



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 56MINS)

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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 – Penny TOLAND
LR Legal Representative – MR D A RAWLINGS

- CA I call Penny TOLAND.
- PO Ms TOLAND, do you have any objection to taking an oath on the Bible?
- W I'll affirm.
- PO Would you affirm the witness, please.
- 10 W I solemnly affirm and declare that the evidence given by me in these proceedings shall be the truth, the whole truth, and nothing but the truth.
- PO Would you announce your appearance, please?
- LR Yes. Good morning Commissioner. My name is RAWLINGS, initials D A. I appear on instructions from Nyst Legal for Ms TOLAND.
- 20 Sir, I appreciate what your Honour had to say on the first day in regards to blanket privilege, but just out of an abundance of caution, I specifically claim that on behalf of Ms TOLAND.
- PO Yes, Ms TOLAND will have the benefit of that privilege. Mr RICE.
- CA Is your name Penny TOLAND?
- W It is.
- CA You're, I think, a medical scientist by occupation?
- 30 W Correct.
- CA Do you work at the Gold Coast University Hospital in that capacity?
- W Yes.
- CA You're appearing I think in response to a notice to attend today?
- W Correct.
- 40 CA Could I show you this?
- W Sure.
- CA Is that a copy of your attendance notice?
- W It is.
- CA I tender that.
- 50 PO Exhibit 122.
- CA Ms TOLAND, you were a candidate for Mayor in the 2016 Gold Coast City Council elections; correct?
- W Correct.

CA That wasn't your first campaign, was it?

W At local government, but not entirely.

CA Yes, you had previously run for office in state electorates?

W Correct.

CA In Gaven, I think?

10 W Yes.

CA Was that in 2012?

W Correct.

CA Were you aligned with a party ticket on that occasion?

W No.

20 CA So in what capacity did you run?

W As an independent.

CA And you contested a state election again I think in 2015?

W Correct.

CA What seat was that?

30 W Broadwater.

CA Were you aligned with a party on that occasion?

W I was by then a member of the Labor Party and I was their endorsed candidate.

CA For Broadwater?

40 W Correct.

CA Are you a member of any political party?

W The Labor Party.

CA How long have you been a member?

W Since 2013.

50 CA So far as the 2016 local government election is concerned, were you aligned with a party or were you running as an independent candidate?

W Independent.

CA Did you promote yourself to the electors as an independent candidate?

- W Correct.
- CA Did you do that in any printed form, in any of the printed material, that was made available to electors?
- W Possibly.
- CA Can't remember?
- 10 W No.
- CA If you were asked, is that how you would describe yourself - as an independent candidate?
- W Most definitely.
- CA You say "most definitely". What's the content of your claim to independence, given your background and alignment, including membership of the Labor Party?
- 20 W I was open about my membership, like, retaining my membership to the Labor Party. There's a very formal process that the Labor Party takes in choosing and endorsing their candidates, and I didn't seek endorsement or go through any sort of process of the Labor Party.
- CA Well, what are you independent of?
- W Any political party and beholden to no-one, was basically what I was telling people.
- 30 CA Did people ask you about any alignment that you may have had?
- W They did.
- CA And what would you tell them typically?
- W I would say, "I'm an independent candidate", and I would explain that, yes, I have retained my membership to the Labor Party because I take an interest in state and federal matters, but, in my opinion, the Labor Party has no role in local government outside of Brisbane.
- 40 CA Could I just ask you to confirm a copy of your How to Vote Card. Just have a look at this.
- W Thank you.
- CA Is that a copy of a How to Vote Card that was distributed on your behalf?
- W Correct.
- 50 CA I tender that. Was it the only one?
- W Yes.
- PO Exhibit 123.

- CA It contends for a number of qualities of yours, but independence is not one that's shown on that particular How to Vote Card; correct?
- W No.
- CA You may or may not have used that on some other distributed material?
- W I don't remember, but certainly in conversations I was very clear about being independent.
- 10 CA How long before the election did you announce your candidacy, can you remember?
- W I think it was the 8th of October, possibly. It was on the front page of the Gold Coast Bulletin, so I consider that my announcement.
- CA Did you give some consideration to a campaign committee?
- W I would have liked to have one, but it just didn't turn out that way.
- 20 CA You didn't have a campaign committee?
- W No, I didn't.
- CA Or a campaign manager?
- W I had one initially because the individual was unemployed at the time, but then they actually gained full-time employment, so could no longer - it's quite an involved role, a campaign manager. So from then on, it was just myself.
- 30 CA If I give you a name, Janine AITKEN?
- W Yes, correct.
- CA Was she the one that you just spoke of?
- W Yes.
- 40 CA For how long did she have that function as your campaign manager?
- W A couple of weeks.
- CA Short term?
- W Yes. Sadly.
- CA Just to clarify, she had that role of campaign manager, you say, for a couple of weeks. Was that, like, in a full-time capacity or on what basis?
- 50 W Just an as-needs basis, I would say. So if I needed something researching or - she was sort of doing stats, like, you know, looking at previous elections, how divisions voted, that type of thing. Basically doing research, because I was still at work at the time.
- CA She found employment, you mentioned, I think?

