



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 3 - THURSDAY 20 APRIL 2017
(DURATION: 1HR 38MINS)

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LEGEND

PO Presiding Officer – ALAN MACSPORRAN QC
CA Counsel Assisting – GLEN RICE QC
30 HRO Hearing Room Orderly – ISABELLA PATTON
W Witness – KIRBY LEEKE
LR Legal Representative – N/A

HRO This hearing is resumed.

PO Mr RICE?

CA Commissioner, I'm in a position to call Mr Kirby James LEEKE.

PO Thank you.

10 Mr LEEKE, are you happy to take the oath?

W I am.

PO Thank you.

HRO Please take the Bible in your right hand and repeat after me. The evidence.

20 W The evidence.

HRO Which I shall give.

W Which I shall give.

HRO In these proceedings.

W In these proceedings.

30 HRO Shall be the truth.

W Shall be the truth.

HRO The whole truth.

W The whole truth.

HRO And nothing but the truth.

40 W And nothing but the truth.

HRO So help me God.

W So help me God.

PO Yes, Mr RICE.

CA Is your name Kirby James LEEKE?

W It is.

50 CA Mr LEEKE, you're an accountant by occupation?

W I am.

CA Do you conduct private practice?

W I do.

CA On your own account?

W I do.

CA In what name?

W Malcolm V Leeke & Co.

10 CA You're here in response to a notice to attend this hearing?

W I am.

CA Can I just show you this, to start with. Is that a copy of the notice that you received to appear today?

W It certainly looks like it, yes.

20 CA Thank you. I tender that.

PO Exhibit 50.

CA Mr LEEKE, are you aware of a trust fund called Moreton Futures Trust?

W I am.

CA I'll just show you a copy of the trust deed. If we could see Exhibit 45.

30 W I think I probably provided the Commission with the copy in the first place.

CA Well, you may have done.

PO We're eternally grateful, Mr LEEKE.

CA That appears to be a copy of the trust deed?

W It certainly does, yes.

40 CA So you're well familiar with it, by the sound of it?

W Reasonably, yes.

CA You notice the date on it is the date of formation of the trust, which was the 7th of April 2010. Did you know at that time that that trust was to be formed?

W I did not know.

50 CA When did you first learn of the trust's existence?

W Look, somewhere in that 2010/2011 period, but I wasn't part of the establishment of it.

CA You had had some association with a prior trust, it may have been, by

a name I think of Friends of Pine Rivers. Does that ring a bell?

- W I was involved in the campaign - I've been involved in campaigns in the Pine Rivers - well, what was the Pine Rivers, of course, for probably 15, 20 years. I had heard of it. I wasn't part - I attended meetings when they met occasionally. I didn't attend every one of their meetings. I didn't actually even know they had a bank account, but I knew of - I knew of the existence of Friends of Pine Rivers, yes.
- 10 CA Knew of it as what, just a group of people, or did you know of any formal structure?
- W I did not know of the structure of it at the time, no.
- CA You attended some meetings of persons connected with it?
- W They were more campaign type meetings, yes.
- CA Campaign for what?
- 20 W At the time we were working with Bryan GALVIN for --
- CA Towards what election?
- W Towards the 2008 election, I believe.
- CA That would be the amalgamation one, so it would be memorable for that reason?
- 30 W Correct, yes. I think Friends of Pine Rivers was only established in the lead-up to that election. I honestly don't know the exact time, but the fact that it had Friends of Pine Rivers was - it was the Pine Rivers ex-councillors trying to be proactive in the new Moreton Regional Council.
- CA What was the object of the group, I'll call it a group, Friends of Pine Rivers?
- W We were supporting Bryan GALVIN as the candidate for Mayor.
- 40 CA What, raising money?
- W Correct.
- CA Were you involved in doing that?
- W I wasn't involved in raising money, no. I was, you know, backroom boys, doing the numbers, preferences, working out what How to Vote Cards to be prepared, things along those lines.
- 50 CA Was there money raised through Friends of Pine Rivers for Bryan GALVIN's campaign?
- W I believe so, yes.
- CA And spent on his campaign?

- W I believe so, yes.
- CA Who was involved in making decisions as to how the money would be spent, do you know?
- W I believe it was Bryan GALVIN.
- 10 CA You will see on that trust deed there are a number of names, not including yours, but as at April 2010 did you know, for example, Timothy CONNOLLY?
- W I did.
- CA How did you know him?
- 20 W Oh, probably 20 years prior to that, there was a proposal for Route 20, a deviation that was going to go right through my lounge room at Bunya, and I lodged an objection, and Tim CONNOLLY was one of the town planners involved in the proposal for Route 20 and I had a meeting in his office, which was then in Samford, about that proposal, as a result of my objection that I lodged, yes.
- CA And did you continue your association after that professional contact?
- W Look, the answer's no. I did have another issue with a property in Bunya Road, Everton Hills, and I had another meeting with Tim, just coincidentally, the old three degrees of separation. But it was probably five to ten years apart.
- 30 CA Not a close association, by the sound of it?
- W No.
- CA Well, obviously you did know Bryan GALVIN?
- W Yes, I did.
- 40 CA What was your background to your association with him?
- W I first met him when he was elected as a councillor for the Pine Rivers Shire Council and from there - that was the first time I think I met him. I don't think I knew him prior to that. And that would be 15, 20 years ago or thereabouts.
- CA You assisted to support him in his 2008 election; correct?
- W I did.
- 50 CA Prior elections in the same way, or not?
- W Honestly, no, because he was - prior to that - prior to the 2008 election, he was a councillor and he had his own division, which was geographically fairly removed from where I was located.
- CA Do you know how those trustees came to be selected to carry out that role

in the Moreton Futures Trust?

W I do not.

CA You only learned of the existence of it some time after it had been formed?

W Correct.

10 CA Were you made aware of the purpose of it?

W I was, yes.

CA Were you shown a trust deed at any stage?

