while and I've had plenty of
3 them. Half of them I don't even look at.

4 MR BROAD: What purpose do you see the Code of Conduct as
5 having?

6 MR MCKENZIE: Harassment.

7 MR BROAD: You see it as having?

8 MR MCKENZIE: Harassment and vexation in most cases.

9 COMMISSIONER: I think the question might be - is it a general
10 one or the - - -

11 MR BROAD: What I'm trying to - yeah. I'm not talking about
12 the complaints that have been made about you, but as a
13 code.

14 COMMISSIONER: Generally as a code.

15 MR BROAD: For you as a councillor, for other councillors, for
16 staff or the public or anyone.

17 COMMISSIONER: Yes.

18 MR MCKENZIE: What I'm saying - - -

19 COMMISSIONER: As a policy.

20 MR MCKENZIE: As a policy, righto. I guess you've got to have
21 something there or it could end up pulling the - go
22 bullockers on, but I don't see - I don't see that codes of
23 conduct, okay, people are going to do things and it can be
24 a bit argy-bargy in views, different views, and I'm not
25 going to shy away that I haven't got a fairly strong view
26 on things - I can be convinced if they want to try and
27 take the time to convince me - may not be successful but
28 no one's ever tried - the code of conducts, I don't see
29 that you couldn't grab a thermos and go and sit under a
30 shady tree with a cup of tea or go down the pub and get
31 half a dozen stubbies and sit down and have a talk about

1 it, or just generally try to sort it out, about which out
2 of all the codes of conduct I know that the corporate
3 services manager tried to do a code of conduct or a
4 complaint with me over something and I told him honestly
5 what had happened and what I thought of it. And
6 I understand that it was the general manager that made the
7 complaint and I also understand but we have never seen the
8 documents and I wouldn't bother chasing it up, it would be
9 available to you for these court proceedings, but it was
10 recommended via the corporate services and via the
11 solicitors who rung me about it and that's how I know it
12 went further, can they use it, can they use the document,
13 my permission, "Yes, use whatever you like". "There's an
14 NCAT complaint about it", and I understand it went to
15 NCAT. I have no idea what the outcome of it was but I had
16 nothing, nothing at all to hide. I'm pretty open. I deal
17 with most things with the cards face up.

18 You have said in respect of codes of conduct that, I suppose
19 pragmatically, you can solve most issues by talking them
20 out?---I think you can. I think you can. There's
21 obviously some that you won't be able to.

22 Is there a stage where the code of conduct can't sort things
23 out?---Well it's obvious there is. I've got codes
24 against me that have been - the investigator's proved and
25 I have documentation here to disprove the investigator's
26 findings by the way of affidavits and letters from the
27 accused - the people - that I've already told them what
28 happened but they are not going to accept that so I've
29 got an affidavit off - - -

30 Who exactly are we talking - I'm hoping we're not confusing the
31 Janice Macleay report with the conduct reviewer's report.

1 Are you talking about Janice Macleay or are you talking
2 about a conduct report?---I'm talking about
3 Janice Macleay.

4 Well that's not a conduct reviewer's report and I'm trying to
5 make sure to keep that - - -?---Righto. I've got another
6 one here that's a conductor's report and it's the first
7 time I've ever seen a preliminary report where I can
8 comment, and that appears to be no case to answer.

9 Let's go back and let's do it with conduct complaints
10 generically, rather than those that might have affected
11 you, or those that you might have made. What we have
12 obviously are some tables which you would have heard me
13 discussing which talk about number, which talk about the
14 amount of money spent?---Cost.

15 Firstly, we know that there are some differences in the way
16 that the ultimate number in 2014/15 were calculated and
17 that's at 111. What's your view about the number of
18 conduct complaints that have been made?---Absolutely
19 obnoxious. Me going to the mailbox is like who's coming
20 to dinner. There's not one here today. Collect again
21 tomorrow, I'll have one there by tomorrow. I'd have a
22 discussion with the OLG. Tony Day would discuss it,
23 "Just a heads up mate", he said, "You've got another one
24 on its way". I said, "Fair dinkum. What's this one?"
25 He said, "You've failed to declare". I had a half share
26 in Rich River Cabs Pty Ltd, which was Jenny Campbell's
27 company and I was great mates with her late husband and I
28 was trustee for his estate. I didn't even know I held it
29 - I know that I held it because there was some licensing
30 problems, Jenny was having some problems with the New
31 South Department of Transport and for the accreditation

1 of the cars I had to hold a share in the company because
2 I had to hold the accreditation for the company. That
3 was sorted out you know sometime early on. I didn't even
4 know I held it and it was all sorted out and gone and the
5 company was sold and the cars were gone and this came up
6 and that's why I'm saying they're vexatious. I didn't
7 even know, I was swearing on my favourite grandson's life
8 I would have said I haven't got a share. I didn't know.
9 Anyway.

10 That is a pecuniary interest complaint?---Yeah, well - - -

11 That's against the code of conduct complaint?---Well, they're
12 one in one.

13 You have been the recipient of a number of complaints about
14 your behaviour?---You bet I have.

15 What is your view in respect of those complaints?---Suck it up.

16 In other words you don't respond to them?---Well they're so
17 trivial and vexatious I just - I'm over them. I'm over
18 them, I can tell you that.

19 COMMISSIONER: Some of the allegations are that you didn't do
20 what you're required to do after the codes of conduct
21 came back to the council. You were meant to apologise or
22 do whatever you were meant to do. What do you say to
23 that?---I went to apologise the last time. I said, "How
24 long have I got to apologise?" "Ten minutes." So I went
25 to apologise. "That's enough." Didn't even get the
26 apology out, so you can only offer. If I offer you a box
27 of chocolates and you don't take them, I assume you don't
28 want them, I'll eat them myself.

29 MR BROAD: Is that the apology that you made to the residents
30 and ratepayers?---Yeah, yeah, exactly. And part of it,
31 I am apologising to the residents. I've been accused

1 that I've hoodwinked the residents. I didn't go around
2 and get them - I didn't even knock on a door and ask them
3 to vote for me. Not one. Not one.

4 Well you stopped short before you made the apology that was
5 required by the resolution?---I was stopped before
6 I could get that out. I had it all written out there and
7 it's the only thing that I've ever given to a newspaper.
8 I said, "There's that apology that I couldn't get out".
9 She didn't print it but anyway I did give it to her.

10 Do you still have a copy of that?---No, I don't, she's got it
11 though.

12 Who is she?---The newspaper.

13 COMMISSIONER: The allegation is that there was a Clayton's
14 apology, you know an apology that didn't really happen
15 and you say, "I had it all set out" - - -?---Exactly.
16 "If I had been allowed to finish it" - - -?---Exactly, exactly.
17 "I would have got to the point where I did exactly what I was
18 required"?---Exactly. I had it written out to do it.
19 I have heard a Clayton's apology in this council, right
20 in this chamber here, and it took quite a while and it
21 didn't say one thing.

22 MR BROAD: You are talking about a report in the Riverine
23 Herald on 14 October 2015 where you describe there being
24 an unprecedented number of codes of conduct that had been
25 imposed on councillors by a single claimant and it was
26 becoming a vexatious issue. I have taken you to a set of
27 inverted commas which form - - -?---Yeah, yeah, I've got
28 that, yes I did say that.

29 Was that your view at the time?---That's my view.

30 Still is?---And still is.

31 COMMISSIONER: Were all the codes of conduct that you were

1 involved in made by the general manager?---I don't know.
2 I'm assuming they were. I think there's a couple, I do
3 believe that there's been a couple of codes, only reading
4 the submissions, that obviously weren't if they're
5 telling the truth. I also - anyway, you'll probably get
6 to it. I have an issue with a couple of things that have
7 been said in this inquiry.

8 MR BROAD: It is probably apparent from the letter that I just
9 showed you that it in turn led to another conduct
10 complaint?---Yeah. I'm good at 'em.

11 There were a number of conduct complaints that were dealt with
12 by way of a recommendation that they be resolved either
13 by alternate means or by the general manager or mayor,
14 rather than proceeding to consideration of council. Have
15 you been the subject of those sort of
16 matters?---I honestly don't know but if they were in
17 there you can bet your life I was.

18 Have you, in responding to any of the conduct complaints, met
19 with the mayor, met with the general manager or
20 undertaken training as a way of resolving those
21 complaints?---Not one on one. Not one on one with any of
22 them. I've told you that they're the - my recollections
23 are the five conversations I've had with the general
24 manager and as far as Tom Weyrich is concerned, I - Tom
25 and I had a - have had a number of disagreements along
26 the way. I'm not a fan of Tom Weyrich, I can tell you
27 that, and he's not a fan of mine, but he's entitled to
28 those opinions. That's his bag and that's mine.

29 So if it was a matter for resolution between yourself and Cr
30 Weyrich, would you be able to resolve those sort of issues
31 together?---Well, I don't know what the resolution would

1 be, whether Tom would want me to sweep his garage every
2 night after work, I wouldn't be doing it.

3 No, (indistinct)?---If it's a reasonable thing and I can be
4 convinced - - -

5 If it was modification of behaviour? If it was the way that
6 you wrote emails whatever it might be, would that be
7 something that's capable of resolution between the two of
8 you?---I never knew there was an issue about the way
9 I write emails.

10 You have referred to the pattern of five and four. Was that
11 reflected greatly in voting patterns?---Yes.

12 What matters did it affect?---In what matters did it affect?
13 What types of matter did it affect?---Maybe anything. I don't
14 think that the general business of planning which is - the
15 major complaint that I've had in my time on council, if
16 I've got complainants from the public, it's mainly over a
17 planning thing.

