



Gregor Barbara Denise

States:

1. My full name is Barbara Denise Gregor, I use Denise as my Christian name and I reside at an address known by the Fair Work Commission.

Background

2. Making this statement is difficult for me and I am anxious about it. I am a long serving member of the Health Services Union (HSU) and my concerns have always been for the members. I will talk in this statement about being the current Senior Vice President of the HSU Victoria No. 1 Branch and about some decisions I have supported while a member of the BCOM which I didn't necessarily agree with. I will also talk about the reasons for making those decisions which were mainly to do with not wanting to be isolated so that I could effectively represent the branch members.

3. I have felt uncomfortable about the way the BCOM has been run from its commencement in December 2012, including the treatment of Leonie Flynn and I feel it is important for my own self respect to speak up about it now.

4. As I say above I am a long serving member of the Health Services Union and I first became a member of the Branch Committee of Management (BCOM) going back to 1996 and I stayed on the BCOM for the following 9 years. I left the BCOM for personal reasons in about 2005 and it was during that time that I came to know Rob McCubbin who held elected positions in the HSU.

5. It was on a Friday afternoon in 2012 while at work on the Bendigo Campus that I was approached by Diana Asmar, Rob McCubbin and Rob's partner. Diana, Rob and his partner had sought me out and during the meeting we had, they asked me if I would run as a national council delegate for the HSU and I agreed to do so.

6. A couple of weeks later, Diana rang me and asked me to meet her at a hotel in Bendigo so I could meet some other people who were going to be on her ticket. I met Diana and other people at a hotel. The people I met were Rhonda Barclay, Sheri Jacks and a person by the name of Sasha.

7. It was during the meeting at the hotel in Bendigo that Diana suggested that I run in the election for Senior Vice President and I agreed to do so.

8. The elections were conducted in November and December 2012 and Diana was successfully voted in as the Secretary and I was successful in being voted in as the Senior Vice President. Leonie Flynn was successful in being voted in as the Assistant Secretary Treasurer.

BCOM

9. It was on Sunday 23 December 2012 that we had the first meeting of the BCOM in Park Street, Melbourne. Things were a little bit disorganised but I recall saying to Diana and Leonie that I hoped that they would work together for the benefit of the members. I had not known either Diana Asmar or Leonie Flynn prior to the elections but to me they both seemed to be keen to get on with job and they both seemed as though they wanted to work for the members.
10. It was at the first meeting of the BCOM that a finance committee was elected. There had to be four ordinary members elected and they were Patrick O'Brien, Susan Stone, Gordon Driscoll and Andrew Hargraves. Leonie Flynn would also be on the Committee as the Assistant Secretary / Treasurer.
11. The BCOM never received any Minutes from that first meeting but it turned out that at the next meeting that Diana Asmar and Kimberley Kitching didn't want Pat O'Brien to be on the Finance Committee so there was another recommendation made for another person to be on the Committee and that resolution was passed.
12. At the time of the resolution I thought it was a bit unfair but I didn't know Diana Asmar or Leonie Flynn and although I felt uncomfortable about it, I voted for the motion. I also wanted to give people some time to get to understand how to run the committee and at the time I trusted that Diana was trying to do what she thought was right.
13. When I say I was uncomfortable about voting for the motion, I was genuinely uncomfortable but the best way to express my view is that I have never been 100% happy about the meetings and I have been uncomfortable about them since they started.
14. There are a number of reasons for my concerns. Diana arranged for the members of the BCOM who had been elected on her ticket to meet in a local coffee shop before the BCOM meetings to discuss what was going to happen and how we should deal with issues. The reason we met before the official BCOM meeting was so that we could discuss issues and things without the people from the other ticket (Leonie, Pat and Rob Morrey) knowing what was being discussed.
15. I was uncomfortable about doing this but I went along with it because I wanted to be involved in decisions and everything the BCOM was doing that involved the members and I had the feeling that if I didn't go to those meetings and know what was going on, it would make it harder for me to know what was going on and I too would be excluded.
16. I felt that if I had allowed myself to be excluded, then I would not be able to represent the members and I couldn't be effective for them.
17. The result of our meetings at the coffee shop before the BCOM meetings was that very little would actually be discussed at the official BCOM meetings as we had already discussed and decided them at the coffee shop. At the official meetings, everything would get passed very quickly because of the previous discussions having been had.



