



Transcript of Proceedings

CRIME AND MISCONDUCT COMMISSION

MR R NEEDHAM, Chairman

No 5 of 2005

PUBLIC HEARING INTO GOLD COAST CITY COUNCIL

BRISBANE

..DATE 14/11/2005

CONTINUED FROM 10/11/2005

..DAY 16

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

THE HEARING RESUMED AT 10.06 A.M.

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MR EBERHARDT: Yes, good morning. My name is Eberhardt, Barrister at Law, instructed by Robertson O'Gorman Solicitors. I seek leave to appear this morning on behalf of Mr Clarke.

CHAIRMAN: That's Eberhardt?

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MR EBERHARDT: Eberhardt, E-B-E-R-H-A-R-D-T.

CHAIRMAN: Yes, thank you.

MR MULHOLLAND: Good morning, Mr Chairman. I call Dawn Mary Crichlow.

DAWN MARY CRICHLLOW, SWORN AND EXAMINED:

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MR MULHOLLAND: Is your full name Dawn Mary Crichlow?-- It is.

And have you been served with an attendance notice in relation to today's proceedings?-- I have.

Would you have a look at this document please. Is that the notice?-- Yes, I believe so.

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Thank you. I tender that, Mr Chairman.

CHAIRMAN: Exhibit 214.

ADMITTED AND MARKED "EXHIBIT 214"

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MR MULHOLLAND: Now, Mrs Crichlow, were you interviewed by the Commission investigators on the 31st of March 2004 and again more recently on the 1st of November 2005?-- Yes, I was.

In relation to that first interview back in March of 2004, that was of course just after the election. The complaint that you - or the matter that you principally raised at that time was the connection, if there was one, between property developers and certain candidates at the March 2004 election; is that correct?-- That's true.

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And then you raised, or other matters were discussed with you when you were questioned by investigators in November of this year?-- That's true.

Now, that was tape-recorded each of those two interviews?-- They were.

And a transcript was prepared subsequently, which you've had the opportunity of reading?-- Yes, I've got a copy.

You've got a copy there; all right. Can I ask you to have a look at these copies of those two - the tapes of those two interviews?-- This one here, the 13th-----

If you go to the first one, the 31st of March 2004, it should be on the front, and just-----?-- Yep. Yes, it is but it's only got 13 of 14.

Thank you. We'll rectify that. Yes, thank you. And the other one?-- Yeah.

There are two transcripts really from that second interview, aren't there?-- Yep. And this has got more of the first one on it as well.

Right, at the back?-- At the back. This has got 1 of 14, 2 of 14, 3, 4, 5 and 6 and 7 of 14 on the back as well.

Right, okay. But it's got the 21 pages, has it, and then the additional 6 pages?-- Yeah - yes, it has.

Yes, I tender those transcripts, Mr Chairman.

CHAIRMAN: Yes, they will be Exhibit 215.

ADMITTED AND MARKED "EXHIBIT 215"

MR MULHOLLAND: Perhaps we can at a later stage put them in proper order. Now, Mrs Crichlow, you were or are the Division 6 Councillor?-- That's true.

Is the correct?-- Yes.

Now, can I just ask you please, before you go to looking at some of your own notes, if you just concentrate on the questions that I'm asking you at the moment. If you want to go to the documents that you've brought with you in order to refresh your memory, that's fine but before doing so would you just indicate what you're doing so that we know and the record indicates whether you're referring to you record or not?-- Sure.

So just at the moment I'm just asking you these general questions. You are the Division 6 Councillor. How long have you been a councillor at the Gold Coast City Council?-- Since 1991.

So that you have been a councillor through the period of amalgamation of councils?-- I have.

And when was that?-- That was in 1995.

1

Right. So you have since that time been a representative of Division 6?-- Yes, that's true.

Now, in those - as I say, in that first interview with the Commission investigators you raised a general matter concerning the connection between developers and certain candidates, and I want to really go to the second interview and a couple of matters mentioned by you and discussed by you in that interview. One related to the Sunland discount?-- Yes.

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Do you remember that being discussed?-- Yes.

And that matter is a matter that you brought to the attention of the Commission; is that correct?-- That's true.

I want to ask you about your recollection in relation to that matter being discussed at that committee level and then at Council level. So if you would tell us what your recollection is?-- Well, at the committee, I arrived probably 10 minutes before one o'clock which was the time of the meeting and there were two people already in the room, and that was a David Brown from Sunland and Anne Jamieson from Sunland.

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Two representatives only from Sunland?-- That's right.

And what positions did they occupy with Sunland, do you know?-- Well, David Brown is the architect because he had been to Council that morning actually over a change in an application that they had going through Council so he had been there earlier and I think - believe Anne Jamieson is the General Manager.

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Yes. So you remember them having arrived?-- Yes. Well, they were there when I arrived.

Yes?-- And I said, "What are you doing here?" And David Brown said, "Ray Stevens had asked him to come."

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Ray Stevens being who?-- He's the personal assistant to the Mayor.

Right. Yes?-- And that was it, and then I - I was there, Eddie Sarroff arrived, Rob Molhoek arrived, David Power arrived and the Mayor arrived. There are actually four people on the finance committee and the Mayor is ex officio at every - every meeting he can turn up to if he so wishes and he gets a vote.

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Right. He's the only other ex officio member of the committee?-- Yes, that's true.

Yes. And he arrives; was that usual or unusual?-- That was unusual. To my knowledge, he hadn't been to a finance committee meeting before, according to the - according to the financial - the yearly report of Council, but then I've since

found out that he had been to a couple of finance committee meetings, yes.

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All right. Now, we've heard evidence that this committee meeting that you speak of occurred on the 9th of November 2004 and then there was a meeting of Council on the 22nd of November 2004; is that correct?-- That would be right.

Was there any meeting of the committee between the 9th of November and the 22nd of November when the full Council met in relation to the matter?-- I don't believe so.

10

So could you tell us then how the vote went and what your recollection is as to how it proceeded?-- Okay. Well, Mr Brown made comments that the dates - the rate notice had gone to the wrong place and - and a few comments like that and then Anne Jamieson said, yes, they would - they're a public company and they're accountable to - to the people and if they were forced to pay this \$13,000, then if any community group wanted to ring them up and ask for donations, say example for the Mayor's - Mayoral Fund, they'd have to say no.

20

Right. Did anyone say anything in response to that?-- No. I - I believe I just moved the officer's recommendation.

Right. Now, the officer's recommendation was that the discount not be allowed; is that correct?-- Absolutely.

And to just bring it back to mind to everyone present, this is a discount of \$13,822.45; is that correct?-- That would be correct.

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And the situation is that this rate notice had been addressed to Calm River Proprietary Limited at level 18, 50 Cavill Avenue, Surfers Paradise; is that correct?-- Clearly in the agenda it showed that the rate notice was sent to the correct address that had been given to the Gold Coast City Council to serve the rate notice to.

Right. So when you say that they had been - that the Council had been informed it was the address, you mean informed by way of the usual form that goes to Council?-- Absolutely.

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And the - now, the rate notice was issued on the 28th of January 2004, due for payment on the 2nd of March 2004, and received by Calm River on the 16th of March 2004 but in fact not paid until the 25th of March 2004. Does that essentially equate with your recollection of those dates?-- I believe so.

And that in between there had been a notice of creditor's intention to institute legal proceedings issued by Council of the 18th of March 2004?-- That's what the agenda item said.

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Right. Now, you had the Council officer's recommendation that the discount not be allowed. Had you had other applications for a discount come before your committee in the past?-- Over the years, yes.

Would it ordinarily come to the committee before it went to Council?-- No, not normally. Normally it's delegated authority. The officers are allowed to determine on Council policy which are exemptions and which aren't.

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Right. Now, so how often in your experience over the time that you've been serving on Council would the matter come before a committee and/or before Council?-- In the - in the old Gold Coast that was the policy that it did come to Council, all requests for exemptions, but it hasn't been the policy for some time. The officers do have delegated authority.

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And were you aware when the matter came before the committee and the Council of the statutory provision requiring that the discount be allowed in circumstances where it was beyond the person's control?-- Absolutely.

So you knew that that statute with limitation existed?-- Yes.

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You were going to go on; you say that you moved that the recommendation be supported. Was that seconded by Councillor Young?-- No, Councillor Sarroff.

Sorry, Councillor Sarroff. Yes. And then what occurred after that?-- Then the Mayor moved that the discount be allowed due to extenuating - I think it's extenuating circumstances, and that was seconded by Councillor Power and the vote was taken.

Now, these two representatives of Sunland who had come to the committee meeting, were they still there when this occurred?-- Yes. Yes.

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Yes? And the - the motion of the Mayor was carried?-- It was-----

By?-- Three votes.

By three votes. Three votes to two is your recollection?-- That's correct.

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All right. Now, did anything else happen in relation to the matter up until the time when it came before the full Council meeting on the 22nd of November?-- Not to my knowledge.

What occurred at the meeting of the full Council in relation to this issue?-- Well, I moved the original officer's recommendation that the discount not be allowed. I believe that was seconded by Councillor Young.

50

Yes? And what occurred?-- Well, then I spoke on it. I spoke about the officer saying that finance - it would set a precedent, dangerous precedent. I spoke on the fact that it had been sent to the correct address and then - and then the story had changed, that it - yes, it did go to the right address but the - the officer involved in getting it didn't recognise that as a company belonging to that, and I just spoke for all the reasons why this should not be allowed. I

mean, it was - it was wrong, and I spoke on it. Other people spoke on it as well.

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Had you had in the past any similar circumstances to this one in which a rate discount had been allowed?-- Not at all, no.

So, it had been - your experience had been completely to the contrary, had it?-- Absolutely.

That it had never been granted in similar circumstances?-- I was really surprised that it came back for the fourth bite of the cherry, to be honest with you.

10

Well, the fact that it had been carried by the committee, I suppose it wasn't surprising that it then came before the Council again, was it?-- No, but I'm saying the original agenda item had been knocked back three times by the officers, but then at the request of the Mayor, it had come back for the fourth time.

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Right.. And just take us through what occurred at the full Council meeting?-- Well, there was debate on the issue as to whether the discount should be allowed or it should not be allowed, and there's 15 people in the Council but on that particular day there were two councillors missing: one had been deceased and the other one was not at the meeting. So there were actually only 13 people to vote on the matter, as to whether they got the discount or not.

Was that Sue Robbins was deceased-----?-- That's true.

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-----by that time?-- That's true, and Councillor McDonald was not at the meeting.

Right?-- She was an apology.

Yes?-- And so the vote was taken-----

Just before you go on to tell us about the vote, did the Sunland representatives appear that day?-- No, I don't believe so.

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No one else spoke, no member of the public, for example, spoke?-- No, no members of the public, no.

Yes. All right. Carry on?-- And so the vote was taken on not allowing the discount and it went down seven to six. There were six votes to not allow the discount. Those people that voted for that were Councillor Young, Councillor Sarroff, Councillor Crichlow, Councillor Douglas, Councillor Power and Councillor Pforr. They voted not to allow the discount. The rest of the Council, the seven others voted for the discount.

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Yes?-- So then I think it was Councillor Young and I think it was myself said, well, maybe somebody should declare an interest in this because - the election, and so Councillor Betts decided to leave the room. So, he left the room.

Sorry, what did you mean, declare an interest?-- Because Sunland had donated to the fund.

1

Right. Now, just in relation to that, were you aware that Sunland had made a donation to the fund?-- Certainly.

Through what, through the returns that had been lodged?-- Election - returns.

Were you aware that there had been a further payment by Sunland to Quadrant - that is, the advertising and marketing company - representing the final amount of moneys outstanding relating to the campaigns that were run, that amount being for \$7700. This is in November of 2004 - that is, in the very month that this has been considered; were you aware of that?-- No.

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At any rate, you say there was a question raised as to whether there should be a declaration of interest. What occurred?-- I believe I said some people should declare an interest in this and I believe Councillor Young then spoke on the same issue and Councillor Betts decided to leave the room.

20

What do you remember Councillor Young saying on the issue?-- Basically, that they shouldn't be voting on issues like this.

Yes. Yes, and what then happened?-- As I said, Councillor Betts left the room. So, therefore, the vote would have been six all.

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Right?-- Because the seventh person had gone.

Yes?-- So then it was moved Councillor Shepherd, seconded Councillor La Castra that the discount be allowed. I believe they were the two people, and that the discount be allowed, and so then Councillor Power and Councillor Pforr changed their vote and voted for the discount to be allowed. So therefore it became eight four.

40

Yes. You said - are you sure it wasn't Mr Molhoek who had moved the motion. No, sorry, that was at the earlier meeting. Sorry. You're speaking about the full Council meeting, aren't you?-- Yes.

CHAIRMAN: No, it was Councillor Molhoek in the second motion at the Council meeting. That's what the minutes show.

MR MULHOLLAND: Yes. Well, do you-----?-- I apologise then. I thought I remember the name. I apologise.

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Just have a look at your record. Do you have your record there?-- I have it. No, it was moved Councillor Shepherd, seconded Councillor La Castra.

CHAIRMAN: Page 20 of the minutes that I've got shows-----

MR MULHOLLAND: What are you looking at, Mrs Crichlow?-- I'm reading from a transcript. 1

A transcript of what?-- Of the meeting.

Of the meeting. Can I just see the document you're looking at. Could I see the document that the witness is referring to, please.

MR WEBB: I'd like to see that as well. 10

CHAIRMAN: Join the queue, Mr Webb.

MR WEBB: I asked first. I'll take the English practice.

MR MULHOLLAND: Now, this - just before I pass this on to anyone who wants to have a look at it, this transcript, you have made some notes on the transcript; when would you have received the transcript of the meeting?-- Sometimes you'd wait a fortnight or a month. 20

Right. Did you satisfy yourself at the time that that was your recollection of what had happened?-- Yes.

CHAIRMAN: Do you have the official minutes of the meeting?-- No, I don't.

Yes. Could the witness see Exhibit 34 while that's being passed around? Just have a look at the----- 30

MR EBERHARDT: Unfortunately I'm in a very long line to see that document and it no doubt will have moved on substantially by the time we get to view it. I wonder if it would be possible for copies to be made of it and distributed to counsel such that our attention can be drawn to the document before Mr Mulholland moves on to other things. It shouldn't take very long; it doesn't seem to be a very long document.

CHAIRMAN: It'd be just as fast I think for it to be passed around the Bar table, by the time it's copied. 40

MR NYST: Could we at least pause whilst that happens?

CHAIRMAN: Well, we are pausing at the moment, sir.

MR NYST: Yes, right.

WITNESS: It does say Councillor Molhoek.

MR MULHOLLAND: Yes. 50

CHAIRMAN: How is the transcript produced, Ms Crichlow?-- I got a - I got a tape from the Council officers and my secretary would - would have done it.

I see. So the meetings are actually taped?-- The full Council meetings are actually taped.

Taped. Right. And that's to assist the person who does the formal minutes, I presume; is that correct?-- Oh, well, I think it's a statutory requirement.

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Is it? Right. And so-----?-- And you can't erase them until the next full Council meeting.

I see. So your secretary gets them and does she transcribe everything for you or just the parts that you ask her to?-- Oh, no. No, she would have only done say four in the last two years, only - well, it's because this was a special matter-----

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I see?-- -----I wanted it exactly written down-----

Sure, okay?-- -----because it was unusual.

Mmm.

MR MULHOLLAND: All right.

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CHAIRMAN: Mr Nyst, I don't think there'll be time at this stage for you to read the entire minutes. If you want to just read that part that's been referred to and pass it on, then you can see it all later.

MR WEBB: Mr Chairman, I may be able to assist. Under the local law, that is local to the Council of course, the minutes of - the meetings are taped - full Council minutes are taped. They are held for 14 days and Councillors may ask for - as with anything else in the Council they can ask for a copy. And it is used by the minute clerks, I'm instructed, to get the record straight.

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CHAIRMAN: Yes. Yes, thank you, Mr Webb. I think you might be able to proceed, Mr Mulholland. This is-----

MR MULHOLLAND: Thank you, Mr Chairman. Now, having seen the minutes and considering what the transcript shows, do you adhere to the fact that it was Mr Shepherd who moved the motion?-- Look, I can't - my secretary is very very good and that's all I can say is I'm - I'm unsure as to whether Mr Shepherd or Mr Molhoek moved it.

40

Thank you. Well, now, any rate the motion, the new motion was then passed. Is that-----?-- That's right.

-----the case, and that motion was carried?-- The motion was carried because Councillor Power and Councillor Pforr changed their vote.

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CHAIRMAN: What happens if it is a six all vote?-- Then the Mayor - the Mayor decides.

Has a casting vote?-- That's right.

Right.

MR MULHOLLAND: Now, subsequently, did - was this discount amount then received by way of a - from Sunland - this is in March of 2005, do you remember there being a further meeting of Council on the 28th of February 2005. There was a meeting which Mr Abedian attended along with Mr Simon Bennett from the Gold Coast Community Benefits Fund, at the invitation of the Mayor. Do you remember that happening?-- I do.

1

Tell us about that meeting, please?-- Well, it was a full Council meeting. I went into the room. I saw Mr Abedian sitting there. Simon Bennet was there. I said to Simon, "What's happening?" He said, "I don't really know. I think we're going to be given a cheque today. I just got a phone call to be here."

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Right. And - yes, anything else occur?-- And - well, that's what happened before the Council meeting; the Mayor called up Mr Abedian, Mr Bennett, to - Mr Abedian gave a cheque to Mr Bennett.

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Right. So this was in a - essentially some kind of donation, was it?-- Yes.

In the amount of the discount?-- Well, I'm not quite sure whether it was - amount. I - I thought I remembered it was a bit more, so maybe there was interest on it or something. I don't know.

And did Mr Abedian say anything in relation to that amount?-- No, he just passed over the cheque. He said he was giving it to - the Mayor had chosen the Community Fund to get the cheque.

30

Did you have any conversation with Mr Abedian on leaving the Chamber?-- Oh, yes, he came over to me and said some comment like, "Are you happy now," something like that.

Well, you had sent a letter to the Commission in March of 2005. When referring to this meeting you said, "On leaving the Chamber Mr Abedian came to me and made the statement, 'See, I have paid the money back in full'"-----?-- Oh, well, maybe it was that - yeah, it would have that at the time. It was just a comment he made in my ear and, I'm sorry, that - that would be true.

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And you made some comment about him getting a copy of the agenda item?-- I did.

Because the officers had reported the rates were in fact sent to the correct address?-- I did.

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Now had you in the meantime before the - this occurred, had you received a memorandum from Mr Graham Finlayson of the Director Organisational Services dated 1st December 2004, asking for - or responding to your request for information regarding the background to the ratepayer discount. I'm referring to something that Councillor Molhock had said at the meeting?-- I remember Councillor Molhock spoke at the full

council meeting about an email he got and the reasons why rate discounts were allowed. 1

Yes?-- And I remember the first one-----

Do you have a copy of that in front of you or not?-- No.

Have a look at this. Now in that memorandum to you from Mr Finlayson, it's in these terms. "Thank you for your request today for information regardingt the background to the ratepayer discount Councillor Molhock referred to at a recent council meeting." Now that was a reference to the November meeting. Is that correct?-- That's correct. 10

Then under "background" it is said, "Organisational Services received CR" - what's that a reference to?-- Councillor request.

"108543 on 13 October 2004 from Councillor Molhoek that consideration be given to crediting a discount against the ratepayer's next rate notice even though payment of the account was received after the discount period. This request followed resolution of of dispute the ratepayer had over water charges assessed against her property." Now this was a reference therefore to another matter which had been mentioned by Councillor Molhoek. Correct?-- Yes. 20

And it goes on, "The ratepayer wrote to the Mayor's office on or about 2 August disputing the water charges on her property. The ratepayer indicated she would finalise her account when the dispute was resolved. This letter arrived in the Mayor's office before the discount period expired" and then goes on, "through no fault of the ratepayer it appears that the first response from Council to the ratepayer issued on or after 19 August 2004, a week after the discount period expired." Is that right?-- Yes. 30

So making the point that this had occurred through no fault of the ratepayer?-- That's right. 40

Who had responded asking for some information prior to the discount period expiring. That was the fundamental point being made. Is that correct?-- That's true.

And then Mr Finlayson goes on under "consideration of request for allowance of discount." "Due to the fact that Organisational Services was unable to determine if there were any responses to the ratepayer advising what investigations were occurring during the discount period and that the Mayor's office verbally advised that the original request was received within the discount period, the discount was granted"?-- Mmm. "As you are aware, council has a broad discretion under Section 1021 of the Local Government Act 1993 in relation to allowing discounts for rates where council is satisfied that a person has been prevented from paying on time due to circumstances beyond the person's control. Generally speaking if an inquiry is received within the discount period the rates account is placed on hold until the inquiry is completed and 50

discount is extended to allow the ratepayer to pay their account once their inquiry has been completed, whether the response is in their favour or not. It should also be noted that in the circumstances of this case, had the matter been referred by the customer to the rates call centre or via the Mayor's office during the discount period an alternative approach would have been for us to contact the ratepayer place a levy hold in relation to the water charges in dispute, extend the discount period for the charges in dispute until that issue was resolved and seek payment of the balance not in dispute at the time the levy hold is put in place." Is that so?-- That's true.

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And I needn't read on. So that was an explanation which was given to you on your request. May I ask you to have a look at Exhibit 203, please. Now that document - just check through those documents which I've shown you there. Are those - is that material that you have supplied to the Commission?-- It is.

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I will tender that material, Mr Chairman.

CHAIRMAN: Exhibit 216.

ADMITTED AND MARKED "EXHIBIT 216"

MR MULHOLLAND: Now would you have a look at this fax on the front of Exhibit 203 and you will see that it is a fax from a Cassandra Kenyon, Acting Manager of Financial Services. Do you know Ms Kenyon?-- Yes, I know the name. Yes.

30

Right. And it's sent to Mr Radcliff who is a barrister appearing in these proceedings for Mr Shepherd. Do you see the paragraph in the middle of the page. While there have been a number of - now you might note the date of it, 9 November 2005 is the date of it there. "While there have been a number of instances where discount for late payment has been granted due to special circumstances council officers are unable to identify any situations in the past where the circumstances identified by the rate payer in the River case warranted the discount being awarded pursuant to Section 1021 of the Local Government Act.

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Now, that - the content of that paragraph, together with what you have said and also what appears in that memorandum that you received from Mr Finlayson responding to a request you made from him, does that in effect contain what you understood to be the ordinary situation, that is to say that it was entirely against precedent that the discount such as was granted here should be granted in those circumstances?-- Absolutely.

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Now, there has been some evidence given in these proceedings concerning an organisation, if there be one, called Southport

Citizens for Change, and this is in relation to some evidence the Commission has heard about the method of campaigning conducted against you in the election?-- Yes.

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And I can tell you if you're not already aware of it, that the evidence is that this was done apparently at the behest of Mr Morgan of Quadrant. Now, what I wanted to ask you is, were you aware of that campaign being conducted at the time?-- Oh, absolutely, because so many people were getting leaflets in their letterboxes and bringing them into my office.

10

And what did the leaflets say?-- Oh, just, you know, things that had been front page of the paper with me. Like Peter Beattie saying I'll get up - get, you know, up from the street, or something like that.

