

IN THE INDUSTRIAL RELATIONS COURT OF AUSTRALIA
NEW SOUTH WALES DISTRICT REGISTRY

NI 96/2082

BETWEEN

WILLIAM PATRICK LUDWIG

Applicant

AND

STEPHEN HARRISON, CHRISTOPHER HAYES,
ROBERT DAVIES, MARK WHEELER, VERN
FALCONER, BARRY COCHRAN, ARTHUR HARPER,
TIM ABRAMS, PAUL CURRIE, IAN CAMBRIDGE,
FRANK CHAMBERS, GARRY RYAN, TED BRISCHKE,
BILL PATON, BARRY MEIKLEJOHN, JEFF GORDON,
MAURIE RUDD, RUSS COLLISON, GENE LIVERMORE,
MICHAEL O'SHEA, STAN WALTERS, WAYNE
MURRAY, GRAHAM ROBERTS, ROBERT SMITH,
TERRY MUSCAT, DON HAYES, JOHN GLISSON,
PETER TREBILCO, STEPHEN BOOTH, ROBERT
SNEATH, MICHAEL HINDLE, JOHN THOMAS, GEOFF
BUCKLAND, TIM DALEY, IAN COLE, NORMAN
McBRIDE, MARK BUSBY, TERRY PATERSON, IAN
WAKEFIELD AND COLIN BOSWORTH

First Respondents

AND

BRUCE MORTON WILSON

Second Respondent

AND

RALPH EDWIN BLEWITT

Third Respondent

AND

JAMES COLLINS

Fourth Respondent

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William Patrick Ludwig

Stephen Harrison

AND	VASSILIS TELIKOSTOGLOU	Fifth Respondent
AND	MARIE MURRAY	Sixth Respondent
AND	MARK BARNES	Seventh Respondent
AND	ROBERT KERNOHAN	Eighth Respondent
AND	THE AUSTRALIAN WORKERS' UNION - WORKPLACE REFORM ASSOCIATION INC.	Ninth Respondent

AFFIDAVIT OF IAN WALTER CAMBRIDGE

On this 19th day of September 1996, I, Ian Walter Cambridge of 245 Chalmers Street Redfern in the State of New South Wales, Trade Union Official, being duly sworn make oath and say as follows :

1. I am Joint National Secretary of The Australian Workers' Union ("the Union"). I was appointed to my present position on 16th May 1994, upon the casual vacancy created by the resignation of the former Joint National Secretary, Mr. Michael Forshaw.
2. Under the Rules of the Union I am jointly responsible for inter alia, the financial affairs of the Union, together with the other Joint National Secretary Mr. Steven Harrison. Following my appointment until about August 1995, I had primary responsibility for financial management of the Union by agreement with Mr. Harrison. Since about August 1995, that arrangement has not been observed by Mr. Harrison and I now share these

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Steven Harrison

responsibilities with Mr. Harrison. I am very familiar with the financial arrangements and proceedings of the Union and its Branches.

3. As a result of certain events which occurred during 1995, I have had cause to conduct extensive investigations into certain bank accounts which have been conducted at various times and for varying periods between 1991 and 1996 by various individuals connected with the Union. I believe that many of such bank accounts which are hereinafter particularised have been utilised for the depositing by those persons of cash and cheques which were at that time, and remain, the property of the Union. I further believe that the depositing of such moneys into such accounts by those persons was not authorised by any Rule or resolution of the Union and in many cases appears to have been done with a view to converting those funds to the personal use of those persons or using them for purposes not authorised by the Union, and not for the benefit of the Union or its members.

FINANCIAL ARRANGEMENTS OF THE UNION FROM 1991 TO 1996

4. The Australian Workers' Union and the Federation of Industrial, Manufacturing and Engineering Employees amalgamated on and from 1st November 1993, to form the Union.
5. Under the Rules of the Union in force at the present time, all moneys, property and/or funds of the Union vest absolutely in the Union without the intervention of trustees. A Rule to this effect has been in force for many years prior to 1991.

John Cameron

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6. Between 1991 and 1st July 1994 the financial arrangements that applied to the AWU (prior to the amalgamation date on 1st November 1993) and AWU Branches of the Union after amalgamation, were that all moneys paid to the Union or a Branch thereof were required to be paid into bank accounts in the name of the Union and operated by each Branch or the National Office on behalf of the Union. These arrangements were required by various resolutions of National Executives under the Rules, and by the Rules themselves (Rules 51 and 54). Attached hereto and marked "IWC1" is a copy of the National Executive Minute of 16th November 1993, which sets out financial arrangements which applied during those periods.
7. Between 1st July 1994 and 30th June 1995 the financial arrangements that applied to the whole of the Union were in accordance with Rule 54(1). This Rule required that all Branches (other than specified Branches) were to bank all monies into a single central bank account at the State Bank of New South Wales at Martin Place in Sydney. Specified Branches (West Australia Branch (AWU) and Queensland Branch (AWU) and Victoria Branch (AWU)) were exempted from those arrangements.
8. During the period from 1st July 1994 to 17th February 1995, the specified Branches continued to be required to observe the banking requirements which applied to all Branches prior to 1st July 1994 and referred to in paragraph 6 above. After 17th February 1995, the West Australia Branch (AWU) and the Victoria Branch (AWU) were dissolved and ceased to exist as separate Branches of the Union. FIME Branches of the Union operating in Victoria and Western Australia were also dissolved, and a single Branch was created in each of those States. The members, assets and income previously attaching to the two separate Branches in each State were taken over by the single new Branch in that State, except for members, assets and

John Lawrence

Richard J. [Signature]

income which were required by the Rules to be transferred to the National Construction Branch ("NCB") (although there is currently a dispute as to whether the NCB has received its full entitlements in that regard).

9. As at 17th February 1995 the NCB was created and was required by the Rules to operate financially in the same manner as all other Branches except the Queensland Branch, which was the sole remaining "specified Branch". All members, assets and income which were required by the Rules to be allocated to the NCB were supposed to be ascertained by processes set out in the Rules, however, in the case of members and assets, this procedure has not yet been fully complied with. The NCB was entitled to receive all income payable to that Branch, however disputes have continued as to whether all such income has been properly allocated to the NCB or has been received and diverted by other Branches. Attached hereto and marked "IWC2" is a copy of the National Executive Meeting Minutes of 11th November, 1994.

10. As and from 30th June 1995, the National Executive resolved that each Branch, other than the Queensland Branch, was to establish separate nominated bank accounts for the purposes of Rule 54, and for the banking of moneys paid to those Branches and belonging to the Union. The identification number of such accounts had previously been ascertained, and such number was distributed to each Branch at that time. Since that time, each Branch is required by reason of the said resolution and the Rules of the Union to deposit all moneys payable to the Union into those separate official Branch bank accounts. The National Office is also authorised and required by the Rules to conduct its own bank accounts. Attached hereto and marked "IWC3" is a copy of the National Executive Meeting Minutes of 21st June, 1995.

