

[A Little Background](#)

Schedule 7 15(4) of the Local Government Act 2002 states that:

"A member of a local authority must comply with the code of conduct of that local authority".

This hearing is to determine just one thing and that is did Cr Deeming breach her code of conduct?

It doesn't much matter what you think of me or my conduct or what I think of a council that has waited almost 8 years before it actually hears a complaint.

The only question you need to consider is whether Cr Deeming breached her code of conduct.

If she has you will then need to assess the harm that she has done to me and my family and to the integrity and reputation of this council.

At the outset I would like to point out that this hearing is entirely of Council's making and it is not how I would have chosen to proceed.

Council has received a report, from Wellington employment lawyer, Steph Dyhrberg, which, I believe, is extremely critical of the conduct of your council and yet you refuse to make it available to me; you have had a series of secret meetings to discuss the report which have led you to this hearing; you have not had the courtesy to involve me leading to your decision to hold a hearing on an 8 year old complaint; and you have refused to discuss the situation with me in any way whatsoever much less in good faith.

For goodness sake, you did not even bother to ask me if the date you had chosen for this hearing was convenient for me.

Sadly, I have come to expect nothing less from this council.

To properly hear this complaint, I believe that it is important that everyone understands its background and the culture of an organisation that encouraged Cr Deeming to act as she did and which led to your taking no action when her wrongdoing was obvious.

If you like, Ms Dyhrberg's report is your *Russell McVeagh* moment in respect of the culture of entitlement at your council. Whether you will face that responsibility or not is up to each of you. It is, of course, significant that *Russell McVeagh* have had the integrity to publicly release their report while you have decided that censorship is appropriate and that you will cover yours up so that no-one, other than me, knows what you have been up to.

At the Human Rights Review Tribunal hearing, I was criticised for not lodging my complaint with the Tribunal for an extended period. Therefore, it is imperative that I make clear the reasons why a complaint of 8 years ago is only now being heard for the first time.

[Why has it taken so long to hear this complaint?](#)

All councillors are aware that this complaint was first laid in October 2010 with the then mayor, Mr Morris Cutforth and, as Ms Dyhrberg disclosed (at least in her draft), has never been handled in a proper manner by council. In that time, my pleas for a fair hearing have fallen on deaf ears at all levels of council; virtually all of you have just ignored me.

My experience is that when it comes to the alleged wrongdoing of a councillor it has been a case of circle the wagons and protect the accused using whatever subterfuge is possible. Perhaps the words of a former councillor summed it up best by saying something along the lines of: ***"I won't help you because to do so would lessen me in the eyes of my fellow councillors"***.

Or another who, when shown the emails, remarked *"This is disgusting"* but when I asked *"What do you intend to do about it"* the reply was *"Nothing"*.

This nonsense started not long after I had lodged the complaint when, after 2 months of inaction, the then mayor, Mr Morris Cutforth, demanded an abject apology from Cr Deeming and, when he did not get it, accused me of a lack of goodwill and claimed: *"I feel that WDC have followed the correct process"*.

Quite how he deduced this, when the only process council had followed was to ignore the complaint entirely, and why he would go around demanding abject apologies, while claiming to have followed the correct process, is one of life's little mysteries.

But then you would need to know Mr Cutforth.

Council's Legal Counsel, Ms Candy, got in on the act on 6 September 2012 {C14}, stating that a proper process had been carried out but the entire matter was private in relation to the employee code and that a proper process had been carried out in relation to the Councillor code. She would offer no information whatsoever (including the outcome) nor provide any documented evidence on either, stating issues of privacy.

I asked for more detail and I was advised, on 31 October 2012 {C15}, that *"Such information is withheld to protect the person's privacy"*. I was also declared vexatious. As Ms Dyhrberg found, she made it all up; so much so that she even referred me to the wrong code of conduct.

Ms Candy may yet get an opportunity to explain how something that didn't happen can be private.

On 12 August 2013 {C16}, of course, she actually told the truth *"There was no formal documented process undertaken in relation to your complaint"*. But even this wasn't enough as she decided to make up a bit more when she said something about a meeting in the Mayor's office as if this had any relation to my complaint.

