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Melville City's own INDEPENDENT newspaper
Leeming to Kardinya Edition - Letterboxed to Leeming*, Bateman, Bull Creek*, Kardinya, Murdoch, Murdoch University, Willagee and Winthrop. *Fortnightly

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Sisters got sole

by BRENDAN FOSTER

MAMA KIN says there haven't been too many "musical moments" while pounding bush tracks, preparing for Oxfam's Trailwalker 100km walk for charity.

"When I come back and lay on the couch I moan for ages," she says, bursting with laughter.

"There is nothing musical about it. There has been some going to bed at seven o'clock, especially after the 30km walks."

Kin—aka Danielle Caruana—is an ambassador for the inaugural Perth event. Her four-woman

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• Elsa Van Wijngaarden, Sue Wallwork, Mama Kin and Natalie Gillespie strut up a storm in Fred's High Street. Photo by Jeremy Dixon



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Secret audio sinks Aubrey

by DAVID BELL

A SECRET recording has shredded sworn testimony that Melville mayor Russell Aubrey gave Perth magistrates court.

On Tuesday Mr Aubrey swore "before Almighty God" that councillor Nick Pazolli had threatened him during a private meeting in a council boardroom in May.

He testified Cr Pazolli had stood and punched the table "in an extremely violent manner" and had said, "I fucking hate you! I

fucking hate the CEO! I fucking hate the City of Melville! I'm going to get you! I don't give a fuck about amalgamations! I don't give a fuck about Roe Highway! I fucking hate you and I'm going to get you!"

He testified Cr Pazolli had then said, "Russell, I'm warning you, I am on the edge," which Mr Aubrey said he had taken to mean, "he was on the edge of a violent attack".

"It was a threat of violence and it traumatised me," Mr Aubrey told magistrate Greg Smith.

Cr Pazolli's barrister Belinda Lonsdale asked the mayor if he was certain those words had been said, and asked whether Mr Aubrey had "exaggerated the threat".

"Absolutely not," the mayor quickly replied. "It is to the best of my memory."

"You couldn't be mistaken about that?" Ms Lonsdale asked. "No," Mr Aubrey replied.

Ms Lonsdale put an alternative scenario to the mayor, which he also rejected. She then stunned the court by revealing she had a

recording of the meeting—which Cr Pazolli had secretly captured on his iPhone—and asked that it be heard.

Mr Aubrey's barrister Fulvio Sammut got to his feet to complain this was the first he'd heard of the tape, and in the "spirit of courtesy" Ms Lonsdale should have told him about it. Magistrate Smith said there was no obligation to have done so and allowed the recording to be played.

For the next hour, Mr Aubrey sat in the witness box as the recording demolished his

testimony, following the script he had just minutes before rejected as untruthful. There was no "I am going to get you!" nor "I fucking hate you!" nor "Russell, I'm warning you, I am on the edge".

The recording showed Cr Pazolli to be clearly angry, but over repeatedly being hauled before the WA local government standards panel by the mayor for alleged breaches of council rules. Sparking Cr Pazolli's May outburst had been the mayor's latest complaint to the panel,

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Audio sinks evidence

* from page 1
that Cr Pazolli had provided information to the media about council budget surpluses.

Cr Pazolli can be heard asking, "How many complaints have I had against me?"

Mr Aubrey: "Three."

Cr Pazolli: "How many will I have by the time I'm finished? A damn sight more. I haven't started yet. A threat. It's a threat, damn right it's a threat."

Cr Pazolli then thumps the table and shouts, "I don't give a stuff about Melville council! I have nothing at all regarding Melville council! My interest is to defend the ratepayers!"

"So you can do as much as you fucking well like, I'll defend the ratepayers' role!" Afterwards Cr Pazolli is heard saying, "I apologise, I have reached the edge. I won't do that again. I am getting very frustrated. It's getting to us, to me."

After the recording ended, the mayor told the court his testimony had been "to the best of my memory...I was

traumatised by the attack".

