



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: 33MINS)

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LEGEND

PO Presiding Officer – ALAN MACSPORRAN QC
CA Counsel Assisting – GLEN RICE QC
30 HRO Hearing Room Orderly – JESSICA WINTERS
W Witness – KERRY SILVER
LR Legal Representative – Ms E S WILSON QC with Mr E MAC GIOLLA RI,
Barry.Nilsson Lawyers

CA Mr Chairman, the next witness is Councillor Kerry SILVER from the Ipswich City Council.

PO Thank you.

CA I call Kerry Vernessa SILVER.

LR Commissioner, could I note my appearance?
10 PO Yes.

LR My name is WILSON, initials E S, of Queen's Counsel. I appear with my learned friend Mr MAC GIOLLA RI, initial E. We appear for Ms SILVER and we are instructed by Barry.Nilsson Lawyers.

I note the Commissioner's opening remarks yesterday, and all evidence my client is giving today is on that basis.

20 PO Yes, thank you. Mr RICE?

CA Thank you, Mr Chairman. Is your name Kerry Vernessa SILVER?

W Yes, that's correct.

CA Ms SILVER, you were elected in 2016, were you not, as Councillor for Division 3 of Ipswich City Council?

W That's correct.
30 CA I am reminded the witness hasn't taken an oath.

PO Oh, yes, you should be sworn in.

W I should do that, yes.

PO Thank you. Are you happy to take an oath?

W Yes, happy to.
40 HRO Please stand. Take the Bible in your right hand and repeat after me. The evidence.

W The evidence.

HRO Which I shall give.

W Which I shall give.

50 HRO In these proceedings.

W In these proceedings.

HRO Shall be the truth.

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.
10 HRO So help me God.
W To help me God.
HRO Please take a seat.
CA Ms SILVER, you are attending here in response to an attendance notice that was given to you?
20 W Yes.
CA Could I just ask you to look at this and confirm that that's the notice before we start.
W Yes.
CA I'll tender that attendance notice.
PO Thank you. Exhibit 26.
30 CA You were saying before that you were elected as Councillor for Division 3 in Ipswich City Council?
W Yes.
CA That was your first election contest, was it not?
W Yes.
CA Prior to that, you worked as an electoral officer in Division 3?
40 W Yes, that's correct.
CA That was in the office of the previous councillor; is that correct?
W Yes.
CA That's Mr Victor ATTWOOD?
W Yes.
50 CA Did he retire prior to the 2016 elections?
W Yes.
CA Did you see that created an opening for you, perhaps, to take your career in a different direction?

- W Yes.
- CA Perhaps you might tell us, in your own words, what prompted you to nominate?
- W I believed that I would be a better candidate than those that I knew had already optioned to nominate.
- 10 CA All right. You had already been working, I suppose, is it fair to say, within the system, so to speak, for quite a few years?
- W Yes.
- CA You had the sort of profile from that that would be advantageous to you?
- W I worked actively within the community in a variety of volunteer roles as well, so yes.
- 20 CA Did you run as an independent candidate?
- W Yes.
- CA Is that a term that you used by way of promotion of yourself?
- W Yes.
- CA In interfacing with electors, for example?
- 30 W Yes.
- CA Did you identify yourself as an independent candidate?
- W Yes. There's - yes, I did.
- CA On any of your printed material, did it use the words "Independent Candidate"?
- 40 W I did also advise in printed material that I was a member of the Australian Labor Party.
- CA You were a member at the time of the campaign?
- W Yes.
- CA And had been for how long?
- W Since 1998.
- 50 CA And your campaign director, Mr BROAD, was also a Labor Party member?
- W Yes.
- CA Do you see any tension between your campaigning as an independent candidate and being a long-term member of the Labor Party?

- W No. There was no endorsed teams from the Labor Party. They made a decision to not run endorsed teams.
- CA Did you make it known, in the course of your campaign to electors, that you had this alignment with the Labor Party?
- W As I previously stated, I did have in my printed material that I was a member of the Australian Labor Party.
- 10 CA What printed material are you referring to? What kind of thing?
- W I had a brochure and it had my qualifications in it, and I had a corflute, I had it on my corflute. That had been previously utilised by previous candidates, and it hadn't been raised previously, so I wasn't aware that I couldn't.
- CA I'm not saying you couldn't. I'm just asking what it was that you did.
- 20 W Yes, mmm-hmm.
- CA One of the things that you did was to share a How to Vote Card with Councillor TULLY?
- W Yes.
- CA It also, I think, at least in one version of it, had a depiction of your support for Mr PISASALE?
- 30 W So I had two different cards, is that what you're referring to? That there were - there was--
- CA It's perhaps easiest if I show you.
- W Yes.
- CA Just have a look at this one.
- W Yes.
- 40 CA Your division shares a boundary with Councillor TULLY's division, which is Division 2; correct?
- W Correct.
- CA Your division also shares boundaries with other divisions, apart from Division 2?
- W Yes, smaller booths.
- 50 CA That particular card that I have shown you that shows how to vote in respect of Councillor TULLY and also yourself - whose idea was it to come up with that kind of arrangement?
- W This had been previously done as a triplicate in previous election campaigns and for efficiency purposes and environmentally, you're not

