

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

SELECT COMMITTEE ON PRIVILEGES

Members:

**MS K TUCKER (The Chair)
MR B SMYTH
MR J HARGREAVES**

TRANSCRIPT OF EVIDENCE

CANBERRA

MONDAY, 23 SEPTEMBER 2002

**Secretary to the committee:
Mr D Abbott (Ph: 620 50199)**

By authority of the Legislative Assembly for the Australian Capital Territory

The committee met at 9.05 am.

BILL WOOD was called.

THE CHAIR: I declare the hearing of the Privileges Committee open. The first person to address the committee is Minister Wood. Before we start, I need to make you aware of basic requirements of a witness at a meeting of an Assembly committee. You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections, but also certain responsibilities. It means that you are protected from certain legal actions, such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

I want to remind everyone who addresses this committee that we are looking into a question of contempt and the brief for that is fairly narrow in respect of the terms of reference. We refer to the federal Parliamentary Privileges Act and to House of Representatives and Senate practice. Basically, that means that we are looking to see whether there was an improper interference in the work of a member—a minister in this case—and that inference has to be seen to be improper, serious, intentional and something which actually does interfere with the performance of the member. In this case, we are looking at whether the unauthorised receipt of emails from your office was a breach of privilege and whether a contempt was committed.

Having said that, could you please state your name and the capacity in which you appear.

Mr Wood: I am Bill Wood. I am Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services. I have a statement that I would like to read. I am much aware of what you say and my statement is geared exactly to that.

THE CHAIR: Thank you.

Mr Wood: Madam Chair and committee members, in November 2001 I became a minister in the incoming Stanhope government. About two weeks later, my office staff informed me that the contents of my electronic diary, which was run through Outlook on the computer, had vanished. This was a most unusual occurrence and never explained. There was also a problem with my emails.

InTACT established a substitute diary for me while they worked on restoring my old diary. This took some time, but once it was done, I had my familiar email set-up, with one email box for WOOD. I had long before got rid of the second mail box, bill.wood, as I found it unnecessary. This was the address that was subsequently improperly re-established and accessed.

In February 2002, my senior adviser, Margaret Watt, spoke to me about a most serious allegation. She told me that she had met with Sue Whittaker, senior adviser to Greg Cornwell, and that Ms Whittaker had told her that Mike Strokowsky, in Gary Humphries' office, had access to my emails. On Margaret's way to meet with

Ms Whittaker, she ran into Mary Elliott, senior adviser to Bill Stefaniak, who asked whether she had talked to Ms Whittaker yet, then indicated she too knew what was happening and was very concerned about it.

Margaret and I discussed this information at length. We both found the allegation surprising but, given our respect for our contacts, could not dismiss it. Margaret then rang an IT expert, not in InTACT, who verified that access to someone else's email could occur, but only with the help of someone with administrative rights on the system or through someone finding out the admin passwords. I have received the same authoritative advice.

Given this advice, I asked Margaret to contact senior officers in InTACT to arrange a meeting. I was reluctant, because I did not want to believe that someone at the Assembly had acted in this way. On Friday, 15 February two officers from InTACT, Ed Pellegrino and Richard Hart, came to my office. I told them about the allegation but, due to my unease about the whole situation, I did not give them the name of the person alleged to be doing it.

A few days later, Margaret told me that InTACT had advised that it was unable to find any evidence that this was happening. InTACT again asked for the name, as it was necessary if the interference was to be located, and I again declined to give it, given my deep concerns about the possible implications and my surprise that such a senior and experienced employee could act in such a manner.

On Wednesday, 27 February I was called out of an official dinner engagement to be told by the Clerk of the Assembly, Mark McRae, that it now looked as though someone had had access to some of my emails. I was shocked by this confirmation. I really found it hard to believe. I found it hard to believe, and still find it hard to believe, because what should have happened did not.

And what should have happened? When I first moved into my new office, on several occasions I received faxes meant for others. Also, on two occasions, Mr Stefaniak's diary printed out on my printer. What did my staff do? Immediately and very properly, they contacted the people concerned and let them know what was happening, and the error was rectified. I would have expected that every member and every staffer in this place would have behaved as my office did at that time. I was shocked to think that there was someone in this place who did not share those what I considered to be common standards of correct and acceptable behaviour.

I later found out that Ms Whittaker had directly informed the Clerk of her concerns, and then he told the Speaker, who called in the police. Unfortunately, this was not an end to it. The misdirection of emails meant for me continued for several more days to allow the police investigation to proceed.

The misdirection and misappropriation of my emails had been occurring for some time. The honourable, the correct, the ethical thing to do would have been for Mr Strokowsky to say, "Hey, Bill, we have got a problem here." He did not. He did not, as we know indisputably, act with propriety for at least three months, until he was stopped. He did not, as we know indisputably, act with propriety while at least 100 emails were, I claim,

illegally, consciously and deliberately stolen, purloined, thieved and misappropriated. He did not stop until two principal staffers acted to expose it.

And how deliberate was it? This comes to the key of what you warned me about a minute ago. My understanding is that Ms Whittaker sent me an email which she tracked in order to confirm that my email correspondence was being read by someone, and it was. I understand that within two minutes of the email being sent, it was opened by Mr Strokowsky. I understand that Ms Whittaker has a printout of this particular transaction to prove it. It appears that he was sitting at his machine waiting for and reading my emails. And this was an accident! This is the appalling behaviour that this committee has to judge.

Constituents were emailing me and wondering why I didn't reply. Helen Cross asked a question in the Assembly on 19 February about tardy ministerial responses to constituents' correspondence. That had us all scratching our heads. I understand that even Mrs Cross scratched her head when given the question, but when she queried it she was assured that the evidence for this allegation existed. It was based, I claim, on one of three stolen emails.

When the affair became public, all became clear. A constituent sent me a copy of an email that he thought he had sent me in January, and in February he had plaintively asked was this email received. It is hard to respond to something that you do not receive. How many more constituents emailed me and never received an answer to their queries? For how long had this been going on?

I am a diligent and conscientious member and I was and am outraged at this interference with my proper duties and obligations as a member of the Assembly. Like others in this place, I have heard the rumours. The strong rumours are that Mr Humphries' chief of staff knew of this interference with my emails but did not act to stop it.

THE CHAIR: Mr Wood, we need to be careful of hearsay here.

Mr Wood: Yes, I understand that.

THE CHAIR: And rumours and so on.

Mr Wood: But I am asking you questions that I want you to ask, that are part of what you have told me about, but I will be careful about it.

MR SMYTH: That is not the process. You are here to deliver evidence that may help us in our deliberations and you have to tell us what you know, not what you have heard.

Mr Wood: Yes, but I want to know that this committee is going to respond to these rumours that are sweeping the corridors. I need to know this. Look, I am careful, Ms Tucker. I really have painstakingly endeavoured to meet the commitments that your committee has.

THE CHAIR: Just stick with what you think occurred.

Mr Wood: What I think, yes.

MR SMYTH: No, what he knows.

THE CHAIR: What you believe occurred. I notice that you have prefaced some of your very strong statements with “I understand” and “these are allegations” and you use strong language, such as “stolen”. I would ask you to be very careful because these are allegations and this committee hasn’t determined that that is what has happened.

Mr Wood: I understand that, yes, I fully do.

MR SMYTH: I ask that those words be struck out because there has been a criminal inquiry that said there was no crime committed, if something was stolen, thieved or purloined.

Mr Wood: I have not mentioned that.

MR SMYTH: You did use those words and I would ask that those words be struck from the record.

THE CHAIR: Which words do you want struck from the record?

MR SMYTH: The words “stolen”, “thieved” and “purloined”.

Mr Wood: You can’t strike them from the record.

MR HARGREAVES: That is Mr Wood’s understanding.

THE CHAIR: One moment, please. As I understood it, this was Mr Wood’s own impression of the events that occurred.

Mr Wood: Yes.

THE CHAIR: I think that that has to be allowed.

Mr Wood: I said “I believe” when I said that, Ms Tucker. You have asked me to comment on what I believe had occurred and I believe that was the circumstance. I am precise with my words.

THE CHAIR: In terms of the last statement you made in referring to rumours and hearsay, can you restrict yourself more?

Mr Wood: Okay, I will do that, and I would ask you to find out how many other staff in the Liberal Party knew and what boasting about it occurred. I ask you, Ms Tucker, and your committee to find out if this was discussed at the Liberals’ Silver Wattle conference. I ask you, Ms Tucker, and your members to find out if other MLAs knew about this, while only two staffers did something.

We know now more than we knew at the time of the debate in the Assembly. We know more than we did then. However, Mr Strokowsky has not been sacked. Your committee will consider your outcomes. I believe he should have been but, of course, he is an influential figure in the Liberal Party, not like Mrs Cross—

THE CHAIR: Okay. All right.

Mr Wood: And Mr Humphries needs votes in his Senate aspirations.

THE CHAIR: Mr Wood—

MR SMYTH: That is not relevant to this inquiry.

THE CHAIR: Just give me a moment. I have already got Mr Wood talking over me. I will have to ask you to stop there. If evidence comes to this committee that relates to other people being involved in an alleged contempt, then this committee will hear that evidence.

Mr Wood: Can you assure me that you will undertake that inquiry?

THE CHAIR: Of course. That is what this committee is about. We have to determine, obviously, whether a contempt has occurred. In looking at whether a contempt has occurred, we will have to take into consideration any evidence that comes to us, and we will do so. If people come to us with extra information, that is fine and we will look at it, but I don't think we can just have rumours being spread in this particular forum.

Mr Wood: All right, I will not be mentioning any more names now, Ms Tucker, but I am keen to know that this committee will explore all the circumstances and not pass through this inquiry quickly.

THE CHAIR: As it relates to whether a contempt of the house occurred, we will.

Mr Wood: Indeed.

THE CHAIR: I reassure you that we will do that.

Mr Wood: And interference into my performance as a member and a minister.

THE CHAIR: Absolutely, and that is what we are here to do.

Mr Wood: And that is what I am talking about.

THE CHAIR: Okay.

Mr Wood: I have another example of interference and of clear evidence, from what I hear by rumour, that there was malice in this, but I won't indicate that to you. I might do so privately, so I can be confident it will be explored. To conclude—

THE CHAIR: Mr Wood, if you require an in camera hearing with the committee, then you are able to ask for that.

Mr Wood: Okay, that might be a good idea.

THE CHAIR: It is better that any communication occurs with the whole committee, but that is something that we can organise later. We will finish this at the moment.

Mr Wood: All right, that sounds fine by me. I will conclude. My emails were diverted. They were received by someone who was not authorised by me to receive them. They were read, they were printed and, I maintain, they were used. Ms Tucker and members, these are the questions that you will soon be posing to those involved. Those questions and their responses are essential in this inquiry. There was inappropriate action and there was intent to use that ill-generated material for political purposes. This is not the standard of propriety and—

THE CHAIR: Sorry, can I just interrupt there. You have just said, as I heard you, that you know that there was intent to use the content of emails directed to you for political purposes.

Mr Wood: You should question me about that.

THE CHAIR: I am just doing that. You need to explain that. If you have information—

Mr Wood: You just stopped me explaining it.

THE CHAIR: If you know something that supports that statement, then you have to tell the committee.

Mr Wood: All right. What I have given to you today is not the standard of proprietary and decency that I, for one, expect to operate in this Assembly. What do you reckon?

THE CHAIR: I ask you to elaborate on the statement that the emails were used for political purposes.

Mr Wood: For example, the question that Helen Cross asked, I believe, was based on emails and a complaint in an email that I was not responding to a constituent's requests. That is one example. Another example is, if you like to use the word, hearsay, what I have heard, and , on your requirements, I should not raise that.

THE CHAIR: You do not know definitely that your emails were used to inform a question in the Assembly.

Mr Wood: I have at least one clear example where I believe that was the case. There was a question there on 19 February—

MR SMYTH: But can you prove that that was the case, because I don't believe that to be true.

THE CHAIR: He has some evidence. He is able to give that to the committee.

Mr Wood: There's the question from Helen Cross and I will put some emails there which were the background. That constituent has also given a statement to the police and the background to the emails is that he was sending them to me, I wasn't getting them, he was getting unhappy, he complained and said that I should be answering them, something of that order. It ties in at the same timing as a question in the Assembly about why the government was not responding to constituents' responses.

THE CHAIR: You consider that there was a relationship between the emails that you did not receive and that question, you are making that link.

Mr Wood: Yes, as one example that you will allow me to give today.

THE CHAIR: If you have other examples—

Mr Wood: I think that there is something that you will be looking at in the future.

THE CHAIR: Are you saying that that is something you think we should discuss in camera?

Mr Wood: Or ask other witnesses to report. In the first instance, ask other witnesses to report.

THE CHAIR: People have offered to give evidence to this committee, as you are well aware.

Mr Wood: Yes. We will see what comes up today or in later days.

THE CHAIR: Questions, Mr Hargreaves and Mr Smyth.

MR HARGREAVES: Just briefly, I want to go to your understanding of the effect of the emails not being received in your office from the constituent. If we are talking about the same email, I direct you to the one that you have in front of you. Is that the one from a gentleman, in the first instance, dated 6 March? It should be at the top.

Mr Wood: Yes, that is catching up with it.

MR HARGREAVES: There were three—6 March, 14 February and 24 January.

Mr Wood: Yes, that would be the right.

MR HARGREAVES: The emails that were supposed to be addressed to you regarding maintenance at a facility were over that period.

Mr Wood: That's right.

MR HARGREAVES: In terms of how serious you consider this to be, do you consider this just to be good fortune and part of the environment that we would normally experience in this place?

Mr Wood: Certainly not. No, it is not my standard and I don't believe that it is the standard of this Assembly. We have higher standards than that, surely.

MR HARGREAVES: Do you consider that that particular instance, that particular email, was in the form of a constituent inquiring in terms of your role as a minister or your role as a member of this place or both?

Mr Wood: Both. It is the case that people write directly to me; they have for 12 years. I get letters from you, Mr Hargreaves, and from Mr Smyth and Ms Tucker on behalf of your constituents. Where they affect a minister or this minister, you write to me. You expect a response. I will be coming back to Mr Smyth later about a verbal response. You see that as part of your duty. I find that members of this Assembly are diligent in writing to me and expecting replies. In this case, because the emails weren't coming to me from a constituent, that is certainly an interference in my duties as a member—indeed, in this case, as a minister because he wrote directly to me as a minister.

MR HARGREAVES: Because, presumably, the result of your activity would have been to do what this chap wanted you to do in this contact with you, do you consider that this actually interfered with the Assembly itself, given that you are a minister appointed to administer acts passed by this Assembly?

Mr Wood: Certainly to the Assembly, because he was writing to the minister. He was expecting an answer and he, therefore, as the emails indicate, had a pretty poor view of the sort of service this place was giving because he wasn't getting answers. A further problem for me is that I know about this one because it emerged later, but how many others of the 100 or so emails do I not know about. While it is known that the actual emails themselves were sent and tracked, the contents and the precision about them are not known. I haven't been able to see them.

MR HARGREAVES: In terms of the seriousness of that, if, for example, it were that the interruption of the flow from your constituents to yourself was inadvertent or fortuitous for some, do you want to comment on the continued interruption of the sort of example that we have been given here, the nature of the interference in your role as a minister, given the continuation of that interference?

Mr Wood: That is a very strong point. This is not something that fell off the back of a truck. On the advice I get from IT experts, this was not inadvertent, but that is a matter that I don't think has been able to be settled at this stage, although you might seek more technical advice. The manner of it happening would be something I would be very interested to find out.

But it wasn't accidental. There had to be some process somewhere about it. But the fact that it continued for a very extensive period, the fact that at least one printout was pulled from a hard file, indicates, I think, a very strong view on the part of the person concerned to use the material, and it kept going until it was stopped.

If two staffers had not come forward, it might still be going on. That secondary email that I had dropped off meant that they just disappeared. When they were accessed, they seemed to disappear. I am no great expert, although I have spoken to many people about this, but it could have gone on.

