
TRANSCRIPT OF PROCEEDINGS

FRIDAY 8 APRIL 2016

BEFORE COMMISSIONER ANTHONY HUDSON

MURRAY SHIRE COUNCIL PUBLIC INQUIRY

1 <GEOFFREY MACKENZIE, recalled 8.59 AM:

2 COMMISSIONER: Good morning. Just before we start I just
3 wanted to ask one question and even if you don't know
4 maybe Councillor Pocklington. Just the 19 January meeting
5 was the meeting where there was a motion of no confidence
6 in the GM and I think Councillor Pocklington said then
7 there was another meeting after that, one more meeting
8 after that, is that correct?---Yes. Yeah, early February.
9 And I think you said you did a whole lot of business, there was
10 a full agenda and so forth?---We did both agendas, the
11 19th and 2 February, I think the 2nd was the date.

12 So what happened to the motion in relation to the no confidence
13 of the GM?---Councillor Pocklington or Mayor Pocklington
14 disallowed it and read a letter of which I asked for a
15 copy of, I asked him for a copy of his advice, that it was
16 illegal. He says in his evidence that he was told to say
17 unlawful.

18 So that was that one?---That was at that time and he didn't
19 allow the motion to go up. And I had verbal opinion and
20 he said, "Show me your opinion". I said, "I'm not showing
21 you my opinion, I'll pay for my own. You've got council's
22 opinion, you read it out, so give me a copy of it".

23 Okay, so just factually, if I might ask just Councillor
24 Pocklington. So is that correct, that there was a motion
25 and then it was disallowed?

26 MR POCKLINGTON: (Off microphone) I disallowed it because I had
27 legal advice it would be unlawful.

28 And I can't remember in your evidence was that written advice?

29 MR POCKLINGTON: Written advice. It's on the iPad - - -

30 If we need, so we can get it on the iPad. So for the purposes
31 of the record, Councillor Pocklington, I asked him a

1 question and he indicated that that was correct, that
2 there was a second meeting, that the motion of no
3 confidence in the GM was disallowed on legal advice and
4 Councillor Pocklington has indicated that the legal advice
5 can be obtained from his iPad. Thank you.

6 WITNESS: Can I ask a question on that?

7 COMMISSIONER: Yes?---I asked for a copy of that letter was
8 read and it hasn't been given to me. Do I have to make an
9 application via GIPA to get that letter or will it be
10 supplied?

11 You could make that application, I don't know if you'd get it
12 but that's something you can look into yourself. It can't
13 come through the inquiry?---Okay, it won't be included in
14 the inquiry.

15 No?---Well, I will be making - - -

16 We might look at it but whether we - - -?---Yeah, I will be
17 making that application because I believe any evidence
18 given to council is for the council, it's not for that
19 type of information should be dealt and there's been a lot
20 of that.

21 All right. So just for today also, so everybody knows, that
22 we're going to sit from now until 12, lunch from 12 to one
23 and then we'll finish at three, okay.

24 MR BROAD: Can I move to another topic this morning, Councillor
25 Mackenzie? And that is conduct complaint investigation
26 reports. In your submission in the first paragraph you
27 talk about the intervention of this inquiry and suggested
28 it should have been held some 12 months earlier for
29 reasons that a huge amount of council funds expended on a
30 number of what you deem as frivolous and vexatious Codes
31 of Conduct allegations would not have been spent I assume

1 is what you're saying. And you then say that many of
2 which could have been avoided by a simple and adult
3 conversation with or without a mediator. Now, in the
4 course of the evidence in the inquiry I've referred to the
5 fact that council in the last spent \$125,000 odd on
6 dealing with conduct complaints?---Correct.

7 And I've also referred to expenses in previous years. Is it
8 your view - actually I won't put an answer potentially in
9 your mouth. What is your view about the conduct
10 complaints when you say that they're frivolous and
11 vexatious?---Well, I guess it's tied into the answer that
12 I made, the statement that I made, that an adult
13 conversation could have fixed it. It may not have fixed
14 it but what I'm saying that I became increasingly
15 frustrated, as I indicated yesterday, I'd go to the
16 mailbox and didn't have a - and shuffling through the mail
17 to see what bills or cheques I might have in it, I noticed
18 I wouldn't have a letter from the Office of Local
19 Government and I'd think I must have left it because
20 nearly every time I went to the mailbox I had a Code of
21 Conduct inquiry. And then I'd have a solicitor or
22 investigator ring me and say, "We've been employed to
23 investigate this. What have you got to say?" I'd say,
24 "Nothing. Nothing to say". And this just happened over
25 and over again. And I personally believe that the general
26 manager used her position as a lawyer to be so pedantic
27 and so vexatious with these Codes. They wouldn't tell
28 you, in most cases they wouldn't say who it was and my
29 usual thing, who's this from. And I'd say the general
30 manager? And a couple of times there, no, it's not the
31 general manager, it's another councillor. But I also

1 allege that the Mathoura cartel, which I've clearly
2 nominated those councillors, that they had a very close
3 relationship, and I printed off some submissions last
4 night, and did have the opportunity to read a couple of
5 them or early this morning actually, I was up and did -
6 I didn't print them last night.

7 COMMISSIONER: It doesn't matter?---But I read a couple of them
8 this morning and it's clear to me and, of course, that's
9 your decision, but most of those submissions from that
10 group are corroborated because they address the same
11 thing. I will say this, that I have not seen Campbell's
12 or Moon's submissions and I don't believe they saw mine
13 until now. I don't know the level of corroboration that
14 they had or contact with the general manager since her
15 appointment up until the date of this or the date she went
16 off on three months' work from home, which again, we knew
17 nothing of or I knew nothing of, I'm not speaking for the
18 other councillors. Didn't have any idea of what the
19 cause, what were the terms of the going home to do a Fit
20 for the Future thing until 30 June. We finally saw that
21 Fit for the Future submission that went in and I believe
22 that we put a brains trust submission in from the Echuca
23 Moama group, we put a document in that was from the
24 consultants and one page was generated by the Murray Shire
25 in that submission and that contained wrong information.
26 And it was submission Moama and Mathoura are situated 300
27 kilometres from Wagga, so far from Sydney, so far and 330
28 kilometres from Griffith. And what I'm saying is if
29 that's three months' worth of work from work from home,
30 that one page in that particular submission, it contained
31 that Canberra is 330 kilometres from either Moama or

1 Mathoura, I don't want to be dragged by arm or leg for the
2 ensuing distance because I think that's 300 odd kilometres
3 out in distance. And so what I'm saying the one page that
4 was out a few kilometre distances in it and it was clearly
5 wrong. So if that's three months' work from home it's
6 unsatisfactory.

7 MR BROAD: Can I return to the conduct complaints?---Yep.

8 You indicate that you regularly received notification from
9 conduct reviewers that a conduct complaint had been made
10 about you?---Yep.

11 Did you respond to the reviewers in respect of each, all, any
12 of those conduct complaints?---Some I did and a lot
13 I didn't. I chose not to participate in what I thought
14 was vexatious or just a waste of time and a total waste of
15 ratepayer's money. I didn't put in any - I don't believe
16 I put in any Codes of Conduct although it was a couple
17 were alleged, I wrote a letter and I questioned something
18 and I got a letter or an email, I say a letter's an email,
19 back from the general manager that said, "You've alleged
20 Mr Higgins", and I cleared that up and said, "I did not
21 put any slight on Mr Higgins. I believe him to be a very
22 efficient officer", and not that I'm making comment on
23 that but seeing that she'd said that I'd alleged
24 Mr Higgins, it was clearly wrong, clearly wrong.

25 Did you make a response in respect to the allegations involving
26 Deep Creek?---I can't recall. No, I think that was done
27 by a person called Colleen Johnson. And I did get the
28 final book on that and I notice and I did make issue that
29 as in the provision of a large book on Deep Creek, that
30 I noted in there that in the evidence contained in there
31 or the complaints, that our general manager sent an email

1 off some time after as an attachment to her submission,
2 which said, "Hi, Colleen, I just wanted to make mention
3 that today I had or yesterday I had lunch with Emma
4 Bradbury from the MDA and Emma Bradbury told me in the
5 course that Mackenzie took Greg Toll", who was the
6 national president of the Murray Darling Association, "Out
7 for him to view the tank". And I took issue with that.
8 That one, that Emma Bradbury who's the CEO of the MDA and
9 I'm a private member of that, would release anything at
10 all about that tank. And what Greg Toll told me, who I'm
11 personally known to Greg, I played football with him years
12 ago and I class him as a friend, he said to me, "I'll get
13 onto that". Because I said to him, "I've been over the
14 Deep Creek tank", I'd been to Peter Walsh, the Minister
15 for Water in Victoria at the time, Adrian Piccoli, our
16 local member, the head of the MDA, which is Greg Toll, the
17 head of the Murray Darling Authority, the EPA in Sydney,
18 which we talked about yesterday. I'd made representations
19 to politicians and people that should have been concerned
20 and it appeared to me to be a whitewash. Anyway, finally
21 when I did get the information about the - we had to move
22 it and it was done with emergency powers of the mayor
23 because of a 500 to \$600,000 fine pending, as I said,
24 I just said, "I rest my case".

25 Now, would you describe the conduct complaint in relation - or,
26 sorry, I'll ask the question perhaps more properly. How
27 would you describe the conduct complaint in relation to
28 Deep Creek?---Ridiculous. And that's again, back to what
29 said, an adult conversation. When I first made that
30 complaint I appealed to this council as a citizen and a
31 councillor for direction and advice and all I got was a

1 barrage of keep your nose out of it, there's a pending
2 legal case out there. This had nothing to do with the
3 legal case. I didn't understand what the legal case was
4 either but I knew this wasn't anything to do with any
5 legal business because it was clearly a plastic rainwater
6 tank on the bank. And I asked in an email, "Does the
7 Murray Shire operate this?" And a phone call I think to
8 RMS said, "No, it's a Murray Shire operation, we jointly
9 funded it or funded the pontoon but the Murray Shire's
10 responsible for the effluent disposal". That's what they
11 told me. So then I concluded it was a Murray Shire
12 operation and more so that the Murray Shire should have
13 addressed it. And I can't believe that Councillor
14 Pocklington or Mayor Pocklington lives very close, not far
15 from it, it's in his area. Councillor Anderson lives
16 probably 10 or 15 kilometres from it. And I wondered why
17 I was even contacted by these people to go out and look at
18 it.

19 The conduct reviewer's report is based largely on supposition
20 of what might or mightn't have been said at that
21 meeting?---Yeah.

22 In reading the report did you feel it was necessary to respond
23 to that supposition by setting out exactly what
24 happened?---I don't know what I thought but I was
25 absolutely over all these conduct things and non-action on
26 that thing. And I would say that I probably visited
27 between the time I called out there, which was somewhere
28 around the 17th or 18 March I think, from that time until
29 this tank is finally in its resting place up along
30 (indistinct word) Reserve, which I don't believe that's
31 ideal either, it's not an ideal situation, but I would say

1 conservatively I probably visited that tank at least 50
2 times, just on my own, to make sure that one, when I had
3 the threat, that he'll fix it, he'll back his vehicle into
4 it and push it in the river. I was horrified at that
5 I can tell you.

6 Okay, but the point of what I'm saying is there was an
7 opportunity in the course of dealing with that conduct
8 report whether during the course of the investigation
9 whether on receiving the draft report or whether when it
10 came before council to answer the supposition about what
11 might have occurred at Deep Creek?---I told them nothing,
12 nothing to do with any litigation. I told them that
13 I don't believe what I said was anything other than a
14 health risk and I think every email that I sent clearly
15 states that, clearly states that and stated my position
16 clearly. Whatever they want to write into it or whatever
17 this conduct reviewer wants to write into that or
18 supposing to that, do what you like, I'm okay with that,
19 I just want that tank moved.

20 So you took the view that you couldn't diffuse that conduct
21 complaint?---No way. No way. I believe the general
22 manager by the evidence, which was later confirmed, was
23 already trying to grind an axe to execute me and with
24 assistance from the conduct reviewer. I didn't trust the
25 conduct reviewer.

26 That appears to have been the most expensive of the actual
27 investigations. Were you aware of the cost of that?---No
28 idea but I knew it would be because I got a bound book
29 that resembled the one I made oath on.

30 No one's told you the cost?---Not that I know of.

31 Over \$17,000?---How much?

1 Over \$17,000?---No. I might have been told that. That
2 wouldn't be the total cost, I'm surprised, that's cheap
3 for the book we got. I thought it could have cost a lot
4 more than that.

5 17 I said?---Yeah, I still think it could have cost more than
6 that going on what the others cost.

7 You in answering the questions have apportioned substantial
8 blame on the general manager. In your submission you
9 write, "I believe that the general manager has waged a
10 long and sustained attack on elected councillors". Would
11 you like to explain that comment?---Yeah, I would.
12 I believe that the general manager by excluding any
13 conversation towards me and other councillors and email
14 contact only and making us the only contact. I did, as
15 I indicated I think in that submission, I haven't really
16 read my own again, but I said I had four conversations
17 with her, which is what I believe is correct. I did omit
18 that I spoke to her at the Murray Darling Basin
19 Association annual general meeting where I paid my own way
20 as a private member to it. That I spoke to her there and
21 she turned her back and didn't speak to me at all and
22 I said to her, the Deniliquin boys were there, "Well that
23 worked well for me". So I just felt I was totally - I had
24 no contact. And I go back to the interview process where
25 I'm supposedly didn't take any notice or turn my back
26 allegedly on her, which was patently wrong. Either the
27 people that have written have all written it and it is
28 patently wrong, I did not turn my back and I'm not that
29 rude to people. And I had no reason to dislike the
30 general manager at the first part. I did have a
31 preference for another one. And what I was saying

1 yesterday when you said where you sit with Councillor
2 Murphy's statement and I said, "I sit here", Councillor
3 Murphy sits there. I am that close to her that if she
4 opens a book I move my books to there. And if you go to
5 the Moama meeting room and have a look at the size of it
6 I've got a cabinet behind me and to turn my chair I've
7 really got to sort of shuffle back and get up to get out,
8 you know, like I can't - I could demonstrate it. And I'm
9 far too fat actually to turn my chair as alleged and
10 demonstrated by Mayor Pocklington with his performance the
11 other day. That is patently wrong, I did not turn my
12 back. We interviewed a lot of people and there was an
13 allegation with again, my robust photo in the paper, as
14 gender bias, on a Friday paper before we made the final
15 selection.

16 COMMISSIONER: The assertion is that it was in a workshop
17 in November or it doesn't matter the date but it was in a
18 workshop?---Is that when I turned my back?

19 No, no, the gender bias allegation. I thought you were talking
20 about that?---Yeah, I am. But, no, it wasn't in a
21 workshop there, it was the start of the preparation when a
22 fellow called Blackadder, Stephen Blackadder - - -

23 Sorry, it was, well, maybe workshop's the wrong - - -?---Yeah,
24 it was a selection - - -

25 A recruitment meeting?---Yes, and he was going through what
26 sort of person we want and he said, "Would you consider a
27 South African? Would you consider a New Zealander?" And
28 I said, "Surely we can source one locally, we wouldn't
29 have to pay", because we'd been through we have to pay
30 their accommodation and travel to it and I said, "Surely
31 we don't have to bring someone from South Africa, if we

1 can't find one. I suppose we can go back to that, I'd
2 prefer not to do that". And he said, "An Aboriginal?"
3 I said, "Haven't got a problem". "A woman", I said,
4 "I don't like that" from the point of view, and I said,
5 not for me or, no, I don't like that. And then
6 I qualified it with, "I don't like the way that it's in
7 the news and media that women have to be employed because
8 they're women". I said, "This isn't golf, you don't hit
9 off the red pegs. So everyone starts together and I don't
10 care who we get"? My opinion was our project should be
11 the best person for the job. And I had an investigation
12 with that because the Friday before the final list, we'd
13 done one interview and I'm there and I'd asked my question
14 to all the candidates for the job and when we did the
15 final - to do the final day, either the Monday or the
16 Tuesday, and the Friday's paper had come out a photo of me
17 gender bias.

18 So just go back?---Yeah.

19 Just so you get it right on the record. You said, "I don't
20 like that" and then you said something after that, is that
21 correct?---When they said woman - - -

22 So go back, go back a step?---Yeah, woman - - -

23 No hang on, go back. So Stephen Blackadder's saying, you know,
24 "Would you consider a South African, would you consider a
25 New Zealander, would you consider an Aboriginal", you
26 said, "I have no problem with that", and then he said,
27 "Would you consider a woman?" And I think you said,
28 "I don't like that" but you also said something else, is
29 that what you're saying?---Yeah, when I said - he says,
30 "Has anyone got an objection to a woman and I said, "Yeah,
31 I have", or something like that, I'm not absolutely clear

1 but I know what I said. And everyone took a bit of a deep
2 breath and I think Councillor Bilkey said, "You can't do
3 that, it's discrimination". I said, "I'm not
4 discriminating, what I'm saying is that I don't like that
5 because they're a woman they've got to go up the ladder as
6 preference because of their gender, that we should be
7 looking for the best person for the job, man, woman or
8 child" something like that. I'm not sure of that but
9 I definitely said that and there was an investigation on
10 it. But the critical part of it was this was at the start
11 of the preamble to the selection and we were warned that
12 this is all totally nine councillors and one procurement
13 officer in the room. So when it hits the paper gender
14 bias - - -

15 So that's a good point, in the room was just

16 councillors?---Nine councillors and - - -

17 Stephen Blackadder obviously?---Yes, Stephen Blackadder.

18 Did he have any assistants?---No, 10 people.

19 So there's the councillors, Stephen Blackadder and one officer

20 from the council?---No officer from the council.

21 Who was the recruitment - that was Stephen Blackadder?---Yeah.

22 So it's just Stephen Blackadder and the councillors?---Yeah, 10

23 people, yeah. So immediately when that hit out, like it's

24 hit the paper and I'm not sure because I get - anyway. It

25 hit the paper on the Friday before the selective candidate

26 interviews. So from memory we had three candidates as

27 final interviews and that was either - this is Friday

28 gender bias in the paper front page headlines. And a

29 bloke rung me up and said, "I was a councillor for a long

30 while, I never got on the front page". I said, "You

31 obviously haven't been alleged to do what I've done" and

1 he given me a bit of a rag.

2 Were you told that the meeting was to be confidential or it was
3 confidential?---I understood it too be confidential.

4 Did anyone say anything, do you remember, at the time?---No.

5 I mean I'm not assuming but - - -?---Just in the (indistinct).

6 I'm sure it was Councillor Bilkey who said, "You can't do
7 that". I said, "Hang on, that's what I said, yes, but not
8 the way it was taken".

9 I see. So you'd say it's out of context, that's what you
10 say?---Yeah. Yeah, that's what I'm saying. And that's
11 what was found in a subsequent investigation. But my
12 point - - -

13 So was there a Code of Conduct complaint about that?---I don't
14 know whether it was a Code of Conduct or - Mark Loves
15 conducted for the OLG came and done an investigation and
16 I participated with him and the outcome of that
17 investigation was, and I would have it somewhere, but it
18 was you should make an apology in case someone took you
19 out of context, took it out of whatever. So here at this
20 meeting I made an apology and it was - - -

21 Stop, would you be able to get that report? You said - so
22 someone gave you (indistinct words)?---Yeah, the OLG, done
23 it for the OLG, that'll be in their records.

24 All right. But have you got a copy?---I would have, I've got a
25 bloody lot of stuff to go through to find it.

26 Okay, right. And you say he made that recommendation. Now,
27 you're saying you then gave an apology?---Yes, I gave an
28 apology.

29 And how did you do that?---I gave it here at a meeting.

30 At a council meeting?---At a council meeting, it was in
31 confidential and I said, "I've got an apology to make",

1 and I made it and they said, "You can't do that in
2 confidential, you've got to do it in open council", so
3 I did it again. When it moved into open council I did it
4 again.

5 So that would be in the minutes, do you think?---I'm sure it
6 would be, I'm sure it would be.

7 So how long after the GM started - - -?---Well, I'm sort of
8 thinking the first interview for somewhere in January
9 I reckon.

10 Yes, I mean just from the timeline we've got the GM started
11 in - - -?---April 28 I reckon.

12 Yes, that's about it?---'14.

13 April 1 or something. Yes, 28, that's right?---And I reckon
14 Greg Murdoch resigned in January and his resignation was
15 effective 30 June. We actually had two general managers
16 employed from 28 April until 30 June. And this again, I'm
17 doing this all off my head.

18 So, yes, we can check, but you think the meeting was about -
19 before the GM - - -?---Yeah, yeah.

20 Yes, okay, right?---This meeting where the gender bias was
21 alleged was probably late January and then we did
22 interviews in February and I think the general manager was
23 appointed in late February or something like that to
24 start.

25 Then started on 28 April?---Yeah, 28th. So I think those times
26 were worked out but like I haven't (indistinct words).
27 (Indistinct words) but bits in November roughly to recruiting
28 and by the time it happens it's January?---What I'm
29 saying, the Riv on the Friday, Mackenzie gender bias, you
30 know, on the paper and then we had to do the interviews on
31 Monday or Tuesday, I reckon it was Monday but it might

1 have been Tuesday but no later, for the final thing. And
2 we interviewed one I think before lunch, the next one
3 straight after lunch was Margot Stork, she came in and sat
4 there and the process started. I said to the candidate as
5 she was then, "Did you read Friday's paper?" And she
6 said, "Yes, I did". I said, "I want to assure that that
7 isn't the fact and it will take no place in this selection
8 process". So that is absolute fact of what I said and the
9 rest is history. I had a meeting with her, no, I'll tell
10 you about the voting process. We're being led by the
11 people and at the end of the interviews we had
12 discussions, this, this, this and this, and it had been
13 alleged after the first meeting, this was the second
14 meeting we're talking about now but go back one to the
15 meeting of interviews with all the candidates to select
16 the last field, it was alleged that Margot Stork had come
17 over as a Greenie. And Stephen Blackadder sent out a
18 letter that we needed to give Margot time to debunk or de
19 something the thought of being a Greenie, give her a
20 chance to say she's not a Greenie.

21 So he sent you a letter?---Yeah, it was sent around the
22 council. Yeah, I might have it in there, I grabbed a
23 handful of stuff today.

24 It's all right, you can have a look after?---Anyway.

25 Yes, okay, I understand?---And I did that. When it came to the
26 voting Stephen Blackadder and whether that's - and I'm not
27 having a go at him but he said, "How we'll do this we'll
28 vote for our preferred candidates one, two, three, one
29 being the preference. So the vote went around the table
30 and I participated in that because I believed that that
31 was like a preference and everyone was going to get a

1 chance. And I think from memory, and again, these figures
2 could be checked or may not be recorded, it went first a
3 fellow called - - -
4 Doesn't matter?---Anyway.
5 Another person?---A fellow. Margot was second, close second
6 and a fellow called something else, a young fellow, he was
7 long third in choices. And I thought that was it, that's
8 how it's going to be. And Blackadder walked to the
9 whiteboard and he went rub, well, he's out, now, we choose
10 between - - -
11 Between these two?---Between these two. I said, "I am out of
12 here because I cannot vote under this system. If I vote
13 for Margot I've succumbed to the claim of gender bias, if
14 I vote against her I'm classified as gender bias, so I'm
15 not voting".
16 And what did Blackadder say?---He's gone, "This is the system,
17 this is how it works". I said, "That's bullshit, I don't
18 agree with that" and I walked out. And closely followed
19 by Councillor Moon because he had a throwdown, we had a
20 throwdown about the headlines anyway and he said,
21 "Councillor Mackenzie has been maligned, this is what
22 I remember", but he would remember what he said. And he
23 walked out too.
24 So does that mean - and is that when the final vote was taken
25 at that point?---The final vote was then to be taken,
26 I walked out before the final vote.
27 So you didn't participate or (indistinct words)?---No. And in
28 all their submissions they say it was five four, five
29 four, that's crap. It was five two.
30 So you didn't participate and neither did Councillor
31 Moon?---No.

1 Okay, right?---No. But I didn't have a drama with it happening
2 either but I felt I was in a position, I felt I was in a
3 position of flogging and holding to nothing. Like how
4 I could vote with being classified as gender bias and no
5 resolution to that, I was still going to be in there
6 voting as gender bias. I up until that stage voted with
7 good faith in what I'd already decided. But anyway that's
8 all history.

9 Okay, that's what happened, yes?---Yes.

10 And I mean while we're there for the record, I think you've
11 already said it but the assertion is that you turned your
12 back during the course of one of the interviews with
13 Margot Stork, what do you say to that?---Absolute and
14 patently wrong. If whoever said that, and I know who said
15 it because I've read and heard myself, that both Bilkey
16 and Pocklington have said that I have and I see it's
17 written somewhere else and Margot Stork's made a
18 statement, that is absolutely wrong. Absolutely wrong,
19 just not right. And I'm sure that Councillor Anderson who
20 sits right there beside me would attest to that to. He
21 may not, he may not but I do think that he's fairly
22 reasonable with his - - -

23 I think it was asserted that Councillor Campbell also turned
24 her back?---I couldn't tell you because the interview was
25 there and she sits Anderson, Campbell. So I didn't look
26 around to see who's turned their back but I would assume
27 she wouldn't either.

