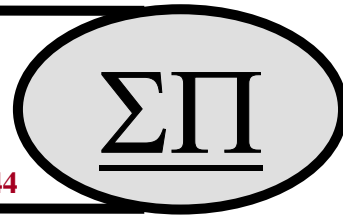


SMITHSON PLANNING

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E-MAIL COMMUNICATION

FROM : Neil Smithson **TO :** HE Ms Quentin Bryce AC – GG Australia
AT : smithson@smithsonplanning.com.au **AT :** Governor-General@gg.gov.au

From: Smithson [mailto: smithson@smithsonplanning.com.au]
Sent: Friday, 19 November 2010 9:09 AM
To: Governor-General@gg.gov.au
Cc: Harry.Jenkins.MP@aph.gov.au; Peter.Slipper.MP@aph.gov.au; Senator.Hogg@aph.gov.au;
Senator.Ferguson@aph.gov.au
Subject: Commonwealth Ombudsman's Response [SEC=UNCLASSIFIED]

Her Excellency Ms Quentin Bryce AC
Governor General
Commonwealth of Australia

Your Excellency

Thank you for your correspondence of August and September 2010.

Further to my emails of :

- ❖ 19 April and 18 December 2008
- ❖ 11 June, 17 July and 23 October 2009
- ❖ 20 January, 04 April, 28 April, 21 July, 25 August, 13 September and 15 October 2010.

Please find following our recent communications with the :

- ❖ Hon. Simon Crean MP – Minister for the Arts; Regional Australia; Regional Dev. & LG
- ❖ Senator the Hon. Barnaby Joyce – Shadow Minister for Regional Development
- ❖ Mr Simon Lyas – Executive Officer, Regional Development Australia Great Southern

- ❖ Mr Zachary Douglas, Office of the Commonwealth Ombudsman.

You may appreciate that our initial email of 15 October 2010 was addressed to the Hon. Anthony Albanese MP – Minister for Infrastructure & Transport, with copies to Hon. Julia Gillard MP – Prime Minister (and Cabinet) and the Hon. Tony Abbott MP – Leader of the Opposition (and Shadow Cabinet).

A copy of that email together with the automated response can be downloaded from our website <http://www.smithsonplanning.com.au/SP.let.20101015.PMJuliaGillard.pdf> .

To date, I have had no reply from Minister Albanese or either Leader, although several Ministers / Shadow Ministers have acknowledged our correspondence.

Urbanism – it's the ultimate expression of value-adding, the principal expression of wealth distribution and equity in Australian society, and the source of a lot of angst.

Smithson Planning – Consultants in National Investment Growth Pathing

PO Box 5377 Albany WA 6332 AUSTRALIA Tel : + 61 8 9842 9841 Fax : + 61 8 9842 9843 Mob : + 61 428 556 444

Is planning the antithesis of politics – quite possibly – until governance sees the light.

Is this Albany's time – yes indeed – I have had a fabulous response from the National Executive of the RSL (and others) to Albany Anzac 2014, but there are some significant concerns for governance in the State of Western Australia.

I look forward to your reply, and once again extend the offer to brief you on the Rainbow 2000© Project.

Yours faithfully
SMITHSON PLANNING

Neil R. Smithson

Neil R. Smithson

Managing Director
PIA^{CPP}, EIANZ, NELA, LGPA, AAPC, NTWA, FDI, CSC 2003

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Smithson Planning - Consultants in National Investment Growth Pathing
Australian Business Number : 46 782 764 220

CC :

The Hon. Harry Jenkins MP – Speaker of the House of Representatives (Scullin, Vic)
The Hon. Peter Slipper MP – Deputy Speaker of the House of Representatives (Fisher, Qld)
Senator the Hon. John Hogg – President of the Senate (Qld)
Senator the Hon. Alan Ferguson – Deputy President of the Senate (SA)

From: Smithson [mailto:smithson@smithsonplanning.com.au]
Sent: Wednesday, 17 November 2010 11:48 AM
To: S.Crean.MP@aph.gov.au
Cc: Senator.Joyce@aph.gov.au; 'Simon Lyas' eo@RDAGreatSouthern.com.au
Subject: FW: Ombudsman's response [SEC=UNCLASSIFIED]

The Hon. Simon Crean MP
Minister for Regional Development
Commonwealth of Australia

Good afternoon Minister Crean

I understand you had fruitful discussions with Mayor Milton Evans of the City of Albany at the recent SEGRA Conference in Townsville, and that we will have the pleasure of your company in the near future.

