

Friday 03<sup>rd</sup> March 2023

Pages Total: (17) Seventeen

**Independent Pricing & Regulatory Tribunal**

Level 16, 2 – 24 Rawson Place

Sydney NSW 2000

E: [ipart@ipart.nsw.gov.au](mailto:ipart@ipart.nsw.gov.au)

Dear Sir / Madam

**RE: PORT STEPHENS COUNCIL – SPECIAL RATE RISE 2023**

Firstly I advise the iPART I am a registered lobbyist.

I make this submission on behalf of the residents of the shire of Port Stephens, having been a resident there previously for a number of years, and continuing to maintain a personal interest in the manner in which Port Stephens Council conducts its financial business.

I also expect to have an ongoing interaction with Port Stephens Council concerning the exercise of my legally enforceable rights to access government information.

On behalf of the public this submission objects in the strongest terms to the desired rate rise of this Council, and I take the opportunity to report to you a portion of its financial maladministration which I believe is crucial information for your consideration in this matter.

In this regard I speak to iPART from the perspective of continued waste of huge sums of public monies concerning unnecessary and avoidable legal matters.

My husband Paul McEwan and I have been forced to bring numerous matters of Administrative Review to the NSW Civil & Administrative Tribunal (NCAT) since mid-2016, mostly concerning open access information mandated for release free of charge. Those cases will be listed further in this document.

At no time whatsoever has Port Stephens Council availed any mediation facility.



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In most cases Council has not complied with its mandatory obligations to make such information available either free or at the minimum cost possible, in accordance with the Government Information (Public Access) Act 2009, GIPA Act.

It should be noted the documentation referred to below were all obtained through the GIPA Act freedom of information process.

### **Background to NCAT Matters:**

The details of my husband Mr Paul McEwan's and my interactions with Port Stephens Council, and the gross unprofessional if not unlawful conduct of Executive level staff have been documented, reported, and publicised repeatedly since mid 2020 when crucial information was provided to my husband and I further to orders of the NSW Civil & Administrative Tribunal (NCAT).

NOTE: What we set out to you now is not a new story, it has been told and retold many, many times, including being published to the world at large. As such no disclosures can be made at this time.

Within the bundle of documents ordered by NCAT for release, was a record of an unlawful agreement between Council's Governance Manager Tony Leslie Wickham (at that time Executive Officer) and a member of the public to conceal and protect open access information mandated for release free of charge.

The agreement is documented to have occurred in March / April 2012 and concerned the lodging of an Objecting Submission to the Development Application (DA) No: 483 of 2011.

The party to Tony Wickham's unlawful agreement had petitioned Tony Wickham for earlier objecting submissions which were provided in full, however, when the party wanted to lodge his / her own document Tony Wickham was directly petitioned for protection of it.

It should be noted the multiple conflicting roles of Tony Wickham do not include any Planning responsibilities.

Those conflicting roles include:

- Executive Officer
- Governance Manager
- Right to Information Officer
- Privacy Officer
- Complaints Handling Officer
- Code of Conduct Coordinator
- Joint Custodian of Secondary Employment



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Tony Wickham's duties also encompass but are not limited to compiling Council Audit Reports, reports to Audit NSW, reports and petitions to iPART, Council Annual Reports, and reports to various other regulatory bodies.

Close scrutiny of Council's Annual Reports reveal figures do not align with the actual legal expenditure incurred by it, suggesting a forensic accounting investigation should be undertaken across a number of years.

There is no evidence Tony Wickham rightfully advised the party seeking concealment of open access records that he was statutorily obligated to treat an objecting submission as open access information, and that it was mandated for public release.

There is no evidence Tony Wickham rightfully referred the party to the (2) two DA notification letters forwarded by Council which stated *"objecting submissions will be released if requested."*

There is no evidence Tony Wickham rightfully referred the party to the (2) media public notices which stated *"objecting submissions will be released if requested."*

There is no evidence Tony Wickham rightfully referred the party to Council's Access to Information Guideline which lists objecting submissions as open access information mandated for release under the legislation.

Neither is there any evidence Tony Wickham rightfully referred the party to Council's Development Control Plan (at that time) which stated at A1.11 *"Submissions are not confidential."*

Instead, Tony Wickham personally suggested documents could be protected by the use of the Government Information (Public Access) Act 2009 Section 14 Table 3(f), which states information can be withheld on the basis of a public interest against disclosure if there is a risk of serious harm, harassment, or serious intimidation if the records were to be released.