20 W Not until sometime after it had been established. Bryan GALVIN, I believe, was the driving force of it, and he wasn't doing a particularly good job from the bookkeeping point of view, and he asked me to take over the bookkeeping role, which I did then, and somewhere in that time frame, I did see the trust deed, yes.

CA You were not aware, until then, of what the precise terms of the objects of the trust were?

W I did not know.

CA Did you know in general terms what the object of it was?

30 W At that point in time, I believed it was to establish and promote Bryan GALVIN as a candidate for Mayor.

CA Who was associated with the carrying out of the objects of the trust from the time that you learned about it some time in 2010, maybe 2011?

W Predominantly Bryan GALVIN. There were a few other people involved, but Bryan had the books, everything along those lines, yes.

CA Mr GALVIN didn't contest the 2012 election, did he?

40 W He did not, no. But we believed, until about six months before the election, that he was going to be - you know, we were working, campaigning towards his nominating and running for election.

CA Was that the reason for your involvement in the trust--

W It was.

CA --to see him re-elected?

50 W Correct, yes.

CA But he ended up not running?

W Correct.

CA Who else, apart from yourself, was involved leading up to the 2012 election in raising money for the purpose of re-election?

- W I have to - I honestly can't remember. We used to have meetings at Bryan GALVIN's office which, at that point in time, was near the Westfield Shopping Centre in Strathpine. There were different people there, including Bryan's secretary, but I don't think she had much to do with it. I think Tim CONNOLLY would be at some of the meetings. I think John RYAN might have been at some of those meetings as well.
- 10 CA What was the object of the meetings?
- W Honestly, they were a campaign meeting predominantly, as in where were we getting signs put up, what - how would we - would we be having preferential How to Vote Cards; were we going to be including other people; how were we going to get enough men to man the booths on the election day. Those sorts of issues.
- CA You became a trustee of the trust, didn't you?
- 20 W I did.
- CA I'll just show you a copy of the relevant document. Is that a copy of your appointment as trustee?
- W It is, yes.
- CA I tender that.
- W And it's--
- 30 CA Go on.
- W It's the only copy I have. Again, I think I provided that copy to your Commission, and I have not seen a fully signed - that's only partially signed.
- CA That's your signature, yes.
- W Correct, yes.
- 40 CA That's why it appears incomplete, being the version that you had?
- W I signed it and gave it to others to get it signed, and I didn't see it come back. Either that, or when I've given it to a bank, or something, they've kept a copy or something.
- PO That's Exhibit 51, Mr RICE.
- CA How did you come to be a replacement trustee for Bryan GALVIN?
- 50 W Bryan asked me to be. I think he decided - once he decided not to contest the 2012 election, he didn't want to continue as a trustee. I had been doing the paperwork, as in the accounting work, behind the scene. He asked me if I would, and I agreed to accept the nomination or the position.
- CA In doing so, you became responsible for the carrying out of the terms of the trust; correct?

- W I did.
- CA You understood that?
- W I did.
- CA And did you understand, by then, what the objects of the trust were as per the trust deed?
- 10 W I did.
- CA There were a number of responsibilities, weren't there, including keeping of money, and disbursement of money, making responsible decisions, and so forth?
- W Agreed.
- CA You understood all of that?
- 20 W Mmm-hmm.
- CA Mr GALVIN, not in the end having contested the 2012 election, was another candidate supported by Moreton Futures Trust?
- W At that point in time we decided we'd support Councillor Allan SUTHERLAND, yes.
- CA He was running for Mayor?
- 30 W He was.
- CA And was elected?
- W He was.
- CA When you say "we decided" to support Allan SUTHERLAND, who do you mean?
- 40 W Probably Bryan GALVIN, myself, I think Tim CONNOLLY may have been involved in that decision. We didn't have a formal meeting. We probably had a meeting in literally The Coffee Club at Albany Creek, and we had raised the money. We were doing work, what were we going to do with it, so we decided to support Allan SUTHERLAND.
- CA Just recap on the names for me: yourself-
- W There was myself.
- 50 CA -perhaps Tim CONNOLLY?
- W I think Tim CONNOLLY may have been in there, I think John RYAN was in there. Bryan GALVIN was there. Honestly, I can't remember who else was there at the time, yes.
- CA Well, the trust deed is in terms that the trustees, at their discretion, will

decide upon whom the money is spent.

W Mmm-hmm.

CA Was the decision-making wider than that, from what you tell us?

W It was, yes.

10 CA It was a collective decision of those persons, as you recall, to support Allan SUTHERLAND?

W It was, yes.

CA And was he supported financially thereafter?

W He was.

CA In the 2012 election?

20 W He was.

CA Did you, being the accountant, have the bookkeeping responsibilities for the management of the money?

W From about two months prior to my taking over as the trustee I did, yes.

30 CA Could Mr LEEKE see Exhibit 46, which is a National Bank statement. By the time you became trustee, Mr LEEKE, was there a trust bank account?

W There was, yes. That's it.

CA And this is it, the National Bank statement that I have shown you?

W Correct.

CA Was it the only account for the working purposes of the Moreton Futures Trust?

40 W It was.

CA It was already established by the time you became trustee?

W It had been, yes.

CA Did you become a signatory to it?

W I think I did, yes.

50 CA Who else was a signatory to that account?

W Bryan GALVIN and I think John RYAN. Sorry. Bryan GALVIN was. When I became a signatory, Bryan GALVIN ceased to be a signatory on my taking over that role.

CA I think you may have said on a prior occasion someone else associated

with Mr GALVIN was also, perhaps, a signatory?

W If I did, I can't remember saying it, and I don't know who else it may have been.

CA Do you think Mr GALVIN lost his signatory status once he resigned the trusteeship?

10 W He notified the bank that he was no longer a trustee and that I was, and we completed the 100 points to get me added to the signatory list.

CA You wrote an email to an officer of the Commission, I think, in December last year setting out some information about the operation of this account?

W This one?

CA Yes.

W Yes.

20 CA Can I just show you this email. Is that an email that you wrote to Ms ROXAS of the CCC?

W I believe so, yes.

CA I'll tender that email.

PO That is Exhibit 52.

