

Oaths Act 1867

Statutory Declaration

QUEENSLAND TO WIT

I, James Christopher Wilson of : in the State of
Queensland do solemnly and sincerely declare that:

1. A Complaint has been lodged with the CEO of the Gold Coast City Council under the Council's Complaint Management System, about the conduct of The Mayor; Gold Coast City Councillors; and executives alleging they have committed and aided and abetted **CORRUPT CONDUCT** pursuant to **Section 15 of the Crime and Corruption Act 2001 (as amended 2014) (CCA)** .
2. Mayor Tate claims he has an electoral mandate to build a Cruise Ship Terminal.
3. The State Government and its Ministers and local State members and the Premier and Deputy Premier have said that the only reason the State Government is considering a Cruise Ship Terminal is because the people of the Gold Coast have spoken and have given Mayor Tom Tate an **electoral mandate** to build one. This was reaffirmed in the Queensland State Parliament during the Winter.
4. It is alleged that the parties mentioned have engaged in **CORRUPT CONDUCT** by supporting and not objecting to Mayor Tate's illegal, nonsensical and delusional claim and MISREPRESENTATION that he holds an electoral mandate, as regards to building a Cruise Ship Terminal on the Gold Coast.
5. Under the auspices of the State Government and the Gold Coast City Council, and based on the incorrect electoral "mandate" claim in favour of Mayor Tom Tate, there are advanced discussions with ASF Limited as a possible proponent for the development of a cruise ship terminal and other infrastructure on Wavebreak Island in the Broadwater at the Gold Coast;
6. This issue is a more serious case of corrupt conduct and/or a case of systemic corrupt conduct within the Gold Coast City Council and the State Government.
7. The Complaint of **CORRUPT CONDUCT** is based on the allegation that:
 - A. Initial and continued support for the "mandate claim" is an "ABUSE OF PUBLIC OFFICE" under Section 15 of the CCA, in that it is:
 1. Not based on fact (Tom Tate did not discuss this as part of his electoral platform in good time before the election; only announced his intention to

build a cruise ship terminal on his website only 2 days before the election and after postal votes were being returned; and received only 37% of the vote with preferences) ; and

2. Not based on law (Tom Tate only announced his intention after postal votes were being returned; AND there is no provision in the Local Government Act for a Mayor to be elected with a mandate for anything.(Under the Queensland Local Government Act, Mayors are elected to Chair full council meetings and have some additional responsibilities); and
3. A complete **MISREPRESENTATION and FABRICATION** to the voters Gold Coast City; and
4. A breach of **Section 15 of the Crime and Corruption Act** which demands the Councillors and others conduct themselves with **HONESTY; IMPARTIALITY; and DO NOT KNOWINGLY OR RECKLESSLY BREACH THE TRUST placed in them by the electors; and**
5. Breach of The Local Government Act of Queensland, specifically Sections 12; Section 4 (2) and Section 176 relating to Misconduct; and/or

B. Generally :

1. Under the provisions of Section 15, all Councillors have **wrongly**:
 - i. neglected, failed or being inactive in telling the electorate the truth of the invalidity of the “mandate claim”;
 - ii. continued to support the “mandate claim”, with regards to the current discussions with ASF Limited, as a possible proponent of a cruise ship terminal;
 - iii. by their continued support of the “mandate claim,” not acted honestly and in a manner that clearly does not involve a breach of trust placed in them by the electors of the Gold Coast City; and
 - iv. facilitated an outcome that is providing or will provide massive financial and other benefits to ASF Limited (a listed public company), its shareholders, executives, and advisers, should ASF be selected by the State Government to be the developer of the \$7.5 billion Gold Coast Wavebreak Island Project which, critically, the State Government has stated must include a cruise ship terminal; and/or
 - v. It is a breach of The Local Government Act of Queensland, specifically Sections 12; Section 4 (2) and Section 176 relating to Misconduct.
8. GCC Councillors DO NOT, individually or collectively, have an ‘electoral mandate’ to give support to an illegal electoral mandate for a CST, as claimed by Mayor Tate.
 9. I have submitted to the CEO that, if my allegations are correct in law (which I believe they are) that, under Section 15, they provide reasonable grounds for terminating the services of the Councillors of the Gold Coast City Council and certain senior executives of the Gold Coast City Council.

