



## CRIME AND CORRUPTION COMMISSION

### TRANSCRIPT OF INVESTIGATIVE HEARING

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

File No: CO-16-1664

HEARING NO: 17/0001

DAY 6 – THURSDAY 27 APRIL 2017  
(DURATION: 25MINS)

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#### LEGEND

PO Presiding Officer – ALAN MACSPORRAN QC  
CA Counsel Assisting – GLEN RICE QC  
30 HRO Hearing Room Orderly – MELISSA LETONDEUR  
W Witness – ROBERT COMISKEY  
LR Legal Representative – N/A

HRO This hearing is resumed.

PO Mr RICE.

CA Commissioner, in terms of program, there are three witnesses scheduled for today. Mr COMISKEY was scheduled at 10 am. Mr SHARPLESS we thought was due at 2, but he's here now, so it is proposed to take evidence from both of those witnesses. Then there is likely to be an interval until 2 pm, when it is expected that Mr HALLAM from the Local Government Association will be in attendance.

10

PO Thank you.

CA I call Robert Joel COMISKEY.

PO Mr COMISKEY, do you have any objection to taking an oath?

W No, I don't.

20 PO Thank you.

HRO The evidence which I shall give in these proceedings.

W Shall be the truth, the whole truth, and nothing but the truth, so help me God.

HRO Thank you.

30 CA Sir, is your name Robert Joel COMISKEY?

W That's correct.

CA Mr COMISKEY, you're a businessman and company director?

W That's correct. My lawyer has asked me to read a statement regarding privilege first.

40 CA If you wish.

W Yes. Could I just grab that? "Prior to answering any question, I advise that I intend to claim self-incrimination privilege in relation to each and every answer today or in relation to any documents produced. Accordingly, so that I don't have to make the claim before answering each question, I seek the order that all answers I give today or any documents produced are regarded to have been given or produced any [sic] objection by me as contemplated by section 197(1)(a) and section 197(5) of the Act."

50 PO Mr COMISKEY, when I started the inquiry last week, I made some opening remarks, which included addressing those issues that you have just mentioned, and I made it clear that all witnesses, including yourself, who came here could take it that each answer you gave was under compulsion after direction by me. So you don't have to claim privilege each time you answer a question.

- W Okay.
- PO You can give your answers on the basis that they were compelled, and that, in turn, gives you the protection under section 197(5) of our Act.
- W Excellent.
- PO So you can relax and just answer the questions with that protection.
- 10 W Okay, excellent. Thank you.
- CA You are appearing in response to a notice to attend?
- W That's correct.
- CA Can I show you this, firstly. Is that a copy of the notice that you were given to attend today?
- 20 W It appears to be correct, yes.
- CA I tender that, Commissioner.
- PO Exhibit 82.
- CA You operate a family business, I think, Mr COMISKEY, with your father and your brother?
- W That's correct.
- 30 CA Do you operate under the general, generic name of Comiskey Group?
- W That's correct.
- CA Is there a number of constituent companies within that group?
- W Yes, there is.
- CA About how many, can you tell us?
- 40 W I'm purely guessing, but I'd have to say in the range of between 20 and 30.
- CA You and your father and your brother have, I think, third shares in the business of Comiskey Group?
- W In certain companies, yes, within Comiskey Group. As a general rule, the main company, yes, we have 30 per cent shares each, or 33 per cent shares each.
- CA What's the nature of the business that the group conducts?
- 50 W It varies, but it's everything from operations, so we did own child-cares and we currently own hotels and taverns, and then we also do property development, which is probably half our business, which we do anything from, again, hotels, shopping centres, child-cares, just general property development, and also land subdivision as well.