18 COMMISSIONER: There evidence - I mean, there's been evidence
19 that generally, from all the councillors I think, that
20 basically the planning decisions went through and there
21 was debate, there was certainly debate and there was - but
22 generally they came out - - -?--- They were fine, and
23 I don't think - - -

24 You don't - - -?--- I didn't have a problem with any of that.
25 And one of the meetings, when I was away, there was a
26 houseboat operator on the - from Echuca had a complaint,
27 was writing everybody and she's unfortunately - anyway, we
28 were of similar name, and I'm unaware of any relationship.
29 But - and she wrote to me and said, you know, "I'm super
30 unhappy with this can. Can you do this? Will you do
31 this. I demand you do this" and I wrote back and said,

1 "Look, it's a decision taken by council and I have to wear
2 it".

3 Yes, yes?---As simple as that. I supported and I would
4 probably would have had something to say if I was at the
5 meeting but I wasn't there and the decision was taken, too
6 bad.

7 So broadly speaking, similar sort of evidence.

8 MR BROAD: So we get to the five-four voting pattern
9 specifically where? Sort of issues?---What do you mean, a
10 five-four that were specifically - - -

11 What we seem to have is an allegation that there are two
12 factions?---Exactly there is.

13 How did that affect council? Did it affect certain types of
14 matters coming before council?---No, no, no. Just
15 affected council - councillor from my point of view, I was
16 going to get flogged every time I walked into council so
17 really like I said to people, they'd say, "Listen, I've
18 got something coming up, can you give us a bit of a kick
19 along". I'd say, "You're talking to the wrong man, son.
20 Go and talk to Weyrich or ring someone else". People at
21 this Deep Creek marina thing, a bloke's rung me up and
22 pestered me and I was away in Queensland buying cattle,
23 and I got back and there was a Fit for the Future meeting.
24 It was my first council thing. I drove out to Bunnaloo to
25 a Fit for the Future thing, spoke to Simon Arkinstall and
26 said, "Listen, I've got a bloody - I've got to meet some
27 people at Deep Creek". He said, "Are they developers?"
28 I said, "They could be both, I don't know. I don't even
29 know who they are", but when I went there - - -

30 Could I stop you?---Yeah.

31 I'd like to really explore that matter with you?---Righto.

1 In detail. What I'm trying to deal with is there are - we have
2 a situation where there's a five-four divide. We then
3 have Cr Burke resigning?---Yeah.
4 I'm just trying to work out how this five-four divide operated.
5 We're saying - I think you're saying that it doesn't
6 really affect development applications matters. Is it the
7 strength of your ability to put matters or what is
8 it?---No. I was told early (indistinct) in council by a
9 constituent, a ratepayer, that she run Cr Murphy up and
10 said "Betty, why didn't you support that?" And Betty
11 said, "If that Cr Mackenzie votes for it, I won't vote for
12 him, won't vote with him". That's a cross I have to bear.
13 Another one of the kites that won't fly.
14 Did you - Cr Campbell, Cr Moon and Cr Burke as he was then, act
15 together as a block and I mean, a number of people, not as
16 an individual Go through, go through the notes, I'd say
17 that's far from correct. Let me say this. That we voted
18 away from one another a lot of times. Let me say that on
19 the other side, on the five, three times I can think of
20 that Cr Anderson made a mistake and voted with us, and put
21 in a rescission motion in the next day before the next
22 meeting.
23 So you're saying that the other group voted as a
24 block?---Certainly - certainly had something, but all
25 I know that a couple of times that Cr Anderson did vote
26 with us there was a rescission motion went in and I think
27 if you check the records of that which would be obvious,
28 they're available to you, that that is the pattern.
29 The situation arose, of course, with the resignation of Cr
30 Burke that numbers became very specific and it was five-
31 three, the rate councillors - - -?--- Didn't matter, no

1 difference between five-three and five-four. Ask Tom. He
2 said, "Don't bother with them, numbers count. Five beats
3 four anytime".

4 You were told that - you were - - -?--- More than once. That
5 was Tom's cry. "Five beats four mate. Five beats four.
6 Five beats three too". So it doesn't matter. We can
7 suffer that. We can suffer that, but I think you'll find
8 if you look at the voting patterns, there was many times
9 there was unanimous votes. Unanimous on things that were
10 basically of importance. There was - and I suppose in
11 saying that, I'm not whimpering about being on the four
12 side, or the three side. I can cop that. I've been
13 beaten all my life.

14 I then keep coming back to why it was important. If
15 councillors were exercising their mind independently and
16 in many cases just, as they should, voting according to
17 their personal convictions?---That's right.

18 Why was it relevant?---What's the matter with it? I don't
19 care, I just said. But the only part that didn't like
20 when I said "This is a cartel", they didn't want to say
21 "Yes, it is a cartel and you're beat old mate". They've
22 just gone, "Oh, you shouldn't say that".

23 The context of your description of the cartel was to align it
24 to Mathoura?---Well, it is.

25 Is there a divide between the councillors from Mathoura and the
26 councillors from Moama or elsewhere?---I would near agree
27 with that.

28 Is that the divide?---Well, it is the divide. There's Cr
29 Murphy, Cr Weyrich, Cr Pocklington, Cr Anderson. They're
30 rural councillors but I think Cr Anderson's the lay
31 preacher at the church here. I think that they're all

1 involved with Mathoura. I've got an absolute opposition
2 in this town because I've made it known, early on council,
3 that I think this is ridiculous that the head office for
4 the Murray Shire is in Mathoura.

5 Dealing with the other councillors. Do I assume that you live
6 in Moama?---Yeah, I live in Moama.

7 Councillor Campbell lives in Moama?---Lives in Moama.

8 Councillor Burke, sorry I mean former Cr Burke?---Yeah, he's a
9 former councillor, yeah.

10 And Cr Moon?---Councillor Moon.

11 So is that the nature of the division?---No, Cr Bilkey lives in
12 Moama and I said in a statement that was well-printed and
13 I got a code of conduct on it, he spends his time looking
14 at the gold chains and I think the evidence given here
15 yesterday says that that was the case, that he had some
16 idea that if he stayed there that Tom Weyrich was going to
17 step aside. I didn't know anything of that agreement but
18 it forms a pattern which I did - confirms a pattern that
19 I surmised was of them. There was some reason, some
20 reason that Cr Bilkey supported this thing and I have no
21 problems with - I do my business with the rural people.
22 As far as up and round Deniliquin, I've made it clear in
23 deliberations that we should support the schools in
24 Deniliquin. Give money to the hospital in Deniliquin.
25 I personally - it was a gold sponsor at their Easter
26 rodeo. We gave a fairly decent donations of one of the
27 gold sponsors to that person. I have not a problem, but
28 just out of a purely economic reason that the head office
29 for this place should be in the town where there's 5,000
30 people where the people - I'd say faces at the door, if
31 you counted faces at the door that the Moama office would

1 have ten, they'd have one here. That's only my guess.

2 COMMISSIONER: Was that one of your issues here?---Yeah, yeah.

3 Did you raise it a lot?---Yeah. Yeah, I raised it a few times.

4 Was it realistic that it was going to happen?---No, but it

5 should have. It should have, and if we had of done it

6 we'd - Tom said to me, "You're playing right into the

7 hands of amalgamation". Well, it didn't happen and

8 amalgamation's a real thing now. Whether it did or it

9 didn't and we all ever got - we haven't got a hall, a room
10 up there where you can hold this meeting. This meeting.

11 Nothing big enough.

12 MR BROAD: Is the role of the mayor important politically in

13 Murray Shire council?---Well, it's fairly important

14 because I think that the agreement that's made between the

15 mayor and the mayor only, and the general manager is

16 unknown to the councillors. I have a GIPA request. The

17 only GIPA request I've put it is still current, that went

18 in on the first meeting of October for the terms and

19 conditions of the general manager's re-employment, and

20 I find that obnoxious that that the employer does not know

21 what the employee's conditions are, and I still say that.

22 And I know it's not a - if you put it up for a council

23 resolution, you're not to know. That would go through on

24 a vote on the old house. It may not in this one.

25 My question wasn't aimed at that. My question was generic. My

26 question stemmed from your statement about the evidence

27 given from Cr Bilkey about the agreement for Cr Weyrich to

28 retire and your suggestion that he was aligned to the

29 other councillors because of the mayoralty?---He said it

30 was an agreement that went way back.

31 My question is, we've got a council in a rural area. There may

1 be differences in the economics of each town, is there a
2 political element to being mayor?---I can't quite get to
3 what you're - in what you're saying. Is that mayor going
4 to come from that five councillors? Answer, yes.

5 In your view, do certain councillors regard being mayor as
6 important to themselves?---Hugely. Hugely.

7 Why is that?---Because there's a bit of prestige attached to
8 it. You can parade most nights with the gold chains
9 around your neck and do that. So I don't know. I don't
10 know what it would be because I certainly don't want to be
11 mayor. That's one thing I do not want to be is mayor.
12 And never have and never want to.

13 Has that been a source of difference between the two groups in
14 council?---Yes, in the part of - from the exact statement
15 I've said, that when someone came to me and said, "Look,
16 I'm going to put up this. Can you support it?" and
17 I said, "Mate, you're wasting your time with me. Go and
18 talk to them". They'll find. They've come back and said,
19 "You were right, Weyrich said 'Numbers count in this game,
20 I'm five and they're four. Five beats for every time".
21 So I suppose from that point of view, that's the way its
22 run.