producing a number of different documents, so I approached Councillor TULLY.

CA You said that this style of arrangement had been used previously.

W Mmm-hmm.

CA Do you mean by Councillor ATTWOOD when he was occupying that division?

10

W Yes, yes.

CA So you'd seen that style of thing in his campaigns over the years?

W Yes. Yes.

CA But, of course, you were a new candidate, he having retired, so I think you were telling us you did approach Councillor TULLY--

20

W Yes.

CA -- to see about the continuation of that style of arrangement?

W Mmm-hmm.

CA Because Mr ATTWOOD had such an arrangement with Councillor TULLY in previous elections?

W Yes.

30

CA And the Mayor?

W Yes. There was a triplicate which - I do have a copy of a 2008 one, if you wish to have that document.

CA That's okay. Could you explain why it was that you approached Councillor TULLY to arrive at that How to Vote Card?

40

W There are some 4,000 - generally about 4,000 voters going through that booth and it was for efficiency, so that you were just being able to - I had my own workers just giving out one card.

CA Was that particular card for distribution in all booths?

W No.

CA Or a selection of booths?

W Just at that particular booth.

50

CA Perhaps you could explain to us the criteria of use of that particular card? What was it - what's --

W Sorry, I didn't realise where you were looking.

CA How wide or how limited was its usage?

- W How limited? Sorry, can you-
- CA How and where was it used?
- W This card was used at division - at Kruger. That was the only location that we had the three of us at that particular booth.
- 10 CA Can you assist us with the geography of Kruger?
- W Oh, so Kruger State School sits in Division 2 and across the road is Redbank Plains. So Kruger State School sits in Bellbird Park, so that is Division 2, and on the opposite side of the road is Redbank Plains, or Division 3.
- CA So there is a Kruger booth?
- W That - yes.
- 20 CA That's a school, is it?
- W Yes.
- CA And that borders the two divisions?
- W Yes.
- CA What's the utility, then, could you explain, of having this joint How to Vote Card?
- 30 W For efficiency.
- CA In what sense?
- W In the sense that you're handing out one card. There's a number of people coming from different divisions not aware of perhaps where they're going to be, so you're just handing them, you know, there's a 2 and a 3.
- 40 CA Did you consider, when you were arranging with Councillor TULLY to have such a card, that an arrangement of that kind involves some cross-promotion of your interests and his interests also?
- W No. I thought of it as an efficient - it was something that had previously been utilised to help the process of getting people into the booth to do their voting.
- CA Would you accept that your How to Vote details on the same card as his How to Vote details can give a perception that you two are aligned and cross-promoting each other's election?
- 50 W That's not how - that's not how I thought of it.
- CA No thought like that occurred to you?
- W No. It was - it had been previously utilised. It's a very large booth. So it was just a way of being able to be more efficient, more environmentally

friendly. You haven't got three pieces of paper there, although I think the Mayor still sent his own people there. So we had our own booth workers as well.

CA Well, having had an arrangement with Councillor TULLY to use such a card, I take it from what you have said, you didn't give any thought to the risk that it might be perceived, arising out of such an arrangement, and having a joint How to Vote Card that you two were a group?

10 W We're not a group. I didn't perceive that I was a group with Councillor TULLY because of an election card. My perception of a group would be different to that, I'm sorry.

CA Okay. You also made use of Mayor PISASALE's image for the purpose of that?

W Yes.

20 CA Tell me, did you seek any permission from him to use his image?

W Yes, I did. I have - I sent an email to his campaign manager, and then I went and saw him to seek that and provided him - like, went and showed them the cards.

CA And did you get approval?

W Yes. He was giving it to everyone.

30 CA Did you find that out?

W (Witness nods).

CA Just for completeness, if you would tell us, that particular How to Vote Card --

W Sorry, and I have the email that I sent to Lisa, if you wish it.

CA We'll take your word for it, I think.

40 W Okay.

CA You might just tell us at what stage of the campaign that was?

