

RECORD OF INTERVIEW

CRIME & MISCONDUCT COMMISSION
No. 2005-5 Date 9/14/05
IN THE MATTER OF:

OP GRAND

TAPE NO: 1 (of 2)

EXHIBIT No. 201
.....CLERK

DATE: 04-11-2005

PLACE: BUNDALL

TIME COMMENCED: 0935

TIME CONCLUDED:

INTERVIEWEE: EDGARD (EDDY) SAROFF

INTERVIEWER/S: CRAIG HAWKINS

LEGAL OFFICER: ANNA MCDONALD

RE: OPERATION GRAND

FILE NUMBER: MI-05-2482

Complainant:	OPERATION GRAND
Subject(s):	OPERATION GRAND
Investigator:	CRAIG HAWKINS
Statement Of:	EDGARD SARROFF
Legal Officer:	ANNA MCDONALD
File Number:	MI-05-2482
Directory :	

COPY TAPE 1 OF 2 - RECORD OF INTERVIEW BETWEEN EDGARD (EDDY) SAROFF AND CRAIG HAWKINS FROM THE CRIME AND MISCONDUCT COMMISSION ALSO PRESENT DETECTIVE SERGEANT STEVE WHITELAW

LEGAL OFFICER: ANNA MCDONALD

RE: OPERATION GRAND

ES = EDGARD (EDDY) SAROFF
CH = CRAIG HAWKINS
SW = DETECTIVE SERGEANT STEVE WHITELAW
UI = UNINTELLIGIBLE

- 1 CH Ah, today is Friday the 4th of November 2005 and the time by my watch is 9:35 am ah my
2 name's Craig HAWKINS and ah we're at the Gold Coast City Council offices at ah
3 Bundall on the Gold Coast Bundall, sorry, speaking with Councillor Mr Eddy SAROFF
4 ah and just for the purposes of voice recognition for the tape ah I'll get everyone to
5 introduce themselves by name starting with myself Michael Craig HAWKINS I'm an
6 investigator with the Crime and Misconduct Commission in Brisbane, Steve
7
8 SW Steven Allan WHITELAW, Detective Sergeant of Police and I'm also at the Crime and
9 Misconduct Commission
10
11 CH Mr SAROFF
12
13 ES Ah, Councillor Eddy SAROFF, Councillor for Division 10
14
15 CH Now, Mr SAROFF, we're ah here today interviewing you in relation to ah an inquiry
16 undertaken by the Crime and Misconduct Commission into the Gold Coast City Council
17 elections and the lead up to the elections ah in March 2004 ah we've discussed with you
18 prior to turn the tape on the terms of reference for the inquiry um and you've indicated
19 that your ah happy to undertake the interview ah and have that interview recorded
20
21 ES Yes, I am, Yes I am
22
23 CH Is that true now just for a start we might look at ah some personal details and background
24 in relation to yourself so could I have your full name ane correct spelling
25
26 ES It's ah Eddy E d d y SAROFF S for Sam, A Double R O Double F for Fred
27
28 CH So no middle name
29
30 ES Um no middle name

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31 CH And it's not it's Eddy not Edward
32
33 ES Um, Eddy SAROFF is the name that um I'm appears on ah during the ah ah, it's my
34 known name um um my ah passport name is Edgard E d g a r d
35
36 CH Edgard SAROFF
37
38 ES Edgard SAROFF that's with a y
39
40 CH With a Y e double d y
41
42 ES Yep
43
44 CH And your home address
45
46 ES Home address is 16 Joan J o a n Street, Southport
47
48 CH And your contact phone number
49
50 ES At the office is 55816171
51
52 CH Do you have a mobile
53
54 ES 0414 180 926
55
56 CH And you're a councillor with which division
57
58 ES Division 10
59
60 CH Is that a full time ah position for yourself
61
62 ES Ah, it is full time ah
63
64 CH Do you have any other ah business interests or
65
66 ES Yes, ah my family has a um wholesale distribution business which ah I spend sometime
67 um in when, whenever I can ah accommodate it within this job
68
69 CH And, are, are you a director of any of that at all
70
71 ES No my wife is a director
72
73 CH OK, and what's the name of that company
74

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75 ES It's called Eelwear E e l w e a r
76
77 CH And your date of birth
78
79 ES 13th of the 5th '56
80
81 CH And place of birth
82
83 ES Um, Sydney
84
85 CH Sydney, now you're a councillor with division 10 at the Gold Coast City council ah how
86 long have you been a councillor with the Gold Coast City Council
87
88 ES I was elected in ah March 1995 at the time of the amalgamation and maybe what is
89 relevant with this here is at that time there was the old Gold Coast City Council and the
90 old Albert Shire ah they amalgamated the two councils and um there was seven councils
91 that were elected from the Gold Coast seven that were elected from the Albert and then
92 there was myself which became very controversial at time
93
94 CH OK and again you were re elected ah at the 2004 elections
95
96 ES Re elected in 1997
97
98 CH Uhmm
99
100 ES And then elected ah unopposed ah in 2000 and then ah elected again in 2000
101
102 CH And 4
103
104 ES 2004, I beg your pardon
105
106 CH Yep, so you've constantly been ah a councillor from the first time
107
108 ES Yes
109
110 CH That you were elected
111
112 ES Yes
113
114 CH And ah within the council do you hold any specific ah portfolios or interests, committees
115
116 ES No, I, I, have indicated um in ah when I step down from finance ah I was Chair of
117 Finance until um, um the budget of '90 of 2004 I, I, stepped down as ah Chair of Finance
118 for many reasons and um, um, I was at that time the Chair of Chairman of the Audit

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119 Committee I was subsequently ah um um removed from the Committee of ah following
120 the council resolution that no councillors be appointed on the audit committee to the
121 disappointment of ah much to the disappointment of the audit branch itself
122

123 CH So that was the first time in your time as a councillor that no councillors had been on the
124 audit committee
125