23 I assume you were here when Cr Weyrich gave his
24 evidence?---Only for the little bit after lunch.

25 One of the questions that I asked Cr Weyrich was in respect of
26 allegations by the general manager of a discussion about
27 the change, the possible change in the mayoralty in 2015,
28 and while I didn't go through the actual allegations for
29 the purpose of the transcript, the effect of those
30 allegations is to suggest that you had discussions with Cr
31 Weyrich about his return as mayor. Did you have any

1 discussions with Cr Weyrich about his return as
2 mayor?---Yes, I did. Tom asked me if I'd support him as
3 mayor.

4 What was your answer?---Yep.

5 Was there any basis upon which you'd support him?---No.

6 COMMISSIONER: Did you know who might be the
7 opposition?---Well, they didn't know. There was three out
8 of his faction stood and I think the vote went down as one
9 vote for two of them.

10 Then they had to - - -?--- Then they draw it out of the hat,
11 one gone, two for two of them. Drawn out of the hat.
12 Four for four. Drew out of the hat. I mean, it was like
13 a chook raffle at the pub.

14 MR BROAD: Did you ever impose a condition to the effect that
15 in order to obtain support the general manager would have
16 to be gone?---That - that is not my style, that. That is
17 - wasn't any precondition of that. Tom said to me -
18 I said, "Your attitude would want to change a fair bit to
19 get support and good luck. Good luck old mate". But
20 I said, "If I don't - if I support you, your secrecy and
21 running the secret society's got to change". And he said,
22 "What do you mean?" I said, "Well, you and the general
23 manager, I feel like I'm taking the money - you're only
24 going to take it off the men's shed because - like, I'm
25 taking money under false pretences being a councillor
26 because we've got no say whatsoever". And he said, "Oh,
27 she's going to go. She's cleaned her office out".
28 I said, "Fair dinkum".

29 COMMISSIONER: So when was that approximately?---Oh, well,
30 I was away - I was away in August which as I said, July
31 and August are really busy months for me. It's a busy

1 time in the territory for cattle and it really starts now
2 but that's the real heavy season July and August, and
3 I was away in August and I booked to fly back on the 17th
4 and the plane was delayed and I didn't get back until the
5 18th which was the meeting, and that was the meeting, they
6 didn't have a quorum because Cr Murphy was away, Cr Moon
7 was away and I think Cr Campbell was overseas in America
8 and me not being there left the first meeting in August
9 without a quorum and a general reason for it too. And Tom
10 sent me an email, "Will you be back for the 18th, it's
11 urgent that I know.

12 Yes, 4 August lack of quorum, yes?---Yeah, and I said, "Look,
13 I don't know". I said, "I don't know, I'm aiming to be
14 back but things" - you know, it was two days after that
15 meeting I reckon he sent me the email. Anyway, they got
16 Cr Burke off the bench and got him back for the thing and
17 that was - that reminds me because those dates were put up
18 here - - -

19 So just give us - so in that time, that's when that that
20 discussion happened with the mayor, shortly - - -?--- No,
21 no, after that. So it's after - - -

22 When you come, that's what I'm saying?---Yeah, after 18 August
23 for sure.

24 Yes, right?---And I reckon it was into September because
25 I - - -

26 Getting closer - - -?--- He was trying to get me before that.

27 Yes, because the election's coming up in September?---I was
28 just unavailable.

29 But the election's coming up in, you know, September, that's
30 when it always happens?---Yeah, that's right. I reckon it
31 was probably about the 8th or the 9th or something like

1 that of September. Right on the death knock, because
2 I really wasn't dancing to his music. I was going to give
3 him an ice melt(?).

4 Yes.

5 MR BROAD: Having wandered into that issue - look, can I deal
6 with the mediation that took place in December
7 2014?---Yep.

8 What was your approach in respect of the mediation?---I went in
9 there with an open mind and I really like Norm Turkington
10 and I really, you know, liked dealing - he's got a good
11 approach and a good operator, I reckon, and I gave it a
12 real hot go. I did give it a red hot go because I was a
13 little bit, as I said, I said "You've formed an opinion
14 I'm a smartie" and that doesn't mean in academics, states
15 just being a (indistinct) being smart, you know. And
16 I said to him, I said, because we'd had him once before,
17 I think, and I said "I really took on board what you said
18 and tried to get it to go, but it just overwhelmed me what
19 was happening and I did really give it a try. I gave it a
20 try and I did speak with Cr Campbell" and I said, "I don't
21 think Tom wanted to sign that agreement that we made", and
22 she said, "I wasn't that keen on it either" and I said,
23 you know - and she said, "If you look at where I signed
24 it", we all got a copy of it, "if you look at where
25 I signed it, I circled a four", and said, "This will only
26 last for four minutes, four hours, four days, it won't
27 last four days". I think it got to the four hours but
28 didn't go any further than that. But that didn't really
29 worry me either. I'm pretty used to that.

30 You say it didn't get to the four days. Why was that?---Oh,
31 well, the newspaper was giving us the stick again in the

1 next four days. From the day I came on council, I've been
2 dogged by character assassination and I guess if we've got
3 all this information because you've done a bit of
4 homework, a lot more than I'd do, there's a bit of
5 business in there that was the subject of a defamation
6 action, and I spent more money on lawyers in the last
7 three years than I've pretty well in my life.

8 COMMISSIONER: You don't want to think of again. I understand.

9 So I was going to ask you that question. So there was a
10 defamation action?---Yeah, there was a defamation.

11 That was between you and Weyrich?---Me and Weyrich.

12 Is that finished?---Oh, yeah, I dropped it because when I got

13 to my barrister in Sydney he said - I said, "How much is
14 this going to cost me" - - -

15 You don't have to tell me - the short answer is that it's not

16 current and didn't go ahead?---Economically stupid.

17 You didn't commence any proceedings?---Yeah.

18 You actually commenced them?---Yeah.

19 All right?---It got to court.

20 Then you finished it?---Well, I spent a fair bit on it.

21 I'm not - I just want to know what - yeah, all right.

22 MR BROAD: Can I ask one question only in relation to it. Was

23 that early in your term of council?---Yeah.

24 COMMISSIONER: What sort of period was it?---I'm hazarding a
25 guess, less than 12 months in.

26 So before the new general manager?---Oh, yeah.

27 Something to do with pre new general manager?---I reckon,

28 I reckon it was in the - and again, I'm thinking it was in
29 the autumn of 2014, but I could find out. I don't -

30 (indistinct).

31 MR BROAD: My only question that follows from all of this. In

1 your view did that poison your relationship with Cr
2 Weyrich?---It was already poisoned.

3 COMMISIONER: I suppose you took the proceedings which was an
4 indicator in itself?---No, it was well gone before that.
5 Yes, I'm just saying - - -

6 MR BROAD: The obvious question, was the relationship poisoned
7 before you became elected to council?---Yeah.

8 So there was a pre-existing situation?---It wasn't good - was
9 the relationship poisoned before I applied to get on
10 council? Yes.

11 Yes. So it goes back for some period?---Yeah.

12 We won't enquire about - - -?--- But I can handle that. I can
13 handle that, and I can live with it too.

14 You've raised, in dealing with the mediation issue, the fact
15 that the agreement was leaked to the press?---That what?
16 The mediation agreement was leaked to the press?---I don't know
17 about the mediation agreement but just the same old thing.
18 The breach of the goodwill - - -?--- Yes, the goodwill that was
19 formed within the agreement was gone in the next statement
20 in the Riverine Herald. My constant statement since I've
21 been on, someone would say "What's going on in council",
22 "I don't know, I read in the paper tomorrow", that's where
23 I got most of my decisions of what was happening in the
24 shire.

25 Were there a significant number of leaks?---Leaks?
26 Were there a significant number of leaks - - -?--- Leaks or
27 statements or whatever, yeah.

28 One of the major ones - - -?--- Huge amount. Huge amount.
29 One of the major ones appears to have been the leak of the
30 Janice Macleay report?---Yeah. Yeah.

31 COMMISIONER: So who do you think - - -?--- Who do I think?

1 Do you know?---No, I don't know. I've got suspicions who
2 I thought.
3 Yes?---I thought it was Cr Bilkey, but I've since heard he
4 (indistinct).
5 Was it you?---Yeah, I leak all things bad about me. Make sure
6 I get - - -
7 I've just got to ask - - -?--- - - - my name on the front of
8 the paper.
9 He knows I'm - - -?--- Hey?
10 (Indistinct)?---Hey?
11 Answer no?---No.
12 You didn't.
13 MR BROAD: Clearly, the effect of that leak was very damming in
14 respect of yourself, in respect of Cr Campbell and Cr
15 Moon?---Yeah, and Cr Burke and he probably took it worse
16 than anyone else. I'm fairly, I operate in a fairly hurly
17 burly rough world, I make every week I'm out doing it and
18 it's pretty - it's pretty competitive where I play.
19 So you're pretty robust?---Oh, I'd like to be a bit bigger.
20 I know there'd be a lot of people who are glad I'm a
21 little fellow.
22 But robust when it comes to criticism?---Yep.
23 I think Cr Campbell told us that she was reasonably thick-
24 skinned?---Yeah.
25 But Cr Burke?---Oh, really - what his term on council has done
26 to him, you wouldn't wish on your worst enemy.
27 That's a result of things like leaks?---Oh, leaks. I reckon
28 absolute intimidation of him, but that's only my opinion.
29 I had a little bit to do with Burkey. I didn't - I used
30 to pick him up and bring him to the meetings and take him
31 home. So we had a - but I didn't - like I was there, but

1 I'm still friends, but I don't, sort of, socialise that
2 much with anyone.

3 COMMISSIONER: Did you know him before?---No, I didn't know.
4 Didn't know him from a tin of paint.

5 MR BROAD: You used the expression "intimidation". What do you
6 mean by that? What was the form of the
7 intimidation?---I think he used to say he got calls and
8 that, and he said on a couple of stages, "I think they
9 think I'm the weak link, they're putting a bit of pressure
10 on me".