W I believe it's dated the 9th of March, the email, so - and I - sorry, I'm not 100 per cent sure what time I went to see him as such, but it would have been between the 9th and the 11th, which is when I submitted it.

CA That's very close to the last week of the election?

50 W Yes. I submitted the paperwork on the 11th.

CA What do you mean by that? Submitted to --

W Oh, the card.

CA -- the Electoral Commission?

- W Yes, submitted the card.
- CA They have to go in about a week before the election, don't they?
- W Mmm-hmm.
- CA So you were finalising the approval, were you, for the purpose of submitting this card to the Electoral Commission?
- 10 W Yes, most definitely.
- CA And it was around that time --
- W Yes.
- CA -- or just a couple of days beforehand, before the cards were due to be submitted, that you did all that?
- 20 W Yes.
- CA Who is D SMALL?
- W Daryl is a local resident. He has a number of - you know, he's got a healthy interest in politics. I've known him for, you know, 18, 19 years, and due to health reasons he can't be sort of active in things, but he wanted to participate and help in the campaign, and that was a way of being able to, you know, have him participate and help, volunteer.
- 30 CA So what interaction did you have with Mr SMALL for the purpose of being able to endorse the How to Vote Card that was authorised by him?
- W Yes, so I would take him the card and, you know, we would be doing things and I would go and see him with any material, and he would consider that and then go, "Yes, I'm happy to authorise that."
- CA So he's a connection of yours rather than Councillor TULLY's, from what you say?
- 40 W Yes. Well, he knows both of us. He probably would have known Councillor TULLY before he knew me.
- CA In any case, you were the one who took this card to him for the purpose of that authorisation process; correct?
- W Yes.
- CA I'll tender that How to Vote Card.
- 50 PO Exhibit 27.
- CA In the course of getting Mr PISASALE's agreement to use his image, did you pay or offer to pay him for the use of the image?
- W No.

- CA Was there an element of enhancing your own appeal on your How to Vote Card by using Councillor PISASALE, or Mayor PISASALE's, image?
- W No.
- CA So what was the purpose of it?
- W I wanted to support - he was my preferred person as the Mayor.
- 10 CA You wanted to make that known to people, who you were supporting?
- W That I thought he was the best person as the Mayor.
- CA Without thought to any derivative benefit to you-
- W No.
- CA -from using his image, given his popularity?
- 20 W No.
- CA Okay. Did you share any fundraising activities with any other candidate?
- W No.
- CA Did you engage in any activity of promotion of another candidate's election?
- W No, not that - no. I don't - what does that constitute?
- 30 CA Well, on one view of it --
- W Sorry?
- CA On one view of it, the How to Vote Card promotes the election of another candidate.
- W Okay.
- 40 CA Was there anything in that category that you can think of that occurred in the course of your campaign, any sort of promotion of another candidate's election?
- W No, that wasn't my intention. My intention was for me to be elected.
- CA Did you have volunteer assistance at polling booths on election day?
- W Yes.
- 50 CA How was that volunteer assistance obtained?
- W They were my friends, my family, my circle of colleagues, associates.
- CA Were they drawn from Labor Party membership?

- W There would have been - some of those people would be party members as well, but they are my friends, people I've known for nearly 20 years.
- CA Your personal network, as you would have it?
- W Yes.
- CA Were they dressed in any way to signify that they were supporting you?
- 10 W Yes. They all had T-shirts on that had my name on the back of them or on the front.
- CA Do you know whether any of your volunteers gave similar support to other candidates?
- W I don't - I don't know. I wasn't at every booth the whole day. What do you - can you please be more--
- 20 CA Were you privy to any arrangement for the sharing of volunteers who were supporting you with any other candidate?
- W No.
- CA Nothing of that type?
- W No.
- CA You received donations from different sources in the course of the campaign?
- 30 W Yes.
- CA And in due course completed a disclosure return?
- W Mmm-hmm.
- CA And submitted that to the Electoral Commission?
- W Yes.
- 40 CA Can I show you this document. Is that a copy of your disclosure return?
- W Yes.
- CA Signed on page 4 and dated 1st of July 2016?
- W Yes.
- CA I tender that disclosure return.
- 50 PO Exhibit 28.
- CA Do you recall receiving an information package from the Electoral Commission for candidates?
- W I recall receiving the USB stick.

