

OP GRAND

[Enter Record of Interview/Telephone Conv

EXHIBIT No. 295
[Signature] CLERK

TAPE NO: 1 (of 1)

DATE: 03-11-05

PLACE: Gold Coast

TIME COMMENCED: 2.58pm

TIME CONCLUDED: 3.41pm

INTERVIEWEE: Anne Cunningham

INTERVIEWER/S: Detective Inspector Ken Bemi

LEGAL OFFICER: Danny Boyle

RE: Operation Grand

FILE NUMBER: MI-05-2482

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Dectective Inspector Ken Bemi
Statement Of: Anne Cunningham
Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :

COPY TAPE 1 OF 1 - RECORD OF INTERVIEW BETWEEN PARTIES

LEGAL OFFICER: Danny Boyle

RE: Operation Grand

KB = Detective Inspector Ken Beml

LO = Investigator Lucinda O'Brien

AC = Anne Cunningham

- 1 KB The time now is two fifty eight (2:58pm) on the afternoon of Thursday the third day of
2 November 2005 (03.11.05) I'm present at the offices of Hickey Lawyers on the Gold
3 Coast and I intend to conduct an audio interview with Miss Anne Cunningham in relation
4 to a present investigation that the Crime and Misconduct Commission is currently
5 undertaking concerning the Gold Coast City Council elections held in March 2004. For
6 the Purposes of voice identification I'll ask every person present here to state their full
7 and correct name my full name is Kenneth William Beml, I am a Detective Inspector of
8 police currently performing duties at the Crime and Misconduct Commission in Brisbane.
9
- 10 LO I'm Lucinda Marie O'Brien, Investigator Crime and Misconduct Commission.
11
- 12 [Sound of paper shuffling]
13
- 14 AC And Anne Cunningham, Solicitor from Hickey Lawyers.
15
- 16 KB Anne thanks for your time here today, ahh what I purpose to do is conduct an audio
17 interview with you about the matter I've previously outlined, Anne what that basically
18 means is anything you say I say my colleague here says will be recorded as we speak do
19 you understand that?
20
- 21 AC I do.
22
- 23 KB Are you agreeable to participate in this interview of you own free will here today?
24
- 25 AC Yes I am.
26
- 27 KB Do you require any other person to be present here with you?
28
- 29 AC No.
30
- 31 KB Can you please state your current address?
32
- 33 AC Um two (2) stroke seventeen (17) Saint Lucia, L U C I A court Varsity Lakes.

Complainant: Operation Grand
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File Number: MI-05-2482
Directory :

34 KB And your date of birth?
35
36 AC Fifth of August 49 (05.08.1949).
37
38 KB Anne your current role here in Hickey Lawyers?
39
40 AC Um I'm called the Legal Manager which is I'm a practise support Lawyer.
41
42 KB Yep... [overtalk].
43
44 AC I don't,
45
46 KB Yep.
47
48 AC I don't normally practise [laughing]
49
50 KB Can you explain what that means.
51
52 AC Um I look after the precedents and the legal education and the um [pause] article
53 clerkships training and um generally any other legal matters that the lawyers don't want
54 to take on as a practise unit.
55
56 KB And how long have you worked for Hickey Lawyers?
57
58 AC Um bit over two (2) years.
59
60 KB And prior to that?
61
62 AC I worked in the Guardianship Board in the Northern Territory.
63
64 KB [pause] Thankyou. As I have stated earlier on the Crime and Misconduct Commission in
65 Brisbane is currently conducting an inquiry surrounding the March 2004 elections held
66 here on the Gold Coast as part of that inquiry I have a number of matters to discuss here
67 with you today in particular pertains to memorandums that appears that you have
68 prepared in relation to interpretation of s.430 of the Local Government Act and some
69 other points which we will come to shortly, but first of all if I can [paper shuffling] can I
70 get you to sight these two (2) documents and one (1) is dated the sixteenth of April 2004
71 (16.04.2004), it's got from Anne Cunningham RE: lodgement of a return for making a
72 gift under the Local Government Act s.430 and the other memorandum is dated the
73 twentieth of April 2004 (20.04.04) once again from Anne Cunningham RE: lodgement of
74 a return for making a gift under the Local Government Act s.430 so it's an identical...
75
76 AC Yes.
77

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Directory :

78 KB ...on both memorandums. Can I get you to have a look at those. Anne to ask you were
79 you responsible for preparing them in their current form?
80
81 AC [paper shuffling] Um yes I was responsible for preparing, them both, but one (1) appears
82 to be a draft um and the other one (1) appears to be the final which was [paper shuffling]
83 overwritten [paper shuffling].
84
85 KB Which one was the draft one (1)?
86
87 AC Well [sigh] I think it appears to be the sixteenth (16) of April and I would of then
88 upgraded it to the Twentieth (20) of April.
89
90 KB Well perhaps is we go back to the beginning, how'd you come to prepare these
91 documents?
92
93 AC Um I was asked by the Manager of litigation David Monaghan um if I could help him out
94 with this matter 'cause he was overloaded with work so he just he gave me the
95 instructions and what I had to do.
96
97 KB Can you recall when that request was made by him?
98
99 AC I don't remember the dates, at all.
100
101 KB Have you got any record of that at all?
102
103 AC [sigh] it would be on the file or I I suppose I, no not of being told I wouldn't have a clue.
104
105 KB David Monaghan what position does he hold?
106
107 AC He was, he's not here now he was the partner the litigation partner... of Hickey's.
108
109 KB So he made the request to you...
110
111 AC Yes.
112
113 KB ...to prepare, the memorandums?
114
115 AC Yes.
116
117 KB How did he make that request? Can you recall?
118
119 AC Personally he would have just called me into his office and handed me a file and asked
120 told given me instructions and I would have gone back to my office and started working
121 on it.

