LGAQ SUBMISSION TO THE CRIME AND MISCONDUCT COMMISSION

10.02.2006

Unique disclosure provisions for local government

- **Should the laws relating to the disclosure of election gifts for candidates at local government elections differ from those applying to candidates at state government elections?**

The LGAQ is firmly of the position that the laws relating to electoral disclosure should be the same at both local government and State government level.

The discussion under this heading appears to be based upon the following statements: -

> "The disclosure provisions for local government candidates may be the same as those for candidates in State and Federal elections — but the political environments in which they operate are very different."
>
> and
>
> "Because local governments make planning decisions, the interest groups that have the most to gain or lose from such decisions are those involved in developing property."

Having regard to these statements, and the evidence adduced (and sought to be adduced) at the first stage of this Inquiry, the proposition appears to be that because Councils (and Councillors) are closer to the development industry (than any other level of government), then consideration needs to be given to making to making a different set of laws (for disclosure of election gifts) for local government candidates.

In the LGAQ's view, this proposition is incorrect. The State Government, in particular its Ministers, are as close to the development industry as is local government. This is evidenced by: -

- The power vested in the regional planning Minister (currently the Premier), pursuant to Chapter 2, Part 5A of the *Integrated Planning Act 1997* ("IPA"), to make and amend the SEQ regional plan, which plan overrides any Council planning scheme (to the extent of any inconsistency).

- The power vested in the Minister for Environment, Local Government, Planning & Women under IPA to create State planning policies in relation to matters of "State interest".

- The powers vested in the Minister for Environment, Local Government, Planning & Women under IPA to override Council planning strategies (by way of, for example, directing that planning schemes include, or not include, matters contrary to the Council's own views) and Council planning decisions

(for example, exercising the direction and call-in powers contained in Chapter 3, Part 6).

- The ability of the State to legislate to facilitate the creation of particular developments. Examples of this legislation include: -
    - *Sanctuary Cove Resort Act 1985*;
    - *Integrated Resort Development Act 1987*;
    - *City of Gold Coast (Harbour Town Zoning) Act 1990*;
    - *Local Government (Robina Central Planning Agreement) Act 1992*;
    - *Local Government (Capalaba Central Shopping Centre Zoning) Act 1994;*
    - *Local Government (Morayfield Shopping Centre Zoning) Act 1996*;
    - *Local Government (Springfield Zoning) Act 1997.*
- The total amount of election donations made by property developers to the three main State political parties in the 2003/2004 financial year (i.e. the financial year in which the last State election occurred). A detailed examination of the 2003/2004 annual returns indicates that the three main political parties received at least $1.3 million from property developers.
- The regular, and sometimes notorious, lobbying of Ministers by development industry interest groups – the LGAQ is aware, for example, of a Brisbane River boat cruise organised in recent years by the Urban Development Institute of Australia – Queensland ("UDIA") for the benefit of State Government Ministers.

Notwithstanding the level of access that the development industry has with the State (particularly its Ministers), unlike local government Councillors, Ministers and members of State Parliament are not, in reality, subject to criminal sanctions such as sections 246 and 247 of the LGA. So far as dealings in Cabinet are concerned, any conflict of interest or pecuniary interest is to be declared and the Minister is to withdraw, but there does not appear to be any criminal sanction applicable to a Minister who does not comply. So far as other members of Parliament are concerned, whilst failing to declare and withdraw from debate because of a pecuniary interest or failing to properly maintain entries in a register of interests would likely constitute a contempt of Parliament (attracting, in theory, a penalty of either a fine or imprisonment), the arbiter of such contempts is the Parliament itself. Recent experience in the Nuttall matter alone is indicative of the type of sanction Parliament is likely to impose on one of its own members, particularly if the member is from the government side of the benches.

Further, all Council decision making in relation to development applications is required by the LGA to be done in public (see section 447 of the LGA). No such inherent public accountability for decision making is found in relation to matters decided by Cabinet.

Having regard to the foregoing, the LGAQ disputes the proposition that the significance of electoral donations is much greater at Council elections than at State or Federal elections, and particularly disputes the suggestion that groups of Councillors can establish policies and take actions that can provide more immediate and more substantial material benefits to their supporters than can their State government counterparts. Rather, it is the LGAQ's submission that a limited group of Parliamentarians, namely Ministers, can more readily establish policies and take actions (via Cabinet decisions) that provide immediate and substantial material benefits to development industry interests

The LGAQ also takes issue with a number of other propositions set out in the discussion paper under this heading.

The discussion paper suggests that "a donor can achieve more influence with less money... partly because ... candidates in a local government election can markedly increase their chance of being elected by spending a relatively small amount of money promoting themselves". The reality is that the overwhelming majority of local government election candidates get themselves elected as a consequence of their extensive and long standing participation in their own communities, usually by way of memberships of local charitable, community, sporting and business organizations.

For example, in a survey conducted in 2000 elected members (i.e. mayors and Councillors) were asked to list what organisations they were (at the time) a member of. One thousand one hundred and fifty-nine (1,159) elected members, from a total of one hundred and twenty-five (125) Councils, responded to the survey. Eight hundred and fifteen (815) Councillors identified they had memberships. Six hundred and thirty-four (634) separate professional and community organisations were identified, such as AgForce, the Australian Institute of Management, Chambers of Commerce, Rotary Clubs, Lions Clubs and Show Societies.

Accordingly, LGAQ disputes that proposition that "because the average expenditure by local government candidates is low, even modest donations can provide candidates with electoral advantages". Rather, it is submitted, that participation in local communities provides candidates with the most electoral advantage.

The LGAQ also disputes the proposition that an interest group (such as property developers) that is willing to fund a sophisticated campaign can effectively "buy itself votes on a Council" on the following basis: -

- So far as stage 1 of the Inquiry into the Gold Coast City Council is concerned no such evidence was established.

- In the larger urban Councils, where property developers would be expected to have the most interest in "buying" votes on Councils, the vast majority of planning and development decisions are made under delegated authority - in this regard refer to annexure 1 (Ipswich City Council development application data), annexure 2 (Brisbane City Council development application data) and annexure 3 (Logan City Council development application data) and the evidence of the Gold Coast City Council CEO, Mr Dale Dickson, in stage 1 of the Inquiry (Transcript: pages 2247 and 2248 and exhibits 309 and 310 – a combined reading of which suggests of the 35,954 development applications lodged, only 718 applications (or just 2%) were actually determined by that Council, or its City Planning Committee).

- A further examination of annexures also shows that in the limited circumstances where the Council (as opposed to a delegate) decides a development application, and in doing so changes the recommendation of its own officers/consultants, the vast majority of those changes were for the benefit of the community rather for the benefit of the applicant/developer.

Having regard to the immediately preceding paragraphs, the LGAQ submits that any submission the CMC has received from the UDIA recommending that Councillors be removed from the development application decisions process altogether should be viewed with considerable caution.

