
TRANSCRIPT OF PROCEEDINGS

MONDAY 11 APRIL 2016

BEFORE COMMISSIONER ANTHONY HUDSON

MURRAY SHIRE COUNCIL PUBLIC INQUIRY

1 COMMISSIONER: Good morning.
2 <IAN MOON, recalled 9.57 AM:
3 <IAN MOON, examined 9.57 AM:
4 Good morning, Councillor Moon?---Morning.
5 Just on Friday when we left, you were about to tell us about
6 the time when you said, "This will take some time," I
7 think it was when you gave some documents to the Riverine
8 Herald at a council meeting or something?---That's right.
9 I think that's when I said, "How about we talk about that on
10 Monday?"?---Yes.
11 So how about you take it away?---Okay, Mr Commissioner. I was
12 referring to the - actually I had quite a few phone calls
13 from TressCox. That's the council's solicitor. They were
14 enquiring on certain matters on behalf of council.
15 Just what period of time? When is this going to take place
16 when we are talking about? What date was all this
17 happening roughly?---Well, it would have been prior
18 to October 2015.
19 Thanks, yes?---Yes, so it must have been in September.
20 After the Councillor Pocklington is the Mayor, around about
21 then?---Yes, yes.
22 Yes, okay, thank you?---They were asking about a supposed leak
23 that I made to the Riverine Herald and it was regarding
24 the general manager's performance review. And if I could
25 just go back a little bit, there was a new journalist at
26 the Riverine Herald by the name of Lana Murphy. Prior to
27 this she had invited Councillor McKenzie, Councillor
28 Campbell and myself out to have an informal chat. We had
29 it at the Moama Bowling Club. She was a new journalist, a
30 young girl, and she wanted to get some response from us
31 regarding matters which had been coming up in the Riverine

1 Herald and she knew my opposition to the Riverine Herald
2 speaking to anyone and she said, "I'm not Trent Horneman
3 or Andrew Mole, the editor. I'm Lana Murphy." She said,
4 "I'd just like to get some statements from you to organise
5 to have a meeting between us, the three of us." I was
6 fairly reluctant about that, but I did say to her, well,
7 maybe one day and that day hasn't happened yet that I
8 would perhaps speak to her. So that's around about that.
9 So then I took - I just took a very gentle view towards
10 the Riverine Herald. When the "Welcome Back" came, I made
11 my points known to council, the welcome back to the
12 general manager, and I passed on my notes to Lana Murphy
13 sitting right here in the chamber. Now, I passed those
14 notes on because I wanted the Riverine Herald to get the
15 matters that I speak about in council correct. So that
16 was it.

17 So they were notes that you used to make your public statements
18 in the meeting about the "Welcome Back"?---Yes, only
19 regarding that, Mr Commissioner, then.

20 Yes, yes?---I had a meeting in Moama. That would have been
21 in September. I had spoken - - -

22 This is before that meeting about the "Welcome Back"?---After
23 the "Welcome Back", yes. I'm pretty - yes.

24 After the "Welcome Back." That would probably be
25 right?---Presumably I have got those dates right.

26 I think the "Welcome Back" was October.

27 MR BROAD: (Indistinct words) October.

28 COMMISSIONER: Anyway, it doesn't matter. You say after
29 that?---I believe so.

30 Yes, go on?---I had spoken to the Mayor about this performance
31 review. It was well overdue and I had a look at the

1 general - a standard contract of employment for general
2 managers of New South Wales. It's a generic document.
3 Yes, I know?---And I spoke to the Mayor about that and he said,
4 "You are quite within your" - no, it must have been prior
5 to September because I spoke to Mayor Weyrich and he said,
6 "You're quite within your right to bring up anything about
7 the (indistinct words) confidential about the performance
8 review. So I attempted to ask some questions in September
9 so I must have spoken to the Mayor prior to that. It must
10 have been in August. And, of course, the present Mayor,
11 he ran a very, very rigid council, a totally different
12 approach to running meetings than what the former Mayor
13 had regarding letting the meeting run in a very fair and
14 even way, I thought. But, anyway, I attempted to ask
15 these questions and they were related to the performance
16 review and it was four questions I attempted to ask and
17 the Mayor closed me down. And there's another document a
18 councillor observed at the time was the GM and the Mayor's
19 behaviour. At the close of the Murray Shire ordinary
20 meeting today, and that was - yes, that was - that's
21 another matter I asked. Anyway, just to show you what the
22 behaviour of the present Mayor is like: "Councillor Moon
23 approached the Mayor and the GM in the chamber" - this is
24 after the meeting - "and asked why he was not allowed to
25 speak in confidential. The Mayor told him that he had to
26 put it into writing. When Councillor Moon walked away,
27 the general manager and the Mayor winked at each other and
28 had a giggle. Councillor Moon walked out of the chamber
29 absolutely disgusted in their behaviour." Now, this was
30 also a matter about the performance review. So not being
31 allowed to ask the questions in relation to the

1 performance review, sitting beside me in the chamber was
2 the HR manager. Now, if I had something to (indistinct
3 words) confidential, I would be pretty damn stupid to hand
4 anything to anyone in front of any witnesses. But this
5 document which isn't confidential, I turned around and I
6 gave it to the Riverine Herald because sometimes the
7 journalists leave very early. And that was supposedly, as
8 far as the HR officer is concerned and the general
9 manager, this was confidential material.

10 What document is that?---Yes.

11 Can I have a look?---Yes. my word.

12 I mean, sorry, so that's a different document to your
13 notes?---Sorry?

14 This is different to the notes that you gave to the Riverine
15 Herald?---Well, that is the notes.

16 This is it?---Yes.

17 This is your notes?---Yes.

18 Is that what you gave her?---Yes, yes, yes, accused of being
19 confidential.

20 So that is one and the same things. They are the notes you
21 gave?---Yes, yes, it was one and the same thing. I would
22 like to point out that those, 7.1, 7.4, 7.7 and 7.8, are
23 not confidential. You can readily download that generic
24 copy.

25 Those notes were used for something in the "Welcome
26 Back"?---No, no, no, no, they were - I'm sorry to be
27 confused on this - I believe that - - -

28 Hang on a minute. Yes, okay, so there is - - -?---No - yes -
29 those notes that I passed over were 1 October 2015.

30 Are they the "Welcome Back" notes on - - -?---No, no, no.

31 That is a different thing?---No, separate.

1 So the "Welcome Back" notes is one thing?---Yes.
2 This is another thing that you gave to the Riverine?---There's
3 two things only I have ever passed on to the Riverine
4 Herald.
5 Yes, that is all right, yes. Yes, I have got it?---Okay? This
6 is the second one. When I received from Fair Work
7 Australia a document - - -
8 Yes, to respond to your application, yes?--- - - - that was in
9 the document there that I had leaked some confidential
10 material to the Riverine Herald.
11 So just on that - but that is what we were asking about?---Yes.
12 This is another allegation about that and I think you have
13 already said you didn't do it. But this is an allegation,
14 for the transcript, we are back in 2014, we have jumped
15 back, okay?---Yes.
16 "Councillor disclosed" - just have a quick read of that. This
17 is in 2014, not 15?---Okay, but that's what I am dealing
18 with now here.
19 No, I know it's not, but I just wanted to make sure?---Yes,
20 okay. Okay. That's fine. I'm not - - -
21 Because you said a number of things about it?---Yes. Providing
22 a - well, that's completely incorrect.
23 Just read (indistinct words)?---Yes. Incorrect that the Mayor
24 advised me. In fact, he told me differently.
25 You didn't take it to the newspaper?---No, no.
26 That is all right. I just wanted to make sure?---Could I read
27 the rest of it?
28 Yes, absolutely?---Okay. "(Indistinct words) conflict of
29 interest, attachment 3." I don't remember even seeing
30 that in the Riverine Herald. "The Mayor attended my
31 office (indistinct words)." Yes, I believe that's

1 referring to what I (indistinct words).

2 He has put that as 14?---Yes, I know, but that's not the case.

3 (Indistinct words)?---Because he had - yes.

4 That is why I was just checking whether this had anything to do

5 with it?---Well, when it's connected with the performance

6 review, that's - - -

7 No, it has got nothing to do with the performance review by the

8 look of it?---Isn't it?

9 It has got something to do with the code of conduct about you.

10 I mean, I have taken you off the track a little bit. I

11 apologise. I just wanted to - - -?---We had better get

12 back on it later because I have got to think about that.

13 I will let you have a look at it.

14 MR BROAD: Councillor Moon, could I come back to that because

15 we may be able to provide an explanation about that

16 issue?---Yes, good, thank you. Yes, go.

17 In respect of the general manager's performance review, I will

18 show you an email that you sent on 4 November 2014 which

19 doesn't relate to a leak. It's an email that you sent to

20 Mr Higgins?---To Mr Higgins, yes. Yes, yes, that's the

21 matter I - the same - the same matter that I said about

22 in October, yes, yes, that's correct.

23 So a month later you were still agitating for a performance

24 review of the general manager's contract?---Absolutely

25 because it was just going nowhere. We weren't getting

26 anywhere with it. I was still advocating that, yes.

27 Could I please go back to the Fair Work Australia because

28 it's relevant to what this document is?

29 We started on the leak. You know, when you told us you gave

30 the two things to the Riverine Herald, two items?---Yes,

31 yes.

1 And now we are moving into the - and is what you are going to
2 tell us now related to that?---Yes, absolutely. Yes, it's
3 related to - - -
4 Yes, I know what document you are talking about?---Yes, yes.
5 The response, the Fair Work document when it was given to you
6 and then you were asked for a response?---Yes, the
7 response.
8 Yes?---And in that document that I released to the Riverine
9 Herald, Margot, the general manager, Margo Stork, had rang
10 the Riverine Herald to say why they hadn't printed that
11 document that I had supplied them with and the answer back
12 from Margot Stork's statement in Fair Work Australia was
13 that Lana Murphy had said it was inappropriate to print
14 it. That's the document I have just given you now.
15 Inappropriate to print it. Now, when I read that and I
16 was preparing my submission back to Fair Work Australia, I
17 rang Lana Murphy at the Riverine Herald. I rang her to
18 ask her did she say that the article that I had given her
19 was inappropriate to print. Lana Murphy said to me -
20 first of all, she said: "I'll give you that document back
21 if you like." And I said: "No, I'm not asking for the
22 document back. I'm asking you did you say that it was
23 inappropriate to print?" She said: "No, I did not say
24 that." She said: "Sometimes I have got to say things to"
25 - because at that point in time Margot Stork and the
26 Riverine Herald had a bit of a falling out over other
27 issues where she went to the Riverine Herald and said to
28 the Riverine Herald: "Are you trying to destroy my
29 reputation?" And the editor apparently - this is Lana's
30 Murphy take of it - brought out the material that he had
31 printed and said: "What is in this dispute that I am

1 trying to destroy your reputation?" And according to Lana
2 Murphy, she said - Margot Stork, the general manager,
3 said, you know, she couldn't comment then on that matter.
4 Now, after - and then I gave my appropriate response to
5 the question asked by Fair Work Australia and I think you
6 have that what I said and I said if - and I was hoping the
7 article would be printed because it's not confidential and
8 therefore the truth would come out. I later received an
9 email from Lana Murphy to say that she cannot give me that
10 article back because she had already spoken to the editor
11 and they don't release any of those documents. I then
12 replied back: "I never asked for it back at any time.
13 All I asked was I was seeking clarification and what you
14 had sent to the general manager." Does that clear it up
15 with that document?

16 COMMISSIONER: Yes.

17 MR BROAD: Councillor Moon, the Commissioner was asking you
18 some questions about allegations that you had released a
19 report in 2014 in respect of a conflict of interest?---In
20 respect of what, sorry?

21 A conflict of interest?---A conflict of interest, yes. Yes, I
22 know what it is, yes, yes.

23 Now, can I show you a report in the Riv Herald which deals with
24 that issue?---Yes, yes, that - that - - -

25 And I will ask you - before you answer any questions, I will
26 just ask you to read it slowly?

27 COMMISSIONER: What date is that one?

28 WITNESS: I'm aware of this, yes.

29 MR BROAD: You know what you're talking about now?---Yes,
30 absolutely, absolutely.

31 COMMISSIONER: So you read what was - so is that - well, I will

1 let you ask the question. That's all right. So you want
2 to say what you want to say about that?---Yes, yes. I
3 absolutely agree that I gave - I don't - I don't believe -
4 perhaps the actual code of conduct was - but I certainly
5 gave an interview at that time with the Riverine Herald
6 because - this was in relation to the parking in West
7 Street, Moama, which I was exonerated on.

8 MR BROAD: Can I lead through a little bit about that with you?

9 If you read down through the report, it says probably
10 about the fifth last paragraph, it reads: "In July,
11 consultant, O'Connell Workplace Relations, found
12 Councillor Moon to have a pecuniary interest and that the
13 matter should be referred to the Division of Local
14 Government." Do you see that part?---Yes, I do.

15 And then it continues: "But in October, the Division of Local
16 Government found there was insufficient evidence that
17 Murray Shire Council could consider investigating whether
18 Councillor Moon had breached the code"?---That's correct.
19 I believe that the council really pursued this matter. I
20 was informed that the council went to two code of conduct
21 review people in Sydney who didn't think it would get up.
22 They then went to JSBA in Melbourne and pursued me through
23 them. That's what I believe happened and that's why when
24 I was exonerated and, like I said Friday, I am going to
25 release the bullying business where I have been exonerated
26 because you know what pain and suffering I have stood for
27 that for six months.

28 COMMISSIONER: Yes?---But, yes, that's - - -

29 So that is what that - so now I understand that is what that
30 relates to?---Yes.

31 Yes, thank you?---I am sorry for the confusion.

1 No, that is fine.

2 MR BROAD: Commissioner, I can draw your attention to the
3 provisions of the procedures for the code of conduct and
4 it basically says the complaints alleging a breach of
5 pecuniary interest have to be referred to the Office of
6 Local Government.

7 COMMISSIONER: Yes, I understand that. Thank you.

8 WITNESS: And I understand the Office of Local Government - - -

9 COMMISSIONER: Then said - - -?--- - - - well, it was
10 insufficient evidence.

11 Then said - yes.

12 MR BROAD: Did the Office of Local Government in advising you
13 that in their you didn't have a pecuniary interest say to
14 you that that letter was confidential?---I believe,
15 Mr Broad, that I never had anything from the Office of
16 Local Government. I only heard that later. I think I
17 might have heard that from Phil Higgins himself. I
18 remember this very well because I got a death threat from
19 this at about the same time.

20 I think we discussed the question of leaks fairly intensely on
21 Friday?---Yes.

22 Can I move to another topic and that is code of conduct
23 complaints? And you have indicated that you were the
24 subject of a number of complaints. I don't want to go
25 into any particularly, but having received back either
26 draft or final versions of reviewers' reports, what has
27 been your attitude to the content of those
28 reports?---Well, those reports basically come back to
29 council and most councillors get them and if there is any
30 action to be taken it is decided most times, not all the
31 time, in the chamber such as the Deep Creek Marina one.

1 Some of the other allegations made were - well, I believe
2 the code of conduct reviews, most of them, are a joke.
3 And I would like to perhaps say to you that I have spoken
4 to one of these code of conduct reviewers and I said to
5 them, first of all, I said to them: "Murray Shire is a
6 milking cow to you people. A lot of these trivial code of
7 conducts which are brought up lead to nothing or they are
8 investigated and conclusions are made which sometimes we
9 agree, sometimes we don't." We probably wouldn't agree on
10 most. But I would also like to add there is a great fault
11 in these code of conducts. I was talking to one code of
12 conduct - Mark Loves - who didn't fully investigate the
13 investigation on - I know he had various reasons for it,
14 but I don't agree with them all, on the gender bias
15 debate. But they have to quote for these jobs. I could
16 see that Mark Loves was hanging out for this job to get
17 bigger and he told me he come down here on \$4,000 and
18 spent a bit of time here which isn't enough and isn't
19 enough money, but they have got to quote on it. So they
20 are all competing there and these code of conduct people
21 are either ex policeman - and I am not against the police
22 in any way whatsoever - or solicitors who have finished
23 their practice and you speak to them and gone into these
24 type of investigations, like O'Connell Workplace. So I
25 believe there is a basic flaw in this. It's all done to a
26 price and they don't spend the time they should do in
27 coming down here. In fact, O'Connell Workplace,
28 Mr Commissioner, I don't think they ever come down for
29 anything. It's all done over the time and it's usually
30 done at a time when you were caught up, you know, running
31 a small business and, you know, they ring and you have got

1 other matters on your mind and then you have got to talk
2 to them. It's very, very hard at times to think back and
3 I have never got all the documents in front of me and
4 surely there must be another thing. And another matter I
5 would say that what disgusted me about code of conducts,
6 never once - never once did the general manager pick up
7 the phone and ring the councillor concerned and say,
8 "Well, listen, let's have a chat." She's a lawyer. She's
9 experienced in resolute mediation. I just can't believe
10 that she couldn't have come along and spoken to us.

11 There appear to be probably two classes of conduct complaint.

12 The first class of conduct complaint seems to be
13 complaints in relation to the behaviour of councillors as
14 affecting each other. Would you agree with that?---Could
15 you just repeat that, please, Mr - - -

16 Would you agree that there is a category of conduct complaint
17 which affects behaviour between councillors?---I would say
18 that would be fair comment.

19 There appears to be a second class of conduct complaint which
20 affects the relationship between councillors and the
21 general manager?---That would be correct, but why wouldn't
22 she try to resolve that conflict there? And it's up to
23 the councillors to resolve any conflict they had between
24 themselves.

25 What I am suggesting to you is that in relation to the first
26 category there was potential for a general manager,
27 whether it be Ms Stork or Mr Murdoch or otherwise, to be
28 able to resolve those sort of issues because they were not
29 a party to them. Do you agree with that concept?---Yes,
30 I'd say that was fair.

31 But in respect of conduct complaints involving the general

1 manager, they would be much more difficult for any general
2 manager to resolve?---How would that general manager know
3 when they have never tried to resolve it at any time?

4 But you don't perceive a difficulty that a general manager who
5 may be making complaints against a councillor may be
6 perceived by a councillor has being in a position of
7 difficulty to resolve it?---I don't believe so. If they
8 were to approach the councillor in the first place, get
9 the facts. If the general manager wasn't then satisfied,
10 they could - they had the right to proceed on a code of
11 conduct. But I believe that - - -

12 COMMISSIONER: So you would say maybe she should have just -
13 the general manager might discuss it with the councillor
14 before it turned into a formal complaint, something like
15 that?---Well, I have worked for corporate business, some
16 of the larger companies around the world. I have worked
17 on sites where there is employment of 2,000 employees. I
18 have never been involved with any conflict on site, but
19 people tell me on site what goes on. And it seems to me
20 the same thing that happens there that this conflict seems
21 to go on and no-one is prepared to come along and speak
22 and local government is no different about that. It just
23 defies logic.

24 Yes, I understand, yes.

25 MR BROAD: So what you are really saying is there should have
26 been some process that took place before a formal
27 complaint was lodged?---I believe so.

28 COMMISSIONER: Yes, I mean, if the general manager was upset
29 about something that you did, for example, you are saying,
30 "Why didn't she speak to me before she turned it into a
31 code of conduct?"?---Absolutely.

1 That is what you are saying, okay?---Yes, and I understand that
2 you both gentlemen are lawyers and you know that there is
3 a mediation process before things go to court.

4 MR BROAD: There was a mediation process that occurred here
5 which seemed, I think, to fail fairly quickly
6 afterwards?---Unfortunately it did and I think we spoke
7 about that on Friday, but that was the only worthwhile
8 process that I have ever seen in council and I think
9 Mr Turkington was an excellent person to conduct such a
10 mediation course.

11 Can I change to a different topic and that is the behaviour at
12 meetings? Can you give an overview of what you saw as to
13 the behaviour between councillors at meetings?---I believe
14 this behaviour at meeting has come about by both mayors
15 playing the game - and the general manager - playing the
16 game of division. And I believe it benefitted the present
17 general manager to have a five/four situation or a
18 five/three situation and she ruled this council as well as
19 the Mayor did on a way of division. It was in their
20 interest and I hope I get the opportunity to say more
21 about that later.

22 I will ask you it now. I will ask you that question straight
23 up now?---Yes.

24 At a meeting, a general manager does not have - and I put this
25 to you - and active role. Do you agree with that
26 concept?---An active role in what?

27 In the conduct of a meeting?---No, but if they benefit from the
28 - if they benefit from the division in council and have
29 one side support and the other side not supporting, there
30 is a benefit there because the one that's in the
31 minority - - -

1 COMMISSIONER: No, hang on. That wasn't the question?---Sorry.
2 The question was, they don't really have an active role in the
3 participation at the meeting and I mean, to this extent,
4 they may give some advice to the Mayor about procedural
5 matters. That's often something a general manager did,
6 but they are not part of the debate. I mean, the general
7 manager is not part of the debate in the chamber. I mean,
8 that's the proposition. You agree with that?---No. I
9 would say I would agree with what you are saying, but they
10 shouldn't have an active part, but I believe they do.

11 So are you saying the general manager spoke out loud about
12 matters at the general meeting as opposed to just getting
13 a benefit about the result?---No, the general manager - I
14 don't recall the general manager ever getting involved in
15 a debate.

16 No, thank you. Yes?---But certainly - - -

17 I mean, that would be unusual, obviously?---Sorry?

18 That would be unusual, obviously?---Absolutely, absolutely, but
19 there was other ways and means of doing that through
20 division. Not - well - - -

21 I understand what you are saying?---Yes.

22 Yes, so keep going. Let's hear the next question.

23 MR BROAD: What I am trying to get from you is you made a
24 statement to the effect that the general manager was
25 playing the game of division. I think what we have
26 established is that the general manager does not have an
27 active role in the debate of a meeting. My understanding
28 is that the general manager may give advice through
29 the Mayor in respect of particular issues. So how is it
30 that a general manager can have an active role at a
31 meeting?---Well, I believe with the - this general manager

1 was a micro-manager involving - producing an enormous
2 amount of red tape into council. That was very divisive
3 and there was amongst the independent councillors who -
4 and they weren't just independent standing away from the
5 five. They were independent amongst themselves. We
6 didn't agree on a lot of things and I think the records
7 would show that I probably - or Councillor Murphy and
8 myself voted with the five on a lot more occasions than
9 anyone else did. But the fact remains that that in itself
10 was seen as the general manager having a hand in the
11 workings of council, not clearly out there debating it,
12 but certainly introducing it.