Because that unused address was still on many forms and still in many places, and was familiar with the second email address of most members, it was still receiving a considerable volume of emails. The fact that those emails were coming in over a fairly lengthy period makes it pretty clear that there were deliberate intentions here.

MR HARGREAVES: The InTACT people, when they came before us and in information they have given to the committee, have indicated that it is possible that in that period over 100 emails were affected. It has also been suggested and is in *Hansard*, I think, that the emails were innocuous or of a trivial nature. Indeed, we all know that in the receipt of emails in our offices we get many things, such as public service publications and the like. Have you or has your office had a look at the ratio of real business emails to, as it were, electronic junk mail?

Mr Wood: I would only report off the top of my head, Mr Hargreaves. I check my emails every morning on coming to work and then periodically during the day. I see and read emails. They are then taken by Margaret Watt and formal processes continue. I would say off the top of my head that, perhaps being a minister, the majority of the emails would not be the routine notices, the majority.

MR HARGREAVES: The real business ones would be the majority of emails that you receive.

Mr Wood: The real business ones would be the majority of them. I don't lock on to a whole range of the stuff that you can get coming in; so the majority, but I won't give you a definitive answer on that though. Certainly, I would think the majority.

MR SMYTH: Mr Wood, how do you know that the person who was receiving the emails didn't know that you weren't getting them?

Mr Wood: What sort of pathetic excuse is that?

MR SMYTH: No, it is not an excuse; it is a question and there is the issue of a blind Cc. I have received emails that ostensibly were not addressed to me but were certainly intended for me. How can you be certain that the emails that you received weren't blind Ccs or intended for a person other than you?

Mr Wood: Mr Stanwell will have something to say about that, I believe.

MR SMYTH: No, I am asking you.

Mr Wood: I don't know the technicalities, but are you suggesting that Mr Strokowsky was sitting there and was comfortable taking all those emails because he thought I was also getting them and therefore he didn't have to worry?

MR SMYTH: I am not suggesting; I am asking you.

THE CHAIR: No, you made a statement on that before. You said that deliberate intent was demonstrated by the fact that Mr Strokowsky actually continued to receive the emails.

Mr Wood: For three months or so.

THE CHAIR: But it would be relevant to the committee's inquiries whether Mr Strokowsky thought you were also receiving the emails.

Mr Wood: That is an excuse for still doing it.

THE CHAIR: We have to determine that as a committee as well. You made the statement that there was an intent, basically, to prevent you from accessing your emails, which implies that you knew that he thought that you weren't getting them. That has not been determined. I am interested to know whether you have any evidence to support that.

Mr Wood: The evidence I would offer is that there is no-one around me in my office, me or anybody else, to do this blind email stuff.

MR SMYTH: No, when somebody sends an email to you there is the opportunity to do a blind Cc. Therefore, I can receive an email—in fact, as I have shown the committee members, I actually received an email—that was addressed to Jon Stanhope. When I opened the email, the letter was clearly addressed to Jon Stanhope but there was a blind Cc to me because I had checked with the individual to say, “Did you intend for me to get this?”

Mr Wood: So, over three months, 100 or so of those.

MR SMYTH: Let's go to the 100 or so emails.

THE CHAIR: Mr Smyth, the question that we asked Mr Wood was about his knowledge. We have had technical evidence given which shows that it wasn't a blind Cc.

Mr Wood: It wasn't, yes.

THE CHAIR: We don't need to ask Mr Wood for the technical explanation.

MR SMYTH: He has made the allegation.

THE CHAIR: He made that—

MR SMYTH: But how would the person who received the email know?

THE CHAIR: Let me finish, Mr Smyth. I am happy to have this discussion with you, but there is no point in talking over each other. I have asked Mr Wood, as you did, to say whether he had any definite evidence that he knew that Mr Strokowsky knew that he was not receiving the emails. The question of—

Mr Wood: No, I don't. I will take your technical advice.

THE CHAIR: That is right; thank you. This committee has received technical advice to say that it was not Cc'd, which is fine.

MR SMYTH: Except it goes then to the point of how each person who was receiving them would know that they weren't intended for them. Email is a different form of communication.

THE CHAIR: Yes, but that is something we can pursue later, Mr Smyth; it is not Mr Wood's issue.

MR SMYTH: You talked about 100 emails. That was only an unvalidated explanation from InTACT, given that you hadn't used this box before. Mr Wood, I have a copy of a screen dump put about by an officer in your office that shows that the majority of the emails on this particular day were simply the whole-of-government requests that we all get, so how would the person have known that they were emails intended for you?

Mr Wood: Because they were diverted, that's why. You can ask a lot of technical questions. I will refer those to the experts, because I don't claim to be a technical expert on IT.

MR SMYTH: But it does go to the finish. The problem here is with contempt. Can you explain what a contempt is, then?

Mr Wood: I have heard Ms Tucker talking about that, and that is your job.

THE CHAIR: Why are you doing that?

MR SMYTH: Because if he thinks it is a contempt, he is giving evidence that there is a contempt, people need to understand the nature of a contempt. People don't have to like what might have happened, but that does not necessarily make it a contempt.

MR HARGREAVES: But that is for us to consider, not for Mr Wood.

MR SMYTH: It certainly is.

THE CHAIR: That's right, that is for us to consider and Mr Wood has actually directed a lot of his comments to that in terms of it interfering with his responsibilities as a member. He has just spoken to that. I don't think that it is useful to pursue that line of questioning at this point, Mr Smyth. Mr Wood, do you have any other comments?

Mr Wood: No. My staff have some more detail to provide.

THE CHAIR: Do you have any more questions?

MR HARGREAVES: I do not want to actually ask a question, but I want to make the point that one of the things that we need to consider, a criterion that we need to consider, is the seriousness. We need to consider, in weighing that up, how an action actually impacts on the person who is the subject of it, so we need to understand whether people like Mr Wood actually consider it to be particularly serious, just serious or not so serious. I just wanted to make that point to counter what Mr Smyth was saying. We will just leave it at that for the minute.

THE CHAIR: Yes, Mr Wood has addressed that. Thank you, Mr Wood.

Mr Wood: Thank you. I hope we all have some common standards here.

THE CHAIR: Mr Wood, if you have some evidence that you want to give in camera, we will close this hearing briefly now and let you have that opportunity.

Mr Wood: Okay. It is hearsay.

MR HARGREAVES: Madam Chair, I have to make a point about hearsay. As I understand it, hearsay evidence is not acceptable in a court of law. This is not a court of law; so, if people wish to use hearsay, provided it is relevant and under the guidelines of addressing the criteria that we are talking about, we cannot stop that.

THE CHAIR: Mr Hargreaves, the value of evidence is considerably diminished if it is hearsay. At this point, if it is hearsay, I do not think it would be particularly useful for the committee. We can seek to have another hearing with Mr Wood after we have heard the other witnesses if we think it is important. The other evidence is going to be in public. Mr Wood will hear what is being said. He can easily seek another opportunity to address the committee.

Mr Wood: I am happy with that. I understand the hearsay I wanted to bring forward might emerge today in any event, so I am happy with that, Ms Tucker.

THE CHAIR: All right. We will finish now. Thank you, Mr Wood.

Mr Wood: Thank you.

MARGARET WATT was called.

THE CHAIR: Ms Watt, thank you for coming and addressing the committee. As a formality, I will read you out certain requirements. As a witness to an Assembly committee, you need to understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means you are protected from certain legal actions, such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

I think you were in the room when I explained to Bill Wood that this committee is looking at the question of contempt as defined under the Parliamentary Privileges Act. The committee will be looking at House of Reps and Senate practice in determining whether or not a contempt has occurred. A contempt is defined as an improper interference with the duties of a member. It has to be shown that the improper interference is serious and intentional and that the work of the member, as a member, has been interfered with.

I want you to be clear that that is what we are looking at in this committee. Before you start your statement to the committee, would you state your name and the capacity in which you appear?

Ms Watt: My name is Margaret Watt. I am senior adviser to Bill Wood, who is Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services. I wish to make a statement summarising the issues of particular concern to me about the diversion of Bill Wood's emails.

I have worked for Bill Wood since August 1995, first in opposition and now in government, and I have always had full access to Bill's email account. When Outlook was first set up, Bill had two email accounts: WOOD and bill.wood. After a few months, Bill and I realised how unwieldy this was, and I asked InTACT to deactivate the bill.wood account.

This was done, although I understand that for a while there was a forwarding mechanism on the bill.wood account so that anything that went there was then forwarded to us. Once that forwarding was stopped—and it was stopped—I did get a few calls from people saying their emails had bounced because the bill.wood account had been deactivated, so I explained the correct address to them and we proceeded.

I want to put some other things into context. In opposition, especially, we occasionally got mail, and I mean real mail, that belonged to other members put in our in-tray. Bill's office, on the mail run, was between Mr Berry's and Mr Osborne's offices, and occasionally one or two of their letters would be stuck to some of ours and we would receive them. We would immediately return those letters to them—and they to Bill if the situation was reversed.

There is another example. At home two weeks ago I received a neighbour's mail by mistake. I walked three houses down the road and gave it to him, and I am sure that is what most people in this room would do in similar circumstances.

After Labor took government in November last year, we had to move office. We moved to the second floor in mid-November and also took on more staff. During this time of change, on several occasions, Mr Stefaniak's diary appeared on our printer and we also received faxes and other print-outs intended for other people. On each occasion I immediately notified the intended recipient, or the person who had done the print-out, that this had happened.

The first time Mr Stefaniak's diary printed out, I took the hard copy down to Mary Elliott, who works for Mr Stefaniak. The second time, I rang her and told her that it had happened again, and at her request I put it in the secure bin in the corridor. I followed a similar process with the faxes and other print-outs. This is the process I expected everyone in our office to follow when we received unintended items, and this is the process we would have expected every other office in the Assembly to follow as well.

In the time I have been working here—seven years—the Assembly has always operated on trust and respect between offices, and I feel some of this has now been destroyed.

After we moved upstairs, I still had access to Bill's emails and diary, but the office manager also had editing rights to the diary. Later in November, she informed me that Bill's diary was blank. We reported this to InTACT, but they were unable to restore the original diary for about two weeks. I understand that no-one has ever been able to explain why the diary was lost and what the process was that had happened then. We had to use a second diary during this period.

When the original diary was restored, I remember going through Bill's set-up with the InTACT officer who came to manage the restoration. I remember saying to him that Bill only used one email address, to which both he and I had full access. The WOOD mailbox was all that showed on our screens then. We had no idea the other mailbox had been created. We certainly did not request it, and we certainly had no access to it.

Bill Wood takes his constituent responsibilities very seriously, especially the timeliness of responses. As a result, he has always had a good reputation in the community. He reads all the emails as they come in, and I forward them to the appropriate departmental officer for action. In most cases, given the immediate nature of email, I send an interim response explaining that a fuller answer is being prepared and they will receive that later.

This prompt action and acknowledgment have always been important to both of us as part of his duties as a good local member and minister and part of my duties in running an efficient and courteous office. The majority of the emails he receives are from constituents and departmental officers, addressing Assembly, constituent and Canberra-wide issues.

In mid-February this year I had a phone call from Sue Whittaker, who works for Greg Cornwell. She asked me to meet her to discuss a serious issue. On my way to meet her, I ran into Mary Elliott, who works for Bill Stefaniak. She asked me whether I had spoken to Sue yet and then said to me, "You must understand that I am disgusted by what is happening. I would never do that."

I did not know what she was talking about, but, when I met Sue, she told me that Mike Strokowsky was reading Bill's emails and had been reading Bill Stefaniak's emails until Mary managed to get InTACT to stop that. I was very surprised and found it hard to believe, but I have always had a good professional working relationship with Sue and could see no reason why she would not tell me the truth.

I told Bill about the allegation and he was also concerned. I rang someone who is not in InTACT but is an IT site manager and asked him whether it was possible. He said it was, but only if relevant permissions had been granted or if security had been breached for the unauthorised use of admin passwords.

I then contacted InTACT but, because of the sensitive nature of the allegation, I rang Ed Pellegrino, not the help desk, and he brought Richard Hart to see Bill and me. I noticed from Mr Hart's evidence to the committee that he was reluctant to talk about the content of that meeting, but I have Bill Wood's full permission to talk about what we said.

Bill told them of the allegation but would not give the name of the staffer concerned, only that it was a Liberal staffer. This was on a Friday, and early the next week Mr Hart contacted me to say they had checked and could find no evidence that this was happening. He again asked me for a name to help the investigation but, after talking to Bill, I said we were not comfortable with naming anyone because of the serious nature of what could be happening.

I saw Sue Whittaker a few days later. She asked me what was happening, and I told her InTACT could not find anything wrong. She assured me it was still happening and said that other staff knew, including those in Mr Humphries' office. I said that Bill was reluctant to name anyone without more evidence.

As the allegation was so serious and so sensitive, Bill and I were careful not to talk about it widely. We only spoke about it between ourselves, and we told no-one else in our office. Because it seemed that it could not move forward, I put it out of my mind until Bill rang me at the end of February to say that the Clerk of the Assembly had just informed him that InTACT had found evidence of interference with his emails.

As the person who deals with Bill's emails, I am particularly upset by this interference. I was present during the searching of Mr Strokowsky's office and was shown printed out copies of emails found there that had been sent from John Stanwell in our office to Bill.

I think the interference with a member's duties by intercepting communication between him and his constituents is very serious. InTACT has never been able to tell us how many emails we missed. Their estimate is possibly 100; as Bill said, it could be 1,000. How many of them were from people who are still wondering why their issues have never been addressed or answered? No wonder some people in our community are so

cynical about politicians. We have still never received copies of those emails that we missed, and I understand now that we never will.

If Bill's snail mail, or ordinary printed mail through Australia Post, had been interfered with, everyone would be shocked and horrified and the police would be very interested. To me, this is just the same. It is a gross breach of the ethics that our office and most offices in the Assembly take for granted and assume that all observe.

THE CHAIR: Thank you. Do you have questions, Mr Hargreaves, Mr Smyth?

MR HARGREAVES: When the system crashed and you got the people to restore it, did you tell them you did not want two? Did you tell them one? Can you go over that a bit more with us?

Ms Watt: I am trying to remember who the officer was who came and said, "We finally got the restoration complete, and I can now put Bill's system back to what it was." He restored the diary. By then we were running a duplicate diary, which meant that we had duplicate items and we had to go through and fix that up.

He asked me about the email set-up, and I said, "No, we only use one mailbox." I remember saying that very clearly because the last thing I wanted was for us to go back to the old days when we had two mailboxes operating. So I said, very clearly—I think it was to Adam, but I cannot be sure—that we only used the one email box and that was all we wanted.

When Bill's screen—what you see on your screen—was set up, he only had the one and I only had access to the one.

MR HARGREAVES: It was actually you who had removed the first bill.wood email address. We all got two when we came in, then after a while it became a real pain. How long was there between the crashing and when you said you only wanted the one? Was that months, years, weeks?

Ms Watt: It would have been years. I am just trying to remember how long we have had Outlook for. It would have been years.

MR HARGREAVES: So the regular appearance of what Bill Wood's service was under email would have been just the one address?

Ms Watt: Yes.

MR SMYTH: I thought you said that in October 1999 you got rid of the bill.wood box.

Ms Watt: I did not mention 1999.

MR SMYTH: All right. You said you hadn't used it for years because you determined to have just the one box.

Ms Watt: Yes, that's right.

MR SMYTH: Therefore, most people would only have been sending to the WOOD box, anyway. And for all the time you did not have the second box, those emails would have been bouncing and people would have been contacting your office to find out the real address.

Ms Watt: Yes, yes. The trouble was that, when the second one was created this time, two things were affecting it. Firstly, Bill had just been made a minister, which meant we were getting a whole pile of correspondence from people who had not contacted us before. He had different responsibilities and he was now a minister. We were getting things sent from all over Canberra, and they weren't bouncing. People weren't ringing and saying, "I tried to send to bill.wood and it bounced," because they weren't bouncing.

THE CHAIR: Was that address advertised in the public service or global address book? Was it a public address?

Ms Watt: Yes, and we did not receive them.

THE CHAIR: Yes, I understand.

