

Paul McEwan

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Wednesday 29th November 2023

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Without Prejudice, Save as to Costs

Port Stephens Council

Att: Lisa Marshall

E: lisa.marshall@portstephens.nsw.gov.au

Copy to: Tim Crosdale, General Manager
Ryan Palmer, Mayor
Leah Anderson, Deputy Mayor
Chris Doohan, Councilor
Jason Wells, Councilor
Matthew Bailey, Councilor
Glen Dunkley, Councilor
Giacomo Arnott, Councilor
Peter Francis, Councilor
Peter Kafer, Councilor

Ms Marshall

**RE: PAUL MCEWCAN V PORT STEPHENS COUNCIL
NCAT PROCEEDINGS 2016 / 00378193**

Application to Revoke Not-For-Publication Orders under NCAT Act 2013 Section 64:

- **Conceal Tony Wickham's Unlawful Agreement of March / April 2012**
- **Conceal False & Misleading Statement – Tony Wickham**
- **Conceal False & Misleading Submissions – Lisa Marshall**
- **Conceal False Verbal Testimony – Tony Wickham**
- **Conceal False Verbal Testimony – Lisa Marshall**

Further to your letter of 15th November 2023 where you seek my offer to Council for a payment arrangement for the balance of Council's Costs; where Council punitively engaged external legal services to incur avoidable costs instead of ethically using qualified in-house legal resources.

Firstly, I want you to know I forgive you for the ongoing way you've behaved towards me since my first interactions with Port Stephens Council. Unfortunately, I cannot speak for my wife Telina Webb.

Specifically, I forgive your foolishness to turn a blind eye to corruption, actioned by your ongoing support and facilitating the additional corrupt actions of Council's Corporate Policeman Tony Leslie Wickham.

I also forgive your foolish decision to jointly act corruptly with primarily Tony Wickham, but also the numerous others you have implicated by your corrupt conduct, and then did influence to also act corruptly.

I stress at this point I am not angry with you, am not writing this letter to you in anger, nor do I wish you any harm in any way whatsoever, as has always been evidenced by my conduct in every interaction with Port Stephens Council and its employees.

This of course is not the way Council has acted towards me, making its intentions to cause me as much harm, damage, pain, distress, anxiety and financial hardship as it can possibly hope to invoke, in return for my acting in full accordance with Council's published DA processes and exercising my legally enforceable rights under the Government Information (Public Access) Act 2009.

I write this letter to you calmly and thoughtfully.

Forgiving you does not however mean I do not seek your full accountability for your actions, actions which have reverberated through Council, secondary agencies, and most notably the NSW judiciary.

I intend to continue to tell my story of what has happened to me as a matter of public interest. My wife is also under my instruction to continue to tell my story regardless of what happens to me.

Secondly, since reading the caselaw of ***McEwan v Port Stephens Council (2017) NSWCATAD 269***, which I am confident exceeded all your and Tony Wickham's imagined expectations, where I read references to me posing a risk of harm to the public likened to 'molestation of a person' and with references to the 'Crimes, Domestic and Personal Violence Act 2007', I have seriously and repeatedly contemplated taking my life as I felt the damage you and Tony Wickham willingly, calculatingly, and deliberately chose to cause to my reputation.

Of course, none of the claims were challenged in that case before a gullible tribunal member whose decision was rightfully overturned.

Regrettably, albeit the decision was overturned, the caselaw remains for the public to read and the damage cannot be reversed as you well know.

This brings me to the obvious question of "***what is it you want from me Lisa Marshall?***"

Are you intending to pursue me at all cost, and at the likely cost of the loss of my life?

Or are you intending to pursue me at all cost, to the point of bankruptcy?

Both of which you are evidenced to action at ongoing insurmountable cost to the community, and which you have not outlaid a single cent of your own publicly-paid wages.

Either way, you do understand Council will not get paid.

This letter intends to document a portion of your actions and that of Tony Wickham, actions supported by evidence within Council's own records; actions which show you and he can only continue to do so at great cost to the public purse as you hide behind external legal service providers, shamefully hiding your faces to avoid accountability at no personal cost to either one of you.

Offer:

Your letter of 15th November 2023 seeks my offer of my terms of payment in this matter.

Firstly, you are fully aware I commenced payment of these funds PRIOR to your seeking a formal judgement with the Local Court; that first payment was \$2,000.00.

I was not required to do so at that point in time, however as my payment history and that of my wife shows, we have both paid every account issued by Port Stephens Council and as such your taking that \$2,000.00 towards the balance, and still choosing to secure a formal judgement which incurred additional avoidable costs against me was nothing other than deliberately and calculatingly punitive.

Clearly the initial payment of \$2,000.00 initiated an implied payment arrangement had been established between myself and Port Stephens Council.

Further, I refer you to an email forwarded by my wife / agent dated 04th August 2023 which makes clear there already exists an implied payment arrangement; one which Council has confirmed acceptance of by receipt of funds repeatedly paid to it towards the outstanding balance.

I am not aware of any of those funds being returned to me as unaccepted.

In this regard, I am not able to offer Council anything further, particularly as the payment instalments have been time-and-amount established.

In any case, I feel your letter of 15th November 2023 is completely disingenuous based on the now evidenced decade-long history of your and Tony Wickham's collective punitive and deceptive conduct when dealing with myself, my wife, and other members of the public of course.

Regrettably it is reasonable to expect there is so much more yet to be uncovered.

You have shown you cannot be trusted, that you support and facilitate unlawful conduct, that you have personally, directly and repeatedly acted corruptly, that you have been directly involved in a number of serious crimes, that you are willing to act punitively against the public, that you have no regard for precious public resources, that you have used and abused public resources to occasion serious crimes, and that you ignore your obligations as an officer of the court and representative of Local Government.

Now of course and despite my continued payments, you write to me threatening legal enforcement when the record shows I am meeting my obligations, and adding further insult (if that were possible) you also threaten to increase the balance by imposing interest and additional costs.

Again I ask you Lisa Marshall *'what is it you want from me?'*

Your Expectations:

'Lisa Marshall, what is it you want from me?'

Was it not sufficient for you when Tony Wickham entered into an unlawful agreement with a member of the public to conceal and protect open access information mandated for release, the Objecting Submissions to the DA No: 483 of 2011, when Tony Wickham usurped his authority and inserted himself into the DA process?

What is not then sufficient for you when Tony Wickham then unlawfully abused the GIPA Act 2009, ratifying it, to establish an unsubstantiated and false claim of a risk of harm against me, to prevent my full understanding of what the alleged issues were concerning my DA?

Was it not then sufficient that you, confirmed in documentation provided under the GIPA Act 2009, prevented a senior Council Planner from bringing my DA before the elected Council for adjudication, instead forcing me to seek a review of a Council DA decision with the Land and Environment Court?

You are fully aware that action alone unnecessarily caused me to incur legal costs resulting in the loss of my home.

Was that not sufficient for you Lisa Marshall?

Of course, the underlining intention was to protect the individual who had entered into the unlawful agreement with Tony Wickham; Tony Wickham could not allow that person to be exposed by attending the Council meeting to defend his objection, exposing that agreement, especially when he had given his personal reassurance ***"I've got your back mate! And if the Information Commissioner comes knocking asking questions, Council (I, Tony Wickham) will respond!"***

At that point in time, that is by mid-2012, the individuals aware of the unlawful agreement included:

- Tony Wickham, agreement architect
- Peter Gesling, ex-General Manager
- Wayne Wallis, General Manager
- David Broyd, Planner
- Bruce Petersen, Planner
- Paul Minett, Planner
- Matthew Brown, Planner
- Ken Solman, Planner
- Leonard Allen, Planner
- Tom Croft, Planner
- Greg Rodwell, Planner
- Andrew Ashton, Planner
- Kristian White, Planner
- Andrew Weeks, Planner
- Anthony Randall, Planner
- Lisa Gowing AKA Felicity Connors, Special Counsel
- John Connors, Barrister
- Garry Fielding, external Consultant
- And of course you Lisa Marshall

The result of that information being so liberally disseminated to, and utilised by, senior staff and consultants has been the ever-growing list of documents and decisions that were repeatedly corrupted in parallel, breaching several pieces of legislation in the process, details of which will be listed below.

Every instance a document was falsified was an instance of corrupt conduct.

I am not aware of any individual, under the mandated Code of Conduct, making any legislated report. But then, with the revelation you and Tony Wickham have control over the Code of Conduct process, there is of course no chance of any such report progressing to fruition. This is compounded by the historical evidence of the falsified Code of Conduct Report against the late Councilor Geoff Dingle, sending the clear message to any Council employee or Councilor of what they can expect if they decide to act in good conscience and in accordance with the legislation.

One Simple Act Reverberating Through and Beyond the Organisation:

As you have already been rightfully informed, the Crime Triangle is completely applicable to Tony Wickham and yourself as Council's Dynamic Corrupt Duo.