- W She did.
- CA Did she cease to have any contribution to your campaign at that point?
- W Yes. She didn't have any more time.
- CA Nothing?
- 10 W No.
- CA Could I give you another name: James MIFSUD?
- W Yes, so he - Janine and James know each other. So when Janine said she was leaving, there was an overlap, she said that James was going to help you but in the end he went and worked in a different council. He was working out at Toowoomba, I believe.
- 20 CA So did he give any assistance to your campaign?
- W He - when I had my office, he arranged to have the electricity put on, and that would be the entirety of his involvement.
- CA It's a pretty substantial commitment to make yourself a candidate for a mayoral contest, and you would have anticipated some expenses of running a campaign?
- W Correct.
- 30 CA How did you anticipate, having announced your candidacy, that you would fund the expenses you probably needed?
- W Well, I knew that I wouldn't be able to compete financially with some of the other candidates, so I was more focused on people power, so word of mouth, having enough people for the booths, that type of thing, and I was basically hoping for donations. So I advertised a few times through the campaign, calling out for anyone except developers to give me donations.
- 40 CA Calling out in what way - in some published way?
- W I had a dedicated mayoral Facebook page, and I called out on there, and my personal Facebook, so for friends and family.
- CA So did you issue, like, a general invitation for people to give you money?
- W Yes, and directed them to my website, because that had my banking details on there.
- 50 CA Was that productive?
- W Not very. Not as productive as I would have liked.
- CA You know, I think, that upon receipt of donations, that will trigger a need to put in a disclosure return after the election?
- W Correct.

- CA And you prepared such a return, I think?
- W I did.
- CA Can I show you this?
- W Sure.
- 10 CA Is that a disclosure return that you prepared and submitted to the Electoral Commission of Queensland?
- W Correct.
- CA I tender that.
- PO Exhibit 124.
- 20 CA This document is dated on the last page on the 1st of July 2016. Is that on or about the date it was submitted to the Electoral Commission?
- W I think it actually is the date.
- CA We see also - it's probably not your inscription, but on the first page in the "Office Use Only" there's also a date that appears to be 1st of July 2016?
- W I emailed it so-
- 30 CA Did you?
- W Yes.
- CA But there's no signature in the signature block, is there?
- W Which page? Down the bottom.
- CA Last page. It's on display. You see the word "Signature" adjacent to the date?
- 40 W Yes, I had this one and then I scanned a PDF of a signed one, I think, and I attached that as well.
- CA You did sign one?
- W I believe so, and scanned it. So there was a PDF copy and then this copy.
- CA There are some donations disclosed in this, aren't there?
- W Correct, there are.
- 50 CA Probably the more substantial one - there's a few individuals. Are they persons known to you?
- W All of them except the third one.
- CA That's a person by the name of TURPIE?

W Correct.

CA Do you know how that person came to donate to your campaign?

W It arrived in my account, so I presume they got my details from the website.

10 CA I see. It may have been from your Facebook invitation?

W Hopefully.

CA You don't know?

W No.

CA More substantial donations - there's three of them from, it appears to be a company called VETEA?

20 W Yes.

CA Do you know how those donations came to be made?

W I do. The CEO contacted me via email after I'd announced and asked to meet me, and after we met, he said that he wanted to assist me in my campaign. So it's his company.

CA Was that a person whom you had met previously?

30 W Not prior to then, no.

CA And the approach came from the CEO?

W Yes.

CA To you to meet and discuss a donation?

W Yes, I think they contacted me on Facebook.

40 CA Did you meet with this person?

W I did.

CA Male or female?

W Male.

CA What discussion did you have about the prospect of his making a donation?

50 W He made it clear that he did not like the incumbent and would like to support someone else and was studying who that may be, and was meeting me in order to see whether I met whatever criteria he may have had.

CA Were you aware that a donation was subsequently made?

