

CRIME & MISCONDUCT COMMISSION
No. 2005-5 Date 18/10/05
IN THE MATTER OF:

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Facsimile +61 (0)7 5574 1130
www.hickeylawyers.com.au

H I C K E Y
L A W Y E R S

Corporate Centre
Cnr Bundall Rd & Slatyer Ave
Bundall Queensland Australia
Box 5559 GCMC Bundall
Queensland 9726 Australia
ABN 12 585 546 109

O P GRAND

Our Ref: AWH:sw:248311/1
Your Ref: Case Officer: Ken E

EXHIBIT No. 95
[Signature] CLERK

22 August 2005

Robert Needham
Chairperson
Crime and Misconduct Commission
GPO Box 3123
Brisbane Qld 4001

FAXED
22/08/05

Tony Hickey
LL.B(Hons) | OWNER

Mark Lacy
B.Com, LL.B | OWNER

Jamie Bolic
B.Ec(Hons), LL.B(Hons) | OWNER

Joe Welch
LL.B | OWNER

By Facsimile: 3360 6333
No. of Pages: 5

Dear Sirs

Re: **Notice to Discover dated 12 August 2005 ("the Notice")**
Recipient: Anthony William Hickey

I respond to the issues raised in the Schedule as follows:

1. + 2. See **attached** List of Documents and the actual documents.
3. Regarding 1(a) + 1(b)

Hickey Lawyers received funds on the basis that the receipt and distribution of those funds would be fully transparent with the identity of the donor and the recipient documented and with the control of those funds resting initially with Councillors Power and Robbins and then with Lionel Barden.

3. As regards 1(c):

The only persons described in 1(c) who issued me or Hickey Lawyers with any direction or condition described in subparagraphs 1(a) and 1(b) were:

- (i) Lionel Barden of 21 Highbridge Rise, Mudgeeraba 4213;
- (ii) Sue Robbins of Gold Coast City Council, 135 Bundall Road, Bundall 4217;
- (iii) David Power of Gold Coast City Council, 135 Bundall Road, Bundall 4217; and
- (iv) The Ingles Group (Qld) Pty Ltd of Level 9, 50 Appel Street, Surfers Paradise 4217 – see its letter dated 14 March 2004.

IMPORTANT NOTICE TO RECIPIENT

Where this facsimile transmission is a communication between solicitor and client, it is privileged. If this facsimile transmission is for whatever reason, received by other than the named addressee, you are requested immediately to notify us by telephone or facsimile and return the original message to us at the postal address shown on this facsimile message.

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3. As regards 1(d):

This request doesn't seem to make sense as the date of an event cannot be the subject of an oral communication. However, please advise if I have misunderstood the request.

3. As regards 1(e):

Nil.

4. (a) Any tax invoice issued by Quadrant and approved in writing by Mr L Barden was paid from the Trust Account, subject to available funds in accordance with written directions.

(b) (i) there were no dealings between me or Hickey lawyers and Ray Hackwood, Ron Clarke, Robert La Castra, Edward (Ted) Shepherd, Jan Grew, Grant Pforr, Brian Rowe, Robert Molhoek, Roxanne Scott and Greg Betts;

(ii) on or about 17 December 2003 a meeting was held at Brian Ray's office which was attended by myself, Brian Ray, Chris Morgan of Quadrant, Councillor Sue Robbins and Councillor David Power. Ms Robbins and Mr Power stated that they wanted to assist some new candidates with their campaigns so as to lead to a more evenly balanced Council;

(iii) Mr Ray stated that he would try to assist by raising funds to help with the campaign costs;

(iv) Mr Ray requested that I call some business contacts and ask if they would care to make a donation. He also enquired whether the funds raised could be placed into our Trust Account;

(v) I stated that the funds could be placed in our Trust Account on the basis that the entire process was absolutely transparent. Accordingly, we would have to know who made a donation and a written direction would be required before any funds would be distributed and this firm would have no involvement whatsoever in determining the distribution of those funds;

(vi) it was agreed that Ms Robbins and Mr Power would control the distribution of the funds. However, on or about 4 March 2004 they instructed me in writing that Lionel Barden would be the person to control the Trust funds;

(vii) after the meeting on 17 December 2003 I made phone calls to:

(A) Raptis;

(B) Leda;

(C) Noel Gordon;

(D) Greg Phillips;

(E) John Fish;

(F) Norm Rix, and

(viii) some time later I also made a call to Bill Roche; and

- (ix) on or about 17 February 2004 I had a further meeting with Mr Ray and Mr Power where the only subject of conversation was the progress made in collecting funds. There was no discussion regarding any candidate's campaign or about the candidates themselves.

Although not required by the Notice there is one further matter I would also like to disclose.

After the election Quadrant was still owed payment for services rendered. Brian Ray contacted me in or around August of 2004 and asked whether I could contact the developer of The Wave development on the Gold Coast, Ninaford Pty Ltd and Framwelgate Investment Limited to see whether they would assist with a contribution towards the outstanding consultancy fees of Quadrant.

The developer agreed to make the contribution and I **attach** an invoice which issued from Quadrant of 4 August 2004 and this firm's letter of 9 August 2004 enclosing the payment.

The payment was not made pursuant to any pre-existing arrangement and was made nearly 5 months after the election. Ninaford Pty Ltd and Framwelgate Investment Limited have instructed me to confirm that they have not had any contact with any Councillor or Candidate regarding the 27 March 2004 election and have had no association or dealing whatsoever with any Councillor or Candidate.

Ninaford Pty Ltd and Framwelgate Investment Limited have no other documentation or information relating to this matter, but they have instructed that if you have further enquires, please direct them to me.

Yours faithfully
HICKEY LAWYERS


Tony Hickey
Managing Partner

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Enc.

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Corporate Centre
Cnr Bundall Rd & Slatyer Ave
Bundall Queensland Australia
Box 5559 GCMC Bundall
Queensland 9726 Australia
ABN 12 585 546 109

Our Ref: Mr Hickey:sw

9 August 2004

Quadrant
PO Box 98
ROBINA QLD 4226

To be collected

Attention: Mr Tony Scott

Dear Tony,

RE: CONSULTANCY FEES

Please find **enclosed** cheque in the sum of \$11,000.00.in payment of your invoice number 0408.

Yours faithfully
HICKEY LAWYERS

Tony Hickey
Managing Partner

Direct Email: hickeya@hickeylawyers.com.au
Direct Line: 5556 7408
Direct Fax: 5574 1130
Encl:
350702_1.DOC

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QUADRANT

specialists in property, retail, leisure and tourism advertising



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34 Clermont Drive, Robina, Queensland 4226
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Phone: (07) 5578 9433

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E-mail: info@quadrant.com.au

Web: www.quadrant.com.au

Tax Invoice

ABN: 25 056 754 100

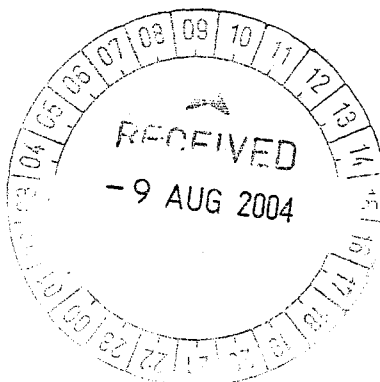
Client: Ninsford Pty Ltd
Framwgate Pty Ltd
C/- Hickeys Lawyers

Invoice No: 0408
Date: 04/08/2004

Attention: Tony Hickey

Consultancy Fees

\$10,000.00



Sub Total: \$10,000.00

GST: 1,000.00

TOTAL: \$11,000.00