

**Submission
No 175**

INQUIRY INTO ELECTORAL AND POLITICAL PARTY FUNDING

Organisation:

Name: Dr Stephen Harrison

Date received: 4/03/2008

10

of both Labor, the Coalition, Democrats and the entire national political network of the Australian Greens. Space limitation restrict us from providing a more comprehensive account of this support.

You may wonder why, given the obvious high level of support, the MJPS Centenary of Federation project languishes and residential developments are allowed to continue to deface more and more of Mt Jerrabomberra. This is a question that has also perplexed others:

"Thus we were dismayed to learn that Queanbeyan City Council is planning to use the Mount Jerrabomberra area for residential development. We consider that in time the Council would come to regret this action and particularly so, since the full riches that might be present are not known, no comprehensive survey having been undertaken of the flora and fauna of the area..." **Julia Richard, Convenor, Australian Conservation Foundation, Canberra Branch.**

One answer may lie in the fact that very little information is reaching the general community due to a lack of support from the mainstream media.

All the media, including *The Canberra Times* were sent a press release on the 14th March, 2000 titled 'A Centenary of Federation Heritage Gift to the People of Australia'. This press release outlined the MJPS proposal and also suggested a way of paying for the project by a two dollar levy from each Australian tax payer established through a Bio-diversity (urgent protection) Levy Bill.

The only media outlets that were known to cover the story were *The Queanbeyan Age* and *QueenBeeAnne's Community News*.

Despite the lack of support from mainstream media and in the face of aggressive attacks from developers and others that see landscapes only in terms of dollar values, the MJPS continues the fight to save Mount Jerrabomberra and continues to seek projects and actions that promote the conservation of Australia's natural and cultural heritage.

To those in the Mount Jerrabomberra Preservation Society who have struggled long in a cause to protect our national heritage and have done so under extreme difficulties and prejudice, maybe the best comment of support comes from *The Queanbeyan Age* (10 January 2001, p8):

"...the majority of our most valuable citizens — those who contribute most to society — enjoy little praise, and few ever receive certificates of appreciation, awards and the like."

Take heart, the fight for Mount Jerrabomberra is not over yet!

NON SUPPORTING STATEMENTS

"I remain concerned that Mr Calkovics continues to make unsubstantiated and erroneous claims. His submissions contain errors of fact, are incomplete, unrelated or misleading... In the interests of productive work in accordance with Council's adopted Management Plan, it is my intention to deal with Mr Calkovics future submissions in relation to North Terrace and Mount Jerrabomberra on their merits." **Bob Whitworth, Director, Environmental Serv-**

'Will the Honourable Member Stop the Destruction of Mt Jerrabomberra?'

by Darren Zlesing

Have you ever pondered on the irony of placing Honorable or Right Honourable in front of a Member of Parliament's name? It often seems quite inappropriate when applied to our politicians, at least in reference to many of those that fill the ranks of the two major political groups (Liberal/Nationals Coalition and Labor).

The Coalition is the current Federal Government and they like to spin the line that they have done more for the environment than any previous government. We see their advertisements all over the television showing us pictures of people planting trees along degraded creeks and removing weeds from properties. We hear about National Heritage Trust funds being spent on Bushcare, Landcare, Rivercare etc etc. *What is the point of all this if nothing is done in the first place to stop the processes of degradation from continuing!*

In Queanbeyan, Landcare groups, with Federal Government (taxpayer) money, are planting trees literally within sight of the bulldozers ripping into the native wildflowers and forests of Mount Jerrabomberra, a site recognised as containing rare and nationally important species and habitats.

While the members of Parliament, including the Coalition, puts on their mulskins, chew on bits of straw and pretend to care about our national symbols, they turn a blind eye to the destruction of these symbols at Mount Jerrabomberra.

This is no isolated case. Mount Jerrabomberra is one example of a story being repeated all round the country: some examples: excessive tree clearing in Queensland, clear felling of forests in Victoria and Tasmania, abuse of Aboriginal rights by mining interests in the Lake Eyre district of South Australia, permitting uranium mining that would impact the Kakadu World Heritage Site etc.

So if the Coalition seems big on rhetoric and low on action what about the other major party, Labor, as an alternative?

Bob McMullan, the Federal Member for Canberra, is the Shadow Minister for Aboriginal and Torres Strait Islander Affairs, Reconciliation and the Arts. Mr McMullan has been aware for a long time that Aboriginal heritage (scar trees and artefacts) associated with Mt Jerrabomberra are being bulldozed.

So what is he going to do about it? Will it be the usual talk and no action?

Before **Bob Carr** became Premier of NSW, he was highly critical of the former Liberal Premier, **Nick Greiner** over the Mt. Jerrabomberra developments.

Mr Carr made the promise to the community that "...as soon as we win government, you can be assured that we will save and do the right thing regarding Mount Jerrabomberra."

However since Bob Carr became Premier there hasn't been a single action to stop the destruction on Mt Jerrabomberra, not even a letter of support to protect the mountain.

One can only wonder about Mr Carr's lack of follow-up. (An interesting variable in all this is that **Alex Brinkmeyer**, the developer most associated with the Mt Jerrabomberra project, apparently donated \$200 000 to the **Labor Party slush fund** to let him off the hook - editor's comment.)

The current Labor Party Councillor for Queanbeyan, **Tom**

relation to North Terrace and Mount Jerrabomberra on their merits." **Bob Whltworth, Director, Environmental Services Division Queanbeyan City Council.**

"It's only a weed." **Alex Brinkmeyer, Developer.**

fund to let him off the hook - editor's comment.)