To summarise the LGAQ's position under this heading, it is submitted that consideration of all the foregoing suggests that there is no basis to require the laws relating disclosure of election gifts for candidates at local government elections to differ from those applying to candidates at State government elections.

False or misleading statements of candidates

- **Is the existing law prohibiting false statements of fact about the personal character or conduct of a candidate adequate to safeguard the integrity of local government elections?**

- **If the current law is inadequate, what changes should be made?**

It is the LGAQ's position that the current laws about the personal character and conduct of candidates is adequate and that no changes should be made.

The LGAQ acknowledges that the political system within which all candidates (federal, state and local) operate is not perfect. Indeed, it is accepted that the use of the word "promise" in the context of an electoral campaign is viewed relatively cynically by the public. However, the existing legislation has drawn a clear line between statements which merely constitute robust political debate and statements which go that step further and

have the effect or intention of misleading electors. The present intent of the legislation is to the effect that if a candidate makes certain statements or promises during an election campaign which, following election prove to be unsustainable, then the electorate will make its judgment on those issues at the time of the next election.

As suggested in the LGAQ's submission in response to the first stage of this Inquiry (at page 11) the LGAQ supports the current system of democratic government throughout Australia that permits a candidate to advance his or her political cause in any way they consider appropriate which, at the same time, may result in damage to opposing political forces, so long as whatever is done does not contravene any relevant law.

To attempt to amend section 394 in any way to give it any wider application is unlikely to be workable. For example, in the local government context, if a candidate for Mayor runs on 4 or 5 key policies which, it turns out, are not supported by the majority of Councillors subsequently elected to Council, did the Mayor's statements and policy positions amount to false or misleading statements, rendering the Mayor liable to prosecution?

It is suggested that it would be impossible to amend section 394 to broaden its application so as to incorporate some kind of "truth in campaigning" concept, while at the same time being certain to avoid the completely unacceptable consequence of raising issues about possible criminal conduct in a context similar to the example just given. LGAQ has made its position clear in its Stage 1 submission about applying notions of criminal misconduct to ordinary robust political behaviour. That position remains unaltered.

Further, the LGAQ does not see any basis upon which the law should be amended in circumstances where equivalent amendments are not being proposed to the law applying to State government candidates. Indeed, in the State context, the trend may well be to remove criminal sanctions applying to politicians who mislead the Parliament, and therefore the public- see annexure 4 (Ministerial Media Statement of the Honourable Anna Bligh MP dated 9 January 2006).

Electoral bribery

- **Is the existing law relating to electoral bribery in local government elections appropriate?**

It is the LGAQ's position that the current laws about electoral bribery are adequate and that no changes should be made.

The CMC's discussion paper suggests that there is a relationship between how much money candidates spend during a campaign and their chances of winning an election and that, accordingly, this is a reason to explore whether or not the existing law relating to electoral bribery is adequate. As indicated earlier in this submission, it is the LGAQ's position that there is no real basis for this proposition.

It is the LGAQ's position that it is "hands on" exposure to the community that gets you elected rather than paid for exposure achieved by way of electoral advertising in the press or elsewhere. As stated earlier, the overwhelming majority of local government election candidates get themselves elected as a consequence of their extensive and long standing participation in their own communities.

Further, the majority of existing local government Councillor's (1125) received absolutely no election gifts whatsoever at the 2004 elections.

Accordingly, it is submitted that in the majority of cases, no candidate runs the risk of offending against the provisions of section 385. Further, in relation to the first stage of this Inquiry in relation to the Gold Coast City Council 2004 elections, absolutely no evidence of electoral bribery was revealed, which supports the conclusion that there is no need to review the existing law relating to electoral bribery.

Period in which election gifts have to be disclosed

- **Should the period in which candidates must disclose election gifts be changed?**
- **Should candidates have to disclose election gifts received at any time before an election?**
- **Should the period after an election in which candidates have to disclose gifts be increased?**

The LGAQ would support a proposal to better define disclosure periods

The LGAQ accepts, in relation to new candidates, that the present requirement for the new candidate's disclosure period to commence only when they announce their candidacy or nominate as a candidate is unnecessarily vague. Accordingly, a proposal to require the disclosure period of new candidates to commence 12 months before the day on which the candidate nominates for election would be supported by the LGAQ.

In relation to the "prescribed period" after an election in which candidates have to disclose gifts, the LGAQ concedes that the evidence presented in the first stage of this Inquiry clearly shows that the current prescribed period of 30 days is inadequate.

Accordingly, the LGAQ would support any recommendation for amendment of the term of the "prescribed period" (after the election) of a period up to 6 months.

Fundraising

Should the LGA be amended to clarify the disclosure requirements for monies received through fundraising activities?

The LGAQ would support a proposal that sensibly clarifies the disclosure requirements for monies received through fundraising activities

As indicated in the LGAQ's submission to Stage 1 of the Inquiry, the LGAQ does not support any proposal that attempts to modify the definition of "gift" to include, or attempt to include, the profit margin associated with fundraising activities such as raffles, campaign lunches and campaign dinners. However, the LGAQ would support amendments that require the gross takings of such functions to be disclosed, if that gross exceeds the relevant prescribed amount.

It is the LGAQ's position that its proposed amendments represent a sensible and balanced response to the existing gap in the legislation in relation to this issue.

The lodgement date for returns

- **Before an election, should candidates have to disclose the gifts they have received?**
- **Should candidates be prohibited from accepting election gifts for a period after the disclosure deadline? If so, for how long?**
- **If candidates are prohibited from accepting election gifts for a period after the disclosure deadline, what other provisions should be introduced to prevent abuse of this prohibition?**

The LGAQ will only support a change to the laws relating to the lodgement date for electoral gift returns for local government candidates, if the same changes are made to the laws governing the State political parties and candidates for election to Queensland Parliament

The LGAQ has an open mind with respect to the lodgement date for electoral gift returns so long as any changes imposed upon candidates for local government elections are similarly imposed upon candidates for Queensland government elections and the State's registered political parties.

However, at a practical level, the LGAQ queries whether such reforms will be able to effectively enforced. At this point in time, the LGAQ is unable to offer any further assistance or suggestions in relation to this particular aspect of the issue.

However, the LGAQ has identified one (possibly unforeseen) consequence of reforming the legislation in relation to this issue. It may well be that, depending on the type of reforms proposed, greater party political involvement in local government electioneering may occur. If, for example, the proposal to require lodgement of a return 5 days prior to a election (without there being any ability to accept of donation for 12 months after the election) is adopted, to the extent that particular candidates in particular local government areas do rely on electoral gifts to support their campaigns, they may be swayed to the campaigning opportunities that can be made available by the "party machine", rather than continue to rely on their own friends, family and supporters for election campaign support.