28 That's all right, yes, thank you.

29 MR BROAD: Councillor Mackenzie, I want to just show you a
30 document and go through some aspects of it, it relates to
31 a meeting that you've referred to on 14 July 2014. What

1 I'll show you, Councillor Mackenzie is an extract of a
2 letter sent by the general manager to the Office of Local
3 Government on 25 July 2014. The part I'm taking you to is
4 part 8, which relates a meeting that you had with the
5 general manager on 14 July 2014. Can I take you through a
6 couple of the dot points?---Yeah. Yeah.

7 The first allegation is that or the first statement is that you
8 had said that you considered that the general manager was
9 squashing debate in council meetings?---Yeah.

10 Can you give us a response to that, so your response to
11 that?---I don't know. I guess I had been brutally honest
12 about what I thought but I think I alluded to this meeting
13 yesterday in my evidence.

14 You certainly did?---That I did ask her to meet me because
15 I had an email from the executive assistant or the mayor
16 and general manager's assistant to say that the joint
17 dinner with the Campaspe Shire was going to be held at the
18 Maddison Spa and we had sat here in this room and debated
19 for quite a while where it should be and it went backwards
20 and forwards.

21 You gave that evidence?---Yeah.

22 I don't want to cut across you but you gave that evidence
23 yesterday and certainly the last dot point on the first
24 page of what I showed you referred, appears to refer to
25 that?---Yeah. And as far as I know that's all it was. As
26 far as I recall. But I didn't make regular - I'm going to
27 say this though, if I asked the general manager anywhere a
28 question, and it may be, general manager, have you got the
29 time, and I know this is hypothetical, have you got the
30 time, she'd say, "I'll take that on notice" and might tell
31 me in a fortnight. When you asked the time it was 10 to

1 10. And I want to know the relevance of that, like
2 I can't quite handle what was happening. There was no
3 statements ever made, if you ask a question you couldn't
4 get an answer and that reflects in the Deep Creek, in
5 everything. Nothing - it all went around a big circle and
6 it appeared to me that it was just being delayed. And
7 really, like some people do want to hear their own voice,
8 you know, and waffle on about stuff. I just wanted to get
9 it over and get home.

10 What I'm trying to do is get through one or two of the
11 points?---All right.

12 So the first point I want to raise is whether you had a view
13 that the general manager was squashing debate at council
14 meetings.

15 I mean what's your comment to that generally?---I don't even
16 recall saying that. I don't even recall saying that
17 because - - -

18 COMMISSIONER: Well, do you think she did?---No, I don't think
19 she did.

20 MR BROAD: Okay, can I go to the next dot point, which is to
21 the effect that you stated that the general manager was
22 not impartial. What do you say? Do you recall saying
23 that at the meeting?---That doesn't appear to be a word
24 that I'd even use. My vocabulary is pretty ordinary and
25 I don't use them sort of words but anyway that's possibly
26 she's taken it as. I don't recall saying that.

27 Right. As an overriding question do you regard the general
28 manager's actions as having been impartial?---I don't even
29 know what really impartial is.

30 COMMISSIONER: Objective, not bias, not bias. Well, put it the
31 other way, do you think she was biased or not

1 biased?---Yeah, I had a feeling, yes. By that stage, by
2 that stage I did have a feeling that the general manager
3 was absolutely in favour. And when I did have the welcome
4 speech with her, hope everything's good, what do you think
5 my greatest challenge is, I said, "Trying to unite the
6 councillors". And I think that should have been a focus
7 of her job in the early part. The outgoing general
8 manager when he was asked in the paper interview stated
9 combining, you know, getting rid of the whatever he said,
10 you know, meaning the division in council. And I thought
11 that would have been her major priority and I probably
12 didn't think it was going all that well because at that
13 stage I had an indication that there was a group that were
14 dancing around in circles all holding hands and we weren't
15 invited into the circle) I mean the rest of us, we were
16 sitting on the wall without being asked for a dance.

17 MR BROAD: Can I turn away from that document for a
18 minute?---Yep.

19 In your submission you wrote, "I believe that the general
20 manager has waged a long and sustained attack on selected
21 elected councillors"?---Yep, I don't back away from that.
22 And can you provide your view of what the components of that
23 attack were?---Well, I suppose that's a feeling that's
24 come within, that I don't believe that from August 2014
25 I have never had a conversation with the general manager.
26 And, as I said to you, it did go into early October of '14
27 when we went to the MBA conference and I spoke to her in a
28 goodwill gesture I'd say and she turned her back and did
29 not answer me and there were clear witnesses to that.
30 So is that the nature of - is it the fact that you haven't been
31 able to have a two-way conversation?---I don't care if

1 it's a 10 way conversation but the only place I have
2 spoken to her, and I'm amazed that I've been labelled with
3 all these bully charges, when I realised when I got a
4 warning from a local bloke who I know, Peter Hill,
5 that Mayor Weyrich, Tom said, "Tell them dickheads to".
6 And I went away and made it, I wrote it down, as soon as
7 I got back in the car I wrote it in one of my buying books
8 and then subsequent to that I did print it out and
9 I printed it out as an oath and I looked up on the person
10 that knows everything Mr Google how to write an affidavit
11 and put those words, you know, I make oath and say and
12 took direction how to do it. I did it and I took it to
13 the courthouse in Echuca some weeks after and swore an
14 affidavit. So from that point on I saw an imminent threat
15 about four months into the employment, should the
16 statement been made and did come from communication
17 between the general manager and Mayor Weyrich because he
18 said, that's what Peter Hill told me that he told him.
19 I made - and I didn't tell anyone that I'd made that
20 either, I just did it and I put it in one of them plastic,
21 one of these things and threw it in the glovebox of my car
22 out there and my glovebox is locked most times because
23 I leave money in it and different things, and locked it.
24 And you'll probably ask me about that anyway later or you
25 may or may not.

26 In fact, I'll ask you about that affidavit now?---Yep.

27 It was released to the Riverine Herald, as I understand?---Yep.

28 It was the subject of a finding by Janice Macleay?---Yep.

29 Can you tell the inquiry if you know who released that?---Yeah,
30 he's admitted it. Peter Hill, the fellow that told me.

31 And let me say the affidavit is not about what Margot

1 Stork said.

2 COMMISSIONER: How did he release it? How did he have a
3 copy?---I gave him a copy.

4 So after you put it in your glovebox there was a copy before
5 that or after it?---No, I'll tell you the story. Have you
6 got a copy of it? Have you seen it?

7 I think I have, yes?---Have you? I'd like to know how because
8 I can tell you where all the copies are. I gave a copy to
9 Hill.

10 How long after you swore it?---In December.

11 Hang on, what date did you swear it again?---I reckon it's
12 dated or sworn on 3 October.

13 2000 and?---2014. The affidavit was made or printed. I wrote
14 it down in my car and then transferred it to a letter when
15 I was in the office, it might have got - - -

16 It doesn't matter. The original affidavit about October 2014,
17 yes, then what?---3 October I reckon is the date on it.
18 I've got it in here.

19 It doesn't matter. Yes, just roughly?---And then we had a
20 meeting in early December at this place here too I reckon.

21 So at this point in time between October and December there's
22 been no copies made?---I don't think. I did give a copy
23 to Norm Turkington because I showed it to him and he said,
24 "What are you going to do with that?" I said, "Nothing
25 but it's just there as insurance".

26 So maybe one copy after to Turkington. Now we come
27 to December?---Yeah, I reckon it might have been - well,
28 I reckon we met Turkington in December.

29 That's right?---And I might have gave it to him at a mediation,
30 a one on one mediation.

31 One on one mediation, yes, right, I understand?---And he took

1 it out or I took it out and gave it to the girls in the
2 front office and said, "Can you copy that for me?" and
3 waited and they printed it through and gave me a copy and
4 gave it back, back my original and the copy. The copy
5 I gave to Turkington and we had a discussion about it and
6 he said, "I will not divulge this". You know, he said,
7 "You've got my word that that's there". So we had a
8 meeting here where we went into confidential and Mayor
9 Weyrich said, "I've notified", this is again not written
10 but, "I've notified the insurers as we may have a
11 potential claim, work claim". And I said, "Who by?"
12 "I can't say that." I said, "Well, I might have a bit of
13 information that might throw a bit of light on this". So
14 I walked out of this chamber out to my glovebox, opened
15 the glovebox up and pulled the affidavit out. Now, that's
16 the first time I believe that it saw air from the time".
17 Except for the copy prior to that?---Well, it may have been
18 prior to, it may have been after, I can't recall. I can't
19 recall. But it was, you know, it was with Turkington.
20 But I think Turkington it may have been before or it may
21 have been after, I don't know, but I think it was around
22 the same time and I'm just lost.
23 So you bring the affidavit into the chamber?---Yeah. And
24 I read it out. And read it out, you know, at 8 am,
25 8.30 am.
26 Doesn't matter, you read it out, then what happened?---Read it
27 out. And Weyrich said, "Who signed that?" and I said,
28 "I did". He said, "It's not worth the paper it's written
29 on, that's all lies". And I said, "Are you calling Peter
30 Hill a liar?" He said, "A lot of untruths come out of
31 that office". So nothing more happened at the meeting as

1 far as I remember. And I put the affidavit in. Again, we
2 drove back, so obviously that was a talking point on the
3 way home with the other councillors but I didn't give
4 anyone a copy, it went back in the glovebox of the car.
5 And a couple of days, and it might have been one, two,
6 three days soon after that Tuesday meeting here, and
7 I usually work the next few days and I'm pretty hard to
8 get hold of. I called into Peter Hill's because Weyrich
9 had called him a liar, that's all lies, not worth the
10 paper it's written on, so I walked in and Peter goes,
11 "Giddy, scoundrel", I said, "How you going, mate?"
12 I said, "Listen, you know that conversation we had back a
13 while back?" "What?" I said, "When Weyrich told you to
14 tell them four dickheads", I said, "I made an affidavit on
15 that and swore it" and I gave it to him and he said, he's
16 read it and he said, "Yeah, that's what I said". I said,
17 "Thank you. I just needed to check that up for myself
18 because I've made an affidavit and if Hill's dragged into
19 it somewhere and said, 'No, I didn't say that', I'm like
20 I'm just nowhere". So that's the reason I went there. He
21 said, "Can I have a copy of that?" And I said, "Yeah".
22 And I put it, it was still in the plastic, and his copier
23 is right there and I just run it through like that and
24 gave him the copy. Two, three, four days later it's in
25 the paper. But before that the Riv journalist, Trent
26 Horniman, rung me and said, "Geoff, yes, Trent here".
27 "Yes, Trent". "I've got a copy of an affidavit you made".
28 "Have you? Are you familiar with my signature, are you?"
29 And he goes, "No". I said, "Well, you better read it to
30 me". So he read it to me and I said, "Yes, that's my
31 affidavit. That's my affidavit".

1 So the only time it was ever copied was once to give to
2 Turkington whatever day it was and once to Hill?---Yeah,
3 once to Hill. Once to Hill and then at a subsequent date
4 Jen Campbell was in some sort of inquiry or investigation,
5 she rung me and said, "Can I get a copy of that
6 affidavit".

7 But that's after it's already in the paper, isn't it?---Yeah.

8 Yes, all right?---But that's what I'm saying, I said, "No, you
9 can't". She said, "Kath Roche is inquiring into
10 something". I said, "Tell her to ring me" and she rung me
11 and I gave her a copy. And hence the question where's
12 your copy come from because I wrote all over Kath Roche,
13 Kath Roche confidential copy. She assured me that it
14 would go nowhere, so I just would like to know the
15 information trail where - - -

16 Where it went?---You know what I mean? I was very careful and
17 I didn't want it there because I felt it was explosive but
18 I also felt in any subsequent claim that I would show that
19 if that be correct and that Margot told Weyrich and
20 Weyrich come out of whether he did it off his own volition
21 I do not know that. I am only making an affidavit on what
22 Peter Hill told me Tom Weyrich told him to do. And
23 Weyrich confirmed that to a reporter in that same article.

24 Well, he said in his evidence he'd made the statement and he
25 apologised. Anyway, that's all right?---I didn't hear
26 that.

27 Well, he did say that?---Well, I didn't hear that.

28 MR BROAD: The affidavit that was copied at Peter Hill's office
29 was that a signed and sworn copy?---Yeah. I've got his
30 affidavit here because when Janice Macleay report came
31 out, I did even though I make out I don't keep stuff, in

1 my cupboard box filing system that I do keep things and
2 I can find a few things, that I have got an affidavit here
3 now of Hill since - and I told Janice Macleay. And that's
4 what I'm saying to you, I have no faith in what those
5 investigators do because I gave her an absolute that
6 I didn't give it, not that I said to her in the evidence
7 that I gave her, that she should inquire off Hill and I've
8 said that a few times.

9 COMMISSIONER: You can give it to us afterwards?---Yes, right.

10 MR BROAD: Could I ask a couple of questions in relation to it?

11 What you've just said is that the copy that was made by
12 Peter Hill - - -?---I made it in his office.

13 Yes. Was made from a sworn copy?---I had the actual document.

14 So it had your signature, it had the witness's signature on
15 it?---Yeah, the registrar of the courts.

16 The version that you gave Councillor Campbell, again was that a
17 signed and sworn copy?

18 COMMISSIONER: A copy of the original?---Yes. Yes, but

19 I didn't give that to Councillor Campbell, I may have
20 given her one since it's been - Kath Roche rung me, I said
21 to Jenny, "I'm not giving you a copy, I don't want these
22 bloody things floating everywhere. If she wants it tell
23 her to ring me". So she rung me or contacted me, I gave
24 it to her and I got an assurance she wouldn't give it to
25 anyone else, it was only in relation to an investigation
26 she was doing and I don't even know what the investigation
27 was about. And I got that copy and I copied it on my
28 copier and I wrote on it Kath Roche confidential copy all
29 over it because I thought, well, I'll set a trap here, if
30 it's going anywhere else. Like she's supposed to be an
31 investigator.

1 I'm not sure we've actually seen it?---Anyway that's the reason
2 for my asking because I have protected it pretty well, you
3 know.

4 MR BROAD: Okay. Can I ask you this question then?---Yeah.

5 Have you provided an unsigned copy to anyone?---I don't know,
6 I don't believe I did.

7 I'll show you this affidavit?---Yeah. That's the affidavit.

8 I don't believe I've shown that to anyone or given it to
9 anyone but I guess I don't have security on the door
10 either.

11 Did you ever give an unsigned one to Janice Macleay?---I don't
12 believe I did. I don't believe I did. And at the time of
13 the Janice Macleay Report I don't believe I had - I only
14 ever had one copy and I took it over and got it sworn,
15 I don't think I - I don't recall ever emailing or ever
16 letting that out of my hands. I was pretty careful with
17 it to be quite honest. And I do recall when Jenny rung me
18 and asked me could she get a copy of it and I said, "No",
19 and out of all the people I'd give it to would be her.

20 You provided a written statement, as I understand it, to Janice
21 Macleay?---Yep.

22 I'll show you a statement, can you confirm whether that's your
23 statement?---Yeah, I'm not going to read it word for word
24 but it appears that's about what I did, yeah.

25 One of the matters, which was the subject of the investigation
26 by Janice Macleay, was this issue about, and I suppose we
27 keep referring to it as the dickhead statement, and you
28 respond to it specifically and you say in item 12, "This
29 relates to an affidavit that I made about a conversation
30 that took place with a Moama businessman", and the in
31 brackets named him, "Mr Peter Hill JP - - -?---Yep.

1 - - - "And myself late in August 2014". And then you detail
2 the way it was being kept privately, you talk about where
3 it's - who it's been provided to and you've said this
4 morning that what's been provided, of course, was the
5 sworn version. You then go on to the fact that was - it
6 relates to leaking and the approach from the Riv Herald.
7 Do you recall whether you might have provided an unsigned
8 version to Janice Macleay?---I don't believe I did.
9 I don't believe I did.

10 I think that's all the questions I have in relation to that
11 aspect.

12 COMMISSIONER: Just before we move, I want to just go back and
13 ask one other question about Deep Creek. Sorry,
14 to - - -?--- No, that's fine.

15 I asked you yesterday and I think we established that when the
16 general manager and Simon Arkinstall and you went through
17 all those emails yesterday, and there was the email that
18 had your response which basically said - that long response
19 and it said "If the solicitors want to talk to me, ask
20 them to ring me up". Remember that?---Yep.

21 If I say to you what would have stopped you from - because at
22 that point what the council was really asking for, "Can
23 you just tell us whether you made any admissions or did
24 anything at the meeting?" I know what you said you said
25 at the meeting. Why couldn't you have written back an
26 email and said to them, "Well, I didn't make any admission
27 and this is what I said". Like give them the outline like
28 you did, because I mean - is it because there's a bit of
29 animosity there or what?---Yeah, I wasn't going - I wasn't
30 going to give them anything. They'd slammed the door on
31 me and when I was open and honest and really asking for

1 assistance and they've slammed with me and I saw what it
2 done to Burkey. He took a dive over it.
3 Yes?---And I thought bugger them, I'm not telling them one
4 thing. I'm only - the more I tell them - - -
5 The more - - -?--- I'm happy to answer them. I'm happy to
6 answer but - - -
7 That's what I was going to say. But the fall-back position
8 was, in a sense, "Well, get the solicitor to ring
9 me"?---Yeah, "Get someone to ask me, I'm not telling you".
10 Thank you.
11 MR BROAD: And by that time, there was a clear battle line
12 between you, as far as you're concerned, the councillors
13 with whom you were aligned and the other
14 councillors?---I don't know about that, but I knew that
15 I wasn't getting any satisfaction. We'd been instructed
16 not to make contact with anyone.
17 Sorry, I'll ask another question?---Yeah.
18 All right. I probably asked the wrong question. Were the
19 battle lines really between you, the councillors that had
20 attended Deep Creek and the GM and staff?---I didn't -
21 I didn't and have never really had a - - -
22 COMMISSIONER: About this issue he's talking about?---Yeah.
23 I haven't had a problem with staff or anyone.
24 I personally don't believe, and I still don't believe,
25 that that letter of threat that said "You'll be held
26 responsibly - - -
27 The staff other than the general manager?---Yeah. I had a
28 problem with that and I had a problem that again what
29 I said, an adult conversation in any normal part, if
30 I could have contacted Lee Robins and subsequently I did
31 speak to Lee Robins, very, very late in the piece, after

1 it was resolved, I said, "Lee, how the Christ could you
2 not see the danger of this. Blind Freddy could have
3 bloody seen it" and he said "Geoff, I prepared a report to
4 council and I wasn't allowed to send it". I didn't say
5 "Who stopped it?" I didn't do the questions you do to me,
6 but I just make an assumption.

7 All right.

8 MR BROAD: Can I deal with another aspect of your submission
9 and in the second paragraph you state, "I personally never
10 held a vexatious attitude or personally voiced good or bad
11 opinion for or against the general manager". Can you
12 expand on that?---Yeah, well, I got asked a lot of
13 questions. A lot of questions by ratepayers and I just
14 said, "We don't see" - I just said, "We don't see eye to
15 eye on a lot of things" or comments like that. And I'm
16 saying that I probably got asked by 50 or 60 people, maybe
17 more, maybe less, but I run into a lot of people around
18 the streets and I have a lot of people attend my place on
19 - not altogether, they don't all arrive on a Pioneer bus,
20 but on a Sunday morning most people know I am home and
21 I have a lot of people come and go of a Sunday morning
22 from home, you know, and some I know quite well, some
23 I don't know quite well. Some bring someone with them to
24 ask me something because they've got a problem. It may
25 not be a council related problems either. I get asked a
26 lot of things.

27 If you will allow me a minute, I just want to show you a
28 document and get your response to it?---Righto.

29 What I'm showing you Cr Mackenzie is an email sent by the
30 general manager on 18 September 2015 to a number of
31 recipients but not sent to you. If I can take you to the

1 third paragraph and it talks about a number of code of
2 conduct complaints being lodged against three
3 councillors?---Yeah.

4 In relation to their ongoing behaviour towards the general
5 manager, post orders made by WorkSafe as it was then
6 named. It goes on to say, "Sadly the behaviour is exactly
7 the same as before the investigation", - that's the,
8 I assume, the Janice Macleay investigation - "only through
9 a different medium. Now they speak to members of the
10 public and to my staff about me making up outrageous
11 lies". Can I have your response to that statement?---It's
12 funny that I see it here because I've seen it in documents
13 that she has to endure or whatever outrageous lies from
14 Mackenzie, Moon and Campbell/Campbell, Mackenzie, Moon or
15 Campbell, Moon, whatever order. Outrageous lies and I did
16 address that, I said, somewhere in - again, there's a
17 number of codes of conduct that have been applied which
18 says what I said. I get them I'm pretty good at them, you
19 know, like I've seen them. But that is not correct. It's
20 not correct. Let me tell you about the - about her not
21 attending council.

22 I was away. There was a couple of times, but Cr
23 Bilkey said I sent an apology to the general manager and
24 copied it to all councillors, "Dear councillors, I'm
25 unable to attend council. Please excuse me from", you
26 know, whatever. And I came back and they said that you've
27 got send them somewhere and other, gave me instructions
28 for the next meeting. Okay. So one night on a Monday
29 night, we were talking which was - and I don't exactly
30 remember who but, Cr Moon, Cr Campbell, maybe Cr Burke,
31 but we were having a talk and I said, "Oh, yeah, I'll be

1 there tomorrow" and we doing this and this and my phone
2 rang, and I've answered it, "Yep, righto. Righto, yeah,
3 I'll be there". So at that point, this is probably 6
4 o'clock, you know what I mean, guessing but it would be
5 after work, I'm having a talk and on the phone and I get
6 off the phone and I said, "I won't be there tomorrow, I've
7 got to go to Alice Springs". So I've flown to Alice
8 Springs and on my way out, I type up an apology to all the
9 councillors and the general manager wasn't there - wasn't
10 at the meeting so I understand the next day, but I'd sent
11 it to admin because you're not allowed to send it to
12 anyone, admin. And when I got to the - I pressed send,
13 and when I get to the airport, I grab everything, my
14 trusty bag and my iPad in it, and I'm sitting in the
15 lounge waiting to get on the plane, and I look and it's -
16 I might have actually been in Alice Springs, I don't quite
17 recall, but I look and I've got one unsent message on the
18 thing. And I press it and it's the letter to admin so
19 I just pressed send and it went, and I think they've
20 received it and at the meeting Cr Bilkey threw himself
21 down and "He's done this before" and "He needs to be" so
22 forth and so on, you know, like "He needs a letter written
23 to him" and when I get back one of the councillors said,
24 "Geez, you're in a bit of strife, they're given you a
25 strife up about not" - and I said, "I bloody sent it".

26 Anyway, the next day an email came from Phil Higgins
27 that says, "That order yesterday I haven't complied with
28 sending Cr Mackenzie that because I did actually get an
29 apology and it was before the meeting, it came through at
30 10.25" or whatever the time was. And he hadn't got that
31 because it went into admin and they conducted the meeting

1 that I hadn't apologies to - - -

2 COMMISSIONER: So is the simple point the email was sent prior

3 to the meeting?---Oh, yeah, it was - - -

4 But they mightn't have had it?---Yeah, they - it was sent, it

5 was received and he provided a copy of that when it was

6 received, received anyway.

7 But that was after the meeting, is that what you're

8 saying?---Yeah, that was after the meeting, but they'd

9 already had a - - -

10 They'd already had a meeting - - -?--- - - - a showdown and

11 said "Write him a letter", that was a resolution that

12 council - Phil sent an email, copy to her and subsequent

13 to that resolution we did actually have an apology.

14 Right. I see?---You know.

15 Yes?---They did actually have an apology but anyway, I did then

16 get a letter that was obviously instructed to send it as

17 per the resolution. I suppose nothing wrong with that

18 because that was a resolution and it was kept. But I just

19 see those things, as I said there was a bit of anti in me

20 at that stage, don't worry about that. But I did keep

21 myself fairly right as far as allegations of lies.

22 I would like to know one lie that the general manager

23 refers to. Just one. Not the constant lies, just one.

24 MR BROAD: What I'd like to know is whether or not, you spoke

25 to staff?---I don't speak to staff. I didn't speak to

26 staff. I did speak after - well, one conversation I've

27 just said, (indistinct) when I said to Lee Robin because

28 I also got a call, Phil Higgins was in the chair, whether

29 he was appointed acting I don't know, but I rang him

30 because the people from out there said "You'd better get

31 out here, that tank" - not that tank but the tanks that

1 are under some buildings out there, some units which
2 I didn't bring up, I did allude to them because they had
3 been brought up to us in council and I asked Simon
4 Arkinstall in a meeting, "Are those tanks under those
5 houses?" Okay. Is that - and Simon said "It's not ideal
6 Geoff, but it will get us out of a problem and it's only
7 temporary".

