

**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**

**FRIDAY, 27 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 11.46 am.**

**HELEN CROSS** was called.

**THE CHAIR:** I will declare this public hearing of the Select Committee on Privileges open. The first witness to address the committee is Mrs Cross. Thank you for giving your time to the committee. I know you've not been well. I will formally notify you of your responsibilities as a witness to this 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 am also reminding all witnesses who are appearing before this committee that we are investigating whether the unauthorised receipt of emails from Mr Wood's office was a breach of privilege, and whether a contempt was committed. The definition of contempt under the Parliamentary Privileges Act describes a conduct which improperly interferes with the work of a member. That improper interference has to be intentional and serious, and to do with the work of the member. That is really what we are looking at.

I now invite you to state your name and the capacity in which you appear, and address the committee.

**Mrs Cross:** I am Helen Cross MLA.

**THE CHAIR:** Thank you. Would you like to make a statement to the committee?

**Mrs Cross:** No. I was just going to read from my police statement.

**THE CHAIR:** Sure.

**Mrs Cross:** I will just add one portion to that statement. This was not elaborated on at the time, because the police did not think it was relevant, or really getting down to the nitty gritty. That is all I would like to do.

**THE CHAIR:** That is fine. Thank you, then. Are you able to give the committee permission to publish or are you comfortable with its publishing your police statement?

**Mrs Cross:** Yes, I have a copy here for the committee. Yes, I have a copy for the secretary.

**THE CHAIR:** We will publish that. Okay, thank you.

**Mrs Cross:** My statement reads:

Both of my staff, Marie Henderson and David Moore have access to read my emails.

I will read exactly what is in here.

**THE CHAIR:** Yes, fine.

**Mrs Cross:** It continues:

I first met Mike Strokowsky about a year ago when I started campaigning for the 2001 election. He was president of the Northern Electoral Branch of the ACT Liberal Party, and I was aware that he worked for Bill Stefaniak.

As a Member of the Legislative Assembly, I am given an allowance with which to employ staff. Along with other Liberal Members, I have allocated a portion of that allowance to a pool, which allows for the employment of staff for use by all Liberal Members. Mike Strokowsky is one of the staff employed in that pool.

I am aware that Vicki Dunne MLA issued a press release on 25 February 2002. This release was in relation to the Government's tardiness in responding to correspondence from constituents and Liberal Members. The story appeared in the Canberra Times on Tuesday 26 February 2002.

About midday on Tuesday 19 February 2002 I was handed a proposed Question Without Notice by David Moore. He had been given the question for me by Mike Strokowsky. I was supposed to ask this question during Question Time in the Assembly that day. The question dealt with the issue of the Government's tardiness in responding to constituent correspondence.

I did not believe this was an issue which we should be attacking the Government on at that time, so I went to Mike's office. He was on the phone, and Ema Sweetapple was also in the office. I waited for a short time, and then being quite angry, I threw the question on his desk, and I said, "I am not asking that question, it's a shallow question. You can rewrite it, or give me another question."

As Mike was still on the phone, I then left his office.

Less than ten minutes later Mr Gary Humphries came to my office and we had a conversation.

As I recall, Gary was concerned about why I had taken the question back to Mike to be rewritten or replaced with another question. I said I thought it was too early in the government's term in office to ask this question, and that it seemed shallow, premature and, to my knowledge, without basis. Gary said there was a basis and that it related to constituent concerns, so I had to ask the question.

I said that, if it did relate to constituent concerns, then I would ask it, but I asked whether he was sure that we had the proof to back it up. He said yes, that some members had had written complaints, and Mike had some information as well. I said something to the effect of, "If you are sure, then I will ask the question. I just do not want us to get slaughtered in the chamber over something without proof." Gary again said there was proof.

Gary left my office, and I then went into Mike's office with David Moore to explain my initial concerns to Mike. I continue:

I then returned to Mike's office with David Moore.

I said words to the effect of: "I need to explain to you why I did not want to ask this question. I felt the question was shallow, premature and without basis. Do you have proof that the Government has delayed answering constituent concerns? And if you do have proof, what is the proof?"

Mike said something to the effect of: "Oh yes, I've got proof. There are at least 3 Members with complaints from constituents, and I've got things here." He pointed to his computer monitor when he said this.

I then said something to the effect of "If you are sure, and you have proof, I will ask the question."

A short time later, David and I left Mike's office. I subsequently asked the question during Question Time that day.

About 9 am on Wednesday 6 March 2002, I attended work at the Legislative Assembly, and was informed that the Police were in the building, and had been searching Mike's office.

Some time after that, David Moore approached me and we had a conversation. He showed me a printed copy of an electronic mail message which had been given to him by Mike. I saw that the message had Mike's name printed in bold on the top, meaning that he had printed it from his mailbox.

(I told him to contact the Police first, and then tell Mr Humphries.)

Except for the message shown to me by David Moore, and apart from those emails which are addressed to me, and/or to another Liberal Member or staff member, I have never seen any electronic mail messages addressed to Mr Bill Wood MLA.