- CA And what did that have on it?
- W As I discovered recently, it had a number of documents on it. I think it had the candidates guide and that on it so --
- CA When did you receive it?
- W I think it was either when I nominated or just after I nominated.
- 10 CA From what you said a moment ago, it doesn't sound like you perused the contents, did you?
- W No. It was a fairly hectic time.
- CA Well, just to be clear, did you look at the Guide for Candidates?
- W I believe I looked it up online and was trying to refer to different, you know, parts as I was going through things.
- 20 CA There was a guide on disclosure for the purpose of completing your return. Are you aware of that?
- W No, but I have been made aware of that recently through these proceedings, so I have now reviewed that.
- CA You faced the task, didn't you, after election, of completing this disclosure return? I am just trying to pin down what sources of information you may have had about what you should include and what details should be in it .
- 30 W I did actually ring the Electoral Commission when I was filling out that particular document with a couple of questions, and at the time when I was filling in that particular document, I was doing it very quickly. And since this process has started, I have now reviewed what I actually put in, and I can now see - and I've reviewed the candidates guide and can see that, like, with JJ Investment Trust that I probably - I needed to obviously provide further information on that, and I am happy to submit an amended return on that, or anything that doesn't comply. Sorry, I've never used - I have never had anyone provide any funding, I guess, to me before like that or seen a trust, so - yes.
- 40 CA This is your first one and you weren't quite sure how to do it?
- W Yes.
- CA And if there was a guide, you didn't read it?
- W I should have - I should have taken further time to have read and found those documents.
- 50 CA Do you appreciate the issue of transparency--
- W Yes.
- CA --in making a proper disclosure of your donors?

- W Yes.
- CA Is that apparent to you now?
- W Yes, and I - and looking at the form, for me, I guess if it had probably asked me specifically specific, you know, the name of the person, the trust, or the trustee, and stuff like that, I would have put them down. I guess it's just following, you know, what's the name of it and not reading - having not perused that guide intently, I've made a mistake and I apologise.
- 10 CA Okay. Do you think you didn't get enough guidance as to what should be on the form from the form of the document itself?
- W Yes.
- CA Was that part of it?
- W Yes.
- 20 CA And part of it--
- W Part of it, yes.
- CA -- for whatever reason, is not having regard to the guide, for example?
- W Yes.
- CA And I take it you didn't have regard to the Act as well?
- 30 W I haven't - I haven't read the Act, I'm sorry. I'm not - it was a very intense period of time nominating and going through that process. I haven't been - unlike some candidates that were four years, it was a six-week campaign, but I should have known better, and I should have read those documents and effectively done it.
- CA There's a couple of things about this, isn't there? You mentioned JJ Investment Trust. You've got two donations from them?
- 40 W Mmm-hmm.
- CA You do actually know who is behind JJ Investment Trust, don't you?
- W Yes.
- CA And you did at the time you completed this?
- W Yes.
- 50 CA Who are those persons?
- W James Gerard MCILMURRAY and Joyce MCILMURRAY.
- CA Are they people who are personally known to you?
- W Yes.

- CA Did you know that they were the persons associated with that trust, who were actually the individuals giving you the money?
- W It was that - his cheque had "JJ Investment Trust" on it.
- CA I see. But seeing a cheque with that name printed on it, you knew then, didn't you, who actually was the signatory?
- 10 W I'm sorry, I took the organisation or, yes, the name - sorry, as I said previously, I should have looked at the guide more intently in relation to the trust --
- CA I was just --
- W -- and reporting how you do that.
- CA Okay. I was just making the point that the persons behind that trust were in fact persons who were known to you?
- 20 W Yes.
- CA Not some anonymous people; you didn't know who they were?
- W No. No, no.
- CA You received some money from Peter KAO - K-A-O?
- W Mmm-hmm.
- 30 CA He is a property developer, is he not?
- W Yes.
- CA He is someone who is known to you personally?
- W Yes. Well, yes, I've known him over a number of years now.
- CA In what way, in what respect?
- 40 W In my previous role.
- CA How did your previous role - you're talking about being an electorate officer?
- W Yes.
- CA How did that bring you into contact with him?
- 50 W He would be in contact with the office in relation to his, you know, developments or interests that he had in the city. He'd donated items, a block of land in Division 4 to the city.
- CA How would you characterise it? As a business relationship, or were you friends, or both?

