

WITNESS STATEMENT

PETER MYLAN

TRADE UNION ROYAL COMMISSION

1. I was a rank and file member of the HSU. I applied to fill the casual position of organiser in 1988, and (out of eight applicants) I and another applicant were appointed.
2. I progressed through the union and was elected to the position of Assistant General Secretary in 2002; this became the position of Deputy General Secretary when the NSW union merged with the Victorian No. 1 and No. 3 branches in 2010.
3. My position was vacated by orders made by Flick J on 21 June 2012. I was unemployed for many months after this time.
4. I did not receive any payment for annual leave, long service leave or other termination payments until late October 2012, and at that time I did not receive all of the payments to which I am entitled. I have had to commence proceedings against the HSU to obtain payment of my entitlements, including for all of my long service leave, which the union has refused to pay.
5. The HSU commenced legal proceedings against Michael Williamson and one of his companies, myself, Kathy Jackson and Kerrie Seymour in November 2012 ("the November 2012 proceedings"). The proceedings against Kathy Jackson were discontinued shortly after. The union settled with Michael Williamson in October 2013, although to the best of my understanding and belief Mr Williamson has not paid any moneys to the union. The HSU commenced proceedings against Elizabeth Jensen (who undertook the work valuations and recommended the pay increases for union executive members after the merger in May 2010) in March 2014, and these proceedings have been joined to the November 2012 proceedings. Judgment was entered in favour of Kerrie Seymour by consent in May 2014. The November 2012 proceedings continue against me.
6. On Thursday, 21 August 2014, I was provided with a list of questions that this Commission wanted me to respond to. A copy of the letter is attached. This statement is my response to that request. I have prepared this statement to the best of my recollection and without access to my diaries or other documents that were held in the union.

Flooding In Victorian Head Office

7. To the best of my recollection the flooding occurred in August 2011. Michael Williamson advised that the clean up was necessary. He told

me that the office was a mess with carpet and documents affected by the flood. I was aware that the HSU's insurance brokers, Scott and Broad, were involved in discussions with Michael Williamson and Barry Gibson, and with the insurer, and that the architect Ron Mah-Chut had been consulted.

8. The people involved in the clean up were Michael Williamson, Darren Williamson, Barry Gibson, Gerard Hayes, Bob Hull, myself, perhaps Julie Astill, Diana (whose surname I cannot now recall), Kerrie Seymour and Frances Lindsey (from the Victorian Branch). Bradley Bird was also present doing IT repairs.
9. I did not give instructions or directions, as Mr Williamson was doing so.
10. The flooding was on the eastern side of Level 1. The boardroom was also on Level 1. Michael Williamson, Barry Gibson and Frances set up in the boardroom. Michael directed the rest of us to bring documents to them in the boardroom. We brought all documents with content to them; they reviewed these then identified documents for discarding. Documents for discarding were lined up on one wall in the boardroom; documents for retention were put against another wall in the boardroom. Also on Level 1 adjacent to a utilities room was a disused lift well. We then removed documents that were identified for discarding from the boardroom and took them to the lift well, or to the basement car park. There was a storage room on ground level with HSU paraphernalia such as T shirts with the outdated HSU logo. These were also discarded. Documents and outdated paraphernalia were stacked against an outside wall of the internal car park for disposal. I also found compact discs and VHS tapes of HSU rallies. These were taken to a Victorian person in the media room .
11. I do not know what happened to those documents that Michael Williamson, Barry Gibson and Frances chose to retain.
12. I did not identify any Minutes of Meeting of the Victorian No.3 Branch Committee.

Removal of HSU Number 3 Branch Records

13. To the best of my recollection there was one occasion on which I authorised the removal of boxes of documents containing records from the former No. 3 branch (which was then part of HSUEast).
14. I authorised the removal of the boxes in order to locate documents that were necessary for the completion by the HSUEast auditors, BDO, of the 2010-2011 financial year reports. Kathy Jackson had refused to make these financial documents available. Marc Bolano had supplied the necessary financial documents from the former No. 1 branch.

