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## Transcript of Proceedings

CRIME AND MISCONDUCT COMMISSION

MR R NEEDHAM, Chairman

No 5 of 2005

PUBLIC HEARINGS INTO GOLD COAST CITY COUNCIL

BRISBANE

..DATE 12/10/2005

..DAY 4

**WARNING:** The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

THE HEARING RESUMED AT 11.05 A.M.

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CHAIRMAN: Just before you start, Mr Mulholland, if I can make some comments about photography, if I may. I want to make it clear that there should be no photographing people who are sitting in the public gallery. My view is that people should have the right to come here and listen to these proceedings without being put off attending by the fact that they might not want to be photographed. There should be no photographing of people at the Bar table while they're sitting at the Bar table. The extra comment I make on that is that I noticed yesterday the photographer was photographing people while they were standing to ask questions. That is something that perhaps should be allowed, but I would be pleased to hear people's views on that. If anyone has any difficulty or any objection with regard to that aspect, if they prefer that not to happen, it can either be raised with me now or if people would prefer to do it quietly just raise it with Counsel Assisting and I can make a determination on that later. But if you would like to say something on that now, Mr Pforr?

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MR PFORR: Yes, Mr Chairman, thank you very much. I noticed this morning I was being photographed here at the Bench and I object to that. I have no problem being photographed or taped on the stand.

HIS HONOUR: All right, thank you. The other matter is my direction with respect to witnesses was that there should only be photography during the first few minutes of the witnesses evidence during the formal part. An approach has been made and we've been asked to allow the occasional other extra photograph. I would have no difficulty with that if it was very much limited to one or two photographs during the term of the witnesses evidence, either from over here next to the video camera or from the rear of the hearing room at the door, but I see no reason why it should be necessary to be taking continual photographs, but one or two extra photographs I would have no objection to. All right, thank you. Yes, Mr Mulholland.

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MR MULHOLLAND: Thank you, Mr Chairman. Before calling the first witness this morning, could I refer to Exhibit 5 and I'd be asking to substitute for that exhibit the statement and addendum statement of Mr Weimar together with Quadrant final reconciliation, which has a couple of items added to it, and I just wish to read from the later statement of Mr Weimar who has had some contact with Quadrant. He says this in paragraph 6 and following:

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"The schedule produced on 10 October 2005 was incomplete in that not all payments to Quadrant had been accounted for in the documents provided. On 9 October 2005 in response to a CMC request for further information to complete the reconciliation of the candidate accounts, Chris Morgan faxed further information to the CMC which

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accounted for all payments made to Quadrant and a further schedule has been prepared."

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Changes to the initial schedule are in bold and italics and in relation to those changes, I need only refer to page 4. This is in relation to Lionel Barden Trust Account, 15 December 2004. That's the entry. Division 4 G4 totals charged and then beneath that there's a reference to payments received and the changes are 19 August 2004 Pronto Direct \$5,000, 16 November 2004 Sunland \$7,700, and there's a further entry in relation to that and I mention that - and of course there was some evidence yesterday in relation to some events within the Council occurring in November of 2004, so I would ask this document be substituted for Exhibit 5.

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CHAIRMAN: Yes, all right, that will be done. That new document can be marked as Exhibit 5 and the original document perhaps returned to Counsel Assisting.

MR PFORR: Excuse me, Mr Chairman, I'd just like a point of clarification. That's not Division 4, that is Division 3 on that document. I often get confused - my name, thank you.

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CHAIRMAN: Is it understood, the point that's been made there, because it's not being understood by me?

MR MULHOLLAND: Well, I think Mr Pforr is referring to the fact that I mentioned Division 4 and he's saying that he in fact - it was Division 3, these are Division 3 counts.

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CHAIRMAN: Yes, but your comment of Division 4 in that document, was that correct or should that comment be changed?

MR MULHOLLAND: Well, the comment relates to this - I'd need to have that explained. I need to take instructions-----

CHAIRMAN: Okay.

MR MULHOLLAND: -----before I indicate that that is incorrect, but the point that Mr Pforr is making correctly is that he is the councillor for Division 3.

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CHAIRMAN: Yes, okay. Is there a copy of that new schedule for me? Thanks. This is Exhibit 5?

MR MULHOLLAND: Exhibit 5.

CHAIRMAN: Yes. Yes, thank you, Mr Mulholland.

MR MULHOLLAND: I call Grant James Pforr.

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MR PFORR: Excuse me, Mr Chairman, I would seek leave if I could bring some of my document files up to the stand?

CHAIRMAN: Yes, yes, that's fine.

MR PFORR: Thank you.

MR MULHOLLAND: You could make use of that chair behind you as well, if you wish, Mr Pforr.

MR PFORR: Thank you very much.

GRANT JAMES PFORR, SWORN AND EXAMINED:

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MR MULHOLLAND: Would you state your full name please?-- Councillor Grant Pforr, Grant James Pforr, councillor for Division 3 for the Gold Coast City Council, registered builder, JP Qualified.

Now, Mr Pforr, you attend here in answer to a summons. You attend here in answer to a summons?-- That's correct.

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Would you have a look at this document, please? Is that the summons?-- That is correct.

I tender that, Mr Chairman.

CHAIRMAN: Yes, thank you, that will be marked Exhibit 35.

MR MULHOLLAND: Thirty-six, Mr Chairman.

CHAIRMAN: Thirty-six, is it? Thank you.

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ADMITTED AND MARKED "EXHIBIT 36"

MR MULHOLLAND: Now, did you also receive a notice to discover?-- Yes, I did.

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And did you respond to that notice to discover by a statement of 21st August 2005 together with what you termed schedules?-- That is correct.

And enclosing a large volume of documentation?-- That is correct.

All right, would you have a look at this document, please? There are in fact two documents there. One is a notice to discover, if you'd just identify that, the schedules and also the letter, a separate document which I hand up to you. Does that include the notice, the letter and the schedule?-- Just one moment if you don't mind, I'll just clarify that. Yes, it does but it doesn't have the attachments.

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Yes?-- It's initialled on the bottom right-hand corner.

I tender that. I tender the notice, the letter and the schedules.

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CHAIRMAN: They will marked Exhibit 37.

ADMITTED AND MARKED "EXHIBIT 37"

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CHAIRMAN: I'm told that we do not have an Exhibit 35, that I was correct.

MR MULHOLLAND: According to our note there is a fax from Tony Davies to Lionel Barden dated the 7th of July regarding return of gifts tendered in Mr Molhoek's evidence.

CHAIRMAN: Well, we'd better check to see if we have that. Do you have that, Mr-----

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MR NYST: I don't have that.

MR MULHOLLAND: Perhaps we can clear that up because the transcript doesn't seem to have that exhibit.

CHAIRMAN: Was it - is it one that was referred to Mr Molhoek yesterday afternoon?

MR MULHOLLAND: That's what we believe.

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CHAIRMAN: Yes, because if it is and perhaps you omitted to tender it formally, it might be better if we leave 35 free until that's obtained and put in to keep it in the proper continuity and we'll leave then the summons to Mr Pforr as 36. The notice to produce and the statement produced under that as 37.

MR MULHOLLAND: Thank you, Mr Chairman.

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CHAIRMAN: And we'll clear up that other aspect when you can.

MR MULHOLLAND: Yes. Now, Mr Pforr, the 27th of March 2004 election, is that the first election that you contested?-- That is correct.

And you replied to the notice in that letter of the 21st of August 2005 - and I want you to go to that if you wouldn't mind, because I'm going to ask you some questions about the matters that you refer to in that letter and also in the schedules. So if you've got it there by all means refer to it as I ask you these questions. You say in the third paragraph of your letter-----?-- Sorry, can I just clarify this is my cover letter or-----

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Yes, your letter to Mr Needham, the Chairperson?-- On the 21st of August.

That's the one?-- Thank you.

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And in that you say, "I believe I was an independent candidate as I do not belong to any political party despite knowing many politicians. I would not have been involved in any campaign that compromised my integrity or which expected me to be beholden to anyone. The donations given to me for my campaign I firmly believe were in the best interests of the community as I was unaware of who the contributors were until Councillor Young brought it to the public arena through the memo. Please see attachment 22 dated 13 December 2004". Now, in relation to that does that accurately set out your position in relation to your independence of candidacy?-- I believe so.

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There's nothing you want to change in what you've said there?-- Not at this point.

Is there anything that you want to say in addition to what you have said in your letter and in the schedules?-- I don't think so.

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So all of that is true and correct?-- I believe so.

Nothing you want to add at all?-- No.

Now, you then go on in the next paragraph to say, "As my website shows I have had many associations with politicians over many years in all levels of governments", is that meant to be "governments"?-- That's correct.

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"And on all sides of the political arena. I have prided myself on my ability to get on with most people. I have always been community minded. To this end I decide to contest the March 27 2004 elections following repeated suggestions to run in 2000. I did not take the suggestion seriously until the lead-up to the 2004 elections when I met with former State MP, Gold Coast Mayor and Councillor Lex Bell on Monday 20 October 2003". I've read correctly from what you've said. Now, when did you decide to contest that election?-- I believe it was around about the 8th of October. There was a State Government Forum at Council Chambers where I attended to hear what was required if you were a candidate in the up-coming election.

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Yes, all right. So you'd been thinking about it, presumably, and you had spoken to people but you had - didn't make up your mind until about that time?-- That's correct.

You then go on to say, "Following this meeting he suggested I contact sitting Councillor Dawn Crichlow as she could also offer advice. I contacted Councillor Crichlow the next day via phone, but did not meet with her until 12 November 2003"; is that right?-- That's correct.

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So that is after you had determined to run?-- Yes. In reference to the Monday, the 20th of October, it was actually Lex Bell that I met with and it was Lex Bell who suggested

that I meet with Councillor Crichlow. Lex Bell was a former councillor and was then the State Member at the time.

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That was the meeting on the 20th of October you had with Mr Bell?-- That's correct.

You say in relation to your contact with Councillor Crichlow, "During this conversation, she encouraged me to stand as a candidate and offered her media person, Mr Henry Lack, as a contact. Mr Lack was paid by me to write two of my general media releases which were used as a basis of my first two advertisements in the local newsletter". Is that right?-- That's correct.

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And then you go on to refer to speaking to Mr Welford and the Honourable Margaret Keech, MP, and Federal Member for Forde, Kay Ellison; is that right?-- Kay Elson, that's correct.

Sorry, Kay Elson. Then you go on, "The Gold Coast Bulletin on 29 October 2003 contacted me and sent a photographer around at 4.30 p.m. to take updated photographs of myself and my family for their use. The announcement became public of my intention to run as a candidate in division 3 in the Gold Coast Bulletin's article, 30 October 2003". So that's the date that you officially announced your intention to run?-- That's correct.

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Now having officially declared that you were to run, you go on, "During the campaign, I made contact with the then sitting councillor and Deputy Mayor, Alan Rickard. He gave general suggestions as to meetings to attend including Stockland to give me a feel for the division. Mr Rickard retired from the Gold Coast City Council elections". Just pausing there; division 3, what area does that cover?-- It covers an area from Broadwater Street at Runaway Bay out along Pine Ridge Road up to Brisbane Road. You travel up Brisbane Road to Coombabah Lakes. You go through the centre of Coombabah Lakes out to basically Monterey Keys roundabout. It takes in Hope Island, Santa Barbara, South Stradbroke Island, Paradise Point, Hollywell and Boykambil.

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Thank you. "Now other sitting councillors" you go on, "who contacted via phone, were the then Councillor Max Christmas, division 7, and the then councillor, Peter Drake, division 12, offering advice. Another who contacted me was former councillor, Margaret Grummit, who I borrowed one sandwich board for use during pre-polling and the election day. Her other boards were being used by candidate for division 3, Mr David Childs"?-- That's correct.

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Now, you're trying here to deal with the people who - the people in - electing people that you had dealings with in relation to your campaign; is that what you're trying to deal with?-- I don't think that's completely accurate. I've lived on the Gold Coast 47 years. I've dealt with a lot of different politicians over a long time in my community work and I was trying to get the view of different councillors in

relation to how to run a campaign. Do they think I was a good candidate to stand for a - for an election?

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You may have misunderstood me. I'm just putting to you that this is what you're trying to deal with in your letter. You were trying to address the people that you had contact with and received advice from in relation to your election. Is that the objection of this exercise?-- Sorry, I don't quite understand your question.

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What are you trying to do here? You are trying to address the association you had with elected people, are you?-- I think I explained, in my initial answer, what I was trying to achieve in writing this in a letter.

Right. That's what you were trying to achieve?-- That's correct.

All right. Well, you go on, "Other political figures who offered advice were former Premier, Rob Borbidge, who along with Honourable Rod Welford and Federal Member for Forde, Kay Elson, gave me testimonials for use on my website and in literature distributed to constituents. As a candidate I also wrote to Federal Members, David Jull, Margaret Way and Stephen - how do you pronounce his name?-- Showburg-----

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Showburg?-- -----and that was Margaret May - Margaret May and Stephen Showburg.

Margaret May?-- That's correct.

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All right. Now can we deal with what you did in relation to your campaign once you had decided officially to run on the 30th of October 2003? You've told us of those people that you had contact with. Of course, you had contact during the course of your election campaign with a great many other people too, didn't you?-- That would have been correct.

Just walk us through the steps that you took in relation to the election campaign; what was the next significant event so far as you were concerned in your campaign?-- After speaking to Dawn Crichlow?

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No after announcing that you were to run?-- As I've stated in my letter, I would have met with Councillor Crichlow. Councillor Crichlow offered her help as Councillor Crichlow knew me from my voluntary time as president of the Southport Surf Club. I immediately asked her, did she think I was a candidate? She suggested, "Yes" and otherwise she wouldn't have offered her journalist to help me through my first letter that was put out in the press in November through the local newsletter. I then proceeded to - obviously I had contacts because the press item had gone out so I had both business people, friends, saying, "Oh, I saw you in the paper. Are you serious about this? Good to see, It's about time". All those sorts of comments.

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Right. So these are business people you-----?-- Friends. People at school, you know, students, lots of people.

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Yes. Lots of people. All right?-- After living on the Coast for 47 years, being in the public arena, I was very well known.

Right. All right. Well, you had contact to just, what, make sure that they realised that you were running?-- Those who contacted me were obviously asking me was that true, what they read in the paper.

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Right. Okay. And what did you do about getting your campaign together? Did you get a team of people together?-- I - obviously I work well with my wife. She became my campaign manager. She actually stepped down from her six year position at St Stephen's College to be my campaign manager. I certainly had her family and my family in support of that and over the years in our success of funding applications and grants in our community work, we worked as a good team and felt that we could work together well and that way we could keep on top of things.

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Now you, in your material, in your schedule, go on to refer to a meeting at Quadrant on the 16th of December 2003. Can you tell us whether there is anything of any significance so far as your campaign is concerned which occurred between the 30th of October when you made that decision to run and the 16th of December apart from what you've already told us of the meeting with Councillor Crichlow and other people?-- Sorry, I just don't understand-----

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Between the 30th of October-----?-- I understand the date.

-----2003 and the 16th of December when you met at Quadrant with certain people what of significance occurred so far as your campaign is concerned?-- Well, as I stated before I'd already launched my November newsletter in the local newsletter that was assisted by Councillor Crichlow's journalist, Mr Henry Lack, had - had started to draft up all our - I actually had my business cards printed, several other media, talked about website with personal friends through the college. Just general things like that.

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All right. Nothing else that you want to add, Mr Pforr?-- Not at this point.

Well now, the meeting of the 16th of December 2003, how did that occur? How did you come to go to Quadrant premises on the 16th of December 2003?-- I'd - I'd heard through the grapevine and even that actually Gary Baildon had used Quadrant. I'd heard from a number of people that they were a good campaign - or actually good managing media people - so I made contact with them. I don't know-----

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Sorry, you made contact with who?-- With Quadrant.

With Quadrant?-- I hadn't met Mr Morgan at that point in time, I'd never met him personally, it was only through suggestions that Quadrant were the people to deal with if you - if you want your media work done correctly.

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Right. If you want your media work?-- Media work done correctly.

And that what, includes advertising?-- That's correct.

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And so whose suggestion was it in particular that you speak to Quadrant?-- Look, I can't honestly remember who specifically. There was a number of people suggested that they were the people to deal with.

Do you have a diary?-- I do.

Is there anything in the diary in relation to-----?-- Not-----

-----how you came to go to Quadrant?-- There may be a diary entry in relation to the date that I attended but I can't recall something. I mean, I did submit my diaries. If they're in the diaries I'm quite happy to look at that.

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Well, I take it that in coming along today and having been here during the hearing so far you would have looked at your material to see whether there was anything that you had missed in the information that you'd supplied to the Commission, would that be right?-- I have extensive documentation here, there's a lot of stuff there that I wasn't specifically looking for - for that time.

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You mean you've got a lot of stuff that wasn't provided to the Commission; is that what you mean?-- No, everything I've got here is what I've provided to the Commission.

All right. Well, so, all that you can recall is that someone said you ought to contact Quadrant, they might be able to assist with media or advertising and so you made contact with Quadrant?-- Either myself or my campaign manager. I believe I made contact but I can't be 100 per cent sure on that.

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Your campaign manager being?-- My wife, Liz Pforr.

Well then, you - what, you just turned up on the day, on the 16th of December, or did someone invite you?-- I - I can't remember exactly how I got the invitation but I was told about a date to meet.

By who?-- I can't recall.

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You can't recall? Had you had any contact with Quadrant previously?-- Only to - to make arrangements to - to do our work.

Right. So did you contact Mr Morgan in relation to that after whoever it was who you don't now remember had suggested you contact Quadrant?-- Well, if I did it will be in my documents.

Well, I'm asking you what your recollection is?-- I'm sorry, I can't give you my recollection. I don't know if - I rely heavily on my keeping of records and my diary notes.

Well now, you went to Quadrant, did you know in advance of the meeting who was going to be there?-- No, I wasn't.

Had you spoken to Mr Morgan before going on the 16th of December?-- As I stated before I'm not exactly sure. I would need to refer to my diary and my notes to whether I-----

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Well, do you want to look at your dairy?-- Quite happy to.

Have you got your diary there?-- I do.

All right. Well, open your diary and if there's anything in your diary that assists then please tell us?-- I have the date, December 16th, in front of me. I just have a 5 p.m. Quadrant, that's the only notation.

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All right. So no entry on that date or around that date assists you as to how you came to be there that day?-- Just an address on where to go, North Building, 34 Glenferrie, Robina.

And you didn't know who was going to be there?-- That's correct.

What was it going to be - what were you going there for?-- I believe to assist me with my campaign in relation to media.

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Did you know that there would be others apart from yourself at the meeting before you went there?-- Not - not - not in specifics, no.

What's that mean, not in specifics?-- I wasn't aware of anyone else attending.

So you don't know who spoke to you in order to get you to go? You didn't know who was going to be there. Did you know what it was going to be about?-- No, I assumed I was - and that's why I took my campaign manager. I believed I was meeting with Chris Morgan to talk about our media operation for the campaign-----

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Why would you believe that, that you were going to meet him?-- Well, I believed he was the gentleman in charge of Quadrant.

Right, so you hadn't met him previously?-- No.

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Well, Mr Pforr, it was going to be a meeting about what, your campaign?-- That's correct, and the media that we needed to prepare.

So what about anyone else's campaign apart from yours?-- I had no knowledge of anyone else's campaign.

So you went along without any idea who was going to be present, apart from yourself?-- That's correct.

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Did you believe that only you were going to be there?-- That's why I took my campaign manager.

