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## Transcript of Proceedings

CRIME AND MISCONDUCT COMMISSION

MR R NEEDHAM, Chairman

No 5 of 2005

PUBLIC HEARING INTO GOLD COAST CITY COUNCIL

BRISBANE

..DATE 18/10/2005

..DAY 8

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

THE HEARING RESUMED AT 10.15 A.M.

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CHAIRMAN: You will notice we have a different orderly today. So I nominate Mr Peter Nicol to also administer an oath or an affirmation to any witness. You have something Mr Webb?

MR WEBB: Yes, Mr Chairman. Consistent, I hope, for the reasons I've been standing up at different times: namely, the question of fairness. I haven't been through it all yet, but I've got what's been in the media overnight and this morning, and I must have been somewhere else yesterday. I might have dozed off for a moment, but I think my watch was here, for the simple example, "Tom Ray spent hours in the witness stand." Another person has got it right, said a short time. Someone reports that he was there all day. There's a statement attributed to my learned friend, Mr Mulholland, which I knew - because I know him well and respect him - he wouldn't have said. He's quoted as the interviewee saying - providing this information:

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"The Crime and Misconduct Commission has heard evidence that a consortium of developers tried to mount a campaign to get pro-development councillors elected to the Gold Coast City Council."

Unless my eyes are bad as well, I don't see anything in the emails that say pro-development councillors. Yet, that's the theme that's picked up in a number of publications, and it just didn't come out. There must be something wrong with these microphones. They must be misinterpreting what's said here before it gets out to the press. I'm just concerned, Mr Chairman, as you must be, that things are just not being reported accurately and they're being given a particular spin. The documents - I realise one can't control the press, but they could be exhorted upon to report accurately. There are more but I'm not going to waste your time going through them.

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CHAIRMAN: All right, thank you, Mr Webb. You're certainly correct when you say that I can't control the press, but it is concerning if they have basic errors like saying that Mr Tom Hickey-----

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MR WEBB: No, Tom Ray.

CHAIRMAN: No, Tom Ray was in the witness box all day yesterday. Yes, that's a basic concern. I certainly do exhort the press to attempt to make sure that they are reporting accurately the proceedings of this hearing. It's certainly not the Commission's desire that anything should be reported inaccurately. The idea of this hearing is to find out the truth.

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MR WEBB: Yes.

CHAIRMAN: And to have that truth reported, not to have some journalist's garbled version of the truth reported, but, yes,

thank you for bringing those to my attention. I must say I had been through The Courier-Mail this morning fairly quickly; I haven't yet had a chance to look at any of the other press clippings.

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MR WEBB: Well, one headline is absolutely abhorrent. The Bulletin prints in large press, "Brian Ray speaks from beyond the grave." That's hardly dealing sympathetically with a person who my learned friend, Mr Mulholland, specifically mentioned by way of apology that it was necessary to go into these things. It's just sensationalism and bad taste, but that's what I've come to expect from what I've heard here.

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CHAIRMAN: Well, I suppose there can be differing views on that but, certainly, the effect of the emails is that he is speaking when he's no longer with us in those emails.

MR WEBB: Yes. Well, the emails are speaking.

CHAIRMAN: Yes.

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MR WEBB: And they're not being recorded accurately either.

CHAIRMAN: Yes, Mr Mulholland?

MR MULHOLLAND: Can I first of all say, Mr Chairman, I apologise for the delay this morning. What we thought would be worthwhile was to have Ms Davies read the record of interview which I referred to yesterday afternoon. Now, that's been done, as I understand it, and it should shorten things this morning with her evidence. Could I ask that she return to the witness box.

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CHAIRMAN: Yes. Yes, thank you, Ms Davies.

SUSAN LOUISE DAVIES, CONTINUING:

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CHAIRMAN: You're on your former oath of yesterday?-- Yes.

MR MULHOLLAND: Ms Davies, have you now had the opportunity to read that transcript of the interview between Commission interviewer and yourself on 29th September this year?-- Yes.

And is there any inaccuracy that you can pick up in the transcript?-- No.

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Are you able to tell us if the contents of that record of interview as it is termed on the face of the document insofar as it records what you say as to your answers, are they true and correct?-- Yes.

And is there anything that you want to add to what you said there in relation to the matters to which you were taken?-- No.

Yes. Well, I tender now a copy of that record of interview - a transcript, sorry, of that record of interview.

CHAIRMAN: Yes. And you formally identify that that is the transcript of the record of interview that you've just been referring to?-- Yes, I do.

Yes, all right. That will be Exhibit 92.

ADMITTED AND MARKED "EXHIBIT 92"

MR MULHOLLAND: Now, yesterday afternoon, I took you to - we concluded the afternoon dealing with emails of the 8th, 9th and 10th March 2004. Do you recall that?-- Yes.

Now, you have a copy of exhibit 89 in front of you. I just want to go - I'm not going to take you to now all of the emails that remain, but there are just a couple that I do want to take you to. Would you turn to the email of 19th March 2004?-- I don't have the emails.

You don't; I'm sorry.

CHAIRMAN: The formal exhibit - you have-----

MR MULHOLLAND: No, they're here.

If you could turn to 19th - if you turn to the email of 19th March. This is from you to Lionel at Innovations Showcase. Now, is that - do you know who that person is?-- I do.

Yes, who's that?-- He was the gentleman after whom the trust fund was named.

Was that Mr Barden?-- Yes.

All right. It refers to a - this is the subject, "Guest List for Tuesday, 23 March. Dear Lionel, following Chris Morgan's advice that a function is proposed for Tuesday" - this would be Tuesday of the election week with the election being on Saturday, the 27th, "I've been asked to give you contact details for contributors who haven't provided funds yet," and you set those out. Who asked you to do that?-- Brian would have.

Right. You go on to say on the next page, "I'm struggling to find contacts for the following. I can't get hold of David Power, Chris Morgan or Brian Ray to enquire and I've exhausted other avenues." That's in the email. So are they the people that you would refer to in relation to this matter in order to find out what was happening?-- Those three people?

Those three people?-- I wouldn't refer to David. I'd refer to Brian first of all and as an alternative Chris Morgan.

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Right. Well, you've said, "I can't get hold of David Power," so presumably you did try to get hold of him?-- Yes, he'd be my third choice.

He'd be your third choice?-- Yes, I wouldn't normally contact David unless I couldn't find Brian or Chris.

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Is that as a result of any instruction to you from Mr Ray or did you just decide that of your own accord?-- I can't recall.

All right. And it goes on, I won't read the rest of it. Now, would you go to the email of the 24th of August please. By the way, in relation to that intention to get together on the following Tuesday there was obviously going to be something that was going to be held on the following Tuesday, what happened about that, did that go ahead?-- I believe not.

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So what seems to have happened - I just want your recollection this if you can help us - what seems to have happened, there were at least two attempts to try to get a function together involving people who might contribute to the fund and also candidates, would that be correct, prior to the election?-- Yes.

And in the end neither of those functions went ahead?-- No, I believe not.

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And are you telling us that you have absolutely no idea why that happened?-- That's what I'm saying.

All right. Well, if you go to that email of the 24th of August 2004 from you to Brian Ray. Now-----?-- 24th of August?

Yes, 24th of August. Have you got that one?-- Right.

Have you got that? And this is an email you sent to Brian Ray, is that right?-- Yes.

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No money into Hickey's account from Sahiel. Now, is that Mr Sahiel Abedian?-- Yes.

And is he from Sunland?-- Yes.

Now, the situation is that Sunland had made a donation of \$10,000 earlier; do you recall that?-- I don't recall when they made it.

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Well, I'm suggesting to you that they did make a donation on the 28th of January 2004 into the fund of \$10,000. You have no recollection of that?-- I knew they made a donation.

Well, here on the 24th of August apparently - and again I want your recollection about this - it seems to be that some more money is being sought from Mr Abedian - that is, from Sunland

- in relation to this fund; does this bring it back to you now?-- No.

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Well, read on. "I spoke to David Power's secretary in his absence." So this suggests that you were trying to get on to David Power in relation to this matter. Would you answer please?-- I don't know what to say to you because I didn't know that Sunland would have made more than one donation.

No, but, Ms Davies, you're entitled to refresh your memory from emails that you accept you typed. Now, look at the email please. This is your email to Mr Ray in which you said, "No money into Hickey's account from Sahiel. I spoke to David Power's secretary in his absence." Now, does that not suggest to you that David Power as you understood it was trying to get Sunland to donate some further money into the fund? Isn't that what it suggests?-- Well, if they've given more than one donation, yes.

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Well, what I'm - all I'm suggesting to you is that that is what this email suggests to you. Does that suggest that to you, that Mr Power was apparently being asked to take up with Sunland some further donation?-- Well, some further donation, I can't answer that question because I thought they'd only given one.

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All right. Well, no money into Hickey's account from Sahiel. Is that - are you saying that you - you did not know that one had been made early in the year?-- No.

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All right. Well, is it your recollection however that David Power had something to do with speaking to Sunland?-- Well, I can't recall specifically but if it says in this email that I spoke to his assistant, yes.

Yes. That suggests that you - from some knowledge in your possession at that time the person that you thought that you should speak to in relation to Sunland and in relation to Sahiel Abedian was Mr Power, doesn't it?-- It does.

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"She will get on to David," that's what the email goes on, and then there's a reference to a \$5,000 refund. Do you know what that was all about, the \$5,000 refund?-- Yes, I think that some work was done for Quadrant that-----

Some work was done for Quadrant?-- For Quadrant, the advertising agency-----

Mmm?-- -----and it was going to be done at a discounted rate, I believe.

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Right?-- I think that's what the 5,000 related to.

And was that - which printing agency was that? Was that Pronto?-- If that's Terry Norris' company, yes.

Yes. That's your recollection anyway?-- Yes.

That it was Pronto, and did you understand that to somehow be related to the funding campaign for the candidates, certain candidates at the Gold Coast City Council election?-- It was work that Pronto did for the campaign.

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Well, had they been paid?-- Had Pronto been paid?

Yes?-- I don't know.

All right. It had something to do with, at any rate, a discount, is that right, or a refund was going to be provided?-- I believe so.

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Yes. Now would you go to the email of 7th September 2004, again from you to Brian Ray. Was Mr Ray around at this time do you recall? Was he about or was he out of town?-- I don't recall.

Tuesday, 7th September from you to Mr Ray, "Should you follow up David Power's re-election funds" - sorry, I'll read that again, "Should you follow up David Power re election funds? No \$10,000 received yet, no response from David." Now, having regard to the previous email that I put to you of 24th August, are they related? In other words, are you chasing up David Power to follow up a sum of \$10,000 that was being sought?-- I'd say it's the same.

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Is that a \$10,000 that was being sought from someone?-- Yes, I believe so.

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What would have prompted you to bring that to Mr Ray's attention?-- It was Brian's job in this to collect the funds. He asked me to assist him.

Right, so Brian's job was the organiser-----

MR NYST: No, that's not what she said.

MR MULHOLLAND: Is that what you would say?-- No, I can't say that because I don't know how this started.

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Well, how would you describe his job?-- He was collecting funds from a number of contributors.

Well, were there other people collecting funds from contributors as well?-- I imagine so.

Well, to your knowledge did you know that other people were doing it, like Mr Power, for example?-- Oh, I knew that candidates were arranging to have funds.

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No, to this fund that Mr Ray was seeking contributors to?-- Yes, others were assisting to-----

Right, including-----?-- -----put funds into the trust account.

Including Mr Power?-- Yes.

Now would you go to the email of Friday, 29th October 2004, please? Do you see this is from you to Tony Scott of Quadrant, Friday 29th October 2004, 9.03 a.m., "Hi Tony, Tony Hickey spoke with Craig Treasure at Sunland. Craig requests you raise an invoice for the \$7,000," and then there's a plus/minus, "(plus GST for 'general marketing advice' or similar) and he will forward a cheque straight away." Now do you remember this?-- Not specifically.

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Well, to your knowledge you're reporting this on to Tony Scott and asking him to do so. You're saying that Craig, that's Craig Treasure, requests you raise an invoice - and invoice, is that a mistake? So is it A-N rather than A-N-D what you've got?-- An invoice it should be.

For the \$7,000 plus or minus, plus GST for 'general marketing advice'. Well, to your knowledge had Quadrant done any marketing work for Sunland in connection with the Gold Coast City Council election of March 2004?

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MR WEBB: Might be a privilege question.

CHAIRMAN: For this witness?

MR WEBB: Mmm. It's her email. I just raise the matter.

MR MULHOLLAND: She's just passing on really.

CHAIRMAN: Yes, I can't see any privilege issue for this witness.

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MR MULHOLLAND: So would you like me to put the question again?-- No, I don't know if Quadrant did any work for Sunland.

Well, the request from Craig which you're passing on, you had spoken with - or sorry, Tony Hickey had spoken with Craig Treasure and you say, "Craig requests you," so where had you got this information from?-- I would've received it from Tony Hickey, I imagine.

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Right. By telephone?-- I can't recall.

Well, you see, it's general marketing advice or similar. It just seems a bit odd. Did it not seem odd to you at the time?-- I didn't think about it at the time.

Does it seem odd to you now that I've asked you to concentrate on it?-- Well, I thought the question was a bit odd, that you would say to me did I know whether Quadrant did any work for Sunland and I don't.

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Right, but you are being asked to contact Quadrant by Mr Hickey, and the terms in which you've put it is for general marketing advice or similar. Is that what Mr Hickey said to you?-- I don't recall.



Well, presumably you-----?-- It's not something I'd create. 1

You wouldn't create it. Well, can you suggest anyone else that you would have got it from except Mr Hickey?-- No.

Can I ask you to go now to - back to the e-mail of the 22nd of July 2004.

MR WEBB: Sorry, might I ask which date that was? I apologise. 10

CHAIRMAN: 22nd of July.

MR WEBB: Thank you very much.

MR MUMFORD: Now would you just turn to the - or go to the foot of that page and you have an e-mail from Sue Davies sent Wednesday 21 July 2004. Do you see that?-- I do.

And go to the next page now. Do you see "David," and at the end of it, "Many thanks, Sue"? So you are sending this e-mail to David Power, is that right?-- Yes. 20

Let's look at what you said in it. "I called your office this morning and you were in a meeting so I thought I'd send you an e-mail. As you know Quadrant is being significantly disadvantaged because they are bearing the shortfall from the recent election funding. Brian is still overseas however he would be grateful if you would advise me what progress you have made with obtaining further funds to place into Hickeys trust account which can then be forwarded to Quadrant." Now just pausing there, that confirms to you that to your knowledge Mr David Power was involved in raising funds for the purpose of the election of certain candidates. Is that right?-- Yes. 30

To continue on. "Were you able to contact Terry Morris after we spoke the other day? When I was unable to speak to you this morning I placed a call to him on Brian's behalf to see if he has had the opportunity to arrange for the refund he has offered. I'm waiting for a call back from him." Now is that the refund that you spoke about earlier?-- Yes. 40

"Can you give me any further information to pass to Quadrant to let them know we're seriously trying to help." All right?-- Yes.

Now does that bring back to you - can you tell us how you came to send that e-mail?-- Quadrant was owed some money for the work they did on the campaign so they were chasing outstanding fees. 50

Right. All right. Well, if you go to the next message below it from you to Tony Scott - Tony Scott's at Quadrant?-- He is.

Right. This was on the 13th of July re Gold Coast City Council and you sent this message, "Just spoken to David Power, Tony. He's going to give Terry Morris a call now to

hurry him up. Also there will be another \$10,000 coming via Hickeys in the next week with more to follow because there's been a shortfall with one of the candidates. I'll keep on it." Now does that suggest to you that you are dealing in this period with David Power in connection with his involvement in raising funds for this - for this fund that was being created for these candidates?-- Yes.

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Do you recall anything in connection with that \$10,000 coming via Hickeys in the next week?-- I imagine that's the same 10,000 from Sunland.

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Yes. Now, do you remember that in the interview, the transcript of which is Exhibit 92, and which you read over this morning, that you were asked about an e-mail and I'll ask you to go to page 18, the top of the page? Now I'll read it to you, that you were asked this, "The e-mail was from yourself to Tony Hickey and it was sent on the 24/11/2003?" and you've got, "Brian asked me to forward the attached information to you and I'll just show you this on the summary. It appears to be rated at various people there." You said, "I don't recall that at all." "You don't? No." Can I ask that the witness be shown Exhibit 18 please, Mr Commissioner.

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CHAIRMAN: You'll have it over there?

ORDERLY: Which one is it, sir?

CHAIRMAN: Exhibit 18.

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MR MULHOLLAND: Could I just see it first, please. If you just ignore the writing on it. First of all, before I take you to what you said in the interview, do you - and this hasn't been, apparently, been able to be produced from the Ray records - but looking at that email, and just ignoring the writing on it, but looking at that email do you accept that you sent that email to Tony Hickey on that date?-- I do.

"Brian asked me to forward the attached information to you. Regards Sue", and then there are the attachments. Now, have you in the time since you were interviewed in relation to this matter back in September been able to remember sending this email, and in particular remembering that there was an attachment with a rating on it - rating of candidates, it appears to be. Have a look at it?-- I'm not sure that this is a document I created.

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You mean, it was in a different form from what you see there?-- No.

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Is that what you mean?-- The - the file reference at the foot of the document isn't something that I'd use.

Well, that may relate to the fact that it's come, you see, from Hickey's -----?-- And it-----

That's where this email has come from?-- And it's going back there by the look of this.

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No, no. What I'm asking you is whether or not you can remember sending that email, do you recall?-- Not specifically but I obviously did.

I mean, what appears at the foot of it that may have nothing to do with whether or not it came originally - the original email came from your computer. What I'm asking you to do is just look at the contents of the email-----

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CHAIRMAN: I think the witness is referring to the footer on the two attachments; is that right?-- I am, Mmm.

Not the footer on the email.

MR MULHOLLAND: Right. Yes, well-----

CHAIRMAN: The attachments to the email, you're saying, didn't come from your computer, obviously from someone else's computer, but you received them and you were forwarding them on to Mr Hickey; is that what you're saying?-- That's what it looks like to me, yes.

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MR MULHOLLAND: Yes, all right. However, "Brian asked me to forward the attached information to you." So what does that suggest to you?-- Brian asked me to forward that information to Tony Hickey.

So are you able to say, by looking at this now and looking at the attachments, whether the attached information had come to Brian from someone?-- I think it had come to Brian from someone.

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Right. And any recollection as to from whom?-- I have no recollection, no.

Right. Do you remember Brian speaking to you about what it meant?-- No.

Yes, if that could be returned. Nothing further, thank you, Mr Chairman.

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CHAIRMAN: Yes, Mr Nyst, any questions?

MR NYST: Ms Davies, it would be fair to say of Mr Ray, wouldn't it, that as at late 2003 he was a very well-known businessman on the Gold Coast?-- Yes.

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And he had a reputation of being a man with very broad and high level contacts across various industries, both on the Gold Coast and throughout Australia; is that fair?-- Yes.

He had no development projects within the city at that time, did he?-- No, he didn't.

But he had very broad business interests elsewhere; is that so?-- Yes.

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And he had very extensive contacts within the business community on the Gold Coast?-- Yes.

This is fair, isn't it: in terms of high powered experienced businessmen, at that time Brian Rowe - Brian Ray, so far as the Gold Coast is concerned, was probably one of or the most prominent well-known and experienced businessman on the Coast, wasn't he? I mean-----?-- He would have been.

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He had a reputation for being a very experienced man?-- Yes.

With very extensive contacts throughout the business community?-- Yes.

It wouldn't surprise you, for example, knowing of him and moving in that Gold Coast community at that time, it wouldn't surprise you if somebody wanting to get some advice as to how support from the business community might be garnered, might go to Brian Ray?-- No, it wouldn't be surprising.

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And indeed, if you wanted to do that and you wanted to pick who's the most high powered and prominent person we could go to, Brian Ray would certainly be thrown up if not as the first then certainly the handful of the - handful of people who you'd contact?-- Yes.

Mr Ray, you don't recall any meetings at all between Mr Ray and David Power, do you?-- I don't.

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Do you - we've heard about a meeting of Quadrant on the 16th of December 2003. Mr Ray didn't go to that, did he?-- I don't recall.

Don't recall. But do you recall Mr Power ever having contact with Mr Ray by telephone?-- Maybe rarely.

The occasions on which they corresponded by phone were rare; is that fair?-- That I know of, yes.

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And you've answered my friend - a question by my learned friend about contact through 2004 about trying to chase down this money that was outstanding. Is it fair to say that those rare phone calls were mainly in that time-frame to do with trying to chase that money down that was owed to Quadrant?-- Yes.

Now, you were taken to some emails yesterday afternoon that went sent and received in December, or thereabouts, December 2003. Have you got the emails there with you? Just starting there with the December 19 - it may be right at the top of the bundle, I think - Chris Morgan reminded you to establish a trust account, needs details to who's contributing to the campaign fund. Well, this was Morgan contacting you, was it, to chase down Mr Ray?-- Yes.

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Mr Power was not in the loop on that, so far as you're aware?-- I don't know. I didn't know anything about it at the beginning.

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Okay. Well then there's another email at 3.30, next in the bundle, "Hi Brian, met with Sue and David again today" - this is from Mr Morgan. And then down the bottom, "Can you give me a call please when Tony confirms he has a trust fund in place?" Do you see that?-- I do.

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And at this stage there was - is it correct to say there was some dialogue between Mr Ray and Mr Hickey about the setting up of a trust fund?-- Yes.

The next one again continues that on. You see there down the bottom there, the second last paragraph - "I've outlined" - sorry - "I think it would be in order for you to send invoices to those people that I've outlined asking them to pay their funds directly now to Hickey's lawyers trust account and Tony Hickey has indicated he will require to open that account in the name of David Power and Sue Robbins." Is that right?-- Yes.

