

ROYAL COMMISSION INTO TRADE UNION  
GOVERNANCE AND CORRUPTION

Public Hearing

(Day 5)

Level 5, 55 Market Street, Sydney

On Thursday, 12 June 2014 at 10.00am

Before the Commissioner: The Hon. John Dyson Heydon AC QC

Counsel Assisting: Mr Jeremy Stoljar SC  
Mr Michael Elliott

Instructed by: Minter Ellison, Solicitors

1 THE COMMISSIONER: Yes, Mr Stoljar.

2

3 MR STOLJAR: Commissioner, at the conclusion of the hearing  
4 yesterday, I foreshadowed that there were some objections  
5 to Mr Wilson's statement. If it's convenient, could I come  
6 to those at the outset.

7

8 THE COMMISSIONER: Yes.

9

10 MR STOLJAR: The first minor matter relates to the final  
11 sentence of paragraph 33 of the statement of 4 June 2014.  
12 That sentence is not pressed.

13

14 THE COMMISSIONER: Thank you. While I think of it,  
15 Dr Hanscombe mentioned some corrections. They will be  
16 handled when Mr Wilson enters the box

17

18 MR STOLJAR: Yes, that's what I propose to do. I take  
19 objection to paragraphs 331 through to 370 inclusive of the  
20 statement of 4 June 2014 and I take a similar objection to  
21 paragraphs 17 through to 39 inclusive of the statement of  
22 6 June 2014. In a nutshell, those are the paragraphs that  
23 deal with events in recent years involving or said to  
24 involve a Mr Nowicki.

25

26 My objection is on the grounds of relevance. Events  
27 occurring in 2012 and subsequently have, in my submission,  
28 no relevance to the issues raised by the terms of reference  
29 for this Commission. The evidence is, in any event, not  
30 probative of any factual matter likely to be in  
31 controversy.

32

33 To the extent that Mr Nowicki is alleged to have  
34 proffered some inducement to Mr Wilson, if that is what the  
35 evidence is directed to, it goes nowhere because Mr Wilson  
36 says he didn't succumb to that. That means that the only  
37 conceivable relevance - and this is rather tangential, in  
38 my respectful submission - would be if it was somehow  
39 established that this was part of a course of conduct in  
40 which inducements were proffered to other witnesses before  
41 the Commission this week and that that contact had somehow  
42 brought into question the evidence given by those other  
43 witnesses.

44

45 Commissioner, you will recollect that the witnesses  
46 who have given evidence to the Commission this week were  
47 the following: firstly, Mr Cambridge, it wasn't put to

1 Mr Cambridge that he'd had any contact with Mr Nowicki.  
2 Then Mr Jukes, it wasn't put to Mr Jukes that he'd had any  
3 contact with Mr Nowicki. Then there was Ms Palmer, no  
4 suggestion that her evidence had been altered in any way by  
5 any contact with Mr Nowicki or, indeed, there was no  
6 evidence and it wasn't put that she'd had any contact with  
7 Mr Nowicki. Then there was Mr Spyridis, the same again,  
8 and then we come to Mr James and Mr Hem, they were asked  
9 about Mr Nowicki and they simply said they'd had no contact  
10 with him whatsoever.

11  
12 That takes us through the first six witnesses. Then  
13 we come to Mr Kernohan, he was asked about that matter and  
14 he simply said that he had received one airfare paid and  
15 some friendship or legal assistance from Mr Nowicki, but he  
16 was very clear in saying that it hadn't affected the  
17 content of his evidence in any way.

18  
19 My short submission is that even taking an extended  
20 view of relevance, these matters go to no issue raised by  
21 the terms of reference and aren't probative of any matter  
22 before the Commission. That's my main objection.

23  
24 My second objection relates to some of the documents,  
25 in particular, the annex to the supplementary statement of  
26 6 June 2014. The additional objection is that those are  
27 emails in respect of which you have already ruled,  
28 Commissioner, on 13 May 2014. You ruled that those emails  
29 or communications between Mr Blewitt and Mr Wilson were not  
30 relevant to any issue before this Commission. The same  
31 emails are now, or communications are now sought to be put  
32 into evidence via Mr Wilson's supplementary statement.

33  
34 The short proposition is that the fact that there may  
35 have been email or other exchanges in 2012 doesn't  
36 establish any factual matter about the nature of  
37 a relationship between the two participants in that email  
38 exchange in 1992, 20 years earlier. Those are my  
39 submissions. May it please the court

40  
41 THE COMMISSIONER: Yes, thank you. Yes, Dr Hanscombe.

42  
43 DR HANSCOMBE: If the Commission please. Everything that  
44 Mr Stoljar has said to you about the witnesses this week is  
45 true. I don't cavil with it. The witness he has left out  
46 is Mr Blewitt who wasn't this week.

47

1           In my submission, as the evidence is unfolding in this  
2 Commission, a central question which will require  
3 determination by the Commission is the credibility of  
4 Mr Blewitt versus the credibility of Mr Wilson. That will  
5 be a central issue in our submission.  
6

7           There is no doubt that Mr Nowicki, on the evidence of  
8 Mr Wilson, made throughout the period beginning in early  
9 2012 and certainly from April 2012, all the way through to  
10 November 2012, repeated attempts to get Mr Wilson to give  
11 particular items of information concerning the former  
12 Prime Minister and other matters, and there is no doubt  
13 that Mr Nowicki's attempts - the reason I say there is no  
14 doubt is I don't know if the Commission, not being bound by  
15 the rules of evidence, is aware of the matters in the  
16 media, but Mr Nowicki has agreed on national television  
17 that he made those attempts  
18

19 THE COMMISSIONER: Just say that again. Mr Nowicki agreed  
20 on national television that --  
21

22 DR HANSCOMBE: That he had made such attempts. Mr Nowicki  
23 was interviewed on the 7.30 Report on Tuesday night. The  
24 relevance of those attempts is two-fold really. One, as  
25 Mr Stoljar says, Mr Wilson says he resisted those attempts  
26 despite financial and other inducements. Two, Mr Wilson  
27 says that Mr Nowicki finally said to him, "Well, if you  
28 won't cooperate, we'll have to get Blewitt", and the  
29 chronology of those matters --  
30

31 THE COMMISSIONER: Pausing there, which paragraph says  
32 that?  
33

34 DR HANSCOMBE: I can take you to paragraph 350, three  
35 lines from the bottom.  
36

37 THE COMMISSIONER: Yes.  
38

39 DR HANSCOMBE: There are subsequent attempts after that  
40 statement to get the cooperation of Mr Wilson which  
41 Mr Wilson says are resisted and the events in November of  
42 2012 unfold like this: on 5 November, Mr Nowicki emails to  
43 Mr Wilson a detailed chronology of the events he says  
44 occurred back in 1992 and 1993, and that chronology is  
45 BW-38. On 21 November, Mr Blewitt gave a TV interview  
46 himself on the 7.30 Report. On the 23 November 2012,  
47 Mr Blewitt made three statements to police which he signed

1 as true and correct under penalty of perjury and yet, which  
2 he has given you evidence in this commission had been  
3 drafted by Mr Nowicki and which he had "glanced through".  
4 I can give you the transcript references if that would  
5 assist.

6  
7 THE PRESIDING MEMBER: I remember the evidence.

8  
9 DR HANSCOMBE: If the Commission please. And then on  
10 27 November, Mr Wilson gives a television interview and  
11 after that comes another email or text from Mr Blewitt of  
12 a somewhat different character. Now, I recognise that the  
13 narrative I'm describing to you at the moment overlaps  
14 between the two statements and really the statement of  
15 6 June is truly supplementary. This material ought to have  
16 been in that first statement. So, if I may deal with  
17 Mr Stoljar's second objection in developing these  
18 submissions, it is also true, of course, that the  
19 Commission ruled that I could not tender what now are  
20 BW-40, 41 and 44 through Mr Blewitt.

21  
22 The Commission held at the time of that attempt to  
23 tender that those communications were not relevant to  
24 anything concerning the terms of reference.

25  
26 I now seek to tender them through Mr Wilson and say  
27 they have two kinds of relevance. One, Mr Blewitt has told  
28 you in the witness-box - and I think he shed a tear doing  
29 it - that he was intimidated by Mr Wilson and he followed  
30 orders blindly because he feared for his job. BW-40 and  
31 BW-41, being communications that come unbidden,  
32 unsolicited, from Mr Blewitt 15 years after the event, show  
33 the true character of Mr Wilson's and Mr Blewitt's  
34 relationship and it certainly does not appear to have been  
35 intimidatory.

36  
37 BW-42 and BW-43, likewise, they were not the subject  
38 of a ruling last time because I didn't have them.

39  
40 BW-44 completes that chain of narrative because it  
41 shows Mr Blewitt's reaction to Mr Wilson's 7.30 interview  
42 and Mr Blewitt says in that email, "You fell in to my  
43 trap."

44  
45 Now, if you take that narrative together, it does  
46 raise, in our submission, a serious question for this  
47 Commission as to what to do with Mr Blewitt's evidence and

1 Mr Blewitt's evidence is absolutely central to the  
2 allegations made against Mr Wilson. If Mr Blewitt's  
3 evidence has been influenced, procured, even worse, written  
4 by Mr Nowicki, then contrary to the submission of counsel  
5 assisting, we submit to you that that is a central issue  
6 and it's on that basis that we seek to put this material  
7 before you.

8  
9 An even more remarkable event occurred after the  
10 preliminary hearing with Mr Blewitt. Accepting that the  
11 material is hearsay, it appears that Bill Telikostoglou was  
12 contacted several times by Nowicki and Blewitt in Athens  
13 and it even appears they may have gone to visit him. Now,  
14 those matters are matters that the Commission --

15  
16 THE COMMISSIONER: Bill Telikostoglou was contacted by  
17 Mr Nowicki and --

18  
19 DR HANSCOMBE: And Blewitt. I can give you the reference

20  
21 THE COMMISSIONER: You say they may have gone there?

22  
23 DR HANSCOMBE: I'm sorry?

24  
25 THE COMMISSIONER: You said "and they may have gone  
26 there"?

27  
28 DR HANSCOMBE: Yes. You can see that in paragraphs 365 to  
29 367 inclusive. This is not of a satisfactory standard of  
30 evidence, I accept that completely, but it does raise  
31 serious issues that, in my submission, should be  
32 investigated by the Commission. Mr Wilson would be able to  
33 provide a telephone contact and the Commission could  
34 investigate that matter. We resist the proposition that  
35 none of this material is relevant to anything concerning  
36 the terms of reference. As I say on the primary --

37  
38 THE COMMISSIONER: You are saying it's relevant to credit

39  
40 DR HANSCOMBE: And credit is central to the terms of  
41 reference because you will have to determine, in our  
42 submission, whether Blewitt's account of what happened with  
43 various monies is correct or whether Wilson's account of  
44 what happened with various monies is correct. This is  
45 a head-on contest.

46  
47 THE COMMISSIONER: Your concern was some sort of

1 conspiracy or perhaps not conspiracy to procure the giving  
2 of false evidence?  
3  
4 DR HANSCOMBE: I haven't used the word "conspiracy",  
5 Commissioner. I'm concerned with interference with  
6 evidence.  
7  
8 THE COMMISSIONER: All right. Let's forget conspiracy.  
9 You are concerned that Mr Nowicki is attempting to  
10 interfere with witnesses and persuade them to give evidence  
11 contrary to their honest recollection?  
12  
13 DR HANSCOMBE: Yes.  
14  
15 THE COMMISSIONER: It has failed with Mr Wilson, according  
16 to Mr Wilson?  
17  
18 DR HANSCOMBE: Yes.  
19  
20 THE COMMISSIONER: The question has not been put to  
21 numerous witnesses and it has failed with other witnesses?  
22  
23 DR HANSCOMBE: Yes.  
24  
25 THE COMMISSIONER: Isn't it something more than a sideshow  
26 to be examining these abstract issues in relation to people  
27 who may never be witnesses?  
28  
29 DR HANSCOMBE: In our submission, no, and the reason is it  
30 didn't fail with Mr Blewitt. Mr Blewitt volunteered in the  
31 witness box that the police statement he'd given had been  
32 written by Mr Nowicki and it follows, in our submission, as  
33 a likely inference that some or all of some matters  
34 Mr Blewitt gave evidence about may similarly have been  
35 influenced  
36  
37 THE COMMISSIONER: Well, I don't want to --  
38  
39 DR HANSCOMBE: I'm sorry?  
40  
41 THE PRESIDING MEMBER: I don't want to descend into detail  
42 about this, but there seems to me a vast gulf between  
43 Mr Blewitt's evidence of how the three statements to the  
44 Victorian police came into being and what Mr Blewitt said  
45 in his evidence, both as to matters of substance and  
46 origin.  
47

1 DR HANSCOMBE: In the end that must be a matter for the  
2 Commission to determine that relationship, but I think I've  
3 put as clearly as I can how we say that this evidence is  
4 relevant and we would press the Commission to accept it  
5  
6 THE COMMISSIONER: Yes. Do you have further submissions?  
7  
8 DR HANSCOMBE: No. I can take you through the detail of  
9 the chronology but I don't know if it develops the point  
10 any further. You have my point, I think  
11  
12 THE COMMISSIONER: I think I do have your point.  
13  
14 DR HANSCOMBE: If the Commission please.  
15  
16 THE COMMISSIONER: Mr Stoljar, your objection would cover  
17 presumably the various documents referred to in the  
18 paragraphs?  
19  
20 MR STOLJAR: Yes, it was intended to encompass those  
21 documents.  
22  
23 THE COMMISSIONER: Just excuse me one moment. And does  
24 that exhaust your objections?  
25  
26 MR STOLJAR: Yes, Commissioner.  
27  
28 THE COMMISSIONER: Mr Bruce Wilson, who is to be the next  
29 witness, has prepared two statements. One is dated 4 June  
30 2014 and the other is dated 6 June 2014. Mr Stoljar  
31 objects to paragraphs 331 to 370 inclusive of the first  
32 statement, together with the documents which are marked in  
33 those paragraphs and annexed to the statement. He also  
34 objects to paragraphs 17 to 39 of the statement of  
35 Mr Wilson dated 6 June 2014 with the documents there  
36 referred to.  
37  
38 I would reject those paragraphs as irrelevant.  
39  
40 The rest of the two statements will be received into  
41 evidence.  
42  
43 MR STOLJAR: Yes, may it please the Commission  
44  
45 THE COMMISSIONER: Mr Clelland, do you have any desire to  
46 intervene in this debate?  
47



1 MR CLELLAND: I do not, Commissioner.  
2  
3 THE COMMISSIONER: And you have no objection to the  
4 balance of Mr Wilson's two statements?  
5  
6 MR CLELLAND: No, Commissioner.  
7  
8 THE COMMISSIONER: Very well. Thank you.  
9  
10 MR STOLJAR: We now come to Mr Wilson's examination.  
11 I call Mr Wilson.  
12  
13 <BRUCE MORTON WILSON, affirmed: [10.20am]  
14  
15 <EXAMINATION BY MR STOLJAR:  
16  
17 MR STOLJAR: Q. Your full name is Bruce Morton Wilson?  
18 A. Yes.  
19  
20 Q. Can you tell us your occupation?  
21 A. Cook.  
22  
23 Q. Do you have a business premises?  
24 A. No.  
25  
26 Q. I won't ask for your residential address, Mr Wilson.  
27 You have prepared two statements in these proceedings, the  
28 first of which was dated 4 June 2014 and the second of  
29 which was dated 6 June 2014?  
30 A. Yes.  
31  
32 Q. I want to just go through a few corrections that you  
33 may wish to make to those statements that we've been told  
34 of. Can I give you a copy of both of those statements.  
35 A. Thank you.  
36  
37 Q. If you go to your statement of 4 June 2014, you have  
38 indicated that annexure BW-11 was incorrect and BW-11  
39 should be a receipt from GA Thomson. That has been fixed  
40 up in the bundle that you've been given?  
41 A. I don't have a list of corrections of --  
42  
43 Q. You don't have a list of the corrections?  
44 A. No, I don't appear to.  
45  
46 THE COMMISSIONER: Q. Do you have that list of  
47 corrections now, Mr Wilson?

1 A. I do, thank you.

2

3 THE COMMISSIONER: BW-11 in my copy says "Received from  
4 Ralph Blewitt \$23,000, 10 per cent of the purchase,  
5 84 Kerr Street, Fitzroy." Is that the correct document?

6

7 MR STOLJAR: As I understand it, that is the correct  
8 document.

9

10 Q. Can you just check that, Mr Wilson?

11 A. Yes, that is correct.

12

13 Q. Now, your next correction was in respect of  
14 paragraph 310 on page 76 of 91.

15 A. Yes.

16

17 Q. In the fourth line you wish the reference in  
18 parentheses at page 271 to read "paragraph 296"; is that  
19 correct?

20 A. Yes.

21

22 Q. And then paragraph 352 --

23

24 THE COMMISSIONER: 352 has gone.

25

26 MR STOLJAR: I beg your pardon, yes.

27

28 Q. Likewise, paragraph 362 has gone. So then  
29 paragraph 221, at the conclusion of that paragraph, at the  
30 top of page 53 of 91, you wish to include some additional  
31 words and I'll read those words out for the transcript but  
32 please correct me if I get them wrong:

33

34 So far as I can see from photocopies, the  
35 cheques which Blewitt identified as stamped  
36 with my signature were in fact stamped not  
37 signed and this was not done by me.

38

39 A. That's correct

40

41 THE COMMISSIONER: Would you say that again so I can write  
42 it down:

43

44 So far as I can see from photocopies of the  
45 cheques which ...

46

47 MR STOLJAR: ... "Blewitt identified as stamped with my

1 signature were in fact stamped not signed and this was not  
2 done by me." Commissioner, it may be appropriate for the  
3 record if a copy of those corrections was marked for  
4 identification.

5

6 THE COMMISSIONER: Yes. That copy will be marked  
7 Wilson MFI1.

8

9 WILSON MFI #1 CORRECTIONS TO THE FIRST STATEMENT OF  
10 BRUCE MORTON WILSON DATED 4/6/2014

11

12 MR STOLJAR: Q. Save for those corrections, the content of  
13 your two statements dated 4 and 6 June 2014 respectively is  
14 true and correct?

15 A. Yes.

16

17 Q. And I take it that you prepared these statements  
18 yourself?

19 A. Yes.

20

21 Q. Did you write out a draft of them and provide it to  
22 your solicitors?

23 A. For some things I did. For some things I didn't. We  
24 put them on to the computer at the time that we were doing  
25 them.

26

27 Q. In any event, you checked through it and you made sure  
28 it was all accurate?

29 A. Yes.

30

31 Q. Yet, you haven't physically signed the statements at  
32 the end, but in any event you are satisfied that they are,  
33 each of those statements --

34

35 THE COMMISSIONER: Just a moment, Mr Wilson. Mine  
36 actually is signed, so some may be signed and some not.

37

38 MR STOLJAR: I withdraw that.

39

40 Q. In any event, before you signed it you checked through  
41 it and you made sure that it was all true and correct?

42 A. Yes.

43

44 Q. Can I just ask you about some paragraphs in your  
45 statement. In your first statement of 4 June 2014, the  
46 larger statement, you deal in paragraph 43 and following  
47 with your relationship with Mr Blewitt back in the early

1 1990s.  
2  
3 THE COMMISSIONER: It is actually the 1980s.  
4  
5 MR STOLJAR: Yes, it began in the 1980s  
6  
7 THE COMMISSIONER: Para 40 is 1987 and para 44 is 1987.  
8  
9 MR STOLJAR: Yes.  
10  
11 Q. Your relationship with Mr Blewitt in the late 1980s  
12 was one in which you had, as you say in paragraph 43, the  
13 fourth last line, formed a close friendship?  
14 A. Sorry, where was that?  
15  
16 Q. Paragraph 43, the fourth last line?  
17 A. Yes.  
18  
19 Q. In paragraph 44, you say that you worked the second  
20 part of 1987 together on every job?  
21 A. Yes.  
22  
23 Q. In paragraph 46, you describe how your family  
24 socialised together, you lived one suburb away from each  
25 other and "it was not uncommon for us to do things together  
26 outside of work"?  
27 A. Yes.  
28  
29 Q. You did things together quite frequently?  
30 A. Yes.  
31  
32 Q. And generally speaking, the relationship was one in  
33 which you gave him directions and he complied?  
34 A. Not necessarily; it depended on the issue.  
35  
36 Q. All right, but it's fair to say, isn't it, that you  
37 were the leader and he was the follower?  
38 A. Again, depending on what was the issue.  
39  
40 Q. You've read some other statements served by other  
41 witnesses in the Commission?  
42 A. Yes.  
43  
44 Q. And some of those use expressions like Mr Blewitt was  
45 your puppet. Do you agree with those descriptions?  
46 A. No, I don't.  
47

1 Q. But you were certainly the driving force in the  
2 relationship?  
3 A. I think I knew more about how the union operated than  
4 Ralph did, but I wouldn't have described him as a puppet of  
5 mine.  
6  
7 Q. How many members did the AWU WA branch have at that  
8 time?  
9 A. I think it was just marginally more than 16,000.  
10  
11 Q. And you were living in Perth in the early 1990s?  
12 A. Yes.  
13  
14 Q. At least prior to your move to Melbourne in 1992?  
15 A. Yes.  
16  
17 Q. And the secretary of the WA branch was a Mr Joe  
18 Keenan?  
19 A. Up until 1991.  
20  
21 Q. And then you took him on, in effect, and you took over  
22 as secretary?  
23 A. Yes.  
24  
25 Q. You deal with that, or those sequence of events, in  
26 paragraph 74 and following of your statement of 4 June  
27 2014. You say in paragraph 74 you approached Mr Keenan,  
28 you told him he should think about leaving and retiring.  
29 You told him the branch had lost faith in his  
30 administration. You were pretty blunt with him?  
31 A. That's the nature of the business.  
32  
33 Q. And you decided at that point to get rid of the dead  
34 wood, as you saw it?  
35 A. Well, I don't know if it was exactly at that point but  
36 after I took over, I mean I wasn't in a position at that  
37 particular point.  
38  
39 Q. But that was part of the plan, wasn't it, that you  
40 were going to take over from Keenan and you were going to  
41 get rid of the dead wood?  
42 A. Yes.  
43  
44 Q. Blewitt was going to join with you in that enterprise?  
45 A. Yes.  
46  
47 Q. But you were the senior partner, if I can put it that

1 way, and he was going to help you?  
2 A. Yes.  
3  
4 Q. You say that already at that stage you were looking at  
5 setting up something called the National Construction  
6 Branch?  
7 A. I didn't know at that stage precisely what form it  
8 would take, but that idea or that concept was something  
9 that was on my mind.  
10  
11 Q. Can I take you through to paragraph 109, page 25. You  
12 are describing there a dinner with Mr Albrecht, Mr Ludwig  
13 and Mr Jukes from Thiess in Sydney in late 1991 or early  
14 1992?  
15 A. Yes.  
16  
17 Q. If you have a look at paragraphs 112-113, you say that  
18 there was discussion about a separate legal entity?  
19 A. Yes.  
20  
21 Q. You remember that sitting here today, do you?  
22 A. I can remember talking about how the separate entity  
23 would be established, yes.  
24  
25 Q. I suggest to you you never discussed setting up  
26 a separate organisation with Mr Jukes at that dinner. Do  
27 you agree?  
28 A. No, I don't.  
29  
30 Q. And you say in paragraph 113 that the separate legal  
31 entity would, to use your words, propel the concept of the  
32 NCB. Do you see that?  
33 A. Yes.  
34  
35 Q. Was that the plan from the start?  
36 A. To?  
37  
38 Q. To set up a --  
39 A. To set up a national approach to the construction  
40 industry.  
41  
42 Q. A national approach, but you in due course set up the  
43 separate legal entity to which you made reference in 113?  
44 A. Yes.  
45  
46 Q. That entity became, to use shorthand, the Workplace  
47 Reform Association?

1 A. Yes.  
2  
3 Q. And it was your intention from the start that that  
4 entity would be a vehicle for propelling the concept of the  
5 NCB; is that right?  
6 A. Yes.  
7  
8 Q. And did you tell Ms Gillard that that was what your  
9 intention was?  
10 A. I don't recall ever having told her that, no.  
11  
12 Q. In paragraph 117, you say you did some research to  
13 inform yourself how to go about setting up a legal entity  
14 to receive monies from the Dawesville Channel project. Do  
15 you see that?  
16 A. Yes.  
17  
18 Q. And you say:  
19  
20 I may have asked someone like my  
21 accountants, or Stephen BOOTH or Julia  
22 GILLARD.  
23  
24 Well, you did ask Ms Gillard at least; correct?  
25 A. I believe I did.  
26  
27 Q. And did she say to you it's better to have an  
28 incorporated association, a legal entity, into which people  
29 can participate?  
30 A. I don't know if she would have said those words. In  
31 the discussion we would have canvassed a number of issues,  
32 I think.  
33  
34 Q. Did she say to you that that association should be the  
35 holder of any account?  
36 A. I don't recall those specific words.  
37  
38 Q. You say in paragraph 118 that you came up with a name.  
39 Now, you incorporated into the name the words "Australian  
40 Workers Union". Were you intending in doing that to convey  
41 the impression that the association was part of or  
42 sanctioned by the AWU?  
43 A. No, I wasn't.  
44  
45 Q. That was just a coincidence, was it?  
46 A. It wasn't a coincidence. On various other accounts  
47 and funds that we'd run, it was common to put the letters

1 "AWU" in front of it. For example, if you were running  
2 a reform group, you wouldn't just have something that said,  
3 "Reform Group", you would identify it, and the way of  
4 identifying it was by putting the initials "AWU" in front  
5 of it so you had some concept of what it was about. It  
6 wasn't an uncommon practice amongst unions to do that and  
7 in particular in the AWU.

