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The RAINBOW 2000[©] PROJECT .

Albany & the Corruption Crime Commission WA - the complexity of regional development

Albany Advertiser – 23 March 2010 Page 5 – Airport plan not feasible.
Albany Advertiser – 08 April 2010 Page 8 – Transport a big issue.

Airport plan not feasible (AA 23 March 2010) – not feasible in who's assessment – the Executive Director Corporate Services who was the acting chief executive officer at the time, with previous organisational oversight of the Lehman's banking investments; or did the Council of the City of Albany authorise the statement?

In our recent submission to the federal government via Infrastructure Australia, I have suggested that the State Government of Western Australia over the past decade has systematically and comprehensively failed the people of Albany and the Great Southern. But let's face it – they had a lot of help from the City of Albany – how many Councillors is it that have now resigned?

I could have sworn my company Smithson Planning represented one proposal to the City of Albany for a \$100 million foreign investment in five-star accommodation by an overseas investor, and yet another proposal for a multi-billion dollar new city to the office of the then State Premier Alan Carpenter, again contingent on access to an international airport facility in Albany – were these just figments of our demand driven imagination.

Any fool should be able to see that Albany is perfectly poised for development in the lead-up to the Anzac years of 2014-18 and then the Bicentennial celebrations of 2026-27. Perth and the rest of Western Australia are growing at an exponential rate, but courtesy of the City of Albany,

we still have a group of elected officials and executive administrators who are quite prepared to tell us all continually what can't be done.

The Albany waterfront project after thirty-years of indecision is now under construction. While the city's anti-development groups in association with the region's port users continue to make impassioned but ineffectual pleas to save that space for very different reasons, the fact is that no credible transport plan has emerged over the last decade which implies that heavy freight access to the port will be a recurring issue with no solution.

You can spend hundreds of millions of dollars to make a bad location workable, but Albany port is the original hard rock and wall. Wilson Tuckey understood that in 2005 before the failure of the Agribusiness MIS – and now the same prospect faces either Anthony Albanese or Warren Truss for the \$1.6 billion Grange Resources iron ore project.

The question is why – why would you if there were a far better opportunity to provide a long-term solution? And why wouldn't you? Politics, commercial competition, and market manipulation from Albany, Perth and Canberra..

Written & Authorised by Neil Smithson of 364 Middleton Road, Albany, Western Australia 6330

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Questions for the City of Albany Enquiry

There was a particularly interesting Special Electors Meeting of the City of Albany (convened by the ratepayers under the Local Government legislation) held Thursday 13 May 2010 at 18.00 hours in Council Chambers to discuss Councillors, Governance, Staff and Planning / Development issues in the context that :

- (a) the Hon. John Castrilli MLA – State Minister for Local Government is being strongly urged to dismiss the Council of the City of Albany, and
- (b) the Hon. John Day MLA – State Minister for Planning is being urged to transfer planning powers to Regional Development Assessment Panels
- (c) the Hon. Colin Barnett MLA – Premier and Minister for State Development has just endorsed in-principle the Albany Anzac 2014-15 Commemorations
- (d) the Hon. Kevin Rudd MP – Prime Minister of Australia has just appointed former Prime Ministers Bob Hawke and Malcolm Fraser to head up the Anzac 2014-18 Commemorative Celebrations Commission
- (e) the City of Albany in January 2010 declined to renew the contract of the Executive Director Development Services (contract expired 30 June 2010, but he has already moved on)
- (f) the City of Albany in April 2010 terminated the contract / accepted the resignation of the Chief Executive Officer (who was aware of the corruption allegations)
- (g) the City of Albany over the past several years has suffered an exceptional level of complaint / investigation / resignations from sitting councillors.

The following are a series of questions on notice put to the Council at the Special Electors Meeting of 13 May 2010.

- 1 Did His Excellency Dr Ken Michael AC - the Governor of Western Australia, as the then Chief Commissioner of the City of Albany write a letter to the Albany Chamber of Commerce & Industry in response to Smithson Planning's Rainbow 2000[©] Project purporting that the City of Albany was preparing a new Town Planning Scheme which would be the only plan to have lawful authority and purpose in relation to future development in the City and Region? And in breach of the legislation under Ministers Kierath, MacTiernan & Day, Albany still doesn't have a new Local Planning Scheme. Why?
- 2 *Download a letter from the City of Albany SP.let.19980609.ACoCI Tony Monterosso*
- 3 Did His Excellency Dr Ken Michael AC - the Governor of Western Australia, as the then Chief Commissioner of the City of Albany, with or without the agreement of Commissioners Rex Edmondson and Will McGowan, decline to be briefed on the Rainbow 2000[©] Project? Why? Did Council act with prior knowledge of the Agribusiness MIS?
- 4 *Download a letter from the City of Albany SP.let.19980731.AlbanyCC Jim Kelly*
- 5 Did certain officers at the City of Albany refer planning documentation submitted by an applicant to that applicant's commercial competition without lawful purpose and reason so as to create a detriment to that applicant?
- 6 *Download a letter from the City of Albany SP.let.19980917.AlbanyCC Craig Pursey*
- 7 Did His Excellency Dr Ken Michael AC - the Governor of Western Australia, as the then Chief Commissioner of the City of Albany act to notify the then Anti-Corruption Commission in relation to allegations pertaining to the activities of Council officers? That question also applies to Commissioners Rex Edmondson and Will McGowan, and the interim Chief Executive Officer Jim Kelly? Was any investigation subsequently undertaken by the City of Albany, and did any disciplinary action arise in relation to the actions of those officers? In effect, did Council act to protect its planning officers and the planning process from inquiry?
- 8 Did Her Worship the Mayor of Albany Alison Goode agree immediately after election in 1999 to a presentation of the Rainbow 2000[©] Project to Councillors — and then subsequently renege? Why?
- 9 *Download a letter from the City of Albany SP.let.19990614.AlbanyCC Alison Goode*
- 10 Did the Councillors of the City of Albany ever officially consider the Rainbow 2000[©] Project — or did Chief Executive Officer Andrew Hammond unilaterally act to extinguish any consideration of the alternative private regional / local planning strategy?
- 11 *Download a letter from the City of Albany SP.let.19990910.AlbanyCC Andrew Hammond*
- 12 What did the Hon. Wilson Tuckey MHR, Minister for Forestry & Conservation think of the Rainbow 2000[©] Project?
- 13 *Download a letter from the Federal Member for O'Connor SP.let.20000719 Wilson Tuckey*
- 14 What did the Hon. Tony Abbott MHR, Minister for Employment Services think of the Rainbow 2000[©] Project?

- 15 [Download a letter from the now Federal Leader of the Opposition SP.let.20000711.Tony Abbott](#)
- 16 Did the Councillors of the City of Albany ever officially consider the Rainbow 2000[©] Project as a recommendation of the Town Planning Advisory Committee — or did the Executive Director Development Services and the Council delegate authority to the Manager of Check-out Chicks at Coles to determine the future of the region and its major infrastructure assets?
- 17 [Download a letter from the City of Albany SP.let.20010302.AlbanyCC Robert Fenn](#)
- 18 What did the Hon. Alannah MacTiernan MLA, Minister for Planning & Infrastructure think of the Rainbow 2000[©] Project?
- 19 [Download a letter from the Office of the Minister Planning & Infrastructure SP.let.20030402.Minister PI Lyn Sherwood](#)
- 20 What did Jeremy Dawkins, Chairman of the Western Australian Planning Commission think of the Rainbow 2000[©] Project?
- 21 [Download a letter from WA Planning Commission SP.let.20040429.WAPC Jeremy Dawkins](#)
- 22 What did Brad Williamson, the new CEO Albany Port Authority think of the Rainbow 2000[©] Project?
- 23 [Download a letter from the Albany Port Authority SP.let.20040310.Albany PA Brad Williamson](#)
- 24 What did the Great Southern Zone of the WA Local Government Association think of the Rainbow 2000[©] Project?
- 25 [Download a letter from WALGA Great Southern Zone SP.let.20040610.WALGA Kevin Forbes](#)
- 26 Following the demise of the Anti-Corruption Commission, what was the response of the new Corruption & Crime Commission in 2004 to the official referral of the corruption allegations?, and did an Albany City Councillor independently refer those same allegations to the Corruption & Crime Commission? To what end?
- 27 [Download a letter from WA Corruption & Crime Commission SP.let.20040922.CCC Stephanie Boyd](#)
- 28 Following an inadequate response from the CCC, what did the Office of the Western Australian Ombudsman have to say?
- 29 [Download a letter from WA Ombudsman SP.let.20041108.Ombudsman Jane Burn](#)
- 30 Were the Hon. Geoff Gallop MLA, Premier of Western Australia, the Hon. Colin Barnett MLA, then Leader of the Opposition, the Hon. Alan Carpenter MLA, subsequent Premier of Western Australia and Mr Mal Wauchope, Director-General Dept Premier & Cabinet (now Public Sector Commissioner) all cognizant of the allegations surrounding the City of Albany in 2005? Why would a second term Premier resign from Office with depression immediately after re-election?
- 31 [Download a letter from the Director-General Dept Premier & Cabinet SP.let.20050208.DPC DG Mal Wauchope](#)
- 32 What were the Commonwealth thinking — aren't Trade, Transport, Regional Development, Local Government, Defence, Veterans' Affairs, Agriculture, Forestry, Environment, Heritage, Education, Health, Indigenous Affairs and Employment all federal portfolios?
- 33 [Download a letter from the Commonwealth Dept Prime Minister & Cabinet SP.let.20051117.Com DPMC Peter Shergold](#)
- 34 Would it make any difference if the new premier was a home bred boy from Albany? And former journalist with the Albany Advertiser, the West Australian and then the Australian Broadcasting Corporation? What did happen in Mumbai, India?
- 35 [Download a letter from the WA Premier SP.let.20060324.Premier Alan Carpenter](#)
- 36 What did the Australian Labor Party think about the Rainbow 2000[©] Project?
- 37 [Download a letter from a national patriot to Kevin Rudd, Julia Gillard & Simon Crean SP.let.20061227.Senator Ruth Webber](#)
- 38 Where as two Premiers and a Parliamentary Secretary for Planning & Infrastructure had all acknowledged that a comprehensive technical and financial evaluation of the Rainbow 2000[©] Project had taken place — could it be that the Western Australian Office of the Information Commissioner would find that after eight years of communication, no such documents could be found or do not exist?
- 39 [Download a letter from the WA Office of the Information Commission SP.let.20060116.WA OIC Darryl Wookey](#)
- 40 What was the response from the CCC Review undertaken in 2007, and was the matter referred to the CCC Parliamentary Inspector?
- 41 [Download a letter from the Corruption & Crime Commission Review SP.let.20071119.Burt Francis Gail Archer](#)
- 42 Did the Hon. Colin Barnett MLA, Premier of Western Australia agree to a presentation of the Rainbow 2000[©] Project — and then subsequently renege? Why did the Premier's Chief of Staff Deidre Willmott subsequently resign from that office?

43 *Download a letter from the WA Premier SP.let.20081212.Premier Colin Barnett*

44 *Would the Hon. Alan Griffin MHR, Minister for Veterans' Affairs sell out the Albany Anzac 2014 re-enactment legend?*

45 *Download a letter from the Minister for Veterans' Affairs SP.let.20091216.Minister Alan Griffin*

These questions (with an interruption for a point of order on time) were put to the Council of the City of Albany in front of the 'packed' Chamber at the Special Electors Meeting on Thursday 13 May 2010. The first published edition of the Council minutes did not include our comments or questions on notice – an addendum was passed at the Ordinary Council Meeting of 15 June 2010 without discussion. For the record, the questions have not been answered as of :

- (a) Ordinary Council Meeting – Tuesday 18 May 2010
- (b) Special Council Meeting – Tuesday 25 May 2010
- (c) Special Council Meeting – Friday 04 June 2010
- (d) Ordinary Council Meeting – Tuesday 15 June 2010.
- (e) Special Council Meeting – Tuesday 29 June 2010 (Budget 2010-11).

In a letter dated 28 June 2010 received 05 July 2010, Mayor Milton Evans of the City of Albany has declined on behalf of the Council to answer any of the questions posed. He further indicated that Council adopted the Draft Local Planning Scheme No.1 in February 2009, and that Council had been advised by the WA Planning Commission that approval to advertise is likely to be received in the next three months.

Mayor Evans further recommended that as Smithson Planning's tabled document contains a number of allegations that infers incompetence and corruption from past and current elected members, staff and State government department's, the facts to substantiate our claims, should as a matter of priority, be referred to the WA Corruption & Crime Commission.

46 *Download a letter from the City of Albany SP.let.20100705.Albany CC Milton Evans*

At the Ordinary Council Meeting of 18 May 2010, four further questions were put to the City of Albany :

1. *Has the WA Water Corporation pre-funded parts of the slurry pipe for the Grange Resources project (on the expectation that it would proceed with the port to remain in current location) to the extent that it (a blind two or four pipe configuration) is already installed along the Albany waterfront either north or south of the Albany Entertainment Centre?*
2. *When was that work undertaken, and how much did it cost?*
3. *Will the State Government have to again dig up Princess Royal Drive (Hanrahan Road to proposed Grange port site) or the waterfront in order to construct the Grange slurry pipe?*
4. *How long is the anticipated construction program for the new Grange port facility, and will that coincide with or follow the first year or two of AEC operations, or Albany Anzac 2014-15?*

In an ABC South Coast Radio interview conducted by John Cecil on Tuesday 15 June 2010, Russell Clark, Managing Director of Grange Resources Pty Ltd, the proponents of the \$1.7bn Southdown magnetite project indicated that his company had the full backing of the Australian/Japanese/Chinese investment groups behind the project, and that he anticipated construction to commence in 2011 with export operations to commence in 2013.

In a letter dated 16 June 2010 from the Hon. Graham Jacobs MLA – Minister for Water, the Minister indicates that "the WA Water Corporation has advised that it is not involved in funding a slurry pipeline for the Grange Resources project, nor has there been any works undertaken to install this infrastructure." Technically, this response might not rule out action by another government agency such as LandCorp or the Department of Housing & Works – so we await advice from the Hon. Bill Marmion MLA, Minister for Housing & Works.

All Ministers have now confirmed that there have been no slurry pipeline works. The Hon. Simon O'Brien MLC, Minister for Transport has also advised (based on the advice of Main Roads WA) that he does not envisage the pipeline detrimentally impacting on waterfront road access for heavy freight.

