

OP GRAND

EXHIBIT No. 233  
CLERK

- 30 KB Just for the purpose of an introduction for the tape can you ju  
31 birth and your current role here in the Council?  
32  
33 PY My date of birth is 20<sup>th</sup> April 1958. I am a Councillor ahh fo  
34 was elected in March 2000 and re-elected March 2004. Ahh  
35 which is an area representing Nerang, Helensvale, Oxenford and Pacific Pines and a few  
36 other suburbs.  
37  
38 KB And how long have you held that position for?  
39  
40 PY Since March 2000.  
41  
42 KB Thank you. And do you agree that I previously have interviewed you in relation to your  
43 complaint and ahh letter in relation to the Gold City Council?  
44  
45 PY Yes I do.  
46  
47 KB Thank you.  
48  
49 PY Several weeks ago and in the ahh in the company of another officer.  
50  
51 KB Yeah Mr Lincoln Hansen.  
52  
53 PY That's correct.  
54  
55 KB Thank you. If I can draw your attention to the letter that you have completed dated the 8<sup>th</sup>  
56 July 2005 and it's one, two, three about the fourth page.  
57  
58 PY Mm mm  
59  
60 KB You make reference to overhearing Councillor Power telling Councillor Shepherd that  
61 there would be enough left over for the rest of us.  
62  
63 PY Mmm  
64  
65 KB That particular comment.  
66  
67 PY Mmm  
68  
69 KB And ahh you believe that the remainder of the funds – this is the ahh funding for the  
70 election for various candidates or yeah candidates at that stage umm have been actually  
71 used for various purposes. But that particular comment can you elaborate on that at all?  
72

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73 PY Ahh not a great deal. I didn't make a note of it umm at the time. I vividly recall it. It  
74 was probably January 2004 so a couple of months before the election. Umm it was  
75 before this building was remodelled and at that point in time my office was upstairs as  
76 was the office of the other councillors. We had a luncheon room right in the back corner  
77 of the building and one morning I went into that luncheon room ohh it was probably  
78 lunchtime in fact and ahh Councillor Shepherd and Councillor Power were sitting with  
79 each other. No-one else was present in the room and as I entered they were in  
80 conversation and I just heard the very end of the conversation. They'd stopped as soon as  
81 I – not as soon as but almost as soon as I came into the room and I just heard those words  
82 ahh from Councillor Power. And at the time umm there was a lot of rumour and umm  
83 umm about funds about umm organisations but there was nothing substantive and I, I just  
84 remembered that and I didn't really know what it might have meant at the time and umm  
85 ahh and as I say I didn't write it down. The words that I've quoted in that letter are to the  
86 best of my memory and, and, and I don't umm you know and upon re-visiting that I don't  
87 have any problems saying that's what was said at the time.  
88

89 KB Are you...

90

91 PY And Councillor Shepherd responded. He said "sounds good" or something like that  
92 "sounds good to me", "sounds good".  
93

94 KB Are you pretty sure that they were the actual words used?

95

96 PY Well as, as best as I can recall without the benefit of having it written down unfortunately  
97 umm I'm just looking for that in the document itself now. Top of the page it's the first ...  
98

99 KB Yeah

100

101 PY ...about the fourth page. Yeah ahh he might have said something more than that within  
102 my ear shot umm but it was very much along those lines. It was umm "and there should  
103 be enough left for the rest of us" or "there'll be enough for the rest of us". I'm pretty  
104 certain about those words and ahh Councillor Shepherd responded "that should be good"  
105 and he looked pretty positive about that.  
106

107 KB Can I ask you how did you come to the conclusion that they were referring to funding?

108

109 PY Well at the time umm I wasn't certain. I suppose I still am not certain but it ahh was  
110 umm ahh as I said there were lots of rumours flying around the place about an organised  
111 structure, about a trust fund. We were pretty certain it was a trust fund at that point in  
112 time. We'd heard various figures being umm bantered around for some months and the  
113 figure was increasing presumably as the, as the funds were being accumulated and umm  
114 and there was a reasonably strong suspicion that Councillor Power was involved in  
115 collecting those – or not collecting personally but umm encouraging people to supply  
116 money to the trust and umm ahh I suppose in conversation with other people perhaps ahh

