

REPORT OF PROCEEDINGS BEFORE

**SELECT COMMITTEE ON THE PLANNING PROCESS IN
NEWCASTLE AND THE BROADER HUNTER REGION**

**INQUIRY ON THE PLANNING PROCESS IN NEWCASTLE AND THE
BROADER HUNTER REGION**

At Sydney on Monday 23 February 2015

The Committee met at 11.00 a.m.

PRESENT

Reverend The Hon. F. J. Nile (Chair)

The Hon. C. Cusack

The Hon. G. J. Donnelly

The Hon. G. S. Pearce

Mr D. M. Shoebridge (Deputy Chair)

The Hon. L. Voltz

CHAIR: Welcome to the fourth hearing of the Select Committee on the Planning Process in Newcastle and the Broader Hunter Region. Before we commence, I acknowledge the Gadigal people who are the traditional custodians of this land. I pay respect also to elders past and present of the Eora nation and extend that respect to other Aboriginals present. Today the Committee will be hearing from Mr Tim Owen, former member for Newcastle. Before we commence, I will make some brief comments about the procedure for today's hearing. I remind everyone that committee hearings are not intended to provide a forum for people to make adverse comments about others under the protection of parliamentary privilege. I therefore ask that witnesses focus on the issues raised in the terms of reference of this inquiry and avoid naming individuals unnecessarily. In accordance with the Legislative Council's *Guidelines for the Broadcast of Proceedings*, only Committee members and witnesses may be filmed or recorded. While members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings.

It is important to remember that parliamentary privilege does not apply to what witnesses may say outside their evidence at the hearing. I urge all witnesses to be careful about any comments they may make to the media or to others after they complete their evidence as such comments would not be protected by parliamentary privilege if another person decided to take action for defamation. The guidelines are available from the secretariat and those media representatives who are not accredited to the public press gallery should approach the secretariat to obtain a copy of them. There may be some questions that a witness could only answer if they had more time with certain documents to hand. In those circumstances witnesses are advised that they can take questions on notice and, due to the Committee's short time frame, witnesses are asked to provide answers within 24 hours of receipt of the transcript. Witnesses are advised that any message should be delivered to Committee members through Committee staff. I now welcome our first witness, Mr Tim Owen, and thank him for coming from Newcastle to give evidence at this inquiry.

TIM OWEN, Retired, affirmed and examined:

CHAIR: Would you like to make a short opening statement?

Mr OWEN: Certainly. I understand that I am appearing before the Committee today based on some comments that have been made by Mr Crakanthorp in a public sense with respect to a document that he alleges was found in the Newcastle electorate office. As the Chair has mentioned, I have voluntarily come down to give evidence to assist the Committee in this process. I have to say though that I am a little confused as to why Mr Crakanthorp is actually not appearing to provide information, noting that the comments he has made have obviously raised issues with the Committee and the Committee has reformed to hear more evidence in that context.

CHAIR: We were hoping he would be here.

Mr DAVID SHOEBRIDGE: I can assure you that it is an open offer if he wants to come down and give his version under oath as you have.

Mr OWEN: Notwithstanding that, I am very happy to assist the Committee in that context but I must say at the outset that I cannot add anything to what I have actually said in the public arena—that being that I cannot recall the document. I am advised by my staff that in no way do they recall the document as being part of the documentation in the Newcastle office when I was the member for Newcastle. I am also advised by my staff, and I have great faith in them, that they have followed all of the requirements of the Parliament with respect to guidelines for clearing an office, in terms of clearing documents and destruction where necessary of documents. Again, I have been assured by my staff of that. I have also been assured by my previous staff that they checked the respective filing cabinets in that office three times post their clearing and I have a great deal of faith in what they have said. I do not know whether they will be providing any information to the Committee but all I can do is relay to you what they have physically said to me.

CHAIR: So you have never seen Cabinet paper No. 71?

Mr OWEN: I cannot recall seeing that document.

CHAIR: And as a member you would normally not have access to a Cabinet document?

Mr OWEN: It would be very unusual that I would have access to a Cabinet document I would suggest. That is all I can really provide you, Mr Chair. In closing my opening remarks I note, of course, from what I have been provided by the Committee staff in the terms of reference for the Committee on the whole I may be asked questions about those. What I would do, on legal advice, is ask Mr Chair that you are well aware that there is another inquiry ongoing through the ICAC and the Commissioner is yet to hand down her recommendations in respect of that so I would prefer not to answer questions in respect of that inquiry within the terms of reference for that inquiry to safeguard my rights with respect to that inquiry because those recommendations have not as yet been handed down. In that context I close my opening remarks.

The Hon. LYNDA VOLTZ: Thank you for coming. I understand you were going to western New South Wales today?

Mr OWEN: That is correct. I have changed my travel plans to suit this Committee's requirement.

The Hon. LYNDA VOLTZ: So you were going to western New South Wales and not to Cooma?

Mr OWEN: Whatever that is—south-western New South Wales, is it not?

The Hon. LYNDA VOLTZ: Cooma is south. Were you going to western New South Wales or southern New South Wales?

Mr OWEN: I am going to Cooma, south-western New South Wales.

The Hon. LYNDA VOLTZ: The Cabinet minute that was found in your office—

Mr OWEN: Allegedly found in my office, yes.

The Hon. LYNDA VOLTZ: Are you ruling out that it was found in your office?

Mr OWEN: No, I am not ruling that out.

The Hon. GREG PEARCE: It was not his office at that stage; it was Mr Crakanthorp's office.

The Hon. LYNDA VOLTZ: Are you ruling out that it was found in your office?

CHAIR: His former office.

The Hon. GREG PEARCE: No, it was found in Mr Crakanthorp's office.

The Hon. CATHERINE CUSACK: Just to clarify, you are referring to Tim Crakanthorp's office, are you?

The Hon. LYNDA VOLTZ: He knows what I am referring to.

The Hon. CATHERINE CUSACK: No.

The Hon. LYNDA VOLTZ: Are you ruling out that it was found in your office?

Mr OWEN: All I can repeat is what I have just said to you: I cannot recall seeing that document—

The Hon. LYNDA VOLTZ: So, indeed, it may have been found in your office?

Mr OWEN: Will you allow me to finish my answer? I cannot recall seeing that document. I have to rely on third parties with respect to the clearing of that office. I have been in that office twice since 12 August: once to have a coffee with my staff and secondly to pick up two pieces of art. That is the only time I have been back in that office prior to Mr Crakanthorp taking possession of it. I cannot add anything further to what I have already said.

The Hon. LYNDA VOLTZ: Are you telling this inquiry that you have never seen that Cabinet document and you have never had it in your possession?

Mr OWEN: I cannot recall seeing that document.

The Hon. LYNDA VOLTZ: Would Mr Bob Hawes have given you that document.

Mr OWEN: I cannot recall seeing that document.

The Hon. LYNDA VOLTZ: You do meet with Mr Hawes?

Mr OWEN: I have met with Mr Hawes.

The Hon. LYNDA VOLTZ: And you have met with Mr Hawes since you have been a member of Parliament?

Mr OWEN: Since I have been a member of Parliament, that is correct.

The Hon. LYNDA VOLTZ: And that was in regards to?

Mr OWEN: I met with Mr Hawes on a number of occasions with regards to a whole raft of issues that the Hunter Development Corporation was following in respect to Newcastle. I mean he is a senior bureaucrat in the department.

The Hon. LYNDA VOLTZ: What were those issues?

Mr OWEN: I cannot recall those but—for instance, I was an invited member to the coordination and delivery group for the renewal of Newcastle. When I was invited there at those meetings I would see Mr Hawes.

The Hon. LYNDA VOLTZ: Is that where Memorial Walk Development Pty Limited, of which you are secretary, comes from?

Mr OWEN: I do not think I was the secretary of any Memorial Walk Pty Limited.

The Hon. LYNDA VOLTZ: I have a copy here of an ASIC company search that has you listed as the secretary of Memorial Walk Development Pty Limited?

Mr OWEN: I was a trustee prior to my leaving government.

The Hon. GREG PEARCE: Can we have that document tabled?

The Hon. LYNDA VOLTZ: I am happy to table the document and I am happy to show it to you. It is an ASIC search.

Mr OWEN: So what is the point?

The Hon. LYNDA VOLTZ: Are you a secretary of Memorial Walk Pty Limited?

Mr OWEN: I am not aware that I was. I know that I was a trustee of the memorial walk coordination group or whatever we called it initially but when I left Parliament I left that group.

The Hon. LYNDA VOLTZ: Even though you were still down as the secretary of a company?

Mr OWEN: I am not aware of that and I have not checked ASIC with respect to that.

The Hon. LYNDA VOLTZ: How do you end up being secretary of a company and you do not know about that?

Mr OWEN: I believe that the position I was in was as a trustee for the funding for that with Mr Neil Slater. That is all I can recall with respect to that.

The Hon. GREG DONNELLY: In your opening statement you were asked about the said Cabinet document and you said that it would be—to use your word—"unusual" for you to see a Cabinet document. Could you explain what you mean by the statement that it would be "unusual" for you to see a Cabinet document?

Mr OWEN: Again I can only say that it would be very unusual for a backbencher to be provided with or to see a document like that.

The Hon. GREG DONNELLY: In your time as a member of Parliament had you ever seen any Cabinet document?

Mr OWEN: As I said to you, Mr Donnelly, and as I said in my opening remarks, I cannot recall seeing that document and I cannot recall seeing a Cabinet document that I can remember. You have to understand that a lot of documents come through a backbencher's office or an office of that nature but I cannot recall in any way seeing that document particularly.

The Hon. GREG DONNELLY: No, my question was: Had you ever seen a Cabinet document whilst you were a member of this Parliament?

Mr OWEN: Not that I can recall.

The Hon. GREG DONNELLY: When you were a member of Parliament was it your practice to maintain a diary?

Mr OWEN: There was an electronic diary that my staff looked after with regards to—

The Hon. GREG DONNELLY: Did you maintain a diary yourself?

Mr OWEN: I did not physically keep a diary that I can remember. I would have a notebook or two that I would put particular things in.

The Hon. GREG DONNELLY: So the only diary that you maintained was a diary maintained electronically by your office?

Mr OWEN: My staff would maintain my electronic parliamentary diary.

The Hon. GREG DONNELLY: With respect to your work as a member of Parliament, was it your practice to maintain notes or a notebook relating to meetings that you had—bearing in mind what you said a moment ago?

Mr OWEN: Not really. I mean sometimes I would take notes if a particular constituent had some issues but more often than not a notebook would be kept, for instance, if a constituent was in my office and a notebook or a series of notes would be taken by my staff if they were to sit in on a meeting.

The Hon. GREG DONNELLY: What about meetings that you attended, for example, by yourself without a staff member? Did you maintain notes then?

Mr OWEN: If it was important to take a note that I needed to remember something possibly but more often than not no.

