

RECORD OF INTERVIEW - DAVID MON *OP GRAND*

EXHIBIT No. 298
W. Hayes CLERK

TAPE NO: 1 (of 2)

DATE: 11.11.05

PLACE: SURFERS PARADISE

TIME COMMENCED: 10:26

TIME CONCLUDED: 11:11

INTERVIEWEE: DAVID MONAGHAN

INTERVIEWER/S: DETECTIVE INSPECTOR KEN BEMI

LEGAL OFFICER: THERESA HAMILTON

RE: OPERATION GRAND

FILE NUMBER: MI-05-2482

Complainant: OPERATION GRAND
Subject(s): OPERATION GRAND
Investigator: DETECTIVE INSPECTOR KEN BEMI
Statement Of: DAVID MONAGHAN
Legal Officer: THERESA HAMILTON
File Number: MI-05-2482
Directory :

COPY TAPE 1 OF 2 - RECORD OF INTERVIEW BETWEEN DETECTIVE INSPECTOR
KEN BEMI OF THE CRIME AND MISCONDUCT COMMISSION AND DAVID
MONAGHAN ON FRIDAY 11 NOVEMBER 2005. ALSO PRESENT CIVILIAN
INVESTIGATOR LUCINDA O'BRIEN.

LEGAL OFFICER: THERESA HAMILTON

RE: OPERATION GRAND

KB = Detective Inspector Ken Bemi (CMC)

DM = David Monaghan

LOB = Lucinda O'Brien (CMC)

- 1 KB The time now is 10:26 am on the morning of Friday the 11th of the 11th 2005 (11.11.05).
2 I'm present in the office of LM Investments situated on Level 4, 6 Beach Road is it?
3
4 DM 9 Beach Road
5
6 KB Sorry 9 Beach Road, Surfers Paradise and I intend to conduct an audio recorded interview
7 with Mr David Monaghan...
8
9 DM Monaghan yes
10
11 KB ...of LM Investments about his knowledge of a memo being prepared by a lawyer at
12 Hickey Lawyers by the name of Anne Cunningham and in relation to his knowledge of
13 any trust accounts that were administered by Hickey Lawyers and any involvement that
14 Hickey Lawyers had in those trust accounts. For the purposes of voice identification I'll
15 ask every person present here starting with myself to state their full and correct name.
16 My full name is Kenneth William Bemi. I am a Detective Inspector of Police currently
17 performing duties at the Crime and Misconduct Commission in Brisbane.
18
19 LOB I'm Lucinda Maree O'Brien. I'm an investigator with the Crime and Misconduct
20 Commission.
21
22 DM Ahh Alexander David Monaghan, solicitor.
23
24 KB Thank you. What I intend to do today Mr Monaghan is to conduct an audio recorded
25 interview with you about the matters I've outlined and by that I mean whatever you say, I
26 say, my colleague here says will be recorded as we speak on audio tape. You understand
27 that?
28
29 DM Yes
30

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31 KB Do you require any other person to be present here with you during this interview?
32
33 DM No
34
35 KB Are you agreeable to participate in this interview of your own free will here today?
36
37 DM Yes I am and I'll just ahh note your offer to provide me with a copy of the tape ahh when
38 you're next on the Gold Coast.
39
40 KB And I've given an undertaking that I will do that and I think I indicated possibly next
41 Tuesday.
42
43 DM That's fine thank you.
44
45 KB You're happy with that?
46
47 DM Yes
48
49 KB Can you please state your current address?
50
51 DM 11 Lupus L-U-P-U-S Street, Southport.
52
53 KB And your date of birth?
54
55 DM 20th of the 4th '60 (20.04.1960)
56
57 KB And your current occupation?
58
59 DM I am a commercial lending manager with LM Investments.
60
61 KB How long have you occupied that position for?
62
63 DM Ahh just over 12 months.
64
65 KB Prior to that?
66
67 DM Prior to that I was ahh a ahh partner in the firm of ahh Hickeys Lawyers.
68
69 KB You're a qualified lawyer?
70
71 DM Yes
72
73 KB How long did you work for Hickey Lawyers for?
74

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75 DM Ahh approximately 18 months.
76
77 KB Can you outline what was your role there?
78
79 DM I was the partner in charge of litigation at Hickey Lawyers and in that capacity I ahh
80 supervised the litigation work of the firm and ahh that involved conducting some work
81 myself and also allocating work and supervising the work of other lawyers.
82
83 KB Who did you report to?
84
85 DM Ahh Tony Hickey
86
87 KB He's the principal of that practice?
88
89 DM Correct
90
91 KB How many staff did you have working under you or that you were responsible for
92 supervising?
93
94 DM Ahh I think it varied between 7 or 8 lawyers and about 5 support staff.
95
96 KB So you were one of the senior lawyers there in other words?
97
98 DM Correct
99
100 KB A partner?
101
102 DM Yes. I should say I wasn't a ahh a member of the firm in the sense that I was a member
103 of the partnership. I was a salaried partner.
104
105 KB Thank you. The Crime and Misconduct Commission in Brisbane is currently undertaking
106 an inquiry pertaining to the Gold Coast City Council elections held in March 2004 and
107 various other matters as outlined in the terms of reference. If I could start off by asking
108 you – did you have any involvement in the Gold Coast City Council elections at all in any
109 way?
110
111 DM Umm only in respect of work I undertook at Hickey Lawyers.
112
113 KB Can you outline what work that was?
114
115 DM Umm I've seen a ahhh an email that I sent to Anne Cunningham which you've provided
116 to me today dated the 15th April umm and umm I didn't have an independent recollection
117 of that memo before you've shown it to me but I believe that I did send it to Anne that
118 asks her to undertake some work relating to the umm the ahh s.460 of the *Local*