I have attached two articles from the Albany Advertiser of Tuesday 16 Nov 2010 :

❖ Page 1 – Timber lobby set to fold

❖ Page 10 – Remembrance draws nations closer to salute war sacrifice.

Please find following our response this morning to the Commonwealth Ombudsman for your information.

CC :

Senator the Hon. Barnaby Joyce – Shadow Minister for Regional Australia
Mr Simon Lyas – Executive Officer, RDA Great Southern



From: Smithson [mailto: smithson@smithsonplanning.com.au]
Sent: Wednesday, 17 November 2010 9:55 AM
To: 'Ombudsman' ombudsman@ombudsman.gov.au
Cc: A.Albanese.MP@aph.gov.au; W.Truss.MP@aph.gov.au; Senator.Bob.Brown@aph.gov.au;
Tony.Abbott.MP@aph.gov.au
Subject: RE: Ombudsman's response [SEC=UNCLASSIFIED]

Mr Zachary Douglas
Public Contact and Records Management Team
Commonwealth Ombudsman

Good morning Zachary – thank you for your reply.

As I understand, the Commonwealth Ombudsman (or representative) is this very day in Albany with the WA Ombudsman for the next three days investigating matters.

You should be aware that our correspondence is an observation rather than a complaint per se.

And, actually, you are wrong – the WA Ombudsman can not investigate the WA Corruption & Crime Commission.

I have attached a letter from the WA Ombudsman (08 Nov 2004), and I recommend reading our web page for the bigger picture :

http://www.smithsonplanning.com.au/index_files/rainbow2000p.htm

It will be up to the Hon. Anthony Albanese MHR – Minister for Transport & Infrastructure to explain why the Commonwealth (Infrastructure Australia) has ignored the Rainbow 2000© Project for the past several years – more if you include the Howard Government period of 1997-2007.

You may care to ask the Commonwealth Attorney-General for a copy of our email dated 20 October 2010 titled 'Rainbow 2000 & Strategic Regional Planning'.

The central proposition is :

Would the Government choose to sacrifice Australia's heritage – the Anzac legend & western bicentennial – for the sake of international export contracts to the Middle East, Japan and China?

Of course, that answer does not explain why the WA Corruption & Crime Commission would deem it not in the public interest to investigate the City of Albany.

The answer to that question is that all roads of enquiry lead back to the WA Public Sector Commissioner, the Premier of Western Australia and the Governor of Western Australia.

That is why the Western Australian government is desperately trying to prevent an inquiry into the City of Albany.

I suspect you will have an investigation before this is over.

CC :

The Hon. Anthony Albanese MP – Minister for Transport & Infrastructure
The Hon. Warren Truss MP – Shadow Minister for Transport & Infrastructure
Senator the Hon. Bob Brown – Parliamentary Leader of the Australian Greens
The Hon. Tony Abbott MP – Leader of the Opposition

From: Ombudsman [mailto: Ombudsman@ombudsman.gov.au]
Sent: Wednesday, 17 November 2010 9:14 AM
To: smithson@smithsonplanning.com.au
Subject: Ombudsman's response [SEC=UNCLASSIFIED]

Our ref: 2010-119685

Dear Mr Neil Smithson

Thank you for your email of 15 November 2010 about the WA Corruption and Crime Commission.