The Hon. GREG DONNELLY: Where are the notes or notebooks that you maintained whilst you were a member of Parliament dealing with matters to do with your constituents or the constituency you represented now? Did you retain those or have they been destroyed?

Mr OWEN: I have retained I think one of my notebooks—one that was given to me—I have it with me at home. I am happy to provide that to the Committee if required.

Mr DAVID SHOEBRIDGE: Mr Owen, you said you saw many documents when you were a backbencher but backbenchers do not see Cabinet documents, do they, that is the nature of the beast?

Mr OWEN: It would be highly unusual Mr Shoebridge for a backbencher to see a Cabinet document.

Mr DAVID SHOEBRIDGE: Indeed, it would be in almost all cases improper for a backbencher to see a Cabinet document because you have got to retain Cabinet confidentiality.

Mr OWEN: Your words, it would be unusual for a backbencher to see anything of that nature.

Mr DAVID SHOEBRIDGE: I put to you it would be improper, given the requirements to maintain Cabinet confidentiality. Do you disagree with that?

Mr OWEN: No, I do not disagree with it.

Mr DAVID SHOEBRIDGE: As a backbencher, therefore, if you had seen the Cabinet document it would have stood out in an extraordinary fashion with you, would it not?

Mr OWEN: I would suspect so, yes.

Mr DAVID SHOEBRIDGE: Indeed, in fact, you would know full well, sitting there now if you had seen that document; you would absolutely know you had seen that document because it would have been an extraordinary event, would it not?

Mr OWEN: That is a reasonable point but, as I said to you, I cannot recall seeing that document.

Mr DAVID SHOEBRIDGE: That is where your explanation becomes difficult because you simply say you cannot recall, when the fact is you admit that if you had seen it, it would have stuck in your mind and you would have had a recollection of the extraordinary event. How can you say you do not recall?

Mr OWEN: I do not recall seeing it. That explains it to you, I would imagine. I do not recall seeing a document of that nature or that particular document.

Mr DAVID SHOEBRIDGE: You could very easily tell me and the Committee that you had not seen it; that if you had seen it, it would have stuck in your mind and been an extraordinary event and you can say, therefore, very clearly that you had not seen it, but you choose not to give the Committee that evidence. Why is that?

Mr OWEN: That is just your interpretation, Mr Shoebridge. As I said, I have made it very, very clear: I cannot recall seeing that document.

Mr DAVID SHOEBRIDGE: Mr Owen, that evidence beggars belief. If you had seen it, it would be as plain as day that it would be in your mind that you had seen this and the circumstances in which you had seen it. We are giving you the opportunity now to say clearly for the record that you have not seen it and you avoid doing that. You use the opaque term "I cannot recall". Surely you accept that that is a half-baked answer, Mr Owen?

Mr OWEN: I do not accept that because I cannot recall seeing that document.

Mr DAVID SHOEBRIDGE: Can you recall ever seeing a Cabinet minute in your hands?

Mr OWEN: No, I do not recall ever seeing a Cabinet minute in my hands as a backbencher and as the member for Newcastle.

Mr DAVID SHOEBRIDGE: But you cannot rule it out. Is that your evidence? You just simply have a very opaque memory. It was a busy time. Is that your evidence?

Mr OWEN: No, I am not saying that. It is just that I cannot recall. It has been and was an extremely busy office, one of the busiest electorates in New South Wales and, as I said, and I have made that very, very clear in the public sense and to this Committee today, I do not recall seeing that document.

Mr DAVID SHOEBRIDGE: Do you know who number 71 is from the Cabinet?

Mr OWEN: No, I have no idea.

Mr DAVID SHOEBRIDGE: Did you discuss the light rail, and the route for the light rail, in or about the middle of December 2013 with anybody?

Mr OWEN: I was always discussing what the options were with respect to light rail—if you would allow me to finish—and even in the public domain, my understanding is I cannot remember the timing of that, there were always options on the table for the route of the current heavy rail, a route down Hunter Street or some form of hybrid option. You have to remember I was an invited member to the Co-ordination and Delivery Group. If I remember correctly, that was talked about with both Transport and Urban Growth staff in the room—not in any detail to say these were the options that they could be possibly looking at.

Mr DAVID SHOEBRIDGE: You are not saying you got the documents in those meetings, are you?

Mr OWEN: No, not at all. I just attended as an observer, as an invited member, sorry as an invited attendee to those Co-ordination and Delivery Group—committee or group—that was cancelled towards the end of February last year. But as an invited member to that references were made from Transport representatives that they will be looking at some particular routes for the light rail in Newcastle.

The Hon. CATHERINE CUSACK: When you resigned as a member of Parliament who took control of your office?

Mr OWEN: Control of my office essentially was—I think Parliament essentially ran it with my previous staff remaining as the staff managing the process of the office until the by-election.

The Hon. CATHERINE CUSACK: Is it fair to say the Parliament oversaw the transition process to Mr Crakanthorp?

Mr OWEN: Correct. That would be fair to say that.

The Hon. CATHERINE CUSACK: Have you received advice to what Parliament's instructions were in relation to material in your filing Cabinet?

Mr OWEN: I can only relate to what I have been advised by my previous staff that all documents were to be cleared, were to be shredded and destroyed, and all filing cabinets were to be left completely empty.

The Hon. CATHERINE CUSACK: Did your staff advise you that they were empty?

Mr OWEN: That is correct.

The Hon. CATHERINE CUSACK: Did they advise you that they checked the cabinets?

Mr OWEN: Yes, and as I mentioned in my opening statement, I am advised by both of my staff that they checked all filing cabinets three times.

The Hon. CATHERINE CUSACK: Have you seen this photograph of your office in the *Newcastle Herald*?

Mr OWEN: Yes.

The Hon. CATHERINE CUSACK: Do you recall leaving the office in that condition?

Mr OWEN: I did not leave the office in that condition. But I have, as I said, every faith in my staff that they would never leave an office in that condition.

The Hon. CATHERINE CUSACK: These appear to be campaign materials from the 2011 election. Is it fair to say they are not reusable and they would have been rubbish?

Mr OWEN: Yes, my understanding is that they actually physically belong to the Liberal Party and the staff are not under direction from Parliament to destroy those, they are just to leave them to be picked up by them Liberal Party. Again, I am assured by my staff that that is exactly what happened, not in that state.

The Hon. CATHERINE CUSACK: We have some large rigid corflutes of Craig Baumann and Barry O'Farrell and various other people.

The Hon. GREG DONNELLY: Dark days, luminaries of the Liberal Party.

The Hon. CATHERINE CUSACK: Is it possible that that could have been stored without anybody seeing it and it going unnoticed in the office when everyone was checking, including the Parliament, that it was clear?

Mr OWEN: I doubt that that was the case.

The Hon. CATHERINE CUSACK: How can we explain your office looking like this?

Mr OWEN: I do not want to run a commentary on it but I would say it has probably been set up for a photo by the newspaper, I would have thought.

The Hon. CATHERINE CUSACK: Posed by Mr Crakanthorp for a media opportunity?

Mr OWEN: Well, yes.

The Hon. CATHERINE CUSACK: Contrived?

Mr OWEN: Well, your words.

The Hon. GREG DONNELLY: Point of order—

The Hon. CATHERINE CUSACK: We are trying to understand, this is meant to be evidence that he found a 58-page Cabinet document in an empty filing cabinet two months after he moved into the office. When he was questioned on that, this photograph is the only evidence Mr Crakanthorp has offered to say that that allegation was true.

The Hon. GREG DONNELLY: My point of order is how would the witness know what was—

CHAIR: A point of order has been taken and the Hon. Catherine Cusack should cease speaking until it is heard.

The Hon. GREG PEARCE: It stings a bit, does it not, Greg, to have it set up.

CHAIR: What is the point of order?

The Hon. GREG DONNELLY: My point of order is whether the question is being posed as a question specifically and if it is, it should be posed as such, or is the Hon. Catherine Cusack trying to lead the witness in terms of what was in the mind of Mr Crakanthorp in that photograph?

The Hon. GREG PEARCE: Nothing would have been in his mind obviously.

The Hon. CATHERINE CUSACK: I have asked the question and it has been answered. Can I move on?

CHAIR: Do you want to make any comment on the point of order?

The Hon. CATHERINE CUSACK: No, the question has been asked and answered, so that was just a time-wasting exercise by the Hon. Greg Donnelly.

The Hon. LYNDA VOLTZ: Did you get a word in, Tim?

The Hon. CATHERINE CUSACK: Do you have any comments that you would like to make regarding the issue generically about the railway line? How many documents as the local member crossed your desk or were shown to you at meetings, the substantive issue being about light rail in Newcastle?

Mr OWEN: I would like to put on the record that I know there has been a lot of information passed through to this Committee in terms of planning in Newcastle but prior to me standing for the seat of Newcastle there were four key things I thought we needed to do to improve the vibrancy and the liveability of the central business district of Newcastle. I do not think there is any doubt with anybody around this table that there were significant issues in terms of that city.

The four things were: the moving of the law and business faculties of the University of Newcastle actually into the central business district, not promising to do it year after year, after year; to get work started on the new court building in the central business district of Newcastle; to get the east end redevelopment started again after the development of that just fell completely in a heap; and to deliver a change of transport mode in to the City of Newcastle to link it closer to the harbour to make it a more vibrant place in which to live and to make it where people wanted to recreate, shop, visit and make it more interesting. That was my platform. I was elected. The Government is delivering those four commitments. Point one.

Point two I want to make refers not only to what we are talking about today but also other points that have been made separately in this Committee. The change of mode of transport into the central business district of Newcastle was primarily predicated on the 2009 Hunter Development Corporation Urban Renewal report that was instigated by the previous member for Newcastle Ms Jodie McKay and the Minister for the Hunter and, I might add, endorsed by the previous Labor Government. I thought that document had some real viability to it and I was happy to use that as the initial start for what I thought we needed to do in the City of Newcastle.

The third point I would like to put on record, and I know there has been a lot of toing and froing with respect to the routing of the light rail. Firstly, the routing of the light rail is entirely a Cabinet decision. I had little influence, in fact, no influence on that decision. The routing of the light rail in Newcastle was also agreed in terms of where they had done that by the officers of Newcastle City Council. I would like to add that about 2½ years ago probably the most pre-eminent urban designer in the world, a gentleman by the name of Mr Jan Gehl came to Newcastle with the expressed purpose at looking at the renewal of the city and looking at the transport options that would be most useful in the City of Newcastle. It is about vibrancy, it is about making it a place where people want to recreate, where people want to be, for families, for students and for everybody. His two main points were about getting people back into the city, the university being a key part of that process, and, secondly—

The Hon. GREG DONNELLY: Point of order: the witness has not come within a bull's roar of the question of the member about the documentation passing through his office.

Mr OWEN: May I just finish this?

The Hon. GREG DONNELLY: You have not even attempted to answer the question.

CHAIR: He is just summing it up.