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119 *Government Act.* I believe I also prepared a separate advice to Tony Hickey in relation to
120 s.460 of the *Local Government Act.*
121
122 KB Alright perhaps if we can start with the email – or emails – and as you quite rightly
123 pointed out before this interview commenced I gave you the opportunity to view these
124 emails and also view two memorandums one dated the 16th April 2004 and the other
125 dated the 20th April 2004 prepared by Miss Anne Cunningham. Do you agree with that?
126
127 DM Yes I do.
128
129 KB Alright. Now if I can just direct your attention to those emails again. You'll notice that
130 the first one is sent from Catherine Blackman on behalf of Joseph George Welsh. Who
131 are those two people?
132
133 DM Ahh I believe that Catherine Blackman is Joe's ahh secretary. Joe is a partner of the firm
134 of Hickey Lawyers.
135
136 KB And that's dated Thursday the 15th April 2004 and it appears to have been sent at 9:15 am
137 and it was sent to Steven Hodgson. What's his role there?
138
139 DM Ahh Steve's the office manager.
140
141 KB Anthony William Hickey?
142
143 DM He's the principal of the firm.
144
145 KB Commonly known as Tony Hickey?
146
147 DM Correct. Brad [ui] umm he at the time he was a partner of the firm.
148
149 KB And there's a carbon copy sent to?
150
151 DM Jamie Bollock (phonetic) ahh another partner of the firm. Mark Lacey another partner of
152 the firm.
153
154 KB The subject was "message from Joe Welsh amounts paid from trust during local
155 government" and it appears to have originated after either Catherine Blackman or it
156 appears that maybe Joe Welsh received a phone call from David Montgomery. He's the
157 Council solicitor...
158
159 DM Correct
160

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161 KB ...on the Gold Coast City Council and it appears the contents of that email refer to s.430
162 of the *Local Government Act* and the obligations of third parties in relation to furnishing
163 returns – election returns.
164
165 DM Correct
166
167 KB Do you agree with that?
168
169 DM Yes
170
171 KB Alright so after the first email was disseminated it appears that you were sent being David
172 Monaghan ...
173
174 DM Yes
175
176 KB ...that's yourself I take it on this second email...
177
178 DM That's correct.
179
180 KB ...dated Thursday the 15th April 2004 sent at 11:01 am and that was from Catherine
181 Blackman to yourself same content I take it...?
182
183 DM Yes
184
185 KB ...would have been sent to you a copy of that would have been sent to you?
186
187 DM Yes and I do recall seeing the memo ahh from Catherine to those other people we've
188 mentioned umm now that I've seen it.
189
190 KB Can you recall when you first received – well first of all did anyone have any discussion
191 with you before you received this email in relation to the content?
192
193 DM I don't recall.
194
195 KB After you received the email – you had your own office at Hickey Lawyers I take it?
196
197 DM Yes I did.
198
199 KB You had your own computer there?
200
201 DM Yes
202
203 KB You would have received it electronically obviously being an email?
204

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205 DM Yes
206
207 KB So when you first received this what action did you undertake?
208
209 DM I don't recall umm but I, I gather from the message that I sent to Anne Cunningham that I
210 would have spoken to Joe about it umm and I would have agreed with him to refer the
211 matter to Anne.
212
213 KB Can you recall what conversation you would have had with Joe?
214
215 DM No I don't.
216
217 KB Can you recall anything specific that was mentioned at all?
218
219 DM No I don't.
220
221 KB Anyhow you had a conversation with Joe one of the partners?
222
223 DM Yes
224
225 KB Did you make any notes or other record of that conversation you had with him?
226
227 DM I don't recall making any notes umm I think it's unlikely that I would have done so for a
228 matter like that.
229
230 KB And you can't recall what Joe indicated to you?
231
232 DM No
233
234 KB But in any event there is another email on the same date the 15th April 2004 that was sent
235 from yourself David Monaghan to Anne Cunningham and that was sent at 2:29 pm.
236 Anne Cunningham she was a lawyer at ahh still is a lawyer at Hickey Lawyers?
237
238 DM Correct
239
240 KB Can you outline to me why you sent the email to Anne Cunningham?
241
242 DM I don't ahh recall exactly why I would have done it umm I'm sorry I don't recall the
243 circumstances but I would have sent the email umm after a conversation with Joe umm in
244 which we would have discussed who was the appropriate person to do this – to do this
245 work.
246
247 KB How did you come up with Anne?
248

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249 DM Umm she was one of the available solicitors who who would have been available to do
250 this work ahh she's a relatively senior solicitor umm I imagine that the other people were
251 probably busy at the time and I chose her. She – she doesn't ahh generally do legal work
252 at the firm. She has a different role umm but I imagine it was because the other people
253 were busy.
254

255 KB Did she have any particular expertise in relation to this matter being s.430 of *Local*
256 *Government Act*?
257

258 DM Not that I'm aware of.
259

260 KB But in any event for the reasons you've just outlined you referred the email to Ms Anne
261 Cunningham. Can you recall what conversation you had with her if any?
262

