

13 Confidential Items

13.2 Cleaning of Council's Facilities Tender

Recommendation

Having considered agenda Item 13.2 in confidence under section 90 [2] and [3] [k] of the Local Government Act 1999, the Council pursuant to section 91 [7] of the Act orders that the item and the minutes, reports and all other records, relating to the matter be retained in confidence. This order is to be reviewed at or before the Ordinary Council Meeting to be held in January 2017, as to if this order is to continue in operation

13.3 Matters Pertaining to the Acting Chief Executive Officer

Recommendation

Pursuant to Section 90 [2] of the Local Government Act 1999 the Council orders that all persons, except the Acting Chief Executive Officer, Works Manager and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 13.3 pertaining to the Acting Chief Executive Office

The Council is satisfied that pursuant to section 90 [3] [a] of the Act, the information to be received, discussed or considered in relation to the Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person living or dead

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss this agenda item in confidence because the disclosure would involve the unreasonable disclosure of information concerning the personal affairs of any person living or dead

13 Confidential Items

13.3 Matters Pertaining to the Acting Chief Executive Officer

Recommendation

That invoice number 213485 for the amount of \$1047.20 and invoice number 214481 for the amount of \$2789.05 received from Wallmans Lawyers for confidential legal advice on matters pertaining to the Acting Chief Executive Officer be approved for payment

Recommendation

Having considered agenda Item 13.3 in confidence under section 90 [2] and [3] [a] of the Local Government Act 1999, the Council pursuant to section 91 [7] of the Act orders that the item and the minutes, reports and all other records, relating to the matter be retained in confidence. This order is to be reviewed at or before the Ordinary Council Meeting to be held in January 2017, as to if this order is to continue in operation

13.4 External Auditor Tender

Recommendation

Pursuant to Section 90 [2] of the Local Government Act 1999 the Council orders that all persons, except the Acting Chief Executive Officer and Governance Support Officer / Minute Secretary be excluded from attendance at the meeting for Agenda Item 13.5 relating to the External Auditor Tender

The Council is satisfied that pursuant to section 90 [3] [k] of the Act, the information to be received, discussed or considered in relation to the Agenda Item is information the disclosure of which would involve tenders for the supply of goods, the provision of services or the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss this agenda item in confidence because the disclosure would involve tenders for the supply of goods, the provision of services or the carrying out of works

13 Confidential Items

13.2 Cleaning of Council's Facilities Tender

Cr Bruce Summerton moved Cr Stacey Milde seconded having considered agenda Item 13.2 in confidence under section 90 [2] and [3] [k] of the Local Government Act 1999, the Council pursuant to section 91 [7] of the Act orders that the item and the minutes, reports and all other records, relating to the matter be retained in confidence. This order is to be reviewed at or before the Ordinary Council Meeting to be held in January 2017, as to if this order is to continue in operation at 2.07 pm

Carried 88 / 0116

13.3 Matters Pertaining to the Acting Chief Executive Officer

Council resolved that Item 13.3 be addressed within Item 13.5

13.4 External Auditor Tender

Cr Stacey Milde moved Cr Allan Dunsford seconded pursuant to Section 90 [2] of the Local Government Act 1999 the Council orders that all persons, except the Acting Chief Executive Officer, Works Manager, Rates Officer and Minute Secretary be excluded from attendance at the meeting for Agenda Item 13.4 relating to the External Auditor Tender

The Council is satisfied that pursuant to section 90 [3] [k] of the Act, the information to be received, discussed or considered in relation to the Agenda Item is information the disclosure of which would involve tenders for the supply of goods, the provision of services or the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss this agenda item in confidence because the disclosure would involve tenders for the supply of goods, the provision of services or the carrying out of works at 2.08 pm

Carried 89 / 0116

13 Confidential Items

13.5.2 Late Confidential Item - Matters pertaining to the Acting Chief Executive Officer

Cr Bruce Summerton moved Cr Neville Pfeiffer seconded pursuant to Section 90 [2] of the Local Government Act 1999 the Council orders that all persons be excluded from attendance at the meeting for item 13.5.2 relating to Matters pertaining to the Acting Chief Executive Officer

The Council is satisfied that pursuant to section 90 [3] [a] of the Act, the information to be received, discussed or considered in relation to the item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person living or dead

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed by the need to discuss this item in confidence because the disclosure would involve the unreasonable disclosure of information concerning the personal affairs of any person living or dead at 2.45 pm

