

Manteit V Adrian Schrunner & Ors 2916/24

Further oral and written submissions for hearing on 11-12-25

JUDGE WILLIAMSON	24-4-25
<u>Given this is public interest litigation, public interest litigation, my inclination is to let the material in and we deal with it. And what I mean by that is...</u>	

This is public interest litigation. All files must remain public.

The categories of contempt of court that have allegedly occurred in this Contempt case

It is alleged that there has been two types of contempt plus further possible offences.

1. Intentional filing of all material to be relied upon at the trial, after 22-4-25, the last required date, of Court order dated 14-4-25.
2. Direct actions by Susan Hedge and Sara McCabe "In the face of the Court" such as lying in court.
3. Coaching of witnesses to change their statements of 22-4-25.

Quick reference guide.

4. Below is a short guide to some allegations, not all.

It may be useful to refer to in this hearing.

An effort has been made to highlight some of the statements admitted that are allegedly proof of lying and contempt.

In addition the guide highlights the person/entity who made the statement.

In addition , the highlights the duration of the alleged contempt of court.

In addition, the guide highlights possible categories of contempt.

Allegation/statement	Date admitted Alleged guilt	Date stated	Date commenced Alleged contempt	Duration of alleged contempt	Whom stated
Upstream Drainage red lines flooded 1.2m, 76 L/s "they don't work" "that won't work"	24-4-25	24-4-25	25-9-24	7 months	Hedge
Onsite drainage red lines wrong location/removed Hedge - "Condition 18 is the one of most concern" (silence on 17)		24-4-25	24-9-25	7 months	Hedge
Timing of submitting engineer plans required after construction, not prior to construction, stated to His Honour by Hedge "Council's position is there is no other approval required. Mr Ryan's dealt with that"		24-4-25			Hedge
Timing of submitting engineer plans required to be prior to construction, not after construction – Hedge "This is a significant issue in this case"	28-4-25	28-4-25	25-9-24	7 months	Hedge
Hedge - "Placing of Stormwater pipes can go in the middle of the lot"		30-4-25	25-9-24	7 months	Hedge
JWKC - "Is there anything else we need to know about from the Council's side before Monday, Ms Hedge?" "No I don't think so, Your Honour"		24-4-25	24-4-25	4 days/7 months	Hedge
JWKC – "What is the Council's position for the trial Ms Hedge?" Hedge - "31 st January 2025 as per court order Form 23"		24-4-25	24-4-25	7 months	Hedge
"I just have to put the cards on the table, Your Honour"	24-4-25	24-4-25	25-9-24	7 months	Hedge
JWKC – "Council's position for the trial is 31-1-25", in various words, 13 times. Silence by Hedge			30-4-25 (Hedge, not JWKC)	30-4-25 (Hedge, not JWKC)	His Honour Judge Williamson KC
Fake court order name	12-2-25		12-12-24	2 months	Hedge/McCabe

Allegation/statement	Date admitted Alleged guilt	Date stated	Date commenced Alleged contempt	Duration of alleged contempt	Whom stated
Hedge – “This is a significant issue in this case”	28-4-25	28-4-25	25-9-24	7 months	Hedge
Hedge – “that’s just by error there	28-4-25	28-4-25	25-9-24	7 months	Hedge
Hedge – “it doesn’t make sense”	28-4-25	28-4-25	25-9-24	7 months	Hedge
Judge Williamson KC – “yes”	28-4-25	28-4-25	25-9-24	7 months	His H Judge Williamson KC
JWKC – “Does Manteit have everything he needs to be relied on?” Hedge – “he has everything he needs in exactly the format he needs”		24-4-25	24-4-25	That day	Hedge
Forcing of both witnesses to change statements on day of trial In respect of timing of engineering submissions			29-4-25	6 days	Hedge
JWKC “the idea is that the material provided is everything that both sides want to rely upon at the hearing.. whatever it might be, the full gamut”		12-2-25	23-4-25 to 24-4-25.	2 days	His H Judge Williamson KC
JWKC – “you give the Council all the material you want to rely upon a trial, and then I’m going to ask the Council to do the same in return and then we are going to trial”		12-2-25	23-4-25 to 24-4-25.	2 days	His H Judge Williamson KC
Pipes can go straight through the middle of the lot”		30-4-25			Hedge
KWKC – in response to Hege “the pipes can go straight through the middle of the lot” similar words “any other design would not be generally in accordance with the red line”					His Honour Judge Williamson KC
Hedge - “I accept that”	30-4-25	30-4-25			Susan Hedge
CEO Kerrie Freeman					
Signed 2 affidavits on 24-4-25			24-4-25	Same day	Freeman
Allegedly deceived the court with Contours 2019 and Nearmaps			24-2-25	Same day	Freeman
Refusal to provide easement document since 1-10-25. 26 questions unanswered	30-4-25	1/10/24		7 months	7 council officers