10. It is my view that the **CEO of the GCCC** is obliged by law to report all parties mentioned to the Corruption and Crime Commission (CCC) for the alleged breaches of **Section 15** listed above.
11. If the CEO doesn't report to CCC, we can then appeal his decision with HIM and, if we don't like the appeal decision, we can then make a complaint to the State OMBUDSMAN.
12. It is my view that, because of the involvement of the State Government with circumstances surrounding the allegation that the whole matter deserves either or both of direct investigation by the CCC or a **Royal Commission**.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1867.

Declarer **James Christopher Wilson**

Taken and declared before me at Tweed Heads New South Wales this

10th day of November 2014 before me.

Justice of the Peace/~~Commissioner for Declarations~~



Report suspected corruption

GPO Box 3123
BRISBANE QLD 4001

Tel.: 07 3360 6060
Fax: 07 3360 6333
Toll-free: 1800 061 611
Email: mailbox@ccc.qld.gov.au
Website: www.ccc.qld.gov.au

Form CO1: Complaint lodgement (supporting details)

This form must be provided to the CCC with your statutory declaration.

Your details:

Name (In full):

Date of birth: Male: ☒ Female: ☐

Do you identify yourself as Aboriginal, Torres Strait Islander, Aboriginal and Torres Strait Islander, or Australian South Sea Islander?

Yes: ☐ No: ☒ If yes, what do you identify as?

Do you speak a language other than English at home?

Yes: ☐ No: ☒ If yes, please specify the other language spoken:

Your contact details:

Address:

Home telephone: Business telephone:

Mobile telephone:

Email address:

Details of person complained about, if known:

Name:

Position:

Agency:

Business unit:

Have you reported this matter to any other department/agency?

Yes: ☒ No: ☐

If yes, please specify which one? (Supply contact details)

☐ QPS:

☐ Ombudsman:

☒ Other:

Gold Coast City Council

Witness contact details: (If any)

Name:

Address:

Contact telephone
numbers:

Please list any documentary evidence you have:

The Complaint is based upon publically-available information, now well known to the Gold Coast electorate, and is based on statements made by the Premier and Deputy Premier and the Mayor and Councillors and Senior Executive Officers of Gold Coast City Council.

What is your expected outcome?

Either

a. An order that the Qld State Government and Gold Coast City Councillors and the Mayor of the Gold Coast cease all support for and discussion of a cruise ship terminal on the Gold Coast with ASF Limited or any other party, pending the matter being properly presented to and having received majority support from a vote by the ratepayers of the Gold Coast in a full Council election, which vote would have presented to it in good time to enable productive community discussion and debate before occurring, full and complete independent reports as to economic, environmental, social and cultural short term, medium term and long term benefits and costs of a cruise ship terminal to the City of the Gold Coast (this might be expected to take years); OR

b. Dismissal of the Gold Coast City Council and appointment of an Administrator who would cease all discussion of a cruise ship terminal, pending a full Council election as per a. above.

Would you be concerned if your matter was dealt with by the agency you are complaining about?

Yes: ☒ No: ☐ If yes, please specify why:

The Complaint is being investigated by the CEO of the Gold Coast City Council who takes his orders from the Mayor as per Section 12 of the Local Government Act.
The CEO is complicit in the illegal mandate claim and it would be highly unlikely that he will assess the Complaint objectively and, in any event, cannot because he is conflicted in the matter, as he is one of the parties against whom the complained is made.

☒ My statutory declaration and supporting documentation are attached to this complaint lodgement form.

Signature

10.11.14

Date

Forward to the Crime and Corruption Commission with your statutory declaration:

GPO Box 3123
BRISBANE QLD 4001

Level 2, North Tower Green Square
515 St Pauls Terrace
Fortitude Valley Qld 4006

Monday, 6 October 2014

The Honourable Campbell Newman
Premier of Queensland
Executive Building
George Street
Brisbane

Dear Premier

Re: Gold Coast Cruise Ship Terminal (CST) - Wavebreak Island - Due Diligence on Dredging

I refer to the imperative need for thorough due diligence to be conducted and made available to the Gold Coast City ratepayers, in relation to the potential for wide-ranging adverse impacts of initial and continuing **dredging** for a CST.