11 Did he ever say who the "they" were?---Oh, no, Bill Anderson,
12 he said, rang him quite a bit. And I do really believe
13 Bill Anderson to be a God fearing good bloke and he -
14 I believe him to having intentions in the right spot and
15 I am, sort of, sorry about my last conversation - my last
16 conversation with Bill Anderson but anyway, it's happened.

17 In respect of leaks to the press, have you ever leaked any
18 information to the media?---Like what?

19 I'm just asking - - -?--- Stuff like - - -

20 Anything confidential to the media?---No, no, no, never. Not
21 knowingly anyway.

22 COMMISSIONER: You mentioned in the witness box a while ago, you
23 gave something to the media. That was your - - -?--- That
24 was my document.

25 That's what I'm saying, yes?---Yeah, yeah. And I don't see
26 that to be anything wrong with that. It was a public open
27 meeting. Anything bad against yourself, you had to do in
28 open. Anything that may have been good, just an old
29 secret society.

30 MR BROAD: I've just shown you an email that I think is your
31 response to the leak of the Macleay report, is that

1 correct?---Yeah, this - this is dated 30 April and
2 I believe that we got the Janice Macleay report and
3 I reckon it was within an hour that these people had it.

4 COMMISSIONER: When you say "we", all the councillors?---Yeah,
5 we were all given it together.

6 Yes, yes.

7 MR BROAD: So what it reads, it's an email sent from yourself
8 to all councillors at Murray Shire Council, it reads, "Hi
9 all, just in the last minute or so I was contacted by the
10 Riv (Trent) asking if I wanted to comment on a document he
11 has, the investigation report by Janice Macleay. I told
12 him I had no comment as I haven't a copy myself"?---Yeah,
13 I did have a copy but I was going - I wasn't going to
14 confirm it to him. You know - - -

15 COMMISSIONER: You weren't going to tell him that?---Hey?

16 You weren't going to tell him that?---So I suppose that goes
17 down to what the Cr Bilkey said "Everyone tells lies".

18 MR BROAD: "Another good old leak by an anonymous leaker" and
19 that was your take on it"?---Yep.

20 Annoyed?---Bloody oath I was.

21 And the upshot of that was a significant number of pages in the
22 Riv Herald singling each of you out for the findings of
23 the Macleay report?---Yeah, and it was worse than that
24 because they were wrong. They are patently wrong.

25 Why do you say some of those findings were wrong?---What she
26 declared for me.

27 COMMISSIONER: What are the things in that report

28 that - - -?--- Off hand now, but the first part - - -

29 What comes to mind immediately that really annoys you?---Yeah,
30 what - let me say this. There was a report in there about
31 an affidavit I made, and then I released it to the paper.

1 Is this the Hill affidavit - - -?--- Hey?
2 The Hill affidavit?---Well, it's my affidavit, yeah, yeah.
3 I just use that a summary thing?---Yeah.
4 That one, yeah?---Yeah. And - - -
5 So what do they say about that, in that - - -?--- That I leaked
6 it, but she took Cr Bilkey's word. There was another one.
7 That was the fourth conversation I had with the general
8 manager. I think the fourth and final one I had with her
9 was that I told her - we got instructions on the front
10 page of one of the agendas, "Be at the meeting, wear your
11 gold badge, not your white badge and dress appropriately
12 because photos are going to be taken at 3 o'clock" and
13 I walked around and said to the general manager "See that,
14 I don't instructions on how to dress".
15 I say that. You took real offence to that?---Bloody oath
16 I did. Right at that time, they couldn't stop the Muslims
17 coming into the gallery in parliament with these burkas on
18 and they're telling me how to dress. I don't take
19 instruction on how to dress. I dress - - -
20 On the other side of the coin, if it was just someone trying to
21 say "Look, this is the type of event that it's going to
22 be, dress appropriately", you saw that - you took
23 offence?---I took offence to that. I took offence to
24 that.
25 Because you knew what sort of event it was going to be, is that
26 what you're - - -?--- Hey?
27 I mean, you knew what the event was. You knew how to dress,
28 that's the way you read it?---Well, I mightn't be
29 dressed - - -
30 (Indistinct)?---I mightn't be dressed all that appropriate for
31 today either but - - -

1 I am certainly not commenting on that, (indistinct)?---No, but
2 what I'm saying that's - if they said we're taking council
3 photos today, there's no need to put on there "dress
4 appropriately". I was going to come in a Superman's suit
5 but I didn't. Like once I saw it. I did come, I could
6 have got my photo taken but I wouldn't get my photo taken.
7 I'm not all that partial to them anyway. I'm not very
8 photogenic. Ask the people on the Riv.

9 In the course of that conversation with the general manager,
10 did she become upset?---Not that I saw. I just said,
11 "I don't work for you and I do not work for Kerrie Keogh
12 so whoever sent that instruction I will not take it".
13 I said - and unfortunately I did say, "I had a missus once
14 that taught me how to dress" but I didn't add the other,
15 "You'd better watch out" because that's crap. I'd even
16 took that to my solicitor, my barrister in Sydney and he
17 got a copy of her diary note and he said he'd like to see
18 the original because - this was my report from Tiggemann &
19 Sweeney that he would like to see the original because the
20 expert says that's written in a different pen, the last
21 bit of it. That's my advice on that, so I'm quite happy
22 to take that on. It was unfortunate that I did say "I had
23 a missus once and she's not around anymore" or something
24 like that. That's the smart bit I'm trying to tell you'll
25 form. But it wasn't meant to be - it wasn't meant to be -
26 it was like (indistinct).

27 Yes, yes?---You know what I mean. Things better not - - -
28 Taken out of context?---Things better not said but that's not
29 me, I'm not like that.

30 MR BROAD: Did the general manager leave your meeting and go
31 outside after you'd said that?---I don't know. I don't

1 track her. But I wouldn't have thought so because it was
2 before the meeting and the meeting started soon after.

3 Can you tell us about councillor behaviour at meetings?---All
4 fine as far as I'm concerned.

5 There's a suggestion by Cr Bilkey that there's a level of hurly
6 burly in meetings?---I never - I never felt it was too
7 bad. I haven't got a ruler to judge it by either but like
8 I've had plenty of business discussions and things and
9 there's plenty of "No, you can't" and "yes, you can" and
10 you know, like those sort of things, (indistinct) you
11 don't get the stuff, you know, that sort of thing but
12 I don't see - I didn't see that there was any great drama.

13 What about the general manager at the meetings. Any particular
14 comment about that?---No, the things I did notice was she
15 did roll her eyes a bit when some people were talking, you
16 know, like - and I know at one stage this room has got
17 really bad acoustics and I sit down this far end here near
18 this door, about here. And probably about where you are,
19 a bit further up the back, and she made a long statement
20 about something I really struggled to hear her and I said
21 - I let her finish but I said, "Through you, Mr Mayor,
22 could you ask the general manager to repeat that a bit
23 louder, I missed some of that". She went ... and -
24 although I did hear it, and I don't what it was, but
25 I only want to hear. I wasn't being smart. I wasn't
26 being smart.

27 Do you regard your behaviour at any meeting as being aggressive
28 or loud?---I am loud. I am loud. Just naturally loud
29 without - my commencement in work I was an auctioneer, an
30 auctioneer in a livestock yard and I still work around
31 livestock yards and if you're quietly spoken you don't get

1 heard at all. And that's not being - I don't know how
2 loud I'm coming over to you people now, but I am just
3 naturally - - -
4 Yes?---Volume (indistinct).
5 I understand.
6 MR BROAD: Do you regard any of your behaviour at meetings as
7 having been threatening?---No.
8 Not at all?---No.
9 Not perceived as threatening perhaps by others?---I don't know
10 how they perceive it.
11 I will show you a letter. It's a letter written on
12 12 - - -?---Yeah, I can see it. I can see it.
13 I am just reading it to get onto transcript. There's a letter
14 dated 12 July 2015 from Councillor Murphy. Now, it's an
15 attachment to her submission to this inquiry?---I'm sorry
16 that that's - that's the way it - way it is, but I - but I
17 certainly didn't show anything, but as I said, from
18 previous advice from rate payers, that doesn't surprise
19 me.
20 What do you mean by - - -?---What would surprise me - - -
21 What do you mean by that?---What would surprise me that - is -
22 is if the writer said I was a really nice bloke. I would
23 be surprised. I would have to readjust my thinking.
24 There is a prejudice issue that you are saying underlies
25 that?---Yeah, I am. I am.
26 Sorry, I am not asking whether you are prejudiced. I am asking
27 you whether you believe there is a prejudice against
28 you - - -?---Yes, I do.
29 - - - that has led to that letter?---Yes, I do.
30 COMMISSIONER: Did you sit near Councillor Murphy?---Yeah,
31 right there.

1 Next to each other?---I sat here, she sat there.

2 Yes, I mean both. Yes?---That leads me to another accusation

3 that was made that I turn my back because the interviewees

4 for the position of general manager sat there.

5 Yes, I know. You will get your opportunity to say it - to talk

6 about it?---Okay. Well, you know what I'm going to say

7 before you even (indistinct), hey? Probably don't have to

8 ask me.