I think we've heard about that already. That's some critical comment the Premier made of you in relation to something that you were supposed to have said?-- Yes.

20

Now, did you know Mr Hill?-- Yes.

And you would have been aware if you saw the pamphlets that his name appeared on those pamphlets. Did you see that?-- Yes.

Did you also see Southport Citizens for Change?-- Yes.

Did you make any inquiries at the time in relation to the organisation, Southport Citizens for Change?-- There was no organisation.

30

How do you know that?-- Well, I would have heard about it. It's in Southport.

Right. So you know of no such organisation?-- No.

How long did that campaign run for in your recollection?-- Oh, probably about - probably - it was in the last - see, there was a State election I think in February, so it was probably all of - after the State of election and March.

40

Now, I suppose it's not unheard of for negative campaigns to be conducted against candidates?-- Oh, absolutely.

Well, what's the "absolutely" mean?-- Oh, well, I mean, I've been - I've been through six elections and I've seen that.

So it's not uncommon to have such campaigns. Again, the use of fictitious organisations, if it be the case here, is that unusual?-- Oh, I've never seen that before.

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You've never seen it before?-- No.

Did you know Mr Hill?-- Yes, I did.

In what context did you know Mr Hill?-- He used to be the fire warded at the Abry Retirement Village in Bower Street,

Southport, and so, therefore, as fire warden, he used to ring up my office about, you know, footpaths needing done and I - and I remember once council put the - a new - a new footpath area - widened for the people to walk up for dinner of a night time.

1

All right?-- Things like that.

All right. So you knew him. Did you speak to him at all in relation to the - this campaign?-- No.

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And did you make inquiries in relation to the Southport Citizens for Change?-- I don't remember making any inquiries. The only thing I do remember after he left Abry-----

This is after Mr-----?-- Mr Hill-----

-----Hill-----?-- -----left Abry, and during the time of the campaign I had a couple come in to my office and make some derogatory comments about him and said he'd been put off from Surfside Buses just recently.

20

So it made some critical comment about Mr Hill. All right. Well, now, have you also raised a number of other matters? First of all, have you raised the question of disclosure by the Mayor, Ron Clarke, in relation to some free tickets provided to the Darlington Park Raceway?-- Yes.

Would you care to elaborate upon that? What was your complaint in relation to that?-- Well, I was led to believe that anybody that handed out for the Mayor at the election would be given a free pass to Darlington Park.

30

Yes. All right. So-----?-- I think the value was \$132.

And you'd be aware that in Mr Clarke's return - final return, he has declared free race days for assistance at polling booths?-- No, I haven't seen that.

You haven't seen that?-- No.

40

Well, in his return, that is what he's declared; free race days for assistance at polling booths. That's in his return of the 7th of July 2004?-- 7th of July?

2004?-- I thought the returns had to go in before that.

Well, I'm just really asking you whether in relation to that return that was put in at that time with a letter indicating that this had been granted, whether you were aware of it, but you're not aware of it. Yes. Now, have you also raised another matter in relation to a - someone from the raceway, namely Mr Stevens, driving around a mobile sign in support of the Mayor's campaign?-- That's right.

50

And what - would you care to elaborate in relation to that?-- Oh, well, he told me that he had driven 18 hours a day for six weeks. He'd driven around a sign - a big sign.

This is Mr Stevens told you?-- Mr Stevens. Mr Tony Stevens, yes.

Yes. When did he tell you that?-- For the Mayor. Well, Councillor Sarroff and I went up to Darlington Park to see him.

All right. Well, subsequently, are you aware that Mr Clarke did declare in relation to driving around large mobile advertising sign a sum of 20,000 to \$40,000 being an in-kind amount?-- No.

10

You're not aware of that?-- No.

And that that was done on the 11th of April - this is by letter - the 11th of April 2005?-- No.

Now, can I ask you about some matters which have been mentioned concerning your conduct and this is really from Roxanne Scott. I'll just raise these matters for your comment in relation to your conduct during the election. That you, at a pre-poll on Friday, the 26th of - this is just prior to the election - that you stood for most of the day, addressed people entering the Southport Library polling booth in a loud voice and making false allegations against her?-- Ah, well, I don't know about most of the day. I spent some time over at Bundall. I would have spent some time over at the library at Southport but certainly in pre-polling, I could not have spent much time of the day there for that fortnight because I did my own postal votes personally and I was driving around. We were getting dozens of postal votes a day and I was driving and getting those signed.

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30

Now, that pre-poll, would that have been the 26th of March?-- Well, pre-polling goes on, I think, for about 10 or 14 days prior to election where there's areas that people can pre-poll in.

Well, it's suggested that this was a pre-poll on Friday the 26th, so that must have been Friday, the 26th of March?-- Yes.

40

And so you say that you weren't there for most of the day?-- Absolutely.

What about the allegation that - suggestion that you made false allegations against her?-- Sorry, what - what were they?

Well, that's all I can give you in relation to that but let me put to you a number of other false statements said to have been made by you. "Roxanne is under investigation by the CMC and will receive thousand dollar fines next week"?-- And this was the 26th of March?

50

No, well, this is prior to the election?-- Definitely not.

That you placed an advertisement in the Gold Coast Bulletin on the 26th of March 2003 stating, "Dawn's naïve opponent is just

a puppet in a power play plot." Do you remember-----?-- Well, what had happened there was The Bulletin had front page, "The King Maker", and so it was all happening on the 20 - 25th and yes-----

1

Is that when the Ray involvement was-----?-- Absolutely.

-----disclosed?-- So, yes, we put an ad in the paper.

So, what, you're saying that your position was that it wasn't an untrue statement to make?-- It wasn't an untrue statement to make.

10

That's the way you saw it?-- Absolutely.

Yes. On another occasion on the 23rd - this is presumably the 23rd of March and also on election day at Southport High School, you said, "I have 90 per cent of the vote now." And that this was a false allegation as no poll had been taken and you wouldn't know and you were making statements you had 90 per cent of the vote now. Do you remember saying anything like that?-- I probably said 90 per cent of the postal votes.

20

Right?-- Because, as I say, that's what I'd constantly do at each election, postal votes.

Right. And so did you say that in connection with the postal votes?-- Probably. I could have. I don't remember

Yes, I don't think I need to - did you say this, that it was illegal to vote for Roxanne?-- Well, no, because that is incorrect. Why would it be illegal to vote for her? Why would it be? She'd nominated.

30

I gather that the allegation is this, that you had attended a meeting in which you had said that it was illegal to vote for Roxanne because she did not live in division 6 and it would be a wasted vote. Did you ever say anything like that?-- No. I - I don't believe so. You don't have to live in your division.

40

So you didn't say it?-- I don't believe so.

Now, can I ask you, do you have a copy of your return there?-- No.

Could the witness see Exhibit 4 - have a copy of her return from that exhibit, Exhibit 4? Mrs Crichlow's return - final return. It's in folder 1, I'm told.

50

Now, you were taken through the donors which you showed on your return in the more recent interview with council investigators. Do you have a copy of the transcript there or not?-- Yes, I-----

It doesn't matter if you don't?-- Yes, I do.

It's at page 8. You might just like to keep that open?-- Yes.

Some of these you disclosed, donors, were developers. Just indicate, would you please, which of the donors are developers?-- Raymar Corporation.

R-A-M-E-A-U?-- R-A-Y-M-A-R.

Sorry, thank you?-- Corporation.

Yes. That was \$200?-- Yes.

10

Yes?-- Well, Rameau Realty, they're a real estate office. I don't-----

R-A-M-E-A-U?-- Yes. I don't know if they're developers.

Yes. Delmay-----?-- No, that's my brother.

Right?-- He's not a developer.

20

Yes. Nev Pask Group?-- Yes, Nev Pask Group is a developer.

\$2,000?-- Yes. Merriton Group is a developer.

Yes, we might come back to one or more of these but yes-----?-- Ingles Group.

-----that's \$5,000?-- Yes. Ingles Group.

Yes, \$5,000?-- Yes. That's it, I believe.

30

All right. And according to this, your total funding, apart from any funding provided by - out of your own personal finances, was \$34,650. Is that-----?-- Well, it does - I'm not - it's not added up but-----

All right, well-----?-- -----yes.

I think that arithmetic is right?-- Yep.

40

\$34,650. In addition to that, Mrs Crichlow, could you tell the Commission whether or not you expended any amounts out of your own personal funds?-- Look, I really can't remember. I really can't remember because I - probably did. I've certainly rented a house there and things like that, so the answer would be yes.

Yes. Well now, one of the donations made there, in particular from the Ingles Group, was the subject of questioning in your more recent interview, and that appears at page 9. Would you have a look at page 9 of 21?-- Yes.

50

And you see that you were asked a question there, "Have you ever voted on any matter where these developers have made financial donations to your election campaign fund have been involved when you've been sitting in Council either on any of those committees or sitting in the Council itself." Could you just tell us briefly rather than me read it, could you tell us

briefly what stance you took in relation to the Ingles Group that you have mentioned?-- Yes. There was an application came to Council for a subdivision in the Coomera area-----

1

Is this subsequent to the election?-- Absolutely.

Yes?-- It was early this year and to me I couldn't recognise this application at all, anything to do with the Ingles Group. It was just private people, like two different names, as the applicant and as the owner, and so I was unaware that this was an application by the Ingles Group, and yes I voted on it like it was just a normal application.

10

And it was brought to your attention by a journalist that in fact it was owned by the Ingles Group?-- That's right, yes.

Right. When did that happen?-- I think probably a few months after that, probably a few months-----

You say here about six months ago?-- Yeah.

20

Six months ago?-- Well, it was probably - it certainly wasn't within a week of the application or anything. It would be a couple of months later, I believe, and it was in the paper that I had voted on the matter to do with the Ingles Group.

Right?-- And I certainly was unaware of that.

So you were unaware of it, and what did you do once you became aware of it?-- I wrote to the paper and they put in an apology.

30

Right?-- And I moved in Council at the next planning meeting that in the future all applications that come must have the applicant, the owner's name at the time of application, and the owner's name on the day that we're judging that matter-----

Yes. Sorry, I cut you off?-- Because this particular application, the owner changed some 14 - 16 months beforehand. The Ingles Group had bought it 14 or 16 months before, and yet the owner of 16 months ago was shown on the application when it came to Council.

40

Now, what would you have done if you had known that it was the Ingles Group?-- Declared an interest.

Declared an interest?-- Yes.

And what?-- Left the room.

50

Left the room, not voted?-- That's right.

Now, is that - I just wish to understand your position in relation to this. In those circumstances, I assume you are not saying that you would have a material, personal interest?-- No, conflict.

So that you wouldn't have to declare it on the register?-- That's right.

1

And you wouldn't be required by law to not vote?-- That's right.

Right. So is this really a reference to Section 229 of the Act and that provision which says in relation to a councillor's role that one must ensure no conflict between a private interest and an honest performance-----?-- Yes.

10

-----of the role; is that the provision that you-----?-- Look, I'm not sure whether that's the provision or not, but I believe that was a conflict.

You believed it was a conflict. Is that the ordinary situation - that is to say, is that what councillors do if they know of such a conflict, in your experience?-- Some do, some don't.

20

Some do, some don't.

MR DEBATTISTA: Well, Chairman, I do object to that question. There's no way the witness can give evidence as to what other councillors do when they perceive that there's a conflict of interest. It's not within her knowledge.

CHAIRMAN: Why wouldn't it be in many cases? She's sat on Council for the last 15 years.

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MR DEBATTISTA: She has, Chairman, but she's not aware of the existence of every other conflict of interest that every other councillors have, and the question was also framed not only in respect of the Gold Coast City Council but in respect of councillor everywhere and anywhere. She can't give that information.

MR MULHOLLAND: Well, no. I'm speaking about the Gold Coast City Council and your experience - one assumes that you speak to other councillors and you know what their attitude is?-- Yes.

40

What has been your experience insofar as your knowledge goes of the Gold Coast City Council. Is an interest declared in those circumstances and does the councillor not vote, or what happens?-- It's entirely up to the councillor. I mean, it's been tested in the papers. There's been accusations-----

Tested in the papers?-- Well, sorry, there's been accusations and in the papers the reply by some councillors has been: read the Local Government Act, don't have a conflict of interest, don't have to declare anything.

50

Right. Now, that would be a reference, would it, to the mandatory position?-- Yes.

Where there is a material personal interest?-- True.

So would it be the case that most councillors would, so far as you would aware, in such a situation vote?-- Yes.

1

Right. After declaring an interest at the Council meeting?-- They wouldn't vote after they declared an interest.

No, but - sorry. Not a material, personal interest, but they would declare the interest that they did have such as in your case that there had been a donation made?-- Yes.

10

So what I'm really asking you is is it in your experience the fact that a declaration would be made of such an interest in that sense and then the councillor would vote, or is it the case that councillors generally adopt the approach of not declaring the interest and voting?-- That's right.

Well, which is right?-- Not declaring the interest and voting.

Not declaring the interest and voting?-- Absolutely.

20

It would be the case, wouldn't it, that if in those circumstances, that is the circumstances peculiar to yourself so far as Ingles, let's say in a hypothetical example you had all 15 councillors - that's including the Mayor - who had received a donation from the same entity, whether it be developer or whoever, if they took your approach and declared an interest and left the room, well you wouldn't have a vote, you wouldn't have a quorum, would you?-- That's right.

So what - now, that's a hypothetical and maybe an extreme one - but what is your response to that?-- Well, I - I think, therefore, it's got to be, you know, maybe the law has to be changed, you know. Maybe later on down the track might come out of this Inquiry the changes that will stop something like that happening.

30

Well, what change would you like to see occur, from your experience?-- Oh dear oh dear.

Well, you may - you don't - need you to understand that the Commission is really considering these matters in two stages and there would be an opportunity for you to make submissions at a later stage that I'm sure the Commission would be interested in. Would you prefer to leave it to that time to make some written submission in relation to the matter?-- I would like to. I would like to.

40

Well, I'm sure the Commission would - the Chairman would appreciate you doing that. Can I ask you about another matter. Do you remember there being support in relation to certain candidates at the March 2004 election by the Gold Coast Licensed Venues Association?-- Yes.

50

And in particular - there may have been others - but are you aware that that Association supported Mr Clarke against Mr Baildon and Ms Douglas against Mr Christmas?-- I believe that's correct.

Well, now, what do you know of that happening?-- Well, the Licensed Venues Association gave me a piece of - a copy of a letter that was - that they said that they sent a return to the Council on - on their funding.

1

Right?-- And I went looking in the Council records. I went right through the current councillors and the - and the other candidates and there was no record on file of that return.

A return, what sort of return?-- Third party returns.

10

Right. Yes. Did you become aware of a pledge that had been made by Mr Clarke prior to the election?-- Well, once again, the Licensed Venues Association gave me a copy of a - of an email that they sent, yes.

And, essentially, this is-----?-- That was-----

-----before the election Mr Clarke had indicated that he believed in 6.00 a.m. closing and that this had been confirmed in an email of 16th of March 2004 from Mr Clarke to a Mr Paul Allen?-- I believe that's - that's - I don't remember that there was actually a time mentioned in that email but it could be correct. I'm sorry, I don't remember.

20

Well, you were provided with that at a later point; is that so?-- Absolutely.

In 2005?-- Yes.

30

And in circumstances where I should go on to say - and I'll provide this in a moment - but Mr Clarke had gone on to say in a PS which you would be aware of in that email, "Just to clarify the above, these are my personal beliefs and are not being aired here to gain votes by making empty promises; rather, I wanted to provide your group with what I'd like to do given the opportunity to return SP" - presumably Surfers Paradise - "back to the status it once enjoyed and still does in some parts of the world." That was-----?-- I remember that part, yes.

40

Right. Now, essentially, in ease case - I don't want to take too long about it - but in each case, so far as the candidates that were mentioned, it was a negative campaign against the two candidates that I mentioned?-- That's true.

And was it your point, then, that by the 28th of April 2005 Mr Clarke had called on the State Government to permanently implement a 3.00 a.m. night club lock-out across the Gold Coast?-- Yes.

50

Well, in effect, what has happened is that Mr Clarke has not gone ahead with such an indication but, in fact, later supported a 3.00 a.m. night club lock-out?-- That is true. That is true. At the pre-swearing in meeting he formed a committee for - to - for the night clubs in Surfers Paradise and he said he had already tested the waters and he believed

he could get support for - it was either 5.00 or 6.00 a.m. closing.

1

Is that after - that's just after the election, is it?-- That's right. Prior to being sworn in.

Right. Well, what happened in relation to that?-- I don't know what happened to those - that - the meetings of that committee that was formed. I'm not quite sure. You'd have to ask some people that were on those committees.

10

Had there been any publicity, are you aware, in relation to, or by the Licensed Venues Association prior to Mr Clarke indicating that he wanted to permanently implement a 3.00 a.m. night club lock-out?-- No, the advertising was done before the election, sorry.

No, what I'm really saying is that prior to the election Mr Clarke had indicated what his position would be-----?-- Yes.

20

-----to the Licensed Association, and then after the election there was some unhappiness, one gathers, by those associated with the Association-----?-- Yes.

-----with Mr Clarke not going ahead and implementing them?-- Yes.

Is that correct?-- And I - I think they even took out ads in the paper or something.

30

Right?-- They weren't happy.

And is that the circumstances in which you came to get the email?-- Yes.

All right. I'll ask you to have a look at the email and also the posters which you provided to the Commission. I don't think there's anything else I need to have you look at in relation to this. Is that the email and the two posters you provided to the Commission?-- That's the email and they are the posters, yes.

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I tender that, Mr Chairman.

CHAIRMAN: Exhibit 217.

ADMITTED AND MARKED "EXHIBIT 217"

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MR EBERHARDT: If I might have a look at the email, Mr Chairman.

CHAIRMAN: Email of 16th of March 2004.

MR EBERHARDT: I think there might have been a copy-----

MR MULHOLLAND: Yes, Mrs Crichlow, is there anything else that you wanted to add to what you have said in the interviews that you have had with the Commission or what you've said today?-- No, sir.

Yes, thank you.

CHAIRMAN: Yes, thank you. Mrs Crichlow, I understand you to say that it's your view that - or the approach you take is that you would not vote on any application brought by the Ingles Group having received a donation from them?-- Yes.

10

Is that the view that you say you suggest should be taken by all councillors?-- Yes, I think there is a change needed for this, and, yes, I believe it should have been that way. This is why there's been a lot of fighting over this issue. That's caused a lot of angst with the council over this particular issue.

20

How far do you personally take it? You've told us that you wouldn't vote on a development application that was brought by the Ingles Group. A thing like infrastructure charges that would affect all developments developing within the Gold Coast city area and that would presumably if those infrastructure charges were lowered would benefit the Ingles Group, would you feel that you have a conflict on that issue?-- No, because that's whole of city and infrastructure charges that's absolutely, you know, whole of city. Everybody pays for those deep down whether it be developer pays first of all. Everybody pays for those.

30

All right. But it would quite clearly be of benefit to developers if those infrastructure charges were lowered, and including the benefit to the Ingles Group if they were lowered. You wouldn't see that as causing a conflict of interest to you?-- No.

No. Okay. And what about when it's more specific things like an amendment to a local area plan, say, that where it's an amendment in an area that could affect land owned by a developer, say, land owned by the Ingles Group?-- Well, you know, in the local area plan you've got to listen to what the people want at the area, and they're the people that charge how the local area plan should be, whether it be for Southport or Paradise Point or whatever. The people decide that.

40

But, again, a change to a local area plan could be of great benefit to a developer who owned land within that area?-- I see your point.

50

Would you see that as an area where you would have to be careful to see whether you had a conflict of interest?-- I believe so.

Yes. All right. We might take the mid-morning adjournment now then for 10 minutes, thank you.

THE HEARING ADJOURNED AT 11.24 A.M.

THE HEARING RESUMED AT 11.39 A.M.

DAWN MARY CRICHLLOW CONTINUING:

CHAIRMAN: You first, Mr Radcliff?

MR RADCLIFF: It appears so now.

CHAIRMAN: I thought Mr Debattista was but then he sat down.

MR RADCLIFF: Yes, and he's welcome. Ms Crichlow, I am the barrister who appears for Mr Shepherd in these inquiries?-- Yes.

I just want to ask you a few questions. First of all, if I can deal with what we've called the Sunland rates circumstance?-- Yes.

I just want to ask you a couple of questions about that. As I understand it, the transcript which you've produced today indicates that Councillor Shepherd moved the final motion before the Council but the minutes of the Council suggests that Councillor Molhoek was the one who moved the final motion; is that correct?-- Absolutely.

Yes. And your own recollection is that you're not certain now whether it was Councillor Molhoek or Councillor Shepherd; you just don't know?-- Well, my secretary transcribed that.

Yes?-- The tape would still be, I believe, in the office. We don't-----

Can I just deal with the process at Council, that the transcript is made available to councillors within a period of say 14 days after each meeting of Council and it is then considered by the councillors so that they can deal with those minutes and, in fact, raise in Council at the next meeting if there's any errors that they find in respect of the minutes; is that the process?-- You're saying the printed minutes

Yes?-- Not - not the tape.

No, not the tape. The printed-----?-- Thank you. Yes.

The printed minutes?-- That's right.

So I'm getting your process right?-- That's right.

That you get the transcript and you get the minutes of Council meetings-----?-- No, no, I mean I would have got four or five transcripts over the last three years and I'd say most of the other councillors don't ask for tapes. You only ask for a tape if there's something controversial on it and - and then you want to listen to the tape to see what happened, and - and no, it might not be within a fortnight; you might wait six months.

1

I see. But in Council, I suggest to you that the reason that there are transcripts is that if there is something that you think might be wrong with the minutes you can then communicate with the full Council at one of the meetings and say, "Look, I think there was an error there because of this"?-- Absolutely.

10

Is that right?-- Absolutely.

And that's how it's used?-- You don't confirm the minutes; you've got to confirm the minutes, yes, you're quite right.

20

So the minutes have been confirmed by the Council at the next meeting and they were confirmed as being correct?-- Correct.

And what was confirmed by the Council as being correct is that Councillor Molhoek moved that motion?-- Correct.

And you've never considered the matter again since then with the view of correcting those minutes?-- Correct.

So the Council's records as far as we are concerned are now firmly to state that Councillor Molhoek moved that last resolution?-- Absolutely.

30

Thank you. Can I deal with a couple of newspaper articles now. You included this in Exhibit 3. Might I show-----

CHAIRMAN: Yes.

MR RADCLIFF: -----Councillor Crichlow this document, please.

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CHAIRMAN: Yes, that's part of number 31 - no, sorry, number 32 in Exhibit 3.

MR RADCLIFF: 32 I thought it was, yes. Councillor, we're showing you a volume of newspaper articles that have been relevant - some of which have been relevant, and we're showing you in particular-----

CHAIRMAN: Mr Orderly, if you turn it over there should be - this was made part of that particular document?-- Where?

50

Your counterpart must have put it somewhere else because it was made part of it. If you hand this over.

MR RADCLIFF: What you've been shown, Councillor Crichlow, is there's two documents. One is the transcript of the newspaper article and the one that you're just being handed by the

orderly now is the photocopy of the actual article with the photograph in it?-- Yes.

1

Yes, all right. Now, you are there next to Councillor Sarroff. You're one to the left; is that right?-- Yes.

