



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: 1HR 32MINS)

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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 – KIMBERLY ANN JAMES
LR Legal Representative – N/A

PO Mr RICE.

CA Thank you, Commissioner. I call Kimberly Ann JAMES.

PO Ms JAMES, do you have any objection to taking an oath?

W No.

10 PO Thank you. Swear the witness, please.

HRO The evidence which I shall give.

W The evidence which I shall give.

HRO In these proceedings.

W In these proceedings.

20 HRO Shall be the truth.

W Shall be the truth.

HRO The whole truth.

W The whole truth.

HRO And nothing but the truth.

30 W And nothing but the truth.

HRO So help me God.

W So help me God.

CA Is your name Kimberly Ann JAMES?

40 W Yes.

CA You're appearing today in response to a notice to attend; correct?

W Yes.

CA Can I show you this document?

W Yes.

CA Is that a copy of your attendance notice?

50 W Yes.

CA Thank you. I tender that.

PO Exhibit 126.

- CA Ms JAMES, you were an unsuccessful candidate for Division 3 in the 2016 Moreton Bay Regional Council elections; correct?
- W That's correct.
- CA You'd also had a previous candidacy?
- W In 2012.
- 10 CA Unsuccessful on that occasion also?
- W Thank you for reminding me.
- CA We can't all be winners, can we?
- W Exactly.
- CA Insofar as the 2016 is concerned, you made an announcement of your candidacy when in relation to the election?
- 20 W I think it was late January that I announced that I was going to be running in the March election.
- CA How did you come to make a decision so relatively late in the piece?
- W To be truthful, it took a lot to convince my husband to, you know, follow that road. After 2012, there was a decision made that, you know, we tried, we weren't successful - we were close, but we weren't successful, and, quite frankly, we just didn't have the budget to have such a campaign like we did in 2012. So we had those - you know, my husband and I had those discussions, we had a small budget and it was decided-
- 30 CA For 2016?
- W For 2016 - that we would make that late announcement that I would run.
- CA You knew from your previous campaigning in 2012 that there were likely to be campaign expenses?
- 40 W Oh, absolutely.
- CA And apparently you'd already considered what you describe as a small budget?
- W Yes.
- CA Do you mind telling us how small the budget was that you had in mind when you decided to run?
- 50 W Yes, absolutely. We probably had a budget between \$6,000 to \$10,000.
- CA Going back to 2012, did you receive donations to assist with your campaign?
- W Not at all.

- CA Did you have any intention of doing so at the time you announced your candidacy in 2016, that that was a path you would go down?
- W In 2016 I was far more inclined to - you know, if donations were discussed, that I would engage in those discussions. In 2012, we really took a financial hit with the campaign, because I was deadset - you know, we were not going to take donations. We had, you know, community nights where we did fundraising during 2012, but certainly I had an open mind in the 2016 campaign.
- 10 CA It's of some interest, perhaps, going back to 2012, that you apparently decided to run a campaign and take no donations. That was a conscious decision that you made?
- W Yes, yes.
- CA Why, Ms JAMES?
- W Why? The candidate which I was running against had run a platform throughout his time of no donations. I was - you know, this was very new to me. I didn't fully understand what was required of me to run a campaign, and so perhaps naively had made that decision.
- 20 CA More perhaps to fall into line with what your opponent was doing?
- W Yes, to be a little bit more competitive, I think, or to be in the same - yes.
- CA Rather than anything more philosophical than that?
- 30 W Was anything?
- CA I take it you're not a conscientious objector to taking donations?
- W I think that there are good donations and not great donations, and I think if they fall within your values, then certainly that's something that I would consider but - you know, I didn't do that in 2012. I was certainly open to that in 2016.
- 40 CA Did you have any kind of a committee to assist running your campaign?
- W In 2016?
- CA Mmm.
- W I had a very small committee in 2016.
- CA Of how many?
- W Oh, I think there was four and myself, two of which were my mum and dad, and two friends.
- 50 CA Did you get some assistance from the CFMEU?
- W Absolutely.
- CA I'd like to trace that through, so can you tell us how that originated? What

was the first step in getting assistance from them?

W I don't know if it's the first step. It was the first time that I was introduced to the CFMEU. I had met them at the Labor State Conference in 2015.

CA You mentioned a name?