- W Yes.
- CA It would be of interest to you, wouldn't it, because you didn't have strong sources of funding?
- W I was very happy, yes.
- CA To see, what, \$10,000-plus go into your account?
- 10 W No, it didn't happen like that. The \$1,000 below the 9 and a half was for an office. So the very day I met him, he asked did I have an office? And I said, "My house." He thought I'd be better served with a proper office. I agreed. So that was for the lease. And the others were invoices that were paid. So they were more gifts in kind. So he would request that the invoices be forwarded to him and addressed to VETEA, and then they would be paid, so I just totalled up the invoices.
- CA Just below that, judging from the name, Digiprint, there's some printing service provided?
- 20 W Yes.
- CA Was that like a gift in kind also?
- W Yes, free printing.
- CA And then there are a number of entries apparently related to union sources; do you agree?
- 30 W Correct, the last four.
- CA How did those donations come about?
- W The United Voice - I used to work in the same building as United Voice, so I knew their state secretary, and I had met with the state secretary of ETU, which is the Queensland branch of CEPU, who suggested I speak to United Voice, because they have a printer that does corflutes. And so I did ask if they could help me with getting some corflutes, and so they gave me I think, I don't know, 20 or so to start with, and then after that,
- 40 I just asked, "Give me as many as you're happy to", and I estimate \$1,000 worth.
- CA Together QLD - is that another union?
- W I'm a member of that union, and I rang up and spoke to the president of the union because I was aware they had a printer that prints stickers, and I thought bumper stickers might be very low-cost but effective advertising, so I asked could I use their printer for any sort of - whatever they could give me, I suppose. So they gave me bumper stickers and two
- 50 banners.
- CA There was apparently a more substantial donation from the ETU?
- W Correct.
- CA Described there as "CEPU Electrical"?

W Yes, I think that's their federal name.

CA How did that come about?

W I met with Peter SIMPSON, who was the state secretary at the time, is no longer, and told him - introduced myself, told him what my intentions were, and at the time he didn't think he could offer any sort of money, but in the end their executive obviously met and notified me that they would be able to give me \$10,000 as a donation.

10 CA So was that received by you?

W Yes, on the 10th of March.

CA You've noted on your return "Donation returned". In what circumstances did that occur?

W It arrived on the 10th.

20 CA The election was only, what, a few days away?

W On the 19th, so the final week. I had some thoughts about - I wanted to spend any - basically anything anyone gave to me, I wanted to make the most of it, and the last week of the campaign was too hectic, but I assessed I couldn't strategically spend it, so I thought - I didn't just want to burn through it, so I just left it in the account and-

CA It didn't end up getting used?

30 W I thought that all the invoices were paid, and at that point the \$10,000 was still there, so I contacted the ETU and asked how - in what way can I return it, like, do they need a cheque or can I direct deposit it, and that's what I did, I direct deposited it.

CA It's not noted here, but you did get some assistance also from the CFMEU?

W I'm aware that they ran a campaign that was supportive of me, but that was outside my campaign.

40 CA I just want to ask you about that. You say they ran a campaign, to use your description, outside of yours?

W Correct.

CA How did that come about?

W The assistant state secretary and I are Facebook friends, so-

50 CA What's his name?

W Andrew SUTHERLAND. And I was aware, similar to the ETU, that they have members within council - union members. They had coverage of some council people, and I was very keen to get in front of as many people as possible to promote myself. So that's the reason I met him, to introduce myself to him.

- CA Did you initiate that contact?
- W I did. I messaged him and said-
- CA That was on Facebook?
- W Correct. "Can I meet for a coffee and have a chat?"
- 10 CA With a view to what, on your behalf?
- W To get access to their members.
- CA Right.
- W To get myself in front of them, to get a list of delegates.
- CA How would that help you?
- 20 W I find- I'm a delegate in my union and delegates tend to be very community active, not necessarily just in the workplace, so I know we're looking at potentially close to half a million people on the Gold Coast. It was unfeasible for me to doorknock every house on the Gold Coast or get in front of every individual, so it was preferable for me and strategic for me to get in front of groups. So I also spoke to community groups, just any group I could get in front of. And delegates are very good-
- CA To speak to?
- 30 W Yes, promote my wares and ask for volunteers.
- CA Promote yourself?
- W Direct them to my website; if they give me a donation that would be great but mainly I needed - there's 84 booths and I knew I needed upwards of 100 people.
- CA Was this approach to Mr SUTHERLAND for more than one purpose?
- 40 W It was about confirming they had coverage of members and saying, "I want to meet your delegates, if possible, get in front of as many members as possible."
- CA Right. But the purpose of doing that is?
- W To try and find-
- CA To promote your election?
- 50 W Oh, very much so.
- CA So get votes, in other words?
- W Yes, and to get people talking about me amongst themselves. Word of mouth - when you don't have millions of dollars to spend on a campaign, newspaper ads alone are extremely expensive, and I knew that the most

realistic way of getting my name out there, because name recognition is huge in elections, especially local government where it's not party based - that I needed to meet as many people as possible in the shortest amount of time. I had five months, from announcement to election, to meet a couple of hundred thousand people.