- CA You mentioned you own a number of hotels. There's the Eatons Hill Hotel?
- W That's correct.
- CA And Beachmere Tavern?
- W That's correct.
- 10 CA And the Sandstone Point-
- W That's correct.
- CA Is it a hotel or tavern?
- W Hotel. All three of them now are called hotels. We've changed one recently.
- 20 CA Well, just recapping on the property development component, which you put at about 50 per cent of the business, what kinds of developments have you been involved in?
- W As I stated before, it's probably just everything from child-cares to shopping centres to hotels, land subdivision. That would probably be most of it.
- CA Do you focus on any particular geographic area for the purpose of your development projects?
- 30 W Yes, I'd say probably 80, 90 per cent is in the Moreton Bay region.
- CA Is there some reason for that?
- W Because we've grown up in that area. I was born in that area, so was my brother, and my parents have been in that area for, I don't know, 45 years or something like that.
- CA And you're familiar with the area?
- 40 W Yes, that's exactly why we do it, exactly why we mainly focus in that area, because we know it like the back of our hand, if you're looking at it that way.
- CA To what extent is it advantageous to be personally familiar with the area that you're looking to develop in?
- W Oh, well, you know what blocks of land have problems with them. You know, we can see things that other people don't, I suppose. Yes, like, you know, it's like any area you go in, you know it like the back of your hand.
- 50 You know it better. You know - less mistakes you'll make.
- CA So do your projects, focusing, as you've mentioned, I think, on that area, fall within the geographic area of the Moreton Shire Council?
- W Most of them do, yes.

- CA Mostly?
- W Mostly.
- CA When you were interviewed by Commission officers, I think you identified a number of current development projects?
- W Yes, we currently have a few on.
- 10 CA They include the Sandstone Point Hotel?
- W Yes, yes. We're doing a couple of extra extensions there, yes.
- CA There's another development at Burpengary, I think you mentioned, opposite the train station?
- W That's correct, yes.
- 20 CA What's the nature of that, Mr COMISKEY?
- W That's got an approval for a shopping centre. We currently have a small shopping centre. We're knocking down the small shopping centre, extending it into a larger shopping centre, and then we're also adding a sports club to that development as well.
- CA And Eatons Hill, nearby to the hotel, there's another aspect of development in that area?
- 30 W That's correct. The first stage was a hotel, so the tavern, if you put it that way. That opened, I think, about six years ago now. Now stage two is a four and a half star, 87-room accommodation tower, short-term accommodation, plus also a Woolworths shopping centre with 2,000 square metres or 1,800 square metres of retail.
- CA There's also, I think, a subdivision of property at Lawnton?
- W That's correct, there's a subdivision of a Lawnton property. I don't own any of that property, but it's owned by my father and it's about 180 lots in total that he's currently about halfway through.
- 40 CA Does your business group, then, have occasion to submit development applications to the Moreton Bay Council?
- W Of course, yes.
- CA You have one, I think, current to do with noise conditions at Sandstone Point?
- W That's correct, yes.
- 50 CA You want to make a change to the conditions attaching to production of noise at the hotel?
- W That's correct.
- CA Tell me, do companies within the family business group make political

donations for the purpose of council elections?

W Yes, we make - state and also local council.

CA State and local?

W Yes, donations.

CA Do you make any donations at federal level?

10

W I would have to say - in the past, I would have to lean on the side of yes, without knowing any specifics, but I'd say we would have.

CA You're able to call to mind, are you, that your business has made donations at state and local level?

W Yes, I'd say so.

20

CA I want to just perhaps go to an example, and you can tell us a bit more about it. Rio Vista Securities is one company within the family group; correct?

W That's correct. Well, that's actually one of my companies.

CA One of your companies, okay. It submitted a disclosure pertaining to a donation made for the purpose of the 2016 council elections, do you recall?

W That's correct.

30

CA Can I show you this document. Is that a copy of the disclosure return made by Rio Vista Securities? It's dated and signed on the last page 1st of December 2016.

W That looks correct, yes.

CA I tender that disclosure return.

PO Exhibit 83.

40

CA Do you see it's made out in the name of Susan COOK, occupying the position of agent. Can you explain that?

W Susan COOK is one of my accountants, in-house accountants.

CA Accountant?

W Yes.

50

CA So far as Rio Vista Securities is concerned, are you the sole director of that company?

W I think I am, yes.

CA What's its business? Does it conduct business?