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So that seems to be then Mr Hickey telling Mr Ray, is that right, that the trust account should be opened in the name of David Power and Sue Robbins?-- That was Mr Ray telling Chris Morgan.

Telling Chris - reporting to Chris Morgan what Tony Hickey had told him about that?-- Yes.

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All right. But none of these things were copied into David Power or Sue Robbins at that stage, were they?-- No.

There seems - is it fair to say there was a dialogue and discussion going on between Mr Ray and Mr Hickey as to what the best way to get this thing going would be?-- Yes.

And that Mr Hickey - it would appear from Mr Ray is saying in that email of the 19 December - Mr Hickey had advised Mr Ray, "Well the best thing is to set up a trust account in the name of David Power and Sue Robbins campaign account"?-- Yes.

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But so far as you know neither David Robbins or Sue - sorry - David Power or Sue Robbins was privy to that at that point?-- Not that I know of.

No. Of course they'd have to become - in due course it was to be set up in their names and they were to authorise things but at that point, so far as you know, they were in the loop?-- True.

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Right. Well if we go over to 22nd December, "Hi Brian, met with David and Sue again to recap" and then down the bottom, "Can you give me a call please when Tony confirms he has the trust fund in place" and that's Chris Morgan to Brian Ray. Again that wasn't copied into David Power - that so far as you understand?-- That's correct.

But again, it looks as though Brian Ray is organising it with - Tony Hickey organising with the practicalities of getting them out of the account set up?-- Yes.

Next email, 24th of December, Tony Hickey it appears writes to Brian Ray telling him, "We've opened a trust account in the name of Power and Robbins" and Mr Ray replies, "Roger that, Tony, and thanks." And again, David Power is not copied into that at this stage?-- That's correct.

So is it your recollection then that at that point, at that sort of late December stage, it was Mr Ray and Mr Hickey putting this trust account into place?-- To my knowledge, yes.

And Mr Hickey there communicates, it seems, to Mr Ray that people contributing should put it into an account that he seems to have given a name to?-- Yes.

He appears, from this email, to have named it "Councillor David Robbins and Councillor Sue Robbins, Gold Coast City Election Campaign Fund"?-- Yes.

All right. Well now, just following on through some of the matters you were asked about yesterday, one of the things that you were asked about was, "Donors - and you became aware of some donors donating money?" I think you've told my learned friend, "I don't remember any prospective donors who weren't property developers but then I don't remember contacting non-development" - sorry - "I don't remember contacting non-development industry people but I may have" - words to that effect. Is that so?-- Yes.

Well, is this fair - I take it it's fair to say that in terms of big business on the Gold Coast a lot of that is the development industry. Is that so?-- Yes, that's true.

And a lot of Mr Ray's business contacts were development industry people. Is that true?-- Yes.

You looked, recently I think, at Exhibit 18. Have you got that there with you still?-- No.

Could she see that? Now the second page and third page - the second page deals with people who will help - those people who will help that are listed there, do you know them?-- I've heard the two names, Scott Lynd and John Howe.

Well they're - sorry - Scott Lynd is a town planner; isn't he?-- Is he? I don't know.

You don't know. And John Howe's an engineer?-- I do know.

All right, well, you may not be able to comment. Just the next page then, just there towards the bottom. Riviera - that's a boat building company, isn't it?-- It is.

As is Quintrex?-- Yes.

And Mustang?-- Yes.

Well, were you - do you remember dealing with people outside the property development industry in terms of discussing the availability of funding?-- Well, I don't but Brian might well have.

Might well have, all right. Could I go back to the emails then and in particular to the email of 5th February. I think you'll find it's about number 8, page 8 in the bundle, and then if you go forward about 10 pages. We might deal with these as a bundle because they're similar terms, but - perhaps we'll just deal with this one. That's an email from Mr Ray to - to Kevin somebody, is that right?-- Yes.

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Now that - did you discuss the contents of this with Mr Ray?-- No.

But it looks like an attempt to try and get - to chase up some money out of somebody, doesn't it?-- Yes.

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And Mr Ray there expresses a view as to what the outcome of getting that money might be. He didn't discuss those views with you at all?-- No.

Well, anyway if you see that outcome, I think the outcome allows to be able to negotiate sensibly with a number of councillors to get a majority view prior to going to Court, or Council. Did you ever hear David Power speak about any such things?-- No.

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Is it fair to say Mr Ray was a reasonably good salesman?-- Yes.

Yes, he knew how to sell a product?-- Yes.

Right. And he didn't tell you, did he, whether in sending this email out to somebody who he was trying to get money out of, that he was gilding the lily to some extent as to what his thoughts were?-- He didn't tell me that.

40

Didn't discuss it with you at all?-- No.

The email below it talks about, "Sorry to do this to you but we're still in full strength with our campaign behind David Power and Sue Robbins to get a coherent group of council on to the Gold Coast." Well, again that's not something you ever heard come from Mr Power is it?-- No.

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And none of these emails were ever copied into Mr Power or Ms Robbins?-- No, they weren't.

So far as you know they were not even aware of what Mr Ray had said in those emails?-- As far as I know.

Now there was - you were asked about the proposed meeting that Bernard Salt was to speak at, and can you just remind me, it

was originally to be 10th or 11th March, wasn't it, 10th March?-- There were two dates proposed.

1

The first being 10th March, was it?-- Was it?

You don't recall?-- No.

Well, neither do I but in any event there was initially a date set for this meeting and it was called off at the very last moment?-- Yes.

10

Is that right? And I it was called off as a result of Sue Robbins finding out about it and saying that she didn't think that was the-----

CHAIRMAN: Which meeting are you talking about or both of them?

MR NYST: The meeting of the 10th - sorry, the meeting of 10th March. It was called off because Sue Robbins found out about it and had a strong view that it shouldn't go ahead, is that-----?-- I can't answer that question, I don't-----

20

You don't know. Do you know why it was called off?-- No.

You were asked whether the meeting was to involve David Power or Sue Robbins and you said you didn't know. Certainly, you hadn't prior to 10th March been asked to nor did you communicate any notice of it to David Power, did you?-- Notice that there was a meeting?

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Pardon?-- Notice that there was a meeting?

That there was a meeting?-- Not that I recall.

Now perhaps if you go to the emails there, I think, that relate to this. Yes, I think there's one on - dated 24th February. Do you see that email there of 24th February? See that?-- I do.

40

Does that relate to the 10th March meeting, do you know?-- It nominates the 10th March in there.

Sorry?-- It nominates the 10th March in the - in the email that I'm looking at.

I see. Well, that's the first one. If you go over the page to the next one it's an email from you to Brian Ray and you say there, "Chris Morgan advises candidates and councillors think this presentation is most unwise because they will be compromised." That was you letting Mr Ray know that as a result of speaking about it with Mr Morgan, was it?-- Yes.

50

And did Mr Morgan tell you where that message had come from?-- I can't recall.

Can't recall. All right, but there was quite some exchange of emails back and forth between Mr Morgan and Mr Ray about this



proposed meeting?-- Yes.

1

I think you agree with my learned friend that the function appeared to reach an advanced stage of planning before it was called off, is that right?-- Yes.

But there was no input from either Mr Power or Mr - or Ms Robbins about that function, was there?-- Not that I recall.

And indeed is it correct to say that the first notification that - or the first email that went to Mr Power was on 10th March?-- Yes.

10

You had not - had you not been asked by Mr Ray to send any other document notifying Mr Power of the meeting prior to the 10th of March?-- I believe not.

And that was - pardon?-- No. No.

And so you sent the email at about 9.17 a.m. forwarding a guest list for Wednesday the 10th of March?-- Yes.

20

And the meeting was supposed to take place at 3 p.m. that day? Is that right?-- I don't recall what time but, yes, I agree with that. Yes.

Well, I'm looking down-----?-- Yeah, till 3 to 4.

-----the bottom of the page, it talks about 3 to 4 p.m.?-- Yeah.

30

And it was called off that day?-- Yes.

So as far as you know there was no email or other written notice sent to them?-- That's true.

And so far as you know the information was not communicated to Councillor Power in any other way?-- Yes.

That's right, is it?-- Yes.

40

All right. You don't recall Mr Power ever attending at Mr Ray's office?-- No, I don't.

No other Councillors - perhaps I'll put it in these terms. Councillor Pforr never went there?-- No.

Councillor Molhoek never went there?-- No.

Roxanne Scott never went there?-- No.

50

None of the other Councillors went there?-- No.

Or other candidates?-- No.

And so far as you understood your discussions with Mr Ray his sole job in all of this was to discuss with Mr Hickey the setting up of the account, is that right?-- Yes.

And then to do what he could to get some funds from the business community into that account?-- Yes.

Thank you.

CHAIRMAN: Yes.

MR S FYNES-CLINTON: Mr Chairman, with leave, just for a couple of minutes to clarify some basic issues. Ms Davies, leaving aside the emails which have been the subject of questions which are written in the English language, we can read them for ourselves, do you have any independent knowledge or recollection of any discussions between Mr Brian Ray and any other person about raising campaign funds for the election in 2004?-- No.

Again leaving aside the emails, do you have any independent knowledge or recollection of any written communications between Mr Ray and any other party about raising funds for the 2004 election?-- No.

All right. On the same basis do you have any independent recollection as to whether any of the meetings referred to in those documents were or were not held?-- I believe they weren't held.

Finally, on the same basis, do you have any knowledge or independent recollection about anything discussed at any of the meetings referred to in these documents?-- None.

Thank you. Thank you, Mr Chairman.

CHAIRMAN: Yes, Mr Mulholland.

MR MULHOLLAND: Sorry, when you say that you don't believe that meetings were held what are you referring to specifically?-- The 10th of March and the 17th was it?

Thank you. One matter, do you remember in March of 2004 that in The Bulletin for the 25th of March it was revealed that your boss, Mr Ray, had admitted he and other businessmen were behind campaigns of a group of Council candidates planning to form a voting bloc on the Gold Coast City Council, do you remember an article at that time which caused a bit of a stir?-- Not specifically.

Come on?-- No, Brian caused a stir in many arenas, I don't remember-----

Right. Well, what about - what about this arena, just prior to the - prior to the 27th of March election when it was revealed that - or he had revealed himself - to the Gold Coast

Bulletin that he was behind this fund raising; remember that?-- Probably but not-----

1

Probably?-- -----ask me a specific question.

Righto. The specific question is this, do you remember him ever speaking to you or telling you as to why he decided to make that public at that time?-- No.

Never had a conversation with him about that?-- No. I didn't.

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Nothing further, thank you, Mr Chairman.

CHAIRMAN: Yes, thank you, Ms Davies. You're excused from evidence. Thank you for your attendance and your evidence.

WITNESS EXCUSED

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MR MULHOLLAND: I call Mr Tony Hickey - Anthony Hickey.

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ANTHONY WILLIAM HICKEY, SWORN AND EXAMINED:

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MR MULHOLLAND: Is your full name Anthony Hickey?-- Anthony William Hickey.

Yes. And Mr Hickey, you are a solicitor, is that correct?-- Correct.

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A partner in Hickey Lawyers?-- Correct.

Now, were you served with an attendance notice or summons to appear here today?-- Yes.

Would you have a look at this document please. Can you identify that as the attendance notice that you received?-- Yes.

I tender that, Mr Chairman.

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CHAIRMAN: That will be Exhibit 93.

ADMITTED AND MARKED "EXHIBIT 93"

MR MULHOLLAND: Would you have a look - did you at that - were you served with a notice to discover material?-- Yes, I was.

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And is that the notice?-- Yes, it is.

I tender that.

CHAIRMAN: Exhibit 94.

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ADMITTED AND MARKED "EXHIBIT 94"

MR MULHOLLAND: Now, did you in response to that provide a letter to the Commission dated the 22nd of August 2005 attaching a list of - attaching documents?-- I provided a letter, I can't recall the date.

Right. And you also provided a good deal of material, is that correct?-- Yes, correct.

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Would you have a look at this letter please?-- Yes, that's the letter.

I tender that.

CHAIRMAN: Will be Exhibit 95.

ADMITTED AND MARKED "EXHIBIT 95"

MR MULHOLLAND: Now, in relation to the material that you provided, did one section of the material concern documentation in relation to the Gold Coast City Council election campaign fund with Councillors Robbins and Power directly or controlling the funds in that account held with your firm?-- Yes, that would be the trust account ledgers showing them as the client, as it were.

10

Now, what I'd like you to do is to look at this - if you just have a look at, first of all, the first documents that I've handed to you, that bundle, does that relate to interim statements in relation to the Power and Robbins control of that fund?-- Yes, it does.

20

All right. I tender those documents or interim statements, Mr Chairman. Now, would you have a look at-----

CHAIRMAN: Just before you go on, you say interim statements. What do you mean by interim statements?

MR MULHOLLAND: There were statements issued in relation to that control and then there was a final statement issued. So, I'm dealing with all statements up until the final statement.

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CHAIRMAN: Right. Yes, the first one - is this the first one?

MR MULHOLLAND: That's the first one. They're the interim statements.

CHAIRMAN: All right. And that will be Exhibit 96, thank you.

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ADMITTED AND MARKED "EXHIBIT 96"

MR MULHOLLAND: Now, perhaps I can just read into the record that those interim statements relate to 17th February - this is the date of issue, 19th February and 1st March 2004. Now, you have also in the second bundle of documents that I've provided to you, is that the final statement? Does that contain the final statement, Mr Hickey?-- Yes, I assume so, because-----

50

What's the date of it?-- -----the closing balance is zero.

Sorry, what's the date of it, the date of the statement?-- It's dated 8th June 2004.

All right. And does it also have attached the receipts,

cheques and correspondence in relation to that account?-- Well, it has a series of receipts and correspondence attached, yes.

1

Attached to it?-- I don't know if it's all of them but-----

Thank you. I tender that bundle of documents.

CHAIRMAN: So, this is the final statement for the Sue Robbins and David Power Councillor Trust Account; is that how you'd describe it?

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MR MULHOLLAND: Yes.

CHAIRMAN: Yes, okay. That will be Exhibit 97.

ADMITTED AND MARKED "EXHIBIT 97"

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MR MULHOLLAND: Now, again-----

MR WEBB: Excuse me, sir, is this part of-----

CHAIRMAN: I think that's Exhibit 96, the first one.

MR WEBB: Thank you.

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CHAIRMAN: And then the second, the larger bundle, is Exhibit 97.

MR WEBB: Thank you, sir.

MR MULHOLLAND: Now, would you have a look at these two bundle of documents. Again, I'll ask you to look at these and tell us whether they would effectively represent the interim and final statements with accompanying documentation in relation to Lionel Barden. So the first bundle of documents, is that the interim statements?-- Well, it's a bundle of statements from 4th March to 8th April.

40

Right?-- 2004, yes.

All right. Well, that relates to what, the Lionel Barden account? You tell us what you understood that to relate to, what account?-- The Lionel Barden Commonsense Campaign Fund Account, Trust Account.

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Right. Yes. I tender that first one, and the second one?

CHAIRMAN: So that's a bundle of statements in relation to the Lionel Barden Commonsense Campaign Fund Trust Account will be Exhibit 98.

ADMITTED AND MARKED "EXHIBIT 98"

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MR MULHOLLAND: And the second lot of documents, bundle of documents, does that again relate to the same trust account, being the final statement of 8th June 2004 accompanied by relevant receipts, cheques and correspondence?-- Yes, it does.

I tender that, Mr Chairman.

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CHAIRMAN: That will be Exhibit 99.

ADMITTED AND MARKED "EXHIBIT 99"

MR MULHOLLAND: Now, finally, can I ask you to have a look at this bundle of documents, and is that a bundle of emails which you provided to the Commission in response to its notice together with - there are some emails there referring to you which you did not provide, but do they include emails which you did provide to the Commission?-- There are certainly emails here that I provided.

20

Right?-- And I've just quickly identified that there are other emails I've never seen before.

30

Right?-- So, how do you want me to answer that? Is that a no?

Well, I'll tender it and we'll deal with it as I go through the various emails, I think, Mr Chairman.

CHAIRMAN: Yes, Exhibit 100.

ADMITTED AND MARKED "EXHIBIT 100"

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MR MULHOLLAND: Mr Hickey, you know why you have been asked to come here today?-- Yes.

And to speak about your connection with the fund that was established in order to provide money in respect of certain candidates standing at the March 2004 election?-- Yes.

50

Now, what is the first recollection in point of time that you have so far as your connection with that subject is concerned?-- Sometime in November of 2003, and I can't recall the date, Brian Ray called me and asked me would I come to a meeting with him and Councillor Sue Power and Councillor David - I'm sorry, everyone's doing that - Councillor Sue Robbins and Councillor David Power to discuss the election and to discuss assistance in fund raising and I subsequently went to

a meeting and I'm pretty sure it was at a coffee shop at Varsity Lakes near Robina, and I met there with Brian and Sue Robbins and David Power.

1

Right. Now you don't have a copy there of the emails. Let me just pass up a copy of the emails that have just been tendered. Now the first email that is there, Monday, 24th November 2003, you see the email, the terms and the attachments. First of all is that an email that was produced by you in response to the notice?-- Yes, yes.

10

When in relation to that date did this meeting occur?-- I really can't accurately recall. I've racked my brain on this. I thought it was probably after we had this first meeting. The first meeting was a casual meeting in a coffee shop, but I - honestly I'm not 100 percent sure whether it was just prior to the meeting or after the meeting before I had another meeting in December at Brian Ray's office.

Right. Well, just staying at the moment with-----?-- Mmm.

20

-----your recollection of this first meeting?-- Yes.

-----you had been the solicitor for Mr Ray for how many years?-- 15 years.

Fifteen years, and you went along to this meeting. Did you have any idea what it was about?-- I went along because Brian asked me to go along and, yeah, I - Brian had indicated it was to discuss fundraising for the election and so I went, yes.

30

Right, and what was discussed at that meeting?-- Well, my clearest recollection is that we sat down, had coffee or something and Sue Robbins very clearly said that she was sick of sitting on a Council with people that were not reasonable, were not rational, were not intelligent and that Gold Coasters are better than that, and that if Council was going to be effective in the community, you know, we needed a better quality of councillors sitting on the Council, and that was the general discussion. I think David would've supported that, David Power would have supported that position. Primarily I think the names of the councillors that both Councillor Power and Councillor Robbins felt didn't qualify were Councillor Sarroff, Councillor Young and Councillor Crichlow. Really the meeting, the discussion was all about just not being able to get business done properly, not being able to have intelligent and reasonable debate on issues and being distracted from the business of Council by childish - childish behaviour.

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Right?-- To which basically Brian agreed. I really didn't say a lot, although I could understand clearly the position that these councillors were taking and maintaining because of events that had happened under - you know, in that Council.

Now, how long did this go on for, this-----?-- Look, it only went for about 30 minutes, our whole - whole meeting and everybody was busy and really the discussion then was Brian



said, "Well, look, I'm prepared to help, and Tony will you help call a few people, see if we can raise some money." I can't remember if it was Sue and David said that they'd identified certain people who they thought would be very worthy people to sit on the Gold Coast City Council.

1

Sorry, did you say they had identified?-- They had identified.

Yes?-- They were aware of people. It certainly wasn't Brian had identified anyone. There was some discussion about who these people were. I didn't know any of them or know of them. Brian, I think, was aware of some people. Brian Rowe, for example, he knew him because he'd been a teacher at the school that Brian had been closely associated with, thought he was a decent bloke. I think Brian might have known Molhoek as well, known of him, didn't know him personally, so there was some sort of discussion about, you know, in a very casual way about, you know, David and Sue believed that, you know, these were worthy people that would contribute to the Council, and then really it was all about Brian said, "Well, okay, how much money do you need or what do you think? You know, we can ring the business community and see if people are prepared to contribute." Brian said to me, "Will you ring a few people?" and I said, "Yeah, okay, I'll ring a few people." Then the discussion was, "Well, what do we do with the money?" I remember Brian saying, "Where are we going to put it?" and he said words to the effect, "Tony, can we put it in your trust account?" I said, "Yes, that's okay, you can put it in my trust account but I need, you know, a client to control that trust account and that can't be me because I'm - you know, I'll have no involvement in the decisions on the distribution of funds," and I said that should be David and Sue and they said fine. Basically that was it and I think fundamentally Brian was going to sit down and think about people to ring. I was going to think about people to ring and we were going to meet up later. There was - you know, never any discussion - I mean, Brian was such a passionate guy and Brian was saying, "Well, is that all you want me to do?" because Brian had been involved in political campaigns, you know, over many years in Queensland, also in New South Wales, and Brian was - I could see Brian was champing at the bit to really, you know, give some strong control and direction to this. But Sue and David said, "Look, Brian," you know, "This is simply about giving these people some assistance. We've identified people, we think they'll be good quality people but they need financial assistance," and that was it.

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Now did this relate to candidates who were not existing councillors?-- Yes, yes.

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Was there any discussion about that?-- That - only in the context of Brian made some inquiries, well, who's so and so and what's he like and - or she like and something like that, and he may have made some comment about the people that he knew that I just mentioned before.

Now you said that it should be the - Power and Robbins would be-----?-- Mmm.

-----what, the client?-- Yes, yes.

You said this at the first meeting?-- Yes, absolutely.

Why did you say that?-- Well, they wanted to put money in my trust account and I said that's okay but a requirement is I need a client because when funds go in they're obviously going to go out somewhere, and I have to comply with trust account regulations so they have to be authorised in writing by the party or the client in control of that - that trust account ledger.

10

Well, now you're talking about, of course, donations coming in so the money is not coming-----?-- Certainly.

-----from Power and Robbins?-- Mmm. Correct.

So what were you going to - did you discuss that day how you were going to deal with that; the people who were actually donating the money-----?-- Mmm.

20

-----into your trust account would be not Power and Robbins?-- No, no, we didn't directly discuss that. I mean-----

Not that day?-- Well, I don't believe we discussed it at all. The bottom line was that people would be asked to contribute and if they wanted to, they would be told the money is going into a trust account and then it will be distributed in accordance with directions from Power and Robbins-----

30

You-----?-- If they wanted to contribute, fine; if they didn't, that's okay.