263 DM No I can't. I don't recall.
264

265 KB So you sent the email to her. You can't recall if you met with her?
266

267 DM I don't recall.
268

269 KB And in any event you – can you recall anything about what was discussed in relation to
270 your request with her?
271

272 DM No I don't.
273

274 KB Once again would you have any notes or records that may refresh your memory?
275

276 DM No and I think if – if all I did was to allocate the task to her ahh it's unlikely that I would
277 have kept a note of that.
278

279 KB Did you have any conversation with Mr Tony Hickey the principal in relation to this
280 request?
281

282 DM Ahh no I don't believe I had any conversation with him about this request.
283

284 KB So apart from Anne Cunningham, Joe Welsh did you talk with any other person or
285 persons in relation to this matter – the content of the email?
286

287 DM Umm I did talk to Tony Hickey about I believe about ahh s.460 of the *Local Government*
288 *Act* but not about this request to Anne that I can recall.
289

290 KB Can you outline the circumstances why you had the conversation with Mr Tony Hickey in
291 relation to s.460 of the *Local Government Act*?
292

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293 DM I believe that Tony asked me...
294
295 KB 430 or 460?
296
297 DM Ahh well ahh I know that the inquiry relates to 430 umm I imagine ahh there is a
298 reference in my note Anne to 460. I imagine that's an error. Umm I believe that Tony
299 asked me to umm provide some advice in relation to the firm's obligation to comply with
300 s.430.
301
302 KB In what respect? Was there any particular account or person or client?
303
304 DM I was given a copy ahh well I was given the file relating to umm the trust account held by
305 the firm. I can recall looking through the file and doing some research.
306
307 KB What trust account was that?
308
309 DM That was the trust account umm initially held I think in the names of the two Councillors
310 Robbins and Power and subsequently ahh transferred umm to umm Lionel Barden.
311
312 KB Do you know why that was transferred to Lionel Barden?
313
314 DM No
315
316 KB Do you know the time frame when the Robbins and Power collection campaign trust
317 account was set up compared with the Lionel Barden trust account?
318
319 DM I believe it was the 4th March 2004.
320
321 KB That was the Lionel Barden...
322
323 DM Trust Account
324
325 KB ...Trust Account that was set up?
326
327 DM I'm not 100% certain of that.
328
329 KB Alright. Before that you believe it was referred to as the Robbins and Power election
330 trust account?
331
332 DM Well I, I don't recall the exact name of the account umm I do recall that those two people
333 were were umm the beneficiaries if you like of the account that we held.
334
335 KB Were they the trustees of the account?
336

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337 DM Well umm as I understood the arrangement ahh moneys were donated by by mainly
338 developer clients I think of Hickey Lawyers and others umm contributed to the trust
339 account and those two people umm had the ability to direct the moneys umm so...
340
341 KB In other words could they disburse the funds?
342
343 DM They authorised ahh Hickey Lawyers to disburse the funds yes.
344
345 KB So would you describe their role they had a controlling role over that particular account in
346 the sense that they could direct what funds – the amount of funds went to whom?
347
348 DM That was my understanding.
349
350 KB And can you tell me any more about the workings of that account at all?
351
352 DM I believe I recall seeing authorities on the, on the file umm directed to Hickey Lawyers to
353 pay certain moneys umm I don't recall very much else about it.
354
355 KB Did you facilitate any of that payment or how was the directions complied with from ahh
356 Mr Power and the late Ms Robbins?
357
358 DM I didn't have anything to do with that umm I imagine that the authorities would have been
359 received and processed by one of the – one of the other staff in the firm.
360
361 KB Were you responsible for collecting any of the funds for that account?
362
363 DM No no
364
365 KB So you had very limited involvement with it apart from your knowledge being a partner
366 ahh of the firm?
367
368 DM Well ahh ahh I believe that I only became aware of the matter ahh once I was approached
369 by Tony and obviously by Joe to ahh to provide some advice in relation to it.
370
371 KB And that was at the time of this email was it?
372
373 DM In about April 2004.
374
375 KB So it was after the elections were held bearing in mind that the elections were held on the
376 27th March 2004?
377
378 DM That would be correct.
379

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380 KB Right. So prior to this date 15th April 2004 did you have (a) either any knowledge of any
381 trust account or fund that was set up umm by Power or Robbins or by Lionel Barden that
382 was administered by Hickey Lawyers?
383

384 DM I don't believe so.
385

386 KB Alright. So it was either on that date or after that date sometime you first became aware
387 of it?
388

389 **[loud buzzing sound distorting dialogue]**
390

391 DM I would say on or about that date.
392

393 KB The main point that I'm trying to get at here is that you didn't have any knowledge prior.
394

395 DM I believe, I believe that's correct.
396

397 KB Thank you. So did Mr Tony Hickey to the best of your knowledge was he aware that
398 there was originally a Power and Robbins trust account set up and administered by
399 Hickey Lawyers? This is to the best of your knowledge.
400

401 DM Well I, I don't know what was in his head umm the file disclosed that umm so look I
402 don't know whether or not he was actually aware of it.
403

404 KB But in any event you had a conversation with Mr Hickey at around the time of this email
405 the 15th April 2004...
406

407 DM Correct
408

409 KB ...about s.460
410

411 DM 430
412

413 KB Sorry 430 so that was an error 460 was it?
414

415 DM I think so.
416

417 KB Okay - 430 - and that's when he had discussions with you in relation to Power and
418 Robbins trust account and Lionel Barden trust account?
419

