

1 council knew that Buchanan had not laid the reticulated  
2 pipes. And there's no evidence or documents of that at  
3 all.

4 MR THOMPSON: Sir if the council was of the - - -

5 HIS HONOUR: I mean it's almost a truism in local government,  
6 if you've got a choice between a conspiracy and  
7 incompetence, 99 times out of 100, it's incompetence.  
8 Now that's from a long experience of practitioners in the  
9 area. That's what they're - - -

10 MR THOMPSON: Sir I have no doubt - - -

11 HIS HONOUR: That's what led in part to the council  
12 amalgamation process. You had rural shires that were run  
13 by one officer and if he wasn't up to it, there were real  
14 problems.

15 MR THOMPSON: Yes, I'm familiar with this - - -

16 HIS HONOUR: It happened all over Victoria. There were  
17 extraordinary situations in some situations, some areas  
18 in the country. Just extraordinary.

19 MR THOMPSON: Yes.

20 HIS HONOUR: And was a great, well was a great part of my life  
21 and Mr Garde's life for some years, that process of  
22 review of council amalgamations. But look, it's just not  
23 enough to say they must have known.

24 MR THOMPSON: No, sir I'm not saying they must have known. I  
25 say they did know. You see - - -

26 HIS HONOUR: Yes. Well where's the evidence that council knew  
27 that the reticulated pipes weren't in the ground.  
28 Everything that they could see, everything that was above  
29 ground was visible, it looks like it's done. Where's the  
30 evidence that in 1979 they knew it wasn't done.

31 MR THOMPSON: Well sir if they thought that the water supply