15. To the best of my recollection, I directed Gerard Hayes to attend the Victorian office to supervise the removal of what I originally understood was a small number of boxes. Subsequently, those boxes were removed to storage in Melbourne, and then all of the boxes that were stored at that location (which numbered in the hundreds), were moved to Sydney by Grace Storage or a related company.
16. I directed Melissa Torvis to deal with Grace Storage. Melissa then co-ordinated with the company and the boxes were moved to Sydney and held at 370 Pitt Street.
17. I directed Melissa Torvis and Julie Astill to go through the boxes and identify what was in there, including the documents required by BDO. Copies of the documents required by BDO were provided to BDO. BDO completed the financial accounts for year ending 30 June 2011 and they were lodged with the respective industrial registries and approved.
18. To the best of my knowledge:-
 - a. no documents were disposed of from the boxes,
 - b. documents that were required such as for BDO were copied and returned to the boxes, and
 - c. the boxes of documents remained at 370 Pitt Street, and were there when Flick J's orders were made on 21 June 2012.

Credit Card Expenditure

19. In the late 1980s or early 1990s, organisers were first issued with a union credit card. The then paymistress Lynne Astill told me: "This is only to be used for union expenditure. You must retain all receipts and attach them to the monthly statement."
20. The statement was put in my pigeonhole or in-tray every month. I would attach the receipts and hand it in to the paymistress. The paymistress would prepare a document for approval at union council, and union council would authorise the payment of the credit card. The same procedure continued when Barry Gibson was the financial controller in or about 2005.
21. Over the years Michael Williamson said to me on many occasions: "I don't have a union credit card, you put it on yours". This would occur:
 - a. on work-related lunches and dinners,
 - b. paying for union councillors' accommodation, meals, and drinks when attending meetings in Sydney or Melbourne, and
 - c. purchasing goods for the union.
22. I have also observed on many occasions Michael Williamson saying the same thing to other executive members, such as Barry Gibson and

Gerard Hayes, and those people using what I understood to be their union credit card to pay for similar things.

23. I do not have access to my diaries that were kept electronically in the union computer, or other documents such as union meeting minutes that would assist me in identifying the dates of these expenditures. Where I can recall, I have set this out. Some examples of lunches that were held at venues such as Kingsley's Steakhouse over the years included:

- a. meeting with the Gillelands from CommuniGraphix who supplied the union journal and other promotional services - Michael Williamson, myself, Barry Gibson, Cheryl McMillan, Gerard Hayes might be present at such meetings. Sometimes, the meals were paid for on a union credit card as directed by Michael Williamson; sometimes the Gillelands paid. We would discuss the monthly draft union journal or other promotional issues.
- b. Meetings with the insurance broker, the architects, officers of the CBA (the HSU's bank), other union secretaries, representatives of NSW or Federal ALP, Slater and Gordon,
- c. It was customary to take visiting national HSU councillors to meals. For example, if we visited Melbourne Chris Brown might take us out and pay for a meal,
- d. Meeting with ALP representatives to address issues in pre-selections, such as when Gerard Hayes' brother, Chris Hayes, was being moved out of Werriwa to the seat of Fowler.

24. Where I am unable to recall the details of a specific expenditure, I refer back to the above paragraph.

- i. See paragraph 17
- ii. I recall travelling to the USA in July 2007 with Darren Williamson, Michael Williamson and Bruce Daniel (from United Edge) to promote to American unions the IT software (Memforce), that had been developed by United Edge for the HSU. Michael Crosby, who had been at the ACTU, was then working for Service Employees International Union (SEIU) in America, which had 1 million members. I met with Michael Crosby before the trip to develop a PowerPoint demonstration of the benefits of Memforce, which was presented during the trip to the SIEU. Michael Williamson, Darren Williamson and Bruce Daniel also did PowerPoint presentations on that trip. Michael Williamson told me: "This licence is held by the HSU, it

could benefit financially if big unions in the USA decide to licence this software." This bill would have been for accommodation on that trip. At that time, I was unaware that Michael Williamson held shares in United Edge and potentially stood to benefit personally from any on-selling of the Memforce system licence.

