



CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF INVESTIGATIVE HEARING

10 CONDUCTED AT LEVEL 2, NORTH TOWER, 515 ST PAULS TERRACE,
FORTITUDE VALLEY WITH RESPECT TO

File No: CO-16-1664

HEARING NO: 17/0001

DAY 2 – WEDNESDAY 19 APRIL 2017
(DURATION: 1HR 05MINS)

20

Copies of this transcript must not be made or distributed except in accordance with any order made by the presiding officer concerning publication of these proceedings.

LEGEND

30 PO Presiding Officer – ALAN MACSPORRAN QC
CA Counsel Assisting – GLEN RICE QC
HRO Hearing Room Orderly – JESSICA WINTERS
W Witness – PAUL TULLY
LR Legal Representative – Mr J R HUNTER with Ms K E MCMAHON, Gilshenan & Luton Lawyers

CA The next witness is Councillor Paul TULLY.

LR May it please, Chairman, HUNTER, initials J R. I appear with Ms McMahon, initials K E. We're instructed by Gilshenan & Luton Lawyers, and we apply for leave to appear for Councillor TULLY.

PO Thank you, Mr HUNTER.

10 Mr TULLY, thank you for coming. Do you have any objection to taking an oath?

W No, that's fine.

PO Thank you.

HRO Please repeat after me. The evidence.

W The evidence.

20 HRO Which I shall give.

W Which I shall give.

HRO In these proceedings.

W In these proceedings.

HRO Shall be the truth.

30 W Shall be the truth.

HRO The whole truth.

W The whole truth.

HRO And nothing but the truth.

W And nothing but the truth.

40 HRO So help me God.

W So help me God.

HRO Please take a seat.

CA Sir, is your name Paul Gregory TULLY?

W That's correct.

50 CA You are the councillor for Division 2 of Ipswich City Council?

W Yes.

CA Having been elected in the elections in 2016?

- W Yes.
- CA You're also Deputy Mayor?
- W Yes.
- CA You are, I think, the longest-serving councillor in Queensland?
- 10 W In Queensland, but I did find someone in South Australia who's got 40 years up.
- CA Are you going for the record?
- W He said he can't remember when he was elected, so I thought, well, I don't want to get to that stage.
- CA Thirty-seven years, I think, in your case, is it?
- 20 W Thirty-eight.
- CA You were very successful at the last election?
- W Yes.
- CA What percentage of vote, Mr TULLY?
- W 82.5 per cent.
- 30 CA Is that consistent with previous results, because you've been around a long time?
- W It's not the highest I've ever received. The highest was in 2008. I got 87 per cent.
- CA You're a Labor Party member, aren't you?
- W Yes.
- 40 CA For how long have you been a member?
- W I joined in 1975. So that's 42 years.
- CA As a sitting councillor, as you have been for such a long time, is that membership something that's declared in a formal way?
- W Yes, it is. It's on the register of interests on which all sitting members in Queensland, local government councillors, have to declare membership of political parties.
- 50 CA Is that the register maintained by the Ipswich City Council?
- W Yes, maintained by the CEO, that's right. That's publicly available on the internet.
- CA Do I understand correctly that's separate from what records the Electoral Commission may keep?

- W That's correct, yes.
- CA And that register of interests, is it available on the Ipswich City Council website?
- W Yes, under the legislation, that initial register and any amendments to it are all available, publicly available, for personal inspection or via the internet.
- 10 CA Is there any such requirement for a candidate who is not a sitting councillor to make public, for example, their party membership for campaign purposes?
- W No. No, not at all. People can go to the electorate and conceal the fact that they're a member of a political party.
- CA It would be fair to say, I think, you would claim to know your electorate very well?
- 20 W Yes.
- CA Is alignment of that kind something that electors want to know, in your view?
- W Absolutely, people would want to know if you're a member of a political party. In my case, that has been something that has been known for many, many years, often commented on in the local press and media, about my particular membership. But since 2000, the Labor Party has taken the decision not to endorse candidates in Ipswich and other provincial areas, so that we have, in a formal way, no connection with the Labor Party except for being an individual member.
- 30 CA I take it you would also say that if a candidate was receiving financial support from a party, that was something that electors have an interest in knowing?
- W Absolutely, and I assume it-
- 40 CA Prior to casting a vote?
- W Yes.
- CA You know about the disclosure returns-
- W Yes.
- CA -which the Electoral Commission requires?
- 50 W Yes.
- CA You know that they are completed after the event?
- W Yes.