Allegation/statement	Date admitted Alleged guilt	Date stated	Date commenced Alleged contempt	Duration of alleged contempt	Whom stated
Corrigan report					
The following statements may have been made in court or in writing by Corrigan. 22-4-25 is in the report. 29-4-25 is in the witness stand					
Pretention that raising the pad will fix his flooding		29-4-25	29-4-25	8 days	Corrigan
Use of illegal rainwater tanks		22-4-25	22-4-25	8 days	Corrigan
Fake engineering formula fi		22-4-25	22-4-25	8 days	Corrigan
Hedge, Freeman, Schrinner accept all Corrigan's evidence Hedge – "Assuming that you're going to accept the evidence of Mr Corrigan. And of course I say that you should"	30-4-25	30-4-25	30-4-25	8 days	Hedge
Incorrect Level II not Level III drainage		22-4-25	22-4-25	8 days	Corrigan
Corrigan report 2 included 2 flooded plans	24-4-25 (Hedge)	24-4-25	24-4-25	8 days	Hedge
Corrigan 2 more flooded plans in court		29-4-25	29-4-25	8 days	Corrigan
Corrigan correctly stated that can't place pipes under slab but Hedge stated Council's position is put in the middle of the lot		29-4-25	29-4-25	8 days	Corrigan
Hedge stated Council's position is put in the middle of the lot	30-4-25	30-4-25	30-4-25	7 months	Hedge
Build 2 houses on one lot		22-4-25	22-4-25	8 days	Corrigan
"Rudimentary" report	22-4-25	22-4-25	22-4-25	8 days	Corrigan
7 fake kerb adaptors		29-4-25	29-4-25	8 days	Corrigan
Use of easements to block services to the lot		29-4-25	29-4-25	8 days	Corrigan
Use of many zeros		22-4-25	22-4-25	8 days	Corrigan
Use of 2 illegal townhouses	22-4-25	22-4-25	22-4-25	8 days	Corrigan
Understating rear lot flood velocity due to fake formula	29-4-25	29-4-25	22-4-25	8 days	Corrigan
Hiding of flood velocity in report	22-4-25	22-4-25	22-4-25	8 days	Corrigan
Fake Master Plan terminology	22-4-25	22-4-25	22-4-25	8 days	Corrigan
Use of illegal contours 2019		22-4-25	22-4-25	8 days	Corrigan
Use of illegal half houses		22-4-25	22-4-25	8 days	Corrigan
Hiding of PSP 7.6.3.1(2)		22-4-25	22-4-25	8 days	Corrigan
Statement of using same parameters as Civil Works		22-4-25	22-4-25	8 days	Corrigan
Use of split kerb adaptors		22-4-25	22-4-25 and 29-4-25	8 days	Corrigan

Possible motives for contempt of court

5. It is alleged that Council, Schrinner and Freeman have intentionally filed material in contempt of court **as late as possible to avoid further discovery of the Council employee alleged corruption** of designing 4 flooded Upstream and Onsite Drainage pipes, in draft, also and the DA approval 25-9-24.

6, In addition, it is alleged that Council staged the trial hiding and compacting all the deficiencies in the Council employee plans in order to avoid discussions of guilt.

30-4-25 Hedge - "So rather than having that dispute in this trial, we've removed the red line, because the red line has become a matter of fixation and distraction.

Hedge has lost her memory again. She swore to the Court that she lost her memory twice in the DNA trial.



24-4-25 Hedge- "It doesn't work". "It won't work"

Susan Hedge

That is true but could I add this that the council's position is that the removal of the red line really had no effect because what was required by the condition was to be generally in accordance with the plan which had the red line on and then the red lines indicated to be indicative **so our position is that many many stormwater options including pipes going straight through the middle of the lot rather than around the edge would have been generally in accordance with because of the purpose of the condition and the line, taking them together, is to provide upslope drainage connections.**

So where the pipe runs isn't really the point.

The point is to provide the upslope connections if they're provided with a pipe that runs in a different line.

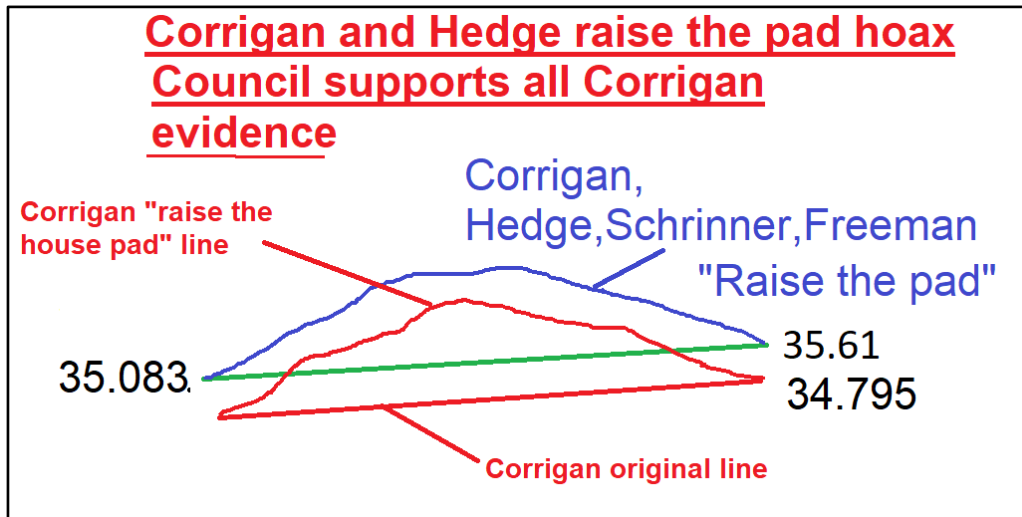
And so rather than having that dispute in this trial, we've removed the red line, because the red line has become a matter of fixation and distraction.

