



LEGISLATIVE COUNCIL

**RIGHT OF REPLY FROM MONASH CITY COUNCIL AND COUNCILLORS
GEOFF LAKE, PAUL KLISARIS AND STEPHEN DIMOPOULOS RELATING
TO STATEMENTS MADE BY MRS INGA PEULICH, MLC,
ON 3 AND 25 JUNE 2009**

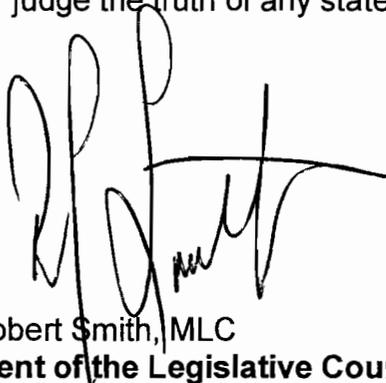
September 2009

Ordered to be printed

Parliamentary Paper No. 227
Session 2006-09

APPLICATION FOR A RIGHT OF REPLY TO BE INCORPORATED INTO THE PARLIAMENTARY RECORD

- 1 On 7 August 2009, an application for a right of reply to be incorporated into the parliamentary record, pursuant to the Standing Orders of the Legislative Council was received from TressCox Lawyers acting on behalf of Monash City Council and Councillors Geoff Lake, Paul Klisaris and Stephen Dimopoulos.
- 2 The application relates to comments made by Mrs Inga Peulich, MLC, on 3 and 25 June 2009 (*Victorian Parliamentary Debates*, pages 2609-10 and pages 3325-26).
- 3 During my consideration of the application I gave notice of the submission in writing to Mrs Peulich. I have also consulted with Mrs Peulich prior to the right of reply being presented to the Council.
- 4 Having considered the application, I have determined that the right of reply should be incorporated into the parliamentary record.
- 5 Having determined that the right of reply should be incorporated into the parliamentary record, I wish to draw attention to Standing Order 22.04 that requires me, in considering a submission under the Order, to not consider or judge the truth of any statements made in the Council or the submission.



Hon Robert Smith, MLC
President of the Legislative Council

3 September 2009

RIGHT OF REPLY FROM MONASH CITY COUNCIL AND COUNCILLORS GEOFF LAKE, PAUL KLISARIS AND STEPHEN DIMOPOULOS

In the Legislative Council on Wednesday 3 June and Thursday 25 June 2009 Mrs Inga Peulich, MLC, made several inaccurate allegations against Monash City Council (MCC) and three of its councillors.

The councillors named are:

Cr Paul Klisaris, the current mayor of MCC;

Cr Geoff Lake; and

Cr Stephen Dimopoulos.

Mrs Peulich has made assertions of fact that are wrong and have had an adverse affect on the MCC and the Councillors referred to. This submission does not address all the allegations made by Mrs Peulich but seeks to address only the most prominent and damaging matters that have been raised.

The allegations in question can be summarised as follows:

1. A complaint was lodged in 2007 with the Victorian Ombudsman and the Victorian Electoral Commission claiming that a fraudulent nomination form for a council candidate had been signed by Stephen Dimopoulos in 2005;
2. An intervention order was taken out against Geoff Lake in 2003 by fellow Councillor Tom Morrissey;
3. Paul Klisaris was found to be inappropriately enrolled at the time of his nomination for council for the 2000 elections and he was subsequently provided with legal representation funded by MCC; and
4. Geoff Lake was ordered by the Equal Opportunity Commission in 2002 to sign a letter of apology.

The allegations are untrue and contrary to evidence readily available either from public records or from MCC records. The allegations have injured the reputations of the three councillors named and have unreasonably and inaccurately impacted on the public perception of MCC.

The relevant facts in relation to each allegation are as follows:

- 1. Allegation that a complaint was lodged in 2007 with the Victorian Ombudsman and the Victorian Electoral Commission claiming that a fraudulent nomination form for a council candidate had been signed by Stephen Dimopoulos and witnessed by Paul Klisaris and Geoff Lake in 2005**

In her speech on 3 June, Mrs Peulich asserted that a former Councillor of the MCC, Dane Manzie, had made a complaint by email to the Victorian Ombudsman on 27 February 2007, alleging a corrupt act of nominating and forging a signature of a candidate for local government in the 2005 MCC elections. Mrs Peulich alleges the complaint was never responded to by the Ombudsman.

Mrs Peulich was ordered to stop by the President of the Legislative Council and Mrs Peulich threatened to furnish the email to the "media outside".

Mrs Peulich also claimed that she has access to, or has in her possession, a "substantial list" of Labor councillors acting in breach of Local Government rules.

Mrs Peulich claimed these councillors have all been the subject of numerous complaints to Local Government Victoria.

In her speech on 25 June, Mrs Peulich expanded on these allegations when she said:

I believe the most serious case is one that was reported and submitted to the Victorian Electoral Commission as well as to the Ombudsman, which alleges that a fraudulent nomination form for a council candidate was signed by Labor councillor Steve Dimopolous in the presence of Cr Lake, Cr Klisaris and former Cr Manzie and submitted by a staff member of Cr Klisaris. These matters are yet to be addressed and responded to even though the complaints were submitted some time ago.