- CA After the election. What's your view about whether they serve their purpose in making disclosure to electors?
- W Well, I believe there should be real-time disclosure of local government expenditure. I believe there's a Bill before the parliament in relation to that. It applies to state members at the moment, state candidates at the moment. I think it would be an opportunity for the community to be aware of that and possibly other things as well. If you look at the conflict of interests form, which needs to be lodged, there's a whole range of other things - membership of companies, shareholdings, landholdings and things like that. There's probably a broader range of issues that should be disclosed.
- 10 At the moment, it's not a level playing field. If you're a sitting councillor, you must disclose your membership. If you're a candidate, you don't have to.
- CA It works somewhat similarly, does it not, with donations, in the sense that you, as a sitting councillor, have a register of interests which is required for the Ipswich City Council, but a candidate who is not a councillor hasn't that requirement of disclosure?
- 20 W Yes, and that's just the nature of the system, that candidates who are not sitting councillors have limited requirements of disclosure.
- CA Do you make a point of keeping your register of interests up to date?
- W I tend - well, every month or so, whether it's bank accounts or - I mean, what accounts you have, or the interests of your spouse or children. In the case of the spouse and children, those interests aren't publicly available. They're only available to other councillors.
- 30 CA Could I ask your view, with a background of such vast experience, what it means to be an independent candidate?
- W Well, people use it. That's not a description that I use. It's true in a technical sense that I'm not endorsed by the Labor Party, so the corollary of that is that I'm an independent candidate. My membership of the party is so well known that to suggest to people that I'm an independent, people - in fact, there have been candidates in Ipswich who call themselves "Independent Labor", and the common statement is often made, "How can you be independent and Labor?" So I've chosen to use neither.
- 40 CA Other candidates don't share that view, do they? Party members, for example, promote themselves, commonly promote themselves, as independent even though they may have membership or other form of obvious alignment?
- 50 W Absolutely. A lot of people will call themselves independent, which is technically correct if they're not endorsed by a particular political party.
- CA The subject of donations from property developers cropped up before your arrival.
- W Yes.

- CA What are the risks that you see are associated with property developers donating to councillors?
- W I think the risks are the familiarity and certainly in the community's mind a perception that property developers, active property developers, are donating for one reason. Generally that's an ongoing basis of development, whether they're small or larger developers in particular.
- 10 In my role - we have a suburban electorate office and an office at the council - I meet a lot of people in the community, sometimes developers, but it's usually in the context of applications they've lodged or are proposing to lodge. But I just think it's just a familiarity, which most people would say has warning bells in relation to it.
- CA Would you accept donations from a property developer?
- W Yes, but-
- 20 CA Have you done?
- W Yes, and I've rejected them as well, as recently as the 2016 election. Up until 2016, I was the chair of the planning and development committee. Most of the applications are done under delegation. The last figures I saw, there were about 900 applications in a preceding year. I'm not sure if that was a calendar year or a financial year. Only about four went to a council meeting. The rest were determined by officers under delegation.
- 30 I just have a view, in dealing with those situations, that developers are putting forward their interests, their personal interests, which often don't coincide with the community's interests.
- CA You mentioned, I think, in the course of your answer that donations from property developers can give rise to a perception that there may be some conflict?
- W Oh, I think that would be a widespread view in the community. That's why my view is - and I've expressed this previously - that Queensland should follow the New South Wales model of banning all donations from property developers to both state and federal candidates in that state, and that's something I think should happen here.
- 40
- CA Would you go further and favour a system that bans all donations?
- W No, I wouldn't support that, but I do believe there are some - the corollary of that would be that there should be public funding of local government campaigns. That would significantly reduce the reliance on any donations. It would also mean that the donations would be limited. There would be probably a more equal, level playing field.
- 50
- In New South Wales, they've also put a monetary limit on corporate and individual donations of \$5,800 and \$2,500 respectively, and I think consideration should be given to some similar regime.
- I might just add one other thing, that the councillors, as opposed to state and federal candidates, are limited to a tax deduction of \$1,000 per

campaign. State and federal, the deduction limit is unlimited. And that figure of \$1,000 hasn't been increased since 1985 by the Australian Tax Office or by the parliament. I think that that reform, to increase that, combined with prohibitions on developers and limits on individual donations, would go a long way to taking out that perception in relation to developers or individual donors.

10 CA We've been speaking about perception. Could you give us your insight into where that perception developed or how that perception is managed within the conduct of council business?

W Well, it's not so much perception. It's the requirements to disclose if one has a material personal interest or a conflict of interest. A material personal interest is probably easier to determine. Conflicts of interest can be sometimes difficult to judge.

20 When matters come up to committee - the only requirement by law to disclose the conflicts is either at a committee meeting of the council or at a council meeting. There's no other - and on the register, but not all conflicts are necessarily on the register. In fact, a lot of them are not, and they don't have to be on the register.

For example, if a family friend, like a sibling or sister or brother, owned some land, well, you don't have to put that on the register. But if they made an application to subdivide that land, that would clearly be a perceived or potential conflict of interest.

30 So what councillors do is, if they're at the committee meetings, they declare it. That's on the draft agenda for the council meeting, and you sort of know - it's not just donations. It could be a patron of a local football club or a bowls club. It could be involvement with a school. You might have your own children at a particular school. In those situations, it's not that hard to determine what you've got a potential conflict of interest over.

CA How satisfactorily does all that work, in your view?

40 W My own view is that if it's already on the register, it probably shouldn't have to be disclosed again, but other people take a different view. That was something that was agreed to at the last local government conference, that once it's declared on the public record, it shouldn't have to be redeclared at a meeting.

50 I think it works - from my perception, we spend probably in a typical council meeting in Ipswich over various items, and you might have multiple - for example, if an item came up about the Ipswich Turf Club, almost every councillor would declare free membership tickets and hospitality from that club, and the format that it has to be declared in can take a minute or so. So that could take 10 or 11 minutes just for one disclosure by the 11 people. And this just goes on and on and on. A lot of time is spent, but that's what the law is.

CA Just to change the subject a little bit to campaigning, can you tell us what your approach to campaigning is, given that you're so successful?