13 So are you saying that the general manager actively pursued
14 division in the way she brought the business to the
15 meetings?---I believe that she would be aware that the
16 actions of some of those councillors to the reaction of
17 red tape. As I have said before, here we are. We are a
18 very small shire, a very progressive shire, and those sort
19 of actions would be conducive to many councillors as well
20 as the workings of local government in the area, yes.

21 Is there any other way, in your view, that the general manager
22 played the game of division in council at meetings?---Not
23 - it's nothing you can really say directly. It's by way
24 one's actions elsewhere, I believe. But not directly in
25 the council itself. There's quite a bit of sniggering
26 between the Mayor and her when certain councillors spoke -
27 or winking. I suppose, well, there is no doubt that that
28 would lead to resentment of other councillors noticing
29 what was going on when someone was speaking.

30 Did you perceive that to be occurring?---I seen it
31 occasionally, but I know other councillors were very

1 observant of that happening in council - councillors on
2 the four side, yes.

3 Now can I come to the issue of behaviour not involving the
4 general manager, not involving the staff, but between
5 councillors. What is your view about the conduct of
6 councillors at meetings?---Well, again, of course, if
7 there is conflict in meetings amongst councillors, it
8 would have been the five/four conflict in council, that's
9 my view, at times. You have heard what the Mayor said
10 about it. A lot of it was only just a storm in a teacup
11 and probably in some respects that's what it was. I am
12 not supporter of the Mayor - either Mayor - for certain
13 behaviour that they have - of their own and their own
14 actions. But, no, I think that is probably all I could
15 add there.

16 Councillor Bilkey described there as being a level of hurly-
17 burly in meetings. Did the behaviour extend beyond just
18 hurly-burly?---Well, there might have been. Well, that's
19 Councillor Bilkey's description. There might have been
20 amongst councillors. Councillors come in all sizes and
21 all ideas - ways and opinions and, you know, they are just
22 people just like a jury system. They just sit there and
23 make up the decision that they hear mainly from their
24 directors.

25 Can I differentiate the role of a jury as against a councillor?
26 A jury hears evidence?---Yes.

27 It has no participation above that?---They hear evidence and
28 make up their minds on it. We hear from the directors.
29 Well, it can be on legal matters or it can be on planning
30 matters. New South Wales has got the worst record of
31 disputes in planning of any local government in Australia.

1 But unlike juries, councillors debate the issues and make a
2 number of very discrete determinations?---Yes, yes.
3 Could I come to another thing?---Could I - - -
4 Sorry, go?---Could I just go back to Councillor Bilkey? When
5 he says about hurly-burly, there is quite a few arguments
6 out there in the - outside of the chambers and some heated
7 discussions taken place with Councillor Bilkey over the
8 time, but not said in the chamber here and not said in
9 front of the gallery or the staff. He might be relating
10 to a bit of hurly-burly out there.
11 But otherwise you say the behaviour in the chamber at meetings
12 didn't even involve hurly-burly?---I'm sorry?
13 Are you saying that the behaviour during the course of meetings
14 did not involve hurly-burly?---It's not a description that
15 I would use. There may be on occasions. It may be close
16 to that, but I don't believe it was much like that.
17 On 12 July 2015, Councillor Murphy wrote a letter saying that
18 she was concerned about the behaviour of some councillors
19 as being threatening?---Well, at our council meetings in
20 Moama, I sit beside Councillor Murphy. I would be
21 interested to hear what she has to say about that. But I
22 don't think she had anything to fear from me and I don't
23 think she had too much to fear from anyone else, but I
24 don't see myself as any threat to Councillor Murphy. I
25 paid her compliments on many occasions.
26 Did you at any stage see any behaviour that you regarded as
27 inappropriate behaviour for a meeting?---Well, the
28 description of 'inappropriate' today - and I believe all
29 these words of 'inappropriate' and (indistinct) and all
30 the rest are just political swear words from the political
31 correct people. I am a traditional conservative person.

1 I am not suggesting that I am Liberal, Labour or any other
2 thing. I am just - it really amazes me when I hear these
3 words 'discrimination' and 'inappropriate.' Everything is
4 inappropriate today because of the political elite of this
5 country is so sensitive to anything that doesn't suit them
6 they bring up those words.

7 In your experience at meetings, did you see any outbursts of
8 extreme anger?---Any?

9 Outbursts of extreme anger?---I did see quite a bit of extreme
10 frustration in council. There is councillors that stormed
11 out in debate - during debate. I'm not saying councillors
12 might have left for other reasons, but we are dealing with
13 debate here in council. But, no, I don't believe so to a
14 great extent.

15 Was there any loud yelling?---Well, when you talk about loud
16 yelling, I had nine years' experience in that previous
17 council and there was some very, very loud councillors
18 there and, in fact, one councillor - I don't think you
19 mentioned his name - he might have been mentioned - his
20 name was Bob Crack. He was extremely loud at times and
21 thumped a table, but it was never an insult to anyone or
22 any other councillors. We had the late Councillor Ken
23 Burrell. He never did much loud - - -

24 Let's try and confine ourselves to the period since 2012
25 because the terms of reference confine the Inquiry to
26 that?---M'mm.

27 In that period following 2012, was there behaviour of that
28 nature at meetings?---It was happening to some degree.
29 But, as I have said before, I don't believe it's as bad as
30 what has been stated. People are very, very passionate
31 about representing ratepayers and I think a lot of

1 passionate, very robust debate happens. You have only got
2 to look at the Federal Parliament and the State
3 Parliaments. They are all affected by the same time of
4 robust debate and I believe the behaviour of local
5 government in this council is probably better than what
6 you see in the Federal Parliament.

7 Councillor Murphy, there appears to have been an issue - - -

8 COMMISSIONER: No, Councillor Moon.

9 MR BROAD: Sorry, Councillor Moon. I do apologise. Sorry,
10 Councillor Murphy. My mind is reading other documents.
11 Councillor Moon, one of the concerns I think you had was
12 in relation to a meeting which was to take place on
13 19 January this year and in that respect you had lodged
14 with Councillor McKenzie a notice of motion?---That's
15 correct.

16 The meeting didn't proceed and I think you have referred to
17 that because there was a lack of quorum?---Yes.

18 Now, if I can show you an extract of the minutes of the meeting
19 of 17 November 2015 - - -

20 COMMISSIONER: Just while he is getting that, do you have a
21 copy of your notice of motion?---I am sorry, I missed
22 that?

23 Do you have a copy of the notice of motion that you put
24 forward?---Yes, I do actually.

25 Could you just get that out? And there was an attachment to
26 it, I think?---Yes, yes. The one on 8 January. There was
27 one probably prior to that.

28 MR BROAD: I have got a copy if you need a copy.

29 COMMISSIONER: We have got it, yes.

30 WITNESS: I think I have actually got one.

31 COMMISSIONER: It is all right. Just have a look at what

1 Mr Broad has given you?---Yes, yes.

2 It is all right. I just wasn't sure whether you had the full -
3 don't worry about it.

4 MR BROAD: Now, Councillor Moon, what I have shown you is an
5 extract. It is actually p.43 of the minutes of the
6 ordinary meeting of council on 17 November 2015. It is a
7 part that was dealing with a code of conduct investigation
8 and it records councillors being absent?---I am sorry.
9 Have you finished that?

10 What I am saying to you is this. If you go down and there is
11 like a table about two-thirds of the way down the page and
12 there is a record of councillors present and councillors
13 absent and it records that Councillor Weyrich had been
14 granted leave of absence and that yourself, Councillor
15 Campbell and Councillor McKenzie left the meeting prior to
16 the discussion?---Yes, I see that here.

17 Was the purpose of you leaving the meeting to leave that
18 meeting without quorum?---Absolutely not. I believe that
19 Councillor McKenzie and Councillor Campbell left the
20 meeting before I did and it might have only been five
21 minutes. I stayed on there for the basic reason being
22 that I believe that this code of conduct discussion was
23 about Councillor Campbell, wasn't it?

24 I will just check that?---Either Councillor Campbell or
25 McKenzie.

26 Yes, go on?---And I believe that they never got the opportunity
27 which they were given in the chamber, but they were cut
28 short by Mayor Pocklington which wasn't unusual the way he
29 ran meetings. They were cut short from giving their
30 explanation to this code of conduct. Now, they then left
31 the chamber and I spoke on behalf - I believe it was

1 Councillor Campbell I spoke on her behalf and then I was -
2 and quite rightly so at that stage - I was told I was out
3 of order and that was probably from - that was from
4 Councillor Pocklington on that point and I then left the
5 chamber in disgust because I believe that Councillor
6 Campbell was not given a fair hearing.

7 The effect of that?---I beg your pardon?

8 The effect of that was to deny the meeting a quorum?---Well, in
9 effect, that's what happened, but it certainly wasn't my
10 intention that that was to happen. I did stay in there
11 and tried to point out these facts that she - it's really
12 about the way the Mayor conducts the meeting and
13 Councillor Pocklington has got no idea of conducting a
14 meeting.

15 COMMISSIONER: Did you leave the meeting after that? Did you
16 come back or was that the end?---Yes, well, we returned
17 back.

18 And then carried on with the rest of the business?---When that
19 - when that meeting couldn't be discussed, we were brought
20 back in.

21 Because the minutes show there was other business, you
22 know?---Yes, Mr Commissioner, other business just
23 continued on.

24 MR BROAD: Was it in your mind when you left the meeting that
25 your departure would result in a lack of quorum?---Yes,
26 well, I realise that. But as I said just a minute ago,
27 that clearly was not my intention. It was a matter of
28 Councillor Campbell's democratic right to have her say to
29 defend herself.

30 COMMISSIONER: Do you know if that matter has come back to the
31 - so that left - effectively that matter was never

1 formally dealt with by the council?---That's true.

2 Has it ever come back?---Well, it's my knowledge - to my

3 knowledge it's never come back, yes.

4 I think that's what I understand, yes.

5 MR BROAD: Councillor Moon, I will just get out a copy of the

6 notice of motion that was lodged by you and Councillor

7 McKenzie. If we go through some aspects of that.

8 Councillor Moon, what I have shown you is a copy of a

9 notice of motion that you and Councillor McKenzie lodged

10 which was to be considered at council's meeting on

11 19 January. That is, sorry, 19 January 2016, I should

12 make clear.

13 COMMISSIONER: Have you got a copy of that?---Yes, yes.

14 Have you got your own copy?---Yes, I have in here.

15 Is it the same?---Yes.

16 Yes, look at that. Yes, all right?---Yes, yes, I believe so,

17 yes, absolutely.

18 MR BROAD: Have you read through the annexure?---Yes.

19 Why did you and Councillor McKenzie bring that motion at that

20 time?---The reason why we did, well, councillors of our

21 side generally believed that the general manager was

22 benefiting from this division in council. We were

23 concerned about the lack of information that is coming out

24 of council. We had great reservations about the return to

25 work and we have heard - and now that we have heard the

26 truth has come out at this public inquiry that Mayor

27 Pocklington has signed an agreement that no councillors

28 know anything about and we were always unclear what was

29 behind there. And I believe that the general manager now

30 is complicit in that agreement because it has never come

31 back to council to be ratified or even debated on. So

1 there was a lot of concerns there and we were very, very
2 concerned about the amount of code of conducts which have
3 been put on mainly three councillors and to a considerable
4 cost to the ratepayers with no benefit. And generally we
5 were of the opinion that we have a very vexatious litigant
6 in the general manager and the fact is that the staff had
7 been told - senior staff levels have told that she had not
8 been really at council for some five months. Their words,
9 not mine. And we had attempted to fix that problem by
10 putting in an acting general manager in Phil Higgins.
11 But, of course, we weren't told the truth about what was
12 going on behind the scenes which we suspected but could
13 never get to the bottom of it. So, I suppose that's the
14 way to explain or the way that I can explain the way we
15 had no confidence in the general manager. I rang OLG to
16 see if this motion would be legal. I explained to Lyn
17 Brown what the motion was about and she could see no
18 problems with this motion. And after discussing with Lyn
19 Brown, I said to Lyn Brown, I said, "If I disagree with
20 you on any matter, does that make me a bully?" And she
21 wouldn't answer it. And I said, "I would like you to
22 answer that." I said, "If I disagree with anyone, does
23 that make you a bully?" And she said, "I love a good
24 argument," and that's all she left. But she was never
25 prepared to tell me by disagreeing with somebody that you
26 were a bully.

27 Can I ask you a couple of questions that arise from what you
28 have just said? You spoke and used the term "Councillors
29 on our side" or "Of our side." Who do you mean by
30 that?---Well, at that stage it was only two and a better
31 word I perhaps should be using, but there is two sides, so

1 that's the way I am describing that. Those councillors
2 being Councillor McKenzie and Councillor Campbell.
3 What about in the circumstances that have then presented
4 themselves, Councillor Weyrich?---Good point. I believe -
5 and there is - and I hope this comes up later with
6 discussions with Councillor Weyrich about matters of the
7 election of the Mayor. I believe that Councillor Weyrich
8 was supporting this motion. But at times you didn't know
9 where you were with Councillor Weyrich. He was supporting
10 both sides. But I believe - sorry - I do believe that he
11 would have probably voted for that motion. As much as I
12 could believe him, I believe he would have, and I believe
13 that the other side were quite aware of that fact and
14 that's the reason why they just never attended that
15 meeting. They were all very conveniently sick or had
16 other reasons. I heard the explanation of the Mayor,
17 Councillor Pocklington, he said he had other things to do.
18 Other things to do when you are the Mayor of a council and
19 there is a convened council meeting and you don't turn up?
20 I think not.

21 Councillor Moon, in the lead-up to lodging that notice of
22 motion, obviously there was discussion between yourself
23 and Councillor McKenzie?---That would have been quite
24 right to do so, yes.

25 Did you discuss it with Councillor Campbell?---I believe that
26 she would have been either privy to our thoughts or
27 discussions. That would have been quite right. I mean to
28 say, you are not going to put a notice of a motion up
29 unless you know you have got some support.

30 Did you have any discussion with Councillor Weyrich?---I did
31 so, yes.

1 And did he express a view?---Well, he expressed the view that -
2 and, well, some other matters will come out later which
3 will support this - but, yes, yes, he expressed the view
4 that none of us knew why the general manager was back or
5 the reasons why she was back or how long she would be
6 there and, you know, we just thought that the whole thing
7 was becoming a farce and with the lack of transparency he
8 agreed that we should put that notice of motion up.

9 You said, "Other matters will come out which will support it,"
10 what are you referring to?

11 COMMISSIONER: And you mentioned before something about the
12 election of Councillor Weyrich. So why don't you use this
13 opportunity now to tell us what you want to say about
14 Councillor Weyrich?---Well, go back before the mayoral
15 elections. I was away in August. I was in Queensland
16 with my wife. It's the first time we've ever been away
17 for a month. So we're enjoying the holiday and I had many
18 calls with Councillor Burke and, of course, with
19 Councillor Weyrich over the election and what we perceived
20 to be the interference of the election by the general
21 manager. And I bring your attention to the fact that
22 Councillor Burke rang me. I had a fairly good working
23 relationship and I believe between us we have a lot of
24 trust. Councillor Burke rang me to say that he had
25 received a letter by via his solicitor from CBP Lawyers in
26 Sydney. From, well, I'm sorry, it's Colin Biggers &
27 Paisley. He received a letter there pointing out to
28 Councillor Burke not to attend the mayoral elections
29 because the mayoral elections may generate robust
30 conversation amongst the councillors present and although
31 we expect that Councillor Burke is eager to exercise his

1 right to vote on the mayoral elections, but said to him
2 that - - -
3 We heard about that letter. Can I have a look?---Yes, yes.
4 So that letter, yes. What do you say about it?---And, well,
5 what I seen, this is clearly an interference with a
6 councillor's role by a general manager. I said to them -
7 I was talking by phone from Queensland or the Northern
8 Territory or whatever I was going, to Councillor Weyrich,
9 "Is there going to be a robust debate in council on the
10 mayoral election?" He said: "No, why?" He said: "I've
11 never experienced one." I said: "No, I haven't
12 experienced one beforehand, but there's a letter from the
13 solicitors suggesting that there would be." When I - I
14 think it was when I returned. I have got - yes, here it
15 is. On the 1st of the 9th. This is the minutes of the
16 ordinary meeting on the 1st of the 9th and that would have
17 been in Moama. I asked a question to the acting general
18 manager at the time, Mr Phil Higgins, that had - no, it
19 might have been prior to that, this is the second part of
20 it - that did he authorise a letter, as he was acting
21 general manager, did he authorise a letter to be sent to
22 Mr Burke. He said: "No, I did not, but I'm aware of that
23 letter being sent to Councillor Burke." That's what the
24 letter said. And then there is reference to this that in
25 the confidential questions and statements about notice. I
26 moved a motion, seconded by Councillor McKenzie, that
27 council obtain information about who authorised the letter
28 to be sent from the council's solicitor in relation to the
29 letter sent to Councillor Burke about the mayoral
30 election. Now, I don't believe there is any outcome to
31 who did authorise the letter, but I think Councillor

1 McKenzie did alert to the fact in his statement that
2 solicitors don't send out letters unless they are
3 instructed to.

4 MR BROAD: Councillor Moon, you said that you had had a number
5 of discussions with Councillor Weyrich in the lead-up to
6 the mayoral election. Can I take you through some
7 allegations which you may or may not have seen which are
8 raised in an application made by the general manager to
9 the Fair Work Commission? In your discussion or
10 discussions with Councillor Weyrich, did you ever tell him
11 that you would support him on the basis that the general
12 manager was gone?---Yes, basically correct for the reasons
13 being that - let's see here - yes, I did because the
14 reason being that Councillor Weyrich gave me a document at
15 that front row there, I was standing. It was mid-
16 afternoon during a tea break. He gave me a document. He
17 had other documents in his hand. He gave me some. He
18 left a couple, I think, on the chair. But Councillor
19 Weyrich told me that, that was at that time, that he was
20 negotiating an exit, an exit for the general manager and
21 that was the agreement. He handed me the copies - in
22 fact, I have a hard copy that's not photocopied - of the
23 discussions that he had about the exit. If I could just
24 find it, Mr Commissioner?

25 COMMISSIONER: I am just getting the other letter copied by the
26 way. You find that?---Among those copies, of course, he
27 handed me some copies of WorkCover Authority of New South
28 Wales improvement notices.

29 We have got those. We know those. Had you not seen them
30 before?---No, definitely not. Not the person ones where
31 the general manager had been to a - - -

1 You mean the actual improvement notice that was sent by the
2 office?---Perhaps I had better give them to you and - - -
3 I have got them. I am just wondering whether you have ever
4 seen them?---Yes.
5 Just leave it there. (Indistinct words)?---Yes.
6 You have never seen them before?---Not - not - yes, I have seen
7 those before, but there were other ones which were
8 the - - -
9 It is all right. Keep looking for the one that you started to
10 look for?---I believe they were private actually.
11 You are looking for the ones that Councillor Weyrich referred
12 to in the exit strategy. That is the document you are
13 looking for now?---Yes, yes, yes. I believe I have the
14 original here. I am sorry, some of the tags have fallen
15 off here, but I have definitely go it here.
16 It is all right. If you can't find it, you can give it to us
17 after?---I would like to comment on it.
18 That is what I am going to say. Tell us about it now. I mean,
19 if you know what is in it, just tell us about it?---Well,
20 it was from the - he was negotiating with I believe it was
21 Maddocks, the solicitor, that they were negotiating an
22 exit which was, in effect, 38 weeks of pay. I believe
23 that's the contract.
24 So this is while Councillor Weyrich is the Mayor, isn't
25 it?---Yes, yes, yes.
26 So this is pre-September 2015?---This would have been prior
27 to August - prior to August. Here we are. I believe that
28 is the original copy of the discussions with the solicitor
29 handed to me. Yes, it was with Maddocks solicitors. I
30 believe this WorkCover certificate of capacity is a
31 confidential document handed to me by Councillor Weyrich

1 at the same time. I believe you should have a look at
2 that, Mr Commissioner. I haven't got the original.
3 That is all right?---Can I continue? Can I continue?
4 Yes, yes?---Okay. I have another document here that is
5 relating to Councillor Weyrich which he handed to me. It
6 was from Darren Gardner, the partner in the legal firm
7 represented council. And it says: "Based on discussions
8 to date, what is certain - what is certain is that we are
9 looking" - I'm sorry. "What is certain, that we are -
10 that we would be looking fully and finally settle all that
11 can be lawfully settled in relation to Ms Stork's
12 employment and with the departure from council and all
13 claims that she has made in relation to her employment
14 including against council, its elected officers, agents
15 and employees which would be done by deed of release and
16 deed of poll to the benefit of the individuals to fully
17 and finally settle all claims, demands and causes of
18 actions, debts, complaints." Yes, Mr Commissioner, I did
19 say to Weyrich if he did want any support, the only
20 support I would be giving him would be that he fulfils the
21 settlement with the general manager which he was in the
22 process of negotiating with.

23 Thank you.

24 MR BROAD: Did you in your conversation say to the Mayor or
25 attribute your reasons as being because the general
26 manager had sued the council? Did you say words to that
27 effect?---I don't believe "sued the council" is right and
28 are they may comments or Councillor Weyrich repeating what
29 I said?

30 Those are comments that Councillor Weyrich attributes to you
31 and I am wanting to invite your response to

1 them?---Mr Broad, I don't think I said - I would have said
2 that because at that stage, the general manager, to my
3 knowledge, hadn't sued the council. There was an earlier
4 reference that she was going to sue the council for a
5 million dollars but we dealt with that matter and
6 (indistinct) Riverine Herald and the affidavit and all
7 that. No, no, no.

