



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 9 – WEDNESDAY 14 JUNE 2017
(DURATION: 00HR 28MINS)

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LEGEND

PO Presiding Officer – ALAN MACSPORRAN QC
CA Counsel Assisting – GLEN RICE QC
30 HRO Hearing Room Orderly – MELISSA LETONDEUR
W Witness – DAVID TRASK
LR Legal Representative – MR J BYRNES, instructed by Hallett Legal Services

CA I call David TRASK.

PO Mr TRASK, do you have any objection to taking an oath?

W No.

PO Can the witness be sworn, please.

10 HRO The evidence which I shall give.

W The evidence which I shall give.

HRO In these proceedings.

W In these proceedings.

HRO Shall be the truth.

20 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.

30 HRO So help me God.

W So help me God.

LR Commissioner, my name is BYRNES, counsel instructed by Hallett Legal, initials JD, and I act on behalf of Mr TRASK.

PO Thank you, Mr BYRNES.

40 LR For the sake of clarity, Commissioner, may I confirm that the order pursuant to section 197(5) applies in respect of Mr TRASK?

PO It does, yes.

LR Thank you.

CA Is your name David TRASK?

W Yes.

50 CA Mr TRASK, are you appearing today in response to a notice to attend?

W That's correct.

CA Can I show you this. Is that a copy of the attendance notice that you received?

W Yes.

CA I tender that.

PO Exhibit 134.

CA Mr TRASK, you are a property developer by occupation; is that right?

W That's correct.

10 CA You operate through a range of corporations; is that so?

W Yes.

CA Trask Development Corporation being one of them?

W Mmm-hmm.

CA But there are a lot, aren't there?

20 W Yes.

CA Approximately how many, Mr TRASK?

W Forty.

CA How long have you been in the property development business?

W Including my period as a salesperson, since 1989, I think it is.

30 CA And developing property in your own right?

W '94 would have been my first venture.

CA You develop property in the region of the Moreton Bay Council; correct?

W That's correct.

40 CA How many have you done within the Moreton Bay area?

W I'm not entirely sure of the number-

CA A lot?

W -of developments. Yes, it is quite a lot. Two years ago we celebrated a 20th anniversary and it was in excess of 5,500 lots in Moreton Bay in my 20 years.

50 CA Do you develop outside the Moreton Bay area?

W At the moment, no, but I have in the past.

CA Is it fair to say that you develop, in the main, in the Moreton Bay area?

W Currently, yes.

- CA Is there some reason you choose to develop in that area?
- W It's my home patch of where I've grown up.
- CA What area did you grow up in, Mr TRASK?
- W Started in Redcliffe, then Kallangur, and then back to Redcliffe.
- 10 CA Do you develop there because it's somewhere you're familiar with, is that the way it works?
- W I obviously have a familiarity with the area, but I also like to be able to drive to all my projects in one day.
- CA What kinds of developments have you done? Can you give us an idea of the nature and scale of what you do?
- 20 W Oh, typically anything residential. Typically I'll buy, you know, a paddock off a farmer or a mum and dad that are, you know, ready to down-size, and run the approval processes, run the operational works processes, build the roads and all the infrastructure that is associated with a land development. I've done townhouses which were for personal investment where I bought a piece of land, ran an approval process, and then employed a builder for the task of undertaking construction.
- CA You mentioned you might typically commence with a paddock and develop infrastructure on it.
- 30 W Mmm-hmm.
- CA How frequently do you proceed to the next stage of developing dwellings and so forth on land that you have put infrastructure on?
- W Generally speaking - I'm not a builder so I don't undertake the actual house-building activity as such.
- 40 CA Does that style of development bring you into contact with the Moreton Regional Council to get approvals and so forth?
- W Yes.
- CA With what regularity?
- W Weekly.
- CA Do you have any political affiliation? Are you a member of any party?
- 50 W No.
- CA You know the Mayor of Moreton Regional Council, Mr Allan SUTHERLAND; correct?
- W Yes.

- CA For how long have you known him?
- W I knew of him as a person right back to my early days when I was a mechanic, when I worked at Sundown Marine, that was a local marine dealer, and then more recently in - it was either 2001 or 2002, something like that, when we took Redcliffe Council to court for a subdivision approval that wasn't satisfactory.
- 10 CA Did you become friendly with him?
- W I like to think I'm friendly with most of the people that I deal with.
- CA Is he a friend of yours?
- W I class him as a friend now, yes.
- CA You socialise?
- W Yes.
- 20 CA In what way?
- W we go fishing. We'll catch up for a drink.
- CA Do you visit each other's houses?
- W Yes.
- CA Your homes?
- 30 W Yes.
- CA Would you see him with some frequency, some regularity?
- W I wouldn't say that there's any regularity to it, it's sporadic. We do try to go away on fishing trips at least once a year.
- CA Do you socialise?
- 40 W In what respect?
- CA I think you have already mentioned you visit each other's homes. Is that for meals, for example?
- W Oh, not necessarily for meals. Just to catch up, have a beer or a wine, or just a yak.
- CA You have given some assistance to at least a couple of his election campaigns?
- 50 W Yes.
- CA Was 2012 the first of those that you helped him with?
- W I'm not 100 per cent on the dates. The first election campaign that I helped him financially was the original amalgamation campaign.