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117 Councillors Crichlow and, and Saroff in particular we would just often meet and talk  
118 about bits and pieces we'd heard. That this person had said something to Dawn. This  
119 person had said something to Eddie. I'd overheard this and we were just trying to  
120 construct some sort of picture out of that which ultimately we were able to relay to the  
121 media and then they went further in investigations and did in fact reveal that a lot of these  
122 things were factual. There was a trust fund and there was a highly organised umm ahh  
123 nature to it. Ahh but my - it was just a suspicion then that it might have meant some sort  
124 of support. That it was related to the election. That it wasn't talking about umm you  
125 know sandwiches in the canteen or, or food left you know for Councillors. Umm it was -  
126 it seemed much more umm of a serious nature and the fact that they almost immediately  
127 curtailed their conversation umm I suppose made me think that they were talking about  
128 something that they didn't want me to hear about.

129  
130 KB How close were you to them when they were having this conversation?

131  
132 PY Ohh umm four or five metres I suppose. Ahh I entered the room and they were talking  
133 and as I got within that range and had perhaps closer I would have heard them saying  
134 those words.

135  
136 KB And could you hear them clearly?

137  
138 PY Ohh yeah yeah.

139  
140 KB Did they mention anything about funding in particular? I just noticed the word funding  
141 hasn't been used.

142  
143 PY No no.

144  
145 KB So basically the words "there would be enough left over for the rest of us".

146  
147 PY And there, and there may have been more words umm ahh preceding that but they're the  
148 ones that were most clear to me umm and the ones that I recall relaying to other people at  
149 the time and I suppose that's why they've stuck in my mind.

150  
151 KB Was any other person present with you...

152  
153 PY No

154  
155 KB ...when you heard this conversation?

156  
157 PY No

158  
159 KB Is it possible that anyone else may have heard it that you may be able to refer us to?  
160

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161 PY No there was ahh a very large room umm they were the only two people in that room and  
162 the doors were closed.  
163  
164 KB And that room was here that's what you said before...  
165  
166 PY That's correct.  
167  
168 KB ...as it was getting refurbished basically.  
169  
170 PY Prior to the refurbishment yeah it was the Councillor's lunchroom.  
171  
172 KB You've already stated that you haven't made any notes in relation to the conversation.  
173  
174 PY No I didn't.  
175  
176 KB And you said about January 2004?  
177  
178 PY To the best of my recollection yes.  
179  
180 KB Can you be more specific with the date or the time?  
181  
182 PY Umm I would only be able to try to bring that to a narrower date rang by conversation  
183 with other people umm for example with Councillor Saroff and Crichlow because umm  
184 as I said we were meeting every now and again and discussing bits and pieces and they  
185 may be able to assist but umm I don't think I'm going to get a lot more refined than  
186 January I'm afraid.  
187  
188 KB Did you hear them mention anything about developers or development companies at all...  
189  
190 PY No  
191  
192 KB ...in relation to that conversation?  
193  
194 PY Not in that conversation no.  
195  
196 KB And you're not sure about the time?  
197  
198 PY Huh  
199  
200 KB The actual time.  
201  
202 PY The time of day?  
203  
204 KB Yeah

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205  
206 PY Umm I said before morning but I, I think it was umm I was going in to, to get some food  
207 for lunch. We used to eat – we used to have meetings ahh planning meetings Tuesday  
208 mornings and council meetings here every second Friday and so it was a Tuesday or a  
209 Friday or second Friday when we had those meetings because they were the days that we  
210 would get some lunch. My suspicion is that it was the Tuesday because there wasn't a  
211 spread of food and there weren't a lot of people whereas normally on a Friday there might  
212 be – have been you know a bit congregation.  
213  
214 KB So was it after a planning meeting or a council meeting?  
215  
216 PY My guess would be that it was after a planning meeting and therefore on a Tuesday but  
217 ahh I'm just now trying to formulate that I suppose.  
218  
219 KB Thank you. The next item – once again referring to your letter. I'd like to...  
220  
221 PY Can I, can I just go back to that point...  
222  
223 KB Sure  
224  
225 PY ...and I know I'm not being very helpful or very specific without certain information.  
226 The reason I've brought it up in that – or the context I've brought it up in my submission  
227 to the Minister is that umm I, I believe there's some money unaccounted for from that  
228 trust fund and ahh ahh it is a reasonable suspicion of mine I think to believe that perhaps  
229 those missing funds were used for the purpose of other people's umm election campaigns  
230 but umm you know without making that stark allegation I'm just – I recall vividly that  
231 conversation they had the kind of atmosphere that existed at the time where there was a  
232 lot of umm secrecy. A lot of umm ahh whispered conversations if you like umm and ahh  
233 and that just sticks in my mind as, as a snippet of information that may be completely  
234 irrelevant but it, in my heart I believe it is somehow relevant.  
235  
236 KB And I do appreciate you elaborating on that point which raises a question that I have.  
237 Can you provide any further information about possible funds missing from that  
238 particular fund that was used? Or monies that haven't been accounted for?  
239  
240 PY Umm I'm genuinely not aware of where those missing funds may have been utilised.  
241  
242 KB And I'm referring - just for the record – I'm referring to the Lionel Barden Trust Fund or  
243 Common Sense Fund as it was known.  
244  
245 PY Yeah. And to the best of my knowledge having looked at umm the election gift returns of  
246 candidates both successful and unsuccessful in that 2004 election and comparing that  
247 information with information submitted in for the election return of the trust fund there  
248 appears to be discrepancies and Mr Barden has publicly stated that he didn't get any