W I don't know if I've ever thought about it in that way.

- CA Well, some people do elaborate and expensive campaigns.
- W Yes, okay.
- CA Do you, having the benefit of the incumbency for so long, feel the need to engage in the same levels of expenditure that others do?
- W I have in the past, but not recently. I don't take any newspaper advertising or any radio or certainly not any television advertising. After an experience in 2008, I thought I'll never advertise again, but there has been a big change in the community with technology. Facebook is a means of getting out to the community in a way which probably only started around 2011, 2012.
- For example, during the floods in Ipswich just a couple of weeks ago, my hits over two days were over a million. A million people saw that. You get a very, very effective penetration if you're doing the right thing by your community in staying in touch with them about community events and so on. I find election campaigns aren't won and lost in the last six weeks before election day. It's what you do in the four years prior to that.
- CA One form of promotion, I suppose, is How to Vote Cards. You have used a shared How to Vote Card with Councillor Kerry SILVER, haven't you?
- W Yes.
- CA And did so in the last election?
- W Yes.
- CA Your division shares a boundary with Councillor SILVER's division?
- W It does, at Kruger Parade at Redbank and Redbank Plains.
- CA And is it correct that at Kruger State School, an elector can vote for either Division 2 or Division 3?
- W Yes.
- CA You have had a shared How to Vote Card with the previous councillor?
- W I've had shared How to Vote Cards since 1994. I've also had a shared How to Vote Card with Victor ATTWOOD since 2000, at his first election, and I think with Mayor PISASALE since 2004, when he first stood for Mayor.
- CA I'll just put the one I'm speaking of on display.
- W Yes.
- CA Is that the one that you shared with Councillor SILVER?
- W Yes, that's right.
- CA Whose idea out of the two of you was it to do that?

W Oh, Kerry SILVER rang me maybe mid-February, early February, and said words to the effect, "Do you want to do what you've done with Victor, what you and Victor have done in previous years, with the joint card?" I said, "Sure." And I then - I said, "Can you organise it?" I said, "I can get you a printer's proof." You can't have two people or three people organising a joint card. I said, "I can get you a printer's proof", which is that top card, which was actually my card in - I had joint cards - another joint card with another candidate at two other booths, and there were two booths where I just had the top bit and I think Paul PISASALE, but I wasn't "proudly supporting", I think, on the other one. I'm pretty sure it was his actual How to Vote Card.

10

CA A How to Vote Card is a form of self-promotion for a candidate; would you agree?

20

W Oh, yes, well, obviously if you can get the card out to people, and people - a lot of people reject the cards now. It's an increasing number, probably 30 or 40 per cent. But it gives them the opportunity, particularly if there's preferences - well, with optional preferential voting in local government, it doesn't matter, if you look at Kerry SILVER's card. People often want to know what an individual candidate is recommending in their own division or electorate, but with optional preferential voting or if there's only two candidates, it doesn't really matter.

CA A How to Vote Card is one way of a candidate promoting his interests?

W Absolutely.

30

CA "Vote 1 Paul TULLY" is a recommendation to others that they should vote for you?

W Yes.

CA And likewise for Councillor SILVER. Would you accept, then, that that particular card is an example of cross-promotion of each other's interests?

40

W Oh, well, it's probably an opportunity to get the card out. I need to explain. The Kruger booth is a good example. I think it's the largest booth in my division. Over 4,000 people vote there. You've got people - you know, for the 10 hours of voting, you've got 4,000 people coming through.

50

Why I first looked at joint How to Vote Cards in 1994 - people are just streaming in. A lot of them don't want their How to Vote Cards. For a state or federal election, it's usually not a joint booth. But for local government, where you've got people on both sides and they're very large booths, instead of asking people, "What division are you in?", which most people don't know, "What suburb are you in?", which doesn't always help, because some of the suburbs are split by the electoral boundary as well, this means that at that election, at Kruger Parade, Kerry had her own campaign workers, I had my own, and we were able to just give that to everyone without stalling, without stopping, without holding people up.

Now, that was a tactical advantage for us because - well, for my campaign and many others, I suppose, that other candidates had bundles of cards

and so on, trying to hand them out, whereas this was just for pure efficiency on the day.

CA For pragmatic reasons?

10 W For everyone who took cards, they got that. When they got inside, they were given the ballot-paper, which they would then match up to the part of the How to Vote Card. In a sense, it's two - well, I'll say it this way, even though there's a bit of difference in the middle. It's two How to Vote Cards printed on - or three How to Vote Cards printed on the one piece of paper.

CA Having had an arrangement with Councillor SILVER to share that How to Vote Card, did you pause to consider whether, in formatting it in that way, you might be putting yourselves at risk of being considered to be forming a group and promoting each other's election?

20 W It never crossed my mind at all. The new provisions about How to Vote Cards and approval by the Electoral Commission came into effect in 2008. I didn't have an election in 2012 because I was elected unopposed. But this is a continuity of what I'd been doing for a considerable time. To me, having an arrangement like a team or a group of candidates is more in relation to policy or joint fundraising.

I never went to her campaign launch. I didn't go to the Mayor's campaign launch. We didn't have any joint policies. We had no joint direction in the campaign. We printed, as I did in Divisions 1 and 2 - simply printed the two How to Vote Cards on one piece of paper.