9 We do?---Yeah, I know you do.

10 MR BROAD: What I was going to go actually was Deep Creek and I

11 was going to ask you - - -?---Be careful where you

12 (indistinct).

13 I was going to show you some photographs first and ask you if

14 you took those photographs or if you - I think there's a

15 bit of - - -?---There could well be - there could well be

16 a mixture of photos that I took or Councillor Campbell

17 took. I just want to say that I go to Deep Creek

18 regularly. I - - -

19 COMMISSIONER: I don't think you need - It's not as though

20 they've been big issues?---No. I know.

21 And I'm not trying to make it like it's a problem or

22 anything?---Yeah, but I'm just saying, I honestly don't

23 know.

24 It is just photos?---That could be mine. That could be mine.

25 That, I believe, is mine.

26 MR BROAD: That is the third one showing the - - -?---Yeah, the

27 spout. There's another spout on that tank out this side

28 here, that one and another one there. This is the new

29 tank. I took that. I took that. I took that. I took

30 that and there's a labelled one on that that's on my - my

31 computer cos it's now got a cyclone fence around it though

1 - a ten foot cyclone fence around it.

2 COMMISSIONER: This one? The cyclone fence around the

3 wall?---Yep. Yeah. That's the finished product.

4 Finished product. And that would be me too. That'd be me

5 too.

6 That was your submission?---Yeah.

7 Your second submission, yes?---Well, yeah. Righto.

8 (Indistinct)?---Yeah. I didn't know I had a second submission.

9 (Indistinct) I think it's to - yes, it really doesn't

10 matter?---(Indistinct).

11 (Indistinct).

12 MR BROAD: In relation to Deep Creek, the attendance that you

13 make and the attendance that Councillors Campbell, Moon

14 and Burke made, can you give us a background of what led

15 to that attendance?---To that?

16 COMMISSIONER: Yes, how about you take us through it from the

17 beginning?---I will take you - take you right through it.

18 I had a call from - from a rate payer who I slightly know.

19 When I say, "Slightly know," I know who he is and I was

20 very surprised that he had rung me and he rung me on the

21 basis, "I want to meet with you," and I said, "Yeah. I'm

22 - I'm away this week cos I'm in Western Queensland. I do

23 business out in - west out near (indistinct) and

24 (indistinct) which is 1,200 ks from - 1,230 ks from here

25 and 1,200 ks from Brisbane. So it's as far from Brisbane

26 as it is from here. So there's not much sense in flying

27 to Brisbane to go there cos I've got to drive - drive from

28 there to here. So I skid up there, up to (indistinct) and

29 I was up there buying cattle and I came back - no, I - no,

30 I'm wrong. I was in - in the territory and I came back

31 and I went to the Bunnaloo meeting. I went to the

1 Bunnaloo meeting as a fit for the future meeting and I
2 said to Simon Arkinstall, "Well, I go and meet some bloody
3 blokes out there at Deep Creek and I don't know what the
4 issue is. What's the issue out there with the sewage?"
5 cos he said it's a sewage issue and he said, "Are they
6 developers?" I said, "I don't know. There's a couple of
7 them, I think, that - they might be both. Might be one of
8 each." He said, "I'd be very careful what you say to a
9 developer. There's an issue out there." I said,
10 "Well" - - -

11 And prior to this time, did you know anything about the legal
12 proceedings or any - - -?---I didn't know what it was
13 about. I knew there was legal proceedings out there and I
14 didn't know what it was about and - - -

15 That is all right?---We - we got a note - - -

16 Just keep following your chronology. I just want to
17 understand?---Yeah, the proprietary company - - -

18 You knew there might have been some legal proceeding, but you
19 didn't know anything about it?---Yeah, but I - also I'm
20 not - I don't class myself as a proper goose, you know,
21 like that I'm going to go out there and make any admission
22 to whatever.

23 Yes?---You know, I can handle myself without that, I reckon.

24 Yes. So continue with the discussion with Simon

25 Arkinstall?---So I go out there and he takes - he says,
26 "Follow me down here. Jump in." I said, "No I'll follow
27 you," and he drove down along the creek and there's 110
28 house boats out there. There's a hotel and supermarket
29 and a few cabins and different things and we get out now
30 and he said, "See this?" and I said, "Yeah." He said,
31 "That's a tank full of shit," and I've gone, "What?" He

1 said, "Yeah, those house boats all pump out in that pump
2 station there and they put it in this tank," and I said,
3 "You got to be joking." He said, "Yeah." Anyway, we had
4 a bit of a discussion and I said to him, "What happened to
5 - how long as this been here?" He said, "Five or six
6 years." He said, "I've got a block here and - and been
7 going to build a house here," but he said, "I - I want to
8 bring my kids up, up here and I'm not going to bring them
9 up if that goes into the river, like they're - I don't
10 want them anywhere near this water out here." I said,
11 "Well, it hasn't gone in there," and that's when I said,
12 "How long has it been?" He said, "I think it's five or
13 six years." I said, "You got to be joking." So I went
14 back and I thought about it and that was 4 o'clock on a
15 Sunday, it was. Not my real day to want to do anything on
16 a Sunday afternoon. I got back. I knew Jenny was working
17 and she's usually home by about that time and I rung her
18 up and said, "Listen, I've been out to Deep Creek and
19 there's a bloody tank out there that just shouldn't be
20 there." So - and she said, "I'm working tomorrow." I
21 said, "What time do you knock off?" She said, "I can go
22 about 4 o'clock." So I rung there and said, "I want to
23 take you for a drive," and in the interim, I think Jen had
24 rung, said - rung Burke and said, "We'll pick you up," and
25 when we're on the way out, she said, "Go around and grab
26 Burke." So I went and grabbed Burke and we went out there
27 and fair dinkum, blind Freddie could see that it was a
28 danger. Like, a rainwater tank, plastic - - -

29 COMMISSIONER: I have seen a photo. Yes, I've seen it.

30 Yes?---Yes, right. A rainwater tank and I - and we're
31 there having a bit of a look and along come a bloke who I

1 know as Ozzie and I know him as Ozzie. He runs a business
2 called Ozzie Erections and I know - how I know him - I
3 only don't know him all that well, but I know his brother
4 extra well cos he's a livestock agent at Camperdown. I've
5 bought a lot of cattle off him and he - "What are you
6 blokes doing?" I said, "Just having a look here," and
7 he's gone - and that's - I've said - I said to him,
8 "Where's the sewage station here?" You know, by - cos I
9 didn't know and it's - and I had no idea what - where it
10 was and he said, "Just there," and I said, "Where?" He
11 said, "That shed just over there," and it was behind a
12 couple of little trees. It wasn't that far, 150 yards and
13 he said, "You want to have a look? I've got the keys,"
14 and I didn't sort of say, "Yes," I don't think. Anyway,
15 he said, "Follow me over." So we went over and there was
16 another bloke with him, Gary, and I understood the sewage
17 plant was run by a fellow called Tom Honeyman(?) and like
18 he was doing the developments there and I I didn't know
19 the - I didn't know the consequences of it.

20 Yes?---Anyway, we had a look through and I think the others
21 were fairly impressed. Well, Burke, he sounded like it.
22 I've seen plenty of those sort of things cos they're very
23 similar to abattoir rendering plants.

24 (Indistinct)?---But they - it was a good plant. It was a good
25 plant. Anyway, we did that and went off and I came to a
26 meeting the next day, on - that was Monday. The Tuesday
27 was a meeting here and I got here and I spoke to Bill
28 Anderson who's the representative on the Murray Darling
29 Association for the thing. I said, "Bill, there's that
30 bloody sewage tank out there at Deep Creek," and he said,
31 "Yeah, it's been there a long while," and I said, "Well,

1 it shouldn't be. It's - it's just - just not right."
2 Anyway, I was going to bring it up that day and argy-bargy
3 the meeting and Weyrich said, "This turn looking like turn
4 out a blame game. Meeting - closed." This was at the
5 close of the meeting, he was - made statements or he urged
6 the - - -
7 Was it about Deep Creek?---No, no, no.
8 On another issue?---No, no, no.
9 Whatever?---But he closed the meeting and I didn't get it
10 there.
11 Okay, right?---So I went home and I - I had a letter drafted
12 and I hit it and sent it.
13 To who?---That - that just turned into the - - -
14 Yes, to who? Who was the - - -?---I think - I think to admin
15 or the general manager.
16 To the council, yes?---Yeah.
17 Yes?---Then and asked the advice, "This is what I've found. Am
18 I going to the right place or should I go to the EPA?"
19 Well, then a barrage of, "Keep out of it," that - - -
20 Then we've got the whole string of - - -?---And you've got
21 (indistinct).
22 We have got the string emails that - yes, we know?---But let me
23 tell you what else happened was after all these threats
24 and that and Burkey, you know, stands up with a lump of
25 rope around his neck, like to the threats and that and his
26 wife's saying, you know, "You're putting our assets at
27 risk."
28 Yes?---And all this sort of thing which has got in with the -
29 taken the right (indistinct). I went to Deniliquin, so on
30 the following Friday. This is Tuesday meeting.
31 Yes, (indistinct). Yes?---Tuesday night, Wednesday, the

1 following Friday and I drove into the EPA at Deniliquin,
2 told them all about it and I had photos.
3 Yes?---Those photos on my thing and I showed them. They've
4 gone, "This is too big for us, mate. You better ring
5 Sydney," and they gave me the number to Sydney. So I rung
6 Sydney and they said, "Ring a fellow called Brian Wild,"
7 and the only reason I know Wild cos I got a mate that's
8 called Wild, Brian Wild at Albury. I rung him. He said,
9 "I'll get onto it. I'll speak to the council." I said,
10 "Well, you better speak to the general manager or the -
11 Simon Arkinstall then and find out what's going on cos it
12 is a disaster." So then came a letter the general manager
13 sent her and, "Someone appears to have gone to the EPA,"
14 and I just wrote back, "It was me. It was me that went to
15 the EPA," and I was hugely concerned about it and that's
16 one of the things that I said, that an adult conversation
17 could have stopped that in the track and I will go - and I
18 will say this too, that Weyrich, since we - we're now
19 walking around holding hands, told me that he went out and
20 saw that black tank before they put the concrete the first
21 time he's ever been there. It's only like ten mile out of
22 town. Why wouldn't someone get in the car and go out and
23 have a look at it and anyway - that's - that is Deep
24 Creek.