- CA Well, meeting and trying to attract votes is one thing, but you mentioned also you had a need for manpower.
- 10 W Correct.
- CA And you mentioned the booths?
- W Correct, and letterboxing.
- CA Was that another purpose in approaching Mr SUTHERLAND?
- W Correct.
- 20 CA So there were, like, really two reasons?
- W Well, to get access to his members, and then I would ask the members if anyone cares to volunteer.
- CA Having approached Mr SUTHERLAND by Facebook message, what was the next step in your connection with him?
- W We had coffee at our local shopping centre and basically just had a chat.
- 30 CA Did he have anything to say about the extent to which the CFMEU was supporting local government candidates?
- W No.
- CA What was the conversation about?
- W He said that he-
- CA Anything to do with the election?
- 40 W Sorry?
- CA Was it to do with your candidacy or what the CFMEU might be able to do for you?
- W I went there to introduce myself and ask about the membership, et cetera, and he-
- CA I thought you said you knew him?
- 50 W Via Facebook.
- CA I see. Thank you.
- W Yes, there's many people that I meet in person far after. So, yes, that was my very first time meeting him in person. And then he said that he would

discuss me with Michael, who's the state secretary.

CA Mr RAVBAR?

W Michael RAVBAR. He said can you email me basically your credentials, and that was the extent of it.

CA So did you do that?

10 W I did.

CA Did you subsequently meet with Mr RAVBAR?

W I did.

CA Where was that?

W At their office, at the CFMEU office in Brisbane.

20 CA Who else was present?

W Janine AITKEN and Andrew.

CA That was during the short period that she was assisting you as a campaign manager, was it?

W It was. Towards the end, from memory.

30 CA But that would make it October, by the sound of it?

W No. I didn't have her in October. I announced in October.

CA Yes. I thought you said you had her assistance for a couple of weeks as campaign manager?

W But not from October.

CA Not from the start. Okay.

40 W No, I took time to find her. So she came on board, I think it was before Christmas, and then she was gone probably before the end of January.

CA Does that help you to put a time frame on the meeting with Mr RAVBAR?

W It was supposed to be early January. It could have been the 8th. I'd be guessing, but I think early January.

CA You think after Christmas?

50 W Oh, definitely after Christmas. It was in the new year.

CA Into January, okay. Well, there was you, Janine, Mr RAVBAR, and was Mr SUTHERLAND there also?

W Andrew, yes, correct, and that's it.

- CA Just the four of you?
- W Yes.
- CA So what was the discussion?
- W I felt I was there to introduce myself and talk about my background, my reasons for running.
- 10 CA Did you know, by the time you were attending, that the CFMEU was potentially a source of financial assistance and campaign assistance?
- W I know they run very good campaigns, but my focus wasn't on - I find it unnatural to ask people for money. I find it very difficult. So my focus was to discuss myself and hopefully they would speak favourably about me to their membership when they're having their meetings and things, and to get access to their membership.
- 20 CA Did Mr SUTHERLAND, when you met him for coffee, suggest this meeting or how did it come about?
- W He said email him my background, so I did, and then he said, I think, "Michael would like to meet you". I can't remember the exact expression he used.
- CA You think he came back to you suggesting a meeting?
- W Yes.
- 30 CA Is that as you recall it?
- W Yes.
- CA So you went with Janine to the CFMEU offices?
- W Correct.
- CA Did you have any expectation of financial assistance or assistance in kind with your campaign?
- 40 W I'm always hopeful when I meet any person that they may help me in some way.
- CA Perhaps you could describe what your purpose in attending was?
- W The same - well, to introduce myself to Michael, because I presume he's the decision-maker in their organisation, and, once again, to get in front of their membership.
- 50 CA To give you the opportunity to speak with members?
- W Correct.
- CA At whatever venue could be arranged?
- W Any venue. I'd go to - if there's a group of people, voters, you could rely

on me to go there and talk to them.

CA Well, can you give us as much as you recall of what the content of that meeting was?

10 W I described my background, so my educational background, the fact that I've run in elections before, my union background, being a member of a union, being active in the workplace, that type of thing. I was asked what my view on the cruise ship terminal was and development generally, because they explained to me, and I already knew, that a large proportion of their membership work in construction. So it would be concerning if I was anti-construction, which I'm not. I'm pro sustainable development. And he basically said - Michael - that they were looking to run campaigns across Queensland; their focus was Moreton. I'm not sure why, but they had interests in Moreton. They hadn't really cast their eye at the Gold Coast but would - you know, if they were to do anything, they would basically run their own show. That was very forcefully put to me, that anything they do is their business, their decision-making, up to them. And I said okay and-

20 CA Well, did you associate that at all with the conduct of your campaign?

W Certainly. Like, it was having nothing to do with me. It was very clearly put to me that they're very good at running campaigns, it's what they do, it's their business, and, you know, basically I felt that they were saying, "You just run your campaign, worry about yourself, and we'll do what we do when we want to do it", that type of thing. So I walked out feeling quite discouraged, to be honest.

30 CA Did you have any sense from the meeting that Mr RAVBAR in particular was making an assessment of you as to whether you might be assisted by the CFMEU?

W I think he was assessing me as a person, but I remember saying to Janine when we walked out, "I don't think that went well." I certainly wasn't feeling optimistic.

40 CA Did you have any subsequent contact concerning the conduct of your campaign?

W No.