Carried 95 / 0116

Cr Allan Dunsford moved Cr Dennis Hyde seconded that Southern Mallee District Council pay for the legal costs incurred by Acting Chief Executive Officer Neville Gasmier as a result of the allegations stated in the letter dated 24 November 2015

Carried 96 / 0116

Cr Allan Dunsford moved Cr Neville Pfeiffer seconded having considered Item 13.5.2 in confidence under section 90 [2] and [3] [a] of the Local Government Act 1999, the Council pursuant to section 91 [7] of the Act orders that the item and the minutes, reports and all other records, relating to the matter be retained in confidence. This order is to be reviewed at the Ordinary Council Meeting to be held in January 2017, as to if this order is to continue in operation at 2.50 pm

Carried 97 / 0116



WALLMANS
LAWYERS

Expert advice,
human approach.

24 November 2015

STRICTLY PRIVATE & CONFIDENTIAL

Mr Neville Gasmier
Acting Chief Executive Officer
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HAND DELIVERED BY MAYOR SEXTON

Dear Mr Gasmier

LETTER OF ALLEGATION

1. You are aware that we act for the District Council of Southern Mallee (**Council**).
2. Unfortunately, it has become necessary to issue you with this letter of allegation relating to your employment in the position of Acting Chief Executive Officer with Council.
3. It is alleged that you have engaged in behaviours which, if substantiated, may constitute serious and wilful misconduct.
4. It is important you consider this letter carefully. We respectfully suggest you obtain legal advice in relation to this letter.

The allegations

5. The allegations are annexed to this correspondence and marked **Annexure A**. You must consider each of the allegations carefully.
6. The allegations relate to alleged misconduct. They refer to behaviours which are alleged to have occurred during your tenure as Acting Chief Executive Officer.
7. If the majority or all of the allegations are substantiated this could constitute one or more instances of:
 - 7.1. behaviour that amounts to bullying;
 - 7.2. a breach or breaches of your statutory obligations to Council and staff; and/or
 - 7.3. a breach or breaches of your contractual obligations to Council.

8. To be clear, at this point in time there has been no decision made in relation to the allegations against you. However, your response to these allegations will be a critical factor in determining whether the allegations against you are substantiated or not substantiated.

Your Legal Obligations as Acting Chief Executive Officer

9. We respectfully remind you that in your role as Acting Chief Executive Officer you have statutory obligations to Council and staff in accordance with the *Local Government Act 1999 (SA) (Act)*. Your statutory obligations are in addition to your contractual obligations. Both are addressed further below.
10. The allegations are of concern as, if substantiated, they would constitute a repeated breach of numerous legal obligations owed by you to Council and its staff. Those legal obligations are particularised below.
11. Sections 99 and 107 of the Act impose statutory obligations on you as Acting Chief Executive Officer to apply the principles of human resource management and proper management practices.
12. Section 107(2) of the Act relevantly provides that you must ensure:
- 12.1. that selection processes are based on an assessment of merit, and are fair and equitable;
 - 12.2. that employees are treated fairly and consistently, and are not subject to arbitrary or capricious decisions;
 - 12.3. that employees have access to suitable processes to deal with grievances concerning working conditions or the decisions of supervisors;
 - 12.4. that employees are provided with safe and healthy working conditions; and
 - 12.5. that there is no unlawful discrimination against employees.
13. You will also be aware that your conduct is regulated by the Code of Conduct for Council Employees (**Code**) issued in accordance with section 110(1) of the Act which relevantly includes statutory obligations to the effect that you must:
- 13.1. not make any public criticism of a personal nature of fellow Council employees or Council members;
 - 13.2. take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons, as required by the *Work Health and Safety Act 2012 (SA)*;
 - 13.3. act in a reasonable, just, respectful and non-discriminatory way when dealing with all people; and
 - 13.4. that a failure to comply with any of the abovementioned obligations can constitute a ground for disciplinary action, including dismissal.
14. Your contract of employment with Council, signed on behalf of Council on 1 July 2012 and by you on 3 July 2012 (**Contract**) regulates your performance and expected standards of behaviour.