8 Could I ask you another question? Did you ever say words to
9 the effect that you had a line into the Office of Local
10 Government and they don't believe the investigations that
11 you have lodged - sorry, that had been lodged by the
12 general manager and that is why they are not taking
13 action? Did you ever say words to that effect?---Could
14 you please repeat that again? I didn't get the first part
15 of that.

16 Yes. The suggestion is that you said words to the effect that
17 you had a line into the Office of Local Government that
18 the Office of Local Government didn't believe the
19 investigations that had been lodged by the general manager
20 and that is why the Office of Local Government was not
21 taking any action?---I am sorry, Mr Broad, but you said at
22 the beginning of that - I am still not hearing clearly
23 the - - -

24 The attribute is that you had a line into the Office of Local
25 Government?---I had a what?

26 A line.

27 COMMISSIONER: A connection. Like, you could - a line?---A
28 line.

29 A line, yes?---Thank you. Absolutely not. The only people I
30 have spoken to people in the OLG has been Janice Macleay.

31 MR BROAD: She is not with the OLG?---(Indistinct) sorry.

1 COMMISSIONER: You said you spoke to Lyn Brown once?---Yes,

2 probably when she come down I spoke to her.

3 Yes, Janice Macleay is not part of OLG?---No.

4 No, no, sorry. Yes, okay, yes, anyone else you spoke to in the
5 OLG?---I spoke on quite a few occasions with Mr Broad here
6 in his capacity of working in the OLG. I had no line with
7 local government. You have heard what I have said about
8 them, the way they operate. No, not at all. That is
9 completely incorrect.

10 MR BROAD: Did you ever say words to Councillor Weyrich to the
11 effect that the general manager would throw her under a
12 bus, the same as she had done with the other
13 councillors?---I did say that, that he was trying to hang
14 on and the reference to that was that that - what I said
15 about the robust debate because I believe the general
16 manager was really trying to get Councillor Chris Bilkey
17 elected. And Councillor Anderson was actively campaigning
18 for Chris Bilkey to be the next mayor. I was totally
19 unaware of the fact that the mayor had made an agreement
20 that he would only be there for two years. It was quite
21 surprised when that come out. But it was evident to me
22 that that mayor was there for a long time and he
23 desperately wanted that fourth time. So the reference of
24 being thrown under the bus, I think he had been thrown
25 under the bus. He had been thrown under the bus with that
26 letter that was sent about the robust debate to Councillor
27 Burke.

28 Can I take you to another part? Did you ever say words to
29 Councillor Weyrich to the effect that: "The whole joint
30 was falling apart and that it was the general manager's
31 fault"?---I would agree with the first statement, the

1 whole joint is falling apart in a way because not only
2 I - - -
3 Can I stop you short?---Sorry.
4 I am asking if you said words to that effect to Councillor
5 Weyrich. Not whether you had a sentiment about whether it
6 was falling apart?---Look, I would say words to that
7 effect, yes.
8 And that the general manager had to go. Did you say words to
9 that effect too?---Yes, look, I have got - I'm under oath.
10 You are?---I believe I did say that. I was referring to the
11 inference that was going on with the Colin Paisley letter.
12 It was falling apart when that type of behaviour is going
13 on, yes.
14 Did you ever say to Councillor Weyrich words to the effect that
15 Janice Macleay was no good and that you had a five-inch
16 thick folder on her?---I certainly would have said I was
17 completely in disagreement with Janice Macleay. I thought
18 that her - and I am on record of what I said about that on
19 Friday - I completely disagreed with her. The lady when
20 she interviewed us, she was mentally stressed and tired.
21 I recall it was around about Easter time. I think she was
22 just here as an absolute waste of time and ratepayer's
23 money. So, yes, I would say that I absolutely disagreed.
24 I believe there is another part of that question you asked
25 too, the last part. What was it?
26 Yes, there were two parts to the question. One, did you say
27 words to the effect that Janice Macleay was no
28 good?---Well, words to that effect.
29 And the second part of the question is, do you say that
30 Councillor Weyrich words to the effect that you had a
31 five-inch thick folder on her?---Absolutely ridiculous. I

1 have no idea of her background of any description. I
2 don't know how I could have a folder on.

3 COMMISSIONER: How big was the folder that you received from
4 her?---That was probably around about the same.

5 That is what she sent you, wasn't it?---Yes. Well, no, that
6 was sent out from Bill Higgins to councillors, yes.

7 The final report, yes, I understand, of course yes, yes?---Yes.

8 MR BROAD: So what you received is a much thinner
9 folder?---Absolutely. I think that's a bit of an
10 exaggeration.

11 Another question that arises from this is this, and there is no
12 direct conversation about this, but at the time leading up
13 to the mayoral election were you trying to drive a wedge
14 between Councillor Weyrich and the general manager?---In
15 respect to what?

16 I am sorry. I am simply putting the question to you. I am not
17 adding to it?---Absolutely not. Absolutely not. In fact,
18 I don't - I don't think I did at all. Councillor Weyrich
19 is more than capable of driving wedges between a lot of
20 people.

21 Can I go back to the 'no confidence' motion and can I ask you
22 this question? As at 19 January 2016, Councillor Anderson
23 had significant health issues and was unable to attend
24 council's meetings. In bringing your notice, was it in
25 your mind that you, Councillor Campbell, Councillor
26 McKenzie and potentially Councillor Weyrich would have the
27 majority vote at that meeting?---Certainly not, as
28 Councillor Anderson has some very serious health issues.
29 I certainly wasn't privy to them at that stage how bad
30 they were.

31 I am not asking you to discuss that?---No.

1 What I am asking you is whether knowing that Councillor
2 Anderson was unlikely to be able to attend the meeting on
3 19 January 2016, you held a view that you were likely with
4 the support of the other councillors I have named, to hold
5 a majority?---No, I wasn't aware that he wouldn't be there
6 in January until we received an email from the general
7 manager to say that councillors would not be able to have
8 a quorum at the meeting and I think it was pointed out to
9 you. The point being here the notice of motion was put up
10 well before this and I don't think any of the councillors
11 would have been aware that Councillor Anderson had health
12 issues of any description, let alone being serious. So,
13 no, I wasn't.

14 One of the issues that appears to have arisen is your contact
15 with the general manager. Would you regard your contact
16 with the general manager as courteous and
17 appropriate?---Unless I was having a disagreement with
18 her, I would say there were. The first one-hour meeting
19 that all councillors had, I - - -

20 COMMISSIONER: The one on one meeting?---The one on one which
21 we had no more. It was going to be a regular occurrence
22 in the term of this council and the term of (indistinct
23 words). And it was only one. I thought we exchanged
24 pleasantries. No, I don't believe that other than having
25 a disagreement. As I said, disagreement with a general
26 manager you are finished and that's not the only one - I
27 am not the only one that observed that. It has been
28 observed by the Wakool Council and the Deniliquin Council
29 senior staff.

30 MR BROAD: You said - and I think before giving your evidence
31 said that you were courteous except when you were having a

1 disagreement with the general manager. Did you have many
2 disagreements with the general manager?---Well, I could
3 point out an example. I am the delegate on the Murray
4 Darling Association. We had a conference in Tumut and
5 there was a motion put up which had been a longstanding
6 motion and we are in region 2 here. There is about ten or
7 11 councils in region 2. I'm a former chairman of
8 region 2 myself. There was a motion put up regarding to
9 have another dam built within the catchment area. There
10 was an executive member of a region in Mildura or Swan
11 Hill come to me because it was my job to present the
12 motion to the conference. She come to me. She wanted
13 some wording changed in the motion that I was putting up.
14 I agreed to that because it didn't actually - I thought
15 she was a little pedantic. It didn't really alter the
16 motion at all. I did - I then seen the general manager as
17 a courtesy and my responsibility to say to her that I
18 might accept from another region a little change in the
19 motion. She vehemently was against that. I pointed out
20 the fact that this motion had been on the books for many,
21 many years. She said: "You will not change that motion
22 until you bring it back to council." I pointed out to her
23 this was a regional motion, not just Murray Shire's
24 motion, and there is one big problem that we have in this
25 shire, is the shire has lost 25 per cent of its water.
26 Wakool has lost 50 per cent of its water and the price
27 that farmers have to pay for water. So I said, "Look, as
28 far as I am concerned, this motion is going to go through.
29 If I have got to get it through with making a compromise
30 here or two, I am doing it." And she stormed off and I
31 don't think she realised the point that it wasn't Murray

1 Shire's motion. Murray Shire was one-tenth or 11th of one
2 region and I didn't have to go back to this council
3 because (indistinct words) council, it has been sitting on
4 the books probably for ten or 15 years, that motion.
5 That's just an example of just having a discussion that
6 can lead into a difference of opinion and it goes.
7 Where you were having a disagreement with the general manager,
8 were your emails discourteous?---I don't believe so. They
9 might have been a little bit robust in our discussions or
10 emails at times. But, no, I don't believe so. I believe
11 that that could go both ways with her emails, particularly
12 the threatening - threatening me with legal action that
13 could take our assets away on the Deep Creek Marina
14 episode.

15 Councillor Weyrich, can I turn around now and deal with the
16 matters involving the recruitment processes for the
17 general manager? Can you describe the events that took
18 place firstly in relation to the interviews of all of the
19 candidates? Can you indicate what took place in general
20 terms?---Well, we - after appointing a recruitment firm to
21 conduct interviews for the vacancy of the general manager
22 in the Murray Shire. We had a - first we had a meeting to
23 decide the recruitment (indistinct words) Mr Blackadder
24 wanted to know from council what type of general manager
25 they were looking for and that took place. Whether we
26 wanted someone from New Zealand or South Africa or someone
27 locally, I think I did express the view. I know
28 Councillor McKenzie said he did - he didn't think we
29 needed someone from New Zealand and I believe I expressed
30 that type of view as well due to the cost, the cost to the
31 ratepayers. And we were asked do we like a female general

1 manager. I heard that said. I wasn't asked the question
2 directly and I would have responded to it. I heard what
3 Councillor McKenzie said. I believe Councillor McKenzie
4 was taken completely out of context. I noticed in
5 Councillor Pocklington's submission to you that I agreed
6 with what was supposedly said that we didn't - if a woman
7 walked in with a handbag it was automatically decided that
8 she would get the job. I don't believe it was in any
9 councillor's mind that that would happen. So we went
10 through the selection process, just to shorten it down for
11 you, and we ended up with - I believe that most of the
12 candidates, first of all, were worthy opponents to get the
13 job of general manager. I want to make a little
14 confession here. The council as a whole, including me, my
15 mistake in believing that we needed a fresh set of eyes to
16 run this council because there was a lot of business going
17 on. There was amalgamations looming and a lot of other
18 issues and really this council had a very, very busy time
19 and I overlooked one thing. We had an application there
20 from Mr Phil Higgins and I was badly mistaken. He could
21 have made an excellent general manager. We already had
22 one sitting there. I was too blind to realise this. I
23 had this notion, as the rest of them had, and I must
24 apologise to the ratepayers because I don't think we would
25 be sitting here today if we had Phil Higgins put in there.
26 But, anyway, that's what happened and then we come down to
27 the selection of the three candidates. Graeme Faulkner,
28 Margot Stork and - - -

29 COMMISSIONER: It doesn't matter who?---Yes.

30 It doesn't?---Three of them. I thought Graeme Faulkner was an
31 absolutely standout candidate, absolutely standout. A man

1 of great experience in local government. Great
2 experience. I make no apology of the fact that he was
3 absolutely my choice. I would like to make some comments
4 on my notes that I took. When it came to reasons why I
5 didn't support Margot Stork, nothing about gender, and
6 when she burst in with her presentation, the first one,
7 straight away she talked about sustainability.
8 Sustainability to me, outcomes, all this sort of buzz talk
9 is talk of the greenie. Now, I am not in complete
10 disagreement with some of the things the Greens say. But
11 on the environment, I am the - on water, farmers are the
12 best greenies I have seen because you cannot manage the
13 land and produce from the land and be as successful as
14 farmers are and certainly there is a lot of successful
15 ones in the Murray Shire who have a full time job as
16 farmers, not someone who has a bit of a part time job as a
17 farmer. I put down "greenie". I also put down I believe
18 that she had a legalistic approach to things. Given the
19 fact that she had an - and she quite freely expressed this
20 and I am trying to take advantage, she may have been very
21 honest in saying so, but she took an infringement notice
22 out of against some farmers for grazing their stock
23 on - - -

24 MR BROAD: Can I stop you short? Is this something she told
25 councillors at her interview?---Yes, yes.

26 That she had taken out - - -?---Yes.

27 Right, okay, continue?---Yes, definitely. I am referring to my
28 notes, Mr Broad, yes. On the road and as farmers would
29 have to do it in a drought, there is always a bit of green
30 or a bit of feed along the road. Anyway, she took the
31 infringement notice out which resulted in the farmers

1 turning up en masse at the Moorabool Council where she was
2 working and she had to deal with that back then. I also
3 noted that she only had 24 months' experience in local
4 government. She spoke about shared services that already
5 existed well within Murray - - -

6 COMMISSIONER: Had she practised as a lawyer? Was she a
7 lawyer, did you say?---Yes, yes.

8 Did she practice as a lawyer?---It was in her resume.

9 I can ask her, but she did she practice as a lawyer?---Sorry?

10 Did she actually practice as a lawyer?---Yes, as a family
11 lawyer and I believe that is in her - - -

12 It is all right?---And the other notes I have made was that the
13 manager role was probably okay in what she was doing. She
14 worked in areas of downsizing and that's why the way the
15 governments were going. But I believe that she did not
16 have enough scope in local government. I believe that.
17 And she was all about change and she was not suited to the
18 rural shire. In her questions from the - that were asked
19 by all candidates which those questions were put by
20 Mr Stephen Blackadder, she - I rated it between one and
21 two on those. The rating had to be between one and five
22 and most of my ratings was between one and two. Now, I
23 believe that I have been proven right on one thing. Two
24 days ago I was given this document and this document tells
25 me that there was collusion - collusion between
26 Mr Blackadder and Mr Weyrich - Councillor Weyrich, I am
27 sorry, and Councillor Pocklington. And the confidential
28 document was sent to the Mayor and the confidential
29 heading of it is: "John and Tom." And I refer to the
30 last part of that: "Note in the last session, the 20-
31 minute interactive session to debunk any notion that

1 Margot Stork is a greenie." Now, greenies, as I said,
2 don't come over too good in rural shires and it's pretty
3 evident to me and I think I proved myself right that she
4 has only had two years' experience in local government and
5 would not be suitable for this shire. So I personally
6 predicted what the outcome would be in the shire.

7 MR BROAD: Could I have a look at that document?---You may have
8 it. I believe you would have a copy.

9 COMMISSIONER: I think someone mentioned something about this
10 before about when she came back the second time?---Yes, I
11 have only had (indistinct words).

12 No, no, the concept about whether she had presented in some way
13 as a so called greenie or whatever. Anyway, I
14 understand?---Okay.

15 MR BROAD: Just for completeness for the record, the transcript
16 that is, this is an email from Stephen Blackadder which
17 was sent at 3.27 pm on 29 January 2014. The email is
18 addressed to John Pocklington and Tom Weyrich?---That's
19 correct.

20 Its title is: "Re GM selection part 2 -
21 confidential"?---That's correct. It beggar's belief that
22 we have two rural councillors on council, the only two
23 rural councillors, and I have had many discussions with
24 Councillor Anderson on things and I was the one that led
25 the - trying to lead the reduction of rates for farmers.
26 Very hard pressed here. You may not be aware,
27 Mr Commissioner, but I think there is something like two
28 suicide in the Goulburn Murray area a week from farmers.
29 I believe it has reached that and it is basically about
30 water and Green policies and it is something I believe the
31 last general manager was well aware of the farming

1 community and very much in touch. So it beggar's belief
2 that these two councillors - I know their reasons. They
3 never want to rock the boat. They want to be politically
4 correct and I am afraid that we can't. We are up against
5 the wall, the farmers.

6 Can I go to a bit more about what occurred in the interview
7 processes and there have been allegations that in respect
8 of a number only relating to Ms Stork that some
9 councillors turned their back on the candidate and did not
10 participate in the interview process?---I would completely
11 refute that. I never seen it. And I don't think - and I
12 am not having a shot at Councillor McKenzie. It's a very
13 small room and I think he would have trouble turning
14 around to turn his back to Ms Stork as she was then having
15 an interview. I never seen any of that. I was quite
16 surprised when I heard it.

17 One of the questions I was going to ask you and it didn't come
18 out fully is this, and you alluded to the poor conduct
19 reviewers' reports. You appeared - and I will let you
20 answer this - have you formed a view that conduct
21 reviewers' reports had been poor?---The view that I would
22 have taken mainly is that the conduct reports and code of
23 conducts were unnecessary. Some of the things -
24 allegations put in them were irrelevant and petty,
25 extremely petty. I think that's what (indistinct words).

26 In respect of Deep Creek, there was a conduct reviewer's
27 report. I assume you read that?---I have. I have it
28 here.

29 Yes. No, I am not asking for you to produce it. I am asking
30 whether you read that or not?---Yes, I read that.

31 What was your view about that report?---Given that nothing took

1 place out there, I think I might have alluded to it on
2 Friday. I was asked by Councillor McKenzie to go out
3 there.

4 I don't want a rehash?---Sorry.

5 I don't want a rehash of the events?---Yes.

6 I am asking you whether you read the report?---Yes.

7 In reading the report, what was your view on the quality of the
8 report?---The quality of the report was very - well, it
9 was well and truly off the mark. This report was taking
10 retaliative action, retaliative action against the general
11 manager by going out there to have a look. It was
12 absolutely ridiculous. I believe the general manager has
13 not done a due diligence assessment of things in the
14 shire.

15 Leave that aside. I am trying to confine my questions to the
16 quality of the report and do I take it that you regarded
17 the report as being of poor quality?---Well, I believe
18 that, yes. I believe that particularly in the area of
19 saying that it was retaliative action. I just don't know
20 where they could have got that from. I did say that I
21 believed that those words also were of Councillor
22 Bilkey's. I believe he did say those words. But, no, I
23 don't believe it was investigated properly. And when she
24 asked me to reply, well, there was nothing I could reply
25 to. I did a very simple thing that was without an
26 investigator. I spoke to her on the phone which probably
27 (indistinct words) to say, well, look, simply, I am not
28 going any further. I have - there's nothing happened.
29 And then, of course, then I got legal advice: "Say
30 nothing."

31 Did you take any steps to challenge the report?---Well, I don't

1 believe there was anything in the report that was accurate
2 enough for me to challenge. I believe that, as I have
3 said, that it was a simple procedure that councillors do
4 when they get a request from the public to have a look at
5 something. That's all it was.

6 But when the report came back to council, it was being
7 considered as a breach of the code of conduct?---Yes.

8 And there were sanctions that were recommended and could be
9 imposed?---Yes, there was, yes.

10 Did you take any steps at that stage to challenge the
11 report?---I certainly did.

12 How?---Well, I addressed the council. Councillor Campbell and
13 myself were there when this report was brought up to
14 council to decide what action is to be taken. And I gave
15 an explanation out there which - do you want to hear that?

16 What I am interested in hearing is this. There were two
17 aspects. One, the quality of the findings. Two, if the
18 findings were to stay, what sanction might be applied?
19 Did you challenge the findings when the report came to
20 council?---When you speak about the quality of the report,
21 well, I suppose you could say - well, you could say that -
22 well, based upon what happened, the quality of the report
23 I didn't agree with. I don't believe (indistinct words)
24 addresses anything that actually happened. I am
25 just - - -

26 What I am trying to - perhaps I can make it easier, rather than
27 probably less legalese. When the report came to council's
28 meeting, did you say words to the effect: "The report is
29 wrong"?---Yes, I did.

30 COMMISSIONER: And you disagreed with it?---I did.

31 And you said that openly in the council. That's what you meant

1 - that's what you did?---Yes, yes, I said the report was
2 wrong because - - -
3 You didn't agree with it?---I see the point you are getting to
4 and that, but I said it was wrong for the reasons.
5 We know why?---Yes. And if I could just say, we had come to a
6 matter that we were sick and tired of these code of
7 conducts and were getting to the stage in saying and I
8 think you'd have to agree, Mr Broad, that anything that
9 had to be addressed I did address it to (indistinct)
10 regarding this report, but we were absolutely sick and
11 tired of the rot that was going on and the cost to the
12 ratepayers, so I was probably a little bit agitated about
13 it to say the least, yeah.
14 I assume you also addressed the sanctions that might be
15 imposed?---Yes, I - well, what I did that night, I believe
16 that was an evening, I closed the meeting when we had that
17 meeting. I addressed my version of events which I was
18 very disappointed that the council seemed to ignore it,
19 but I shouldn't have been surprised because that five
20 group wanted to see us pinned down. It became evidence to
21 me that the general manager was prepared to have this
22 report done, prolonged it, rather than go and fix up the
23 damn problem which existed, which could have cost the
24 ratepayers between five and \$600,000 because it was
25 illegal.
26 I am trying to confine myself to the events of the night,
27 I think it was 6 October 2015. Following the imposition
28 of the sanction, did you seek a review of the report by
29 the Office of Local Government?---No, I don't think so,
30 no. Might I say, we're at the stage, Mr Commissioner,
31 we've been loaded up with everything, I think we're

1 getting to the stage of saying "Well, damn it all", you
2 know.
3 You'd had enough?---Lucky I did live in Bali, I would have been
4 shot perhaps. They don't have any executions out here now
5 in the country. It was just the way I was feeling. And
6 of course, I had as I addressed on Friday, enormous amount
7 of emotional distress about the whole thing that was going
8 on in local government and code of conducts.