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249 benefit out of that trust fund so the assumption is all of the monies were distributed ahh to  
250 election candidates and umm it doesn't seem to be accounted for. Umm there may be  
251 some umm election gift register that I haven't seen but I don't believe that that's the case.  
252 It would have been a very obscure candidate indeed and umm the sum is quite  
253 substantial. So what I'm saying to you is I haven't looked at the election gift register of  
254 every candidate in the Gold Coast Council elections. I've looked at umm by far the  
255 majority of them and the few that I haven't were very obscure sort of candidates. People  
256 that attracted just a few hundred votes or here and there.

257  
258 KB Anything further in relation to that?

259  
260 PY No, thank you.

261  
262 KB The next matter I'd like to discuss with you and it's about page nine concerns Councillor  
263 Shepherd holding a function to raise funds for his 2008 Council re-election campaign.

264  
265 PY Mmm

266  
267 KB You have here outlined in your letter the function was attended by 200 guests.  
268 Development interests were invited. You were advised that \$50,000 was raised on that  
269 night including a gift of \$30,000 from one donator. You share the view that that's quite  
270 an extraordinary amount particularly from one person that ahh makes that contribution  
271 and it concerned you enough that you've actually included it ahh in your submission.

272  
273 PY Mmm

274  
275 KB And I'd just like to concentrate on that for the time being.

276  
277 PY Mmm

278  
279 KB Can you tell me where this function was held to raise funds?

280  
281 PY No I haven't made that inquiry. Sorry - I can tell you - only through what I've read in  
282 the newspapers since. I believe it was the Woodchopper's Inn at Mudgeeraba. But I  
283 didn't know at the time that I wrote the submission. The source of my information was  
284 ahh another Councillor. In fact it was Councillor Saroff. I asked him where - what his  
285 source of information was. He said it was Councillor Molhoek. M-O-L-H-O-E-K. Umm  
286 I asked Councillor Saroff to confirm that umm he did. We spoke again about that and  
287 ahh the information that I was provided was there had been around 200 guests.  
288 Councillor Molhoek had seen a copy of the invitation and Councillor Molhoek's advice  
289 was that those figures had been raised. Umm

290  
291 KB Can - sorry just for the purpose of clarity here. Councillor Molhoek informed Councillor  
292 Saroff of this information...