Dredging Required

I am sure the State Government and all other supporters of the project would be aware of historical and continuing concerns that the significantly increased-depth dredging (20 metres +) both within the Broadwater and 1-2 kilometres out to sea, for an approach sea channel, could cause a number of potentially-disastrous outcomes.

Of course, I am referring to the concerns that the required increased-depth dredging will increase the speed of tidal flow and the height of storm surges in the Broadwater and its feeder systems of the Nerang River and the Coomera River, including the creek and canal systems which are believed to be many hundreds of kilometres in length and have thousands of homes fronting them.

Revetment Walls

The concern is that new Local Law 17 passed mid-2013, makes residential and other property owners responsible for maintaining and fixing their revetment walls. There are hundreds of kilometres of canals and thousands of houses that have degraded revetment walls.

The concern is that the increased depth dredging described above will both exacerbate the degradation of revetment walls and bring forward the need for property owners to repair and replace their revetment walls. The cost of replacement or upgrade is estimated in 2014 dollars at up to \$80,000.000 per 30-40 metres of revetment wall canal frontage. The Member for Gaven has written about this many times over the years

Home Insurance

There are also concerns that home insurance companies will move home insurance premiums up or refuse to cover canal frontage homes, all of which have revetment walls of some shape or form.

Potential for Class Action against the State Government and the Gold Coast City Council

With the foregoing in mind, it would seem that there is a very real risk of a **class action** by aggrieved residential and commercial property owners and others, if the concerns come to pass. I am aware of at least one law firm that has drawn this to the attention of the community, which is a topical thing to do, given the recent announcement of a class action against the Brisbane City Council and the State over the Brisbane flooding and implementation of its flood management plan.

The Hinze Dam Factor

It seems that some of the Mayor Tate's 8 supporting Councillors (along with the independent Councillors) are now worried that the Hinze Dam (with its higher walls) could become a Wivenhoe situation with the necessity to release water if it fills too much (to avoid potential wall collapse) during heavy storms, caused by low pressure systems or heavy rain events (not even a cyclone). The concern is that this would cause risk to life and property because of the number of housing developments that have been permitted on the Gold Coast flood plains (e.g. Merrimac floodplains).

This is exactly the concern that exists concerning the impacts of increased-depth dredging for a CST.

My questions:

Mr Premier, my questions to you are:

1. Is your Government aware of the risks of which I have written?
2. Is the Gold Coast City Council aware of the risks of which I have written?
3. What Due Diligence and Due Inquiry will both the State Government and the Gold Coast City Council undertake to address, analyse, quantify and form conclusions on the risks of which I have written?
4. Will the State and the Council engage an internationally-recognised independent advisory organisation to conduct 3 above and what will it cost and over what period?
5. Will the conclusions in 3 above include an assessment of the potential for future class actions?
6. When will the information in 3 above be made available to the ratepayers of the Gold Coast and all stakeholders, for them to determine their support or otherwise for a CST?

I look forward to your reply.

Yours faithfully

Jim Wilson

cc: Mayor Tom Tate

PRESS RELEASE

Friday, 7 November 2014

DUE DILIGENCE GOLD COAST



community eyes and local politicians

GOLD COAST CRUISE SHIP TERMINAL

ALLEGED CORRUPT CONDUCT BY GOLD COAST CITY COUNCILLORS

COMPLAINT CALLS FOR SACKING OF GOLD COAST CITY COUNCIL

A Complaint has been lodged with the CEO of the Gold Coast City Council under the Council's Complaint Management System, about the conduct of The Mayor; Gold Coast City Councillors; and executives alleging they have committed and aided and abetted **CORRUPT CONDUCT** pursuant to **Section 15 of the Crime and Corruption Act 2001 (as amended 2014) (CCA)** .

Mayor Tate claims he has an electoral mandate to build a Cruise Ship Terminal. The State Government and its Ministers and local State members and the Premier and Deputy Premier have said that the only reason the State Government is considering a Cruise Ship Terminal is because the people of the Gold Coast have spoken and have given Mayor Tom Tate an **electoral mandate** to build one. This was reaffirmed in the Queensland State Parliament during the Winter.

