



## **MEDIA ALERT**

**Parliament of Australia  
Joint Standing Committee on Electoral Matters**

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30 January 2001

### **INQUIRY INTO THE INTEGRITY OF THE ELECTORAL ROLL: RESPECT OF SUPPRESSION ORDERS OF SHEPHERDSON INQUIRY**

The Joint Standing Committee on Electoral Matters intends to honour the suppression orders for the non publication of names, addresses and evidence that were applied by the Criminal Justice Commission investigation into allegations of electoral fraud, known as the "Shepherdson Inquiry".

Accordingly, the JSCEM authorises the recording, broadcasting and rebroadcasting of its proceedings today in accordance with the rules contained in the order of the Senate of 23rd August 1990 concerning the broadcasting of committee proceedings except insofar as the proceedings are a name, address or evidence that has been ordered not for publication by the Shepherdson inquiry.

A list of Non Publication Orders made by the Shepherdson inquiry which may be helpful to the media in reminding them of a name, address or evidence suppressed by the Shepherdson inquiry is available from the secretariat.

The media is reminded that in some cases names are suppressed only in relation to certain evidence before the Shepherdson inquiry and are otherwise available for publication.

Christopher Pyne  
Chairman  
Tel: 08 8363 0666



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

**Reference: Integrity of the electoral roll**

TUESDAY, 30 JANUARY 2001

SYDNEY

BY AUTHORITY OF THE PARLIAMENT

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**JOINT COMMITTEE ON ELECTORAL MATTERS**

**Tuesday, 30 January 2001**

**Members:** Senators Bartlett, Faulkner, Ferris, Mason and Murray and Mr Laurie Ferguson, Mr McClelland, Mr Pyne, Mr Somlyay and Mr St Clair

**Senators and members in attendance:** Senators Bartlett, Faulkner, Ferris, Mason and Murray and Mr Laurie Ferguson, Mr McClelland, Mr Pyne, Mr Somlyay and Mr St Clair

**Terms of reference for the inquiry:**

To inquire into and report on:

- the adequacy of the Commonwealth Electoral Act for the prevention and detection of fraudulent enrolment;
- incidents of fraudulent enrolment; and
- the need for legislative reform.

**WITNESSES**

**BERMAN, Mr Nick, (Private capacity)..... 433**

**BERMINGHAM, Mr Lee Michael (Private capacity) ..... 355**

**SIMAT, Mr Steven, (Private capacity) ..... 433**

**Committee met at 9.05 a.m.**

**CHAIR**—I declare open this hearing of the Joint Standing Committee on Electoral Matters inquiring into the integrity of the electoral roll. The integrity of the Commonwealth electoral roll is vital to the conduct of free and fair elections. It is, therefore, essential that the integrity of the roll is not compromised and that all Australians have confidence in the accuracy of the roll. The committee's current inquiry is designed to do that. Today, we are hearing from Mr Lee Bermingham, Mr Nicholas Berman and Councillor Steve Simat, and Dr McGrath. The committee hopes that Mr Bermingham will be able to provide the committee with information on the circumstances in which fraudulent enrolment was committed and came to be detected in Queensland. We also hope that Mr Berman and Councillor Simat will be able to provide the committee with information on the allegations of fraudulent enrolments in New South Wales, of which they are the subject. Dr McGrath is the president of the H.S. Chapman Society, an organisation devoted to research on the electoral system and to the promotion of reform of the enrolment and voting systems. Today, we hope to explore with Dr McGrath her views on the reasons for extensive enrolment fraud, as well as suggestions to prevent and detect enrolment fraud.

As I have said at earlier hearings, the inquiry is not designed to probe the internal matters of Australian political parties. They are matters beyond the terms of reference, except insofar as they impact on the integrity of the electoral roll. The hearings of this committee are public and open to all and a *Hansard* transcript of the proceedings is being made. The transcript will be available in hard copy from the committee secretariat or via the Parliament House Internet home page.

Before the committee commences taking evidence, let me place on record that all witnesses are protected by parliamentary privilege with respect to submissions made to the committee and evidence given before it. Parliamentary privilege means special rights and immunities attached to parliament, its members and others necessary for the discharge of the functions of the parliament without obstruction and without fear of persecution. Any act by any person which may operate to the disadvantage of a witness on account of evidence given by him or her before the committee is treated as a breach of privilege. While the committee prefers to hear all evidence in public, the committee may accede to a request to take evidence in camera and record that evidence. Should the committee take evidence in this manner, I remind the committee and those present that it is within the power of the committee at a later date to publish or present all or part of that evidence to the Senate. The Senate also has the power to order production and/or publication of such evidence. I should add that any decision regarding the publication of in camera evidence or confidential submissions would not be taken by the committee without prior reference to the person whose evidence the committee may consider publishing.

The Joint Standing Committee on Electoral Matters intends to honour the suppression orders for the non-publication of names, addresses and evidence that were applied by the Criminal Justice Commission investigation into allegations of electoral fraud, known as the Shepherdson inquiry. It should be noted that the committee authorises the recording, broadcasting and rebroadcasting of its proceedings today in accordance with the rules contained in the order of the Senate of 23 August 1990 concerning the broadcasting of committee proceedings, except insofar as the proceedings include a name, address or evidence that has been ordered 'not for publication' by the Shepherdson inquiry. If the media will identify themselves, the secretariat

will distribute a list of non-publication orders made by the Shepherdson inquiry which may be helpful to representatives of the media in reminding them of a name, address or evidence suppressed by the Shepherdson inquiry. The media is reminded that in some cases names are suppressed only in relation to certain evidence before the Shepherdson inquiry and are otherwise available for publication.

I will now proceed to the swearing of the witnesses. I welcome Mr Lee Bermingham to today's public hearing. I would like at the outset to emphasise that the inquiry is about the integrity of the electoral roll, as you have heard me say already. It is not an inquiry into the internal party matters of any political party, except insofar as they impact on the electoral roll. In answering questions, you should keep that fact uppermost in your mind and not be distracted by issues that are not the domain of the committee's inquiry. The evidence that is given at the public hearing today is considered to be part of the proceedings of parliament. Accordingly, I advise you that any attempt to mislead the committee is a very serious matter and could amount to a contempt of the parliament.

[9.10 a.m.]

**BERMINGHAM, Mr Lee Michael (Private capacity)**

**CHAIR**—If you would like to make an opening statement, we are happy to hear it.

**Mr Bermingham**—I do not want to make a long statement, but I do want to take up one issue that Premier Beattie stated yesterday in relation to Brian Courtice's evidence. He stated that the issue did not go before the Shepherdson inquiry. I think that is a little less than honest because, first of all, the Shepherdson inquiry's terms of reference did not cover the stuff regarding Mr Ludwig; and, secondly, he is neither a public official nor a public servant. In that sense, it was not within the realms of the Shepherdson inquiry to bring Mr Ludwig forward.

The allegations that Mr Courtice made in reference to the slush fund I believe to be correct. The slush fund did exist; it was used for the purposes of paying for people's party memberships, some of those people being falsely enrolled; and in a sense it is quite relevant. Because it did not come up to the Shepherdson inquiry does not mean that it did not occur. The Shepherdson inquiry, I think, in this sense, is being used as an escape if people say, 'Premier Beattie says that it did not come before the Shepherdson inquiry, therefore it is not relevant.' It is relevant.

Secondly, it was raised on a number of occasions within the Shepherdson inquiry. I raised it myself, as did Warwick Powell. We both gave evidence on occasions where I had used the slush fund, where he had used the slush fund, and I think there is public documentation in newspapers in a reference to Neil Frost, who also used the slush fund for memberships. I just wanted to put that on the record to start with.

My only other comment is that there was a culture within the Australian Workers Union faction of the Labor Party which encouraged this sort of behaviour. It has existed for a long time, which I think has been demonstrated by the Shepherdson inquiry, and it still exists. The current organiser, who is the AWU-aligned organiser in the ALP in Queensland, Milton Dick, for example, was engaged in fraudulently enrolling people for the purposes of winning plebiscites in the area of Mansfield. It has extended from a long time back, which I think the Shepherdson inquiry has demonstrated, and it still exists. Even the current state secretary of the Labor Party was actually named in the Shepherdson inquiry for witnessing a false enrolment.

I think that only highlights one other issue that I want to draw attention to, and that is that Mr Beattie talks about the fact that natural justice is important for Mr Ludwig. Many junior officers and so on who work for parliamentarians' and ministers' offices have been sacked because they were remotely linked to the inquiry, yet nothing has been done in relation to people like Ludwig himself, who stood over this empire and allowed it to continue. I just wonder why Mr Beattie felt that he had to come and defend Mr Ludwig yesterday. What does Mr Ludwig have over Mr Beattie?

**CHAIR**—You have certainly raised a number of key issues in your opening statement which we would like to pursue this morning, but I was going to ask the Labor Party if they would like to go first in deference to the fact that we tend to take it in turns. We can have half an hour of opposition questions and then the government can ask questions.

**Senator FAULKNER**—I will I ask you a question, Mr Bermingham, because you have raised the issue of the Shepherdson inquiry, and, of course, this committee, as you would appreciate, is no doubt looking closely at evidence that has been presented there. I do not know whether you are aware, but members of the committee have had the advantage of having the transcripts of the CJC inquiry, so we have been able, where appropriate, to draw on that particular material. Perhaps we could start with your own appearance at the CJC. As you would be aware, a number of media stories have described you as ‘rolling over’. I think we all understand what that means. I wondered whether you, at any point, had sought immunity from prosecution.

**Mr Bermingham**—There was no arrangement at all with the CJC, no discussions whatsoever in that regard. In fact, I do not believe it has the power to grant immunity, anyway. It can make recommendations to places like the DPP, but in fact none was sought and none was gained.

**Senator FAULKNER**—Can you explain for the benefit of this committee—which of course is, as its primary responsibility, looking at the question of the integrity of the Commonwealth electoral roll, though you could be forgiven for thinking that it has travelled into many other areas—how many, if any, fraudulent enrolments you yourself have filled out or witnessed?

**Mr Bermingham**—I filled none out and I witnessed two—one in 1991 and one in 1995.

**Senator FAULKNER**—In relation to the 1991 and 1995 enrolments, could you give details of that to the committee, please?

**Mr Bermingham**—The 1991 one was Andrew Lyndon who is the media officer at the Australian Workers Union at the moment. He was falsely enrolling in the federal electorate of Moreton. I think it was probably for the purposes of a state conference or a state council which existed at that time—a plebiscite that was going to take place after that. The second one was in 1995, and it was for my daughter. She was enrolling in Griffith for the purposes of voting in a local government plebiscite for my sister.

**Senator FAULKNER**—We talked a moment ago; we used the terminology ‘rolled over’. It is not my preferred usage but it is something that has become commonplace. I think you, I and everyone in the room understand what we are speaking about when we say that. Had you at some time given a record of interview to the CJC where you had in broad terms indicated that you had had no involvement in or knowledge of electoral fraud?

**Mr Bermingham**—I do not know that I ever said that I had no knowledge of electoral fraud. When I was first interviewed by officers from the CJC I in fact could not recollect either 1991 or 1995 in terms of my own involvement. In fact, it did not really focus much on those sorts of things. It focused on allegations that others made in reference to me.

**Senator FAULKNER**—Do you remember the date when that occurred first or when that interview was heard?

**Mr Bermingham**—I think it was in September last year. I do not remember the exact date.



**Mr McCLELLAND**—You said that you filled out no enrolment forms and you witnessed only two. Do you know a Mr or Mrs Hernings?

**Mr Bermingham**—I do not know them but I know who they are.

**Mr McCLELLAND**—You gave evidence that you filled in their form, didn't you?

**Mr Bermingham**—No.

**Mr McCLELLAND**—It is on page 2557 of the CJC inquiry.

**Mr Bermingham**—I think you have been misreading the evidence.

**Mr McCLELLAND**—I am not reading the evidence.

**Mr Bermingham**—I gave no evidence in that regard.

**Mr McCLELLAND**—What about Mr Whitehead?

**Mr Bermingham**—I gave no evidence in relation to the Hernings.

**Mr McCLELLAND**—Do you know Mr Whitehead?

**Mr Bermingham**—I do not. I have never met the character and I have never met the Hernings.

**Mr McCLELLAND**—Do you know anything about his enrolment on the electoral roll?

**Mr Bermingham**—I do know something about it.

**Mr McCLELLAND**—What do you know about that?

**Mr Bermingham**—I know that they were falsely enrolled.

**Mr McCLELLAND**—How do you know that?

**Mr Bermingham**—Because I asked somebody to enrol them.

**Mr McCLELLAND**—You asked someone to enrol them?

**Mr Bermingham**—Yes.

**Mr McCLELLAND**—So you had others doing your bidding?

**Mr Bermingham**—I was part of a culture that led to those things happening.

**Mr McCLELLAND**—What about a Mr or a Mrs Linus?

**Mr Bermingham**—It is a Ms Linus.

**Mr McCLELLAND**—Do you know anything about her enrolment?

**Mr Bermingham**—I think she was part of the Hernings and Whitehead—those four people.

**Mr McCLELLAND**—Do you know anything about her enrolment?

**Mr Bermingham**—Only what I learnt in the Shepherdson inquiry.

**Mr McCLELLAND**—Was she falsely enrolled?

**Mr Bermingham**—I believe so, in Townsville.

**Mr McCLELLAND**—How do you know that?

**Mr Bermingham**—Because it came up in the inquiry.

**Mr McCLELLAND**—Didn't you admit during that inquiry that you knew she was falsely enrolled?

**Mr Bermingham**—No, I admitted that I asked somebody to have her enrolled in Townsville.

**Mr McCLELLAND**—That is a bit different from saying that you found out first in the Shepherdson inquiry. You told the Shepherdson inquiry that you knew she was falsely enrolled because you arranged for her to be falsely enrolled.

**Mr Bermingham**—I did not actually use those words; I have never denied that fact.

**Mr McCLELLAND**—Haven't you misled—

**Mr Bermingham**—I was asked the question earlier by Senator Faulkner: did I actually fill out any forms? I answered that question accurately.

**Mr McCLELLAND**—You have effectively—

**Mr Bermingham**—This is a different question: did I have knowledge of others or had I arranged or encouraged others to be falsely enrolled? Yes, I have.

**Mr McCLELLAND**—Is it a Mr or Mrs Lunney?

**Mr Bermingham**—I do not know; there are several Lunnays in the world.

**Mr McCLELLAND**—How many Lunnays do you know of who are involved in the Labor Party?

**Mr Bermingham**—I know of a few.

**Mr McCLELLAND**—How many?

**Mr Bermingham**—I do not know the exact number, but a lot of my relatives have the name ‘Lunney’.

**Mr McCLELLAND**—Do you know anything about the false enrolment of a person with the surname ‘Lunney’?

**CHAIR**—If I may interrupt you, Mr Bermingham. Mr McClelland, would you mind letting the witness answer the question before you try to jump in over the top of him?

**Mr McCLELLAND**—Sure; I take the point.

**Mr Bermingham**—Do I know a Lunney?

**Mr McCLELLAND**—Do you know someone with the surname ‘Lunney’ who is involved in the Labor Party in Queensland?

**Mr Bermingham**—I do.

**Mr McCLELLAND**—How many of them?

**Mr Bermingham**—Four.

**Mr McCLELLAND**—Do you know whether any of those Lunneys have been falsely enrolled in the Labor Party?

**Mr Bermingham**—I do.

**Mr McCLELLAND**—Who?

**Mr Bermingham**—Damien Lunney.

**Mr McCLELLAND**—How do you know that he was falsely enrolled?

**Mr Bermingham**—Because he was falsely enrolled in Townsville.

**Mr McCLELLAND**—How do you know that?

**Mr Bermingham**—Actually he was not falsely enrolled in Townsville; it is questionable as to whether he was. He went to live in Townsville for a period of time and actually lived at the address that he was enrolled at.

**Mr McCLELLAND**—Do you know anything about his enrolment form?

**Mr Bermingham**—I was not involved with his enrolment form, no. It was done by Andy Kehoe.

**Mr McCLELLAND**—How do you know that?

**Mr Bermingham**—Because I asked Andy Kehoe to put him on the roll.

**Mr McCLELLAND**—Haven't you effectively misled this committee by saying that your only involvement in false enrolments was to witness two false enrolments? You were a conspirator in having a whole range of people falsely enrolled.

**Mr Bermingham**—I do not know what school of logic you studied at, but I was asked whether I had filled out forms and I answered that question accurately. There was no denial that I had any involvement in anything else in terms of the culture; I simply answered that question accurately.

**Mr LAURIE FERGUSON**—You keep using the broad term 'part of a culture'. How many people did you arrange to be enrolled by others?

**Mr Bermingham**—I participated. I suppose that then begs the question: will you describe the culture? There were three plebiscites that I had some involvement in. There was a plebiscite in Townsville in 1996 between Tony Mooney and Mike Reynolds. There was a plebiscite in 1993 between Robin Twell and Kerry Ray for local government, and there was a plebiscite in 1996 between my sister and Mark Uzelin. The latter one I had very little involvement in because I was not in the country: most of the time I was in India. I had been in America beforehand and I was only here for a short time. At Mike Kaiser's request, I did not become involved in that particular plebiscite because it involved my sister.

**Mr LAURIE FERGUSON**—I did not ask you to describe the timing of the ballots; if we could just have the numbers. You said you had a little involvement in the third plebiscite. What is your overall involvement in arranging for people to be falsely enrolled?

**Mr Bermingham**—I said that I was involved in three plebiscites and there were a number of fraudulent enrolments in each of those plebiscites. It is hard to say how many I specifically had a role in. It is like asking Mike Kaiser how many he was involved in. It is difficult to say.

**Mr LAURIE FERGUSON**—You used the word 'arranged' earlier. How many people did you arrange to be falsely enrolled?

**Mr Bermingham**—I really do not know. I would ask people could they get some people put on. I did not say—

**Mr LAURIE FERGUSON**—What is the ballpark figure: five or 200?

**Mr Bermingham**—In the Townsville plebiscite of 1996 my involvement would have been with four of those, the names that were read out: the Hernings, Whitehead and Linus. In East Brisbane I suppose there were about 20 people who were falsely enrolled for the purposes of that plebiscite. In 1996 I could only say I was involved in one of those. So that adds up there to about 25.

**Mr LAURIE FERGUSON**—Why did you have doubts about the situation of Lunney? You first said that he was falsely enrolled, then you had a second thought.

**Mr Bermingham**—Because he lived where he enrolled—that is my point.

**Mr LAURIE FERGUSON**—But why did you have a doubt about it? What was the nature of your doubt?

**Mr Bermingham**—No, I did not have a doubt. First of all, I could see where your questioning was headed, but in fact I have never agreed that that was a false enrolment.

**Mr McCLELLAND**—Do you know a David Jason Masters?

**Mr Bermingham**—I do.

**Mr McCLELLAND**—Did you sign or witness his enrolment form?

**Mr Bermingham**—I do not believe so.

**Mr McCLELLAND**—Didn't you give evidence to the CJC that you acknowledged your signature on a form changing his enrolment?

**Mr Bermingham**—No, I do not remember giving that evidence.

**Mr McCLELLAND**—You do not remember giving that evidence?

**Mr Bermingham**—No.

**Mr McCLELLAND**—Of the 20 false enrolments in respect to the East Brisbane plebiscite, were you involved in those, either directly or knowingly involved?

**Mr Bermingham**—Knowingly but indirectly.

**Mr McCLELLAND**—Knowingly in the sense that you directed people to enrol those 20?

**Mr Bermingham**—I asked people to, and I did that under instructions from the state secretary, Mike Kaiser.

**Mr McCLELLAND**—You gave evidence a moment ago that in 1996 you were only involved in one false enrolment.

**Mr Bermingham**—Two, I thought I said.

**Mr McCLELLAND**—You said one.

**Mr Bermingham**—I am pretty sure I said two.

**CHAIR**—You did say two—1991 and 1995.

**Mr McCLELLAND**—No, I am sorry, he said he witnessed two false enrolments, in 1991 and 1995. But in response to a question from Mr Ferguson he said he knew of 20 in East Brisbane and in respect of 1996 that he was involved in only one false enrolment. Do you recall giving that evidence?

**CHAIR**—I assume what Mr Bermingham meant when he said ‘witnessed’ was he had actually witnessed the enrolment form.

**Mr McCLELLAND**—No, they are two separate matters, with respect. He started off saying he had only ever witnessed two false enrolments, one in 1991 and in 1995. We have moved on to a second topic, about his knowledge of actual false enrolments. You said—and you can correct this evidence, Mr Bermingham—that in respect of the East Brisbane plebiscite you knew of 20 enrolments or were knowingly involved in those false enrolments, but in 1996 you were only involved in one false enrolment.

**Mr Bermingham**—That is right.

**Mr McCLELLAND**—But weren’t the enrolments of Hernings, Whitehead, Linus and Lunney all in respect of the 1996 plebiscite?

**Mr Bermingham**—There were two plebiscites in 1996—one was Townsville and one was East Brisbane. Which are you asking about?

**Mr McCLELLAND**—You have admitted previously being involved in the false enrolment of Hernings, Whitehead, Linus and Lunney.

**Mr Bermingham**—That is right. That was in Townsville. I have already said that.

**Mr McCLELLAND**—Yes, you have already said that. Wasn’t that in respect of 1996?

**Mr Bermingham**—As I said, there were two plebiscites in 1996 that I made reference to: the East Brisbane plebiscite of 1996 for local government and the state plebiscite for the seat of Townsville. I answered the question before in terms of the Hernings, Whitehead and Linus, not Lunney, in relation to that 1996 plebiscite in Townsville.

**Mr McCLELLAND**—Why did you give evidence that in 1996 you were only involved in one false enrolment?

**Mr Bermingham**—Because, as I have already stated, one, Mike Kaiser thought it was unwise for me to be involved in that particular plebiscite—

**Mr McCLELLAND**—But that is not right. In 1996 you were involved in at least four that you have admitted to us earlier today.

**Mr Bermingham**—Yes, but my sister was not running in Townsville, she was running in East Brisbane. I have already explained to you—

**Mr McCLELLAND**—I am not asking you about your sister, I am asking you about the fact that Hernings, Whitehead, Linus and Lunney were all falsely enrolled in 1996 and you were involved in each of them.

**Mr Bermingham**—I cannot really see what your point is, actually.

**Mr McCLELLAND**—That you have previously given false evidence by saying that you were only involved in one in 1996. Clearly, you have previously admitted you were involved in four, for starters. What is it?

**Mr Bermingham**—I will explain it to you once again. Hopefully you can understand this time. I was directly involved, as I stated before, in two false enrolments by witnessing those. I was also part of a culture: we went through the numbers—and it worked out to be about 25 or 26. I had some indirect involvement in terms of asking others to put numbers on and I said I did that in response to Mike Kaiser's request. In terms of the 1996 plebiscite in east Brisbane, I was not particularly involved in that because it involved my sister's plebiscite, and Mike Kaiser thought it would be unwise for me to be particularly involved in that. I do not really see what your point is.

**Mr McCLELLAND**—All right, I will break it down for you in two parts. In respect of east Brisbane, you were knowingly involved in 20 false enrolments because you directed other people to enrol 20 specific identified people.

**Mr Bermingham**—I did not know who they were at the time, and I did not need to know.

**Mr McCLELLAND**—That is a fact, though, isn't it?

**Mr Bermingham**—I did ask people to put the numbers on. Surely you understand that. You are in the Labor Party.

**Mr McCLELLAND**—And in respect of 1996, you were involved in the false enrolment of at least four.

**Mr Bermingham**—In Townsville, yes.

**Mr McCLELLAND**—Yes, all right. I presume someone paid for those people's party memberships.

**Mr Bermingham**—I imagine most of them paid for their own.

**Mr McCLELLAND**—Of those false enrolments.

**Mr Bermingham**—Of those false enrolments. I think they were legitimate party members who had joined the party themselves. Many of them were involved in Young Labor and they

simply shifted their address. I do not think there was any suggestion that these people had their memberships paid for them. Some may have; I have no knowledge of that. In terms of false enrolments, yes, Karen Ehrmann had many people's paid for out of Bill Ludwig's slush fund. They were false enrolments.

**Mr McCLELLAND**—Karen Ehrmann gave evidence that she saw you and a fellow called Wallace filling in white cards.

**Mr Bermingham**—The problem with her evidence was—if you read the submissions from the CJC later on—that Craig Wallace was not even in the country. He was in Singapore and he was able to demonstrate that with the tickets. Indeed, the CJC had actually got the records from Qantas anyway and could establish that he was not there.

**Mr McCLELLAND**—Why would Karen Ehrmann give false evidence?

**Mr Bermingham**—That is a question you should have asked Karen Ehrmann when you spoke to her. Clearly, if the guy was not even in the country, it could not have happened. As I gave evidence, and you have read the evidence, you would have seen that I said Karen Ehrmann did not even come into the campaign office in Mundingburra until the last few days to organise the booth rosters.

**Mr McCLELLAND**—Did she lie to the CJC in giving that evidence?

**Mr Bermingham**—I believe that she lied, both in terms of the CJC and in her affidavit. She has since corrected herself at this inquiry. In the Shepherdson inquiry, she claimed that I taught her to rot and before this inquiry she admitted that it was Jim Elder. There is one example of her changed stories and lies.

**Mr McCLELLAND**—This committee has two self-confessed rorters before it, both saying the others are liars.

**Mr Bermingham**—I have always wondered what a self-confessed rorter was.

**Mr McCLELLAND**—Whose evidence do we accept?

**Mr Bermingham**—That is a decision for you to make.

**Senator FAULKNER**—Mr Bermingham, as I understand it, at the time you have outlined, you had an interview with the CJC. Your original position was, it is fair to say, but correct me if I am wrong, that you did not really have an involvement in enrolment fraud or a knowledge of it. Would that be fair?

**Mr Bermingham**—I did not elaborate on my full extent and full knowledge of it. That would be fair to say. I answered the questions reasonably honestly. I was surprised about 1991. Indeed, I had forgotten about it and was quite surprised when it was presented to me in the inquiry. I saw the name there and it was clearly my signature.



I noticed things as the inquiry went on, as you can understand. I had an interview with the CJC police. I had a closed session of evidence to the inquiry and then I had a public session of evidence to the inquiry. The inquiry was discussed a lot through those times on the media; I heard conversations that I had forgotten about that occurred 10 or 15 years ago. So, yes, those things do jog your memory and you remember more things. No, I do not think I ever knowingly gave any false information, and I do not believe I actually gave any false information at the first interview with the police but, certainly, there was a lot of information that was not there.

**Senator FAULKNER**—Would it be fair to say that you were not completely frank in those first interviews?

**Mr Bermingham**—I would not put it that way, no. I did not remember a lot of the information. Indeed, when the inquiry was announced I immediately thought, ‘I wonder who this is going to affect?’ The reason I became so central to it, I think, was Karen Ehrmann’s affidavit. She did not accuse me of anything in the affidavit, but she said that these things occurred when I was organiser. The second reason I became so central to it was because of the ALP’s own legal strategy, where they tried to scapegoat me and Warwick Powell as being the architects of this. I think the Shepherdson inquiry has since demonstrated that it existed before. As I said before with reference to Milton Dick, it still exists—that is, those people who have been involved in those sorts of practices have not been cleaned out; some of them are still there.

**Senator FAULKNER**—So you had this original interview, and then I assume the timing is that some time in late October of last year you went into what I would describe as a secret hearing—I think you used the terminology ‘closed hearing’—of the CJC?

**Mr Bermingham**—In camera session.

**Senator FAULKNER**—Yes. Do you remember the date of that particular hearing?

**Mr Bermingham**—No, I do not.

**Senator FAULKNER**—I am assuming it was around late October. I think it was something like that.

**Mr Bermingham**—Yes, late October or early November. I am not sure exactly.

**Senator FAULKNER**—For the benefit of the committee, could you explain why that occurred, why there was an in camera hearing?