Now, tell us how this group of individuals - sorry - in the photograph there is yourself, Councillor Sarroff, then to his right Councillor Young and to his right another councillor; is that right?-- Yeah, that looks like Susie Douglas.

10

Susie Douglas, yes. And the rest of them in that photograph were candidates for election?-- True.

And they are candidates who did not come to be elected; is that right?-- True.

Yes, all right. Put the article down for a moment. How did you come to meet on that occasion and for what purpose?-- Well, it had been in the newspaper on the 25th which is the date we met and I got a phone call to - from Eddy Sarroff and this was fairly - fairly early in the morning and I was at that time over at the Southport Library in the pre-polling, and I got a phone call to say well, this had come out about the king maker and he was calling - well, to call a press conference for the people who are not part of - of that bloc to come forward.

20

Yes. All right. Now, you and the others then formed a group of candidates for that election opposed to those who you perceived to be part of the king maker's group; is that right?-- I never formed a group with anybody. I've been independent all the time. Never formed any alliance.

30

Yes?-- What I did was at Southport Library there was a man standing there called Peter Keech and I said, "Would you like to come over. There's a press conference because it was in the paper today."

You acted to support other candidates in the last election, though, didn't you?-- No.

40

Well, I suggest to you that you did. You supported some candidates who were opposed to Council Shepherd, did you not?-- No.

Can you recall a candidate by the name of Jill Pead, P-E-A-D?-- I remember the name.

You gave her advice, didn't you?-- Oh prior to an election, when you're out and about, people are always asking if - so many people say, "I want to be a candidate. I'm going to stand for election," and sure you talk to everybody and you say, "Local government's local government" and that's it but no support.

50

You gave her no support at all, you're saying?-- Absolutely.

Right. There is another person, Guy Jones, who ran against Councillor Shepherd?-- No support whatsoever.

1

You gave him no support at all; all right. Now, I ask you turn your mind to that article about fighting for freedom?-- Mmm.

The authoress of that article is Alice Jones. Do you know that person?-- I certainly do.

10

Do you know also her mother, don't you?-- I do.

And what's her name? What's the mother's name?-- Valerie Jones.

Valerie Jones. What is your relationship with Valerie Jones? How do you know her?-- She had - the Gold Coast Sun had an office above my florist shop.

Yes. And you know her very very well, don't you?-- Well, naturally. I had the florist shop and she was upstairs.

20

All right. Now - and you have in the past provided information from time to time to Alice Jones in her capacity as a Gold Coast Bulletin reporter, haven't you?-- Yes, if any journalist rings me up for a comment I always comment.

Have you ever passed confidential information to her?-- I don't believe so.

30

You don't believe so?-- No, I don't - no, I haven't.

Well, you qualified that. What do - why do you say "I don't believe so" rather than a denial?-- Well, I haven't. No. The answer is no.

Now, if I can just deal with - I was dealing with that article. There was a number of candidates at - who I represented in that group who subsequently came to be in an informal group of candidates at the election. Do you recognise in your photograph - in that photograph a Mr Don McGinn; is he there?-- Yes.

40

Is Guy Jones there?-- I don't know.

Is Linda Brown there?-- I don't know. Well, wait there. Has it got their names here? Well, it must have.

I believe it's - if you look at the last column on your-----?-- Oh, yes, I see. Yes.

50

CHAIRMAN: I think you are being asked whether you recognise them-----?-- No.

-----rather than whether they are specifically there?-- No, I don't recognise those people. I recognised one, two-----

MR RADCLIFF: Can I go back a little. Wayne Skuthorpe was a candidate for Division 4, wasn't he?-- I kind of remember that name. 1

Yes, all right. Don McGinn was a candidate for Division 7?-- Don McGinn, yes.

Guy Jones, Division 9, which was Councillor Shepherd's division?-- But I don't - I don't know him if he's in this photo. 10

Linda Brown was a-----?-- The name Linda Brown comes from when she was the Concerned Ratepayers Association when the rates were going up.

Yes. Concerned Ratepayers of Gold Coast Inc-----?-- Yes.

-----was the name of this association. Did you have any relationship with that association?-- Oh, I went to a couple of their meetings because, I mean, I'm interested in what people's aspirations are and the first one I remember was - the first meeting I went was when Mayor Clark was there and I wanted to hear what he had to say. 20

You know also of the group called the Concerned Ratepayers Association?-- What's that? That's - that's them.

Sorry, that's the same association. I'll withdraw that. Another association called the Friends of Burleigh and the Friends of Currumbin?-- No. 30

You don't know of those?-- No.

The Australian Pensioners Association; do you know of those?-- Australian Pensioners - is it Australian Pensioners and Superannuants Association?

I only know it as Australian Pensioners Association?-- Well, I go every Christmas and - and their anniversary to the Australian Pensioners and Superannuation Association, if it's the same. 40

And do you recall at this election that a group of candidates all sought to - all sought to be elected under the banner of the Concerned Ratepayers Association of the Gold Coast, as a team. Do you recall that?-- No, I don't.

Look at this document, please. It is an exhibit and I can't - I've been trying to find the number of it. 50

CHAIRMAN: Is that the one of the 26th of December?

MR RADCLIFF: No, it's undated but it's - I'm holding it up. It has been tendered.

CHAIRMAN: Oh, you tendered that.

MR RADCLIFF: Yes, it has been tendered. I'm just trying - if anyone at the Bar table can help me with the number I'll give it to you in a moment. 205; thank you. Can you recall seeing this advertisement placed in the local press?-- No, I would've taken no notice of it.

1

Why do you say that? It wasn't of - wasn't-----?-- Well, I mean, election time is really busy and I would've taken no - it says down here, "Authorised by Kevin Oliver".

10

Yes?-- I know him.

How do you know him?-- As - he's about 90 years of age and he - he was the one that - I think he chaired that meeting and - because his valuations - or the valuations that year before went up sky high and - and the meeting was called, like, they formed a group to - this is the Concerned Ratepayers - to try and have a say in changing the rating system that Council uses. It just uses a - you know, the UCB and they wanted to change to another way of rating if they'd lived in their house for 15 years or something; so that's what this organisation is.

20

Right. Did you - you had no association with them?-- Not at all, except I went to two meetings - one or two meetings.

All right. At page 8 of 21 in your statements - it's your second statement or second record of interview - you particularised for Mr Mulholland a few moments ago those who you suggested were property developers?-- Yes.

30

What do you say about K & H Dart? Are they property developers? They own properties in Southport, don't they?-- They own the Court House Hotel opposite my office.

Yes. Are they property developers as well?-- I don't - well, I don't believe so.

All right. You've particularised \$12,000 of \$34,000 being moneys which have been provided to you by developers?-- Yes.

40

And you don't see any difficulty with that that a Councillor can receive donations from property developers?-- Not at all as long as you declare it.

Providing that it's properly declared; that's right. I have nothing further of the witness, thank you.

CHAIRMAN: Yes. Thank you, Mr Radcliff.

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MR DEBATTISTA: Thank you, Mr Chairman. Ms Crichlow, I'm representing Councillor La Castra here today, just so you understand that?-- Yes.

Ms Crichlow, I understood you to give an answer to Mr Radcliff just a moment ago that you'd never assisted or formed an

alliance with any other candidate; isn't that so?-- Here - out of this election, yes.

1

All right. What about at previous elections?-- At previous elections - well, in the year 2000 I was unopposed and I handed out for a candidate, yes.

All right. Now, it's true to say that the candidates you handed out for were a Mr Bob Morris and Mr David Childs and Mr Bob Janssen; is that correct?-- No, only Mr Janssen - Mr Janssen.

10

All right. Did you give any support to Mr Childs at any stage?-- No, no.

Did you give any support to Mr Morris?-- Except the same thing as I said before: if they came and asked me a question where there was a polling booth or where it was, I'd answer it, but the answer's no.

20

All right. In relation to Mr Janssen, he was the candidate running against Councillor La Castra at that election, that's the case, isn't it?-- Yes.

And you handed out how-to-vote cards for him for a significant portion of the day?-- Oh only - I believe only an hour - only an hour. It certainly wasn't a significant portion. I took a lady with me and it was probably an hour - I don't remember it was any more than an hour.

30

Do you recall the name Mr John Dixon?-- Yes.

Now, Mr Dixon - what's your relationship with Mr Dixon?-- Oh he - he's my campaign - sort of a coordinator, yes.

Did you arrange for Mr Dixon to also hand out how-to-vote cards against Council La Castra?-- I can't remember. I can't remember that.

Is it possible that you might have spoken to Mr Dixon about the fact that you were going to be handing out how-to-vote cards against Councillor La Castra?-- You're testing my memory now, this was in the year 2000. I really don't remember.

40

All right. Now, I understand from your answers to Mr Mulholland earlier that your evidence was that when you were at pre-polling booths and other booths handing out how-to-vote cards or soliciting support for yourself at the 2004 election that you were not always silent, is that correct?-- I'm not always silent, that's true.

50

You in fact would say things either to promote yourself or to encourage people not to support your opponent, is that the case?-- Basically I think - look, at the election booths, right, they had the people coming in to vote so why would you spend time wasting - to rubbish anybody - what you do, you say Depend on Dawn. Vote 1. Depend on Dawn. That's what you

want them to hear as they're going in to vote hopefully for you.

1

So you would - so what would you say then to the suggestion that at - whilst you were handing out how-to-vote cards at your - one of your own booths - that you would make comments that Roxanne Scott was receiving hundreds of thousands of dollars from developers?-- Oh that's absolutely incorrect because I didn't find out for sure until the 25th of March, two days before the election because all the time prior to that that were denying it all.

10

All right. Now, I do understand from your answer there that you're saying you are now aware that Ms Scott received hundreds of thousands of dollars from developers?-- Not at all. Sorry. No.

No. Do you deny that you made comments pointing at a Roxanne Scott how-to-vote card to the effect of, "You don't want that"?-- Oh look, I could have said that.

20

It's the sort of thing you might have said?-- I was too busy saying Vote 1 for Dawn, you can depend on Dawn.

But you accept it's the sort of thing you might have said?-- Maybe.

You've accepted, I believe, that you were - or an ad authorised by you referred to Ms Scott as being naïve, is that the case?-- This is the ad I've just seen earlier today?

30

Yes?-- Yes.

And also indicating that she was endorsed by both the local State Labor Party Member of Parliament and also the local Liberal Federal member of Parliament, is that the case?-- Well, I'd like to see the ad again but I could say that in her election material there was a photo of herself with the Federal Member of the Liberal Party and also the State Member for the Labor Party actually sent out right throughout the area a recommendation to definitely vote for Roxanne Scott.

40

All right. And you made a comment I believe in this ad also to the effect that the major parties want to dominate the Gold Coast City Council?-- Well, can I have a look at the ad?

I'm not sure which exhibit it is, Mr Chairman. It's part of the bundle in Exhibit 3, I'm told?-- Oh this one.

CHAIRMAN: No, no, that's not it. I don't know that that was tendered, Mr Mulholland, do you know?

50

MR MULHOLLAND: No, I did - I did tender it.

MR DEBATTISTA: Mr Radcliff tells me he thinks it's in Exhibit 3.

CHAIRMAN: No.

MR WEBB: Could I suggest it be tendered, Mr Chairman.

CHAIRMAN: Well, if someone's got it to produce it I'll take it as a-----

MR WEBB: Mr Mulholland's got it, I think.

MR MULHOLLAND: 216, I'm told.

CHAIRMAN: That's a memo from Mr Finlayson to Mr Mulholland.

MR MULHOLLAND: But also I think there are-----

CHAIRMAN: Oh yes. 217?

MR WEBB: Well, if Mr Mulholland won't I'll ask him for it and I'll tender it and we can move on.

CHAIRMAN: Mr Webb, I've already indicated that if it comes forward I'll receive it as a witness. I don't think it's a matter of Mr Mulholland not being willing to.

MR MULHOLLAND: I have a copy here. This is the one I think.

CHAIRMAN: Yes. No, it's not part of 217.

MR MULHOLLAND: I thought it might have been but it wasn't.

MR DEBATTISTA: It's not currently part of any exhibit, Chairman, is that the circumstance. I'll formally tender it at the end of this witness. Just take a look at that, Ms Crichlow.

CHAIRMAN: Can you describe it for the record - what is it, it's an ad?

MR DEBATTISTA: It's an advertisement in the Gold Coast Bulletin dated Friday, the 26th of March 2004 and it's an advertisement put in by Mr John Dixon who Ms Crichlow describes as her campaign manager?-- Yes, this came about - this came about as I said when the - in The Bulletin on the 25th there was the King maker and so it was now out in the open that there was things happening and so this ad was put in - put in the paper - yes.

All right. Now, you make the comment in there that the major parties want to dominate the Gold Coast City Council; that's correct, isn't it?-- I didn't - I didn't write this by the way.

But it's put out by your campaign manager, isn't it?-- Yes. Yes. "The fact is the major parties want to dominate the Gold Coast City Council and they are prepared to fight for it but on their terms," and saying I'm independent. Yeah.

You don't see any logical contradiction in saying that Ms Scott is endorsed by both a Labor Member of Parliament and a

Liberal Member of Parliament and then going on to say that the major parties want to dominate the Gold Coast City Council?-- And she was a Member of the Liberal Party.

1

You don't see any contradiction in her being endorsed by a Labor Party Member of Parliament and a Liberal Member of Parliament and then saying that a major party wants to dominate the Gold Coast City Council?-- No.

And do you accept that the statement that, "She is a naïve opponent and just a puppet," would be negative advertising?-- It'd be positive advertising for me.

10

All right. Well, let's turn, in that case, to Exhibit 149 if we can. Could that be shown to the witness - I'm sorry, I'll formally tender that as well, Chairman.

MR MULHOLLAND: Can I just substitute this and have my copy back? Stay there, stay there. Thank you.

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CHAIRMAN: All right. That advertisement of the 26th of March 2004 will be Exhibit 217.

MR WEBB: 18, sorry, Mr Chair.

CHAIRMAN: Thank you.

ADMITTED AND MARKED "EXHIBIT 218"

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MR WEBB: Might I see it? Thank you.

MR DEBATTISTA: Ms Crichlow, you've had an opportunity to look at that ad. Now, this is something that was put out by the Southport Citizens for Change during the course of the election. That's the case, isn't it?-- Which ad?

40

I'm sorry. Could the witness be shown Exhibit 149?-- Thank you.

Can I just ask you to look at the newspaper clipping which is contained on that sheet of paper, Ms Crichlow?-- The ad, yes.

Yes. Now, I just want to confirm with you that the newspaper article is factually correct in that Premier Peter Beattie did in fact make a comment to the effect of telling you to "get out of the gutter". That's factually correct, isn't it?-- Well, only because he was upset because I said he'd spent the \$2 million dollars on the Schoolies first of all because his twins were going to be there.

50

And you don't resile from that comment?-- No.

All right. And do you accept that advertising putting out that comment by you and the Premier's response would be fair

advertising material?-- Well, this is misleading. It says, "Dump Dawn Southport Citizens for Change" so I find that absolutely misleading-----

1

Well?-- -----the voters because there's no such organisation - or if somebody could show me - Southport Citizens for Change. So this is absolutely misleading and they're playing on the fact of "get out of the gutter Dawn", you know. That's not the kind of thing I'd do.

10

All right. Well, leaving aside the group which you claim no knowledge of - leaving aside the group, you don't dispute that The Bulletin article was published, do you?-- Not at all.

No. And you don't dispute that those comments were made by the Premier and you don't dispute the comments that you made that led to the Premier making his comment, do you?-- No. The Premier likes the headlines.

Well, is the answer to that yes or no, Councillor Crichlow?-- What was the question?

20

Well, you don't - you accept that you made that statement and that the Premier also made that statement in response to that?-- That's right.

All right?-- That's right but it wasn't underlined in the - in the newspaper.

No, that's fine?-- Somebody has underlined it here.

30

I just want to return, sorry, briefly to the matter of the 2000 election when you say you handed out how-to-vote cards against Councillor La Castra for about an hour or so?-- Yes.

Now, I want to suggest to you that when you were doing that, you were making a number of comments to the effect of, "Don't vote for that La Castra"?-- I can't remember.

Is it the sort of thing you might have said?-- I don't believe so.

40

Councillor Crichlow, you were one of the people to refer matters to the CMC that precipitated this investigation. That's right, isn't it?-- One of the many, I believe, yes.

This isn't the first occasion that you've asked for the Gold Coast City Council to be investigated by the CMC, is it?-- Are you speaking about the City pack?

50

Well, I'm asking you whether or not this is the first occasion that you've asked for the Council to be investigated by the CMC?-- I - I believe - I believe not, yes.

Right. And in fact, you've also asked for it to be investigated by the CJC, it's predecessor body?-- That was the CJC. It was the City pack software package that the CJC investigated, yes.

All right. And you also, in 1996, asked for the Council to be sacked and an administrator appointed, didn't you?-- That was after the amalgamation, possibly I did, yes.

All right. Now, you were opposed to amalgamation at the time, weren't you?-- Absolutely.

And amalgamation, nonetheless, went through?-- Yes, it did.

Well, I want to suggest to you, Councillor Crichlow, that you supported the appointment of an administrator because you were unhappy with the political decision to amalgamate the two Councils. Is that the case?-- No, not at all and I think I've been proven right that it should not be amalgamation, it is too big. This City is too big.

Well, that's a political decision of yours?-- Mmm.

What I'm suggesting to you is, you failed to get your own way on a political issue and your response was to call for the Council to be sacked?-- Well, no, not really because the amalgamation happened in 1995.

All right. But that was the issue that precipitated your asking for the Council to be replaced by an administrator, isn't it?-- I don't remember. I don't recall, sorry.

Councillor, you became aware, didn't you, during the course of 1997 or 1998 that Councillor La Castra intended to seek Liberal preselection for the Federal seat of McPherson, didn't you?-- Yes.

And as a result of that, you sent in an application to the Liberal Party in order to join it, didn't you?-- No. I phoned up and a man from the Liberal Party actually came to my office and picked up the application form.

All right. So you applied to join the Liberal Party-----?-- Yes.

-----at about that same time?-- Yes.

And it was your intention, was it not, to vote against Councillor La Castra in the pre-selection if possible?-- No, not at all. I joined the Liberal Party - I wouldn't have been able to vote. I think it was made clear at the time. You had to be a member for some - I went purely because I would be allowed to go in there and hear the aspirations - I love people's aspirations of what they want to do with political life. Councillor Grew was also standing for pre-selection and that was the only reason that I joined it, to be able to hear their aspirations.

So you deny absolutely that you went there with the intention of causing any trouble for Councillor La Castra?-- Absolutely.

Now, do you deny that you attended functions in the lead up to that preselection and specifically asked people not to vote for Councillor La Castra?-- No, I deny that.

1

Now, you were in fact ejected from the preselection - that's the case, isn't it, Councillor?-- Yes. What happened was I was in there, I got in all right and then I saw Councillor La Castra speak to a man on the microphone and I was asked to leave the room, and I said well, I had the membership. They said, "Your membership has not been accepted" and I left.

10

Well, you were physically escorted out of the room, weren't you, Councillor Crichlow?-- No, I wasn't physically escorted out of the room. The same man that had accepted my money - he's a tall thin man, I forget his name - he said, "No, we didn't accept your application." Yes, one of the candidates-----

Well, we don't-----?-- -----one of the candidates had-----

20

That's fine, Councillor Crichlow. We don't need to go into that.

MR WEBB: Is this really relevant to the matters that are concerning this inquiry?

CHAIRMAN: I'm not seeing it, but-----

MR DEBATTISTA: The relevance is this, Chairman. There's a longstanding antipathy between this councillor and others and that's relevant as to how this material - or as to how various allegations have made their way to the CMC.

30

CHAIRMAN: So? So where does that take us?

MR DEBATTISTA: Well, I'm happy to move on, Chairman.

CHAIRMAN: All right. I hope they gave you your money back?-- Yes, they did. The cheque was in the mail. I should have asked the question I've got written, is it relevant, on my hand.

40

MR DEBATTISTA: Councillor Crichlow, you've made other claims also, haven't you, you've made a number of claims about there being corruption in this council, in Gold Coast City Council, haven't you?-- I don't remember.

All right. Well, would it be correct to say that you've appeared on the Peter Dick and Ros Davey Breakfast Show on 4BC on the Gold Coast?-- They often ring me up for comment, yes.

50

And is it possible that you may have talked about corruption in the Gold Coast City Council on one of those particular programs?-- Oh, look, I don't remember. They ring me up - they rang me up for the brown paper bag reporter for the CMC one morning. They gave me the brown paper bag reporter. So I don't remember, I'm sorry, Mr Chairman. I can't remember.

Would it be fair to say though that you've had in the past - made comments about there being a great deal of corruption in the Gold Coast City Council?-- I don't believe - I don't like that word and I don't know - I'd rather not say that.

1

All right. It's fair to say that there's no such allegations contained in the statement?-- Well, you know, I usually like different words to corruption.

Well, what sort of words do you prefer to use, Councillor Crichlow?-- "Smelly."

10

I don't think I found that word in your statement either. I'm sorry, it is there, actually.

That's all I have for this witness. Thank you, Mr Chairman.

CHAIRMAN: Yes, thank you. Mr Fynes-Clinton?

MR FYNES-CLINTON: Just a couple of matters.

20

Councillor Crichlow, I'm here for the Local Government Association, which is interested in just a couple of matters arising out of your evidence concerning this question of conflicts of interest. As I understood your evidence - and if I'm wrong, please correct me. Is it your personal belief that if a councillor has received a donation from a developer then there's always a conflict of interest on matters concerning that developer afterwards?-- Yes.

30

And is that something which you've developed based on advice from others, or research, or is it just a personal feeling that you have?-- Oh no, it's certainly - it's only personal. It's certainly not research.

Now, dealing with this sort of conflict, and of course it's your position that it should be declared, you'd agree with me, wouldn't you, that if a council has received a donation from a developer, they've already declared it, haven't they?-- Oh yes.

40

So it's your view they should declare it again, or is the existing declaration enough?-- Well no, no. It was - the existing declaration isn't in the room every time, you know, a statement's been - or a conflict has been declared. It's not there. It's filed away in the CEO's office and nobody remembers after three months usually.

So you'd agree with me that it is a publicly accessible document, isn't it?-- Oh, absolutely.

50

Just to clarify another point. You gave evidence when being questioned by counsel assisting that if you had known that the particular matter in which the Inglis Group was involved - did actually involve them, that you would have declared an interest and walked out?-- Yes.

Now, just so we're clear. Was that on the basis that you personally stood to gain or lose by the application or just because of your belief there's always a conflict?-- That's right. I didn't stand to - anything.

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All right. So you'd agree that that's not a situation where the Act requires you to leave the room?-- That's right.

It's just your personal belief?-- Absolutely.

10

Two more things. Would you agree or disagree with the proposition that questions, disputes and debates about whether a conflict exists or doesn't exist are a common feature of Gold Coast City Council meetings?-- Yes, you're right.

In your experience, and if you can't answer, please don't, but in your experience is that the same for other councils or do you think Gold Coast is sort of out in a league of its own in that regard?-- I think it happens at a lot of councils, yes. I believe.

20

But that's just based on some sort of a general impression, you don't know other councils well?-- Oh well, I do. I mean, I know other councillors and you know, in the years I've been round, yeah, it's - yeah.