25 Yes?---And my concerns, I will say this, he made a code of
26 conduct that would have cost a fortune to do what they've
27 done and, when I came back from the Northern Territory
28 this year, at that meeting where Burke attended because of
29 the non-forum on 18 August, Weyrich put up - he had given
30 emergency powers, at that meeting, to have that moved 800
31 metres from the bank. At the meeting on the second

1 of September, I reckon was the date. The second was a
2 Tuesday. We were at council and it came up, "We've got to
3 ratify the mayor's thing," and I've gone, "What's the
4 rush? What's the rush? It's been there six years.
5 What's the rush that we have to use emergency powers," and
6 Lee Robins was there and I said, "What's the rush, Lee?"
7 He said, "Geoff, the shire could be fined between \$500,000
8 and \$600,000 if it remains in its position. I said,
9 "Really?" I rest my case.

10 MR BROAD: I want to take you through some of the emails that
11 passed - - -?---Yep.

12 - - - between yourself and councillors, et cetera?---Yeah, I
13 copied all those emails to the councillors.

14 Yes?---And I don't apologise for that either.

15 No, no?---I copy most of my emails to the councillors.

16 I am not wanting to do with that part of it. My first question
17 is though this, that you contacted Councillor Campbell,
18 Councillor Moon - - -?---Councillor Burke.

19 - - - Councillor Burke. You made no contact with any of the
20 other councillors. Is that the case?---Exactly.

21 Why?---They - they have no contact with me, none whatsoever.

22 If I contacted them - the bloke had told he rung Anderson
23 and Anderson wouldn't have anything to do with him.

24 COMMISSIONER: The original complainant, you mean?---Yeah.

25 MR BROAD: I may have missed it. Did you ever, in a subsequent
26 emails that passed, ever ask other councillors to come out
27 and have a look at the issue?---Yes, I asked - I asked
28 Councillor Bilkey at a meeting that he - he - I - him and
29 I had had a coffee once before. Again, we're not all that
30 friendly, but I'd asked him for some other reason to have
31 a coffee one day and we had a coffee, I think, fairly

1 amicable. He says, "My turn. I'll buy you a coffee.
2 I'll meet you down the street," and I met him down the
3 street and he said, "What would it do" - like things had
4 got pretty heated by this in the way of email/email.
5 "What would it do to change your position on this thing?
6 If I got Lou Robins to meet with you, would that allay
7 your fears and change your position?" I said, "How does
8 that work? I'm not allowed to speak to him. I'm not
9 allowed to speak to anyone. He said, "There's things like
10 emails." I said, "Get him to email me," and I said, "One
11 thing I - do you want to have a look at the photos." He
12 said, "No. I don't." I said, "Well, you should go and
13 avail yourself and have a look at it." I said, "This is a
14 bloody disgrace, a disgrace," and that's when he said
15 something - we had a discussion and I said, "I don't tell
16 lies." He smiled and said, "Everyone tells lies," and I
17 suppose he's right.

18 I will show you the correspondence?---I have never seen this.
19 Okay. The first one is a report to council about the
20 litigation and it was done in confidential session?---This
21 - this was in the council?

22 COMMISSIONER: No, no. That's an email.

23 MR BROAD: No, the first document there is the content of a
24 report to council.

25 COMMISSIONER: The content of a verbal report, is that right?
26 Do you think it's verbal?---This is a code of conduct.

27 MR BROAD: I think it was done - - -?---This is a code of
28 conduct.

29 Sorry, no, no. Sorry, I might need (indistinct). I will start
30 you there?---Yeah.

31 I will take you through?---Righto.

1 To give an explanation to you, this is an attachment to a code
2 of conduct complaint that was made respectively about
3 yourself, Councillor Campbell, Councillor Moon and
4 Councillor Burke. So what the attachment is is a series
5 of emails and other - - -?---Yep.

6 And so that's basically the evidence associated with the
7 conduct complaint?---Righto. Yeah, I've never seen it.
8 So we start off with 18 February and there was a confidential
9 report to council. I don't know whether you were at that
10 meeting or not?---I don't know. I probably was. There
11 was a - there was a report. This - this thing here,
12 Hillington Valley and Sheep Station Pty Ltd and others and
13 the Murray Shire Council - I have no idea who - who
14 Hillington Valley was or Sheep Station Pty Ltd. Have no
15 idea and I find this sort of thing - unless they attach a
16 face to these things, how are we to know? You - we - I'm
17 a director of a fair few companies. I don't walk around
18 with a stamp on my forehead.

19 All right. But the starting point is that, in February, the
20 council got a report and I don't need to go through the
21 content of that report with you?---Yeah.

22 But it spoke about - - -?---But it didn't have all this on it.
23 Right. Now, If you go over the page and you've got Sunday
24 14 March 2015 and it's headed, "Statement of Simon
25 Arkinstall." Now, read on the left-hand side there is -
26 you see it, about two-thirds of the way down?---Yeah.

27 It refers to the conversation that you spoke of with Simon
28 Arkinstall?---Yes, Saturday 14 March, yeah.

29 Can you read through what is in there and give your view
30 whether it correctly sets out whether word for word or
31 not, the nature of your conversation?---Yeah, that's sort

1 of what it - what it was because - because what I - what
2 I was trying to do was just find out if it was something
3 away from - like really, I was asking him, I just didn't
4 want to go out like Billy the goose and not - not know
5 something about it.

6 All right?---And - and I'm not saying I was over this.

7 COMMISSIONER: So this is just after the rate

8 payers - - -?---Yeah, this "Fit for the future" meeting,
9 that one.

10 Yes?---Yeah and I had been - I had been putting these people
11 off but I knew I had messages on my phone that they were
12 going to ring because they were up from Melbourne.

13 MR BROAD: Going down the page?---Yeah.

14 There is a reference to some advice given by two firms of
15 solicitors. One involves Mr Michael Down who is a
16 solicitor acting for Council's insurer with a firm from
17 Sydney, Mills Oakley and the other is a local solicitor by
18 the name of Matthew Rogers from Kell Moor?---Yeah,
19 I haven't seen the Michael Down thing at all.

20 I am just going to the Matthew Rogers email - that is the one
21 on 16 March 2015 at 12 noon?---Yeah.

22 Have you seen that email?---No. No, never seen it.

23 So you hadn't been aware of the nature of that advice?---No.

24 Right?---No, never seen this and never seen any of these -

25 these things because Margot in a tirade to me said: "Why
26 didn't you bring it up at the meeting?" And the reason
27 that I was so anxious for something to happen was very
28 similar to this time of year. Easter was the following
29 week, Easter was coming up the following week, there's
30 110-odd houseboats out there that are going to be full on
31 pumping sewage out into a - into a rainwater tank. We had

1 store molasses in one of those same tanks, those water
2 tanks and it split and when I rung them up and said:
3 "That tank - that tank they're using out there is no good,
4 it's split." They said: "What have you got in it?"
5 I said: "Molasses (indistinct)" and he said: "They're
6 not designed for that mate, they're rainwater tanks.
7 They're rainwater tanks, you can't use them for that."
8 Can I just go forward. So there was some emails that passed
9 between council and the lawyers before the meeting on
10 17 March?---Yeah, 17 March and I'll draw your attention to
11 these too, which answers it all. This is from me to the -
12 to the administration: "What I am seeking is advice from
13 the Shire Executive as to what we do from here. If I'm
14 taking this concern to the right department, should I go
15 direct to the EPA? Is it possible to email me with an
16 answer to what I see as an urgent situation and give me
17 advice on this situation." I don't see that as being
18 offensive at all, not what - not from the letters that
19 came from the other end.
20 That is contained in your email of 17 March 2015?---Exactly.
21 Sent at 5.40 pm?---Exactly.
22 You sought advice as to where to go - - -?---From the Council,
23 yeah - not that I'm going to.
24 COMMISSIONER: That is the night of the meeting isn't it?---No,
25 it might've been the night of the meeting yeah, I don't
26 know.
27 Tuesday - - -?---I don't know, you'd know.
28 No, just from what you told me before?---I - I'm thinking
29 I went home and just went "send" - you know what I mean,
30 I might've tidied it up a bit.
31 Given though it was just in the thing it was the Monday or the