So when you arrived, who else was there?-- Councillor Power, Councillor Robbins.

Yes, they were already there when you got there?-- I think Councillor Robbins was in the carpark when I arrived.

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Yes, so-----?-- She didn't know who I was at that point.

Right, so you introduced yourself, did you?-- I just said hello. She didn't really know who I was until - I didn't realise who - who she was, that she was attending that meeting and it was only when I went into the foyer she was there as well.

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Right?-- I was still getting my documentation out of the car when she was on her way to the office.

So did you say, "Well, why are you here, what are you doing here"?-- I didn't know her, I wasn't introduced to her in the foyer.

Did you know who she was?-- I had seen her face in the media.

Right, so did you know her as-----?-- Not personally.

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Did you know her as a candidate?-- I knew her as a councillor.

As a councillor, so you didn't-----?-- Only through the media.

All right, so there was no conversation downstairs at all between you and her as to what you were doing there and what she was doing there?-- Well, I - to remember back, I don't even think she was in the foyer when I walked in the door. She may have already been - had gone in.

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All right. So Mr Power was there when you got there?-- No.

So you and Councillor Robbins were the first there?-- My wife and I - I believe that my wife and I were the first there because I wasn't aware that Councillor Robbins was already in the building.

Any rate when you went up to the relevant floor, tell us what happened?-- Just walked into the reception, acknowledged that I was - my wife and myself were there, there to see Quadrant, and they subsequently made us sit down.

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Right, and then?-- We sat there for some time before we were actually - I believe possibly Mr Morgan's assistant came out and introduced herself.

Yes, who was that?-- Her name's Morgan, I think it's Dana or something to that effect.

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Yes, so still you were of the view that you're there in relation to your campaign business and only yours?-- That's correct.

Right, so tell us what happened then?-- We came in and sat down in the boardroom and I believe Councillor Robbins was inside at the time.

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Well, so did you have a yarn to her about why she was there, what she was-----?-- Just introduced ourselves and just some general chit-chat.

Right, so did you ask her, "What are you doing here? I'm here for my campaign, I want to speak to Mr Morgan about advertising and so on, what are you doing here?"?-- I didn't ask her that question.

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You didn't? Well, why's that? What was she doing there? Didn't you find that out?-- No.

Weren't you interested in that?-- No.

Okay, well, just go on and tell us how things developed at this meeting?-- I can't remember exactly who turned up next. I believe Brian Rowe may have turned up next, on his own.

Right, well, you knew Mr Rowe?-- Yes, I did.

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How well did you know Mr Rowe?-- My children went to his college.

Right?-- As - as the headmaster of the school.

So presumably you swapped pleasantries with Mr Rowe?-- That's correct.

Did you ask him why he was there?-- Yes.

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And did he tell you?-- Yes.

And why was he there?-- He was here to work on his - on his media work.

Right, so had it - had the penny dropped by now that there was going to be a number of people who were there for the same reason you were there?-- Oh, yes.

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But still you didn't speak to Councillor Robbins about it?-- No, look, there - I think Mr Morgan came in the room at some stage. He introduced himself, spoke to Councillor Robbins at some time, walked out of the room again. There was lots of movement in and out with papers, discussions. It was all general, light-hearted stuff at this point in time.

Right. Tell us who ended up at this meeting apart from yourself, your wife, the Quadrant people and Mr Power and Mr Rowe?-- There was Mr Greg Betts, there was Ms Roxanne Scott. At some stage Councillor Power arrived, also - and I think Councillor Shepherd arrived late.

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Shepherd, yes, what about Mr Molhoek, was he there?-- Yes, he was.

All right, anyone else that you can remember?-- No, that was all I believe who attended.

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So there were about - there were eight people including yourself who were there who were candidates at the forthcoming election?-- Well, we obviously found out that they were candidates, yes.

Well, how did you do that? That's what I'm trying to discover, you know, what went on at this meeting? You went there thinking it was just going to be in relation to your own matter only to discover one person, then two, then three, then four. Eventually eight people turned up. Could you just tell us, please-----?-- Well, look, I can't understand or wish to fathom why Quadrant invited those people there.

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Well, did you-----?-- I assumed - I assumed that they were invited to - for obvious reasons it was simple to deal with all these people. These people must have contacted them like myself to inquire about assistance.

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Didn't you think that it might be appropriate to ask what you were all doing there at the one time?-- Well, I think that transpired by Mr Morgan opening the meeting.

All right. We'll go into that. How long were you there for?-- I suspect until about nearly 8 p.m.

So about three hours?-- Yes, it wasn't all to do with the meeting. We actually, towards the end after a lot of - nearly all of them had left, there was only Brian Rowe and Rob Molhoek and myself and my wife and Mr Morgan left, just chatting generally.

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Right?-- Particularly Brian Rowe and Rob Molhoek were having a lengthy discussion.

Brian Rowe and Mr Molhoek?-- That's correct.

All right. Well, how long would you estimate that all eight of you, along with the Quadrant people were present at this meeting for?-- I suspect about just over an hour to an hour and a half, in the best of my knowledge.

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Now, what was discussed at the meeting and by whom?-- Mr Morgan had an agenda item. He didn't hand that out until later. He just talked about how not to and how to run a campaign.

Right. And - what the do's and don't of running a campaign?-- That's correct.

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Well, did he say why this particular eight group of people were there rather than another group of people?-- No, I don't believe he led to that.

Well, it must have seemed a good question for you to ask as to "Why are we here and not someone else?"-- My wife and I came along to listen to see what was being discussed in relation to our assistance to our media campaign and we possibly both looked at each other and talked amongst ourselves and just sat and listened and were prepared to listen how the meeting transpired.

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At some stage it must have come into your mind as to, "What are we, this particular group of people, doing here? Why us? Why not some other group?"-- No, I don't believe so.

So you just thought that it was because Quadrant decided that this particular group of people should be there?-- My initial reaction was that we were there. Quadrant called us into - they were obviously working for a number of candidates, a number of councillors and it was simple to address the whole meeting as one.

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Right. So this you believe was the totality of the candidates that Quadrant were assisting?-- That's correct.

And that was the reason why they called you together at the one time?-- That's correct.

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All right. Now, you say that you received the do's and don'ts of this campaign before this document was produced. Is there anything that you can recall about what was said?-- Just there was a common theme that - the misbehaviour of council. The dissatisfaction of the community in general.

Right?-- Just along those lines.

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The misbehaviour of council and the dissatisfaction of the community, what?-- Not making decisions, not getting the infrastructure that we require on the Gold Coast, just things like that.

What - so, these were advertising people, so presumably they're telling you, "Well, this is what the problem is. This is the way it's perceived by electors and this is what we need to address", or something to that effect. Is that how it went?-- I always believed that would be a fairly accurate assumption.

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Was any literature handed out at this meeting?-- They went round the room generally asking us what we had done to date and yes, there was some literature produced by Roxanne Scott and by Rob Molhoek. We had our own literature including our - some of our drafts on how our - how to vote cards and things like that.

Right?-- And business cards and how we wanted to run out news items, given that Councillor Crichlow and Henry Lack had offered those up front, and we'd already put those out in the arena,

Right. Now, this document that you say was produced at some stage, but not at the beginning, how long after the discussion had started or Mr Morgan had started speaking did he produce this document?-- Look, I can't remember exactly, but it would have come in not - it wasn't on the table. It came in a little bit later and it would have been brought in by one of his staff.

10

Brought it? You mean brought into the room?-- Yes.

Right. And - what? Was it handed around, put up on some visualiser or what?-- Just handed around.

Handed around? And he spoke to it?-- Well, actually I don't think we put that much attention to it. We were just generally talking about around one on one what you've done - what you've done so far and your lead-in to the campaign.

20

So - what? He went around this group of eight people there one by one asking them what they had done up until then?-- Well, I don't know whether there was eight candidates there. There was a mix of the councillors and the candidates. I believe he only handed it out to the candidates. To the candidates?-- That's correct.

30

All right. So the only people - that's your recollection anyway?-- That's my recollection.

So they didn't - that is existing councillors didn't need it. When it was produced you can't remember anything in particular being said about the document; is that-----?-- It was just looked at. We all just flicked that - over at it. Well, I flicked over at it. Didn't take much attention and assumed that was a strategy and left it at that.

40

A strategy? Let's - would you just have a look at Exhibit 14, please? Now, is that the document to which you refer?-- Yes, it is and I have a copy of it my file.

Right?-- That was given to the Commission.

So you - it was handed around and you looked at it?-- That's correct.

50

And the first page of the document - it's dated the 16th of December 2004 by the way, that was incorrect obviously - it was the 16th of December 2003 that this occurred?-- That's what appears in my diary, yes, that's correct.

Did anyone say anything about that, hey, you've got the wrong year on this?-- That's how much attention I paid to it and normally I do pay particular attention to that sort of detail.

Mr Pforr, did you ever read this document and if so, when?-- I glanced over it. I didn't read it in depth.

Well, you wouldn't have had to glance much over the document to see the first objective stated as being, "To achieve consensus among a select group of councillors and candidates that acknowledge public concern on five key issues that are top of mine across all divisions and most importantly to promote a desire on the part of this group to jointly work together to achieve prompt cost effective solutions." Did you read that much?-- No.

You didn't?-- No. I went down it, I took the first five listed items; objectives, strategies, consensus, resources and next action. I looked at that, flicked over it and just filed it for later advice.

Mr Pforr, did you at any stage read that bullet point?-- No, I didn't.

Never?-- Not in - in its full context, no, I didn't.

What, until after the election?-- No, till I went home later on.

Oh, when you went home you read it?-- Yes. But not at that meeting. I didn't pay much attention to this document at all.

So-----?-- Because there was a lot of conversation going on.

Is it a waste of my time taking you through this in any more detail because you - will you have the same answer for me that you didn't read any part of this document?-- That's correct.

So can I ask you this, did anyone say that the reason that you are being brought here is - not necessarily exactly like this but to this effect - to achieve a consensus among this group of candidates that acknowledge public concern on a number of key issues; anything like that?-- No, I don't think that would be correct.

Did anyone say that this group had been brought together to agree on adopting a joint commonsense approach to solutions or anything to that effect?-- Commonsense solutions were mentioned by a number of candidates across the board. The Virgin Army used it quite regularly in their documentation.

Mr Pforr, we are asking - we're speaking about the meeting at Quadrant on the 16th of December 2003. Did anyone say anything like that at that meeting?-- I believe someone may have said a commonsense approach to - to issues in relation to Council and where - where the Gold Coast was heading.

According to one of the - I appreciate you saying you didn't read it - but according to one of the strategies in this document is an agreed media position - if you go to page 2 under Strategy, penultimate - paragraph 3 there - an agreed

media position once awareness of this resource for "campaign for commonsense in Council" working title becomes public et cetera. Now, did anyone say look, this is - this group has been brought together because we want you - or this effect - we want you to campaign, each of you, on a campaign for commonsense in Council, anything like that?-- Well, as I said to you I didn't read the document.

1

Okay. So-----?-- There was discussion on commonsense, yes.

10

Right?-- And everything else that I explained to you in relation to Council issues.

So there was a discussion on commonsense, did you understand that this group of candidates and Councillors were going to campaign on a theme which had commonsense in Council as a major item?-- No, I believe we were a group of individuals who just happened to be in a room called at the same time.

Right. Anything else that you can remember that was said at the - during the course of this meeting?-- Only that there may be another meeting.

20

There may be another meeting. But it must have occurred to you by the time that the end of the meeting came that this group of candidates were going to be a group who would campaign on similar issues, would that be correct?-- That may be your assumption but I didn't take it that way.

You didn't. Not at all?-- No.

30

So you didn't think that this group of people, the eight people who had been called to this meeting, were being asked to campaign according to a common theme?-- No, I think it was quite clearly stated that you're individuals here, you must be independent.

You remember that being said?-- Yes, I do.

Who said that?-- I think Councillor Robbins said that.

40

Councillor Robbins?-- Councillor Robbins-----

What does he say?-- Councillor Robbins had most of the floor for most of the time.

Right. After Mr Morgan or-----?-- Yes.

What about Mr Power?-- Mr Power had some comment and I - I'm fairly confident that Councillor Shepherd arrived late.

50

So Councillor Robbins referred to independence - what, the importance of being independent? In what context, the importance of being-----?-- Being individual more than independent.

Being individual?-- Yep.

Well, that doesn't say a lot, does it? Why was that being said? Did you say what are you saying that for, of course we're going to be individual, what's that mean?-- I had no idea what it meant. All I was happy with was that I was a very independent individual that had my own thoughts and views on why I wanted to stand for Council.

1

What are you doing at a meeting of eight people?-- I didn't understand that I was going to be at a meeting with eight people. I was attending the meeting with my wife and someone from Quadrant.

10

The document that you say that you took from the meeting and took home you then did read, is that correct?-- I wouldn't have read it. Probably took it as a way to run a campaign.

Away to run a campaign. Now how long after the end of this meeting would you have read it, would it have been that night or within a day or so? What's your recollection, Mr Pforr?-- Oh, look, I honestly don't know.

20

No idea?-- I didn't much attention to it because we'd already - my wife and I had already set our own strategies. We'd already started are our own media work. I felt this was just Quadrant. We were using them as a vessel to make sure we had professional media assistance.

Now, Mr Pforr, is this the only document that you took away from the meeting?-- No. I believe I have another document that I took to individual meetings that I had at Quadrant-----

30

Yes?-- -----with my wife and myself-----

Right. You-----?-- -----with issues and I've included them in my dossier.

Yes, that you took away from that meeting; is that what you mean?-- Oh, look, I may have taken drafts away of documentation or stuff that they were preparing for us.

40

Can you identify what that material was that you took away from meeting apart from Exhibit 14 or a copy of Exhibit 14?-- Looks, there's nothing that I can put my hand on here but there's plenty of stuff in my documentation including my emails. There's a lot of relevant stuff that's just dealing with exactly that - what I've spoken about. About the print media, how we were going to run the issues there and that's all compiled in here, in emails that I got on a hard copy.

I may have misunderstood your evidence; the record will make that clear, but I rather understood that you had said earlier to me that you did look at this document when you went home?-- That's correct, I would have looked at it but at what extent and detail I looked at it in given - in light that we'd already planned our strategy, I took it as another document. I had - I think if I go through my files, I will find to have another - a number of strategies that were given to me by a number of people that - you know, have been successful.

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Well, what I want to return to then is, when, if at all, up until the election on the 27th of March 2004, did you come to be aware that this group of candidates were intended to be part of a consensus that acknowledged public concern on five key issues that are top of mind across all divisions-----

MR NYST: Well, Mr Chairman, that presupposes the fact and that doesn't - hasn't been established at all in the questioning of this witness or any witnesses. My friend is asking the question based on what's contained in the objective document apparently prepared by somebody who hasn't given evidence as yet and tabled by his staff. The question was on the basis of, "When did you become aware that this was a group intended to achieve a consensus amongst a select group of councillors?" Now that-----

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CHAIRMAN: All right, well, that could be worded slightly differently, thanks, Mr Mulholland.

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MR MULHOLLAND: Yes. Mr Pforr, when did you become aware that this document had as one of its objectives, that is to say the document that you had received as one of eight candidates at a meeting at Quadrant to achieve consensus among a select group of councillors and candidates that acknowledged public concern on five key issues at a top of mind across all divisions? When did you become aware of that, if at all?-- Well, I don't know what weight you're putting on that but I understand as a-----

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Mr Pforr, before you answer the question address yourself to the question that I am asking and no other question. The question is when, if at all, did you become aware that in the document that you had received at this meeting involving eight people, that in that document the first dot point as an objective is stated to be to achieve consensus among a select group of councillors and candidates that acknowledge public concern on five key issues at a top of mind across all divisions? Now do you understand the question?-- I think I understand the question.

40

Would you answer the question please?-- The objectives; as I said I didn't take much note to the weight of this document. Five key issues; I took that as a strategy from - from immediate people who were advising us on what points to deal with when you're dealing with the public.

Did you at any stage prior to the election of the 27th March 2004 become aware that in this document was this statement "to achieve consensus among a select group of councillors and candidates that acknowledge public concern on five key issues at a top of mind across all divisions"?-- I didn't give it much weight. It was five key issues that I felt that the strategies that you needed to deal with.

50

Did you read that?-- I read the document but I didn't put the weight on it-----

Did you read that sentence?-- I would have read it, I didn't put any weight on it.

1

Put no weight on it, so you read it but you didn't put any weight on it. Did you read it on or about the 16th December 2003?-- As I stated before, it was a document that was put in front of me. I took it away with us, I read it - looked at it as in the five points, didn't read the actual notation, may have referred to it later on, didn't read it to the extent that you're implying.

10

Did you ever see in this document campaign or commonsense in Council? Did you ever see that under strategies-----?-- Oh, that-----

Campaign for commonsense in Council?-- Campaign for commonsense was discussed in - in brief at the meeting. We - we had a lot of dialogue. There was no - I hardly even looked at this document at the 16th December's meeting, because of the - I wanted to focus on what as being discussed at the meeting.

20

Did you ever understand that you, along with the seven others who were at this meeting on the 16th December 2003, were united in the fact that you would campaign according to a commonsense approach to solutions for council?-- Well, I - I'm sorry, the only common denominator I can see is the fact that we were all using Quadrant.

Now did you raise at this first meeting at Quadrant any question of funding?-- No, I didn't.

30

Did anyone else raise any question at funding?-- Not to my knowledge.

So no-one suggested that there would be an attempt to gather funds from people in the community, perhaps in the business community, anything like that?-- I believe that was discussed at the second meeting.

40

Right, nothing at the first meeting?-- Not to my recollection.

Well-----?-- I attend - I attended that meeting on the understanding that I had budgeted my own money and I had no aspirations of receiving any funds. I had allocated money from my own account to run my campaign.

Was anything said at this first meeting to suggest that there might be funding available to assist you in relation to any advertising, for example?-- I believe that came up at the second meeting.

50

So nothing said at the first meeting to your recollection?-- To my recollection, no.

And no question was asked about it?-- No, not to my recollection.

CHAIRMAN: Did you ask at any stage as to what fees they would charge to assist you?-- Yes, in a - in a brief-----

1

At that first meeting?-- At the first meeting there was some discussion on - on fees and I-----

That's at the 16th December?-- After, when we were still back with Mr Morgan.

On the 16th December?-- On the 16th we discussed about what fees.

10

All right, so there was talk about that?-- What we would be charged, the individual.

And what did he say?-- I can't remember from - what the actual cost. He said he would get a spreadsheet out and the costs would be relative to the industry.

Right, but you say you'd budgeted your own money, how did you know what budget you would need and what checking did you do with him to see whether the costs that he was going to charge you would fit within the budget that you had?-- I didn't know exactly whether it would fit, I just put some figures and I'm sure it's in here, my initial budget, of what I allowed for media and other issues and I would've asked him to tailor it to - to my budget.

20

No, I don't think we want you to tell us what you would've done; we want you to tell us what you did. Now did you ask him to tailor it to your budget?-- I would have.

30

No, no, not what you would've done, what you did do. Did you ask him or did you not ask him or can't you remember?-- Well, I can't remember exactly - exactly whether I did to that degree.

Can I warn you with this, it's very dangerous to say "I would have done something". That's what we refer back to as just reconstructing events for what we assume now we would have done, and that can be fairly dangerous because it might have happened or it might not. I'd prefer you to tell us what you did that you can remember, and if you can't remember well, you'll have to tell us?-- Okay.

40

Don't just try and reconstruct what you would have done?-- I understand, Mr Chairman.

Okay, thank you.

