

QUEENSLAND
CRIME AND MISCONDUCT COMMISSION

Crime and Misconduct Act 2001
[Section 75]

NOTICE TO DISCOVER

(MISCONDUCT INVESTIGATION)

CRIME & MISCONDUCT COMMISSION
No 2005-5 Date 20 Oct 05
IN THE MATTER OF:

OF GRAND

EXHIBIT No 126
W. Hansen CLERK

TO: Mandra Pty Ltd trading as Quadrant
34-36 Glenferrie Drive
ROBINA QLD 4226

I, **ROBERT MARTIN NEEDHAM**, Chairperson of the Crime and Misconduct Commission, reasonably suspect that you are a person who has information, or you are in possession of a document or thing, relevant to a misconduct investigation.

I **HEREBY** require you to give:

a written statement of information of the type specified in the Schedule to this Notice, and relevant to a misconduct investigation; and

stated documents which are in your possession of the type specified in the Schedule to this Notice, and relevant to a misconduct investigation.

TO: Lincoln HANSEN, Anna McDONALD, Karel WEIMAR, Ben DUELL, or Daniel BOYLE of the Crime and Misconduct Commission.

YOU ARE REQUIRED TO COMPLY WITH THIS NOTICE BY:

Giving the statement, document or thing to the Commission Officer/s named above on or before 5:00pm on Monday 22 August 2005 at:

The Crime and Misconduct Commission
Level 3 Terrica Place
140 Creek Street
BRISBANE QLD 4000

Under section 75(8) of the Act, the Notice may provide that its requirement may be met by a person or class of person acting for the person to whom the Notice is directed.

The following person or class of person may act on your behalf: Any person so appointed by the person to whom this notice is addressed

DATED this 12th day of August 2005



ROBERT MARTIN NEEDHAM
Chairperson
Crime and Misconduct Commission

The postal address of the Crime and Misconduct 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 Misconduct Commission is:

Terrica Place
3rd Floor
140 Creek Street
BRISBANE QLD 4000

The Case Officer is: Ken BEMI

SCHEDULE

1. All documentation not previously given by you to the Crime and Misconduct Commission by letter under the hand of Tony Scott dated 19 April 2005, including information contained upon any computer or computer disk or other electronic storage medium, held by you or that is otherwise in your possession or under your control, demonstrating or recording the services you or your directors, employees or agents provided or were requested to provide, directly or indirectly, to any person or entity related to the Gold Coast City Council elections of 27 March 2004, including but not limited to:
 - Correspondence (including email or other electronic correspondence) defining the services you provided or were requested to provide;
 - Invoices, receipts, remittance advices or similar documents evidencing the services you provided and the payments received for those services;
 - Statements of account held with any financial institution evidencing the payment of services you provided;
 - The market value of services provided to Grant Pforr, Gregg Betts and Roxanne Scott at cost and also the market value of the Commonsense Candidate Resource — Candidate campaign management & co-ordination services invoiced to the Power & Robbins Trust Account or the Lionel Barden Trust Account.

2. All files, memoranda, presentations, documents, notes, note books, meeting notes and other records of meetings, emails, correspondence, letters, letters of engagement, diary entries and records, advertisements, promotional material, advices, leaflets, signage, website images, photography, how-to-vote-cards, business cards, advertising strategies and records, invoices and records of payment to you and any other documentation whether in printed form or in any other form, including information contained upon any computer or computer disk or other electronic storage medium held by you or that is otherwise in your possession or under your control:
 - Relating to the candidacy or election campaign of any candidate or group of candidates as defined by section 426 of the *Local Government Act 1993*, in relation to the Gold Coast City Council elections of 27 March 2004;
 - Relating to your dealings with any of the following: Lionel Barden; the Lionel Barden Commonsense Campaign Fund; the Lionel Barden Common Sense Trust; the Common Sense Trust; the Lionel Barden Trust; the Power and Robbins Trust; Hickey Lawyers; Great Southern Land G.M.B.H.; Ray Group Pty Ltd; Gregory Phillips; Sunland Group Limited; Phil Sullivan; Fish Development Pty Ltd; Devine Ltd; Rapcivic Contractors Pty Ltd; Roche Group Pty Ltd; Villa World Limited; Ingles Group (QLD) Pty Ltd; Blue Sky Capital Pty Ltd; and Stockland Development Pty Ltd; or any person or entity associated with the aforementioned persons or entities in relation to the Gold Coast City Council elections of 27 March 2004; and
 - That may indicate the nature and extent of the dealings between you and David Power, Ray Hackwood, Ron Clarke, Robert La Castra, Edward (Ted) Shepherd, Jan Grew, Sue Robbins, Grant Pforr, Brian Rowe, Robert Molhoek, Roxanne Scott and Greg Betts in respect of the possible nomination and election of any of those persons at the Gold Coast City Council elections of 27 March 2004.