Complainant: Operation Grand
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File Number: MI-05-2482
Directory :

122 KB Would he have possible sent you an e-mail with that request?
123
124 AC He may have, it's possible yes, I don't remember.
125
126 KB [~~paper shuffling~~] perhaps if I can refer you to an e-mail here that's addressed from David
127 Monaghan dated the fifteenth of April 2004 (15.04.04) sent at two twenty nine (2:29pm)
128 and addressed to yourself, Anne Cunningham, just have a read of that e-mail.
129
130 [Sound of paper shuffling]
131
132 AC Okay [pause] yes it certainly looks like that's how he told me [laughing], okay yes it is an
133 e-mail [overtalk] [ui]
134
135 KB So you don't think it was personally [background noise] or could it have been personally
136 to or?
137
138 AC Well I remember talking to him personal about it but I forgot that I.
139
140 KB Right.
141
142 AC Got an e-mail about it.
143
144 KB So do you think you would have received that e-mail first then spoke to him?
145
146 AC It it looks like its possible, then I would have had to gone into him to get the files so.
147
148 KB And in the e-mail he makes the request, Anne can you please have a look at s460 of the
149 Local Government Act Queensland to see whether we need to make a disclosure under
150 that section about payments out of our trust account I will get details of the payments to
151 you separately.
152
153 AC Yes.
154
155 KB And that forms part of another e-mail as you can see it's addressed from Karen Blackman
156 to David himself.
157
158 AC from Katherine yes.
159
160 KB Katherine Blackman.
161
162 AC Yes.
163
164 KB And to a number of other people including looks like Tony Hickey.
165

Complainant: Operation Grand
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File Number: MI-05-2482
Directory :

166 AC That's right and several partners.
167
168 KB Several partners.
169
170 AC Yeah.
171
172 KB Of the firm yeah.
173
174 AC Mm.
175
176 KB Alright so in all probability you received e-mail and obviously you would have spoken to
177 him, Anne can you recall what that conversation would have been?
178
179 AC I have really can't recall it, I'm assuming I went in and got the files I really couldn't be
180 sure.
181
182 KB Anne you stated you haven't got any notes or diary entries or?
183
184 AC Well I would have put them on the file.
185
186 KB Yeah.
187
188 AC And then I handed the files back to him with the advise and would have never seen it
189 again.
190
191 KB You said before he instructed you.
192
193 AC Yes.
194
195 KB About a certain issue I believe I...
196
197 AC Mm hm.
198
199 KB ...in preparation of that document I take it to be or?
200
201 AC Well I I'm I'm assuming I remember seeing the files so um I assume I went into his office
202 and got them.
203
204 KB Right.
205
206 AC It's unlike him to have walked into my room with them but he could have.
207
208 KB So he would have had the files so you received the e-mail spoke to him.
209

Complainant: Operation Grand
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File Number: MI-05-2482
Directory :

210 AC Yep.
211
212 KB ...walked into his office.
213
214 AC Yep.
215
216 KB ...you would have retrieved the files
217
218 AC Yep.
219
220 KB when you were in his office he would have issued you with certain instructions perhaps?
221
222 AC Probably sat down and had a talk about it yes.
223
224 KB Correct me if I'm wrong I'm not trying to [laughing]
225
226 AC [laughing]
227
228 KB put words into your mouth.
229
230 AC That's alright...
231
232 KB I'm just trying to get the sequence.
233
234 AC ... probably what happened yeah.
235
236 KB Yep alright, now can you recall anything he specifically instructed you about?
237
238 AC No.
239
240 KB Can you recall anything at all that he instructed you about?
241
242 AC [sigh] No, not really.
243
244 KB So when you say that he issued you with instructions you can't recall what the
245 instructions were?
246
247 AC No not really.
248
249 KB And I I appreciate the length of time.
250
251 AC That's alright if I can see like a step by step sequence of amend e-mails or something
252 maybe I could remember what happened in the middle but I only vaguely remembered I
253 wrote the advise.

