

OP GRAND

EXHIBIT No. 296
[Signature] CLERK

**RECORD OF INTERVIEW
JOSEPH GEORGE WELCH**

TAPE NO: 1 (of 2)

DATE: 16 NOVEMBER 2005

PLACE: SOUTHPORT

TIME COMMENCED: 2:05 PM
suspended/resumed 2:32 PM

TIME CONCLUDED: 2:53 PM

INTERVIEWEE: JOSEPH GEORGE WELCH

**INTERVIEWER/S:
ALSO PRESENT:** DETECTIVE INSPECTOR KEN BEMI
INVESTIGATOR LUCINDA O'BRIEN

LEGAL OFFICER: THERESA HAMILTON

RE: OPERATION GRAND

FILE NUMBER: MI-05-2482

Complainant: OPERATION GRAND
Subject(s): OPERATION GRAND
Investigator: DETECTIVE INSPECTOR KEN BEMI
Statement Of: JOSEPH GEORGE WELCH
Legal Officer: THERESA HAMILTON
File Number: MI-05-2482
Directory :

COPY TAPE 1 OF 2 - RECORD OF INTERVIEW BETWEEN JOSEPH GEORGE WELCH AND DETECTIVE INSPECTOR KEN BEMI OF THE CRIME AND MISCONDUCT COMMISSION ALSO PRESENT CIVILIAN INVESTIGATOR LUCINDA O'BRIEN OF THE CRIME AND MISCONDUCT COMMISSION

LEGAL OFFICER: THERESA HAMILTON

RE: OPERATION GRAND

JW = JOSEPH GEORGE WELCH
KB = DETECTIVE INSPECTOR KEN BEMI
LO = CIVILIAN INVESTIGATOR LUCINDA O'BRIEN
UI = UNINTELLIGIBLE

1 KB Let's go .. time now is 2:05 PM on the afternoon of, Wednesday the Sixteenth day of
2 November 2005 I'm present at Hickey Lawyers .. and I intend to conduct an audio
3 interview, one of the partners of Hickey Lawyers being a Mr Joseph WELCH, in relation
4 to a current investigation, that the Crime and Misconduct Commission in Brisbane is
5 currently undertaking, pertaining to the Gold Coast City Council elections held in March
6 2004, and other, relevant, aspects as delineated in the terms of reference, I'll also be
7 discussing with Mr WELCH a memorandum, prepared by, a Ann CUNNINGHAM also
8 of Hickey Lawyers, in relation to, advice under section 4-30 of Local Government Act,
9 for the purposes of voice identification I'll ask every person present here starting with
10 myself to state their full and correct name my full name is Kenneth William BEMI I am a
11 Detective Inspector of Police currently performing duties at the Crime and Misconduct
12 Commission in Brisbane
13
14 LO And my name is Lucinda Maree O'BRIEN [noise in background] I'm an investigator at
15 the Crime and Misconduct Commission
16
17 JW Oh and I'm Joseph George WELCH ah partner of Hickey Lawyers
18
19 KB Thank you what I intend to do, today, Mr WELCH is to, interview you in the form of an
20 audio recorded interview and by that I mean whatever you say, I say and my colleague
21 here says will be recorded
22
23 JW Hmm hmm
24
25 KB As we speak do you understand that
26
27 JW Yep
28
29 KB Do you understand the nature of my inquiries here today

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30
31 JW Yeah I do
32
33 KB Do you require any other person to be present with you during this interview
34
35 JW Noh
36
37 KB Are you agreeable to participate in this interview
38
39 JW Yeh I agree
40
41 KB Can you please outline your current role here
42
43 JW Ah I'm a equity partner, a owner of Hickey Lawyers and ahn, I basically practice in the,
44 ah area of commercial property, yeh
45
46 KB How long have you, held that role for
47
48 JW As an owner since March of, year before last, yeah would that be right (ui) two thousand
49 and .. four yeah I think it was approximately 2004 March I was made a, equity, ah owner
50 of Hickey Lawyers
51
52 KB Prior to that
53
54 JW Prior to that I was, a salaried partner for, I can't remember exactly when, ah but would've
55 been about 18 months, and b'fore then I was an employed solicitor and, I would've been
56
57 KB B, by Hickey
58
59 JW By Hickey Lawyers yeh that's right ahhh and how long have I been here I think I started
60 in .. oh would've been eight years, yeah eight years at least .. (ui) [spoken softly in
61 background]
62
63 KB So you've been here awhile
64
65 JW Yeh been here awhile yeh
66
67 KB Who do you report to
68
69 JW At the moment ahm, as partners we, get together and ah I don't report to anyone really
70 being a ah, (ui) owner
71
72 KB Well .. to put it in ah
73

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74 JW Yeah [over talking]
75
76 KB Layman's terms I guess you're one of the bosses here
77
78 JW Yeah one of the bosses that's right yeh hmm hmm
79
80 KB And no doubt you'd, participate in partner meetings
81
82 JW Yes we have partners meetings yeh
83
84 KB In relation to staff supervision
85
86 JW Hmm hmm
87
88 KB How many staff would you supervise here
89
90 JW I've got it depends from day to day anyone that is working for me I would supervise I
91 give them that work ah, and I suppose I don't supervise anyone really in litigation cause
92 that's not my area of ah expertise, ah but I would supervise anyone I delegate work to in
93 commercial property transactions
94
95 KB Can you give me an indication of numbers, (ui) [over talking]
96
97 JW Ah-kay so I've got ah, David ROMY ahn, Dwayne, Graham, Rob, ah Dan, ahm, else ohh
98 so, somewhere between six and ten, yeah
99
100 [Sound of movement]
101
102 KB If I could just, direct your attention to the Gold Coast City Council elections held in
103 March, 2004
104
105 JW Hmm hmm
106
107 KB Did you have any involvement, with the Gold Coast City Council elections at all
108
109 JW No
110
111 KB What about the by-election held in January 2005, which occurred as a result of the death
112 of Councillor Sue ROBBINS did you have any involvement in that by-election
113
114 JW Ah no, no .. (ui) involvement in the election was to vote
115
116 KB Did you make any financial donation or contribution to any candidate
117

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118 JW No
119
120 KB In any of those elections
121
122 JW The no, myself no, not personally
123
124 KB Have you any knowledge of any, trust accounts or election campaign funds that were set
125 up and .. administered by Hickey Lawyers here
126
127 JW Yeah I'm aware that Hickey Lawyers ahm had money held in trust yeh, hmm hmm
128
129 KB Do you know the name of, the trust accounts at all that was held here
130
131 JW Ahh I've, the Lionel Barden Trust Fund from what I know yeh
132
133 KB What about any other account
134
135 JW Ahh .. that's the only one I known of, yeah
136
137 KB Can you recall when, that came into, existence
138
139 JW No no nothing to do with it really
140
141 KB Do you know why it was set up
142
143 JW Ahh not really only what I've read in the press, to be honest and ah, just been told that it
144 was set up for, ahn like-minded people to be, ahn given funds
145
146 KB Did you have any access or control over [knocks table] the Lionel Barden, Trust account
147
148 JW No I-I'd, as far as I know I didn't sign any trust account cheques and, I didn't look
149 through the accounts or anything like that or direct anyone in accounts to have, any
150 control over it (ui)
151
152 KB Do you know the involvement by Hickey Lawyers in relation to that account
153
154 JW Ahhn other than the fact that we administered it that's about all I know, yeh
155
156 KB Do you know who could access it .. the funds in that account
157
158 JW The funds ahhhh, not particularly, no I didn't know of anyone, in particular who could
159 access it I realise that, under trust accounting, rules you've gotta have, ah the trustee or
160 the-the one of the partners of, the firm sign, who is eligible to sign trust account cheques
161

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162 KB So how would you describe Hickey, Lawyers' role in relation to the Lionel Barden, Trust
163 Account, was Hickey Lawyers the trustee
164
165 JW Ahhn .. hard to know really ah I'd .. I personally wouldn't consider Hickey Lawyers as
166 the trustee we ahh we just operated a trust account, mmm
167
168 KB So, in any event you had very little, knowledge in relation to the Lionel Barden
169
170 JW That's right [over talking]
171
172 KB Trust Account or .. Common Sense Fund I think was another name
173
174 JW Yeah [over talking]
175
176 KB Was commonly referred to
177
178 JW No I've really had not much to do with it I didn't, as far as I know I didn't sign any
179 cheques or authorise any payments
180
181 KB Do you know Lionel BARDEN at all
182
183 JW Only what I've seen in the press, yeah I don't know (ui) [over talking]
184
185 KB Apart from that
186
187 JW No don't know him personally no
188
189 KB Have you heard of a company, called QUADRANT
190
191 JW QUADRANT yes yeh
192
193 KB What do they do
194
195 JW I think they're promotions or media people
196
197 KB Advertising
198
199 JW Yeh
200
201 KB Marketing
202
203 JW Yeh yeh once again I've seen them in the press yeh
204
205 KB Chris MORGAN, do you know him at all