30 CA Just to elaborate a little on what you say in paragraph (a) concerning the operation of the bank account, you indicate it was originally opened by Bryan GALVIN?

W The National Australia Bank account was originally opened by Bryan GALVIN, not myself.

CA Yes.

W The Commonwealth Bank account was opened by myself.

40 CA Yes.

W Mmm-hmm.

CA So far as the National Bank is concerned, though, we notice from the bank statement that the title of the account is "John Alexander RYAN as trustee for the Moreton Futures Trust". Your recollection is that it was Mr GALVIN actually who opened that account?

50 W I believe so, yes.

CA How could that be?

W I'm sorry, it's not my recollection. I believe he opened the account because he had all the bank statements and everything when I started doing the accounting and trying to take over, so I presumed he had opened

the account.

CA Was he, in effect, managing the account?

W I believe so.

CA You go on in your email to say that when he resigned, his access was removed. You didn't have online access; couldn't get bank statements.

10 W The bank statements were posted to his old business address, and I couldn't get the bank to change the address.

CA Well, one notices from the bank statement that in the course of 2012 there were various transactions, both credit and debit, including cheques being written. Were you writing cheques?

W I was at that point in time, I believe, yes.

CA For what purpose?

20

W To support Allan SUTHERLAND - at that time we were actually paying directly to Allan SUTHERLAND's campaign. We were not paying invoices or anything direct.

CA Were you the one, then, who was meeting the expenses from the account?

W I was.

CA Writing cheques?

30

W I was.

CA You mentioned in your email that you didn't have online access. Did that prevent you from making internet transfers?

W It prevented me from doing the internet transfers, but also sometimes it'd be three to six months later before I'd get the bank statements, so before I could do bank reconciliations, do the accounts up and properly maintain it in a businesslike manner, I didn't know what was happening on the bank statements, and that was the frustration I had.

40

CA You mentioned in that email that as a consequence of some of these problems, you opened a new bank account with the Commonwealth Bank?

W Correct.

CA In fact, there were two accounts, were there not?

50

W There were.

CA I'll take that email. I think I did tender the email. Could Mr LEEKE see Exhibit 47. Just take a moment to look at that, Mr LEEKE. They are two account opening records, I'd suggest.

W Correct, yes, I believe so.

- CA They relate to two accounts, both entitled "Kirby James LEEKE and John Alexander RYAN as trustees for the Moreton Futures Trust"?
- W Correct.
- CA One's a cheque account and one's a transaction--
- W An online savers account, yes.
- 10 CA Do you see the application documents?
- W These forms, yes.
- CA They contain signatures and details of both yourself and Dr John RYAN?
- W They do.
- 20 CA What do you recall of the circumstances in which Dr RYAN came to become an applicant for these two accounts?
- W After I had a lot of trouble with the National Australia Bank, I spoke to John RYAN and Bryan GALVIN - I know he's not a trustee, but I did speak to Bryan. I said - they all appreciated the troubles I was having. The issue was Bryan had opened - Bryan had a relationship with the National Australia Bank. He had online access and everything. When he notified that he was no longer the trustee, they took him off, and so the National Australia Bank wouldn't even talk to him about it. I had dealt for 50 years or more with the Commonwealth Bank. I said I'd like to try and open that bank account with the Commonwealth Bank, they both agreed, and that was sort of how I got the account opened. And I opened two, so that one is a non-interest bearing transactional account and the other account is an interest bearing account.
- 30 CA On the signatures page, at least the second page on which a signature appears, there's both your signature and Dr RYAN's signature on the 13th of February 2014?
- W Mmm-hmm.
- 40 CA Did you both sign together that day?
- W No.
- CA Well, just explain the circumstances in which your signature came to appear, first?
- W I have a relationship manager with the Commonwealth Bank. I rang up the relationship manager. He came out and saw me. He printed the forms out - basically came out and saw me, and then the relationship manager - their office is at Aspley directly opposite Dr John RYAN's surgery, and either he walked across and saw John or John walked across and saw him at Aspley, at either the Commonwealth Bank at Aspley or at Dr John's surgery at Aspley, literally across the road on Gympie Road.
- 50 CA Presumably you had told Dr RYAN prior to this that this was coming?

- W I did.
- CA And hence it was no surprise to him to receive these documents, either at your office--
- W I think he walked - I think - okay, I'm going back four years, but I think he actually walked over to the Commonwealth Bank office to sign them. They had them there; he walked across and signed them. But if it was the other way around, it might be slightly different, but that's - I'd be 90 per cent confident he walked in to the Commonwealth Bank to sign them.
- 10
- CA So who were the signatories to these two accounts?
- W Dr John RYAN and myself.
- CA And what about online access, was there internet access through one or both accounts?
- 20
- W They are piggybacked on to my personal banking facility, yes. So there is internet - the answer to your question is, yes, there is internet access.
- CA Did Dr RYAN have internet access?
- W I don't believe so, no.
- CA From the time of opening this account, there being only two signatories, which of you operated on the accounts?
- 30
- W I did.
- CA To the exclusion of Dr RYAN?
- W Predominantly, yes.
- CA Moving forward towards the 2016 elections, was there any fundraising towards that election?
- 40
- W There was initially. In either late 2012 or early 2013, there were a lot of rumours floating around, and they were rumours that Councillor SUTHERLAND would not recontest the mayoral position at the 2016 election, so we were trying to think of how we would fund and support a potential candidate for the mayoral position, if Councillor SUTHERLAND didn't nominate. A bit like we did with Bryan GALVIN in the previous elections.
- CA At some point was a decision made to support Mayor SUTHERLAND?
- 50
- W It would be - probably somewhere in the 2013 year, it became evident that he was proposing to run. I don't believe anyone asked him, spoke to him directly, but it became obvious that he was going to run, and so we - we had made a lot of plans to try and do fundraising for things like that, but when he was going to be the candidate, we did not pursue significant fundraising early in that four-year period.