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Directory :

254
255 LO [laughing]
256
257 AC [laughing]
258
259 KB Does that help you at all that reading the content of the other e-mail or part of that bigger
260 e-mail addressed to yourself?
261
262 AC [pause] [shuffling of paper] No I don't even recall reading that that end of the e-mail.
263
264 KB Did David Monaghan inform you who requested that task of himself in other words to get
265 you to provide an opinion as to...
266
267 AC He.
268
269 KB ...as to s.430
270
271 AC He may have I don't remember I I, I assume it was from Brad or Tony I don't know.
272
273 KB But you don't for know for sure your only assuming.
274
275 AC I'm assuming I have no i... no recollection, it would just be a matter of getting an
276 instruction getting a file and sitting and start researching getting the Act...
277
278 KB Yeah.
279
280 AC ...and getting on the net and start typing.
281
282 KB Can you recall if David Monaghan indicated to you that it was a request from Tony
283 Hickey specifically?
284
285 AC No.
286
287 KB Okay.
288
289 AC I really don't.
290
291 KB [paper shuffling] and reading that entire e-mail doesn't assist at all.
292
293 AC [laughing] No.
294
295 KB If I can refer you to the actual documents [paper shuffling] the first ones dated the
296 sixteenth (16) of April and as we said before there was two (2) documents one (1)

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Directory :

297 sixteenth (16) and one (1) the ah twentieth (20) of April you believe the one on the
298 sixteenth (16) of April 2004 is in fact a draft.
299
300 AC Ah the only reason I believe that is that I looked at this document number on my
301 ~~computer this morning and that that structure didn't appear there so it looks like it an~~
302 upgraded version so I'm assuming that was a draft the sixteenth (16) um was a draft,
303 which I subsequently went in and amended.
304
305 KB Can you recall why you were being requested to conduct research into that pacific section
306 at all the Local Government Act four thirty (430) about making returns or gift returns?
307
308 AC Um all I remember is that we had trust account accounts in the name of Lionel Barden
309 and um we had to instruct [paper shuffling] him or give him advise on whether he had to
310 lodge a return.
311
312 KB Did you do that personally?
313
314 AC Um no I didn't I didn't talk to him no.
315
316 KB How were you aware that you had trust accounts in relation to Lionel Barden?
317
318 AC By the files.
319
320 KB Did anyone provide you with information in relation to that trust account?
321
322 AC No.
323
324 KB Do you yourself know anything about the trust account the workings of it.
325
326 AC Absolutely no.
327
328 KB Who accessed it.
329
330 AC No [laughing].
331
332 KB But it was administered by Hickey Lawyers here or?
333
334 AC I believe well that's what the file said it was.
335
336 KB Yeah
337
338 AC It was our trust account yeah in a they were money in our trust account yeah.
339
340 KB It appears that Lionel Barden had a connection with the trust account.

Complainant: Operation Grand
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File Number: MI-05-2482
Directory :

341 AC That was the name on it, that the name I saw on the file that's all.
342
343 KB Right so just going through the document dated [paper shuffling] the twentieth (20) April
344 2004 I can just take you through that, you've got here a number of points that you
345 ~~addressed in the document and I just start off the question is whether a donor to a Local~~
346 council candidates campaign must lodge a form under s. 430 of Local Government Act
347 and you replied the short answer is yes then the other heading is does Hickey's have to
348 lodge a return is it a person under the Local Government Act you believed they didn't
349 have to lodge a return as...
350
351 AC Mh hm.
352
353 KB Hickey w Hickey's were 2 agents for two trust funds.
354
355 [Background noise ui]
356
357 KB Yeah.
358
359 AC Yes that's right.
360
361 KB Do you know what those two (2) trust funds were? One (1) was the Lionel Barden
362 obviously?
363
364 AC Oh another one was the Gold Coast Council something a rather um it's written there I
365 don't actually remember it off.
366
367 KB Okay, we'll just keep going down Quadrant [ui] is also excluded then there's a heading
368 the Lionel Barden Common Sense Campaign Fund and you described that Anne your
369 argument is or your research that you conducted...
370
371 AC Mm.
372
373 KB ...your advise is that the therefore the trustee of this fund must lodge a return disclosing
374 the names of it's donor.
375
376 AC That's right, I I researched for many many days because the Act the reason I remember it
377 now so clearly is the Act is very unclear and I just could not figure whether we had to put
378 a return in or not we as Hickey's so I rang the um Government Department and two (2) or
379 three (3) times I think or he rang me back a couple of times until we sorted it out
380 between us that's why I was pretty sure at that stage that we couldn't have done anymore
381 to clear it up.
382
383 KB Yeah, okay so there's another heading here Gold Coast City Council Election Campaign
384 Fund well that was the name...

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File Number: MI-05-2482
Directory :

385
386 AC That was the other one.
387
388 KB ...the second one, do you know who [clear throat] was responsible for um accessing that
389 at all or who was um the trustees behind it?
390
391 AC No I I didn't even remember that name until I looked at this document this morning
392 didn't remember it at all but I did remember the other one (1).
393
394 KB Power and Robbins does that ring a bell.
395
396 AC The 2 name ring a bell but um.
397
398 KB You can't say for sure if they...
399
400 AC No.
401
402 KB ...were connected with this...
403
404 AC No.
405
406 KB ...Gold Coast City Council Election campaign.
407
408 AC No no I know their names were in the file.
409
410 KB Which one was the first one that you can recall?
411
412 AC Um you mean in order in...
413
414 KB Yeah.
415
416 AC ... file Lionel Barden.
417
418 KB Uh sorry the two (2) names of the (2) accounts.
419
420 AC Yes.
421
422 KB Okay, what was the how did it come to have two (2) names I guess is the question that
423 I'm asking?
424
425 AC Um I don't I'm not sure I think I think I queried it and I looked at it and thought why have
426 we got 2 different trust names in this file and whether I asked David or queried him I'm
427 not sure but I then worked out that it was just a name change I think it was a name
428 change.