This is a very powerful clause of the legislation as a public interest against disclosure of government information, of which Tony Wickham has at all times been fully aware.

Tony Wickham also knew he could rely on the GIPA Act 2009 Section 55(6) which states an agency is not required to validate any claim against an access applicant.

At all times Tony Wickham knew full well neither Mr McEwan or I presented any such asserted risk.

And at all times Tony Wickham knew he would not be legally required to validate the claim, which suited his purpose to ensure no person would identify HIM as the accuser.

The unlawful agreement also made clear that *"should the Commissioner make enquiries (IPC), that Council would respond."*



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With the **unlawful agreement** being initiated and entered into in March / April 2012, but at that time **completely unbeknown** to Mr McEwan and I, in May 2012 we Informally requested access to the **objecting submissions** to the DA No: 483 of 2011.

At that time Tony Wickham is documented to have contacted the party to the unlawful agreement, disclosing Council had **received** a request for the documents, to which the person referred Tony Wickham to the agreement to protect the document.

Later in May 2012 Tony Wickham thereafter refused to facilitate the legislated Informal access to the records, and **instead suggested** a Formal Access Application could be lodged with Council.

This was at all times part of the **plan of deceit** by Port Stephens Council's Governance Manager, that a Formal Access Application could be lodged, and where the public interest against disclosure as set out in the GIPA Act 2009 Section 14 Table 3(f) could be officially applied, and with the only real **overturning** of withholding of information based on it available through the NCAT.

This was the unlawful agreement in action.

On 20<sup>th</sup> December 2012, based on Council's fraudulent Development Assessments Reports which falsely stated Council had only received (2) two Objecting Submissions in response to (5) five letters notifying adjoining neighbours of the DA No: 483 of 2011, I asked for those documents.

So to clarify, Council's Development Assessment Reports falsely stated Council had only received (2) two Objecting Submissions, when it had not. This was the unlawful agreement in action.

On 08<sup>th</sup> February 2013 Tony Wickham published (2) two Notice of Decisions on the Port Stephens Council website, stating all Objecting Submissions had been withheld due to a risk of serious harm, harassment, and serious intimidation. The Notices referred any enquiries to Tony Wickham leaving no ambiguity as to who requested the documents. There has never been any legal requirement to publish non-disclosures of government information.

This was the unlawful agreement in action.

Mr McEwan and I did not seek an Administrative Review with NCAT at that time as we had no experience in such matters, and with the trauma of what occurred with the DA No: 483 of 2011 resulting in the loss of our home to pay for legal fees, we chose to focus on the sale of our house.

Fast forward to February 2015, when my husband would Informally request access to ALL the Objecting Submissions to the DA No: 483 of 2011, not just the (2) two he was aware of through Council records.



Council responded by stating words to the effect “*we refused your wife (in 2013) and we’re not accepting an access application from you,*” which was in direct breach of the GIPA legislation.

It is at this time that Mr McEwan contacted the Office of the NSW Information & Privacy Commissioner (IPC), as he rightfully believed Council was acting in breach of the legislation.

On 09<sup>th</sup> March 2015 the IPC did write to Council with the relevant enquiries.

And on 17<sup>th</sup> March 2015 Tony Wickham, true to his word earlier in March / April 2012, would fulfill his agreement to respond to the IPC.

This was the unlawful agreement in action.

In his false and misleading letter he would inform an Investigating Officer of the IPC that open access information had been withheld because apprehended violence orders had been issued against Mr McEwan and I, that police had been called to our neighbourhood due to disturbances involving us, and that we presented a serious risk to public safety.

EVERY CLAIM WITHIN THAT LETTER HAS AT ALL TIMES BEEN COMPLETELY FALSE AND REMAINS COMPLETELY FALSE TO THIS DATE!

The IPC responded to Tony Wickham’s letter instructing Council to accept a valid access application from Mr McEwan should he choose to lodge one. And that is where Mr McEwan’s and my NCAT journeys would begin.

Since the first use of the GIPA Act 2009 Section 14 Table 3(f), Tony Wickham and other staff under his leadership would use the Clause a total of (270) two-hundred-and-seventy-times Mr McEwan and I are aware of.

