

## Joondalup report missing an 'I'

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THE recently released 480-plus-page report on Joondalup Council is a quizzical document.

It shows that the investigators employed to ferret out facts and sift through mountains of contradictory claims emanating from that council's appointment of discredited former CEO Denis Smith were certainly on top of their job.

That said, there is, however, an interesting and so-far-ignored feature.

Quite by accident *State Scene* noticed that the person chosen by Labor to head-up the Joondalup inquiry hadn't included his or her name, either on the report's cover or anywhere inside the hefty report.

And this despite Chapter 1's opening section titled "Introduction, Appointment" stating "By a Notice of Appointment under the Minister for Local Government and Regional Development, the Hon. Tom Stephens MLC, dated 26th May 2004, I was appointed as an Inquiry Panel pursuant to Section 8.16 of the Local Government Act 1995 to conduct an inquiry into aspects of the City of Joondalup and its operations and affairs set out in the instrument as follows:..."

But just who is this "I"? Who was "appointed as an Inquiry Panel"?

His/her name is missing.

Nowhere in the 21-page Chapter 1 can *State Scene* find the identity of this unnamed individual, this "I".

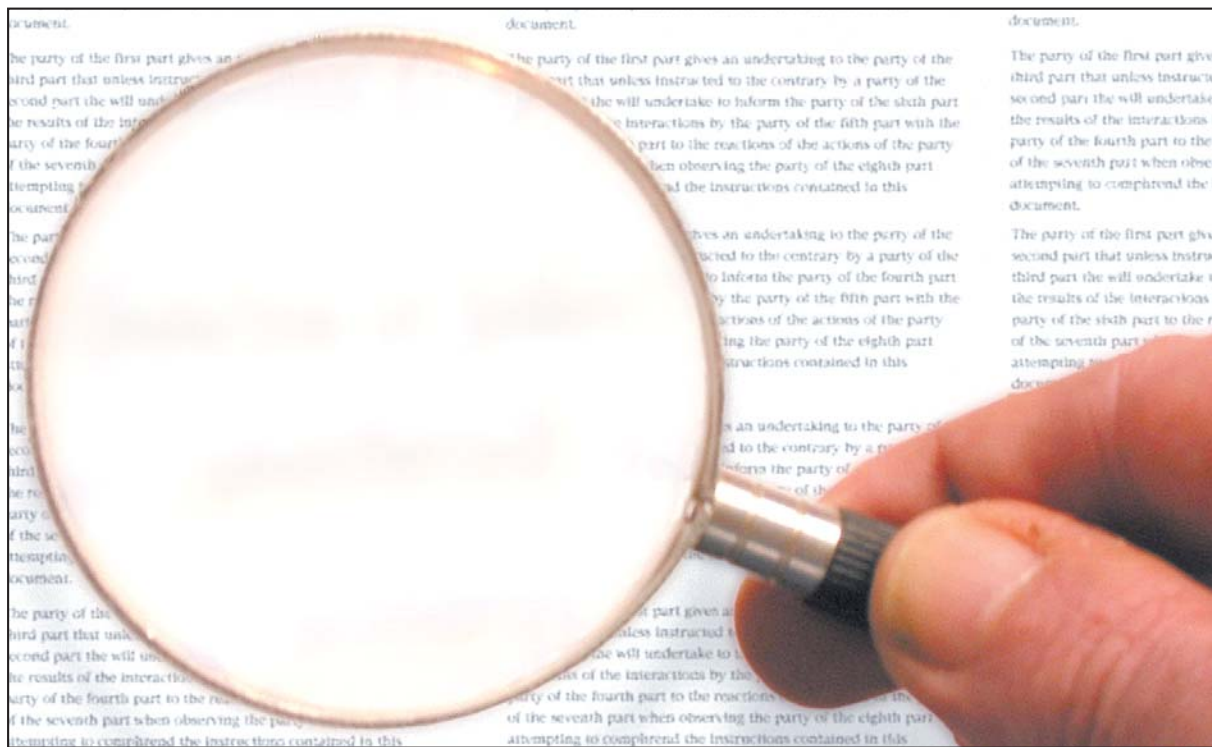
### What all councils could easily do, via their voluntary peak body WALGA, is to turn to its in-house hiring agency to headhunt CEOs for them.

And this despite that chapter carrying the names of several people involved in the inquiry and the preparation of the sizable report.

Nowhere is the name of the person in overall charge – the mystery "I" – shown. Or if it is, *State Scene* somehow missed it.