- CA When you speak of "we", can you tell us again who you're speaking of?
- W Oh, there was myself. We used to have a Coffee Club meeting - a meeting is a collection of two people. It wasn't a formal meeting. We didn't have minutes. We didn't have - et cetera. And various people would be at different times - Tim CONNOLLY, myself, Bryan GALVIN. There was another gentleman by the name of John, who is the lessee of Lakeside, would come along. I can't remember his surname. I think Mike CHARLTON might have come along once or twice as well. It was a loose collection of people.
- 10
- CA When you were spoken to, I think, by investigators, you might have used the expression "committee" or "committee meetings". Is that the kind of thing that you were referring to, what's in fact The Coffee Club meetings?
- W It was, yes. The only meetings we ever had were at The Coffee Club.
- CA With what regularity?
- 20 W In 2013, we were trying to have them probably monthly. They probably didn't happen monthly. They ended up being cancelled and probably be two-monthly. But towards the end of that period - we haven't had - honestly haven't had a meeting in three years, probably, four years, you know, like - after it became evident that Councillor SUTHERLAND was going to continue, we did not continue having the meetings, because we didn't think we would have to try and get another candidate and try and get his profile up.
- CA As time went on, the 2016 elections approached, were you involved in making a decision as to who might be supported with Moreton Futures Trust money?
- 30 W The answer is yes. I believe we had made the decision that we were going to be doing it, and I just followed that path that we had previously made and followed.
- CA You were still a trustee?
- W I was.
- 40 CA It really was your decision?
- W It was.
- CA What about Dr RYAN, he was also still a trustee; correct?
- W We did not have a formal meeting. He and I did not have a formal meeting to discuss that, but there was nothing to indicate to me that the course of action I was proceeding down was contrary to what anybody else wanted to happen within the committee, if I can call it that, or the group that we had.
- 50 CA Was Dr RYAN an attendee at any of these Coffee Club meetings?
- W He was a couple of times, yes.

- CA Was he involved in a decision to support Councillor SUTHERLAND?
- W The suggestion - we did not make a conscious decision. It was a thing that evolved on us over a period of time, if I can put it that way. We didn't say, "Okay, we're going to have a vote", and three people for, one against, or anything along those lines. It evolved over that time. He was probably at one of those meetings while we were discussing it, yes.
- 10 CA On this subject, you wrote an email, I think, in January this year to a couple of, look like journalists?
- W I had someone driving me insane from the Redcliffe local rag, yes. I thought it was before January, to be honest, but, yes, that was going on in--
- CA Just have a look, then, at this email. Is that an email that you wrote on the 21st of January this year?
- 20 W I believe so, yes.
- CA Who was it addressed to?
- W A Mr Bernie DOWLING who, I believe, is an editor of the paper over there.
- CA Which paper?
- W I don't know. The local rag. Is it Murdoch press? Whoever's got the local rag on the Redcliffe Peninsula.
- 30 CA There's a cc to another person from the same organisation?
- W Correct.
- CA Also perhaps a journalist, do you know?
- W I believe that he was. They were both ringing me, they were both asking me different questions at different times, and they were stepping on each other's toes and, you know, duplicating questions and everything.
- 40 CA They were asking you quite a range of details, I suggest, about Moreton Futures Trust?
- W They were.
- CA This is at least one response to them?
- W Mmm-hmm.
- 50 CA I tender that email.
- PO Exhibit 53.
- CA Is what you explained in that email correct, that is to say, that the trust was formed to support Bryan GALVIN as mayoral candidate for 2012?

- W Yes, and I've previously said that today, yes.
- CA And the early fundraising was done to support Bryan; correct?
- W Correct.
- CA Then when he made a decision not to contest 2012, you go on to say, "We, John and I, decided to support Allan SUTHERLAND". Is that the situation?
- 10 W Predominantly, yes.
- CA That it was your decision and Dr John RYAN's decision to support Allan SUTHERLAND?
- W It was, but Bryan GALVIN was involved in the discussion. Again, it wasn't a vote with just the two of us. There were other people we discussed at the time, yes.
- 20 CA Well, I suppose it's your campaign--
- W At the end of the day, we carry the can, yes.
- CA Okay. In the third paragraph, you say, "The reason we have not chosen to support Allan for the 2016 election yet is we are aware of possible alternate candidates", et cetera. Does that convey that as at January 2016, you still hadn't made a decision whether Councillor SUTHERLAND would be supported or not?
- 30 W We were very suspicious that we would be supporting him, but we did not know if there was anyone else that we may - and Bryan GALVIN may have even come along and said he wanted to run. As I said, there was some supposition as to whether Councillor SUTHERLAND was running, and so we were still keeping our powder dry, if I can put it that way.
- CA That's not too long before the election, only less than two months. At what point - well, was a decision made to support Allan SUTHERLAND?
- W I would honestly say at this point in time we had probably decided to support Allan SUTHERLAND, but I wasn't going to tell the journos that.
- 40 CA Could I show you these two bank statements, Mr LEEKE. Are they bank statements, firstly, for the cheque account and, secondly, for the online saver account with the CBA for the Moreton Futures Trust?
- W They are.
- CA I tender them together, Commissioner. They are identifiable by their names.
- 50 PO Exhibit 54.
- CA One sees, I think, from the first page of those statements the transfer of funds from the National Bank account at the commencement of these accounts in February 2014?

- W Correct.
- CA About \$67,000 was then put into the CBA accounts?
- W Correct, yes.
- CA So far as the cheque account is concerned - do you have that statement?
- W Mmm-hmm.
- 10 CA I want to take you to statement number 9. The pages are not numbered, but it's about two-thirds of the way through the bundle.
- W Statement number 9, yes.
- CA That's for the period 1 February to 30 April 2016?
- W Yes.
- 20 CA In the transaction details section, we see so far as that cheque account is concerned, at the beginning of February, there was only a \$101 credit, but thereafter, from 19 onwards, there are significant credit deposits?
- W Yes.
- CA Were you aware of the circumstances in which those deposits were made to that account?
- W Some - for example, the first one was cheques that were delivered to my office and I had them banked. Some of the others were direct credited into the bank account.
- 30 CA Well, what were the sources of the deposits? Take them one by one, if you want.
- W As I said, some people actually came in to my office and dropped off cheques to support Allan SUTHERLAND's - they asked me would we be supporting Allan SUTHERLAND's campaign? At that point in time we had decided we would be and I said yes. They came in, gave me cheques.
- 40 CA Some rang me up and asked me for the BSB and account number to put the money into, which is the next three there. Going down further, the 8th of March was a cheque that was again delivered to my office and it was banked at Everton Park branch.
- CA These deposits, by the sound of it, were not the result of fundraising dinners or functions or the like?
- W They were donations, I believe, yes.
- 50 CA Did you have any role in soliciting any donations from any donors, such as is represented on the transaction list?
- W No, I did not. I did not.
- CA Did you ever solicit any donations?

