

**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, 28 OCTOBER 2002**

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

**By authority of the Legislative Assembly for the Australian Capital Territory**

**This evidence was originally given in camera but later authorised for publication**

**The committee met in camera at 4.06 pm.**

**RICHARD HART** and

**GRAEME DOWELL**

were called.

**THE CHAIR:** I declare open this in camera hearing and welcome Mr Hart and Mr Dowell. Before we start, I need to read to you your legal obligations as witnesses to this committee. 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 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. Thank you for attending this hearing. Obviously, we are interested in having another conversation with you. From what you said to this committee before, you were not able to recover the emails that were sent to Mr Strokowsky and were meant for Bill Wood.

**Mr Hart:** My name is Richard Hart. I am director, service delivery, InTACT. I think I would have said that there would be a whole bunch of variables which would have an impact on how many we could get back, whether they were read and then deleted immediately being one of those. In evidence given subsequent to our hearing, Mr Strokowsky advised that he was on leave until, I think he said, 17 January, some date mid/late January, and that immediately triggered in my mind that, if the diversion was in place, as I had believed it to be, and he had been on leave over that period of time, one could assume that the mails would have gone into the inbox and just backed up during that period of leave.

So, when we were ordered to do so, I got the backup from 16 January and had that recovered, and that indicated that there were a number of emails that had “Wood, Bill” as a to or CC recipient. The first one of those was, I think, on 27 November, so that also now gives us a pretty tight indication of when the diversion actually started. What was interesting to me was that there were a number of emails in deleted items and a number of emails that hadn’t been purged off the system, which prompted me—I am just giving you now the chain of circumstances when I was recovering the emails in accordance with your order, just giving the logic—to have a look at what might be there the day before the police were called in. So I got the backups from 27 February and a similar pattern. In all, over that period we have been able to extract 38 emails where “Wood, Bill” was named as a to or CC recipient. That is not including broadcast emails, whole-of-government messages, InTACT virus alerts and the like.

**THE CHAIR:** How many was it?

**Mr Hart:** Thirty-eight.

**MR HARGREAVES:** Excluding the publication type.

**Mr Hart:** That is right. There would have been at least another 59 whole-of-government broadcast messages, that sort of thing, during that period, because the whole-of-government bulletin number on 27 November was 506 and on 27 February it was 565.

**MR HARGREAVES:** Could you just tell us the dates between which you actually did the recovery, please?

**Mr Hart:** Yes. I got the backup tape from 16 January, which was the day before he had come back to work, and the backup from 27 February 2002.

**MR HARGREAVES:** And all the transactions between those two dates are the ones that you have recovered, to the best of your knowledge?

**Mr Hart:** What's still there, yes. I'm going to have to apply the same caveats that I applied last time: if mail has been purged before those backups were taken, it won't have appeared.

**MR HARGREAVES:** What you are saying is that it is possible that that is not all of them?

**Mr Hart:** Yes.

**MR HARGREAVES:** But that is really the only caveat.

**Mr Hart:** I am saying that. Look, my professional opinion is we have probably got most of them over that period, but I can't say with certainty either way, I'm afraid.

**MR HARGREAVES:** What you are saying there is that, all up, there were 97, of the ones that you have recovered.

**Mr Hart:** Yes. Not up to 11 March; just to 27 February.

**MR HARGREAVES:** Somebody said earlier in the day that there were about 100, which was about right.

**Mr Hart:** Yes, I think in our written advice we said not less than 100.

**MR HARGREAVES:** You are right in the ballpark anyway, so the chances of your not picking up something are going to be fairly remote.

**Mr Hart:** Possibly, yes.

**MR SMYTH:** How many appeared between 16 January and 27 February?

**Mr Hart:** I did do that number. It was either 15 or 23.

**THE CHAIR:** Can we have the emails? Could you just table them? That would be useful, thanks.

**Mr Hart:** I can give you that answer very quickly, but it is either 15 or 23. My apologies, I just can't remember which was the first. I think it was the large number, I think it was 23, but I can confirm that.

**MR SMYTH:** Was the one for 27 February the last backup tape that you had before the police were called in?

**Mr Hart:** That's right.

**MR HARGREAVES:** I'm sorry, I must have lost something here. I thought that the number which applied to "Wood, Bill", excluding the whole-of-government messages, between 16 January and 27 February was 38. Is that correct?

**Mr Hart:** No. There are three key dates.

**MR HARGREAVES:** Can we go through them slowly, because I am really thick.

**Mr Hart:** That is okay. I am obviously not explaining myself particularly well. The one for 16 January was the first backup that we looked at.

**MR HARGREAVES:** What dates did that apply to?

**Mr Hart:** That was anything that we could find that went back, and the first email that we could find that had "Wood, Bill" as a recipient was 27 November.

**MR HARGREAVES:** I'm with you.

**MR SMYTH:** Based on Mike coming back.

**Mr Hart:** When we found a reasonably large number there—because this takes a long time; it took about 2½ days to set this up to do the first of these restores; it is not a quick process—what I did then, based on what we saw there, was I got the backup from 27 February and it filled the gap—

**MR HARGREAVES:** The gap between 16 January and the 27th, right?

**Mr Hart:** Yes.

**MR SMYTH:** Sorry, the backup tapes are monthly backup tapes, weekly—

**Mr Hart:** These were dailies. What happened was, as I think we mentioned at the last hearing, InTACT quarantined as many of the daily backups as it could for the period in question. Ever since this event they have just been sitting in my safe—actually my safe and the safe of one other, because I didn't have a safe on the day this occurred, but they have just been sitting in my safe. They would normally get overwritten every 30 days. They were the daily backups that were taken over that period.

**THE CHAIR:** Leading up to 16 January from when the diversion occurred there were how many?

**Mr Hart:** I think that was 15.

**THE CHAIR:** And then from 16 January to 27 February there were how many?

**MR HARGREAVES:** Twenty-three.

**Mr Hart:** I am going off what was in my head. I may have those numbers reversed, but I'll confirm that and notify the secretary.

**MR SMYTH:** In any event, you can say that between the dates of 27 November 2001 and 27 February 2002 there was a total of 38?

**Mr Hart:** Yes, at least 38. If I were asked to conjecture, I would conjecture that was probably most of them, but it is technically possible that there were more.

**THE CHAIR:** And when did the police become involved?

**MR HARGREAVES:** On 17 January.

**Mr Hart:** No, the police became involved on 27 or 28 February.

**THE CHAIR:** Okay. So we have got 38 emails that were not whole-of-government going from the diversion to when the police were involved, basically.

**Mr Hart:** That's right.

**MR SMYTH:** So, on 26 November, the diversion doesn't exist?

**Mr Hart:** In the previous hearing—I didn't bring that particular file with me this time—I gave evidence on the date when I believe it wasn't before. It was either the 26th or the 27th. The first email that's been diverted was the 27th; so, as far as we can tell from the interrogation of the backups, if the diversion was in place before the 27th, the first email that it caught was the 27th. I am sorry, I am just a little bit fuzzy on—

**MR HARGREAVES:** That actually makes sense because the arrival of the first email doesn't necessarily have to coincide with the time and date that the diversion kicks in.

**Mr Hart:** No, but it does—

**MR HARGREAVES:** It is usually a day or so either way.

**THE CHAIR:** But is it probable that the person who re-established the mail box was also responsible for the diversions, seeing as it happened at the same time?