So, but it's not accepted by the Council that the red line was inappropriately put on the plan or any of those aspects.

7. Hedge only stated to His Honour Judge Williamson KC, 5 minutes before the pretrial hearing that Council's Upstream Drainage plan **"It doesn't work". "That won't work."** That's 2 flooded plans paid by ratepayers money. Hedge was silent on the Onsite Drainage. That makes it another 2 flooded plans.

8. Hedge then stated 5 minutes later, that **Corrigan provided 2 further flooded hydraulic plans that could be fixed by fill**. That was a false statement and is alleged contempt of court. One cannot fix a flooded pipe by raising the pipe in the middle. One cannot raise the neighbour's yard, to obtain cover. One cannot lower the kerb.

The "fill the pad" strategy was allegedly a hoax to fool the court and soak up time. In addition, Corrigan's easements blocked off all services to the lot.



Statements made by Susan Hedge and His Honour Judge Williamson KC on 24-4-25.

9. The **hearing of 24-4-25** became a pretrial hearing. It was called at the request of Council. It was about 75 minutes long.

10. Mr Manteit stated in that hearing, for 5 minutes, to His Honour about the necessity and a request to have a **determination about the red lines placed in the approval**.

Hedge was silent, and did not interrupt His Honour to state that the red lines for Upstream Drainage and conditions were being removed by Council, in as little as one hour later, filed in court.

11. It is alleged that Susan Hedge has lied in Court on 24-4-25, by stating that Council's position for the trial, many times, in many various ways, was Court document 23, 31-1-25.

His Honour Judge Williamson KC asked Ms Hedge "I thought a position... Council had filed a position statement. .."

Hedge turned to McCabe who advised Hedge, it was Court document 23, **Hedge stated to His Honour Judge Williamson KC, it was in fact Court Document number 23, filed on 31-1-25.**

12. Statements were made ad nauseum by Hedge to His Honour Judge Williamson KC, on 24-4-25, that reinforced Council's position for the trial was as of Court document 23, dated 31-1-25.

13. Hedge listened to His Honour state to Manteit 13 times, in various words, that Council's position for the trial was 31-1-25. Manteit asked His Honour many times, in different words, was he sure that Council's position for the trial was 31-1-25.

Manteit asked His Honour "So that's the position?" His Honour "that's the position"

His Honour "That's Council's position". "That's the position".

Manteit - "That's relied on, is it? "

His Honour replied "Correct"

14. Hedge never uttered a word to correct Judge Williamson KC to correct his 13 advices to Manteit.

15. His Honour Judge Williamson KC asked Susan Hedge "Ms Hedge, has the Council now provided all of its material to Mr Manteit?"

Hedge stated "He has everything in exactly the form that will be filed or relied on."

16. His Honour asked Hedge "Is there anything else Council needs before Monday?"

Hedge – "No, I don't think so"

17. Hedge sought leave to file Sara McCabe affidavit regarding objections to Manteit material, which became Court document 48. There was no such leave requested for the filing of court document 49.

18. His Honour raised with Ms Hedge regarding Council's position regarding the timing of submitting of engineering drawings for condition 18.

Hedge stated that the drawings were required for condition 17 were to be submitted as constructed, ie after construction of the pipes. Hedge reinforced that statement by stating "that's in Mr Ryan's report", strenuously indicating Council were steadfast on their position.

19. Hedge stated that condition 17 also required as constructed plans. Hedge falsely stated that condition 18 was the one of most concern. This was done in order to avoid further dispute prior to the trial.

However Manteit had made it clear in the Notice of Appeal 19-11-25 that condition 17 was extremely important since Council's red line would cost Manteit \$172,000 to fill the land, using Council's red line.

20. Manteit was never able to submit engineering plans to Council for the pipes that ended up 1.2m under the Ashridge Rd kerb.

21. In fact, His Honour Judge Williamson KC stated to Hedge on 30-4-25 that it would not be generally in accordance with the red lines should another location for the Upstream pipe be designed, since, even if it "worked" it would not be generally in accordance with the original red line.

In addition, His Honour stated on 30-4-25 words to the effect that moving of the red lines created problems for easements. His Honour had never sighted the easement document.

22. Hedge stated to Judge Williamson KC, "I accept that".

23. Again, Manteit could therefore never have submitted any engineering drawings whatsoever, at any time, prior to construction.

24. On 30-4-25 Hedge stated that it was Council's position that "the red lines could go straight down the middle of the lot."

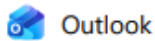
However, on 30-24-25 Hedge also stated that Council supported all of Corrigan's evidence, including Corrigan's statement that "no engineer would allow a stormwater pipe to be placed under a house slab."

25. Those two stated different positions by Hedge on the same day are in my submission, are allegedly tantamount to lying, are mutually incompatible, and alleged contempt of court.

26. Sara McCabe sent Manteit an email on 22-4-25 at 6.27pm with all Council's material to be relied upon at the trial. This turned out to be a false statement by McCabe, as there was no affidavit with new material and change in position.