Groups of candidates

- **Should any person who is not a member of a candidate's campaign committee be allowed to solicit funds on behalf of the candidate?**
- **Should candidates who share election funding be required to be part of an identifiable group of candidates?**
- **Should there be a registration requirement for groups of candidates?**
- **Does the definition of a 'group of candidates' require amendment?**

The LGAQ does not concede that there is any need for amendment to this part of the legislation

It is submitted that, by and large, the present definition of "group of candidates" is satisfactory. It is clear, in the LGAQ submission, that this definition imports a clear requirement that members of the group work together with a view to securing not only their own election, but also the election of other group members.

So far as the evidence before first stage of the Inquiry is concerned, the LGAQ queries whether legislative reform is necessary just because, in the lead-up to the 2004 Gold Coast City Council elections, two sitting Councillors decided to take the apparently novel step of actively soliciting for electoral gifts on behalf of other candidates (and not themselves) and subsequently (for some time at least) deciding who should be the recipients of those gifts. If the same process was undertaken by one or more other (non-elected) members of the community, would this issue be the subject of the CMC's discussion paper?

Proceeding on the assumption that wholesale changes to the regime of electoral gifts is not being considered, the overriding object of Chapter 5, part 8 (disclosure of election gifts) is to identify who made (i.e. donated) electoral gifts and who received electoral gifts. It is not the object of the legislation to identify who encouraged the donation of gifts nor is it the object of the legislation to identify who made decisions in relation to the allocation of gifts. In the LGAQ's submission, those decisions should remain as matters for the "hotpot" of the political process, and are not matters that should be regulated by the legislation.

The LGAQ certainly does not support any legislative reform which would have the effect of excluding sitting Councillor's from participating in fundraising activities on behalf of other Councillors and candidates.

Donations via solicitors'/accountants' trust accounts

- **Should there be specific reference to solicitors'/accountants' trust accounts in the LGA?**

The LGAQ will only support a change to the definition of "relevant details" (for a gift), if the same changes are made to the *Electoral Act 1992*

The LGAQ holds no firm views on whether amendments should be required to these particular provisions. However, if amendments are to be recommended, the LGAQ will only agree to such amendments on the basis that similar amendments are also imposed on the State political parties and candidates for election to State Parliament.

So far as the LGAQ's position on the interpretation and application of the existing legislation so far as it relates to trust accounts is concerned, you are referred to pages 12-20 of the written submission of the LGAQ to the first stage of the Inquiry dated 3 February 2006.

The origin of candidates' donations

- **Is there any good reason for allowing local government election candidates to accept donations from unincorporated associations, trust funds or foundations that have sourced donations from individuals or companies?**
- **Should candidates in local government elections be allowed only to accept election gifts directly from the person making the gift?**

The LGAQ will only support a change to the definition of "relevant details" (for a gift), if the same changes are made to the *Electoral Act 1992*

Again, the LGAQ holds no firm views on whether amendments should be required to these particular provisions. However, if amendments are to be recommended, the LGAQ will only agree to such amendments on the basis that similar amendments are also imposed on the State political parties and candidates for election to State Parliament.
In this regard, exhibit 85 tendered in the first stage of the Inquiry provides some insight into how the Premier regards (or more accurately disregards) donations made to his own political party's "campaign" funds.

Anonymous donations

- **Is the current penalty for accepting anonymous donations adequate?**
- **Should the acceptance of anonymous donations above the prescribed amount be an offence?**

The LGAQ will only support a change to the section 428, if the same changes are made to the *Electoral Act 1992*

The LGAQ is otherwise neutral with respect to this particular issue.

Third parties and parallel campaigns

- **Should a third party have to disclose its expenditure as well as donations received?**
- **Should the $1000 threshold above which donations have to be declared be lowered?**
- **Should third parties have to lodge retuns before an election?**
- **Should election advertising instigated by a third party that is not an individual have to identify the third party as well as the individual who authorised the advertisements?**

The LGAQ will only support a change to the LGA relating to third parties, if the same changes are made to the *Electoral Act 1992*

The LGAQ is otherwise neutral with respect to this particular issue.

Limits on election expenses

- **Should there be limits on election expenditure in Queensland local government elections?**
- **If so, should first-time candidates be allowed to spend more than incumbent councillors, to take account of the incumbent's natural advantage in relation to voter recognition?**
- **If there were to be limits on election expenditure, how would a candidate's expenditure be audited to ensure compliance?**

<u>The LGAQ does not support these proposals, or any other proposal relating to limiting electoral expenditure</u>

The LGAQ does not support these proposals, or any other similar proposals, for the following reasons: -

1. As stated earlier in this submission, it is the LGAQ's position that the amount a candidate spends on election expenditure does not equate to or guarantee a successful outcome.

2. This proposition is further supported, in part, from the evidence before the first stage of this Inquiry in relation to the election expenditure of unsuccessful candidates Rowe and Scott against the successful incumbents Councillor's Young and Crichlow, respectively.

3. In the larger Councils, in particular, where the media and other public exposure of incumbent Councillors is more prevalent, any limit on election expenditure will (notwithstanding any weighting in favour of first time candidates) unfairly favour the re-election chances of those sitting Councillors.

Rather than attempting to limit election expenses (in the manner suggested in the discussion paper, or otherwise), it is the LGAQ's submission that public funding for candidates should be introduced. Under the State electoral system, political parties and candidates who receive more that 4% of the primary vote are eligible to claim election funding from the Electoral Commission of Queensland at the rate of $1.32498 per eligible vote. Similar funding is provided in the Federal arena (indeed the State process is largely a replica of the Federal process). Whilst, in the local government context, both the percentage of primary vote and the dollar rate per eligible vote would need to be raised, there appears to be no good reason why such a system should not be put in place for local government election candidates.

Further, it is the LGAQ's position that the income tax legislation should be amended to allow candidates and Councillors to claim election expenses as a tax deduction to a far

greater extent than is presently allowed. In this regard, the present legislation only allows a Councillor or candidate a maximum deduction of $1000.00 for each election contested. That is, the deductible expenditure of $1000.00 for contesting one election can be spread over a number of years until the $1000.00 limit is reached. Candidates for State and Federal Parliament have unlimited deductibility in relation to election expenses.

In summary, it is the LGAQ's position that rather than concentrate on limiting electoral expenses, any reform should be directed at permitting local government election candidates to enjoy the same funding and tax deductibility opportunities that are enjoyed by their State and Federal counterparts.

Loans to candidates

- **Should the LGA be amended to require candidates to disclose details of loans received?**

The LGAQ would not oppose this proposal, however the need for such a reform has not been demonstrated

The LGAQ is otherwise neutral with respect to this issue.

Enforcement

- **Is the existing system of enforcing the disclosure provisions of the LGA operating effectively, and can it be improved?**

The LGAQ strongly supports amending the LGA to require an independently contracted third party, or if no such contract can be let, the Electoral Commission of Queensland, to be the returning officer for local government elections and the entity responsible for administering and enforcing Chapter 5, Part 8 (Disclosure of Election Gifts).