- W I did not - I returned - I did not make any cold canvass calls to anybody. I returned calls and people left messages. As I've got clients with me, sometimes I returned calls, but I did not cold canvass anyone soliciting donations.
- CA Did you have personal interaction with donors?
- W Some - some rang me up and asked me. As I said, they wanted to make donations for the support of Allan SUTHERLAND and if we were supporting him; I would say yes. Some would ask me the BSB number and account number, if they wanted to make donations; I would provide them with those details.
- 10
- CA Did any of them give any indication as to whether they had been prompted to do so, or what led them to do so?
- W Not to my recollection, no.
- CA Just asked you for bank account details and how they could deposit?
- 20
- W Correct.
- CA Were you aware of the money going in?
- W I had daily online access to the account, so I checked the account daily and would transfer money out into the online saver account to get interest on it, yes.
- CA There are various debit entries. The first major one there is \$94,000. Was that a transfer for the purpose you just mentioned - to get interest on that money?
- 30
- W Correct. That should have gone into the online saver account. Without finding it quickly, I'd be fairly - 99 per cent confident it's gone straight into this other account.
- CA Okay, we can check that. There are various other debits. We probably don't need to go through them one by one, but could you explain the purpose for which payments were made out of that account?
- 40
- W They were to support the re-election for Allan SUTHERLAND.
- CA Were all of those debits to the account for that purpose?
- W With the exception of the ones going to the online saver account.
- CA Understood.
- W And the account keeping fees, of course. Yes, they were.
- 50
- CA If you go to the online saver account, again you'll see statement number 9.
- W Mmm.
- CA We see there on 26 February--

- W Yes.
- CA --the credit of the \$94,000 that you mentioned a moment ago?
- W Yes.
- CA There are then various other debits, each of which is to something called CommBiz transfer?
- 10 W Mmm-hmm.
- CA Could you explain what they are?
- W They're transferring money back to the cheque account so that the payments I was making out of there would be honoured.
- CA I see. So you're drawing back on the money that had been deposited for interest bearing purposes, back into the cheque account?
- 20 W Correct.
- CA To meet the expenses we looked at a moment ago?
- W Correct, yes. So every one of those debits would be represented by a credit on the - the online saver account, you cannot make payments out of or do anything. It's literally an account for transferring money in and out of, and that's basically its purpose.
- 30 CA You mentioned that it evolved, I think was your word, that Councillor SUTHERLAND would in fact be supported financially. Did you have any direct communication with him to that effect?
- W I spoke to Allan SUTHERLAND once at a function that was Brian BATTERSBY's farewell. He had served 42 years as a councillor. I spoke to Allan there. He did ask me if we would be supporting him and I did say yes, but I think that was the only time I spoke to Allan in the 12 months before the election - well, during - pardon me, during the term of the election.
- 40 CA Was any part of that conversation to do with the extent to which he might be supported? Was there any talk of dollar figures, for example?
- W There was none.
- CA It was left on a fairly general basis?
- W Correct. Most - honestly, most of our conversation was about those two journos who'd been driving me insane.
- 50 CA Councillor SUTHERLAND had, however, been supported in 2012, so there was some background?
- W Correct.
- CA Did you raise the subject or did he in this discussion at Brian BATTERSBY's farewell?

- W I honestly can't remember. I think he probably asked me the question.
- CA Well, there was quite a bit of financial support, in the end, wasn't there?
- W There was.
- CA Was there any discussion about process? Going beyond the general
10 discussion you had at Brian BATTERSBY's farewell, was there any
discussion about how the mechanics of that support would work?
- W There was not. We basically said that we didn't want to pay cash, just
lose control of it; we wanted to do it for purposes. In other words, it was
going to be, you know, for the campaign that we had control of, but there
was - the actual process was really determined later on after the actual
election had started.
- CA Well, there were, however, campaign expenses, as I think we saw from
20 the bank accounts, campaign expenses that had to be met in the lead-up
to the election on 19 March?
- W Oh, sorry, the election to me started when the writs were called, sort of
thing, or whatever, so yes.
- CA We're probably talking - so far as the bank accounts are concerned, the
main traffic through them was in February and March; correct?
- W Correct, yes.
- 30 CA Did you receive invoices that were sent to you for payment on behalf of
Councillor SUTHERLAND?
- W I did.
- CA By what arrangement?
- W His wife would send invoices that they had that they would like us to
consider paying. They came by email. I would look at them. Some
I approved. Some I rejected. The ones I approved, I actually arranged the
40 payment, which are these payments you've seen here.
- CA Did you consult with anyone else in terms of whether any particular
invoice would be paid?
- W No.
- CA Dr RYAN wasn't consulted?
- W No.
- 50 CA Bryan GALVIN?
- W No.
- CA No-one else?