This failure to identify this person naturally prompted *State Scene* to keep looking beyond the executive summary and first chapter, in the hope of discovering who the inquiry's overall superior might have been.

One reason for persisting was that at page 2 of Chapter 1 it states that the



**ACCIDENTAL FIND:** Finding the name of the person chosen to head the Joondalup Council inquiry was harder than expected. *Photo: Tim van Bronswijk*

Inquiry Panel "... consists of one person, [and] that person has the power of the chairman of a Royal Commission ..."

In other words we're not talking about some office boy or girl, but someone who had a great deal of power.

Why, therefore, was this person's name absent?

Was it perhaps humility that prompted him/her to lie so low?

*State Scene* eventually grasped an

turned to calling Local Government Minister John Bowler's media man to hopefully obtain the name of the mystery virtual royal commissioner.

Then, with the flick of another page *State Scene* arrived at Appendix I, which has 19-pages, and is headed, "Apprehension of bias application".

What it shows is that suspended Joondalup councillor and former State Liberal MP, Chris Baker, alleged as a witness that the virtual royal commissioner had "party political connections" with Labor minister Tom Stephens, who was responsible for this person's appointment.

"It was contended that an apprehension of bias in relation to that question arises from the fact that I, as Presiding Member of the Inquiry Panel, am also a senior executive member of an association affiliated with the Australian Labor Party," the appendix said.

Understandably at this point *State Scene's* curiosity could no longer stand it, so Mr Bowler's press man was contacted for the name of this virtual royal commissioner, who was not named in the report.

The media man said the person in question was Perth lawyer Greg McIntyre, which tempts one to believe that he may abide by the 11th commandment, 'Never put your name to anything'.

There were some other interesting points in the appendix.

- Mr Stephens had previously appointed Mr McIntyre to conduct a similar costly inquiry on South Perth's Council.

- In 1987 Mr McIntyre was vice-president, secretary and treasurer of a Queensland Labor branch.

- He was president and vice-president of the WA Society Labor Lawyers Society [WASLL] in 1998-9 and 1999-2000 respectively but had since resigned from this organisation.

- "As Presiding Member, I have been appointed by the Minister to make recommendations to him. Whether or not I might have some similar opinions to him on some political issues cannot serve to disqualify me from that task," Mr McIntyre wrote.

- "The WASLL is an association formed to engage in the process of political communication. Engagement in that process is not a foundation for a reasonable apprehension of bias in its members. If anything it suggests the contrary."

There you have it; the McIntyre Appendix put short-shrift to Mr Baker's allegations of bias by contending that being a WASLL member, if anything, "suggests the contrary".

Further inquiries revealed that the inquiry into Joondalup Council the low-key Mr McIntyre headed is likely to cost Western Australian taxpayers

about \$1.3 million, with most of this hefty bill going to Mr McIntyre and the inquiry's counsel assisting, John Staube, another Stephens appointee.

Finally, what of the McIntyre recommendations?

Of the 25 in total, *State Scene* finds several particularly objectionable since they mean greater state government bureaucratic involvement in local government. As if there's not already enough.

Number eight, for instance, recommends creation of yet another quango, to be called the Local Government Commission, that would appoint and supervise all council CEOs; in other words a marked downgrading of councils' autonomy by placing them even further under the wing of state government bureaucrats.

Now, while it's true Joondalup Council showed a lack of foresight in its appointment of Mr Smith, there's no need to urge state government to further expand its tentacles into the local government area via another taxpayer-funded quango.

What Mr McIntyre would have been far wiser to have recommended is that the Western Australian Local Government Association, which is the councils' own voluntary peak body, should move to improve the appointment of CEOs.

One of the problems in Joondalup's fatal appointment of Mr Smith with his phoney curriculum vitae was that the employment agency the council hired to find a CEO failed to fully check his qualifications to ensure they were kosher.

What all councils could easily do, via their voluntary peak body WALGA, is to turn to its in-house hiring agency to headhunt CEOs for them.

Unfortunately too many councillors believe they can wander into the unknown tricky territory of professional hiring via costly employment agencies that often have little or no experience in the local government sector.

WALGA has such an agency in-house, so councils would be wise to stop ignoring it.

There's simply no need for state governments to further muscle in on all local authorities as Mr McIntyre urges simply because one council was short sighted by going it alone in appointing a CEO, after which a protracted internecine squabble ensued.

Political power across Australia should be decentralised as much as possible between federal, state and local government tiers, with the former not muscling in on the latter two, and the state tier not further muscling in on the last as Mr McIntyre so desires.