

RECORD OF INTERVIEW - MICHELI

OP GRAND

EXHIBIT No. 297
W. Hamilton CLERK

TAPE NO: 1 (of 1)

DATE: 27.10.05

PLACE: GOLD COAST

TIME COMMENCED: 12:36

TIME CONCLUDED: 12:59

INTERVIEWEE: MICHELLE LOWE

INTERVIEWER/S: DETECTIVE INSPECTOR KEN BEMI
ALSO PRESENT: DETECTIVE SERGEANT STEVE WHITELAW

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: MICHELLE LOWE
Legal Officer: THERESA HAMILTON
File Number: MI-05-2482
Directory :

COPY TAPE 1 OF 1 - RECORD OF INTERVIEW BETWEEN DETECTIVE INSPECTOR
KEN BEMI OF THE CRIME AND MISCONDUCT COMMISSION AND MICHELLE LOWE.
HELD ON THURSDAY, 27 OCTOBER 2005. ALSO PRESENT DETECTIVE SERGEANT
STEVE WHITELAW

LEGAL OFFICER: THERESA HAMILTON

RE: OPERATION GRAND

KB = Detective Inspector Ken Bemi (CMC)

ML = Michelle Lowe

SW = Detective Sergeant Steve Whitelaw (CMC)

- 1 KB The time now is 12:36 pm on the afternoon of Thursday the 27th October 2005. I'm
2 present in the office of Hickey Lawyers law firm in Corporate Building at Bundall and I
3 intend to conduct an audio interview with Ms Michelle Lowe in relation to a present
4 matter that the Crime and Misconduct Commission is currently investigating pertaining to
5 the Gold Coast City Council elections held in March 2004. In particular documentation
6 that was supplied by Hickey Lawyers to the Commission. For the purpose of voice
7 identification I'll ask every person present here starting with myself to state their full and
8 correct name. My full name is Kenneth William Bemi. I am a Detective Inspector of
9 Police currently performing duties at the Crime and Misconduct Commission in Brisbane.
10
11 SW My full name is Stephen Allan Whitelaw. I'm a Detective Sergeant of Police. I'm also at
12 the Crime and Misconduct Commission.
13
14 KB Your full name Michelle?
15
16 ML Michelle Elizabeth Lowe working for Hickey Lawyers presently as an accounts manager.
17
18 KB Michelle as I've outlined previously I intend to conduct an audio recorded interview with
19 you today in relation to the matter that you're aware of and what that means is anything
20 that you say or anyone in this room says will be recorded as we speak. Do you
21 understand that?
22
23 ML I understand yes.
24
25 KB Do you require any other person to be present here with you?
26
27 ML No
28
29 KB Can you please state your current address?
30

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31 ML Ahh Unit 18/100 The Esplanade, Burleigh Heads.
32
33 KB And your date of birth?
34
35 ML Ahh 5th of December 1978 (05.12.78).
36
37 KB And your current role here?
38
39 ML The accounts manager.
40
41 KB Can you tell me what that role entails?
42
43 ML Ahh the role entails umm overseeing the inwards and the outwards payments of moneys
44 in and out of our trust account, authorising such payments umm and the day to day
45 cheques and receipts and banking of moneys coming in and out of our trust account.
46
47 KB And how long have you worked for Hickey Lawyers?
48
49 ML Umm I started Hickey Lawyers in December '96.
50
51 KB So you've been here for 9 years?
52
53 ML Nearly 9 years yes.
54
55 KB Now if I can refer you to documentation that the Crime and Misconduct Commission has
56 previously received from Hickey Lawyers. I'll first show you a document that was
57 prepared by Sandra Wild. Do you know Sandra Wild at all?
58
59 ML I do yes.
60
61 KB And do you know what role she has here?
62
63 ML Ahh yeah she's ahh Tony's secretary, PA.
64
65 KB I'll show you this document.
66
67 ML Mm mm
68
69 KB Now it's titled the Lionel Barden Common Sense Campaign Fund.
70
71 ML Mm mm
72
73 KB If I can get you to have a look. There's two pages of that document.
74