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Statement Of: Anne Cunningham
Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :

429 KB And you weren't aware of why there was a name change?
430
431 AC It had all happened before I picked the file up.
432
433 KB Great.
434
435 AC Yeah.
436
437 KB And this was after the election by the looks of it?
438
439 AC I think so yeah.
440
441 KB Twentieth (20) of April.
442
443 AC No I don't know when the election was.
444
445 KB March twenty seventh (27) 2004.
446
447 AC Mm.
448
449 KB Anyhow you also address an area the disclosure period.
450
451 AC Uh ha.
452
453 KB [sound of paper shuffling] and another heading return just this part here under return you
454 got the form must be completed and signed by the trustees of each account sorry of each
455 trust if more than one (1) trustee then all of them. Lionel's address can be his private or
456 business address it appeared that his business address was care of Hickey's so I put in his
457 Mudgeeraba address to keep us out of the picture.
458
459 AC Mm hm.
460
461 KB As these returns are accessible to the public.
462
463 AC Mm hm.
464
465 KB You may wish to change it. Can you just explain what you meant by that paragraph?
466
467 AC Um I'm not sure it's just I'm just use to Lawyers not wanting to be connected to things so
468 it'll just be a normal a normal um assumption I think on the file his address was care of
469 us um.
470
471 KB Did anyone raise that point with you?
472

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File Number: MI-05-2482
Directory :

473 AC Nobody it was just purely out of my head. No not at all nobody sat with me and did
474 anything with this.
475
476 KB So no one issued you with instructions to address that point.
477
478 AC No, I know David was very busy every time I went in there he was saying I'm to busy so I
479 was doing it on my own.
480
481 KB Anne you go and say that the return must be lodged within three (3) months after the
482 conclusion of the election so we are within time, if a return is not lodge then it can reflect
483 badly on the Councillor or donee there's also a fine of fifteen hundred (\$1500) imposed
484 on the donor for failing to lodge or lodge an incorrect return.
485
486 [Pause-sound of cars in the background]
487
488 KB And then you just go through, basically what must be completed and where it's sent to.
489
490 AC Mm hm.
491
492 KB Conclusion, so that just your advice that you sent to whom, because on the memorandum
493 it says file to file.
494
495 AC That's right I I just assumed that David was going to take this and tune it up and do
496 whatever he intended doing with it I don't know I was just asked to give an advice.
497
498 KB So you conducted research...
499
500 AC That's that's basically.
501
502 KB ...into it and you outlined before that you contacted
503
504 AC Yeah.
505
506 KB ...representative Local Government.
507
508 AC Mm hm.
509
510 KB And...
511
512 AC I also I was I was doing masses, massive amounts of research to try and figure out this
513 weird statute that I couldn't make hair nor tail of...
514
515 KB Being the Local Government Act
516

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Directory :

517 AC Yes and so I then [laughing] started trawling around on the internet and even I I've just
518 found something in my room even received a package from the CMC on Councillors
519 obligations under the Act to lodge returns so I thought if I can't make sense of the Local
520 Government Act I can possible back track through their obligations what they have to do
521 then what we have to do so.

522
523 KB When did you receive that from the CMC?
524

525 AC Uh I remember receiving a must have been during this time I remember see after I [sound
526 of paper shuffling] I I possible made an online request when I saw on the net...

527
528 KB Mm.
529

530 AC ...then I got a telephone call from a lady from your office who said how did you know
531 about this and I said oh found it on the net and she said well it's only just been released
532 I'll post it to you so she posted me down the Councillors little blue package with all the
533 inserts.
534

535 KB Did you make the request to the CMC did you, to [ui]?
536

537 AC Well apparently I didn't know where it was going it was just off the net it was you know
538 like this is a package of information for Councillors on their I can go and get it and show
539 it to you.
540

541 KB Yeah nah I think I know which one your referring to but what caused you to actually
542 speak to someone at the CMC?
543

544 AC They rang me.
545

546 KB Okay.
547

548 AC Someone rang me some female rang me.
549

550 KB How did they find out that you...
551

552 AC I must have in asking for this package I must have just lodge a request with CMC and not
553 known.
554

555 KB Through the net.
556

557 AC Through the net.
558

559 KB Over the net I should say yeah alright. Can you recall when that would have been, would
560 it have been around this time?

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File Number: MI-05-2482
Directory :

561 AC It was around then.
562
563 KB April 2004?
564
565 AC Yes yes but it could it obviously didn't arrive until after I sent the file back 'cause that
566 package is in my room and not on the file I just flung it onto a bookshelf.
567
568 KB So do you stand by that advice that you provided in this memorandum to date? Or
569
570 AC I do I hopefully it's right I wouldn't have a clue. [laughing]
571
572 KB Yeah.
573
574 [sound of paper shuffling]
575
576 AC As far as I know that's the one I prepared it looks like the one I prepared.
577
578 KB Just going back to the earlier one date the sistennth (16) April.
579
580 AC Mm hm.
581
582 KB Once again it's to file and sorry what did you say that meant to file.
583
584 AC Well I would have just been asked to conduct do some research on a on a specific section
585 so I would just not know who to address it to and just put it the file and let them deal with
586 it.
587
588 KB So after you completed this document dated the twentieth (20) of April 2004 which
589 appears to be the...
590
591 AC Mm hm.
592
593 KB ...final report or memorandum that you completed, what did you actually do with it
594 physically like you would have used you computer to?
595
596 AC That's right I would have printed it out given it to David and given the file back.
597
598 KB Did you sent it to anyone electronically?
599
600 AC I doubt it.
601
602 KB So you would have printed made a hard copy of the document.
603
604 AC Yes.

