

QUEENSLAND
CRIME AND MISCONDUCT COMMISSION

Crime and Misconduct Act 2001
[Section 75]

NOTICE TO DISCOVER
(MISCONDUCT INVESTIGATION)

COPY

CRIME & MISCONDUCT COMMISSION
No. 2005-5 Date 19/10/05
IN THE MATTER OF:

OP GRAND

EXHIBIT No. 113
.....
.....CLERK

TO: Robert David JANSSEN
.....
.....

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.

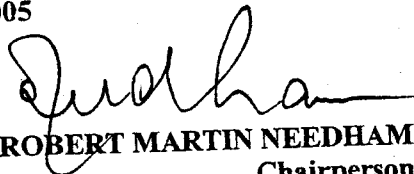
TO: Lincoln HANSEN, Anna McDONALD, Karel WEIMAR, Ben DUELL, or Ken BEMI of the Crime and Misconduct Commission.

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 19 September 2005 at:

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

DATED this 8th day of September 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 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, advertising strategies and records, invoices and records of payment by you (or any other party) 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 of any candidate or the election campaign of any 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 and/or Tony Hickey 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;
 - 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 and/or Tony Hickey or any person or entity associated with the aforementioned persons or entities in relation to the receipt of any funds by yourself, or an entity with which you are associated, from any of the above entities;
 - That may indicate the nature and extent of the association between yourself or an entity with which you are associated and Grant Pforr, David Power, Ron Clarke, Raymond William Hackwood, Robert La Castra, Edward (Ted) Shepherd, Sue Robbins, Jan Elizabeth Grew, 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;
 - That may relate directly or indirectly to the payment you received in the amount of \$5,200 from Hickey Lawyers in or about March 2004.

2. A written statement of information detailing:
 - 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 and/or Tony Hickey, 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;
 - The nature and extent of the association between yourself or an entity with which you are associated and Grant Pforr, David Power, Ron Clarke, Raymond William Hackwood, Robert La Castra, Edward (Ted) Shepherd, Sue Robbins, Jan Elizabeth Grew, 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;
 - Your dealings with, and knowledge of, Paul Wesley Brinsmead, Tony Hickey and/or Hickey Lawyers in relation to the receipt of funds and/or the disbursement of funds by Paul Wesley Brinsmead, Tony Hickey and/or Hickey Lawyers that were received

and/or disbursed for the benefit of yourself or an entity with which you are associated, the election campaign of any candidate or a group of candidates in respect of the Gold Coast City Council elections of 27 March 2004;

- Any accounts held with any financial institution (including account number, account name and financial institution) that were used by you or an entity with which you are associated for the purposes of receiving funds from 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 and/or Tony Hickey, or any person or entity associated with the aforementioned persons or entities;
- The purpose, nature and extent of any work, disposition of property, or performance of services to which the payment you received from Hickey Lawyers in the amount of \$5,200 in or about March 2004 was directly or indirectly related.

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.

Statement to: Queensland Crime and Misconduct Commission
18/19/20 September 2005

I Robert David Janssen of 20 John Munro Court Carrara 4211 in compliance with a 'NOTICE OF DISCOVERY' served upon me at 7.40 am Friday 16th September 2005 tender the following statement and submit the attached documents.

STATEMENT

In my capacity as President of the Nerang Chamber of Commerce, Chairman of the Western Chambers and secretary of the Combined Chamber of Commerce I approach my office and responsibility in advancing, protecting and promoting the cause of business passionately and honourably. As a private individual I do no less.

The lead up to the 2004 Council election began 14 months out with an appraisal of the state of the city. This appraisal was the cumulation of information derived from a variety of sources, Chambers of Commerce, Councillors, Council officers, Members of the Legislative Assembly, Federal Members of Parliament and the media. At this point there was to my knowledge no focused attempt to intervene in the upcoming council election other than a general feeling that something needed to be done.

The appraisal highlighted a number of serious issues that had to be addressed.

- There were numerous major projects effecting the city's infrastructure as well as vexatious claims before the Planning and Environment Court that were blocked or led by a dedicated group of radical fundamentalist individuals who had infiltrated or formed a number of organizations.
- That councillor Peter Young was an associate of these individuals and their conduit to council and State Parliament through his personal relationship with Robert Poole MLA Gaven and Dianne Reilly MLA Mudgeeraba.
- That councillor Peter Young had formed an 'unholy trinity' with councillors Dawn Crichlow and Eddie Sarroff in promoting themselves as the pillars of the community and defenders of the public as a political strategy. All three were known to be leaking information to the Bulletin and the Sun; this information was used selectively for political gain.
- That the Bulletin and its subsidiary The Sun were sympathetic to the 'unholy trinity' in protecting valuable sources of information and showed a predisposition to championing the policies of the radical fundamentalist element.
- That the council reporter Alice Gorman (nee Jones) had a longstanding personal relationship with councillor Crichlow and was renowned in some circles for presenting stories that were not wholly factually correct.
- That the philosophy of the radical fundamentalist element was to block or make economically unsustainable all development or infrastructure within the city to prevent its expansion or growth. The technique was to incite public fervour using developers as the scapegoats portraying them collectively as greedy rapists of the environment and harming our future

heritage. What was of prime concern was that they were hugely successful at this using a network of letter writers and half-truths, which were seized upon by the media.