8 So I didn't through that into Deep Creek fight
9 because the real - they were 50 yards from the river bank,
10 although if they spilt they would have head that way, but
11 there was lawn from here to the river out the middle of
12 the road, 50 metres or 60 metres. If they spilt they're a
13 lot smaller capacity and I just thought then "They're
14 probably not going to reach the river anyway" and they
15 weren't to any capacity of maybe 22,000 litres so I didn't
16 bring that up but when - I got a call one day and they
17 said, "You'd better get out here. One of them's got shit
18 all over - - -

19 Can I stop you short?---Yeah.

20 Because we're wandering off - - -?--- No, you just asked me did

21 I speak to staff. I said "No, I don't speak to staff.

22 No, again my question was - - -?--- But I did - - -

23 - - - in terms of the complaint made by the general manager,

24 quite clearly I think you've said, "No, I didn't"?---Yeah,

25 no, I didn't. I didn't speak to staff.

26 Can I come back to your submission? Do you have a copy of your

27 submission in front of you?---No.

28 COMMISSIONER: I will give you mine. Is this the one the

29 25 February one?

30 MR BROAD: Yes?---Thanks for that.

31 I had taken you to a sentence where you indicate, I think it's

1 the second paragraph that you never had a vexatious
2 attitude or personally voiced a bad opinion against the
3 general manager?---Yeah.

4 That paragraph concludes with a sentence, "This may well change
5 in the ensuing future"?---Yeah.

6 What do you mean by that?---Oh, well, up until that stage
7 I hadn't but I had - with a barrage of what's happening to
8 me in these inquiries and all the rest, I may well change
9 my mind and voice what I really think.

10 COMMISSIONER: About what? When you say voice my - - -?---

11 I might change my mind and voice what I really think.

12 When people ask me I'd say, "I wouldn't have a clue.

13 I don't know. I don't communicate very much" or this or

14 that. But I might have said, I could well have said,

15 something that wouldn't have been so endearing about the

16 general manager, but what I'm saying it's right at the

17 point - and I don't believe I have yet, but its right the

18 point where the eggshell's about to break, I can tell you.

19 MR BROAD: We are in the course of an inquiry?---Yeah.

20 Which relates to very specific issues?---Very - and - - -

21 And amongst those issues is the relationship between you and

22 other councillors, both with each other and also with the

23 general manager?---Yeah.

24 Now, is the evidence that you have been giving to date full and

25 forthright?---Yeah, course it is. But what I'm saying,

26 I haven't - do you want to look my mind to think what I've

27 got personal thoughts about. I haven't voiced them to

28 anyone and I have got reservations about the ability of

29 the general manager to communicate fully with council and

30 whilst you're saying to me, giving me a question on

31 whether I understand this and I understand that, I wonder

1 whether the general manager understands her
2 responsibilities in conveying and communicating and
3 ensuring good relations between her and the councillors
4 and councillor and harmony between the councillors as a
5 body. I do question that.

6 One of the things you write is a statement to the effect that
7 very soon after the general manager was appointed she took
8 a position aligning herself to the ruling fraction of
9 council that contained the three - sorry, the continuing
10 three long-serving councillors?---Yeah.

11 You are suggesting therefore a bias in her approach towards
12 councillors?---I believe that fully. I believe that we
13 have never - and that's not this general manager's only
14 part. Since my time on council the three long-serving
15 councillors have never accepted me, evidenced by either
16 yesterday when I said Cr Murphy allegedly told or the
17 ratepayer told me that she wouldn't vote anything that
18 Mackenzie voted for. That ratepayer was here yesterday
19 and when that statement was made she told me after the
20 meeting that Cr Murphy turned around and waved a finger at
21 her like that ...

22 So what we have effectively is two issues that are joined
23 together?---Exactly.

24 We have an issue as between councillors and we have an issue as
25 between certain councillors and the general manager and
26 they appear to have become joined. Is that the
27 case?---Well, if - it's evident by what you have heard, of
28 course it is. There is anti - I accept the ratepayers'
29 democratic vote to elect a ratepayer - a councillor,
30 whether they win by one vote or one thousand votes, the
31 one that wins by one and the one that wins by a thousand,

1 they've got the same status within the council. There's
2 no money in the bank because you got more votes than the
3 next one. It's just an over the line job, you're all in
4 the race. You're all there to benefit the community and
5 I'm not saying the community is anything like being
6 disadvantaged save for the cost of these codes of conduct
7 which I think are obnoxious and when they could have been
8 easily solved or most of them, maybe they could, maybe
9 they couldn't, but they were never given the opportunity
10 to float out of an ordinary, adult conversation, "Geoff,
11 why don't you pull your head in", you know, like that's my
12 opinion and I'm not saying any bad decisions, but the cost
13 of the codes of conduct are absolutely obnoxious and I am
14 sorry to be representative on council with those sort of
15 issues and knowing full well that not one of them have
16 been decided.

17 Questions that you wanted to make to council, they'd
18 already sent off to the local government, "You're not
19 allowed to speak about that, that's in the hands of the
20 local government" or "It's under a code, you can't speak
21 about that", evidenced by the letter on that Deep Creek
22 marina where they instructed all staff to have no
23 communication, "Don't give Mackenzie any more
24 information", that's my problem. My problem is I'm a big
25 boy. They can tell me I'm - they've been people telling
26 me since I was 15. My mother told me when I was about 16,
27 "Listen here young man, your mouth's going to get you in
28 trouble" and I guess it's pretty right, it has got me into
29 a bit and it's got me out of a bit too. But I am not a
30 reverend soul or whatever. I am me. I do do my best for
31 this community and I feel that I have done my best for it.

1 I don't give bias to people. I don't - they can have 50
2 there against something that I say in the community and
3 I don't "Oh, I mightn't get votes". I don't care, vote me
4 out. Don't like me, vote me out. But I go with the
5 democratic process, I was democratically put here,
6 democratically elected and I see that the general manager
7 does not understand that the public, by the virtue of a
8 vote, put me here and she doesn't accept that I should be
9 and neither to the three old councillors accept that
10 either.

11 Pocklington said in his evidence that I hood-winked
12 the community. How did I hood-wink them? I didn't ask
13 one of them for vote for me. Not one person. They voted
14 for me. Another submission I saw from Kron Nicholas said
15 that - and Chris Bilkey's wife, Lyn Gillard, says I stood
16 on a popularist platform. Is that wrong? Is that wrong
17 I stand on a popularist platform? Like it's just crazy.
18 Anyway, go, give me the grill.

19 Can I take you to the last paragraph on the first page of your
20 submission and you state these long-serving
21 councillors - - -

22 COMMISSIONER: First page. On the first page.

23 MR BROAD: On the first page, the very last paragraph reads,
24 "These long-serving councillors Murphy, Weyrich and
25 Pocklington not once have they attempted to lead either by
26 advising or example in what they saw to be the correct
27 direction for new councillors to take". What do you mean
28 by that?---Well, I mean that I believe that should I stay
29 on council, should I get elected back into council, I will
30 try and help any new councillors that come on with some
31 advice and forgive them a few mistakes that what you would

1 with someone. But as I said yesterday, within one month
2 of being on council I was told "Betty, won't support you.
3 Anything Mackenzie supports, she won't support to".
4 Weyrich had already said "Don't elect Mackenzie in both
5 pre-elections. Don't elect Mackenzie we'll lose all our
6 senior staff". He's formed an opinion of me. Pocklington
7 ran around and said "He's only here, he lives off his
8 brother". Well, I'd like him to satisfy that and this is
9 innuendo. Gossip we are not allowed to listen to, yet
10 gossip makes up the complaints and the things that all
11 these people that make submissions on, I don't care about
12 gossips. Say what you like about me, but what I'm saying
13 when you say "We're allowed to gossip. You're not allowed
14 to gossip", well, work out, there's - you know, if you're
15 kicking the ball that way, you're kicking it that way. If
16 you're going to have gossip about - listen to gossip and
17 relay gossip about me, cop it if I say something about
18 you.

19 One of the responses you gave yesterday was to the effect that
20 there was no formal induction provided by council
21 following your election?---Well, let me say - - -

22 Rather than go backwards, let's not go back to that question,
23 I think we have dealt with it. What I was leading to was
24 whether, when you became a councillor, there was any sort
25 of induction or assistance, and you seemed to say
26 otherwise, provided by other councillors?---Greg Murdoch,
27 and it's written where I didn't like Murdoch which is
28 absolutely incorrect. I had an opinion of Murdoch as
29 general manager. He'd been there 21 years and I did make
30 the statement to some people, "How do you get on with
31 Murdoch? "Yeah, I get on all right with him". I did say

1 that I think he's been there too long, 21 years breeds a
2 culture within the council and there was a culture that
3 I felt - - -

4 COMMISSIONER: I think the question here was really, did other
5 councillors help you?---No.

6 Not Murdoch?---No, he did try to help me and that's where I was
7 going to get to.

8 He did, all right, Murdoch?---Yeah, Greg did help me.

9 But the question did other - you said "If new councillors came
10 on, I'd help them". The question was did you get the
11 same - - -?--- Well, I would help them, no one else has
12 come on - - -

13 No, no, but was it when you became a councillor did anyone help
14 you?---I did not get any help.

15 That was the question?---Did not get any help. Not that I'm
16 moaning about it, but they've done plenty of moaning in
17 submissions about - - -

18 No, it was a question, the answer is no?---Yeah.

19 MR BROAD: I found what I was after. Councillor Weyrich, one
20 of the lines of questions that I asked Cr Weyrich was to
21 the effect - related, sorry, to the lead up to the mayoral
22 election in 2015, and can you tell us what discussions you
23 had, if any with Cr Weyrich?---Yeah, I will, and that's
24 pretty fresh, I can give it to you off the top of my head,
25 that goes back in the historicals. I was away in the
26 Northern Territory pretty well through August, all
27 of August and you know, I'd fit my July visits around
28 council meetings the best I can, as I do in most parts.
29 I usually miss one or two meetings in the July/August
30 period through my business.

31 I was made aware by Peter Hill who is Tom Weyrich's

1 landlord in his business. Their offices is just a car
2 park away, you know, joined up basically, and they would
3 see one another on occasions. I have no idea often they
4 talk, but Peter Hill rung me up and said "Weyrich wants to
5 see you". And I said, "Does he" or words to that effect.
6 "Yeah, righto". I said, "I won't be back till next week"
7 and I did get back, I get back on 18 August and there was
8 a meeting that day but I missed the meeting because of
9 plane connections, I intended to be back the night before.
10 And plenty times I've flown home from the territory at
11 that time of year and caught the red-eye flight and got
12 back at seven in the morning and I've driven to Mathoura
13 to the meetings and I know on one occasion or two
14 occasions I've landed, I've got in my car and come home,
15 I haven't even seen the agenda because we used to get them
16 on the Thursday night. I said, "What's in that agenda?"
17 and she'd - probably for an hour she'd read me the agenda
18 of what was on it and what she felt was important, but to
19 answer your questions, I came home and Hilly was fairly
20 keen to get me to meet with Tom, and I think I fooled him
21 round as long as I could. The mayoral election was about
22 the 15th from memory of September. I got back into the
23 land of living here on 18 August and I definitely did not
24 meet him in August. I reckon I spun it out to about at
25 least the week before the election and he was fairly toey
26 to meet with, you know, I'd a few calls off Peter, "Yeah,
27 I'll meet him".

28 Anyway, I went to Hilly's one night and called him
29 and sat down at his land office and Tom came in, and Hilly
30 broke the subject - well, what are you, I said, "Tom,
31 I can't support you, mate. I can't support you after

1 what's gone down", and he's gone, "Well, what do I have to
2 do?" And I said, "Well, one, you've got to be a lot more
3 open. You run a secret society here, mate and I won't cop
4 that" and I said, "And your relationship - and you and
5 Margot have steered the ship, steered the ship as single
6 handed and left us out in the dark". He said, "What about
7 Jen, would she support me?" I said, "She's her own
8 person. She's her own person. I doubt whether she would"
9 but I said, "If you guarantee me, if you guarantee me that
10 your relationship with me and the other councillors change
11 to be more open with me, I will support you. But I've got
12 to have a gilt edged guarantee off you and I know you're
13 not good at giving gilt edged guarantees", and he said,
14 "No, no", and he said, "And as far Margot's concerned,
15 she's cleared her office out and she's going". And
16 I said, "Well, that aren't' going to worry me". Simple
17 like that, "They aren't going to worry me".

18 MR BROAD: So that was a discussion you had, a meeting you had
19 with him in September?---Oh, yes, yes. I'd reckon
20 somewhere around about a week before. Maybe 5th, 6th, 7th
21 or 8th or something like that.

22 What I'm trying to track down is whether you'd had a discussion
23 with Cr Weyrich in the lead up and prior to 19 August
24 2015?---The 19th of August? No. The contact I had with
25 Tom was - I wasn't at the first meeting in August as there
26 was no quorum in that. I reckon the next day and
27 I alluded to this yesterday, I got an email or a call from
28 Tom and I can't recall which, "Will you definitely be at
29 the 18 August meeting", and I said, "I can't guarantee
30 it". I think this is what I've said. "I can't guarantee
31 it but my intention is to try and make it". And I didn't

1 make it, I wasn't there.

2 On 18 August or either before in the conversation that you've
3 just referred to or at the meeting on 18 August, did you
4 discuss any aspects of the mayoralty with Cr Weyrich?---On
5 18 August. I was still travelling back from the Territory
6 so I wasn't there.

7 So when then go back to that conversation that you've just
8 spoken about. Did you discuss the mayoralty in that
9 conversation with Cr Weyrich?---Which one's that? The one
10 in September?

11 You said he'd phoned you before the meeting?---Oh, I don't know
12 whether - no, that was early August like the 4th and it
13 was just "Will you definitely be at the meeting" and
14 I think it was under email because when I'm in the
15 Territory I'm out a long way away from where Telstra sends
16 signals and I get messages on my phone or SMS message or a
17 text, email message when I get back to civilisation.

18 In the lead up to the changeover whether it be in August,
19 whether it be in July or prior to that, had you ever said
20 words to the effect to Cr Weyrich that support for him
21 continuing as mayor would be dependent on him getting rid
22 of the general manager?---Absolutely incorrect. That
23 statement was made to me that she's cleared her desk out
24 and I didn't know any of this. I didn't know whether
25 Margot was at work. When she was at work there was a
26 number of times she wasn't at the meeting, didn't chair
27 the meeting. A couple of times that we came in and we
28 were sitting around and I said to Phil, "Is Margot
29 coming?", he said, "I don't know". This is Phil Higgins.
30 I don't know whether he knew whether she was going to be
31 at the meetings or not, but what I'm saying, I didn't make

1 any, there was no condition of Tom continuing save for
2 I wanted him to be more open with us. We got Cr
3 Pocklington and I thought it might be good. But it went
4 worse. It went the same way and evidenced by him making a
5 return to work agreement that we have no idea of. I don't
6 think I had any idea of but I am sure and I don't - this
7 is only my own opinion, I am sure there are other
8 councillors on this council that do know exactly the terms
9 and conditions. Do not exactly the terms and conditions
10 and they're reflected in - I haven't read all the
11 submissions but I've read some of the submissions and it
12 declares there that some staff and other councillors do
13 know what the conditions of her return to work is.

14 Councillor Weyrich referred to - sorry, Cr Bilkey referred to
15 an arrangement between councillors to the effect that Cr
16 Weyrich would be standing down at the 2015 council
17 elections. Were you aware of any such arrangement?---No,
18 not until yesterday. Not until yesterday. It did confirm
19 a couple of suspicions, but I had no - I was not privy to
20 any of those sort of arrangements and I'm sure he would
21 have been absolutely disappointed with the outcome because
22 the - out of the five councillors that formed an
23 allegiance, four of them stood for the mayoralship. Four.
24 Even though by this stage it was obvious that Cr Weyrich
25 had taken himself off that footy side and was looking for
26 a new side.

27 In respect of that, you talk about the sides, are you saying
28 that after the mayoral election that Cr Weyrich changed
29 his stance and changed sides?---No, he gave me - I've
30 already said to you, I said, "I won't support you unless
31 you guarantee - - -

1 That's the mayoral election?--- - - - the mayoral election,
2 yeah, I'd say at that stage he'd been told, "Well, you'd
3 better find another side" and I'm absolutely sure that the
4 other four or five - four, other four, knew that they
5 would get a casting vote so they'd still be in control,
6 and they'd already decided that Tom had thrown himself
7 down and he was looking for a new paddock, and it was
8 going to be them and I would suggest to you, that they've
9 devised how - and I'll put up three of them and hopefully
10 they'll get on in this fashion and I think it's come to a
11 point where they haven't quite got what they wanted, in
12 reviewing who stood for mayor and who nominated for mayor
13 and who nominated for deputy mayor, and it's come out not
14 the way it was planned.

15 Do you see a change in the attitude respectively between the
16 general manager and Cr Weyrich?---I don't know. Obviously
17 was a choice, I believe that the general manager was
18 complaint in who stood for the elections and how the votes
19 would go, because I have seen a copy of a letter written
20 by the council's solicitors to Gavin Burke's solicitor
21 that said effectively, "We recommend you don't attend the
22 mayoral elections where debates may be robust" Robust?
23 We've heard evidence all week how robust and how dangerous
24 these council meetings were that everyone came in with
25 Vaseline on their eyebrows and he received a letter via
26 his solicitor and acting on behalf of my client was the
27 council's solicitors to Gavin Burke's solicitor that we
28 recommend he take care of his health and not attend the
29 mayoral elections in September as the debate may be robust
30 or something to that effect.

31 COMMISSIONER: So are you saying that was a letter - the first

1 letter was a letter from the council's solicitors to the
2 solicitors for Cr Burke?---Yes. Yes, and my small
3 experience with lawyers are they don't write letters
4 unless they're instructed and I don't know who would
5 instruct that but I would assume the only instructions
6 could come from the mayor and the general manager. But
7 now we go back to where - - -

8 MR BROAD: Can I stop you? Can I stop you there?---Yeah.

9 What role would the general manager have in the election of a
10 mayor?---Yeah, exactly, what role? Telling one elected
11 official not to turn up to the mayoral elections which
12 I believe if she in fact, did direct that letter to be
13 written, she has interfered in the democratic process of
14 an election by telling him not to be there and let me just
15 tell you something that you asked me before that now
16 I recall. I recall that when I saw Tom Weyrich, when
17 I saw Tom Weyrich at Peter Hill's office he said to me,
18 "I got Burkey's resignation and I haven't handed it up
19 yet", so that would be between the Tuesday, Tuesday - the
20 first Tuesday in September before the Friday in September
21 when it was actually handed it up. Tom took possession of
22 that resignation, that he didn't hand it in because
23 I believe that he was hoping that Burkey would still turn
24 up to the elections. That was already in place and a
25 plan, a plan I believe was set between the general manager
26 and the ruling factions to get Burke out because he may -
27 and I doubt whether Burkey would have voted for Tom
28 anyway, but I don't know how anyone's going to vote.
29 Can I suggest to you your comments about the involvement of the
30 general manager are purely speculation?---Purely
31 speculation. They are my - you wanted to look into my

1 mind before and I'm telling you what was in my mind then.'

2 Now, in talking about council meetings, Cr Bilkey referred to

3 the hurly burly of council meetings. You've just referred

4 to councillors turning up with Vaseline on their eyebrows.

5 Is that part of the hurly burly of business?---No. That's

6 what they're alleging. That's what they've alleged in

7 their evidence and in their submissions. Nothing at all.

8 Nothing at all like that. Most of it was just straight

9 forward. There was a few really contentious parts in

10 council. One was the PDFNL. That was really contentious

11 in my opinion and the other one was the sewerage tank, and

12 the putting on of a censure motion which I allude to a

13 number of times. Once it became clear - once it became

14 clear that the investigation of the OLG came back as

15 nothing to answer but we're leaving it open in case more

16 comes up, "Tell them to put another censure motion on us

17 now after they found out that council could have been" -

18 ratepayers could have been responsible for a fine between

19 500 and 600,000 as advised at the meeting - at one

20 meeting, at the same meeting I believe, that we were told

21 by a council officer in the meeting, that the general

22 manager hadn't been in the office for five months and

23 I heard you ask "Do you think that this council can

24 operate fully again?" It operated okay without the

25 general manager for five months.

26 Can I come now to the notice of motion that you and Cr Moon put

27 forward?---Yep.

28 To the meeting of 19 January. Can you provide an insight into

29 the reasons for bringing that motion?---Nothing like

30 what's been claimed in WorkCover things. Nothing like

31 that. My part of it was, I was not confident in her in

1 just what I've told you, that for five months the council
2 operated fine. The minute she's come back on board, we've
3 got John Pocklington I believe, acted outside the
4 council's resolution in having a meeting between the
5 resolution on the 15 September and the meeting on the
6 29th. He'd already been to Melbourne and met with the
7 solicitors, and he said in his evidence that he spoke to
8 her privately and said "I'd like you to be back at the
9 helm of Murray Shire" or something to that effect.

10 I don't have confidence in the general manager because in
11 the period that they - we had a WorkCover order, "Do not
12 contact, only through admin". I am absolutely certain,
13 and you've got access to the records, that the general
14 manager had a long and full association with those five
15 councillors that had us on the other side, and when I say
16 "us", they can speak for themselves. This is in my
17 opinion and I am saying "us" but I'm not meaning that
18 we've (indistinct) - - -

19 COMMISSIONER: Yes, I understand?--- - - - this is my part and
20 I'm including them, Campbell, Moon and Burke and they may
21 not wish to be included in my "us".

22 Yes, yes?---But - and the other parties that - Weyrich told me
23 - because when we had the discussion or since we've been
24 holding hands and you know waltzing around Mulberry, he
25 told me that in one of the return trips - because I asked
26 him and I've heard it - in one of the return trips, that
27 the general manager had been instructed by the Office of
28 Local Government to put it - when she went there and said
29 "I have some difficult councillors, how do I get rid of
30 them?" And it has been a long and sustained action to get
31 rid of these people and I think - my discussion with the

1 OLG was they can't do anything to just those councillors
2 without difficulty, everyone has to go, and I think that's
3 what has happened, but in the early days of how do I deal
4 with difficult councillors, the instruction out of the OLG
5 was to put as many codes of conduct on as you possibly can
6 and they will capitulate and resign. That has worked.
7 That has worked. Councillor Burke and you would be sorry
8 if you saw him, and that has worked.

9 COMMISSIONER: But that's a bit of speculation too?---That's
10 speculation but it's my speculation.

11 Yes, I understand?---And I did broach that with Tony Day at the
12 office on the phone, and I've made a note of my
13 conversation.

14 I don't doubt that you would have said to him, yes?---As you
15 probably realise, I don't really care. I do deal my cards
16 face up.

17 MR BROAD: In the general manager's second submission to the
18 Inquiry she says, and I'm quoting from p.7. "Councillors
19 Campbell, Mackenzie, Moon and Burke have engaged in
20 conduct designed to tie me up in low level administrative
21 functions and to distract me from my role as general
22 manager". How do you respond to that?---It was no design
23 to do that from my point of view anyway, I can't speak of
24 "us" in that part, I don't know. But I had no design to
25 do that, but if the general manager thinks that she is
26 above doing low level work, she again displays her
27 inability to understand her role in the job. I run a
28 fairly decent sort of a show and I'm first here in the
29 morning and I do all the menial tasks if they need doing.
30 I don't hold myself that I'm not to do the - every job.

31 COMMISSIONER: But you can't expect the general manager to be

1 doing all the administrative tasks. There has to be a
2 level of delegation surely?---I don't mind delegating, but
3 in saying that, we aren't allowed to speak to the staff.
4 Most of those things could have been circumnavigated
5 without her even being involved except if the director
6 went to them. As far as the fellow chipping burs or the
7 fellow driving the grader, I wave to them and say "G'day
8 boys", you know, and that never said - never ever said
9 once to that end of staff that I need - I've got the worst
10 road in the shire. I've got to turn my lights on to get
11 out of some of the potholes in my road, but I don't go
12 crook about that. I don't ever go to the people. I used
13 to go - say to Lee Robins one day when someone would be
14 talking about a grader, I'd say, "Next time you've got
15 grader in town, grade my road will you". So you know,
16 it's not - the allegations that we are undermining or
17 doing this or doing that, it's absolute - a nonsense. An
18 absolute nonsense. And I'm not saying that one of those
19 people won't say that that's right, because they'll be in
20 job protection. They will be in job protection and I've
21 got no say whether in whether they work or they leave or
22 get a better one or get a worse one.

23 MR BROAD: Councillor Mackenzie, can I show you an extract of
24 the minutes of 17 June 2014 and some questions on notice
25 that you asked?---Yep. Well, I guess that question
26 there - - -

27 Rather than answer that because the actual question not's going
28 to be picked up so rather than responding let me ask the
29 question?---Righto.

30 COMMISSIONER: That's about the transcripts. That's - the way
31 he's doing this so it goes on the transcript?---Oh, that's

1 all right.

2 That's what it's about?---I'm very happy to cooperate best

3 I can with this Inquiry.

4 No, no, no, I'm just explaining why he's done it that

5 way?---Yeah.