10 W Michael RAVBAR. I met Michael at the 2015 state - well, the Labor State Conference. I was networking. I went there for breakfast. I didn't attend the conference myself. I was just there for breakfast to say hello to friends and colleagues. I was introduced to Michael. I didn't know - with respect, I didn't know what union he was. I just knew that he was a secretary and was introduced to him as a previous candidate to local council. You know, we said hello. I think we may have even shared five or so minutes of a coffee. He then went elsewhere, and then I continued to network throughout the breakfast and then left.

CA That was in what month 2015?

20 W 2015. I don't know the date, I do apologise. The next time I met Michael was - it was before I had announced. I was still, you know, figuring out whether or not we could go ahead with a campaign. I spoke with a very good friend of mine, Chris WHITING, who was a previous councillor for Caboolture and Moreton Bay region and now state member. I spoke to him about my concerns in relation to running and the costs involved and-

CA Financial concerns?

30 W And the financial concerns. You know, and also that this was going to be a different kettle of fish already, and numerous people had put up their hand for candidacy, so I was seeking some advice from him as to whether or not I was in the running for this election. He then introduced me again to Michael, who seemed to have an interest in local government.

CA You may have mentioned. Mr WHITING, was he associated with the CFMEU?

W I don't know. I don't know, sorry. I don't know.

40 CA How was he a connection of yours?

W We're friends. He's a member of the Labor Party. I'm a member of the Labor Party.

CA That discussion led to a meeting, did it, with Mr RAVBAR?

W Yes, yes.

50 CA For what purpose did you go to meet with him? You must have had some idea why you were going there?

W Yes, absolutely. The idea was around that they were interested in, you know, council elections.

CA How did you learn that? Did you learn that at the meeting or beforehand?

- W Before the meeting, yes. When I spoke with my friend around, you know, some advice in relation to running-
- CA Was that Mr WHITING?
- W Yes. He then, you know, suggested that we meet, which we did.
- CA Did you go by yourself or what?
- 10 W I went by myself.
- CA And who was in attendance at this meeting?
- W Certainly. So there was myself, Chris WHITING, Michael RAVBAR. There was another person from CFMEU - I'm not really quite sure who that was. There were other, you know, candidates in other divisions at that meeting also, some that I had never met before. Actually, I think there might have only been one that I had met before.
- 20 CA Some other candidates?
- W Yes. Some other candidates, yes.
- CA In the same meeting?
- W Yes. It was a group meeting.
- CA Candidates in Moreton or wider?
- 30 W All Moreton. Just Moreton Bay, yes.
- CA All Moreton?
- W Yes.
- CA All, what, apparently there for the same purpose as you?
- W Yes, yes, I'm assuming so, definitely.
- 40 CA About how many were there, as you recall?
- W We sat around a table a little bit bigger than this, so there was two - I don't know, maybe about six altogether. Six or seven.
- CA Is that candidates or-
- W No, no, that's everyone, yes.
- CA So how many candidates?
- 50 W Four.
- CA How did the discussion unfold at the meeting?
- W At the meeting, I recall that I was - me personally, I didn't really pay attention to the others, but for me personally, I was asked what I knew

about council, why was I running, what were my intentions, what did my campaign look like at that time-

CA Was anyone in particular questioning you about those things?

W I'm so sorry, I don't recall. Sorry.

CA Sorry to interrupt you.

10 W Yes, that's okay. Yes, asking - I believe that the question around workers for Moreton Bay. One of the things I've always been quite strong on is the treatment of workers and with this particular council, and so I was able to - you know, I spoke on that. I know I spoke about the two-tiered EBA with MBRC. I don't remember hearing much from CFMEU. I think it was me doing a lot of talking.

CA What was the purpose, as you understood it, of imparting your intentions, values, and so forth to these union representatives?

20 W So I think the - well, certainly my intention was to garner support.

CA Financial?

W Financial - any, any support would have been fantastic. Yes, so it certainly was for me to make my case to see if I could gain some support.

CA Were you aware, upon attending, or before attending the meeting, that the CFMEU may be able to assist selected candidates?

30 W Oh, that was the reason why I was there. I believed that there had been an intention that they would like to support candidates in the council election.

CA And that support, did you understand, included financial support?

W I hoped.

CA It wasn't made specific to you?