15. We note your Contract is in relation to your substantive position as Manager Corporate Services. However your Contract still governs obligations on you in your employment with Council as Acting Chief Executive Officer.
16. Clause 6.1 of your Contract relevantly requires you to:
 - 16.1. faithfully, honestly and diligently perform the Duties with such skill and care as is appropriate to the Duties;
 - 16.2. act in the best interest of the Council at all times;
 - 16.3. carry out and perform the Duties:
 - 16.3.1 lawfully;
 - 16.3.2 with proper decorum;
 - 16.3.3 to the best of the Employee's [your] ability and judgement; and
 - 16.3.4 to the satisfaction of the Council;
 - 16.4. promote the aims and objectives of the Council;
 - 16.5. at all times comply with any legislation applying to matters within the scope of the Employee's [your] employment;
 - 16.6. comply with policies and procedures of the Council developed and implemented from time to time; and
 - 16.7. keep the Council fully and immediately informed of all matters affecting or likely to affect the affairs of the Council which come to the knowledge of the Employee [you].
17. Clause 6.2 of your Contract relevantly requires you to:
 - 17.1. comply with the South Australian Occupational Health and Safety legislation or its Federal equivalent;
 - 17.2. obey all directions by Council regarding safety and in that particular that the Employee [you] will take reasonable care to ensure;
 - 17.2.1 the Employee's [your] own safety while at work and that no action or inaction by the Employee [you] adversely effects the health or safety of any other person;
 - 17.2.2 that the Employee [you] is [are] familiar with and full knowledge of the Council's safety policies and procedures and follow them at all times;
 - 17.2.3 report as soon as possible any accidents, incidents or hazards arising in the course of their [your] employment;
 - 17.2.4 raise any concerns in relation to the Employee's [your] safety or the safety of others; and

- 17.3. acknowledge that failure to comply with the Council's work health and safety policies and procedures or directions will result in disciplinary action and in serious cases may be considered by Council to be serious misconduct warranting instant dismissal.
18. We respectfully remind you that clause 15.1 of your Contract relevantly provides that your Contract:
- 18.1. may be terminated by the Council without notice and without the payment of compensation if the Employee [you] engages in Serious Misconduct, including but not limited to:
- 18.1.1 the commission of any serious or persistent breach of any term of this Agreement [Contract];
- 18.1.2 serious neglect of duty in the discharge of the Duties;
- 18.1.3 knowingly acting in breach of the Council's policies in force from time to time; or
- 18.1.4 engaging in any action or omission which brings the Council into public disrepute, contempt, ridicule or which reflects unfavourably on the Council.
19. The rights of Council in paragraph 18 above are in addition to, and do not derogate from, any other rights or obligations it or you may have at common law or pursuant to the Act.

Potential Disciplinary Action

20. If part or all of the allegations are substantiated, this would likely entitle Council to immediately terminate your employment for serious misconduct, without notice or payment in lieu thereof, as contemplated by clause 15.1 of your Contract.
21. Prior to any decision as to your continued employment is made by Council, it is important you are provided with fair opportunity to give a considered response to the allegations.

Opportunity to Respond

22. Your written response to the allegations is to be provided to the writer within seven (7) days from the date of this letter.
23. A meeting has been scheduled with Mayor Robert Sexton, Deputy Mayor Brian Toogood and the writer as follows:

Date: Tuesday, 8 December 2015

Time: 11:00am

Location: Wallmans Lawyers
Level 5, 400 King William Street
Adelaide SA

to provide you with an opportunity to expand on your written response and enable Council to ask any clarifying questions concerning your response.

24. You must be truthful and forthright with your written response and your verbal response during this meeting.
25. You have the right to have a support person or legal representative present with you during the meeting. We strongly suggest you avail yourself of the opportunity to obtain legal representation or support.
26. You are directed not to discuss the content of this letter with any other person, which includes Council employees or the elected members, unless you are obtaining legal or industrial advice.
27. Failing to comply with any of the directions in this letter, including those relating to honesty of responses and confidentiality, may in and of itself constitute serious and wilful misconduct.
28. You will remain on paid leave until the meeting.
29. You are free to continue using your Council vehicle until the allegations have been formally considered. However, we ask that you please not attend at Council or any Council sites until Council directs otherwise.

Please direct any questions in relation to this letter to the writer.

Yours faithfully
WALLMANS LAWYERS



MATOULA MAKRIS
Senior Associate
Direct Line: 08 8235 3002
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ANNEXURE A - ALLEGATIONS

1. The behaviours particularised in this annexure have led to Council employees, Harc Wordsworth (**Mr Wordsworth**) and Lesley Caufield (**Ms Caufield**) feeling anxious, stressed and generally concerned for their health and well being.