Complainant: Operation Grand
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605 KB And personally handed it to.
606
607 AC Yes, I may have e-mailed it to David but I doubt it, his only 3 steps away ...
608
609 KB David Monaghan we're referring to.
610
611 AC Yes.
612
613 KB Can you recall when you would have handed it to him?
614
615 AC No sorry I.
616
617 KB Would it have been around that time the twentieth (20) of April.
618
619 AC Well I normally like to get rid of things as quickly as I can so hopefully I gave it to him
620 straight away.
621
622 KB So when you handed it to David did you have any conversation with him in relation to
623 this file?
624
625 AC Possible I might it's normal that when I did something for him I sat down and would talk
626 about it and say is this enough do you want more that's my normal routine so.
627
628 KB Can you recall it you had that conversation with him in particular?
629
630 AC No.
631
632 KB Can you recall whether anything specifically was discussed during this conversation with
633 David? When you handed him the file.
634
635 AC No.
636
637 KB Can you recall him saying anything to you in relation to what you've included in your
638 memorandum?
639
640 AC Not really no.
641
642 KB So you handed it to him...
643
644 AC I only barely remembered even doing it [laughing]
645
646 KB ..what happened after you handed it to him?
647
648 AC I forgot about it. I didn't.

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649 KB Did he come back with you and make any further inquiries at all?
650
651 AC If he had and it caused me to change this then then I would have had a later version so
652 I'm assuming there was nothing further said [pause] mm no.
653

654 KB Did Mr Tony Hickey have any conversation with you in relation to this document?
655
656 AC No.
657
658 KB Did he have any influence as to what you included in this document?
659
660 AC No.
661
662 KB ...your opinion.
663
664 AC No I didn't talk to any of the partners about it.
665
666 KB So this was all of your own...
667
668 AC This was purely research.
669
670 KB ...research.
671
672 AC Which is what I do here half of my job is research.
673
674 KB So in essence David Monaghan would be the only person you have spoken to about this
675 document and when you completed it you handed it to him you can't recall the content of
676 that conversation that you had with him,
677
678 AC No.
679
680 KB And all likely hood you would have had some discussion but as for the actual content you
681 can't recall.
682
683 AC No sorry.
684
685 KB Can you recall if he agreed with this your advise? Or
686
687 AC He yes.
688
689 KB He did agree with it.
690

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Dectective Inspector Ken Bemi
Statement Of: Anne Cunningham
Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :

691 AC Yes I think yeah I think we're right all I remember clearly about that research was having
692 tremendous difficulty finding the right document to fill in and that's what made me ring
693 that man at the Government Department I think I've got his name in there.
694
695 KB Yeah.
696
697 AC Um to say.
698
699 KB Al McCormack.
700
701 AC This is one I've downloaded from the net uh is it right and he said to me I'll e-mail you
702 the correct document and he did.
703
704 KB Was your advice contained in the memorandum that you prepared was it acted on do you
705 know? by
706
707 AC I have no idea.
708
709 KB Hickey Lawyers.
710
711 AC No.
712
713 KB You don't know?
714
715 AC No.
716
717 KB You didn't have anything...
718
719 AC Nothing.
720
721 KB ...further to do with in after you handed
722
723 AC Completely forgot about it [laughing].
724
725 KB ...that document to David Monaghan, I just refer you to the one on the sixteenth (16) you
726 said before that seem to think it may have been a draft, yeah have a look at it.
727
728 AC It's the same document number so.
729
730 KB It is the same document.
731
732 AC And if it's different it must have been a draft earlier draft.
733

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Dectective Inspector Ken Beml
Statement Of: Anne Cunningham
Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :

734 KB It's got a number of heading including the disclosure period, returns, solicitors trusts
735 sorry solicitors trust accounts it's got a comment solicitors are deemed to be an agent
736 fortunately not import enough to put our name on the form that would have been through
737 research again.
738

739 AC Yes well yes that's right or talking to that Mr McCormack.
740

741 KB Would you have spoken to Mr McCormack before you completed this draft document or
742 after you did the draft?
743

744 AC Oh would have been during.
745

746 KB Or before you did the final.
747

748 AC Would have been during yes.
749

750 KB The draft or the final one?
751

752 AC Oh I'm not sure.
753

754 KB Don't know, sure. Have you got any notation?
755

756 AC If you've got the file you would have any file note I made of when I spoke to him I'm not
757 sure.
758

759 KB Thankyou, I'll come to that shortly.
760

761 AC Mm.
762

763 KB Just this last part on the memorandum dated the sixteenth (16) April 2004, you've got a
764 heading whether to disclose the name of the trust sorry whether to disclose that the name
765 of the trust has changed.
766