We await with interest the local government enquiry — but download the files from our website, and email your request to Smithson Planning – subject line – Albany & the CCC WA. As the saying goes, you elect the government you deserve in democracy, and the populous of the City of Albany have had one shire election, one town election, two referendums, three Mayoral elections, six ordinary council elections, four extraordinary council by-elections, three State elections and five federal elections (including 2010).

The politics is fairly obvious; however, you can make your own independent enquiries of the **Albany Advertiser**, the **Albany & Great Southern Weekender**, the **West Australian**, the **Sunday Times**, the **Australian** or ABC Corporate; **ABC Radio** South Coast; **ABC TV** Four Corners & Inside Business.

Significant Statements – City of Albany

RAPI 1998 – Embracing change : “It has been brought to my attention that the Albany Chamber of Commerce (& Industry) is listed to deliver a paper on ‘A New Look at Regional Centres’ at the Royal Australian Planning Institute’s 1998 National Congress in Brisbane on the 9th July 1998. The Town of Albany is a member of the Chamber and it has come as a surprise to me and my fellow Commissioners that the Chamber would become involved in the presentation of a paper at a conference of this nature. All the other presenters, without exception, are town planning professionals or consultants working in that field. Can you please explain to the Town of Albany why the Chamber has registered an interest in delivering the paper?”

“The second issue that then arises out of the commitment to deliver a paper is the message that will be delivered. As you will appreciate, the City of Albany is to come into existence on the 1st July, 1998. The Town and Shire of Albany have both contributed considerable time and resources to launch and promote the event and to unite Albany into a single community prior to democratically elected Council taking over the City’s operations in May, 1999. Considerable media attention will be focussed on Albany over that period and it is vitally important from Council’s perspective that a positive image is projected of the City and the amalgamation process.”

“As no attempt has been made to contact staff at either the Town or the Shire to provide information for the paper, or to assist in its delivery, I am concerned that a distorted message may be projected on planning Albany’s future. Staff at both Councils, together with previous elected members, have worked diligently behind the scenes for more than twelve months developing a vision for Albany. Unlike Smithson Planning’s ‘Rainbow 2000’ concept which will have no legal basis but has received considerable press in recent months, the work of those officers will become the legitimate and adopted Town Plan for the City of Albany : Private investment and planning decisions will be judged and approvals will be issued on this plan only.”

“Similarly, the Great Southern Development Commission and the Albany Economic Development Unit have been working to secure investment in the region and I have been advised that the Chamber has made no contact with either body. These greatly concern me. The messages and the images that are projected of Albany over the next twelve months by peak organisations such as the Chamber will be critical to the future marketing of Albany as an investment and visitation centre. I simply ask that the message you deliver at the forthcoming conference is a positive and factual statement of Albany, both present and future.”

Dr. Ken Michael AC, Chairman of Commissioners, Town & Shire of Albany Letter : 28 May 1998

Following up – Dr Ken Michael AC was appointed Governor of Western Australia on 18 Jan 2006 – and as of March 2011, there still isn’t a consolidated Local Planning Scheme for the City of Albany, contrary to the provisions of the WA Planning and Development Act 2005.

“Sorry it has taken me so long to reply to your letters of 17th (Town) and 19th (Shire) June, 1998. In reference to your offer to brief the Commissioners on your Rainbow 2000 project, I have discussed it with the Chairman and Commissioners. They have already seen literature on your ideas and at this time believe they are adequately informed on what it is all about. Also, you can appreciate this is an extremely busy time for Commissioners and staff dealing with pressing needs involving the 1998-99 budget and amalgamation issues.”

Jim Kelly, Chief Executive Officer, City of Albany Letter : 29 Jul 1998

“I note your request to make a formal presentation to the full Council on these matters (Rainbow 2000 and Albany Anzac). The Councillors and I will be more than happy to meet with you during one of these briefing sessions to discuss your proposals, and City staff will contact you in the near future to arrange a mutually convenient time.”

Cr Alison Goode, Mayor, City of Albany Letter : 14 Jun 1999

Following up – Mayor Alison Goode JP was the inaugural elected Mayor in May 1999 after amalgamation, and was re-elected by the community of Albany in May 2003 for a second term of office (reduced absolute & increased % vote margin : first past the post system). She contested but lost the 2007 Mayoral election under the new proportionate preferential system : she would not have won under FPP.

“I refer to our meeting of 2 September 1999 ... and in terms of your Rainbow 2000 Regional Planning Strategy, I advise that Council, at its informal briefing session of the same day, declined your offer to provide a briefing. Given that Council is currently undertaking a Local Planning Strategy which will encompass all matters relating to town planning and land use in the city area, I would suggest that in the consultation period scheduled for early next year, you use the Rainbow 2000 concept as a basis for a submission.”

Andrew Hammond, Chief Executive Officer, City of Albany Letter : 09 Sep 1999

Following up – Having only just been reappointed to the position of CEO, Andrew Hammond resigned from the City of Albany in 2008 to take up the same appointment at the City of Rockingham.

Rainbow 2000 & Albany 2001 Re-enactment : “A meeting of the Local Planning Strategy Steering Committee is to take place on 8th March 2001 and the Committee has incorporated into its agenda the opportunity to debate Rainbow 2000 (including the Albany Seaport Relocation Concept, the Albany International Airport Concept, etc.) prior to formally debating or discussing the draft of the Albany Local Planning Strategy prepared by ERM Australia. Minutes from that meeting will be forwarded to Council for consideration and it is at that point that a formal Council position on Rainbow 2000 will be taken.”

“In the meantime, the City of Albany would have no objection to you undertaking (at your cost) a referendum through the Great Southern region to gauge public reaction to your plan. However, that referendum would clearly need to indicate that Rainbow

2000 is an initiative of Smithson Planning and not the City of Albany or the (State) Government of Western Australia. In due course, the City of Albany will be advertising and putting out for public exhibition its own Local Planning Strategy, which may or may not incorporate components of Rainbow 2000, and it is important that the public be aware of the origin and status of the consultation processes and the relevant documents.”

Robert Fenn, Director of Development Services, City of Albany Letter : 27 Feb 2001

Following up – Starting with the ERM Australia developed Local Planning Strategy in 2001, then the Council initiated revisions of 2004, 2005, and 2006, a Draft LPS was finally adopted in February 2007, and a peer review was conducted by Patric de Villiers, et.al in May 2007 – no evidence to date of a new City of Albany Local Planning Scheme to amalgamate TPS 1A (Old Town) and TPS 3 (Old Shire).

Motion : “That the City of Albany Town Planning Advisory Committee recommends that the community not be consulted on the issue of port relocation as part of wider investigations being undertaken for the development of a new local planning strategy for Albany.” **Moved** : Elizabeth Barton **Seconded** : David Juers. **Carried**.

Town Planning Advisory Committee, City of Albany Minutes : 08 Mar 2001

Following up – Cr Elizabeth Barton (Coles Plaza) represented the Hassell Ward, City of Albany from May 2001 to May 2005 when she lost her seat to Cr John Walker (Timber 2020), and David Juers (Water Corporation) served as President of the Albany Chamber of Commerce & Industry from 2002-2004 before unsuccessfully contesting Liberal Party Pre-selection for the Seat of Albany at the 2005 State Election.

Foreshore freeway not on says City : “The (LPS) review has no provision for a freeway and lists Princess Royal Drive as a major route servicing heavy traffic. The scheme only acknowledges it’s an important road. It is adequate for the foreseeable future. The widening and size of the road will depend on traffic volumes over the long term.”

Robert Fenn, Director of Development Services, City of Albany Extract : Albany Advertiser (Page 9), 12 Apr 2001

Sack us says businessman : Western Australia’s “Local Government Minister Tom Stephens should step in and save the council and administration from further embarrassment. The handling of the extended trading (hours) debate was symptomatic of a council that was ‘stuffed’. It is in absolute disarray. And it is not only about trading hours but about council’s lack of direction or consistency on planning issues. The budget is another example of a council that doesn’t know what it is doing. The CEO has lost his handle on the situation and the mayor has lost the plot.”

Cr Paul Lionetti, Breaksea Ward, City of Albany Extract : AGS Weekender (Page 3), 05 Aug 2004

Following up – Despite earning the most first preferences of four candidates and exchanging preferences with the second-placed candidate (Cr Daniel Wiseman) where their cumulative tally was an outright majority of local support, former Cr Paul Lionetti (IGA Albany) failed to win his Breaksea seat on the Albany City Council courtesy of the WA Electoral Commission proportionate preferential voting system.

Planning, preparation, response and recovery : “Thank you for your offer of a briefing to the Albany Local Emergency Management Committee (LEMC) on the Rainbow 2000 Regional Strategy. In considering your project, I wish to decline your offer as it appears to be more of a planning issue, and outside of the scope of the purpose of the Albany LEMC.”

Steve Gray, Executive Officer, City of Albany LEMC Email : 19 Jul 2005

Following up – the author was a former Executive Officer of the Rural City of Mildura Local Emergency Management Advisory Committee.

Albany Investors’ Forum : “The Albany Waterfront Project is a done deal.”

Andrew Hammond, CEO, City of Albany ICCI Forum, Albany : 12 Oct 2005

Following up – Andrew Hammond resigned from the City of Albany in 2008 to take up the same appointment at the City of Rockingham.

We disagree : “With reference to the Albany Waterfront and our new Entertainment Centre, thank you to Messes Nicholls of Dongara (Absurd ‘copy’) and Williams of Guildford (Think again) for their opinions (West 27 July 2007), but mind your own business. In 1997, before the canola crushing plant, the plantation timber industry, the grain storage expansion, the proposed iron ore export opportunity, and before oil and gas exploration in the Bremer Basin (and other future port development projects), the Albany Port Authority was offered a cost neutral relocation strategy (like Oakajee) to an area of land ten times larger in land-backed capacity, direct access to deep water berths in King George Sound, more berths in Princess Royal Harbour not affected by the city waterfront development, together with unrestricted road and rail access to a true Albany ring road that was grade separate and electrified like Perth’s expensive new urban rail network.”

“The Minister for Planning & Infrastructure, Alannah MacTiernan, together with the Albany Port Authority, the City of Albany, the Great Southern Development Commission, and our Federal government all said no – we don’t want to know about planning for the future. Private enterprise wasn’t willing to negotiate either, and so they are stuck with their commercial choice and must face up to the reality of limited access as a function of city growth based on the forthcoming Albany Anzac 2014-18 years, and the Western Bicentennial 2026-27. Albany has a fabulous future ahead, and our waterfront precinct with entertainment centre is a significant step forward in that regard.”

(Not published – If you want to know more www.smithsonplanning.com.au, and explore the Rainbow 2000[®] Project.)

Neil Smithson, Managing Director, Smithson Planning Extract : West Australian (Page 15), 30 July 2007

Following up – The significance of this published letter to the Editor is that it is the first and only such publication in twelve years by the State’s #1 newspaper, and there was no subsequent investigative report as to the assertions or actions of the parties concerned. Caste your eye over the major shareholders and former board members of WA Newspaper Holdings Ltd, and you get an idea as to why!

Council and the State Government sign-off on the Albany Waterfront Project & Entertainment Centre : “One of the most important planning documents that will determine Albany’s development has passed through Albany City Council’s August meeting. The Albany Local Planning Strategy (ALPS) has been before Council since 2005 when it was forwarded to the government for comment. The ALPS draws together existing Council policies, strategies and related studies into a single overarching land use planning framework. It will become the strategic document driving private sector investment in the city and it will set the policy framework to promote sustainable development.”

“Since first tabled, it has undergone modifications and been delayed by community concerns it would ‘set in stone’ planning decisions. Many of the 67 submissions sought to achieve a ‘zoning right’ for a particular parcel of land, but that is not the function of the ALPS document. Councillors reassured ratepayers at the meeting there was nothing to fear in the far-reaching document. Cr Waterman reassured ratepayers ALPS was a ‘living’ document that was only a strategy to help the city as it grew. As a result, it was changeable as future Councils saw fit. Cr Milton Evans (*Mayoral Candidate 2007*) said it was not a zoning document. It provided ratepayers with ‘an avenue to review particular situations’. This is the key to the whole thing. ALPS is required by statute to be reviewed every five years. By undertaking regular reviews, the currency and relevance of ALPS is maintained.” (*Planning is about confidence : and the question is can a strategy actually become a plan?*)

Cr Jan Waterman, Fredericktown Ward, City of Albany Extract : AGS Weekender (Page 6), 30 Aug 2007

Following-up – the City of Albany Draft Local Planning Strategy 2007 does not address Australia’s World Heritage Nomination for Convict Colonial Settlement; Renewable Energy Supply; Global Warming & Greenhouse Emissions; Nuclear Power; Indigenous Land Rights (Native Title); Risk Management (Port Access); Peak Oil & Gas; Anzac 2014-18 or the Western Bicentennial 2026-27.

“Mayor’s AEC site backflip : Albany Mayor Alison Goode wants the Albany Entertainment Centre to be removed from the Albany Waterfront development and located anywhere else in the city. She confirmed her change of mind on the AEC’s location after calling for a rethink on the decision at last week’s Albany Chamber of Commerce and Industry ‘Meet the Mayor’ forum. She claimed Council was wrongly influenced into selecting the waterfront for the AEC. Her stance was a dramatic turnaround from December last year when she criticised the Weekender for reporting her comment at a special meeting that Council had been ‘coerced’. Mayor Goode said last week that Council was pressured by Planning and Infrastructure Minister Alannah MacTiernan and Albany MLA Peter Watson with an attractive land-swap deal. She said unimpeded freight access to the port remained a problem and the AEC would be in the wrong place.”

“The Mayor’s comments were rejected by Mr Watson. He said they were made at the wrong time and for the wrong reasons during an election campaign. I’m disappointed with the Mayor for coming out with this, he said. There was no pressure from the Government. The money for the York Street site was in the hands of the Great Southern Development Commission, ready for the AEC when there was a decision by Council to make a change. Mr Watson said there were negative issues in developing the former City administration site, including the location of an historic Aboriginal grave and removal of rocks. There were no strings attached. The idea came from myself and Alannah, he said. Council was briefed and voted on it. There was no pressure at all on Council. Mr Watson said questions about the future of 24-hour access to the Albany Port continued to be a furphy put forward by waterfront opponents.”

“The Mayor was happy to stand beside Premier Alan Carpenter taking the accolades when he announced funding for the AEC, Mr Watson said. She has had three to four years to do this. It is disappointing the Mayor is doing this now. **The port is such an important part of our town. Access is not a problem.** That will never happen under this Government, or any other Government, I am sure. Mr Watson said there were no complaints from the Albany Port Authority or CBH which recently spent millions of dollars on new storage facilities. Mayor Goode ensured the AEC would become a strong issue in the race for Local Government elections on October 20. She is one of five mayoral candidates, and is hoping to return for a third term. All candidates were put on the spot at the ACCI forum over the waterfront issue. Mayor Goode said she believed the AEC would be in the wrong place if it was built at the Princess Royal Harbour foreshore.”

