

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 Friday 27 February 2015

The Committee met at 1.50 p.m.

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 C, via teleconference, Senior Electorate Officer, sworn and examined:

CHAIR: Do you want to make a brief opening statement?

WITNESS C: Thank you. A by-election was held on 25 October 2014 in the Newcastle State electorate after the former member for Newcastle Tim Owen resigned. Tim Crakanthorp was elected as the new member for Newcastle. I have been employed by the Parliament since 30 October 2014 as a senior electorate officer. I work in the Newcastle electorate office at 414 Hunter Street, Newcastle. This office opened on Monday 3 November 2014 as the office of Tim Crakanthorp, in the same office that the previous member, Mr Owen and his staff worked. The New South Wales Parliament sat for the first three weeks that Mr Crakanthorp was the member for Newcastle, that is, from 4 to 20 November 2014. I also worked in the Parliament House office during some of this time.

At the rear of the Newcastle electorate office is a large semi-divided room. One section has a four bay compactus, a safe, a bin storage area, a kitchenette and a table and chairs. The next section has multiple storage shelves and four filing cabinets, each with four drawers. All of these drawers had a large number of hanging files left from the previous office. Some of the hanging files had manila folders in them and these were re-used where appropriate. Some of the manila folders, as we discovered over time, had paperwork from the office of the previous member, Mr Owen.

On Friday 28 November I discovered Cabinet-in-confidence document number 71. It was in a plain white envelope in one of 16 filing cabinet drawers. It was wedged up against the wall of the drawer and only became obvious as I moved the multiple hanging files backwards and forwards. As I looked through the document I realised its importance and did not disclose the contents of it to anyone other than Mr Crakanthorp. Due to the member's many commitments on the day, some of which were outside the office, I was unable to show him the document or discuss it with him until late in the afternoon. I am aware that he spoke with, and sought advice from, the Leader's office then John Robertson. I am aware that the document was given to Mr Robertson's staff when they went to Newcastle on Wednesday 3 December. I am confident that I acted in a professional manner and followed correct protocols. Thank you.

CHAIR: Thank you very much. We will now have some questions from the Committee members commencing with the members of the Opposition.

The Hon. LYNDA VOLTZ: Lynda Voltz here. How are you?

WITNESS C: I am well. I can only just hear you, sorry.

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

WITNESS C: A bit, yes.

The Hon. LYNDA VOLTZ: In regards to the filing cabinets, you are saying that the filing cabinets were not actually empty filing cabinets; they had hanging files in them. Can you just describe what a hanging file is?

WITNESS C: I am sorry I am having trouble hearing.

The Hon. LYNDA VOLTZ: Could you just describe what a hanging file is?

WITNESS C: It has got metal across the top, it is folded and it hangs on the side of the filing cabinet.

The Hon. LYNDA VOLTZ: They are very common in offices that would divide files.

WITNESS C: Yes.

The Hon. LYNDA VOLTZ: How many of those files, approximately, would be left in each drawer?

WITNESS C: At least 50 or so, I would say.

The Hon. LYNDA VOLTZ: So a large number?

WITNESS C: Yes.

The Hon. LYNDA VOLTZ: One of the former staff members of Mr Owen's has said that he recalls that there was a banner and that he recalls there being Liberal Party campaign materials and promotional materials, including corflutes, left in the office. Would that be the material that has been identified in the *Newcastle Herald*?

WITNESS C: Yes.

The Hon. LYNDA VOLTZ: Was that material there also when you took over the office?

WITNESS C: Yes.

The Hon. LYNDA VOLTZ: What other documents did you find apart from the plain white envelope? Did you find any other documents?

WITNESS C: They were fairly innocuous. There were newsletters, there was one document that was addressed to Mr Owen, the 2013-14 budget allocations for Newcastle, there were letters from various organisations about what they did.

The Hon. LYNDA VOLTZ: And they were in the filing cabinets?

WITNESS C: Yes.