Both of you, but commencing with Tony Wickham, were motivated to offend, identified a suitable target, and were at all times unsupervised in your joint roles.

Such actions are readily identifiable under the Crimes Act 1900.

The bulk of the offences occurred in the exercise of Council's duties under the GIPA Act 2009, the Local Government Act 1993, and later within the judiciary concerning the NCAT Act 2013.

Tony Wickham's collective roles include:

- Governance Manager
- Executive Officer
- Right to Information Officer
- Privacy Officer
- Code of Conduct Coordinator
- Complaints Handling Officer
- Joint Custodian of Secondary Employment (shared with you Lisa Marshall)

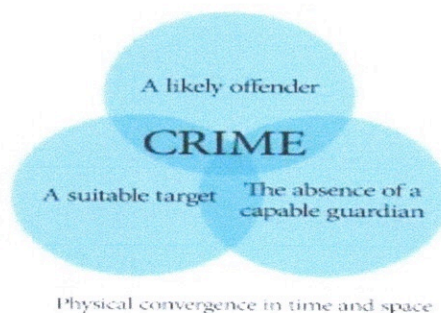
The current Organisational Chart also shows Tony Wickham with seniority over Legal Services.

You of course, whilst enjoying the title Head of Legal Services, are disclosed to be answerable to Tony Wickham as his subordinate, which explains a great deal.

Initially, Tony Wickham's corrupt conduct was protected under the GIPA Act 2009 Exempt Information Clause(s), however his crimes started to unravel first in July 2018 when Council's solicitor Carlo Zoppo had an apparent crisis of conscience and provided a full unredacted copy of Tony Wickham's letter to the NSW Information & Privacy Commissioner of 17th March 2015 to my wife, and then in June 2019 when a legible copy of his unlawful agreement to conceal and protect open access information mandated for release was issued under order of the NCAT.

Tony Wickham, with your full support and assistance, and you additionally, have repeatedly acted in text-book fashion of Routine Activity Theory, where criminal actions are easily performed as part of everyday workplace duties, a theory which makes clear you both fit the parameters of the Crime Triangle which relies on (3) three components:

1. A likely / motivated offender
2. A suitable / unsuspecting target
3. The absence of a suitable guardian / nobody is checking on the offender's activities



You have both been able to act in collaborative manner as part of your every-day duties, with no person checking on either of you, with Tony Wickham maintaining his vice-like grip on the keys to the compactus to prevent access to the truth.

You and he have managed to maintain a perverse narrative about me for over a decade; remarkable! But it is thanks to the meagre documents released under the GIPA Act 2009 that my wife and I have managed to uncover the sordid truth of what has occurred.

So Lisa Marshall, where did all this start?

At what point did you become involved in Tony Wickham's plan and action to deceive the public, to abuse the GIPA legislation, to corrupt possibly hundreds of documents associated with the DA No. 483 of 2011, and to use currently unquantifiable public monies to do so?

In my view this all started when I attended Council's premises in approximately 2009 to discuss my intentions to address the non-compliant pool fencing at my then property 3 Sapphire Court, a pool fence which had been stamped approved however by Port Stephens Council. I had received a Council brochure concerning swimming pool safety, and it was obvious to me that the approval was completely defective. I have maintained photographs of the defective Council Approved structure and documentation which are publicly available.

Attending Council premises and speaking with the Duty Planner, I presented my conceptual drawings of my intentions and was clearly informed *"This is not something Council is interested in."*

However, not satisfied with that, and having spoken with some local residents who advised caution in accepting Council reassurances, I attended Council premises not one singular additional time, but twice more.

On each and every of those consultations I was unmistakably informed *"This is not something Council is interested in."*

In consulting with Council Duty Planners before commencing any of my planned works I followed Council's published processes.

I also consulted with several of my neighbours and advised my intentions, none of whom expressed any objection, and only one of which insisted she not incur any costs and that I not disturb what she claimed as *"her fence"*. This woman is confirmed to be suffering dementia at that time (with you and Tony Wickham obtaining her medical records / documents as evidence of her mental state in mid-2017).

With this indication directly from Council that no formal approvals were required, I first completed the portion at the southern boundary of our property. That part was completed sometime in 2010 and with no objections from any person whatsoever.

21st April 2011

However, on 21st April 2011 when the installation of the privacy screen and pool fence was 80% complete, the woman who had not expressed any objection to my face, had insisted she not incur any costs, and who's demand I not disturb her claimed fence, decided that she in fact did not like the finished result and as such, still in her demented state, she contacted Port Stephens Council; despite me doing exactly what she had demanded.

This is where my nightmare with Port Stephens Council began.

Council would eventually disclose that this elderly woman, suffering from dementia, had called Council and stated words to the effect ***"Paul said he'd kill me if I went to Council."***

She was talking about me!

And without any evidence to support that demented statement, from someone likely to be suffering delusions, Council accepted that claim on face value. Council also failed to confirm whether or not I was at my home at the time of the allegation, given I was on the record working interstate.....

Apparently Council took this statement very seriously but at no time whatsoever did any person contact police to report this serious threat to life and personal safety of a defenceless mentally-unwell elderly woman who lived on her own. The police station is adjacent to the Council premises, with officers attending Council regularly to liaise on community safety issues, but no person raised what is claimed to have been said with any police officer.

Regardless, a Council Officer contacted me stating Council required either demolition of the structure or a Development Application (DA) for Council Approval.

No officer attended my property at that time.

At no time did Council issue a Stop Work Order.

Taking the initiative I managed to contact (3) three of the (5) five neighbours and obtained (3) three pro-forma letters stating that they had no objections to the privacy screen. Those pro-forma letters included one from Brett Fatches, Council Committee Member. Council has not released or made public Brett Fatches' mandatory interest disclosure concerning my development, in breach of the Local Government Act 1993. It is also noted Brett Fatches has a development on his property which overhangs onto an adjoining property.

With these documents I lodged a Development Application. However a secondary Duty Planner told me ***"only put in a DA for the part that's not finished,"*** that is only put in a DA for the 20% unfinished component.

Based on that secondary instruction by a qualified Planner, I returned to Council with an amended Application, only to be told by the original officer Greg Rodwell ***"we want a DA for the full project."***

I would later be informed by the NSW Department of Planning & Environment NSW Local Councils are NOT able to give Retrospective Approvals on Completed Works:

“It (the planning system / instruments) also generally does not allow for a person who undertakes unauthorised work to obtain retrospective development consent for those works.”

Case Law rejecting authority’s ability to give retrospective approvals:

- ❖ J Talbot stated in Dennis Foster Insurance Brokers Pty Ltd –V Sydney City Council [1999] NSWLEC 53 at Paragraph 13: “Recent decisions of this Court (below) confirm the long-established principle that a retrospective consent or approval cannot be obtained under the Environmental Planning and Assessment Act 1979 (EPA Act) or the Local Government Act 1993 (LG Act).”
- ❖ Tennyson Textile Mills Pty Ltd v Ryde Municipal Council (1952) 18 LGR (NSW) 231)
- ❖ Steelbond (Sydney) Pty Ltd v Marrickville Municipal Council (1994) 82 LGERA 192
- ❖ Ross Connell v Armidale City Council (Pearlman J unreported 25 September 1996 No. 10272 of 1996 and 20068 of 1996)
- ❖ Herbert v Warringah Council (1997) 98 LGERA 270

This would be the first time Port Stephens Council would ratify the legislation to suit its own agenda.

Ratification

- **Perpetual Limited v Rocco Costa & Santina Costa (2007) NSWSC 1093, at 57:**

“In order that a person may be held to have ratified an act done without his authority, it is necessary that, at the time of the ratification, he should have full knowledge of all the material circumstances in which the act was done, unless he intended to ratify the act and take the risk whatever the circumstances may have been.”

15th July 2011

I lodged my documentation for DA No: 483 of 2011.



26th July 2011

Council notified all (5) five neighbours of the development application. The details of all (5) five notified properties was also published on Council's DA Tracker website.

The letter to the neighbours were identical and stated:

Please note: the Government Information (Public Access) Act 2009, (GIPA) applies to Council. All submissions received are considered to be "open access information" under GIPA and therefore will be made available to members of the public, if requested.

28th July 2011

Council also published a Notice in the Local Media Port Stephens Examiner advertising the DA No: 483 of 2011, stating:

Please note: the Government Information (Public Access) Act 2009, (GIPA) applies to Council. All submissions received are considered to be "open access information" under GIPA and therefore will be made available to members of the public, if requested.

Council's letters of notification and publications aligned with Council's "**Development Control Plan (DCP) 2007 A1.14 Submissions**", which stated:

"Submissions in response to a development application must be made in writing. The submission should clearly identify the name and address of the writer, the address of the proposed development, Councils' application number and the reasons for any objection to, or support of, the proposal.