10/12/2025, 05:08

Mail - david manteit - Outlook



Manteit v Brisbane City Council - P&E appeal no. 2916/24

From Sarah McCabe <Sarah.McCabe2@brisbane.qld.gov.au>

Date Tue 22/4/25 6:27 PM

To david manteit <davidmanteit@hotmail.com>

Dear Mr Manteit

Pursuant to paragraph 3 of the order of His Honour Judge Williamson KC dated 14 April 2025, below is a link to the material the Respondent intends to rely upon at the hearing of the appeal:

<https://brisbane.sharefile.com/public/share/web-s071bdbe22170450e9d70838983d71575>

Please note that, due to unexpected illness, the Certificate of the Chief Executive Officer is unsigned. We do not anticipate making any changes to the Certificate upon signing and will send a signed copy once available.

Regards,

Sarah McCabe

Senior Legal Counsel | Planning and Environment | City Legal
City Administration and Governance | **BRISBANE CITY COUNCIL**

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Phone: 07-3178 5581 | Fax 07-3334 0058

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Email sent by McCabe, to Manteit, 6.27pm on 22-4-25, stating the material to be relied on for the trial.

In that list, it is stated by Manteit that there was no mention of listing of Court Document 49 at any stage throughout the trial.

DISTRICT COURT OF QUEENSLAND ACT 1967 - SECT 129**Contempt****129 Contempt**

(1) A person is in contempt of the District Court if the person—

- (a) without lawful excuse, fails to comply with an order of the court (other than an order mentioned in *paragraph (e)*), or an undertaking given to the court; or
- (b) wilfully insults a judge or juror, or a registrar, bailiff, or other court officer during the person's sitting or attendance in court, or in going to or returning from the court; or
- (c) wilfully interrupts the proceedings of the court or otherwise misbehaves himself or herself in court; or
- (d) unlawfully obstructs or assaults someone in attendance in court; or
- (e) without lawful excuse, disobeys a lawful order or direction of the court at the hearing of any proceeding; or
- (f) commits any other contempt of the court.

(2) A District Court judge has the same power to punish for a contempt mentioned in subsection (1) as a Supreme Court judge would have if the contempt were a contempt of the Supreme Court.

(3) If the contempt is in the face of the court, a bailiff or other court officer acting under the court's order may, using necessary and reasonable help and force, take the person committing the contempt into custody and detain the person until the court rises.

District Court of Queensland Act 1967 – SECT 129

27. Contempt – a person is in contempt if the person... (a) ... fails to comply with an order of the court.

28. In this case, Council has failed to comply with an order of the Court, of 12-2-25, which provided that the Respondents serve and file all material for the trial, by 21-4-25, although the compliance date was extended at the hearing on 14-4-25, to 22-4-25.

29. Due to Easter, the filing requirement meant that the original date to comply was 18-4-25.

On 14-4-25, the Respondents requested and were granted an extension until 22-4-25.

Court document 49 was filed on an unknown time on 24-4-25, but could have been filed anytime. The Registrar has stated that security video is unavailable.

30. Sara McCabe advised Mr Manteit of all the files Council wished to be relied upon on 22-4-25, around 6.27pm by email. So no files were filed or served by Council by 5pm on 22-4-25.

**QUEENSLAND MAGISTRATES COURTS CONFERENCE****24 MAY 2023****CONTEMPT****Chief Justice Helen Bowskill¹**

Queensland Magistrates Courts Conference 24-5-23 Contempt Chief Justice Helen Bowskill

- [6] Second, [s 50](#) of the *Magistrates Courts Act 1921* (Qld), which applies more generally.³ Section 50 reads in part as follows:

- “(1) A person is in contempt of a Magistrates Court if the person –
- (a) without lawful excuse, fails to comply with an order of the court, other than an order mentioned in paragraph (e), or an undertaking given to the court; or
 - (b) wilfully insults a magistrate or registrar, bailiff, or other court officer during the person’s sitting or attendance in court, or in going to or returning from the court; or

- [12] As the High Court said in *Lewis v Ogden* (1984) 153 CLR 682 at 693; [\[1984\] HCA 26](#):

“the contempt power is exercised to vindicate the integrity of the court and of its proceedings; it is rarely, if ever, exercised to vindicate the personal dignity of a judge.”

- [13] It is a power that should be used with caution, sparingly and only when necessity demands.¹⁰

Criminal and civil contempt

- [14] Both s 40 of the *Justices Act* and s 50 of the *Magistrates Courts Act* include what are referred to under the general law as civil and criminal contempts. As McHugh J explained in *Witham v Holloway* (1995) 183 CLR 525 at 538-9; [\[1995\] HCA 3](#):

“Criminal contempts are acts or omissions that have a tendency to interfere with or undermine the authority, performance or dignity of the courts of justice or those who participate in their proceedings.

Although criminal contempts take many forms, their characteristic attribute is an interference with the due administration of justice either in a particular case or as part of a continuing process. Defiance of the court or its procedures, publication of matters scandalising the court,

⁷

References omitted. Emphasis added.

Environmental Defenders Office

31. Contempt of Court -

“Contempt of court is the rule that a court may impose a penalty on those who interfere with the administration of justice or disregard the authority of the Court.

The rule was developed to ensure that:

- (a) justice is appropriately and efficiently administered without disruption;
- (b) court proceedings proceed fairly without external influence; and
- (c) the authority, **confidence and respect of the court is not undermined**. Who does contempt of court apply to?

The rule of contempt of court applies to everyone. This means that anyone can be found guilty of contempt of court including: • **the parties** to court proceedings; • **lawyers representing those parties**; • jury members and witnesses; • court officers themselves; • the media reporting on a hearing; and • the public at large.