CA With Mr RAVBAR?

W No. That's my only time I've ever spoken to him.

50 CA Did you have any contact subsequent to that meeting with Mr SUTHERLAND concerning matters to do with the conduct of your campaign?

W What do you mean by "conduct"?

CA Well, how your campaign might be run.

W No.

- CA What type of things might need to be ordered for distribution and so forth.
- W No, I was the sole sort of organiser of what I was doing.
- CA Did you have any subsequent contact with Mr SUTHERLAND after that meeting?
- W I did, yes.
- 10 CA For what purpose?
- W He contacted me and said that they will run a campaign down here. There was myself and other candidates that they were supportive of. That was basically the extent. He was looking for an office, and I said okay.
- CA He was looking for an office?
- W To run their campaign.
- 20 CA Right. Did you have your own office by then?
- W I did.
- CA From the gentleman from the Gold Coast you spoke about earlier?
- W Yes, correct.
- CA So the office that he spoke about was a different one to the one that you had by then?
- 30 W They were looking for an office, and I already had my office.
- CA Well, there was some talk about an office?
- W Correct.
- CA Did the discussion extend beyond that?
- W No, I didn't have that many conversations with him, to be honest, and we're talking well over a year ago. Like, we're friendly, so I'd be talking about all sorts of things, you know - our shared love for animals, et cetera.
- 40 CA Did you come away - well, you said you came away from the meeting discouraged?
- W Yes.
- CA But did you subsequently learn that in fact the CFMEU was doing certain things in favour of your campaign?
- 50 W Mine and others. They said they would be doing activities on the Gold Coast.
- CA Did you not take an interest in what might be being done with respect to your own campaign?

- W Not particularly. I was busy running my own campaign. As a one-person show, I was quite busy and I was at work for most of the time.
- CA Were you not concerned that something that you might regard as untoward for your campaign might be being done by a union, such as the CFMEU?
- W I didn't have a view either - I wasn't worried or interested.
- 10 CA You took no particular interest-
- W No.
- CA -in what they might be doing-
- W No, I was quite time poor.
- CA -for the purpose of influencing your campaign?
- 20 W Correct.
- CA Do you know what they did?
- W No.
- CA Did you make any inquiry?
- W After the election, I did.
- 30 CA Why would you not make inquiry as to how the CFMEU was proposing to represent you to electors, or whatever they were doing, when you were the mayoral candidate?
- W Because I was exceptionally busy running my own campaign. Like, as you said at the start, the magnitude of running for Mayor is huge. I was working full time up until five weeks out, I think it was. So I was busy writing policies, going to meetings. There was about 12 mayoral debates. I was focused on my own campaign, and that took up all my time.
- 40 CA During the course of the campaign period going up to the election, and not with the benefit of hindsight, but during that election campaign period, do you say you had no awareness of what the CFMEU was doing by way of campaigning on your behalf?
- W Occasionally I did. In the end, when Andrew was looking for the office space, I asked him why, like, "Why do you need an office?", knowing there was a vacant office space two doors down from mine, and I said, "You might want to inquire about that", because I knew my lease was quite reasonable and short term. And in the end, I offered that he can use the back of mine. My office was massive. It was a real estate office. It was huge. And I said, "If it's a case of storage or something, you can use that." So I would see vehicles that they parked outside, which had my face on it, which I saw towards the end. At one point I was contacted by the media about being supported by another union, which I didn't - wasn't true, and I mentioned it to Andy. We were having a casual conversation and I said, "Oh, they think I'm being - the Courier-Mail think I'm being
- 50

supported by the TWU", and I think at that point he said, "Oh, that's because you're on the back of a bus", and I was like, "Oh, okay."

CA You mentioned the bus. One of the things that was done was to arrange some publicity for you on the back of buses in the Gold Coast area; correct?

W As it turns out, yes.

10 CA You say "As it turns out". Were you aware that some signage was being arranged to be displayed on a number of buses?

W I found out after, once they were on the buses, through that conversation.

CA Did you ever see what the artwork was that was being displayed on your behalf?

W I saw - I did see one of the buses when I was driving.

20 CA Was that the first that you had learned, that there was publicity by way of signage on a bus?

W No. I learned when - the conversation I had with Andy when I was talking about the Courier-Mail telling me the TWU was supporting me.

CA And you later saw-

W I did.

30 CA -the bus - saw a bus?

W And I had friends taking photos of them thinking it's hilarious and sending them to me.

CA There was more than one, wasn't there?

W I only saw one but-

40 CA Do you know anything about whether there were 10 buses with such signage?

W I don't know how many there were.

CA Did you ever inquire?

W No.

50 CA When you saw the one that you did see, was that the first occasion on which the artwork or the layout of the signage was known to you?

W Yes.

CA The first time you'd seen it?

W In person on the bus - I think a friend had sent me a photo of one, of a bus.

CA Were you consulted about the content of the display on the buses?