Mr OWEN: May I finish this? With respect to the routing of the light rail which is the key part that sits in this document, Mr Jan Gehl said to a number of people in the City of Newcastle through a number of workshops, "You must have the transport where people want to recreate, where they want to shop, where they want to do business". He alluded to cities all over the world but, particularly, he alluded to Melbourne with the trams in Melbourne. I thought there was a lot of efficacy to what he had said. Has that influenced the Government? I do not know but my personal view was that his view had a lot of efficacy. And they are the three points I wanted to get on the record. With regards to documents, we would talk about this because it was a topical issue clearly. It was talked about in the media, at a political level, at local government level, at State Government level and at Federal Government level. Even Sharon Grierson who was the Federal member at that time stepped in and said light rail is the way we must go in the City of Newcastle. We all used to talk about that but I come back to the point that I stated initially, I cannot in any way recall seeing the Cabinet minute with respect to that.

Mr DAVID SHOEBRIDGE: Mr Owen, this is the first time you have been back in Parliament House since you left?

Mr OWEN: That is correct.

The Hon. GREG PEARCE: Mr Chair, what is the process at the moment?

Mr DAVID SHOEBRIDGE: Will you take this opportunity of being in Parliament House to apologise to the institution for the disgrace you caused by taking the \$10,000 in cash from a developer?

The Hon. CATHERINE CUSACK: I beg your pardon. With respect, the member has—

Mr DAVID SHOEBRIDGE: You have got an opportunity to do it. Are you going to do that?

The Hon. CATHERINE CUSACK: The member has no right to say that to a witness who has voluntarily come to give evidence, particularly, when a member of Parliament, Mr Crakanthorp, will not even bother to turn up. That is a really disgraceful and shabby way to treat somebody who has voluntarily come down from Newcastle to give evidence. You are a disgrace, David Shoebridge.

Mr DAVID SHOEBRIDGE: We get this long CV but he does not make the key apology.

The Hon. GREG DONNELLY: Point of order: Can we proceed with the questions?

CHAIR: Were you surprised when the light rail option was changed from the existing rail corridor to Hunter Street?

Mr OWEN: Not surprised. There were a number of options on the table. My personal view was exactly as I just described in point three there: I thought there was a lot of efficacy to what one of the pre-eminent urban designers in the world had articulated and had spent time in Newcastle looking at it and actually compared Newcastle to the main streets of Melbourne.

CHAIR: He was dogmatic not to use the rail corridor?

Mr OWEN: Not dogmatic. He was providing an offering opinion only, but he is a gentleman who has done this work throughout Europe, Moscow, the United States, New York and he was there to provide opinion and to provide his expertise. I thought his argument was quite compelling, but again I reiterate this was my personal view. I have no idea whether it influenced Government in any way, shape or form because this was a Cabinet decision, not a decision I had any influence on.

CHAIR: Do you remember the date of that Cabinet document? There is a date on it.

Mr OWEN: I do not remember the date but I think it is late last year.

Mr DAVID SHOEBRIDGE: The Cabinet document is 11 December 2013.

The Hon. CATHERINE CUSACK: It is 2013.

Mr OWEN: Sorry, my apologies; December not last year, the year before—2013.

CHAIR: You saw the date on the document?

Mr OWEN: To be frank, I saw it in the paper but I did not take a lot of notice of it. I read the script in the media and I think it said it was late 2013.

CHAIR: Do you remember how many pages the Cabinet document had?

Mr OWEN: Again I can only relate what my staff said. They said from the media it was between 50 and 60 pages, I understand.

CHAIR: It is somewhat misleading—if there is an impression you are not giving it that it is a single piece of paper and it is easy not to see it mixed up with a whole lot of emails and other printed material; it is actually a large document with 58 pages. A document of that size, it is hard to understand how you could have it in your hands and then not remember that you actually saw it.

Mr OWEN: Correct, and it would be very hard as well to understand how a document of that nature could lie on its own in the back of a filing cabinet and not be seen by staff who have cleared those filing cabinets three times.

CHAIR: Where do you think it came from then?

Mr OWEN: I do not know. I have no idea and I really have not concerned myself with that, Mr Chair. I do not have any idea where it would have come from, but again I can only reiterate my view and my personal experience: I cannot recall seeing that document, my staff cannot recall seeing that document in any time that they were in the office, and we were meticulous about our filing.

CHAIR: With no other explanation, somebody planted it in the office—physically put the document there.

Mr OWEN: You could draw that conclusion, but I am not willing to make a speculation in that context. I can only really rely on my staff's view and my staff's input to me that they are—I do not know whether you are going to speak to them or not—

CHAIR: We are, yes.

Mr OWEN: —but they have assured me that they are 100 per cent sure that there was nothing remaining in any of those filing cabinets when they handed the office to Mr Crakanthorp's staff under the supervision of the parliamentary staff.

CHAIR: From my study of the document it appears that somebody was getting a person's not approval but knowledge of what the Cabinet had decided. In other words, in the document itself there are points and next to those points are very light ticks; someone is ticking off, ticking off mainly the changes of the light rail. If that was you you would think that would stay in your mind if you were physically ticking off the various points in that Cabinet document. If someone out of a courtesy to you said, "Perhaps you should see what the Cabinet is now doing; it has made a major change. Would you like to just check it out, these various points?" that does not register with you?

Mr OWEN: It does not register with me. I cannot exactly remember but I would have been advised by either Premier and Cabinet or the Minister for Transport staff, I would imagine, just prior to it being released to the media, which was the usual process of release of documents.

The Hon. LYNDA VOLTZ: Mr Owen, you were talking about your office, that all the documents were cleared out of your office, yes?

Mr OWEN: I can only relay what I have been told by my previous staff to this Committee.

The Hon. LYNDA VOLTZ: So if there were still letters left there by Orizon, by Attune Company, by the Delando Corporation, by Eastern Star Gas, by the AHA and the Tourism and Transport Forum, would you say there may have been documents left in your office?

Mr OWEN: Again, I can only relay to you what I have been told by my staff.

The Hon. LYNDA VOLTZ: You also raised Jan Gehl as arguing for a light rail system in Newcastle, is that right?

Mr OWEN: No, I did not say he was arguing for a light rail system.

The Hon. LYNDA VOLTZ: What was Jan Gehl arguing for?

Mr OWEN: All I can say to you is he did a number of workshops and said any transport solution that you run must be as close as it can possibly be to where you want people to recreate, to shop and to do business.

The Hon. LYNDA VOLTZ: Is it not true that what he was actually talking about was promoting walking and cycling?

Mr OWEN: Walking and cycling was part of that process as well, correct.

The Hon. LYNDA VOLTZ: In fact, what he was talking about was the Newcastle shuttle bus.

Mr OWEN: All I can say to you is that is what he spoke to me about.

The Hon. LYNDA VOLTZ: It appears to be completely at odds with any of the recommendations your Government has put forward.

Mr OWEN: That is your view. I had long discussions with Mr Gehl.

The Hon. LYNDA VOLTZ: Indeed, in the 2009 report that you keep quoting, the Coordinator General of the New South Wales Government had previously, in August 2000, said that the results of a feasibility study into the use of modified light rail into the CBD would not deliver the better transport outcomes.

Mr OWEN: All I am saying is I used that as, if you like, the preliminary document in terms of changing the mode of transport into the City of Newcastle.

The Hon. LYNDA VOLTZ: Indeed, the government departments presented evidence to this Committee that patronage would drop under the proposal that the Government has put forward—

Mr OWEN: That is a government decision, not mine.

The Hon. LYNDA VOLTZ: —which would be consistent with what the Office of the Coordinator General found.

Mr OWEN: I cannot make comment on that because those are government decisions and not my decisions.

The Hon. LYNDA VOLTZ: The Cabinet document that everyone has been referring to, in just about every option that is put forward it is recommended that the heavy CBD rail continue until such time as the light rail is used if the option to go up Hunter Street is adopted. Have you ever heard that before?

Mr OWEN: There were a number of options canvassed obviously but, as I keep coming back, those are Cabinet decisions in line with departmental advice, not my decisions.

The Hon. LYNDA VOLTZ: Given that every departmental advice says that it is best to build the light rail first and that heavy rail could continue, why have you always advocated for truncating of the line before any of that happened?

Mr OWEN: I advocated for what I thought was the best outcome; Government would make the decision in line with the particular departments on how they would implement it.

The Hon. LYNDA VOLTZ: So you would prefer to see the heavy rail maintained or the light rail built first.

Mr OWEN: Do not put words in my mouth.

The Hon. LYNDA VOLTZ: Well, it is one or the other.

Mr OWEN: I am not even going to bother to answer that.

The Hon. GREG DONNELLY: Just returning to the first piece of evidence you gave to our questions, I would appreciate it if you would provide to the Committee, as you undertook you would be able to do so, that notebook that you said you had retained.

Mr OWEN: Certainly.

The Hon. GREG DONNELLY: There was just one single notebook that you retained relating back to your—

Mr OWEN: Yes, I think so. I did not really take a lot of notes but I am very, very happy to provide that notebook. It is the only notebook that I currently have; it was given to me with my goods and chattels out of the office.

The Hon. GREG DONNELLY: Whilst you were the member for Newcastle did you attend meetings at the Newcastle Town Hall that involved the mayor and a representative from the GPT Group?

Mr OWEN: No, I do not think so. I think the mayor might have met GPT Group separately. I did have meetings myself personally with the GPT Group with a lady by the name of Ms Julie Rich, when she was under their employ in her initial status.

The Hon. GREG DONNELLY: With respect to the GPT Group meetings, what were discussed at those meetings?

Mr OWEN: Primarily how they had been, if I remember correctly, when they had done the negotiation with Urban Growth NSW—sorry, not Julie Rich was part of Urban Growth—when they had come to that agreement to re-establish and work together with respect to the renewal of the east end of Newcastle. GPT basically came and talked to us about what their thoughts were in concert with Urban Growth NSW about how they would see the redevelopment initially, the initial stages of the east end of Newcastle going ahead, primarily

focused on it not being predominantly retail but being residential and mixed use, and that is really the context of the conversation.

Mr DAVID SHOEBRIDGE: Mr Owen—

The Hon. GREG PEARCE: Mr Chair, what is the process here? We have already had two lots of questions from Labor. I know this is a witch hunt and an ambush but what is the process?

CHAIR: We have just extended the time.

The Hon. CATHERINE CUSACK: We have not extended the time. We have a 30-minute hearing and Mr Crakanthorp is meant to be sitting there answering questions now. That is what we were expecting.

CHAIR: The second witness is not appearing.

The Hon. GREG PEARCE: So he is not prepared to face up to it. He is the one who claims—

The Hon. GREG DONNELLY: He is one of yours and you can ask the questions.

The Hon. GREG PEARCE: Crakanthorp is the coward who will not come along today.

The Hon. LYNDA VOLTZ: It is your idea to be here.