30 CA You mentioned Division 1. The candidate there was Mr MORRISON; correct?

W Yes.

CA Could I show you this How to Vote Card.

W Yes.

40 CA Is that the card that you used for the 2016 election, shared with Mr MORRISON?

W Yes, that's the one he spoke to me about and organised, yes.

CA I tender that How to Vote Card.

PO That's Exhibit 29.

50 CA A very similar style of thing, isn't it, although in this case it's Mr MORRISON as opposed to Councillor SILVER, but in other respects the same?

W In relation to mine, the printer's proof was by the one printer, because remember I was getting separate How to Vote Cards for just myself at Goodna and Redbank booths. I've got five booths. So what you see on the top of the MORRISON/TULLY one and the bottom, mine is what - just the bottom of mine with the Paul PISASALE element was

what I handed out at Goodna. It was only at the joint booths. Again, that's a very difficult - both at the Augustine Heights booth and at the Gales booth, reasonably high numbers, and again it's just for pure efficiency on the day.

10 Now, David MORRISON and I - David has been a councillor since 2000. I would have to say that there are very few political policies or views that he and I share. In fact, in a lot of ways, I'm just making the point - and he would accept this - we've got quite diametrically opposed views, but for efficiency on the day. The Mayor had his own people on the day at Augustine Heights and Gales as well. I guess from his point of view, the more cards that he's on, the better.

CA What about Mr PISASALE and the use of his image, is that something that you sought his approval for?

W Not directly, and I can't - are you referring to that particular card?

20 CA That's an example.

W Yes, that was organised by - those two, again, with David MORRISON, I said, "You sort that out. I'll pay for half of the cards."

CA But you knew that it was going to also depict a recommendation to vote for Mayor PISASALE?

W Yes, absolutely. I had a discussion with him. I said, "Talk to PISASALE and make sure he's okay with that."

30 CA And you left it to him to organise it?

W Yes, because he was organising those joint How to Vote Cards for Divisions 1 and 2.

CA Was there a cost-sharing arrangement with Councillor MORRISON?

W Yes.

40 CA Half and half?

W Yes.

CA Was there ever any offer to Mayor PISASALE of money to use his image on your How to Vote Cards?

W No. No, not at all. In fact one candidate wanted money from him, and he refused. Paul appeared on many, many How to Vote Cards on election day.

50 CA Just for completeness, there is another form of joint card showing you and Mayor PISASALE. Could I show you this one.

W Yes, that's the one that I authorised for distribution at the Goodna booth and the Redbank booth.

CA Why those booths?

- W Because they're not joint booths. They were just for Division 2.
- CA Right.
- W See, the joint cards were for joint booths, very busy joint booths. But for example, Goodna has about 4,000 voters as well. That's all I needed to hand out. There was no point in handing out a card which had Division 1 or Division 3 on it.
- 10 CA Why not just have a How to Vote Card with your image just to the right-hand side of it?
- W Because what I've said - I've been utilising, with mayoral candidates since 1994, joint How to Vote Cards. It's something that-
- CA Why?
- 20 W Why? Because it's easier to hand - you know, on the day, people are looking for the PISASALE card. Some people would be looking for the TULLY card. What it means is you're utilising that, and I guess it would be fair to say you've got a Mayor who got 87 per cent in 2008 and 83.3 per cent or so in 2016. It sort of makes sense.
- CA Is the intention to declare your support for Mayor PISASALE?
- W Oh, well, he's certainly a person I can work with.
- CA But is that why you do it?
- 30 W To work with?
- CA No, why you manufacture a How to Vote Card with details for both of you?
- W Yes, so that people coming through who support PISASALE might be prepared to support me, and I guess from his point of view, people who support me might be prepared to support him.
- 40 CA So there is a shared benefit, potentially?
- W Well, not a shared benefit. It's an individual benefit.
- CA But it's capable of flowing both ways, can I suggest?
- W I don't get any benefit from someone voting for him, and we don't get identical votes.
- 50 CA Your appearing to support him, would you accept, gives a benefit to you having regard to his popularity?
- W Not necessarily. Oh, no. There's probably people who would vote against me because I'm doing that, and vice versa.
- CA Not too many, if he's getting 85 per cent?

W Oh, no, that would be true. It would be within a margin of 1 or 2 per cent.

CA I'll tender that How to Vote Card.

PO Exhibit 30.

CA Mr TULLY, you would be aware of the requirement in the *Local Government Electoral Act* to maintain a dedicated bank account for campaign purposes?

10 W Yes.

CA Did you have such an account for the 2016 elections?

W Yes.

CA In what name?

W I think it was in my name and my wife's name.

20 CA Is that an account styled as PG & LS TULLY?

W Yes, with the Bendigo Bank. When I log on to that account, you can assign your own name to that account, which shows on the - it's not on any printed statements, but it shows that it's - I think it's called Division 2 election account, or words to that effect.

CA Could I show you this statement. The account details have been redacted, the numbers and so forth.

30 W Yes, yes.

CA Is that the account that you have said was your dedicated campaign account?

W Yes, that's right, yes.

CA Right at the end of it, I think it's the last page or so, there are some transaction entries dating between the 9th of February and the 10th of March?

40 W Yes.

CA Can I just ask you about those?

W Yes.