9 MR BROAD: Which leads to the next question, I suppose, is what
10 is your view on the purpose and the effectiveness of the
11 code of conduct?---As I said beforehand, it seems to me
12 that these codes were a milking cow of the Murray Shire.
13 The ratepayers are, to these codes of conducts given the
14 fact that they haven't had any now that really stuck, and
15 also they had to tender for these code of conducts, that's
16 the conduct reviewers. So therefore I know in business if
17 you tender to something you want the job, you go very low
18 but so is the quality of the work you do. And I don't
19 believe that a lot of these code of conducts are fully
20 investigated the way it should have been. I refer to the
21 gender bias one on Mark Loves. There was plenty of
22 evidence around Moama about who leaked or who the leakers
23 were, but it was never pursued. The conduct reviewer went
24 out with one of the people that d

25 Can I cut you short you because you've given quite a
26 substantial amount of evidence in respect of the quality
27 of the reviewers' work. What I'm asking you is about the
28 standards of behaviour that are imposed by the code of
29 conduct. What's your view about the standards of
30 behaviour?---The standard of behaviour imposed by code of
31 conducts should mean the standard of behaviour to the

1 reviewer from the - - -

2 No, no, no. The standards imposed on councillors, members of
3 staff, et cetera.

4 COMMISSIONER: The code itself, yes?---The code, well, clearly
5 it's not working. We could probably result to some of
6 behaviour from the person where the code of conduct was
7 paying for aiming for. Does that - - -

8 MR BROAD: What I'm asking you is this. We've heard evidence
9 to the effect that the code of conduct is an ethical
10 document. It imposes standards of conduct. Now, leaving
11 outcomes aside, looking at those standards of
12 behaviour?---Yes.

13 Are they appropriate standards of behaviour? Do you know what
14 I'm talking about?---Yes, I know what you mean. I know
15 what you're getting at, Mr Broad, yes. Some may be, some
16 are not. That's a witness sort of an answer to say
17 because I absolutely direct it all to you. I've just got
18 that gut feeling that it's too restrictive. There's
19 standards of behaviour on code of conducts. I believe
20 because it leads to so much pettiness that's required of a
21 councillor in his role as a councillor representing the
22 ratepayers. It inhibits the councillor from carrying out
23 his duties as a ratepayer would expect.

24 Could I turn now to the sanctions that can be imposed. What's
25 your view about the sanctions that can be imposed?---The
26 sanctions that get imposed on the councillor?

27 No. The sanctions that might be imposed on a councillor who
28 has breached the code. Those are the sanctions of
29 requiring an apology - - -

30 COMMISSIONER: The types of sanctions that are in the code.
31 What do you think of that?---Yeah, I realise. Well,

1 I suppose it's no different than if you got a speeding
2 ticket and say well, there's sanctions on that the fine's
3 too high. It's a natural instinct. If the same thing
4 happened to you, your sanctions imposed on you as a
5 councillor, code of conducts, you'd probably say that was
6 too high and too severe upon the councillor.

7 MR BROAD: There's a question I think I have asked of all
8 councillors in the course of questioning them, and that is
9 this. Can I ask your view whether the current councillors
10 are dysfunctional and can't operate together?---Well,
11 we've heard what Cr Weyrich said about that. My belief is
12 that it isn't as dysfunctional as any other forms of -
13 unfortunately, of any other forms of government in the
14 country. I believe that this council can operate in a
15 better way. I think it was clearly demonstrated on the
16 mediation with Norm Turkington but that fell apart. I'd
17 say in reference to that, is the leadership of the council
18 being the mayor at the time. I believe that council can -
19 and this word "dysfunction" is another one of those
20 political correct words. "Dysfunction" mean - this
21 council's operated very well and given the fact that we've
22 had some much business to deal with, election of the new
23 general manager, you know, the issues of Fit for the
24 Future and amalgamations, heaps of code of conducts put
25 on, I believe the council's functioning very well.
26 I don't believe there's any developer within this shire
27 that's even been disadvantaged by a council that - by the
28 way this Murray Shire operated. You've only got to go
29 down to see the development in Moama. It's just
30 (indistinct) and residential development. It's admired
31 from all people from the area and I don't believe that

1 that's played in part in the functioning council. It's
2 been mainly about the other matters. So no, I don't
3 believe so.

4 One of the other questions I've intended to ask is whether or
5 not the council should remain suspended, and in relation
6 to that, attached to your submission to the Inquiry, is
7 your email of 3 February 2016 to the minister and quite
8 clearly, you are against the suspension of
9 councillors?---Absolutely. I've got that submission here.
10 I'd also like to point out that I - from memory, I think
11 it was 2010, there was a lot of - there was a culture
12 developing in this shire. I know it's not relevant to
13 this commission but I'd like to point out, that I wrote to
14 Mr - I think its Mr Berry, the Minister for Local
15 Government then and I called on for a public inquiry into
16 some dealings in the Murray Shire then. So in some
17 respects this public inquiry now has brought out a lot.
18 In fact, I'd like to table that document. I know it's not
19 relevant, but there's certain parts that are so - and
20 reference to what I said to Minister Toole was that
21 I thought it was unfair to have this council dismissed at
22 a time when probably the greatest effect upon the
23 ratepayers of this shire was the amalgamations. Clearly,
24 the support of the ratepayers within the shire do not want
25 this shire amalgamated and it was unanimous amongst all
26 councillors that that not happen, I'm sure it was, and to
27 have an administrator put in and I've met the
28 administrator, he's a very, very nice bloke as far as I'm
29 concerned. He's quite a - probably as administrators go
30 he's probably a suitable type of administrator and a very,
31 very decent person. But I would - but for councillors to

1 be taken out at that critical time, I'm representing the
2 ratepayers on that amalgamations, as I pointed out to the
3 minister in my submission was a travesty of justice.

4 COMMISSIONER: Just on that point, can I just ask you, there's
5 just been some - I've got a couple of specific things.
6 One of them relates to whether you've had any discussions
7 about the amalgamations or any of that sort of thing with
8 anyone from Wakool Shire because there's some assertions
9 that you were - it was inferred that you were interfering
10 with negotiations or something like that. Do you know
11 what I'm talking about?---(Indistinct).

12 Yes. I mean, it's referred to a couple of times in the
13 documents. What do you say to that?---I did notice that
14 going on, Mr Commissioner. First of all, a former
15 councillor from Campaspe Shire who lived up in that area,
16 said to me one day, he said, "I personally know a
17 councillor on the Wakool council and her husband's hasn't
18 - he's actually on the Swan Hill council". And he said
19 "If I arranged a meeting them would you go?" And I said,
20 "Yes" and it was just an informal meeting amongst
21 councillors and Cr Campbell come along too. Councillor
22 Mackenzie was, due to his business schedule and business,
23 he was unable to attend. Now, we spoke about a whole lot
24 of issues. Now, without going any further on this - - -

25 No, no, I mean you just had a meeting with one other
26 councillor?---Yeah, from Wakool.

27 Yes?---(Indistinct) which happened to be her husband.

28 Yes, yes?---So obviously this councillor that we met with, has
29 said to Neil Corey that I spoke to those couple of
30 councillors from Murray Shire, they - (indistinct),
31 they're not the sort of people that Riverine Herald always

1 portrays them as.

2 It says that you were - - -?--- And then - yes?

3 - - - undermining attempts to talk about amalgamation?---That's

4 right. Because you see what happened, Mr Commissioner,

5 sorry to over speak you. What happened was that Neil

6 Gorey rang me and that introduction had been done, and

7 Neil Gorey rang me - - -

8 Who is he?--- - - - what's up with that mayor you've got down

9 there.

10 Who is Neil Gorey?---He's the mayor of Wakool.

11 Sorry, right?---In fact, he rings me quite regularly.

12 Yes?---He rang me to say that mayor you've got up there and the

13 general manager - and there's big issue, I don't know

14 whether you want me go to - - -

15 No, no, we don't need to go into their issues?---Yeah, you

16 already know about it.

17 We've got enough issues here?---But there's big issues there

18 between the general manager of Murray Shire and former

19 general manager of Wakool, so Neil Gorey rang me and said,

20 "You were speaking to one of our councillors. You seem

21 reasonable sort of person. He said, "What's going on down

22 there", he said, "That mayor of yours". "We've been

23 trying to conduct a meeting between the whole of council"

24 and he says, "The staff down there" referring to the

25 general manager, "is most reluctant to do that". And he

26 said, "And also" he said, "Some staff, a number of Wakool

27 staff that's been directed by somebody in Murray Shire,

28 had been ringing around ratepayers within Wakool,

29 particularly their office in Barham and asking about how

30 many staff's in the office and what's done there".

31 Now, I then had a council meeting when the mayor

1 made some vague references about meeting with the Wakool
2 council, having a joint meeting, on the amalgamations.
3 I said that they'd been trying to organise a meeting and
4 there seems to be some reluctance from down here. Now,
5 I notice in Cr Pocklington's submission that he did say -
6 alluded to the fact that (indistinct) myself, I think it
7 was, been interfering but he had no evidence - - -
8 So at the end of the day, the only thing is you had that one
9 meeting with the councillor at Wakool and then you
10 mentioned it in the council meeting?---Absolutely, and
11 that wasn't about amalgamation. That was just a general
12 discussion. In fact, most of it was taken up by code of
13 conducts. Wakool's had the same problem as Murray Shire.
14 All right?---But the press has intervened in exploding it in
15 the paper.
16 We are going to move on. We've got a couple of specific
17 things. Is that all right now?
18 MR BROAD: What was going to do was take you through the terms
19 of reference as I have done - - -
20 COMMISSIONER: Before we do that, I will just finish these
21 couple of specific things. There's a reference in your
22 submission to the Inquiry?---M'mm.
23 It's just a one-liner. I just wasn't quite sure what you
24 meant. It starts, "There was five months leave from the
25 council" about the general manager and you go on, "She was
26 not present in her job". That's fine. And she also
27 cleaned out her office. Then you go to say, "Staff also
28 spoke" - "Staff also spoke of disruptive attitude of HR
29 manager had on staff who was appointed by the general
30 manager at that time"?---Absolutely.
31 So is that a reference to the council's HR manager?---Sorry?

1 So that's the council's HR manager you're talking about?---Yes,
2 yes.

3 And you're saying other staff had said things to you. Is that
4 what you are saying in that - - -?--- Well, the only staff
5 that said anything to me was senior staff member, one
6 senior staff member.

7 One senior staff member?---Yes. Had a confidential meeting in
8 the council office in Moama about the fact that the
9 general manager had really not been actively involved in
10 this council for some five months. That's the - - -
11 I understand that. But I'm just about the disruptive attitude
12 of the HR manager?---Yes.

13 What's that about?---Well, that was also brought up. That was
14 brought up by the senior staff person that was putting -
15 he said he was putting his job on the line. He said there
16 was an unworkable situation in Mathoura that the HR
17 manager was only to report directly to the general manager
18 and that the director of corporate services, Mr Phil
19 Higgins, was being undermined.

20 So it was the - - -?--- (Indistinct).
21 - - - general comment about the HR manager being aligned to the
22 general manager in a sense?---Yes, (indistinct).

23 Is that right? All right, I understand, yes. On one of your -
24 I'm just jumping around in time, I'm sorry, I just made
25 some notes before to make sure you have the opportunity to
26 say something. One of the things that's said also is when
27 - I take you back to 2014, so not long after the general
28 manager is employed by the council. I think there was an
29 anti-discrimination policy?---Yes.

30 There was some emails between you and her - between the council
31 and yourself and at the end of the day, you got a little

1 bit up to you, might I say, about whether you should attend
2 a meeting and you said, "Why are you putting this rubbish
3 up to me?" and it sounded like you'd really agree with the
4 whole policy. I just wanted to know whether you had a
5 comment on that?---I didn't agree with - and unfortunately
6 I was unable to find the sheet where you could not
7 discriminate against a prospective employer who come to
8 the shire. Now, I can't find that but there's various
9 issues - - -

10 No, this is a new policy - - -?--- (Indistinct). But it was
11 most unfortunate, Mr Commissioner, that on both of those
12 times when there were meetings, I was unable to attend.
13 As I stated on Friday I worked between Sydney and
14 Melbourne and (indistinct) and I had work in between those
15 issues, so - - -

16 But at the end of the day, you said in an email, "I'm not going
17 to attend. I don't need this policy. We don't need this
18 policy" in effect, you said?---That was in reference
19 to - - -

20 Discrimination, bullying, intimidation policy. "I wish to
21 confirm I will not attending", in the tone of the email it
22 says - I mean, I got from it that you didn't really think
23 they needed the policy. I got from it that you didn't
24 think the council needed this policy?---Well, I was a 69
25 year old person. I've had to deal with being in business.
26 I've dealt with men and women, and I don't believe that
27 I've ever had to be told about discrimination. I resented
28 that, despite the fact I wasn't going to be there anyway.
29 But I did resent that type of - - -

30 But it's only a general policy saying "don't discriminate".

31 I mean, the fact that you might not have discriminated,

1 what was the problem with having that sort of policy?
2 Because it wasn't just for you, for the councillors, it
3 was for the whole council. You know, I mean change is
4 hard. Is that your answer? We've all got to face
5 change?---Well, I might have been making a bit of a
6 political statement, but I believe that policy was - - -
7 I am happy for you to say that. I understand that?---Sorry.
8 I understand if that's your answer, that's fine, I understand
9 what that means. If that's your answer, I understand
10 that?---Okay.
11 That is all right. The only other one, and I think you've
12 already covered the Wakool one. Now, the only two other
13 things. Councillor Bilkey in his submission to the
14 Inquiry mentioned that you were inconsistent on planning
15 issues. "The best example is one meeting 4 DAs came
16 before us. Three were from P Barber and one from N Rolph.
17 All were building applications on rural land in a flood
18 plain. Councillor Moon voted Barber three, and against
19 Rolph's one. All of the other councillors voted
20 consistently for or against" I mean, it's just such a
21 specific thing, I'm wondering what you - I mean, there's
22 an assertion that you were inconsistent with planning
23 decisions. Can you comment?---I thank you for that
24 question. I believe it might have been Cr Pocklington
25 said that in his submission.
26 It might have been. I beg your pardon, it was too?---That's
27 again, coming from Cr Pocklington, it's an absolute kick
28 the garden type of statement. The fact is that I played
29 it - for Barber's as I say there wasn't three, there was
30 four, development applications. The article does say
31 three, I think, but it was actually four in his statement.

1 Now, regarding the other block of Rolph's there was -
2 I understand there, there was - at the time there was
3 about 14 blocks in that development and they were blocks
4 which had been sort of - well, what would I say, there
5 were blocks there that were titles, 14 titles.
6 Yes?---And there was an auction there and a solicitor bought
7 the land and that was Mr Rolph. Now, the price he paid
8 for those blocks reflected on what you could do with those
9 blocks. He paid \$16,000 for 15 blocks. Moama, you can
10 never buy a block of land (indistinct) you couldn't even
11 buy one for \$16,000, lucky to buy one for 160,000. Now,
12 the reasons why I voted against that - and it was a
13 recommendation from council, is the fact is that those
14 blocks could never be fenced, never be fenced and could
15 never be built on in the area that they were on.
16 So you say they were different to the blocks that Barber - you
17 say there was some planning difference - - -?--- Yes.
18 - - - between Barber and Rolph, the blocks of land, not the
19 people obviously?---Yes.
20 Yes?---Well, that was the difference and it would mean that
21 they were to be built on. That was the council policy
22 back in my day, I've been on the council when Barry
23 McMillan was there.
24 Right. Last thing, I think, or one other thing. It's been -
25 the meeting on 24 November which was called, by I think
26 originally, Cr Campbell to have a meeting with the general
27 manager, and then there was the list of questions that
28 were given to the general manager and the general manager
29 listened for a while and then she left. And in the
30 general manager's notes she says, "It turned into a
31 performance review", that's what the general manager said

1 and she says that you said, "Well, why don't we have a
2 performance review now"?---That's correct, I did say that.
3 When she said that - - -

4 So that's correct, you did say that?---Yes.

5 Yes?---When she brought that up, it was only on - there were
6 other issues to be discussed and she kept on saying "Take
7 note of that", "Take note of that". (Indistinct) meeting
8 was to - it was designed to be a circuit breaker.

9 Yes?---It was (a) - - -

10 I understand that?---(Indistinct) and this is the type of
11 goodwill that Cr Campbell has on these issues that she
12 brought up that - and she was just sick and tired of the
13 infighting and thought we'd have a discussion. Now, as
14 I said, she talked most of it, and it shouldn't be too
15 hard for anyone to make comment at a meeting, but having
16 the legalistic approach to everyone, well, you can't sort
17 of say anything, you need to go and - I'm not critical of
18 lawyers, but - - -

19 That's all right?--- - - - it - with due respect to you,
20 Mr Commissioner, but I just believe that she was - she
21 didn't fully understand her old local government where you
22 could be forthright, make some comments that most people
23 appreciate. So when she - then the next question came,
24 because only one question came and I can't recall what the
25 actual question was, she said, "Oh", she got up, stormed
26 out and said "Oh, this is becoming a performance review".
27 I said "Well, if that's the way it is, let's have one".

28 Thank you. All right.

29 MR BROAD: Actually, can I take the opportunity here, showing
30 to you a copy of the general manager's notes of that
31 meeting and ask you for your view as to whether that

1 reasonably records the events that occurred?---Okay.
2 Councillor Moon, having read that document that I showed you,
3 is that, in your view, a reasonable statement of what
4 occurred at that meeting?---Yes, to a degree. I'd like to
5 point out a couple of matters here that I wouldn't
6 entirely agree with. I do not recall the general manager
7 saying was this an attempt to disclose a code of conduct -
8 sorry, a code of conduct matters. I do recall her saying
9 about the performance agreement. I do not - any statement
10 that attributed me, Cr Moon, that there was eight
11 councillors present and so this should be turned into a
12 performance review process. There was no suggestion by
13 me, at that time, or anyone else, about the overdue
14 performance review. If fact, was alerted to that by Cr
15 Weyrich close - many months later in 2014, and actually in
16 2015, so I don't believe I would have said there was eight
17 councillors present, and I don't (indistinct) it being
18 said. There were probably comments made at this meeting
19 attributed to myself and Cr Mackenzie saying "This has
20 been a waste of time. I don't see that as being offensive
21 to anyone.

22 If you will just excuse me for a minute. The Commissioner and
23 I are looking for a particular document?---Yes.

24 COMMISSIONER: (Off microphone) I'll show it to you. You might
25 even know it. You might even (indistinct words) March 15,
26 there's an email sent to the directors?---Yes.

27 Do you know about that email?---Look, yes, I'll just - no,
28 I would dispute that I was denigrating her. I was
29 probably making a point that the council is - - -

30 Following on what you've already said?---Yes, yes, yes. It
31 could be with what I already said, all right, yeah.

1 They are my specific - - -

2 MR BROAD: Councillor Moon, I have sought the views of
3 councillors previously in relation to each of the terms of
4 reference. Can I see your views in relation to each term
5 as follows. Can you respond with your view in relation to
6 whether the elected representatives and staff have, since
7 the appointment of the current general manager, complied
8 with applicable laws, codes, administrative procedures and
9 policies and have fulfilled its and their roles - sorry,
10 its and their duties, powers and functions, particularly
11 in relation to the relationships between councillors, the
12 general manager and senior and other staff of
13 council?---I would generally have to say yes, but in
14 saying that, we were included in a lot of things in
15 council, so it's hard for us to say that if it's all been
16 complied with, we would be the last to know, us three
17 councillors. But I would believe so, the council would
18 have complied with all those regulations.

19 The second of the terms of reference asked whether the council
20 has since the appointment of the current general manager
21 complied with its work, health and safety obligations as
22 the general manager's employer?---I believe so. They were
23 brought in and the general manager wasn't there on
24 occasions because of those WorkSafe intervention
25 (indistinct).

26 Is that an indication perhaps that council hadn't complied with
27 its obligations?---Not at all. I don't - I think council
28 lived up to its obligations in that area.

29 The third of the terms of reference asked whether the elected
30 representatives have been and will continue to be in a
31 position to direct and control the affairs of council in

1 accordance with the Local Government Act 1993 and other
2 relevant Acts so that council may fulfil its charter, the
3 provisions of the Local Government Act 1993 and otherwise
4 fulfil its statutory functions and obligations. Your
5 comments please?---I believe that - and it must happen
6 that the general manager must modify her management and of
7 course the present mayor must also do the same, that this
8 council can continue in a professional role in its life of
9 this council. I believe yes, I believe it can, and it is
10 very imperative that it does for the benefit of the
11 ratepayers. I believe that the situation has got out of
12 control, we all must bear some blame for that somewhere
13 along the line, I'm not into the blame game but I believe
14 that we owe a lot back to the ratepayers. And could
15 I also say yes, we must because we must operate as a team.
16 You can't be a team and kicking goals if you haven't got
17 the team cooperating. I believe that having modification
18 of the management ways, yes, we could.

19 In your letter to the minister you stated, "In the main,
20 councillors and council staff function well". You've
21 given some fairly extensive examples of where council and
22 council staff have not functioned well. Is it your view
23 that despite what you've said in relation to those issues,
24 the council does in the main function well?---Well, as far
25 as staff's concerned, I really don't have any issues with
26 the staff. Planning's always a problem with disagreement
27 on different things, but I must say that Simon Arkinstall
28 in his position, every request I asked for I got a very,
29 very fast response from. I believe that we had a working
30 relationship between councillor and executive staff, and
31 the same for the engineer. I believe it mainly rests with

1 the management style of the general manager.

2 There's a final question. What sort of response have you had
3 from the community as a councillor throughout this and
4 since the Inquiry was announced?---Well, I find the most
5 positive response probably comes from the rural area.
6 I believe it's seen typical in that area there's what
7 I would describe as the old money people, they are the
8 salt of the earth. I got some very positive response from
9 these people, they are very good people, and they are some
10 in the town too, but really the town people, providing the
11 water's coming out of the tap, and the sewerage is being
12 carted away, they don't really worry too much about what
13 is going on around in council, despite the fact that being
14 blown up in the press. Since there's been an announcement
15 of the Inquiry I've got to be honest with you, the people
16 response was some say "Oh, well, you know, it's now time
17 to air out what's really going on". I don't - I think the
18 ratepayers are very confused what's going on. I don't
19 believe that most ratepayers have got a full handle on
20 what's going on one way or the other. It becomes very
21 confusing. "He said", "I said" whatever and I believe
22 that - I thank you both for your courtesy of conducting
23 the interviews with us councillors and I just hope that
24 something does come out good, but we do see the Murray
25 Shire continue on as a shire. These people are very
26 passionate and most passionate people are the (indistinct)
27 for the simple reason is that they are generations of
28 families dealing with shires. They believe in tradition,
29 what's gone on in the past should go on in the future.
30 That can't always be the case, but they take a more
31 traditional view of things in life and of all forms of

1 government and other institutions. Very strong on
2 institutions and I believe that's the reason (indistinct).
3 Councillor, you understand that this Inquiry has no
4 relationship whatsoever to the boundaries
5 inquiry?---I realise - the boundaries inquiry, that's
6 right, yes.