I would like to say that the reason I made this statement to the AFP was that, the day that I came in when the police were there, David Moore became very concerned for me. I said, "Why are you concerned?" He said, "Because of the question." I said, "What question?" He said, "The question you were made to ask." I said, "So what?" He said, "The emails." I did not understand the correlation he was making, but he was concerned

that perhaps I had been put in a compromising position. He suggested that I give a statement to clear my position, so that is what I did.

**THE CHAIR:** Okay. In your statement you say that you had a conversation with Mr Humphries about this situation.

**Mrs Cross:** Yes.

**THE CHAIR:** Did you ever discuss the emails with Mr Humphries?

**Mrs Cross:** No.

**THE CHAIR:** You never at any point had that discussion? Were you aware, at the time that you asked the question, that there could have been any relationship between that question and the emails?

**Mrs Cross:** No.

**THE CHAIR:** Alright. Why did David Moore tell you that he was concerned that there was a relationship between the emails and the question?

**Mrs Cross:** He said to me that he remembered being given something by Mike. I said, “What did you do with it?” He said, “I think I have put it in my shredder file.” He went and found it, and he was concerned because he remembered that I had been given that question to ask. I immediately said to him, “You must let the AFP know and let the leader know”—Gary Humphries—because I felt that was the right thing to do.

**THE CHAIR:** Sorry, who did you say should let Mr Humphries know?

**Mrs Cross:** David Moore. I said, “If you have something that you have been handed, you must ring the AFP and you must let Gary Humphries know,” and he did that.

**THE CHAIR:** He did that? Yes, okay. Do you have questions, Mr Hargreaves?

**MR HARGREAVES:** Just a couple. Thanks for coming in, Helen. I appreciate that it must be tough for you. In your evidence, you say quite clearly what happened when you went to Mike and said, “I am not doing this. Rewrite it or give me another one.” That was very clear. You say that, 10 minutes later, Mr Humphries came to your office and you had a conversation. Do you actually remember that Mr Humphries came to your office—

**Mrs Cross:** Yes. Within 10 minutes, if not less. It was obvious that Mike had gone to him and said, “Helen is not doing what she is told. Go and fix it up,” I suppose. I am just guessing.

**MR HARGREAVES:** What had happened was, before that, you had been given a question, did not like it, said, “Okay then, if you have proof—

**Mrs Cross:** It was not that I did not like it.

**MR HARGREAVES:** Okay, you were uncomfortable with it.

**Mrs Cross:** I did not know what we were basing it on.

**MR HARGREAVES:** Sure, and then the position you seem to have taken is: "If you have proof, show me the proof and if it is okay, then I will run with it," which is quite reasonable. Did Mr Humphries say what manner of proof existed?

**Mrs Cross:** As I said earlier, when Gary came into my office, he asked me why I had taken it back to Mike. Basically, he said there were constituent concerns, and I said, "Well, what?" He said that some members had had concerns put to them and Mike had information.

**MR HARGREAVES:** Can I just go back on that? He said that some members had concerns and Mike had some information?

**Mrs Cross:** I will just read to you again what I have read, because this what happened to the best of my recollection.

**MR HARGREAVES:** Yes, I understand.

**Mrs Cross:** The statement reads:

Gary was concerned about why I had taken the question back to Mike to be rewritten or replaced with another question. I said I thought it was too early in the government's term in office to ask this question, and that it seemed shallow, premature and, to my knowledge, without basis. Gary said there was a basis and that it related to constituent concerns, so I had to ask the question.

I said that, if it did relate to constituent concerns, then I would ask it, but I asked whether he was sure that we had the proof to back it up. He said yes, that some members had had written complaints, and Mike had some information as well.

**MR HARGREAVES:** Thank you. Then you went down and saw Mr Strokowsky.

**Mrs Cross:** After the leader assured me that there was a basis for the question, I thought I should, as a courtesy, go back to Mike and explain why I had concerns.

**MR HARGREAVES:** Then you said to him, "If you have proof, what is the proof?" He said, "I have the proof" and pointed to his computer.

**Mrs Cross:** I went back with my adviser, David Moore, by the way, because I thought it was important to take it up again.

**MR HARGREAVES:** Indeed, we may speak to Mr Moore a little later. You went back there and then said, "Do you have proof?" Mike said, "Yes," and pointed to the computer. Was that the end of the conversation and did you then go away?

**Mrs Cross:** Yes. He did say that there were members who had had complaints and he also then pointed to his computer monitor. You take your colleagues' words, and he said that. Because I knew he had worked for a minister, I thought he must have had constituent emails or something. That was what I needed to know. I needed to know that because, when I asked the question in the chamber, if the government came back and said, "Yes, what do you know?", I would have said, "We have letters or whatever."

**MR HARGREAVES:** Yes. When you went back, after Mr Humphries had left, was it your impression that he was aware of the nature of the—you said he said some members had concerns? I assume that to mean that members of the opposition had concerns. Mr Humphries said that Mr Strokowsky also had information, which is what you said in your statement. Do you believe that he knew what information Mr Strokowsky had?