John Lawrence

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11. Accordingly, at all times between 1991 and 1996 the Rules of the Union and the resolutions of the National Executive have required that all money payable to the Union be paid into known bank accounts operated by or on behalf of the National Office or the Branches of the Union in the respective States. To my knowledge there has never been an occasion during that period on which the National Executive or a Branch Executive has authorised any individual officer of the Union to open and operate a bank account in their own right, for the purposes of receiving and disbursing funds which were paid to or to the use of the Union. If such an account were to be operated by any person connected with the Union, it would be extremely difficult if not impossible to audit such accounts and to maintain track of the Branch and Union finances. I know of no reason why the National Executive or a Branch Executive would authorise such accounts to be conducted by persons connected with the Union outside the official Union financial structures or would authorise a Union official or employee to deal with Union funds without proper records or accounts being kept. As Joint National Secretary I would never countenance such an irregular financial practice, and prior to the matters discovered in 1995 and 1996, I have never been made aware of any such practice occurring with respect to Union funds in the past.

BANK ACCOUNTS DISCOVERED

12. My investigations have revealed that the following bank accounts or some of them

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- (a) have been opened and/or operated by certain individuals who have previously held Office in and/or who continue to hold Office, or were employed by, the Union; and ___
- (b) have been or appear to have been used for the depositing therein of Union funds, that is, cash and/or cheques paid or forwarded to the Union for Union purposes such as membership subscriptions, grants and subsidies; and;
- (c) have not been opened and/or conducted with the knowledge or consent of the National Executive or any Branch Executive of the Union in accordance with the Rules and the procedures of the Union referred to above or alternatively, have been operated by certain Officials or Branches outside the Rules and resolutions of the Union; and/or
- (d) have been used to hold and/or "launder" Union funds, as a step in the conversion of those funds to unauthorised, invalid, irregular, and possibly illegal uses.

Name	Account No. (Commonwealth Bank)	Approx. Amount Deposited in account
West Australia		
(A) AWU Workplace Reform Association Inc (Cash Management Call Account)	6005 1000 2590	\$156,849.00
(B) AWU Workplace Reform Association Inc (Cheque Account)	6005 1000 2582	\$383,332.60

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(C)	Construction Industry Fund	6005 1002 6381	\$66,710.00
(D)	WA Election Fund	6005 1002 4503	\$40,000.00
(E)	AWU-FIME WA Staff Social Club	6005 500 4839	\$22,980.00

Victoria

(F)	Australian Workers Union Members Welfare Association (No 1) Account	3008 1000 9028	\$208,180.71
(G)	Australian Workers Union (No 3) Account	3008 500 2632	\$6,257.53
(H)	Social Club #3	3008 1000 6687	\$2,152.36
(I)	Australian Workers Union Members Welfare Association (No. 1)	3262 1005 4541	\$32,907.66
(J)	Australian Workers Union Tatts Social Club	3008 500 3222	\$682.61
(K)	Re-Election Fund	3008 1000 7284	\$17,893.81
(L)	Australian Workers Union Victorian Branch State Funds	3008 1002 0390	\$127,858.28
(M)	National Construction Branch Welfare Account	3008 1002 0227	\$320.00

I also believe that none of these accounts have been audited by, or disclosed to, the auditors of any part of the Union's operations, and that the funds deposited in them have not been brought into account in the financial records of the Union.

OPERATORS OF THE ACCOUNTS

13. Accounts numbered (A) and (B) above were opened in May 1992 and were conducted by an Association incorporated under the Associations Incorporation Act 1987 of Western Australia, by the name of Australian Workers' Union - Workplace Reform Association Inc. Attached hereto and

John Cameron

Richard J. P.

marked "IWC4" are the Application forms and Rules of that Association. The signatories to the accounts were Mr. Bruce Wilson and Mr. Ralph Blewitt. During the period 1992 to August 1995 Mr. Bruce Wilson was the Branch Secretary of the West Australian Branch, and subsequently Branch Secretary of the Victoria Branch, and from March 1995 the Secretary of the National Construction Branch. Mr. Ralph Blewitt was an Organiser, and later Branch Secretary of the West Australian Branch and then subsequently became an employed Organiser of the National Construction Branch during the same period.

14. Accounts numbered (C) and (D) above were also operated by Bruce Wilson and Ralph Blewitt.
15. Account numbered (E) above was operated by Mr. Peter Trebilco (WA Branch Secretary) and Mr. Glen Anderton (WA Branch President)
16. Accounts numbered (F), (G), (H), (I), (J), (K), (L) and (M) were operated by the following persons during the relevant period:

Account (F)

Bruce Wilson and James Collins (Union Organiser)

Account (G)

Bob Smith (former AWU Victoria Branch Secretary), Bruce Wilson, Frederick Phillips (former AWU Victoria Branch President), James Collins

Account (H)

R. Smith, F. Phillips, Allan Elliott (former AWU Victoria Branch employee).

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Michael J. J.

Account (I)

V. Telikostoglou (former NCB Organiser), M. Murray (former NCB employee) and M. Barnes (former NCB Organiser)

Account (J)

Passbook Account - signatories not known

Account (K)

Signatories not known but address for account holder is a postal address used by Bruce Wilson

Account (L)

Signatories not known, but address for account holder is the office address of the Victoria Branch of the Union - formerly the FIME office. The current Branch Secretary is Robert F. Smith (not the person named in accounts numbered (G) and (H) above.

SOURCE OF BANK ACCOUNT FUNDS

17. The funds deposited into each of the accounts were, to the best of my knowledge, obtained from the following sources:

17.1 Account (A)

A large number of cheques drawn in favour of the Union or the AWU Workplace Reform Association Inc. by Thiess Contractors Limited, were paid directly into this account by Bruce Wilson or Ralph Blewitt, in a total sum of \$156,849. Attached hereto and marked "IWC5" and "IWC6" are copies of two deposit slips for cheques paid into this account.




17.2 Account (B)

- (i) Funds from Account (a) above (\$156,849) were all transferred into this account. Attached hereto and marked "IWC7" and "IWC8" are copies of transfer slips demonstrating such transactions.
- (ii) Cheques drawn in favour of the Union or the AWU Workplace Reform Association Inc., by Thiess Contractors Limited were paid directly into this account by Bruce Wilson or Ralph Blewitt in the sum of \$363,816.60. Attached hereto and marked "IWC9" and "IWC10" are copies of deposit slips whereby such cheques were deposited into this account.