3. A written statement of information detailing:

- (i) the market value of the services you or your directors, employees or agents provided, directly or indirectly, to any candidate, person or entity related to the Gold Coast City Council elections of 27 March 2004, including but not limited to:
- Grant Pforr
 - Gregg Betts
 - Roxanne Scott
 - Rob Molhoek
 - Brian Rowe
 - Lionel Barden;
- (ii) the cost value of the services you or your directors, employees or agents provided, directly or indirectly, to any candidate, person or entity related to the Gold Coast City Council elections of 27 March 2004, including but not limited to:
- Grant Pforr
 - Gregg Betts
 - Roxanne Scott
 - Rob Molhoek
 - Brian Rowe
 - Lionel Barden; and
- (iii) the identity of the person who requested that you or your directors, employees or agents provide, directly or indirectly, services described in 3(i) and 3(ii) above.
- (iv) the date and particulars of any request for services described in 3(i), 3(ii) and above.
4. A written statement of information detailing the knowledge of your directors, employees or agents:
- In your dealings with any of the following: Lionel Barden; the Lionel Barden Commonsense Campaign Fund; the Lionel Barden Common Sense Trust; the Common Sense Trust; the Lionel Barden Trust; the Power and Robbins Trust; Hickey Lawyers; Great Southern Land G.M.B.H.; Ray Group Pty Ltd; Gregory Phillips; Sunland Group Limited; Phil Sullivan; Fish Development Pty Ltd; Devine Ltd; Rapcivic Contractors Pty Ltd; Roche Group Pty Ltd; Villa World Limited; Ingles Group (QLD) Pty Ltd; Blue Sky Capital Pty Ltd; and Stockland Development Pty Ltd; or any person or entity associated with the aforementioned persons or entities in relation to the Gold Coast City Council elections of 27 March 2004;
 - That may indicate the nature and extent of the dealings between you and Ray Hackwood, Ron Clarke, Robert La Castra, Edward (Ted) Shepherd, Jan Grew, Sue Robbins, Grant Pforr, Brian Rowe, Robert Molhoek, Roxanne Scott and Greg Betts in relation to the possible nomination and election of any of those candidates at the Gold Coast City Council elections on 27 March 2004;
 - Whether or not you or any of your directors, employees or agents were members of a campaign committee, or constituted a campaign committee (as defined by s 426 of the *Local Government Act 1993*), for any candidate or group of candidates in relation to the Gold Coast City Council elections of 27 March 2004.

INFORMATION TO ADDRESSEE

GENERALLY

YOU MUST COMPLY WITH THIS NOTICE

Failure to comply with this notice, without reasonable excuse, constitutes an offence which carries a maximum penalty of 85 penalty units or 1 year's imprisonment.

An offence is not committed if the information, document or thing—

is **subject to privilege;**

OR

is **a secret process of manufacture** applied by you solely for a lawful purpose.

Privilege, in the context of a misconduct investigation, means -

- (i) legal professional privilege; or
- (ii) public interest immunity; or
- (iii) parliamentary privilege

and includes a claim on the ground of confidentiality. "Confidentiality" means a ground recognised at law that giving an answer, or disclosing a communication or document, would be a breach of an oath taken or statutory or commercial obligation or restriction to maintain secrecy.

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 HAVE A CLAIM OF PRIVILEGE

The commission officer is to consider the claim. The commission officer may withdraw the requirement in relation to which the claim is made OR may advise you that you may apply to or be required to attend before the Supreme Court to establish the privilege under section 196 of the *Crime and Misconduct Act 2001* (Q).

IF

a claim is made in relation to a document or thing you are required to give or produce to the commission;

AND

the document or thing is in your possession or you acknowledge the document or thing is in your possession;

AND

the commission officer does not withdraw the requirement;

THE COMMISSION OFFICER MUST REQUIRE YOU TO IMMEDIATELY SEAL THE DOCUMENT OR THING [the "SEALED EVIDENCE"] AND GIVE IT TO THE COMMISSION OFFICER FOR SAFE KEEPING.

YOU MUST IMMEDIATELY SEAL THE DOCUMENT OR THING UNDER THE SUPERVISION OF THE COMMISSION'S REPRESENTATIVE. [A failure to do so constitutes an offence which carries a maximum penalty of 85 penalty units or 1 year's imprisonment.]

YOU AND THE COMMISSION'S REPRESENTATIVE MUST IMMEDIATELY DELIVER THE SEALED EVIDENCE TO A REGISTRAR OF THE SUPREME COURT TO BE HELD IN SAFE CUSTODY.

The Registrar is to keep the sealed evidence in safe custody until—

(a) application is made to a Supreme Court judge to decide the claim of privilege;

OR

(b) the end of 3 court days after the day on which the document or thing is given to the registrar, if an application has not been made under paragraph (a);

OR

(c) the registrar is told by the person and the commission representative that agreement has been reached on the disposal of the sealed evidence.

If an application is made to a Supreme Court, the Registrar is to dispose of the sealed evidence in the way ordered by the judge.

If an application is not made by the end of 3 court days after the day on which the document or thing is given to the Registrar, the Registrar is to return the sealed evidence to you.

If you and the commission representative give the registrar notice that an agreement on the disposal of the sealed evidence has been reached, the Registrar is to dispose of the sealed evidence in the way agreed.