What words or actions constitute contempt?

“In Queensland, there are also specific behaviours which legislation deems contempt of court.³ These include:

- (a) insulting a judge or witness”

Judicial Commission of New South Wales

Contempts of court still fall to be classified as civil or criminal. Contempt by breach of an order or undertaking is regarded as a civil contempt unless “it involves deliberate defiance or, as it is sometimes said, if it is contumacious”: *Witham v Holloway* (1995) 183 CLR 525 at 530.

32. This case

It is alleged that the contempt by breach of an order, in this case is criminal, since

- There have been lies told to the Court about the lodging of Document 49
- All files were intentionally lodged outside court ordered 14-4-25, required by 22-4-25.
- CEO Freeman appeared to have intentionally cause contempt of court by only signing on 24-2-24, making it an impossibility to not be in contempt of court.

33. Involvement in this case by Adrian Schrinner

Schrinner heads the Infrastructure Committee.

Schrinner meets every week to decide on new planning policies

The use of rainwater tanks and 8 flooded plans is of such a grand scale

34. Schrinner has overseen the ratepayers money spent on 8 flooded plans so far.

The appropriate development code for this case is the Infrastructure Design Code, Chapter 7 stormwater policy.

Schrinner has long been aware of 7 council employees have designed four flooded plans. A fact.

It is absurd that Schrinner has allegedly instructed another 4 flooded plans from Corrigan

That makes it around 8 flooded plans.

35. Schrinner has instructed the use of around 200 rainwater tanks to stop stormwater flooding. This is absurd.

The use of rainwater tanks to stop flooding is absurd. This instruction could only have come from the Lord Mayor, it seems.

36. Correspondence by Manteit to Schrinner

Manteit wrote to Schrinner on 15-5-25. No response by Schrinner

Manteit wrote to Schrinner on 20-10-25. No response by Schrinner

Manteit wrote to Schrinner on 19-11-25. No response by Schrinner.

It is expected that every single piece of correspondence by Schrinner and Freeman in this case will be provided by RTI. A draft order has been prepared compelling them to respond in good faith.

37. The Right to Information Team will provide a report by 25-1-26

Clarification of scope

RTI applications are not able to answer questions. Applications can only supply documents.

The letter you attached has many various questions, therefore can you please confirm the following scope will meet your needs:

- All correspondence between Freeman, Schrinner, to Susan Hedge and Sara McCabe in relation to the court case, Manteit V Brisbane City Council 2916/24, including any instructions as to Susan Hedge and Sara McCabe as to any statements they made in Court to Judge Williamson KC.
- All correspondence between Freeman, Schrinner, Hedge and McCabe to Andrew Corrigan in relation to the court case, Manteit V Brisbane City Council 2916/24, including any instructions as to statements made in Court by Susan Hedge and Sara McCabe.
- All correspondence between Freeman, Schrinner, Hedge and McCabe to Keiran Ryan in relation to the court case, Manteit v Brisbane City Council 2916/24, including any instructions as to statements made in Court by Hedge and Ryan
- Schrinner and Freeman are to provide all documentation pertaining to instructions to Hedge and McCabe including letters, emails, instruction.
- Freeman, Schrinner and Council to supply all correspondence between Freeman, Schrinner Council and Hedge for the whole court case 2916/24, including any instructions given by them to remove condition 12, fill conditions from condition 17 and condition 18.

Timeframes

Under the RTI Act Council is allowed 25 business days (from the date we receive your compliant application) to process your application and provide you with a decision.

RTI advice 3-12-25.

38. The instructing of Corrigan by Council and others to design flooded plans at will.

On 24-4-25, Hedge said to His Honour Judge Williamson KC “that doesn’t work” and “that wont work”, in relation to the unlicenced Council employee Upstream Draine Plans.

And only a few minutes later, Hedge stated that Corrigan had 2 solutions – basically they are flooded as well, but need fill to fix them up. That’s a total of 4 flooded plans in 5 minutes. The Lord Mayor needs to stop paying for flooded plans.

In the trial, Corrigan invented at least another 2 flooded plans. Manteit has reported on those plans.

39. “Council’s position is that pipes can go straight through the middle of the lot”

This position by Council has far reaching effects, for many stakeholders.

REIQ

The REIQ is a stakeholder on behalf of all persons buying and selling their homes.

Since 1/8/25, a seller must declare to any buyer what is adverse on the block.

This could be a council red line that shows a pipe 1.2m under the kerb.

The pipe, if in the middle of the lot would make the lot not buildable.

The owner may never sell their house, once it is discovered that one must go to court to get of the red council line,

Master Builders

The Master Builders are a stakeholder since they warn all persons in Queensland to check the building contract to see if the stormwater plans are in order and have been signed off by an RPEQ or a QBCC licenced hydraulic consultant.

Any performance of hydraulic engineering over\$1,100 must show an attaching licence

All Brisbane homeowners – Upstream Drainage

A homeowner may not be aware of any pipe that has a red stormwater line on the block that is flooded. They may never sell their house because a council employee placed a red line on their block.

All Brisbane homeowners – Upstream Drainage

A homeonwer may not have been able to build a house on Lot 2, since Council placed the pipe 5.1m up from the low side of the kerb. If a seller of lot 2 does not declare this to a buyer, then the buyer may have a damages claim against the owner and Council restrospectively.

