

Report concerning an application from Mr Mike Berwick for the publication of a response to a reference made in the House of Representatives

**House of Representatives
Committee of Privileges**



Membership of the Committee

Chair Mr Cameron Thompson MP

Deputy Chair Ms Anna Burke MP

Members Mrs Trish Draper MP

Mrs Joanna Gash MP

Mr Luke Hartsuyker MP

Mr Daryl Melham MP

Mr Bob McMullan MP

Hon Roger Price MP

Mr Don Randall MP

Hon Alex Somlyay MP (Representative of Leader of the House)

Ms Tanya Plibersek MP (Representative of Deputy Leader of the Opposition)

Committee Secretariat

Secretary Mr David Elder

Research Officer Ms Claressa Surtees

Administrative Officer Ms Laura Gillies

- 1.1 Mr Mike Berwick has made an application, under the procedure adopted by the House on 27 August 1997, for the publication of a response to references made about him in the House by Mr R Baldwin MP on 17 August 2005.
- 1.2 The Committee suspended its consideration of the application, at Mr Berwick's request, while an investigation was undertaken by the Queensland Crime and Misconduct Commission (CMC). The CMC has now completed its investigation.
- 1.3 The Committee considers Mr Berwick should be given a response and the terms of the response have been agreed by him and the Committee. A copy of the response is at Appendix 1.
- 1.4 In agreeing to the response, the Committee notes, as required by the resolution of the House for Rights of Reply, that it has not considered or judged the truth of any statements made by Members in the House or by the person seeking a response.
- 1.5 The Committee recommends that a response by Mr Berwick (at Appendix 1) to references made about him in the House on 17 August 2005 be incorporated in Hansard.

MR CAMERON THOMPSON MP
Chair
November 2006

Appendix 1

The allegations made in relation to me by the Hon Bob Baldwin MP in the House of Representatives on 17 August 2006 have been found to be without substance in a report by the Queensland Crime and Misconduct Commission (CMC). The allegations emanated mainly from Mr Jeff McCloy, a developer with property and business interests in the Douglas Shire where I am the Mayor of the Council. The CMC's report also says that Mr McCloy sought assistance from Mr Baldwin and that "Mr Baldwin aided in the preparation of Mr McCloy's written complaint to the CMC."

The allegations can be summarized as follows:

- Cr Berwick allowed his personal interests in a barramundi farm, a private forestry operation and a corporation know as FNQ NRM Ltd to conflict with his public duty as an elected member of the Council;
- Cr Berwick corruptly used his authority as Mayor of the Council to benefit his personal interests;
- Cr Berwick misappropriated substantial funds the Commonwealth and Queensland Governments had granted to FNQ NRM Ltd and an organisation called the Daintree Coordination Group; and
- Cr Berwick improperly made unauthorized disclosures of confidential Council information to certain individuals with tourism or development interests north of the Daintree River.

These allegations have caused a very large and unnecessary cost to the Douglas Shire, to FNQ NRM Ltd and to my family in terms of:

- administrative distraction, consumption of staff time and Councillor focus on phantom issues;
- damage to the reputation of the shire;

- negative impact on the tourism industry and on investment in the shire;
- the cost of the various investigations to the public purse;
- interference with the operations of FNQ NRM Ltd;
- the large amount of time taken up by state and federal government agencies; and
- the financial and emotional cost to me and my family, particularly my partner, Ms Jane King.

The fact that the allegations were first released to the media and the story was founded on the proposed tabling of the allegations under parliamentary privilege quoting Mr Baldwin has denied my rights as a citizen and prejudiced the CMC inquiry.

It is clear the allegations made about me were totally without foundation.