The Hon. CATHERINE CUSACK: The Labor Party were the ones who voted for these hearings and now they are not willing to turn up and give the evidence that caused the hearings in the first place. Everybody knows that is because he will not say it under oath.

CHAIR: Committee members will restrain themselves. It is up to Mr Owen. He agreed to come for 30 minutes; we have gone over time. Can you stay for another 10 minutes?

Mr OWEN: I have to say, Mr Chair, I have nothing more to add and, as Ms Lynda Voltz has said, I would like to get on my way to Cooma.

Mr DAVID SHOEBRIDGE: Mr Owen, I think we recognise that you have actually come to give your evidence under oath and Mr Crakanthorp has not, and that creates a real difficulty for this Committee. I personally appreciate you having come. We may be at loggerheads on certain issues about your evidence, but the fact that you have come is important, and we should have the other side of the record here with Mr Crakanthorp. It is not your fault that he is not here.

The Hon. GREG PEARCE: Mr Chair, perhaps Mr Owen is carefully choosing his words because he does not want to be ambushed here. I can fully understand that when he is being ambushed left, right and centre.

CHAIR: Mr Owen, can you stay for five minutes?

Mr OWEN: Okay, I will stay for five minutes.

Mr DAVID SHOEBRIDGE: Could I show you the Cabinet minute? It is page seven of the Cabinet minute and there is some writing on it.

The Hon. GREG PEARCE: Are you going to establish his forensic expertise as you do this?

Mr DAVID SHOEBRIDGE: Mr Owen, do you see that writing down there?

Mr OWEN: I do.

Mr DAVID SHOEBRIDGE: It is a commentary that has been made on the document. Do you recognise that writing?

Mr OWEN: No, I do not.

Mr DAVID SHOEBRIDGE: Having seen that notation there now does it trigger with you any memory of either you having made that notation or spoken to somebody about that notation?

Mr OWEN: No.

Mr DAVID SHOEBRIDGE: Are you sure about that?

Mr OWEN: Yes.

Mr DAVID SHOEBRIDGE: It was well-known that a number of large landowners in Newcastle, Mr McCloy and the GPT Group wanted to have the light rail go down Hunter Street, was it not?

Mr OWEN: You are telling the story.

Mr DAVID SHOEBRIDGE: You had a lot of talks with them. You were just telling us you were regularly talking with them. Tell the story yourself.

Mr OWEN: I know that Mr McCloy articulated that into the media but he did not come to me and say, "This is what I want and this is what I am going to say".

Mr DAVID SHOEBRIDGE: GPT Group were of the same view: they wanted the light rail down Hunter Street outside their property, did they not?

Mr OWEN: They have never said that to me. What I can say to you, Mr Shoebridge, is no developer has ever come to me to say, "It is important that the routing of the light rail is X so I can build on Y".

Mr DAVID SHOEBRIDGE: The fact is that this Cabinet minute was dead against where you wanted the light rail to go, was it not?

Mr OWEN: I have not read the Cabinet minute, to be frank.

Mr DAVID SHOEBRIDGE: Did you talk with anybody who was in the Cabinet at the time that these decisions were being made? Did someone from Cabinet come and tell you, "We are making an in-principle decision to put it down the rail corridor. What are your thoughts?"

Mr OWEN: No. I was aware that there were a number of options that were being looked at for the routing of the light rail in the City of Newcastle. I essentially was to await the outcome of that. As I mentioned to you before and to the Chair, people obviously knew that I had favoured some form of routing where people could alight quickly and shop, recreate and do business where they are closest to where you want them to do that. As I said to you, specifically I compare this to Melbourne where trams run down Collins Street, trams run down Bourke Street, and that is what generates a lot of the people in and out of the areas where you want vibrancy. I thought there was a lot of efficacy to that approach. Whether my opinion was taken into account when Cabinet made their decision, I do not know because I was not in the room when that decision was made.

CHAIR: Are there any further questions from Government members, just for one minute?

The Hon. GREG PEARCE: Just to clarify this: You left your office—was it August?

Mr OWEN: Early in August, Mr Pearce, yes.

The Hon. GREG PEARCE: You went back twice?

Mr OWEN: I went back for coffee and went back to collect some art and some ornaments.

The Hon. GREG PEARCE: The office was cleaned up by your staff and parliamentary staff?

Mr OWEN: No. My understanding is—correct me if I am wrong; you can ask the parliamentary staff; I am sorry, my staffers—

The Hon. GREG PEARCE: We are going to, yes.

Mr OWEN: They did the cleaning up under the guidance, and I gather the checking, of parliamentary staff at some subsequent date, just prior to handover.

The Hon. GREG PEARCE: To your knowledge you have never actually read the Cabinet document that we are all talking about?

Mr OWEN: To my knowledge, that is correct. I cannot recall seeing that document.

The Hon. GREG PEARCE: It has clearly been leaked by somebody somewhere along the line.

Mr DAVID SHOEBRIDGE: No. 71.

The Hon. GREG PEARCE: Maybe No. 71. I guess, rather than the gloss that Mr Shoebridge wanted to put on your caution in your answers, it may be that you were simply being cautious to ensure that you did not say something that was misleading to the Committee.

Mr OWEN: You know, there are things that you can never—that is correct. I mean, you cannot 100 per cent guarantee everything in life.

The Hon. GREG PEARCE: For example, as an MP you often have people send you correspondence attaching all sorts of documents. Often it comes at midnight by email. I guess, to be fair to you, you do not want to be ambushed with something like that.

Mr OWEN: I mean, you can take that point but yes; as I said, I can only tell you in terms of what I have said today I cannot recall in any way seeing that document.

The Hon. GREG PEARCE: Mr Crakanthorp's earlier story was that he found the leaked document in the back of the filing cabinet, but I notice his story changed yesterday in the newspaper where it is somebody called [name suppressed] who now found the leaked document. Do you have any knowledge of it being found or in any way being in what was your former office?

Mr OWEN: No, I do not. I mean, and I can only—and again my previous staff have reiterated to me that where Mr Crakanthorp originally said he found the document was a filing cabinet where all constituent files were held, and that was accessed two, three, four times daily by my staff. They would notice, I would imagine, a document of that significance sitting in amongst constituent files—I would imagine. I cannot comment on who found it, when it was found and by whom it was found, but I can only reiterate to you what my staff, or previous staff, have told me.

The Hon. GREG PEARCE: It is quite likely that correspondence continued to come to you to the address—to the office—after you had gone.

Mr OWEN: Yes, that is correct.

The Hon. GREG DONNELLY: Point of order: Time for questions now passes to the Opposition.

The Hon. GREG PEARCE: Which may have been left—

Mr OWEN: The office was open and documentation. It was still an electorate office even though I was not there.

The Hon. CATHERINE CUSACK: Chair, can I ask you a question?

CHAIR: Time has elapsed according to what we just agreed on.

The Hon. LYNDA VOLTZ: What you are saying now is that—

Mr OWEN: I am not saying anything.

CHAIR: I have just got one question.

The Hon. CATHERINE CUSACK: I do understand that you have decided to go over the 30 minutes, but can you just tell us how long you want to keep going for?

Mr OWEN: That was it: Five minutes.

CHAIR: I did that. I just said a moment ago —five minutes—and the five minutes is now up. There is just one point. I just want to make one point.

The Hon. GREG PEARCE: The Chair just wants to ask one question.

CHAIR: Is that all right?

The Hon. GREG PEARCE: Yes.

The Hon. GREG DONNELLY: Yes, Chair.

CHAIR: I am just wondering: you did mention earlier, Mr Owen, that you had legal advice concerning the ICAC matters, and we understand that that is being very prudent. Did you have legal advice on the evidence you would give to this Committee today?

Mr OWEN: I spoke to my solicitor and that was all, basically. He said exactly, "Tell it as you see it."

CHAIR: We do, in the ICAC hearings, keep hearing this term, "I do not recall.", "I do not recall."

Mr OWEN: I understand that.

CHAIR: Basically, that is what you have been saying to us in the Committee today.

Mr OWEN: No, no, no, no. I do not recall seeing the document.

CHAIR: Right. We do appreciate your coming down especially to give the evidence, and volunteering to come whereas Mr Crakanthorp did not, so you get all credit for that. Thank you very much.

Mr OWEN: Pleasure, Mr Chair. Thank you.

CHAIR: I apologise to the Committee for going over time, but the second witness was not going to be here and we obviously had not finished the questions.

(The witness withdrew)

IN-CAMERA PROCEEDINGS BEFORE

**SELECT COMMITTEE ON THE PLANNING PROCESS IN
NEWCASTLE AND THE BROADER HUNTER REGION**

**INQUIRY INTO THE PLANNING PROCESS IN NEWCASTLE AND THE
BROADER HUNTER REGION**

At Sydney on Monday 23 February 2015

The Committee met in camera at 12 noon

PRESENT

Reverend The Hon. F. J. Nile (Chair)

The Hon. C. Cusack

The Hon. G. J. Donnelly

The Hon. G. S. Pearce

The Hon. L. Voltz

Mr D. M. Shoebridge (Deputy Chair)

WITNESS A, before the Committee via teleconference, sworn and examined:

CHAIR: I welcome you to the inquiry into the planning processes in Newcastle and the broader Hunter region. Thank you for taking the time to speak to the Committee and to assist us with our inquiry.

WITNESS A: Sure.

CHAIR: You are currently addressing, through this system, the six members of the Committee and the committee secretariat. Hansard also is present and will record proceedings for a transcript, which will be sent to you for your proofing. There is no-one else present in the room. We have cleared the room so your evidence is in camera. Would you like to make a brief statement? We have allocated only 30 minutes for this session, so it would need to be brief.

WITNESS A: No, I do not.

CHAIR: Thank you again for assisting the Committee.

Mr DAVID SHOEBRIDGE: We should indicate at the start that we have had tendered through the Hon. Catherine Cusack an email that you sent to Ms Cusack.

WITNESS A: Yes.

Mr DAVID SHOEBRIDGE: Do you affirm that the contents of that email are true and correct?

WITNESS A: Yes.

The Hon. GREG PEARCE: Would you be happy for the Committee to publish that email?

WITNESS A: If we could refrain from my name being used in that email, I have no issue with it in published.

The Hon. GREG PEARCE: So if we redacted your name, we could publish that. Okay.

WITNESS A: Okay.

CHAIR: Thank you for your cooperation.

WITNESS A: No problem at all.

The Hon. LYNDA VOLTZ: How are you?

WITNESS A: Very well, thanks. Well, I am a bit nervous but very well.

The Hon. LYNDA VOLTZ: Don't worry about it, mate. You will be fine. Just run us through quickly: There are a number of filing cabinets in the office, I understand?

WITNESS A: That is correct.

The Hon. LYNDA VOLTZ: They would be in separate rooms?

