

WIN

CHISEL TICKETS

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DRAGONS SLUMP

SEARCH FOR ANSWERS

SPORT



ILLAWARRA MERCURY

SINCE 1855

Tuesday, August 2, 2011

\$1.20 (incl GST)

Sun seekers warm to early dose of spring



Liam Buckley (left) and Matt Kirk kick a football while enjoying unseasonably warm temperatures at North Wollongong Beach yesterday. The Illawarra can look forward to more of the same this week, with sunny skies and temperatures in the 20s forecast until Friday.

REPORT: Page 6

Picture: ADAM McLEAN

Planner may yet face charges over dealings with lover Vellar

BETH: ICAC TWIST

BETH Morgan's assessment of lover Frank Vellar's Quattro development may be put under the microscope if prosecutors decide there is enough evidence to charge the former Wollongong City Council town planner.

While the Director of Public Prosecutions has advised the Independent Commission Against Corruption not to proceed with 24 recommended charges against Ms Morgan, a further three remain outstanding.

FULL REPORT: Pages 4-5



ACTING UP: PERFORMING ARTS IN THE ILLAWARRA

TODAY: Mostly sunny. N/W winds



21°

TOMORROW: Sunny



22°

NEWS

CASHING IN ON TOURISM BOOM

Planner could yet

DPP considering advice on Beth

By SHANNON TONKIN

BETH Morgan may still face criminal charges over her assessment of lover Frank Vellar's Quattro development and claims she passed sensitive council documents on to him during their affair.

The former Wollongong City Council senior town planner will not be prosecuted on 24 of the 27 charges the Independent Commission Against Corruption (ICAC) recommended against her during its 2008 inquiry into corruption within the council.

A list of 20 recommended charges against Ms Morgan, which include allegations she received cash payments from developer Glen Tabak and thousands of dollars worth of gifts and benefits from Vellar, were not laid due to insufficient evidence. A further four charges of wilfully misleading the corruption watchdog have also been abandoned and are now statute-barred.

Neither ICAC nor the Director of Public Prosecutions (DPP) office would confirm whether this statute related to a three-year time limit in which prosecutors could lay such charges.

But ICAC confirmed yesterday it was still awaiting advice from the DPP on whether there was enough evidence to charge Ms Morgan with the remaining three misconduct in public office offences relating to certain dealings she allegedly had with Vellar.

ICAC yesterday admitted it had only recently published on its website a comprehensive update of the status of prosecutions against the 11 individuals recommended for a total of 139 charges.

This included the revelation that ICAC had received advice in March last year that there was too little evidence to prosecute former council manager Joe Scimone over claims he accepted a \$10,000 watch from Mr Tabak, while the first news of lack of evidence against Ms Morgan emerged in September.

When asked why the information regarding Ms

This advice was not made publicly available on the ICAC website sooner as the commission sought further advice from the DPP, which was received in May, 2011.

- ICAC spokeswoman

Morgan's case was not made publicly available before last month, despite repeated requests from the *Mercury* for updates, an ICAC spokeswoman said the commission had been waiting on further information from the DPP.

"This advice was not made publicly available on the ICAC website sooner as the commission sought further advice from the DPP, which was received in May, 2011," the spokeswoman said.

The later advice found there was insufficient evidence to prosecute Ms Morgan in relation to ICAC findings that she received cash payments from Mr Tabak, gifts including handbags, holidays, a digital camera, home renovations and a television from Vellar, and wilfully made false statements to the commission in written responses outlining her relationships with Mr Tabak and Vellar.