- iii. See paragraph 17
- iv. I cannot recall precisely, but August was the month in which the HSUA national council and executive meetings occurred. They usually took place in Sydney or Melbourne, and on occasions in other state capitals. It was custom and practice for the union to pay the travel expenses of NSW branch councillors to attend these meetings. Union councillors could include member employees as well as union executive members. Michael Williamson would instruct me to pay for those union councillors. I recall paying for accommodation for Stephen Pollard, Iris Knight, and Sean O'Connor, by way of example.
- v. See Paragraph 17
- vi. See paragraph 17
- vii. See Paragraph 17
- viii. I do not recall specifically, but it was common for organisers visiting from outside of Sydney to stay at the Novotel Brighton Le Sands. I would often meet with them and have dinner with them, and put it on the union credit card in accordance with directions by Michael Williamson
- ix. See Paragraph 17
- x. See paragraph 17
- xi. Don't recall, but may be dinner or lunch with ambulance delegates from outside of Sydney
- xii. See Paragraph 17
- xiii. I recall two occasions at this restaurant, one was with HealthSuper representatives, and the other was with someone whom I don't now recall.
- xiv. To the best of my recollection, this was lunch for most if not all of the staff of the Sydney office to mark the occasion of the retirement of Tom Dolan.

xv. To the best of my recollection this was lunch for most if not all of the staff of the Sydney office to mark the occasion of the retirement of Christine Gilkinson from the Newcastle office.

xvi, xviii, xix, xxi, xxii, xxiii, xiv, xxvi, xxvii

HSU members had access to union member benefits rewards, including purchasing gift vouchers for large Australian retail outlets at a reduced price as compared to the face value of the gift voucher. In order to provide this service, the HSU had to pre-purchase the gift cards. Michael Williamson said to me: "We have to buy these gift cards in bulk. It's best for the accounts if you put them on your credit card". Julie Astill would come to me and say: "We have another purchase of gift cards. Here's the invoice. Can I have your card to pay for them?" I would give her (or her assistant) my card and they would purchase the gift cards and return the card and invoice to me. Sometimes, they would forget to give me the invoice in which case when my monthly statement came in I would ask them for a copy and attach it to my statement with the other receipts. I believe that all of the amounts for Corporate Store and Woolworths Bella Vista were for these cards.

xvi. To the best of my recollection, "Where to Enjoy" supplied annual booklets of discount vouchers for use at restaurants and other retail outlets. Members could purchase these books. My credit card was used to pre-purchase these books on the same basis as set out above in relation to the gift cards.

xx. I do not recall, but may be lunch or dinner with ambulance delegates from outside of Sydney

xxv. To the best of my recollection, this was a dinner for invited guests from an Irish union with whom Michael Williamson had established a relationship.

Request for Documents and Information

i.-iii, v, vii. - xi.

Emails from Ms Hart October 2011-April 2012

25. To the best of my recollection I did not respond to any of the emails from Ms Hart, for reasons as follows:

- a. Ms Hart was a workplace delegate. It was unusual for a workplace delegate to communicate directly with the General Secretary.
- b. Normally, the dealing with complaints was the task of the Assistant General Secretary. When I was Assistant General Secretary, I was delegated with this task. However, during the period I was Acting General Secretary, the role of Assistant General Secretary was filled by Gerard Hayes. Particularly by March 2012, Mr Hayes was often absent without notice from the office and Union Council meetings. Attempts to gain his assistance on tasks within the ambit of Assistant General Secretary were fruitless. At this time, all of the people acting up had an excessive workload and all officers were subject to the same pressures that I had to face due to the Union's problems at the time.
- c. Although I was only Acting General Secretary, I had all of the responsibilities associated with fulfilling that role.
- d. The job of being General Secretary during that time was nothing like the periods in the past when I had acted up in that position. As well as managing the ordinary day-to-day affairs of the union, I was increasingly managing a union in crisis. Issues included:
 - i. The factional battle between the Williamson faction, to which I belonged, and the Kathy Jackson faction (to which Ms Hart belonged) was making it difficult for the executive of the union and union council to function ("the factional disputation");
 - ii. There was intense, intrusive and sensational media coverage of the union personnel and its affairs, which:
 1. Affected morale and thus the work performance of staff,
 2. Was causing resignations of members at high levels, requiring constant attention to financial issues, and
 3. Engaged me in enquiries from the press, union executive and council members, and staff;
 - iii. responding to queries from the police, and
 - iv. responding to queries from Ian Temby QC.
- e. As Ms Hart belonged to the Kathy Jackson faction, and as I

had genuine concerns about the motivations behind many of the requests, I was reluctant to engage in communications with Ms Hart;