**Mr Bermingham**—That occurred because I became frustrated. Initially, when the inquiry was first announced I was contacted by Peter Shooter, who used to be the assistant secretary of the Labor Party. He came to see me and said that this inquiry was occurring—which I knew, of course—and that the Labor Party wanted to contact the people who were likely to be called. At that request, I accompanied Peter Shooter to a meeting with Cameron Milner where he said that legal costs would be covered by the Labor Party. Initially, they decided that they were going to cover people’s legal costs. In true Labor fashion, the idea was that we would all try to hold the line. I think that was possibly the initial strategy that was worked out—

**Senator FAULKNER**—You guess that?

**Mr Bermingham**—If you let me continue, you will see why I believe that to be the case.

**Senator FAULKNER**—You used the word ‘guess’, I think.

**Mr Bermingham**—I did say ‘guess’, yes. It is a fairly usual saying in the English language now. I then was contacted by the CJC about two weeks later. I put in a phone call, first of all, to Peter Carne, who was the ALP solicitor. It was not returned. He was away, apparently, but nobody from his office contacted me for some time. I put in three phone calls for Cameron Milner to let him know. He did not answer those calls. In the meantime, I was paid a visit by Lindsay Jones, who works as a temporary organiser in the Labor Party and who was the former assistant secretary from the Left. He informed that there was a set-up going on and that they intended to try to scapegoat me to take the blame in terms of the inquiry.

Eventually Tim Heard—I think that was his name—from Peter Carne’s firm of solicitors did contact me after I had been interviewed by the police. I then got a phone call from Peter Carne a couple of days later saying, ‘I am returning your call from the other day.’ I said, ‘Would you like me to arrange for your firm to pick up my record of interview with the police?’ He said, ‘Yes, we will do that.’ But nothing ever happened. Eventually, he came up to see me on the first day of the inquiry and said, ‘I think you had better go and get your own legal advice.’ Pulling all that together, you do not have to be a genius to realise that I was pretty much out on my own, that I was not getting the same legal assistance or cooperation that other people who were going before the inquiry were getting. I simply offered to cooperate fully with the inquiry, and they called a closed session.

**Senator FAULKNER**—But it would be unremarkable, wouldn’t it, for the Labor Party—as we are focusing on the Labor Party here—or any political party that had members before some sort of legal authority or quasi-judicial authority that was dealing with internal party matters to offer appropriate legal representation? I find that unremarkable. I do not know whether you find it particularly surprising or not.

**Mr Bermingham**—I thought that it would be difficult for the Labor Party to be able to do that because there would be conflicts of interest. I think it was probably a little naïve on the part of the Labor Party initially to think that it would be able to, firstly, handle everybody’s legal fees and not have conflicts of interest. Once you are before an inquiry you become an individual rather than have consideration for the whole way in which it is structured. You have to answer questions, you are under oath, and it is whether you are telling the truth, not whether the Labor Party is holding the line. Yes, I did think it was a difficulty and, certainly, a number of people put those views to me. Nevertheless, there was a decision made by the administration committee of the Labor Party—initially by the executive—to set up a fund to look after people’s legal costs and I was invited to a meeting along those lines.

They later revised that. They paid for the first hour of the legal assistance that people received and, indeed, that is what occurred for most people. Some people decided not to do that. I believe Tony Mooney decided to have his own representation, but the bulk of people did accept ALP lawyers and, indeed, when I was interviewed by the Federal Police in relation to the cash for

preferences deal recently I understand that Peter Shooter turned up there with the ALP's solicitor when he was interviewed.

**Senator FAULKNER**—Again, that is entirely unremarkable, it seems to me. A lot of people would go to a police interview with legal representation, as you would appreciate.

**Mr Bermingham**—Taking the ALP lawyer is one thing. He is also Wayne Swan's lawyer. It seems to me that that is a little strange.

**Senator FAULKNER**—He is an employee of the Labor Party, isn't he?

**Mr Bermingham**—No, he is not. He is part of a legal firm and he is hired by the Labor Party.

**Senator FAULKNER**—So he is a consultant, effectively on some form of salary?

**Mr Bermingham**—Yes, I guess he is on a retainer—I do not know the exact details.

**Senator FAULKNER**—Again, it seems highly unremarkable.

**Mr Bermingham**—It seems strange to me that he did go then to represent both Wayne Swan and Peter Shooter. Peter Shooter is—

**Senator FAULKNER**—I was talking about Shooter; you are talking about the legal representative.

**Mr Bermingham**—No, he used to be, but he is no longer—

**Senator FAULKNER**—Just so that we are clear on that, Mr Chairman: my question related to Shooter as opposed to the legal representative of Mr Shooter.

**Mr Bermingham**—No, he works for the Metal Workers Union.

**Senator FAULKNER**—We had evidence before this committee yesterday that, in fact, he was the acting state secretary of the Labor Party.

**Mr Bermingham**—He was earlier on and, indeed, I was an organiser, and that is my point. These events occurred when I was working officially for the ALP.

**CHAIR**—Just to make it clear, we are talking about Mr Shooter. Is that who you are talking about—Mr Shooter?

**Senator FAULKNER**—In the exchange between me and Mr Bermingham, my question about the legal representation was Mr Shooter's legal representation. I think Mr Bermingham interpreted it as the legal representative.

**Mr Bermingham**—I did, yes.

**Senator FAULKNER**—I am just correcting it.

**Mr Bermingham**—Yes.

**Senator FAULKNER**—Concerning some of these particular events when you were employed by the Labor Party—for example, the incident of the witnessing of the enrolment form in 1991—you did not work for the Labor Party at that point?

**Mr Bermingham**—No.

**Senator FAULKNER**—In fact, it might be useful for the record if you told us the dates of your employment with the Labor Party.

**Mr Bermingham**—I started working for the Labor Party in January 1993, or thereabouts, and I was sacked by Bill Ludwig in July 1997.

**Senator FAULKNER**—But, you see, you have outlined this process. Did you express any of those concerns to the key Labor Party officials at that point?

**Mr Bermingham**—I tried to. Indeed, Cameron Milner would not return my phone calls. And my sister actually phoned him and raised them with him as well.

**Senator FAULKNER**—I see. But I do not understand why you did not come forward earlier about this whole issue, about your own involvement in electoral fraud and what I assume you perceive now to be—perhaps quite reasonably—serious issues in relation to the integrity of the electoral process. Obviously you have got major concerns about these sorts of internal Labor Party processes. But, as I understand it, many of these events occurred from 1991 to 1996. You were sacked in 1997, but it was at a secret hearing of the CJC that suddenly it all started to blurt out. You might just explain to the committee why you had such a late conversion on the road to Damascus.

**Mr Bermingham**—In a way you have partly answered the question yourself. I do not know whether I would call it a conversion. But, indeed I think that I, along with many others, did not regard falsely enrolling people for the purposes of internal plebiscite being any other than a bit sneaky and as one-upmanship over a rival faction. I think that in fact was part of the culture. If you look at David Barbegallo's evidence he gave at the Shepherdson inquiry, he claimed he put people on the roll to try and make the plebiscite fairer. It was not looked upon as being some sort of bad activity that people engaged in. In hindsight, of course. I mean once you go through something like the Shepherdson inquiry as publicly as I did it certainly makes you think 'Gee, that was a bit serious. I do not want to go through another inquiry like that.' But I think people saw it pretty much on a par with cheating on tax and those sorts of things that seem to be fairly common in Australian culture.

**CHAIR**—The time for opposition questions is up for the present. We have three hours with Mr Bermingham this morning. The Democrats have indicated that they would like to go second. Therefore, I would ask Senator Murray if he has any questions.

**Senator MURRAY**—Thank you. Mr Bermingham, I want to come back to this cultural issue. We have had a number of witnesses who are critical of the Labor Party's internal processes that have led to electoral fraud, and yet they differ on the issue of culture. Both you and Ms Ehrmann have said that there is a culture of 'sneakiness', as you have described it, and yet Ms Scott said there was not. The reason I am interested in the culture is that, if my interpretation of culture meaning that it is widespread is correct and if there is a general widespread culture of being willing to falsely enrol in the wrong constituency, then it would indeed pose a threat to the electoral roll and to the integrity of elections. If there is not a widespread culture then obviously it just reflects on some individuals and some attitudes of some people. Now, I do not know the membership of the Labor Party in Queensland but I will give you a figure as an example. You have said that you personally knew of, were involved in, understood, had a background in, about 25 false enrolments.

**Mr Bermingham**—Yes.

**Senator MURRAY**—If there were, say, 10,000 Labor Party members in Queensland, that would represent a quarter of a per cent, and I gather from the evidence I have read in the CJC and what I have read in the media that you were a prime organiser in the Labor Party. If a prime organiser only got involved in 25 it does not seem to me to reflect a culture or to be widespread. What I would like you to do is explain to me in your own words what you mean by culture and whether you think there is widespread behaviour of this kind.

**Mr Bermingham**—I do not think that it is widespread throughout the Labor Party, and that has never been my claim, but it was a culture that existed amongst the activists within the AWU faction. I think that would be a more accurate way to put it. What occurs in other states I do not really know about. I simply know about the AWU culture in Queensland and what it encouraged. There were things like summer camps and so on for young Labor people who are affiliated to the AWU faction. At those summer camps war stories would be told, which have been referred to in the Shepherdson inquiry, where people would tell stories about the time they put so many people on and nearly got caught or got caught and stuff like that. That was something that occurred within that culture. There were all sorts of people at these camps. Wayne Swan would attend. Bill Ludwig himself would come along to them and so on. They are examples of people. Mike Kaiser would have attended as state secretary.

I would have been there. A number of people would have been there telling these stories—various leading people in the AWU faction. So within that faction there was a culture. I do not know that anybody was directly encouraged, but certainly people were treated as a bit of a hero if they had been successful in getting a few extras up in a plebiscite, and in winning that plebiscite against the left. You have to understand that inside the Labor Party there are factions—no doubt you know that. But often when plebiscites are fought they are hotly contested. In fact, the fights that occur in a plebiscite can be much tougher than the actual election itself. So it leads to probably slightly more extreme behaviour than would occur on other occasions. You have witnessed what happened here in New South Wales in relation to Belinda Neal and so on. It is not a new thing. There is another aspect that exists inside the Labor Party, and that is the overaffiliation of unions. Unions in Queensland have 60 per cent of the delegates, yet if they represented 20 per cent of the population I would be surprised. It is probably roughly around that figure. They have an extraordinary amount of influence inside the Labor Party, yet they are quite undemocratic organisations in the terms of the way in which they

select their delegates. For example, Senator Ludwig would be able to pick the delegates he wants to go to a conference. So factions are union based really, and all the different factions are based around particular unions.

**Senator MURRAY**—Let me stay with the culture question for a moment. There are two possibilities if there were to be widespread electoral fraud. One is that it is organised as a conspiracy, and your answers, and those of previous witnesses, seem to indicate that there is not of any scale.

**Mr Bermingham**—I do not think there is.

**Senator MURRAY**—The other is that it just happens because individuals pursue it because it is cultural. You mentioned an Australian disease of tax evasion. I will give you an example as to how widespread the sort of thing can be if it is not organised, and then I would like your response as to whether you think such behaviour is apparent in the Labor Party with regard to electoral fraud. In New South Wales, the police and Westpac together conducted a sample survey of whether the applications for bank accounts were being correctly done—you know it is a 100 points system. They discovered that an astonishing 13 per cent of applicants with bank accounts were in fact falsifying their material. There was not a conspiracy. There is not a number you ring up and ask how to falsify your application. In other words, it was a general attitude. Once again, back to the cultural approach: is it possible that there is a general attitude amongst Labor members in Queensland that they would engage in electoral fraud which would put the integrity of the roll at risk?

**Mr Bermingham**—No, I do not believe so.

**Senator MURRAY**—Thank you. Moving onto the factual question, as a politician I have always instinctively understood the Left, Right and Centre Left kind of description, because it seems to indicate a policy direction, an ideological attitude. However, when a faction is described as the AWU faction, it sounds like direction of large numbers of Labor Party members by a union—in other words, a hierarchical top-down management. Is that what is meant by the AWU faction in the Labor Party in Queensland, or is it just a convenient way of describing a particular policy direction?

**Senator FAULKNER**—With respect, Mr Chairman, don't you think we are now really stretching the limits of our terms of reference? I am happy to give Andrew a private tutorial on the Labor Party, not that I necessarily understand much about Queensland factions, but I can do my best. That question really, I think, given that we are inquiring into the integrity of the electoral roll, strikes me as being wildly out of order.

**Senator MURRAY**—Taking the point of order, Mr Chairman, let me explain my direction. Many of the questions that have been put to witnesses in this inquiry have implied that the Labor Party is responsible for rorting the electoral roll in Queensland. My question is: if that was so, is it in fact not the Labor Party, is it in fact the union? That is why I wanted to know the answer as to whether the 25 instances in which you were involved were in fact directed by the union and not by the Labor Party or whether the two are so intertwined it is impossible to differentiate.

**Mr Bermingham**—A description of the AWU faction is this, and that is what I started to explain before: Ludwig would have—I cannot remember the exact number of delegates—the largest block of delegates on a conference floor, which gives him quite an amount of influence. He links up with the second largest union in Queensland, the shoppies union, which makes it quite a large block of delegates. There have been attempts over time to rename the AWU faction the centre faction but it has always failed because, firstly, its executive is not elected, it is selected. You get invited to go on to the executive. There are no democratic votes in the AWU faction. In fact one of the jokes used to be that you pay your \$10 to join and you do not have to vote. The executive would meet secretly; there was no public time, and people did not know when it met. I was on that executive for a number of years. It met privately and it would make decisions about the direction that it wanted to take things in the party. It is unanswerable publicly or to the party in terms of how it conducts its behaviour. There is an issue there that you have somebody and an organisation that has such vast influence over both federal and state politics yet it is unanswerable to anybody. It is not audited, it is not expected to account for itself publicly or indeed to the party. I do not know how other factions are organised. I believe they are much more democratic than that. In fact, there is this direction that comes. That is not to say that Bill Ludwig sits up there and makes every decision and that there is not discussion about it, but he has the power to make any decision that he wants.

**Senator FAULKNER**—This did not worry you while you were a beneficiary, I would have to say. It makes me a bit cynical.

**Mr Bermingham**—And it does not no doubt worry the other people who were beneficiaries of it as well. I guess that is my point.

**Senator FAULKNER**—That is my point.

**Senator MURRAY**—If I can avoid that interchange, the thing I am searching for is whether the AWU, not the Labor Party, directed these 25 false enrolments that you know about.

**Mr Bermingham**—No, there would not have been a decision made at the executive to do that. It would have occurred and it did occur, in terms of the ones that I have been involved with, more from the state secretary and me and to others who would be young Labor activists. So that would be the chain of command in that regard.

**Senator MURRAY**—So your evidence remains that the Labor Party through its state secretary, Mike Kaiser, was principally involved in your 25 enrolments?

**Mr Bermingham**—Yes, I acted at his request and other people acted at my request.

**Senator MURRAY**—Moving on to a third area, the integrity of the roll is only at risk if there are large numbers of people on the roll in a constituency who are not entitled to be there. They may in fact be entitled to be on the roll in another constituency. That is only an issue if an election result can be so affected. We have had evidence from the AEC and former AEC head that the numbers of false enrolments required to change an election outcome would have to be very large indeed, certainly not 25, and a minimum of several hundred was the evidence. To your knowledge, has the outcome of any election result in Queensland ever been affected by the

deliberate false enrolment of large numbers of Labor people in constituencies to which they are not entitled to be enrolled?

**Mr Bermingham**—I do not believe so. There is no strategy that I have ever heard, or discussion inside the Labor Party, which would encourage people to falsely enrol people for the purposes of affecting a real election.

**Senator MURRAY**—No war stories?

**Mr Bermingham**—No war stories.

**Senator MURRAY**—No drunken confessions?

**Mr Bermingham**—No.

**Senator FAULKNER**—The motivation is internal Labor Party advantage as opposed to electoral advantage: I think that is another way of expressing what Senator Murray is asking.

**Mr Bermingham**—Yes that is right.

**CHAIR**—Thank you Senator Faulkner, that is very helpful.

**Senator FAULKNER**—I always try to be helpful.

**Mr Bermingham**—I do not believe the rolls have been altered for those purposes.

**Senator MURRAY**—But the fact is that this whole exercise has indicated that false enrolments are possible; that they did occur and were not picked up by the AEC and its systems. Would you agree with me that the real danger is not conspiratorial false enrolments but in fact individuals acting in a way which they might see furthers their particular cause or approach, such as the New South Wales police example I gave with falsifying bank identifications?

**Mr Bermingham**—There is more of a pattern that occurs in relation to the false enrolments for the purposes of internal plebiscites. They usually only occur around safe seats. Nobody is going to have a big fight over an unwinnable seat or one that is so marginal. They are around safe seats. There are certain things that you could identify where these sorts of irregularities are going to occur. I do not think there is a conspiracy as such where people conspire to do this. But on the other hand there is within that faction a sort of encouragement of it—not in a direct sense. I do not want to exaggerate but people do attain a sort of hero status if they are good at winning a plebiscite and that they do what it takes to win it.

**Senator MURRAY**—Numbers people are admired in other words.

**Mr Bermingham**—Numbers people are admired when they have certain influences inside the party that others do not have.



**Senator MURRAY**—Regrettably that is true in the parliament as well. My last question concerns threats. Have you or your family received any threats of concern to you or your family over the time since you came out, as it were?

**Mr Bermingham**—Yes there have been threats.

**Senator MURRAY**—Of a major kind?

**Mr Bermingham**—I did have discussions about this with the CJC in relation to that, and they did offer to increase the protection of my house, my sister's house and other people's houses as well. Whether those threats were serious or not is hard to say. One of the people who was a witness and whose family suffered because of the inquiry certainly made a threat to a number of journalists, and that was passed on to me. I passed that on to the CJC. I have had graffiti on my car—poofter dogs and that sort of thing. There has been that sort of activity plus nuisance phone calls. I have since had my phone number changed and made silent.

**Senator BARTLETT**—I am trying to get a picture of exactly how widespread this activity is. You have been painted—as you indicated, possibly deliberately so—as the master guru and a major perpetrator of this type of activity. Yet you have said that the number is up to 25 over the course of your career: how much broader do you think it is beyond what has come out through all the Shepherdson inquiry evidence? Do you think the majority of that sort of activity has been made public through that process or are there heaps and heaps of other—

**Mr Bermingham**—I have no direct knowledge of where it occurred. I knew about Townsville. The information about Karen Ehrmann was pretty much common knowledge in Townsville. Most people who were involved in the Labor Party at any level knew that Ehrmann was up to no good. Certainly, I raised it a number of times at organisers meetings. I raised it with Joan Budd, who was the returning officer, and objected quite strongly. Karen Ehrmann had taken rorting to a new level in a sense: these people were not in the state, they were houses nobody occupied and so on; people did not know they were party members and they were voting in plebiscites and stuff like that. So she took it to a different level. Clearly, it came out in the inquiry that no doubt she could have been tutored by Joan Budd herself because it was very similar to what occurred in the Bowman area amongst Joan Budd putting her own children on and stuff like that.

I do not know. I think it was more widespread than I thought. I was very shocked about Jim Elder. I had no idea. It was the last thing I would have suspected that he would have had false enrolments. I was shocked that Joan Budd had falsely enrolled people, because she always made a point of the fact that she did not want the AWU to become known like the New South Wales Right. After rumours came out after the 1993 East Brisbane plebiscite where my name was linked to the fact that there were some irregularities and there was talk about it, Joan Budd expressed horror and went around saying that I was bringing the faction into disrepute. So I was a little shocked to find that she had been in it up to her armpits. I think it was a little bit more widespread than I believed it to be but I suspect it is not something that exists throughout the party.

**Senator BARTLETT**—Beyond what has already come out through the Shepherdson process, you would not think that necessarily it would be terribly much more than that?

**Mr Bermingham**—No doubt there is but whether it will ever come out or not I do not know. I do not think it is widespread. I do not think it is endemic in a sense.

**Senator BARTLETT**—Do you think that the Townsville episode, the Karen Ehrmann and Andy Keogh one, was on a scale greater than in the past?

**Mr Bermingham**—I think Karen Ehrmann's was on a greater scale than anywhere else.

**Senator BARTLETT**—So it would go into that scale which I think from memory involved about 50 names. Once you even get to the scale of 50 people it starts to get to a size where it is common knowledge and impossible to keep underground.

**Mr Bermingham**—It was common knowledge. There had been lots of discussions about it in different avenues of the party, different party organisations and so on—every time a community forum was held, for example. There was a report called Ray Muller report. I believe the inquiry was going to hear from Ray Muller in Townsville.

**CHAIR**—We tabled the report yesterday. Mr Muller could not come because of ill health but it was circulated to members yesterday.

**Mr Bermingham**—That report was circulated at a number of community cabinet meetings held by the Goss government in Townsville. When electoral college met to select either Tony Mooney or Mike Reynolds, that report was on every seat there. That would have had everybody, including Peter Beattie, in the room. Most people would have read and seen that report and knew about its contents and knew something was wrong in Townsville. I had recommended at an organisers meeting and to the admin committee that we actually needed to have state intervention in Townsville and dissolve all the branches because it had reached a stage where legitimate party members were getting very frustrated by the fact that there were so many rorted members in there that they felt that they could no longer express their views democratically in terms of selection of candidates or conference delegates or council delegates. It was very demoralising in that area. I do not know of anywhere else where things had reached that stage.

**Senator BARTLETT**—Just in terms of that issue of scale as well, I think it is the East Brisbane one you mention where you had involvement in or knowledge of about 20: what sort of numbers overall are you talking about in terms of the total plebiscite?

**Mr Bermingham**—In that particular plebiscite, I think there were in the end 112 people who voted.

**Senator BARTLETT**—So 20 out of 112 is a fair proportion to get?

**Mr Bermingham**—Yes, it would certainly influence the outcome in a very tight plebiscite like that where you have two sitting members seeking preselection for the same council ward in that case.

**Senator BARTLETT**—Sticking with that particular example—and the evidence Mr Barbagallo gave about it being very in-house and secret—how much effort goes into that?

**Mr Bermingham**—That is really asking how factions operate in themselves. Factions pretty much keep their own business to themselves. Certainly the AWU faction that I was part of would not want the Left to find out what we were up to. There would be a fair amount of secrecy around it.

**Senator BARTLETT**—Did the Ehrmann one move out of the realm of secrecy because of the size of it or because it was just too ham-fisted?

**Mr Bermingham**—That is a more difficult one. There was a conspiracy there but the conspiracy was of a different nature. Basically, Tony Mooney wanted to get into state parliament. Jim Elder and Joan Budd did not want him to get into parliament because he would have been a possible rival to Elder's leadership ambitions at the time. Karen Ehrmann was encouraged by Elder and Budd to give her votes to the Left rather than to the AWU candidate, Tony Mooney, at that time. Obviously, when you have a situation like that, one's secrets get dropped because everybody becomes aware of the stacks. Indeed, I went around and visited some of the houses before the plebiscite was called to try to identify where people were no longer living. I brought them to the attention of the returning officer. That became very messy and led to the Shepherdson inquiry down the road. The secrecy broke down because, to use an ALP term, Tony Mooney was about to be 'rat fucked' by his own side. That is what occurred.

**CHAIR**—We will have half an hour of government questions.

**Mr McCLELLAND**—It might be convenient for me to put one question, if I may, relating to the Mooney saga.

**CHAIR**—I know the government members wanted to follow up questions from the opposition and the Democrats. I told them not to so I think that would be a bit unfair.

**Mr McCLELLAND**—All right.

**CHAIR**—Mr Bermingham, in your opening statement you alluded to the AWU slush fund.

**Mr Bermingham**—Yes.

**CHAIR**—How are you aware of the existence of the AWU slush fund?

**Mr Bermingham**—I discovered it by accident. I was up in Australian government ministerial offices in Anne Street in Brisbane. I walked past Con Sciacca's office, and Ken McPherson was in there. I went in and chatted to him because I knew him reasonably well. I asked what he was doing. He told me that he was organising for a function to raise money for a slush fund. He went ahead and organised that function. I know that the function went ahead because I attended it for a short period of time with the minister I worked for then.

**CHAIR**—Where was the function and what was the nature of it?

**Mr Bermingham**—It was at the Hilton Hotel. It would have raised about \$15,000. Employers were encouraged to come along to it to get latest briefings and so on. The Minister

for Industrial Relations, Matt Foley, and a number of other government ministers spoke at it. The money was collected. I found out what the purpose of it was because when I went back to party office I asked Mike Kaiser what it was. He said that the money was being raised for a slush fund to be used for memberships in strategic locations for plebiscites. State conferences particularly were a big target because they influence the number of delegates that get elected and, therefore, who controls the party.

**CHAIR**—What year was the function at the Hilton Hotel?

**Mr Bermingham**—It is very hard for me to remember.

**CHAIR**—Would it have been about 1993?

**Mr Bermingham**—I believe so.

**CHAIR**—Do you remember who else were guest speakers at that function?

**Mr Bermingham**—I believe Wayne Goss was a guest speaker.

**CHAIR**—Was Laurie Brereton a guest speaker?

**Mr Bermingham**—Laurie Brereton was a speaker at it.

**CHAIR**—What else did you discover about that function? It was obviously paid for by the people who attended, whether they were employers or whatever.

**Mr Bermingham**—I do not remember the exact scheme, but there was a tax incentive scheme that, if companies went along to part of their training and research and development, they got one per cent off their tax or something—I do not remember the exact nature of the scheme, but it focused on that. People were encouraged to go along, they were given their receipts and they would pay for tables and so on to attend.

**CHAIR**—Was that the training guarantee levy?

**Mr Bermingham**—Yes, I think it might have been.

**CHAIR**—Are you suggesting that money raised for the AWU's slush fund to pay for memberships—probably genuine memberships—and potentially false enrolments was done under the auspices of a tax reduction for their businesses?

**Mr Bermingham**—It was, yes.

**CHAIR**—That is reasonably interesting. Where do you think they got the idea for this training guarantee slush fund lunch from?

**Mr Bermingham**—I believe they got it from the Victorian Right of the ALP; in fact, I think they got a cut from the amount of money raised. Ken McPherson mentioned that they were

going to get a cut. I think Stephen Conroy explained the process to him and they then learnt how to do it and carried it out in Brisbane.

**CHAIR**—Are you suggesting that Senator Stephen Conroy would get a cut from this sort of function?

**Mr Bermingham**—I think the Victorian Right got a cut because they patented the idea.

**CHAIR**—It was a rather ingenious idea.

**Mr Bermingham**—Yes, it raised quite a bit of money.

**CHAIR**—Were you aware of any other functions of this nature that might have been held at the time?

**Mr Bermingham**—I believe there were others, but I do not have any direct knowledge of them. My other knowledge of the slush funds comes from the fact that I was able to use them to pay people's memberships.

**CHAIR**—So it was a bit like a franchise that the Victorian Labor Right set up.

**Mr Bermingham**—That is what it sounds like, yes.

**CHAIR**—Do you know whether it was carried on in any other state, or was it just in Queensland?

**Mr Bermingham**—I don't know. It was carried on in Queensland, but I do not know whether it was carried on in other states—presumably, it happened in Victoria since that is where the idea came from.

**CHAIR**—So the money from that sort of luncheon would have gone into the slush fund that Ken McPherson told you about.

**Mr Bermingham**—I think it was a seminar rather than a luncheon and the money went into the slush fund. I am not sure how the money was held. This is how you accessed it. If, say, Karen Ehrmann or Ken Davies—who was the member for Mundingburra at one stage—rang to say they had so many memberships and that was considered an important area in terms of conference delegates, I would see Mike Kaiser who would ring up Bill Ludwig. I would then go over and collect the money or people would turn up with the actual enrolment renewal forms for ALP membership. They would be handed over at the AWU, it would be calculated how much money was necessary, it would be handed over in cash and then you would go back and pay it at the front office of the ALP in Brisbane. In fact, on one occasion, Warwick Powell received the money directly from Bill Ludwig himself. Yes, it had to be approved by Ludwig via Kaiser or by Ludwig himself.

**CHAIR**—Is the description that you have just given of how the money was paid out for false memberships the same as what happened when you gave 15 ALP membership applications to Neil Frost to take to the AWU office?

