

WCC Mayor Herbert affidavit lays out night of the long knives



A sworn affidavit by Mayor Tony Herbert sets out what he says happened on the night the WCC CEO was sacked. Images: WCC.

Carol Altmann – The Terrier

Shrugs, a smirk and a question: when can we go home?

A sworn affidavit by Warrnambool Mayor Tony Herbert sets out what allegedly happened behind closed doors on the night former council CEO Peter Schneider was sacked just 18 months into his job.

And it is not pretty.

In fact, it's brutal.

The 22-page affidavit was lodged in the Supreme Court on Monday in support of Mr Schneider's civil action against the Warrnambool City Council, scheduled for a hearing on 1 February next year.

Cr Herbert's sworn evidence, obtained from the court today, paints a damning picture of how Crs Kylie Gaston, Michael Neoh, David Owen and Sue Cassidy allegedly behaved during the confidential council meeting on 13 July, which saw Mr Schneider lose his head.

According to Cr Herbert, all four councillors point blank refused to discuss the reasons why they wanted Mr Schneider gone and stayed mute during a list of questions put to them by Crs Herbert, Peter Sycopoulis and Robert Anderson.

"Each time (we put a question) we were met with silence.

"That is, Cr Gaston stared back at me, said nothing, shrugged, shook her head and raised her hands in the air with her palms outstretched," the affidavit says.

"On one occasion, Cr Cassidy simply smirked.

"After about half an hour, Cr Owen asked when the meeting would be finished, as he wanted to go home.

"I, and Crs Anderson and Sycopoulis were appalled and shocked at Councillor Owen's attitude."

Cr Herbert said after the motion was passed to sack Mr Schneider, Cr Gaston put forward a motion written on a piece of paper that would see Director of Community Development, Vikki King, appointed as Acting CEO.

"Prior to the meeting, neither I nor Crs Anderson and

Sycopoulis had any knowledge of the proposal to appoint Ms King.

“(The four councillors) gave no reasons for, or justification, for selecting Ms King, requiring her to perform two roles, or increasing her remuneration.”

Cr Herbert said after the meeting, when he told Ms King she had been appointed as acting CEO, she “showed no surprise about the decision and did not ask for any details of her role or her remuneration”.

This reaction led him to conclude that Ms King had already been in discussions with at least one of the other four councillors.

The affidavit also claims Cr Gaston attempted to put forward a motion at this 13 July meeting which would have seen the public pay for legal advice received by the four councillors who voted to remove the CEO.

An invoice for this legal advice from Maddocks arrived at the council in June, with no indication of who had asked for the advice.

Cr Herbert’s statement says separate legal advice found the councillors had acted unlawfully in seeking this advice without the approval of the full council.

Cr Gaston’s motion did not eventuate because, Cr Herbert claims, the councillors were advised that they could not retrospectively approve the payment.

This invoice, according to the council, has since been withdrawn.

While Cr Herbert sworn evidence is yet to be tested in court, it underscores a growing sense that Mr Schneider’s management style was met with disapproval by some councillors very early into his contract.

Cr Herbert claims that Mr Schneider had in fact lost the support of Cr Gaston just three months into his job due to his approach in securing funding for the new library project.

“From my observations, Crs Gaston and Neoh were less comfortable working with Mr Schneider than they were with (former CEO Bruce) Anson.

“Because Mr Schneider sought to treat all councillors equally, Crs Gaston and Neoh had less influence than they had previously enjoyed, even after they had ceased being Mayors.”

According to Cr Herbert, he had a conversation with Cr Gaston in June 2019 – just four months after Mr Schneider started as CEO – where Cr Gaston allegedly said she wanted to remove Mr Schneider and replace him with a former CEO from another council.

“(Cr Gaston) suggested that ‘we could get (*name removed by The Terrier*) in the role for 12 months, settle everything down and then go again, possibly with a woman’.

I told Cr Gaston that I was not interested in her proposal.”

From that point on, according to Cr Herbert’s evidence, there was a series of events aimed at undermining or embarrassing Mr Schneider, who is now suing the council for a lack of natural justice and is seeking to be re-hired.

More tomorrow night.

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