CA 9th of February, the inscription is "ECQ nomination fee".

50 W Yes.

CA Is that your nomination fee to the Electoral Commission?

W No, I don't think that one is. I think the next one is. I think the \$250 was transferred from another bank account of my own.

- CA Yes, I follow.
- W And then it was paid out of that account to the Electoral Commission.
- CA So it's obviously one of your campaign expenses - or one of your expenses of candidacy?
- W Yes, well, it was certainly incurred. Whether it's a campaign expense - it's required to be able to campaign, but it was my nomination fee.
- 10 CA Below that, there is also a credit entry of \$600 and then a corresponding debit.
- W Yes.
- CA Do you recall where the transfer came from to enable the deposit of \$600 to have been made?
- 20 W Yes, that would be, again, from another account of mine, the \$600. And the \$600 payment on the 23rd of February would have been to the Ipswich City Council for a bond for the removal of election signs after the election period.
- CA One other transaction is that on the 10th of March. Can you explain what that one is? Actually, there's two: first of all, a deposit of \$585 at the bottom of the page.
- W Yes. Okay, again, that payee is - that was for my How to Vote Cards, for my personal How to Vote Cards. And that company has two names. It's a company up on the Sunshine Coast, a printing company, but that is the payee, the formal payee for that particular company. I don't know if they run a separate account under a separate name. So that was an amount that I was billed and-
- 30 CA For what, did you say?
- W That was an amount that I was billed for my personal How to Vote Card, just the single card that I handed out at Goodna and at Redbank.
- 40 CA Yes.
- W And so I transferred that money into the account and then out of the account, you know, to comply with those payments, that it was paid for out of the dedicated account.
- CA I tender that bank statement.
- PO That's Exhibit 31.
- 50 CA Could you tell us, Mr TULLY, what is the Goodna Community Fund?
- W Yes. That was an account that was set up in 2008 after a house fire in Goodna where a three-year-old boy died in the fire, and it has been used, I think, on four occasions over those years for small donations probably averaging no more than about \$500 on each occasion. My recollection is

that it was for that, where there was an outpouring of community support for that family.

The 2011, after the floods-

CA You established that fund?

10 W Yes, myself and my wife, yes. And there were two other occasions where - oh, there was another house fire and there was also a pensioner in Goodna that somebody wanted to make a donation to but retain their privacy.

CA You and your wife opened a bank account styled PG & LS TULLY Goodna Community Fund; is that right?

W Oh, I thought it was just Goodna Community Fund.

CA I've got a bank statement here. I'll show it to you.

20 W Okay, yes. But we're individual signatories to it. It could be operated by either.

CA If you see on the top right-hand corner of the first page of that, where the account details are shown, the account title is shown?

W Yes, I can see that, yes, yes.

CA You thought it was just the Goodna Community Fund account?

30 W Yes. I thought it was styled that way.

CA If you go a couple of sheets over to transactions commencing on 12 February 2016 - do you have that page ?

W Yes, yes, I've got that. That's statement 30? It's on the right-hand side.

CA Yes, yes, correct.

W Yes.

40 CA Could I just ask you about some of those transactions. First is a deposit of a cheque for \$2,000. Do you have any recollection of that?

W Yes, that was a cheque from a Jim MCILMURRAY, who owns a business at Redbank.

CA He has an association with JJ Investment Trust, does he not?

50 W I think that's his business name. I don't know, but I think that's his business - he operates a factory at Redbank.

CA They manufacture screens, I think, don't they?

W That's right, security screens.

CA So that's a deposit by him of \$2,000; correct?

- W Yes, yes.
- CA Is that a donation?
- W Oh, yes, it was.
- CA But not to the Goodna Community Fund, can I suggest; it was a campaign donation to you, wasn't it?
- 10 W No, it went directly into the Goodna Community Fund.
- CA To be applied to what purpose?
- W Applied to my campaign.
- CA Did you understand that to be a donation by that gentleman to your election campaign?
- 20 W No.
- CA Well, what was it?
- W It was a donation to the Goodna Community Fund, which - what had happened after the - if I just could explain the nature of this. I've explained the four occasions on which it has been utilised.
- 30 After the 2011 flood, in which we lost our own home and all our records in that, from then on, Liza, my wife - she handled all of our finances, all of the transactions and statements that came in. And what happened and the reason the election donations went into that fund - in previous years, always gone into the dedicated account. I was at a local government conference in Toowoomba in October 2015, and Joan SHELDON, who's the ethics adviser to the Local Government Association, made an abbreviated speech, and she made a point. She said one thing, and she had various advice for candidates - this is six months before the election. One of the statements she made was, "Make sure you're not involved in the day-to-day - not campaigning, but the day-to-day receipt or expenditure for the campaign."
- 40 So I thought, well, taking that on board, I'll divest myself from that. Liza, who was a signatory on it - I said, "You handle that. You handle all the donations and expenditure out of that."
- 50 And the only expenditure, of course, on my dedicated account was that one to that [Black Bull]. That was - but that didn't have to be declared, because that's an unusual situation with the declarations, that expenditure by an individual candidate from their dedicated account doesn't have to be declared to the Electoral Commission, whereas for a third party it does. And that was declared as both income and the expenditure to the payees listed, I guess, on one, two, three - three payees - four payees.
- CA I think I've already asked you, but is that amount of \$2,000 anything other than a donation for your re-election? I mean, that's what it is, isn't it?