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MR MULHOLLAND: Well, now, are you therefore - in saying that in answer to those questions by the Chairman, are you saying that the only discussion in relation to the payment of Quadrant was any fees that would have to be paid by you individually?-- I'd already outlaid money already since October.

Right, but in relation to any fees that were going to go to Quadrant. If you were going to use the services of Quadrant you'd have to pay Quadrant, wouldn't you?-- That's correct.

1

Right?-- And I - I was quite happy to do so myself.

Okay, so there was some talk about that, what the fee arrangement might be for any services you had from Quadrant, is that correct?-- There was some discussion on the fee but actual amounts would come later.

10

Right, but it was on the basis that you would be paying for-----?-- That's correct.

-----the fees. No suggestion that it was going to come out of a fund or anything like that?-- Not in - not at all in my - at the 16th meeting and the only discussion of a wish list was at the 8th January.

Right, well, we'll come to the 8th January. Is there anything else that you can recall happening at that meeting of the 16th December 2003 of significance so far as your campaign was concerned?-- That we were on the right track.

20

What track was that?-- That the - the print that we were working, my wife had detailed a number of outlines and how we were going to tackle it, particularly to door-knocking, just reinforced from hearing around the room from the Councillors that had attended that doorknocking was the secret to the campaign.

30

Were you campaigning on commonsense in Council prior to the 16th December 2003?-- Similar - similar words but not the word "commonsense".

Is there any document that you can point to us that you had prepared prior to the 16th December which had that at its theme, Commonsense in Council"?-- The only probably document that was out in the public would've been the November newsletter and I can certainly refer to that to see whether it's referenced to commonsense, or similar - similar words.

40

Right, well, you might check that in the break-----?-- Yes.

-----and I'll come back to it?-- Certainly.

After the adjournment at lunchtime. Well, now is there anything of significance so far as your campaign is concerned that occurred between that meeting and the next meeting at Quadrant?

50

CHAIRMAN: Mr Mulholland, if you're moving on from that meeting, I can just ask a couple of questions before you do. You've indicated your knowledge of some of the people at that meeting prior to that time; like you've said you knew Brian Rowe before that meeting?-- I'd known Brian for some time.

And you said Councillor Robbins, you knew she was a councillor

from seeing her photo in the media but you hadn't met her before that meeting?-- Not - not formally.

1

Councillor Shepherd, had you met him before?-- No, I hadn't, only again Councillor Shepherd in the media.

Right, and Councillor Power, had you met him before?-- I had met Councillor Power in my - some years ago in relation to a youth facility at Coomera that I was setting and he was the provisional councillor.

10

Some years ago, when was that?-- About 1998 I think.

I see, and had you had any dealings with him between 1998 and that meeting on the 16th-----?-- Only through - only through, sorry-----

At the meeting of the 16th December 2003?-- Most of my discussions with Councillor Power were through the youth facility that was being set up at Coomera, as he was the divisional councillor.

20

Right?-- Councillor Power did not - was not aware in 2004 that I was standing when I announced in October. He had - he or his secretary had mooted it in 2000 but I dismissed that.

Okay, well, can we take it from the time when you announced it in October? From that time through to the meeting of the 16th December did you have any contact, any dealings with personally or phone or email or any way with Councillor Power?-- I would have and I would have to refer to my diary to - to my full recollection of any of those.

30

Well, you say you "would have" what would that contact have been about?-- Generally, it would have been - it would be continuing on what we're doing out at the youth facility 'cause it just took up a lot of our time around that time.

In October 2003?-- That's correct.

40

The one that was set up in '98?-- That's correct. This has been nearly five to six years in the making.

And how much contact would you have had with Councillor Power then at that time, October, November, December up to-----?-- In October, November-----

Up to the meeting on the 16th December?-- Not - not a great detail, not a great number of contacts in relation to the election. I can't verify how much in relation to the youth centre but I'm sure anything that I would have-----

50

Hang on. Let's take those one at a time. You said not a great deal of contact in relation to the election. What contact if any then did you have with him in that period of time in relation to the election?-- I do not know. I'll have to check my diary.

1

You can't recall whether you had any contact with him in relation to the election?-- Look, often I sent him emails in relation to the water sports, I can't give you specifics-----

No, no. The election, the election?-- I understand that. I can't give you specifics on the election.

All right?-- I would have to check my diary notes between October and December.

10

Okay. Well, in relation to anything else did you have contact with him in October, November, up to the meeting in December?-- Well, I would have in relation to meetings that were being held on a monthly basis. He was an ex officio - a non-voting ex officio of a club being the divisional Councillor-----

How often would you have contact with him?-- Look-----

20

Once a month, once-----?-- -----he was very hard to get hold of. Contact was usually through his PA, sometimes he may not respond for a month on an initial - and he did a lot of follow-up.

All right. Okay. Have you got your diary there?-- Yeah - yes, I do.

Can you open it to the 5th of November?-- Sorry, the 5th of November?

30

2003?-- Yes, Mr Chairman.

On the 5th the first item there seems to be, "Ring Councillor Power"?-- That's correct.

Can you recall now what that was about?-- It says, "Ring Councillor Power, ring Councillor Rickard, ring Councillor Crichlow."

40

Yes. Ring Lex - could be Lex Bell?-- Ring Lex - that's correct.

So that seems to be people that you've indicated, Rickard, Dawn Crichlow, Lex Bell, people that you were ringing to advise them that you were standing and to get their advice about the election?-- I would have rung them to let them know obviously there'd been the media launch-----

Yes?-- -----media acknowledgement on the 30th of October.

50

It tends to suggest that then you also rang Councillor Power perhaps to tell him the same as you were telling the others?-- That I was standing?

Yes?-- Yes. It does suggest that.

Can you remember doing that now?-- Whether I spoke to him is another thing. I can't specifically remember whether I spoke to him, it would have been either through his PA.

1

All right. But he was one that you were wanting to ring and let know that you were standing?-- They were notations that these are people that I need to contact.

Okay. All right. Well, go over to November the 25th. There's a note there at about the 10 o'clock, Councillor Power, that seems to be a note that you have about Jabiru - does that-----?-- That would be independent - if you notice there's a line under it - you know, I'm a builder, Mr Chairman, I scribble a lot of the time.

10

Okay. No, I take your point. There's a line under it, that makes it separate from-----?-- That's correct.

-----the Jabiru note, sure. Okay. Can you recall what your contact, if any, or what the purpose of that note was on that day?-- This would have been in relation to I suspect, given that it's - John Ashton, Liz for ASF, would have been to do with possibly the ASF funding campaign or the building itself at the youth centre, the water sports facility.

20

There is a note on that same page about Kay Elsen who you told us you rang about the election?-- Yes.

And there's a Ray Stevens there, presumably that's the ex-Mayor of the Albert Shire Council?-- That's correct. I don't - can't recall what Ray Stevens was about but I'm often - I often speak to Kay Elsen. I notice the ASF bank account number's there. I suspect it's to do with contacting Kay because the ASF - we were probably looking for letters of support for-----

30

ASF is?-- Australian Sports Foundation.

Right. Okay. Well, over the page then, the 26th of November. Do you see just below Noon you've got Donna and then Councillor Power, possible conflict of interest and then-----?-- That would have been in relation to the water sports board meeting.

40

Okay. And then at 4 p.m. there's next Wednesday and then in brackets 13th David Power?-- I may have wanted - wished to have a meeting with him over the water sports club.

All right. And then the 2nd of December, you've got an asterisk in the 3 p.m. line and you've got Councillor Power and beside that 2.20 p.m. suggesting perhaps a meeting with him at 2.20 p.m.?-- That's correct. There would have been a meeting with him. I can't recall-----

50

Can you remember what that meeting was about?-- Looking at the notation - no, look, I can't Mr Chairman, there's a mixed messages there, it's in relation to the water sports facility,

there's other messages there in relation to Jabiru. It doesn't - it doesn't line up.

1

Well, we know from the earlier one you told us that he was down on your list of people to ring - that you were ringing to tell about your nomination for Council?-- That's correct.

Can we take it that either on the phone or at that meeting that you would have told him, Councillor Power, that you were intending or you had announced your nomination for Council?-- I think he was aware from the 30th of October but I would have rung him just to confer that.

10

Did that - does that assist you as to how you came to the meeting on the 16th at Quadrant?-- Not - not in any particular way.

All right. Yes, thank you, Mr Mulholland.

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MR MULHOLLAND: Thank you, Mr Chairman. Just in relation to Mr Power, in your schedule to your statement - one of the schedules - you state in relation to Mr Power - this is in 4(2)(a) - "David Power, I met him for the first time in then headmaster Brian Rowe's office wanting to set up a community rowing facility at or around Coomera. I had a site targeted with developments of this facility grown over time until present day. Councillor Power suggested that one day I should stand for Council (in 2000). Other political figures also suggested I run although I decided not to until 2004 local elections. Councillor Power would not have been aware of my intended candidacy for the 2004 election until it was announced in the Gold Coast Bulletin. I did, however, have meetings with other political figures." And you've told us about that. I've read that from your letter. Councillor Power then you go on to say was at that meeting on the 16th of December. Apart from that, I've already read to you the passage of your letter to the CMC of the 21st of August 2005 where after referring to the announcement of the - of your intention to run in the Bulletin on the 30th of October 2003 you go on to refer to having contact with the Councillor and Deputy Mayor Alan Rickard as he was at the time and the - and the other people that you mention there. I read that out to you. Is there any reason, Mr Pforr, why you did not explain in more detail contact with Mr Power - that is, in your schedule or your letter?-- I - sorry.

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40

Why for example wouldn't you include Mr - why wouldn't you include at that point reference to Mr Power in your letter?-- This-----

50

"During the campaign I made contact with the then sitting Councillor and Deputy Mayor Alan Rickard." Why not mention-----?-- Well, this was a cover letter-----

Yes?-- -----that was going with my schedule.

Yes?-- And I didn't think the question in relation to the schedule invited Mr Rickard to being mentioned or any of those other people so it was basically as supplementary to my schedule.

1

You had had contact with Mr Power apparently prior to 2000 anyway?-- About 1998.

Yes. Was he a friend of yours?-- No, he wasn't.

10

Were any of the people who were at the meeting on the 16th of December 2003 friends of yours?-- My perception of friend is different to an associate. I have very few friends and my friends are friends.

Right. Okay. So there were no friends there?-- Friends that I can trust with my life, my-----

Although your wife was there?-- That's correct.

20

But apart from your wife there were no friends there at this meeting?-- No.

These were people who you had-----?-- Associates.

These are associates all connected in the sense that you were interested in the forthcoming election?-- I wasn't aware that I was being called to that meeting on the 16th of December-----

30

No, but-----?-- -----December. Those people were there.

Right. But you became aware that that's why you were there. You all had the common interest of being interested in the election. You were going to run for that election?-- That's correct.

Now-----

CHAIRMAN: Mr Mulholland, again I'm sorry to interrupt, but before you go away from the meeting of the 16th, perhaps you should draw Mr Pforr's attention to the comments at the first paragraph of his schedule about Molhoek? Just to get his comment on that, because it seems inconsistent with something he has already said today.

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WITNESS: Sorry, Mr Chairman, are you talking Councillor Mulhoek's-----

MR MULHOLLAND: Yes. If you go to your schedule dealing with Robert Mulhoek would you go to A?-- Yes, I have it.

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All right. And we'll just read it. "I first me" - well, you read it to us?-- I "first met Robert Molhoek at Quadrant meeting on 16th of December as then a candidate for Division 4. At this meeting he was very enthusiastic as to the possibility of receiving funding and in the possibility of us working together as our elected - electors or divisions have

shared boundaries. He spoke to me in regards to the possibility of sharing space together with - at Harbour Town Centre-----

1

You needn't go on. You needn't go on. Well, does that job your memory in relation to there being a discussion of funding?-- Not from this campaign. He was talking about his campaign and him receiving funding.

Receiving funding from whom?-- From - he'd obviously been started. He had a campaign group organised and he was receiving funding and he was excited about it.

10

And "in the possibility of us working together as our electorates or divisions had shared boundaries"?-- He then went on to suggest that we could work together, yes.

All right. So the only thing then in relation to funding that you understood, he was enthusiastic as to the possibilities of receiving funding, but that was - what?-- In relation to his current campaign. It had - it was my strong recollection there was no funding being offered at that first meeting. It was the second meeting.

20

Yes, but we're interested in what you mean by when you say that he was enthusiastic as to the possibilities of receiving funding. In what context? Enthusiastic - from whom?-- Well, he's a pretty enthusiastic guy. He didn't specifically give me details.

30

Well, what did he say? "I'm very enthusiastic about receiving funding"?-- He was very enthusiastic about the whole campaign and he talked quite openly about how he intended receiving funding.

Right. What did he say?-- Look, I can't recall exactly, but he - in specifics-----

To what effect?-- That he had a very good campaign group organised. In particular around some of the supporting in the churches' organisations.

40

Right. So the only reference to funding was that he had already organised his funding or something to that effect?-- I believe so, yes.

And he was enthusiastic about getting - what, good support?-- Well, he believed he had very good support.

And was that-----

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CHAIRMAN: Why did you think that was relevant to write in your comment about Robert Molhoek in your comment to the CMC?-- Mr Chairman, I just honestly believe that the way he presented himself he was very "out there", very loud. He was very confident. I felt that he had a large support group across the coast.

Yes, but you haven't - you didn't say any of those things. You just limited your comment to the fact that he was enthusiastic about receiving funding. Why - what was it about that comment that made you pick it out as the sole one to incorporate in your reply to the CMC?-- Well, it wasn't specific to receive funding from the then - from the now Lionel Barden Trust. It had nothing to do with that.

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Yes, but why did you then refer to it and pick it out as the one thing that you say he was enthusiastic about, because now you say that he was enthusiastic about everything? It just seems strange to me, I must say?-- Well, I'm sorry. It wasn't intended that way, Mr Chairman.

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Because Mr Molhoek was taken to that comment and he took it that you were referring to the - his enthusiasm to what he'd said was an offer made at that meeting that funding would be available through Quadrant?-- I'm sorry, Mr Chairman, I still - my recollection was there was no discussion of funding at that first meeting. Now, whether there was or not I was trying to focus on - there was a lot of chat around the room-----

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Right?-- Across chat. There were some arguments-----

Well, when you read this document, Exhibit 14, when you went home, did you wonder what was put in there? It was talking about some - in the fourth dot point under "Objectives" that one of the objectives was to develop a resource of management and marketing expertise which would presumably be Quadrant. Did you take that to be Quadrant?-- Oh, as I say, Mr Chairman, I didn't pay that much attention to reading the document in depth.

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Well, that's not what I asked. Did you take that to refer to Quadrant when you did read it or did you just not even think what it meant?-- They were the - I would have, yes.

Plus funding. So "To develop a resource of management and marketing expertise plus funding that individual candidates can access as required to complement their own campaign committee structures". What did you think when you read that?-- Plus funding, marketing and expertise. I assumed that they were talking about how you can generate funding within your own campaign.

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But that's the objectives of what was presented at this meeting. All right. Then over the page, under The Resource, "The extent of the Resource" - with a capital R - "will naturally depend on the size of the funding achieved." Again, did you take that as being your own Resource - with a capital R - referring to the funding that you achieved on your part?-- I took it as my own, yes.

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Yes, all right. Thank you. Thank you, Mr Mulholland.

MR MULHOLLAND: Mr Pforr, you don't want to think some further about that before you maintain that answer - or those answers

- to the Chairman, do you?-- No, I'm quite happy with my recollection at the present time to the best of my knowledge.

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So that refers to the individual's funding?-- Very much so. The individuals that attended the meeting.

Nothing to do with funding provided to the group?-- As I stated before my - to my best recollection the funding was not discussed at the first meeting. That's how I remember it.

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Now, there was a further meeting on the 8th of January 2004?-- That's correct.

And do you have any reference to that in your diary? Tell us in relation to this meeting of the 8th of January-----

CHAIRMAN: I'm sorry, Mr Mulholland, to keep interrupting you, it's not something I like to do but-----

MR MULHOLLAND: I'm used to it.

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CHAIRMAN: I'm sure it occurs all the time but just in the schedule, your schedule, if you go to (g) which is Mandra Pty Ltd trading as Quadrant - I'm sorry, it's all right, that's the second meeting. Okay. You can go on to the second meeting. You're right.

MR MULHOLLAND: Now, I don't want to confuse you here, Mr Pforr, I'm asking you to look at your diary, what I'm going to ask you however is this, what was the lead-up to this meeting on the 8th of December - that is, how was it arranged, how were you informed that there was to be a meeting and so on - sorry, 8th of January 2004?-- It doesn't appear, looking quickly - and as I said I apologise for the mess of my writing because being a builder - I would need to refer to correspondence probably through emails to Quadrant.

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All right. Well, we'll come - we'll come to any emails. I'm just dealing at the moment with what your recollection is. Now, having sat here during - you have been sitting here during the course of the hearing to date, haven't you?-- That's correct.

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Right. What occurred between the meeting of the 16th of December 2003 and the 8th of January 2004 of any significance to your campaign - what occurred in the interval?-- Look, I'd again have to refer to my diary and my emails-----

What's your recollection?-- My best recollection is from the 16th of December, obviously around Christmas time, we didn't do any door knocking, we would have been preparing possibly websites, continuing with newsletter items to go out into the print media, all done as I said by my campaign manager and referred through to emails to Quadrant for checking and their professional opinion.

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This is what you say in your schedule as part of 4(i)(g), final paragraph, "The second group meeting was at their

premises"-----?-- Sorry, can I just get that - it's in relation to?

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Yes. 4(i)(g), third paragraph, last photograph on the page?-- I've got a 4(ii)(g).

This is under the heading Mandra Pty Ltd trading as Quadrant?-- I've got it, thank you.

Got it? Just the last paragraph, I'll just read it, "The second group meeting was at their premises" - now, that's Quadrant, isn't it, that you're referring to?-- Excuse me, that's correct.

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"On 8 January 2004 at 8.30 a.m. where we were asked if funding could be found for our campaigns could we supply a campaign wish list"?-- That's correct.

Then you go on. Now, that's all you say-----?-- That's correct, that's all-----

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-----about - well now, in providing this answer to the Commission having wanted your statement in relation to the matter I take it you referred to all relevant records, you tried to refresh your memory as best you could?-- Look, there's an extensive amount of documentation, I mean, I'm quite happy to go through my emails again to refresh my memory.

Mr Pforr, you would have realised that any of these meetings - or these meetings at Quadrant - were of great importance so far as the Commission was concerned?-- I was fully aware of that.

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Right. And so you concentrated on this and this is the best you can do in relation to this meeting, is it?-- Oh look, this - this occurred some time ago. I mean, I - I had to refer to my diary notes and as I've stated before they're very vague in relation to just names, numbers in a - running a campaign out in - there's a lot of things happening and also trying to - to continue on running my business at the same time.

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Yes. Well now, so far as this meeting was concerned on the 8th of January who was present, to your recollection?-- To my recollection there was Mr Rowe, Mr Betts, Mrs Scott, Councillor Power and Councillor Robbins and I believe Councillor Molhoek arrived late.

So Rowe, Betts and Scott and the Councillors you can remember are Robbins?-- Robbins and Power.

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And Power. And who arrived late?-- Molhoek.

All right. So the - at this meeting Mr Shepherd wasn't present?-- That's correct. To my best recollection.

Instead of the eight people present interested in the Council elections there were seven at this meeting according to your

recollection?-- If that's how many they add up to that would be correct.