All these elements eventually led to what has now become a crisis within our city and an open inquiry by the Crime and Misconduct Commission.

The first move to change the balance within the city came in the form of dealing with the 'green' issue when I was approached by councillors Sue Robbins and David Power to write a piece on the effect that radical fundamentalist philosophy was having on infrastructure. I mentioned that there was no way that the Bulletin would print it and was advised that there were people prepared to assure this by paying for my services and taking out a full page add in the Bulletin. I was comfortable in writing this story being aware that the fundamentalist element would eventually come out in force to protest the Chambers nature-based tourism strategy of 3 years in the making. The article was written (attached) but was never published due to changing circumstances.

The situation had changed so much that it was now clear that a solid and in some instances covert "green team" would be contesting the council election with selected candidates.

Elements of this team had supported me in my campaign to contest division 8 in the 2000 election against councillor Bob LaCasta so I was intimately familiar with the players and their techniques. That organization was known as the Community Electoral Alliance, which included Peter Young, Sally Spain, Sheila Davis and others, who represented GECKO Citizens for Democracy and organizations whose names I do not now recall. As I found their philosophy far too radical and too far removed from my own, I removed myself from the CEA just before the election

Two councillors went unchallenged in the 2000 election, Councillors Crichlow and Sarroff, both of these councillors supported candidates in that election, Eddie Sarroff supported Peter Young and Dawn Crichlow supported me. Councillor Sarroff in a telephone conversation told me that he could not openly support me, that there was no political gain in it for him and that he was supporting Peter Young. Councillor Crichlow sent me what could be described as a 'dirt file' on councillor Bob LaCasta to use in my campaign; I subsequently chose to ignore this information. I was appalled and disgusted towards the end of the campaign when councillor Crichlow articulated highly defamatory accusations against councillor LaCasta in the hope that I would use this to my advantage and tarnish the reputation of this man. (I am only prepared to divulge this in closed session without the presence of the media and under strict confidentiality.) I have signed a statutory declaration pertaining to these accusations, it is held by Bob LaCasta as insurance should these insidious rumours be repeated.

On Election Day councillor Crichlow's campaign manager, John Dixon went from booth to booth telling the public not to vote for that "black bastard". When I heard of this I rang councillor Crichlow telling her to call off her dog and

protested my disgust of this political and racist tactic, then I rang councillor LaCastra and apologised.

I have brought this historical information to the attention of the Commission to give reason to the subsequent actions taken by others and myself in the 2005 Council Elections.

Between November 2003 and January 2004 there was a sense of foreboding with a realistic danger that the city could be dominated by a 'green team' that would stifle growth which would lead to a disaster for not only the business community but the community at large. It was recognised that these candidates were being mentored by those associated with radical fundamentalist philosophies. These issues were discussed among Chamber presidents and passed onto councillors seeking some form of response. The Nerang Chamber passed a resolution that it would support those candidates that espoused the principles of the Chamber and work against those that did not, Councillor Young fell into the latter category.

In a conversation with Councillor Sue Robbins I was made aware that there was a substantial funding in a blind trust to support candidates that exhibited 'common sense', with a balanced approach to development and environmental issues. Bearing in mind my Chamber's resolution and not wishing to expose it to undesirable publicity, I offered my personal services and was told that this was the same source that requested the article on the radical greens. As I had not been recompensed for that article, I suggested that I become involved in the campaign against councillor Young by producing negative publicity in the form of a drop mailer. This offer was taken up and subsequently I was paid by the trust the sum of \$5200.00 for the first article, the drop mailers, research, layout, printing and distribution. (Drop mailers attached.)

I joined the campaign team (unofficially) of candidate Brian Rowe who was standing against councillor Young. Mr. Rowe was unaware of what I was writing and although he exhibited curiosity and questioned me on the matter, I told him that he was not to know as that way he had credible deniability.

Initially a number of Chamber presidents were involved in the campaign in one way or another but towards the end it came down to about 3. My knowledge of the trust fund was limited in that I never knew or have known to this day any of the contributors (other than that information published in the Bulletin) as my Chamber like most others deal with small business. I was aware and approved of the 'blind trust' format in that the contributors and candidates were never to be revealed to one another thereby eliminating even the perception of undue influence or inappropriate dealings. This form of fund raising is commonly used in State and Federal politics and I know of no legal or moral reason why it cannot apply to local government.

The selection of candidates was almost wholly from those who had already declared their intention to run, business leaders and others questioned them as to their vision for the city and it was decided as to who the trust would back. The only possible exception was Brian Rowe as we were looking for a credible candidate to stand against Councillor Young and as far as I am aware, John

Lange the then president of the Coomera Chamber recruited Brian. Brian Rowe was then vice president of the Coomera Chamber. At no time, even now was I aware that any of these candidates knew of the nature of the trust or were recruited by either developers or any person or organization involved with that industry.