You've mentioned a few of the names who were mentioned at that meeting - Molhoek and Rowe?-- Yeah.

Mr Ford, do you remember his name being mentioned?-- Yes, yeah.

40

All right. Mr Shepherd, was his name mentioned?-- No. No, no.

No councillors were mentioned?-- No, no, no sitting councillors were really mentioned, no.

What about Mr Betts?-- No, I don't recall his name being mentioned. No, I don't recall; it may have been mentioned.

Yes. What about Roxanne Scott?-- Yeah, I recall her name being mentioned, yeah, because I think Brian asked about her because he didn't know of her.

50

Now, prior to you going along to that meeting, do you know from your discussions with Mr Ray as to whether he had any inkling of this request prior to going there? In other words, had it been-----?-- Well, Brian rang me so he - somebody must have contacted me. I'm sure it was Sue or David Power

contacted Brian to arrange this meeting and I don't think they requested me to be there; I think Brian thought, you know, he'd ask me to give him a hand.

1

So as you understood it from the way which things occurred, a request for assistance with funding had been made to him by Mr Power and/or Ms Robbins?-- That's my understanding, yeah.

Right. And then you met up. Now, were you aware at this stage as to any campaign going on in relation to the Tweed Shire Council concerning their elections the following year in March?-- I was certainly aware of the Tweed campaign. I honestly can't recall whether it was around that time or not but when it was happening I was clearly aware of it.

10

And did you know of Mr Ray's involvement in relation to assistance for candidates at that election?-- Not directly but I'm sure I was aware that Brian would - Brian had been asked to contribute to that campaign.

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Now, Mr Paul Brinsmead, do you know him?-- Yes.

And he was a partner in the firm?-- He was a partner in the firm until March of 2003 I think - I think.

Did you know - I take it you continued to have dealings with Mr Brinsmead after that time?-- Yes, well, Paul and his company were a client of Hickey Lawyers and Paul continued to occupy an office in our office whilst he was getting himself organised.

30

How long -----?-- But I hardly saw - oh at least 12 months, at least 12 months.

Right?-- From March, and it could have been longer. I'm not exactly sure. But-----

From March of 2003, so that would take it up to-----?-- March of 2003 - sorry - March of 2003 is when our partnership was officially terminated. Paul was no longer working in the firm although he retained a nominal role as being a consultant. However, he didn't actually get involved in any of the firm business because he was too busy doing his own development business and whilst he kept an office in our office, I hardly ever saw Paul.

40

Right. But he remained in that capacity for the next 12 months?-- Yeah, about 12; could have been a bit longer he - he would have had that office, yeah.

50

So that would have continued up to the elections in March?-- Oh certainly, certainly, to and beyond the elections, yeah.

Well, did you know that he was involved in relation to fundraising in connection with the Tweed?-- Yes, yes, yes.

And did you know that he was a part of the strategy team, if I can put it that way, in relation to that election?-- Yes. I mean, everyone knew. It was in all the papers.

1

Well, what do you know of any connection Mr Brinsmead had so far as the Gold Coast election is concerned?-- He had zero connection. Zero.

So he was never involved in any discussions-----?-- Not - not at all. Not at all. Not at all.

10

Yes. Well, now, what would be the best approximately you could make of this Robina meeting as to when that was?-- Oh late November - late-ish November.

And prior to this email?-- As I say, I'm really not sure. I'm just - the meeting was a very casual meeting so I didn't take diary notes because I didn't really take any significant notes on any of these meetings because I was there just helping - helping out but I tend to think that those notes came after that meeting because there was another meeting, then, that I went to on the 17th of December which was actually at Brian's office although it was, the notes say at Quadrant's office but I've never been into Quadrant's offices and generally any meeting that - Quadrant's office is in the same building as Brian's office, and Brian wouldn't be going to Quadrant's office; Quadrant would be going to Brian's office. And do you want me to deal with that meeting?

20

No, not yet?-- No.

30

But I just want you at this stage in relation to this meeting, that's all you can recall about the meeting at Robina?-- Yeah, at this stage, yeah, yeah.

Mr Hickey, you were to be involved, from what you've told us, in assisting to raise funds?-- Yes.

That was one aspect of it. The second aspect was that you were to have the funds that were raised to go into your trust account?-- Correct.

40

Now, what did you understand was the professional service that you were being asked to perform, that is as a solicitor? Were you - was this - what legal service were you going to perform-----?-- None.

-----in relation to this?-- None.

None?-- None.

50

Right. So there was never any question that you would be charging a fee in relation to any work associated with this matter?-- Oh no, no, would never charge a fee and I was never going to provide any legal advice or service.

Right. Or in relation to outlays?-- No, no.

Did you charge anything in relation to outlays?-- No, I charged nothing and I don't think it incurred any significant outlays.

1

Right. Was that just un-stated or did you specifically deal with it in discussion-----?-- No, it was un-stated but I think it was clearly understood that I wouldn't be putting my hand up.

Right?-- That was - you know, I suppose - that was my contribution.

10

Now, were there any discussion as to the people that would be approached at that time or did that occur afterwards?-- I think there might have been some general discussion but I - but I think most of that discussion occurred afterwards which makes me think that this email came after that meeting. It might have followed the next day or something like that.

Well, if you would just go to that email, Monday the 24th of November?-- Yeah.

20

"Brian asked me" - this is to you from Sue Davies - "Brian asked me to forward the attached information to you"?-- Yeah.

Now, this attachment that was received, presumably you were expecting this information?-- No, I wasn't.

No?-- No. I can recall getting it and thinking well, what am I supposed to do with this?

30

Right. Well, we see that there are candidates who are rated and people who will help?-- Mmm.

And then, also, a list of donors?-- Yes.

Dealing with first of all the candidates and the rating-----?-- Mmm-hmm.

Did you seek to find out what that was all about?-- No.

40

Did you ever find out what that was about?-- I think at the meeting on the 17th of December there was some discussion about that, but quite frankly I wasn't interested in it.

Well, did you not at some stage discover who was responsible for the rating?-- No, I didn't; no, I didn't.

So, you can't say whether it was Mr Ray or whether or was Mr Power or someone else?-- No. Look, I - no, I can't; I honestly can't.

50

You - and even what the rating is a rating of?-- Well look, I guessed it was a rating of, you know, what their chances of being elected, but-----

So that-----?-- There was no - I had no detailed discussion with anyone about that. I didn't really want any explanation

of it. As I said to you, I had a fairly clear role which you've identified just previously.

1

Well, your understanding was it was a rating as to what their election chances were?-- Yes, correct.

Now, the people who will help, what did you do with that?-- Nothing.

Right. Well, did you ever discuss with Mr Ray what he wanted you to do with that?-- No. He never said he wanted me to do anything with this. Maybe this was just assimilation of some information that he may have thought was relevant or I was interested in, but I wasn't.

10

Now, just go to the writing on the first page; is that your handwriting?-- Yes, it is.

And is the handwriting also on the last page, the attachment of donors, is that all yours?-- Yes, it is.

20

We can see that on the email page, there's a date, 17/12/2003?-- Mmm.

This meeting that you've referred?-- Correct, yes.

Are you able to say when this writing was put on this material?-- Not accurately.

What's your best recollection?-- Look, I think it must have been at that meeting on 17th December, but I can't recollect and - clearly when it was put on.

30

Do you recall anything happening in connection with this subject between this email on 24th November and the 17th?-- No, nothing specific happened. I'm not sure when I tried to contact people, but I didn't think till it was after 17th December. I don't think I made any calls until after 17th December.

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Right. There is in your material a document which is headed 16 December 2004; have you got that document?-- Is that an email or - sorry, what am I looking-----

Could the witness see Exhibit 14. You have a document within your material, 16 December 2004, and it has five matters, objectives is the first one; it's a three page document?-- I haven't identified but I now recall the document you're talking about.

50

CHAIRMAN: Yes, that was in, I'm sure it was in Mr Hickey's material. I've seen it there.

MR MULHOLLAND: I should really be in the material I've provided but I'm just not sure where. Would you have a look at this, Mr Hickey?-- Yes, I recall that document.

All right. What do you recall about that document?-- I believe that that was presented at the meeting on 17th December, and I think it was presented by Chris Morgan from Quadrant.

1

Right. And it's got, you see, some circling on one of the pages in the numbers?-- Mmm.

Was that on the document when you received it?-- Yes, yes.

10

Right?-- It's not my writing-----

Yes. Now, just keep that in front of you. I'm going to ask you about your recollection of this meeting of 17th December now, because you say that's the next recollection you have of anything-----?-- Correct.

-----to do with this?-- Correct.

Now, do you remember, and if you need to refresh your memory from any document that you wish, what do you recollect in relation to this meeting? You say it was at Mr Ray's office. How did you come to go there that day?-- Brian contacted me and asked me to come.

20

Right. Did he tell you the purpose of it?-- Yes. It wasn't a big discussion. He said he wanted to have another meeting with Chris Morgan. I can't remember whether Sue Robbins and David Power were at the meeting. I think maybe not but I'm not sure on that.

30

You said that he wanted to have another meeting-----?-- Yes.

-----with Chris Morgan?-- No, no, no, another meeting with me.

Sorry?-- Wanted me to come to another meeting.

Right?-- I've been to one. Now, I've got to go to another one.

40

Right?-- So, yeah.

Did you know of a meeting of candidates with Quadrant with Mr Morgan-----?-- No.

-----on 16th December?-- No.

Did you ever hear of that?-- Only - I think I heard it this morning, yeah.

50

So, on the 17th, nothing was said about it?-- I can't recall. There might have been some discussion about - look, on the 17th, I didn't understand what Chris Morgan's role was to be-----

Well, just in approaching this, Mr Hickey-----?-- Okay.

So that you understand what I'm asking you to do-----?-- Sure.

-----would you tell us, please, the circumstances in which you came to go there and what happened in as much details as you can recall?-- Okay. Brian asked me to come along to the meeting. I assumed the purpose of the meeting was to confirm how we were going to raise funds, who we were going to approach, and who was going to approach who. Chris Morgan was definitely at the meeting and was in Brian's office. I think there was some discussion between Chris and Brian about, you know, the candidates as such and what it had - might have been discussion about Chris having met with the candidates and, you know, what was his opinion of the quality of the candidates. Might have been some general discussion like that. I really didn't pay a lot of attention to that because I wasn't interested in it and I wasn't to be involved in it. This document was tabled and then there was a discussion between Chris and Brian about, you know, the appropriate key issues that affected the Gold Coast City community and how they should be identified and views on making sure the candidates were aware of, you know, generally what - the candidates were aware of the need to understand what is important to the people who would be voting to them, what were the important issues, and to make sure that they researched that - that is, the candidates did it. General discussion like that and then, really, all - we talked about - I'm pretty sure that's when we went back to that email and that list of candidates and we talked about fundamentally, well, who's going to ring who and what responses are we going to get. That was it.

10

20

Right. So far as the candidates were concerned, was there any discussion that you can recall about assessment of the candidates so far as what was seeking to be achieved?-- No, no detailed discussion that I can recall.

30

What was uniting these candidates that the funding was supposed to support?-- What was uniting them?

Why were these candidates being chosen?-- Because they'd been identified by David Power and Sue Robbins as people that they thought would be worthy councillors.

40

Now, worthy councillors means sensible, et cetera, et cetera?-- Sensible, commonsense was used a lot, and that's why I was able to create - when we needed a name for the fund, we called it the commonsense campaign trust account or whatever. Commonsense was a word that was used a lot.

Was there a perception which was communicated to the meeting, either this one or indeed even the earlier one that you'd had at Robina, that the existing Council was taking too much time in relation to decision-making?-- Correct, and a clear message that the existing Council or certain councillors, you know, didn't exhibit any commonsense.

50

And you've mentioned three-----?-- Yes, they were the people who were mentioned.

-----who were referred to?-- Yes.



Were the three of you - that is yourself, Brian Ray and Chris Morgan - the only people at this meeting?-- As I said before, I'm not sure. I think that is the case. I don't think David and Sue were at that meeting but I could be wrong.

CHAIRMAN: You had said in your statement - sorry, your letter of the 22nd of August at 4(ab)(ii), you say, "On or about 17 December 2003 a meeting was held at Brian Ray's office which was attended by myself, Brian Ray, Chris Morgan of Quadrant, Councillor Sue Robbins and Councillor David Power-----"?-- Yeah.

-----"Ms Robbins and Mr Power stated that they" et cetera?-- Yes. Yes, Mr Commissioner, my reflection since that time and looking at it much more carefully is that that was the meeting, that there was a meeting in November, it was at a coffee shop - I recall that - and as I say I don't think they were at that meeting on the 17th of December.

MR MULHOLLAND: Right. So just in relation to that, so far as this letter of the 22nd of August is concerned, you go on to say, "Mr Ray stated he would try to assist by raising funds"-----?-- Mmm, hmm.

-----"to help with the campaign costs"-----?-- Mmm, hmm.

-----and so on. All of that is the November meeting that you're referring to?-- Yes. Clearly that was discussed at the November meeting.

Yes. All right. So all of what you say in your letter in connection with the meeting on or about the 17th of December was in fact the reference to the-----?-- I believe that's correct - that Chris Morgan was not at that meeting in November.

All right. Now, you made some notations on this email, which you have before you, of the 24th of November-----?-- Mmm, hmm.

-----concerning this meeting on the 17th of December. You said that it was on or about the 17th of December. Does that tell you it was on the 17th of December?-- Yeah, I believe it was the 17th.

Now these notes that you made - did you make them at the meeting?-- I believe so, yes.

So you brought the email along?-- Correct, yes.

And discussed the email?-- Yes.

The first note you have is "Supporting eight councillors which will give majority vote"?-- Mmm, hmm.

Now what does that refer to?-- The discussion was that to be successful in bringing a commonsense group of people to the Gold Coast City Council you obviously had to be in a position

to know that you would cover a majority position so that hopefully, when matters were debated and they went to a vote, the commonsense would prevail by a majority decision.

1

Right. So in order to do that one would need to identify who these eight councillors were?-- Yes, yes.

And who were the eight? Look at the list if you need to refresh your memory, on the attachment?-- Okay. Hackwood, Power, Pforr, Mulhoek, Rowe, Scott, La Castra, Shepherd - yeah. I can't - I was really making a diary note of what they were saying there. But there was at least eight that they thought that they would cover, depending on who got in and who didn't get in.

10

Do you remember Sue Robbins being in this list?-- Yes, yes, obviously Sue Robbins, I'm sorry, yes.

Right, Sue Robbins?-- Mmm.

20

What about Mr Betts?-- Well, he was somebody that they were suggesting would be a good councillor so he probably would've been included as well.

Well we've got 10 there, haven't we?-- Yeah.

Right, so there was eight who were identified that day. Does that - are you able to at this point in time say who the eight were?-- No, I'm not.

30

You've mentioned 10?-- No, no, I'm not, I'm not.

But of the names they're the ones who come to your memory?-- Correct, yes.

The 10 that you've nominated?-- Correct. I don't know whether they were talking about eight candidates there or sitting councillors and-----

Now who said - the word that you used here is supporting-----?-- Mmm.

40

Who supported?-- Well-----

Is that the funds supporting or-----?-- The fund - yeah, yeah.

The funds supporting?-- Yeah, yeah.

All right, and you of course were interested in that as the person in charge of the trust account?-- Not really, no.

50

You weren't?-- No. I-----

Who indicated that that's what the fund was, to support those eight councillors?-- I think that was just the general discussion between Chris and Brian that, you know, in approaching people for donations, they be made aware that, you

know, they thought they had reasonable prospects of - of, you know, these candidates being elected.

1

Yes. Well, the next note that you have there is trust account?-- Mmm.

And along side it "authority by Sue and David, make them the client"?-- Correct.

Well, explain that to us?-- I explained that to operate the trust account we needed the name - it to be in somebody's name, a client's name, and that that client would then be responsible, would be the person in charge of that account to direct us as the lawyers simply to distribute funds in accordance with their written directions.

10

Right, so that was your suggestion to make them the client?-- Well, it was my direction. I mean, the discussions had been previously and was then can we put the money in your trust account? Yes, you can but you need to have somebody in control of it because I'm not going to be responsible for who gets what and where and I said that those people would have to be Sue and David.

20

I suppose Brian Ray might have been one who could've been in control of the funds?-- Oh, possibly but that was never suggested or discussed and I didn't think it was appropriate.

Why not?-- Well, because Sue and David were the people that obviously knew these candidates and would be interfacing with them as to what their needs were. That's what was my assumption.

30

Yes, and this is the reference to authority by Sue and David, you indicated that the account would operate on the authority of Sue and David? That was your suggestion?-- Yes, I was saying - well, yes, yeah. I understood that had already been agreed.

Was there ever any discussion about well, why was it necessary to put these funds into your trust account? Why not put it into just a general bank account?-- No, there was never any discussion. I'd assume like everyone else when it was discussed that it would be more transparent and open for people to contribute if it was going into a trust account.

40

Why would it be more transparent and open if Sue and David were the ones who were controlling - going to be controlling the funds? Why not let them pay it into a bank account of their own, let them start up their own bank account and call it a trust account?-- Well, you know, I assume once again that people would be more comfortable with a lawyer's trust account which was available to be audited, which was regularly audited and the people would have trust in - if their funds went in there it wouldn't be used for some other purpose.

50

But did you - yes, but what I'm really raising with you, Mr Hickey, is this. You're suggesting that it be - the controllers of this account?-- Mmm.

1

Be Robbins and Power?-- Correct.

Now if Robbins and Power were going to control these funds?-- Mmm-hmm.

Whether you look at it from the point of view of transparency?-- Mmm-hmm.

10

Or the trust that one would have in this account?-- Yeah.

Why do you get any greater trust for it going into a solicitor's trust account rather than an account which they would open at the bank and call it a trust account?-- Possibly you don't.

So your recollection is, however, that it was your suggestion that it be done this way?-- No, I was asked could the money go into my trust account and I said yes.

20

Right?-- On this - on this basis.

Right, you did say that earlier?-- Yeah.

And who - who had suggested that?-- I believe it was Brian.

Right. And you didn't argue with him, you just accepted his request?-- Yeah, I agreed to it on that condition.

30

Now, the Quadrant office at East Quay, what is this a reference to? East Quay there?-- I think that's when we had the-----

11 a.m.?-- I think that's when we had the meeting on the 17th of December. I don't know why I wrote it down there or on the other pages, to be quite honest, but that was where our meeting was.

40

At the Quadrant office. I thought it was at-----?-- That's where I was told it was to be but I recall we didn't have it at Quadrant's actual office and I think Brian would have rung me on the way there or I rang Brian and he said, "No, we'll have it in my office."

So that would have been written before you went to the meeting on the 17th?-- I think so. I think so.

50

And what about then the - you think that these other things above-----?-- Well, that's why I said before I'm a little bit confused with - my best belief is that those notes were probably written at that meeting, okay.

Apart from the one at the foot? Apart from Quadrant office?-- Yeah. Well, I can't really - yeah, possibly apart from the one at the foot.

You're definite that it wasn't in the Quadrant office?-- Yeah, I've never been to their office.

Now, if you go to the last page, again at the top of it you have Quadrant office at East Quay?-- Yes, yeah.

Now these notations that you've marked there, are these - do these relate to - well, you tell us what they relate to?-- Well, that's obviously a list that was presented at a meeting of possible donors and the notes there relate to me subsequent to that meeting ringing the people that I was going to ring and the response that I got, or some of the responses I got.

10

Yes?-- So, for example, number 2, I rang Jim Raptis's office. That hieroglyphic there says he will ring back.

Yes?-- Do you want me to keep going?

20

Yes. Well, we'll deal with them one by one?-- Yeah.

That was Rapchec. Is that the name of the company?-- I'm not sure what company they - they used to do it in the contribution but I simply-----

Oh, Rapcivic, Rapcivic is the name of the company?-- Possibly, possibly, I've never paid any attention to the name on the cheque.

30

And at any rate, Mr Raptis did make a donation to the fund?-- Yes.

Eventually?-- Yeah.

Yes. The next one?-- Leda Group, and-----

And did you follow up on that?-- Yes, I did.

What have you written there? You've got a tick, a question mark, then-----?-- Yes, yeah.

40

What's the note? Is that "states"?-- It looks like states.

Sue?-- Yeah.

Well, you tell us, it's your handwriting?-- Yeah. Yeah, I - I believe it says "states Sue," I don't - don't know what that means, "will talk to them. Needs to understand view."

50

What - well, that's rather-----?-- Yeah. Well, my-----

That rather suggests that you're writing something that someone has said to you, it's not-----?-- Oh, yes, yes, yeah, yeah. Yeah, because I recall I had a conversation with the Chairman of Leda, Bob Ell, and he said that he - oh, I'm sorry, yeah - he was not sure he was comfortable with Sue Robbins, that he was comfortable in supporting her, right.

Yes?-- And he-----

What's his name again?-- Bob Ell. And he wanted to talk to them, talk to Robbins and Power to understand what - what their position was.

Right?-- And I passed that message on, I think, to David Power and I'm not sure what happened after that.

10

Yes?-- Actually I don't think that's "states Sue," I'm sorry, I think it's "hates Sue".

"Hates," right, he's had it disguised-----?-- In my record - yeah.

Is that a disguised H?-- No, no, actually, it's a little bit clearer on my - my actual-----

Right, okay?-- Yeah.

20

Now, is that - is that a note that you made after the meeting of the 17th?-- Yes. I believe all these notes were after the meeting.

Right, so this page made afterwards?-- Yeah.

Yes, so you spoke to Mr Ell?-- Mmm-hmm.

And you didn't then take that any further?-- No, only to the extent that I passed the message on to David Power that Bob Ell was not really comfortable and I left it with him, yeah.