- f. Because of the factional disputation, I was of the view that, if I responded to Ms Hart, she would simply respond with more emails. I saw no point in engaging in a process that encouraged more emails and divert more of my time away from the multitude of tasks I was juggling at the time;
- g. I spoke to the HSU lawyer, Phil Pasfield, about the emails on a couple of occasions and he advised words to the effect of: "I advise you not to get involved. You can't afford to be caught up in communications with the delegates, and anyway it's probably all part of the factional split rather than genuine queries. If the union council want you to release any information, they will direct you."
- h. The union council had endorsed the appointment of Ian Temby QC to conduct the investigation into the allegations into Michael Williamson, and as such those matters were being dealt with.
- i. By mid-April, I had commenced the proceedings to de-merge the union and have an administrator appointed

26. Notwithstanding the above, had I been of the view that anything raised by Ms Hart required attention, I would have found somebody to investigate the complaint. In my view, the issues she raised:

- (i) did not have a proper basis; and/or
- (ii) were being addressed, for example by the Temby investigation;
- (iii) were properly the concern of others within the union, such as the union council, and were being dealt with at that level.

27. By way of example:

- a. the alleged issues concerning Ms Seymour (ii.) had no proper basis. I was aware that other members supported Ms Seymour as organiser, including from the same site. I formed the view that the complaint was driven by the factional dispute at the time. Had I believed there was any proper basis to the complaint, I would have acted accordingly.
- b. in relation to the matters set out in this email, for example:

- i. the terms of reference were published in a union newsletter,
- ii. there was no intention to impede the inquiry which had been initiated by myself and Michael Williamson, Gerard Hayes, Andrew Lillicrap and endorsed by union council,
- iii. the release of any report of that inquiry was subject to union council's consideration, in any event,
- iv. the determination of union fees occurred at a high level of consideration by union council and would not be affected by a resolution of this nature,
- v. the distribution of union council minutes was also a matter of corporate governance and would not be affected by a resolution of this nature, and in any event it was not possible to comply with, given that minutes were only approved at the next union council meeting,
- vi. further, the appropriate forum to deal with sub-branch resolutions of this nature was at Annual Convention, not ad hoc by corresponding with the General Secretary.

iv. Mr Peisley

28. Mr Peisley, at the time, was an elected delegate of Wollongong Hospital. Mr Peisley's complaint about matters had been the subject of a resolution of a majority of delegates at the Union's Annual Convention. I knew that Mr Peisley's views were inconsistent with the direction to vote by his own sub-branch. As the Convention had already decided the matters about which Mr Peisley was complaining, there was no purpose in responding to his email.

29. Had the Union Council been of a different view, they could have directed me to respond to the email accordingly.

vi. Kathy Jackson

30. By October 2011, it was apparent that Kathy Jackson was factionally aligned against the Michael Williamson faction. In my role as Acting General Secretary, Kathy Jackson was preventing the proper administration of the Union, as Committee meetings and executive and Council were increasingly dysfunctional due to the factional disputation.

31. I took steps to have issues raised by Kathy Jackson dealt with at Executive Meetings, although I cannot now recall whether or to what extent the issues raised in this email were addressed there.

32. In order to have those meetings conducted effectively, I arranged for David Langmead (the barrister for the former Vic No1 and No3 branches) and Phil Pasfield to attend those Executive Meetings. It was always open to Kathy Jackson to raise matters such as those set out in this email at the Executive Committee meetings, or to escalate them to union council meetings.

Kathy Jackson as Whistleblower

33. At the time of the meeting referred to in Ms Hart's statement at paragraphs 41 to 52, in November 2011 I was of the view that it would have been more appropriate for Ms Jackson to have raised the allegations against Mr Williamson with the HSUEast executive to allow an internal inquiry to be conducted. My main criticism was that she had not raised the matter internally first, although my central concern was not that she had gone to the police as such, but that she had generated such enormous adverse publicity, not just against Michael Williamson but against HSU, as part of going to the police.