W No.

CA Was anyone acting on your behalf contacted by the CFMEU?

W I don't believe so.

10 CA To do with the layout of that?

W I don't believe so.

CA So that went on around you without your knowing about it?

W Correct. For the most part, I was at work.

CA There were some other things done by the union, weren't there, in terms of arranging printing of material? Do you know anything about that?

20 W No. I knew about the coverage of trucks, because they were parked outside the office.

CA Trucks, not buses?

W No. Trucks.

CA Tell us about that?

30 W There was trucks parked outside the office with my face on them.

CA What kinds of trucks? For what apparent purpose?

W I presume driving around. Like a billboard on wheels, I suppose.

CA I see. More than one?

W There was two.

40 CA Parked outside the office you were occupying?

W Correct.

CA And by then, was any person from the CFMEU also occupying your office?

W Coming and going. I was coming and going. They were coming and going. My mum was there a lot of the time because she's retired.

50 CA So you saw some signage displayed on these trucks?

W Correct.

CA Did that prompt you to make inquiry of the CFMEU as to how that came about?

W Well, they were there with the trucks, because they pulled up in them.

CA Did you make any comment to any representative of the union about this signage?

W Only to the extent that I said it's mortifying seeing my head that big. That was - and it was.

CA Do we take it that you weren't consulted about the content-

10 W No.

CA -of any such signage?

W No.

CA And not aware of the fact that it was occurring until you saw it?

W Correct.

20 CA The same goes for the buses?

W Correct.

PO Ms TOLAND, if you weren't aware of it until after the event and you had no involvement in it, where did you think they got the image from?

W From the website or - it was available everywhere. It was on Facebook, on my website. There was numerous images.

30 PO To match the one on the buses and the trucks?

W Yes. It was the same - the same as my how to vote image, I'm presuming. It looks the same.

PO In any event, you didn't make any inquiries about that?

W I beg your pardon?

PO You didn't make any inquiries about that?

40 W No. My focus was definitely elsewhere.

CA You may have answered this already, but just going back to the buses, when were you first made aware that there was signage on buses?

W I think - I can't remember the order. It was either someone sent me a photo, like my step-brother - that either happened first, or the Courier-Mail phoned me and said, "We have a source that says the TWU is funding your campaign", and I said, "As far as I'm aware they're not, but they're more than welcome to." And they said, "Well, we're going to confirm that." And I said, "Well, ask them for a donation on my behalf when you do", and then I was relaying that conversation to Andrew next time I saw him and he sort of laughed and said, "Well, yes, you are on the back of buses" and I was, oh, God, okay.

50 CA In that sequence, you got some confirmation from Andrew that this was

occurring?

W Yes.

CA But after the event?

W After they'd been seen, yes. It was just my assumption that that's what triggered the assumption that the TWU was helping me.

10 CA Did you know that there was more than one bus being used with that display?

W Andrew said "buses". I didn't inquire how many. As I said, I was-

CA Would you not inquire how many and how widespread this was?

W It's probably going to sound a bit vain, but I was more thinking about my head being that huge on a bus.

20 CA Well, there were a number of buses going around the Gold Coast with your imagery and some other information presumably on it?

W I only saw one, but okay.

CA Your mayoral campaign is at stake?

W Correct.

30 CA And you say you were not concerned to approach the CFMEU about the content of this display, how widespread it was and whether you approved of it?

W When I saw the image of it, I thought it was a reasonable - this is going to sound vain again - a reasonable photo of myself. It wasn't a bad photo, that was the extent and I sort of thought oh, well, it doesn't make me look horrendous.

CA But did it occur to you that it was your mayoral campaign that was at stake?

40 W I didn't think of it in those terms. That just wasn't the way I processed the information at all.

CA Can I show you an email and an attachment. Can I suggest that it appears to be an email from Andrew SUTHERLAND to you dated 1st of July 2016?

W Yes.

50 CA Do you recall receiving that email and the attachment that's on the back of it?

W I do. I do. I forwarded it to work.

CA You did what, I'm sorry?

W Sorry, I forwarded it to work, to my work email.

CA I see. I tender that email and attachment.

PO Exhibit 125.

CA Were you forewarned that this email was coming?

10 W I think I asked Andrew, just out of curiosity, what was the total of their campaign, because I'm thinking, you know - I'd lost at this point and I was thinking if I run again, if I wanted to run something similar to what they did, what did they spend, what did I spend?

CA Curiosity on your part, was it?

W Correct.

CA Is it a coincidence that this email was sent on the same day as you prepared and submitted your disclosure return?

20 W It is.

CA Pure coincidence?

W Correct.

CA Do you adhere to that notwithstanding that the subject of the email is described as "Disclosure"?

30 W Correct.

CA What did you think was the purpose of this email on the subject of disclosure?