**Mrs Cross:** Yes. When you say "information", are you referring to general information or emails? What is your question?

**MR HARGREAVES:** I think he said that some members had some constituent concerns and Mr Strokowsky had some as well. I am just trying to work out whether or not you thought that he knew what Mr Strokowsky actually did have.

**Mrs Cross:** Yes. It was Mr Humphries who told me about the proof that Mike had. Mike works in Mr Humphries' office. In those circumstances, I think it is very unlikely, almost inconceivable, that Mr Humphries did not know the source of the so-called proof, as well as his chief of staff.

**MR SMYTH:** However, you don't know that for a fact. That is supposition on your part.

**Mrs Cross:** This is my opinion.

**MR SMYTH:** You were never shown any evidence from Mr Strokowsky. He just said, "I have evidence," and you accepted that.

**Mrs Cross:** He said, "The proof is here," and he pointed to his computer monitor. One takes a colleague's word.

**MR SMYTH:** Again, you never saw what it was that was on the computer.

**Mrs Cross:** No, because I trusted what I was told.

**MR SMYTH:** No. You never saw what was on the computer, did you?

**Mrs Cross:** No, because I trusted what I was told.

**MR SMYTH:** It could have been copies of the information from the three members.

**Mrs Cross:** I have no idea.

**MR SMYTH:** Exactly.

**Mrs Cross:** I am not going to assume. I can only say what I was told.

**THE CHAIR:** Fair enough.

**MR SMYTH:** Fair enough.

**THE CHAIR:** Thank you.



**AMALIA MATHESON** was called.

**THE CHAIR:** Thank you for giving your time to the committee. I must formally alert you to your responsibilities as a witness.

You should understand that these hearings are legal proceedings of the 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 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.

Were you here when I explained the brief of the committee, or would you like me to explain to you what contempt is?

**Dr Matheson:** That's alright, I understand.

**THE CHAIR:** You understand that? Okay. Please state your name and the capacity in which you appear.

**Dr Matheson:** My name is Amalia Matheson. I am chief of staff and senior adviser to Gary Humphries MLA, Leader of the Opposition in the ACT Legislative Assembly.

**THE CHAIR:** Thank you. Do you want to make a statement?

**Dr Matheson:** Yes, I will make a statement. I beg your indulgence: I do have a cold so I may be a bit indistinct at times. I understand that the committee already has the statement I provided to the Australian Federal Police on 2 March 2002. That four-page statement sets out all relevant knowledge I had about the circumstances associated with the events in question. I am happy to table that statement for the committee and have that statement made public.

I also table three pages from the *Hansard*, in which the Leader of the Opposition, Mr Gary Humphries MLA, on 6 June 2002, spoke in the chamber regarding the establishment of this committee's inquiry into this matter. Each of these two documents, I believe, are self-explanatory.

I would only add that elements of the statements that have been made by some witnesses in the course of this hearing make it evident to me that they have either inadvertently or wilfully misconstrued conversations involving myself. I would refer the committee to my original police statement which, inter alia, makes clear that I was only ever aware that Mr Mike Strokowsky had received one email intended for someone else, which contained multiple messages. The suggestion that I was aware of any course of conduct or of the receipt of multiple emails, if in fact that occurred at all, is incorrect.

The specific suggestion that has been made that I was aware at any stage that Mr Mike Strokowsky had ongoing unauthorised access to a minister's email account, if in fact that occurred at all, is completely incorrect.

These matters are clear from my police statement. My personal view is as follows: if a party inadvertently comes into possession of an email, or indeed a fax or other communication, which it appears was not intended for that recipient, it is inappropriate to act on the information contained therein. That is why I counselled Mr Strokowsky in the manner in which my police statement indicates. I believe I acted entirely appropriately, responsibly and ethically on the basis of my knowledge at the time. Any suggestion I did otherwise is completely incorrect.

For example, let me address one of the allegations and misrepresentations that was made by witnesses to this committee in relation to myself and my conduct in this matter. Mr Bill Wood, Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services in the Stanhope Labor government, claimed last Monday, 23 September, “Mr Humphries’ chief of staff knew of this interference with my emails, but did not act to stop it.” Mr Wood is saying that I knew of what he terms “100 emails”, which were “illegally, consciously and deliberately stolen, purloined, thieved and misappropriated”.

On what basis does this minister of the territory make such claims about my supposed knowledge? Mr Bill Wood asserts these allegations based on rumour, strong rumours that are apparently, and I quote, “sweeping the corridors”. Madam Chair, in response, I merely refer the committee back to the statement regarding the matter and my involvement in it that I made to the Australian Federal Police on 2 March of this year.

I need make no further comment upon the embarrassing, baseless hyperbole of Mr Wood, for it is of course a matter for the committee to determine how it chooses to conduct itself. However, I must say that I fail to see how good public policy or the public interest is served by having various witnesses impugn the professional reputations of members personal staff, who are not themselves public figures, particularly in circumstances such as the present one, where police investigation completely exonerated Mr Strokowsky of any wrongdoing whatsoever.

