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17 July 2019

Confidential

Mr Clive Wilkie
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Dear Mr Wilkie

Southern Mallee Council

We act for Southern Mallee District Council (SMC). We are instructed to write in relation to some dealings you have had with SMC which have caused our client concern.

In particular, we are instructed that since at least 19 July 2018, you have engaged in conduct which our client considers improper and unreasonable, including:

1. making unsubstantiated, inaccurate, disparaging and defamatory verbal and written comments to and about a number of SMC staff, including after you have been expressly warned to cease doing so;
2. making numerous complaints about trivial matters, including multiple or repeated complaints after appropriate action has been taken in relation to the matters complained of and you have been advised of that action;
3. approaching the residences of SMC staff in your car, undertaking surveillance of the residence and then later approaching that staff member about what you have seen;
4. making defamatory statements in relation to SMC's Chief Executive Officer, including:
 - (a) making disparaging and inaccurate statements about his performance to members of the community; and
 - (b) asserting, incorrectly and without basis, that the CEO has a criminal past, including making assertions to that effect to third party consultants of SMC;

Adelaide
Brisbane
Canberra
Darwin
Hobart
Melbourne
Norwest
Perth
Sydney

5. sending multiple text messages at night and outside of working hours to SMC staff and elected members, including in relation to non-urgent council services;
6. texting elected members to seek information about the personal movements of SMC staff; and
7. making unfounded complaints to the Ombudsman and other regulatory authorities.

We are instructed that in the last 12 months alone, SMC has received over 214 email items which are from you or relate to you or your conduct, and that since mid-2015 there have been 172 items of correspondence from you that have been recorded in SMC's central record system. Our client further instructs us that there are dozens more items of unregistered or unrecorded correspondence sent by you directly to various SMC staff, particularly the Manager Property and Development Services, Property and Development Services Officer, Coordinator Executive Services, and Executive Services Officer (Governance). SMC has expended considerable time in addressing those matters, many of which relate to improper conduct on your part.

SMC is committed to being accessible and responsive to all complainants in relation to their dealings with SMC, but will also take proactive and decisive action when complainants conduct themselves unreasonably. Where a complainant engages in improper conduct, pursuant to its Unreasonable Complaints Policy SMC is able to take appropriate steps to manage that behaviour - this will generally involve limiting, restricting or adapting the ways that the complainant in question is able to interact with Council staff and elected members, and/or access council services. We note that unreasonable conduct in this respect can include:

- unreasonable persistence in the form of continued, incessant or unrelenting conduct;
- unreasonable demands (express or implied) which have a disproportionate and unreasonable impact on Councillors, Council officers, services time and/or resources;
- unwillingness and/or inability to cooperate with Councillors, Council officers and/or Council's customer service processes;
- making unreasonable and baseless complaints that are not based on reason or logic, or which are incomprehensible, defamatory, false or inflammatory, trivial or vexatious; and
- behaving in an unreasonable way which compromises the health, safety and security of Councillors and/or Council officers, including abuse, threats or harm directed to them.

The matters detailed in this letter are indicative of the conduct that has caused our client concern and led SMC to conclude that there is a need for action to now be taken to protect the rights and interests of individual staff and elected members, and to protect the integrity and reputation of SMC.

To that end we confirm we are instructed that on and from the date of this letter, and until further notice, you are required to:

1. immediately cease the conduct identified in this letter;

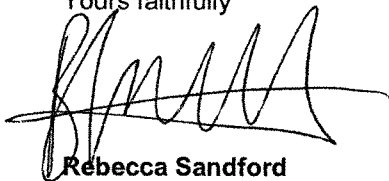
2. no longer contact SMC staff and elected members by mobile phone or text message (including during working hours);
3. ensure that all contact with SMC is in writing (by letter or email), and in particular:
 - (a) in terms of elected members, limit contact to the Mayor only (by letter only);
 - (b) in terms of SMC staff, limit contact (in writing only) to the following individuals only:
 - (i) Jason Taylor, Chief Executive Officer;
 - (ii) Tony Secomb, Manager Corporate Services;
 - (iii) Matthew Sherman, Manager Infrastructure Services; or
 - (iv) Shilo Wyatt, Manager Property and Development Services; and
4. cease directly contacting any of SMC's consulting firms or third party providers in relation to any Council services and/or personnel.

Should you fail to abide by these requirements, SMC may take additional steps to further restrict your dealings with SMC.

If you have any queries in relation to this letter, please direct them in writing to this office.

Our client's rights are reserved.

Yours faithfully



Rebecca Sandford
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