W I had been notified by Together, the other union, that as a union they have a legal obligation to disclose, so then I knew that that was what they have to do, and I said, "That's fine." And, as I said, I was curious as to the amounts and was relieved that that's what they've called it, because I thought, okay, they're disclosing as a third party; all is well.

40 CA So you were curious as to the amounts that had been spent by them with respect to your campaign?

W Yes, just the totals.

CA Some three months-plus after you lost?

W Correct.

50 CA And at a time when your disclosure return was due?

W Well, that's correct.

CA And in fact was submitted the same day as this email?

W Correct, but before I looked at it, but yes.

- CA You were aware, obviously, on the 1st of June that you had to make a disclosure - the 1st of July, rather, that you had to make a disclosure of donations to you, because we've already looked at your disclosure return?
- W Correct. Correct.
- CA Did the receipt of this email on the subject of disclosure not trigger to you that this was the kind of information that should have been included in your return?
10
- W I read it after I did mine, but I had read ECQ-
- CA You can amend it, though, can't you, if you had omitted something?
- W Correct, but I don't feel that I needed to add anything. I reread the candidate handbook, which talks about - it has a section on disclosures and it talks about gifts that you received and donations you received and the amounts over which you have to declare. So I read that. And then it talked about third party disclosures. So I thought, okay, this is a third party disclosure and I'll disclose things that were gifted in kind or donated financially to myself.
20
- CA Did you see from the attachment the kinds of things on which money had been spent?
- W Yes.
- CA Did any of that surprise you?
30
- W No. I was only interested in the amount, so I just went, okay.
- CA Were you not interested in the break-up as to how the money had been spent?
- W Not at that point in time, no.
- CA Well, for example, there are a couple of entries - fourth from the bottom, for example, 16 February, a sum of \$3,700 was apparently spent on campaign shirts. What do you know about campaign shirts?
40
- W I know that Andrew discussed that they printed Hi-Vis campaign shirts for their membership to wear on construction sites, and I saw them when I went to a members meeting.
- CA Well, that has nothing to do with the Penny TOLAND campaign, though, does it?
- W Oh, if it has my name, then that's good.
50
- CA What was the conversation, then? Did he mention this Hi-Vis shirt in connection with your campaign or was it just general chitchat about Hi-Vis shirts?
- W I was at a members meeting and they gave them out and they said, "Oh, they're Hi-Vis versions", which I thought was quite clever.

- CA With your image or something or your name?
- W No, no, just my name. Like "Penny TOLAND for Mayor", it could have said, or "Penny for Mayor", I'm not sure but-
- CA Where did you see this?
- 10 W At a meeting of union members, or CFMEU union members. There was about 500 of them.
- CA Before the election?
- W Yes.
- CA So, what, 500 members were at a meeting wearing such-
- W They weren't all wearing the shirts, but some of them were.
- 20 CA And do you say that was done without reference to you?
- W Correct.
- CA There was other expenditure apparently for garments. For example, on the 21st of March, a payment to something called Apparel Productions. Do you know anything about - and in fact it's the same supplier as for the campaign shirts.
- 30 W No.
- CA Do you know anything about garments ordered for the purpose of your campaign?
- W No.
- CA Well, to sum it up-
- W I presume it could be the same thing.
- 40 CA When you look at that rather long list, do you say that you were not consulted about any of the expenditure that's reflected in that list?
- W That's right. I learnt of things along the way, but after they were done.
- CA Such as the buses?
- W Correct.
- 50 CA The last entry is a rather large item, transit advertising. It rather suggests that it could be for the buses, at a sum of \$14,400. Do you know whether that's so?
- W No, I don't know.
- CA Do you know of a Kirrily HIRST from Go Transit?

- W No.
- CA Do you know of a business called Go Transit - do you know of it?
- W It's not fresh in my mind.
- CA Do you know whether it had anything to do with the bus advertising campaign?
- 10 W I don't know.
- CA Do you know anything about either of James MIFSUD or Janine AITKEN having been contacted by someone from Go Transit to discuss the bus advertising campaign?
- W No.
- CA And, in particular, in February 2016?
- 20 W No.
- CA Did either of those persons, James MIFSUD or Janine AITKEN, say anything to you about having provided your contact details for the purpose of discussing the bus advertising campaign?
- W No.
- CA Come election day, were you assisted by members of the CFMEU?
- 30 W I had some of their members on booths.
- CA How did that come about?
- W I went to a number of their meetings. I went to I think one workplace meeting with the 500 and then a members meeting, and asked for volunteers, so some of them contacted me and offered to man a booth.
- CA Did that assistance derive from your attendance at meetings and interacting with members in that way?
- 40 W Yes. I explicitly asked for volunteers to work on election day.
- CA Do you know whether anyone, Mr SUTHERLAND, for example, or any official associated with the union arranged for volunteers to assist you on election day?
- W I'm not sure. I would hope - I would hope they did.
- CA You would hope so?
- 50 W I was asking everyone to ask everyone they knew, and that was - I did that on Facebook numerous times. Any time I met someone, I would ask them and ask them to ask everyone they knew.
- CA So it's quite possible you, for example, asked Mr SUTHERLAND if he could arrange some members to help you at manning booths and so forth?