All right. And the final thing is this, just for clarity. With respect to those donations which you received from developers and others, did you make any declaration to the public before the election about the sources of your funding?-- I did, the Gold Coast Bulletin asked each and every one of us to declare it and yes, that was published.

30

I think it's in the evidence that was just before the election. Is that correct?-- I think about a week before, was it? A week or a few days before the election the Bulletin got in touch with us all to declare.

That was in response to the request from the Bulletin?-- Yes, it was, yes.

40

Yes, Chairman. Thank you.

CHAIRMAN: Thank you.

MR NYST: Councillor Crichlow, just on that Ingles matter, do you remember what the issue was that you voted on?-- It was a subdivision at Coomera, yes.

50

Was there anything contentious or controversial about it?-- No.

It was just following the officer's recommendation, was it?-- I believe so, yes.

Right. And even in those circumstances, had you known you would have walked out, would you?-- Yes.

1

Right. It's not that you'd see any problem about accepting money from developers; that's right, isn't it?-- That's right.

It's - in this case it was just a matter of had you known you would have walked out?-- Yes. And I think it's fixed up now that - you know, it's open and clear now.

10

Right. Now, the application actually went through in a name that you didn't recognise?-- That's true.

And that has happened from time to time throughout your period in the Council, hasn't it, that applications come in in names that you don't recognise?-- Oh absolutely.

And it's for that reason that you have more recently now moved to say, "Well, look, we want to make sure that the applications are in the correct name and so it's quite"-----?-- At the time it's being assessed, it had the correct donor's name, yes.

20

All right. You don't make any case that Ingles had done anything untoward or anything in bringing it in that manner?-- Not at all.

It was just the way it had occurred?-- It hadn't been picked up. Well, it was a policy that was incorrect.

30

And sorry, was your motion carried about changing this policy?-- Yes.

Right. But prior to that, this quite often happened that you would get these names through that weren't properly representative of the people that were backing the application?-- Well, we wouldn't have known, see.

All right?-- Only - it was brought to my attention in the paper.

40

Yes. And you quite innocently missed it because you didn't understand or realise it was Ingles, the Ingles Group?-- It was in the previous owner's name of 16 months before.

And as you say, that had happened regularly over the years leading up to-----?-- Well, I haven't - I haven't analysed it all, how many times it's happened.

50

Yes?-- But obviously there was that case and I think at the same time I think Devine also had another application.

Right?-- That was also in somebody else's name at the same time.

Yes. I think we're dealing with - we heard some evidence about a matter of Down Lane which was-----?-- Yeah, that was the name. 1

-----a company - Down Lane, was it?-- That was the name.

And that wasn't a name that you recognised either?-- No, it wasn't on there. Sorry, it wasn't on there. It was in the name of Putford or Putland or----- 10

Something else, was it?-- Absolutely.

All right. But these are innocent mistakes on your part. You just didn't recognise the name?-- Yep.

Okay. Now, when you spoke to the CMC in March last year, you had a tape-recorded interview, didn't you?-- Yes.

And you talked about Council generally. You had by then been in Council nearly 10 years?-- What, last - last year? 20

Yes?-- No, that's something like 14 years.

Oh sorry. When did you first-----?-- '91.

'91; I'm sorry. So it's been approximately 14 years. And your experience with Council in the Gold Coast City Council has been - there's often quite animated debate in the cut and thrust of Council affairs; is that so?-- Just normal debate. 30

People have strong views one way and the other?-- Yes.

And you've never been frightened to speak your mind, have you?-- No.

Neither in Council or publicly?-- That's right.

But generally, your assessment of it if I could perhaps refer to something you said in your first interview with the CMC - this is at page 11 of the 11 of 14 interview - you said this, "There's no - there's been no upheaval here. It would be different if it had been a really hostile Council but there hasn't been. Sure, there's some issues that we argue on and developments and things like that, but on most policy issues we do set the policy all right." Do you remember saying that?-- Yeah, whereabouts is that? Oh yeah, I see. 40

That's page 11?-- Yeah.

And that was your view as at March last year, was it? 50

CHAIRMAN: I think it's March this year, isn't it?

MR NYST: No, I think it's March-----?-- It's March.

I think it's March last year?-- Last year.

March '04, 31st of March '04?-- Yeah, I was talking about the previous Council. You know, I was talking here - I'm saying that Sahiel - we're talking about developers and - and Sahiel was in the paper saying "We love you Gary but pull your councillors in line." I mean, there's no upheaval here. It would be different if there was really a hostile Council. I'm talking about the previous Council.

1

Oh the previous council. And is your view generally expressed there - that's in respect of the previous Council?-- Yes.

10

Is it still so in respect of the current Council in the sense that you have issues that you argue on but generally you're able to get on with business and set policy and so forth?-- No, it's different now.

It's different now. And what's the difference?-- The difference is what happened since the last election, quite frankly.

20

But are you now not able to do business?-- Absolutely.

And why?-- Why? Because here it says, "We love you Gary but" - and - and it was different really. It wasn't a hostile - it hasn't been - because you could always go to the Mayor and you could always talk about issues and things like that and you sort it out like, you know, straight up. Since the last election, prior to every Council meeting there is a meeting in the Mayor's office of just those selective Chairs.

30

Sorry, can I just stop you there. Have you been to any of those meetings?-- No, because I'm not a Chair of the committee.

You're not a what, a Chair of-----?-- A Chair of the committee.

Oh there's a meeting of all the Chairs of the committees?-- That's right. Absolutely different now.

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All right. And so that's the difference, is it?-- That's the main difference.

Okay. All right. Well, look, now just going back then to the Sunland discount issue, if I could deal with that briefly?-- Yeah.

You said to my learned friend Mr Mulholland that that would normally be dealt with by delegated authority?-- Absolutely, and that had been dealt with by delegated authority-----

50

Okay. And-----?-- -----and they've refused it.

Dealing with matters by delegated authority, does that mean that the Council officer just decides himself or does he-----?-- No, he has a policy he's got to adhere to and this discount didn't come under the policy to allow a discount.

Okay. I'm interested in the issue of delegating authority. If there's delegated authority, does that mean that the - rather than it going to a committee, it goes to the officer in consultation with somebody else?-- No, not at all, just the officer.

1

Just the officer alone. I mean, there are some examples of delegated authority, aren't there, during the Christmas period, et cetera?-- Yes.

10

But that involves consultation between the Council officer and other people, does it?-- That's a different thing. That's with the Mayor and the CEO have delegated authority, and that's basically on your planning issues.

Okay?-- Not to do with discounts.

Yes, I understand. So, what you're saying, in terms of discounts, it would ordinarily, on your understanding, just go to the Council officer himself to make the decision-----?-- Absolutely, yes.

20

-----finally - okay. Now, in this case, it went to the committee and you put - sorry, there was a vote to give the discount at committee level and then it went on to the Council; is that right?-- That's right.

Now, you said to Mr Mulholland that you spoke for all the reasons why this should not be allowed and others spoke on it as well. I think you went on to say there was debate. So, there was some considerable discussion, wasn't there, a lot of people advocating one way and the other?-- This is at the full Council meeting?

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Yes?-- Yes.

Right. And you put some good, strong arguments forward, didn't you?-- Well, you've got a copy of that.

Well, we don't have a full transcript of it, though, do we?-- Yeah, that's the - that was the one that I'd written on, wasn't it?

40

Yes, but I saw the document that you had but that's not a full transcript, is it?-- Of that particular item, yes.

Is it?-- Yes.

Okay. In any event, there was strong debate, people putting strong views forward at that meeting; is that so?-- Well, it's four pages, I think. It's four or five pages.

50

Yes, well-----?-- Well, that's not real strong debate, I don't think. I think there's only four or five of us that spoke on it.

Well, I'm only - I'm relying on your evidence. You say, "I spoke for all the reasons why this should not be allowed. Others spoke on it as well. There was debate."?-- Yes.

1

And is that what happened?-- Yes, sure.

And did you put what you felt were some strong arguments forward?-- I believe so.

Right. And you said, amongst other things, that there was no precedent for it, and so forth?-- Absolutely.

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And ultimately when it was put for a vote, you said Councillor Power voted with you on that?-- He did.

And that vote is simply taken on a show of hands at that point, isn't it, those for-----?-- Yes, but then he voted against it.

Pardon?-- Then he-----

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Yes, we'll come to that in a minute, but those for, everybody puts up their hands; is that right?-- No, we called a division. So they have to name those people.

Yes, but they put their hands up and then they name them, don't they?-- Yes.

Right. So, it's - we're calling a division, okay those for, and people put their hands up?-- Yes.

30

And the Mayor says, well that's a so and so count-----?-- No, CEO, CEO.

Pardon?-- CEO reads it.

The CEO?-- CEO.

Reads it out, okay?-- Yes.

40

And then they say, okay, those against, and the others put their hands up and they're nominated and put on the record?-- Sure.

So when - after you'd finished your debate, the call was put out: well, who's for, and up went a number of hands and amongst them was Power and also Pforr?-- Yes.

Right. At that point, it was seven six, and then you raised the issue with Mr Betts, and he left?-- Yes.

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Putting the numbers back to six six; is that right?-- Yes.

But the people-----?-- No, it was still seven six. I mean, the vote was taken seven six. So I lost.

Yes?-- I lost.

The motion was lost?-- The motion was lost.

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Right?-- So therefore somebody else had to say I want to move that the discount be allowed, and it was prior to that vote being taken that Mr Betts - well, Councillor Betts left the room.

Right. The motion was lost and then the alternate was put up, wasn't it, and voted on?-- That they got the discount, yes.

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Yes. And that was always going to be passed, wasn't it, because of the numbers?-- No, not really, no. If Councillor Power and Councillor Pforr had have stuck to their original one, the discount would have been lost.

No, it would have gone to Councillor Clarke, wouldn't it?-- No, I don't believe so because you had seven six and then you had one leave the room, so that was six all. So, therefore, no, if you added two on to the six - two on to it, that was Pforr and Power, they would have lost the motion.

20

No. If it had have been six all, it would have gone to - passed the vote for - deciding vote for Councillor Clarke, wouldn't it?-- Sorry, you are right. You are right. It would have been six all and-----

It was always going to go that way, wasn't it?-- Well, no, because the Mayor by rights in all fairness should have held the status quo and that was that it would - the precedent would be set and so therefore the discount shouldn't have been allowed.

30

I'm not asking you whether the Mayor - whether you agree with the way the Mayor voted or not. What I'm saying is on the numbers, at that point your motion was lost - your motion was lost?-- My motion, yes, and then Councillor Betts left the room.

And it was then always going to be just a formality, wasn't it, because if you then went to a vote, it would go to the casting vote of Councillor Clarke who's made his position quite clear and it would be passed?-- No. Well, he should not have made his position clear because on a casting vote you should - he should have stood with the policy and no discount should have been allowed. You know, I've seen mayors over the years, they don't-----

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Sorry - no, let me just interrupt for a moment.

CHAIRMAN: Let her finish, please.

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WITNESS: Mayors over the years, they - like, Councillor Bell when he was the Mayor, you know, it wouldn't have mattered how important it was for him to support this discount, he would have said no because under our policy the discount is not allowed, so therefore I've got to vote to disallow the discount.

MR NYST: Yes, but he's already voted the other way. I hear what you're saying. You're saying he should not have voted the other way. I understand that. I understand what you're saying?-- He'd been part of the six.

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That he, Councillor Clarke, had already voted the other way, hadn't he?-- He'd been part of the six. But I'm saying if it was Councillor Bell, even though he'd voted as part of the six, he would have turned it over on his casting vote.

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Well, you're saying Councillor Bell would not have voted as part of the six; he would not have departed-----

CHAIRMAN: I think the witness isn't saying that. The witness is saying that Councillor Bell would have changed his vote. He'd have voted - approached it differently on his casting vote to his original vote.

MR NYST: I heard her say that, but I'm just going back to something that's been said previously.

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You're saying, aren't you, that Councillor Bell would not have voted that way in the first place; he would have-----?-- No, I didn't say that.

-----maintained the status of the recommendations?-- No, I'm not.

Of the policy?-- No, I'm not saying that. He could have voted as one of those six, but then when it came to his casting vote, he would have then said, well, the policy of the Council is to disallow this and so I'm sorry, even though I voted to allow it, I'm - I have to overturn that.

30

Okay. Well, can you understand somebody - can you understand somebody thinking at that stage when it was 6/6 with Councillor Clarke in favour and having the casting vote, that your amendment was lost?-- No.

You can't. Thank you, that's all I have.

40

CHAIRMAN: Yes, Councillor Betts.

MR BETTS: Councillor Crichlow, you mentioned just before that The Bulletin asked each and every one of us to declare funding before the election. Where did you get that information from?-- Well, it was written in The Bulletin that they had been in touch with the candidates and the councillors to declare where they got their funding from.

50

And do you recall them printing that they had - they had said "each and every one of the councillors and candidates"?-- Do I recall that? No. All I recall is the fact - I remember it was in the paper that they had asked the candidates and councillors to declare and I declared. I hadn't - I didn't

read about anything else after that and I didn't take any notice of who had and who hadn't to be honest with you.

1

Well, what would your comment be if I tell you that I never received any information from The Bulletin asking me for any declaration of funds before the election?-- Well, maybe - I don't know. Maybe you didn't answer the phone or maybe they didn't do it. I've got no idea.

Right. So it could be that they didn't ask everyone?-- Well, I'm sorry, I can only say that I read that they'd asked for people to declare their donations and I only took notice of myself.

10

So it was based on what you read in the paper?-- Absolutely.

Okay, thank you. In your transcript - earlier in the cross-examination, you were talking about your position on corruption. You said that you wouldn't use that word-----?-- Not really.

20

-----you would use the word "smelly"?-- Yes, I don't - I don't really like the word.

In your - in your transcript of your interview from the 31st of March '04, on page 12 of 14, you mention - where you're talking about Mayor Clarke and his intention to bring in Jim Soorley as an advisor just after the election?-- Oh, yes.

And you go on to say the whole thing was "smelly". Are you trying to put across a point there that you felt that that was corrupt to bring in Mr Soorley?-- No. No, I don't lie that word, no. Smelly is all right.

30

Yes, I understand you like the word "smelly" but are you implying that that was corrupt?-- No, I'm not.

So you don't - you don't now say that your word "smelly" means corruption as you were saying earlier?-- That's what I'm saying.

40

Okay, thank you. Now, you consider yourself an outspoken defender of the public interest. Would that be correct?-- Not - not really.

No?-- No, I - I listen to what the people want but I don't have to be an outspoken - I listen to what they want and I try to react to what the people want.

So you're saying you're not outspoken about the public interest?-- I mean, I - well, I've read that in the paper "outspoken person". I don't think so. Quite frankly-----

50

I wasn't asking you what you read in the paper. I'm asking you your impression of yourself?-- I don't believe so. I just listen to the people.

Okay. So you believe you're not an outspoken-----?-- That's right.

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-----defender of the public interest?-- That's right.

Okay, fine. Councillor Crichlow, on a number of occasions both within Council and in media interviews, you've called for CMC inquiries - and this is only since I've been a member of Council - and also called for an administrator to be set up on the Gold Coast and have the Council sacked. What are the specific facts that lead you to make those statements?-- I've already answered that question earlier.

10

Could you just repeat them for me?-- No, I've answered the question earlier. It was to do with the amalgamation.

No, I'm talking about the 2004 election?-- Oh, you're talking about - yes. Well, with what's come out now, certainly.

And what's come out now? Could you-----?-- Well, this secret fund and the fact that members of it got money from that fund did not declare that they were part of it. They kept it hidden and it's in the interests of the public to actually answer questions, I believe, if journalists ask you, answer questions and not hide the fact. It should have all been disclosed earlier. There would have been nothing wrong with that if you had have said, "Right, well, we are part of this team and, yes, we're getting funding and yes, it's through a solicitor's fund." I can't see a problem with that. But it's the fact that the people of the Gold Coast were misled.

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30

So are you talking about individuals here or are you talking about the whole Council?-- I'm talking about the people who misled the people prior to the election.

Okay. So you believe that because some people - we don't know who because you haven't said - but some people, you believe, misled the public therefore the whole Council should be sacked?-- Well, I don't think a Council can operate on five or six councillors.

40

Five or six councillors. What do you mean by that?-- Well, that's all that would be left to be honest with you.

So you're saying that there's five or six councillors who haven't misled the public and the rest have?-- Is this relevant-----

Well, it is to-----?-- -----Mr Chairman?

50

That's why we're here, Councillor Crichlow.

WITNESS: We're not here-----

CHAIRMAN: This witness's opinion in the final result is not going to be relevant to me. It's going to be my opinion at the end of the day that will influence me, not this witness's opinion.

MR BETTS: Okay. The reason why I ask, Mr Chairman, is that my understanding is that Councillor Crichlow is one of the people who has put forward information to the Minister and the CMC and that's why we're here today and that's why I ask the question.

CHAIRMAN: Yes, but it's - at the end of the day, it won't be this witness's opinion that will be reflected in any report that we write.

10

MR BETTS: Yes, but this isn't about the final report. This is more about what Councillor Crichlow's reasons were for calling for the inquiry because there doesn't seem to be anything specific in her interview.

CHAIRMAN: The inquiry was not called on the basis of anything this witness said or on the basis of anything one individual witness said.

20

MR BETTS: Okay. Well, in that case, I've got no more questions then.

CHAIRMAN: But I'm wanting to give you leeway if you want to ask the question but I really don't know where it's going to get you and all you're doing is you're getting a lot of things that might perhaps be prejudicial to you said by this witness.

MR BETTS: Well, no, that's fine. She's answered the question so I'll leave it at that.

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CHAIRMAN: All right.

WITNESS: Thank you.

CHAIRMAN: Yes, Mr Pforr.

MR PFORR: I seek leave, Mr Chairman.

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Councillor Crichlow, my first question was in relation to the Sahiel Abedian debate?-- Yes.

A lot of the previous counsels have asked a lot of those questions but I'd just like to clarify a couple of points, if I may?-- Sure.

Was Mr Sahiel Abedian in attendance at the full council meeting?-- I don't believe so.

50

If I were to suggest to you that he was there and he actually spoke at the time?-- I don't believe so.

You don't remember anything that he may have said?-- No.

He wouldn't have said something like at the time that he had a very good rates record and that the reason he made this

approach to council was on that grounds, that he didn't want his good name and his good record being dragged through?-- No, I believe he - that was said in the newspaper and about all the rates and that, I believe it was me that spoke on the number of rates and things like that.

1

I'd suggest to you, Councillor Crichlow, that Mr Abedian was in attendance and I remember him being there. The other thing, on your amendment that you moved, Councillor Crichlow, there was a lengthy amount of debate on that, wasn't there?-- I think it was about five pages, or whatever - probably 10 minutes.

10

And Councillor Molhoek led a lot of the debate in support of - against the amendment?-- That's true.

After the amendment was lost, which I voted for your amendment, was there much debate on the motion then, Councillor Molhoek's debate?-- No, not much.

20

So in other words, after the lengthy debate, and the motion had been lost, a lot of councillors tend to change their vote and just move the motion, don't they and that occurs on a regular occasion?-- Not at all. Not at all. I would not have done it once in my lifetime.

Well, I'd like to question that, Councillor Crichlow. Prior to my time in the seat, sitting in there giving evidence, it was the week before with the coordination committee, there was a motion amendment moved and it was lost and I'm sure both you and Councillor Young changed your vote when the motion went up?-- Wrong.

30

I know there wasn't a division called at the time, but I looked to the left particularly to pay attention to that. I'll move off that, Mr Chairman. In your first statement, Councillor Crichlow, in March 2004, you made comment there that you didn't know me at all or hardly at all or-----?-- What page are you referring to?

40

Page 5 of 21?-- Yes.

What would you say if I suggested to you that we've known each other for - probably early 1990's?-- Oh, that was when you worked as a lifeguard at the council.

That was actually before that, that was '77/78 was when I became a lifeguard and yes, I did know you back then too. 1978, I became a lifeguard and I finished-----?-- Anyhow, this is not relevant.

50

I'm just suggesting to you in your statement, Councillor Crichlow, that you said you hardly knew me and that you had hardly any dealings with me, when in actual fact I knew you since 1977 right through to '82 as a lifeguard and then I further knew you as a builder and renovator when I worked and restored the heritage listed building in your inner office in council?-- Well first of all I didn't know you between '77 and '82, so I thought you were a lifeguard after that and I

thought you must have been one of those lifeguards that we -
twice a year in the old Gold Coast we used to go out and
assess the lifeguards for their, you know, performance and
they get voted - they get judged on it, but I certainly didn't
know you between '77 and '82.

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Well as you've just stated, you often come out and watch the
lifeguards do their tests and you don't make yourself known at
those times?-- Sorry, when were you a lifeguard at the
council?

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'77 to '82?-- Well, I certainly wasn't a councillor then and I
certainly wouldn't have gone out looking at lifeguards prior
to being a councillor.

You're correct there. But you made mention that you knew me
as a lifeguard, so you must have known me when you were in the
florist shop then?-- No, no, I only pursued - pardon?

When you were in your florist shop. Were you in your florist
shop at that time?-- I was not in my florist shop in '82, no.

20

So you knew of me as a lifeguard then? Is that correct?-- No,
not at all.

Well, you made mention at the start that you knew me as a
lifeguard in council?-- No. I presumed you were a lifeguard
between '91 and 2005. I didn't presume you were a lifeguard
that long ago.

30

Thank you, councillor. So you've clarified that point. Can
we get back to the early 1990's when I did restoration in your
inner office. Do you remember me then?-- I'm sorry, which
inner office?

Your office where you currently are in Southport, the Heritage
building, in your inner office?-- And you did that in 19-----

In 1990, early 1990?-- I'm sorry, I didn't go into my office
until '90 - till '96.

40

And that's when I would have done the work, Councillor
Crichlow?-- Well, I wasn't there when the work was being done
in my office, so I've got no idea and you've never mentioned
that to me in any conversation we've had.

Councillor Crichlow, can I suggest you were in and out all the
time because I was doing work, and you spoke to me on several
occasions and I was on first name basis with your PA at the
time.

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CHAIRMAN: Mr Pforr, I'm having trouble even finding anywhere
in this page where you say Ms Crichlow says she didn't know
you.

MR PFORR: She said she hardly knew me, Mr Chairman.

CHAIRMAN: Where's that?-- I met him on a couple of occasions when they did the extension to the building.

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MR PFORR: Only meeting with-----

CHAIRMAN: 131? Yes, I see that, but this hardly knew you? Really, does it matter much?

MR PFORR: Well, it does, Mr Chairman, in relation to - further on I'll get into a question in relation to me coming to her as I have done in November '03, and asking her her opinion on whether I should stand for council and it leads to a long association with Councillor Crichlow, probably further than some other councillors that I've known.

10

You also then went on in your time as councillor when I was President of the Southport Surf Club, to give me a number of helpful hints in relation to saving the Main Beach pavilion. In fact, you actually supplied me with minutes of council meetings, of previous council meetings with Councillor Bell and other councillors in support and actually attended a rally that was held on the State election at Southport in support of the surf club being given control over the Main Beach pavilion. Is that not correct?-- I arrived on a motor bike.

20

That's correct, you were going to the Bikies Day Out at Parklands, I remember?-- That's correct.