The current Labor Party Councillor for Queanbeyan, **Tom Mavee**, also promised, in late 1999, that if he was elected to Council he would help save Mount Jerrabomberra. He got elected but has done nothing to stop the destruction.

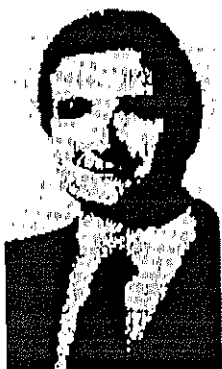
12

WHO IS DESTROYING MOUNT JERRABOMBERRA?

...ALEX BRINKMEYER, NICK GREINER, PETER COCHRAN...

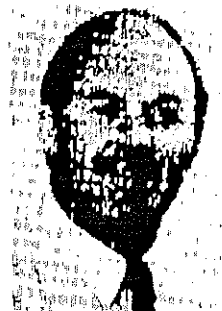
story by Steve Harrison, Rodney Webb and Andrew Thompson

Mount Jerrabomberra is still being bulldozed and soon this valuable Australian asset will be lost to future generations. This story covers the process of corruption, greed and collusion that has resulted in the destruction of the mountain. It has been suppressed by the officials involved and through them, by the media. In addition, many of the officials involved are still in positions of power and still exert an influence on suppressing information as well as controlling future developments. It is only now, after extensive research, can this story be brought to public notice.



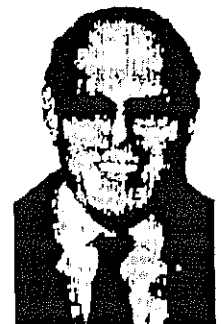
Nick Greiner

The former Premier of New South Wales (NSW), Nick Greiner, who was a director of SOCOG, has been a central figure in some very questionable wheeling and dealing over Mount Jerrabomberra. Other important officials who were involved include Peter Cochran, former member of Monaro and now Mayor of Cooma, David Madew, the former Mayor of Queanbeyan and now owner of a large winery, financed by his land deals.



Peter Cochran

Mayor Madew promised Queanbeyan in 1990 that "we will come to resemble an affluent urban area as the years pass by" in an effort to throw off the "struggle town" image of Queanbeyan. The streets of cheap flats, built in Queanbeyan, attracted a large number of people living below the poverty line. The same Council that approved the flats also approved of the Jerrabomberra development, which represented a source of civic pride, one which would deliver them from the urban ugliness they had created.



David Madew

Into this fertile breeding ground of poverty, bad planning and discontent strode the archtypical developer, Alex Brinkmeyer. In those days the Jerrabomberra land was owned by corporate raider, Ron Brierley, as Industrial Equity Ltd. and was zoned rural, meaning one residence per forty acres.

The Brinkmeyer company Lidoform Pty. Ltd. bought the land in 1984. Soon after, Brinkmeyer proceeded to sell the land off, using the old 1926 subdivision plan. At the time the Real

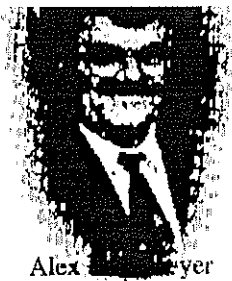
According to *The Canberra Times* (22/7/1990 p.17) blocks were sold in 1985-86 for around \$11,000 each. Though purchasers had the option of paying off their interest in the land, this represented some 7.3 million dollars paid for land which was zoned rural. In reality, purchasers only owned a share, in the land, to be converted to title if, and when, Council approved the subdivision. Nor were titles available to purchasers until they had paid extra for servicing the blocks. Purchasers were actually putting their names on a waiting list, the more a purchaser paid, the higher up he or she was on the list.

The rezoning of the land from rural to urban required a new Local Environment Plan (LEP) to be developed, at the developer's expense. Council decided to appoint Don Fox Planning Pty. Ltd. to prepare the new LEP, in spite of the fact that it was fully aware that the firm worked for Lidoform Pty. Ltd. In addition the company (Fox P/L) held 20,000 shares in Jerrabomberra Estates Limited, the developer's company. In 1986 the Draft LEP (54) was exhibited. Council set aside 14th January 1988 to debate the rezoning. In the days leading up to the vote Brinkmeyer was quoted in *The Canberra Times* (11/1/1988, p.3) as saying: "It's going to be a very brave Council... that says 'no' to the rezoning", which implied that Council would have to answer to the 700 people who had already purchased blocks. Other implications could be read into this veiled threat. There were large numbers of purchasers at the Council meeting to support the rezoning, the developer having notified them of the meeting. Concern was focused on those purchasers who had "put their faith in Queanbeyan". There was no mention of the 7.3 million dollars the developer had collected from the Jerrabomberra dealings. The rezoning was passed by Council seven votes to five which at least demonstrated that some councillors were concerned about the environmental implications.

At the time a councillor complained, and recently a statutory declaration was completed of what had transpired. This councillor claimed that "we were bullied and bribed by the developer, he put so much pressure on us that we even approved the wrong set of plans." The original plan did not allow any development above the 640 metre contour level. Now the development was planned to go to the 670 metre level. Queanbeyan City Council had even rezoned land for bulldozing that was originally zoned for environmental protection under Local Environment Plan (L.E.P.) 27.