The Hon. LYNDA VOLTZ: You did not, for example, go out to the recycling bin and dig them all out and pull them back out?

WITNESS C: Absolutely not.

The Hon. LYNDA VOLTZ: Given the number of hanging files in there would it be easy to identify all the files had been removed from those filing cabinets?

WITNESS C: I am sorry, can you repeat the question?

The Hon. LYNDA VOLTZ: With all the hanging files in the filing cabinet would it be easy to identify if you opened the filing cabinet whether there were any documents in there?

WITNESS C: Not necessarily.

The Hon. LYNDA VOLTZ: How long did it take before you started finding files in those filing cabinets?

WITNESS C: It was quite some time because we had many things to do.

The Hon. LYNDA VOLTZ: Many things to do.

WITNESS C: In terms of speaking with IT about log-ins and that sort of thing.

The Hon. LYNDA VOLTZ: When the parliamentary staff came to do the handover did they look inside those filing cabinets?

WITNESS C: No.

The Hon. LYNDA VOLTZ: Did they take out the hanging files from the filing cabinet and check underneath them?

WITNESS C: No.

The Hon. LYNDA VOLTZ: Did you identify at any stage, not just at handover, that there was Liberal Party material in the office?

WITNESS C: I am sorry, I cannot quite hear.

The Hon. LYNDA VOLTZ: I will come round to where the telephone is. Can you hear me now?

WITNESS C: Thank you, yes.

The Hon. LYNDA VOLTZ: Did you identify at any time to the Parliament that the promotional material had been left behind? Maybe someone else did but I am just asking you.

WITNESS C: I did not.

Mr DAVID SHOEBRIDGE: Thank you for taking the time to give evidence today; we appreciate it. You started on 30 October. Is that right?

WITNESS C: Yes.

Mr DAVID SHOEBRIDGE: When you started—it is a new office and I suppose you would have had a look around and checked out the office, in the broad.

WITNESS C: Yes.

Mr DAVID SHOEBRIDGE: How long after you started would it have been that you went and had, I assume, a quick check of the filing cabinets?

WITNESS C: Within the first week.

Mr DAVID SHOEBRIDGE: I used the term "a quick check of the filing cabinets". Can you perhaps use your own words to describe what you first did when you went and had a look at the filing cabinets?

WITNESS C: There were many tasks that needed to be undertaken in the first few days and the exact order—

Mr DAVID SHOEBRIDGE: I am not so much interested in the order. You said you had to get your IT sorted and you no doubt had to work out what the phones were. I am just asking when you first went and confronted these four filing cabinets what did you do?

WITNESS C: We would have opened them and had a cursory glance through them.

Mr DAVID SHOEBRIDGE: Your evidence is that you would have. If you cannot remember that is all right but I am asking you if you went and had a look at the filing cabinets and if you remember whether maybe you just ran through and opened all the drawers and had a quick look. An empty filing cabinet drawer has a certain feel and noise to it. Did you go and satisfy yourself they were empty or what did you do?

WITNESS C: They had hanging files in them and in some of those hanging files were manila folders.

Mr DAVID SHOEBRIDGE: Was that apparent to you when you first had a look at the filing cabinets or did that only become apparent once you started delving into them more deeply?

WITNESS C: I recall the hanging files.

Mr DAVID SHOEBRIDGE: Yes, but I am talking about the manila folders and things. Mr Crakanthorp has produced 27 manila folders and the like—some manila, some blue. Did you find all of those in the filing cabinets?

WITNESS C: I am not sure what he has shown you but yes there were manila folders in the filing cabinets.

Mr DAVID SHOEBRIDGE: He has shown us a bunch of manila folders and some light-blue, sort of Liberal blue folders, if I could describe it that way. Did you find manila folders and that sort of Liberal blue-coloured folders in the filing cabinets?

WITNESS C: There were hanging files and manila folders—a variety of colours.

CHAIR: Just a couple of questions from me, the Chair, Reverend Fred Nile. You said you found a plain white envelope in which was what has become the controversial Cabinet meeting. Is that correct?