WITNESS A: Well, we had basically where all the information, correspondence or parliamentary documents were all stored within the back room from which we have a kitchen off to the side. There were four filing cabinets, three drawers in each. There were other filing cabinets but they were just cabinets that we all had under our desks, which had drawers with the cabinet but we certainly did not file anything there that was that matter, or with things that were ongoing. It was just documents there, you know—things that we were still working on. But, no, definitely everything was filed in those four cabinets in the back.

The Hon. LYNDA VOLTZ: When you left the office, obviously the filing cabinets were not empty: They still contained documents?

WITNESS A: I am sorry, I did not hear that.

The Hon. LYNDA VOLTZ: Sorry, mate. Can you hear me better now?

WITNESS A: Yes.

The Hon. LYNDA VOLTZ: Sorry. When you left, the filing cabinets were not empty; they contained documents?

WITNESS A: The week leading up to the by-election, I had actually gone through all of the filing cabinets that we had done and as I had done over the period leading up to that. Now, the reason why I stand by my 100 per cent claim that they were empty is because I actually found in one of the bottom drawers, in that week leading up, a file right at the back, which then I thought, "Oh, goodness. I'm glad I found that." It prompted me to go right back through all of the drawers, pull everything out, and just do a double check and then a triple check. I was very vigilant about making sure everything was removed.

The Hon. LYNDA VOLTZ: You left no documents? There were no constituent letters, no letters from any organisations, no documents? That is what I am trying to ascertain.

Mr DAVID SHOEBRIDGE: You are saying in the filing cabinet?

The Hon. LYNDA VOLTZ: Yes.

WITNESS A: Sorry?

The Hon. LYNDA VOLTZ: You left no documents at all behind in the office? Is that what you are saying?

WITNESS A: No, no documents—

The Hon. LYNDA VOLTZ: No constituent letters?

WITNESS A: —at all out of those four filing cabinets—

The Hon. LYNDA VOLTZ: No, no.

WITNESS A: I can 100 per cent claim that they were empty because, like I said, finding that other file right at the back, because I understand that things can go right at the back, but finding that prompted me to then go right back and do a thorough check, and I am 100 per cent confident—

The Hon. LYNDA VOLTZ: I have got that. I want to be clear that you left behind no constituent letters whatsoever, no company letters and no letters from organisations in any filing cabinet in that office?

Mr DAVID SHOEBRIDGE: A short point of order.

The Hon. LYNDA VOLTZ: No—

Mr DAVID SHOEBRIDGE: Ms Voltz, there are two different questions. One is in the office and one is in the filing cabinets. This witness has been talking about the filing cabinets. You need to be fair to her. Are you asking about the office or filing cabinets?

The Hon. GREG PEARCE: And correspondence would have continued to be received.

The Hon. LYNDA VOLTZ: Can you answer the question, Witness A?

Mr DAVID SHOEBRIDGE: Well is it a question about the filing cabinets, which is what she has been talking about, or the office? You need to be fair to her, Lynda.

WITNESS A: Thank you for saying that because in those filing cabinets—that was the only place where documentation of that sort was ever filed. Documentation relating to constituents or to Parliament, they were all kept in that one area. I can clarify again that there was not one document, as far as I am concerned—because of the double-check and the triple check that I did do—left in those filing cabinets.

The Hon. LYNDA VOLTZ: So in the filing cabinets there were no constituent letters, no letters from any organisations and no letters from companies?

WITNESS A: No. That is right. I believe that there was nothing left because I had gone right through and did a triple check, so I stand by that.

The Hon. LYNDA VOLTZ: You took all the constituent files out and you archived them?

WITNESS A: I am sorry?

The Hon. LYNDA VOLTZ: What did you do with the constituent letters that were in your office? Did you archive them?

WITNESS A: No. No, they were all shredded.

The Hon. LYNDA VOLTZ: You shredded all the constituent letters?

WITNESS A: There was one letter that came in, which was addressed to Tim Crakanthorp, prior to him coming to the office. We did not open that because it was not addressed to us. We left that letter—I left that letter with the staff when they came in, along with a couple of other documents, as I indicated in my emails, which included congratulatory messages that needed to be actioned, along with Community Building Partnership Program documents. They were the only things that remained, and they remained on my desk ready for the people coming in—the new staff coming in and I showed them that.

The Hon. LYNDA VOLTZ: I was just asking for clarification because I think the transcript will reflect that Tim Owen implied there were constituent letters left. If there was not, that is fine.

WITNESS A: Sure.

The Hon. GREG DONNELLY: Thank you for making yourself available to provide evidence this afternoon. It is Greg Donnelly speaking. With respect to the clearing of the filing cabinets, were you provided with instructions from anybody about how to clear the filing cabinets?

WITNESS A: Not really. We were just—as my email explained, we had Catherine Watson appear in our office just a few days or a couple of days after Tim's resignation. She came in and we had a conversation about what we basically would be doing through the period. She made it clear that one of the things that usually happens and what we should be doing is to get rid of any of the correspondence that came into the office because of privacy reasons. So that was the introduction. I did not get shown how to shred it. I personally took that on board to formally destroy it, and destroy it the right way, by shredding it rather than—I certainly did not put anything of a confidential nature or anything that related to any constituent or Parliament into the bin. They were all shredded. We did not have—we only had regular bins. We were not sent a special bin or anything like that, so it was just a matter of as soon as we filled one up, we had to wait for that to be removed and emptied by the garbage truck and then from there we were able to fill it up again. That was just the process.

The Hon. GREG DONNELLY: With respect to the garbage, is that the Newcastle Council garbage pick-up?

WITNESS A: That is right. It was just the Newcastle council garbage pick-up. We had a couple of secure bins, which were locked. In those bins I only placed letterheads and 21st birthday cards, things like that, that were not confidential, but they did have Tim Owen's letterhead and logo on it. That was where I removed that information.

The Hon. GREG DONNELLY: With respect to the clearing out of the office that we are discussing now, you said that some material was shredded. Was some other material placed in those sealed bins, those security bins?

WITNESS A: No, not that I put them in. As I said, the only material put in those secure bins were things like the letterheads because only recently—

The Hon. GREG DONNELLY: But nothing to do with the clearing out that you were doing?

WITNESS A: No, no. I just—I am sorry, could you clarify that again?

The Hon. GREG DONNELLY: I am wondering, the clearing out of the filing cabinets that we are talking about, there was nothing that you placed into those secure bins?

WITNESS A: No.

The Hon. GREG DONNELLY: No.

WITNESS A: That is right. No, I did not place any of the information in those cabinets—none of that went into the secure bins.

The Hon. GREG DONNELLY: Will you explain to the Committee, please, how you cleared out the filing cabinets?

WITNESS A: Yes, certainly. I just went through—I remember I started in the top left corner. Also, just trying to clarify, in that top right corner cabinet, which is what was referred to in the *Herald*, we actually held constituent files there. We did not hold anything that had—come from Ministers or anything like that. We had them labelled A, B, C, D, E, F and I basically went through and started with all of the constituent files, went through and pulled out A. From there, just shredded, shredded, shredded, and then on to the next file and basically worked from the top left corner right up to the top right corner and then looked in the second drawer on the left corner to the right, just to keep it in order.

The Hon. GREG DONNELLY: You worked through those cabinets and files systemically?

WITNESS A: I did. I did not just start—

The Hon. GREG DONNELLY: No, and your evidence has been, has it not, that you went back and checked that, not once, but twice—

Mr DAVID SHOEBRIDGE: Three times.

WITNESS A: Absolutely. I also asked my colleague on one of the mornings leading up to us leaving, "Could you just go back through and have a good check as well?" I knew that I had gone through them several times—

The Hon. GREG DONNELLY: Will you explain to the Committee, did you remove the drawers from the filing cabinets in your execution of removing the files from the filing cabinets?

WITNESS A: No, I did not. I did not physically remove the drawers completely. They would have been quite heavy, I would imagine.

The Hon. GREG DONNELLY: You did not actually see beneath the drawers—that is if the drawers had been removed—whether or not sitting on what would have been the carpet were any documents because you did not in fact take the drawers out? Is that correct?

WITNESS A: That is correct. I did not take the drawers out.

The Hon. GREG DONNELLY: Right.

WITNESS A: I pulled the drawers out completely and when all of the files had been removed and shredded, I pulled out the bottom cabinet and checked behind to make sure that nothing had been dropped.

The Hon. GREG DONNELLY: I am talking about documents that had fallen down the back or were lying flat on the floor. You did not take the drawers out, did you?

The Hon. CATHERINE CUSACK: She just said that she did.

The Hon. GREG PEARCE: She just said she did.

Mr DAVID SHOEBRIDGE: She said she did; she took the bottom drawer out.

The Hon. CATHERINE CUSACK: The bottom one she took out.

The Hon. GREG PEARCE: She took the bottom drawer out.

The Hon. GREG DONNELLY: To be sure, you pulled the bottom drawer out, did you?

WITNESS A: I did not take the bottom draw out.

The Hon. GREG DONNELLY: No.

WITNESS A: I did not actually remove it from the cabinet, but I did pull it out and look behind and feel behind to see if anything had dropped, because I figured that if something had dropped from the top, it would have dropped to the middle or to the bottom, so I did check on the bottom drawers and feel around and certainly did not feel any documents there. But I did not physically take the drawer out completely.

The Hon. GREG DONNELLY: No, so something that may have been lying flat on what was the carpet—

The Hon. GREG PEARCE: She is not saying that.

The Hon. GREG DONNELLY: —beneath that bottom drawer, you would not have seen that, would you, because you did not pull the drawer out. Is that correct?

WITNESS A: That is correct, but I felt very confident that I had gone right through—

The Hon. GREG DONNELLY: But you did not pull that bottom drawer out, did you?

WITNESS A: Okay.

The Hon. GREG DONNELLY: Thank you.

Mr DAVID SHOEBRIDGE: Witness A, thank you for giving your evidence today. Mr Donnelly was asking about whether or not you saw the bottom. Is it your evidence that you felt behind the back of the drawer and you felt the bottom of the cabinet?

WITNESS A: Yes, that is correct. I felt the bottom on the bottom drawer behind the back to make sure nothing had gotten through because I understand that there were a lot of documents in there and that could have been a possibility.

Mr DAVID SHOEBRIDGE: Did you do that with each of the bottom drawers?

WITNESS A: Yes.

Mr DAVID SHOEBRIDGE: And when you did that, obviously anything you found you would have removed. Do you remember finding anything?

WITNESS A: No, I did not find anything. If I had have found it, I would have removed it.

Mr DAVID SHOEBRIDGE: You started at Mr Owen's office in December of 2013, is that right?

WITNESS A: I did. I started on 9 December in 2013 and I was under the guidance and training—being trained during that period by the senior electorate officer who was to depart on 18 December.

Mr DAVID SHOEBRIDGE: Do you remember any discussion around about that time when you first started, either in December or January, about the fact that Cabinet had made a decision about the light rail or had made certain decisions about the light rail? Do you remember that discussion in the office?