7 Is there anything else you wanted to say?

8 COMMISSIONER: You mentioned - we talked about Cr Weyrich, we
9 said put that aside. We've dealt with that. That was one
10 of the notes I made. Is there anything else that you want
11 to - - -?--- Well, I'd just like to make a recent
12 disclosure from Cr Weyrich. He said to me "Do you know
13 that the general manager has instructed the IT manager to
14 hack the server on the computer to look at the emails or
15 exchange of emails between you councillors but
16 specifically targeted at Cr Campbell in looking for that
17 information". Now, why do I repeat that here?
18 I presented you with the evidence of material that Cr
19 Weyrich has leaked. I believe its leaked. He's presented
20 to me, I don't know who else he's leaked it to, but he's
21 presented that material to me. It's formed my view on
22 many other things and certainly the matter I'm speaking
23 about now does sort of can form view of that matter.
24 Other than that, no, I've got nothing else to add,
25 Mr Broad.

26 Just in terms of the documents, I've got a copy - you gave me a
27 copy of the WorkSafe and this email. I'll just get that
28 copies and I will give it back to you?---Look, I've given
29 you the original there. The others are photocopies. I've
30 got copies of those from my own records.

31 The Gmail?---I think it's important you keep the originals.

1 I was going - all right?---No, no, I think - - -
2 So you're happy to keep me - all right, no problem. Thank you.
3 Is there any other - - -
4 MR BROAD: And you have got a copy of the email - - -?--- Oh,
5 yes, yes.
6 COMMISSIONER: So we keep that too. Thank you?---Yes.
7 Thank you, Cr Moon?---Thank you.
8 <(THE WITNESS WITHDREW) 12.34 PM
9 (Witness excused.)
10 (At this stage the inquiry proceeded with another matter.)
11 <BETTY MURPHY, called 12.37 PM:
12 <BETTY MURPHY, examined 12.37 PM:
13 COMMISSIONER: So your history as a councillor?---I've been a
14 councillor with Murray Shire for nearly just on 23 years;
15 give years as deputy mayor and a short period of acting
16 mayor when the mayor was away.
17 When were you the deputy mayor?---Beg your pardon?
18 Roughly what period were you the deputy mayor?---Probably - - -
19 Approximately?---Approximately around 95, 96.
20 Were you the deputy mayor for a five year period
21 continuously?---Yes.
22 You have been a councillor for the 23 years
23 continuously?---Almost 23, yes. And may I also - I would
24 also like to make a statement at this stage that I have a
25 family connection to Cr Weyrich. He is married to my late
26 husband's great niece.
27 Great niece?---Bit of a long bow but - - -
28 Yes, right.
29 MR BROAD: Just very briefly about that, does that family
30 connection influence your decision-making in
31 council - - -?--- Certainly not, I've always been an

1 independent thinker.

2 Thank you. What I will tend to do is go through a series of
3 themes that we've been asking other councillors. Can you
4 outline your understanding of the role of the mayor and of
5 councillors respectively?---The role of the mayor
6 I believe is to act in a leadership role in the community
7 and in council by chairing meetings. I believe he has
8 some responsibility to conduct himself in a proper manner
9 at all times. He can act as a conduit between councillors
10 and the general manager. I believe a mayor should have a
11 good working relationship with the general manager, and
12 I guess to reflect the views of the council to the
13 community. Sorry, what was the other part?

14 And the second part was the role of a councillor?---Well,
15 I believe the councillor has a role to certainly reflect
16 the views of the community but also to be able to work
17 within the constraints of the governance role that we also
18 have.

19 What are the constraints of the governance role?---Well,
20 I guess in making decisions that perhaps may not always
21 reflect some of the community's needs. We also have to
22 work within the guidelines and the laws of local
23 government.

24 Can I briefly lead through the way in which councils operate
25 and I assume you came to council shortly after the start
26 of the Local Government Act of 1993?---Yes.

27 So you didn't have that situation where you two very, very
28 different acts - - -?--- Yeah.

29 - - - that applied to councillors?---I had no idea of the
30 previous Act.

31 Can I take you through the process of decision-making? How

1 that process goes about what your understanding of your
2 role as a decision-maker is?---Oh, always to look at each
3 issue on its merits. To come to council with an open
4 mind. Be prepared to listen to both sides of an argument,
5 and make the decision that you feel is correct.

6 We have heard some indications that the business papers for
7 council meetings can be very long?---Yes, that's correct.

8 We have heard that they can be over 400 pages?---I haven't
9 counted them but that's probably right.

10 Is it an onerous job reading through all the reports, all the
11 papers, to get an understanding before meetings?---Oh,
12 yes, it's definitely an onerous job, but you know, you
13 make a commitment to be a councillor, you that's - to me
14 that was just part of what the job entailed.

15 How do you go about that?---What reading through the documents?

16 Reading through?---Well, when we used to get them on a
17 Thursday, I'd have a very quick brief look at them, and
18 then progressively over the next few days go back and have
19 a more thorough read of them. You know, at times I might
20 have been sitting up in bed on Tuesday morning to finish
21 something, but you know, that's how I managed it anyway.

22 Of course, at meetings council deals with the business by way
23 of resolutions?---Yes.

24 Of course, they become the decision of council?---Yes.

25 And they pass down to the general manager?---Yes.

26 For implementation?---Yes.

27 There is a statement that divides the nature of work which is
28 the responsibility of councillors?---Yes.

29 And the responsibility of staff and the discussion is that
30 councillors have a governance role and staff have an
31 operational role?---Yep.

1 Can I have your views in respect of those two roles?---Well, as
2 I would see them, the role of council is to set policy and
3 for the staff to ensure that the policy's carried out.
4 The same with other decisions made at council. If it's
5 been resolved, there's been a resolution, then it's the
6 job of the staff to carry out those resolutions.

7 How do you personally determine what is an operational matter
8 as against a matter which is properly within the role of a
9 councillor?---Well, if a resolution has been made at
10 council, unless I'm directed to be part of that action,
11 I would see that the staff have to undertake - - -

12 And if a matter hasn't come before council, if it's not been
13 the subject of a resolution, how do you determine whether
14 something is an operational matter?---I'd like an example
15 of that.

16 If you were approached by a local resident?---Yes.

17 And that local resident says "Look, I'm concerned about a
18 development. I want to do this". What is your way of
19 dealing with that?---Okay, thank you. Well, over the many
20 years of course I have had phone calls from residents
21 and - - -

22 COMMISSIONER: I bet you have had a lot?--- - - - and
23 ratepayers and developers, certainly with developers.
24 I restricted my discussion with them because I felt it may
25 not be appropriate given that sometimes developers
26 interpret what you say in maybe a different way to what it
27 was intended. So there have been occasions when I have
28 been approached and I have tried courteously to say that
29 I did not feel that it would be appropriate to carry on
30 the discussion any longer and perhaps advise them of the
31 procedure in taking it forward through council staff. In

1 that respect, for people coming to me with complaints, it
2 was usually my practice to ask had they contacted staff
3 about it, and if they hadn't, that was my next direction
4 that they - and perhaps advise them as to the process of
5 that. If they had already approached council staff and
6 were unhappy with the response, my advice was well, I'll -
7 give me a day or whatever, I'll - - -

8 Have a look at it?--- - - - try and follow it through and find
9 out what I can which is what - that was usually the way
10 I dealt with it.

11 MR BROAD: How did you follow things through?---By contacting
12 staff, whoever may have been the relevant staff, in
13 relation to the issue.

14 So it may been a director, it may have been the general
15 manager?---Yeah, it would be either the director of the
16 general manager.

17 Have you used the process of asking questions on
18 notice?---I beg your pardon, can you ask that - - -

19 Have you used the process of asking questions on notice at a
20 meeting?---Yes, yes.

21 You regard that as a good process?---Yes, I see no difficulty
22 with that.

23 Have you asked through the mayor that reports be provided about
24 certain matters?---I'm sure I have.

25 In relation to direct contact with staff, have you seen that as
26 a useful process?---With directors you are talking about?

27 Yes?---Yes. It always worked well in the past, but I've -
28 I don't think I've found any difficulty with dealing with
29 the interaction policy that we've - that was introduced
30 and we've had to use.

31 This is the one that followed the appointment of Ms Stork as

1 the general manager?---Sometime after.

2 In respect of your fellow councillors, you've been a councillor
3 for what, I think it was 23 years?---Yes.

4 The interaction between you and your various councillors, has
5 that been an important facet of council?---Oh, I think
6 it's a critical part of council really. I think it's very
7 important that we can all work together. We don't always
8 have to agree, and I might point out here, that for most -
9 probably the biggest part of those 23 years that I've been
10 on council, I was mostly part of the four minority group.
11 So I just feel we've had to work with lots of different
12 councillors, some of whom I didn't particularly like but
13 we could, up until this last term of council, we could
14 always manage to sit down and have a cup of tea after a
15 meeting or a drink, and there didn't seem to be any
16 problem with that.

17 So what you're say is, over the long term, there have been a
18 minority and majority group or - - -?--- Well, yeah,
19 I guess - yeah, I just quite often found that I didn't
20 have a majority of councillors agreeing with me.

21 You were talking about sitting down and having a cup of tea
22 with councillors, do you differentiate between one
23 occurred prior to 2012 - well, the 2012 elected group from
24 that which has now occurred?---Yeah, no. Certainly did
25 not occur like it had been prior to the 2012 election, and
26 to the point where I was concerned about it because I felt
27 it was a good thing to be able to have some sort of
28 fellowship with each other afterwards. Quite often it
29 was, you know, a bit of a relaxing of the tensions that
30 might have been in council, and to that point I think on a
31 couple of occasions, while Cr Weyrich was mayor, I did

1 speak from the seat asking him "Are you inviting us all
2 for a drink afterwards" or words to that effect, which he
3 agreed to and he was always quite amicable about doing
4 anyway. I guess I was hoping that perhaps we can try and
5 have some bridges between the obvious differing
6 personalities that were in council.

7 COMMISSIONER: And this is happening since the election and
8 even before the appointment of the general manager?---That
9 we were having a - - -

10 That it wasn't as cohesive as it was prior to - - -?--- Oh,
11 definitely, from - right from the start - - -

12 So right from the start there were issues, for want of a better
13 term?---Definitely. Definitely, yes.

14 MR BROAD: So can you expand on what those issues were or the
15 differences were?

16 COMMISSIONER: Broadly. Prior to the general manager, coming,
17 yeah?---During Greg Murdoch's - - -

18 Yes?---Yes. Well, I certainly noticed many occasion - no,
19 I take that back. Some occasions where the GM, Greg
20 Murdoch, I've never seen him so angry and respond so
21 angrily to councillors as I was seeing him on a couple of
22 occasions.

23 MR BROAD: What sort of issues did they involve? Look,
24 I couldn't really remember the issues, but from memory
25 I would - I think it may have - there may have been issues
26 that were brought up that were being denigrating perhaps to
27 his staff but I really can't recall what particular
28 issues - - -

29 So your best recollection is that they were personal issues,
30 not issues over a particular development or something like
31 that?---Well, not to my memory, I can't recall.

1 Have the difficulties that you've spoken about continued after
2 the appointment of the current general manager?---I think
3 they upped the ante a bit, or a lot, yeah. They certainly
4 increased.

5 To differentiate between periods. In September 2015, there was
6 a change in the mayoralty?---Yes.

7 Has there been - has the issues continued? What's your view
8 about the issues in the period since September
9 2015?---I think they've intensified.

10 So we have two further levels of intensity?---Yes.

11 Can you explain, in the period following the appointment of
12 Ms Stork as the general manager, the nature of the issues
13 and the way that they intensified?---Certainly there was
14 I think resentment - as it came across to me there seemed
15 to be resentment because of her appointment. She wasn't
16 the preferred candidate, and I think the leaking or
17 however, came out in the paper that comments that were
18 made during the recruitment process just obviously angered
19 some of the councillors. I just think everything, most
20 things that came up, there's seemed to be always some lack
21 of acceptance of some of the decisions, some of the
22 advice. To me there appeared to be a lack of respect both
23 towards the GM and sometimes other staff and sometimes
24 between councillors, and certainly towards the
25 mayor, Mayor Weyrich at the time, and that's probably
26 continued. There just seemed to be, I felt, a bit of a
27 lack of understanding of the role of council and
28 councillors. Yes, just a general questioning everything
29 that was - reports or not every report, but just a lot of
30 - and I don't blame people for asking questions, that's
31 how we learn things, but it always seemed to be these

1 questions were in a very - using a very accusing tone or a
2 belligerent sort of tone. I think it was probably more
3 that than the questions that were being asked.
4 So the tone that you talk about, who was that directed
5 to?---I'd say the general manager. Sometimes the staff
6 and the mayor.
7 So which councillors are we talking about who have adopted that
8 course of conduct?---Well, I noticed it most with Cr
9 Campbell, Mackenzie and Cr Moon.
10 And the former councillor Cr Burke?---No, he was always very,
11 very courteous in - he asked a lot of questions but they
12 were always done very courteously.
13 And Cr Weyrich?---What about him?
14 Were his questions in any way accusatory or
15 inappropriate?---Since he's no longer been mayor?
16 At any stage?---Well, I think as mayor he tried to always do
17 things in the correct and courteous manner, respectful
18 manner, but certainly since he's no longer the mayor, he's
19 - I don't know that that's been the case.
20 And Cr Anderson, his mannerisms?---Oh, always courteous.
21 And Cr Pocklington?---Yes, I've always found Cr Pocklington
22 courteous.
23 So what you have basically said is the tone applies principally
24 to Crs Campbell, Mackenzie and Moon?---Yes.
25 I notice the time.
26 COMMISSIONER: We might stop for an hour?---Thank you.
27 See you back at 2 o'clock?---Thank you.
28 <(THE WITNESS WITHDREW) 1.02 PM
29 LUNCHEON ADJOURNMENT
30

1 COMMISSIONER: Right, let's start. Okay, now just turn your
2 microphone on.

3 <BETTY MURPHY, recalled and examined 1.58 pm

4 COMMISSIONER: All right.

5 MR BROAD: Councillor Murphy, do you have your submission to
6 the inquiry with you?---Yes.

7 Can I take you to a couple of parts of that submission and to
8 I think it was about p.4 when you respond in item 3 to the
9 terms of reference? And I'll just show you the page where
10 I'm - they're not numbered from what I can see. Now,
11 Councillor Murphy, in that submission you say, "It is my
12 opinion that some of the newly elected councillors have
13 lacked the full understanding of the governance role of a
14 councillor, protocols and policy making required of
15 council with an apparent and utter disregard for the rules
16 of meeting practice, Codes of Conduct and it
17 seems" - - -?---I should have put and, sorry.

18 Can you just give us some detail in respect of those
19 matters?---Well, in relation to the governance role, and
20 I think it's been clearly indicated here on a number of
21 occasions at this inquiry, that perhaps there was
22 certainly a lack of what the governance role was as
23 opposed to representing ratepayers.

24 Right. And you talk about disregard for the rules of meeting
25 practice, can you enlarge on that?---Well, we have a code
26 of meeting practice, I haven't got it with me, but
27 certainly I guess in comparing the meeting practices since
28 2012 have certainly there seems to have been a disregard
29 for the protocols associated with the code of meeting
30 practice as compared to previous councillors.

31 On a last line of that page you refer to "Mocking the mayor".

1 Can you give us some details in respect of that?---That's
2 probably the thing that stands out in my mind is that, and
3 I'm not sure what meeting it would have been but there
4 were probably a couple, since Mayor Pocklington has had
5 that role there has or he has had difficulty in perhaps
6 controlling the conduct, proper conduct of the meeting and
7 has adopted part of I believe the meeting practice whereby
8 the mayor stands and everybody has to be quiet. So he has
9 done that on a couple of occasions and he has been mocked
10 for that.

11 In what way?---Laughing at him.

12 Why by?---I think Councillor Weyrich.

13 Only Councillor Weyrich?---He's probably the one I remember
14 seeing.

15 You talk about councillors walking out of meetings, has that
16 occurred on a regular basis?---I wouldn't say on a regular
17 basis but it has occurred a couple of times.

18 For what purpose?---Well, I think one was described here this
19 morning by Councillor Moon and I think there was also a
20 walkout in what has been referred to as the welcome back
21 meeting and I think there may have been one or two other
22 occasions but I can't recall them at this time.

23 Generally councils, councillors, sorry, are free to walk in and
24 out of meetings?---I've never experienced that all of the
25 20 odd years I've been here, I don't remember a councillor
26 walking in and out of a meeting for no reason.

27 So in your recollection councillors have remained in the
28 chamber throughout each and every meeting?---The only
29 incident I recall is very early on after my election a
30 councillor threw a resignation I think it was down on the
31 table and walked out and I was horrified and I think

1 I turned to whoever was sitting next to me and said, "Go
2 and get him and bring him back in". They said, "No, he's
3 walked out now and that's the finish". That is very early
4 in my experience on council, so I don't know if that was
5 how it should have been or not whether he could have been
6 recalled.

7 You refer to snide comments being made regarding the general
8 manager and that commences on the foot of the page, the
9 last word is "No"?---Yes, sorry. "Comments regarding the
10 general manager". Well, I think there were just so many
11 comments that I felt were inappropriate behaviour of
12 councillors made. I can't recall at this time exactly
13 what some of those comments were but it certainly happened
14 on many occasions. I can recall - - -

15 COMMISSIONER: Can you give us an example? Give us an example
16 of that?---Well, I can towards myself. There was - - -
17 No, I meant to the general manager?---No, I can't.
18 That's all right?---No.

19 MR BROAD: Dealing with it generally when there has been a
20 snide comment has there been a call to order?---On some
21 occasions. Sometimes it was observed and sometimes it
22 wasn't.

23 And in relation to the mayoralty, was this occurring during the
24 period where Councillor Weyrich was the mayor?---The snide
25 comments and making?

26 Yes?---Towards the mayor or is that what you're referring to?
27 To anybody?

28 Were the snide comments that you refer to regarding the general
29 manager occurring in the period where Councillor Weyrich
30 was the mayor?---Him?

31 No, no?---No, no. Well, yes.

1 By councillors?---Yes, yes. Yes, sometimes.
2 And in the period where Councillor Pocklington was the mayor
3 were the snide comments occurring?---Yes, yes.
4 You talk about threats, both veiled and explicit. Can you
5 explain what you mean by that? If you go to the second
6 line of the first paragraph on the following page?---Yes.
7 I think those threats were directed at times to the mayor
8 in relation - I guess more like I think during Councillor
9 Weyrich's time as mayor there were on some occasions there
10 were remarks made about his business management of his
11 personal business. There were I guess threats made of -
12 that there'd been some sort of collusion happening, you
13 know, that type of thing.
14 So you took them to be threats?---Well, I felt them
15 threatening. I mean I was accused on a number of
16 occasions of things that I certainly - - -
17 COMMISSIONER: What sort of things?---Of being party to some
18 knowledge that other councillors may not have been. I was
19 accused by I think that was by Councillor Weyrich of
20 organising what is commonly referred to as the welcome
21 back. Things like that that, yeah, I wasn't - I was
22 accused, and I think I've noted those in my attachments,
23 of denigrating other councillors during - - -
24 In the eulogy?--- - - - eulogy that I was asked to give on
25 behalf of the family of a colleague who had passed away.
26 I've read that, I've read that?---Yeah. So, yeah, there were
27 times like that.
28 MR BROAD: In respect of your next statement, that there was a
29 refusal to follow protocols or policy, what are you
30 referring to?---Well, the impression I got from the
31 behaviour of some councillors was that they didn't want to

1 follow protocols and proper meeting procedure and there
2 was interruption and overspeaking of people. Yeah, those
3 sorts of protocols that I had witnessed and experienced
4 over the previous 20 years.

5 And was that an issue that fell upon the mayor at the time to
6 deal with?---Yes, he definitely should have been able to
7 deal with it. But in talking about Councillor Weyrich
8 during his mayoral role he was I believe very
9 inexperienced. He felt or I believe that he may have felt
10 that he had quite a lot of confrontation to deal with at
11 the meetings. He wasn't familiar with meeting procedure,
12 so I think he had a lot of difficulty in perhaps
13 conducting or managing the meeting.

14 And when you talk about non-compliance with councillor's media
15 policy can you give examples of that?---Some councillors
16 speaking to the paper and I probably am pointing the
17 finger more at Councillor Weyrich over that, I felt he did
18 speak, especially since, well, since he's not been mayor,
19 of course, when he was mayor that was part of his role.
20 But since he was no longer mayor he seems to have
21 continued to speak to the press.

22 Aren't the councillors permitted to express their views to the
23 press provided they make it clear that they're personal
24 views?---Yes, I believe that is correct but to be honest
25 I had always been under the impression that the mayor and
26 the general manager were the spokespeople for council and
27 that, you know, that's where the responsibility lay with
28 them. But perhaps on looking back I may have overstepped
29 that mark myself. I was asked by our local - we have a
30 little local paper here, I was asked if I would like to
31 put a column into the Mathoura Matters, which I did do.

1 and what I tried to do was to pass information to the
2 community about what had been resolved by council, what
3 was happening in council in regard to, you know, aspects
4 of the community. I think I do remember getting a bit of
5 a warning one time, not from Councillor Weyrich but a
6 previous mayor, that I was in a very grey area.

7 So when were you doing that, like what sort of time
8 period?---Right, I had been doing it for a number of
9 years.

10 I see, right?---Yes.

11 Before the 2012 election?---Yes. And, in fact, since 2012.

12 Still doing it?---No.

13 When did you stop?---Probably in the last two or three years

14 I suppose. But that's been - - -

15 Since the new general manager came?---Yeah, it was nothing to
16 do with that, it's been a bit of a time thing as much as
17 anything.