WITNESS C: Yes.

CHAIR: Can you remind us when you found it—the date?

WITNESS C: It was 28 November.

CHAIR: Was there a name on the plain envelope? Was it addressed to anyone?

WITNESS C: There was a white envelope; I opened it because it was surprising to see. When I realised what it contained I put it back in and waited until I could speak to Mr Crakanthorp.

Mr DAVID SHOEBRIDGE: Was the envelope sealed then or had it already been opened or had it never been sealed, I suppose are the three options?

WITNESS C: It was opened.

Mr DAVID SHOEBRIDGE: So it had been opened. It had been previously sealed but somebody had already opened it before you?

CHAIR: It may not have been sealed.

Mr DAVID SHOEBRIDGE: That is what I am trying to ask the witness.

WITNESS C: It was open.

CHAIR: When she found it it was open. Did it have a person's name on it? Was it addressed to Mr Owen on the outside of the envelope?

WITNESS C: I recall finding the envelope and the contents of the envelope.

CHAIR: But you did not see any name on the envelope, that it was addressed to somebody?

WITNESS C: I recall finding the envelope and the contents of the envelope.

CHAIR: From your memory it was just a plain envelope—there was no writing on it?

WITNESS C: Yes.

Mr DAVID SHOEBRIDGE: Do you still have the envelope?

WITNESS C: No.

Mr DAVID SHOEBRIDGE: If there had been an address on it you probably almost certainly would have kept it, given the nature of it?

The Hon. LYNDA VOLTZ: She has already said she cannot recall.

CHAIR: So you put that document back in the envelope. You found it on the 28th and then you had to give to Mr Crakanthorp. When did you hand it to him? Can you remember the date?

WITNESS C: It was later in the afternoon.

CHAIR: Of the same day?

WITNESS C: Yes.

CHAIR: Thank you very much. They are my questions. Government members now have the opportunity to ask questions.

The Hon. CATHERINE CUSACK: It is Catherine Cusack here. When you showed Mr Crakanthorp the document did you show him the envelope as well?

WITNESS C: The document was in the envelope.

The Hon. CATHERINE CUSACK: So you gave him the document in the envelope?

WITNESS C: The document was in the envelope.

The Hon. CATHERINE CUSACK: Who threw away the envelope? Was that Mr Crakanthorp or was that you?

Mr DAVID SHOEBRIDGE: Sorry, Catherine, she has not answered that question yet.

The Hon. GREG DONNELLY: No-one has said it has been thrown away.

Mr DAVID SHOEBRIDGE: You could ask the question.

The Hon. CATHERINE CUSACK: Was the envelope thrown away?

WITNESS C: The document was in the envelope when I gave it to Mr Crakanthorp.

The Hon. CATHERINE CUSACK: What happened to the envelope?

WITNESS C: The document was in the envelope when I gave it to Mr Crakanthorp.

The Hon. CATHERINE CUSACK: Did you see the envelope again after that?

WITNESS C: The document was in the envelope and I gave it to Mr Crakanthorp.

The Hon. CATHERINE CUSACK: I understand that. My question is: Did you see the envelope again after you handed it to Mr Crakanthorp? Did you ever see that envelope again?

WITNESS C: No.

The Hon. CATHERINE CUSACK: Were there any other documents in the envelope?

WITNESS C: No.

The Hon. CATHERINE CUSACK: When you say you realised what it was, what was it?

WITNESS C: A Cabinet in confidence and it had the number 71 on it.

The Hon. GREG PEARCE: So you understood it was a confidential document?

WITNESS C: Which is why I put it back in the envelope.

The Hon. CATHERINE CUSACK: We have got some folders here that Mr Crakanthorp has tabled. We have also had some evidence that some of the materials that appear to be in them were never kept in the filing cabinet. Did all of the documents that have been—

The Hon. LYNDA VOLTZ: Point of order: You cannot say that we have had evidence that some of the documents contained in what Mr Crakanthorp has given us were not in the filing cabinet. There is no evidence to that nature and you cannot put that to the witness.