18. Kimberley Kitching first came to the BCOM as an observer but she always had a lot to say and if someone asked Diana a question, Diana would often start to answer the question and then Kimberley would take over for her. I understand Kimberley has a legal background and speaks in a very legal way.
19. It was during the official BCOM meetings that I stated feeling very sorry for Leonie Flynn who would often be cut off from speaking by Diana and Kimberley. I started to notice Leonie actually shaking a lot and I admired her because it was clear that she was trying to do her job but she was being obstructed by Diana and Kimberley from doing it.
20. Although I had not previously known Leonie, as a result of observing and listening to her at the BCOM meetings I formed a view that she was a good, polite and trustworthy person. Leonie used to plead to the BCOM members to think about what we were doing and she wanted us to ask questions about what was going on although Diana did not like that to occur.
21. I was convinced that Leonie was trying to do her job as the Assistant Secretary / Treasurer but she was being obstructed from doing so, as I say above.
22. I say that even though I wasn't really sure precisely what the actual duties of Diana as the Secretary or Leonie as the Assistant Secretary / Treasurer were so it was in the second or third month I started reading the rules. It was when I started reading the rules that I started to realise that Leonie was supposed to be doing the financial work of the union.
23. Although Leonie was supposed to be doing the financial work, it was Diana who would be talk about re financing the building, financing the car fleet, leasing phones lap tops etc.
24. I am aware that all of that finance work was being done by Diana and Kimberley and the finance manager Kerry Georgiev gave us figures about how much things were. I remember at one point asking a question about how much things cost and Leonie commended me for that.
25. I recall at one point Leonie complaining she didn't have a Combiz accessory at one point and Diana's response was that she had to get legal advice. I recall that after Leonie raised this at one of the meetings, there were a few of us in Diana's office, and Diana called out to some one to tell Leonie her combiz was in the office.
26. As a general observation, it was clear that Leonie was not being permitted to carry out her role in relation to her finance responsibilities as the Assistant Secretary / Treasurer and that Diana Asmar and Kimberley Kitching were having a very strong influence over the decisions of the BCOM. Diana and Kimberley had an excessive and undue influence over the BCOM because many of the BCOM members had known Diana for a long time, she is convincing and the people are loyal to her.



27. Kimberly comes across like she is helping us and she has a legal background. Diana and Kimberley told us to trust them and they painted people on the other ticket were bad so for all of those reasons, they were able to influence the BCOM.

28. Part of the problem was that I don't think the BCOM members read their rules and the BCOM trusted Diana that obstructing Leonie from carrying out her role was ok. I knew that Leonie had been given aged care work to do by Diana and she (Leonie) was trying to keep involved in the financial side of things as well as doing aged care work with Peggy Lee. I was aware that Leonie was under pressure from that type of work load.

29. I recall the August 5 2013 BCOM meeting because Leonie had previously been to auditors office and spent 4 hours going through the books. She had returned to the HSU and wanted to match up receipts so that she could do her financial reports and I am aware that she wasn't allowed in Kerry Georgiev's office to get access to the receipts and other documents she needed.

30. At the BCOM on August 5 2013 Diana asked Leonie to present her financial report. Leonie said she couldn't report because she couldn't cross reference things and because she couldn't get access to the documents she needed, she refused to sign off a report. Also it was at this meeting that one of the very very new BCOM members, shouted at Leonie in angry tones, accusing Leonie of wasting four hours of time at the auditors office.

31. I remember thinking at the time 'good on you Leonie'. I admired her for her gutsy speech.

32. I am aware that at one of the BCOM meetings, Diana had a letter from somebody at Fair Work Commission which contained a recommendation that the Assistant Secretary / Treasurer should not be on the Finance Committee and so a motion was moved to remove Leonie and replace her with Diana as the Secretary. I am aware that that later got rescinded because it had only been a recommendation from the Fair Work Commission.

33. I would say that to me, the Minutes which came out of the BCOM meetings were always confusing. There was a paid minute taker (a number of people have done the job) but when the meeting had finished, the person would go into Kimberley's office and they would do the Minutes with Kimberley.

Employment Issues

34. Prior to a recent BCOM in September 2013, there had never been a time when the BCOM were involved in any discussions about who was being brought on, in what roles and certainly no discussion about what people's salaries, terms or conditions were going to be.

35. What would generally happen is that Diana would bring people in who had been employed and she would introduce them to the BCOM and that was it.

36. While there was no discussion, I do remember reading in one set of Minutes about two or three people being employed and that they were to be paid on Level 2.