6 MR BROAD: Councillor Mackenzie, you asked a rather lengthy
7 question which reads, "Could the general manager please
8 advise on conflicting instruction/direction given to
9 councillor/s direction being given to me by the general
10 manager that I must direct all staff contact/enquiry
11 through the general manager and not make contact/enquiry
12 direct to staff?" Then it continues, "When at the council
13 meeting 3 June 2014, I clearly heard the mayor (Cr
14 Weyrich) say in general terms 'If this type of thing'
15 happens just pick up the phone and contact Lee or Simon
16 and sort it out". Then it continues, "Is this direction
17 not meant for me, only the long and/or 'friendly
18 councillors' should take as it appears, if this direction
19 be correct, and that I should not take of this direction.
20 It appears in my view that maybe I'm being singled out for
21 different treatment to other elected councillors". Did
22 you - - -?--- Yeah, I made - I asked - - -

23 It's a question that - - -?--- It's a bit jumbled up the
24 question, but basically what it is, is that we, under the
25 previous general manager was, "If you've got a problem
26 ring Simon or ring Lee, ring Phil, ring one of the
27 directors and tell them, don't bother me with it". That's
28 Greg Murdoch's take on it. We got instructions that all -
29 and this is a new (indistinct) and that's fine too, but
30 what I wanted to know, was this only meant for me, when
31 Weyrich said at that meeting "Just ring Simon. Ring Lee".

1 So yet I had instruction off the general manager to do
2 differently, and all I was asking "Am I being singled out"
3 and I think that was probably when I realised that I was
4 already being - I had been singled out and in evidence and
5 complaint that she's made to reviewers and code of
6 conducts, that it clearly states that, that she did have
7 it against me, and obviously took notice of the gender
8 bias thing and other things and other incidents that we
9 had had maybe about the handing the handbag over which
10 came out and then the me, don't contact the - "Don't tell
11 Kerry Keogh, don't contact me. If you want everything
12 over your desk, you get out and send it over your desk -
13 out of your computer".

14 My question to you is this. Was that question designed to
15 embarrass the general manager?---No, it wasn't designed to
16 embarrass. I'd had one written instruction and I had a
17 verbal instruction obviously not meant for me because -
18 and that's - I can't go to the general manager at that
19 point. We'd been instructed, "Go to the general manager",
20 I could have asked that, but the general manager as early
21 as that, did not want to have contact with me. So we've
22 operated on a defacto information thing for a long while
23 and all my information which is - my statement she has to
24 endure the lies of Mackenzie, Moon and Campbell, I want to
25 know why because everything I have done has been written.
26 I haven't had a conversation with her as such since
27 around August 2014.

28 At the same meeting you asked another question, question 8,
29 "Could the mayor please elaborate and what he described as
30 a chance meeting at a Heathcote business the other week
31 where he stated he shouted her (Sharman Stone) a cup of

1 coffee. What exactly took place and what commitment she
2 may or may not have given". Was that question aimed to
3 embarrass the mayor?---What's embarrassed about that? He
4 made the statement. I ran into Sharman Stone at Heathcote
5 and bought her a cup of coffee. I just wanted to know
6 whether he was speaking because he had made previous
7 statements, Susan Lay nothing, do nothing about the
8 minister. He'd made a number of outrageous statements in
9 the press that were recorded if you go through the paper
10 records and you want a bit of time, you'll keep his
11 inquiry going a while if you want to read all the
12 information in there, that he did make some outrageous
13 statements in my opinion about politicians. He's
14 continued to do it. He had aspirations of standing for
15 politics himself and he has made some derogatory comments
16 about other elected officials. His business. I couldn't
17 care less. I've said a few things about - - -

18 I may be a little bit naïve but I'm really not sure who Sharman
19 Stone is?---Yeah, she's a politician in northern Victoria.
20 All right.

21 COMMISSIONER: Oh, I see, right?---She's just standing down out
22 of the seat of Murray which is across the river and she'd
23 been there 20 years.

24 MR BROAD: State or Federal?---Federal.

25 COMMISSIONER: Just go back one. One of the questions you were
26 asked was about the - the reason why I ask you this
27 question is because the assertion is tie up the general
28 manager with, you know, that assertion?---Yeah.

29 This one is a question about the Barber land being a separate
30 lot. Then the response is "We advise that the matter is"
31 - sorry, wrong one. There's one where it says it was

1 debated 14 years ago or something. I'm just wondering -
2 I will come back to this - - -?--- I reckon I can nearly
3 pre-empt what you're going to say then.

4 I mean, why worry about something so long ago?---No, because
5 it's new and it was brought up to council, the Barber land
6 - Barber is a person who owns quite a bit of land around
7 Moama, and he had a property - - -

8 I think that one - no, that was on the report. There was an
9 actual item then later on in the report anyway so that was
10 current. I understand that. That's not what - don't
11 worry about it?---Yeah.

12 I thought there was one that talked about a long time ago. You
13 mentioned yesterday, maybe I'm thinking about the
14 administrative office, you mentioned that yesterday. That
15 was - they said that was voted and carried on 3 September
16 2013, you told us yesterday you wanted to just run that up
17 the flagpole sort of thing, about whether they would do it
18 and that was done there. I understand that.

19 MR BROAD: More generally Cr Mackenzie, what is your view about
20 the validity of seeking advice by way of a question on
21 notice?---I think that's the only avenue that's been left
22 open to me - that's been left open to me. I early days
23 made phone calls, I made three phone calls in two days and
24 never got - got an answer. I got a number of emails that
25 had been sent to both the mayor and the general manager
26 that have never been answered and my validity is that if
27 I really want to get something, I've got to put in a paper
28 where other people can see it. I was quite happy with the
29 situation that ran under the previous general manager when
30 we could have some questions without notice and they
31 didn't have to be urgent business, they just answered a

1 little - for another word, a little pissy enquiry - and it
2 was answered. A one-word answer, yes or no. This way we
3 had to - because of the direction that was given to us, we
4 had to ask everything through that process and if that
5 process then becomes a nuisance to the person that's put
6 it in place, instead of saying: "Let's have a look at
7 this" why not say: "Okay, put them up on a note before
8 the meeting" you know like put them up, don't include them
9 in the agenda. A lot of things you don't want to put on
10 the agenda and a lot of people within this shire and the
11 history and culture that went back some, found retribution
12 for questioning Council could end up in retribution from
13 out of (a) planning (b) engineering (c) the general
14 manager or the general Council and what I'm saying is,
15 people are - the people I talk to - and I'm not saying
16 everyone, but quite a number of people with a genuine
17 enquiry, I said: "Put it up to Council, give them a ring
18 and find out." "No, I don't want to do that I've got
19 bloody things I've got to put up and they'll just
20 make - - -

21 All right?---It happens as today.

22 I have found the one that just struck my interest was the
23 Mathoura land giveaway?---Yeah, Mathoura land giveaway?

24 Yes, the response was: "That was 16 years ago, why are you
25 asking that, you're going to waste our
26 resources"?---Yeah - - -

27 I mean that - - -?---Yeah - - -

28 That looks like - - -?---That's wasting time?

29 Yes?---Yeah, I just wanted to know how successful it was and

30 we've heard how successful it was. How would you like to
31 have a mortgage on your block of land and the Council come

1 and give theirs away beside you. The banks going to - - -
2 That is what you were talking about?---Yeah, I'm talking
3 about - - -
4 Is that what you were talking about yesterday?---Yes, yeah.
5 When you were talking about when Murdoch - the bidding of
6 Murdoch and all that sort of stuff?---Yeah, that's right.
7 You tell me the sensibility - this is my opinion - - -
8 What is the relevance of that to the Council at this point in
9 time?---Because there was a discussion about land and -
10 and Council assets. They've got a paddock here in
11 Mathoura for future development, never been developed, we
12 get no rates off it. The Council in their wisdom of past
13 Councils did a subdivision, Council to being developers
14 and how successful was that, that's my argument - they
15 give the block away.
16 So that is an example of where - that doesn't quite indicate
17 why you were asking it yet they - whoever has responded to
18 it says it's going to waste our time but you're saying
19 there was a bigger issue?---Yeah, it was bigger issues
20 about developing land and Council being developers.
21 I said we should sell this land we are holding here for
22 future development, future blocks. Let someone buy it,
23 buy it for \$100 we'll keep putting rates on them, we'll
24 get something back on it but at the minute it's a burden
25 on the ratepayer, this is only my opinion.
26 Yes okay but was that something that was the subject of a
27 previous report or a further report or a study or was it
28 just something that you thought was important to talk
29 about?---Yeah, it was important for me to talk about
30 because at the time I was trying to get land in this shire
31 that's either getting rates paid on it or not getting

1 rates. I've got a few issues with things. We control the
2 river, most the development - - -
3 This is an issue in your mind about land - you wanted to
4 rationalise land held by the - and that's what I'm asking,
5 was there a study about that, was there a motion passed by
6 the Council to do that or was this the beginning of you
7 trying to bring it to the Council?---I don't know whether
8 it was the beginning or the middle but it didn't have much
9 success anyway, whatever I done.

10 I understand now, thank you.

11 MR BROAD: Councillor McKenzie I think we gone off at a bit of
12 a tangent and I'd started, as I recall, to ask about the
13 meeting of 19 January this year and I was leading to a
14 question?---Yeah.

15 In relation to your reasons why you and Councillor Moon brought
16 the no confidence motion?---Yeah, I don't have confidence
17 in the general manager. I do not have confidence in the
18 general manager - nothing to do with codes of conduct or
19 anything else, just that I find that as an elected
20 official since August 2014, I have not been able to speak
21 to her other than through a meeting, whilst I know that
22 the other councillors on the other side have general and
23 they've admitted it in Council, while a WorkCover order
24 was placed on all councillors, I believe if they want to
25 be fair dinkum about it, say: "That WorkCover is only on
26 you three or you four not on us, we're okay, we're allowed
27 to go and talk whenever we like" and I find that is
28 discrimination and that is exclusion.

29 Given the potential voting pattern that would occur on
30 19 January, assuming that Councillor Anderson could not
31 attend, would that have given your group the

1 majority?---My group, I take offence at that but - - -
2 You know what it means?---Yeah, I know what you mean and
3 I don't want it to be recorded as my group.
4 It is not your group, I understand that?---Yeah, righto.
5 I would say that given - given the pattern and given that
6 Tom Weyrich had as I said, was holding hands and dancing
7 around the mulberry bush at that stage, there was a
8 potential for that to happen. It wasn't a given thing but
9 that meeting, that motion was put up - was put up as a
10 genuine motion for Council to debate the subject and maybe
11 get it out in the open and I think in a subsequent email
12 to someone in here that I could be convinced to withdraw
13 that. Did you see that email somewhere?
14 Sorry, you could be convinced?---There - before that meeting
15 came up when something was made, a statement was made,
16 I said: "I could be convinced to withdraw that motion but
17 convince me." No one's ever tried to convince anyone of
18 anything here because it's already been convinced in the
19 group and to the non-inclusion of us councillors.
20 COMMISSIONER: Whose email was that, yours was it?---It's my
21 email to someone, I could - - -
22 To?---I don't know, I don't know who I sent it but - - -
23 To one of the councillors?---Yeah, one of the councillors,
24 yeah. "I could be convinced" was the words but if no
25 one's going to convince, you're not going to be convinced
26 are you because there's no discussion on it.
27 MR BROAD: Did you anticipate given the potential voting on the
28 day, that you'd get that motion up?---I didn't put it up
29 there not to get it up.
30 All right. Did you anticipate that there might be a further
31 motion which would terminate the contract of the general

1 manager?---I would have - I would've assumed that if it
2 had have been debated and got up, unlike the rescission
3 motion on the general manager's performance review not
4 being ignored because it wouldn't have been enacted and
5 the fastest enactment of any resolution ever known to
6 mankind that you - at three o'clock you pass a resolution
7 and by seven o'clock that night allegedly was enacted. So
8 I don't think that had a - had a snowball's chance in hell
9 of being - being a resolution that wouldn't have stood
10 another few debates. It would have been - it would've
11 been rescission motion on that for sure. As I said
12 yesterday, Councillor Anderson I think voted, made a
13 mistake and voted with our side twice and there was a
14 rescission motion put in the next day, before the next
15 meeting.

16 So in other words, were you anticipating that even if the
17 motion of no confidence had been successful, it would have
18 been subject to a rescission motion?---It wouldn't have
19 stopped there, it wouldn't have stopped there - but
20 I really didn't do it either, didn't do it for the reason
21 of sacking the general manager. I'm quite happy - happy
22 with her being there but I would like a lot more
23 involvement in Council. I feel I've given a fair bit of
24 time away, I've set aside the Tuesdays which was always
25 one of my big days and I've set it aside for Council and
26 I was noting a few complaints, submissions in there that
27 I didn't turn up to meetings. Some meetings were - were
28 made today for next week and if they're not on the date
29 I've got set aside, I really have a job to make myself
30 clear. You know like, we're responsible for a big team of
31 people you know like if, you know I do - I do forgive time

1 to do Council business but when I'm totally excluded

2 I feel I'm wasting - wasting time.

3 You just referred to the general manager's performance review.

4 Can I ask you some comments about that process?---Yeah.

5 Do you want me to comment?

6 Yes please?---Righto.

7 COMMISSIONER: We know - you're now aware the two

8 resolutions?---I know - I know this. That the performance

9 review when I came onto Council or was elected onto

10 Council in May 2013, that a performance review was due for

11 the mayor - the general manager Greg Murdoch then and four

12 councillors out of that - out of our ranks did that. And

13 it was the mayor, the deputy mayor, Councillor Murphy and

14 Councillor Anderson. The performance review wasn't done

15 and I can only assume because the general manager was off

16 on duties when it should've been done in - in April last

17 year, in April 2015 and that's whilst he was working from

18 home. So I don't know why he couldn't do a performance

19 review while they're working from home but anyway, it

20 wasn't done and it became apparent that the performance

21 review was well overdue at the mayoral elections, well

22 overdue by October, well overdue by November, well overdue

23 by December when it was the resolution was given to us

24 that a Mr Mark Anderson is going to do the review out of

25 house. Discussion and hurly burly discussion happened,

26 "What's this happening, it's my choice." Mayor

27 Pocklington, "It's my call." "Well it's never been done,

28 it's historically never been done in this area, it's

29 always been done this way, there is no one here qualified

30 to do it." I said: "That's bull. You did the last one."

31 Weyrich was in on it, Murphy and Anderson. Councillor

1 Murphy said: "Not me, I didn't do it." Anderson: "Not
2 me, no I didn't do it." So okay, that's what's - and I go
3 home and get into my boxes of paperwork and sort through
4 and find out where records show that what I'd said is
5 actually right. So I rung up Anderson, Bill Anderson and
6 met him and I had a few unpleasants about deliberately
7 misleading the Council and said - and he's gone: "Look,
8 I'm 69 and I'm - I have a job remembering things."
9 I said: "I'm 70 mate and I forget nothing." And which
10 pre-empts an email where he - email to all councillors
11 that he may have had a memory loss and forgot. I find on
12 the likely - on the balance of probabilities that one
13 person could forget. Harder to remember two people who'd
14 forget but four? Four people? So I just put that - that
15 for your - I've got my opinions on this.

16 MR BROAD: We have heard evidence to the effect that there was
17 an opportunity given to councillors to put a submission on
18 the performance of the general manager?---I said at the
19 hurly burly of the meeting: "I am going to put a
20 rescission motion in on this." And I think we've also
21 heard that it was enacted, it was enacted so that
22 rescission motion couldn't go in. So whilst there's
23 alleged ulterior motives for me doing things, I dispute
24 that, I dispute that and I declare that to be an act that
25 was designed to stop that process and I believe that
26 whilst it was done the way it was done, Mark Anderson did
27 not contact me and I assume all other councillors although
28 I have been known to be left out of Council things, that
29 I wasn't contacted by him that he was doing it and did
30 I have anything to say. I wouldn't know where to find
31 Mark Anderson, I would not know how to find him. So

1 I dispute that we were given a fair opportunity to have an
2 input - and I don't doubt that the performance review
3 which I believe has resulted and it's now been accepted,
4 we didn't pass it at that meeting of the 2nd of September,
5 I believe the administrator has passed it and - and
6 increased the wage, recommended an increase in salary.
7 And given - given the time off work if it be correct - if,
8 if, if, if - and we don't get the information, we are not
9 given the information.

10 What you are saying, it was your expectation that the person
11 doing the performance review would give you that
12 opportunity - your submission?---My - my expectation is
13 that the rescission motion went in and it was well known
14 to be in there but we've heard evidence where it was
15 deliberately enacted to stop us so there was no - we were
16 designed not to have any input into it and I can only
17 assume on the previous evidence that that woman would not
18 have been acceptable.

19 Could I return now to some perhaps more generic questions.

20 COMMISSION: I have just got three quick ones, very specific
21 ones because they have been asserted against you. The
22 first one is at one meeting - this is from the general
23 manager. At a one on one meeting in May '15 - so this is
24 the general manager saying at one of the meetings she had
25 with you - - -?---May 15.

26 Yes?---Yeah, I reckon I know that one, yeah, it was an after
27 hours meeting in Moama.

28 One of the four that you've mentioned already?---I've only got
29 - got very few to choose from so.

30 So this is the general manager speaking. "Advised me that
31 during an earlier Council meeting prior to me commencing

1 at Murray Shire Council, when the mayor sought to have
2 ratified my request to have my years of public service
3 employment recognised, Councillor McKenzie had advised the
4 councillors as follows: 'If she is so stupid that she
5 doesn't know that she is not entitled to that, why are we
6 employing her' - or words to that effect?"---Exactly.
7 Exactly. When it came up that the general manager won't -
8 the general manager we've appointed won't sign the
9 contract because she's got 10 years of long service leave
10 in Victoria that can't be transferred - - -

11 I understand the issue but you don't have a problem that that
12 happened?---No, I - I told her.

13 It was in a meeting?---It was in a meeting and I told here when
14 I had the one on one, I said: "I didn't support your 10
15 years long service." I didn't have a problem that it was
16 supported, I'm just saying I didn't - - -

17 You were just telling her straight?---Yeah, I didn't want
18 someone running around saying "McKenzie didn't" - I wanted
19 her to be up front and over everything that I said.

20 All right. The second thing is - - -?---And I didn't say
21 "stupid", I said: "If she can't - if she can't" - this is
22 again from recollection but - - -

23 I understand?---I said: "If she can't handle her own finances,
24 how's she going to go handling ours?"

25 All right and the next thing is, at the meeting of 21 July. It
26 is I think when there was - no that's right, so it goes
27 like this: "A meeting of 21 July, Councillor Campbell
28 suggested the mayor got a number of perks, including a
29 shire credit card, that sort of thing. Then there was a
30 code of conduct complaint about that and then it came to
31 the point where Councillor Campbell was meant to apologise

1 at a meeting on 17 November 2015." It says Councillors
2 McKenzie and Moon left the chambers without explanation
3 and there was no quorum so that's another one of those
4 quorum ones?---Yeah, that's - that's incorrect. That's
5 incorrect.

6 Because then it goes on: "Then the matter of Councillor
7 Campbell's misconduct could not be dealt with by the
8 Council. That is what this is - - -?---There's a couple
9 of those because of the short numbers - and also, also
10 there was - there's things that you can't - you can't
11 stand in on and we were always told that if you think
12 you've got a conflict, if you think you've got a conflict
13 but you might not have a conflict, just go.

14 But why would there be a conflict there?---Because there was
15 something on there that we couldn't sit in on, I don't
16 know what it - I don't know what it was. It wasn't let's
17 walk out and cause no quorum.

18 The assertion here is that when that matter came on, you walked
19 out because you know, the obvious implication is
20 that?---I walked out of council meetings a fair few times.
21 I got the shits pretty bad and I'd just get up and walk
22 out.

23 All right, okay. I understand that. Now the last one was,
24 again this has gone back in time. Earlier - now we are
25 talking about in 2014, so this is after the general
26 manager is obviously employed and it was one of the first
27 earlier codes of conduct. It was one of the first ones
28 where it was to attend at any discrimination and equal
29 opportunity training. There is a trail of emails that
30 suggest - - - ?---Yes, but what - - -

31 Hang on. I was about to put it to you - there is a trail of

1 emails and I will show them to you, that you may even
2 remember where it suggests that you were ducking and
3 weaving and effectively weren't going to attend at the
4 meeting and at the end of the day the general manager's
5 (indistinct) was they didn't attend the meeting, and then
6 she refers to that a number of times after?---Sorry?
7 Do you know what I am talking about?---No I don't.
8 Okay, I will show you these. Will you just have a quick flick
9 through - and there is a letter from the mayor and at one
10 stage there is a letter from the mayor to you saying, "Why
11 aren't you going to do it? Can you have a quick look at
12 that through there. I mean take a little moment?---Yes.
13 After that we will go on to some general things and then we
14 will start on Councillor Murphy. So we are nearly -
15 no?---Yes. See this meeting here?
16 Yes?---This - 1 November 2013, what that will tell you about
17 this. I did tell them. I had a doctor's appointment on
18 that day and - how I know that, I had been trying to get
19 in to a specialist in Melbourne over a cancer, a spot on -
20 spots on me, you know, taking spots off me, for four
21 months, and we had said that date there, November the 1st
22 because I usually take off Friday before Derby Day and
23 I stay in one of our flats in Melbourne, till the Monday
24 week. That is a Monday because Cup Day would be the next
25 day, and down then I remember I had that appointment,
26 I went to the Melbourne Cup on the Tuesday, imitating
27 Norman Gunston.
28 Right-oh, keep going?---So that's - that's the answer to that,
29 why I didn't go.
30 That is all right, yes. You don't have to read all that.
31 Really it is about after all this, after all that. Read

1 this series of emails. So it is a workshop, that's what
2 it's about?---Yeah.

3 I think there is an email in there where it says, "I don't need
4 anyone to tell me how to - - -" ?---I don't know. I would
5 have had a - I would have had - a couple of these
6 workshops were made at really short notice and I just do
7 need more notice, you know, like, and they know that too.

8 Yes, all right. Yeah, that one. This is already after they had
9 asked you a couple of times and then there they got these
10 emails. I mean I know it is a very specific thing
11 but - - - ?---Yeah, yeah, well that's right. And that
12 would have been that I couldn't get there. Like Mondays -
13 my program up until just lately was I started every Monday
14 morning at - got up at 2.00 and left at 20 to - between
15 half past 2.00 and 3 o'clock and drove to Wagga for a
16 cattle sale that commences at 7 o'clock, and I would go
17 home about eight o'clock that night, Monday night, and
18 then I would front Tuesdays for council. I have since got
19 my son doing Wagga every Monday and the only time I go
20 there now is if he can't go or he has got something else
21 on. So Mondays - and they knew that, and I said to them
22 all along, "I am unavailable Mondays. I will make Tuesdays
23 available and any afternoon, like Wednesday Thursday I can
24 get back," but sometimes - - -

25 And in these emails it says, "You tell us when you are
26 available" and there is no email back saying when you were
27 available?---Well I would have spoke to them. And then
28 knew - (indistinct) Murdoch knew Thursdays were a bad day
29 for me.

30 This is after Murdoch?---Yes I understand, but they know, they
31 do know. My programs are pretty well set.

1 Okay, I got the message?---None of these - where I haven't
2 attended, and I know that in there she claims that
3 I didn't - I attended a Norm Turkington workshop. I told
4 them that I couldn't do it on the day but I will try and
5 get there, and went to the Norm Turkington opening address
6 this year and made a few derogatory remarks and left. At
7 that time he went round the table and I said to him,
8 I said - he said, "What's your problem?" I said "The
9 number of codes of conduct" and he said, "The number of
10 codes of conduct - it is absolutely ridiculous" and she
11 said, "If you are talking about the codes of conduct
12 against you, they have all been proven." And we had a
13 discussion, "Who by?, who by? I don't accept that. I don't
14 accept that." But we were never told until I made inquiry
15 to my solicitor that I did actually have a natural law
16 resolution to it, but again there - she is using -
17 I believe that she is using ratepayers' money to settle
18 personal differences.

19 You don't have to say any more about that. We understand that.

20 Now I am moving to the general - - -

21 MR BROAD: Excuse me, a couple of general questions. The first
22 question is this. What sort of response have you had from
23 the community as a councillor during your term as a
24 councillor?---When all this conflict was going on I'd have
25 horns bipping and blokes waving out, "Keep going, mate"
26 you know, like, rock star.