Now you don't need to be Brain of Britain to figure out that, as Mr Semenoff was mayor, in the unlikely event that any of this occurred, it was long before my complaint was even lodged so it beggars belief that my complaint had much to do with proceedings in any case. She compounded this idiocy by claiming that the then CEO had looked at the complaint (and, remember, it didn't exist at the time) and, not surprisingly given he was a named party, concluded that it had no merit even though at that stage Privacy Law had been broken, council's non-disclosure policy trashed and a citizen harmed!

It didn't help that the actions she claimed were not even in the policy at that time!

Ms Dyhrberg, rightly, poured a good deal of cold water all over this farcical and unprofessional sideshow. Well done, Ms Candy.

So a complaint to Mr Adcock. He concluded that Ms Candy was right every time {C24}. In the complete absence of any documentation or factual information whatsoever, he appeared to conclude that both statements were correct that a formal, documented process had, indeed, been carried out and also, somewhat paradoxically, that it had not been carried out!

Further he determined that, at this so-called meeting to discuss my complaint (which, remember, had not even been lodged by then) councillors determined that the complaint was *"minor in nature"*.

Of course, what Mr Adcock forgot to mention is that, at that time the code in question was the 2007 code (this one) which did not even mention the term minor nor the CEO nor the mayor in respect of compliance - just an open meeting of council. The 2010 code which did was, like the complaint, not even in existence at the time that he claimed council was considering it! Of course, he just made it all up.

Which is why, in her draft, Ms Dyhrberg was moved to remark: *"Council was wrong when it stated there was any proper process to deal with Mr Deeming's 2010 complaint, even under the Code at the time"*.

But then Mr Adcock appears to me to have a penchant for making things up; in his evidence, under oath, to the Human Rights Review Tribunal he stated that *"It is my understanding that councillors did undergo this additional training on their obligations under the Privacy Act"* when it would have taken all of 5 minutes for him to figure out the truth.

So to Mr Forlong who also decided he preferred the 2010 code.

No comment of mine could add anything to Ms Dyhrberg's analysis of his performance.

It defies my belief as to how Mr Forlong sees himself as CEO of anything.

In between I've re-lodged the complaint four or five times, all just being ignored.

Disturbingly, two of those times were when I re-laid the code of conduct complaint and met with the current mayor, Ms Mai and her deputy, Cr Morgan.

Mayor Mai was fully aware of the facts both through the text of the complaint, which involved serious issues in respect of the elected members' code of conduct, and also as a councillor at the time (2009/10).

She simply ignored the complaint, and the facts, and chose to appoint Cr Deeming as chair of the finance committee, despite serious allegations which had been made against her. One would have thought that outstanding allegations of dishonesty and a breach of privacy would need to be properly addressed before a person could be appointed to a position requiring both honesty and discretion.

However, at both times, Mayor Mai determined that the complaint need not be addressed.

So back to my original complaint of alcohol and violence:

I have heard it said that council were not the proper body to address my original plea to the mayor in respect of alcohol and violence:

Well, let's be clear, they are.

They have a complete department to monitor the activities of licensees, issue new licenses etc. They were, at the time, the District Licensing Agency. In 2009, WDC had a mayor who was actively raising issues associated with abuse of alcohol; I would like to think that, had Cr Deeming and the Mayor's Executive Assistant, Mr Watson, not staged their pre-emptive strike, the mayor would have been supportive of my complaint being properly handled by his council.

But, even if WDC was not the correct agency, it had the knowledge and contacts to figure out who was the correct agency, forward the complaint to them and advise me. They did not.

So why did I lodge the complaint when I wasn't there?

This is a community issue and to have such an outrage in the middle of the community that my grandchildren are growing up in is unacceptable particularly when I was led to believe that many young people were present and had witnessed the events.

If what I was told was accurate, the licensee was not a proper person to hold a license. In any case, a proper investigation would reveal the facts, and whether this was the case or not; so it wasn't important what I heard or said.

That there was a serious incident, there is no doubt.