The National Parks and Wildlife Service (N.P.W.S.) and the Department of Environment and Planning (D.E.P.) along with the Commonwealth Industrial Research Organisation (C.S.I.R.O.) and the NSW Heritage Council strongly objected to the development proposal.

Mount Jerrabomberra was listed as National Estate by the Australian Heritage Commission (A.H.C.) in 1992 because of its rare and unique qualities. A spokesman for the Commission reported in *The Canberra Times* (29/9/1989 p3)



Alex Brinkmeyer

to sell the land off, using the old 1926 subdivision plan. At the time the Real Estate Institute issued a warning to potential purchasers that the land deal was dodgy. The NSW Labor Party sought advice on the legal status of the Brinkmeyer land advertisements.

cause of its rare and unique qualities. A spokesman for the Commission reported in *The Canberra Times* (29/9/1989 p3) as saying "It's a natural time capsule. This listing will enable Canberra residents to come up to the bush and see what it was like before it was settled." Another representative of the A.H.C. claimed that "with all of its valuable and irreplaceable features Mount Jerrabomberra deserves the highest pos-

WHY DID THEY DESTROY MOUNT JERRABOMBERRA?

13

GREED, GREED, GREED, GREED, GREED

sible heritage listing and protection that our Commission and Australia can possibly give."

The features that make Mount Jerrabomberra so significant are its rare plant communities. The N.W.P.S. files (Queanbeyan District - Background to Mt. Jerrabomberra 13th April 1988 and file QF294) states that these plant communities "are as significant as the rare plants" and that "natural grassland is the most rare of vegetation types in Australia at present. This coupled with the presence of *Diuris semilunulata*, an orchid thought to be the largest population of this species in existence, *Dillwynia cinerascens*, a parrot pea (now classified as a new species) and *Grevillia ramosissima* which are uncommon in the region, make the Mount Jerrabomberra area quite significant... the site is a benchmark or template for education and research."

Mount Jerrabomberra also contains the regional stronghold of our national floral emblem (Golden Wattle), was the former Capital Hill of Australia, and is loaded with Indigenous Heritage.

According to the C.S.I.R.O. scientist, Dr John Briggs the lower slopes contained the best representation of this type of vegetation known to exist. Another C.S.I.R.O. scientist, Howard Crockford, stated that "Mount Jerrabomberra holds some of the most unique and irreplaceable vegetation communities in the world, I only wish that I was aware of its existence earlier."

By now the National Parks and Wildlife Service and the NSW Heritage Council were really motivated to save Mount Jerrabomberra. The following comments were taken from the Queanbeyan District files (N.P.W.S.) 13th April 1988:

"The developer has accepted money from the public prior to the rezoning of the land and has held that money during the rezoning process. The developer at no time appears to consider that the development would not proceed."

"The matter has been put to the Heritage Council on the 7th April 1988. The Heritage Council resolved to ask the Minister for the Environment to make an Interim Protection Order (I.P.O.) under Section 91B of the N.P.W.S. Act."

"The Service now considers that the Mount Jerrabomberra area should be a nature reserve proposal. The developer has consistently failed to negotiate land prices at anything other than urban prices. The Service seeks an Interim Protection Order (I.P.O.) under Section 91B of the N.P.W.S. Act rather

13th April 1988, between the N.W.P.S., the developer, Alex Brinkmeyer, D.E.P., Q.C.C. and the C.S.I.R.O. According to the notes on the files:

"the developer demands approval to develop. He questioned the district's expertise to comment on the area. He refused to contribute to further studies. He challenged the Service to purchase the land at his price. He planned to put in a submission to the relevant minister (Hay). He believed that the N.P.W.S. proposal would increase his servicing costs. He threatened to graze the area. He told the meeting that "Nick Greiner has given me the undertaking that this development will go ahead." "

Within the D.E.P. files, dated 30th March 1988, it was noted that Brinkmeyer also stated "If I need to get justice, I will use all my powers to do so... I will place my submission to the Minister tomorrow."

The Department of Environment and Planning, N.P.W.S. and the Mount Jerrabomberra Preservation Society protested and lobbied the Australian Heritage Commission to list the mountain area on the Register of the National Estate.

Meanwhile, Brinkmeyer was busy consolidating his political foundations. In March 1988 the Labor Government was defeated in the state elections and the Greiner/Murray coalition government was elected. In mid April 1988 Brinkmeyer was elected as President of the Queanbeyan Branch of the Liberal Party. His Director of Sales and Marketing, Ray Murray, was elected as Vice President along with Phyllis Jones who was another of his employees. His partner, Colin Alexander, became the Secretary and his sister, Julia Brinkmeyer, became the Treasurer. They all held substantial shareholdings in the publicly listed company of Jerrabomberra Estates Limited which provided an incentive to gain political power through the Liberal Party.

At the time, Janice Crossio M.P., the NSW Opposition spokeswoman on local government, commented in the NSW Parliament:

"It is widely known and certainly spoken about at length in the Queanbeyan district, that Mr Brinkmeyer is a major financial contributor to the Liberal Party. In fact it is stated, and I would like it to be confirmed by the Minister, that this developer gave \$150,000 to the Liberal Party candidate to help in winning the seat of Monaro. Of course, he was a little more shrewd than that and he also gave \$150,000 to the National Party. He had a foot in both camps."