126 ES Um, I, I, had yes it's the first time ah we did a survey of councils ah around ah
127 Queensland only to find that ah ah a very few don't have councillors represented the
128 majority have ah at least two or three councillors and some councils have all of the
129 council ah members of the audit committee
130

131 CH Now, in relation to ah do you have any political alliance or affiliation to any political
132 party
133

134 ES No, no, and I have, I've never had
135

136 CH So you consider yourself an independent councillor
137

138 ES Yes, yes
139

140 CH Now as I mentioned when we started the, the Crime and Misconduct Commission is
141 holding a, a commission a public commission of inquiry ah into the Gold Coast City
142 Council elections for 2004 and the lead up to those elections um and allegations of
143 misconduct by ah officials suspected official misconduct by councillors of the Gold Coast
144 City Council relating to the build up of those elections um, including electoral bribery
145 with respect to the Gold Coast City Council ah for those elections ah returns about
146 election gifts with respect to the council and declaring and dealing with conflicts of
147 interest or material personal interests since the Gold Coast City Council election and any
148 criminal offence involved in the performance of their functions with the Gold Coast City
149 Council um now in relation to ah the elections and post elections ah in April this year you
150 forwarded a, a letter of complaint to the CMC and ah I'd just like to canvass that with you
151 your, your firsthand knowledge that ah complaint related to ah ah financing at the
152 elections of one ah specific councillor could you just run through me your concerns with
153 that and, and your first hand knowledge of those concerns
154

155 ES Hmm. My, my concerns were not specific to the funding of one councillor it was in
156 relation to the funding of candidates um it ah had ah been brought ah to our attention um
157 some of it ah indeed was ah second hand knowledge that there's an attempt to raise a
158 substantial amount of funding um to be able to um assist ah ah certain individuals in their
159 um election campaign um it was at one stage ah um mentioned that there could be as
160 much as half a million dollars that is being ah directed for that purpose and um it was of
161 um obviously ah, ah concern as um um these, these issues ah um have been highlighted in
162 previous elections in terms of um aah I suppose the, the major the major concern is the

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163 amount of money that is being ah used to support candidates and, and, and the purpose of
164 the funding ah I recall um ah following then an early election could be the '95 election ah
165 that I moved in council ah some changes to the law to, to ensure that um, um the, the, the
166 election funding is all ah being made ah, ah available prior to election or some changes
167 which I can't specifically um ah point to at the moment but but if we go back to the
168 record we can we can check and see what changes were mooted at that time I think ah it
169 was an important issue and it all arose from the fact that ah substantial amount of funding
170 is poured in election and um ah the community wanted to know that ah there, there are no
171 strings attached ah normally there is this perception that if if there's a, a um a donor that
172 there, there is a favour required at the end of it and, and ah following one of the earlier
173 elections ah or, or one of my early elections um we, we um I moved successfully we
174 moved a resolution to start to deal with the, the election funding
175

176 CH OK, so you want a more an even playing field for everyone so there's no as you say there
177 couldn't be a favour return for money put in
178

179 ES I think it needed this um there wasn't as much transparency as, as in the previous days
180 and there was um you know some outcry from the public that they needed to be able to
181 see a bit more um um information about how the elections are operated
182

183 CH OK, now in relation to the candidates and receiving ah funds that they haven't declared
184 ah or, or if funds from this fund that you ah had heard about
185

186 ES Yeah
187

188 CH Do you have any first hand knowledge of hearing any candidates ah state that they were
189 self funded when in fact ah you believe they may have received money from ah, ah a
190 separate fund
191

192 ES The um the information that I would have received in relation to the candidates
193 statements ah would have ah come out of the media reports ah those media reports would
194 have been driven by questions both myself and other candidates put to the media so um
195 um we would have taken that to be their ah their um their response to our question ah the
196 media was very um, um, very ah pro active in, in pursuing this, this issue and I certainly
197 called a press conference um at in front of the council chambers only a, a week or so prior
198 to the election when we were when it was confirmed that there was now a trust fund that
199 is being ah put together solely for the purpose of ah assisting those candidates so when
200 our fears were confirmed ah we called a press conference and at that press conference the
201 challenge was put to all candidates to come forward and, and ah acknowledge whether
202 there had ah received funding from that um, um trust fund which was referred to as a the
203 slush fund um the media articles after that revealed ah and you would have copies of
204 those sort of a, a, a had statements made from the candidates in terms of ah their position
205 and um and um after the election I was certainly quite um, um disturbed ah when, when it
206 was revealed that it was substantial funding provided to successful candidates and

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207 unsuccessful candidates when all those candidates denied ah receiving any funds ah or,
208 or, or basically when they ah acknowledged that ah they weren't ah receiving anything
209 from that particular ah trust fund um there's nothing more you could do at that time and
210 um ah it was ah at that point in time that ah myself Peter and Dawn um um compiled our
211 complaint to the CMC in relation to that we felt that the public was being mislead we felt
212 that the public ah, um, was entitled to know whether um a specific slush fund was being
213 or a, a, a, trust account was being raised to fund certain ah candidates and we felt that the
214 community would ah be entitled to ask more questions about um um why these
215 candidates are being funded and um what they stand for um at the end of the day um if
216 this was um a liberal party or labor party they would stand up before the election and they
217 would say we are standing in this coming election we are intent in our term if we're
218 elected to do A,B, and C you elect us and this is what you get we felt that in this case
219

220 CH Yep

221
222 ES Here the candidates and the successful councillors ah owed it to the public to say that ah
223 we are ah um, um, being funded by the same source and this is what we believe we're
224 going to achieve um I, I, I, feel that if they were of the view that they could achieve some
225 good outcomes for the community then they should have highlighted that
226

227 CH Just to confirm or clarify for the benefit of the tape when you say ah Peter and Dawn
228 could you just ah clarify (ui)
229