- W No, it's a payment to that fund, which my wife managed. Now, if you look at the account, there's still several thousand dollars, I believe, still in that account.
- CA As at 12 February, it had \$117.92 in it.
- W At the 12th of - yes, but that was because it had hardly been used over the period.
- 10 CA Well, that's correct, there was very little money going in and out of that account; correct?
- W Yes, but there were four community - not campaigns - issues, you know, where people wanted to contribute to tragedies in the area.
- CA But you wouldn't suggest that this donation was in support of some tragedy that had occurred?
- 20 W No, no. Not at all. No, not at all. It was clearly encompassed by what Joan SHELDON had said, to separate yourself from the day-to-day routine of the receipt of donations and the expenditure of campaign moneys.
- CA But you have to have a dedicated account, Mr TULLY, to receive such things?
- W Yes, which I have.
- 30 CA To receive amounts of that - to receive donations?
- W Yes, but they weren't payments being made to me. They were being paid into this fund. If - that was - that was the way, in good faith, that I separated myself from that. I said to Liza, "You handle all of that. I don't want to be involved in that. You handle that." Now, in hindsight, it would probably have been smarter if I hadn't done that.
- CA I notice the time, Mr Chairman. We'll come back to this after lunch, but I'm happy to break now.
- 40 PO Did you want to just formally tender those statements?
- CA Yes, I tender that bank statement of Goodna Community Fund.
- PO Exhibit 32.
- CA Before we break, perhaps I should also invite Mr TULLY to confirm his attendance notice and I'll tender that.
- 50 PO Thank you. I'll make that Exhibit 33.
- CA Is that a copy of the notice that asks for your attendance, Mr TULLY?
- W That's right, yes.
- CA I tender that.

PO Thank you. 33. We'll adjourn now and come back at 2 o'clock.
Thank you.

HRO This hearing is adjourned.

LUNCHEON ADJOURNMENT

HRO The hearing is resumed.

10 PO Could I just remind everyone that when you leave the room, you need to
take all of your bags with you. It's just a security issue. I have been asked
by security to remind you. Just bear that in mind, if you would.
Thank you. Mr RICE.

CA Thank you, Mr Chairman.

I want to return to the Goodna Community Fund account.

20 W Yes.

CA But just one thing before I do that. We were discussing donations a little
bit earlier, and you did mention that there was an occasion on which you
had declined a donation from a developer?

W Yes.

CA Does that suggest you have some criteria by which you accept or decline
donations, or was that just a particular instance?

30 W No, that was for 2016. I think I said previously I was the chair of the
planning committee up until the 2016 election and had been in that
position for 21 or 22 years. It was a large developer in the city, and that
constantly raised the issue of having to declare a potential conflict of
interest. So I just took the prudent view -- remember, this hadn't arisen
since 2008 because I hadn't received any donations in 2012, because I was
elected unopposed. So I just took a -- it was more a prudent view, you
know, I didn't want to be put in that conflict every few weeks.

40 CA Because there was a prominent developer?

W Yes, a large developer with a lot of applications, yes. Many, many
applications.

CA Okay. Thanks for that. It might be helpful if Mr TULLY could have
the bank statements, Exhibit 32.

PO Thank you.

50 CA If you could just open it at the same place we were looking at, which is
statement 30, as you pointed out.

W Yes.

CA We had been discussing the credit entry by way of cheque for \$2,000.

W Mmm-hmm.

- CA There are two other credit entries, each for \$2,000, on the 16th of February and 11th of March respectively?
- W Yes.
- CA They were, can I suggest, donations from the persons named for the purpose of your election campaign?
- 10 W Yes. Yes, that's correct.
- CA Okay.
- W Yes, yes.
- CA Making \$6,000 in total?
- W That's correct.
- 20 CA In fact, that \$6,000 was declared in a third party disclosure return of Goodna Community Fund?
- W Yes.
- CA Did you know that?
- W Yes. I do -- I have for some little time, yes.
- 30 CA Now, the Goodna Community Fund doesn't exist, does it, except as a bank account in that name? What I mean is there is no legal framework; it is not a company; it is not a trust; it doesn't exist under any sort of formal guise?
- W Yes, it is not an incorporated association or anything of that nature.
- CA It is really just the name of a bank account that you and your wife decided to establish for a purpose that you had in mind; is that right?
- 40 W Yes, yes.
- CA And I suppose made that purpose known around the community?
- W Yes. At various occasions in the past nine or ten years, it was just indicated to people how they could pay money into that fund, not for election purposes but for community purposes.
- CA But, in this case, payments were made for election purposes; correct?
- 50 Who, yes. Yes.
- CA Do I understand correctly that you and your wife decided to use this account in the name of the Goodna Community Fund acting on what you understood advice to be from Joan SHELDON that you should distance yourself from direct dealings with donations?