27 And what has been the response since the inquiry was
28 announced?---Same, "What's going on?" I said, "Best thing
29 that can possibly happen. I have indicated that. I am very
30 happy that someone - someone has stepped in. I personally
31 don't think it needed - it didn't need to be stood down

1 but maybe it needed - through the legislation that we had
2 to be stood down to have an inquiry. I don't know, but if
3 the result, if the result from this inquiry sees what
4 I think the majority of - the people that I talk to and
5 that speak to me - not that I run around wanting to talk
6 to them, but they approach me - are really happy that it
7 may come to some sort of a result. And I - I would be
8 more than happy, more than happy to stand out and let the
9 people have a go again, let them see who they want. I am
10 happy to stand, and I wouldn't have been. I was going to
11 be happy for one term, and I am bloody going to stand now.
12 I am as pig-headed, I am as pig-headed - - -

13 COMMISSIONER: Your opening line was that you were unlucky to
14 get elected?---That's right.

15 MR BROAD: I understand. The next question, if you will excuse
16 me, is this. Do you think the current councillors are
17 dysfunctional and can't operate together?---Contentious
18 subjects are always contentious but as far as the main,
19 the main thrust of council and council business, I don't
20 think there is a problem. A few things I don't like, but
21 that's what you do, suck it up, and if it is a decision of
22 council you just suck it up. And I have said on a number
23 of occasions, this council will not have the same face
24 after the next election. Let's see who is here, let us
25 see where it goes, and I am happy to just - I have said,
26 "Strap your seatbelts on and go for the ride" because at
27 the end of it it will sort itself out, it'll sort itself
28 out. And all the regulations and all the things and what
29 I am so disappointed about is the codes of conduct that
30 could have been, that have been applied, and whether they
31 say they are proven and, you know, like, I've heard, I've

1 heard staff say, director staff say, "We only ask for a
2 review if we can get any result we'd like by doing the
3 study," and that makes me think that - yeah, if you ask a
4 question you get a yes, and if you ask the same question
5 another way or in a different tone you will get a no, and
6 I believe, I believe that in saying that, I don't like
7 some of the councillors. I know that a majority of them
8 don't like me but I can suck that up, and I know that in
9 the best interests of the ratepayers that generally those
10 councillors that I don't like still have the best
11 intentions for the ratepayers. I know that I have got the
12 best intentions for the ratepayers. I am so disappointed
13 that ratepayer money is just being wasted, wasted on these
14 frivolous, in my opinion, frivolous and vexatious claims,
15 and should they keep going on, I feel sorry for the
16 ratepayers. I didn't join this place for the money you
17 get because I - - -

18 COMMISSIONER: I don't think any councillor would?---No, how
19 would you? How would you? The threats from the Office of
20 Local Government, you're going to have your remuneration
21 taken off you. Tell the Men's Shed or somewhere where
22 I give it to. They're the ones that are going to miss, or
23 the drought farmers.

24 MR BROAD: In line with what you have just said, do you think
25 the current suspension should be lifted?---I think -
26 I think that it would be - it would be better to bring an
27 election on as soon as they can bring it on and sort it
28 out because I don't believe - I do not believe that
29 hearing the evidence said that the general manager
30 wouldn't attend mediation thing "if that woman was there",
31 and "that woman" be the Deputy Mayor that's been

1 democratically elected to the position, and being - in my
2 opinion being excluded from doing her duty as a
3 Deputy Mayor by the ruling faction, I don't think that
4 that's cricket in my opinion, and I think that whether
5 they leave an administrator in place, I do believe the
6 Council could operate fine if we drew a demarcation line
7 that included the general manager or someone else, but
8 I doubt whether we're going to get hit every time - I'm
9 that frightened I won't even say "Hello" to her because
10 I'm frightened if I say "Hello" or do something I've got
11 another Code of Conduct, and it's not me. I couldn't
12 care. Keeping sending them to me because I've got a bin
13 and I've got a - I can - I couldn't care less and I won't
14 answer them anyway. If I don't want to, if I don't think
15 it's valid, I just - you do it. You can be yourself, but
16 what I am saying that the burden placed on the ratepayers
17 and the finances of this Shire, and all the efforts that
18 I've endeavoured with the best efforts to try and just
19 trim the fat a bit has met with, well, opposition.

20 Could I go to each of the terms of reference and get your
21 views? The first one asks whether, "The elected
22 representatives and staff have, since the appointment of
23 the current general manager, complied with applicable
24 laws, codes, administrative procedures and policies and
25 fulfilled its and their duties, powers and functions,
26 particularly in relation to the relationships between
27 councillors, the general manager and senior staff and the
28 other staff of Council"?---Well, I think that it's been
29 made up and it's not a matter of turning the lights off
30 and all kissing one another. It's - under the terms that
31 exist of the acrimony amongst parties is not good at this

1 stage. I still believe that, as I said to you yesterday,
2 half a dozen stubbies out under a shady tree and an adult
3 conversation couldn't resolve 95 per cent of what we've
4 seen.

5 COMMISSIONER: Previously, but - - - ?---Previously, so - - -
6 - - - it's gone a long way?---But if - yeah, that's right, the
7 eggshell's nearly broken, and I've had - I've been
8 scruffing it and fighting it all my life, and I'm - I know
9 how it works a little bit that side of it. You know, I've
10 been - - -

11 Excellent.

12 MR BROAD: The next of the terms of reference which I seek your
13 comments on are, "Whether the Council has, since the
14 appointment of the current general manager, complied with
15 its work, health and safety obligations as the general
16 manager's employer"?---I believe we have.

17 Yes?---I believe we have.

18 The third of them is, "Whether the elected representatives have
19 been and will continue to be in a position to direct and
20 control the affairs of Council in accordance with the
21 Local Government Act 1993 and other relevant Acts so that
22 the Council may fulfil its Charter, the provisions of the
23 Local Government Act 1993 and otherwise fulfil its
24 statutory functions and obligations"?---Yeah, I do.

25 I think we, you know, we - if we all had the same and best
26 interests of the Shire, but I honest don't know how this
27 all works. I assumed in this business that ordinary
28 people elect ordinary people. They don't - you don't go
29 through whether you've got a Dip. Ed. or a law degree to
30 be a councillor, just good will, good will and the will to
31 do the best for the Shire and be able to have open and

1 uninhibited discussion on the way to do it, but I see that
2 the red tape that's placed on how you bring up something,
3 just like those blocks of land when - that you asked
4 before, I see that as good healthy debate. I know that
5 Councillor Murphy and some of these Mathoura Councillors
6 would go, "Ooh, talking about Mathoura go ahead", well,
7 I would say the block of land we've got down there, sell
8 the thing. Let someone else pay for it and let someone
9 else develop it because I can't see, no matter how they
10 tried to convince me, that the giveaway - the Council
11 entering into being a developer makes any sense at all to
12 give the land away.

13 COMMISSIONER: Have you got anything else you want to add?

14 I mean, do you think it's aired what you need to be
15 aired?---Well, I do just want to just touch on a couple of
16 things, that I read a couple of the submissions this
17 morning.

18 You need to be brief?---Yeah, brief? I'll be brief.

19 To the point, yes?---Righto. A submission from Kron Nicholas
20 makes some allegations. He doesn't say that he was
21 financial supporter of Councillor Bilkey in the last
22 elections, I think to about \$6,500, but it is written for
23 public in the - in the Elections Act.

24 I understand that point, yes?---Simon - while we're on - Simon
25 Arkinstall alleges in his submission that one Councillor
26 turned up to meetings wearing a sheriff's hat and a
27 sheriff's badge, and that's not incorrect, but it reads
28 really badly. I wear those little caps I've got from
29 America to drive in because I wear cowboy hats out in the
30 day, but when you get in the car they bump over, so
31 I shade my eyes with one of those baseball caps and I got

1 a pack of those sheriff's caps from America, and the
2 sheriff's badge turned up one day when I got the mail
3 before a Council meeting from a mate of mine over there
4 and he sent me over a Route 66 sheriff's badge, just a toy
5 thing, and I just pinned it on my shirt when I walked
6 down, and went to the Council meeting with it and Tom
7 said, "Is that what I see it is?". It was - he's making
8 out some authority or something. I couldn't care if I had
9 a, you know, a blue duck on my hat. I wear whatever I've
10 got in the car, you know.

11 Yes I understand that?---So anyway - - -

12 Yes, that's the background of that?---That's the background of
13 that. The previous Council when I came on, I had a few
14 issues. There was an investment of \$1m went into the bank
15 of ratepayers' money, an investment, and it fell over in
16 those loans disasters - - -

17 No, well, - - -?--- - - - and every - a lot of
18 Councillors - - -

19 Not all the other Councillors - - -?---Yeah, anyway, because it
20 was being covered up, not being open and I believe it
21 about that a bit. There was another thing at - a thing
22 that we found out and I brought to Council's notice was on
23 the Murray River we give the permits for moorings and
24 there was a moratorium on moorings for two years, I think,
25 when no moorings were given out. If you applied for a
26 mooring there was a moratorium, and that was a false -
27 false statement made by Council to the public. They
28 admitted it that - the three old Councillors laughed about
29 it. We didn't have authority. It was never a thing. We
30 just (indistinct) put it on and they thought that was a
31 hell of a joke. Well, I don't see those things of hiding

1 things from people or making false things, the thing which
2 I've touched on, the Code of Conduct, they've capitulated
3 and the conversation was - the submissions on the vote,
4 the GM vote was 5/4 was actually incorrect, it was 5/2.
5 The assertion made by Councillor Pocklington and I said,
6 I don't know, I didn't own land on the river, I did look
7 at his submission to see what it related to and I know
8 fully what it related to. There was a mortgagee auction
9 for some land down on the river and it was four lots and
10 it was bought by a relation and they split a block off the
11 four lots for their mother, and those lots as a lot of
12 four lots had one building permit with them.

13 Yes, for the whole - - -?---The whole four.

14 Yes?---The whole four, and when they split it, once they split
15 that lot off, they lost that thing.

16 They lost the existingright?---Lost the right, yeah. Okay,
17 what he's relating to, and it was nothing more than a
18 commercial - I had no interest - as I said to you
19 yesterday, I championed a lot of things for - - -

20 Yes, it was another person, yes?---Yeah. Councillor Campbell
21 the, layman Councillor Campbell now, and her husband
22 bought those four lots because they went under a
23 mortgagee, going up from a mortgagee sale.

24 The four lots or the three?---The four lots.

25 The whole lot?---Because they split them, bought them and then
26 split them, but they got money and it fell over. It went
27 up for auction, and I went and saw Barry McMillan, the
28 previous planning man and said, "Those lots there, what's
29 the chance of getting a permit back on those - that
30 land?", and he's gone, "Oh, look, I'll have to look into
31 it", and then he came back and said, "If you consolidate

1 the title", - - -
2 Yes, if you put them back together - - -?---Back together and
3 consolidate the titles from four lots to one lot, we'll
4 install you with a building permit, nothing more than
5 that. So the innuendo that was made there is absolutely
6 incorrect, and - - -
7 And at that time you didn't know Councillor Campbell because
8 you weren't elected. Is that what you are saying?---Yeah,
9 I knew her. I knew her. I was good friends with her
10 husband. We're - - -
11 Yes, you said that before?---We're real good mates.
12 Yes, all right?---But, you know what I mean, - - -
13 Pre-Council?---Eh?
14 Pre-Council?---Yeah, oh well, it was 20 years ago, 1993. I'd
15 like to go back and sort of - that why I was vague
16 yesterday.
17 No, no - - -?---I remember most things as they - - -
18 Yes?---I believe, and again only innuendo, but I believe that
19 the general manager has an addiction to codes of conduct.
20 I believe that she put a code of conduct on, and this was
21 told to me, on the general manager of the Deniliquin
22 Shire. That's - you'll be able to check that. I believe
23 that in a dispute very late in the piece, and I believe
24 while she was on sick leave, or sick leave or work from
25 home or whatever it was, not here, that she acted as
26 advocate for the general manager of the Wakool Shire who
27 was in dispute and has since resigned from there. A
28 ratepayer made a flippant comment to comments made on
29 Facebook and I believe the comments were, "Don't denigrate
30 the Council", or, "Don't denigrate the Council. You
31 should look at the leadership. Everything starts with the

1 leadership". She came to me with a letter that came from
2 General Manager Stork's solicitor threatening legal action
3 and defamation for making such comments. I said, "I'll
4 find out for you". I faced it to my solicitor, barrister
5 and solicitor in Sydney and he said, "Don't answer it".
6 So have you got a copy of that letter?---No.
7 Would you be able to get a copy?---I probably can get it
8 though, yeah.
9 Yes, could you?---Yeah, it's from a private solicitor but
10 I - - -
11 So a private solicitor for the general manager?---Yeah.
12 As an individual about defamation and that sort of
13 thing?---Yeah.
14 I see, all right?---I've (indistinct) the letter (indistinct).
15 Councillor Bilkey said in his evidence that there was a
16 discussion about discrimination in the place and then
17 Mackenzie said, "I don't believe in this. I can
18 discriminate who I like".
19 Yes?---I totally dispute that. I remember that conversation.
20 I don't believe I made a comment at all in that, but what
21 was made was a - was stating a comment by another
22 Councillor said, "This discrimination, it means I've
23 already discriminated. I could be prosecuted for this
24 because I married a brunette and does that mean
25 I discriminate against the blondes and red-heads", and
26 I just thought that was a bit funny, and that was the
27 comment made. Nothing, I didn't make a comment at all.
28 I know, these are pretty rough notes of mine because I've
29 got to get my head around them. After the by-election
30 there was, and I've indicated that Weyrich and I and a few
31 Councillors didn't sort of really - I am not allowing to

1 Councillor Bilkey at all because I didn't know the fellow
2 at all, but I said, "From my point of view there's a lot
3 of crap being said about everyone. Why don't - - -"
4 This is just after you - - -?---Yeah, after, like 2013, you
5 know, like, maybe June, June 2013 because, I got elected
6 and then I was busy up north and didn't attend a couple of
7 meetings early doors, but I made the suggestion, "Let's
8 all Councillors just go in that room there, slam the door,
9 call each other what names and sort it out. Just sort out
10 our differences, because we're here for the one purpose
11 and all the good purpose". No, didn't happen, and that's
12 all right, that's their choice, and the other part was
13 that earlier this year there was a public meeting in Moama
14 and the following night a public meeting here. It
15 included, I think it as some sort of a, maybe a strategic
16 meeting or something like that, but because of a Fit for
17 the Future was happening, we were having - incorporating
18 that because the public were going to be there, so we have
19 a meeting at Moama, and we're there, and we had to make
20 60 per cent own source revenue and "Are we doing that or
21 aren't we doing it?", and Phil Higgins, the Director at
22 Corporate Services, said, "No, we're running at
23 57 per cent", so we're all saying, "How are we going to
24 get this 60 per cent?". So the next night we come here to
25 this hall and we have a meeting in Mathoura, and there's
26 not a lot of people turn up to these meetings, but a few,
27 and a few people make considerable effort with kids and
28 families and themselves to get to them, and we're here and
29 the public, we're sitting up here pretending we know what
30 goes on, and there were some questions, the meeting went
31 on and the meeting went on and off the floor, and

1 I believe it was a person that's here in attendance here
2 today, attends in the gallery at a lot of the meetings at
3 this venue Bernie Foran, asked a lot of questions and
4 pointed questions and had a (indistinct). Late in the
5 night, just about to ring the bell, get home, Phil
6 Higgins, Director of Corporate Services, looked down at
7 the general manager up at the front table and said, "Do
8 you want to make that announcement?", and they sort of had
9 a bit of a private discussion, I couldn't hear what they
10 said, but then the general manager came in and said,
11 "I was advised yesterday that there's been an alteration
12 that the FAGs grants can be added back in as own source
13 revenue, and of course the question then I asked, "Well,
14 how does that make the 60 per cent go, Phil?". He said,
15 "We'll do it easy. We'll do it easy", and my point at
16 that was that this goes back to the information that
17 councillors get that I tackled Pocklington about, "When
18 did you find out?". "Only at 6 o'clock last night", and
19 this was probably nine when it was divulged, but I was
20 livid, livid that the general manager was told the day
21 before, the day before Moama's meeting. She went right
22 through the Moama's meeting letting people think we didn't
23 - couldn't make it, and that was one of the main
24 criterias [sic] of the Fit for the Future, and then it
25 fell out by questions from a citizen - - -
26 Yes, so you are - - -?--- - - - and we're sitting up here, "Oh,
27 jeez", - - -
28 So your assertion is that the general manager knew about
29 that, - - -?---Well, she admitted she did.
30 - - - withheld the information?---She was told the day before.
31 I see, yes?---So, you know what I'm saying, that's where the

1 mistrust is, and that's the part that I've always said,
2 "We - we are big people. We can understand" - I believe
3 that all the councillors are, "Just tell us the
4 information". Brutally truthful is all they need be.
5 All right, that's it?---Yep.
6 Thank you very much?---Thank you very much for your - for the
7 opportunity.
8 <(THE WITNESS WITHDREW)
9 (Witness excused.)
10 We were going to have Councillor Murphy but you don't want to
11 do that now or - - -
12 MS MURPHY (from body of court): Excuse me, no, I didn't
13 request to be (indistinct words).
14 COMMISSIONER: We thought there was a time constraint or
15 something for you.
16 MS MURPHY: Well, I'll have to work around that.
17 COMMISSIONER: All right. So you are happy to leave it as it
18 is?
19 MS MURPHY: Yes.
20 COMMISSIONER: So would be after Councillor Moon.
21 MS MURPHY: Yes.
22 COMMISSIONER: Thank you.
23 <IAN MOON, sworn and examined:
24 So your time as a councillor?---Thanks, Mr Commissioner, my
25 time as a councillor was from 1996 until 1995 [sic] which
26 was an extremely enjoyable time.
27 Hang on, 1996 to - - -?---1995? Oh, sorry, '86 to '95.
28 Yes?---I'm sorry
29 Yes, all right, so that's quite a long time, yes?---Yeah.
30 That is nearly 10 years?---Yes, and then I was re-elected to
31 Council on 2012 until now.

1 Yes?---I'd just like to make the point, Mr Commissioner, if you
2 ever come back for seconds in life, I think you're a mug
3 and I've proved that coming back to Council.

4 All right?---But it was an enjoyable time. I notice in the
5 gallery a former Mayor and of course a current councillor
6 that I was on Council within 1986 to '95. Now, I may have
7 had a - well, we did, the former Mayor, we might have had
8 a few disagreements, but I respect him as a councillor.
9 We got on quite well. I respect him and his family as a
10 councillor. Councillor Murphy, I got on with her
11 extremely well in Council and I well remember her time
12 coming on to Council. It was about three years after
13 I was on Council and I remember her first night and we
14 were doing an inspection in Moama, we were cruising down
15 the river and she - we were talking about some legal
16 structures, and I said, "Would, you know, would you like,
17 Councillor Murphy, to bring them up?", and she did and she
18 thanked me very much and she started to learn how the
19 process worked. So you know, we had a very good working
20 relationship.

21 MR BROAD: Dealing with that past history, Councillor Moon, do
22 I assume that you have the submission made by Councillor
23 Pocklington?---Well, I had trouble getting the
24 submissions. I have had a brief read of it, yes.

25 What Councillor Pocklington does is give a potted history of
26 your period as a councillor and it basically says that
27 before the by-election you'd had a fibreglass factory
28 closed down by the Council. I don't know when that
29 occurred. Was that close to 1986?---Oh, I believe it's
30 well prior to that.

31 All right?---I should explain perhaps that in 1986 there was a

1 by-election, and at that time the Shire was in Ridings.
2 It was in Riding B that we stood for. Councillor
3 Pocklington was one of those councillors, and I'd only
4 been in Moama probably for about 10 years. I wasn't a
5 local like, Councillor Pocklington and his family lived
6 there for probably generations I stood with a local lady
7 who'd been here for quite a long time. One of the
8 problems Councillor Pocklington's always had, at that
9 by-election I topped the poll. I got in on my own right.
10 Councillor Pocklington struggled to get into the second
11 position because a lady that I ran with, I think he only
12 beat her by about 12 votes.

13 I am trying to avoid issues that go back to 1986, and the only
14 reason I'm raising this is that I'm trying to ascertain,
15 and I will deal with the next matter raised and it
16 basically is this. Between 1995 and 2012 Councillor
17 Pocklington had his home heritage listed by Council, a
18 footpath built for which Council asked for 50 per cent
19 payment, units next door, all of which you objected to.
20 Just let me ask this?---Yes.

21 Is that fact correct?---It is.

22 Right?---It is correct, but should I point out, a lot of people
23 stand to Council because they've had some dealings with
24 the Council, and there's a lot of councillors stand for
25 those reasons and I don't see that as any - - -

26 May I cut across you?---Sorry?

27 Could I ask you this question, rather than pursue that to its
28 end, was there - did those matters weigh in your mind in
29 standing for Council in the 2012 election?---Absolutely
30 not. The footpath was a request by the school. Now,
31 there's been a long-standing policy on footpaths. One

1 side of every street is to be done first. Well, that one
2 side of Sims Street was across the street. The school
3 requested, and there was only one resident, agreed to it.
4 Could I cut you short?---Yeah.

5 I am trying to confine ourselves to answer this inquiry. It
6 goes back, I think the fundamental question is this, is
7 what I have just asked, is whether you came on to Council
8 with a paradigm. You have answered that and I don't need
9 to go and ask you for details.

10 COMMISSIONER: We understand what you said, yes?---Yeah.

11 MR BROAD: So I'm trying to do - - -?---Absolutely not. That's
12 not the reason, absolutely not.

13 Yes, all right?---Actually I come on to Council with my
14 experience of being on the Council before and I thought
15 that the way the Council was going just prior to 2012 that
16 I might go back.

17 You have been a previous councillor. You have had experience
18 as councillor. Did you have an understanding of the
19 respective roles of the Mayor and councillors?---I do
20 have, but I'd like to clarify one point here. The
21 previous council that I was on was completely different to
22 the councils of today. The Local Government Acts have
23 changed councils so much. It was completely new to me and
24 a lot of aspects of local government, in fact all levels
25 of government are on a mad race to the bottom, and
26 I believe the change of Acts and everything else,
27 completely different council. There's no way you can
28 compare what a council was before to what one is today.

29 Because there is such a substantial difference between the
30 previous Local Government Act of 1919 - - -?---Yeah.

31 - - - and the current Local Government Act of 1993?---'92.

1 '93 it is?---'93, yeah, that's right.
2 And the way they operate, do you understand that?---Absolutely.
3 Yes?---Absolutely.
4 So in standing for election in 2012, did you have an
5 understanding of the way in which the 1993 Act operated in
6 respect of councillors and in respect of their roles and
7 the role of the Mayor?---Yes, I did, a basic
8 understanding. I - yes.
9 What did you see the role as a councillor as being?---Well,
10 first of all, the role of a councillor is to represent the
11 people who elect you, that's the residents and ratepayers,
12 and to represent without bias, fear or favour. That's the
13 no.1 rule.
14 You talk about the people who elect them?---Elect you, the
15 councillor?
16 Yes. Do I interpret that as a confined group with only those
17 who have elected you or the ratepayers as a whole?---Oh,
18 no, when you're elected to Council you elect everyone in
19 the entire Shire, residential, rural, tourism, it doesn't
20 matter what it is.
21 So it's the community as a whole?---Sorry?
22 It is the community as a whole?---The community as a whole, the
23 Shire as a whole, yeah.
24 And the Mayor's role?---Well, I see the Mayor's role is to,
25 first of all the Mayor's to - to include the Deputy in
26 council affairs; exercise in the case of necessity the
27 policy and the functions of Council; and between the
28 meetings of Councils is there to exercise such other
29 functions as the Council determines.
30 And from what you have just said, you appear to be reading from
31 the Act or an extract from the Act?---Well, it's just my

1 thoughts, you know, and partly from the Act, which I read
2 in the responsibilities of a Mayor and a councillor in my
3 handbook.

4 So you have got a councillor handbook?---Yes

5 .That was provided to you at what stage?---When I - when we had
6 our first induction in Council.

7 So there was a formal induction with Council?---Yes.

8 And that was conducted by who?---The general manager at the
9 time which was Greg Murdoch.

10 I assume you have probably go the collateral provisions in
11 relation to the responsibility of councillors under s.232
12 of the Local Government Act?---And the second what, sorry?

13 Section 232 of the Local Government Act?---Oh, yeah, yeah.

14 That is the one that divides your roles as a member of the
15 governing body and as member of the elected
16 council?---Yes.

17 Two roles?---Two roles.

18 You said it yourself?---That - that's right.

19 To represent the people and the other role is allegiance, if
20 you like, or however you want to say it, to the corporate
21 body?---M'mm.

22 You talked about it?---Yeah.

23 Given the time, can you give a short explanation of that and
24 then I think we'll probably stop?---Well, you're talking
25 about the two roles, the - - -

26 COMMISSIONER: How do you balance them and deal with
27 them?---Sorry?

28 How do you balance them and deal with them?---How do I balance
29 them?

30 And deal with those two roles?---And deal with them?

31 Yes?---You've got the management role of Council and that comes

1 through the general manager and staff and her
2 responsibilities, and where your responsibilities only lay
3 with the general manager, and then on from there the
4 general manager's duties are the administration of Council
5 and carrying out of Council's determinations at meetings,
6 and also the, oh well, the, as I recall, every - all -
7 everyday workings of the Council is a responsibility of
8 the - of the general manager. That's her duties, or a
9 general manager, I should say.