**Mr Hart:** Yes, it is possible.

**MR HARGREAVES:** Could anybody else have done it?

**Mr Hart:** Sorry?

**MR HARGREAVES:** I am exploring that bit with you.

**THE CHAIR:** Is it probable, rather than possible, I am asking. Do you know who re-established the mail box?

**Mr Hart:** There were a number of hands on that particular job.

**THE CHAIR:** On re-establishing the mail box?

**Mr Hart:** Yes. There were guys in the backup team. There were guys in the Microsoft exchange team. There were help desk officers. There were probably—

**THE CHAIR:** How many people come from outside InTACT, like the Microsoft exchange team?

**Mr Hart:** No, they are all within InTACT. They are the names of teams inside InTACT. Just in the service delivery part of InTACT there are 140-odd people. There are about 40 or so service delivery officers alone. For this job to occur, the backup officers were involved in getting the backup from tape. The exchange team was involved in re-creating the mail account name. The SDOs were involved in logging the job and making the request. Seven or eight pairs of hands.

**THE CHAIR:** Okay, you have to have someone that answers that the phone and logs the job.

**Mr Hart:** Yes.

**THE CHAIR:** But that person isn't technically responsible for creating a box and then a diversion?

**Mr Hart:** No.

**THE CHAIR:** How many people are technically responsible for creating the mail box, who actually do the work? How many people could have done this?

**Mr Hart:** How many people could have done this at the time?

**THE CHAIR:** Yes.

**Mr Hart:** In excess of 80 could have done this at the time.

**MR HARGREAVES:** Can I go down that track, Madam Chair, for a second? There are two issues, I think. There are two issues, aren't there, Mr Hart? One is that you have got the creation of the second mail box, and that could have just been a misinterpretation of an instruction.

**Mr Hart:** It could have been.

**MR HARGREAVES:** But then there is the creation of the diversion. I am finding it a little difficult to accept that a diversion could have happened accidentally, even though you said in your evidence before that it may have been possible. I am having a little trouble working that through. Can you tell me if the diversion occurred at exactly the same time or in the same process as the creation of the second mail box?

**Mr Hart:** No.

**MR HARGREAVES:** Can you tell me when the diversion was actually created?

**Mr Hart:** No.

**THE CHAIR:** But you are saying that it is probable that it happened at the same time.

**Mr Hart:** Given the timing of events, yes, it happened at the same time or in close proximity. Given the additional piece of information about the first email, what I can say now is that it most likely happened during part of the same job, as we would call it.

**THE CHAIR:** So any one of 80 people could have been responsible for the diversion?

**Mr Hart:** Yes.

**MR HARGREAVES:** It is also quite possible, for example, that somebody saw the creation of this and saw an opportunity, so another person in the loop could have seen an opportunity and done it?

**Mr Hart:** Yes, that is possible. Madam Chair, in relation to that, I just refer you to the written answers we provided after the last hearing which indicate that that is certainly not the case any more.

**THE CHAIR:** Yes, I know. We will get on to that later.

**Mr Hart:** There has been a dramatic reduction in the numbers since.

**THE CHAIR:** I would hope you would have, but we can talk about that later.

**Mr Hart:** Sure.

**MR SMYTH:** But 80 people don't have the authority or the management skills to do that, do they?

**Mr Hart:** Yes. At the time, most service delivery staff within InTACT had the administrative rights, a technical term. The system would let them, if they knew what they were doing, do this thing.

**MR SMYTH:** So most of the staff of InTACT at that time had the actual rights to do it?

**Mr Hart:** By most being in excess of half, yes.

**MR SMYTH:** And in excess of half was how many?

**Mr Hart:** Well in excess of 80 at the time.

**MR HARGREAVES:** As an organisation, realising that this is a pretty serious type of thing, have you conducted an investigation to see if you can at least eliminate a number of those 80 from the possibility of involvement?

**Mr Hart:** We haven't. The reason that we haven't is that the logging and monitoring that was available to us at the time would still leave us with too large a pool. We would be able to eliminate the ones who weren't there on the days in question, although it's only in the last few days that the days in question have narrowed down to what they have narrowed down to, because recovering that 27 November email helped us out. The answer to your question is no and the reasons are that we would still have too large a pool. We can't get it down beyond still what is an unacceptably large number.

**MR HARGREAVES:** Yes, but you have now got this information. My understanding is that your evidence before was that it wasn't possible to do this and now we are seeing that it has been possible with a lot of work, and I am grateful for the work that your people have done to do this. Is it in your mind and in your planning, now that you have this information which can narrow things down a bit, to go down that track and find that out?

**Mr Hart:** If I could, firstly, just correct you. I don't think our previous advice was that it couldn't be done. It was that there were a large number of caveats to how successful it would be in terms of actually capturing information.

**MR HARGREAVES:** Nonetheless, at the time you came before the committee, did you not go away with the distinct impression that the committee might be interested if that actually did occur, without us having to actually require it to be done?

**Mr Hart:** Regardless of any impression we may have gained from the committee in response to that, that was something that InTACT was very crucially interested in itself. The fact that we can't be more precise than that is a matter of some considerable dissatisfaction within InTACT.

**THE CHAIR:** But you said in correspondence, or Graeme Dowell did, on the number of emails passed to the unauthorised recipient, "It is not possible to determine exactly how many emails were diverted, as the exchange mail system does not keep track of how many messages are transferred internally within a particular system."

**Mr Hart:** And that advice still stands. If emails are deleted and purged from the system before a backup is done, the record disappears.

**THE CHAIR:** Yes, I do understand that, but I guess I'm just wondering.

**MR SMYTH:** The backup is a snapshot of the system at that particular point in time.

**Mr Hart:** That's correct.



**MR SMYTH:** If a backup was taken at 5 o'clock, anything I deleted at 4.45 wouldn't appear in the backup.

**Mr Hart:** That's right.

**MR SMYTH:** So the backup doesn't keep a list of key strokes for you to re-create a day.

**Mr Hart:** That's correct. It is a snapshot of a—

**MR SMYTH:** A point in time.

**Mr Hart:** Yes. Very much like a snapshot of a room. If I've thrown something into my rubbish bin and I take a photograph of the room and I haven't emptied the rubbish bin, you will see the full rubbish bin.

**THE CHAIR:** When Mr Strokowsky said that he deleted quite a number of the emails, he didn't actually properly delete them; he didn't purge them.

**Mr Hart:** No, he didn't, and that was evident from the restore of 16 January. There were emails in the inbox; there were also deleted items.

**THE CHAIR:** He had only half-deleted them.

**Mr Hart:** Yes.

**THE CHAIR:** Is it possible that the person re-establishing the mail boxes could have misinterpreted any of their directions so that they redirected, with a genuine mistake, to the wrong person? How do you give directions?

**Mr Hart:** I would have to admit the possibility of that, given the circumstances. If we go back to when this was all occurring, it was shortly after the election. There was a change of government. There were a number of system changes, people moving from floor to floor. At the time, there was a lot of change going on and the Assembly, regardless of the fact that there was a lot of change going on, continued to be our most important customer, continued to be getting the closest attention. One circumstance that has been suggested to me, and it was suggested to me from a couple of different directions, is that the name Strokowsky is an unusual name but there are similar names in the Assembly to someone who is not very familiar with Polish names. There is a lady by the name of Natalie Soltyszewski, who is a departmental officer in Urban Services, who is currently the DLO in Minister Wood's office. I don't know—

**MR HARGREAVES:** This is starting to get into the realms of being incredulous. Are you trying to tell me, Mr Hart—

**THE CHAIR:** Let him finish.

**MR HARGREAVES:** I am trying to clarify this. If somebody said to you that it is quite possible that a former chief of staff to the minister for education who has been around in this place with their own mailbox and is well known to most people who have anything

to do with the Assembly at all—that a diversion to that person from a new Labor minister’s office might not have been queried?