17.3 I understand that almost all of the funds deposited in accounts numbered (A) and (B) were paid, or intended to be paid, to the Union by a construction company, Thiess Contractors Limited, for the purpose of assisting the Union in providing paid staff for training purposes and for other specified purposes. I understand that those funds had been paid to Thiess Contractors by the Western Australia State Government, out of a fund kept by the State Government for the financing of training schemes, and were intended to be spent by the Union for that purpose

17.4 Account (C)

- (i) \$46550 was transferred on 12th April 1995 from account (B) above by Bruce Wilson. Attached hereto and marked "IWC11" is a copy of the cheque drawn on Account (B).
- (ii) \$20160 by way of cheque drawn in favour of the Union by Thiess Contractors Limited, deposited into this account by Ralph Blewitt on 29th December 1995. Neither Wilson nor Blewitt held office in, or

Jan Lammida

Ralph Blewitt

were employed by, the Union after 18th August 1995, and could not possibly have been entitled to receive or negotiate Union cheques after that date. Attached hereto and marked "IWC12" is a copy of the Account Statement and Bank authorisation details held by the Commonwealth Bank in relation to this account.

- (iii) A cheque in the sum of \$160,770 from Account (F) was drawn by Wilson on 14th July 1995, and deposited in this account. That cheque was stopped by the action of the Solicitors acting for Robert F. Smith, and those funds were not actually transferred to this account.

17.5 Account (D)

A deposit of \$40,000 on 30th December 1994 was made by Wilson and Blewitt upon the opening of the account operated by Wilson and Blewitt. Wilson and Blewitt withdrew more than \$40,000 in cash from Account (B) between 25th November 1994 and 30th December 1994, and I believe that it is possible that this deposit in this account is made up of funds withdrawn from Account (B). Attached hereto and marked "IWC13" is a copy of the records of that account held by the Commonwealth Bank. The opening deposit is said to be from Account No. 6001 1009 2902, which is an account not known to me.

17.6 Account (E)

A cheque for \$22,980 withdrawn from Account (D) was deposited by Ralph Blewitt in this account on 17th January 1995. Attached hereto and marked "IWC14" is a copy of the cheque by which that payment was made.

John Cameron

Ralph Blewitt

17.7 Account (F)

- (i) Miscellaneous small deposits were deposited in this account from unknown sources which appear to be payroll deductions from Union employees or officers totalling approximately (as at 16th December 1993) \$17950.
- (ii) There was a transfer to this account from Account (K) by the holder of Account (K) (presumably Wilson or Blewitt) on 24th October 1994 in the sum of \$3425.
- (iii) Cheques drawn in favour of the Union by the following companies in the following amounts were deposited in this account:

Thiess Contractors Ltd	23/12/94	\$31540
John Holland	3/4/95	\$12000
Phillips Fox (on behalf of Woodside)	13/6/95	\$19500
—Thiess Contractors Ltd	13/6/95	\$20160
John Holland	13/6/95	\$6000
Chambers Consulting	13/6/95	\$4000
Phillips Fox (on behalf of Woodside)	19/6/95	\$39000
Chambers Consulting	13/7/95	\$2400
John Holland	13/7/95	\$23200
Fluor Daniel	13/7/95	\$29000

Attached hereto and marked "IWC15" are copies of the deposit slips whereby such funds were deposited into this account.

Jan Cameron

Richard J. J.

I have received copies of correspondence from each of these companies wherein they each state that these cheques paid by them and deposited in this account were intended to be paid to the Union. Attached hereto and marked "IWC16" is a copy of the affidavit of Brian Patrick Kilmartin sworn in matter QI 1296/95, detailing the exchange of correspondence with those companies.

- (iv) Cheque drawn by Chambers Consulting in favour of M. Barnes for \$800. This cheque was apparently paid in consideration of M. Barnes making himself available for Union duties on a project for which Chambers Consulting was acting as Advisor.
- (v) Other numerous small deposits of unknown origin since December 1993, possibly further personal deposits by employees and Officers of the Union.

17.8 Account (G)

This account is a passbook account and I am unable to discover the origin of the funds held therein (\$6527.53) however the address for the account holder (until 14/7/95) was the Drummond Street Office of the Victoria Branch of the Union and was changed on that date to an address used by Bruce Wilson. It also bears the name of the Union and was apparently conducted by Wilson during a period in which he was depositing Union funds into non-Union bank accounts, it was closed by Wilson and others at the same time as most other accounts were closed on or about 17th August, 1995, at the date that Wilson resigned from all Offices within the Union. Accordingly, I believe that this account may well have contained misappropriated Union funds. Attached hereto and marked "IWC17" is a copy of the Bank Authority documents relating to this account.

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B. Wilson

17.9 Account (H)

This account is similar to Account (G), except the amount deposited therein was \$2,000 on 7th April 1992, and was not apparently operated by Wilson, Blewitt or Collins. However Wilson and others apparently closed this account on or about 17th August 1995.

17.10 Account (I)

This account bears the same name as Account (F) but was held at a different branch of the Commonwealth Bank. Between 1992 and 1995 the account was dormant and held a negligible balance. In June 1995 the address of the holder was changed to an address used by Telikostoglou, Murray and Barnes, and those persons were listed as the signatories to the account. Attached hereto and marked "IWC18" is a copy of the Bank Authority. On 29th June 1995 a cheque drawn by A Grade Steel was deposited in the account in the sum of \$2,400. On 30th June 1995 a cheque drawn by "CCL" in the sum of \$4,800 was deposited in the account. On 10th July 1995 a deposit from an as yet unknown source in the sum of \$20,250 was made in the account. I believe that further searches may reveal that the cheques deposited in this account in June and July 1995 were drawn in favour of the Union. I know of no reason why those employees of the Union were entitled to be paid substantial sums of money by these companies.

17.11 Account (J)

I am unaware of the origin of the small deposit in this account (\$682) other than that it was apparently operated and closed by Wilson and others on or about 17 August 1995.



17.12 Account (K)

The substantial part of the balance in this account was a deposit from unknown sources of \$15,000 in June 1992. There are no deposits after July 1992 other than interest.