230 ES Yeah, Councillors Peter YOUNG and Councillor Dawn CRICHLLOW
231

232 CH OK now you, you said that we the media report started as a result of questions you had
233 put to candidates how, how were they put to candidates were, were you actually
234 specifically put in person question to candidates or did you advise media questions to ask
235 how, how did that ah come about
236

237 ES Um, um, I recall when we'd had the press conference ah we specifically said it's
238 important that the candidates come forward and, and um, um inform the community ah
239 whether they're being funded from there there's a lot of concerns with what was referred
240 to as a slush fund
241

242 CH Uhmm
243

244 ES And the reason why there was a lot of concerns is because on many occasions um when
245 the question was asked of certain individuals are you aware of the, the slush fund and
246 there was all this denial so given that there was all this denial that the slush fund existed
247 ah when we were able to establish that it did exist and with the help of the media the
248 media were very pro active in pursuing this they, they know how to how to do their job ah
249 when it was confirmed that there was a slush fund we thought that it was important for
250 people ah that are being funded from that to at least come forward and, and acknowledge

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251 that they, they had received it and, and um ah we feel that um and, and I'm, I'm quite
 252 certain the message that was coming back from the community is yes we want to know if
 253 there is um an attempt to form a party an attempt ah for people outside of council ah to
 254 have been supporting individual candidates then we should know um, um what
 255 candidates are being ah, ah handpicked and, and why and what they will be standing for
 256 and there were and we must, must highlight that there were some major issues facing the
 257 city the issue of infrastructure charges was a huge debate leading into the election it was
 258 almost

259

260 CH Uhmm

261

262 ES An election issue ah given that council had spent three years ah putting together it's
 263 infrastructure charges ah during the process we involved the industry we involved ah the
 264 community ah there was an involvement of, obviously council officers and the state
 265 government was involved in formulating those charges and it took three years to
 266 formulate the charges and those charges were intended to ah ah to reflect the fee charged
 267 ah so that we can start to address some of the major infrastructure items so for arguments
 268 sake um I mean I'm, I'm giving you all of this so you can head it (ui) you like

269

270 CH Uhmm yeah

271

272 ES Ah, for arguments sake if you had a high rise that is um planned in, in the south in the in
 273 um in Surfers Paradise precinct ah that high rise prior to the introduction of the
 274 infrastructure charges did not have to pay a contribution to the upgrade of the roads the
 275 big debate that we were having in council is we can't fix up Surfers Paradise roads
 276 because the project

277

278 CH Hmm

279

280 ES Blew up from forty ah from twenty million to forty five million dollars and here's all this
 281 debate about you know do we how do we proceed with it and, and there was other side
 282 issues that went along with it but but with the implementation of the new charges it, it
 283 meant for each one of those units this is a ball park figure

284

285 CH Hmm

286

287 ES We would now be able to ah lawfully charge five thousand dollars for each unit as a
 288 contribution to the road network and we couldn't do that before as we're heading towards
 289 the election the same councillors that were involved and embraced the charges five
 290 minutes before the election were all of a sudden saying the charges unreasonable the
 291 charge is unfair the charge is gonna put ah pressure on, on the industry the first home
 292 buyers are gonna pay more and there were in my opinion in, in, in my opinion there were
 293 reflecting the views of certain individuals because it certainly wasn't as Chairman of
 294 Finance it was not the message that I was receiving

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295
 296 CH So for that project your position was as Chairman of Finance at the time
 297
 298 ES Was Chairman of ah Finance at the time the Deputy Mayor was heading the infrastructure
 299 charges
 300
 301 CH And who was that at that time
 302
 303 ES That was Alan RICKARD. He was the previous ah Chair of Finance um and both Alan
 304 and I were very, very um, um, aggressive in making sure that, that the, the whole regime
 305 isn't overturned and all that was happening as we were leading into the election the
 306 concern and the reason why my concern and my I was so vocal about this issue is because
 307 we had on one hand um ah some councillors trying to over turn the, these policies but on
 308 the other hand we had um ah. ah this so called trust fund building up and we had no
 309 knowledge of where the funds were coming from we had no knowledge what, what it was
 310 being driven why, why it was all being um ah pursued I mean ah with interest in
 311 Councillor POWERS ah statement
 312
 313 CH Hmm
 314
 315 ES That the, the industry and the business wanted to see del-delivery of infrastructure
 316 charges ah the delivery of infrastructure um now how can you on one hand be arguing
 317 that you know we need to provide infrastructure and then on the other hand you're saying
 318 the infrastructure charges policies are, are unfair and um unreasonable ah so all those in
 319 my mind started to um point to, to ah something seriously wrong and, and um, um
 320
 321 CH Can, can you identify any specific councillors that you would say had that had turn
 322 around on their, their where their stand was in relation to those charges
 323
 324 ES The, the main driver for the ah ah infrastructure charges was ah, ah to ah the, the main um
 325 aah ah object or, or ah
 326
 327 CH Or, opposition to
 328
 329 ES The, the main, the main opposition came from Councillor POWER and um and obviously
 330 as time progressed there was other councillors that, that um didn't there, there was other
 331 councillors that obviously started to put up similar arguments so ah, ah to the best of my
 332 knowledge Councillor SHEPHERD was. was um not very much in favour of what the,
 333 the charges was um as, as ah sorry for the best of my knowledge Councillor SHEPHERD
 334 echoed some of the, the same concerns raised by Councillor POWER and, and I should
 335 point out that, that ah this lead to a number of agenda items where, where the council
 336 officers were now bringing forward some recommendations ah to review the charges and,
 337 and I have to say that one or two of those recommendations ah, ah um, um left some of