Council’s Notice of Disputed Reasons 31-1-25

This notice is alleged to be contempt of court, since it was stated that “that represents one way”, implying that the existing upstream drainage was not flooded in any way. This is alleged to be a lie of the greatest magnitude, by Council.

In addition, the retaining of the Onsite Drainage red lines is also alleged to be contempt of Court.

40. Fill conditions

Council removed filled conditions. It was absurd that the fill conditions were conditioned in the first place.

41. Misconduct by a barrister – Susan Hedge



BAR ASSOCIATION OF QUEENSLAND BARRISTERS' CONDUCT RULES 14 May 2025

Practising + Readership > Renewals & Changing Conditions — Regulation & Protocols > Barristers' Conduct Rules, as amended > Administration	Duty to the Court 25. <u>A barrister has an overriding duty to the Court to act with independence in the interests of the administration of justice.</u> 26. <u>A barrister must not deceive or knowingly or recklessly mislead the Court.</u> 27. <u>A barrister must take all necessary steps to correct any misleading statement made by the barrister to a court as soon as possible after the barrister becomes aware that the statement was misleading.</u> 28. A barrister must alert the opponent and if necessary inform the court if any express concession made in the course of a trial in civil proceedings by the opponent about evidence, case-law or legislation is to the knowledge of the barrister contrary to the true position and is believed by the barrister to have been made by mistake.
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Integrity of evidence

68. A barrister must not:

- (a) advise or suggest to a witness that false or misleading evidence should be given nor condone another person doing so; or
- (b) coach a witness by advising what answers the witness should give to questions which might be asked.

42. It is alleged that Susan Hedge has been caught under S26 of the Bar Association of Queensland Barrister's conduct rules 14 May 2025.

It is noted in paragraph 26. "A barrister must not deceive or knowingly or recklessly mislead the Court."

It is alleged that Susan hedge has been caught under S68 of the bar Association of Queensland Barrister's conduct rules 14 May 2025

It is noted 'A barrister ... must not coach a witness by advising what answers the witness should give to questions which might be asked'

43. The stated best intentions by His Honour Judge Williamson KC in respect of filing of material to be relied on by Council.

44. Council did not comply with Judge Williamson KC best intentions. Alleged contempt of court.

12-2-25

Judge Williamson KC

I don't tell you what evidence to lead. As it is, I'm treading very close to the line of giving you too much assistance. What I'm trying to explain to you is this. You have conditions you want the court to impose. This is the last time I'm going to say it. The conditions you want the court to impose.

You have an onus of proof. If you want those conditions imposed, you need to prove. Prove that those conditions should be imposed. That's the task that you have taken upon yourself by pursuing this appeal.

Yes, of course. So, to prove it, you're going to give some evidence yourself and you want to call some technical evidence, either from an engineer to explain why your condition is the right condition to impose. That's all I'm asking you to do. It is your case.

What you want to tell me about the condition or whoever the judge is, I should say, about the condition you want imposed on the approval. That's what it's about.

If the council has imposed an unlawful condition on 412 other reconfigurations of the lot, approved. Let's assume that's right.

This is not a Royal Commission into what the council has done on 412 other cases. It's about your case. And if your case proposes a condition that's different to the 412 other cases, let's focus on your condition. That's why I'm not particularly excited about, you heard me say, conspiracy theories in a royal commission. That's not the task the court is charged with. So all I'm asking is you to do this. Everything you want the court to take into account in support of your case, provide it to the council.

The whole picture.

Council will respond, and then all of that material will be brought to, probably me, and we'll work through it. That's what we will do.

Judge Williamson KC - "Council will respond and then all of that material will be brought to, probably me, and we'll work through it. That's what we will do."

45. Council did not respond fully until the day of the trial. Alleged contempt of Court.

12-2-25 Judge Williamson KC - "So 31st March for Mr Manteit and then three weeks later for the Council (21-4-25)"

Judge Williamson KC

like to mention. Okay, well, I've just got another trial waiting, Mr. Manteit, so I don't have too much more time, but... You have 10 seconds if you'd like. If I can just finish the directions for the trial, and then, yes. So, I have the Brisbane City Council order in front of me. So, leave paragraph number one, that is the appeals case managed by me. and can we delete, I said can I ask the council to look back to this and have a draft order that deletes paragraphs 2 through to 7 and replaces it with an exchange of material as we discussed.

So the 31st of March for Mr Manteit and then **three weeks later for the council**, and the appeal obviously listed for three days commencing the 28th of April. Right. And if that order can be prepared and then sent to my associate, I'll make the order in Chambers.

But **the idea is that the material provided is everything that both sides want to rely upon at the hearing?** Yes. Does that make sense? So if it's expert reports, it's **whatever it might be, the full gamut**.

12-2-25 Judge Williamson KC - "the idea is that the material provided is everything that both sides want to rely on upon at the hearing?.....whatever it might be, the full gamut"

"the idea is that the material provided is everything that both sides want to rely upon at the hearing.. whatever it might be, the full gamut"

That never happened. Council did not comply with Judge Williamson KC's intentions. **This is contempt of Court.**

46. His Honour Judge Williamson KC " — "whatever it might be, the full gamut"

12-2-25 - Judge Williamson KC -

"When all the material is exchanged, we'll come back for a mention and we'll make sure everything's in place and then at that mention I will make directions about provision of submissions."