The Hon. GREG DONNELLY: It is your assertion.

The Hon. CATHERINE CUSACK: I have just tabled it, but anyway—

The Hon. LYNDA VOLTZ: You can table what you like but it is not evidence before the Committee.

CHAIR: Just ask questions and not make assertions.

The Hon. CATHERINE CUSACK: Absolutely. Did all of the information in the files that Mr Crakanthorp has tabled come out of the four filing cabinets or was some of it located elsewhere in the office?

CHAIR: The witness has not seen what he has tabled at this hearing.

Mr DAVID SHOEBRIDGE: The fair question would be: Were there documents, such as candidate surveys and the like, found in—

The Hon. CATHERINE CUSACK: I will ask it differently.

CHAIR: The witness is not aware of what was tabled at this hearing.

The Hon. CATHERINE CUSACK: Are you aware of what Mr Crakanthorp has tabled at this hearing?

WITNESS C: I knew that he took documents that were found in his office.

The Hon. CATHERINE CUSACK: Were those documents located by you and the other staff member or were they located by Mr Crakanthorp or by all three of you?

WITNESS C: I am not sure what documents you have.

Mr DAVID SHOEBRIDGE: They look awfully like the documents that Mr Crakanthorp showed to NBN News.

CHAIR: Anyhow, that is just folders. The witness cannot comment on what was tabled at the hearing.

The Hon. CATHERINE CUSACK: Did you find files or information in the office other than in the four filing cabinets?

WITNESS C: Yes.

The Hon. CATHERINE CUSACK: What did you find that was not in the four filing cabinets?

WITNESS C: There were political documents that were in the compactus.

The Hon. CATHERINE CUSACK: Were they the survey forms that were coming back from a newsletter? Is that what you mean by political documents?

WITNESS C: I mean there were tickets and a banner.

The Hon. CATHERINE CUSACK: Just sticking with the documents for a moment—

CHAIR: You are referring to campaign materials?

WITNESS C: Yes.

The Hon. CATHERINE CUSACK: I am talking about documents that were in files and I am trying to understand if you found any information in the office that were documents like paper—

Mr DAVID SHOEBRIDGE: Documents on A4 paper?

The Hon. CATHERINE CUSACK: —on A4 paper or in a manila folder other than in those four filing cabinets.

WITNESS C: All the documents that I have spoken about were found in this office.

The Hon. GREG PEARCE: Have you worked in an electorate office before?

WITNESS C: Yes.

The Hon. GREG PEARCE: Have you worked in a Minister's office?

WITNESS C: No.

The Hon. GREG PEARCE: From your past experience in an electorate office, is that where you identified the Cabinet document as being confidential?

WITNESS C: No.

The Hon. GREG PEARCE: Well how do you know that they are confidential?

Mr DAVID SHOEBRIDGE: It says it Greg.

The Hon. LYNDA VOLTZ: It says it on the document.

The Hon. GREG PEARCE: No it does not.

Mr DAVID SHOEBRIDGE: It does, "NSW Confidential Cabinet minute". It says it at the top of every document.

The Hon. GREG PEARCE: I am asking the witness how she identified it as confidential.

The Hon. LYNDA VOLTZ: She can read.

The Hon. GREG PEARCE: David spent a lot of time asking Mr Crakanthorp whether he read the document; I am asking whether she did.

CHAIR: Ask that question.

The Hon. GREG PEARCE: I have. I am waiting for an answer.

CHAIR: Ask the question.

The Hon. GREG PEARCE: My question is how did you know the document was confidential? Did you read it?

CHAIR: It is on the cover.

WITNESS C: The cover of the document.

The Hon. GREG PEARCE: I am not asking you, Chair. I am asking the witness. Can you answer the question?

The Hon. LYNDA VOLTZ: She just said it is on the cover.

The Hon. CATHERINE CUSACK: Just let her answer.