8  
9 Q. It was an uncommon practice to set up a separate  
10 incorporated association?

11 A. I don't know how other people did theirs.

12  
13 Q. Had you ever done it before?

14 A. Not previously.

15  
16 Q. What do you mean "not previously"? Did you do it  
17 afterwards?

18 A. No. I mean I had - what I had done previously is had  
19 other accounts with the AWU initials in front of them.

20  
21 Q. You describe in your statement the preparation of an  
22 advertisement, it's paragraph 119 you deal with this, and  
23 you say, "I drafted part of the advertisement." Can I show  
24 you a bundle of documents. Do you have that now, that  
25 folder?

26 A. Yes.

27  
28 Q. Could you go to page 56 in the bottom right-hand  
29 corner. That is a copy of the advertisement to which you  
30 made reference in paragraph 119 and paragraph 120?

31 A. Yes.

32  
33 Q. And you say that you drafted the words at the bottom  
34 of the advertisement:

35  
36 The association is formed for the purpose  
37 of promoting and encouraging workplace  
38 reform for workers performing construction  
39 and maintenance work.

40  
41 A. I would have put that in the advertisement.

42  
43 Q. You agree with that?

44 A. Yes.

45  
46 Q. And who drafted the balance, to your knowledge?

47 A. To my knowledge, I mean it may very well have been



1 that I had some input but I left the drafting of the  
2 balance of it to Ralph, as I recall.  
3  
4 Q. Mr Blewitt isn't the sort of person who would have  
5 come up with a sentence to the effect of that set out in  
6 the first part of the advertisement, is he?  
7 A. It's hard for me to read, but I don't know. It's  
8 a name and address as I see it.  
9  
10 Q. Is this the position: you don't recall clearly who  
11 drafted the advertisement?  
12 A. I recall that I drafted the part that you referred to  
13 first of all that makes reference to the construction  
14 industry.  
15  
16 Q. Right. You don't recollect clearly who drafted the  
17 rest?  
18 A. Well, presumably, looking at it, I think Ralph is  
19 capable of writing in his name, or his address and his  
20 name, so he wouldn't have any difficulty doing that.  
21  
22 Q. Yes. And the balance?  
23 A. It may have been me. I certainly - all I was saying  
24 to you was that I certainly drafted that part of it that  
25 referred to the construction industry.  
26  
27 Q. At paragraph 123, you say that Mr Blewitt arranged  
28 a post office box to be opened in Northbridge, Perth?  
29 A. Yes.  
30  
31 Q. And you knew that at the time, at the time he was  
32 opening it?  
33 A. Yes.  
34  
35 Q. And he did that at your direction?  
36 A. I don't know if it was at my direction or whether it  
37 was something we sat around and discussed how we would go  
38 about doing it and whether it became obvious that that's  
39 what needed to be done.  
40  
41 Q. Certainly, on your own evidence, you were a party to  
42 the establishment of the PO box in Northbridge?  
43 A. Yes.  
44  
45 Q. The reason for the setting up of that PO box was to  
46 keep the association secret from others at the AWU;  
47 correct?

1 A. Not necessarily.  
2  
3 Q. Well, you say "not necessarily"; that wasn't part of  
4 your reason, was it?  
5 A. It may very well have been, but part of it was to have  
6 it separated totally from the AWU. It was a separate legal  
7 entity that we were intending to set up.  
8  
9 Q. The WA branch had its own PO box; correct?  
10 A. Yes.  
11  
12 Q. And it was PO Box 8122, Perth Business Centre?  
13 A. Perhaps.  
14  
15 Q. You say in 123 that you and Mr Blewitt agreed that  
16 Mr Blewitt would be the secretary of the association?  
17 A. Yes.  
18  
19 Q. It was just something you did between yourselves, was  
20 it?  
21 A. Yes.  
22  
23 Q. There was no election for any positions in the  
24 association?  
25 A. No.  
26  
27 Q. And you also appointed yourself treasurer?  
28 A. Perhaps Ralph and I discussed that and did the same as  
29 we did in terms of the secretary position.  
30  
31 Q. Well, you say "perhaps"; there's no other way that you  
32 became - let's take it in steps. You accept you were  
33 treasurer?  
34 A. Yes.  
35  
36 Q. And you accept that there were no elections for that  
37 position?  
38 A. No.  
39  
40 Q. That is to say, you are agreeing with me there were no  
41 elections for that position; correct?  
42 A. That's correct, yep.  
43  
44 Q. And the only other way that you could have become  
45 treasurer is if you and Ralph simply agreed on that as  
46 between yourselves?  
47 A. Well, that's what I think I was trying to say.

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Q. You then say in paragraph 126:  
  
I have read BLEWITT'S evidence ... that it was never the [workplace reform's] intention to provide a service to THIESS.

You say:

This is false. I never said anything to the effect that "We will not be providing services to THIESS." The WRA did provide training services.

A. Yes.

Q. That's quite false that statement, isn't it?

A. No, it isn't.

Q. On paragraph 127, you make reference to a letter of 16 March 1992. Now, a copy of the letter you will find at page 57 of the bundle. Commissioner, I would ask that bundle be marked for identification.

THE COMMISSIONER: Yes, that will be Wilson MFI2  
  
WILSON MFI #2 WILSON CROSS-EXAMINATION DOCUMENTS,  
10 JUNE TO 13 JUNE 2014, VOLUME 1 OF 1

MR STOLJAR: And you will see a copy of that letter at page 57 at MFI2. You say in paragraph 127 you recall that "I read this letter"?

A. Yes.

Q. So you read it on or shortly after 16 March 1992?

A. Yes.

Q. The letter makes reference in the penultimate paragraph beginning:

It will be a requirement ...

To the number of hours which the training officer appointed by the association would be working?

A. Yes.

Q. And the letter stipulates that all travelling costs,

1 accommodation, industrial overheads, et cetera, are to be  
2 included in this rate?  
3 A. Yes.  
4  
5 Q. It was a rate of \$36 per hour?  
6 A. Yes.  
7  
8 Q. And in addition to those travelling costs,  
9 accommodation and the like, the wages of the training  
10 officer or seconded person would also need to be paid for  
11 out of the \$36 per hour; correct?  
12 A. Yes.  
13  
14 Q. The only return to the association would be any net  
15 profit derived after the gross figure of \$36 per hour had  
16 been reduced by taking account of wages, costs,  
17 accommodation and the like?  
18 A. Yes.  
19  
20 Q. And you understood that in March 1992?  
21 A. Well, what I understood in March 1992 is that we had  
22 an agreement, the association and Thiess contractors.  
23  
24 Q. But you understood in March 1992, on receipt of this  
25 letter, that the association, presuming training was  
26 provided, would realise only a net figure after all  
27 expenses were paid, not a gross figure of \$36 per hour?  
28 A. Well, what I realised at that time was that we would  
29 invoice Thiess in accordance with the agreement that we  
30 had.  
31  
32 Q. Yes.  
33 A. On a monthly basis.  
34  
35 Q. Yes. You understood that at the time?  
36 A. At the time, yes.  
37  
38 Q. Yes. And you understood that Thiess would be paying  
39 \$36 per hour?  
40 A. That's how the calculation would be done.  
41  
42 Q. This was in March, by the way. Did you understand  
43 that work was already being done?  
44 A. There wasn't a lot of work being done. What  
45 I understood when I received this letter was that there had  
46 been some preliminary works started on the project. There  
47 wasn't any training taking place prior to this. Jukes knew

1 it and that's why even after he sent the letter on 16 May,  
2 he refers to backdating it to January. He knew that the  
3 training hadn't commenced. The agreement that we had with  
4 Thiess, between the association and Thiess, was that there  
5 would be this arrangement from the nominated start date of  
6 the contract to the nominated finish date of the contract,  
7 and that was roughly three years; so starting in January of  
8 1992 and going for approximately three years from that  
9 date. Hence, on 16 March when he sent this letter, he knew  
10 that nothing had been going on. He was quite happy to  
11 backdate it to the beginning of January. That was the  
12 deal.

13  
14 Q. You are speculating about what Mr Jukes knew or didn't  
15 know, but if I just focus on your understanding at the  
16 time, you also knew that no training had been going on in  
17 January or February or March --

18 A. I did.

19  
20 Q. -- 1992. You accept that?

21 A. I knew that, yes.

22  
23 Q. And you knew that when you received the letter on  
24 16 March 1992?

25 A. Yes.

26  
27 Q. I'm not sure that I've still got a clear answer on the  
28 question about the return to the association, if I can put  
29 it that way. You accept, don't you, that even if  
30 a training officer was in place, the association would not  
31 realise at the end of the day a gross figure of \$36 per  
32 hour. What it would realise was a reduced figure taking  
33 account of its necessary expenses, including wages,  
34 travelling costs, accommodation and the like, you accept?

35 A. Yes.

36  
37 Q. And you understood that?

38 A. Yes.

39  
40 Q. On or shortly after 16 March 1992 when you received  
41 this letter?

42 A. Yes.

43  
44 Q. You understood that for the duration of the project?

45 A. Yes.

46  
47 Q. Could we come back to your statement, please. In

1 paragraph 129, you say that you can recall sitting with  
2 Ms Gillard "in my office" and, pausing there, I think in  
3 fairness you mean your office in Perth, do you?  
4 A. Yes.  
5  
6 Q. And you say:  
7  
8 ... she told me which sections of the  
9 legislation were relevant for incorporation  
10 of the association.  
11  
12 A. Yes.  
13  
14 Q. She actually went through the Acts Incorporation Act,  
15 did she?  
16 A. I would have asked the question about it and she would  
17 have given me the answer.  
18  
19 Q. Anyone else present at this conversation?  
20 A. I'm not sure if Ralph was present or not.  
21  
22 Q. You say at the conclusion of paragraph 129 that you  
23 can't recall whether he was present, but my question is was  
24 anyone else present?  
25 A. Besides either the two of us and Ralph?  
26  
27 Q. Yes.  
28 A. Not that I recall.  
29  
30 Q. And then you say:  
31  
32 I recall that I drafted the objectives of  
33 the association myself. GILLARD may have  
34 provided me with a set of Rules from  
35 another association to use as a guide.  
36 I recall flipping through Rules ... to make  
37 sure that they were in order, and I may  
38 have discussed this with GILLARD.  
39  
40 You mean on the same occasion?  
41 A. Yes.  
42  
43 Q. In any event, you went through the rules yourself and  
44 satisfied yourself that they were appropriate for the  
45 establishment of the association, is that your evidence?  
46 A. Well, I don't know if I went through and decided  
47 whether they were appropriate. I'd flipped through them

1 and had a look at them and they looked fine; looked like  
2 a set of rules that you would have.  
3  
4 Q. Did you have any discussion with Ms Gillard about how  
5 the association was going to be raising funds?  
6 A. Not at all.  
7  
8 Q. Did she ask?  
9 A. No.  
10  
11 Q. Part of the deal was that Thiess would recover some  
12 funds from the Building and Construction Industry Training  
13 Fund in order to meet its obligations under the letter  
14 agreement under 16 March 1992; correct?  
15 A. I don't know if it was part of the deal. Thiess may  
16 have had that in their minds but there wasn't anything  
17 documented that that was part of our deal in respect of the  
18 Workplace Reform Association.  
19  
20 Q. You discussed it with them, though, didn't you?  
21 A. I'm sure I would have, I don't recall specifically,  
22 but it was an issue that was topical around the  
23 construction industry at the time, the Building  
24 Construction Industry Training Commission. So my guess is  
25 I would have. I don't specifically recall.  
26  
27 Q. Well, this fund was available that could meet  
28 commitments of the kind that were being incurred under the  
29 letter agreement 16 March 1992; correct?  
30 A. Could you run that past me again?  
31  
32 Q. A fund was available which could meet commitments of  
33 the kind that Thiess was undertaking in the letter  
34 agreement of 16 March 1992; correct?  
35 A. I don't know if there was a fund available that would  
36 meet all of the commitments. I understood at the time that  
37 there was the Building Construction Industry Training  
38 Council. I'm sure we would have had some discussions.  
39 What they were specifically, I don't recall. It was - if  
40 there was anything, it would have been left to Thiess to  
41 do.  
42  
43 Q. Yes, but you thought that that would mean that Thiess  
44 might not look at the invoices too closely; correct?  
45 A. No, I didn't.  
46  
47 Q. And it's a bit of a win/win; correct?

1 A. No, I didn't think Thiess would not look at the  
2 invoices correctly. Thiess is a major construction  
3 company. They're not some Mickey Mouse outfit.  
4  
5 Q. That's true. In paragraph 130 you say that Gillard  
6 made a few annotations on the application form. Can I take  
7 you to the application form. It is at page 58. You will  
8 see firstly in paragraph 1 there are some words in blue  
9 ink, the name and address of Mr Blewitt. Whose handwriting  
10 is that?  
11 A. Ralph's. I believe it's Ralph's.  
12  
13 Q. And then there are some words "being duly authorised  
14 by the Association" and then someone's handwritten  
15 "Australian Workers Union Workplace Reform Association".  
16 Whose handwriting is that?  
17 A. I believe it's Julia Gillard's.  
18  
19 Q. And did she write that in at the meeting that you  
20 describe in paragraph 129 and paragraph 130?  
21 A. As I recall.  
22  
23 Q. You say, "As I recall." That meeting in fact took  
24 place in Melbourne, is that right?  
25 A. No, it was in Perth.  
26  
27 Q. In any event, in paragraph 2 there are some words:  
28  
29 Development of changes to work to achieve  
30 safe workplaces.  
31  
32 Do you see that?  
33 A. Yes.  
34  
35 Q. Whose handwriting is that?  
36 A. Ralph's.  
37  
38 Q. And who suggested those words to Mr Blewitt?  
39 A. I have no idea. I can't recall.  
40  
41 Q. Well, it was either you or Ms Gillard, correct?  
42 A. I presume it would be either her or me.  
43  
44 Q. Because Mr Blewitt isn't the sort of person to come up  
45 with a sentence of that kind, correct?  
46 A. I don't know that that's absolutely correct.  
47



1 Q. Well, I suggest to you that you or Ms Gillard  
2 suggested those words to him?  
3 A. I mean, they're not hard words, "Development of change  
4 to work to achieve safe workplace".  
5  
6 Q. You were the driving force behind the establishment of  
7 this association?  
8 A. I think Ralph is capable of writing those words.  
9  
10 Q. Do you accept the proposition that you were the  
11 driving force behind the establishment of this association?  
12 A. Yeah, I'll accept that.  
13  
14 Q. And it was your idea?  
15 A. Mine and out of the discussion with Thiess which  
16 included Albrecht, Jukes and participation by Bill Ludwig.  
17  
18 Q. Coming further down the page, paragraph 2, it says:  
19  
20 By virtue of section 4(1)(e) of the Act.  
21  
22 Whose handwriting is that?  
23 A. Julia Gillard's.  
24  
25 Q. Did she write that in on the same occasion?  
26 A. Yes.  
27  
28 Q. Is that one of the sections that she discussed with  
29 you in the discussions which you make reference in  
30 paragraph 129?  
31 A. I would imagine it would be.  
32  
33 Q. Then there is a date and a signature and I take it  
34 that is Mr Blewitt's handwriting?  
35 A. Yes.  
36  
37 Q. And is your evidence that he completed that at some  
38 later date?  
39 A. Either on the day or at some stage later, but I don't  
40 recall specifically; perhaps on the day.  
41  
42 Q. And Mr Blewitt, on your evidence, lodged the forms  
43 with the Commissioner for Corporate Affairs in Western  
44 Australia?  
45 A. Yes.  
46  
47 Q. If you just stay on that page for the minute,

1 paragraph 3 says:

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The association is not formed for the purpose of trading or securing pecuniary profit.

Do you see that?

A. Yes.

Q. Well, it was formed for that purpose, wasn't it?

A. No.

Q. Weren't you proposing to earn money from the issuing of invoices to Thiess?

A. Sorry, I thought you meant by using the money it was a matter - it was a way of raising money.

Q. Well, your evidence is, to be fair, that you said that the money would be used for the National Construction Branch?

A. Be used for the things that I had drafted in the objects of the association, and if that helped bring the National Construction Branch to fruition, then that was what it was intended to do.

Q. I see. So you drafted the rules yourself?

A. Not the rules myself. I got some assistance.

Q. And you specifically bore in mind when you were drafting them that you were going to comply with those rules in the realisation or earning of funds by the association?

A. Sorry?

Q. You specifically intended when you were drafting - I understood you were merely flipping through the rules but you now say, do you, that --

A. No, I am talking about the objects of the association. If you have a look at the beginning of the totality of the rules of the association, there is a section called, "Objects".

Q. Yes, you will see that on page 60.

A. Those two - I don't know, 10 points, eight or 10 points, those particular objects I drafted.

Q. They make no reference to the National Construction

1 Branch, do they?  
2 A. They don't have to specifically mention the National  
3 Construction Branch. They mention the things that we were  
4 intending to do. Part of that was to establish the  
5 construction branch.  
6  
7 Q. Part of it. I understood you to say that the object  
8 of the association was to propel the establishment of the  
9 National Construction Branch. Did it have some other  
10 objects too, did it?  
11 A. And by doing these things that are outlined in points  
12 A to H, would achieve or help achieve that.  
13  
14 Q. Is there any particular reason why you made no  
15 reference to National Construction Branch or building and  
16 construction in those objects?  
17 A. No, there's no real reason.  
18  
19 Q. Could you come back to the certificate which is on  
20 page 59 and I will take you through that. I will take it  
21 in steps. At the top of the page, I take it the blue  
22 handwriting, "Ralph Edwin Blewitt", and the address is  
23 Mr Blewitt's handwriting?  
24 A. Yes.  
25  
26 Q. And then in (i), is that Ms Gillard's handwriting?  
27 A. Yes.  
28  
29 Q. And you say that she filled in that handwriting at the  
30 meeting in Perth?  
31 A. I believe so.  
32  
33 Q. And then whose handwriting is it in  
34 subparagraph (iii)?  
35 A. It's Ralph's.  
36  
37 Q. And the balance of the handwriting on the page is  
38 Ralph's?  
39 A. Yes.  
40  
41 Q. And when do you say this was completed prior to  
42 22 April 1992?  
43 A. I don't recall specifically whether it was on the day  
44 or prior to.  
45  
46 Q. Subparagraph (v) verifies that - there's a statement  
47 that the certifier verifies that the association has more

1 than five members. Do you see that?  
2 A. Sorry, where was that?  
3  
4 Q. Subparagraph (v) on the certificate on page 59.  
5 A. Yes.  
6  
7 Q. As at that day, or the day was filled out, did the  
8 association have more than five members?  
9 A. Not on that day.  
10  
11 Q. And you knew that at the time?  
12 A. Yes.  
13  
14 Q. So you knew that the certificate was false?  
15 A. Well, I didn't think it in those terms. I just know  
16 that we didn't have the five members at that point in time.  
17  
18 Q. I'll come back to that as we work through, but in  
19 paragraph 133 you say:  
20  
21 ... in about May 1992 I was made aware by  
22 BLEWITT that ... (the Commissioner) needed  
23 an explanation about aspects of the  
24 Application for Incorporation.  
25  
26 A. Yes.  
27  
28 Q. And that was obviously subsequent to him lodging the  
29 application and certificate with the WA Corporate Affairs  
30 Commissioner?  
31 A. Yes.  
32  
33 Q. And in paragraph 134 you say:  
34  
35 I recall following up ...  
36  
37 A. Yes.  
38  
39 Q. You say in paragraph 134 that you forwarded the  
40 concern that had been raised to Ms Gillard at Slater &  
41 Gordon in Melbourne?  
42 A. Yes.  
43  
44 Q. And then you deal with some correspondence between the  
45 Office of State Corporate Affairs and Mr Blewitt in  
46 paragraph 137 and then in paragraph 138 you say:  
47

1 I have a vague recollection that I was in  
2 a room with GILLARD that was like a Court  
3 or somewhere official and she was making  
4 submissions... I think this was about  
5 incorporating the association.

6  
7 A. Yes.

8  
9 Q. That was in Perth, I take it?

10 A. I believe so.

11  
12 Q. Is this the sequence of events? The Office of  
13 Corporate Affairs in WA raised some difficulty with the  
14 application; is that right?

15 A. Yes.

16  
17 Q. And then you, as you say in paragraph 134, got in  
18 touch with Ms Gillard at Slater & Gordon in Melbourne?

19 A. Yes.

20  
21 Q. And then she came across to Perth and she made some  
22 submissions to the Office of State Corporate Affairs in  
23 Perth about the incorporation of the association?

24 A. That's as I recall.

25  
26 Q. And do you recollect what the issue was?

27 A. I think it had to do with whether or not the  
28 association could be construed as a trade union.

29  
30 Q. But your recollection isn't clear on the detail of  
31 what happened?

32 A. Not particularly.

33  
34 Q. In paragraph 139, you note that you've seen  
35 a Certificate of Incorporation and that's the certificate  
36 which appears in the bundle on page 86; that is, MFI2?

37 A. Yes.

38  
39 Q. Could we come to your heading "WRA Members" on page 32  
40 of 91, and in paragraph 141 you say:

41  
42 At some stage, pursuant to the Rules of the  
43 WRA, I asked some people to be members.

44  
45 Just pausing there, I raised this in my questions  
46 a moment ago about when this was. Now, we know it wasn't  
47 on or prior to 22 April 1992. When did you actually make

1 the request of people to be members?  
2 A. I can't remember the exact date.  
3  
4 Q. Well, can you remember was it in 1992, 1993?  
5 A. I believe probably 1992.  
6  
7 Q. Are you just guessing?  
8 A. I'm not guessing. I would have done it reasonably  
9 quickly.  
10  
11 Q. Reasonably quickly after what?  
12 A. After the document of the 22nd. Either that or after  
13 the document of the lodgement or whatever.  
14  
15 Q. Well, you can't really be precise about when you made  
16 this request, is that fair?  
17 A. That's fair.  
18  
19 Q. You say you asked some people to be members - I'm  
20 sorry. You say pursuant to the rules of the Workplace  
21 Reform Association, so you understood at the time that the  
22 rules required there to be members?  
23 A. Yes.  
24  
25 Q. And you understood that the members had certain  
26 rights?  
27 A. Yes.  
28  
29 Q. And responsibilities?  
30 A. Yes.  
31  
32 Q. You understood that you were the treasurer?  
33 A. Yes.  
34  
35 Q. And you were also familiar with the rules as they  
36 operated with respect to the treasurer?  
37 A. Yes.  
38  
39 Q. In fact, why don't we go to that. We will start at  
40 page 60, these are the rules, and I just want you to orient  
41 yourself in the document and then there are provisions with  
42 respect to eligibility for membership on page 61 of MFI2?  
43 A. Yes.  
44  
45 Q. And you were familiar with that at the time?  
46 A. Can I say whether I was familiar? Had I read it 100  
47 times? I don't recall. I had read the document.

1  
2 Q. And on page 64, there are some rules relating to the  
3 responsibilities of the treasurer and you were familiar  
4 with those at the time?  
5 A. Yes.  
6  
7 Q. And you knew that the treasurer was responsible, among  
8 other things, for the receipt of monies paid to or received  
9 by the association; you knew that at the time?  
10 A. Well, it wasn't at the forefront of my mind  
11 necessarily, but I would have read it.  
12  
13 Q. And you knew that the treasurer had the other  
14 obligations described in paragraph 19 of the document?  
15 A. I had read it.  
16  
17 Q. You had read it? We come back to paragraph 141 and  
18 you say:  
19  
20 Pursuant to the Rules of the [Workplace  
21 Reform Association], I asked some people to  
22 be members.  
23  
24 Did you ask them orally or in writing, do you  
25 remember?  
26 A. Orally.  
27  
28 Q. And you identify a number of people there. Let's take  
29 the person you identify as Bill the Greek: that is  
30 Mr Telikostoglou?  
31 A. Yes.  
32  
33 Q. Where was he at this stage?  
34 A. I think he was in Victoria. I couldn't be sure.  
35  
36 Q. He's in Victoria?  
37 A. I think. I couldn't be certain.  
38  
39 Q. This is a Perth association, isn't it?  
40 A. Well, it was incorporated in Perth and the project was  
41 in Perth, yes.  
42  
43 Q. You have Mr Telikostoglou, so you asked him to be  
44 a member. What was his position at that time, by the way?  
45 A. I think he was an organiser.  
46  
47 Q. With which branch?