With the greatest of respect, based on the amount of hearsay, opinion and innuendo promulgated at the last hearing of this committee, it seems to me that the committee appears to have lost sight of that crucial point. If the committee has any questions about these matters, then I will try to respond to them. Thank you.

**THE CHAIR:** Thank you. Yes, I do have some questions. In your statement, you said that the language you used was: “He had received”—Mr Strokowsky, that is—“emails that were supposed to go to a minister.” You said:

I became very agitated, quite upset and concerned about this. I remember telling him that this was very dangerous territory, and that it should not be happening, and that it was very dangerous to the party. I told him I thought it was totally inappropriate.

You then said in your statement that Mike Strokowsky gave you a couple of emails printed out, which you put in your tray. Actually, you said that it was a number of printed pages, to be correct, maybe two, that were printed copies of emails. You seem to be clarifying that, saying that it was actually only one email, not emails, as you said in your statement. Is that right?

**Dr Matheson:** I believe that statement is clear but, if it is not clear, I will clarify that what I saw was one email, which contained many messages which were presumably at some time independent and individual emails. As you know, you can reply and tick-tack backwards and forwards, and one email can contain much backwards-and-forwards correspondence on the same matter.

**THE CHAIR:** I see. When you say, “I remember seeing that at least one of these messages seemed to have had a number of replies, or had been forwarded a few times,” are you saying there was actually only one message?

**Dr Matheson:** One email that I was aware of.

**THE CHAIR:** Okay. Mr Strokowsky gave you that email. You are saying it is one email. I am interested to know why he gave it to you, and why you accepted it if you were so concerned.

**Dr Matheson:** Accepted in what sense? Took the pages of paper? Gave me pieces of paper?

**THE CHAIR:** You said he gave you an email which you kept and put in a tray.

**Dr Matheson:** He came and showed me the pieces of paper, as I say in my statement. He said that he had received this email or emails, but in the one message, in the one email, and I responded appropriately, as I saw fit. It was a judgment call and I took the pieces of paper. I glanced at them. I tossed them in my in-tray, and continued to speak with him. Then, as I say in my statement, a few days later I noted that the pages were still there. I took them back to him.

**THE CHAIR:** You thought it was an appropriate judgment to keep that email and you had a further discussion with him. What was said in that discussion that made you think it was appropriate to keep that email, given that you have said that you were very concerned about receiving that email?

**Dr Matheson:** As I said in my opening statement, I do not believe it is appropriate to act on any information contained in a document or some form of correspondence that is inadvertently received. I reject the assertion that I thought it appropriate for me to keep it. Clearly, I did not, because I gave it back to him and asked him to dispose of it securely. As far as I was concerned, he received the email because it was misdirected and it was a one-off occurrence.

**THE CHAIR:** It is quite clear that you think that Mr Strokowsky was acting inappropriately.

**Dr Matheson:** No, that is not true. I did not think that—to receive an email inadvertently is not inappropriate. It happens. These things happen. We all get faxes that we were not meant to receive. We all get calls for the wrong telephone numbers. For him to receive it was not inappropriate. To act on it may have been inappropriate. I am not suggesting he did act on it, but my response to him was in relation to acting on any information that may have been contained in the email. I do not know what the emails contained. As I say

in my statement, I was not even aware, by the time I made the police statement, which minister's email it was.

**THE CHAIR:** You did decide that you thought that you should not keep that email, and you gave it back to him and told him he should dispose of it. Did you suggest to Mr Strokowsky that he should let Bill Wood's office, or the office of the minister involved, know?

**Dr Matheson:** No, I did not.

**THE CHAIR:** Why did you not do that?

**Dr Matheson:** I made the judgment at the time that one email does not a conspiracy make. I made a judgment call that it was just a misdirected piece of information. We did not have, nor was I given, any impression that it was happening regularly by Mr Strokowsky, if in fact it did. I had no reason to believe that Bill Wood's office did not receive it as well.

**THE CHAIR:** The evidence that has been given is that you went to Mary Elliott and said that you were very concerned that Mr Strokowsky was also receiving Mr Stefaniak's messages, and that you asked Mary Elliott—can we have mobiles off please?—to contact InTACT, because you were concerned Mr Strokowsky was receiving Mr Stefaniak's emails. It indicated that you also mentioned to her that you were concerned that he was receiving a minister's email.

**Dr Matheson:** No, that is a misrepresentation of the conversation by Ms Elliott, I believe. I had, I think, possibly three conversations with Ms Elliott about Mr Stefaniak's emails continuing to be directed to Mr Strokowsky, long after he had ceased being employed directly by Mr Stefaniak. In the course of, I think, probably the third conversation on this matter, I said:

He is still receiving Mr Stefaniak's emails and I understand that he even received one from a minister the other day. So, when you are talking to InTACT, make sure that they give the whole business and the whole account and the whole profile a thorough going over, because clearly there are problems with what InTACT is doing.

My concern was with the service that InTACT was providing.

