

**STATUTORY DECLARATION**  
**OATHS ACT 2001**

I (full name) Aaron Cory De La Torre

of (residential address) 265 Macquarie Street, Hobart, TAS, 7000

Occupation Tasmanian Coordinator at the Australian Services Union

do solemnly and sincerely declare that:

I wish to formalise the complaint against Mayor Debbie Wisby  
of Glamorgan Spring Bay Council in accordance with Section  
339E of the Local Government Act 1993.

The information provided in the attached complaint is true and  
correct.

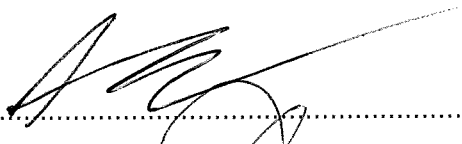
I make this solemn declaration under the *Oaths Act 2001*.

Declared at Hobart


(place)

on 20 February 2020

(date)

  
.....  
(Signature)

Before me

 RICHARD LENNON (PHARMACIST)  
(Justice, Commissioner for Declarations or authorised person)



20 February 2020

Mr Craig Limkin  
Director of Local Government  
Level 5, 15 Murray Street,  
Hobart, Tasmania, 7000

Via email: [craig.limkin@dpac.tas.gov.au](mailto:craig.limkin@dpac.tas.gov.au)

Dear Mr Limkin,

**Re: Conduct of Mayor Wisby of Glamorgan Spring Bay Council**

I write to you today to formalise a complaint against Mayor Debbie Wisby of Glamorgan Spring Bay Council (GSBC) in relation to breaches of the Local Government Act 1993 (*the Act*). I raise my complaint with you in full satisfaction of the requirements under Section 339E of the Act.

Our members have advised us of a disturbing situation and asked for us to look further into it. Following a Right to Information request the ASU has received evidence to support the allegations made against Mayor Wisby. Specifically, the allegations relate to Improper Use of Information [*s. 339 of the Act*] and Misuse of Office [*s. 339A of the Act*].

Mayor Wisby, having orchestrated the termination of the incumbent General Manager, Mr David Metcalf, was then involved in the decision making in relation to the appointment of Acting General Managers. As you would be aware, GSBC had a total of three Acting General Managers in 2019 whilst searching for a permanent General Manager to replace Mr Metcalf; these Acting General Managers were Mr Daniel Smee, Mr Ian Pearce and Mr Harry Galea.

Section 339 (1) of the Act states "A councillor, ... must not make improper use of any information acquired as a councillor...". Further, Section 339 (3) of the Act provides that "Improper use of information includes using the information to gain, directly or indirectly, an advantage ... for oneself, a member of one's family ...". Mayor Wisby became aware of significant information in her role which was not available to members of the public, such as each Acting General Manager's fixed term period, the associated terms of employment for each as well as their accommodation arrangements.

Prior to the start of Mr Pearce's tenure with GSBC he appears to have been involved in a conversation with Mayor Wisby in relation to available accommodation during his stay. As is evidenced by the 23 June 2019 email from Mayor Wisby to Mr Pearce [*Attachment A*], Mayor Wisby and Mr Pearce entered into an agreement for Mr Pearce to rent Mayor Wisby's property, Merles Cottage & Red's Bungalow in Franklin Street, Triabunna with occupancy beginning on 20 May 2019. Contact with Councillors didn't occur until this email was sent, some five weeks after the start of the occupancy occurred.

Mr Galea also utilised Mayor Wisby's accommodation as a continuation of Mr Pearce's arrangement.

Mayor Wisby's accommodation was occupied by these two Acting General Managers for a total of 11 weeks during a time of the year which is extremely quiet for accommodation providers in the area. This arrangement net Mayor Wisby and her husband a total of \$3,300.00 [Attachments B and C].

I am advised that Mayor Wisby made no attempt to seek other accommodation arrangements through local real estate agents nor did she make any attempt to discuss with Councillors the potential of renting her property to these Acting General Managers, instead she made the decision unilaterally, thereby failing to allow Councillors to make the expenditure decision. This matter should have been placed on a Council agenda and have been discussed by Council. Had this occurred, Mayor Wisby would have been required to declare a pecuniary interest [Section 48 of the Act] and she would have been required to leave the room whilst a decision was made into the expenditure. Her failure to place the matter onto any relevant agenda gives the distinct impression of subterfuge and potentially goes so far as to suggest fraud.