1 A. Western Australian branch, I believe.  
2  
3 Q. But he was based in Melbourne?  
4 A. Not necessarily based in Melbourne. At that time we  
5 were moving organisers from - I think from across between  
6 Victoria and Western Australia.  
7  
8 Q. You have Mr Jim Collins, Victorian branch president.  
9 Now, is Mr Collins still alive?  
10 A. No.  
11  
12 Q. When did Mr Collins die?  
13 A. I'm not certain.  
14  
15 Q. So the late Mr Collins was a member, according to you,  
16 and he was in Melbourne, I take it?  
17 A. Yes.  
18  
19 Q. And then you have Mr Barnes. Where is he based?  
20 A. Melbourne.  
21  
22 Q. And then you've got Mr Ivory and where was he based?  
23 A. Perth.  
24  
25 Q. What was his position?  
26 A. I think he was either at that stage the president of  
27 the branch or assistant secretary of the branch.  
28  
29 Q. Is Mr Ivory still alive?  
30 A. No.  
31  
32 Q. When did the late Mr Ivory die?  
33 A. I think in January 2004.  
34  
35 Q. The members comprised the then president of the WA  
36 branch. I may have just asked you this. Mr Ivory was  
37 based in Perth, is that what you say?  
38 A. Yes.  
39  
40 Q. And you have Mr Barnes, Mr Collins and  
41 Mr Telikostoglou. That's four. Don't you need five?  
42 A. Well then I would have imagined that Blewitt and  
43 myself would have made the numbers.  
44  
45 Q. What do you mean by that? Did you become members or  
46 not?  
47 A. Well, I just --



1  
2 Q. Or you have no idea?  
3 A. Probably not a specific idea about it, but  
4 I understood that if we had those four and Blewitt and  
5 myself, we would have been - we would have had our five.  
6 In fact, we would have had six.  
7  
8 Q. Where do I find in your statement anywhere that  
9 suggests that you and Mr Blewitt were also members?  
10 A. Well, I would have thought that just by being - having  
11 the other positions that that would have constituted  
12 membership.  
13  
14 Q. You are just guessing as you go along?  
15 A. Well, that's what I would have thought at the time.  
16  
17 Q. You say in paragraph 142 that there were meetings and  
18 that they were informal. How often were these meetings?  
19 A. Not very often. I mean we had meetings about a whole  
20 range of things regularly. We would have got together  
21 pretty much every other day of the week and discussed  
22 things, so I couldn't say specifically when we discussed  
23 these issues or when we didn't.  
24  
25 Q. Well, when you say you got together to discuss issues,  
26 you mean in your capacities as officers of the AWU?  
27 A. Yes.  
28  
29 Q. But these meetings were not undertaken, according to  
30 you, in that capacity, correct?  
31 A. Whilst we were all there we would have had discussions  
32 about matters to do with it; not specifically called for  
33 that purpose but while everyone was there, we would have  
34 discussed it.  
35  
36 Q. Keep any minutes?  
37 A. Probably not.  
38  
39 Q. What about a committee of management, was there such  
40 a thing for this organisation?  
41 A. No.  
42  
43 Q. That's the Workplace Reform Association?  
44 A. No.  
45  
46 Q. Who was the president?  
47 A. There probably wasn't one.

1  
2 Q. There wasn't one?  
3 A. No.  
4  
5 Q. Who was the vice president?  
6 A. Not one of those either.  
7  
8 Q. In paragraph 141 you say:  
9  
10 They all agreed and I believe I had them  
11 sign a document to that effect.  
12  
13 So each one of those gentlemen - well, let's take it in  
14 steps. You specifically raised it with Mr Telikostoglou,  
15 did you?  
16 A. Yes.  
17  
18 Q. And he agreed to be a member?  
19 A. Yes.  
20  
21 Q. And you got him to sign a document?  
22 A. Yes.  
23  
24 Q. And then the late Mr Collins, you raised it with him?  
25 A. Yes.  
26  
27 Q. And he agreed to be a member?  
28 A. Yes.  
29  
30 Q. And you had him sign a document?  
31 A. Yes.  
32  
33 Q. The same document?  
34 A. Not the same document; a document that was similar.  
35  
36 Q. In paragraph 141 you say:  
37  
38 I had them sign a document.  
39  
40 A. Oh, a document each.  
41  
42 Q. Each. So there were four separate documents, were  
43 there?  
44 A. Yes.  
45  
46 Q. Who drafted this document?  
47 A. Oh, probably me.

1  
2 Q. When you say "probably", do you have any recollection  
3 or are you just guessing?  
4 A. No, it would have been me because I would have got  
5 them to fill out - I would have written something,  
6 "I accept the position of member of the workplace  
7 association", put a spot for them to sign, signed it, and  
8 that was it.  
9  
10 Q. Mr Barnes, the same?  
11 A. Yes.  
12  
13 Q. And the late Mr Ivory, you had a conversation with  
14 him, did you?  
15 A. Yes.  
16  
17 Q. And you showed him a document?  
18 A. Showed him a --  
19  
20 Q. You gave him this document that you are describing and  
21 he signed it, did he?  
22 A. Yes.  
23  
24 Q. You have a memory of that?  
25 A. Yes.  
26  
27 Q. Where was Mr Ivory at this stage?  
28 A. In Perth.  
29  
30 Q. And where did you have this conversation?  
31 A. At the union office.  
32  
33 Q. You are just making this up, aren't you?  
34 A. No, I'm not making it up.  
35  
36 Q. Could you come to paragraph 143. You say that  
37 Mr Blewitt received a letter from Thiess - and we've had  
38 a look and that - and then he produced an invoice. You  
39 remember that he produced that invoice? Do you want me to  
40 take you to it?  
41 A. Yes, take me to it please.  
42  
43 Q. Page 69. That is the invoice you recall?  
44 A. That's the invoice that Ralph sent.  
45  
46 Q. You say in paragraph 143:  
47

1           ... I recall that BLEWITT produced an  
2           invoice ...  
3  
4           A.    That's right.  
5  
6           Q.    And is this the invoice that you recall?  
7           A.    I didn't see it at the time.  
8  
9           Q.    You didn't see it?  
10          A.    No.  I know that he did because he told me that he  
11          did.  
12  
13          Q.    He told you at the time, did he?  
14          A.    Well, he told me that he had done it probably post  
15          having done it.  
16  
17          Q.    You directed him to send the invoice; correct?  
18          A.    I didn't direct him to send that invoice.  It was  
19          agreed between Ralph and I that he would be responsible for  
20          doing the invoices.  He told me that he had done it.  That  
21          corresponds with the letter of the 16th.  
22  
23          Q.    Did you see an invoice that was sent by the  
24          association?  
25          A.    I may have done.  
26  
27          Q.    When was that?  
28          A.    I can't recall.  
29  
30          Q.    Looking at the document at page 69, this is not the  
31          first time you've seen it?  
32          A.    Not - I've seen it many times in the last week or so.  
33  
34          Q.    And you will see that the layout of the document  
35          reads, "Australian Workers Union" in smaller font and then  
36          in larger letters "Workplace Reform Association Inc"?  
37          A.    Yes.  
38  
39          Q.    And did you discuss with Mr Blewitt how to lay out the  
40          document?  
41          A.    No.  
42  
43          Q.    The way it's done suggests, does it not, that the  
44          Workplace Reform Association Inc is a division or part of  
45          the Australian Workers Union.  Do you agree with that?  
46          A.    No, I don't.  
47

1 Q. In paragraph 145 you say that you didn't have anything  
2 to do with the preparation of the invoice, but you knew,  
3 I take it, that the invoice charged for the period January  
4 through to March inclusive 1992, that's the invoice at  
5 page 69?

6 A. On the basis of what Ralph would have told me I did  
7 because it was consistent with the letter that was received  
8 on 16 March from Thiess.

9

10 Q. And so you understood that a charge had been levied  
11 for work carried out from January through to March 1992?

12 A. I recall that an invoice was sent for those three  
13 months.

14

15 Q. And you knew that no work had been done in those three  
16 months?

17 A. That was the agreement that we had with Thiess, that  
18 they would pay that amount of money for - from the  
19 commencement date of the project to the final date of the  
20 project, the nominated final date of the project. That was  
21 also outlined in the letter from Nick Jukes where he says  
22 some time on 16 March that this will be effective from  
23 January this year. He understood that. I understood that.  
24 That was the agreement.

25

26 Q. Did you tell your counsel about this understanding  
27 that you had prior to today?

28

29 DR HANSCOMBE: Commissioner, I object to that question.

30

31 MR STOLJAR: None of this was put to Mr Jukes, your Honour

32

33 THE COMMISSIONER: What is your objection?

34

35 DR HANSCOMBE: That it inquires after matters of privilege

36

37 THE COMMISSIONER: Your contention rests potentially on  
38 the idea that if a client is in conference or consultation  
39 with counsel, every word said as to the content of evidence  
40 is privileged?

41

42 DR HANSCOMBE: I don't know that it rests on a proposition  
43 as general as that. My understanding is that privilege  
44 protects those communications which are made either by the  
45 client or by counsel for the purpose either of preparing  
46 for litigation, and I accept that this is not conventional  
47 litigation but it has many of the characteristics

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THE COMMISSIONER: I think we can agree on that point.

MR STOLJAR: Commissioner, I'm sorry to cut you off, in my respectful submission, it's a fair objection. I was inadvertently seeking privilege material and I don't press that question, in fairness of Mr Wilson

DR HANSCOMBE: I am grateful to counsel assisting.

MR STOLJAR: Q. I take it that you were monitoring the events of yesterday on either the web streaming or in some other fashion?

A. Yes.

Q. You listened to the cross-examination of Mr Jukes, did you?

A. Yes

THE COMMISSIONER: It was actually the day before.

MR STOLJAR: I'm sorry, the day before.

A. I believe - yes.

Q. In any event, you say, do you - let's take it in steps. You accept that no training work was done during the months of January, February and March?

A. Yes.

Q. You accept that to the extent that the invoice suggests otherwise, the invoice was false?

A. That I suggest was the agreement between Thiess and ourselves, that we would invoice them from the beginning of the contract to the end of the - nominated end of the contract. How Thiess wanted to deal with their accounting internally was their business. What they said to us was invoices. I don't care how they want to run their accounting. They wanted it invoiced in a particular way, that's what we did, that's what the agreement was.

Q. But your proposition, as I understand it, is that Thiess was prepared to pay the association for training services during the period January, February, March 1992, despite the fact that no such work was actually being done?

A. Absolutely, and on top of that the reason that they were also happy to do it was there were no training facilities. They were dragging their feet getting the training facilities on to the site. There was no

1 capability of doing it and that's not my fault; that's  
2 Thiess's fault.  
3  
4 Q. All right. If you then come to the next paragraph,  
5 146, you say that Mr Ivory attended the Dawesville Channel  
6 Project to provide training. We know that wasn't in  
7 January, February or March. When do you say that occurred?  
8 A. It occurred from the - pretty close to the beginning  
9 of 1993 and for a number - pretty much to the end of 1993.  
10  
11 Q. Let's just take this in steps, Mr Wilson. You say, do  
12 you, that the training work that you say was done began in  
13 the beginning of 1993?  
14 A. Around about that time.  
15  
16 Q. So no training or other work was done by the  
17 association for the calendar year 1992?  
18 A. Other than I had some access to some paperwork, I had  
19 looked at some things, but in terms of on the site, that's  
20 correct.  
21  
22 Q. And you knew that?  
23 A. I knew that.  
24  
25 Q. To the best of your knowledge, Mr Blewitt knew that?  
26 A. Yes.  
27  
28 Q. You were sending invoices nevertheless for the whole  
29 calendar month 1992; correct?  
30 A. Calendar year.  
31  
32 Q. Calendar year.  
33 A. Yes.  
34  
35 Q. In fact, they began in about April and thereafter  
36 proceeded monthly, but you say, do you, that Thiess was  
37 aware of that and was content to pay the association for  
38 that year, despite the fact that in fact no work was being  
39 done?  
40 A. That's what I say.  
41  
42 Q. Where do I find that in your statement, that Thiess  
43 was prepared to do that?  
44 A. Well, I don't think you'll find it anywhere in my  
45 statement. It might be, I can't recall specifically which  
46 paragraph it might be, but an inference that the invoicing  
47 commenced in January of 1992 and continued, even after the

1 project finished because the agreement was that it was from  
2 the start date of the project to the end, and if I can use  
3 an example and use your own profession, for example. It's  
4 not uncommon for a legal person to have a retaining  
5 relationship with some employer or company or whatever to  
6 do legal work. If for whatever reason you don't do legal  
7 work, you still send the bill, I bet.  
8

9 Q. Let's then come to the year 1993. You say that  
10 Mr Ivory - well, when did he start work, you tell me?

11 A. In the beginning of - somewhere January, early January  
12 maybe - yeah, around early 1993.  
13

14 Q. And he attended at the site, did he

15 A. Yes.  
16

17 Q. And he was there full-time, I take it?

18 A. No, I don't - I don't remember or don't know, sorry,  
19 how long he was there and how regularly he went there. I  
20 know that he was though.  
21

22 Q. And were you having meetings at this stage?

23 A. I wasn't having meetings.  
24

25 Q. No, the association. Was the association having  
26 its informal --

27 A. In the same way as informal as they were. And the  
28 reason it was 1993 was because that's when the training  
29 facilities came on site.  
30

31 Q. And Mr Ivory reported to you, did he, about the  
32 training he was doing?

33 A. Occasionally.  
34

35 Q. You weren't on site yourself?

36 A. I had been on site on a couple of occasions.  
37

38 Q. And you saw Mr Ivory doing work, did you?

39 A. No, I didn't go there at that time.  
40

41 Q. So you went to the site in early 1992?

42 A. No, I went to the site right back - in early 1992,  
43 yeah, as the project was commencing to have a look at it.  
44

45 Q. And then you moved to Melbourne?

46 A. Yes.  
47



1 Q. And you didn't go to the site after that?  
2 A. I went once when I went back to Perth.  
3  
4 Q. You say that Mr Ivory provided training on behalf of  
5 the association?  
6 A. Yes.  
7  
8 Q. And then you say that he was paid wages from the  
9 association's account. Was he actually hired by the  
10 association on your evidence?  
11 A. Well, he - well, if you call that being hired, he  
12 going and doing the training and getting paid for it, then  
13 I guess, yes, he was hired.  
14  
15 Q. Well, the association was a separate legal entity;  
16 correct?  
17 A. Yes.  
18  
19 Q. You were very anxious to set it up as a separate legal  
20 entity. Did it reach some sort of contract or agreement  
21 with Mr Ivory about him doing this work?  
22 A. I would have.  
23  
24 Q. You would have. So, what, it was an oral agreement,  
25 was it?  
26 A. Pretty much.  
27  
28 Q. Between you and Mr Ivory?  
29 A. Between myself and Ivory.  
30  
31 Q. What did you say to him?  
32 A. Well, we discussed the project. In fact, he knew what  
33 was happening with the arrangement between Thiess and the  
34 association. He had been down there previously. There  
35 wasn't anything going on. I asked him if he'd take  
36 responsibility for it; he agreed that he would.  
37  
38 Q. You say that Mr Ivory knew that the arrangement was  
39 that Thiess would be paying you regardless of whether work  
40 was done or not, paying the association regardless whether  
41 work was done or not?  
42 A. What he knew was that we had an agreement with Thiess  
43 that they were going to fund the association.  
44  
45 Q. And you say that you spoke to him and you asked him to  
46 do the training work, in effect, on behalf of the  
47 association. Where were you when you had this conversation

1 with him?  
2 A. Perth.  
3  
4 Q. In Perth. Whereabouts in Perth?  
5 A. Probably at the union office.  
6  
7 Q. Was anyone else present?  
8 A. No.  
9  
10 Q. What did Mr Ivory say to you?  
11 A. He agreed.  
12  
13 Q. So you've got a recollection, as you sit here, that  
14 Mr Ivory said, "I agree. I will in effect do training work  
15 for the association"?  
16 A. I do have a recollection. Glen lived in the area of  
17 the project and it was convenient for him to do it.  
18  
19 Q. He lived in the area?  
20 A. Where the project was taking place.  
21  
22 Q. He lived in Karratha, didn't he?  
23 A. He did for a while.  
24  
25 Q. It's 1,500 kilometres north?  
26 A. No, not at this time he didn't. He was living in  
27 Perth. He lived in Karratha at one stage. He lived in  
28 Port Hedland at one stage. He lived in Perth at one stage.  
29 He was living in Bunbury at this stage.  
30  
31 Q. Just before I leave paragraph 146, you say:  
32  
33 As I describe below.  
34  
35 And you are referring there, are you, to your evidence  
36 in paragraph 188?  
37 A. Yes.  
38  
39 Q. You say there, just so you can see what you are now  
40 dealing with, it is now September 1993 and you are  
41 describing a conversation you had with Mr Blewitt about  
42 funds from the account and then you say:  
43  
44 I told him [that's Mr Blewitt] Ivory needed  
45 to be paid.  
46  
47 Where was this conversation?

1 A. In the Perth office of the union.  
2  
3 Q. And you are very clear on the date, 7 September 1993.  
4 How are you so sure?  
5 A. Because I know I was in Perth and I know that we had  
6 the discussion before I left that weekend to go to  
7 Indonesia.  
8  
9 Q. You said to him:  
10  
11 ... IVORY needed to be paid from the  
12 [association's] account for work he had  
13 done in accordance with the agreement with  
14 THIESS.  
15  
16 Do you see that?  
17 A. What paragraph number is that?  
18  
19 Q. Paragraph 188. It is page 44 of 91.  
20 A. Yes.  
21  
22 Q. And Blewitt says to you, in effect, "Why is Ivory  
23 getting money?"  
24 A. Yes.  
25  
26 Q.  
27 I told BLEWITT that IVORY had been involved  
28 with the training for most of the year and  
29 I had worked out with IVORY that he would  
30 be paid about 15,000 for his services.  
31  
32 Do you see that?  
33 A. Yes.  
34  
35 Q. So you'd had a discussion with Ivory about that?  
36 A. I'd had a number of discussions with him.  
37  
38 Q. A number of discussions. Well, what was the effect of  
39 these discussions? What did Mr --  
40 A. At one stage Ivory didn't want to be paid. He said,  
41 "Just leave it where it is, don't worry about it," and then  
42 at a later date I said to him that it wasn't appropriate,  
43 that he didn't - we left it for a while. He didn't push  
44 the issue but then in the end we agreed that he should be.  
45  
46 Q. He understood he was being paid by the association?  
47 A. Yes.

1  
2 Q. And then you say:  
3  
4 BLEWITT was competitive and jealous of my  
5 relationship with IVORY ...  
6  
7 A. Yes.  
8  
9 Q. And then Blewitt says he thought there was no training  
10 going on; is that right?  
11 A. Yes.  
12  
13 Q. But you had satisfied yourself that there was training  
14 going on?  
15 A. Yes.  
16  
17 Q. So Mr Blewitt thought there wasn't any training going  
18 on, but you thought there was training going on, is that  
19 your evidence?  
20 A. Not that I thought, I knew.  
21  
22 Q. You knew, but you knew that it had only started in the  
23 beginning of 1993?  
24 A. Yes.  
25  
26 Q. When did it cease, by the way?  
27 A. Probably towards the end of that year.  
28  
29 Q. What do you mean "probably"? Do you know?  
30 A. I don't know exactly, no.  
31  
32 Q. So it finished around the end of 1993?  
33 A. Yes.  
34  
35 Q. And the invoices just kept going for the next year?  
36 A. That's it.  
37  
38 Q. And you say Thiess was quite happy about that?  
39 A. They paid and they knew what the agreement was. The  
40 agreement was, as I keep saying to you, from the beginning  
41 of the contract, the nominated start date of the contract  
42 to the nominated finish date of the contract  
43  
44 THE COMMISSIONER: Q. Mr Wilson, Mr Ivory, say in late  
45 1991, was he a full-time employee of the AWU or was he an  
46 employee of some --  
47 A. He was the president of the branch and I believe he

1 was an organiser.

2

3 Q. Therefore, he was paid by them?

4 A. Yes.

5

6 Q. Did his employment status, as it were, shift in 1993  
7 when he began to do the work down on the site? In other  
8 words, was some arrangement made by which he stopped being  
9 paid by the AWU and your association began to pay him?

10 A. Commissioner, I was wondering about that myself over  
11 this last week and I know that he did stop being paid by  
12 the AWU at some particular point. I just can't remember  
13 when that was

14

15 MR STOLJAR: I note the time, Commissioner.

16

17 THE COMMISSIONER: Just one more question.

18

19 Q. It's probably impossible to find them now, but is this  
20 your position, that if one had conducted a search back in  
21 1993-1994, one would find documents within the staff  
22 section of the AWU recording the fact that he'd ceased to  
23 work and perhaps documents within your association  
24 indicating that he had started to work for the association?

25 A. I'm sure you would find the documents that he had  
26 ceased to work. Whether there would be documents available  
27 to say that he had actually started is another issue. I'm  
28 not certain about that.

29

30 Q. But presumably he'd have to pay income tax on the  
31 15,000, as described in this paragraph, and wouldn't there  
32 be a question of PAYE deductions and that sort of thing?

33 A. Well, I think, as I recall the discussions I had, it  
34 was essentially similar to, "You're on a contract and  
35 you're contracted to do it," and that was his  
36 responsibility then to deal with it.

37

38 Q. Your evidence is that when the end of the financial  
39 year came along, he'd just declare whatever money he got  
40 and the Commissioner would say, "You owe so much on tax.  
41 You get no credit because there hasn't been any PAYE  
42 deduction"?

43 A. Potentially, yes.

44

45 THE COMMISSIONER: Ten to 12. We will adjourn until 10 to  
46 12.

47

1 SHORT ADJOURNMENT

2

3 THE COMMISSIONER: Yes, Mr Stoljar.

4

5 MR STOLJAR: Q. Mr Wilson, I was asking you about  
6 paragraph 188 of your statement of 4 June 2014, and you say  
7 Mr Blewitt said he thought there was no training going on  
8 and I think you were saying to me that you knew that there  
9 was training going on. What was Mr Ivory actually doing on  
10 the site?

11 A. I didn't specifically go there and watch what he was  
12 doing. I just assumed that he was going there and doing  
13 training. I assumed that he would have been talking to the  
14 people from Thiess or whatever, so I don't really have  
15 a particular idea of exactly what he was doing.

16

17 Q. In answer to some questions that the Commissioner  
18 raised before lunch, you said that Mr Ivory was an  
19 organiser at the AWU. That's not correct, is it?

20 A. No, I understood he was at one stage.

21

22 Q. He was the president of the WA branch, you told me?

23 A. Yes.

24

25 Q. And he was an employee of Woodside; correct?

26 A. He had been an employee of Woodside.

27

28 Q. He was an employee of Woodside in 1993; correct?

29 A. I don't believe so. I believe he was in Perth - in  
30 Bunbury either employed by us or not working.

31

32 Q. Can I show you a document and provide a copy for the  
33 Commission. You are looking at a statement which the late  
34 Mr Ivory gave to the Western Australian Police back in  
35 November 1997. Can I take you to page 20 of that document  
36 to begin with. Mr Ivory says there:

37

38 I declare that this statement is true to  
39 the best of my knowledge and belief and  
40 that I have made this statement knowing  
41 that if it is tendered in evidence I will  
42 be guilty of a crime if I have wilfully  
43 included in this statement anything which I  
44 know to be false or that I do not believe  
45 is true.

46

47 Do you see that?

1 A. Yes.  
2  
3 Q. And you can see Mr Ivory's signature beneath that?  
4 A. Yes.  
5  
6 Q. You recognise that is Mr Ivory's signature?  
7 A. I'm fairly confident it is.  
8  
9 Q. Were you familiar with it from your time working with  
10 him?  
11 A. Yes.  
12  
13 Q. And based on that familiarity, you are able to  
14 recognise his signature?  
15 A. I believe it's his, yes.  
16  
17 Q. Have you read this document before?  
18 A. No.  
19  
20 Q. Well, let's go through it together, shall we? If you  
21 go back to page 1, he sets out some introductory matters  
22 and he says at the bottom of that page:  
23  
24 I resigned from my position of elected  
25 union organiser in 1988 after 2 years ...  
26  
27 Do you see that? And then over on page 2, the late  
28 Mr Ivory, about the middle of the page, describes failing  
29 to gain support for a particular nomination but then he  
30 says.  
31  
32 ... when [the then president] Mr Isherwood  
33 resigned on 2nd May 1991 I was appointed to  
34 fill the position of the casual vacancy  
35 created by ...  
36  
37 Mr Isherwood resigning, in effect. Do you see that?  
38 A. Yes.  
39  
40 Q. And he then became the president?  
41 A. Yes.  
42  
43 Q. Of the WA branch?  
44 A. Yes.  
45  
46 Q. And he then says in the next paragraph:  
47

1 My period of office was for the duration of  
2 the balance of the term of that outgoing  
3 President.  
4 A. Yes.  
5  
6 Q. And then at the bottom:  
7  
8 At the time of my taking up the position  
9 ... [Mr Wilson] was then appointed to the  
10 position of Branch Secretary to fill the  
11 vacancy created by the resignation of  
12 [Mr Keenan].  
13  
14 A. Yes.  
15  
16 Q. And then he describes on page 3 some of his duties as  
17 president, and then if you could come through to - take  
18 a moment to glance through it, but then if you come through  
19 to page 4, he says in about the middle of the page:  
20  
21 After my appointment as President, the next  
22 meeting was the 22nd August 1991.  
23 Records show that [Mr Blewitt] was  
24 Vice President ...  
25 [Mr Wilson] was branch secretary.  
26  
27 A. Yes.  
28  
29 Q.  
30 At the time of this happening I was still  
31 employed by Woodside Petroleum at Karratha  
32 and travelled to Perth for the meetings.  
33  
34 Do you see that?  
35 A. Yes.  
36  
37 Q. He says:  
38  
39 I was not a signatory to the bank accounts  
40 of the organisation [that is the union]  
41 until September 1992 when I returned to  
42 Perth.  
43  
44 A. Yes.  
45  
46 Q. And then over on the next page he says:  
47



1 Ralph Blewitt was elected to that position  
2 [of assistant branch secretary] on the 16th  
3 January 1992.

4  
5 And then he says:

6  
7 Therefore in 1992 I was President, WILSON  
8 was Branch Secretary and BLEWITT was  
9 appointed Branch Assistant Secretary.