34. Whatever material she had against Mr Williamson that she gave to the police could have been provided to members of executive council or even to members of the union council. I do not now recall whether I said this at that meeting, but I was very concerned that by going to the police and, more particularly, by going to the media at the same time, Ms Jackson was putting at risk the reputation of the HSU and of the union movement more generally.

35. At the time, and for some months afterwards, I continued to believe what Mr Williamson had told me, namely that he had not done anything wrong. For that reason I believed that an internal inquiry, and indeed the police investigation, would exonerate Mr Williamson.

36. I also doubted Ms Jackson's motives for going to the police and generating such adverse publicity, as I believed that she wanted to undermine Michael Williamson, and the Williamson team, and to takeover HSUEast. I do not now recall whether I said anything to this effect at this meeting.

Carol Glen

37. As acting General Secretary I attended a meeting organised by Gerard Hayes in Melbourne with Carol Glen and her partner. We discussed her treatment by Kathy Jackson, Marco Bolano and Michael Lawler (Vice-President of FWA). The treatment included isolation and

intimidation in the Victorian office by Marco Bolano, Kathy Jackson and others. She advised us some of the industrial staff (from memory Kate Wilkinson or Jenny Dunlop) were members of HSUEast Council and close allies of Kathy Jackson and were undermining her role. She also complained in writing in a letter to Justice Giudice of the conduct of Michael Lawler during a telephone conversation, when he verbally abused Carol Glen.

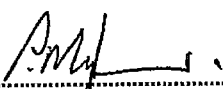
38. Gerard Hayes arranged meetings with Carol Glen on several occasions. I recall attending one of these meetings held in a coffee shop in Sussex Street, Sydney. I recall Gerard Hayes also informed me of other meetings he had with Ms Glen during the Union's annual convention in Sydney in November 2011. I also recall a further meeting between Ms Glen, Mr Hayes and me at the Radisson Hotel, Sydney at a date I cannot recall.
39. Had Ms Glen been forced to resign, she could have commenced proceedings against the union - for example, for a constructive dismissal - given the matters she had complained about. It was preferable to make a payment to her and reach a settlement that would prevent proceedings. At the meeting at the Radisson, Ms Glen signed the Deed in front of me, and I signed on behalf of the Union. I recall that Mr Hayes signed the Deed as well. At that meeting, I signed the cheque in favour of Ms Glen for the settlement moneys.
40. I reported the matter, the resignation of Ms Glen to Union Council in a meeting on 14 December 2011 held in Sydney, as well as reading her letter of resignation.
41. I have not been involved in similar termination arrangements, but I am aware of union officers having been paid out in similar circumstances in the past: for example, Jamie Martorana, Katrina Vernon, Eileen McEvoy.

Michael Williamson and Leave

42. At the Union Council meeting held in September 2011, Council approved by resolution that the General Secretary take a leave of absence whilst the investigation into allegations against him took place. Mr Williamson was not suspended from duties, and did not step aside from the role of General Secretary. I did not take any steps to verify the amount of leave that Mr Williamson had available, but I had no reason to doubt that:
 - a. Mr Williamson had sufficient leave, including long service leave, given the many years he had worked for the union;
 - b. If Mr Williamson did not have sufficient leave then Mr Gibson, the financial controller, would have spoken to me about this.

43. No, for the reasons set out at paragraph 19 and immediately above.

Dated: 25 August 2014



Peter Mylan



Royal Commission into Trade Union Governance and Corruption

20 August 2014

By email to simon@konstanlawyers.com.au

Mr Simon Konstantinidis
Partner
Konstan Lawyers
104 Silver Street
MARRICKVILLE, NSW 2204

Dear Mr Konstantinidis,

Hearings into the Health Services Union – 25 to 29 August 2014

Summons to Appear Before the Commission

Your client, Mr Peter Mylan (**Mr Mylan**), has received a Summons to appear before the Commission to give evidence on Tuesday 26 August 2014.