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What do you recall as to the circumstances under which you came to attend that meeting on the 8th of January?-- It was just an update on where their media stuff was in relation to my campaign.

Were you advised of that by someone from Quadrant?-- I suspect I may have been contacted. I'd again have to check my emails.

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Right. Well, you suspect that you were advised to be there, you wouldn't have just gone along of your own accord, someone must have suggested to you there was going to be a meeting?-- That's correct.

And did you go along in the belief that basically the same people would be there who had been at the 16th of December meeting?-- Well, I suspected that the similar people would be because I think it was - it was touched upon that we would have a second meeting.

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Is there any recollection you have of any contact between you and any of those present at the first meeting in the period between the first meeting and the second meeting?-- I would have had contact from Councillor Robbins. She became - she rang me quite regularly on Sundays. My - again, I'd have to refer to my documentation. I would have had discussions with Councillor Power over a number of issues in relation to the youth facility as well as how to run a campaign.

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Is there any discussion that you had with anyone who had been present at the first meeting about what had occurred at the first meeting and its implications for your campaign before the second meeting?-- I don't believe I made contact with Betts, Rowe, Scott. I may - had - I had no contact with Shepherd or any other councillor other than - and possibly Robbins. Robbins would've been my best contact. She flicked through a how-to-vote disclosure form, several other bits and pieces and just general chit-chat.

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Well, just so far as seeing you've mentioned her a couple of times, go to 4(2)(f) where you refer to Sue Robbins. Under that subheading, you say - have you found that?-- Yes, I have.

"I met Sue Robbins at a meeting held at Quadrant on 16th December 2003. Sue Robbins rang me quite regularly to offer general advice on how to run a successful campaign; e.g. have two people door-knocking, one on either side of the street, and she also gave me a copy of her postal votes as a guide. She offered for me to ring her at any stage. Money was never discussed with her, nor were other candidates." Do you mean with other candidates, money with other candidates, is that what you mean by that? Money was never discussed with her-----?-- She never - she never discussed other candidates with me.

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I see, nor were other candidates?-- Yes.

"My wife did meet her briefly on her suggestion to swap how-to-vote cards for booths with all divisions voting for pre-polling, hers for the southern end of the Gold Coast and mine the northern end." Now that's what you say about her?-- That's correct.

So you may have had such contact with her in that period between the 16th December meeting and the 8th January meeting?-- Yes, I would've.

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Now, and so far as Mr Power was concerned, you might have had contact with him as well?-- Yes, I would've. If there was any correspondence it would either be in my diary note or emails.

Yes?-- I kept - I kept - I nearly keep 100 percent of everything.

Yes. You said in relation to Mr Betts-----?-- Are we on this same document?

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Yes?-- Okay.

Yes. "My first meeting with Greg Betts was at the Quadrant round table meeting held 16 December 2003 as a candidate for Division 12. He may or may not have been in attendance at the meeting on January 8 2005 held by Quadrant, where it was discussed the possibility of financial help and they made a campaign wish list. I had no other contact with Mr Betts prior to the GCCC elections other than a possible phone call." So that's what you said in relation to him?-- That's correct.

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So you're not sure whether he was there or not at the meeting on the 8th December?-- Well, as I stated in my statement I'm not sure-----

Sorry, 8th January?-- I - I wasn't sure but I - I'm confident that he was there. He would've attended the second meeting.

Yes. Well, now so had you discussed with any person who was present at the first meeting and before the second meeting Exhibit 14, that document that you had received at the meeting on the 16th December?-- The agenda of the 16th December?

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Yes, 16th December 2004 document?-- No.

Exhibit 14. You hadn't discussed that with anyone who was present?-- No, I just - I just took it as a bit of reference material, like to run my own campaign.

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How to run your own campaign?-- Yeah.

That's how you took that?-- That's right.

You're seriously telling us that?-- That's correct.

For-----?-- That's correct.

And you didn't seek at any stage to speak to one of those who were present and at the first meeting and say, "Well, have you read that material? What do you make of that"-- Definitely not, definitely I did not discuss that with any councillor or any candidate or attending candidate discuss that document with them.

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Did anyone ever suggest to you at any stage of your campaign that there are some things you shouldn't ask about?-- I beg your pardon?

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Did anyone ever say to you during the course of your campaign that there are some things you shouldn't ask about?-- No.

Okay. Now at this meeting on 8th December, how long did that meeting last?-- I'm sorry, I can't remember exactly how long.

Do the best you can?-- Oh, maybe an hour.

An hour. Was any material handed out?-- I haven't got it - I don't believe I've got any.

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Did you go to the meeting with your copy of Exhibit 14?-- No.

Did anyone-----?-- I - from memory most people left it on the table. I was probably one of the only ones that grabbed it.

No-one asked a question about it?-- No.

At the first meeting, I mean?-- No.

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So at the second-----?-- Not that I - not that I can remember.

And at the second meeting no-one asked a question about it?-- No, not asked a question, no.

All right, so this second meeting on 8th January went for best - your best recollection is for about an hour, is that correct?-- My best recollection - look, I can't be honest how long it went for, it wasn't long.

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Now, Mr Pforr, please concentrate upon this question. I want you to exhaust your recollection in relation to what happened at the meeting on the 8th January?-- Yes.

What's your answer?-- The 8th January.

The 8th January 2004?-- Do you want me to-----

I want you to - I repeat the question. I want you to exhaust your recollection as to what happened at that meeting. You just tell us everything that you can recall leaving nothing out according to your recollection at that meeting on that date?-- I attended the meeting on my own. I did not take my campaign manager with me. There was some discussion in relation to where we were at over the Christmas period. It was basically a catch-up time in relation to my - my own time. I believe when I first came into the meeting I actually sat

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down. I was early as I always am to most meetings, sat down with Mr Morgan briefly and he went through - I think he then presented some spreadsheets in relation to what he suggested our media attack on the - ourself on the election campaign and produced-----

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This is so far as the people present were concerned?-- They hadn't arrived. This was just a quick brief overview since I was early. Some of them may have been running late; they hadn't attended. I am usually early, sometimes half an hour early and I set all my clocks early to make sure that I don't miss out on appointments. So I attended, we reviewed where we were at. I had a lot of - he obviously had a lot of emails from my campaign manager in relation to the strategy and the targets that we wanted to achieve and we ran most of what we wanted to do and just used him to polish up our media approach.

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I'm asking you about what you can remember as to-----?-- I - I'm trying to-----

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Yes?-- -----lead you into it.

Yes?-- Then obviously others attended. I can't remember who attended after that; it was too long ago. I believe, as I said, Brian Rowe attended, Roxanne Scott attended, and I believe Molhoek attended late, and I also believe Mr Betts arrived.

Yes?-- There was a discussion just generally to update us around the table again, where were you at generally in relation to what have you been doing over the Christmas period, general chit-chat, and then off the cuff it was discussed if by chance there was potential of funding becoming available. Do you have a wish list and could you go away and make one up.

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"Off the cuff", what do you mean by that?-- Well, just-----

"Off the cuff"?-- Well, there was nothing on an agenda item. It was just mentioned by Mr Morgan.

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Go on tell us everything that was said?-- Well, that's basically all I can remember in relation to the wish list discussion. So I believe I went away and put something together.

No, we're still - hold on, we're still at the meeting?-- Yep.

What else? What did anyone say when that came up?-- Nothing. I didn't make comment on it.

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Nothing?-- Well, I didn't say anything.

No, no-----?-- I can't remember.

Did you or anyone - I'm asking you for your recollection. I'm not just interested in-----?-- I don't know.

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-----what you did or what Mr Morgan said. I'm interested in anything that went on at this meeting?-- I can't remember anything that anyone said. Nothing specific.

But I understood you to tell us that in relation to the 16th of December 2003 meeting what you understood was that you were just running your own show-----?-- That's correct.

And you'd used Quadrant for your individual needs. You turn up on the 8th of January and suddenly there's talk about funding being available. Now, Mr-----?-- There was discussion of a wish list. If there was some funding came available-----

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Yes?-- Do you have a wish list? And at that point in time I had been funding my campaign right throughout. I'd outlaid, as my invoices show, either through my company or through my own personal account.

Are you implying that you weren't really interested in this reference to funding-----?-- It didn't-----

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Hang on. That funding might be available?-- If it came, so be it. It didn't worry me.

It didn't worry you? So you didn't pay too much attention to it?-- It didn't concern me. If funding became available it was a plus, otherwise I was out of pocket for the amount of money that I had budgeted.

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But surely it would have been of great interest seeing that it was the first mention of it, that you'd want some details about it. You'd say well, "By Jove, I didn't know that. Nothing's said about that at the meeting. Are you offering this - all of us some funding?"?-- Oh, look you take it on face value on the Gold Coast. If you get it you get it. If you don't you don't.

What's that mean?-- Exactly what I said. If I received the funding so be it. I'd budgeted my own amount of money to go forward on the campaign. It was - if I received some funding it was a plus. If I didn't I didn't care.

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Did you take it that what was being said by Mr Morgan was that there was a possibility that there might be funding available to the group of you, not just individuals?-- Theoretically he just said if there was - if you had a wish list and there was a potential of some funding what would your wish list be?

Now, did not anyone say at this meeting, well, hang on, how would that work? Who would hold the money? Where would it come from? How would it be distributed? In what timeframe?-- I certainly didn't ask the question because as far as I was concerned I was focussed on running my own campaign and I'd be prepared to outlay the funds for my campaign.

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But you wouldn't have said no to funding if it were available?-- Of course I wouldn't. If it came it came, if it didn't it didn't.

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Right. And in the end you received quite a deal of funding, didn't you?-- I received a small amount before the election and I received some after.

All right. That's your recollection of it?-- The majority of it was after, I believe.

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So, it wasn't as though as an aspiring councillor that when the question of funding came up you lit up at that point and wanted to know all about it. You really couldn't care less-----?-- That's correct.

If it became available it became available and so on. Furthermore you weren't in the slightest bit interested as to where the funding came from or how it was going to be distributed or who was going to hold it or on what terms it was going to be distributed and by whom. None of that concerned you in the slightest?-- Well, I don't believe any of it, to my best recollection, was discussed on how it was going to be handled on the 8th of January.

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So no-----?-- I mean, all we had was two meetings. I mean, if that's organised that's pretty bad organisation in my books. Two meetings. I mean, two meeting and all that documentation of correspondence.

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The - you would have by this time become aware of the obligations on you in relation to funding matters. That is statutory obligations on you?-- I was aware of them. I have read them. I am not a professional person to understand them.

Well, what document had you referred to to tell you what your legal obligations were - by this time?-- There was a small document that I read that was only really in dot point form on October the 8th, I think, and then there would have been a document given to us as a candidate document when I put my money across to actually be part of the election.

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So let's deal with them in order. The first document that told you anything about what your obligations were or any knowledge - perhaps we can go back a step. What I'm interested in is how information came to you and from who and at what time in regard to your legal obligations concerning any funding?-- The first-----

So the earliest - deal with them in order, chronological order?-- Yes, yes. I have no problem with that. I believe, whether it was the 8th of October at that first meeting of council which was a State Government run meeting, there was a small glossy brochure. I may have kept it. I'm not too sure. It was only a small glossy brochure in relation to what's required. There was a comment in relation to your legal requirements.

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This is on the 8th of October 2003?-- When I first was interested in thinking of standing, yes. That's correct.

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All right. So a glossy brochure. What did it tell you?-- I believed it to be a glossy brochure.

Right. What information did you get at that time so far as your obligations were concerned?-- Oh, that there's a legal requirement under the Act to apply to your funding.

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To what?-- In relation to any funding you receive in a campaign.

Right. What was the legal obligation?-- That under the Act you need to comply.

Yes, well, what did you have to do to comply?-- Oh, I don't think they listed exactly. It was just a very brief document.

So there was something - would that be-----?-- And you need to - sorry, there is something else. And you need - there obviously would have been a website or a referral or further information that you may need - if you want to refer to, you need to contact - that they would have been discussed at that meeting.

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And that website was that associated with the Gold Coast City Council or some other website?-- I believed it to be a State Government Website under the Local-----

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Government Act?-- Yes. I don't think it was the LJQ.

All right?-- It would have been under the Local Government Act.

All right. So, I - don't accept this proposition if you don't agree with it or if you've got any reservation. Do I understand you to say that at that time all you knew was that there was some general obligation of disclosure in relation to any funding you received?-- No, I agree with that.

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Right. And there's nothing you want to add to that?-- No.

Righto. Well, what was the next piece of information you had in regard to the same matter? That is the question of funding. What your legal obligations were?-- There may have been some general discussion with Mr Morgan in relation to "What am I required to do?".

When was that? The 16th of December meeting or the 8th of January meeting?-- No, look, that could have happened in one of the other individual meetings that I've stated.

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Right?-- I can't be specific. I don't believe - well, no correct me, there may have been some discussion at the 16th generally to everybody that you have a legal requirement. There was no weight to put to that.

No weight put to it by you, you mean? Or no weight by him?-- No, to me. Put by me because I'd already been to the October meeting and I understood that, but I wasn't in a position or readily astute enough to know what the actual Act was and I knew that at the end of the day that I would run it past my accountant, which I did.

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Okay, well, up until - let's try to move this forward. Up until the 8th of January 2004 meeting, when you went into that meeting what did you know of your legal obligations in relation to funding?-- That I would be required to submit a gift register in relation to funding that I had received during the campaign.

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Right. And what would that - what would you have to state - this is by way of a return?-- That's correct.

And did you know that this was a return which would have to be put in by you after the election?-- That's correct.

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Did you know that you would not have to put in a return before the election?-- Yes.

Did you know what the return would have to say in relation to detail-----?-- No.

-----that is to say, what details would have to be provided?-- Oh, look, generally?

Right. Well, tell us as generally as you knew it-----?-- It was-----

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-----up to that date, the 8th of January?-- Well, no, not to the 8th, I wasn't. I was more general after receiving the candidate's booklet because, I believe, there was a copy of such a document in that candidate's book.

Right?-- And, again, I looked at it, filed it, because I wasn't legally astute enough to know what it meant and I knew at the end of the day that I had so many - so many weeks or months in relation to submitting the lodgement and I understood that and after being elected we were also assisted the administration at council telling us the days that we were required and Tony Davis would have sent memos. We often get memos from Tony Davis in relation to updating a gift register. All those things were given to us as soon as we got - walked in the door at council. We were reminded regularly that we need to fill in this documentation.

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Mr - yes, Mr Pforr, are you conveying to us this; that you rather approached it on the matter that the detail would be able to be worked out by you after the election because the returns or the return which had to be put in by you didn't have to be put in until after the election?-- That would be an assumption, yes.

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Is that seriously what you're telling us?-- Well, I wasn't - I don't have the knowledge. That's why - I was trying to

explain to you, I do not have the knowledge and, I believe, that I would search out and get experts to help me fill it out and I gave all my final returns, including all my election campaign stuff, to my accountant prior to the final return being done. I wanted to make sure it was done correctly and my gift register was actually handwritten, which I reviewed, was handwritten by my accountant who is an ex-taxation officer who passed it onto experts that he believed - I had worked with Mr Crowley for several years. I had a strong belief that he had the knowledge to help me with my returns.

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Did it ever entered you - enter your head that you may have to know where any money you received came from?-- I understood I needed to know where money came from and, I believe, I filled in the return as to where the money came from.

Are you conveying to this Commission that you thought that it would be okay to leave the question of that detail, that is to say, where the money came from until after the election?-- In my interim return, I put in all my - where the money came from including the addresses.

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Did you just - is that after the election or before the election, you're speaking of?-- After the election. It was-----

Address yourself to the question again; are you telling us that you thought you could leave the questions to where the money came from in relation to any gifts that you received before the election until after the election and then find out where the money came from. Now do you understand the question?-- No, I don't actually.

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Okay. I'll put it again?-- If you put it in a different way.

Are you telling us - are you telling us that you did not think that you had to investigate the question as to where any money you received came from until after the election had been held?-- I didn't think I - I investigated who gave me the money, the address and where the accounts came from.

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Before the election?-- Well, as it came in.

All right. So you knew that you had to know where any money that you received during the election campaign came from? You're aware of that obligation?-- I would have been, yes.

Right. And, you say, you investigated that in relation to any gift you received prior to the election on the 27th of March 2004?-- My investigation was I filed it for referral to when I make sure that I filled in my return after the election that I would use - make sure I had the correct address and details of the person who gave me the money.

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CHAIRMAN: Yes. We'll adjourn until 2.15.

THE HEARING ADJOURNED AT 1.07 P.M. TILL 2.15 P.M.

THE HEARING RESUMED AT 2.20 P.M.

GRANT JAMES PFORR, CONTINUING EXAMINATION:

MR MULHOLLAND: Mr Pforr, I asked you just before lunch if you would look at your material to see whether or not there was anything in it that you could find prior to the 16th December, which suggested that you were running a commonsense campaign; do you remember that?-- I - that - yes, I do.

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Have you been through it?-- Yes, I have-----

All right?-- -----to the best of my ability. I will have another look tonight but at this point in time I can't find anything.

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Can't find it. All right, well-----?-- I do have-----

If you would do that, if you would look at it thoroughly and if you are able to find anything, perhaps you could tell us about it in the morning?-- Certainly, I did have a couple of points of clarification though, if I may.

Of course?-- As you realise there's a number of diary inclusions in here. There's the - the desktop planner as well as my campaign manager's diary and my diary.

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Yes?-- There's actually the meeting I was referring to on the 8th October 2003 was actually Monday, the 6th. It was at 6 p.m. at Council and in the diary note there, there was an offer at that meeting if you required further information you could attend a TAFE course. That was mentioned-----

Offered by whom?-- By that State run briefing.

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Right?-- There was also a diary note and I must be quite-----

Just before leaving that, was anyone else present at that meeting that you can recall?-- There would've been other prospective candidates but looking around I hadn't met Mr Betts. I hadn't - Brian Rowe wasn't there. Roxanne Scott, I hadn't met her at that point in time, I don't believe she was there.

Yes?-- That's - look, it was a lot of new faces and obviously I was one as well.

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Right. Yes?-- The other one that referred back to my diary notes, the December 2nd with the asterisk beside Councillor Power and the 2.30 appointment. That was specifically dealing with the chairman of the board from Coomera Anglican College, Mr Rod Lane. It was totally in reference to the Coomera

Watersports Club and the operation of Coomera Anglican on that site.

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Right?-- That was all that was dealt with, Mr Chairman.

Does that - are you told that by what you are referring to there or is it just-----?-- In my - in my campaign manager's diary there was specific note to it.

Right. And so looking at your diary and your campaign manager's diary together, that suggests to you that at that meeting on 2nd December 2003 that's all that you and Councillor Power discussed?-- That's correct.

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Yes. Is there anything else?-- No.

Is there-----

CHAIRMAN: You did agree that either in phone conversations or at some meeting with Councillor Power during that time - we know you had at least that meeting - you would have appraised him of the fact that you were standing for election?-- That's correct, but in specific this date of December the 2nd, the asterisk that was beside that note, being out on the field I like - make quite a number of notes on the run, have to pull over to the side to answer the call and that's why it's asterisk there - it's an important meeting and referring to my campaign manager's notes, it was to do with that.

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MR MULHOLLAND: Did anyone say to you in the course of your campaign and speaking of independents, that you should say that you're independent? Really what was being conveyed was to say that you were independent even though you're part of this group?-- It wasn't - that was my belief I was independent, nobody conveyed that to me.

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Yes. Now you - in the statement of the schedule that you've provided, you dealt there with contacts that you had with Quadrant?-- Which part of the statement are you referring to?