This was subsequently widely reported in the local newspapers which cover the MCC. The Monash Journal reported the quote from Mrs Peulich on its front page in its Monday June 29 edition.

These allegations are incorrect on the following grounds:

- Stephen Dimopoulos has never signed another candidate's nomination form;
- Geoff Lake did not meet Dane Manzie, Stephen Dimopoulos and Paul Klisaris on the day of nominations closing for the 2005 MCC elections;
- Paul Klisaris and Stephen Dimopoulos recall meeting Dane Manzie in a coffee shop in Oakleigh on the day nominations closed but no nomination form was completed for another candidate;
- The candidate in question has publicly rejected the allegations and has stated that they signed their own nomination form;
- The Victorian Electoral Commission has advised the MCC, that it has not received any complaint at any time in relation to the matter raised by Mrs Peulich; and
- The Victorian Ombudsman's office is unable to confirm or deny whether it has received a specific complaint, however, it has verbally advised that all complaints received by it are responded to within a period of no more than 12 months.

2. Allegation that an intervention order was taken out against Councillor Geoff Lake in 2003 by Councillor Tom Morrissey

In her speech on 25 June, Mrs Peulich claimed that during the MCC elections in 2003 whilst Geoff Lake was mayor, he and Paul Klisaris bullied and harassed fellow councillor, Tom Morrissey, at Tom Morrissey's place of business. Mrs Peulich claims that Tom Morrissey was forced to take out an intervention order against Geoff Lake in the Ringwood Magistrates' Court.

This allegation is factually incorrect on several grounds:

- An intervention order was not granted and at no time was an intervention order in place.
- A complaint arose after a protest outside Tom Morrissey's Burwood Plumbing Supplies business in the context of the council elections that were taking place at the time. It also concerned election leaflets distributed by Geoff Lake which referred to Tom Morrissey's overseas travel at ratepayers expense with the South East Regional Waste Management Group. Magistrate, Paul Smith, said there was little evidence to support Tom Morrissey's complaint.¹
- The Magistrate also stated that the complaint was "not the sort of matter that should be troubling the court".²
- The issue was settled out of court. Geoff Lake agreed to apologise to Tom Morrissey for any emotional distress the actions taken during the election campaign may have caused him in order to conclude the matter.

3. Allegation that Paul Klisaris was found to be inappropriately enrolled at the time of his nomination for council in 2000 and was provided with legal representation funded by Monash City Council

In her speech on 25 June, Mrs Peulich claimed that Paul Klisaris was inappropriately enrolled at the time of his council nomination in 2000 but was given a reprieve after he was provided with legal representation funded by MCC in order to be reinstated and eligible to continue as a councillor.

This claim is untrue and the relevant facts are as follows:

- In the 2000 council elections, Paul Klisaris nominated for election using the address of his business rather than as the nominee of the business.
- Following his election to MCC, concerns were raised by an unsuccessful candidate as to Paul Klisaris's eligibility to be a councillor on the basis that he should have nominated as a nominee of the business.
- Mr Klisaris personally engaged a law firm to advise him on the matter.
- Paul Klisaris never sought or received financial support from council for his legal costs. This is confirmed by MCC CEO, David Conran in a public

¹ Waverley Gazette, 8 April 2003, 'Morrissey, Lake settle row after court hearing'.

² Waverley Gazette, 8 April 2003, 'Morrissey, Lake settle row after court hearing'.

statement.³

- In September 2000, Mr Klisaris decided to resign from council to clear up the continuing controversy surrounding the circumstances of his nomination and allow the electors to decide the matter.
- Mr Klisaris was re-elected to MCC in the November 2000 by-election.

4. Allegation that a letter of apology signed by Councillor Lake was ordered by the Equal Opportunity Commission in 2002

In her speech on 25 June, Mrs Peulich claimed that Geoff Lake was ordered to provide a letter of apology to another councillor in 2002.

This allegation is untrue on the grounds that Councillor Lake was not ordered by the Equal Opportunity Commission to apologise to the councillor concerned.

The relevant facts are as follows:

- On 18 June 2002 after a heated council meeting, Geoff Lake made an angry remark to then fellow councillor, Kathy Magee, in private.
- He apologised to her later that night, and at her request apologised publicly at the subsequent council meeting on 2 July 2002.
- At a later date on 26 July 2002, Kathy Magee submitted a complaint to the Equal Opportunity Commission in relation to the comment.
- Kathy Magee and Geoff Lake reached an agreement that a further public apology would be made by Geoff Lake and that would resolve the matter.
- The Equal Opportunity Commission did not make any adverse finding against Geoff Lake or order him to provide any apology.
- The incident and the various apologies were widely reported in the local media at the time.

³ Statement released to the media by Monash CEO, David Conran, dated Friday 26 June 2009.