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645  
646 K Feel free.... (pause whilst perusing pages) have you got anything else to add Councillor at  
647 this stage  
648  
649 P I drew your attention earlier to the um expenditure from the trust fund, the Lionel (ui)  
650 Trust Fund, for my tallying of expenditure from the election gift returns, uh it seems  
651 there's a not-insignificant amount of money missing or not accounted for, so Lionel (ui)  
652 Trust Fund records show up about a hundred and or a hundred and fifty thousand dollars  
653 was raised, the election gift returns for um the four candidates, Rowe, For, Scott and  
654 Betts, tallies a hundred and twenty-seven thousand dollars and a bit, so it seems there's  
655 twenty-four thousand dollars there not accounted for, uh I suppose I've got two concerns  
656 about that, one is um what did happen to that money secondly um I do uh quite vividly  
657 recall, this is in that time in the lead up to the 2004 election when I as I said to you there  
658 were bits of information coming from all over the place and one of those bits of  
659 information to me was that I jut walked into the what was then the councillor s room and  
660 Councillor Power and Shepherd were sitting in conversation and Power said to Shepherd  
661 oh and there should be enough money left over for the rest of us, or something of that  
662 nature and it uh perhaps I was just being um perhaps I thought it a bit convenient or  
663 something like that but it seemed to fit in with what I'd been hearing about collection of  
664 money  
665  
666 K (ui) you believe that there's about twenty-four thousand dollars that hasn't been  
667 accounted for in relation to any uh declaration of any gifts or  
668  
669 P That's right  
670  
671 K (ui)  
672  
673 P Yep, it may be that twenty-five thousand dollars or twenty-four thousand dollars was uh  
674 given to charity or given back to the donators  
675  
676 K Should that be recorded or declared in any  
677  
678 P I'm not sure if its required for them to declare how that money is distributed, in fact my  
679 understanding is that a trust fund you only have to declare receipts of money over one  
680 thousand dollars in value, I might be wrong  
681  
682 K Alright  
683  
684 P And so in fact that trust fund record may understand what the total sum of money was  
685 that was available to it  
686  
687 K Oh we can look into that in any event so  
688

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689 P The other thing that I might draw to your attention is the inclusion of uh similar identities,  
690 one in part-(ui) significantly Paul Brinsmead, who at the time I believe a solicitor with  
691 Hickey's lawyers, Hickey's lawyers managed the trust fund  
692  
693 K The Lionel (ui) Trust Fund  
694  
695 P Mr Brinsmead in ah his initial um interviews or um what do you call it when he was in  
696 front of the commission in to the Tweed  
697  
698 END OF TAPE

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COPY TAPE 4 OF 4 - RECORD OF INTERVIEW BETWEEN PARTIES

LEGAL OFFICER:

RE:

P = Peter Young  
K = Kenneth Beml  
L = Lincoln Hansen  
ui = Unintelligible

1 K The time now is four fifty-six on the afternoon of Thursday the fourth day of August  
2 2005, this is tape four of an interview with Councillor Young. Councillor the uh tape ran  
3 out so we inserted another tape  
4  
5 P Mmm  
6  
7 K If you wouldn't mind continuing  
8  
9 P Thank you. Uh we were discussing um Mr Paul Brinspeed and uh as I said when he was  
10 first appearing before the Tweed Commissioner he denied any involvement in the Tweed  
11 Directions organisation, it was later revealed through documents that became available to  
12 the Commissioner, or to the Commission that in fact Mr Brinspeed had a very very  
13 significant role to play, and I think Professor Daly the Commissioner identified Mr  
14 Brinspeed as the chief strategist um and he was involved in uh to some extent it seems in  
15 the um, no I can't say that I know he was a solicitor for Hickey's at the time and his was  
16 the company who err apparently managed the trust fund so I suspect there may be some  
17 involvement on the part of Mr Brinspeed um my understanding is uh the Commissioner i-  
18 will be recommending that perjury charges against Mr Brinspeed and um it may, and he  
19 may be struck off and I think he may have something valuable to offer to to your  
20 investigations, um, uh perhaps a final point  
21  
22 L Sorry do you know if he's still at (ui)  
23  
24 P I don't believe he is  
25  
26 L Okay  
27  
28 P Um, final thing that may be of interest from this submission is uh Council of Powers,  
29 election gift return in regard to what it describes as a sale of luncheon tickets, um there  
30 seems to be some discrepancy or about the amount of money and the number of people  
31 that purchased these tickets, his interim return uh lodged on the sixth of April shows  
32 forty-seven thousand eight hundred dollars was received for luncheon tickets from

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33 seventy-six persons, his final return which seemingly covered the same period up until  
34 the third of March in respect of luncheon tickets, uh shows a value of fifty-eight thousand  
35 dollars from four hundred and sixty four people, um, so (ui) quite a significant difference  
36 in the number of people but the less significant difference in the uh the value of their total  
37 donations, uh, probably got two concerns there, one is the amount of money that's raised  
38 for these luncheon tickets and the real probity of that or the integrity of the of that and um  
39 and the other thing the values or the amounts that have been put in against the number of  
40 people.