CA I think that would be 2008, does that sound right?

W Possibly, mate-

CA You don't know?

W -it's stretching too far back. I don't remember that detail.

10 CA But you recall an amalgamation-

W I know that I supported him for the amalgamation.

CA Whenever that was?

W Yes.

CA All right. I just want to take you through the sequence a little bit.

20 W Yes.

CA What was the nature of the assistance you gave him for the amalgamation election?

W A donation.

CA Just a donation?

W Mmm-hmm.

30 CA Did you do any soliciting of donations of anyone else?

W I don't recall.

CA You do recall a donation?

W Yes.

CA Is that the only thing that you recall by way of assistance to him?

40 W I remember meeting with him and discussing what he saw as a way forward in terms of the amalgamation of the council.

CA Was your support based on friendship or based on what he told you about what he intended to do, or both?

W I met with other candidates that were running for that election and out of all of the candidates that I met with, he was the only person who had a plan for how to amalgamate three councils together and continue a business as usual position for the council. And given that at that particular juncture in time a large volume of our work was within the Moreton Bay region, it was beneficial for us to have someone who had a clear sight on how they saw the three councils amalgamating together.

50 CA And in addition to that, he was a friend of yours?

- W He was an associate at that point in time. I'd say that I've, you know, developed more of a friendship with him since that time.
- CA The support that you gave him, was that a reflection of the style of vision that he had for the amalgamated council?
- 10 W He was the only person that had a plan on how to bring three councils together. There were other candidates, you know, that just thought the amalgamation wouldn't occur and they didn't have any clear and concise plan on what they proposed to, you know, put three councils together.
- CA Moving forward to the election after that, which is the one before the one last year-
- W Yes.
- 20 CA -do you recall whether you made a donation for his campaign expenses on that occasion?
- W I did, yes.
- CA Was there any other assistance that you can recall-
- W Not that I recall.
- CA -to his campaign?
- 30 W Not that I recall.
- CA Did you, like, network on his behalf, approach other potential donors; that kind of thing?
- W Sorry, I was involved with a function at Lakeside Raceway.
- CA What was that?
- W That was a fundraiser.
- 40 CA Were you there as an attendee or some more proactive capacity?
- W A more proactive capacity.
- CA To be specific, trying to secure donations, was that part of it or not?
- W Not necessarily to try and secure donations but I was instrumental in the setting up of the day and, you know, organising the basics of a fundraising event. You know, it's not something that I've done before so I wouldn't say that it's something, you know, I'm familiar with.
- 50 CA That was your first one?
- W Yes. And the last.
- CA Okay. How did you come to get that job?

- W I'm a member of the UDIA which is a peak industry body. And it was something that as a committee at that particular time was discussed at a committee meeting and-
- CA To conduct this fundraiser?
- W To conduct a fundraiser, yes.
- 10 CA Right.
- W And I'm not entirely sure how it spawned into a day at Lakeside but I thought it was a good idea because I am a car enthusiast.
- CA Was Councillor SUTHERLAND involved the decision to conduct that fundraising day?
- W I couldn't tell you.
- 20 CA You don't recall having any discussion with him about it?
- W No.
- CA Did he attend?
- W Yes.
- CA Going forward to the 2016 election or the campaign, at least, did you offer some assistance to Mayor SUTHERLAND for that campaign?
- 30 W Yes.
- CA He was by then, would you say, friendly with you?
- W Yes.
- CA Had been for really a number of years?
- W Yes.
- 40 CA Did you go to any campaign meetings that were conducted?
- W No.
- CA Were there any occasions you went there on Sunday night and there were groups of people talking about the election, and so forth?
- W Oh, there was - from memory recollection - and I spoke to the police about this last week when they conducted their interview - there may have been one evening that I turned up and they just completed a committee meeting and, you know, I walked in on the tail end of it.
- 50 CA It wouldn't be correct then to describe you as any part of his campaign committee?
- W Never. Never a participant.