Allegations relating to your behaviours towards Mr Wordsworth

2. Your behaviours towards Mr Wordsworth have made him feel:
 - 2.1. bullied;
 - 2.2. degraded;
 - 2.3. intimidated;
 - 2.4. humiliated;
 - 2.5. belittled; and
 - 2.6. ill to the point of not being able to attend the workplace and unable to sleep.
3. Your overall demeanour towards Mr Wordsworth has been described as being that of a 'power hungry control freak' in your role as Acting Chief Executive Officer.
4. Between on or around April 2015 to September 2015, you have placed unrealistic demands on Mr Wordsworth to undertake duties outside of his portfolio as Manager Environment and Planning. It is alleged that this was unreasonable because it had the effect of placing undue pressure on Mr Wordsworth, and increasing Mr Wordsworth's workload to an unmanageable level.
5. The following are indicative examples of instances where you have directed Mr Wordsworth to unreasonably undertake tasks outside of his portfolio. It is alleged that you directed Mr Wordsworth to:
 - 5.1. spend a week with the Council's asbestos contractor representative from Carter Corp, driving the representative to various Council sites. This task did not require a manager level employee and was a task that could have been undertaken by a depot employee. The Carter Corp representative commented to Mr Wordsworth words to the effect of 'what a waste of time for a manager' to have to drive around the representative;
 - 5.2. arrange for an accredited asbestos contractor to remove hazardous asbestos material from sites identified by Carter Corp as requiring removal;
 - 5.3. deal with the agreement between the Department of Education and the Council relating to the Geranium swimming pool;
 - 5.4. organise for lease documentation to be signed by a tenant who works at the Lameroo IGA in relation to a Council dwelling;
 - 5.5. deal with finding a suitable tenant for a vacant unit for rent falling within the Pinnaroo Retirement Village tenancy agreement;
 - 5.6. deal with the rates query of a Pinnaroo ratepayer, Clive Wilkie (**Mr Wilkie**) regarding the rating of properties within a township boundary;

- 5.7. deal with a separate query from Mr Wilkie relating to why public toilets within the Pinnaroo main street are cleaned three days a week, when the public toilets within the Lameroo public street are cleaned seven days per week; and
 - 5.8. to liaise with Peter Smithson, Chief Executive Officer of Karoonda East Murray Council regarding costings for the Fire Prevention Officer role to be replaced following the retirement of Don Loller.
6. When Mr Wordsworth verbally raised concerns to the effect that the various tasks identified at paragraph 5 above are outside of his portfolio, it is alleged that you were 'dismissive' and told him words to the effect of 'I want you to do it' or 'this fits in your area' or 'you are responsible' or 'you should look after this'.
7. During your tenure as Acting Chief Executive Officer, you have micro-managed Mr Wordsworth on how he undertakes his role leaving him feeling intimidated and uncomfortable. The following are two examples of your behaviour in this regard:
- 7.1. you directed Mr Wordsworth to ensure all dog registration forms are stored at Council's Pinnaroo office despite the inefficiencies this creates as these forms are actioned at Council's Lameroo office;
 - 7.2. you directed Mr Wordsworth to have development applications sent to the Pinnaroo office and not to be stored in Mr Wordsworth's office. Mr Wordsworth had to explain that development applicants have three years to complete the development. It is therefore more efficient for Mr Wordsworth to keep the last three years of development applications in his office rather than wait for up to half a day to receive a file from Council's Pinnaroo office to deal with a development application; and
 - 7.3. you questioned Mr Wordsworth how he conducts inspections and why he does not give prior notice of inspections to owners. Mr Wordsworth needed to draw your attention to specific legislative provisions, delegations and powers of entry to explain why he conducts inspections in the manner that he does.
8. During your tenure as Acting Chief Executive Officer, and whilst having meetings with Mr Wordsworth, you would often say words to the effect of 'anything that is discussed between us stays in this room' or 'ensure that Robert [Mayor Sexton] and Brian [Deputy Mayor Toogood] are not party to these discussions'. This has the effect of making Mr Wordsworth feel isolated and intimidated in the workplace.
9. On or around 10 June 2015 there was a development assessment panel meeting and a Council meeting the following day on 11 June 2015 when Mr Wordsworth was on personal leave recovering from an operation. Around this time, Mr Wordsworth advised Mayor Sexton he would attend each meeting for five minutes in relation to his portfolio as Manager Environment and Planning. Subsequently you advised Mr Wordsworth not to attend either meeting. Mr Wordsworth duly complied with your direction and notified Mayor Sexton and Deputy Mayor Toogood that he would not attend.
- 9.1. However, during the Council meeting on 11 June 2015 at approximately 7:00pm you telephoned Mr Wordsworth without prior notice, placed the telephone call on loud speaker and asked Mr Wordsworth to address Council in relation to the swimming pool tender. Mr Wordsworth was made to feel he should not be on personal leave by your conduct.