- W No-one.
- CA You really took it on yourself to carry out the role of the trustee?
- W I did.
- CA The trust deed actually requires two people to authorise payments, does it not?
- 10 W The trust deed, if you read it, it's - I could have been a smart-alec, but the trust deed says all payments should be approved by two people. It doesn't say "before they're paid", though, so I could have got them signed today if I had have come to see John early, but that would have been - I'm sorry, it would have been a smart-alec for this Commission. I wasn't intending to try and trivialise this Commission.
- CA At any rate, it sounds like you alone were the one who, in effect, took responsibility for whether invoices sent to you would be paid or not?
- 20 W I was.
- CA And you paid a substantial amount?
- W I did.
- CA I think all the details are set out in the third party disclosure return that you subsequently compiled?
- W They were.
- 30 CA The details in that are accurate, are they?
- W To the best of my knowledge, yes.
- CA And drawn from what primary sources?
- W The copies of the invoices and my accounting records, yes.
- CA Were you ever asked to support any other candidate?
- 40 W No.
- CA Did you pay any invoice in respect of any other candidate's expenses?
- W No. Some of the invoices mentioned other people, like letterbox dropping that had other people on them, but they were all Allan SUTHERLAND invoices.
- CA What significance did you attach that there were other names mentioned on the invoices?
- 50 W I've been around the area a long time. I know one person cannot man every booth in the entire electorate, and there are arrangements done that if you hand out my How to Vote Cards, I'll have my candidates hand out your How to Vote Cards. I believe it was that sort of a nature.

- CA Did you need to have any ongoing communication with either Councillor SUTHERLAND or his wife concerning the flow of invoices, which ones would be paid, which ones weren't, and so forth?
- W Some of the invoices that were sent through to me I declined to pay, and I did advise her that I had not paid them, so she would have to arrange to pay them themselves.
- 10 CA With whom did you primarily deal?
- W With Councillor SUTHERLAND's wife.
- CA Did you deal with Councillor SUTHERLAND at all?
- W Never.
- CA Could I show you this email. Is that an email that you wrote to Gayle SUTHERLAND?
- 20 W It was.
- CA On 24 March 2016?
- W Correct.
- CA That is a few days after the election?
- W Mmm-hmm.
- 30 CA You provided, in that, details of what you describe as income to date and expenditure to date; correct?
- W Correct.
- CA There are two attachments, one for each of income and expenses?
- W Mmm-hmm.
- CA I tender that email and attachments.
- 40 PO Exhibit 55.
- CA First of all, so far as the email is concerned, what was it that caused you to send this email to Mrs SUTHERLAND?
- W I don't recall. She sent me an email which attached some Freeway Signs that she wanted paid, but outside of that I don't remember why I sent it back to her. It was probably - what was the date of the election? Was it before or after the election?
- 50 CA 19.
- W It was a week after the election, so I'm just giving her some idea of what we had done.
- CA Presumably you thought she would be interested, or you wouldn't have

bothered?

W Absolutely.

CA What was her interest, so far as you thought?

W I thought she would like to know what we had spent for her, or for her husband.

10 CA Did she ask you for such details?

W Certainly not in that email. I don't believe there was a conversation about it.

CA The attachment details persons who have provided money. There is a total of \$136,000, although could it be that there is a \$9,000 amount in credit to Focus Pacific, which didn't actually get paid?

20 W I think that's probably true. Without referring to my records now, I can't remember.

CA Did you know at the time those various amounts were received from those entities, what the nature of their business was?

W I did not.

CA Did you inquire?

30 W I - I did not. I tried to make sure I kept track of who they were, addresses and details and the information I would need to complete the disclosure, the Electoral Commission disclosure. Outside of that, I didn't pursue it, no.

CA Didn't ask any of those donors what their business was?

W No.

CA And didn't know?

40 W I suspected they were developers.

CA Why would you suspect that - just from the names?

W Correct.

CA Had you provided details of these donors to Mrs SUTHERLAND at any time prior to this?

50 W I don't think I had, no.

CA You didn't send her details progressively?

W I don't think I did, but I couldn't be absolutely certain.

CA I take it, so far as expenses are concerned, that you would have let her know progressively which ones you would pay and which ones you

wouldn't?

W I did.

CA She would really need to know that, wouldn't she, for commercial reasons?

W That was the reason. They're the ones I had paid. I had told her previously some of the ones that I had declined to pay.

10

CA Why would you decline to pay, Mr LEEKE?

W Some of them were not in Councillor SUTHERLAND's name. They did not comply with what I thought - some of them, they didn't cross add; they didn't add down. I can be a nitpicky accountant. I like an invoice to be right. I don't think I had any that didn't have GST registration numbers on, but - or ABN numbers on.

20

CA If you notice on the bottom of the first page of that string, there's what appears to be an email from Freeway Sign Hire to allanandgayle, et cetera, and then over the page appears to be a copy of an invoice for \$990?

W Mmm-hmm.

CA The content of the communication is that the invoice is being provided to a Julie GREER. It appears to be that - that email address, allanandgayle, is that an email address from which you received emails from Mrs SUTHERLAND? Do you recognise that account?

30

W I think so. Most of them, as you can see at the top, they've just got "Gayle SUTHERLAND" without the actual email address on, so I - the computers do all that, I'm sorry.

CA Okay, you can't really remember-

W I would type "Gayle" if I wanted anything. It would just-

CA Put in the address?

40

W Mmm.

PO Mr LEEKE, if you look at the email immediately above the one that Mr RICE has directed you to, do you see it says "Gayle SUTHERLAND" and then the email address behind that is allanandgayle@bigpond.com?

W Yes.

PO So that seems to be-

50

W It seems to be, but I can't guarantee that was the one I used. I just typed "Gayle SUTHERLAND" and - because that's not one that I had sent. That's one that has been sent to her, which has been forwarded to myself.

CA It might be testing your recollection, but that invoice addressed to Julie GREER from Freeway Sign Hire, is that one that you paid?