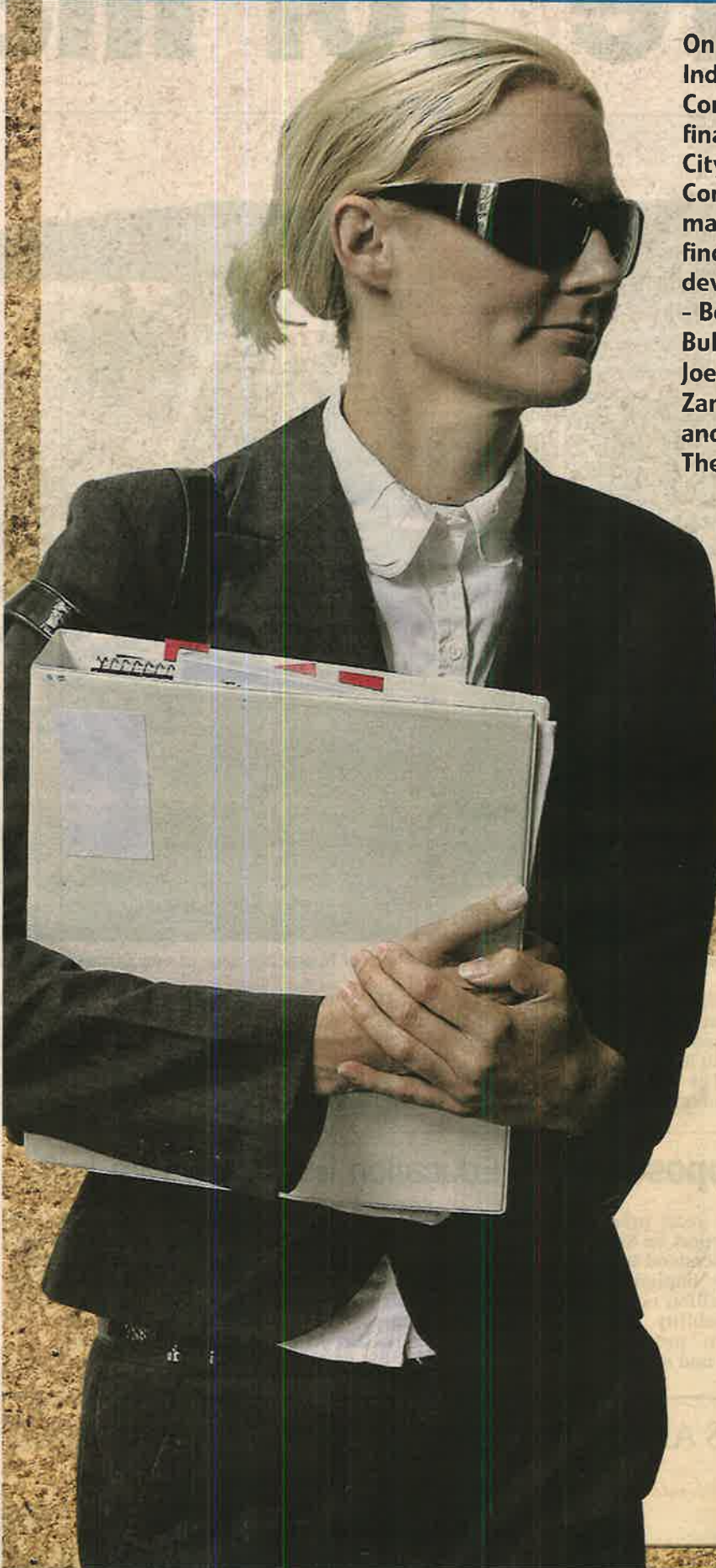
ICAC makes its findings based on the "balance of probabilities" civil standard, not "beyond reasonable doubt" as required in a criminal court of law.

The NSW Attorney-General, Greg Smith, yesterday washed his hands of the matter, refusing to comment on the outcome or be interviewed by the *Mercury*, while the DPP also refused to answer any questions about Ms Morgan's case.

EDITORIAL

Wollongong cheated: Page 18

THE FATE OF THE ICAC ELEVEN



On October 8, 2008, the Independent Commission Against Corruption handed down its final report into Wollongong City Council corruption. Commissioner Jerrold Cripps made 24 corrupt conduct findings against 10 councillors, developers and public servants - Beth Morgan, Frank Vellar, Bulent "Glen" Tabak, Rod Oxley, Joe Scimone, John Gilbert, Valerio Zanotto, Kiril Jonovski, Zeki Esen and Frank Gigliotti.

