

**From:** Ian Robertson  
**Sent:** Monday, 22 February 2021 12:34 PM  
**To:** Tim Hurst <[Tim.Hurst@olg.nsw.gov.au](mailto:Tim.Hurst@olg.nsw.gov.au)>  
**Subject:** RE: WTF, Chinese or Russian hackers have been on your site and changed clause 20

Hi Tim, any news on correcting paragraph 20? This is my third attempt to contact you because this is a significant problem that, if not remedied, will see this person continuing these unacceptable attacks on staff.

I could also have added to the list of prior behaviour this statement made at the Council meeting on Monday 25 May 2020:

*"Quite a number of people are choosing to say this is an attack on the staff. It's not an attack on the staff. If I want to do that, as I'm quite sure you all know, I'll do that on the merits of what they say and what those actions are that need attacking".*

He thinks that's his role, but you know it's the CEO responsible for managing staff, not a counsellor with no respect for the Code of Conduct.

Please fix this.

Ian Robertson  
Secretary  
depa

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**From:** Ian Robertson  
**Sent:** Tuesday, 16 February 2021 1:32 PM  
**To:** Tim Hurst <[Tim.Hurst@olg.nsw.gov.au](mailto:Tim.Hurst@olg.nsw.gov.au)>  
**Subject:** RE: WTF, Chinese or Russian hackers have been on your site and changed clause 20

Good afternoon Tim, I'm going to provide you with some history of Councillor Funnell issues going back to 2013. These are being compiled by our members who have been dealing with this bloke you reckoned has not had "prior offending".

There is evidence available in emails if you would like it.

**13 Mar 2013** – Comments made by Cr Funnell regarding enforcement action taken by Council in relation to inflatable clowns erected around city. Comments not visible behind paywall, although attached emails from (name deleted) to depa suggest that he was named.

**8 July 2014** – Email sent to GM Phil Pinyon and then Director of Planning Andrew Crakanthorp from (name deleted) raising concerns regarding comments made by Cr Funnell in relation to a Development Application under assessment. Extract of story from Daily Advertiser:

*Mr Penfold doubts he would have had the application approved if not for Cr Funnell's intervention.*

*"It was just getting nowhere until I got onto Paul Funnell," he said.*

*Cr Funnell is highly critical of the council's development approval system, which he says takes too long and is costing the city money due to its inefficiency.*

*"For the sake of Wagga, this whole issue needs to be reviewed in its entirety and it needs to be done now," he said.*

*But Cr Funnell says he is powerless to change the regulations.*

*"This is one of the problems we face as councillors - people think we have the magic bullet to fix this," he said.*

**6 Mar 2015** – Email from a member to acting GM Peter Adams (copying in Phil Pinyon) raising concerns about general attacks by Cr Funnell on staff in the media. The email cites comments by Cr Funnell in the Daily Advertiser on 5/3/15 in relation to DA requirements for ANZAC Car Park events and prior comments made by Cr Funnell in relation to a Development Application under assessment (noted above). The email also contains references to comments made by another Councillor. The email includes extracts from the ANZAC Day story:

*State election independent candidate Paul Funnell echoed Mr Watts' concerns, labelling WWCC's demands to lodge DAs for something like a two-up mat as "utterly ridiculous" on two grounds.*

*"Are we really doing this to a national tradition?," he asked.*

*"Particularly when we're coming up to the 100th anniversary of the Anzac."*

And concludes with the members comments:

*I am sure that you share our frustration, but I repeat our request that Councillors are reminded of what is appropriate and what is not appropriate. Unless this behaviour is addressed head on I fear that attacks on staff and the organisation will continue and probably worsen to be more direct. If individuals feel that there are no consequences to their actions, why would they ever modify them?*

**Mar 2015** – Meeting between DEPA Members and then Director of Planning Andrew Crakanthorp

**22 May 2015 (approx.)** – Letter sent from Consultative Committee to GM Phil Pinyon. (Letter attached "Newspaper Article General Complaint"). Letter raised concerns about general staff attacks by two Councillors, including Cr Funnell, for comments made in a recent Daily Advertiser story in relation to the 9 Day Fortnight. Letter requested mediation. Extract from newspaper article:

*Fellow councillor Paul Funnell has backed calls for the nine-day fortnight to be dispensed with.*

*"The levels of inefficiency and a lack of reality in commercial sense bewilders me," he said.*

*"We pay above industry standard and get below standard results ... it defies logic."*

*Nine-day fortnights were introduced to Wagga City Council employees in June 2009.*

**26 Oct 2015** – Meeting held between Consultative Committee chair and a member with Cr Funnell and Cr McLaren to discuss concerns regarding Councillor comments. Then GM Alan Eldridge in attendance.