10  
11 Then he says he wasn't at the meeting of 3 July 1992:

12  
13 I was absent in hospital.

14  
15 A. Yes.

16  
17 Q. He had hurt his back; is that right?

18 A. I don't know what the reason was that he was in  
19 hospital.

20  
21 Q. He had to have quite a significant period of  
22 rehabilitation and treatment, isn't that right?

23 A. I know he was absent from the meeting, yes.

24  
25 Q. You don't recollect anything about that?

26 A. Do I recall that it was his back? No, I don't.

27  
28 Q. Take a moment to glance through, if you wish, but he  
29 deals then with a number of different union rules over the  
30 next few pages and at the bottom of page 10, he says.

31  
32 ... any property purchased on behalf of the  
33 Australian Workers Union Western Australian  
34 Branch ... remains the property of the  
35 union and should have been placed into the  
36 name of the union and not individuals.

37  
38 And then coming over to page 11 he says:

39  
40 During my tenure as President I was never  
41 aware of any discussions with either  
42 BLEWITT or WILSON to form the Australian  
43 Workers Union Workplace Reform Association  
44 Inc.

45  
46 Do you see that?

47 A. Yes.

1  
2 Q. "It was never discussed at Executive level or even  
3 privately in any capacity." Do you see that?  
4 A. Yes.  
5  
6 Q. And that's true, isn't it?  
7 A. And in terms of the formation of the association, he  
8 wouldn't have been involved in the discussions.  
9  
10 Q. And then he says, lower down the page, "In 1994, at  
11 the beginning of the year" - I'm sorry, let's go through it  
12 slowly. He says, "All correspondence relating to the union  
13 would be posted to our postal address ..." he says, "The  
14 Australian Workers Union has never had a post office box at  
15 Northbridge Post Office, and I was never aware that we  
16 would open a post office box at that location." Do you see  
17 that?  
18 A. Yes.  
19  
20 Q. Then:  
21  
22 In 1994, at the beginning of the year I had  
23 a discussion with WILSON over post boxes,  
24 but that was related to election and as  
25 a consequence of that, I resigned as  
26 President.  
27  
28 He seems to have resigned at some point in 1994?  
29 A. Yes.  
30  
31 Q. And then he says:  
32  
33 At no stage was that association ever  
34 discussed and no authority was given by  
35 BLEWITT or WILSON to form the association  
36 on behalf of the Australian Workers Union  
37 or open and operate accounts in that name.  
38  
39 A. Yes.  
40  
41 Q. That's true, isn't it?  
42 A. There was no authority by the branch executive.  
43  
44 Q. It was never discussed, was it?  
45 A. Never discussed at the branch executive.  
46  
47 Q. Right. You say you didn't discuss it at branch

1 executive but you discussed it with him on some other  
2 occasion, is that what you are saying?  
3 A. I had discussed with him that Thiess were paying us  
4 for the provision of training at the Dawesville Channel  
5 Project.  
6  
7 Q. "Us", you mean the association?  
8 A. Yes.  
9  
10 Q. You discussed that with him?  
11 A. Yes.  
12  
13 Q. He then became the training officer, did he?  
14 A. Yes.  
15  
16 Q. And you appointed him to that position of training  
17 officer yourself?  
18 A. In discussions with him, it was agreed that he would  
19 do that. He was - his background was earthmoving. He had  
20 been involved - I worked with him for six years in the iron  
21 ore industry. His background was earthmoving. He'd been  
22 involved in training projects at Mt Newman Mining for  
23 earthmoving operators. The training project at Dawesville  
24 was for earthmoving operators. He seemed like an ideal  
25 person to do it.  
26  
27 Q. Let's come to the next page:  
28  
29 I have been shown the rules of the  
30 association ... the rules of that  
31 association are in conflict with Rule 4 of  
32 the rules of the Australian Workers Union.  
33  
34 I was never aware that either WILSON or  
35 BLEWITT opened these accounts ... in the  
36 name of the ... Association ...  
37  
38 He also mentions the Construction Industry Fund. The  
39 opening of these accounts was not authorised. Do you see  
40 that?  
41 A. Yes.  
42  
43 Q. Then he talks about a particular invoice at page 12?  
44 A. Yes.  
45  
46 Q. And then can we come over to the next page, page 13:  
47

1 I was aware of preliminary discussions  
2 between Thiess Contractors and BLEWITT in  
3 relation to a training officer, however, it  
4 was never ever discussed at  
5 Executive Level, nor was a Training Officer  
6 ever appointed.  
7  
8 Do you see that?  
9 A. I see that.  
10  
11 Q. That's true, isn't it, what the late Mr Ivory says?  
12 A. What's true is that Glen and I had discussions about  
13 him undertaking training at the project.  
14  
15 Q. He says that no training officer was ever appointed?  
16 A. I can see that, but I'm telling you the discussions  
17 that he and I had.  
18  
19 Q. And earlier you told me that not only was one  
20 appointed but the late Mr Ivory was that very training  
21 officer?  
22 A. He was.  
23  
24 Q. And that evidence you gave was quite false?  
25 A. No, it wasn't.  
26  
27 Q. And you knew it was false when you gave it?  
28 A. No, I didn't. It's not false. I'd like to know who  
29 prepared this statement for Mr Ivory because it wasn't him.  
30  
31 Q. And he then deals with invoices for Melbourne Water.  
32 Do you see that?  
33 A. What page is that.  
34  
35 Q. Page 13:  
36  
37 I have been shown invoices which relate  
38 to the provisions of a consultancy  
39 agreement between the Australian Workers  
40 Union ... and Thiess Contractors, in regard  
41 to Melbourne Water.  
42  
43 A. Yes.  
44  
45 Q. It says:  
46  
47 That is not a matter that would be

1           considered ... it was never discussed by  
2           myself and BLEWITT, or any other person.  
3       A.    Yes.  
4  
5       Q.    Do you see that? He then says at the bottom of the  
6       page:  
7  
8           There was no correspondence between Thiess  
9           and the [AWU] ... Had the discussions  
10          become a reality the Branch Executive would  
11          have appointed it.  
12  
13       The next page:  
14  
15          I have been shown a letter dated 16th March  
16          1993 ...  
17  
18          It is presumably the one of 1992 and he says, to  
19          summarise, "I have never seen the original." "It has never  
20          been tabled at an Executive Meeting ..." and then he says:  
21  
22          I was never made aware of the payment of  
23          funds by Thiess to this association.  
24  
25       A.    Well, he was.  
26  
27       Q.    What are you saying, Mr Wilson? You say that the  
28       late - is this your evidence, that the late Mr Ivory is not  
29       telling the truth in this statement?  
30       A.    If that information was his words, then, no, he's not.  
31  
32       Q.    There seem to be a long list of people, according to  
33       you, who are not telling the truth?  
34       A.    What's the list? I don't recall.  
35  
36       Q.    Well --  
37       A.    Do you know the list?  
38  
39       Q.    Mr Ivory, you say he's not telling the truth.  
40       Mr James, for example, you say he's not telling the truth  
41       in your statement; correct?  
42       A.    Yes.  
43  
44       Q.    Mr Cambridge, you say he's not telling the truth,  
45       don't you?  
46       A.    I don't know that I particularly say Cambridge isn't  
47       telling the truth.

1  
2 Q. And then you certainly disagree with things that he's  
3 put in his statement; is that right?  
4  
5 DR HANSCOMBE: Commissioner, given the length of  
6 Mr Cambridge's statements and the three volumes of  
7 attachments, that really is not fair puttag. If there are  
8 particular things they ought to be put. No-one could  
9 answer a question at that level of generality.  
10  
11 THE COMMISSIONER: Yes. I think in order to get  
12 concrete --  
13  
14 MR STOLJAR: Let's look at Mr Blewitt. You say Mr Blewitt  
15 is lying?  
16 A. Yes.  
17  
18 Q. You say Mr James is lying?  
19 A. Yes.  
20  
21 Q. You say now that the late Mr Ivory is lying; is that  
22 right?  
23 A. Based on what I've read here, that's not true.  
24  
25 Q. Well, the fact is, Mr Wilson, that the evidence that  
26 you have given to the effect that the late Mr Ivory was  
27 appointed as a training officer is quite false?  
28 A. No, it's not.  
29  
30 Q. And you have used the name of the late Mr Ivory  
31 knowing that he is no longer with us and can't defend  
32 himself; is that right?  
33 A. Not at all. Not at all. In fact I wish he was.  
34  
35 Q. He knew nothing about the association, did he?  
36 A. He did, from the discussions that we had.  
37  
38 Q. He was an employee of Woodside?  
39 A. Not at the time that I've described to you that he did  
40 the training which I said was from early 1993 to some part  
41 of - or early 1994, towards the end of '93.  
42  
43 Q. Let's come back to the late Mr Ivory's statement.  
44 I think I was asking about page 14. Come to the bottom of  
45 the page he says:  
46  
47 We had a paid organiser at one office named

1 Colin SAUNDERS and later Tony LOVETT who  
2 had jurisdiction over the job.  
3 A. Yes. They had the organising responsibilities as  
4 I understand it.  
5  
6 Q. Of the job at Dawesville Channel?  
7 A. The organising responsibilities, yes.  
8  
9 Q. Over on the next page - and please take a minute to  
10 read through the whole of the statement if it assists, but  
11 I was going to take you to the next page, page 16:

12  
13 Wilson and Blewitt were the two persons  
14 holding power at that time so to speak and  
15 ran the Union on a day-to-day basis.  
16 However it was still incumbent upon them to  
17 report to the Executive ...

18  
19 It says:

20  
21 As Branch President between May 1991  
22 and September 1992 I commuted to Perth from  
23 Karratha ... I had daily contact with the  
24 Branch Secretary or Assistant Branch  
25 Secretary on matters that affected the  
26 Union.

27  
28 And you were the branch secretary at that time?

29 A. Yes.

30  
31 Q. And then he says:

32  
33 Between September 1992 and February 1993  
34 I was in Perth on rehabilitation leave,  
35 however I attended the Union Office  
36 regularly.

37  
38 A. Yes.

39  
40 Q. At 17:

41  
42 I had little contact with Blewitt during  
43 that period of time, my main dealings were  
44 with Wilson.

45  
46 A. Yes.

47

1 Q. And then he deals with the question of whether there  
2 were any disputes or the like that needed to involve the  
3 intervention of an organiser over the next new pages.  
4

5 At page 19, as I say take a moment to read through the  
6 statement if it assists you, at the bottom of the page:  
7

8 There was no reason whatsoever for Blewitt  
9 or Wilson's involvement at that level ...  
10

11 That is involved in the project:  
12

13 ... and it would have been unusual to say  
14 the least that the organisers were not  
15 involved in the negotiations for workplace  
16 reform with Thiess.  
17

18 Do you agree with that?

19 A. Yes.  
20

21 Q. And then on the next page he says:  
22

23 I was never aware and it was never  
24 discussed at the Executive Branch level  
25 that this Union would receive an income  
26 from Thiess of \$36.00 per hour for  
27 a maximum of 54 hour per week to have a  
28 union representative on site ... who was to  
29 be involved in workplace reform issues.  
30

31 A. At the executive branch level, it wasn't.  
32

33 Q. The position is this, isn't it, Mr Wilson, that your  
34 evidence that you've given orally and in your statement to  
35 the effect that Mr Ivory knew about the association and, in  
36 fact, did work on its behalf at the Dawesville Channel  
37 Project is quite false?  
38

39 A. No, it's not.  
40

41 Q. And if you go back to paragraph 141 of your statement,  
42 your evidence there to the effect that you asked the late  
43 Mr Ivory to become a member is quite false?  
44

45 A. No, it's not.  
46

47 Q. He never agreed to be a member and he never signed any  
document, did he?

A. He did. People were on all sorts of committees at



1 that time, including Glen Ivory.

2

3 Q. Of the four people that you identify here, the late  
4 Mr Collins is no longer with us, and Mr Telikostoglou has  
5 emigrated and he's now in Greece; is that right?

6 A. As I understand it. I know he's in Greece at the  
7 moment. I don't know if he's severed contact with  
8 Australia or not.

9

10 THE COMMISSIONER: Should we mark Mr Ivory's statement?

11

12 MR STOLJAR: Yes, may it please the Commission.

13

14 THE COMMISSIONER: That will be MFI 3

15

16 MR STOLJAR: Commissioner, I have the original. It may be  
17 that that document should be included and marked with the  
18 Commission's records.

19

20 WILSON MFI #3 ORIGINAL STATEMENT OF GLEN DALLAS IVORY  
21 DATED 20/11/1997

22

23 MR STOLJAR: Q. Could you come to paragraph 148 of your  
24 statement. You are describing there an application dated  
25 4 May 1992 for two Commonwealth Bank accounts. Could you  
26 go, please, to page 71 of MFI2. That is the forms to  
27 which you make reference in paragraph 148?

28 A. Yes.

29

30 Q. Your signature appears at line B on page 72?

31 A. Yes.

32

33 Q. You describe yourself as the treasurer?

34 A. Yes, or committee treasurer, yes.

35

36 Q. And you say in paragraph 149:

37

38 I recall that the account was opened ...

39

40 A. Yes.

41

42 Q. Thiess payments were banked into the account?

43 A. Yes.

44

45 Q. So you recollect - I withdraw that. You are aware on  
46 and from 4 May 1992 that the account was opened and Thiess  
47 cheques were being paid into it?

1 A. I was aware of that, yes.  
2  
3 Q. And the position at this time, and from the period  
4 that cheques were being banked into this account, is this:  
5 you'd set up the association; correct?  
6 A. Yes.  
7  
8 Q. You were the driving force?  
9 A. Yes.  
10  
11 Q. You knew about the secret PO box?  
12 A. Well, I knew about the PO box.  
13  
14 Q. You were the treasurer?  
15 A. Yes.  
16  
17 Q. You understood the obligations of the treasurer set  
18 out in the rules?  
19 A. Yes.  
20  
21 Q. You were still at that time the secretary of the WA  
22 branch of the AWU?  
23 A. Yes.  
24  
25 Q. You were working closely with Mr Blewitt on  
26 a day-by-day basis?  
27 A. Yes.  
28  
29 Q. You knew that the association was being paid by  
30 Thiess?  
31 A. Yes.  
32  
33 Q. To your understanding and knowledge, no other official  
34 other than yourself and Mr Blewitt in the AWU even knew  
35 about the association?  
36 A. Yes, other than perhaps those four people. Well,  
37 other than those four people knew that there was an  
38 association. That's Blewitt - I mean Ivory, Collins,  
39 Barnes and Telikostoglou.  
40  
41 Q. You were paying the monies received or causing to be  
42 paid the monies received by Thiess into an unaudited  
43 account?  
44 A. It hadn't been audited; correct.  
45  
46 Q. It was never audited, was it?  
47 A. Not that I recall.

1  
2 Q. You knew that no work had been done as at May 1992?  
3 A. Yes.  
4  
5 Q. You knew that no work was ever done?  
6 A. No.  
7  
8 Q. And the suggestion that you have made in your evidence  
9 that the late Mr Ivory was a training officer appointed and  
10 was doing work is simply false; that's right?  
11 A. No.  
12  
13 Q. You established this association quite deliberately  
14 and knowingly as a device to obtain funds from Thiess?  
15 A. It was a device that was set up to take the funds that  
16 were agreed to for the workplace change association and  
17 that's what we did. We invoiced Thiess in accordance with  
18 the agreement that we had and banked the monies into that  
19 account.  
20  
21 Q. Now, it was perfectly obvious to you during 1992, to  
22 you as treasurer, that no wages were being paid?  
23 A. Was it obvious that no wages were being paid, yes.  
24  
25 Q. The only wages that were ever paid, according to you,  
26 were the 15,000 paid to the late Mr Ivory?  
27 A. Yes.  
28  
29 Q. And why did you pay Mr Ivory in cash?  
30 A. Because I asked Ralph to go to the bank. He wanted to  
31 reimburse himself for some other amounts. He went to the  
32 bank and got \$15,000 cash - I mean \$50,000 as I now know.  
33  
34 Q. Could you come, please, to paragraph 190 of your  
35 statement. You are dealing there with the payment of the  
36 cash to the late Mr Ivory?  
37 A. Yes.  
38  
39 Q. You say;  
40  
41 I met with IVORY later that evening and  
42 paid him in cash.  
43  
44 Do you see that?  
45 A. Yes.  
46  
47 Q. Did he ask you, according to you, why you were paying

1 him?  
2 A. Why I was paying him at all or why I was paying him in  
3 cash?  
4  
5 Q. Well, let's take it in steps. Did you tell him, "This  
6 is your wages for the association"?  
7 A. We'd had earlier discussions about it.  
8  
9 Q. You never had those discussions, did you?  
10 A. Well, you keep saying that and I keep saying the  
11 opposite.  
12  
13 Q. Did he ask you why you were paying him in cash?  
14 A. No.  
15  
16 Q. He didn't see anything unusual about that?  
17 A. I don't know whether he saw anything unusual about it  
18 or not. He didn't ask me.  
19  
20 Q. You describe in your statement Mr Ludwig asking you  
21 about providing him some funds to assist him in an  
22 election?  
23 A. What paragraph are you at?  
24  
25 Q. Paragraph 153.  
26 A. Yes.  
27  
28 Q. You say:  
29  
30 ... Mr Ludwig said ... "You know all that  
31 money you blokes are raising in the West,  
32 what's the chance of getting some of that  
33 to help out in the election?"  
34  
35 He is referring to the 1993 federal election:  
36  
37 I said ... words to the effect "Yeah how  
38 much are you thinking about?" And he said,  
39 "I don't know, maybe \$10,000 or something."  
40 I did not hear anything more ...  
41 ... in early 1993 I asked LUDWIG whether he  
42 still needed funds and he said words to the  
43 effect, "No we have sorted it out."  
44  
45 Where were you proposing to provide Mr Ludwig those funds  
46 from?  
47 A. From this association.

1  
2 Q. I thought it was set up to propel the advancement of  
3 the National Construction Branch?  
4 A. Well, elections and election of people may very well  
5 have assisted in that.  
6  
7 Q. You are talking about the federal election?  
8 A. Yes, and having Mr Ludwig on side also would assisted.  
9  
10 Q. Having Mr Ludwig on side? You mean you'd do Mr Ludwig  
11 a favour, is that what you are suggesting?  
12 A. Essentially.  
13  
14 Q. And then he'd do you a favour later, is that what you  
15 mean?  
16 A. Essentially, yes.  
17  
18 Q. So you saw the association, or the funds in the  
19 association, as funds that you could do with as you saw  
20 fit; is that right?  
21 A. Well, I saw them as being able to be used in  
22 accordance with those objects that were written out and  
23 whatever number of them there were, eight or nine, and  
24 apply them in accordance with that and I think I - on the  
25 occasions that I did use the funds, they were in accordance  
26 with the objects of the association.  
27  
28 Q. Which object - and we will go to them if it assists  
29 you - do you say contemplated the provision of funds for  
30 a federal election? The objects are on page 60.  
31 A. It depends how broadly you wanted to interpret it.  
32 You could start at (d) and (e), (f), (g). Any one of  
33 those.  
34  
35 Q. So to take (g) for example, the object of consulting  
36 with union officials, union members, employers, et cetera,  
37 as necessary, contemplates making donations in respect to  
38 the federal election?  
39 A. As I saw it.  
40  
41 Q. You never gave, in truth, any consideration of the  
42 objects, did you?  
43 A. I did. That's why they were specifically drafted the  
44 way that they are.  
45  
46 Q. Could we come to the heading on page 35 of 91 of your  
47 statement, "Purchase of Kerr Street Property."

1 A. What page, I beg your pardon?  
2  
3 Q. Page 35 in the middle at the bottom.  
4 A. Which paragraph?  
5  
6 THE COMMISSIONER: Which paragraph?  
7  
8 MR STOLJAR: It begins at paragraph 156, Commissioner.  
9 A. Yes.  
10  
11 Q. So the topic you are dealing with here is the  
12 acquisition of some real property in Melbourne in early  
13 1993?  
14 A. Yes.  
15  
16 Q. You say in paragraph 159 that you and Mr Blewitt  
17 tossed around ideas, and he mentioned the idea of getting  
18 a property where people could stay overnight. Were you  
19 being paid a living away from home allowance at that time?  
20 A. I can't recall.  
21  
22 Q. Well, you can recall, can't you, Mr Wilson? You were?  
23 A. I don't know what language I'm speaking, but I just  
24 said I can't recall.  
25  
26 Q. Your wife and family were in Perth?  
27 A. Yes.  
28  
29 Q. Your primary residence was in Perth?  
30 A. Yes.  
31  
32 Q. You had moved to Melbourne initially on a temporary  
33 basis?  
34 A. Yes.  
35  
36 Q. You were being paid by the AWU a living away from home  
37 allowance?  
38 A. I know I was at one stage. I just don't recall  
39 whether it was particularly at that stage.  
40  
41 Q. You say in paragraph 161 that you both looked at the  
42 rules and you considered that the rules allowed for  
43 property purchases?  
44 A. Yes.  
45  
46 Q. Did you have any particular rule in mind or are you  
47 just --

1 A. Well, I thought under the objects, point two in  
2 particular, and then you could take - interpret a number of  
3 the other rules as well.  
4  
5 Q. Did you tell Ms Gillard that Mr Blewitt was buying  
6 a house for himself as an investment property?  
7 A. I don't recall that I specifically said those words to  
8 her, no. I think Ralph may have said that to her.  
9  
10 Q. In your presence?  
11 A. I think so.  
12  
13 Q. Where's that in your statement?  
14 A. Maybe paragraph 165.  
15  
16 Q. So where you say there:  
17  
18 I recall that he was talking about property  
19 investment with [Ms Gillard] and myself ...  
20 in a social situation."  
21  
22 You mean he was saying he was going to buy a property  
23 investment for himself, in his name, in Melbourne, is that  
24 what you say?  
25 A. It came up in that discussion.  
26  
27 Q. Well, that wasn't what you understood to be the case,  
28 was it?  
29 A. That he was actually buying it?  
30  
31 Q. Yes.  
32 A. I understood that he was buying it in his name and  
33 that funds from the association would be used to do it.  
34  
35 Q. You thought it was going to be the association's  
36 property?  
37 A. Yes.  
38  
39 Q. So it wasn't an investment property for Mr Blewitt,  
40 was it?  
41 A. That's what Blewitt had been talking about, and I  
42 believe that was the proposition that he was putting to  
43 Julia Gillard about his intention to invest in a property  
44 in Melbourne.  
45  
46 Q. But you knew that was false?  
47 A. Well, I knew that the property was going to be - that

1 he was - we were talking about buying it and I knew that it  
2 would be funded from the association, but it would be in  
3 his name.

4  
5 Q. Why is the Perth - let's take it in steps. Can you  
6 point to any reason why the - I withdraw that.

7  
8 The Kerr Street property was put in Mr Blewitt's name  
9 as part of the process of keeping the activities of the  
10 association concealed from others at the AWU; correct?

11 A. I don't know if that was the driving force behind  
12 that. I think it just came out of a series of discussions  
13 that we had about - not in one discussion, but over  
14 a period of time.

15  
16 Q. It may not have been the driving force, as you put it,  
17 but you accept, do you, at least in part your motive for  
18 the acquisition of the property in Kerr Street, Fitzroy,  
19 being in Mr Blewitt's name was to conceal the activities of  
20 the association from others at the AWU?

21 A. I suppose in part.

22  
23 Q. You knew that at the time?

24 A. Most likely.

25  
26 Q. Mr Blewitt, according to you, says he'll do the  
27 research?

28 A. Yes.

29  
30 Q. Mr Blewitt then, you say in paragraph 162, took  
31 carriage of the property idea and said it would be put in  
32 his name and I said, "Okay, whatever", I'm reading from  
33 paragraph 162:

34  
35 ... I considered that it would be the  
36 [Workplace Reform's Association] property.

37  
38 A. Yes.

39  
40 Q. Did you disclose to the members of the association the  
41 property was being acquired in the name of Mr Blewitt  
42 although it was, in your view, association property?

43 A. I don't recall that I did.

44  
45 Q. Did you disclose to Ms Gillard the fact that property  
46 was being acquired in the name of Mr Blewitt although it  
47 would be the association's property in your mind?



1 A. No, I didn't.  
2  
3 Q. At paragraph 167, you say that Mr Blewitt was in  
4 Melbourne on 3 February 1993 and you describe a dinner at  
5 a Thai restaurant.  
6 A. Yes.  
7  
8 Q. And you have refreshed your memory, have you, by  
9 looking at the exhibits which were put to Mr Blewitt in the  
10 course of his evidence before this Commission on 12 and  
11 13 May 2014?  
12 A. In part.  
13  
14 Q. Who else was at the dinner at the Thai restaurant?  
15 A. As I recall it was just the three of us: Julia  
16 Gillard, myself and Ralph.  
17  
18 Q. You say that Mr Blewitt mentioned to Ms Gillard he was  
19 planning on bidding on a house in a week or so, and you say  
20 that Ms Gillard mentioned that I, that is you, Mr Wilson,  
21 couldn't just go and bid on his behalf, and you say:  
22  
23 I recall I asked GILLARD what I had to do  
24 and she said ... she could do it in the  
25 morning.  
26  
27 And then you say at paragraph 169 on 4 February, among  
28 other things, you picked up Mr Blewitt from where he was  
29 staying and drove back to Slater & Gordon?  
30  
31 A. Yes.  
32  
33 Q. Do you have a memory as you sit here today of what  
34 happened on that day?  
35 A. Yes, I do.  
36  
37 Q. Or have you really reconstructed it --  
38 A. No.  
39  
40 Q. -- from the exhibits that you looked at?  
41 A. I actually have a memory of it. In fact I've  
42 remembered a little bit more, that I didn't get out of the  
43 car, I stayed in the car.  
44  
45 Q. You remember that. I see. At paragraph 170 you say:  
46  
47 I don't recall whether I went in to SLATER

1 and GORDON or whether [he] went in by  
2 himself.