In the Complaint, it is alleged that the parties mentioned have engaged in **CORRUPT CONDUCT** by supporting and not objecting to Mayor Tate's illegal, nonsensical and delusional claim and MISREPRESENTATION that he holds an electoral mandate, as regards to building a Cruise Ship Terminal on the Gold Coast.

The Complainant alleges that this issue is a more serious case of corrupt conduct and/or a case of systemic corrupt conduct within the Gold Coast City Council and the State Government.

The Complaint of **CORRUPT CONDUCT** is based on the allegation that:

A. Initial and continued support for the "mandate claim" is an "ABUSE OF PUBLIC OFFICE" under Section 15 of the CCA, in that it is:

1. Not based on fact (Tom Tate did not discuss this as part of his electoral platform in good time before the election; only announced his intention to build a cruise ship terminal on his website only 2 days before the election and after postal votes were being returned; and received only 37% of the vote with preferences) ; and
2. Not based on law (Tom Tate only announced his intention after postal votes were being returned; AND there is no provision in the Local Government Act for a Mayor to be elected with a mandate for anything.) (Under the Queensland Local

PRESS RELEASE

Government Act, Mayors are elected to Chair full council meetings and have some additional responsibilities); and

3. A complete **MISREPRESENTATION and FABRICATION** to the voters Gold Coast City; and
4. A breach of **Section 15 of the Crime and Corruption Act** which demands the Councillors and others conduct themselves with **HONESTY; IMPARTIALITY; and DO NOT KNOWINGLY OR RECKLESSLY BREACH THE TRUST placed in them by the electors; and**
5. Breach of The Local Government Act of Queensland, specifically Sections 12; Section 4 (2) and Section 176 relating to Misconduct; and/or

B. Generally :

1. Under the provisions of Section 15, Councillors have neglected, failed or being inactive in telling the electorate the truth of the invalidity of the “mandate claim”; have continued to support it; and this support is not honest and involves a breach of trust placed in them and is providing or is likely to provide a benefit to ASF Limited, the proponent of the Cruise Ship Terminal, should it be selected by the State Government; and/or
2. It is a breach of The Local Government Act of Queensland, specifically Sections 12; Section 4 (2) and Section 176 relating to Misconduct.

GCC Councillors DO NOT, themselves, have an ‘electoral mandate’ to give support to an illegal electoral mandate for a CST, as claimed by Mayor Tate.

We have submitted to the CEO that, if our allegations are correct in law (which we believe they are) that, under Section 15, they provide reasonable grounds for terminating the services of the Councillors of the Gold Coast City Council and certain senior executives of the Gold Coast City Council.

As such, it is our view that the **CEO of the GCCC** is obliged by law to report all parties mentioned to the Corruption and Crime Commission (CCC) for the alleged breaches of **Section 15** listed above.

If the CEO doesn’t report to CCC, we can then appeal his decision with HIM and, if we don’t like the appeal decision, we can then make a complaint to the State OMBUDSMAN.

It is our view that, because of the involvement of the State Government with circumstances surrounding the allegation that the whole matter deserves of a **Royal Commission**.

Jim Wilson

Principal

Wilson Haynes solicitors-conveyancers- business advisers

For and on behalf of **DUE DILIGENCE GOLD COAST** www.duediligencegc.com.au



Contact Person:

17 October 2014

ASF Group Limited ACN 008 924 570
Bennelong
2/3 B Macquarie Street
Sydney NSW 2000

By Facsimile: 02 9251 9066
Email: info@asfgroupltd.com

Attention: William Kuan- Company Secretary

Dear Sir/Madam,

RE: Broadwater Marine Project- Gold Coast Cruise Ship Terminal- Dredging

We act for a number of landowners in the Gold Coast flood basin (Coomera and Nerang Rivers and associated estuaries, canals, and creeks, including Broadwater.)

We are aware that you have been illegally misrepresented to by the Queensland Government and The Gold Coast City Council that Mayor Tate has a mandate to build a Cruise Ship Terminal (CST) on the Gold Coast. This is not so, as Tate only mentioned his idea for a CST two days before the election on only his website; did no due diligence on the idea; did not discuss it with the electorate; received only 37% of the vote with preferences; and, most importantly, there is no provision in the Local Government Act of Queensland for a Mayor to be elected with a mandate for anything.