“Fellow candidate Dot Price said she had never liked the waterfront site for the AEC, as she believed there would be a problem as the port grew. Cr Dennis Wellington said he thought the AEC as part of the waterfront would be fantastic for the city. He said it was a positive move after many years of indecision, and he looked forward to its development. It will be a great asset for Albany he said. Cr John Jamieson said the City originally looked at an ‘el cheapo’ design in the centre of the CBD. Now there was a lot of envy around Western Australia because Albany had secured the State Government funding. We have mumbled around for 25 years on this, he said. This is a far-sighted vision. It’s time to start getting real for Albany.”

Cr Alison Goode, Mayor & Candidate, City of Albany Extract : AGS Weekender (Page 1), 04 Oct 2007

Following up – Unlike industry professionals Patrick Dick (formerly WA Transport and then DPI Oakajee Geraldton), Robert Fenn (City of Albany) and Bob Emery (Albany Port Authority) over the last 10 years; Peter Watson MLA, Member for Albany, did not use the key words ‘foreseeable future’ while suggesting that maintenance of port access is not an issue.

Time we were heard : “The people of WA are being held to ransom by the political powers-that-be in the State Government. It doesn’t matter about the concerns of the majority of West Australians as they fight to try and stop the over-development of areas that are of value to us. The Minister for Planning and Infrastructure seems to be in control of the State Government as she overrides decisions and ignores the community. As a community we are, in some cases, asked to put in submissions on developments (not always though), which are continually ignored by the Minister and the Government’s development arm LandCorp. Why has one section of Government got so much power even though it can be proven that they are working against the majority of the community? In Albany we not only have the State Government but also the current council against us, even though we have shown repeatedly that we don’t want a large-scale high-rise development on the Albany foreshore.”

“It is time for the people of WA to stand up to this State Government. Local councils that aren’t listening are voted by the people to represent the people and not to decide what we will have when it suits their agenda with no regard for our values.”

E. Barton, Albany Resident & Ratepayer Extract : Albany Advertiser (Page 8), 09 Oct 2007

Following up – Elizabeth Barton was a Councillor of the City of Albany representing the Hassell Ward from 05 May 2001 to 07 May 2005 – as the manager of check-out chicks at Coles Albany Plaza, it was she who moved the motion at the 08 Mar 2001 City of Albany town planning advisory committee meeting that the community not to be consulted on the need for Albany seaport relocation.

Traditionalists in a fight for the city : “The local election is now upon us and as your paper has pointed out, the lines are drawn. The two protagonists are the corporatists and the traditionalists (*but no evolutionists*). Candidates who have a corporate view of local government can’t see past the Inc in City of Albany Inc. They view council as a board of directors and the ratepayers as shareholders. This encourages them to be autocratic in their decision making. They are not fond of **public consultation**, are disposed to ignore public submissions, and do not like to be held accountable by any mechanism other than an election, which to them is akin to a general meeting of shareholders.”

“Candidates with a traditional view see the City Inc as a form of government constituted and regulated by the Local Government Act in ways that do not apply to commercial companies. They recognise that the object of the City Inc is not to make profits for voluntary shareholders, but to provide administrative services for compulsory taxed ratepayers. They accept as fundamental to good government the twin pillars of **community consultation** and accountability, both legal and political. When one looks at the Local Government Act, one finds there is no room for the corporatists. This is because the Act clearly states that its intention is to bring about greater **public participation** in the affairs of local government and greater accountability to the community.” (*and the missing reference – community participation*).

Cr Roley Paver, Vancouver Ward Candidate, Albany City Council Extract : AGS Weekender (Page 8), 18 Oct 2007

City of Albany Annual General Meeting of Electors : “I am speaking tonight on the role of VOICE OF AUSTRALIA in the democratic processes of our society. Voice of Australia is a not for profit and non political group funded only by donations and people’s time. Voice is conducting a referendum on the issue of the Albany waterfront and Emu Point project under the people’s rights to Citizens referendum, Section 128, of the an noted Australian Constitution and by the right of common law. It is a legal democratic process of finding out the will of the people.”

“VOICE was approached and accepted to organize this referendum. The approach was precipitated by the results of the 1998 City of Albany survey; the 2004 UWA survey; the 2007 ARRA survey; all authenticated and legal surveys, and the 3,000 strong petition submitted to council in Mar/April 2007 also legal all being rejected or ignored and in some cases being erroneously or mischievously misused as supporting documents. These surveys and petitions that indicated the will of the people have now been disregarded. The measures put in place in 2001/2002 to protect our natural assets were revoked in 2004 and 2006.”

“The will of the people as determined by this referendum cannot be put aside nor disregarded. As ratepayers and contributors to the structure of this City and it’s viability every-one has a democratic right to be heard and not just heard but to have consideration given to the wishes of the people in decision making that affects each one’s monetary, social and life style expectations. They are in effect shareholders in their own company. Most have a holding of 500,000 dollars. Many have much more. But I will be bold here and say that however we differ we have one strong common bond – we are all passionate about OUR City and we all must have a say on how it is moulded.”

“I now speak on behalf of myself. People must ask their councillors and Council, the Government and LandCorp for more than what we are getting in the way information is being presented. We want 3D modelling and correct information on the visuals of these projects. Artist’s impressions will no longer suffice. Yes we can be fooled by these illustrations but it is not the purpose of our existence to be fooled. It is our purpose to participate actively in what we would like our town to be and to become. We can only do that if we have good informative information. We all asked for development on the foreshore. Not a rich man’s playground.”

“Questions from all sides of the track amount to these :

- ❖ Who will be responsible for the first road train accident?
- ❖ How are you going to manage a disaster at the waterfront with limited access?
- ❖ How does the extra traffic impinge on the capacity of York Street to cope?
- ❖ Why is there no new traffic study been undertaken?
- ❖ Why does the Ashley Street study take lower York Street and Proudlove Parade traffic into account?
- ❖ IGA will be locked out at Proudlove Parade exit. Is there another master traffic plan we haven’t been told about yet?
- ❖ Why was the AEC relocated? This is the centre for the people of Albany, is it just being used as a convenience tool for some other agenda. We are using our own building to block out our own views.
- ❖ Who asked the government to spend an outrageous amount on this building when they won’t spend it on health or sport in our town ... is the port moving ... what will happen to Grange (*Resources*) 9 hectares and the woodchip’s (*APEC, ITC, GSP & TimberCorp*) 6 hectares, no-one will answer these questions.
- ❖ Who tells the tourist we don’t care if he didn’t get any sleep ... he is leaving tomorrow.”

“I know that what we have here in Albany. I see its beauty but I see this beauty being eroded by new by-laws being introduced that cater for development only, not development and the retention of the aspects of the beauty. I see the beauty of a cow; some

see the piece of meat. Is that what Albany is, a ripe cow for the slaughter, a piece of meat. A trophy. Or should it be OUR City. Our City of Pride riding a crested wave for all the people of Albany.”

Vera Torr, Mt. Clarence Resident & Ratepayer Extract : City of Albany AGM Minutes (Page 5 - Edited), 04 Dec 2007

The time is right, now let's get behind the waterfront : “In this inaugural column from the office of the Mayor of Albany, I want to thank Albany’s electors for giving me the honour and responsibility of becoming Mayor. I also thank the *Albany Advertiser* for the opportunity to present a column, to appear on the first and third Thursday of each month. There is no better way to start this enterprise than to encourage all local residents to support Albany’s waterfront development, including the location of the entertainment centre.”

“I am aware some people feel aggrieved about the location of the centre or the process leading to the current project, but I urge you to move on. In the mayoral election, 70% of electors gave their first preference to candidates who supported the current entertainment centre proposal. Talk of a referendum or legal action to delay or change the project is futile and divisive. The misleading survey now going around the community, presented as a ‘referendum’, tries to appear official although it is not, and it presents a biased case to gain a pre-ordained result.”

“Albany has wanted its waterfront developed for a quarter of a century. We need a new entertainment venue. Albany’s entertainment centre will be built on the foreshore and it will become a treasured landmark, with new views of the harbour and an associated buzz of cafes and small shops. Contrary to implications within information accompanying the flawed survey, open space in the Anzac Peace Park will accommodate the Anzac Dawn morning service. Views down York Street will take in the Anzac Peace Park but will not be interrupted by the waterfront buildings.”

Mayor Milton Evans, Albany City Council Extract : Albany Advertiser (Page 4), 06 Dec 2007

Albany Insight – Beyond 2020 City of Albany Corporate Planning Process : “This report outlines a proposed process for the development of a new City of Albany Corporate Plan, to replace the ‘Albany 3D’ corporate plan 2004-2007. The purpose of an organisation’s corporate or strategic plan is to provide the medium to long-term direction; to provide guidance for decision making towards achieving the stated goals; and to promote unity amongst the stakeholders of the organisation.”

“Strategic Plans require regular review to ensure that the direction an organisation takes and the major objectives that it focuses on remain relevant and appropriate. The City of Albany’s first strategic plan was entitled ‘Albany 2020 Charting Our Course’ and was adopted on the 4th July 2000 following the first City of Albany Mayoral & Council elections. Following the Mayoral election in May 2003 ‘Albany 3D’ was developed and was adopted on the 17th June 2003. Following the October 2007 Mayoral & Council elections, a major review of the City of Albany strategic direction is now due.”

“In preparation for the new planning process a comprehensive review of best practice approach to strategic planning (also often called corporate planning) has been undertaken. All best practice approaches commence by determining a strong brand by which the entire process, as well as the resultant plan, is entitled. In determining the name for the new planning process every effort has been made to make it meaningful yet distinctive from previous Albany (*corporate*) plans and those of other organizations. The ‘Albany Insight – Beyond 2020’ brand is proposed.”

“The use of the word ‘Albany’ is self-evident in that it clearly defines it as a plan for Albany. The Macquarie dictionary definition for the word ‘insight’ includes ‘penetrating mental vision or discernment; faculty of seeing into inner character or underlying truth’, and as such describes the comprehensive analysis and visioning processes inherent in the planning process. The words ‘Beyond 2020’ communicate that the plan’s objectives will be medium to long-term in focus. The new plan will be a community driven process and will aim to provide an agreed Vision of the future Albany and a number of priority major objectives for Albany for the next 15-20 years, with an indication of the community’s expectations of the role it wishes its Council to take in respect to each major goal.”

Christine Grogan, Manager Executive Services, City of Albany Minutes (Item 14.2.2), 18 Dec 2007

Following up – With the exception of budget estimate, Item 14.2.2, City of Albany Agenda for 18 Dec 2007 pertaining to the Corporate Planning Process and Albany Insight bears an uncanny resemblance to Item 14.1.1, City of Albany Minutes of 17 Jun 2003 pertaining to the current Corporate Plan Albany’s 3D Future (the same officer prepared both reports).

There are now a new group of Councillors, and there is every prospect that a different group of people will emerge from the community to participate. The question remains though – Will the same process, administered by the same bureaucrats produce the same or a different outcome? (Note the dichotomy between comments expressed at the 2007 AGM Electors meeting and the objectives of Albany’s 3D Future).

Following up – the City of Albany Draft Local Planning Strategy 2007 does not address Australia’s World Heritage Nomination for Convict Colonial Settlement; Renewable Energy Supply; Global Warming & Greenhouse Emissions; Nuclear Power; Indigenous Land Rights (Native Title); Risk Management (Port Access); Peak Oil & Gas; Anzac 2014-18 or the Western Bicentennial 2026-27.

Citizen’s Initiated Referendum – Albany Waterfront Project : “Those persons that participated in the *V.O.I.C.E.* referendum (*as registered on the WA State Electoral Roll*) were asked to respond to the following questions (*excludes Parts 2 and 3*) :

- Do you want to stop the AEC (*Albany Entertainment Centre*) and other high rise buildings being built on the foreshore?
- Do you want to keep the harbour views from Stirling Terrace (Stirling Club to York Street)?
- Do you want the foreshore land be retained for public use and never sold?
- Do you want the AEC to be built in a location that is not on the foreshore?
- Do you want the existing ANZAC Park to be retained in its current form?

- f. Do you want the foreshore lands west of the Jetty to be a recreational parks area?
- g. Do you want the wooden section of the heritage town jetty to be maintained and to stand apart from the proposed boat harbour groyne?
- h. Do you want foreshore buildings to be on one level only and located east of the jetty?
- i. Do you want a Marina that is first approved by the people of Albany?
- j. Do you want to stop Emu Point bushland Lots 1512 and 1523 from being developed and sold?"

"Councillor Price has advised that there is no documentary evidence to support the contention that a majority of the City of Albany electors support the proposed foreshore development in its present form. The results of the V.O.I.C.E. conducted referendum were unknown at the time this agenda item was prepared. It is emphasised that Councillor Price is simply seeking Council endorsement to have the results of the referendum considered and responded to at the next meeting of Council."

"Of the questions raised in the referendum, A to D, F and H are matters that would be addressed by Council revoking the current Foreshore Structure and Precinct Plans and redrafting those documents (Council may also have to address the underlying zoning of the land as "Foreshore Development Zone"). Any replacement document(s) would need to be adopted under the provisions of the City of Albany Town Planning Scheme 1A. The Structure Plan attracted 22 submissions when it was advertised in 2006 and the Precinct Plan received 158."

"Question E deals with the development plan and the funding arrangements secured by the City of Albany for the ANZAC Peace Park. Reviewing that plan would compromise funding that has been secured. Question G relates to the method of construction of the proposed marina groyne and would require a review of the environmental and heritage work that has been undertaken on that construction solution. The accelerated deterioration of the jetty timbers would also need to be addressed."

"Question I seeks community involvement on the design of the marina which is to be managed by the State Government. Question J seeks to remove the right of the State Government to pursue the process of undertaking legitimate planning investigations to determine if the land at Emu Point, that has been zoned 'Future Urban' for approximately two decades, is capable of being used for that purpose. If Council agrees to consider the results of the Citizen's Initiated Referendum, Council will need to also determine what actions, if any, it is capable of putting in place to respond to the issue(s) raised."

Robert Fenn, Executive Director Development Services, City of Albany Minutes (Item 16.1) : 19 Feb 2008

Motion : "That at its March 2008 meeting, Council consider and respond to the results of the Citizen's Initiated Referendum on the Albany Waterfront Project conducted by V.O.I.C.E. of Australia." Motion Lost 4-9.