30

And so far as you know he didn't make any donation to the fund?-- I'm not sure, I haven't checked.

All right. Just go-----?-- But I presume it is not in the trust account statement.

Just keep going. Is Mirvac crossed out?-- I don't think that's my writing, yeah.

40

So there's nothing-----?-- Nothing that's-----

-----significant there in that-----?-- No, no, I think it's just a doodle by somebody.

All right. Go down to 15, Noel Gordon?-- Yes, I rang Noel Gordon and left a message and-----

50

Who's Mr Gordon?-- He's a developer who had some developments on the Gold Coast, all throughout Queensland.

Right. So you-----?-- And he didn't return my call and I didn't bother chasing him up.

Right?-- I don't think he made any donation.

What have you got alongside his name?-- WRB, will ring back. **1**

And he didn't?-- He didn't, no. He doesn't love me.

Right. The next one, Greg Phillip?-- Yeah.

Is that Phillips?-- Yes, that's Greg Phillips, yeah.

Right?-- Yeah, he - I rang him, he said, "Yeah, will do," and he indicated he would put in - he was prepared to contribute more. **10**

Than the 10,000?-- That's correct, yeah, because he was so unhappy with the representation he was getting in - where his division was, wherever that was.

Tell us about the \$10,000?-- Mmm-hmm, yeah.

Is that the contribution that was going to be sought?-- Correct, yes, yes. **20**

Right. And each person who would be spoken to in relation to their company making such a contribution?-- Yes, yes.

And how many - how many \$10,000 were you hoping to get?-- I can't remember. I didn't - obviously multiply this by - this list of 30 by 10 and that was the-----

So you had high hopes to start with?-- I had no hopes but they had the high hopes. **30**

Right. "Will do, put in more," so he was positive?-- Mmm-hmm.

In relation to it?-- Mmm-hmm.

CHAIRMAN: And Greg Phillips is?-- Is, sorry?

Who is Greg-----?-- Sorry, he's a developer.

Right?-- He was formerly a - one of the original founders of the Willaworld Group. **40**

I see?-- And he has his own private group now, I'm not sure of its name.

MR MULHOLLAND: Is it the Phillips Group? Is that-----?-- I don't know, I don't.

Yes. The next one is John Fish, you've given that a tick as well?-- Yeah. He said he'd ring back but it's the WRB again. **50**

Right?-- And I did speak to him subsequently and he did indicate that he would contribute.

Right, and he did?-- Yes.

Yes. And what business is he in?-- He's developer, yeah.

What about Mr Raptis?-- Mr Raptis?

1

Yes, what business is he in?-- He's - he's a developer, yeah, very well-known.

Right. The next one - have you got any markings of any significance along side there? It might just be on the page that I got?-- Sorry, no. City Pacific, no, I've got nothing here.

10

All right. Down to Norm Rix, is that the next one?-- Yes, yep.

Right. And-----

CHAIRMAN: There seems to be like a dot beside - on mine, what I've got here beside 20, 21, 22, 3, 4, virtually the rest of the page except for the last two. Is that just something that's turned up on mine or is that - they're on your writing.

20

MR MULHOLLAND: It's turned up on mine as well?-- All of them. Sorry, just next to the numbers?

CHAIRMAN: Like a dot, a full stop beside-----?-- I've got a dot on every one here.

Yes?-- And it looks to me just like a typed dot.

MR NYST: No, not next to the - I think he's thinking of the ones next to the numbers.

30

CHAIRMAN: Yes. No, no, beside - if you take Delfin - well, if you have a look at my-----?-- Yeah, there's a - there's a pen dot there.

Yes, a pen dot?-- Yeah.

Did you put that there or do you know what that means?-- I - I don't know. It means nothing - it means nothing-----

40

Or again doodling while you were on the phone?-- Well, doodling while I'm on the phone or listening in one of the meetings probably, yes, yeah.

MR MULHOLLAND: Righto?-- And 26, 27, 28 there's some markings there too.

Well, hold up. Before we get - sorry, you still dealing with the dots?-- No, I'm just saying same context. It's just doodling, yeah.

50

Right. I think we were dealing with 25, Norm Rix?-- Yeah. So-----

So what have you got there?-- "Off the record, already put in, will come in."



Right. What was his company, Mr Rix's?-- Oh he's a developer as well and businessman and I'm not sure what he calls his group. I think it might be Rix Group. I don't know.

1

Right. And then you've added two. Who are they?-- Sorry?

You've added-----?-- Oh PRD.

PRD?-- PRD Real Estate Agency.

10

Yes?-- And Ariadne.

Right. Now, did you follow them up?-- No, no, Brian was going to talk to them.

All right. So of the people that you approached who you got a positive response from, they were all developers?-- Yes, yes, yeah.

What about the prospective donors that Mr Ray was going to approach, did you know who they were?-- Oh I knew of them and I knew some of them better than others but yes, yeah.

20

Well, you let us know what you know of the people that Mr Ray approached?-- Well, fundamentally, they're all in the development industry.

Well, can you identify-----?-- Or associated in some way.

Can you identify the ones that you understood Mr Ray was going to approach?-- Well, everybody else.

30

Everyone else?-- Everyone else, yeah.

What about Mr Power, was he going to approach anyone?-- There was some talk that David indicated that he believed he would get some support from people in the marine industry.

Yes. Is that all?-- Yes, yeah. I don't know who - who or what or where.

40

Is there anything else that you can remember about that meeting of the 17th of December?-- Not really, no.

Was there any time-table put on the raising of the funds?-- Oh it was all of a sudden very urgent. I recall that because it annoyed me. It was all of a sudden very urgent.

Right. Now, were you completely comfortable in having your trust account used in this way?-- Certainly.

50

Have you allowed your trust account to be used in this way in regard to other matters?-- In regard to what, other election campaigns or donations or-----

Yes. Have you, in other words-----?-- Not to my recollection, no.

-----on any other occasion ever allowed your trust account to be used in a situation where no professional fee was charged and that it was simply a place where money could be placed at the direction of someone else?-- Possibly. Possibly.

1

Can you think of any other, Mr Hickey-----?-- No.

-----apart from this one?-- No.

And how long have you been a solicitor?-- 24 years. 25 years, I'm sorry, yeah.

10

Now, can you come, please, to this 16 December 2004 document. There is some underlining on the first page, "Commonsense", that you have said earlier was something that was bandied around quite a bit?-- Correct.

The objective, the first bullet point is, "To achieve consensus among a select group of councillors and candidates that acknowledge public concern on five key issues that are top of mind across all divisions and most importantly to promote a desire on the part of this group to jointly work together to achieve prompt, cost effective solutions"; correct?-- Yes.

20

That's the first dot point?-- Yeah, yeah.

And that's what you understood this fund was going to assist with?-- No, I - this was - this was a document presented by Chris Morgan at that meeting. It's not a document that I signed off on or subscribed to in any - in any way at all.

30

No, I'm not suggesting you subscribed to it?-- No.

I'm not suggesting that you were involved in that way. What I'm suggesting, however, or asking you-----?-- Mmm.

-----did you understand that this is what the fund is going to support?-- I'd rather use my words.

40

Right?-- Yeah, what I understood the fund was going to support is candidates who were - would - had commonsense and some intelligence and would be responsible councillors.

Did you read this document?-- I glanced at it. I didn't read it carefully at all.

Did you regard the way in which you have expressed it as consistent with the document?-- Oh generally. Generally, but the document wasn't pulled apart or analysed or anything. It wasn't adopted, certainly at that meeting, or by me at any time as - as a blue-print for what had to happen.

50

Right. Just go to the third dot point?-- Mmm-hmm.

And, again, is that what you understood this fund was going to support?-- Generally - generally, yeah.

And, then, the last dot point on that page, "To develop a resource of management and marketing expertise and funding that individual councillor candidates can access", et cetera?-- Mmm-hmm.

1

Again, that was consistent with what you understood?-- Look, I - I just thought that that was a bit of marketing by Quadrant of themselves, to be quite honest, and I wasn't interested in it.

10

Right. So what you're saying, quite clearly, is that you didn't busy yourself with any detail as to how this campaign was going to be worked out?-- I wasn't going to be involved in it, no.

You were just informed as to what was going to happen?-- Well, I - I - I had a meeting here in which this document was presented and discussed. I wasn't continually informed after that, if that's what you're suggesting, as to what was happening and how it was being maintained.

20

Would you go to the next page and the - under "Strategy", number 3, "An agreed media position once awareness of this resource for campaign for commonsense in Council becomes public." So this group was apparently going to have an agreed media position. Is that what you understood to be the case?-- No, never happened.

It didn't happen?-- No, never happened.

30

Well, what was Quadrant doing there? When you say it never happened, what do you mean?-- I don't really know what Quadrant was doing. I understood or assumed that what they were doing were assisting with marketing documents, brochures, stuff like that. This document was tabled but it wasn't really discussed in any great detail. It wasn't something that I was really interested in. And you know, there was - this document perhaps suggests some high level of coordination but to my knowledge it just didn't exist.

40

The final one there, the development and management of the resource inventory; what did you take that to be a reference to?-- I don't even understand it now. I paid no attention to it.

Mr Hickey, you - do you know whether any of the candidates who were in this group ever sought any advice as to their legal obligations in regard to their conduct during the election campaign?-- No.

50

I appreciate the basis upon which you have said that you came into this but I need to ask you this?-- Mmm.

Did you consider whether or not the candidates, Quadrant, Power, Robbins, should check on what their legal obligations were?-- No.

Did you know that there were legal obligations of disclosure?-- Generally but I - specifically I hadn't looked at the - the legislation relating to this.

1

So you were never asked to give any advice in regard to the matter?-- No, no.

And no-one to your mind ever raised the question as to what their legal obligations were?-- No, no.

10

And when I say legal-----?-- I had no dealings with them.

So - you see, what had really happened which you did know about was that a fund was being raised and there were going to be a group of candidates who were going to benefit from this fund?-- Correct.

Now, you may be completely unaware of this but there is a specific provision in the Local Government Act dealing with groups of candidates and the legal obligations of people who are part of the group?-- I am unaware of it, yes.

20

Did it ever occur to you that what was happening in relation to this fund and the way it was being created and the use of your trust account might disguise where the donations were coming from?-- No, not at all because it was always the case that I would be making sure that the funds contributed to the trust account and dispersed by the trust account were declared which is what happened.

30

Could you go to your - the next note that I think is on your documents there, the 22nd of December 2003. Could you tell us is that your handwriting or someone else's on that document?-- Sorry, what document are you looking at?

Sorry, it's headed "Hickey Lawyers Solicitors File Note"?-- I don't think I've got that.

MR NYST: Is this Exhibit 97?

40

MR MULHOLLAND: Yes.

WITNESS: I don't have it. I have it in my file.

MR MULHOLLAND: All right. Well, let me show you this bundle of documents, you might need to keep this in mind as I go to it. Is that your handwriting or someone else's?-- No, I think that's my office manager Steve Hodgson's handwriting.

Right. Can you tell us - the matter number, what's that relate to?-- When you open a file you have a matter number and that's coded into the computer and you need that to open a trust account et cetera.

50

So what was the name that was given to this file?-- From this note, Sue Robbins and David Power Gold Coast City Council Election Campaign fund.

Right. And how was that name chosen?-- I think probably my officer manager just gave it that name just so he had some name to open it up under.

1

Is he still with you?-- Yes.

So he did that off his own bat?-- Yes, I would have directed - the note there - the persons involved is Sandy and Steve, Sandy's my assistant, and I would have directed Sandy to talk to Steve and open up this trust account and they would have done - and they did that.

10

Right. And there's care of GCCC Post Office Box et cetera?-- Yes.

Now, that relates to the address of-----?-- Yeah, they would have needed an address.

Right. And they were sitting Councillors of course?-- Yes.

20

So this is going to the Gold Coast City Council?-- Correct.

And Council elections - is that Council election - Council election or Council elections - donations has been crossed out?-- Yes, yes.

Is there any light you can throw on that?-- No. I assume that that was - he was trying to basically think well, what's an appropriate title for this account.

30

Right. And we always need a written authority from both Councillors to take funds-----?-- Correct.

-----that was an instruction-----?-- Correct.

-----you gave?-- Correct. He would know that anyway but it was an express instructions I gave.

CHAIRMAN: When it says to take funds I presume that means to take funds out of the account?-- Yes, yes, yes.

40

MR MULHOLLAND: You were able to - just explain this, when this account was opened you have of course a trust account associated with your business?-- Correct.

So just explain to us how this account was created within your trust account, what did you do?-- Physically I couldn't tell you but it's just a simple process that you know akin to opening a file. You open a file, you give it a matter number in the computer. when funds are to be received then that matter number is used in a ledger for a trust account and the trust account is thereby opened.

50

Now, in regard to the records supplied to the Commission were all of the records relevant to that account provided to the Commission?-- I believe so.

All ledger entries?-- I believe so.

All right. So if you go to the email - there is an email which is undated, at the top of it, it has Sandra Wild on it, do you have that one?-- Which bundle am I in?

This is in the bundle of emails, Exhibit 100?-- You're talking about an email, can you give me a date?

CHAIRMAN: How far in is that?

MR MULHOLLAND: This is one which begins, "Dear Brian"?-- Is there a date?

Yes. Down the foot of the page. I'm told it's got 241203 on it. If you go in about half a dozen documents you'll find it. Maybe it's a bit more than that?-- Okay, I've got - yeah.

And perhaps I can show you something which may assist in regard to the date of this. Can I have Exhibit 89, please?

CHAIRMAN: It's a handwritten 2412, Mr Nyst, on the other side of the page -the right-hand side.

MR MULHOLLAND: This is an email, as you can see, from Brian Ray to yourself-----?-- Yes. Yes.

-----Wednesday, the 24th of December and if you check it you'll see that that appears to be the message-----?-- Correct. Correct.

-----so do you accept that that's the date?-- Correct. Yes.

All right. Now, going to your - the document in your file, we've opened a trust account in the names and you go on to say this: "Councillor David Power and Councillor Sue Robbins, Gold Coast City Council, Election Campaign Fund. All donations should be made by way of a cheque to our trust account, that should be accompanied by an instruction from the appropriate donating party, that it is a contribution to the Councillor David Power and Councillor Sue Robbins, Gold Coast City Council, Election Campaign Fund". Now this is an email that you sent to Brian Ray?-- Mmm-hmm.

This is very shortly after the account has been opened?-- Correct.

And when you say the account has been opened, you've raised a file within your office?-- Yes. Yes.

And you've included it in the ledger-----?-- Yes.

-----is that right?-- Basically.

That's what you mean by opening an account?-- Yes. Yes. Yes.

This takes me back to a point that I raised with you earlier, about what you were seeking in the way of instruction. You see there, what you're asking of Mr Ray is, that any donation

paid to your trust account, should be accompanied by an instruction from the appropriate donating party, that it is a contribution to - and so on?-- Mmm-hmm.

1

So that's what you sought from him?-- Mmm-hmm.

Do you remember it now?-- Do I remember this email?

Yes, do you remember, having refreshed your memory from the email, do you-----?-- Oh, I remember this email, yes. Yes.

10

Yes. So you remember seeking that instruction?-- Yes.

Now why did you seek that instruction?-- I think I just wanted to make it very clear that the proceeds of moneys coming to us was - there would be no confusion and that rather than just getting funds maybe addressed to Hickey Lawyers Trust Account or something like that, that the best position for us would be that it was very clear that the donation was specifically in the name of the trust account, so we'd have no confusion from an administrative point of view.

20

Do you know whether you ever followed through on that - that requirement?-- No. I - look, I - I'm sure in some - in many cases, we didn't get it exactly like that. I was trying to make it as clear as possible, to make it as less confused as possible for my management and my office, make it easy and convenient, but generally, I think the funds were, you know, were to Hickey Lawyers Trust Account Commonsense Fund or in some cases, it would have been done correctly, but I didn't see them all.

30

Can I suggest one reason why you would have at that time wished to have such an instruction?-- Mmm-hmm.

We spoke about what was being achieved by this money going into the trust account; now if the protection afforded by a trust account was going to be achieved, then surely that is precisely the instruction that you would seek from the donor, an instruction that it was to go into this particular account, because you knew that Power and Robbins were going to control the distribution of the funds?-- Mmm-hmm.

40

Do you see what I mean?-- Not exactly, no.

Well, if donors are giving money and you're allowing your trust account to be used in regard to its - the depositing of those moneys and its distribution, then surely protection, so far as the donors are concerned and after all Mr Ray was organising this, your client-----?-- Mmm-hmm.

50

-----would be achieved by having the instruction coming from each of the donors and that's what you actually sought here?-- Mmm-hmm. I don't-----

But you never followed up on it?-- No, I don't know - I don't agree that that's what I thought, no.

Well, otherwise-----?-- I can understand what you're saying, or at least I think I can understand what you're saying. Can you clarify for me?

1

Yes, well what I'm-----?-- Is what you are saying that a donor by referring to Power and Robbins, is then acknowledging that they're happy for them to have the control over it?

Well, yes, to a contribution to the Campaign Fund?-- Mmm-hmm.

10

I mean theoretically there was absolutely no reason why, because of Power and Robbins being the controllers of this fund, that they couldn't have withdrawn all the moneys themselves?-- That's correct and I couldn't accept responsibility for that, but that's why it was explained to people who have donated - I was aware that people had donated - that they were aware that it was coming to a trust account, that there was no direct - well, there was only one case - there was no directions given by those people how it was to be distributed, but they accepted it was going to be distributed by Power and Robbins.

20

Those explanations may have been orally spoken about you-----?-- Yes. Yes.

-----but what I'm saying is, surely this is the reason for why you would seek an instruction, so as to formalise your processes?-- I don't believe that that's what I considered when I wrote that.

30

Well, what did you consider?-- What I just said before. I considered that that would make it, you know, avoid any confusion in our office of any funds coming in in the mail, what it was for.

Right?-- And in some cases, I do believe cheques came and we had to track down who did it come from and clarify the position.

Now, yes, could you return that exhibit that I passed you, 89. Thank you. Now, could I ask you to have a look at another e-mail. This is of the - this one is headed Sandra Wild. Could you find that e-mail?-- Do you have a date on that?

40

I don't. It's another undated one.

CHAIRMAN: Is it earlier or later in the bundle? You don't know. All right.

MR WEBB: What's the one on either side perhaps?

50

MR MULHOLLAND: Well, that seems to be too hard to manage. Can I ask you to go to the - do you have a correspondence, an authority from Power and Robbins of the 24th of December 2003?-- In the same bundle, is it? Yeah.



This will be in the correspondence behind the Power Robbins invoice, final invoices. Do you have a copy of that there or not?

1

CHAIRMAN: It should be in Exhibit 97 then, are you saying? Do you want to write the exhibit numbers on these, Mr Hickey?-- I take - I've found that, it's got - sorry, 24th of December 2003?

MR MULHOLLAND: Yes, sorry, no?-- I've got that.

10

Have you got it?-- Yeah.

Okay?-- From Gold Coast City - on Councillor Power's letterhead.

Yes. Thank you. Well now, just explain that to us. That's something that you sought?-- Yes, yes.

And this is an authority from them?-- Mmm-hmm.

20

Of authorising a draw of seven and a half thousand dollars in relation to Brian Rowe from the Common Sense Trust?-- Yeah.

CHAIRMAN: It's up to - up to seven and a half thousand.

MR MULHOLLAND: Up to seven and a half thousand?-- Yes.

Now the next one, if you go to it, is a cheque to Brian Rowe, seven and a half thousand dollars. Now is this one of these cheques going out to the candidates?-- Yes, that's a trust account cheque.

30

Are you able to say from your record whether there was anything else that occurred in relation to that payment before that sum was paid?-- No.

You didn't have any contact with Mr Rowe?-- No. From time to time there were some communications from people who were receiving funds about where the money was to be sent, et cetera, but that was all done either through my general manager or my assistant.

40

Yes. Now, is your - do you have the next document there, Hickey Lawyers Solicitors file account of the 15th of January-----?-- File note.

A note?-- Yeah.

A file note?-- Yes, yes.

50

All right. Will you explain this document to us?-- It's a note by my general manager recording that Sue Davies from Ray Group had rang and said that - had deposited \$10,000 into our trust account for the campaign fund.

Right, and-----?-- Which I presumed was the contribution from Ray Group of \$10,000.

Whose handwriting is this?-- My office manager's, Steven Hobson.

Now, do you have there in the documents before you an official receipt?-- Yes.

All right, and that's dated also the 15th of January 2004?-- Correct.

10

"Received from Ray Group Pty Ltd"?-- Correct.

And the name is "Sue Robbins Councillor and David Power Councillor, Gold Coast City Council election campaign donation"?-- Correct.

"Direct deposit"?-- Correct.

So that came in on that date?-- Mmm-hmm.

20

Now if you go to the next e-mail that you should have there, going in order, Wednesday the 21st of January 2004. In fact there's a couple of e-mails, one on the 21st, 22nd-----?-- Sorry, is this the same exhibit?

No, no. You'll need - you'll need the e-mails along with the correspondence as I go-----?-- Okay.

Take you through in a chronological fashion?-- Sorry, 21 January 2004?

30

Yes?-- Yeah.

Now if you just look at the following two e-mails, you'll see what has happened here is that the - David Power has sent you an e-mail indicating that requests were made. It actually is in these terms, "Tony," that's-----?-- Yep.

-----you, yourself?-- Got that.

40

Is that right?-- Correct, yeah.

"Tony, requests have been made for draws for the following," and amounts are listed alongside Rowe, Pforr, Scott and Betts?-- Mmm-hmm.

"These draws are authorised. Sue's confirmation will follow," obviously Sue Robbins?-- Yep.

The following e-mail you'll see is from Sue Robbins who writes that she supports moneys being made available to the following candidates?-- Yes, yeah, I've got that.

50

That's a slightly different terminology?-- Yeah.