- W By having a look at that cheque number, identification number 16, I guess I did. I probably shouldn't have. In hindsight, I probably shouldn't have, but it would appear that it was one that I did pay, yes.
- CA You were explaining your criteria a little bit earlier, that you wanted to see an invoice with Mr SUTHERLAND's name on it, so there was an obvious connection. Is that the way you worked?
- 10 W It's a pretty poor - it's a poor invoice, just to start off with. You've got to click on it to get the - there's obviously a link there that I was supposed to click on and follow, but I didn't.
- CA You were provided with this invoice, correct, by virtue of this email?
- W Look, I probably did. I may well - I've actually got the paperwork - if I would have seen that, I would normally follow the link to actually get the invoice. I wouldn't consider that to be an invoice.
- 20 CA As we looked at the list of persons from whom money had been received, on the version that we looked at, and I think on yours also, there is some highlighting against the Focus Pacific Pty Ltd entry. Can you explain, was there some uncertainty concerning whether that should be listed as a form of income?
- W Correct.
- CA Why is that?
- 30 W Well, I had not received any money, but I had been suggested that they would be paying, and I was trying to find out if they should pay or not.
- CA I think there might have been some email communication with the donor concerning that?
- W I believe so, yes.
- CA Can I show you this email. Is that an email that you received on the 16th of March from a Michael GRAHAM?
- 40 W It is.
- CA With an address apparently representing Focus Pacific?
- W It is.
- CA Do you know Mr GRAHAM?
- W I do not.
- 50 CA You obviously had some email communication with him?
- W I did.
- CA On the subject of his making a campaign donation?
- W It is, yes.

- CA In that document as I've presented it to you, there is what appears to be a Commonwealth Bank transaction receipt and a page with some handwriting on it?
- W There is, but that's got nothing to do with that email, yes.
- CA That's really what I was going to ask you. There's some uncertainty about that, so I was looking to you to clarify. You don't know what that handwritten sheet is?
- 10 W The handwritten sheet is some - that was a cheque that was dropped in to my office. I have then written on - that's my handwriting, the halfway - the top half I don't know who wrote. Then I had the cheque, so I then had to try and find out who the hell it was from so that I could complete the - so that is my handwriting, the second half, where I was trying to track down to make sure I complied with the requirements for the disclosure.
- 20 CA But it's not, in fact, to do with the subject matter of the email?
- W Nothing at all, no. I don't know why it's attached.
- CA Okay. Well, perhaps it shouldn't be. We'll leave it as it is, on the understanding that you've given that explanation.
- I tender the two sheets, subject to the explanation that Mr LEEKE has given about their disconnection.
- 30 PO Exhibit 56.
- CA Just turning to the email, firstly, Mr LEEKE, had you had any prior communication with Mr GRAHAM concerning the prospect of a donation?
- W I don't recall, honestly.
- CA You don't know whether this was the first or not?
- 40 W I don't.
- CA At any rate, it's apparently Mr GRAHAM informing you that he'd decided to support Mr SUTHERLAND's campaign with \$10,000?
- W Correct.
- CA And to anticipate that money in the next 24 hours; correct?
- W Correct. But that said, I don't think he actually did pay and come through with it.
- 50 CA Turning, then, to the handwritten sheet, you told us a moment ago that some of the handwriting on that is yours. Can you point it out?
- W From "Open Corp Project Management" down is my writing.

- CA What was the origin of this sheet that you wrote on?
- W Somebody dropped a cheque in to my office. I think it was for \$20,000. I don't know what the \$3,000 comment is there. And before I banked it, I wanted to find out what the details of it were, and that's what I tracked it all down to, the best thing I could find. I think the person who dropped it in was a David TRASK, and that's why I've written "David" there, and that was the details that I could track down for where it came from.
- 10 CA And there is a Commonwealth Bank transaction record, I think, on the reverse?
- W Mmm.
- CA Does that reflect the deposit of that cheque?
- W It does.
- 20 CA On the 15th of March?
- W It does.
- CA So that would then put a date on the handwritten document, the handwritten document having been received prior to your banking of the \$20,000 cheque?
- W It would, yes. The cheque was dated the 10th of March, and it was banked on the 15th of March, so somewhere in those five days, yes.
- 30 CA So do we take it from this that you received a \$20,000 cheque, with this handwritten sheet, which you then added your own handwriting to, and that was it? That was the form in which it came to you?
- W Correct.
- CA A sheet of paper with a \$20,000 cheque?
- W With the cheque that said "Moreton Futures Trust".
- 40 CA No prior warning?
- W No.
- CA No call, "Kirby, I'm coming in", et cetera?
- W None at all, sir.
- CA Did that surprise you?
- 50 W It has happened before.
- CA In this scenario, in this scenario of receiving money to be banked to the Moreton Futures Trust?
- W Yes.

- CA There is at least letterhead, Trask Development Corporation. Is that what you used to obtain further details?
- W No, I believe, while the image of the cheque is very small, I had the original cheque at the time and I tracked down from the name on the cheque.
- CA What was the name on the cheque, do you remember?
- 10 W I can't remember now, and I can't read it here.
- CA How did you come to write down on that sheet "Open Corp Project Management"?
- W Actually, that is what is on the cheque, if you look very, very closely at it, yes. That's not the same cheque.
- CA Oh, I see. If you look at-
- 20 W That's a different image you've got there.
- CA Yes, okay. All right, now, what's being depicted on the screen is actually the second sheet. It's the reverse side of the email, Mr LEEKE.
- W Correct, yes.
- CA Do you see that?
- W Yes, and that's where I said the Open Development.
- 30 CA What transaction is reflected on that Commonwealth Bank transaction record? Is that the deposit of the \$20,000?
- W The depositing of that cheque, correct, yes.
- CA With an image of the cheque?
- W Correct.
- 40 CA I see.
- W My bank has changed over. They've now imaged it. If you've got less than three or five cheques and you make a deposit, they actually image it and put it on the deposit slip.
- CA If we just blow that up, it's a little difficult to read. It appears to be Open Development, perhaps?
- W Mmm-hmm.
- 50 CA You were able to add further details on the sheet which you wrote on, with a post office box from Victoria?
- W Correct.
- CA Do you remember how you obtained that?