So in other words, over that period of time, my three years at the surf club as President, you often made contact with me even though you weren't councillor for the area?-- I can remember at the - going to the opening of the extension that was done to it, I can remember going to the rally maybe one or two other occasions. That's all I remember. I often go there for breakfast downstairs still today.

30

Every Sunday morning, mostly, you and Desmond on most occasions there for several years, you did?-- I go there probably once every three months.

40

But you're a regular attender there, aren't you?-- Once every three months.
Thank you?-- On a Sunday morning.

And Main Beach wasn't in your area at the time, was it? There was a reshuffle after?-- Well, could you give me a date?

Well, it was certainly not in your area when I was in 1999?-- That's right.

50

So Main Beach still had - you still had affiliation with Main Beach because it was in your area at some stage?-- It was in my area until 1995, I believe, and then was a move - a redistribution of the boundaries and the people at Main Beach because I had created Tedder Avenue - protested the change in boundaries because it was Southport Surf Life Saving Club, Southport Yacht Club - anyhow, it's not relevant, I don't think, Mr Chairman.

I'm moving on-----

CHAIRMAN: I agree with you.

MR PFORR: I'm moving on from that - I'm moving on with that, Mr Chairman.

Councillor Crichlow, in your statement on your second statement that you did in November '05 - I think it's page 11, sorry - you made a comment in relation to, "Well, I didn't support Councillor Pforr. He came in to see me once because he knew me"-- Sorry, what was that page again. It's not 11.

10

Page 2 of 6, is it. Yes. Page - line 11, page 2 of 6, in the second half of that November statement?-- Yes.

Can I suggest at that meeting we spoke at length, I came into your - I've made several phone calls to your office? I've actually spoken to you, because early in the morning normally you picked the phone up. I did make an appointment on the 11th of November and came in and saw you and spoke at length at that meeting. It doesn't say it in your statement, Councillor Crichlow. I'm just referring - you only had a couple of lines to say in relation to that appointment?-- Yeah and how many appointments did you have with me?

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We spoke several times on the phone. I only had one appointment where I actually came in and spoke at length. That was at 11.00 a.m. and at that meeting, I showed you my CV; do you remember that?-- And what date was that, sorry?

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12th of November - Wednesday, 11.00 a.m.?-- Well, my - you know, I wanted to have a look at this and whether it's relevant or not. My - in my diary and in my secretary's diary, it's the 6th of December.

In my diary I've got it down for the 12th of November at 11.00 a.m. but you're quite-----?-- Okay. Oh 12th? You said the 6th.

40

-----happy that I came in and spoke to you at length?-- Yes, and it's on the 6th of December.

I beg to differ on that, but that's fine. At that meeting I gave you a dot point CV of myself?-- I believe so, yes.

And we went through it dot by dot and you were quite sort of critical of it because it was in dot point form and you suggested it needed to be fluffed up a little bit and offered Henry Lack's telephone number and contact details. So you basically were supporting my potential candidacy, weren't you?-- No, not at all. I had so many people get in touch with me and over the years, I've quite frankly given Henry Lack's mobile phone number to many people, because he is a publicist and he sells this house to win an election and I give people his phone number and so it did not mean-----

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But you just hadn't made that comment before that you'd given Henry Lack's number to everybody else that you'd spoken to like David Childs and everybody else?-- No, no, no, I'm talking about over the years. I'm sorry. Over the years.

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So then Councillor Crichlow, I proceeded to contact Henry and we had a number of emails back and forward and Henry did help me, so that's fine. Can I just refer you to the meeting on the 25th of March 2004 - the photo in the-----?-- Sure.

10

-----press that Councillor Sarroff actually called and seemed to be leading the way on that? At that particular press conference, you heard Councillor Sarroff and you were in the room last week when Councillor Sarroff was here, that he invited some; Councillor Young invited some and you invited some; can you just tell me and I'll read out a few names, whether you invited these particular people? Did you invite Anne Bennett?-- No.

Anne Bennett was a previous employee of Council and I understood that she was a candidate for Division 3 which stood against me; is that correct?-- Yes.

20

So did you know Anne?-- Not really. Not really. I'd heard the name and I met her once at the library, so no, the answer's "No".

So you didn't invite Anne?-- No.

You didn't invite Jill Peat?-- No.

30

You didn't invite Guy Jones?-- No.

Did you invite another candidate and now Councillor, Suzie Douglas?-- No.

Did you invite John Lang?-- No.

Did you invite Peter Keech-----?-- Yes.

40

-----you did. I think I heard you before, yes. And Karen Coates?-- No.

Don Magin?-- No.

Linda Brown?-- No.

So in actual fact the only person you invited was Peter Keech?-- Yes.

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Councillor Crichlow, given your other - you've - in your final return, you've stated all your election gifts-----?-- Mmm-hmm.

-----are they the only funds you received in the-----?-- Yes.

-----2004 election?-- Yes.

So you've not received any further funding before and after the 2004 election which you have not declared?-- No.

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Okay. So you've always - you've declared all funds in all elections?-- I believe so. Yes.

In your gift declaration for 2004, one of the donors is the Meriton Group?-- Yes.

That is Mr Harry Trigaboff I believe?-- Yes.

10

Has Mr Trigaboff ever asked for any particular favours-----?-- No.

-----or special treatment from you as Councillor?-- Yes.

Has Mr Trigaboff ever given you - has given you any particular favours?-- No.

That's fine. Thank you, Councillor Crichlow?-- Thank you.

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Thank you, Mr Chairman.

CHAIRMAN: Thank you.

MR NYST: Mr Chairman, there's one matter if I could refer to - raise it. Councillor Crichlow, is it the case that in April 2004, you had sought to become a member of the Economic and Cultural Development Committee, but failed to-----?-- Yes.

30

-----be put onto the Committee and that was - there was some public comment by you about your favouring that regard; is that correct?-- Well, probably at that time, because after all, for the four or five years before, I had chaired the Property in Dispute Advisory Committee, the International Relations Committee and I'd started Medical Tourism on the Gold Coast, so that's the economic - naturally I had a liking for this kind of thing.

40

Yes. And you felt that you were being kept out because the then Chair of that committee, Councillor Grew had a personal dislike of you; that was what you felt, is that-----?-- Yes.

-----right? And did you, following your failure to get onto that committee, did you make some public statements about it?-- Oh look, I can't remember at the time and I did say "Yes" to April 2004. Well, we'd only just gone on to the Council and so that would have been determined behind closed doors in the pre-swearing in meeting.

50

Right?-- So that would have been probably before that, so that was behind closed doors, Mr Nyst.

All right. But-----?-- We're not allowed to comment on things that happened behind closed doors.

Right. But did you make some public comments though to the press about it?-- I believe I tried later on that year to get on the Economic Development Committee again and I thought it was more like August/September-----

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Was it? Okay. Well, you might be - you might be well correct?-- Yeah. And I - the vote didn't go my way.

Yes. And you were upset about it?-- Oh, I get - I don't get upset any more.

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Okay. But did you make some statements to Alice Gorman, the news reporter, to the effect that, did you say that you were now vowing to bring down the Gold Coast City Council, as a result of being refused membership of that Council?-- No. I don't know. I don't know, but she certainly is a good reporter, that girl and usually what I say is what gets reported.

Okay. Well, I'm referring to a news article, purporting to be under her hand, headed "Dawn threatens to bring down Council" and the lead paragraph being, "Councillor Dawn Crichlow has vowed to bring down the Gold Coast City Council after being refused membership of a Council committee". Do you remember saying something to that effect to her?-- I don't. Show it to me and I'll read the whole article and I will see if it's in the context.

20

I will. Yeah. Yeah. All right?-- That would be good. Thank you. Yes, I remember this article.

30

Sorry?-- Yes, I remember this article.

And does it correctly quote you there?-- Yes.

It does? Now this was - is it fair to categorise it a personality conflict between you and Councillor Jan Grew?-- Well, look, I hoped it hadn't gone on like that. I'd wanted to get on the Economic Development in the pre-swearing in committee meeting. I tried again six months later and wasn't successful and after my history of what I'd done for Medical Tourism, I think it was more - you know - it was - I was prepared to go on a committee with somebody who - maybe we did have a personality clash, but I was prepared to over - you know - like be on that committee.

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And you felt that she, for personality reasons, had shut you out?-- Yes.

And is it correct that you, as a result of that, vowed to bring down the Gold Coast City Council?-- Oh look, I never made it - I've read that - and I never made that appointment. I guess I was just - you know how it is - you want to do something. You don't get it, so you-----

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Yes. I'm not at this stage asking you whether you were intending-----?-- Well I'd said that that was true.

-----to do it or not but did you say that?-- Yes. I said before I said that. You know, that was -----

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And you went on to say, "I demand that I be honoured. Nobody else has been knocked back from going on to a committee in the past"?-- True.

And you said, "I insist so strongly that if this doesn't happen I will be going to Minister Desley Boyle to call in an administrator and I can because I believe that this council have acted unlawfully or corruptly"?-- There's that word again.

10

Well, it's not a word you normally use but-----?-- Look, it is. I mean, if you want to be on a committee you should be allowed to be on a committee. It's as simple as that.

Okay. But just-----?-- Our committees used to be-----

-----sorry, just let me stop you because I -----?-- -----our committee, sorry.

20

-----for the time being just listen to me a moment. Did you say that?-- Yes.

Right, you did say that. So, I'm sorry, you go on and explain and if want?-- Well committees in the past have always been about seven - seven on a committee. In the pre-swearing-in - a committee meeting was - the officers said seven should be on a committee but, no, the council has decided four was enough for most committees.

30

All right?-- So it was very, very difficult.

All right?-- And I think you should be allowed on any committee. You know, after all you are representing a section of the Gold Coast and every committee should be open for every councillor who wants to sit on it to be on it.

Okay. And you felt that as a result of a personality conflict you were being shut out?-- Well, yes.

40

And on that basis you were vowing to bring down the Gold Coast City Council and complain to Minister Desley Boyle about unlawful and corrupt conduct?-- That's what the article says.

Thank you.

CHAIRMAN: Did you want to tender that article, Mr Nyst?

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MR NYST: Yes.

CHAIRMAN: Exhibit 219. And the date of it?

MR NYST: It's undated - my copy - I have no date at all.

CHAIRMAN: So it'd be what - you say, August/September of last year?-- Yes, I think that's when I believe it was.

MR NYST: We'll find out.

CHAIRMAN: Yes, thank you. 219.

ADMITTED AND MARKED "EXHIBIT 219"

CHAIRMAN: Was there anyone else? It's just if there is no one else we might be able to finish this witness.

MR WEBB: I wanted to rise to say I have no questions for Councillor Crichlow. But it's drawn to my attention that this secretary's transcription didn't make the exhibit list.

CHAIRMAN: Yes. I was going to ask Mr Mulholland about that.

MR WEBB: Well I'll tender it. I'm not eager to tender something but-----

CHAIRMAN: Well we'll make that Exhibit -----

MR NYST: Could I just, before it goes in - it's been called a transcription and it's been said that it's a full transcript. It doesn't appear to be. I was looking for the part about Councillor Betts being asked to stand down.

CHAIRMAN: Yes, I-----

MR WEBB: I said it's a secretarial transcription and I was tendering it on that basis. I'm not saying it's a-----

CHAIRMAN: I thought I read that part.

MR NYST: Well I couldn't find it.

MR WEBB: No, it's in the-----

CHAIRMAN: Anyway, we'll put it in as the transcript made by -----

MR WEBB: No-----

MR NYST: Such as it is.

CHAIRMAN: -----Councillor Crichlow's secretary.

MR WEBB Yes.

CHAIRMAN: It's not an official transcript.

MR EBERHARDT: Sir, I have some questions. I notice the time however.

CHAIRMAN: You have questions? All right, well we'll resume at 20 past 2.

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THE HEARING ADJOURNED AT 1.06 P.M. TILL 2.20 P.M.

THE HEARING RESUMED AT 2.24 P.M.

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DAWN MARY CRICHLAW, CONTINUING:

CHAIRMAN: Mr Eberhardt?

MR EBERHARDT: Good afternoon, Councillor?-- Good afternoon.

20

You mentioned in response to some questions by Mr Mulholland a meeting that you had with a fellow called Stevens, Mr Tony Stevens?-- Yes.

And I think you said that Mr Sarroff was present with you for that meeting?-- Yes.

And who else was present for that meeting?-- Well, first of all, when we first got there, there was Jack or Joe, I think - I'm not quite sure whether he's Jack or Joe Stevens, and he met us and he spoke to us first; then we went into the office and Mr Tony Stevens was there. His - his wife was in and out. This Joe or Jack was there as well.

30

Did you tape-record that meeting?-- Yes.

Did you tell the Stevenses that you were tape-recording the meeting?-- No.

Why did you tape-record the meeting?-- Oh, to get an accurate record.

40

All right. Where's the tape?-- Well, I had one tape and Councillor Sarroff had his own tape.

All right. So you had two tape-recorders?-- Yeah.

Where is your tape?-- I believe my tape would still be in my office with my secretary.

50

All right. Have you checked?-- No.

Who prepared the transcript that you provided to the Crime and Misconduct Commission?-- My secretary did the transcript for me and I believe Councillor Sarroff actually did his own transcript in handwriting and I believe that my secretary probably typed that.

All right. Did you provide both the transcript prepared by Mr Sarroff and your own transcript to the CMC?-- I believe I did.

1

Were you ever asked to produce the original tape-recording from which those transcripts were made?-- I don't believe so.

When did you last see the original tape-recording that you made?-- Well, back on those - you mean the - sorry, the tape itself?

10

Yeah, the tape?-- Oh, the tape. I haven't seen it.

So you don't know where it is?-- Well, I would suggest it could be in my office.

Did you take positive steps to preserve it?-- Can I just answer that I believe that it is - would be in my office. I'm sure that nobody would have taken that.

Did you take some positive steps to preserve the tape?-- No.

20

So do you remember where you put it?-- I'm - I didn't have the tape; my secretary actually had the tape.

So you simply don't know whether or not it is still in existence?-- That's right.

There'd be no reason you couldn't make those inquiries, say this evening?-- Sure.

30

And let us know tomorrow if that tape is still in existence?-- Sure.

What about the tape that Councillor Sarroff made; did he keep that?-- I've got no idea.

Did you have any discussion with him about what he'd done with it?-- Not at all.

Apart from the tape-recording, did you make any other notes of that discussion with the Stevens?-- No.

40

Before you went there with Councillor Sarroff, did you discuss a strategy whereby you and he would secretly tape-record the meeting?-- Not at all.

Well, did you discuss or suggest with Councillor Sarroff that each of you would be tape-recording or should be tape-recording the meeting?-- No.

50

So was it purely coincidental that each of you took tape-recorders?-- No, I think we knew each other had tape-recorders, yes.

All right. Well, was that - was the fact that you each had tape-recorders the result of some discussion that you had had with Sarroff in which it was agreed between you that each of

you would tape-record the discussion?-- Look, I can't remember, sorry.

1

Well, it seems likely, doesn't it?-- Well, I don't know. Possibly. I cannot remember.

The reason you were interested to find out what the Stevens could tell you was because you wanted to further your campaign against Mr Clarke, the Mayor?-- Not true.

10

Well, what purpose did you have in going and speaking to the Stevens' about what you perceived to be some sort of contribution that the Stevenses had made to Mr Clarke's electoral campaign?-- Well, we decided to go up there because I've - I've been told by Councillor Hackworth that Mr Stevens donated strongly to Mayor Clarke's campaign.

Right. And you wanted to find out whether that was true or not?-- True.

20

And you wanted to take a tape-recorder so that you could preserve as evidence anything that Mr Stevens told you?-- Possibly, but it's not illegal to tape a conversation as long as you are part of that conversation.

You went to the trouble to find that out, did you?-- No, no, no. I was fully aware of that.

Right. So what was your purpose in getting that evidence, as it were, on tape? What were you going to do with it if you got the evidence that you were looking for?-- Well, I got to do with it what I did.

30

What, make your complaint about it?-- That's right.

And so that was your purpose in going there, wasn't it, to see whether or not you could dig anything up to make a complaint against Mayor Clarke?-- To see whether or not the comments made by the other Councillor were true.

40

But the reason you wanted the evidence was so that you could make a complaint against Mayor Clarke?-- No, not at all. No.

Wasn't it? That's exactly what you did as soon as you got the evidence, was it?-- Mr Chairman, I believe I've answered this question. It was so as to see whether information I had received was true.

It's a different question. I put to her that upon getting that information what she - was to make the complaint to the CMC, and the witness should be direction to answer, in my submission.

50

WITNESS: That was not until - well, I did, when I heard what - the comments that were made up there, yes.

MR EBERHARDT: So you went there with a tape-recorder in your pocket hoping to get information that could be used against Mayor Clarke; correct?-- If I got any information.

1

Incidentally, you were a very close personal friend, or are a very close personal friend of a former Mayor, Mr Baildon, aren't you?-- Well, I - I respected Mr Baildon.

You are a close personal friend of his, aren't you?-- I don't believe so.

10

You've socialised with him on many occasions?-- Oh, look, I see him probably at the Turf Club, at the markets, the farmers' markets, probably once every two months.

Has he ever been to your home?-- Once.

When he was the Mayor, he was a political ally of yours, wasn't he?-- He was - well, no.

20

You saw eye to eye on many things, didn't you?-- Not necessarily.

Oh, but - not necessarily but certainly on many occasions your views and his views about what was good for the people of the Gold Coast coincided, didn't they?-- Not necessarily. I supported Mayor Stevens for the mayoralty at one stage.

On many occasions your views about what was good for the Gold Coast community coincided with what - with the views of Mayor Baildon, didn't they?-- No, not necessarily. I really-----

30

I'm not suggesting to you that it was inevitably the case. Please listen to my question. On many occasions, your views and Mayor Baildon's views coincided, didn't they?-- My views coincide with what the people in - in my area want.

And on many occasions your views which reflect the views of your constituents coincided with Mayor Baildon's views, didn't they?-- Not - not so much more than anybody else's views on many - you've got to remember, everything is judged on - on a policy or an application or something like that, and honestly I cannot answer. You're talking about a Council that probably does about 20 - 20 - 160 items, I'd say definitely, a week. You know, it's - I really - I-----

40

You had no difficulty remembering in some detail specific items that you allege show some impropriety on the part of certain Councillors. What I'm simply asking you is this: is it the case that on many occasions you voted with Mayor Baildon in relation to issues that concerned you?-- Could be, yes.

50

Is it also the case that in relation to Mr - Mayor Clarke it would be an extremely rare event for you to vote in favour of a proposal that Mayor Clarke supports?-- That's not true.

Okay. In any event, you would agree with me, wouldn't you, that politically you have been at odds with Mayor Clarke since even before he was elected?-- Well, not really, because in August the year before, Mayor Clarke actually made a statement in The Bulletin that he would like to have me as his deputy, he sees me saying things as they are, and he would like to see me as his deputy. That was even though I had stated otherwise. So, no, that's not true.

1

Since his election, you've been politically at odds with him, haven't you?-- Only because of closed meetings with selected few.

10

You mean the chairman of various committees?-- That's correct.

And you felt left out; is that right?-- No, no, no, I say and I say quite clearly that 14 councillors are meant to be representing the whole of the Gold Coast. Nobody should - there's no such word as being left out. It could be a detriment. If you only have a certain element of Council making the decisions, well, what about the rest of the areas of the Gold Coast.

20

Look, you well know that the way it works is the committees are formed to discuss issues and make recommendations to Council which are then either adopted or rejected by a full sitting of Council; that's the way it works?-- Prior to full sitting of Council, I don't think so.

Okay?-- They're adopted or rejected at full-----

30

That's what I'm meaning. There are recommendations made by these committees which are then put to a full sitting of Council to be either approved or rejected; do you agree?-- That's right, at the meeting.

And that's when the other councillors who are not members of these subcommittees get the opportunity to voice the interests of the members of their electorate, don't they?-- The Chairs of the committee have already, most occasions, made the decision half an hour beforehand, before the full Council meeting.

40

They still need to be ratified by the full Council meeting, don't they?-- Yes.

So you have your opportunity if you're not a member of one of these subcommittees or committees to voice your dissent in the proper way in those full Council meetings, don't you?-- Not if a decision of the majority of councillors have already made that decision. You could debate till you run out of breath. If that decision has been made half an hour beforehand, you've got no chance; remember-----

50

I see. Well, in one of these particular instances, two people who initially voted against the motion in relation to the Sunland rates discount subsequently changed their mind after debate; you've given evidence of that?-- No, that was not

after debate. They changed their mind after Councillor Betts had left the room. There was no further debate to make them change their mind.

1

But you'd already had your say, then you'd raised the issue of a possible conflict of interest, so after you'd had your say, after you'd engaged in the debate, they changed their mind, didn't they?-- No, they changed their mind - they changed - the debate had been held. They voted not to allow the discount. There was no further debate after that. There was simply a man left a room. There was no further debate and they changed their mind.

10

Well, perhaps they had reflected on the merits or the relative non-merit of what you had to say?-- Well, I wouldn't know because I don't know what's in their minds.

Exactly. And in any event, you were put out because your views hadn't prevailed; is that right?-- No, not really, I'm used to that.

20

I see?-- It doesn't - I'm sorry, you are wrong.

Just as you were put out because you weren't included in the meetings that the Mayor quite properly had with the various chairmen of the various committees that have been appointed to assist him in an advisory way to run the Gold Coast?-- Not the various chairmen, all the chairmen.

And so this angst that you have towards Ron Clarke is a reflection of your feelings of being put out because you weren't allowed to participate in that subcommittee or that committee role; is that right?-- No.

30

That's certainly why you threatened to bring the Council down, isn't it, because you hadn't been allowed on to one of these committees?-- I don't believe that.

Well, that's what you said, wasn't it, in that newspaper article?-- But that's got nothing to do with Mayor Clarke.

40

Would you agree that the attitude that you displayed when you made that comment to the journalist was petulant?-- Mr Chairman, I don't know that word.

Well, reminiscent of a three year old boy stamping his feet and chucking a tantrum because he or she didn't get their own way; isn't that what was going on?-- Not at all.

And so you threatened, because you're not allowed on to one of these committees, to bring the government down; is that right?-- No, not at all. I didn't get on the committee which is a shame because the democracy of the Gold Coast City Council should be to allow everybody to sit on any committee they wish.

50

I see. So you could have the whole Council sitting on every committee?-- It wouldn't hurt, because, after all, you've got

to remember this Council is different to some, whereas we're all elected in our divisions, it's not like we're elected as the whole of city even though under the Local Government Act you are representing the city first, then your division section - second, but my residents in that area - and remember they're only represented by me, 15,000 people, I believe they're entitled to have their representative on any committee they wish.

1

And as a result of not being allowed on to one particular committee, you publicly stated and it was printed in the Gold Coast Bulletin that you intended to bring the Council down?-- And make an appointment to see the Minister of Local Government.

10

I see?-- Which I didn't do.

But you say that you weren't simply having a tantrum because you didn't get your own way?-- No, I was disappointed because, you know, people should be represented by their people the way those people expect.

20

All right. Can I take you now to the finance committee meeting in relation to the Sunland rates discount issue?-- Sure.

That was only one of two items on the agenda that day; correct?-- No, not correct.

How many other items were on the agenda that day?-- There were 12 items on the agenda that day.