And she says she supports it but the amounts are different?-- Yes, yeah.

You notice that?-- Yeah.

1

And that's explained then in the next e-mail-----?-- Yeah.

-----of the 22nd of January from David Power who says, "Sorry, Tony, my original e-mail had the figures wrong"-- Correct, yep.

"Sue has given you the direct ones"?-- Mmm-hmm.

10

Then we see the next e-mail which was sent on your behalf. Do you know - you have signed it so you would have been responsible for this e-mail. Is that correct?-- Which e-mail is that?

This is an undated one which has at the top, however, in handwriting, what seems to be 23, is it? 23 Jan - 23/1/04, do you see that at the top?-- Okay. This is to Sue Robbins, is it, and copy to David Power or to-----

20

Yes, that's the one?-- Yeah, okay.

And message from Tony Hickey, campaign funds?-- Yes.

And you address Councillor Robbins and Councillor Power?-- Yep.

"To disburse funds from our trust account, unfortunately, we're required by law to receive a written authority with both your signatures. Our auditors have advised us that an email authority is not acceptable. Would you please arrange for the appropriate authority for disbursement of funds that you require to be signed" et cetera?-- Yes.

30

Faxed?-- Yes.

Now after that, did you receive the authority of the 23rd of January 2004 in relation to the various amounts, that is, of seven and a-half thousand dollars going to Rowe - seven and a-half thousand dollars each - to each of Rowe and Pforr and \$7,000 to Scott - to each of Scott and Betts?-- Yes.

40

All right. And those sums, I suggest to you, were then paid. Rowe, Betts and Pforr were paid on the 29th of January 2004 and the other one was paid several days later to Scott. Scott paid-----

CHAIRMAN: In Exhibit 97, it shows that it has been paid on the 2nd of February.

50

MR MULHOLLAND: 2nd of February. Thank you, Mr Chairman. Now-----?-- Yes, that's correct, yep.

Yes. Now at this time we see now an instance or instances of it. Money was being paid out of the account to - directly to the candidates?-- Yes.

That changed over time; is that right? In the initial period the only money that went out of the account went direct to the candidates but as time went on-----?-- Some money was paid to Quadrant. 1

To Quadrant?-- Yeah. I'm not sure whether there's other payment.

And after Lionel Barden's name was introduced into this?-- Yeah, I'm not sure when, not sure when. 10

Now so far as this account was concerned, you've explained how the account was created within your trust account. Did you ever understand this as a trust fund?-- In what sense?

Well, did you ever understand that there was any trust document in relation to this campaign funding?-- No, there wasn't. It was a trust account.

It was a trust account?-- Mmm. 20

And you understood that-----?-- Correct.

-----throughout?-- Correct.

Did anyone ever suggest to you that they understood it in any different way?-- No one ever suggested that to me but there's been plenty of suggestions in the media.

Yes. All right. So it was just a separate account that had been created within your trust account?-- Correct. 30

And the purpose of it related to the Gold Coast City Council campaign?-- Correct.

Now there is an email, it should be the next one, of the 23rd of January 2004 to Louise; have you got that one?-- Yes.

It's headed, "Sandra Wilde"; just explain to us the significance of this email, would you - would you, Mr Hickey? What it seems to be, can I tell you-----?-- Mmm. 40

-----is this is a donation of - from one of your companies; would that be right?-- Well, no, not from my company. What do you mean, my company?

Well, what company?-- I don't know. I would guess that somebody who had been contacted and who wanted to make a donation had contacted my office, spoke to Sandy, my assistant, and asked details of where to send the money. 50

Yes?-- But I don't-----

You don't-----?-- I'm just looking at the email-----

You don't recollect?-- No, I wouldn't have - it wouldn't have come to my attention at all and I don't know the email address.

So these names don't mean anything; who's Louise?-- No idea.

Well, it's sent by Sandy Wilde of yourself?-- Yeah, well, Sandy's my assistant. Somebody would have rung her, I guess and said, "We're sending you money. Please give us the details of the account".

If you go to the next document?-- Mmm.

You can see this is from the administrator, Friday, the 23rd of January 2004, sent to Sandra Wilde-----?-- Mmm-hmm.

-----delivery status, et cetera?-- Mmm-hmm.

Any assistance going from that?-- No, I'm sorry.

Well, if you go then to-----?-- I'm just looking at the name, Louise Bird, which is at the bottom of the email and I'm not a 100 per cent sure but I think she may be a partner of Greg Phillips. I'm only guessing. I've never met.

Does the-----?-- The name sounds familiar.

Does the Great Southern Land mean anything to you?-- Yes, yes.

Well, what is that?-- Great Southern Land is a client of ours.

Right. Did they make a donation?-- Yes, they did.

Could you see if you could find in the-----?-- But that's not their email address.

No, well, if you just - would see if you could find, in the documents, an official receipt from - in relation to an amount received from Great Southern Land on the 23rd of December 2003? Do you have that? Sorry, ignore that. Would you go to the - an official receipt of the 27th of January received from Gregory Phillips?-- Yes, I've got that.

All right. Well, what does that receipt tell you?-- That Gregory Phillips contributed \$10,000.

And again, the name in regard to the account or the fund is stated in the same terms as the previous one, previous receipt?-- Yes, yes.

Sue Robbins, councillor et cetera?-- Yes, that's correct.

All right. Now can you go to the 20 - official receipt dated 28th January 2004, received from Sunland Group?-- Yes.

Again \$10,000 is that right?-- Correct, yeah.

And again the name is the same?-- Yep.

So what you had done was to ensure that the receipt so far as funds were paid into your trust account were given in relation

to that named campaign fund?-- Yes, well, once it's established on the computer, I mean that's going to come out all the time.

1

Now, there's also on 28th January 2004 a remittance advice; do you have that one? This was collected from Sahiel?-- Yes, yes.

Do you recognise that handwriting, collected from Sahiel 28/1/04?-- No.

10

Any ideas as to who that could be?-- No idea.

Well, \$10,000 at any rate was paid into - apparently into your account?-- Correct.

The trust account. So so far as that was - that would appear judging by that remittance advice to have actually been collected?-- Yes, look, I doubt whether our office collected it. Brian - Brian was looking after - was talking to Sunland about their making donations-----

20

Well, does that remittance advice, does it tell you anything in relation to this contribution by Sunland? You can see Sunland on the-----?-- Mmm.

-----top left-hand-----?-- Yeah. That simply tells me they made a donation to the fund, to the trust account.

Again, there doesn't seem to be any contact between your office so far as we can see here-----?-- Mmm.

30

-----between your office and the donor-----?-- No.

-----in relation to these amounts coming into the fund?-- No, no. I didn't want to have any contact.

Well, perhaps you took the view - tell me if I'm correct or not - but you took the view that providing a receipt in relation to each amount that came in-----?-- Mmm.

40

-----and indicating to the donor what the fund was, that that was all the information that the donor required?-- Yes, yeah, nobody had ever indicated they required anything more.

Now would you go please to the - an email of 27th January. This is from Barbara Christoffel to wilds@hickeylawyers, subject Brian Rowe election campaign?-- Mmm.

And this is indicating to your office, is it, that this is where any funds should be paid?-- Correct.

50

Who is Barbara Christoffel?-- No idea.

So Sandy, that's one of your assistants?-- Mmm. Yes, that's my - she is my assistant. Once again I assume, as happened in many cases, that people contacted her to find out where to

deposit monies and also when people were receiving monies, to advise where - direct where it was to go.

1

Now the next document is to Barbara, subject Brian Rowe election campaign fund.

CHAIRMAN: Email is it or-----

MR MULHOLLAND: Sorry, well, it appears to be an email.

10

CHAIRMAN: So that's in Exhibit 100.

MR MULHOLLAND: It's headed Sandra Wild?-- That's the document we just talked about, isn't it?

I'm sorry, it seems to be a different-----

CHAIRMAN: Well, it might be a suitable time to adjourn for the luncheon break, Mr Mulholland, if you like.

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MR MULHOLLAND: Yes, very well, thank you, Mr Chairman. 2.15.

THE HEARING ADJOURNED AT 1.02 P.M. TILL 2.15 P.M.

THE HEARING RESUMED AT 2.17 P.M.

30

ANTHONY WILLIAM HICKEY, CONTINUING:

MR MULHOLLAND: Now, Mr Hickey, did you find that email with 28/1/04 on it, I think I had taken you to before lunch?-- Yes.

Dear Barbara?-- Yep.

40

And that related to a seven and a half thousand deposit?-- Mmm.

Being made in relation to Brian Rowe; is that correct?-- Yes.

Going out of the fund-----?-- Trust account, yes.

All right. Now, the next is do you have a Heritage transaction record showing - we've seen from the previous documents that Mr Rowe had an account at the Heritage - 29th January seven and a half thousand dollars was deposited; do you have that?-- Not yet. Yes, I have that, yeah.

50

All right. Now, the next document that I'd like you to look at is an email transmission from Hickey Lawyers of 28th January 2004 to Mr Brian Rowe. Do you have that document? That should be-----

CHAIRMAN: Is that in Exhibit 100?

MR MULHOLLAND: No, that should be in Exhibit 97 but I think that is - you have a copy of that there, do you not? If you just keep in mind that the Exhibit 100 are the emails. The other documents should be in-----?-- Yeah, I thought you just said an email.

CHAIRMAN: Yes.

WITNESS: Which is why I went to the email documents.

MR MULHOLLAND: Well this - sorry, it is an email transmission, but whether it's in that or not, I don't know.

MR MONTGOMERY: Mr Chair, it is in 100 if it's the one that looks like a letter dated 28th January.

MR MULHOLLAND: Yes, it's in 100.

CHAIRMAN: It looks like a letter, yes.

MR MONTGOMERY: If that's the correct one, my learned friend is referring to.

CHAIRMAN: Yes, thank you, Mr Montgomery.

MR MULHOLLAND: It's at the very top?-- To Brian Rowe.

At the very top, email transmission, you'll see-----?-- To Brian Ray, I'm sorry; I thought you said Brian Rowe.

Sorry, Brian Ray?-- Yeah, I've got that.

And it's to Brian from you; is that right?-- Yes.

And you indicate in this letter sent by email transmission, "You can understand that Councillor Robbins and Councillor Power are getting a little bit frustrated," and so on. What was the background to this; what was this in response to?-- Councillor Robbins had rang my secretary on at least one occasion chasing up, you know, where are funds, and how much is in the trust account, okay, and at that stage I was just getting a little bit annoyed that all our role was to request some funds, which had been done, we didn't have any other role in chasing up other funds, and I just wanted to remind everybody of our position and what we were doing.

You said, "I'm happy to" - this is in the third paragraph, "run around and chase up the money as best that I can and then to distribute the funds, but I do not really have much time to do much else and, indeed, I do not believe I have a lot to contribute as far as how a campaign is to be managed."?-- Correct.

That's what you're referring to?-- Yeah.



"It seems to me that is why you put Quadrant in place and they seem eminently capable of fulfilling this role."?-- Yep. 1

So that's what you believed in part was what Quadrant was supposed to do?-- Yes, no one had officially told me, but I assumed that was their role and I really wanted to reiterate what I was prepared to do.

Yes. And Quadrant, you say, have sent me a copy of their letter of 23 January 2004 to Councillor David Power, which I presume you've got, in which they are concerned that lack of formal arrangements is creating uncertainty. Do you retain a copy of that letter?-- I don't know. 10

Any rate, you go on to say-----?-- Can I clarify on that? They sent me a whole lot of material and that also prompted this letter, I recall now. Because I wasn't interested in reading their letter and all of their attached invoices and they were asking me to authorise payment. So I was just reminded everyone, you know, I don't need that; I just need an authority. 20

They were asking you to authorise?-- Yeah, that's right. I wanted to remind them: I don't need to see bills and accounts and records of what they are or are not doing. I wasn't interested.

Well, when you speak of they, you'd better identify-----?-- Quadrant. 30

Quadrant?-- Yes.

Right. And how long had that been going on that you were beng asked-----?-- No, it was just one occasion; it was one occasion.

By? Who personally did that?-- That came from Quadrant, Chris Morgan.

"All we have done is arrange for people to commit funds which are presently held in my trust account in the name of Robbins and Power and which are only distributed in accordance with their directions." Does that paragraph in a nutshell sum up what you understood to be the situation in relation to the funds in your account?-- Yes. 40

"If it needs to be done in any other way - that is, made more complicated - then someone should give me direction in this regard." What were you referring to there?-- I was simply reminding them that the arrangements were that simple and if they wanted to consider any other arrangements - for example, maybe trust funds and committees and all sorts of things like that - then they need to talk about it. 50

Trust funds and committees? What do you mean by that?-- Well, now, I didn't know what they had in mind but I was simply saying to them the arrangements are that simple, if you've got anything else in mind tell me. I didn't know what else they

had in mind if indeed they had, and as I got no response to this I'm sure they had nothing else in mind.

1

"As far as Quadrant is concerned I do not know what their arrangement for payment is but once that is finalised they simply need to submit a bill to Councillor Power and Councillor Robbins for them to authorise payment out of the funds that we hold." Is that what you understood would happen?-- Yes, yes.

10

So Quadrant would send a bill to the two councillors?-- Yes, yes. That's what I assumed would happen. What I was saying is, I didn't need to see the bill, all I need to see is an authority signed by Power and Robbins. That's all I was interested in.

"Now that I read Quadrant's letter a little bit more closely I see that they are claiming a flat monthly retainer fee of \$10,000 plus GST." Well, is that the first time that you knew of that?-- Yes.

20

And did you understand that by this time that they were asking for a fee for the months of January, February and March?-- I can't remember the period they were asking for.

So you didn't know up until now that they were actually going to get a professional fee?-- No.

Plus any work that they did by way of advertising, they were also going to be paid in relation to that work?-- No, I didn't know.

30

At cost. You didn't know that?-- No, I knew nothing of their arrangements.

So that again fits in with your recollection so far as what you expected your trust account was going to be used for?-- Yes.

It was really, what, being - you were doing this as a favour, more or less?-- Basically, yes.

40

For Brian Ray?-- Yes, at his request.

And then you set out the amounts which have been collected to date, all right. Now do you have a similar document marked e-mail transmission of the same date to Councillor Robbins? This is in relation to-----?-- Oh, yes, yes, yes, yeah.

"I now hold in my trust account sufficient funds"-----?-- Yes.

50

-----"to make the following payments"?-- Mmm-hmm.

And you refer to some difficulties in that regard. Can I just ask you before I go on in relation to other e-mails. The date that we have seen in a number of e-mails which is handwritten at the top?-- Mmm.

And there's no date on the e-mail?-- Mmm.

1

Can you tell us how did that come about?-- Well, I know that that is my assistant's handwriting, Sandy, and I can't precisely recall but there must have been some difficulty at the time with the e-mail - the computer not printing the date.

And so she'd write it on the-----?-- Yes, yeah. I don't understand the - why we've done that but that's definitely her writing.

10

Yes. All right. And then is there a letter from Hickey Lawyers to Mrs Susan Betts in relation to campaign funds for her husband?-- 28th of January?

28th of January yes, do you have that? And then below it on the same page is the cheque?-- The cheque, yes, correct.

To Mr Betts?-- Yeah.

20

Annexed is a memorandum, do you have that, to file from Sandy, your assistant, dated the 29th of January?-- Yeah, re campaign funds.

Yes?-- "Call from Grant - G - G Pforr."

CHAIRMAN: Which exhibit is that in, Mr-----?-- Ninety seven.

Thanks.

30

MR MULHOLLAND: And that's a telephone call from Mr Pforr so he contacted her apparently?-- Yes.

And gave details in relation to the deposit of the funds?-- Correct.

And then a cheque was sent out, a trust account cheque was sent out to him for seven and a half thousand dollars?-- The same day.

40

The same date and the cheque, or a copy of the cheque also appears on that page. Is that right?-- Correct.

For seven and a half thousand dollars. Yes, and likewise in relation to Ms Roxanne Scott of the 2nd of February 2004, \$7,000?-- Yes, yeah.

So all of this is pursuant to the authority that we earlier referred to in relation to these people. Is that so?-- That's correct.

50

Now the next document is dated the 29th of January 2004. It's headed Sullivan Group of Companies?-- Yes.

And signed Longlan Pty Ltd T/A Sullivan Constructions?-- Mmm-hmm.

Now, is this relating to a contribution to the fund?-- Yes, as it says in the letter, yes.

1

Now, I didn't quite get the - all the details correct but it's headed "Re Sullivan Constructions Gold Coast City Council Campaign Contributions, David Power and Sue Robbins, amount \$10,000"?-- Mmm-hmm.

So that's a contribution received?-- Yes, yes, yes.

10

Did you have anything to do with the raising of that?-- No.

And it just came straight into the account?-- Yes.

That's the first you knew about it?-- Yes.

Well, you see the deposit slip also?-- I may not have even seen it. It might have just gone straight in.

And do you know who was responsible for getting those funds?-- I'm sure it was Brian.

20

Brian?-- Brian Ray.

Yes. Now, there is an official receipt, is that right, in relation to that sum of \$10,000 which is dated - this is-----?-- Mmm-hmm.

-----official receipts?-- Yeah.

30

In relation to the campaign fund donation?-- Yes.

Is that the usual type of receipt that you would issue in relation to monies coming out of your trust account?-- No, no, that's a receipt from the bank where Sullivan's group deposited the money.

Right, sorry?-- They've enclosed a copy of their receipt to us.

40

But it's headed Hickey Lawyers?-- It says the account name to which it's deposited is Hickey Lawyers, if we're looking at the same document.

Sorry, what document-----?-- Are you looking at that?

No, no, that's the deposit. Sorry, I've gone past that, the next document?-- Right. You're ahead of me.

Your official receipt?-- Okay. Yes, well, that's exactly the same form as all the other receipts.

50

All right, and that's for that amount that we've just-----?-- Yeah.

-----seen. Now, the next email that I want to take you to appearing on the file is from Chris Morgan to Hickeys, Wednesday, 11th February 2004. Do you have that one?-- Yes.

And the subject is commonsense-----

CHAIRMAN: It's actually to Brian Ray, cc Hickey?-- CC, yeah.

MR MULHOLLAND: Sorry, cc, so you received a copy of that email?-- Yes.

And the subject is commonsense candidate resource. Now that subject or name, is that a name that you were familiar with during this period?-- Not commonsense candidate resource, no.

10

Well, so had anyone spoken to you in terms of that being the name of the fund or-----?-- No, no.

"Commonsense candidate resource, Hi Brian, further to our conversation earlier in the week can you confirm the extent of funding available as per my cash flow spreadsheet projection? We need to know what I can commit to. I'm presently dodging requests from the team regarding what is available," and referring to "the State elections now being behind us"?-- Mmm.

20

What was that about, requests from the team? Did you know what that was about?-- I assume that Chris was looking for more money to meet their - their costs but I didn't talk to anyone about that email or pay it any regard.

But the "I'm presently dodging requests from the team," - the team seems to be a reference to the team of candidates, doesn't it, who were being backed?-- Maybe, I don't know, I don't know.

30

Any rate, you received a copy of that email?-- Yes.

Now on 12th February, the next email, Thursday, 12th February?-- Mmm.

Did you again get a copy of an email from Chris Morgan?-- Yes.

To Brian Ray-----?-- Yes.

40

-----and various amounts are set out alongside the candidates?-- Yes.

And what they would require?-- Mmm.

Now what did you know of these sort of details? Were you-----?-- Nothing.

So did you pay the attention to this?-- No.

50

All you knew is that you had a fund which, depending upon how much was in it, would be accessed on the authority of Rowe and Robbins?-- Correct.

Next one, 13th February?-- Mmm.

Again, a cc referring to chasing at one point in that particular email of the 13th February \$80,000 worth of commitments?-- Mmm.

1

And then in another from Brian Ray to Chris Morgan, which I assume you also got a copy of-----?-- Yes I did.

-----chasing \$60,000 in contributions?-- Yes.

So were you involved at all in chasing these contributions?-- No. My involvement in contributions - by that stage, I think, I'd rung the people I could ring and it was finished.

10

In that last email that I've referred you to-----?-- Mmm.

-----it's stated there by Brian Ray, "Tony and I are also on the job and we should liaise tomorrow afternoon"?-- Mmm.

Well, does that refer to the fact that you were also chasing money?-- It suggests I was but, as I say, by that time I - I'd rung the people that I was going to ring and there wasn't really anything - any further active role I had in fundraising as such at that time.

20

Now, do you have there an official receipt of the 13th February 2004 in relation to the sum of \$10,000 contributed by Fish Developments Pty Ltd?-- Yes, I do.

And again was that a sum which was paid into your trust account?-- Yes.

30

Are you able to recall any of the circumstances in which that occurred?-- No, but as I said before, I did ring John Fish and invite him to contribute. Obviously that was a response to that.

So was it just one telephone call you made to him?-- I - look, I spoke to John quite often about other matters but whether I raised it again after the initial call because he initially said, "Yes, I'll contribute," and maybe in a by the bye in another conversation some weeks later I might have said, "Is that money coming?" or something like that. I can't recall.

40

No, and then the next one, next official receipt, 17 February 2004, Devine-----?-- Yes, yes.

-----Limited, \$10,000?-- Yep.

That receipt in relation to that sum paid into your trust account?-- Mmm.

50

What can you tell us about that deposit?-- Well, I assume that that was a requires made by Brian. I had nothing to do with it.

So in relation to Devine, is that the first you knew of it that it was - that it was received by you?-- Yes, yes.

I'm just wondering how it was received?-- I presume it just came in the mail, I can't recall.

There doesn't seem to be any other document, you see, accompanying it?-- No, but if you look at the receipt the tender type says "direct deposit" so obviously what they've done is get from Brian's office or ring our office direct and get our account details and they've deposited it directly in there.

Any rate, all of these receipts again refer to as-----?-- Yes.

-----the other ones, Sue Robbins Councillor and David Power Councillor, Gold Coast City Council election campaign fund?-- Correct.