Even the rugby club's greatest supporter, Cr Deeming, described it as *"mayhem"*.

And, despite Cr Deeming's and Mr Dunn's fixations, it wasn't me who attracted the media's attention.

[Let us consider some sideshows raised in Cr Deeming's evidence](#)

(1) Family Friendly Club

Cr Deeming's insistence that the rugby club in question is family-friendly is neither here nor there - calling myself Mother Theresa does not make me Mother Theresa.

In any case, this is about the facts in respect of her conduct not theirs.

(2) Advertisement in Bream Bay News

How a factual advertisement placed 7 years after the time in question could have any relevance whatsoever to her conduct then totally escapes me. About the only significant thing about this is the reluctance of local news media to publish the facts about the conduct of a councillor other than as a paid advertisement and, even then, reluctantly. Not quite: Cr Deeming's claim that *Whangarei District Council had investigated her actions, which led to this ruling and had "concluded that no further action was warranted"* begs the question, if this is the case, why we are all sitting around here and are not down at the Town Basin riding around on tandems?

(3) Mr Forlong's Report

I would have thought that Ms Dyhrberg's report would have settled once and for all whether Mr Forlong's efforts had more in common with what one might expect from the Keystone Cops than of any attempt to carry out a proper process, professionally and with integrity, as his responsibility.

Although I pointed it out numerous times, the obvious seemed to escape the collective intellect around the council table (and also Mr Forlong himself); that having an employee assess the conduct of his employer is a conflict of interest big enough to drive a London bus through. It took Ms Dyhrberg to restate the obvious (in her draft at least) that it contravenes the responsibility of public bodies - *"that all decision making processes by public bodies must be conducted in accordance with the law, and the principles of natural justice"*.

In any case, if his so-called “investigation” had any credibility whatsoever, once again, why are we here and not out on our tandems?

(4) The Privacy Commission Decision

You can also discount the Privacy Commission decision. Not only is it completely full of easily demonstrable false conclusions but it has been superceded by the findings of the Human Rights Review Tribunal who, unlike the Commission, carried out a thorough, de novo judicial process and, notably, did not make the same false conclusions as did the Commission.

But, most importantly, the Tribunal had access to all of the facts whereas, in, what I regard as, a cynical manipulation of the Commission process, Cr Deeming and WDC wilfully withheld highly relevant information from the Commission in the form of “the emails” between Cr Deeming and Mr Watson.

Had the Commission known that *“400 Mid Western Rugby fans will not be pleased – tee hee”* their findings may well have been quite different.

In my view, Mickey Mouse, himself, could have carried out a more professional investigation than the Commission.

(5) The Ombudsman’s View

The good news is you don’t have to read it all, I’ll provide the gist of it for you.

Cr Deeming’s citing of the position of the Ombudsman that this code of conduct complaint *“is your privacy complaint in another guise”* could be seen as no more than an attempt by her to avoid accountability for her actions and to entice Council to reverse its decision to consider this complaint.

This bizarre proposition started with Mr Morris Cutforth and Ms Candy who appears to have an uncanny ability, probably honed by years of answering OIA requests, to find privacy issues where none exist. Not surprisingly, her proposition was picked up by the former Ombudsman, who also appeared to me to be, pathologically incapable of properly considering the facts.

Privacy is a construct of the Privacy Act. My code of conduct complaint contains evidence that 11 items in the code have been violated by Cr Deeming – just one of those involves consideration of a breach of the Privacy Act. So if we remove that one element (*Duty to uphold the law*) there are still 10 others some of which contain oblique but not substantive references (ie the word privacy could easily be removed without changing anything) which are relevant to my complaint. Is anyone seriously suggesting that we remove the duty to uphold the law from the code of conduct?

But, assuming we did; it would be nice if Cr Deeming, Ms Candy or the geniuses in the Office of the Ombudsman could explain **how a code of conduct complaint which includes no reference to the Privacy Act** could be considered as a *“privacy complaint”* in any guise.