Two-hundred-and-seventy times. And each time is connected to the unlawful agreement.

However, not happy acting so maliciously to unsuspecting, innocent and defenceless members of the public, Tony Wickham would thereafter weaponise his letter, sending it to the Anti-Discrimination Board, the Office of Local Government, the NSW Ombudsman, and the NSW Judiciary.

There is in fact no way of determining precisely how far his letter has travelled at this time.

The deliberate weaponising of Tony Wickham’s letter of 17<sup>th</sup> March 2015 was the unlawful agreement in action.

Looking at Tony Wickham’s collective roles within Council it is easy to realise that he controls the flow of information both inside and outside of Council.

Any report, inquiry, complaint, code of conduct, investigation, lands on his desk.



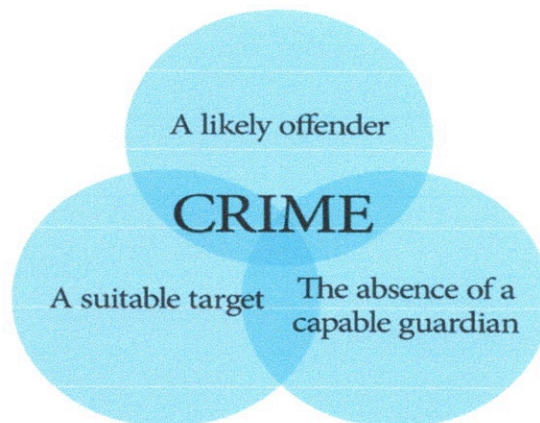
His executive status sees him with no guardians whatsoever, there is no person checking on the organisational activities of Tony Leslie Wickham.

In this regard, the Crime Triangle referred to at [www.crimeprevention.nsw.gov.au](http://www.crimeprevention.nsw.gov.au) is completely relevant under the circumstances.

The Crime Triangle relies on three elements: a suitable target, a suitable opportunity, a motivated offender.

In the context of the unlawful agreement the suitable target was Mr McEwan and I, the suitable opportunity was the clandestine unlawful agreement, and there can be no mistaking Tony Wickham remains the motivated offender.

### ROUTINE ACTIVITY THEORY



Physical convergence in time and space

So whatever this individual does in the context of duties associated with Port Stephens Council, whatever arrangements he makes with any privileged third party or Council employee or Councilor, and the manner in which he / his department responds to requests for information or governmental inquiries, there is no person checking on his activities or his conduct to ensure any Council integrity remains intact.



His executive position leaves him with no person looking over his shoulder.

- No person is checking on what documents he is creating.
- No person is checking on who he's telephoning.
- No person is checking on what documents he's filed for posting.
- No person is checking what personal information he is unlawfully accessing and using for secondary purposes without the public's consent to do so.
- No person is questioning on any authority to continually use public monies for personal use, and for unwarranted and avoidable legal costs.

Tony Wickham is confirmed to have full control over the Formal Access Application records, documented to be stored on his personal hard drive, *F:\TONYW\GIPA\Formal application register 2012 onwards.xls*. Any person requires his permission to search those records, which inevitably alerts him. Since being questioned about this file which remains under his personal control, Tony Wickham has amended Council's Formal GIPA Application Policy & Procedure, deleting any reference to the file name and location.

In some instances Tony Wickham is evidenced neglecting to keep accurate records of his interactions with certain individuals leaving Council in breach of the State Records Act 1998, of which he is undoubtedly aware. Such negligence aids in the coverup of his actions.

It is all about control. Controlling the narrative, his narrative.

This is how he has been able to maintain the narrative for so long.

And he relies fully on the GIPA Act 2009 Exempt Information Clauses to protect his free-flowing inter-departmental documentation which is now shown to criminalise the public's exercising of its legally enforceable rights to access government information.



This unlawful agreement has reverberated through numerous Council and Court records which record the omission of the protected objecting submission, effectively cementing the concealment of it, including:

- Formal Development Assessment Reports
- Numerous correspondence with Right to Information Officers
- Numerous Formal Access Application Determinations
- Numerous NCAT Administrative Reviews
- Numerous IPC Administrative Reviews
- Council Statements & Submissions in Proceedings
- Council documentation filed with the Land & Environment Court
- Mandatory Interest Disclosures

Each of these actions to unlawfully edit Council records was the unlawful agreement in action.