Under the existing previsions of the LGA it is the CEO of a local government that is responsible for receiving and maintaining a register of election returns. It is the LGAQ's position that it is not incumbent upon a CEO to ensure that all returns are completed. The onus in the LGA is, and should remain, on those persons completing and lodging the returns to ensure that they are done so properly.

The LGAQ proposes substantial reform to this aspect of the LGA.

Unlike the Federal and State systems of government, there is no recognised convention of a local government going into "caretaker mode" in the period leading up to a local government election. Under the existing legislative regime, the CEO is the Returning Officer unless he appoints another person (including another employee of the same Council) as Returning Officer. In the LGAQ's experience, appointment of other persons

as Returning Officers occurs predominately in the larger and better resourced Councils in Queensland.

For those Councils where the CEO is unable to appoint an independent Returning Officer, when it comes to enforcing compliance with the various offence previsions prescribed in Chapter 5, Part 6 of the Act, relating to the conduct of candidates (and their supporters), the CEO (and his or her staff) are placed in an extremely difficult position of attempting to regulate their own elected representatives at a time when their political careers are at stake.

If a CEO has to take a "hardline" with a Councillor over an electoral issue, relationships between the CEO and the Councillor are likely to suffer consequential deterioration. This is untenable position for a CEO and the end result is that, to avoid potential conflict, the CEO may not regulate the conduct of the electoral process as rigorously as he or she should, resulting in a poor public perception of the whole electoral process.

It is for these reasons that the LGAQ submits that the CEO (and his staff) should not be involved in the electoral process. If an independent third party cannot be found to undertake the process then, by default, the Electoral Commission of Queensland should be appointed to run the local government election (and its aftermath). Such a reform would bring the running of Queensland local government elections more into line with the running of State and Federal elections.

Penalties

Are the current penalties for offences in relation to election returns appropriate?

The LGAQ will only support a change to the LGA relating to penalties, so long as they are consistent with the penalty provisions in the *Electoral Act 1992*

The LGAQ is otherwise neutral with respect to this issue.

Conflicts of interest

- **Are the current provisions of the LGA in relation to conflicts of interest on the part of councillors sufficient? If not, what improvements should be made?**
- **Should councillors be prohibited from participating in council matters that involve a person who gave an election gift to the councillor?**
- **Should failure by a councillor to appropriately resolve a conflict of interest be an offence under the LGA?**

The LGAQ proposes that a Councillor's election gifts return and register of interests be made more publicly accessible, but otherwise does not support any amendments to the LGA and, in particular, section 229

Whilst acknowledging the difficulties associated with interpreting and applying section 229, as is evidenced by the various written and oral submissions on the point at the conclusion of the first stage of this Inquiry, and whilst maintaining an open mind in relation to the issue, the LGAQ does not at this point in time support any amendment to section 229.

Specifically, the LGAQ does not support a prohibition being imposed on a Councillor from participating in matters involving a person who gave an election gift, nor does it support the proposal to make it an offence for failing to appropriately resolve a conflict of interest.

The LGAQ accepts the proposition that the present perception of how a Councillor handles a conflict of interest needs improvement. To this end, and as noted in the discussion paper, for those Councils that adopt the Model Code of Conduct for Councillors, an additional duty is imposed on Councillors to advise the chairperson of the meeting of the existence of the conflict. This will, it is submitted, improve the public perception of how conflicts are handled.

In addition, the LGAQ proposes that all Councils be required to better publicise all Councillors' election gifts return and entries in the register of interests.

In relation to the election gifts return, it is proposed that the key contents of same (i.e. who donated money to the candidate and how much) be published once in a newspaper circulating throughout the Council's area. In addition, that information should thereafter be accessible on the Council's website.

In relation to the entries in the register of interests, it is proposed that the relevant information be published once every 12 months in a newspaper circulating throughout the

Council's area. Again, that information should continually remain accessible on the Council's website.

Donations through political parties

- **Should local government candidates endorsed by registered political parties have to disclose election gifts received by the candidate's campaign committee, and donations received by the party's central office, where the candidate is aware that the donation was made for the candidate's benefit?**

The LGAQ does not support any change to the legislation in relation to this issue

However, the LGAQ maintains its concern in relation to disclosure by candidates of their membership of political parties.

Unless a candidate for election is nominated by a political party, such information otherwise only becomes available to the public within 3 months after an election – see section 247 of the LGA and section 25 of the *Local Government Regulation 2005* (dealing with when a Councillor must provide notice of his or her interests) and section 12 of Schedule 1 of the *Local Government Regulation 2005* (requiring membership of a political party to be disclosed).

In the LGAQ's view, disclosure of political party membership is as significant an issue as disclosure of election gifts and should be included in any reforms ultimately recommended.

Other issues

Lodging complaints with the Crime and Misconduct Commission

Although already raised prior to the Inquiry commencing and further ventilated (in part) in its submissions to the first stage of the Inquiry, the LGAQ wishes to reiterate its position with respect to the following two matters.

Requirement for confidentiality

The LGAQ maintains its position that the *Crime and Misconduct Act 2001* ("the CMA") should be amended to include a requirement that a complainant be required to keep the existence and nature of their complaint confidential until such time as: -

1. the Commission has notified the complainant in accordance with section 46(3) or 216 of the CMA; or

2. the CEO of a Council has notified the complainant in accordance with section 44(5) of the CMA.

In the LGAQ's view public confidence in the honesty and integrity of the system of both State and local government is waning, due in no small part to the inappropriate level, and unbalanced nature, of publicity that presently occurs after the mere making of a complaint, regardless of its merits. Examples of the LGAQ's concerns in this regard are attached as annexure 5 to this submission.

It is the LGAQ's submission that complainants should be obliged to keep the existence and nature of complaints against Councillors (and other public officials) confidential until a proper and balanced investigation of the matters of complaint has occurred.

Confidentiality is clearly appropriate prior to the conclusion of an investigation so that the presumption of innocence (in the public's mind) is not lost.

If this confidentiality is breached, it is the LGAQ's submission that an appropriate sanction (such as that prescribed for the offence defined in section 216(3) of the CMA) should apply.

Sanctions for frivolous or vexatious complaints

Again, the LGAQ submits that the CMA should be amended to require a sanction to be imposed on a complainant when their complaint is not further investigated on the grounds that the complaint is frivolous or vexatious.

As your own records will show, the vast majority of complaints against Councillors (by other Councillors or others with political motivations) are not further investigated and, it is speculated, a significant amount of those matters are dismissed on the grounds that the complaint was frivolous or vexatious. Notwithstanding this, the innocent Councillors who were the subject of the complaints would have already been vilified by the media for merely being the subject of a complaint. The damage to the personal reputation of the Councillor involved (and the Councillor's family) is significant.