30

And Mr Clarke remained for all 12 items?-- I can't remember.

You can't remember that?-- I can't remember. The meeting took one hour - one hour and one minute.

All right?-- And there were 12 items.

Do you remember what the other 12 items were?-- Well, basically, they were really probably - 10 of them might have been ratifying decisions by - made by other committees about extending finance, whether it's a tender for all the cars or a tender to build a new bridge or build a new dam and all those from other committees have to be ratified by the finance committee.

40

My question to you was, do you have a specific recollection of what those other 12 matters were?-- No, they were - as I said, they were matters that were brought forward from other committees.

50

Do you remember what anyone else in that meeting said about the other 12 matters discussed at that meeting?-- Oh, yes, we discussed whether they should be approved and went through the-----

I appreciate-----?-- -----as a matter of fact, I thought I had that finance agenda with me but it looks like I haven't. But there are 12 matters on it.

1

Do you specifically - I think you said you don't remember specifically what the matters were; correct?-- Well, there was nothing controversial about the other 11 items that were on that committee.

Do you also agree that you cannot remember the specific conversation that occurred in relation to any of those other 12 matters?-- It was ratifying payments. No, I can't remember.

10

No. Did you make any notes at the time, that is in the finance meeting itself, of the discussion which you've given evidence of today?-- I probably did, yes.

Well, where are they?-- Well, maybe back in my office.

20

What, you didn't bring them with you?-- About - you're talking about the other 11 agenda items?

No, no, about this matter?-- About this matter.

Yes, the Sunland rates discount matter. Did you make any notes, as these two civilian people, Mr David Brown and I think it was Anne someone or other?-- Jamieson.

Anne Jamieson was giving you this little presentation. Did you make any notes of what was actually said?-- Look, I - it is a practice of mine to make notes so I can only say that, yes, I believe I did.

30

Well, did you bring them with you here today?-- No.

Why wouldn't you bring those notes with you when you brought notes about virtually every other aspect you've given evidence on?-- But I haven't. I haven't. I've brought the minutes of the - minutes of the meeting and the minutes of - the agenda minutes - well, agenda minutes and the minutes of the full Council meeting. I haven't brought very much at all.

40

All right. Well, do you say positively that you did make notes of that finance committee meeting?-- No, I can't say positively.

Do you have any recollection of seeing any notes at any stage that you made during that meeting?-- No.

50

So would it be difficult for you to search your records tonight to see whether you made any notes?-- Not difficult. Not difficult.

Did you have a tape recorder running during that meeting?-- No.

The woman Alice Gorman, was her maiden name Jones?-- Yes.

Did you go to the wedding?-- Yes.

Were you referred to by her as "Auntie Dawn"?-- Definitely not.

You were a close personal friend of Valerie Jones, her mother, weren't you?-- Yes, I said earlier, she had the office upstairs from me when I had the florist shop.

10

You visited each other's homes?-- I've been to Valerie Jones's home once.

Has she been to your home?-- Yes, she has.

How many times?-- Probably about - over all that period of time?

Yes?-- Probably three times - or four times. I have karaoke nights and she likes them.

20

Right, there you go?-- And that's the only time so it's been karaoke nights.

But in any event, the relationship you had with her is close enough such that you would be invited to her daughter's wedding; correct?-- Yes, because Valerie Jones doesn't have many relatives here but, you know, that to me is beside the point.

30

Well, have you - were you in the wedding photos?-- I can't remember.

You can't remember whether you were in the wedding photos or not?-- No.

Come on, you must have some idea. Photographers lining you up, posing you in particular positions?-- No.

The wind blowing your hat off?-- I didn't - I don't wear hats.

40

You can't remember whether you were in the photos or not?-- Well, look, I think I did receive one or two photos after the wedding, I think. It was sent to me.

I asked you whether you were in the photos?-- In the photos? Well, yes-----

Yes, as part of the bridal party?-- No, I wasn't part of the bridal party.

50

I know that but were you in the photos. You know, some times when the photographer has finished taking photos of the bride and groom and the groomsmen and bridesmaids, relatives and close friends are invited to come in for a bit of a snapshot with the lucky couple?-- Yes, well, I've already said I believe I received two photos, maybe e-mailed to me, after the wedding, I believe.

Were you in those photos, were you?-- Well, they wouldn't have been photos of - they wouldn't have been sent to me if I wasn't in them.

Right, okay. And Alice Jones or Alice Gorman nee Jones was the Council reporter at The Gold Coast Bulletin; correct?-- Yes.

Who ran many and numerous articles trotting out your conspiracy theories against the Gold Coast City Council, didn't she?-- No.

10

CHAIRMAN: Well, that question-----

MR EBERHARDT: Well, I'll re-phrase it.

CHAIRMAN: -----has got a number of parts in it that assume-----

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MR EBERHARDT: I'll re-phrase it.

CHAIRMAN: -----the correctness of certain premises.

MR EBERHARDT: I'll re-phrase it.

She ran a number of articles, didn't she?-- Can I just say to you, please, this girls is a professional journalist. Her mother is a professional journalist. And she has - if you search the records back, her mother, so-called wonderful friend of mine, has at times written negative stories about me because they are true journalists.

30

Alice Jones wrote a number of articles in which your claims were aired?-- Well, naturally, because she was the Council journalist. She's the only one that's there.

And you didn't just confine yourself to waiting until she rang you for comment, did you?-- Oh, most of the time, yes.

40

Some times you would ring her, wouldn't you?-- Most of the time I am not the one that phones the paper.

Some times you would ring her?-- Oh, I guess so.

Why are you so reluctant to admit it?-- I'm not, I'm not, but you know, I don't have time all day - I'm looking after 15,000 people and I don't have time to think up, what I can do in the stories. Come on, let's get a story out in the paper. I'm sorry, that's not me.

50

But you do have time, it seems, to hand out how-to-vote cards for other people who are seeking election?-- Oh, that's only because - it was one occasion because nobody stood against me. I was unopposed and I love elections. I love people's aspirations and that was the reason for that.

Thank you.

CHAIRMAN: Anyone else? Yes.

1

MS HAMILTON: Thank you, Mr Chairman. I believe that the transcript of the tape of the finance committee has still not been tendered so I would formally tender that.

CHAIRMAN: I thought it came in as 220 just before lunch.

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MS HAMILTON: Was that-----

MR MONTGOMERY: Yes, it did, Mr Chairman. It came in at 220 as under the transcript of meeting prepared by Councillor Crichlow's secretary.

CHAIRMAN: Yes, perhaps I gave it a number but it was never produced.

MS HAMILTON: I don't think-----

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CHAIRMAN: I think that might have been the situation.

MS HAMILTON: All right.

MR EBERHARDT: May I just say that it seems to me that if the tape is produced that would be the best evidence. I know you're not bound by the rules of evidence but it's desirable for the tape to be produced.

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CHAIRMAN: But in the interim, that tape has been referred to today so I'll take that if the - sorry, the transcript has been referred to today so I'll take that. If the tape becomes available, I'll certainly take that as an exhibit as well. But I think it would be silly not to take the transcript when specific parts of it have been referred to in evidence already.

MR EBERHARDT: I don't think any parts have. I don't think any parts have. I simply asked her where the tape was. I didn't cross-examine her. I'm not quibbling with you but I'm simply saying that there was no cross-examination as to its-----

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CHAIRMAN: Well, I know parts have because I referred to a part of it myself.

MR EBERHARDT: I see.

MS HAMILTON: Yes, that's correct. Parts of the transcript were referred to in evidence. And I should indicate that arrangements are being made for whatever relevant tapes this witness has to be collected tomorrow. Could the witness be shown number 32 of Exhibit 3 again, please?

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CHAIRMAN: Has the hard copy of the transcript been produced to the Court - to the hearing?

MS HAMILTON: Of the-----

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CHAIRMAN: The transcript.

MS HAMILTON: Of the finance committee meeting?

CHAIRMAN: Yes.

MS HAMILTON: I'm not - you would have to ask the Orderly.

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CHAIRMAN: As I say, I suspect I gave it a number but I don't know that we received it. No, we don't so if you could hand one up, thanks.

MR MONTGOMERY: Mr Chairman, can I just clarify something? The committee meetings don't have a tape recording only Council does and those tapes are only kept for a period of time. It's just that you mentioned then it being a committee meeting.

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CHAIRMAN: Yes.

MR MONTGOMERY: And in fact, it's full Council that is recorded. And as a matter of practice-----

CHAIRMAN: You're right.

MR MONTGOMERY: -----I think it's about 21 days under our local law and then those tapes are generally destroyed. And I'll just refer to my learned friend there too because I think we were at cross-purposes on which tapes-----

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MR EBERHARDT: I'm talking about the tape of the meeting with Mr Stephens-----

MR MONTGOMERY: And you were talking about the tape of the Council meeting.

CHAIRMAN: Well, we were talking about both-----

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MR MONTGOMERY: Okay.

CHAIRMAN: -----because I think there was questions of the witness as to whether she had the tape of the-----

MS HAMILTON: Yes. Mrs Crichlow, do you believe that you still have the tape of the finance - the Council meeting on the 22nd of November?-- I believe that I should do.

50

Yes, all right, that's fine, thank you.

CHAIRMAN: Well, see what you have and if you've gone one or more or both of those tapes, well, we'll obtain them from you?-- Thank you.

MS HAMILTON: Yes. Mrs Crichlow, in respect of the group of persons shown there at the press conference, could you just indicate who in that group you do actually recognise?-- Peter Keech, Peter Young, Eddy Sarroff, myself, Don Magin and - she's a doctor - Dr Karen Coates and, at the back, John Wayne.

1

CHAIRMAN: Well, Susie Douglas became a Councillor later so, presumably, you at least know her now?-- Absolutely.

Did you know her then?-- I can't - yes, I did. I'd met her socially over the years.

10

Okay.

MS HAMILTON: All right. So they are the people in the group you actually knew at that time by face?-- Yes.

Yes, thank you. Mrs Crichlow, in respect of your publication of the donations you'd received prior to the election, could you just have a look at this newspaper article, please? Now, unfortunately, the only copy I have doesn't have a date but I'm informed it's the 26th of March, that is, just prior to the election. Do you recall seeing an article at about that time publishing the results of the requests that had been made?-- Yes, I can remember that they were published.

20

Yes. You'll note that it's headed, "Two weeks ago The Bulletin asked mayoral contenders, Gary Baildon and Ron Clarke and all councillors re-election and a number of key divisional candidates to release their political donations for the 2004 campaign." Do you see that at the top?-- Yes, I do.

30

Which would seem to indicate that not all divisional candidates were asked to-----?-- Yes.

-----release their information. Yes, thank you, I tender that newspaper article, thank you, Mr Chairman.

CHAIRMAN: That's Exhibit 221.

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ADMITTED AND MARKED "EXHIBIT 221"

CHAIRMAN: It's the Gold Coast Bulletin.

MS HAMILTON: Yes, it is the Gold Coast Bulletin I believe. Mrs Crichlow, do you have Exhibits 9 and 10 there?-- Pardon?

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Have you been handed Exhibits 9 and 10 as yet?-- Yep, 8 and-----

Yes, thank you. If you could go to Exhibit 9 firstly this "Information for prospective candidates" booklet?-- Yes.

Were you provided with a copy of that during the recent election?-- Yes, yes.

1

And I presume on previous occasions?-- Yes.

And in respect of Exhibit 10 the second - the booklet put out by the Local Government and Planning Department, have you seen that before?-- Yes, I have.

Are you familiar with its contents?-- Well, basically, yes, but-----

10

Yes. May I ask you what steps you have taken over the years to ensure that you are aware of the obligations upon you as a candidate to make declarations and returns?-- Well, to fill in the returns when they're - when they're due.

Yes, but how have you made yourself aware of what your requirements are in that regard? Have you spoken to people or have you read the material?-- I've read the material over the years and then use the - just filled it in, yes.

20

Okay. Mrs Crichlow, you indicated earlier in your evidence that it's different in the council now in respect of how business is done and, in particular, you referred to pre-council meeting meetings that the Mayor has with Chairs of the committees?-- Yes.

Could you tell us who are the chairs of the committees?-- Oh, dear. Councillor Atwood is chairman of Engineering Services, that changed its name at the 2004 election but it's gone back to Engineering Services, Councillor Power is Strategic Growth Management and also chairs the Coordination Committee. Councillor Molhoek is the Chair of Finance, Councillor - two, three, four - Councillor La Castra is the Chair of Community Services and Health now, they were combined after Councillor Robbins. And then you've got Councillor Shepherd is planning, Councillor Grew is Economic Development Major Projects and then Councillor McDonald Water Waste Water and that's it.

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40

Yes. And can I ask you upon what you base your observation that it seemed to you lately with this council that many decisions were made prior to the council meetings?-- Oh, absolutely. When - I mean, nobody's listening to the debate, nobody is listening - this council is totally, totally different. Can I just say this to you that - in the last council there was no food and no drinks supplied in the back room of council, you - so therefore there was no eating of food or drinking while the full council was on. It was - if you left the room you had to have a fairly good reason to leave that room to go and pick up a document or something, you bowed to the Mayor when you left the same way people are bowing here and you bowed to the Mayor and you left. It was a very serious - serious council meeting. Now - and the Mayor always wore his chains and what it used to happen was 10 o'clock on - on the Friday morning, what time it was, the CEO would run around and herd us all up before 10 o'clock, we must be standing behind our chairs-----

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MR EBERHARDT: Well, I just wondered what relevance this has-----

WITNESS: Well, it depends-----

MR EBERHARDT: -----the witness has made relevant objections a lot today, this clearly is irrelevant.

WITNESS: Okay.

MR EBERHARDT: Procedure may have changed, she might not like it but let's get on with it, please?

MS HAMILTON: Well, perhaps Mrs Crichlow could we get to the crux of the matter? Apart from the formalities you are saying that the style of debate or the way business is done has changed in your view?-- Absolutely.

And you attribute that to these pre-meetings?-- Absolutely.

Thank you. Could the witness just be shown Exhibit 2 and 6, please?

WITNESS: Thank you.

MS HAMILTON: Yes, Mrs Crichlow, if you could just go to the back of that document? The hand-written notes on that council meeting minutes, is that your hand-writing?-- This - on page 7? Page 7, that's the one-----

Well, there's writing on page 7 and-----?-- Oh, yes.

-----page 9?-- Absolutely, yep, that's my writing.

So at the - the writing on page 9, would that be notes you made at the time of the meeting?-- Yes.

And it includes, does it not, 'if we have to pay this then when people ring up and ask for money, say for the Mayoral Ball, et cetera, we will have to say "No."'?-- That's right.

That appears to be evidence you've given today of something that was said by one of the Sunland representatives, is that correct?-- That's right,

If you could also go to the document immediately before that, the typed document, "arrived at 10 to 1 on the 9th of November", et cetera?-- Yes.

What is this? Are these typed notes you prepared at some stage?-- Yes, yeah, these are typed notes that I did after the meeting.

They would have been done after the meeting?-- Yes.

How long after the meeting?-- Probably the next day.

The next day. All right, thank you. Yes, I have no further questions, thank you, Mr Chairman.

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CHAIRMAN: Yes, thank you, Ms Crichlow, you're excused. Thank you for your evidence.

WITNESS EXCUSED

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MS HAMILTON: Mr Chairman, there'll be a change in counsel now, if we could have a very short adjournment.

CHAIRMAN: I'll just sit here while - take your time and organise yourself and then call your next witness.

MR BOYLE: Mr Chairman, Mr James Kelly gave evidence a few weeks ago and it's referred to at about page - at page 878 in the transcript - where he had made some handwritten notes prior to being interviewed by a CMC investigator. Those notes were provided by Mr Kelly the day following his evidence and a copy was provided that day to all legal representatives and I - it might be appropriate for me to now tender those notes prior to Mr Stevens giving evidence.

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CHAIRMAN: Is there a copy for me that I could look at thanks. All right. A copy of Mr Kelly's notes will be Exhibit 222.

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ADMITTED AND MARKED "EXHIBIT 222"

MR BOYLE: Mr Chairman, I call Raymond Alexander Stevens.

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RAYMOND ALEXANDER STEVENS, SWORN AND EXAMINED:

MR BOYLE: Did you want to say something, Mr Stevens?-- Just - Mr Chairman, I did request that this part of the interview not be telecast.

CHAIRMAN: When you say this part of your evidence?-- Well, my interview not be televised.

50

You mean your evidence?-- Yeah, my evidence not be televised.

Your evidence. All right. So if the camera could be perhaps on someone else other than the witness. Thank you.

MR BOYLE: Witness, your name is Raymond Alexander Stevens, is that right?-- Yes.

You're executive assistant to the Mayor of the Gold Coast City Council?-- Yes.

How long have you been in that position?-- Since May 2004.

You've been served with a notice to appear hear, can I show you this document. Is that a copy of a notice which was served on you to attend this hearing?-- Yes.

I'll tender that notice, it has the oath of service attached.

CHAIRMAN: That's Exhibit 223.

ADMITTED AND MARKED "EXHIBIT 223"

MR BOYLE: I'll get you to look at this. You were interviewed by a CMC investigator on the 30th of September 2005; is that right?-- Yes.

And you've recently reviewed the transcript of that interview?-- Yes.

And that's a transcript that I've just shown you now?-- Correct.

Now, is what's contained in that interview true and correct?-- It's a correct record of the interview but there are two matters that I need to correct, they are incorrect.

All right. Well, you can take us to those now?-- On page 5 of 26 halfway down the page in relation to the question from Mr Ken Bemi, "Perhaps if I can start off during the March elections 2004 held on the Gold Coast here did you have any knowledge of a campaign fund for certain candidates that were running in that March election?" My answer was, "Yeah, none whatsoever. I didn't have any knowledge or involvement in the 2004 local government election campaign et cetera." That is incorrect. I did have involvement in the 2004 March election campaign.

Right?-- I handed out how-to-vote cards on the day for Councillor Douglas and Councillor Shepherd. So that statement is incorrect. I forgot about it and when I read it through I remembered. So the next part that I took no interest or no part is not correct either. I took no interest but I actually handed out how-to-vote cards.

All right?-- Okay.

What's the second?-- The second part is to the end of the record of interview which I think is in tape 2, page 10 of 11.

Sorry, what page?-- 10 of 11 in the - towards the end of the transcript of interview.

1

Yes?-- Halfway down the page Mr Bemis said, "You didn't make that comment to him yesterday," and I said, "I did not make that comment to him in terms I'll just rethink, I didn't make that comment to him, I'll just say I think I'm trying to think of the whole conversation." I did recall that I had a shot at him as I got in the lift, he was about three metres away from my desk and I did make some cryptic comment in relation to - and I can't recall exactly what it was, it was something along the lines that he'd changed his story which is dealt with in the record of interview in changing the story part of it. So they are the two corrections to that transcript of interview and with those corrections it is true and correct.

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All right. Well, I'll tender the interview, but I might give you another copy just so that you can refer to it. I'd like to just ask you a little bit more detail about-----

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CHAIRMAN: Well, it's Exhibit 224.

ADMITTED AND MARKED "EXHIBIT 224"

MR BOYLE: I'd like to just ask you for a bit more detail on that-----?-- Which piece, sorry?

30

That page 10 on tape 2?-- Yes.

Now, the answer that you gave-----?-- Mmm-hmm.

-----you said, "I said, 'Hey, James. I'm getting a visit from the CMC'", and then you talk about, "He got a funny look about him. He sort of came in. I said, 'Oh, we better go into the office and talk about it', so I shut the door-----?-- That's all correct.

40

-----He sat where you are"?-- Correct.

Right?-- That's all correct.

Okay. But-----?-- And then it goes on, and it says, "I said, 'The CMC are coming to see me about me donating to' - I'll cut out the "ahs", and all the rest of it - 'about me donating to the election, or the comments or something like that, of Fiona Hamilton.' He said straightway, 'Ray, I've been instructed not to talk to anyone at work about that matter', and I said, 'Fair enough.'" It finished, basically, and sort of, you know, just gesticulated to the door, but a little later as I left for the day and I was getting into the lift, I did have a shot at him. I can't remember what it was, but it was something along the lines that he'd changed his story.

50

That same day?-- Yes.

1

Before you were interviewed by the CMC?-- The Thursday evening. I'm pretty sure it was a Friday morning that Mr Bemis interviewed me, and the Thursday evening is when he called. The Thursday evening is when I spoke to James. "Hey James, the CMC have called me", and - but as I was leaving on Thursday afternoon, I had a shot at him as I was going out the door in the lift.

10

You were pretty angry with him at that time?-- Oh, I think that's a fair comment.

Mmm. Well, what was the purpose of you wanting to talk to him on that particular occasion prior to being interviewed by the CMC?-- Well, I couldn't think of any reason why the CMC would want to interview me, and I thought he might be able to help me in the reasons that the CMC would want to interview me.

Were you trying to find out what he told the CMC?-- No. I didn't know why the CMC wanted to interview me, and I thought he might be able to help me find out why the CMC wanted to interview me.

20

So when Detective Inspector Bemis-----?-- Bemis.

-----rang you, you had absolutely no idea what he wanted to talk to you about?-- When Inspector Bemis rang me, in the initial instance I had no idea what they were calling me about but afterwards I did, because he spoke to me about certain matters Mr Kelly had made - certain allegations.

30

But you'd put two and two together, hadn't you, because-----?-- Fairly clearly, yes.

You worked out that it must have been something about Mr Kelly?-- Correct.

That's why you went and spoke to him?-- Correct. 'Cause in the interview he had basically said that - if you read through my document, I said early in the piece, "Hey, James, did this story about the 40,000 donation come from you?", and he denied it to me, and that was in the election campaign itself. Now, for some reason, that had all turned around and Mr Bemis had spoken to Mr Kelly and wanted to come and see me about it. So he's denied the allegation in the first instance to me during the campaign, and all of a sudden Mr Bemis is ringing me up and saying, "Mr Kelly has now changed his tune and is saying that you offered him 40,000" - I can't remember if Mr Bemis said at that time whether I offered him 40,000, but it was about Mr Kelly's accusations.

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50

So when Mr - Inspector Bemis rang you, he told you that it was about Mr Kelly's accusations?-- Yes.

Right. So you knew at that point that Mr Kelly had spoken to CMC investigators?-- Correct.

You called him into your office?-- Yes, to see what it was all about.

1

Yes. Do you do that often?-- No.

Call Mr Kelly into your office?-- No.

Right. You shut the door?-- Yes.

And you were trying to find out what he said to the CMC. Is that right?-- What had changed. Correct.

10

All right. Well, let's look at it. Now, Mr Kelly - well, you've been there since May 2004; Mr Kelly was there since, when, it was some time in 2004?-- I think he was there when I got there, to be honest with you. I mean, I - I saw him - he was in an office down the hallway. On my way to the bathroom when I used to see him regularly, not more than once a day, mind you, and we just chatted.

20

Okay. Well, looking at your interview, look at page 14 at - I'm interested in your relationship with Kelly at the time that you spoke to him and were speaking to him about the fact that he'd need a, you know, fairly little packet and that you'd need about 25 grand. Now, what was your relationship with Kelly like?-- Well, I thought it was fairly reasonable. I'd run in the State election only a month before and he - well, close to a month before, and at that time he was an interviewer with Channel 9 and he'd interviewed me on a few occasions as part of the campaigns and when he was at the Council I was sort of fairly chatty, fairly friendly and I would say a good relationship.