We cannot help you with this matter. The Commonwealth Ombudsman's office investigates complaints about the actions of Australian Government agencies (that is, 'Federal' or 'Commonwealth' Government agencies). As WA Corruption and Crime Commission is a state government agency, we cannot investigate your complaint.

The Western Australian Ombudsman can investigate complaints about WA Corruption and Crime Commission. You might want to contact them to see if they can help. Their contact details are:

PO Box Z5386 St Georges Terrace, Perth, WA 6831
Toll Free: 1800 117 000
Phone: (08) 9220 7555
Fax: (08) 9325 1107
www.ombudsman.wa.gov.au
<mailto:mail@ombudsman.wa.gov.au>

If you want to discuss this decision, please contact me on 1300 362 072 or by email at ombudsman@ombudsman.gov.au.

You can view a copy of our Service Charter and our brochure Making a complaint to the Ombudsman, which explain the Commonwealth Ombudsman's role in more detail, at <http://www.ombudsman.gov.au/>.

Yours sincerely

Zachary Douglas

**Public Contact and Records Management Team
COMMONWEALTH OMBUDSMAN**

Complaints: 1300 362 072 | Fax: 02 6276 0123

Email: ombudsman@ombudsman.gov.au

Website: www.ombudsman.gov.au

PO Box 442 Canberra City ACT 2601

Assisting the Australian community by resolving complaints and fostering good government administration.

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REFERENCE ONLY – NOT PART OF EMAIL

From: Smithson [mailto: smithson@smithsonplanning.com.au]

Sent: Monday, 15 November 2010 9:26 AM

To: R.McClelland.MP@aph.gov.au

Cc: Senator.Brandis@aph.gov.au; Senator.Bob.Brown@aph.gov.au; Senator.Fielding@aph.gov.au;
Senator.Xenophon@aph.gov.au; Michael.Keenan.MP@aph.gov.au; inquiries@cdpp.gov.au; perth@cdpp.gov.au;
ombudsman@ombudsman.gov.au

Subject: City of Albany - Best Practice Review

The Hon. Robert McClelland MP
Attorney-General
Commonwealth of Australia

Good morning Mr McClelland –

I refer to my earlier email of 29 October 2010 (Albany & the WA Corruption Crime Commission).

Please find following and attached our recent communications with the :

- ❖ Mr Christopher Steytler QC – Parliamentary Inspector of the Corruption & Crime Commission for Western Australia

- ❖ Hon. Christian Porter MLA – Attorney-General for Western Australia
- ❖ Hon. John Quigley MLA – Shadow Attorney-General for Western Australia
- ❖ Hon. Peter Watson MLA – Member for Albany
- ❖ Hon. Robyn McSweeney MLC – Member for South-West Region
- ❖ Hon. Colin Holt MLC – Member for South-West Region
- ❖ Hon. Giz Watson MLC – Parliamentary Leader of the WA Greens
- ❖ Mr Chris Field – Western Australian Ombudsman.

If the Hon. John Castrilli MLA – Minister for Local Government & Heritage will not remove the Council of the City of Albany, then the Hon. Colin Barnett MLA – Premier of Western Australia must remove the Minister, and an enquiry pursued under the relevant legislation – I continue to advocate a Royal Commission under Her Excellency Ms Quentin Bryce AC, the Governor-General of Australia.

If you would care to discuss this matter please call – it is not our place to judge the politics – that will be for the electorate and the Commonwealth Director of Public Prosecutions.

CC :

Senator the Hon. George Brandis SC – Shadow Attorney-General of Australia
Senator the Hon. Bob Brown – Parliamentary Leader of the Australian Greens
Senator the Hon. Steve Fielding – Family First Member for Victoria
Senator the Hon. Nick Xenophon – Independent Member for South Australia
Mr Michael Keenan MP – Member for Stirling
Mr Christopher Craigie SC – Commonwealth Director of Public Prosecutions
Ms Ros Fogliani – CDPP Perth
Mr Allan Asher – Commonwealth Ombudsman

From: Smithson [mailto: smithson@smithsonplanning.com.au]
Sent: Sunday, 14 November 2010 5:47 PM
To: Christopher.Steytler@piccc.wa.gov.au
Cc: Murray.Alder@piccc.wa.gov.au
Subject: FW: City of Albany - Best Practice Review

Mr Christopher Steytler QC
Parliamentary Inspector
Corruption & Crime Commission WA

Attention : Mr Murray Alder

Good afternoon to you both : just a note to keep you up to date.