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75 [pause – no dialogue]
76 ML Yep
77
78 KB Have you seen this document before?
79
80 ML No
81
82 KB Were you involved in the preparation of this document?
83
84 ML No I wasn't. Not the actual present yeah preparation as such.
85
86 KB Were you involved in any way with the preparation?
87
88 ML Yes in providing some information.
89
90 KB Can you outline what that information was?
92 ML Yes I printed two trust account statements for Sandy umm so that she could prepare this
93 document.
94
95 KB I'll show you two documents here.
96
97 ML Yes
98
99 KB I'll get you to have a look at those documents.
100
101 [pause – no dialogue]
102
103 ML Yep
104
105 KB What can you tell me about those?
106
107 ML They are the two trust account statements I printed for Sandy which are generated from
108 our accounts package.
109
110 KB Just for the record can you read the name of those trust accounts?
111
112 ML Yes the first ones in the name of Sue Robbins Councillor and David Power Councillor
113 and the next one is in Mr L Barden's name.
114
115 KB Are you aware of any reason why there's two trust accounts?
116

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117 ML Umm I – no I don't know the background to that ahh I was requested ahh at one stage to
118 transfer what was left in this first trust account being Sue Robbins and David Power to
119 this new trust account of L Barden.
120
121 KB You were requested to transfer?
122
123 ML Yes yeah [ui] funds
124
125 KB In your role of?
126
127 ML Accounts yeah manager.
128
129 KB Alright. Can you tell me who requested you to do that?
130
131 ML I can't remember. It probably was Sandy. It would've either been Sandy or Tony Hickey.
132
133 KB Which one can you recall?
134
135 ML No
136
137 KB Which one would it be more likely to have been?
138
139 ML Probably Sandy.
140
141 KB Do you know when that request was made?
142
143 ML Ahh I can tell you from this one here it would have been on or about the 4 March 2004.
144
145 KB So the request was to transfer the balance from the Robbins and Power campaign trust
146 account ...
147
148 ML Yes
149
150 KB ...to the Lionel Barden Common Sense Campaign Fund?
151
152 ML Correct
153
154 KB How much was that amount for?
155
156 ML Ahh what was left in the original one being Sue Robbins and David Power being
157 \$20,500.00.
158
159 KB And that entry – for the record can you just read the entry that refers to the transfer?
160

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161 ML Yep. On the 4th March we transferred \$20,500 to the matter of L Barden umm number
162 248311 number 1 ahh Common Sense Campaign Fund.
163
164 KB And that appears in the trust account statement pertaining to Robbins and Power?
165
166 ML Correct
167
168 KB And if I can direct your attention to the trust account referring to Lionel Barden?
169
170 ML Yes
171
172 KB The first entry.
173
174 ML The money of \$20,500 was umm credited to the file of L Barden Common Sense
175 Campaign Fund and that money was transferred from the file of Sue Robbins and David
176 Power Gold Coast City Council election campaign fund.
177
178 KB And you stated that in all probability that request would have been on the 4th March
179 2004?
180
181 ML Correct
182
183 KB Have you got any diary note or record that would support that?
184
185 ML Ummm diary note no. We would have a ahh trust account authority that would have been
186 signed off as an authority.
187
188 KB Who would have signed?
189
190 ML One of our partners in the firm would have signed that.
191
192 KB Do you know who that was?
193
194 ML Ahh no
195
196 KB And what was involved for you to do that? How'd you actually transfer the funds?
197
198 ML In our accounts package we do a debit from the Sue Robbins and David Power file and do
199 a credit to the Lionel Barden.
200
201 KB So there's two separate files?
202
203 ML Correct
204

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205 KB Did anyone either Tony Hickey or Sandra Wild did they say why the transfer was to take
206 place?
207
208 ML No I'm asked to do those transfers and just follow these instructions.
209
210 KB So did anything – and this is in your opinion...
211
212 ML Mm mm
213
214 KB ...was anything unusual about that request to your knowledge?
215
216 ML No. It's quite often that we're transferring money from one trust account to another.
217
218 KB So you didn't question the reason why you simply did it?
219
220 ML Correct
221
222 KB And as a result of that transfer a new file or trust account was created?
223
224 ML Correct – yep – new file and new trust account.
225
226 KB Now just going back to the preparation of this other document.
227
228 ML Mm mm
229
230 KB Titled the Lionel Barden Common Sense Campaign Fund.
231
232 ML Yes
233
234 KB You said before that you did have some involvement in the preparation.
235
236 ML Yes
237
238 KB Can you just expand on that?
239
240 ML Umm what I did was just provide Sandy with those two trust account statements.
241
242 KB She requested?
243
244 ML She would have requested yes the two trust account statements.
245
246 KB Which were these documents we've referred to?
247
248 ML Yes correct the two we've referred to.