30

So you took an interest in giving him some sort of advice, did you?-- Well, I think the real interest I had was in the fact that I'd heard through the corridor gossip, if you like, and I can't remember where but somewhere along the line, maybe from the media people at the time, they said James Kelly's going to run for Council after the death of Councillor Sue Robbins and I found that very interesting and we just chatted away, you know, in terms of I'd be going past his office; I'd pop in and I'd say, "What are you doing? Is it true? Are you going to have a run?" and all those sort of general chatty-type comments.

40

Right. Well, just to give it some perspective; there was an article in the Gold Coast Sun on the 1st of December saying - stating that James Kelly said that he was seriously considering a standing. So was it some time after a Press report on-----?-- No, I think it was before that Press report, to be honest, because I can't remember the date of Councillor Robbins death but I think it was in early November and it was sort of speculation moved pretty quickly after who was going to run for her vacant seat, as is always happens.

50

Now, did you ring him up to come to your office to have this discussion?-- The first discussion we had was, again, I was popping in and out of his office saying, "Hey, what's

happening? Are you running or not running?", just in general chatters. I'd go to the bathroom on odd occasions and one occasion that - and I don't know, I can't remember whether it was after December the 1st or before December the 1st or whatever, but on one occasion I do remember him say, "Hey, I can't talk about it in here", which was the media room, the Press room, "I'll come and see you after work." So at about quarter to 5 he did pop into my office to have a chat. I can't remember the date.

1

And you've given a fairly full account there in your interview as to what you say occurred in the office and that's true. Is that right?-- Yes. We talked about his - it's in the interview.

10

Right. Did you say something like "The candidate with the most money would win the election."?-- I don't - that was a view I held and I don't know if I said it to him in that particular interview or which particular chat I had to him, there were a number of them, but it was my firm opinion that someone that spent a bit of money on that campaign would win and this, mind you, is prior to Chris Robbins nominating and it was also at the time when Dr Karen Coates was maybe/maybe not in terms of running.

20

At the time that you had this conversation who was it that you knew would be candidates for that by-election?-- I can't recall.

Can you recall whether there were any others other than Mr Kelly?-- Well, there were definitely - when I was talking to Mr Kelly, Councillor Robbins hadn't decided, Councillor Chris Robbins, hadn't decided to run. It was just some sort of, I suppose, the same chat, if you like, corridor chat, that Chris Robbins was going to run. Dr Karen Coates was still in the mix, as it were. She had publicly declared she wasn't going to run but there were some that might have thought that that was a bit of ruse to say, "Yes, I am going to run. The public have really wanted me to run", so I can't remember all the candidates but I do remember James Kelly and Chris Robbins and I remember that Dr Coates had said she wasn't going to run.

30

Did you mention a figure of \$40,000?-- No.

Did you say, "There's money available, anything up to \$40,000 to Mr Kelly if he's interested," to help his campaign?-- No.

Did you say, "If you're interested in taking up that offer of \$40,000 that he should have a chat to councillor David Power."?-- No.

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50

Did you take any interest in the 2005 bi-election?-- Yes.

What was your role in that bi-election?-- Well, as executive assistant to the mayor, it's my job to keep an eye on all matters affecting council and, of course, a new councillor in - on the council would affect council and I sort of kept an eye on where it was going.

So you were just basically keeping an eye on it, you weren't playing any role to assist any candidate?-- I played no role in the bi-election of 2005.

I'll ask you a direct question: Did you offer any assistance to any candidate?-- I-----

Financial or otherwise?-- I offered no assistance to any candidate.

Did you - were you, at any stage, involved in arranging financial assistance for any candidate?-- I was not, at any stage, involved in arranging finance for any candidate.

Did you speak to any candidates running in the election prior - apart from the conversations you've referred to with Mr Kelly?-- I've spoken to James - James Kelly. I spoke to a lady that Peter Turner asked me to speak to and I can't remember any others. I can't remember the name that councillor Peter Turner and the lady that was running. She was a candidate.

Did you have any contact with councillors concerning the candidates that were running at the bi-election?-- No.

Well, particularly, given what's being said, have you - did you have any discussions with David Power as to that bi-election?-- No.

Just going back to this meeting in your office. You've heard Mr Kelly give the evidence that on leaving the office, you told him, "James, this meeting never happened.". What do you say to that?-- I don't say anything to it. I mean-----

Well, did you-----?-- -----that's what he's saying.

Did you say that?-- Well, I can't remember saying it and I don't think I said that.

You wouldn't have any reason to say that?-- Correct.

Because there was no secrecy in-----?-- There was no-----

-----your meeting?-- It was just a general chat and it was sort of on a friendly basis and I can't imagine why I would say we didn't have this chat. Admittedly, I thought it was a bit funny that he couldn't talk to me in his own office, he wanted to come and see me after work.

Now, there was a - he's given evidence of a further conversation which occurred in your office relating to him being a candidate; do you recall that?-- We had a couple of chats. Now, in terms of - they were ongoing and mostly, they were in the, if you like, the corridor-type things. We had at least the one meeting, the very first meeting and we may well have had a second meeting.

All right. I'll - you say that there was certainly, no offer of money on your part?-- No.

1

See, I suggest that there was - well, his evidence is, I'm sorry. His evidence is that he - there was a second meeting and he declined your offer at that meeting and he said that you told him, "The candidate with the most money will win and unfortunately, it'll be difficult if not impossible for you to win. You are not well-know down here." Now, apart from the declining of the offer of money, did you say something like that to him?-- I don't think, to be honest, and I can't recall. I don't think I said he couldn't win 'cause it's not a really good smart thing to do in case they do win. You get very unpopular in those sort of situations-----

10

Mmm?-- -----so I don't remember telling him he couldn't win and I don't believe I would have told him that.

Did you have much to do with Mr Kelly in your role-----?-- Not a lot.

20

Well, he was media advisor and you were the mayor's executive assistant so ordinarily, you wouldn't have a lot of contact with him?-- No.

CHAIRMAN: Did the Mayor - is there some media assistant that the Mayor would work through?-- Well, not then. The Mayor currently has a manager and-----

No. Well, then?-- Then there was another media assistant that the Mayor worked through.

30

Right, okay.

MR BOYLE: I might just - something else Mr Kelly gave evidence about on the first meeting which I would like you to comment on. You saying to him - this is the first meeting in the office - "We like you as a candidate. We like you. You know, we like what you stand for, you know. If there would be certainly some money available if you see things our way." Did you say anything like that to him?-- No.

40

Okay. Now, there was the fact that you were contacted by a journalist, Fiona Hamilton, is that right?-- Yes.

And you were quite angry at James Kelly following that telephone call?-- I assumed it was James Kelly. I'm pretty certain the journalist didn't say it. In fact, I think she - she said, "One of the candidates has said you offered 40,000", and I said - well, obviously I asked her the question. The normal journo's reply is, "I can't reveal my source." But I have, yeah, put two and two together in terms of - again - and in terms of he was the only one I had really been talking to.

50

And you spoke to Kelly?-- Yes. Yes. I said, "Hey" - I rang him up straight away and said, "I've just had a call from a journalist and we better have a chat about it." Well, the rest of it is in the transcript.

And did he come into your office?-- Yes.

And did you say something like, "I would have said to James Kelly, 'What sort of bullshit's this'"?-- Well, I may have said something like that.

Well, that's what you say in your interview?-- Correct.

Now, are you saying that he denied saying anything to a journalist?-- Correct.

10

See, what I suggest he said to you is that, "I had told Fiona Hamilton that I had been approached but I never mentioned your name - Mr Stevens' name". That's what he said in evidence he said to you?-- He didn't say it to me. He would have said that to Fiona Hamilton.

Well, that's what he - he says he didn't deny it; he just said he had spoken to-----?-- He denied it to me, categorically. And then, going further in my - in my statement, and his statement as well, he said I said - I did say I would sue the pants off people making false statements about me. I did say that.

20

Did you discuss with any councillor the fact that to your mind Kelly had gone to the press?-- I may have mentioned it to the Mayor.

Anyone else?-- Not that I can recall.

30

Did you ever have any discussions with Councillor Shepherd about Kelly?-- Not that I can recall.

And his candidacy?-- Not that I can recall.

Well, do you know anything about why he may have been dropped as Media Officer for the City Planning Committee?-- Yeah, not a thing. I did notice that in the - in the copy of his transcript. I didn't even know exactly what his position was in the media section. I didn't know if he was on permanent or - I didn't know any of those matters until these matters come out recently.

40

In any conversation with him did you ever say something to the effect of "You'd be a like-minded candidate"?-- No.

Do you ever use - or have you used that expression with-----?-- No.

50

-----in conversation with him?-- No - or anybody.

And when you - when you say you had a shot at him - this is after you were contacted, the day before your interview with the CMC officers, can you recall what you said to him?-- Not exactly, no.

Was it - did you swear at him?-- I can't recall. I don't think so. I'm-----

1

Well, what does have a shot at him mean?-- It means you've changed your evidence and you have a - a snide remark at him or something like - along those lines.

Just a snide remark. That's as best you can tell us?-- Well, I can't recall what I said.

10

Did you threaten him at all?-- No.

Yes, I don't have any further questions, thank you, Mr Chairman.

CHAIRMAN: Yes. Thank you. Any questions? No? Thank you, Mr Stevens?-- Thank you, Mr Chairman.

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WITNESS EXCUSED

MR BOYLE: Mr Chairman, I call John Lang.

CHAIRMAN: Does Mr Lang have to be called from outside or-----

MR BOYLE: Yes, he's - someone's gone to-----

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JOHN GRAHAM LANG, SWORN AND EXAMINED:

MR BOYLE: Witness, your name is John Graham Lang; is that right?-- Yes.

You're a real estate agent and auctioneer and principal of Lang Realty; is that correct?-- Yes.

40

You have been served with an attendance notice. Can I just get you to have a look at this? That's a copy of the attendance notice that was served on you?-- Yes, it is.

I'll tender that, Mr Chairman. It has the oath of service attached.

CHAIRMAN: Yes. Exhibit 225.

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ADMITTED AND MARKED "EXHIBIT 225"

MR BOYLE: Now, you were interviewed on two occasions by CMC officers; is that correct?-- I was. 1

I'll show you transcripts of two interviews. One's the 29th of September 2005 and the other's the 11th of October 2005. Those interviews or what you said in the interviews is that true and correct?-- Yes, to the best of my knowledge.

All right. I'll tender those two interviews, Mr Chairman. 10

CHAIRMAN: Exhibit 226.

ADMITTED AND MARKED "EXHIBIT 226"

MR BOYLE: All right. Now, back at the time in the lead up to the election in March 2004, you were President of the Coomera Chamber of Commerce; is that right?-- I was. 20

When did you finish in that position?-- March of last year.

So, about the election time?-- Just prior.

Okay. Now, you were campaign manager for Brian Rowe, one of the candidates?-- I was.

I think you say in your interview that you approached Brian Rowe to run as a candidate?-- Yes, I did. 30

When did you suggest that to him?-- I think it was about July of the previous year. That's 2003.

Where were you when you said that to him?-- Look, I don't know offhand. We used to come across each other quite a bit either at Chamber of Commerce or - and in fact I would say it was the Chamber of Commerce because he had already left the school. 40

Okay. And how was it that you came to be his campaign manager?-- After Brian agreed to become a candidate, he then approached me to see if I would act as campaign manager.

Now, I want to get this chronologically correct. Now, there was a Gold Coast Bulletin gala dinner on 12th November. Is that-----?-- Yes.

About 12 November 2003. Had Brian Rowe indicated to you his intention to run at that point?-- Yes. 50

You were at that dinner with Brian Rowe?-- I was.

And on that occasion, you met now Councillor Molhoek; is that right?-- Met?

Councillor Molhoek?-- I believe he was at the table.

Right. Can you recall being introduced to him by Lionel Barden?-- I think Lionel was also at the table, and I was introduced to him at some stage, and I'm assuming it was at that dinner.

Now, did you have any conversation with Councillor Molhoek about his running as a candidate?-- Who running as a candidate?

Councillor Molhoek?-- No, I don't think so. The main reason that we were there was to introduce Brian Rowe and let him see that others that perhaps connected with the various Chambers and I guess it was a part of networking.

All right?-- If we did mention it, it was just in passing.

Right. Well, Mr Molhoek has given evidence and said John Lang saying something, you know, we'd love to catch up with you at some stage and have a chat?-- That could quite easily be.

And do you remember that you went to his campaign launch?-- Before the campaign launch we went to his work which was at the Bells at they had a bit of a function there, then later the campaign launch, correct.

All right. And did you say something to him along these lines: well - this is at the campaign launch, okay, his campaign launch: well, you know you've done a great job and you should be very pleased with, you know, the way you've conducted yourself this evening and we certainly - it wouldn't be our intention to run anyone against you?-- I couldn't imagine that for the simple reason, the only person I was interested in was Brian Rowe and we looked at the idea of running Brian Rowe in Division 6 - sorry, Division 2 or Division 5, the reason being that if Councillor Power was going to perhaps go for the mayoral position, at that stage Brian Rowe was living in Division 2 and when he went to Division 5, he then decided that, yes, he would go to Division 5.

Right. So, you weren't active in arranging other candidates to run in other divisions?-- No.

You were only interested in Brian Rowe and which division he was to run in?-- Correct.

All right. In your role as campaign manager, you set up a campaign account; is that right, or-----?-- Yes.

You were basically known as the campaign manager and finance manager?-- Yeah, as far as I was concerned, just the campaign manager.

And there was an account set up at Heritage Building Society?-- There was.

Which you were a signatory too, as was Brian Rowe, and your-----?-- Secretary.

1

Your secretary, Ms Christoffel?-- Barbara Christoffel.

Ms Christoffel. What - with the - in terms of getting in money, did you play any role in seeking out donations?-- Yes, I did. At some stage, we would have sent letters out to various people within the Division 5, and there would be copies of those in my file, that I submitted to the Commission.

10

Okay. I would just show you the electoral return, and I want you to tell us which - I need you to just have a quick look, it's part of Exhibit 4, Folder 2. Can you tell me which donors on that list of declared, in the electoral return, you had anything to do with in obtaining funding?-- Well, I can go through a few of them, for argument's sake, Humphrey Ferkin, was a friend of Brian Rowe; Craig Hope, I can't make any comment about; Tom Stone was also a friend of Brian Rowe, and I'm sure that I would have sent out letters to Brian - sorry, Tom Stone. Wongawallan Holdings - and also Coomera Glen. They're companies associated with Brett Currey. I'm sure that I sent letters out there. Also the Cresthill Pastoral Company, Fish Developments, and they're the only ones that I know of offhand. I think that Fish Developments, then made contact with Craig Gore, of Aurora Developments, and we were asked to go and obtain some money from Aurora Developments.

20

Now, whilst you've got that return there, did you give him, that is, Mr Rowe, any advice in the completion of that return?-- None at all.

30

Did you - do you recognise who - the handwriting on that document?-- Not really, no, it is not mine.

Just - if I could find the reference to - Mr Rowe gave evidence that you were in charge of finances, and Ms Christoffel was the bookkeeper?-- Yes.

40

And he was shown the document, the return, and he says, "I sat with John and Barb" - this is at page 1078, line 50 - "I sat with John and Barb when that was tabled as the final document, and I looked through that, and I said, 'John, that's it in entirety', and he - I think said to Barb, 'Is that it?', and she said, 'Yes', and that was it"?-- Okay, well, most of it would have been certainly done with Barbara because I didn't know what moneys she had collected, and as far as the - the submission, I had no input whatsoever. I may have sat with him, but certainly didn't have any input.

50

All right. Now, there was the Gold Coast Bulletin gala dinner on the 12th, now, there was a meeting on the 13th of November 2003 at the Islander Resort, or the Gold Coast Brewery Pub. Do you know anything about that?-- Yes, I attended a meeting, I think there was Tom Tait off-hand, Brian Rowe. I think, if I remember rightly, Ian Solomon, who was the then president of the Surf - Southport Chamber of Commerce, and myself, and

again, it was a case of a little bit of networking because the various members of the combined Chambers, obviously would have been interested to see what type of candidate was being fielded for Division 5.

1

Well-----?-- I think David Power may have arrived late.

Was the discussion only relating to the candidate for Division 5?-- Yes. Now, during that conversation, whether any of the other such as Tom Tait or Ian Solomon brought up about candidates, if they did I wasn't interested.

10

Can you recall any conversation of other candidates at that meeting?-- No.

Can you comment on this: that there was a suggestion that there be a pool of money used to deliver a group of "like-minded candidates."?-- I've seen that in the transcript and to my knowledge, no.

20

Was there ever any mention about Lionel Barden at that meeting?-- I believe not. I know Lionel Barden and, as I said, he sat at the table with the gala function but I don't think at any stage we spoke about funding then, before or after.

Was there any discussion as to where you would get this funding from?-- I think at that stage I'd already spoken to David Power and David had indicated that there may be some funding and we said we'd obviously still try and get a lot of our own, which we did by sending out those letters.

30

When did he say that there was funding?-- I think more than likely I would have spoken to David Power around November.

So-----?-- I think that when Brian Rowe decided that he would go to find out a little bit more about it, I made arrangements for him to meet with David Power to understand a little bit more about the workings of Council.

40

So are you saying that the meeting with Power occurred before the gala dinner?-- Look, it was about the same time. I certainly didn't keep any record of it. It certainly would have been after July because that's when I first approached Brian Rowe. So it might have been August, September or October. I don't know.

The fact that you might be getting funding arranged by David Power, had you discussed that with Rowe at any stage prior to him indicating that he would run?-- I indicted - no, not prior, no. He'd already made his decision that he was going to run after discussing it with his family, and it was a subsequent meeting with David Power that funding could be available.

50

So at the time he told you he was running, was there any ideas as to where he was going to get his funding from?-- No. I think part of his campaign was going to be he was going to do

a lot of door knocking and he was going to rely on perhaps personal contact with a lot of people and we just went ahead and got various I guess pamphlets done, billboards; we tried not to let it get out of hand, and if we wanted any funding, we contacted David Power to indicate, yes, we could be running short.

1

The attendance of Mr Rowe at the dinner was your idea, this gala dinner?-- Yes.

10

That was your idea. Is that correct?-- It is correct.

And you had obviously some phone contact with David Power about the possibility of funding?-- I don't know whether it was phone contact at that stage or whether it was a personal contact initially; I can't remember.

Right. There was a meeting then between yourself and Councillor Power and Mr Rowe; is that right?-- Yes.

20

And that occurred at your office?-- It could have been at the office or it could have been at the Boathouse Tavern; I'm not sure.

And you're the one that arranged that particular meeting?-- I was.

What at that meeting did Councillor Power say about the availability of funding?-- I think the main thing that David Power was interested at that stage was that he was going to see a good candidate running for Division 5 and indicated that there could be some funding.

30

He didn't indicate the source of the funding?-- Not at all.

In what way did he discuss or try and work out whether Mr Rowe was a good candidate or not?-- They knew each other for at least 10 years and they came across a lot of each other through the school functions and other functions in the area.

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Right. So there wouldn't have been any doubt that the Power would know whether or not he was a good candidate as at that meeting?-- He would have made up his mind before then.

Was there any debate as to issues as to Mr Rowe how he would vote or anything of that nature, as a councillor?-- How do you mean how he would vote?

As a councillor, any philosophical issues as to policy issues, how he would vote?-- Not at all and Brian Rowe worked out his own campaign what he intended doing and I don't think he received any advice, certainly not from myself. He may have had some discussions with Yarwood but again, I wasn't privy to that.

50

Okay. So after that meeting there was another meeting with Councillor Power?-- There would have been possibly a couple of meetings at that stage, I'd say. But after he had made up his

mind to go, it was up to then, Brian Rowe, to jump on the band wagon and get his, I guess, campaign going because he was very very keen on getting it going before Christmas.

1

Yes. All right, well, was there another meeting that you attended at your office with Councillor Power and Brian Rowe?-- Look, I don't know offhand. There may have been two meetings but I definitely know one was either at the Boathouse or in our office.

10

Okay. At any of these meetings, did Councillor Power indicate to you as to the source of the funds?-- No.

Was there any - can you recall whether Councillor Power saying anything about the fact of having to make a declaration or put in a return at that - at any of these meetings?-- No, I assumed that that was done between - something between Councillor Power and Brian Rowe.

Did Councillor Power say anything about wanting to work towards achieving a majority in Council?-- Not at all.

20

Now, this - Mr Rowe says that Councillor Power said - talking about the contribution to the fund - this is at 1059, "But it was important that the people that were being funded didn't know who was actually making the fund" and talking about the declaration and the fact that the return would state the income came from the fund as opposed to particular donors. Can you recall anything along those lines?-- No. Not with me.

30

At any time - well, from these meetings were you alert to the fact that there was a possibility of developer funding?-- Well, the only developer funding that I was aware of is when we sent letters out and they gave us moneys and that went direct into the Heritage Building Society.

You're aware that from the fund - well, it appears that over \$80,000 appears to have come from developers or developer-related entities?-- If it did - I didn't add it up.

40

Well-----?-- And I think a lot of those people were certainly friends of Brian Rowe. He'd over the period of time taught most of their children.

Yes. Can you tell me what you know about an organisation called the Community Electoral Alliance?-- No.

Have you ever heard of such an organisation?-- Not at all.

Do you know Mr Janssen?-- Yes.

50

And Mr Janssen was President of the Nerang Chamber of Commerce?-- Yes, he was.

All right. Were you aware that he was conducting a negative campaign in your division?-- Yes. I, I think, had a phone call from Bob Janssen and he indicated that he was going to write something, I believe, to the papers, and I said, "Well,

look, you'd better clear it because I don't think Brian would go along with it." Brian wanted to run certainly a very very clean campaign and he was coming across Peter Young from time to time at various functions.

1

So you weren't aware of letterbox-----?-- No.

-----drops organised by Mr Janssen?-- Not at all.

Were you aware that - that his activities - or that Mr Janssen received \$5,200 from the same fund that Mr Rowe got money from?-- Only after seeing it in the transcript.

10

So you weren't aware that he was getting any money at all?-- Not at all.

And that that money was to pay for the negative campaign that was conducted in your division?-- I can't make any comment.

Could I show you the - I'll just get you to have a look at this. I think it's Exhibit 115, Mr Chairman. You see down the bottom of one of - or a couple of those pages there's reference to Community Electoral Alliance? Do you see that? Right at the bottom of the page, the bottom left hand corner?-- Oh, hang on. Mmm. What page is that, please?

20

See right at the bottom left hand corner-----?-- Yes, but there's, what, one, two-----

There should be four sheets there?-- Four sheets.

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Yep. Well, that - that when it was distributed was folded into like a booklet?-- No, I haven't seen that before.

You've never seen those documents before?-- No.

And you weren't aware that they were being distributed in your area?-- Not at all, no.

Okay?-- I believe that he was going to write something but we didn't want any part of it and that's - that's all I know.

40

Right. And you just thought it was going to the paper - writing to the paper?-- I didn't - I didn't think anything because we had nothing to do with it.

And that organisation, that doesn't jog your memory, that Community-----?-- Not at all under any circumstances.