**Mr Hart:** The guys on the front line don’t know the personalities here. They don’t know who is a staffer for which party.

**THE CHAIR:** So how do you give directions for a job, or how did you, if you’ve changed it?

**Mr Hart:** There were two ways. There was the official way and the by accepted practice or by common practice way. One way was for the LA support staff to contact the support team in question, give them instructions, sometimes written instructions, sometimes verbal instruction. Another way was for the staffers concerned to just ring up the help desk direct and say, “Can you fix my email for me?” or “Can you do this for me?”

**THE CHAIR:** How would the direction have been given for this?

**Mr Hart:** I think we addressed this in the previous hearing. That is a matter of some uncertainty. I can’t recall whether we addressed it in the hearing or whether it was in the written response. We did provide a copy of the clarify case and that indicates—I don’t know whether you’ve got it there; I don’t have it with me at the moment, so I’m going from memory—that it was in response to a phone call, I think, from Margaret Watt, saying, “Can’t read Bill’s calendar; what’s going on?”, and I think that that was the event that triggered the whole chain of actions.

**THE CHAIR:** So you don’t have a paper trail or anything for what happened next?

**Mr Hart:** Not with me, but we provided the clarify case, which includes a number of actions and the hands through which it passed.

**MR HARGREAVES:** My understanding was that you couldn’t provide it for that particular phone call because, for some reason, it wasn’t. I was a little bit amazed to hear that, only from my own contact. As you know, we have trouble with Outlook, Word, and Excel all the time, with little glitches here and there, and every time that I have rung up the yellow team for assistance, I have always been given a job number, always.

**Mr Hart:** That is exactly how it should happen.

**MR HARGREAVES:** And yet there wasn’t one in respect of this one.

**Mr Hart:** No. We are, and have been independently of this exercise, putting a concerted effort into making sure that every call that is received by the help desk results in a job and that job numbers are notified to the requesting persons. Our statistics indicate that that is increasing quite a lot. There was a case generated for this one. Again, from memory, one officer said, “I had a phone call from Margaret Watt, can you create the case to do this?”, and, because of pressures of work at the time of the officer who took the phone call, someone else in the pod actually raised the case and the paper trail, which is the clarify case. That trail was raised. As the case moved from team to team, it was recorded in the details of the clarify case.

**THE CHAIR:** Going back to the letter that Mr Dowell wrote, I am concerned, I have to say, because I don't know why you didn't say that you could give us more information then, as we've just got today. Can you explain that to me?

**Mr Hart:** We were asked specific questions. We had an expectation that we would be called before the committee to answer further questions. I suppose—

**THE CHAIR:** We didn't ask the right questions? I think you know what we are after here.

**Mr Hart:** Yes, I do know what you are after.

**THE CHAIR:** What we are trying to get to the bottom of.

**MR HARGREAVES:** And we would like you to be really helpful.

**Mr Hart:** There are times when the exercising of initiative can be a good thing and times when it can't.

**THE CHAIR:** What does that mean?

**Mr Dowell:** I will answer the question. My name is Graeme Dowell. I am general manager of InTACT. At the time that we were here last time, we were unsure of whether we could actually retrieve them. It was after receiving the request from the committee that we went to fairly extensive lengths to try to retrieve them. There is an element of doubt as to whether we have received all of the emails in the retrieval, and that is why at the original committee we said that we were unsure about the numbers and things like that as well.

**THE CHAIR:** Are you telling me that you didn't know that you could retrieve these 38 emails?

**Mr Hart:** There was always a bunch of caveats, and what we have got here is, in terms of providing the committee with the evidence, pretty close to the best case.

**THE CHAIR:** Yes, I appreciate that. I am just concerned that it didn't happen—

**MR HARGREAVES:** Why didn't it happen earlier?

**THE CHAIR:** Yes, I don't understand why you didn't just give this to us at the beginning. You are saying that you didn't know you could get them. That is of concern.

**Mr Hart:** We have been careful to act on direction in relation to this.

**THE CHAIR:** From whom?

**Mr Hart:** Initially, from the Clerk and then the AFP and, more recently, the committee. The position that we have got is that we have got emails from a minister in the government which have made their way into the mailbox of a staffer of the opposition. That becomes an issue where there are a large number of factors at play and where for us

to provide information we need to be sure that we are providing information on the request, first of all, of people who have legitimate cause for that information and, secondly, paying regard to the legitimate interests of all concerned. There are legal issues that in actually undertaking the technical recovery we are not experts on. What we are relying on here is those who are, in the case of the AFP investigation and the Assembly investigation. Tell us what you want and we will do our best to find it.

**MR HARGREAVES:** I would have thought, Mr Hart, that the questions that the committee wanted answered were pretty self-evident in the course of the conversation and those were: can you recover the emails? We are saying that there were about 100. Can you recover them? If so, will you do it? The other one was: can this diversion have then happened accidentally; if so, how and by whom? If it was not accidental, how did it occur and by whom? Those, simply, are the questions that we want answered.

**Mr Hart:** Okay.

**MR HARGREAVES:** We seem to have gone around on a merry-go-round to get there and we are halfway there.

**Mr Hart:** Can we take them in turn?

**MR HARGREAVES:** Certainly, if you want.

**Mr Hart:** The first one was: can you tell us how many emails were diverted and what they were? At the time, we weren't in possession of the information that Mr Strokowsky was on leave for four weeks. The fact that he was on leave—

**MR HARGREAVES:** What difference did that make?

**Mr Hart:** That meant that, if he hadn't been accessing the mailbox and hadn't been deleting items, any diverted items were going to be sitting in there waiting to be read. When we looked at the mail from 16 January, which was before he came back from leave or before he was reported to be coming back from leave—it turns out that there was actually activity in that mailbox on 14 January, but that is what we found; that was the trigger. Just as additional information has been made available to the committee during the course of this review, so has additional information been made available to us to better inform a course of action.

**THE CHAIR:** But you found more emails between the 16th and the 27th than you did between the 27th and the 16th.

**MR SMYTH:** It is actually back to front. If you refer to the document from 27 February, working backwards to document No 15 on 18 January, there were 15, the right numbers backwards.

**MR HARGREAVES:** So it is the other way round.

**MR SMYTH:** I am not being critical here at all, but it is actually backwards.

**MR HARGREAVES:** Okay, I am happy with that.

**THE CHAIR:** So there were 23 between 27 November and the 16th and 15 between—

**MR SMYTH:** Yes, you get up to 15.

**MR HARGREAVES:** That actually makes sense because one is two months worth and the other is one.

**MR SMYTH:** Yes, so one every couple of days.

**THE CHAIR:** There is not that much difference between them, anyway.

**Mr Dowell:** The reason that we were unclear about the earlier period was the 30-day cycle on the backup tapes. We can't go back further than 30 days; so, if there has been activity on the mailbox, then that information will be lost.

**THE CHAIR:** Did we know that there was activity on the mailbox?

**MR SMYTH:** Hang on, you can't go back! That doesn't make sense, otherwise you would only have to 17 December, but you actually got to 27 November.

**Mr Hart:** That is because the person was away for that period of time, so the mailbox wasn't accessed, which means that you have the same stuff sitting there.

**MR SMYTH:** It was an accident that Michael was away that you got six weeks information, because normally you would have only been able to go back a month?