MR SMYTH: You used the words "by intercepting." "Intercepting" implies that somebody went out of their way to go after these emails. That is not the case, is it? I believe you were sitting here when InTACT said that the mistake was made in InTACT and they were accidentally diverted.

MR HARGREAVES: That is not what they said.

Ms Watt: I thought you were talking about blind copies a minute ago, Mr Smyth. What are you following?

MR SMYTH: No. You said "by intercepting". Were they intercepted by the individual, which means he did it deliberately, or was it by accident, as admitted by InTACT?

Ms Watt: I can't answer that; that is something for the committee to answer.

MR SMYTH: Except that you said that they were intercepted.

Ms Watt: All right, well I believe they were intercepted. They didn't come to us. We were supposed to have them, and they never came.

THE CHAIR: I think the evidence is clear that they were intercepted.

MR SMYTH: No, they were misdirected. "Intercepted" means that you go out and actually go after them

MR HARGREAVES: They were diverted.

Ms Watt: We can have a semantic argument.

THE CHAIR: They were intercepted through the system by someone in InTACT. That is what we have been told. This committee has received evidence to that effect. What we are discussing now is the incorrect receiving of the emails. We are aware that we have got two different points—obviously. And you are aware of that. We have had public evidence from InTACT. I do not think there is any point in pursuing that one.

MR SMYTH: Well I do. Again, it is the notion that they were intercepted that is not true. They might have been intercepted by something that InTACT had done. InTACT might have misdirected or redirected them, but they certainly were not intercepted by the individual. They were received by an individual; they were not intercepted by him.

THE CHAIR: You just want that to be made clearer?

MR SMYTH: Yes.

MR HARGREAVES: On the issue of the Bcc, the blind copy, there is something Ms Watt just said that struck me—I do not think it has been said before—that when the things crashed, people bounced it. They rang your office and said, “Things are not getting through. Can we talk about it in some other way?” But in that period nobody said to you that they had sent something to an address and it had been bounced back. Under the blind copy arrangement, such a thing would occur as well, wouldn’t it?

Ms Watt: You’ve lost me.

MR HARGREAVES: Mr Smyth was saying it could have been a blind copy. InTACT has said that there was a diversion at play.

MR SMYTH: Yes, but we know that.

Ms Watt: Yes, I believe it was a diversion.

MR HARGREAVES: We’re not saying who, why and what at this stage. We are ruling out the fact that there was a blind copy. What we are in fact talking about is the length of time reception of that stuff was retained and the fact that you weren’t notified of it. That is the issue.

Ms Watt: My understanding is that the diversion occurred when we lost the diary, which was at the end of November, and it continued until the police stopped it at the beginning of March.

THE CHAIR: Yes, you have made that clear, and you have expressed to the committee quite fully your concerns about the seriousness of that interference with the work of your employer.

Ms Watt: According to your opening definition of contempt, I understand that it certainly does constitute an improper interference with Bill’s duties as a member, and it is very serious. When you don’t get things sent to you by constituents, you cannot respond. As I said, I think that brings the whole Assembly into disrepute, and no wonder people say nasty things about politicians.

MR SMYTH: Except that you made the point that you had not had the bill.wood email address running and that, if anything had bounced back, people would have contacted your office directly. With anything that people did not get a response to, surely they would have contacted your office in that regard. Is there any difference to people between not having that box operating and having that box operating and being directed?

Ms Watt: There is a huge difference. Bill was now a minister. He was getting a far greater volume of mail. Add to that the general cynicism of the community. They write to ministers, they do not get a reply, they shrug their shoulders and say, "Well, yes. What would I expect?" None of that helps.

THE CHAIR: We are not going to have an argument with the witness here. We need to ask questions.

MR HARGREAVES: I have a question. You indicated in the body of your evidence that you were told, I think by Ms Whittaker, that people in Mr Humphries' office knew.

Ms Watt: Yes. Ms Whittaker said that to me.

MR HARGREAVES: Were you told who they were?

Ms Watt: Yes, I was.

MR HARGREAVES: Could you tell us whom you were told about?

Ms Watt: I was told it was the chief of staff.

MR SMYTH: Is this hearsay?

MR HARGREAVES: This is not hearsay; this is repeating a conversation.

THE CHAIR: That is still hearsay.

MR HARGREAVES: No. These are two principals in a conversation. That is not hearsay. Hearsay is what you understand someone else to have said.

THE CHAIR: Let me clarify what Mr Hargreaves has just asked. Ms Watts, are you now going to say that you were told by someone else that other people knew about what was allegedly happening?

Ms Watt: I certainly was. Yes.

MR HARGREAVES: Notwithstanding that, I would like the names of who they were.

THE CHAIR: With regard to naming other people at this point, we do have that information in police statements.

MR HARGREAVES: Madam Chair, with respect, we have certain information on that. I would like to know whether or not the information on that police report is all the information. I am curious to know who they were. If they are the same as in the police

statement, fine; if there are more people in there and there are more senior people than in that police statement, in my view it goes to how far a situation of contempt applies, if it applies.

THE CHAIR: One moment, please. The committee needs to discuss this and make a decision as a committee.

MR HARGREAVES: Perhaps I can explain it a little bit more.

THE CHAIR: No, I totally understand what you are trying to do, Mr Hargreaves.

MR HARGREAVES: I do not know whether you do.

THE CHAIR: I want to have a reasonable process within the committee of determining what is fair.

MR HARGREAVES: I accept that.

THE CHAIR: Because I want to do that, I am saying at this point that we need to have a private meeting.

MR HARGREAVES: Right now?

THE CHAIR: We could do that.

MR HARGREAVES: I do not want to interrupt a witness on this one. If the answer is x, it may affect evidence given by other witnesses who are here today. If the answer is y, it will not affect any evidence given by witnesses who are here today.

THE CHAIR: I just want to have a brief private meeting.

Ms Watt: So do you want us out?

THE CHAIR: It won't be for very long. I want to make this a fair process, and I need to get advice.

Short adjournment

THE CHAIR: We will now resume the public hearing. Let me clarify what I would prefer to see now, Ms Watt. If you were going to tell the committee something that you were told by Ms Whittaker, I would rather hear it directly from Ms Whittaker. She can give that evidence directly to the committee. It seems a bit pointless going through both.

Ms Watt: All right. That's fine. Is Ms Whittaker going to give evidence?

THE CHAIR: Ms Whittaker is going to speak to the committee, and she can give that information to the committee. I hope the process is clear. We want to try to keep this as fair as possible as well as not stopping a full investigation. That is why I chose to take advice, and the committee needs to talk about these process issues. We need to be clear that we are being as fair as possible while not stymieing the Privileges Committee

process. Thank you, everybody, for your patience.

Ms Watt, do you have any more information to give the committee?

Ms Watt: I think I covered most of it in my opening statement.

THE CHAIR: I think you have made the point clearly.

Ms Watt: There are two points I want to emphasise before I finish. There is the issue, under your definition of “contempt”, that intent was shown. The fact that the emails were not just read but also printed out and filed away in the office shows that there was intent to use them for some purpose. And the issue that has always been of most concern to the minister and me is the question of how many we missed and the fact that they have still never been supplied to us and that, presumably, the people who sent them have never received an answer. That is a really serious concern, not just for the minister but also for the whole of the Assembly.

THE CHAIR: Yes, point taken.

MR HARGREAVES: Have you had any communication with InTACT about the possibility of restoration? Have they volunteered that they can try to get you back the things?

Ms Watt: We asked at the time that we be given them, even though it is now months later, and I think there were technical problems with it. I understood from Mr Hart’s evidence that a lot of them have now been deleted and cannot be retrieved anyway, so you know we are never going to have them.

MR HARGREAVES: That is odd to me. Unacceptable and odd.

THE CHAIR: There are a number of things about InTACT that we need to look at. Have you finished?

Ms Watt: That is all.

THE CHAIR: Thank you very much.

JOHN STANWELL was called.

THE CHAIR: Mr Stanwell, I need to read to you this formal statement regarding your responsibilities as a witness to a committee. You should understand that these hearings are legal proceedings of the Assembly, protected by parliamentary privilege. It gives you certain protections, but also certain responsibilities. It means that you are protected from certain legal actions, such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter. You also heard me describe the brief of the committee as the Privileges Committee. Do you want me to repeat that?

Mr Stanwell: No, I think that it is clear.

THE CHAIR: You are familiar enough with the concepts of contempt, having heard it twice already.

Mr Stanwell: Yes.

THE CHAIR: Please state your name and the capacity in which you appear.

Mr Stanwell: My name is John Stanwell and, since 28 November 2001, I have been employed as an adviser to Bill Wood MLA for his ministerial portfolios of Urban Services and the Arts. I would like to make a brief statement regarding the unauthorised accessing of Mr Wood's emails and then I will be happy to answer any questions the committee might have.

Our office has good communication systems and easy access to the minister, so I found little reason to send emails to Mr Wood. However, from time to time, I received emails from others that it made sense simply to forward to him. I found that my email would not recognise the surname only WOOD—capital W, double-o, d—address that I had used prior to working at the Assembly.

I assumed that this address was a special feature provided for easy public access to MLAs and that it was effectively a duplicate of the real address. Therefore, on those few occasions when I did email the minister, I used the internal version of the standard ACT government address, namely, capital W, double o, d, comma, capital B, i, double l—Wood, Bill.

After a while it became clear from talking to him that the minister was not receiving my emails, so I stopped sending them. I should also note that none of these emails bounced back as undeliverable. Shortly after this, Margaret Watt from our office informed me that it appeared that for some time a Liberal staffer, a man from Gary Humphries' office called Mike Strokowsky, had been receiving the minister's emails where they had been addressed to bill.wood@act.gov.au.

I told Margaret that I had presumably sent emails to that address because I had used Wood, Bill internally. I have never deleted any items from my sent box and I was able to identify and print five emails I had sent to the minister. These documents remain on my

computer and I have printed the five emails, which I am happy to table for the committee.

They were sent from 19 December 2001 to 12 February 2002. I am tabling these emails to highlight what are significant contradictions between what is clearly proved by my emails and statements and stories that appeared in the media which I believe, in turn, created certain impressions about the situation. Many of these contradictions were first reflected in a media release that the Leader of the Opposition, Mr Humphries, put out on 6 June 2002.

There were claims that the emails were only received between 17 January and mid-February, yet I alone have here emails which I sent but the minister never received that range from 19 December to 12 February. There are claims that there was a total of five or six emails, yet I alone sent five and I have personally seen one other email from a constituent who complained that the minister had ignored his original emails to the bill.wood address during this period. There was also the suggestion that the emails may have been blind copied, Bcc'd, to the staff member. If this claim relates to my emails, I would point out that I have never met or spoken to Mr Strokowsky in my life and I have never sent a blind copy email to anyone. I don't even know how you do that. I admit to being a bit of a Luddite.

Most of all, I wish to refute claims that none of the emails were considered to be of a politically sensitive nature and that all refer to minor constituent or electoral matters. Of course, it is not up to anybody other than Mr Wood or, for that matter, any other MLA to decide which of his or her correspondence is sensitive, and I question the implication that any constituent correspondence is minor to an MLA. I also don't believe that mail needs to be important to deserve privacy. However, I would like to give the committee a basic outline of my five emails, which, you will see, are sensitive, significant and clearly personal.

The first message is dated 19 December 2001 and was originally forwarded to me by the manager of ArtsACT regarding the death of David Branson and pressure on the government to quickly announce some form of memorial. The second is dated 7 January 2002 and was originally forwarded to me by the chair of the Street Theatre regarding the minister's participation in a farewell function for artist Peter Wilson and other personal information. The third message, with attached spreadsheet, is dated 7 February 2002 and was originally sent by staff from the Office of the Commissioner for the Environment as part of the minister's contribution to the government's strategic planning weekend, which involved all ministers, their senior advisers and all ACT government department heads.

The fourth is dated 7 February 2002 and was originally forwarded by a departmental liaison officer in our office regarding the need to resolve portfolio responsibilities that potentially overlapped between ministers Wood and Corbell. The fifth message is dated 12 February 2002 and was originally sent by an organiser for the Construction, Forestry, Mining and Energy Union regarding quite substantial industrial issues which the union wished to raise with the government.

As the sender whose privacy has been invaded and, I know, in the opinion of the minister to whom these messages were intended but never received, all these matters are sensitive, private and absolutely typical of the sorts of information exchange that is fundamental to the business of being a minister or, for that matter, an MLA. However, it is completely irrelevant whether Mr Strokowsky thought that Mr Wood was receiving this email as well as him. We are both political staffers and I work for a minister and he for the Leader of the Opposition. Mere knowledge, not just exclusive knowledge, is clearly interference in the work of Minister Wood.

It is only because this correspondence was in the relatively new form of email that there is even the slightest doubt as to the nature of the offence committed here. If any of the people who originally sent my five emails had written letters or if I had forwarded any of them via the mail and they had been tampered with, I have no doubt that we would already have seen quite different outcomes from this affair.

The fact is that for my five emails, and I don't know how many others, a person who works with us all knowingly opened, read and possibly even passed on mail that was meant to go to a minister, and that he did this for a period ranging at least from 19 December 2001 to 12 February 2002. To me, that is simply dishonest and totally unacceptable. I would be happy to answer any questions that committee members may have.

THE CHAIR: Thank you. On the question of mail, the argument that you are putting and that Ms Watt was putting as well is that this issue of disturbing the flow from a constituent or whomever to the member, because it was through email, is given a different weighting. You seem to be asserting—

Mr Stanwell: I think legally that is the case.

THE CHAIR: Yes, that is right, there is a different legislative framework around mail and email. Maybe this is just a matter of the law not having caught up with technology or whatever, but there is a difference in terms of the law. You have made the point strongly that you think that, in essence, it is no different from disrupting somebody's physical mail.

Mr Stanwell: No. I suppose I am trying to make a point in the case of the five emails that I can clearly demonstrate went to this mail box. I am not sure if I am allowed to say what the police told me, but it was made clear to me that they believed all of my emails had been accessed—the ones that I have tabled.

I am suggesting that the information in there—as I said, it was an incredibly minuscule percentage of the kind of material that passes through our office—was sensitive. It was political information and was part of the day-to-day business. But even if it wasn't, even if it was just an invite to a party, it is still, in my opinion, private material. As has been outlined by both Ms Watt and Mr Wood, there have been other examples. There is a departmental staffer in another office, whom I won't name, whose wine lists continue to appear on our printer and there was a bit of a joke about that in our office.

Of course, we immediately go and tell him that, yet again, there seems to have been some glitch in the system and this material has been printed. This happens from time to time. It happens with email, it happens with faxes, it happens with printers and it happens with hard mail, with snail mail. The fact is that when that happens you immediately let the people know, because it is private material. It doesn't matter whether it is about state secrets or a wine list; they are all important.

THE CHAIR: I can see the emails here but, in terms of what would have been shown on that email, what would Mr Strokowsky have seen—that it was to you?

Mr Stanwell: It was me forwarding a message from somebody else.

THE CHAIR: That email would have had your name, John Stanwell.

Mr Stanwell: Yes.

THE CHAIR: It was originally to you. It was then forwarded to Bill Wood.

Mr Stanwell: Yes.

THE CHAIR: And Bill Wood's name, it says, is Wood, Bill; it is to Wood, Bill. So it is pretty clear whom it was for.

Mr Stanwell: There is no question who it was for. The period, as I said, just for my five emails alone, is from 19 December to 12 February. As an example, as a cross-section—I appreciate that much of this material has now gone forever—these emails are still on my computer. I haven't clear it. I archive my sent box and they are all still there.

MR SMYTH: How can you be certain that these emails were actually received? What tells you, what knowledge do you have, that they were received?

Mr Stanwell: The police told me they were received. I appreciate that that is hearsay, but I would suggest that they are reasonably trustworthy people.

MR SMYTH: But InTACT has told us that they can't know how many were diverted and how many were sent, because they can't reconstruct the record, so we are all just theorising here that they were received and opened.

Mr Stanwell: Again, I am told that they were seen printed out in Mr Strokowsky's office. I didn't myself see that.