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206
207 JW Oh yeah I've seen him, in the press I don't know him personally (ui) [over talking]
208
209 KB Have you had any dealings with him personally
210
211 JW No I haven't no
212
213 KB What about .. any other person from QUADRANT
214
215 JW Ahh no he'd be the only guy I know in the, in the news that, is from QUADRANT
216
217 KB Tony SCOTT
218
219 JW Tony SCOTT no, nah
220
221 KB If I can, now direct your attention, to [sound of movement] two memos, that were
222 prepared by Hickey Lawyers
223
224 JW Hmm hmm
225
226 KB But first of all, do you know a person by the name of Ann CUNNINGHAM
227
228 JW Yes I do
229
230 KB Under what circumstances do you know her
231
232 JW Ah she's an employee of the firm .. and she, deals with me on the precedents, matter she
233 basically is control of precedents and I, yeah supervise her from a precedents, ah keeping
234 them up to date and all that sorta thing
235
236 KB Can you outline, to me your knowledge
237
238 JW Hmm hmm
239
240 KB In relation to .. two memos being prepared by Ann CUNNINGHAM concerning,
241 lodgement of a return for making a gift (ui) under the Local Government Act section 4-30
242
243 JW Hmm hmm
244
245 KB One, memo was dated the Sixteenth of April 2004
246
247 JW Hmm hmm
248
249 KB And appears that a second memo, was prepared by her dated the Twentieth of April 2004

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250
251 JW Hmm hmm
252
253 KB You got, any knowledge of [sound of shuffling through documents]
254
255 JW [Over talking] (Ui) have a look
256
257 KB Of those documents and, what I'll do is I'll ah, show you (ui) [sound is muffled by
258 movement of documents] memos ..
259
260 JW Ahmmm [sighs] whata we got aahhmm .. no it certainly wasn't directed to me and, yeah I
261 didn't instruct her to do it or anything like that, yeah
262
263 KB [Sighs] Were you aware of the content of those memos
264
265 JW No, no, not really no I ah .. no like no one has, given this to me, to look at no
266
267 KB So you haven't seen the, final memorandum produced by Ann CUNNINGHAM .. (ui)
268 just [over talking]
269
270 JW No not to my knowledge (ui)
271
272 KB [Over talking] Either on the Sixteenth or the Twentieth of April 2004
273
274 JW No not to my knowledge, no, (ui) hasn't (ui) [background noise]
275
276 KB Did you have any involvement in .. instructing her to prepare a memo
277
278 JW No no can't recall ss' asking Ann to do anything like that
279
280 KB Do you know who, would have and, requested her instructed her to prepare this, these
281 two memos
282
283 JW No, no well-well, yeah really wouldn't be someone from this firm but, ahhn, I certainly
284 don't know anyone in particular who did
285
286 KB Are you aware of the reason why, she was required to complete, the memorandums in
287 relation to, section 4-30 of the Local Government Act
288
289 JW Ahhnn I can only assume that she's been asked to have a look at it .. because we're
290 involved in it in some way, yeah [sound of a pages being turned]
291
292 LO (Ui) [sound of a cup being put down on the table]
293

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294 (Ui) [Sound of a whisper]
295
296 KB Thank you .. [sound of a chair scrapping along the floor] can you recall .. any electronic,
297 correspondence, in relation to the preparation of the memorandums at all .. in other
298 words, emails
299
300 JW Ahh .. mmmm-not really what ah saying to Ann that you had to prepare an email or
301 something like that or (ui) to [over talking]
302
303 KB Yeah right or anything in relation, any communication you may have had, with any
304 person [sound of a door closing in background] about the, preparation of these documents
305
306 JW On the memo .. ohh not really no
307
308 [Sound of a cup being placed on the table]
309
310 [Sound of shuffling through papers]
311
312 KB If I can refer
313
314 JW Hmm hmm
315
316 KB A couple of emails, to
317
318 JW Yeh [over talking]
319
320 KB Now one is dated .. the Fifteenth of April 2004
321
322 JW Hmm hmm
323
324 KB And it was sent by Katherine BLACKMAN on behalf of yourself
325
326 JW Hmm hmm
327
328 KB To Steven HUDSON he's the practice manager
329
330 JW Yeah that's right yeah
331
332 KB Anthony HICKEY being Tony HICKEY
333
334 JW Tony [over talking] .. yeh
335
336 KB Bradley SCOLL another partner
337

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338 JW Yeah he was a partner at the time I think
339
340 KB And it's, carbon copied to Jamie Trevor BOLLOCK, whose he
341
342 JW Oh he was another partner it looks like it was to, basically the partners
343
344 KB Mark LAWRENCE .. LACEY
345
346 JW Mark LACEY yeah hmm hmm
347
348 KB Alright, ah first of all
349
350 JW Hmm hmm
351
352 KB Before I, get into the contents of this email, did you ever, ah have a conversation,
353 [someone clears their throat in the background] with a person from the, City Council,
354 Gold Coast City Council here by the name of David, MONTGOMERY
355
356
357 JW Ahh .. yeah yeah I think I remembered, talking to David MONTGOMERY .. I think it's
358 what it [over talking]
359
360 KB Can you .. can you recall what that was [clinking of china] in relation to .. the
361 conversation
362
363 JW Ahhh now I think on that one it wasn't he actually didn't, ohh I (ui) chasing him or he
364 was calling me back, but it was, it was not in relation to [sound of pages being turned] ..
365 ahh like the, trust account or anything like that, I think there was some, ah-ah approval or
366 something that we had going, and then he referred to me and said oh ah, I think you guys
367 should, just have a look at, ah, putting in a, either a return or, what you did with your trust
368 account .. and I said mate, don't really know too much about it, but I should probably
369 pass it on, and he said yeah just pass it on so then I .. obviously sent that email to all
370 partners
371
372 KB Alright, if I can re' now refer you to that email
373
374 JW Mmm
375
376 KB If you'd like to have a read of the contents of it for me please
377
378 JW Ahhh (ui) [mumbled] on the record (ui) hmm hmm .. oh yep, hmm hmm
379
380 KB Alright
381

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382 JW (Ui) lookin' to speak to Brad (ui) anyway, ahh it was more a courtesy call just (ui)
383 someone else (ui) .. hmm hmm
384
385 KB Alright, so can you recall
386
387 JW Hmm hmm
388
389 KB Asking, Catherine BLACKMAN to send this email to those people (ui) your behalf [over
390 talking]
391
392 JW Yeah I would've .. yeah like for instance I would dictated that 'n Cath would've typed it
393 up and sent it from her computer
394
395 KB Now whose .. Cath BLACKMAN
396
397 JW Oh that was Catherine my, ah secretary who just came in 'n gave you the, tea and coffee,
398 yeh
399
400 KB Which was ah very kind of her
401
402 JW [Laughs] Yeah
403
404 KB Alright so in any event it was sent ah
405
406 JW Hmm hmm
407
408 KB Ah by Catherine, as a result of you issuing instructions to her
409
410 JW Yeah that's (ui) [over talking]
411
412 KB And, this email if I can just go through it .. I've received a call from David
413 MONTGOMERY whose the city solicitor
414
415 JW Yeh hmm hmm
416
417 KB About, at about 4:45 PM on the Fourteenth of April 2005, he advised that
418
419 JW [Over talking] 2004
420
421 KB Sorry 2004
422
423 JW [Over talking] Yeh .. 4
424
425 KB He advised that .. the conversation could be off the record or on the record

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426
427 JW Hmm hmm
428
429 KB He didn't really care
430
431 JW Hmm hmm
432
433 KB He was actually looking to speak to Brad but I took the call anywhere what does that
434 mean, that he didn't really care if it was, off the record or on the record
435
436 JW I don't know really ahm .. I suppose he must have thought there'sss there, might have
437 been some, I don't know ah without prejudice, issue that he had ahm, that's all I can think
438 that he was worried about, hmm hmm
439
440 KB He said that it was more a courtesy call to let us know that he has recently given some
441 advice to the Mayor and the C-E-O about third parties providing gifts to candidates for,
442 the recent local government elections
443
444 JW Hmm hmm
445
446 KB He said that we may have, already considered this but if we haven't, perhaps we should
447 turn our mind to section 4-30 the Local Government Act and the obligation on third
448 parties to file a return
449
450 JW Hmm hmm
451
452 KB He didn't express an opinion as to whether it applied to Hickey Lawyers and our
453 involvement, he just wanted to let us know that he, had looked at it, and that it may be
454 prudent for us to have a look at it, I had no idea, what he was getting at
455
456 JW Hmm hmm
457
458 KB So you didn't really know
459
460 JW Yeah
461
462 KB What he was referring to
463
464 JW Didn't really know, that, like I didn't know what section 4-30 was all about and ahm,
465 yeah, obviously didn't know really what the whole issue was so I just passing it on to the
466 guys yeah
467
468 KB Tony and Steve being Tony HICKEY and Steve HUDSON I take it
469