Cr Pazolli took the stand to say he was "disappointed" with his behaviour in the meeting and that the "threat" caught on tape was "not a personal threat [but] a political threat" to continue fighting for ratepayers, even if it meant more code of conduct violations.

Magistrate Smith found Cr Pazolli had not threatened the mayor. He found the words "it's a threat" and "I haven't even started yet" likely referred to Cr Pazolli doing what he'd done in the past: Asking probing questions, speaking openly to the press, embarrassing the mayor and possibly going after his job.

"Those words can only be taken to mean that the respondent Cr Pazolli was only going to continue doing what he'd previously been doing," Mr Smith found. "Those words, when looked at in context, could not be possibly taken to mean he was going to harm or injure or assault the mayor."



• Melville city councillor Nick Pazolli has fought Mayor Russell Aubrey's violence restraining order against him for three months and on Wednesday was vindicated, with a magistrate throwing out the mayor's application.

A mayoral move to get rid of Pazolli?

BARRISTER Belinda Lonsdale put it to Mr Aubrey that his violence restraining order application was part of an ongoing campaign to get rid of Cr Pazolli.

"Mr Pazolli was a thorn in your side, wasn't he?" she asked the mayor.

"No," he replied.

"You know, don't you, that the only way that you and Mr Pazolli could be separated is if one of you dies or one of you is found guilty of a crime that warrants a \$10,000 fine or a two-year gaol sentence?"

"I believe that's what's written in the local government act," Mr Aubrey said.

"His agitation in the interest of ratepayers drew the ire of the mayor," Ms Lonsdale said.

Magistrate Smith found Mr Aubrey's "fear is not reasonable" and the standard of evidence had not been met for his VRO to be upheld.

"I don't think the mayor was making up the evidence," Mr Smith said.

"I think he was recalling the events as best he could... this case demonstrates that peoples' memories are not always accurate."

CEO's evidence dismissed

MELVILLE CEO Shayne Silcox's testimony that Cr Pazolli had told him "he was going to get the mayor" was rejected by the court.

Dr Silcox testified Cr Pazolli had told him he would, "get the mayor".

"I don't put any weight on that evidence at all... I'm not persuaded those words were said," the magistrate said.

He noted Dr Silcox had not made notes of the meeting and

had not called the police.

Dr Silcox's only action had been to arrange a meeting between the pair that didn't occur until three months later, indicating a lack of urgency.

Dr Silcox also told the court it was he who had complained that Cr Pazolli had given a document noting the size of budget reserves to the Herald. Mr Aubrey had signed the 60-page complaint to the local government standards panel (which was thrown out).

Mayor scared of 'weapon'

RUSSELL AUBREY conceded Nick Pazolli was "not a big guy" and testified, "if we both donned boxing gloves in a fair arena I could probably handle myself".

"Could you handle yourself physically around Mr Pazolli?" barrister Lonsdale asked. "Mr Pazolli's not a big guy, is he?" Mr Aubrey: "He can certainly hit a table very hard with his fist." Ms Lonsdale: "Would you describe Cr Pazolli as 'not a big guy'?" Mr Aubrey: "Yes, Cr Pazolli's not a big guy, but then, neither am I. If it came to one-on-one, man-to-man, I could possibly defend myself against Cr Pazolli. But my fear was that he may run me over, take some weapon to me, or attack me when I didn't expect it."

Crackdown

MELVILLE council's crackdown on unapproved speech was aired in the two-day trial, revealing independent ideas about council affairs are not welcomed by either the mayor or CEO.

During cross-examination, Mr Aubrey testified Cr Pazolli's "relationship with the press... concerns me". Ms Lonsdale posited: "You have a problem with the way he goes about council business. You were unhappy with what you perceive as his relationship to the press?" Mr Aubrey: "In so much as it damages the image of the city... he can express his views as long as they positively support the decisions of council." "Negative reflection" was disallowed by the code of conduct, he said.

The mayor said his application for the violence restraining order against Cr Pazolli was in part to protect the City of Melville's image: "It would look bad for the city if I was attacked."

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