- W Yes, and I don't want to keep on raising personally her name. I'm just sort of saying what was in my mind-
- CA I understand that.
- W -and how I thought I was acting to distance myself, and because my wife was a -- could be an individual signatory to the account, I simply said to her, "You handle all that."
- 10 CA Is she the only signatory to this account?
- W No, we're both signatories, but they're not joint signatories in the sense that both need to activate the account.
- CA There were some payments out of this account also, weren't there?
- W Yes.
- CA A handful?
- 20 W Yes. I think there were three payments in and three or four payments out.
- CA Yes. On 22 and 26 February, we see two payments to someone called McLeans?
- W Sorry, what date was that?
- CA It is on statement 30.
- 30 W Yes. The next page?
- CA No, the same page, 22 February, 26 February .
- Who, yes, yes. That was a printing company at Laidley.
- CA Printing election material for your campaign?
- W Yes.
- 40 CA And over the page, on 14 March there's another payment to, it looks like the same place, in this case something to do with caps?
- W That's right. There were caps, yes, that were used.
- CA So there are three payments, are there not, for campaign expenditures being made out of this account?
- W Yes.
- 50 CA And, finally, on 10 May we see a payment that looks like, having regard to what you've said, to David MORRISON for your share of the How to Vote Card; would that be right?
- W That would be right. I think that's outside the actual disclosure period. If that was declared, it wouldn't have had to have been declared because it was outside the -- it would be in the next four years disclosure period.

- CA I understand. Would you accept, looking back on it now, that those receipts and expenditures to McLeans really ought to have been in your dedicated campaign account?
- W Yes, on reflection, yes, I accept that. It's something that would have been smarter, would have been better. It would have been a cleaner way of doing it. All I can say is that all moneys that were received by me personally or into that account have all been declared and all expenditures have been declared.
- 10
- CA Can we just then, finally, go to disclosure returns.
- W Yes.
- CA I will give you two documents. One, I think, is your disclosure return and the other is the disclosure return for the Goodna Community Fund. Looking firstly, would you confirm that the disclosure return for a candidate is your return dated 4 June 2016?
- 20
- W Yes, that's right.
- CA It discloses, does it not, only the one donation of \$1,188?
- W It was loosely called a donation. It was a provision of a billboard for your display, supporting me in the election.
- CA Understood. I tender that disclosure return.
- 30
- PO Exhibit 34.
- CA And the other document, have you seen that before?
- W Yes.
- CA It is a third party disclosure return in the name of Goodna Community Fund?
- W Yes.
- 40
- CA There is a signature on page 5.
- W Yes.
- CA Is that your wife's?
- W Yes, it is.
- CA Do we take it she completed that?
- 50
- W Yes.
- CA With input from you?
- W No, because she had all the information herself. I just said, "You've got to fill out a form on or by about the 4th of July", I think, from memory,

and she did. It was pretty simple. It was three elements of income and three elements of payments.

CA The three credit entries that we saw on the Goodna Community Fund account appear as donations on page 3?

W Yes.

10 CA And the expenses that were met during the disclosure period appear on page 4 that match with your bank account?

W With the Goodna Community Fund bank account, yes.

CA Yes.

W Yes. Again, I think that that payment to David MORRISON is outside the disclosure period.

20 CA Yes, you're probably right.

W Which I think was about the 28th of April 2016.

CA Not all of the \$6,000 that was received was expended; correct?

W That's correct.

CA So the money remained in the Goodna Community Fund account?

30 W Yes.

CA Has it been applied to any purpose?

W Not that I'm aware. I don't believe it has been, no.

CA So it's still sitting there?

W Yes. It would be several thousand, I think, which would be presumably spent in 2020.

40 CA That's what you would imagine will happen to it?

W Yes, although it might be transferred to my dedicated account in the near future.

CA Okay. You had a cost-sharing arrangement with Councillor SILVER, did you not, for that joint How to Vote Card?

W Yes.

50 CA Fifty/fifty?

W Yes.

CA Did you end up paying her?

- W No, because I asked her about, maybe four or five weeks ago -- I said, "Did I ever pay that?" I said, "Did you ever bill me?", and she said, "I don't know", and a couple of days later she said, "Yes, I sent you an email", presumably around election time, like, over a year ago. I haven't seen that email. I haven't been able to find it. But on advice, it was suggested to me that I might just delay making that payment until after today.
- 10 CA I have nothing further, Mr Chairman.
- PO Did you want to tender that Goodna Community Fund receipt?
- CA Yes, I tender the third party disclosure return.
- PO That's Exhibit 35.
- Mr TULLY, I have just one matter, just before you start, Mr HUNTER. You are the Deputy Mayor of Ipswich City Council?
- 20 W Yes.
- PO Can you tell me briefly how development applications are dealt with by council? Is there a set procedure or does it vary according to the application?
- W No, there's no difference in any type of application, like whether it's the monetary value, or whatever, or the size of the application. Applications, when they're processed by the officers under delegation, are routinely, and through the policy, sent to the chair of the planning committee and to the relevant divisional councillor. Now, that councillor has a number of -- well, both councillors have a number of options. They can't make a decision on it. The decision-making power rests with the officers.
- 30
- But to give protection to the community so that officers are just not making decisions without councillor input, particularly local councillor input, a councillor can ask for it to be referred to the committee and council for a final decision, or they can ask for more information, or what happens in probably 99 per cent of cases, the council will just sign that they have noted the proposed development application. And once they say they've noted it, it then goes back to the relevant officer to process the application. And that's at the end of the process, not at the start.
- 40
- So a report is prepared. A recommendation is prepared. That's then sent to the two councillors, the chair and the local councillor, and almost invariably both would say -- unless they've got queries or they want it referred to committee, but there were only, as I say, about four out of 900 in the last year or so that went to committee, and it just goes back to the officer and they exercise the delegation.
- 50 PO The four out of 900, you say -- were they particularly large matters or controversial matters, or what were the criteria?
- W They tend to be rather small matters, and I can't remember each one of them, but I do remember one where the divisional councillor wasn't happy with a requirement that the developer build a small -- this is for one allotment, a corner allotment, that they build a footpath for about

50 metres around the corner, and they didn't want that condition on there because it would then -- might start a community request to put a footpath in the whole street. So that was referred to the committee and then the council, for the council to make the final decision. My recollection was that that was removed and they had to make a contribution for the footpath.