THE CHAIR: The committee has a statement from the police saying that there were definitely emails received.

MR SMYTH: Yes, but we can't know which ones were and which ones were opened because we can't reconstruct the record.

MR HARGREAVES: Except for the five or six that were.

MR SMYTH: Well, except for the five or six.

Mr Stanwell: Mr Smyth, any more than one, in my opinion, is unacceptable. One is a mistake and, as I believe all of the people in this room would do, you would respond. When you got one that you weren't meant to have, you would deal with it immediately.

MR SMYTH: There is a difference between what you call the snail mail and email. Email is a form of communication where you know who is sending it but you can't know that it was intended.

THE CHAIR: I don't think we need to have that discussion now, do we?

MR SMYTH: The point needs to be made. Two witnesses have said that they regard them as the same.

THE CHAIR: Which is their right.

MR SMYTH: I don't know that they are.

THE CHAIR: You don't have to argue with them. They are giving us evidence. They have a right to say that they think email communication is as significant as mail.

Mr Stanwell: It is a convenience.

THE CHAIR: They have a right to give that evidence to the committee. If that is their view, they are allowed to have that view. You can have a different view, Mr Smyth, but you are not giving evidence.

Mr Stanwell: And I believe that my emails were clearly important, but I don't think it matters if they weren't.

THE CHAIR: Sure. No, you have made that point. Are there any other questions?

MR HARGREAVES: One of the issues that I have been struggling with is the issue of interference with email supposedly intended for a member of the Assembly in his capacity as a local member or in his capacity as a minister. Clearly, the correspondence from you, as one of Mr Wood's staff, to him was to the minister. Were those emails—I have copies of only a couple here—all about ministerial activity or local member activity, or both?

Mr Stanwell: Probably both. They were probably all ministerial, but the point is that they were for the minister. It is standard practice in meetings that I attend with the minister or where I meet people just in the normal carrying out of my duties that I give them my business card, which says, "Adviser to Bill Wood MLA", and say, "The simplest way for you to contact the minister on any of the matters we have talked about is to use my email." That is, they email me whether it is for me personally or for the minister. That is why I said I had forwarded these emails. This is ministerial correspondence. This is not me saying to the minister, "Are we going to have a drink after work?" This is me forwarding on mail from somebody else. I would have to look at them, Mr Hargreaves, but I'm pretty sure they were all ministerial. But they are just the ones that have turned up.

MR HARGREAVES: You can pick any one you like. I understand that you said that you sent them and some time later you realised that they weren't getting to him because you had conversations with him. No doubt, he gave you a blank look.

Mr Stanwell: I didn't actually say it in my statement, but I have read only access to Mr Wood's diary and his email. When I first started, I started trying to read his email as well as my own, but the sheer volume of correspondence made that impractical. In fact, part of the responsibility in the office is that Margaret Watt, as was given in evidence, reads and prints off those emails and then they are put into the system. They are treated as normal correspondence. A letter from a constituent that comes via email is treated in exactly the same way, once it is printed off, as a hard letter that comes into the office. These were ones that I had forwarded.

MR HARGREAVES: You said that a couple of people who were the subject of the emails were in the arts community and a couple of them, if my memory serves me correctly, were about quite sensitive issues.

Mr Stanwell: Yes, a trade union negotiating with the government.

MR HARGREAVES: Yes, quite sensitive issues, right?

Mr Stanwell: Yes.

MR HARGREAVES: On the delay in the minister actually giving his attention to that, were there any implications of that delay?

Mr Stanwell: I suppose in my case, I discovered it through not getting a response from the minister. When I asked him about it, he said, "I haven't seen it." Sorry, that is what you were raising before.

MR HARGREAVES: Yes.

Mr Stanwell: He indicated that he wasn't receiving it and at some point I went and checked my inbox and found that they weren't there and I realised that there was something wrong. I talked to one of the other staff in the office and raised the issue. I suppose, because in my case I realised there was something going wrong, that probably the delay wasn't significant, but that is different because I actually knew because I was forwarding them.

MR HARGREAVES: What would have been the potential if, for example, you had just let it ride?

Mr Stanwell: I have seen the email from the constituent that has been referred to, that is, the one where the person finally rang up and complained and was given the correct address, who was quite angry that matters hadn't been referred to. It is fair to say that, as Minister for Urban Services, we get a lot of what appear, in terms of government, reasonably personal, even from time to time somewhat minor issues, but they are not minor for the people who are making those complaints. We have a very robust relationship with our constituents. As Mr Smyth would know as a former minister, these

matters are taken exceedingly seriously by the people and, if we don't respond in a timely way, they become very agitated and, for them, it falls into that whole thing of politicians don't take these issues seriously. Obviously, I am extrapolating here, but that is the way it is.

MR HARGREAVES: I am interested in your view on the actual emails themselves and the implications, what happens, of that delay as far as your office is concerned, the implications of not receiving it, not getting a blind copy, but having the things diverted. I noticed that one of the emails that I got hold of, from you to the minister on 12 February regarding a meeting for presumably the following Thursday, talks about essentially the discussion points—EBA discussions, contractual issues; I won't go on—and then it lists the names of a bunch of people who were to attend that meeting. You sent that email on the Tuesday for the information of the minister for a meeting on the following Thursday. If you hadn't twigged to the fact that it wasn't going on, what would have been the implication for your office?

Mr Stanwell: It could have been very embarrassing for the minister and the people would have been very frustrated because they would have arrived and he wasn't prepared. In fact, on that one, I was suspicious that there was something going wrong by that time, that last email. But, quite clearly, my emails are just an example and among the few that, because they were seen internally, happened to be available. I think that there are constituents out there who have just gone, "Well, they don't care because they didn't get back to me." We will never know.

MR SMYTH: You said that the delay wasn't significant because you spoke to Bill. Does it therefore mean that there has been a serious interference with your communications between you and your minister, given that you can just walk down the corridor and speak to him?

Mr Stanwell: You can try to pretend that it is not serious, but the point is that I thought that I could rely on a system that, as I have already given evidence, I only used on rare occasions. In fact, I used it far more when I was working as a volunteer for Mr Wood prior to working in the Assembly and found it an extremely useful tool. For me personally, no, I guess I'd be honest and say there wasn't a huge disruption, just a frustration that there was something wrong. Frankly, I don't like computers. I find them eternally frustrating. I suppose, like many people, I assume that it is either a quirk in the system or it is a failing in my knowledge, of the millions of things you have to know to be able to work computers well, so I just let it wash over me. But if I was a constituent and had sent the thing, I would probably be very upset.

THE CHAIR: I would also point out to you that, under the Parliamentary Privileges Act, the definition of contempt says that it is conduct which amounts or is intended or likely to amount to an improper interference, so the committee has to consider that. It is actually a broader question in the definition of contempt than just whether or not it did; it is intended or likely to amount to that we have to consider as well, just to clarify that.

MR SMYTH: If I may continue, you made the statement that if you don't respond in a timely way they become agitated, talking about the constituents. Only one constituent who was sending emails has come forward. Don't you think it is a bit odd, given the

media coverage that this has had in the last three months, that nobody else has come forward to say that their emails were ignored?

Mr Stanwell: Possibly. I am assuming some of those people then chose to write hard mail. As you would know, we deal with a lot of those inquiries by phone. I am presuming that some of those people just rang up.

THE CHAIR: It is a purely hypothetical question, obviously.

Mr Stanwell: The fact that there was one, in my opinion, is unsatisfactory. I can't speculate. I let InTACT and others who were the experts do that. Yes, I suppose I'm surprised that more people haven't come forward, but they may have come forward in other ways. The other side of it, of course, is that when their issue is dealt with, those people don't ring us up and thank us, they don't have any more contact, because they are getting on with their lives.

THE CHAIR: It is just speculation that you are asking for here. I don't think that is particularly useful.

MR SMYTH: But it is speculation that all the emails were received by somebody else and that all the emails were opened by somebody else. Was any of the information that was sent and went missing used, to the best of your knowledge, from your emails?

Mr Stanwell: I am aware most definitely of one attempt to use one of my emails, but that would be hearsay, because I have been told by several people that one of my emails was, in fact, passed on with advice, but I can't prove that. I have never met the gentleman. I have got no knowledge of what he did.

THE CHAIR: Is the person who told you that going to be giving evidence to the committee?

Mr Stanwell: I believe so.

THE CHAIR: There being no more questions, thank you, Mr Stanwell.

MARIE HENDERSON was called.

THE CHAIR: Thank you, Ms Henderson, for coming and speaking to the committee. I need to read you your responsibilities as a witness at an Assembly committee inquiry. You should understand that these hearings are legal proceedings of the Legislative Assembly protected by parliamentary privilege. That gives you certain protections but also certain responsibilities. It means you are protected from certain legal action such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

I'm not sure if you were here when I briefed other witnesses on what we're doing in this committee. Our brief is to determine whether or not a contempt occurred through the incorrect receiving of emails. Contempt is defined under the Parliamentary Privileges Act as an improper interference with the work of a member. It has to be serious interference, and it has to be shown that there was intent to create that interference. I'd ask you to stick to those questions.

Could you state your name and the capacity in which you appear, please.

Ms Henderson: My name is Marie Henderson. I'm a former office manager from the office of Helen Cross MLA.

THE CHAIR: Would you like to address these issues?

Ms Henderson: I don't have a prepared statement, but I do have the statement I gave to the Australian Federal Police. Part of it is probably relevant to the proceedings today.

THE CHAIR: Can I interrupt? Are you comfortable with us publishing that statement?

Ms Henderson: Yes, I am. Part of my statement states to the Federal Police that on our about the week of 12 February 2002 I was sitting at my desk in the offices of Helen Cross. At about this time I saw Michael Strokowsky walk into the offices of Helen Cross holding a white A4 sized document in his hand. As he walked past my desk, he nodded and acknowledged me and continued to walk, stopping at David Moore's desk. David Moore is the adviser to Helen Cross. His desk was situated about two metres behind my desk.

Mike Strokowsky stood at David Moore's desk, and I heard Mike say words to the effect: "I've got something here that might be of interest." I then heard David Moore ask Mike what it was, to which Michael Strokowsky said something like: "I have an email that has come from the other side. I'm on an emailing list and they don't know about it. It may come in useful some time in the future."

At that time I answered an incoming telephone call and attended to other duties. A short time later Michael Strokowsky left the office. But that conversation was ensuing while I was on the phone, so I was hearing other little bits and pieces. That's a synopsis of what I put to the Federal Police.

THE CHAIR: So you're quite clear that you heard Mr Strokowsky say that it was from the other side and that they didn't know he was getting it?

Ms Henderson: Yes, and then he mentioned Bill Wood's name but, as I say, the phone then rang. I wasn't attending to any phone calls at that stage. The phone then rang, so I was interrupted and I had to take an incoming phone call.

MR SMYTH: I'm sorry. Did you just say he mentioned Bill Wood's name?

Ms Henderson: He said he had the email from the other side and that it was from Bill Wood's office and that Bill Wood's office wasn't aware that he had it, and he was offering it to David Moore.

THE CHAIR: What did Mr Moore say?

Ms Henderson: I heard David ask how he got it, which is the part of the conversation that I heard when Michael said that it appeared that he was on an emailing list that the other party didn't know about. Following that the phone rang and then I took an incoming phone call. The conversation ensued. Michael left and then David Moore and I had a very brief conversation after Michael had left the office. I was no longer on the phone.

MR HARGREAVES: Was that conversation about that particular subject or something else?

Ms Henderson: Yes. I asked him what that was all about. I did ask him.

MR HARGREAVES: And what did he say to you?

Ms Henderson: He said, "Did you hear?" I said, "Yes. Michael had this email. What are you going to do with it?" He said "I'll probably file it." By "file it" he meant that in the office there was a bin where you would put confidential material for shredding and for disposal. I realised that this wasn't the sort of thing we should have, and David certainly was aware that it was something that we should not be in possession of.

MR HARGREAVES: So when you say you're going to file it, that's a throwaway word for WPB, file 13—

Ms Henderson: Yes. You have two sorts of filing systems. You have the filing system that you always refer to—the cabinets or whatever—and then stuff that's just destroyed and disposed of.

MR HARGREAVES: Was there any indication of how long this had been going on?

Ms Henderson: I did hear him say he'd been receiving them for a little while, but as to whether it was weeks, days, months I have no idea, but I was very alarmed the week after when we were sitting and there was a question that Helen Cross was asked to put to Mr Wood. Because I'm not privy to party room proceedings when they're working out the actual questions and who's going to pose what question to what minister, I was very surprised, because I actually thought that Helen was being set up, so to speak, because it

was just such a leading question to Mr Wood about his emails and not responding to them.

THE CHAIR: So you made a connection?

Ms Henderson: I did. I was in the chamber. I used to go down to listen to the proceedings, and I did say afterwards, “David, why did you let Helen ask that question? It’s just so obvious, given that Michael walked into her office with the email just a week before.” That’s when David more or less indicated that he’d forgotten all about that. All sorts of warning bells went off in my head, I have to say.

MR SMYTH: But you don’t know who wrote the question that was eventually asked?

Mr Henderson: I don’t know, but at that particular point in time Michael Strokowsky had full responsibility for all questions for all members that were being asked, because I know that they were being channelled through to Michael. The members had to have them prepared by the Friday.

MR SMYTH: But again you don’t know who actually wrote the original question?

THE CHAIR: Can she just finish, please. Continue.

Ms Henderson: Fridays before the sittings, questions had to be ready and prepared. As I say, I was not privy to the party room meetings where they were shared out and divvied out, hence it was something I was not aware of before the sitting week when Helen Cross had to ask the question. I remember when Helen saw the question before she did ask it. She said, “Why am I asking this question? It seems a very shallow question I have to ask Mr Wood.” I know she was very unhappy, and I know she went around to see Gary Humphries to talk to him about it.

MR HARGREAVES: You were saying that Mrs Cross was upset about having to ask that question—

Ms Henderson: Yes.

MR HARGREAVES: Or disturbed. I don’t want to give it too much weight. She was disturbed about that and then she spoke to Mr—

Ms Henderson: She stormed out of the office to go and find out, yes.

MR HARGREAVES: Stormed out of the office and said, “I’m not asking this question”?

Ms Henderson: Yes, “Why am I asking this question?” I know when she came back she said the reason she had to ask it was that her shadow portfolio included information technology, so emails, electronic medium, part of IT—

MR HARGREAVES: Did she tell you that it was because of her shadow responsibilities for information technology or—

Ms Henderson: She said it in general conversation. In our office a lot of stuff was fairly open and then there were certain aspects of what her responsibilities involve where she would close the door and she and David Moore would be engaged in conversation, but a lot of other stuff—

MR HARGREAVES: But it's your understanding that the reason why she felt that she must ask that question was her information technology responsibility?

Ms Henderson: That's right.

MR HARGREAVES: You also mentioned that she spoke to the Leader of the Opposition.

Ms Henderson: Yes.

MR HARGREAVES: Did she seek a meeting with him, or was it the other way around? How did that occur?

Ms Henderson: She asked David Moore to go around with her. I remember when she first saw the question she asked—

THE CHAIR: What's the point of this in terms of contempt, Mr Hargreaves?

MR HARGREAVES: My point about this is that I want to know the connection between the question and the email. I'll answer the question quite happily. I don't think Ms Henderson can answer this question.

THE CHAIR: Mrs Cross is going to give evidence.

MR HARGREAVES: Yes, I know, but the point that I'm wanting to establish is this: as I understand it from information contained in the police report, Mrs Cross has said that Mr Humphries saw her. Ms Henderson has now said that she actually saw Mr Humphries. There is an inconsistency there I want to explore. It goes to whether or not Mr Humphries knew of the existence of the retention of emails before or after the police turned up. That's what I want to find out. I was going to ask Mrs Cross that. Now I find that there's a difference here, so I just want to explore that to make sure that I'm not going down the wrong track.

Ms Henderson: I know they did discuss it.

MR HARGREAVES: So Mrs Cross asked Mr Moore to make an appointment with Mr Humphries?

Ms Henderson: Sometimes it's an appointment and sometimes it's just: "Can you go around and see if Gary is available? Can we talk about this?"