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It is under, you might remember before lunch I referred you to it-----?-- Mandrake or-----

-----4(1)(g)?-- Mandra?

Yes, this is Mandra trading as Quadrant and I just want to at this point deal with the meetings with Quadrant. You set out there in the last paragraph that the meetings with Quadrant - this is apart from those that you referred to this morning. These were on 12th January, 6th February, 12th February, 13th February, 1st and 3rd March, 8th March, and you go on "there may have been others as when he met us he'd been" - Mr Morgan, I assume-----?-- Yes.

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"When he met us whilst having photographs taken for publicity shots et cetera some of these were not meetings but merely to pick up scans or how-to-vote cards." The last meeting was held at Lakelands Golf Course Clubhouse for booth captains and

scrutineers, which I believe Mr Morgan organised 24th March 2004?-- That's my-----

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Now is that exhaustive of all of the contacts that you can say having regard to your records and your recollection-----?-- Going-----

-----of contacts that you had with Mr Morgan during the campaign?-- Going through my notes that's to the best of my knowledge the dates that I attended. If it may not have been myself, it may have been my campaign manager who attended those meetings just for pick-ups or deliveries.

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Yes?-- And that was definitely only between either myself or my wife or one or the other. There was no-one else at that meeting.

Yes. Now I want to take you to some material and ask you to comment on what is contained in it. First of all can I ask you to look at - I'll just ask you to look at this, please. This is number 4 Exhibit 3, Mr Chairman. Is that the announcement in the Gold Coast Bulletin that you referred to this morning of 30th October 2003, when it was announced that you would be running for the Council seat being vacated by Alan Rickard? This is a printout of the article, is that-----?-- It looks like it is. I have the article here, actual photocopy of that article.

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All right. Well, if you need to for any reason but I think you can accept that it will be a copy of that, and in that article what you are attributed - what is attributed to you, is that correct? That is that you said what is attributed to you in the article?-- Pretty well what I would've said, yes.

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And there, you indicate that - or it is indicated - I take it that this is what you told the reporter - that you've lived on the Gold Coast most of your life and that you grew up at Paradise Point and now live at Hope Island with your wife and two teenage sons?-- That's correct. I moved to Gold Coast at three months old, my mother had me in Brisbane.

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How long had you lived at that place-----?-- Hope Island.

-----Hope Island?-- Two years.

Two years prior to this time?-- That's - well, around about two years we were there, yes.

All right. Well, you could pass that sheet back now and I'll hand you another. Yes. Just before - sorry, just keep that in front of you for one moment. In that article it is said in relation to you, "He is waiting for confirmation of financial backing and expects to officially announce his intention tomorrow." What was that financial backing that you were waiting for?-- The financial backing - I had made it quite clear that I - in my campaign - that I would be contacting friends, business people, and the odd developer for assistance and-----

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Did you have anyone in mind?-- No, not at that point in time and I think I - in my documentation that I provided there are letters to friends, business partners and the odd developer in that information I have given to the CMC.

So all this was quite general in your mind at that stage as to who exactly you would approach?-- Yes, very general. As I said - stated before - I was quite prepared to fund the campaign if it fell that way.

Right. Now, would you have a look at this please. All right. Would you have a look at that and tell us what that is?-- It's a facsimile coversheet from Coomera Water Sports on Coomera Water Sports coversheet fax, "Dear Donna, could you please pass on this short CV and letter to David. He'll know."

Right?-- That was my CV.

All right. So this is the 7th of November 2003, you're communicating this - you are communicating this message to David Power, is that right, enclosing your CV?-- CV, that's correct.

And what was the purpose of that, you say he'll know?-- Oh well obviously he knew me so he'll know my background.

So this isn't as the result of any contact that you'd had with Mr Power, you're just wanting to let him know?-- I'd had contact with Mr Power for some time, there was an announcement on the 30th of October that I was intending and I probably sent my CV to a number of people including papers.

Yes. What I'm really suggesting or asking you is had there been some discussion between you and Mr Power before this message in which you had said that you would send him a short CV?-- Look, I don't know. There may have been but he wasn't aware that I'd announced until he read it in the paper I believe.

Yes, all right. I tender that, Mr Chairman.

CHAIRMAN: Yes, that's Exhibit 38.

ADMITTED AND MARKED "EXHIBIT 38"

CHAIRMAN: Can you recall what was in the letter that went with that?-- Look, I don't know if I've provided a copy of it, I - I haven't - it just would have been my CV.

MR MULHOLLAND: Just your CV.

CHAIRMAN: It does say a short CV and letter to David?-- I think it would have all been in one. The CV would have listed

- I actually handed that to Henry Lack as well and it had just a list of my history, work, voluntary, community service and everything, and then Henry worked it up. I sent that forward to David Power and several people.

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Yes. Well, that's the CV but you know what a letter is, don't you?-- Yes, I do. I don't believe there was a letter. All I believe that's pertaining to is my CV.

Okay.

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MR MULHOLLAND: Well now, would you have a look at this document please. And would you tell us what this is, it's from you to David Power again, Councillor David Power. It's dated the 10th of November 2003. Comprises four pages according to what is stated at the top. "Could you please give David my first draft of my CV and when can we get together. This week coming our dates that are free" - and you give Saturday 15, dinner, barbecue around the pool, Sunday 16, lunch, barbecue around the pool, bring your family and togs. Security gate et cetera and regards, with you having signed it. Now, do you remember sending that to Mr Power?-- Yes.

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On that date?-- It's a correct record, yes.

All right. And you mention a get together so had there been some discussion between you about getting together?-- Look, it's on Water Sports letterhead. I gather it would have been just a social event.

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What, about Water Sports?-- Yes.

Does this mean because it's written on the Coomera Water Sports Club Ltd that this is just all about Coomera Water Sports, nothing else?-- Yeah, it's just a social gathering. Nothing specific.

CHAIRMAN: Do you normally send a CV to someone you're inviting to a social gathering?-- Oh look, I just added an additional item that I'd sent the draft to him as a reminder.

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MR MULHOLLAND: Yes. All right. Nothing else that you want to add about that?-- No, it's pretty straightforward.

I tender that, Mr Chairman.

CHAIRMAN: Yes, that's Exhibit 39.

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ADMITTED AND MARKED "EXHIBIT 39"

MR MULHOLLAND: Would you have a look at this please. This is Exhibit 18, Mr Chairman. Would you have a look at that and read it to yourself. Whilst you're doing that I'll just indicate that it's from Sue Davies of the Ray Group, Monday,

the 24th of November 2003 addressed to Tony Hickey with copies to Sue Robbins and David Power, "Brian asked me to forward the attached information to you." I suppose you would have known of Brian Ray?-- Only that he was a developer, I've never met him.

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Now, I appreciate that this is not your document but there's something I want to ask you about in it. If you go through you'll see that candidates are listed. Now, you recognise that is candidates comprising both existing Councillors and others numbered 1 to 14 with a rating beside it; do you see that?-- Yes.

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And see how some people have got 100 per cent and others have various figures below that. You're rated 60 per cent. Now, were you aware at any stage that in regard to this group of candidates that you came to meet on the 16th of December 2003 that you were being assessed?-- No, I wasn't aware.

Were you aware until now that in fact that is something that did go on, that there was an assessment made?-- This is the first chance I've - even seen this document. Never seen it before.

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Can I ask you whether there's anything that you wish to say in relation to the suggestion in handwriting on the first page - that's the email itself - it's dated the 17th of December 2003. Now, that date of course is the day after the first meeting that you've referred to this morning and you see in handwriting, "Supporting eight Councillors which will give majority vote." Now, the implication of that is that eight Councillors were being supported by someone, presumably by way of funding, and that will give a majority vote on Council, that's what it seems to convey, doesn't it?-- I've never seen this document. It's not - it's out of my control. I didn't write it. It's not my writing.

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Does it come as a surprise - a complete surprise to you that at least in the eyes of some people at about the time or even before the time of your first meeting but certainly by the time of your first meeting having regard to this note that there are people who view eight Councillors - the support of eight Councillors as being important because they would provide a majority vote on Council?-- Look, I can't comment. I haven't seen that document - I've never seen this document. I can't be in control of - of - I've never met Sue Davies, I - it means nothing to me. I wasn't part of it.

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What would you say to the suggestion that you joined a group of people who were being jointly funded with a view to provide majority control of the Council?-- I'd say that would be incorrect.

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Was that contrary to what your understanding was?-- Very much so.

Are you at all angered by a suggestion that you might have been part of such a group?-- I'd be disappointed.

Disappointed?-- Yep.

Is that all?-- Yep.

You didn't want to join a group which might by virtue of their uniting behind a commonsense campaign then unite once they had been elected to Council so as to give majorities to support - majority support to that commonsense approach?-- Look, I'm a very big supporter of working as a team. I've made that clear in my documentation when I've gone out to the community but I'm certainly an independent thinker.

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You're an independent-----?-- Anyone - anyone who knows me knows I can't be swayed.

But if you were being portrayed as one of eight people who were going to - who were going to provide a majority position on Council united under the banner if you like of a commonsense approach that - having regard to what you've said this morning that wouldn't have been something that you would have rejected, is it?-- Look, as I said I'd be very disappointed and they're going to be in for a rude shock because I - I'm not a person that can be swayed.

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But if you were - if you were all agreed on adopting a commonsense approach and it was these eight councillors, that's all that was being suggested that they would do, they'd just be - they'd all join behind this commonsense approach so that they would when elected, they would approach issues on a commonsense basis. That wouldn't have been against your philosophy, would it?-- With anything that comes up, I look on it as an individual basis and I would work if it was in the best interest of the city, as a group.

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All right. Yes. Could you hand that back, please.

MR WEBB: Mr Chairman, could I see 38 and 39, please? I just want to make sure I've got them in the right order.

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CHAIRMAN: You're not in a hurry for that, Mr Webb, are you?

MR WEBB: Oh, I've seen them.

CHAIRMAN: Oh, you've seen them. All right, then. Mr Mulholland's waiting for something to be handed to the witness.

MR WEBB: Oh, sorry.

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MR MULHOLLAND: I thought we were waiting for the alarm.

CHAIRMAN: I'm told we won't be able to record and transcribe with that noise. So in that case, it might be best if we adjourn until this noise goes away.

THE HEARING ADJOURNED AT 2.45 P.M.

THE HEARING RESUMED AT 2.55 P.M.

GRANT JAMES PFORR, CONTINUING EXAMINATION:

MR MULHOLLAND: Mr Pforr, I'll return the document to you that I had given to you before the break. And would you have a look at that document, please. Is that a mail message from you to Mr Power?-- Yes, it would be.

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And it's the 9th December 2003. Do you see-----?-- That's correct, the date's down the bottom.

"Subject Budget"?-- Sent by my campaign manager.

Yes. "Hi David, please find attached Grant's anticipated budget for candidacy as requested. Cheers, Liz." That's your wife?-- That's correct. She sent that on your behalf?-- That's correct.

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So this is a contact that you had with Mr Power prior to the meeting of the 16th December 2003?-- We would have had discussions in relation to budgeting for a campaign, and he said quite happy to assist you and what an actual campaign would cost, so please send me your thoughts through.

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Sorry to interrupt you, but-----?-- Stand down, it said.

I'm just wondering whether it's being - all right. Sorry. Would you like to just repeat what you were saying, please?-- It was being just - I'd had some discussions prior, the 9th of the 12th with David and he was quite happy to offer some assistance in relation to what an actual campaign would cost so I sent him a draft of it across, or my wife sent it across.

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Now would this have been that meeting that you had with him on the 2nd December?-- I just clarified that. The date on the 2nd is the meeting.

Pardon?-- I did clarify coming back from lunch, the meeting of the 2nd.

Right. So it wasn't the 2nd?-- No. It may have been just over the phone in running when he returned one of my calls.

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So why would you be sending him your anticipated budget?-- As I stated, I asked him for advice on what a campaign would cost, sent him a draft across to see if that was an appropriate amount that I should be allowing to allow to spend it if I was to continue a campaign.

Well that's a fairly substantial link between you and Mr Power at this time, is it not?-- Oh, I don't think so, he-----

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That you'd be sending-----?-- He was offering advice as to Councillor Robbins and anyone else, if they can offer some assistance, and I thought he was possibly one of the more senior councillors who'd been in there a lot longer and would - had run many campaigns.

Did you send any such attachment-----?-- No.

-----that is to say, containing your anticipated budget to anyone else apart from Mr Power?-- Not that I can remember, but I may have.

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And did the anticipated budget, was that the attachment referred to in the document?-- It would have been, yes. I believe there's two budgets attachments in there.

And do you remember the contents of that document?-- It would have been over \$40,000.

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And did it indicate how that budget was going to be raised?-- No, I think it would have outlined the expenses as a recommended - is this an appropriate amount to allow for media, is this an appropriate amount to allow for phone calls, office, so on and so forth.

So it was the expense side?-- Oh yes.

Nothing was being said in it about how you were going to raise funds?-- Look, I'd have to have a look at the attachment, but I don't believe so.

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Do you have the attachment there?-- I would have. I'll have to look. As I said, there are two attachments on that.

Look, we won't take time now, Mr Pforr. Unless you can quickly gather it, we might keep going and you could come back to it?-- There's quite a deal of information there. I'm quite happy to do it tonight or-----

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All right. If you would do that, please. I tender that email, Mr Chairman.

CHAIRMAN: It's Exhibit 40.

ADMITTED AND MARKED "EXHIBIT 40"

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MR MULHOLLAND: Did you become aware, at any stage, of the fee structure under which Quadrant was appointed to assist you and the other candidates who were part of the meeting on the 16th of December?-- As I think I said earlier, I wasn't aware of the fee structure. I did budget a certain amount of money. At later meetings I would have asked to make sure that - my

campaign - and I think there were spreadsheets presented and up to date costings on those.

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Would you have a look at this, please? Now this is not a document of yours, it is a document from Lionel Barden to Chris Morgan of the 10th of December 2003, not long before this meeting of yours, and you'll see that he writes, "I have pleasure in confirming the appointment of Quadrant to act as a marketing and advertising resource for those council candidates that I may nominate from time-to-time during the pre-election period. This appointment is inclusive of all work undertaken by Quadrant since December - 10th of December 2003" and so on. "I required Quadrant, under your direction, to provide professional marketing advice and make available, as required, the creative copywriting, design and graphic art print and electronic production services of your company. I confirm your trading terms and conditions of supplying all services on a net cost basis with a monthly consultancy fee, \$10,000 plus GST for the months of January, February and March 2004 only." Now if I can tell you that this is a document which was backdated to the 10th of December 2003 and actually received in late January of 2004. It's not a document that you ever saw, is it?-- Definitely not.

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Did you - does it come as a surprise to you to hear that there was - it was being suggested in this document that in December 2003, prior to the time of the first meeting, Mr Lionel Barden was confirming the appointment of Quadrant to act for those council candidates that "I may nominate from time-to-time during the pre-election period"?-- Look, it puzzles me that you're saying it was backdated. I would believe, going through my correspondence, that I would have had contact before even the 16th or even the 10th, but I've never seen this document.

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Contact with whom? I'm not-----?-- Quadrant.

With Quadrant. Yes?-- I'm sure I would have had correspondence before the 10th because of - our first meeting was the 16th so there must have been some correspondence in relation to - or phone calls to Quadrant around that time, if not before.

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So-----?-- I'd be quite confident that there was a phone call, at least, to Quadrant saying that I'd like to come and speak to them and you were recommended to us.

So what you're trying to say, but correct me if I'm wrong, that you're puzzled by my reference to it being backdated because it conforms with your memory that prior to the first meeting on the 16th of December there was contact between you and Quadrant and, presumably, with other candidates?-- I can't speak for other candidates.

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All right. Well, with you anyway?-- But in relation to myself, I believe, that I would have had some contact with Quadrant, whether it be phone call, email or other, in

relation to meeting with them for assistance during - in relation to my media.

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Right. So it's no surprise to you to find that there is a letter being written confirming the appointment of Quadrant to act as marketing manager for a number of people?-- It's a great surprise to me.

It is a great surprise, yes?-- Yes.

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Yes. And, well-----?-- And I would question, why was it backdated?

Well, what you would question?-- It was only your comment.

Yes. All right. Well, apart from questioning why someone would want to backdate it; I mean, one reason why they might want to backdate is to reflect a decision that was made on or about the 10th of December?-- I can't-----

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That might be one reason?-- I can't comment on that.

Did you realise, at any stage, that you were being nominated by someone as a person who might be - who might receive the services of Quadrant during the election campaign?-- Look, I think after the 30th of November my name was spoken about by a lot of people.

Yes, nominated - no, but I'm talking about in the context of Quadrant. Someone - someone entering into some arrangement with Quadrant whereby the person would nominate council candidates who would obtain services from Quadrant?-- Well, that was not my intention to use Quadrant.

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Would you object to that sort of approach that, you know-----?-- Look, I can't-----

-----that someone would have control of whether or not you might be one of these people who would maybe nominated?-- Look, I think most candidates or even councils would have some sort of people talking about them or how - to try and talk in general about their upcoming election.

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Yes. All right. I tender that document at this point.

MR NYST: Mr Chairman, could I just ask my learned friend just to clarify; I'm not sure whether - I don't know the background of this but he obviously does in the sense that he's telling us that it's been backdated but I'm not sure whether it's been suggested that this is backdated to reflect a decision that was made in December or it's backdated for some other reason such as accounting purposes and so forth.

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CHAIRMAN: Mr Nyst, as I understand it, I've seen a version of this in the material that was supplied by Quadrant and if you check the statement that Mr Chris Morgan of Quadrant provided, I think you'll see in that statement that he says that this was backdated. Now as to the reason why it was done, my

memory is, he doesn't go into that but we'll probably hear when Mr Morgan's in the witness box.

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MR NYST: Well, that's - I was just interested in-----

CHAIRMAN: Yes.

MR NYST: -----if that's been - it it's been put forward as being one or other. Maybe just being put forward for what it's worth.

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MR MULHOLLAND: All I'm doing at this stage, Mr Chairman, is as you have indicated. All I'm doing is reflecting what Mr Morgan has said in his material.

MR NYST: Thanks.

MR MULHOLLAND: Would you have a look at-----

CHAIRMAN: Forty-one.

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ADMITTED AND MARKED "EXHIBIT 41"

MR MULHOLLAND: Would you have a look at this document, please? Now is this a - an email from your campaign manager, your wife, to Chris Morgan of the 23rd of December 2003 on the subject of next meeting, "Dear Chris, the time and date are fine for me. Thanks for the input and assistance today. It's nice to know I am not on my own out there and there are others that believe we can do things a lot better. Cheers for Christmas/New Year". Now that's in response to Chris Morgan's email of the 22nd of December 2003, "Hi all" going to Greg Betts, yourself, Mr Rowe, Ms Scott and Mr Molhoek. You see that?-- Ah, yes, I do.

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And also apparently to Sue Robbins and it appears there a Davies at Optus Net. So it's gone - a copy of it has gone to those two people. Now what it says is, "Hi all, to evaluate your individual requirements, check planning notes and consider the extent of resources available, the next meeting has been scheduled for 8.30 a.m., Thursday, 8th December at Quadrant's office".

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MR WEBB: 8th January.

MR MULHOLLAND: Sorry, 8th January at Quadrant's offices and so on, signed, Chris Morgan. Now do you remember seeing that email and being aware of a response being sent to him?-- If I didn't see it personally my campaign would have brought it to my attention in passing. I didn't pay any attention to where the list of names that were put forward on the email. I just took it, it would have come from Chris Morgan and obviously it was just in response to say the time's fine with me. Nice to

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know that I'm not on - I'm not on my own; that would have been in reflection to the assistance from Quadrant only.