**Mr Hart:** Yes.

**MR HARGREAVES:** That sounds like a good answer. I wouldn't bother to try to change it.

**Mr Hart:** I'm not going to.

**MR SMYTH:** Should you?

**Mr Hart:** I can't think of a reason why. I am just not sure that we have all got the same inference in our heads, that's all, and I think that has been something that has been a concern.

**THE CHAIR:** What is the concern?

**MR HARGREAVES:** At the end of the day, you have been able to recover these things?

**THE CHAIR:** Sorry, can I just ask for clarification? What is your concern now?

**Mr Hart:** What we are trying to do here is discuss some pretty detailed technical stuff. Whether we and I have been as effective as possible in giving a completely unambiguous description of that in these to and fro hearings is something that has been a little bit of

concern to me. Whether we have been able to accurately convey or correctly convey some pretty complex technical information in the course of a one hour hearing and then this follow-up hearing, that's all.

**THE CHAIR:** Please feel free to check that we understand. It's fine. This is an in camera hearing and I think we all understand what you have said so far. Is that correct?

**Mr Hart:** What happened was, just to go back to the backup, on 16 January we had a backup tape. Mr Strokowsky, from memory, reported that he wasn't at work until the 17th. I thought, "If he wasn't at work until the 17th, he wasn't looking at anything that came in before the 16th. There may well be mails in the inbox. So there is no chance that he would have been able to delete them." Of course, there is always the chance, given some of the other evidence that has been provided to the committee and the way password sharing occurs in a range of offices around here, that other people had his user name and password, and that may have been what happened on the 14th.

**THE CHAIR:** What happened on the 14th? You said that there was activity.

**Mr Hart:** There was some activity; there was a sent item on the 14th.

**MR HARGREAVES:** Either he had actually come in and accessed it or somebody else had?

**THE CHAIR:** From Mr Strokowsky's mailbox?

**Mr Hart:** Yes.

**THE CHAIR:** Did we know that before?

**MR SMYTH:** No, except that he wasn't logged on as Strokowsky.

**Mr Hart:** It was from the Michael Strokowsky mailbox, yes.

**MR SMYTH:** Okay.

**THE CHAIR:** Have we got that email?

**Mr Hart:** No.

**THE CHAIR:** Do you know what that was?

**Mr Hart:** I can provide it to you.

**THE CHAIR:** It might be useful. We have been given evidence that he wasn't here.

**MR HARGREAVES:** He said that he hadn't accessed his email system at all until the 17th and you've got evidence that he or somebody else had.

**MR SMYTH:** Has somebody got a calendar? What day was the 17th? Was the 17th a Monday?

**MR HARGREAVES:** No.

**MR SMYTH:** We need to ask him. He may have dropped in.

**MR HARGREAVES:** It is not usual for people to come in on leave for something.

**Mr Hart:** I've got a copy of Michael Strokowsky's inbox at 16 January on the laptop here. If you want to look at any particular item, we can do that now.

**THE CHAIR:** Or you could just print that out.

**Mr Hart:** Not here.

**THE CHAIR:** But you could print it out.

**Mr Hart:** Yes. If you want that, we could provide it.

**THE CHAIR:** Just in terms of what you have done since then, I realise that that is not strictly something that we have to worry about a lot in this committee because we have really been charged with determining whether a contempt occurred. Did you want to pursue how the system has changed? There could be another committee process to look at security.

**MR SMYTH:** Perhaps that could be—

**MR HARGREAVES:** There is that, but I have a problem. I have got one question that I am not satisfied with the answers to so far. As I said before, I think you can create another mailbox accidentally or misinterpret. I don't think anybody can misinterpret a request for a diversion. I don't believe that. I'd like to know who actually activated that diversion, who actually kicked it off, and when it happened—who received the request, who made the request, and then who actually did it. I want to know that.

**Mr Hart:** And InTACT can't tell you. Were it to happen tomorrow, InTACT would be able to tell you. Sometime in early March, maybe as late as mid-March but sometime in that first few weeks of March, we implemented processes that will first of all reduce the number of staff that can do that down to best practice numbers. We have also implemented logging and monitoring so that if that particular change was made we would be able to say which account made that change. But at the time, that is a matter of some considerable disappointment.

**MR HARGREAVES:** Mr Hart, we looked at the criteria for what is contempt of the Assembly and it is whether something has been omitted or something has been done deliberately, so we have to decide whether this was an accident or whether it was a deliberate act by, in the terminology, some person or persons unknown, and all that sort of stuff. I would like to be able to satisfy myself that, on the balance of probability, it was not an accident. At the moment, I don't have anything from you really to back up the statement that it might have been an accident or a human error, which I think were the words you used. If, for example, you believe that there is no reasonable way that it could

have been an accident but you still can't identify who it was, I don't have a problem with that.

**Mr Hart:** No, I don't believe that. I believe that there is the possibility that it could be an accident.

**MR SMYTH:** With an incredibly high mathematical probability, given the number of keystrokes that would be needed to do it.

**Mr Hart:** No, not necessarily. It may not be a particularly satisfactory explanation to the committee, but the names Soltyszewski and Strokowsky have been confused by people in the past. In fact, I have had—

**MR HARGREAVES:** Do you think it is possible that Natalie and Mike could be confused?

**Mr Hart:** No.

**MR SMYTH:** Except the way you go in is that you go in by surname, don't you?

**Mr Hart:** You go in by surname.

**MR HARGREAVES:** But one is "S-o" and the other one is "S-t". The likelihood of that—

**MR SMYTH:** Do they sit next to each other in the alphabetical listing?

**Mr Hart:** No, but they are very close. There would be a whole bunch of people between—Spencers and a number of other names, but I don't know exactly how many.

**MR SMYTH:** You cannot tell us what day the diversion was put in place, can you?

**Mr Hart:** I think we can narrow it down to a couple of days now. I think we can say it was either the 26th or the 27th. The accounts were created on one day and we got a—

**MR SMYTH:** Which was what, created on the 25th?

**Mr Hart:** It's in the clarify case which is in front of you; I just don't remember the date off the top of my head. The two mailboxes were created on one day and a "Wood, Bill" email appeared in the inbox on the 27th; therefore, it is reasonable to assume that it occurred between the date the mailbox was created and the 27th, and I think that the clarify case was the 26th, so it happened within a period of a couple of days, which is why I was saying earlier that it looks like it probably occurred during part of one event.

**MR SMYTH:** The backup tapes for those days don't exist, do they? You have come—

**Mr Hart:** No, they don't, and they wouldn't help us in this particular case.



**MR SMYTH:** No, just let me finish. You have come to that conclusion because we know that all Bill's accounts disappeared and they were reconstructed in the week of 20 November.

**Mr Hart:** Yes.

**MR SMYTH:** And we know that the first email that Mike got was on the 27th.

**Mr Hart:** Yes.

**MR SMYTH:** Therefore, the start period has to be in that time.

**Mr Hart:** Yes.

**MR SMYTH:** Okay. Do you have the backup tapes for those particular dates?

**Mr Hart:** I don't believe so. I believe that they had been overwritten by the time this became a matter of interest.

**MR SMYTH:** Because of the monthly cycle.

**Mr Hart:** Yes.

**MR SMYTH:** You have 31 tapes and they are continuously overwritten.

**Mr Hart:** Yes. As soon as we became aware that preservation of the daily backups was an issue, daily backups were preserved. I think that we've got them from early in January.