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470 JW Yeh hmm hmm
471
472 KB You might want to have a look at this more closely, perhaps you can let us know at the
473 next partners meeting if there are any issues
474
475 JW Hmm hmm
476
477 KB We need to look at it
478
479 JW Yeh
480
481 KB So, by the .. context of this email you certainly ah didn't have any in-depth knowledge,
482 what he was getting at
483
484 JW Hmm hmm
485
486 KB In relation to furnishing returns at all third party returns
487
488 JW Yeah-yeah that's right I didn't really know that we had an obligation or that, who had an
489 obligation but I thought I better pass it on because he'd mention to me, hmm hmm
490
491 KB How come .. er David MONTGOMERY chose you to have that conversation with any
492 idea
493
494 JW Oh cause what I think he was ahm, calling me back or I maybe called him, in relation to
495 another matter, and David's a fairly [clinking of china] difficult to get a hold of he's a
496 very busy man, and, he would've just said look, try and get in touch with Brad as well,
497 can you pass this on to Brad I imagine, yeah
498
499 KB So, you have dealings with, Mr MONTGOMERY
500
501 JW Yeah yep, yep and if you get a hold of him you talk to him about as many things as you
502 can
503
504 KB Right
505
506 JW And he you, you know he'd do the same with you
507
508 KB And, there was another email or another part to this email it was sent at 11:01 AM
509 Thursday Fifteenth of April 2004
510
511 JW Hmm hmm
512

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513 KB The same date, it was sent ah from Catherine BLACKMAN again, to David,
514 MONAGHAN
515
516 JW MONAGHAN yep (ui)
517
518 KB Now David used to work here at Hickey Lawyers
519
520 JW Yeah that's right hmm
521
522 KB In what capacity
523
524 JW Er he was originally .. I don't know whether he came in as a salaried partner or not, but
525 anyway he was an employed, solicitor and may have been an employ may have been a
526 salaried partner, as well yeah
527
528 KB Is there any particular rea' well before we go into that [clears throat]
529
530 JW Hmm hmm
531
532 KB Did you ask Catherine BLACKMAN, to send, the email to David MONAGHAN
533
534 JW Ahh, (ui) would've I'm just checking (ui) same dated ahhh
535
536 KB Cause it appears that
537
538 JW [Over talking] (Ui) can you please give Joe a call regarding this email
539
540 KB It appears the first email wasn't sent to him
541
542 JW [Over talking] Ohh, yeah maybe, I might not have on the basis that I might've said ahm ..
543 for instance like oh Cath can you get David to call me, and if she can't get a hold of
544 David she might send him an email say David can you please call Joe
545
546 KB Why did you chose David
547
548 JW Ah cause he's head of our, litigation section, yeh
549
550 KB Did anyone, advise you, to refer this inquiry to David or was it, your own decision
551
552 JW Ah I can't recall really .. ahm anything that comes up that's like that you tend to, say look
553 [clinking of china] for instance if it was, err you know some without prejudice issue I
554 would just refer it to litigation anyway ah, I can't recall whether I, gave it to him for any
555 particular reason other than the fact that it might be a litigation type of matter
556

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557 KB You have a look at this next email it's from David MONAGHAN
558
559 JW Hmm hmm
560
561 KB To Ann CUNNINGHAM
562
563 JW Yeh hmm hmm
564
565 KB And it's dated the same date the Fifteenth of April 2004 at 2:29
566
567 JW Hmm hmm
568
569 KB And, it says Ann can you [sound of knocking on the table], please have a look at section
570 4-60 I think that should be 4-30
571
572 JW Hmm hmm
573
574 KB But anyhow it says 4-60 of Local Government Act Queensland to see whether we need to
575 make a disclosure, under that section, about payments made out, of our trust account I
576 will get details of the payments to you separately thanks David
577
578 JW Hmm hmm
579
580 KB Did you advise him or issue any instructions to him to, send the email to Ann
581 CUNNINGHAM
582
583 JW Not that I can recall, no
584
585 KB So you left that to him
586
587 JW I, I don't really recall whether I, I don't think I did .. yeah
588
589 KB Did you speak to Ann CUNNINGHAM about the preparation, of the memorandums at all
590 dealing with this matter
591
592 JW Can't recall, no
593
594 KB Did you speak to, Tony Hickey, being the principal of Hickey Lawyers
595
596 JW Hmm hmm
597
598 KB In relation, to this matter
599

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600 JW I can't recall whether I did or I didn't but I suspect at the partners' meeting, for instance,
601 you know when I was talking about, we talked about the next partners meeting he
602 might've said, something about it
603
604 KB Can you, recall what was said at that partners meeting in relation to this inquiry
605
606 JW [Over talking] Ohhh .. not really no, no I wouldn't be able to tell you, what exactly what
607 was said or anything no
608
609 KB Can you recall anything that may have been, spoken about in relation to this inquiry
610
611 JW Ohh not about the inquiry, but we might have said something about ahh
612
613 KB Sorry I
614
615 JW [Over talking] (Ui) for instance I probably would've said, Dave MONTGOMERY got a
616 hold of me in relation to this, is someone handling it, and, probably the partner said oh
617 yeah, we gonna, have a look at it or, handle it in some way, and I've said oh'll that's fine
618 [taps desk]
619
620 KB Sorry by inquiry I'm, referring to, the inquiry, that, David requested Ann
621 CUNNINGHAM to research being section 4-30, of the Local Government Act, was
622 anything discussed about that inquiry
623
624 JW Ohhh I can't recall it no, no.
625
626 KB Can you recall if Tony HICKEY issued any instructions, to deal, with this inquiry,
627 pertaining to section 4-30
628
629 JW [Over talking] Nnot .. no, no I can't really recall him saying anything specific about that
630
631 KB Were there any records or notes of the conversations that, may have occurred during that
632 partners meeting [sound of cup being placed on table] [someone clears their throat] in
633 relation to this matter
634
635 JW Well there's usually, ah minutes .. I-I don't know how, detailed the minutes are but
636 usually we'd have minutes, ah brief minutes of our partners meetings
637
638 KB Would those minutes be available
639
640 JW I don't know, to be honest yeah, I (ui)
641
642 KB Awright, well perhaps something we can a
643

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644 JW Hmm hmm
645
646 KB Address a bit later on
647
648 JW Hmm hmm
649
650 [Sound of clinking of china]
651
652 KB [Sighs] Can you recall .. when this partners meeting took place in relation to discussion
653
654 JW No, I'd, no because it'd it be easier if we had them every, you know every month or every
655 fortnight or whatever but sometimes they're called off sometimes they're, you know
656 delayed or brought forward whatever so no
657
658 KB Where are they normally held
659
660 JW Boardroom
661
662 KB Can you recall who may have been present, when, this matter was discussed
663
664 JW Not exactly but it would've been, you know the partners are all entitled to attend and
665 Steve would've been entitled to attend
666
667 KB So you can't recall Tony HICKEY, issuing any specific instructions in relation, to, your
668 conversation with either David MONTGOMERY or your conversation with, David
669 MONAGHAN, at all
670
671 JW Oh not particularly no, no nothing 'n that .. you know we would have had general, chats
672 about it but not a specific instruction no
673
674 KB So you would've, apart from the email you would've
675
676 JW Hmm hmm
677
678 KB Had a verbal conversation with, ah David, MONAGHAN in relation to this matter
679
680 JW Oh .. I'm just tryin' to recall if I did ahhh ... if I can't recall David ever coming cause
681 usually David would do the work himself and come back and if he had any questions,
682 would ask me, and I can't recall him coming back and saying oh Joe I'm researching this
683 matter, can you help me or, you know, ahhh what is it all about, so I can't recall anything
684 like that no
685
686 KB But Tony HICKEY was definitely present at that partners meeting when this would've
687 been discussed