The ICAC also asked the Director of Public Prosecutions to consider prosecuting 11 individuals - Morgan, Tabak, Vellar, Scimone, Zanotto, Jonovski, Esen, Gigliotti, Ray Younan, Gerald Carroll and Lou Tasich - for 139 criminal offences. Here is the status of those prosecution recommendations:

Beth Morgan, senior council planner

Sep 28, 2010 and May 20, 2011
DPP advice: Insufficient evidence to prosecute for any offence relating to her:

- dealings with Younan and Carroll;
- dealings with Tabak and her assessment of the Victoria Square DA;
- dealings in connection with a development at 14 Harbour St;
- receipt of gifts and benefits from Vellar; and
- assessment of DAs for Lot 3 Phillips Ave, West Wollongong and the Bathers' Pavilion.

No charges available against Morgan for making a false statement to or misleading ICAC, as those charges are now statute barred.

Outstanding: Advice on whether there is sufficient evidence to prosecute over Morgan's conduct in assessing and determining the Quattro DA and providing council information to Vellar.

Kiwis' ETS success lifts Government spirits

THE Federal Government says a report showing New Zealand's emissions trading scheme has boosted investment in renewable energy proves the naysayers in Australia are wrong to attack Labor's carbon tax.

New Zealand's trading scheme, covering the energy, industry, transport and forestry sectors, has been operating since July 2010.

In the first annual report into the

ETS, NZ's conservative Climate Change Minister Nick Smith argues that implementing the scheme has been a complex job akin to introducing the country's GST.

"[But] I am pleased by how smoothly this work has progressed and encouraged by the investment changes the ETS is driving in the economy," Dr Smith writes.

In the scheme's first year, permits have been granted for 12 new re-

newable power stations which will produce 1400mw of electricity, the report states.

That's five times the average over the past decade.

On the forestry front, planted areas increased by 4700 hectares in 2010, and will jump an estimated 7700 hectares annually by 2012.

Australia's junior climate change minister, Mark Dreyfus, met Dr Smith yesterday.

"Already New Zealand's carbon price is driving major investment in renewable energy without any of the dire consequences some naysayers in Australia warn of," Mr Dreyfus said.

Canberra and Wellington have agreed to link their respective trading schemes in the future.

Labor wants to introduce a carbon tax in mid-2012 before it transitions to an ETS from mid-2015.



Success: New Zealand claims an increase in renewable energy sources.

face prosecution



Glen Tabak, developer
May 11, 2010 DPP advice: Sufficient evidence to charge with two offences of making a false statement under ICAC Act.
July 6, 2010 court action: Found guilty of wilfully making a false statement to ICAC. Two-year good behaviour bond and \$2500 fine. On appeal, conviction and sentence upheld.
March 25, 2010 DPP advice: Insufficient evidence to prosecute for any offence arising out of Tabak giving Scimone a \$10,000 watch.
May 20, 2011 DPP advice: Insufficient evidence to prosecute over dealings with Morgan.
No outstanding matters.



Ray Younan, conman
Sep 28, 2010 DPP advice: Sufficient evidence to charge with offences under ICAC Act. Arrest warrant issued on Sep 30, 2010, for impersonating an ICAC officer.
May 6, 2011 DPP advice: Insufficient evidence to prosecute over dealings with Gigliotti, Morgan, Scimone, Tasich, Vellar or Zanotto.
Outstanding: Advice on whether there is sufficient evidence to prosecute Younan for giving false or misleading evidence to ICAC.



Joe Scimone, council manager
March 25, 2010 DPP advice: Insufficient evidence to prosecute for any offence arising out of Tabak giving him a \$10,000 watch.
Sep 28, 2010 DPP advice: Insufficient evidence to prosecute over dealings with Younan and Carroll.
No outstanding matters.



Gerald Carroll, conman
May 6, 2011 DPP advice: Insufficient evidence to prosecute over dealings with Gigliotti, Morgan, Scimone, Tasich, Vellar or Zanotto.
Outstanding: Advice on whether there is sufficient evidence to prosecute for offences of giving false or misleading evidence to ICAC.