- W Business - acquaintance.
- CA Do you know how he came to make a donation of \$2,000 to your campaign fund?
- W I had a phone call from Kevin BIANCHI to congratulate me on my decision to nominate, and he said to me then that Kevin wanted to - Peter KAO, sorry. Kevin's his son. Peter wanted to make a donation to me to help the campaign.
- 10 CA You knew what his line of business was?
- W Mmm-hmm.
- CA Did that create any tension, in your mind, receiving donations from a property developer --
- W No.
- 20 CA --given the kind of work you may be called upon to do as part of council business?
- W No, because there are strict processes within council for dealing with conflicts of interest.
- CA You probably appreciate now that the better course is to include addresses rather than post office boxes?
- W Oh, okay. Sorry, no.
- 30 CA No?
- W No.
- CA The Act requires the business or residential address of a donor.
- W Okay.
- CA You didn't know that until I just mentioned it?
- 40 W No. Sorry, I took a PO box to be a business address, like most businesses have a PO box rather than a physical street address.
- CA It's really a postal address, not a business address, though, is it?
- W Okay.
- CA Do you agree? No?
- 50 W I gave my answer. I've --
- CA You also received or declared some donations from Shayne NEUMANN?
- W Yes.
- CA A member of parliament?

W Yes.

CA Do you recall the circumstances in which he gave money, or the value of money, to you?

10 W So Shayne had, I think, is it \$257 or something, \$256, \$258. It's the cost of an ad that Shayne put into the newspaper to promote himself doing a mobile office, and he said I would be in attendance. I felt that because he had put me in there, I should be declaring that as a gift, I guess. And the \$100, which was a cheque for an item he bought at my fundraiser - or my campaign launch, I should say, at which we had some raffles and some auction items, I actually - I will need to amend my return on that, too, because I actually have found the cheque and it was never banked. And I'm happy to provide you with the cheque as well. Unfortunately, I found it in a handbag that I haven't used since then.

CA Whose cheque is that, just remind me?

20 W From Shayne for \$100.

CA Okay.

W Yes.

CA Just going back to the How to Vote Card that you shared with Councillor TULLY.

30 W Yes.

CA There were other candidates, weren't there, for his division?

W Just one candidate.

CA One candidate. That's Mr MCCALLION, I think?

W Declan, yes.

40 CA Did you not share a How to Vote Card with him?

W No.

CA Was there some reason you chose Mr -

W I don't even - I've never even - I've never, to my knowledge, ever actually met Mr MCCALLION. Like, he is a member of the Labor Party, but he is not somebody that I know.

50 CA What was the attraction of sharing a How to Vote Card with Councillor TULLY as opposed to the other candidate for that division?

W I've known Councillor TULLY for, again, probably 18 to 19 years.

CA And he was a sitting member, or sitting councillor?

W And he, to me, was a better person for that role.

- CA Your personal choice?
- W Well, he's somebody I know and I think that he makes for a better councillor.
- CA Did I ask you whether there was any cost-sharing arrangement between you and Councillor TULLY for that shared How to Vote Card?
- 10 W Councillor TULLY was - I sent him an email request - again you're more than welcome to have that email - to request that he pay for half of the How to Vote Card.
- CA And is that what happened?
- W And he still hasn't paid me, and I've reminded him on a number of occasions throughout the last year that he has not paid me the money.
- 20 CA Does it amount to much?
- W It's \$243, I think it is. It's half of what the cost of them was. I think it's - I think the cost was like \$487 or something, and I have an email, and you're more than welcome to have that as well, where I've requested that.
- CA What numbers of that How to Vote Card were printed?
- W Four thousand.
- CA Were they all issued at Kruger?
- 30 W Yes. It's the only - that was the only location for that triplicate card.
- CA Four thousand potential electors at Kruger?
- W Yes, yes.
- CA How many in your division?
- W Twelve thousand.
- 40 CA Is Kruger the biggest?
- W That and Collingwood Park would be the two biggest booths.
- CA Do you have that email?
- W Yes, I have it with me.
- CA Do you mind producing it?
- 50 W Right now? Can I go and get it?
- LR Commissioner, administratively we're happy to provide it, if you make a direction to Councillor SILVER to provide it. We can do it now, but as a matter of efficiency in the proceedings, we can do it later. I'm in the Commission's hands.

PO I'm happy to direct that it be provided if Ms SILVER is happy to supply it. Thank you. You can make arrangements with Mr RICE.

Do you want that before you finish, Mr RICE?

CA No. I've finished, thank you, Commissioner.

PO Thank you. Ms WILSON, do you have anything?

10

LR Just one question.

You were asked some questions about Kruger booth, where that How to Vote Card with Councillor TULLY was handed out.

W Yes.

LR At that booth, you can vote for both Division 2 and Division 3?

20

W That's correct.

LR So if you live in Division 2, you can vote at Kruger, that booth?

W Yes.

LR And if you live in Division 3, you can come across the street, come across the border, and vote at the Kruger booth?

W That's correct.

30

LR Thank you.

PO Thank you.

Thank you, Ms SILVER. You're excused.

W Thank you.

40