

GPO Box 3123  
Brisbane Qld 4001

Tel: (07) 3360 6060  
Fax: (07) 3360 6333

Toll Free:  
1800 061 611

E-mail  
mailbox@cmc.qld.gov.au

www.cmc.qld.gov.au

OFFICE OF THE  
**Assistant  
Commissioner  
Misconduct**

Level 3, Terrica Place  
140 Creek St  
(Cnr Creek and Adelaide)  
Brisbane, Queensland

Our Reference: MI-06-0619 / DMM



10 April 2006

**PRIVATE & PERSONAL**

Mr Russell Mathews  
254 Hawken Drive  
ST LUCIA QLD 4067

Dear Mr Mathews

**RE: YOUR CONCERNS**

I refer to your e-mails to the Crime and Misconduct Commission (CMC) of 18 and 30 March 2006.

By e-mail of 18 March 2006, you state that the charge of theft was not proceeded with by the Queensland Police Service and you reiterate your concern that Senior Constable Rantala committed perjury.

Although Senior Constable Rantala's evidence was not considered nor tested by the Court, the CMC remains of the view that no further action by it is warranted in relation to this claim. This is because you have provided no cogent information to support your assertion that Senior Constable Rantala, or any other public official, provided deliberately false information in relation to this matter.

In your further e-mail of 30 March 2006, you reiterate your complaint that the Brisbane City Council (the Council) had no authority to enter your residential premises. You maintain that the Council required a court order to enter your premises, and rely on section 160 of the *Health Act 1937* in support of that claim.

The CMC notes in correspondence to you dated 25 November 2004, Council advised you it sought its own legal advice as to whether consent to enter your property and do all necessary acts to obtain entry and perform all necessary work was required. That advice indicated the Council had authority to enter your property. The Council, in fact, refers to section 200(1) of the *Health Regulation 1996* in support of its actions (rather than the provisions of the *Health Act 1937*), which reads:

***"Default of Owner or Occupier***

*(1) If the owner or occupier of any place to whom a notice has been given under section 209 neglects to comply with such notice, or fails to comply within the time specified, the chief executive or the local government, whether or not that person has been proceeded against for an offence against this part and without prejudice to the commencement of such proceedings, may enter the place to which the notice relates and do or cause to be done all acts and things and perform or cause to be performed all work necessary to comply with the requirements of the notice."*

The CMC advised you in correspondence dated 13 March 2006 that the available information did not raise a suspicion of official misconduct on the part of any Council officer and after considering the further information provided in relation to this matter, the CMC remains of that view.

The CMC, therefore, does not propose to take any further action. However, you may wish to take your own independent legal advice in relation to the issue.

Yours sincerely



**ROBERT WALKER**  
Executive Legal Officer  
Receivals and Assessments Unit  
Complaints Services