18 But did the new policy about - or did at any time the new
19 general manager say you could or couldn't do it or make
20 any comment about it?---No, I don't think she even knew
21 that I had been doing that in the past. When I got a
22 warning about it, it happened when - I think it might have
23 been under Mayor Graham Shield's time, so it's back, yeah.

24 MR BROAD: Were you in writing that column, and I know it falls
25 outside the period when we're looking at in this inquiry,
26 were any comments made in that column clearly personal
27 views of yours?---Well, they were my views and, yes,
28 I gave them certainly my views but - and I guess at that
29 time up until this last term of council I considered what
30 I was doing was a community service letting the community
31 know council had resolved to build a bridge somewhere or,

1 you know, stuff like that.

2 COMMISSIONER: So it was your views as a councillor too because
3 you're telling them what happened in the council?---Yes.
4 And I was always particular about not putting anything in
5 there until it had been ratified by the next meeting's
6 minutes, you know, to (indistinct).

7 Yes, I understand what you mean.

8 MR BROAD: So in your role as a representative, a community
9 representative do you believe that it's appropriate that
10 you should bring matters relevant to council to the
11 attention of the public?---I think there is a role for
12 that, yes.

13 As a councillor the decisions of council bind all councillors,
14 do you agree with that?---Sorry?

15 As a councillor the decisions of council bind all councillors,
16 do you agree with that proposition?---By all?

17 Bind?---Bind, sorry. Yes, I would think so, yes.

18 And if there say a contentious issue it might be in respect of
19 council's spending priorities would you believe that you
20 should be entitled to voice a view about council's
21 spending priorities?---We all had the opportunity to do
22 that when we were having our budget meetings.

23 And generally with the public, if you have a particular view
24 that council should be pursuing a particular approach in
25 respect of its budget?---Yeah, I probably would have a
26 view about it, which I can't really remember any
27 specifics, but I think if, you know, I wanted to see a
28 playground built I would certainly feel that the community
29 had every right to be aware that that was my priority.

30 And I assume what you're saying is in making those statements
31 I'm making it clear that that's my personal view?---Well,

1 I may not have said that.

2 No, I'm not asking whether you've said it in the past but in
3 supporting let's say a playground facility or something
4 like that you would be making it very clear that that was
5 your personal sentiment?---Yep, yep.

6 COMMISSIONER: And you might be making it clear that it's
7 something that you might bring to the council or you might
8 talk about at the council?---Yes.

9 I mean it's a natural - yes?---Yes, yes.

10 MR BROAD: Apart from your column have you had much interplay
11 with the media?---No. No, I've been contacted by them on
12 occasion for a comment. It's been a very odd time and
13 unless it was something that all councillors were getting
14 asked to comment on, yeah, no, I haven't - I've had a
15 couple of interviews with the media and that was when
16 I was awarded the Murrumbidgee International Woman of the
17 Yeah award or something.

18 COMMISSIONER: Yes, when was that? I don't mean
19 that - - -?---No. I mean that sort of thing.

20 I understand what you mean, yes. When was that?---A long time
21 ago.

22 Not necessarily in this council?---No. But in this term of
23 council I was interviewed and an article written about me
24 because I had been awarded a long service or community
25 medal from the community.

26 MR BROAD: Yes, but that's a personal issue?---Yes.

27 We've heard much about the leaks that have occurred. What's
28 your view in relation to the matters that have been
29 leaked?---Well, I think it's certainly caused a lot of
30 angst within council and within the community. Yeah,
31 I certainly don't go along with it.

1 Has it been divisive?---I'm sure it has.
2 Have you got views who might have released
3 information?---I have a view but it only relates to one
4 incident and to be honest I can't recall, it was long
5 before the Janice Macleay Report. And a councillor said
6 to me that they had leaked something, I can't even -
7 because I immediately did not want to hear was going to
8 be said, so that was the end of the conversation. And
9 I actually felt it was perhaps bragging, bragging or, you
10 know, wanting a bit of notoriety. I don't know but, yeah,
11 I sort of - I didn't want to listen to it anyway.
12 Have you yourself leaked any information?---No.
13 In your statement under point 4 the second paragraph reads, "On
14 a personal level I have been subjected to instances of
15 harassment, intimidation and public denigration by at
16 least two councillors. You refer to issues in relation to
17 an obituary?---Yes.
18 And you attached a letter of complaint that you lodged on
19 12 July, as I recall, of 2015?---Yes.
20 Is that the extent of harassment or conduct so far as it
21 related to you?---Well, I think I listed them in my
22 attachments. One was to do with the obituary, the other
23 was at a council meeting where there'd been very long
24 dialogue by Councillor Jen Campbell. And I have a bit of
25 a thyroid condition that sometimes I have to take a deep
26 breath and that's what happened and Jen came up very, very
27 close, quite threatening to me, telling me that I'd better
28 stop that sign. I found that threatening. There
29 was - - -
30 COMMISSIONER: How did you respond to that? Did you tell her
31 you had a thyroid condition or anything like that?---No,

1 I didn't, I ignored it. And, sorry, the other one was the
2 letter that I gave to the mayor and the GM I think, which
3 I don't believe was an attachment of mine, it might be of
4 somebody else's but I didn't put that in my attachment.
5 But as has been described about the seating arrangements
6 in Moama at the meeting room, I sit at the end, Councillor
7 Mackenzie here and Councillor Moon there and I didn't feel
8 that Councillor Mackenzie was physically threatening me,
9 I don't believe that, you know, that was his intention at
10 all, but he had a very quick temper. There was a lot of
11 very loud yelling and throwing of arms around, throwing
12 books down, standing up but I felt that I could have
13 accidentally been hit. I found it quite threatening
14 although I understand that he probably - he wasn't
15 directing those physical actions at me and certainly never
16 with Councillor Moon.

17 MR BROAD: Much of what we've been looking at down here has
18 been the Code of Conduct and the Code of Conduct
19 complaints and in the course of asking questions I've
20 raised with councillors the number and the cost. Can you
21 give your views in respect of that?---It was outrageous
22 that, you know, it was costing so much money and I was
23 interested to see how a lot of that - one letter with six
24 complaints, like one Code of Conduct with six complaints
25 with six issues was like six complaints, I wasn't aware
26 that it was worked out on those (indistinct).

27 Well, that's how it's been done for the figures that we've
28 worked on?---Yeah. Yeah, I understand that. But, yes, it
29 was certainly a cost that we did not need to have.

30 I don't know how people who felt the need to put in Code
31 of Conducts, they obviously felt that there was a need to

1 bring those actions to somebody's notice. I think there
2 was a lot of frustration in council that the Office of
3 Local Government were really not perhaps supporting
4 council in a way that could help resolve any of the issues
5 that were coming up.

6 You've seen a number of the reports in respect of - - -?---Some
7 of them.

8 - - - the conduct complaints?---Some of them I have. Only the
9 ones that have been brought to council.

10 So there have been three particularly brought to council. A
11 number have been put forward on the basis that they be
12 resolved other than going through council. So in other
13 words of the various complaints, and if we reduce them
14 from 111 down to 22, which were sent out to various
15 reviewers, there have been I think three came back before
16 council. Do I take it in respect of the other complaints,
17 which didn't come back to council, you have not seen the
18 actual complaint?---No.

19 COMMISSIONER: So you've only seen the ones that formally put
20 to council?---Yes, Yes.

21 Just before we go any further, just come back to one thing.

22 Attached to your letter, sorry, your Honour, just go back
23 to that point you said about your physical - about the
24 anxiety and Councillor Mackenzie sitting next to you, and
25 in your submission you attached the letter that you wrote
26 on 12 July 2015?---Yes.

27 You've got that, you know what I'm talking about, the short
28 letter addressed to the general manager?---Yes.

29 You said, "I wish to note of recent meetings, experienced
30 anxiety", that sort of thing. What motivated you to write
31 that letter?---Because I think I'd come home from a

1 meeting in Moama where Councillor Mackenzie had got - - -
2 Heated?--- - - - very heated and I think he threw some books,
3 his papers or something down on the table, flinging the
4 arms around a bit and I think he eventually left that
5 meeting. But, yeah, I felt - - -
6 So just to be clear, the concern you had was really from
7 those - it wasn't a personal thing to you, it wasn't
8 anything like that?---No, no.
9 It wasn't any emotion to you?---No.
10 It was just really the way he was doing it?---Yes, behaving.
11 Which, you know, on one view of it one might say to write a
12 letter was a little extreme to worry about that. I'm just
13 asking you why - - -?---Well, the reason - - -
14 - - - because it's not really, you know, a direct thing at
15 all?---No. But just considering that some actions that
16 might be taken in the future I felt the need to perhaps
17 have it recorded but I was concerned at one stage.
18 I didn't want to put in a Code of Conduct or anything but
19 I just felt the need to have it recorded in case of any
20 future action.
21 And did you give that to the mayor? Because in a sense the
22 mayor would be the one to control it?---I gave him a copy
23 and then I thought I should have given a copy I suppose to
24 the GM.
25 Thank you?---Yeah.
26 MR BROAD: There have been a significant number of complaints,
27 which have been referred back to resolve, and you probably
28 won't have the table I've got in front of me, by
29 alternative means that were referred basically to the
30 general manager or mayor to go forward by way of
31 alternative resolution. In your view has there been

1 utility in the way that council has dealt with the conduct
2 reviewer's reports?---Did you say futility?
3 Utility?---Not too sure. Can you just explain that to me?
4 Well, what I'm saying is this, we're hearing about a very large
5 number of complaints. There have been three complaints,
6 which have actually been dealt with by council and there
7 have been resolutions passed. And then there have been a
8 number of complaints, which have been referred back to
9 council internally for resolution by alternate means
10 rather than them being determined by the councillors at a
11 meeting. Do you feel that that system has worked?---Just
12 not too sure of what you're referring to, I'm sorry.
13 I'll put a very simple question to you. Has there been any
14 positive outcome from all of the complaints that have been
15 lodged?
16 COMMISSIONER: And the way that they might have been dealt
17 with?---No, I don't think so.
18 MR BROAD: Has there been any change in councillor behaviour
19 stemming from the conduct complaints and the way they were
20 dealt with?---Well, I haven't seen any change, no.
21 In your view as a councillor and a councillor who's been there
22 long term who's seen the evolution of the Code of Conduct,
23 is the Code of Conduct a useful tool in the way in which
24 councillors, staff, council officials operate?---I think
25 it would be if people take notice of it.
26 And if they don't?---Well, I think we get into situations like
27 we're in now.
28 The Code of Conduct reports that have come before council for
29 consideration have you read those Code of Conduct
30 reports?---I believe so.
31 And what's your view about the way that they've dealt with the

1 complaint and the conclusions that they've
2 reached?---Well, my understanding is that we were given
3 some different options, it was public apology, other
4 options to - and one of them was referring it back to the
5 OLG, I think mediation has been part of some of those.
6 I think, well, certainly from my point of view in most
7 cases as much as I can recall, you know, if the councillor
8 just said, look, I'm sorry, yeah, and we're sincere about
9 that, that was, you know, what I felt was enough. I took
10 no pleasure in public apologies that had to go into the
11 media. Yeah, I certainly didn't want that sort of
12 notoriety for Murray Shire Councillors. The
13 mediation - - -

14 I was about to ask you - - -?---Sorry.

15 I was going to ask you one question before the mediation. In
16 reading the conduct reviewer's report did you form a view
17 that their findings it was reasonably open to the
18 reviewers to make the findings that they did?---I think
19 so. I think it was, yeah, reasonable.

20 Can I go to the mediation? You, of course, attended the
21 mediation?---Yes.

22 Were there issues between the councillors leading up to the
23 mediation?---I'm sure there were.

24 And did those issues extend to the general manager?---I would
25 think so, I can't - unless you can refresh my memory but
26 I would have thought there were issues relating to the
27 general manager as well by councillors.

28 COMMISSIONER: Did you think it was a good process?---Yes, any
29 mediation is great.

30 Why?---Because hopefully there will be some good outcomes from
31 it.

1 And did you think everybody participated? You've heard all the
2 evidence all the time, you've been here, do you think they
3 participated?---Yes.

4 They being the councillors?---Yes.

5 Genuinely and - - -?---Well, I think they all participated.

6 At the time?---Yes.

7 Did you have a feeling that it was a genuine

8 participation?---Yes, I felt - - -

9 I think someone said it was, you know, relatively upbeat and an
10 attempt to - - -?---Yeah, I think we - well, from my point
11 of view I was hoping that it would something that would
12 have a positive impact on the council.

13 MR BROAD: The question I asked you earlier about the issues,
14 the mediation agreement provides as follows, "The
15 following themes were presented as the agenda for this
16 mediation". And the first one was "Interpersonal
17 behaviour", and I assume that means behaviour between
18 councillors. "The process of council meetings, use of
19 media, concerns about the future of the shire,
20 relationship with the executive team and future
21 aspirations", so clearly there were a number of issues on
22 the table at that time?---Yes.

23 And I assume one of the points of focus was the relationship
24 between councillors and the general manager and I assume
25 the directors as well?---Look, I can't recall exactly what
26 was said and talked about. I think the focus probably
27 would have been perhaps more our behaviour. I know there
28 was certainly some concerns from some councillors about
29 things that were being said in the press and I think the
30 outcome from the meeting was that those issues would be
31 addressed. There was one issue that she spoke about, the

1 briefings prior to the meetings, that was something that
2 came out of it, which I think has been beneficial.
3 I think all of the outcomes from it were very good but
4 once the media issue had been broken up I think some
5 councillors then felt that they abandoned the mediation
6 outcomes that were the agreement that we signed.

7 The Macleay Report was also leaded to the media?---I believe
8 so.

9 And it resulted in a number of very damning articles in the
10 paper?---Yes. Definitely, yes.

11 Singling out four councillors. Was that another divisive issue
12 between the councillors?---Yes, it was. And I guess the
13 councillors singled out, you know, they would have felt
14 very upset about it. I mean I wasn't singled out in it
15 but I didn't like it either.

16 Did you ever discuss your feelings with Councillors Campbell,
17 Mackenzie, Moon or Burke?---About what?

18 About your feelings about the release of that report?---No.

19 Actually I guess there weren't many opportunities to -
20 apart from approaching them before a council meeting or
21 afterwards and more often than not those councillors left
22 as soon as the meeting was over but, no, I hadn't.

23 To your knowledge did other councillors who were not adversely
24 named in the Macleay Report approach those
25 councillors?---I've got no idea.

26 COMMISSIONER: I assume do you know who leaked the
27 report?---No, I have no idea.

28 No one's ever told you one way or the other?---No, no. Yeah,
29 I've got no idea but I know there were allegations about
30 some of the councillors who were named in the report,
31 adversely named in the report leaking it and I thought,

1 well, why would you leak something that's going to put
2 yourself in a bad light so, no, I've got no idea.

3 Thank you.

4 MR BROAD: Can I jump to another topic and can I go through the
5 processes involved in the recruitment of the general
6 manager?---Yes.

7 And could I ask for your take of what occurred during the
8 interview process and the two stages of the process?

9 I understand there was initial interviews and subsequent
10 interviews?---Yes. Well, you don't want me to talk about
11 the actual recruitment process where there's been
12 several - is that what you're wanting?

13 Yes. What I'd like is an outline of what you saw of the
14 recruitment process and how it proceeded.

15 COMMISSIONER: Yes. And the issues that have arisen. You've
16 heard all the evidence?---Yes.

17 I mean what's your - give us your side?---Well, the allegations
18 that were made about statements of gender bias being made,
19 that was correct they were made. The allegation - - -

20 Just stop there for a moment before you move on. You heard
21 Councillor Mackenzie say it was in a certain
22 context?---Well, I suppose I'm a woman, so maybe I take it
23 differently but I thought it was a comment that was
24 uncalled for.

25 Did you take from it that he would not want a female general
26 manager, as simple and as cold as that?---That's how it
27 sounded to me.

28 All right. What was the other one you were going to go
29 onto?---The turning of the chair.

30 Did you see it?---No, I didn't. But Councillor Mackenzie
31 always sits in a sort of a laid back half turned position

1 in his chair or quite often does, I shouldn't say he
2 always does, he quite often sits like that, so I don't
3 know if that was what they were referring to but, no,
4 I did not see him actually turn his chair. The only thing
5 that I observed during the current general manager's
6 interview for that position was I think I noted that
7 Councillor Campbell didn't seem to make much eye contact
8 with her, so that was all.

9 And you didn't see her turn her chair?---No.

10 In relation to her?---No.

11 MR BROAD: Is there anything else you want to say about that
12 selection process?---I think it's all been pretty well
13 dealt with but I felt it was conducted well. I know from
14 my own perspective I tried to score the applicants as
15 I saw it and in doing that it was very close between - in
16 my scoring between Margot Stork and one of the other guys.
17 But Margot just scored a bit ahead of the guys, so that,
18 yeah.

19 There are two female members of council. Have you detected a
20 bias against the female members of the council or in
21 respect of yourself as a female member of council?---For a
22 number of years I was the only female and part of that was
23 doing my period as deputy mayor and acting mayor and I can
24 tell you the gentlemen around the table had a lot of
25 difficulty dealing with that. There have been periods of
26 council where there were three female members, including
27 myself, and there was another period where there have been
28 two members. I don't feel that there's been any gender
29 bias, particularly in the later part, perhaps the earlier
30 time when I was on the council. It was a very new
31 experience for some councillors so they had difficulty but

1 since then I don't think there's been any.

2 We've had a fair bit of evidence in relation to the meeting on
3 19 January?---Yes.

4 And in your submission you've referred to that meeting?---Yes.

5 And you've provided a certificate from Dr Robert
6 Campbell?---Yes.

7 There is, of course, a suggestion the councillors deliberately
8 acted to deprive the meeting of a quorum. So far as
9 you're concerned did you have any role in any such
10 behaviour?

11 COMMISSIONER: And just before you answer that, just so I could
12 put it to you, it might be said you went to a doctor's
13 appointment. Why would you make the doctor's appointment
14 for the time of the meeting, if you could respond that
15 way?---Okay. I'd been suffering for a number of weeks
16 with a very painful neck problem and my family had been on
17 my back to go to the doctor. My doctor only comes here
18 once a fortnight, unfortunately it's that Tuesday, the
19 third Tuesday when he was coming. I think I'd gone -
20 I was in a lot of pain, I went to the chemist the day
21 before to try and get something for the pain and she did
22 give me some tablets but they were things that shouldn't
23 be taken because of other medication that I have for any
24 length of period. And I thought, well, look, I think I'm
25 just going to have to go to the doctor. I rang to see if
26 I could get an appointment and, yeah, it was unfortunate
27 but the issue at question come up at the next meeting
28 anyway.

29 So what do you mean by that?---The notice of - the motion of no
30 confidence or whatever it was.

31 Well, the notice of motion and no confidence it would have been

1 already on your agenda when you made the appointment,
2 wouldn't it?---Yes.
3 You would have known it was going to be there, yes?---Yes,
4 definitely. But I mean, you know, it was dealt with in
5 whatever way at the next meeting anyway. But, no, I was
6 in a lot of pain and it was - I don't think I could have
7 sat through a meeting anyway, so unfortunately it was the
8 doctor, as I said, only attends on that day here and that
9 was - - -

10 MR BROAD: Had you had any discussion with other councillors
11 about that notice of motion?---Possibly.

12 COMMISSIONER: Well, I'd ask you to think whether you did or
13 you didn't?---Yeah, well, I'm sure when I would have said
14 I can't come to the meeting perhaps.

15 MR BROAD: Who would that have been with?---With the mayor
16 I would think.

17 Did you send any communication to the council formalising your
18 apology?---Yes.

19 Did you meet with any other councillors on the morning of
20 19 January 2016?---Is that the morning of the meeting?
21 That was the morning of the meeting?---No. I was going to the
22 doctor. No, I didn't, I didn't.

23 COMMISSIONER: You live in Mathoura?---Beg your pardon?

24 You live in Mathoura?---Yes.

25 So you would walk to the doctor? I mean someone said they saw
26 you walking around the street, I assume - - -?---Yes,
27 I walk, I live only about - not that far from the doctor
28 when the doctor comes, yes.

29 MR BROAD: Did you meet with the general manager on the morning
30 of 19 January?---No.

31 There is a suggestion that you and other councillors met with

1 the general manager contrary to the terms of the
2 interaction policy. Can you respond to that?---Not to my
3 knowledge. Well, I didn't. What were those allegations?
4 There has been a suggestion that certain councillors
5 notwithstanding the restrictions on meeting with the
6 general manager were nonetheless meeting with the general
7 manager after the interaction policy was adopted?---After?

8 COMMISSIONER: Just generally. Sorry, yes, I think just to
9 understand the context, the assertion's been that some
10 people were able to meet with the general manager whereas
11 others were told you had to go through admin and so
12 forth?---Okay.

13 So did you ever have any meetings in that way?---Well, I would
14 have only met with the general manager if there'd been an
15 email or something requesting that I met with her. The
16 only - there was one occasion where I had a phone call
17 from Mayor Weyrich and he said that, I don't know if he
18 had a meeting or had been speaking to the general manager
19 and she was very upset and he asked me if I would go over,
20 she was in her office in Mathoura, if I would go over and
21 just see if she was okay. And I said, "Well, okay".
22 I think I rang first and spoke to admin to ask the general
23 manager if I could come over and took that call to the
24 general manager and she rang me back and said that she
25 would meet with me later in the day or on her way home
26 from work or something, I just forget. But she did meet
27 with me later in the day and spent some time there. She
28 was in a very emotional state, was very upset and she made
29 a statement about how she and her husband loved it here,
30 she loved her job, they wanted to become involved in the
31 community, that's one of the things that they were looking

1 forward to. I think she felt quite sad that that didn't
2 seem to be able to be happening. And she spoke of a
3 conversation I think she'd had with somebody at OLG and it
4 was quite clear she was very frustrated at the lack of
5 action.

6 When do you think this was approximately?---Beg your pardon?

7 Sorry, approximately when was this?---Yeah, it would have
8 been - - -

9 Was it the Mayor Weyrich time the approximate time?---Yes, it
10 was in Mayor Weyrich's time because it was he rang me.