Moved Cr. Price (Frederickstown), 2nd Cr. Bostock (Breaksea), City of Albany Motion (Item 16.1) : 19 Feb 2008

Following up – The V.O.I.C.E. Australia referendum on the Albany Waterfront Project was carried out over three months at multiple Albany locations. It achieved an 11.5% participation rate of the 22,813 register electors on the State Electoral Roll for the Municipality of the City of Albany; approximately 75% of the participants indicated they opposed the waterfront development in its current form.

Following up – A vocal (at times heated), twice extended community statement / question period was followed by passionate speeches for the motion by Cr. **Dot Price** (Frederickstown 2011), Cr. **Jill Bostock** (Breaksea 2011), Cr. **Robert Buegge** (Kalgan 2011), and Cr. **Roland Paver** (Vancouver 2011), high-lighting democratic principals and the need for local government elected representation of the ratepayers.

Following up – Equally passionate speeches against the motion were given by Cr. **Daniel Wiseman** (Breaksea 2009) and Cr. **Joy Matla** (Yakamia 2011), emphasising the cost of delaying / derailing the Albany Waterfront Project to future city & regional development. The Mayor **Milton Evans** (2011), Deputy Mayor Cr. **Des Wolfe** (West 2011), and Cr. **Nicolette Williams** (West 2009), Cr. **Chris Morris** (Frederickstown 2009), Cr. **Kim Stanton** (Vancouver 2009), Cr. **Gordon Kidman** (Yakamia 2009), and Cr. **John Walker** (Kalgan 2009) also voted against the motion.

Following up – Council elections (all positions) were held in October 2007, and achieved between 47-55% participation rate. Three of the five mayoral candidates (including the new Mayor) supported the Albany Waterfront Project, and collectively achieved about 70% of the votes cast. The State Labor Government and Member for Albany **Peter Watson** MLA were elected in 2001 and then re-elected in 2005 on the commitment / promise to deliver the Albany Waterfront Project. The next State election was scheduled for late 2008 or early 2009.

Motions of which previous notice has been given : "That Council advise the Environmental Protection Authority (WA), the Federal Department of Environment and Water Resources and the Department of Water (WA) that the City of Albany, accepting the precautionary principles applying to environmental assessment, is opposed to spoil being dumped in King George Sound as part of the Albany Port Expansion Proposal (EPA Assessment 1594) without :

- (1) The proponents examining the environmental consequence of the dumping of spoil in King George Sound on previous occasions;
- (2) The proponents assessing other potential dump sites on land and outside King George Sound;
- (3) The proponents methodology and conclusions receiving independent endorsement from the CSIRO; and
- (4) The State and / or Federal Government agreeing to compensate individuals and businesses for economic loss incurred as a consequence of sand drift from any dump site in King George Sound that could and should have been foreseen by Environmental Protection Agencies." Motion : Carried : 8-3.

Moved Cr. Paver (Vancouver), 2nd Cr. Stanton (Vancouver), City of Albany Minutes (Item 16.2) : 18 Mar 2008

Following up – The Public Environmental Review for Port Expansion was advertised from 24 Sep 2007 until 19 Nov 2007 : the statutory closure date for submissions to the WA EPA on the matter. The City of Albany administration did not report the PER to the Council during the advertising period (which straddled the 2007 council elections). Aside from anecdotal observation and commentary, the staff did not provide any recommendation to the Council as part of their report.

Behind Closed Doors : “The Mayor confirmed that all Councillors in attendance were present prior to discussing and making the following resolution ... that the minutes of the CEO Performance Review Committee conducted on 30 April 2008 be received and the following recommendations be adopted – that Council :

- (1) Recognizes and commends the CEO (*Andrew Hammond*) on a good years work - the majority of Councillors completing the documentation found his performance had ‘Exceeded Expectations’ in all areas;
- (2) Request the CEO to submit 4/5 Key Performance Indicators based upon priority projects driven by the goals of Albany Insight Beyond 2020;
- (3) Approve of total remuneration package of \$225,000 effective from 1 January 2008. Motion : Carried : 12-0.”

Moved Cr. Evans (Mayor), 2nd Cr. Wolfe (Deputy Mayor), City of Albany Minutes (Item 19.1) : 20 May 2008

Following up – Notwithstanding the City of Albany losses incurred under the US Sub-Prime Mortgage crisis estimated at between \$1.7-2.0 million, there is also the independent financial review undertaken by Fiscal Star which rated Albany as vulnerable (27 May 2008).

Albany marks 10 years as a city : “Tuesday July 1 marks 10 years since the City of Albany was formed by the amalgamation of the former Town and Shire municipalities. Mayor Milton Evans said a decade after its amalgamation in 1998, Albany stood as a benchmark for councils contemplating mergers. Much has been achieved over the past 10 years. The City has greater openness, transparency and accountability and there is no doubt the formation of the City of Albany was a great positive for our community.”

“I pay tribute to the elected members who have contributed to the first decade of Albany as a City. I also acknowledge that we have had the right team on board to manage the amalgamation successfully. It is essential for any merging councils to have good management in place and the City of Albany has been well served by its staff. The milestone will be marked by the Mayor, Councillors and invited guests at a ceremony on Tuesday.”

Mayor Milton Evans, City of Albany Advert : AGS Weekender (Page 6), 26 Jun 2008

Following up – It is now ten years since the Council resolved to prepare a new district planning scheme. The two operative planning schemes now date back to 1980 (Shire TPS #3) and 1983 (Town TPS #1A). Notwithstanding her comments in relation to the Town of Cottesloe, the Minister Alannah MacTiernan and State Government have elected not to intervene in breach of the legislation.

Committee of Council – 2014 / 2015 ANZAC Centenary : “Albany has a significant association with the ANZAC legend, which is building into a unique regional value in terms of developing heritage tourism. Albany is said to be the location of the first official ANZAC Dawn Service and it was the point of assemblage and departure for a fleet of 40 transport ships and five naval escort vessels along with some 30,000 members of the Australian Imperial Force departing for foreign shores on 1 November 1914. Thousands of those men touched Australian soil in Albany for the last time. In recent times, the City of Albany has been proactive in recognising the ANZAC association through a number of initiatives including the :

- ❖ Establishment of a Friendship Agreement with the City of Gelibolu (Gallipoli) in Turkey
- ❖ Planning the establishment of an ANZAC Peace Park
- ❖ Construction of a statue of the former President of Turkey (Mustafa Kemal Atatürk) overlooking the Ataturk Channel entering Princess Royal Harbour
- ❖ Continued well attended Dawn and mid-morning services on ANZAC day
- ❖ Recognition by the State Government of Albany’s Dawn Service as a state heritage icon.”

“There are no financial implications relating directly to this Item. Council has established a reserve fund to assist finance Centenary activities and at the time of writing the fund had a balance of \$50,877. The Council five-year business plan has earmarked a further \$10,000 each financial year to be placed in reserve for this purpose. Albany has an opportunity to further recognise its military associations, particularly the unique links with the ANZAC legend. 2014 will represent the centenary of the outbreak of WWI and will likely be commemorated across Australia as younger people increasingly come to recognise the meaning and relevance of ANZAC day.”

“1 November 2014 will be of particular significance to Albany as it will have been 100 years since the assemblage and departure from Albany of 30,000 troops heading to the battlefields in Europe. ANZAC services around Australia are increasingly being recognised by Australians as a time to commemorate those who lost their lives for the freedom we enjoy today. For many, ANZAC day symbolises the real birth and spirit of the Australian nation. Commemorating our military heritage serves to recognise Albany’s place in history and can build into a unique point of difference for regional cultural/heritage tourism.”

John Berry, Manager Economic Development, City of Albany Minutes (Item 14.3.2), 15 Jul 2008

Following up – The facts cited are incorrect; the project is grossly under-funded; there is no recognition of the work of the previous community committee set up in 1997 to establish the ground-work for Albany Anzac 2014-18; no recognition of an Albany role beyond Nov 2014 and Apr 2015; and no recognition of the Oct 2006 request to the Hon. Bruce Billson MHR, Federal Minister for Veterans’ Affairs (Howard Coalition

Government) or the Dec 2007 request to the Hon. Alan Griffin MHR, Federal Minister for Veterans' Affairs and the Hon. Joel Fitzgibbon MHR, Federal Minister for Defence, to establish a National Celebration Strategy for Anzac 2014-18.

Time to get it right at the port : "Last week's visit by naval ships commemorating the 1908 Great White Fleet visit highlights Albany's essential character as a port. Albany's other qualities are often in the limelight as we focus on tourism, whale watching, Anzac connections, viticulture and so on. But our port activities are fundamental to our history, our current prosperity and our future. The City of Albany council has no jurisdiction over the port, which is under State Government authority, but the Council is firmly committed to the continuing operations of the port. As part of discussions leading up to the waterfront project, we guaranteed 24-hour, seven-day freight access on city roads leading to the port."

"We are committed to working with the Albany Port Authority on its plans for changes to port roads and we need to maintain a clear understanding of port operations and security requirements. A security dilemma can be seen in the visit of the USS Shoup, which created a strong desire for public access to commemorate part of Albany's history and a need for strict security as the visit coincided with the September 11 anniversary. As the Port Authority balances access and security, the Council will seek ways to plan paths to or around the port to connect with Ellen Cove boardwalk and provide access routes for cruise ship passengers to the centre of town, via the pedestrian bridge."

"I look forward to better solutions for cruise passengers. Albany can expect 11 cruise ships in the next season from November to March and the Queen Victoria will visit in February 2010. It is just six years until the centenary of the Anzac convoy's departure and it is time to get it right at the waterfront and the port. A committee is looking at this next centenary celebration, which has the potential to be bigger than the Centenary of Federation. We might even consider a re-enactment of the Anzac Fleet assembly. I want to know the intentions of the Federal Government and the new State Government for this event and I want to ensure that Albany's port plays a central role."

Mayor Milton Evans, City of Albany Article : Albany Advertiser (Page 7), 18 Sep 2008

Following up – Mayor Milton Evans was formerly the Deputy Mayor of the City of Albany from 1999-2005 under Mayor Alison Goode; he represented the Yakamia Ward from 1999-2007; and was formerly a Councillor of the Shire of Albany prior to amalgamation with the Town.

Buzz on waterfront : "After years of inaction, discussion and slow progress, Albany's waterfront is now a hive of activity. Work is proceeding apace on the Anzac Peace Park and the construction contractors are moving onto the entertainment centre site. Recently we had reports of (*marine*) survey work being carried out for the marina part of the waterfront project, and we are awaiting final approval of the marina construction (*WA Environmental Protection Authority*). This is an exciting time. The hard part will be waiting until everything is in place. Albany's Waterfront Project will then speak for itself. Out new entertainment centre will create a dazzling impression and the public art on its own will have a 'wow' factor. I think back to the last performance here by the WA Symphony Orchestra, which was at the Albany Leisure & Aquatic Centre. I look forward to seeing the orchestra in a new venue worthy of their stature."

"Other sectors of the community will be looking forward to attending shows by their favourite artists and performers in theatre, comedy, music and dance. Albany's entertainment centre will be a drawcard for the entire region. We have a dire need for this new venue and it is something we have to do for our future generations. We have had to tell organisers of conferences who want to bring their events here that they should delay for a couple of years because we do not yet have the appropriate venue. The benefits will be immense when we have the entertainment centre, and I don't think it will be the white elephant some people assume. This year there has been a consensus in the council to get on and do the entertainment centre project. Ultimately, I believe Albany will be proud of the entire development and the Council is doing all it can to make the waterfront a showcase area that will do justice to Albany's past and its future."

Mayor Milton Evans, City of Albany Article : Albany Advertiser (Page 4), 16 Oct 2008

CEO appointment plans in disarray : "Plans to confirm the new City of Albany Chief Executive Officer were thrown into disarray yesterday. The Albany City Council was to meet behind closed doors last night to consider a recommendation for the appointment of a new CEO. A panel including Mayor Milton Evans and four councillors met in Perth last week to interview six short-listed candidates from around Australia. They had recommended Ravensthorpe CEO Paul Richards be appointed to the \$250,000 per annum posting. The plan was derailed yesterday when independent enquiries raised doubts about Mr Richards' suitability. Mr Richards resigned as the Superintendent of the WA Police's State Intelligence Division in February 2008 – he had been in *that* role for 15 months."

"Mr Richards previously had a lengthy and distinguished career in Britain. Mr Richards took up the three-year contract at *the Shire of Ravensthorpe* in April 2008, but his tenure has been marked by a long list of staff resignations. The *Weekender* understands, as many as 16 of the Shire's staff of about 30 have resigned. He had been granted leave of absence to pursue the Albany role. Ravensthorpe Deputy Shire President Don Lansdown said Mr Richards had signalled his intention to look further afield. To my knowledge he had mentioned he was looking around, but I wasn't aware of where he was going, Cr Lansdown said. We've had some problems because he wasn't from local government. He had to learn and pick up on the local government way of doing things."

"It is understood Mr Richards was second choice for the position, but the preferred Victorian candidate passed up the Albany role. Albany City Councillors were preparing counter-motions yesterday to have any appointment delayed. My intention would be to get this motion delayed until we do some more reference checks, said Cr Daniel Wiseman. This is the most important job in Albany, so it's best that we make sure we get the right candidate. Albany Chamber of Commerce CEO Graham Harvey urged the City to take more time to find a new CEO to replace Andrew Hammond who left to take up a role (*CEO*) with the City of Rockingham. At this time in Albany's history, it is crucial that the City takes the necessary time to appoint the right person for

this extremely important role, Mr Harvey said. The person would need to have extensive local government experience and commercial experience – a person of leadership and vision. Albany's future is too important to put at risk."

"Mayor Milton Evans was angry the decision-making process had been compromised. At considerable expense, we have employed Nicholas Crawley from Beilbey's (*Beilby Executive Recruitment*) to facilitate this recruitment process, he said. The reference and cross-reference process is sound. This man (*Paul Richards?*) sets foot into Albany and is already fighting a rear-guard action because people can't abide by the process."

Mayor Milton Evans, City of Albany Extract : AGS Weekender (Page 1), 06 Nov 2008

Following up – Beilby knows people: finding the right person, first time, every time. We are so confident in our ability to achieve outstanding results that we provide a two-year candidate performance guarantee for all executive placements that use our full assignment-based recruitment process. As a mandatory part of the process, exhaustive reference checks are conducted. These aim to identify reasons why candidates should be eliminated from consideration, rather than justification for giving them the job.