There is a record kept within Brian Ray's office suggesting that you had a meeting with David Power on the 17th of February 2004?-- Mmm-hmm, yes.

Do you have any recollection of a meeting with David Power around about that time?-- I think - yeah, I had a meeting with Brian and David some around then. I'm not sure of the date, at Tiger Lily's Coffee Shop on Chevron Island.

You sure it wasn't - the suggestion in the record-----?-- Mmm.

-----that we have is that it was here, that is to say-----?-- Yeah.

-----at Brian Ray's place?-- I'm pretty sure it was Tiger Lily because I remember sitting there with Brian waiting for David to come and then noticing him getting some money out of the ATM so that he'll have some money to pay for the coffee.

Right. Okay?-- Which we thought was a bit amusing at the time but anyway.

Well, any chance of you remembering what was said in the meeting?-- Look, it was a very brief meeting because everyone was in a hurry, yet again. David was running late. Brian and I were consequently running late and it was really just about, "Okay, how much have we got? Where else can we get money from".

Right. Was - at that stage, was the funds situation regarded as difficult?-- They needed more funds, yes, they needed more funds.

What - Power was saying that they needed more funds?-- I think Brian and Power were and, I think - I think probably Brian was in conduct with Quadrant were probably telling him - and I'm only guessing here, probably telling him that they needed more moneys to cover costs that they were incurring so-----

Well, why would you have to have a meeting for that purpose? Why were you there?-- Just to catch up, just to talk, you

know, face to face. "How are things going? What do you want?" That's all.

1

Was any decision made at that meeting?-- No. No decision that I know. I mean, Brian was going to pursue - keep on trying to encourage people to contribute.

All right. Can you go to the next email of Wednesday, the 18th of February 2004?-- Mmm-hmm.

10

And from Barbara Christoffel-----?-- Yes.

-----to Hickey Lawyers?-- Mmm-hmm.

What can you tell us about this, "Power has confirmed with us \$27,000 will be made available today for the above campaign fund"?-- Yes. Well, it's an email to my assistant, Sandy, advising where the moneys are to be deposited.

All right. Well, you've got no further recollection of that?-- I wouldn't have even seen it.

20

And there's a reference to account details so far as Brian Rowe is concerned?-- Yes.

That - do you have a message on the bottom of-----?-- Yes.

-----your email?-- That's my assistant, Sandy's handwriting.

Yes. All right. Indicating that there was \$20,000 that went in that day?-- Yes.

30

And whose accounts - that was going to Ray's account?-- Sorry, Brian Rowe's account, I assume, yes.

Do you remember whether there was any decision that you were aware of concerning the candidates receiving money and paying Quadrant out of the moneys that they received?-- No.

In comparison with the other amounts that were paid out, that was a large amount. There's nothing that you can recollect in relation to this sum being paid out to Mr Rowe?-- No, I wasn't involved in any discussions about any amounts.

40

Well, the next one is related - the next email is related also to that. I don't think I need to take you to that?-- Mmm-hmm.

Then on the 19th of February is this; an authority that came in in relation to the distribution of the moneys set out?-- Yes, yes.

50

And they were going to Rowe, Scott, Pforr and Betts?-- Mmm-hmm.

And also moneys to be held and paid as invoiced by Quadrant?-- Mmm-hmm. Yes, correct.



All right. What did that tell you, that authority?-- Told me nothing. Just - it was a direction to act in accordance with that.

1

Right. So the first series of amounts, those amounts were going to those candidates; is that correct?-- Yes.

And what about the second?-- They were to be paid once invoices came from Quadrant referring to those people and in those amounts.

10

To Quadrant?-- Yes.

All right. And then on the 20th of February there is correspondence in relation to the amounts paid to Mr Betts, Roxanne Scott; is that right?-- Yes.

And also Mr Pforr?-- Yes.

Together with the cheques that went to those candidates?-- Correct.

20

There is also a transaction record from Heritage in relation to the \$20,000-----?-- Yes.

-----apparently paid to Mr Rowe?-- Correct.

Yes. Is that right?-- Yes.

Now do you have there also an official receipt from the firm, that's from your firm, of the 19th of February 2004 received from Rapcivic-----?-- Correct.

30

-----\$10,000?-- Yes.

That's Mr Raptis' company?-- That's right.

Yes. Similarly titled, that receipt?-- Yes, absolutely.

There is also an official receipt for the same amount, what date do you have on that? Is that the 3rd of March-----?-- Yes, 3rd of March from-----

40

-----2004?-- -----Roche Group Pty Ltd or received from Roche Group-----

Again-----?-- -----\$10,000.

-----same amount for that receipt and-----?-- Absolutely, yes.

50

-----the same title?-- Yes.

And that tells you as with the others that that sum was paid in at that time?-- Correct.

-----to the - to your trust account. All right. Now, do you have an email transmission similar to a couple that we've already looked at this afternoon?-- Yes.

Of the 1st of March to Mr Roche-----?-- Yes.

-----from yourself?-- Yes.

Now, what is this about?-- He rang me and said that he'd been speaking to David Power and that he wanted to make a contribution and he just wanted me to send him a letter and give him details of where to deposit the funds. And we talked about some other matter that I've talked about previously not related to this.

10

Right. So down to the paragraph, "When the money is deposited," that relates-----?-- Yes, yes.

That relates to the election campaign?-- Yes.

Do you have an email of Tuesday, the 2nd of March 2004 in front of you?-- Yes.

20

From Power to Hickeys, "Tony, I have got Chris Morgan getting very edgy about funding and I must admit I'm also nervous." What was this about?-- Simply what he says in the email. I didn't receive anything but the email from him and it was just another communication chasing up you know where's the money.

Well, what's he informing you for?-- You know, I wanted to same thing because there was nothing else I could do and I think the only communications they were having with our office at the time were tracking down and finding out when funds actually came in because they were coming you know every couple of days or every week or something. So we were continually giving updates as to you know what funds we'd got.

30

He's not asking you for any information though, is he, he's just really informing you?-- Yeah and he's informing me that he's going to contact Brian and chase it up.

Yes. Well now, do you have also a letter or a fax from Hickey Lawyers, "Please find authority for execution of return to my office," and the name is Councillor Sue Robbins. Just explain what this is about, a company-----?-- Sorry, where am I?

40

There's a - this is a fax-----?-- 3rd of March?

Yes, 3rd of March. You need to look at the next document as well which shows a transmission verification report?-- Oh yes, I'd received an advice from David Power that they wanted to appoint somebody other than themselves to manage the trust account and that was Lionel Barden and I said, "Well, okay, that's okay but all I'll need is you to give me an authority to transfer the name of the account.

50

What - how did you receive that advice?-- I think it was by telephone.

From Power?-- Yes.

What about Sue Robbins?-- No.

1

Well, did you ever speak to Sue Robbins?-- After the initial meetings I don't think I spoke to her again, the meetings that I've referred to before.

She was one of the authorities in relation to the fund up until this time?-- Correct. Which is why I sent her an authority to sign. If she didn't want to sign it then it wouldn't have happened.

10

But presumably, Mr Hickey, there would have been some explanation for why this was being done?-- I didn't ask for an explanation.

Didn't ask?-- I didn't ask for an explanation.

Well, did you ever speak to Mr Ray?-- About that matter, no. No.

20

Mr Ray had been a client of yours of longstanding?-- Yes.

Had Councillor Power or Councillor Robbins ever been clients of yours prior to their connection with this fund?-- No. No.

And so far as being clients of yours and we've been through that but so far as being clients of yours that was really for convenience sake only?-- Yes, yes. They were clients but - no, they were clients for the purpose of the management of those funds in that trust account.

30

Did you know them before-----?-- Yes. Yes, I'd met them, yes.

Did you know them well?-- Oh reasonably well, yes.

But you had them as your clients in relation to this account-----?-- Yes.

-----up until this time-----?-- Yes.

40

-----because Mr Ray had asked you to?-- Yes.

And you didn't ever charge them?-- No.

And indeed there was never any discussion with them, these people that you'd had no dealings with as clients before?-- Yes.

There was no discussion with them at all in relation to whether you were going to charge them or not?-- No.

50

Did you regard them as real clients?-- For the purpose of management of that trust account, yes.

All right. Well now, you sent off an authority to Robbins and Power concerning transferring funds to the Lionel Barden Commonsense Campaign Fund?-- Mmm.

Now, this Commonsense is a word bandied about to your knowledge over the period that you were associated with this fund-----?-- Yes. 1

-----and here it appears in the name of the account?-- Yes.

So you had nothing to do with that name at all?-- No, I didn't make the name up.

You don't know where it - how it was chosen?-- No - well - no, I don't really but from the very first meeting I was involved in Robbins and Power were appealing you know for commonsense on Council so it just stuck from there I think. 10

Did it ever occur to you why is the name of the account being changed?-- I assumed David Power wanted somebody else to manage it so he could concentrate on his own campaign.

Is that all?-- That's all I assumed, I didn't really turn my mind to it. 20

No discussion in relation to whether or not he and Robbins should distance themselves from the fund?-- No, I had no discussion. From my point of view I had to act in accordance with their directions and it wasn't appropriate and I wasn't interested in querying them.

But they're your clients. Normally a solicitor acting for a client would discuss matters like that particularly since you were doing it-----?-- Always a solicitor acting for a client acts in accordance with directions and that's what I did. 30

Yes, but what I'm suggesting is a solicitor acting for a client would normally discuss the decision that was being made to change a name particularly in circumstances where you were going to have to go to the trouble of altering your records and you weren't being paid for what you were being done - for what you were doing?-- I wasn't - I wasn't at any time giving David Power or Sue Robbins any legal advice. 40

Right, that's why-----?-- And nor did they seek any legal advice from me.

That's why I say that it's not really a solicitor/client relationship in the ordinary sense, is it? No legal advice is being given or sought?-- A legal service is being provided, there's a trust account being managed in a proper legal way in accordance with their directions and that was it and that's the only role I was prepared to take from day one in this whole procedure. 50

All right, well, is that the only - is that all that you can recall in relation to the circumstances of the change?-- Yes.

Now, could I ask you to go to the final invoice in relation to the - so that-----?-- Is this 100?

This is 8th June, the final invoice is Exhibit 97. Now this one picks up all of the transactions?-- Mmm.

1

CHAIRMAN: Your final document in '97 is the authority to-----

MR MULHOLLAND: I beg your pardon?-- It's actually at the top.

It's the first - it should be the first of the documents dated 8th June, your trust statement, do you have that? I'm not sure he can see that from - no, this is headed "trust statement 8 June 2004".

10

CHAIRMAN: Trust - right, yes.

MR MULHOLLAND: Now this shows the deposits made during that period and who they were received from. Just tell us by looking at that document - you would vouch for this representing what was within your records?-- Yes, yes, I'm sure.

20

And your final entry is 4th March '04 trust journal transfer to - and so on, L Barden commonsense campaign fund-----?-- Correct.

\$20,500?-- Correct.

What I'd suggest to you is if you'd just quickly do the calculation, but what we have deposited in that period is some \$90,000 and \$69,500 being withdrawn leaving a balance of \$20,500?-- Just quickly, I agree with you.

30

And those referred to there from whom donations were received, are they all developers?-- Yes, Phil Sullivan's group are mainly funds management.

Funds management for developers, I suppose?-- I don't know his - full nature of who he fund manages for.

Right, and which of those did you assist so far as gaining the funds?-- Did I speak to? Rapcivic, Great Southern Land, Greg Phillips, and John Fish or Fish Developments.

40

And you can confirm by looking at that that all of the money that went out of the fund or out of the account in relation to that campaign fund went to - directly to the candidates; correct?-- Yeah, well, it clearly shows who the payee is in every case.

All right. Now would you have a look, please, at - I'll take you now to the next invoices, the final invoices and attachments of Exhibit - this is Exhibit 99 and the emails, Exhibit 100. You probably don't have a copy of those-----?-- I don't have 99.

50

You've got 100?-- I've got 100.

I'll give you a copy of 99?-- And 97 back.

Now again the final trust statement, if you'd just go directly to that?-- Yes. 1

Mr L Barden T-B-A, what does that stand for?-- His address was to be advised.

And why are these headed trust statements?-- I don't know, I presume that's how we have to head them. I presume - I presume it's just a record of the funds in our trust account. 10

Right, so when you say trust statement that just simply-----?-- That-----

-----is-----?-- That's standard terminology, you know, for every trust account whether it be lawyer account and whatever.

And conveys that it's a statement relating to dealings in the trust account?-- Yes, yes.

And you have it titled re commonsense campaign fund?-- Yes. 20

Not Mr Barden's commonsense campaign fund but commonsense campaign fund?-- Yes. See, as I explained to you, a file has to be opened and I'm looking at the file here in front of me, and the client is shown as Mr Barden and the matter is shown as commonsense campaign fund.

Had you had contact with Mr Barden up until this changeover occurred?-- No, I met him about 10 years ago very briefly at someone's boardroom lunch, shook his hand, and I'd not spoken to him or met him again until about a month ago. 30

Right. So-----?-- I'm sorry, that's not correct. I did have a telephone conversation with him, I think it was around April, when officers from the CMC requested that I provide information. They had to speak to him and get authority to do it.

Right. So the knowledge you had, apart from that one meeting, of him prior to the changeover was - well, you had no other knowledge of him?-- No, I just knew that he was a businessman who - a long time ago I understood he had something to do with fibre optics, or something like that. 40

So, he was going to control these funds, but you didn't at any stage speak to him?-- No.

He didn't seek to speak to you?-- No.

All right. Well, while on that trust statement, just look at the credits there and the amounts that went in?-- Mmm. 50

Again, did you have anything to do with any of those contributions being made?-- Well, I see there's another contribution from Greg Phillips but I think that was just - he made that voluntarily because when I first spoke to him some time ago, he said he would contribute more than the \$10,000.

Yes. We saw reference to that?-- Yes.

1

So he ended up giving 30,000?-- Yes, apparently.

Right?-- No, I didn't have anything to do with any of the other donations.

And are you able to say in relation to those before we go to any documents or any emails who had, to your knowledge, involvement in raising of these other funds?-- I always assumed it was Brian.

10

Now, what's the first document that you have there?-- In '99?

The first document behind the invoice?-- An authority from Lionel Barden Consulting dated 9th March.

All right. Is this addressed-----?-- To Hickey Lawyers.

Right?-- Authorising \$5200 to Bob Janssen.

20

Right, all right. And then is there also a letter-----?-- Yes.

-----addressed to Mr Janssen, "As directed by Mr Lionel Barden, please find enclosed our trust account cheque made payable to you in the sum of \$5200."?-- Yes.

So is this what happened: you received that authority from Mr Barden without ever having spoken to him?-- Yes.

30

And you acted on it upon the basis of what you had previously had communicated to you by Robbins and Power?-- Yeah, and what they'd directed me in writing to do.

Yes. Well now, what's your recollection in relation to what Mr Janssen was being paid to do?-- No idea.

No idea at all?-- No idea.

40

Can I ask you to comment on this, please: did you know that Mr Janssen was assisting to run a negative campaign in relation to one of the councillors - namely, Councillor Young?-- No.

Do you remember Mr Young actually bringing to your attention or to the attention of your firm the material that he was using with a view to this negative campaign; do you remember that?-- To Councillor-----

CHAIRMAN: You said Mr Young. Did you mean Mr Janssen.

50

MR MULHOLLAND: Sorry. Sorry. I meant Mr Janssen?-- Not to my attention.

Well, do you know of it being brought to the attention of anyone in your firm?-- Wasn't - not to my knowledge, no.

It's been suggested, you see, that Mr Janssen ran material past your firm in respect of the possibility of defamation relating to this material; can you assist with that?-- Only that the first time I was aware of that was when I read it in the newspaper recently and I checked to see if we had any file relating to it just in case somebody else in my office was consulted about it, and I couldn't find any record at all.

1

Now, you're absolutely certain that you would never-----?-- I wasn't; I wasn't.

10

Sorry, hold on. You just wait for the question: you're absolutely certain that you were never spoken to by Mr Janssen and no one in your firm to your knowledge was spoken to in relation to this negative campaign?-- I was never spoken to by him and I'm not aware of anyone in my firm being spoken to.

Thank you. Now, would you go to the email transmission of 10th March 2004. Have you got that: campaign funds to David Power from Mr Tony Hickey. Looks like you might have changed the form of the email, Mr Hickey, in the period after the problem with the - some of the emails we referred to?-- What do you mean, the date?

20

Yes, the date?-- Yes, perhaps. As I say, I'm not aware of-----

All right. Well, it says, "Since our last meeting on 17 February 2004, the only funds that have been received directly are from Bill Roche." So that suggests that you did meet on that date?-- Yes, okay.

30

Is that the meeting that you referred to earlier?-- Yes, yes.

All right. And Mr Ell is referred to in connection with Leda?-- Mmm.

And that's a person you referred to earlier; is that so?-- Yes, correct.

40

You said there that you would follow him up?-- Mmm.

So, did you do that?-- I can't recall. I may have, but I don't believe he contributed.

All right.

CHAIRMAN: Just on that page, "At my request, John Fish met with David Power." Did you tell us about that earlier. I have a memory of you saying that someone wanted to meet with Power and Robbins?-- No, no, that was - I think that was Bob Ell.

50

Oh right?-- Who made the comment about he didn't like Sue Robbins.

Right, yes?-- And they were going to follow each other up.



Well, why were you requesting John Fish to meet with David Power?-- Well, I assume that John must have said that he wanted to meet with David.

1

Okay.

MR MULHOLLAND: Would that-----?-- And perhaps after that meeting he was going to consider whether he wanted to make further contributions.

10

Well, just following that up, was that along the same lines of Mr Ell having a problem with one of the candidates?-- I don't - I don't think so. I can't recall. I further recall Mr Ell because he speaks very forcefully.

And you've got no such recollection in relation to Mr Fish?-- No clear recollection, no. I simply recall Mr Fish was very unhappy with the way he believed that the Gold Coast City Council was working in his division.

20

Yes. The next email transmission, this is relating to Mr Phillips, from you to David Power advising that "Sandy received a call this afternoon from Greg Phillips advising a donation of \$20,000 will be made to this fund tomorrow." Now, you seem to be, even after the changeover - what I've referred to as the changeover?-- Mmm.

You seem to be continuing to advise Mr Power in relation to what is happening?-- Yes.

30

Why are you doing that rather than advising Mr Barden?-- Because Mr Power would ring and ask what's happening. He would make inquiries.

Right. So did you really regard Mr Power as the person with most to do with the distribution of these funds despite the changeover to Barden in the name?-- I - I really didn't know. I assumed that David still - still had an involvement in the process because of David's involvement from day one but overall David was obviously interested in knowing, you know, what funds were available.

40

But having regard to the communications, Mr Hickey, really suggests - but tell me if you disagree with this?-- Mmm.

That he really was in control of things?-- He may have still had some control but as far as I was concerned, the only control I was interested in was who was to direct me to distribute funds.

50

But your point of contact at this point seems to be Mr Power and not Mr Barden?-- David was a point of contact but merely with reference to the continuing - the only dialogue I had with David over the whole period was, "Okay, someone said they would pledge money. Has it come in or has it not?"

All right. Would you go over to - do you have a - could we have Exhibit 99, please, Mr Commissioner. What's your next document there?-- A letter to Graham Ingles, 11th March 2004.

1

If you go to the emails?-- In N100?

Yes. Do you have an email there to S-H-I-L-L at Villa World.com.au, "subject: trust account details, I. Shannon"?-- Yes, yes.

10

And what's this?-- That's an email from my assistant Sandy giving her details obviously so Villa World can make a contribution.

All right?-- And then there's a diary note below from Sandy confirming she rang Shannon at Villa World to - no, no, I'm sorry, the diary note below is from Shannon - is a diary note made by my assistant Sandy recording a call from Shannon at Villa World wanting details of the trust account for \$10,000 donation.

20

Now, Villa World, Mr Lambert is one of the principal people there, is he?-- I think he's a director or - and maybe also the CFO.

Well, is there also a CEO Mr Brent Haley-----?-- Yes, yes.

-----or was at that time?-- Yes.

Who's the senior person out of those two?-- Brent.

30

Right. Well, this refers to contact with Jerry Lambert. You didn't have any such contact?-- No.

And then the next document?-- is another email to Shannon Hill confirming that the name of the fund or the trust account is the Lionel Barden Commonsense Campaign Fund.

Yes?-- Well, actually, sorry that - there is one below it which is before, from Shannon asking details of the name of the fund.

40

Well, is this the one, "Thanks Sandy"?-- Yep.

Is that the one you're referring to?-- Yes.

"Thanks Sandy, will do" and that's in response to another email, but this one goes on, "Can you tell me what the actual fund is called just for our records, ie is it the David Power Campaign Fund"?-- Mmm-hmm.

50

Who's Shannon?-- She's a secretary or assistant to-----

At Villa World?-- At Villa World, yeah.

All right. And I think the other email speaks for itself. Now, do you have a fax with the name Mr Graham Ingles, "Dear Graham"?-- Yes, yeah.

And that is coming from your firm?-- Yes.

And this also concerns a donation to the fund and giving details of the-----?-- Yes.

-----trust account?-- Yes.

So that a deposit could be made?-- Correct.

10

MR NYST: Can I ask what date this is?-- 11th of March.

MR MULHOLLAND: Do you recall sometime before this date, Mr Hickey-----

CHAIRMAN: It's part of 99.

MR MULHOLLAND: Do you recall sometime before this date, Mr - you contacting Mr Ingles asking for a donation?-- No, I didn't. He rang me.

20

He rang you?-- Mmm.

So you didn't ask him for a donation; he indicated he was making a donation?-- Yeah, I'm pretty sure. Yeah, I - I didn't really have any association with Graham so-----

Well, we have a statement, you see, from Mr Ingles suggesting it was the other way around?-- Look, it's possible but my recollection was he rang me, but it may be possible.

