



CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF INVESTIGATIVE HEARING

10 CONDUCTED AT LEVEL 2, NORTH TOWER, 515 ST PAULS TERRACE,
FORTITUDE VALLEY WITH RESPECT TO

File No: CO-16-1664

HEARING NO: 17/0001

DAY 5 - WEDNESDAY 26 APRIL 2017
(DURATION: 1HR 04MINS)

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LEGEND

30 PO Presiding Officer – ALAN MACSPORRAN QC
CA Counsel Assisting – GLEN RICE QC
HRO Hearing Room Orderly – ISABELLA PATTON
W Witness – CAMERON MACKENZIE CALDWELL
LR Legal Representative – MR L ACKERMANN, instructed by Broadbeach Law Group

HRO This hearing is resumed.

PO Yes, Mr RICE.

CA Commissioner, I called Councillor CALDWELL.

W Good morning.

10 PO Good morning. Mr CALDWELL, do you have any objection to taking an oath?

W No, that's fine, Mr Chairman.

HRO Please stand, take the Bible in your right hand and repeat after me. The evidence.

W The evidence.

20 HRO Which I shall give.

W Which I shall give.

HRO In these proceedings.

W In these proceedings.

HRO Shall be the truth.

30 W Shall be the truth.

HRO The whole truth.

W The whole truth.

HRO And nothing but the truth.

W And nothing but the truth.

40 HRO So help me God.

W So help me God.

HRO Thank you. Please be seated.

LR Sir, my name is ACKERMANN, initial L, counsel instructed by the Broadbeach Law Group. I seek leave to appear.

PO Thank you. Yes, Mr RICE.

50 CA Is your name Cameron MacKenzie CALDWELL?

W That's correct.

CA You're current councillor for Division 2 in the Gold Coast City Council; is that correct?

W No. I am councillor for Division 3.

CA My mistake. You're appearing in response to a notice to attend?

W That's correct.

CA I'll show you this, first.

10 W Yes.

CA Is that a copy of your attendance notice?

W Yes, that appears to be the document.

CA I tender that.

PO Exhibit 79.

20 CA You first contested local government in the Gold Coast in 2012; correct?

W That's correct.

CA That was for Division 3 also?

W That's correct.

CA Re-elected in 2016?

30 W Correct.

CA Before becoming a councillor, you were a solicitor in practice?

W That's correct.

CA Are you a member of a political party?

W I'm a member of the LNP.

40 CA When did you join that, Mr CALDWELL?

W It was around about the middle of January 2012.

CA Was that prior to becoming a councillor?

W That's correct.

CA Just prior?

50 W Well, the election in 2012 was at the end of April, and I joined in mid-January.

CA Were you party endorsed for either election?

W No, I was not.

CA During the 2016 election, did you campaign as an independent?

W Well, I wasn't an endorsed candidate, no.

CA But is that a word that you use to promote yourself, as some candidates do?

W "Independent"?

10 CA Mmm.

W No, I wouldn't say that I went out of my way to.

LR May I have a word with my learned friend?

CA I was asking you whether you used that term, for example, in any printed material?

W I don't recall using the word "independent" in any of my material, no.

20 CA Or when interfacing with electors?

W When interfacing with electors, myself and any of my volunteers were always instructed that the answer is that I'm not an endorsed candidate, but I am a member of the LNP.

CA Did you have occasion to explain that to electors from time to time?

W I can't recall any specific occasions, but generally speaking, yes, people occasionally show an interest in what your political persuasion might be.

30 CA Did you make that persuasion known in some other way beyond responding to questions; that is to say, did you put it out there upfront?

W No. There is a single form that we complete when we nominate, and you are either an endorsed candidate or you're not. And beyond that, there's no way to say that you're an LNP candidate, as such.

CA Is it something that you think electors ought to know?

40 W Whether you're a member?

CA Yes.

W Well, if they asked the question, then I provided the answer, so yes.

CA Does it go further than that, though? Is it something that you think electors ought to know, whether in fact they ask when interfacing with you or not?

50 W Well, I can only speak for people who've asked me the question, I guess. I mean, it's a matter for each individual to determine their level of interest in someone's political persuasion, if any.

CA Your approach was to see whether people were interested and respond accurately?