Submissions are not regarded as confidential."

10th August 2011 onwards

I would request the Objecting Submissions Informally over (30) thirty times without success.

14th September 2011

However, in complete contrast to the position taken by Council in relation to my requests, Tony Wickham is documented to have a telephone conversation with one of the (5) five neighbours concerning the very documents he was withholding from me.

16th September 2011

Tony Wickham composed an email response to the telephone enquiry.

In this regard it is Tony Wickham who initiates the written email trail, which sees him as the originating author insert the subject heading:

"Informal GIPA Request for Submission on 3 Sapphire Court, Raymond Terrace."

It is noted Tony Wickham provides this person, someone he has a relationship with, access to the Objecting Submissions Informally. There is no mention of costs. Neither is there any mention of third-party consultation for the release of the information. In fact Tony Wickham makes clear he has provided "the file" which he does by email. He has not provided the documents "view only" at Council's premises.

This dialogue exchange and Council's provision of Open Access Information Mandated for Release free of charge and without third party consultation is crucial to understanding the bias, prejudice and pre-determined agenda with which Tony Wickham has responded to valid requests for the same information by my wife and I, corrupting the freedom of information process and breaching legislation.

It is evident from the notices issued by Council, and the public notices in the local media, that this person asking for the information understood the public's right to access the Objecting Submissions. The exact same must be said for Council's Tony Wickham, who concedes by his own Subject Heading of the email communication he initiated, that he also knew what Council's obligations were under the GIPA Act 2009.

During the DA process we experienced the following:

- Council threats of \$1.1m of fines
- No Council officer conducted a site assessment until after the full DA was lodged
- Unlawful Refusal of access to Objecting Submissions
- No disclosure Council was precluded by law from determining completed Works

During the DA process other people experienced the following:

- Council accepted unsubstantiated claims of death threats
- Council released Objecting Submissions preferentially
- Council facilitated objecting submissions on development works it could not give retrospective approval for

27th October 2011

The full DA was Determined as Refused albeit Council was not able to afford retrospective consideration on the 80% completed component of the Works.

Concerned about Council's approach to our matter and its refusal to afford consideration to statements and reassurances given by Duty Planners regarding "*Council's not being interested in our project*", we had been petitioning Council since April 2011 for information about the Development Application and review processes, as well as repeatedly asking for access to the Objecting Submissions to our DA.

The resultant Development Assessment Report disclosed Council had received (2) two only Objecting Submissions, those being from the neighbours who had not been asked for a Pro-Forma letter of support for the project.

Those Objectors were identified by a Council Report as:

- 5 Sapphire Court Raymond Terrace
- 10 Panorama Close Raymond Terrace

03rd November 2011

In response to continued petitioning for Council clarification of DA Determination and for DA Review disclosure and assistance, Council formally restricted our access to Council services. There was no review. Council informed me it would reconsider the matter in (6) six months.

This made my attempts to access Council information extremely difficult.

(That restriction remains in place since that date, over a decade)

10th January 2012

Council issued a Partial Demolition Order for reduction in overall height of the privacy screen and pool fencing, in effect to restrict it to the existing heights of some parts of the boundary fences, causing it to be non-compliant and defective.

16th January 2012

We asked Council if it had received any Disclosures as required under the Local Government Act 1993 and Council's mandated Code of Conduct, in relation to the DA.

On receipt of this enquiry Council engaged the services of Special Counsel Lisa Gowing AKA Felicity Connors and her barrister husband John Connors. John Connors is currently the Mayor of Dungog. At the time no proceedings were on foot. Council has still not provided mandatory disclosures of the relationship between Brett Fatches and Port Stephens Council concerning the DA No: 483 of 2011.

Council has still not provided the mandatory disclosures of the personal relationship between Tony Wickham and the individual he made an unlawful agreement with, the same person he provided access to the objecting submissions withheld from me, and to whom he provided *"the file"* by email under subject heading ***Informal GIPA Request for Submission on 3 Sapphire Court, Raymond Terrace.***

February 2012

Council issued (2) two Orders to Forcibly Enter Premises albeit access had not been refused.

Council also issued a notice Revoking its Order for Partial Demolition *"because you did not comply with it, and Council will issue a new order in its place in due course."*

The General Manager Peter Gesling also wrote suggesting it would be a better use of my time to cease asking for information and instead decide whether or not to lodge a Section 82a Request for Review of Development Determination under the EP&A Act 1979.

13th March 2012

After speaking further with Planner Greg Rodwell, who disclosed that lodging a Section 82a Request for Review of Development Determination would place the Partial Demolition Order on HOLD pending the outcome of that Request, I lodged the relevant 82a documentation.

26th March 2012

Council again notified all (5) five neighbours of the development application. The list of (5) five notified properties was also published on Council's DA Tracker website.

The letter to the neighbours were again identical and reiterated Council's earlier notification:

Please note: the Government Information (Public Access) Act 2009, (GIPA) applies to Council. All submissions received are considered to be "open access information" under GIPA and therefore will be made available to members of the public, if requested.

28th March 2012

Council also published its secondary Notice in the Local Media Port Stephens Examiner advertising the DA No: 483 of 2011, stating:

Please note: the Government Information (Public Access) Act 2009, (GIPA) applies to Council. All submissions received are considered to be "open access information" under GIPA and therefore will be made available to members of the public, if requested.

Council's Development Control Plan 2007 A1.14 was still in effect at that time:

"Submissions in response to a development application must be made in writing. The submission should clearly identify the name and address of the writer, the address of the proposed development, Councils' application number and the reasons for any objection to, or support of, the proposal.

Submissions are not regarded as confidential."

30th March 2012

Now in receipt of a second Council notification of the DA No: 483 of 2011, the individual who was provided the Objecting Submissions on 16th September 2011 re-establishes communications with Council's Tony Wickham, adding this new communication to that provisional email, ensuring Tony Wickham knows who is contacting him, with Tony Wickham's original subject heading **Informal GIPA Request for Submission on 3 Sapphire Court, Raymond Terrace** intact.

Again, this person is fully aware, by both Council notices of July 2011 and now March 2012, and expectedly aware of the (2) two public notices containing the same information, that the Objecting Submissions are Open Access Information under the GIPA Act 2009 and will be provided if requested.

This person is also aware Council has conceded its knowledge of the proper application of the GIPA Act 2009 by providing the Objecting Submissions to him / her via email on 16th September 2011.

However, on this date this person commences a new dialogue with Tony Wickham asking how his Objecting Submissions can be received and considered by Council whilst being withheld from public release.

Tony Wickham did not reaffirm Council's letters making it clear submissions are open access and will be released if requested.

Neither did Tony Wickham reaffirm Council's publications making it clear submissions are open access and will be released if requested.

Neither did Tony Wickham articulate that such a request in breach of the GIPA Act 2009 was illegal and considered corrupt conduct.

Instead Tony Wickham reassures this person that Council would consult with him / her prior to releasing any information. He further reassures this person Council will invite comment, giving the ability to request Council not provide the information on the basis' of:

- Breach of the Privacy & Personal Information Protection Act
- Or
- Exposing a person to a risk of harm or of serious harassment or serious intimidation

Tony Wickham also makes clear that any request for the subject information has review rights with the Office of the NSW Information and Privacy Commissioner, but added that the Commissioner would consult with Council should that eventuate.

And also of importance, there is no reference whatsoever that given Council is mandated to release the information under the GIPA Act 2009, the person objecting to the release has the right to seek his own review should they not agree with Council's lawful decision.

As a final reassurance, Tony Wickham discloses to this person that staff have been instructed "*nothing's to get past me.*"

There can be no disputing this is a documented trail of corruption of the GIPA Act 2009 at first instance, with the EP&A Act 1979 and the Local Government Act 1973 following closely behind by Council's Corporate Policeman Tony Wickham!

This dialogue establishes an agreement is in place to conceal and protect open access information mandated for release PRIOR to Council actually receiving the document, and equally concerning before it can consider whether the content is something that requires withholding from public access.

And the reassurance is that Port Stephens Council will do all the work including make representations to the Office of the NSW Information & Privacy Commissioner should it come knocking at Council's door.

Tony Wickham made an unlawful deal, disclosed his intention to use Council resources to execute it, including Council public monies should a review eventuate, which was corrupt.

04th April 2021

With Tony Wickham's personal assurance of guaranteed anonymity and the concealment of the Open Access Objecting Submissions, and the disclosure Council will take full responsibility for any enquiries with the NSW Information & Privacy Commissioner, the person advises Tony Wickham by email that he has lodged the document.

08th May 2012

Not surprisingly, Council issued its Determination of Section 82a Request for Review as Refused.

On the same day Council issued its 82a Development Assessment Report, which again indicated that only (2) two of the neighbours had lodged an objecting submission, which was false and misleading given the integrity of the Report was compromised by the unlawful agreement.