**Mr McCLELLAND**—Mr Chairman, I raise a point of order. I do not think the witness has given evidence of knowledge of this money being paid for false enrolments.

**CHAIR**—No, I am taking it from an article that was in the *Courier-Mail* on 24 January.

**Mr McCLELLAND**—Perhaps it would be fairer to ask the witness whether he was aware of these funds being used to pay for false enrolments.

**CHAIR**—I am happy for you to adopt that question.

**Mr Bermingham**—I believe it would have been used for false enrolments because a number of Karen Ehrmann's were paid through that fund. She would phone me to give me a list of names and I would go over and collect the money for those. I would usually send somebody—one of the Young Labor people—to collect the money and it was paid in that way. I actually found a list—I am not sure whether there were false enrolments on it—which I handed over to the CJC. Since most of Ehrmann's numbers were paid in this way, I cannot see how it would not have covered false enrolments—unless she sorted them out and said, 'These 54 are false so I will not pay those through the slush fund, I will pay those myself.'

**CHAIR**—Would Karen Ehrmann have been able to continue with the branch stacking which led to electoral fraud if the AWU slush fund had not existed?

**Mr Bermingham**—I do not think she would have been able to personally afford to pay for the amounts of money involved. It would be some hundreds of dollars. She was not a wealthy person by any means. She was a part-time councillor on the Townsville City Council. At that stage she got paid about \$14,000 a year. Her income was not great. She certainly depended on that slush fund. She was considered a good numbers person in Townsville and therefore was able to have access to the slush fund.

**CHAIR**—Did you give Labor adviser Neil Frost 15 ALP membership forms at any point?

**Mr Bermingham**—Yes, I did. I gave them to him and he took them over to the AWU office and gave them to Ken McPherson, who photocopied those forms and then returned the original forms with the appropriate amount of cash to pay memberships.

**CHAIR**—Was it your understanding that it was coming out of the AWU official social club slush fund?

**Mr Bermingham**—That is a question that I do not know the answer to. I know that the money came from a slush fund. I know that there was a social club slush fund as well which is used basically for the re-election of the AWU leadership in terms of its union's ballots. It is my understanding that it has vast sums of money when it comes time for an election. Whether the money that was raised through the Victorian scheme was put into that slush fund or they set up a separate slush fund, I am not sure. But certainly you would get the money through Ludwig.

**CHAIR**—Do you know if the fund that we have been talking about was used to finance branch stacking in Griffith by Warwick Powell or by Grant Musgrove in Rankin and for others in the outer southern suburbs?

**Mr Bermingham**—It is quite possible that it would have been.

**CHAIR**—In whose favour would that have been done?

**Mr Bermingham**—If it were done in Griffith it would have been done to assist Kevin Rudd. If it were done in Rankin it would have been done to assist Craig Emerson.

**CHAIR**—Was Kevin Rudd a member of the AWU faction?

**Mr Bermingham**—No, so that is why I would be a bit surprised at that.

**CHAIR**—Why would the AWU slush fund be used to support a person from another faction?

**Mr Bermingham**—I am not sure that it would be in that sense. Certainly it would be used to help Craig Emerson.

**CHAIR**—And any others that you are aware of?

**Mr Bermingham**—No, not that I am aware of. I know that it was used to help state members for various places like Townsville in particular. It was used in areas that were considered of strategic importance for the AWU faction.

**CHAIR**—At about that time was there a battle going on in Brisbane for federal preselections for which these would have been the same?

**Mr Bermingham**—There was.

**CHAIR**—If you vote in the state preselection, is it the same vote for a federal preselection?

**Mr Bermingham**—Yes.

**CHAIR**—So if you are a member in Springwood, for example, does that mean you are voting in federal Rankin as well?

**Mr Bermingham**—That is right.

**CHAIR**—The benefit for this branch stacking would have been for a round of federal preselections following the 1993 federal election, would it?

**Mr Bermingham**—In an ideal situation you would try and have your stacks so that they would help federal, state and local government. Look at a place like Bowman, for example. I should say that Bowman was denied access to this particular slush fund. When the slush fund was set up and I found out about it, Mike Kaiser told me that I must not tell Con Sciacca, Jim

Elder or Joan Budd because they would not be allowed to use it. It was thought that they had plenty of resources of their own and therefore they were denied access to that particular slush fund. In a case like Bowman they would have the numbers centred in a particular place so that they could win state, local and federal government plebiscites, so the numbers would be strategically located.

**CHAIR**—But you think a slush fund would have been used in Griffith and in Rankin?

**Mr Bermingham**—I think it would have been used in Rankin. I do not know about Griffith because Kevin Rudd was not a member of the AWU faction.

**CHAIR**—When do you think this pattern of ALP rorting actually began? Was it in 1983 in Stafford?

**Mr Bermingham**—I believe it did occur in 1983 in Stafford. That was my understanding, although that rorting was actually to influence the outcome of a real election as opposed to internal party plebiscites. Apparently there was a police investigation into it at the time, but it was abandoned when it was discovered that Denis Murphy had cancer and did not have long to live. The story was—and it has been in some publications of recent time—that Denis Murphy rorted his election through electoral visitor votes in order to win that particular election.

**CHAIR**—That was in 1983?

**Mr Bermingham**—It was in 1983.

**CHAIR**—And there was a police investigation?

**Mr Bermingham**—There was a police investigation into it and it was dropped when it was discovered that he had cancer.

**CHAIR**—And the ALP state president was Denis Murphy?

**Mr Bermingham**—Yes.

**CHAIR**—Who was the ALP state secretary?

**Mr Bermingham**—Peter Beattie.

**CHAIR**—Do you think Peter Beattie would have been aware of that investigation?

**Mr Bermingham**—He would have to have been since he was the state secretary.

**CHAIR**—Was he a good friend of Denis Murphy?

**Mr Bermingham**—Was his mentor.



**CHAIR**—Do you know if Peter Beattie took actions at that time to end electoral rorting in the ALP?

**Mr Bermingham**—I do not believe any actions have been taken to end rorting in the ALP. Maybe there are some currently. I know in recent times federally there have been some moves to tighten up and in the state level initially there was what you would call a bit of decoration, but nothing really done to stop that sort of rorting.

**CHAIR**—So your understanding is that, beginning at least in 1983 in Stafford, this sort of scheme was going on, and then continued under Peter Beattie, Wayne Swan, Mike Kaiser and Cameron Milner, all as state secretaries of the ALP?

**Mr Bermingham**—Yes, I think so. There was another state secretary in between that, Terry Hampson, but there has never been any suggestion that he was involved in any of these things.

**CHAIR**—As a final question on the slush fund, do you think it would have been able to continue without the financial backing of the AWU slush fund?

**Mr Bermingham**—No. I suspect the slush fund only came into existence in 1993, but there was the social club slush fund before then. Whether people were able to access that I am not sure. Certainly after that slush fund existed it became quite useful to pay for stacks, as they were called.

**CHAIR**—Some of my colleagues may well want to ask questions about the slush fund but I would like to cover another subject in this time available and then we can come back to different issues—

**Senator FAULKNER**—I am sorry, what are you saying there, Mr Chairman?

**CHAIR**—We might come back to the slush fund. My colleagues might want to ask questions about that but I have other issues that I would like to raise before I have to give up my time.

**Senator FAULKNER**—I certainly have questions.

**CHAIR**—On the slush fund?

**Senator FAULKNER**—Yes.

**CHAIR**—We can come back to that. At the CJC hearings, Grant Musgrove, the state MP for Springwood, admitted involvement in branch stacking and electoral roll rorting in the southern outskirts of Brisbane, including around Archerfield, and he resigned from the ALP. Warwick Powell admitted similar offences covering the inner southern suburbs of Brisbane. What was the period when these two began their involvement in electoral roll manipulation and branch stacking?

**Mr Bermingham**—In 1993.

**CHAIR**—So 1992-94, or just in 1993?

**Mr Bermingham**—Maybe a bit before 1993, but I guess their first significant involvement came in the East Brisbane plebiscite for local government in 1993. Both Grant and Warwick were involved in that. I guess Grant learnt how to do it in that particular episode.

**CHAIR**—Who were they working for at the time?

**Mr Bermingham**—I think they both worked for the Office of Cabinet. Warwick was Kevin Rudd's research assistant. I think Grant worked in the Office of Cabinet as well, for Jackie Byrnes.

**CHAIR**—You were a good friend of Mr Powell at the time?

**Mr Bermingham**—Yes.

**CHAIR**—Are you aware of the paid duties that he undertook for Mr Rudd when he was working in the cabinet office?

**Mr Bermingham**—I believe that he worked a lot on the LOTE program, the languages other than English program that was being introduced into schools at the time. I also believe that he did a lot of extracurricular activities for Mr Rudd.

**CHAIR**—In terms of branch manipulation or electoral rorting—is that what you mean?

**Mr Bermingham**—Yes, I think he was helpful in trying to put the numbers on for Kevin Rudd in Griffith.

**CHAIR**—Were any other federal MPs the beneficiaries of these two men's work in that period in terms of preselections?

**Mr Bermingham**—I do not think so, not in that period.

**CHAIR**—What about other periods following that?

**Mr Bermingham**—I think Craig Emerson would have been the beneficiary of what went on in Springwood in terms of his preselection for Rankin.

**CHAIR**—I want to take you through the method of signing up to the ALP. When you sign up as a member of the ALP you have to sign a form and you hand this in with the appropriate money. Is that right?

**Mr Bermingham**—Yes, that is right.

**CHAIR**—Then if you want to vote in the plebiscite you also need to be on the electoral roll in the relevant electorate. Is that right?

**Mr Bermingham**—That is correct. Back then it was six months and then later it was changed to a year. That was one of the so-called reforms to stop rotting, by making it a year instead of six months.

**CHAIR**—And when you continue in your membership of the ALP, you sign and date a form, and you send your form. You actually have to sign the form each time, don't you?

**Mr Bermingham**—The rules are a bit vague on that. You are supposed to sign it each time but Joan Budd, the returning officer, would accept one if it was not more than three years old, in terms of a signature on an older form. But, yes, you were supposed to sign it on each occasion.

**CHAIR**—Would that be the signature that would then be used to check your identity—

**Mr Bermingham**—It would, yes.

**CHAIR**—when a ballot paper was being submitted on your behalf?

**Mr Bermingham**—There is an envelope inside an envelope, and there is a slip of paper in that that has your signature on it and your party membership. That will be checked before that vote can be put in the general box to be counted. It has to be checked against a signature that is kept on party records.

**CHAIR**—So is it possible for a member to have their ticket or their membership renewed without a signature on a form?

**Mr Bermingham**—If there is no signature, you cannot have a ballot counted.

**CHAIR**—Except if it is for the last three years.

**Mr Bermingham**—You would have to sign it to become a party member, so there has to be a signature at some stage. Certainly, if there were no signature for a period longer than three years, your vote would not be counted.

**CHAIR**—So the renewal form would need a signature. Without the person's consent, would the signature have to be forged?

**Mr Bermingham**—There would have to be a signature there so I guess, by implication, yes.

**CHAIR**—Would it be possible for someone to remain a member without their knowledge in accordance with the rules, with somebody else forging their signature, as was the case apparently with the resident of Mr Sciacca's house in Bowman, Maxine Coco?

**Mr Bermingham**—Yes.

**CHAIR**—Are you familiar with the electoral roll manipulations that were reported in the media, coming out of the CJC, with respect to Bowman and involving the Deputy Premier and the former ALP returning officer Joan Budd?

**Mr Bermingham**—Yes, I am.

**CHAIR**—So to your direct knowledge were these sorts of practices widespread in Bowman in terms of forging somebody else's signature without their consent and voting for them?

**Mr Bermingham**—According to my direct knowledge? I had no direct knowledge of it; I learnt what I knew about it through the inquiry.

**CHAIR**—You learnt indirectly about those activities?

**Mr Bermingham**—Yes. But I do know that Milton Dick, who is the current ALP organiser affiliated to the AWU, was involved. What he would do was look up people who lived in the appropriate electorate. He would then join them up to the party. He would sign their signature and give them a post-office box so that in fact these people would never know they were party members. He would have their signature, and they would be able to vote in plebiscites without ever knowing that they had actually joined the ALP. The reason I know that is that he slipped up on one of them and forgot to put the post-office box number, and the card got forwarded to her address. She rang up the party office to say, 'But I'm not a member of the ALP; how did this happen?' There was a bit of an investigation then by the admin committee, which found that there were several in the same category, and they were taken off the party membership list.

**CHAIR**—Was this for the Mansfield branch?

**Mr Bermingham**—I believe it was, yes.

**CHAIR**—And that was for the purpose of his preselection? Or had he already been preselected?

**Mr Bermingham**—It was a preselection that he was involved in. I do not think it was his.

**CHAIR**—So he would randomly take names off the state electoral roll?

**Mr Bermingham**—Yes, or the federal electoral roll.

**CHAIR**—And give them a post office box and a signature—

**Mr Bermingham**—And a signature.

**CHAIR**—and sign for them?

**Mr Bermingham**—And sign for them.

**CHAIR**—And he was caught. How was he disciplined by the administrative committee for this fraud?

**Mr Bermingham**—Peter Shooter was asked to discipline him. I think Peter Shooter decided he would hand it over to Mike Kaiser because Milton Dick was one of Kaiser's people; he was

in the same faction. But nothing actually happened to him. He was not disciplined in any way other than being warned not to do it again. Those members were struck off but no other action was taken. Indeed, he is now an organiser for the ALP.

**CHAIR**—Who would have been on the administrative committee at the time who might now still be in Queensland politics?

**Mr Bermingham**—There would be quite a few people—Ludwig, who usually chairs, and I believe probably chaired, that particular meeting.

**CHAIR**—Would Peter Beattie have been on the administrative committee?

**Mr Bermingham**—Peter Beattie would have been on the admin committee. As to whether he attended or not, rarely the leaders attend. They only attend on special or public occasions. They usually send a proxy along—somebody to represent them. But the leader is always represented at the admin committee.

**CHAIR**—So after this fraud was uncovered he was then promoted to ALP state organiser for Bill Ludwig in the AWU faction?

**Mr Bermingham**—Yes.

**CHAIR**—That fits with what we heard yesterday. Do any of my coalition colleagues have questions between now and a quarter to 11?

**Senator MASON**—Just one quick one. Mr Beattie is a member of the admin committee, you said?

**Mr Bermingham**—He is.

**Senator MASON**—He usually doesn't turn up?

**Mr Bermingham**—He may turn up sometimes.

**Senator FAULKNER**—He is ex officio, though.

**Mr Bermingham**—Yes, ex officio—no, they are a voting member in Queensland.

**Senator FAULKNER**—Ex officio—in other words, the leader of the state parliamentary Labor Party is automatically a member.

**Mr Bermingham**—Yes, automatically a member of admin committee and electoral college.

**Senator MASON**—That does not mean he attended, does it?

**Senator FAULKNER**—Of course it does not mean that. That is not the question you asked, though.

**Senator MASON**—Is he likely to be aware of the proceedings of the admin committee?

**Mr Bermingham**—He was the state secretary for a number of years. He certainly understands the admin committee and how it works, yes.

**Senator FERRIS**—I would just like to clarify a point that you made in relation to that function you attended where the training guarantee levy information was given out.

**Mr McCLELLAND**—That is a problem, Senator Ferris. I do not think the evidence was that the witness attended that function.

**Mr Bermingham**—I did.

**Senator FERRIS**—Mr McClelland, am I going to be able to ask my questions today without your assistance, or are you going to continue to give it, as you have done yesterday and every other day? I am quite capable of asking my questions and I would suggest you listen to them so that you don't have to interrupt.

**Mr McCLELLAND**—If you give a fair account of the evidence, I am happy for that to be clarified.

**Senator FERRIS**—I am very happy that you are. Just let me get on with my question. Mr Bermingham, you said that you attended this particular function for a short time, as I recall your evidence.

**Mr Bermingham**—Yes.

**Senator FERRIS**—How would the employers who attended that function have been invited to attend? Would the invitation have come from the state government minister or from the state government? Or would it have come from the AWU, who were in fact financially profiting from the event?

**Mr Bermingham**—I am not aware of all the details but I actually remember noticing that partly what Ken McPherson was doing at the time was sending out an invitation. I think they called it some sort of industrial relations something or other; it was given a name to organise this. People would have been attracted to come, firstly, because of the training levy, and, secondly, because of the speakers who were on the list. But no, I do not think it went out through ministerial offices and things like that. It was done pretty much by the Australian Workers Union.

**Senator FERRIS**—Except that it was coming out of Mr Sciacca's office and he was a federal member of parliament.

**Mr Bermingham**—He was, but I do not believe he was aware of the fact that it was going out of his office. If he was, why would I have been told to make sure that he didn't know, or the other people from Bowman, because they were not to get access to the funds? Ken McPherson had worked for Sciacca previously, and he probably simply would have rung Neil Frost, who at

that time did work for Sciacca, and said, 'Can I go up and use the ministerial office to do this particular mail-out?'

**Senator FERRIS**—So presumably the ministerial office not only photocopied and distributed it but paid for the postage?

**Mr Bermingham**—Quite possibly, yes.

**Senator FERRIS**—Do you think that the employers who received that invitation were aware that, in fact, the funds that were being raised were going to the AWU?

**Mr Bermingham**—I suspect not.

**Senator FERRIS**—So, effectively, that function, and maybe other functions that you have described that could have taken place elsewhere on the same lines, enabled a taxpayer deduction because those employers would be able to claim a tax deduction for attending a function which was, in fact, adding to a union slush fund without their knowledge?

**Mr Bermingham**—That is correct. I do not believe they would have had knowledge of what the funds were being used for.

**CHAIR**—Not only that, but an AWU slush fund was used for ALP memberships, potentially for false enrolments.

**Senator MASON**—Mr Chairman, tax deductible electoral fraud!

**CHAIR**—I am sorry, Senator Ferris.

**Senator FERRIS**—You made some comments a few moments ago in relation to Mr Rudd's preselection and some numbers that were being put in. Are you aware that Mr Powell has said that there was an arrangement that had been reached between the AWU and the Labor Unity, or Old Guard faction, to support Mr Rudd in any future or impending preselections despite the fact that he was not an AWU member? Are you aware that Mr Powell has said that?

**Mr Bermingham**—I was not aware of the fact that he said that. I am aware of the fact that, at the time when Brian Courtice was running against Bill Ludwig, a lot of people were particularly nervous—Wayne Swan, Mike Kaiser and others—about what the outcome was going to be there. Mike Kaiser came and asked me to make some contact with the Courtice camp so that they could have a bet each way, in a sense, as to who was going to win.

There was also going to be a donation coming from one of the unions in New South Wales—I am not sure which one. But part of the proviso in the end was that, if this money that came from a New South Wales right union was going to be used, it could only be used on the proviso that both Wayne Swan and Kevin Rudd were guaranteed their continued preselections if there was a change of leadership of the AWU.

**Senator FERRIS**—Karen Ehrmann told us in her evidence that Warwick Powell had indicated to her that there was somebody on the inside in the Australian Electoral Commission.

She was not able to give us any further details of that, and it is, of course, a very serious allegation. Are you able to throw any more light on that remark that Warwick Powell made to Karen Ehrmann?

**Mr Bermingham**—I do not believe there has been an insider, because why would one be necessary, in a sense? As David Barbagallo says, it is not actually rocket science when you are falsely enrolling people. You do not really need an insider in the Electoral Commission. There has been an investigation into that and I think that they have found that there was not an insider. It is highly unlikely that there would have been. There does not really seem to be a necessity for one.

**Senator FERRIS**—You are saying that the system then was so well oiled and so difficult to detect, obviously—

**Mr Bermingham**—Yes, difficult to detect.

**Senator FERRIS**—that it would not have required anybody on the inside to have smoothed the way.

**Mr Bermingham**—From the Electoral Commission's point of view, how would they know if somebody were falsely enrolled, or not? Other than by doing habitational reviews, it would be quite difficult to know.

**Senator FERRIS**—I was able to establish that a cat had been enrolled in the seat of Macquarie and had only been detected when the federal member at the time sent a 'Welcome to the electorate' letter to the cat and the letter was returned to the Electoral Commission with a paw print on it. In questioning the Electoral Commission, it became quite clear that anybody who was prepared to falsely sign an enrolment form could put any animal on it—dog, cat, bird or whatever—and could vote if that person was prepared to turn up and claim to be a voter in the name of the cat.

**Mr Bermingham**—That is right. It does seem to me that there are a high number of people who are not Australian citizens who are on the electoral roll, even though they are not entitled to be. I believe that people use getting on the electoral roll as the first process of gaining some sort of Australian identification for opening up bank accounts and those sorts of purposes.

**Senator FERRIS**—So, Mr Bermingham, it begs the question: why bother to go to an electoral roll and get out names of people when you could have enrolled your animals?

**Mr Bermingham**—I suppose that is a good question, but how would you join them up to the party?

**Senator FERRIS**—Pretty easily, from what I can see.

**Mr SOMLYAY**—Mr Bermingham, I would like clarification of a point on your employment history. You said you worked from 1993 to 1997 for the Labor Party, and that Bill Ludwig terminated that employment.



**Mr Bermingham**—Yes.

**Mr SOMLYAY**—Did you work for the Labor Party or did you work in government?

**Mr Bermingham**—I worked for the Labor Party and before then I worked in government. I was the senior policy adviser to Jim Elder when he first became the minister for business, industry and regional development. Before that I was the adviser to Geoff Smith, who was the minister for the same portfolio for three years.

**Mr SOMLYAY**—From Townsville?

**Mr Bermingham**—Yes.

**Mr SOMLYAY**—What happened in 1997? The reason I ask that is that there was a change of government. Did you continue to work for the government?

**Mr Bermingham**—No, I did not. What is the exact nature of the question: what did I do after that?

**Mr SOMLYAY**—There had been a change of government. Were you still working for the government?

**Mr Bermingham**—No, I was not.

**Senator FAULKNER**—Who did you work for?

**Mr Bermingham**—I worked for myself. I did not do a bit of work for a period of time because I had crossed swords with Bill Ludwig, and that is not—

**Senator FAULKNER**—I thought I read somewhere that you had a contract under the Borbidge government.

**Mr Bermingham**—That is an interesting point. I did work as a subcontractor for a company called Mercorp. I did a number of smaller consultancies for different organisations—the Bicycle Institute of Queensland, and so on. I worked for Mercorp for about three months. They had a contract with the state government and Borbidge was the leader at that stage.

**Mr SOMLYAY**—But the point I am getting at is: were you on the public payroll when you were still an organiser for the AWU?

**Mr Bermingham**—No, I was not on the public payroll. Do you mean when I was involved in some of those preselections?

**Mr SOMLYAY**—Yes.

**Mr Bermingham**—No, I was not. In 1993 I was a party organiser.

**Mr St CLAIR**—Just a clarification. In 1993 you were employed by the Australian Labor Party as an organiser?

**Mr Bermingham**—Yes.

**Mr St CLAIR**—Who employed you?

**Mr Bermingham**—The ALP.

**Mr St CLAIR**—So the state secretary employed you?

**Mr Bermingham**—Yes.

**Mr St CLAIR**—You said that Mr Ludwig fired you.

**Mr Bermingham**—Yes.

**Mr St CLAIR**—Why wouldn't the state secretary fire you?

**Mr Bermingham**—It was a long drawn out process but I was sacked by the executive of the party of which Ludwig was a member. It really related to the Courtice challenge to Ludwig in that union ballot. Ludwig believed that I was involved and therefore I had to go, and that was it basically. Mike Kaiser pretty much said that to me. He said, 'Ludwig wants you gone. You have to go.'

**Senator FAULKNER**—He giveth; he taketh away. He anointed you, didn't he?

**Mr Bermingham**—Basically.

**Senator FAULKNER**—That is the point. He anointed you—let us be fair about it. You are trying to draw a distinction between a state secretary and Mr Ludwig. Mr Bermingham, in fact, is saying that Mr Ludwig anointed him and then he did not anoint him.

**Mr Bermingham**—He took my anointment off me!

**Mr SOMLYAY**—Many years ago I had the opportunity to go to 4KQ building and I saw a picture up on the wall with a caption—there was no picture in the frame—that said, 'The faceless men of the Labor Party.' Are they back?

**Senator FAULKNER**—How can you possibly allow a question like that?

**CHAIR**—It is about as broad ranging as some of the questions you have asked today.

**Senator FAULKNER**—I think a lot of what we have heard is outside the terms of reference. To ask that sort of question is really inappropriate; it is outside the terms of reference and who cares—

**CHAIR**—I think Mr Somlyay knows the point.

**Proceedings suspended from 10.48 a.m. to 11.06 a.m.**

**CHAIR**—Ladies and gentlemen, I am going to reopen the hearings of the inquiry. I note that the opposition will probably ask questions for about another half an hour, then the Democrats and then the coalition will have another half an hour. It may well go past noon, but hopefully not by very much. We might take a short lunch break then and come back for other witnesses about 1 p.m. We do not want to curtail these questions, given the evidence that has been coming out. I am sure the opposition would like to probe further with respect to some of these matters.

I have been asked to remind members of the media to check with the Shepherdson suppression orders in relation to those names that have been mentioned today. The evidence that was given before Shepherdson that was suppressed in relation to some of those names is also suppressed before this committee. That does not mean, of course, that new evidence is necessarily suppressed, but certainly evidence that was given before Shepherdson is not to be published with respect to those names. We will now have questions from members of the opposition.

**Senator FAULKNER**—If we could go back to some of your evidence, Mr Bermingham, in relation to what you have described as the AWU slush fund. I think you have told us that there are two of those; one you described as a social club and another one. Is that a fair summation?

**Mr Bermingham**—There is certainly a social club one and whether the money from those functions went into that or into a separate slush fund, I am not sure.

**Senator FAULKNER**—How do you know about the social club slush fund?

**Mr Bermingham**—I have been told about it by people who are engaged in the Courtice campaign.

**Senator FAULKNER**—You have no direct knowledge of it?

**Mr Bermingham**—No.

**Senator FAULKNER**—But you were an official of the AWU at some point?

**Mr Bermingham**—No, I never was.

**Senator FAULKNER**—But you have no direct knowledge of the so-called social club, for want of a better description—that is what Mr Courtice called that fund yesterday before this committee. You have no direct knowledge of that; it is just hearsay?

**Mr Bermingham**—It is hearsay. He told me about it; others have told me.

**Senator FAULKNER**—Let us go to the other. I am using these terms; we do not have much time. The slush fund more generally, which you have spoken about, which went to the

function—as I think you described it—at the Hilton Hotel. The chairman suggested that was in 1993, so we know what function we are talking about. Were you at that function?

**Mr Bermingham**—Briefly.

**Senator FAULKNER**—Briefly. You described it as a seminar; I think that was the word you used.

**Mr Bermingham**—Yes, an industrial relations seminar.

**Senator FAULKNER**—I think you said people could attend this industrial relations seminar or there were corporate tables, if you like, at the industrial relations seminar.

**Mr Bermingham**—Yes, there were.

**Senator FAULKNER**—In answer to a question from Senator Ferris, you said that you did not think those corporate participants or attendees would have known about the alleged final resting place of the moneys paid for this function.

**Mr Bermingham**—No, I do not think so. Indeed, I do not think the state government ministers would have known either.

**Senator FAULKNER**—I was going to ask you that. You said that Mr Goss attended.

**Mr Bermingham**—Yes.

**Senator FAULKNER**—Do you think he would have known this?

**Mr Bermingham**—No, not at all.

**Senator FAULKNER**—I think you said Mr Foley attended. Would he have known this?

**Mr Bermingham**—Certainly not.

**Senator FAULKNER**—He, by the way, was of course the industrial relations minister at the time in the then Goss government.

**Mr Bermingham**—Yes, he was.

**Senator FAULKNER**—It was a logical thing for him to be attending.

**Mr Bermingham**—That is right; exactly.

**Senator FAULKNER**—You said Mr Brereton attended.

**Mr Bermingham**—I do not think he would have known either.

**Senator FAULKNER**—Sure, but he was, at the time, the industrial relations minister in the then Keating government, if the time frame that we are talking about is right.