10. On or about 2 September 2015, shortly after Mr Wordsworth returned to work following a period of personal leave, Mr Wordsworth advised you he had a specialist appointment on 3 September 2015 which clashed with the management team meeting. You directed Mr Wordsworth to liaise with Sheryn Bennier (**Ms Bennier**) to reschedule the meeting to 4 September 2015. Mr Wordsworth duly complied with your direction but was advised by Ms Bennier that 4 September 2015 was not suitable and she would speak with you.

On or about 2:45pm on 2 September 2015 Mr Wordsworth was having a catch up meeting with his support officer, Lesley Caufield (**Ms Caufield**), following Mr Wordsworth's personal leave. During this meeting you telephoned Mr Wordsworth and in a raised voice accused him of making his specialist appointment at a time which meant he would not need to attend the management team meeting. Your behaviour was very upsetting to Mr Wordsworth.

11. On or about 30 September 2015, Mr Wordsworth needed to leave a management team meeting early to attend another medical appointment. As Mr Wordsworth apologised for needing to excuse himself from the meeting for a medical appointment, in an abrupt manner and in front of the other staff present you said words to the effect of 'you knew about this' and 'you should've told me' and 'I could've rearranged this'. Mr Wordsworth again apologised and explained he has 'had a lot of my [Mr Wordsworth's] plate'. Your behaviour made Mr Wordsworth feel belittled in front of the other Council staff present.
12. On or around 8 October 2015, while Mr Wordsworth was on leave you telephoned Mr Wordsworth at approximately 11:55am regarding queries concerning two dogs and the dog pound. This was not an urgent query and made Mr Wordsworth feel he could not get any time away from you.
13. On or around 13 October 2015, Mr Wordsworth was informed by another Council employee that you made comments to the effect that:
- 13.1. Mr Wordsworth and Matthew Sherman (**Mr Sherman**), Council's Works Manager should be 'on contract' (fixed term employment) and not on-going employees as they are managers; and
- 13.2. that you are a manager and are on a fixed term contract so Mr Wordsworth and Mr Sherman should also be 'on contract'.

This made Mr Wordsworth feel intimidated and that his position with Council is in jeopardy.

14. On or around 19 October 2015, a police officer attended Mr Wordsworth residence and advised Mr Wordsworth you had made an allegation to police that Mr Wordsworth made threats against your safety and that you wanted the police to inspect Mr Wordsworth's rifle at his home.

Mr Wordsworth strenuously denied making any comments regarding your safety as alleged, allowed the police officer to inspect his residence and rifle storage. The police officer informed Mr Wordsworth all was in order and that his rifle was properly stored.

No action was taken against Mr Wordsworth by police.

Your actions in making a false allegation against Mr Wordsworth to police made Mr Wordsworth feel intimidated, threatened and isolated by you.