420 DM I don't - well - I don't recall the specifics of the, of the conversation umm I recall the
421 general nature of it umm and I don't recall how he would have referred to the account.
422

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423 KB Alright. Can you outline for me if you wouldn't mind the content of that conversation
424 that you had with Mr Hickey in relation to this matter or those accounts?
425
426 DM I believe that ahh Tony asked me to provide ahh some advice in relation to Hickey
427 Lawyers obligation under s.430 umm I don't believe that the conversation would have
428 entailed very much more than that umm I know that I received the file so I don't know
429 whether he would have personally brought it to me or had it ahh dropped up to my office
430 umm but that, that's basically all that I can recall about my conversation with him.
431
432 KB And what were you to do with the file once you received it?
433
434 DM I was to review the file umm consider s.430 of the *Local Government Act* and report back
435 to him.
436
437 KB And hence your email to Anne Cunningham.
438
439 DM Ahh no I believe that my email to Anne Cunningham was umm prompted by the note
440 from ahh and my conversation with ahh Joe Welsh.
441
442 KB Did you have any conversation with Mr Hickey at all, Mr Tony Hickey I'm referring to in
443 relation to the changing of the name from Power and Robbins election campaign fund or
444 whatever it was referred to as to the Lionel Barden campaign fund?
445
446 DM No I don't recall any specific conversation about that topic but it's possible that it was
447 mentioned in the course of ahh our general conversation about the matter.
448
449 KB Did he proffer any reasons or outline any reasons to you why there was a name change?
450
451 DM Not that I can recall.
452
453 KB Did you ask him at all in relation – when you got the file that is – when you started
454 reviewing the file 'cos obvious – you would have noticed there was a name change...
455
456 DM I did
457
458 KB ...as you've already outlined.
459
460 DM I did notice it.
461
462 KB Did you raise that with him?
463
464 DM No I don't believe so.
465
466 KB Were you a little bit surprised why there would have been a name change?

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467
468 DM Umm I don't see any reason why I would have been surprised. I would have, I would
469 have assumed that ahh ahh probably the ahh the two councillors had some reason for not
470 wishing to continue in their capacity as directing where the money was to go and that
471 umm Mr Barden had taken on that role. I don't, I, I, I don't believe I would have needed
472 to inquire about that.
473
474 KB Did Mr Hickey have any conversation with you in relation to a request received by him
475 from the Crime and Misconduct Commission in Brisbane to supply certain details of
476 election trust accounts that were administered by Hickey Lawyers or set up by Hickey
477 Lawyers?
478
479 DM Ahh no umm no he didn't.
480
481 KB None at all?
482
483 DM No
484
485 KB Were you aware of a Crime and Misconduct Commission request to supply certain
486 documents?
487
488 DM No umm I believe that probably would have occurred after my departure from Hickey
489 Lawyers.
490
491 KB And when was that again? You said about 12 months?
492
493 DM In about October 2004.
494
495 KB Okay so if we can go back to the memo prepared by Anne Cunningham. You sent the
496 memo to her requesting certain advice that she could conduct some research into that
497 matter umm you've outlined that you had a conversation with Tony Hickey about it. You
498 can't specifically remember the exact conversation but it was generally about section ahh
499 what did we say 430?
500
501 DM Correct
502
503 KB And correct me if I'm wrong that's right so far?
504
505 DM That's correct.
506
507 KB And you can't recall any specific conversation as to why there was a name change with
508 the trust account...
509
510 DM No I don't.

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511
512 KB ...with Tony but in any event ahh you've outlined before that in your – well to the best of
513 your knowledge Mr Hickey obviously would have been aware that there was a name
514 change in the account. It went from Power and Robbins to Lionel Barden. Obviously
515 he's ahh if it's on the file ahh would he be aware?
516
517 DM If he was familiar with the file umm the file certainly disclosed the name change.
518
519 KB Would, would he have viewed that file?
520
521 DM I don't know well – umm I believe he provided the file to me or caused it to be provided
522 to me umm
523
524 KB So one would assume that in all probability he probably would have ahh viewed the file
525 before handing it to you is that the normal things work used to work with...
526
527 DM He, he may – look – he may not have umm if it was a matter where he was ahh he knew
528 that there was something on a file which needed attention that he may have simply ahh
529 acquired the file and handed it to me. Tony didn't umm do very much pure legal work
530 himself. Most of the pure legal work in the firm was allocated to lawyers – other lawyers
531 to do. So he had a very much a management role umm which is why I would find it
532 difficult to say that he had definitely seen that file.
533
534 KB Yeah
535
536 DM He – it may be that his secretary dealt with the matters.
537
538 KB Yeah now I'm not suggesting that I'm just trying to gauge your opinion that's all with the
539 normal...
540
541 DM Sure
542
543 KB ...ahh course of business how it operated...
544
545 DM Yep
546
547 KB ...at Hickey Lawyers. Did he have any conversation with you – did Mr Hickey ever
548 mention to you about the need to furnish a return for the Lionel Barden trust account?
549
550 DM I believed I discussed that matter with him.
551
552 KB As part of the conversation in relation to section 430?
553
554 DM Yes