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249
250 Umm I would have generated them. They're automatically generated from our umm
251 accounts package and I would have given her those two statements and from there I'd say
252 she's prepared this document.
253
254 KB How would you have given her those statements? Physically, electronically?
255
256 ML Yes no physically yep. I would print them out and come down here and probably handed
257 them to her.
258
259 KB So these would have been the source documents she has referred to to complete that?
260
261 ML Correct yes.
262
263 KB Now if I can get you to compare the entries on the source documents...
264
265 ML Yes
266
267 KB ...to the document that Sandra prepared.
268
269 ML Mm mm
270
271 KB And can you tell me anything about any entries that may have been omitted.
272
273 [pause - no dialogue]
274
275 **sound of paper shuffling**
276
277 ML Okay. I can see that this - where we did the debit from the trust account of Sue Robbins
278 and David Power and credited the account of L Barden that's been admitted (omitted?)
279 from this document.
280
281 KB Do you know why that was omitted?
282
283 ML Ahh we don't - if we transfer funds from one file to another and we do a trust account
284 statement for the client we wouldn't usually include that. That would tend to confuse the
285 client seeing - them seeing an entry going out and sort of coming back in which is a nil
286 effect so we wouldn't usually show that.
287
288 KB What about in this particular case as it was a change of the name of the account or an
289 account itself?
290
291 ML Yes, yes.
292

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293 KB Would that – the information that would normally be included in a new document?
294
295 ML Well if we – if we – yeah if we were merging the two trust account ahh statements
296 together which is what we've done I wouldn't include it.
297
298 KB Yeah
299
300 ML It's not something...
301
302 KB You wouldn't?
303
304 ML No no
305
306 KB But then how would you know where that \$20,500 would have come from if you don't
307 refer to that previous account?
308
309 ML Well in these trust account statements that I've automatically generated there's always a
310 record of that transfer umm so we'd just refer back to those entries.
311
312 KB But how would your client know once that was sent out to him that new document or
313 her?
314
315 ML Ahh well if we changed the names the client would have probably been aware of that.
316
317 KB Right
318
319 ML Ahh we probably would have had instructions from them that the names of the trust
320 accounts or the files had to change umm so yeah we wouldn't usually show that.
321
322 KB Are you aware of any instructions that may have been directed to Sandra to omit those
323 two entries?
324
325 ML No
326
327 KB Has Sandra ever had any discussions with you about that?
328
329 ML No
330
331 KB Has any person had any discussions with you about that?
332
333 ML No
334
335 KB You'll notice that there's marks around those two entries ...
336

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337 ML Yes
338
339 KB ...that we've referred to.
340
341 ML Yes
342
343 KB Can you tell me how those marks or brackets – appears to be brackets – came to be on
344 those source documents?
345
346 ML No I can't. When I would have printed them there wouldn't have been any markings.
347
348 KB Yeah
349
350 ML Yeah no.
351
352 KB So are you aware of any reason that there are marks on those or next to those two entries?
353
354 ML No
355
356 KB So would you have given the source documents to Sandra on the same day she requested
357 it?
358
359 ML More than likely yes, yep.
360
361 KB And how do you keep track of your files where they've gone to? Like have you got to
362 keep any records that you've done that?
363
364 ML That I've provided these documents to her?
365
366 KB Yes
367
368 ML No
369
370 KB You don't?
371
372 ML No no 'cos we do so many on a daily basis.
373
374 KB Okay. So the – you would have not the original file of these source documents but a copy
375 is that correct?
376
377 ML Ahh we don't actually – when we print these out for people we don't actually keep copies
378 of these. It's just something that's automatically generated from our accounts package
379 when people request them.
380