The Hon. GREG PEARCE: So you read the cover?

WITNESS C: Yes.

The Hon. GREG PEARCE: Did you read any further into the document?

WITNESS C: No.

The Hon. GREG PEARCE: Did you tell anyone other than Mr Crakanthorp of the existence of the document and that it was confidential?

WITNESS C: No.

The Hon. GREG PEARCE: You did not tell a family member or other office staff?

The Hon. LYNDA VOLTZ: She has given you an answer.

The Hon. GREG PEARCE: No, I am just asking whether she told anyone else.

The Hon. LYNDA VOLTZ: No, no. Now you are badgering.

The Hon. GREG PEARCE: It is a simple question.

CHAIR: Is that relevant to our inquiry?

Mr DAVID SHOEBRIDGE: She said it twice now.

The Hon. GREG PEARCE: Somehow it got to the Herald and I am still trying to trace how it got to the Herald.

Mr DAVID SHOEBRIDGE: Well ask her that.

The Hon. LYNDA VOLTZ: Ask her if she gave it to the Herald.

The Hon. GREG PEARCE: I will. I will get to that. Can you just answer the question whether you mentioned its existence to anyone else?

WITNESS C: No.

The Hon. GREG PEARCE: Did you give it to the Herald?

WITNESS C: No.

The Hon. GREG PEARCE: Or a journalist or anyone else who might have passed it on to the Herald?

WITNESS C: No.

The Hon. GREG DONNELLY: That is the end of questioning.

The Hon. LYNDA VOLTZ: Yes, that is the end.

Mr DAVID SHOEBRIDGE: No, I have just one. There is some handwriting on the document, a couple of ticks and crosses and some handwriting. Do you remember if that handwriting was on the document when you found it?

WITNESS C: No.

Mr DAVID SHOEBRIDGE: You do not remember one way or another there was no handwriting or you just do not remember?

WITNESS C: I did not study the document.

Mr DAVID SHOEBRIDGE: Other witnesses have said that they triple checked that those filing cabinets were empty; that they emptied them out fully, they triple checked that they were empty and, in fact, one of them even said that they checked the bottom to make sure there were no loose documents, and having triple checked them they were of the view that it was near impossible that this document or other documents could have been found in the filing cabinet. From your observations of the filing cabinet, can you reconcile that evidence with what you tell us that numerous files were still in there?

WITNESS C: I can only tell you that when we came into this office there were multiple hanging files in which there were manila folders and there were some papers left here.

Mr DAVID SHOEBRIDGE: I asked you earlier if you opened up the files and had a quick look at the filing cabinets, whether the filing cabinets appeared empty, and I am just trying to find a way of reconciling that evidence. If you looked quickly through the filing cabinets, did they appear empty?

The Hon. LYNDA VOLTZ: Point of order: We are going over the same evidence. It is not Mr Shoebridge's question time. If he wants to have more questions, we will all have another shot. The staff member has graciously answered everybody's questions. We are at the end of the question time. We are now going over evidence again when time has finished. I ask that this cease and that the staff member be allowed to return to her work.

CHAIR: It is not her job to try to reconcile the evidence between two witnesses.

The Hon. LYNDA VOLTZ: Yes.

CHAIR: She tells us only the truth. Thank you very much for helping us with our inquiry. I hope it has not been too stressful.

WITNESS C: Thank you Mr Chair.

CHAIR: Are you happy for your evidence to be published without your name being on it?

The Hon. LYNDA VOLTZ: Perhaps she could see her evidence first and then make a decision.

CHAIR: Yes, we will send it to you. We said that at the beginning of the evidence. Are you still there?

WITNESS C: Yes.

CHAIR: Are you happy for us to publish your evidence, the transcript, without your name after you have approved it?

WITNESS C: Yes.

CHAIR: Thank you very much for your help; we appreciate that. Thank you again for assisting us

WITNESS C: Thank you Mr Chair.

(The witness withdrew)

(The Committee adjourned at 2.23 p.m.)