- CA Did you make a donation towards his campaign in 2016?
- W Yes.
- CA Would you take on some role of approaching others for donations?
- W Yes.
- 10 CA Can you tell us what you did?
- W Rang up some people that I do business with and asked them to kick the can for money.
- CA People you do business with, in the same kind of business as you?
- W Yes.
- 20 CA Developers?
- W Not necessarily developers, but marketers and builders more so.
- CA Were you successful?
- W Yes.
- CA Got some donations for the Mayor?
- W Yes.
- 30 CA Do you know of Moreton Futures Trust?
- W Yes, I do.
- CA When did you first hear about its existence, do you remember? Just in terms of the election campaigns, was it the latest one or the one before?
- W No, the one prior.
- 40 CA What did you learn about it?
- W Not a great deal.
- CA Tell us what you learned about it, even if it's not a great deal?
- W I understood it was, you know, a third party vessel. I don't know how you'd describe it adequately, but a third party vessel that was there for the purpose of collecting funds for, you know, political candidates for the purpose of paying their expenditure and so forth on campaigning costs.
- 50 CA Did that have anything to do with Mayor SUTHERLAND as far as you knew?
- W It was an option for donors to send money to the Moreton Futures for the purpose of his campaign, yes.

CA Do you know who administered the trust?

W At that particular time, no.

CA Did you later learn?

W Only as a result of reading the transcripts of this hearing.

10 CA Having done so, perhaps you now know the name Kirby LEEKE?

W Yes, correct.

CA Have you ever spoken to him?

W Yes, I have.

CA For what purpose?

20 W For the purpose of arranging donations to be deposited to the trust account.

CA For the 2016 campaign?

W That's correct.

CA How did you come to be in contact with him?

W I was given his name as the-

30 CA Do you recall who gave it to you?

W No, I don't recall.

CA You were given his name?

W Given his name.

CA In what connection?

40 W As the contact with regard to Moreton Futures Trust.

CA That led to some contact between you and him?

W Yes.

CA And what was the content of that?

W Just a telephone call to ask his address to drop cheques off.

50 CA Just one phone call?

W Yes.

CA To find out where to take cheques to?

W There may have been others but I don't recall.

CA Did you talk with him at all about the way the trust operated, whether the Mayor might benefit, any of that kind of thing?

W In one of the conversations he told me it was preferable if money was being deposited to the account that there were wishes as to who the funds were to benefit.

10 CA Conversation with whom are you speaking about?

W Myself.

CA Yes, and who?

W Kirby LEEKE.

CA And tell me again what did he tell you?

20 W Just when there were funds to be deposited to the Moreton Futures Trust, who those funds were preferred to benefit.

CA Well, did you give any funds to Mr LEEKE to be applied to the Moreton Futures Trust?

W Myself personally?

CA Yes.

30 W I believe I did, yes.

CA Your own donation, was that made to the trust or to the Mayor himself?

W There were donations that I sent directly to the Mayor and I think that there was a donation to the Moreton Futures Trust as well.

CA Do you think or did you give Kirby LEEKE money on behalf of any other donor?

40 W I believe that there were cheques delivered to his office on behalf of other donors that I received in my office initially.

CA You say they were delivered. Did you deliver them to Kirby LEEKE?

W Not me, no.

CA But there were some cheques came to your office?

W Correct.

50 CA To be given to Kirby LEEKE?

W Yes.

CA And someone did so?

W Yes. I believe so.

CA Well, they were in your office.

W Yes, well, I don't-

CA Isn't that what you said?

W Yes.

10 CA And presumably later on they weren't in your office?

W They left my office. How they got to his place, I couldn't be certain. One of my staff may have dropped it over to him; it may have been mailed.

CA Was the intention of the cheques being brought into your office that you, or someone within your office, would give them to Kirby LEEKE for Moreton Futures Trust?

20 W Correct.

CA Even if you didn't do it personally; is that correct?

W Correct.

CA Did you convey anything to Kirby LEEKE about who you would prefer would benefit from Moreton Futures Trust money?

30 W Yes.

CA What did you say?

W Well, for Allan SUTHERLAND.

CA I think you mentioned you had only one phone conversation with Kirby LEEKE?

W Mmm-hmm.

40 CA In which you asked his address so the cheques could be dropped off; correct?

W I think I said that I - there may have been other conversations but I don't recall the entire content of everything that went on.

CA I am just trying to see whether the conversation that you just mentioned, in which you expressed a preference that money might be given to Mayor SUTHERLAND, was in the same conversation as-

50 W I couldn't-

CA -you were seeking his address or some other time?

W I couldn't tell you, mate. I don't know. I have thousands of conversations in the course of the year and I couldn't recall with clarity

every conversation that I have.

CA Do you recall having any discussion with the Mayor in the course of the 2016 campaign about the operation of this Moreton Futures Trust?

W Wouldn't have.

CA No?

10 W Wouldn't have. Wouldn't have a reason to.

CA Did you have any reason to suggest to donors that they might make a donation via this trust as opposed to just giving the money to the Mayor?