10 So there's a sharp divide under the new Act?---A sharp divide
11 under - between that and a councillor's role, yes.

12 Yes?---Yeah.

13 We might have an adjournment. Sorry, we'll have an adjournment
14 now until 1 o'clock. Come back at one?---Okay.

15 Thank you.

16 <(THE WITNESS WITHDREW)

17 LUNCHEON ADJOURNMENT

18

1
2 UPON RESUMING AT 12.58 PM:

3 <IAN MOON, recalled 12.58 PM:

4 MR BROAD: Councillor Moon, before the luncheon adjournment,

5 I was asking you a couple of questions about various roles
6 in council, and I was just going to leap forward to ask
7 how you see your role as a councillor in the sense of your
8 role at meetings in respect to the governance of council,
9 the way it goes about its business, what your
10 responsibilities are in respect of that side of things,
11 then your responsibilities as a person who's elected by
12 the residents, the ratepayers and your responsibilities to
13 them. So insofar as you're a representative of the
14 residents and ratepayers, can you indicate what you
15 believe your role is?---Okay, well the first question was
16 my responsibilities of being at council, in the council
17 itself and in the conduct - and in meetings. Is that what
18 you're referring to?

19 What I was going to deal with - if you would like to respond to
20 that side of your role, as in how you go about doing
21 council's business in meetings, what matters you deal
22 with, those sort of things?---Well, as far as meetings are
23 concerned, I believe a councillor must conduct himself -
24 themselves in a respectful manner, ask questions, don't
25 interject when others are speaking, take, where possible -
26 well actually, not where possible, always take directions
27 from the chair. That doesn't sometimes happen when - as
28 they - to use the word, it gets a bit hurly and burly.
29 But does that cover the area you want?

30 That certainly covers the sort of field that I want. In your
31 view, having attended council meetings since September

1 2012, would you describe the meetings as hurly-burly?
2 Now, that's an expression which was used by Councillor
3 Bilkey?---M'mm.

4 Was the conduct of meetings generally within the hurly-burly of
5 being a councillor?---I wouldn't generally ever describe
6 it as hurly-burly, I just mentioned that then. I describe
7 the meetings as - one of the main problems that this
8 council - it's had to deal with a lot of issues in a short
9 time and you - you've got a lot of new councillors, and we
10 had to deal with issues from the past council, settlements
11 from court cases, and there's very, very significant
12 amounts of money from mistakes being made from the last
13 council on planning issues. So that's been quite
14 confronting for councillors. We've had to deal with the
15 resignation of a general manager, we've had to go through
16 the selection of another - a new general manager, and then
17 we've had to deal with the amalgamations, Fit for the
18 Future. And then there's been a lot of issues that have
19 arisen that the councillors have to attend all of these
20 workshops on various issues. A lot to do with the part of
21 the induction process of planning and procedural matters,
22 and also, you know, this being, of course, not - of
23 course, on top of that, there's always codes of conducts
24 that have arisen, and it's been a - it's been a very hard
25 experience for anyone, even for a seasonal (sic)
26 councillor that - I'm not referring to myself as a
27 seasonal councillor, I was out of council for 14 years
28 before I come back, but, you know, even the councillors
29 that were there prior to 2012, I guess, it was pretty hard
30 for them. So it - it was probably one of the tough
31 councils in the history of Murray Shire that - to deal

1 with.

2 The tough issues, you've talked about issues from past

3 councils?---M'mm.

4 You have talked about sums of money?---M'mm.

5 Have these issues that you've spoken about, the various other

6 issues, caused division amongst or between the

7 councillors?---Definitely. And those divisions were

8 caused because of past mistakes, and perhaps - well, there

9 was, there's an embedded cronyism in council and a culture

10 that's been developing for the last, probably, two terms

11 prior to 2012, a well-known culture being developed. And

12 from that culture has been some very significant claims

13 made against council on planning issues, particularly

14 planning issues.

15 So we're talking about - where you talk about claims, are you

16 talking about claims for money, are you talking about

17 claims in respect of poor consideration of developments,

18 what are we talking about?---I'm talking about claims in

19 monetary value and some of them were - - -

20 COMMISSIONER: Well, we know about the Deep Creek one for

21 example?---Yes.

22 What else (indistinct)?---Well, to tell you the truth - - -

23 I don't want to talk about Deep Creek yet, but I am just

24 saying, are you saying there are a whole lot of other

25 claims are there?---Yes.

26 And are they unresolved or resolved?---Sorry?

27 Are those claims, those other claims, have they been resolved

28 or are they unresolved?---They are resolved now, but they

29 were being resolved in the right of this council. And I'm

30 referring to - one claim there was known as KSK

31 Development, that's Perricoota Waters.

1 Yes?---And that consumed probably a lot of questions being
2 asked and debate for probably up until the time that
3 general manager, Greg Murdoch, left council.
4 But that was all relevant to pre the new general
5 manager?---Yes, pre-2012, yeah.
6 Well, pre-2012, but the new council only came in in
7 2012?---Yes, but they had to deal with the claims.
8 Yes, that's right, okay, yes. The new council were dealing
9 with those old issues, but those old issues were resolved
10 prior to the new general manager being - - -?---No, no,
11 no. No, the court cases, and the claims and the money -
12 and I'm talking about hundreds - - -
13 Some of them have been resolved during the course of the new
14 general manager's - - -?---Yeah, partly. I think between
15 - between the retirement of the previous general manager
16 and the new incoming general manager.
17 That was all sorted out. The Perricoota Waters one, was it
18 sorted out?---Yes, it was then.
19 So that had nothing to do with the general manager, it had
20 already - - -?---No, no, nothing - absolutely nothing to
21 do with it.
22 Okay. And then we now know about the Deep Creek, that's still
23 current or whatever it's up to?---That's a different - - -
24 Okay?---Yeah. I should say, those amounts, we're talking about
25 half a million plus.
26 Yes. Well, there would be insurance issues, I assume?---Well,
27 yes.
28 Anyway, we don't have to worry about those ones, about the
29 Perricoota Waters?---No.
30 I don't think it's really relevant to this inquiry?---No. But
31 the prior - the present council did deal with them, yeah.

1 Yes.

2 MR BROAD: And having to deal with them as the new council, did
3 that bring a stigma over the councillors? Okay, I'll put
4 it more generally. How did that affect the councillors
5 having to deal with issues from the past?---Well, there
6 was some major mistakes made there in planning and, of
7 course, they were pretty obvious mistakes, and one would
8 wonder to whose benefit were those mistakes. And I refer
9 to Perricoota Waters where there was a 30 metre setback
10 approved by council from the - well, under the Riparian
11 Lands Act at that time it was 60 metres, but it was 30
12 metres setback. And as you know, a value of a resort or a
13 home at 30 - - -

14 Yes, I understand?---A 30 metre setback is a lot more than one
15 at 60 metre setback.

16 Yes?---So there was a lot of - and a great feeling within the
17 shire that that was - you know, others couldn't do that
18 and it was a very unfair decision being made. And it was
19 a costly mistake too for council.

20 MR BROAD: In your submission you make an initial statement:
21 "I'd like to start with a statement made by Councillor
22 Thomas Weyrich on Friday, 24 February 2012 in a local
23 press, p.2, Riverine Herald", and then you give a quote,
24 "Murray Shire Council is rotten to the core, and I'd have
25 a hard time of arguing against it". Is that the sort of
26 hangover that faced councillors as at September that
27 year?---Yes, that was - that was prior to two thousand and
28 - hang on, it was February 2012.

29 (Indistinct)?---Yes, well that was - the new council started
30 in September of 2012. But that was relating to a
31 subdivision development or subdivision, a perceived

1 subdivision at Maiden Smith Drive. And that quote was
2 made over the past - the past mayor going to Sydney and
3 trying to get some planning changed with the - another
4 councillor, Dianne MacFarlane. And that's where
5 that - - -

6 So is this the hangover that you're talking about
7 (indistinct)?---Yes, there's another (indistinct).

8 I suppose that coming on the council in September 2012, were
9 you looking for a fresh start?---Yes, I was looking for a
10 fresh start from this type of problems that council had
11 encountered and I should also say of course I think it was
12 quite foolish the - and they will to disclose the loss,
13 the financial loss in the 2000, I thought 2005, 2006 crash
14 of the - of the banking empire. I mean to say council will
15 not disclose that. I asked the mayor at the time and he
16 said, "Oh" - he denied it even happened when in fact
17 I knew - I had heard that - on the website, that they had
18 lost a substantial amount of money, and they had an
19 opportunity to pull out of that at a very early stage and
20 they refused to do it.

21 But a lot of that is looking back, but when you get into the
22 council aren't you looking forward? I mean you can't do
23 anything about what happened with the council - in terms
24 of the specific issues I understand you might think there
25 is a culture and you might want to change it - but you
26 can't do anything about the fact that those things have
27 happened, once you become a councillor?---I quite agree,
28 you don't go looking back in the rear vision mirror as you
29 are driving along the highway all the time, but you need
30 to be looking out and I think you needed new fresh eyes
31 coming into council.

1 I agree?---To get rid of this culture - - -
2 But what would be the purpose of delving into whether they lost
3 money in 2006 or 2007? I mean is there - I mean you know
4 you are just going to have to be more careful when you
5 move forward, isn't that right?---That's right. That's why
6 you need a new set of eyes, yes.

7 MR BROAD: And in the 2012 election there were at least three
8 new councillors. There was yourself?---M'mm.
9 There was Councillor Campbell, there was Councillor
10 Bilkey?---Initially there was - - -
11 Sorry, I guess Councillor Bilkey was later?---Yes, later.
12 So there were two of you?---There was Councillor Mulcahey.
13 Yes, but was Councillor Mulcahey a new councillor?---Yes.
14 Right?---Yes.
15 So you had a number of new eyes?---Sorry?
16 You had a number of new eyes?---Yes.
17 On the events?---Yes, one we had - at that time we had four new
18 eyes.
19 Yes?---So - - -
20 And so you then went to a by-election and in fact as a result
21 of the by-election there was Councillor McKenzie and
22 Councillor Bilkey?---That's right.
23 Who again were fresh eyes?---That's right.
24 Yes?---Less one councillor that had new eyes and went, and the
25 former mayor.
26 Yes, and so there was a new breed of councillors there to look
27 at things with a new view?---Yes.
28 And as one of those councillors is that something that you
29 tried to do?---Absolutely.
30 What did you focus on?---Well, we - as I said before, we had
31 many things to be focusing on. We had - we had the

1 process of going through for getting a new general
2 manager. We all new about looming amalgamations and we
3 had to become adjusted with all the new rules and
4 regulations and the workshops so there was plenty of
5 things to focus on.

6 Could I ask you this question. Are you still working or are
7 you retired?---Well, I am in the process of perhaps might
8 retire but I have been working and it was fairly difficult
9 for working because I worked in Melbourne, Sydney and
10 Tasmania.

11 So you had to fill your role as a councillor?---That's right.

12 Fit your role as a councillor within that time frame?---Yes,
13 yes. I have basically worked for myself all my life. I was
14 a prime subcontractor in the electrical compliance
15 industry and I worked for a lot of multi-national, and
16 I mean multi-nationals, large companies, Lend Lease would
17 be one. I worked two months of the year with the CSIRO so
18 I worked in a lot of electrical compliance work. Actually
19 to my great disappointment I had the opportunity to work
20 continually in New South Wales with the - over a six
21 figure for the Federal Police in compliance in electrical
22 work there but I just - council became too much,
23 especially with the leaks and everything else that was
24 happening.

25 At meetings you are presented with an agenda and business
26 papers?---I beg your pardon?

27 For each meeting?---Yes.

28 You are presented with an agenda?---M'mm.

29 And business papers?---M'mm.

30 I assume you have, as we have been told, sometimes very large
31 numbers of documents and business papers?---Yes.

1 Have you had difficulty being able to get through and read and
2 get an understanding of the business papers?---Absolutely.
3 The first meeting of council was over 600 pages and that
4 happened on a regular basis. This was the reason why
5 council, which took a fair bit of debating, trying to get
6 it through, is to get the business paper seven days
7 beforehand. We only got the business paper three days
8 before council and - I am sorry, Thursday - about four
9 days before council, but as you can appreciate, there's -
10 most of - probably half the council work for themselves
11 and they are away and we had other duties to perform.
12 Very very hard to be a councillor with that amount of
13 business on the agenda, and it wasn't always completely
14 all this business on the agenda. There was so many, you
15 know, changes and, you know, there was policy changes and
16 also apologies, particularly when the new general manager
17 came in. It just became full of red tape.

18 MR BROAD: In respect of dealing with the business at meetings
19 and the reports, does it need a fairly strong reliance on
20 the general manager and the staff in relation to the
21 reports that they provide to you?---Yes it is most
22 essential to have a very good working relationship with
23 the general manager and staff dealing with council
24 business on the agenda, and prior to the meeting, like
25 should you want to query or ask anything of the business
26 paper before council, yes.

27 Was it your habit to inquire about aspects of the business
28 paper before meetings?---Not with the new general manager.
29 With the previous general manager?---If I needed to, yes, and
30 I found him extremely cooperative on that, and also not
31 only the general - the previous general manager, the whole

1 general staff. If you wanted to ring them up about
2 anything you'd just pick up the telephone and ring up. You
3 had an instant answer and that was a workable situation
4 that every other council still now enjoys within the
5 Southern Riverina that I know of.

6 COMMISSIONER: Was that - you said - not with the new general
7 manager. What about when the new general manager first
8 started? Did that policy come in straight away or how do
9 you feel it changed? Was it quick?---It became very
10 evident in the new council that this general manager had a
11 different attitude.

12 Yes, all right?---And - sorry - - -

13 I just want to get - when you said red tape I just wanted to
14 understand. The way you operated before was to pick up
15 the phone, you could speak to - and you just said - one
16 thing I should ask you - do you mean all the staff, not
17 just the directors?---Yes. I - oh no, I have only ever
18 spoken to directors.

19 I see?---I have never had any need to talk to staff.

20 Right?---No, no.

21 All right, okay. That's okay.

22 MR BROAD: In respect of the business of council, was it a
23 benefit in your view to be able to talk freely with other
24 councillors?---To talk freely to other councillors?

25 Yes?---About the business of council?

26 Yes?---Well, when you meet other councils, councillors you
27 always - your discussion was about council. I mean to say
28 you are up and running, you - that was your discussion,
29 you know. Prior to this you - I knew of some of the
30 councillors but I - you know, you would never be talking
31 about council business then.

1 But when you first came onto council in 2012 and onwards, as
2 between yourself and the eight other councillors did you
3 find it of a benefit to yourself to talk to the other
4 councillors about the business being presented to you at
5 meetings?---What, prior to a meeting?
6 Yes?---Well no, I don't know whether we did much talking prior
7 to a meeting but you would be talking about things that
8 were coming up or things that, you know, resolutions that
9 had been passed and there may be some other little issues
10 attached to that and you might just discuss that over
11 again but - just the general operation of council you talk
12 about, intending developments. It would encompass a lot of
13 areas of discussion, council, but not particularly have to
14 be talking about something that was coming up in council.
15 I mean to say when I first got onto council one of the
16 things I wanted was a thing that I had heard that the
17 Shire of Campaspe was doing, was having these pre-briefing
18 sessions of council prior to council but there was no way
19 known I could get that through council. I couldn't get it
20 through because, you know, we have councillors there that
21 if anything didn't sound right or plenty of political
22 correctness was always the order of a lot of councillors -
23 that wasn't a politically correct matter but I mean to say
24 anything that wasn't done before it, well it didn't seem
25 to be interested in. And I must say the - even the former
26 general manager, he was not in favour of that again, at
27 all. But at a later state, a later time that did come and
28 I thought that was - pre-briefings, we had pre-briefings
29 only on - from the environmental services department.
30 Planning?---Planning. It was just planning, environment
31 services.

1 Mainly the pre-briefing was about the DAs?---Yes. And I think
2 it is very very helpful. You can ask a lot of questions.

3 COMMISSIONER: When did that come in?---That would be in -
4 I suppose the last 12 months or maybe a little bit more.
5 It is current (indistinct)?---Current, yes, yes.
6 Within this council?---Yes.

7 MR BROAD: So when I talk about discussions between yourself
8 and other councillors, could you ring up for instance the
9 mayor, any other councillor and say, look, can I have a
10 talk about this with you. Was that something you could do
11 between yourself and the other councillors?---As far as
12 the mayor is concerned it was something you could do in
13 the early part of council but when those leaks started
14 appearing in the paper, and the denigration of councillors
15 probably when - maybe six, maybe eight months - never
16 talking to the mayor at all because - I am sure I will get
17 the opportunity to say about the leaks later, but I can
18 assure you it was very hurtful.

19 What about the other councillors? You have got Councillor
20 Anderson, Councillor Murphy, Councillor Poklington,
21 discussions with them?---I never spoke much to Councillor
22 Pocklington. Councillor Murphy, I have always enjoyed a
23 good working relationship, especially prior to, and
24 probably not as much in this council, but nevertheless
25 very approachable. I could have spoken to her about
26 anything. I may - sometimes before the council meeting you
27 might just say, "What do you think about this, what do you
28 think about that?" There was another councillor you
29 mentioned too, I think.

30 I mentioned Councillor Pocklington?---Anderson, was it?
31 And Anderson, yes?---Yeah, Councillor Anderson, personally

1 approachable to ring about anything. Quite often it's been
2 a practice of sort of trying to gain support for a
3 development that you thought was all - you know, coming
4 up, and what you thought about it and - you know, that was
5 quite normal.

6 And Councillor Campbell and - - - ?---Councillor Campbell,
7 Councillor McKenzie.

8 I was actually leading to the period prior to the election of
9 Councillor McKenzie and Councillor Bilkey. I was trying to
10 sound out the councillors then so I was going to ask you
11 about Councillor Burke?---Well, yes, well, definitely with
12 Councillor Burke. He was new to the area. He certainly
13 wasn't au fait with anything in the rural area or any
14 rural planning or development, anything to do with water,
15 and he rang me quite regularly and we spoke about it.
16 Things, matters that may be coming up, or that are coming
17 up in council. He would ring me about having approaches
18 from ratepayers, what you thought about this or what do
19 you think about that? Yeah.

20 And after the by-election Councillor Bilkey and Councillor
21 McKenzie, what was the relationship that you had with
22 them?---Well I - well it would be no secret that
23 Councillor Burke, Campbell and McKenzie and myself had a
24 good working relationship. It would be on the record that
25 I never always voted with them and I believe that would be
26 the case with Councillor Burke as well. We were all
27 fairly fiercely independent. I certainly might have had a
28 few disagreements with Councillor McKenzie and Councillor
29 Campbell, very light ones, but we still come back and we
30 focus on our job and we are all - we are still good
31 friends. We don't have any fall-outs or major fall-outs.

1 And what about Councillor Bilkey? I am just listing out all
2 the councillors?---Well, the only reference I could say
3 about Councillor Bilkey was that I had a - quite a few
4 times that ratepayers had rang in and they didn't seem to
5 get a very good - very good reply from him on what they
6 were - and thy said this to me and they said, "We would
7 like to have your opinion or what your commitment would be
8 to something like a development or an inquiry - just a
9 general inquiry about matters in council and I suppose
10 that may be no fault of Councillor Bilkey either. Perhaps
11 I am a little bit more forthright on my views. I don't
12 see any problems with that, but no, I didn't have any
13 working relationship. I believe that Councillor Bilkey had
14 some factions that financed him in the council and that
15 and I sort of had really nothing there in common to, as a
16 working relationship.

17 On the bottom of p.2 of your submission you wrote, "Although in
18 the past Councillor Tom Weyrich spoke about the developing
19 culture within past councils when he became mayor the
20 opposite was the practice by him. Council became divided
21 between the five councillors who wanted to cover up the
22 past and better culture and cronyism and protect past
23 mistakes, and the four independent councillors that were
24 seeking to have open, honest council representation with
25 transparency delivered to all ratepayers and citizens."

26 Do you see that in your submissions? Right down the
27 bottom of p.2?---Yes, yes.

28 Is that how you see the divide between councillors as
29 falling?---There is no doubt that Councillor Weyrich's
30 popularity was, and topping the poll with a vote in excess
31 of probably 300 more than the next person was because of

1 his - being fiercely independent, speaking out, and he
2 said that he would continue on with that job. He wanted
3 the job of the mayor, I know he'd been disappointed many
4 occasions prior to that from wanting to be the mayor. So
5 he - he indicated that he'd be a very independent
6 councillor. But once he got into council it completely
7 changed. We had - I have no doubt that the prior mayor,
8 Councillor - and the - Councillor Brian Sharp was going
9 back in as mayor, and that Councillor Mulcahey was going
10 back in as deputy. And that was the plan of the Fabulous
11 Five, as they called themselves, that took to council.
12 I don't - speaking to Councillor - former counsellor and
13 mayor, Sharp, he was absolutely surprised at the results
14 of the elections that Councillor Campbell, myself and
15 Burke came on. Absolutely surprised. That wasn't part of
16 the plan. There was an organised plan to get a - it was
17 dubbed prior to 2012 as the A Team and some of them were
18 retiring and they were producing another new A Team. And,
19 in fact, I - how I know this was because I - I had a bet
20 with Councillor Sharp on the election day, and like most
21 bets, I lost on who would get the votes. So it was half a
22 dozen cans, and next day I took them straight out to
23 Councillor Sharp. He was visibly shaken at - and he said,
24 "I congratulate you, Ian". He said, "You run a very, very
25 good campaign". And essentially, we out-campaigned them,
26 and - so - - -

27 COMMISSIONER: And here you are today?---Pardon?

28 And here you are today?---Yeah, exactly, exactly.

29 What was your platform?---Well, independence, transparency.

30 I guess, we pointed out some of the past mistakes that had
31 been made. Cleaning up the culture that had developed

1 within the shire. There was a massive amount of
2 accusations being made and rumours around. But some of
3 those rumours and accusations have now led to court cases,
4 so there must have been something in them.

5 MR BROAD: Did you campaign together, you - Councillor
6 Campbell, Councillor Burke, did you campaign together or
7 did you campaign separately?---No. I sort of - I felt as
8 though I might have been responsible for Councillor Burke
9 standing, and he was screened to stand, and then I had a
10 reluctance to stand myself, but I thought out of probably
11 making him keen on standing I would stand. I - as far as
12 Jen Campbell was concerned, I briefly knew Jen beforehand.
13 I didn't campaign or encourage her in any way, and yeah,
14 well that's - that's about it, yeah.

15 How did you come together as a group following the election
16 then?---Well, as we all had campaigned on independent -
17 being independent and transparent councillors, I know
18 there was allegations made we had agendas. None of those
19 agendas have ever yet appeared. That we had skeletons in
20 the closet. Well, some of those skeletons become real,
21 and probably that's why the - some court cases are going
22 on now. But no, other than that, I - - -

23 COMMISSIONER: Just out of interest, how many court cases do
24 you think there are? I mean, there's the two we've
25 already mentioned?---Well, I mean, I will touch - - -
26 There were roughly? Ten, six, two or - - -?---Yeah. No, this
27 is another court case which is going on now. It's
28 relating to the circulation of emails. I think I'm going
29 to get an opportunity, Mr Commissioner.

30 Okay?---I'm sorry, to expand a little bit on this later.

31 All right?---It may be a little bit outside the commission.

1 When we - - -?---But it has been indicated to me that I will
2 have a - be able to give a brief.

3 Yes, absolutely?---Yeah.

4 MR BROAD: So I suppose we're now at the stage where we're
5 looking at councillor dynamics. Really up until the time
6 that Greg Murdoch retired as general manager, can you talk
7 about the councillor dynamics in the lead up to the
8 appointment of Margot Stork as general manager?---Well, as
9 far as dynamics are concerned, I don't think there was
10 much really change. It was going on the same. I - have
11 I - perhaps put it another way, I don't know.

12 Okay. Did the dynamics of council change after the appointment
13 of Margot Stork as the general manager?---Not immediately.
14 There was a - there was - well, I suppose, the only word
15 you could use for it, the - well, there was enormous
16 resentment in the process and the way the process was
17 conducted in the selection of a general manager, and,
18 I suppose, that spilled over. I had a lot of - - -

19 COMMISSIONER: We will get to that, no. But when you said that
20 resentment, you mean within the councillors, resentment
21 within the councillors?---Well, there's a lot of
22 suspicions on the way that the process was going.

23 We will get to that, yes, I understand.

24 MR BROAD: So there were issues in the lead up to the
25 appointment of the general manager. After the appointment
26 of the general manager, did the dynamics between the
27 councillors change?---Well, after the appointment of the
28 general manager, the general manager said that she would
29 have a one-on-one meeting with each councillor. I think
30 she laid the time down at one hour, and she said that
31 would be held on a regular basis. And we all had that

1 one-hour meeting and probably within a month, a fortnight
2 to a month, and I - when I left the process, I said to
3 Councillor Burke, and I know I said this to him, I said,
4 "Look, while I'm not pleased about how this election
5 process went on, selecting the general manager, we've got
6 to make this work. We've got to make this work", because
7 we had - the idea of - one thing was foremost in our mind
8 is getting a general manager who would be dynamic, who
9 would have a good business sense of attracting businesses
10 in the area, and also we had amalgamations coming up. And
11 I thought that we probably need to look outside of - we
12 had a couple of applications from council, and I think -
13 generally, all councillors thought - had the same view, we
14 had to look outside. Unfortunately, I think that's a
15 grave mistake, we - we overlooked a person in - an
16 application in council, a Mr Phil Higgins, who would have
17 for - as it's turned out, fulfilled this role admirably,
18 and we would - that we would not be sitting here today
19 discussing anything, this council still would have been
20 functioning.