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381 KB Right. So would there be electronic copies still available on any accounts computer?
382
383 ML No there wouldn't be but if you wanted a copy of one of these trust account statements
384 now I could just go upstairs and request it from our accounts package.
385
386 KB So there would be a copy up there?
387
388 ML Well it's sort of – not of a copy of this as such umm the information is umm in our trust
389 ledgers on each matter.
390
391 KB Right
392
393 ML Umm but if you wanted an actual physical one of these I would have to yeah generate it
394 from our computer system from our accounts package.
395
396 KB So after you provided Sandra with the source documents ...
397
398 ML Yes
399
400 KB ...what'd you do after that? Did you have any involvement?
401
402 ML That would have been – no that would have...
403
404 KB [overtalking] You never – you mentioned before you never sighted the completed
405 document at all?
406
407 ML This? No I haven't.
408
409 KB Prepared by Sandra?
410
411 ML Yes, no.
412
413 KB And you also stated that you're not aware of – well perhaps if I can frame the question
414 this way – are you aware of why this document was prepared by Sandra?
415
416 ML No I can only imagine that she was asked to merge the two trust accounts together.
417
418 KB If I can ask you another question that follows on from that. The information was
419 requested by the Crime and Misconduct Commission in relation to any trust accounts etc.
420
421 ML Mm mm
422

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423 KB Is there any reason in your view that perhaps I'm not aware of of why the source
424 documents wouldn't just be – wouldn't just have been provided. Why did another
425 document have to be prepared?
426
427 ML I don't know.
428
429 KB Is that a little bit unusual do you think?
430
431 ML Umm no I'd say because the funds were moved from one file to another and ahh when a
432 trust account statement of funds coming in and out was required we would usually do a
433 trust account statement on the file that was completed as such.
434
435 KB So would you normally create another file – prepare another file in relation to the trust
436 account if you have two documents such as this?
437
438 ML We'd cre – yes we would create a document sort of like this yeah merging the two trust
439 accounts into one.
440
441 KB Do staff here receive any training in relation to the format adopted here about the
442 amalgamation into one document if you have a number of trust accounts you don't – in
443 other words if you have a number of trust accounts...
444
445 ML Mm mm
446
447 KB ...or even if you have one trust account and you send a statement out to a client...
448
449 ML Mm mm
450
451 KB ...that the – all the entries don't appear on that newly created document?
452
453 ML Umm
454
455 KB You know what I mean?
456
457 ML Yeah I know what you're say – yeah no not as such no. If they – yeah had questions like
458 that it'd probably be referred to someone in the accounts section.
459
460 KB So just referring back to what you stated before the standard practice...
461
462 ML Yes
463
464 KB ...that's the way things are done.
465
466 ML Yeah

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467
468 KB Who tells you or who has – who tells staff to adopt that method?
469
470 ML Umm ohh I think it probably just the solicitors that make the final that make the final call
471 umm to say we just want to send one trust account statement to the client on the file that
472 was completed.
473
474 KB So you don't – it's not the case that you receive any formal training to do – to adopt that
475 strategy?
476
477 ML No not as such no...
478
479 KB Right
480
481 ML ...no formal training.
482
483 KB Right. And when you commenced duty here at Hickey Lawyers did you receive any
484 training in relation to that method I'm referring to?
485
486 ML Umm no I don't no I didn't.
487
488 KB Right. But it's just adopted practice that's what you're saying?
489
490 ML Yes yeah correct.
491
492 KB And it's up to the person – the lawyer you're reporting to basically?
493
494 ML Yeah yeah the lawyers who, whoever's in charge of the file.
495
496 KB Is there anything else that isn't accurate in your view when you compare the two primary
497 or the two source documents to the created one or the prepared one by Sandra?
498
499 [pause – no dialogue]
500
501 [sound of paper shuffling]
502
503 ML No I can't see anything that looks incorrect.
504
505 KB If I can just refer you to those documents...
506
507 ML Mm mm
508
509 KB ...three of them that you have in front of you. If you have a look at the document
510 prepared by Sandra where it refers to the Lionel Barden Common Sense Campaign Fund.