Frank Gigliotti, councillor
Sep 14, 2009 DPP advice: Insufficient evidence to prosecute for an offence of corruptly soliciting a benefit. Sufficient evidence to charge with offences under ICAC Act and making a false statement in a statutory declaration.
July 2, 2010 court action: Found not guilty of giving false/misleading evidence to ICAC. Charges of furnishing false/misleading information to an ICAC inquiry and making a false statement in statutory declarations withdrawn.
July 5, 2010 court action: Found guilty of two offences of giving false/misleading evidence to ICAC and sentenced to nine months' jail, with a non-parole period of four months. Appealed both sentences but withdrew the appeal on May 5, 2011.
Nov 29, 2010 court action: Acquitted of wilfully making false statement to commission.
Sep 28, 2010 DPP advice: Insufficient evidence to prosecute over dealings with Younan and Carroll.
No outstanding matters.



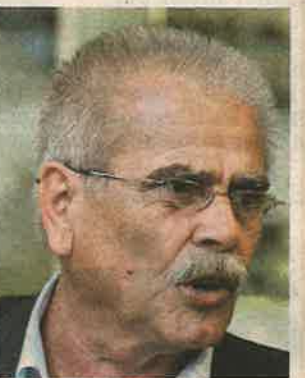
Victoria Square and the Quattro developments mentioned in ICAC



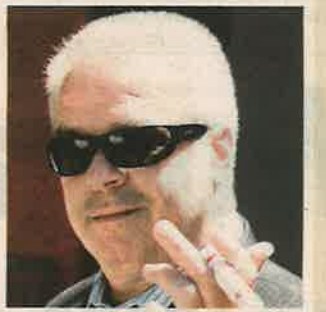
Valerio Zanotto, councillor
May 6, 2011 DPP advice: Insufficient evidence to prosecute over dealings with Younan and Carroll.
Outstanding: Advice on whether he should be prosecuted over dealings with Vellar.



Zeki Esen and Kiril Jonovski, councillors
Sep 14, 2009 DPP advice: Insufficient evidence to prosecute for corruptly soliciting a benefit. Sufficient evidence to charge with offences under ICAC Act.
July 2, 2010 court action: Both found not guilty of furnishing false/misleading information and two offences each of giving false/misleading evidence to ICAC.
No outstanding matters.



Frank Vellar, developer
June 23, 2010 and Sep 28, 2010 DPP advice: Sufficient evidence to charge with three offences under ICAC Act.
July 18, 19, 2011 court action: Downing Centre Local Court hearing.
Decision tomorrow.



Lou Tasich, developer
May 6, 2011 DPP advice: Insufficient evidence to prosecute over dealings with Younan and Carroll.
No outstanding matters.

Bat, machete allegedly wielded in home altercation

By EMMA SPILLETT

A FLINDERS woman allegedly involved in an altercation during which three people were threatened with a baseball bat and a machete has been granted bail.

Jayarna Dee Luciel Tighe, 23, drove two males and a female from a Warilla home on Sunday night after the foursome were involved in a fight with two women and a

man at the house, Wollongong Local Court heard yesterday.

Tighe and a male knocked on the front window of the home about 3.45am and Tighe accused the female home-owner of stealing a mobile phone, facts before the court said.

When the owner invited the pair in to search her house, another male and female allegedly entered the dwelling, armed with a

baseball bat and a machete.

Police claim the male aimed the machete at a man before chasing him out of the house.

It is alleged the female began repeatedly hitting one of the women in the head with the baseball bat until another woman intervened.

Police allege Tighe became involved in a later altercation outside the house before driving the

foursome from the scene.

When interviewed by police, Tighe allegedly admitted she had driven to the residence to get the phone back but denied being involved in the assault.

She was charged with the aggravated entering of a dwelling with intent.

Opposing bail, prosecutor Sergeant Anna Comer said the alleged offence involved serious

personal violence and Tighe appeared to have driven the co-offenders from the scene.

Defence solicitor David Ryan said the matter would be defended and Tighe's alleged involvement in the offence was quite low compared to the other offenders.

Magistrate Michael Stoddart granted Tighe strict conditional bail and adjourned the matter until September 21.