With the foregoing in mind, we wish to draw to your attention a most important matter to do with your plans and the Environmental Impact Statement that your organisation is apparently doing for the CST.

THE CONVEYANCING CREW™

Trademark Consultant



Personal • Property • Business • Intellectual Property

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75-77 Wharf St, Tweed Heads 2485
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Beacon Business Directions P/L **ABN** 71 114 557 121 trading as Wilson Haynes

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Liability Limited by a scheme approved under the Professional Standards Legislation.

The issue

Brisbane City flood mitigation:

After the disastrous 1974 floods, the Qld State Government built the Wivenhoe Dam (6x Sydney Harbors capacity) to absorb upstream rainfall in-flow from creeks, to stop **Brisbane City** flooding in times when 'lows' and tidal surges caused the Brisbane river to back up against rainfall upstream. In 2011, negligence saw Wivenhoe flood-release gates not operated properly, leading to massive downstream Brisbane flooding and inundation of residential and commercial property and, now, a massive class action by property owners and occupiers for damages. (We might add that, unlike 1974, by a stroke of luck, Gold Coast City luckily avoided the massive rainfall from the 2011 event, which, had it occurred would have created massive inundation and flooding of properties on the Gold Coast, as with 1974.)

Gold Coast City flood mitigation:

Coming now to the impact of **increased-depth dredging** for your CST on the **Gold Coast City**, we would like to inquire as to what consideration you have given to the following points.

Now 40 years after the 1974 flooding of Brisbane and Gold Coast City, you are proposing to permanently change the aquatic and oceanographic landscape for the worse by increased-depth dredging. We say, 'for the worse', because increased-depth dredging will encourage increased- size tidal surges through the seaway and into the Broadwater which, in turn, will lead to massive upstream flooding and inundation in times of heavy rainfall from 'low pressure' weather systems.

Your dredging will give significantly increased 'invitation' to tidal surges generally, but particularly in situations where the Hinze dam, being so small, will have minimal capacity to stem inflows from heavy rainfall upstream in its catchment, and this will lead to the need to release water from it. The outcome would be massively-increased downstream river flows backing up against increased-depth-dredging-induced larger tidal surges, leading to massive and unheard -of flooding and inundation of residential and commercial properties and continuing damage to revetment walls. This will lead to class actions of immense proportions and will leave the current Brisbane class action in the shade!

How the Gold Coast has changed since 1974:

Please also be aware of how man-made changes since 1974 have dramatically changed the risks.

The resistance between the open ocean and the Broadwater is determined by the depth and width of the seaway.

Resistance decreases directly proportional with the amount of water pouring in through the seaway. Increased-depths dredging allows more water in.

Since 1974, Gold Coast wetlands have been filled, floodplains inhabited, canals dug, river mouths blocked, with the likes of Sovereign Island, and more bridges installed with massive pylons the likes of the Nerang River mouth. This all leads to reduced area for floodwater absorption until it can escape to the open sea.

The addition of developments like Sovereign Island and the bridges at the Nerang outlet slows the escape of rain runoff and this is made worse by a higher-than-normal Broadwater level due to storm surge.

To increase this risk by digging the Seaway deeper and/or wider and reclaiming more land within the Broadwater or the catchment basin is plain stupidly. In the case of this being done after the protestations from the existing community it becomes culpable negligence and the subject of **class actions** in the unfortunate event of a natural weather event leading to disaster (which climatologists say is sure to occur sooner rather than later.)

Gold Coast City Council's Position:

The council is quick to point out that the reduction in resistance between the open ocean and the Broadwater by constructing the Seaway aids in the escape of floodwater and thereby reduced flood heights.

They totally fail to point out that with the right storm conditions, the storm surge from the ocean pouring in through the seaway will make the flood heights much higher than 1974. Increased-depth-dredging aids and abets and increases this. The actual amount is dependent many variables: central pressure of the system; position relative to the Seaway; speed of the system; direction of movement of the system; time interval in the affected area and if it is high or low astronomical tide; wind speed and direction; wave height and direction; amount of rainwater in the catchment; and conditions prior to the event.