WITNESS A: I do not, not in those early periods, not at all. I was undergoing training there up until the end of December and my focus was learning about feedback, the systems there and learning, basically, the processes of the emails, where things went. I cannot recall any discussion whatsoever about that. I was too busy learning the processes.

Mr DAVID SHOEBRIDGE: What about in the next couple of months, those first few months of 2014 as you got more comfortable? Do you remember any discussion about Cabinet having made a decision?

WITNESS A: No, I don't. I just know that there was always a lot of discussion regarding the rail—it was a big topic in our office obviously and we received a lot of constituent emails on the matter—but I certainly don't recall a discussion regarding Cabinet making a decision, no.

Mr DAVID SHOEBRIDGE: I want to put something to you in very plain terms. Could a 58-page Cabinet minute have been in the filing cabinets after you had completed your searches and emptying of the filing cabinets? Could that have happened?

WITNESS A: No.

Mr DAVID SHOEBRIDGE: You say that because of the evidence you gave earlier about having emptied it, triple checked it and then felt the bottom, is that right?

WITNESS A: That is correct.

Mr DAVID SHOEBRIDGE: And you said somebody else also checked it?

WITNESS A: Umm, Witness B also went through it in that last week. On one of the days that he was there I just asked if he could go back through and have a look through the cabinets and he said that they were clear.

Mr DAVID SHOEBRIDGE: It has been suggested that there were some other documents still in the office—correspondence from some developers the likes of Buildev and the others and some other constituency correspondence in the office that had been directed to Mr Owen—when Mr Crakanthorp took over the office. Can you understand how that might have been?

WITNESS A: I certainly cannot understand how they would have been in those four cabinets. So unless they have come from another area or they have been sitting in a cupboard somewhere even though we had gone through—I cannot see how that could be the case, particularly out of those four cabinets. There was an area closer to the kitchen, there was sort of like sliding drawers and cupboards, that was where a lot of the constituents—sorry, the campaign material was kept. I went through there just to make sure there was nothing, you know, that shouldn't have been there basically, that should have been filed in the other cabinets, and found that there was nothing like that. So I don't know how it—

The Hon. GREG PEARCE: But we do not actually have evidence of any other, do we?

Mr DAVID SHOEBRIDGE: No. But, in short, you can say for sure that there were not any documents in the filing cabinets—

WITNESS A: Yes.

Mr DAVID SHOEBRIDGE: —but you did not do the same triple check and more thorough checks for the balance of the office?

WITNESS A: That is correct. I did a good check through all of our personal drawers, sorted everything out of all of the cupboards where we kept our letterhead and certainly that area where the campaign material was left; there were just bits and pieces. I did throw away T-shirts. I threw away a few caps. We were always advised that anything that was brought in for campaign purposes we could not really touch or get involved in. From the moment that I was there that area had never been used to store anything and it was passed on to me from the lady I took over the position from that that was just where we keep all of the campaign material. I certainly did go through that cupboard.

I went through all of the drawers and I did do a check—I can't say that I did the double check, the triple check that I did in the cabinets in that area because I believed that after the first check that was just all other materials that weren't private and that I didn't have to because I was never told, "You have to get rid of all the campaign materials." We were never told anything like that. To the best of our ability we certainly removed everything that we could out of there and we also had people coming in—that came into the office to take away a lot of the stuff, the A-frames and a marquee.

Mr DAVID SHOEBRIDGE: In short, you focused in a diligent way, as best you could, in removing all the confidential material that you had been directed to?

WITNESS A: That is correct.

CHAIR: I again thank you for your cooperation, which the Committee very much appreciates. I wish to clarify something with you. We keep discussing filing cabinets but there would also have been other cupboards in the office, would there not?

WITNESS A: Yes, there were. There was a cupboard where we stored—we had a large white cupboard in between where my colleague and I sat—letterhead, envelopes, bits and pieces like that, basically paper stock. Everybody had underneath their desk their own little drawer as I said—you know, two drawers and then a cabinet underneath. I checked those areas thoroughly. There was also a couple of black cabinets that we had sitting near the printer, which held other things like certificate papers and bits and pieces there.

CHAIR: Did you clean those out?

WITNESS A: I did. Well, I cleaned them out as far as I got rid of anything but I left paper stock there, of course, for them to print and use.

CHAIR: That was still useable.

WITNESS A: Absolutely. I mean we didn't throw everything out because obviously if there was nothing printed on something it remained.

CHAIR: Did Mr Owen have a special filing cabinet?

WITNESS A: No, not that I am aware. He had a filing cabinet just as we did underneath his desk, the little drawer, and I had removed everything out of there as well.

CHAIR: So you personally cleaned that one out yourself?

WITNESS A: I personally cleaned out Tim Owen's whole office, yes.

CHAIR: Had he already cleaned it out or did he leave it to you to do?

WITNESS A: No, he didn't clean it out; he left it to us. Scot MacDonald, MLC, who was appointed the duty MP, came in and brought all of the leftovers I guess from his parliamentary office and we kept those in a meeting room and then I went through and cleared out Tim Owen's office, removed all of his private and personal stuff and we had that in an area out the front for him to collect.

CHAIR: Mr Crakanthorp claims he found this 58-page document in the office, which had a very large number on the front: 71. While you were doing the cleaning of office shelves, drawers and so on did you ever see a document that remotely looked like that?

WITNESS A: Not at all.

CHAIR: Nothing like it?

WITNESS A: Nothing like it and I had never been told by Tim Owen, "This is really private. Please put this somewhere safe." I was never handed anything where he was very adamant about how important it was that it went into a particular area. Whenever we were given something, I was given documents to file and he would generally just hand me the stack of papers and I would file them accordingly, whether it be in a ministerial folder or a constituent folder and so on. But I certainly did not see that document.

CHAIR: When an office is being cleaned out there is usually a tendency to rush to do it and one is not actually looking at the material found on shelves—

WITNESS A: I certainly did not go through and look at each bit of material. Of course, things I recognised I shredded and you sort of reflect to think that was a great thing that Tim was able to do there, but I certainly did not just pick everything up and go through it. A lot of it was—we only had a, we did not have a massive industrial shredder so I think I could only shred about 10 pages at a time. So I would literally take off the staple, remove that and then get 10 at a time and put them through. As I was saying earlier, we only had the standard Newcastle City Council bin.

Although we weren't rushed—I wouldn't say that we were rushed because we had a few weeks until the by-election but we didn't have places to store the rubbish basically. So as soon as the bin would come in on a Tuesday morning from the cleaner I generally had it filled by the Tuesday afternoon or the Wednesday and then we would have to wait for the bins to be cleared and again fill them up. It wasn't that we were rushed but we certainly did not have a lot of room to store a lot of this stuff.

CHAIR: You would not be putting any documents into those bins; it was all shredded material?

WITNESS A: It was all shredded. I made that point and I even said to Witness B as well, "We need to make sure that anything"—I personally shredded. Everything that I had that was private we shredded.

The Hon. CATHERINE CUSACK: Thank you for appearing today. Did hearing about Tim Owen's resignation come as a shock to the staff in the office?

WITNESS A: I would just like to say without getting emotional that it has been a difficult time. I am sorry, just give me a minute. I really did feel for my colleagues who had worked very hard for Tim through the year. The first time we knew about anything that was ever going on untoward or the ICAC issues was through Twitter feeds. Tim had never come to me and said, "I've done this or I've done that." Those discussions never took place. So when he—I felt after the evidence that he had given that he would be resigning but it was all still a very shocking time for us.

I have been thinking back and thinking back and I made as much effort to make the whole transition as good as possible because I did not want to be—I had heard from people and other people who had worked at electorate offices, and this was my first government role so it was very new to me, and you sort of hear, "Don't worry about it. Leave it a mess." I really wanted to make the point of going through all the kitchen cupboards, throwing out all of the old food, getting everything cleaned up to really have Tim Crakanthorp walk in as the new member and think gosh they were really respectful here. Again, it was a very difficult time for the staff but we got on with the job. We finished up the inquiries that were ongoing and we worked very hard to make sure that we could at least feel proud about our service—

The Hon. CATHERINE CUSACK: It was Catherine Watson from the Legislative Assembly who was there in the office with you?

WITNESS A: At the handover?

The Hon. CATHERINE CUSACK: Yes.

WITNESS A: Yes, it was.

The Hon. CATHERINE CUSACK: What did she say about the way in which you handed over the office to Mr Crakanthorp and his staff?

WITNESS A: She said to me, "It looks great Witness A. Thank you so much for everything and for your cooperation along the whole way of this. I wish you all the very best." Tim Crakanthorp also held his hand out, shook my hand and said, "Thank you very much and I also wish you all the best." I think they were a little bit surprised to be honest. I had a discussion with _____ in the couple of days leading up to this and said, "Look, I have obviously posted you Tim's keys to the office but I have the staff keys here. How should we do this?" I offered—I said, "My son goes to school just up the road. I can drop them down. I am happy to do that and to show the girls the codes or anything."

She said, "That would be really great." So she had made comment that day on handover and she had thanked me that the place looked as good as it did. I also had comments from—IT Services had sent a couple of people down the week, I believe it was the Thursday or Friday before the by-election to clear out the computers, and even they made comment, "This place looks really great. Your office looks so clean compared to what we have seen elsewhere."

The Hon. CATHERINE CUSACK: Can I just thank you—and I am sure I speak on behalf of all members of this Committee—for the service that you and your staff colleagues gave during the interim period when the electorate was without a member. I do not think any of this is intended to be a reflection on your professionalism or that of your colleagues. I just want to say for the record that we do thank you for that service.

Mr DAVID SHOEBRIDGE: I would like to get an understanding of your own personal views and feelings in order to get a sense about where you are coming from with your evidence. It sounded to me like you felt as a staff member betrayed by what Mr Owen had done and how you found out about things.

CHAIR: Please refrain from any commentary; just ask questions.

Mr DAVID SHOEBRIDGE: I withdraw that. You were not happy in the way you found out about Mr Owen. Witness A, you are not here carrying a flame to defend Mr Owen because you were not very happy about that, so what is your motivation?

The Hon. CATHERINE CUSACK: I am sorry, we will now return to the Government question time. Witness A, can you recall seeing Tim Owen filing documents in the filing cabinets?

WITNESS A: No.

The Hon. CATHERINE CUSACK: So logically the only way—and I am not asking you with 100 per cent certainty—would be if a staff member had put that document into a filing cabinet?

WITNESS A: That is correct. In my first week—I cannot recall but I was talking to Witness B about this and said, "I didn't actually do any of the filing in my first week." _____ was still there. She was still a senior electorate officer. My first week was basically writing down, learning, going through the system and asking questions. I never physically saw Tim file anything. The only people I have ever seen file away was obviously me, _____ when she was there for that period, Witness B and _____

The Hon. CATHERINE CUSACK: Through the media Mr Crakanthorp said it was found in the rear right cabinet, I believe. Do you recall what was being kept in that cabinet?