On the 9th May 1988, the Premier, Nick Greiner, offi-

than urban prices. The Service seeks an Interim Protection Order (I.P.O.) under Section 91B of the N.P.W.S. Act rather than an Interim Conservation Order (I.C.O.) under the Heritage Act. It is perceived to be the responsibility of the Service to seek to protect the plant communities on Mount Jerrabomberra. The recommended strategy is during the term of the I.P.O... negotiations are re-opened with Mr Brinkmeyer... should negotiations fail, in view of the importance of the vegetation communities, consideration should be given to compulsory acquisition."

At a high level meeting held on 30th March 1988, documented in the N.P.W.S. Queanbeyan District files dated

On the 9th May 1988, the Premier, Nick Greiner, officially opened the land sales office and it was business as usual. In a front page spread, *The Queanbeyan Age* described the Jerrabomberra development as the "Jewel in Queanbeyan's Crown."

On the 31st August 1988 Janice Crossio M.P. commented on the cosy arrangement between Nick Greiner and Alex Brinkmeyer. She stated in the NSW Parliament that:

"The Parliament should also know that even the Premier of this state believes that this developer [Brinkmeyer], this concerned constituent, is above the Queen of Australia, if one is

14

to acknowledge the action of the Premier on the 9th May, when the Premier represented this state at the opening of our new Federal Parliament, he left that function early for the purpose of opening Mr Brinkmeyer's housing estate. Perhaps our Premier is also paying off a Liberal debt."



Alex Brinkmeyer, Chairman of Jerrabomberra Estates with the plaque and Master Key to Jerrabomberra village he presented to the Premier of NSW Nick Greiner.

In such an economic rationalist climate, the fate of Mount Jerrabomberra was sealed. Eleven days after the NSW state election, the QCC, the developer and representatives from National Parks and Wildlife Service and the Department of Environment and Planning held a meeting to discuss Jerrabomberra. The meeting made it clear to Brinkmeyer that protection of areas of the mountain would be considered at a Heritage Council meeting on the 7th April 1988, eight days later. The developer dug in his heels again and said "... if I need to get justice I will use all my power to do so" and that "Nick Greiner [the new Liberal Premier] has given me the undertaking that this development will go ahead" (NWPS File Notes Folio QF294:-42). By now Brinkmeyer had the money, the power, the friends in high places and the determination to get his own way, regardless of all legal and ethical concerns.

On the 6th April 1988 Brinkmeyer ordered Peter Middleton of Woden Constructions (the contractor) to bulldoze the proposed core conservation area on Mount Jerrabomberra. It was the day before the site was to be nominated for protection, the controversial area containing rare plants was bulldozed and

It was claimed in Federal Parliament in a retrospective comment by Senator Irina Dunn (21st May 1990) that near the time of the bulldozing

"the new New South Wales Minister for Planning, Mr David Hay, intervened in favour of Brinkmeyer's proposed developments." The Department of Environment and Planning files also show that there was a secret meeting held on the 12th April 1988 between the Minister for Planning, David Hay, the Member for Monaro, Peter Cochran, and Alex Brinkmeyer. There were no departmental officers present. The next day another meeting was held between the Minister for Planning and the senior officers of the D.E.P. It is recorded in the Department's files that the Minister directed his department to "approve the lot."

This directive silenced the D.E.P. and the Heritage Council. However the N.P.W.S. were still seeking an Interim Protection Order for Mount Jerrabomberra under 91B of their Act which would have been the first since the provision was included in the Act. Then the N.P.W.S. was silenced by another meeting of the parties on the 20th April 1988. Senator Irina Dunn commented in her speech to the Federal Parliament on the 21st May 1990 with:

"[the meeting involved] Peter Cochran, the State Member for Monaro, Alex Brinkmeyer, an employee of Don Fox Planning, an officer of the D.E.P. and Mr Tim Moore, NSW Minister for the Environment, who attended unaccompanied by any N.P.W.S. officers. Mr Moore gave every indication that the National Parks and Wildlife Service would not press for the establishment of a reserve. The Minister accepted the addition of a clause in the draft plan which provided some rights for the Service to be consulted about the development as it proceeded." Then "on the 6th May 1988, the NSW Planning Minister, Mr Hay, made the Queanbeyan Local Environment Plan No. 54."

She added that the prospect of developing Mount Jerrabomberra improved markedly for the developer after the election of the Greiner/Murray coalition government in March 1988.

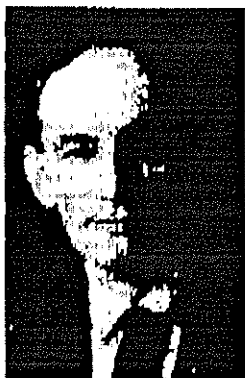
On Wednesday 27th April 1988, *The Queanbeyan Age* covered the outcome of the meeting held on the 20th April. The Member for Monaro, Peter Cochran M.P., announced that:

"following a deputation to the Minister for Local Govern-

the day before the site was to be nominated for protection, the controversial area containing rare plants was bulldozed and scraped back to bare earth. Brinkmeyer was reported by the media as saying that it was for a fire break and "if there were any rare plants I didn't see any... I wouldn't be too concerned as it's only a weed." (*The Canberra Times*, 7/4/88). However, the "firebreak" was 500 metres wide, a bit of overkill surely?