By issuing a false and misleading Development Assessment Report the author Planner Paul Summergreene acted corruptly with the full knowledge he did so.

By his informing Paul Summergreene to issue a defective Development Assessment Report containing information he knew was false and misleading Tony Wickham acted corruptly with the full knowledge he did so.

16th May 2012

Unaware of the unlawful agreement between Tony Wickham and a member of the public to conceal and protect open access information mandated for release, I again informally requested access to the objecting submissions to the DA No: 483 of 2011.

On the same day Tony Wickham corresponded via email with that person, advising a request had been received for the protected documentation.

Within one hour the individual reminds Tony Wickham of the agreement.

By close of business Tony Wickham advised that the request to access the Objecting Submissions by informal means was refused. He did not give any reasons for his decision. However, he included a Formal GIPA Application Form and invited me to request the information Formally, which was completely disingenuous, knowing full well that should such an application be received by Council it could officiate the '*risk of harm*' claim in accordance with the legislation albeit the claim was baseless, concocted and orchestrated by Tony Wickham personally.

This action by Tony Wickham to invite a Formal Access Application, knowing he had already pre-determined the outcome by falsely claiming a risk of harm, was corrupt.

06th June 2012

Council issued an Order for Full Demolition of our privacy screen and pool fence "*because you did not comply with our earlier Order for Partial Demolition*".

At the same time Council issued the Order for Full Demolition, a Senior Planner one renowned Matthew Brown who had carriage of my DA including the 82a Review process, wrote an internal email to Acting Planner Paul Minett indicating that Council was reluctant to maintain the Order for Partial Demolition in order for the works to be under the exempt development threshold.

Matthew Brown also makes clear that, despite revoking the Partial Demolition Order and replacing it with one for Full Demolition of my project, that:

".....practically making the structure under the trigger for exempt development would be a suitable / practical outcome.

I would not recommend formally requesting this however as it may compromise our position."

Two points are highlighted relevant to this one piece of internal correspondence.

1. Exempt Development does not require Council Approvals.
2. Council concealed the fact that it would accept a finished structure that met Exempt Development criteria.

This covert correspondence confirms the DA and 82a Review processes were corrupted.

15th June 2012

I advised Council I would be lodging a secondary Section 82a Request for Review, inline with the legislation.

Council's Paul Minett unlawfully informed me Council would not accept the secondary document.

Council advised I could seek a review of the Order for Full Demolition in the Land & Environment Court.

Council unlawfully concealed my legal right to bring my DA / 82a Review before the Council for adjudication, which corrupted the legislated development application process.

Council also unlawfully obstructed my legal right to bring my DA / 82a Review before the Council for adjudication, which additionally corrupted the legislated development application process.

04th July 2012

With the Formal Restriction of Access to Services still in place, and unable to bring our DA to the FREE Council Meeting for adjudication, coupled with Council's refusal to accept a valid secondary 82a Request for Review, we reluctantly engaged a solicitor and filed an Application with the Land & Environment Court.

A copy of the documents was delivered to Port Stephens Council who were expectantly delighted with its orchestrated and corrupt outcome.

09th July 2012

Now in receipt of the Court application, Councilor Ken Jordan informed me Council had taken legal advice and would, now that the Court proceedings had been initiated by us, accept the valid secondary 82a Request for Review documentation.

This disclosure solidified any suspicion Council had corrupted the DA process, confirming the application for review filed with the Land & Environment Court was not necessary.

At this time Planner Paul Minett continually petitioned you, Lisa Helene Marshall, for the bringing of my DA to the FREE Council Meeting, but you obstructed his efforts to do so.

This unlawful obstruction of my legislated right to bring my DA to the free Council meeting for adjudication was corrupt conduct on your part.

The unlawful obstruction of my legislated right to bring my DA to the free Council meeting for adjudication was instigated to further protect the identity and involvement of the person who had sought and secured Tony Wickham's favour in the DA and GIPA processes.

You were also fully aware Council was not able to give retrospective approvals to the completed component of my development in contravention to the EP&A Act 1979, additionally corrupting Council's legislated processes.

However, Council was always able to give full legal approval for the USE of my works, leaving it completely intact.

13th July 2012

Acting Planning Manager Paul Minett authored a letter to me, however it was never provided and only became public knowledge further to enquiries of the NSW Ombudsman's Office in September 2015.

The letter stated Council had taken secondary legal advice and would now accept the 82a Review documentation.

Lisa Marshall you were fully aware of the existence of this letter, you had ongoing consultations with Paul Minett, and you were the person who had unlawfully obstructed my access to the Council meeting for adjudication of my DA.

03rd August 2012

During an on-site meeting at my property Lisa Gowing AKA Felicity Connors stated "*I know the Commissioner of the Land & Environment Court quite well and she can be quite tough!*"

That statement was made in your presence Lisa Marshall.

Felicity Connors was fully aware, as you were Lisa Marshall, Council was not able to give retrospective approvals to completed works.

Felicity Connors was also fully informed Objecting Submissions had been withheld from me, and that at least one of those being withheld was under an unlawful agreement with Tony Wickham.

However and despite having that knowledge, Felicity Connors as an officer of the court would shortly afterwards (16th October 2012) file a false and misleading Statement of Facts and Contentions with the Land & Environment Court, specifically in relation to the number of Objecting Submissions Council had received and when.

Felicity Connors went further in her document of 16th October 2012 when she deliberately omitted the full historical background to the DA No: 483 of 2011, giving the false and misleading impression to the Court that I had acted to undertake works without first seeking Council Approval.

These deliberate actions on the part of Felicity Connors on behalf of Port Stephens Council constituted corrupt conduct.

05th October 2012

Severely distressed about the uncertainty of any court outcome as well as the mounting legal costs, my wife directly petitioned the Council Mayor Bruce McKenzie begging for assistance for fear of the lose our home, with the Mayor stating:

"You go home get drunk and rape your husband, I'll take care of everything!"

This was a prime example of the quality of Council personnel elected to public office to represent the local community.

Later that same day Felicity Connors did on behalf of Council forward a letter to me which numerous Council staff and solicitors had collectively compiled, including you Lisa Marshall, inserting our names as the authors, expecting us to sign it.

This collective decision and action to falsify a letter with third parties detailed as the authors was corrupt.

23rd October 2012

Council Planner Anthony Randall falsely documented receipt of my secondary 82a Request for Review under the EP&A Act 1979.

This false documented receipt was corrupt, solidified within his resultant 82a Assessment Report.

Additionally Anthony Randall acted corruptly by falsely documenting the number of Objecting Submissions Council had received.

Anthony Randall had been fully informed about the unlawful agreement and Council's commitment to uphold it.

These multiple actions by Anthony Randall were corrupt.

29th October 2012

Incapable of absorbing further Council threats, denying of procedural fairness, Council's repeatedly issuing Forceable Entry Notices, Felicity Connors' disclosure of her personal relationship with the Commissioner of the Land & Environment Court, Council's refusal to allow the DA before the Council Meeting, and the surmounting legal costs, I succumbed to Council's demands to modify my development and was granted approval for the whole of the development resulting in a non-compliant swimming pool boundary fence.

The retrospective approvals for the 80% completed component of my development was in breach of the EP&A Act 1979, leaving the determination corrupted.

The total number of Council staff involved in and having knowledge of the unlawful agreement, staff which facilitated ongoing meetings and access to Planners whilst excluding myself, is quite staggering.

Not to mention Council's punitive and corrupt actions to enforce fees and charges for an Exempt Development.

Lisa Marshall you are fully aware I have still not been provided the objecting submissions to my development, but I will get into more detail of the depths of that corruption down below.

Port Stephens Council is on the record giving retrospective approvals to several high-profile DAs, and allowing those DAs access to the free Council Meeting for adjudication, with no evidence of any Orders for Demolition or direction to seek a review of any Council decision with the Land & Environment Court:

- Moxey Close Raymond Terrace
A fully completed residential dwelling built without Council Approval, discovered by a Councillor.
- Heatherbrae Shed
A commercial oversized shed built without Council Approval.

Based on those two documented examples, Council repeatedly denied me legal access to Council policies, procedures and natural justice, provided false and misleading information, all of which was supported and facilitated by you Lisa Marshall.

Additionally the property owned by Brett Fatches located at 4-6 Panorama Close Raymond Terrace has an illegal development which overhangs an adjoining property boundary. There is no documentation to suggest that non-compliant structure has been addressed by Council.

20th December 2012

File Ref No: 2012 – 00342 & 00346

With the DA No: 483 of 2011 finalised, I asked my wife to lodge Formal Access Applications under the GIPA Act 2009 for the objecting submissions which had still not been provided to me.

Based on the information contained in the numerous DA Reports, that being Council falsely reporting in its documentation it had only ever received objecting submissions from (2) two of the neighbouring property owners, my wife lodged (2) two separate formal access applications.