- W If I was approached on the issue, then I would always answer them truthfully, and I've given you an indication of the wording that I would use to explain that to them.
- CA Does party politics, that is to say endorsement of a local candidate, local government candidate, by a political party, have a place in the Gold Coast, do you think?
- 10 W Well, at the last election, I believe there were two endorsed Greens candidates, and that's within the framework that's provided. So at the moment, there is an ability for that to occur, yes.
- CA I was really asking you if you have a view as to whether that's the best way to serve the community interest or to keep the general style of non-endorsed candidates?
- W Well, I think - you know, look, people have largely been electing people who are unendorsed candidates, and I can't see any reason why that would need to change.
- 20 CA For the 2016 election, did you need to raise funds for a campaign?
- W Well, I chose to, yes.
- CA How did you go about raising funds for campaign purposes?
- W I had one small breakfast function, and thereafter I was just able to receive some donations from a small number of people who wanted to contribute to financially support my campaign.
- 30 CA How were such donations forthcoming? Did you initiate them or-
- W Oh, there were probably occasions where I spoke to people and other - on other occasions they would offer me support, but I don't particularly remember how each and every one of them arose.
- CA You made some phone calls to solicit donations?
- 40 W Well, I talked about donations over the phone. I can't remember who initiated the phone call.
- CA How did you select who you would speak to about the subject of donating to you?
- W Well, the first thing that was important to me was that I only wanted to raise as much money as I needed to fund the campaign that I ran. So I guess to that extent, I didn't have an opponent up until fairly close to the election, so I'd taken some steps early on to raise some funds, and then as the campaign drew to a conclusion, I needed some more money and realised that I had some opponents and that I was going to have to fundraise, and so I made a number of donations - or I received a number of donations from a small number of people in order to facilitate that.
- 50 CA But did you do anything to prompt those donations?

- W I don't recall.
- CA You would recall, wouldn't you, whether you had asked people for money or not?
- W Would I recall whether I asked anyone for money?
- CA Mmm.
- 10 W I don't recall prompting anyone to make a donation to me as such, no.
- CA There were occasions, I think you have said, though, you had discussions, whether you initiated them or not-
- W Yes.
- CA -about the subject of making a donation?
- 20 W That's correct, yes, as in providing bank account details, those sorts of things.
- CA As you recollect, did you solicit donations or wait for the subject to be raised, in which case you would provide your bank account details?
- W Well, I had the bank account details printed out on an A4 sheet of paper, so, as I recall, most times I handed that to a potential donor and said, you know, "These are the bank accounts" - or, "This is the bank account", sorry.
- 30 CA Do you have any selective approach as to whom you will accept donations from?
- W Well, as I said, the first thing was that I only wanted to raise what was necessary to fund the campaign, so that was my first parameter. The second parameter was that I tried to limit the number of donations that were received by way of number of transactions. And the third thing was that I was trying to be conscious, as far as possible, that I wouldn't be placed in a position of conflict, if that could be avoided.
- 40 CA How would that position arise?
- W Well, if, for example, a donor had a matter that had come to council, then I would declare that I had a perceived conflict of interest in that particular matter.
- CA Did you have occasion to reject potential donations?
- W I did.
- 50 CA Can you explain the circumstance or circumstances?
- W Well, when I was holding the breakfast fundraiser, for example, I had an approach from a consultant who I thought was going to attend on the basis of them being an individual consultant, but they were representing another developer party, and that party is quite active on the Gold Coast and in my electorate, and so I declined that particular donation.

- CA What was the amount of that?
- W I didn't receive any funds.
- CA No, but was there a discussion of amount?
- W I think it was going to be \$2,000.
- 10 CA You mentioned, I think, when you were speaking with investigators that there was a potential donation, at least, of about \$900 from a UPS Planning?
- W Three individual donations of \$950.
- CA I see.
- W And each of those was refunded.
- 20 CA Is that the one you've spoken about or is that-
- W No, that's a separate one.
- CA Can you tell us about that, what caused you to reject a donation of that kind?
- W So those three sums of money came into the account.
- CA That's your campaign account?
- 30 W Campaign account, yes. I had determined that UPS did too much business in the Gold Coast and that that would lead to a frequency of declarations that I wouldn't be comfortable with, and so on that basis, I decided to return the funds.
- CA Were there any other potential donors whom you foresaw a conflict of interest that you then rejected donations from?
- W No, not that I recall.
- 40 CA What about Sunland?
- W Well, Sunland was the developer whose planning consultant was to attend that particular function and I had said no.
- CA Does that relate to the \$2,000 figure you mentioned before?
- W That's correct.
- 50 CA Do you have a particular role in council? There was an expression "head of planning" used when you were being interviewed. What's the content of that?
- W I'm the chair of the city planning committee. I'm also the chair of the mayor's technical advisory committee. I am the nominee on the board of Study Gold Coast. I think they're probably the extra roles and