Allegations relating to your behaviours towards Ms Caufield

15. Your interactions with Ms Caufield have made her feel:
- 15.1. bullied;
 - 15.2. intimidated;
 - 15.3. threatened; and
 - 15.4. ill to the point of being unable to attend the workplace.
16. On or about 2 September 2015, Ms Caufield was having a catch up meeting with Mr Wordsworth following Mr Wordsworth's return to work from personal leave in Mr Wordsworth's office. During this meeting, Mr Wordsworth received a telephone call from you.
- 16.1. Ms Caufield was sitting on the opposite side of the desk to Mr Wordsworth and despite your telephone call to Mr Wordsworth not being placed on loud speaker, Ms Caufield was able to hear you speaking to Mr Wordsworth in a loud, threatening manner.
 - 16.2. Ms Caufield heard Mr Wordsworth discuss that he was unable to attend a management team meeting due to a specialist appointment and that Mr Wordsworth would not place work before his health. At this point Ms Caufield heard you raise your voice even further and say words to the effect 'I didn't say that, you understand I didn't say that, we're clear on that' before you hung up the telephone.
 - 16.3. Ms Caufield was left feeling shaken and in disbelief at the behaviour she witnessed by you.
17. On or about 11 September 2015 while Mr Wordsworth was away on leave, you telephoned Ms Caufield advising you wanted Mr Wordsworth's response that day to an email you had sent to Mr Wordsworth the previous evening at approximately 6:45pm in relation to a ratepayer. When Ms Caufield explained she did not expect to see Mr Wordsworth until later in the week, you responded by telling Ms Caufield she must tell Mr Wordsworth to respond that day and used words to the effect that 'you [Ms Caufield] will see or talk to Harc [Mr Wordsworth] and pass on my message' before hanging up the telephone.
18. On or about 13 October 2015 you made a comment to Ms Caufield that Mr Wordsworth 'needs to be on top of' swimming pools. When Ms Caufield explained that she was not aware of swimming pools matters as this is not an area that Mr Wordsworth is responsible for you said words to the effect, 'He's the manager of the pools, they better be' before walking off.
19. At various times during your tenure as Acting Chief Executive Officer you have openly questioned why Mr Wordsworth has a support officer. As Mr Wordsworth's support officer, Ms Caufield is made to feel uncomfortable and insignificant by your conduct in this regard.
20. On or about 14 October 2015, without prior notice or explanation you approached Ms Caufield and advised her to follow you to your office and then to Council's chambers.
- Charmaine Sherman (**Ms Sherman**), payroll officer was also present in the room.

You gave no explanation as to why Ms Sherman was present and did not offer Ms Caufield the opportunity to have a support person present.

You then proceeded to advise Ms Caufield words to the effect that you 'heard over the weekend' that employees were saying that you are 'nothing but a bully' and that you are 'worse than the previous CEO'. You went on to tell Ms Caufield that she can go to the Mayor, Deputy Mayor, other councillors or the union.

You ended the meeting by informing Ms Caufield that you had said the same thing to the other staff in the office.

Ms Caufield observed you spoke to her in an angry tone during this meeting.

Throughout the meeting Ms Sherman sat with her arms folded, did not take any notes and did not make any comment.

Ms Caufield felt intimidated and threatened by your behaviour.

21. Shortly after the meeting referred to at paragraph 20 above on 14 October 2015, you again approached Ms Caufield at her desk and stood very close to her.
 - 21.1. On this occasion you told Ms Caufield that questions around work performance do not constitute bullying or harassment.
 - 21.2. You went on to tell Ms Caufield that you know this because you 'asked a lawyer'.
 - 21.3. You again made Ms Caufield feel threatened and intimidated.
22. Later that day on 14 October 2015, Ms Caufield spoke to a fellow Council employee, Shana Jetter (**Ms Jetter**) regarding your comments referred to at paragraph 20 above that you had spoken to other Council staff in relation to the same matter. Ms Jetter advised Ms Caufield that Ms Jetter had not been spoken to by you nor was Ms Jetter aware of any other employee being spoken to by you regarding the same matter.
23. On or about 11 November 2015 you telephoned Ms Caufield advising you wanted information within the swimming pool brochure which you had previously approved for printing to be changed. You advised Ms Caufield that the 'Chief Executive Officer' should be replaced with the 'Manager Environment and Planning' in the brochure where reference is made to parents needing to write to Council for permission where their children are under 18 years old and wish to participate in lap swimming.

During this telephone conversation you spoke to Ms Caufield in a rude and abrupt manner and made comments that 'Harc should know his responsibilities'. Ms Caufield felt verbally attacked by you in your attempt to discredit Mr Wordsworth by your comments, especially in light of Ms Caufield having previously advised you swimming pools do not come within Mr Wordsworth's portfolio of responsibilities.
24. During the conversation on 11 November 2015 referred to at paragraph 23 above, you also queried Ms Caufield as to the status of employment packs for swimming pool life guards when you had previously advised this would be undertaken by the payroll officer. When Ms Caufield explained she understood the payroll officer was attending to this, in a rude and abrupt manner you told her words to the effect, 'you should know what your responsibilities are'.

25. Throughout your tenure as Acting Chief Executive Officer, Ms Caufield has observed you often do not say hello to Ms Caufield however you do say hello to other support/administrative officers. The noticeable difference in your conduct in this regard makes Ms Caufield feel unimportant and insignificant compared to the other support/administrative officers.