40 W It wasn't made specific, no.

CA Did the other candidates who were there give the same sort of information to the meeting as you did, in other words, explain their intentions, their values, and so forth?

W I can't remember, I'm so sorry.

CA Didn't pay much attention?

50 W I was there for me. I was there for me to make sure that we were able to run a good campaign and-

CA But the others were at the table?

W But the others were at the table, of course, yes.

- CA Well, at that meeting, did you convey any kind of a wish list of things that you would be usefully assisted by in conducting your campaign?
- W Not at that meeting, no.
- CA Were you given any indication at the meeting as to whether the union would in fact proceed to assist you?
- W No.
- 10 CA Did you get some subsequent notification of that?
- W Yes.
- CA Who gave you that? Who told you?
- W I don't know. Sorry, I-
- CA Someone from the union?
- 20 W Someone from the union. I'm not even quite sure how that contact occurred. Yes, I'm sorry, I don't know how that contact - I can't remember how that contact occurred.
- CA What was the effect of it, what you were told?
- W Sorry?
- CA What was the effect of it?
- 30 W So I was asked to actually come to the CFMEU building in South Brisbane.
- CA It was your second visit?
- W For a second visit, for a second meeting, which I attended with one of my team members, one of my friends who was helping me with the campaign.
- CA And did you meet with someone on that occasion?
- 40 W Yep. Oh, my golly gosh, I'm pretty sure Michael RAVBAR was there and his assistant was there, and that's when they asked for a wish list, what was it that potentially would help me in support of my campaign.
- CA Did you take a wish list with you or did you learn of their request at the meeting?
- W Yes, I learned about the request at the meeting. I didn't have anything with me because I had to go away and think about what, you know, potential support that I would need.
- 50 CA So you couldn't give them the details at that particular time?
- W No, no, I emailed that subsequent to that second meeting.
- CA So what did this second meeting consist of? They asked you for your

particular wish list. You were unable to provide it. Was there anything more than that?

W Yes, I think it was a revisit of the conversation that I had in that first meeting, you know, again talking about that EBA - because I talk about it a lot, so I'm fairly sure I spoke about it at that meeting as well.

CA Was this meeting also with other candidates?

10 W No, no, it was just myself.

CA And you think Mr RAVBAR and perhaps one other from the union?

W I think so.

CA Did you go away and prepare some kind of a wish list?

W Yes. Yes, I did.

20 CA And emailed it, did you say?

W Yes, I'm fairly sure I emailed it, yes.

CA Do you know who you may have emailed it to, anyone in particular?

W Potentially the lady that was sitting - that was there. I think that was his assistant at the time.

30 CA What sorts of things were on your wish list, do you remember?

W Newspaper advertising, support. We didn't have a huge amount of volunteers, so that was kind of on the biggest part of my wish list, was to have some volunteers to, you know, do mobile roadside sites and things. But certainly newspaper ads, mail-outs to the division, and I just can't think of anything else that I potentially put on that wish list.

CA How was it received? I'll rephrase that. Did you get an indication of approval-

40 W Yes.

CA -that they would assist you?

W Yes. So-

CA Where did that occur?

W Again, that may have just occurred through a phone call.

50 CA After the second meeting?

W After the second meeting, and after we provided that information that there would - and I suppose at that second meeting, I do apologise, one of the things we also discussed was that there would be parameters of support. So it wasn't a carte blanche kind of thing that you could just do whatever you wanted.

CA Who raised that?

W Sorry?

CA Who raised that?

W I think it was inferred throughout the meeting that - and I think that's why we needed to put that wish list together, because it wasn't going to be just, you know, an endless donation. It was going to be incredibly specific and that, you know, there wasn't going to be any frivolous kind of - and, again, it seemed to be inferred as opposed to someone specifically saying that.

10

CA But you did get some indication, though, that in principle you would be assisted?

W Yes, absolutely. I walked away feeling confident that they would assist.

CA But you did get a phone call, I think you said, subsequently?

20

W Yes, mmm-hmm.

CA To indicate-

W That they had received the wish list, I suppose, and that they would be going through that.

CA How did that translate into payment of actual expenses? As your campaign over the next few weeks unfolded, did you incur campaign expenses?

30

W Personally or-

CA Yes.

W Yes, absolutely.

CA So in terms of assistance from the union, how was that actually forthcoming?