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338 the officers ah a little more than embarrassed particularly when an officer an officer's
339 report suggested that the charges be um, um, um be um (ui) charge be um um
340
341 CH Dropped or...
342
343 ES No, it was, it was, it was, ah ah, ah I need to get the ah proper ah um agenda items and,
344 and refer to it because it was absolutely outrageous it was suggested that that, we, we ah
345 ah (ui) might modify the charges in other words ah faze them in and bring the charges
346 down and, and there was a shortfall that was going to be created by, by that, that process
347 and it was suggested that we lump that charges onto a future generation and ah myself in
348 particular took it to the council meeting and, and, and, and Councillor Peter YOUNG and
349 insisted that we get legal advice in terms of whether we can legally ah (ui) a charge that
350 is, that is ah um, ah the responsibility of developed of the developer today onto a, a um
351 future generation
352
353 CH So project it forward to allow that
354
355 ES Yes, and particularly when the argument now is that the developers today is saying this
356 charge is unreasonable how can you then reduce their charge and then go to future
357 developer and say well you're gonna have to pick up the tab for the charges that we didn't
358 pick up for 2005, 2006 um, um and we insisted on legal advice but legal advice came
359 forward supporting exactly what we said in that there was not a lawful manner to do and
360 the report was presented to council with certain recommendations and there was a waiver
361 in the report which suggested that we um that um that we also seek some legal advice
362 now if there in, in my view ah those officers should not even have gone as far as wasting
363 their time and our money in drafting a report which still needed to get legal advice on it
364 when um um you know when, when, when they themselves are saying to us all along that
365 the charges are reasonable and are valid and, and
366
367 CH Yeah
368
369 ES Ah, um yeah and the method, methodology can be um can ah backed up in, in, in court as
370 to how we achieve that and as I said to you just a few moments ago the process that we
371 went through was a three year process in that three years there was all sorts of experts and
372 consultants and state government involvement and what was also quite ironic is, is from
373 time to time I would ask our officers to give us some comparisons of our charges to some
374 other cities or other
375
376 CH Hmm
377
378 ES Major authorities and the response would always come forward is our charges are, are
379 quite favourable so and, and, and the issue of the infrastructure charge is, is one issue
380 which myself as Chairman of Finance took a lot of, of offence to it because I was I was
381 very passionate in saying look you know we've worked so hard on getting to this stage

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382 we are lacking with, with the infrastructure such as roads and water and, and with
383 sewerage
384
385 CH Hmm
386
387 ES I mean we don't see what's going on underground because the sewerage is underground
388 but if our roads are clogging up if our water's running out only God knows and our
389 officers know what's happening ah. ah underneath and um
390
391 CH Yep
392
393 ES And it was certainly one of those issues that I felt that as Chairman of Finance that I
394 should have had more support and, and um, um more backing from, from my council it
395 certainly wasn't the ah only reason why I resigned as Chairman but um it, it was certainly
396 one of those factors
397
398 CH Major factor
399
400 ES It was one of the factors
401
402 CH Was there has there been a final outcome to that situation
403
404 ES The irony of it is the um them the irony of it is the water and sewerage charges have been
405 reviewed and there have ah the second review now has showed an increase of substantial
406 increase ah the charges that were established as of ah the time of introduction which was
407 in March I think the, the, the charges were introduced we have to get the proper dates on
408 that I'm sorry I can't give it to you here but the charges that were introduced 18 months
409 ago or so ago have now come back for a review particularly the water and sewerage
410 charges and, and council officers have established that our charges needed to be further
411 increased and we've now actually had to increase our charges and there's been some
412 discussions with industry and how we're going to introduce those increases so ah in, in a
413 way ah I, I, can say for the record that the officers were certainly vindicated those officers
414 who, who had worked hard in establishing the, the charges there was officers within our
415 parks and recreation ah section who, who were ah assisting with what we call policy
416 number 16, ah go back to the example that I gave you about the high rise previously the
417 high rise didn't have to pay contribution towards a road network didn't have to pay ah, ah
418 contribution towards the upgrade of our foreshores and, and um and our parks there's also
419 a contribution of five or six thousand per unit on those, on those ah, ah parks those
420 officers were subjected to unreasonable ah, ah and almost intimidation at times when they
421 were trying to put their arguments forward in terms of why the charges have to be
422 whatever those charges are
423
424 CH And what format was added on
425

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426 ES It was formatted at meetings where you know, there would be aggression there would be
427 you know ah, um, ah, some angry exchanges between those councillors who didn't who,
428 who weren't happy about the charge and the officers who had worked for a number of
429 years to establish the charges and even as late as recently where there would be you know
430 debate in relation to that it's obviously taken a different format at the moment because the
431 charges have been imposed and we've moved on um
432

433 CH Who, who were the other specific councillors you've mentioned Councillor POWER.
434 SHEPHERD for that and who else was pro that situation (ui)
435

436 ES The, the, the, the one of the biggest um ah concerns that I personally have had over the
437 last 18 months is that in relation to a lot of issues that are being debated in council
438 infrastructure charges for one, one is an example um some of us there's ah and, and the
439 real, real min-minority ah and I say ah myself Councillor CRICHLLOW, and Councillor
440 YOUNG and at times um, um the odd councillor or two ah would put up very strong
441 argument as to why we shouldn't be the waving moving away from our policy the other
442 side would be either very brief in their, in their ah position ah or next to no debate the
443 items get put up the majority rules and and it would be very, very um distressing to know
444 that you know we, we've gone out and we've done our homework
445

446 CH Uhmm
447

448 ES And we've argued very strongly then the big debate on infrastructure charges was won
449 for one reason and only one reason we won that debate because we dragged the
450 community in
451

452 CH Hmm
453

454 ES And, and there was front page articles which I'd write saying that this is only going to be
455 won with people power and that gallery was packed with 200 people on the day they were
456 looking at undermining their charges and um ah and I think um it, it um we won the day
457 ah because they could see that in the that this is going to be debated for a long time to
458 come um now going back to the election and what I was saying to you ah earlier on about
459 how the infrastructure item started to heat up getting to the election it was a very last
460 meeting of this council or the previous council
461