**Mr Bermingham**—That is right.

**Senator FAULKNER**—You have indicated—and I appreciate that—that these attendees would not have known about what you claim was the purpose for which the moneys paid for this function were put. I cannot say to you, I have to be honest, Mr Bermingham, that I am an expert in the training guarantee levy. I am sure there are other members of parliament far more expert in this than I am. But my understanding of the training guarantee levy is that, for a seminar on industrial relations policy that might have been attended by state and federal ministers, premiers and who else—we might get the ‘who else’ in a moment—such a thing would be an absolutely legitimate tax deduction for a corporate attendee. Would you quibble with that?

**Mr Bermingham**—No, I would not.

**Senator FAULKNER**—Thanks for that. What about other attendees at this particular function; could you assist us with that? To your knowledge, were there any other speakers or people who were promoted at this function?

**Mr Bermingham**—Not that I can remember. The question is not really about the event itself or, indeed, those who attended. I think it was probably quite legitimate. I think the question mark is over how the fund was used afterwards: whether it was taxed and so on.

**Senator FAULKNER**—I appreciate your saying that, Mr Bermingham, but members of the committee have put another spin on it and I want to focus on that.

**Senator FERRIS**—You want to try and justify it.

**Senator FAULKNER**—I do not actually want to justify anything.

**Senator FERRIS**—You are doing a good job of it, or trying to.

**Senator FAULKNER**—Senator Ferris, I am not trying to justify anything. I am trying to establish from the witness what the situation is.

**Senator FERRIS**—A medal of honour. We will be invited to a summer camp.

**Senator FAULKNER**—Was anyone associated with the Liberal Party a speaker at that particular function?

**Mr Bermingham**—I do not believe so.

**Senator FAULKNER**—Was Mr Ian McPhee a speaker at the function?

**Mr Bermingham**—No.

**Mr LAURIE FERGUSON**—Are you sure about that?

**Mr Bermingham**—I am not sure of that, but I would be surprised. It was government ministers who were asked and I think it was a briefing session for them, that sort of thing. Indeed, somebody like Sir Lou Edwards may have attended.

**Senator FAULKNER**—I assume there would have been trade union officials, including some from outside the AWU. That would be logical for such an industrial relations seminar. Would that be right?

**Mr Bermingham**—I think that is probably right.

**Senator FAULKNER**—Okay. So what you are focusing on is the end use of the funds paid for attendees, if you like. Is that what you are saying to the committee?

**Mr Bermingham**—Yes.

**Senator FAULKNER**—That is difficult, of course, for this committee to explore with you. Do you have any direct knowledge of this?

**Mr Bermingham**—Of how the fund was used in the end?

**Senator FAULKNER**—Yes.

**Mr Bermingham**—Yes.

**Senator FAULKNER**—So you have direct, first-hand knowledge of that?

**Mr Bermingham**—Yes.

**Senator FAULKNER**—Beyond what you have said to us, could you share that with us?

**Mr Bermingham**—I accessed the fund for memberships.

**Senator FAULKNER**—Yes, I heard you say that earlier on today. I know you have said that you accessed the funds. We have heard that a couple of times, and I appreciate that; that is certainly on the public record. But you are saying that those funds come from a particular function. Do you have first-hand knowledge of that?

**Mr Bermingham**—I have first-hand knowledge. What do you mean by first-hand knowledge? Did I actually see the money collected?

**Senator FAULKNER**—How do you know?

**Mr Bermingham**—I know because Mike Kaiser told me what the money was for. So that is not first hand, that is second hand.

**Senator FAULKNER**—So it is hearsay.

**Mr Bermingham**—Yes.

**Senator FAULKNER**—I want to focus on that because it is important. A lot of the evidence that you have given to us—and much of it interests me, as I am sure you would appreciate—is qualified by the words ‘I think’ or ‘I believe’. What I am interested in is what you have quite direct knowledge of in relation to things such as the slush fund that we are talking about. For the social club, you do not have any—I appreciate that; I hear what you say. But for the slush fund—not the social club slush fund but the ‘slush fund’, as you have described it—what could you tell us about the administration of this fund? Apart from saying you accessed it, what direct knowledge do you have of this? And what direct knowledge of the application of this do you have in these electorates that you have outlined to this committee? You say you believe it, you have heard it. But, really, when it is all said and done, trying to nail it down, where can you provide evidence to this committee that funds from the ‘slush fund’ have been applied to particular electorates for membership enrolment or other purposes? I would just like some direct first-hand evidence. You have given some evidence but I would like you to focus on that if you could.

**Mr Bermingham**—I think that in part it is more the job of this inquiry, or another inquiry, to actually come up with that evidence. The difficulty is that, no, I do not know what Bill Ludwig’s bank accounts are, nor do I know how they established their slush fund accounts or anything like that, but it seems to me that there are question marks over that. What I can give evidence about is my knowledge of the fact that I saw people organising for the function. I was told by the state secretary what that money was to be used for. I was told that certain people were not able to access that money and therefore they were not to be told about it. I was able to access the money myself and I have knowledge of others accessing the money. So it seems to me that there is a lot of circumstantial evidence to show that, yes, a slush fund existed, Ludwig was the controller of it, it benefited people of a particular faction and it was used for the purposes of paying for stacks and so on. That is what I can say.

To find out whether that money was legitimately maintained, whether it was taxed, whether there were audited accounts and so on, it seems to me that, no, of course I cannot know that and that you would need some sort of an inquiry to look into that. Indeed, I think that the financial affairs of the AWU should be looked into. There are many question marks over them—over the Spring Hill developments, for example; the gang of four who owns it and whether Ludwig is the fourth member of the gang of four and the trust and so on; whether there were corrupt practices in the exchange of the land for the building on the land and so on. There are a number of issues there that do need to be inquired into.

**Senator FAULKNER**—You are entitled to your views on all that, and we heard Mr Courtice before the committee yesterday being very trenchant in his criticism of the AWU leadership in Queensland. You and he and anyone else are entitled to their views on these sorts of issues. But my focus is trying to establish absolutely categorically and clearly, in relation to those electorates that you named previously in answers particularly to questions directed to you from the chairman, where is the evidence? It is not good enough to say to us you believe this, you suppose that, you think something else. What we have really got to have is firm evidence, Mr Bermingham, because so much of it is hearsay or supposition. You are entitled to suppose what

you like, to think what you like. We are all entitled to our own theories, even our own conspiracy theories. But we at this committee have to try and focus on some cold hard facts. I have not heard many cold hard facts this morning and I would like to hear one or two, if you can supply them, in relation to those seats and those selection ballots. It is one thing to assume it; it is another thing to know it.

**Mr Bermingham**—Circumstantial evidence, it seems to me, is quite valid evidence. To have direct evidence would mean that I would have had to engage in something like Watergate or bug the financial accounts. So I think it is a bit unfair. That is what inquiries do: they hear circumstantial evidence and so on, and they try to establish whether there is a link between this particular slush fund. I can give all the circumstances around it, which I have done. I have outlined some of the electorates in which it was used. I have talked about Karen Ehrmann's membership being paid by this slush fund. I have talked about how I accessed the slush fund and how others accessed it. I have talked about the fact that I discovered this function being organised and that I was told about it. So I can give circumstantial evidence. You cannot expect anybody other than Ludwig himself to be able to say, 'This is how we did it,' and I do not think he is going to do that.

**Mr McCLELLAND**—In fairness to you, you did a bit better than that, because you say that you gave a list of names to the CJC.

**Mr Bermingham**—I did, yes.

**Mr McCLELLAND**—So presumably they are in the process of investigating or have investigated that list of names. Do you still have that list of names?

**Mr Bermingham**—The CJC has the list of names.

**Mr McCLELLAND**—You did not keep a copy?

**Mr Bermingham**—No.

**Mr McCLELLAND**—You did not photocopy it?

**Mr Bermingham**—No, but I am sure I could get you a photocopy if you would like it?

**Mr McCLELLAND**—Yes, that may be beneficial to this committee's inquiry, quite frankly.

**CHAIR**—We might ask you to get hold of that list and we will have it tabled.

**Mr McCLELLAND**—Or even on a confidential basis if they have not been investigated. They may be subject to a suppression order or whatever it may be.

**CHAIR**—We could make it an exhibit to the inquiry.

**Mr Bermingham**—I will do that.



**Mr McCLELLAND**—Are there any people on that list of names who were falsely enrolled in the electorate of Griffiths?

**Mr Bermingham**—I have no knowledge of that.

**Mr McCLELLAND**—All right.

**Mr Bermingham**—I do not believe that Kevin Rudd was involved in any false enrolments.

**Mr McCLELLAND**—Are there any people on that list who were or are falsely enrolled in the federal electorate of Rankin?

**Mr Bermingham**—I know that there were people falsely enrolled in the electorate of Rankin. Whether or not they accessed the slush fund through Grant Musgrove I do not know.

**Mr McCLELLAND**—You do not know?

**Mr Bermingham**—Yes, but I know that there were people falsely enrolled.

**Mr McCLELLAND**—What about the electorate of Bowman? Presumably you gave the list to the CJC because it was a list of people who you believed had had their membership paid by this slush fund. Is that right?

**Mr Bermingham**—Bowman was excluded from access to the fund.

**Mr McCLELLAND**—All right. So, with regard to those three electorates, no people on that list were enrolled in any of those seats?

**Mr Bermingham**—No, we did not say that. There may have been in Rankin. It would be worth looking at, for example, the recent address of Tom Burton, who was the campaign director of Mike Kaiser and a key worker and Craig Emerson's campaign. He had one person, and possibly three people, falsely enrolled at his house for the purposes of that plebiscite.

**Mr McCLELLAND**—I am not trying to trick you or cut you off. I am giving you the opportunity now to declare from that list any person or persons who were enrolled in any of those federal electorates.

**Mr Bermingham**—I said that, in Rankin, quite possibly.

**Mr McCLELLAND**—Who?

**Mr Bermingham**—I just gave a name.

**Mr McCLELLAND**—That was the name of the person?

**Mr Bermingham**—Yes, Tom Burton.

**Mr McCLELLAND**—You are not suggesting that the member for Rankin knew of that false enrolment?

**Mr Bermingham**—I have no idea. You would have to ask him.

**Mr McCLELLAND**—Yes.

**Senator FAULKNER**—Mr Bermingham, it is one thing to make a series of allegations. I do not know if you understand this, but let me say to you that you appear today at what I think is a very partisan and politically motivated committee hearing designed at this particular time to do as much damage to the prospects of Peter Beattie in the Queensland state election as possible. I think it is backfiring, but nevertheless that is the motivation of the committee hearing. I am not saying that it is your motivation. I do not know what your motivation is.

**CHAIR**—To be fair, Senator Faulkner, you just said that that was the motivation of the committee. I do not think you can speak on behalf of the committee's motivation. You can speak on behalf of your own motivation, but this is the speech you always give when things are starting to go off the rails for the Labor Party. I note that you have started that now at 11.30. Our motivation might be our own motivation. You cannot speak for my motivation or for anybody else's.

**Senator FAULKNER**—Forgive me for interrupting you, but this is a politically motivated witch-hunt, a point that I have been making now for some months. It strikes me that you come to the committee to some extent as a person who has been very disgruntled with their own political circumstances. You have had some political losses prior to rolling over at the CJC—you have got a way to go to catch up to the number of political defeats I have had but you are working on it, I will give you that. It strikes me that you are really motivated here by revenge—and revenge under parliamentary privilege is something that I think all of us around this table know about. We are entitled, I think, Mr Bermingham, in that context to be asking you for some substantive evidence about these allegations. I am not suggesting for one minute that they are not serious matters; no-one here is. But it is not good enough to sit here and give us a lot of opinions, a lot of hearsay but very little direct evidence. Yet that really has been the nature of the evidence that you have given to this inquiry this morning, really in response mainly to the questions directed to you by the chairman. Isn't that a fair conclusion for me to come to?

**Mr Bermingham**—I appreciate that you want to establish whether I am here with some motive other than the truth, but in fact I would not have gone to the Shepherdson inquiry had I been able to avoid it. It was not a pleasant experience and it was not something that I sought, nor did I particularly want to go there. Nor did I particularly want to come to this inquiry.

**CHAIR**—In fact, you did not come in Brisbane.

**Mr Bermingham**—I did not come in Brisbane. I was invited. I knew that if I did not want to show again I would be subpoenaed anyway. I thought that that would be interesting, to be in contempt of both houses of parliament—

**Senator FAULKNER**—It is a subpoena I opposed, I can assure you. I have opposed all the subpoenas here because it is a witch-hunt.

**Mr Bermingham**—because I would be the second person in history. It seems like a fairly archaic, feudal law to me, that you are brought before the houses of parliament and then gaoled afterwards.

**Mr McCLELLAND**—You would be the third person.

**CHAIR**—Browne and Fitzpatrick were the first two.

**Mr Bermingham**—The way I look at it is that certainly people can say that I may be motivated by revenge. I do not think so. I was upset in 1997 after I was sacked; I was sacked again when I was working for the Public Service, when Jim Elder became the minister. I do not like those things; nobody does. You would try and avoid those things in your life if you could. But what I say I say is the truth. Whether my motivations are revenge—I say they are not but, sure, people are entitled to—

**Senator FAULKNER**—I just do not want this committee to be a forum—as I am sure you would not—for smearing people under parliamentary privilege, not necessarily by you but by any of us. None of us support that sort of activity. You have mentioned this morning the name, for example, of one of my colleagues currently a member of the Senate, Senator Conroy. He was not a senator at the time that this particular function was held which you mentioned his name in relation to. Not a skerrick of evidence comes forward to suggest that there is any link that can be drawn between the then non-Senator Conroy and this function—and that is just an example of the names mentioned of those people who are speaking at the function. At it turns out, you have indicated you do not believe for one moment they are aware of what you allege is the use for the funds raised at this particular function, and I appreciate that. That is useful from the point of view of the committee and more broadly the public interest that surrounds this inquiry. But it is important to nail down the facts.

**Mr Bermingham**—My understanding of the purpose of the inquiries and of this inquiry is to try and work out what the facts are. I can only give the information and evidence as I know it. To try and do otherwise would be simply invention. I can only give the information that I know. I believe it to be true. I explained the circumstances. I gave, I think, fairly detailed circumstantial evidence. I think it would be interesting for the inquiry to get to the bottom of it.

**Senator FAULKNER**—You made an opening statement about some comments made by Premier Beattie yesterday. The opposition is not going to use all its time at this point, Mr Chairman. We might come back and we would appreciate some time a little later, depending on other evidence that is adduced. I would appreciate perhaps half our time then. Are you aware, Mr Bermingham, that Hanson QC, in his closing submission to the Shepherdson inquiry said this? I want to quote it directly. You probably appreciate—I think you have said this in evidence—that we have all had the advantage of transcripts here. Let me just quote this closing submission directly:

Some matters were raised with witnesses to ascertain whether they should be further pursued. An example of this was the issue of a suggested AWU “slush fund”. There was evidence from Lee Bermingham and Warwick Powell that such a fund existed for the payment of ALP membership.

However, as there was no evidence that such a fund was called upon with the specific purpose of paying for fraudulent enrolments, this was not within the Commission’s jurisdiction.

That was Mr Hanson's comments in his closing submission. I think, given that, the comments that you made in your opening submission about Premier Beattie were both unjustified and very, very unfair.

**Mr Bermingham**—On my comments about Mr Beattie: I am highly surprised that a premier in election mode would feel that he had to come out and make a statement in defence of Bill Ludwig. That is a big surprise to me, and I would have thought that Ludwig is quite capable of defending himself.

**Mr McCLELLAND**—Did he do that, or did he say, 'Look, if anyone has got the evidence, bring it forward and everyone has got to be accountable?'

**Mr Bermingham**—He talked about natural justice. I know that Warwick Powell, who is a friend of mine and so I am motivated, I guess, was expelled from the ALP before the inquiry had come down with its findings or its evidence. Where was the natural justice there? A woman who was involved in a very minor way in an East Brisbane plebiscite was sacked from his office. There were a number of people. I believe one of Senator Ludwig's staffers was sacked because of her minor role in it. Bevin Lyall, a solicitor who worked for the deputy premier, was sacked because his house was used for false enrolments, even though he had no knowledge of it and was never called before the inquiry.

**Senator FERRIS**—The monkeys, not the organ grinder.

**Mr Bermingham**—Many people have been sacked and punished and expelled from the party, yet Ludwig can stand there, be the beneficiary of these things in terms of his influence in the ALP, be the controller of a slush fund that pays for memberships, and natural justice dictates that nothing happens to him.

**Senator FAULKNER**—You do not like Mr Ludwig or approve of what he does.

**Mr Bermingham**—I think that is irrelevant.

**Senator FAULKNER**—No, hang on. You are entitled to that view. The fact is, however, that for a significant proportion of your political life you accepted the support of Mr Ludwig. As you have said before, he giveth your job in the Queensland branch office of the ALP, he gave you succour through that period. I am not critical of that; I understand how these things work, but I also know that you accepted this—all of what you now describe to us, much of it wrongdoing in your view now—up to some time in late October 2000. That is the point, Mr Bermingham. I am entitled to be a little sceptical about your motivations in that circumstance. If you had been genuinely a fighter for political or electoral or party reform through this period, perhaps I would be less sceptical and perhaps I would think your credentials were stronger, but it is not unreasonable for me to make that point to you, the fact that the wrongdoing that you are so aggrieved by now was something you accepted and were part of, and gave support and succour to over a very long period of time.

**Mr Bermingham**—I think when I gave evidence earlier I have never claimed that I had been motivated by all of a sudden seeing the light and wanting to expose it. In fact, I was called before inquiries and I opted to tell the truth in answer to the questions that I was asked. My

motivation is simply to tell the truth. I was not going to lie before this inquiry or the Shepherdson inquiry. I was not going to risk perjury like some people did. I was quite prepared to tell the truth, not out of any motivation. As I said, I would have preferred had the inquiry not taken place. But to take up your latter point, I have been an advocate of reform in the party for some time. You may not know about it, but within my Queensland circles where I was I believe, firstly, that union affiliation should be at least downgraded to 20 per cent and not the 60 per cent where they dominate the party presently; that the party should become more community based rather than just being just union based. So there are a whole lot of things that I actually advocated. I advocated state intervention into Townsville to try and clean up the branches there. I objected to a number of the processes that took place in the plebiscites and believe that it should be cleaned up and raise those in the appropriate bodies. I do have some record of pushing for reform, but that was not my motivation for being here or at the Shepherdson inquiry. It was because the facts started to come out; that is why. I had a choice to make. Do I go in and tell the truth or do I not tell the truth? I decided to tell the truth.

**CHAIR**—It is now the Democrats' opportunity to ask questions of Mr Bermingham.

**Senator MURRAY**—There are two ways in which the committee can address this issue of electoral fraud. The one is to attend to detection. It is quite clear that the AEC failed to detect such electoral fraud as occurred in these instances, and obviously the committee must pay attention to improving their detection methods. The second area is prevention, and it is that area I want to address. You cannot address prevention unless you address the causes of electoral fraud. In your evidence you have made it clear that union influence in the form of AWU influence was a determinant or a cause for promoting electoral fraud. In other words, the union wished to have numbers of delegates, number of preselections, number of candidates, number of MPs who were beholden to them. That is your evidence.

In June 2000 in the minority report to the Joint Standing Committee on Electoral Matters inquiry into the 1998 federal election, the Democrats recommended that one vote, one value be introduced as a matter of electoral law as a requirement for membership of political parties. This would mean that only full financial members would be entitled to participate in political party processes, that non-members could not be involved and also, of course, that no-one would have a vote of greater weighting than someone else. You have specifically pointed to the 60-40 rule in Labor Party affairs as being a cause in Queensland of electoral fraud. What do you think, as someone who has followed these events for some time, of the possibility of the Commonwealth parliament passing a law requiring one vote, one value for political party membership?

**Mr Bermingham**—I think that is a good idea. It is something that I think is worth while supporting. I believe that we should move in some direction towards the American system where the Electoral Commission controls all party plebiscites, whether people are connected to the electoral roll or not. The reason for this is that, in the day of public funding, the public is entitled to know that these things are run fairly, no matter which political party they are in. I am not advocating the huge, expensive public primary systems that they have there but, certainly if the Electoral Commission or some independent body controlled all preselections in all parties I think it would be beneficial for the Australian public. I suppose your formula of one vote, one value in terms of a political party could go some way towards that.

**Senator MURRAY**—Mr Bermingham, despite very worrying evidence that has emerged during this inquiry, in my view it will be open to the inquiry to conclude that the integrity of the electoral roll has not been materially or significantly at risk as a result of electoral fraud in Queensland, simply because there is no evidence that the outcome of elections has been determined by such fraud. However, there is clear evidence of a massive failure in regulatory capability in terms of the internal affairs of political parties resulting in preselection rorts which have affected the integrity of the electoral roll with that regard. So the cause is, in fact, the structure and constitution of political parties. The second recommendation made by the Democrats on these issues in the June 2000 minority report was as follows: that the constitutions of political parties should be public documents and should be up to date and that they should contain minimum criteria to ensure that the internal workings of political parties were democratic, fair, properly constituted and that there were elements like dispute resolution procedures. That model, of course, is based on the Corporations Law model, which requires the constitutions of companies to have exactly such components. Obviously, the actual content would be determined by the political party but they would be required to at least have those headings and to attend to those matters. Do you think the introduction of such a reform to electoral law would improve the functioning of political parties such that the cause, which results eventually in electoral fraud, would be removed?

**Mr Bermingham**—I think that would go a long way towards it. Yes, I agree with that. I think that auditing of political parties has to be a bit deeper than it exists now. Now it is only financial audits. I think all political parties have to be much more accountable to the public, given that they influence all levels of government and social policy—all sorts of policy. There should not be secret groupings and so on that can exist and sway policy and all sorts of things so enormously, as occurs now. Those things should be much more open to public scrutiny. I think that the reform that you have just outlined would go some way towards that.

**Senator MURRAY**—The third recommendation made by the Democrats which addresses the causes of electoral fraud was to make the serious form of branch stacking a crime. By the ‘serious form of branch stacking’ we mean the fraudulent accumulation of membership numbers with a desire to pervert the process of a political party such that a fraudulent outcome results. If the electoral law was changed such that that sort of activity was made a crime, in your opinion would it remove a cause which can eventually lead to electoral fraud?

**Mr Bermingham**—Yes, but I think it would be fairly hard to enforce though. It would be a bit like conspiracy as a crime—very rarely is it actually proved. People usually join their family members up when they are interested in preselection and so on, at least inside the Labor Party, and I imagine in other political parties as well. It is hard to work out how you would be able to determine what people’s motivation was—whether it was illegitimate branch stacking, just an enthusiasm or trying to encourage other people. I think that would be very difficult.

**Senator MURRAY**—The definition which I loosely outlined would exclude anyone who was a participant in branch stacking in their full knowledge, who paid for it themselves and who willingly became a member of a political party to pursue or to fulfil the interests of a particular individual. It is specifically directed at a limited class of people who do not know that they are members and whose votes are wrongly accorded. My view is that, whilst enforcement would be difficult, in fact it is the person who is detrimentally affected by that—the opponent—who will inevitably blow the whistle. It is a self-regulatory device, if you like. Given the explanation I

have made, do you think that that reform would improve matters and help deter electoral fraud and political party fraud—and I should say in all parties and not just the Labor Party—or not?

**Mr Bermingham**—I would really have to think about it a bit more. It seems like a very worthwhile aim to try to wipe out fraud, but it just seems it would be fairly draconian to try to enforce it for a start. Secondly, are there not already laws, in terms of some of the things that you have outlined, like forging and uttering? Joining up other people without their knowledge, it seems to me, would come under that crime already under the Electoral Act and so on. I think the motivation is fine, but I would just have to think about it a bit more. I certainly agree that there needs to be reform and there needs to be, I think, greater control of the political process for preselections by an independent body or by the AEC. I think the fact of public funding should be enough. Because political parties accept public funding I think the onus should be on them to be able to demonstrate that these are above-board practices—the laws do need to be tightened there. As to your third point, I would have to think about it more.

**Senator BARTLETT**—I want to clarify an answer you gave in response to earlier questions from one of the coalition members when you were talking about federal MPs that may have benefited from some of the false enrolments. Firstly, I want to clarify that you are not alleging that any of them knew about any of these activities?

**Mr Bermingham**—I could not say. Part of the issue about the Shepherdson inquiry and certainly part of my annoyance with Peter Beattie's comments is that those who are the beneficiaries seem to avoid the punishment. Why does somebody go out and branch stack? Why do people do fraudulent enrolments and engage in that practice? It certainly is not for their own benefit; it is for the benefit of those who are elected to office in different places or for the benefit of those who want to have sway over social policy or industrial relations policy. Yet, in a sense, they are the ones who avoid punishment by and large. Obviously Mike Kaiser and Jim Elder paid a fairly high price for their involvement in those things, but generally it focuses on the people who are engaged in those activities. That is why I tried to demonstrate that there is a culture and it is not fair simply to focus on or, indeed, to blame one or two individuals. We need to understand how that culture operates and then work out ways to deal with that culture.

**Senator BARTLETT**—You have also said that whilst there is a culture, the practice is not widespread or endemic.

**Mr Bermingham**—No, I don't think it is.

**Senator BARTLETT**—So it is a matter of degree.

**Mr Bermingham**—For example, some of the rotting that took place in the Queensland branch of the Labor Party took place in places like Charleville. Certainly nobody from the Labor Party ever expected to win the seats in Charleville, but it became very important in conference delegates. It is important to understand that the ALP elects conference delegates according to a federal boundary and a federal electorate. Each electorate is entitled to five delegates, so if you go to somewhere like Charleville where there are only about 50 members in Maranoa and you can put on an extra 20 you are probably going to get two delegates out of it. That is why the Charleville branch, which is Bill Ludwig's branch, has 70 members in a little town, 30 of whom were enrolled at one hotel. So you can see there that it is—

**Senator MURRAY**—Was it a 20-room hotel?

**Mr Bermingham**—The Corones Hotel, it is called. It may be quite widespread but usually it is not aimed at corrupting the electoral roll itself but for the purposes of electing delegates.

**Senator BARTLETT**—Just to confirm this, none of that type of activity, to your knowledge, has been aimed at activities on elections?

**Mr Bermingham**—No, not to my knowledge.

**Senator BARTLETT**—Getting back to my original question about federal MPs who may have been beneficiaries, regardless of whether they knew it or not, I am fairly sure you said that, for example, the activities in Springwood may have benefited in terms of Rankin.

**Mr Bermingham**—Yes, that is the only one. I think what happened in Griffith was what we would term in the Labor Party as legitimate branch stacking. Certainly there was a lot of stacking going on by both sides, by the Left and by Kevin Rudd's people, so much so that I think the membership grew to nearly 1,000 from about 400 in a very short period of time. But I think that was legitimate stacking as opposed to fraudulent enrolments that took place in other places.

**Senator BARTLETT**—'Legitimate' meaning people that joined knowingly and lived where they said they lived?

**Mr Bermingham**—Yes. There would be a recruitment drive of sorts going on by both sides to recruit people to the party for the purposes of a plebiscite.

**Senator BARTLETT**—Isn't Springwood outside the electorate of Rankin? I thought Springwood was in Fadden.

**Mr Bermingham**—I do not really know whether Springwood is inside Rankin or not.

**Senator BARTLETT**—Well, how could the member for Rankin have benefited—

**Mr Bermingham**—I think it is a bit in both. But Woodridge is really the one I was making an example of in relation to Rankin. Woodridge is in Rankin, and the person I named was actually in the Woodridge electorate.

**Senator BARTLETT**—I was just referring to your comment about the activities in Springwood, because I am fairly sure it is completely outside it—it is on the other side of the highway. Have you looked at the package of reforms that the Premier has released?

**Mr Bermingham**—The eight points?

**Senator BARTLETT**—I cannot remember the title of it but it was referred to a few times yesterday: his full package of reforms, a range of proposals for restoring legitimacy in government.



**Mr Bermingham**—I am always very sceptical about eight-point plans and 10-point plans because in election campaigns I have invented quite a few of them for the purposes of campaigning.