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555
556 KB Can you recall the content of that conversation?
557
558 DM Umm I believe that I conveyed some advice to him umm which was to the effect that I
559 had reviewed s.430. I was in some doubt as to whether umm Hickey Lawyers was
560 obliged to furnish a return itself or whether it would be sufficient for the two councillors
561 and Mr Barden to furnish a return umm but I believe I recommended to him that Hickey
562 Lawyers should furnish a return itself and that we should advise those other people that
563 there was a possibility that they needed to do so and that they should obtain council's
564 advice about the matter.
565
566 KB So you advised Mr Hickey that Hickey Lawyers should furnish a return?
567
568 DM Yes
569
570 KB An election return I'm referring to.
571
572 DM Yes
573
574 KB So how would you describe in your opinion Hickey Lawyer's role in relation to the trust
575 fund or the trust account I should say?
576
577 DM Well I considered that Hickey Lawyers was a [ui] trustee of the moneys held in the
578 account umm and that I, I viewed ahh the beneficiaries of the account as, as being umm
579 the two councillors and then Mr Barden after them umm and it was because of Hickey
580 Lawyer's position as a [ui] trustee that I was in some doubt as to whether Hickey Lawyers
581 was in fact obliged to furnish a return.
582
583 KB In relation to disbursing of funds in the Lionel Barden trust account who could authorise
584 that?
585
586 DM Ahh I believe it was Lionel Barden.
587
588 KB So Hickey Lawyers they couldn't authorise how those funds were disbursed at all?
589
590 DM I believe that's correct.
591
592 KB And you say they couldn't do that by virtue of their particular role in the administration of
593 the account or how would you describe it?
594
595 DM Ohh by virtue of their obligations under the *Trust Accounts Act*.
596
597 KB Right. Where did you have this conversation with Mr Tony Hickey?
598

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599 DM I don't recall.
600
601 KB Alright so it was sent to ahh Anne Cunningham and you had a conversation with her.
602 Your not sure what the conversation was and she commenced – well she did in fact
603 prepare a memo in relation to the advice that you asked her to research or s.430.
604
605 DM Yes you've shown me two memos ahh today and ahh as I said to you I didn't have any
606 independent recollection of those ahh upon reading them I don't recall ever having seen
607 them before.
608
609 KB You've had the opportunity to read through those two memos this morning.
610
611 DM Very briefly yes.
612
613 KB Do you wish to make any comment in relation to their accuracy or otherwise?
614
615 DM Ahh no
616
617 KB You'll notice there's two as I've outlined one dated the 16th April 2004 and one dated the
618 20th April 2004. Can you explain how there came to be two memos?
619
620 DM No I, I don't know ahh you've indicated to me that one of them was a ahh an earlier draft
621 umm
622
623 KB That was on the ahh the version of Miss Cunningham.
624
625 DM Umm and that's umm a possible explanation it seems to me yes.
626
627 KB After Miss Cunningham completed the memorandum what happened to it?
628
629 DM I don't know.
630
631 KB Did you ever sight it at all at any stage after she completed it?
632
633 DM Not that I can recall.
634
635 KB It's got here two – I'm looking at the one on the 20th April 2004 it's got 'to file from
636 Anne Cunningham'.
637
638 DM Mmm
639
640 KB What's "to file" mean?
641

Complainant: OPERATION GRAND
Subject(s): OPERATION GRAND
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642 DM Umm it indicates that she would have placed the memo on the file umm and I would
643 generally expect her to do that if the memo represented the results of her research ahh
644 which it would be normal for her to record on a file.
645
646 KB Who would she likely to have given this completed report to in Hickey Lawyers?
647
648 DM Well I don't know ahh the fact that she's umm put "to file" on the memo suggests that
649 she may not have given it to ahh to anyone ahh she may - it just may have represented the
650 result of her research and she may have used the research for some other purpose.
651
652 KB Right. After the memorandum was completed by her did you have any subsequent
653 conversation with Mr Tony Hickey or any other person in relation to the advice that Anne
654 Cunningham provided?
655
656 DM Not that I can recall.
657
658 KB Can you recall having a conversation with her in relation to a draft election return
659 pertaining to Lionel Barden that she prepared?
660
661 DM Very vaguely - I very vaguely remember talking to her about a return.
662
663 KB Did you ever talk to Lionel Barden personally yourself?
664
665 DM I have spoken to Lionel Barden umm some considerable years ago umm but not at the
666 time I was at Hickey Lawyers.
667
668 KB Certainly you didn't have a conversation with him in relation to the lodgement of a
669 return?
670
671 DM No I didn't.
672
673 KB Did you know Councillor David Power and the late Councillor Robbins at all?
674
675 DM Yeah I, I've, I have ahh probably met both of them. I know that I've spoken with David
676 Power on the telephone.
677
678 KB That was the extent of it?
679
680 DM Basically
681
682 KB You also read through the two memos here the content is somewhat different.
683
684 DM Yes
685