MR HARGREAVES: And then they did, and then they came back, presumably?

Ms Henderson: Yes.

MR HARGREAVES: Then they went back to Mr Strokowsky?

Ms Henderson: That I don't know.

MR HARGREAVES: I'm happy to stop there.

THE CHAIR: Thank you very much. You can leave. The media suggested that Mrs Cross would be giving evidence today. She rang me yesterday. She's extremely unwell and won't be giving evidence today.

SUE WHITTAKER was called.

THE CHAIR: Thank you for coming and speaking to the committee. I need to read to you the following formal requirements as a witness to this committee. You should understand that these hearings are legal proceedings of the Assembly protected by parliamentary privilege. It gives you certain protections but also certain responsibilities. It means you are protected from certain legal action such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter. I know you have been here this morning, so you understand the contempt issue and what we are considering. Could you please state your name and capacity in which you appear.

Ms Whittaker: My name is Sue Whittaker. I am Greg Cornwell's sole staffer in his office in the Assembly as an MLA and as Deputy Speaker of the Assembly. I have worked here for 12 years, the last 10 of those for Greg and the two previous years for Bill Stefaniak. So I have a personal experience of the ethical standards of both members and the abhorrence that they would feel at being included in any activity that was not right and proper. I also know of their adherence to an attitude of community service rather than self-interest in their duties here in the Assembly and the importance that they place on communications with their constituents, whether that communication is by phone, by mail, personal meetings, appointments or these days by email.

Obviously there have been a lot of changes in the last 12 years while I have been here as to the way constituents actually contact members. One of the major differences, I suppose, was highlighted in the recent abortion debate. We have been through that in virtually every Assembly that has been here in our history since self-government and initially most of the communication on the abortion issue came in by hard-copy mail, by post. This last time the majority of the contact that came in from constituents to Mr Cornwell was in the form of email, and I think that describes and shows pretty evidently the changed acceptance for email as a formal method of communication with an elected member.

I must apologise for not having a prepared statement. All my paperwork is with the Ombudsman on a separate issue. So I don't have the benefit of all those documents.

Another point I would like to make is that in the 12 years I have worked here, not once, on any occasion, have I ever received a blind copy without an explanation. Normally, if you are sent a blind copy by mail the person sending it will include a note explaining the reason why they want you to have that copy. Unexplained blind copies just don't happen; in my experience they just don't happen. I certainly didn't blind copy the message that I sent to Mr Wood and to Margaret Watt as a tracking device for the email in question.

THE CHAIR: Can you just explain. I think maybe you had better go back and give us a description of your experience of this whole business.

Ms Whittaker: Yes. All right. There were frequent discussions, obviously, in the formulation of question strategies as to certain tactics that might be used. The question of ministers not answering mail, government not attending to its correspondence, was

mentioned on several occasions. Prior to that, actually a formal discussion in a staff meeting, Amalia had spoken to—

THE CHAIR: Amalia?

Ms Whittaker: Amalia Matheson, Gary's chief of staff, shortly after she had started her duties in that job, had spoken to Mary to say that Mr Strokowsky was reading Bill Stefaniak's mail and also appeared to be reading Bill Wood's mail. Mary mentioned this to me and she said she was taking steps to have InTACT look at the security of Bill Stefaniak's mail. It was, I suppose, understandable that there may have been some sort of permission still there for Mike Strokowsky because he worked for Bill Stefaniak prior to the election.

Mary was quite concerned about it but obviously that didn't involve me; that was just a conversation that Mary had with me. Sometime later she said that Amalia had again spoken to her on the same count, again mentioning Bill Wood's name and emails, and she may have said that she had seen one of those emails opened up on Mike's screen.

I guess Mary deferred that question to me pursuant to my experience of working with Greg in the Speaker's office for the 6½ years prior to that. Basically your attention was less to the day-to-day politics of the Assembly and more to the administration and the maintenance of the integrity of the Assembly, its image in the community and I suppose just simply the way it does its business. So integrity and ethics are something that I have been quite concerned about and involved with for quite a period of time.

I also believe that your integrity is the only thing that other people can't take from you. You have to actually choose to give away your integrity. The maintenance of integrity is a very important thing to me. It is a personal standard that I have and for that reason, I guess, I have been happily working with Greg. Greg also has very high ethical standards when it comes to dealing with the truth. I think that is probably enough said about that. You can all draw your own conclusions from there.

So I was very concerned about this matter as an integral point in the running of the Assembly and its systems. I felt it was only fair to mention it to Margaret Watt, who works for Bill Wood, and to warn Mr Wood that if there was anything sensitive or important in that email box they should remove it on the off-chance that there was in fact a security breach, and for her to have that checked out.

I did indicate to her that it was a senior Liberal staffer. I did mention to her that there was also the same concern over access to Bill Stefaniak's box and that it wasn't really a surprise that that might be happening because the staffer had worked for Bill previously. I also mentioned to her that I knew about this suspicion because Mary had mentioned to me that Amalia had told her—I was assuming that Amalia was concerned that the practice was going on, as Mary certainly was.

MR HARGREAVES: Could you tell me when that conversation was, roughly?

Ms Whittaker: Not having my folder with dates and information here with me, that was probably—

THE CHAIR: We have it in the police statements here. We have got the dates.

Ms Whittaker: I don't know—you have got a date there for the date that I spoke to Margaret anyway. It was on that day that Mary told me for the second time about the suspicion and about Amalia's visit to Mary to say that it was happening.

I bumped into Margaret a short while afterwards, a few days later, and asked her had they had it checked out. She said, "Oh well, you know, there doesn't appear to be anything that we can track down." And I said, "Well fine, I hope that's right. We'll let it rest."

The following Tuesday we had a staff meeting. Without wishing to go into the private business of the staff meeting, there was a period of planning question strategy for the following sitting week and again this question of ministers not answering correspondence was raised. I was a bit bemused by it because in the few months since the election leading up to that I hadn't received any complaints from constituents about poor performance by the government in that regard. So I wasn't particularly participating in that conversation in the meeting at the time, until Mike Strokowsky made some comments, which are quoted in my police statement.

THE CHAIR: Are you comfortable with that being authorised for publication?

Ms Whittaker: Absolutely, yes.

THE CHAIR: Thank you.

Ms Whittaker: It was at a meeting that was attended by virtually all the staffers, certainly the senior staffers. I am just trying to locate that—it is a while since I have seen this. Mr Strokowsky said words to the effect of, and I am reading now, "I know Bill Wood isn't answering correspondence because I've seen three emails from a constituent who still hasn't had a response." I asked, "How did you see the emails?" He hesitated for some time and then said, "Oh well, the constituent showed them to me." I felt that that was, you know, plausible but it was probably unlikely. At the time, Mary was getting quite agitated because it had obviously rung a bell in her mind as well and I was virtually at the stage of kicking her under the table to say don't say anything, let it rest.

I had decided in my mind at that stage that I would pursue a path that I had mentioned I might to Margaret, in that I might send an email with a tracking device turned on to see what would happen to an email sent to those addresses. At this stage, everything was mere suspicion; there was no proof.

The following afternoon, I was sitting at my desk and I had been going over the conversations in my mind. Too many bells were ringing to connect these things together for it to be pure coincidence and I decided to send the email. You have a copy of that message. I sent a message to WOOD; Wood, Bill; Watt, Margaret. The subject line was "Re discussion" and the tracking shows that the message was read. It was sent at 16.57; it was read at 16.59 by Michael Strokowsky before it was read by anyone in Bill Wood's office. The content line in that email was:

Hi Bill and Margaret
Just a nothing email to test the system.
Sue

I felt at that stage I had absolutely no choice but to report the occurrence to the appropriate administrative authority in the Assembly, which was the Clerk. I could, I suppose, have gone to the Speaker, but that could have been seen as a political move and I didn't want it to be seen as such. I thought it was important to deal with this as a matter of protection for the ethics of all members in the Assembly and for the protection of the image of the Assembly as a whole. In the place where the laws are made there is no room for people who break them and break them blatantly. So that's the story with that.

I went down to see Mark McRae with Tom Duncan. Greg was in his own office at the time—Mr Cornwell was in his office. I simply said I was going downstairs for a few minutes. He was unaware of what I was doing and he wasn't involved in it. Greg is not computer literate. He has just bought one at home and is just starting to learn now. So he had no involvement in what was going on. I see my duty as his personal staffer foremost to be protecting him and his job and helping him perform his duties as a member before the protection or the performance of any other person or group in the building. My loyalty is, I believe, unquestioned in that regard and will continue to be so.

I guess from there on there were various conversations with people. The following morning, not having known what was going on in the building overnight, I rang Margaret Watt. I left a message on her answering machine. I wanted to check whether anything had happened overnight. Margaret called me back and said, "Look, I have been advised by the police not to have discussions about this with anyone." I said, "That's fine" because it confirmed to me that some action had been taken. That was all I really wanted to know anyway; I didn't have anything further to discuss.

After that there were some conversations with David Moore that were relevant. This was after people had been called in to make police statements and they found out what was going on. There was a period of a couple of weeks where it was obviously a fairly tense situation, I suppose, wondering what was happening and how things were; who knew, who didn't know, what was going on. David spoke to me and said he was fairly concerned because this email had been brought to him by Mr Strokowsky. David had thought that he had in fact shredded that email at the time.

A few days after that Mrs Cross asked me to go into her office. I went in. Mrs Cross and David Moore were together in there—I can't recall whether Ms Henderson was in the office; I think she was still at her desk outside. And she said, "Look, we're really concerned. We've found this email here. We still have it here in our office." It was in, I think it was, a red manila folder. It had "shredding" written on it and David said, "Look, it was still in here with material to be shredded. What do you think we should do with it?" I said the right thing to do with it would be to speak to the police about it because people were being asked to give statements and, if there was an involvement, they should pursue that path. Helen was very concerned that she had this document in her office. She was very concerned with being roped into a practice that was not proper.

THE CHAIR: She will be giving evidence to the committee.

Ms Whittaker: Yes, she will, and she will obviously go over in more detail and in first person conversations that relate to the development of this question and the asking of this question and where the information for backing that question up was kept.

THE CHAIR: Earlier on we deferred a question because it was hearsay. We understood that you had some comments to make on that, which was how broadly it was known—

Ms Whittaker: Were there other people in Mr Humphries' office? I have no reason to doubt that Amalia Matheson, chief of staff, knew of this practice because she was the person that raised it with Mary Elliott. The direct conversations on that matter were between Mary Elliott and Amalia Matheson, so Mary will have to give you the evidence on that one.

THE CHAIR: Okay

Ms Whittaker: Had Amalia not spoken to Mary about the matter, there was no way that either Mary or myself would have known what was going on. We had not been included in any conversations or whatever about it. If there was broader knowledge at that stage, we were not party to it. I think everybody here knows pretty well what our standards are and they would know that we wouldn't accept that, and we would both be very vocal about it if we did know.

THE CHAIR: Okay. Do you have any questions Mr Hargreaves?

MR HARGREAVES: You have okayed the police bit for publication. You talk about that staff meeting on 26 February. There was apparently some concern about the strategy and I think—I'm not sure if it was in your evidence or somebody else's—it was said that at that staff meeting "Mike's strategy in relation to this question was attacked". Now that presumably refers to the question about ministers not answering their correspondence. What was Mike's strategy in relation to that question?

MR SMYTH: Madam Chair, is this relevant?

MR HARGREAVES: Madam Chair, yes it is. If there is a connection between the retention of emails because people are not responding to them and that question, that is where the connection is going to be.

THE CHAIR: Well, that's relevant—if it is about linking the emails and questions; the development of questions.

MR SMYTH: You had to know who had written the original question.

MR HARGREAVES: No, you don't.

MR SMYTH: And the question for Ms Whittaker is: who wrote the original question; are you aware of who wrote the question that was on the—

Ms Whittaker: I am not aware of who wrote the original question but I don't believe that is necessarily the relevant point anyway, Mr Smyth. The fact was that this was being discussed around the table at the staff meeting. Without going into any detail of that, the strategy always of question time is basically to either make public knowledge that the government is not doing its job properly or simply to highlight an inefficiency somewhere or other. As I understand it, the tactic or the strategy of this question was to prove that Mr Wood was not performing his duties as a member or a minister.

MR HARGREAVES: And usually when a question is actually developed, whether it is developed by an individual or by a group, there is some basis for the concept of the question. Was the concept or the basis of that question and its development actually spoken about at the meeting?

Ms Whittaker: Not really. The strategies and question time were being organised by a small group of people rather than the full group. Quite frequently, our staff meetings have fairly robust discussions in them similar to, I assume, party rooms, caucus, staff meetings—everywhere where different views are aired. I think that is the proper venue for airing differences of opinion so that when a group is working the outcome that is presented is satisfactory to all members.

MR HARGREAVES: When it was said that the strategy was attacked, was that the general thrust of the question or was it both?

Ms Whittaker: That it was attacked? Well, I would assume if someone has said that, they perhaps felt that my fairly abrupt question of where did you, how did you, see those emails or whatever was seen as being a fairly terse reaction or an abrupt reaction.

MR HARGREAVES: And just to reiterate: in response to your question “How did you see the emails?” you said, “He hesitated for sometime and said, ‘Ah, Um, Ah, the constituent showed them to me.’”

Ms Whittaker: That's correct.

MR HARGREAVES: Did he say when the constituent showed it to him?

Ms Whittaker: No.

MR HARGREAVES: Okay, fine.

MR SMYTH: That's a direct quote—“the constituent showed them to me”?

Ms Whittaker: Yes.

MR SMYTH: Are you aware who wrote the question?

Ms Whittaker: No.

MR SMYTH: So you are making an assumption, you are linking something that happened some weeks after the question was asked to try and make a connection, but you don't know for sure.

Ms Whittaker: Brendan, Mr Smyth: as you know, questions are allocated to members shortly before question time on sitting days. Those questions appear delivered by Mr Strokowsky, as normal practice, to the member's office. Frequently, there is no discussion with the member as to whether or not they are comfortable with the question or whether they particularly want to ask the question. I know Mr Cornwell has often had concern that some of the questions that he has been given to ask are not necessarily ones that he would ask otherwise. But as a part of a group, he does attend to his duties as he is requested—failing, I suppose, a circumstance, such as the one Mrs Cross found herself in, where she was really concerned about the tack of the question that she was asked to deliver.

MR SMYTH: But you are not aware who wrote the question?

Ms Whittaker: I don't think that is relevant.

MR SMYTH: No, the question: is are you aware who wrote the question?

Ms Whittaker: I have already told you, no.

THE CHAIR: She has already said no.

Ms Whittaker: I have twice; that's three times.

MR SMYTH: You said earlier that you felt that you had no choice but to report this matter to the Clerk. Why didn't you report to Mr Humphries as the leader of the party?

Ms Whittaker: Mr Humphries and the Liberal Party have no ability to rectify a security breach on the InTACT system, for starters. The correct whistleblowing-type procedure, if you wish, is to a CEO of an organisation, in which case, I believed I had a choice either of going to the Speaker or to the Clerk. I went to the Clerk—it would be seen as less political even though from 6½ years of experience in the Speaker's office I can tell you that working there and being the Speaker, as Greg was and as Wayne is now, is a very apolitical duty. Greg certainly attacked his job in that way and Wayne is doing the same thing; Mr Berry is doing the same thing.

MR SMYTH: So you told neither your employer nor the head of the party about what you were doing?

Ms Whittaker: No I didn't.

THE CHAIR: Can you just go back a step. You said that there was a small group of people responsible for developing questions. Can you say who they are, please?

Ms Whittaker: Not being involved, no. I believe David Moore was one of the group; Mike Strokowsky was part of the group; I think Amalia is in it. They will be able to answer that question for you.

THE CHAIR: Okay, all right. Thank you.

Ms Whittaker: And there are a couple of members. There are some members on that small group as well.

THE CHAIR: Members on that group as well?

Ms Whittaker: Yes.

THE CHAIR: Okay. Are there any more questions?

MR HARGREAVES: Yes. Did you attend the Silver Wattle Conference on 9 and 10 February?