30

Would you go on and look at the letter from Mr Ingles to you of the 14th of March 2004?-- Yes.

"I am enclosing a cheque for \$10,000. I have already made a contribution directly to David Power's campaign fund"?-- Mmm-hmm, correct.

Did you ever discuss that with Mr Ingles?-- No.

40

And saying, "I do not wish any of my donation to be used to fund any candidate standing against Dawn Crichlow"?-- Mmm-hmm. I recall him mentioning that, yes.

Right. Well, was that actioned, that request?-- I believe at some stage I advised the - Lionel Barden that that was his position.

Right?-- But actioned or not, I don't know.

50

Well, here's a donor to the fund in the sum of \$10,000 really making it a condition, isn't it?-- Yes.

And he's making it a condition that not-----?-- And I properly advised them that that was his position.

But what - what steps did you take to ensure that in regard to the money going out of the trust account that it did not go in

order to fund any candidate standing against Dawn Crichlow?-- None, other than advising Lionel Barden that that was his position. And I also advised Ingles that I would advise and that was the end of my responsibility.

1

You didn't think that it was your - being your trust account that there was a need for you to go any further?-- No.

So the possibility remained that it would be used contrary to that condition?-- Yes.

10

And whether it was or wasn't was entirely a matter, it would appear, for Mr Power?-- Well, for Lionel Barden.

Who did you contact to advise of this condition?-- I can't recall but I thought there was a letter. Was there a letter or-----

Well, if you go to the 17th of March 2004, it should be a few items further on?-- In '99 or-----

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17th of March - in 100 this is, it's an e-mail. See in the first paragraph, "We received today \$10,000 from the Ingles Group"?-- Yes, yes. Yes.

And you refer to this, "Please note that Graham Ingles has specifically requested none of this donation be used to fund any candidate standing against Dawn Crichlow"?-- Yes.

My point, however, here is that you're advising Mr Power?-- Yes, yeah.

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Not the person who apparently is said to control the fund at this stage?-- Yes, correct.

Well, why aren't you advising Mr Barden?-- Perhaps I should have.

Well, going back to the e-mail, there's a e-mail on behalf of you, that's the way it's expressed, Sandra Wild at the top, this is the 15th of March 2004, do you have that one?-- Who to?

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This is to I-N-F-O?-- Quadrant?

Info@Quadrant?-- Quadrant, yes. Yes.

And you say, "I need a clear authority signed by Lionel Barden as to what should be paid"?-- Mmm-hmm.

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So this - a communication here in relation to an authority could be signed by Barden and is actually going to Quadrant. Why is that?-- I don't know.

Why would-----?-- Oh, I'm sorry. Well, the bills came from Quadrant. I went back to them and said, well, clarify it. And I left the responsibility with them to get the proper

authority as I told them on numerous occasions before they needed to provide.

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Well, then why not seek to have communicated to Mr Barden the condition placed upon the Ingles donation, have that communicated to Mr Barden?-- Look, I obviously didn't think of it. Perhaps I should have.

All right. Well, the next one is \$10,000 comprising of the receipt of the donation of \$10,000 from Villaworld, is that right?-- Sorry, which is the next one?

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15th of March?-- Yeah, okay.

CHAIRMAN: You are looking at Exhibit 99 now?-- Yes, yes. No, that' 100 I think.

Is it in 100 too?-- Mmm.

MR MULHOLLAND: Now, would you go please to this letter sent by Mr Barden. It's dated the 17th of March 2004. This appears to be the first written communication between you apart from the authority

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MR NYST: Is it Exhibit 100?

CHAIRMAN: It's in 99 I think, this one?-- Yes.

MR MULHOLLAND: I'm moving between 99 and 100.

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CHAIRMAN: Yes, I realise that, Mr Mulholland.

WITNESS: Sorry, 17th of March?

MR MULHOLLAND: 17th of March, and it's addressed to you, "Dear Tony," and it would appear to be from Mr Barden. Well, the heading is Lionel Barden Consulting?-- I'm looking at a letter from Lionel Barden Consulting dated the 9th of March with respect to those payment of funds to Bob Janssen.

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No, we - no, that is-----?-- Yeah, I'm only raising that because you said that was the first written communication.

Right?-- The one of the 17th of March and there was one of the 9th of March.

Oh yes, that was in relation to-----?-- Yeah.

You're quite right, an authority of payment?-- Yes.

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Yes. And this is in relation to - what did you regard this as, an authority?-- Yes, yes.

A cheque to the value of \$45,000 payable to Quadrant, "Chris Morgan of Quadrant will make arrangements for collection immediately is available to cover current activity." Is that right?-- Correct.

Perhaps I can pass over to - do you have another authority from Mr Barden of the 26th of March 2004?-- Yes.

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And that is in relation to a sum of \$20,000 payable to Quadrant-----?-- Correct.

-----for the work in progress?-- Correct.

Now, go to a letter of the 5th of April 2004 from Stockland to David Power?-- Yes.

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Now, this is addressed care of Mr Tony Hickey?-- Mmm.

"Further to our recent discussions" - it's addressed "Dear David"-----?-- Mmm.

-----but it's sent care of you. Do you know anything about this?-- No. Just the letter came, I assumed obviously David had spoken to them and directed them to send the money to me.

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Well, this - according to Mr Dutton this is in favour of Lionel Barden Commonsense Campaign Fund in the amount of \$10,000 in support of a community fund?-- Yeah.

Wonder where he got that idea, do you have any - from?-- Not from me.

Well, you didn't have any conversation with Mr Power-----?-- No.

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-----in relation to that. Now, would you go to a letter from Quadrant to you, it has a date stamp 24 May 2004.

CHAIRMAN: Where would we find that?

MR MULHOLLAND: That should be in the correspondence attached to the invoice.

CHAIRMAN: There's one from Mr Hickey to Quadrant of 24-----

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MR MULHOLLAND: No, this is from Mr Morgan to Mr Hickey. That's the document.

MR WEBB: Have you got a date?

MR MULHOLLAND: There's a date stamp up the top, 24 May 2004.

CHAIRMAN: It doesn't seem to be in Exhibit 99.

MR MULHOLLAND: I'm told that it may not have been copied, I think the best thing is that I give the witness a copy now. Would you have a look at this. Just tell us what that letter is about?-- "Dear Tony, it's re final campaign accounts for Lionel Barden Trust, please find attached a summary of activity and details of individual amounts and overall total now due of \$22,780.54 as authorised for payment by Lionel. I appreciate the trust fund may still require contributions to

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discharge this sum. Could you please advise if you have any further word in respect of this please." 1

Can you tell us anything about that apart from what appears in it; why is that - why are you being advised of that?-- He's looking for money. He's asking me if I've got any and I subsequently replied to that.

Right. Well, again, why would he be contacting you direct?-- Because he knows the moneys went into my trust account. 10

So what - was this the situation, he would contact you to say - to find out whether or not there was any money left or how much was left and then what, presumably if there was he would then need to pursue Mr Barden to get authority, is that the way it went?-- Yeah, basically. Yes.

Could that be made - that copy, Mr Chairman, be made a - be part of that exhibit, Exhibit 99? 20

CHAIRMAN: Yes, yes, that will be made part of that, thank you.

MR NYST: Do we get a copy of that?

CHAIRMAN: I'm sure that will be done, Mr Nyst.

MR MULHOLLAND: Now, there are also official receipts issued by you or by your firm in relation to donations received. I won't go through them. They're all referred to or picked up - those donations are picked up in that final statement of 8th June. I'd like to just take you back to that for a moment, please. Now, so far as the monies that were paid out of the account after the change of name, are you able to say by looking at the trust statement what is titled trust statement commonsense campaign fund - this is the final one - are you able to say whether any of the monies after that changeover went to any of the candidates directly?-- I'm sorry? I'm sorry, I understand. The funds went exactly where they said they went in the statement here, and just looking through it, it appears that they went to Bob Janssen and the balance of the funds went to Quadrant. 30 40

Thank you, and during that period there was another \$60,000 raised; am I correct there?-- I counted 80.

I might have missed one?-- Oh, sorry, no, hang on, no, it started with a credit of 20,500-----

Yes. I'm just dealing with the amounts that came in during that period, that's all?-- Yes. 50

The contributions that were made?-- Yeah, the additional contributions about 60,000.

Yes?-- Yes.

All right, now do you have in as part of your copy of Exhibit 99 a document titled-----?-- I can't see-----

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-----commonsense candidate resource expenditure summary as at 16 April 2004?-- No, I don't appear to.

I might just ask the witness if he'd look at it?-- Thank you.

Do you have any knowledge of that document? That letter that I've just shown you from Quadrant referring to a short-fall you might remember, and you can see that that document actually refers to the short-fall-----?-- Mmm.

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Do you see that?-- Mmm. Look, I can't really remember these figures. That looks vaguely familiar, this instruction.

Do you still-----?-- But I can't really recall.

Sorry, do you still have the letter that I passed up to you and-----?-- No-----

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-----added to the exhibit?-- No, no.

Could Mr Hickey have it back please, Mr Chairman? Just have a look at-----?-- Yes.

-----the two documents. Are you able to say now that that formed part of that letter?-- It may have but I can't be absolutely sure.

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Well, you remember receiving a document like that, the one on your right, that I've just handed to you. Do you remember receiving that along with the letter?-- Look, I may have but I can't - I can't remember receiving this, these documents, but I may have.

Notwithstanding Mr Hickey's lack of recollection, I'd like to add that to that exhibit, Mr Chairman, and I'll just indicate for the record so that it will be clear-----

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MR WEBB: Maybe they can be marked 1 and 2, or something.

MR MULHOLLAND: It's headed Commonsense Candidate Resource Expenditure Summary as at 16 April 2004.

CHAIRMAN: All right. They're becoming part of 99. The first one, the letter from Morgans, we'll mark 99A.

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ADMITTED AND MARKED "EXHIBIT 99A"

CHAIRMAN: And the recent one, the summary, we'll mark 99B. So they can be identified as the particular documents referred to.



ADMITTED AND MARKED "EXHIBIT 99B"

MR NYST: Could I see them.

CHAIRMAN: And if you could show them to Mr Nyst, thanks.

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MR MULHOLLAND: Now, could I ask you to go to Exhibit 100; that's the bundle of emails?-- Mmm.

Would you go to the email for 4th August 2004?-- From Sue Davies.

From Sue Davies?-- Yes.

And do you also see an email from Brian Ray to Terry Morris?-- Right.

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"Dear Terry, you have advised Sue of my office that you have given instructions to your accounting section to issue a refund of \$5000 to Quadrant in relation to services provided re the election. Tony Scott of Quadrant has advised that he would like to receive the \$5000 via Hickeys Lawyers trust account to resolve any funding reporting issues he would encounter. I'd be grateful if you would advise that you could release the funds this way, please, Terry, and when Tony might expect to receive them." Now, do you remember something about this, Mr Hickey?-- No.

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You see that there are also emails which follow. If we go to 24th August?-- Yes.

Have you got that one?-- Yes, yes.

"No money into Hickeys account from Sahiel. I spoke to David Power's secretary in his absence. She will get on to David. Tony Scott received \$5000 refund from Terry Morris last week." Do you recall anything in relation to this \$5000?-- No. No, I don't. Terry Morris or Terry Norris, I don't recall anything about that. That didn't involve me.

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It was indicated that it was going to be received via the account to resolve any funding reporting issues he would encounter?-- Mmm.

According to that previous email. You've got no memory of this at all?-- No, I wasn't involved in that.

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If you go to that same page, at the foot of the page, you see in an email sent from Brian Ray to Terry Morris of 11th August that he says, "Sorry to be such a pin in the butt. However, we were happy to have you confirm that there was \$5000 to come to the campaign. We are of course very grateful for all the work that you did with the mail-outs and of course the outcome was favourable to David Power and his people with a now clear

and prominent voice in major decision-making on the Council." Remember this, "If it's not too much trouble, I would be grateful if you would forward the \$5000 to Hickeys Lawyers."?-- No, I wasn't involved in that.

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Okay.

MR WEBB: Mr Chair, while there's a break, I mention that 99B is Exhibit 29; it was already there.

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CHAIRMAN: Thank you.

MR MULHOLLAND: All right. Well now, would you go to the email, it should be the last one I think in the group of emails there?-- 29th October?

Yes, 29th October, that's the one?-- Mmm.

And just pardon me for one moment. Now, that email is in these terms. It's sent to Tony Scott at Quadrant and Sue Davies - that's Mr Ray's office of course, "Subject Gold Coast elections. Hi Tony, Tony Hickey spoke with Craig Treasure at Sunland. Craig requests you raise an invoice for the \$7000 (plus/minus) plus GST for 'general marketing advice' or similar and he will forward a cheque straightaway." Now, do you remember anything about that?-- Yes; yes, I do.

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Yes. What do you remember about that?-- Well, Brian had contacted me and said that Quadrant was still owed money and they were putting pressure him to be paid and that he was wanting to know whether Sunland had contributed further money, and I said "no". He said that David Power had had a discussion with Sahiel Abedian and Sahiel Abedian had said that he would assist Quadrant by finalising the fees that they were - that were outstanding to them. And Brian said, "Would you talk to Sahiel" and-----

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This is Brian Ray?-- Yeah, yeah, "Would you talk to Sahiel?" And I said, "Well, probably - I don't - not in a position to talk to Sahiel" but I said I had some business to talk to his State Director, Craig Treasure, about and I said I would raise it. During a discussion with Craig, I said, "I understand that Sahiel has said that he's going to fix up the outstanding moneys owed to Quadrant" and Craig said, "Yeah, that's fine. Just tell them to send through an invoice." And I rang Sue and I said to her to give that message to Brian.

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But an invoice?-- Yes.

But this is an invoice in relation to the - in relation to Quadrant. Quadrant raising an invoice-----?-- Correct.

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-----to Sunland?-- Correct.

Well, for what?-- I delivered the message and I assume that was for the balance of moneys that were outstanding for the services performed by - performed by Quadrant.

But this could only be Quadrant performing marketing advice for Sunland?-- Yes, well, I didn't use the words "general marketing advice". I simply passed on directly the message from Craig for him to - for Brian to tell Quadrant to send them an invoice.

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Well, the implication of this, and I-----?-- Mmm.

-----invite you to correct it if there is some misunderstanding here, but the implication from this is someone is suggesting that an invoice be raised, essentially a false invoice being raised, in the sum of \$7000. That's the implication of it?-- That's the implication of that email, correct.

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Right. Do you know anything about that at all?

MR NYST: Sir, can I ask what the relevance of this is to this Inquiry or this investigation.

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CHAIRMAN: Why do you ask?

MR NYST: Because it doesn't seem to me to have any relevance to this investigation. It's going to another matter that seems we don't need to waste time with.

CHAIRMAN: Is this a general query or-----

MR NYST: No, well-----

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CHAIRMAN: -----is this being asked on behalf of your client or-----

MR NYST: It's being asked on behalf of myself who is charging my client money to be here in the sense-----

CHAIRMAN: I see.

MR NYST: -----that we're taking time dealing with matters that-----

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CHAIRMAN: So you think it's irrelevant?

MR NYST: Yes.

CHAIRMAN: Is that what you're submitting?

MR NYST: Yes.

CHAIRMAN: Well, I'm against-----

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MR NYST: I'm asking what the relevance is.

CHAIRMAN: I'm against you on-----

MR NYST: My learned friend may be able to tell us.

CHAIRMAN: I'm against you on that point, Mr Nyst.

MR WEBB: I raise, again, Mr Chair, the question of possible privilege. It's another act-----

CHAIRMAN: Well, we have a solicitor here. I'm sure he's aware of his rights.

MR MULHOLLAND: Do you know anything about anything further about that, Mr Hickey?-- No.

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Your recollection is that you spoke with Craig Treasure?-- Correct.

And what, you passed on a message?-- Yeah, I passed on his message directly - I tried to contact Brian. He wasn't available and I gave the message to Sue to give to Brian.

About raising an invoice?-- No, the message I gave - well, the words were - Craig said, "Tell Brian to get Quadrant to send me an invoice."

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But did you not ask Mr Treasure what invoice, for what?-- No, I didn't.

What about when you came to let Brian know?-- I simply passed on that message. I had no further involvement in the matter at all.

Well, Brian was your client?-- Sorry?

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Brian was your client, wasn't he?-- Brian Ray?

Yes?-- Brian was my client, yes.

Well, did you give him - did you speak any further to him?-- No, I didn't. I wasn't aware of what arrangements there were between Quadrant, Sunland or anybody on this matter.

Did it at the time appear to you that someone was suggesting - I'm not suggesting that you were part of this?-- Mmm. Mmm.

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But someone was suggesting that a false invoice be raised?-- No, I didn't consider that.

Can I just indicate - Mr Chairman, I won't at this stage put any material before the Commission, as I say, at this stage - but there is a tax invoice from Quadrant, "Invoice Number 0491 Date 1/11/04 - Attention Craig Treasure, Job Description - Marketing Recommendations" and the amount that's shown is "\$7,000". "Service fee \$700, total \$7,700". I just mention that because there will be some evidence in relation to that and it will be tendered in due course. Now, do you have your statement there, Mr Hickey? I'd like you to go to page 3 please?-- Yes, I have it.

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You say at that point, "Although not required by the notice there is one further matter I would also like to disclose.

After the election Quadrant was still owed payment for services rendered. Brian Ray contacted me in or around August of 2004 and asked whether I would contact the developer of The Wave development on the Gold Coast Ninaford Pty Ltd and Framelgate Investment Limited to see whether they would assist with a contribution towards the outstanding consultancy fees of Quadrant. The developed agreed to make the contribution and I attach an invoice which issued from Quadrant of 4 August 2004 and this firm's letter of 9 August 2004 enclosing a payment." Now, you added that in order to presumably assist the Commission with any information that you have relevant to the matters, the subject of this inquiry?-- Correct.

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Could I ask you to look at these documents please?-- Yes.

Now first of all is there a letter of the 9th of August 2004 to Quadrant from you, "Dear Tony, re Consultancy Fees, Please find enclosed cheque in the sum of \$11,000 in payment of your Invoice Number 0408"?-- Yes.

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And - by the way, who's Tony?-- Tony Scott. He's a director of Quadrant.

And the Quadrant invoice, is client Ninaford Proprietary Limited, Framelgate care of Hickey Lawyers?-- Mmm, hmm.

What was the connection between Hickey Lawyers and those companies?-- We acted for them. We were their lawyer.

Right. And what sort of business are they in?-- Development.

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The Invoice Number 0408, date 4/8/2004, "Attention Tony Hickey"?-- Mmm, hmm, correct.

"Consultancy Fees \$10,000"?-- Yes.

Well the way in which you explain it in your letter to the Commission is that after the election Quadrant was still owed payment for services rendered?-- Yes.

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Now this was outstanding consultancy fees of Quadrant related to the campaign that we've been talking about; wasn't it?-- Correct.

Okay. Well, what services in relation to that campaign did these companies do for Quadrant? I'm sorry - did Quadrant do for these-----?-- No, none. But the client agreed that they would contribute to the outstanding consultancy services of Quadrant.

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But the outstanding consultancy - but that's not what this relates to. Look at the invoice. The invoice is "Consultancy Fees". That is suggesting that Quadrant have performed some consultancy fees?-- Well, no. The client's position was that they agreed to contribute to consultancy fees which were owed to Quadrant. They didn't. And it was chosen that Quadrant said - sent through an invoice to say, "Well here are our consultancy fees that you're going to contribute to." My

clients always believed that they contributed simply to - as a donation to reduce the outstanding consultancy fees that are owed to this group.

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Mr Hickey-----?-- And that's how they've treated it at a company level.

Mr Hickey, on the face of it I'm suggesting in the light of what you knew-----?-- Well-----

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Hold on - what I'm suggesting to you - in the light of what you knew about this, this is a false invoice?-- No, I don't accept it.

You don't?-- No.

Look, it's a tax invoice, it relates to consultancy fees i.e. consultancy fees of Quadrant-----?-- Yes.

-----performed with reference to those companies and you knew that this is associated with the election campaign; on the face of it it's a patently false invoice?-- No. It's - yes, certainly it's a tax invoice. Quadrant were owed services which were outstanding. This client agreed that they would contribute to those services, not make a donation to the election which had ended four or five months before and they were assuming a responsibility for part of the consultancy fees that were outstanding. Invoice doesn't refer to consultancy fees for performing any particular work for this client because it didn't.

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It didn't. Well, I'm still not with you. It entirely escapes me how this invoice could be a genuine invoice in the circumstances that you've outlined where Quadrant had not performed any consultancy services or any consultancy services for these companies. How could it have a tax invoice of this kind in those circumstances?-- The position-----

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And be a genuine invoice?-- The position was that - this was how the client looked at the position, how I looked at the position, is that-----

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Who's the client here?-- Sorry?

Which client are we talking about?-- Ninaford and Framelgate.

Yes?-- These entities. The position was that Quadrant was owed money for consultancy fees to the campaign.

Yes, so what?-- And they were asked were they prepared to contribute - to assume a responsibility for part of those consultancy fees by way of contribution you know belatedly to that campaign. They said yes.

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This isn't a donation on the face of it at all?-- I'm sorry, it's?

There's no donation on the face of it at all. This is consultancy fees?-- Well-----

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Consultancy fees in relation to presumably some consultancy work said to have been done by Quadrant for those companies. Did you know of any such consultancy work?-- No, no. There'd been no work done. The invoice doesn't refer to consultancy fees and detail consultancy fees for this company because it hadn't done any. This company agreed to assume a responsibility for outstanding consultancy fees that were owed to Quadrant as a result of the election campaign. There was no funds to be distributed or donated at that time to any candidates because the election was well and truly over.

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I tender those documents, Mr Chairman.

CHAIRMAN: Yes, they will be Exhibit 101.