We understand that Mr Mylan's counsel, Ms Patricia Lowson, is unavailable to appear on Tuesday 26 August 2014, due to her involvement in a hearing in Dubbo. So as to accommodate Ms Lowson's availability, the Commission has agreed to vary Mr Mylan's Summons so that he is now required to appear before the Commission to give evidence at **2pm on Wednesday 27 August 2014**. Please confirm this matter with Ms Lowson.

Statement of Evidence from Mr Mylan

In preparation for the giving of evidence by Mr Mylan on Wednesday 27 August 2014, the Commission requests that a statement of evidence be prepared by Mr Mylan which addresses the following topics:

1. **The clean-up of the HSUA Victoria Number 3 Branch office after the flood**
 - a. Who authorised the clean-up?
 - b. Why was the clean-up conducted?
 - c. Who participated in the clean-up?
 - d. What were Mr Mylan's instructions to those conducting the clean-up, in particular, how did Mr Mylan direct that the No. 3 Branch documents were to be identified and sorted?
 - e. How was the clean-up conducted?
 - f. What, if any, documents were discarded?
 - g. What was done with the retained documents?
 - h. Were any Minutes of Meeting of the Victoria No. 3 Branch Committee of Management identified during the clean-up?

- i. If any Minutes of Meeting of the Victoria No. 3 Branch Committee of Management were identified during the clean-up, how were those records treated and where were they stored?

2. The removal of the HSU Number 3 Branch Records to the Sydney office

- a. Who authorised the removal of the documents?
- b. Why were the documents moved to the Sydney office?
- c. Who conducted the removal of the documents?
- d. What were Mr Mylan's instructions to the person/s who conducted the removal?
- e. What has happened to the documents since the date of their removal?
- f. How have the No. 3 Branch documents been stored?
- g. Have any additional documents been disposed of since they were moved to the Sydney office?

3. Credit card expenditure

We refer to the enclosed credit card statements.

- a. What were the processes in the branch for approval of credit card expenditure?
- b. Why did Mr Mylan use his union credit card for the following types of expenses?
 - i. 10 July 2007, KINGSLEY'S STEAKHOUSE, \$930.00;
 - ii. 17 July 2007, COURTYARD BY MARRIOTT SAN FRANCISCO, \$1,191.96;
 - iii. 8 August 2007, KINGSLEY'S, \$700.00;
 - iv. 23 August 2007, GRAND HYATT MELBOURNE, \$2,054.00;
 - v. 30 August 2007, GPO-INTERMEZZO SYDNEY, \$780.00;
 - vi. 5 September 2007, GPO-INTERMEZZO SYDNEY, \$895.80;
 - vii. 16 November 2007, SUGAROOM PYRMONT, \$640.50;
 - viii. 23 November 2007, THE LAZY LOBSTER BRIGHTON, \$627.60;
 - ix. 28 November 2007, KINGSLEY'S, \$830.00;
 - x. 21 January 2008, SALON BLANC RESTAURANT, \$600.00;
 - xi. 10 April 2008, MANTA RESTAURANT, \$1,652.50;
 - xii. 15 April 2008, NEPTUNE PALACE, \$740.00;
 - xiii. 2 May 2008, RESTAURANT ARRAS, \$1,400.00;
 - xiv. 3 May 2008, NICK'S SEAFOOD RESTAURANT, \$9,911.00;
 - xv. 2 July 2008, CAFÉ SYDNEY, \$7,579.25;
 - xvi. 28 August 2008, CORPORATE STORE, \$23,764.85;
 - xvii. 29 August 2008, WHERE TO ENJOY, \$6,698.00;
 - xviii. 8 October 2008, CORPORATE STORE, \$24,239.85;
 - xix. 20 October 2008, WOOLWORTHS BELLA VISTA, \$20,564.99;
 - xx. 20 November 2008, STEERSONS, \$6,000.00;
 - xxi. 1 December 2008, WOOLWORTHS BELLA VISTA, \$24,999.00;
 - xxii. 29 January 2009, WOOLWORTHS LIMITED BELLA VISTA, \$36,824.49;
 - xxiii. 18 February 2009, CORPORATE STORE, \$28,514.85;
 - xxiv. 17 March 2009, CORPORATE STORE, \$39,914.85;
 - xxv. 31 March 2009, WATERFRONT RESTAURANT, \$4,180.00;

- xxvi. 14 May 2009, WOOLWORTHS BELLA VISTA, \$29,939.99;
- xxvii. 17 September 2009, WOOLWORTHS LIMITED BELLA VISTA, \$45,424.99.