11 Right?---And she was very frustrated with - and had had some
12 very frustrating call to somebody at OLG and she made
13 comments about trees and cars and I became very concerned
14 for her wellbeing and was even concerned about her driving
15 home and asked her to just send me a message when she got
16 home safely. And I think it was following that that
17 I've - I was very concerned at what may happen and I sat
18 down and wrote a letter to the OLG or it might have been
19 to the Minister, I'm not sure who but it was either to the
20 Minister or to or to - or it might have been someone at
21 OLG, and expressing my concern for the wellbeing of our
22 GM. And I think after that I spoke to - before I sent it
23 I spoke to Councillor Bilkey and Pocklington and Anderson
24 and possibly Mayor Weyrich, I'm not too sure now about
25 him. And they asked if they could cosign that letter
26 because they felt the same. We felt very anxious for the
27 wellbeing of the GM as I would have about anybody who is
28 in that state.

29 MR BROAD: Councillor Murphy, on the last page of your
30 submission, the third last paragraph, you say, "Council's
31 reputation within the local community and throughout the

1 region and State has been significantly impacted as a
2 result of all the matters outlined in this submission and
3 consequently I believe community confidence in the
4 capacity of council to effectively fulfil its charter is
5 at an all time low"?---Yes.

6 Have many people from the local community spoken to you about
7 the issues affecting council?---I think everybody's had,
8 if I can put it in unladylike terms, a gutful of
9 everything that's been going on in the media. The
10 outcomes of inquiries and Codes of Conduct. Yeah, I think
11 the community are sick of it all and would like to just
12 see council try to work together.

13 One of the other questions I've been asking councillors, given
14 the current suspension of councillors is whether that
15 suspension should be lifted?---I would like to see it
16 lifted. I'd like to have finished my civic career, if
17 I can call it that, fulfilling the role of councillor
18 until the end of our term. Whether that's possible to
19 happen, I don't know.

20 Do you think that the current councillors are dysfunctional and
21 can't operate together?---Well, I like Councillor
22 Mackenzie's concept of a few stubbies under a tree,
23 I think that would be great but I think it's gone a bit
24 too deep for that.

25 COMMISSIONER: And just before we go onto the other, which are
26 just a couple of specific things, how did you feel about
27 the fact that you didn't know about the terms of the
28 return to work of the general manager? You've heard the
29 evidence from other people?---Yeah.

30 What's your - - -?---Well, I don't know what the terms of the
31 return to work were but - - -

1 No, but as a councillor did you feel that you should
2 know?---Well, I had trust in the mayor to have made an
3 arrangement that would be of benefit to council and our
4 community.

5 Okay. The policy of no contact with the councillors. I mean
6 you mentioned that before between councillors and the
7 general manager originally and then between two admin.
8 How did that affect you?---It was a bit of nuisance
9 I guess but I didn't have any difficulty. I just emailed
10 admin, I did make a mistake one day and got reprimanded
11 by Mayor Weyrich. I'd had a an email from one of the
12 staff, not the director, I think it was from KerrieKeogh
13 in regard to a recreation ground meeting that was going to
14 be held or proposed or something and I hit the reply
15 button when I sent it back and Mayor Weyrich told me I'd
16 been naughty.

17 The 24 November meeting, and specifically where it was called
18 by Councillor Campbell to act so we've heard as a circuit
19 breaker, and I'm really particularly interested in where
20 you heard Councillor Moon's evidence was, he said, "This
21 seems like a performance review", and he said, "Well, why
22 don't we do that"?---Yeah.

23 Did you - I mean what was your position on that at that
24 meeting?---Well, I was outraged, I thought we'd gone there
25 to, you know, try to - or outrage might be a bit of a
26 strong word but I was disappointed because I felt that,
27 you know, perhaps it may offer an opportunity to sit down
28 and talk about some of the issues in a rational manner but
29 I don't think that was going to happen.

30 And then after that they had the mediation, which we've already
31 talked about. Now, we haven't asked - we didn't think it

1 was necessary to go through the Deep Creek issue with you
2 unless you've got something to say, we've heard all the
3 issues, it sort of didn't really involve you in any
4 particular way. I just don't want to - if you've got
5 anything you want to say about it only
6 because - - -?---Well, sorry. Perhaps the only thing, as
7 has been pointed out to you, there was a phone call made
8 to Councillor Burke and that happened at a council
9 function, council held function, it was a senior's day
10 out. I was there, I think John Pocklington was certainly
11 there, I'm not sure if Councillor Weyrich came only for a
12 short time, I'm not sure. But Councillor Weyrich came to
13 me and said that there had been some serious issues about
14 a Deep Creek visit and I'm not sure if Margot had been -
15 the GM had been there all the time or whether she came
16 just prior to. Councillor Weyrich asked me if I'd be
17 prepared to talk about it or sit down and - I didn't know
18 what it was all about, so it was all news to me. But the
19 decision was made that he would ring Councillor Burke and
20 I was very surprised to hear that Councillor Burke felt
21 intimidated by it because I thought, you know, he'd been
22 asked, you know, who did you speak to or what was said.
23 He didn't sound like he was under any stress when he was
24 replying but I mean that was just my assessment of it,
25 yes.

26 MR BROAD: The opportunity has been given to each councillor to
27 respond to the terms of reference. Can I seek your
28 response to each of the terms? The first term of
29 reference is whether the elected representatives and staff
30 have since the appointment of the current general manager
31 complied with applicable laws, codes, administrative

1 procedures and policies and have filled its and their
2 duties, powers and functions, particularly in relation to
3 the relationships between councillors, the general manager
4 and senior and other staff of council. Can you provide
5 your views?---I think staff have always complied with all
6 of the laws and codes et cetera. I don't think they would
7 have had much of a role to play in any interaction or
8 relationships between councillors. But, yeah, no, I think
9 certainly the staff complied, in my opinion staff have
10 complied with their - - -

11 And what about the councillors?---In complying with the - - -
12 Have they complied?---Yeah, I don't think that's always been
13 the case, no.

14 The second of the terms of reference ask whether the council
15 has since the appointment of the current general manager
16 complied with its work, health and safety obligations as
17 the general manager's employer. Can I have your views in
18 respect of that?---Well, I think they're similar to what
19 I've stated here, I don't think council probably have
20 complied with all of the laws and expectations that we
21 should have. But I think part of that was the
22 frustrations having to deal with a lot of the conflicts in
23 council between some councillors and the GM as well and
24 then between some councillors and the mayors, both mayors.
25 So, yeah, I don't think we have fully complied although
26 I think both mayors did try to take action, some actions
27 to protect and abide by the laws and codes in relation to
28 the GM.

29 COMMISSIONER: Sorry, is there any particular thing in relation
30 to that or particular law that you think they haven't
31 complied with?---Yes, probably but I'm not aware of it.

1 MR BROAD: The third of the terms of reference asks whether
2 "The elected representatives have been and will continue
3 to be in a position to direct and control the affairs of
4 council in accordance with the Local Government Act 1993
5 and other relevant acts, so that council may fulfil its
6 charter, the provisions of the Local Government Act 1993
7 and otherwise fulfil it's statutory functions and
8 obligations". What are your views in respect of
9 that?---Well, the majority of the time I think council
10 have been able to direct and control the affairs of
11 council on the majority of issues. It's mainly been
12 I think the issues in relation to the GM and the conflict
13 within council in regard to that.

14 Those complete the questions I intended to ask.

15 COMMISSIONER: Is there anything else you wish to say?---No,
16 I don't think so, thank you.

17 Thank you.

18 MR BROAD: Thank you.

19 (Witness excused.)

20 (At this stage the court proceeded with another matter.)

21 <MARGOT STORK, called 3.12 PM:

22 <MARGOT STORK, sworn and examined 3.12 PM:

23 COMMISSIONER: Thank you for coming?---Thank you for coming.

24 I asked all the councillors what their history was of being a
25 councillor. Perhaps you might just give me a brief
26 background on where you were before you came to Murray
27 Shire Council and what experience you had and that type of
28 thing might be the - if you could just start with
29 that?---Certainly, Commissioner. So I have had a
30 reasonably lengthy history as a bureaucrat in both the
31 State public service and local government, so I spent a

1 period of some four years with the Victorian Department of
2 Treasury and Finance fulfilling a variety of roles, the
3 last of which in that first stint with them was as
4 director of communications for the department, and so my
5 responsibility was for all internal and external
6 stakeholder communication with the major product being the
7 Victorian State Budget. Following my period at the
8 Department of Treasury and Finance I then obtained a role
9 as general manager of Human and Corporate Services at
10 Moorabool Shire.

11 Sorry, what was that role?---General manager of Human and
12 Corporate Services at Moorabool Shire and I was there for
13 a period of two and a half to three years.

14 That's Victoria, isn't it?---That's correct, yes. So it's
15 Bacchus Marsh.

16 Yes, so that's the director type - - -?---That's right, yeah.
17 - - - human resources (indistinct words)?---It's slightly
18 different to the normal situation because what Moorabool
19 did was take four directorates and turn them into two
20 general managers areas. So effectively I took over two
21 portfolios that had - - -

22 So what sort of things were you doing there, like other than
23 human resources? Did you have other
24 responsibilities?---Yes, as director, sorry, as general
25 manager of corporate services I had IT, HR.

26 Yes. Minutes, looking after all that sort of stuff?---Yeah,
27 that's right, governance, the whole works. And having
28 human services I had the nurses, compliance, health
29 services.

30 Compliance, like rangers, things like that?---Correct.

31 Correct.

1 All sorts of things?---Community services, yeah, there's quite
2 a big portfolio, 15 direct reports, and offices spread
3 over about five separate locations.

4 And how long were you there then, sorry, for that one?---Two
5 and a half to three years.

6 Yes, go on, yes?---And at the end of that period of time I was
7 offered a role back at the Department of Treasury and
8 Finance and that was a major project role and I was
9 responsible for the development of a shared service
10 provider organisation within State government and so the
11 project was to build a model for shared service delivery
12 and that model was then translated into a new
13 organisation. So on day 1 of the new organisation we took
14 approximately 200 staff from the 15 different departments
15 and agencies and brought them together into one
16 organisation. And from that role I was then provided the
17 role as director of operations, so service operations for
18 the new organisation.

19 And how many years was all that?---Six years, just on six
20 years. And from that role I then came to Murray Shire as
21 general manager commencing on 28 April 2014.

22 And this is not a trick question or anything but someone said
23 you were a lawyer and you practiced as a lawyer in a
24 previous life?---Correct.

25 Is that correct?---Correct, that's right. Yes, I spent 10
26 years practicing in the Family Court jurisdiction in
27 Victoria predominantly in Melbourne.

28 And that was obviously prior to what you've just
29 outlined?---That's right. Although I still retain my
30 practising certificate.

31 Thank you.

1 MR BROAD: Ms Stork, as an opening question I'd like to see if
2 we've an understanding of - we can obtain an understanding
3 of the comparability of the Victorian Local Government
4 system as against the New South Wales Local Government
5 system. And are there points of great similarity? Are
6 there points of great difference?---Okay. So there are
7 clearly similarities in the delivery of local government
8 services. In my role in Moorabool we were delivering
9 roughly the same type of services as we are delivering
10 here across planning, engineering, human services and
11 corporate services. The big difference probably here is
12 that we also deliver sewer and water services, which
13 I wasn't used to in Victoria.

14 COMMISSIONER: Do you do that, does this council do water and
15 sewage?---We do.

16 Yes, I was going to ask someone that before?---We do. And,
17 look, there is enough similarities I think in the
18 legislative and compliance environment although there are
19 obviously some differences. New South Wales is a rate
20 pegging State, Victoria wasn't, so there was some
21 challenges around budgets et cetera that didn't exist
22 quite as markedly in Victoria. Probably the biggest
23 difference in terms of my role here compared to my role in
24 Victoria was the reform process that was underway when
25 I started here, which clearly I hadn't dealt with in
26 Victoria and even if I had it's quite different the way
27 it's panned out here. But I guess I felt that I was on
28 fairly solid footing because nobody really had a lot of
29 experience around that reform process, so it was a
30 learning curve for everybody.

31 And just on the same thing, what sort of contact did you have

1 with councillors at, how do you pronounce it,
2 Moorabool?---Moorabool.

3 Yes, Moorabool, because there was a bit court case about
4 Moorabool, anyway, yes?---That wouldn't be Tom
5 (indistinct) by any chance, would it?

6 About the certifier and all those sort of things?---Yeah,
7 absolutely. Look, the contact with councillors, we had a
8 centralised councillor request system. Councillors lodged
9 requests through that system and they were allocated to
10 the appropriate offices. It was a fairly standard system
11 across - - -

12 That was pretty standard for Victoria, was it?---Certainly,
13 yep.

14 MR BROAD: In New South Wales there's a fairly pronounced
15 divide between the role of councillors and the role of
16 staff under the general manager, and we have that
17 reference to the governance role of councillors and the
18 operational role of staff. Is that broadly similar in
19 Victoria?---Yes.

20 So it's New South Wales and Victoria have got a similar sort of
21 approach that councillors are akin to a board of
22 directors?---Yes. My experience has always been that
23 councils are similar to a board of directors, they are
24 there to look at strategy and policy and oversight whilst
25 the CEO run the general manager in Victoria. They're
26 responsible for the operational part of the organisation
27 and reports directly to council via the very close
28 relationship, of course, with the mayor.

29 And the comparability of the roles of councillors as part of
30 the governing body and also as an elected representative,
31 are they similar in New South Wales to Victoria?---I don't

1 know that in Victoria, and I would have to check, but
2 there is that differentiation made between the governing
3 role and the elected member role. I find it's somewhat
4 artificial here, I'm not really certain why it's in the
5 legislation and I think that's certainly something that's
6 been up for debate in the review of the legislation.

7 COMMISSIONER: Because we talked about it here, it's an uneasy
8 sort of thing because you can imagine being a councillor
9 I want to do the right thing by the elected
10 representatives yet got the duty to the corporate body, it
11 doesn't sit easily?---It's an odd distinction I think.

12 MR BROAD: And every four years the councillors are up for
13 re-election again and their role as an elected
14 representative comes into sharp focus again?---Yes.

15 And so how would you then see it if you don't differentiate
16 from a governing role and a role as an elected
17 representative, how then do councillors represent the
18 views of the community?---I think, I may be getting caught
19 up in the language, but clearly councillors have both the
20 roles but I'm certain why they're so defined as to
21 individual roles. I'm certain why the term of the elected
22 member is so important in that, it's a fairly standard
23 process across Federal Government, across State
24 Government. You know, we were involved in State
25 Government in many, many projects that then changed
26 direction when a new government came in, that is the
27 process that we have. But clearly - - -

28 But that's the role of the executive?---Yes, certainly. But
29 clearly councillors have a role in representing the
30 community, they bring in community views to the table but
31 I think the challenge that we have is where those

1 community views come into the organisation. You know, is
2 it in developing the policies that the organisation wants
3 going forward? I would have thought so. It is in looking
4 at planning decisions and that, of course, goes back to
5 policy and legislation but from my perspective it is not
6 about inserting yourself as a councillor in the process
7 between the staff of the shire and the ratepayers of the
8 shire, that's the differentiation I make.

9 COMMISSIONER: But there's always, and it would be the same in
10 Victoria, and I'm sure there's no doubt that there's
11 always ratepayers coming up to council and talking to them
12 and then there's that process about how - and we'll talk
13 about it probably later but there's always that
14 process - - -?---Of course.

15 - - - about you deal with that?---Of course.

16 MR BROAD: Is it also an information sharing role where
17 councillors can provide information whether specific or
18 generic to members of the public?---Yes.

19 What I was going to do is commence really chronologically to go
20 through your involvement with Murray Shire Council and
21 essentially where we've got to in that path is apart from
22 a generic discussion of how local government operates.
23 We've obtained an indication of your previous experience.
24 Can we now ask you questions about the process of
25 recruitment from your perspective?

26 COMMISSIONER: Yes, so that was the idea. It was easier
27 probably just to think, well, why don't we just go through
28 it chronologically the best way, so that's the
29 (indistinct).

30 MR BROAD: So we had Mr Blackadder appointed as the recruitment
31 consultant. So far as you were concerned did you respond

1 to an advertisement? Were you directly contacted? How
2 did it come about that you put your cap in the ring with
3 this council?---So the role was advertised, I can't
4 remember where it was advertised, which newspaper, but
5 there was an advertisement placed. My recollection is
6 that I had a discussion with Mr Blackadder regarding what
7 the shire was looking for in terms of a general manager,
8 gave him an indication of my background and my experience
9 and then having thought about the role and having spoken
10 to my husband just decided to make an application. My
11 recollection also is that the timeframe that was
12 originally provided for the recruitment process blew out
13 somewhat as a consequence I think of some advertisements
14 that were due to be placed in national papers and didn't
15 occur or didn't occur correctly. My recollection is that
16 there was some delay in the process as a consequence of
17 that.

18 Had you given previous consideration to a general manager or
19 other role in local government whether in Victoria or New
20 South Wales?---Yes.

21 And that was a step out of the public service?---Well,
22 I considered all public service just as a different layer
23 of government.

24 COMMISSIONER: But it was something you were thinking about as
25 another option?---Yes.

26 And I assume, only because I've read this, that I think you
27 said it yourself, it was obviously a big step to put your
28 application in especially if you were going to get the job
29 because it meant you would move?---That's right, yes.
30 Yes, it was a lifestyle choice for us but it was certainly
31 a big decision in terms of moving et cetera. It was

1 something that I needed to discuss with my husband before
2 I did.

3 And obviously at some point in time they told you it was Murray
4 Shire Council. When you put the application in
5 straightaway, I mean obviously you knew it was this
6 council?---Yes.

7 And did you do any - did you know anything about it or did you
8 find out anything about it at that point before you
9 did?---Yes, I did some research both in terms of the
10 shire, the size of the shire, the services provided et
11 cetera and some of the publicity around the shire at that
12 time.

13 MR BROAD: And what did you see the shire as bringing? Excuse
14 me a second, I might just close this door. The question
15 I was asking is when you basically undertook your research
16 what drew you to Murray Shire Council? What opportunities
17 did it bring as far as you were concerned?---There was a
18 number of things I liked about it, the location, the size
19 of the shire, the mix of small towns and urban, if you
20 like, or larger towns. I was keen to look at the reforms
21 that the State Government was talking about. It was made
22 very clear to me very early on that this was a shire that
23 was opposed to mergers and there was going to be a large
24 piece of work around managing Murray's response to the
25 reform process. The size of the staffing compliment, the
26 types of service provided. All of those things appealed
27 to me.

28 Apart from the reform processes did you see challenge in the
29 council itself whether it be budgetary or otherwise, did
30 you see challenges that were facing the council?---Yes,
31 and through the process I talked about what I would

1 consider generic challenges of local government, which
2 include, particularly in this State, rate pegging, service
3 delivery across rural and remote and regional locations,
4 the challenges of working with our neighbouring shires to
5 ensure a regional approach to needs of the community.
6 Murray Shire is one of those communities that has an aged
7 population but also has a young population, so delivering
8 services to both ends of the spectrum, all of those type
9 of things were things that I looked into.

10 I haven't looked at this, does the council draw much money from
11 FAGs grants?---Yes, but that, of course, has been
12 decreased over the last 12 months as a result of a freeze
13 on FAG grants, so the actual real dollars has decreased
14 over a period of time.

15 And that's prospectively something that will continue to
16 decrease?---Certainly and it was certainly something that
17 we have spent a fair bit of time both at Murray Shire
18 level and at FAG grant level advocating for - one of the
19 challenges in New South Wales, of course, is that, you
20 know FAG grants are a Federal situation whilst rate
21 pegging is a State situation. And those two things need
22 to be dealt with continuously.

23 So you were potentially going to join the council in the lead
24 up to the operational plan and the budgetary issues that
25 were associated with that. Did you have any consideration
26 of the budget and whether there were challenges to the
27 budget?---Yes, there was clearly challenges in the budget
28 although Murray Shire has been excellently run in a
29 financial sense. This council has opposed strongly taking
30 any loan funding for improvements to the shire. And
31 interestingly enough that was a matter that was raised in

1 the (indistinct) report into Murray Shire suggesting that
2 Murray Shire should perhaps take more opportunity to
3 obtain loan funds for infrastructure development. So
4 there was a whole range of financial considerations and it
5 wasn't until after I commenced that the freeze occurred
6 with the FAG situation and so that came to the fore as
7 well.

8 I understand, and it may not be relevant, that council had been
9 burnt with a CDO investment. We return to the actual
10 process, if we can?---Yes.

11 So you decided to put in your application?---Yes.

12 I assume your application was dealt with favourably?---Yes.

13 And there was a process which resulted in, well, there was an
14 interviewprocess? ---Yes.

15 Can you tell us what occurred, I think it was a two-stage
16 process, I'm not sure.

17 COMMISSIONER: Well, I think you had two interviews, is that
18 correct?---Correct, yes.

19 MR BROAD: Can you go through the processes in each of those
20 interviews?---The interviews weren't that dissimilar in
21 that they were your fairly standard interview process in
22 that the process was run by the consultant and there was a
23 number of questions and my recollection is that some of
24 those questions were asked by councillors, some were asked
25 by the consultant and that was an around the table type
26 process. That interview occurred in Moama and some
27 perhaps three weeks later a second interview occurred also
28 in Moama. And my understanding is that the second
29 interview that occurred was an interview process with
30 three candidates who were the final three in the field
31 I believe. There was also, of course, some psychometric

1 testing done as part of the process.

2 COMMISSIONER: But that would have been through Blackadder,
3 wouldn't it?---That's right.

4 MR BROAD: In respect of the first interview, did that allow
5 you a reasonable opportunity to put forward your views and
6 to answer potentially relevant, perhaps irrelevant
7 questions?---Yes, there was certainly an opportunity to
8 put forward responses to the questions that were asked.
9 I guess I found a couple of things interesting about the
10 interview process. One was that all councillors were
11 involved and that's not unusual necessarily in local
12 government but it certainly makes a reasonably large
13 process when you are looking at being interviewed. And
14 there was also some behaviour during that interview that
15 indicated to me that there was at least a couple of
16 councillors who clearly did not favour my candidature.