The proposition where it appears that, if an organisation is found to have breached an individual’s privacy, that removes the responsibility of a member of that organisation to uphold the law or act respectfully (and everything else in their code) under their code of conduct takes stupid to a whole new level.

The actual question being considered here is nothing to do with privacy but were the actions of a councillor consistent with her responsibility under her code of conduct? As I have pointed out, in every case except one, the code breaches represent behaviours totally unrelated to privacy. In other words was she respectful, did she show honesty and integrity, leadership and so on? Even the one related to privacy was in respect of her responsibility to uphold the law for goodness sake.

But let's take this silly proposition a step further. If a professional rugby player is convicted of, say, fighting in public then first thing Monday morning they will be hauled before the Board to face, yes you guessed it, action under their code of conduct. And this applies to all professions which who have a specific code of conduct – even lawyers, even the judiciary and probably even Ombudsmen.

Many codes, such as those for elected members, lawyers and judges, have a foundation in law.

You wouldn't fancy the chances of a judge convicted of stealing, impressing the Judicial Conduct Commissioner by claiming that their hearing *"is my stealing conviction in a different guise"*. And, not surprisingly, codes of conduct not only apply to professionals but also apply to staff who, for example, inadvertently send "rude biker emails".

Breaches of a code are often called *"bringing the organisation into disrepute"*. I couldn't put it better than the Human Rights Review Tribunal who said *"The actions of Mr Watson and Councillor Shelley Deeming do neither themselves nor WDC any credit"*.

But the Ombudsman's proposition gets even sillier when you consider that action under the Privacy Act is aimed at organisations (in this case WDC itself) and my code of conduct action applies to the conduct of an individual (in this case Cr Deeming) under the Local Government Act.

This hearing is about whether the law, specifically Schedule 7 15(4) of the Local Government Act 2002, has been violated and if anyone is seriously suggesting that, if the organisation that they work for has been found to have breached an individual's privacy, this law does not apply to them then I'd suggest they've got rocks in their head.

(6) My supposed leaking to the press

Cr Deeming seems fixated that I leaked the information to the press.

Some may admire her rare skill which appears to allow her, in a matter of minutes, to eliminate the few thousand people who would have known about this outrage and zero in on me. However, the fact is that not only is it totally irrelevant but, more importantly, that she got it totally wrong.

Her only evidence appears to be her own observation that:

"Apparently denies having contacted the Herald or Advocate but unfortunately for him his letter to the Rugby Club committee acknowledging that he should have approached them first referred to the press having information. At the time he wrote to the club the press had not made any reference to "the incident"."

Check the date on the Herald article **{A20}** – 4.00 am Thursday 20 August 2009.

And the date on my letter to the rugby club **{A23}** – 20 August 2009.

You would have thought that a person in charge of the district's finances could have figured this out for themselves.

(7) Mr Dunn's Statement

And now to the real train wreck.

Obviously Cr Deeming failed to tell Mr Dunn that this hearing is in respect of her conduct and not mine and also that it is not a hearing in respect of the Privacy Act.

Mr Dunn has raised some fanciful issues in respect of my conduct, all of them false.

Quite what my supposed conduct and that of the Northland Rugby Union has to do with Cr Deeming's adherence to her code of conduct is beyond me.

In any case, those interested about the role of NRU can find a full account in the Tribunal decision

arrived at through a judicial process; one which does not rely on strong rumours, blatant lies or Mr Dunn's recall.

Mr Dunn mentions the club president. In keeping with the rest of his statement this is false. Mr McDowell appeared as a witness at the Human Rights Review Tribunal in 2015. While, in all honesty, you had to be there the Tribunal formed a view of his credibility as a witness which I will share a little later. Spoiler alert: it's not flash.

"Strongly rumoured" is a standard of proof not accepted in most jurisdictions. Quite what a "strong" rumour is as opposed to a "weak" one is baffling. It is, however, some way from being a fact – not far enough, apparently, to stop someone of Mr Dunn's persuasion acting on it.

I am well used to the mindless, unsubstantiated and vile personal attacks on my integrity from those such as Mr Dunn and those impressed by his *"strong rumours"*.