**MR SMYTH:** So you were saying to Ms Elliott that Mr Stefaniak—

**THE CHAIR:** Is this just a clarification, because I have not finished my question?

**MR SMYTH:** Yes. You were saying that Mr Strokowsky may have received a minister's email as well, not that you were aware that he had a string of emails? It was just that one incident?

**Dr Matheson:** That's right, in the sense that one was inadvertently sent to him by InTACT. Clearly, it was an email profile problem.

**THE CHAIR:** You expressed these concerns to Ms Elliott about Mr Stefaniak's emails. You expressed concerns to Mr Strokowsky about his using that material. If I understand it, your concern was not the receiving, but you were concerned that he should not use that material.

**Dr Matheson:** That's right.

**THE CHAIR:** And that you thought that he should dispose of it?

**Dr Matheson:** Mm.

**THE CHAIR:** You did not tell him to let the minister know. Did you let anybody else know that this was happening and let them know of your concerns?

**Dr Matheson:** No.

**THE CHAIR:** Were you aware that anyone else was aware that Mr Strokowsky was receiving emails for Mr Wood?

**Dr Matheson:** No.

**MR SMYTH:** The reason you did not ask Mr Strokowsky to inform the minister was again that you were not aware that there was possibly a chain of emails, or that it was anything more than just a single accident?

**Dr Matheson:** To me, and to the best of my knowledge at that time, it was a one-off accident, a misdirection, and was not worthy of calling in the cavalry.

**MR HARGREAVES:** Could I just ask you to clarify this please, Dr Matheson. You have said a number of times this afternoon or this morning—no, it's afternoon—that there was only the one email. It might have been a couple of pages of the same email; I accept that. If I remember your words, you said there was just the one instance. However, in your statement to the police, you said, "I do not remember his exact words but he told me he had received a couple of emails that were supposed to go to a minister." Is there an inconsistency?

**Dr Matheson:** The couple of emails meaning the couple all contained within the one message.

**MR HARGREAVES:** He told you that he had received a couple of emails, but you only ever receive the one email even if it has subsets, don't you?

**Dr Matheson:** But they were all individually once emails, and now they are just messages contained within the one email.

**MR HARGREAVES:** I see, okay.

**MR SMYTH:** So what you saw was in fact one printed email?

**Dr Matheson:** One printed email that extended over two pages.

**MR SMYTH:** It was the return email from possibly several backwards-and-forwards communications between different people but, as it was presented to you, it was a single email.

**Dr Matheson:** That is exactly correct. As I say in my statement, there was a fair amount of address information contained on those two pages, so clearly it was a backwards-and-forwards, forwarding on and responses.

**MR HARGREAVES:** You gave it back to Mr Strokowsky and said, “Get rid of this. It is inappropriate,” or whatever the wording was that you used at the time. Would you recognise that email again if you saw it?

**Dr Matheson:** No.

**MR HARGREAVES:** You wouldn't?

**Dr Matheson:** I will refer you back to my statement. I was not even totally clear, come March, which minister we were talking about. I did not recognise any of the names. I assumed that it was actually exchanges between public servants, and I didn't feel that it was particularly interesting information anyway.

**MR HARGREAVES:** Even though you said, “My best recollection is that he told me it was either Simon Corbell or Bill Wood.” I suppose 50 per cent is a good enough guess.

**MR SMYTH:** But at that time questions were being asked of Mr Corbell, weren't they?

**MR HARGREAVES:** I accept that, yes. One of the other things that you said, I think, was that you were not aware that anybody else knew about them or what they were about. We have heard people say that there were occasions, in fact, when there was boasting going on that this access was occurring.

**Dr Matheson:** Sorry, I did not hear you.

**MR HARGREAVES:** It was boasting by Mr Strokowsky that he had access and all that sort of thing. Ignore the emotive words and all that sort of stuff for a minute. I am not worried about that.

**Dr Matheson:** It is hard to ignore emotive words, with all due respect.

**MR SMYTH:** Excuse me, Madam Chair, I am not aware that we've heard there were words of that nature said. I think this is fabrication.

**MR HARGREAVES:** We have, we have.

**THE CHAIR:** In the police statement by Ema Sweetapple—I have that written somewhere—this is what she said Mr Strokowsky said: “I have just got an email for Bill Wood. InTACT have stuffed up.’ Mike seemed pretty proud of himself and happy with his discovery.”

**MR SMYTH:** That is not the way that Mr Hargreaves portrayed this—there was boasting going on.

**MR HARGREAVES:** Oh, I see. You can ignore the boasting then. The bit that I am more concerned about is the fact that there were indications that, in whatever environment, other people were aware of what was going on. One of those occasions was at the staff meeting to discuss questions, I suppose. I accept that we have received evidence that there may be no connection with the question, and that what happened may just have been a coincidence, but I'm curious to know exactly who was aware of the questions.

When you had the conference, was it at the Silver Wattle convention centre? I have never been there so I am at a bit of a loss.