17.13 Account (L)

This account was opened on 10th August 1995 and received deposits in the total sum of \$137,327 between 11th August 1995 and 5th June 1996. The account appears to be operated by Mr. Robert F. Smith, the Branch Secretary of the Victoria Branch of the Union. Approximately \$127,858 of the deposits in this account appear to be substantial membership subscription payments, which should have been deposited in the State Bank of NSW account specifically designated for the receipt of membership subscriptions. I was entirely unaware of the existence of this account until I commenced this investigation. I have examined the annual financial statements of the Victoria Branch and can find no record of such an account in the Branch records. If membership subscriptions are being paid into this account then the 15% National Office contribution could not be taken from those membership fees, as required by decisions of the National Executive, as that collection facility operates on the designated account with the State Bank of NSW. Attached hereto and marked "IWC19" is the Account Information provided by the Commonwealth Bank in relation to this account. Attached hereto and marked "IWC20" is a letter from Mr. Smith dated 7th May 1996 to the Commonwealth Bank.

17.14 Account (M)

I am unaware of the source or origins of the small amount of funds in this account, other than that the address of the account holder is a Union office in Melbourne.

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DISBURSEMENT OF BANK ACCOUNT FUNDS

18. From my investigations I believe that the funds deposited in the said accounts have been disbursed in the following manner:

West Australia

18.1 Accounts (A) and (B)

All funds from Account (a) were transferred to Account (b). Funds from Account (b) were disbursed in accordance with the following list:

Chq.No	Date	Amount	Paid to
#1	27/5/92	\$22.00	Corporate Affairs
#2	27/5/92	\$156.83	R. Blewitt
#3	23/12/92	\$2,000.00	R. Blewitt
#4	10/2/93	\$25,000.00	R. Blewitt
#5	18/3/93	\$67,722.30	Slater & Gordon
#6	18/3/93	\$6,000.00	R. Blewitt
#7	5/4/93	\$2,000.00	R. Blewitt
#8	10/8/93	\$753.35	R. Blewitt
#9	10/8/93	\$458.00	R. Blewitt
#10	7/9/93	\$199.38	R. Blewitt
#11	7/9/93	\$50,000.00	Cash
#12	12/10/93	\$8,000.00	Cash
#13	5/11/93	\$8,000.00	Cash
#14	28/1/94	\$8,000.00	Cash
#15	4/2/94	\$8,000.00	Cash
#16	17/2/94	\$5,000.00	Cash
#17	15/3/94	\$1,000.00	Cash
#18	21/3/94	\$6,000.00	Cash
#19	23/3/94	\$5,500.00	Cash
#20	28/3/94	\$3,000.00	Cash
#21	5/4/94	\$4,000.00	Cash
#22	7/4/94	\$6,000.00	Cash
#23	27/4/94	\$4,000.00	Cash
#24	29/4/94	\$4,000.00	Cash
#25	3/5/94	\$4,000.00	Cash
	28/3/94	\$315.43	Withdrawal
#26	5/5/94	\$4,000.00	Cash
#27	6/5/94	\$4,000.00	Cash
#28	12/5/94	\$4,000.00	Cash

For Commissioner

Richard J. [Signature]

#29	27/5/94	\$4,000.00	Cash
#30	30/5/94	\$5,000.00	Cash
#31			
#32	2/6/94	\$5,000.00	Cash
#33	7/6/94	\$5,000.00	Cash
#34	4/8/94	\$5,000.00	Unknown
#35	5/8/94	\$5,000.00	Unknown
#36	2/9/94	\$5,000.00	Cash
#37	20/9/94	\$6,600.00	Cash
#38	23/9/94	\$5,000.00	Cash
#39	27/10/94	\$5,000.00	Cash
#40	7/11/94	\$5,000.00	Cash
#41	25/11/94	\$5,000.00	Cash
#42	2/12/94	\$5,000.00	Cash
#43	7/12/94	\$8,000.00	Cash
#44	9/12/94	\$5,000.00	Cash
#45	12/12/94	\$5,000.00	Cash
#46	13/12/94	\$5,000.00	Cash
#47	14/12/94	\$5,000.00	Cash
#48	30/12/94	\$5,000.00	Cash
#49	27/3/95	\$589.00	Unknown
#50	12/4/95	\$46,550.00	Const. Industry Fund
	12/4/95	\$1,038.43	Withdrawal
#001	21/4/95	\$660.20	Unknown
TOTAL		\$388,564.92	

Attached hereto and marked "IWC21", "IWC22" and "IWC23" respectively, are cheques Nos. 4, 5 and 7.

18.2 In particular, I have ascertained that cheque No. 4 was paid to Ralph Blewitt in the sum of \$25,000 on 10th February 1993. On 13th February 1993 Blewitt (or Wilson acting with authority and power of attorney of Blewitt) purchased a residential property at auction in Melbourne, and paid a deposit on that date of \$23,000. Attached hereto and marked "IWC24" is a copy of the contract of sale for that property, and the Form T1 relating to the sale. I believe that such deposit was paid out of the proceeds of cheque No. 4. Cheque No. 5 was paid to the account of Slater and Gordon Solicitors, on 18th March 1993 and was paid by that firm on behalf of Blewitt to the vendors of the said residential property situated at 85 Kerr Street, Fitzroy, on

Jan Lammiman

Raymond J

settlement of the purchase on 22nd March 1993. Attached hereto and marked "IWC25" is a copy of a letter from Slater and Gordon dated 18th March 1993 to Mr. Blewitt. Attached hereto and marked "IWC26" is a copy of the Trust Account ledger of Slater and Gordon relating to this sale. Cheque No. 7 for \$2,000 appears to have been drawn in favour of Blewitt on 5th April 1993, shortly after Slater and Gordon requested payment of \$2,000 on 31st March 1993. Attached hereto and marked "IWC27" is a copy of the letter from Slater and Gordon. It appears that at least \$92,722.30 of the funds paid to the Union by Thiess, (and paid to Thiess by the Western Australia State Government) and deposited in Account (A) and/or (B) by Wilson and Blewitt, were used to purchase a residential property at 85 Kerr Street, Fitzroy in the name of Ralph Blewitt. Wilson acted as the attorney of Blewitt in this transaction, and co-signed all cheques. I can find no record of any authorisation by the Union for Wilson or Blewitt to use Union funds for this purpose. The residential property has since been sold in February 1996 and the proceeds of the sale were not accounted for to the Union, nor was the Union notified of the sale. No security in favour of the Union was registered or made to secure the investment by Wilson and Blewitt of Union funds in this property. Attached hereto and marked "IWC28" is a copy of a Title search dated 3rd November 1995 relating to the said property. I do not know where those funds are presently located, other than that they have been apparently kept by Wilson and/or Blewitt for their own use. Attached hereto and marked "IWC29" is a copy of the Form T1 dated 23rd February 1996 in relation to the sale of the said property by Blewitt to a third party.