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The assistance of Quadrant?-- That's right.

What about the people, the communication from Mr Morgan that's going to - having regard to the meeting that had been held on 16th December, do you think it might also be a reference to that that you weren't on your own in the sense that you had a number of candidates who were in this group?-- Well, that's not my email network.

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By then you would have read Exhibit 14 or a copy of Exhibit 14 and had some awareness as to what the campaign, the essential message of the campaign that all eight of you were going to join in, would you not?

MR NYST: I object to that. I object to that, Sir. This is an adoption of Exhibit 14 as being some part of a manifesto for the - for a joint campaign. It just hasn't been established as yet. All that's been said about Exhibit 14 is that it was produced, it seems, by Mr Morgan or one of his staff, that a staff member brought the document in at a late - at a late stage or at - not at the beginning of the meeting, that it was, so far as this witness is concerned, not spoken to. To say that that's some kind of document that afflicts a campaign strategy or something, just is not made out, certainly not as yet.

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CHAIRMAN: I must confess that I didn't pick that up in the question but I might not have been listening as close as I could have. Mr Mulholland, can you perhaps repeat the question?

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MR MULHOLLAND: Yes. I'm suggesting to you by this time you would have been aware from the copy of Exhibit 14 that you had, that you were part of a campaign for commonsense that was shared in by seven others who were present at the meeting on the 16th December. That's what I'm suggesting to you; now do you agree with it or not?-- No, I don't.

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And that, therefore, do you agree that the reference to "It's nice to know I'm not on my own" might be a reference not simply to Quadrant, but also to the seven candidates who were at the 16th December meeting. You don't think so?-- No, I don't. I think - and as I said, I didn't type it and send it off, but we would've discussed it and it may have been just a comment in relation to it's nice to have the support of Quadrant.

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So this is just eight individuals apparently, all receiving individually the support of Quadrant, is that what you understood this to be?-- Individually, yes. As you can see I don't communicate with any of those people. The only person I probably communicated by email or fax would have been Councillor Power at any time. None of these people I communicated - I communicated with Rob Molhoek, but I don't believe - I'm not sure whether he's on the list here.

Yes, you'll see Rob?-- I had some communication with Rob by email. He sent me some correspondence, but we had communication right up to the campaign - to the election.

So it never entered your head as to when you saw this email from Mr Morgan, well, this is a bit odd, why a CC to a [Davies@optusnet.com.au](mailto:Davies@optusnet.com.au) and a CC to Robbins. That's obviously Sue Robbins, isn't it?-- Look, I didn't pay any attention to the CC's. I may not even have seen the document. It may have been spoken to me in conversation with my wife.

CHAIRMAN: Mr Mulholland, you've said Davies a couple of times at Optus. I think that looks like a D-A-V-L-E-S Davles.

MR MULHOLLAND: I beg your pardon. Yes, thank you?-- Mr Chairman, I - through the chair, I didn't pay any attention to that list and it was referred to us. We responded as individuals and that's all I've got to say.

Did you recognise the D-A-V-I-E-S as being a reference to Mr Power?-- Well, is it?

Well, I'm asking?-- I've always sent correspondence direct to - to his council because I found that the best way if any if I could get communication.

Yes, all right, I tender that.

CHAIRMAN: That's Exhibit 42.

ADMITTED AND MARKED "EXHIBIT 42"

MR MULHOLLAND: Have a look at this document, please. Now do you see that if we go to the email message at the foot of the page first sent Sunday, 4 January 2004 to Sue Robbins from Grant/Liz Pforr, subject proposed Jabiru Island Ferry Terminal and the contents you say, "Dear Sue, please find attached letter regarding the proposed Jabiru Island Ferry Terminal and a copy of a letter I sent to David Power. Any input would be appreciated," and then your name, and in return on Tuesday, 13th January 2004 it comes back, "Dear Grant, I've just opened my email and received your correspondence," and so on. I won't go through it; something to do with an appeal. And then the question is this, "Why do you highlight the word for F-O-R in your slogan. Wouldn't the word "working" be more appropriate. Keep in touch, Sue Robbins." Now-----?-- Sorry, Mr Chairman. My name, my name-----

Do you remember receiving that? Sending the message and receiving the message back?-- Yes, I do.

Right. Okay, well, what did you take that to be, a suggestion being made by her of some assistance to you in your

campaign?-- No. No, I - I was using my - a pun on my name-----

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Yes?-- That's why I've highlighted the F-O-R.

Right?-- And as I said before, Sue offered any - if I wanted to bounce anything off her at any time. She was a sitting councillor, I was passionate about keep retaining Jabiru Island and I'd lobbied very hard throughout the campaign to retain Jabiru Island and it was a letter that I think I passed by many councillors. I think I wrote to all councillors in relation to saving Jabiru Island and I wanted their input whether they thought it was a good letter.

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What about the word "working" in her email back to you? Wouldn't the word "working" be more appropriate? Keep in touch?-- I - I think she didn't understand my pun or my attack on myself in relation to F-O-R.

At any rate this is another contact between you and one of these eight people who had been present at the meeting on the 16th of December 2003, isn't it?-- It is but in relation to Jabiru Island I think I sent a letter of this kind to all sitting councillors.

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All right. I tender that.

CHAIRMAN: That email will be marked Exhibit 43.

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ADMITTED AND MARKED "EXHIBIT 43"

MR MULHOLLAND: Yes. Now, would you have a look at these emails? Now, do you see - first of all we'll go to the second one. It's from Chris Morgan addressed to "Dear David and Sue"; do you see that?-- Sorry, I don't - have I got the right one?

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I'll read it. About half-way down.

CHAIRMAN: It's about half-way down the page.

WITNESS: It says, "Hi David and Sue"; is that the one?

MR MULHOLLAND: Yes, that's the one?-- Okay.

"Hi David and Sue, in addition to further meetings with Brian Rowe we have been proceeding with work for Grant Pforr, Roxanne Scott and Greg Betts, the latter two requiring by far the greatest amount of assistance. I have written to you both separately with an update on work required, cost estimates and suggested procedures so we can formalise this arrangement at the earlier opportunity and ensure that funds are in place. David or Sue, I need your immediate assistance in a couple of areas, please. One, legals. We need an experienced point of

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reference to obtain an ambiguous and no charge advise on matters relating to Local Government campaigning. I'm receiving constant queries from these candidates which are outside our are of expertise. An impact on forward planning and budgeting. David, I seem to recall you had someone in mind when I raised this point some weeks ago. Can you advise, please. Two, new divisional boundaries. We've prepared draft artwork for brochures for Roxanne and Greg and are planning similar material for Grant Pforr, funds permitting. I urgently need on disc art of the new divisional boundaries. Is this available and if so how quickly can I - how quickly can it be sourced? Three, timing. In the light of the February 7 State Election and three weeks of intensive campaigning, what are your thoughts on local body candidates actively campaigning at the same time? I appreciate your comments, please. If you could get back to me tomorrow or on the weekend it would be most appreciated. I'm interstate next Tuesday and Wednesday and would love to have the above clarified for forward planning and costing purposes before I go." And then comes back from David - this is obviously Mr Power; is that right? Back to-----?-- Yes, the second top - off the top, yes.

Yes. Sorry, going to the one from - addressed to Chris, regards David. "I'm sorry, the lawyer I contacted has been on holidays but will be sorted out in the next couple of days. The discs should be to you by Tuesday at the latest. I feel the candidates should go light on advertising until after 7/2, but continue to do personal work such as door-knocking on community meetings. The general advertising I feel would just confuse people and that will allow them to swamp it in the remaining time. Regards, David". Now, this is apparently David Power to Chris Morgan, and then also at the top from Chris Morgan, "Thanks David, totally agree with the strategy and look forward to receiving the disc. I will be interstate Tuesday and Wednesday. Will follow up later in the week". Now, all of this and I appreciate that you're not on this, although you are referred to in it in one of the emails, all of this suggests that there's a coordination of a campaign going on for councillors of - one of whom is yourself. And I again take you back to the meeting of the 16th of December and furthermore the 8th of January meeting that you have already referred to. Are you saying that as at this time, the 19th of January, you were aware or unaware of a co-ordinated campaign going on, apparently being organised by Sue Robbins and Mr Power in conjunction with Mr Quadrant acting for you and this group of councillors who have been present at these meetings. Were you aware of that or not?-- This email only suggests to me that the only coordination by was done by Mr Morgan. There's comment to me in relation to the later two which I had - obviously it's not me. Obviously I was on track with the tactics that we were using in our own campaign.

And if you had been aware of this at the time you wouldn't have had any objection to the implications of this?-- I just assumed that Quadrant were dealing with our campaign and other - other campaigns of other individuals.

But what it suggests, I'm putting to you - you can reject it if you like - is that Mr Power and Sue Robbins apparently are playing a large role in this campaign and apparently acting in this capacity on your behalf; doesn't that concern you at all?-- Look, I'm not - I'm not aware that the email address of Davies is Councillor Power. I've - that's the first I've - I've seen, "Regards, David." Is that Councillor Power's email address? I've only ever communicated with Councillor Power through his Council email.

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All right. Well let's leave the David out. What about Sue Robbins, would that bother you, that things seem to-----?-- Look, I can't stop other Councillors talking about me - during a campaign.

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Very well. I tender that.

CHAIRMAN: That will be marked Exhibit 44.

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ADMITTED AND MARKED "EXHIBIT 44"

MR MULHOLLAND: Would you have a look at this please, these two documents. Take the first one and this is - the first one is dated the 21st of January 2004 from David Power to Hickey, Hickey Lawyers. "Tony, requests have been made for draws for the following: B Rowe \$10,000; G Pforr seven and a half thousand dollars; R Scott \$5,000; G Betts \$5,000. These draws are authorised. Sue's confirmation will follow. David." Now, just look at that. You - this is not of course your email and this has certainly been sent from David Power to Hickeys, isn't it, Mr Pforr?-- This one has because it's D Power.

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CHAIRMAN: That goldcoast.qld.gov.au would be the Gold Coast City Council?-- I believe so, yes.

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MR MULHOLLAND: All right. "Tony, requests have been made for draws for the following" which I've read out and you're there as seven and a half thousand dollars. So had you made a request for seven and a half thousand dollars?-- I may have tested the waters given the 8th of January's meeting to a wish list and requested the - requested some money but at that point in time I had been funding my own campaign until that date.

Well, forget about the funding that you were doing of your own campaign, this is suggesting that you are asking for a draw on something?-- I would-----

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By this time assuming this to be correct or can you tell us from your memory whether or not you were aware that there was some central funding that might be available and because being so aware you were seeking to have a draw on that central funding?-- As I stated it was discussed at the 8th meeting of

a wish list and I may have requested - and it will be in my documentation - for some funding to test the waters.

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The-----?-- And I might add my name is spelt wrong on both of those emails.

Well, your name is spelt incorrectly certainly on one of them?-- I made out both.

Right. Well, what, are you doubting that this was a reference to you, it might have been a reference to some other person you think?-- No, I'm not assuming that, I'm just pedantic about my name being spelt incorrectly.

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All right. So the other one - I won't read it - is from - one's from Sue Robbins and the other one is from David. One dated the 21st of January, the one that I've read from David, the other one Sue Robbins, dated the 22nd of January also apparently referring to you and this is what is said, "I write to advise that I support moneys being made available to the following candidates from the Campaign for Commonsense Trust Fund" - and apparently in reference to you, seven and a half thousand dollars. So as at the 22nd of January if we can accept what is being recorded here we have Sue Robbins apparently in a position to advise that she supports and apparently with the authority, "I write to advise that I support moneys being made available to the following candidates from the Campaign for Commonsense Trust Fund." Were you aware as at the 21st or the 22nd of January 2004 that there was a Campaign for Commonsense Trust Fund?-- No, I wasn't.

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Right. Were you aware as at that date that there was a fund of some kind that you could call upon?-- It was suggested back on the 8th of January that we had - if we requested a wish list of possible moneys that we may require but I wasn't aware of any funding.

Had you made a request for seven and a half thousand dollars, to your recollection?-- To my recollection yes, I would have, to test the water.

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To test the water. Well, where was this money that you were requesting going to come from?-- At that point in time I wasn't aware and no doubt it would have been revealed once I received it.

It would have been revealed once you received it. Well, why wouldn't you ask, well where is the money going to be coming from before you did receive it? Why would you want to receive it and then work out where it came from?-- Because why would I? Why not receive money.

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You can't think of any reason why you as a candidate for the 27 March election would want to know where the money was coming from before it arrived?-- I mean, I could return money at any stage if I didn't want to accept it.

Well you could do that, but you are being given an indication that there is a fund of some kind that you could perhaps draw upon and you indicated that you'd like seven and a half thousand dollars. Now surely at that point, Mr Pforr, it occurred to you, with your background, well hang on, I'd better find out just more about this fund, who set it up, who holds it, where's the money coming from, who's involved? And then you'd go and ask some questions of someone, perhaps Mr Morgan would be a good starting point, particularly since you'd had these contacts with him. Did any of this go through your mind?-- It would have.

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It would have?-- Whether I asked the question of Mr Morgan or not, I'm not aware. But I was certainly aware of at other political levels of such funding arrangements being made and I assumed that it was a good way of keeping things at arms' length.

What, not to ask?-- Not to know if there was a trust fund. I wasn't aware that it was called the campaign for commonsense trust fund.

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So did you, not what you would have done, but did you adopt a deliberate approach of not wanting to know where the money was coming from?-- Oh, it wasn't-----

Until you received it?-- It wasn't a deliberate approach. I received, I believe late in January some money. I think it was to the value of seven and a half thousand. And it had Hickey Lawyers Trust Fund on it.

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Right. Well, yes, and what did you do?-- I banked it.

You banked it?-- That's correct.

So where did it come from?-- I don't know.

Well it didn't come from the money - there was no reason that you knew of why Hickey Lawyers would want to give seven and a half thousand dollars to your campaign fund, was there?-- It was Hickey Lawyers' Trust Fund. I think I've included a copy of the attached cheque with the remittance notice on it.

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Yes. Trust Fund?-- Yes.

All right. It was a trust fund?-- That's correct. And other political parties and other levels of government, I believe, have trust funds, on my understanding.

So who was in control of this trust fund? Who-----?-- I believe Hickey Lawyers' so to me that was a reputable person, a solicitor, or lawyers, who were dealing with a trust fund. To me that was legitimate. It means it was above board.

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It was a - well, where did the money come from though? You had responsibilities as well, didn't you? You couldn't just receive a gift and not know who was providing the gift, could you?-- I put in my return, "Hickey Lawyers Trust Fund"

I know-----?-- I believe under the Act that was - and I'm not an expert at it and I've told you that before - that that was my requirement under the Act, to deal with it after the campaign.

Mr Pforr, my suggestion to you is that if you had even a passing reference to the provisions under the Act, you would know very well that you just couldn't receive money from a trust fund without knowing who the donor was. You would have known that very well, if you had even a passing reference to the legislation.

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CHAIRMAN: Mr Pforr, I perhaps should advise you that you are entitled to claim privilege against answering any question that you consider might incriminate you of any offence. If you do claim that privilege, that is recorded and it means that any answer that you give can't be used against you at any subsequent time. It will not however excuse you from answering the question. You'll have to go ahead and answer the question, but it is up to you if you want to claim the privilege against answering any questions that you consider that the answer might tend to incriminate you of any offence. Do you understand what I'm saying?-- I think so, Mr Chairman. As I say, I'm not an expert on the Act. I do rely on-----

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No, well I'm not wanting to discuss with you your knowledge of the Act or anything. I'm just advising you if there is any question that is asked of you where you consider that the answer might tend to incriminate you with any offence, then you are entitled to claim privilege against answering that. However after claiming the privilege you will then have to go ahead and answer it, but the effect of claiming the privilege will be that the answer that is given by you cannot subsequently be used against you in any prosecution for any offence apart from, of course-----?-- Mr Chairman, Mr-----

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-----perjury, of any evidence that you give here?-- I understand. And in that case, I'd probably like to claim privilege, but I'm quite happy to answer the question to the best of my ability.

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MR FYNES-CLINTON: Mr Chairman, with leave, may I respectfully request that counsel assisting briefly have regard to the definition in section 414 of the Act of relevant details. The proposition put that it's not sufficient to know the name of the trustee does not appear to be a correct statement of the law, with respect.

CHAIRMAN: I had a quick look through the document put out by the Department of Local Government which has been tendered as Exhibit 10 and it would suggest to the contrary, Mr Fynes-Clinton.

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MR FYNES-CLINTON: Well sir, relevant details which is what a candidate must know, section 414 paragraph (b), "For a gift purportedly made out of a trust fund or the funds of a foundation (1) the names and residential or business addresses

of the trustees of the fund or other persons responsible for the funds and (2) the title or other description of the trust fund." Now, as I-----

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CHAIRMAN: Are you suggesting that a solicitor's trust account is a trust fund?

MR FYNES-CLINTON: Well, certainly sir - I'll sit down - but it's my submission that the details which the candidate received do clearly comply with that provision obviously it's not a matter for argument but, yes, sir, that's why I brought it to your attention.

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CHAIRMAN: All right. Thank you.

MR MULHOLLAND: Well, what was your position as at this time in relation to money coming from this trust account of the solicitors? You understood, did you, that all you had to do was to receive that money and do nothing about trying to find out where the solicitors received it from?-- That's correct.

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Who the client was?-- That's correct.

So what, you decided it was better for you not to or you just decided well you weren't - you didn't have to or - or what?-- Just as I stated I felt that it was at arm's length, I wouldn't be beholding to anyone.

You would have realised that it being a solicitor's account that was being spoken about here, a trust account, that it would - there would have been a client - did you ever ask yourself the question, well who's the client?-- Oh look, I don't believe it - it would have crossed my mind but I felt that it being a trust account from a solicitor that it would obviously need to be well and truly you know recognised.

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Recognised by what? Why would - what respectability did you see being provided by it being in a solicitor's trust account?-- Well, obviously it would have been audited at some stage.

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It would have been audited? Yes. So you realised that it was coming from a solicitor's account and you didn't speak to anyone in regard to the question as to how it came to be in the solicitor's trust account, is that what you're telling us?-- To the best of my knowledge, that's correct.

Now, you've said that you thought that this was - complied with the Act. On what basis did you make that decision? Had you ever looked at the Act yourself?-- I may have. I don't believe I would have looked at it in depth because I intended to make sure that I seek as much as advice that I could. I did question Quadrant on some provisions of it, was this - I will need to declare this, I was have known - I was intending to take it to my - my auditor accounts at the end of the financial year and I had all the faith in the world of my accountant to do - to do that, to make sure that - and he took all my files including my accounts.

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Now, when did you - so you didn't ever raise the question of - with any lawyer for example - as to whether or not this was okay, that you could go ahead and simply receive this money in this fashion without knowing where it came from?-- I felt there was no need given that it was a - was a lawyer that was giving it to me.

But a lawyer - it wasn't the lawyer's own money, was it? You knew that?-- It was a trust account-----

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Yes, a trust account-----?-- The lawyer's trust account.

And it being a lawyer's trust account, you would have known there would've been a client; it came from somewhere. It didn't just - it wasn't sitting there in the solicitor's trust account, it came from somewhere?-- Obviously it came from somewhere but it was - it was-----

Well, why didn't you find out where it came from?-- For what - for what reason?

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Because one reason might be that by law you were required to. Now you don't accept that as a proposition?-- I - I'm sorry, I don't.