1 Tuesday the meeting and then Friday you went to the
2 EPA?---Yeah, Tuesday that's it. Tuesday, exactly. When
3 this other letter - - -
4 That is when you went to the meeting and
5 couldn't - - -?---Yeah, yeah.
6 You didn't really have an opportunity to bring it up?---Yeah,
7 I'd brought up the Bill Anderson, he knew about it but
8 I didn't get it out because this is a blame game, the
9 meeting was closed.
10 Yes, closed the meeting?---I said: "Hang on" - they said:
11 "Yeah, it's closed." "Okay, see you."
12 MR BROAD: Now you talk about the general manager blowing up
13 over the matter?---Yeah, I do because I believe this
14 letter signed by Arkinstall and sent is not Arkinstall's
15 letter.
16 You believe that was written by the general manager?---I do.
17 Right?---And I believe that she wrote a lot - most of the
18 letters. I've got a file at home on the letter's that
19 Weyrich sent after the general manager was there and I've
20 got letters that he writes - writes himself pre and since
21 and they resemble - resemble Clancy of the Overflow.
22 Okay, so leaving whether you believe the general manager wrote
23 that letter, that's the letter that you described as "the
24 blow up"?---Not - not blow up, that's a term used by
25 Councillor Bilkey at a subsequent meeting.
26 Sorry, let's not described the email. It is an email sent to
27 you which gave you some warnings about the litigation; it
28 told you that it was not advisable to meet people from
29 Deep Creek. It also advised you that there was a
30 significant matter in court, significant claim in
31 court?---And it also advises that the - under s.435 of the

1 Local Government Act, a surcharge a councillor amongst
2 others, for that loss. Then that debt is payable by the
3 person surcharged. At that point I spoke to Councillor
4 Campbell, I got an email from Burke somewhere in that
5 part. I said: "This looks like it could get pretty hot,
6 jump off the bus or sit in the back and let me drive this
7 because I ain't giving up on this, this is too big of a
8 situation." We just got over the - the berries out of
9 China being washed with sewerage water. It cost - it cost
10 Patties Foods 52 million. This is on the major waterway
11 in Australia, the food bowl of Australia and I've got
12 people who are first sprint down the river from that joint
13 and if that goes in the river - because a bloke come to me
14 a week later and he said: "What's happening with that
15 bloody tank?" And I said: "We're going through it, we're
16 getting a bit agro at the minute." He said: "I'll just
17 take the car out there and back it into the river."
18 I said: "For Christ's sake don't do that, that's what I'm
19 trying to avoid." So that's how serious it was.
20 That is a pretty high level threat from Council, the risk of
21 surcharge?---Yeah, I said: "I'm happy to take this on,
22 I'm happy to (indistinct.)"
23 Following on from that, on 18 March there was a further email
24 sent from Simon Arkinstall to councillors and the general
25 manager. I assume you received that?---Well if it was
26 addressed to me I would have. I - it's so jumbled. I -
27 what I recall in this is this sort of thing and you can
28 see if you read them all and which obviously you have, my
29 concern was only the health, the health, the risk on that,
30 it was so - just so, I just couldn't believe it.
31 COMMISSIONER: So obvious?---So obvious - so obvious and these

1 are one of the things that a small adult conversation
2 could've fixed - could have fixed.

3 MR BROAD: Yes and you sent an email on 18 March at 3.37 pm to
4 Admin, which of course was your communication
5 portal?---Yeah.

6 To Council and councillors. In that you said that you
7 perceived the issue to be an impending health
8 crisis?---Yeah.

9 With the potential pollution of the Murray River?---Yeah and
10 that might've been just after the bloke said: "I'll fix
11 it, I'll push it in."

12 You sent another email at 4.06 pm after that?---What date are
13 we on?

14 We are on 18 March?---Yeah.

15 COMMISSIONER: We are on the Wednesday?---Yeah, yeah.

16 MR BROAD: On the Wednesday 18 March and I'm talking about an
17 email at 4.06 pm?---Yeah.

18 You wrote to Admin, you wrote to Mr Arkinstall and you wrote to
19 your fellow councillors?---Yeah.

20 It was essentially addressed to Admin about their response and
21 took issue with what you'd perceived as a threat?---Yeah.

22 Then another one?---Well I - I can tell you at this stage, at
23 this stage - and it's all right to read them on paper but
24 I was - I was hugely concerned about this.

25 Yes, so just with the next one: "With regard to the previous
26 enquiry, can you please advise me the sewerage storage in
27 the purpose-built water tank and modified pump-out
28 facility." So now you've sort of said, what about the -
29 I mean you're looking for alternatives understandably and
30 you're saying: "What about the" - because you went, you'd
31 already had the site inspection by now and you'd seen the

1 other facility. Is that what that means?---No.
2 What does that one mean?---"Modified pump-out situated in the
3 Deep Creek developments adjacent - development adjacent to
4 a pump house station either run or owned by the Council."
5 Is that what you're saying?
6 Yes?---That one? No, I'm asking them whether they run or
7 operate it. I didn't know at that stage, I didn't know
8 who run it.
9 I see?---Then I've written - I know I wrote then and ask can
10 I get the - I knew it was a Clark tank and I - and
11 I didn't really want to have to climb up it and see if -
12 can I be advised of the - the specifications on the tank.
13 And then, then Margot wrote back to me that said it's -
14 it's a - she wanted to know who I spoke to or I didn't.
15 Seeing she wouldn't give me any information I wasn't
16 giving her one thing.
17 COMMISSIONER: Just stop there for one moment. I mean what was
18 stopping you from just sampling telling them the story
19 that you didn't - you could have gone back to the Council
20 right at this point and said: "Look, I'm concerned about
21 this issue, I went and had a site inspection, I know what
22 I'm doing I didn't make any admissions" or whatever way
23 you might put it, so now go back to the issue?---I did,
24 I did tell them that. If you read it, I did tell them
25 that - I did. This is - this is the conversation and from
26 there bear in mind this one, the telephone
27 conversation - - -
28 Which one?---On March 19th.
29 What time?---12.50, this is an email.
30 Yes, I'm getting it?---Telephone conversation between Tom
31 Weyrich.

1 Yes?---Councillor Gavin Burke and I'll tell you something about
2 this.
3 They said "Yes" - - -?---They've questioned Burkey but Burkey
4 subsequent to this, one of his - one of his people out
5 there that live near him was sitting in earshot,
6 Councillor Murphy and Councillor Pocklington were in
7 attendance at this - this is all the while while we're
8 under a blanket ban of do not talk to the general manager
9 and do not ring the company while - while Council business
10 has in fact been enacted. This obviously meant, this
11 workshop was only enacted the silence deal was only
12 enacted on the rebel councillors as you might say, us.
13 Not - it didn't have any bearing on anyone else, they -
14 they had access.

15 I understand but the question I put to you was: "Why didn't
16 you just tell the Council, the general manager?" Because
17 they were asking for insurance reasons - you may or may
18 not have known that but they said - - -?---I didn't.

19 Is that right, you didn't - but then you said: "No I did,
20 I told them that I didn't do anything." I just want to
21 find that email?---Well I did and I said to them: "No,
22 what - what I've done is ask - ask 'Is this storage
23 facility Council run'?" Because I might've been barking
24 up the wrong tree, should I have been after the RMS or
25 who? But I was after someone I can tell you.

26 MR BROAD: Can I just go to an email that passed between
27 Councillor Burke and yourself, it was an email sent to you
28 by Councillor Burke, it was sent on 19 March 2015 and it
29 is a little bit hard to track because the bottom line of
30 one page then refers to the time that - - -?---Is that in
31 these?

1 It is in there and I'll show it to you?---Yeah, I remember
2 that. That's right and that - that's what I said, said
3 before what I said that poor old Burkey took this pretty
4 badly and I'm really sorry in retrospect for bothering
5 taking him out there because I - if I'd have knew - knew
6 when I went out there, I was concerned from the meeting
7 I had the day before that this - I just wanted to be sure
8 that these other people were of similar ilk as me and saw
9 whether I was on - being delusional and seeing something
10 that was - was dangerous.

11 Can I ask you one question about that email?---Yeah.

12 Did you ever circulate that email to another
13 person?---I wouldn't have a clue.

14 Would you have circulated that to Admin or to the general
15 manager or to Council itself?---No, I don't believe so.
16 I - I honestly - I honestly don't know. I don't know but
17 given - given some suspicions that I have about this
18 Council and this whole operation was that I handed my
19 Council-run Ipad back because I wasn't all that keen to
20 take it when I first got it through Greg Murdoch when
21 I came on. He said: "There's an Ipad there for you."
22 I said: "I don't want that." He said: "Well that's how
23 we operate Geoff, that's your information chain." I said:
24 "Well what's the matter with the phone?" He said: "No,
25 that's the information chain." I said: "Well I don't
26 want two Ipads, like I've got enough struggle. I carry a
27 cow phone and my own phone and if I go away, I've got
28 business here, I give it to my son so he gets the cow
29 phones, you know like I'm not." You know what I'm saying,
30 it's there and I'm going to be then walking around with
31 two Ipads and I don't want two Ipads and I said: "Yeah,

1 righto, can I use it for my own use?" He said: "Yeah, no
2 worries, you use it for your own use." I said: "Well
3 I don't - don't get looking at anything else, I only do
4 business like you know." Just tell him "I don't do
5 anything else." Then when this PDNFL health thing came
6 on, Weyrich asked for my Ipad and I said: "No way, no way
7 you're getting that." Then I thought about it and I said:
8 "Yeah, no worries, you can have my Ipad, as long as I can
9 have yours and have a look what you've been doing." And
10 he goes: "That won't happen." I said: "Well you won't
11 get mine either." He said: "It doesn't matter, we can
12 look them up anyway." And I just went: "Oh, I don't like
13 this, I've got bloody business on there I don't want him
14 looking at." So I just handed mine back and back and used
15 my own ever since.