responsibilities that I take on.

CA What was the first of those that you mentioned?

W The chair of the city planning committee.

CA What does that involve, Mr CALDWELL?

10 W So in each round of meetings, we have a meeting which effectively deals with the planning issues relating to the city, and I chair that particular committee.

CA Does that make you any more vulnerable to potential conflicts of interest than other councillors who don't carry out such a role?

W Well, I have the same responsibilities for disclosure whether I'm sitting in the chair or whether I'm sitting on the other side of the table.

20 CA Understood. But in carrying out a role like that, does that put you more frequently into positions of conflict or potential positions of conflict than others who don't carry out such a role?

W Well, no. Each of us that sit on the planning committee have equal responsibility for disclosure. There are members of council who don't sit on that committee, so they obviously don't have to declare at that meeting.

CA Have you had occasion to excuse yourself from dealing with a matter before council?

30 W No, I don't believe so.

CA Have you had occasion to declare a conflict of interest?

W Yes, I have.

CA In what circumstances, can you recall?

W Would you like me to limit the answer to particularly planning matters-

40 CA Yes, I think so.

W -or other matters? Okay. I received one donation from a developer, KORNHAUSER, which - there has been a matter come before council, I think, on one or two occasions post the election and I've made an appropriate declaration on each of those occasions.

CA Do you declare a conflict of interest in such a circumstance and then continue to vote?

50 W On that particular matter, I did, yes.

CA Has there been any occasion on which you have excused yourself from voting as opposed to declaring an interest and then proceeding to vote?

W No, because, on the best of my recollection, that's the only occasion of any of those lists of matters that have actually been considered before me.

- CA What was your thought process on that occasion, having made a declaration of a conflict of interest but then proceeding to vote?
- W Our obligation, I guess, is to look - just to have a contemplation of what is in our mind as to how we feel about it, and I felt completely happy to vote in the public interest in relation to that particular application. And the matter was particularly relating to a site that's contained within Division 3 that I'm quite familiar with and have been since my election in 10 2012, and so I felt that it was important that I bring my local representation to that matter when it was considered before council.
- CA So it was a matter of special interest within your division?
- W It was, yes.
- CA Did you nonetheless perceive any tension for the sake of appearance between your having declared a conflict of interest but nonetheless proceeding to vote? 20
- W Well, I made the declaration and that's where my responsibility begins and ends, and I believe that that's a fairly transparent way of dealing with the matter and then others can judge as to whether they feel that's appropriate, I guess.
- CA You haven't had occasion, I think you've said, to actually excuse yourself from voting on a planning matter?
- W As I said before, I've only, as I recall, mentioned one of those matters in relation to a conflict that has come before council at all. 30
- CA You completed a disclosure return after the election?
- W Correct.
- CA Can I just show you this.
- W Yes.
- 40 CA Is that a copy of the return that you completed?
- W Yes, that looks like it.
- CA It appears to be signed the 28th, perhaps, of June?
- W That's correct - yes.
- CA I tender that disclosure return.
- 50 PO Exhibit 80.
- CA Just looking at that list of donors, you mentioned Mr KORNHAUSER, having received \$2,000 from him.
- W Yes.