Tony Wickham unlawfully demanded fees and charges for each of those access applications for open access information mandated for release free of charge, however having no experience in the freedom of information processes my wife paid everything.

Tony Wickham was approved to release the document from one of those individuals.

07th February 2013

However, instead of partially releasing the requested information, Tony Wickham did in contravention of the GIPA Act 2009, publish (2) GIPA Determinations with reasons for withholding the information due to a '*serious risk of harm, serious harassment, or serious intimidation*' despite knowing he was making a false and misleading statement for each valid access application.

At first instance, falsely relying on the GIPA Act 2009 Section 14 Table 3(f) was corrupt.

At second instance, publishing Council's Determinations in contravention of the GIPA legislation was corrupt.

And thirdly, by using Council resources for an unlawful purpose was corrupt.

Those (2) two publications remain available on the Net, with Tony Wickham's contact information making it clear who it was with the unchecked power to do what he did.

Tony Wickham punitively demanded fees and charges totalling \$360.00, which was all paid.

Tony Wickham's (2) two GIPA Determinations produced a total of (6) six documents, being (3) three each.

My wife did not seek a review of those decisions due to the distress she was suffering relating to what occurred with my DA No: 483 of 2011, the costs we had incurred, and our avoidable decision to sell our home to pay legal costs the result of Council, Lisa Marshall particularly, obstructing my legitimate access to the Council Meeting and forcing me to the Land & Environment Court.

During that time, while I was working interstate meeting professional commitments, my wife suffered (2) two Transient Ischemic Attacks (TIA), which I hold Port Stephens Council completely responsible for.

Lisa Marshall, you witnessed first-hand on 03rd August 2012 the interior of my home, fully renovated and decorated to meet our dream.

You know personally what selling my home cost me.

You know exactly what it was that I had to leave behind.

You, Anthony Randall and Felicity Connors. You all walked through my beautifully finished home, you saw what I had to part with due to your actions, Tony Wickham's actions, and the actions of numerous Council staff involved in the DA No: 483 of 2011, all of whom repeatedly and continually acted corruptly.

August 2013

My home was sold.

I am confident particularly you and Tony Wickham would have been cheering at the notification of change of ownership of 3 Sapphire Court Raymond Terrace, no doubt believing this sordid documented trail of corruption would be all wrapped up never to see the light of day, at least as long as Tony Wickham held the keys to the compactus.

Life After Raymond Terrace

With over 100,000.00 reasons to look between the pages of the DA No: 483 of 2011 to ascertain exactly what occurred and by whom, I decided it was important and relevant to instigate a forensic audit of Council records, choosing to do so by exercising my legally enforceable rights to access government information.

As such, the following files accurately document and evidence the multitude of instances of additional corrupt conduct perpetrated by you Lisa Marshall and Tony Wickham, in response to my wife and my valid access applications, lodged with Council as an exercise of our legally enforceable rights, but which you both jointly acted to obstruct and resultantly corrupt.

The files also show a documented history of Council imposing inapplicable fees and charges for predominantly open access information mandated for release free of charge.

The files show a Council committed to upholding the unlawful agreement between Tony Wickham and an unknown individual, to the denigration of the legislation, and to the detriment of the public.

It is noted the unlawful agreement remains in place and will continue to be honoured and upheld by you and Tony Wickham, and your manifestly excessive number of legal service providers, until either the unlawful agreement expires or a law enforcement agency intervenes.

02nd February 2015

File Ref No: 2015 - 00374

I again requested the objecting submissions to the DA No: 483 of 2011.

16th February 2015

Council's Governance Officer Courtney Coburn, under the instruction of Tony Wickham and still under employment probation at the time, unlawfully refused the request relying on privacy legislation; there could not be any breach of privacy as Council had disclosed the objectors.

However, Council had still not revealed the actual number of objectors which I still believed to be (2) two.

19th February 2015

I asked Council if I was required to lodge a Formal Application.

On the same day Courtney Coburn, confirming in writing she had consulted with her supervisor, advised Council would not accept any Formal GIPA Application from me because of my personal relationship with a past GIPA Applicant, being my wife.

03rd March 2015

I lodged a formal complaint with the NSW Information & Privacy Commissioner about Council's refusal to accept a valid access application from me in accordance with the GIPA Act 2009.

09th March 2015

The Commissioner made enquiries of Port Stephens Council, which were received and responded to by Tony Wickham directly.

The Commissioner advised Council it could not refuse to accept a valid access application.

10th March 2015

File Ref No: W 2015 - 0033

I lodged a formal complaint with the President of the Anti-Discrimination Board on the basis Council had discriminated against me due to my marital status.

17th March 2015

Tony Wickham responds to the Commissioner as he had reassured his counterpart to the unlawful agreement he would.

Tony Wickham puts his unlawful agreement into departmental action when he corresponds with an Investigating Officer of the Commissioner's Office concerning the IPC's letter of 09th March 2015, falsely stating Council had responded to my valid request for information in the way it had due to my wife and I posing a serious risk to public safety, that there were apprehended violence orders issued against us, that police had been called to our neighbourhood due to disturbances involving us, and that we had personally attacked Council staff.

Expectantly there was no mention of the unlawful agreement.

This action by Tony Wickham was completely corrupt; Tony Wickham has always known this was and is corrupt.

His false and misleading letter to the Commissioner was corrupt.

His false and misleading statements about my wife and I were also corrupt.

20th March 2015

The Information Commissioner informs Tony Wickham Council is to accept a valid access application from me in line with the legislation.

23rd March 2015

Under supervision of Tony Wickham, Information Officer Courtney Coburn confirms it 'required' a formal access application and that the information requested, the objecting submissions, could not be provided informally.

This was in breach of the legislation and as such was corrupt.

18th August 2015

Lisa Marshall, you attended the Anti-Discrimination Board Newcastle NSW premises for mediation on behalf of Council.

At no time did you disclose to me your provision of a copy of Tony Wickham's corrupt letter dated 17th March 2015 to the Anti-Discrimination Board.

You have at all times known the content of Tony Wickham's letter of 17th March 2015 was false and misleading, however you intended to rely on it for no other purpose than to cast a slur on my character before the Anti-Discrimination Board, which was deliberate and calculated corrupt conduct on your part as you intentionally acted to influence a regulatory body decision-maker.

As a legal representative of the Council and officer of the court, you knew you were acting corruptly.

You also acted corruptly in your interactions with the Board when you falsely stated words to the effect "***Council refused your formal access application to save you the \$30.00***

application fee”, when you knew it had been refused the direct result of Tony Wickham’s unlawful agreement.

Your statement to the Board was deliberately corrupt conduct on your part.

20th January 2016

File Ref No: 2016 - 00216

My wife lodged a formal access application for a list of the third-party consultation records associated with the DA No: 483 of 2011.

Council produced a list of (47) forty-seven records.

Council imposed fees totalling \$105.00 for open access information mandated for release free of charge.

There were no reasons for withholding the information as no documents were released.

Council did not include all (5) five DA Notification Letters which was false and misleading.

Council did not include the protected objecting submission(s) which was false and misleading.

Omitting information is an offence under the GIPA legislation and as such constitutes corrupt conduct.

20th January 2016

File Ref No: 2016 – 00217

My wife lodged a formal access application for a record of the date of publication, and the period of publication, for the GIPA Determination No’s: 2012-005342 & 005346 statement *“Release of the information would expose a person to serious harm, harassment or intimidation”* on Council’s website.

Council determined the requested information was not held which was false and misleading which was corrupt conduct on the part of Tony Wickham as he had full knowledge of the historical actions relating to every Formal Access Application, which he controlled and maintained on his personal hard drive, F:\TONYW\GIPA\Formal application register 2012 onwards.xls. Tony Wickham’s personal hard drive information was identified on Council’s Formal GIPA Application Policy & Procedure and as such was public information, however Tony Wickham has since deleted the information from the Council Policy document.

Omitting information from a Council record is an offence under the GIPA Act and constitutes corrupt conduct.

29th January 2016

File Ref No: 2016 – 00295

My wife lodged a formal access application for a copy of the Call to Council Form lodged by Councilor Ken Jordan in August 2012 for the DA No: 483 of 2011.

Council determined the requested information was not held, despite Councilor Jordan informing my wife and I that he had done so.

Council imposed fees totalling \$60.00 for open access information mandated for release free of charge.

Not providing the request lodged by Councilor Ken Jordan was corrupt.

03rd March 2016

File Ref No: 2016 – 00708

My wife lodged a formal access application for Council records documenting Restriction of Access to Council Services.

Council determined the information was part-held.

Council imposed fees and charges totalling \$225.00.

03rd May 2016

File Ref No: 2016 – 00709

My wife lodged a formal access application for a copy of the documents listed for File Ref No: 2016-00216, above.