10 So, no, it's not always big matters. In fact, the big ones, you know, often are just pretty -- like, an entire shopping centre, new shopping centre, could be processed under delegation.

PO The report you mentioned that is put together, is that done internally or is it done by external consultants, can you tell me?

W Almost always it's done by council officers, town planners, and it goes to a senior member of the relevant team, and then it's sent out for consultation before they can exercise the delegated powers. In some very rare cases, for example, where a council-owned company may be the applicant, we've had the situation where that has been referred to a third party town planning company to prepare an advice and recommendation back to council.

20

PO In terms of the delegation, how is that promulgated? Who decides on the delegation? Is that a particular officer? Does the Mayor decide who is the delegate?

W No. No, no, no.

CA Or does the council decide?

30

W There's a council decision that appoints the CEO as the delegate. This is the routine not just for planning issues but for a whole range of issues, for issuing licences in other departments. We delegate the council's planning powers to the CEO, and the CEO on-delegates them to relevant officers. The exercise of the power is subject to the requirement that it must be sent, before the delegation is exercised, to those two councillors. That's for the town planning ones.

PO Thank you.

40

W So no councillor, including the Mayor, Deputy Mayor, divisional councillor, chair of planning, approves any -- or has the power to approve any applications.

PO Thank you. That's all I have. Mr HUNTER?

LR Councillor TULLY, you have told us about the joint How to Vote Cards.

W Yes.

50

LR And that they were deployed only at what you described as joint booths, that is, booths where people from more than one division could vote.

W Mmm-hmm.

- LR Could you explain perhaps in a little more detail the rationale behind using a joint How to Vote Card, what in particular that was aimed at?
- W Yes, I apologise if I go over the same ground as before, but these tend to be large booths, not always, but they tend to be very large booths. They're very, very difficult, on election day, to manage.
- 10 Now, the three booths that I've mentioned are -- if it was a state or federal election, there would only be one state electorate or one federal electorate at that point, whereas you have two council electorates. Now, people notoriously don't know what division they are in. They may know what suburb they're in. Hopefully they do. Although there are many people on the roll who have moved -- they're at another address, but they can find them on the electoral roll, so knowing the address is not always beneficial.
- 20 But suffice to say, with many people streaming through these large booths on election day, to actually take the time to ask each person, if you've got a set of cards, or three cards -- you wouldn't even be able to manage three cards; two is hard enough -- to say, "Oh, yes, I live in Augustine Heights", or, "I live in Bellbird Park", "Oh, yes, here's your card here." By the time you've done that, you might have had 15 or 20 people go by, so you've got no chance of getting the cards to the other people. Now, there are a number of people helping, but it really slows the process down.
- It is for simplicity and convenience, and for the convenience of the voter, because when they get into the booth, if they've taken that card, they're guaranteed to have a How to Vote Card for those two people. They can never get the wrong card.
- 30 LR Now, can I ask you about the return that was lodged by your wife in relation to the Goodna Community Fund?
- W Yes.
- LR When was the first time you saw that completed return?
- W I didn't see the whole of the completed return. I saw part of it when the CCC came to my office in, I think, the first or second week of February of this year. They pointed out one part of the return, and we had
- 40 a brief discussion in relation to the information provided.
- LR Now, just one final matter. It's not a matter that has been raised thus far, but as part of your preparation to give evidence before the Commission, did you make some inquiries with the Electoral Commission, in particular, do some searches on the Electoral Commission's website for something called the register of gifts?
- W I did. I did a Google search, which took me to the Commission website.
- 50 LR And did you find, when you made a search of the register of gifts, that there was recorded as having been received by the Goodna Community Fund a donation from someone by the name of IRELAND, who was apparently a resident of Cairns?
- W I did.

LR For the amount of \$500?

W Yes.

LR And was any such donation ever received by the community fund or you personally from a Mr IRELAND in Cairns?

10 W No. The name is FRM IRELAND, which I think is a company. I then tracked back, you know, how could that possibly show up, how could that possibly show up as a donation to the Goodna Community Fund? There is a declaration by a candidate in the Cairns Council election for an amount of \$500, the same amount, on the same day, to an individual candidate by that same donor. So I suspect it was just an error, but I've also -- you know, once you get doing a bit of searching, you realise that this donor from Cairns has been a regular donor to the Liberal Party, which is rather embarrassing. That officially even today -- and I checked again last night -- is on official ECQ records as being a donor to the Goodna Community Fund.

20 LR Thank you. Those are the only questions I have.

PO Thank you. Mr TULLY, thanks for coming. You are excused.

W Thank you.