16 Can I take you to an email sent on 19 March 2015, at 8.55 pm
17 from the general manager to yourself?---Yeah.

18 It deals with a refusal, a reservation of your right to release
19 documents to the public. Had you ever threatened to
20 release Murray Shire documents to the public at
21 large?---Of course I have, I've threatened to release them
22 in there.

23 Documents?---I don't know about documents but I just said:
24 "I'm going to go to the press with this." Like no one was
25 taking any - any notice and as I said finally, finally
26 I hear when it's a resolution that it was going to cost
27 the Council between 500 and 600,000 in fines. I did
28 everything in my power not to cause them any of this but
29 she - she sent to me a thing in here and it said, it says
30 - it says that to provide that letter there and I've wrote
31 back at some stage or another and I said: "In any court

1 case, they will find me a willing partner to - to testify
2 in any court case and give what was said but I'm not going
3 to tell you."

4 Can I take you specifically to the last paragraph of the email
5 sent at 8.55 am on March 19?---Yeah.

6 The paragraph reads: "I have now passed this information to
7 the Shire insurers and their lawyers to deal with.

8 I refer to the legal advice that you were provided
9 yesterday regarding the matter. In the interim, planning
10 and engineering staff continue to monitor the situation at
11 Deep Creek with respect to health, safety and legal
12 issues. These are operational matters and are being dealt
13 with at an operational level." Wasn't that a sufficient
14 answer?---No, it wasn't.

15 Why not?---Well have a look what the operational matters
16 happened - nothing happened, nothing happened
17 until August. Meanwhile, there's 22,000 litres of raw
18 sewerage sitting on the banks of the Murray River and
19 I bet you any person from there to the opening in the sea
20 including the white pointers in the sea, would've been
21 horrified to know what was there. So if they call that
22 action, I don't.

23 Can I take you to the email again from the general manager to
24 councillors and directors, it's over the page?---Yeah.

25 It is 19 March at 2.42 pm?---Yeah.

26 Can you read through and provide a comment in respect of
27 that?---Yeah. "I note this matter was not raised as an
28 urgent matter at the meeting that ended shortly prior to
29 the email. After discussing this matter with solicitors,
30 Arkinstall emailed McKenzie seeking details" - I don't
31 believe that to be right, I reckon that's Margot sent

1 that, he signed it. "Since that time I've received
2 multiple emails from Councillor McKenzie making certain
3 allegations concerning operations at Deep Creek seeking
4 further information, both environmental and engineering
5 are monitoring the situation and will continue to do so.
6 Given McKenzie's explicit advice that he intends releasing
7 MSC documents and information to the public and/or the
8 media, I confirm that no further information regarding
9 Deep Creek will be supplied by Council to my staff as the
10 insurer's position is clarified by their solicitors."

11 That's fine.

12 How did you regard that?---Hey?

13 How did you regard that?---Just - just another, another non-
14 information thing.

15 You were being closed down?---Yeah, exactly - exactly and I,

16 I sought my own ramifications for rectifying the same
17 thing and I sent a letter back to her that says:

18 "I acknowledge the advice by two tomorrow demanding
19 information. I have no intention of providing any
20 information to satisfy your request or give you the
21 opportunity to send through a change or misrepresent me in
22 any way with any information that I might or may supply.
23 I believe you have been provided most of the information
24 you requested, I am also of the opinion that these
25 requests are an attempt to intimidate and bully me into
26 silence on a matter that I believe represents a serious
27 public health and safety issue. If my previous email
28 trail as you alluded to gave you any indications I or
29 anyone else may have breached a provision that may
30 indicate to an insurer any information that would give
31 cause to downgrade any claim, I also dispute this. I have

1 no intention - I have no objection to you providing my
2 details to either of the insurers or their solicitors for
3 either or both - - -

4 I will interrupt you, I don't need you to read that on because
5 that potentially will become a document that's part of
6 the - - -

7 COMMISSIONER: Anyway, that is the email in answer to my
8 question about how you responded to when they
9 asked - - -?---That's exactly it. They pretty well got -
10 he got a trail of the lot.

11 So you would say: "Well while I didn't give in chapter and
12 verse about what I said or he said at the meetings,
13 I offered to speak to the solicitors direct and I told
14 them 'Look at my previous emails and there's relevant
15 information - - -?---Yeah, I thought they'd been provided
16 all I was going to give them anyway.

17 All right.

18 MR BROAD: There is further reference there over the
19 page?---Yeah.

20 To a meeting between yourself and Councillor Bilkey who was
21 then Deputy Mayor, on March 20 at 12.30 pm. Is that the
22 conversation you were referring to earlier?---Where's
23 that?

24 I will show you?---Right over the page? "Would blow up the
25 Murray Shire Executive." I have seen this.

26 Is - - -?---I have seen this, I have seen this and that is not
27 what I said but anyway that's - I'm not - - -

28 Is that the conversation that you were referring to when you
29 met Councillor Bilkey?---Yes - yes.

30 So it is someone else's version of the events?---Yeah but it -
31 I did say, I did say this is such a - such a mess out

1 there that if it is released and I told him I hadn't
2 released it, and I had threatened to do it because I was
3 getting really frustrated at the speed of this and knowing
4 Easter was coming - coming the next week and that, that
5 tank. And I would go as far as to say this, I got it
6 checked twice a day every day over Easter and I was away -
7 that's when I was in western Queensland, I was just
8 getting - getting thing and there's a - that I was so
9 worried about that tank and especially after the threat of
10 that bloke saying he'd back it into the river, by gees
11 I was worried about it.

12 Can I move forward?---Yeah.

13 Over the page again to March 20?---Yeah.

14 At 3.20 pm. There is a very short statement in there, a series
15 of photographs are emailed to Mr Wild by Councillor
16 McKenzie?---Yeah.

17 Can you tell me about that email? Was that email provided to
18 anyone else?---No.

19 So it is purely an email between yourself and Mr Wild?---Yeah.

20 Thank you.

21 COMMISSIONER: He is the gentleman you mentioned before?---He's
22 the EPA bloke. I'd been to Deniliquin, they told me to
23 ring Sydney, I rang Sydney - - -

24 That is the Sydney guy?---No, he's the Albury fellow. Sydney
25 EPA told me that he's - - -

26 Deniliquin, Sydney, Albury?---Yeah, that's right - that's
27 right. I love this sort of thing.

28 Just out of interest, why couldn't the Deniliquin - was that an
29 office of the EPA?---Yeah, bloody oath they are. A big
30 double-storey office and you take a ticket and you sit and
31 wait for them to come and see you.

1 They said: "Go and talk to Sydney"?---Yeah: "Go and ring
2 Sydney."

3 MR BROAD: I don't want to ask you further questions about that
4 document so I will get it back from you?---Fine.

5 COMMISSIONER: Is that the end of Deep Creek?

6 MR BROAD: I have probably only got two more questions to ask.

7 COMMISSIONER: Yes, that is what I am just saying, finish it
8 up, yes.

9 MR BROAD: Of course, your actions in respect of Deep Creek
10 became the subject of a conduct complaint?---Can you ask
11 me why I think the conduct complaints are bad?

12 You were invited by the reviewer to provide a response. Did
13 you make a response?---I don't think so, I'm over them -
14 I'm over them people.

15 COMMISSIONER: So can we take it at that point in time you'd
16 had enough so to speak?---I'd had enough. The Magna Carta
17 invested our silence if we wished to be silent in
18 interviews and I think that's a - that's a right of law,
19 that I don't have to respond. I rung up and I said: "You
20 want an interview?" I said: "Listen mate, interview
21 yourself" bang.

22 MR BROAD: You received the reviewer's report?---Yeah, so did
23 everyone else.

24 You looked through that report?---I don't know.

25 COMMISSIONER: That is the final report?

26 MR BROAD: The final report.

27 COMMISSIONER: You didn't get an opportunity to look at a draft
28 of it?---No, I don't see any drafts, they come with
29 (indistinct) for me.

30 MR BROAD: Did you look through the final report?---I probably
31 did.

1 Did you agree with the findings?---Was it bad against me? Of
2 course I didn't agree with it. I got - I got censured by
3 these people.

4 Did you take any steps to challenge the findings?---No,
5 I didn't realise it was any - any steps to challenge
6 findings but since I've been enlightened that you can
7 challenge them because the general manager said - and said
8 openly, in an open hearing with - with Norm Turkington and
9 Norm said: "Well let's go around the table" da da da.
10 I said: "Well I'm concerned about all these codes of
11 conduct that have been put on" and the general manager was
12 sitting in the gallery with the rest of us and she said:
13 "All the codes of conduct that have been placed on you are
14 proven." I said: "Proven by whom?" She said: "The
15 reviewers." I said: "So are they the judge and jury as
16 well as the police, are they? I don't accept that." And
17 that's when I rung Tiggemann & Sweeney again, get another
18 bill. You know, of course you can - any - anything is
19 subject to natural justice. You don't have to accept
20 that. I thought: "I'll have to go out and dig another
21 tin up."

22 We will see you tomorrow at four o'clock.

23 COMMISSIONER: That is the end of that point, we will start on
24 - move on to the next thing?---Thank you.

25 See you in the morning. Actually tomorrow we will be here
26 earlier - we will start at nine tomorrow because we have
27 to finish at three because it looks like - I'll just make
28 an announcement, it looks like we will probably be here on
29 Monday and Tuesday. We are thinking that is probably how
30 long it will take so we are going to leave here at three
31 tomorrow. Thank you.

1 <(THE WITNESS WITHDREW)

2 ADJOURNED UNTIL FRIDAY 8 APRIL 2016