Ms Whittaker: I did. I attended on a daily basis, as it was held out at Silver Wattle. I live only a short distance from there and having horses to feed and what not, I didn't stay overnight, I went home.

MR HARGREAVES: Who attended that conference?

THE CHAIR: Can you explain what that is, please?

Ms Whittaker: What—horses to feed or Silver Wattle?

THE CHAIR: The Silver Wattle conference.

MR SMYTH: Well I'm not—

MR HARGREAVES: Yes, it goes to connection.

MR SMYTH: I'm not sure that is relevant in the contempt.

THE CHAIR: I am assuming that Mr Hargreaves thinks it is relevant.

MR HARGREAVES: They have a connection.

MR SMYTH: Well I'm failing to see the relevance of that, Madam Chair.

THE CHAIR: Well I have no idea what this Silver Wattle conference even is, so I'm not going to decide that it isn't relevant. What is the function that you are talking about?

Ms Whittaker: Silver Wattle is a convention centre on Lake George near Bungendore. There was a weekend—the types of things that are frequently called love-ins or retreats, I guess.

THE CHAIR: Right.

Ms Whittaker: I believe it was the same weekend as the Labor Party had a similar thing.

THE CHAIR: So this is a Liberal Party meeting?

Ms Whittaker: Yes, it was.

THE CHAIR: Okay.

Ms Whittaker: And it was attended by the members, some people from the party and most of the staffers.

THE CHAIR: Okay, so you were present there, except in the evenings?

Ms Whittaker: Yes.

MR HARGREAVES: This was on 9 and 10 February?

Ms Whittaker: I believe so. I haven't got my papers.

MR HARGREAVES: As you said, it was a coincidence that both of them were on at the same time. The Labor Party one was indeed on that date, or over that night. Do you know whether the issue of receipt of emails by a member of the staff of the Leader of the Opposition's office was discussed at that during that weekend?

Ms Whittaker: I have been told it was. It wasn't discussed in front of me. David Moore described a conversation to me that he was present at where this issue was raised. Someone else at that conversation said, "Oh you'd better get yourself out of that mate," to Mike, "That'll cause you trouble"—

MR SMYTH: Again, that's hearsay.

Ms Whittaker: And Mr Strokowsky decided to keep it going.

MR HARGREAVES: That may very well be hearsay. I would like to find out who actually said that.

THE CHAIR: I am interested to hear that Mr Moore was directly involved in that discussion. So the committee can ask him to talk to us about that.

Ms Whittaker: He was, yes. He is the relevant person to ask.

MR HARGREAVES: Did anybody else discuss with you any conversations like that that the committee can actually seek advice from?

Ms Whittaker: Apart from the conversation with Mrs Cross about the question on the day she was asked to have it, I don't think there is anything else really that is relevant.

MR HARGREAVES: Okay. Thank you for that.

THE CHAIR: Thank you.

Ms Whittaker: If I can just make another point.

THE CHAIR: Yes.

Ms Whittaker: Again, it is on the same sort of issue that other people have been talking about and that is the fact that from time to time we all receive information that is meant for other people. We do. We get phone calls. There is one particular community group that still rings my phone number every single time they want to make a booking or change their bookings or whatever, and I have referred them over to the Speaker's office now probably five or six times. But you keep on doing it. No matter how often these people or these messages keep coming back to you, you keep on supposedly doing the right thing. It is important for the integrity of all members and of the Assembly itself that people in here can be trusted to do that.

I don't really think that the origination of the diversion or interception is necessarily the point that is the problem, the ethical problem, that we are dealing with. I think the real relevance is in the continuation of keeping those things and not passing them on and not alerting people that it is happening. It happens to all of us. We all receive things by mistake and hopefully we all do the right thing with them. And if anything keeps on coming back to you, you keep on trying to advise the people that they are sending things to the wrong place.

As for blind copies, my message certainly wasn't blind copied. Other people have confirmed the fact that their messages weren't sent as blind copies, and if there were all-of-government documents going to this email box they certainly wouldn't have been blind copied.

THE CHAIR: What was that last point?

Ms Whittaker: If there were all-of-government messages still going to that, they wouldn't have been blind copy.

THE CHAIR: They're not—no, of course they are not blind copy. No, they are never blind copy.

Ms Whittaker: If that is an active mail box—it's either an active mailbox or it's not—they certainly wouldn't have been going there by blind copy.

With regard to my particular message that I sent, if those messages were simply going to a mail box where they were not intended to go and the person was simply honestly deleting them without reading them, I would also have got a read message to say that. It would have been returned; I would have got a message to say "deleted not read".

MR HARGREAVES: That is an issue we didn't hear from InTACT this morning. In fact, when I received my first one just the other day it was something that somebody decided they couldn't be bothered with so they deleted it, and you actually get the response back on the screen.

Ms Whittaker: "Deleted not read".

MR HARGREAVES: It says that and we have no evidence given to us that any of that occurred.

THE CHAIR: Thank you very much.

MARY ELLIOTT was called.

THE CHAIR: Ms Elliott, I just need to read to you as well this formality here. You should understand that these hearings are legal proceedings of the Assembly, protected by privilege. That gives you certain protections but also certain responsibilities. It means you are protected from certain legal actions, such as being sued for defamation for what you say at this public hearing. It also means you have a responsibility to tell the committee the truth. Giving false and misleading evidence will be treated by the Assembly as a serious matter. You understand the contempt issue and what we are looking at, because I notice you have been here this morning. So I won't go through all that again.

Could you state your name and the capacity in which you appear, please?

Ms Elliott: My name is Mary Elliott and I have been working in the Assembly for the past nine years, first as private secretary to Lou Westende and then for the past eight years for Bill Stefaniak as his private secretary. I have not prepared a statement in this matter.

THE CHAIR: Fine.

Ms Elliott: I will refer to my statement to the police, which was done—

THE CHAIR: Are you happy for that to be published?

Ms Elliott: Yes, I am.

THE CHAIR: Thank you.

Ms Elliott: November or December some time, Dinah Bryant came to me and talked about concerns she had about Mr—

THE CHAIR: Who is Dinah Bryant?

Ms Elliott: Dinah Bryant is the media person who works in the pool in Gary Humphries' office.

THE CHAIR: Thank you.

Ms Elliott: She said she thought Michael Strokowsky still had access to the email accounts, as she had seen him reading some of Mr Strokowsky's emails.

THE CHAIR: Mr Stefaniak's you mean?

Ms Elliott: Mr Stefaniak's emails, yes, sorry. Some time in early 2002 I remember Amalia Matheson, chief of staff, coming to me and talking about concerns she had about Mr Stefaniak's email accounts. She said that she had seen Michael Strokowsky had access to Mr Stefaniak's accounts and that she had seen him reading some of Mr Stefaniak's emails on his computer.

At no stage had Michael Strokowsky said to me that he was still getting access to Bill Stefaniak's emails. I had spoken to InTACT about this on both occasions and they assured me on the second occasion that this time, yes, they had fixed the problem and emails would no longer go to Michael Strokowsky.

Then, about two or three weeks before I made the statement, Amalia came to me again and reported more concerns she had about email security. She said that she knew Michael had been reading Mr Stefaniak's mail again and that she had seen him reading email addressed to Mr Bill Wood.

My initial response was concern about the fact that he was still reading Mr Stefaniak's emails, simply because I had spoken to InTACT twice about this and they had assured me that they had taken away his access to it.

I then rang John Glen in InTACT and discussed the problem with him about Mr Stefaniak's email matters, and he came back to me later on and said that it was in a "little known area", but now the problem had been sorted and he'd gone through all the other areas and he assured me that this time it would not happen again and Michael Strokowsky would no longer be able to get access, or anybody else for that matter.

I also had Val check my computer and make sure that none of these areas could be accessed by other people, because all Bill Stefaniak's accounts came through to me and I reported and copied everything out for him to see.

Then on Tuesday 26 February we had a staff meeting. Tom Duncan was there briefly, and then after he left there was general talk about what sorts of questions would be asked. Then the question of Helen Cross asking a question in relation to correspondence would be asked.

David Moore, who was sitting on my left-hand, I believe—or my right-hand, I'm not sure; it might have been Sue on the left; Sue was on the left-hand, David was on my right-hand—said to me that was a question Michael Strokowsky had designed for questions without notice in the Assembly.

During that meeting, to the best of my recollection, Michael said words to the effect: "Well, I know Bill Wood is not answering his correspondence because a constituent has written to me three times about the same issue."

I jumped forward—sat forward in my chair, as did Sue and I think Sue said much the same as me, "Well, how do you know?" Michael said, "I just know. then I said "Well, how do you just know, because you cannot just say that. How do you know? C'mon tell us, you must know." He said, "The constituent told me." I said to him, "I don't believe that. I don't believe that," at which time Sue was starting to kick me under the table, and I didn't want to go any further with it at that stage.

Since we've been down in opposition, I have received many, many faxes that have been addressed to Jon Stanhope as the Attorney-General, and these are usually constitutional matters, which is section 78B. On each and every occasion I have immediately rung John Malouf and advised him that I've received them, and I used to leave them on the

corner of my desk. I don't read them, they're not my business, and I left them there for John to collect when he was passing by at some stage. Usually John collected them fairly quickly.

For some of them, because they were coming in on a fairly regular basis, I even rang the company and asked them not to send them through to me—the lawyer's office—and I would send them the front page of the Assembly list to show them that Jon Stanhope was the actual Attorney-General. I think that's all.

THE CHAIR: Okay, so in terms of the actual issue of contempt, have you got anything to add in terms of your understanding of who else was aware of the receipt of the emails?

Ms Elliott: When Amalia first came and told me about the fact that not just Bill Stefaniak's emails were being looked at, she also told me Bill Wood's were, I was very concerned over that. I didn't know if anybody else at that stage did know anything about it. After InTACT had told me, assured me completely, that this was the third time and that it would never happen again, I went in to Amalia the next morning as I came in to work and I said, "Thanks for letting me know that Michael Strokowsky was still accessing Bill's. I have rung them again"—InTACT—"and I have been assured definitely that it wouldn't happen again."

I also said to her at this time, "Are you sure that Bill Wood's emails are being accessed?" She said, "Yes, I told you that yesterday." Because I didn't know quite to whom I should go, I went and spoke to Sue Whittaker about it because I was deeply concerned about this matter. We had a brief discussion over it, and she said, "Leave it with me at this stage. I'll talk to Margaret Watt and let her know that there may have been a breach in the security," at which stage she did go and speak to Margaret and I believe it was some time that day.

The only other time I was aware that perhaps others knew of it was after the love-in down at Wattle. I had heard from David that there was a discussion, not when I was present, that Michael was floating around a piece of paper saying, you know, "Well, I've got enough evidence against them," or words to that effect, and David—this is what David told me, that somebody had shouted out, "I'd get rid of that, mate, because you're going to get into deep trouble."

THE CHAIR: Okay, thank you, and we will be hearing from Mr Moore.

MR HARGREAVES: That's a conversation that Mr Moore actually told you?

Ms Elliott: Yes, he did. He told me later about that.

MR HARGREAVES: Roughly how much later?

Ms Elliott: I couldn't remember. This was back in February/March.

MR SMYTH: If you were so concerned, or deeply concerned, why didn't you take it up with Mr Stefaniak, as your employer?

Ms Elliott: Well, I was more concerned at the fact that Amalia came and told me about it, and I wondered why she hadn't gone and told Mr Humphries about that.

MR SMYTH: Did you take it up with Mr Humphries?

Ms Elliott: No, I didn't take it up with Mr Humphries. I said I took it up with Ms Whittaker.

MR SMYTH: If you were so very concerned, or deeply concerned, why didn't you take it up with Mr Humphries?

Ms Elliott: Because I didn't know who had responsibility and, as Sue Whittaker had worked for the Speaker for six years and as I knew she'd had a lot to do with the Speaker as well as the Clerk, she would know the process. It's a different process when you're upstairs, and it's a different process when you're on the first floor.

MR SMYTH: But isn't it a little odd that you didn't take it up with your own boss?

THE CHAIR: How is that relevant to the contempt—how Ms Elliott chose to respond to this issue? That's not to the point of contempt.

MR SMYTH: I think it's interesting that we find out how this information has been put about and what they have done with it.

THE CHAIR: Well, Ms Elliott has just explained that she didn't know exactly what the process was; she thought Ms Whittaker would, having worked for the Speaker for so many years.

Ms Elliott: Give me guidance as to where I should go.

THE CHAIR: So Ms Elliott's choice about where she actually went with her concerns isn't going to be useful to the committee.

MR HARGREAVES: There is another issue on that and on that—on Mr Smyth's—

MR SMYTH: Well, it seems that a lot of that information that's being pointed at the Leader of the Opposition; I think it's quite appropriate to find out why people didn't approach the Leader of the Opposition or their own bosses to actually put this information into their hands to ask them to do something about it.

THE CHAIR: With respect, I don't think it's relevant at all.

MR HARGREAVES: Madam Chair, on that issue and there's something that—

THE CHAIR: I don't think it's a relevant issue, Mr Hargreaves. It's not relevant.

MR HARGREAVES: But there is an issue that Ms Elliott actually said in relation to access to Mr Stefaniak's—if I remember correctly, what you said was that there was access to Mr Stefaniak's emails and it took three goes to get through. Now, Mr Stefaniak was made aware that that breach had occurred?

Ms Elliott: Yes, he was.

MR HARGREAVES: He asked you to fix it?

Ms Elliott: Yes.

MR HARGREAVES: You took three goes at fixing it?

Ms Elliott: Yes.

MR HARGREAVES: So, in fact, you wouldn't necessarily have the confidence that just ringing InTACT again was going to work?

Ms Elliott: Well, that's right.

THE CHAIR: Okay. Do you have any questions to the point of contempt? Do you have any more points you need to make?

MR SMYTH: Yes. Nobody else seems to be aware. Are you aware who wrote the supposed question that's linked with the emails that shows there was contempt?

Ms Elliott: You mean the lack of—

MR SMYTH: No. Supposedly there's a question that's been asked that's been linked to an email that may or may have not been received. Are you aware who wrote that question?

Ms Elliott: David Moore, in our staff party room that day, leant across and whispered in my ear; "Michael wrote that question"—"Michael prepared that question."

THE CHAIR: Ms Elliott has already said that.

MR HARGREAVES: She's already said that.

THE CHAIR: Do you have any other statements or contributions? Sorry, have you got more questions?

MR HARGREAVES: I just wanted to clarify for my own mind a bit. On the Silver Wattle conference on 9 and 10 February—because that in fact is two weeks before this all blew up—you did say that you were not present when the issue of emails access was mentioned, but you were told later by Mr Moore.

Ms Elliott: That's right, yes.

MR HARGREAVES: Okay, so we might need to talk to Mr Moore.

Ms Elliott: Yes.

MR HARGREAVES: Okay, thank you. That's clarified it for me.

THE CHAIR: Thank you very much. Can we just take a break for five minutes. I'm not closing the hearing.

Short adjournment

THE CHAIR: We will continue now with the public hearing. I ask that people come to order.

MICHAEL STROKOWSKY was called.

THE CHAIR: Mr Strokowsky, thank you for speaking to the committee. You need to understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. It gives you certain protections but also certain responsibilities. It means you are protected from certain legal actions, such as being sued for defamation for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

You have been here this morning listening to the evidence that has been put to the committee. Would you like to make a statement to the committee first? Then we will go to questions.

Mr Strokowsky: My name is Michael Strokowsky, and I am an adviser to the Liberal opposition in the ACT Legislative Assembly. Madam Chair and members of the committee, it is my contention that this committee has only to decide on two matters in this hearing: was there an act which was a breach of privilege of the Assembly or any of its members in what the media has called the “email affair”, and/or was there a contempt in any of the actions in that email affair?

It is not for this committee to revisit the investigations undertaken by the Australian Federal Police or by the Director of Public Prosecutions. Those investigations have been completed. While some members might not like the outcome, in that I was completely cleared of any criminal wrongdoing, the terms of reference do not provide for you to re-open that investigation and to come up with some different finding.