3  
4 You now remember that you stayed in the car, do you?

5  
6 Do you remember whether there was a meeting at the  
7 ACTU that day?

8 A. No.

9  
10 Q. So you remember the detail that you remained in the  
11 car. When did this come to you, by the way, this detail?

12 A. Just while I've been reading all of these documents  
13 over the period of time that it's been happening, they've  
14 been going on.

15  
16 Q. So you remember that detail but you can't remember  
17 whether there was a meeting with Mr Kelty of the ACTU on  
18 that day?

19 A. There were meetings with Bill Kelty at the ACTU every  
20 other day.

21  
22 Q. Did you go to a meeting that day with him?

23 A. I don't recall.

24  
25 Q. Why did Mr Blewitt not go that day?

26 A. Why did he not go to it?

27  
28 Q. Yes.

29 A. I don't know whether he - I don't recall a meeting at  
30 the ACTU. There may very well have been.

31  
32 Q. At paragraph 172 you say:

33  
34 ... I recall Blewitt and I had a telephone  
35 conversation and he told me that if  
36 successful at auction he would pay the  
37 deposit out of his own funds, and get  
38 reimbursed later.

39  
40 Do you see that?

41 A. Yes.

42  
43 Q. The only reason for Mr Blewitt to be paying the  
44 deposit out of his own funds is to conceal the fact that  
45 the association had an involvement in acquiring this house;  
46 correct?

47 A. Perhaps, yes.

1  
2 Q. Well, there's no "perhaps". You agree, don't you,  
3 that's the only reason?  
4 A. Well, I don't know if it's the only reason. It is  
5 certainly a reason.  
6  
7 Q. It is the central reason; do you agree?  
8 A. Yes.  
9  
10 Q. And then he forwards you, you say in paragraph 173,  
11 a blank signed personal cheque?  
12 A. Yes.  
13  
14 Q. "On 13 February 1993, I went to the auction", and you  
15 completed the cheque in the amount of the deposit, did you?  
16 A. I don't recall having done that. I can't recall --  
17  
18 Q. Well, who did?  
19 A. Well, I'm not saying I didn't. I'm just saying that  
20 I don't personally recall standing there and filling out  
21 a cheque.  
22  
23 Q. You didn't know how much the property would be  
24 acquired for at the auction in advance of the auction, did  
25 you?  
26 A. No.  
27  
28 Q. So you had to go along with a blank cheque; correct?  
29 A. I would imagine so.  
30  
31 Q. And when the property was knocked down at auction, you  
32 could complete the cheque in an amount corresponding to  
33 10 per cent of the purchase price?  
34 A. Correct.  
35  
36 Q. And that's what you did?  
37 A. Well, I'm just saying I just don't recall actually  
38 physically filling the cheque out myself.  
39  
40 Q. There were two people there at the auction, in effect,  
41 on behalf of Mr Blewitt: yourself and Ms Gillard; correct?  
42 A. Well, I don't think Ms Gillard was. She was just  
43 accompanying me.  
44  
45 Q. That's fair. You were there representing Mr Blewitt  
46 and Ms Gillard was accompanying you?  
47 A. Yes.

1  
2 Q. And there was no-one else?  
3 A. What do you mean no-one else? No-one else at the  
4 auction or no-one else with us?  
5  
6 Q. No, no-one else with you. No-one from Slater & Gordon  
7 or no-one from the union?  
8 A. No.  
9  
10 Q. Just the two of you?  
11 A. Yes. As far as I recall, yeah.  
12  
13 Q. At paragraph 178 you say that you became aware the  
14 property would be mortgaged to Slater & Gordon, and you  
15 knew that funds in the association account were going to be  
16 used for the acquisition of the property?  
17 A. Yes.  
18  
19 Q. And you knew that there was not at that time  
20 sufficient funds in the account to acquire the property?  
21 A. Yes.  
22  
23 Q. And the balance of the funds necessary to procure  
24 settlement of the contract of sale needed to be borrowed  
25 from some source?  
26 A. Yes.  
27  
28 Q. And that source, as it turned out, was through  
29 Slater & Gordon, the law firm?  
30 A. Yes.  
31  
32 Q. You knew, this is early 1993, that no work, no  
33 training work, had been done at that stage by the  
34 association, even on your evidence, at the Dawesville  
35 Channel Project?  
36 A. In early 1993 I believe that there had been.  
37  
38 Q. Let me take it in steps. You knew in February or  
39 thereabouts 1993 that, even on your evidence, no work had  
40 been done?  
41 A. Sorry, I missed that because of coughing.  
42  
43 Q. Even on your evidence no work had been done for the  
44 calendar year 1992?  
45 A. Yes.  
46  
47 Q. That invoices had been regularly submitted to Thiess?

1 A. Yes.  
2  
3 Q. In fact submitted on a monthly basis?  
4 A. Bar the first one, yes.  
5  
6 Q. Yes, that's quite correct. So the April one was three  
7 months and thereafter on a monthly basis, and that Thiess  
8 had been paying those cheques?  
9 A. Yes.  
10  
11 Q. And the amount had accumulated in the association's  
12 account at the Commonwealth Bank that you had established?  
13 A. Yes.  
14  
15 Q. And those funds were now being deployed to buy the  
16 Kerr Street property?  
17 A. Yes.  
18  
19 Q. In paragraph 179 you describe the provision of proof  
20 of income of Blewitt's income and a copy of his tax return.  
21 I'll endeavour to turn that up in MFI2. It should be at  
22 148. That's a facsimile transmission from Hewitt & Co to  
23 Ms Brosnahan, Slater & Gordon?  
24 A. Yes.  
25  
26 Q. And going over the next page to page 149, the relevant  
27 partner of Hewitt & Company says:  
28  
29 At the request of Mr Blewitt we confirm the  
30 following details: gross salary ...  
31  
32 Et cetera, and sets out some figures?  
33 A. Yes.  
34  
35 Q. Mr Blewitt's position at that time was what?  
36 A. In the organisation?  
37  
38 Q. Yes. March 1993, he is the secretary, isn't he, of  
39 the WA branch?  
40 A. I think he might have still been acting secretary.  
41  
42 Q. So the acting secretary?  
43 A. I think. I couldn't be sure.  
44  
45 Q. The acting secretary of the WA branch at that time was  
46 earning that amount of gross salary?  
47 A. I couldn't tell you if that's what it says. I just

1 take their word for it.  
2  
3 Q. But does that sound about right to you?  
4 A. It sounds about right.  
5  
6 Q. I don't mean to intrude on your private arrangements,  
7 Mr Wilson. Indeed, if you prefer to write down an answer  
8 on a piece of paper, if you would prefer, but may I ask  
9 whether your gross salary at that time corresponded to  
10 a figure of about that?  
11 A. I couldn't tell you off the top of my head.  
12  
13 Q. Was it about that figure?  
14 A. About that.  
15  
16 Q. Your position at that time in the Victorian branch of  
17 the AWU was likewise as secretary?  
18 A. Or acting secretary.  
19  
20 Q. Or acting secretary. So it is likely that it was  
21 commensurate with - I'm not asking to the dollar, but in  
22 rough terms commensurate with what Mr Blewitt was receiving  
23 in WA?  
24 A. Yes.  
25  
26 Q. That was your only source of income at that time?  
27 A. Yes.  
28  
29 Q. And again I don't mean to intrude on your personal  
30 affairs, but you had a family in Perth?  
31 A. Yes.  
32  
33 Q. For whom you were also a provider?  
34 A. Yes.  
35  
36 Q. And you had your living arrangements in Victoria?  
37 A. Yes.  
38  
39 Q. Was your wife working at that time?  
40 A. Yes.  
41  
42 Q. And what was her position at that time? What sort of  
43 work?  
44 A. I think from memory she worked at Club Med or  
45 something like that, I can't recall exactly but I think it  
46 was around that time that's where she was working.  
47

1 Q. You had a couple of young children?  
2 A. Yes.  
3  
4 Q. And she was the primary caregiver for them in Perth?  
5 A. Yes.  
6  
7 Q. She was working part-time, was she?  
8 A. No, full-time.  
9  
10 Q. You were the person who made arrangements with  
11 Hewitt & Co to have conveyed to Slater & Gordon the  
12 information set out on page 149 of the bundle?  
13 A. Yes, in consultation with Ralph, but I initiated it.  
14  
15 Q. Why do you say "in consultation with Ralph"?  
16 A. Well, because Ralph was involved in a discussion with  
17 them as well.  
18  
19 Q. When was that?  
20 A. On the 3rd. On 3 March.  
21  
22 Q. Go back to paragraph 179 of your statement. You say:  
23  
24 They were unable to get in touch with  
25 BLEWITT directly.  
26  
27 A. Yes.  
28  
29 Q. So he didn't have a discussion with them on that day  
30 or the day before, did he?  
31 A. Who are you talking about?  
32  
33 Q. Mr Blewitt.  
34 A. Yes, but who was unable to get in touch with them?  
35 Slater & Gordon were unable to get in touch with Blewitt.  
36  
37 Q. So you say the gentleman from Hewitt & Co had  
38 a discussion the day before?  
39 A. On the 3rd, the evening of the 3rd, we were all  
40 together.  
41  
42 Q. In Perth?  
43 A. Yes.  
44  
45 Q. Could you come through to paragraph 184 of your  
46 statement.  
47 A. Yes.

1  
2 Q. You say there:  
3  
4 ... I moved into the Kerr Street property.  
5 I set up downstairs rooms with an office  
6 space, with about 3 desks around the wall  
7 and a couple of chairs.  
8  
9 You are exaggerating the degree to which the Kerr Street  
10 property was set up as an office, aren't you?  
11 A. No, I'm not.  
12  
13 Q. And it looked just like a normal house; correct?  
14 A. From the outside.  
15  
16 Q. And from the inside?  
17 A. Not particularly like a normal house. It was  
18 a different configuration to a normal house.  
19  
20 Q. In any event, you say that that configuration is set  
21 out in 184, 185 and 186, do you?  
22 A. Yes.  
23  
24 Q. And Mr Hem came quite frequently to the house?  
25 A. Not really, no. I disagree with his account of how  
26 often he came to the house.  
27  
28 Q. And there were no meetings, or very few meetings at  
29 the house; correct?  
30 A. No, there were a lot of meetings at the house.  
31  
32 Q. Well, you had offices with the AWU just nearby;  
33 correct?  
34 A. Yes.  
35  
36 Q. If there needed to be meetings, they would have taken  
37 place there?  
38 A. No, they wouldn't. Some meetings did. It depends on  
39 what type of meeting it was and with whom.  
40  
41 Q. Could you come, please, to paragraph 187 and following  
42 of your affidavit. You are dealing here with certain  
43 disbursements of funds from the association's account?  
44 A. Yes.  
45  
46 Q. At paragraph 188 you give some evidence about cheque  
47 number 802211?



1 A. Yes.  
2  
3 Q. Could you go, please, to page 203 of the bundle.  
4 A. Yes.  
5  
6 Q. That's your signature?  
7 A. Yes.  
8  
9 Q. Your evidence is that you signed this cheque and gave  
10 it to Mr Blewitt in blank?  
11 A. Yes.  
12  
13 Q. In fact, your evidence is that you signed half a dozen  
14 cheques; you say that in paragraph 189?  
15 A. Yes.  
16  
17 Q. In paragraph 190 you deal with Mr Blewitt's evidence  
18 to the effect that he gave you the cash sum of \$50,000 at  
19 a meeting in Sydney?  
20 A. That's what he claimed, yes.  
21  
22 Q. And you deny that account?  
23 A. Yes.  
24  
25 Q. You say "I never gave Mr Ludwig cash or monies of any  
26 amount."?  
27 A. Yes.  
28  
29 Q. So you had some discussions with Mr Ludwig about the  
30 provision of funds that we've discussed before, but in fact  
31 you never did --  
32 A. Never did give him any?  
33  
34 Q. -- give him any?  
35 A. Yes.  
36  
37 Q. That's your evidence. Did you give any cash or funds  
38 to any allies of Mr Ludwig?  
39 A. No.  
40  
41 Q. You say you didn't make any donation of funds for  
42 election purposes or otherwise?  
43 A. No.  
44  
45 Q. When did you find out that Mr Blewitt had completed  
46 cheque number 802211 in an amount of \$50,000?  
47 A. Some time in 1994.

1  
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47

Q. Is that in the sequence of events that you describe later in your witness statement when you had a confrontation with Mr Blewitt about what you say were misappropriations of funds from the association's account?

A. Yes.

Q. Could you come, please, to page 205.

A. Yes.

Q. That's your signature?

A. Yes.

Q. You were aware at the time, that was a cash cheque for \$8,000?

A. Not at the time that I signed it because on the day that I was talking to Blewitt about the money for Ivory, he had been complaining about being out of pocket and so forth and I signed half a dozen cheques, or thereabouts, and said, "Well, you don't need to put yourself into that position, I'll sign one so you don't have to worry about it", and I signed half a dozen of whatever, somewhere like that, cheques and left them unmarked in the cheque book.

Q. Did you ever sign blank cheques to be drawn on an AWU account?

A. Yes.

Q. Is that something you did routinely?

A. It was something I think that was a practice most branches did. I recall reading in the Ernst & Young financial report on the union, that they made a point of saying that the signing of unmarked cheques was common across all of the branches.

Q. In any event, you describe the circumstances in which cheque number 802212 was completed in paragraph 192 of your statement?

A. Yes.

Q. You say there that you were going to Port Hedland:

I asked BLEWITT for money.

A. Yes.

Q. BLEWITT said he had been queried by the bank ...

1  
2 So you said take out \$8,000?  
3 A. Yes.  
4  
5 Q. You regarded that as just a normal and appropriate  
6 part of your daily work, did you, just get \$8,000 in cash  
7 and go up to the shop stewards committee?  
8 A. I suppose I considered it as part of the usage of  
9 those funds in accordance with the objects of the funds.  
10  
11 Q. Did you get an invoice from the shop stewards?  
12 A. No.  
13  
14 Q. Get a receipt?  
15 A. No.  
16  
17 Q. You just handed it out?  
18 A. Pretty much.  
19  
20 Q. Did you go back later and ask what it had been spent  
21 on?  
22 A. No.  
23  
24 Q. You say you thought the money was to enable them to  
25 continue working towards workplace reform. You had no  
26 discussion to that effect, I take it?  
27 A. Well, that was the committee that I worked in when  
28 I was a rank and file shop steward. It was my committee,  
29 most of them that I'd been involved with from the time as  
30 a shop steward, to convenor, to first becoming an  
31 organiser, I pretty much knew what they did, and had faith  
32 in them that they would continue to do that.  
33  
34 Q. So you handed it to them, you gave no instructions but  
35 you had faith they would do the right thing?  
36 A. Oh, I mean, we sat around, we talked and we  
37 discussed - you know, as you - well, maybe you don't know.  
38 But as you do in trade union circles, you sit around and  
39 you discuss things, and that's how it gets done.  
40  
41 Q. You say in paragraph 193 you never gave Mr Blewitt  
42 instructions regularly to withdraw amounts not exceeding  
43 10,000. You certainly gave him that instruction in respect  
44 of cheque 802212?  
45 A. Yes.  
46  
47 Q. You say it's not something you did regularly?

1 A. That's correct.  
2  
3 Q. In paragraph 194 you say:  
4 ... Blewitt withdrew cash for me to  
5 purchase office equipment for the  
6 Kerr Street property.  
7  
8 A. Yes.  
9  
10 Q. A large amount.  
11 A. \$8,000.  
12  
13 Q. What did he do? He brought a sum of cash over to  
14 Melbourne, did he?  
15 A. I'm not sure whether I was in Perth when he did that  
16 or whether I was in the east.  
17  
18 Q. Did you keep the receipts and the like for the items  
19 that you bought?  
20 A. I did for a period of time, I would have. I would  
21 have got them at the thing and taken them back to the house  
22 in Kerr Street. How long I kept them is anybody's guess.  
23  
24 Q. And then on another occasion Mr Blewitt, you say this  
25 in paragraph 195, brought \$5,000 in cash to Sydney?  
26 A. Yes.  
27  
28 Q. Why did he give it to you in Sydney?  
29 A. Because there must have been an Executive Council  
30 meeting or some meeting that he was required to attend and  
31 it coincided with the time that I needed to have the money  
32 to do what I say in my statement that I did. He was  
33 coming; it seemed convenient.  
34  
35 Q. See, if you had cash sums of that kind - I take it he  
36 gave - let's start that again. He gave that to you in  
37 Sydney and then you took it down to Melbourne with you, did  
38 you?  
39 A. Yes.  
40  
41 Q. And you made the acquisitions to which you refer in  
42 paragraph 195 in Melbourne?  
43 A. Yes.  
44  
45 Q. And if you were carrying cash sums of that size,  
46 \$5,000, you could only have got those from Mr Blewitt;  
47 correct?

1 A. Yes.  
2  
3 Q. Because on your salary you couldn't - and I don't mean  
4 this in any rude way, but you couldn't afford to be, as it  
5 were, carrying around sums of five or \$8,000 in cash?  
6 A. Most likely not.  
7  
8 Q. You had no other source of cash other than Mr Blewitt;  
9 is that right?  
10 A. Well, in respect to those payments, yes.  
11  
12 Q. Well, where else could you have got cash from?  
13 A. Well, I didn't get cash.  
14  
15 Q. Could we come to paragraph 203 of your statement.  
16 A. Yes.  
17  
18 Q. You say you did some work yourself on renovations to  
19 the Abbotsford property including knocking a wall down,  
20 that is in paragraph 203?  
21 A. Yes.  
22  
23 Q. And you say that Ms Gillard contracted various trades  
24 people?  
25 A. Yes.  
26  
27 Q. Were the trades people the gentlemen to which you make  
28 reference in your statement, or were there others that you  
29 can no longer recollect?  
30 A. I believe there were some others. Are you talking  
31 about Athol James? Was I referring to him, or --  
32  
33 Q. Well, you mention Athol James.  
34 A. I wasn't referring to Athol, I was referring to other  
35 people.  
36  
37 Q. You make reference to Mr Spyridis in 215?  
38 A. I wasn't referring to him either.  
39  
40 Q. There were others doing work there, were there?  
41 A. I believe there was.  
42  
43 Q. Who were they?  
44 A. I think they were friends of Jim Collins. I'm not  
45 particularly - I can't recall exactly what their skills  
46 were, but I recall Jim had some friends that he - I don't  
47 know through his footy club or something like that, that

1 were tradesmen or builders or carpenters, or some such  
2 thing. Somebody that does something to houses anyway, and  
3 I think it was one of those situations of mates rates or  
4 something like that.

5  
6 Q. Well, I just mentioned Mr Spyridis. Did you meet him  
7 yourself?

8 A. I can't recall ever having met him. I may have done.  
9 I just don't recall the instance.

10  
11 Q. Was he someone that you became familiar with through  
12 Mr Telikostoglou?

13 A. As I say I don't recall meeting him, but Bill was  
14 certainly the person that was dealing with Spyridis.

15  
16 Q. In relation to Abbotsford or Kerr Street?

17 A. Well, there wasn't anything done at Kerr Street.

18  
19 Q. Did you repave the backyard at Kerr Street?

20 A. No.

21  
22 Q. You laid it out with some charcoal pavers, didn't you?

23 A. Whatever the backyard is currently - well, I wouldn't  
24 know currently. But whatever the backyard was when I moved  
25 in is what the backyard stayed like

26  
27 MR STOLJAR: I note the time, Commissioner.

28  
29 THE COMMISSIONER: Yes.

30 Q. Mr Wilson, do you have water available to you?

31 A. Yes, thank you

32  
33 THE COMMISSIONER: We will adjourn until 2 pm.

34  
35 (Luncheon adjournment)

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1 UPON RESUMPTION

2

3 THE COMMISSIONER: Yes, Mr Stoljar.

4

5 MR STOLJAR: Q. Could you come please to paragraph 204  
6 of your statement, Mr Wilson.

7 A. Yes.

8

9 Q. You recollect meeting with Mr James from time to time  
10 at the Abbotsford property?

11 A. I have vague recollections of meeting with him.

12

13 Q. You handed Ms Gillard some cash in his presence on a  
14 couple of occasions?

15 A. No, I didn't.

16

17 Q. At 204 in your statement, you say you didn't hand any  
18 tradespeople cash or payment. It is the case, isn't you  
19 handed Ms Gillard some wads of cash?

20 A. No, it isn't.

21

22 Q. You'd accept, as we've gone through in your statement,  
23 that on a number of occasion Mr Blewitt came across from  
24 Perth and gave you some sums of money in cash?

25 A. Once, I believe.

26

27 Q. On another occasion he gave you a sum of \$8,000 in  
28 cash while you were in Perth, is that what you say?

29 A. In Perth.

30

31 Q. Ms Gillard, to your knowledge, said to Mr James that  
32 you were going to be paying for the renovations; correct?

33 A. No. I have no knowledge of her saying that.

34

35 Q. Come through to paragraph 207. You're dealing there  
36 with Mr Hem.

37 A. Yes.

38

39 Q. In 209 you say that Mr Hem stayed at the Kerr Street  
40 property on one or two occasions?

41 A. Yes.

42

43 Q. He stayed there much more frequently than that?

44 A. I don't believe so.

45

46 Q. You're not sure one way or the other?

47 A. Well, I rang my son in Switzerland a few nights back

1 and asked him if he --

2

3 Q. If you're going to tell us something that someone else  
4 said outside court --

5 A. Well, he was the one he was supposedly looking after.

6

7 Q. Could you come through --

8

9 DR HANSCOMBE: Commissioner, I'm not sure this witness was  
10 permitted to finish the answer to that question. There was  
11 a question interpolated into it which was answered.

12

13 THE COMMISSIONER: Mr Stoljar?

14

15 MR STOLJAR: He was about to give a hearsay account which  
16 was non-responsive in my respectful submission.

17

18 DR HANSCOMBE: Can I say two things about that. The  
19 material before this Commission is replete with hearsay  
20 material, including from all the other witnesses called by  
21 counsel assisting. Two, whether or not it was a hearsay  
22 account is not yet clear because the witness began to say  
23 the person he spoke to in Switzerland was ostensibly the  
24 object of the care, and it may be that something about that  
25 conversation enables this witness to make some relevant  
26 first-hand comment on the question he was asked.

27

28 THE COMMISSIONER: What question? Do you suggest some  
29 superior question to that which Mr Stoljar asked?

30

31 DR HANSCOMBE: Not at all, but he didn't get to answer the  
32 question Mr Stoljar asked because --

33

34 THE COMMISSIONER: It sounded as though some hearsay was  
35 about to emerge.

36

37 DR HANSCOMBE: What he said was "I rang my son in  
38 Switzerland." Whether or not that hearsay depends upon  
39 whether what Mr Wilson wants to say his son told him adds  
40 to its truth or not, that's the orthodox proposition, and  
41 as I say, in any event, every witness has been permitted to  
42 give hearsay evidence.

43

44 THE COMMISSIONER: There is a a great deal of hearsay in  
45 evidence. None of it has been objected to. Mr Stoljar is  
46 objecting to it if it is hearsay. There was some force in  
47 what Mr Clelland said yesterday afternoon.



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DR HANSCOMBE: There certainly was force in what Mr Clelland said about the particular statement he was commenting on, and I made the same proposition to the witness also.

Commissioner, I'm in your hands. This is your investigation. Whatever will assist you. I simply point out we don't yet know what Mr Wilson was about to say.

THE COMMISSIONER: Mr Stoljar, is it possible for you to ascertain, without Mr Wilson actually giving the details, whether he's proposing to recount something said by another person to prove the truth of the facts asserted?

MR STOLJAR: I can ask Mr Wilson that question.

THE COMMISSIONER: Yes.

MR STOLJAR: Q. Mr Wilson, I'd asked you, in essence, whether Mr Hem was staying more frequently at the property than on the one or two occasions you advert to in paragraph 209, and I think I said to you something like, "You're not sure one way or the other." You started to give a response which involved you telephoning a third party.

THE COMMISSIONER: Could I interrupt you, Mr Stoljar. There's no need to pursue this particular problem. He had answered the question and anything further would have been non-responsive. Do you follow my point?

MR STOLJAR: Yes.

THE COMMISSIONER: I mean, you can keep pursuing the contents of paragraph 209 and debate them with Mr Wilson, but my view about the non-responsiveness of the proffered answer is no.

MR STOLJAR: Yes. May it please the Commission.

Q. Could you come, please, to 213. You say there:

I have no recollection of asking HEM to deposit \$5,000 into [Ms] GILLARD'S account.