**Mr McCLELLAND**—There was initially such a document, but about 10 days ago there was a substantive document, including reference to draft model rules and so forth. Have you seen that one?

**Mr Bermingham**—No, I have not. We did some research in the Queensland branch once and found that people liked plans, so you will always find in Queensland branch ALP electoral material there will be a six-point plan, a five-point plan or a seven-point plan, because people have more confidence in a plan, apparently. So I think that is primarily the motivation behind that plan. If there was a genuine commitment to reform and the causes of electoral fraud I think people would look at the affiliation question of unions. Not only do unions affiliate to have representation of 60 per cent of the party but they often enormously overaffiliate to get extra delegates and give a particular faction an advantage. The AWU is well known for it. It overaffiliates by huge numbers and gains extra delegates. So there is a whole lot of things that need to be fundamentally changed. The problem is that Ludwig has too many people afraid to challenge him, therefore I am quite sceptical of any plans that really try to deal with those sorts of issues primarily.

**Senator BARTLETT**—I want to pursue briefly the allegation of the use of money to pay for memberships which has come up a couple of times today and previously. Firstly, from your knowledge of how it is used, does that have any link to misuse of the electoral roll?

**Mr Bermingham**—I believe so, yes.

**Senator BARTLETT**—It would be paying money for people's membership without their knowledge?

**Mr Bermingham**—As I said, I do not believe Karen Ehrmann would have taken her 54. In fact, I think she used to pay for about 70 or 80 members.

**Senator BARTLETT**—Did those people know that?

**Mr Bermingham**—No, a number of them did not know they were even members of the ALP. They were falsely signed up to the party without their knowledge. That money would have been used to pay their membership, yes.

**Senator BARTLETT**—Was there any rule at the time—leaving aside people being joined up without their knowledge—against someone paying for someone else's membership?

**Mr Bermingham**—No, it is quite legitimate to pay for other people's membership. There is nothing illegal about that in terms of party rules.

**Senator BARTLETT**—So the issue there is more when people are joined up without their knowledge.

**Mr Bermingham**—I think so.

**CHAIR**—We will now have coalition questions until about 12.25 p.m. and then we will take a break. The Labor Party have indicated that they wish to ask further questions of Mr Bermingham. When we come back from our break we will continue with questioning Mr Bermingham, because I am sure that will mean the coalition and the Democrats might also have questions. There are just a couple of issues I want to pursue. One issue follows directly after Senator Bartlett's question—

**Senator FAULKNER**—We can do it before the break because we have only a quarter of an hour of questions to go, so it should be able to be handled within the boundaries.

**CHAIR**—We will worry about that at the time. Let us see how we go with the coalition questions. There might well be other coalition questions that we do not get to finish that we might want to take up later. We want Mr Bermingham to be able to have a break. However long your questions take in this third band, we will probably ask questions ourselves for a similar amount of time.

**Senator FAULKNER**—That is because we took only 15 minutes in the second round.

**CHAIR**—No, you did not; you took 30 minutes. You went from 11.05 to 11.35, as the secretariat has been recording. So until 10.25 or thereabouts, we will have coalition questions. There are a few things I wanted to clear up with respect to some of the questions that have been asked, including Senator Bartlett's question about false enrolments and slush funds and membership. I think your evidence is that it would have been impossible for Karen Erhmann or for us to know whether the paid membership out of the AWU slush fund went towards false enrolments or legitimate enrolments. Is that right?

**Mr Bermingham**—Yes, that is right.

**CHAIR**—With respect to the function at the Hilton Hotel, some doubts were raised about what your knowledge of that was. I am interested in some of the people involved because you did not actually find out for our evidence who Ken McPherson was. Can you tell us who Ken McPherson was at the time and who he is now.

**Mr Bermingham**—Ken McPherson at the time worked for the Australian Workers Union as the media officer. He was Bill Ludwig's press secretary, I guess. He organised that particular function from Con Sciacca's office, or at least I saw him organising it in Con Sciacca's ministerial office at the time. What does he do now? I think he is now a consultant with Hawker Briton in their Brisbane office.

**CHAIR**—What did he do after working for Mr Sciacca?

**Mr Bermingham**—After he worked for Sciacca he worked for the Australian Workers Union. Ludwig sacked him for incompetence. Then he got a job working in the same office as I did in the Office of Business, Industry and Regional Development. Eventually he became the senior policy adviser for Jim Elder. He stayed working for Jim Elder while he was a minister and went to various portfolios with him. After that he remained with Jim Elder in opposition.

He then worked again for Jim Elder, when he became the deputy premier, until about six or seven months ago when he started working for Hawker Briton.

**CHAIR**—Who was the person who told you that this was an idea that they had gained out of the Victorian ALP and Stephen Conroy, as he was then?

**Mr Bermingham**—That came up in a conversation with him and Mike Kaiser.

**CHAIR**—By ‘him’ you mean Ken McPherson.

**Mr Bermingham**—Yes.

**CHAIR**—So he told you directly of the involvement of the Victorian ALP?

**Mr Bermingham**—Yes.

**CHAIR**—Was he the one who mentioned Stephen Conroy’s name?

**Mr Bermingham**—It was either him or Mike Kaiser, but it came up in that conversation about the fund.

**CHAIR**—Were you aware of any other functions—for example, a function with lawyers in Brisbane that was organised with Michael Lavarch as a guest speaker?

**Mr Bermingham**—I was aware of that function, but I do not know whether there was necessarily any link between that and the slush fund. I know that that function took place and it was organised for lawyers. It was also explaining bits of the new legislation—I think it was national competition policy and its effect upon law payments or law charging and so on. But I have no direct evidence or circumstantial evidence that that was linked to the fund—other than that they were similar sorts of functions.

**CHAIR**—Who organised that function for Labor? I assume it was Labor lawyers generally in Brisbane.

**Mr Bermingham**—I imagine it was some of the Labor lawyers who organised it.

**CHAIR**—Was it a man called Peter Clarke?

**Mr Bermingham**—Peter Clarke was involved in some of the organisation of it, yes. He works for Matt Foley, the Attorney-General.

**CHAIR**—Were the rorts carried out by Milton Dick and the rorts carried out by Karen Ehrmann, and the allegations that were made about Maxine Coco, now Thornton, with respect to signatures being forged and post office boxes, all of a piece? Were they all the same sort of general rort?

**Mr Bermingham**—The same sort of general rorting, yes. An important point for me—and I pointed it out in the Shepherdson inquiry—is that there were clearly two different sorts of rorting. One used post office boxes and false addresses, often without the knowledge of the individuals that they had been joined up to the ALP. That seemed to be the pattern that was employed by Milton Dick in Bowman to some extent and in Townsville by Karen Ehrmann and the people who assisted her up there. In the other form, you would simply get young people to pretend that they lived in a particular electorate for a plebiscite, which I suppose is more the sort of rorting that I was involved in.

**CHAIR**—Which category of rorting did the Tom Burton enrolment fall into?

**Mr Bermingham**—I am not sure, other than that I have been informed that he had up to three people falsely enrol for the purposes of the Woodridge plebiscite. He was one of Craig Emerson's campaign workers who went to assist and he became the campaign director for Mike Kaiser.

**CHAIR**—Woodridge, for providing purposes for plebiscites, was within Rankin. Is that right?

**Mr Bermingham**—It was within Rankin, yes.

**Senator FAULKNER**—You said you had been informed. Who informed you of that?

**Mr Bermingham**—Do you want to know?

**CHAIR**—Yes, he has asked the question.

**Mr Bermingham**—Peter Shooter.

**CHAIR**—With respect to the CJC's jurisdiction, Senator Faulkner pointed out for the benefit of the committee that the AWU's slush funds were not within the jurisdiction of the CJC. Is that your understanding as well?

**Mr Bermingham**—That is my understanding.

**CHAIR**—Would you put that down to the fact that it has not come out before—not until our inquiry—because it was not within their terms of reference?

**Mr Bermingham**—It was not within their terms of reference. It would have been stretching a longbow to try and pull in a slush fund as part of that. It had very narrow terms of reference and therefore a lot of things could not be dealt with. That is my point and that is why my argument is that Peter Beattie's comments were a bit dishonest. Peter Beattie knows that the terms of reference were very narrow and that in fact to look at anything else it had to seek permission from the PCJC to extend its terms of reference to look into other things like the South Brisbane plebiscite in 1986. Because something did not come up it simply means that it did not have the jurisdiction necessary to look at that—nor is Bill Ludwig a public official.

**CHAIR**—Is that why Bill Ludwig was not called before the CJC?

**Mr Bermingham**—He could have been called to give evidence but it would have had to have been something in relation to the terms of reference of the inquiry.

**CHAIR**—Of course, the AWU slush funds were not within those terms of reference.

**Mr Bermingham**—That is right.

**CHAIR**—You mentioned earlier Cameron Milner, Warwick Powell and electoral rorting. Are you personally aware of whether Mr Milner signed an enrolment form for Mr Powell which contained details of Mr Powell's former false address?

**Mr Bermingham**—Yes, that is true.

**CHAIR**—How do you know that?

**Mr Bermingham**—I saw it in the Shepherdson inquiry.

**CHAIR**—What was Mr Milner at the time?

**Mr Bermingham**—At the time I think he worked for the ALP as their computer person. Basically, he was in charge of direct mails and organising all the databases and stuff like that; he looked after the computers. Then he went on to work for Bill Ludwig on his re-election campaign. After that he came back to work for the ALP as an organiser. The story is that it was partly Ludwig shifting his own people. Ludwig was not particularly fond of Kaiser and certainly was not fond of me. He wanted to get his own people who were directly loyal to him into those positions, so Cameron Milner was sent over to be organiser and then state secretary to replace Mike Kaiser.

**CHAIR**—And now he is the state secretary.

**Mr Bermingham**—Yes.

**CHAIR**—I have one final question before Senator Mason pursues a line of questioning. Do you know of any enrolment fraud involving the Dutton Park branch?

**Mr Bermingham**—There was a branch stack there and it became fairly prominent at the time. It was around the time of the Griffith preselection. Eventually it was not in the Griffith preselection because boundaries were redrawn and Dutton Park was not part of that area; it was part of Brisbane Central, I think. I do not believe that there were any fraudulent enrolments there. There was a big branch stack and it was pretty emotive at the time. I guess it became well known because half of the Premier's staff joined that branch, including Glynn Davis, the director-general for Beattie, Michael Stephenson, who was then the principal policy adviser to Premier Goss, and so on. A number of his other staff joined that branch in order to build up support for Kevin Rudd. I do not believe those people were illegally enrolled—I think that was

all fairly legitimate. They simply joined that branch—or joined the party—to assist in that process.

**CHAIR**—Is it credible to suggest that Mr Beattie might have been aware of branch stacking—as you have just outlined—in, say, the Dutton Park branch, because his staff were involved, but not aware of any kind of electoral enrolment fraud going back to 1983?

**Mr Bermingham**—They were Wayne Goss's staff, if I could make that point.

**CHAIR**—Sorry, Wayne Goss's staff.

**Mr Bermingham**—They were not Beattie's staff, though Glynn Davis is now the director-general for Peter Beattie.

**CHAIR**—That was my confusion.

**Mr Bermingham**—I do not have any evidence that he would know about that, but I do not understand how you could be involved in the Labor Party for so long in Queensland, have worked your way through the system and survived as many whacks on the head as Beattie has—he has been unpopular several times and has recovered—and not know that rorting goes on and has gone on and went on.

**CHAIR**—Do you think he would have been aware of what Denis Murphy was up to in Stafford, I think it was?

**Senator FAULKNER**—What do you mean—'what Denis Murphy was up to'?

**CHAIR**—Was he aware of the police investigation involving—

**Senator FAULKNER**—That is a different question.

**CHAIR**—Yes, that is a better question. Was he aware of the police investigation involving Denis Murphy in Stafford?

**Mr Bermingham**—He was the state secretary at the time, so I imagine he would have known.

**Senator MASON**—Mr Bermingham, I have some questions seeking clarification on your responses to the chairman's and Senator Bartlett's comments. You mentioned earlier that it was an AWU tactic to put numbers into certain areas to influence local government, state and federal preselections.

**Mr Bermingham**—Yes, and for state council and state conference later on.

**Senator MASON**—At the Shepherdson inquiry there was much discussion about not just branch stacking but illegal enrolment in the local government wards of East Brisbane and

Morningside. I think you mentioned this morning that even you had signed up your daughter for the purposes of a preselection for East Brisbane for your sister, Catherine Bermingham.

**Mr Bermingham**—Yes, that is correct.

**Senator MASON**—I should also mention that there was discussion at the Shepherdson inquiry about illegal enrolment in the state electorate of Greenslopes.

**Mr Bermingham**—Yes.

**Senator MASON**—Are you aware of illegal enrolments in the local government wards of East Brisbane or Morningside or in the state electorate of Greenslopes?

**Mr Bermingham**—Yes, I know about East Brisbane and Greenslopes, only because most of East Brisbane is in Greenslopes so, in a sense, it is one and the same in terms of plebiscite numbers—not quite the same but they roughly overlap each other. As an organiser, I do not know much about Morningside because basically the faction that ran the area over there was the Old Guard and not the AWU. The candidate there was an Old Guard candidate, Sharon Humphreys, versus a Left candidate, Linda Holliday. In a sense, I would not have any knowledge of that particular area and what went on there, but East Brisbane had an AWU candidate and Gary Fenlon, who is the state member, is also from the AWU.

**Senator MASON**—How many illegal enrolments do you know of in the ward of East Brisbane or the state seat of Greenslopes?

**Mr Bermingham**—In the first plebiscite, I knew of about 22 or so. In the second plebiscite, it has come to light that there would have been something in the vicinity of 40 because the Old Guard put on a whole lot as well and the AWU side put on quite a few. All in all there were quite a few—but I do not know if 40 is the accurate number.

**Senator MASON**—Out of how many, Mr Bermingham?

**Mr Bermingham**—Probably out of about 130 or 140.

**Senator MASON**—When was that preselection for the ward of East Brisbane? What date was that?

**Mr Bermingham**—That was in December 1996.

**Senator MASON**—When was the preselection for Greenslopes?

**Mr Bermingham**—I do not think there was a preselection. I think he was unopposed.

**Senator MASON**—The ward of East Brisbane and the state seat of Greenslopes fall into which federal electorate?

**Mr Bermingham**—Mostly Griffith, but partly Brisbane.

**Senator MASON**—Were those people who were illegally enrolled for the purpose of the East Brisbane preselection eligible to vote for the Griffith federal preselections?

**Mr Bermingham**—Most of them would have been, yes. Some would have been eligible to vote in a Brisbane plebiscite for the federal seat of Brisbane.

**Senator MASON**—Some for the federal seat of Brisbane and some for the federal seat of Griffith?

**Mr Bermingham**—Yes.

**Senator MASON**—Was the preselection for the federal seat of Griffith held in 1995?

**Mr Bermingham**—I believe so. I imagine it was some time before the 1996 election.

**Senator MASON**—Did those people illegally enrol?

**Mr Bermingham**—I am not sure that there was a preselection though. I think Kevin Rudd was unopposed. As I remember, he was unopposed.

**Senator MASON**—Would those people who were enrolled for the ward of East Brisbane to vote in the preselection for the ward of East Brisbane be entitled to vote in the Griffith preselection?

**Mr Bermingham**—They would have been entitled to vote, yes.

**Senator MASON**—If they were still enrolled, they would still be eligible to participate in further preselections?

**Mr Bermingham**—They would be, yes, but usually they were moved back to their right addresses afterwards.

**Senator MASON**—After the job was done?

**Mr Bermingham**—After the job was done.

**Senator MASON**—You mentioned earlier the culture that existed among AWU activists and you said that roting was a strong culture. When did you first advocate state intervention in Townsville?

**Mr Bermingham**—I went to Townsville and I was the organiser there for the 1995 state election. I had a number of marginal seats. Not all were in Townsville—I think it was Burdekin, Whitsunday, Thuringowa and Charters Towers, and then a couple up Cairns way as well. There were no actual seats in there. What happened was that, when I first got to Townsville, I went to this meeting of the FDE—the federal district executive. It was a very rowdy meeting. The room was packed with maybe 50 or 60 people and they were going to move a motion of censure



against Karen Ehrmann and Ken Davies, who was the state member for Mundingburra, over electoral rorting and they wanted something done about it.

**Senator MASON**—Were there any other notable people at that meeting?

**Mr Bermingham**—It was really just local activists. Ken Davies was there—and Karen Ehrmann.

**Senator MASON**—Did the mayor of Townsville know about that meeting?

**Mr Bermingham**—No, I do not recall him being there.

**Senator MASON**—Would he have known about the meeting?

**Mr Bermingham**—Yes, he would have known the meeting was on.

**Senator FAULKNER**—You should ask him.

**Senator MASON**—We heard his evidence yesterday, Senator Faulkner.

**Senator FAULKNER**—Then you should have asked him that yesterday.

**Mr Bermingham**—No, he was not at the meeting. That meeting was very rowdy. The motion was narrowly defeated. It was only defeated because it was argued that it was the wrong time for that motion to come up because there was a state election. There is always an election coming up as an excuse not to move some motion.

**Senator MASON**—I understand. In the Liberal Party we have the same issues.

**Mr Bermingham**—We called a campaign meeting about three days later to ask people to come along and work on the campaigns and only one person turned up. It was quite interesting to see the level of frustration and anger amongst party branch members—

**Senator MASON**—About rorting?

**Mr Bermingham**—because they were disenfranchised, and because of the rorting and the fact that people could—

**Senator MASON**—In 1995?

**Mr Bermingham**—In 1995. When I got back to Brisbane I went into the first organisers meeting—and Mike Kaiser was pretty annoyed with me because I did not raise this with him before the meeting—and I said, ‘We need state intervention in Townsville. All the branches should be closed down and reset up so that we can know it is a legitimate basis.’ My argument was that, if we did not do something in Townsville, sooner or later the demoralisation amongst ordinary branch members was so high that you would not get volunteers out on election day and doing any party work and, indeed, Labor would start to lose seats because of that.

**Senator MASON**—You mentioned the Muller report earlier. When did you first become aware of the problems of electoral roting in Townsville?

**Mr Bermingham**—The first time I became really aware of it was around the time of that FDE meeting that I have just described. When I first got up there I was pretty well acquainted—some people came and saw me and complained about what was going on. There was a lot of complaints about Karen Ehrmann and her role in the party and the amount of influence she had, so I became aware of it, as did most people. I would be surprised that many party officials were not aware of it.

**Senator MASON**—Then there is Mr Terry Gillman, who uncovered the enrolment fraud for which Ms Ehrmann and Mr Foster were later convicted. I understand he stated on the *Four Corners* program that he lodged a complaint with the ALP disputes tribunal.

**Mr Bermingham**—He did.

**Senator MASON**—And that was dismissed.

**Mr Bermingham**—That was dismissed.

**Senator MASON**—Did that get a lot of coverage in Townsville?

**Mr Bermingham**—It got some coverage in the paper in Townsville. I think Mike Kaiser made statements at the time, basically saying that he did not think there was a case that needed to be answered. That was the general approach, that no case needed to be answered.

**Senator MASON**—Why would he have said that?

**Mr Bermingham**—I think he did not want to upset Karen Ehrmann's backers, basically. Her backers were pretty much the Bowman clique of the AWU faction—the Elder, Budd, Sciacca grouping were backers of Ehrmann. He was frightened of those people and would not have wanted to get them offside. They are closer to Ludwig than he was. Kaiser was not that close to Ludwig.

**Senator MASON**—So you would say that senior Labor Party activists in Townsville all would have known about allegations of vote roting and so forth. From when?

**Mr Bermingham**—From that time on.

**Senator MASON**—From 1995?

**Mr Bermingham**—Yes. In fact, there were party forums up there where the Muller report was handed out to everybody and there was discussion about it. But usually people, including myself, would try and paper over it.

**Senator MASON**—Was it your job to paper over it?

**Mr Bermingham**—Not just mine, but that was partly my job at times.

**Senator MASON**—It was not just the Muller report, was it—it was all these other activities that were part of the brew that people were concerned about in Townsville with electoral rorting?

**Mr Bermingham**—Yes.

**Senator MASON**—We have heard a lot of evidence over the last few days about poor old Bill Ludwig, how terrible he is, and about tax concessions on electoral rorting and so forth. We had him described by Mr Courtice yesterday as some sort of Al Capone. The Premier of Queensland fancies himself as the new Eliot Ness: he says he is going to clean it up. Is it possible for Mr Beattie, given that he was state secretary and has been a prominent party official and parliamentarian, and others not to have known about electoral fraud in Queensland and electoral rorting?

**Mr Bermingham**—I would be surprised at somebody who was as well acquainted with the Labor Party as Peter Beattie was not having known some of the things. Certainly he had conversations with Ehrmann and became quite aware of it at that stage.

**Senator MASON**—Could you repeat that?

**Mr Bermingham**—He had discussions—I think they have been reported in the media—with Karen Ehrmann. She gave evidence about how she approached Beattie at a function and so on. The Muller report was handed out at the electoral college meeting looking at the preselection of Tony Mooney versus Reynolds and Karen Ehrmann versus Gillman. That was at the same electoral college meeting—the Gillman report was there. It would be hard for people not to know. People did know. Joan Budd, the general returning officer, knew. People knew that there was a real problem on in Townsville.

**Senator MASON**—We have heard supposition all day. We have been asked—

**Senator FAULKNER**—No. It is a hypothetical question—

**Senator MASON**—Yes, we have.

**Senator FAULKNER**—which should not have been allowed by the chairman. How could you possibly expect this witness—

**Senator MASON**—We have had this all day, Senator Faulkner. This is a tactic, Mr Bermingham. Every time it gets hot, Senator Faulkner—

**Senator FAULKNER**—How could that hypothetical question possibly be asked?

**CHAIR**—Senator Mason is happy with the response.

**Senator MASON**—I am happy with the response.

**Senator FAULKNER**—Mr Chairman, it was a question you should not have allowed.

**Senator MASON**—Mr Bermingham, poor old Bill Ludwig is the centre of all these allegations. Was it just the AWU involved in electoral roting or was it tit for tat? Were other factions in Queensland in the ALP involved in electoral roting?

**Mr Bermingham**—The Old Guard was involved in a bit of electoral roting, and that has come out in the Shepherdson inquiry. Denis Mullins was an Old Guard candidate, and he put on a number of those people in the east Brisbane plebiscite. They had been involved in some of it. There is no evidence that the Left has been involved in any electoral roting in Queensland.

**Senator MASON**—There you go, John. You would be happy with that.

**Senator FERRIS**—He will get an invitation to a summer camp.

**Mr Bermingham**—There is no evidence at all that they have been, and certainly the Shepherdson inquiry did not uncover any. They have a clean bill of health in that regard.

**Senator MASON**—Thank you so much for your remarks about the tax deductible electoral fraud.

**Senator FERRIS**—I have a couple of questions. If I could take you back to the comments that you have made about the AWU slush fund, the AWU is a national union.

**Mr Bermingham**—It is.

**Senator FERRIS**—Is it reasonable to expect that the principles that apply to the management of that union in Queensland would apply to the management of that union in each of its state branches? Would that be a reasonable question to contemplate?

**Mr Bermingham**—It is a bit complicated. There is a federal body, which is really only a body in theory. It is used in times when you have different changes of government. If you get a coalition government in Queensland and a Labor government federally, you can swap which one you will use in terms of a number of industrial relations. In theory, there is a federal branch of the AWU in Queensland but really there is a state branch. Each state has its own state branches. They are fairly autonomous. Some of them are not even aligned with the Right of the party. In some places they might be aligned with other groups in the party. It would be hard to draw a conclusion that it is across the board because they are in different factions and different parts.

**Senator FERRIS**—But you did say that when the function that you attended collected its money, a proportion of it—almost a royalty, if you like—went down to the AWU in Victoria.

**Mr Bermingham**—The Victorian Right is my understanding.

**Senator FERRIS**—Who runs the Victorian Right?

**Mr Bermingham**—It is run by the Transport Workers Union.

**Mr McCLELLAND**—I want to raise a point of order here, Mr Chairman.

**CHAIR**—There is a question of relevance to that question. I think Senator Ferris is happy with the facts as well. You might be able to tell us who runs the Victorian Right perhaps but, nevertheless, I think Senator Ferris is comfortable with the answer.

**Mr LAURIE FERGUSON**—Clearly Mr Bermingham never said that it went to the AWU.

**Senator FERRIS**—I have already accepted the point of order. We do not want to let you interfere with any more coalition time with your usual tactics.

**CHAIR**—Mr Bermingham cleared that up in his answer.

**Senator FERRIS**—Can I take you to some comments that Ms Karen Ehrmann made in her evidence before this committee in Brisbane on Thursday, 14 December. She talked about a meeting that she had attended at which the other members around the table were Tony Mooney, the Premier and a number of other people—

**Mr Bermingham**—Mike Reynolds.

**Senator FERRIS**—She says:

... Peter Beattie asked me to do everything I could to make sure that Mike Reynolds and Lindy Nelson-Carr won.

That was in some plebiscites that were about to occur. Given what you have said this morning—that Karen Ehrmann had a reputation for being a pretty efficient stacker—what do you think Peter Beattie meant when he asked Karen Ehrmann to do everything that she could?

**Mr Bermingham**—I think he was asking her to put her numbers behind Mike Reynolds.

**Senator FERRIS**—Do you think it is possible that he would have known that Karen Ehrmann's numbers were fraudulent—or that many of them were fraudulent?

**Mr Bermingham**—I do not know that he would have known they were fraudulent, but he would have known they were shonky.

**Senator FERRIS**—What is the difference between shonky and fraudulent?

**Mr Bermingham**—There is probably not a lot of difference, but—

**CHAIR**—If you get caught, it is fraudulent.

**Mr Bermingham**—If you get caught, it is fraudulent. She was known as having a lot of shonky votes, and she was known as a big branch stacker, a numbers person. She was rewarded for it—she got international conferences and stuff like that down in Tasmania.

**Senator FERRIS**—I am not sure she would consider that she is being rewarded right now, Mr Bermingham.

**Mr Bermingham**—No.

**Senator FERRIS**—Would that have been one of the reasons why she was invited to the meeting—because she was known as an efficient, if somewhat shonky, stacker?

**Mr Bermingham**—Yes. She was the key numbers person for the AWU in Townsville and she could determine who could win or lose a plebiscite. Indeed, she did determine that on a number of occasions.

**Senator FERRIS**—Is it therefore drawing a long bow to suggest that Mr Beattie did not know that when he invited her to take part in that meeting?

**Mr Bermingham**—He would have known that she was a numbers person and that is why she would have been invited to that meeting. I do not know that he would have known that she had people fraudulently enrolled at that time.

**Senator MASON**—Just shonky.

**Senator FERRIS**—In response to my question, ‘How many people knew about this?’ she said in evidence, ‘I was just a councillor in Townsville, and I knew.’ She went on to say that it was known at the highest levels of the party. When you say ‘highest levels’ I do not think you mean Jim Elder.

**Mr Bermingham**—I think she probably meant the state secretary and Ludwig, et cetera. We are just guessing as to what she meant by that. It is true that it was well known that she had a lot of shonky votes. To what degree people were aware of that, I am not sure. I knew she had shonky votes. I only actually became aware of some of them when I went to a couple of houses and knocked on the door and found out that nobody was living there. I went to a neighbour and asked how long somebody had been living there and they said that nobody had been in that house for two years—yet she had three people enrolled there. I knew precisely then that there were a number of cases. Then I went to a couple of other places and discovered that there were people falsely enrolled at other addresses as well. Why did I do it? Because I was backing Tony Mooney and I knew that she was going to use her votes against Tony Mooney.

**Senator FERRIS**—That is an experience similar to the one Premier Beattie outlines in his book, when he talks about going to check on an enrolment and finding a vacant block—some many years before.