41  
42 K So you're saying the amounts declared wasn't necessarily the amounts

43  
44 P Well, um I'm concerned that the amounts when you compare them with the number of  
45 people who purchased the luncheon tickets doesn't doesn't provide a very good  
46 mathematical equation, so there seems to be some discrepancy either in the interim return  
47 or the final return or in both, and again maybe two issues here one is uh there may not be  
48 any uh there may or may not be some uh concern about the legality of those or accuracy  
49 of those statements, my understanding is that it's not unlawful to take money for  
50 luncheon tickets, um, it seems to be another problem with our legislation because  
51 anecdotally I'm told of people providing five thousand dollars cash to his campaign  
52 which just becomes luncheon tickets... it's an easy way to accrue money and um yeah

53  
54 K Well thank you for that... are you aware of any candidates associated with the power  
55 bock of such, the time of the March 2000, 2004 elections that didn't declare that they  
56 received any donations from any of these companies or you feel they should declare that

57  
58 P (Clears throat) Either from the companies or from the trust fund

59  
60 K Yes

61  
62 P Oh well I believe, oh I'm highly suspicious of Councillor Powers election gift return and  
63 I'm suspicious of Councillor uh Shepherd return, I think that indicates he got fifteen  
64 thousand dollars from his mother-in-law, something my understanding is that they're not  
65 wealthy people, and uh

66  
67 K Just a suspicion, can you provide any evidence of that

68  
69 P Uhh, well I I can't provide evidence that they're not wealthy people

70  
71 K Sorry, to provide evidence to the contrary that they may not have received the money  
72 from the person or persons they

73  
74 P (ui) (over talking)

75  
76 K Claim they have received it from

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249 bit of a picture if you like [clears throat] which ah, we relayed to, members of the media  
250 (ui) when I say we it's principally myself Councillor SARROFF and Councillor  
251 CRICHLow, and ah, in the previous council there were, there was a fairly strong, ah,  
252 group of councillors, in, in-an, any case and they, often vote with each other on, matters  
253 and, an-an-and I think it was always .. ah, there was a perception in the community [hand-  
254 clap] that it was fairly pro-development sort of council .. but ah .. what seemed apparent,  
255 to us at the time was errr, there was a lot of fund raising going on, candidates were being  
256 very carefully chosen, ahm, promises were being made to, developers or people in the  
257 development industry and certain outcomes if they back it, so we didn't have a real lot to  
258 go on and we put it [soft hand clap] to the media and they .. ran a few articles just to try,  
259 flush some things out of the system if you like, and ah, ultimately, er-er, it became more  
260 apparent that there was in deed something going on and .. many questions were asked of  
261 people that, were considered to be, associated with this group, and they all denied any  
262 involvement, ah .. [tut] .. I think it was probably then, after the election [clears throat]  
263 when it was revealed, who was, recipient of the money, who had been strategising with  
264 each other, in the lead up to the election that-that determined the block was, first coined

265  
266 KB Who-who termed the block the media the Council

267  
268 PY [Over talking] Probably, probably .. no probably the media

269  
270 KB Media

271  
272 PY I'm not sure [clears throat] and really that's .. [tut] that-was, typically, associated with ah,  
273 groups of countries, that

274  
275 KB [Over talking] (Ui)

276  
277 PY Such as Eastern Block, so ah

278  
279 KB [Over talking] Eastern Block (ui)

280  
281 PY I think it came from the media, ah, just to ah portray a, a, the fact that there was a,  
282 consolidated group of people who, had um, similar philosophies if you like er and a  
283 closer connection being, they're organised, the organised nature and structure of their  
284 campaigns, and pro-development block is probably ah a natural progression from there  
285 when it was seen time and time again that they, put their hands up for, things that were,  
286 very evidently gonna be, providing a benefit to, the development industry or individual  
287 [clears throat] ah, outcomes .. most principally, ah, was the issue of infrastructure  
288 charges, infrastructure charges, are provided now under the Innovated Planning Act, er  
289 the ah, the ability for Councils to, lawfully introduce infrastructure charges or apply them  
290 was [traffic noise in background] the complainant of, (ui) and ah, became effective  
291 [sound of mug being placed on table] I think around, the end of 2003 [clears throat] and  
292 after a very long period of, ah, development, ee' with stakeholders from Council from the