- W Looking back, I think it owned some child-cares and did some property development. It doesn't do too much anymore.
- CA Do you see from the return, page 4 of it, that it records a donation of \$20,000 on the 19th of February 2016 to Moreton Futures Trust? Do you see that?
- W Yes.
- 10 CA Can you tell us how that donation to Moreton Futures Trust came about?
- W I think at the time, we were looking to make some donations to some of the councillors going forward for the upcoming elections, to support those that we considered more professional councillors that we thought could take the region forward, I suppose. So that's why we looked to make a donation.
- CA Is that one such donation?
- 20 W From my understanding, that's the only donation.
- CA The only one. That's what I was going to ask you. Were there others - no?
- W No.
- CA Did anyone solicit that donation?
- W I'd have to say it was more myself approaching different councillors or looking for a way to make donations to various councillors.
- 30 CA Was it your decision or was that something that you discussed with your partners - your brother and your father?
- W We discussed it.
- CA And you decided you would make a donation?
- W Yes.
- 40 CA On what criteria? How did you select who you were going to donate to?
- W Well, the criteria was really, looking at the Moreton Shire, when it goes forward and prospers and when it's - you know, like, its growth at the moment, in the last, say, five years, it actually supports our businesses and makes our businesses worth more money, but they also make more money because obviously of the better business basis. So we decided - well, we decided that we'd seen councillors before that have - unprofessional or councillors that don't understand what council is. It's a large business. So we looked at councillors that were professional and knew what they were doing and wanted to support those councillors, because if we do-
- 50 CA Councillors, did you say?
- W Councillors, yes.
- CA Councillors, yes.

- W Then obviously the shire would keep prospering and our businesses would go better.
- CA Well, you're interested in supporting experienced councillors-
- W That's correct.
- CA -who could oversee the further growth of the shire?
- 10 W That's correct.
- CA And that would be of assistance to your business?
- W Well, our operating businesses, yes.
- CA Did you identify any councillors who fitted that category?
- W I think, yes, at the time. But looking back - this is obviously over a year ago, but, yes, ones that we considered were more professional were - Julie GREER, Peter FLANNERY, Mike CHARLTON, Mick GILLAM, Allan SUTHERLAND are ones that probably had the most experience in council. Obviously in the last election, I think there was five seats that were getting - that were new councillors.
- 20 CA Can you explain, then, how it came about that you made that donation to this entity, Moreton Futures Trust, as opposed to making donations of money directly to the persons whom you've named?
- 30 W I think at the time - again, this is over a year ago now. So at the time, I was asking - well, I was asking around about how I could donate money, and I asked Trent DIXON, which is - he's been involved in an election before with the Mayor regarding - he was one of his campaign managers. I asked him about various different ways to donate to different councillors, and he said there was a Moreton Bay Futures Trust which donated to a few of the councillors, and that's the path we chose.
- CA Arising from a discussion with Mr DIXON?
- 40 W That's correct.
- CA Whom you understood to be involved with the Mayor's campaign?
- W Well, if he wasn't that time, he was involved last time.
- CA Did you know anything about Moreton Futures Trust?
- W I knew - I asked which councillors it supports or which - and they did run me through - well, they did - well, Trent did tell me which councillors were involved in that and said that - well, not "involved", but which ones it supported, and, yes, it made it easy for me, obviously, if they were supporting those councillors.
- 50 CA So was he your source of information about Moreton Futures Trust?
- W Correct.

CA Was he your only source?

W To my understanding, yes.

CA Were you personally involved in making the donation reflected in that return?

10 W Yes - oh, when you say "personally involved", in what way?

CA Well, do you actually make it? Do you write a cheque, or how did the donation actually get made?

W I wouldn't be able to tell you. It was over a year ago, so-

CA Is it something you would be likely to do or delegate to someone else?

20 W Well, it would be one of the directors. Whether it be a transfer or whether a signature of a - or whether it's a cheque, only the directors can make payments. And if it came out of Rio Vista, I'd say it's more likely to be myself. But then again, it could a transfer, and if it's a transfer, then it could be one of the three directors.

CA Is there some reason that company was the vehicle for making the donation?

W No.

30 CA No particular reason?

W No.

CA It could just as easily have been any-

W It could have been any.

CA -other of your companies within the group?

40 W No difference. I don't know why on the day they picked that one.

CA When you say "they picked", who are you referring to?

W My accounts team.

CA Your accountant?

W Yes. My accounts team, yes. I've got-

50 CA Accounts team?

W I've got two accountants in house.

CA Is Susan COOK one of those?

W Yes, could have been one of those. I don't know why they picked that company, but they did.