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688
689 JW Yeah he would've been yeah [sound of shuffling of documents] .. unless he was away but
690 ahh
691
692 LO [Clears throat]
693
694 JW Generally speaking, if he's away we don't usually have partners meeting
695
696 [Sound of placing of cup on saucer]
697
698 LO [Coughs in background]
699
700 KB Can you recall, if you at any stage had any conversation with Ann CUNNINGHAM
701 either, prior to the completion of, the memorandums during, the, research into the matter
702 or after the memorandums were completed
703
704 JW Not really I, I don't think I helped her at all or had any discussions with her about it no
705
706 KB And you stated before that you didn't sight the, completed memos at all
707
708 JW No, no
709
710 KB Did you alter the, memorandums at all
711
712 JW No I don't think I've, ever really read them, yeah .. I wouldn't, (ui) to do
713
714 KB Did you, discuss, the memorandums at all with Tony HICKEY .. after they were
715 completed by Ann CUNNINGHAM
716
717 JW No I can't remember, Tony saying you know here's a memo, or circulating anything like
718 that, no
719
720 [Sound of shuffling through documents]
721
722 KB If I can just refer you to the .. contents of a report
723
724 JW Hmm hmm
725
726 KB If you have a look of .. at the reports, the first one dated, the Sixteenth of April 2004
727
728 JW Hmm hmm
729
730 KB [Over talking] And have a look at the content of that report
731

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732 JW Hmm hmm
733
734 KB And compare it with the content, of the memorandum, dated the Twentieth of April 2004
735 just tell me
736
737 JW Sure
738
739 KB The difference [sighs]
740
741 JW (Ui)
742
743 KB Just while that's going on we just might, suspend the interview at, 2:29
744
745 -o-
746
747 KB The time now is 2:32 PM, this interview is now resumed
748
749 JW Hmm hmm
750
751 KB Joe do you agree that you were just given the opportunity to juxtapose the two
752 memorandums...
753
754 JW Mm mm
755
756 KB ...and now I'd like to invite your comment as to how they differ in content just in your
757 view.
758
759 JW Ahh umm I don't know I suppose they – they're a different things referred to umm like
760 there's more – there's a specific heading here about solicitors trust accounts in the first
761 one and it's...
762
763 KB [overtalking] Doesn't appear in the second one.
764
765 JW ...probably yeah it's not as born out here umm it's still talking about the three month
766 periods so that's about right [mumbling] [sound of paper shuffling]. There's more in
767 the second one on the 20th April I suppose about Al Cormack and some discussions with
768 Al Cormack umm. There's more discussion about ahh when the return is completed like
769 it's sent to the CEO and this John [ui] the local government regulator is being very strict
770 this year umm what else. There's references to Quadrant in the second one. There was
771 no reference to Quadrant in the first one I don't think. Umm and there's a reference to
772 the Lionel Barden Common Sense Campaign Fund in the second one but only a reference
773 to Lionel Barden as trustee in the first one. Umm it's got reference to the Hickey's we're
774 agents for two trust funds in the second one but I don't think we yeah there's no reference
775 to it in the first one.

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776
777 KB So...
778
779 JW Is that enough?
780
781 KB ...suffice to say they do differ in content?
782
783 JW Yeah yep yep.
784
785 KB Have you ever seen any of these memorandums?
786
787 JW I can't recall. That'd be the first time I've [ui] them – seen them.
788
789 KB [overtalking] I asked you that before but just now you've had the opportunity to refresh
790 your memory.
791
792 JW Yeah I can't recall seeing 'em before.
793
794 KB Can you offer any explanation as to why two were prepared?
795
796 JW Ahh no nuh.
797
798 KB Do you know which one was actually sent to file out of these two?
799
800 JW Well they both say to file so I suppose they should both have gone to file.
801
802 KB Perhaps if I can start off with the memorandum completed by Anne Cunningham dated
803 the 16 April 2004...
804
805 JW Mm mm
806
807 KB ...just go through that. The question is whether a donor to a local candidate – sorry the
808 question is whether a donor to a local council candidates campaign must lodge a form
809 under section 430 of *Local Government Act 1993 Queensland*. The short answer is yes.
810
811 JW Mm mm
812
813 KB It's know as a Return. There's another heading called the disclosure period.
814
815 JW Mm mm
816
817 KB And that's been addressed. Another heading Return that's been addressed.
818
819 JW Mm mm

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820
821 KB Solicitors trust accounts.
822
823 JW Mm mm
824
825 KB Gifts from solicitors trust accounts must include the name and address of the client who
826 made the donation. Solicitors are deemed to be an agent and [ui] [ui] important enough
827 to be compelled to our name on the form. It goes on to say that the Return must be
828 lodged within 3 months after the conclusion of the election. The next heading is whether
829 to disclosure that the name of the trustee is changed.
830
831 JW Mm mm
832
833 KB I notice that the name of the trust changed from the Gold Coast City Council Campaign
834 Fund to it's present name. Do you know what's that about?
835
836 JW Ahh not really no. Notice other than the fact that Anne's noticed it.
837
838 KB Have you got any knowledge of two names?
839
840 JW I didn't – I never realised it was called Gold Coast City Council Campaign Fund. I never
841 knew that.
842
843 KB Do you know who was connected with the Gold Coast City Council Campaign Fund?
844
845 JW No not specifically. All I know is that in the press they were talking about umm Robbins
846 ahh yeah being involved in the first one. Robbins and umm Young yeah.
847
848 KB Power?
849
850 JW Power sorry Robbins and Power being involved in the first one.
851
852 KB And you have since learnt that from what you've read?
853
854 JW Yeah yep
855
856 KB But at the time did you have any knowledge...
857
858 JW At the time yeah I didn't know it was called Gold Coast City Council Campaign Fund no.
859
860 KB Did you have any knowledge either of those persons or both of those persons were
861 involved with the Gold Coast City Council Campaign Fund?
862
863 JW At the time no nuh not specifically no.

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864 .
865 KB Did you know what donors contributed to that fund at all?
866
867 JW I don't know all of them. All I knew was that generally they were getting developers
868 together you know to put money in. That's all I really knew.
869
870 KB How did you know that?
871
872 JW Ahh I think because we were umm talking about it ahh probably talking about it in like a
873 partners meeting and it would have been mentioned there I suppose that you know asking
874 for umm people to be involved or we are getting involved Hickey Lawyers as such in
875 getting involved.
876
877 KB This would have been prior to the election?
878
879 JW I suppose it would have to be mmm. I really don't recall but I imagine it would have
880 been.
881
882 KB Were there any donors mentioned specifically in relation to this?
883
884 JW Umm not that I can really recall. I always sort of I'm now not sure whether I always
885 knew Brian Ray was sort of involved or whether I've only just learnt that but umm yeah I
886 can't recall at the time whether I actually knew anyone specific but umm obviously yeah
887 Brian Ray we knew about later on umm
888
889 KB Any specific ahh developers at all that apart from Brian Ray that may have contributed?
890
891 JW At the time I can't recall knowing any that were involved uhhh.
892
893 KB If I can go on the third paragraph under that heading whether to disclose the name of the
894 trust has changed – should we disclose the different name on the return. At the moment I
895 have shown the donations but included them in the new name. Do you know what that
896 refers to the new name?
897
898 JW Ahh not particularly. No I don't know what was meant by that.
899
900 KB The Lionel Barden Common Sense Fund maybe?
901
902 JW Probably yeah but I don't know mmm.
903
904 KB Should we take the risk of a \$1,500 fine the reason I am hesitant is because the two
905 councillors were the trustees and they would have to disclose the names of the donors.
906
907 JW Mm mm

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908 .

909 KB There was no buffer between the councillors and the donors until we changed the
910 structure.

911

912 JW Mm mm

913

914 KB So it appears that there was a deliberate action in changing the name of the Gold Coast
915 City Council Campaign Fund to the Lionel Barden Trust Account or Common Sense
916 account or fund whatever you like to refer to it as. Would you agree with that by the
917 wording of that or?

918

919 JW I don't know.

920

921 KB What's your view?

922

923 JW I really don't know umm [pause – no dialogue] yeah I must admit I don't know why it
924 was changed or why that it was even written in there sorry no.

925

926 KB Do you know if this was discussed with Mr Tony Hickey about the name change of the
927 trust accounts at all?

928

929 JW I certainly didn't no.

930

931 KB Can you recall him having any discussion with any person about the name change of the
932 trust accounts at all?

933

934 JW Not didn't – not with me and I didn't hear any discussions that involved other people
935 where he was talking about it no.

936

937 KB So were you present at any meetings with Mr Hickey where the name change was
938 discussed?

939

940 JW No

941

942 KB And just to clarify an issue the Lionel Barden Trust Account was actually referred to as
943 the Lionel Barden Common Sense Campaign Fund.

944

945 JW Ohh right mm mm

946

947 KB Alright so can you add any other comments in relation to the change of the account
948 names the reasons or who organised that?