40

W Oh, certainly. So if we wanted something that we would provide, like, a quote, you know, this is what we wanted and this is what we needed at the time, we would get permission. I then had a contact person that I, you know, met with or spoke with, and I would contact her and say, "Okay, this is the quote", and she would call me back and go, "Yep, that's a go-ahead." I'd provide them the quote and then they would pay that invoice - that they would pay that invoice. There were several invoices that, due to time frames, needed to be paid, you know, then and there, so I paid those invoices and sent the receipts to CFMEU, which they then reimbursed me for those invoices.

50

CA So there's two categories?

W Yes.

CA One that you paid yourself and submitted the invoices for payment?

- W Yes.
- CA And the first category you mentioned was potential expenses that you got a quotation for and submitted it to the union?
- W Yes, yes.
- 10 CA Were there multiple invoices in that first category, that is, that you got quotes for and submitted them to the union?
- W Yes - oh, multiple, like-
- CA Well, more than one.
- W Yes, more than one, yes.
- CA And was that same process of submitting to the union followed?
- 20 W Yes.
- CA What would be the response to your submitting a quote?
- W I suppose that I would speak with the representative, tell her how much that was, email that through, and then I never heard from it again. Like, it wasn't - it was paid, I suppose. So, yes, I didn't hear anything back from CFMEU that it had been paid or - it just - you know, the item, you know, appeared or happened.
- 30 CA Was any request or quotation that you submitted disapproved, that is to say, you were told, "We're not going to pay for that"?
- W No, and I think mainly because we were very conscious of not - we were very conscious to stay within our wish list. You know, we'd handed the wish list in. We didn't try to expand more than that, yes.
- CA You were told it wasn't open slather?
- W Yes, that's right.
- 40 CA Was that influencing you in what you submitted to the union?
- W No. We were really - I - sorry, I'm saying "we". I was really fortunate that I still had some corflutes and things from my previous campaign that we re-used, so, you know, I felt that what I was asking was quite reasonable. Yes. So it wasn't my intention to run a massive campaign, even with donations. It wasn't my intention to run a huge campaign. I'd been in the community for a very long time-
- 50 CA Were all of the things that you submitted in either of those two categories - were they all paid for?
- W Yes.
- CA And what kinds of things were they?

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- W They were - we had a newspaper ad - a run of newspaper ads. We had some new corflutes made. We had some flyers that were - one was a mail-out. Two were newspaper inserts. We had a billboard.
- CA You're looking at some kind of a spreadsheet to assist your memory; correct?
- W Yes.
- 10 CA What is that?
- W Sorry?
- CA What is that document?
- W Oh, this is everything that I've submitted before. This is just the account from CFMEU, money contributed to my campaign.
- 20 CA Did they subsequently give you a breakdown of-
- W I asked for one, yes.
- CA You asked for it?
- W Yes.
- CA And that's what you're referring to now?
- W And that's what they provided me, yes.
- 30 CA So it's really their list, but you recognise things on it?
- W Yes.
- CA And accept its accuracy?
- W Yes, and then I have - which I've also provided, I have all the invoices relating to that list.
- 40 CA Is your list broken into two categories - gifts in kind and donations?
- W Yes.
- CA The donations, would they be the second category where you've paid the invoice?
- W Yes.
- 50 CA And subsequently received the money?
- W Yes.
- CA So that accounts for that category?
- W Yes.

- CA And the gifts in kind are the invoices - or the quotes, rather, that you submitted to them?
- W Correct.
- CA And which they paid for?
- W Yes.
- 10 CA That explains the break-up?
- W Yes.
- CA Do you accept, then, that the total of those two categories was about \$32,155?
- W Yes.
- 20 CA What about the other aspect of assistance, being manpower - come election day, did you have any assistance with volunteers arranged by the union?
- W Yes.
- CA Did you request that?
- W Yes. It was actually the very top of my wish list.
- 30 CA I see. Because, what, you didn't think you had enough volunteers to man the booths?
- W No, I didn't. Mmm-hmm.
- CA So that was a specific request?
- W Yes.
- CA Was it a request for the union to arrange for members to assist you?
- 40 W Yes.
- CA And did they do that?
- W Yes.
- CA So were your booths effectively manned on election day?
- W I wouldn't say "effectively manned". Whilst it was my number one thing on my wish list, we didn't get the manpower that I thought we may have received.
- 50 CA But there was some forthcoming-
- W There was certainly some forthcoming, yes.
- CA -by virtue of that arrangement with the union?