The current system for making complaints is unfairly skewed against Councillors. In an attempt to restore some balance to the process (and in addition to the previous submission relating to confidentiality of complaints) it is the LGAQ's submission that a person who makes a frivolous or vexatious complaint should be subjected to a sanction such as, for example, reimbursing to the authority that conducted the investigation (i.e. the CMC or the Council) an amount representing the reasonable costs of conducting the investigation. This should go some (if not a significant) way towards discouraging baseless, politically motivated complaints leaving the Commission (and, in appropriate circumstances

Council CEOs) free to concentrate their resources on dealing with legitimately founded complaints.

Proposed amendments to the Integrated Planning Act in relation to recording and providing reasons for decisions

At the conclusion of the first stage of the Inquiry, the Chairman queried whether Council's should be required to record and provide reasons when their decisions on development applications conflict with the Council's own planning schemes.

In response, the LGAQ can advise that the next round of amendments proposed to IPA include a requirement that Councils state in their decisions (regardless of whether the application is approved or refused) whether the application conflicted with applicable codes or the planning scheme and, if Council's decision is in conflict, the reasons for that decision which must include a statement identifying the sufficient grounds relied upon to justify the decision.

At this time (i.e. 10 February 2006), the first draft of those amendments has been circulated, on a strictly confidential basis, to a limited group of relevant stakeholders (including the LGAQ). Whilst the LGAQ has obtained the Department's approval to provide the foregoing information, it is unable to provide any further information at this point in time.

LGAQ SUBMISSION TO THE CRIME AND MISCONDUCT COMMISSION

Annexure 1

Development Applications for Material Change of Use and/or Reconfiguring a Lot

	A	B	C	D	E	F	G	H	I	J
Month	Total number of applications decided	Number of applications decided at meeting of Council or formal sub-committee of Council as delegate	Number of applications decided by delegate (either Council or formal sub-committee of Council as delegate) which have been modified from original recommend ation	Number of applications decided by delegate (either Council or formal sub-committee of Council as delegate) which have been modified from original recommend ation and favour the developmen t sector	Number of applications decided by delegate (either Council or formal sub-committee of Council as delegate) which have been modified from original recommend ation and favour the community	Number of applications decided by officer as delegate of Council without reference to a development guidance committee of Councillors	Number of applications decided by officer as delegate of Council after reference to a development guidance committee of Councillors	Number of those applications decided by officer as delegate of Council where the original recommendat ion was modified as a result of guidance by the committee	Number of those applications decided by officer as delegate of Council where the original recommend ation was modified as a result of guidance by the committee and favour the developmen t sector	Number of those application s decided by officer as delegate of Council where the original recommend ation was modified as a result of guidance by the committee and favour the community
Apr 04	35	2	0	0	0	0	33	0	0	0
May 04	32	0	0	0	0	0	32	0	0	0
Jun 04	35	1	0	0	0	0	34	2	0	2

Jul 04	70	0	0	0	0	0	70	2	0	2
Aug 04	41	0	0	0	0	0	41	3	0	3
Sep 04	35	0	0	0	0	0	35	5	0	5
Oct 04	51	0	0	0	0	0	51	3	0	3
Nov 04	55	0	0	0	0	0	55	0	0	0
Dec 04	58	0	0	0	0	0	58	0	0	0
Jan 05	60	0	0	0	0	0	60	1	0	1
Feb 05	36	0	0	0	0	0	36	0	0	0
Mar 05	40	0	0	0	0	0	40	0	0	0
Apr 05	39	0	0	0	0	0	39	1	0	1
May 05	58	0	0	0	0	0	58	2	0	2
Jun 05	51	0	0	0	0	0	51	1	0	1
July 05	68	0	0	0	0	0	68	3	0	3
Aug 05	35	0	0	0	0	0	35	1	0	1

Note

Column A = Columns B + F + G
Column C = Columns D + E
Column H = Columns I + J

LGAQ SUBMISSION TO THE CRIME AND MISCONDUCT COMMISSION

Annexure 2

Development Applications for Material Change of Use and/or Reconfiguring a Lot

	A	B	C (D+E)	D	E	F [(A-(B+G)]	G	H (I+J)	I	J
Month	Total number of applications decided	Number of applications decided at meeting of Council or formal sub-committee of Council as delegate	Number of applications decided (either Council or formal sub-committee of Council as delegate) which have been modified from original recommend ation	Number of applications decided (either Council or formal sub-committee of Council as delegate) which have been modified from original recommend ation and favour the developmen t sector	Number of applications decided (either Council or formal sub-committee of Council as delegate) which have been modified from original recommend ation and favour the community	Number of applications decided by officer as delegate of Council without reference to a development guidance committee of Councillors	Number of applications decided by officer as delegate of Council after reference to a development guidance committee of Councillors	Number of those applications decided by officer as delegate of Council where the original recommendat ion was modified as a result of guidance by the committee	Number of those applications decided by officer as delegate of Council where the original recommend ation was modified as a result of guidance by the committee and favour the developmen t sector	Number of those application s decided by officer as delegate of Council where the original recommend ation was modified as a result of guidance by the committee and favour the community
Apr 04	254	2	0	0	0	252	0	0	0	0
May 04	302	3	0	0	0	268	31	4	0	4
Jun 04	377	7	0	0	0	357	13	2	0	2
Jul 04	318	5	0	0	0	305	8	0	0	0
Aug 04	284	4	0	0	0	270	10	1	0	1
Sep 04	268	6	0	0	0	258	4	0	0	0
Oct 04	248	1	0	0	0	228	19	0	0	0

Note: figures are based on data in BIDS as well as available minutes of Planning Guidance Committee, Urban Planning & Economic Development Committee, and Council decisions.

Nov 04	256	8	0	0	0	225	23	0	0	0
Dec 04	317	4	0	0	0	302	11	1	0	1
Jan 05	201	1	0	0	0	197	3	1	0	1
Feb 05	261	2	0	0	0	244	15	0	0	0
Mar 05	276	3	0	0	0	263	10	0	0	0
Apr 05	248	1	0	0	0	236	11	1	0	1
May 05	210	2	0	0	0	200	8	0	0	0
Jun 05	255	5	0	0	0	241	9	2	0	2
July 05	271	3	0	0	0	261	7	3	1	2
Aug 05	255	3	0	0	0	237	15	1	0	1
Total	4601	60	0	0	0	4344	197	8	1	7
% Total	100%	1.3%	-	-	-	94.4%	4.3%	-	-	-

Note: figures are based on data in BIDS as well as available minutes of Planning Guidance Committee, Urban Planning & Economic Development Committee, and Council decisions.