WITNESS A: As I was looking at the photo in the Herald, if you are talking about the top drawer in the far right cabinet, so the one closest to the door, that was constituent filing. It was already set up, obviously, because I came into the office and the files were already there. The information relating to any of ministerial correspondence or parliamentary correspondence was always kept in the middle two cabinets and in the middle drawers.

The Hon. CATHERINE CUSACK: Physically how much material was there on the renewal of Newcastle in those files? Was it physically a large or small amount of documentation?

WITNESS A: I would say about the same as any other, you know, it always seemed to be that the Department of Transport was a large file, and the Department of Health—I would say it was quite substantial. It

was a big issue in our area and it was something in which Tim was involved. Obviously that was something that we were having to constantly be in touch with the Minister about and receive correspondence back on behalf of constituents. So it was quite a large file.

CHAIR: You will be relieved to know that your time has now concluded. We thank you for helping the Committee to clarify some of these points.

WITNESS A: Thank you. I am glad that I have been able to speak today about this, particularly after everything that has come to light. I also thank my colleagues who I believe worked in a very professional manner. I was very honoured to work with those people. I believe that I did everything in my power to leave that office in the best place for the new member coming forward.

The Hon. GREG PEARCE: Just before you conclude, now that you have given your evidence, we know you do not want your name published. But if the Committee chooses to publish some of the other things you have said today, without your name, would you be comfortable with that?

WITNESS A: I have no issue because I have told the truth so I do not have any issue with that at all.

CHAIR: Are you referring to the transcript?

The Hon. GREG PEARCE: The transcript, yes.

Mr DAVID SHOEBRIDGE: You would have seen that photograph in the *Newcastle Herald* of the office covered with campaign paraphernalia?

WITNESS A: I certainly did.

Mr DAVID SHOEBRIDGE: Do you have any observations to make about that?

WITNESS A: I had never seen any of it, to be honest. Again there were those specific cardboards around close to the kitchen where things were kept but I certainly did not see the banner. I certainly did not see any Barry O'Farrell material. We did not see any of Tim Owen's stuff there. The only thing I will point out though is that there looked like there was a cheque. I cannot remember throwing that out, and I do not know if Witness B did but it was, just like a blank big cheque. But that was the only thing that I thought, "I can't actually remember getting rid of that." Out of all of the things that I saw in the photograph, that was the only thing that I recognised.

Mr DAVID SHOEBRIDGE: But you most definitely did not leave that paraphernalia strewn about the office like it is shown in that photograph?

WITNESS A: It must have been in a very well kept state if it was there because I believe that everything had been removed from there and the Liberal Party had sent people down to pick up stuff. But there is no way that it was strewn. That office was kept in an incredible state. I had gone through kitchen cabinets and that whole area, and there is no way that that was around. Tim was very meticulous about the state of the office. I think possibly his military background had taught him that and everything that we gave to him was always left perfectly straight on his desk. We were a very clean office.

CHAIR: We appreciate that. We thank you again for helping us in our inquiry.

WITNESS B, private citizen, via teleconference, sworn and examined:

CHAIR: Do you want to make an opening statement?

WITNESS B: No, I do not.

The Hon. LYNDA VOLTZ: Did you have experience as an electorate officer before you worked for Tim Owen?

WITNESS B: No I had not worked in any electorate office before I went to work for Tim. That was the first time.

The Hon. LYNDA VOLTZ: Did you come from private enterprise?

WITNESS B:

The Hon. LYNDA VOLTZ: When Tim resigned you cleared out his office with Witness A?

WITNESS B: Yes, it was Witness A and me from that point on following Tim's resignation.

The Hon. LYNDA VOLTZ: Do you recall if a banner of Tim Owen's face was left in the office?

WITNESS B: I cannot recall specifically if there was a banner. I recall there being Liberal Party campaign materials and promotional materials, things like that left in the office.

The Hon. LYNDA VOLTZ: What about corflutes?

WITNESS B: There were some things that were picked up by people representing the party but as we were not responsible for any of these things I did not pay close attention to those promotional materials.

The Hon. LYNDA VOLTZ: So they still may have been in the office after you and Witness A left?

WITNESS B: Yes, I believe there were some things left in the office, yes.

The Hon. LYNDA VOLTZ: I assume you have seen Cabinet document 71 that was on the website?

WITNESS B: Yes, I saw it on the website.

The Hon. LYNDA VOLTZ: Had you ever seen that Cabinet document before?

WITNESS B: I had not seen it before until I saw it on the website of the Herald.

The Hon. LYNDA VOLTZ: That was the first time you had ever seen that Cabinet document?

WITNESS B: That was the first time I had ever seen it.

The Hon. LYNDA VOLTZ: Were all the filing cabinets completely cleared of documents when you left? Is that correct?

WITNESS B: Yes, I believe they were completely cleared of all documents.

The Hon. LYNDA VOLTZ: You believe or you know?

WITNESS B: I recall that they were all cleared. We checked a number of times over the period—

The Hon. LYNDA VOLTZ: I do not want to know what other people may have done. I am just asking about you specifically.

WITNESS B: Yes, I am saying I believe that they were cleared.

The Hon. LYNDA VOLTZ: Did you clear them or did something else clear them?

WITNESS B: I was clearing them, both myself and Witness A were responsible for clearing those filing cabinets, so yes I cleared them and so did Witness A.

The Hon. LYNDA VOLTZ: Some of them might have been cleared by your and some by Witness A?

WITNESS B: Yes.

The Hon. LYNDA VOLTZ: How did you work out what to shred and what not to shred?

WITNESS B: We pretty well shredded everything. We shredded everything that was directly emanating from the New South Wales Parliament, that was directly linked to the New South Wales Parliament in any way, that is what we were advised to do, and that is what we shredded.

The Hon. LYNDA VOLTZ: Did Bob Hawes from the Hunter Development Corporation ever visit your office?

WITNESS B: Yes, I recall Bob coming to the office.

The Hon. LYNDA VOLTZ: How often would Bob come to the office?

WITNESS B: I could not answer that. He visited the office on more than one occasion, I can say that, but I could not tell you how often he visited. At that point in time I was actually part-time staff prior to the resignation.

The Hon. LYNDA VOLTZ: How many days a week did you work?

WITNESS B: Three days a week, prior to Tim Owen resigning.

The Hon. LYNDA VOLTZ: Were you on permanent staff or on relief budget?

WITNESS B: I was on relief budget.

The Hon. GREG DONNELLY: In terms of the removal of documents and material within the filing cabinets, did you work separately from Witness A or did you work together jointly?

WITNESS B: We worked together. Yes, we worked together in clearing those filing cabinets and clearing everything else that needed to be removed and shredded, yes.

The Hon. GREG DONNELLY: How did you work your way through the cabinets? Did you start at one end and go down and across?

WITNESS B: We did not follow any type of strict, start here and end there. We just worked through them from top to bottom. I recall starting at the top and we went down to the bottom but we did not have a discussion where we said "We will start at this filing cabinet" and then "We will finish at that one."

The Hon. GREG DONNELLY: At any stage in this clearing process did you remove any of the drawers completely from the filing cabinets?

WITNESS B: Did I pull the drawers completely out of the filing cabinet? Is that what you mean?

The Hon. GREG DONNELLY: Yes.

WITNESS B: No, I did not pull any of the drawers completely out.

The Hon. GREG DONNELLY: You were not able, therefore, to check underneath the bottom drawer to see if any documents or letters may have fallen down?

WITNESS B: I did not pull out the drawers.

The Hon. GREG DONNELLY: Did you endeavour to check underneath that bottom drawer?

WITNESS B: No, I did not see completely underneath the bottom of those bottom drawers.

The Hon. GREG DONNELLY: Did you endeavour to get underneath that bottom drawer to see if there was anything left underneath it?

WITNESS B: I endeavoured. I looked and checked and double-checked thoroughly but I did not remove a drawer or look at the floor beneath it, no.

The Hon. GREG DONNELLY: With respect to parts of the office, other than the filing cabinets, what was your role in terms of clearing it up?

WITNESS B: Well there were other cupboards and drawers throughout the office, basically all of those things were removed and placed in the recycling bins. There were lots of things such as envelopes with the Tim Owen signature on them. There were many different types of envelopes and things like that that were placed in recycling bins as they could not be used again. I was responsible for clearing all of those things out. Old newspapers, things of that nature were all removed.

The Hon. GREG DONNELLY: Other than the material that was shredded and the material that was placed into recycling, was there any material placed in any securer bins or security bins that may have been on the premises? In other words, bins that had a locked lid in which sensitive or secure material was put.

WITNESS B: Like a recycling-type bin with a small opening?

The Hon. GREG DONNELLY: Yes, that is right.

WITNESS B: Yes there was one of those bins.

The Hon. GREG DONNELLY: Was material placed into those bins?

WITNESS B: I did place some things in there such as newspapers, things like that, and some things that I deemed did not require shredding.

Mr DAVID SHOEBRIDGE: You said that you worked three days a week up until the resignation of Mr Owen. Did you then increase your time after his resignation or change in some way?

WITNESS B: Yes, because prior to the resignation— as you probably are aware, and it was happening regardless; I was taking over her role.

Mr DAVID SHOEBRIDGE: So you became full-time.

WITNESS B: Yes, I was becoming full-time anyway before the resignation, to replace her.

Mr DAVID SHOEBRIDGE: How long was it between the resignation and when you last left the office?

WITNESS B: It was between August and December. I think he left in the first week of December.

Mr DAVID SHOEBRIDGE: So it was about two and a bit months?

WITNESS B: Yes.

Mr DAVID SHOEBRIDGE: Maybe a bit longer. How much of that time was devoted to cleaning out the office and cleaning up the office?

WITNESS B: We began probably in the first couple of weeks after the resignation. We had a lot of calls coming in, we still had a lot of people coming in off the street, we were still providing constituents support during that time, advice. We began in that first month slowly and then after that first month we devoted ourselves as the constituent inquiries basically ground to a halt after that first month.

Mr DAVID SHOEBRIDGE: So there was plenty of time to do the job properly?

WITNESS B: Yes, there was. There was plenty of time.

Mr DAVID SHOEBRIDGE: Did you personally, once the filing cabinet had been emptied, open up all the drawers and have a check?

WITNESS B: I did, yes.

Mr DAVID SHOEBRIDGE: Can you explain to me what you did?

WITNESS B: Yes. I opened up all the drawers and had a look inside each drawer and I am confident that there was nothing in those drawers after checking again.

Mr DAVID SHOEBRIDGE: Do you remember if Witness A ever asked you to check, once the filing cabinets had been emptied, to do a final check or anything like that?

WITNESS B: No. She did not ask me specifically. We were discussing it—we had been discussing that we had got it checked and double-checked but there was not a request from one of us to the other.

Mr DAVID SHOEBRIDGE: But you, in her presence, had checked. Is that what you are telling this Committee?

