

RESORT CORP

OP GRAND

Paul Brinsmead

C/- Resort Corp P  
PO Box 7917  
Gold Coast Mail C

EXHIBIT No. ....105.....  
.....*Paul Brinsmead*.....CLERK

(4A)

Phone: (07) 5570 0900  
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0MOS/13609

RECFIND

CRIME AND MISCONDUCT  
RECEIVED  
18 AUG 2005  
COMMISSION

18 August 2005

Mr Robert Martin Needham  
Chairperson  
Crime and Misconduct Commission  
GPO Box 3123  
BRISBANE 4001

Facsimile: 3360 6333

No. of pages: 1

Dear Sir

RE: NOTICE TO DISCOVER - GOLD COAST CITY COUNCIL ELECTIONS

I refer to a Notice dated 12 August, 2005 served on me on 18 August, 2005.

I ceased to be an owner of Hickey Lawyers in early 2003. I continued as a consultant to Hickey Lawyers and carried a card as a "partner". I remained in this position until 30 June, 2005.

From about June, 2003, I ceased to undertake any legal work as I was involved substantially in managing and running my own business, Resort Corp Pty Ltd. I had no participation or control over the management or the affairs of Hickey Lawyers. Consequently I have no ability to provide you with any documents or information that may or may not be in the possession or control of Hickey Lawyers.

Also, as I was not involved in or managing, controlling or in any way involved with the management affairs of Hickey Lawyers from June, 2003, I do not have any direct knowledge of issues associated with the Gold Coast City Council Elections.

I did not participate in or have any role in anything to do with the Gold Coast City Council Elections, any of the candidates in the Gold Coast City Council Elections or any issues that Hickey Lawyers got involved with associated with the Gold Coast City Council Elections.

Accordingly, I do not have any documentation or information whatsoever relevant to the Gold Coast City Council Elections.

Regards

*Paul Brinsmead*  
Paul Brinsmead

QUEENSLAND  
CRIME AND MISCONDUCT COMMISSION

COPY

Crime and Misconduct Act 2001  
[Section 75]

NOTICE TO DISCOVER  
(MISCONDUCT INVESTIGATION)

TO: Paul Wesley BRINSMEAD  
[REDACTED]  
[REDACTED]

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

DATED this 12<sup>th</sup> day of August 2005

*[Signature]*  
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  
3<sup>rd</sup> Floor  
140 Creek Street  
BRISBANE QLD 4000

The Case Officer is: Ken BEMI

Notice No: 05-0107

File Reference: MI-05-2481 & 2482

- (b) the nature and extent of the dealings between you or Hickey Lawyers and Lionel Barden, 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; and
- (c) the dealings between you or Hickey Lawyers and Lionel Barden, Graham Staerk, 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 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.