Right?-- I believe I dealt with this, the law as - as I understood it and as - as my accountant understood it to the best of my ability. I'm not - I'm not versed in the Act.

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When did you - but you knew, and you've already said, you realised that there were some obligations on you in relation to disclosure so far as gifts were concerned-----?-- Yes, and I relied on my expert.

You relied on your experts but I gather from what you're telling us, you didn't go to the experts until after the election?-- That's correct, because that's when I'm legally required under the Act to disclose my obligations or my donations and gifts-----

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So do I understand you to say this is your position that you were not required to make any inquiries in relation to where the money came from, where it emanated from, until after the election and when you were in a position where you had to submit a return. That was your understanding of your obligations?-- That's correct and I felt that I did that.

Now where did this view that you had come from? It didn't come from reading the Act, it didn't come from speaking to your professional advisers because you hadn't - you didn't see them until after-----?-- Well, I had - I had spoken to Quadrant.

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Hold on. Yes, you didn't - let's just take this one step at a time. You hadn't spoken to your professional advisers because you didn't speak to them about the matter until after the election. Who else did you speak to?-- I don't think I spoke

to anyone and I think one of the earlier exhibits states from Morgan that obviously I was one of the ones that contacted him and enquired what do we do in relation to declaration of gifts, and then he obviously forwarded that on to - I can't remember whether it was Councillor Robbins or Councillor Power, asking - seeking clarification on it.

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So you thought that Quadrant would be able to-----?-- Seek that information for - for me on my behalf.

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But they - what's Quadrant? Quadrant are advertisers, aren't they?-- Well-----

What would they be doing advising you or handling - advising you in regard to what your legal obligations were? Was that going to be part of the service as well, that they were going to provide some sort of expert view in regard to what your obligations were?-- We asked the question of them so - and I assumed they went and enquired about it and they - and they did respond back to us, maybe on a phone call, may have been email, may have been some sort of form of communication, but my understand - my fall-back position was that I - when I went to do my audit accounts at the end of the financial year, I would have that extra resource in my account.

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Yes, well, now you've mentioned Quadrant, so let's finish on Quadrant. Quadrant were apparently not only providing you with this advertising assistance or marketing assistance, however you term it, but they were also going to handle this side of it in regard to your - or so you believed, in so far as your obligations were concerned of disclosure. Is that right; that was your understanding?-- Look, I don't know whether you put that much weight on it. It was a question that I asked in relation to disclosure and I believe-----

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And that's what you thought they do?-- That's correct.

Well, they're in business-----?-- They're professional-----

They're professional, as you say, and you were seeking professional assistance. Who was paying Quadrant?-- On my understanding up until the end of January I was. Accounts were being raised in my name.

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Right. Well, did you ever during the campaign learn that, as to who was paying the professional fees of Quadrant?-- I assumed at the end of the day that would've come out in the wash in - in my accounts.

Come out in the wash; what do you mean?-- Well, in other words by the end of the campaign there would've been a line item on my account in relation to the professional fees.

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But you weren't just being supported by your own funds so far as Quadrant was concerned, were you?-- That's correct.

Yes. There was more money and by this time you knew that there was some money going into a solicitor's trust account. So who was paying Quadrant?-- Well, for my work?

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No, no, the joint work. The work being done-----?-- I know nothing about the joint work. I'm only dealing with my work.

But you were part of this group?-- I was part of a group of individuals that were a group, as you say it, from Quadrant's perspective.

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I tender those two emails, Mr Chairman.

CHAIRMAN: Yes. That'll be admitted as Exhibit 45.

ADMITTED AND MARKED "EXHIBIT 45"

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MR MULHOLLAND: All right. Would you have a look at this, please, these three documents? Now the first of these is dated the 28th of January 2004, an email to Councillor Sue Robbins from Mr Tony Hickey, Hickey Lawyers, re campaign funds. "I now hold in my trust account sufficient funds to make the following authorised payments" and in relation to you, seven and a-half thousand dollars, B Rowe, seven and a-half thousand dollars, R Scott, \$7,000, G Betts, \$7,000. Could you, please, understand that the difficulty that Brian and I have had in collecting these funds is because most of the donors have been away on holidays and are now only getting back into action. We have spent considerable time in the last 10 days trying to hurry people up but I'm sure that now the holiday season is over, the balance of committed funds will flow. We do not have any directions where the money is for G Pforr and R Scott are to be made. Could their address be provided or, alternatively, could they contact my personal assistant to arrange to collect the funds" and that's from Hickey Lawyers. Now this reflects the situation at the end of January in relation to these campaign funds. By this time there was money sufficient to make the authorised payments and, I take it, you became aware of that, that you were going to receive seven and a-half thousand dollars?-- I would have been aware. I can't tell you exactly who told me that there was funds available. I remember - I'm pretty sure that I may have rung Hickeys Lawyers on someone's instruction in relation to making available a post office box address.

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Before the election of the 27th of March, apart from Quadrant - as I say, apart from what you did so far as your professional advices were after the election, did you receive any information from anyone else concerning your obligations of disclosure?-- Not that I'm aware of. I can't remember.

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Were you quite confident that you knew what your obligations of disclosure were?-- I wasn't an expert at it but, I believe,

I - as long as I disclosed the name of the person and their address, that that would be sufficient.

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But how could you take that view if you hadn't sought the advice of anyone?-- As I said, I believe, I had a fall back position in relation to my accountant. I knew that there was a length of period after the close of election in which I had to comply and I was quite happy to comply under the - what I believe my interpretation of the Act-----

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That-----?-- -----as an inexperienced-----

But you never looked at the Act?-- As my inexperience-----

You never looked at the Act?-- I may have briefly looked over it. I didn't take - it was too complex for me to understand it.

Well, all the more, why you would go to someone to ask, "Well, what do I have to do about this"-----?-- I did.

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-----"I just received money from a solicitor's trust account without knowing where the money is coming from"-- I did seek it through Quadrant.

But Quadrant's not a lawyer. Did Quadrant get back to you?-- Yes, they did.

And did it - did Quadrant say to you where you should seek advice from?-- They said it was fine as long as you put your details in where it came and the address.

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So Quadrant-----?-- And I took their word knowing that I had my fall back position at the end of the day.

Now how did Quadrant inform you of that?-- It may have been by phone call. It may have been at one of those meetings after the 8th of January that I've attended.

Right?-- There would have been - I know in one particular case I had some questions for Quadrant. I tabled those in my submissions and it may have been in one of those requests of things to follow up with Quadrant.

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But you're telling this Commission - this is your solemn statement, is it, that you received advice from Mr Morgan to the effect that this was quite okay that you could receive money from the solicitor's trust account and you wouldn't have to worry about anything else so far as finding out who the donor was. Did you receive that advice or something to that effect from Mr Morgan; is that what you're saying?-- I questioned Mr Morgan and Quadrant on that and I believe that's correct. Some sort of advice for me. It may not have been in writing. It may have been at one of our meetings. It may have been by a phone call.

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Well, it might have been anything but you're saying that Mr Morgan told you that this was quite okay. All you have to

worry about is, you're getting money from the solicitor's trust account and you don't have to bother about finding out where the money came from. That's what you were told by Mr Morgan or to that effect. Is that what you are telling us?-- I'm telling you that I questioned Mr Morgan on what I am required to do and he couldn't give me an answer. He got back to me saying, "As long as you put the name and address and details then that should be sufficient".

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Put the name and address and details? What does that mean? That wouldn't tell you anything. The name and address and details?-- Of where you received the funding from.

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Of where you received the funding from?-- That's correct.

Did you - were you told by Mr Morgan that it was okay. You didn't have to know anything more and give any more details and simply say the money came from a solicitor's trust account. Is that what you were saying you were told by Mr Morgan?-- I understand that's correct.

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Right. Now, this time that you were told this by Mr Morgan, you can't give me-----?-- I can't give you exact dates, times, whether it was phone, email or a meeting time.

Well, was it before - was it 2003 or 2004?-- It would have been in 2004.

Well, January, February?-- Before March 27th.

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All right. Well, that's-----?-- And then I went on to quantify that with my own account, as I have stated.

Yes. The next memorandum is from Sandy who is referred to in that first email which I didn't mention. Sandy being the personal assistant to Hickey Lawyers, and it's a file note from Sandy dated the 29th of January 2004, campaign funds, telephone call from G Pforr. He asked me to forward his cheque for seven and a half thousand dollars to the following address"?-- That's correct.

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Now, you made a telephone call, you made a telephone call. I take it you didn't ask any questions, where's the money coming from?-- No, I didn't.

Yes. And then on the 29th of January 2004 there was a letter sent to you from Tony Hickey, managing partner of Hickey Lawyers, "As directed by Councillor Robbins and Councillor Power, please find enclosed our trust account cheque made payable to you in the sum of seven and a half thousand dollars"?-- That's correct. It was attached with a remittance form, the cheque, and I think I would submit it back - it's actually my handwriting there. Paid Permacrete \$7,146.20 out of my company's account which had been paying for invoices to that date.

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So you were paying - you're reimbursing your company? Is that what you're saying?-- Yes, because I at some stage rang my

accountant saying, "Look I'm not sure whether I should be paying for this. Do I run it through an expense through a company because the company paid my phone accounts. All the details through Permacrete", and he recommended that I needed to reimburse Permacrete and run it as G & E Pforr and that's why I reimbursed Permacrete.

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And-----?-- Why the notation's on that letter.

And that work in relation to which you reimbursed Permacrete, when had that been incurred?-- From October.

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From October 2003?-- That's correct.

Yes. Now, I tender those three documents, Mr Chairman.

CHAIRMAN: Those three documents will be marked Exhibit 46.

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ADMITTED AND MARKED "EXHIBIT 46"

MR MULHOLLAND: Can I just ask you in relation to that matter, Mr Pforr, do I understand you to say that in the view that you took as to what your obligations were and what you should do, the fact that this money was coming from a solicitor's trust account gave some aura of respectability to it?-- That's correct.

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You thought that the fact that it came from a solicitor's trust account meant that this made it fine in some way?-- That's correct.

What, because - why is that? Just explain that to us?-- I think I already have.

Well, we'll just do it again, I want to be clear that I understand what you are saying?-- It came from a trust account - from a solicitor's trust account.

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Yes?-- And I assumed at some stage it would have been audited.

It would be audited. Well, what would that tell you?-- Then they would have to account for their trust account.

Right. What, as - account for what, the fact that the money came in and then went out? What do you mean?-- That's correct.

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Right. Well, why would that give respectability to it?-- Well, I believe that gives all respectability to it.

Well, you knew the money was there, you received it?-- That's correct.

Well, the money came from somewhere so why does it get respectability in those circumstances?-- Well, correct me if I'm wrong but I would suggest that it would be Hickeys Lawyers obligation to provide information on where that money came from, not mine.

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Right. So is that the view that you took, that the explanation - if any explanation needed to be given - would have to come from Hickeys?-- That would be my explanation to your question now.

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Well, is that the view you took at the time?-- No. My view at the time is what I've explained. It came from a solicitor, a trust account, that would - needed to be audited - and I felt that it was respectable.

Yes. All right. Nothing else you want to say on that?-- No.

Would you have a look at this please. Now, if you go again to the last email first you'll see that this is a message, a faxed message, sent from Brian Ray on the - Thursday, the 12th of February 2004 to Chris Morgan-----?-- Sorry, sorry, that's down the bottom. I always struggle with the way emails come across, they always seem to be back to front.

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Sorry, I - that's why I said go to the end first?-- The bottom of the page.

Yes, that's it?-- Thank you.

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So it's sent Thursday, 12 February 2004 - do you have that now?-- I'm with you.

From Brian Ray to Chris Morgan, subject re GCCC campaign funding. "Chris, I spoke to David Power this afternoon, he's chasing \$60,000 in contributions. Tony and I are also on the job and we should liaise tomorrow morning."

MR WEBB: Tomorrow afternoon.

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MR MULHOLLAND: Sorry, tomorrow afternoon.

MR WEBB: It's not only January you've got problems with, Mr Mulholland.

MR MULHOLLAND: And then go on from Chris Morgan, sent Thursday, the 12th of February 2004 to Brian Ray, "Hi Brian," same subject - "representatives of various campaign committees are urgently chasing confirmation of funds to confirm planning and I must get respond" - respond, that's obviously response - "to them today e.g. Division 5, Brian Rowe requires \$26,783.72 to cover existing commitments plus approval for a further \$9,620. Division 4, Rob Molhoek stopped fund raising on the promise of funding, requires at least \$10,000 immediately. Division 6, Roxanne Scott, has been deferring commitment on high profile media signage now on deadline needs \$20,400 immediately. Plus commitments to produce additional material for Grant Pforr and Greg Betts. Will total at least another

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\$30,000 required for next week. All the above pretty much in line with my earlier cash flow spreadsheet other than Brian Rowe. Many are unable to confirm main media spends and in some cases is already booking out on key days e.g. radio. I know you're quite busy but we do need to move on this rapidly. Regards, Chris M." So that what we see here is a communication from Chris - Chris Morgan and it's going to Brian Ray and then we also have a message from Brian Ray to Chris Morgan. Now, do you have a recollection of wanting a - asking for a large sum of money at about this time?-- 13th of February?

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February 2004?-- No. Look, it's an email that I'm not aware of. It was never passed on to me. It's something between Brian - Brian Ray and Chris Morgan.

Did you ever become aware of Brian Ray being involved in relation to any such fund?-- Only - only what was in the paper.

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Well, this is obviously conveying, although this is not - these are not emails you're involved in - but this obviously is conveying that a very substantial amount of money is being raised and apparently Mr Ray is involved in that and David Power is also heavily involved in it. Did you know that or of anything like that happening at this time?-- Well, I think you'll have to take that up with Mr Morgan because all-----

Did you know?-- -----I provided with Mr Morgan was a wish list. I wasn't aware.

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All right. Well, then on the same day, 12th February 2004, to Brian Ray from Chris Morgan, same subject, "Thanks, Brian. I also spoke to David after our conversation. He is also going to follow up on Villaworld as he had been talking to Brent Haley earlier today. I'll call you tomorrow around 11 a.m. to organise a time to recap in the afternoon. I have Bob La Castra and Roxanne Scott in at 11.30 a.m. and Greg Betts at 2 p.m. Chris M." And then on the 13th February 2004 from Brian Ray to Chris Morgan, "Chris," same subject, "I hope to talk to Tony Hickey over the weekend as he is ill. I also spoke to David Power who's promised to ring today and to confirm where he is with his prospective \$80,000 worth of commitments. Note we have a meeting on Tuesday, 17 with David so we should attempt to resolve everything by that date. Brian." Now, at this time you were certainly aware that there was a large sum of money being raised for a group of candidates of which you were one; is that correct?-- I'd received some money from a trust fund through - through my contact at the 8th January meeting.

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Were you aware as at this time, 12th/13th February 2004, that there was a large sum of money being raised on behalf of the candidates, the eight candidates who had met on 16th December 2003, one of whom was yourself. Were you aware of that?-- I was aware that Chris Morgan was organising a wish list of funding for myself.

Mr Pforr, I am directing your attention to the question of the raising of these funds. Were you aware in mid February of 2004 that a large sum of money was being raised for eight candidates who had met on 16th December 2003, you being one of them. Were you aware of that?-- I could've been aware that there was some funding being raised, I can't tell you how much it was.

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And it was being raised as you understood it, for the eight candidates who had met on 16th December 2003 and you were one of them; is that correct?-- I could not say that it was eight candidates it was being raised for.

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Well, how many was it?-- I've got no idea. All I was-----

Well, did you ask anyone?-- -----interested in was my own campaign.

Did you ask anyone?-- Why would I need to?

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Well, exactly, why would you need to because you'd gone to the meeting and you'd received Exhibit 14 or a copy of it on that date. Why would you need to know - to ask anyone? You'd be very well aware, I suggest, that there was a large sum of money being raised during this period on your behalf and on behalf of the other seven people who were present at that meeting. Now do you deny that or not?-- As I've stated before, I went to the initial meeting on the understanding I had no aspirations of receiving any funding from outside my own campaign budget that I received. If I received some, so be it. It would've been a bonus and at the end of the day I did receive something.

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I tender that-----?-- I had no aspirations that I was going to be receiving any funding.

Thank you, that's Exhibit 17, those-----

CHAIRMAN: Yes, I think Exhibit 17 only has two out of those three on this current one.

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MR MULHOLLAND: Does it? Very well. So perhaps we could tender that as well.

CHAIRMAN: Yes. So that will be Exhibit 46.

MR NYST: 47.

MR WEBB: 46, one and two.

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CHAIRMAN: You are right again, 47.

ADMITTED AND MARKED "EXHIBIT 47"

MR MULHOLLAND: Yes, now would you have a look at this email, please? Now you see the date of 17th February 2004, the subject of Grant Pforr to D Power, and addressed, "Hi David, thanks for your call back on Sunday. I would like to request a draw-down for \$5,000 for the following. Two months of local divisional newsletter advertising, full page for February and March \$1,300, office and web page set-up, post office box drop, photocopying, 2000 give-away note pads \$3,700, total \$5,000. We also need to discuss the issue of preferences with you for the CWC. What is the news on the \$16,000 the last draw from RAP. Can we draw down on from your end as discussed?" Now, did you send that?-- My campaign manager would've sent it, yes.

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Well, do you-----?-- In discussion with myself.

Well, your campaign manager wouldn't have done something like this without checking with you, would she?-- That's correct. We're very close.

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All right. And you remember this occasion, do you?-- Yes, I do.

So you were seeking at this stage a draw down. Where was the draw down going to come from?-- I was testing the waters, as I told you before, to see whether there was money forthcoming.

Well you'd already successfully tested the waters once, hadn't you?-- No.

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You hadn't?-- This is the 17th of the 2nd, I - oh, I'm sorry, you're correct. Yes. I'd already received-----

So you'd tested the waters-----?-- This is February, yes.

So you'd tested the waters once-----?-- Yep.

You'd received some money, so it's beyond testing the waters, isn't it?-- This is a follow-up, yes.

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So you're seeking further funding and had you been given to understand it was likely that you would get it?-- Again I had the same aspirations. If it came it came, if it didn't, it didn't.

Now by this time you're writing to Steve Power. Why were you writing to Mr Power rather than to someone else? Why Mr Power?-- Oh, I don't know.

You don't know?-- It possibly, and I'm only surmising here, that there was other issues in relation to the Water Sports Club and funding that we were dealing with in relation to the building and it needed to go to him to clarify those. I thought it would kill two birds with one stone.

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Well, just explain to us the CWC - what does that refer to?-- Coomera Water Sports Club.

And RAP?-- Oh, that's a Federal funded grant.

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All right. So that particular - those two lines relate to the Water Sports matter that you spoke about?-- That's correct. Yes.

What's the previous sentence refer to, "We'll also need to discuss the issue of preferences with you"?-- As I said before, we often - I often spoke with the offer from these other councillors discussions on should I or should I not take preferences, and it was my preferred stance that I stood alone. I didn't want to do preference deals with other candidates.

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Well, you wanted to discuss the issue of preferences?-- I just wanted to get his opinion on it.

Right. Well why would you get Mr Power's opinion?-- Well, I often got an opinion from a lot of people, as I did when I first said that I was standing.

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Well you said that you were also getting - you were discussing with these other candidates - you mean the other seven candidates?-- No.

Well, who are you referring to? What other candidates?-- I would have - other candidates in my division, whether I needed to do a preference deal with the other three candidates who are standing in Division 3. That's who I'm referring to, the candidates in Division 3.