Council produced forty-seven records.

Council provided partial access to the documents.

Council included the false claim of a risk of harm to justify the redactions applied to the documents, quoting *“and expose a person to a risk of harm or of serious harassment or serious intimidation.”*

Some documents were withheld entirely.

In total the Determining Officer, under the supervision of Tony Wickham, abused the *“risk of harm”* clause for withholding open access information mandated for release a total of (41) forty-one times.

Evidently, the unlawful agreement was in full swing, albeit the document under its protection was not included in the documents produced.

As such this decision was totally corrupted.

Council also imposed fees of \$210.00 for open access information mandated for release free of charge.

07th June 2016

File Ref No: 2016 – 01633

I lodged a formal access application for ALL the objecting submissions to the DA No: 483 of 2011.

I lodged my valid access application further to Tony Wickham's letter invitation of 16th May 2012 to do so, and on reliance of the Commissioner's instruction Council was to accept one from me if I chose to do so.

Council completely refused me access to any of the open access information mandated for release free of charge.

Council advised it had located (4) four only documents the result of its searches.

However, this did not correlate to the earlier access applications for the same documents which produced (6) six documents.

Council included the false claim of a risk of harm to justify the entire refusal to release the documents, again quoting "*and expose a person to a risk of harm or of serious harassment or serious intimidation.*"

In total the Determining Officer, under the supervision of Tony Wickham, abused the "risk of harm" clause of the GIPA Act 2009 for withholding open access information mandated for release a total of (4) four times.

Evidently, the unlawful agreement was in full swing, albeit the document under its protection was not included in the documents produced.

As such this decision was totally corrupted. The GIPA process was corrupted by Tony Wickham, and he also corrupted the Determining Officer which made her also act corruptly.

04th July 2016

File Ref No: 2016 – 01972

My wife lodged a formal access application for a full copy of Council records supporting Council's Formal Restriction of Access to Council Services of 03rd November 2011.

Despite the Restriction concerning only my wife and I, Council partially released the requested information.

Council applied the public interest against disclosure, “personal information” which was not applicable and as such the decision was corrupted.

Council also imposed fees totalling \$255.00.

06th December 2016

File Ref No: 2016 – 03555

My wife lodged a formal access application for a full copy of Council’s TRIM Record – 3 Sapphire Court Raymond Terrace / DA No: 483 of 2011.

Council provided a heavily redacted record in response to this request.

In particular it is noted Council listed (2) two only of the (5) five Letters of Notification each for 2011 and 2012.

Council additionally redacted all correspondence between Council and the party to Tony Wickham’s unlawful agreement.

In this regard Council prevented the legitimate TRIM record being provided, specifically to protect the details of the party to Tony Wickham’s unlawful agreement, which was totally corrupt.

Council imposed fees totalling \$157.50 for information qualifying as open access mandated for release free of charge.

By deliberately acting to redact information in a record in breach of the legislation Tony Wickham and the determining officer acted corruptly.

06th December 2016

File Ref No: 2016 - 03556

My wife lodged a formal access application for copies of background and supporting documentation to the Revocation of the Order for Partial Demolition for the DA No: 483 of 2012.

Council imposed fees totalling \$247.50 for documents qualifying as open access mandated for release free of charge.

Council unlawfully used the ‘*risk of harm*’ clause to prevent access to the documents a total of (3) three times.

The unlawful use of the ‘*risk of harm*’ clause was corrupt as it was based on the unlawful agreement initiated by Tony Wickham.

The unlawful use of the '*risk of harm*' clause was additionally corrupt due to the fact Council had not undertaken any third-party consultations.

12th December 2016

File Ref No: 2016 – 03598

My wife lodged a formal access application for copies of the background and supporting document to the Orders to Forcibly Enter Premises at 3 Sapphire Court Raymond Terrace.

Council imposed fees totalling \$247.50 for documents qualifying as open access mandated for release free of charge.

09th March 2017

File Ref No: 2017 – 00801

My wife lodged a formal access application for unredacted copies of a list of all communications originating from Councilors to Council in relation to the DA No: 483 of 2011.

Council imposed fees totalling \$127.50 for documents qualifying as open access mandated for release free of charge.

09th March 2017

File Ref No: 2017 – 00802

My wife lodged a formal access application for copies of the background and supporting documents to Council's unlawful letter of 05th October 2012.

The letter was collectively compiled by senior Council executives including Lisa Marshall, solicitor Felicity Connors, and a number of Council Planning staff.

Council imposed fees totalling \$120.00 for documents qualifying as open access mandated for release free of charge.

Council partially released the requested documentation relying strongly on legal professional privilege, confirming the fraudulent document was compiled under legal advice to do so.

As officers of the court Felicity Connors and Lisa Marshall both acted corruptly.

09th March 2017

File Ref No: 2017 – 00803

My wife lodged a formal access application for a list of Council records concerning the DA Tracker website specifically relating to the DA No: 483 of 2011.

The DA Tracker had been repeatedly amended with a number of records and Council actions being inaccurately recorded and repeatedly deleted.

Council imposed fees totalling \$120.00 for information qualifying as open access mandated for release free of charge, despite Council not producing a single page of information in response to this valid access application.

09th March 2017

File Ref No: 2017 – 00804

My wife lodged a formal access application for copies of Council records concerning a '*never mailed*' letter from a Senior Planner in July 2012.

Council imposed fees totalling \$120.00 for information qualifying as open access mandated for release free of charge.

Council partially released the requested documentation relying strongly on legal professional privilege, disclosing Lisa Marshall and Felicity Connors were involved in the '*never mailing*' of that letter which was corrupt.

09th March 2017

File Ref No: 2017 – 00805

My wife lodged a formal access application for copies of Council records concerning a '*never mailed*' letter from a Senior Planner in July 2012.

Council imposed fees totalling \$75.00 for information qualifying as open access mandated for release free of charge.

24th April 2017

File Ref No: 2017 – 01237

My wife lodged a formal access application for copies of the documents listed the result of File Ref No: 2017 – 00801, being the consultations with Council from Councilors concerning the DA No: 483 of 2011.

Council imposed fees totalling \$112.50 for information qualifying as open access mandated for release free of charge.

26th May 2017

File Ref No: 2017 – 01238

My wife lodged a formal access application for the documents associated with File Ref No: 2017 – 00803, being the documents located in response to that request.

Council imposed fees totalling \$225.00 for information qualifying as open access mandated for release free of charge.

That \$225.00 amount was additional to the \$120.00 initially charged for the list associated with File Ref No: 2017 – 00803, which was punitive and corrupt.

13th September 2017

File Ref No: 2017 – 02787

My wife lodged a formal access application for copies of the documents referred to by Tony Wickham in judicial proceedings, where he asserted defamatory statements had been made against Council staff.

Council imposed fees totalling \$172.50 for (18) eighteen documents originating from my wife and I, which it was able to list and / or reference at no charge.

The (18) eighteen documents contained legitimate and serious Code of Conduct Reports about various Council staff which were quashed by Tony Wickham and Lisa Marshall, which was punitive and corrupt.

01st November 2017

File Ref No: 2017 – 03166

My wife lodged a formal access application for unredacted copies of any complaints made to Council concerning 3 Sapphire Court Raymond Terrace, for the period of our ownership of that property.

Council imposed fees totalling \$210.00 but did not provide any documentation, instead only providing an excel spreadsheet.

06th April 2018

File Ref No: 2018 – 00656

My wife lodged a formal access application for numerous Council records concerning the Call to Council of the DA No: 483 of 2011, and Council's mandatory notification to the Land & Environment Court it had received the 82a Review documentation.

Council imposed fees totalling \$225.00 for information qualifying as open access mandated for release.

Council also relied on legal professional privilege to partially provide access to the requested DA documentation which was corrupt.

19th June 2019

File Ref No: 2019 – 02369

My wife lodged a formal access application for unedited copies of the threats and inducements allegedly made by me, which Tony Wickham and Lisa Marshall submitted to the NCAT on 09th September 2016 which was heard by NCAT on 20th March 2017.

Copies of third-party consultations concerning public interests against disclosure was also requested.

Council relied upon the '*risk of harm*' clause only once to withhold the requested information.

Council confirmed Tony Wickham had used the terms threats and inducements in his (42) forty-two page confidential statement to the tribunal, in addition to Tony Wickham and Lisa Marshall's open statements and submissions.

Council imposed fees totalling \$157.50.

Tony Wickham's statement included (8) eight attachments, all of which originated from members of the public including my wife and I.

Tony Wickham has since confirmed, via a separate GIPA Application, that he did not first seek the consent of any of those public to use their documents or their personal information in proceedings.

This was corrupt conduct which was protected by the determining officer Holly Jamadar, a subordinate of Tony Wickham.

The corrupt conduct of Tony Wickham impacted and influenced the additional corrupt conduct of Holly Jamadar by her decision not to release the requested information.