**Mr Bermingham**—That’s right.

**Senator FERRIS**—An experience that you both shared, Mr Bermingham.

**Proceedings suspended from 12.28 p.m. to 1.05 p.m.**

**CHAIR**—I reconvene the hearing. Would the opposition like to ask any questions of Mr Bermingham?

**Mr McCLELLAND**—Thank you. Mr Bermingham, during the break did you have any conversation with any members of the committee regarding the matters which are the subject of this inquiry?

**Mr Bermingham**—Not as such, no.

**Mr McCLELLAND**—Did you have a discussion with any member of this committee?

**Mr Bermingham**—No, not a discussion.

**Mr McCLELLAND**—Did you converse with any member of this committee?

**Mr Bermingham**—Yes, I conversed with a couple of people.

**Mr McCLELLAND**—Who were they?

**CHAIR**—Mr Bermingham and I had a conversation. I asked him a question about the mechanics of the ALP preselection process—which is entirely appropriate.

**Mr McCLELLAND**—Did you have a conversation with Senator Mason and Mr Somlyay?

**Senator FERRIS**—I raise a point of order relating to relevance.

**Mr Bermingham**—No, I did not. Well, I did, but it was about—

**Mr McCLELLAND**—I would like to know about that.

**Mr Bermingham**—I am happy to answer. It was a discussion about how I went from the Communist Party to being a member of the AWU faction.

**Mr McCLELLAND**—And the second topic of conversation related to matters which are the subject of this inquiry, didn't it?

**Senator FERRIS**—Chair, can you please deal with my point of order?

**CHAIR**—I will handle your point of order, Senator Ferris. There is nothing to hinder members of the committee having conversations with witnesses either privately or asking them questions in a public hearing. There is nothing inappropriate about it, so I do not see the point of these questions. There is no suggestion of the coaching of witnesses at all, and I do not see the relevance of this line of questioning in the slightest. You could have asked the same thing yesterday of some of the witnesses who appeared in Townsville.

**Mr McCLELLAND**—In view of time constraints, I will move on. Mr Bermingham, I am not sure whether you know this or not, but yesterday there was some controversy involving

Councillor Tony Mooney as to whether he was aware of fraudulent enrolments during the Ehrmann-Mooney preselection. He denied any such knowledge, it is fair to say. You gave evidence to the CJC that Councillor Tony Mooney would not have known of those fraudulent enrolments.

**Mr Bermingham**—That is correct.

**Mr McCLELLAND**—And you stand by that evidence?

**Mr Bermingham**—I do.

**Mr McCLELLAND**—You gave evidence to the CJC that, with respect to the 1993 east Brisbane plebiscite, Robyn Twell, who I understand was a candidate in that plebiscite, would not have known of the events that were taking place in terms of fraudulent enrolments.

**Mr Bermingham**—That is correct.

**Mr McCLELLAND**—Is it fair to say that your evidence was that you thought it was important that the candidate be protected from knowledge of these events?

**Mr Bermingham**—In my involvement in those plebiscites I believed two things. One was in relation to Robyn Twell, and that was that she should be out meeting people and going around talking to people. It was not useful to have the candidate involved in those machinations that occurred behind the scenes, and indeed she was not. I did not inform her. The same applied to Tony Mooney. In fact, in Tony Mooney's case I deliberately did not let him know about any of the stuff that was going on.

**Mr McCLELLAND**—Following that consistent reasoning I can see the logic there. With respect to the electorate of Rankin, you have referred to the possibility of false enrolments at a house owned by a Mr Burton.

**Mr Bermingham**—Yes.

**Mr McCLELLAND**—There is no reason to assume that Craig Emerson, as a candidate or the member, knew of those?

**Mr Bermingham**—None.

**Mr McCLELLAND**—The same thing applies with respect to any enrolments that may have taken place in a state electorate that may have fallen within the Federal electorate of Griffith? There is no reason to assume that the current member, and then candidate, Kevin Rudd, had knowledge of those?

**Mr Bermingham**—Yes, that is right.



**Mr McCLELLAND**—Indeed, you mentioned earlier that it is your understanding—and it is my understanding—that Kevin Rudd has never been the subject of a preselection either in 1996 or 1998.

**Mr Bermingham**—Yes, that is my view.

**Senator FAULKNER**—In relation to Mr McClelland's question about Mr Burton, could you explain again who that gentleman is?

**Mr Bermingham**—I understand that he was Mike Kaiser's campaign director in the Woodridge by-election that occurred last year but also a member of Craig Emerson's campaign team for his election in Rankin.

**Senator FAULKNER**—I see. He wasn't a campaign director for Craig Emerson?

**Mr Bermingham**—I do not know who Craig's campaign director was.

**Senator FAULKNER**—Were you referring to Mr Tom Burton?

**Mr Bermingham**—I believe so, yes.

**Senator FAULKNER**—Do you know what address you are referring to?

**Mr Bermingham**—I do not know what the address is—it is a flat number, actually. I have it at home but I do not know it off the top of my head. You could probably get it just by looking at the current electoral roll.

**Senator FAULKNER**—I possibly could but there may be more than one Tom Burton on the electoral roll. Equally, we could ask Mr Emerson or someone else who was a member of his campaign team.

**Mr Bermingham**—Yes.

**Senator FAULKNER**—Are you sure that you have the name right: it is Mr Tom Burton?

**Mr Bermingham**—I believe it is Tom Burton, yes. I could be wrong, but I believe that is the case.

**Senator FAULKNER**—The function that you referred to was organised by a Mr Peter Clarke. Is that correct?

**Mr Bermingham**—Yes. I do not know that he organised that function.

**Senator FAULKNER**—You mentioned his name in relation to it.

**Mr Bermingham**—No, somebody asked about that name and I said that he was involved in the organising of that function.

**Senator FAULKNER**—Yes, it leaves a certain slur if your name is mentioned in that regard. I only had the opportunity to make one call in the lunch break but I thought I would ring to see what I could establish about that function. You mentioned that Mr Lavarch attended it.

**Mr Bermingham**—That is right. I said that I did not know whether the function was part of a slush fund, and I don't know that it was.

**Senator FAULKNER**—No, but, to be fair, you certainly dropped a few hints that that was likely in your evidence to the committee.

**Mr Bermingham**—I thought I went to the trouble of pointing out that I didn't know that that had anything to do with a slush fund.

**Senator FAULKNER**—So you can be clear on that. There was a range of other people speaking at that function, wasn't there—it wasn't just Mr Lavarch, who I assume was Attorney-General at the time? That is an assumption on my part.

**Mr Bermingham**—He was the Attorney-General and I only attended that function for a short time. There probably were other speakers, I don't know. I don't have a great knowledge of it, I just know of it and I know that Peter Clarke played some role in it. But I was not implying—

**Senator FAULKNER**—Fair enough, but so what? I suppose that is my question.

**Mr Bermingham**—I was just answering your question, basically.

**Senator FAULKNER**—That doesn't appear to be very significant.

**Mr Bermingham**—I said in my evidence that I didn't know whether there was any significance in it at all.

**Senator FAULKNER**—I had a chance to make one phone call and I checked it out. It was a function for local government candidates run by one of the municipal committees for the Labor Party. I suspect that that happens in all political parties and it appears to have been quite straightforward.

**Mr Bermingham**—That could be right.

**Senator FAULKNER**—You have no criticism or allegations to make regarding that particular function?

**Mr Bermingham**—No.

**Senator FAULKNER**—I think it is useful to clear that up. We heard I think as a response to questions from either Senator Mason or from Senator Ferris that—and I followed it through very briefly—after you left the Labor Party, you worked at least for a short time as a consultant.

**Mr Bermingham**—I did not leave the Labor Party. You mean working for the Labor Party?

**Senator FAULKNER**—After you left working for the Labor Party.

**Mr Bermingham**—Yes.

**Senator FAULKNER**—After you left being employed by the Labor Party, however that may have occurred. There is plenty of evidence about the nature of your termination that you have given us. I am not questioning that at all. I gather from what you were saying that you undertook some consultancy work.

**Mr Bermingham**—I did, yes.

**Senator FAULKNER**—Are you still doing that, by the way?

**Mr Bermingham**—The company that I and Warwick Pell set up has not had exactly good media in recent times. It is not doing as well as it was but it still exists and we still do consultancy work.

**Senator FAULKNER**—You did get at least one contract from the then Borbidge government?

**Mr Bermingham**—No, we did not get any contract. We were simply employed as subconsultants to Mercorp, which was a company that had a number of large contracts with Queensland governments, both Labor and coalition. I guess they are most famous for working on the Expo site at Coomera. Along with Sir Llew Edwards, they did some major work; Mercorp was one of the major partners on that. We did some work for them. Basically, it was data collection for them. That is what we basically specialise in—data collection.

**Senator FAULKNER**—And this works by just a straightforward tender process, does it?

**Mr Bermingham**—Mercorp would have done the tendering. We were simply hired as subconsultants to do some polling work for them and some data collection on small businesses in regional Queensland.

**Senator FAULKNER**—This work was not organised by a member of a current federal minister's staff, was it?

**Mr Bermingham**—I have no idea who organised the work. It was done for Premier and Cabinet—or whatever the title of the department was at that time. Mercorp got a contract with them.

**Senator FAULKNER**—Given that you did the work, I assumed you might have some idea.

**Mr Bermingham**—I only did some of the work in terms of what we were employed as a subconsultant to do.

**Senator FAULKNER**—And this was during the life of the Borbidge government?

**Mr Bermingham**—It was actually towards the end. The report was actually handed to the Beattie government.

**Senator FAULKNER**—But the work was done while the Borbidge government was in office?

**Mr Bermingham**—The election was called in between.

**CHAIR**—Are there any other opposition questions?

**Mr McCLELLAND**—Yes, just one. I gather from your evidence you are not really proud of your involvement in these sorts of events. That is a comment. How easy would it have been for someone with your skills to sort a preselection where there was no requirement for party membership to coincide with the electoral roll or, indeed, to live in the electorate? How easy would that have been for you to have sorted preselections in that situation?

**Mr Bermingham**—Good question. How do you define a sort? I suppose that is the subject of the *Courier-Mail* speculation in terms of Ryan and the Liberal Party at the moment. I suppose in lots of ways it would have been easier to branch stack if you were not constrained by the electoral roll.

**CHAIR**—Have the Democrats got any further questions? I have just a couple of questions for Mr Bermingham. Did you see the *Four Corners* program on branch stacking and election enrolment fraud of some time last year?

**Mr Bermingham**—The one on the AWU?

**CHAIR**—Yes.

**Mr Bermingham**—Yes.

**CHAIR**—Can you remember in that program that they were talking about a payment to Karen Ehrmann if she changed her story and implicated Mike Reynolds?

**Mr Bermingham**—Yes, I do.

**CHAIR**—And do you remember that they referred in the re-creation to the person calling her as 'Paul', making the offer and saying he was not ringing on behalf of Tony Mooney, et cetera?

**Mr Bermingham**—Yes.

**CHAIR**—Do you have any idea who that Paul might have been?

**Mr Bermingham**—I have an idea, yes.

**CHAIR**—Who do you think it might have been?

**Mr Bermingham**—I think it is a person called Peter Staples—no, not Staples, wrong person. Peter—no, I cannot think of his name, but I have an idea who it is.

**CHAIR**—So it certainly was not Peter Staples, if we can make that clear.

**Mr Bermingham**—No, it was not Peter Staples. Sorry about that.

**CHAIR**—Good, we will clear him.

**Senator FAULKNER**—But every other Peter in the land is smeared.

**CHAIR**—Not a very helpful answer, Mr Bermingham, but never mind.

**Mr Bermingham**—I am sorry about that.

**CHAIR**—Never mind.

**Mr Bermingham**—Peter Raffles.

**CHAIR**—Thank you. Why do you think that it might have been Mr Peter Raffles?

**Mr Bermingham**—There is a lot of scuttlebutt around suggesting that.

**CHAIR**—But you do not have any firm evidence of that?

**Mr Bermingham**—No, I do not have any firm evidence.

**CHAIR**—I do not have any either. I just wondered whether you might have something.

**Senator FAULKNER**—Welcome to the Star Chamber!

**CHAIR**—With respect to the preselections in the Labor Party, is there a central conference that makes decisions about federal and state preselections in Queensland?

**Mr Bermingham**—There is. It is called electoral college.

**CHAIR**—How do people get elected to that?

**Mr Bermingham**—They are elected from state conference, by the delegates at state conference.

**Senator FAULKNER**—Mr Chairman, on a point of procedure, it strikes me that that question and the line of questioning that you are undertaking now surely is outside our terms of reference. Yes, it is true, the Labor Party has its internal procedures; anyone can go and look those up. But this is not about—

**CHAIR**—I will explain why it is relevant, if you like.

**Senator FAULKNER**—You made it very clear in your opening statement about questions that ought not be asked, and there is no point opposition members of the committee worrying about these things too much because we do not have the numbers on this committee and we cannot stop many lines of questioning that I think are inappropriate, but this is outrageous. This ought not be asked and you yourself have indicated in your opening statement that questions of that nature will not be asked.

**CHAIR**—Fair enough, but the reason will become relevant if I can ask the final question and Mr Bermingham might comment on that. In the case of people who may have been joined up to the Labor Party without their knowledge and have had their membership fees paid, and who may not even exist and would therefore be in the category of some of Karen Ehrmann's members—she has now, of course, been convicted of fraud—is it the case that they would have potentially elected delegates to a central conference who would then have played some role in a preselection for federal or state members?

**Mr Bermingham**—Yes, that is precisely—

**Senator FAULKNER**—With respect, Mr Chairman, surely that question is not in order, given the nature of this inquiry.

**CHAIR**—The reason it is in order is because the enrolment fraud perpetrated by Karen Ehrmann, who is now a convicted fraud, may have had a slight impact or some sort of impact on the preselections of federal or state members. I would have thought that was very relevant.

**Senator FAULKNER**—My point is that we are here to inquire into the integrity of the electoral roll. We have ranged far and wide, without opposition members of this committee being defensive about questions that have been asked and allowing all sorts of questions that, frankly, ought not have been allowed, but these internal processes of the Labor Party are outside the purview of this committee. I accept that Mr Bermingham knows this; he would be an expert, and maybe we have got one or two experts about it in the room. That is not a criticism. He has been a member, he has been an activist, he has been an organiser and employee of the Labor Party, and of course he knows. But those sorts of internal affairs surely are off limits.

**CHAIR**—I think it is relevant only inasmuch as it demonstrates that electoral enrolment fraud could have an impact on people who end up as members of parliament, and therefore it shows the seriousness of electoral enrolment fraud to the whole political process, particularly since Professor Colin Hughes's evidence in which he suggested—and Mr McClelland was agreeing with this yesterday and, in fact, raising in Townsville—that sometimes the preselection is the whole election because the seat is so safe and so the election itself is not as relevant as the preselection. That is why I think it is relevant, but I am happy for Mr Bermingham to give a short answer.

**Senator FAULKNER**—Your questions are not drawing that link. That is my point.

**CHAIR**—Now that I have explained the reason it is relevant, Mr Bermingham might well be able to answer in a way that will be relevant to our inquiry, if he can.

**Mr Bermingham**—In a sense that is why I raised the issue of Maranoa and Charleville earlier, because why would people bother voting in an area like that? It is precisely to influence the election of delegates to conference, and the delegates from conference elect the electoral college, which determines half of any plebiscite. The plebiscite on the ground is only worth 50 per cent and the rest is decided by and voted on at electoral college. So, indeed, factions are very keen to increase their membership on electoral college so that they can make sure that their preferred candidates get up.

If one faction has 60 per cent on college or thereabouts—the AWU basically has about 65 per cent with its allies—it means that the local plebiscite is not so important and can easily be overlooked in the sense that it will be cancelled out by the electoral college. Getting delegates onto the electoral college is one of the very important things that state conference delegates do. That is why it is guarded so jealously and treated as being so important by Ludwig and the AWU: they want to make sure that they can get their people preselected.

**CHAIR**—Would the election of delegates to the electoral college, as the central component in places like Cairns, Townsville and Charleville, have had an impact on preselections in Brisbane or elsewhere across the state?

**Mr Bermingham**—Yes, they would because of the electoral college system—it works in with the local plebiscite.

**Senator MASON**—As a point of clarification, you said earlier in response to various questions that anyone who was in a senior position in Townsville would have known about Ms Ehrmann's activities. You said it was 'common knowledge'. Then in response to Mr McClelland's questions, you said that Mr Mooney would not have known about it. I think you then said deliberately that that was the case.

**Mr Bermingham**—That was not about Ehrmann's votes: he would have known that Ehrmann's votes were shonky. In terms of the Hernings, Whitehead and so on that I mentioned before, I had them shifted or Andy Kehoe put people on illegally. That is the sort of information that he would not know about. There are two distinctions there.

**Senator MASON**—Could you explain that?

**Mr Bermingham**—Because of all the events that had gone on, people knew generally that Ehrmann had a whole lot of shonky votes.

**Senator MASON**—Including Mr Mooney?

**Mr Bermingham**—He would have known because he would have been aware of the fact that her shonky votes were going to help his opponent, Mike Reynolds. In relation to his plebiscite campaign, I would not tell him that there were shonky votes in there, first, because I do not believe candidates should be involved in those sorts of things. It was not that I took a particularly strong moral position: I felt that candidates should be out there trying to win over potential voters in a plebiscite. If I managed a particular plebiscite process, I would have the candidates out doing that sort of stuff and not worrying about any fraudulent enrolments or things like that.

**Senator MASON**—You would have known about the general culture of electoral fraud?

**Mr Bermingham**—Most people who have survived in the Labor Party for a period of time, particularly those who have been through it organisationally—which might seem contradictory—and who have held positions such as state secretary or organiser, are likely to be aware of these things. To demonstrate that point, I was involved in three plebiscites while I was party organiser: the two east Brisbane ones and the Townsville plebiscite. It would have been hard to be involved in the organisation at some level and not know that these sorts of practices occurred.

**Senator MASON**—And that includes Mr Mooney?

**Mr Bermingham**—I think he would have had a general idea that those things occurred.

**Senator FAULKNER**—He was not involved in the organisation.

**Mr Bermingham**—No, he was not involved.

**Senator FAULKNER**—Let us be clear: you cannot have it both ways. Mr Mooney was not an organisational figure.

**Senator MASON**—That is correct.

**Senator FAULKNER**—Mr Bermingham is talking about people like me.

**Senator MASON**—Let me ask the question again: do you think Mr Mooney would have had a general knowledge of the culture?

**Mr Bermingham**—I think he would have known about Ehrmann's shonkiness, but I do not think he would have had knowledge of the fact that people were fraudulently enrolled to assist him.

**Senator MASON**—No, because you protected him from that.

**Mr Bermingham**—I did, so I do not think he would have known.

**Senator MASON**—You mention there are other people involved. Ehrmann was involved in electoral fraud. You mentioned some other people before as well. I may have misunderstood. That is all right. I have one last question, in relation to Griffith. You mentioned before a fellow by the name of Mullins.

**Mr Bermingham**—Yes, Denis Mullins.

**Senator MASON**—Who is he, and what did he do?

**Mr Bermingham**—He is an organiser for the state Public Service Union in Brisbane, a member of the Old Guard faction. He was seeking preselection in East Brisbane against my



sister and the Left candidate. He fraudulently enrolled about 20 people. In fact, he enrolled 11 of them at one house, which is why I think it came to the attention of the Federal Police. The AWU faction met; I was one of its negotiators on this occasion with the Old Guard, and we forced them to withdraw their candidate—or we promised that we would get them in electoral college down the track if they didn't, so they withdrew. Nevertheless, that became a subject of the Shepherdson inquiry. His false enrolments came up there, yes; and there has been a Federal Police investigation into it.

**CHAIR**—Thank you, Mr Bermingham, for attending today. We appreciate the effort you have made in coming to Sydney. I release you as a witness.

**Proceedings suspended from 1.31 p.m. to 1.44 p.m.**

**BERMAN, Mr Nick, (Private capacity)**

**SIMAT, Mr Steven, (Private capacity)**

**CHAIR**—Welcome. Thank you very much for appearing today. I understand from your counsel, Mr Howen, that he would like to be of assistance to you during the hearing. The procedure for that is that Mr Howen can sit at the table and, if you get a question you want advice on, you can turn to him and ask for his advice and he can whisper that to you. He knows the rules. He has been here before. If he answers a question on your behalf we would need to swear him as a witness. I understand that he does not propose to do that. He just proposes to provide advice to you. Mr Howen, you are welcome to sit at the table as long as we pursue those rules. That is the advice that was received from the Clerk's office.

I remind you that this inquiry is about the integrity of the electoral roll. This is not an inquiry into the internal party matters of any political party except insofar as they impact on the electoral roll. In answering questions, you should keep that fact uppermost in your mind and not be distracted on issues that are not the domain of the committee's inquiry. The evidence that is given at the public hearing today is considered to be part of the proceedings of parliament. Accordingly, I advise that any attempt to mislead the committee is a very serious matter and could amount to a contempt of the parliament. Would either of you like to make a brief opening statement before I invite members to proceed with questions?

**Mr Simat**—I have a submission which I would like to hand to each of the committee members.

**CHAIR**—Is it short or long?

**Mr Simat**—It is short.

**CHAIR**—Would you like to read it?

**Mr Simat**—Yes, if I could.

**CHAIR**—All right. Do you have the same, Mr Berman?

**Mr Berman**—I have my own submission and statement.

**CHAIR**—Read your submission to us and distribute it as well. It will become part of the evidence.

**Mr Simat**—In the committee's media release on 24 January 2001 the committee chair, Mr Christopher Pyne MP, emphasised the committee's aim of recommending appropriate legislative changes that will protect the integrity of the roll. The Commonwealth Electoral Act is grossly inadequate in that the act allows elections to take place based on electoral rolls the integrity of which cannot be guaranteed.

I am not an expert on electoral law or practice. I have only been involved in party politics for about three years. I worked as an electorate officer for only two years. Even in my role as an electorate officer I concentrated on constituent matters. Despite my relative lack of experience it seems to me that there is something wrong with the system. All of us should wish for an electoral system which protects our rights and ensures that the electoral roll is not corrupted by opportunists. The committee's work is important and I hope you succeed in making useful recommendations to improve the electoral system.

I have come here this morning willingly. I have not been summonsed to appear. I believe the general issue of electoral fraud is of importance to the community. I am not used to these sorts of public inquiries. There was not much in my university arts degree to prepare me for this. I will do my best to assist this committee. I will do my best to answer your questions to the best of my ability.

I am not here to speak on behalf of the Liberal Party. I am very junior in the party. I do not hold any office. I have only recently been elected to the Penrith City Council East Ward. It has been a very steep learning curve. I am proud to have been elected to public office at 26 years of age. I have grown up in and around the local area of Penrith and surrounds. I am working to develop a good relationship with the residents of East Ward. I have enjoyed my experiences so far. I look forward to learning much more about how best to serve all the residents within my responsibility.

I want to co-operate with the committee. However, I have found it difficult to understand what is required of me. I understand this Sydney hearing has been scheduled for some time. I discovered that the committee wished to speak with me when I received a telephone call from Dr Christine Moore on the afternoon of Friday 19 January 2001. Dr Moore told me I would be invited to appear before the committee at its hearing on 30 January 2001. Dr Moore gave me no explanation of the reasons for this invitation. Dr Moore told me nothing about the procedures or my rights. Dr Moore asked for address details and told me I would receive something in the mail the following week.

On Tuesday 23 January 2001 I received a letter from Dr Moore containing the following: a covering letter; a copy of the hearing program; a brief statement of the committee's terms of reference for this hearing with a list of the committee's membership; a copy of the Senate's resolutions dated 25 February 1988; and a small brochure entitled 'Appearing as a witness at a parliamentary committee hearing'. After reading that letter, I did not understand what the committee wanted to ask of me. I got some legal advice. Nowhere in the letter was I told why I was being asked to appear. The first paragraph of the letter referred to providing an opportunity for the committee to question individuals and organisations about their previous submissions.

**Senator MURRAY**—I call a point of order, Mr Chair. I am concerned that this brief statement is in fact seven pages of writing and the fact that it is on the record. I personally would prefer a summary and then let the committee ask questions.

**CHAIR**—Mr Simat, in order to facilitate a quicker dealing with you and Mr Berman as witnesses, you might just summarise the most important few paragraphs that you want to get on the record. We can accept this as submission No. 52 and it will become part of the record of evidence, which therefore means it is covered by parliamentary privilege and also available to

the public, but you might want to read out perhaps two or three of the paragraphs that deal specifically with the allegations.

**Mr Simat**—Mr Chair, I understand I have got five minutes to do this.

**CHAIR**—Yes, but this is longer than five minutes because it is seven pages and it has already been almost five minutes.

**Senator FAULKNER**—I would like to make a suggestion that might help. I am a bit worried about not allowing these witnesses to have an opening statement like other witnesses have had.

**CHAIR**—That is true. I must remember the point of order.

**Senator FAULKNER**—I appreciate that, and I am speaking to the point of order, too. Ms Ehrmann in Townsville made an extremely long opening statement. I would favour the witnesses being entitled to make an opening statement that does not drag on for hours, but this is not an unreasonable length, in my view, having just flicked through it. I do think if the committee secretariat could talk to Dr McGrath and we could just speak to senators quietly around the table, we might be able to extend the hearing this afternoon. I know amongst at least the few senators and members around me that that is achievable, but I also know that it may not be achievable with others. I have not had a chance to tick-tack with them, but if we could do that I would prefer that. I am very worried about a situation where witnesses do not get an opportunity to put down what they want, and I will be as worried if we reduce the time for questioning witnesses. That is the most constructive suggestion I can make. If we can get some flexibility with Dr McGrath's evidence and other committee members, we might be able to achieve everything we want.

**CHAIR**—It might be possible, accepting your suggestion, Senator Faulkner, for us to hear from Dr McGrath in Canberra when we have a public hearing there. That would be disappointing. Unfortunately, the same thing happened with Professor Colin Hughes. I think Dr McGrath was aware of that because she was present at the time, and I know that she has been waiting a long time. Sometimes these things get a bit out of hand, as she would know. This is obviously a controversial aspect of the hearing, and I know that there are senators who must leave at 3 o'clock—

**Senator FAULKNER**—I was not aware of that.

**CHAIR**—So would you propose that Mr Simat finishes reading his statement? We could still go until 3 o'clock.

**Senator FAULKNER**—I certainly propose that we spend as much time as we can on the questions. It is at least a good idea to ask Dr McGrath to appear in Canberra, if we can do that. I am very reluctant to curtail the opening statements of these two witnesses—it does not matter who they are; that is not the point. We have not curtailed other people with their opening statements, and we might have to bring them back.

**CHAIR**—We do not want to have to do that. We want to finish by 3 o'clock, so I suggest, Mr Simat, that you try to summarise it, knowing that this will become a submission to the

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committee and it will be on the public record. Perhaps you could read out a couple of key paragraphs. In the meantime Mr Berman might also work out which are his key paragraphs. His submission will become submission No. 53, and it will certainly be on the public record for us to deal with as evidence. I would like to keep to the 3 o'clock time limit—there are at least three members of the committee who cannot be here after 3 o'clock—and I would like to complete the hearing of evidence from Mr Simat and Mr Berman today.

Resolved (on motion by **Senator Murray**, seconded by **Mr St Clair**):

That the committee accept Mr Simat's submission as submission No. 52.

**CHAIR**—Mr Simat, have you got the key paragraphs you would like to read into the record?

**Mr Simat**—Yes, I certainly have.

**CHAIR**—Please proceed then.

**Mr Simat**—I have read the House of Representatives extracts. They contain speeches by Labor members of parliament which, under the cover of parliamentary privilege, have made allegations. Nobody bothered to contact me to confirm any of the accusations.

I found it difficult to prepare for this hearing. I found it difficult to prepare written submissions because the committee has not provided me with 'a statement of the matters expected to be dealt with' during my appearance as a witness—see Senate resolutions 1 and 3. As far as I can see, the *Hansard* extracts covered a range of issues outside of the terms of reference for this committee.

I have been advised by my barrister to truthfully and fully respond to any questions put to me which are within the terms of reference. I reserve my right, however, to not answer any question which is outside the terms of reference and/or which may tend to incriminate me. I am not a lawyer nor am I skilled in these matters, so I may need my barrister to advise me as to whether a particular question should be answered. The committee has not followed its own procedures as set out in the Senate resolutions. I have not been given a statement of what is alleged nor of how I can help the committee. The committee's approach has not been fair.