37. For most of 2013, I had not seen any positions advertised but a couple of weeks ago I checked out the website and saw advertised positions for industrial officers.

38. I do recall that the President David Eden told me in late April 2013 that the HSU was advertising for organisers and I understand that Brett Hey worked in disability in Bendigo and went for an interview with the HSU and got a job. I recall that I used to look on the web site but I never saw any jobs advertised.

Vehicles

39. I don't remember the details but there was some discussions at BCOM in relation to the replacement of vehicles and I recall a discussion that we needed to look after our country organisers so we agreed that they could get new cars.

40. Cars were supposed to be for organisers but I have heard that some other people do have them.

Financial Management.

41. My concern about the financial management by the BCOM include that we don't seem to see any invoices for accounts although in the early months, because we were a new union I thought I should give them time to get the previous mess cleaned up. In my previous time on the BCOM, there used to be books containing invoices and other financial records which the BCOM used to examine and approve but there was never anything like that at this BCOM. We were never involved in any financial decision making or approval for anything which as I say above, included employment salaries, terms & conditions etc.

42. While a range of people such as Diana, Kimberley, Kerry and even the auditor David Shulman verbally spoke about finances (but not Leonie) and there was one occasion when Mark Donohue put up a screen on the wall with finances, we were not provided with any reports that could in any way satisfy us that we understood what was going on as far as finances were concerned.

43. There was one meeting where a finance report was provided but we were told that it wasn't completed and it shouldn't go out to the members for that reason.

Recent Meeting with Diana Asmar

44. Because I live in Bendigo, I sometimes come down to Melbourne the night before the BCOM meetings. Prior to the September 2 BCOM meeting, Diana contacted me and asked me if I was coming down the night before because she wanted to meet me for dinner to have a face to face discussion.

45. I came down to Melbourne the night before the meeting and met Diana for dinner. During our meeting, Diana told me she was concerned about whether she my 100% support and she told me that Rob McCubbin wasn't well and that I shouldn't talk to him. Diana indicated that Rob had 'lost the plot', wasn't physically well, had been in pain and that he had couldn't leave alcohol alone as well as that he was using medication.



46. I was of course concerned by this and I asked her what I should do if Rob rang me and she told me to tell him that she (Diana) was still his friend.

47. During the discussion we talked about how Rob had threatened to resign and that he actually did resign during a trip he was on with Diana. I think they were in Shepparton and Rob resigned and drove back from Shepparton because of his thoughts about what Diana was doing.

48. It was during our conversation that Diana told me that Leonie had accused her and her husband of following her and mentioned that Leonie had taken a picture of her (Diana's) number plate but Diana had been driving past somewhere on her way to pick up her daughter. Diana said that Leonie was paranoid.

49. I wanted to finish off the statement by mentioning again that it is very difficult for me to make this statement and I have been anxious as well as thinking long and hard about it. I want to make it known that I am making this statement for my own self respect as well as wanting to do what I think is right for the members..

50. When I agreed to run for the Assistant Vice President on Diana Asmar's ticket, I currently am) I could not have imagined that I would be making a statement to the Fair Work Commission in less than 12 months regarding my concerns about the running of the branch.

51. As I have said above, some of the main issues that I am concerned about and which I regret now are that:

- I attended informal coffee shop meetings of the BCOM which is where the discussions took place so that Leonie, Pat O'Brien and Rob Morrey could not participate in them; (as I have said above I did so in order that I would not be excluded from things going on which would have meant I would have been less effective in representing the members);
- I have never been comfortable about the conduct of the BCOM meetings nor the Minutes coming out of the meetings;
- I supported motions and decisions which I was not comfortable about but I did so because I was putting my trust in Diana and I wanted the BCOM to work for the members;
- I have never felt the BCOM operated effectively nor has it been provided with proper financial information or reports;
- I have felt sorry for (and admired) Leonie Flynn for the way she was cut off from putting things up at the BCOM by Diana Asmar and Kimberley Kitching.

It was very rarely that BCOM received the minutes from previous meetings before a current meeting, we would receive them on the day of BCOM meetings and try to read them in a very short time.



I was absent from BCOM for a few months due to a family crisis and have contacted Kimberley Kitching and David Eden to try to have the minutes given to me, but they have not been forthcoming, making all kinds of excuses.

Since first writing this statement, I have received copies of the minutes, but only in a matter of minutes just before a meeting, where an important decision was to be made.

I do understand, that this statement may be provided to the HSU.

Denise Gregor

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