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686 KB The one dated the 16th April 2004...
687
688 DM I haven't closely compared them but I can see that the content is different.
689
690 KB You can't offer any explanation as to why the content's different?
691
692 DM Not, not without closely reviewing them and determining how they're different and what
693 ahh I mean I'd be guessing.
694
695 KB Alright. So can I ask you what's your – if you look to the report dated the 20th April 2004
696 can I ask you what's your opinion is in relation to the content of this report? What was
697 the correct course of action to adopt in this instance?
698
699 DM Well as I said I believe that I recommended to Mr Hickey that umm Hickey Lawyers
700 lodge a return umm I notice that umm Anne has come to the conclusion that Hickey
701 Lawyers does not have to lodge a return umm I wouldn't necessarily disagree with her
702 conclusion but I felt that umm to adopt the cautious approach was best and that Hickey
703 Lawyers should lodge a return to ahh avoid any criticism.
704
705 KB So in other words to err on the side of caution.
706
707 DM Correct
708
709 KB Is there any other comment you'd like to make about the completed memorandum either
710 the 16th or 20th April 2004?
711
712 DM No I'm happy to answer any questions you have ahh further questions you have about it
713 but I don't have any particular comment about it.
714
715 KB If I can just get you to have a look at a number of file notes. It's headed "Hickey Lawyers
716 Solicitors file notes".
717
718 DM Yes
719
720 KB It refers to a client L Barden.
721
722 DM Yes
723
724 KB Can you just give those file notes and I'll just ask you a couple of questions in relation to
725 them.
726
727 **[sound of paper shuffling]**
728
729 **[pause – no dialogue]**

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730
731 DM There are two file notes ahh one dated 20 April ahh by a person I would think SAW it
732 looks like umm it's possibly Sean Whittle ahh by a person identified as AC who I think
733 would be Anne Cunningham dated 19th April.
734
735 KB So did you have any involvement with the completion of those file notes at all?
736
737 DM No but when I read them I, I can recall umm the possibility of some conversation with
738 Anne about her inquiries with umm the Gold Coast City Council and the Department of
739 Local Government and Planning. I see that umm my secretary Sam has put a note on the
740 file to Tony Hickey's secretary to place this file note on the file which I had returned to
741 Tony last week.
742
743 KB Nothing else?
744
745 DM No
746
747 KB [ui] If I can just put a couple of matters to you if you wouldn't mind what Anne
748 Cunningham stated in her interview...
749
750 DM Sure
751
752 KB ...that refers to yourself and I'll just invite your comment on those matters.
753
754 DM Mm mm
755
756 KB She claims that she was asked by the manager of litigation David Monaghan if ahh she
757 could help him out – help you out basically because you were overloaded with work so
758 you provided her with instructions to conduct some research into election returns being
759 furnished.
760
761 DM Yes I would agree with that having seen my email.
762
763 KB She claims that you would have called her into your office and handed her a file and
764 provided her certain instructions in relation to it and she would have taken the file away
765 and started working on it.
766
767 DM Well the – the the – her file note ahh of the I think it's the 19th April indicates that – or
768 you'll see that my secretary makes reference to a file which is being provided by me to
769 Tony Hickey which I think was the trust account file umm so if I'd sent it to him it's quite
770 possible that I hadn't given it to her. I don't recall umm meeting with her but it's quite
771 likely that I did that after sending the memo.
772
773 KB So after receiving that ...

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774
775 DM I'm I'm sorry after seeing my email.
776
777 KB After...
778
779 DM Yeah correct
780
781 KB ...okay. So you could have had a conversation with Tony Hickey first in relation to the
782 file before you spoke to Anne Cunningham?
783
784 DM I could have.
785
786 KB Yeah. And once again you're not quite sure what the content of that conversation was
787 and I appreciate the passage of time.
788
789 DM Correct
790
791 KB Did you indicate to Anne Cunningham that you received a request from Tony Hickey in
792 relation to conducting the research [ui] to furnishing election returns?
793
794 DM I don't recall doing that.
795
796 KB And Anne seems to think that after she completed the memo she would have given it to
797 yourself.
798
799 DM I don't recall seeing it. It's quite possible that she did so though if I had asked her to
800 conduct the research.
801
802 KB If she had of given you the file what would you have done with it do you think?
803
804 DM I don't recall ahh the request had come from Joe Welsh so it's possible that I would have
805 asked her to report to him umm it's possible I would have simply ahh handed the file on
806 to him if it had come back to me from her.
807
808 KB Would it be possible that once the report was completed you met with Tony Hickey and
809 discussed the contents of that report with him?
810
811 DM I don't believe that I did that.
812
813 KB Right – and this is your recollection of course?
814
815 DM Correct
816

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817 KB After that report was completed and just to clarify this issue can you recall Tony Hickey
818 having a conversation with you in relation to ...
819
820 DM After the date of that report?
821
822 KB Yes
823
824 DM Well and bear in mind the date of the report is the 20th April 2004 and the other one is the
825 16th April 2004 I don't [voices fading off] specifically recall when I spoke to Tony umm
826 I do believe that I spoke to him. I don't umm I just don't recall whether it was on on a
827 particular day or not.
828
829 KB What about the content of the conversation?
830
831 DM Well umm I've indicated that I made some recommendations to him and I, I believe that I
832 did that umm I can't remember too much else about the conversation.
833
834 KB Was he agreeable to your recommendations?
835
836 DM I don't think he was.
837
838 KB He didn't want to furnish that return is that right in relation to your advice.
839
840 DM I don't know what aspect of the advice umm that he would have disagreed with umm I
841 just don't recall that detail.
842
843 KB I'll just show you a document this is a document that was prepared...
844
845 DM Yes
846
847 KB ...by Sandra Wild who is the PA to Tony Hickey...
848
849 DM Mmm
850
851 KB ...and it's titled the Lionel Barden Common Sense Campaign Fund...
852
853 DM Yes
854
855 KB ...and it starts off from the 23rd December 2003.
856
857 DM Mm mm
858
859 KB Have you ever seen this document before?
860