LGAQ SUBMISSION TO THE CRIME AND MISCONDUCT COMMISSION

Annexure 3

DEVELOPMENT APPLICATIONS - 2003/04 AND 2004/05

APPLICATION TYPE	2003/04	2004/05
Material Change of Use Impact Applications	137	163
Material Change of Use Code Applications	236	194
Reconfiguration of a Lot Applications	181	145
Operational Works Applications	186	253
Operational Works - Advertising Applications	40	57
Combined Applications	67	59
TOTAL PLANNING Applications	**847**	**871**
Council Approved	**34**	**63**
% Council Approved	**4%**	**7%**
Delegated Approval	**623**	**711**
% Delegated Approval	**74%**	**82%**
Plumbing & Drainage Applications	1623	1564
Building Works Lodgement	4059	3783
Code Compliance	127	87
Development Certificates	459	349

DEVELOPMENT APPLICATIONS FOR APRIL 2004 - JULY 2005

APPLICATION TYPE	Apr 2004 - Aug 2005
Material Change of Use Impact Applications	174
Material Change of Use Code Applications	260
Reconfiguration of a Lot Applications	181
Operational Works Applications	273
Operational Works - Advertising Applications	72
Combined Applications	92
TOTAL PLANNING Applications	**1052**
Council Approved	**89**
% Council Approved	**8.5%**
Delegated Approval	**963**
% Delegated Approval	**91.5%**

COUNCIL APPROVALS BREAKDOWN

Applications	Apr 2004 - Aug 2005	%
No Change - no. of applications that went to Council approved & unchanged	59	66%
Value Added - no. of applications that went to Council approved & changed	30	34%
Total no. applications counted that went to Council	**89**	**100%**

MINUTE SEARCH RESULTS

Applications	Apr 2004 - Aug 2005
No. of applications that went to Council approved & unchanged	103
No. of applications that went to Council approved & changed	47
Total no. applications counted that went to Council	**150**
No. of "double ups" of applications that went to Council	39
Total no. applications counted that went to Council	**111**

LGAQ SUBMISSION TO THE CRIME AND MISCONDUCT COMMISSION

Annexure 4

Deputy Premier & Finance & State Development, Trade and Innovation
The Hon. Anna Bligh MP

9 January 2006

Unsolicited CMC comment a trigger for change: Bligh

Changes are to be considered after CMC chair Robert Needham said he believed it was an "anomalous" legislative situation which allowed former Health Minister Gordon Nuttall to face criminal prosecution for misleading Parliament, Acting Premier Anna Bligh said today.

"It must be remembered it was Mr Needham who - last Friday - raised this inconsistency," said Ms Bligh.

"As a result of that I have requested the Attorney-General prepare advice and legislative options for Cabinet's consideration.

Cabinet has not met to consider the issue or made any decision on this matter.

"I agree with the CMC chair - I don't believe the public want to see our criminal justice system and courts filled up with people who might have misled a parliament," Ms Bligh said.

"The clear precedent is that parliaments deal with ministers or members, who have in anyway misled a parliament.

"If the Parliament as a whole decides that a matter is a possible contempt it does so in accordance with the Parliament of Queensland Act.

"It is the Opposition who is today misleading people. They know - and have done so all along - that this was the case.

"The Premier - in his speech during last month's special sitting - raised the question whether the provisions of the Criminal Code may need amendment.

"Given the unsolicited view expressed by the CMC Chair on Friday I am recommending to the Premier that we proceed down that path.

"The Opposition will not be believable on this until the likes of the Deputy Leader of the National Party Jeff Seeney - who admitted to telling a tactical lie - come forward and hand themselves up to the police," she said.

9 January 2006

Media contact: Deputy Premier's Office 3224 4379

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LGAQ SUBMISSION TO THE CRIME AND MISCONDUCT COMMISSION

Annexure 5

Whitsunday council referred to CMC over airport sale

Thursday, 15 September 2005, 11:00 (AEST)

A former Whitsunday mayor has made allegations against a north Queensland council in a complaint to the Crime and Misconduct Commission (CMC).

Glen Patullo alleges the process surrounding the sale of the Proserpine airport has not been transparent.

He says it took nine months for him to get freedom of information papers relating to the transaction.

"On the run-up to the election it was denied by the Mayor that he sold the airport," he said.

"He never mentioned he was under a contractual deed of agreement, he kept that from the electors. He stated in the run-up to the election, during the election and after the election that he was not selling the airport."

Whitsunday Mayor Mario Demartini says he would welcome any investigation into the council's airport dealings.

Meanwhile, the Local Government Association of Queensland (LGAQ) says critics of many of the state's councils are opportunistically jumping on the "corruption bandwagon".

The CMC is investigating, or has been asked to investigate, problems with the Gold Coast, Burnett, Redland and Whitsunday councils.

LGAQ spokesman Greg Hallam says it is wrong to assume from that that corruption is rife in local government.

He says it is sufficient that the CMC's Gold Coast inquiry will cover wider, statewide issues.

"We've sought to have the terms of reference broadened to put a stop to the political use by opponents of councils through vexatious and frivolous complaints," he said.

"People are quite improperly in some instances going to the CMC, and the next day leaking their material to the media - that's got to stop - it's certainly contrary to the Act."

ABC QUEENSLAND

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MEDIA MONITORS
INCISIVE INSIGHT

News

Burnett council raided by CMC

Michael Corkill
286 words
3 September 2005
The Courier-Mail
1 - First with the news
5
English
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THE Burnett Shire Council has become the third local government body in a month to be embroiled in a Crime and Misconduct investigation into corruption allegations.

CMC investigators yesterday swooped on the small council near Bundaberg, seizing documents and interviewing several people including at least two councillors.

Council chief executive Tim Rose said the CMC had lodged a "notice of authorisation to search and look at official documents and interview officers".

"The information and the contents of the investigation, in the main, remain confidential and any further details of the investigation cannot be given to the media at this point in time," he said.

"The staff and councillors of Burnett Shire will be fully co-operating with the CMC to assist them in the investigation of the issues that have been requested.

"Council will make a public statement regarding the outcome of the investigation at an appropriate time."

The nine-person council with an annual budget of $43 million servicing 27,000 people has been wracked with internal conflict since the March 2004 council elections.

Questions have been raised over decisions to relocate vital infrastructure at a cost to the community of millions of dollars.

Other issues include the handling of developments and a property rezoning.

Earlier this week Cr Greg Barnes approached the Queensland Government with several allegations of council impropriety.

Local Government Minister Desley Boyle referred them to the CMC for investigation but has refused to hold a full public inquiry into Queensland's councils.

Cr Barnes said he welcomed the CMC investigation but believed it was time for a government inquiry into the state of local government in Queensland.

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MEDIA MONITORS
INCISIVE INSIGHT

News

Redland council denies shredding auditor's files

Tuck Thompson
238 words
30 August 2005
The Courier-Mail
1 - First with the news
4
English
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REDLAND Shire Council allegedly shredded the documents of a sacked internal auditor the afternoon Local Government Minister Desley Boyle urged the Crime and Misconduct Commission to investigate the council.

"I would be disturbed if any material possibly relevant to any CMC investigation was destroyed," Ms Boyle said yesterday.

