

## WITNESS STATEMENT OF GERARD JOHN HAYES

1. My full name is Gerard John Hayes.
2. I am a resident of New South Wales.

### Current role

3. I am currently the elected Secretary of the Health Services Union, New South Wales ('the HSU NSW'). I am also the elected Secretary of the New South Wales Branch of the Health Services Union ('the HSU') (together 'the Union')
4. The Union represents and advocates for members employed in the health services sector within the state of New South Wales.
5. In this statement I address the topics identified in the letter from the Solicitor Assisting the Royal Commission dated 5 August 2014.

### Background, professional qualifications and experiences

6. I am a qualified Paramedic. I commenced employment with the Ambulance Service of New South Wales in 1986. I was involved in clinical, training and station management duties throughout my time in the employ of the Ambulance Service.
7. I have completed the following training and courses:

Course	Provider
Industrial Law	NSW Labor Council (now known as Unions NSW)
Training and Assessment	DECCA
Advanced Diploma in Pre Hospital Care (Intensive Care Paramedic)	Ambulance Service of New South Wales
Certificate in Personnel Management	TAFE NSW

Craft of Organising	ACTU
Lead Organisers Course	ACTU

8. In 1992, I was living and working for the Ambulance Service in the Kempsey area. At that time the Union was campaigning and organising around inadequate Ambulance staffing levels in rural areas. I became active and involved in those campaigns. Around the same time as I became involved I was elected as a representative on my local sub branch committee of the Union.
9. In 2000, I applied for and was successful in being appointed as an organiser for the Union on a 12 month secondment from the Ambulance Service of New South Wales.
10. At the end of the secondment, I was offered a full time position at the Union. I remained employed with the Union until the Union was placed into administration by an order of the Federal Court of Australia in 2012.
11. In 2012, I stood for election to the position of Secretary of the Union. I was successful in that election and I hold this position at this time.

#### **The funding arrangements for the HSU Campaign.**

#### **Our HSU**

12. Our HSU Incorporated ('**Our HSU**') was a ticket of candidates which I led for election to positions within the Union in the elections which were held in 2012.
13. In order to run for elections it is necessary to communicate with members about your platform, commitments and why you are the right person to be elected to represent them.
14. At the start of the election process I, along with others, formed Our HSU. Our HSU is an Association, governed by constitution, and incorporated pursuant to the *Association Incorporations Act 2009* (NSW). Our HSU was granted registration effective 9 July 2012.

15. The Our HSU's primary source of revenue is from membership contributions. Membership is primarily made up of staff at the Union's office who wish to support the association, though not all staff of the Union's office are members. Standard membership contributions are \$50 per week. Some people pay less than \$50 per week for financial reasons. Membership is voluntary and consideration is given to what people can afford.
16. The association and decisions as to how to spend money are governed by its members.
17. Our HSU does not solicit or accept either directly or indirectly any contributions from employers who employ HSU members.
18. Our HSU was a new body at the 2012 election and did not have much money. The Our HSU campaign in 2012 was only partially funded. We raised money as a group of candidates from our own personal resources. We also had the support of the McLean forum (discussed below).

#### **McLean Forum**

19. The McLean Forum ('**McLean**') supported the election of the Our HSU team in the 2012 Union elections.
20. It is common practice for officers of Unions to have election funds to support campaigns and their candidature.
21. I was not aware of the operation of a TWU officers fund (which I later understood was called the McLean) prior to on or about 4 April 2012. At this time, I recall receiving a phone call from Tony Sheldon where he said words to the effect:  
  

*'The HSU is about to be suspended from the ACTU'.*
22. I recall meeting with Mr Sheldon (National Secretary of the TWU) shortly after the announcement was made. Wayne Forno (State Secretary of the TWU) and Andrew Lillicrap were also present at the meeting. I discussed my concerns about the operation of the Union and Mr Williamson in particular. Mr Sheldon made it clear that he was concerned that the Union was damaging the whole movement and something needed to be done to clean the place up. He expressed confidence in my ability to do that.

23. Mr Sheldon made it clear that if I needed to take on Mr Williamson and his supporters in an election campaign then he would be prepared to support me through his officers' election fund. Mr Forno agreed with this. I was grateful for the offer of support. We did not get into the detail of finances. It was purely an offer of support should the need arise.
24. I had known Mr Sheldon for a significant period of time, was familiar with his work and admired him for his commitment to the labour movement. I had built a relationship with the TWU and its officers through various trucking campaigns which they had run and in which I participated. My participation involved highlighting my own experiences as an ambulance officer who was a first responder to accidents involving truck drivers. I felt a close relationship with the Union and its members due to my direct experience with the consequences of driver fatigue.
25. At about this time Mr Williamson organised a meeting of key officers Peter Mylan, Bob Hull, Kerry Seymour and myself. The meeting was organised to demand my resignation from the HSU though I was unaware of this at the time. At this meeting all those present accused me of treachery in relation to my conduct and my withdrawal of support for Mr Williamson's continued leadership or involvement in the HSU. I declined the request to resign. Mr Williamson then organised a meeting of all the officers where everyone was required to pledge loyalty to him which I declined to do. It was at this point that I began actively organising against Mr Williamson and his supporters in the Union.