You don't have to look too far to find the source of these *"strong rumours"* or, at least, what gave them oxygen; only as far as the flawed analysis of Cr Deeming in the last section.

I asked that I be able to cross-examine Mr Dunn as to the basis of his claims – this was denied me.

Don't worry though, you can at least check out Mr Dunn's assertion that *"it was revealed in Truth that Wayne had in fact been the informant"* by reading the article {A31} in that bastion of fine journalism, *NZ Truth*, and see for yourself the level of proof he relies on in order to support his assertion that I *"blatantly lied"* to him.

There is a spoiler alert: it was not me who blatantly lied.

Referring to someone in public as a blatant liar, when they are not, is not particularly clever and Mr Dunn (and Cr Deeming for that matter) may well discover that there can be a serious downside to such macho behaviour.

[And how does Cr Deeming's conduct stack up against the code?](#)

See the document in the agenda.

[What about the Harm?](#)

Imagine this: A local gang holds an event next door to you and the noise is deafening.

You consider laying a complaint; well, why wouldn't you?

Pretty obvious really; the greatest fear of anyone in that situation is that someone will leak that complaint and the gang leader will come knocking; but it isn't only the leader you fear, there is an entire gang behind him, you can't go anywhere without realising that they know and it only takes one hothead fuelled by Mr Dunn's "strong rumours" and, quite possibly, alcohol.

Gangs? Everyone understands. Rugby clubs? Not so much.

When you lodge a complaint of any sort with council you don't expect that complaint to be sent directly to the people being complained of and you, certainly, don't expect that to be done in a

deliberate and malicious manner by a senior councillor when Council and its councillors are bound by the Privacy Act, a specific non-disclosure policy and a Code of Conduct which all say it can't be. Now, in my experience, the president of the rugby club is a thoroughly unpleasant character. He "visited" us at our home on two occasions and he continued to harass and intimidate us when we were walking through the village. I am indebted to Cr Deeming who has described one of these encounters in "the emails". It was after this encounter that a witness, who talked to Mr McDowell as we were escaping, told our daughter: *"you should get your parents to take out a protection order"*.

The Tribunal described his conduct as: *"In contrast Mr McDowell was evasive and not forthcoming"* and *"was more intent on exculpating his own actions than giving a frank account of the events in question"* and noted that *"It is not without significance Mr McDowell conceded he was a good friend of Councillor Shelley Deeming."* {para 35}.

But then, you realise that this is only the start; the power of council is lined up to malign you through the press and in god knows what other ways that you don't even know about. When you hear that you are the main topic of conversation at the annual stock sale; yes it hurts and, yes, it makes you fearful.

And it hurts your family and it makes them fearful as well.

Check out the document {A31}. This was published as a direct consequence of Cr Deeming's actions. But what is worse, it was this council that caused it to be published. Mr Watson liaised with a *Truth* 'journalist' calling himself Donald Curry.

Some of you may know Mr Curry – he also goes under the name Stephen Cook.

You really need to give serious consideration as to why your council has chosen to use a gutter publication and selected a journalist who has been described by Bill Ralston as *"I regard him as somewhat lower down the food chain than plankton"* as your hatchet man to publish an article demeaning of a person who was seriously concerned about alcohol and violence in his community to the extent of laying a complaint with your council. Because every one of you who was at council in 2009/10 were fully aware of council involvement and, by your silence, sanctioned this behaviour.

So just think about this for a minute: how would you feel if this was copied and distributed around the neighbourhood where you and your family lived and it was your council which was responsible. Mr Watson summed it up when he admired his handiwork by saying *"Any lynchings out your way this weekend"*.

Because that is exactly what it felt like.

And when the Tribunal observed {para 56} *"If anything, the decision-making process, such as it was, was characterised by a gleeful anticipation of the harm which would be inflicted on Mr Deeming once his identity as informant was disclosed."* that is also what it felt like.

The Tribunal was moved to observe that {para 24} *"we find the consequences detailed in his evidence do amount to significant humiliation, significant loss of dignity and significant injury to feelings. In short disclosure of his identity has led to his identification as "the most hated man in town"*.