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293 development industry from, community groups and whatever, this Council adopted and  
294 implemented infrastructure charges in, January of 2004, which enabled us to lawfully  
295 apply a charge per allotment or per apartment or whatever it may be ah, to gather money  
296 for roads, ah, parks and other recreational facilities, for stormwater works [shuffling of  
297 plastic in background] and so on whereas previously we could apply, conditions which  
298 would give us [soft knocking sound in background] some money but, they (ui) very  
299 dodgy and, we could be easily challenged on them and, and quite often lose, (ui) scope is  
300 lawfully provision, ah, the, the costs were quite high or, from the point of view of the  
301 developer who previously might have been paying, a couple of thousand dollars per  
302 allotment, in a sub-division [clears throat] to Council for various things, water 'n, well  
303 stormwater and parks and so forth, all of a sudden (ui) in some cases that was up to 12  
304 thousand so that was quite a hefty increase .. and so ah .. [tut] there was some descent  
305 amongst the development industry, and .. I-I don't have any .. fact I don't have any  
306 photographs I don't have any invitations in writing, but ahm .. ah [sighs] I'm lead to  
307 believe, from a number of sources that, people were invited ff-people from development  
308 industry were invited to meetings that Council by Councillor POWER or on behalf of  
309 him or at which he attended and he basically told those people, you put your money into  
310 this and we will look after you we will achieve a better outcome for you, in the new  
311 Council, so there's, charges were introduced January 2004 .. it was quite clear, just prior  
312 to January 2004 that was the nature of the charges that we were going to be introducing  
313 because we'd, made a decision, probably a couple of months before that and said you  
314 know these will come into effect from then, and I believe he's, he probably had meetings  
315 with, those developers as early as November 2004, and I don't know how many meetings  
316

317 KB Mmm

318  
319 PY But, I heard that from, I heard that first-hand from developers who'd gone along and been  
320 told you know we'll, we'll look after you ahm .. [tut] so [sighs] ss' .. immediately after  
321 the election, there's a very strong [clears throat] [page ripped in background] .. ah, agenda  
322 evident that those charges would be reduced, and that became a ah, a-a principle focus of,  
323 of the Council for a long time, and ultimately, t' be objective wasn't successful because  
324 we were able to, identify that, a major part of the solution that was, gonna be pursued was  
325 unlawful [clears throat] but, that was only after, some very dogged ah, and persisted  
326 efforts and, and ah, us insisting a few of us insisting on legal advice, which the officers  
327 never finally even showed to us even though we're the elected, body, ah, because I think  
328 they were embarrassed by the ah, the content of it, but they certainly tried to hide that  
329 stuff from us for a long time, an', and ultimately, when it was flushed would, we  
330 couldn't, Council couldn't adopt the changes that were being, muted but, if they had and  
331 we were just on the, the edge of the precipice if you like, ah we would've, reduced the  
332 charges very significantly and reduced the nature, of how they were paid for so, there  
333 were some people who had received [sighs] development approvals let's say is old, in  
334 two or three years ago, and they were now in caught up in this new, charging scheme  
335 because they'd hadn't actually undertaken the development so  
336

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337 KB Mmm  
338  
339 PY Charges apply for the time that you, perform the sub-division, for example, [tut] so is,  
340 these people that have the old, D-As were, some of the principle motivators in trying to  
341 secure a, a ah, change in the payment whereby, they wouldn't have to pay [female voice  
342 in background] and anyone 'ho had their approval after January 2004 would have to pay,  
343 and, and pay a premium if you like to, to ah off-set, what these people weren't paying,  
344 and that was found to be unlawfully but .. these people, ah, are very much behind the  
345 election campaigns of some of these, Councillors, but these people have a very invested  
346 interest in the outcome being, would change the scheme, and mechanism for, for paying  
347  
348 KB Who are the members of the so called power block, in your opinion  
349  
350 PY Yeah within the Council there's POWER .. HACKWOOD .. PFORR .. ahm [sighs] just  
351 going through the numbers  
352  
353 KB Sure  
354  
355 PY LA CASTRA .. (ui) GREW .. MCDONALD .. so that's the  
356  
357 KB So how many  
358  
359 PY The hub of it  
360  
361 KB How many's that out of the total number of Councillors  
362  
363 PY I don't know I've probably missed a few okay [soft hand clap] from the top  
364 HACKWOOD, POWER .. PFORR .. [knocks table] HACKWOOD POWER PFORR  
365 that's three .. LA CASTRA .. SHEPHERD .. GREW .. [knocks table] MCDONALD ..  
366 and they did have ROBBINS  
367  
368 KB So that's seven at the moment .. seven out of how many  
369  
370 PY Fifteen .. [over talking] they yeah [clears throat]  
371  
372 KB [Over talking] (Ui) half 'n half is it  
373  
374 PY Ah [squeaky chair noise]  
375  
376 KB [Over talking] (Ui)  
377  
378 PY The, the others are pretty reliable  
379  
380 KB Mmm