- CA How did the amount come to be selected?
- W I couldn't even tell you that, to tell you the truth. I suppose, as a family, we just sat down and said, well, if we were donating to individuals, how much would we spend, how much would we be prepared to spend, that type of thing, the usual conversation.
- 10 CA Have you had any personal dealings with any of the persons whom you thought might be a beneficiary of this trust?
- W Personal dealings, sorry?
- CA Well, either professionally or in social circumstances with the persons whom you've named, being the councillors you were interested in supporting?
- 20 W Socially, no, not really, apart from running into them at functions. But professionally, obviously, you have to deal with various different councillors during my - our job, so yes.
- CA How would your job bring you into contact personally with councillors?
- W Well, three or four months ago, I had to go and address the whole council, so it brought me into contact with almost all of the council at once.
- CA What was that address about, Mr COMISKEY?
- 30 W That was about a change of noise conditions at Sandstone Point Hotel, which I requested to go and speak in front of the whole council.
- CA Does making a donation of that kind, you think, give you any improved access to council or particular councillors?
- W No, I don't think so.
- CA Is that any part of the reason why you do it?
- 40 W No.
- CA Do you have any expectations of more favourable treatment from making a donation of that kind?
- W No. If you understand the way council works, it usually doesn't come down to the councillors, anyway. It usually comes down to the council officers, who put up a recommendation, and then the councillors really just vote on that and usually it doesn't get changed too much.
- 50 CA That's your experience?
- W That's my experience.
- CA In applications that you've made?
- W Yes.

- CA Have you disputed applications that you have made, or the outcome of them, in the past?
- W Definitely.
- CA And gone to court to advance that dispute?
- W Oh, definitely. Have a look at Eatons Hill, for instance. With the current development we're building, which is the accommodation tower and the Woolworths and the retail, it has taken nine years and we've almost spent \$2 million in legal fees against the Moreton Bay Regional Council. So I'd say, yes, it doesn't get me any special favours or any special access, because if you look at that one, we actually went to court almost twice on that, and it was a long, drawn-out process to get any approval there.
- 10
- CA Just getting back to the kinds of occasions that might bring you into contact with councillors, you mentioned that instance where you asked to speak to them and did so. Can you give us some other examples of what might bring you into contact with councillors?
- 20
- W As I said, attending functions, whether a fundraiser or whether a - in other words, I'm also a member of Moreton Bay Region Industry and Tourism, which is a marketing body for Moreton Bay, so I attend a lot of events on there. So, yes, a lot of the councillors, because they also support that - a lot of the councillors attend events for that, so I do run into them at those events.
- CA Do you make any personal contact with councillors concerning your developments or any applications that might be in the pipeline so far as your developments are concerned?
- 30
- W Sometimes, but in those - when I do make contact with them, I'm arranging a meeting for them and the councillors or the council officers to be on site. For instance, at Lawnton, we've had a couple of problems there where the local councillor has come down as well as the council officers.
- CA Have you had occasion to meet and discuss developments with councillors without council officers?
- 40
- W Oh, not really. I might have run into them here or there and we've discussed it, but I've never had dedicated meetings with council - well, to my knowledge, with council - councillors.
- CA Would you ring up a councillor just to discuss a project that you're doing?
- W If I have a problem with it, yes, I can.
- CA What would prompt that?
- 50
- W If there's something that's not being resolved, because the council officers do go and talk to the councillors.
- CA I beg your pardon?
- W The council officers do go and talk to the councillors.

CA Yes, I'm asking if you make phone contact to councillors?

W Yes, in the past, I have.

CA Just explain, for what purpose?

W To - if I've got a problem with, obviously, a development or something  
10 like that and I need to explain to them what's actually happening, because  
I've had in the past where it's - we've had what's explained to a councillor  
is incorrect on a development, so I'll ring them up and talk to them and try  
and explain what's going on.

CA Does that happen with any regularity?

W Not really, no.

CA How do you identify which councillor you wish to speak to? Is it  
20 geography?

W Yes.

CA Just which division the development falls in?

W Yes, that's correct. There's no point ringing a councillor that has nothing  
to do with a development.

CA Do you make such a personal approach to council officers as opposed to  
30 councillors, or if there is a problem of that kind would you go directly to  
a councillor?

W No, I go first to the council officers, and sometimes both, sometimes, so  
everyone understands what's going on, because some of these - some of  
the developments we deal with actually deal with multiple departments,  
such as local government as well as state government, so there can be  
quite a few things that get tangled up, which people don't understand,  
because we're talking about liquor licensing laws tying in with  
development laws, and they don't mesh, so it can be hard to understand if  
40 you don't deal with it every day.

CA That's the evidence, Commissioner.

PO Thank you.

Thank you, Mr COMISKEY. You're excused.

W Thank you.

50