Numerous Council staff and contractors were at all times and / or are now fully aware of the unlawful agreement, including:

- Peter Gesling, ex-General Manager
- Wayne Wallis, ex-General Manager
- Tim Crosdale, General Manager
- Ryan Palmer, Mayor
- Robert Westbury, ex-Mayor
- Lisa Marshall, Head of Legal Services
- Stephanie Posniak, in-house solicitor
- Holly Jamadar, Governance Officer
- Courtney Coburn, ex-Right to Information Officer
- Cheryl-Ann Bailey, Executive Assistant & Justice of the Peace
- Bruce Petersen, ex-Council Senior Planner
- David Broyd, ex-Council Senior Planner
- Matthew Brown, ex-Council Senior Planner
- Paul Summergreene, Health & Building Surveyor
- Tom Croft, Development Assessment & Compliance
- Leonard Allen, ex-Development Assessment Team Leader
- Greg Rodwell, ex-Compliance Officer
- Garry Fielding, Chair – Joint Regional Planning Panel
- Melissa Rodway, Human Resources Manager
- Ken Solman, ex-Council Senior Planner, currently at Lake Macquarie Council
- Andrew Ashton, Council Senior Planner
- Kristian White, Council Planner
- Amanda Gale, ex-Senior Planner
- Scott Page, ex-Development Engineering Coordinator
- Anthony Randall, ex-Council Senior Planner, currently at Shell Harbour Council



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- Paul Minett, ex-Council Senior Planner, currently at Dungog Council
- Andrew Weeks, Council Planner
- Mike MacIntosh, ex-Planning Manager
- Felicity Connors AKA Lisa Gowing, contracted solicitor
- John Connors, contracted barrister & current Mayor of Dungog
- Tony Pickup, contracted solicitor
- Carlo Zoppo, contracted solicitor
- Megan Hawley, contracted solicitor
- Jennifer Chenhall, contracted solicitor
- Lachlan Penninkilampi, contracted solicitor
- Stuart Simington, contracted solicitor
- Lindsay Taylor, contracted solicitor
- Matthew Harker, contracted solicitor
- Matthew Cobb-Clark, contracted barrister
- Brenda Tronson, contracted barrister
- Stephens Ryan, contracted barrister & current Labour MP Candidate
- Ken Jordan, Councilor
- Peter Kafer, Councilor
- John Nell, Councilor
- Leah Anderson, Councilor
- Giacomo Arnott, Councilor
- Bruce MacKenzie, ex-Mayor & former Councilor
- Geoff Dingle, late Councilor
- Kate Washington, MP
- Francis Marks, Principal Member NCAT
- Julie Wright, Greenway Chambers

A great deal of individuals have profited substantially from the unlawful agreement, either directly or indirectly.

Collectively, given there is no evidence any person with knowledge of the unlawful agreement has duly reported it, the impression is one that Nobel Cause Corruption is alive and flourishing within Port Stephens Council, a cultural attitude which requires the participation and acceptance of a wholly congealed group to be remotely effective.

The leaders of the congealed group, it would be reasonable to expect Tony Wickham and Lisa Marshall did not fully contemplate the trajectory possibilities of Tony Wickham's conscious decision to initiate and enter into an unlawful agreement with a member of the public.

It is also reasonable to expect Tony Wickham and Lisa Marshall did not rightfully expect Mr McEwan's or my GIPA Determinations to be reviewed by the NCAT but carelessly relied upon a non-binding recommendation from the IPC to quash further scrutiny.



There is no evidence whatsoever that any person has reported their knowledge of the unlawful agreement to any governmental body.

As listed above, there are numerous Councilors aware of what has transpired, where petitioning for legitimate assistance and support have not been forthcoming.

Mr McEwan and I would be provided an email from Tony Wickham to Councilors warning them not to be in communication with us for threat of a Code of Conduct, falsely stating legal matters were operational in nature and as such Councilors were precluded from being involved.

The NSW Office of Local Government has confirmed there is no such thing as an operational matter in the context of local government business.

Tony Wickham's false and misleading email to Councilors who made enquiries on our behalf was the unlawful agreement in action.

### **Forced NCAT Administrative Reviews & Appeals:**

At all times Council had access to numerous in-house suitably qualified solicitors but chose to engage Sydney-based external legal service providers instead, undoubtedly designed to intimidate Mr McEwan and I as we remained self-represented, for cases which were predominantly unwinnable on the part of Port Stephens Council.