W We had seven booths, and I think we placed CFMEU support - or members at three or four of those booths.

CA You told us you didn't receive any donations in 2012.

W Yes.

10 CA So as a consequence, you didn't have to put in a donation disclosure form; correct?

W No, I - no, you still have to put a-

CA Oh, do you? A negative one?

W Well, it was zero, a zero balance.

CA Okay. But come 2016, you had received this assistance from the union of \$32,000-odd?

20 W Yes.

CA Were you aware that that triggered a requirement to put in a disclosure return in relation to donations?

W Yes.

CA And those donations in particular?

30 W Yes.

CA Did you do that?

W Not within the time frame. I had put one in, but it wasn't within the time frame that was required.

CA How recently was that done?

W The 29th of May.

40 CA This year?

W This year.

CA Would that be after you'd been contacted by the CCC?

W Oh, absolutely, yes.

CA And did the return that you submitted include the details of-

50 W All of them.

CA -the donations?

W Yes.

- CA Did you, for example, use the spreadsheet that you were referring to a moment ago that you received from the union to assist you to compile your belated disclosure return?
- W Yes. Yes.
- CA Is there some reason you didn't submit one in a timely way?
- W Yes.
- 10 CA Why?
- W Why?
- CA You knew it to be a legal obligation?
- W Yes. I didn't fully - I know it sounds ridiculous. I didn't fully understand the consequences or the significant nature of that form. When I met with the investigators from the CCC on the 26th of May, they asked that same question and informed me that it was actually an incredibly serious issue for not doing that. And, you know, I then sought legal advice. I met them on the Friday, sought legal advice Monday, and it was put in on the Monday afternoon. But there definitely was reasons why initially I had not put in my declaration.
- 20 CA Did you get a reminder from the Electoral Commission that your return had not been submitted?
- W I did. I did say to the investigating officer when I met with him that I didn't. However, upon looking through my paperwork, I found it and was able to read that and realise that I did actually receive - I think it was dated the 29th of July 2016, that I did receive that.
- 30 CA Could I show you a template. It's not actually addressed to you, but I'll just ask you to have a look at it.
- W Okay. Thank you.
- CA This template is-
- 40 W No, I didn't receive that.
- CA Do you recall receiving anything like that?
- W No.
- CA By way of a reminder to candidates that your disclosure return is outstanding?
- 50 W Not at all. I didn't receive that.
- CA I'll tender that, nonetheless, Commissioner.
- PO It's Exhibit 127. It's an ECQ template, is it?
- CA Yes.

- W Can I ask a question?
- CA Yes.
- W It says here "via email", so this was sent by email?
- CA It may have been.
- 10 W It may have been? Throughout the campaign and actually throughout the beginning of the CCC investigation, the email address that they had for me was incorrect and I didn't receive any emails, and it was an issue that I raised with Detective Sergeant Mark D'HAGE on the 20th of October, so we did raise the issue that I hadn't received any emails or correspondence via email, and it was discovered that they had incorrectly inputted my email address, and I didn't receive any of that at all.
- CA And, in particular, you didn't receive the template letter that suggests-
- 20 W No, not at all.
- CA We've spoken about the spreadsheet from the CFMEU a few times.
- W Yes.
- CA And you've acknowledged that you used that to prepare your disclosure return. I'd just like to show you one, so we can tender it, if you accept it.
- W Of course. Thank you.
- 30 CA Do you see a two-part spreadsheet there? Is that the same spreadsheet that you were referring to when giving evidence just before?
- W Yes.
- CA I tender that spreadsheet, Commissioner.
- PO Exhibit 128.
- 40 CA I'd also like to just tender your How to Vote Card, so I'll ask you to have a look at this.
- W Thank you.
- CA That's a copy of your How to Vote Card for the 2016 election?
- W Yes.
- CA I tender that.
- 50 PO Exhibit 129.
- CA That's the evidence, Commissioner.
- PO Ms JAMES, I don't want to embarrass you or unnecessarily pry, but do you have some personal reasons for not having lodged the disclosure

return?

W Yes, I do.

PO All right. I'll leave it at that. You are excused. Thanks for coming.

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