At the last council meeting Cr Halse said that he can go home and look at himself in the mirror knowing that he had done his best for the ratepayers. Neither he nor anyone else on council could have spent much time looking in the mirror in 2009/10.

Those who did would have seen a pathetic individual who didn't have the common decency and civic responsibility to stand up for citizens that your council had sent a lynch mob to; you were fully aware of what Cr Deeming and your council had done and yet you did nothing except offer her a senior position.

Make no mistake, you walked away from your responsibility towards decency and honesty at your council and the safety of your citizens in preference to fully supporting its gutter behaviour.

But let's go even further. Consider documents {B27} and {B29}. It goes without saying that these claims were leveraged off Cr Deeming's disclosure and are utter lies.

I asked council for the 300 documents that I had supposedly written - they provided about 90, many written by me as the secretary of the Voluntary Fire Force. And so what about the 210 odd that your council claimed I had sent but which you could not provide. It appears that when council says you "*...have written 300 times*" Mr Adcock's department takes that to mean that you have written just 90 times and the other 210 are based on the "*multiplier effect*" - you can't just write once, you write three or four times.

Joking aside; this is the sort of mindless drivel that I have had to put up with from senior people at this council who have sought to use their privileged and trusted position to attack me.

Of course, once again, they just made it all up.

And now, ask yourself what rights you, as a council have to publish outright lies about me and how you would feel if you and your family were the subject of this outrageous behaviour from senior persons at your council solely because you had complained about alcohol and violence in your community.

I can only assume the letter {B17}, personally delivered by Mr McDowell, is a lifetime ban from the Rugby Club. While I'm not sure about the relevance of the "*Boars Head*" this is a very public demonstration from the family friendly club as to how those who complain about their adherence to their liquor license, and the possible effects of breaches on young people, will be treated.

This is what is unleashed when Cr Deeming decides that someone has demonstrated angst towards her.

In her draft, Ms Dyhrberg observed in respect of Mr Forlong's so-called investigation:

"In this case, Mr Deeming raised what the investigator considers are mostly legitimate concerns about the process and conclusion after the decision was communicated to him, to no avail".

You just continued to turn a blind eye to your responsibility to your citizens by ignoring me.

Alcohol and violence is a scourge on our society; by your inaction you have sent a very clear message that your council actually supports those who indulge in this scourge and that those who are prepared to stand up had better shut up or else we'll come after you with the full force of council - *tee hee!*

If anyone thinks that this redneck stigma goes away you can see by Mr Dunn's unfortunate statement that it doesn't.

Last year at the school where my daughter teaches she overheard a conversation between teachers making derisory remarks about her father's attitude to alcohol. And, these are reasonable people who should know better and not those who you would expect to regard "strongly rumoured" as a standard of proof.

I guess the consolation is that it spoilt his weekend when my daughter pointed out to one of them that it was her father he was talking about but it shows that the humiliation that Cr Deeming unleashed, and continually fed, never stops.

A small consolation that doesn't make up in any way for the months of humiliation that we felt because of her actions.

And, if anyone is still wondering why I have persisted for all of these years, just think for a minute what you would feel like if it was your wife or husband who had collapsed at a social function and was lying unconscious with a condition brought on by the extreme stress that this unprincipled conduct had caused?

[So to summarise Cr Deeming's conduct](#)

What Cr Deeming did is abhorrent and despicable. She used her position of trust in our community and completely betrayed that trust; she deliberately and maliciously set out to cause a citizen harm. She knew how the rugby club president would act. There is a very good reason why, in "the emails", Cr Deeming's husband said that he *"hoped that the president didn't know where he lived"* - although I suspect Cr Deeming could have helped out with that too.

And worse, council lined up its big guns to totally support her and discredit me.

As the Tribunal says **{para 76}**, *"The actions of Mr Watson and Councillor Shelley Deeming do neither themselves nor WDC any credit"*.

