

Former Cr Owen outlines reasons for sacking WCC chief



Former W'bool City
Councillor David Owen.
Image: WCC.

Carol Altmann – The Terrier

Just in: Sworn evidence by former Warrnambool City Councillor David Owen sheds some light on why he was one of the four councillors who voted to sack CEO Peter Schneider.

The five-page affidavit was received by the Supreme Court at 6.30pm last Friday 30 October, which was the revised deadline for the Warrnambool City Council to lodge any affidavits in defence of Mr Schneider's claim that he was denied natural justice when he was sacked on 13 July.

Mr Owen claims in his affidavit that, among other things, Mr

Schneider:

was slow to act on decisions of the council;

had failed to replace a key staff member who had resigned in September last year (former Manager Community Policy and Planning Lisa McLeod);

had stalled the building of a fishing pontoon on the Merri River after unfounded complaints from former councillor Peter Hulin;

and that Mr Schneider was "sidelining" the Warrnambool 2040 plan.

The affidavit also claims that a staff survey had revealed "poor morale amongst staff due to a lack of direction from the CEO" and that "workplace bullying was also an issue". Mr Owen also alleges that, after the credit card scandal, staff felt nervous to use their credit cards "around Mr Schneider because he repeatedly told them that he was going to investigate them all".

Mr Owen rejected claims by Mr Schneider that his responses to a "360 review" of Mr Schneider's performance had been "vindictive" and "spiteful", but instead "accurately indicated my perception of his level of performance".

"I have worked with many CEOs in the photographic industry. I scored Mr Schneider on his merits in the 360 degree survey as I had previously done when assessing the performance of these other CEOs.

"Someone who is earning \$1000 a day must deliver a level of performance that justifies that level of public expenditure," the statement says.

Mr Owen said he also participated in the six and 12 month reviews of Mr Schneider's performance on the basis that they were "intended to help Mr Schneider, who was new to the role

of CEO, to find his feet".

Mr Owen claims that he had approached Mr Schneider over a number of months asking that he replace Ms McLeod, who was a key driver of the Warrnambool 2040 plan which aimed to "address the effects of climate change and other challenges", but Mr Schneider failed to do so.

"...it became clear to me that he (Mr Schneider) was sidelining the Warrnambool 2040 Plan," the statement says.

"...Mr Schneider was very slow to act on anything and, consequently, a number of important projects like the Warrnambool 2040 Plan did not proceed as they should have or just stalled".

Mr Owen said he considered that "Mr Schneider's performance had been of a standard which warranted the termination of his employment" and the four councillors acted upon the advice of the council lawyers, Maddocks, to terminate his contract without providing a reason.

"(I) deny that my actions have resulted in any damage to Mr Schneider's reputation, alleged or at all," the affidavit says.

Mr Owen also responds to claims made under oath by former Mayor Tony Herbert that the four councillors refused to mediate or negotiate with Mr Schneider just prior to his dismissal, and refused to answer questions from the other three councillors on the night of the sacking.

Mr Owen says that by 14 June, a month before the sacking, "Crs Gaston, Neoh, Cassidy and I were beyond discussion or mediation with Mr Schneider".

He then goes on to say that all four councillors were "acting on legal advice, received from Maddocks, including the advice conveyed to us by Cr Neoh, that we should avoid discussing Mr

Schneider's performance.

"Accordingly, I did not respond to any of the questions put to us at the meeting on 13 July 2020, regarding Mr Schneider's performance.

"During the meeting, I said "let's get this done Tony, so we can all go home". I did not say "when will the meeting be finished as I want to go home."

Mr Owen also denied that at any time he spoke to Community Services Manager Vikki King about her becoming the Acting CEO.

The affidavit also claims the recruitment process for the CEO was flawed, as nine applications were later found to have gone missing. Access to Mr Schneider's psychometric test – which was later leaked to Cr Sue Cassidy in the mail – would have also changed Mr Owen's mind about Mr Schneider's suitability for the job.

"...had the psychometric test results been submitted to councillors during the recruitment process, I would not have supported the appointment of Mr Schneider...the decision to employ Mr Schneider may not have been made".

Mr Owen is, to date, the only councillor of the four who voted to dismiss Mr Schneider to submit sworn evidence. Acting CEO Vikki King also submitted an affidavit.

The case, in which Mr Schneider is seeking reinstatement, is due to be heard on 1 February next year.