### **McLean Support**

26. I am aware that funds from McLean were expended to support the campaign through the purchase of various supplies necessary for campaigning (such as printing, telephone facilities, email facilities etc.).
27. I did not receive money from McLean to spend as I wished. The money remained in the control and possession of McLean and it paid out on invoices or on the provision of receipts accordingly.
28. I estimate that I also committed about \$15,000 of my own personal money in support of the campaign.
29. Our HSU still has debts arising from the campaign.

30. The annexed documents have already been produced to the Royal Commission in response to notice to produce number 58, dated 19 May 2014. They are annexed and marked 'GH-1'. They outline the personal contribution which McLean made to me in order to support my campaign (I was essentially reimbursed campaign expenses).

## TWU

31. Apart from an initial contact with Mr Sheldon and Mr Forno, and their pledge of support (outlined above), I am not aware of any TWU resources being committed in support of the Our HSU campaign.
32. Daniel Mookhey was appointed as the campaign director for the Our HSU campaign.
33. I have known Daniel Mookhey since 2004.
34. I was working on the campaign to elect David Bradbury in Penrith. Mr Mookhey was volunteering in the seat next door. We established a relationship on this basis and I came to respect his campaign skills and knowledge of the labour movement.
35. After those campaigns finished we kept in contact from time to time.
36. When it was suggested by Mr Sheldon that Mr Mookhey would be interested in assisting with my campaign I was grateful for the assistance he could provide, having known his skills I was positive about the contribution he could make.
37. I am aware from my previous dealings with Mr Mookhey that he has been, at various times, an employee of the TWU but believe that he was no longer an employee of the TWU at the time of the Our HSU campaign.
38. In so far as I am asked about TWU employee's involvement in the Our HSU campaign I am not aware of any such involvement.
39. To the best of my knowledge the TWU did not expend any of its funds or resources in support of the Our HSU campaign.
40. The motives of the McLean Forum in making a donation, and supporting the Our HSU campaign are a matter for it. However, I do know that the scandal involving Michael Williamson and the HSU generally was a significant concern for the wider

labour movement. It was a concern for me as well and it was part of the reason why I decided to lead the Our HSU campaign and run a campaign focussed on the positive changes which we were intending to implement within the HSU.

**Knowledge of and involvement in decisions relating to expenditure of funds on the Our HSU campaign.**

41. I was the candidate for Secretary on the Our HSU election ticket.
42. My main role was to be the spokesperson for the campaign, support our ticket of candidates, and outline the reforms we proposed for the HSU to the HSU membership.
43. Running in a contested election is an incredibly time consuming and resource intensive time. In the most intense periods of a campaign it can come to dominate your life. The 2012 HSU election was an incredibly intense election.
44. The day to day strategy and what campaign funds are spent on is largely the responsibility of the campaign manager. I have known Mr Mookhey for a significant period, regarded him as a skilled campaign professional and trusted him to perform that task.
45. I understand Mr Mookhey was also responsible for the funds expended from the McLean forum.
46. I was involved in the formulation and approval of campaign material and ran an exhausting schedule of campaign visits.

**Eligibility to run.**

47. I was a financial member of the Union at the time of the 2012 HSU elections which made me eligible to run in those elections. I was considered an eligible candidate by the Australian Electoral Commission who conducted the election. No candidates in the election chose to dispute my eligibility to run. Had any candidate or person believed they had a legitimate reason to challenge to my eligibility in that election they would have done so through the AEC.
48. My eligibility to run is confirmed by my financial membership of the union and the process undertaken by the AEC.

49. I worked as a qualified paramedic for the NSW Ambulance service for 14 years and was an active workplace member of the HSU for 8 years before coming to work for the Union. Once my employment with the HSU ceased by virtue of the administration I sought and secured work in an aged care facility. For a period continuous from the date of my joining in 1986 I was and still am a financial member of the union eligible to run in its elections.

Dated; 14 August 2014



**GERARD JOHN HAYES.**

ANNEXURE GH-1

**RECEIPT**

Date: 3 July 2012

Amount: \$ 10,000

Received from: McLean Forum

Received by: Gerard Hayes

---

Gerard Hayes

*Thanks for your Donation!*



ANNEXURE GH-1

**DONATION RECEIPT**

Date: 20 September 2012

Amount: \$ 7,623.00

Received from: McLéan Forum

Received by: Gerard Hayes

---

Gerard Hayes

*Thanks for your Donation!*