**Dr Matheson:** It's lovely. You should go.

**MR HARGREAVES:** Okay. You know the one I am talking about.

**Dr Matheson:** I do.

**MR HARGREAVES:** That was on 9 and 10 February, coincidentally with our own. We have heard evidence that the access to these emails was discussed there quite significantly. Were you part of any discussion about the emails?

**Dr Matheson:** I was present at all of the discussions at Silver Wattle, if they were about the purpose for which we were there, which was just discussing the Liberal Party, its future, and its desire to regain government in 2004. I was present at all of those. I wasn't present, perhaps, at private ~~ete~~-a-tetes between people, but I was there for the entire weekend, and never at any stage was an email of the nature of which you speak brought up.

**MR HARGREAVES:** Who attended that conference, that weekend? It was obviously all the members, but was it all staff?

**Dr Matheson:** All the members, and all of their principal staff.

**MR HARGREAVES:** That is okay for the minute.

**THE CHAIR:** I want to go back to your statement. At one point, you say in your statement:

I remember mentioning to Mike once that he still had access to Mr Stefaniak's email accounts, and I did not think that was appropriate. He said that he had previously had that access, but not now. I was aware at that time that he did still have access to the accounts.

What are you saying there? Are you saying that Mr Strokowsky lied to you? I need to understand what you are saying there.

**Dr Matheson:** Sure. No, I am not stating that. What I'm stating is the incompetence—which is a strong word and I don't mean to imply that—of InTACT: that he had obviously contacted them, that I had spoken to Mary Elliott on three occasions and she had spoken to them on three occasions, and yet it was still continuing.

**THE CHAIR:** What you are saying here is that you mentioned to Mike that he still had access to the accounts, you didn't think it was appropriate, and he said he had previously had that access, but didn't now. What are you saying? Are you saying that he didn't know he had access, because you're saying, "I was aware at that time that he did still have access"? Are you saying you knew he had access, but he didn't know he had access?

**Dr Matheson:** What I'm saying is that I broached the subject with him because I thought it only fair to let him know that I had had these conversations with Mary Elliott, and that I had taken steps to have Mr Stefaniak's emails taken away from his email profile. So I broached the subject with him to say I thought it was inappropriate, and that that is why I had taken those actions. When he said, "I did have access. I don't now", it was an indication from him that he had taken steps to have himself removed from access to Mr Stefaniak's email account as well. However, I knew at the time he still was getting access. Now, whether or not—

**THE CHAIR:** How did you know that? Was it from Ms Elliott?

**Dr Matheson:** No, I have read receipts tracking on my emails, particularly for members, so that, if I send out an email for members—such as pursuant to a party room meeting or the like—I can see when they get the message, and whether or not they know in time, that sort of thing.

**THE CHAIR:** So you knew he was still receiving them, even though he told you he wasn't. What is your role as chief of staff? Do you have a supervisory role or a directing role? Does Mr Strokowsky work to you?

**Dr Matheson:** My role as chief of staff is a coordinating and advisory one, that's right. At the end of the day, I don't have any contractual relationship with any of the staff, so any advice or counselling that I can give staff, or any direction, is based on moral authority as opposed to actually having a big stick.

However, Mike Strokowsky was a member of the Liberal Party staffing pool. The staffing pool at the time worked to all of the members, and they were located within the office suite of Gary Humphries, but they weren't on his personal staff per se. I actually only have direct control, if you like, over the personal staff of Mr Humphries, but I have an advisory role over the pool staff.

**THE CHAIR:** You didn't feel it was your responsibility to let Mr Humphries know about this, or to take more direct action yourself by talking to the minister's office?

**Dr Matheson:** On the basis of one misdirected email, no.



**THE CHAIR:** Right. Your understanding was that that was a misdirected email, it was inadvertently received, and it was not a direct leak.

**Dr Matheson:** That's right. Sorry, a direct leak? Can you clarify?

**THE CHAIR:** You have heard the evidence that Mr Strokowsky has said he thought that some emails—well, at least one, was a leak. You seem to be saying that your view was, in fact, that these emails were inadvertently—which is the language you're using and that Mr Strokowsky used it in his own police statement—going to Mr Strokowsky.

**Dr Matheson:** Well, this one email.

**THE CHAIR:** I just want to clarify that that is your impression—you were under the impression that it was inadvertently sent to Mr Strokowsky.

**Dr Matheson:** That is correct.

**THE CHAIR:** You kept the email in your tray for a couple of days, you said, did you?

**Dr Matheson:** Two at most, probably not even that long, but I can't be exact about the length of time.

**THE CHAIR:** Thank you. Do you have any more questions?

**MR HARGREAVES:** It appears as though there was at least one email about which you had some concern, enough to say, "Look, this isn't on. It should be destroyed," and that it was apparent to you that access had inadvertently been obtained as the result of some action at InTACT. That could be, as you say, a result of incompetence, or deliberate—it could be anything.

There was also the issue of the access to Mr Stefaniak's email system, which seemed to be a carryover from the previous situation, which, on the face of it, is not a problem—

**Dr Matheson:** It was illustrative, if you will, of the many problems of transferral from opposition to government, and vice versa.