You're dealing there with some evidence from Mr Hem where

1 he recounted an occasion on which, on his evidence, you  
2 gave him a sum of \$5,000 in cash, with the name and number  
3 of Ms Gillard's account, and asked him to deposit that into  
4 her bank. Do you remember that evidence?  
5 A. Yes.  
6  
7 Q. You just say:  
8  
9 I have no recollection of asking Mr Hem to  
10 do that.  
11  
12 A. Yes.  
13  
14 Q. You certainly don't deny it, do you?  
15 A. I just have no recollection of it.  
16  
17 Q. It might have happened, you just can't remember one  
18 way or the other?  
19 A. Yes.  
20  
21 Q. If it happened, you must have got that money from  
22 Mr Blewitt; correct?  
23 A. Not necessarily.  
24  
25 Q. Where do you say you got that sum of money in cash  
26 from?  
27 A. I don't say I got it from anywhere because I just  
28 don't recall having done what Mr Hem said, and if  
29 I presumably don't recall that, I don't recall the money.  
30  
31 Q. Mr Blewitt was the only person who, from time to time,  
32 was giving you sums of money in cash; correct; at that  
33 time?  
34 A. Yes.  
35  
36 Q. You can't point to anyone else who might have handed  
37 you the sum of \$5,000 in cash, can you?  
38 A. No.  
39  
40 Q. If you did have \$5,000 in cash, it must have come from  
41 Mr Blewitt?  
42 A. Well, the way you're putting it, that's what it sounds  
43 like but, as I say, I don't recall having given Wayne Hem  
44 \$5,000.  
45  
46 Q. To your knowledge, the only place that Mr Blewitt  
47 could have got \$5,000 in cash from was the account of the

1 association; correct?  
2 A. I don't know where Blewitt would have got money from.  
3  
4 Q. You asked Mr Hem to deposit that sum in Ms Gillard's  
5 account for the purposes of paying for her renovations;  
6 correct?  
7 A. No.  
8  
9 Q. You say you don't recall one way or the other?  
10 A. No, what I'm saying is I don't recall giving Wayne Hem  
11 \$5,000, so how I would then logically say that it was to do  
12 renovations? I don't recall having given him the money.  
13  
14 Q. All right. Could you come, please, to paragraph 224.  
15 In this part of your statement you are dealing with  
16 something to which I made reference earlier, namely, your  
17 evidence to the effect that Mr Blewitt misappropriated  
18 funds from or belonging to the association, and you  
19 describe certain things about Mr Blewitt's appearance and  
20 the like. If you come through to 232, you say that you  
21 placed the association's bank account statements in front  
22 of Mr Blewitt?  
23 A. Yes.  
24  
25 Q. So you had access to those statements?  
26 A. Yes.  
27  
28 Q. And you'd had access to those statements throughout  
29 the period 1992 through to 1994?  
30 A. Yes.  
31  
32 Q. In mid-November 1994 you came in and you said, "What's  
33 all this?" According to you, "What is this \$50,000?"  
34 A. Yes.  
35  
36 Q. You say, putting the matter shortly, that you became  
37 annoyed and indeed you pushed him against the wall at one  
38 point, you say in 233, and then it reached - pausing there,  
39 you say it was at that time, November 1994, that you became  
40 aware that a significant amount of money had come out of  
41 the account. That's your evidence in effect?  
42 A. Yes.  
43  
44 Q. In 237, you say you a conversation with Blewitt and he  
45 said, "What about the police?", and I said, "It's still an  
46 option"?  
47 A. Yes.

1  
2 Q. On your evidence you just discovered that Mr Blewitt  
3 had misappropriated a very significant sum of money;  
4 correct?  
5 A. Yes.  
6  
7 Q. And you say at the end of 237:  
8  
9 If it became public knowledge the union  
10 would also be embarrassed. I decided to  
11 not take it to police. I decided to do  
12 nothing.  
13  
14 A. Yes.  
15  
16 Q. You just didn't do anything about it?  
17 A. Well, other than have the discussions with Ralph that  
18 I did, I didn't process it with the police. I didn't do  
19 anything particular other than just mull it over and think  
20 about how I'd deal with it.  
21  
22 Q. Did you report it to other officials at the union?  
23 A. No.  
24  
25 Q. Did you report it to the persons who you say were  
26 members of the association?  
27 A. No, I didn't.  
28  
29 Q. I want to ask you some questions about the invoices to  
30 Melbourne Water. Could you come to page 206 of MFI2?  
31 A. Yes.  
32  
33 Q. You should be looking at invoice number 1 from the  
34 association to Thiess for the provision of consultancy  
35 services to Melbourne Water?  
36 A. Yes.  
37  
38 Q. Do you say that some agreement was reached between the  
39 association and Thiess in respect of the provision of  
40 services for that project?  
41 A. Yes.  
42  
43 Q. With whom was that contract negotiated?  
44 A. My recollection is with Paul Darrouzet.  
45  
46 Q. Do you have a copy of the agreement to which reference  
47 is made in invoice 001?

1 A. No.  
2  
3 Q. Do you say that Mr Ivory was doing the work for the  
4 association in relation to Melbourne Water?  
5 A. No.  
6  
7 Q. Do you say that no work was being done in relation to  
8 Melbourne Water?  
9 A. No. No, I don't say that.  
10  
11 Q. Who was doing that work on your evidence?  
12 A. Three people primarily involved in the - in work with  
13 Thiess at Melbourne Water. They were the industrial  
14 officer Robyn McLeod, two organisers, Jim Collins and  
15 Mark Barnes who were former Melbourne Water employees and  
16 occasionally involved in Melbourne Water was Bill  
17 Telikostoglou, but primarily in terms of the consultancy  
18 were the first three.  
19  
20 Q. Where do I find you've explained that in your  
21 statement?  
22 A. In the supplementary statement, I think, in  
23 paragraph 7.  
24  
25 Q. You say in paragraph 7 that industrial officer  
26 Robyn McLeod and two organisers, Messrs Collins and Barnes,  
27 were involved in the project, but you say they were  
28 actually providing the services for which invoices were  
29 raised, do you?  
30 A. Providing the services that were required by Thiess.  
31  
32 Q. They were being paid a wage by the association, I take  
33 it?  
34 A. No, they weren't.  
35  
36 Q. They were doing it for free, were they?  
37 A. Yes. Well, not for free. They were just providing  
38 the services and Thiess were paying for it.  
39  
40 Q. Well, who was the employer ordinarily of - is it  
41 Ms McLeod?  
42 A. Yes.  
43  
44 Q. She was an employee of the AWU, was she?  
45 A. Yes.  
46  
47 Q. Organisers, the late Mr Collins and Mr Barnes were

1 both employees of AWU?  
2 A. Yes.  
3  
4 Q. They were employees, all three of those persons, of  
5 AWU as at October 1993?  
6 A. I believe so.  
7  
8 Q. And through to 1994?  
9 A. I couldn't be precise on the dates.  
10  
11 Q. And they were doing that work, the work for which -  
12 have a look at invoice 1 - it was said 390 hours work was  
13 done. You say it was done by those three persons, do you?  
14 A. As I understand it, yes.  
15  
16 Q. While they were employees of the AWU?  
17 A. Yes.  
18  
19 Q. I take it the association was refunding to the AWU?  
20 A. No. I mean I'm not saying that there wasn't work in  
21 addition, but some of it would have been done as employees  
22 of the AWU. I just know that we, the association, provided  
23 that service via these people and Thiess paid.  
24  
25 Q. Let's just be clear about this, Mr Wilson. You have  
26 three people that you say were from the AWU and being paid  
27 by the AWU doing the work. Did the association refund the  
28 AWU money that it had acquired from Thiess in payment for  
29 the services provided by those three persons?  
30 A. No.  
31  
32 Q. Kept it?  
33 A. Yes.  
34  
35 Q. Could you come through to page 221.  
36 A. Yes.  
37  
38 Q. You're now looking at invoice number 2?  
39 A. Yes.  
40  
41 Q. For another 12 week period, 390 hours. You say that  
42 work was done by Ms McLeod, the late Mr Collins and  
43 Mr Barnes?  
44 A. Yes.  
45  
46 Q. Where's Ms McLeod these days, do you know?  
47 A. I have no idea.

1  
2 Q. When did you last see her?  
3 A. Some time perhaps in, I don't know, 1994 or something  
4 like that.  
5  
6 Q. Did you --  
7 A. 1995, maybe, I don't know.  
8  
9 Q. Did Ms McLeod know that she was working for the  
10 Workplace Reform Association?  
11 A. I have no - I can't recall whether she did or she  
12 didn't.  
13  
14 Q. Weren't you organising the work that was being done?  
15 A. Yes, I was. I'm just telling you I just can't recall,  
16 that's all.  
17  
18 Q. Did you tell her that she was working for the  
19 association, not the union?  
20 A. I do not recall.  
21  
22 Q. You don't recall? Is that seriously your answer?  
23 A. Seriously.  
24  
25 Q. What about the late Mr Collins, did you tell him he  
26 was working for the association and not the union?  
27 A. The same thing. I don't recall what I had to say to  
28 any of them.  
29  
30 Q. Could you come to paragraph 247.  
31 A. Yes.  
32  
33 Q. You describe there the circumstances in which  
34 Mr Cambridge came to fill the joint national secretary  
35 position?  
36 A. Yes.  
37  
38 Q. The position was that the national executive sought to  
39 have Mr Cambridge appointed to that office because they  
40 were concerned about Harrison's management of union money;  
41 correct?  
42 A. I don't think it had so much to do with Harrison's  
43 management of union money. It had to do with his politics  
44 and his view about where the union should be heading, and  
45 it also had to do with a bit of a power struggle between  
46 the FIME side of the new amalgamated union and the AWU  
47 side.

1  
2 Q. Could you come to paragraph 261?  
3 A. Yes.  
4  
5 Q. You're dealing there with the Members' Welfare  
6 Account?  
7 A. Yes.  
8  
9 Q. That was in existence from at least 1992. As you say  
10 in 261, you became a signatory at some stage after you  
11 moved to Victoria?  
12 A. Yes.  
13  
14 Q. It was a slush fund in the sense that it was receiving  
15 payroll deductions for the purposes of union elections?  
16 A. Yes.  
17  
18 Q. In 264, you give some evidence about a payment out of  
19 that account for \$15,000.  
20 A. Yes.  
21  
22 Q. You say that you advised the finance committee of that  
23 payment?  
24 A. Yes.  
25  
26 Q. You never advised - you never brought that particular  
27 payment to the attention certainly of Mr Cambridge, did  
28 you?  
29 A. The \$15,000?  
30  
31 Q. Yes.  
32 A. I think, from memory, I raised it at one stage on the  
33 finance committee. If you're asking me did I single  
34 Cambridge out, probably not.  
35  
36 Q. Although that account had begun its life as an  
37 ordinary, if I can call it that, slush fund, at some point  
38 you started to deposit union funds into that account;  
39 correct?  
40 A. Yes.  
41  
42 Q. If you go to page 309 of MFI2, that's your signature  
43 on page 309?  
44 A. Yes.  
45  
46 Q. If turn over the page, it's your signature again on  
47 page 310?



1 A. Yes.  
2  
3 Q. That's the late Mr Collins's signature immediately  
4 below yours?  
5 A. Yes.  
6  
7 Q. This was the form pursuant to which you and Mr Collins  
8 became the joint signatories on the Members' Welfare  
9 Association account?  
10 A. Yes.  
11  
12 Q. In paragraph 267, for example, you describe the  
13 payment of funds received from Woodside, which you  
14 characterise as union funds, into that account?  
15 A. Yes.  
16  
17 Q. Likewise, further payments in 268 and following from  
18 John Holland, Chamber Consulting and Fluor Daniels, and you  
19 say that all those moneys that were paid in were union  
20 moneys?  
21 A. Yes.  
22  
23 Q. You were a union officer at the time?  
24 A. Yes.  
25  
26 Q. On your own evidence you were putting union money into  
27 a unaudited account, a slush fund?  
28 A. Well, it was being put in there as I have said on an  
29 interim basis, given the state of the union finances and  
30 the squabbling and the bickering and the total  
31 disorganisation of the financial arrangements for the  
32 union, and until all that was sorted out - and it was  
33 unclear how that was going to happen and I think  
34 Mr Cambridge's given a pretty good description of it in his  
35 statement from about page 6 onwards, that's the reason that  
36 I did it. They were all construction industry moneys.  
37 Other branches hadn't properly allocated their construction  
38 membership over, people weren't getting paid wages, and we  
39 were in a centralised funding system and at that stage I  
40 was reluctant to put construction industry money into the  
41 centralised fund so everybody else could just dip into it  
42 and our branch would be left with nothing, so I put it  
43 there on a holding basis. And also at the same time,  
44 I mean we were changing, as I recall, from a centralised  
45 funding system to a decentralised funding system. We  
46 hadn't been allocated bank accounts. We hadn't been  
47 allocated deposit books. I think when the construction

1 branch started, I'd written a fair amount of correspondence  
2 to Cambridge asking him to do something about it and, as  
3 I say, in his statement, he describes it reasonably well.  
4

5 Q. I just want to put this to you, Mr Wilson, that  
6 putting union funds into an unaudited slush fund set up for  
7 election purposes was a serious breach of your duties as an  
8 officer?

9 A. The process perhaps was wrong. The intent was  
10 honourable in terms of the construction branch.  
11

12 Q. And you knew it was a serious breach of your duties  
13 when you did it?

14 A. I don't think at that stage I sat down and thought,  
15 "Oh, gee, this is a serious breach of my duties", I think  
16 I just did it.  
17

18 Q. You then say that other moneys which were deposited  
19 into that fund were in the nature of donations; is that  
20 right?

21 A. Yes.  
22

23 Q. For example, in paragraph 293 you say that the amount  
24 of \$12,000 was deposited and that that was a donation to  
25 the election fund?

26 A. It was my understanding, from what I'd been told by  
27 Barnes, that that was the case.  
28

29 Q. And likewise, payment from Thiess in the sum of  
30 \$20,160 was another donation to the election fund?

31 A. Yes.  
32

33 Q. On your evidence then, those funds could properly be  
34 used for election purposes?

35 A. Yes.  
36

37 Q. And you knew that you couldn't use union moneys for  
38 election purposes?

39 A. Yes.  
40

41 Q. And you were just mingling the two together?

42 A. There wasn't any election on at the time but I guess  
43 that's one way of describing it.  
44

45 Q. You now know, of course, that the donations - what you  
46 characterise as donations - were not in fact donations at  
47 all?

1 A. I don't know that I necessarily know that.  
2  
3 Q. Why don't you come with me to page 360, for example.  
4 You should be looking at a letter from John Holland dated  
5 21 September 1995?  
6 A. Yes.  
7  
8 Q. It refers to the receipt of two bank cheques in the  
9 sum of \$12,000 and \$23,200?  
10 A. That was the money that was refunded to John Holland,  
11 yes.  
12  
13 Q. In the second paragraph it refers to remittance  
14 details for the payment of membership fees for employees  
15 engaged on the National Rail Corporation's gauge  
16 standardisation?  
17 A. I see that that's what it says, yes.  
18  
19 Q. What was given by John Holland were not donations,  
20 they were membership dues?  
21 A. As I understood at the time from Barnes, they were.  
22  
23 Q. It was not typical for large companies such as  
24 John Holland or Thies to be making donations to election  
25 funds, was it?  
26 A. It wasn't unusual to have employers make donations to  
27 election funds.  
28  
29 Q. Of that size?  
30 A. Oh, maybe not that size.  
31  
32 Q. No. You didn't really believe they were donations,  
33 did you?  
34 A. I did.  
35  
36 Q. In any event, you started to use the funds in the  
37 account, in the members welfare account, for purposes of  
38 your own; is that right?  
39 A. Not of my own.  
40  
41 Q. If you go to page 314, you're looking at an account  
42 statement for the members welfare account.  
43 A. Yes.  
44  
45 Q. Take the entry at 16 September, cheque number 1, for  
46 \$3,500.  
47 A. Yes.

1  
2 Q. It was a cheque drawn by you?  
3 A. No, I'd have to see the cheque.  
4  
5 Q. Have a look at page 375.  
6 A. I've signed it, yes.  
7  
8 Q. You've signed it. You and the late Mr Collins were  
9 the signatories to the account?  
10 A. Yes.  
11  
12 Q. You were the secretary of the branch?  
13 A. Yes.  
14  
15 Q. You've drawn that cheque; correct?  
16 A. Yes.  
17  
18 Q. What was that money to be used for?  
19 A. I would imagine something to do with elections.  
20  
21 Q. And that's just a guess, isn't it?  
22 A. It is at the moment, yes.  
23  
24 Q. Cash cheque?  
25 A. (Witness nods)  
26  
27 Q. The same pattern starts to repeat itself. A series of  
28 cash cheques. Is that right?  
29 A. There is a cash cheque, yes.  
30  
31 Q. You just said it was for an election purpose. Didn't  
32 you say a moment ago there were no elections on at that  
33 time?  
34 A. Well, where are we, 1993? I don't know whether we  
35 were planning elections in that part of the year or not,  
36 maybe convention elections, who would know. I can't recall  
37 off the top of my head.  
38  
39 Q. Come back to 314.  
40 A. Yes.  
41  
42 Q. Let's go to the entry for 13 October.  
43 A. Yes.  
44  
45 Q. Cheque number 2.  
46 A. Yes.  
47

1 Q. Cash cheque - sorry, a cheque for \$5,000. What was  
2 that for?  
3 A. I don't recall.  
4  
5 Q. We'll come to 376.  
6 A. Yes.  
7  
8 Q. That's your signature?  
9 A. Yes.  
10  
11 Q. That's the late Mr Collins's signature?  
12 A. Yes.  
13  
14 Q. You say you can't recall what that \$5,000 cash amount  
15 was used for?  
16 A. No.  
17  
18 Q. Would that be the funds that you gave to Mr Hem?  
19 A. I doubt it. I don't know why Jim Collins would be  
20 signing out - co-signing cheques that were just going to be  
21 given to Mr Hem. And I mean, that's 1993. I thought  
22 Mr Hem was talking about something much later than 1993.  
23  
24 Q. Yes, that's right. But you can't, in any event, offer  
25 any explanation for that \$5,000 in cash?  
26 A. No.  
27  
28 Q. You made some payments to certain individuals:  
29 for example, Mr Fred Phillips; that's on page 377?  
30 A. Yes.  
31  
32 Q. Who was Mr Phillips?  
33 A. He was a former official of the branch and I think at  
34 one stage he may have been the president of the Victoria  
35 branch.  
36  
37 Q. Was he being paid, to your knowledge, some sort of  
38 recompense, or was that for an election fund or you don't  
39 know?  
40 A. No, my understanding of the cheques that were made out  
41 to those various individuals was money that they had  
42 contributed to the fund and they were either leaving the  
43 union or whatever and, yeah, most likely leaving the union  
44 and they got refunded the amount that they'd contributed to  
45 the fund, and that would be the case for --  
46  
47 Q. Do you remember or are you really just guessing?

1 A. No, I know.  
2  
3 Q. Would you come to page 317.  
4 A. Yes.  
5  
6 Q. There are two cheques in the amount of \$8,750 on  
7 12 October and 21 October respectively. Do you see those  
8 entries?  
9 A. Yes.  
10  
11 Q. And you've read Mr Cambridge's statement?  
12 A. I have, but I don't recall precisely what he would  
13 have said about those.  
14  
15 Q. He says that they were made out in favour of an entity  
16 called Town Mode?  
17 A. Yes.  
18  
19 Q. He says that, as he understood it, was a lady's  
20 fashion store. Can you offer any explanation as to why  
21 those two cheques in that amount were drawn on this account  
22 and paid over to that store?  
23 A. Yes. I understand that we bought T-shirts from  
24 Town Mode and I understand or I recall that they were  
25 T-shirts to be handed out to members of the union in  
26 preparation for an election, and they had written on the  
27 front of them "Hands Off the AWU Victoria Branch".  
28  
29 Q. So you say that these - you haven't said that in your  
30 statement, have you?  
31 A. Oh, I don't know if I have or I haven't. I can't  
32 recall. I've read that much.  
33  
34 Q. You're saying that was for some sort of election, was  
35 it?  
36 A. Yes.  
37  
38 Q. Although by now you're depositing union funds into  
39 that account?  
40 A. By that stage there were no union funds deposited into  
41 the account.  
42  
43 Q. Were you holding the cheques?  
44 A. I think - I can't recall whether we were holding  
45 cheques other than I believe we may have been holding a  
46 couple of Thiess cheques.  
47

1 Q. Could you come to 276, please.  
2 A. Yes.  
3  
4 Q. There you say in February 1995 --  
5 A. Sorry, I went to page 276 of the documents rather than  
6 my statement.  
7  
8 Q. Paragraph 276.  
9 A. Yes.  
10  
11 Q. You say:  
12  
13 In about February 1995 it was clear to me  
14 that the certification of the Rules ... was  
15 going to go ahead ... I asked BLEWITT to  
16 open a new bank account ...  
17  
18 A. Yes.  
19  
20 Q. Could you have a look at page 298.  
21 A. Yes.  
22  
23 Q. That's the application form for the new account for  
24 the construction industry fund?  
25 A. Yes.  
26  
27 Q. Your signature appears on the next page, 299?  
28 A. Yes.  
29  
30 Q. Mr Blewitt's signature above yours?  
31 A. Yes.  
32  
33 Q. And the method of operation is "any one to sign"?  
34 A. Yes.  
35  
36 Q. Mr Blewitt's in Perth, isn't he?  
37 A. When that was done?  
38  
39 Q. Yes?  
40 A. Yes.  
41  
42 Q. Why did you ask Mr Blewitt in Perth to set this up?  
43 A. I can't recall the reason other than that Ralph was -  
44 well, I don't know. I can't recall.  
45  
46 Q. On your evidence, just eight weeks before, in November  
47 1994, you discovered that Mr Blewitt had pilfered a large

1 amount of money?  
2 A. Mmm-hmm.  
3  
4 Q. And you got very angry on your evidence?  
5 A. Yes.  
6  
7 Q. Thrown him against the wall?  
8 A. Yes.  
9  
10 Q. Now here, eight weeks later, you're setting up a new  
11 account with him and he's got "it's any one to sign". He's  
12 got authority to use the account?  
13 A. I don't know that I necessarily asked him to do "any  
14 one to sign" or not, but yes, I was.  
15  
16 Q. You signed the application form in which he says "any  
17 one to sign"?  
18 A. Well, it's my signature stamp.  
19  
20 Q. You didn't say that a moment ago?  
21 A. You just asked if it was my signature.  
22  
23 Q. Yes, I asked if it was your signature?  
24 A. Yes. Well, it's my signature stamp.  
25  
26 Q. Are you saying that Mr Blewitt set up this account  
27 without your authority?  
28 A. No, I'm not.  
29  
30 Q. If you go back to 276 you say.  
31  
32 ... I asked BLEWITT to open a new bank  
33 account [in February 1995].  
34  
35 A. Yes.  
36  
37 Q. That's eight weeks or so, 10 weeks, after you say you  
38 discovered him pilfering a large sum of money out of the  
39 other account?  
40 A. I am.  
41  
42 Q. So you admit it? The suggestion that he was pilfering  
43 money is simply false, isn't it?  
44 A. No, it's not. You have to understand how things work  
45 in the unions. I sat with Ralph for hours and hours and  
46 hours and we worked our way through the whole thing. The  
47 last thing I would have expected Ralph to do was anything



1 like what had happened previously.

2

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I understood, and I'm not sure how much I explained to him, that at a particular point in time we'd be closing that WRA account down and once the construction branch was up and running, we'd be taking the money and putting it into the construction industry fund.

Q. The position is that Mr Blewitt acted on your direction at all times in relation to the association's account; correct?

A. No.

Q. And it is simply not credible, is it, that you could have been concerned about him pilfering a large sum of money in November 1994 and 10 or so weeks later, you get him to set up this account as a separate account?

A. Yes, it is. It is quite plausible.

Q. You mentioned transferring funds from the association's account into the construction industry fund?

A. Yes.

Q. You make reference to that in, I think, paragraph 278. You say:

I did not check this, but I assumed it had occurred in light of our earlier conversations in 1994.

You mean in 278, the conversations to which I've just made reference about --

A. And the conversations at the end of the discussions that we had when I talked to him about the moneys coming out of the account.

Q. Were the funds that you endeavoured to transfer into the construction industry fund, did they come from the association's account or the members welfare account?

A. The funds from the - that went into the where, sorry?

Q. That you endeavoured to transfer into the construction industry fund?

A. Oh, from the members welfare account. You mean the \$160,000?

Q. Yes.

1 A. From the members welfare account.  
2  
3 Q. In 278 you say:  
4  
5 I asked [him] at some stage in the future  
6 to transfer money from the ...  
7  
8 You mean by that the WRA, the Workplace Reform Association  
9 account, isn't it?  
10 A. Yes, but you asked about the other amount of money  
11 that I tried to transfer into the construction industry  
12 account.  
13  
14 Q. I'm sorry, I think I may have misunderstood.  
15 A. Maybe I misunderstood.  
16  
17 Q. In 278, you're referring to a transfer of funds other  
18 than the \$160,000?  
19 A. I'm talking about the balance of the Workplace Reform  
20 Association account.  
21  
22 Q. I see. There was a sum of about \$46,000-odd; is that  
23 right?  
24 A. I think, and some more. That was the final amount  
25 that in the end got transferred across in one hit.  
26  
27 Q. If you come to 280, I think here we're now talking -  
28 and we're no longer at cross-purposes - about the \$160,000?  
29 A. Yes.  
30  
31 Q. You wrote the cheque, you asked Mr Hem to deposit it?  
32 A. Yes.  
33  
34 Q. And that transfer was unsuccessful because the  
35 accounts had been frozen?  
36 A. Yes.  
37  
38 Q. If you go to page 308, there is there a letter from  
39 CBA addressed to the construction industry fund giving a  
40 description of what had occurred in respect of the  
41 attempted transfer of the sum of \$160,000-odd?  
42 A. Yes.  
43  
44 Q. By this stage, you'd paid in the sums of money that  
45 you'd received, you say, by way of donation?  
46 A. Yes.  
47

1 Q. Why were you transferring - the \$160,000-odd was the  
2 totality, in effect, of the funds then being held in the  
3 members welfare account?