In none of the *Hansard* extracts have I been accused of committing any breach of the Commonwealth Electoral Act. I have not falsely enrolled in any federal or state electorate or local government area. The parliamentary speeches purport to include facts about some people in the Penrith area. These speeches are full of innuendo and unsubstantiated accusations. As far as this inquiry is concerned, I have found it difficult to identify precisely what I am alleged to have done. Since the committee has not provided me with a statement of what I am alleged to have done, I cannot answer allegations which have not been expressed. In the absence of identified allegations, all I can do is set out some relevant facts and correct the inaccurate statements made in the parliament.

In 1999, I decided to run for election as a councillor on the Penrith City Council. I sought and obtained Liberal endorsement for East Ward. It is a well-known fact among those who are active in politics that the Australian Labor Party is difficult to beat in local government

elections. The ALP regularly uses a technique of running so-called independents who will say they are independent but who are nothing more than Labor-supported and -organised candidates.

Local government elections are conducted on a proportional system. An effective preference strategy could make or break a campaign. Labor-supported independent candidates usually have no hope of winning. Their role is to gain above-the-line votes or to encourage their voters to follow their how-to-vote cards. The effect of this is to direct preferences to the Labor Party. So-called microparties—small groups of candidates with no hope of winning—have the same effect.

I did not have much experience in running for office. I could see that the parliament of New South Wales had created a system that favoured the organised use of so-called independents and microparties. One only has to look at what happened in the last election for the Legislative Council to see the effect of independents and microparties. If I were to have any hope of competing with the standard Labor technique, I worked out that I would need a preference strategy. For example, I discovered that the brother of an ALP Penrith councillor was going to run in the 1999 election as an independent in a ward different from the one in which he lived. His votes would then direct preferences to the ALP in that ward. I did not know too many people who wanted to run in the Penrith council election. I did find, however, three people who said they were interested in running for some pre-existing microparties. I believed they would direct some of their preferences to me. I told them they needed to live in the Penrith area and be on the electoral roll in Penrith before they would be eligible to run. I then thought about how I could help them.

The house at 15 Avon Place is owned by my niece, Liliana Djuka, and her then partner and now husband—not by my sister, as was alleged in parliament. My niece and her partner had purchased the home in early 1999; they lived elsewhere at the time. I became aware that the house was sparsely furnished and was vacant. They were concerned about it being vacant for any length of time. I arranged with my niece and nephew for three people to live at 15 Avon Place. My niece was happy that the house would now be occupied. I believe that they moved in and that the house became their principal place of residence. This enabled them to nominate in the election. In due course, they nominated under the name of some microparties. I won a position as a councillor. As it happened, their preferences did not play much of a role in getting me elected. One of those microparty candidates did not even direct all of their preferences to me; some of the preferences went to the Labor candidate. My decision to develop a simple preference strategy was influenced by the reality of running against the ALP.

As far as I can see, whether microparties which collect preferences are an appropriate feature of local government elections is outside the terms of reference of this committee. I believe that the New South Wales government has already moved to amend the law relevant to microparties as it affects future state elections. I am pleased that at last the federal parliament may be doing something about maintaining and protecting the integrity of the electoral roll. I have not broken any law in my campaign for the Penrith City Council. If I am to be criticised for having a preference strategy, then look at how the law allows fake independents and microparties to influence election results.

**CHAIR**—Thank you, Mr Simat. I would endorse your comments that preference deals are outside the terms of reference of the inquiry. In fact, it was not really necessary for you to go through all that information; nevertheless, thank you for that statement. Mr Berman, would you like to make an opening statement?

**Mr Berman**—Yes. I am here in the capacity of a former staff member of a federal minister. The Commonwealth Electoral Act is grossly inadequate in that the act allows elections to take place based on electoral rolls—the integrity of which cannot be guaranteed. There is something wrong with the system. All of us should wish for an electoral system which protects our rights and ensures that the electoral roll is not corrupted by opportunists. The committee's work is important, and I hope that you succeed in making useful recommendations to improve the electoral system.

I have come here willingly this afternoon. I have not been summonsed to appear. I believe the general issue of electoral fraud is of importance to the community. I will do my best to assist this committee and I will do my best to answer your questions to the best of my ability. I am not here to speak on behalf of the Liberal Party. I do not hold any office. I have only recently been elected to the Hornsby Shire Council representing the B ward. I want to cooperate with the committee. The committee's communication with me has not identified the allegations relevant to me and the inquiry. Having read a letter that I received from Dr Moore, I did not understand what the committee wanted of me. I got some legal advice. Nowhere in the letter was I told why I was being invited to appear. The first paragraph of the letter referred to providing an opportunity for the committee to question individuals and organisations about their previous submissions. I had not made any submissions to the committee.

I have read the House of Representatives extracts. They contain questions asked by the Leader of the Opposition and the Deputy Leader of the Opposition. Nobody from their offices bothered to contact me to confirm any of the accusations. The committee has not provided me with a statement of the matters expected to be dealt with during my appearance as a witness. I am referring in that to Senate resolutions 1 and 3.

I have been advised by my barrister to truthfully and fully respond to any questions put to me which are within the terms of reference. I reserve my right, however, not to answer any question outside the terms of reference and/or which may tend to incriminate me. I am not a lawyer, nor skilled in these matters, so I may need the advice of my barrister to advise me on whether any particular question should be answered. The committee has not followed its own procedures, as set out in the Senate resolutions. I have not been given a statement of what is alleged, nor how I can help the committee. The committee's approach has not been fair. I will do my best to deal with the allegations as I understand them.

I have been accused of falsely enrolling in the electorate of Lindsay. This is not true. I have not falsely enrolled in any federal, state or local government area. I commenced working for Jackie Kelly in December 1996. I was employed as an electorate officer, with duties to concentrate on media and research. At that time I lived with my parents in west Lindfield. I was enrolled in the federal electorate of Bradfield. Political jobs are difficult to get. I was excited at the opportunity of working with Jackie Kelly in Western Sydney.

Winning Lindsay was a great victory for the Liberal Party and a recognition that Labor did not own Western Sydney. I knew that, if Jackie Kelly and the Liberal Party wanted to keep the seat of Lindsay, a great deal of work would be required to service the electorate well and make Miss Kelly the only logical choice in Lindsay. I was prepared to move to Western Sydney and commit myself fully to my job and career. By that time my girlfriend, now wife, and I wanted to start living together. Also, at that time, she worked in the city. I had to find a compromise to respect her need to be close to work.

In January 1997 my then girlfriend and I moved to Summer Hill in Sydney. I thought that would be a compromise that could work. I was prepared to travel to Penrith to work. I started commuting by car to Western Sydney. In early 1997 large-scale work commenced to widen the M4 motorway. My travel time blew out from between 45 and 60 minutes to up to two hours—that is, in one direction. It rapidly became obvious to me that I could not keep this up. I started looking for some accommodation close to work and still acceptable to my girlfriend. I did not find anything suitable or acceptable to both of us.

In early 1997, I started spending significant time in Canberra as part of working for Jackie Kelly. That, combined with up to four hours per day commuting, placed great strains on my domestic life. I knew I could not stay in Summer Hill for too much longer. On top of work and my private life, I was also completing a commerce degree at the University of Western Sydney. I had to attend classes on campus in Western Sydney. I decided to urgently find an alternative. I was exhausted from the travel.

In or about May 1997, Miss Kelly made an offer of accommodation. I accepted her offer to stay in her house in Lapstone, in the lower Blue Mountains. I wanted to be part of my employer's electorate. I wanted to get rid of the lengthy commuting. I wanted to be near university. The price I paid for solving all of those problems was the strain on my relationship with my girlfriend. I intended to stay in the electorate of Lindsay, and I hoped that I could in time find a way for my girlfriend to also move to Western Sydney.

Some time in May 1997, I moved into Miss Kelly's house at Lapstone. I still had some possessions at Summer Hill and, for that matter, also at my parent's home in west Lindfield. From May 1997 for much of the working week I was either in the electorate—that is, living in Lapstone—or in Canberra. I got back to Summer Hill whenever I could. The arrangement was stressful, but it solved the problem of distance.

Not long after moving into Lapstone I changed my electoral enrolment to Lindsay at the Lapstone address. I could not move away from the electorate. However, my girlfriend agreed to move closer to me. Throughout 1997 my girlfriend and I looked for an appropriate place for her to live. In early 1998 we found a unit in Parramatta. By that time my fiancée moved to Parramatta in about February 1998. That made it much easier for us to see each other.

In about February 1998 Miss Kelly, together with her partner, purchased a home in Penrith. She moved into that home at around the same time. She offered me a room on the same basis as before. As it happened, in early 1998 I barely even spent much time in Penrith. For something like five out of six weeks in the first quarter of 1998 I was away from Sydney.



On 4 April 1998 I got married. I was away on my honeymoon until the last week in April. When I got married my wife and I made an agreement that I would continue with my somewhat itinerant living arrangement until the election that year. This was difficult for us. My wife lived in Parramatta and I lived some of the time in Miss Kelly's home in Penrith and some of the time in hotels and other accommodation in Penrith. Sometimes I even slept in the office, because of the hours I had to work. The closer I got to the election the more erratic were my living arrangements. On some nights close to the election my wife stayed with me in Penrith.

In May 1998 I changed my electoral enrolment to the Penrith address. I regret to say that my life was focused on Penrith, rather than in Parramatta with my wife. Mid-year I was also under great pressure to finish my last exams at university. All of the lectures and tutorials for that semester were in Penrith. After the general election in October 1998, with a great deal of relief, I moved back with my wife in the Parramatta unit. I changed my electoral enrolment to the Parramatta address.

To work as a political staffer—that is, electorate officer or adviser—one has a very challenging lifestyle. One must be prepared to live out of a suitcase for lengthy periods and be away from family. Many politicians can be very demanding. They are obsessed with their political welfare and frequently place staff in the position of having to work extraordinary hours. One's whole life revolves around the member in question. It is difficult to plan personal time, as the demands are often erratic, particularly close to elections and at any time of perceived political crisis. If your partner cannot or will not abandon all of their career or personal goals, then working as a staffer requires an enormous amount of compromise and stress. Somehow my wife put up with me during that period. I shall be forever grateful for her loyalty.

During my time with Miss Kelly I lived like an itinerant fruit picker. I had no home and had to work hard to keep my relationship going. The itinerant nature of my job and my commitment to being successful for Jackie Kelly and Lindsay meant I had to make many compromises in my living arrangements. I did my best to make my electoral enrolment reflect my arrangements. There was no perfect or absolute answer as to where I had my home. From about May 1997 to October 1998 my principal place of residence was within the Lindsay electorate.

I have not broken the law; I have not fraudulently or falsely enrolled in Lindsay. I had no intention to mislead anyone; I did not mislead anyone. I made a judgment about how to handle the complex problem of my enrolment. The attack on me under parliamentary privilege in question time by Mr Beazley and Mr Crean was disgraceful. It was an abuse of their right to raise important issues in parliament. Had they or any of their staff bothered to make the slightest inquiry of me, they would have discovered the truth. Their attack on me caused my employer great inconvenience, as the media visited my place of employment. My home was stalked by the media. My wife was further stressed by this ugly side of politics.

According to the recent media release by this committee, today's hearing was to provide evidence of fraudulent enrolment. Having been invited to attend in these circumstances I can only say that my story may tell you more about the life of a young electorate officer than about fraud of any sort. I am now working in the private sector. I have had my time of political employment. I am greatly enjoying my current role as a counsellor. It is a rewarding experience. I hope the Australian community gets the benefit of recommendations for legislative reform to

ensure the integrity of the electoral roll. This is fundamental to the continued success and stability of Australia in its Centenary of Federation.

**CHAIR**—Thank you. The government may have questions to ask. I was going to ask you and Mr Simat to outline your response to the allegations made about you in parliament by the Labor Party. You have done that extremely comprehensively. Any concern you may have had that you did not know what the committee wanted you to provide answers on or talk about you very adequately covered in your opening statements. As a consequence, I think you have acquitted yourselves very well in terms of responding to those allegations. That is now on the record. Most of the questions that I was going to ask have been comprehensively answered.

Resolved (on motion by **Senator Murray**, seconded by **Mr St Clair**):

That the submission by Mr Berman be named as submission No. 53.

**CHAIR**—I do not have any questions. I wonder if other members of the coalition might have any questions for Mr Simat or Mr Berman. If not, questions may be elucidated by other members of the committee, in which case we might come back to members of the coalition if they have any questions. Do the Democrats have any questions they would like to put?

**Senator BARTLETT**—Yes, I have an initial question, and I will see what comes out from that. Mr Simat and Mr Berman, both of you in your statements said that the Commonwealth Electoral Act is grossly inadequate and that changes need to be made. That is obviously a major focus of this inquiry. Do either of you have any experience, knowledge or evidence of any election outcomes that have been affected by a lack of integrity of the electoral roll?

**Mr Berman**—To my mind there has never been an example or a case which has been comprehensive enough to be proven as involving electoral fraud in influencing the result of an election. There are well-known examples which have already been raised before the committee—like the seat of Macquarie in 1993 and Badgerys Creek in 1995. In relation to the latter example the election was decided by a margin of roughly 100 votes. Suspicion is always aroused by the fact that something like 4,000 people—I do not have the exact figures—enrolled to vote in the last couple of days.

**Senator BARTLETT**—You were both in electorate officer employment. You were not at ministerial staff level?

**Mr Berman**—I moved on to the ministerial staff upon my then boss's promotion.

**Senator BARTLETT**—You would be aware, I imagine, even from that level of experience, that a lot of people are constantly changing address and moving to different places, and you have given us a bit of an outline of your frequent relocating. Isn't it a reasonable assumption that a lot of people do not get around to changing their address on the electoral roll until something, like an election being called, prompts them? And a lot of people do not necessarily straightaway change their drivers licence address or their car rego, or any of those sorts of things, particularly if they are moving from an address like their parent's or from somewhere where they can still get the mail. Isn't that a reasonable assumption in terms of why there is a sudden rush of people close to election time?

**Mr Berman**—That may be the case with some, yes.

**Senator BARTLETT**—I was just wondering because you both said—and particularly you, Councillor Berman—that the Commonwealth Electoral Act is grossly inadequate. That is a reasonably strong criticism, and it is obviously an important issue for the whole community, let alone for us involved in politics. In what way do you think it is grossly inadequate, as to have reached that degree of problem?

**Mr Berman**—I only need to, I guess, point out an example that has already been raised before this committee of someone's cat that was enrolled. Perhaps if you had a requirement of 100 points of ID—a drivers licence or whatever—being shown to prove the identity of that person, both when they enrol and perhaps when they vote as well, that may avoid that issue. I am certain for just about all people concerned it would not be an issue.

**Senator BARTLETT**—Do you have much of an idea of how many people are not enrolled that should be?

**Mr Berman**—No, I do not.

**Senator BARTLETT**—Do you think that is an issue of concern, as well, if significant proportions of the Australian community are not on the roll or are removed from the roll?

**Mr Berman**—I think that someone's right to vote is something which should be exercised.

**CHAIR**—I think we will allow about half an hour of questions from members of the opposition until about a quarter to three, and then there may be follow-up questions from the coalition.

**Senator FAULKNER**—Could I ask you, Councillor Simat, you are on the roll, I assume, at 2 Chrisalex Street, St Clair?

**Mr Simat**—That is right, yes.

**Senator FAULKNER**—Could you tell the committee who else is on the electoral roll at that address, please?

**Mr Simat**—Liliana Djuka, as I understand, Dianne Djuka, Damien Djuka and Ned Djuka.

**Senator FAULKNER**—And you live there?

**Mr Simat**—That is right.

**Senator FAULKNER**—And they all live there?

**Mr Simat**—That is right. Liliana Djuka moved out late last year.

**Senator FAULKNER**—So she does not live there?

**Mr Simat**—No, not at the moment. She has moved out.

**Senator FAULKNER**—But she is on the roll? She has not transferred her enrolment?

**Mr Simat**—She has not transferred it as yet.

**CHAIR**—Her transferring of her enrolment is not your affair, is it?

**Mr Simat**—No.

**Senator FAULKNER**—You became prominent in public life in September 1999 when you ran and were successful in the Penrith council elections.

**Mr Simat**—That is right.

**Senator FAULKNER**—In fact, you were the endorsed Liberal Party candidate, I assume?

**Mr Simat**—That is right.

**Senator FAULKNER**—You were No. 1 on the Liberal ticket?

**Mr Simat**—That is right, yes.

**Senator FAULKNER**—Who was No. 2 on the Liberal ticket there?

**Mr Simat**—Chris Bourne.

**Senator FAULKNER**—Was she was another staff member of Miss Kelly at the time?

**Mr Simat**—I believe she was working part time.

**Senator FAULKNER**—Fair enough. There are a whole lot of people, as I understand it, that you have had some association with, given the submission that you have made to the committee, who are enrolled out there. Is it right that also running in the Penrith council election were Paul and Jo Matosin, and they were running for the Marijuana Smokers Rights Party?

**Mr Simat**—That is right.

**Senator FAULKNER**—And they were enrolled at 15 Avon Place, St Clair?

**Mr Simat**—That is right.

**Senator FAULKNER**—Do you know any history about the Matosin's previous enrolment prior to enrolling at 15 Avon Place, St Clair?

**Mr Simat**—Mr Chairman, if I could consult my barrister, if that is okay. Sorry, if you can just repeat the question again, Senator.

**Senator FAULKNER**—I asked: did you have any idea of the Matosins' enrolment history prior to enrolling at 15 Avon Place, St Clair?

**Mr Simat**—I can't really speak on behalf of them.

**Senator FAULKNER**—Also running in that election was Adam Brown from the No Badgerys Creek Airport Party. He was also enrolled at 15 Avon Place, St Clair. Is that right?

**Mr Simat**—As I understand it.

**Senator FAULKNER**—He was. He enrolled there on 3 August 1999.

**Mr Simat**—I would not know exactly.

**Senator FAULKNER**—That is the day before the rolls closed for the council election. So you don't have any recollection of these characters coming on to the roll just before the rolls closed?

**Mr Simat**—Like I said, I can't speak on behalf of them.

**Senator FAULKNER**—But do you know Adam Brown?

**Mr Simat**—I know of Adam Brown, yes.

**Senator FAULKNER**—So you would know, in fact, that he was an active member of the Willoughby Young Liberals?

**Mr Simat**—I can't comment on how active he was with the Willoughby Young Liberals.

**Senator FAULKNER**—Maybe you can't comment on how active he was, but did you know he was a member of the Willoughby Young Liberals?

**Mr Simat**—To tell you the truth, I didn't know that he was an actual member myself.

**Senator FAULKNER**—I see. The situation we have is that Liliana Djuka, who is a candidate on the Liberal Party ticket for East Ward at the Penrith council elections, was enrolled at your address. In relation to Stan Celar, who is a candidate for the No Badgerys Creek Airport Party in East Ward of the Penrith council, do you know where he was enrolled?

**Mr Simat**—No, I don't.

**Senator FAULKNER**—Adam Brown was a candidate for the No Badgerys Creek Airport Party in East Ward and he is enrolled at 15 Avon Place, as you have indicated. There is Paul

Matosin, and he was the candidate for the Marijuana Smokers Rights Party in East Ward at Penrith council elections. That is right, isn't it?

**Mr Simat**—Yes, that is right.

**Senator FAULKNER**—He is enrolled at 15 Avon Place.

**Mr Simat**—As far as I know.

**Senator FAULKNER**—Jozep Matosin was a candidate for the Marijuana Smokers Rights Party, again in East Ward at Penrith council elections.

**Mr Simat**—Yes.

**Senator FAULKNER**—Again, he is at 15 Avon Place.

**Mr Simat**—Yes.

**Senator FAULKNER**—Would they be the same Matosins who, on the Liberal Party membership print-out of late 1999, were Mr Paul Matosin and Mr Jozep Matosin of 20 Hurley Avenue, West Hoxton? Would they be the same Matosins?

**Mr Simat**—They would be.

**Senator FAULKNER**—I see. Then you have Dianne Djuka enrolled at the same electoral address as yourself, and at this time Ned Djuka was doing the same thing. What about Anna Grguric? Have I pronounced that correctly?

**Mr Simat**—I guess so.

**Senator FAULKNER**—Well, you would know. You know her, don't you?

**Mr Simat**—I know her.

**Senator FAULKNER**—Of course you do. She was the Wilderness Party candidate in the East Ward.

**Mr Simat**—I guess I know a lot of candidates.

**Senator FAULKNER**—I know you know them.

**Mr Simat**—Labor and Liberal.

**Senator FAULKNER**—Yes, of course.

**CHAIR**—He might well know the candidates because he ran himself as a candidate.

**Senator FAULKNER**—He may know them because—and you might answer this, Councillor Simat—given the interesting enrolment history of these people, I think you indicated that you encouraged a significant number of them to enrol in the local government area and contest the Penrith City Council elections. You have admitted as much in the statement you tabled before the committee today.

**Mr Simat**—Yes.

**Senator FAULKNER**—They did not actually live there; you got them to enrol and contest.

**CHAIR**—I think Councillor Simat—

**Senator FAULKNER**—Excuse me. I am asking Councillor Simat, not you.

**Mr Simat**—I believe they did live there.

**CHAIR**—His earlier evidence was that they did live there.

**Mr Simat**—It is all documented, yes.

**Senator FAULKNER**—I have seen the statement that you have made, Councillor Simat. Do you know when these people enrolled?

**Mr Simat**—No, I do not know.

**Senator FAULKNER**—Did you encourage them to enrol?

**Mr Simat**—Like I have said: what I have said is in the statement.

**Senator FAULKNER**—I am asking you a very clear, simple question.

**Mr Simat**—No.

**Senator FAULKNER**—You did not encourage them to enrol?

**Mr Simat**—No.

**Senator FAULKNER**—Did you encourage them to nominate and stand for the election?

**Mr Simat**—Yes.

**Mr McCLELLAND**—Did you tell them in order to nominate and stand they had to be on the electoral roll in Penrith?

**Mr Simat**—Yes.

**Senator FAULKNER**—Do you know when they enrolled?

**Mr Simat**—No.

**Senator FAULKNER**—Would you be surprised to learn that in most cases they enrolled the day before the rolls closed for the Penrith City Council election?

**CHAIR**—I think Councillor Simat has indicated as much as he knows about the enrolment.

**Senator FAULKNER**—You are assisting just a bit too much.

**CHAIR**—I am not giving him any assistance. But I think you are badgering Councillor Simat, and I think he has indicated what he—

**Senator FAULKNER**—I am not badgering; I am asking him questions, I am waiting until I hear his answers and then I am asking him my next question, which is the process I intend to adopt, if that is all right with you.

**CHAIR**—It is not an unusual process.

**Senator FAULKNER**—No, it is not, so just let it go.

**CHAIR**—Would you like to repeat the question.

**Senator FAULKNER**—I was asking Councillor Simat of his awareness of the times most of these individuals enrolled on the electoral roll to enable them to nominate, at his request, for the Penrith City Council election.

**Mr Simat**—When I was aware? Is that what you are asking?

**Senator FAULKNER**—I cannot make it any clearer.

**Mr Simat**—I was not aware of when they enrolled—not at all.

**Senator FAULKNER**—But you were aware they had to enrol to contest.

**Mr Simat**—That is obvious; yes.

**Senator FAULKNER**—You asked them to contest.

**Mr Simat**—Yes.

**Senator FAULKNER**—But they were not enrolled until the day before the rolls closed. Is there no link there?

**Mr Simat**—Like I said, there is no link as far as I am concerned.

**Senator FAULKNER**—What sort of assistance did you provide to the candidates and not to the other enrollees?



**Mr Simat**—Mr Chair, is this within our scope of reference?

**CHAIR**—If you do not feel it is within the terms of reference—and there is an argument that it is not, because it is not to do with electoral enrolment—then it is up to you if you decide to answer or not.

**Mr Simat**—I object to the question as being out of the terms of reference.

**Senator FAULKNER**—We have allowed questions for two days at this hearing about slush funds and the like. Chair, you have consistently ruled that related questions are appropriate. We are not going to have a circumstance when the first witnesses who come before this committee from another political party today—

**Senator FERRIS**—Who was Peter Lindsay yesterday?

**Senator FAULKNER**—‘Today’, I just said.

**Senator FERRIS**—You did not say today.

**Senator FAULKNER**—I actually did—read the *Hansard*. It is true that Mr Lindsay was here yesterday, but I was talking about witnesses today and a range of witnesses yesterday who were asked questions about slush funds, a whole lot of issues that you could argue are extraneous to the terms of reference of this committee. This is right on the game. I want to know some details about assistance that Mr Simat may or may not have given to these candidates. I would suggest, Mr Chairman—

**Senator FERRIS**—If he chooses not to answer the questions, are you going to go out and break his legs?

**Senator FAULKNER**— I am not going to go and break anyone’s legs, Senator Ferris. But, Senator Ferris, you and the majority members of this committee wanted Councillor Simat and wanted Councillor Berman here—I opposed them even attending this hearing; I did not want to see them here. I wanted Miss Kelly at this hearing; I want to talk to the horse’s head.

**Senator FERRIS**—There’s no need to be offensive.

**CHAIR**—Senator Faulkner, the standing orders are such that you can ask the questions of Councillor Simat and Mr Berman.

**Senator FAULKNER**—We require an answer.

**CHAIR**—It is up to the witness whether they determine that they cannot answer the question either without incriminating themselves or because they believe it is outside the terms of reference. If I say to them, ‘Will you answer the question?’ and they say no, they do not believe that they are responsible for answering that question, then it is a matter for the Senate to determine whether they are in contempt of the Senate; it is not a matter for this committee. I cannot force them to answer. That is one of their rights.

**Senator FAULKNER**—But you allow questions on slush funds and all sorts of extraneous—

**CHAIR**—I have allowed the question. It is a question of whether Councillor Simat chooses to answer it. I have not ruled out the question. I have said that it is up to Councillor Simat and Mr Berman to determine their answers. I cannot make them answer a question, as you well know—the standing orders do not allow that to happen. We received advice from Jim Davis indicating that that would be one of the things that witnesses appearing before the committee may choose to do. I cannot be responsible for that. In private meetings perhaps next week we could discuss that, if that is how it turns out, but I cannot do anything about it today. You can ask the questions and Councillor Simat can get advice from his counsel if he wishes to.

**Senator FAULKNER**—Councillor Simat, does it strike you as strange that we have got a house owned by Liliana Djuka, the Liberal candidate, and Stan Celar, a No Badgerys Creek Airport Party candidate, and yet, according to electoral enrolments, it is occupied by Adam Brown of the No Badgerys Creek Airport Party and Paul and Joe Matosin of the Marijuana Smokers Rights Party?

**Mr Simat**—No.

**Senator FAULKNER**—That doesn't strike you as strange at all?

**Mr Simat**—No.

**Senator FAULKNER**—I see. It happens everywhere else, does it?

**Mr Simat**—I cannot comment on that.

**Senator FAULKNER**—You received assistance by way of preferences for your election to the Penrith City Council from these other candidates, I believe. Is that right?

**Mr Simat**—Once again, I believe the line of questioning is outside the terms of reference.

**Senator FAULKNER**—Councillor Simat, we have a whole series of activities here that are fraudulent—fraudulent activities that I would hope most members of this committee, and certainly beyond this committee, would think are important issues. Did Miss Kelly have knowledge of what was going on at this address—15 Avon Place, St Clair—and understand these arrangements that you had come to in relation to enrolment and preferences with these individuals?

**Mr Simat**—I never discussed it with her.

**Senator FAULKNER**—You were on her staff at the time?

**Mr Simat**—I was.

**Senator FAULKNER**—She was the local member at the time?

**Mr Simat**—That is right.

**Senator FAULKNER**—She does not have any interest in council elections, or you did not think she would be interested in what was happening out there in terms of local government elections?