Therefore, I contend that the relevant matter placed before the committee is the evidence provided by officers from InTACT.

The question of a breach of privilege is easily answered. Privilege relates to what is described as “immunities from legal action conferred in order to ensure that the duties of members may be carried out without fear of intimidation or punishment and without proper impediment”.

I believe that the committee has no option but to agree with me that, under all possible interpretations of privilege and under all precedents provided under publications which address the issue of privilege, there is absolutely no doubt that there was no breach of privilege in this matter.

Mr Duncan in his paper dated 5 June 2002 examined documents seized by the AFP and determined that all documents but one were able to be passed on, as they were not covered by privilege. That therefore leads us to the only remaining issue which is within the terms of reference of this committee—namely, whether there was a contempt.

Contempt is described as an “act or omission which obstructs or impedes a member, the Assembly or officers of the Assembly from the performance of their duty”. The committee has to decide whether the receipt of emails by me, not sought by me, was a contempt.

You have already heard from the InTACT officers that I did not hack into the email system, and I did not seek to have emails not intended for me to be directed to me. In fact, the evidence from the InTACT officers was that the emails I received were most probably directed to my machine by someone within InTACT. That person is unknown.

This is one of the great mysteries of this whole matter. Someone—and no-one seems capable of finding out who—sent emails intended for a member of the Assembly to me. I did not have any identification on the emails I was receiving that I had access to an email address box intended for Mr Wood.

As Mr Stefaniak’s senior adviser for 4½ years, I had access to his email accounts, and they were separately identified on my screen. When I first accessed my computer profile on or about 17 January this year, I found that I was still getting access to Mr Stefaniak’s emails. I made arrangements to have them deleted from my system and transferred to Ms Elliott.

One of the great curiosities is that, while Mr Stefaniak’s name was also mentioned in the search warrant executed by the AFP in my office on 6 March, there has been no further mention of my allegedly having unauthorised access to his email. I knew I was getting his mail and made arrangements with his office to rectify that matter.

I did not know that I was getting unauthorised emails intended for Mr Wood. They appeared on my computer under the account name of michael.strokowsky. I did not know they were not intended for me or what they contained until I opened them. In several cases I did not even open them. I saw an email, decided it was of no interest and deleted it.

I vehemently deny any suggestion from InTACT that I received about 100 emails. InTACT itself acknowledges that this estimate arises from an extrapolation of one or two days of email receipts in my account. Let me give you an absolute assurance that I received no more than six—at best, maybe seven—emails addressed to Mr Wood.

I may have received some broadcast emails intended for Mr Wood, but I do not believe so. I would have noticed if the many broadcast messages which were received, such as publications, had been duplicated. To the best of my recollection, they were not. InTACT has no empirical evidence to back their statement and I deny it.

We therefore come down to the matter of contempt. I submit to this committee that you have no option but to find that there was no contempt in this matter before the committee. There was no intent in what happened, certainly not by me. There was no improper interference in the free performance of Mr Wood’s duty by me; nor did I seriously interfere with Mr Wood’s ability to perform his duty as a member.

THE CHAIR: Basically, you are saying that you did not know the emails were for Bill Wood.

Mr Strokowsky: No. They were not identified as such.

THE CHAIR: So when you opened one and saw Stanwell's name and Wood's name, you thought it was blind copied to you.

Mr Strokowsky: That's exactly right.

THE CHAIR: Why would Mr Stanwell blind copy an email to his employer to you? Why would you think that?

Mr Strokowsky: I have no idea. I have no idea who Mr Stanwell is. Let me try to explain something for you, Ms Tucker. We moved down to the first floor on 26 November. Between 26 November and 17 December, I assisted the Liberal Party as a volunteer, working out of Mr Humphries' office. I was not employed by anyone. I was there in a voluntary capacity.

I did not access the michael.strokowsky computer profile at all during that period. I used Mr Rowan Greenland's password to access his computer profile because I couldn't get into the michael.strokowsky computer system. Therefore, I did not access any emails in my computer for that period. Between 17 December and 17 January I was away; I was in South Australia. I returned on 17 January.

I then, for the first time, was able to access the michael.strokowsky computer system. I used my old password, which had existed prior to 26 November, to access that computer system and for the first time was aware that I had emails that were addressed to Mr Stefaniak. When I opened my email account, I had a separate account box for STEFANIAK. I then made arrangements to have that access denied to me and transferred to Ms Elliott.

That was the first time between 26 November and 17 January that that computer account had been opened, and all you need to do to verify that is get onto InTACT. They can verify it from the hard disk copy that was taken by the Australian Federal Police when they executed the search warrant on my computer.

THE CHAIR: Are you disagreeing with the evidence given by Ms Elliott on how the matter of Mr Stefaniak's emails was dealt with?

Mr Strokowsky: No—with one exception. If I recall—and you will have to check *Hansard*—Ms Elliott said that there had been some sort of indication in early January. I am telling you that I wasn't even in Canberra until 17 January, and it was shortly thereafter that I made arrangements—I cannot recall whether directly with Ms Elliott or through Amalia Matheson—to ensure that that particular address book was removed from my computer.

I subsequently—yes, several times—mentioned to Ms Elliott that I was still receiving Mr Stefaniak's emails, and it was up to Ms Elliott to make the necessary arrangements to have those emails transferred to Mr Stefaniak.

MR HARGREAVES: There is a date issue here, Mr Strokowsky. You said just now that you weren't even in Canberra, but you were here on 17 January.

Mr Strokowsky: That's right.

MR HARGREAVES: Can I ask you then just to clear this up. It has been said by a person—who thought it was in December, and you may remember this and you can fix it—that your words were: “I have just got an email for Bill Wood. InTACT have stuffed up.” The person went on to say, “Mike seemed pretty proud of himself and happy with this discovery.” Do you remember that conversation with—

Mr Strokowsky: Who?

MR HARGREAVES: I can name that person—Ema Sweetapple?

Mr Strokowsky: No.

MR HARGREAVES: All right, another one. Ms Bryant, who has already been named in this inquiry today, told us that on Wednesday, 6 March, you supposedly said, “I got these emails inadvertently. I only got five or six and I deleted them. They were very sporadic. I got one in November or December and then another one while I was away.” Are you saying that you only realised that they had arrived in December or November when you opened it up on 17 January?

Mr Strokowsky: What I am saying is that I did not open the michael.strokowsky computer between 26 November and 17 January.

MR SMYTH: So it is quite consistent that you could have received them but not opened them until you returned?

Mr Strokowsky: I may have received them.

MR HARGREAVES: That is what I am trying to obtain.

Mr Strokowsky: When I returned on 17 January, I certainly went through the emails that I had, and there were many of them. We receive—what is it?—10 junk emails a day, probably. I receive other emails daily, so I had an accumulation of some seven weeks of emails in my system—plus I had several hundred emails that were addressed to Mr Stefaniak.

MR HARGREAVES: Is that in addition to the 400 in the police report?

Mr Strokowsky: Those are the 400 that I mentioned in my police statement.

MR HARGREAVES: Are you saying that in a seven-week period it is reasonable to assume that someone is going to get about 400 emails?

Mr Strokowsky: Not necessarily, but in this case Mr Stefaniak did.

MR HARGREAVES: More than a 100, then?

Mr Strokowsky: In this case, Mr Stefaniak did.

MR HARGREAVES: Is there any reason to believe that Minister Wood may have got fewer than that?

Mr Strokowsky: There is a very good reason. Ms Watt herself stated in her statement earlier today that the bill.wood account had not been used for a couple of years. If people had not been using that account, why would they suddenly start to use it after 26 November?

THE CHAIR: It was advertised. It was put in the address book.

MR SMYTH: But the address book—this is not Mr Strokowsky—is accessed by public servants. It is not open to the public.

THE CHAIR: That is exactly the evidence that has come to the committee. There was correspondence between public servants and the minister that wasn't going to the minister. That is the issue that has been brought to our attention.

Can I get back to the two stories. I am not sure—and I will check *Hansard*—but you seem to be telling the committee that you informed Ms Elliott that Mr Stefaniak's emails were going to you. I understood that Ms Elliott herself took responsibility for trying to change that, after Dr Matheson alerted her to that fact. I am just trying to understand whether there is a discrepancy between what you are saying and what she said. Can you explain?

Mr Strokowsky: No, I do not think there is a discrepancy. As I said, I am not sure whether I spoke to Ms Elliott or to Dr Matheson on 17 or 18 January, but I certainly arranged to have the email system fixed up—and it was. Yes, it took three attempts, but it was fixed up.

THE CHAIR: Are you saying you asked Dr Matheson to contact Ms Elliott about it?

Mr Strokowsky: Yes, that may have been the process.

THE CHAIR: Okay. This committee needs to talk to Dr Matheson.

MR HARGREAVES: As I understand what Ms Elliott was saying, Dr Matheson said to her, "I've noticed that Mr Strokowsky has access to the stuff."

THE CHAIR: That's right. That was what Ms Elliott said, but we need to hear Dr Matheson's version of that problem.

Mr Strokowsky: That's hearsay on the part of Ms Elliott, isn't it?

THE CHAIR: We can invite Dr Matheson to clarify that.

MR HARGREAVES: It is not hearsay.

THE CHAIR: There are a few other questions I would like to ask, and then I will offer the floor to the other members of the committee. You reject InTACT's estimation of the number of emails that you would have got and, if I heard you correctly, you said that you went through and deleted emails that weren't of interest to you?

Mr Strokowsky: Yes.

THE CHAIR: How did you know they weren't of interest?

Mr Strokowsky: When you open up your email system, you have the top block, which shows you where the emails are from—sorry, it doesn't; it shows you your name and a topic. Underneath is a half-screen, which opens up the message part of the email that is highlighted in the top half, if you can understand what I am saying.

If it is one of the publication messages from the whole-of-government system, I quite frequently do not even bother with it. I simply hit delete, and it goes. I do not know who the message is from; it does not identify it on that half-screen. I do know what it is about because the first bit of the—

MR SMYTH: Yes, the first part of the message is there.

Mr Strokowsky: I am being distracted by comments coming from you.

THE CHAIR: Please be silent in the gallery. Are you saying you were deleting when you saw it was a government publication? You would delete that; you would not open it?

Mr Strokowsky: Yes.

THE CHAIR: Are you saying that there could have been 50 of those for Bill Wood as well, which you deleted because you would not have known if it was for him or you?

Mr Strokowsky: As I said in the statement earlier, if I had been receiving double messages, the same message twice, I would have got suspicious—but I wasn't. To the best of my understanding, I would get one staff bulletin, as it comes out every week, and one message about a vacancy in Urban Services for an ASO4. I wasn't getting two of them.

MR SMYTH: You are saying that you received five or six emails. You did not get all the extra junk mail that may or may not have been in InTACT's estimation of 100 emails?

Mr Strokowsky: That's exactly right.

THE CHAIR: We are obviously not in a position to judge whether InTACT is right or you are right. But we are listening to your evidence, and we can go back to InTACT and can proceed with that. Returning to what you claim to have done in response to receiving Mr Stefaniak's email: why didn't you respond at all when you received Mr Wood's emails?

Mr Strokowsky: Because I wasn't getting Mr Wood's emails in the same way. I had a michael.strokowsky address book for my email system and I had a STEFANIAK address book system. I did not have a bill.wood address book system.

THE CHAIR: So you are claiming that you never had any idea that you were receiving Mr Wood's emails. Is that what you are saying?

Mr Strokowsky: No, I have not said that. I have admitted that I got emails addressed to bill.wood@act.gov.au. But I was not aware that, firstly, he wasn't getting those same emails and I was not aware that I was not intended to get those emails.

THE CHAIR: We have had different evidence to that this morning.

Mr Strokowsky: I am quite happy to address some of those issues. Let's talk then about the question—this marvellous issue about a question asked in the Assembly.

THE CHAIR: No, we can go on to that.

MR HARGREAVES: No, we will decide that.

THE CHAIR: I am happy to go on to that, but I have just got a track here. We received evidence this morning that you said to David Moore that you had an email the other side didn't know you had, that you had printed it out, that it was to Bill Wood and that he, David Moore, should keep it because it might be of use. We heard that this morning. You heard that evidence. What is your response to that?

Mr Strokowsky: I certainly have not concealed the fact that there were several people with whom I discussed the fact that I had received an email—Amalia Matheson, and David Wood was another. There are other people—I am talking about staffers—who also realised that I had received an email that was addressed to Bill Wood.

I have never stated—and I will always state that I did not know that I was not intended to receive that email. I understood it to be a blind copy and it was for that reason that I gave it to Mr Moore.

MR HARGREAVES: Why did you say to Mr Moore that you received it by accident?

MR SMYTH: Can the commentary from the gallery please stop?

THE CHAIR: I wasn't aware there was more. Please be silent. You can go outside if you want to talk.

If that is the case, why did you say to David Moore, "The other side do not know we have got this and you should print it out and it might be useful"?

Mr Strokowsky: I cannot recall whether they were the words that I used to Mr Moore. What I would have indicated to him was that I had received it and understood that it was by way of a blind copy—I do not know whether I mentioned that to David—and that it was therefore available for use at some later stage, if necessary.

We all receive information. We were being told from the end of November onwards that the Labor Party was having difficulties in adjusting to the requirements of ministerial office. We got messages constantly, from late November through to February. Several staffers and several members were getting the same message: that Labor was not performing in government.

It was for that reason that someone—it wasn't me, it was someone in Mrs Dunne's office—prepared a question about the lack of the Labor Party's response to representations. I am happy to name the person: it was Norman Abjorensen. I very seldom prepared questions. My job was to co-ordinate the development of the questions, provide research capacity to the officers in developing those questions, discuss and implement a strategy for each of the question times and then do the final editing of questions.

Very few of the questions asked in the Assembly have been developed by me. They are developed by other staffers and members in other offices and then consolidated. We then have a small committee that examines those questions and decides on the strategy and who should ask what question. That is the process we operate under.

The question that was asked on 19 February—I think it was—which Mr Wood mentioned in his statement earlier today, was asked a week before these discussions were supposed to have happened in a staff meeting.

THE CHAIR: I understand that.

MR HARGREAVES: In the timing of that, was that question developed before or after the Silver Wattle conference?

Mr Strokowsky: I am not sure, because our requirement for the development of questions is for the week before question time. We leave ourselves a little bit of flexibility in case there are issues that arise in the last few days before sittings. If I can give you an example, questions for this coming week have already been developed, with the exception of issues that arise out of the media on the weekend and today.

MR SMYTH: Not to give too much away about internal Liberal Party processes, do you hang onto questions that aren't used in a specific period?

Mr Strokowsky: Yes.

MR SMYTH: They go into a collection that is recycled if necessary.

Mr Strokowsky: We have a look at whether or not those questions might be recycled.

MR HARGREAVES: Was this a new one or a recycled one?

Mr Strokowsky: I cannot remember.

THE CHAIR: Moving on—unless you want to say more about that—what would be your normal practice if you did receive a document, fax or email that you knew was not meant for you?

Mr Strokowsky: Ms Tucker, I worked in the public service for 18 years. When I left the public service, I was a first assistant secretary. I left the public service because I was asked by a Labor minister to lie to an estimates committee hearing. I believe that my ethical and moral standards are as high as anyone else's in this place.

Had I known that the emails I was receiving that were addressed to Bill Wood were not intended for me, I would have acted. I would have contacted his office and let him know. However, there was no identifier on the emails I was receiving to that effect. I didn't know who John Stanwell was. I didn't know he was on Mr Wood's staff.

I therefore had no understanding that what I was getting was not intended for me. As far as I was concerned, in the political environment in which we live and work in this place, it was therefore open to me to use the material that was coming to me. However, I didn't even do that because none of the material was of interest, quite frankly. None of it was of interest.

MR HARGREAVES: Can I ask you a question about that, then?

Mr Strokowsky: I deleted it.

MR HARGREAVES: You said you didn't know if it was for you, right? You just didn't know it was for you.

Mr Strokowsky: No, I didn't know that it was not for me.

MR HARGREAVES: Okay, you didn't know that it wasn't for you. I think you have agreed that you took a printed copy to David Moore and said, "Hang on to this; it could come in handy later."