From: Smithson [mailto: smithson@smithsonplanning.com.au]
Sent: Sunday, 14 November 2010 5:37 PM
To: Minister.Porter@dpc.wa.gov.au; John.Quigley@mp.wa.gov.au; Peter.Watson@mp.wa.gov.au;
Robyn.McSweeney@mp.wa.gov.au; Colin.Holt@mp.wa.gov.au; Giz.Watson@mp.wa.gov.au
Cc: Chris.Field@ombudsman.wa.gov.au; Andrew.Harvey@ombudsman.wa.gov.au;
Rebecca.Poole@ombudsman.wa.gov.au; Frances.Cramphorn@ombudsman.wa.gov.au; 'Mail Ombudsman'
Subject: City of Albany - Best Practice Review

Hon. Christian Porter MLA – Attorney-General for Western Australia
Hon. John Quigley MLA – Shadow Attorney-General for Western Australia
Hon. Peter Watson MLA – Member for Albany
Hon. Robyn McSweeney MLC – Member for South-West Region
Hon. Colin Holt MLC – Member for South-West Region
Hon. Giz Watson MLC – Parliamentary Leader of the WA Greens
Mr Chris Field – WA Ombudsman

Good afternoon to you all

Further to my email of 27 October 2010 (copy attached) to Minister Porter, please also find attached :

1. Extract from the Albany Extra – Friday 12 Nov 2010 (Page 5) – Community bank gets new head, canvassing the departure of the former Chairman Milton Evans
2. Copy of the Best Practice Review report prepared for the City of Albany
3. Agenda Item 4.2 – Best Practice Review for consideration at the Ordinary Council Meeting of Tuesday 16 November 2010
4. Minister Castrilli's letter to Smithson Planning received 08 Jan 2009.

We note with interest that the Best Practice Review Report provides a 'clean bill of health' for Council's planning process, and that later that evening (behind closed doors), there is a further Item 18.1 canvassing the contract renewal of the Executive Director Development Services.

The Council Report (Item 4.2) discussion on Public Engagement / Government Consultation speaks volumes to the credibility of the Council's position on Best Practice Planning.

Mr John Bonker described the report (AA 07 Oct 2010 Page 1) thus – "the BPR is perceived as a substitute for the community's subsequent call for an inquiry ... (but) the BPR has little or nor relevance to the governance difficulties currently being experienced."

In effect, the City of Albany are now being encouraged to endorse the Draft Local Planning Strategy adopted in 2007 and the Draft Local Planning Scheme adopted in 2009, where the latter has yet to be endorsed by the WA Planning Commission after almost two years, and both documents are ineffectual in terms of dealing with long-term strategic planning issues confronting the City.

Further-more, even though Council chose not to reappoint the former Executive Director Development Services, Council would now be in effect endorsing the administrative structure that delivered the process and the outcome embodied in the Draft LPS 2009 (and which has failed to subsequently deliver for the past ten months).

With the advent of Development Assessment Panels in 2011, I see the process only worsening in terms of Council providing coherent strategic direction and confidence to the community and business for investment in Albany.

Please find following my email communication with the Chief of Staff to the Minister for Local Government dated 14 Sep 2010.

If the Minister will not remove the Council, then the Premier must remove the Minister, and an enquiry pursued under the relevant legislation – I continue to advocate a Royal Commission under Her Excellency Ms Quentin Bryce AC, the Governor-General of Australia.