**Mr Simat**—Like I said, I cannot really speak on behalf of her, I am sorry.

**Senator FAULKNER**—You never discussed it with Miss Kelly?

**Mr Simat**—I did not discuss it with her, no.

**Senator FAULKNER**—Can you tell the committee who witnessed the enrolment forms of Paul and Joe Matosin?

**Mr Simat**—I do not know.

**Senator FAULKNER**—You do not know who witnessed the electoral enrolment forms of Paul and Joe Matosin?

**Mr Simat**—No, I do not.

**Mr McCLELLAND**—Have you ever seen them?

**Mr Simat**—No.

**Mr McCLELLAND**—You have never seen the enrolment forms?

**Mr Simat**—No, I have not.

**Mr McCLELLAND**—Do you know where they were completed?

**Mr Simat**—No.

**Mr McCLELLAND**—They were completed in Miss Kelly's office, weren't they?

**Mr Simat**—I am not aware of that.

**Senator FERRIS**—That really is an outrageous—

**CHAIR**—He has answered the question: that he does not know.

**Mr Simat**—Again, can I ask whether that is within the terms of reference?

**CHAIR**—Yes, it is within the terms of reference because it is about enrolment. You said you did not know and that is the answer you have given. It is up to you if you want to answer it further.

**Mr McCLELLAND**—If those forms are produced by the Electoral Commission, who will they show as witnessing the application forms?

**Senator FERRIS**—Chair, he has already said he does not know.

**Mr LAURIE FERGUSON**—It is giving him another chance.

**Mr Simat**—I do not know.

**Senator FAULKNER**—Do you know where the forms were filled out?

**Mr Simat**—No, I do not.

**Senator FAULKNER**—What about Mr Adam Brown's enrolment form—do you know about that one?

**Mr Simat**—No, I do not.

**Senator FAULKNER**—Do you know about any of the enrolment forms of those who were enrolled at 2 Chrisalex Place, St Clair?

**Mr Simat**—No, I do not. I cannot speak on behalf of them.

**Senator FAULKNER**—Apart from your own, I assume.

**Mr Simat**—Apart from my own, yes.

**Senator FAULKNER**—Do you remember who witnessed your own enrolment form?

**Mr Simat**—No, I do not.

**Senator FAULKNER**—Do you remember when you filled it out?

**Mr Simat**—Off the top of my head, I cannot remember.

**Senator FAULKNER**—Do you still work for Miss Kelly?

**Mr Simat**—No, I do not.

**Senator FAULKNER**—When did you cease employment with Miss Kelly?

**Mr Simat**—Mr Chair, is this within the terms of reference?

**CHAIR**—It is as much within the terms of reference as slush funds and other things.

**Mr Simat**—I handed in my resignation on 5 January.

**Senator FAULKNER**—After the allegations about you were raised in the Commonwealth parliament.

**Mr Simat**—I left because I actually got an employment offer. I wanted to move into the private sector and obviously followed that path. That is what I am doing now.

**Senator FAULKNER**—What I am asking is: did you leave after the allegations about you were raised in the federal parliament?

**Mr Simat**—Yes.

**Senator FAULKNER**—Did Miss Kelly request that you leave her employment?

**Mr Simat**—Once again, Mr Chairman, I object to that line of questioning.

**Senator FAULKNER**—It is very important because I believe, Mr Chairman, that Miss Kelly effectively sacked Councillor Simat and required him to find alternative employment because of the issues that were raised in federal parliament. It is directly related to what we are investigating.

**CHAIR**—I have not ruled the question out of order.

**Senator FERRIS**—Mr Chairman, I raise a point of order.

**Mr Simat**—I will answer the question if you like. The answer is no.

**Senator FERRIS**—Councillor Simat has said he resigned; therefore, it is leading the witness and quite offensive to suggest that he was sacked. He said that he resigned.

**CHAIR**—I accept that. I also made the point that I did not rule the question out of order. Councillor Simat has answered the question. The answer is no.

**Mr Simat**—Absolutely not.

**CHAIR**—If Councillor Simat wishes to answer, that is up to him.

**Senator FERRIS**—He did answer. He said he resigned.

**CHAIR**—And he has just repeated that by saying no, he was not sacked.

**Senator FAULKNER**—Councillor Simat has said a lot of things. He said that Miss Kelly was not informed about his campaign and the campaign of all these other microparty candidates in Penrith City Council. The truth is, isn't it, Councillor Simat, that Miss Kelly, the federal member for Lindsay, sent out a letter on 25 June 1999? She said, 'You are probably aware that recently I was honoured to be elected as president of the Local Government Conference (LGC). I consider my main priority as president to be the coming local government campaign, which

has wider ramifications than the council itself.' You bet it does, Miss Kelly. That is one thing she was right about, wasn't it?

**Mr Simat**—Like I said, I cannot comment on Miss Kelly and what she said.

**Mr McCLELLAND**—Mr Berman, I understand from your statement, if I have the chronology right, that you were enrolled at the Caley Crescent address at Lapstone in May 1997.

**Mr Berman**—I cannot remember the precise date of when I first started staying there.

**Mr McCLELLAND**—Do you realise that at that time there were four persons enrolled at that address—Martin McGowan, Miss Jackie Kelly, Mr Gary Clark and you?

**Mr Berman**—To the best of my knowledge, that is correct.

**Mr McCLELLAND**—Did all those people live there at that time?

**Mr Berman**—Yes, they did.

**Mr McCLELLAND**—It was a three-bedroom house.

**Mr Berman**—Given that one of the people was actually Miss Kelly's partner, I guess they shared the same room.

**Mr McCLELLAND**—Still pretty crowded for four adults.

**Mr Berman**—I cannot comment on that.

**Mr McCLELLAND**—Did those four people continue residing there until there was a change of address to 6 Ladbury Avenue, Penrith?

**Mr Berman**—To the best of my knowledge, that is true.

**Mr McCLELLAND**—You do have knowledge. You lived there, didn't you? Didn't you say in your evidence that you resided there?

**Mr Berman**—Again, I spent a fair bit of time in Canberra as a staffer. When I could—and for that matter as often as I possibly could—I stayed with my then girlfriend. Other people had other commitments which caused them to travel as well. I cannot say that I ever kept notes on where people were.

**Mr McCLELLAND**—You say that is to the best of your knowledge. In my life I think some of the most horrific experiences have been moving house. Was that house removal done from Caley Crescent, Lapstone, to Ladbury Avenue, Penrith, by removalists or by the occupants of the house?

**Mr Berman**—I do not see how that is relevant.

**Mr McCLELLAND**—Surely you would remember, wouldn't you? Surely you would have to remember whether you were moving—

**Senator FERRIS**—There is absolutely no relevance to this question whatsoever. Whether or not a witness used a removalist or whether he hired a trailer or put something in the back of a car is of no relevance to the terms of reference here, and I would ask you to make that point—

**Mr McCLELLAND**—In deference to the senator, I will ask the question: surely you would remember moving your personal effects from one residence to another and assisting the occupants of that house to move their personal effects from one place to the other. It is an incredulous thing to say that, to the best of your knowledge, someone did or did not live there.

**Mr Berman**—As far as I was concerned, I loaded my things into my car and vacated the room that I stayed in. I cannot speak for anyone else. I cannot speak for how Jackie Kelly or anyone else moved their things from point A to point B.

**Mr McCLELLAND**—When did that move occur? Was it in May 1998?

**Mr Berman**—To the best of my knowledge, that move occurred a little earlier than that.

**Mr McCLELLAND**—Who moved into that house?

**Mr Berman**—To the best of my knowledge, it was Jackie, Gary and Marty.

**Mr McCLELLAND**—And you, I suppose?

**Mr Berman**—Again, as the time line that I handed to all members of the committee shows, between February and May, I was hardly around.

**Mr McCLELLAND**—So you did not move in at that time?

**Mr Berman**—No, I did not.

**Mr McCLELLAND**—When did you move in?

**Mr Berman**—I stayed there at times from May 1998 onwards.

**Mr McCLELLAND**—So between February and May you put your personal effects in the car and returned them to Summer Hill?

**Mr Berman**—A fair bit of my stuff remained in the office. It was my view to continue living in Penrith. As the time line shows, I was away from Penrith—from Sydney, for that matter—for five of the last six weeks leading up to my wedding. I had my wedding. I had the honeymoon overseas straight after that. So I was away from the area for a lot of that time.

**Mr McCLELLAND**—Where did you keep your personal effects during that time?

**Mr Berman**—As I remember it—and, again, we are talking about things that happened nearly three years ago—I would probably have kept some things under my desk in the office and wherever else I could. I might have even taken some of the things to Parramatta.

**Mr McCLELLAND**—Your girlfriend at that time moved from the Summer Hill address to the Parramatta address in February 1998.

**Mr Berman**—That is correct.

**Mr McCLELLAND**—You did not move in with her at that stage?

**Mr Berman**—Some items of my property were moved to Parramatta and, for that matter, some items of my property—as I remember it—I took back to my parents' place.

**Mr McCLELLAND**—In whose name was the lease at that Parramatta property?

**Mr Berman**—It would have been under both our names.

**Mr McCLELLAND**—Did you pay rent jointly at that time?

**Mr Berman**—I assisted my then girlfriend with paying the rent. She could not afford to do it on her own.

**Mr McCLELLAND**—But you were effectively living nowhere between February 1998 and May 1998?

**Mr Berman**—Correct.

**Mr McCLELLAND**—In terms of Mr Clarke's residence, if I can ask you that, was he living at the Caley Crescent address at Lapstone for the entire period that you resided there?

**Mr Berman**—I often saw him and, at other times, he was not there. I would often come back late at night and I would leave first thing in the morning, so often I would not have had a clue who else was in the house.

**Mr McCLELLAND**—I mean: for the duration of the period was that his place of residence?

**Mr Berman**—As I understand it. I saw him often enough, so I could only assume that it was.

**Mr McCLELLAND**—What about the Ladbury Avenue, Penrith, address?

**Mr Berman**—Could you please explain that part of the question.

**Mr McCLELLAND**—Yes. Did Mr Clarke live at the second address that the Hon. Jackie Kelly moved into—Ladbury Avenue, Penrith—during that entire period?



**Mr Berman**—Given that he is the joint owner of the house, he did.

**Mr McCLELLAND**—Do you know why he recorded 732 Railway Street, Wentworthville, as his postal address on his enrolment form when he was enrolling at the Lapstone address in Lindsay?

**Mr Berman**—It is not something I can answer.

**Mr McCLELLAND**—Do you know why he continued to appear in the 1996, 1997 and 1998 White Pages at the Wentworthville address?

**Mr Berman**—Again, it is not something I can answer.

**Mr McCLELLAND**—Where did you appear in the White Pages during the period from January 1997 until October 1998?

**Mr Berman**—Going on a piece of *Hansard* I read recently, during 1998 I probably would have appeared at the Parramatta address in the White Pages.

**Mr McCLELLAND**—You are not quite sure.

**Mr Berman**—I have to admit that I did not get an old directory to check. I am only going on what I believe the Leader of the Opposition said.

**Mr McCLELLAND**—Can you recall witnessing some enrolments on or about 3 August 1999?

**Mr Berman**—No.

**Mr McCLELLAND**—You did not witness your wife's enrolment at 2A Palm Grove Drive, Normanhurst?

**Mr Berman**—I probably would have.

**Mr McCLELLAND**—That would have been in about August 1999?

**Mr Berman**—That is correct.

**Mr McCLELLAND**—Around about the time of the council elections?

**Mr Berman**—Yes. My wife and I made the decision to move into Normanhurst in mid to late April. On this occasion, in contrast to the previous occasions, we actually purchased this house. I can assure you that that tends to slow down any future moves. There was an eight-week settlement, which ended up being a 10-week settlement. The vendor tried to force out a 12-week settlement.

**Mr McCLELLAND**—Can you recall at least witnessing her enrolment form?

**Mr Berman**—Sure. I believe that to be true.

**Mr McCLELLAND**—On that day are you aware that enrolment forms were completed for a Mr Adam Brown, a Mr Paul Matosin, a Jozep Matosin, a Dianne Djuka and a Nediljk Djuka? Are you aware that enrolment applications were also completed for those people at the same time?

**Mr Berman**—I was not aware of that but I am happy to take your word for it.

**Mr McCLELLAND**—Have you ever seen the enrolment forms of those persons?

**Mr Berman**—Not that I can remember.

**Mr McCLELLAND**—Are you prepared to state that you have never seen the enrolment forms of those persons?

**Mr Berman**—Only that I cannot remember.

**Mr McCLELLAND**—That is not very long ago; that is August 1999.

**Mr Berman**—You are talking about 15 months ago, and I have signed a lot of pieces of paper in that time. I cannot honestly remember every single—

**Mr McCLELLAND**—You are not denying that you witnessed those enrolment forms?

**Mr Berman**—It may well have been the case. I honestly cannot remember. I really cannot remember.

**Mr McCLELLAND**—If you witnessed those, would they have been witnessed in the office of Jackie Kelly?

**Mr Berman**—When I was based in the electorate, which was for the best part of two years, there would be people coming into the office asking various staff members to witness all sorts of documents. At times that may well have included electoral enrolment forms among other documents. At least one lady in the office that I am aware of was a JP. I honestly cannot remember every piece of paper I witnessed, signed, et cetera.

**Mr McCLELLAND**—At the time did you know those people were candidates in the Penrith council elections?

**Mr Berman**—Most of those people I would not know if I fell over them in the street, to be honest.

**Mr McCLELLAND**—Did you know them at the time?

**Mr Berman**—No I did not and I do not now—other than their names; I do not know them personally.

**Mr McCLELLAND**—Do their names ring a bell?

**Mr Berman**—Yes, sure.

**Mr McCLELLAND**—Did you know who was running for minor parties in the Penrith City Council elections?

**Mr Berman**—Certainly not at that time. I have heard of them now.

**CHAIR**—The time for opposition questions is completed. There might be some coalition questions. I certainly have a couple. Mr Simat, have you ever been involved in electoral fraud?

**Mr Simat**—No.

**CHAIR**—Have you ever knowingly assisted anyone in perpetrating electoral fraud?

**Mr Simat**—No.

**CHAIR**—To the best of your knowledge, has Miss Kelly ever been involved in electoral fraud?

**Mr Simat**—No.

**CHAIR**—To the best of your knowledge, has Miss Kelly ever assisted in perpetrating electoral fraud?

**Mr Simat**—No.

**CHAIR**—Mr Berman, have you ever been involved in electoral fraud?

**Mr Berman**—No.

**CHAIR**—Have you ever knowingly assisted anyone in perpetrating electoral fraud?

**Mr Berman**—No.

**CHAIR**—To the best of your knowledge, has Miss Kelly ever been involved in electoral fraud?

**Mr Berman**—No.

**CHAIR**—To the best of your knowledge, has Miss Kelly ever been involved in assisting in the perpetrating of electoral fraud?

**Mr Berman**—No.

**Senator FAULKNER**—You could have made a good comedy writer.

**CHAIR**—Thank you, Senator Faulkner, that might be my next job—and the joke will be on you. The job of an electoral officer in a local electorate office involves, especially in a marginal seat, many people coming off the street who want to be enrolled on the electoral roll. Would you often be invited by people who came in to be enrolled to witness their enrolment forms as part of your job?

**Mr Berman**—Yes, as part of my job. Sometimes they would and sometimes they wouldn't.

**CHAIR**—Mr Simat, in your job as an electoral officer have you ever been invited to witness people's enrolment forms when they came in off the street?

**Mr Simat**—Absolutely.

**CHAIR**—In the time that you were both working for Miss Kelly, would that have happened on a regular basis or on a basis at all?

**Mr Berman**—Yes.

**Mr Simat**—Yes.

**CHAIR**—Are there any other questions from the coalition?

**Mr SOMLYAY**—Mr Berman, as a person who has been a member, a minister, and a staffer for six years I am fully aware of the need to be on tap. Surely Jackie Kelly would have required you to be on tap. If you lived in Parramatta, could you honestly say that you were on tap for your member or your minister?

**Mr Berman**—Certainly not as well as I would have been if I was actually in the electorate.

**Mr SOMLYAY**—Was it the usual thing for Jackie Kelly to contact you after hours on official business?

**Mr Berman**—Quite often.

**Mr SOMLYAY**—Did you have to go to the office, as a consequence, after hours, out of hours—how often?

**Mr Berman**—Yes, there was always a possibility of that happening.

**Mr SOMLYAY**—It is quite usual, isn't it?

**Mr Berman**—Correct.

**Mr SOMLYAY**—It is not restricted to members of the Liberal Party, by the way. Do you have a joint phone number in Parramatta with regard to the listing in the White Pages?

**Mr Berman**—Yes, back in those days I did.

**Mr SOMLYAY**—Thank you.

**Senator MASON**—Mr Berman, in May 1997 you were offered a room at Jackie Kelly's house. Is that correct?

**Mr Berman**—Sure.

**Senator MASON**—Whereabouts were your personal possessions at that time?

**Mr Berman**—They were spread out, much to my parents' frustration. Quite a lot of my possessions were still at their place, some were at my wife's place and some were with me in Penrith. Some seemed to stay in my car and some of my belongings were even taken to Canberra.

**Senator MASON**—It was a hectic lifestyle and you had bits and pieces everywhere?

**Mr Berman**—Correct.

**Senator MASON**—How about you, Councillor?

**Mr Simat**—I am sorry, could you repeat that?

**Senator MASON**—In terms of your lifestyle, have you had bits and pieces of your belongings everywhere?

**Mr Simat**—It goes with the job to a large degree, yes.

**Senator MASON**—In what sense? Is it an unsettled lifestyle?

**Mr Simat**—That is right.

**Senator MASON**—Do you sometimes leave things with your parents?

**Mr Simat**—I used to leave them with my parents or wherever: with my sister, in the office, in the car—you name it.

**Senator MASON**—I think Mr McClelland's questioning was really that you remember taking all your things to a certain location and you couldn't possibly forget that. What I am trying to get at is that, in fact, you had bits and pieces everywhere and that that was, in a sense, part of the lifestyle that went along with that job. Is that right?

**Mr Simat**—Yes.

**Senator MASON**—Thank you.

**CHAIR**—Senator Murray has indicated that he has a few follow-up questions and Senator Faulkner has one as well.

**Senator MURRAY**—Councillor Simat and Councillor Berman, your statements are very similar with similar phraseology, which is not surprising given the fact that you were assisted by counsel, so I make no criticism. My colleague Senator Bartlett did draw attention to something which is probably as strongly worded as anything we have seen as a submission: the words ‘grossly inadequate’. If any member of this committee were to describe the electoral roll in any sense as ‘grossly inadequate’ it would likely get some attention from the media. It is a very strong criticism. What I would like to know, since you both have the view that it is grossly inadequate—would you each answer, one after the other, please—is: did you independently come to the view that it was grossly inadequate? Were those your own words or were they words suggested to you by your legal counsel? Or is it a view that arose out of your employment in a member’s electorate office? Or is it the view of the Liberal Party, to which you are attached? In other words, I want to know how you form such a strong view about the electoral roll.

**Mr Simat**—Being involved in politics for the last two years or so, I have become aware of certain discrepancies. The example of the cat was raised before. There was the example of the 1995 state election at Mulgoa and the Macquarie election in 1993. There have been books written about it. Dr Amy McGrath has well documented these things.

**Senator MURRAY**—Have you read those books?

**Mr Simat**—I have skimmed through books like that. I have seen a video and what have you. There is obviously information available. There is a problem with the system.

**Senator MURRAY**—Are those words yours, or is that your counsel’s summary of your views—‘grossly inadequate’? Are those words you have actually used in compiling the statement or are they from when counsel was asking you questions?

**Mr Simat**—Obviously I have sought the advice of my counsel.

**Senator MURRAY**—Okay. If you follow the view that the roll has gross inadequacies attached to it and you believe the views of Dr McGrath, who has a long history of interest in this matter, it would then lead us to the view that the electoral fraud allegations made about you and Councillor Berman or found to be fact in Queensland are much more widespread than we have so far discovered. It is a very important view you have taken that there are gross inadequacies. Are you suggesting that electoral fraud is common?

**Mr Simat**—I could not comment on that.

**Senator MURRAY**—Surely, if you come to the view that there are gross inadequacies—

**Mr Simat**—Like I said, that was in consultation with my legal counsel.

**Senator MURRAY**—Is it an exaggeration perhaps, given the inference I have put to you?

**Mr Simat**—I could not comment on that.

**Senator MURRAY**—I must not act as a substitute chair, but I should say to you that the credibility of your answers in terms of the committee's assessment of your evidence is affected by the way in which you answer. When somebody writes down that it is grossly inadequate and then says, 'I cannot comment on it'—I am looking for detail and substance.

**Mr Simat**—It was in the context of my legal advice.

**Senator MURRAY**—I am looking for detail and substance as to what 'gross inadequacy' means.

**Mr Simat**—I will repeat it again: the wording was in consultation with legal advice.

**Senator MURRAY**—So is that his view? Are those your words? Is that your sincere belief?

**Mr Simat**—I believe there are certain inadequacies.

**Senator MURRAY**—Certain, not gross? Gross is 144; certain is a couple.

**Mr Simat**—Obviously gross; it is written there. There are problems.

**Senator MURRAY**—I am not trying to be amusing. I do find that—

**Senator FAULKNER**—Your knowledge of the avoirdupois system is very impressive.

**Senator MURRAY**—Yes; it is probably outdated a bit.

**Mr Berman**—Would you like me to answer?

**Senator MURRAY**—I will come to you, Councillor. My problem is that someone who expresses such a strong view should have substance to back up that view. What you have said to me is that a kind of general flicking through of Dr McGrath's works and a general reading of matters has driven you to this view. It is a very serious thing to bring the integrity of the roll into question unless you have good knowledge of it. I would hope that being on the staff of a member and now a minister you might have good knowledge of it and therefore you could assist the committee more than you are doing.

**Mr Simat**—Like I said, most of the information I have got is from reading newspapers.

**Senator MURRAY**—Thank you. Councillor Berman, you understand the line of argument I have pursued.

**Mr Berman**—Sure. In relation to the first part of your question, I guess the best answer I could give is: all of the above. There have been a number of people. For example, there is a postman whom I know from the lower Blue Mountains who would regularly come to me with all sorts of anecdotes about people being enrolled to vote at vacant blocks of land and the like.

**Senator MURRAY**—Can I stop you there? Could I ask you if you would be willing to, on a confidential basis, provide the committee with the name of that postman or, alternatively, give it direct to the AEC so that the AEC could examine the credibility of allegations such as that which are fraudulent?

**Mr Berman**—I would seek advice on that.

**Senator MURRAY**—You should not be an accomplice in concealing a crime.

**Mr Berman**—No, all I am saying is—

**Senator FERRIS**—Peter Beattie was.

**Mr Berman**—Someone would come to me—that is only one example—and say that, from his experience as a postman, and that of his other colleagues in the industry, he would be aware of, for example, people having enrolled to vote at vacant blocks of land and the like, obviously fraudulently. That is one example. There are other people that I know—

**Senator MURRAY**—If I may, I will interrupt you, Mr Berman. If somebody came along and said, ‘I know that such and such a person has burgled a house,’ surely you would regard it as your duty to tell the police for them to check whether it is an allegation or whether it is true. If somebody fraudulently enrolls themselves at vacant blocks of land, it is a crime. Did you make any effort to advise the AEC?

**Mr Berman**—Certainly. Whenever—and this happened I would hate to think how many times during the 18 months I was based in the electorate office—I had a piece of mail returned and it said ‘No longer at this address’ or ‘Not known at this address,’ I would promptly send that and the whole bundle of photocopies of the addresses, et cetera, up to the AEC for them to look at. It was something I did regularly, probably thousands of times.

**CHAIR**—In view of the time, Senator Murray, have you finished your line of questioning?

**Senator MURRAY**—I have had enough to pursue the issue.

**CHAIR**—There are three coalition members who have to leave the committee and I do not propose that we continue without a full committee. I think we probably have time for two quick questions from the opposition and then we will pass this resolution. We have to table a media statement for Senator Conroy and then we will call the meeting to a close.

**Senator FAULKNER**—I will direct one question to Councillor Simat and another to Councillor Berman. Councillor Berman, I have read your statement in some detail. I notice paragraph 5.13 where you indicate that on 4 April 1998 you got married. You have outlined your living arrangements, et cetera. We know that there is a telephone on in your name in Parramatta, where your wife is enrolled. We know that the situation is that apparently the lease on that place is in both your and your wife’s name. Are you seriously saying to this committee, are you honestly saying to this committee in this circumstance that, after 4 April 1998, that electoral enrolment history that you have outlined in your submission is fair dinkum?



**Mr Berman**—Yes. I would need to check exactly whereabouts. We had an agreement that, once the election was over and the hectic period was over, I would move back in. It was a condition I fully agreed with. I guess something else you and other members of the committee may be aware of is that still to this day both my bank accounts are actually at branches in Penrith.

**Senator FAULKNER**—I am not aware of that and I am not interested.

**Mr Berman**—I know, but it helps to balance it off. I was a member of a gym in Penrith. I regularly, for example, had my hair cut in Penrith. There are all sorts of other things I did in the local area and never in Parramatta.

**Senator FAULKNER**—But your wife lived in Parramatta and you lived in Penrith. My final question to you, Councillor Simat, goes to the question of your future in the light of this inquiry and the allegations that were made in the parliament about electoral fraud. In the light of this issue, can you say to the committee that you will be serving out your term as a councillor on the Penrith City Council?

**Senator FERRIS**—I raise a point of order, Mr Chair. That question has absolutely no relevance whatsoever to our terms of reference.

**Senator FAULKNER**—It does. It has a lot of relevance. I want to know if Councillor Simat intends to serve out his full term as a councillor in the light of the allegations that have been made today.

**Senator FERRIS**—Chair, what is the point of relevance there in terms of our electoral inquiry?

**CHAIR**—What he does with his future is really not relevant to the inquiry.

**Senator FERRIS**—Absolutely; it is a hypothetical question in any case.

**Senator MASON**—We did not ask that question of Councillor Mooney.

**Senator FAULKNER**—No, I did not; I am asking it of Councillor Simat.

**CHAIR**—I do not think it is a relevant question.

**Senator FERRIS**—It is an irrelevant question, and you know it.

**CHAIR**—It might be an attempt by the Labor Party to find out whether or not they are going to have to face a by-election.

**Senator FAULKNER**—It is not true that Miss Kelly not only sacked you but has told you to get out and resign as a councillor in Penrith? Tell the truth.

**Mr Simat**—No.

**CHAIR**—Are there any final questions from the opposition, or was that the last one? If not, Senator Conroy has asked that we table a media statement he has made in the light of Mr Birmingham's allegations today before the inquiry. I think that would be appropriate. I would ask somebody to move that it be exhibit No. 13.

**Senator FERRIS**—We haven't seen it.

**CHAIR**—It will be circulated. You do not usually see things before they become exhibits. Yesterday we did not.

Resolved (on motion by **Senator Bartlett**, seconded by **Senator Ferris**):

That the media statement of Senator Conroy become exhibit No. 13 to the inquiry.

**CHAIR**—It simply refutes the allegations.

**Senator FERRIS**—He has denied it.

**CHAIR**—Yes, strangely enough he has denied it. I would like to thank the witnesses who have appeared before the committee today. In concluding today's hearings, I thank Councillor Simat and Councillor Berman for their attendance and their counsel. I also thank all the other witnesses who have appeared today and yesterday. I apologise on behalf of the committee to Dr McGrath, who finds herself in the same position as Professor Hughes. Please be assured that we will hear from you in Canberra, if that is okay with you. We will work that out in the coming weeks. I also thank the secretariat for their efforts in the last two days and also particularly *Hansard* and Sound and Vision for all their excellent work in the last two days in recording our proceedings. Thank you to the New South Wales parliament for having us.

Resolved (on motion by **Senator Mason**, seconded by **Senator Ferris**):

That this committee authorises publication, including publication on the parliamentary database of the proof transcript of the evidence given before it at public hearing this day, and draws the attention of those who may access the transcript to the suppression orders placed on evidence, names or addresses ordered not for publication by the Shepherdson inquiry.

**Committee adjourned at 3.07 p.m.**