**MR SMYTH:** If you had the backup tape at that time, because you weren't keeping a list of keystrokes, you cannot re-create the day, you can only re-create the snapshot.

**Mr Hart:** What we could do is we could look at the 20th, 21st, 22nd, 23rd and so forth, and for each of those days we could look at whether the alternate recipient feature was configured. But we know that on those days there weren't two mailboxes. We know that two mailboxes were created on one day and we know that on the 27th a mail was received. There is nothing more we need to satisfy ourselves about to verify that it happened within that period, within the period when the mailboxes were created and when the first diverted mail came in.

**MR SMYTH:** But you can't confirm what actual day it was because you don't have the tape.

**Mr Hart:** That's right.

**MR SMYTH:** If you had the tape, would the tapes of those times allow you to re-create the day?

**Mr Hart:** Yes, we'd be able to because the alternate recipient would be absent before the diversion and when the backup occurred there wouldn't be an alternate recipient in there. It wouldn't allow us to say what time, but it would allow us to say what day.

**MR SMYTH:** That's my point. You can't re-create the day; you can only re-create the point at the end of the day when you do the backup.

**Mr Hart:** Yes, but the evidence here—

**THE CHAIR:** Can we just clarify that because we have got from the police a statement from an InTACT employee.

**Secretary:** Do you mind if I speak?

**THE CHAIR:** No, please do.

**Secretary:** The police statement from Mr Matthew John Anderson reads, "The incident was reported around 5.05 pm on 26 November 2001," that being the loss of Mr Wood's system, and a Mr Bruce Bull stated, "I was forwarded the task by Nathan Butcher on 26 November 2001 and commenced working on it on 27 November 2001. I obtained the backup for 23 November, which was the last backup containing a working copy of the mailbox in question, and arranged for it to be restored. There were some technical problems with the restoration of the backup, but on 2 December 2002 it was completed."

**Mr Hart:** Yes, but there is a missing step there and I think you will find that the missing step is included in the clarify case. To get Minister Wood working before data came, because there were issues with the backup system at that time and it had been escalated to Hewlett Packard in the US and so forth, to get Mr Wood working, the email accounts were created with the intention to create, if you like, an empty container that he could start working in, he could start receiving emails and, as soon as we could, to get the messages back.

We had two possible ways of doing it. If it was for me or someone else, we would probably just restore the backup from tape and I would be without my email at all until then. In the case of someone who needed email as an important part of their business, you effectively create a new user—because the user doesn't exist on the system at that time, so it is the same as creating a new user—empty, and they can continue to work, they can create emails, they can read emails and they can set up new calendar appointments, and as soon as you can you restore from the tape. That is what happened.

So on the 26th, or early on the 27th, I can't remember which but I think it is in the clarify case that has been provided, the two accounts were created—stub accounts I think I called them in my last piece of evidence. Those two accounts were created at that time. There was then this long and involved process of actually getting the data back from tape to pour into those containers, if you like.

**MR HARGREAVES:** That has happened to me, I must confess. I have had a blank email for a couple of days when it has crashed and then a couple of days later things have appeared that were put in there earlier. You might even have told us how to do it. If I want, say, to allow my staff to have access to my stuff, I can do it from my PC. I think

we ruled out that that was the case in this case because the minister's office certainly didn't put Mr Strokowsky on their delegation list.

**Mr Hart:** We have ruled out that that is how this diversion occurred.

**MR HARGREAVES:** You couldn't then accidentally do a remote diversion, unless somebody said, "Look, we want you to divert this stuff." We have had statements from the minister's office and nobody in there has asked for such a diversion. They have all got delegations in place, whatever delegations they want. How could you accidentally do it?

**Mr Hart:** That particular issue didn't come into play on this occasion because we are not suggesting that this resulted from any accidental misconfiguration by people in the minister's office or accidental misconfiguration by any user in the Assembly.

**MR HARGREAVES:** Yes, but what you are saying is that there was an accidental configuration by somebody within the InTACT Group.

**Mr Hart:** Yes, that is what I am saying.

**MR HARGREAVES:** Because it is such a significant thing, I just can't see how.

**Mr Hart:** Yes. It is a matter for judgment. My judgment is that it's a significant possibility that it was an error rather than malicious activity. I am not discounting malicious activity, I am not discounting an error.

**MR HARGREAVES:** On the balance of probability, given that there are significant differences between two Polish names, given that there is a significant gender difference and given that there is a significant political difference, I don't believe that not all of your operators are aware—those in the yellow team, anyway—that they are dealing with something a little bit more sensitive than the norm.

**Mr Hart:** Okay. Given everything that was going on, given the large amount of changes that were being processed at the time, given that everyone in InTACT is spring-loaded to react instantly to stuff that occurs in the Assembly, I can't make a balance of probabilities call on this one.

**MR HARGREAVES:** Okay. That will have to be left to the committee.

**THE CHAIR:** If someone in InTACT thought that they were diverting this mail to Soltyszewski so that she could access Bill Wood's—

**Mr Hart:** I just clarify that I am not suggesting that this is what happened.

**THE CHAIR:** Yes, I know, but my question is: if that was the case, wouldn't both of Bill Wood's emails have been diverted? They should have been diverted.

**Mr Hart:** No, because of the practices. Every office has a practice of its own in relation to this. Some people want and use actively the two mailboxes. Some people have the two mailboxes and there is an alternate recipient diversion on one to the primary account. In

other offices there are two and there is an alternate recipient diversion on one account to a staffer. In other cases they only want the one account. It is a highly customised set of arrangements.

**MR SMYTH:** In the instructions issued for the re-creation of Bill Wood's accounts—

**Mr Hart:** There was only one.

**MR SMYTH:** Was there a request for a diversion to Natalie?

**Mr Hart:** There is no record of that in the case.

**THE CHAIR:** There is no record of anything.

**MR SMYTH:** From Margaret Watt's evidence, there was no request for anything to be diverted. I see what you are saying; maybe this is how it happened.

**Mr Hart:** There is no record of that on the case. There is nothing in the witness statements of the officers who were involved in it at the time.

**MR SMYTH:** Can you with the information you have tell us who did it or how it occurred?

**Mr Hart:** No. I can tell you how it occurred. It occurred through the configuration of the alternate recipient feature.

**MR SMYTH:** Can you tell us who did it from the information you have left on your backup tapes?

**Mr Hart:** No.

**MR HARGREAVES:** You are not protecting an officer of InTACT, are you, Mr Hart?

**Mr Hart:** I am not.

**MR HARGREAVES:** That is all I want to know.

**THE CHAIR:** Is there any way that you can narrow it down. You have really answered that question; you said that you think that 80 people could have. Do you know who was working that day?

**Mr Hart:** There will be somewhat less than 80 because we now know that it occurred on a couple of days and there will be people who were on leave or whatever. Yes, we could narrow it down further. Whether we could get it down to something that the police considered it worth their while investigating, I don't know. Given previous dealings with the police and them wanting to have a fairly solid base of evidence to go on before they will do an investigation, I doubt whether we could. I don't think we could narrow it down to a small enough field for the police to get interested.

**MR SMYTH:** It is not the police; it is actually us. I would be interested in that exercise being done, whether you could do a matrix that had all the staff and all the skills required and tick them off against whether they were present on the day.