Can we set that, is there is there any reason that could not be in the week of 14th of April?

Judge Williamson KC

No, no, what I would like to do is **when all the material is exchanged, we'll come back for a mention and we'll make sure everything's in place and then at that mention I will make directions about provision of submissions**. Can we set that, is there any reason that could not be in **the week of the 14th of April?**

So what about Monday the 14th of April? A review on that date.

47. Judge Williamson KC - "When all the material is exchanged, we'll come back for a mention and we'll make sure everything's in place"

It seems the dates were incorrect since Council were not required to provide/exchange material until 21-4-25.

I am not suggesting contempt by the Respondents in this particular example, but simply providing another example of the intent of His Honour Judge Williamsn KC.

The applicant of this case is being transparent to the Court.

In the Planning and Environment Court Held at: Brisbane	Appeal No. 2916 of 2024
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Between:	DAVID MANTEIT	Applicant
And:	BRISBANE CITY COUNCIL	Respondent


Filed on: 24 April 2025

AFFIDAVIT

I, **SARAH JANE MCCABE**, of City Legal, Brisbane City Council, 266 George Street, Brisbane, in the State of Queensland, being under oath say:

1. I am a Senior Legal Counsel at City Legal and I have carriage of the appeal on behalf of the Respondent, Brisbane City Council.
2. This is my 4th affidavit in this proceeding.
3. A table has been prepared by the Respondent to identify the disputed conditions in the form imposed by the Respondent's decision notice dated 25 September 2024 and sought at the hearing of the appeal.
4. A copy of the table appears at pages 3 to 17 of Exhibit SJM-4.

Sworn by **SARAH JANE MCCABE** on this 24th day of April 2025 at **Brisbane** in the presence of:



Deponent



Solicitor

<p>AFFIDAVIT OF SJ MCCABE Filed on behalf of the Respondent</p>	<p>CITY LEGAL - BRISBANE CITY COUNCIL Level 20, 266 George Street Brisbane Qld 4000 Phone: (07) 3178 5581 Fax no. (07) 3334 0058</p>
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Court document 49, above, filed on 24-4-25, in as little as one hour later (or before) the pretrial hearing.

48. List of court documents tallied by His Honour. It does not appear that Court document 49 was ever tabled by Hedge nor tallied by His Honour.

Judge Williamson KC

28-4-25

Okay, all right. And court document 29, is it just the one that includes the letter from the civil engineer? Yes. Okay. If that affidavit was marked Exhibit 3, so because I'm assuming it might be specifically referred to for a range of reasons during the course of the hearing.

Susan Hedge

28-4-25

"I've got a printout of the court file. I assume you have a similar thing." Hedge never tabled the court file.

Right. Look, if it assists, I've got a printout of the court file, so I assume you might have a similar thing, but we'll provide a table in the ordinary form in submissions of the appellants material and we'll leave an extra column if that's of assistance for exhibit number and then you can mark them.

Judge Williamson KC

28-4-25

Well, and Mr... One, two, three, four, five. Okay, so, looking at paragraph one of the agreement four, court document number 23, I will... I'll mark court document 23, that'll be exhibit five. The affidavit of Mr. Corrigan, which is court document 44, that'll be exhibit six. The affidavit of Mr. Ryan will be Exhibit 7. That's number 45. And court documents 50 and 51, which are the CEA certificate of Freeman, I'll mark collectively Exhibit 8. the Table of Conditions.

Susan Hedge

Can I tender a copy of that? It's the same as was attached to the affidavit but the affidavit's not necessary.

Judge Williamson KC

Okay, Council's Table of Conditions will be Exhibit 9.

29-4-25

Judge Williamson KC

(04:27:52) What I'd like to do, at the end of the day, is then tend to mark all those documents as exhibits, because that's unfinished business. So if the list is not there at the moment, that's fine. But before the end of the day, if we could deal with that, I would appreciate it. No problem, thank you. I'm sorry,

Susan Hedge

(04:28:15) who's here?

Judge Williamson KC

(04:28:26) Yes, please. Mr. Monty, do you have a copy of the list?

Susan Hedge

(04:28:41) Oh, no, I just came to pick it

Judge Williamson KC

(04:28:44) up. Yeah, sure. Right, so if you have the list in front of you, Mr Monty, I'm going to mark the following court documents exhibits. So court document 11 will be exhibit 11. Court document 12 will be exhibit 12. Court document 13 will be exhibit 13. Court document 14 will be Exhibit 14. Court document 15 will be Exhibit 15. Court document 19 will be Exhibit 16. Court document 20 will be Exhibit 17. Court document 21 will be Exhibit 18. Court document 22 will be Exhibit 19. Court document 24 will be Exhibit 20. Court document 26 will be Exhibit 21. Port Document 27 will be Exhibit 22 Court Document 28 will be Exhibit 23 Port Document 30 will be Exhibit 24 Port Document 31 will be Exhibit 25 Court Document 32 will be Exhibit 26 Court Document 33 will be Exhibit 27 Port Document 34 will be Exhibit 28 Court Document 35 will be Exhibit 29 Court Document 37 will be Exhibit 30. Court Document 38 will be Exhibit 31. Court Document 39 will be Exhibit 32. Court Document 40 will be Exhibit 33. Court Document 41 will be Exhibit 34. Court Document 42 will be Exhibit 35. And Court Document 43 will be Exhibit 36.