- W I don't absolutely remember, but I guess I would have done - that's got the ABN number on it, or can number on it. I could probably have searched that. I would probably have rung someone to try and find out, and it might have been either Bryan GALVIN or may even have been Tim CONNOLLY. But I think I just did a Google search to try and track it all down that way.
- 10 CA All right. Can I show you another email dated 17 March 2016. We can take that other one back from you, Mr LEEKE. If you look at the second page, because the emails appear in reverse chronological order, you'll see the first email in the string is one that we'd drawn attention to before from Michael GRAHAM to you about the prospect of a donation?
- W Yes.
- CA Correct?
- 20 W Yes.
- CA Going forward in time to the 17th of March, there's a further exchange about that potential donation; correct?
- W Correct.
- CA And at 11.05, you wrote to him, sending him a tax invoice?
- W Mmm-hmm.
- 30 CA Why did you do that?
- W I guess he's actually asked me to send him one.
- CA For a donation?
- W Correct.
- CA And you did so?
- 40 W Sorry?
- CA You did that?
- W I did.
- CA That's the attachment?
- W Correct.
- 50 CA Appearing to be an invoice, Moreton Futures Trust, to Impact Homes?
- W No, Focus.
- CA Focus, correct. Sorry. All right. I tender that email string and attachment.
- PO Exhibit 57.

- CA Did you have to make up a form of invoice?
- W No.
- CA Is Moreton Futures Trust in the practice of invoicing?
- W I use MYOB and MYOB has a facility to put a sale through - like, I do all the accounting and everything through MYOB for this particular thing, and it has a format--
- 10 CA Invoice template.
- W Correct.
- CA Could Mr LEEKE see the third party disclosure return, which is Exhibit 49. Is that the third party disclosure return for Moreton Futures Trust?
- 20 W It is.
- CA Did you prepare that?
- W I did.
- CA Do you see on the third page a list of the persons or organisations from whom \$1,000 or more was received? Does that correspond to the list of donors that you gave to Gayle SUTHERLAND by email on the 24th of March?
- 30 W I think so. If I had the two, I'd compare, but I think so.
- CA And on page 4, are they the expenses that were paid in respect of Councillor SUTHERLAND's campaign?
- W They were.
- CA All of them are referable to that?
- 40 W They are. Yes, sorry, yes.
- CA Did you have an email exchange with Bryan GALVIN concerning the content of this third party return?
- W I did.
- CA Could I show you this email string. The return is actually dated 30th of May 2016, on Exhibit 49.
- 50 W Okay, yes.
- CA Is this an email exchange that you had with Bryan GALVIN commencing on the 30th of May 2016?
- W It was.

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- CA There is an attachment, I think, being an unsigned version of the disclosure return?
- W Correct.
- CA All right. I tender that email string and attachment.
- PO Exhibit 58.
- 10 W I predominantly sent it to him as a legal person to make sure that I hadn't missed anything before I actually posted it to the Commission.
- CA Okay. That was really what I was going to ask you, for what reason you sent it to him?
- W He's a legal person. He probably knows the Act better than I do.
- CA The string conveys that at 3.54 that day you sent him - do you see at the bottom of the first page--
- 20 W Mmm-hmm.
- CA --on the 30th of May, at 3.54, you sent him your draft of the return, and the attachment is unsigned but dated 30th of March?
- W The?
- CA The attachment to the email.
- 30 W That's the - yes, potentially, okay.
- CA But in fact you did sign off on the return that day? You won't see it from that. We looked at--
- W Yes, okay.
- CA I showed you the return.
- 40 W If that's what it said, yes, I probably did. But, equally, I didn't post it until after I got confirmation back, so that while I might have prepared it and signed it--
- CA Okay, because there are further emails to do with the content of that, content of the return?
- W There is on the 17th of June.
- CA That exchange was at your - well, really at his instigation--
- 50 W Well, I started it.
- CA --querying whether you needed a hand with it. You took up the option, did you, he being a qualified lawyer?
- W Correct, correct.

- CA Had he had any involvement, so far as you know, in deriving the income by way of donations that came in to the trust fund?
- W I suspect he might have spoken to some people, yes. Who, which ones, I don't know.
- CA What causes you to suspect that?
- 10 W He has been around in the area a long time. He ran as a candidate previously, so I suspect he probably talked to some of his previous donors. I think some had donated money in the 2012 election, which he then didn't run for but he still - he still had contacts in the area.
- CA You would suspect from that that he, by then, was supportive of Councillor SUTHERLAND?
- W Oh, he was supportive, I've no doubt of that, yes.
- 20 CA That's the evidence, thanks, Mr Commissioner.
- PO Thank you.
- Mr LEEKE, thank you for coming. You are excused. You can go.
- W Thank you.
- LR My name is LONGBOTTOM, E J, of counsel. I appear on behalf of Mr SUTHERLAND. Can I ask the indulgence of the Commission to stand the matter down for five minutes, this is the first time we've heard the evidence, just so I can confer with my client?
- 30 PO Certainly. You just let us know when you're ready, will you.
- LR Thank you.
- PO I'll just adjourn.
- HRO This hearing is adjourned.
- 40 SHORT ADJOURNMENT
- HRO This hearing is resumed.
- PO Thank you.
- CA I have just two or three additional questions, if I may, Commissioner?
- PO Certainly.
- 50 CA Mr LEEKE, did Moreton Futures Trust advertise its existence in any way as a vehicle for political donations?
- W Not to my knowledge, I don't believe so, no.
- CA Did it have a phone number?

W Phone number is my office.

CA I think you told us that you didn't solicit donations from anyone--

W Correct.

CA --for this campaign period, February/March of 2016. Do I understand you correctly that you suspect at least that Mr GALVIN may have done?

10 W I think so, yes.

CA Anyone else that you--

W I thought Tim CONNOLLY may have. They were the two that I believe were doing some of the background work, yes.

CA If it didn't advertise, is there any other way, apart from word of mouth or solicitation, by which donors could become aware of the fund?

20 W Not new donors. There were a number of donors to the 2012 election who I believe - the same people but different companies, they migrate around the industry. But outside of that, realistically, no.

CA Thank you.

PO Thank you.

Ms LONGBOTTOM, did you get some instructions?

30 LR We did, and we have no questions. Thank you, Commissioner.

PO Thank you.

Mr LEEKE, once again, thanks for coming. You are excused again.

HRO This hearing is adjourned.

40

50