

QUEENSLAND
CRIME AND MISCONDUCT COMMISSION

Crime and Misconduct Act 2001
Section 82

CRIME & MISCONDUCT COMMISSION
No. 2005-5 Date 8 Nov 05
IN THE MATTER OF:

OP GRAND

EXHIBIT No. 176
[Signature] CLERK

ATTENDANCE NOTICE
(MISCONDUCT INVESTIGATION)

To: Mr David Devine
Of: Devine Limited
3 Westmoreland Boulevard
Springwood
QLD 4127

I, **ROBERT MARTIN NEEDHAM**, Chairperson of the Crime and Misconduct Commission [the 'Commission'] require you to attend, until excused, at a Commission hearing for the purposes of a misconduct investigation —

At: 10:00 am
On: Monday 10 October 2005
To be conducted at: Crime and Misconduct Commission
Level 3 Terrica Place
140 Creek Street (Cnr Creek and Adelaide Streets)
Brisbane QLD 4000

to give evidence relating to matters specified in the Schedule to this Notice;

DATED this 20th day of September 2005



ROBERT NEEDHAM
Chairperson
Crime and Misconduct Commission

The postal address of the Crime and Misconduct Commission is:

GPO Box 3123
BRISBANE QLD 4001

Facsimile No. (07) 3360 6333
Telephone No. (07) 3360 6060

The business address of the Crime and Misconduct Commission is:

Terrica Place
3rd Floor
140 Creek Street
BRISBANE QLD 4000

The Case Officer is: Kenneth Beml

SCHEDULE

1. Your knowledge of cases of alleged or suspected official misconduct by councillors of the Gold Coast City Council, concerning:
 - a) False or misleading statements of candidates for the Gold Coast City Council election in March 2004 with respect to details of any association with other candidates or entities;
 - b) Electoral bribery with respect to the Gold Coast City Council election in March 2004;
 - c) Returns about election gifts with respect to the Gold Coast City Council election in March 2004;
 - d) Declaring and dealing with conflicts of interest or material personal interests since the Gold Coast City Council election in March 2004;
 - e) Any criminal offence involving the performance of their functions since the Gold Coast City Council election in March 2004; and
2. Your knowledge of any related cases of alleged or suspected official misconduct by other persons.

INFORMATION TO ADDRESSEE

GENERALLY

YOU MUST COMPLY WITH THIS ATTENDANCE NOTICE

Failure to attend in compliance with this attendance notice, or to continue to attend as required by the presiding officer until excused from further attendance, without reasonable excuse, constitutes an offence which carries a maximum penalty of 85 penalty units or 1 year's imprisonment.

By complying with this notice, **YOU DO NOT**—

contravene a provision of an Act or law imposing a statutory or commercial obligation or restriction to maintain secrecy in relation to the information, document, or thing;

OR

incur any civil liability in relation to the information, document or thing.

SHOULD YOU FAIL TO ATTEND

Pursuant to section 168 of the *Crime and Misconduct Act 2001* (Q), on application to a judge of the Supreme Court, a warrant may be issued for your arrest.

LEGAL REPRESENTATION

You may be legally represented at a Commission hearing.

IF THIS NOTICE REQUIRES YOU TO PRODUCE A STATED DOCUMENT OR THING

You must **bring** the stated document or thing to the Commission hearing, if the stated document or thing is in your possession. 'In your possession' includes in your custody or control.

You must **produce** the stated document or thing to the Commission hearing, unless you have a reasonable excuse. A claim of privilege, other than legal professional privilege, is not a reasonable excuse. However, a claim of legal professional privilege is not a reasonable excuse if you have the authority to waive the privilege and you do so waive it, or the privilege is waived by a person having authority to waive it.

ALLOWANCES FOR WITNESS

A person attending a Commission hearing under an attendance notice is entitled to be paid the allowances and expenses that would be payable if the person were appearing as a witness in a hearing before a Magistrates Court.

OATH OF SERVICE

SERVICE OF DOCUMENTS UNDER THE CRIME AND MISCONDUCT ACT 2001

I, Barry Alan Britton
Detective Sergeant
of the Crime and Misconduct Commission
do swear that on the 21st day of September 2005
I served the said David Devine
with the attached notice by:

leaving the original of the attached notice for the named individual at Devine Limited, Level 18, 175
Eagle Street Brisbane the place of business of the named individual; The notice was given to Ms
Gissel Alves of Devine Limited, who had instructions from Mr David Devine to the person to whom
the notice is addressed to accept the notice on his behalf.

Signed and sworn by the Deponent at Brisbane
this 22nd day of September 2005

before me: *LAWRENCE BRETT PAUL*



)
)
)
) *B Britton*
)
) Deponent
)

Justice of the Peace