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861 DM I believe I have. I believe it was on the file that I reviewed. I'm just not sure about the
862 document attached at the back ahh which I have some difficulty reading umm but...
863
864 KB How would you describe that document?
865
866 DM That's – that's a trust account statement.
867
868 KB Do you think it's accurate?
869
870 DM Well ahhh I would expect it to be accurate. I have no reason to think that it's not accurate
871 ahh I don't know for certain because I didn't have anything to do with the compilation of
872 it.
873
874 KB Nothing at all.
875
876 DM Nothing at all.
877
878 KB If I can just draw this to your attention do you agree that it's headed the Lionel Barden
879 Common Sense Campaign Fund.
880
881 DM Can I mention something before we proceed?
882
883 KB Yep
884
885 DM I do see that the trust statement has a date on it ...
886
887 KB It's an incorrect date.
888
889 DM ...of the 8th June.
890
891 KB That's not correct.
892
893 DM Okay
894
895 KB No definitely wasn't the 8th June in fact it was well after that that was ahh actually – in
896 any event it wasn't the 8th June 2004.
897
898 DM No ahh when I indicated that I'd seen this before ...
899
900 KB Yeah
901
902 DM ...I know that I have seen details of transactions on the trust account umm and I know
903 that they were on the file that I looked at. Whether it was this particular document or an
904 equivalent one I don't know.

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905
906 KB Alright. If I can draw your attention to the first entry that's made on the statement it's
907 dated the 23rd December 2003.
908
909 DM Yes
910
911 KB And then it lists a number of different transactions.
912
913 DM Yes
914
915 KB It goes to December, January etc. Well back in December 2003 to the best of your
916 knowledge was it still called the Lionel Barden Common Sense Fund – campaign fund?
917
918 DM Well that's another issue ahh which I now notice ahh may be incorrect. I believe that
919 when the – I think I've said to you I believe that the account changed on the 4th ahh on or
920 about the 4th March.
921
922 KB 2000 and
923
924 DM 2004 umm and from that information umm I would think that this is an incorrect
925 description of the account at that early time.
926
927 KB How do you think that account would – should have been appropriately described or
928 documented as?
929
930 DM I think that there probably should have been two separate accounts one for umm the
931 account held for the two councillors and I believe that there should be - and in fact I
932 believe there was a transfer ahh from one account to another ahh to the new account held
933 on behalf of ahh Lionel Barden.
934
935 KB Just to put it in perspective you've already outlined the date is not correct that's actually
936 ahh so that is not the correct date. The document appears to have been created on or
937 about the 12th April 2005 after the Crime and Misconduct Commission made a request to
938 obtain all documentation relating to any trust accounts involved with this current inquiry.
939
940 DM Yes
941
942 KB Now bearing that in mind in April 2005 obviously that's this year you weren't at
943 Hickey's?
944
945 DM No that's correct.
946
947 KB Alright but you do agree that the statement being called the Lionel Barden Common
948 Sense Campaign Fund isn't accurate at all if it includes entries from the 23rd December

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949 until the 4th March 2004 because on the 4th March 2004 as you ahh correctly pointed out
950 that was the date the account name was changed.
951
952 DM I agree.
953
954 KB So in you're your view that is not a accurate document?
955
956 DM I agree.
957
958 KB Can you comment as to any reason why this document may have been provided to the
959 Crime and Misconduct Commission if it is not accurate?
960
961 DM No no I can only think that the trust accounting system umm may for some reason have
962 been been used in such a way that the the account was considered to be one rather than
963 two.
964
965 KB Just on that point – I won't keep you too much longer I know you're pressed for time.
966
967 DM Mmm
968
969 KB Just on that point if you have two different accounts – statement of accounts eg Power
970 and Robbins and Lionel Barden okay...
971
972 DM Yes mmm
973
974 KB ...is it normal practice to combine two accounts into one if the monetary amount doesn't
975 change for those accounts even though there's different names on those accounts? Do
976 you know what I mean by that?
977
978 DM No I don't quite...
979
980 KB Alright say if you had umm two different statement of accounts okay in this case it was
981 the Power and Robbins Campaign Fund or account whatever you like to refer to it as and
982 the Lionel Barden Common Sense Campaign Fund.
983
984 DM Yes
985
986 KB With me so far?
987
988 DM Yes
989
990 KB Right. Now if one account was to be closed or was to be changed over eg Power and
991 Robbins into Lionel Barden Common Sense Campaign Fund is it normal practice not to
992 disclose that change of name for that account?