WITNESS B: I cannot remember if she was there watching me check. As I said, we did not say to each other, "I'm checking now. Can you watch me check and verify they are all checked", or anything like that.

Mr DAVID SHOEBRIDGE: Could it be possible that this 58-page minute was in the back of one of the filing cabinets and you just missed it?

WITNESS B: Anything is possible. I do not believe that we missed anything, but I would not like to speculate from that. But I believe that we checked and double-checked and I am confident that we took everything out of there and that everything was shredded.

Mr DAVID SHOEBRIDGE: Do I take it from that that your evidence is it would be extraordinarily unlikely that you would have missed it, in the realms of the very, very unlikely event that you had missed it?

WITNESS B: That is what I believe, that it would be very unlikely given the checks and the double-checks that we carried out.

CHAIR: Again, thank you for your cooperation with our inquiry. We appreciate what you have been saying. Having a newspaper background were you surprised at the headlines that a 58-page Cabinet minute No. 71 was found by Mr Crakanthorp in that office?

WITNESS B: Yes, I was very surprised when I first saw the story published on the *Sydney Morning Herald* website. I was very, very surprised, yes.

CHAIR: The way you have described the cleaning-out process by you and by Witness A, you would say it is almost impossible for a 58-page document to be still sitting in a drawer or in a filing cabinet?

WITNESS B: I cannot possibly fathom how a 58-page document could have been overlooked by us given the way we went about removing and shredding those documents in line with parliamentary guidelines

and what we had been advised to do. I was extremely shocked. I still find it to be very highly, extremely unlikely, almost to the point of being impossible.

CHAIR: If it was in Mr Owen's office where, as far as we can tell, it should not have been, if someone had given it to Mr Owen and said, "Would you have a look at this?" is there anywhere in the office he would have put it because it is such a secret or top-secret document? Did he have a special secure drawer or cabinet for himself?

WITNESS B: No, there was nothing like that. He did not put any particular documents in special places or anything like that, no. There was no secret area or area where he put what could be highly sensitive material or anything like that.

CHAIR: From your point of view, as you have said already, it is impossible for that document to be left lying in the office.

WITNESS B: I believe so, yes.

CHAIR: And if it had have been picked up in the office it would have been shredded in any case, because you were not looking at every page of every document; you were simply just throwing stuff out and you were not filing things—you were getting rid of stuff. So, again, it would, to your knowledge, certainly catch your attention, if some document like that suddenly turned up in one of those drawers.

WITNESS B: I have never seen a document with a number on it like that. I have not seen any document like that at all in the two years I was in the office.

CHAIR: That number on it is to stop people leaking any documents. If it is leaked they ask the person with the number why it has been made available outside the Cabinet. So it is very secretive.

WITNESS B: I have learnt that since the first news articles came out. I did not have any knowledge of the number process or anything to do with Cabinet documents. Tim being a backbencher it never came up; Cabinet documents were never mentioned.

CHAIR: We have a real problem because I have got a letter from Tim Crakanthorp, now the member for Newcastle, and I will quote from his letter: "With regards to the specific document you are inquiring about I can confirm that the Cabinet-in-confidence document was discovered in my electorate office after I moved in". That is his statement that he has just sent to us dated 22 February. What is your reaction to that?

WITNESS B: I do not really have a reaction to what he is saying. All I can do is answer honestly and truthfully about what we did in that post resignation period and how we handled the clean-up. I do not have any reaction to that point. All I can say is that we removed any documents, shredded any documents in line with what we were directed to do by Parliamentary Services.

CHAIR: You are saying to us that it is virtually impossible for him to have found that document in the electorate office.

WITNESS B: I believe that it is highly unlikely that that document was found in the electorate office.

The Hon. CATHERINE CUSACK: Thank you for evidence. I can hear your consternation that at no time have you or any other members of the staff been seeking to attack or criticise Mr Crakanthorp. Is that a fair statement?

WITNESS B: Yes, completely fair. Me personally, all I can do is answer those direct questions about my role following Mr Owen's resignation. I do not believe that we should necessarily be brought into what Mr Crakanthorp is saying. I have never met Mr Crakanthorp. I do not really have much insight into why he or his staff are saying particular things.

The Hon. CATHERINE CUSACK: Just for the record, this is all about your professionalism and your role and how you conducted yourselves as staff members. That is the information that you are seeking to put on the record. Is that a fair statement?

WITNESS B: Yes, that is fair.

The Hon. CATHERINE CUSACK: When you did read in the newspaper—was it in the newspaper that you learnt about this or were you contacted by the media?

WITNESS B: It was the newspaper. I read it in the *Sydney Morning Herald*.

The Hon. CATHERINE CUSACK: What impact did that have on you and the other staff? How did you take that news?

WITNESS B: It was shocking and quite troubling for it to be suggested that we possibly did not do our job as we were directed to do. We believe that we did and we did it well and it was very difficult circumstances that we were doing it under. The resignation of Tim Owen was a shock and it was a very difficult time. So to have that brought up again, that whole matter brought up again, it has been a little bit distressing.

The Hon. CATHERINE CUSACK: So you felt that it was behind you and now it has all been brought back up again, that period.

WITNESS B: Yes, really it has.

The Hon. CATHERINE CUSACK: You are private citizens now. Is it fair to say that all three staff lost their jobs?

WITNESS B: Yes, we did, that is right. We lost our jobs.

The Hon. CATHERINE CUSACK: Employment-wise what has happened since that time?

WITNESS B: For me?

The Hon. CATHERINE CUSACK: Yes.

WITNESS B: Currently I am managing my family's small business.

The Hon. CATHERINE CUSACK: Do you know what has happened with her?

WITNESS B: As far as I am aware, she is now investigating job opportunities. She is looking to come back to work.

The Hon. CATHERINE CUSACK: It was my understanding that she is applying for jobs.

Mr DAVID SHOEBRIDGE: But she was not there at the time you were cleaning out the office;

The Hon. CATHERINE CUSACK: What I am asking about now is the impact on the staff and the fact that someone is in the process of applying for jobs. I am trying to explain the level of distress and why it was a distressing thing to come out of the blue like that. That is the point of this questioning. I do not have any further questions.

The Hon. LYNDA VOLTZ: Could I just ask—

The Hon. CATHERINE CUSACK: Mr Chair, I prefer that the Labor Party not use Government question time to ask more questions. I would rather our time not be allocated, but if you want that time to be used I would rather use it myself.

CHAIR: If you have any questions you can ask them.

The Hon. GREG PEARCE: I do have questions. Thank you so much for your time today. I share the view that it is difficult and unpleasant for you. I just want to be absolutely clear: The first time you saw the so-called Cabinet document was when you had a look at it on the *Sydney Morning Herald* website?

WITNESS B: Yes, that is right.

The Hon. GREG PEARCE: It is pretty distinctive, is it not, with the numbers and the stuff around the borders?

WITNESS B: Exactly, which was my first thought when I saw that document online, my first thought was that I had never seen that before and I believe that you would recall seeing a document like that. It was quite distinctive, that is right.

The Hon. GREG PEARCE: You never, in the time that you were in the office, saw anything of that nature at all?

WITNESS B: No, I never saw a document that looked anything like that in any way.

The Hon. CATHERINE CUSACK: Have you ever seen a Cabinet document before?

WITNESS B: I have never seen a Cabinet document before, no.

The Hon. CATHERINE CUSACK: Can I just thank you, not just from us, but all the members appreciate the professionalism of the staff. There is absolutely no suggestion whatsoever as to anything unprofessional about your behaviour. I think that has been an unfortunate and unexpected aspect to this and we are very grateful to you for giving evidence.

Mr DAVID SHOEBRIDGE: I know there are very anxious moments when you are called to give this kind of evidence, but I do not think there is any suggestion anywhere that anything adverse would be made against you. Would you be willing to have this evidence that has been given in camera included in the report and, if you were, would you like to have your name removed so that it does not reference you?

WITNESS B: It would be my preference that my name would be redacted, yes. That would be the preference.

Mr DAVID SHOEBRIDGE: But if your name was redacted would you then be comfortable with the evidence being extracted?

WITNESS B: Yes, that is fine.

CHAIR: Thank you very much for your help; we appreciate it. It has been helpful to us as a committee to try to tie some of these loose ends together. Thank you for attending this hearing. All the best for the future. I trust you find a very good job.

WITNESS B: Thank you.

(The witness withdrew)

(Conclusion of evidence in camera)

(The Committee adjourned at 1.00 p.m.)

SELECT COMMITTEE ON THE PLANNING PROCESS IN NEWCASTLE AND THE BROADER HUNTER REGION -

Additional comments and clarification to Witness A's transcript

Please refer to transcript for numbered areas.

2. At the time of questioning, I said that there were 4 cabinets with 3 drawers in each. After reading the transcript about that I questioned myself whether it was 3 or 4 drawers, instead of the 3 that I stated. I referred to the photograph as published in the Newcastle Herald to validate that it was 4 drawers. I would like to have that area of the transcript corrected to 4 cabinets with 4 drawers in each if possible.

3. 'Left in those filing cabinets' refers to the cream coloured filing cabinets in the back room.

5. My answer, 'They were the only things that remained' is to the best of my knowledge. There were no documents of any kind left in the four filing cabinets out the back.

6. In the questioning from The Hon. Greg Donnelly he said 'whether or not sitting on what would have been the carpet'. The cabinets did not sit on carpet, they were on a hard surfaced floor. I took his comment as a generalisation and did not correct him on that at the time. Upon reading my transcript I felt it was important to clarify that the cabinets were not sitting on carpet.

7. In my comment 'feel around' I would like to clarify that I could only use my fingertips as it was awkward getting to that area.

8. The Hon. Greg Donnelly's question 'On what was the carpet' please refer back to my comment number 6. The filing cabinets were not sitting on carpet but a hard surfaced floor.

9. Clarification of the word 'Okay' to be meant as 'no'. I did not physically removed the whole drawer out of the tracks, and put it in another area. I pulled it out as far as it could come out before removing completely.

10. 'I felt the bottom on the bottom drawer' was done with my fingertips as it was awkward to reach in.

12. I did not mention that opposite and next to the four cream filing cabinets out back, we had shelving along all the walls. These shelves stocked items such as stationary (pens, paper clips, staples, ect), a laminator, A4 and A5 paper, coloured paper, plain envelopes, empty manila folders, a box of empty Filofax folders, the maintenance folder for the cleaner and general office stock and equipment which was not of a confidential nature.

13. Answer 'No, he didn't clean it out; he left it to us'. I would like to confirm that Tim Owen did not attend the office to assist in any of the removal of documentation. The only time he came to remove anything from the office was when he attended with his son to collect his personal items, which were collected from his office, and also included a picture from the back room. These items were placed near the entry door to the secured office for him to collect.

15. My answer 'I think they were a little bit surprised to be honest' refers to them being surprised that I was there to assist with the changeover.