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249 benefit out of that trust fund so the assumption is all of the monies were distributed ahh to  
250 election candidates and umm it doesn't seem to be accounted for. Umm there may be  
251 some umm election gift register that I haven't seen but I don't believe that that's the case.  
252 It would have been a very obscure candidate indeed and umm the sum is quite  
253 substantial. So what I'm saying to you is I haven't looked at the election gift register of  
254 every candidate in the Gold Coast Council elections. I've looked at umm by far the  
255 majority of them and the few that I haven't were very obscure sort of candidates. People  
256 that attracted just a few hundred votes or here and there.

257  
258 KB Anything further in relation to that?

259  
260 PY No, thank you.

261  
262 KB The next matter I'd like to discuss with you and it's about page nine concerns Councillor  
263 Shepherd holding a function to raise funds for his 2008 Council re-election campaign.

264  
265 PY Mmm

266  
267 KB You have here outlined in your letter the function was attended by 200 guests.  
268 Development interests were invited. You were advised that \$50,000 was raised on that  
269 night including a gift of \$30,000 from one donator. You share the view that that's quite  
270 an extraordinary amount particularly from one person that ahh makes that contribution  
271 and it concerned you enough that you've actually included it ahh in your submission.

272  
273 PY Mmm

274  
275 KB And I'd just like to concentrate on that for the time being.

276  
277 PY Mmm

278  
279 KB Can you tell me where this function was held to raise funds?

280  
281 PY No I haven't made that inquiry. Sorry – I can tell you – only through what I've read in  
282 the newspapers since. I believe it was the Woodchopper's Inn at Mudgeeraba. But I  
283 didn't know at the time that I wrote the submission. The source of my information was  
284 ahh another Councillor. In fact it was Councillor Saroff. I asked him where – what his  
285 source of information was. He said it was Councillor Molhoek. M-O-L-H-O-E-K. Umm  
286 I asked Councillor Saroff to confirm that umm he did. We spoke again about that and  
287 ahh the information that I was provided was there had been around 200 guests.  
288 Councillor Molhoek had seen a copy of the invitation and Councillor Molhoek's advice  
289 was that those figures had been raised. Umm

290  
291 KB Can – sorry just for the purpose of clarity here. Councillor Molhoek informed Councillor  
292 Saroff of this information...

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293  
294 PY That's right.  
295  
296 KB ...who subsequently informed yourself.  
297  
298 PY That's right.  
299  
300 KB That's the chain of events?  
301  
302 PY Yep. I'm afraid that's about as good as it gets.  
303  
304 KB That's fine and we know that it was at the Woodchopper's Inn at ahh Mudgeeraba.  
305  
306 PY Yes  
307  
308 KB Can you tell me when it was held?  
309  
310 PY Ahh I don't have a specific date. I think umm I think May of this year.  
311  
312 KB And what kind of function was it?  
313  
314 PY Ahh I believe it was to raise funds for his 2000 [8?] election campaign so it was umm  
315 umm food was offered. I expect there would have been speeches. I don't know if there  
316 was any entertainment as such but...  
317  
318 KB Was it like a formal dinner?  
319  
320 PY I don't know if it was formal in terms of ahh sitting down and being served but I  
321 understand there was food served so whether it was more ahh buffet or a umm formal ahh  
322 or even more akin to a BBQ I couldn't say.  
323  
324 KB Could you provide the name or names of any other person or persons that may be able to  
325 assist us with this inquiry to obtain further information?  
326  
327 PY Umm probably only Councillor Molhoek who he himself ahh I understand has seen a  
328 copy of the invitation. Has spoken with people that attended the function. Umm and  
329 those people that were invited.  
330  
331 KB What was the function called? Did it have a name?  
332  
333 PY I don't know.  
334  
335 KB And those figures you've quoted here \$50,000 was raised on that night. Once again that  
336 would have come from Councillor Saroff from Councillor Molhoek?