**THE CHAIR:** But why? What is the point of that? We are going to investigate it.

**MR SMYTH:** Well, if we can narrow it down.

**THE CHAIR:** But we can't start interviewing 20 people.

**MR SMYTH:** Oh, no.

**MR HARGREAVES:** You can, you know.

**THE CHAIR:** I would have thought that maybe it was the role of InTACT to have that investigation, really.

**Mr Hart:** Yes.

**THE CHAIR:** And you haven't done that.

**Mr Hart:** No.

**THE CHAIR:** Now that you understand more about when it occurred and you think you can narrow it down, I'd say definitely it would be worth getting the number you can get it narrowed down to. The committee would be interested in that. We could then discuss as a committee what we want done with that information, so I am comfortable about you giving that information to the committee.

**MR HARGREAVES:** If it were true—at the minute I'm having a struggle with this—that it was an accidental thing, a human error, someone misread something, I've got no problem with that. But if we have somebody within the body of InTACT who has deliberately put a diversion in place, for whatever reason they like, that in my view is going towards contempt of the Assembly.

**THE CHAIR:** It is contempt.

**MR HARGREAVES:** I take my chair's direction on that: it is contempt of the Assembly and I believe that the government agencies should do everything in their power to identify that person. I would be very concerned, if I was running InTACT, at the thought of the possibility of having anyone in my staff who would do that. I wouldn't just let it roll on because it is too hard and 20 people are too many to check out.

**Mr Dowell:** With all due respect, we haven't just let it roll on. We have put a number of measures in place at InTACT so that you would have to know and we would be able to tell you who did it or whose log on had access to do it. We are happy to try to narrow down the number of people. Clearly, that will be somewhat difficult, given that some of those people have now left InTACT, but we are happy to do so.

**MR HARGREAVES:** Have they left InTACT between the day this sort of thing erupted and now?

**Mr Dowell:** Some of them have, yes.

**MR SMYTH:** But you would be able to tell who was there on the day.

**Mr Dowell:** We should be able to get that fairly accurately, but there is still no evidence that will tell you that somebody actually did it. We can narrow down the number, but you are not going to have anything that said that this person did it.

**THE CHAIR:** Can you tell me how you screen people who work for InTACT?

**Mr Hart:** At the time, all employees were subject to a police records check. Since this time we have instituted security clearances to the non-national security protected and, if necessary, highly protected standards. We have those clearances undertaken on our behalf by the Australian security vetting service, which is an arm of the Commonwealth Attorney-General's Department. At the time, people were subject to police records checks.

**THE CHAIR:** You are now going to a security rating or something; is that right?

**Mr Hart:** Yes, that is right. We are adopting the Commonwealth standard. The Commonwealth has national security stuff, which is for spies, which is restricted, confidential, secret and of no interest. My apologies for the shorthand description of that. National security classifications have no relevance to the ACT environment, where we are not dealing with national security material; we are dealing with material with privacy and other sensitivities. The Commonwealth has a set of classifications to deal with non-national security information, which is protected and highly protected. We are identifying individuals that need clearances to those levels and are conducting them and have conducted a large number of them.

**THE CHAIR:** Are you saying—this is the bit I didn't understand before—that you require a higher level of security check, depending on the jobs that certain people would get?

**Mr Hart:** Yes.

**THE CHAIR:** Right. And that is a non-national security issue.

**Mr Hart:** They are in Commonwealth manuals which are accessible, have to be adopted and that involves the stuff not being on the InTACT network.

**THE CHAIR:** You do that sort of check. Do you also give employees training in terms of their responsibilities and say that they are not, for example, to use their privileged position to actually look at other people's correspondence?

**Mr Hart:** We have an induction process. That induction process could withstand improvement and I understand—

**THE CHAIR:** Because I know of a public meeting where a person spoke about emails he had read while working in InTACT that were Kate Carnell's emails. That happened. Obviously, he didn't even know that that was a stupid thing to say in a public meeting, so it made me wonder what you tell people their responsibilities are.

**Mr Dowell:** As Richard said, there is an induction program which we are currently reviewing, together with other security issues. It is an ongoing improvement process. The issues of correct use of government equipment in terms of IT are also being covered in the wider government. In terms of InTACT, we definitely will inform the staff in the future. I'm not sure what happened in November; I've only been with InTACT since January, but we will definitely be informing staff in the future of their roles and responsibilities and also the conditions of their employment under the Public Sector Management Act as public sector employees and contractors.

**THE CHAIR:** Would it mean dismissal if someone was doing something inappropriate?

**Mr Hart:** The public sector code of ethics, if it offends against that, then there would be a process in terms of the Public Sector Management Act and there would be a disciplinary outcome.

**Mr Dowell:** If they were a contractor, their conditions of employment would be different.

**THE CHAIR:** Sorry?

**Mr Dowell:** If they are a contractor, the conditions of employment would be different and, yes, it would lead to dismissal.

**THE CHAIR:** If they are on a contract and they are not public servants.

**Mr Dowell:** We have a number of contractors at InTACT providing special services in the main in the IT areas.

**Mr Hart:** Where it is not possible, for whatever reason, to engage a permanent officer to undertake a particular skill. A number of IT skills command higher salaries than you can pay to a permanent public servant, so we have those people on contract.

**THE CHAIR:** Does the contract specify certain codes of behaviour?

**Mr Hart:** Yes, it does.

**THE CHAIR:** Maybe we could have a look at a copy of the contract.

**Mr Hart:** The conditions of employment that someone signs when they are becoming a public servant also have a number of those clauses as well.

**THE CHAIR:** Yes, I'm aware of the Public Sector Management Act, but I'm interested in what you're saying about the contracts. It is all very well to have the public sector code of management guidelines and all those different statements, but if people aren't aware of them and if there is no real accountability in terms of enforcing them or ensuring that people are respecting them, then they are a big waste of time.

**Mr Dowell:** My recollection of when you actually sign into the ACT government is that they actually give you all of these bits and you sign them.

**THE CHAIR:** That you have read them?

**Mr Dowell:** That you've received them. But that is slightly dated.

**Mr Hart:** Whoever this X person was, they should have known either that they were in breach of the Public Sector Management Act or they had broken the terms of their contract.

**THE CHAIR:** He didn't, obviously.

**Mr Hart:** Yes. Having said that, it is inexcusable behaviour.

**THE CHAIR:** Pretty shocking. Thank you very much.

**MR SMYTH:** You said that you had 16 January on your laptop.

**Mr Hart:** Yes.

**MR SMYTH:** Can I just arrange a time to see it later? Is that possible?

**Mr Hart:** Yes. I think we would probably want that to be done under the auspices of the committee.

**MR SMYTH:** That is fine. I wouldn't mind viewing the laptop.



**MR HARGREAVES:** What was that?

**MR SMYTH:** They have got a record of 16 January of Mike's inbox.

**THE CHAIR:** Yes, I asked for that to be printed out for us.

**MR SMYTH:** You are going to print it? Okay.

**THE CHAIR:** I asked for a printout.

**Mr Hart:** That is on my list.

**MR SMYTH:** That's fine. Thank you.

**THE CHAIR:** And the sent items. You had that, didn't you?

**Mr Hart:** Yes.

**THE CHAIR:** For the one that happened on the 14th.

**Mr Hart:** Yes, that is in our record as well. That's in there.

**THE CHAIR:** We will be in touch with you. This has been an in-camera hearing, obviously. If we want to publish any parts of this evidence, which the committee can do, we will let you know. I am not quite sure that any information that you have given us today is particularly related to security, but I understood that you wanted an in-camera hearing because it might breach security at InTACT.