767 AC Mm hm.
768

769 KB I'll just read out I've noticed that the name of the trust changed from the name of the
770 Gold Coast Council Campaign to it's present name obviously that would be Lionel
771 Barden.
772

773 AC Yes.
774

775 KB While it was the Gold Coast City Council campaign we paid our funds tot councillors
776 therefore they have to be disclosed in the return.
777

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Dectective Inspector Ken Beml
Statement Of: Anne Cunningham
Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :

778 AC Mm hm.
779
780 KB Should we disclose the different name on the return, was the question, at the moment I
781 have shown the donations but included them in the new name, should we take the risk of
782 a fifteen hundred dollar (\$1500) fine?
783
784 AC Mm hm.
785
786 KB The reason I am hesitate is because two (2) Councillors were the trustees they would have
787 to disclose the names of the donors and I take it those two (2) councillors would be
788 Robbins and Power.
789
790 AC No, I think so.
791
792 KB There was no buffer between the Councillors and the donors until we changed the
793 structure.
794
795 AC Mm hm.
796
797 KB How did you come about that information?
798
799 AC You mean how did I form a conclusion, the information the facts would have come from
800 the file and drawing those conclusions would have been I think I remember preparing
801 trying to prepare the return...
802
803 KB Mm.
804
805 AC ...in a draft form so that there wouldn't be to much more to do by Mr Barden and then
806 sort of striking these difficulties and um just raising the issues and if that's then not in the
807 twentieth (20) uh memo obviously it was all resolved.
808
809 KB Yeah that's not contained in the memorandum of the twentieth (20).
810
811 AC No no and I don't even remember because I've only just read the twentieth (20) one that
812 that was just disappeared off my copy I don't remember.
813
814 KB So you don't know why it was admitted on the twentieth (20) of
815
816 AC I don't know what actually went into that return when it was sent, the you know the final
817 copy.
818
819 KB So did you prepare the return for Lionel Barden?
820
821 AC I prepared a draft.

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Dectective Inspector Ken Beml
Statement Of: Anne Cunningham
Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :

822 KB Draft return for him.
823
824 AC Yes and probably I I think so I mean I remember getting a form and filling in what I
825 could and sending it [ui].
826

827 KB Can I ask ya who, Can I ask you requested you to prepare that draft return for Lionel
828 Barden?
829
830 AC Would have just been me to see if I could fill it in from what I knew so that no one had to
831 go through the whole routine again and try and figure out what went where.
832
833 KB It is the case that Mr Tony Hickey requested you do that or?
834
835 AC I didn't talk to Tony about it.
836
837 KB So of your own verlision to decided to...
838
839 AC Yes.
840
841 KB ...attempt to complete the a draft return.
842
843 AC Yes well I had such difficulty getting the blinking form [laughing].
844
845 KB And what did you use as your primary source of information to complete that return?
846
847 AC Probably the files I wouldn't have had any other knowledge [pause] and it would have I I
848 think it would have just been the name like Lionel Barden and his address I don't recall
849 putting anything in do I I remember writing [sound of paper shuffling] other things I
850 don't know where it is I'd have to see it to remember it I did a bit more than put just his
851 name and address in I think [sound of paper shuffling].
852
853 KB I can just refer you to a number of file notes.
854
855 AC Sorry I'll speak quietly.
856
857 [Overtalk]
858
859 LO No it's him throwing the stuff [overtalk].
860
861 KB No it's me making a bit of a racket with documents I think.
862
863 [Sound of paper shuffling]
864
865 KB There's one two three four, four pages of file notes.

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Dectective Inspector Ken Beml
Statement Of: Anne Cunningham
Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :

866
867 AC Oh good that's my writing.
868
869 KB That's your, can I just get you to view those file notes...
870
871 AC Mm.
872
873 KB ...and to read through them and first of all can you just confirm whether you completed
874 those file notes.
875
876 AC Um yes this one dated the sixteenth (16) of a ah April 04 it looks like my writing and I'm
877 just reading it I am glad I said doesn't s.424 doesn't make much sense, it didn't. Two (2)
878 roles one new candidate [pause] mm it it looks like I rang someone called Tony Davis to
879 workout the periods the the um the period in which returns had to be lodge I think that's
880 all it says...
881
882 KB That's Tony Davis of the Gold Coast City Council?
883
884 AC I I don't I mean that's what my memo says I don't even remember now. Yes and I have
885 no idea why I would have rung him but maybe David told me, I certainly don't know him.
886
887 [Pause]
888
889 AC I'm just reading page two (2) of...
890
891 KB Yeah, just take you time just while you're reading I just might suspend this interview the
892 time now is three twenty eight (3.28pm).
893
894 KB The time is now three thirty (3.30pm) this interview is now resumed, do you agree we
895 suspended that interview just to allow you time just to read over those...
896
897 AC Yes yes that's right.
898
899 KB ...file notes. Okay you've had the opportunity to read through those file notes do you
900 agree that you have completed them?
901
902 AC Yes, it's my hand writing.
903
904 KB Anne what can you tell me in relation to any of the notations that were made does that
905 assist you in answering any or clarify any points I've raised previously in relation to
906 completion of the file?
907
908 AC Um I don't think so these just appear to be notes of me doing research and finding things
909 and of a telephone conversation with a Tony Davis um...

