

**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, 1 NOVEMBER 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 1.31 pm.

GARY HUMPHRIES was called.

THE CHAIR: Welcome, Mr Humphries. I do not think I need to read to you the requirements for witnesses. As a member, you are familiar with that.

MR SMYTH: Don't you have to read it. No? Okay.

THE CHAIR: You are aware of the responsibilities of witnesses to an Assembly committee, Mr Humphries.

THE CHAIR: Would you please state your name and the capacity in which you appear?

Mr Humphries: Gary Humphries, Leader of the Opposition.

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

Mr Humphries: Yes, I would, Madam Chair. Thank you for the opportunity of speaking to the committee. I had sent a message that I was happy to appear on the last day you took evidence, which was the 27th, but I understand that that was not convenient. I am pleased to have the chance to appear today.

I want to go straight to the issue which is obviously of concern to members of this committee. That issue is whether I was aware of emails that were intended for Mr Wood being received by a Liberal Party staff member in the early part of this year and late last year. My answer to that question is a categorical no—I was not.

I became aware of the receipt of some emails on about 2 March this year when Amalia Matheson rang me and told me that there had been a police investigation initiated into the question of the receipt of some emails. Until that point, I had not seen any emails intended for Bill Wood—nor had I been told of the existence of any such emails. I have said that repeatedly in the public arena, and I am pleased to be able to say it today to the committee. Beyond just saying that, I think it would be appropriate to offer some corroboration for that statement. There are a few points I want to make in that respect.

First of all, as leader of the Liberal Party my job is to overview questions asked by Liberal Party members in the course of Assembly sittings. I can categorically say that no question has been asked, during the relevant period, based on any email sent to any minister but not apparently received by that minister. The only questions relating to ministerial performance on correspondence—and they were asked in February—were based on copies of correspondence sent to us by constituents.

The second, and perhaps most important, point is that my comments about not having received or seen those emails have been corroborated by other witnesses who have appeared before this inquiry—at least the ones I have heard. I understand that no witness has given evidence that they informed me of the existence of any emails—and nor have any witnesses who have been hostile to the Liberal Party's interests.

I have heard evidence given by Ms Whittaker, Ms Elliott, Ms Henderson, Dr Matheson, Mr Strokowsky and even Mrs Cross. In those cases, with the possible exclusion of Ms Henderson, each of those witnesses was asked whether they had informed me of the existence of the emails, or shown me the emails, and each of them said no.

I have not heard the evidence given by Mr Moore, but I certainly have not discussed that matter with Mr Moore—I did not discuss it at the relevant time. I am sure he would say the same thing as the other witnesses. All those witnesses, in making those statements to the committee, spoke the truth.

I want to touch on the evidence given by Mrs Cross when she appeared here on 27 September. She gave some evidence which I believe could be construed as indicating that I had some knowledge about the emails. I will quote from the transcript of that day. She said on page 2:

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.

That reference to some information, Mrs Cross goes on to suggest, was a reference to the email, an email, or some emails, and that therefore I knew and had knowledge of those emails at the time I spoke to her on 19 February. As I have indicated already, that is not the case. I had not seen the emails at that stage and was not aware of any emails that had been received that were intended for Mr Wood. Again I say that that is the evidence of other witnesses as well.

The other points I want to make in respect of that are these: it is obvious from this evidence that Mrs Cross had not seen the email—if that was what it was—that she says the question was based upon. She says that she went to Mr Strokowsky's office and he made reference to there being other evidence, but she did not look at that other evidence, or ask to look at the other evidence, according to her testimony before this committee.

If she was concerned about the basis upon which the question was asked, I think an issue arises in this committee as to why she did not ask to see the evidence upon which the question was based. It is only her supposition that it was based on emails intended for Mr Wood.

The third point is that Mrs Cross—again this is consistent with her own testimony—has never raised the issue of her concern about those emails with me. Even in the latter stages of this issue, when the matter was before this committee—when there were serious and continuing discussions about it in the public arena—Mrs Cross never once raised the issue with me.

THE CHAIR: I do not see that whether or not she has raised it with you is relevant. It was raised in the committee, and you are now responding to that. As to why she did not do so before, I do not think that is particularly relevant.

Mr Humphries: Okay. I am making an opening statement. I just want to put on the table what I feel is relevant. I say this because Mrs Cross goes on at page 4 in her evidence, again referring to Mr 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.

There she is saying that she told Mr Moore to tell me of her concerns about the emails. I can tell this committee that he never did raise any concerns with me about the emails, and nor did Mrs Cross. I make that point simply to emphasise that, if there is a suggestion on her part that she had a concern about those emails, or about what she thought were the emails, she never raised it with me as leader of the party.