Our questions to you:

Could you please inform us of?

1. How you intend to assess the risks to property due to your increased-depth dredging, described above;
2. How you also intend to assess the risks to revetment wall degradation on an ongoing basis;
3. What truly-independent advice you will engage in conducting an assessment of the risks;
4. How and when you intend to fully explain the risks and your mitigation strategies to the population of the Gold Coast (now 575,000 people- up from 65,000 in 1974); and
5. What insurance your company will carry against the prospect of class actions by property owners occurring from any miscalculation by you of the risks.

We look forward to your reply, at the earliest.

Yours faithfully

WILSON HAYNES

James Christopher Wilson Director/Principal

CC: Mayor Tom Tate; Premier of Queensland; Deputy Premier of Qld; Gold Coast City Councillors



DUE DILIGENCE GOLD COAST

COMMUNITY 'EYES' ON LOCAL POLITICIANS

PRESS RELEASE: 24 October 2014

CRUISE SHIP TERMINAL-

ALL COUNCILLORS BREACHING SECTION 4 (2) OF LOCAL GOVERNMENT ACT

The Local Government Act 2009 creates CLEAR obligations for Councillors in carrying out their responsibilities: it specifies 5 CORE PRINCIPLES, as follows:

1. Transparent and effective processes, and decision making in the public interest.

BREACH: The community consultation process for the CST is a joke and is NOT effective (GCB editorial today) and never has been. Further, the consultation process is NOT in the public interest in that it is NOT informing the attending public of the massive risk to the Gold Coast City and region of significantly-increased inundation and flooding to property, caused by increased tidal surges due to increased-depth dredging. Class Actions against the City, akin to the \$4bn one underway in Brisbane from the 2011 floods, are too real a possibility to ignore, in the public interest. Therefore, the decision on the CST is NOT being worked up via a process which is in the public interest.

2. Sustainable development and management of assets and infrastructure, and delivery of effective services.

BREACH: The proposed CST is NOT a sustainable development due to significantly-increased risks of regional inundation and flooding; damage to revetment walls; its permanency and irreversibility; direct costs of additional infrastructure to be paid for by ratepayers; irreparable damage to coastline, general environment and surf breaks; significant risk of Class Actions due to property damage; and, last but not least, the complete absence of any independent study that a CST is economically viable and, beyond reasonable doubt, has a positive benefit/cost ratio for our City (the possibility of Class Actions makes a positive benefit/cost ratio an impossibility to achieve, anyway.)

All of the foregoing do NOT enable or provide for sustainable management and protection of the City's assets and infrastructure.

3. Democratic representation, social inclusion and meaningful community engagement.

BREACH: By any objective standard, there has NOT been, either before the last Council elections or subsequent, anywhere near the required level of meaningful community engagement and debate, based on adequate data supplied from any source (be it independent or otherwise), for the community to form a view on the benefit/cost ratio of this project to our City. As such true social inclusion has been denied and the City has

become divided by the corrosive CST 'project' championed by Mayor Tate and his supporting Councillors.

4. Good governance of, and by, local government.

BREACH: There is NOT good governance, as NOT ONE Councillor has publically questioned and objected to the lack of validity and illegality of Mayor Tate's delusional claim to have a mandate to build a CST. There is no provision in the Local Government Act for a Mayor to be elected with a mandate: in the Act, Mayors are chair of full council meetings and have some additional responsibilities to other Councillors- that is all!

The LNP Government in every person from the Premier down, and the Minister for Local Government, have allowed and endorsed this heinous misrepresentation and voter fraud by, themselves, claiming that Tate has a mandate!

By so doing, they are deeply complicit and facilitative in the breach of this Core Principle.

5. Ethical and legal behaviour of Councillors and local government employees.

BREACH: In view of their overt tolerance of Mayor Tate's illegal claim to a Mandate to build a CST; and the other matters mentioned in 1-4 above, by any standard, ALL Councillors are NOT engaging in ethical and legal behaviour in their representation of their electors and the City, in relation to the CST matter. Further, senior local Government employees are guilty of being involved in this heinous votere misrepresentation and voter fraud.

For further information:
Jim Wilson