Council does a backflip – again : "It's Earl Street déjà vu. Albany City Council makes a decision; wants to change a decision, and councillors start throwing around claims of how negative each other is. The Earl Street apartment project died in a morass of council red tape and indecision, and now the \$1.5 million Great Southern Seafoods' project for a new premises could be headed the same way. Seven days ago council approved the Hercules Street (*sic Crescent*) proposal. Now it has called a special meeting to consider rescinding the decision. The meeting will be held without Cr Nicolette Williams, who resigned last Friday. Cr Williams accused three other councillors of spearheading a campaign 'dogging, rumour mongering, generating scare tactics and bullying' other councillors to change their votes. Cr Williams said she was disgusted and disappointed in the behaviour of other councillors. They have been banging on doors of homes and phoning repeatedly. I now know that honesty, respect and diligence are in short supply and I have no alternative but to stand down."

Cr Nicolette Williams, West Ward, City of Albany Extract : Albany Advertiser (Page 3), 25 Nov 2008

Council does a backflip – again : "Deputy Mayor Des Wolfe, who had been in favour of the application but voted against it in a surprise move last Tuesday, denied Cr Williams' suggestion the council was copping out by allowing the State Administrative Tribunal to make the final decision on the factory and absolving the City of any accountability. My reason for voting against the proposal this month is based on planning, Cr Wolfe said. I don't think approving the factory is good future planning."

Deputy Mayor Des Wolfe, West Ward, City of Albany Extract : Albany Advertiser (Page 3), 25 Nov 2008

Unified planning scheme in sight : "A unified planning scheme for the City of Albany is finally within sight more than a decade after the Town and Shire amalgamation. Albany Mayor Milton Evans said Tuesday's Council decision to send its draft Local Planning Scheme #1 to the Environmental Protection Agency (*sic Authority*) and the WA Planning Commission was a landmark moment for Albany. For the past decade the City's planning has been based on the separate planning schemes inherited from the Town and Shire. This has created inefficiencies and misunderstandings at times, but it was the only way to manage after amalgamation. When the new planning scheme is assessed, amended as necessary and adopted, planners and developers will enjoy a clearer, more efficient system. If approved by the WA Planning Commission and the EPA, the Local Planning Scheme would be referred back to Council to be advertised for public comment for another three months."

"After considering submissions and modifying the scheme as necessary (*or required*), it would be considered for final adoption by Council and resubmitted to the Minister for approval. Final approval (*by the Minister for Planning*) is obviously months away, if not longer, but the City finally has a draft document and full adoption is on the horizon, Mayor Evans said. Planners and developers have been urging the Council to make progress on the unified scheme and it is pleasing to see this milestone moment. The new scheme has been written for the entire municipality of Albany, and takes into account a wide variety of planning needs. Mr Evans said that among the principles followed in developing the scheme was the protection of key infrastructure such as port, sewerage and power amenities. The document also seeks to protect Aboriginal and European heritage, promote sustainability and promote higher density urban areas with positive community interaction."

Mayor Milton Evans, City of Albany Extract : AGS Weekender (Page 3), 19 Feb 2009

Following up – A Draft Local Planning Scheme for a Municipal District only enjoys legal status when it has been approved by the WAPC and EPA for public advertising (planning policy) – which may well take several months to achieve in itself. Albany is one of the most marginal seats in the WA parliament, and LPS Ministerial approval could be a major election issue at the next State election – 2013, either pre-emptively or as a consequence of interpretation of response to planning issues – particularly maintenance of port access.

Access to port assured : "The City of Albany has moved to reaffirm its commitment to unlimited, 24/7 freight access to Albany Port. Albany Mayor Milton Evans said false claims that truck access would be limited were creating a mischief. The only change in prospect for grain and woodchip road trains is a likely 40 kmh speed limit through the waterfront precinct, which has already been discussed at length with transport operators, Mr Evans said. Apart from that it will be business as usual, both before and after construction of the ring road. Mr Evans said claims of limited port access might have arisen from confusion with another issue. This involved the possibility in the future of trucks accessing Albany's business or industrial areas having to break down (*road-trains*) to single units before entering the city. A decision on that issue will not be made until the rest of the Albany ring road is constructed, he said. I emphasise that this has nothing to do with trucks entering the port and anyone who continues to make such claims is committing a mischief."

Mayor Milton Evans, City of Albany Article : AGS Weekender (Page 7), 16 Apr 2009

Following up – And in the same newspaper, a feature advertisement (Trader i) for the transport industry titled 'Truck-it' proclaims the white line is the lifeline of the Great Southern – be it in the transportation of refrigerated goods, bulk grain, sand, fertiliser, livestock or just plain

general freight. Every where and every day, the existence of most businesses and shops is heavily reliant on the trucking industry not only locally but nationally. From all the goods that are purchased at the supermarket or just simply the bulk transport transferred into the port facilities, road transport binds the industry together. Depending on the harvest season that varies from year to year, anywhere between 40-60% of all grain is transported into CBH's terminal at the Albany port annually by road. At the same time, nearly 1.56 million tonnes of woodchips alone were shipped into the port by both road and rail last year. On average, there are over 345 individual heavy road vehicle movements every day in and out of the Port of Albany.

City rejects resort : "Albany City Council has rejected a \$68 million resort development at Frenchman Bay at its May meeting on Tuesday night. It is now believed the matter will go to the State Administrative Tribunal for a decision. Council rejected the resort as being too big for the former caravan park site overlooking Whalers Beach (*Goode Beach*), and the developers not providing sufficient information. Council discussed the development application by Frenchman Bay 5 Star Resort Unit Trust for holiday accommodation behind closed doors (*for 1 hour 20 minutes*) after legal opinion was received before reopening the meeting. Despite the development having received tacit approval from seven government agencies and meeting all City building codes and requirements, it was then rejected by Council. Albany Chamber of Commerce and Industry CEO Graham Harvey said councillors needed to reconsider the role of the City's planning department which had supported the development. He said if Council did not believe they were doing the job required for the betterment of the City, the planning department should be sacked. City councillors were elected to be councillors, not to hold themselves up as town planners."

Graham Harvey, CEO, Albany Chamber of Commerce & Industry Extract : AGS Weekender (Page 2), 21 May 2009

Following up – *the Rainbow 2000[®] Project* was published in November 1997, seventeen years before Anzac 2014-18, and thirty years before Albany Bicentennial 2026-27. While it is now just five years to go before the commencement of those first uniquely Australian celebrations, the Council of the City of Albany and the Great Southern Development Commission have effectively rejected several multi-million dollar investment proposals for the construction of 5-star tourism accommodation in the region, and diminished the role that might have been performed by the Albany Airport and Seaport through their support of international and domestic tourism – the IMOKSU syndrome.

Freedom of speech restricted : "I am surprised Anthea cannon's article on the council's adoption of the new standing orders (AA, Tuesday 26 May 2009) has not elicited more public debate. What is at stake is freedom of speech, without which, as history reminds us, error, corruption and tyranny flourish. The stated objective of the standing orders is to bring about 'better decision-making' and 'more open and accountable local government'. Now the cornerstone of these objectives is freedom of speech. Yet when one looks at the content of the new standing orders, one finds freedom of speech is severely restricted. Thus, the standing orders reduce councillors' speaking time from five minutes to four minutes."

"They increase the discretion of the mayor to decide who gets to speak, and when. They deprive councillors of their hitherto-unencumbered freedom to draft, submit and move alternate motions. They expose the freedom of councillors to move alternate motions at anytime to the tyranny of the majority. They prohibit altogether alternate motions that differ significantly from the intent of officer recommendations unless they have been requested of staff within half a day of the agenda briefing session (*held one week in advance of the ordinary council meeting, and on the same day as the final agenda becomes available to the public*). And they do nothing to prevent the mayor from exercising his casting vote to deny freedom of speech to councillors."

"I cannot see how this regime promotes better decision-making. It may speed up the process, but this is no guarantee that it will be better. 'Better' has a moral dimension that is absent from the concept of efficiency. These standing orders, once gazetted, will go before the (*State*) Parliamentary Standing Committee on Delegated Legislation. I hope they will be rejected. The liberty of councillors to express their opinions in debate and by way of alternate motions must be upheld in the interests of good, open and accountable government."

Cr. Roley Paver, Vancouver Ward, City of Albany Article : Albany Advertiser (Page 8), 16 Jun 2009

Groups united over future strategies : "A unique, coordinated effort involving 15 key local organisations could lead to a more positive outlook for Albany and the region. Business, government and education groups recently got to work on the Albany Futures Plan under the Working Together banner. Convened by the City of Albany, the group is working together to develop a positive plan for Albany's future. Mayor Milton Evans said the group aimed to coordinate efforts on key strategic issues. Each of these organisations has a plan for positive change within its own field, Mr Evans said. Working Together aims to ensure that the separate plans of the many organisations are coordinated under a common high level strategy, the Albany Futures Plan."

Mayor Milton Evans, City of Albany Extract : AGS Weekender (Page 5), 10 Sep 2009

Law must draw line on corruption : "Ms Archer (*the Hon. Shelley Archer MLC – former Labor Member for Mining & Pastoral Region*) was charged under Section 83 of the Criminal Code for passing on to her friend, lobbyist Brian Burke, a copy of a letter from the Shire of Broome to former planning minister Alannah MacTiernan (*MLA, currently the State Member for Armadale, but also a potential Federal Labor candidate for Canning MHR, or the Western Australian Senate Team*). In the interests of a full understanding of this perplexing situation, here is Section 83 (*of the WA Criminal Code Act Compilation Act 1913[#]*) :

"Any public officer who, without lawful authority or a reasonable excuse –

- a. Acts upon any knowledge or information obtained by reason of his office or employment;
- b. Acts in any matter, in the functions of his office or employment, in relation to which he has, directly or indirectly, any pecuniary interest; or
- c. Acts corruptly in the performance or discharge of the functions of his office or employment,

so as to gain a benefit, whether pecuniary or otherwise, for any person, or so as to cause a detriment, whether pecuniary or otherwise, to any person, is guilty of a crime and is liable to imprisonment for 7 years."

“That section seems impossibly, even dangerously, broad in this era of rapid movement of information at the press of a computer key. Politicians work to the benefit of other people, principally their electors. Section (a) does not require the information to be confidential, just that which is gained as part of their work and which is useful to another person. What benefit, other than pecuniary, that may be derived from the passage of information could be deemed to be corrupt? Politicians deal in information. So do lobbyists (*as do public servants*). The law should explicitly define where the intersection creates corruption.”

Paul Murray, Journalist, The West Australian Extract : West Australian (Page 21), 24 Sep 2009

Note # – WA Criminal Code Act Compilation Act 1913, [Section 83 inserted by No. 70 of 1988 s. 16; amended by No. 8 of 2002 s. 4.]

Following up – So the question arises; What would prompt the former Chief Commissioner of the City of Albany, who is now the Governor of Western Australia to act (or not act as the case may be) so as to preclude a comprehensive investigation of a matter formally referred to the Corruption and Crime Commission in respect to the actions of past planning officers of the City of Albany. Systemic corruption in any organisation can only exist with the support of the Executive Administration and the Elected Representation (be they Councillors, Mayors, Members of Parliament, Ministers, Premiers, or the Governor of the State of Western Australia).

Mayor’s Report to Council : “I have also been involved in the City of Albany’s 2014/15 Anzac Centenary Strategy Committee as the Chair. Members and staff are working diligently and effectively together in preparation of the dedication of the Anzac Peace Park and the forthcoming centenary. The centenary of the departure from Albany of 30,000 troops destined for the Great War in 2014, and the centenary of Anzac Day 2015. In less than 100 days Albany will welcome state, national and international VIPs, who will join us for the dedication of the Anzac Peace Park on 24 April 2010. These very special events are not about petty political posturing, but all about acknowledging the past, embracing patriotism, the Australian spirit and the Anzac legend. It is about linking to our City Vision which states ‘Historic Albany ... home to a vibrant, resourceful and culturally diverse community, driven by a spirit of generosity and opportunity. It is a City where our unique cultural heritage attractions deliver world class experiences.’”

Mayor Milton Evans, City of Albany Extract : OCM Minutes (Page 8), 19 Jan 2010

City parts company with senior staffer : “The City of Albany has parted company with one of its long-standing senior executives. Development Services executive director Robert Fenn’s contract was not renewed when the Albany City Council met on Tuesday night. Council deliberated behind closed doors before making the decision put forward by CEO Paul Richards. Mr Richards said Mr Fenn had served Albany for fifteen years in three five-year contracts and the decision not to renew his contract followed a comprehensive review of City processes. Mr Fenn was initially employed as the Manager Development Facilitation and Advice in the former Town of Albany. Following the amalgamation of the Town and Shire of Albany in 1998, he was appointed the Executive Director Development Services with the City and has worked with four CEOs in the last 15 years.”

“It’s time for a change – we are now going in a different direction.”

Paul Richards, CEO, City of Albany Extract : AGS Weekender (Page 1), 21 Jan 2010

Following up – The four CEOs include Murray Jorgensen, Jim Kelly, Andrew Hammond and Paul Richards.

City parts company with senior staffer : “Albany Mayor Milton Evans said Mr Fenn had provided a dedicated and committed 15 years of service. Council is grateful for his long-standing service – Mr Fenn began working at the Town of Albany in 1994 and then with the City in 1998. With over a decade of service to regional planning, Mr Fenn had made an enormous contribution at a strategic level, Mayor Evans said. He has been an advocate for regional policy changes and instrumental in achieving major improvements to the City’s emergency management planning. The job has often been challenging and the lives of most Albany residents have been affected in one way or another by Mr Fenn’s advice and decisions. Mayor Evans said Mr Fenn took a lead role during the amalgamation of the Town and Shire and assisted his staff to adapt and move forward with the new structure.”

Mayor Milton Evans, City of Albany Extract : AGS Weekender (Page 1), 21 Jan 2010

Following up – Following Council’s resolution in April 2000, there still wasn’t an endorsed Local Planning Strategy or a Draft Local Planning Scheme in March 2011 – for the purposes of the legislation ‘endorsed’ means endorsed by the Minister for Planning following consideration by the WA Planning Commission.

Following up – In January 2010, the City of Albany determined that the services of Mr Robert Fenn FPIA, Executive Director Development Services, would not be required after 30 June 2010 – and at the same time, The West Australian decided that Mr Andrew Mole’s services (Managing Editor, Albany Advertiser Group) were also no longer required.