462 SW Previous council
463

464 ES In 2004 that there was a, a motion drafted that wasn't put on the table and the motion was
465 that we suspend the infrastructure charges on policy 16 the water and sewerage the, the or
466 the other charges this is this is straight after we've adopted our charges and at the last
467 meeting going into council there was a move to suspend the charges now we view that as
468 a very serious they're given that, that it was appeared to us that it was being driven by
469 certain parties outside of council and I believe Councillor YOUNG had formulated a few

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470 issues in relation to that ah, again um, um, because um, um myself and, and I think two
471 others were very angry about the move to, to reduce the charges um, ah the, the, the
472 motion was withdrawn now the motion was already drafted and it was with the, the, the
473 in the, the CEO's hand and I walked past and I said so that's the motion and I ripped it
474 out of his hand I said and I read and I said I want a copy of it I've since passed a copy to
475 Peter Councillor YOUNG and I think that's made a part of his, his submission but again
476 going back to what I'm saying about infrastructure charges I found that was a real major
477 issue and an issue where, where the charges were being undermined at a time when the
478 community was demanding tht we deliver on infrastructure and ah and ah at a time when
479 the infrastructure was lagging and ah and people going into an election want to know that
480 over the next term or the next four years these are the issues that are going to be
481 addressed now if we are undermining the charges the impression we're given out to the
482 community is that ah, ah are we giving the wrong impression out

483
484 CH So as far as that motion ah being drafted who drafted the motion the motion

485
486 ES There was a lot of debate later on about who drafted the motion

487
488 CH There was no name to it

489
490 ES Ah you were we were told later on about the CEO was asked to put together something
491 and the CEO, CEO has a, ah has a if, if, if he is being um asked to do something he will
492 do it

493
494 CH Uhmm

495
496 ES Ah, when I grabbed it when I grabbed it out of the CEO's hand I said this is outrageous
497 his response to me was no this is political he says I don't ah look I don't necessarily
498 support it but I was asked and then was questions on the floor for some prior to a big
499 debate in relation to who had drafted this resolution and they started to duck for cover and
500 there was a bit of blame put on, on, on, ah um they're, they're very good sometimes at, at
501 ah avoiding the issue all together

502
503 CH At deflecting things

504
505 ES Oh, absolutely it was, it was a, a, a, classic but um Alan RICKARD at the time after the
506 meeting approached me and informed me that the previous night he received a phone call
507 call from a developer ah sorry from a consultant I beg your pardon from a consultant and
508 the consultant had ah been in the development industry and the consultant had indicated
509 to him that ah you know um you know your there, there's this is very important that it
510 goes through ah the indication obviously that I gathered from the discussion is that the
511 numbers are being worked out to get ah this over the line but that's where you know
512 sometimes one or two strong voices um can, can derail, derail this but it was happening
513 at the very last meeting of of the previous council

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514 CH Before the 2004 elections
515
516 ES It, it almost gave ah an impression that this um this is um, um a, a, um, aah...how do we
517 put it...it almost gave an impression that it, it, it ah, ah there was commitment made that,
518 that the charges would, would be um suspended
519
520 CH So someone had to do something to show that was
521
522 ES It, it certainly gave that impression there was um, a, a, nervous atmosphere within the
523 council um and there was all um you know all, all sorts of arguments that, that should
524 have been raised during the process they should have been raised at the time when the
525 policy was being adopted because it the, ah, ah, there was some concerns that were
526 certainly raised by parts of the industry in relation to the charges and, and, look at the end
527 of the day the industry is entitled to argue against the charges it is business at the end of
528 the day if business has to stack up so it's in their interest to make sure that they get the
529 best value
530
531 CH And as you say they've had a three year period to get the (ui)
532
533 ES They had a three, they'd had a three year and it was being debated during that three year
534 period and, and um and then a, a position was taken and um many of us ah embraced that
535 ah position I, I, recall getting up in my last ah, um, when, when I handed down my last
536 budget in 2004 I made reference to the charges and said how important it is that we all
537 embrace the charges and we try and, and, and ah, and um promote the benefits of the
538 charges and, and also see how the industry could see the benefit of receiving a pay less
539 charge then because we are only spending it to improve the amenity where those
540 developments are, are created
541
542 CH OK, now, I'll, I'll just quickly again go back to the ah comments about ah candidates ah
543 stating they are self funded and they had no other ah as you put it slush fund or, or trust
544 fund ah financing, did you attend prior to the 2004 elections any debates or meetings
545 where candidates were at where questions were put to them in relation to their finance
546
547 ES No, I didn't but I'm aware that that there were some meetings and I'm aware that there
548 was um, um, certainly messages conveyed to me that there were concerns that ah people
549 have suggested that they funded their own campaigns when in actual fact ah, it, was
550 revealed later on it wasn't
551
552 CH OK, so along with that and reading the ah media reading in the media that's how you've
553 become ah that, those instances have become known to you
554
555 ES So, the, the instances in the main came known to me through questions that we have put
556 to the under ah to the other candidates through me through the media
557