From: Smithson [mailto: smithson@smithsonplanning.com.au]

Sent: Tuesday, 14 September 2010 4:59 PM

To: Gary.Brennan@dpc.wa.gov.au

Subject: Misleading Parliament

Mr Garry Brennan

Chief of Staff

The Hon. John Castrilli MLA

Minister for Local Government; Heritage; Citizenship & Multicultural Affairs

State Government of Western Australia

Without Prejudice

Hi Gary – I am looking at the Legislative Assembly Hansard from Thursday 9 September 2010 (p6278), and it reads :

“The member has talked about inaction. I just want to go through what we have been doing. I became aware of the situation in Albany in October 2009.”

Smithson Planning’s records indicate we have corresponded with either the Member for Bunbury, the Shadow Minister for Local Government or the Minister for Local Government & Heritage as follows.

Sent: Tuesday, May 10, 2005 10:35 AM
Subject: Rainbow 2000 - a Regional Planning Strategy for Albany & the Great Southern
To: Mr John Castrilli MLA - Shadow Spokesperson for Local Government & Regional Development

Sent: Monday, October 10, 2005 11:20 AM
Subject: Australian Planner : Special Feature - Coastal & Waterfront Planning : Dec 2005
CC: Mr John Castrilli MLA - Shadow Spokesperson for Local Government & Regional Development

Sent: Sunday, October 16, 2005 1:53 PM
Subject: Stakeholder Information Session Lower Great Southern Strategy
To: Mr John Castrilli MLA - Shadow Spokesperson for Local Government & Regional Development

Sent: Wednesday, 20 February 2008 10:36 AM
Subject: FW: Albany Waterfront Project - Council meeting 19 Feb 2008.
To: Mr John Castrilli MLA - Shadow Spokesperson for Local Government & Regional Development

Sent: Wednesday, 1 October 2008 4:19 PM
Subject: Submission - Rainbow 2000© Project - a Regional Planning Strategy for Albany & The Great Southern, Western Australia
To: The Hon. John Castrilli MLA - Minister for Local Government; Heritage; Citizenship & Multicultural Affairs

Sent: Tuesday, 14 October 2008 2:57 PM
Subject: Planning Instruments of Western Australia
To: The Hon. John Castrilli MLA - Minister for Local Government; Heritage

Sent: Friday, 17 October 2008 9:32 AM
Subject: Albany's Amity Heritage Precinct, Waterfront Project & Anzac Peace Park
To: The Hon. John Castrilli MLA - Minister for Local Government; Heritage

Sent: Thursday, 27 November 2008 3:57 PM
Subject: City of Albany - Planning Application & Rescission Motion - Use not listed (Seafood Processing & Retail Sales), Lot 118 (37) Hercules Crescent, Centennial Park (Town Planning Scheme 1A)
To: The Hon. John Castrilli MLA - Minister for Local Government

I have attached the Minister’s letter of 08 January 2009 to Smithson Planning regarding the City of Albany, and his consideration of my client’s matter at that time.

I have also made representations to Mr David Caddy and Mr Charles Johnson of The Planning Group WA regarding the City of Albany and corruption allegations for the purposes of their Best Practice Planning Review – which you may or may not be aware of.

I know both of those gentlemen as consummate professionals, and expect a quality assessment of the situation (both statutory & strategic).

However, others may question why the Council of the City of Albany would engage (on an 11th hour revised report and recommendation) the Deputy Director of Planning (Strategy) from the Department of Planning to conduct such a sensitive review when he was clearly a Public Servant, and ultimately moving on to an organisation that represents the interests of the Esplanade Hotel and Big W here in Albany – some would construe that as an ill-advised or even unacceptable conflict of interest.

I think 'enough is enough' as the Chamber of Commerce & Industry have publicly stated – it is time the Minister moved to dismiss the Council and appoint Commissioners.

And I think the State Government of Western Australia should pay for that reconciliation process seeing as they by-and-large created the problem.

Yours faithfully

SMITHSON PLANNING

Neil R. Smithson

Neil R. Smithson

Managing Director

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

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