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CRIME & MISCONDUCT COMMISSION
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IN THE MATTER OF:

OP GRAND

EXHIBIT No. 327
CLERK

Whistleblowers threatened

Greg Roberts

THE Gold Coast City Council may prosecute three of its councillors whose allegations led to a corruption inquiry into developer donations to council election candidates.

Deputy mayor David Power made the threat in a statement to *The Australian* in defence of his relationship with property developers on the tourist strip.

Mr Power said several councillors were also considering defamation action against Gold Coast community groups that had made allegations of an improper relationship between developers and the council.

Allegations by the community groups and councillors Dawn Crichlow, Peter Young and Eddie Sarroff led to the Crime and Misconduct Commission inquiry into the council.

The inquiry is examining whether a team of pro-development "common sense" councillors was elected in last year's poll with assistance from a secret developer-backed fund.

Mr Power said the inquiry would discredit the allegations by the three councillors.

"Their accusations were for political expediency and they have brought the local authority



It has become common practice for the CMC to be used as a political weapon and accusations of corruption as a common form of communication and it is time that this degeneration of the role of public office stopped.

— Part of the statement Gold Coast deputy mayor **David Power** released to *The Australian*

into disrepute," Mr Power said.

"Council will be forced to consider prosecution of these three for official misconduct."

Mrs Crichlow said Mr Power should await the outcome of the CMC inquiry before casting blame.

"The CMC might like to consider what its legislation says about intimidating witnesses," Mrs Crichlow said.

The three councillors attacked by Mr Power came under fire at the inquiry yesterday by prominent developer Soheil Abedian, who said they had lied repeatedly about the activities of his Sunland company.

Mr Abedian became emotional when counsel assisting the inquiry, Robert Mulholland,

asked about a \$7700 payment from Sunland to publicist company Quadrant — which helped organise the common sense election team — shortly before Sunland succeeded in having a \$13,882 council penalty for the late payment of rates waived.

Mr Abedian said: "Do you genuinely believe we are going to sell our soul for \$7700? Do you genuinely believe a person with the smallest dignity would do that?"

Mr Abedian, who built Q1, the world's tallest residential complex in Surfers Paradise, said he had personally asked Gold Coast Mayor Ron Clarke to waive the penalty against the advice of council officers because he believed it was unjust.

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Date: 11/17/05 4:40pm
Subject: FW: inquiry

-----Original Message-----

From: POWER David [mailto:DPOWER@goldcoast.qld.gov.au]
Sent: Wednesday, 16 November 2005 8:33 PM
To: Roberts, Greg
Subject: RE: inquiry

Greg I am happy to comment. I haven't been there every day. I have only attended when there are witnesses of particular interest, in fact the first two weeks I was there less than half of the time. It is important to stay abreast of what witnesses like Cr Young Crichlow and Sarroff have had to say because we as Councillors know the context of the statements better than the lawyers and can advise them when they are being misled. For instance today with Cr Young and his claim that infrastructure charges were dropped by 30% and it applies to areas across the City. This is a complete fabrication as should come out in tomorrow's questioning.

I feel absolutely vindicated the conspiracy theorists have backed away at the speed of light from their previous public statements of corruption. Here they have the protection to say what they like without the fear of defamation and every one has run from that premise. All three of the protagonist Councillors will have evidence presented against them in further testimony to show that they have misled the community the Minister and the CMC

Further the complete dismissal of all of Young's dossier and statements shows the utter lack of confidence in the man by the CMC. The evidence has shown that 2 Councillors have acted like spoiled children simply because they didn't get the committees they wanted with one threatening to bring the Council down.

The next test will be the credibility of media reports in the lead up to the election and this will demonstrate the complete lack of objectivity and research by certain journalists. In fact as one Chamber President has stated the journalist did not ring one Chamber to verify the advice I gave her that business was assisting or to clarify the extent and nature of that support. Certainly deserving of a Walkley particularly when she was told from day one that advice was being given by sitting Councillors to candidates and businesses.

We have also seen the claim that it was only developer backed debunked with Companies like Stocklands, Roache, Sunland and others involved in tourism, wine industry, child care centres, shopping centres etc in other words covering a wide range of industries and interests

My property was my home and therefore has certain exemptions for capital gains.

The only undertaking publicly and privately I have given is not to partake in the consideration of the land containing my former property. I have dealt with one application, unknowingly because it was in a different name, for the Ingles Group actually had more conditions placed on it by me at Committee than recommended by the officers. Please remember that a conflict

of interest(which is what this area falls under) is determined by the individual within their own mind and if the individual can place the public interest above the private then no conflict exists. This is defined within the Local Government Act and is clear in its application the position taken by the "unholy trio " in this issue is not only wrong at law but also a recent development for all three. All three voted in the previous Council on matters that involved campaigns supporter(be they financial or in kind).

These accusations used for political expediency has brought the Local Authority into disrepute and council at some point will be forced to consider whether prosecution of these three for Official Misconduct will be pursued. Further consideration is being given to joint private action by those Councillors who have been defamed by Young Crichlow and Sarroff as well as the individuals connected with such organisations as Citizens for Democracy, Friends of Burleigh etc as well as their executives. The distress this has caused innocent law abiding Councillors and their families has been extreme. It has become common practice for the CMC to be used as a political weapon and accusations of corruption as a common form of communication and it is time that this degeneration of the role of public office stopped.

For evidence to support this claim check the number of claims to the CMC in recent years compared to the number of claims to the ombudsman. CMC is up and the ombudsman is down clear evidence the system is being misused. Finally the Counsel Assisting has made some proclamations regarding what should or should not be done with certain declarations. The Local Government Association of Qld has stated they are wrong and given their Barrister helped write the Act I think I know who I would believe.

Hope this answers everything

Regards

David

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