**MR HARGREAVES:** Yes, don't I know it. However, in your role as chief of staff and the most senior administrative officer within the system—because I'm aware that the system is pooled and there is a difficulty there—you have said, "I have some concerns about these things. That one has to stop, and that other stuff has to stop." You became aware, after a while, that it hadn't stopped, for some reason.

I am reading into this—and I hope I'm right—that you have said, "Look, it has to stop," but it still kept going on, and eventually it did stop. I assume that that was because of the strength of your position, and because you said, "This is totally inappropriate."

**Dr Matheson:** Oh, I—sorry, continue with your question.

**MR HARGREAVES:** What I want is your view on whether the situation was fine, in the rough and tumble of politics, or whether this was quite a serious ethical issue, and that the situation ought to stop?

**Dr Matheson:** Can I clarify? Are you talking about the access to Mr Stefaniak's emails, or are you talking about the email that was meant for Minister Wood?

**MR HARGREAVES:** Either or both.

**Dr Matheson:** Well, they are both quite different and distinct examples and situations. Both have a completely different genesis and—

**MR HARGREAVES:** How do you feel about either, then?

**Dr Matheson:** Okay. In Mr Stefaniak's situation, clearly it was just a hangover from the period in government. I didn't have a problem with it, except that I felt it was incompetence on the part of the Internet service provider. I felt it vastly inappropriate that we should have to contact them three times to effect a change.

**MR HARGREAVES:** With respect to the other email, and I just remind you that you've said to us about Mr Strokowsky's words to you, "He told me that he had received a couple of emails that were supposed to go to a minister. My best recollection of that is . . . either Simon Corbell or Bill Wood." Are we talking about the possibility of something falling off the back of a truck, when it was stuck in your tray—we do that, stick it in a tray—and then a couple of days later you said, "Oh! This is not on," and off you went and did something about it? When you did that, was that because it was going to be damaging to the party if it got out, or was that because it was a significant ethical question, in your mind?

**Dr Matheson:** It was a significant ethical question as to whether or not any information inadvertently received should be acted upon. As I have said many times in my statement and my preamble today, I do not believe that is appropriate ethical action for anybody, including a political party. We are not immune from that.

However, that is different to a leak or information that is provided to an opposition or a government on the strength of public interest. As far as I was aware—and I was certainly not given any reason to think otherwise—this was an inadvertent, one-off email that was not given to Mike as a leak, but it was an inadvertent misdirection.

**MR HARGREAVES:** Off the back of a truck stuff, yes.

**MR SMYTH:** However, by the same token, if something is received as a leak, in the rough and tumble of politics, is that permissible?

**Dr Matheson:** If it has significant public interest and importance.

**MR HARGREAVES:** Just going down this track a little bit more, I actually applaud your telling them that this thing had to go. Later on, at the staff meeting, when I think there was—and, it would appear, an incorrect—connection between the question asked

without notice and the emails, nonetheless, the access that Mr Strokowsky still had to the emails was brought up.

**Dr Matheson:** No.

**MR HARGREAVES:** It was brought up by him. We can go back and get the transcript. It is in the reports. He said, “I have them on my system.” What was your view then? If you knew, then, that something that you’d asked to be stopped had not been stopped—if it was me I would have been pretty annoyed about it—what was your position on that?

**Dr Matheson:** With the greatest of respect, Mr Hargreaves, the premise of your question is incorrect. As far as I understand, Mr Strokowsky did not raise in any staff meeting, or at any time, the matter that he was in receipt of emails in an ongoing fashion. That is not what occurred. That is not my recollection.

**MR HARGREAVES:** Well, if you want to have a chat, Madam Chair, I will find the references in this report here.

**MR SMYTH:** All right, you find the references.

**MR HARGREAVES:** I am happy to have a break while you do that. It’s just a case of going through the table of contents.

**MR SMYTH:** Well, I have a couple of questions.

We have actually been contacted now by Mr Norman Abjorensen to say that the basis of that question was, in fact, material that his office—sorry, Mrs Dunne’s office—had, and it was gathered from at least three other members. Is that correct?

**Dr Matheson:** Is it correct that he submitted that letter? I have seen a copy of that letter.

**MR SMYTH:** Sorry. Is it correct that the question was in fact formulated in Vicki Dunne’s office?

**Dr Matheson:** I understand that to be the case, and I was aware of that process at the time.

**MR SMYTH:** Are you aware also that questions were placed on notice by Mrs Dunne to the Minister for Planning and minister for education, following up the tardiness of their responses to constituents?

**Dr Matheson:** I am aware of that now and I was aware of that then.

**MR SMYTH:** You clearly believe there was no series of emails?

**Dr Matheson:** As I have stated, that is correct.

**MR SMYTH:** Therefore, because there was no series of emails, regarding the one that had been brought to your attention, you said, “Here, get rid of that.”

**Dr Matheson:** End of the matter.

**MR SMYTH:** End of the matter. There was no reason to raise it with the minister, because there was nothing going on, as far as you were concerned.