The final thing is that I know Mrs Cross's police statement was tabled on the day she appeared before the committee, and I have looked at that police statement. Mrs Cross conceded, as she gave evidence on that day, that what she said in the police statement was not the entirety of what she told this committee—that is, she added, in this committee, information which was not in her police statement.

THE CHAIR: Other people have done that too.

Mr Humphries: To quote her words, she added just one portion. That was the portion relating to my conversation with her and my reference to further information—that there was some information that Mike supposedly had which related to, as she now puts it, the emails. I simply point out to the committee that that was not in the statement she made to the police. That is my statement.

MR HARGREAVES: For the sake of clarity, going back a bit, there was the point where somebody—I am not sure who—said something to the effect that Mike had other evidence as well. I believe you are telling us that there was an undue emphasis on the words "as well"—and I take that point. I think it was that you told Helen Cross that there was other proof to back-up the reason for asking the question, but you talk about other evidence Mr Strokowsky may have had. What was the nature of that other evidence?

Mr Humphries: First of all, I am in a difficult position in relating the details of that conversation. It was not until Mrs Cross appeared here on 27 September that she raised a concern about that conversation, which had taken place seven months beforehand. I challenge anybody to remember the details of what they might regard as an innocuous conversation that took place seven months ago. I was left trying to reconstruct what was said in that conversation. I cannot be categorical about what I said, or did not say, to her.

However, I can be categorical about the fact that the reference I made to her about evidence or information was a reference not to any emails intended for Bill Wood—because I was unaware of any such emails—I had not seen any such emails. I believe the reference I was making to other information referred to correspondence sent to us by

constituents—principally through Vicki Dunne—which related to unanswered questions from Labor ministers. It was not a reference to anything else.

THE CHAIR: What were the sources of information? I am confused. I thought there were letters to Mrs Dunne. What was the other information that Mike had then?

Mr Humphries: There wasn't any other information.

THE CHAIR: I thought you said Mike had some as well.

Mr Humphries: No. The information he had, I understand, was copies of letters constituents had sent to Vicki Dunne.

THE CHAIR: It was the same?

Mr Humphries: It was the same information.

THE CHAIR: It was not "as well"?

Mr Humphries: It was not as well.

MR HARGREAVES: I do not know who said in the police statements that when Mrs Cross talked to him about the source of the question—or the proof that the issue existed, sufficient to make a question of—he had other information as well, and pointed to his computer.

My understanding of what you have just said—and what other people have said—is that the cause for the question was "letters in" to Mrs Dunne that she had given him, and others probably, saying that the ministers were not responding to their correspondence. What sort of stuff would Mr Strokowsky keep on his computer then, if all the other stuff was in "letters in"?

Mr Humphries: I do not know. I was not present when that conversation took place. I have heard the evidence put before the committee, but I have no evidence of that myself because I was not present on the occasion. Nor has what was discussed on that occasion between the two of them been discussed with me. I could make a supposition, but that is all it would be—supposition and hearsay.

MR HARGREAVES: The reason I asked the question is this: I think it is quite reasonable for members to be aware of what their staff have about the person in the build-up to, say, a series of questions without notice. Members generally know the sort of supporting documents that are sitting on computers or in "home copy" or whatever. I was wanting to know whether or not you were aware of what your own staff might have had in their possession as part of that lead-up.

Mr Humphries: In general terms, I would certainly be aware of the content of questions. We normally have discussions about what should be in questions. To some extent, you would have the background information to questions. It is the case that people often say, "I know certain things"—or, "I have certain correspondence"—or, "Certain things have

been given to me.” You rely on that information to a certain extent. In fact, as Helen Cross said, you take the word of your colleagues.

I did see at least some of the letters Mrs Dunne had in her possession. Again this is supposition, but I do not know whether the things Mr Strokowsky might have been pointing to—if indeed he did so—on his computer screen might have been emails of those letters—that is, transcripts of letters sent to him. It might have been a draft of the question on the screen, or it could have been something else. I just do not know, because I was not there.

THE CHAIR: Thank you very much.

Mr Humphries: I wanted to make a submission to the committee about the question of what constitutes contempt or breach of privilege. I do not want to do that today, but I would like to do so in writing, if I may.

THE CHAIR: Sure.

MR HARGREAVES: Before you do that, you are aware of what advice we have taken on what constitutes that, and the sorts of criteria we are applying, which follows advice from the Clerk on that issue?

THE CHAIR: Not just from the Clerk. We have received a lot of advice from many different people—many clerks, in fact. You are, of course, very welcome to put in your own views on contempt, Mr Humphries. Thank you.

The committee adjourned at 1.46 pm.