The N.P.W.S. files stated that "This act appears calculated to precipitate a release of Service objections to the development by presenting a *fait de compli*." Meanwhile Dr John Briggs claimed "nothing can replace what has just been destroyed." Predictably, Queanbeyan's Mayor Madew responded by saying that "the owner was exercising the right to be on his own land" (*Queanbeyan Bulletin*, Sept. 1988, p.10). Due to Brinkmeyer's bulldozing activities on the 6th April, all the NSW Heritage Council could achieve was a temporary 136 Stop Work Order under their act which was to remain in force for only 10 days. Why?

ply, which were spelled out as being "instantly dismissed and [becoming] unemployable." Some of these people are willing to testify to these and other more serious allegations in the event of a Royal Commission.



Bob Carr

On the 21st September 1989, Bob Carr, the Leader of the Opposition in the Lower House, NSW Parliament, asked Premier Nick Greiner: "Is the Premier aware of government files that state at a meeting on 30th March 1988 between Alex Brinkmeyer, State and Federal Government officials and Queanbeyan City Council officers, [where] Mr Brinkmeyer said "Nick Greiner has given me the undertaking that this development will go

ahead." Did the Premier give any such undertaking and if so, when? What influence did he exert on the Minister for Local Government and the Minister for Planning (Hay) in relation to the Mount Jerrabomberra Estate development?"

Premier Greiner replied "the Leader of the Opposition has accurately stated what is alleged to have been said. I exerted absolutely zero influence on the Minister. I had no dealing with the Minister at all on the matter. The Jerrabomberra Estate... was supported by the Queanbeyan Council and by the local branch of the Liberal Party." Of course, the local branch of the Liberal Party consisted of the Brinkmeyer family and friends.

Then also on the 21st September 1989, Dr Refshauge M.P. stated in the NSW Parliament "Will the Premier, Treasurer and the Minister for Ethnic Affairs table full details of all donations paid by Alex Brinkmeyer or his companies directly to the Liberal Party and the National Party or to any of their candidates?" Mr Greiner replied "No!"

At this point it would appear that the democratic process which was supposed to give all sides of an issue a fair hearing had been bulldozed along with Mount Jerrabomberra.

"following a deputation to the Minister for Local Government and Planning, Mr David Hay, the Jerrabomberra Heights Estate development in Queanbeyan will now proceed... Discussions relating to the Jerrabomberra Heights Estate were detailed and exposed the obstructionists of a local conservationist group... The Queanbeyan City Council's decision to allow the development to proceed has been endorsed by the Minister who has also declared that the Interim Conservation Order will be lifted... I'm afraid that in the past some radical minority groups and one or two departmental officers have been able to stifle the growth of Queanbeyan."

Following these meetings many people within the NSW Heritage Council, N.P.W.S. and the D.E.P. were "jumped on" by their relevant ministers. Officers and employees were threatened with "put up and shut up, or get the boot." They were also informed of the consequences if they didn't com-

15

* The Minister took into account irrelevant considerations, including the relationship between Alex Brinkmeyer, the Liberal Party and the New South Wales Premier.

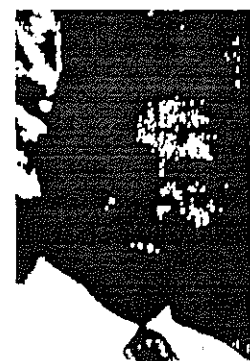
* The Minister acted in breach of the rules of natural justice by secretly meeting with Alex Brinkmeyer on 20th April 1988 to consider objections to the draft plan without affording the Council or the objectors the opportunity to make submissions.

* The map with the Local Environment Plan did not properly describe the land to which it applied.

The last and the least substantial of the points I have listed has the appearance of being seized upon by the respondent Minister, as a means of avoiding a searching investigation of the other allegations in a court. The Minister admitted the invalidity of the Local Environment Plan due to the lack of an adequate map, and the Court made a declaration to that effect on 19th September 1989. The Court victory was not won without considerable effort and sacrifice by those concerned over those two years. Scurrilous and unjustified remarks have been made about Mr Calkovics for his efforts on behalf of the Mt. Jerrabomberra Preservation Society."

When the NSW parliamentarian, Richard Jones, commenced legal action, moves were already underway by the developers and his supporters to have any court ruling overturned. This was made evident in *The Canberra Times* article 23rd August 1988 which reported Brinkmeyer as saying "Mr Jones was wasting his time, there's nothing he can do... This looks like back door, half baked greenie effort to gain publicity. The whole thing is a ploy by those uneducated greenies, self-styled botanists and beatniks."

Just before the Court victory of the 19th September 1989, Robert Ogilvie, the chief Town Planner for the Q.C.C. told Michael Calkovics "You are wasting your time and if you win the court case we will immediately over-rule it... as you will learn, we can't be beaten." Other evidence is contained in a statutory declaration by a former Q.C.C. employee that mentioned that the Mayor, David Madew and the Gen-



ess which was supposed to give all sides of an issue a fair hearing had been bulldozed along with Mount Jerrabomberra. But the Mount Jerrabomberra Preservation Society was investigating a legal challenge to the L.E.P. 54 which rezoned Mount Jerrabomberra from rural to urban. According to Senator Dunn's speech:

"on 19th August 1988, Mr Richard Jones, a member of the New South Wales Legislative Council, filed an application in the NSW Land and Environment Court seeking a declaration of invalidity of Queanbeyan Local Environment Plan No. 54. Later in the year, on 23rd September, Mr Michael Calkovics applied to be, and was substituted as, the applicant in place of Mr Jones by order of the Court on his own behalf and on behalf of the Jerrabomberra Preservation Society.