**18 Nov 2015** – Consultative Committee Meeting held – minutes provide summary of meeting with Cr Funnell (attached). Including:

*Councillor Funnell stood by his comments, indicating that the comments were directed towards the Indoor staff rather than the Outdoor staff.*

**5 Jun 2017** – Email from a member to Acting GM Robert Knight, lodging a Code of Conduct complaint against Cr Funnell for comments made in the Daily Advertiser directed at Planning staff, including:

*"They're cherry-picking sections of legislation to beat people around the head and stop development, which is stifling economic opportunities and turning people away from the city," Cr Funnell said.*

*"I know for a fact there are local developers who won't speak up about this for fear of retribution.*

*"The amount of roadblocks is ridiculous, we need to work toward fixing this problem, get away from individual opinions and back to what's best for the city."*

Code of Conduct complaint never finalised.

**18 Dec 2017** – Cr Funnell makes comment in Council meeting that planning staff are "looking under rocks to find problems" (Cr Funnell commences 46:09 on Council Livestream titled "Council Meeting 18<sup>th</sup> December 2017 – Session 2). A meeting was held between Senior Town Planners and GM Peter Thompson to discuss the issue on Tuesday 19<sup>th</sup> December 2017).

**25 Nov 2019** - here is a link to the minutes of the meeting:

[https://meetings.wagga.nsw.gov.au/Open/2019/11/OC\\_25112019\\_MIN\\_3694.PDF](https://meetings.wagga.nsw.gov.au/Open/2019/11/OC_25112019_MIN_3694.PDF)

But here is the relevant extract censuring the Councillor:

**That Council:**

- a notes it is in receipt of a final investigation report submitted to the Council for consideration in accordance with the Code of Conduct and Administrative Procedures for the Code of Conduct, and which has been made available to Councillors with the confidential business paper for this meeting**
- b notes the findings made by the investigator that Councillor Paul Funnell breached clause 3.3 of Council's Code of Conduct (September 2017) by failing to treat Councillor Vanessa Keenan with respect at all times in communications both in email correspondence and during meetings of Council in 2017, in particular on 27 November 2017**
- c accepts the recommendations of the investigator, made under Clause 8.35(g) of the Procedures for the Administration of the Code of Conduct, and accordingly resolves that Councillor Paul Funnell be formally censured for the breach, under Section 440G of the Local Government Act 1993 (NSW)**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

G Conkey OAM  
D Hayes  
R Kendall  
D Tout

Against the Motion

Y Braid OAM  
K Pascoe

How's that for prior offending?

And including a Council resolution from 2019 censuring him.

The sooner you correct paragraph 20, the better.

Ian Robertson  
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depa

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**From:** Ian Robertson

**Sent:** Thursday, 11 February 2021 5:29 PM

**To:** Tim Hurst <[Tim.Hurst@olg.nsw.gov.au](mailto:Tim.Hurst@olg.nsw.gov.au)>

**Subject:** WTF, Chinese or Russian hackers have been on your site and changed clause 20

Hello Tim, that would seem to be a more palatable explanation for clause 20 in the statement you signed and made 5 February about that staff abuser, harasser, disrespector of the Code of Conduct and serial pest, Paul Funnell.

Clause 20 is wrong. There was a previous Code of Conduct complaint which resulted in a censure by the Council of that counsellor and there are subsequent complaints, including one we were involved in where he thought it appropriate to malign the President of depa on the Daily Advertiser's

Facebook page. He's been censured on the one we are involved in and I've understood that's been referred to the OLG for action as well. And this is a bloke who has been banned from the Council Chambers and independently from attending any meetings that are attended by staff. I've seen footage of him ripping into a planner at a Council meeting and ignoring the Mayor calling him to order. How can you seriously be suggesting "*the absence of any prior offending or postevent conduct in the past two years and the lack of previous incidents of misconduct*"?

So we had form prior to the circumstances that you investigated and there are other code of conduct findings and requests live now.

Now that I'm alerted to this I have asked our members to give me a history as best they know it to better inform you.

It would seem to me that because 20 doesn't reflect the true circumstances, it will prejudice your ability to do something serious and deservedly tough as you work your way through the other issues.

Can you please explain?

Ian Robertson  
Secretary  
depa

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