19th March 2019

File Ref No: 2019 – 00702

My wife lodged a formal access application for a full and unedited copy of a recording disclosed to the NCAT by Council solicitor Carlo Zoppo in the midst of proceedings.

Lisa Marshall and Tony Wickham were present at the hearing.

Lisa Marshall operated and used her Council laptop during the proceedings.

The recording was disclosed, as recorded in the hearing transcript, with Carlo Zoppo holding a USB device up in his right hand and stating ***"I have a recording! I have a recording!"***

Consultations were undertaken with Carlo Zoppo, Lisa Marshall and Tony Wickham all who collectively experienced amnesia, none of which recalled the subject recording, and none of whom were able to produce the recording.

The details of that recording are of the most serious nature, and support the only logical conclusion that Lisa Marshall did use her Council laptop during a break in NCAT proceedings, to record the private conversations between my wife and I in an NCAT hearing room.

This of course breached the Court Security Act 2005 and constitutes a serious crime.

Likewise you breached the Surveillance Devices Act 2007 which also constitutes a serious crime.

Tony Wickham, Lisa Marshall and Carlo Zoppo are equally implicated in this corrupt conduct.

The denial of any knowledge of the existence of the recording was to avoid accountability and such was corrupt.

Council's determining officer Holly Jamadar, having consulted with Lisa Marshall and Tony Wickham both of whom had direct knowledge of the recording, who claimed after such

extensive consultation there was not sufficient information before Council to assist with the request including locating or identifying the recording, issued a Notice of Determination that had been corrupted.

28th October 2019

File Ref No: 2019 – 04987

I lodged a formal access application for Council's secondary employment and pecuniary interest registers – 2010 to date of application.

Council provided heavily redacted documentation and imposed fees totalling \$187.50 for information qualifying as open access mandated for release.

Council would later disclose during NCAT proceedings that it only consulted one individual, being Lisa Marshall, and used her objection to release of mandatory documents to impose the remainder of the (99) ninety-nine redactions and obstruction of access to the information.

Conclusions of Sample GIPA Determinations:

With this sample of the total of requests for information lodged by my wife and I, there is no doubt whatsoever you Lisa Marshall and Tony Wickham have jointly, absolutely and completely corrupted the GIPA process, which has permeated through to judicial proceedings and judgements, as well as corrupted numerous other Council staff and external legal service providers who have knowledge of your actions and intentions.

This is documented evidence of the unlawful agreement orchestrated by Tony Wickham, implemented by Tony Wickham, upheld by Tony Wickham, and which you supported and defended with Council legal resources and public monies knowing full well you and he were continuously committing serious crimes.

Agency GIPA Comparisons for the Same Information:

In 2022, after discovering Tony Wickham's shameful public presentation of July 2018 which concerned my wife and my GIPA Applications and other Council business, my wife requested the following information from several NSW Government Agencies:

- 1. A full and unredacted copy of the presentation made to NSW Local Government Professionals noted to have taken place at Council's premises on 31 July 2018,*
- 2. A full and unredacted copy of the completed attendance form; and*
- 3. A full and unredacted copy of all documentation pertaining to the presentation, inclusive of promotional communications to and from NSW Local Government Professionals' members and staff.*

It is noted every agency response to this valid request for government information was in contradiction to that of Port Stephens Council for precisely the same information.

Firstly, they provided documentation unedited and unredacted, in full and not withheld in any way whatsoever.

This is known as open, transparent government, and compliance with the GIPA Act 2009

Additionally, no agency imposed any fees or conditions whatsoever. Not one.

In contrast, to those multiple examples of affording due process and absence of punitive intentions, Port Stephens Council imposed fees and heavily redacted documentation.

Out of (9) nine agencies petitioned for the exact same information, only (1) one imposed fees and redacted information.

And that one agency was Port Stephens Council.

NCAT Matters of Notoriety:

Repeated Unlawful and False Claims of a Risk of Harm:

- *Webb v Port Stephens Council (2017) NSWCATAD 271*
- *McEwan v Port Stephens Council (2017) NSWCATAD 269*
- *McEwan v Port Stephens Council (2018) NSWCATAP 211*
- *Webb v Port Stephens Council (2018) NSWCATAP 224*
- *Webb v Port Stephens Council (2019) NSWCATAP 47*

Council has not yet accurately quantified the costs for these proceedings which concerned open access information mandated for release free of charge at first instance.

Following from those initial 2017 proceedings where both you and Tony Wickham deliberately and consciously acted to pervert the course of justice, a report was lodged with NSW Police.

When police contacted you in relation to the report you quickly contacted Council's Angela Priestly Corporate Risk Officer, acknowledging the report pertained to offences under the Crimes Act 1900, requesting Ms Priestly notify Council's insurers due a potential risk of a claim.

Separately and yet again, for open access information Council spent a whopping \$99,000.00 for proceedings concerning additional open access mandatory release interest disclosures, costs paid with public monies to external legal service providers including a barrister for a totally unwinnable case.

- *McEwan v Port Stephens Council (2021) NSWCATAD 110*

Repeated Failed Applications for a Section 110 Order:

- *Port Stephens Council v Webb (2017) NSWCATAD 341*
- *Webb v Port Stephens Council; Webb v Port Stephens Council v Webb; Port Stephens Council v Webb (2020) NSWCATAD 81*
- *Webb v Port Stephens Council (2020) NSWCATAP 152*
- *Port Stephens Council v Webb (2021) NSWCATAD 180*

Council's repeated failed attempts resulted in a staggering total legal costs of approximately \$200,00.00.

And during one of those proceedings my wife suffered a third TIA episode.

My wife and I also incurred several thousands of dollars in costs securing a Forensic Risk Assessment Report in order to evidence to the NCAT that the claims of a risk of harm were at all times false and misleading.

It was in *Webb v Port Stephens Council; Webb v Port Stephens Council v Webb; Port Stephens Council v Webb (2020) NSWCATAD 81*, Tony Wickham would lie in continued equal fashion to the judiciary when he included a false and misleading statement within his Sworn Affidavit dated 30th January 2020, specifically at his Paragraph 293(g) where he states:

g. that I conducted a baseless attack against Ms Webb and her husband by allegedly referring to apprehended violence orders in an email to the Information and Privacy Commissioner dated 17 March 2015 when no such reference was made: closing submissions in NCAT Proceedings No 2018/119922 and 2018/119930 [2833 – 2846] at paragraph 84; and

Lisa Marshall, that is your signature on every page of that Sworn Affidavit alongside Tony Wickham's, is it not?

So you were BOTH lying; you both knew about the false and misleading letter to the IPC; you both used it in the Anti-Discrimination Board complaint knowing it was false and misleading; and no doubt you both included it in Tony Wickham's confidential (42) forty-two page statement to the NCAT dated 09th September 2016.

You also knew Tony Wickham had provided his false and misleading letter to the Office of Local Government.

I am not yet fully informed of just how far Tony Wickham's deliberately corrupt conduct in the continual provision and circulating of his false and misleading letter has travelled.

Tony Wickham was also questioned under oath on 10th December 2020, recorded for posterity on the hearing recording, where he was asked specifically "**who are you talking about in your letter to the IPC about apprehended violence orders?**"

He didn't deny writing the letter as he had done in his Sworn Affidavit of 30th January 2020, Tony Wickham replied QUOTE "**A third party**" UNQUOTE.

Lisa Marshall, can it be possible all this time Tony Wickham has used the 'risk of harm' clause of the GIPA legislation to actually protect me from some threatening, beastly third party I'm unable to protect myself from?!?!?

No, it's just another lie from an entrenched prolific liar, and under oath making it worse.

Local Court Proceedings:

My wife lodged a statement of claim for unlawful GIPA charges imposed by Council and for the associated NCAT Review Application and Appeal Costs; the amount totalling a meagre \$3,961.50.

However, instead of acting with any level of conscience and decency after all the distress, anxiety, personal and financial cost Council inflicted on us, and mediating this paltry claim, Council spent approximately \$6,000.00 of public monies when it secured a barrister against yet again an unrepresented party.

After reading the dossier of corrupt conduct actioned by primarily Tony Wickham, presiding Magistrate Stone commented *"I think we can all agree we would not be here today if Port Stephens Council had done the right thing in the beginning."* You didn't hear that comment Lisa Marshall, you were absent on that day, hiding.

Using Council Resources for Personal Use:

In mid-2021 my wife issued a media release concerning her successes in the NCAT in successfully defeating the repeated failed attempts for a Section 110 Restraining Order against her; applications which cost the public close to \$200,000.00.

Documents provided to my wife under the GIPA Act 2009 evidence Tony Wickham using almost \$4,000.00 of public monies for an external solicitor to ensure the media release was removed from the internet.