949

950 JW No, no I wouldn't have known who organised a change. I'm not even sure how you'd
951 change the name to be honest.

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952
953 KB So can you offer any reason as to why it was changed?
954
955 JW Nuh no
956
957 KB Do you think Mr Hickey, Mr Tony Hickey would have seen this memorandum at all?
958
959 JW Ahh I don't know I suppose he ahh I don't know. I suppose he might have yep.
960
961 KB Can't be sure?
962
963 JW No I don't know whether he did or he didn't.
964
965 KB I'll just refer you to the memorandum completed by Anne Cunningham dated the 20th
966 April 2004...
967
968 JW Mm mm
969
970 KB ...there's a number of headings. The first one is under question – the question is whether
971 a donor to a local council candidates campaign must lodge a form under Section 430 of
972 the *Local Government Act Queensland 1993*. The short answer is yes. Very similar to
973 the other memorandum.
974
975 JW Mm mm
976
977 KB Does Hickey's have to lodge a Return. Is it a person under the *Local Government Act*
978 that was the second heading and it goes on no because Hickey's did not incur expenditure
979 for political purpose nor did it receive a gift in relation to the relevant local government.
980 Hickey's do not have to lodge a Return. Hickey's were agents for two trust funds.
981
982 JW Mm mm
983
984 KB So once again the two trust funds are referred to.
985
986 JW Mm mm
987
988 KB Mean – or it could be interpreted that the Gold Coast City Council Campaign Fund and
989 the Lionel Barden Common Sense Campaign Fund as it appears.
990
991 JW Mm mm
992
993 KB Unless you know of any other trust accounts.
994
995 JW No I don't know.

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996
997 KB Quadrant is also excluded. They incurred expenditure for a political purpose but didn't
998 receive any gifts. Then it goes on another heading – Lionel Barden Common Sense
999 Campaign Fund which is referred to.
1000
1001 JW Mm mm
1002
1003 KB She's got the fund complies with Section 430 an incurred expense for a political purpose.
1004 It spent more than \$1,000 and received gifts in relation to the relevant local government
1005 therefore the fund must lodge a return. And the last line – therefore the trustee of this
1006 fund must lodge a Return disclosing the names of its donors.
1007
1008 JW Mm mm
1009
1010 KB Right and the last heading on the memorandum is under Return and if I can just refer you
1011 to the second paragraph. Lionel's address can be his private or business address. It
1012 appeared that his business address was care of Hickey's so I put in his Mudgeeraba
1013 address to keep us out of the picture as these Returns are accessible to the public. Do you
1014 know at all why she included that Anne Cunningham in her memorandum at all?
1015
1016 JW Ahh no
1017
1018 KB Can you offer any other comments in relation to the content of the memorandum dated
1019 the 20th April 2004?
1020
1021 JW Ahh no no
1022
1023 KB But in any event do you agree that it appears in those memorandums...
1024
1025 JW Mm mm
1026
1027 KB ...that two trust accounts pertaining to the Gold Coast City Council elections are referred
1028 to?
1029
1030 JW Ahh well there's that bit written by Anne there that says Hickey's were agents for two
1031 trust funds so yeah that's all. I suppose all I can do is refer to that so yep.
1032
1033 KB Do you know if Mr Tony Hickey would have seen this memorandum dated the 20th April
1034 2004 completed by Anne Cunningham?
1035
1036 JW I don't know for sure yeah.
1037
1038 KB Was that ever discussed at all?
1039

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1040 JW Ahh no not discussed with me nuh.
1041
1042 KB What about in a partner's meeting?
1043
1044 JW Not that I can recall.
1045
1046 KB Have you got any view to express in relation to the opinion by Anne Cunningham?
1047
1048 JW Ohh no not really no that's her opinion mmm.
1049
1050 KB What was Tony Hickey's view in relation to the advice posited by Anne Cunningham?
1051
1052 JW Ahh I don't know really I - yeah I don't know what his opinion is.
1053
1054 KB What happened as a result of these two memorandums do you know?
1055
1056 JW No (laughing) I don't know what action was taken really no.
1057
1058 KB Was a Return lodged on behalf of Lionel Barden?
1059
1060 JW To be honest I don't know.
1061
1062 KB In any event it appears that there was a draft.
1063
1064 JW I probably should know but I don't.
1065
1066 KB There was a draft Return completed by Anne Cunningham do you agree with that she
1067 refers to it?
1068
1069 JW Ahh did she actually draft a, a draft Return or whatever okay...
1070
1071 KB Yeah
1072
1073 JW ...yep I didn't know that that had been done.
1074
1075 KB So what you're saying is that you did have knowledge that there were two trust accounts
1076 in existence in relation to supporting candidates for the Gold Coast City Council elections
1077 held in March 2004?
1078
1079 JW Well I don't know if I'm saying that there were two trust accounts involved. All I know
1080 is that Anne has referred to one.
1081
1082 KB Alright
1083

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1084 JW Or referred to that in her memo but I don't know whether there was one, two, ten, five
1085 yeah.
1086
1087 KB Alright just for the purposes of clarity here...
1088
1089 JW Mm mm
1090
1091 KB ...you just stated before that it may have been discussed at a partner's meeting those two
1092 trust accounts at some stage.
1093
1094 JW Ummm I don't know whether we discussed that there were two trust accounts and I don't
1095 know whether I said that but it would have been discussed that we were involved in
1096 holding money or involved in having money put through our trust account for this.
1097
1098 KB Alright perhaps if I can put this another way and I'm just trying to clarify it that's all.
1099
1100 JW Yeah sure
1101
1102 KB Was the trust account by the name of the Gold Coast City Council Campaign Fund...
1103
1104 JW Mm mm
1105
1106 KB ...referred to at a partner's meeting that you were present at prior to the March 2004
1107 elections?
1108
1109 JW Not that I can recall no.
1110
1111 KB What about the Lionel Barden Common Sense Campaign Fund?
1112
1113 JW Ahh no, no that that I can recall.
1114
1115 KB Did you have any direct dealings with Councillor David Power and the late Councillor
1116 Sue Robbins at all?
1117
1118 JW No no
1119
1120 KB If I can refer you to a series of case notes....
1121
1122 JW Mm mm
1123
1124 KB ...that were completed in relation to the preparation of the memorandums. If I can get
1125 you to read through those as far as you can.
1126
1127 JW Umm [mumbling]

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1128
1129 KB See if that ahh refreshes your memory at all.
1130
1131 JW Section 430 [mumbling] conference with Anne. [tape running no dialogue] [sound of
1132 paper shuffling] Is this all part of the stuff as well?
1133
1134 KB Yeah that's just legislation. You don't have to read through that just the case notes there
1135 written.
1136
1137 JW Yeah yep...
1138
1139 KB Did you have any ...
1140
1141 JW ...folders.
1142
1143 KB ...input into those file notes at all?
1144
1145 JW No I'm even wondering who was SAW.
1146
1147 KB Sandra Wild
1148
1149 JW Sandy Wild okay yep sorry Sandy umm no I can't recall talking to Sandy about that.
1150
1151 KB So you didn't have any discussion with Anne Cunningham in relation to what appears in
1152 the file notes at all.
1153
1154 JW I can't recall helping her at all in this matter no.
1155
1156 KB Thank you [sound of paper shuffling]. I'd like to refer you to a document now which is
1157 a trust statement.
1158
1159 JW Mm mm
1160
1161 KB Titled Lionel Barden Common Sense Campaign Fund.
1162
1163 JW Mm mm
1164
1165 KB Now if I can just get you to have a look at that two page document.
1166
1167 JW Lionel Barden
1168
1169 KB That was in fact provided to the Crime and Misconduct Commission in Brisbane as a
1170 result of a request made to Mr Tony Hickey.
1171

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1172 JW Mm mm
1173
1174 KB It's probably that's not the important part.
1175
1176 JW Okay
1177
1178 KB What you're looking at there – can just have a look at the actual statement.
1179
1180 JW Yep mm mm
1181
1182 KB Alright you'll notice it's titled Lionel Barden Common Sense Campaign Fund.
1183
1184 JW Mm mm
1185
1186 KB And you notice that the first entry appearing on that statement is dated the 23rd December
1187 2003.
1188
1189 JW Mm mm
1190
1191 KB At that stage were you aware that there was a trust account which was called the Gold
1192 Coast City Council Campaign Fund?
1193
1194 JW In 03 December 03 umm I can't no I don't recall that no.
1195
1196 KB Do you know when the Lionel Barden Common Sense Campaign Fund came into
1197 existence at all now I'm showing you the document?
1198
1199 JW No
1200
1201 KB You don't?
1202
1203 JW No
1204
1205 KB So it...
1206
1207 JW I don't know where it started or whenever.
1208
1209 KB It doesn't refresh your memory at all this?
1210
1211 JW No no not.
1212
1213 KB Were you aware of the request made by the Crime and Misconduct Commission for all
1214 documents relating to funds umm paid into trust accounts in relation to the Gold Coast
1215 City Council elections 2004?