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ADMITTED AND MARKED "EXHIBIT 101"

MR MULHOLLAND: Just before leaving this document, the invoice being the 4th of August, I just want to briefly touch upon this, is it correct that these companies had on the 20th of July 2004 had an approval of development subject to infrastructure charges imposed by the Gold Coast City Council?-- Yes.

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And did that total some \$928,489?-- No, one million five hundred thousand.

Right. All right. Well, the city planning committee had met on the 20th of July 2004 and approved the development but subject to a large sum of money-----?-- If they - they'd approved it subject to some conditions which were unacceptable to the developer which subsequently went on appeal to the Planning and Environment Court.

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And your firm I suggest was advised on the 28th of July 2004 of the Council decision?-- I believe that's correct, yes.

Right. And we've seen that on the 4th of August this invoice was issued and on the 9th of August apparently Hickey Lawyers paid the account to Quadrant?-- Ah yes.

And then on the 26th of August a notice of appeal was lodged by Hickey Lawyers?-- Correct.

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Ultimately, the matter went to the Planning and Environment Court in February 2005?-- Mmm.

And subsequently, after the appeal had been dismissed, there was a settlement on a without prejudice basis; is that correct?-- Only recently, yes.

Quite recently?-- Quite recently.

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Now, I'm not-----?-- The matter went through the whole Court process.

Yes. Now, I'm not suggesting - I want to make this plain - I am not suggesting that there was any impropriety in relation to the eventual settlement concerning that matter, but what I do suggest to you, that that is a context in which this matter was - this invoice was raised?-- Well, it was raised in the context where there was an approval that had been issued upon conditions which were unacceptable in circumstances where the client had to appeal, and it's been several hundred thousand dollars trying to get a more equitable result.

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CHAIRMAN: Did you look at all at the provisions in relation to declaration of election gifts as to whether your clients would have any obligations with respect to disclosing these gifts?-- Only-----

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Is it - you've used-----?-- Only this year.

?-- the term "donation"-----?-- Only this year. Not at the time because I considered it was so far removed from the election that it wouldn't be relevant, and I understand that it's not relevant as a disclosure.

What about - did you-----?-- The client themselves has always treated that as a donation.

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Yes. Well, you've used the word "donation"?-- Yeah.

And clearly it was a donation?-- Yes.

Did you look at the disclosure period as to whether it might have any effect upon the next election if any of those candidates stand again?-- No, I haven't, no.

MR MULHOLLAND: Can I ask you to have a look at these documents now, please. Now, these are a group of documents which had been provided or came into existence and were provided to the Commission in April of this year?-- Yes. Yeah.

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This is the preliminary stage?-- Yes.

Do you remember that?-- Yes, I do.

Preliminary stage of the investigation?-- Yes.

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And first of all there is a letter of the 13th of April 2005 from yourself to the Commission, "I refer to your letter of the 11th of April" - this is-----?-- Yes.

-----"Re Lionel Barden Trust"?-- Yes.

"And as requested, we now enclose a statement with respect to the Lionel Barden Commonsense Campaign Fund"?-- Yeah.



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"This statement records all funds paid into our trust account and all funds paid out of our trust account. We do not believe that there exists any trust documents or terms of trust." We dealt with that earlier, hadn't we?-- Yes, correct.

"We certainly do not hold any such documentation and we are told by Mr Barden that no such documentation exists." Now, accompanying this document is the trust statement, 8 June 2004, Mr L. Barden "Re Lionel Barden Commonsense Campaign Fund:?"-- Mmm-hmm.

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And if you look at it you will see that it starts the 23rd of December 2003?-- Yes.

And goes through to the 26th of May 2004?-- Yes.

Now, if you are to compare the final invoices which I've been - final invoices which I've been dealing with in your evidence, of Exhibits 97-----?-- Yes.

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-----and 99?-- Yeah, sure.

What we see is that this conveys that this fund had been operating throughout the period from the 23rd of December right through to the end when, in fact, as we know it was Power and Robbins that was operating up to the beginning of March?-- Yes.

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So could you explain to us, please, Mr Hickey, why you provided that document or that statement to the Commission in that form back in April?-- Well, the Commission inquired about the Lionel Barden Trust and I thought it was important to give them a complete disclosure of all funds that were received relating to the - the campaign, so the book-keepers obviously consolidated all entries that have come through our trust account and, you know, prior to the transfer, so rather than trying to confuse the Commission which was inquiring about the Lionel Barden Trust, I wanted to make sure that we gave details of every single transaction.

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Mr Hickey, now, does that accurately sum up the position, that you didn't want to confuse things?-- Absolutely.

This is plainly inconsistent with what the reality was. Up until the beginning of March it wasn't the Lionel Barden Commonsense Campaign Fund. You've explained the circumstances in what - in which that occurred. What I'm suggesting to you is that sending this document to the Commission was plainly going to mislead the Commission-----?-- That wasn't the intention.

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-----so far as what fund was operating during that period?-- That wasn't the intention.

Why didn't you tell the Commission at that point in time that what in fact happened, that Power and Robbins had this account

within your trust account for that period up until March and all these funds went in and went out? Didn't you think that the Commission would be interested in that?-- Look, I would have been happy to provide the Commission with any information that they required. They made an inquiry regarding the Lionel Barden Trust and I believed that the best position was to consolidate everything here so that they knew that there was a whole series of transactions relating to this.

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Why if it was inaccurate? This is inaccurate?-- Well, that wasn't the intention.

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But-----?-- As I say, I mean, if I would have given the Commission simply what I thought they wanted, they wouldn't have got the whole picture of all of the funds that have gone through the transaction, and I had a telephone call from this gentleman, and I said, well - he asked for information and I said, "Well, there is a return that's been put in." He said, "Yes, I know, we've got that but we would like detail on where funds have gone to." That was what his interest - and that's what I wanted to make sure he got all of that information.

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But all the more reason to give him an accurate picture of what had occurred: not that this had gone into the Lionel - this money had gone in and out of the Lionel Barden Commonsense Campaign Fund. That didn't accord with your records at all, did it?-- No, it didn't.

Well, why tell the Commission that?-- He was inquiring about the Lionel Barden Trust, but I knew from the telephone call what his interest was: his moneys that came in, where did they go to-----

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Look-----?-- Which is why I made sure that the report provided everything.

Here the Commission is at an early stage of its investigation looking at documents which you provided concerning the operation of your trust account concerning this fund and obviously being misled as to the fact that this operated under the Lionel Barden Commonsense Campaign Fund and that's what the money went into and that's the fund out of which the money came. Now, that is incorrect, isn't it?-- Not my intention to mislead, not at all.

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Right. It's not your intention. Do you agree with me now that I've pointed this out to you that it is plainly contrary to your own internal records to suggest that that fund was operating during that period?-- Possibly you could say that but that was certainly not the intention.

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Didn't you think, Mr Hickey, that the Commission would therefore come away with the view at that time, if it had gone no further, oh well, there was such a fund, Lionel Barden Commonsense Fund operating throughout that period into which all the money went and all the money came out of; no mention of Councillor Power; no mention of Councillor Robbins. I mean, did that not occur to you?-- No.

I tender that documentation.

CHAIRMAN: That will be Exhibit 102.

ADMITTED AND MARKED "EXHIBIT 102"

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MR MULHOLLAND: Yes, thank you, Mr Commissioner.

CHAIRMAN: Were you going to ask any questions about the election return - gifts returns that were put in, any knowledge that this witness has, if there is any knowledge; I don't know?

Can I ask: did you ever feel that you, as the trustee, if I can use that term in quotes, that you were under any obligation to put in an election gifts return as the trustee of a trust fund?-- As the holder of a trust account?

20

Mmm?-- Yeah, we considered that and I sought some advice from lawyers in my officer asking them to research that, and the view was no, but there seemed to be some doubt as to who should put a return in relating to it, and I made the decision that I wanted to make sure that a return was put in relating to all the transactions in the trust account, and I prepared a document and I sent it to Lionel Barden saying, "Look, I've prepared this information for you. I'm not giving you any advice in respect of the matter, but if you believe it's correct, I believe, you know, you should put in a return including this information."

30

All right.

MR MULHOLLAND: So you prepared that return which Mr Barden put in?-- I took all of the information that was necessary. Well, I don't know, I didn't see the return that was put in. I prepared a return document and completed with all the information that I had.

40

Right?-- And forwarded it to him. I didn't see him or talk to him about it, when it was actually put in.

Well, I better show you the return that was put in. It's part of Exhibit 4.

CHAIRMAN: It's Exhibit 4.

50

MR MULHOLLAND: Exhibit 4.

CHAIRMAN: There's three-----

MR MULHOLLAND: Part of Exhibit 4.

CHAIRMAN: There's three folders, three large folders.

MR MULHOLLAND: Perhaps Ms Hamilton might go over and assist him.

CHAIRMAN: Yes.

MR MULHOLLAND: Just while we are obtaining that, Mr Hickey, could I ask you some further questions about it. Up until your speaking to Mr Barden about it do you know whether or not he intended to put in any return?-- No.

10

You don't know?-- I don't know. No, I didn't speak to him.

But you, you suggested to him that he should?-- Yes, yes, I did.

So, what, you made contact with him?-- I don't think I spoke to him. I prepared a document and I sent it to him and I suggested that he should incorporate into a return this information.

20

Now, when you looked at whether or not your own firm should put in a return you didn't seek outside advice?-- No.

You dealt with this in-----?-- No.

Within the firm?-- Mmm.

But did you go or people under your direction go to the Local Government Act and-----?-- Yes.

30

-----see and examine the relevant definitions?-- Yes.

Right, and concluded that it was not - and concluded that it was not for you to put in a return because in the situation concerned you were the agent acting for a principal. Is that essentially it?-- I can't remember the exact advice. As I say, the view given to me from within the firm was we think the better view is no we don't have to put in a return, it's not, you know, pursuant to the provisions. I haven't looked at it again for a long time.

40

All right. Did you go to council?-- No. Sorry, council as in?

Gold Coast City Council?-- I think one of my lawyers may have had a discussion with Mr Montgomery from council, yes.

Right. In relation to whether or not you should put in a return?-- Yes, yes.

50

All right, and was it relayed to you as to what that view was?-- Yes, I think originally Mr Montgomery thought that we may have to and I think we researched it and we considered, no, we didn't, and I'm not sure whether that was relayed back to Mr Montgomery.

What period of time would that have been?-- Immediately after the election.

1

Would you have a look now at these documents which the orderly will show you, look at the return, and just the information in it and see if you can confirm whether that seems to be-----?-- What am I looking at, a fax or-----

No, no, just look at the fax but that goes with what is behind it, just go to the following documents, the return that was put in?-- Yes.

10

Well, you said that you drafted something?-- The page-----

Does that assist you?-- The page which has details of gifts received is a document or the typing's from our office.

All right, so are you satisfied having been shown the document that those are the details that you supplied to Mr Barden for insertion in the return?-- Yes, exactly, and I think that's all we had to do with it.

20

Right, thank you. Now having regard to the fact that your clients, up until early March in relation to this fund or account, were Power and Robbins did you contact them to tell them that they should put in a return?-- No.

Well, if in one case you were suggesting to Lionel Barden that he put in a return why not Power and Robbins?-- I didn't consider it.

30

You didn't consider it?-- No.

But I'm just trying to understand why you didn't consider it because Power and Robbins are closer to you-----?-- I simply didn't - I simply didn't think of you.

Didn't think of it?-- No.

Well, on the same basis that you'd contacted Lionel Barden, wouldn't you or shouldn't you, in retrospect, have contacted Power and Robbins?-- Perhaps.

40

Yes, nothing further, thank you, Mr Chairman.

CHAIRMAN: Mr Nicol, could I see Exhibit 68, please, 68? I just want to check a document here. There were returns put in by candidates that showed donations from in some cases Tony Hickey?-- Yes.

50

In other cases Hickey Lawyers?-- Yes.

Did you subsequently see some press articles that referred to Tony Hickey as having donated-----?-- Yes, yes, I did.

And I think that was in August of this year?-- I can't really remember but I think it related to Roxanne - Roxanne Scott.

Scott, yes?-- And I wrote to her at the time telling her that that's not correct. She wrote back and apologised and said yes, you know, she was confused and you hadn't - but the article suggested I personally made a donation as well, or contribution to her.

1

No, that's not it. Look, I'm sure I have seen - I've looked through material-----?-- Mmm.

-----but such an enormous mass, I'm sure I have seen somewhere in the material the letter from Mr Hickey to Ms Scott?-- Yes.

10

Do you have a copy of that one?-- I should have a copy here.

MR MULHOLLAND: Could we see Exhibit 60 and 61, please, Mr Chairman, 60 and 61.

CHAIRMAN: I think they're just enclosing cheques. They're in February '04, I looked at those.

20

MR WEBB: Some signed and unsigned.

CHAIRMAN: Yes, which concerned Mr Webb?-- Yes, I wrote a letter on 11th June 2004 to Roxanne Scott and she replied on 15th June.

Yes, do you have that letter there?-- Yes, yes.

Was that-----?-- Do you want me to read it?

30

Is that off your file?-- Yes, I don't need it.

You don't need it? All right, thank you, because I would like to get that in the record?-- It's my letter.

Yes, Mr Nicol.

MR WEBB: Might I see that once you have, Sir?

WITNESS: And there is her reply.

40

CHAIRMAN: Yes, okay?-- Attaching a copy of her amended return.

Yes, thanks. So she amended her return to show Hickey Lawyers trust account?-- Yes.

Yes, then I'll take as exhibit Mr Hickey's letter of 11 June '04 to Ms Roxanne Scott and the reply of Ms Roxanne Scott of 15th June 2004, together with attachments; they will be Exhibit number 102-----

50

MR WEBB: Three.

CHAIRMAN: 103, thank you.

CHAIRMAN: Yes, Mr Nyst.

MR NYST: Sir, given the hour, I don't think I'd finish with Mr Hickey this afternoon. There is a matter I'd prefer to get-----

10

CHAIRMAN: I'm sorry, I can't hear.

MR NYST: I don't think I'd finish with Mr Hickey this afternoon. There is a matter I would prefer to get some instructions on. I wonder if you would consider rising early this afternoon?

CHAIRMAN: There's nothing else you can continue on with before you get those instructions for 10 minutes?

20

MR NYST: Yes, I could do that.

CHAIRMAN: Yes, thanks.

MR NYST: Mr Hickey, if I can take you back then to November 2003. You said Mr Ray called you and asked you to come and discuss the election and some assistance in funding and that led to the meeting at the coffee shop at Varsity Lakes?-- Yes.

30

Now, up to that point, you hadn't discussed any of this with Mr Power?-- No.

Anything to do with raising any sort of funding at all?-- No, not at all.

At the meeting, you said that Sue Robbins said she was sick of - I think your words were - sick of getting - of sitting on Council with people who were not reasonable, rational and intelligent people; the Gold Coast is better than that; we need people better behaved, something to that effect?-- Correct.

40

But she was talking, was she, during that meeting about behaviour of councillors, not about policies or decisions that were being made or not made in Council?-- I think she was - I assumed she was talking about the behaviour and I would have thought it related also to decisions but she didn't really go into it and explain it any more than that.

50

Well, I take it you mean from that she was talking about behaviour that was what she considered so poor and silly that it was impacting on Council making proper decisions in respect of the city's business?-- Yes.

But she was - but her discussion or her conversation was very much focused upon the behaviour of people in Council?-- Yes.

Right. And David Power was echoing those sentiments, wasn't he, at that meeting; he was also talking about the fact we've got some councillors who are not behaving in a rational, sensible fashion in Council?-- Yes.

And so the whole tenor of that meeting was that Robbins and Power were saying we're not - because of the misbehaviour in Council, we're not having the sort of rational and intelligent debate in Council that we should have?-- That's right.

10

They wanted to have - according to what they were saying, they wanted to have people around them who would engage in reasonable, rational and sensible debate?-- Correct.

And that was the whole - that was the thrust of that meeting, wasn't it; we're trying to get some community support to make sure that we get sensible people into Council?-- Yes.

There was no talk about we want to have pro-development people or we want to have pro-anything people, was there?-- No, not at all.

20

No sense of that meeting being we want you, Brian Ray, to help us, to help the developers or help any part of any industry?-- Not at all.

Well, you said that - you said in evidence, I think, in answer to my learned friend, Mr Mulholland's, questions that they were aware of people who they thought would be worthy to sit on Council, and I think you said they mentioned at least some - Roxanne Scott being one and Mr Rowe, perhaps Molhoek, you couldn't remember Betts; do you remember that evidence?-- Yes, yes.

30

In any event, they were talking - insofar as people were named as being worthy to sit on Council, again, no suggestion that they were worthy because of any particular policy or policy stance that they have?-- Sorry, say that again, Chris?

40

This was not a suggestion that they were worthy or worthwhile supporting because of any policy or policy stance that they took?-- No, not at all.

It was simply to say these are quality - these appear to be quality people, sensible people?-- Yes, yes.

That would be worthy of being councillors?-- Yes.

And you said there was some conversation, "What will we do with the money? Tony, can we put it in your trust account?", that's Mr Ray saying that, isn't it?-- Yes.

50

Yes, Mr Ray asked you words to the effect, "We've got to - better work out what we do with this money, if we did get some money in. Tony, is it okay if we put it in your trust account?"?-- Yes.



And you agreed to do that?-- Mmm.

1

You agreed to do it but you said, "At some stage but I'll need a client and that should be David and Sue"?-- Yes.

Now, in some later - sorry, in - at one point in your evidence and you were talking about - you were talking about the meeting of the 17th of December 2003?-- Mmm-hmm.

And you've said in the context of that evidence that you said to Mr Ray, "We needed" - "I said we needed someone to be the client," I said "those people should be David and Sue," or David Power and Sue Robbins, something to that effect?-- Yes.

10

Do you recall whether you first spoke about the need for David Power and Sue Robbins to be the client at the meeting of the 17th of December 2003 or at the earlier meeting or at both? Do you recall when you first raised it?-- Yeah, I certainly raised it with David and Sue present so I think it would have been at the first meeting.

20

You did speak - you did speak directly to them about it?-- Yes, yes, oh, yes.

Well, then, it must have been the Varsity Lakes meeting, wasn't it?-- Yeah, yes.

Because you had no other meeting, did you, with David and Sue?-- As I said I don't think I had another meeting. I don't think that I had a meeting on the 17th of December, I'm not exactly sure.

30

Okay. Well, then, sticking with that meeting at the Varsity Lakes coffee shop, you said that Brian Rowe - Brian Ray, I'm sorry, then said words to the effect of, "Is that all you want me to do?" and I think you - I think you may have said he was chafing at the bit or some expression to that effect that he seemed keen to go further?-- Mmm.

You said that in the context that he'd been involved in other campaigns?-- Yes.

40

And you said that they made a response, "Look, Brian, this is simply about giving people some assistance." Is it the case that the tenor of their response to his inquiry was that they didn't want to run any sort of a ticket or any kind of alliance?-- I don't know if they mentioned running tickets or alliances or anything but-----

I want to get a sense of what you're - what you were talking about in that - in that exchange. You're saying Brian Rowe was - Brian Ray was saying, "Is that all you want me to do"?-- Mmm-hmm.

50

Was he suggesting some sort of - running some sort of campaign or running some sort of-----?-- Yeah.

-----ticket or-----?-- Yes, Brian had a lot of ideas on many subjects but really at that meeting Sue and David made it clear that they'd identified some candidates and really all that they needed was some assistance in raising funds to help - help these guys pay for their campaigns.

1

Okay. You say Brian had a lot of ideas, you mean Brian-----?-- Mmm.

-----was starting to come up with ideas about running some sort of a joint ticket or alliance or bloc of some kind?-- Well, no. Joint ticket, alliance, bloc, was never ever mentioned.

10

I don't mean those terms but I mean-----?-- No.

-----that type of thing, is that - I don't mean necessarily those terms but that type of thing?-- It wasn't words as strong as that.

20

Okay?-- It just seemed to me that Brian was pretty keen to, you know, be involved in the driving of the campaign and-----

Okay?-- -----and coordination and organisation of it. simply about giving

All right, but they cut him down, "Look, Brian, this is simply about giving assistance to some people"?-- Fundamentally, yes.

And they continued to stress then throughout that meeting, didn't they, that this was simply about getting some support so that they could end up with some sensible, rational, well-behaved people in Council?-- I - yeah, basically. I mean there was never any discussion about getting people who would agree with everything they said at any time.

30

Right.

CHAIRMAN: You can stop at a time that's convenient to you, Mr Nyst.

40

MR NYST: I might just see if I can finish this meeting-----

CHAIRMAN: Certainly.

MR NYST: This is the first meeting. All right, and you think that discussion about needing the - needing to have clients it should be David and Sue Robbins?-- Mmm.

You think that happened at that first meeting?-- Yes.

50

And you nominated them simply because you needed to have clients, didn't you?-- Yes, yes.

It was either them or I suppose Brian Ray?-- I believed that they were the ones identified for candidates and they were the ones who would probably be involved in considering how the monies were to be distributed.

Okay, but you nominated them rather than the other way around; that is to say they didn't say, "Well, we want to have-----"?-- No, no, I nominated them.

Okay. There was no sense in any of their conversation about them wanting to have control of funds or control the-----?-- No.

-----matter in any way, is that clear?-- No.

Yes, that will be it, Sir.

CHAIRMAN: Yes, thank you. Mr Hickey, just before we adjourn for the day, were you overseas at all in December of '03?-- More likely than not, yes.

Would you - I don't know if you have any records that you could check as to the dates you were overseas?-- Yes, I can check.

Overnight if you could?-- I can check, yes.

Okay, thanks. We'll adjourn till - what time tomorrow?

MR MULHOLLAND: Well, probably it's best that we start at quarter to 10, I think, Mr Chairman.

CHAIRMAN: Thank you.

THE HEARING ADJOURNED AT 4.32 P.M. TILL 9.45 A.M. THE FOLLOWING DAY

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