It seems Tony Wickham took objection to the publication detailing his harrowing actions including making a false and misleading statement to an Investigating Officer of the Office of the NSW Information & Privacy Commissioner.....

Such an action to use public monies for personal use constitutes corrupt conduct.

Closing:

In closing, you Lisa Marshall are evidenced to abuse your position in Council, endorsing the wasting of scarce public monies on external legal services when Council is so flushed, you have repeatedly and continually made false and misleading statements to the NSW judiciary knowing them to be so, you have endorsed and supported the corrupt conduct of your colleague Tony Wickham, you have been directly involved in denying my legal rights to access a Council meeting for the DA No: 483 of 2011, and you have ignored your mandatory obligations under the Local Government Act 1973 Code of Conduct to report wrongdoing.

At all times you have been fully aware of the unlawful agreement between Tony Wickham and a member of the public to conceal and protect open access information mandated for release on the false and concocted claim I posed a risk of harm to the public.

You are also fully informed Council unlawfully used the '*risk of harm*' clause against my wife and I to obstruct our legal access to Council records a staggering total of (270) two-hundred and seventy times, that I am aware of.

I'll just say that again, TWO HUNDRED AND SEVENTY TIMES.

Tony Wickham used that clause against my wife (73) seventy-three times in just one of his GIPA Decisions. You knew about it and you did absolutely nothing.
In fact you helped him by making false and misleading submissions in the NCAT, a formal judiciary, in breach of your obligations as an officer of the court.

You are both guilty of repeatedly providing false and misleading information to the NCAT.

You used public monies to ensure the protection of the party to the unlawful agreement, even to the point of insulating him from giving evidence about the reliance on the '*risk of harm*' clause in NCAT.

You are a total disgrace to the legal profession.

You are equally as criminal as your counterpart.

You do not deserve the substantial amount of public monies you are paid for professional services which are anything but.

You have endorsed, by the evidence of ledgers of accounts, the engaging of external legal services without Costs Agreements, without a Legal Services Tender, and without a Competitive Legal Services Tender.

In those same ledger documents you are repeatedly evidenced, along-side Tony Wickham and your colleague Stephanie Eileen Posniak, colluding with a secondary NSW government agency for the purpose of obstructing legitimate access to government records, aligning and sharing submissions to ensure the case would not be lost.

You are on the record participating and prolonging the now in excess of \$15million of ever climbing debt associated with the Lagoons Estate, a debt the result of Council's continued and ongoing mismanagement and refusal to make good works it is liable for.

You personally obstructed access to mandatory disclosures which resulted in approximately \$99,000.00 of legal debt.

You assisted and supported the perpetuating false and misleading statements by Tony Wickham that I posed a serious risk of harm to members of the public.

Council has continually unlawfully demanded monies from my wife and I for open access information mandated for release free of charge, all of which has been paid in full.

You are fully aware Council was at all times able to provide free access to those records on a 'view only' basis, but which Council did not facilitate.

Those demands for payment were at all times completely punitive and designed to dissuade us from exercising our legally enforceable rights (supposed).

You are personally and directly involved in the making of an unlawful recording of third parties without their knowledge or consent; compounded by the fact you did so in a court room setting.

You are personally and directly involved in the making of an unlawful recording using Council resources to do so.

I am confident you would have heard my wife and I accurately and rightly denigrating both you and Tony Wickham on that recording.

But can you ever use it, Lisa Marshall???

You and Tony Wickham were jointly successful in convincing that gullible Tribunal Member I presented a serious risk of harm in 2017, based on false and misleading information the two of you collated, and which you Lisa Marshall signed off on.

That initial case law saw me suffer a life-threatening medical episode, and has continued to cause me unquantifiable distress, anxiety and of course financial hardship. The resultant continued and regular suicide ideation is now my constant companion.

Thankfully, with the full exposure and public challenge to Tony Wickham's false and misleading letter of 17th March 2015 to an Investigating Officer of the Information Commissioner, where he stated apprehended violence orders had been issued against my wife and I, that we presented a serious risk to public safety, that police were called to our neighbourhood due to disturbances involving us, and that we had personally attacked Council staff, the NSW Civil & Administrative Tribunal rightfully issued new caselaw, **McEwan v Port Stephens Council (2021) NSWCATAD 110**, Paragraph 160:

160. ".....taking all of the above evidence at its highest, there is not a scintilla of evidence that the "safety or well-being" of any person would or might be affected or impacted if the applicant accessed the disputed information presently redacted in the documents released to him...."

So you and Tony Wickham spent \$99,000.00 of Council money to obstruct access to mandatory release interest disclosure documents, and actually paid for me to have my name cleared!!

You and Tony Wickham, who's signatures are side-by-side in NCAT documentation, wasted a staggering \$200,00.00 for continued failed attempts to secure an Application for Section 110 Restraining Order against my wife, an application supported by a Sworn Affidavit with false and misleading content.

Tony Wickham himself perjured himself when he falsely stated his reference to apprehended violence orders concerned a third party and not me.

You and Tony Wickham jointly contributed to the shocking total of DA documents and court records which falsely attested to the actual number of objectors to the DA No: 483 of 2011.

Again, thanks to the GIPA Act 2009, and despite your best efforts, the truth was finally disclosed by the provision of document details which had been uploaded to the Information Commissioner's website in 2016, unable to be conveniently deleted by deceitful and manipulative Council staff with hidden agendas.

My wife has an email communication from Council's Holly Jamadar, where she has been asked specifically "*how many DA Notification Letters were issued by Council?*" And Holly Jamadar falsely states (2) two, when she knew there were (5) five. So yes, that's another corrupted staff member thanks to Tony Wickham and yourself of course, as you both have seniority over her, evidence of Tony Wickham's reassurances to a member of the public "*Staff have been informed, nothing's to get past me.*"

And if that were somehow insufficient, there are the numerous Senior Council Planners who have operated their own private enterprise Town Planning Consultancies parallel to their Council roles, secondary employment positions that engaged other Council staff within their businesses and as representatives at other Councils!

You and Tony Wickham are The Joint Custodians of Secondary Employment!

You and Tony Wickham are responsible for situations such as Council Planner Matthew Brown also of Perception Planning (some would say Deception...), documented to work with notorious property developer Hilton Grugeon right under your noses, in Council premises, using Council resources and time, which you approved!

And let's not forget to mention Matthew Brown's involvement in the now infamous Salamander Bay development that still rocks the local shire, all of which was Council Approved.

Noble Cause Corruption, those offences actioned by willing members of an organisation who have somehow been convinced it's for the greater good, is alive and thriving within Port Stephens Council, endorsed and exemplified by Council's Corporate Policeman Tony Leslie Wickham.

You could have stopped this in 2011 and even in 2012 but you did nothing but facilitate it; your signature is all through the files.

You could have saved Port Stephens Council hundreds of thousands of dollars.

You could have saved me the distress, anxiety, personal and financial damage, the loss of my beautiful home.

The instances of corrupt conduct occasioned by Port Stephens Council and its legal representatives far exceed the ordinary term of systemic. My own documented experiences with Port Stephens Council show it is an entrenched and acceptable culture of “them” vs “us”, confirmed in Tony Wickham’s public presentation of July 2018.

Tony Wickham has published his attitude and resentment towards the GIPA Act 2009 and the public’s fundamental legally enforceable rights to access government information, circulating an image of ‘*getting blood out of a stone*’, exemplified by the copious records of evidentiary responses to valid access applications.

The GIPA Act 2009 has become a money-making and punitive mechanism to cause the public the maximum amount of personal damage, frustration, distress, anxiety, and financial impact possible by a NSW government agency, exemplified by Port Stephens Council.

Tony Wickham is on the record providing education programs on just how he does it too; using Council resources, in Council time, at Council premises, as Council’s Governance Manager, but in his capacity as a member of the private enterprise Local Government Professionals, none of which is disclosed in accordance with his mandatory obligations to do so!

By default, Port Stephens Council’s Tony Wickham by his own doing has become the poster boy for what not to do when exercising agency obligations under the GIPA Act 2009.

And with GIPA Determinations clearly setting out legal rights of review of Council’s decisions, Council responds to valid Applications for those Review with the IPC and NCAT with claims of vexatiousness and seeking avoidable costs as further punishment.

It’s a great rort!

And with that gargantuan pile of deliberate and intentional collateral damage and documented corrupt conduct surrounding you, you now write to me with the audacity to threaten legal enforcement action for something I’m already doing?

Again I ask you “***What is it you want from me, Lisa Marshall?***”

You are advised if you or any legal representative you engage for the purpose persists with these unreasonable unlawful unprofessional threats I will defer to a legal representative.

I have requested my wife publish this document on her website
www.nswfreedomofinformation.net.

I will keep telling my story. I have instructed my wife to continue to tell my story no matter what happens to me.

Paul McEwan



Encl: Letter from Lisa Marshall, 15th November 2023