W For sure. Everyone I met, I asked them to ask everyone they knew.

CA There are a large number of booths for a mayoral election, aren't there?

W Like 84. I could be wrong, but I think 84.

CA Were all the booths manned on your behalf?

10 W No.

CA How many were not?

W I think the night before we knew - my mum and I were doing it - about 12 were completely unmanned. Some may have been manned for a couple of hours, but not the 10. But when I did rounds in the morning, just to leave flyers, just random citizens who were not fond of the incumbent were helping themselves to flyers and handing them out. And other volunteers for divisional candidates were grabbing mine as well, so I was very appreciative.

20 CA Even so, with some booths unmanned, there's a substantial number of volunteers to assist in the booths that were manned; correct?

W That's right.

CA How were they secured so far as you know? How was their assistance arranged?

30 W A lot of them either worked with me, were friends of mine, went to school with me, knew me socially; friends of theirs. My father and his wife flew up from New South Wales. Just friends who knew my mum. Just an assortment of people.

CA Well, the description you've given is all of people who are known to you.

W Not all of them, but they may know someone who knows me. So friends, family and friends of friends and family, or colleagues, whoever.

40 CA Do you know whether in fact the CFMEU arranged for member volunteers to assist you?

W I don't.

CA You don't know that?

W No.

CA Did you see people who were unknown to you?

50 W Yes.

CA Manning booths on your behalf?

W Yes.

- CA Did you have any interaction with any of those people to find out how they came to be there working for you?
- W I just thanked them. I just assumed they either knew someone that knew me. They'd obviously recognised me and be like "Oh, Penny", and were quite friendly. Or they were divisional candidate helpers who also wanted - because it's two different tickets, so they wanted to support the mayoral candidate of their choice, so they would do both. And some of Jim WILSON's volunteers were handing out both, like his and mine.
- 10 CA If I could take you back to the meeting you had with Mr RAVBAR, being the one and only such meeting, from what you've said.
- W Yes.
- CA Did you have any specific requests of things that you were interested in being provided assistance with, such as billboards or any other kind of signage, or any particular item that you were interested in getting assistance with?
- 20 W No. I don't even recall whether I told them my printing was okay. I may have. I may have said, like, "I've got corflutes from UV." It was mainly I felt an introduction of myself.
- CA Did you tell the gentleman from the union what you were intending your campaign to consist of?
- W No. At that time, I didn't know what I could afford, but I said, "I will definitely need manpower", like as many people as possible.
- 30 CA So no specific requests?
- W No.
- CA For shirts or corflutes or signage?
- W Well, I don't even think-
- CA Did it descend into that kind of detail?
- 40 W No, because I think they're well experienced in running campaigns, they would know the type of things you need in a campaign. I didn't know what position I would be in to - like, I wasn't sure how big my campaign was going to be.
- CA So were there no parameters of request on your behalf?
- W No.
- 50 CA So far as the gentlemen from the union were concerned, was there any indication of parameters-
- W No.
- CA -that is to say, in what ways they might assist your campaign?

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- W No. They were very - Michael was very clear in saying that should they make a decision to do activities on the Gold Coast, then that's their business, and I took that as, okay.
- CA Is that the kind of assistance you would have wanted, not knowing what, in the end, it might consist of-
- W I think that-
- 10 CA -given, once again, that it's your mayoral candidacy and effort that's at stake?
- W Well, I assumed, when they said "activities", it wasn't going to be, you know, "Penny's terrible, don't vote for her." I assumed it would be sort of either anti TATE or pro me. I wasn't - either/or. They both are beneficial.
- CA I take it that you wouldn't have known whether anything that they were proposing to do would duplicate what you were doing?
- 20 W No.
- CA And they wouldn't know, either, because you didn't tell them what you were going to do?
- W No. I hadn't decided at that point.
- CA So the two campaigns ran entirely in parallel; does that sum it up?
- 30 W Correct. So I may have told them, I don't remember, about the corflutes, the fact that United Voice - I was using their printer. And I think - I did have bumper stickers, because I offered one to Andrew and Michael, so they knew I had those things. But apart from that, my focus was very much on needing people.
- CA You never obtained or submitted any quotes to the union for particular things that you were interested in their assisting you with?
- W I don't recall that I did, no.
- 40 CA Did you ever pass on any invoices?
- W I don't think so, no.
- CA That's the evidence, Commissioner.
- PO Thanks, Mr RICE. Mr RAWLINGS, do you have any questions?
- LR No, thank you, sir.
- 50 PO Thank you are excused, Ms TOLAND. Thank you.
- Is that a convenient time, Mr RICE?
- CA Yes, thank you, Commissioner.