Push for COA probe thwarted : “An attempt to investigate the treatment of City of Albany staff by councillors has been thwarted. A special Council meeting on Tuesday night failed to agree on how to address a response from Local Government Minister John Castrilli after he was asked to undertake an inquiry into the affairs of the City. Deputy Mayor Dennis Wellington filed a formal complaint last December, claiming there had been ‘inappropriate, recalcitrant and threatening behaviour by some elected members towards staff.’ The meeting had sought to reach an agreement on terms of reference for its own review into its procedures and the management of the Development Services department. However, some councillors considered the matter had been taken over by the Department of Local Government. Staff were accused of taking instructions from the Department of Local Government. Mr Castrilli had tabled a series of recommendations.”

“Cr Wellington said he found the situation facing Council as ‘absolutely extraordinary’. He said the Minister had replied to his letter with recommendations Council examine its own affairs. Two officers from the Department of Local Government had sat in on February’s Council meeting. We were charged with doing it and told to clean up our own mess, only to be put back to the department, Cr Wellington said. Cr Roland Paver said the dialogue between City staff and the Department had cut across the business of Council. Cr Jill Bostock said the meeting had been called for something specific, but what faced councillors was a

different decision. Cr Robert Sutton said it was a concern how long a review team from the Department would take looking into Council's affairs. Mayor Milton Evans said the meeting was to define appropriate terms of reference for a review into the City."

"Cr Dot Price said the Minister recommended the City not undergo a departmental investigation, but a separate independent review. She said she would be surprised if the Department of Local Government was acting in contradiction to what the Minister had recommended. Cr Joy Matla said the review would only be the beginning and would eventually go further into the City's operations. It is believed two councillors and one former councillor are being investigated by the Department of Local Government for their actions towards City staff which were considered to have broken basic local government codes of conduct. One councillor in particular is alleged to have screamed at staff and used verbal abuse to get a point across. Another councillor is alleged to have been reported several times and been investigated by the department. Because of the continual harassment of individual staff members, recordings of conversations are believed to have been made. Cr Mervyn Leavesley said asking for a review of Council was something that had not been taken lightly. He said the councillors involved had been approached to modify their behaviour."

Cr Dennis Wellington, Deputy Mayor, City of Albany Extract : AGS Weekender (Page 1), 11 Mar 2010

Following up – From a Smithson Planning communication to four State Cabinet Ministers on 26 February 2010 (including the Minister for Local Government) – there is unlikely to be a serious investigation into the City of Albany – all roads of inquiry must invariably lead to the actions of the Governor of Western Australia (as the former Chief Commissioner of the City of Albany), the Premier (as the former Minister for Resources Development and then Leader of the Opposition), and the WA Public Sector Commissioner (as the former Director-General of the Department of Premier & Cabinet) not to diminish the role of several other relevant decision making authorities / persons.

Following up – In 2009, Smithson Planning under the auspices of the Commonwealth Joint Standing Committee – Corporate & Financial Services review of the Agribusiness MIS failure of Great Southern Plantations and Timbercorp concluded that a Royal Commission instigated by the Governor General of Australia was the only appropriate course of action to investigate the myriad of issues surrounding this matter.

Suspend Council : "Albany MP Peter Watson (Australian Labor Party) has taken the extraordinary step of demanding the (Barnett Liberal National Alliance) State Government step in and suspend the City of Albany council in a desperate bid to clean up the mess it has created. Mr Watson wrote to Local Government Minister John Castrilli on Tuesday recommending Mr Castrilli's office take control of the City and bring caretakers (Commissioners) in to run it. He cited revelations in Tuesday's Albany Advertiser about the 2008 appointment of City of Albany chief executive Paul Richards as the latest in a long list of reasons for the council to be suspended. Albany ratepayers could no longer tolerate the 'hassle after hassle' that came with the current administration."

"I don't know if it is leadership or what it is, but Albany is a city which is going ahead in leaps and bounds and I don't think the council is on the same path, Mr Watson said. Unless you've got a very strong, vibrant council nothing will happen and Mr Castrilli needs to seriously consider bringing this in to sort all the problems out. Ministers have suspended councils in the past decade, including the City of Cockburn, the City of Wanneroo and the City of South Perth. A Department of Local Government spokesman said Mr Castrilli could suspend the council and bring in independent commissioners as caretakers if he recognised a 'serious systemic failure' during an investigation. The Department is already conducting a review of the City's operations as a result of an earlier complaint from Deputy Mayor Dennis Wellington regarding the conduct of some councillors."

Hon. Peter Watson MLA, Member for Albany Extract : Albany Advertiser (Page 1), 01 Apr 2010

Following up – meanwhile, the City of Albany's immediate past Chief Executive Officer, Andrew Hammond who moved on to the City of Rockingham after a glowing review from the City of Albany, is suing the current City of Albany in relation to allegations concerning the adequacy of business planning in preparation for the Albany Entertainment Centre (that was before the State Government bailed it out).

Regional cities join in alliance : "The City of Albany has signed an historic memorandum of understanding with Western Australia's three other major regional local governments. Albany, Bunbury, Geraldton-Greenough and Kalgoorlie-Boulder signed the Regional Cities Alliance in Perth on Monday. The alliance, aimed to group together the four biggest regional councils, has been implemented as a pathway to lobbying the Government on regional issues. The alliance has also been described as a way of shifting the perceived 'Perth-centric' approach to thinking on State planning. City of Albany Deputy Mayor Dennis Wellington said the four councils had been working on the alliance for more than six months. Mr Wellington said the regional districts were becoming more and more important and this was a way of 'having a bit of pull'. The alliance means we can work together to lobby the State Government for a bigger share of the pie, he said. WALGA president Bill Mitchell said that while this was not the first regional forum to be organised, he believed it would make a difference. Mr Mitchell said the alliance would come up with the issues it believed were important and WALGA would advocate on its behalf."

Mayor Milton Evans, City of Albany (Manypeaks) Article : Albany Advertiser (Page 4), 01 Apr 2010

Mayor David Smith, City of Bunbury (Leschenault) Article : Albany Advertiser (Page 4), 01 Apr 2010

Mayor Ian Carpenter, City of Geraldton-Greenough (Batavia) Article : Albany Advertiser (Page 4), 01 Apr 2010

Mayor Ron Yuryevich, City of Kalgoorlie-Boulder (Recherche Goldfields) Article : Albany Advertiser (Page 4), 01 Apr 2010

Following up – it would be the author's contention that neither of the above statements is an April Fool's joke. The City of Mandurah (Peel) opted not to be in the alliance, and it is our understanding that the Town of Port Hedland (Pilbara), the Shire of Roebourne (Karratha & Pilbara), the Shire of Busselton (Leeuwin Naturaliste), and the Shire of Broome (Kimberley Dreaming) were not canvassed.

Albany's high-end hotel calls for EOI : "Albany Mayor Milton Evans previously told WA Business News that business and leisure travellers continued to be turned away from the town (city) due to a lack of appropriate accommodation facilities. The only other high-end hotel in town, formerly located at Middleton Beach, was The Esplanade Hotel which was demolished in

February 2007 by its Singaporean owners, WSP Plaza (which is controlled by investment outfit CS Partners), with little activity at the site since that time. Mayor Evans said he was planning a trip to Singapore in the coming weeks to meet CS Partners, hopefully accompanied by members from Tourism WA, to ascertain the reason behind the delays and reaffirm the town's (City's) support for the planned \$70 million, 81-room five-star hotel complex. I think we're seeing a light at the end of a tunnel and I know the future is very bright for Albany ... we must keep abreast of the appropriateness of the development, Mr Evans said. I wouldn't be going down this road if I didn't feel there was likely to be a positive outcome."

Mayor Milton Evans, City of Albany e-News : WA Business News, 14 Apr 2010

Funds needed for Anzac centenary : "Premier Colin Barnett, who was in Albany for the opening of the Anzac Peace Park at the weekend, to the Albany Advertiser he had given the City his in-principle support for the centenary Anzac commemorations. But City of Albany Mayor Milton Evans said plans had been in place since 2008 to turn the 2014-15 celebrations into a significant, multi-million dollar event. We also have plans to re-enact the scene where thousands of Australian soldiers boarded boats from Albany. This would be followed by the centenary Anzac Day celebrations in 2015, he said."

Mayor Milton Evans, City of Albany Article : Albany Advertiser (Page 5), 29 Apr 2010

Anzac centenary : "Albany's preparations for the centenary of Anzac Day in 2014 have been given a boost by the success of last weekend's events. High-ranking diplomatic representatives from England, France, Japan, Turkey and USA were among the 200 dignitaries who attended the opening of the Albany Peace Park on Saturday and remained for the Anzac Day services the following day. Albany mayor Milton Evans said Albany's part in the Anzac legend as the final Australian staging point for the first troops going to World War I was slowly being recognised. It was a major step towards what we are trying to achieve and we have just got to keep up with the momentum, he said. The level of people who were present went right across politics and international boundaries. Mr Evans said that with only four years until the centenary, the City had a short window of opportunity to pull all the major issues together to ensure Albany was recognised for its involvement. He said a committee which included Brigadier Geoff Hand (11/28th Battalion Royal Western Australian Regiment), the reviewing officer at Sunday's commemorative service, and local RSL sub-branch members will be addressing a full Council meeting with initial ideas."

Mayor Milton Evans, City of Albany Article : AGS Weekender (Page 3), 29 Apr 2010

Following up – *In truth, Albany Anzac Re-enactment was first documented in 1997, and proffered to Mayor Annette Knight of the Town of Albany who made public statements in relation to millennium celebrations in 2000 – it then transgressed to the Centenary of Federation celebrations in 2001, and was credited to the Joint Chiefs of the Australian Defence Forces. With amalgamation and the Agribusiness MIS investment for port expansion, it disappeared off the radar until Smithson Planning proposed World Heritage nomination in 2007.*

Following up – *Mayor Milton Evans was a councillor with the Shire of Albany until Dec 1997 and was re-elected to the City of Albany as a councillor in May 1999 before contesting and winning the Mayoral election in 2007; while President Laurie Fraser of the Albany RSL initially served on the State Executive of the RSL WA; both have been with the respective organisations for the past thirteen years, and were fully conversant with our Rainbow 2000[©] Project proposals, including Albany Anzac 2014-18.*

Nation's eyes on region : "The City of Albany has received mammoth support from all levels of the community, government and international delegations in working with the RSL to deliver the best ever Anzac weekend the community has experienced. We are thrilled to receive positive comments and in-principle support of the Premier, the Hon. Colin Barnett MLA and the Opposition Leader, the Hon. Eric Ripper MLA. The City of Albany and the RSL have been working together since 2008 and will continue to work closely to ensure the maximum potential for Albany, said Mayor Evans. Further to the plans for the Centenary, the 2014-15 Anzac Centenary Strategy Committee has a proposed recommendation to form a partnership. RSL State President Bill Gaynor supports a collaborative planning strategy involving community input into what will be a series of events in 2014-15. We value the contributions already made by the City of Albany in creating a dedicated park, improving the infrastructure at Mt Clarence and administering the Anzac Strategy committee."

"Now we must take the next step to honour the original Anzac's whose last sight of Australia was as they sailed out of King George Sound for the Battlefields of Gallipoli and the Western Front, said Mr Gaynor. The combined City of Albany and RSL Anzac Committee is proposing a transition to a new framework that would allow for various stakeholders to work collaboratively and ensure proper planning and delivery of a series of cultural heritage events to commemorate the Centenary. The Mayor, Milton Evans said the opening of the Anzac Peace Park and this year's Anzac services was a great example of how well the two organisations can work together. We look forward to our continued support of the Anzac events leading up to and beyond 2014. Albany is set to be placed on the world heritage map as a destination."

Mayor Milton Evans, City of Albany Article : AGS Weekender (Page 9), 06 May 2010

Working to common goal : "Two organisations involved in the development of the Great Southern have signed an historic agreement, pledging to work together for the betterment of the region. The Great Southern Development Commission (GSDC) and its Federal counterpart, Regional Development Australia - Great Southern (RDA-GS) signed a memorandum of understanding last week. The agreement committed both agencies to continued collaboration on the economic and social development of the Great Southern. GSDC chairman Peter Rundle said the new agreement should improve the Federal and State funding identification process required for future infrastructure projects. He said the two agencies shared many common goals."

"The GSDC coordinates and promotes regional development opportunities from a State Government perspective and the RDA-GS represents Federal interests in the development of the region. We will work together on joint projects where we can achieve strategic outcomes for the region. (But) we will continue to acknowledge and respect each other's contributions and claims to intellectual property rights. The agreement requires quarterly meetings to be held in order for the agencies to update each other on their plans and activities. The agencies are also working together on a regional planning process to be undertaken over the

next three to four months. RDA-GS committee chairman Milton Evans (*the Mayor of Albany*) said he was pleased to formally recognise the role that each organisation had in contributing to strategic planning for the region.”

Peter Rundle, Great Southern Development Commission Article : Albany Extra (Page 2), 02 Jul 2010

Mayor Milton Evans, Regional Development Australia – Great Southern Article : Albany Extra (Page 2), 02 Jul 2010

Esplanade won't sink Waterfront : “One of Albany’s leading tourism advocates has moved to allay fears the revitalisation of the old Esplanade Hotel site will deter international interest in the Waterfront development. The three frontrunners for the Waterfront hotel development are expected to be announced by the end of the month, marking the first step towards a four-star facility on Albany’s foreshore. Albany tourism advocate Ray Hammond said he believed the site would attract international interest despite competition from the Esplanade site. He said the industry was currently struggling through a glut but the long-term viability of a four-star facility could cut through that and help Albany’s future.”

Cr Ray Hammond, Breaksea Ward, City of Albany Extract : Albany Advertiser (Page 2), 15 Jul 2010

Chief hunt a fresh start : “The City of Albany’s pursuit of a new chief executive is a golden opportunity for a fresh start. Quite simply, the City cannot afford to squander such an opportunity. The disastrous tenure of former chief executive Paul Richards could well have been avoided had there been a more thorough assessment of his past. Mr Richards’ former colleagues at the Shire of Ravensthorpe have gone on record as saying they were never asked about Mr Richards’ performance. Such oversights cannot be repeated. The new chief executive will undoubtedly play a major role in mapping Albany’s direction – a direction some say has been lacking for many years. As the advertisement in Saturday’s *The West Australian* detailed, the new chief executive must be open, accountable and proactive. But perhaps more importantly, those councillors who were never on the same page as Mr Richards must learn to work with the new chief executive in the interests of the town (sic), rather than their own. Constructive debate among councillors is healthy and should be encouraged but a divided council dominated by bickering must be never repeated.”