4 A. Yes.

5

6 Q. And if on your evidence these companies had given  
7 these funds to you for election purposes, why were you  
8 transferring them into the construction industry fund, or  
9 trying to?

10 A. Because at that stage Bob Smith had put a freeze on a  
11 number of the accounts and I didn't think that the freeze  
12 extended to the construction industry account, and  
13 I attempted to stop them being subject to the freeze by  
14 transferring them to that account.

15

16 Q. But hadn't they been, on your evidence, given to you  
17 for the express purpose of funding elections?

18 A. No, I've already said that some of those - in my view  
19 there were three categories, if you like, three ways of  
20 categorising the money. There were moneys that were put in  
21 by individuals as election stuff, there were moneys that  
22 I perceived as being donations by companies and there were  
23 moneys that also included straight-out union money. The  
24 combination of that amount is what that 160 represents, as  
25 I understand it.

26

27 Q. You were just bundling it all up and trying to get it  
28 into the construction industry fund?

29 A. Yes.

30

31 Q. You were hoping in that way to avoid anyone paying any  
32 attention to funds that had, until that point, been held in  
33 the members welfare account?

34 A. And what I was attempting to do was to make sure that  
35 the rest of the union, in particular, Bob Smith, didn't get  
36 his hands on it.

37

38 Q. Bob Smith was at that point the secretary - no, the  
39 President of the branch?

40 A. No, he was, I think, the new Victoria --

41

42 Q. I'm sorry, he was the secretary of the Victorian  
43 branch?

44 A. Of the new amalgamated branch.

45

46 Q. You had become the secretary of the National  
47 Construction Branch?

1 A. Yes. At that stage we hadn't - the national office  
2 still hadn't organised proper bank accounts or anything for  
3 the National Construction Branch.  
4  
5 Q. I've been asking you about some events in July 1995.  
6 On 2 August 1995 there was a meeting of the finance  
7 committee?  
8 A. Yes.  
9  
10 Q. Mr Smith and others confronted you about what they  
11 said was improper use of various accounts?  
12 A. That was the subject of the - I don't know if he  
13 confronted me so much, but it was the subject of the  
14 meeting.  
15  
16 Q. He said you were going to be put in the slammer,  
17 didn't he?  
18 A. I don't recall him - I've read that but I don't recall  
19 him having said it.  
20  
21 Q. In any event you then started having some negotiations  
22 with others at the union?  
23 A. In that meeting?.  
24  
25 Q. No, after that meeting?  
26 A. About what?  
27  
28 Q. About organising a redundancy for yourself?  
29 A. So we've jumped - we've gone a step further into  
30 August now, the middle of August. Yes, that's correct.  
31  
32 Q. Your position had not been made redundant, had it?  
33 A. My understanding was that they were going to be  
34 closing the construction branch.  
35  
36 Q. Where did you get that understanding from?  
37 A. From Smith and Harrison.  
38  
39 Q. Mr Cambridge was pointing out to you that the  
40 construction branch had only been established at great  
41 expense a few months before, and the members were most  
42 unhappy if they thought that those positions would be made  
43 redundant?  
44 A. They might have been most unhappy but the construction  
45 branch ended up being closed down.  
46  
47 Q. You were endeavouring to negotiate an exit for

1 yourself from the union?  
2 A. Yes.  
3  
4 Q. And you were endeavouring to maximise to the greatest  
5 extent possible the funds which would accompany you on your  
6 exit from the union?  
7 A. And for the rest of the people that were interested in  
8 leaving.  
9  
10 Q. Regardless of whether it was money to which you were  
11 properly entitled?  
12 A. Well, we had the discussions. As I understand it, the  
13 matter was put to the national executive. There was a  
14 national executive vote that voted in favour of it.  
15  
16 Q. You caused a number of cheques to be paid, to be  
17 drawn, which paid funds out to employers?  
18 A. Yes.  
19  
20 Q. They are summarised in the letter at 393 of the  
21 bundle?  
22 A. 393, did you say?  
23  
24 Q. Yes.  
25 A. No, not on mine it's not. 393 on mine is --  
26  
27 Q. There seems to be two 393s. Could you turn to the tab  
28 and come to the next --  
29 A. 392 still isn't.  
30  
31 Q. No, come the other way. If you're using tabs, tab 13.  
32  
33 THE COMMISSIONER: Why don't we call that page 393A?  
34  
35 MR STOLJAR: Q. Yes, 393A.  
36 A. I'm there.  
37  
38 Q. That is a letter to Mr McCarthy of CBA from Maurice  
39 Blackburn & Co?  
40 A. Yes.  
41  
42 Q. It lists a number of cheques which were to be drawn in  
43 favour of the entities described in the letter?  
44 A. Yes.  
45  
46 Q. For whom was Maurice Blackburn & Co acting at that  
47 time?

1 A. Bob Smith as I recall.  
2  
3 Q. Had you retained solicitors yourself?  
4 A. Not at that stage.  
5  
6 Q. You hadn't retained any lawyers at that stage?  
7 A. I don't recall, no, not - I didn't have anybody  
8 representing me on 17 August.  
9  
10 Q. When did you retain any lawyers, if at all?  
11 A. I think earlier on, somewhere around the 8th, 9th or  
12 something of August, I had discussions with Bernard Murphy.  
13  
14 Q. At Slater & Gordon?  
15 A. Mmm-hmm.  
16  
17 Q. But you didn't retain him?  
18 A. I don't - no, I just went and saw him and spoke to  
19 him.  
20  
21 Q. You saw him in your capacity as secretary of the  
22 National Construction Branch?  
23 A. I don't recall what capacity. I wasn't thinking about  
24 what capacity I was in at the time. I just made an  
25 appointment to see him and went to see him.  
26  
27 Q. You were quite careful at various stages to identify  
28 in what capacity you were talking to different people?  
29  
30 DR HANSCOMBE: I object to that question. It's too  
31 general.  
32  
33 THE COMMISSIONER: I think it would be aided by more  
34 specificity.  
35  
36 MR STOLJAR: May it please the Commission.  
37  
38 Q. I'm having difficulty putting my finger on it,  
39 Mr Wilson, but my recollection of your statement is that  
40 you described a conversation which you said occurred  
41 between yourself and a representative of Thiess in which  
42 you --  
43 A. Yes, okay.  
44  
45 Q. -- said expressly that in these discussions, you  
46 should proceed on the basis that myself and Mr Blewitt are  
47 here in our capacity as officers of the association?

1 A. Yes, yes. I did say that, yes.  
2  
3 Q. You understood that you could speak to people in  
4 different capacities?  
5 A. I think the circumstances that were confronting me in  
6 August of 1995 were a little bit different to the  
7 circumstances in 1992, and I wasn't giving too much thought  
8 at that particular time about what my position was in the  
9 organisation in terms of whether I was a secretary or  
10 whether I was just me going to see Bernard Murphy. I just  
11 went to see him.  
12  
13 Q. You were getting some advice about the propriety of  
14 the conduct of the NCB; is that right?  
15  
16 DR HANSCOMBE: I object to that too. That directly calls  
17 for privileged material and I don't know, it may be  
18 Ms Haben-Beer can assist you further, but it may traverse  
19 directly on the matters which are the subject of the appeal  
20 pending in Victoria.  
21  
22 THE COMMISSIONER: You mean oral communications,  
23 Mr Stoljar?  
24  
25 MR STOLJAR: Yes.  
26  
27 THE COMMISSIONER: Do you contend that legal professional  
28 privilege for oral communications has been abolished by the  
29 Royal Commissions Act 1902? The Act preserves a version  
30 of legal professional privilege for documents, but what  
31 does it do to oral communications, either seeking or  
32 obtaining legal advice?  
33  
34 MR STOLJAR: I might need to take that on notice,  
35 Commissioner, and come back to it to assist you.  
36  
37 THE COMMISSIONER: There's not much point in worrying  
38 about it, I suppose, unless you wish to press this line to  
39 the bitter end.  
40  
41 MR STOLJAR: Perhaps I'll come at it a different way,  
42 Commissioner, and avoid the difficulty for now.  
43  
44 Q. You went to see Mr Murphy on or about 8 August?  
45 A. Yes.  
46  
47 Q. Did you enter into some retainer agreement with him?

1 A. No.  
2  
3 Q. You simply had a discussion with him on 8 August, did  
4 you?  
5 A. And on a number of days afterwards.  
6  
7 Q. So it began - you hadn't discussed - you hadn't  
8 approached him prior to 8 August?  
9 A. I don't - I don't think so.  
10  
11 Q. You had some discussions over the next few days?  
12 A. Yes.  
13  
14 Q. But those discussions had ceased by the 17th, had  
15 they?  
16 A. Yes.  
17  
18 Q. There was a meeting at the bank, was there, on  
19 17 August?  
20 A. As I recall there was, yes.  
21  
22 Q. Who was in attendance at this meeting?  
23 A. Certainly myself, Bob Smith and Jim Collins, and  
24 I can't remember whether John Cain was there or not.  
25 I think he was.  
26  
27 THE COMMISSIONER: Q. And Mr McCarthy or someone --  
28 A. I think someone from the bank. I couldn't say the  
29 name of the person.  
30  
31 MR STOLJAR: Q. Was Mr Blewitt there?  
32 A. No.  
33  
34 Q. If you come over to 394, was that a letter that was  
35 drafted at that meeting?  
36 A. I believe so.  
37  
38 Q. Who drafted it?  
39 A. Bob Smith, as I recall.  
40  
41 Q. The signature immediately to the right of - I'm sorry,  
42 there is a handwritten "Bob Smith" and then a signature to  
43 the right. Is that Mr Smith's signature?  
44 A. As I recall it is, yes, I believe so.  
45  
46 Q. So there are three signatories to the letter,  
47 yourself --



1 A. Collins and Smith.  
2  
3 Q. -- Mr Collins and Mr Smith?  
4 A. Yes.  
5  
6 Q. The letter reads:  
7  
8 Further to recent correspondence ...  
9  
10 Et cetera. It says:  
11  
12 The matters in dispute have now been  
13 resolved. The freeze can be lifted.  
14  
15 And then:  
16  
17 The AWU has no interest in any other  
18 accounts held at the Victoria Street branch  
19 of the Commonwealth Bank.  
20  
21 A. Yes.  
22  
23 Q. Is that a true statement?  
24 A. Well, Smith wrote it and he said that he wasn't  
25 interested in any of the others, so I guess so.  
26  
27 Q. You, yourself, have given evidence today that funds in  
28 those other accounts were union funds?  
29 A. Yes.  
30  
31 Q. The other accounts held at the Victoria branch  
32 included the members welfare account; is that right?  
33 A. Yes. Oh, I don't - I couldn't say if it was held at  
34 that branch. I don't know.  
35  
36 Q. Would you come to 376. For example, the members  
37 welfare account cheques appear to be from an account at  
38 Victoria and Russell Streets.  
39 A. Yes.  
40  
41 Q. And 381 is perhaps a better example. It says:  
42  
43 Victoria Street, Melbourne. Corner  
44 Victoria and Russell Streets.  
45  
46 A. Yes. Mmm-hmm.  
47

1 Q. Come back to the handwritten letter. That's your  
2 signature at the bottom of the page?  
3 A. Yes.  
4  
5 Q. You signed it after it had been written out at the  
6 meeting?  
7 A. Yes.  
8  
9 Q. You read through it before you signed it?  
10 A. Yes.  
11  
12 Q. The statement: "AWU has no interest in any other  
13 accounts" is false?  
14 A. Well, Smith was the one that froze it and I'm just  
15 thinking, I'm recalling that there was a letter also  
16 written by Maurice Blackburn to do with the closing of  
17 those accounts that I've seen somewhere that Maurice  
18 Blackburn had advised the bank that various other accounts  
19 were going to be closed, and it may have been that on that  
20 basis, that sort of prompted the decision to refund the  
21 money to the places that it had come from.  
22  
23 Q. But the money that was being refunded included, in  
24 part, money that had been paid properly to the union in  
25 recompense for various services provided; correct?  
26 A. Yes.  
27  
28 Q. And it included some money in respect of membership  
29 dues; correct?  
30 A. Yes.  
31  
32 Q. It was properly union funds as you say in your  
33 affidavit; correct?  
34 A. Yes.  
35  
36 Q. I suggest to you there was no proper basis for those  
37 funds to be paid back to the persons who had provided them  
38 in the first place?  
39 A. Perhaps.  
40  
41 Q. And the statement in the letter, "AWU has no interest  
42 in any other accounts" was false as at 17 August 1995;  
43 correct?  
44 A. That was what was written. That was where we were at  
45 in the negotiations, the accounts - various accounts were  
46 going to be closed down and it was just agreed to refund  
47 them and everybody that was in the room agreed that that

1 was the best thing to do, so we just did it, and because  
2 the funds had come to the National Construction Branch,  
3 I wrote the letter that went back with the respective  
4 cheques to the employers.  
5

6 Q. You've given quite a long answer to my question. My  
7 question was: The statement in the letter, "AWU has no  
8 interest in any other accounts", was false as at 17 August  
9 1995?

10 A. Well, I don't know that that's true because Smith was  
11 the one that froze the accounts. The national office was  
12 doing nothing about it. They didn't seem to be interested.  
13 The only one that seemed to be interested in it was the  
14 Victoria branch of the union. The national office was  
15 doing nothing.  
16

17 Q. It may have been doing nothing but the funds held in  
18 the other accounts included union money?

19 A. Yes.  
20

21 Q. There was no proper basis for refunding that money to  
22 the persons who had paid it in in the first place, was  
23 there?

24 A. Well, at the time I had a different view, so, I mean,  
25 thinking about it now, perhaps it wasn't, but at the time  
26 it seemed like the thing to do.  
27

28 Q. You say you signed the letter without caring one way  
29 or the other whether it was true or not; is that what  
30 you're saying?

31 A. No, I'm saying I had a belief at that stage that that  
32 was the best thing to do.  
33

34 Q. Your view that this was the best thing to do was  
35 arrived at on the basis that that would be the most  
36 effective way of concealing what had occurred; is that  
37 right?

38 A. Not at all, because we'd already been to finance  
39 committee meetings on a number of occasions. The whole  
40 thing had been discussed out in public amongst every  
41 official of the union in senior positions. It wasn't like  
42 it was a secret.  
43

44 Q. I must be missing something.

45 A. Well, you're missing the 2 August finance committee  
46 meeting. You're missing a whole lot of discussions that  
47 took place. You're missing more finance committee

1 meetings. It wasn't a secret anymore.  
2  
3 Q. We can go through it in exhaustive detail, but the  
4 short point is this: why hand over union money to somebody  
5 else?  
6 A. I can't tell you the reason other than the dynamics  
7 that were going on at the time, it seemed like in the  
8 discussions that took place between all of the parties that  
9 were there, including the person from the bank, that it  
10 seemed like the sensible thing to do.  
11  
12 Q. It's sensible to just pay over \$160,000-odd or  
13 whatever it was to people who weren't entitled to it?  
14 A. Well, that's what happened.  
15  
16 Q. You regarded that as sensible, did you?  
17 A. At the time I did.  
18  
19 Q. Sensible, because it meant that the funds that had  
20 been improperly put into that slush fund were - let me  
21 restart that. The history of what had occurred in respect  
22 of that slush fund was thereby concealed?  
23 A. No, it wasn't concealed. Read the minutes from the  
24 2 August meeting, they're in someone's statement, and  
25 Cambridge refers to writing it on a blackboard - I mean on  
26 a whiteboard. There's no concealing of anything. He stood  
27 in the meeting and had a whiteboard and made notations and  
28 drew diagrams and arrows about where this came from and  
29 where that came from. That's what - I mean if that's  
30 concealment, then I don't know.  
31  
32 Q. Could I come back and raise some other matters with  
33 you, Mr Wilson. If you come back to page 57 of MFI2 --  
34 A. Yes.  
35  
36 Q. -- that's the letter that you received on or shortly  
37 after 16 March 1992?  
38 A. Yes.  
39  
40 Q. From Thiess. The letter begins by saying:  
41  
42 I confirm that that your association will  
43 provide a service to Thiess.  
44  
45 A. Yes.  
46  
47 Q. Then there's reference to common concerns about the

1 need to develop programs, and then coming down to the third  
2 last paragraph, Thiess says:

3  
4 As discussed, we would be pleased to second  
5 on a full-time basis a representative of  
6 your association to coordinate and liaise  
7 with our senior management and site  
8 management.

9  
10 Do you see that?

11 A. Yes.

12  
13 Q. It then says:

14  
15 The secondment should commence in  
16 January 1992 and will last for the duration  
17 of the project.

18  
19 A. Yes.

20  
21 Q. They're talking about a full-time secondment of a  
22 representative of the association?

23 A. Yes.

24  
25 Q. Then they say:

26  
27 It will be a requirement that the seconded  
28 person works site hours ...

29  
30 A. Yes.

31  
32 Q.

33 ... maximum of 54 hours per week.

34  
35 Do you see that?

36 A. Yes.

37  
38 Q. The agreement plainly contemplated that work would  
39 actually be provided; is that right?

40 A. The letter may have done that but the agreement was  
41 very clearly understood by Thiess and by myself and Ralph  
42 Blewitt that if there was nothing on the job, then how  
43 could you train? In the first 12 months they didn't even  
44 have any training facilities. They didn't get training  
45 facilities until some time in 1993.

46  
47 Q. There's a reference in the penultimate paragraph to

1 54 hours per week maximum?  
2 A. Yes.  
3  
4 Q. Could you go to page 187?  
5 A. Yes, I'm there.  
6  
7 Q. That's an invoice issued by the reform association in  
8 May 1994.  
9 A. I've got April 1994, I think. No, it's issued in  
10 April; it's due in May.  
11  
12 THE COMMISSIONER: Actually, my one says, "Date due 31 May  
13 1994", date of service, in effect, April 1993. Is that  
14 just some internal --  
15  
16 MR STOLJAR: That's curious.  
17  
18 THE COMMISSIONER: That is invoice number 14.  
19  
20 MR STOLJAR: Yes, it's curious. It seems to have been  
21 signed off by Mr Pulham in May 1993 and it talks about  
22 April 1993. It may be the "Date due" up the top is a  
23 typographical error.  
24  
25 THE COMMISSIONER: Is wrong and if one compares 144, there  
26 the date of service was February 1993 and it was due in  
27 March 1993. I'm sorry for interrupting but I think that's  
28 a typographical error. What we're talking about is work  
29 done, if any were done, in April 1993.  
30  
31 MR STOLJAR: Yes.  
32  
33 Q. If you look at 187, Mr Wilson, that is an invoice  
34 which you caused Mr Blewitt to send on or about - towards  
35 the end of April?  
36 A. I don't know that I caused him to send it. I think he  
37 did it all by himself.  
38  
39 Q. It refers to work being done for 248.4 hours. Do you  
40 see that?  
41 A. Yes.  
42  
43 Q. Is it your evidence that Mr Ivory worked for  
44 248.4 hours on the project in the month of April?  
45 A. Oh, I wouldn't know how many hours Mr Ivory worked for  
46 it at that time. As I say, I had the discussions with  
47 Glen, I didn't follow it up, I didn't take a lot of notice.

1  
2 Q. Mr Blewitt told you at the time that he was doing no  
3 work?  
4 A. Ralph didn't know what was going on. He thought there  
5 was nothing happening. That's because he never went to the  
6 project and he and Ivory couldn't stand each other.  
7  
8 Q. There are four weeks in April; correct?  
9 A. Yes.  
10  
11 THE COMMISSIONER: There aren't, actually. Depending on  
12 what the first day of the week it is, it will be always  
13 less than four weeks, a little less, but for the sake of  
14 questioning, let us assume there are four weeks in April.  
15 There aren't four weeks in any month.  
16  
17 MR STOLJAR: Yes.  
18  
19 Q. Strictly speaking there is less than four weeks in  
20 April, but, in any event, let's assume for the sake of  
21 argument there's four weeks. That gives us - four times 54  
22 is less than 248.4; correct?  
23 A. If you've done the maths I'll take your word for it.  
24 I haven't --  
25  
26 Q. How do you explain the fact that --  
27  
28 THE COMMISSIONER: Let me just interrupt. If you divide  
29 248.4 by four, you get slightly over 62. That 62 hours per  
30 week is caught up in that monthly figure.  
31  
32 MR STOLJAR: Yes.  
33  
34 THE COMMISSIONER: Is that the assumption we're working  
35 on?  
36  
37 MR STOLJAR: Yes.  
38  
39 Q. The maximum provided for in the agreement was 54?  
40 A. All I can assume is that when Ralph's done the  
41 calculation, he's worked out that some of the time was at  
42 penalty rates or something like that and he's done a  
43 calculation that would reflect that, and if he did that,  
44 divided it by your normal standard hourly rate, you'd get a  
45 greater number. If you divided by some hourly rates that  
46 attracted penalties, you'd get perhaps that figure.  
47

1 Q. That's a speculation by you now, you don't know?  
2 A. Well, it's basic organising, you know. You do time  
3 and wages records, you work out calculations of wages and  
4 so forth, and I'd imagine that Ralph could divide four and  
5 multiply by 54, or whatever the numbers are, and get it  
6 right. So there's obviously some other calculation that is  
7 done.  
8  
9 Q. Could I come back to the rules. If you come in  
10 particular to page 64, these are the obligations on the  
11 treasurer. One of those obligations, subparagraph (iv), is  
12 that the treasurer comply on behalf of the association with  
13 sections 25 and 26 of the Act. Do you remember reading  
14 that at the time?  
15 A. I can't say I remember reading it at the time, no.  
16  
17 Q. Were those sections of the Act among those to which  
18 Ms Gillard made reference when you were having discussions  
19 with her?  
20 A. I don't think so.  
21  
22 Q. Could I show you a copy of sections 25 and 26 of the  
23 Associations Incorporations Act 1987 WA.  
24 A. Thank you.  
25  
26 Q. Section 25 is a requirement that:  
27  
28 An incorporated association keep:  
29  
30 (a) such accounting records as correctly  
31 record and explain the financial  
32 transactions and financial position of the  
33 association.  
34  
35 You didn't keep or cause the association to keep such  
36 accounting records, did you?  
37 A. No.  
38  
39 Q. Subparagraph (b) requires:  
40  
41 The Treasurer to ensure that the  
42 association keeps accounting records in  
43 such manner as will enable true and fair  
44 accounts to be prepared.  
45  
46 You didn't do that either, did you?  
47 A. No.



1  
2 Q. Nor did you ensure that the association complied with  
3 25(c)?  
4 A. No.  
5  
6 Q. You didn't cause any annual general meetings of the  
7 association to be held?  
8 A. No.  
9  
10 Q. And you, it necessarily follows, didn't submit to the  
11 annual general meeting the accounts of the association?  
12 A. No.  
13  
14 Q. Did the association, to your knowledge, keep a  
15 register of members?  
16 A. Not to my knowledge.  
17  
18 Q. Did it pay any tax on the funds which it was receiving  
19 from Thiess?  
20 A. Not that I am aware of.  
21  
22 THE COMMISSIONER: Do you want that marked?  
23  
24 MR STOLJAR: Yes.  
25  
26 THE COMMISSIONER: That will be Wilson MFI4.  
27  
28 WILSON MFI #4 COPY OF SECTIONS 25 AND 26 OF THE  
29 ASSOCIATIONS INCORPORATIONS ACT 1987 WA  
30  
31 MR STOLJAR: Q. You gave some evidence earlier today  
32 about obtaining advice from Ms Gillard in connection with  
33 the association. Did you enter into a formal retainer  
34 agreement with Slater & Gordon?  
35 A. No.  
36  
37 Q. You just sought advice informally from time to time?  
38 A. Yes.  
39  
40 Q. Were you seeking advice prior to 6 March 1992 when the  
41 advertisement appeared?  
42 A. I don't believe so.  
43  
44 Q. I want to put something else to you. Have you seen a  
45 statement of a Mr Gibson prepared for the Commission?  
46 A. I have seen it. I didn't read it in any great detail,  
47 I have to say.

1  
2 Q. I was asking you some questions this morning about  
3 your relationship with Mr Blewitt. Do you remember those?  
4 A. Yes.  
5  
6 Q. And I put to you that, in effect, you were the leader  
7 and he was the follower?  
8 A. Yes.  
9  
10 Q. Mr Gibson in his statement says "we", that is people  
11 from Thiess?  
12 A. Woodside, not Thiess.  
13  
14 Q. I'm sorry, Woodside, felt that if you wanted anything  
15 done, then it had to be done with Bruce and that Ralph was  
16 simply Bruce's puppet. Pretty fair, isn't it?  
17 A. That might have been his view.  
18  
19 Q. You can understand how he'd arrive at that view?  
20 A. Not particularly. He only saw me occasionally.  
21 I mean, he wouldn't have seen most of the interaction that  
22 Ralph and I had - and I did read the part that I think  
23 you're going to refer to, and I had a bit of a chuckle  
24 about that, I have to say, and I could recall not the exact  
25 event, but I could imagine what actually happened on the  
26 day, and I might describe it a little bit differently to  
27 Mr Gibson.  
28  
29 Q. Let me put to you what Mr Gibson says and you can say  
30 whether you agree with it or not. He describes a meeting  
31 which occurred in around late 1992 attended by himself, his  
32 boss, Mr Chris Cronin, you and Mr Blewitt. He said it took  
33 place in Mr Wilson's office at the AWU at Wellington Fair  
34 in East Perth. Do you remember the meeting?  
35 A. Not particularly.  
36  
37 Q. He says:  
38  
39 At the start of the meeting, Bruce asked if  
40 we wanted a coffee, which both of us said  
41 we did.  
42  
43 That is, both Mr Cronin and Mr Gibson:  
44 And with that, Bruce said something to  
45 Ralph like, "Well, fuck off and get the  
46 coffees." Ralph then left without question  
47 and got the coffees.

