

CRIME AND CORRUPTION COMMISSION

*Crime and Corruption Act 2001*  
Section 82

ATTENDANCE NOTICE  
(CORRUPTION INVESTIGATION)

**To:** Ms Penny Toland

**Of:** 

I, **ALAN JOHN MACSPORRAN**, Chairperson of the Crime and Corruption Commission [the 'Commission'] require you to attend, until excused, at a Commission hearing for the purposes of a corruption investigation —

**At:** 10:00 am

**On:** Wednesday, 14 June 2017

**To be conducted at:** Level 2  
515 St Paul's Terrace  
Fortitude Valley  
Brisbane Qld 4006

to give evidence relating to matters specified in the Schedule to this Notice;

DATED this 30th day of May 2017



A J MacSporran QC  
Chairperson

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The postal address of the Crime and Corruption Commission is:

GPO Box 3123  
BRISBANE QLD 4001

Facsimile No. (07) 3360 6333  
Telephone No: (07) 3360 6060

The business address of the Crime and Corruption Commission is:

Level 2, North Tower Green Square  
515 St Pauls Terrace  
FORTITUDE VALLEY, QLD 4006

The Case Officer is: Paul Evans

## SCHEDULE

To give evidence in relation to:

A. The terms of reference for the public hearing in relation to Operation Belcarra, namely:

1. investigating whether candidates in the Gold Coast, Moreton Bay, Ipswich and Logan 2016 local government elections –
  - i. advertised or fundraised for the election as an undeclared group of candidates, an offence contrary to section 183 of the *Local Government Electoral Act 2011* (LGE Act).
  - ii. provided an electoral funding and financial disclosure return that was false or misleading in a material particular, an offence contrary to section 195 of the LGE Act.
  - iii. have not operated a dedicated bank account during the candidates' disclosure period to receive and/or pay funds related to the candidates' election campaign, an offence contrary to section 126 of the LGE Act.
  - iv. unlawfully influenced a Council decision in relation to a development application in favour of a donor.
2. examining issues or practices that are relevant to the identification of actual or perceived corruption risks in relation to the conduct of candidates and third parties at local government elections, including issues or practices relating to groups of candidates, independence of candidates, election gifts and funding, conflicts of interest or material personal interests by councillors
3. examining strategies or reforms to prevent or decrease actual or perceived corruption risks in relation to conduct of candidates and third parties at local government elections.

B. Also, but not limited to, the following particulars:

1. Your compliance with Part 6 of the LGE Act.
2. Whether an offence was committed contrary to section 195 of the LGE Act.

Candidates who nominate in the local government election are required to submit an electoral disclosure return in compliance with Part 6 of the LGE Act. It is an offence for a person to knowingly give a return that is false or misleading in a material particular (section 195).

3. The relevant details included in your electoral disclosure return.
4. Issues which are relevant to reforms in relation to local government elections including amendment to the LGE Act, the forms and information provided by the Electoral Commission Queensland for candidates for election.

## INFORMATION TO ADDRESSEE

## GENERALLY

## YOU MUST COMPLY WITH THIS ATTENDANCE NOTICE

Failure to attend in compliance with this attendance notice, or to continue to attend as required by the presiding officer until excused from further attendance, without reasonable excuse, constitutes an offence which carries a maximum penalty of 200 penalty units or 5 years imprisonment.

By complying with this notice, **YOU DO NOT**—

**contravene** a provision of an Act or law imposing a statutory or commercial obligation or restriction to maintain secrecy in relation to the information, document, or thing;

**OR**

**incur** any civil liability in relation to the information, document or thing.

## SHOULD YOU FAIL TO ATTEND

Pursuant to section 168 of the *Crime and Corruption Act 2001* (Q), on application to a magistrate, a warrant may be issued for your arrest.

## LEGAL REPRESENTATION

You may be legally represented at a Commission hearing.

## IF THIS NOTICE REQUIRES YOU TO PRODUCE A STATED DOCUMENT OR THING

You must **bring** the stated document or thing to the Commission hearing, if the stated document or thing is in your possession. 'In your possession' includes in your custody or control.

You must **produce** the stated document or thing to the Commission hearing, unless you have a reasonable excuse. A claim of privilege, other than legal professional privilege, is not a reasonable excuse. However, a claim of legal professional privilege is not a reasonable excuse if you have the authority to waive the privilege and you do so waive it, or the privilege is waived by a person having authority to waive it.

## ALLOWANCES FOR WITNESS

A person attending a Commission hearing under an attendance notice is entitled to be paid the allowances and expenses that would be payable if the person were appearing as a witness in a hearing before a Magistrates Court.

## FURTHER QUERIES

If you or your legal representative have any queries prior to attending the hearing, please contact Mr Paxton Booth on 3360 6884.