I am unable to understand how Slater and Gordon, who were then acting for the Victoria Branch of the Union, could have permitted the use of funds which were obviously taken from the Union, in the purchase of private property of this nature, without seeking and obtaining proper authority from

Jan Cameron

Richard J. J.

the Union for such use of its funds and without recording the interest of the Union on the title to the property. The cheque of \$67,722 of 18th March 1993 (Annexure "IWC22") bore the name of the AWU on the cheque form when deposited by Slater and Gordon in their Trust Account. The only mortgagee registered on the title of the said property was Jonathan Malcolm Rothfield, who was a partner of, or consultant to, Slater and Gordon during this period, to secure a loan of \$150,000 towards the purchase of the property.

- 18.3 Approximately \$225,100 was withdrawn by Wilson and Blewitt in cash, the present whereabouts of which cash are not known. I believe it is probable that \$40,000 deposited in Account (D) was drawn from these cash withdrawals, although this matter requires further investigation. Attached hereto and marked "IWC30" is a copy of cheque No. 11 drawn off this account.
- 18.4 Ralph Blewitt received payment of \$9,567.56 in addition to the sums of \$25,000 and \$2,000 referred to above, making a total payment to Blewitt from this account of \$36,567.56.
- 18.5 A cheque (No. 50) was drawn by Wilson and Blewitt, withdrawing \$46,550 from this account on 12th April 1995, which cheque was deposited by Wilson into Account (C). Attached hereto and marked "IWC31" is a copy of that cheque.
- 18.6 To my knowledge, none of the \$388,564.92 which passed through this account was used for authorised Union purposes. The only remaining funds from this account of which I am aware is the residue of the \$40,000 in

Jan Lammich

Raymond G.P.

Account (D), if those funds were taken from this account. Of those funds \$22,980 has been transferred to Account (E).

18.7 Account (C)

I have only been able to obtain information as to four cheque withdrawals from this account. All have been large cash amounts totalling \$18,441.30. All other cheque withdrawals are in similar large sums, totalling \$48,609.22. I do not know where these funds have been spent. I know of no authorised expenditure on behalf of the Union made by any person using these funds. (See Attachment IWC12).

18.8 Account (D)

At the time of swearing this Affidavit, I have only been able to ascertain details of four cheque withdrawals from this account. Three are for cash totalling \$8,900. One is for Montague Cabinets, for \$1,312, and I am as yet unaware of the nature of that expenditure. (See Attachment IWC13).

18.9 Account (E)

I have no information as yet as to the expenditure from this account. It appears that this account contains funds transferred from Account (D), which possibly originated from Account (B). (See Attachment IWC14).

Victoria

18.10 Account (F)

The expenditure from this account of which I am aware, was in accordance with the following list:

 

	Date	Amount	Paid to
#1	16/9/93	\$3,500.00	Cash
#2	13/10/93	\$5,000.00	Cash
#3	30/12/93	\$981.00	Unknown
#4	18/11/93	\$1,349.00	Unknown
#5	2/12/93	\$2,000.00	Alan Rix
#6	8/4/94	\$39.00	Unknown
#7	30/3/94	\$1,670.00	Fred Phillips
#8	30/3/94	\$1,808.00	Stephen Roach
#9	30/3/94	\$684.00	Frank Curran
#10	30/3/94	\$1,808.00	Yossi Berger
#11	16/9/94	\$360.00	Message Centre
#12	13/10/94	\$1,000.00	Diners Club
#13	12/10/94	\$8,750.00	Town Mode
#14	21/10/94	\$8,750.00	Town Mode
#15	9/2/95	\$360.00	Message Centre
#16	9/2/95	\$118.45	Telecom Aust.
#17	17/3/95	\$4,200.00	Sung.Lautre&Shaw
#18			
#19			
#20	23/2/95	\$6,000.00	Cash
#21	6/4/95	\$6,500.00	Bob Kernohan
#22			
#23	27/4/95	\$15,000.00	Cash
#24	18/5/95	\$55.25	Telecom Aust.
	21/6/95	\$3,000.00	Stopped cheque
#25	22/6/95	\$40.00	Australia Post
#26	21/6/95	\$69.30	Telecom Aust.
	18/8/95		
	B/C	\$3,000.00	John Holland
	B/C	\$6,400.00	Chamber Consult.
	B/C	\$9,405.56	Thiess Contractors
	B/C	\$12,000.00	John Holland
	B/C	\$19,500.00	Phillips Fox
	B/C	\$20,160.00	Thiess Contractors
	B/C	\$23,200.00	John Holland
	B/C	\$29,000.00	Fluor Daniel
	B/C	\$39,000.00	Phillips Fox
TOTAL		\$234,707.56	

18.11 Alan Rix, Fred Phillips, Stephen Roach, Frank Curran and Yossi Berger (cheques Nos. 5, 7, 8, 9 and 10) are past employees and/or officials who worked with Wilson at various times. I have been unable to ascertain the reason for the payments to those persons from this account.

Janet Anderson

Richard G.P.

18.15 The bank cheques were drawn on 18th August 1995 in favour of :

John Holland Constructions

Chamber Consulting

Thiess Contractors

Phillips Fox (on behalf of Woodside Offshore Petroleum)

Fluor Daniel

were drawn on direction and/or instruction from Mr. John Cain, a solicitor from Maurice Blackburn & Co. who was then acting on behalf of Mr. Robert F. Smith, the Victoria Branch Secretary of the Union. Attached hereto and marked "IWC33" is a copy of a letter from the Commonwealth Bank dated 22nd August 1995 to myself, attaching a letter from Maurice Blackburn & Co. dated 17th August 1995 to the Commonwealth Bank and a letter from Robert F. Smith, Jim Collins and Bruce Wilson. The drawing of those cheques and the withdrawal of the funds from this account was also apparently authorised at the bank by Bruce Wilson and Jim Collins. Attached hereto and marked "IWC34" are the requisitions for the Bank Cheques. I am not aware of any resolution or authority of the Union to pay these funds, or any other Union funds, to any of those companies, and I consider it inconceivable that any such authority could have been given to any official of the Union.

Accordingly, I believe that Smith, Wilson and Collins had no right or authority to withdraw those funds, or to pay them to any other person. Each of the companies has agreed to repay those funds to the Union, and Orders of this Honourable Court were made by consent of all parties appearing on 27th August that those funds be repaid to the Union. As at the date of this affidavit \$78,600 of those funds has been received by me on behalf of the Union and banked in accordance with that Order. Attached hereto and marked "IWC35" is a copy of the said Order.

John Laurin

Raymond JF

18.16 Account (G)

I have no details of the expenditures from this account as it is a passbook account, however as mentioned in paragraph 18.7 above, this account was closed by Wilson and others on or about 17 August 1995 at which time the account held a credit balance of \$6,527.53. This was the date that Wilson closed a number of bank accounts operated by him and which were used to deposit funds which were the property of the Union.