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993
994 DM No and ahh I would have expected to see umm two separate accounts ahh one with ahh
995 an amount ruled off which I imagine would have been paid to the next account.
996
997 KB You understand what I was getting at there just the...
998
999 DM Well I im – I, I, I assume that you're referring to the fact that this is, this is one account
1000 when it, it ahh
1001
1002 KB It really originates from two accounts.
1003
1004 DM Yes
1005
1006 KB That's ahh that's the bottom line.
1007
1008 DM I, I certainly had thought that there were two accounts.
1009
1010 KB Yeah alright and in actual fact the monetary – what I was getting to before the the value
1011 the balance is still the same okay in other words the balance from the Power and Robbins
1012 account...
1013
1014 DM Yeah mmm
1015
1016 KB ... is simply transferred over.
1017
1018 DM Yeah
1019
1020 KB Now my question to you is that normal practice to do that and not disclose that previous
1021 account the name of that previous account in Hickey Lawyers is that a normal practice to
1022 make things easier to follow for a client the new client eg Lionel Barden?
1023
1024 DM Umm it's not ahh it's not the way that I would have umm recorded the trust account.
1025
1026 KB Yeah right, alright. The reason I put that to you is ahh I was informed that it's normal
1027 practice at Hickey Lawyers to do that to make things easier for the client the new client in
1028 this case it'd be Lionel Barden.
1029
1030 DM Well that's not the way that I would have done it.
1031
1032 KB Anything else you want to say about that? How much time have we got? Probably about
1033 five more minutes.
1034
1035 LOB No need a new tape.
1036

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1037 KB Need a new tape alright the time now is 11:11 on the Eleventh day of November 2005.
1038 This interview is suspended.
1039
1040 TAPE ENDS
1041
1042
1043
1044
1045
1046
1047 AL/I-MONAGHAN, David Tp1 of 2 11.11.05

Complainant: OPERATION GRAND
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RECORD OF INTERVIEW - DAVID MONAGHAN

TAPE NO: 2 (of 2)
DATE: 11.11.05
PLACE: SURFERS PARADISE

TIME COMMENCED: 11:14

TIME CONCLUDED: 11:16

INTERVIEWEE: DAVID MONAGHAN

INTERVIEWER/S: DETECTIVE INSPECTOR KEN BEMI
ALSO PRESENT: LUCINDA O'BRIEN

LEGAL OFFICER: THERESA HAMILTON

RE: OPERATION GRAND

FILE NUMBER: MI-05-2482

Complainant: OPERATION GRAND
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Directory :

COPY TAPE 2 OF 2 - RECORD OF INTERVIEW BETWEEN DETECTIVE INSPECTOR
KEN BEMI OF THE CRIME AND MISCONDUCT COMMISSION AND DAVID
MONAGHAN. HELD AT SURFERS PARADISE ON FRIDAY 11 NOVEMBER 2005. ALSO
PRESENT LUCINDA O'BRIEN OF THE CRIME AND MISCONDUCT COMMISSION.

LEGAL OFFICER: THERESA HAMILTON

RE: OPERATION GRAND

KB = Detective Inspector Ken Bemi (CMC)

DM = David Monaghan

LOC = Lucinda O'Brien (CMC)

- 1 KB This is – the time now is 11:14 am. This interview is resumed. Do you agree we just
2 took the opportunity to change the tape there?
3
4 DM Yes
5
6 KB And before the tape was changed I asked you if you wished to add anything further and
7 you didn't you simply stated that you weren't there at the time and that you didn't have a
8 conversation with anyone about the preparation of [ui].
9
10 DM That is correct.
11
12 KB If I can just ask you some general questions. Did you make any financial contribution to
13 any candidate that ran in the Gold Coast City Council election in 2004?
14
15 DM No
16
17 KB And you outlined previously that you didn't have any direct involvement in the
18 administration of those trust accounts at all either the Power and Robbins trust account or
19 the Lionel Barden trust account.
20
21 DM That is correct.
22
23 KB You certainly didn't control any of the funds.
24
25 DM Correct
26
27 KB Do you know an organisation called Quadrant at all?
28
29 DM Ahh I've seen their name in the press. I believe that they may have been the recipient of
30 some of the funds from the account.

Complainant: OPERATION GRAND
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31
32 KB Do you know what services they provide?
33
34 DM I – to the best of my knowledge ahh advertising ahh or marketing services.
35
36 KB Do you know a person by the name of Chris Morgan?
37
38 DM No
39
40 KB Tony Scott?
41
42 DM No
43
44 KB These are people attached to Quadrant.
45
46 DM Mmm
47
48 KB Do you know what services were provided to what candidates by Quadrant?
49
50 DM No I don't.
51
52 KB Is there anything further that you'd like to state or add in relation to the matter we've
53 discussed here today?
54
55 DM No I'm happy to answer any further questions you have but I don't ahh have anything else
56 ahh
57
58 KB It was just an opportunity to provide you ahh with a chance to either clarify any issue that
59 you may have raised or if you want to add anything further.
60
61 DM No
62
63 KB Alright thank you. Just bear with me for one minute. Who prepared the final return for
64 the Lionel Barden trust account?
65
66 DM I don't know.
67
68 KB Do you know if an election return was furnished in relation ...
69
70 DM I don't know.
71
72 KB ...to that matter?
73
74 DM I don't – I didn't have ahh – I don't believe that I had any involvement with that aspect.

Complainant: OPERATION GRAND
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75
76 KB Lucinda.
77
78 LOB [ui]
79
80 KB Mr Monaghan thank you very much for your time here today. Do you agree that you
81 participated in this interview of your own free will?
82
83 DM Yes I did
84
85 KB Is what you've stated true and correct to the best of your knowledge and belief?
86
87 DM Yes
88
89 KB Are you satisfied that this interview is conducted fairly?
90
91 DM Yes
92
93 KB That being the case the time now is 11:16 am on Friday the 11th day of November 2005.
94 This interview is now concluded.
95
96
97
98 INTERVIEW CONCLUDED

AL/I-MONAGHAN, David Tp2 of 2 11.11.05

Complainant: OPERATION GRAND
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