Further, Mayor Wisby chose to make no declarations as to the financial gain she was receiving from Council until five weeks after Mr Pearce began to be accommodated, at which time, as Attachment A shows, Mayor Wisby emailed Mr Pearce with details of their arrangement and finally copied in the Council "for [their] information and transparency purposes". I have been advised that to date Mayor Wisby has still has not completed the appropriate paperwork at the Council Office as she stated she would in her email.

Mayor Wisby makes reference in her email to the fact that she knew it was inappropriate to be renting her property to the Acting General Managers, stating "Initially when Daniel [Smee] required accommodation I was hesitant to mention my BnB, even at a significantly reduced price, as I would rather not be in this situation".

The email responses received by Mayor Wisby from Councillors Breheny, Pyke and Churchill [Attachment D] only confirm that they were unaware of the arrangements until such time as her email was sent to them, well after she began to receive a financial gain.

Had Mayor Wisby not been involved with Council in her role as Mayor she would never have received the financial benefit that she obtained. The information she was made aware of and the conversations she was able to have as a result of her position were the sole reasons that she was in a position to gain a financial advantage over other accommodation providers in the area.

It is clear from the evidence available that Mayor Wisby has inappropriately used information available to her as well as having misused the office of Mayor to obtain a financial gain for herself and her husband, in direct contravention of Section 339A of the Act. For clarity, Section 339A of the Act states "A councillor, ... must not procure the doing ... of anything by the council to gain, directly or indirectly, an advantage ... for the councillor ... ; or... a member of the councillor's ... family."

Your extensive experience within local government should make it clear as to the extent of this serious breach of the legislation. This is a completely inappropriate situation and I call on you to take the appropriate action by instigating a thorough investigation into the matter in accordance with Section 339EA of the Act.

Yours sincerely,



Aaron De La Torre  
Tasmanian Coordinator

Cc: Mark Shelton MP, Minister for Local Government  
Rebecca White MP, Leader of the Opposition  
Anita Dow MP, Shadow Minister for Local Government and Planning



Copy of email sent to Ian Pearce (Acting General Manager) and Council (Elected Members) on 23.06.19.

Mayor Debbie Wisby  
Sun 23/06/2019 11:27 AM

- Ian Pearce;
- Council

Dear Ian

Please find attached the invoice for accommodation relating to your stay at my BnB in Triabunna. As you will recall, you requested a place to stay during your time at GSBC. I advised that Daniel Smee had stayed at Orford in a BnB at a special rate of \$600.00 per week (considered very reasonable), paid by Council, and at that time we were uncertain as to the time frame Council would require an Acting General Manager. You asked if there were anywhere cheaper than \$600 per week and I advised I had my BnB and was prepared to reduce the price significantly to save Council money. The price of \$300 per week was agreed. Normal visitor accommodation price per night \$140.00 (direct booking). Price for longer stays 15% reduction. \$140 per night x 7 nights = \$980 p/w less 15% = \$833 per week or at \$140 per night x 5 nights = \$700 per week.

Harry Galea has agreed to be Council's Acting General Manager when you leave. Harry was the Acting GM for George Town Council and previously worked for Launceston City Council as their engineer. He is now semi-retired. Harry also asked about accommodation and again I openly and transparently advised Harry about my BnB and at the same rate of \$300.00 per week with linen being collected weekly for laundering. At this point I think Harry will stay at my BnB for the duration of his appointment. As you may be aware, finding appropriate accommodation at a reasonable rate in the area is difficult. Initially when Daniel required accommodation I was hesitant to mention my BnB, even at a significantly reduced price, as I would rather not be in this situation however I feel it was unfair for ratepayers to pay more than required for an extended period.

Council, I have provided the background to the above, the amount charged and the normal rate for my BnB for your information and for transparency purposes. I will also be noting this transaction at Council Office in the appropriate form.