**Dr Matheson:** Exactly.

**MR SMYTH:** It is because this was just a one-off that there was no reason to bring it to the attention of Mr Humphries.

**Dr Matheson:** I certainly did not bring it to the attention of Mr Humphries.

**MR SMYTH:** Regarding the issue of whether or not Mike should have had access to Mr Stefaniak's account, when he said to you that he had previously had access, but he had not now, is it reasonable to assume that he might have thought that the problem had been fixed?

**Dr Matheson:** My recollection of that is that it was on the same day that, I think, the third attempt had been made to remove his access. He had made representations probably on that day as well. I am not sure about that. I cannot be absolutely correct because those were his own actions. However, if he had made attempts to remove himself that day, and I had also had a conversation that day, then presumably the two overlapped, and he hadn't, as yet, been removed from that profile.

**MR SMYTH:** Just for the record, you have no recollection of these emails being raised at Silver Wattle?

**Dr Matheson:** No. As I said before, an inappropriately accessed email, or emails plural, or anything to do with this matter, was never discussed at Silver Wattle in any of the conversations at which I was present.

**MR HARGREAVES:** Yes, thanks for that. On Tuesday 26 February, at a staff meeting—do you chair those?

**Dr Matheson:** I do.

**MR HARGREAVES:** You do. Tuesday 26 February. Evidence given to us without qualification, I think, anyway, goes like this:

**MR SMYTH:** Can we know whom this evidence is from, Mr Hargreaves?

**MR HARGREAVES:** Certainly. This particular statement is evidence from Mary Elliott, and the same evidence was given to us by Ms Whittaker. I don't have anything from people saying it didn't happen, unless somebody wants to tell me that it absolutely didn't happen, in which case we have some problems because the evidence has been given to the police. The conversation goes something like this: Mr Strokowsky said, "Well I know Bill Wood is not answering his correspondence, because a constituent has written to him three times about the same issue." In this case, Ms Elliott said, "Well how do you know?" He said, "I just know." She said, "Well how do you know, because

you cannot just say that. How do you know?" He said, "A constituent told me." She then said, "I don't believe that."

What did you make of that conversation?

**Dr Matheson:** The exchange between Mike Strokowsky and Mary Elliott and Sue Whittaker was quite heated. They have a long history of disagreements. Whether or not that is relevant, I don't know. That is a matter for your judgment. My understanding of that exchange was that they were talking about the correspondence on which Vicki Dunne had issued a press release—that is what I say in my police statement—and on which she'd issued questions on notice. That was it. It did not seem to have any other nefarious implications.

**MR HARGREAVES:** You believed at that particular time, at the time of that staff meeting, that Michael Strokowsky did not have any further emails that had been inadvertently sent to him from Mr Wood's office, or by Mr Wood's office?

**Dr Matheson:** With the greatest of respect, Mr Hargreaves, I believe I have already answered that question. I was aware of one email—

**MR HARGREAVES:** Yes, I know you have, but I would like to have it exactly.

**Dr Matheson:** I have said it exactly. I was not aware.

**MR SMYTH:** I think Dr Matheson has responded, Mr Hargreaves.

**MR HARGREAVES:** Yes, I know, but I am explaining it to the witness here, Mr Smyth.

**MR SMYTH:** I imagine she has responded accurately. If you read her statement she says—

**MR HARGREAVES:** Were you at the Silver Wattle conference?

**MR SMYTH:** Yes, I was.

**MR HARGREAVES:** I'll bet you were.

**THE CHAIR:** Okay. Order please. I think that question has been asked.

**MR HARGREAVES:** I'll bet you were.

**THE CHAIR:** Do you have any other questions?

**MR SMYTH:** If that is an imputation, then you will need to be very careful, Mr Hargreaves.

**MR HARGREAVES:** I need to be careful, Mr Smyth. I do not want to get knocked out.

**MR SMYTH:** Have you been receiving emails?

**MR HARGREAVES:** I don't want to get kicked out of the party.

**MR SMYTH:** Did you perhaps receive questions without notice that you shouldn't have had, Mr Hargreaves?

**MR HARGREAVES:** No.

**THE CHAIR:** If you can't be polite, we will close this. Do you have any more questions?

**MR SMYTH:** No. I think Dr Matheson has made herself quite plain in regard to that conversation.

**THE CHAIR:** I am not interested in your summing up. Do you have any more questions?

**MR SMYTH:** No, no questions.

**THE CHAIR:** Mr Hargreaves?

**MR HARGREAVES:** I don't think so.

**THE CHAIR:** Okay. Thank you very much, Dr Matheson.

**MR HARGREAVES:** I'm absolutely sure.

**THE CHAIR:** Thank you.

**MR HARGREAVES:** Of course, if we think of one, we will ask you to come back.

**Dr Matheson:** With pleasure. Can I table that document?

**THE CHAIR:** Yes, thank you. We will publish that statement. We will be moving into a private meeting now. That is the finish of our public hearing today. There will be another public hearing, and we will not be having any more witnesses today. I will close this public hearing now. Thank you.

**The committee adjourned at 12.39 pm.**