

Recommendations

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- 1. That all civic offices in relation to Tweed Shire Council be declared vacant.**
- 2. That an appropriately qualified Administrator be appointed for a period of two years or such further period as the Minister sees fit.**

This recommendation has been made on the following bases:

- In the 2004 Tweed Shire Council election, a group called Tweed Directions constructed a campaign funded by money primarily sourced from developers and intended to secure a pro-development majority in the council. The campaign was master minded by Graham Staerk, Alan Blundell and Paul Brinsmead. Tweed Directions controlled the selection of candidates, their groupings, their funding and the campaign strategy that they brought forward to the electorate. Tweed Directions, a de-facto political organisation, did not announce itself or its purposes to the electorate, nor did it indicate its role in the election. It remained a shadowy commentator misrepresenting its and its supported candidates to the electorate. Two of the three principals came from the Gold Coast. Two of the three principals were developers with interests in the Tweed Shire. The campaign was directed by principals with developer interests and from outside the Tweed Shire.
- In the period following the 1999 elections, the Balance Team councillors had both advocated and demonstrated a commitment to sanction certain developments without regard to expert advice from both within and outside council. Through approvals and concessions they were to grant substantial benefits to developers. This advocacy and commitment was to serve as the cornerstone for Tweed Directions' fundraising for the 2004 elections. By their actions, the former Balance Team councillors and the successful Tweed Directions candidates similarly bound themselves to an implicit obligation to the developers who donated to Tweed Directions. Developers supplied 98.4% of the Tweed Directions funding of between \$341,000 to \$632,000. The exact amount cannot currently be ascertained because of irregularities in the accounts of Tweed Directions. As well, donors outside of the Tweed Shire supplied 70.1% of the Tweed Directions funding. Despite the level of funding that was provided by Tweed Directions to the campaigns of the candidates, the candidates would not recognise their conflicts of interest based on a simple premise that they had not enquired about the source or purpose of the funds. The majority secured by Tweed Directions amounted to less than ten votes. The community voted, ignorant of the Tweed Directions structures, ignorant of the fact of large developer donations, and ignorant of the implicit obligations of the candidates that made up the Tweed Directions team.

- The candidates selected and supported by Tweed Directions effectively represented a single team of candidates in separate groups nominated by Tweed Directions in a strategy designed to maximise preference flows so that at least six candidates would be elected and give the Tweed Directions team a majority in the new council. Those candidates presented themselves as being independent. In those circumstances they were impostors and puppets of Tweed Directions. The actions of the candidates and of Tweed Directions corrupted both the democratic process and its transparency, misleading the electorate.
- Tweed Directions falsified the electoral debate by constructing and in turn misrepresenting the platform of each of its candidates. Candidates were portrayed as having wider interests in, for example, social issues or community issues, where in fact their platform was simply the Tweed Directions platform.
- The product of the Tweed Directions campaign, and of those who constructed it, provides a template for conducting campaigns in any local government area within New South Wales and to an extent in other states. This template showed that any entity, group or individual with sufficient resources, and the ability to put forward candidates who are willing to misrepresent themselves to the electorate, could achieve its singular aims in any election risking the disenfranchisement of the electorate. In the case of the Tweed shire, this risks a substantial and potentially improper material gain to developers supporting the candidates.
- The Inquiry has referred its concerns over the electoral funding and irregularities in the electoral declaration of Tweed Directions, and its concerns that they may constitute a breach of the Act and the Electoral Funding Act, to the Independent Commission Against Corruption.
- The Inquiry has also referred its concerns that the actions of candidates when declaring themselves as “independents” may also constitute a breach of the Local Government (Elections) Regulation and the Parliamentary Elections Act to the Independent Commission Against Corruption.
- The Inquiry has also referred its concerns that the actions of councillors may have involved serious breaches of the EP&A Act to the Minister for Infrastructure, Planning and Natural Resources and to the Independent Commission Against Corruption.
- The Inquiry echoes and reiterates the concerns of Commissioner Temby in the Independent Commission Against Corruption Report on his Investigation into North Coast Land Development (July 1990), p. 655

“Corruption of the system is well on the way, when it allows favours even without payment, or payment without obvious favour.”

- The integrity of the “Tweed Directions” Councillors is so undermined that the public can no longer have confidence that they can and will carry out their duties and functions to the standards expected of them.