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Dectective Inspector Ken Beml
Statement Of: Anne Cunningham
Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :

910 KB It you wouldn't mind can you just take me though those.
911
912 AC Okay.
913
914 KB Yeah.
915
916 AC Um I've scribbled down disclosure period s.424 doesn't make much sense, telephone out
917 Tony Davies which I think is correct incorrect I think is Davis, two rules I have no idea
918 what that means one new candidate then there's two dots points one date uh they first
919 announce that there will be a candidate and two if previous candidates fifth of May two
920 thousand (5.05.2000) um then it's got runs from or for the fifth of May two thousand
921 (5.05.2000) to the fifth of May two double O4 (05.05.2004) this I'm remembering now
922 that he was explaining to me when this Act applied to the Councillors.
923
924 KB Who was that Tony Davis?
925
926 AC Tony Davis. Yes and so I was just scribbling down what he was telling me.
927
928 KB Would you have informed him that you were from Hickey Lawyers?
929
930 AC Oh absolutely, yes, yes I always do. Um then it goes on to say polling day twenty seven
931 March 04 (27.03.04) therefore the period ends twenty seven April 04 (27.04.04), Um
932 starts fifth of May 2000 (05.05.2000) end twenty seven April 04 (27.04.04). Um
933
934 KB What date is on that [ui].
935
936 AC Uh sixteenth of April 04 (16.04.04) so that was the date of my draft memo.
937
938 KB So these notes related to these notes related to your draft memo?
939
940 AC It appears that they do yes I was probably fishing for information to try and draft up
941 something.
942
943 KB You can just refer me to the next page.
944
945 AC Uh page two (2) same date.
946
947 KB Page two (2) of that...
948
949 AC Page two (2) of the file of the original file note on the Barden file and it says even though
950 it passes through our trust account we must disclose the name of the client, who is our
951 client? Then I've got question mark (?) Barden question mark (?). There are notes that
952 say the account is Powers and Robbins and they must authorise withdrawals um then it
953 says filing an incomplete or in correct return fine fifteen hundred dollars (\$1500) S.438.

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Dectective Inspector Ken Bemj
Statement Of: Anne Cunningham
Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :

954 Then a definition of associated entity means trustee of a trust and related to a political
955 party. Definition of gift means disposition of property without consideration prescribed
956 amount S.430 one thousand dollars (\$1000) um then relevant details S.414 gifts made out
957 of trust funds names and addresses of trustees of the fund or anyone managing the fund
958 and the title of the trust fund Common Sense Campaign Fund. This just looks like me
959 making notes from reading a statute now it doesn't look like I'm still talking to Tony
960 Davis at this stage.

961

962 KB Page three (3)?

963

964 AC Then on page three (3) I've got dot points oh sorry same date sixteenth of April, one (1)
965 Lionel Barden Trust Account, two (2) Gold Coast City Council Election Campaign Fund
966 um and then I've got an arrow um saying Sue Robbins Councillor, David Robbins
967 Councillors which obviously didn't have a clue what their names were [laughing] um it's
968 got for Robbins and Power to authorise all drawings and ask us to pay the funds to certain
969 other people and then I've got a list of names B Rowe, G g P f o r r...

970

971 KB Pforr.

972

973 AC R Scott, G Betts and then a notion owners of account.

974

975 KB What did all that mean? Do you know?

976

977 AC Um I [sigh] I'm assuming that I was just reading from the file. Yeah and making notes
978 which I thought might be relevant to me preparing a return or helping to tell someone hoe
979 to prepare a return. Then point three (3) then four March 04 (04.03.04) our trust statement
980 says Common Sense Campaign Fund and all receipts then have this name Mr L Barden
981 Common Sense ect.

982

983 KB What's R trust fund mean? Is it R trust fund

984

985 AC Our.

986

987 KB Our sorry

988

989 AC I think it our yeah yeah

990

991 KB Did you...

992

993 AC I don't know what that means.

994

995 KB Are you sure that you've never spoken to Lionel Barden himself personally about this?

996

997 AC No I don't remember it.

Complainant:	Operation Grand
Subject(s):	Operation Grand
Investigator:	Detective Inspector Ken Bemis
Statement Of:	Anne Cunningham
Legal Officer:	Danny Boyle
File Number:	MI-05-2482
Directory :	