17 In respect of the involvement of councillors were the
18 councillors active in their questioning or were they
19 inclined to sit back?---I can't remember specific
20 interview questions from specific councillors during the
21 first interview although it is my belief that there were
22 questions asked by councillors. The one piece of
23 behaviour that I did notice during that first interview
24 was Councillor Campbell and Councillor Mackenzie who
25 angled their chairs away from where I was sitting in the
26 interview process.

27 COMMISSIONER: So let's just, I mean we've had evidence you've
28 probably heard, I don't know, but evidence about that.
29 I mean are we talking about someone who's completely got
30 their back to you, half inclined, I mean it sounds -

31 I need to understand what you say was the process or what

1 happened?---So I was sitting at the head of the table, if
2 you can imagine nine councillors and the recruiter sitting
3 around the rest of the table.

4 Yes. So it's just the nine councillors and Stephen Blackadder,
5 that's it, yes?---Correct. My recollection is that
6 Councillor Mackenzie was to my right and Councillor
7 Campbell was to his right, that's my recollection. My
8 recollection of the process was when I walked into the
9 room there was this type of action by the two councillors
10 in terms of their papers and the chairs were then angled
11 this direction away from where I was sitting.

12 MR BROAD: For the sake of the transcript what you've
13 demonstrated is that their folders were being
14 closed?---Correct.

15 COMMISSIONER: And they had an angle?---Correct.

16 I mean not completely round the - - -?---No, they didn't.
17 So their back was facing, it was more angled away?---They
18 didn't turn - correct.

19 Sort of a disengagement process?---That's how it felt
20 certainly.

21 That's how it felt to you?---It certainly did. And I made
22 comment to Mr Blackadder as I was leaving the interview,
23 it was along the lines of, "What's with the two
24 councillors?" really.

25 Was it only two?---That's my recollection, yeah. The second
26 interview - - -

27 Just before you get to that, did you have any communication
28 with Stephen Blackadder after it, like any feedback or
29 anything like that or things the councillors might have
30 been interested in between the first and the second
31 meeting to address or so forth?---Certainly I had

1 communication - - -

2 Sorry, to interrupt you. I assume you left and then they would
3 have had their own discussion, of course, about
4 (indistinct words)?---I assume so, yes.

5 I mean it's like the normal sort of process, isn't it,
6 yes?---So I had some conversation with Mr Blackadder,
7 again I can't remember specific details but I was made
8 aware of some specific issues that the councillors wished
9 addressed in the second interview, so perhaps more like a
10 presentation to council about - my recollection is it was
11 about the reform process. And I think there was also a
12 question raised out of one of my answers as to whether
13 I was a Greenie.

14 Okay, I was just going to ask you that question because that
15 was some of the evidence. They thought that was one of
16 the impressions someone had about it, so whether that was
17 relevant or that came up at all?---Well, I was asked to
18 address it, yes.

19 MR BROAD: During that interview did any of the councillors
20 raise any direct issues with you?---Yes, there was one
21 issue that I can remember that - I think I may be talking
22 about the second interview now though. In the first one
23 I can't remember any specific issues other than the
24 questions that were raised as part of the interview
25 process.

26 COMMISSIONER: Coming from nine councillors it would have
27 been - - -?---Well, my recollection is that it was
28 predominantly Mr Blackadder who was asking the questions
29 but certainly there was input from the other councillors,
30 yes.

31 Is what you've said all you wish to say in respect to the first

1 interview? I don't want to cut you short, I just want to
2 make sure that everything's out there - - -?---Yes. No,
3 there's nothing else that comes to mind.

4 Okay. Can we proceed to the second interview and can you give
5 an insight into the events that occurred during that
6 interview?---So my recollection is that the second
7 interview I came to Murray Shire for that interview and on
8 the way up, travelling on the way up I received a phone
9 call from Mr Blackadder and Mr Blackadder said to me,
10 "There has been a bit of a brouhaha in Murray Shire and it
11 is about you but it's not your issue and the mayor just
12 wants to convey to you, you know, paraphrasing, don't let
13 it get to you".

14 Is this the gender bias thing or something?---Yes. So
15 obviously - - -

16 What did he tell you?---Well, that was about it. There's the
17 media interest, so - - -

18 All right. He didn't tell you any details about that?---No.
19 No, I don't believe so.

20 Okay?---I don't remember any specific details. So as a
21 consequence we bought the newspaper and got an
22 understanding of the story that was in the paper.

23 MR BROAD: And what was that story?---My understanding of the
24 story was that there had been some time earlier,
25 perhaps November, a workshop of councillors and during
26 that workshop Councillor Mackenzie had indicated to his
27 fellow councillors when various concerning a general
28 manager were put to them, that he wouldn't agree to a
29 female general manager being appointed.

30 So that was in the news basically in the lead up to your second
31 interview?---Correct. I think that was in Friday's paper

1 and the interviews were on the Monday I think.
2 So what date was the second interview?---28 February from
3 memory, somewhere around there I think. I would need to
4 look.
5 COMMISSIONER: You can check it?---Yeah, I would need to check
6 it.
7 You'll be coming back tomorrow, so if you need to?---It seems
8 like.
9 MR BROAD: So this had been in the paper on the Friday, just
10 before you came up?---I believe that's the date, yes.
11 Even though the comments were made some months before?---Yes,
12 that was the suggestion in the newspaper.
13 COMMISSIONER: I know we'll come back to this and I don't
14 really need to go into detail but was there actually a
15 Code of Conduct complaint about?---I believe there was.
16 yes, there was. There was a Code of Conduct complaint.
17 Do you know who made it?---I believe the mayor made it.
18 Okay, thank you?---There was also a second Code of Conduct
19 complaint concerning the leak of that story to the media.
20 Goes hand in hand, doesn't it?---It does, hand in glove, yep.
21 MR BROAD: Can I ask you to recount what occurred at that
22 second interview?---My recollection of the second
23 interview is that I believe that I did a short
24 presentation in terms of - my recollection is what I saw
25 as the major challenges for Murray Shire and there was
26 some questions asked of me. My recollection also is that
27 Councillor Mackenzie was again sitting in the same
28 position to my right and certainly there was two things
29 that stood out in my mind at the interview. One was that
30 I was asked to explain whether I was a Greenie and
31 I (indistinct).

1 COMMISSIONER: I was going to ask you how you dealt with that
2 issue?---Well, you know, it's very difficult when you've
3 been running State Government buildings for a period of
4 six years and you're trying to balance the government's
5 policy position on green energy and green buildings
6 against the budget that was allowed for infrastructure to
7 suggest that you're anything other than a professional
8 public servant trying to balance the two. You know,
9 they're stakeholder needs that need to be balanced.

10 Is that how you sort of address it?---Well, I said, no,

11 I wasn't a Greenie and gave the indication - - -

12 Of what your experience in those type of things were?---Yeah,
13 that's right. That's right. And then second thing that
14 stood out in my mind regarding that interview was an
15 exchange with Councillor Mackenzie who asked a question.
16 Now, I can't even remember what the question was, I only
17 remember the exchange because he started that exchange by
18 making some comment such as, "If you read the papers you'd
19 believe that I didn't want you here" and then asked the
20 question.

21 MR BROAD: You don't recall what the question was?---No,

22 I don't.

23 In your mind was he simply trying to diffuse what was a piece
24 of adverse publicity in the paper?

25 COMMISSIONER: I mean let me just go back and put it, but could
26 that be there was a context to that, was that said as an
27 offhand sort of comment or as sort of a joke or was it
28 said as a serious thing? How would you put it?---It was
29 just a statement, it wasn't a joke, it wasn't - I don't
30 know what it was, I took it as somebody who was probably
31 embarrassed about the publicity. You know, you're face to

1 face with, as I understood, the only female candidate in
2 the field and the suggestion is you've made those
3 comments. I didn't know Councillor Mackenzie well enough
4 to know what his motivations behind that were.

5 MR BROAD: Did you take umbrage at that comment?---At the
6 comment in the interview or the comment in the paper?

7 Well, let's start with the comment in the interview?---Not the
8 comment in the interview, no.

9 And the comment in the paper?---I thought the comment in the
10 paper, if it was accurate, was terribly naïve for somebody
11 in a position of recruiting a female.

12 COMMISSIONER: But not really took umbrage at the comment in
13 the interview?---No.

14 That wasn't a big issue?---No.

15 No, okay, thank you.

16 MR BROAD: You said the first of the matters that stood out in
17 your recollection was a question about you being a
18 Greenie, do you recall who asked that question?---Mayor
19 Weyrich.

20 How did you find Mayor Weyrich during the course of those two
21 interviews?

22 COMMISSIONER: I mean as the mayor did he take a bigger role or
23 a lesser role or anything like that?---Well, he certainly
24 took a bigger role, he was certainly seated at the head of
25 the table with Mr Blackadder. He I believe took some of
26 the lead although I think the majority of the process was
27 run by Mr Blackadder as is fairly normal really.

28 MR BROAD: Thereafter I assume there was some sort of process
29 of negotiation in respect of your appointment?---Mm hmm.

30 How long did - over what period did that take place?---So as
31 I was travelling back to Melbourne from the second

1 interview I received a phone call from the mayor offering
2 me the role and advising of the salary that they were
3 offering for that role. And then I believe that
4 Mr Blackadder must have still been with him because they
5 gave me some indication that I could expect details of a
6 contract to be provided shortly and also details of a
7 media release.

8 We've heard during the course of this inquiry that there was an
9 interplay that had proceeded since at least the 2012 local
10 government elections between the councillors and there was
11 a divide between them. Were you aware of that in the
12 period before your interviews in the period following the
13 interviews before your appointment?---So in the period
14 leading up to the interviews, and I can't tell you
15 categorically whether it was before the interview, the
16 first interview or the second, I was certainly aware of
17 some interplay that had been in the media around the
18 councillors and most specifically around a motion of no
19 confidence that some councillors had tried to give a run
20 against the mayor. And certainly Mr Blackadder was
21 I guess fairly open about the fact that it was a fairly
22 divided council.

23 COMMISSIONER: He told you that?---Yes.

24 MR BROAD: Did that play on your mind in making a decision of
25 whether to take up the role as general manager?---No, it
26 didn't.

27 Do I assume that you thought that that could be
28 overcome?---What I understood was that this was a public
29 service role. I have spent a lot of time working in the
30 public service under the auspices of Codes of Conduct and
31 governance arrangements. Local government is covered by

1 the same situation and I had made a decision that if I was
2 elected to the role, elected, recruited to the role
3 I would come in and I would commence the role and fulfil
4 my obligations as general manager. And I had assumed that
5 any difficulties that existed as between the councillors
6 would settle down over a period of time. I could
7 understand, and it was very, very clear certainly after
8 the voting occurred, Mr Blackadder was also very clear
9 that the vote had been a five two split with two
10 councillors walking out of the vote. Yeah, when they
11 voted for me. So certainly I was not the first choice of
12 all councillors. But it was also, you know, in my mind
13 I was a professional who could do the job quite well and
14 that presumably we would all have a bit of brouhaha about
15 the appointment we weren't happy with and then we would
16 settle down and get on with the job.

17 COMMISSIONER: But wouldn't it have been in your mind a fact
18 don't you think, well, that's something I might have to
19 deal with?---Of course, I was going to have to deal with.

20 In that sense I mean?---Absolutely, yes.

21 I mean I'm the general manager and there's already - I'm coming
22 into, you know, potentially a problematic situation
23 already?---Yes.

24 MR BROAD: Did Mr Blackadder in any way counsel you about
25 whether you might reconsider?---No.

26 He just simply as it were laid the cards on the table face up
27 in the sense that you said here's what the vote's been,
28 you're aware of that?---Yes.

29 COMMISSIONER: I mean that's fair enough, yes?---Yes.

30 MR BROAD: Did you accept the offer as put?---I accepted the
31 offer as was put to me and then partway through the

1 process of negotiating the final contract I raised with
2 Mr Blackadder the question of my years of service in the
3 public service.

4 COMMISSIONER: Your long service leave?---And I made it very
5 clear to Mr Blackadder that I was asking the question
6 about whether or not Murray Shire would consider
7 recognising my years of service subject to taking over no
8 financial obligation or liability for the years of service
9 to date. So on the basis that I came to Murray Shire with
10 a zero balance owing on long service leave but that my
11 service with Murray Shire would start from a position
12 where I had 10 years of public sector employment behind
13 me.

14 MR BROAD: How would that have an effect?

15 COMMISSIONER: What did you want to get out, just let me
16 understand that? Does that mean you wanted the council to
17 accept that you'd effectively been there for 10
18 years?---What it was asking the council to accept that
19 I have years of service in the public sector. So if you
20 were to move between councils within New South Wales my
21 understanding is that's the same situation as if you were
22 to move within councils in Victoria your years of service
23 to the public sector is accepted as part of your record.
24 So but in doing that usually what that would mean is if I had
25 10 years at one council and I hadn't taken my long service
26 leave and I moved to another council, it means I would
27 already have the 10 years and the next council would have
28 to pick up my long service leave, if I decided to take it
29 two years later or something because effectively I would
30 have already done it. Is that what you were trying to
31 achieve?---No. I can read to you the emails that I sent

1 to Mr Blackadder, if that's of any assistance.
2 I'm happy for you to give me those, I just want to understand
3 what it meant and what the purpose of the
4 negotiations?---What the purpose was for me was to retain
5 my years of service, so that if I got to the end of five
6 years at Murray Shire and being aware of the fact that
7 mergers were in the offing and I could well end up without
8 a job, what I wanted to do was have continuity of service,
9 so that if I needed to move to a Victorian local
10 government or if I wanted to move back to the State public
11 sector in Victoria I'd have continuity of service that
12 I could take with me.

13 That'd be up to the Victorian people though?---Correct.

14 Anyway?---Correct. It was a question.

15 It was sort of a - okay, yes. Yes, I understand.

16 MR BROAD: In a pure practical sense if you had determined
17 after three years or two years that you weren't going to
18 renew your contract would that put you in a position where
19 you could have taken long service leave in the period up
20 to the conclusion of the contract for whatever number of
21 weeks would be involved in say the entitlement of the 10
22 years in the Victorian public service plus the entitlement
23 in Murray Shire Council? Would that give you a boost or
24 would it simply you would be entitled to take long service
25 leave associated with three years at Murray Shire Council
26 only?---I was entitled to take long service leave
27 associated with three years.

28 COMMISSIONER: And you wouldn't get any. Obviously three years
29 you wouldn't get any?---No, you would because the 10 years
30 of service before that, that's the continuity of service.
31 That's what I'm saying, so you wanted to use that to be able to

1 say I now would be able to have long service leave because
2 of those years.

3 MR BROAD: So it got you as it were over the hurdle of not if
4 you weren't there eight years I think is the - - -

5 COMMISSIONER: I mean in the normal situation you're in it with
6 employment you get your 10 years up, you get your long
7 service leave whatever it is?---Yes.

8 So you just wanted that that effectively was recognised as the
9 10 years, so if and when I needed long service or I took
10 it whatever while I was in Murray Shire Council it flowed
11 on?---Yes, it was less about the long service leave at
12 Murray Shire and more about the continuity of public
13 service.

14 MR BROAD: So when did you - I think you've already answered
15 this, you physically commenced duties in April
16 2014?---I started officially with Murray Shire on Monday,
17 28 April 2014.

18 COMMISSIONER: 28 April?---However, I arrived in Murray Shire
19 the Wednesday prior at the request of the mayor and that
20 was to allow me to attend a committee for Echuca Moama
21 business breakfast meeting with the mayor on the Thursday
22 morning and it allowed me to attend the ANZAC Day Memorial
23 Service both in Mathoura and in Moama on Friday, 25 April.

24 MR BROAD: Those two events did that allow you firstly, to meet
25 councillors in a scenario away from a formal interview
26 process?---My understanding is that the mayor was seeking
27 to have me more start to meet stakeholders in the
28 community, which was why I went to the C4EM breakfast.
29 And certainly my recollection is that both Councillor
30 Weyrich was in attendance, he actually gave a speech on
31 that day, and also Councillor Bilkey was in attendance but

1 in his role as I think either a board member of C4EM or a
2 member of C4EM. The ANZAC Day Services were similar, the
3 6 am service in Mathoura allowed me to have a gunfire
4 breakfast with the community and then the latter service
5 in Moama allowed me, certainly I met Councillor
6 Pocklington who was the deputy mayor because we had joint
7 duties to lay the wreath.

8 So it was an introduction to the community?---Correct.

9 COMMISSIONER: And did you meet any of the other councillors at
10 that time in those events?---Not in those events. My
11 recollection is on the Saturday evening prior to me
12 starting work - I was up here with a girlfriend because
13 the house that my husband and I had organised to lease had
14 fallen through at the last minute and so I spent the first
15 months up here living out of motels whilst he remained in
16 Geelong before we could take possession of a new property.
17 I stayed at the only motel in Mathoura for the first
18 period of time and on the Saturday night my girlfriend who
19 was with me and I attended at the Mathoura Bowls Club and
20 my recollection is that Councillor Murphy as well as
21 Councillor Weyrich were in attendance at the bowls club
22 that night.

23 The best laid plans never work do they when it comes to those
24 sort of things?---Yep.

25 MR BROAD: It always happens?---Especially if you've got three
26 big dogs and a rabbit.

27 Can I perhaps commence a process of going through
28 chronologically the second submission that you made rather
29 than dealing with the specific topics?---Yes.

30 And what we have having got to 28 April we have an issue on
31 20 May?---Yes.

1 Can you flesh out what occurred at the public meeting?---Yes,
2 certainly. So the public meeting was held as part of the
3 process around consultation around the LEP and was largely
4 being managed by Mr Arkinstall the director of
5 Environmental Services and that was a process where a
6 number of people had registered to speak and that was
7 sometimes regarding the LEP in general such as developers,
8 and it was sometimes around individual properties and
9 circumstances.

10 COMMISSIONER: And this is a standard sort of meeting for what
11 bringing in the template LEP, that type of thing?---Well,
12 it's more for updating it and bringing in amendments and
13 it was quite a large process, yes. And that process had
14 been commenced prior to my start with the shire. I had
15 some discussion with Mr Arkinstall in terms of ways I saw
16 that that could run as smoothly as possible, including my
17 recollection is a PowerPoint presentation around some of
18 the changes and so forth.

19 Yes, I suppose he does all the planning, doesn't he, strategic
20 and everything?---Correct.

21 MR BROAD: What I recall, and I'll probably make it perhaps a
22 bit clearer, is council had adopted what is generally
23 referred to as the boilerplate LEP and then subsequently a
24 report came to council of changes that council would be
25 wanting to make to specific aspects of that
26 (indistinct)?---Variations, yes.

27 And that was what the meeting was about?---Correct.

28 Right. And having got to that stage in the events you say that
29 Councillor Burke made comments alleging misconduct by
30 staff in a shire legal matter. Can you flesh that out,
31 please?---Certainly. And, look, I don't have my diary in

1 front of me but I will bring it in the morning and I did
2 make a note in my diary regarding this matter. So
3 Councillor Burke was given an opportunity to speak and
4 certainly my understanding was he was going to speak about
5 the LEP and instead he raised concerns about what he said
6 was a legal matter and my recollection is he said that
7 "The shire had shared a lawyer with the complainant in the
8 legal matter and it was quite clearly" - I don't know
9 whether he used the term corrupt but that was certainly
10 the impression that was being given. And again, my
11 recollection is that he talked about it being a matter in
12 2013.

13 COMMISSIONER: I was just going to say, I think this is
14 something to do with Commissioner Martin or something like
15 that and it was - it must have been before your time
16 I assume?---It was well before my time, yes, absolutely.
17 So I think what occurred was Mayor Weyrich was caught on
18 the hop because it had nothing to do with the LEP
19 discussions and I think in terms of stopping the
20 discussion going any further, which was clearly an
21 inappropriate discussion in the forum that it was in let
22 alone in a public forum, he advised Councillor Burke that
23 he would seek a report on the matter.

24 MR BROAD: It became a finding, as you say, in the Macleay
25 investigation. On what basis was it a finding in that
26 investigation?---May I refer to the Macleay investigation?
27 Please.

28 COMMISSIONER: Of course, whatever, yes, absolutely. Please
29 just feel free whenever you want?---So in the Macleay
30 investigation that the allegation was that, "At a public
31 LEP meeting at Moama on 20 May you made comments in a

1 public forum alleging misconduct by staff in a shire legal
2 matter". And Councillor Burke's response was, "The
3 developer had contacted me and gave me a copy of a
4 document making allegations about our staff. Lawyers were
5 acting for both sides. Council staff recommended approval
6 but the councillors refused first by majority and then
7 unanimously. At court council lay doggo". Yes.

8 That's what I read, yes?---So this - - -

9 So that's what it's about?---Yeah, It says what it's about.

10 "And Ms Macleay found Councillor Burke agreed he'd made
11 the comments in a public forum alleging misconduct by
12 staff in a shire legal matter. His reasons for doing so
13 were an ill-informed assessment on his part, displayed a
14 lack of understanding of the process of the Land and
15 Environment Court and his obligations as a councillor.

16 MR BROAD: So we're talking about a court case that had
17 occurred well before your appointment?---Correct.

18 As general manager?---If I may, the other item relating to that
19 is Councillor Burke subsequently sent an email to the
20 mayor stating, and I think it was doing a bit of back
21 pedalling, stating that he doesn't why the mayor said that
22 he should - that he'd call for a report because clearly
23 Councillor Burke hadn't identified any of the parties or
24 what the process were. But I must say that I walked
25 straight back to my office and Googled Land and
26 Environment Court Murray Shire 2013 and up popped the
27 decision, so I think it was fairly easy to find.

28 COMMISSIONER: That might be a convenient - - -

29 MR BROAD: Yes, yes.

30 COMMISSIONER: See you tomorrow?---Thank you.

31 10 o'clock.

1 <(THE WITNESS WITHDREW) 4.02 PM

2 ADJOURNED TO A DATE TO BE FIXED