**Mr Dowell:** Yes, depending on the questions that were asked. I don't think there were any questions asked today.

**THE CHAIR:** We didn't go into what you are doing now at this hearing, obviously, and I imagine that that is where it could have become a bit dicey. Anyway, if we want to authorise the publication—

**MR SMYTH:** Do we want a document as to how they have changed procedures since the incident and what the security is across-the-board?

**Mr Dowell:** That was provided in response to your equipment questions.

**MR SMYTH:** So it wouldn't be anything more than that?

**Mr Hart:** There is a continuous process of improvement. There may be things we have done since the last response, since we wrote that. I can check and find out about anything else that has been done.

**MR SMYTH:** An update would be nice.

**DAVID MOORE** was called.

**THE CHAIR:** Thank you for coming to talk to the committee. This is obviously an in camera hearing. I will read you your responsibilities as a witness to this committee.

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 you are protected from certain legal action, 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.

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

**Mr Moore:** My name is David Moore. I am a former employee of Helen Cross.

**THE CHAIR:** Thank you. Do you want to make a statement, or will we just go to questions?

**Mr Moore:** No. I do not want to make a statement.

**THE CHAIR:** You were referred to in a number of police statements. We wanted to talk to you because we thought you might be able to clarify a couple of things that we are not quite clear about.

You said, in your police statement, that on Tuesday 12 February, Mike Strokowsky came to your office, gave you a printed copy of an email message and said something like, "This might be of interest—will you keep it in a file?" Do you know what that email was about? Can you recall?

**Mr Moore:** Yes. It was an agenda for a meeting between some government officials. A couple of the agenda items were to do with possible Cityscape involvement with ACT Housing, and items for discussion regarding the government's EBA.

**THE CHAIR:** Was it addressed to Bill Wood? Mr Moore is identifying that. Are you? Yes. Did you notice that it was addressed to Mr Wood?

**Mr Moore:** Yes, that is right.

**THE CHAIR:** You did? How did Mr Strokowsky explain that he got that email?

**Mr Moore:** He explained to me that—I understood it was a one-off email that he had inadvertently received.

**THE CHAIR:** In a statement from Marie Henderson, her recollection was that he had said he was on an email list, that he had got it from the other side, and that they did not know about it. Would you agree with that?

**Mr Moore:** Yes.

**THE CHAIR:** That he was on an email list implies more than one.

**Mr Moore:** What he explained to me was that he had inadvertently received this one email. He used words to the effect of “I have received Bill Wood’s email”—or something like that.

**THE CHAIR:** Why did he give it to you and not to Mrs Cross? Do you know that?

**Mr Moore:** I do not know that Mrs Cross was in, at the time.

**THE CHAIR:** Why did he think you were an appropriate person to give it to?

**Mr Moore:** It was regarding matters to do with Urban Services, which was one of our shadow portfolio responsibilities. He wanted me to keep it on file.

**THE CHAIR:** Because he thought you might find political use for it?

**Mr Moore:** There was the possibility that he might receive another, that was of greater interest.

**THE CHAIR:** He said, “Keep this because there might be another one that is even more interesting.” Are you saying that?

**Mr Moore:** Yes, something like that.

**THE CHAIR:** Did you think it was not appropriate that he was giving you that email—and that he was receiving that email?

**Mr Moore:** No. I did not think it was appropriate. I explained this to the policeman who took my statement, but he chose to write it up this way. Earlier that morning, when I was in Mike’s office to do with another matter, he first raised the matter. He showed me the email and asked me to take it with me. I left it behind in his office. That is why he brought it around later that day.

**THE CHAIR:** Why did you leave it behind?

**Mr Moore:** I did not want it.

**THE CHAIR:** Because you did not think it was—why did you not want it?

**Mr Moore:** One, to be honest, it contained no matters of interest to me. Two, I did not think it was appropriate—

**THE CHAIR:** You did not say anything to him?

**Mr Moore:** I mentioned it to him.

**THE CHAIR:** You what?

**Mr Moore:** I mentioned it to him.

**THE CHAIR:** You mentioned that you did not think it was appropriate?

**Mr Moore:** Yes—in the morning, I did.

**THE CHAIR:** What did he say?

**Mr Moore:** He did not say anything. He said something like he was going to let Bill Wood know.

**THE CHAIR:** Okay. When he came to your office and gave it to you, what did you do with it?

**Mr Moore:** I put it in a pile of documents that I intended to throw away.

**THE CHAIR:** You had it, but you did not throw it away. For how long did you have it?

**Mr Moore:** It was at a time when I was changing desks in the office. As you know, piles of papers get put everywhere. A sitting week was coming up the following week. In order to clear the desk of everything, I threw all the spare papers into the cupboard. When the police came to the Assembly some weeks later, I remembered the email. I went looking for it but could not find it. I stumbled across it a couple of days later.

**THE CHAIR:** For how long had you had it in your office then?

**Mr Moore:** From 12 February through to 7 March.

**THE CHAIR:** That is a few weeks. Did you tell anybody else—any other Liberal MLA or staffer—during that time, that you had the email?

**Mr Moore:** No, Marie knew that he had brought it around. I did not tell anybody else.

**THE CHAIR:** You did not tell Mrs Cross?

**Mr Moore:** No.

**THE CHAIR:** In your police statement you said that, on 6 March, you had a conversation with Mrs Cross, before looking for the document. What was that conversation about?

**Mr Moore:** Only that Mike had brought it around—that Mike had brought an email to the office.

**THE CHAIR:** Was there anyone else at that meeting, when you were talking to Mrs Cross?

**Mr Moore:** No, I do not think so.

**THE CHAIR:** Ms Whittaker says she was at that meeting. Do you not recall that?

**Mr Moore:** I think she was there the day I found it.

**THE CHAIR:** Let me check that.

**MR SMYTH:** Or does Sue refer to the staff meeting?

**MR HARGREAVES:** That is another one. I think she did refer to being in there when you found it.

**THE CHAIR:** This is Ms Whittaker's evidence. She says:

David had thought that he had in fact shredded that email at the time. A few days after that Helen asked me to go into - 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 - and she had pulled out - 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 and 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 that they should pursue that path.

Do you think Sue Whittaker was there, or you cannot recall?

**Mr Moore:** Yes—that sounds about right.

**THE CHAIR:** You think she was there? Do you remember that she was there, now?

**Mr Moore:** That is probably the case.

**THE CHAIR:** Okay. In the police statement you said that, a few days after 12 February, a number of staff were in your office, including Mr Strokowsky, and that he mentioned the email. Who else was in the office?

**Mr Moore:** I cannot remember.

**THE CHAIR:** What did Mr Strokowsky say about the email?

**Mr Moore:** The only recollection I have of that discussion was that Mike referred to the email he had given me—and that he may receive more. I cannot remember who was there, but it was raised with him that this was perhaps not the best thing to be doing.

**MR HARGREAVES:** Was that the staff meeting?

**Mr Moore:** No.

**THE CHAIR:** This was a few days after 12 February—just people in your office?

**Mr Moore:** It was just a group of staff chatting in an office.

**THE CHAIR:** You cannot remember who was there?

**Mr Moore:** I cannot remember who was there.

**THE CHAIR:** Can you remember anybody who was there?

**Mr Moore:** I honestly cannot remember who was there.

**THE CHAIR:** Can you remember anybody saying anything else about the email?

**Mr Moore:** No.

**THE CHAIR:** Were you at the Liberal Party retreat at the Silver Wattle Conference Centre on 9 and 10 February?

**Mr Moore:** Yes. I was there on the 9th.

**THE CHAIR:** You were there on the 9th. Was this issue discussed there?

**Mr Moore:** Not that I am aware of. Mike did not give me the email until the 12th—so I did not know that there were emails at that time.