998
999 KB Yep.
1000
1001 AC If I did. Um [sigh] no I think the only thing the only query I've got in my head our Mr
1002 Barden was his address. No if I couldn't find I remember I read my other e-mail that he
1003 lived in Mudgeeraba if I couldn't have found a home address for him on the file I might
1004 have rung him and said what's your home address but I don't so I don't think I did. Um
1005 twenty four November 03 (24.11.03) supporting eight (8) councillors uh then another
1006 note three March 04 (03.03.04) fund moved out of their own names to L Barden Lionel
1007 Barden Common Sense Campaign Fund.
1008
1009 KB Were you responsible for facilitating that move?
1010
1011 AC No.
1012
1013 KB Of the funds.
1014
1015 AC No.
1016
1017 KB You had nothing to do with it?
1018
1019 AC No no I just picked up the file and did this research. Um now there's another file note
1020 dated fifteen (15) April um and I've got started at two forty five (2.45) and I looks like I
1021 worked on it for thirty seven (37) six (6) minute units, or what I call three (3) hours, three
1022 (3) point seven hours um s.430 LGA gifts by third parties then I've got research mainly
1023 finding the right form, I knew I had a problems with that form. Telephone at Tony Davis
1024 GCCC um and I've said have a copy of department guidelines and information kit. I'm
1025 not sure if that means I have it or can I have it but I really can't remember. Um form for a
1026 return is the next note with an underline then point two (2) who must lodge clients or
1027 Hickey's then point three (3) Lionel Barden Trust Account Common Sense Campaign
1028 Fund and under that Sue Robbins and David Power GCC C Election Campaign. I don't
1029 know why I'm [sigh] saying all this, other than it may have been um points I wanted to
1030 talk to Tony Davis about or something that he's mentioned that I've just scribbled down
1031 but this looks more like I've written them to talk about them because if someone's
1032 speaking to me about something I'll short hand it, so it's more likely I wrote it down first.
1033
1034 KB Thankyou. Appears to be all the file notes.
1035
1036 AC Yes don't know.
1037
1038 KB Can you recall, and I think I've touched upon this before but just for the purposes of
1039 clarity can you recall what David Monaghan or what he did with the file after you handed
1040 it to him?
1041

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Detective Inspector Ken Bemis
Statement Of: Anne Cunningham
Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :

1042 AC No not at all.
1043
1044 KB Do you know if Mr Tony Hickey received the advice that you prepare the memorandum?
1045
1046 AC I have no idea where it went.
1047
1048 [Sound of paper shuffling]
1049
1050 KB [Pause] just reading through these file notes bear with me for
1051
1052 AC Mm hm
1053
1054 KB one (1) minute [ui] series of notes obviously that's connected with your research in this
1055 matter and quite possible when you sort advice from various people whether that be you
1056 conversation with Tony Davis or with the other fellow Al McCormack from Local
1057 Government
1058
1059 AC That's right yeah.
1060
1061 KB In all likelihood you would have written notes about that on this file.
1062
1063 AC Yes and sometime when I'm reading statutes I'll scribble things down and [ui stuttering]
1064 the only other person I would have spoken to is David.
1065
1066 KB David Monaghan?
1067
1068 AC Yes about you know I might have said well this is what the section says how do you read
1069 it? But I normally don't do that you'd normally just ring the Government Department
1070 there's always some guru there that invented the legislation and I talk to them.
1071
1072 KB Did Tony Davis from Gold Coast City Council provide you with certain advise in relation
1073 to the information contained in you memorandum?
1074
1075 AC I think he did, I think he told me about dates and things of of periods when councillors
1076 had to lodge returns and when trustees had to lodge returns, but I don't know it was to
1077 clear because I know I kept looking and that's when I got the package of stuff in from the
1078 CMC addressed to councillors.
1079
1080 KB So you certainly conducted some research [ui]
1081
1082 AC Yeah.
1083
1084 KB If I can just show you this document it's titled the Lionel Barden Common Sense
1085 campaign fund...

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Dectective Inspector Ken Bemi
Statement Of: Anne Cunningham
Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :

1086
1087 AC Mm hm
1088
1089 KB ... and it's dated the eighth of June 2004 (08.06.2004) however it appears from our
1090 investigations that, that date is not correct it was actually prepared in April two thousand
1091 and five (2005) this year. Have can you recall anything in relation to the preparation of
1092 this document? This was sent to the Crime and Misconduct Commission.
1093
1094 AC No.
1095
1096 KB Did you have anything to do with the preparation of this document?
1097
1098 AC No no I didn't know anything about this file till now from back in April two double O
1099 four (2004).
1100
1101 [Sound of paper shuffling]
1102
1103 KB Is there anything further that you can recall in relation to the memorandums that you
1104 prepared or would you like to elaborate anything further?
1105
1106 AC Not really, I I um with you showing me things I'm flat out remembering I certainly can't
1107 remember anything from memory. No sorry.
1108
1109 KB Lucinda.
1110
1111 LO No thanks. [laughing]
1112
1113 KB Well once again Thankyou very much for your time this afternoon Anne.
1114
1115 AC You're welcome.
1116
1117 KB And do you agree that you participated this interview of your own free will here today?
1118
1119 AC I did yes.
1120
1121 KB And is what you've stated true and correct to the best of your knowledge?
1122
1123 AC It's is yes.
1124
1125 KB That being the case the time now is tree forty one (3.41pm) on the third of November two
1126 thousand and five (03.11.2005) this interview has now concluded.
1127
1128
1129

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Dectective Inspector Ken Beml
Statement Of: Anne Cunningham
Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :

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Complainant:	Operation Grand
Subject(s):	Operation Grand
Investigator:	Detective Inspector Ken Berni
Statement Of:	Anne Cunningham
Legal Officer:	Danny Boyle
File Number:	MI-05-2482
Directory :	

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Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Dectective Inspector Ken Bemi
Statement Of: Anne Cunningham
Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :