

Govan Jayne Faye:

States:

1. My full name is Jayne Faye Govan and I am an Endorsed Enrolled Nurse.
2. I have been asked to come in to the Fair Work Commission to provide information in relation to a number of issues within my knowledge concerning the Health Services Union Vic. No. 1 Branch and I have agreed to do so.
3. In 2004 I was a Registered Nurse (Division 2) and I was a union delegate at Austin Health. The union I was a delegate for was the Health Services Union (HSU). In that role I met Diana Asmar who was a HSU organiser at the time. I became friends with Diana.
4. In 2005 I became a full time organiser employed by the HSU. At that time I was reporting to Shaun Hudson who was the Acting Assistant Secretary and Jeff Jackson was the State Secretary.
5. In June 2006 my son was born and Diana Asmar and I had become such good friends that she actually attended the birth of my son.
6. I stayed off work for 3 months and returned to work in the late part of 2006. I only returned to work for a couple of weeks and my position had been changed. Because of my association with Diana Asmar at the time, I was pushed into resigning and I went back to nursing. There was in-faction fighting between various parties going on and Diana was on the outer and so my association with her had implications. It wasn't long after I left that Diana left the union as well.
7. In 2009 my brother Daniel and I supported Diana in her running for State Secretary of the HSU but she was unsuccessful.
8. In 2012, my brother Daniel and I supported Diana again in her running for State Secretary although this time, Daniel ran as her Assistant Secretary / Treasurer. Diana was successful but Daniel was not and he lost the election in a close vote to Leonie Flynn who had run on an opposing ticket to Diana. I recall that was a fiery election campaign.
9. The elections for the HSU occurred at the end of December 2012. Early in 2013 a number of people were either dismissed or resigned as a result of the election. My brother Daniel was put on as an organiser in January 2013 but only stayed about three weeks. After Daniel had resigned, I was put on as a temporary organiser on 29 January 2013.
10. I commenced my organising duties although I had a very significant workload because I was organising for three areas.



Right of Entry Permit

11. Back in 2005/06 I had a Right of Entry Permit in my role as an organiser so I was familiar with the general requirements of the permit. I can't remember what, if any training I received back then.

12. In January and February 2013 I was attending a number of sites in my role as an organiser and because I was doing so much work, I was getting asked by employers for my Right of Entry Permit. I had not been issued with a Right of Entry Permit at that stage which was fairly embarrassing and was causing me a problem. I was aware that other organisers were also having difficulties with not having a Right of Entry Permit.

13. I was present at an industrial day at the HSU office situated in Park Street, South Melbourne in February or March 2013. I recall that a number of organisers raised the issue of Right of Entry Permits because of the difficulties we had been experiencing. Most if not all the employees of the union would have been present at the meeting, including most if not all of the organisers.

14. It was during the meeting that Diana Asmar told all of us present that we would not be required to complete our own Right of Entry tests and that Kimberly Kitching would be completing the tests for us. Kimberly Kitching is the General Manager of the Branch and I will refer to her later in this statement.

15. It is my understanding that Diana was arranging for Kimberly Kitching to sit the Right of Entry tests for the organisers because having regard to our work load, we really didn't have time to do them.

16. I knew that I should have been doing my own Right of Entry test. I had not received any training about the Right of Entry Permits but I had previous experience so I understood what my rights and obligations were. I also did my own research from the Fair Work web site and downloaded information which I provided to other members of the HSU. I did this to keep up to date with the rights and obligations of permit holders which had changed significantly between my first and second permits.

17. While I was experienced, I did feel sorry for those other organisers who would not have been aware of their rights and obligations in relation to Right of Entry Permits. I can say with confidence that the following people did not do their own tests:

- Nick Katsis;
- Dean Sherriff;
- Diana Asmar;
- Sasha (whose surname I am not sure of and who is no longer at the HSU);
- David Eden; and
- Rob McCubbin.

Jayne Gavan

18. The reason I can say that with confidence is because Dean, Nick and Sasha started at the same time as I did and we spoke about it among ourselves. It was common knowledge and not something that was hidden from anyone.

19. Diana actually boasted that Kimberly got around 99 or 100% when Kimberley completed Diana's test.

20. The next thing that occurred was that I received my Right of Entry Permit from the Industrial Assistant.

21. I did speak to Dee McIntosh who is another organiser after receiving my permit. When I spoke to her, Dee told me that she was getting harassed by the management at sites for not having a permit and she had to take others with a permit out to meetings. Dee had to sit her own test because hers wasn't being done by Kimberley who had become busy with her pre selection campaigns.

22. I was also of the understanding that Dee assisted Tim Rowley to do his permit.

23. I recall that there was some problem with the application forms and David Eden got me to sign an application form on more than one occasion. I can't be specific but there had apparently been some problem with the forms and David was the one actually witnessing the form. David is the President of the Branch.

24. For the purposes of doing the tests, emails came to my inbox but I did not respond to them because I knew Kimberly was dealing with them. To be honest it was just one less email for me to deal with in a stressful and very heavy work load.

25. On July 12 2013 I was dismissed from the HSU by Diana and Kimberly Kitching was in the office at the time. I was provided with a letter from Diana which did not set out a reason for my dismissal but the fact that my employment was ceasing immediately.

26. I am presently engaged in civil proceedings in the Federal Court in relation to that dismissal.

SMC South Melbourne

27. It was about a month ago that I was having a conversation with Leonie Flynn who is the Assistant Secretary / Treasurer. Leonie asked me if I was still paying into an account and I told her I didn't know what she was talking about. When we were having this conversation, we were at Rob McCubbin's house in Sunbury and Leonie then produced a one page document which were the Minutes of the Inaugural General Meeting of SMC South Melbourne. I have brought those Minutes to the Fair Work Commission today.

28. The date recorded as there being a meeting of SMC South Melbourne is 6 March 2013 and the Minutes record me as doing various things in the meeting.

Jayne Gaan

29. I can categorically state I have never attended a meeting of SMC South Melbourne with the persons named in those Minutes and I have no knowledge of any account relevant to SMC South Melbourne. The only possibly thing I can think of which might have any connection to SMC is a crude reference to that acronym which was commonly used around the HSU.

30. There was a lot of talk about SMC and it was a very often used term around the HSU but I do not know that it is a reference to the term commonly used although it is the only thing I can think of.

31. Also attached to the Minutes is a copy of an Authority for Business Accounts which I note has on its second page, a box ticked for Unincorporated Association.

32. I also note that there are three names recorded on the form which are;

- Diana Asmar;
- David Eden; and
- Kimberly Kitching.

33. I note that there is only one signature appearing on that document which purports to be that of Kimberley Kitching.

34. My concern about this is that my name has been used on Minutes to move and second motions which relate to a bank account during a meeting which I did not attend and for an account for which I have no knowledge. The date of the meeting is only about a month after I started in my role in 2013 at the HSU.

35. All sorts of questions emerge for me including why my name is being used in this way and whether members funds are being channelled into some type of account which may be a campaign account.

36. I note that Nathan Murphy's name is recorded as being one of the people present but I am not sure whether Nathan was actually employed at the union at that time.

Other concerns

37. I have other concerns about the financial management and accountability of the Vic. No. 1 Branch of the HSU.

38. I am concerned about the way Mark Donohue is employed at the HSU. Mark was originally employed by Diana as a communications officer after Mark and Luke Walladge had worked on Diana's campaign. Mark subsequently left the HSU and went to the United States but later returned when he was reemployed by Diana in a different role as Operations Officer and provide with a HSU vehicle, Apple computer and Lap top computer. I am aware that Mark doesn't even use the HSU vehicle which is left at his home for use by his partner.

39. These are significant resources to be provided to Mark by Diana and I am concerned about these resources being unnecessarily provided to an office staff member.

Jayne Gavan 4

40. I am also concerned about the reasons and method both Kimberley Kitching and Kerry Georgiev have been employed. I have no evidence to support what I am about to say except that it has been part of the general discussion around the HSU office and I am concerned about it.

41. The discussion around the office is that Kimberley Kitching and her husband Andrew Landeryou gave money to Diana Asmar's election campaign and that Kimberley Kitching was subsequently employed as a way of paying back the money provided. I think Kimberley is on around \$120,000 salary as well as a car which is a significant amount of money.

42. The discussion around the office is also that Kerry Georgiev's father provided money to Diana's election campaign and that in return, Diana would employ Kerry on \$100,000 plus a car. I understand that while Kerry is the finance manager, HSU also employs an accountant so I have no idea why the HSU would pay so much for a finance manager as well as paying for an accountant and then an auditor on top of all of that.

43. My concern is that union members funds are being inappropriately used in the way I have described above.

44. I have additional concerns about potential conflicts of interest. For example, there is a tender currently advertised on the HSU Website - **cleaning tender**. I am aware that Kerry Georgiev's husband and father in law have been undertaking cleaning of the HSU office since Diana Asmar has held office. I was told by Diana that I wasn't to tell anyone about the relationship between Kerry and the people doing the cleaning. It is possible that the cleaning tender is being advertised now so that it looks like it is being done properly because the same people have been doing the cleaning for 9 months.

45. Wael Hassan worked as an organiser for the branch for approximately four months. I understand that Wael is the brother in law of the IT officer Imad Alzind. Before he came to the HSU Wael was a customer service officer at Darebin City and previously worked at a chocolate factory. The issue is that Wael had no relevant experience and this is a further example of nepotism.

46. My general concern about these appointments is that none of the relationships were disclosed to or approved by the BCOM.

47. I have a further concern about whether David Saunderson's airfare was paid for by the HSU as he lives in London and has a business there. David came to Australia to assist with union campaigns but no union campaigns were conducted during his time at the HSU.

Assistant Secretary / Treasurer

48. I have indicated above that Leonie Flynn was elected in December 2012 in the role of Assistant Secretary / Treasurer. I was aware from my conversations with Diana that after the election, it was her intention to prevent Leonie from performing the role of Assistant Secretary Treasurer and prevent Leonie having contact with members so that Leonie

Jayne Gann

couldn't get members on side. Diana's strategy was all about getting numbers for the next election.

49. We were directed by Diana and Dean Sherriff to give Leonie individual grievances that weren't winnable so that she felt like she was doing something but couldn't gather member support while she was doing it. We were directed by Diana not to have members meetings because she had directed Leonie that she wasn't to have members meetings and Diana was trying to appear to be consistent.

50. I am aware that Diana was meeting with David Shaw from Holding Redlich about how to shut Leonie out or even how to remove her from her role. It was quite clear that there was a concerted effort to alienate Leonie from Diana and those in the branch who supported her.

51. If there were times when me or others would talk to Leonie or have a cigarette with her we would be questioned about what we were doing and why we were with Leonie. It was a toxic environment to be in.

Jayne Govan

Signed on

Jayne Govan
16/9/2013