20 W We told them they had a choice between Moreton Futures Trust or directly to Allan, depending on what they wanted to do. Moreton Futures Trust, in my mind, as I suggested to them, was a better vessel because it was a third party. It was a trust. I was aware that Kirby LEEKE was an accountant and that provided an accountancy function for Allan with respect to him not having to deal with the money directly.

CA There was the accountancy function. There was also some attraction in Moreton Futures Trust being a third party as you have described?

W Yes.

30 CA What was the attraction of that so far as you were concerned?

W Oh, some people are touchy about, you know, politicians receiving donations. I've already been hung out to dry in the press enough, so it didn't worry me anymore.

CA The options that you gave to donors, did they come from your own thought processes or were they suggested to you by someone, either by the Mayor or someone on behalf of the Mayor?

40 W No, it's mine - my thought process.

CA You'd had prior experience in 2012 with Moreton Futures Trust?

W Only in the-

CA At least you learned of it?

50 W -capacity of its existence. I don't believe that I actually arranged any donations to it previously or anything like that. I know specifically 2016.

CA I'll just show you a list. It will come up on the screen. It's from Exhibit 49 which is the Futures Trust Third Party Disclosure Return. Do you see that list, Mr TRASK?

W Yes.

CA There is a list of names in the first column. Do you recognise any of those organisations?

W Yes.

CA As being organisations that you approached for the purpose of making donations?

W Yes.

10 CA On behalf of the Mayor's campaign?

W Yes.

CA Tell us which ones you had some interaction with to try to get some donations?

W Phillip Usher, Sunvista, Impact and Open Corp Project Management.

20 CA You knew representatives of each of those companies?

W Correct.

CA And had some discussion with such representatives?

W Yes.

CA To try to get donations?

30 W Yep.

CA And apparently did so, according to this list?

W Yep.

CA Can I show you a disclosure return in the name of Office Management Corporation.

W Yes.

40 CA On page 5 we see your name and a signature?

W Yes.

CA Is it your signature?

W Appears to be.

CA Did you then sign that return and have it submitted to the Electoral Commission?

50 W I guess so.

CA You don't remember it?

W I signed it, so I must have. I must have caused it to be submitted.

- CA Is Office Management Corporation one of your companies, can you tell?
- W Yes.
- CA Above your printed name on page 5 is an email address. Do we take it that that's yours?
- 10 W Yes.
- CA On the previous page there are two amounts shown.
- W Yes.
- CA Are they your personal donations to Mr SUTHERLAND for his campaign?
- 20 W No. They're donations from my company.
- CA From your company. Okay. From Office Management Corporation?
- W Yes.
- CA Is there any reason why you would have chosen Office Management Corporation as a vehicle for that?
- 30 W No. It would have been lucky dip more than likely. Office Management Corporation is a company that we use for most of our administration costs.
- CA Is there any reason there were two separate donations?
- W Possibly suited cashflow.
- CA Did the fact there were two donations have anything to do with any discussion you had with the Mayor, do you recall?
- 40 W No, I don't recall.
- CA Did you make known to him the amounts of donations that you were making to him?
- W My own, yes.
- CA Your own?
- W Mmm.
- 50 CA You had some conversation with him about these donations?
- W Yes.
- CA Did he ask you to make any donation?
- W No.

- CA You volunteered to do that?
- W Yes.
- CA How were the amounts selected?
- W I would have had a conversation with Allan early in the piece in regards to what he thought his election campaign was going to cost.
- 10 CA Did he give you a figure?
- W He did. I don't recall the exact figure.
- CA Five figures, a six figure sum, can you narrow it down?
- W If I had to rely on memory recollection, I seem to recall it was something in the order of 125,000.
- 20 CA Did that figure influence what figure you chose to give to him?
- W Well, initially I told him I'd pay the whole lot.
- CA But you didn't in the end?
- W No, 'cause I figured if I could raise funds from other people, that would lighten my load.
- 30 CA And that's what you did, as we see from the list that we just looked at, Exhibit 49?
- W Yes.
- CA That is the evidence. Thank you, Commissioner.
- PO Thank you, Mr RICE. Mr BYRNES, do you have any questions?
- LR No, Commissioner.
- 40 PO Thank you. Thank you, Mr TRASK, you are excused.
- W Thank you.
- PO Mr RICE?
- CA Commissioner, those are the witnesses scheduled for appearance. Before I go on, I'm not sure that I did tender the Office Management Corp disclosure return. If not, I tender it now.
- 50 PO Thank you. That is Exhibit 135.
- CA Those are the witnesses scheduled for the hearing. I am instructed that that concludes the public hearings, although the investigation may be ongoing.
- PO Thank you. Thanks for that. We will just adjourn.

HRO This hearing is now adjourned. Thank you.

UNPROOFED TRANSCRIPT