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Yes. And you're discussing the issue of preferences with Mr Power?-- As I discussed - bounced a lot of things off Councillor Robbins, anyone else I spoke to - Chris Morgan.

And you mentioned the matter of preferences to Mr Power before this email?-- I don't think so, to my knowledge. This is the first time I bounced it off him.

And why would you be requesting from Mr Power a request that you request a draw down for \$5000? What made you think that he had the authority?-- Well, to the best of my knowledge, the first draw down that I received on the exhibit stated on the instructions of Councillor Power and Councillor Robbins.

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Right?-- So probably I assumed that they were the ones that were-----

The ones that what?-- Were giving direction.

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Were giving directions to whom?-- Payments.

Yes, to what - giving directions to the solicitors?-- That's how the notation came, with the letter.

So-----?-- I assumed that.

So by this time, you assumed that the persons who had the authority to give directions in relation to the trust account were Mr Power and Ms Robbins?-- That's how it seemed on the correspondence I received on the first cheque.

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Did you ever discuss with them the matter as to how they came to have authority in relation to this funding?-- Not to my recollection, no.

See, again I suggest to you that it is a telling indication of cooperation going on between you and one of the eight candidates. Here you are in a situation that you had reached by this time, mid-February of 2004, where you were calling upon Mr Power to authorise, as it were, a draw down because you believed that he had authority in relation to the funds in the trust account. Now that's a strong connection, I suggest, and in a quite unusual way between you and Mr Power, a fellow candidate. Actually, here's a person, a fellow candidate for the election, and you believe him to have authority to provide you with funds?-- This is-----

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Now, is that - am I correct there? Do you regard that as something unusual or do you see nothing unusual about it?-- It's the only - I believe from my memory - the only correspondence that I would have contributed that to.

Never mind whether it's the only correspondence you were in a situation at this time as you've just told us where you believed that so far as those two people, Mr Power and Sue Robbins, were concerned that they had authority to authorise payment from this solicitor's trust account, weren't you?-- As I - as I answered before I only assumed that from the first letter and obviously I - my second communication down the line was - was to Councillor Power - it's the only piece of correspondence that's gone to him I believe in relation to that and I knew at the end of the day that I would need to quantify that.

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But you weren't even interested in asking Mr Power or Sue Robbins what's all this about, how come you've got authority in relation to a solicitor's trust account, what's all that mean?-- No, I didn't - I didn't ask them that, I'm sorry.

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You didn't want to know, did you?-- It was coming from - the first payment had come from a trust account, from a solicitor so I was quite comfortable with that as I've told you before.

You must have had strong confidence in Sue Robbins and Mr Power?-- Well, I had obviously respect for them, they've been in the game a long time.

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Well, and they were people in a position where they could authorise funds for you?-- Only from the first letter. I wasn't aware that they were in charge of the account.

Well, here you are in mid-February with that understanding that they have authority to authorise payments from the trust account. It's not just in relation to you I suggest, you

would have know very well that they had the authority on the way in which they were dealing with you so far as other candidates were concerned as well?-- I'm sorry, I can't agree with that. I had no idea on their authority with other candidates. I was only dealing with Chris Morgan and possibly in this case David Power after the first letter that I received and remittance that I received from Hickey Lawyers saying that they were instructed so who was I to go back to on the next draw, was I supposed to go back to Hickey Lawyers? I wasn't aware that - who was giving instruction on anything.

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Are you denying that in mid-February 2004 you knew that there was funding which was available to the eight candidates of whom you were one; are you denying that?-- Look, there could have been 14 candidates as far as I know. I was not sure of eight candidates.

You were not sure. Why didn't you ask?-- Why did I need to? I came in to the election on the understanding I was prepared to fund my own campaign.

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Yes. I tender that, Mr Chairman.

CHAIRMAN: That is Exhibit number 48, I believe.

ADMITTED AND MARKED "EXHIBIT 48"

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MR MULHOLLAND: Would you have a look at this document please. Now, is this a fax from yourself addressed to Councillor Sue Robbins, date 17 February 2004, the message, "Dear Sue, things seem to be going okay and I'm learning a lot along the way. Went into a bit of a spin in hearing the rumour Margaret Grummit may be standing in Division 3 but I guess there's not much I can do if she does. Chris and I have been working on a press release but before I do go ahead I would like some background in what section of Council and officers will be working out of the Nerang Chambers. What section of Council and officers will be left working out of Evandale, the old part, what are the approximate - what are the approx staffing numbers at each, when will Nerang be fully operational and lastly when will Evandale be fully operational? Also need to get together with you to discuss preferences as time gets closer. Thanks for you help. Regards, Grant." Now, do you remember sending this?-- I remember signing it, yes.

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And here's another person that you are wanting to discuss preferences with?-- Preferences within - within my Division whether I was to deal with the candidates or not.

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Yes?-- Because I still had my firm belief that I wished to stand alone.

Yes, well, is there anyone else apart from Sue Robbins and Mr Power that you - that you wrote in these terms to?-- Oh, look I would have discussed it with Chris Morgan.

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Is there anyone other than these two in the way or candidates for the March election that you wrote to in these terms?-- Not to my knowledge. There may have been. As I stated I may have asked somebody over the phone.

And you are - you're working on a press release, you said?-- That's correct.

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And you were asking for some background?-- That's correct.

So again more cooperation between you and two - and one of the eight people who were at the December meeting, isn't it?-- Look she was a councillor in council. I was looking to make a statement as a candidate. There was lots of debate and discussion about the new Evandale Chambers and the waste of money in relation to the building of that and I strongly believe that here was an item that I could use with a waste of money in offices - being travelling time from Nerang to Evandale was in the millions of dollars, I believe and it needed to be addressed. It was smart business to have all of council under one roof and I was looking as a candidate to make a statement to the public.

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I tender that, Mr Chairman.

CHAIRMAN: Exhibit 49.

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ADMITTED AND MARKED "EXHIBIT 49"

MR MULHOLLAND: Yes. Would you have a look at this, please? It's number 10 in Exhibit 3. Now, have a look at this article in the Gold Coast Sun, Wednesday the 18th of February 2004, under the heading, "Squaring Up. Councillors Lock Horns as Battle Reaches Climax". Sorry, you're going to your copy, are you, Mr Pforr?-- Yes, I believe - if it's not here it will be there, but I'm quite happy to accept this, but I would like to refer to it if I can.

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All right?-- If this is the Gold Coast Sun, Wednesday the 18th of February that's not correct. The Gold Coast Sun came out on the 16th - no, sorry, that's 2005. February 2004. Sorry.

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CHAIRMAN: It's a weekly paper, is it, the Sun?-- That's correct. No, I'm sorry. It may be in my other huge file back there. I'm quite happy to deal with this.

MR MULHOLLAND: Righto, well, this is by Murray Hubbard and it leads off, "One of the largest campaigns ever mounted to unseat a councillor is under way with Councillor Peter Young locked in a David and Goliath battle with Brian Rowe a former

headmaster of St Stephen's College. Mr Rowe has gathered a formidable team around him", and so on. Now, in the course of this you are referred to - and I'd like you to go down to where you were quoted. If you go to the second page of what I've given you what is said there is "Grant Pforr who is contesting Division 3 to be vacated by retiring Deputy Mayor, Councillor Alan Rickard said he was funding his campaign - quote, "I am strongly of the belief that campaign funds should be open and accountable and the public should know before the election where campaign funds have come from", he said. Councillor Crichlow said the way of electing councillors was wrong and had led to the problems plaguing council", and then a quote, "Look if we were elected by the whole community we would have to answer to the whole community. I'd like to see the system changed. Councillors should be voted in by the whole city instead of division by division". In so far as it refers to you - that part that I read and the quote, do you agree that you were accurately quoted in that newspaper article?-- That was one of the quotes I made, yes.

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Right. Are you saying that you said something other than that at that time?-- Yes, I would've.

You would've. We prefer, as the Chairman said-----?-- Sorry, I did.

You did, right. Well, what else did you say?-- My first opening address whenever I spoke to the media and I was given - I was told on several occasions to be careful dealing with the media because you're always misquoted. My first comments whenever I was contacted by the media was that I would comply under the Act, but yes, I have been-----

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So you-----?-- -----funding my own campaign to date and I made it specifically clear on a number of occasions that I will be writing to and I will be contacting friends and the odd developer for contributions, and I actually stated that in October 30th announcement that I would be contacting businesses and the odd developer.

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Businesses and the odd developer. Are you saying-----?-- Family and friends.

-----that you told - are you saying that you told this reporter at the time that you said what is attributed to there, "I will be complying with the Act and I will be contacting businesses and the odd developer," or words to that effect. Is that what you-----?-- I - I-----

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He added - he said, "I have been funding my own campaign to date"?-- That's correct.

Yes, well-----?-- And I not only-----

So - yes, but so far as funding your own campaign is concerned, that's already in this article. It refers to that. "Grant Pforr who's contesting Division 3 said he was funding his campaign." So they've actually said - the reporter has

referred to you as saying you were funding your campaign. The part-----?-- It's taken - it's taken out of context though in the whole - in light of everything that I'd spoken to him about.

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Well, I suggest that this isn't taken out of context. Your quote is, "I'm strongly of the belief that campaign funds should be open and accountable and the public should know before the election where campaign funds have come from"?-- Yes, I agree with that, but I would've also gone on to say that it's not a level playing field and, you know, we should be right across the board on all levels of government, both Council, State and Federal.

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Right, yes, but so what?-- So we want a clear playing field for everybody-----

Well, if you had the view at this time being open and accountable that the public should know before the election where campaign funds have come from, why didn't you tell the public?-- Because I didn't trust the paper.

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You didn't trust the paper?-- That's correct.

What, that they - if you told the paper where the funds had come from that they wouldn't print it or something?-- No.

Is that what you're saying?-- No, no.

Well, why wouldn't you tell the-----?-- You misunderstood. Look, you're often taken out of context. That was advised to me by several people and I had other situations within these documents where I had been taken out of context. I've responded to Murray Hubbard on a number of occasions in relation to that time and he has emailed me back saying he's not prepared to withdraw some of that stuff.

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The question is if you were of the belief that you ought to be open and accountable, campaign funds should be open and accountable and the public should know before the election where campaign funds have come from, why didn't you tell the public where they came from?-- Because I was legally not required to. I'm not answerable to the paper, I'm - under the Act which requires me. I'm quite happy if - if you wish to change the Act, I'll comply to whatever Act you - you expect me to comply to and I felt that I was complying to the Act.

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Yes.

CHAIRMAN: Do you take it that in the interim until that's done it would authorise you to lie to a journalist-----?-- I don't believe-----

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-----who is then going to be printing it to the public?-- I don't believe I lied to - to the journalist, I believe I was taken out of context-----

Well-----?-- I supported his comment in relation to the belief in making it accountable-----

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Well, just hang on, you say that you said to him, "I have been funding my own campaign to date". You said you told that to the journalist?-- I said I'd been funding my own campaign-----

Yes, and that's-----?-- I did not say-----

Well, just one at a time. That's not true, is it?-- Well, I did fund my own campaign.

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Well, what about the seven and a half thousand you got from Hickey Lawyers?-- Well, it was - it was - it went-----

Was that your money from Hickey Lawyers?-- It was money that I received. I did not say I was solely funded. I said I was - I had been funding my own campaign.

I see, so because you didn't-----?-- But I will be-----

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-----say, "I have been solely funding my own campaign to date," you say that wasn't misleading to the journalist and through him to the general public?-- Given-----

Is that the way you approach it?-- Given that the comments he had-----

Can you answer that question? Is that the way you approach it that seeing you didn't say, "I have been solely funding my own campaign to date," you didn't see that as in any way misleading the general public who would read that comment?-- It's the way the question was asked by the journalist-----

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No, no. Can you answer my question. Did you see that as misleading the general public when you said, "I have been funding my own campaign to date"?-- I'm sorry, I don't see it as misleading.

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I see. Did you think that a member of the public would think that it meant that you didn't receive any money from anyone else for campaign funding, that it was all from you?-- I was quite clear at any public meeting that I would be-----

No, no. In that - I'm not asking about what you said anywhere else. I'm only asking you about what you said here. In what you said here, did you think that you were being fully truthful in saying, "I have been funding my own campaign to date" when you had in fact received funds, you've told us, of seven and a half thousand dollars by this date from Hickey Lawyers?-- That's how it appears in the article, but-----

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But don't - I'm not quoting the article. I'm quoting what you said you said to the journalist. "I have been funding my own campaign" is what the journalist has got, you've got it, but you said to him, "to date" leaving open the fact that you

might be getting something from somewhere else in the future.  
So-----?-- Well, I don't think it says "to date."

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No, no, I'm taking what you said to him - you're not responsible if he leaves out the "to date" - I'm taking what you say you said to him. Are you happy-----?-- I may not have said, "to date."

Well, I'm sorry-----?-- To be exactly correct.

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I take it what you said to me, you said before that you said to the journalist, "I have been funding my own campaign to date" okay? Now just taking that, do you see that as a truthful statement?-- I can't answer - I can't answer that. I don't believe that I've been quoted correctly and I don't believe that-----

You said that to the journalist, which you told us a minute ago you did?-- Yes.

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Would you see that as a statement of truth at that stage?-- Given the - you've got to understand at the time we were door knocking from dawn till dark, a lot of these conversations that I had were on the run-----

That might be an excuse why you might have accidentally lied, I'm not asking that, we'll come to that?-- Well, I don't believe I've lied, Mr Chairman.

Did you see that as a truthful statement at the time. "I have been funding my own campaign to date"?-- Taken out of context, it would appear that way, but I don't believe - I thought I was quite clear at the start of the questioning from the journalist in relation to my position, that I would be, under the Act, complying and I had the intention of not - I didn't feel obligated to the paper to answer his questions. All right. So in other words, you would tell the truth at the time you were required to by the Act, and in the interim you would leave a statement go out to the general public which wasn't the full truth. Is that what you're saying?-- Well, the Press put it out there as my statement.

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Well, that's what you've said you said to me. "I have been funding my own campaign to date." I wrote down that's what you said earlier, was what you said to the journalist?-- Well, I may not have said "to date" Mr Chairman. I'm sorry.

Well, leave out "to date" - "I have been funding my own campaign"?-- Well, my campaign started in October.

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Do you accept that as at the date you spoke to the journalist, presumably a day or so prior to the 18th February 2004, that was not a correct statement - in light of the fact that you'd received seven and a half thousand dollars from Hickey Lawyers?-- Yes, I'd received some funding from Hickey Lawyers.

Do you accept that that was not a correct statement?-- Well, it probably wasn't the smartest thing to say at the time.

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No, I didn't ask smartest, I asked correct?-- I'm sorry, Mr Chairman, it could appear that way.

Do you say it was correct? Are you claiming it was correct, or are you-----?-- I honestly believe that I wasn't misleading.

I see. In-----?-- In light-----

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----- making a statement inconsistent with the true situation that you had received funding from someone other than yourself?-- Well, as I've tried to explain, given what I had attempted to put across to the journalist, I wasn't comfortable with even discussing funding, because I wasn't going to get a fair hearing in the Press.

Well, that's a reason why you might say to the journalist, "Sorry, I'm not prepared to talk to you about this issue"-----?-- Yeah, but when you-----

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But you didn't do that, did you? You went ahead-----?-- They're very hard-----

-----and you made a positive statement-----?-- They're very hard to say no to.

Well, that might-----?-- They question you relentlessly-----

That might be so but did you then subsequently write a letter to the editor or go to the other newspaper and say, Look, I've been quoted as saying that, I did say it but it's incorrect and the record should be corrected?-- I - I did make a phone call with another letter in between time, the Bulletin wrote to me in March, I did make - I have actually had-----

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Okay. Well, if you have corrected it we'll go on and perhaps we'll see if you-----?-- -----contact with them - I did - I did correct it by phone because the actual - not this journalist but another journalist couldn't open a letter that I sent in Publisher and I subsequently contacted - he actually contacted me about two days before the 27th and I did correct him then.

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Okay. So I might have missed something if it's come out at a later time where you've corrected it?-- I did by phone when a journalist contacted me later.

Okay. Well, we'll go on and I'll see that when we arrive at that point then.

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MR MULHOLLAND: I'll just ask you this, following upon those questions - can I ask you this, Mr Pforr, if you had told the journalist and the newspaper had reported that you had received seven and a half thousand dollars paid from a solicitor's trust account how do you think the public would have reacted to that?-- I have no comment to make on that. I

wouldn't know how they would react. I mean it was quite -  
given-----

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Do you think they'd think that was quite okay, that sounds  
reasonable?-- Well, it was a trust account.

Do you think they would have - the public - if they had known  
that fact would have said oh well that seems quite fair and  
reasonable, we don't want to know anything further about  
that?-- Well - my name was used on a regular basis associated  
with it throughout the press so I think the public were aware  
of it.

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Yes, would that be a convenient time?

CHAIRMAN: Yes, thank you, Mr Mulholland. What time in the  
morning would suit people; at least a quarter to 10, but I'm  
happy to start earlier?

MR WEBB: I'm in the Chair's hands.

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CHAIRMAN: I realise people come from the Coast. All right.  
We'll make it quarter to 10. Yes, Mr Webb.

MR WEBB: Sir, I have a concern and I thought I perhaps should  
raise it at this stage. It is much along the lines of what my  
learned friend Mr Fynes-Clinton had to say. On a reading of  
section 414 the witness's understanding - and he's not a  
lawyer - seems to be correct.

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CHAIRMAN: Well-----

MR WEBB: What I'm concerned if-----

CHAIRMAN: Who would be the - of the trust funds that are paid  
into the trust account of the solicitor to make it a trust  
fund?

MR WEBB: But a solicitor's trust fund is a trust fund, every  
time money goes in to a solicitor's trust fund-----

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CHAIRMAN: And an estate agent trust fund?

MR WEBB: Every time - I'm just dealing with the solicitor's  
situation at this stage - every time a payment is made into a  
solicitor's trust fund there is a trust fund created with  
respect to that particular client but the point that I'm  
really rising to my feet for is it's perhaps not really fair  
to cross-examine a lay person about these sorts of matters  
which are really matters of law. Certainly, put a question to  
him but then to cross-examine him - it's a matter for you, Mr  
Chairman, and I'm only rising to my feet on the question of  
fairness because I'm aware that evidence-----

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CHAIRMAN: No, I take your point. It's a matter that perhaps  
Mr Mulholland will consider overnight and we'll see where it  
goes. That questioning's finished with this witness so we'll  
have to see-----

MR WEBB: Yes, but I - there are other witnesses to come, that's why I rise to my feet. As we've all observed people are being cross-examined really about other people's documents. Well, you can do that here because of the rules in relation to evidence.

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CHAIRMAN: But you might have a look at that exhibit, I think it is 10 which makes it fairly clear that certainly the Department of Local Government didn't consider and advised candidates that you don't just declare a solicitor's trust account and think that's the end of it.

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MR WEBB: But that may be with the Local Government-----

CHAIRMAN: Yes.

MR WEBB: That might be their view.

CHAIRMAN: No, I take your point. It's an arguable-----

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MR WEBB: I don't wish to take it any further.

CHAIRMAN: No, no, I understand the point you're making and I think it's a fair one. quarter to 10 in the morning.

THE HEARING ADJOURNED AT 4.44 P.M. TILL 9.45 A.M. THE FOLLOWING DAY

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# WITNESS LIST

GRANT JAMES PFORR, SWORN AND EXAMINED . . . . . 196 10

## EXHIBITS

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ADMITTED AND MARKED "EXHIBIT 49" . . . . . 268

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