Ben Spencer, Editor, Albany Advertiser Editorial : Albany Advertiser (Page 8), 20 Jul 2010

Following up – *In my professional opinion, Mr Paul Richards was a breath of fresh air and the best Chief Executive Officer the City of Albany has seen in the past 20 years. I sincerely hope that his claim for damages against the Council goes to court so that the people of Albany may be able to hear the truth and witness justice in action (it didn't happen – settled out of court, and subject to non-disclosure).*

City facing costly legal battles : “Former City of Albany chief executive Paul Richards is expected to demand a further \$250,000 from his former employer when his lawyers meet with the City in Perth next week. The *Albany Advertiser* understands City of Albany chief executive John Bonker and the City’s lawyers will meet with Mr Richards’ lawyer, John Hammond, in Perth on September 1 to discuss Mr Richards’ demands. While Mr Richards has already received a \$250,000 payout following his shock departure from the City in April – the equivalent of one year’s salary – it is understood Mr Hammond will tell the City his client wants a further \$250,000.”

“The potentially costly demands come amid revelations Cr David Bostock has launched defamation proceedings against the City, Chamber of Commerce & Industry chief executive Graham Harvey and the Albany & Great Southern Weekender. Cr Bostock is believed to be demanding \$250,000 from the City. He also wants \$100,000 from Mr Harvey and \$100,000 from the newspaper over an article published last November. (*Deputy calls for inquiry 12/11*) or (*No show defended 19/11*). Managing editor Wayne Harrington said the newspaper rejected the defamation claims. Mr Bonker confirmed complaints had been lodged against the City and the City was responding to them. He refused to comment further.”

“Mr Bostock’s wife, fellow councillor Jill Bostock, is also believed to be suing the City for an unspecified amount, while a third councillor, Roley Paver, is believed to be suing the City for \$60,000. Local Government Minister John Castrilli refused to be drawn on whether he would intervene in the City’s latest problems but said there was a strategy in place to improve its performance. If individual councillors place their personal interests at odds with serving the interests of the local community, they should reconsider their positions on Council, Mr Castrilli said. I expect all councillors as representatives of their community to fully support and, where appropriate, participate in those processes, including mediation.”

“Albany MP Peter Watson said the legal action was the final straw. He called on Mr Castrilli to step in to rectify the situation. He dismissed Mr Castrilli’s claims the only way to do so was to spend \$1 million on an inquiry. This is it, Mr Watson said. The Minister has got to come in and do something about this. There is something wrong with the system and culture at the City. Enough is enough. Mr Harvey said the ACCI was awaiting advice from its solicitors. How a City councillor can remain on council while at the same time suing that very council they are a member of defies logic, he said. How can you sue yourself? What is frustrating is the CCI and a majority of the residents of Albany and councillors are looking to move Albany forward. But it seems there are a group of residents hell-bent on holding Albany back.”

Hon. Peter Watson MLA, Member for Albany Article : Albany Advertiser (Page 1), 24 Aug 2010

Losing patience : “Local Government Minister John Castrilli is losing patience with Albany City Council. Mr Castrilli said this week he was only one step away from sacking the Council and appointing commissioners. There is a growing frustration by the community of what is going on in Albany, he said. There are those eight people (*Councillors*) trying to do the right thing, that I can gather. That is why I am trying to give them the opportunity to do that. I am looking at this Council day-by-day, and if that deteriorates any further, which prompts me to suspend it, I will suspend it. It’s as simple as that. However, the Minister said the move would be a last resort.”

“I’ve got a fair idea what needs to be done in Albany now, and that is why we did the better practice review in terms of how to progress and pull that community together, he said. But what there will be if things deteriorate to the point where I think that Council should be suspended is an enquiry panel. What that means is that I will suspend that Council, appoint commissioners, then within six months of that date I then appoint an enquiry panel. Mr Castrilli said the process would be expensive at a time when the City already had many financial challenges ahead. Council could be without councillors for up to two years. So the commissioners will be there running the show. That is open for me to do but I am trying to save the community of Albany between \$1 million and \$1.5 million. That is my estimate. There is no time frame, but I am hoping that commonsense prevails because I don’t want to lump that community with any more costs than is absolutely necessary.”

Hon. John Castrilli MLA, Minister Local Government Article : AGS Weekender (Page 1), 02 Sep 2010

Open Letter to the Albany Community ... : “We the undersigned are current City of Albany councillors having been duly elected by the eligible citizens and ratepayers of Albany. We are committed to responsible, cohesive, accountable and transparent governance of the City of Albany and are willing to be bound by the will of the majority. Albany is without doubt one of the most idyllic and liveable cities in Australia. We as your elected members of local government are committed to doing all within our power to deliver the very best in service to the residents of Albany, as well as ensuring sustainable development continues to provide the necessary infrastructure and amenities of a modern growing city, balanced with the retention of our unique heritage.”

“When standing and subsequently being elected to public office, it goes without saying that one will be subjected to public scrutiny; and rightly so. After all, we have been elected to serve not just those who elected us, but the community as a whole. All members of the community have an inalienable right to criticise us if our performance or integrity fails to meet their expectations. Freedom of speech is singularly the most important pillar of democracy. We are collectively appalled, embarrassed and frustrated by the recent behaviour of some of our peers as they seek to claim damages by way of alleging defamation by respected citizens and organisations of our community, and against the City of Albany itself. We find it untenable that they choose to remain on Council, whilst at the same time continuing to press charges against the very institution they form part of. We call on them to stand down immediately from all council activities until such time as these issues have been resolved.”

Cr Ray Hammond, Breaksea Ward, City of Albany Article : AGS Weekender (Page 1), 02 Sep 2010

Deputy Mayor Cr Dennis Wellington, Frederickstown Ward, City of Albany Article : AGS Weekender (Page 1), 02 Sep 2010

Cr Rob Sutton, Yakamia Ward, City of Albany Article : AGS Weekender (Page 1), 02 Sep 2010

Cr Joy Matla, Yakamia Ward, City of Albany Article : AGS Weekender (Page 1), 02 Sep 2010

Cr Chris Holden, Kalgan Ward, City of Albany Article : AGS Weekender (Page 1), 02 Sep 2010

Cr Des Wolfe, West Ward, City of Albany Article : AGS Weekender (Page 1), 02 Sep 2010

Cr Don Dufty, West Ward, City of Albany Article : AGS Weekender (Page 1), 02 Sep 2010

Cr Jim Swann, Frederickstown Ward, City of Albany Article : AGS Weekender (Page 1), 02 Sep 2010

MLA told to back off : “Local MLA Peter Watson has been told to ‘back off’ over his calls for Albany City Council to be sacked. Councillor Ray Hammond said Mr Watson had politicised the issue and put the community at risk. Peter Watson’s involvement in this whole matter has been most unhelpful, Cr Hammond said. He has politicised this, and that is a gross error of judgement. You have to question his motivation. Clearly it’s not helpful to the City. While he may make claims to the contrary, it isn’t. It serves to create further division within our community. He should take the time out and attend a Council meeting rather than speculating about this from a distance. Cr Hammond said disbandment of Albany Council would be the most possible result for the community. He said installing commissioners to run the City would see it stagnate for up to two years.”

“He has underestimated the depth of feeling the majority of councillors enjoy from the wider community. He is misreading this entirely. It serves nobody’s interests. Council is functioning. I’ve been in Council for less than a year. I got on Council due to perceptions of disunity and division. I thought I could make a difference. For the first time you’ve got a balance or reason. You’ve got people making solid, well-reasoned conditions (*sic – decisions?*). It functions perfectly well despite the distractions of the minority. Mr Watson said his stance had softened after meeting with Mayor Milton Evans last week. He said he no longer called for the Council’s sacking. However, he insisted on the need for an inquiry into the culture of the Council. Mr Castrilli is skirting around the issue, Mr Watson said. It’s the culture that needs to be changed. There is no need to spend \$1 million, but developers don’t want to come to Albany while it’s a basket case.”

Cr Ray Hammond, Breaksea Ward, City of Albany Article : AGS Weekender (Page 1), 02 Sep 2010

Following up – The Hon. Peter Watson MLA – Member for Albany, and formerly Parliamentary Secretary for the Great Southern in the Carpenter Labor Government, has now called for the resignation of the Hon. John Castrilli – Minister for Local Government and Heritage.

City snubs State report – Bonker attacks Local Government department report as irrelevant : “A State Government investigation into the operations of the City of Albany has been dismissed by the City’s chief executive as a paper with little or no relevance to its ‘perceived’ problems. The Local Government department’s better practice review, which analysed the City’s operations between March and June, was predicted to be the wake-up call the City needed following numerous controversies over the past 12 months. Both the 74-page review and the City’s response were released to the Albany Advertiser this week. The review made recommendations on topics ranging from council meetings and the City’s financial situation to tourism. Local

Government Minister John Castrilli has consistently used the review to deflect repeated calls by the community and Albany MP Peter Watson for the department to conduct a full inquiry into the City."

"But in a September 1 reply to the review, City of Albany chief executive John Bonker said it had failed to achieve its objective. In short, the BPR is perceived as a substitute for the community's subsequent calls for an inquiry ... (but) the BPR has little or no relevance to the governance difficulties currently being experienced, Mr Bonker wrote. The City's administration is clear on the areas that need improving and it is addressing them as resources permit. In his five-page response, Mr Bonker also rejected the review's claim that the City should embark on a community needs survey. He said the City already had a more than adequate way of assessing the community's needs. Realistically, the elected members, together with the administration, are the only group that is in a position to identify and prioritise a community need in a responsible and accountable manner, he said."

"Albany MLA Peter Watson said Mr Bonker's comments and the Local Government department's failure to address the real issues were further justification for an inquiry. Mr Castrilli said the review was instrumental in assisting the City of Albany understand its challenges."

John Bonker, Interim Chief Executive Officer, City of Albany Article : Albany Advertiser (Page 1), 07 Oct 2010



Slaven Cartoon : Albany Advertiser (Page 8), 07 Oct 2010

CEO search compromised : "The City of Albany has been forced to start the search for a permanent chief executive again after it was revealed the progress of the initial search was compromised. The decision pushes the recruitment process back another three months, meaning the City will be without a permanent CEO until at least February next year. City of Albany interim chief executive John Bonker would not reveal why the search was pushed back. Mr Bonker said there had been 19 applicants for the position. The search for a new chief executive was started after the shock exit of Paul Richards in March."

"Mr Bonker said the delay would not affect the City's operations, despite the Department of Local Government's call for a chief executive to be put in place as '*a matter of urgency*' in their better practice review investigation into the City's operations. The only potential impact of the new chief executive commencing later than earlier anticipated would be a delay in the commencement of a new or revised strategic plan for the City, he said. Operationally, it is not considered to have any adverse implications. Albany MLA Peter Watson said he knew of three applicants and all were top quality. He said he was surprised the process had been delayed. The thing is these people who applied originally will know that there are problems within the City, he said. If they are forced to go through the process again, they probably won't."

John Bonker, Interim Chief Executive Officer, City of Albany Article : Albany Advertiser (Page 5), 07 Oct 2010

Premier steps in on City row : "WA Premier Colin Barnett is to personally examine the problems surrounding the besieged Albany City Council. Albany MLA Peter Watson said the Premier had given him a personal undertaking to get to the bottom of the situation as a matter of urgency. I am hopeful that the Premier will keep his word and ensure that the whole sorry mess is sorted out sooner than later, Mr Watson said. He met Mr Barnett and Local Government Minister John Castrilli last week in the Premier's office to clear the air over the ongoing fiasco at the City. I was very pleased that the Premier was taking the situation

seriously, even if his Minister is not, Mr Watson said. Mr Watson said he had a business-like and frank meeting with the two, giving the Premier a '*chapter and verse*' explanation of his concerns about the governance issues at Council. I have asked the Minister repeatedly to stop sweeping this issue under the carpet and to address the very real concerns that I and many thousands of Albany ratepayers have about the City's performance, Mr Watson said. But so far all the Minister has done is to parrot the lines fed to him by his chief of staff that utterly fail to get to the nub of the problems. Mr Watson said the Premier appeared to accept in good faith that he was not trying to make political mileage out of the situation but was simply trying to get the Minister to do something more tangible about the situation."

"We have a situation in Albany that is untenable, Mr Watson said. Our rates are skyrocketing, services are stagnating or going backwards, the Council's workers are not being offered a fair pay deal, our Council is deeply in debt and seems to have no workable plans to get us out of debt, and we have two ex-CEOs wanting to sue the Council even after getting very generous pay-outs. Mr Watson said he was happy Mr Barnett was willing to listen to his concerns. He said he did not want to interfere in what should be a matter for Council to sort out, but he had been inundated by constituents who were frustrated by the failure of the City and Mr Castrilli to properly address the issues. Council's October meeting on Tuesday night was run with little of the argumentative style that has been highlighted in the past. Spite facing angry City outdoor workers in the public gallery, Councillors got down to business without the animosity shown at previous meetings earlier in the year. This was despite Mayor Milton Evans being absent. He was at a conference on sustainable growth for regions in Queensland (*SEGRA*). Cr Roland Paver also did not attend. Councillors have been undergoing a mediation since Council threatened to implode earlier this year when personalities threatened to take over."

Hon. Peter Watson MLA, Member for Albany Article : AGS Weekender (Page 3), 21 Oct 2010

Following up – Aside from an obvious demonstration of effective media statement writing, it would appear we have a battle royal between the two major parties as to who will be held responsible by the electorate for dismissing the City of Albany, eventually.

Latest exits signal CCC shake-up : "The Corruption and Crime Commission will undergo a major shake-up in the next three months after the Government confirmed yesterday that the watchdog was losing both its acting commissioners. Premier Colin Barnett said acting commissioner Gail Archer intended to resign as soon as a replacement could be found. Chris Shanahan's second stint as an acting commissioner had ended in August."

"The replacement process for the two positions, which has included a national advertising campaign, comes as the Government embarks on a recruitment campaign to replace CCC boss Len Roberts-Smith. Mr Roberts-Smith announced two weeks ago that he will retire in January. Ms Archer declined to comment about her decision to quit. Mr Shanahan could not be contacted. But at a public hearing before the parliamentary committee which oversees the CCC in May, Ms Archer raised concerns about the workload of the acting commissioner. It is becoming apparent to me that it is not practicable to be an acting commissioner while conducting ... a very, very busy practice as a barrister, Ms Archer told the joint standing committee."

"At the same hearing, Ms Archer and Mr Shanahan flagged concerns about the changing nature of the acting commissioners' roles as a result of the Government's plan to expand the CCC's involvement in investigating organised crime. Shadow attorney-general John Quigley said the departures of Mr Roberts-Smith and the two acting commissioners provided a unique opportunity to refresh the CCC. Mr Barnett said that in accordance with the CCC legislation, a nominating committee had submitted a short list of possible candidates for the two acting commissioner positions."