4. Requests for documents and information while Mr Mylan was Acting Secretary of HSU East

- a. Whether Mr Mylan responded to Ms Katrina Hart's requests for the provision of documents, information and/or assistance:
 - i. Email from Ms Hart to Mr Mylan and Mr Gerard Hayes dated 5 October 2011, requesting copies of the past 24 months of Union Council Meeting Minutes (Tab 1 of Hart MFI-1);
 - ii. Email correspondence from Ms Hart to Mr Mylan, copying Mr Hayes, concerning Ms Hart's complaint regarding Ms Seymour, over the period 15 March 2012 to 26 April 2012 (Tabs 8, 9, 12 and 13 of Hart MFI-1);
 - iii. Email from Ms Hart to Mr Mylan dated 16 December 2011 (Tab 21 of Hart MFI-1);
 - iv. Email correspondence between Mr Barry Peisley and Mr Mylan over the period 13 December 2011 to 19 January 2012 concerning the 2011 Convention (Tab 22 of Hart MFI-1);
 - v. Email from Ms Hart to Mr Mylan dated 16 February 2012 (Tab 24 of Hart MFI-1);
 - vi. Email from Ms Jackson to Mr Mylan dated 10 October 2011 (Tab 27 of Hart MFI-1);
 - vii. Email from Ms Hart to Mr Mylan dated 20 January 2012 (Tab 28 of Hart MFI-1);
 - viii. Email from Ms Hart to Mr Mylan dated 22 January 2012 (Tab 29 of Hart MFI-1);
 - ix. Email from Ms Hart to Mr Mylan dated 30 March 2012 (Tab 30 of Hart MFI-1);
 - x. Email from Ms Hart to Mr Mylan dated 24 April 2012 (Tab 32 of Hart MFI-1);
 - xi. Email correspondence from Ms Hart to Mr Mylan dated 24 April 2012 (Tab 33 of Hart MFI-1);
 - xii. If a response was not provided by Mr Mylan to the correspondence described in points i – xi above, an explanation from Mr Mylan as to why a response was not provided in relation to the concerns expressed therein.

5. Treatment of whistleblowers

With reference to paragraphs 41 to 52 of the Statement of Evidence of Ms Katrina-Anne Patricia Hart dated 3 June 2014:

- a. Mr Mylan's recollection of his treatment of Ms Jackson in her capacity as "whistleblower".

- b. Mr Mylan's recollection of his criticisms, if any, of Ms Jackson in relation to the manner in which she went about informing the Police of the allegations concerning Mr Michael Williamson.
- c. Whether Mr Mylan said, at any time, that there should have been an internal inquiry into Mr Williamson before Ms Jackson "blew the whistle" and, if so, why Mr Mylan maintained that Mr Williamson would be proven innocent?

6. Ms Carol Glen

In relation to Ms Carol Glen:

- a. Mr Mylan's involvement in the resignation of Ms Glen; and
- b. Whether Mr Mylan was involved in similar termination arrangements with any other officer of the Health Services Union.

7. Mr Michael Williamson

- a. Whether Mr Mylan considered and/or addressed whether Mr Williamson had sufficient leave entitlements to cover the last 21 weeks of his leave of absence, prior to his resignation.
- b. Whether Mr Mylan responded to Ms Hart's email to Mr Mylan dated 10 March 2012, requesting written confirmation that Mr Williamson had sufficient leave entitlements to cover the last 21 weeks of his leave of absence (Tab 19 of Hart MFI-1) and, if not, an explanation as to why Mr Mylan did not respond.

The Commission requests that Mr Mylan provide a statement of evidence addressing these matters by no later than **5pm Monday 25 August 2014**.

Your point of contact at the Commission in relation to this matter is Ms Amy Southwell, who may be contacted on either [REDACTED] or at the following email address: amy.southwell@turc.gov.au.

Yours faithfully



for James Beaton
Solicitor Assisting
Royal Commission into Trade Union Governance and Corruption

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