- CA Can you identify for us those who you know to be property developers?
- W You would probably describe Mulpha Sanctuary Cove as being a property developer, KORNHAUSER, Halcyon, and Ganra, insofar as property development might be part of what they do.
- CA How did you come to receive \$10,000 from Ganra Pty Ltd?
- 10 W I had a discussion with Drew STEPTOE, and he indicated that he wanted to financially contribute to the campaign and-
- CA What is his connection with Ganra, sorry?
- W He's effectively their manager, I guess. He's the front person that deals with all of their business.
- CA Did you initiate a discussion about donation?
- 20 W I can't recall how that came about, but I recall speaking to him on the phone and I recall providing him with the bank account details.
- CA Were you aware that Ganra had donated to at least one other candidate?
- W Not at the time, no.
- CA Have you become aware since?
- W Yes.
- 30 CA There was a donation, I think, to Councillor O'NEILL. Do you know about that?
- W I think that's correct, yes.
- CA Any other candidates that Ganra has donated to?
- W Not that I recall, no.
- 40 CA You didn't know that at the time that you received that \$10,000?
- W No. It was reported in a newspaper article, I think.
- CA Does receiving a donation from such a donor increase or serve to increase that donor's access to you?
- W No.
- CA You wouldn't feel any obligation to make time more freely available, more readily available, than you might otherwise do?
- 50 W I deal with all of the requests for contact with me on a pretty even-handed basis, so-
- CA There are reports that some candidates simply don't accept money from property developers. Do you know of any in that category?

- W That don't accept donations from property developers. I'm not aware of anyone specifically that has formulated that policy for themselves to stick to. I know, for example, that the Mayor probably didn't receive any donations, so I guess you would say that he had formed that view, but I'm not aware of anyone else who specifically holds themselves out to that.
- CA In your case, there was some selectivity as to who you would accept donations from?
- 10 W Mmm.
- CA And some that you returned?
- W Yes.
- CA Is your criterion the frequency with which that donor might potentially come before council with applications or other business?
- 20 W Yes, that's correct.
- CA Frequency, is that the criterion?
- W Frequency is one consideration, yes.
- CA Any others?
- W No, not that I can think of, no.
- 30 CA Just a couple of other things. You had some services performed for you by SHAC Communications?
- W That's correct.
- CA For the last election?
- W Yes.
- CA What kind of services?
- 40 W Graphic design-type services.
- CA Did you know at the time Ms HOLZAPFEL personally?
- W Yes.
- CA How did you know her?
- 50 W I've known Simone since about 2012. We've become good friends over that time, and so on the basis of the fact that she's a good friend and someone who is very competent in her field of expertise, which is marketing and communications, I was quite happy to use her for those services.
- CA Was there any suggestion by any other candidate that-
- W No.

- CA -she would be a good person to go to?
- W No.
- CA Were you aware that other candidates had made similar use of her services?
- W I've subsequently become aware, yes.
- 10 CA You weren't aware at the time of the election campaign?
- W At the time of the election campaign? Oh, at certain points during the election campaign, particularly later in the piece, but, you know, I couldn't say when all of those particular people came to my knowledge as having been one of her clients. It has largely been reported in the newspapers.
- CA From what you tell us, there was no arrangement, was there, between you and any other candidate that you would all use the same provider?
- 20 W No, there was not. No, there was not.
- CA Did you engage in any activity of promoting the election of another candidate?
- W No, I did not.
- CA No joint How to Vote Cards?
- 30 W No.
- CA Were you able to arrange volunteers for polling booth functions on election day?
- W Yes, I did, yes.
- CA How did you source the volunteers that you used?
- W Well, I had a team of about 50, all of whom are personally known to me in some capacity. They included everyone from my mum and dad to my brother and sister and other friends, family, you know, business associates over the years, all those sorts of things.
- 40 CA Did you draw on any hierarchy from the Liberal Party to arrange volunteers for you?
- W Some of the volunteers were members of the Liberal Party, yes, Liberal National Party.
- 50 CA But did you call on any hierarchy of the Liberal Party-
- W Oh, sorry. No, I didn't, no.
- CA -to supply volunteers for you?
- W No.

CA Did the party provide you with any resources for your campaign?

W No, they did not.

CA How many volunteers did you have, do you remember?

W I said about 50.

10 CA That's the evidence, Commissioner. Thanks, Mr CALDWELL.

PO Thanks, Mr RICE.

Mr ACKERMANN, do you have any questions?

LR No, sir.

PO Thank you.

20 Thank you, Mr CALDWELL. You are excused.

PO Thank you, Mr Chair.

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