Susan Hedge

(04:30:51) up a diagram with some pipes on it and that hasn't been marked or I just thought it might be one option is that well the actual piece of paper could just be marked for identification. It's just that the transcript otherwise might not make any sense.

Judge Williamson KC

30-4-25 Further hiding by Susan Hedge of filing of Court document 49.

David Manteit

Yes, and nowhere have I seen an information request as per what Ms. Barnard and Mr. Christensen do, and a dozen of them in there as filed.

Judge Williamson KC

Sure. Work with me.

The council filed reasons in support of the conditions that we're now debating about. Did you see the reference to the condition, the parts of the planning scheme about drainage with which you'd need to demonstrate compliance?

David Manteit

I'm not sure, Your Honour, you mean 31st of January or five days ago? I don't understand.

Judge Williamson KC

Don't be obtuse. Don't be obtuse. .

David Manteit

No, I'm only asking, asking, Your Honour. I don't honestly know.

Judge Williamson KC

The council filed an amendment.

30-4-25 Susan Hedge still silent on filing affidavit Court document 49 in contempt of court

David Manteit

Yes, and nowhere have I seen an information request as per what Ms. Barnard and Mr. Christensen do, and a dozen of them in there as filed.

Judge Williamson KC

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David Manteit

No, I'm only asking, asking, Your Honour. I don't honestly know.

Judge Williamson KC

The council filed an amendment.

David Manteit

No one's given me notice of, mate, look at this, look at that. I don't understand that.

Judge Williamson KC

Mr Monty, Mr. Monty, you have been given in this hearing substantial latitude, and I've tried to point out things along the way where they've been referred to.

One of the documents that the council filed was a statement of position.

You've read the council's statement of position in the appeal.

David Manteit

Monday morning?

Judge Williamson KC

The document that was filed

Susan Hedge

It is 31st January.

Judge Williamson KC

David Manteit

Yes

Judge Williamson KC

Not the document that was provided the other day, but the 31st of January.

David Manteit

And Your Honour, to your credit, you said on the 12th/14th of April (meant 24 April) that I asked you what's the position you set as of the 31st of January.

Judge Williamson KC

Yeah

David Manteit

I try and agree with people.

Judge Williamson KC

I know you are.

David Manteit

But you see, that just said there's increased rainfall and increased density.

That's all we've had. There was no disputes.

Judge Williamson KC

All right

David Manteit

There was no dispute on nine months of information, of the volume of information.

There was no dispute whatsoever for three hearings.

Advice to court by Manteit of being boxed in.

Manteit stated to His Honour on 30-4-25 that he had been boxed in, in his opinion, since he never got a response from Council for 9 months.

Below is the evidence of that.

30-4-25

David Manteit

That's my problem. That's my fault for not understanding it. Right. I thought you said to me you did understand. I'm not going to tell anyone I did it. (politely)The judge didn't know how to explain it. No, you explained it.

Thanks very much. But I misinterpreted or didn't or thought that something else, but you know, so I appreciate that.

So to move forward at the moment at 4.13, it's still, We would like to leave 18 in there, but at the moment it is by meeting, it is by planning scheme policies.

And yes, if we've got a response, any time in the last nine months, we would have been able to have a better argument for this case.

But that's the way I've been forced into it and not getting material enough time to defend. And you, Your Honout says, are you ready to proceed?

I said, yes, there's no problem there, but that's just the way it's panned out.

We may have got a witness and time, but we're only left with one day to make decisions.

Judge Williamson KC

No, no, no, no, I don't, I'm sorry. That's unfair.

That's unfair, Mr... Monty, directions were made about you and the council providing material in the case.

There was also directions made about exchanging the names of witnesses to be called. The council gave you its list and it identified that it was going to call a town planning expert and a civil engineer.

Or an engineer, Mr. Corrigan and Mr. Ryan. You knew the council were going to call expert evidence.

You had the option to call your own expert evidence, knowing full well the nature of the issues in dispute, and you didn't.

30-4-25 Manteit - "But the overall thing is for nine months, and perhaps, perhaps when we have asked on several occasions to get a response, we've never got one."

So I don't know, it maybe legally fine, but you know, its not just right in the real world of not responding to someone for six, nine months. That's the other world"

30-4-25. His Honour Judge Williamson KC - "I don't need to involve myself in any of that. That's not for me"

David Manteit

Well, I never blame you for that, Johnnie, so don't worry about that. No, but that's why I'm engaging with you. But, you know, Gregory and Tara's boys, they give credit first, and then they say what they want to say, and that's what we're trying to do. Right, well, you can do that as it may, but I am going quite far.

But the overall thing is for nine months, and perhaps Perhaps when we have asked on several occasions to get a response, we've never got one.

So I don't know, it's maybe legally fine, that's fine, but you know, it's not just right in the real world of not responding to someone for six, nine months. That's the other world.

Judge Williamson KC

I'm nodding, I don't, that's... I don't need to involve myself in any of that. That's not for me. All I want to know is the approval. Whether it's an approval, refusal, and if it's an approval, what conditions it contains. You say condition 18 is out, and I'm going to proceed to decide that on the basis that that is your position.