My first knowledge of the involvement of Lionel Barden other than his contribution of information and strategy was when I received the cheque from Hickey Lawyers and saw the name of the trust. I contacted Lionel and expressed my surprise. I have known Lionel for about 4 years through our mutual involvement in the Combined Chamber. Lionel as a long time president of the Robina Chamber was a leading business figure with extraordinary contacts and knowledge of this city. I also had business with Lionel in my capacity as a builder in installing the shop fitting at Innovation Showcase. I consider Lionel as a friend to this day and am disappointed at the damage publicity has done to his reputation, family and capacity to conduct his business simply for putting his name to a trust fund.

The material I produced on councillor Young brought me into contact with Hickey Lawyers for the first time when I ran the material past them in respect to the possibility of defamation. It was suggested that some details be deleted specifically that pertaining to the Railway Street development as it exposed me to litigation by a third party. Consequently much of the impact of this story was lost and the real drive of it diluted. The Commission should further investigate this considering the allegations put forward by Councillor Young, especially since it is looking into misconduct. I also ran the articles past solicitor John Witheriff of Minter Ellison who had chaired the Combined Chamber for approximately 14 years. All the information in the drop mailers is accurate, some of it a matter of public record, some personal knowledge and the rest checked against council records and corroborated by councillors or council officers.

I do know Paul Brinsmead (solicitor) in the capacity as a client when I renovated his residence in Surfers Paradise some 10 or so years ago. I have had no contact with Paul or anyone I knew to be associated with him since that time until I met him again at the recent Mayoral Ball and discussed the article written about him in the Bulletin. I had no knowledge of his alleged involvement in the trust.

Mayor Ron Clarke and his wife Helen are known to me personally and I find both of them to be of good and honourable character with a high standard of ethics that are a rare commodity in today's society. My wife and I supported Ron in his bid to become Mayor of this city based on our personal observations of this man and his unsolicited and unqualified financial support of the Chamber's project in promoting and expanding sustainable nature-based tourism. Our support was achieved through speeches, publicised comment and the distribution of how to vote cards during pre-polling and Election Day. Regardless of his public image which has been unduly influenced by a sustained and biased media attack and his political nativity, in deference to populist Ron bashing I can see no ill in this man. I believe that the claims against him are vexatious and he is guilty of a genuine oversight. It seems unjust to me and those I represent that Ron is vilified by councillor Young and the media for omitting contributions in the

disclosure of his funding and being accused of fraudulent behaviour while councillor Young under the same circumstances claims a genuine mistake. Perhaps the Commission can clarify the difference?

Roxanne Scott who stood against Councillor Crichlow was introduced to me at some function before the election, I was aware that she was being supported by the trust fund as her name had come up in discussions within the Combined Chamber. There was some debate as to whether Roxanne Scott or Ian Solomon president of the Southport Chamber should stand against Dawn and whether the Southport Chamber would support Roxanne if she was successful. I only met her on that one occasion before the election but have met her on several occasions since as she wished to join a Chamber and we are in the same branch of the Liberal Party.

Councillors Hackwood, LaCastra, Shepherd, Grew, Power, Betts, Molhoek, Pforr, and Robbins were and are all known to me in my capacity within the Chambers in lobbying for small business, tourism, infrastructure etc. I did not meet either Pforr or Betts until after the election though I was aware that they were running and supported by the trust. My only contacts in trust issues prior to the election were Councillor Robbins, La Castra and Power. Councillor LaCastra clarified some information for me in regards to the drop mailers, as did councillor Power and Robbins.

I have read the accusations made by councillor Young in an abridged version. His claim that the candidates misled the public is flawed in that the trust was exposed prior to poll day. The councillor also failed to admit his complicity in a 'green ticket'. There has been much emphasis on the secrecy of the trust fund, in the words of the late Sue Robbins, this was because it was felt that "the Bulletin would not give us a fair go" nothing before or since would alter that perception. One can only act on the information available at that time and hindsight is 20-20 vision.

In respect to 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 the Electoral Community Alliance which was taken up by John Lange 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 were aware of the material as well but it was not an official Chamber document and I acted alone in its composition.

Since the allegations were made by Councillor Young I have been involved in conversations with some of the named councillors and written various press releases and articles on the matter, some have been published and some will be published in the near future. I attach these to this statement.

With all due respect, a concern of the business leaders in this city is that the Commission is perceived to be myopic in its view of the investigation determined by the limited 'terms of reference', in only dealing with allegations they believe to be vexatious and baseless. At this point there is a perception of a reluctance to

look in the opposite direction and this perception is seen to have political overtones. The continuing rhetoric by councillor Young invites trial by media and is in contempt of the nature of the commission subverting the course of natural justice and panders to political brinkmanship. This continual media hype we believe is designed to give strength to the implication by Minister Boyle that she may even sack the council due to a lack of public confidence regardless of the findings of the Commission. I say this as these views are continually expressed to me, even in consideration of the scepticism in which the Bulletin is held, this perception seems plausible.

I Robert David Janssen attest that to the best of my knowledge and recollection, the contents of this statement are a truthful, accurate and complete.



Robert David Janssen

20.9.2005