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558 CH Through the media
559
560 ES So in other words in, in many cases some of our debate seems to take place through the
561 media because they are able to talk to yeah, both sides
562
563 CH So they may interview you and you'll put something up and then they'll go and ask for a
564 ah reply
565
566 ES Yes, yes, yes, I'm happy to go over my press conference comments because I do have
567 them and see what, what issues were raised if, if I do have it ah handy and see if there is
568 um any specific challenge but I do recall it was the purpose of that press conference was
569 to put out a challenge for people to come out and tell us um um whether they've received
570 money from this so called slush fund
571
572 CH Hmm
573
574 ES Because I have to stress it was made um ah, it, it was mentioned that earlier in the piece
575 that this slush fund would ah would have something like 500,000 dollars injected into it
576 which ah, which obviously is again um the feedback that we were receiving
577
578 CH That, that's fine we might leave that there for now I think we've canvassed that um as
579 much as we can to, to find out your first hand knowledge
580
581 ES Sure
582
583 CH I might just now go to the ah, a situation which ah relates to at a aah council meeting on
584 15th November 2004 do you have any knowledge where ah an issue relating to a rates
585 discount for the Sunland Group where council allowed Sunland to receive a discount ah
586 for their rates in past the due date by date, do you recall that situation were you present at
587 that council meeting
588
589 ES Yes, I, I, recall that situation and yes, I was present at the meeting
590
591 CH What ah what took place there if you could run through your knowledge of that
592
593 ES What, what took place um is that the agenda item was pretty clear that um we cannot
594 allow the discount now given that I was the um previous cause there wasn't much longer
595 after that, that I oh sorry ah, ah um I, I, I, had um given that I was the previous Chair of
596 Finance um I had a very close working relationship with, with the officers in that
597 Department and from time to time I'd pick up the phone if there is any, any doubt and I
598 picked the phone and I made some inquiries and, and um and um it was explained to me
599 the circumstances surrounding the um not allowing the discount and um I wanted to
600 know whether um the officers themselves were satisfied that, that was the right outcome
601 and I given that in the past that I don't recall allowing a similar situation particularly

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602 when sometimes we have ah elderly residents that ring up and say look, haven't been able
603 to pay for whatever reason um, I wanted to know, you know, how, how would you know
604 whether, whether ah there is any ah circumstances that might ah support these um um a, a
605 different position I, I'm recall that there was some talk that um there was a move to have
606 the recommendation overturned and I suppose that's probably one of the reasons why I
607 went and spoke with the officers it was made absolutely clear by the officers that they
608 don't believe they're that their circumstances warrant ah ah the granting of the discount
609 and um and therefore I went to the council to the, to the finance meeting um, um knowing
610 that the officers had already um made their position clear ah as I said to you earlier on um
611 there is ah a concern that sometimes we feel that the officers aren't able to come forward
612 and ah um ah be very um ah and, and rather than saying that ...the concern and, and
613 certainly this is my ah own perception is that at times the officers are not able to stand up
614 and put a strong argument to back up their recommendations and there fore by speaking
615 with the officers before the meeting it in my mind it's established that there is no case for
616 this to be ah, ah for the discount to be granted um at the meeting the officers um to their
617 credit still argued that it's um that I recommend the ah the discount be granted um and
618 then at the meeting at there was still um a motion there to overturn the officer's
619 recommendation which was carried

620
621 CH Do you recall who made the moved the motion

622
623 ES Um, I'm, I'm not quite sure I, I, think the record should show that

624
625 CH That's alright, I'll just show you the copy of the, the minutes there just for the benefit of
626 the tape showing a copy of the minutes from the ah 340th council meeting 15th November
627 2004

628
629 ES Ah, yeah, and if that was incorrect it would have been corrected at ah it, it would've. It
630 would've been mentioned but it, it appears to be um I, I, felt it was either POWER
631 Councillor POWER or Councillor CLARK but it's in the order that you've got there so
632 I'm reasonably satisfied

633
634 CH And, did you oppose that at this meeting

635
636 ES I certainly opposed to it I spoke about it at that meeting I spoke about it at full council um
637 and I have to say to you that um I received a call when an article um was in the courier
638 mail or one of the newspapers in the recent few weeks in relation to that discount I
639 received a call from the previous chair of finance Alan RICKARD

640
641 CH Uhmm

642
643 ES Um, and he has indicated that he was quite surprised that that had that ah motion was
644 overturned and he also pointed out that he doesn't recall in his time ah seeing a, a motion
645 um being overturned in, in relation to that rates discount

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646
647 CH So it was voted on that motion in the end
648
649 ES Yes, it was voted on
650
651 CH Can you recall who voted for, and who voted against
652
653 ES What I do recall is that when the vote was put down it um at one stage um one of the
654 councillors walked out of the room and then this is at the full council meeting ah to the
655 best of my recollection there was some um one of the um the best of my recollection
656 when the vote was put the numbers didn't look like they were going to get this over the
657 line so one of the councillors who had voted in one way when they put the vote up the
658 second time round voted to support it now I don't know the nitty gritty of it but I do recall
659 Dawn made some um some um point she did, she did make some notes of how the, the
660 vote turned what it basically ah came down to is, is um I, I, I'm there's not to the perhaps
661 to the, perhaps to the best of my recollection Councillor POWER's vote in the end of the
662 day made the difference
663
664 CH OK
665
666 ES But I'd, I'd rather with that there go back for the record because having sorry can I have a
667 look and see if you've got there
668
669 CH Yeah, while you're having a look at that I'll just ah the tape is about to run out so I'll just
670 change the tapes the time is 10:21 am.
671
672 TAPE 1 ENDS

HF/SARROFF Edgard (Eddy) tp 1 of 2 04-11-2005

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RECORD OF INTERVIEW

TAPE NO: 2 (of 2)

DATE: 04-11-2005

PLACE: BUNDALL

TIME COMMENCED: 1041

TIME CONCLUDED:

INTERVIEWEE: EDGARD (EDDY) SAROFF

INTERVIEWER/S: CRAIG HAWKINS

LEGAL OFFICER: ANNA MCDONALD

RE: OPERATION GRAND

FILE NUMBER: MI-05-2482

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COPY TAPE 2 OF 2 - RECORD OF INTERVIEW BETWEEN EDGARD (EDDY) SAROFF AND CRAIG HAWKINS FROM THE CRIME AND MISCONDUCT COMMISSION ALSO PRESENT DETECTIVE SERGEANT STEVE WHITELAW

LEGAL OFFICER:

RE:

ES = EDGARD (EDDY) SAROFF
CH = CRAIG HAWKINS
SW = DETECTIVE SERGEANT STEVE WHITELAW
UI = UNINTELLIGIBLE

- 1 CH OK, the time is now ah 10:23 am still on Friday the 4th November 2005 this is tape 2 a
2 continuation of an interview ah between Craig HAWKINS, Steve WHITELAW and Mr
3 Eddy SAROFF at the Gold Coast Cty council offices um just prior to changing the tape
4 we were discussing the ah the Sunland ah situation with a, a rates discount um, we're just
5 covering on, on who voted which way in relation to ah to that matter can you recall who
6 voted which way was there a division called or what was the story
7
8 ES I can't recall if there was a division called um but I do recall it was a very close vote um I
9 don't recall exactly who voted which way they did um um but I do recall there was some
10 inconsistency with with some one or two councillors um um voting um one way and then
11 changing it to another way
12
13 CH so at the end of the day the resolution was passed to discount Sunland
14
15 ES So at the end of the day the resolution was passed
16
17 CH Now do you have any idea of who ah if anyone would have kept ah, an accurate record
18 who voted on that
19
20 ES I recall councillor CRICHLOW was um um ah quite a vocal on this matter and um I
21 believe she may have left some she may have made some note of the voting pattern with
22 this particular item
23
24 CH Are you in the habit of doing that yourself keeping notes of meetings like that
25
26 ES Um, generally if ah there is an issue we would ask for a division to be taken that's the
27 best way of having your vote noted on the record
28
29 CH Right
30

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31 ES I think there's other, ah. ah other points ah obviously very important um, um, um from
32 time to time and we do make our notes of (ui)
33
34 CH So you, you think there was a division or you...
35
36 ES I'm, I'm I do not um, I'm surprised that these are the minutes that you've shown me
37
38 CH Yes
39
40 ES I'm surprised that there isn't a division on this issue because this was a an issue that um
41 um raised a, a some concerns and given that this recommendation that is being adopted is
42 contrary to the officer's recommendation it um, um, in, in, those circumstances ah a
43 division is almost always called is almost always called so I am surprised that the records
44 don't show a division
45
46 CH So in this instance ah the motion was recommended by Councillor CRICHLOW for what
47 the ah the Department had put up
48
49 ES Yes, Councillor
50
51 CH Seconded by yourself
52
53 ES Councillor CRICHLOW and myself ah supported the officers recommendation was ah
54 and that was ah not to allow the discount
55
56 CH Hmm
57
58 ES The motion then has been changed ah and carried is the motion that allowed the discount
59
60 CH Now, just for clarification is that at a full council meeting or a finance and internal
61 services committee meeting
62
63 ES No, these are the minutes of the full council meeting
64
65 CH OK, that's fine
66
67 ES So, if you just look back to this here the council the meeting of the finance committee
68 was on the 9th the
69
70 CH Uhmm
71
72 ES Council meeting where it was ratified was on the 15th
73

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74 CH OK, thank you is there anything else in relation to that that you can recall that might
75 assist us
76
77 ES No, as I said to you I, I did receive a phone call from ah Alan RICKARD in relation to
78 this matter um
79
80 CH OK, we might move onto another matter that we'd like to cover um now during the lead
81 up to the March 2004 election did you have any dealings with or knowledge of Mr Paul
82 BURNSMEAD
83
84 ES No, I, I,
85
86 CH Do you know Mr BURNSMEAD at all
87
88 ES Um, hang on, there's which is the, which is the councillor
89
90 CH Ah, I'm not sure this is a solicitor
91
92 ES Solicitor um, I think, the solicitor might have come to see me one day about a project um
93 um maybe just an introduction or something of that nature but I'm just when you said,
94 said the name I didn't know whether you were referring to the solicitor or to the ah the
95 councillor
96
97 CH OK, so there's obviously a councillor of the same name, are they related do you know or
98
99 ES Yeah I think the councillor is the solicitor's um father
100
101 CH OK
102
103 ES I've had discussions my first um knowledge or dealings with Paul BURNSMEAD was in
104 relation to some a problem with the bats at Cascade Gardens because he had a property
105 across from there and we had put some submissions in relation to the bats ah but to the
106 best of my recollection he may have come to see me on one occasion to talk about some
107 development um and I would certainly like to be able to just check through my records
108 and see
109
110 CH That's fine
111
112 ES Yes
113
114 CH But ah there's nothing that rings a bell for you in relation to the lead up to the elections
115 and any dealings with that
116
117 ES I, I, I, um to be um quite honest um Mr...I, I, don't have any knowledge of this (ui)

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118
119 CH No, that's fine we can't take that any further
120
121 ES Yeah,
122
123 CH Now, ah, we prior to commencing the tape as we said we went through the terms of
124 reference and you acknowledged you already ah had seen a copy of those are there any
125 matters in relation to the terms of reference that you'd like to bring up that you think may
126 help the ah commission of inquiry in relation to this matter
127
128 ES I think most of the issues that are that are being concerned to me ah we've touched on um
129 the only other issue and it's been a matter that's probably been referred um to the
130 Commission is in relation to an application um um at Tiger Road and um ah I've outlined
131 my concerns in relation to, to that matter um, um I can't um. it, it was a concern that there
132 was an attempt to remove a condition um which related to a specific development which
133 required a development to make a connection um ah expend ah and, and make um to do
134 some roadworks um the ah the matter was never ah would not evolve into a council
135 resolution that had been voted on but the concern that I raised with in a previous
136 complaint was that there was a move to remove a condition and I felt that wasn't in the
137 public interest um the concern I raised at the time was that I felt that the council officers
138 um um should have offered more advice to the council at the time when the issue was
139 raised um the bottom line is it did not amount to ah a change of recommendation ah but it
140 certainly was of concern to me that it was raised in the first instance and that's been on
141 the record there somewhere
142
143 SW OK
144
145 CH Was that in relation or near around the time of the 2004 elections at all or is that
146
147 ES Well this year as in June 2004 so this is after the election
148
149 CH OK
150
151 ES Um, the, the issue and the issue with this particular ah application um is that the officers
152 um when I spoke with the officers following the meeting it was made clear to myself that
153 ah, ah if the condition was removed then we would still have had to build the road and
154 the road would have had to be built at ratepayers funds and um and again that was my
155 concern that this information should have been volunteered at the time when there was a
156 suggestion that you know we the recommendation be changed ah I've obviously um
157 reacted ah at the time and put a very strong argument which result in the motion not even
158 having a seconder but it, it was one of those issues that I felt that you know sometimes
159 um the administration needs to be able to give the council stronger advice um
160