Mayor Don Seccombe denied knowledge of any document shredding, but employees told one councillor they had witnessed it first-hand.

"All I know is a whole lot of files and documents have been shredded and trashed in the senior auditor's office," Cr Toni Bowler said.

Two staff auditors and one contract auditor were summarily dismissed on August 8 after they raised questions with higher authorities about financial irregularities and possible rule violations.

The junior staff auditor and the contract auditor were rehired after the matter became public.

Redland chief executive officer Susan Rankin claimed in a media release that only one person resigned -- voluntarily.

The CMC hasn't yet interviewed the auditors, or gathered any documents relating to the allegations.

The Minister said she was legally unable to use her whistleblower powers to compel the rehiring of the senior auditor, but the CMC could apply on behalf of the worker.

The auditor's position was advertised on Saturday, but the CMC said it was "too early" for it to act on an application.

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MEDIA MONITORS
INCISIVE INSIGHT

News

Redlands to face CMC investigation

Tuck Thompson
333 words
26 August 2005
The Courier-Mail
6 - Late City
1
English
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SPECIFIC misconduct claims against the Redland Shire Council have been referred to the Crime and Misconduct Commission.

Local Government Minister Desley Boyle confirmed the move yesterday. But she has yet to use whistleblower protection powers to restore the jobs of two auditors.

The auditors were allegedly dismissed after raising concerns about financial mismanagement.

Council CEO Susan Rankin yesterday denied anyone had been dismissed or prior knowledge of financial mismanagement.

"The only staffing change in this area has been the recent resignation of our audit manager, which occurred some weeks ago," she said.

Former Criminal Justice Commission director Mark Le Grand said he had statements from two auditors which he would provide to the CMC.

Continued Page 6

Redlands to

face CMC

investigation

From Page 1

Mr Le Grand said the auditors had perceived irregularities in the operations of the council before being told they were no longer required.

Two councillors, Toni Bowler and Murray Elliott, said Ms Rankin had told them the reason for the resignation was none of their business.

Cr Bowler said the council's senior auditor had been examining the use of council funds.

"I asked him to find out what the guidelines said about a certain council fund," she said.

Cr Elliott described the auditor as a "top bloke, straight as a die".

Ms Rankin told councillors the auditor was happy with the resignation but Cr Bowler claimed the man was being forced out.

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INCISIVE INSIGHT

News

Pain in the neck Council CEO calls in watchdog over threat Council chief calls watchdog

Narelle Hine (Port Douglas reporter)
430 words
18 May 2005
The Cairns Post
1
1
English
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CLAIMS a councillor threatened to stand on his neck have driven a senior Douglas Shire Council staffer to complain to the Crime and Misconduct Commission.

Shire chief executive Terry Melchert yesterday told councillors that staff were not being provided with a safe workplace and that he had complained to the CMC and Australian Services Union.

"I don't like being in my office and told I'll have my neck stood on because I'm at variance with councillors," Mr Melchert told the monthly council meeting yesterday.

Cr Rod Davis immediately "strongly denied" he had threatened Mr Melchert personally, later describing the allegation as "absurd".

"I was suggesting that someone would get it in the neck if they're found (by the CMC) not to have been transparent and honest," Cr Davis said.

Mr Melchert's allegation came after Cr Davis asked a question about whether the CMC was investigating possible council misconduct over planning approval for The Beach Club resort.

A CMC spokeswoman last night confirmed the commission was deciding whether to investigate the council over the resort approval and said Mr Melchert yesterday notified his intent to formally lodge a complaint about threats made in his workplace.

Mr Melchert last night refused to name the alleged councillor who had "lost a vote and was trying to filibuster" him.

But he said he was obliged to provide a "physically and psychologically safe" workplace. "I find myself concerned for everyone's safety," he said.

"I've got a family and these things get back to them."

Mayor Mike Berwick conceded Cr Davis could have legitimate complaints. "But you don't deal with them in that way," Cr Berwick said. "Some of Rod's tactics are unaccceptable, he can be a loose cannon.

"Terry is not the only person to complain about Rod.

"He's alienating everybody," Cr Berwick said.

Cr Berwick said the council was undergoing an organisational review to improve processes which needed to run its course without threats.

"It's a rough council," he admitted.

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MEDIA MONITORS
INCISIVE INSIGHT

News

CMC might grill council

Kerri-Ann Stout (Council reporter)
310 words
4 April 2005
The Cairns Post
1
6
English
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RESIDENTS are demanding an audit of Cairns City Council minutes following revelations the council breached meeting procedures, which was not reflected in official minutes.

They also plan to lodge a complaint with the Crime and Misconduct Commission over the council's voting on issues in closed meetings.

A former councillor has revealed that illegal votes in closed meetings go back as far as 2000.

The group of nine concerned residents will today lodge a complaint with Local Government Minister Desley Boyle demanding she investigate why council voted on decisions in closed meetings and discussed items not entitled to be kept secret under state law.

Meanwhile, mayoral candidate Val Schier plans to lodge the complaint with the CMC today.

"A letter signed by nine people has been drafted and will be sent to Desley Boyle asking her to investigate the meeting procedures at Cairns City Council," Ms Schier said.

"I will also be asking the CMC to investigate the allegations."

The complaints follow the March 24 meeting at which a security guard kept the public and media out of the closed session while voting took place and even moved media away from the door when they could see councillors voting through a glass panel.

The council risks being sacked if it is found in breach of state laws requiring open meetings on general topics and all voting to be done in public.

Former councillor and current member for Cook Jason O'Brien said the council was told that voting in closed meetings was illegal during his term from 2000 to 2004.

"David Farmer (chief executive officer) came in and said that the procedures by which we had been handling closed sessions were not technically correct," Mr O'Brien said.

The council declined to comment yesterday.

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INCISIVE INSIGHT

News

Councillors let fly in chamber

Cameron Atfield
300 words
18 January 2005
The Courier-Mail
6 - Late City
6
English
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REDCLIFFE Mayor Allan Sutherland welcomed a Crime and Misconduct Commission investigation into allegations he threatened a critic, and fellow councillor Peter Houston was accused of prematurely leaking confidential details of the city's draft town plan during a fiery Redcliffe City Council meeting last night.

Last month the Redcliffe CBD Property Owners Association took out two advertisements in the local press criticising the council's draft town plan.

Cr Houston told the meeting a member of the association had contacted him after an advertisement appeared in the local press accusing the Mayor of making verbal threats in a phone call on December 15.

In response, Cr Sutherland said the property owners association sought to "divide and conquer the council".

"I'm telling you now I did not threaten any member of that association or any citizen of Redcliffe," Cr Sutherland said.

Cr Houston said he had contacted the CMC about the matter to investigate the allegations.

A CMC spokeswoman said she was unable to comment on whether a complaint had been received or an investigation conducted, but Cr Sutherland told the meeting he would welcome any investigation.