Okay. Now, Mr Janssen's provided the Commission a statement, and in his statement - and I'll just read it to you, "In respect of the drop mailers I did not authorise the material for the sake of the Chamber regardless of its resolution as I acted as an individual. The fact that it was printed under the banner of Electoral Community Alliance which was taken up by John Lang and myself made it clear to Councillor Young as to where it came from so there was no cowardice or intent to deceive on a personal level. Members of my Chamber Committee

50

were aware of the material as well but it was not an official Chamber document and I acted alone in its composition." Now, what I'm asking you about is that he says that that banner, Electoral Community Alliance, was "taken up by John Lang and myself"-- Definitely not. I had nothing to do with it.

1

Just for completeness, at page 737, Mr Janssen gave this evidence:

"Who was involved in the group?-- The Community Electoral Alliance was just a name that we came up with because of that past association and I discussed that with, I believe John Lang said it's - let's call it, let's just call ourselves the Community Electoral Alliance."

10

There's a significant point to that?-- Not at all. Bob Janssen was always coming up with different letters to the papers and writing off his own bat. The only reason that we wanted any dealings with the Chamber of Commerce there as far as Nerang is concerned is because it was part of the division of Brian Rowe, or Division 5.

20

CHAIRMAN: Mr Boyle, the little bit before that part you read out - didn't Mr Janssen say something about it related back to an organisation that was there a few years ago?

MR BOYLE: Yes. That's the point that - yeah, I - it was the 2000 election with Councillor Young as its chair. It's the group I was involved with in the 2000 election which included people like Sally Spain, Sheila Davis, Peter Young, members of the Nerang Community Association and various other organisations.

30

CHAIRMAN: Had you heard it at all in that context, Mr Lang?-- Not at all.

No. Okay, thanks?-- I knew that at some stage Bob Janssen had something to do with Sally Spain and Peter Young, but what it was, I know not. Previously.

40

MR BOYLE: Did you set up a meeting with Bob Janssen and Mr Rowe?-- Yes. I'd organised for Brian Rowe to meet at one of their morning meetings, Chamber of Commerce, so that Brian Rowe could meet some of the members.

Would you just have a look at - this is Exhibit 119?-- And he also - Bob Janssen used to come along to some of the meetings, breakfast meetings that we had.

Do you see that email there, the subject is "What is the green machine costing this city and can we as a community afford it" and it's an email to you from Bob Janssen. Have you seen that before?-- If I'd seen it before, it certainly would have it in my file.

50

And it says there that he'd met him for lunch?-- Well, I don't - well, if he did, it certainly wasn't with me.

Well, I suggest that you suggested to Brian Rowe to go and meet with Janssen?-- Well, I just said that we would have met certainly with Janssen, certainly at the Chamber of Commerce breakfast, but I can't recall specifically asking Brian Rowe to go and meet with Janssen.

1

Well, he says, Mr Rowe says - this is at page 10447:

"That was the meeting which John had asked me to go to. His - yes, support is a fair call.

10

So you went to that meeting at the request of Mr Lang?-- Yes.

?-- We went to a meeting which was facilitated with John Wytherist, but I can't recall what that meeting was. There was a lot of people at that meeting. There could have been about 50 or 60 people there.

Okay. And you see this is what Mr Rowe is saying in response to the email - that email. Okay. Well, the meetings with Power occurred before Mr Rowe publicly announced he was going to run. Is that correct?-- It would have been about the same time. There wouldn't have been much in it.

20

Well, just to get it in context, we have - there was the gala dinner on the 12th November?-- Yes.

The meeting at the resort on the 13th November and then the 25th November's the Janssen meeting and then 28th November is when he publicly announced his running. Does that seem about right?-- It sounds about right. I think that he'd made up his mind before he announced it publicly, of course.

30

Well, at least as at the meeting of the 13th of November you were aware that Mr Power was able to get sort of some funds for your campaign?-- Well, it may have been mentioned. Whether he'd get them or not, I don't know.

But at that stage you thought he could get them?-- Only after what David Power indicated.

40

And did you tell Mr Rowe that?-- I think more than likely David Power and Rowe would have been at that particular meeting because he would have had to find out just what his next step was and Brian Rowe would have wanted to ask a lot of questions which I couldn't answer.

In respect - you've told us that you had met with Lionel Barden obviously at this dinner?-- Yes.

50

So far as the campaigns concerned, did you have any discussions with Lionel Barden?-- Not at all.

Anyone at Hickey Lawyers?-- I think I spoke with somebody at Hickey Lawyers once fairly early in the piece.

You were aware that they were the ones that was receiving fund moneys; is that right?-- I was informed, and I don't know who by, that some of the funding would have been coming and that's when we would have spoken to Hickey Lawyers but as I said, I only spoke once.

1

Did you have any dealings with David Power - I'm sorry - did you have any dealings with Councillor Roberts in respect of the campaign?-- Who?

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Councillor Robbins?-- Not at all.

I might just show you some documents. Just going back to Mr Janssen, I might just show you Exhibit 118. You supplied the Crime and Misconduct Commission with a folder, a manila folder, and inside the cover it had the campaign committee-----?-- Yes.

-----contact numbers. Now, Bob Janssen is down there as part of the campaign committee?-- Yes.

20

Did he play any role in the campaign?-- Not really. He would come along and if you refer to my folder, there are minutes there, and it would show the times that Bob Janssen did arrive but he did not come to many meetings whatsoever.

Well, did he play any active role, then, apart from attending-----?-- No.

-----the occasional meeting?-- No.

30

All right. Now, I'm interested in your knowledge as to the source of the funds. Now, you've got a couple of documents that were obtained from your file. I'll show you one of them at a time. Exhibit - the top one is Exhibit 100. That's an email to your personal assistant and it says, "In accordance with your request, and as directed by Councillor Power and Councillor Robbins, the sum of \$7500 is being deposited." Are you aware of that?-- As I said, I did speak with Hickeys at one stage and we were waiting on moneys to come through from him.

40

Right. But were you aware that it was moneys that were being paid at the direction of Councillor Power and Councillor Robbins?-- No.

You can't recall seeing that email?-- No.

Okay. Another letter which was on your file is the following one which is Exhibit 154. Have you seen that letter?-- This one?

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Now, that refers to a commonsense trust. Had you heard that expression before?-- Never.

And you-----?-- I'll - I'll qualify. Reading the transcript, yes, but not before.

And there it refers - obviously these documents refer to the fact that Power and Robbins had, or appeared to have authority to authorise money to be disbursed to you; is that correct?-- I don't know. I don't know where it came from.

1

Okay?-- My contact was to get in touch with Hickey or his PA.

What about Quadrant, did you have dealings with them?-- I think I may have spoken to Quadrant once but I didn't know what they did at that stage, and I think any dealings were with Brian Rowe. I understand that he went to a couple of meetings but I certainly did not attend-----

10

All right. I'll get you to have a look at this. I'll just get you to-----

CHAIRMAN: Is this an exhibit?

MR BOYLE: There's no exhibit for this yet. Now, this appears to be a letter that - this was on your file?-- Yes.

20

It was addressed to Chris Morgan at Quadrant and it seems to be asking for money from Quadrant. Can you remember that letter?-- Well, as I said, I did, I believe, have contact with him once. Now this might have been about that time.

All right. So at that time did you understand you could get paid moneys from Quadrant?-- I understand that some money came from Quadrant but I don't know whether any subsequent money came from them.

30

But some money came to you from Quadrant?-- Well, obviously, it - reading by - by this I'd say yes. And if it had, there would be a receipt.

Okay. Well, I'll tender that letter.

CHAIRMAN: Yes. That is Exhibit 227.

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ADMITTED AND MARKED "EXHIBIT 227"

MR BOYLE: Speaking of receipts, there's certain receipts, and I'll ask you to comment on them. They're parts of Exhibit 154, 155 and 156. Now, there was three payments from Hickey Lawyers into your campaign account; one on the 5th of January for 7,500, one for the 30th January for 7,500 and one for 20,000 on the 20th of February 2004. Can you comment on those receipts as to why they would be made out to the Gold Coast City Council?-- The moneys I believe were T/T'd into the account and I think that Barbara Christoffel would have been trying to make contact previously with David Power and I'm only assuming that when the moneys did come through she just automatically put the Gold Coast City Council on.

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Did you have any dealings with Col Dutton at Stocklands?-- No, I believe that Brian Rowe might have spoken a couple of times.

1

I'll get-----?-- I think - Brian Rowe, you'd know him.

I'll get you to have a look at this. There's an e-mail there; it appears to be from Donna Gates, which is David Power's assistant?-- Yes.

Giving you details of someone that could be used for the purpose of your - the bill boards for Brian Rowe. Can you recall seeing that e-mail?-- I remember something about bill boards. I'd already spoken to someone else previously and Brian Rowe actually spoke, I believe, with somebody else and they subsequently organised the bill board and I think that Col Dutton had something to do with it.

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I'll tender that e-mail, Mr Chairman.

CHAIRMAN: That's Exhibit 228.

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ADMITTED AND MARKED "EXHIBIT 228"

MR BOYLE: Now, I want to ask you about David Power. You were still seeking money from him well down the track after the election; is that right?-- We would have been short - I know we were short with the funding.

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And there was a number of e-mails that went from Barbara Christoffel in respect of chasing that money?-- Yes.

And that was done at your direction?-- It would have been.

Can you just - I'll just show you this. You are - if I can just explain to you - there's handwriting there-----?-- Yes.

40

-----because the copy that's printed out from your file has the actual transcript in yellow and it can't be read but that's - that repeats what's on the original copy. Now, there was an e-mail on the 11th of August where you were chasing money from David Power. Is that right?-- Yes.

And then there was a response from him saying he's still chasing people. Did you know who he was chasing at that point?-- No, I don't. The only comment was that he'd been promised certain moneys and they hadn't been forthcoming.

50

And then on the 12th of August you were chasing a shortfall of \$8,459 that you were being pressed for payment?-- I don't know whose writing that is.

Sorry, it's not writing that you'd recognise. I can-----

CHAIRMAN: Perhaps you should show the original with the yellow to the witness so that he can see exactly what it is, otherwise it's a bit confusing.

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MR WEBB: Mr Commissioner, might I ask a question in clarification? Isn't it the case that someone from the Commission has done this writing because the-----

CHAIRMAN: That's as I gather - that it's in yellow which doesn't come up in a photocopy. So someone's handwritten it in. But the original now in the yellow is in Mr Lang's hand.

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MR WEBB: That's as I thought. I thought yellow did photocopy.

CHAIRMAN: No, it's the one that doesn't.

MR WEBB: I've learned something today.

WITNESS: The only comment I can make - that I knew that we had a fair amount of shortfall in the funding and I think I've made comment with one of the interviewers there just recently that we were hammering heck out of trying to get our moneys in.

20

MR BOYLE: Well, were you hammering anyone else other than David Power?-- No, because he indicated that people that had been promising to send funding in hadn't done so.

All right. So you agree that these e-mails - that were sent at your direction?-- Well, if it's a true transcript, yes.

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All right. I'll tender those e-mails, Mr Chairman, on both. I'll tender the yellow copy as well.

CHAIRMAN: Yes.

MR NYST: Could I see the original?

CHAIRMAN: All right, that's Exhibit 220-----

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MR MONTGOMERY: Nine.

CHAIRMAN: 229.

ADMITTED AND MARKED "EXHIBIT 229"

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MR BOYLE: After it's been marked if it can be shown to the Bar table.

CHAIRMAN: Yes.

MR BOYLE: And there was no indication from Councillor Power as to who had made any promises to him?-- No.

1

And you never asked?-- As I said, the only comment was that he had been promised moneys.

And you never asked?-- Not at all. All I wanted was to see the moneys come through.

Can I ask you about - quickly - just a couple of media articles which is part of Exhibit 3, which is the folder of media articles.

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CHAIRMAN: I think this might be up here, Mr Orderly.

MR BOYLE: Would you just turn to number 10, please, Mr Orderly. If you see at the top of that article it's a report by Murray Hubbard on the 18th of February 2004. On the top of the second page there it says, "John Lang, his financial campaign manager said, 'No money from developers had been paid into a specific account for Mr Rowe's campaign.'" Now, this Mr Hubbard, did you speak to Mr Hubbard?-- I don't know. I spoke to somebody prior to these, I guess, articles appearing. Alice Jones had been making comments in the paper and she had not even been in touch with me and it was fairly late in the - in the campaign that she did actually ring and I spoke with her, but that is the only time that I can recall speaking. The - the papers were trying to make mountains out of mole hills and I wasn't prepared to make any statements to the papers because I knew that they would not be perhaps put in in the correct text.

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30

Right. So the only person you spoke to was Alice Jones that you can-----?-- I remember speaking with Alice Jones consequently but I can't remember - I'm not going to say that I didn't speak with him but I can't recall speaking with him.

All right. Well, do you recall saying that no money from developers had been paid into a specific account for Mr Rowe's campaign?-- Look, I'm pretty well sure I did say that, yes.

40

You did?-- Yep.

Was that true?-- It wasn't true but as I said, we were getting bad publicity from the papers and I wasn't going to give them any information at that stage.

So that was prior to the election?-- Yes.

And you were aware that such a statement may well be published?-- I don't know. Did not even give it a thought.

50

Well, you were aware as campaign manager that it would be detrimental to Mr Rowe's campaign-----?-- I think Mr Rowe was pretty frustrated with some of the articles that had been appearing and no, I guess, statements were forthcoming to the papers.

Well, you accept that you falsely stated that he hadn't got money from developers?-- I'd say so at that stage, yes, yeah.

1

And that was to help him with his campaign?-- It wasn't so much to help with the campaign. There was a lot of bad publicity regarding Brian and we just didn't want to add - put fuel to the fire.

CHAIRMAN: But it's one thing of not giving them any info, but it's exactly a different thing to give them false information. Do you see the difference?-- In hindsight, yes.

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All right.

MR BOYLE: You see, this would be - you're aware what you said would go into a paper which would be read by the voters, you understand that?-- I was also aware that some of the articles that went into the paper prior to that particular article appearing in the papers.

20

Well, can I ask you about article number 33 which is an article by Alice Jones on the day of the election, the 27th of March 2004. Could I just ask you, you see about three-quarters of the way down the page or a little bit - maybe four-fifths - it says, "Brian Rowe who is contesting Division 5 yesterday told the Bulletin"?-- Yes, yep.

You see that?-- Yes.

"His campaign director, Coomera real estate agent John Lang said Mr Rowe's campaign had received three cheques from the fund for a total of \$20,000"?-- Yes.

30

"The other \$40,000 had come from a range of sources including publicans, business people, and developers"?-- Yes.

Now, was that true? Sorry, did you say that first of all?-- I would say that I did.

You said that to Alice Jones?-- I'd say so, yes.

40

Was that true?-- Well, again, it was only because what I said previously some of the articles we've had have been previously showing in the papers that we weren't getting the right information out of the public and they were printing what they wanted to print.

But you ensured they weren't getting the right information by putting out-----?-- No, prior to those two meetings they had not even been in touch with us.

50

Yes, but you were ensuring that false things would be appearing in the media about statements made by you?-- Yes, as I said I can see it now, certainly.

You tried to limit the damage that could be done as a result of indicating that you got money from developers?-- Well, they kept referring to developer's money, developer's money, all

the way through and that's what they - the papers seemed to be concentrating on. 1

Well, the fact of there being three cheques totalling \$20,000 from the Lionel - sorry, from the fund - is not even true. It was \$35,000?-- Yes.

And you knew that at the time?-- I'd have to say yes.

Mr Chairman, I don't have anything further, thank you. 10

CHAIRMAN: Thank you. Just - you were shown those emails where you were pursuing the outstanding moneys from Councillor Power, were those moneys or any part of them ever finally received?-- If they were there'd be receipts made out.

What, would you have given those receipts over to the Commission?-- Yes.

So do we take it, Mr Boyle, that we have no receipts showing that those moneys were finally received? 20

MR BOYLE: I'd have to check that, I don't know.

CHAIRMAN: Well, we might check that overnight.

MR BOYLE: Yes. I'm not sure with this witness what his availability is. He did raise with me-----

CHAIRMAN: Do you have difficulty tomorrow, Mr Lang?-- I have a major problem, I'm a trustee of a will and unfortunately World War III has broken out with that particular will. 30

All right. Okay. Much in the way of questions?

MR WEBB: I've only got one question.

CHAIRMAN: Will you be long, Mr Nyst?

MR NYST: I don't think so. 40

CHAIRMAN: No. Well, we'll try and finish this afternoon for the witness's convenience.

MR NYST: Mr Lang, I appear here for Councillor David Power. You spoke about him having indicated that there might be some funding and I think your evidence was you thought that was around November - at a meeting at around November - and you added later it was about the same time as Mr Rowe announced his intention to run. You don't purport, do you, to be specific as to times there and by that I mean it could have been early December, late November-----?-- No, it certainly would have been prior to November because I'm fairly sure that that's when we met with David Power. 50

Prior to November?-- Early November I would say it was.

And how do you fix that in terms of dates? You say you're fairly sure, how do you fix that?-- Because Brian Rowe took some considerable time making up his mind whether he would run.

Yes?-- And it was only after a fair bit of soul searching that he decided and the next step as far as I was concerned was to certainly meet with David Power because David had the knowledge of what was required in Council.

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But he didn't - he Brian Rowe didn't meet with David Power until after he'd announced that he was going to run?-- That's right.

And he didn't announce that he was going to run till late November did he?-- Officially but he'd already made up his mind I'd say some time earlier than that.

But I'm saying he didn't meet with David Power until he announced his intention to run, did he?-- No reason to.

20

No. And he announced his intention to run in late November?-- Yes. Or some time in November.

Some time in November. And it was after that that he had the meeting with David Power?-- It would have been before the gala dinner because the only reason that we would have suggested David Power - sorry, Brian Rowe going to the dinner was so he could be seen and meet with other chamber members and also be seen in public.

30

Okay. But all that aside, he met with David Power some time after he announced his intention to run?-- Yes.

And David Power you say indicated that there might be some funding to assist him?-- Yes.

And he told you both, didn't he, that he Power was interested in seeing sensible responsible people in Council?-- He did but I'll go back to a little before then.

40

I don't need you to, all I'm interested in is at the meetings with Power that's what he spoke about that he wanted to see sensible responsible people in Council?-- That is correct.

There was never - he never asked or attempted to elicit any information at all from Mr Rowe or from you about what Mr Rowe's policies might be or how he might vote on any particular issue in Council?-- Mr Rowe made up his own policies.

50

And apart from Mr Rowe having made up his own policies, Mr Power never sought or - sought to elicit or in any way discuss with him any of his policies?-- Or influence.

Pardon?-- Or influence.

Or influence them at all. But you're agreeing with me and you're adding that he didn't seek to influence them either?-- Yes.

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Right. He had no discussions at all with Mr Rowe or with you about how Mr Rowe would vote?-- Not at all.

At any of these meetings or during any phone call or any discussion you were ever privy to?-- No.

10

And Mr Power never asked you to misrepresent anything or be coy about anything to the press or anywhere else; is that right?-- He's never suggested that in the 10 years I've known him.

Thank you, sir. That's all I have.

CHAIRMAN: Yes, Mr Webb?

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MR WEBB: Just one matter and I make it plain it's because of something that we considered to and ask the question in fairness to the witness. You've been asked a number of questions about what the paper had said and the paper contacting you. Now, just to be fair to you, were you really saying the paper had written lies before at least twice without contacting you and you responded on the basis, well, it really didn't matter?-- Yes.

30

Was it, as it were, a counterstroke?-- That's about right. In fact I - I did not see the article but apparently there was another article written about two or three weeks ago. Friends of mine saw it. I didn't even see it in the paper, and again the Bulletin had not even been in touch with me.

I see. Nothing further, Mr Chairman.

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MR DEBATTISTA: Chairman, I only have two very brief questions. Mr Lang, I'm representing Councillor La Castra here. You mention in your statements that you met with Councillor La Castra at least once during the time when the election-----?-- Yes.

-----campaign was under way. Councillor La Castra never sought to obtain any information from you or any guarantees from you about how Mr Rowe would vote on anything?-- No. The reason of that meeting was so that I could introduce Brian Rowe to Bob La Castra.

50

And Councillor L a Castra didn't offer to assist with fundraising-----?-- None at all.

-----or assisting you to find any money at that stage?-- He just offered a little bit of advice what to do in - in the lead up to the election.

Thank you. Thank you, Chairman.

CHAIRMAN: Yes. Thank you. Anything in reply, Mr Boyle?

MR BOYLE: No, Mr Chairman. May the witness be excused?

CHAIRMAN: Yes. Thank you, Mr Lang. You're excused. Thank you for your evidence?-- Thank you.

WITNESS EXCUSED

CHAIRMAN: Yes, Mr Webb.

MR WEBB: Mr Chairman, I don't want to make any reference to the bird of prey that the falcon undoubtedly is but inquiries along the lines that you asked me to undertake seem to indicate that there's been an error by a Council employee and confused the falcon letter with the Sunland group in writing a memo. Now, in other words, there is no-----

CHAIRMAN: But it's a different date; it's a different date.

MR WEBB: There is apparently enough a letter that we can find and we've searched the file with the CMC over the lunch hour. I'm going to do it myself at the conclusion today.

CHAIRMAN: Well, that seems strange because it refers to a letter-----

MR WEBB: I'm aware of-----

CHAIRMAN: -----of a different date and it says something different to what is in the falcon letter.

MR WEBB: I acknowledge that. I just - I'm still - I haven't finished with the inquiries we're going to make but I thought I should keep you up to date.

CHAIRMAN: Yes. Yes. Yes, well, thank you for that. We'll adjourn till 9.45 tomorrow.

THE HEARING ADJOURNED AT 4.43 P.M. TILL 9.45 A.M. THE FOLLOWING DAY

WITNESS LIST

DAWN MARY CRICLOW, SWORN AND EXAMINED:..... 1422

WITNESS EXCUSED..... 1494

RAYMOND ALEXANDER STEVENS, SWORN AND EXAMINED:.....1494

WITNESS EXCUSED..... 1503

JOHN GRAHAM LANG, SWORN & EXAMINED..... 1503

WITNESS EXCUSED..... 1522

EXHIBITS

ADMITTED AND MARKED "EXHIBIT 214"..... 1422

ADMITTED AND MARKED "EXHIBIT 215"..... 1423

ADMITTED AND MARKED "EXHIBIT 216"..... 1433

ADMITTED AND MARKED "EXHIBIT 217"..... 1443

ADMITTED AND MARKED "EXHIBIT 218"..... 1454

ADMITTED AND MARKED "EXHIBIT 219"..... 1478

ADMITTED AND MARKED "EXHIBIT 220"

ADMITTED AND MARKED "EXHIBIT 221"..... 1492

ADMITTED AND MARKED "EXHIBIT 222"..... 1494

ADMITTED AND MARKED "EXHIBIT 223"..... 1495

ADMITTED AND MARKED "EXHIBIT 224"..... 1496

ADMITTED AND MARKED "EXHIBIT 225"..... 1503

ADMITTED AND MARKED "EXHIBIT 226..... 1504

ADMITTED AND MARKED "EXHIBIT 227"..... 1514

ADMITTED AND MARKED "EXHIBIT 228"..... 1515

ADMITTED AND MARKED "EXHIBIT 229"..... 1516