18.17 Account (H)

This account appears to have been dormant from about May 1992 until on or about 17 August 1995. This account was closed apparently by Wilson and others at which time it contained a credit balance of \$2,152.36.

18.18 Account (I)

Expenditures relating to the operation of this account before about July 1992 involved payments to a company called Imprenta Pty. Ltd, Blue Gum Fashions, Waterford Mailing House, Australia Post, and one cheque for cash of \$15,000.00.

Since this account was "reactivated" in about June 1995 at which time the relevant signatories became V. Telikostoglou, M. Murray and M. Barnes, (see Attachment IWC18) details of expenditures have only been provided in respect to two cheques, one being for the amount of \$2,500.00 for cash, and the other being for \$166.00 to the Carlton Inn. At the time of swearing this Affidavit details have not been provided in respect to cheques numbered 1,

Paul Anderson

Richard J. P.

4, 5, and 6 respectively for the amounts of \$4,500.00, \$5,000.00, \$9,000.00 and \$6,400.00, however I know of no authorised or legitimate Union expenditure made by those employees on behalf of the Union at the relevant time. Attached hereto and marked "IWC36" are pages 59 to 67 inclusive of the Bank Statements relating to the recent activity on this account.

18.19 Account (J)

I understand that this account is a passbook account and no details of expenditures have been ascertained. The small balance of this account (\$682.61) appears to have been withdrawn by Wilson and others on or about 17 August 1995.

18.20 Account (K)

At the time of swearing this Affidavit no details have been ascertained regarding expenditures from this account prior to 24 October 1994. On that day however, an amount of \$3,425.00 was transferred from this account to Account (F). The balance of this account (\$4,528.86) was paid by way of bank cheque to Thiess Contractors on or about 17 August 1995 apparently by Wilson and others (see Attachment IWC34). I have no idea why Wilson paid that sum to Thiess Contractors on that date. This money has since been ordered by the Court to be repaid to the Union. (See Attachment IWC35).

18.21 Account (L)

At the time of swearing this affidavit details of expenditures from this account have not been provided. Bank statements however reveal that amounts

Jan Cameron *Richard J. ...*

identified as "Union fees" deposited into this account have been paid out in the form of three withdrawals and sixteen cheques totalling \$128,446.80, prior to 5th June 1996, at which time the account maintained a credit balance of \$8736.60. (See Attachment IWC19).

18.22 Account (M)

The only details that have been provided in respect to this account relate to the deposit on 10th August 1995 of \$320.00. I am unaware of any expenditures from this account subsequent to that date.

OTHER BANK ACCOUNTS WHICH HAVE BEEN LOCATED AND WHICH REQUIRE FURTHER INVESTIGATION

19. During the course of my investigation in these matters, I wrote to all known banks and financial institutions operating in Australia and requested details regarding all bank accounts held in the name of the Union or in the name of organisations which have in recent years amalgamated to form the Union. Although not all banks and financial institutions co-operated with my request the Commonwealth Bank of Australia provided an extensive list of accounts that appear to be related to the Union or one of its constituent predecessor organisations.
20. From the information provided by the Commonwealth Bank I believe that the following list of Commonwealth Bank accounts requires further investigation:

John Cameron

Michael G. J. O'Connell

Branch	A/C No.	Account Name
Perth WA	6001 1007 0420	Australian Workers' Union - WA Branch Cash Management Call A/c
Sydney NSW	2018 0078 2951	Australian Workers' Union
Sydney NSW	2031 0009 0028	Federation of Industrial Manufacturing & Engineering Employees
Granville NSW	2174 1004 0029	AWU-FIME Pharmaceutical Industry
Redfern NSW	2231 1007 1836	AWU-FIME Amalgamated Union
Wollongong NSW	2624 0090 5296	Federation of Industrial Manufacturing & Engineering Employees - South Coast District & Port Kembla Branch Reserve Account
Wollongong NSW	2624 1002 7812	Federation of Industrial Manufacturing & Engineering Employees - Liaison Account
Shepparton Vic.	3527 0064 3161	Australasian Society of Engineers
Brisbane Qld.	4007 1001 3818	Federated Ironworkers Association of Australia Union of Employees
Boulder WA	6502 0011 5075	Australian Workers Union Fatal Accident or Death Fund
Boulder WA	6502 0090 0081	Australian Workers Union Fatal Accident or Death Fund
North Hobart Tas	7028 1006 6593	AWU-FIME Amalgamated Union No. 1 Account
Darwin NT	5901 1771 30	Federation of Industrial Manufacturing & Engineering Employees - Organising Account
Granville NSW	2174 5004 056	Federation of Industrial Manufacturing & Engineering Employees

Jan Cameron

Wynne

Mayfield NSW	2814 5003 679	FIA Labor Committee
Hobart Tas	7000 5001 091	Federated Ironworkers Association Tas Branch Strike Fund

21. On 19th June 1996 I received by way of facsimile message letters addressed to Ms. Alison Butler (payroll clerk located at the Redfern National Office) from the following nine officials and employees located at the North Sydney National Office:

Steve Harrison
 Brian McCarney
 Barry Cochran
 Mark Wheeler
 Tim Abrams
 John Longhurst
 Adrian Hart
 Craig Shannon
 Carl Phillips

Each of these letters were identical except for the respective signatures of the abovementioned individuals.

An identical letter was subsequently received on 15th July 1996 from R. Rawlinson.

Attached hereto and marked "IWC37" is a copy of the letter received from Steve Harrison.

Steve Harrison

R. Rawlinson

Each of these letters requests that Ms. Butler discontinue deducting monies from the respective employees' salaries, which had been deducted and paid in favour of an account entitled "Official and Labour Election Committee" (account number 402-000-124328-81), held at the State Bank of NSW.

The letter further requests that from the first pay period commencing Monday June 24 1996, that deductions from the relevant individual's salary be made and deposited into an account entitled "AWU Reform Team Fund" (account number 402-000-202090-81), held at the State Bank of NSW.

By way of correspondence dated June 21 and July 15 1996, I advised all those abovementioned individuals that I was not prepared to instruct Ms. Butler to make the requested payments in favour of an account entitled "AWU Reform Team Fund". I requested from the abovementioned individuals that details regarding the "AWU Reform Team Fund" be provided to me. However at the time of swearing this Affidavit no information regarding this account has been made available to me. Attached hereto and marked "IWC38" is a copy of my letter of 21st June, 1996.

22. Shortly after I received the requests for redirection of payroll deductions from the "Official and Labor Election Committee" to the "AWU Reform Team Fund" as particularised in paragraph 21 above, I was approached by Mr. Arthur Harper who is a National Vice-President of the Union. Mr. Harper advised me that as he was a contributor to the Official and Labour Election Committee and he was concerned at information that he had received regarding the attempts by a number of other contributors to transfer contributions to another fund.