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511
512 ML Mm mm
513
514 KB Do you notice that there's no reference number that appears on that document?
515
516 ML No okay. Yeah I see that now.
517
518 KB To the best of your knowledge is there any reason why that reference number does not
519 appear?
520
521 ML No. I wouldn't know why it's not there.
522
523 KB Would it normally – should it normally appear on such a document? A trust account?
524
525 ML Umm yeah, yes on a trust account the main number would usually appear.
526
527 KB And you don't know why it doesn't?
528
529 ML No not on this one.
530
531 KB If you also have a look there's a date that appears on that statement – trust account
532 statement...
533
534 ML Mm mm
535
536 KB ...the 8th June 2004 that was the one prepared by Sandra huhhh it doesn't appear that
537 that's the correct date because the document was prepared in April 2005.
538
539 ML Right
540
541 KB Can you offer an explanation as to that date appearing as the 8th June 2004?
542
543 [pause – no dialogue]
544
545 ML Ahhh no
546
547 KB Do you understand what I mean? The...
548
549 ML Yeah if – yeah – no I don't. No.
550
551 **[sound of paper shuffling]**
552
553 KB If I can refer you to a letter – a covering letter if you like that was sent to the Crime and
554 Misconduct Commission. It appears to have been signed by Mr Tony Hickey.

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555
556 ML Mm mm
557
558 KB Have you ever sighted this letter before?
559
560 ML No I haven't.
561
562 KB If you have a look there's a reference number that appears on the letter.
563
564 ML Right yes.
565
566 KB Is it a little bit strange that – this is in your opinion...
567
568 ML Mm mm
569
570 KB ...and if you can't – if you don't know...
571
572 ML Yep
573
574 KB ...simply say that...
575
576 ML Mm mm
577
578 KB ...but do you think it's a little bit strange that there's a reference number that appears on
579 the covering letter and not on the actual trust account statement?
580
581 ML Yeah I suppose – yeah that may – yeah I suppose that's a little bit...
582
583 KB Because it would normally appear.
584
585 ML It would normally appear there on a trust account statement. Our records number would
586 be there.
587
588 KB And what's the purpose of that reference number?
589
590 ML That reference number ahh relates to the actual file number.
591
592 KB Have you spoken to Mr Tony Hickey about this matter at all that I'm discussing with you
593 today?
594
595 ML No, no I haven't.
596
597 KB Have you discussed this matter with any person?
598

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599 ML No
600
601 KB Who informed you that I wanted to interview you today?
602
603 ML Ahh Mr Damian Hodson of our litigation department.
604
605 KB Did he offer any advice to you?
606
607 ML No
608
609 KB Can you state anything else in relation to this matter that you think may be useful to this
610 investigation?
611
612 ML I don't think I can.
613
614 KB So summing up you were requested by – well first of all you were responsible for
615 transferring the funds from one account Power and Robbins Trust Account in to the
616 Lionel Barden Trust Account...
617
618 ML Trust account correct.
619
620 KB ...which was titled the Gold Coast City Council election campaign fund.
621
622 ML Mm mm
623
624 KB That's correct yes?
625
626 ML no audible response
627
628 KB And that was a request made to you by either Sandra or Tony Hickey and you're not sure
629 which...
630
631 ML Not sure which.
632
633 KB ...which one. You did that. That was on the 4th March 2004.
634
635 ML Yes
636
637 KB The next involvement you had with this matter was when Sandra requested the source
638 documents from you.
639
640 ML Correct
641
642 KB And you obtained those for her.

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643
644 ML Mm mm
645
646 KB And you subsequently handed those over to her.
647
648 ML Yes
649
650 KB Did you send any electronic copy to her?
651
652 ML No no
653
654 KB Just the hard copy.
655
656 ML Just yes I would have handed her the two accounts.
657
658 KB And you've never sighted the document that Sandra prepared in relation to the
659 amalgamation of these two accounts ahh statements?
660
661 ML No I haven't. No I haven't.
662
663 KB Steve?
664
665 SW I might have missed it but did Sandy explain to you why she wanted those documents?
666
667 ML No. People request these documents all the time.
668
669 [pause - no dialogue]
670
671 SW [ui]
672
673 KB You got anything further Michelle?
674
675 ML No
676
677 KB Once again thanks for your time and ahh I know we did ahh break the appointed time but
678 never mind.
679
680 ML Okay (ha ha)
681
682 KB Do you agree what you've told me today is true and correct to the best of your knowledge
683 and belief?
684
685 ML Yes I do.
686

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687 KB And are you satisfied the way this interview has been conducted with you?
688
689 ML I am yes.
690
691 KB Thank you. The time is now 12:59 pm on the afternoon of Thursday the 27th October
692 2005. This interview is now concluded.
693
694
695
696 **TAPE ENDS**

AL/I-LOWE, Michelle Tp1 of 1 27.10.05

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