

## WITNESS STATEMENT

**Robert (Bob) Darcy HULL**

1. I am 60 years of age and I live in [REDACTED] in the State of New South Wales.

### **Background**

2. Between December 1999 and November 2013, I was employed by the Health Services Union (HSU), in various capacities, including as a Senior Industrial Officer and also as a Lead Organiser.
3. Between September 2011 and June 2012, I was the Acting Assistant Divisional Secretary NSW for HSUEast. During this period, I attended in person all meetings of the HSUEast Executive, HSUEast Council, some meetings of the HSU National Executive and most if not all meetings of the HSU National Council, except for one meeting of the HSUEast Executive held in March 2012, which I participated in via teleconference as I was overseas on holiday at that time.

### **HSU East**

#### ***The Clean-up of the Victorian Office***

4. I was present during the clean-up of the HSU Victoria Branch office located at Park Street, Melbourne (**Victorian Office**) which occurred in or around September 2010.
5. A number of people from NSW were in Melbourne at the time for a Council meeting.
6. I recall there being about five people present at the Victorian Office to sort the documents, they were, the Acting General Secretary of HSUEast, Mr Peter Mylan (**Mr Mylan**), Mr Barry Gibson (**Mr Gibson**) and Mr Darren Williamson in addition to some other people, whose names I cannot recall.
7. Mr Mylan asked us to assist in the clean-up of the Victorian Office following flood damage and the relocation of files and other documents.
8. There were also people present from the Victorian Office, however I do not recall their names, except for Mr Stuart Miller (**Mr Miller**).

9. The Victorian Office was in a mess as a consequence of the flood. The whole ground floor had been effectively gutted. The carpets were torn up, there were boxes everywhere and many boxes of material had been moved up to the first floor.
10. Before commencing with the task, about five of us gathered in the boardroom and received instructions from Mr Mylan.
11. Mr Mylan's instructions to us included a direction not to throw out any current files or files with historical importance, financial records or personal material.
12. Mr Mylan also gave a direction that any financial records were to be referred to Mr Barry Gibson (**Mr Gibson**), the Financial Controller of HSUeast, who was also present.
13. We were also instructed not to touch anything in Ms Kathy Jackson's (**Ms Jackson**) office.
14. Ms Jackson was not present at the meeting because I believe she was on leave at the time.
15. I did not see anyone in Ms Jackson's office during the clean-up.
16. In the course of the clean-up, we were instructed by Mr Mylan to sort all of the documents in the office and not just those documents affected by water damage.
17. I do not recall seeing any boxes of documents with significant water damage.
18. The boxes of documents I saw had little or no water damage.
19. On the whole, I do not recall seeing much water damage at all in the areas of the office I was working, and I did not come across any documents that were destroyed by water damage or which were illegible.
20. I was given the task of cleaning up one particular office. I am not sure who the office belonged to, but I believe that particular person was on leave at the time.
21. When looking through the boxes and material, I was mindful not to discard anything that met the criteria described above.
22. The documents or material I reviewed was placed in the boardroom into three piles, designated by Mr Mylan, and they were as follows:
  - a) Industrial records;
  - b) Financial records; and

c) Personal material.

23. I did not find any boxes containing financial documentation.
24. I only found the occasional financial document.
25. Any material that fell outside the criteria describe above, was put into a skip bin that was located at the bottom of a disused lift well. The material that was discarded included documents such as copies of awards, copies of industrial matters, notes about industrial issues, transcripts of industrial proceedings or notepads with scribbled notes.
26. I do not believe I discarded any documents with historical relevance or other significance.
27. I believe the discarded material put in the skip bin was then taken away and destroyed.
28. I did not, nor did I witness any indiscriminate "chucking" of files and I was very diligent in my examination of each document.
29. I did not receive any adverse comment from any person during this process.
30. I did not know what Mr Mylan was intending to do with the sorted documents.
31. At a later stage, I understand there was an attempt to have the documents transferred to NSW.

*Transfer of Victorian Office records to NSW*

32. Mr Mylan made the decision to relocate the documents from the Victoria Office to the HSU office in Sydney which is located at 109 Pitt Street, Sydney (**Sydney Office**). I was not directly involved in this process.
33. I had discussions with Mr Mylan and Mr Gerard Hayes (**Mr Hayes**), at the time of the relocation of the documents from the Victoria Office to the Sydney Office, about the events surrounding their attempt to have the documents relocated.
34. The first discussion I had was with Mr Mylan.
35. Mr Mylan informed me that he was going to direct Mr Hayes to attend at the Victorian Office to oversee the collection of the documents and their transfer to the Sydney Office.

36. Mr Mylan informed me that the reason for the relocation of the documentary records from the Victorian Office to the Sydney Office was that the auditors required the documents to be presented so they could do an audit on what was previously the HSU Victoria No. 3 Branch (**No. 3 Branch**) documentation.
37. The second discussion I had with Mr Mylan was at the Sydney Office, on the day when Mr Hayes was to collect the documents from the Victorian Office.
38. In this discussion, Mr Mylan informed me that he had instructed Mr Hayes to oversee the collection of the documents from the Victorian Office as he feared there may have been an attempt to interfere with them by Ms Jackson and Mr Marco Bolano (**Mr Bolano**).
39. Mr Mylan then informed me that Mr Hayes had not done as directed and had not properly overseen the collection of the documents from the Victorian Office. I recall thinking that Mr Mylan was very angry about Mr Hayes' failure to carry out his instructions.
40. Mr Hayes had indicated to Mr Mylan his concerns that Ms Jackson and Mr Bolano were going through the documentation as Mr Hayes waited on Park Street, for admission to the Victorian Office.
41. A couple of days later I had a conversation with Mr Hayes in the Sydney Office about his recollection of what happened at the Victorian Office when he went to collect the documents.
42. Mr Hayes informed me that Ms Jackson and Mr Bolano would not give him access to the Victorian Office to remove the documents.
43. Mr Hayes told me that Ms Jackson and Mr Bolano were abusive toward him when he arrived at the Victorian Office and were swearing at him.
44. When Mr Hayes told Ms Jackson and Mr Bolano that he was under instructions by Mr Mylan to collect the documents, Ms Jackson said words to the effect of *"You can tell him he can come and get the files."*
45. Mr Hayes explained that he was on the street for most of the time he was there, until Ms Jackson and Mr Bolano eventually allowed him into the office. I cannot recall if the files were removed on that day or at a later date.

46. Mr Hayes informed me that he arrived at the Victorian Office at about 9am and was not given access to the documents until late the same afternoon.
47. Mr Hayes said to me that he believed Ms Jackson and Mr Bolano were going through the files in the Victorian Office, but did not indicate to me why they would be doing that.

*Storage of the Victorian Office documents in Sydney*

48. Once the documents were brought back to Sydney, by Mr Hayes, I believe they were stored in a unit on the ninth floor of the Sydney Office (**the Unit**).
49. At the time, I was spending many hours in the Sydney Office, so Mr Mylan suggested that I might use the Unit office because it was vacant. I obtained a key to the Unit office from Mr Gibson's assistant so that I could view the Unit office and determine its suitability for my use. When I went into the Unit I saw the boxes of documents from the Victorian Office.
50. I never went back to the Unit after this viewing and I never saw anyone go in or out of the Unit in my short time on that level.
51. I do, however, know that Mr Gibson, Ms Cheryl McMillan (**Ms McMillan**) and Mr Mylan had access to the Unit.
52. I am not sure if this is an exhaustive list of people with access to the Unit.

*Further discussion about the Victorian Office documents*

53. The Victorian Office documentation was the subject of a number of discussions in meetings at the Sydney Office, especially the financial documents.
54. I recall a conversation with Mr Mylan where he told me that he had written to the Victorian Police about the documents.
55. I do not recall any discussions relating to the existence or otherwise of the No. 3 Branch Committee of Management (**BCOM**) minutes of meeting.

*Meeting held on 13 February 2012*

56. I was present at the meeting of the HSUeast Executive Committee held on 13 February 2012 (**Meeting**).
57. The meeting was convened in the Sydney Office of HSUeast.

58. My recollection is that present in the office were Mr Mylan, Mr Hayes, Ms Kerrie Seymour (**Ms Seymour**), Mr Miller, Mr Bolano and myself. Participating via teleconference were Ms Jackson and Mr Brian Yeates.
59. The Meeting was to be a general executive meeting covering a number of topics. I cannot now recall all of the topics, but the documents of the Victorian Office were certainly one of the topics discussed at the meeting.
60. I have reviewed the transcript of the recording of the meeting and I can confirm that one of the voices in the recording is my voice.
61. Annexed to this statement and marked "A" is a summary of what I believe is the correct order of speakers in that recording.
62. I was not aware that this meeting had been recorded by Ms Jackson.
63. At no time during the meeting, or at any other meeting, or at any other time, was I informed by Ms Jackson, or any other person, that the meeting would be taped.
64. I never saw a tape recording on a desk during the conduct of any meeting I was present for.
65. Ms Jackson never informed me that she was recording a meeting, or that she intended to record any meeting.

***HSU East Annual Convention 2011 (Convention)***

66. On Sunday 13 November 2011, the day before the Convention, a Council Meeting of HSU East was held (**Council Meeting**). This was generally a good time to hold the meeting as everyone was present in Sydney for the Convention.
67. During the course of the Council Meeting a decision was made which Mr Bolano was not happy about. I recall Mr Bolano standing up and making a salute in the form of a "Nazi Salute" toward the lead table, where the HSUeast leadership were seated.
68. A heated discussion began as a number of people including myself were offended by Mr Bolano's action.
69. In the evening on the same day, a dinner was held where Mr Bolano's action was discussed. There was also much discussion about Item 68 which was to be moved at the Convention, including the proposal to disamalgamate HSUeast.

70. The Convention began on Monday 14 November 2011.
71. Mr Steven Pollard (**Mr Pollard**) made an opening speech. During the course of the opening speech, I noticed some clapping and cheering coming from one side of the auditorium. When I looked over I saw Mr Michael Williamson (**Mr Williamson**) and his wife, Ms Julie Williamson, enter the Convention.
72. I recall Mr Pollard pausing his speech and saying words to the effect of "*[B]ugger me. Michael Williamson has just entered the Convention.*"
73. Many people then stood and began clapping and cheering as Mr Williamson still enjoyed support from many delegates, mainly from NSW.
74. His entrance was warmly received however I did not perceive that it was an orchestrated entrance.
75. I do not recall there being a spotlight on Mr Williamson, but I recall the lights coming on so the crowd could see who was entering the room.
76. I do not recall there being any music playing when Mr Williamson entered the room. Mr Williamson's entered the room during Mr Pollard's speech and it would have been highly unusual for any music to have been playing.
77. Later during the Convention, the Executive of HSUeast took their place on the stage, including Ms Jackson and Mr Bolano.
78. The name plates on the table indicated that Mr Hayes was to sit between Mr Bolano and Ms Jackson.
79. I observed that when Ms Jackson went up to take her seat, she picked up Mr Hayes' name plate and threw it across the stage, then placed her name next to Mr Bolano's. Ms Jackson and Mr Bolano sat next to one another for most of the Convention.
80. During the course of the Convention, the tradition of holding a minute's silence for members of the HSU who had passed away was held.
81. When the entire auditorium was silent and paying their respects, I recall Mr Bolano, who was standing on the stage at the time, bending over the table and writing on a piece of paper and then throwing the note along the table to Mr Pollard.

82. This action incensed many of the delegates present at the Convention. I recall a number of delegates approaching Mr Bolano in relation to his behaviour during the minute's silence.
83. In particular, I recall Mr Bob Wilson telling me that he had asked Mr Bolano to apologise over the matter, to which, Mr Bolano refused.
84. There was a great deal of heated debate at the Convention, full of emotion and interjections from delegates.
85. I think Mr Pollard did an excellent job, in the circumstances, of controlling the debate.
86. While Mr Bolano and Ms Jackson were speaking, Mr Pollard consistently asked delegates who were making comments towards them to remain silent and allow them to speak without interruption.
87. There were about 30 speakers for Item 68 and 30 speakers against Item 68.
88. Mr Pollard decided that the normal rules of debate would apply and people were given a time limit to adhere to, but there were a number of extensions granted on occasion.
89. I believe the debate in relation to Item 68 went for about three hours.
90. Mr Williamson was seated in the main body of the audience throughout the Convention, located near the back of the room. This was not unusual as he was there only as an observer as he was on leave due to the allegations made against him.
91. In all my years attending HSU conventions, they have always been fiery, well debated events. They had, however, never escalated to the level of personal verbal attacks and insults which were made at this particular Convention.
92. I recall that while Mr Bolano and Ms Jackson were speaking, they were constantly berating Mr Williamson and challenging him to respond to their accusations.
93. Mr Bolano and Ms Jackson were reprimanded by Mr Pollard on a number of occasions and reminded that Mr Williamson was not officially part of the Convention but merely an observer.



94. I recall, on one occasion, Mr Williamson standing in order to respond to Mr Bolano, and Mr Williamson said words to the effect of, *"I'll be back sunshine, and when I do, you and your mate [Ms Jackson] will be looking for another job."*
95. This is the only reply I recall Mr Williamson making to Mr Bolano and Ms Jackson at the Convention.

***Subsequent meetings following the Convention***

96. There were a number of meetings held following the Convention where the actions of Mr Bolano and Ms Jackson were discussed.
97. In particular, I recall a meeting held on 14 December 2014, where Mr Bolano's "Nazi salute" was discussed and also, his disregard for the minute's silence.
98. A resolution was passed during this meeting that Mr Bolano apologise for these actions.
99. Mr Bolano apologised, however the Council took the view that his apology was not sincere and it was therefore not accepted.
100. Similar action was taken against Ms Jackson regarding some comments she had made accusing certain people of being "Stalinists" and referring to NSW delegates as being akin to "Jonestown" people who simply abide by Mr Williamson's wishes.
101. Ms Jackson was given the opportunity to apologise for these comments, however, she refused to apologise or withdraw them.
102. A copy of the minutes of the HSUEast Council meeting of 14<sup>th</sup> December 2012 are annexed to this statement and marked "B".

***Attitude to Ms Jackson since Mr Williamson's conviction***

103. Since Mr Williamson's conviction I have not witnessed any change in attitude generally within the HSU towards Ms Jackson.
104. It is my understanding that the extreme dislike of Ms Jackson within the HSU is not only because of the making by her of accusations against Mr Williamson and Mr Thomson, but also because of the way she has acted.
105. I recall there being a video of a meeting where Mr Bolano and Ms Jackson were both yelling and screaming. This video made the rounds of the membership and I

recall comments from members to the effect of, *"That's not how we act in NSW, we're not a rabble."*

## **HSU NSW Branch**

### ***My 2012 election campaign***

106. I stood for election in the 2012 HSU NSW election. This was the first contested election in over a decade in the organisation.
107. I was elected to lead an election ticket with a group of organisations who had resolved that Mr Williamson's era was over and that a new direction was needed.
108. Mr Williamson had not yet been convicted, but he indicated to us that he did not intend to stand for re-election.
109. Some of the people on my ticket were Ms Kerry Seymour, Mr Graham Conroy, Ms Christine Gilkinson, Ms Kim Hazelwood, Ms Kim Muller, Ms Zelda Giblett, Mr Mike O'Donnell, Mr Lachlan Gilchrist, Ms Bev Turrello, Mr Randall Millington, Mr Rod Feltham and Mr Ken McIntosh.
110. We had 12 organisers and other elected officers join my ticket from the 16 organisers and other elected Officers who were employed by the HSU NSW prior to the election.
111. People who refused to join my ticket were Mr Hayes, Mr Adam Hall (**Mr Hall**) and Ms Jodie Cowdrey (**Ms Cowdrey**).
112. Mr Hayes eventually ended up running on a separate ticket that included Mr Hall and Ms Cowdery.
113. My election ticket was called the 'Members First Team'.
114. Mr Hayes' ticket was named the 'OurHSU Team'.
115. The third ticket, headed by Ms Katrina Hart (**Ms Hart**) was, to the best of my recollection, the 'Chuck Them Out Team' or words to that effect.

### ***Mr Williamson's Officers' Election Fund (Fund)***

116. Prior to accusations being made against Mr Williamson, a fund known as the 'Officers' Election Fund' (**the Fund**) had been in operation to raise money for Mr Williamson's team to fight election campaigns.

117. This Fund was constituted, voluntarily, by all of the officials who had previously run and been elected on Mr Williamson's election ticket. This included all of the elected organisers, plus the executive of the union, including, Mr Williamson, Mr Hayes, Ms Seymour and Mr Mylan.
118. The Fund raised money by contribution from the beneficiaries of the Fund.
119. To the best of my recollection, the trustees for the fund were Mr Williamson, Mr Hayes and Ms Seymour.
120. Any amounts withdrawn from the Fund had to be "signed off on" by two of these three trustees. However any significant amounts withdrawn were always put to a full meeting of the beneficiaries.
121. I recall one occasion, when a full meeting of the beneficiaries was held to approve expenditure.
122. An amount of approximately \$95,000 was provided to Mr Bolano to fund his election campaign in 2009 or 2010 and this was approved by the full meeting of the beneficiaries which numbered at the time about 18 or 19 people.
123. The only other significant amount I recall being withdrawn from the fund and later returned was an amount of \$200,000 that I believe was given to the ALP.
124. After Mr Williamson had indicated that he did not intend to run in the 2012 election, it was decided that the Fund should be closed and the money disbursed to all of the beneficiaries of that Fund.
125. Each beneficiary had expected to receive approximately \$15,000 to \$20,000 from the Fund when it was closed.
126. Mr Williamson was removed as a trustee, and the Fund was wound up by the Federal Court in 2012.
127. Mr Hayes and Mr Hall commenced injunction proceedings and I believe the purpose of which was to prevent the Fund from being wound up before the 2012 HSU NSW election.
128. The money from the Fund was only returned to the beneficiaries after the 2012 election had already been run.

***Funding for my 2012 election campaign***

129. My election campaign was funded by myself and the other members of my ticket.
130. As 13 of the members on my election ticket, in addition to myself, were part of the Fund, we decided, prior to Mr Hayes' and Mr Hall's injunction proceedings, to use the money from the Fund to finance our election campaign.
131. Due to the injunction proceedings, we did not receive our money from the Fund until after the election.
132. As a result, during the campaign, I personally contributed the majority of the money for the election of my ticket.
133. I was able to provide the funds from money that I had left over from the sale of my house which occurred not long before the election.
134. My team had agreed to reimburse me and other contributors from their share of the money from the Fund once they received it.
135. Most of the people on my ticket have since refunded me their share of the money which I personally spent on the election campaign. However there are still four people who have not yet refunded me.

**SIGNED:**

  
ROBERT DARCY HULL

**DATED** this 12<sup>th</sup> day of August 2014

"A"

# TRANSCRIPT OF JACKSON MFI#3

Tap-recording of part of a meeting of HSU east Executive Committee dated 13 February 2012

Suggested amendments by Bob Hull

Line & Page Number	Person Identified in Transcript	Should be
1 OF 2	MALE VOICE	MARCO BOLANO
21 OF 2	PETER	MARCO
24 OF 2	MALE VOICE	PETER
27 OF 2	PETER	MARCO
30 OF 2	MALE VOICE	PETER
36 OF 2	MALE VOICE	MARCO
38 OF 2	MALE VOICE 2	BOB HULL
46 OF 2	MALE VOICE 2	PETER
3 OF 3	MALE VOICE 2	PETER
10 OF 3	PETER	MARCO
12 OF 3	MALE VOICE 2	PETER
15 OF 3	PETER	MARCO
17 OF 3	MALE VOICE 2	PETER
22 OF 3	PETER	MARCO
27 OF 3	MALE VOICE 2	STUART MILLER
29 OF 3	PETER	MARCO
32 OF 3	MALE VOICE 2	BOB
34 OF 3	PETER	MARCO
36 OF 3	MALE VOICE 2	BOB
6 OF 4	PETER	MARCO
10 OF 4	PETER	MARCO
12 OF 4	MALE VOICE 2	PETER
16 OF 4	MALE VOICE 2	BOB
26 OF 4	MALE VOICE 2	BOB
29 OF 4	PETER	MARCO
35 OF 4	PETER	MARCO
38 OF 4	MALE VOICE 2	BOB
44 OF 4	PETER	MARCO
1 OF 5	MALE VOICE 2	BOB
5 OF 5	MALE VOICE 2	BOB
9 OF 5	PETER	MARCO
13 OF 5	MALE VOICE 2	BOB
15 OF 5	MALE VOICE 2	STUART
18 OF 5	PETER	MARCO
20 OF 5	MALE VOICE	STUART
23 OF 5	PETER	MARCO
25 OF 5	MALE VOICE	STUART
28 OF 5	MALE VOICE 2	PETER
30 OF 5	PETER	MARCO
32 OF 5	MALE VOICE 2	PETER
36 OF 5	PETER	MARCO
39 OF 5	MALE VOICE 2	PETER
41 OF 5	PETER	MARCO

Line & Page Number	Person identified in transcript	Should be
43 OF 5	MALE VOICE 2	STUART
46 OF 5	PETER	MARCO
5 OF 6	MALE VOICE 2	PETER
8 OF 6	PETER	MARCO
12 OF 6	MALE VOICE 2	BOB
17 OF 6	MALE VOICE 2	BOB
19 OF 6	MALE VOICE	MARCO
21 OF 6	MALE VOICE 2	BOB

"B"

**MINUTES OF HSUeast COUNCIL MEETING HELD AT NOVOTEL HOTEL,  
BRIGHTON LE-SANDS, ON WEDNESDAY 14<sup>TH</sup> DECEMBER 2011, 11.00 AM**

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**ATTENDANCE:** P Mylan, G Hayes, K Seymour, I Knight, S O'Connor, P Beaton, L Bush, G Edwards, S Haynes, L Martin, B Rowling, D Vealey, L Burns, R Dunn, J Fitzroy, K Goodlock, B Gray, L Guymer, S Joseph, S McCullough, D Neumann, P O'Neill, L Russell, S Shao, M Sterrey, T Hinge.

D Campton, G Conroy, J Cowdrey, R Feltham, Z Giblett, L Gilchrist, C Wilkinson, A Hall, K Hazelwood, B Hull, M Irvine, K McIntosh, K Muller, M O'Donnell, J Santangelo, T Thorburn, B Turello.

K Jackson, M Bolano, K Wilkinson, S Brasier, B Davidson, J Dunlop, L Flynn, J Grech, P Kerr, P O'Brien, J Paparas, L Scidone, L Augoustakis, S Bowles, G Catherine, R Dixon, L Magnusson, J Villanueva

**OBSERVERS:** Nil

**CHAIRPERSON:** S Pollard (President)

**APOLOGIES:** M Williamson, C Smith, V Riley, T Agius, J Graham, M Nenadovic, L Shepherd, T Wheelhouse, M Hindson, S Sigismondi

Moved J Fitzroy / L Martin that the apologies be accepted.

Motion put and carried.

**PROXIES:** The Acting General Secretary advised and in accordance with the rules that I Knight was carrying the proxy for C Smith and that G Edwards was carrying the following proxies for today's meeting:

M Williamson, V Riley, A Humphries

Moved M Sterrey/B Rowling that G Edwards and I Knight are endorsed to carry the abovementioned Proxies for today's meeting.

Motion put and carried.

M Bolano advised and in accordance with the rules that K Wilkinson carried proxies for M Hindson and S Sigismondi and that he was carrying the following proxies for today's meeting:

T Agius, J Graham, M Nenadovic, L Shepherd, T Wheelhouse.

Moved P Kerr/J Paparas that M Bolano is endorsed to carry the abovementioned Proxies for today's meeting.

Motion put and carried.

Before the meeting commenced Councillor K. Wilkinson asked for a suspension of the agenda to allow an in camera discussion to take place regarding Annual Convention Item 68. She requested that P Mylan, G Hayes, K Seymour, K Jackson and M Bolano absent themselves and that all Councillors and NSW Organisers remain.

**RESOLUTION**

Moved K Wilkinson/P Beaton that 10 minutes be allowed for an in camera discussion to take place regarding Annual Convention Item 68.

Motion put and carried.

**ITEM 1 - CASUAL VACANCY ANTHONY LLEWELLYN**

The Acting General Secretary advised that in light of the recent resignation of Anthony Llewellyn from Union Council it was necessary to fill the vacant position.

The Acting General Secretary referred to Rule 18, Casual Vacancies that states:

"Any casual vacancy occurring in the Office of any member of the Union Council including paid Officers shall be filled by Union Council". It also states "Such member appointed by Union Council will hold office for the unexpired term of the member who has vacated the position, provided that such shall not exceed three years....."

Union Council as such can therefore fill this position.

**RESOLUTION**

Moved S McCullough / S Shao that Union Council in accordance with Rule 18, Casual vacancy approves of Lynette Thompson being appointed to the position of HSUeast Councillor for the remainder of the term.

Motion put and carried

**ITEM 2 - ENDORSEMENT OF ANNUAL CONVENTION ITEM 68**

The acting General Secretary referred to the recently held Annual Convention and in particular referred to Item 68 that read as follows:

**ITEM 68 - CHILDRENS HOSPITAL WESTMEAD GENERAL SUB-BRANCH**

Key Item

Linked to Items 50, 54, 55, 69, 84, 86, 88, 103, 109, 112, 117, 118, 121



The Sub-branch condemns the actions of the Executive President in failing to bring allegations concerning the Union to the attention of Union Council prior to going to the media. As a result of this meeting the Sub-branch has become aware that Kathy Jackson holds the position of Executive President of the Union and is a member of the Audit and Compliance Committee, a member of the Executive Committee and Union Council, but despite all of these forums that she is a member of, that she deliberately bypassed them and proceeded to brief the media.

As a consequence, this Sub-branch resolves the following:

- We endorse a vote of no confidence of Kathy Jackson in her role as Executive President.
- We demand that the Union Council demerge and create an ACT/NSW Branch and that a Victorian Branch be created consisting of former members of the Victoria No. 1 and Victoria No. 3 Branches.

It is recommended that the item be endorsed

This Item was linked to a number of other Items and was the Key Item.

He also advised that due to the urgency surrounding this Item this was the only Item he was seeking Union Council to consider at this meeting, and he would be bringing to a later meeting all of the other Convention Items for Endorsement as is the usual practice. He also indicated that a similar matter would be discussed at the Health Services Union East Branch that would be held at the conclusion of the HSUeast Union Council Meeting today.

### RESOLUTION

Moved P Beaton/S Joseph that HSUeast Union Council endorses 2011 Annual Convention Item No. 68. Further the Acting General Secretary is directed to implement this item as a matter of urgency.

Motion put and carried

43 For

26 Against

### ITEM 3 - BEHAVIOR OF MARCO BOLANO AT 2011 ANNUAL CONVENTION

The Acting General Secretary referred to the behavior of Marco Bolano, Deputy General Secretary at the meeting of HSUeast Council held on 13/11/11 prior to Annual Convention. In particular he referred to him imitating a "Hitler salute" when the President submitted a Resolution for endorsement. Since this incident the President has received a letter from Councillor (General Representative) Lachlan Gilchrist indicating his disgust at Mr. Bolano's

behavior, as his grandfather had been a prisoner in a Jewish Concentration Camp during World War 2. The Acting General Secretary read the letter to Union Council.

The Acting General Secretary then referred to the action of Marco Bolano when Delegates were standing for a 1 minute's silence as a sign of respect to members who had died in the past 12 months he was writing a note and then threw it across the table to the Union President. The Acting General Secretary then reminded Council of the discussion that then followed on the resumption of Convention following morning tea, when Bob Wilson who had just received his Life Membership Award indicated his disgust at the behavior of Marco Bolano and requested he apologise for his behaviour, which he refused to do. The Acting General Secretary advised that at the Convention a number of Delegates also raised with him their disgust in his behavior. The Acting General Secretary advised that since Convention he had received letters from Life Members Bob Wilson and Brad Goulding outlining their disgust at Marco's behavior requesting that this matter be discussed at Union Council and Marco is requested to apologise for his behavior at Convention. Sub Branch Resolutions had also been carried regarding this matter. Mr. Mylan read the resolutions to Council.

The President then invited Marco Bolano to address Council.

The President then invited Councillor's to respond to his comments. The President then asked for Marco Bolano to apologise to the Union Council.

#### RESOLUTION

Moved P Kerr/G Catherine that the apology given by Marco Bolano be accepted.

Motion put and lost.

26 For

43 Against

Council members explained that the apology was not accepted as it was not genuine.

#### ITEM 4 - COMMENTS OF EXECUTIVE PRESIDENT KATHY JACKSON

The Acting General Secretary referred to recent comments made in the print media by Kathy Jackson referring that the Union Council were Stalinist, and accused the supporters of union boss Michael Williamson of employing "Stalinist" tactics to stifle dissent and ensure a vote today to split the Union. and that the members of the Union is "doing a Jonestown", a day after members voted in favour of a no-confidence motion against her, that the members who failed to support her were just like Jonestown supporters and would simply follow any instruction given to them.

The Acting General Secretary read the articles to Union Council. The acting General Secretary then referred to Rule 2 Objects of the Union in particular (xix) and (xxiii) he read the rules to Union Council. The General Secretary advised he had also received Sub Branch resolutions regarding this matter.

The President then invited Kathy Jackson to address Council on her comments.

Kathy Jackson refused to withdraw the comments or apologise for them until she had been given the opportunity to examine the numerous complaints received from Sub Branches.

This matter has been deferred to the next general Union Council Meeting scheduled for 2012.

#### ITEM 5 - HSUEAST MEMBERSHIP SYSTEM

The Acting General Secretary advised Council that he had been involved in facilitation meetings with Kerrie Seymour, Gerard Hayes, Kathy Jackson, Marco Bolano, Carol Glen, Phil Pasfield, David Langmead and himself regarding the Melbourne Office having greater access than they currently have to the membership system.

Mr Mylan explained the process that applies to HSUEast offices in NSW and the ACT, and that this should also apply to the Melbourne Office. However, he was warning to the idea that the Melbourne Office should have greater access, but has since established that there had been unauthorised access to the Union's Information Systems and that in light of this he was not prepared to grant the Melbourne Office any greater access than that currently applying to Offices in NSW and the ACT.

He advised that the unauthorised activity was conducted via devices identified as "user-pc", and "michael-lawlers". The logon credentials used by these devices has been identified as Leonie Flynn (Organiser) and Kathy Jackson (Executive President) respectively. Mr. Lawler is currently the Vice President of the Federal Industrial Commission and Kathy Jackson's fiancé.

Mr Mylan also reported that he had received an IT services job sheet, job ID 11190 dated 4/11/11 from the Unions IT consultant responsible for the Melbourne office which indicates that the General Secretary's office, (Michael Williamson) had been accessed without his or the General Secretary's approval. The IT services job sheet details actions by which Kathy Jackson had authorised Kelly Krestas from the HSU National Office to request the IT consultant to remove from Mr. Williamson's laptop any stored information and to remove it from the HSUEast Network. A request to remove any passwords and clear all HSUEast applications was also asked to be performed.

The President asked Kathy Jackson to respond in relation to these matters.

#### RESOLUTION

Moved B Rowling/S O'Connor that in light of these serious breaches the Melbourne Office is not to have any greater access to the Membership System than that currently applying to officers in NSW and ACT. Further, the Acting General Secretary is to write to the President of the Federal Industrial Commission Justice Guidice advising that a device known as Michael-lawlers has been utilised to access the Unions Information System without the approval of the Union. Leonie Flynn is to be reprimanded for her unauthorised entry, and if this is to occur again that her services are to be immediately terminated. The Acting General Secretary is also directed in light of Kathy Jackson's direction to remove from Mr Williamson's laptop any HSUEast

information, remove it from the HSUeast Network, remove any passwords and clear all data and HSUeast applications without approval that this matter is brought to the attention of Strike force Carnavon.

Motion was amended by removing the following:

Leonie Flynn is to be reprimanded for her unauthorised entry, and if this is to occur again that her services are to be immediately terminated.

Amended with:

"That the Acting General Secretary be directed to investigate allegations that Leonie Flynn made an unauthorised entry and if found guilty, be informed that if this is to occur again her services are to be immediately terminated."

#### RESOLUTION

Moved B Hull/D Neumann that the resolution as amended be endorsed.

Motion as amended put and carried

#### RESOLUTION NOW READS:

Moved B Rowling/S O'Connor that in light of these serious breaches the Melbourne Office is not to have any greater access to the Membership System than that currently applying to Officers in NSW and ACT. Further, the Acting General Secretary is to write to the President of the Federal Industrial Commission Justice Guidice advising that a device known as Michael-lawlers has been utilised to access the Unions Information System without the approval of the Union. That the Acting General Secretary be directed to investigate allegations that Leonie Flynn made an unauthorised entry and if found guilty, be informed that if this is to occur again her services are to be immediately terminated. The Acting General Secretary is also directed in light of Kathy Jackson's direction to remove from Mr Williamson's laptop any HSUeast information, remove it from the HSUeast Network, remove any passwords and clear all data and HSUeast applications without approval that this matter is brought to the attention of Strike Force Carnavon.

Motion put and carried

#### ITEM 6 - CASUAL VACANCY AND RESIGNATION OF CAROL GLEN

The Acting General Secretary advised that he had received the resignation of HSUeast Divisional Secretary Carol Glen, and as a result it was necessary to fill the vacant position. Mr. Mylan read Carol's letter of resignation to Union Council

Mr Mylan referred to Rule 18, Casual Vacancies that states,

"Any casual vacancy occurring in the office of any member of the Union Council including paid

Officers shall be filled by Union Council". It also states "Such member appointed by Union Council will hold office for the unexpired term of the member who has vacated the position, provided that such shall not exceed three years...."

After discussions Kathy Jackson advised that Victoria nominated Fleur Berens as a replacement for Carol Glen.

**RESOLUTION 1**

Moved L Flynn/J Grech that Carol Glen's resignation be received with regret and Union Council wishes her well for the future. Union Council in accordance with Rule 18, Casual Vacancy approves of Fleur Behrens being appointed to the position of HSUeast Divisional Secretary for the remainder of the term.

Motion put and lost

37 For  
26 Against  
6 Abstained

Motion put and lost.

**RESOLUTION**

Moved L Flynn/J Grech that Carol Glen's resignation be received with regret and Union Council wishes her well for the future. Union Council in accordance with Rule 18, Casual Vacancy approves of Stuart Miller being appointed to the position of HSUeast Divisional Secretary for the remainder of the term.

Motion put and carried

37 For  
26 Against  
6 Abstained

**ITEM 7 - ANNUAL CONFERENCE 2012**

The Acting General Secretary advised that in light of Annual Convention being held in November 2011 and the next being due in June 2012, he was more of the view that Annual Convention 2012 be cancelled and the next Annual Convention be held in 2013. If this was approved it would then have Annual Convention back in sync with the Rules governing Sub Branch Elections and Annual Convention. He referred to Rule 24 Sub Branches (iv) (a), which states inter alia, "...sub branch committee members shall hold their positions until the next succeeding Annual General Meeting or until their successors have been appointed,"

In light of this he was suggesting if approved by Union Council that all the current Sub Branch

Committee members hold their positions till the next Annual General Meetings in 2013. Annual General Meetings will have to be held in February, March and April 2013, Rule (v) refers.

Mr Mylan then advised that if approved by Union Council a Newsletter would have to be issued advising Sub Branches of its decision.

#### RESOLUTION

Moved L Russell/L Bush that Union Council approves of canceling 2012 HSUeast Annual Convention. Council also approves of all current Sub Branch Committee members continuing to hold their positions until the next Annual General Meeting, which are to be held in February, March and April 2013. Council also endorses that the next Annual Convention shall be held within the month of June 2013, at such time and place as the Union Council may determine.

The Acting General Secretary is to advise all Sub Branches as a matter of urgency of Council's decision.

Motion put and carried.

#### ITEM 8 - HONORARIUM HSUEAST OMBUDSMAN

The Acting General Secretary reminded Council of a recently carried resolution by Council to appoint the former Deputy President of the NSW Industrial Commission, John Grayson as the HSUeast Ombudsman. However, what Council did not resolve was the Honorarium that should be attached to this position.

He said he had given this matter some thought and in his opinion the Honorarium that should be paid should be the current Honorarium being paid to the Senior Vice President position on Union Council. This would then provide a nexus for this position into the future. Currently the Honorarium is \$8,780 pa.

#### RESOLUTION

Moved J Fitzroy/G Edwards that Council approves of an Honorarium of \$8,780 pa being paid to the HSUeast Ombudsman on a quarterly basis effective from 1/9/11. Council also approves of a nexus being established between the positions of Vice President and HSUeast Ombudsman in relation to any further increases.

Motion put and carried.

#### ITEM 9 - FEASIBILITY STUDY INTO MELBOURNE OFFICE

The Acting General secretary referred to Report 1 of 9/8/11 meeting where Council resolved that feasibility on the Park Street office be prepared and provided to a future Union Council meeting.

Councillor Reuben Dixon had requested an update on this matter.

The Acting General Secretary advised that no action was taken to date in relation to this matter and as such no Union expenditure had been incurred.

**RESOLUTION**

Moved R Dixon/J Dunlop that the Item be received and noted.

Motion put and carried.

**REPORT A – CORRESPONDENCE KATHY JACKSON**

The Acting General Secretary advised of correspondence received from Executive President requesting to access the financial records of the Union.

He advised that she would be permitted to inspect the Union's records upon the provision to the Union of reasonable written notice identifying the class or classes of accounting records that she wished to inspect. With respect to any other books, records or other documents of the Union which she may wish to inspect, she will need to set out in writing the books, records or documents that she wished to inspect and her request will be considered.

The request for access to the membership database will be that subject of a report which the Acting General Secretary will be giving to the Union Council for 14<sup>th</sup> December meeting and she was to be advised of the outcome of the Council's consideration.

Her suggestion that there is some inconsistency between the Convention resolution and the National Council resolution concerning the demerger of the Union and the creation of a new Branch in Victoria is simply wrong. There was no inconsistency.

The matters that the Executive President raised at paragraphs (a) – (j) will be the subject of discussion with all relevant Officers of the Union, including yourself, after the proposal has been considered by Council.

**RESOLUTION**

Moved M Sterrey/L Martin the

Motion put and carried.

**REPORT B – REPRESENTATIVE BODY**

RESOLUTION

Moved J Fitzroy/K Goodlock that this item is for information purposes only.

Motion put and carried.

REPORT C – DONATION TO DANCEABILITY AUSTRALIA

RESOLUTION

Moved I Knight/P Beaton that the Union Council endorse a donation of \$5,000.00 to Danceability Australia.

Motion put and carried.

GENERAL BUSINESS

There being no general business the meeting closed at 2.55pm.

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Chairperson



From: Peter\_Punch@codea.com.au

To: [REDACTED]

Subject: RE: Prohibited Electioneering - Misuse of Confidential Membership Information

Date: Thu, 13 Sep 2012 00:17:58 +0000

Dear Mr Hull

Thanks for your email which I will immediately pass on for investigation.

**Peter Punch | Partner | Workplace Solutions**

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111 Elizabeth Street Sydney NSW 2000  
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**From:** Margo Hull [mailto:[REDACTED]]

**Sent:** Thursday, 13 September 2012 9:40 AM

**To:** Peter Punch

**Cc:** administrator@hsu.asn.au

**Subject:** Prohibited Electioneering - Misuse of Confidential Membership Information

Dear Mr Punch

Thank you for your letter dated 11 September 2012 regarding the misuse of the membership database in the HSU NSW Branch and the requirement to refrain from using, return or destroy any information obtained by me, or other persons acting on my behalf, for electioneering purposes.

I can assure you I do not possess any such information, I am not aware of any other person possessing any such information on my behalf and I do not intend to obtain or use any such information so obtained for any purpose that would be in conflict with the orders of the Federal Court.

I must say that I, and all of the team that I represent, have made a very conscious decision at the outset not to use the HSU NSW membership database information for electioneering purposes and to comply with the directions of the Federal Court in every way but it is extremely disappointing to know that it is obvious that other persons have engaged in that activity and there has been very little action taken by the Administrator to identify those persons and carry out the threat to take disciplinary action against them.

A simple and cost effective investigation could have, and could still be, conducted by the Administrator that would have revealed who those persons were, when they accessed the database, what records they accessed and how they used that information. My

understanding is that the database records what information (member details) were accessed and the date or time of that access. It would then be an easy task to identify the person or origin of that access by examining the IP address that the access came from. This information could then be correlated with the complaints received by the Administrator from members who have been contacted by candidates or persons on their behalf using the information held in the database. That would constitute, in my view, evidence to determine that those persons have breached the Federal Court orders and the Administrators directions and should be subject to disciplinary action.

Bob Hull

Candidate in the upcoming HSU NSW Election

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"D"

## New HSU boss vowing to stay clear of Labor mates

Friday 17, 2014

Page 20



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Gerard Hayes Photo: Lee Dwyer

The man poised to take over the Health Services Union in New South Wales has vowed to keep it apart from the Labor Party and bring within its means in the wake of the union's leadership disgrace.

Gerard Hayes, who worked under and was once close to the union's former general secretary Michael Williamson, is likely to be confirmed as Mr Williamson's replacement this week.

Mr Williamson is facing criminal charges over his time at the head of the union, which was placed into administration in June.

As the former divisional secretary, Mr Hayes was among those to benefit from big pay rises under Mr Williamson — with Mr Hayes' pay rising from \$160,000 to \$180,000.



But he has distanced himself from the union's recent controversies, saying: "I never had the ability to sign a cheque, or determine peoples' pay rates."

After the union representing 30,000 NSW health workers was placed into administration, fresh elections were called.

And with almost half the votes counted by the Australian Electoral Commission, Mr Hayes has garnered 43 per cent so far.

While Mr Hayes is opposed to the union's re-affiliation with the ALP, he has vowed to have its suspension from the ACTU lifted.

His nearest challenger in the count, Katrina Hart, who has close ties to former Victorian union official Kathy Jackson, is lagging far behind him with 32 per cent of the vote.

The final result will be declared by the AEC on Friday, but Mr Hayes is all but certain to win the position as the new general secretary in New South Wales.

The former paramedic who became an organiser with the union in 2000 has recently promised to never become involved with the Labor Party, last week giving *The Australian* a signed note saying that "I Gerard Hayes will never seek preselection or enter politics".

Mr Hayes is the brother of federal Labor MP Chris Hayes.

Last year, after months of controversy sparked by allegations of the misuse of union funds by former national secretary Craig Thomson, now a federal MP, the union disaffiliated from the Labor Party.

Mr Hayes told Fairfax Media on Tuesday afternoon that there would be no re-affiliation with the Labor Party under his leadership.

<http://www.smh.com.au/federal-politics/political-news/new-hsu-boss-vowing-to-stay-...> 17/07/2014

"We are not going to be doing that. The focus is going to be 100 per cent on our membership, not on the Labor Party," Mr Hayes said.

"If people want to play silly games, what [members] are still there will disappear."

He also promised he would attempt to get the union's suspension from the ACTU lifted. In April, the ACTU executive voted to suspend the union from the body until it could "resolve serious issues of governance and financial management".

A spokesman for the ACTU was not able to comment on the matter on Tuesday afternoon. He indicated a move to welcome the union back into the ACTU was extremely unlikely at next month's executive meeting.

Mr Hayes said from now on union meetings would be held "not in high-class establishments but bowling clubs and RSLs, because that's where our members socially congregate".

He said the union would now "liquidate assets" and move its head office out of the Sydney CBD to modest accommodation, likely in Paramatta.

"Our base is in that area, and we can free up money from expensive office space we have now," he said.

Mr Hayes said he would attempt to repair the damage done to the union's reputation by its previous office holders.






"We are going to go from a situation that has just been gut-wrenching for our members to being a fighting union that is actually going to be hand in hand with the members. We are doing what we should be doing, which is having a fight with the CFMEU government, which wants to attack our members' wages and conditions."

Another senior union official who had been backed by Mr Williamson, Bob Hull, had taken about 18 per cent of the counted votes.






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December 28, 2014

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