Harlan

Arthur Harper

In due course Mr. Harper advised me that he was making inquiries of those persons who he understood were the signatories to the Official and Labour Election Committee. Mr. Harper has provided me with copies of correspondence regarding these inquiries. By way of a letter dated August 30 1996 a Mr. V. F. Falconer, also a National Vice-President of the Union, advised Mr. Harper inter alia, that ". . . as a consequence of Federal Government legislation re: Taxation on Bank Accounts, (on the provision of tax file numbers), the Union held the monies collected into the Official and Labour Account until the current account commenced on October 25 1993." Attached hereto and marked "IWC39" is a copy of the letter from Mr. Falconer to Mr. Harper.

As a consequence of this advice and the correspondence from individuals as outlined in paragraphs 21 and 22 above, I believe that an invalidity or invalidities in the operation or management of the organisation may have occurred in respect to the conduct and operation of an account entitled "Official and Labour Election Committee" and/or monies which relate to or were intended for deposit into that account, in that it appears that such private monies as were deposited in that fund have been intermingled with Union funds, and that there appeared to have been no proper accounting of the separation between Union and private funds when the private funds were apparently withdrawn from the Union fund.

Further, as a consequence of those matters particularised above I believe that an invalidity or invalidities in the operation or management of the organisation may have occurred in respect to the conduct and operation of an account entitled "AWU Reform Team Fund" and/or monies which relate to or were intended for deposit into that account.

Jan Lammiman

Richard G. J. [Signature]

In addition, it appears that the invalidity or invalidities referred to above may involve the utilisation of the Union's name and tax exempt status to avoid the payment of income tax on the part of the individuals who were entitled to receive the interest paid on funds deposited in those accounts.

OTHER MATTERS REQUIRING FURTHER INVESTIGATION

23. During the course of my investigation into these matters I have been unable to obtain satisfactory evidence in respect to a variety of matters which, given the discoveries to date, may reasonably lead to the disclosure of other bank accounts and/or financial transactions or other dealings which would represent further apparent invalidities in the operation or management of the organisation.
24. I have been provided with a copy of a letter dated 14th July 1995 from Solicitors Maurice Blackburn & Co. to Mr. Peter Collins of the Commonwealth Bank of Australia, Melbourne. This letter advises, inter alia, that Maurice Blackburn & Co. act on behalf of the ". . . Victorian Branch of the Australian Workers' Union." and confirms that all bank accounts relating to the Branch involving authorities given by Mr. Bruce Wilson have been frozen. Attached hereto and marked "IWC40" is a copy of that letter.
25. I have been provided with a copy of an internal Commonwealth Bank facsimile transmission of July 17 1995, which contains a photocopy of a cheque drawn from The Australian Workers' Union Members Welfare Association No. 1 Account (Account (F) and made in favour of "Construction Industry Fund" (Account (C)). The cheque is dated 14 July 1995 and was stopped apparently as a consequence of the correspondence from Maurice

John Cameron *Richard Sp*

Blackburn & Co. referred to in paragraph 25 above. Attached hereto and marked "IWC41" is a copy of that facsimile and stopped cheque.

26. On Friday 4th August 1995 at approximately 4.27 pm I received a facsimile letter from Mr. Robert F. Smith, the Branch Secretary of the Victoria Branch which advised, inter alia, that Mr. Smith intended to lay charges under the Union Rules against Mr. Bruce Wilson and that these charges would also be forwarded on to the Police. Attached hereto and marked "IWC42" is a copy of that facsimile from Mr. Smith
27. On the 9th August 1995 I wrote to the Manager of the Commonwealth Bank of Australia, Melbourne, requesting details regarding various bank accounts which were the subject of disputation between parties respectively represented by Maurice Blackburn & Co. and Slater & Gordon, Solicitors. A copy of this correspondence was sent to both Mr. Robert F. Smith and Mr. Bruce Wilson. Attached hereto and marked "IWC43" is a copy of that letter.
28. On August 25 1995 I again wrote to the Commonwealth Bank of Australia, Melbourne, requesting information that had been previously sought in the correspondence of August 9 1995. Attached hereto and marked "IWC44" is a copy of that letter.
29. I again wrote to the Commonwealth Bank of Australia, Melbourne, on August 29 1995, again requesting the information sought initially in correspondence of August 9 1995. Attached hereto and marked "IWC45" is a copy of that letter.

John Cameron *M. Syme*

30. On 30 August 1995 I received correspondence from the Commonwealth Bank of Australia advising that my requests for information had been referred to "... the Bank's Solicitor ...". Attached hereto and marked "IWC46" is a copy of that letter.
31. On September 8 1995 I wrote to Mr. Bob Smith Victoria Branch Secretary, requesting that he provide me with any information in his possession regarding the bank accounts which had been the subject of recent disputation between himself and Mr. Bruce Wilson. Attached hereto and marked "IWC47" is a copy of that letter.
32. On 12 September 1995 at approximately 3.42 pm I received correspondence from Mr. Smith advising, inter alia, that "... having sought legal advice, I am informing you that I will supply the information requested in due course."
33. On 13 September 1995 I wrote again to Mr. Smith repeating my request for information.
34. On 13th September 1995 Mr. Smith responded to my request and advised, inter alia, that he would forward the information "IN DUE COURSE".
35. On 13th September 1995 I again wrote to Mr. Smith repeating my request for information.

John Cameron

Mr. Smith

36. On 14th September 1995 I received a copy of correspondence from Mr. Smith to the Commonwealth Bank, Melbourne, advising that the bank was "free" to provide information to me. Attached hereto and marked "IWC48" is a copy of that letter.
37. I have been provided with a copy of correspondence dated 30th September 1995 prepared for but not sent to myself from P. Keating, Chief Manager, Business Banking Vic and Tas of the Commonwealth Bank, Melbourne. This correspondence advises, inter alia, that

"We have been advised by Bob Smith, Vic Branch Secretary of the AWU that we are not to provide any information regarding these accounts to any person without first obtaining Mr. Smith's authority to do so.

"As you are not a signatory to the accounts of the AWU Vict Branch we cannot provide you with the information you are seeking."