Council also had access to the immediately adjacent Raymond Terrace Court House for all in-person hearings, but instead directed all matters to Sydney-based contracted solicitors.

Since the onset of COVID the NCAT has facilitated Video Audio Hearings.

Most of those Mr McEwan and I were parties to with Port Stephens Council, whilst Council had engaged contracted solicitors, a number of in-house solicitors were noted to have logged into the digital proceedings, indicating they did have the time to attend.

This is further evidence of the waste of public monies for no reason when Council is not only richly-resourced, but staff also have the time necessary for proceedings which were at all times against an unrepresented, untrained, unqualified opponent, and where the proceedings predominantly involved fundamental government records.

Any reasonable person would agree these cases of administrative review, in the lowest court in the state, could not have been easier for a qualified government solicitor.



[McEwan v Port Stephens Council \(2017\) NSWCATAD 269](#)

Documents sought: Objecting Submissions to DA  
Category: Open Access Information Mandated for Release Free of Charge  
Documents never released  
Costs not quantified

[McEwan v Port Stephens Council \(2021\) NSWCATAD 110](#)

Documents sought: Interest Disclosures  
Category: Open Access Information Mandated for Release Free of Charge  
Documents partially released  
Costs: Approximately \$99,000.00

[Webb v Port Stephens Council \(2017\) NSWCATAD 271](#)

Documents Sought: Various Development Application Records (4 Joined FOI Requests)  
Category: Open Access Information Mandated for Release  
Documents partially released  
Costs not quantified

[Webb v Port Stephens Council \(2017\) NSWCATAD 348](#)

Documents Sought: Various Development Application Records (5 Joined FOI Requests)  
Category: Open Access Information Mandated for Release  
Documents partially released  
Costs not quantified

[Webb v Port Stephens Council \(2018\) NSWCATAP 224](#)

Documents Sought: Various Development Application Records including Objecting Submissions (5 Joined FOI Requests)  
Category: Open Access Information Mandated for Release  
Appeal upheld, remitted to newly constituted Tribunal Member  
Costs not quantified

[Webb v Port Stephens Council \(No. 3\) \(2018\) NSWCATAP 286](#)

Documents Sought: Various Development Application Records (6 Joined FOI Requests)  
Category: Open Access Information Mandated for Release  
Appeal upheld  
Costs not quantified

[McEwan v Port Stephens Council \(2022\) NSWCATAD 148](#)

Application Details: Revoking of NCAT Act 2013 Sections 64(1) & 49(2)  
Category: Miscellaneous Application  
Decision: Dismissed  
Costs Claimed: \$15,664.30



[McEwan v Port Stephens Council \(2022\) NSWCATAP 300](#)

Application Details: Revoking of NCAT Act 2013 Sections 64(1) & 49(2)  
Category: Miscellaneous Application – Appeal  
Decision: Dismissed  
Costs Claimed: \$15,000.00 (approx.)

[Webb v Port Stephens Council \(2022\) NSWCATAD 404](#)

Documents Sought: Training Manuals, Materials & Powerpoint Presentations concerning the Government Information (Public Access) Act 2009, GIPA Act  
Category: Non-Confidential  
• NO COMPETITIVE LEGAL SERVICES TENDER  
• NO COSTS AGREEMENT  
Costs Claimed: \$20,914.85

**GIPA Act 2009 Section 110 Restraint Orders**

[Port Stephens Council v Webb \(2017\) NSWCATAD 341](#)

Respondent successful in dismissing Application

[Webb v Port Stephens Council; Webb v Port Stephens Council; Port Stephens Council v Webb \(2020\) NSWCATAD 81](#)

Applicant successful in seeking order outside of NCAT jurisdiction

[Webb v Port Stephens Council \(2020\) NSWCATAP 152](#)

Respondent successful in Appeal, proving bias

[Port Stephens Council v Webb \(2021\) NSWCATAD 180](#)

Respondent successful in dismissing Application

Council's costs for Section 110 Applications: In excess of \$200,000.00

Whilst Council may claim the costs of the above-listed cases were due to some kind of unnecessary and avoidable conduct on my part in particular, the case law states I have a success rate of 86% as at June 2021, which has since increased.