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337  
338 PY That's correct yep.  
339  
340 KB And likewise by number of guests and the \$30,000 being received from one contributor  
341 again came from Councillor Molhoek?  
342  
343 PY That's correct yep.  
344  
345 KB Have you caused any further inquiries to be made in relation to that just to satisfy yourself  
346 or?  
347  
348 PY Umm not directly. Ahh I'm aware through umm media reports umm ahh wherein  
349 Councillor Shepherd is rejecting the claims that the figure raised was in – he's stating  
350 much – or the net figure raised was much less than that. Umm.  
351  
352 KB Do you know who the contributor was that provided the \$30,000.00?  
353  
354 PY No I don't.  
355  
356 KB And by any standard that's...  
357  
358 PY Councillor Shepherd rejects that that was – that there was any.  
359  
360 KB So he doesn't agree that \$30,000.00 was provided by a contributor?  
361  
362 PY I believe his figure is more in the order of \$9,900 ahh net.  
363  
364 KB So all up that's all that was raised \$9,900 or just from that one contributor?  
365  
366 PY Ahh that's what Councillor Shepherd is saying is all up.  
367  
368 KB All up for that night?  
369  
370 PY Yeah not 50.  
371  
372 KB Sure  
373  
374 PY Umm whether that's ahh the 50 that I was told of was a gross or net sum I don't know.  
375 Ahh but obviously there's a pretty significant difference in those figures.  
376  
377 KB Would that information be required to be recorded in any register at all?  
378  
379 PY Umm to the best of my knowledge ahh an election gift register would only require that  
380 information to be umm ahh recorded after the next election. To the best of my

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381 knowledge Councillor Shepherd has subsequent to that information that you've got there  
382 in my submission to the Minister becoming public umm he has ahh made some kind of  
383 submission to the CEO of Council ahh advising what he asserts to be the real facts and  
384 figures. And I haven't looked at that material.

385  
386 KB Do you know who attended the function?

387  
388 PY I don't.

389  
390 KB You don't know what developers or development companies may have attended?

391  
392 PY I'm only ahh I've read about one and that was umm Villa World who apparently  
393 purchased 25 tickets. And I only know that from a media - a public statement I think  
394 from Councillor Shepherd.

395  
396 KB So just to summarise the information you've provided.

397  
398 PY The, the information related to that I need to make it clear isn't necessarily to assert that  
399 umm raising funds is unlawful or that even the sum of funds is in any way unlawful. The  
400 objective there was to illustrate to the Minister that by virtue of Councillor Shepherd's  
401 position as the Chairman of the Planning Committee and a position that he has  
402 deliberately taken to assert in that role which is considered by me at least to be unusual  
403 whereby he ahh is nominating himself or, or presenting himself as the single point of call  
404 for all developers, it puts him in a position of potential umm or certainly influence over  
405 the outcomes and we have information before us through agenda items whereby  
406 Councillor Shepherd has been present at meetings with developers has exerted his  
407 influence in terms of what the outcome will be. Officers have taken on board Councillor  
408 Shepherd's position on a particular matter. So being the single point of call I'm  
409 suggesting to the Minister puts him in a position where he ahh has the potential to umm  
410 have a lot of influence over an outcome - a planning matter - prior to the Council itself  
411 making any decision or indeed the Committee and the umm ahh that combined with his  
412 openly apparently inviting development interests to fund raising functions at this point in  
413 time raises questions about or at least there's a perception in the community of some  
414 concern about the relationship that might exist between him and developers so I'm not  
415 necessarily alleging any wrong doing in my submission to the Minister it's just to indicate  
416 to her there is the potential for umm conflict of interest.

417  
418 KB Conflict of interest

419  
420 PY Or a perception of conflict of interest in the minds of the community which is obviously  
421 pretty paramount. My comprehension to now is that Mr Needham won't - or this CMC  
422 investigation won't have the ability to look at that kind of relationship between  
423 development interests and Councillors which I have to say I think is a fundamental umm  
424 weakness in the whole thing. Again I don't think and maybe I might have written it

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