The allegations of the applicant in his points of claim were many and substantial, amongst these were:

*The Environmental study was not objective and was so inadequate as not to amount to an environmental study.

* The Minister, in making the Local Environmental Plan, failed to take into account numerous relevant considerations, many of them raised by New South Wales government agencies.

ployee that mentioned that the Mayor, David Madew and the General Manager, Hugh Percy, gave Brinkmeyer an undertaking that the Jerrabomberra Heights development would proceed as originally planned. Does this amount to contempt of court? and does Queanbeyan City Council act as if it was above the law?

Unbelievably, according to an article in *The Canberra Times* 23rd September 1989, the Q.C.C. confirmed this heavy handed declaration. The report stated:

"Queanbeyan City Council issued a statement yesterday, following Thursday night's Council meeting announcing the establishment of a task force to supervise the preparation of a new Local Environment Plan for Jerrabomberra Heights. The task force will consist of the Mayor, the Town Clerk, Chief Town Planner, Deputy Town Planner, Chief Clerk and Council solicitor and will mean that the Council's most senior officers are involved in redrawing the plan which provides for the rezoning. In its statement the Council described the Court decision as "retarding" the development. The Council has



Hugh Percy General Manager of Q.C.C.

16



allegedly told several people, including Michael Calkovics that "the matter had to be dropped because of pressure from Premier Greiner and his government" it is also mentioned that "if the matter wasn't dropped I.C.A.C. would be shut down."

The saga over the mountain continues. Recently, a NSW parliamentarian, the Hon. Dr A Chesterfield Evans asked a question in parliament (3rd June 1999) to the Assistant Minister

Canberra/Queanbeyan Community News

Volume 1, Issue 1, March/April 2001, 123,000 copies, FREE
Centenary of Federation Souvenir Edition

web address: www.queenbeecanne.com



This is a fully operational washing machine installed outside Old Parliament House. Is this where dodgy politicians launder their money? (photo by M Calkovics)

The Canberra/Queanbeyan Community News serves you, the community, through excellence, competence and diligence. We need your input - we need your stories, as long as they are factual and not defamatory, see details page 3. This newspaper is our Centenary of Federation project. We hope that we will contribute towards creating a just and fair society for all Australians. Our aim is to put all dishonest, dodgy operators out of business, or, at least to put back into society some of the wealth they have misappropriated.

This edition is republishing some stories from *Queen-BeeAnne's Community News* from last year and circulated in Queanbeyan. The editors felt that these stories are relevant to the Canberra community. A modified Queanbeyan edition will be published at the appropriate time.

"SLIP SLIDING AWAY"? THE JERRABOMBERRA LAND SLIP COVER-UP

The Mount Jerrabomberra developers, Lidoform Pty. Ltd. did not let a minor detail like a potential land slip hinder them when they decided to go ahead with the subdivision of the mountain slopes.

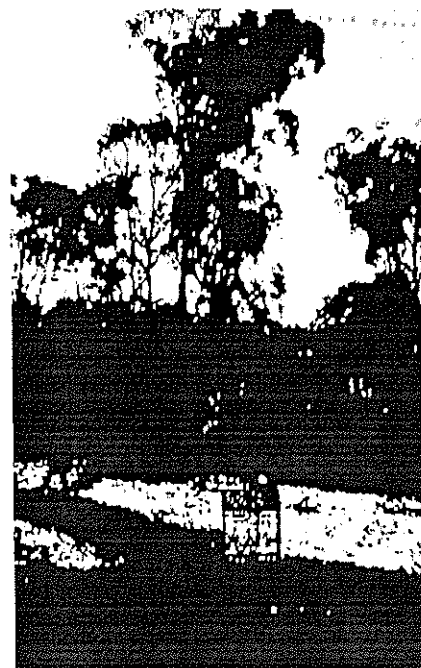
How did the developers Alex Brinkmeyer and Colin Alexander manage to cover up the landslip warnings from such bodies as the National Capital Development Commission, the Soil Conservation Service and the Bureau of Mineral Resources, Geology and Geophysics?

In proceeding with the development of Mount Jerrabomberra slopes after the landslip warnings, the developers would have needed the co-operation of other corporations and companies, including Queanbeyan City Council.

In preparing the first Environmental Study (J.E.P. 54) Queanbeyan City Council's advisors and consultants were selected from Don Fox Planning Pty. Ltd., the Snowy Mountains Engineering Corporation and Andrew Shirley and Associates Pty. Ltd. It was not co-incidental that the developers, Lidoform were also using the same firms for their

replicated L.E.P. 54.

As we speak, the slopes of Mount Jerrabomberra are being subdivided and sold. A word for potential and existing residents of Jerrabomberra, read the details of this story which is featured on page 17 and 18 as the "devil is in the detail" and remember another old saying *caveat emptor* or "Let the buyer beware."



sociates Pty. Ltd. It was not co-incidental that the developers, Lidoform were also using the same firms for their geotechnical consultations. Putting it in the vernacular, they were all in bed together.

When L.E.P. 54 was defeated in Court in an action by the Mount Jerrabomberra Preservation Society, instigated by Michael Calkovics, the developers and their cohorts merely shifted ground and generated a new L.E.P. (L.E.P. 100) which



blocks of land backing onto Mount Jerrabomberra
left: Alex Brinkmeyer

2

THE NEED FOR A COMMUNITY NEWSPAPER

editorial

In the last few decades, our institutions, our media and our political process are becoming progressively more remote from the people. Power, money and control continues to devolve upwards. This process is accelerated by the global economy which has reached the stage where national government and national sovereignty are of little significance.