**THE CHAIR:** Did you hear any discussion at all—

**Mr Moore:** No.

**THE CHAIR:**—about that? There was evidence given that you talked to Sue Whittaker or Mary Elliott about a conversation you had at Silver Wattle, where these emails were mentioned.

**Mr Moore:** I do not recall that.

**THE CHAIR:** They said you had told them that you had heard someone say words like, “You’d better get yourself out of that, mate. That’ll cause you trouble.” Does that ring a bell?

**Mr Moore:** No.

**THE CHAIR:** In Helen Cross’ statement, she said that, on Tuesday, 19 February, you handed her a proposed question on notice about the government’s slowness in responding to constituents.

**Mr Moore:** Yes.

**THE CHAIR:** Do you remember that you said that?

**Mr Moore:** Yes.

**THE CHAIR:** I would like to know: when did you get the question?

**Mr Moore:** We had a question time meeting—I think during the lunch break.

**THE CHAIR:** Who gave it to you?

**Mr Moore:** I cannot remember who was there. There was a group of staff, and a couple of members, who assessed the suitability of questions for question time. Mike came with a pile of questions. It was his job to collate them and bring them to the meeting.

**THE CHAIR:** Mike gave you the questions?

**Mr Moore:** Yes. They were considered, and then allocated to a member.

**THE CHAIR:** So it was Mike's job to bring all the questions in?

**Mr Moore:** That is right. I will just clarify that. Each office submitted a pile of questions that was collated by Mike. He brought the questions to the group. You could not assume that he had written every one, although he would have written some of them.

**MR SMYTH:** We have had an email about that question—that Norman Abjorensen actually wrote it.

**THE CHAIR:** That is what Mr Abjorensen said—yes. Whom did you think wrote it?

**Mr Moore:** I cannot recall the actual conversations, but I was under the impression that, if Mike had not written it, he was very close to how it was written.

**THE CHAIR:** Why did you get that impression?

**Mr Moore:** I cannot recall—it is just the impression I had at the time.

**THE CHAIR:** Right. You thought he was involved in writing that question. Was there anything else said about the question?

**Mr Moore:** No, not that I recall.

**THE CHAIR:** Mrs Cross also said that Gary Humphries came to her office to discuss the question. Were you involved in that discussion?

**Mr Moore:** I was not directly involved, but I could hear it.

**THE CHAIR:** What did they say?

**Mr Moore:** Helen did not like the question, because it appeared trivial to her. Gary was keen for her to ask it—I recall mainly because of her obligations, as a member, to party room decisions, and decisions made on behalf of members.

**THE CHAIR:** There was a discussion between Mr Humphries and Mrs Cross about party process and who gets to say who asks what questions. Was that what that discussion was about?

**Mr Moore:** It was not a very long discussion. It was more to do with, “Here is the question—we want you to ask it. You have agreed to the procedure. The procedure has allocated you this question.”

**MR HARGREAVES:** Did he then invite Mrs Cross to go and talk further to Mr Strokowsky about the genesis of the question?

**Mr Moore:** I do not recall. Mrs Cross and I did go and see Mike a couple of times.

**THE CHAIR:** What was said at those discussions?

**Mr Moore:** The first conversation was a bit one-sided, because Mike was on the phone. She put the question down on his desk and informed him that she was not going to ask it.

**MR HARGREAVES:** Was that before or after Mr Humphries came?

**Mr Moore:** Before. The second time we went to see him—I cannot remember if that was before Mr Humphries had come to the office or not. I think it was after that. Mike explained that some of the members had received complaints that correspondence was being answered slowly—and that therefore it was a good question, and worthy of being asked.

**THE CHAIR:** Mrs Cross stated that, in the first discussion with Mr Humphries, he had said there was proof for that question, and that Mike had information. Did you hear that? Did you hear that part of the conversation?

**Mr Moore:** No, I do not recall hearing that.

**MR SMYTH:** In her testimony, Mrs Cross also said that she thought it was impossible for Gary not to have known about the emails. From what you heard, was there any indication that Mr Humphries knew that Mike had these emails?

**Mr Moore:** I had no impression that Mr Humphries knew. I only ever knew about the one email, which was the one Mike had given me. At that time—until the police arrived—I was unaware that there was more than one email.

**MR HARGREAVES:** Do you know if the issue of the emails—the furore which had erupted—was the subject of a conversation between Mr Humphries and Mr Osborne?

**Mr Moore:** No. I do not know.

**MR SMYTH:** Mr Humphries and whom?

**MR HARGREAVES:** Paul Osborne. Mr Moore has answered the question.



**THE CHAIR:** You went with Mrs Cross to Mr Strokowsky's office. She said she asked him for proof that the government had delayed answering constituents' concerns. Mrs Cross said that he pointed to the computer and said he had things there. Did you see that?

**Mr Moore:** I do not recall that. It may have happened—I do not know. It is a long time ago.

**MR HARGREAVES:** I am getting the feeling that you have the distinct impression that it was an accidental coming across of an email, and that that was the only one he had. Is that a correct representation of what you felt at the time, or did you think that perhaps there was more to this?

**Mr Moore:** Until the police came, I knew of only the one email. I had no impression of there being any others.

**MR HARGREAVES:** And after the police came?

**Mr Moore:** After the police came to the Assembly and it was known up our corridor that there were emails, I just accepted that there were more emails. I only ever heard of the one. The only time Mike ever raised emails with me was on this one occasion. There was a decreasing level of communication amongst the Liberal Party staff over a period of months. So there were less opportunities for conversations to take place where you would hear of things like that.

**THE CHAIR:** On the day the question was asked, Marie Henderson said she asked you why you had let Mrs Cross ask the question, given the incident with the email the week before—and that she thought that Mrs Cross had been set up. She said you indicated that you had forgotten about it. Is that correct?

**Mr Moore:** When the question was asked, I did not link that question to a possible intercepted email.

**MR SMYTH:** You do not agree with Ms Henderson when she says Helen was set up?

**Mr Moore:** Set up for what?

**THE CHAIR:** To ask a question that was not—I do not know. That is what Marie Henderson said.

**Mr Moore:** Meaning if—

**THE CHAIR:** To ask a silly question. I do not know.

**Mr Moore:** If she is meaning that the party was trying to get her to ask a silly question so she would look stupid, I think that is nonsense.

**THE CHAIR:** In your police statement, you said that you attended regular opposition staff meetings; that you attended one on Tuesday, 26 February, chaired by Ms Matheson; that there was discussion about the press release issued by Mrs Dunne and the question

about the government's tardiness in responding to constituents; and that there was an exchange between Mr Strokowsky, Mary Elliott and Sue Whittaker about the basis for these statements. Can you tell me what Mr Strokowsky said?

**Mr Moore:** Earlier that morning, Mrs Dunne had a story in the *Canberra Times* on the issue. Some of the staff felt that the opposition's performance in the Assembly the previous week had not been that flash. As Mike was responsible for the strategy, it was appropriate that he was asked about it.

I am just looking at my papers. The subject was raised about the basis for that question. He made a statement something along the lines of, "I know that Bill Wood is not answering his emails." When he was asked how he knew that, he said that a constituent had told him.

**THE CHAIR:** That is all he said?

**Mr Moore:** It was basically left at that.

**THE CHAIR:** Do you have any questions? No. Thank you.

**Mr Moore:** Thank you very much.

**The committee adjourned at 4.36 pm.**