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1216
1217 JW Yeah I was aware that we had produced documents for it umm I wasn't aware that there
1218 was a specific requirement for trust account details and that sort of stuff but I knew that
1219 we had to provide documentation yep.
1220
1221 KB Did you have any involvement in the preparation of that documentation?
1222
1223 JW Ahh as in this stuff?
1224
1225 KB As a result of the request made by the Crime and Misconduct Commission which
1226 includes this statement.
1227
1228 JW Ahh not as far as you know the collating and photocopying and putting it altogether and
1229 sending it off no. I got nothin' to do with that.
1230
1231 KB What about in relation to the preparation of this document in front of you at the moment?
1232
1233 JW Ahh no not - I've had nothing to do with that.
1234
1235 KB It appears that ahh Ms Sandra Wild did prepare it that's Tony Hickey's personal assistant.
1236
1237 JW Yep Sandy
1238
1239 KB You weren't involved with that in any way?
1240
1241 JW Nope
1242
1243 KB Did Tony Hickey ever have any conversation with you in relation to providing this
1244 document to the Crime and Misconduct Commission by this document I'm referring to
1245 the Lionel Barden Common Sense Campaign Fund the trust statement?
1246
1247 JW Ahh can't recall no and I can't recall him saying I have to provide a you know trust
1248 account statement or anything like that. I knew basically that he had to umm provide
1249 documentation so it doesn't surprise me.
1250
1251 KB If I can just refer you to these two documents. The first one is the Gold Coast City
1252 Council election campaign fund and the second one is the Common Sense Campaign
1253 Fund.
1254
1255 JW Mm mm
1256
1257 KB I'll just get you to sight those two documents.
1258

Complainant: OPERATION GRAND
Subject(s): OPERATION GRAND
Investigator: DETECTIVE INSPECTOR KEN BEMI
Statement Of: JOSEPH GEORGE WELCH
Legal Officer: THERESA HAMILTON
File Number: MI-05-2482
Directory :

1259 JW [mumbling – sounds of paper shuffling] Okay so that's one of two pages. Another one
1260 of two pages.
1261
1262 KB Correct
1263
1264 JW Yep mm mm yep that's fine yep
1265
1266 KB I'll just take this opportunity to suspend the interview for the purpose of changing the
1267 tapes. The time now is 2:53 pm on the afternoon of Wednesday the 16th day of
1268 November 2005. This interview is now concluded.
1269
1270
1271
1272 **TAPE ENDS**

cmo/AL/I-WELCH, Joseph Tp 1 of 2 16.11.2005.doc

Complainant: OPERATION GRAND
Subject(s): OPERATION GRAND
Investigator: DETECTIVE INSPECTOR KEN BEMI
Statement Of: JOSEPH GEORGE WELCH
Legal Officer: THERESA HAMILTON
File Number: MI-05-2482
Directory :

RECORD OF INTERVIEW – JOSEPH WELCH

TAPE NO: 2 (of) 2

DATE: 16/11/2005

PLACE: SOUTHPORT

TIME COMMENCED: 1454 hrs

TIME CONCLUDED: 1521 hrs

INTERVIEWEE: JOSEPH GEORGE WELCH

INTERVIEWER/S: DETECTIVE INSPECTOR KEN BEMI

LEGAL OFFICER: DANIEL BOYLE

RE: OPERATION GRAND

FILE NUMBER: MI-05-2482

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Detective Inspector Ken Bemi
Statement Of: Joseph George Welch
Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :

COPY TAPE 2 OF 2 - RECORD OF INTERVIEW BETWEEN DETECTIVE INSPECTOR
KEN BEMI AND JOSEPH GEORGE WELCH AT SOUTHPORT ON 16 NOVEMBER 2005.
ALSO PRESENT INVESTIGATOR LUCINDA O'BRIEN.

LEGAL OFFICER: DANIEL BOYLE

RE: OPERATION GRAND

KB = KEN BEMI

JW = JOSEPH WELCH

LO = LUCINDA O'BRIEN

- 1 KB The time now is 2:54pm on the afternoon of Wednesday the 16th day of November 2005.
2 This interview with Mr Joseph Welch is now resumed. Prior to changing the tapes I just
3 referred you to two documents referred to as the Gold Coast City Council Campaign
4 Fund and the Commonsense Campaign Fund
5
6 JW Mm hm
7
8 KB Now I'll just draw your attention to the Gold Coast City Council Campaign Fund
9
10 JW Mm hm
11
12 KB Election Campaign Fund. The first entry's the 23rd of December
13
14 JW Mm hm
15
16 KB 2003 – and that lists a series of items, donations received from various people. If you
17 have a look at the last entry on that statement, it's dated the 4th of March 2004
18
19 JW Mm hm
20
21 KB And the amount of \$20,500 appears as a debit of that account which is the total amount,
22 in other words it appears that account has been closed because it's got a zero balance – do
23 you agree with that?
24
25 JW Mm hm yep
26
27 KB Alright – if I can refer you to the Commonsense Campaign Fund
28
29 JW Mm hm
30
31 KB Which commenced on the 4th of March 2004 the same day as it appears that this was
32 closed

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Detective Inspector Ken Bemi
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Legal Officer: Danny Boyle
File Number: MI-05-2482
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33
34
35 JW Mm hm (ui) 4th of March there yep
36
37 KB Agree with that?
38
39 JW Mm hm
40
41 KB And there's an entry "Trust General Transfer" and it refers to Sue Robbins and David
42 Power, Gold Coast Election Campaign Fund – total amount \$20,500 appears as a credit
43
44 JW Yep
45
46 KB And hence the balance starts again
47
48 JW Yep
49
50 KB Agree with that?
51
52 JW Yep
53
54 KB Alright now as a result of my investigations to date, I can inform you that these two
55 documents were used
56
57 JW Mm hm
58
59 KB To create this document provided to the CMC which was the Lionel Barden
60 Commonsense Campaign Fund
61
62 JW Oh right
63
64 KB Now, if you have a look at the first entry
65
66 JW Mm hm
67
68 KB On that trust account, the Lionel Barden Trust Account
69
70 JW Yep
71
72 KB It starts off 23rd December 2003
73
74 JW Mm hm
75

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Detective Inspector Ken Bemis
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Legal Officer: Danny Boyle
File Number: MI-05-2482
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76 KB Whereas on the source document used as a reference to create this document provided to
77 the CMC it actually commences on the 4th March 2004
78
79 JW Okay
80
81 KB Do you agree with that?
82
83 JW Ah yep, you've got one starting on the 4th March 04 and (ui) mm hm
84
85 KB Right
86
87 JW And what's the other one? (ui)
88
89 KB The other one was the gold Coast City Council Election Campaign Fund
90
91 JW Oh okay so that 23 December 03 there marries up with the 23 (ui)
92
93 KB It does but see it's under a different trust account name
94
95 JW (ui)
96
97 KB The 23rd December 2003 appears under the trust statement of the Gold Coast City
98 Council Election Campaign Fund
99
100 JW Mm hm
101
102 KB Whereas the document provided to the CMC, the 23rd December 2003
103
104 JW Mm hm
105
106 KB Appears under the Lionel Barden Commonsense Campaign Fund
107
108 JW Oh yeah okay yep
109
110 KB So one of these documents can't, it must be incorrect
111
112 JW Ah well it depends what you call the trust fund I s'pose -laughs-
113
114 KB Well it appears that there was a trust fund operating
115
116 JW Yep
117
118 KB On the 23rd December 2003 and that was the Gold Coast City Council Campaign Fund
119