21 Let me flesh that out a little bit. Are you saying that we're
22 sitting here today with this inquiry because of issues
23 that stem from the appointment of Margot Stork as a
24 general manager?---I believe so, it's led to that. In
25 progression it's led to that.

26 Why is that?---Well, since her employment, Murray Shire,
27 there's been a process of red tape, and I call "red tape"
28 about implementing staff interaction policies with
29 councillors. A very cumbersome way of running a council,
30 I believe, very cumbersome way. In the process of a lot
31 of new - oh well, I suppose, requirements. One of the

1 main - - -

2 COMMISSIONER: Just on that - - -?---Sorry.

3 Sorry, just on that point about staff interaction, didn't that
4 come about, to some extent, because of the involvement of
5 the Office of Local Government?---Well, involvement of
6 local government in issuing - - -

7 No, I know you might have some things about it overall, but at
8 that point in time, I think - - -?---That's when it come
9 out.

10 They came down here, they sent a letter back saying, "You need
11 to get your act together", for want of a better term.
12 I mean, I put that just generally, of course. And one of
13 the things that came out of that was the interaction
14 policy. I'm pretty sure that's right, isn't it?---Correct
15 Commissioner, yeah, that's right. M'mm.

16 All right. So keep going, so she introduced that
17 policy?---That - the introduction of that policy, and just
18 dealing with local - if I could, with OLG.

19 Yes?---I believe there's enormous amount of failings within
20 OLG.

21 You're not the only one?---No, I realise that.

22 I mean, the people that have given evidence?---I'm not having a
23 shot at Mr Broad, but that's his other role. But - - -

24 MR BROAD: You can have a shot at me, I'm quite happy for you
25 to do so.

26 COMMISSIONER: Yes, that's all right?---No, I'm not. But
27 there's a lot of other people who work in OLG beside him.
28 But no, I - you know, governments are - as I said before,
29 it's just a mad race to the bottom. There's problems in
30 all level of governments, and of course, the problems on
31 levels of state governments is that it's creating a lot

1 more problems and responsibilities on to local government,
2 and there's never any more extra money available for it.
3 But getting back to where we were - - -
4 We were at really the general manager, her appointment?---Yes.
5 And you were - yes, and you were, sort of, just giving us a bit
6 of a list of some of the things?---Yeah, thank you. It
7 really aggravated the situation.
8 Yes?---Really aggravated it. It - - -
9 Do you think it aggravated a situation that was already a
10 little bit tender, a little bit, you know - - -?---Well,
11 it was probably there ready to ignite a bit.
12 Explode?---A bit on that. Because there were tensions, there
13 were tensions on various things, and particularly tensions
14 on the process of electing the general manager. But it
15 aggravated that situation and it made council completely
16 unworkable. Now, as I stated before, if you had queries
17 from ratepayers, you were able to pick the phone up or at
18 that time we had iPads. But whichever way you
19 communicated with staff, and I'm talking generally only
20 about executive staff, that's the only way that - I found
21 communicating with staff to be very - extremely
22 successful. I must say in the planning areas, Simon
23 Arkinstall, his responses were extremely quick. And when
24 you went back to a ratepayer, he might have asked you
25 something in the morning and you're ringing him at night
26 time and having his query answered - - -
27 Looks good?--- - - - became very, very impressive.
28 Yes?---And that could only have ever been - happen with a
29 relationship that a councillor has with the executive.
30 And the same with Lee Robins might have been a little bit
31 longer - sometimes with Lee, but that might have been

1 something that was a little bit more, "I'm looking for
2 detail". The - there was occasions when you would - at
3 the time, of course, you'd need to correspond with the
4 general manager, but - - -

5 So just from your - the short amount of evidence you've given
6 so far in this period, this is a big factor in this whole
7 flow of - well, the ability for you to contact the
8 directors was probably a big change from what it was like
9 when you were a general manager before? Sorry, you were a
10 councillor before. And this is a big factor in why we're
11 sitting here today from your point of view, or part of
12 it?---Absolutely, Commissioner.

13 Okay, yeah?---Absolutely. And we were in a absolutely - what
14 come on from there, an absolutely cumbersome, unworkable
15 situation.

16 Yes, all right?---Surely, the - if the general manager had
17 issues and WorkCover and OLG thought that health issues or
18 - I think it could be proved that - very easily, that -
19 well, I copped probably not quite as many code of
20 conducts, but later on if I get the opportunity, I'll
21 explain what they all come to. Nothing.

22 Yes?---But - - -

23 So okay, just keep going. So that - I probably interrupted you
24 then, the general manager, the introduction of that code.
25 Is there anything else about the general manager that -
26 because remember we were on that track about things change
27 because of the general manager. Any other things
28 specifically, other than that sort of information, the
29 things we just discussed?---Well, I felt dealing with the
30 general manager on issues, she was very - had a very
31 dominant attitude that it was either her way you done

1 things - and if you ever crossed her, that was the finish
2 of a councillor, or disagreed, I should say. She had a
3 very dominant attitude of - and a very strict way of
4 management system, which to me was - a general manager
5 needs to - and after all, the councillors are her
6 employer, or their employer, whoever they may be. But
7 councillors' general manager should be able to have a
8 discussion and have a bit of a workout. And that's the
9 way you could do it with Greg Murdoch. I mean, I say -
10 you could say, "Well look, Greg, I don't quite agree with
11 that", and he said, "Well, tell us what you think" and,
12 you know, and you'd work something out.

13 Yes, I see, yes. Fair enough?---You could certainly do that
14 with the directors too, but you - not the general manager.

15 All right?---The one we had.

16 MR BROAD: Could I show you an email that you sent, or two
17 emails that you sent on 6 March 2015, one to Mr Higgins,
18 one to admin?---Yes, I'm aware of this.

19 In the email of 6 March 2015, sent at 9.30 to admin - 9.30 pm,
20 I should say, you - and I think it's the fourth
21 paragraph?---Yes.

22 Say the following, "I further asked a question, 'Has the
23 lunatics escaped the asylum to find sanctuary of full
24 employment with the New South Wales State Government
25 drafting documents, such as (interaction with staff
26 policy'" - and then quote a number and a version - "and
27 expect that this document could work to enhance or achieve
28 any worthwhile results in governing of local
29 government."?---I think it just about answers itself, that
30 statement. Well, it was - why that come about was that
31 I was getting nowhere with the - with that development

1 thing. The development had been approved by council for a
2 ratepayer in Kilkerrin Lakes, and the - they were waiting
3 on - on - to have that development - to have the approval
4 of that development so that they could sell that property.
5 They divided some large blocks out there and they divided
6 a block - a small block like - the balance of the block
7 was a fairly large block. And those people had left the
8 district. The lady was extremely distressed. She rang me
9 - she was a nurse. I think she was a nurse in Adelaide and
10 she rang me quite often and she was very distressed and
11 was ringing council and she - that would have been the
12 planning department - and she just absolutely wasn't
13 getting anywhere.

14 COMMISSIONER: So the approval had already been granted,
15 sorry?---It had been granted but it had not been - notices
16 had not been getting enacted and it was unable to be put
17 on the market. It was really only concerning a connection
18 of water. Now opposite that - and the staff -
19 Environmental Services Department, the Planning Department
20 was saying to this lady that she did not have enough
21 water. Now those blocks have, after it is passed in
22 council - those blocks have probably a minimum of eight
23 megalitres. It is a lot of water for a rural residential
24 block, a lot of water. Most are on one or two. So clearly
25 they had enough water to divide it. If you went up four
26 and four it would have been for the one small block they
27 cut off and the other block would have been okay. And then
28 there was - - -

29 Rather than giving us all the detail behind it, I am wanting to
30 deal with two aspects associated with those emails. If
31 I can go to the earlier email, the earlier email which is

1 sent on 5 March at 12.42 pm which is on the bottom of that
2 page?---Yes.

3 And goes over to the back of that page, if I can just look at
4 your comments. In the third paragraph you have said "The
5 mayor has not been forthcoming with any information on
6 occasions that I have made inquiries as to what the claims
7 are." And then you continue on, "I would further like to
8 bring to your attention that the interaction with staff
9 policy is unworkable and some councillors cannot get a
10 response from the appropriate staff member in a reasonable
11 and timely manner." That was sent to
12 Mr Higgins?---But - - -

13 That email you sent to Mr Higgins?---To Mr Higgins, yes.

14 I just quoted from that?---Well obviously these emails I sent
15 to Mr Higgins would be when he was also acting general
16 manager, I take it, or he might have been - hang on.

17 What date was it?---Oh no, it would have been at a time when
18 the general manager was either on sick leave or WorkCover.
19 Or WorkCover or holidays or whatever, I don't know. But -
20 "up to \$30,000 had been voted to make available for an
21 investor" - I believe that would be in connection then
22 with the Jamison (indistinct) report.

23 No?---No it's not?

24 Not as far as we are aware?---No. Anyway the situation was
25 unworkable, dealing with those issues.

26 COMMISSIONER: That type of thing when ratepayers are
27 (indistinct)?---Yes, absolutely.

28 I mean councillors get that sort of thing all the time?---Yes.
29 Throughout New South Wales (indistinct)?---Yes, yes.

30 MR BROAD: And what you were complaining about of course is
31 that you see the information and the interaction policy is

1 creating a barrier?---Absolutely. That was only at the
2 start of the (indistinct) process.

3 In the first email that I read to you that is the email of
4 6 March 2015 sent 9.30 pm. You talk about lunatics
5 escaping from the asylum and finding sanctuary with the
6 New South Wales government?---Yes.

7 In either of those emails were you referring to the general
8 manager?---Absolutely not. I think I said the New South
9 Wales government, and the people that made those policies
10 and asked council to enact those policies was the Office
11 of Local Government.

12 That is clearly OLG right?---Yes.

13 Mr Moon, was that part of a targeted campaign that you were
14 running against the general manager and/or staff and/or
15 the community?---The general manager was not even involved
16 in those emails or alluded to. I was emailing in
17 connection with this adopted interaction and staff policy
18 and she wasn't there. I can't recall why, but it is hard
19 to know when she was at council, but anyway, it's not
20 directed at her. Clearly I think we have shown that.

21 COMMISSIONER: We understand that point.

22 MR BROAD: At any time, Councillor Moon, did you run a targeted
23 campaign against the general manager?---Absolutely not,
24 and there is any suggestion that I did have, please
25 furnish me with those allegations. That is allegations
26 that she has made. As I said before, you have only got to
27 disagree with her and you become a bully.

28 Councillor Moon, I am probably going a little bit backwards in
29 asking you this question but it is relevant I think to the
30 role that the general manager and staff had and
31 councillors had?---Yes.

1 Would you agree that there was a substantial change brought
2 about by the 1993 Local Government Act?---Yes.
3 And it did create a sharp divide between what councillors had
4 responsibility for and what the staff had responsibility
5 for, and those are generally referred to as operational
6 matters?---Yes, well in that Act of 1993 there is - it
7 really did take - I wouldn't say powers away from
8 councillors but the role of a local councillor really
9 changed. It made it quite insignificant and it gave more
10 powers to the general manager and the mayor and that's the
11 way that councils today operate right throughout New South
12 Wales. Very commonly said by councillors in a lot of
13 council areas. "Well, we don't know much what's going on,
14 it is the mayor and the GM seem to - are the ones that are
15 running council. We just come and put our hands up and
16 rubber stamp things, sort of." That's a common thing said
17 right throughout New South Wales.

18 In respect of your right to access to information, I don't know
19 whether you were here when Mr Hurst gave his evidence
20 about the fact that in his view or the Office of Local
21 Government's view you are entitled to such information as
22 is necessary to undertake your role. Have you found
23 yourself - and it seems to be alluded to - but more
24 generally then have you found yourself in a position where
25 you have not been able to obtain information that you have
26 sought?---The information might have been obtainable to
27 the councillor from staff but it is very vague now and it
28 is very limited, the information that is supplied to you,
29 as once upon a time when you rang up, and prior to
30 council, and prior to the change of Acts it was totally
31 different. You had far better explanations given to you

1 and you always had workable solutions and you had a lot
2 more room to move in discussing things. Once upon a time a
3 developer would come to you and say, "I am going to
4 develop some land, will you support me?" He would explain
5 what he was doing and I would say, "Yes I would certainly
6 support that. That is great benefit to the shire."
7 Probably residential land or whatever. Manufacturing
8 places. But if you did that today you would have a code of
9 conduct on you. You can't indicate to anyone what you are
10 going to support. You can't encourage anyone to develop
11 in the shire. You can't encourage anyone to have a
12 residential development, because you would be seen to be
13 having a conflict of interest. So the whole dynamics of
14 council is changing. Once upon a time you had councillors
15 who were entrepreneurial councillors that encouraged
16 people to develop, encouraged people to come in. You've
17 virtually got to send them away now. I can't be any help
18 to you if you want to develop, I can't get out and support
19 and lobby for you. There's going to be - and bring more
20 employment into the town.

21 Is the real question of that, that you may be seen as having a
22 bias when the matter comes for determination?---When it
23 comes to determination?

24 By the council?---There's nothing wrong with having a bias if
25 it's good for the community and good for the Murray Shire,
26 and giving a - the shire a - employment for the residents
27 and the shire, nothing biased about that.

28 In order to get information, there are a number of avenues
29 available, and one of which is to call for a report at a
30 meeting. Have you ever sought that information be
31 provided by way of a report at a meeting?---I believe

1 I know that process, and I believe I have occasionally
2 enacted that process for a report on things, but I can't -
3 so much has been happening in this shire, I can't recall
4 any specific ones. There would not have been many, but
5 I would have. I've asked questions that's led to reports.
6 There was a time in this council when - when the new
7 general manager was there that we could ask questions, and
8 from those - we used to have questions and statements, and
9 often from even that came a report out of it. And now you
10 can't even have that.

11 COMMISSIONER: Just to go back to one thing about what you said
12 a moment ago about the, "I can't go out and speak to a
13 developer and lobby for them", and those sort of things,
14 wouldn't you say part of the reason why it's - you can't
15 do that now compared to the way you used to do it, would
16 be not so much the general manager, not so much anything
17 else, other than that's the way it is now throughout New
18 South Wales, legislation, the way you've got to deal with
19 development applications. I mean, if someone comes in and
20 said, "I want to do a subdivision", or something, and you
21 say, "Yeah, that's a great idea", and everybody thinks
22 it's a great idea. The trouble is, they have to go
23 through so many hoops now to make sure that that
24 subdivision passes that you then have to be objective on
25 the day when it comes to you. And unfortunately, there
26 may be a major traffic problem or a sewerage problem, even
27 though in the back of your head think it's a great idea,
28 you have to bring your mind to bear and say, "Well, on
29 merit, it's no good". That's the sort of - - -?---Reason.
30 How do you deal with that?---Well, that - what you say,
31 Mr Commissioner, is quite correct. When you - - -

1 Well, that's part of the reason why you can't be too strong out
2 there, because when it comes to you, you build up their
3 expectations and then you get yourself in a problem anyway
4 with the people?---That's right. But that - this is a
5 small rural shire. Like business, it's tough out there,
6 it's tough out there for councils to operate now. Up in
7 Sydney, an example - - -

8 I understand?--- - - - Mr Commissioner - - -

9 Could be different and - - -?---Is totally different or major
10 regional towns, or - especially a lot along the eastern
11 coast of New South Wales.

12 Yes?---Yeah.

13 So you've got to find - I accept what you say, you've got to
14 find that balance. And it's not much different for
15 councillors to some extent and even in the city councils,
16 but they've got to find that balance of how they do what
17 you said. I - - -?---Yeah.

18 That's enough, I understand what you're saying?---Yeah.

19 MR BROAD: Can I go forward in the time period of council and
20 can I come to the mediation that occurred on 9 December.

21 You attended the mediation?---On 9 December when - - -
22 Sorry, 2014 I think it was.

23 COMMISSIONER: The Turkington.

24 MR BROAD: The Turkington.

25 COMMISSIONER: The Norm Turkington mediation?---I attended the
26 mediation that was held - was that held at Mathoura or
27 Moama office?

28 We don't know.

29 MR BROAD: I probably can't tell you off the top of my head.

30 COMMISSIONER: The one you ended up signing?---Yes, I attended
31 that one.

1 The mediation for that?---Yes, definitely, definitely. It was
2 here, yes. Yes, definitely.

3 MR BROAD: As at the date of that mediation, did you see that
4 there were conflicts within the councillors?---There was
5 conflict?

6 Within the councillors?---Well, yes, it was - it had been
7 developing, yeah.

8 Did you believe that the mediation was, therefore, a chance of
9 resolving those conflicts?

10 COMMISSIONER: I mean, there must have been potentially
11 conflicts, you wouldn't have been at mediation?---You
12 wouldn't have been there, that's true.

13 Yes?---I see Mr - Turkington, is it? Is it Turkington?

14 Turkington, yes?---Yeah. Was a most worthwhile workshop, and
15 on mediation he was - actually fulfilled his duties. And
16 I believe that every councillor could see or were
17 encouraged by his presentation to work together. And I'm
18 sure that when every councillor walked out that door,
19 every councillor had that in mind to do that. It lifted
20 this council, it lifted attitudes between councillors,
21 I felt that with all councillors. Councillors, perhaps,
22 that I never spoke to much. You know, Councillor Bilkey,
23 and we sort of had a brief agreement on many things, and
24 an equal way of, you know, sort of talking and dealing
25 with one another. And not only him, Councillor Bilkey,
26 and I believe within the other councillors. I think that
27 was an enormous step forward. But as Councillor Campbell
28 put on it, four hours - four days or four - or four weeks,
29 and, of course, absolutely, it was broken. When that
30 article appeared in the paper from the mayor referring to
31 four dickheads in council, pretty embarrassing.

1 MR BROAD: Did that serve to cement opposition? Was that a
2 watershed moment?---Cement - - -

3 Well - - -?---Cement opposition in - - -
4 Within councillors. I will try and put it - I will try
5 it - - -

6 COMMISSIONER: Compromised even more?

7 MR BROAD: In other words, when that was leaked, did you feel
8 that all the goodwill had gone?---I thought we're back to
9 square one. It was a great exercise at great expense to
10 ratepayers to bring a person in to do a mediation course,
11 and the actions of the mayor destroyed it all and put it
12 back to where it was.

13 His description of the councillors, how did that affect you
14 personally?---Well, I'm going to go into this further when
15 hopefully you ask me a question about the leaks,
16 which - - -

17 Go into it now. We will lead to that in a minute?---Yeah.

18 But going to that specific leak - - -

19 COMMISSIONER: Do that now.

20 MR BROAD: - - - now?---Well, as I said to you, it was a
21 devastating thing to see and for any councillor's family.
22 It's probably not what - it wasn't as bad as what was to
23 come, which was extremely embarrassing for one's families,
24 and your children.

25 In saying that, are you referring to the leak of the Janice
26 Macleay report?---Absolutely.

27 Right. And that was very, very heavily reported?---Yes, yeah.
28 Deliberately leaked to embarrass, perhaps again, those
29 four dickheads, as they said. But also, to embarrass the
30 councillors, those four.

31 Having had what you regard as two major instances of leaks,

1 what was your response?---To the leaks?
2 No, to the councillors, or to the mayor or those that you
3 blamed?---What was my response? Well, my response would
4 be to the mayor. It wouldn't have been any good me
5 talking to him because I think we would have ended up in
6 entanglement of a fight.
7 You were angry?---Yeah.
8 Because your proposition is that he leaked - is that what
9 you're saying?---Well, obviously he did leak the four -
10 four dickheads statement. It was attributed to him in a
11 paper.
12 What about the Macleay report?---What I really have - I don't
13 know. I haven't really got that proof. It could be -
14 well, when you look at the Macleay report - can I talk
15 about that now?
16 Yes?---We had a council meeting to discuss the Macleay
17 report - - -
18 So you all got a copy - - -?---We all got a copy.
19 - - - it's all been given to you?---Sorry?
20 It's been given to each one of you - - -?---Delivered, yes.
21 It's a confidential - - -?---Yes, delivered. I think the
22 meeting to receive the Macleay report - which I believe is
23 the greatest waste of money. I've got enormous issues
24 with this Macleay report. I wasn't able to be there for
25 the full length of the interview. I feel as though that
26 she did complete my interview in her own words and way. I
27 took Peter Hill along with me. I took Peter Hill along
28 with me because I was accused of being one of the leakers
29 on the affidavit, and I took - I asked him to come along
30 for that very reason, and he gave his reason. He wasn't
31 there in any way acting on my behalf in any other matter,

1 he never said a word, but I took him along there for the -
2 because I'd been accused. Janice Macleay didn't believe a
3 thing he said about that he was a leaker. She didn't want
4 to hear that. Clearly she wanted to have a councillor's
5 scalp or someone else. When - when we had that meeting to
6 look at the Janice Macleay report at council I think
7 approximately the meeting finished around about - from
8 memory about 3.30. I went home and within a half an hour
9 I had a phone call from Trent Horniman that he had landed
10 on his desk, he said he didn't know who dropped it there,
11 was a full copy of the Janice Macleay report, and I
12 believe it was 43 pages. So it's the full report that the
13 councillors were dealing with at the meeting.

14 Half an hour ago or whatever?---Ago. Knowing what was in the
15 Macleay report I was absolutely upset about it. So -
16 yeah, I rang Phil Higgins and Phil hadn't heard
17 (indistinct) and I said how disgusted I was that it could
18 have been leaked, and when I spoke to Phil about it I
19 said, "Phil, I've been watching a show lately on whistle-
20 blowers and that and other matters and these reports seem
21 to get leaked by the people that most benefit by the
22 leaking." I believed - I said to Phil, "Who's got access
23 to it?" He said there's a locked confidential room in the
24 Murray Shire here where it's contained. He said the
25 councillors have access to it, and of course the mayor has
26 got it. So anyway I said, "Well look, Phil, we've got to
27 get to the bottom of this, this is absolutely
28 embarrassing" - absolutely embarrassing for families. I
29 then rang Mayor Weyrich and I said to him, "It's been
30 leaked." He said, "Yeah, I know, I just got a phone call
31 from the Riverine Herald." And I said, "What are you

1 going to do about it?" He said, "I'm immediately going to
2 ask for an inquiry into the leaking of it", and that's
3 what happened there. The result of that report -
4 embarrassment to families, to my wife - when you
5 (indistinct) and someone comes up and says, "Why do people
6 call you a bully", and they say to you - "Pop, you're no
7 bully, you've never bullied us." I've got two daughters
8 in town and they've got good jobs; one's a nurse, one's an
9 administrator at the Anglican College, 700 people - 700
10 children going there. She's at the face of the parents
11 there, and my son's starting a new business, he's a
12 tradesman but bought out something else. When my wife was
13 over at the dress shop she's buying a dress and a former
14 politician's wife come along and she said, "Gail, you're
15 looking at the same coloured dress as I've got, but I
16 guess you and I won't be seated together anywhere."

17 So it was very upsetting?---So - - -

18 I will give you - - -?---That's the effect.

19 I will give you a moment.

20 MR BROAD: Councillor Moon, have you seen a copy of Janice
21 Macleay's notes of your statement?---I never knew they
22 existed.

23 I will just show you those?---This is her notes to me?

24 Her notes of your meeting with her.

25 COMMISSIONER: So this whole document are the notes that she
26 gave to the Office of Local Government, all her notes that
27 she prepared and - - -?---That's the only note, is it?
28 That's a page that goes over here, over her and over
29 here?---No. I've only seen those notes in the Janice
30 Macleay report. I don't believe those notes were - so
31 what you're suggesting that those notes have been sent out

1 separately before her report come out?

2 MR BROAD: No. I will explain those in a minute - - -?---Well,
3 they - - -

4 I want to take you through parts of those, and I will do it
5 here and I will stand close to the microphone. Councillor
6 Moon, at the foot of the first page there's a statement
7 which reads: "I now ask Peter Hill who is here, he's my
8 support person, to give you some information on my
9 behalf." Now the statement records that Peter Hill was
10 there?---That's correct.

11 Do you recall that occurring, that he was there?---Yes, he was
12 definitely there because I took him along, because I took
13 him along - - -

14 The next bit is - - -?---About the leaks, and I was one of the
15 councillors accused of the leaks. That's right.

16 Do you recall Mr Hill making a statement?---About the leaks
17 only, yes.

18 Can you look at this, read through that - take your
19 time?---There's nothing - it's over there, sorry. Yes.
20 Actually I only - I seen these, what you call notes, I
21 seen them in the actual Janice Macleay report. I'm not
22 too clear on this. These notes, were they just sent out
23 as individual notes to councillors, or when you say
24 notes - - -

25 They were obtained from Janice Macleay by the Office of Local
26 Government?---Yes. So your notes.

27 COMMISSIONER: No, in effect this document - that's
28 what - - -?---Pardon?

29 This document which is the document Mr Broad has just shown
30 you, this whole part of it, this big thick bit, that's
31 effectively her file. All right?---Yeah.

1 And then when the investigation was happening the Office of
2 Local Government said, "Can we have a copy of your file",
3 and that's her file. So they're her notes that she
4 made?---Yeah.

5 And then you have obviously seen the actual report itself. All
6 right? So that's the distinction.

7 MR BROAD: Can you carefully read through that
8 statement?---Yes. Just this statement that started from
9 here?

10 That statement.

11 COMMISSIONER: So in effect these are her notes of your
12 statement, of when you spoke to her?---Yes.

13 MR BROAD: What I am interested to know is whether her notes
14 accord with your memory of what Mr Peter Hill
15 said?---Okay. Let's go back and read that. Yes, yes, I
16 recall him saying that. Yeah.

17 And what Mr Hill confirms is that the content of the affidavit
18 of Mr Mackenzie, which was handed to Janice Macleay, was
19 correct?---I don't recall Mr Hill handing any affidavit,
20 only the content of what he said there.

21 I am sorry, I will make it clear?---Sorry.

22 The interview records that you gave a copy of the
23 affidavit?---I never had a copy. No, definitely not.
24 That is completely wrong. So are you alleging that
25 Councillor Mackenzie may have given me a copy or found a
26 copy, no, that's completely incorrect.

27 Would you look at the following paragraph - - -?---Yes, yeah, I
28 see that - - -

29 - - - and the paragraph reads and is attributed to you,
30 Councillor Moon, "I am giving you a copy of the affidavit.
31 I asked the mayor about the allegations and he said that

1 Peter Hill was a liar." Do you recall saying that?---No,
2 no.

3 Do you recall giving a copy of the affidavit?---No, I - I
4 didn't have one. I think you need to seek clarification
5 on that from Janice Macleay, or Peter Hill, either one.
6 In fact I don't even know at the time if - if Peter Hill
7 even had that copy of that affidavit. I don't know when
8 he did receive one, but I know that Councillor Mackenzie
9 in speaking about that affidavit in councils, or some
10 other time, did say that he - Peter Hill requested a copy
11 of the affidavit because he was the one that made the
12 allegations, but - but I think you need to check the
13 timing of that too. Perhaps Mr Hill is the one to be
14 asking.

15 Councillor Moon, I will show you an unsigned copy of an
16 affidavit of - it's titled "Mr Geoffrey Thomas Mackenzie"
17 and it discloses details about a conversation with Peter
18 Hill. Have you seen that affidavit before?---No,
19 definitely not. Definitely not. I've seen a copy of the
20 - an affidavit in the hands of Councillor Mackenzie when
21 he tabled it - or didn't table it, but he read it out in
22 council here, but I never physically, and I heard what he
23 said in that affidavit, but I couldn't quote everything
24 that he said here in council now, but I was never handed a
25 copy, I never seen one before, and he took - he put it
26 back into his plastic folder and took it away from council
27 with him.

28 So you have spoken to Mr Hill about the leaking of that
29 affidavit?---No, but I can tell you - I can't recall the
30 time, Peter Hill said to me one day, he said, "I'm going
31 to take that affidavit across to the Riverine Herald and

1 give it to them." He said, "What do you think about it?"
2 I said, and knowing what the response would be if that
3 come out, I said, "I don't think it's a good idea."
4 That's what I said, "I don't think it's a good idea",
5 because there's a daily diet in that Riverine Herald about
6 the four councillors on all different issues, and I
7 certainly didn't want any more of that.

8 Janice Macleay made a number of adverse findings in respect of
9 your behaviour. Can you indicate your views in relation
10 to those findings?---Yes. Well, that then went to the
11 Department of Local Government.

12 No. What is your view - - -?---Of the findings?

13 - - - about the findings that she made about you?---I'm sorry.

14 COMMISSIONER: What do you think of the report?---Sorry?

15 What do you think of the report?---I think it's a load of
16 rubbish and a waste of money.

17 MR BROAD: In your role as a councillor have you had much
18 contact with the media?---No. No, I haven't. In fact I'd
19 like to take a writ across to the Riverine Herald and give
20 them that about the - out of the Janice Macleay report and
21 saying that I was a bully because - it's in fact not even
22 true, because the simple reason is I responded to the OLG,
23 and I believe I was talking to you at the time, about the
24 allegations contained in the Janice Macleay report, and
25 you asked for submissions, or your department did, and I
26 replied to those submissions. This is a confidential
27 document in July 2016(sic), and I'd just like to go to the
28 executive summary and it makes a brief description of the
29 things, but this is the part that I'd like to make it
30 known, "However when considered as a whole the evidence is
31 not considered to be sufficiently strong to support the

1 view that the allegations constituted workplace bullying."

2 That's directed at me. No evidence of that. Now - - -

3 COMMISSIONER: Hang on, what page - - -

4 MR BROAD: No, we are not talking about the Macleay report,

5 you're talking about the draft misconduct report from the

6 Office of Local Government?---Yes, but it is based upon

7 the Macleay report, and I should have went across to the

8 Riverina Herald, but I would have been a leaker, and it

9 certainly would have relieved a lot of embarrassment and

10 pain and suffering for my family, which I owe a great debt

11 to for this vote. The fact remains I've (indistinct), but

12 I'm going to release it. I'm telling you now, because

13 I've had enough.

14 And so it follows I suppose, my next question is have you

15 leaked anything to the media?---Never. Never, because I -

16 hate the Riverine Herald. I should perhaps say, Mr Broad,

17 that there will be something come up that the HR manager

18 says that I leaked something to Riverine Herald regarding

19 the performance review. I guess you'll be asking me that

20 question, and I'm on oath and when I say that was not a

21 leak. I've never leaked anything to the Riverine Herald.

22 Councillor Moon, can I move forward to the Deep Creek

23 matter?---Yes.

24 Obviously as you have been here, we've heard a lot of detail

25 about that issue. I'm just wanting to go through some of

26 the correspondence with you, unless you want to tell me

27 more - and perhaps we could start with this. You've heard

28 evidence from others. Is there any evidence that you've

29 heard that you disagree with?---Well, perhaps could

30 I speak about the - how I've become involved?

31 Absolutely?---Okay. I think Cr Mackenzie, I do recall, he rang

1 me - he said he'd been trying ring me in the morning to
2 get hold of me. I think he got me in the afternoon to say
3 that he has a ratepayer concern out at Deep Creek marina,
4 and he mentioned the fact Cr Burke had been asked to come
5 along as well and Cr Campbell. So Cr Mackenzie picked me
6 up and picked up Cr Campbell and then of course Cr Burke
7 and we went out to Deep Creek marina. That's all I knew
8 about it at that stage. I said to Cr Burke sitting in the
9 back, I said, "Do you know what all this is about?" and he
10 said, "No". He said, "What do you think?" I said, "It's
11 ratepayers concern and knowing Cr Mackenzie he's most
12 accurate in most things and I left it for his judgment
13 knowing that he would want to show rate payers - and I can
14 understand Cr Mackenzie not being able to get other
15 councillors to go and have a look because they'd be too
16 frightened to look at anything in the shire because they
17 might think that they're going to fall out favour with the
18 general manager.

19 So out there we go and we pull up at the tank and we
20 got out of our cars and I - I was quite surprised to see a
21 water tank on the edge of the Murray River, and it was
22 within a metre or two. Fresh in my mind was what had just
23 happened in China where sewerage had got contaminated with
24 berries. I looked at the tank and the others sort of
25 looked around the tank but I walked down further.
26 I walked down to where the boats come into the mooring to
27 connect up to the sewerage and I could see sewerage spoils
28 on the mooring platform and I was quite amazed. It had a
29 smell about it and of course, those sewerage spoils have
30 come from the disconnection of the pipe from the
31 boat - - -

1 COMMISSIONER: When you take it on and off?---Exactly.
2 Like petrol going into your vehicle?---Exactly, exactly. Or
3 oil or anything.
4 Yes?---So I thought "What an amateurish sort of a - - -
5 System, set up?--- - - - a disposal system this was.
6 I couldn't believe it. No bunding around the tank. No
7 nothing. Just a water tank and I hit the sides and it was
8 pretty solid, it was pretty much full. Then a chap
9 arrived in a ute, a work ute. Introduced himself as
10 Ozzie, I never knew who he was, who Ozzie was. It could
11 have been Ozzie Ostrich. He looked a bit like that. A
12 bit of a rough sort of character. But anyway. He just
13 proceeded to sort of talk about the tank. Then another
14 chap arrived called Gary. I didn't know who that was.
15 I later found out that he maybe something to do with Sheep
16 Wash Creek where council has a litigation.

17 But when we were, going back just a minute, when we
18 were in council and it was said that there was litigation
19 between Sheep Wash Creek and council, no names of who
20 Sheep Wash Creek are, I know we live in a small community
21 but as well as having sewerage smells out there, there's
22 been a lot of taint about that development for quite a
23 while. In fact, I later found out the local farmers in
24 the area called it Perfume Point where the tank was. It
25 was a quite smelly sort of operation.

26 So then later there was some discussion about, you
27 know, why has it been pumped out. He said, "I've got a
28 sewerage system over there" and we went across the
29 sewerage system, and that sewerage system - and I'm no
30 expert in it, but I have a bit of experience in filtration
31 and membrane filtration and that system looked to me to be

1 a state of the art system, which I later found out it is
2 probably number one type of sewerage system in New South
3 Wales. If your so-called dying of thirst, you could even
4 drink the water, you wouldn't have any problems. So
5 that's what happened there. We virtually, I think, we
6 virtually just drove back home.

7 MR BROAD: Was here any discussion of the litigation that was
8 taking place between council and the owner?

9 COMMISSIONER: Just before you answer that question, my
10 understanding is that you were going out to the council
11 about, I think it was 16 March on the Monday or that
12 Sunday, it doesn't matter, but that's when you were going
13 out, but according to this note here, it says that on
14 18 February 2015, so that's obviously, you know, roughly a
15 month before that?---Yes.

16 You had received a report as a councillor about that
17 litigation?---Yes. Oh, yes.

18 So you knew that litigation - you knew that Sheep Station
19 litigation was on foot?---Only then.

20 The first time on 18 February?---Yes.

21 Then when you went out on 16 March, you already knew about the
22 litigation at that point in time, that's all I'm
23 saying?---Well, to be honest with you, it wasn't much in
24 my mind.

25 Did you connect the two?---Sorry?

26 Were they related, like did you think the litigation was
27 relevant or not relevant or just as a matter of
28 interest?---Well, it seemed very hard to define what's
29 what out there Mr Commissioner. There's quite a few
30 people that own developments out there. For instance,
31 there's holiday units out there which have been now

1 liquidated. They were separate. There's the house boat
2 marina. There's a hotel. There's a supermarket.
3 It's a pretty complicated set-up in terms
4 (indistinct) - - -?--- It was.
5 - - - all that sort of stuff?---It was. In fact, it was the
6 former councillor that's in this gallery now and myself
7 and a few others - might have been Cr Murphy at the time,
8 we all supported that development for a start which was
9 initially only one or maybe two people, but it's grown in
10 its - it's been a very, very nasty sort of a development
11 in many ways, impending all types of litigation.
12 MR BROAD: Could I just show the report for the meeting which
13 is the confidential report of 17 February?---Yes. This is
14 - yes, yes, I've seen that.
15 The heading on that is "Deep Creek marina" describes the
16 Supreme Court action, names the parties?---Yes.
17 So it clearly identifies the areas or the place as being Deep
18 Creek marina?---Well, it would be like saying perhaps you
19 could say - Moama's a place where there's something to go
20 and see but who owns those different facilities in Moama?
21 They could be anyone. And Deep Creek marina to me, just
22 to find the area. It didn't occur to me or neither
23 I believe it should have occurred to me, that that would
24 be encompass into the Sheep Wash Creek or ownership of it
25 and I don't know whether it does to this day, whether it's
26 owned by Sheep - is it owned by Sheep Wash Creek or who?
27 I will show you some email correspondence and just take you
28 through some of the pieces of it for the purpose of
29 ascertaining whether you knew about the various emails.
30 So I'll just show that to you now?---Yes.
31 The first email is an email 16 March 2015 12 noon from Matthew

1 Rogers of Kell Moore Solicitors to Simon Arkinstall. If
2 you can briefly look at that to see if you recall seeing
3 that?---Yes, I believe I have.

4 When?---Well, it was probably - no, I may not have seen that
5 but I've seen a similar email. This appears to be an
6 email just directed to Simon Arkinstall and the general
7 Manager, Margot Stork to me. I doubt whether - - -

8 I want you to carefully consider whether you have seen those
9 emails and if you believe you have, when you saw those
10 emails?---Actually I had the whole copies of this JSBA
11 report. Unfortunately I didn't bring it with me today for
12 the simple - and I had all this marked. There seemed to
13 be some confusion whether Cr Murphy was coming up today or
14 not and I didn't bring it with me.

15 COMMISSIONER: Can you bring it on Monday?---Yes.

16 Bring it on Monday?---Yeah, yeah. To say that I seen this
17 report but I would say that threatening letter that
18 I received from Simon Arkinstall who I believe was written
19 by the general manager, there's no doubt about that,
20 threatening to take our assets from us for going out there
21 and I know damn well that I never heard any conversation
22 on anything about any other litigation, I took the very
23 quickly that this could lead to some trouble, so I got
24 some legal advice. And the legal advice I was given was,
25 and I explained the situation, was to say nothing. Well,
26 this is at the stage when it was becoming to a code of
27 conduct. So - - -

28 MR BROAD: So what you seem to be saying, and I don't want to
29 put words in your mouth?---No.

30 Perhaps to shorten things up a bit, is that you believe you've
31 seen those documents?---I believe these documents would be

1 in the JSBA report that people are conduct review.
2 That is where I think they - well, that's where they were
3 annexed?---Yes.
4 I'm just asking you if, to the best of your recollection, you
5 had seen one or two of the emails prior to the JBSA
6 report. Now, quite clearly if you read through that, some
7 emails were sent to councillors. Some passed between
8 council and its solicitors?---Well, yes. There's one
9 email here on the Wednesday 18 March at 4.06, that was
10 directed to councillors.
11 What I was wanting to do, and I'm only going to pick out three
12 or four or so emails, and if I could go back to 16 March,
13 if you can flag back to 16 March at 12 noon. An email
14 I started with was an email from Matthew Rogers of Kell
15 Moore to Mr Arkinstall, the general manager and to another
16 solicitor and it starts off, "Whilst I will defer", I will
17 show you the one. I'm asking whether you believe that you
18 had seen that before receiving the JBSA report?---I do not
19 believe so at this stage. I would also like to add, I may
20 have but because we have no ways of taking anything off
21 our iPads because that's all been closed down, our access
22 to the server, it could be on that and I could have read
23 it. I can't honestly recall it but I can't say I've seen
24 it either. Hang on. Yeah, no, I can't be certain. I'm
25 not trying to dodge the issue, but I can't be
26 clearly - - -
27 What I am trying to ascertain is whether or not you were copied
28 into any advice between the lawyers and council?---The
29 only advice I received was that threatening letter under
30 the supposedly signature of Simon Arkinstall, that's all
31 I recall seeing at this stage.

1 Did you share Cr Mackenzie's concerns that this was an
2 impending health crisis?---Absolutely. I've been a
3 delegate on the Murray Darling Association. I was a
4 regional chairman of Region 2 in the nine years I served
5 on council. I'm now a delegate also of Murray Darling
6 Association. Certainly I shared his concerns. I know Cr
7 Mackenzie's a very passionate person. He's a very
8 intelligent person. He certainly knows the consequences
9 that is in fresh in all of our minds. What could come
10 from that. Yes.

11 There was a subsequent conduct complaint about your behaviour
12 in going out to Deep Creek?---Yes.

13 You were invited, as I understand it, to respond to the
14 allegations?---I was.

15 Did you respond?---No, because I went out and seek legal advice
16 and because this issue was moving so quickly, and
17 I believe with the way the general manager was performing
18 that she would probably extend this period out as long as
19 she could to have this code of conduct on councillors, and
20 this was at the stage where we were getting code of
21 conducts for a while variety of reasons which were
22 absolutely ridiculous and I thought "I could see a set up
23 here" that's why I went out and good legal action and my
24 answer back, and I did email back to the JSBA conduct
25 reviewer to say that, "No, I have had nothing to tell
26 them" and I didn't have anything to tell them. All I seen
27 was a sewerage tank. I'd seen hat the problem was.
28 I really didn't think it was associated of a code of
29 conduct. I suppose Cr Anderson here, he knew about it for
30 a long time. He said he didn't really want to go there.
31 He didn't want to know. This is it, you've got

1 councillors here that would not - and I don't believe we
2 were taking a risk but they would see everything as a
3 risk. They'd never go and look at anything that they
4 didn't have the general manager or a staff member holding
5 their hands. So we've got councillors - we're independent
6 councillors. We will go out and if its lawful, and
7 I believe this was lawful, to look at an inquiry that's
8 been raised by a ratepayer.

9 And as you've heard from Cr Mackenzie, the ratepayer
10 I think he said he owned a block of land out there and he
11 was concerned, he wanted to build and the smell coming off
12 Perfume Point was where the tank was known as, wouldn't
13 encourage anyone to want to build there.

14 When you received the conduct reviewer's report, did you read
15 through that report?---Did I?

16 Did I read through the conduct viewer's report?

17 COMMISSIONER: Did you read it?---Oh, yes. When we received
18 the code of conduct?

19 MR BROAD: No, no, no. The reviewer's report. You referred to
20 the report of JBSA?---Yeah.

21 You said you'd received that report and all the
22 attachments?---Yes, yes.

23 COMMISSIONER: (Indistinct) done, yeah?---The whole report?
24 Yes.

25 MR BROAD: Yes?---Yeah, yeah. I did read through that, and
26 I noticed one thing in there which was quite amusing. It
27 said that this was retaliative action and I believe I've
28 heard those words used by Cr Bilkey, but this was
29 retaliative action of four councillors going out there to
30 cause trouble because there was enormous concern - I've
31 got this marked in my report - there was enormous concern

1 amongst the four councillors that the Janice Macleay
2 report, it was dividing them and that was absolutely
3 ridiculous. None of the four independent councillors ever
4 feared the Janice Macleay report coming, and there's no
5 way known was in spite of some retaliative action against
6 the general manager. In fact, as it later turned out, the
7 general manager kept this going, I believe you've heard
8 what the mayor said, the money was there, emergency
9 powers, it could have been next day fixed it up, and
10 I believe that the engineer had put in a very quick report
11 and he wasn't allowed to table it to get on and get the
12 job done.

13 We have got an engineer here in this council. If
14 something's got to be done. He's known for it. It will
15 be done and I believe that the engineer might have been
16 delayed on fixing up this problem because there were
17 benefits for the general manager and I've seen her - and
18 the report where she was talking to Emma Bradbury who's
19 chief executive of the Murray Darling Association, and
20 I would like to point out also, that the general manager's
21 husband on two occasions worked for the Murray Darling
22 Association, so I believe there's a bit of conflict there.
23 And Emma Bradbury did nothing about it and that's, you
24 know, absolutely disgraceful, the same as all the other
25 authorities. They should have acted on it immediately.

26 COMMISSIONER: When you were asked to comment for the JSBA
27 report, did you say "I'm not going to say anything because
28 I've got legal advice". Did you say that?---I didn't
29 mention the legal advice, no, Mr Commissioner.

30 I was wondering whether you'd told them?---No, I didn't. I was
31 holding that back. I thought I had sound advice - - -

1 And you declined to make a response, as simple as that?---Well,
2 I simply said to them it was that I've got nothing I could
3 tell them and I believe that to this day. There was
4 nothing that - - -

5 No, I understand that, yes.

6 MR BROAD: Can I take you to another topic and this is to a
7 conduct complaint that you lodged on 5 October 2015. Now,
8 I will show you the report briefly. I don't want to go,
9 at this stage of the afternoon, into the content of the
10 report?---Yes.

11 But I just want to briefly confirm aspects about the report.

12 COMMISSIONER: Sorry, what was the date of that again?

13 MR BROAD: 5 October 2015?---Yes, I'm aware of this. And

14 I think it would be the only code of conduct I've ever
15 initiated.

16 Now, it appears that that report was sent out to a conduct
17 reviewer?---Yes.

18 You are aware of that?---Yes, yes, yes. Because I rang up
19 because I hadn't heard where it was going, so I rang up to
20 see what was going on about it, and our code of conduct
21 person, being Mr Phil Higgins, said that he was still
22 waiting to obtain quotes. So at that stage nothing had
23 been done but knowing Phil, it would have been done as
24 soon as practical.

25 Did you attach any documents to that complaint?---I don't know
26 whether there was any documents that could have been
27 attached. There's a statement - - -

28 I will show you two documents that appear to have been attached
29 to the complaint. The first document is a document titled
30 "Issues at Murray Shire inn 2014/2015, information to
31 conduct reviewers". Did you attach that to your

1 complaint?---No. This is coming from director of
2 corporate services. I would probably have the email which
3 I sent here.

4 Had you seen that document before?---Definitely not.

5 Definitely not. But when I say - no, I haven't seen it
6 but - no, no. No, no, no. I don't believe that's the
7 code of conduct that I initiated, no.

8 Did you attach - - -?--- No.

9 - - - an extract from the Riverine Herald - - -?--- Definitely
10 not, no.

11 - - - dated 1 May 2015, with a headline "Council
12 bullies"?---I did not.

13 That's an extract which describes you, amongst others, as a
14 bully?---Yes. I've never seen that actually, that letter.

15 So that wasn't part of your conduct complaint?---No, no, but
16 I - I - I could - I have it here, if you'd like to have a
17 look. I have it here. What I sent off to Phil Higgins.
18 You can keep that Mr Commissioner.

19 COMMISSIONER: That's your document. That's what initiated the
20 complaint?---Yes.

21 Was that in an email or was it - - -?--- That was an email.

22 Do you know what date that was? It's got no date on
23 this?---I don't know why it hasn't. It's been
24 photocopied. It's come from my iPad onto my laptop so
25 that enables me to connect it to the printer.

26 Yes?---I don't know why it's cut the date of someday.

27 So had it been on your iPad?---Yeah.

28 MR BROAD: It's just that the email that you sent appears
29 slightly different, but essentially has the same tenor.

30 COMMISSIONER: Okay, right.

31 WITNESS: Yes.

1 MR BROAD: The information provided to conduct reviewers gives
2 some background about conduct complaint matters relating
3 to the recruitment of the general manager. The release of
4 confidential information. Councillors being required to
5 undertake equal employment and anti-discrimination
6 training, code of conduct training. It refers to a vote
7 of no confidence in the mayor which was defeated. It
8 refers to the council being placed on an office of local
9 government improvement program. It refers to WorkCover
10 giving two improvement notices and it also refers to code
11 of conduct investigations presently underway in relation
12 to alleged Workplace bullying, breaches of
13 confidentiality, breaches of councillor staff interaction
14 policy.

15 It then says, "The complainant" - which is
16 supposedly yourself - "believes that there is a pattern of
17 behaviour at Murray Shire Council that the code of conduct
18 reviewer needs to be aware of." Were they in any way your
19 words?---I believe not. I mean to say this is something
20 that really needs to be taken up with Phil Higgins. No,
21 no, the only code of conduct that I put in was relating to
22 the mayor - no, he wasn't. Councillor Polkington and the
23 general manager. I agree with what those other issues
24 are. I don't deny them that they were there but I did not
25 put them in.

26 That is just probably about where we will stop. I just want to
27 ask one thing and just go back while it is sort of fresh.
28 About the leaks?---Yes.

29 I think you said, "I have never leaked anything to the press"
30 and I think you were about to say, and it could be this.
31 Just read that for a second?---Okay. That is right.

1 That wasn't a leak. I think that was your statement?---Well,
2 yeah, well I can show you - this will take a bit to deal
3 with.
4 We will do it on Monday then, all right?---If you like. I don't
5 - no problems doing it now.
6 Yes?---Do you want to do it now?
7 You know what I am talking about?---Absolutely, absolutely.
8 We will do that. And is the point - - - ?---I did mention that
9 prior, that that may come up.
10 Yes, that is right. We will do that but I think the point is
11 you made the point that you have never leaked
12 before?---That's right.
13 And it wasn't a leak and so therefore this communication is not
14 a leak and you are going to tell us about it on
15 Monday?---Yes.
16 Thank you?---Is that all right?
17 Yes, that is all right, yes?---No problems. I have got it here.
18 That is something you did want to say something about, isn't
19 it? It is something you want to put on the record isn't
20 it?---Definitely, Mr Commissioner, yes.
21 We will see you on Monday?---Okay.
22 We will be here at 10.00 on Monday?---Okay.
23 <(THE WITNESS WITHDREW)
24 ADJOURNED UNTIL MONDAY 11 APRIL 2016