Mr Strokowsky: Yes.

MR HARGREAVES: Did the conversation between you and David Moore go something like this: "It might be of interest. Why don't you keep it on file?" I think you have already said you said that. Mr Moore said, "Where did you get it?" You said, "I received it by accident." If you didn't know that it was not for you, how did you know it was by accident?

Mr Strokowsky: We are going to start to quibble about individual words now, are we?

MR HARGREAVES: No, we are not. We are talking about whether you knew—

Mr Strokowsky: It was an accidental or inadvertent or—

MR HARGREAVES: Did you say that InTACT had stuffed up? Did you know that InTACT had made an error?

Mr Strokowsky: No. I do not recall using those words.

MR HARGREAVES: You said you received your first one on 17 January.

Mr Strokowsky: No. I have not said that. You are not listening to what I have had to say, Mr Hargreaves.

MR HARGREAVES: Yes, I am. Let me assure you I am listening to everything you say.

Mr Strokowsky: What I have said is that I did not open my account until 17 January.

MR HARGREAVES: Okay, I accept that. That's what I meant.

Mr Strokowsky: There may well have been emails that had come into my system between 26 November and 17 January, but I didn't open them.

MR HARGREAVES: The first time you were aware one was available—fell off a truck or whatever—was on or about 17 January.

Mr Strokowsky: The first time I was aware—yes.

MR HARGREAVES: The police came along and closed the system down, as it were—or InTACT did; it does not really matter much—on 20-something of—

Mr Strokowsky: On 6 March.

MR HARGREAVES: Yes, it was March. You said that when a similar system occurred with Mr Stefaniak's emails, you told Ms Elliott—we have different evidence there—that you were still getting it and to fix it up. Why didn't you say that same thing to Mr Wood's office?

Mr Strokowsky: I have explained that the two are completely different. In the case of Mr Stefaniak, I had a STEFANIAK address on my computer. In the case of the few emails that I was receiving that were for Mr Wood, they were coming in to my address book—michael.strokowsky. I did not have a bill.wood, a bill,wood, a Wood, Bill or any other address book on my computer.

MR SMYTH: So the information that you got that was directed to Mr Stefaniak was simply a holdover from the days when you were his chief of staff and all his emails were flicked to you.

Mr Strokowsky: That is exactly right.

MR SMYTH: On the left hand side of the computer screen under the folder list, there would have been a folder that said "mailbox Stefaniak, Mike".

Mr Strokowsky: Strokowsky, Mike.

MR SMYTH: Sorry, Strokowsky, Mike. Then further down there would have been another mailbox that said "Stefaniak, Bill", which is how you knew you were getting Bill's emails, and that is when you took steps to get that removed.

Mr Strokowsky: Exactly.

MR SMYTH: But what you couldn't tell in the mass of emails that you opened up on your desk on 17 January was that there were some interspersed that may have been intended for Bill Wood.

Mr Strokowsky: The difference is that I did not have that extra address book for bill.wood or any other—

MR SMYTH: So they were scattered into the mike.strokowsky list?

Mr Strokowsky: Once the STEFANIAK problem had been cleared up by InTACT, his address book disappeared from my computer. The only address book I had was the one that was addressed to me, michael.strokowsky, and the emails I was receiving were coming through that process. I did not have a bill.wood address book, which leads me to another matter.

THE CHAIR: Yes, I understand that. But I am not quite clear on a question. Do you recall opening an email that Sue Whittaker sent as a test message to Bill Wood's office?

Mr Strokowsky: Yes.

THE CHAIR: What was your impression of that?

Mr Strokowsky: That was one that I didn't fully open. All I saw was the text of that message and the name Sue, and I deleted it.

MR HARGREAVES: Actually, that is not what was said.

THE CHAIR: Ms Whittaker told us that it was opened. Sorry, Ms Whittaker, you can't speak from the gallery. We were told that it was opened. I do not understand quite what you were saying before. It would be pretty obvious that that email was not intended for you, so I don't understand why you didn't then contact Mr Wood's office or Sue—because you did do that for Mr Stefaniak's box.

I totally understand that it came to you in a different form, but the content of that email—if you want to deny the fact that you opened it, that is your right; but we were told that you opened it—should have set alarm bells ringing for you, I would have thought. I would like you to respond to that.

I have two other points. Firstly, as I understood it, you said that you had “accidentally” received some emails. I want to clarify that you actually said that. Secondly, do you think it was a deliberate leak? Did you at some point think you were getting something leaked to you?

Mr Strokowsky: I wasn't getting any material that was worth leaking.

THE CHAIR: But that's not the point. That's a relative judgment. It is the "likely to amount to". You gave the committee a definition of contempt at the beginning of this, but you didn't actually give the full definition. We have to take into account "likely to or intended to". It is a broader picture we are looking at.

Mr Strokowsky: Yes. If we are going to talk about the question of intent, my point is that the InTACT evidence has already proven that there was no intent on my part. I didn't hack into any system; I didn't ask for any emails to be sent to me; the emails simply appeared in my computer. The question that then arises is: "What did I do with those emails?" I deleted them.

THE CHAIR: Yes, it's the intent. It is what you did with it. Yes.

Mr Strokowsky: I deleted them. I did not use any of those emails to develop questions to be asked in the Assembly.

THE CHAIR: You printed one out, and you gave it to David Moore.

Mr Strokowsky: I cannot see without my glasses on, but at a computer screen I have to take my glasses off. I sometimes have difficulty seeing what it is that I am looking at because I wear glasses. In some cases I have to print things up simply so that I know what they are. In this particular case that is what happened. I did not file those emails in any way; they were in a drawer in my desk. I had completely forgotten about them.

THE CHAIR: But you gave one to David Moore. You read that, and you said it might be useful.

Mr Strokowsky: Yes, because that, I thought, might have been a leak.

THE CHAIR: So you thought that was a leak?

Mr Strokowsky: That one yes, maybe.

THE CHAIR: So you thought there might have been a leak. Right, that's what I wanted to clarify.

MR HARGREAVES: That one there has actually been tendered in the report. It opens up, "Bill, FYI"—for your information—"John S." It goes on and talks about ACT government EBA negotiations, contract issues and housing work with CityScape. It names five delegates who were to attend a meeting, yet you said all the stuff that you deleted was innocuous. Do you still think that is innocuous and, if it is innocuous, why would you give it to David Moore?

MR SMYTH: I do not think he has ever used the word "innocuous".

MR HARGREAVES: "Trivial" then.

Mr Strokowsky: I have never said "all"; I said "most".

MR HARGREAVES: Most?

Mr Strokowsky: Yes.

MR HARGREAVES: This one was the one that you felt “might have been a leak, so we will give it to David Moore and whatever comes out”—that is the one that fell off the back of a truck—“might be useful”.

On the other ones: there was one from a constituent referred to by you. You had three emails from a constituent complaining that he wasn’t getting a response. Do you consider that an email from a constituent to a member of the Assembly is trivial?

Mr Strokowsky: I quite often received copies of emails that constituents sent to members. It used to happen frequently in Mr Stefaniak’s office.

MR HARGREAVES: While you were working there?

Mr Strokowsky: Yes.

THE CHAIR: That’s got a Cc to you?

Mr Strokowsky: Not necessarily.

MR HARGREAVES: But that would have been in your capacity as a member’s staffer though, wouldn’t it?

Mr Strokowsky: That’s right.

MR SMYTH: I continually get copies of bits and pieces from constituents.

Mr Strokowsky: Well, Mr Smyth has said the same thing.

MR SMYTH: But the point here is that you cannot know—and this is the difference, I suspect, Mr Strokowsky, between an email and, say, a written piece of correspondence formally addressed to somebody—whether it was intended for you or not.

Mr Strokowsky: We quite often receive snail mail addressed to members, which also does not have Cc copies on it. It might be a letter addressed to Mr Stanhope, and it is a photocopy that arrives just in an envelope addressed to Mr Humphries or to another member. That happens frequently.

THE CHAIR: In your police statement you said that you said to Amalia Matheson that you had inadvertently received an email for Mr Wood.

Mr Strokowsky: It is a question of terminology—whether it is “inadvertent”, whether it is “unsolicited”, whether it is “unwanted”. That word “inadvertent” was the word that I used in that statement. It could have been any of the others as well.

THE CHAIR: Did Dr Matheson express any reaction to that? We have had evidence that she was quite concerned. Did she express any concern to you then?

Mr Strokowsky: Not that I can recall.

THE CHAIR: Did you give Dr Matheson copies of any of the emails?

Mr Strokowsky: I showed her the same one that I gave to David Moore.

THE CHAIR: Did you store any emails in your computer?

Mr Strokowsky: No, they were all deleted.

THE CHAIR: Did you provide copies of those emails to anybody else? You said Dr Matheson and David Moore.

Mr Strokowsky: Dr Matheson saw it. I do not think she retained a copy. I gave a copy to Mr Moore, and I kept that one and I think one other—which I had difficulty reading, basically. They were all in the drawer in my desk. They weren't filed; they were simply in there because I had discarded them. I hadn't had them shredded.

THE CHAIR: Did you show anybody else the emails at any time?

Mr Strokowsky: Not that I recall.

MR HARGREAVES: On that consideration, did you discuss the receipt of those emails at the Silver Wattle conference?

Mr Strokowsky: Not that I recall.

MR HARGREAVES: Not that you recall. Do you agree or disagree with the statement that you made in the staff meeting of 26.02; that is, when asked where you got the information about the lack of response from ministers and where you got the emails from, you said, "The constituent showed them to me"? Was that the email from Mr Emery?

Mr Strokowsky: I have no idea.

MR HARGREAVES: No idea. Do you recall having said that the constituent showed them to you?

Mr Strokowsky: I cannot recall saying that, no.

MR SMYTH: I am sorry, you do or you don't?

Mr Strokowsky: I cannot recall.

MR HARGREAVES: You do not recall.

MR SMYTH: Given that this question is now being written by Mr Abjorensen, is it likely that he told you that the constituent had complained?

Mr Strokowsky: I was aware from members and from staff in other offices that there was a general concern about the fact that Labor had not hit the ground running—the term that some of us used—after the election. We were getting complaints from constituents, and from people who had been in touch with ministers, about delays in getting responses to correspondence and delays in getting access to ministers and getting meetings arranged with them.

It was on that basis that a decision was taken by the strategic group, if you like, that we would start to question Labor about its lack of response. I might add that at the same time we were also questioning Labor about the fact that they weren't putting their press releases onto their websites. There was simply an appearance of disorganisation and lack of understanding of what was required to be a minister.

That was the thrust of the question that was developed in the Assembly. We were querying their capacity to do their job as ministers. That is one of the jobs of an opposition.

MR HARGREAVES: Two people have given evidence that in that staff meeting you said something like, "I know that Bill Wood is not answering his emails." One of the people at that meeting said, "How do you know that?" You said, "A constituent told me." So we have had two people. Are you saying that that is not so?

Mr Strokowsky: I am saying that I cannot recall saying that. This is six months ago.

MR HARGREAVES: It may be, but I hope you will agree that there is a really big difference between receiving emails on your system and getting them from a constituent. I would have thought that someone involved in the system for as long as you and I have been would remember if a constituent gave them a copy of something out of which an issue might arise. That is fallen-off-the-back-of-the-truck stuff. Did a constituent give you a copy of an email indicating that he didn't receive a response?

Mr Strokowsky: I have never indicated that that was the case.

MR HARGREAVES: You have never done that?

Mr Strokowsky: I have never said in any statements that I have made to this committee that a constituent had passed information onto me.

MR HARGREAVES: Okay.

Mr Strokowsky: I have said that we were receiving complaints from constituents about the lack of response from Labor ministers.

MR HARGREAVES: Sure, okay.

Mr Strokowsky: You might not like that, Mr Hargreaves, but that is the fact.

MR HARGREAVES: Mr Strokowsky, whether I like it or not is immaterial.

MR SMYTH: Correct.

MR HARGREAVES: It is not something that is in my head at all. What I am suggesting to you is that your version of events is different from two other people's. What I am trying to do is find out where it is at. At the moment I do not have a like or a dislike about it.

MR SMYTH: Well, Mr Strokowsky cannot know that because he has not had the text with those versions.

MR HARGREAVES: No, but I do not have a like or dislike about it.

Mr Strokowsky: Can I tell you, Mr Hargreaves, that the Australian Federal Police have quoted me \$2,695 to get access to the same papers that you have. I am still trying to negotiate with them around that matter.

MR HARGREAVES: Well, you can get access to those ones now, because they have been released for publication, haven't they?

Mr Strokowsky: Yes.

MR SMYTH: For the record, Madam Chair, the comment "The constituent showed them to me" appears in two statements. I do not recall it appearing in any other statements written by the staff. Yes, there is some conflict, and some people's memory is different to other people's.

MR HARGREAVES: I would agree with that.

MR SMYTH: If Mr Strokowsky says he does not recall saying it, that is mirrored by other statements that we have access to that he does not.

Mr Strokowsky: I wasn't aware of that. But thank you.

MR HARGREAVES: In regard to the email you gave to Mr Moore, that is clearly correspondence between somebody in the bureaucracy and the minister's office regarding meetings. Why didn't you advise the minister? You said, "How come I've got this?" Did you consider it was something that fell off the back of the truck or did you query it with the minister's office?

Having received a couple of other bits and pieces that you found to be not terribly consequential, why didn't you say to the minister's office—to Ms Watt or Mr Benson or anybody for that matter—"Look, I'm getting stuff for Bill's office. Joke and all that stuff, but I am getting it. Do something about it"? Why didn't you do that—in the period from 17 January through to the police killing it off?

Mr Strokowsky: For a start, as I said in my statement, I received only very few emails—five, six or seven max. The period of my emails, including the period I was away when I didn't immediately access them, from 26 November through to 26 February, I think, is three months.

MR HARGREAVES: No, March. But anyway.

Mr Strokowsky: Well, all right, 6 March. It is a bit over three months. I received five, six or seven emails in that period. That is not a lot. Of those, one was of interest to me from a political point of view, and there was no indication that that email was not intended for me. It came for my address book. It had no confidentiality requirements on it. It simply appeared on my computer. I opened it, I had a look at it, I said, "That's interesting stuff" and I took a copy of it.

THE CHAIR: We are going over old ground a bit.

MR HARGREAVES: There is a second one, you see. That is the point that I make.

THE CHAIR: I know. There is Ms Whittaker's email, and we have already gone there.

MR HARGREAVES: No, that's not the one at all. In fact, that one that we just talked about, the one that went to Mr Moore, was actually an email from a union to the minister. I think it is pretty clear whether or not it was intended for you or not.

Mr Strokowsky: Are you suggesting that unions do not talk to the Liberal Party, Mr Hargreaves?

MR HARGREAVES: No, I am suggesting to you that unions do not talk to the Liberal Party via a minister of the Labor government. I am suggesting that to you, yes. On 7 February there was an email sent from Mr Stanwell to Ms Watt regarding a transport ministers conference. That was also in your collection of five and six. In fact, the very original one, came from the manager of road transport reform. Are you saying that that one was an inconsequential and trivial one of no interest to you?

MR SMYTH: Did you receive it?

MR HARGREAVES: There it is, there it is.

Mr Strokowsky: I cannot recall.

MR HARGREAVES: Cannot recall?

Mr Strokowsky: I cannot recall receiving that particular email.

MR HARGREAVES: Yes. Thank you, Mr Bond. It does not work with our other evidence, I am sorry. But we will go. I am happy. I am finished now.

THE CHAIR: Have you finished, Mr Smyth? Do you want to make any other statements to the committee?

MR HARGREAVES: Before Mr Strokowsky does, Madam Chair, one of the things that Mr Strokowsky did ask for in his letters was that he be given a response opportunity and therefore appear last. If there are other people to be called, are we going to extend that invitation to him?

THE CHAIR: Yes, if he wants it.

MR HARGREAVES: I think that would be only reasonable. Good.

THE CHAIR: Thank you very much.

MR HARGREAVES: We have a further opportunity to have a chat.

The committee adjourned at 12.44 pm.