Complainant: Operation Grand
Subject(s): Operation Grand
Investigator: Detective Inspector Ken Beml
Statement Of: Joseph George Welch
Legal Officer: Danny Boyle
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120 JW Mm hm
121
122 KB That's the fund that David Power and the late Sue Robbins
123
124 JW Mm hm
125
126 KB Had access to
127
128 JW Okay yep
129
130 KB And yet there's no reference to that trust account and the document provided to the Crime
131 and Misconduct Commission
132
133 JW Oh right other than just the entries that are made
134
135 KB Correct
136
137 JW Yeah okay
138
139 KB Alright
140
141 JW Yep
142
143 KB Do you know why that is?
144
145 JW No --laughs- no I gathered it was just called the Lionel Barden Commonsense Campaign
146 Fund
147
148 KB Alright -- but you see the Lionel Barden Commonsense Campaign Fund wasn't in
149 existence on the 23rd of December 2003
150
151 JW Oh right okay
152
153 KB It came into existence on the 4th March 2004 as
154
155 JW Mm hm
156
157 KB Supported by this source document
158
159 JW Oh yeah and that one's called the Commonsense Campaign Fund -- alright so you're not
160 saying that there's now three are you?
161
162 KB No
163

| | |
|----------------|------------------------------|
| Complainant: | Operation Grand |
| Subject(s): | Operation Grand |
| Investigator: | Detective Inspector Ken Beml |
| Statement Of: | Joseph George Welch |
| Legal Officer: | Danny Boyle |
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164 JW Oh right okay good alright so we got some a document here that says Commonsense
165 Campaign Fund
166
167 KB Which refers to Lionel Barden
168
169 JW Yeah fair enough
170
171 KB Cause it's got Mr L Barden on the document - you see that?
172
173 JW Yeah okay mm hm
174
175 KB Alright so my query to you just to clarify it
176
177 JW Yeah yep
178
179 KB Okay
180
181 JW Mm hm
182
183 KB Is why that's included under the Lionel Barden Commonsense Campaign Fund
184
185 JW Mm hm
186
187 KB All transactions from the 23rd December to the 4th of March 2004
188
189 JW Mm hm
190
191 KB When in fact it doesn't appear that came into existence until the 4th March 2004 - that
192 meaning the Lionel Barden Commonsense Campaign Fund
193
194 JW Mm hm
195
196 KB See the point I'm trying to make?
197
198 JW Ah yeah
199
200 KB (ui)
201
202 JW (ui) I can see the point you're trying to make yeah that it's called two different names
203
204 KB Yeah
205
206 JW Yep mm hm
207

Complainant: Operation Grand
Subject(s): Operation Grand
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File Number: MI-05-2482
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208 KB So I guess that the Lionel Barden Commonsense Campaign Fund, the trust account
209 statement provided to the Crime and Misconduct Commission, it doesn't make any
210 reference to Power and Robbins, the Gold Coast City Council Campaign Fund. Would
211 you just like to check that?
212
213 JW -Sighs- ah yep Lionel Barden Commonsense Campaign Fund and what just all these
214 receipts here and donations (ui) got four (ui) ah closing balance of nil yeah (ui)
215
216 KB So there's no reference?
217
218 JW (ui) I can't see any reference on that on that document yep
219
220 KB So do you know why there is no reference to Robbins and Power?
221
222 JW Nuh no I don't know why
223
224 KB It was never discussed with you?
225
226 JW No
227
228 KB Alright were you were you aware of this anomaly before I brought it to your attention
229 today?
230
231 JW Oh I'd seen the um um the video you know how they have that 4:30 in the morning, don't
232 ask me why I was up then
233
234 KB Do you get up early do you?
235
236 JW No well I had to watch Tony cause he was on the tv and um yes so that was what um
237
238 KB Oh well you would be no doubt aware that it was obviously put to Mr Hickey
239
240 JW Yeah
241
242 KB (ui) evidence?
243
244 JW Mm hm
245
246 KB It's the same thing I'm raising with you, this very same thing about
247
248 JW Yeah yeah yeah yep yep yep
249
250 KB A document provided to the Crime and Misconduct Commission I guess the thrust of it is
251 that this

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252
253 JW Mm hm
254
255 KB Is perceived as not being an accurate document
256
257 JW Yeah (ui)
258
259 KB Which (ui) provided to the Crime and Misconduct Commission
260
261 JW Is it Mulholland yeah?
262
263 KB Mr Bob Mulholland that's the point ah (ui)
264
265 JW (ui) he was making with Tony yep
266
267 KB Correct – alright and hence my reason here today is to clarify this issue with you to see if
268 you can shed any light as to why it may have been furnished to the CMC if it wasn't a
269 accurate document
270
271 JW I don't know why it – other than
272
273 KB Alright
274
275 JW I suppose I've always known it as the Lionel Barden Commonsense Fund because it's
276 been in the paper that way
277
278 KB Yeah
279
280 JW Yeah
281
282 KB Let me put it to you this way, after viewing the two source documents
283
284 JW Mm hm
285
286 KB In viewing the document provided to the CMC
287
288 JW Yep
289
290 KB The trust statement, the Lionel Barden Commonsense Campaign Fund would you
291 describe this document
292
293 JW Mm hm
294

Complainant: Operation Grand
Subject(s): Operation Grand
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295 KB Being Lionel Barden Trust Account as an accurate trust account at all in relation to
296 transactions, their origin
297
298 JW Ah well I don't know I hadn't gone through and done all that I don't know if (ui) each of
299 those transactions is actually accurate
300
301 KB Right
302
303 JW Because I didn't receive the money or pay it out
304
305 KB Yes that's understandable
306
307 JW But if if all of that is actually correct then it shows the money um it shows who donated it
308 I suppose and then shows who the cheques are made payable to so ah and it shows the
309 balances as you go so yeah I suppose that's accurate yep
310
311 KB The omission of the \$20,500
312
313 JW Mm hm
314
315 KB Dollars then transferred from the Robbins and Power Gold Coast City Council Election
316 Campaign Fund to the Lionel Barden Trust Account
317
318 JW Mm hm
319
320 KB (ui) think that that's inaccurate – does that make this document inaccurate?
321
322 JW (ui) I don't know was it run as one account or was it actually run as two separate
323 accounts?
324
325 KB It appears it was run as two separate accounts
326
327 JW Yeah um I think that doesn't that show you all the the detail and who actually put the
328 money in and who it was paid out to and
329
330 KB It doesn't affect the monetary amount
331
332 JW Yeah yeah (ui)
333
334 KB That's the point you're trying to make I take it? It doesn't affect the
335
336 JW Yeah I gather like that's just a carry over like a brought forward
337
338 KB Well they cancel each other out I guess

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339
340 JW Yeah like for instance it's a brought forward amount like that like that's not a person who
341 donated it. Trust journal transfer is not a person who donated any money
342
343 KB No it's the total of that previous trust account
344
345 JW Yeah yeah so from that point of view I um I s'pose I think that that's accurate because
346 that's not actually a an entity who donated any money it's just a brought forward amount
347 to ah does that have separate number (ui) so it's got one but what's what about the other
348 one?
349
350 KB It should have a number – a reference number
351
352 JW (ui) 24831 – 245821 alright so we got a different it's probably a different client number
353 or something no that's the matter number um
354
355 KB So it appears it has a different client number?
356
357 JW Yeah yeah that's a different client number
358
359 KB Which would suggest two separate trust accounts
360
361 JW Um that's (ui) I don't know actually I'll have to look at the Trust Accounts Act. I don't
362 know whether we hold all our money sort of in one big pot and then have separate ledgers
363 for it and whether that means it's separate trust funds but I s'pose you hold um funds
364 separately for individual people um (ui)
365
366 KB (ui) In order for the document to be accurate
367
368 JW Mm hm
369
370 KB Wouldn't you include the journal transfer in this document that was provided to the
371 Crime and Misconduct Commission? And this is your view I'm gauging here
372
373 JW Yeah um I s'pose I would run it looks like running over to the next page of ah of the trust
374 account journal if you like or a ledger it would have you know brought forward that
375 amount to here and then continuing on um
376
377 KB But as you can see there's no reference in the document provided to the CMC
378
379 JW Yeah for sure cause that's like a a joining together of all those that's just like run on one
380 big
381

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382 KB There's no reference to that amount having been brought forward from another account is
383 there? This document provided to the Crime and Misconduct Commission
384
385 JW Yeah that's right yeah there's nothing there yep
386
387 KB Is that a normal practice to do that here at Hickey Lawyers?
388
389 JW Um I don't know, it's not normal practice to run one of these type of trust accounts I
390 s'pose um no I wouldn't say that it's um well yeah by it's own because of the fact that
391 we've never done this sort of thing before it's certainly not usual
392
393 KB Alright but if I was to receive this document
394
395 JW Mm hm
396
397 KB If I just examine this document, the Lionel Barden Commonsense Campaign Fund, the
398 trust statement
399
400 JW Mm
401
402 KB I would not in any way know
403
404 JW Mm hm
405
406 KB That there's been a journal transfer from a previous account or no person would just by
407 relying on this document. Do you agree with that?
408
409 JW Ah yeah well I s'pose all you'll know is the description of the money coming in and the
410 money going out
411
412 KB So how would I know there's been a journal transfer, there's been a previous account
413
414 JW Yeah
415
416 KB How would I know that the money's been transferred from that previous account into this
417 one since there's no reference to it?
418
419 JW I s'pose yeah there's nothing in there about it so you wouldn't, you'd only know that this
420 is the money that went in and this is the money that went out and ah that's it yeah
421
422 KB So in other words I unless I had some background knowledge I wouldn't realise that there
423 was a a previous trust account in the name of Robbins or Powers or the Gold Coast City
424 Council Campaign Fund
425