"It will all come out in the wash -- I think there is an element of desperation here," Cr Sutherland said.

"When people are affected (by a new town plan) they have the tendency to do and say anything."

Cr Sutherland said both advertisements, published in the Redcliffe and Bayside Herald last month, were politically motivated and highly inaccurate.

Cr Sutherland accused Cr Houston of leaking confidential details of the city's draft town plan to members of the property owners association to politically damage the Mayor, who was elected on a controlled development platform. Cr Houston denied the claim.

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MEDIA MONITORS
INCISIVE INSIGHT

Freeman denies protest threat

221 words
5 January 2005
Albert Logan News
1 -
3
English
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LOGAN City Mayor John Freeman has denied he threatened to refer councillors Aidan McLindon and Darren Power to the Criminal Misconduct Commission (CMC) for a recent protest.

In December, Crs McLindon and Power spent a night camped on crown land to protest the proposed development of a 120ha parcel of land at 113-167 Daisy Hill Rd, Daisy Hill.

The pair also erected signs opposing the 180-lot development and circulated a petition.

Cr McLindon said Cr Freeman told him shortly afterwards the actions were likely to see them hauled before the CMC.

Cr Freeman denied the charge.

"At no time did I tell the councillors I would be referring the matter to the CMC because their actions did not constitute official misconduct," he said.

Cr McLindon stood by the claim and said it was his word against the mayor's.

Crs McLindon and Power were found to have breached council laws regarding camping without a permit and erecting illegal signs.

"If council was not to investigate a complaint made about a local law breach involving a councillor, it could open itself to a potential investigation for giving preferential treatment to an elected member," Cr Freeman said.

The development application is to go before the city design committee on January 18.

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MEDIA MONITORS
INCISIVE INSIGHT

Dawn calls for CMC probe on exemption Sunland under fire over rate discount

by Fiona Hamilton council reporter
553 words
1 December 2004
The Gold Coast Bulletin
B - Main
24
English
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THE Crime and Misconduct Commission has been asked to investigate the city council after it gave one of the Gold Coast's biggest development companies a rates discount of almost $14,000, under unusual circumstances.

The Sunland Group was given a $13,800 discount on its rates bill, even though it paid the $86,000 fee late, after Mayor Ron Clarke intervened on Sunland's behalf.

Under council rules, rate discounts are not given unless the bill is paid on time.

Cr Dawn Crichlow fired off a letter to the CMC this week asking for the matter to be looked into, claiming it was unethical.

"It is a massive precedent, I've never seen anything like this," she said yesterday.

"It shouldn't have happened."

Last week, councillors agreed that due to `exceptional circumstances', the company, headed by Soheil Abedian, should be granted a rates reprieve for Circle on Cavill, under construction in Surfers Paradise.

The discount amounted to $13,822 in Sunland's case.

Council officers had previously ordered the giant developer, responsible for Q1, to pay the extra 10 per cent, fearing an exception would open the floodgates.

Sunland appealed four times but was rejected because its $86,045 rates bill had been paid nearly a month late.

Sunland then contacted Cr Clarke's office, and the Mayor requested the developer be given the discount.

Cr Clarke said he had not intervened to try to obtain a discount for any other ratepayers, but Sunland's case was exceptional.

"It was partly our fault because we delivered the notice to the wrong place," he said.

"These people have paid something like 12,000 bills on time in the last four years, so it was one of those exceptions we felt was

fair enough."

Mr Abedian said it was not the money, but the principle.

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MEDIA MONITORS
INCISIVE INSIGHT

Hinchliffe to face CMC probe

War of words words: Julian Kennedy
215 words
28 October 2004
City News
1
8
English
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THE state's corruption watchdog will be asked to investigate whether Labor Deputy Mayor David Hinchliffe revealed confiden-tial information about the sale of Brisbane's old airport. Liberal Opposition Leader Carol Cashman said she would write to the Crime and Misconduct Commission (CMC) about media comments by Cr Hinchliffe published on October 22. "Through his irresponsible statements, Cr Hinchliffe has potentially exposed Brisbane ratepayers to multi-million dollar losses." In the article, Cr Hinchliffe was quoted as saying council purchased the site about five years ago for less than $10 million and development about to take place would return roughly quadruple that amount. The 160ha site near Brisbane Airport and the Port of Brisbane is to be developed in conjunction with the council. Lord Mayor Campbell Newman said he and Cr Hinchliffe had signed confidentiality agreements. Cr Hinchliffe described the CMC complaint as "political game playing".

"I categorically deny I mentioned the name of the preferred tenderer or a specific monetary amount," Cr Hinchliffe said. Cr Hinchliffe said a civic cabinet meeting on October 18 resolved to approve the preferred tenderer, subject to further negotiations and three days later he was informed final negotiations would conclude "imminently".

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MEDIA MONITORS
INCISIVE INSIGHT

News

Mareeba shire race turns sour

Steve Gray (Tableland reporter)
448 words
3 March 2004
The Cairns Post
1
2
English
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A NASTY election row in Mareeba Shire has been referred to the Crime and Misconduct Commission.

At the council's meeting on February 17, Cr Tom Gilmore raised the council's lack of a consistent policy for roadworks contributions, pointing to the upgrading of a short section of Bilwon Rd and a rail crossing from which Cr Evan McGrath's family company stood to benefit.

Cr Gilmore said other roadworks required varying contributions from proponents, but McGrath Holdings was not asked to contribute.

Cr Gilmore announced his candidacy for mayor on the same day.

Mayor Mick Borzi and his supporters on the council subsequently said only $1232 was involved in the railway crossing upgrade, which also serves other ratepayers.

Despite going into "caretaker mode' on February 17, the council reconvened yesterday and unanimously agreed to refer the matter to the CMC.

In a bitter attack on Cr Gilmore, Cr Borzi said his opponent chose to use the wrong figures in his criticism of the railway crossing upgrade, made the accusations 10 months after the event and on the day he announced his candidacy, and staged the event for the media.

"Cr Gilmore failed in his duty as a councillor in not reporting the matter to the relevant authority, in this case the CMC," Cr Borzi said.

"I feel a great hurt over what has been done."

As debate continued, a discomforted Cr Evan McGrath withdrew from the meeting, as he had on previous occasions the matter was raised.

Cr Gilmore surprised the meeting by saying he had already taken the matter to the CMC, flying to Brisbane at his own expense shortly after the council decision on the roadworks was made. The CMC advised that because Cr McGrath withdrew from council deliberations on the Bilwon Rd and crossing upgrades, no offence had been committed.

"I believe this council has failed in its duty to treat everybody absolutely without fear or favour," Cr Gilmore said.

Cr Vince Randazzo said Cr Gilmore was not entitled to allege impropriety.

"Just because a councillor lives on a roadway doesn't mean it can't be upgraded," Cr Randazzo said.