Kind regards  
Debbie

**Debbie Wisby**  
Mayor  
Glamorgan Spring Bay Council

# ATTACHMENT 'B'

GLEN & DEBBIE WISBY

PO BOX 169, ORFORD, 7190

M: 0439 579 652 (DEBBIE)

MERLES COTTAGE & RED'S BUNGALOW

39 FRANKLIN STREET TRIABUNNA

INVOICE NO. 19/02

DATE 23.06.19

## INVOICE

**To:** Glamorgan Spring Bay Council

**From:** Glen & Debbie Wisby

**For:** Accommodation at Merles Cottage & Red's Bungalow  
39 Franklin Street, Triabunna  
For Ian Pearce, Acting General Manager

**Period:** Week ending:  
26<sup>th</sup> May 2019,  
2<sup>nd</sup> June 2019,  
16<sup>th</sup> June 2019,  
23<sup>rd</sup> June 2019,  
30<sup>th</sup> June 2019,  
7<sup>th</sup> July 2019.

Normal visitor accommodation price per night \$140.00 (direct booking). Price for longer stays 15% reduction. \$140 per night x 7 nights = \$980 p/w less 15% = \$833 per week or at \$140 per night x 5 nights = \$700 per week.

**Agreed price per week \$300.00.**

**\$300.00 x 6 weeks = \$1800.00 (Nil GST)**

**Bank Account:** National Australia Bank  
**Account Name:** Glenford Wisby and Debbie Wisby  
**BSB:** 087 007  
**Account Number:** 82 708 8792  
**Payment Terms:** 7 days

# ATTACHMENT 'C'

GLEN & DEBBIE WISBY

PO BOX 169, ORFORD, 7190

M: 0439 579 652 (DEBBIE)

MERLES COTTAGE & RED'S BUNGALOW

39 FRANKLIN STREET TRIABUNNA

INVOICE NO. 20/01

DATE 30.07.19

## INVOICE

**To:** Glamorgan Spring Bay Council

**From:** Glen & Debbie Wisby

**For:** Accommodation at Merles Cottage & Red's Bungalow  
39 Franklin Street, Triabunna  
For Harry Galea, Acting General Manager

**Period:** Week ending:  
14<sup>th</sup> July 2019  
21<sup>st</sup> July 2019  
28<sup>th</sup> July 2019  
4<sup>th</sup> August 2019  
11<sup>th</sup> August 2019

Normal visitor accommodation price per night \$140.00 (direct booking). Price for longer stays 15% reduction. \$140 per night x 7 nights = \$980 p/w less 15% = \$833 per week or at \$140 per night x 5 nights = \$700 per week.

Agreed price per week \$300.00.

\$300.00 x 5 weeks = \$1500.00 (Nil GST)

**Bank Account:** National Australia Bank  
**Account Name:** Glenford Wisby and Debbie Wisby  
**BSB:** 087 007  
**Account Number:** 82 708 8792  
**Payment Terms:** 14 days

Copy of response from Cllr Keith Breheny re email sent to Ian Pearce (Acting General Manager) and Council (Elected Members) on 23.06.19.

Cllr Keith Breheny

Tue 25/06/2019 8:52 AM

- Cllr Keith Pyke;
- Cllr Rob Churchill;
- Mayor Debbie Wisby;
- Ian Pearce;
- Council

Thanks Debbie.

KB

**Keith Breheny**  
**Glamorgan Spring Bay Councillor**

Copy of response from Cllr Keith Pyke re email sent to Ian Pearce (Acting General Manager) and Council (Elected Members) on 23.06.19

Cllr Keith Pyke

Mon 24/06/2019 10:28 PM

- Cllr Rob Churchill;
- Mayor Debbie Wisby;
- Ian Pearce;
- Council

Thank you very much for enlightening Council on this business transaction Debbie, I fully support and also I am very grateful to you and your husband for your generous offer of the reduced accommodation costs to the Community that you provided to Ian Pearce during his stay and will offer Mr Galea on his acting term also as our GM.

Copy of response from Cllr Rob Churchill re email sent to Ian Pearce (Acting General Manager) and Council (Elected Members) on 23.06.19.

Cllr Rob Churchill

Sun 23/06/2019 11:38 AM

- Mayor Debbie Wisby;
- Ian Pearce;
- Council

Hi Debbie,

Thanks for your generosity to council and your transparency in this matter.

Rob