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426 JW Well I suppose if everything was disclosed to you like the all of our trust account details
427 then you'd know all that stuff if it came in - like was when did you get that did you get
428 all that at the same time? Like this together with that if you put that all together then
429 that's pretty clear I think
430
431 KB Yeah it was separate (ui)
432
433 JW Oh right okay
434
435 KB I can inform you of that
436
437 JW Yeah alright well you wouldn't know just from looking at that
438
439 KB If I can just refer you to the two trust statements again. This is the Gold Coast City
440 Council Election Campaign Fund. If you have a look at the date the 4th March 2004 can
441 you see there's brackets, someone's drawn brackets around that entry on the source
442 document. Do you know who did that at all or why it was done?
443
444 JW No
445
446 KB Can you recall having any conversation with Mr Tony Hickey in relation to specifically
447 omitting the journal transfer from Powers and Robbins to the Lionel Barden
448
449 JW No no
450
451 KB Trust Account?
452
453 JW I wasn't involved in setting any of this up and no (ui) yeah Tony didn't discuss that with
454 me
455
456 KB And there's also second bracketed marks
457
458 JW Mm hm
459
460 KB On the document which was the Lionel Braden Commonsense Campaign Fund same date
461
462 JW Mm hm
463
464 KB On this occasion it appears to credit \$20,500 as opposed to a debit that we just saw
465 previously
466
467 JW Yep mm hm
468
469 KB Any idea how those brackets came to be on the documents?

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470
471 JW No no
472
473 KB You didn't make them?
474
475 JW Nuh not me
476
477 KB And once again did Mr Tony Hickey have any conversation with you about the journal
478 transfer and why it was omitted
479
480 JW No no
481
482 KB Or if it was omitted?
483
484 JW No I had no discussion about how that um document was prepared when he was
485 preparing it or when Sandy was preparing it
486
487 KB In your opinion
488
489 JW Mm hm
490
491 KB Would Mr, or to your knowledge, would Tony Hickey have seen this document before it
492 was sent to the CMC?
493
494 JW I I must admit I just don't know
495
496 KB Right
497
498 JW Um no I don't know
499
500 KB Right – and just in relation to the trust statement provided to the CMC re Lionel Barden
501 Commonsense Campaign Fund
502
503 JW Mm hm
504
505 KB Do you notice that there isn't any reference number on this document at all?
506
507 JW (ui) up the top ah not that I can see
508
509 KB Would there normally be a reference number included in such a document?
510
511 JW Um there's (ui) that looks like a trust actually a a trust statement so yeah that one would
512 have
513

Complainant: Operation Grand
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514 KB This is the source document you're referring to?
515
516 JW Yeah yep yep yep
517
518 KB This is the Sue Robbins Councillor and David Power?
519
520 JW Mm hm
521
522 KB Gold Coast City Council
523
524 JW Yeah usually you'd see that sort of thing on there um that one mm depends what it was if
525 that was just prepared to take on account those two, then not really no you wouldn't
526 normally have it but like on a trust account statement you should have your file number
527 on them
528
529 KB And just to draw your attention that date, it's dated the 8th June 2004 it should be
530
531 JW Actually yeah
532
533 KB 12th April 2005
534
535 JW Yeah mm hm
536
537 KB I can recall Sandra Wiles stating that it was prepared it appears that one of these
538 documents was scanned hence the incorrect date on the document provided to the CMC
539
540 JW Oh right okay yep
541
542 KB Just for the sake of clarity
543
544 JW Yeah sure sure
545
546 KB Alright so you can't really offer any reason why there's not a reference number on it
547
548 JW No
549
550 KB I'll just show you a covering letter prepared by Mr Hickey to the Crime and Misconduct
551 Commission if you just want to read that
552
553 JW Okay so it's a Mark Docwra (ui) mm yep
554
555 KB Notice that a reference number does appear (ui)
556
557 JW Your reference and our reference yeah yep after Sandy's initials yep

Complainant: Operation Grand
Subject(s): Operation Grand
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File Number: MI-05-2482
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558
559 KB Do you know what that reference number refers to? It's got our reference number Mr
560 Hickey SW
561
562 JW SW – that's usually like the file number and yeah you have the like the author's name and
563 the secretary who typed it and then the file number
564
565 KB If I can get you to cite the reference number on the Lionel Barden Commonsense
566 Campaign Fund
567
568 JW (ui)
569
570 KB Just want to read that out
571
572 JW Yeah the Commonsense Campaign Fund our reference 248311/0001
573
574 KB And the reference number appearing on the covering letter signed by Mr Hickey
575
576 JW Yeah 248311/1
577
578 KB The same one?
579
580 JW 2483(ui) yeah yep mm hm
581
582 KB Alright so it appears is that Mr Hickey's signature to your knowledge?
583
584 JW Yeah as far as I know yep yep
585
586 KB Alright so it appears he would have seen this document before it was sent to the CMC
587 since he's signed a covering letter referring to it?
588
589 JW Yeah I s'pose so yep
590
591 KB Is there any other comment you'd like to make about the document
592
593 JW Actually just that letter from Tony – it has it saying this (ui) we now enclose a statement
594 this statement records all funds rather than a trust account statement so for instance if I
595 don't know don't know what Tony intention was or anything like that but um if it was a
596 trust account statement you know that's a trust account statement and that to me doesn't
597 necessarily look like a trust account statement (ui)
598
599 KB What would you refer to that as?
600

Complainant: Operation Grand
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601 JW Well a statement -laughs- I'm just thinking (ui) maybe that's what (ui) this statement
602 records all funds um rather than saying this (ui) necessarily a trust account statement
603 because if I've printed out a trust account statement that isn't necessarily what I would
604 print out or have my secretary print out for me
605
606 KB How would you normally print one out?
607
608 JW It would look sort of like that yeah
609
610 KB But if we compare these two together are they not similar?
611
612 JW Yeah look it's got all the entries in there yeah but that's what I'm thinking I'm just
613 thinking at the end of the day um that's a reference to a statement and that there is a trust
614 account statement if you like and maybe that's what the difference is
615
616 KB But it appears that this is a financial statement referring to Lionel Barden the
617 Commonsense Campaign Fund
618
619 JW Yeah yeah
620
621 KB Do you agree with that?
622
623 JW A statement of money in and out yeah
624
625 KB Alright would you agree that appears to be a financial statement referring to Lionel
626 Barden Commonsense Campaign Fund?
627
628 JW Yeah that that's more like your trust account statement that we would print out yeah
629
630 KB Alright so the point you're trying to make
631
632 JW Oh the point I'm trying to make is that it doesn't look like that was ever purported to be a
633 trust account statement that's all
634
635 KB Alright (ui) it does appear to be a financial statement of some description
636
637 JW Yes certainly a statement of um debits and credits and balance yep mm hm
638
639 KB This is titled a trust statement
640
641 JW Yeah I'm the interesting thing is Tony didn't actually call it a a trust account statement
642 (ui)
643
644 KB See that's a trust statement that's titled trust statement the source document

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Investigator: Detective Inspector Ken Bemis
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Legal Officer: Danny Boyle
File Number: MI-05-2482
Directory :

645
646 JW Mm hm
647
648 KB And the one provided to the CMC is called a trust statement
649
650 JW Yeah yeah I'm just saying that that form is not ah for instance a trust account statement
651 form that you normally get printed out ah that's all
652
653 KB Well I can inform you that according to Miss Sandra Wiles
654
655 JW Mm hm
656
657 KB One of these documents was scanned the source documents and she simply added to it
658
659 JW Oh right okay
660
661 KB To save her retyping the whole document again
662
663 JW Oh right fair enough
664
665 KB Yeah just for your information
666
667 JW Yeah okay
668
669 KB Now are there any staff practices here at Hickey Lawyers where staff are instructed when
670 preparing either trust statements or statements of account when one file's when one trust
671 statement is closed not to show journal transfers when a new one is created?
672
673 JW Oh not that I know of no
674
675 KB So normally that would be included?
676
677 JW Um when you close a file generally if there's any trust monies left in there you ah refund
678 it to the client (ui)
679
680 KB There has to be some record of it being transferred somewhere of being paid out wouldn't
681 there?
682
683 JW Yeah yeah it either sits in your trust account or if you pay it out to someone there should
684 be an entry saying paid out to whoever
685
686 KB Yeah but in this case the document provided to the CMC there's no reference to that
687 we've already gone over that
688

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