Gail Archer, Acting Commissioner, WA Corruption & Crime Commission Extract : West Australian (Page 4), 27 Oct 2010

Following up – Gail Archer conducted the 2007 review of the 2003 CCC legislation, and was made aware of the corruption allegations surrounding the City of Albany as part of Smithson Planning's submission to that review.

Wary directors flee boards as liability fears take their toll : "An alarming number of directors are resigning from the boards of listed companies or abandoning plans to take up directorships because of heightened concerns about personal liability and the burden of red tape. A landmark survey to be released today by the Australian Institute of Company Directors (AICD), obtained by *The Australian*, also reveals that more than 90% of those surveyed said personal liability issues were detracting from quality business decision-making. 79% said they were concerned that the time their board devoted to compliance was preventing them from focusing on performance and productivity. The survey involved 623 directors from a range of sectors, including listed ASX 200 companies, small and medium enterprises, and not-for-profit organisations. The survey shows that the burden of legal risk being confronted by Australian directors is stopping qualified people from taking up board seats and causing others to leave through resignation or retirement, AICD chief executive John Colvin said."

"The risk also appears to be discouraging aspiring directors, who are our next generation of business leaders. This is not just about directors' self-interest. It is about everyone's prosperity. There has been an increasing controversy about the role of directors following high-profile cases launched by the Australian Securities & Investment Commission (ASIC) over the past year. The corporate regulator has launched cases against directors and officials of One.Tel, Fortescue Metals, James Hardie and Centro Properties Group. In the Centro case, ASIC alleges the board breached its duty by approving financial reports containing mis-statements. Because all directors must sign-off on the accounts, the case could have wide ramifications. Company chairmen, including Woodside and NAB chairman Michael Chaney and Telstra's Catherine Livingstone who attended *The Australian* and Deutsche Bank's recent Business Leaders Forum, said there was still a wide 'expectation gap' between the reality and public perceptions of the proper role of boards. As a result, directors are still facing a wave of shareholder class actions in the wake of fallout from the global financial crisis. More specifically, directors are also worried about more than 700 state and territory laws that impose personal liability on individual directors for corporate misconduct."

“Mr Colvin said the survey results highlighted the need for NSW premier Kristina Keneally to reconsider her decision to reverse NSW’s stance on the (*Workplace Safety*) laws. The time, resources and money being taken up with dealing with the risk of personal liability for directors embodied in myriad pieces of legislation around the country is getting in the way of boards doing their real job – making good business decisions which lead to more investment and jobs for Australians, Mr Colvin said. It is also having a chilling effect on board recruitment and retention. The survey also found that more than 73% of respondents believed there was a medium to high risk of directors being found personally liable for decisions they made in good faith. 54% thought there were no reasonable defences or ‘safe harbours’ for directors making decisions in good faith – the so-called ‘business judgement rule’. Directors have been calling for a broader business judgement defence which would protect directors from liability if their business decisions are made on an honest, rational and informed basis. Federal Treasury has been considering the issue, but nothing has been resolved.”

John Colvin, CEO, Australian Institute of Company Directors Extract : The Australian (Page 21), 01 Nov 2010

Following up – One set of rules for private enterprise and not-for-profit – another set of rules for the public sector, and a governance regime that actively promotes that outcome as a function of the organisational displacement between federal, state, regional and local government.

Probe condemns former council : “An 18-month inquiry into the Shire of Shark Bay has produced damning findings against the former council. It found that the council engaged in reckless disregard for the interests of the Shire and failed to meet any acceptable standard of rational and objective decision making. The report, tabled by Local Government Minister John Castrilli in Parliament yesterday, included 20 specific findings on the actions of former chief executive officer Kelvin Matthews, individual councillors, the council and its processes. However, since the inquiry began in May last year, four councillors with adverse findings against them – Dennis Hault, Bryan Cane, Harold Crawford and Robert Blennerhassett – have resigned or did not contest last year’s elections. Mr Matthews resigned this year to become chief executive at the Shire of Christmas Island. Among the most damning findings was the planned, deliberate and secretive manner in which Mr Matthews’ contract renewal, which boosted his pay and terms of severance, was dealt with by the four councillors, Mr Matthews and deputy chief executive John Tiggemann.”

The report found the shire’s provision of an estimated \$73,000 to former president Les Moss to fund a defence against financial interest breaches was improper. It also found subsequent statements to defend this decision were ‘clearly false’ and ‘misleading’. The report recommends an audit to establish how much money Mr Moss received and that the council obtain legal advice on whether it can recover the money. Mr Castrilli said while no offences under the Local Government Act were identified, a copy of the report would be provided to the WA Corruption and Crime Commission. Shire chief executive Paul Anderson said the council would work with the State Government to implement the recommendations. Mr Matthews rejected the report’s findings, saying the council had acted on legal advice before renewing his contract. He said \$68,000 paid to Mr Moss was covered by insurance and it was appropriate given the matter related to his time on council. Mr Crawford and Mr Blennerhassett said they stood by their actions.”

Hon. John Castrilli MLA, Minister for Local Government Article : West Australian (Page 10), 11 Nov 2010

Following up – We await with interest the inquiry into the City of Albany with the understanding that under corporate affairs legislation, Company Directors who knowingly act contrary to the best interests of the shareholders have been sent to gaol and handed significant financial penalties for their actions – we see no reason why that standard should not also apply to Local, State and Federal Government members.

End of Questions :

Most of our work is now done on Facebook, using photographs in albums :

- ❖ Neil Smithson – [Albany Anzac 2014-18](#) (Vols. 1-2)
- ❖ Smithson Planning – Albany Centenary of Anzac Alliance (Vol. 1)
- ❖ Smithson Planning – Albany Major Redevelopment Opportunities (Vol. 1)
- ❖ Smithson Planning – Albany Waterfront Project & Entertainment Centre (Vol. 1)
- ❖ Smithson Planning – [Anzac Centenary Commemorations 2014-18](#) (Vols. 1-3)
- ❖ Smithson Planning – Anzac Gallipoli History 2015 (Vols. 1-3)
- ❖ Smithson Planning – Avon 2020 Regional Planning Strategy (Vol. 1)
- ❖ Smithson Planning – Batavia 2020 Regional Planning Strategy (Vol. 1)
- ❖ Smithson Planning – Fremantle South Metropolitan Regional Planning Strategy (Vol. 1)
- ❖ Smithson Planning – Gascoyne 2020 Regional Planning Strategy (Vol. 1)
- ❖ Smithson Planning – Kimberley Dreaming 2020 Regional Planning Strategy (Vol. 1)
- ❖ Smithson Planning – Leeuwin 2020 Regional Planning Strategy (Vol. 1)
- ❖ Smithson Planning – Perth North Metropolitan Regional Planning Strategy (Vol. 1)
- ❖ Smithson Planning – Pilbara 2020 Regional Planning Strategy (Vol. 1)
- ❖ Smithson Planning – [Rainbow 2000 Project](#) (Vols. 1-3)
- ❖ Smithson Planning – Rainbow 2000 Project (Powerpoint Presentation - Short Version)
- ❖ Smithson Planning – Rainbow 2000 Project (Commonwealth Response)
- ❖ Smithson Planning – Rainbow 2000 Project (State Government Response Vols. 1-2)
- ❖ Smithson Planning – Rainbow 2000 Project (Local Government Response)
- ❖ Smithson Planning – Rainbow 2000 Project (Private Sector Response)
- ❖ **Smithson Planning – Rainbow 2000 Project (Media Response)**
- ❖ Smithson Planning – Recherche Goldfields 2020 Regional Planning Strategy (Vol. 1)
- ❖ Smithson Planning – Peak Oil, Gas & Nuclear Power (Vols. 1-2)
- ❖ Smithson Planning – Western Australian Farmers (Vol. 1).

Discussion papers also available from the Smithson Planning website :

- ❖ [Albany International Airport](#) – achieving regional accessibility for trade
- ❖ [Albany Industrial Seaport Relocation Plan](#) – achieving regional accessibility for trade
- ❖ [Albany's UNESCO World Heritage – Anzac & Convict Colonial Settlement](#) – international tourism
- ❖ [Albany & the Corruption Crime Commission WA](#) – the complexity of regional development
- ❖ [Anzac 2014-18 – a National Celebration Strategy](#) – there is a role for each Australian state / various cities
- ❖ [Global Warming & Sea Level Change](#) – profound implications for insurance & property development.
- ❖ [Manypeaks Transitional Governance](#) – a challenge for the State of Western Australia
- ❖ [Peak Oil Gas & Nuclear Power](#) – everybody's growing concern
- ❖ [Planning Instruments of Western Australia](#) – the bottom line of WA Planning Commission activities
- ❖ [Planning & the Australian Media](#) – part of the problem / part of the solution

Author's notes : The Rainbow 2000[®] Project is both a corporate investment strategy and a doctoral research program that examines the hypothesis "Is planning the antithesis of politics? – a case study of Albany & the Great Southern Region, Western Australia, focusing on the inter-relationship between regional development and Local, State & Federal politics in contemporary Australia.

In thirteen years, the *West Australian* Newspaper and the *Sunday Times* never published one article about Rainbow 2000[®] that we are aware of (one exception : West letters 30 July 2007 Page 15); the *WA Business News* published one small piece suggesting some reticence about the continuity of port access in the framework of a significant port expansion program to accommodate grain, woodchips and iron ore.

Perth television STW9, TVW7, NEW10 & SBS28 have never covered Rainbow 2000[®], and both *GWN7* and *WIN9* as regional networks have not canvassed the regional strategy – GWN's Noel Brunning stood for the federal seat of Forrest (Independent) in 2007; Reece Whitby from Channel 7 Perth stood for the state seat of Morley (Labor) in 2008; and Karen Brown from the West Australian and the Weekend Australian stood for the state seat of Mt. Lawley (Labor) in 2008 – Whitby and Brown being part of Premier Alan Carpenter's parachute dream team – all were unsuccessful for a variety of reasons.

ABC National (radio & television) maintains a largely anti-development stance in the Great Southern, although nationally they have done some great things for Anzac and via Difference of Opinion. *RadioWest* sceptically accepted a paid advertisement.

There were the original paid advertisements referred to by the Albany Town & Shire Councils et.al. of 13 November 1997 appearing in the *Albany Advertiser* and the *Albany & Great Southern Weekender*, with the occasional timely paid reminder advertisement in the Albany Advertiser to reflect that Rainbow 2000[®] – a Regional Planning Strategy for Albany & the Great Southern was not going away that easy.

One rather prominent (and perhaps cynical) article appeared in the *Weekend Australian* in the lead-up to Mayoral / Council elections for the City of Albany in 1999, following which the author was a 'failed' candidate. Otherwise, all communication channels have been pursued vigorously with extensive material being referred to politicians on all sides of the debate, media journalists in print, radio and television and the *National Press Club* in Canberra.

The only thing people choose to believe in is the power of authority and / or the investment dollar – media was no exception, regardless of whether the program could have been beneficial to their commercial aspirations. The alternative is that the non-Albany based media from Perth and Bunbury understood only too well the implications, and misconstrued growth and development as competitive threat (doubtful).

Local politics and commercial relationship both took their toll on local newspaper coverage and balanced representation of the issues. It is reasonable to suggest that few people understand let alone endorse long-term strategic planning that doesn't directly benefit them instantly.

In twelve years, the program of community consultation / participation has included advice in some form or other to governance :

- ❖ Australian embassies of the nations of the World, the United Nations & European Union
- ❖ Governor-Generals of Australia, and every Federal member of parliament (House / Speakers & Senate / Presidents)
- ❖ Prime Ministers & Federal Cabinet Members, and the Leaders of the Opposition & Shadow Cabinet Members & Minority Parties
- ❖ Governors of Western Australia, and every State member of parliament (Legislative Assembly & Council)
- ❖ Western Australian Premiers & Cabinets, and the Leaders of the Opposition & Shadow Cabinets & Minority Parties
- ❖ Premiers / Ministers of New South Wales, Victoria, Queensland, South Australia, Tasmania
- ❖ Leaders of the Opposition / Shadow Ministers of New South Wales, Victoria, Queensland, South Australia, Tasmania
- ❖ Chief Ministers / Ministers of the Australian Capital Territory and Northern Territory
- ❖ Lord Mayors & Councils of the Cities of Brisbane, Sydney, Melbourne, Hobart, Adelaide and Perth
- ❖ Advisory Council of Infrastructure Australia & the Convenors of the Australia 2020 Forum
- ❖ Relevant Federal and State agencies / regulatory authorities
- ❖ Great Southern, and other Regional Development Commissions of Western Australia
- ❖ Fremantle Ports, Westralia Airports Corporation, and the Albany Port Authority
- ❖ Australian Local Government Association and each State / Territory Association
- ❖ Local Government Authorities of Western Australia & the Great Southern Region
- ❖ Mayors / Presidents / Commissioners & Councillors of the Town, Shire and City of Albany
- ❖ Presidents & Executive Councillors of the Returned & Services League of Australia (National & State Divisions)
- ❖ Presidents & Executive Councillors of the Planning Institute of Australia
- ❖ Presidents & Executive Councillors of the Environment Institute of Australia & New Zealand
- ❖ Presidents & Executive Committees of the Australian, Western Australian and Albany Chambers of Commerce & Industry
- ❖ Presidents & Executive Committees of the Australian & Western Australian National Trusts & the Albany Historical Society.

For a comprehensive (and interactive) list of community participation / consultation, refer to :

- ❖ www.smithsonplanning.com.au/R2000Participation1997-2006.zip (275 A4 pages : ~ 14,422 entries : 0.81Mb zipped : 4.04Mb)
- ❖ www.smithsonplanning.com.au/R2000Participation2007-2008.zip (377 A4 pages : ~ 19,997 entries : 1.56Mb zipped : 7.46Mb)
- ❖ www.smithsonplanning.com.au/R2000Participation2009-2010.zip (431 A4 pages : ~ 22,994 entries : 2.78Mb zipped : 12.10Mb)
- ❖ www.smithsonplanning.com.au/R2000Participation2011-2027.zip (223 A4 pages : ~ 11,000+ entries : 1.26Mb zipped : 5.23Mb).

It is not our place to judge the politics – that will be for the electorate, and the Commonwealth Director of Public Prosecutions. All in all – things are looking very good. A [general disclaimer](#) applies to this material – don't assume, please ask.

Date : Thursday, 15 December 2011

Neil R. Smithson

Managing Director

PIA^{CPP}, EIANZ, NELA, LGPA, AAPC, NTA, FDI, CSC 2003