38. On September 20 1995 I received correspondence dated 19th September 1995 from the Commonwealth Bank, Melbourne, which advised, inter alia, that "Bob Smith (Secretary of the AWU - Victorian Branch) has authorised the bank to provide information as requested by you in relation to the AWU Victorian Branch accounts."
39. On 22nd September 1995 I received correspondence from Mr. Peter McCarthy, Manager Business Banking, Commonwealth Bank, Melbourne, which advised, inter alia, that

Jan Cameron *McCarthy*

"The accounts were closed at the request of Maurice Blackburn & Co. (see letter from Maurice Blackburn 17.8.95 attached)"

and

". . . Funds were issued at the request of Maurice Blackburn & Co. and were released directly to Bob Smith and Bruce Wilson as settlement of the dispute between Smith and Wilson as advised to the bank. See letter attached by Bob Smith, Jim Collins & Bruce Wilson confirming the dispute had been resolved."

(See Attachment IWC33).

40. On September 25 1995 I wrote to Mr. Smith by way of correspondence incorrectly dated 26th September 1995, and requested, inter alia, that he advise me regarding the authorisation for the closure of the relevant accounts and the authorisation of the payment of monies to companies particularised in correspondence from the Commonwealth Bank and the nature of the dispute and its apparent settlement between himself and Mr. Bruce Wilson. Attached hereto and marked "IWC49" is a copy of that letter.
41. On 25th September 1995 I received correspondence from Mr. Terry Muscat, Joint Branch President of the Victoria Branch of the Union, which advised, inter alia, that Mr. Smith was on annual leave and that upon his return from leave his attention would be directed towards my correspondence referred to in paragraph 41 above.
42. On 26th September 1995 I wrote to Mr. Muscat requesting, inter alia, that he advise me of the date upon which Mr. Smith would return from annual leave and address my earlier correspondence. To date, our records indicate that I

Terrance Muscat *Robert J. Smith*

have not received any further response from either Mr. Smith or Mr. Muscat in respect to these inquiries.

43. On 17th June 1996 I received a copy of correspondence from Mr. Steve Harrison, Joint National Secretary of the Union to Mr. W. Ludwig, National President of the Union, which advised, inter alia, that Mr. Harrison was willing to assist in any way necessary to recover money pursuant to Orders of the Court made by his Honour Justice Madgwick on 4th June 1996. Attached hereto and marked "IWC50" is a copy of that letter.

44. On June 21 1996 I sent a letter to Mr. Harrison which referred to his correspondence of 17 June 1996 to Mr. Ludwig and which requested, inter alia, that Mr. Harrison countersign a letter that I had prepared to be sent to Maurice Blackburn & Co. requesting relevant files regarding the matter of bank accounts associated with the Victoria Branch and disputation in or about July and August 1995 between Mr. Bob Smith and Mr. Bruce Wilson. Attached hereto and marked "IWC51" is a copy of that letter.

I attached a copy of the proposed letter to Maurice Blackburn & Co. for Mr. Harrison's consideration and possible counter signature.

45. On June 27 1996, I sent a further letter to Mr. Harrison referring to my previous correspondence dated June 21 1996, and repeating my request for him to countersign the letter addressed to Maurice Blackburn & Co. Attached hereto and marked "IWC52" is a copy of that letter.

46. On June 27 1996 I received correspondence apparently dictated by Steve Harrison and signed in his absence by Debbie Bushel, which advised that it

John Cameron *Debbie Bushel*

was Mr. Harrison's intention to forward a reply on Monday July 1 1996 before mid-day.

47. On 1 July 1996 I received correspondence from Mr. Harrison which referred to my correspondence of 21 and 27 June 1996 and which, inter alia, advised that Mr. Harrison was considering information provided through legal advisers and that when he had the opportunity to consider information that he had received, he would again contact me.
48. On July 2 1996 I again wrote to Mr. Harrison and advised him, inter alia, that I had duly dispatched correspondence to Messrs. Maurice Blackburn & Co. under my signature alone.
49. On or about 15th July 1996 I received correspondence from Mr. Harrison which, inter alia, advised that he was awaiting further documentation from Mr. Ludwig's Solicitors, and that when that documentation had been received and inspected he would be able to properly respond and consider the future course of the investigation. Attached hereto and marked "IWC53" is a copy of that letter.
50. On July 18 1996 I again wrote to Mr. Harrison and advised of my concern regarding what I believed to be his lack of preparedness to assist with my endeavours to have file documents recovered from Messrs. Maurice Blackburn & Co. Attached hereto and marked "IWC54" is a copy of that letter.
51. On or about July 25 1996 I received a letter from Mr. Harrison which alleged that I was acting in an inflammatory manner and choosing not to share certain information. The letter does not address the issue of the attempt to

John Cameron

Richard

recover file documentation from Maurice Blackburn & Co. Attached hereto and marked "IWC55" is a copy of that letter.

52. On July 1 1996 I wrote to Messrs. Maurice Blackburn & Co. requesting, inter alia, that they provide file documentation relating to Victoria Branch bank accounts and disputation between Mr. Bruce Wilson and Mr. Bob Smith during the months of July and August 1995 to Messrs. C.A. Sciacca & Associates, Solicitors for Mr. W.P. Ludwig in matters Nos. 1247 and 1296 of 1995. Attached hereto and marked "IWC56" is a copy of that letter.
53. I received correspondence dated 3 July 1996 from Maurice Blackburn & Co. advising that they were obtaining their client's instructions in relation to the matter.
54. On August 16 1996 I again wrote to Maurice Blackburn & Co. repeating my request for the relevant file documentation to be provided to C.A. Sciacca & Associates.
55. I received correspondence dated 19th August 1996 from Maurice Blackburn & Co., advising that Mr. John Cain was on annual leave and upon his return the matter would be raised with him.
56. On August 28 1996 I again wrote to Maurice Blackburn & Co. repeating my request for file documentation to be provided to C.A. Sciacca & Associates, Solicitors.
57. I received correspondence dated 3 September 1996 from Maurice Blackburn & Co. advising that their client instructs them that they are not

John Sciacca *Richard G. Sciacca*

permitted to provide the file as requested as it is privileged. Attached hereto and marked "IWC57" is a copy of that letter.

58. I believe that the file held by Maurice Blackburn & Co. should contain details of the irregular and invalid payments made by Smith, Wilson and Collins on 17th and 18th August 1995, and any other irregularities that may have occurred in relation to the Union's finances concerning the activities of these persons at about that time. I am concerned that the refusal of Smith to deliver the solicitor's file is an attempt by Smith to cover the true nature of his activities at this time, and in relation to the funds deposited by Wilson, Blewitt and others into the bank accounts referred to in this Affidavit.

59. All the facts and circumstances herein deposed to are within my own knowledge save as such are deposed to from information only and my means of knowledge and sources of information appear on the face of this my Affidavit.

SWORN by the Deponent at
Sydney this 19th day of
September, 1996

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Paulanunida

Before me:

[Signature]
A Justice of the Peace