Cr Deeming continued to liaise with the president of the rugby club to my disadvantage, she was fully aware of the community anger that her actions had unleashed and did nothing to address it - quite the opposite, she lied to me in correspondence by claiming that an investigation had been carried out (to the extent of announcing its outcome) when it had not, she failed to provide relevant information to assist the Privacy Commission and, for some inexplicable reason, decided to involve my sister in her underhand behaviour.

She has never shown the slightest understanding that, it is entirely as a result of her unprincipled, underhand and unlawful actions, that all of this has happened and any offence caused.

Above all, she has never shown any contrition for her actions.

But in fairness to Cr Deeming, it is the culture of this organisation, and its complete lack of respect for the rights of its citizens, that has led to her believing that she has a sense of entitlement not shared by those that she claims to represent.

Councillors and senior management were fully aware of her conduct, some openly supported it and, to the best of my knowledge, only one person at council ever questioned it. That she has never been held to account before now is the scandal here and it is one that you will need to properly address; this goes right to the heart of the integrity and culture of this council and why it even exists.

So now, you have a tiger by the tail.

But it is not only this council. As my friend, Warren Slater, says *"There are plenty of doors in Wellington with fancy titles on them but when you go knocking there is no-one home"*.

At the outset, I determined that I just needed one person of integrity to properly consider the facts. I spent a long time knocking on doors and it was not until recently that I finally found the Human Rights Review Tribunal, just one councillor and Ms Steph Dyhrberg all of whom fitted the bill.

And what about the local fourth estate? God bless them. They told me that they wouldn't cover the wrongdoing of a councillor because they may find it difficult to get information from council in future if they did.

So why am I still here after 9 years?

I am indebted to the words of Whangarei man, Mr John Croawell, who spent over \$1000 to get off an \$80 ticket:

"There's a broad principle in life called justice," Croawell told the *Otago Daily Times*. *"If you roll over you're making it easier for those trusted with authority to hammer the s*** out of your fellow man."*

My thanks to those who have stood by me for the entire time - in particular, my wife and family, Warren and Pat Slater, Brian May, Colin Anderson and the late Owen Lewis; without their support and encouragement this would never have reached this point.

Finally to sum it all up

I look around this table and every person sitting there has been aware of Cr Deeming's conduct for as long as they have been a councillor.

And let's face it, everyone here knows that had Cr Deeming been a junior employee she would have been kicked out the door quicker than you can say *Jack Robinson*.

The only reason that she hasn't been is that, for almost 9 years, successive mayors and, at least, a majority of councillors and some senior staff have covered up the facts and ignored their responsibility to their codes of conduct in order to support her behaviour by failing to properly hold her to account.

If this were a criminal trial I would suggest that virtually all of you have acted as "*accessories after the fact*"¹ and should be standing alongside Cr Deeming, along with Ms Candy, Mr Adcock and Mr Forlong, and having your own behaviour scrutinised.

Through your unflinching support for Cr Deeming over 9 years, you have, most likely, already delivered your verdict on her conduct; and you can't address her conduct without addressing your own.

Despite this you have the opportunity to treat this moment as a watershed and the responsibility to properly address the facts of this complaint. You can even guarantee that people are not treated as contemptuously as I have been ever again.

But I've been dealing with this council long enough to realise there is another, and sadly more likely, outcome: you can treat this hearing as nothing more than an unprincipled farce, a complete waste of everyone's time and, in a phrase, a "kangaroo court"².

The choice is yours.

This hearing is not about the conduct of anyone other than Cr Deeming.

Your responsibility is to **consider facts** relating only to the conduct of Cr Deeming from late 2009 until the complaint was laid in October 2010 to determine whether it is consistent with her responsibility, under law, to her code of conduct.

Wayne Deeming
24 July 2018

¹ An **accessory after the fact** to an offence is one who, knowing any person to have been a party to the offence, receives, comforts, or assists that person or tampers with or actively suppresses any evidence against him or her, in order to enable him or her to escape **after** arrest or to avoid arrest or conviction.

² Prejudicial bias of the decision-maker or from political decree are among the most publicized causes of kangaroo courts. Such proceedings are often held to give the appearance of a fair and just trial, even though the verdict has in reality already been decided before the trial has begun.- *Wikipedia*