In other words, my own requests for access to government information are credible, valid and result in an 86% success rate of the production of documents requested, leaving 86% of cases not requiring an NCAT Administrative Review, but able to be resolved by Council through the proper exercise of the applicable legislation, the GIPA Act 2009, and through structured mediation to avoid unnecessary legal costs.



### **Further Unnecessary Waste of Public Monies:**

Council has also expended huge amounts of public funds on redundancy packages for at least (3) three individuals, at times when there was no redundancy of their particular roles:

- Paul Minett
- Anthony Randall
- Ex-Facilities Manager (anonymised)

Both Paul Minett and Anthony Randall had full knowledge of the unlawful agreement.

EFM petitioned Council executives concerning the unauthorised expenditure approvals issued by a co-executive, funding approvals which involved the co-executive's personal relationship with a contractor.

Council responded to EFM's report with (2) two options: Council would issue a Code of Conduct report against EFM "which would follow him to future employers", or he could take a redundancy package inclusive of a Non-Disclosure / Confidentiality Agreement.

It is reasonable to assume Mr Minett's and Mr Randall's redundancy packages also included individual Non-Disclosure / Confidentiality Agreements. It is also noted both Mr Minett and Mr Randall each secured their following positions with a NSW Local Council.

Additionally, the extravagant "gift" of a brand-new commercial vehicle to the current Mayor of Port Stephens Ryan Palmer, an item that was initially concealed within fleet purchases until the Mayor was seen driving it and Councilors thereafter commenced enquiries.

The vehicle is a Ford Raptor valued at upwards of \$90,000.00 for the base model price.

Further, in 2021, Tony Wickham did use public monies for his own personal use, when he engaged Sydney-based solicitors to have an accurate media release removed from the internet.

### **Ongoing Huge Legal Costs:**

The now infamous case of ongoing litigation between Port Stephens Council and the Lagoons Estate's David Vitnell, is now reported to have cost in excess of \$15m over (10) ten years.

Council could have rectified the properties concerned and finalised the situation but still litigates to avoid accountability.



## Publicised Shortfalls:

Council's Finance Officer – SRV Project Gabriella Tamsett disclosed to a concerned resident that Council expects by its own calculations a financial short-fall in the vicinity of \$85m over the next (10) ten years, which it fully intends to pass onto rate payers and tourists.

Engaging unnecessary legal teams through the shirking of delegated duties by in-house solicitors is not representative of Council's efforts to reduce that gargantuan expected debt.

Council has provided evidence it has allocated legal work to external legal services providers bypassing competitive legal services tendering processes.

Council has also provided evidence it has allocated legal work to external legal services providers absent of a costs agreement, which is a mandated under the

Neither is extravagant gift-giving considered conducive to reducing unnecessary costs.

Neither is the awarding of huge redundancy packages to those whose roles were not in fact being made redundant.

## Closing:

In closing, the public has the right to expect the highest of standards of each and every government employee, and moreso from those at the executive level.

- **Council of the Law Society of NSW v DXW [2019] NSWCATOD 101**

56 “ .....*They are not to be regarded as unsophisticated members of the community with limited literacy skills and a limited understanding of the statutory regimes in which they are operating.....*”

Tony Leslie Wickham knew exactly what he was doing, knew the applicable legislation, knew he had no guardian. As such he had no conscience in initiating the unlawful agreement and continuing to act to honour it.

What has occurred in this singular action of initiating and implementing an unlawful agreement to conceal and protect open access information mandated for release easily qualifies for the category of white-collar crime, and the Australian Institute of Criminology, *Trends & Issues in Crime & Justice*, featured a relevant article by criminologist Peter Grabosky and researcher Peter Larmour:

*QUOTE “.....a simple formula proposed that discretion plus monopoly minus accountability equals corruption” UNQUOTE*

This quote perfectly captures the conduct of Tony Wickham in his willing participation in the unlawful agreement he crafted.