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161 CH So is there more concern with the administration than it was with the actual councillors or
162 any candidates
163
164 ES Well I was concerned that the motion was um ah being entertained ah and equally I was
165 concerned that the officers didn't take the approach that um the chief executive officer of
166 1995-96 would do in saying councillors if we remove this condition the ratepayers will
167 pay it's not in
168
169 SW Pay
170
171 ES The public interest I caution you ah I made the complaint because I felt it shouldn't have
172 been moved in the first place and in the second place that given that this is shortly after
173 the election
174
175 CH Uhmm
176
177 ES You have a new you have a committee with new faces um a new councillor mightn't
178 have the full knowledge and background and, and experience to be able to make an
179 informed decision on it and therefore I felt that you know it, it was wrong all the way um
180
181 CH And, at, at the end of the day the you were happy with the outcome of that matter
182
183 ES Um, it the end of day it's I've, I've made my complaint it's on the record I um
184
185 CH Who, who did you make that to
186
187 ES I made it to the Chief Executive Officer and I believe it was also referred to the CMC
188
189 CH Perhaps if just for the benefit of the tape we could just identify what ah development that
190 was
191
192 ES This development was in a specific designed engineers and it was for sorry I don't think
193 we need to mention the applicant
194
195 CH Ah that's fine
196
197 ES Ah the it was ah an application from it was a negotiated decision notice combined
198 application for material change of use ah for urban residential development
199
200 CH Oh yes and you've already ah you'd already ah passed that on and that's been forwarded
201 through the CMC
202
203 ES Yeah, and that's ah 12 ah yeah, yeah
204

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205 CH No, that's fine
206
207 ES Um if I, I other examples um would be ah another example I think has been referred to
208 you in relation to storm water drainage on one particular development I think it was made
209 part and parcel of, of the other ah some of the other issues that were referred to I think
210 that information you need to, to be able to present it all on the present it on
211
212 CH So, you've got it that has already been presented
213
214 ES Ah, I'm, I'm actually happy with all my planning matters being presented
215
216 CH OK, is there anything else that you want to mention in relation to this matter
217
218 ES No, I'm I'm ah I think ah a lot of issues are being covered there there ah was a complaint
219 that I have made on an unrelated matter I'm not sure if it's made part and parcel of of the
220 inquiry um can
221
222 CH Um I think I might be aware of that and I think that's with Anne I think that's, that's may
223 have been dealt with so
224
225 ES Is that still on ... yeah, OK, hmm I'll talk to you when we finish with this and give you a
226 little bit more of ah points that might be worth thinking about and if, if
227
228 CH That's fine. In relation to that matter yeah, OK, Steve have you got anything
229
230 SW No, I haven't
231
232 CH OK, there's nothing else you want to mention in relation to what we've covered today in
233 relation to the elections of 2004
234
235 ES No, I think ah it's um it's, it's um very difficult time at the moment because ah the, this
236 um and I don't think we need to give this for the record even terms of how the climate
237 around here is very sombre and
238
239 CH Strained
240
241 ES Yeah, very strained yeah I think people want to see an outcome sooner than later
242
243 CH Yeah
244
245 ES I don't think I need to give that (ui) here
246

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247 CH No, that's fine what I might just canvas before we finish is, is just for the record, just to
248 cover fact, ah did you have any first hand knowledge of ah the trust fund that we've been
249 speaking about
250
251 ES First hand knowledge
252
253 CH Yes
254
255 ES Ah, only as I said to you um through a business man mentioning that there is a move to a
256 form a trust fund and that was all similarly at the at the time when these issues came
257 through in the, in the press and and as I said to you earlier on um at the similar time when
258 aah I believe Councillor CRICHLLOW mentioned someone ah someone had mentioned it
259 to her through a third party so
260
261 CH No, that's fine
262
263 ES Ah, but, ah the only first hand that I could probably point to is ah is, is a businessman
264 saying you know are you aware that be aware that there's a move to create a trust fund
265 and it's, and it's a foot but ah and that was as I said similarly around the same time when
266 it started to hit the press
267
268 CH OK, have you received any funding at all yourself from that trust fund
269
270 ES No, nothing
271
272 CH Ah, are you ah have you received any funding at all from any developers, or real estate
273 firms or such like businesses
274
275 ES No I've um my funding is all been disclosed um I've I'm known um in previous elections
276 not to be even canvassing for donations um my very first election I funded it through the
277 sale of a property um second election it was low key third election was unopposed and
278 um with the last election it was my intention to run a very low key very low key election
279
280 CH now division 10 just what area does that specifically cover
281
282 ES Division 10 Broadbeach, Mermaid, Nobby Beach. Um, a small part of Robina and up to
283 Surfers Paradise so we start from First Avenue where um what's it called now, yeah so it
284 starts from First Avenue
285
286 CH No, that's fine it gives us an idea of the (ui)
287
288 ES First Avenue to ...
289

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290 CH Well if there's nothing else you'd like to ah to add um everything we've discussed with
291 you today is true and correct to the best of your knowledge and belief
292
293 ES Yes it certainly is
294
295 CH And ah having nothing further to ah cover at this point we'll conclude the interview at
296 10:40 am. Thank you very much
297
298 TAPE 2 ENDS
299
300
301

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