As individuals, we are oppressed by forces beyond our control and often beyond our understanding. For example, the mass media is largely controlled by an elite who act vigorously to preserve their interests. They accomplish this by publishing only one side of the story, misrepresenting the facts and by dumbing down the population through repetitive stories about sex, sport and crime. The mass media ignores anything that may upset the status quo, such as environmental issues which threaten to impede the development of resources and access to wealth. In this social milieu, the people are manipulated, duped and disenfranchised.

These are some of the reasons why *QueenBeeAnne's Community News* was published last year and why this present publication *Canberra/Queanbeyan Community News* has been distributed to all household in the area.

This publication documents the failures of the legal process, the civil process, the criminal process. It charts the collusion and corruption evident in our parliaments, public service, boards of control and local councils.

A case study of this malaise is documented in the past issues of *QueenBeeAnne's Community News* (which can be found at www.queenbeeanne.com). It is common knowledge in Queanbeyan, that Council employees and elected councillors who ask awkward questions or disagree with the "party line", are subjected to a regime of harassment, intimidation or seduced with large resignation packages.

Queanbeyan is a small town in which everybody knows everybody else. In addition, it is close to Canberra, the seat of government power. Subsequently it is the most politicised council in NSW, the principals of which have many friends in high places. For example, how many small country towns did the Minister for Local Government, Harry Woods visit to have "discussions" with the Mayor.

The Department of Local Government has sacked several New South Wales councils for misdemeanours. Yet it continues to allow Queanbeyan City Council to continue operating in the face of more greivous wrongdoings than those which led to the sacking of other councils.

Taking our example further, recent events, documented by *QueenBeeAnne's Community News* have been the subject of complaints to The Ombudsman, The Department of Local Government, Independent Commission Against Corruption and The Privacy Commission. So far the results have been bleak. It is evident that these organisations are window dressing. They are not a part of the solution, they are a part of the problem. They exist to demonstrate that democracy is really working and to reassure people they have access to a higher authority and to a process of justice. But nothing could be further from the truth.

The process of collusion and corruption is white-anting our institutions. This was recently covered by The Sunday Program on Win TV (18th February 2001) devoted to the Thredbo Enquiry. The program revealed that ICAC and the National Parks and Wildlife Service was corrupted from within, a fact which is confirmed in this paper.

We are tempted to rail against the shonky practices of developers and business people and blame them when things go wrong, citing their greed as justification. But this is attacking a symptom of the problem rather than identifying its cause. The real problem lies with the public servants and politicians who are willing to take kick backs or turn a blind eye when pressured by developers. A complicating factor is that there is a very fine line between what is acceptable and what is unacceptable business practice in the world of commerce. No matter how the Commission for Competition and Consumer Affairs makes the rules, they will inevitably be broken while corruption and a lack of integrity is intrinsic to public affairs.

Our public officials, whether elected or appointed, are the equivalent of the immune system in the human body. When the immune system is compromised, then cancerous growths thrive and will ultimately destroy the body. The metaphor is applicable to the body politic. The cancer is nurtured through collusion, corruption, ignorance, apathy, fear and intimidation, all of which are documented herein.

Judging by the issues revealed in media, such as this newspaper, the patient is indeed sick. The pre-requisite to action is information. We appeal to the public to give us their stories and in so doing, they will become a part of the reforming process so desperately needed by Australia. In return, our brief will be to form a link in the chain of information exchange and hopefully we can co-operate together to make a difference to this country we all cherish.

operating in the face of more grievous wrongdoings than those which led to the sacking of other councils. to make a difference to this country we all cherish.

DEFAMATION - BOOK, CHAPTER AND VERSE - FOR BETTER OR WORSE

The plaintiff must establish that

- (i) the material identifies him or her
- (ii) the material was published
- (iii) the material was defamatory.

Identification: the person aggrieved is often named but this is not essential, identification can be by implication

Publication: is established by proving communication of the material to someone other than the person defamed

Defamatory material: the material must be derogatory or disparaging in the eyes of the ordinary person
Qualified privilege: if a person making a defamatory statement has a legal, moral or social duty to make it... the defence of qualified privilege can be used...
 However, if what was said was untrue and motivated by malice, the protection of this defence is lost.

4

Gulliver Atkins in Lilliput

Then there was that Extraordinary Council meeting at Queanbeyan City Council Chambers on 11th February 2000.

Cr. Carol Atkins stood and raised a point of order about the Mayor, Frank Pangallo, digressing from the meeting's agenda. The Mayor ordered Cr. Atkins to sit down and the following sparkling repartee flowed between them

- Cr. Atkins: "Why do I need to resume my seat?"
 Mayor: "Because I am standing and you need to obey."
 Cr. Atkins: "Well when you stand up I will sit down."
 Mayor: "I am standing up."
 Cr. Atkins: "Oh sorry."
 Mayor: "I take offence to that inference - that comment was quite obviously about my height and I am quite proud of my height."
 Cr. Atkins: "I didn't make any reference to your height, Mr Mayor."

When interviewed later Cr. Atkins said there was no inference to his (Mayor Pangallo's height) and it had been the Mayor and not her who had made the height reference. Cr. Atkins said she could not be held responsible for the Mayor's interpretation of the matter.