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- **ICAC v Karkowski (2012) NSWLC 6**

*33 "His conduct strikes at the very heart of public confidence in proper and transparent process. It creates or reinforces the public perspective that the operations and decision-making exercises of Councils and thus government in general may not be conducted in an entirely honest and professional manner. It does not take too much thought to understand that at the level of local government there will be some members of a local community who object to a proposal only to find that their objections do not carry the day. They may conclude that what was in reality an honest decision is tinged with corruption because they are aware that in the past people, such as this offender and others, have conducted themselves in a corrupt manner to influence the outcome of applications to Councils. Such are the unfortunate consequences of corruption. The innocent become tainted by the criminality of the corrupt. Sadly the perception reinforced by the offender's conduct is likely to be enduring."*

*39 "Substitute "officer of local government" for police officer and view such conduct from the perspective of sections 439-440 and the Code of Conduct set out in Schedule 6A of the Local Government Act 1993 and the community will readily understand that they are entitled to expect the highest standards of those employed on their behalf."*

On the basis of the continual and ongoing gross professional misconduct and serious financial maladministration, if not unlawful conduct by a public officer(s) through malicious intent, of at least one executive level officer of the organisation, it is clear to see this organisation does not hesitate to throw public monies at issues it just wants to go away, instead of consulting and mediating to a mutually agreeable resolution, and managing its public trust with the integrity the public naturally expects.

Let us be mindful these individuals are extremely well remunerated, enjoying high-end motor vehicles and numerous financial and organisational benefits all at the public's expense.

Likewise the organisation has no credibility simply due to its refusal to accept responsibility and make those accountable, accountable.

Worse however, is the realisation that almost every legal case concerning Mr McEwan and I is founded on the unlawful agreement between Tony Wickham and a member of the public in March / April 2012, and as such the costs associated with the continual protection of the open access information AND the concealment of the party's identity MUST be seen for what it is, and that is Tony Wickham using public monies for his own personal use to honour that agreement.

The Noble Cause Corruption cultural attitude coupled with Tony Wickham's apparent unbridled, unchecked authority to continuously engage external legal service providers sees the current budget for maintaining the unlawful agreement as limitless.



As mentioned, Council has **not** disclosed the full costs of the above cases concerning Mr McEwan and I, but at first glance it is easy to see our cases easily climb well above \$500,000.00, for predominantly open access information mandated for release free of charge.

With the public's realisation Port Stephens Council has elevated its third generation in-house General Manager, the public only expects more of the same.

This Council should NOT be granted any rate rise at the expense of its working class and some-underprivileged residents, particularly when the Mayor currently drives likely the most expensive 4WD on the market of which he had no need.

Further, Council should NOT be granted any rate rise as it is now undeniably evidenced to use valuable resources to deliberately obstruct the public's legally enforceable rights to access its government-held records due entirely to an unlawful agreement between its Governance Manager Tony Leslie Wickham and a member of the public, which can ONLY be construed as using public monies for personal use constituting abuse in public office.

Council is also evidenced to fabricate evidence against a trusting innocent public.

Tony Wickham as Governance Manager has tapped into unquantifiable public monies for his own personal use, which should never have occurred at first instance, but which now MUST be prevented from reoccurring.

Mr McEwan and I have retained copies of every document referred to which is available at the iPART's request.

I also invite the iPART to view a number of our media releases which accurately refer to Port Stephens Council <https://nswfreedomofinformation.net/forum/rate-your-agency/>, along with our public page titled Rate Your Agency <https://nswfreedomofinformation.net/forum/rate-your-agency/>, which shows Tony Wickham describing accessing Council records in the nature of "*getting blood out of stone*", and where he ridicules Access Applicants by satirical cartoon imagery.

The irony of his presentation is that the attitude to make accessing government information like getting blood out of a stone is precisely why he facilitates the gross maladministration of the public purse entrusted to him.

Any consideration the iPART gives to the granting of any degree of rate rise sought by Port Stephens Council MUST be preceded by an independent forensic accounting audit.



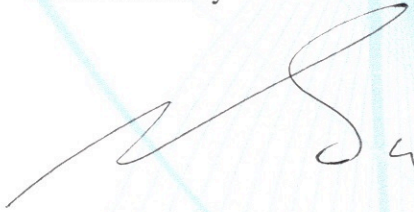


And finally, in its document titled Port Stephens Council Improvement Proposal, endorsed at a Council Meeting on 09<sup>th</sup> June 2015, Council brags:

*QUOTE “.....we have the right people doing the right things the right way – that is our staff’s skill sets are aligned to the functions of Council,” UNQUOTE.*

Such a claim can only be valid if the functions of Port Stephens Council comprise criminality.

Yours Sincerely



Telina Webb, Bachelor of Criminology & Criminal Justice Candidate