After so many years in politics, It is hard to understand Mayor Pangallo taking offence at the slings and arrows of political debate, unless of course, he took offence so he could occupy the moral high ground and be above everybody else.

these monkeys just hang around



Throwing Down the Gauntlet

QueenBeeAnne's Community News was started in March 2000. It has been in circulation for one year. It took until the 20th December before Queanbeyan City Council had anything to say about *Queen-BeeAnne's Community News*.

The Mayor of Queanbeyan, Cr. Pangallo, circulated his Mayoral Minute to the Council meeting on the 20th December 2000 stating that

"this paper, which has no commitment to the general community, has made a number of allegations which have been deliberate lies or have been intentionally misleading and have attempted, in a vindictive and malicious way, The issues raised... by the authors of these publications... attempt to smear and denigrate the high standards the Queanbeyan City Council enjoys throughout Local Government... These publications... are usually delivered in the dead of night, in secrecy... Having sought legal advice on the newsletter, it is quite clear that the information is defamatory. Action has not been taken as the authors have adopted a deceitful camouflage and makes legal action dif-



famatory. Action has not been taken as the authors have adopted a deceitful camouflage and makes legal action difficult and fruitless. Until now I have not responded to the false allegations as to do so might be seen to give them some validity. However I do believe that so much damage could be caused if these scurrilous accusations were not officially answered that the time has come for Council to address these issues. This could be done by the publication of a special issue of the Council newsletter..."

This Mayoral Minute was delivered 20th December 2000. It is taking time for the Mayor to make good his resolution of publishing a special edition of his newsletter. Is he having trouble thinking up a bullet-proof response? Meanwhile, if he and his cohorts decide to sally forth in court, our barristers are ready, willing and able to ferret out the truth. But this is not necessarily what Mayor Pangallo wants, otherwise he would have done it sooner. Meanwhile, we ask that our readers study the well documented facts published herein and make up their own minds as to innocence and guilt.

ONE STUFF-UP AFTER ANOTHER ⁷



Councillor Sue Jarvis is taking a break from Queanbeyan City Council's campaign against her, pondering the future of Mt. Jerrabomberra. Cr. Jarvis is one of the few councillors who demonstrates her interest in the community. She is very active on several committees and has achieved a scout hall and a tennis club for Jerrabomberra, amongst other achievements.

LATE BREAKING NEWS

Cr. Jarvis was escorted out of the Council meeting (21st February) by police for failing to apologise. Why was Council demanding an apology? It alleged Cr. Jarvis breached Council code by releasing a "confidential" document. But the information in the document has been in the public domain for many months and the story was covered by the region's newspapers. The eviction process was the same one that Council used against Cr. Atkins last year. It is beginning to look like a campaign against political rivals.

Michael Calkovics made a comment and was also evicted. What did he say? Whilst the meeting was adjourned, he said loudly "it's a kangaroo court..." and the Mayor took offence and demanded an apology. He was last seen leaving Council Chambers - hopping mad.

QUEANBEYAN CITY COUNCIL'S TRACK RECORD - IN THE MUD

Over the last three years, the administration of Queanbeyan City Council has reached new lows. Its track record over the ten years has been characterised by:

- * disinterest in resolving heavy traffic flow through the main street, Monaro Street
- * neglect of the showground, the buildings and sewerage system are in a state of decay
- * continuing failure to meet community demand for an indoor heated swimming pool (the Council has the money)
- * the burial of confidential paperwork in the sewerage treatment works
- * the dismissal of senior staff, allegation of 18 unfair dismissal claims, all settled out of court
- * a bogus traffic impact study to frustrate the Gianaris Development Application involving a bus interchange
- * allegations made by Council staff of illegal and corrupt activity within the organisation
- * investigation of ratepayers, initiated by a system of bogus anonymous complaints
- * the General Manager failing to investigate couplaints and answer questions

- * investigation of ratepayers, initiated by a system of bogus anonymous complaints
- * the General Manager failing to investigate complaints and answer questions
- * interference with a councillor executing a lawful court order, resulting in Council support of theft
- * personal reprisals and recriminations against Council staff, Councillors and the general public
- * decisions which are made on a personal basis rather than consideration of planning or professional issues
- * the sale of six acres of prime real estate to a developer, generating less than \$100,000 net
- * proposed land swap with the Leagues club without a traffic study, or valuation of the subject land
- * proposed sale of Queanbeyan water and sewerage without a proper valuation of the assets
- * continuing destruction of Mount Jerrabomberra
- * regular breaches of the Local Government Act and the Council's Code of Conduct and Code of Meeting Practice

The ratepayers of Queanbeyan are paying nearly the highest rates in New South Wales when comparing areas with a similar population

COMPARATIVE RATES OF LOCAL GOVERNMENT AREAS populations 25,000-37,000
figures represent the amount of cents paid in the \$1, unless otherwise stated

Council	population	general res.	business	rural
Burwood	29,000	.251813	.402402	
Bega Valley	28,845	.5698	.7026	.4762
Bathurst	32,000	1.553698	2.660659	.593733
Wollondilly	36,845	.4618	.7538	.4111
Lane Cove	32,050	.264039	.788850	
Great Lakes	32,000	.6210	.5630	.4756
Drummoyne	32,400	.392584	.420277	
Mosman	25,468	\$363 p.a.	\$763 p.a.	
QUEANBEYAN	30,000	1.2790	3.9680	.3050