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Did that happen?

A. Oh, it may have happened, but I mean the circumstances and the way that it would have happened wouldn't have been quite as - quite like that. They would have been somewhat different.

Q. You gave directions like that to Mr Blewitt, though, didn't you?

A. I obviously did then, if Gibson says I did and if it's an accurate record. I didn't do it that often; I mean, in the same way that he would sometimes speak like that to me.

Q. I just want to put a few things to you for your comment: that you agreed with Mr Blewitt at the outset to create the association expressly for the purpose of submitting false invoices to Thiess. Do you agree with that?

A. No.

Q. You issued invoices to Thiess knowing at the time that they were false and that no work had been done?

A. On some occasions, not all occasions.

Q. And that that was done deliberately to procure a benefit for yourself or for the association or for Mr Blewitt?

A. No.

Q. And certainly to procure a benefit for yourself?

A. No.

Q. And the funds that were acquired were used to pay in part for the purchase of Kerr Street?

A. Yes.

Q. And they were also used to pay for renovations at Abbotsford?

A. No.

Q. Including, for example, the \$5,000 that Mr Hem paid into Ms Gillard's account?

A. No.

MR STOLJAR: Excuse me just a moment, Mr Commissioner.

Q. In case it wasn't made clear before, the association

1 did not provide any services to Thiess in respect of the  
2 Melbourne Water project?  
3 A. That's not true.  
4  
5 MR STOLJAR: I have nothing further, thank you,  
6 Commissioner.  
7  
8 THE COMMISSIONER: Yes, Dr Hanscombe.  
9  
10 DR HANSCOMBE: If the Commission please.  
11  
12 THE COMMISSIONER: Just before you start, are you going to  
13 be cross-examining, Mr Clelland?  
14  
15 MR CLELLAND: Commissioner, I wanted to raise one matter  
16 with counsel assisting and subject to what is said in that  
17 regard, I doubt it. If we don't resolve it there might be  
18 one matter in relation to which I seek leave to question  
19 Mr Wilson.  
20  
21 THE COMMISSIONER: Perhaps we can protect Dr Hanscombe's  
22 position by saying that if you do ask questions, she can  
23 ask further questions afterwards if she wishes to. Are you  
24 happy with that, Dr Hanscombe?  
25  
26 DR HANSCOMBE: Yes, if the Commission please. I don't  
27 think I'll take very long, in any event, Commissioner.  
28  
29 <EXAMINATION BY DR HANSCOMBE:  
30  
31 DR HANSCOMBE: Q. I just want to clarify a couple of  
32 things, Mr Wilson. Money went into the members welfare  
33 account on an interim basis. Do you remember telling the  
34 Commissioner about that?  
35 A. Yes.  
36  
37 Q. Did the national executive have any information about  
38 that?  
39 A. The finance committee of the national executive were  
40 fully informed of that.  
41  
42 Q. By whom?  
43 A. By me.  
44  
45 Q. Did they know why that had occurred?  
46 A. I gave a full explanation to them.  
47

1 Q. What did you tell them as to why that had occurred?  
2 A. Essentially, because of the financial situation that  
3 the - or the financial situation that the union was in,  
4 that there was absolute confusion about banking accounts,  
5 people weren't being paid, there had been a situation where  
6 once the construction branch had been formed, there was  
7 then supposed to be an allocation of construction members  
8 across to it. That hadn't happened properly. There were  
9 no banking facilities and financially, the union was in a  
10 mess in terms of its administration and also to do with the  
11 bickering between the FIME side of the AWU - oh, the  
12 amalgamated union and the AWU side; but in summary I think  
13 they were the main points that I raised with them.  
14

15 Q. Were concerns raised with you in response to those  
16 points?

17 A. I think, everyone acknowledged that those things were  
18 real problems and not only between myself and the Victorian  
19 ex-FIME people, but national office was in a state of  
20 warfare between the two national secretaries and nothing  
21 was being done. It was a mess.  
22

23 Q. I have to jump around a bit because I'm only dealing  
24 with discrete topics. Can I take you back to the auction  
25 at which Kerr Street was purchased?

26 A. Yes.  
27

28 Q. Put your mind back there. You were asked some  
29 questions by counsel assisting about who filled in the  
30 blank cheque?

31 A. Yes.  
32

33 Q. Do you remember that?

34 A. Yes.  
35

36 Q. What was put to you was there was no-one else at the  
37 auction save you and Ms Gillard. I think obviously counsel  
38 assisting leaves out the other bidders and the spectators  
39 and such like.

40 A. Yes.  
41

42 Q. Was there an agent present selling the property?

43 A. I understand there was.  
44

45 Q. Did you sign any documents?

46 A. On the day I did. I signed a number of documents.  
47

1 Q. Who gave you those documents?  
2 A. Well, I can't recall specifically but I would imagine  
3 it would have been the agent.  
4  
5 Q. You say in your statement you showed or gave the power  
6 of attorney to the agent. Do you remember saying that?  
7 A. Yes.  
8  
9 Q. You signed the contract. Was the cheque signed at or  
10 about that time?  
11 A. The cheque, as I recall, would have been pre-signed by  
12 Ralph and I'm just assuming --  
13  
14 Q. I'll withdraw that. I don't mean signed, I mean  
15 filled in.  
16 A. On the day.  
17  
18 Q. What did you do with it?  
19 A. I gave it to somebody, I can't recall who. Somebody  
20 wanted a cheque and I gave it to them.  
21  
22 Q. Probably the agent?  
23 A. Probably.  
24  
25 Q. When you were asked about this statutory declaration  
26 of Mr Ivory, do you recall that? Cast your mind back to  
27 that. Had you seen that document before?  
28 A. No.  
29  
30 Q. You said at transcript 447, "I'd like to know who  
31 prepared that statement for Ivory because it wasn't him."  
32 A. Yes, that's correct.  
33  
34 Q. Why did you say that?  
35 A. Well, if you go through from page 1, his - that's just  
36 a narrative of what he did, but if you start going through  
37 talking about on page 3, the Federal AWU Council consists  
38 of what he says and for the next two or three pages where  
39 he describes the rules, he describes - refers to various  
40 parts of the rules. Glen wouldn't have had that sort of  
41 understanding of the union's rules and this is language  
42 that he would never have used. Yes, it's not Glen writing  
43 that thing at all.  
44  
45 Q. Why do you say it is language he would never have  
46 used? Can you show the Commissioner some examples?  
47 A. Well, I can't. I worked with Glen for almost 10 or

1 12 years in Port Hedland and in Perth and he was an  
2 earthmover. He didn't talk in language like that. He was  
3 an organiser. He was a bulldozer driver or something. You  
4 know, he didn't have that sort of grasp of the union's  
5 rules.

6

7 Q. Is the sort of thing you mean, for instance, at the  
8 top of page 11, "during my tenure as President"?

9 A. Well, he couldn't say - he wouldn't use the word  
10 "tenure", for example, it wouldn't be a word that Glen  
11 would use.

12

13 Q. That's the sort of thing you mean?

14 A. And also the listing, like, if you go to the previous  
15 page, page 10, where he outlines "Rule 64 relates to" and  
16 then he goes on and repeats the rule. He wouldn't - it's  
17 just not the sort of thing that he would do and - sorry.

18

19 Q. No, finish your answer.

20 A. And I mean, going through - I mean, I have to say,  
21 because I hadn't seen it and I didn't sort of read it all  
22 at the time --

23

24 Q. In the witness box?

25 A. -- in the witness box, as I did read it during the  
26 lunch break, that occurred to me, even more so, that it  
27 wasn't Glen writing most of it, but the things that he  
28 said, he refers to the executive of the union and I don't  
29 think at any stage I ever said that the executive of the  
30 union had approved the Workplace Reform Association.

31

32 Q. Which part are you referring to, just so the  
33 Commissioner knows?

34 A. He says, if I can quickly try and find it --

35

36 THE COMMISSIONER: Page 11.

37

38 THE WITNESS: On page 11, if you like, "It was never  
39 discussed at Executive level or even privately." Then  
40 somewhere else he says --

41

42 THE COMMISSIONER: Is it page 13, the first six lines?

43

44 THE WITNESS: That's it - yes, exactly. There's a number  
45 of references back to the executive of the union and what  
46 he says is true, the executive never dealt with this issue  
47 and he refers constantly to the executive and says, "Oh,

1 the executive didn't do this. The executive didn't do  
2 that", that's true, but the other thing he does say is that  
3 clearly, he wasn't working in Karratha at the time, he was  
4 in Perth at the time that I said he was, clearly, he didn't  
5 deal with Blewitt, he dealt with me, and he says that on  
6 page 17. He says up the top of 17, "I had little contact  
7 with Blewitt during the period. My main dealings were with  
8 Wilson." Anyway, sorry.

9  
10 DR HANSCOMBE: Q. That's why you said that to the  
11 Commissioner - this is not his document?

12 A. Yes, and to give you an even better example, on the  
13 very first page, the fifth paragraph, it talks about, "The  
14 Industrial Relations Act allowed for the union" - Glen  
15 wouldn't know that. He would never make a reference to the  
16 Industrial Relations Act.

17  
18 Q. Before you got in the witness box today, did you ever  
19 hear anything about the preparation of this document?

20 A. This document?

21  
22 Q. Yes.

23 A. No, I never - I didn't even know it existed.

24  
25 Q. Can I take you now to another topic. Counsel  
26 assisting asked you whether Blewitt was the only source  
27 that you had of sums of cash to give to Ms Gillard for  
28 renovations and you agreed with that. You said you signed  
29 some blank cheques on the Workplace Reform Association  
30 account. Do you remember saying that?

31 A. Yes.

32  
33 Q. Were those cheques in sequence in the chequebook or  
34 were they at random?

35 A. Well, on the day of 7 September when I asked Ralph to  
36 get the money for Glen and he had been complaining about,  
37 well, first of all, Glen because Glen was part of the group  
38 that were anti-Ralph and they didn't get on, but he had  
39 been complaining about being out of pocket and he also  
40 complained that Glen had been getting paid and he had been  
41 doing some work, so I said, "So that you don't have to be  
42 out of pocket, I will sign some cheques," and I signed in  
43 sequence five or six cheques, I'm not sure.

44  
45 Q. In numbered cheque sequence one after the other?

46 A. Yes.

47



1 Q. They weren't dotted through the chequebook?  
2 A. No, no, they were in sequence.  
3  
4 Q. Do you still have an examination bundle? I think  
5 yours will be called "Wilson"?  
6 A. Yes.  
7  
8 THE COMMISSIONER: Wilson, MFI2.  
9  
10 DR HANSCOMBE: Yes. I've butchered my Mr Blewitt bundle  
11 to make this bundle, which is why I said that to the  
12 witness.  
13  
14 Q. Can you go to 164, please.  
15 A. Yes.  
16  
17 Q. Is that a cheque you signed?  
18 A. Not 164, no.  
19  
20 Q. Can you go to 183, please.  
21 A. Yes.  
22  
23 Q. Is that a cheque you signed?  
24 A. No.  
25  
26 Q. Can you go to 197, please.  
27 A. Yes.  
28  
29 Q. Is that a cheque you signed?  
30 A. No.  
31  
32 Q. They're in sequence, 802206, 07, 08. 09 is two pages  
33 over at page 199. Is that a cheque you signed?  
34 A. No.  
35  
36 Q. Go to 203. That's cheque number 802211. Is that a  
37 cheque you signed?  
38 A. Yes, that's my signature.  
39  
40 Q. That's the cheque you've given evidence about?  
41 A. Yes.  
42  
43 Q. In respect of moneys derived from paying Ivory?  
44 A. Yes.  
45  
46 Q. That is your signature?  
47 A. That is my signature.

1  
2 Q. Could you go, if you would, to 210. That's a cheque  
3 you signed?  
4 A. That's my signature.  
5  
6 Q. In this bundle - I can tell you - they're the only  
7 cheques I can identify that are signed by anybody at all on  
8 that account in 1993 and the renovations for Ms Gillard's  
9 house, the overwhelming majority, are done in 1993. Does  
10 that accord with your memory?  
11 A. Yes.  
12  
13 Q. And Mr James's payments, save for two little ones, 118  
14 and 216, I think, are all paid in 1993, so those cheques -  
15 no, that's a submission. I don't need to ask you that.  
16 That's a submission I'll make to the Commissioner in due  
17 course. You didn't sign any other cheques on any other  
18 account with union money in it or AWU money of any  
19 characterisation, other than on that account in blank?  
20 A. That's right.  
21  
22 Q. You're confident about that?  
23 A. Yes.  
24  
25 Q. Finally, you just had a look at a statement of a  
26 Mr Gibson?  
27 A. I didn't actually look at it. I --  
28  
29 Q. You remembered what it said?  
30 A. I remembered that bit because I --  
31  
32 Q. And then counsel assisting read you a bit?  
33 A. Yes.  
34  
35 Q. And you said you would describe that incident  
36 differently. How would you describe it?  
37 A. I would describe it as Gibson and Cronin would have  
38 come into the room. Ralph would have been there. I would  
39 have asked if they wanted a coffee and then Ralph would  
40 have got up and said, "I'll get the coffee." And  
41 typically, Ralphie would have stood there and chatted away  
42 and kept on going on and on and in the end I would have  
43 just said, "Get the fucking coffee." It would have  
44 appealed to Ralph.  
45  
46 Q. In your experience in union offices and places where  
47 unionists congregate, how would you describe the general

1 level of polite conversation?  
2 A. It's pretty robust. I mean, the language is obviously  
3 a thing. You don't mind mixing your words a fair bit.  
4  
5 Q. Did Mr Blewitt ever respond to you, "Don't talk to me  
6 like that; that's much too rude."  
7 A. Well, he never said, "Don't talk to me like that." He  
8 might just reply in a similar way and tell me, not  
9 particularly politely, where to get off.  
10  
11 DR HANSCOMBE: Yes, I have nothing else, Commissioner.  
12  
13 THE COMMISSIONER: Thanks, Dr Hanscombe.  
14  
15 MR CLELLAND: It might be just as easy if I do put the  
16 matter to Mr Wilson. I'll do it that way.  
17  
18 THE COMMISSIONER: Yes, Mr Clelland.  
19  
20 <EXAMINATION BY MR CLELLAND:  
21  
22 MR CLELLAND: Q. Mr Wilson, I'm instructed that  
23 Ms Gillard disputes the suggestion that she attended a  
24 hearing of any nature in relation to the incorporation of  
25 the WRA. In the face of that, do you maintain that she  
26 did?  
27 A. If I could just try and find where I talk about that  
28 in my --  
29  
30 Q. Paragraph 138, you might be thinking of.  
31 A. 138. That's as clear as I recall it. I just had some  
32 vague recollection that it was in a courtroom. That could  
33 have been, in my recollection, to do with the incorporation  
34 or it could have been any other matter for that - it's not  
35 clear in my head that it was about the Workplace Reform  
36 Association.  
37  
38 MR CLELLAND: Thank you, Commissioner.  
39  
40 THE COMMISSIONER: Thank you, Mr Clelland. Anything  
41 arising out of Mr Clelland's questions?  
42  
43 DR HANSCOMBE: No, nothing else. Could Mr Wilson be  
44 excused?  
45  
46 THE COMMISSIONER: Let's just see if Mr Stoljar wants to  
47 ask any more questions.

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MR STOLJAR: I don't, thank you, Commissioner.

THE COMMISSIONER: Do you oppose Mr Wilson being excused?

MR STOLJAR: No, Commissioner.

THE COMMISSIONER: Mr Wilson, you're excused from further attendance. Thank you for that attendance.

<THE WITNESS WITHDREW

DR HANSCOMBE: I have a short application to make. I have instructions to seek from you, Commissioner, reasons for this morning's ruling excluding portions of Mr Wilson's statements.

THE COMMISSIONER: Do you say there's an obligation to give those reasons?

DR HANSCOMBE: If there isn't an obligation arising by implication from the Act, then there would be, in my submission, an obligation if we made application pursuant to the Administrative Decisions Judicial Review Act 1976 and if need be, we will make such an application.

MR STOLJAR: Can I just interrupt one minute? In the light of that application, I wonder if the excusing of Mr Wilson might have been a bit premature.

THE COMMISSIONER: I am sorry, Mr Wilson, just take a seat for a moment. You can stay in the well of the court.

DR HANSCOMBE: There was no artifice in any of that. The reason I asked Mr Wilson to be excused was that Mr Bob Galbally who appears, as you may remember for Mr Blewitt, hadn't graced with us his presence, but had given apparently some indication he'd want to hold Mr Wilson in overnight to keep him here at his convenience.

THE COMMISSIONER: That problem has gone.

DR HANSCOMBE: That problem has gone. That's why I wanted to rule a line under that. There was no artifice in having an excuse to then make the application, but I do make the application.

1 THE COMMISSIONER: Do you have a position on this,  
2 Mr Stoljar?  
3  
4 MR STOLJAR: On the question of whether the Commissioner  
5 is obliged --  
6  
7 THE COMMISSIONER: Reasons should be given for the  
8 exclusion of paragraphs 331 onwards of the first statement  
9 and the last part of the second statement.  
10  
11 MR STOLJAR: It's not a matter to which I'd given  
12 consideration. I don't see any basis for opposing it just  
13 at the minute, Commissioner.  
14  
15 THE COMMISSIONER: There's no duty at common law on a  
16 judge to give reasons for a ruling on evidence.  
17  
18 DR HANSCOMBE: No, that's absolutely so.  
19  
20 THE COMMISSIONER: You're assuming that the matter is  
21 covered by the ADJR Act.  
22  
23 DR HANSCOMBE: I think there's authority to say that  
24 matters under this Act are covered by the ADJR Act.  
25 Kingman v Cole is authority in the Federal Court for that  
26 proposition.  
27  
28 THE COMMISSIONER: I think if you wished to have those  
29 reasons, you make an application under the ADJR Act.  
30  
31 DR HANSCOMBE: If the Commission pleases. We'll do that.  
32  
33 THE COMMISSIONER: Might I ask what the point of it is?  
34  
35 DR HANSCOMBE: Those who instruct me want to consider  
36 whether anything arises from that exclusion, that they may  
37 want to take it further in some other forum. That's as far  
38 as I can I take that, Commissioner, simply to consider the  
39 issue.  
40  
41 THE COMMISSIONER: Just a moment. At the start of today's  
42 proceedings when two statements of Mr Wilson were tendered,  
43 Mr Stoljar indicated that he opposed the reception of  
44 paragraphs 331 to 370 of the first statement of 4 June 2014  
45 and paragraphs 17 to 39 of the second statement of 6 June  
46 2014, in each case with the annexures referred to in those  
47 paragraphs.

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The issues fall into two parts. The first part comprises three statements, which were generically referred to as emails, from Mr Blewitt to Mr Wilson of 7 August, 5 September and on or about 27 November 2012. There is some relevance perhaps in the chronology of events around that time. On 21 November 2012, Mr Blewitt was interviewed on television. It has not been said that he said anything inconsistent in substance with his evidence to the Commission.

On 23 November 2012, Mr Blewitt delivered three statements to the Victorian police. My recollection is that his evidence was that they had been prepared by another person, that he hadn't read them closely, that he'd handed them over to the Victorian police on that day. Those statements can be described as antithetical to the general position of Mr Wilson. On 27 November 2012, Mr Wilson in turn was interviewed on television and then on 27 November, or about that time, Mr Blewitt sent Mr Wilson a communication which we have been referring to as an email which is the third of the documents mentioned above.

Those three documents were tendered by Dr Hanscombe, who appears for Mr Wilson, on the second of the two days on which Mr Blewitt was in the witness box in May of this year. She submitted on those occasions - and her arguments can be found on pages 119 to 123 of the transcript - first, that the documents revealed Mr Blewitt's weak financial position and she also submitted, secondly, that they showed that in the first two of the three documents Mr Blewitt did not treat Mr Wilson as a person who ordered him to do what he did not want to do.

As to the first of those two submissions, it's beyond controversy that Mr Blewitt has little money. It is simply unnecessary to call additional evidence on that point. On the second of those two issues a question has arisen out of a conflict of evidence between Mr Blewitt, on the one hand, and Mr Wilson, on the other, about what the relationship between the two of them was roughly in the period 1992 to 1995.

The first of those two documents may reveal something about what their relationship was like in 2012 and so may the third. There is a less than remote connection between the relationship in 2012 and that which was in existence at

1 the relevant time to the facts into which the inquiry is  
2 concentrating in relation to the Australian Workers Union,  
3 namely, in 1992 to 1995.  
4

5 Dr Hanscombe also submitted or seemed to submit in May  
6 that Mr Wilson's remarks on television on 27 November 2012  
7 caused Mr Blewitt to change from being friendly to  
8 Mr Wilson to being inspired by an animus against him and  
9 she submitted that that animus affected his credibility.  
10 That submission lacks a factual foundation. The  
11 adverseness of Mr Blewitt's evidence to the general  
12 position taken up by Mr Wilson was, it seems, apparent as  
13 early as 21 November 2012 in his television interview.  
14 Certainly, the contrary has not been submitted.  
15

16 Further, the three statements given to the Victorian  
17 police on 23 November 2012 are broadly consistent with an  
18 approach antithetical to that of Mr Wilson. That is quite  
19 inconsistent with the proposition that Mr Wilson's  
20 television interview was the trigger for a change from a  
21 witness endeavouring to tell the truth, as best he could  
22 recollect, to one who maliciously concocted lies adverse to  
23 Mr Wilson.  
24

25 I have described the three arguments put in May and  
26 I have described reasons for rejecting them. I think in  
27 general it's to be deprecated that tenders which have  
28 failed should be repeated, whether the grounds on which  
29 those tenders are made are grounds already rejected or on  
30 fresh grounds.  
31

32 The large part of the tender falls into a different  
33 category. Mr Stoljar opposed the tender because it relates  
34 to dealings between Mr Wilson and other people. One of  
35 them was Mr Nowicki, another was a Mr Smith, and it may be  
36 said that they at least are the principal protagonists.  
37

38 Mr Stoljar submitted that the evidence of these events  
39 in 2012 was of no relevance. It was not probative of any  
40 factual matter likely to be in controversy. One aspect of  
41 the evidence, as was submitted by Dr Hanscombe, was that  
42 Mr Nowicki appeared to be offering an inducement to  
43 Mr Wilson, or a series of them, to give evidence of a  
44 certain type. Mr Wilson's evidence rejected those  
45 overtures.  
46

47 In relation to Mr Nowicki, various witnesses have been

1 asked whether they had dealings with Mr Nowicki. No such  
2 questions were put to the first witness called this week,  
3 Mr Cambridge. The same was true of the second witness,  
4 Mr Jukes and the third witness, Mrs Palmer. It was also  
5 true of Mr Spyridis. On the other hand, the questions were  
6 put to Mr James and Mr Hem. Their evidence was that they  
7 had no contact with Mr Nowicki.  
8

9 Mr Kernohan was questioned about dealings with  
10 Mr Nowicki. He said he had received a fairly cheap airfare  
11 to travel from Sydney to Melbourne and back and he had,  
12 I think I'm correct in saying, received some hospitality  
13 from Mr Nowicki, some friendship and advice, but beyond  
14 that nothing, and I believe Mr Kernohan also said that that  
15 did not affect the content of his evidence. As the  
16 evidence stands then there is no witness who has accepted  
17 that anything he or she was going to say was the result of  
18 any overture from Mr Nowicki.  
19

20 The tender goes only to credit. If a witness accepted  
21 that Mr Nowicki, or any other third person, had caused a  
22 witness to depart from the evidence that that witness  
23 proposed to give, that would be adverse to that witness's  
24 credit. There is no such witness. Messrs Nowicki and  
25 Smith are not in any sense primary actors. They were not  
26 on the scene in 1992 to 1995. Mr Nowicki is an historian.  
27 Mr Smith seems to be a person who has had some interest in  
28 the relevant events. For the reasons I have given, it  
29 seems to me that there is no relevance in the materials  
30 objected to so far as they fall into this large second  
31 category, as distinct from the three documents discussed  
32 earlier.  
33

34 Dr Hanscombe, for her part, submitted that the  
35 evidence was relevant in two ways. The first way related  
36 to the three so-called emails and she pointed to another  
37 couple of documents in that category. She said that the  
38 friendly documents indicated that the relationship had a  
39 certain character. She said that the last so-called email  
40 showed Mr Blewitt's reaction to Mr Wilson's 7.30 interview.  
41 I might add to what I said before by saying that the  
42 reaction to the 7.30 interview appears to be entirely  
43 consistent with Mr Blewitt's position, right or wrong, as  
44 recorded in his statements to the police.  
45

46 Dr Hanscombe submitted that there was a serious  
47 question about what was to be done with Mr Blewitt's



1 evidence in this case because of its contrast with the  
2 evidence of Mr Wilson. She submitted that it would be  
3 important if Mr Blewitt's evidence had been written or  
4 otherwise provided by Mr Nowicki. There is no evidence  
5 that that is the case.

6  
7 Dr Hanscombe also placed reliance on paragraphs 365 to  
8 367 of the first statement of Mr Wilson. She said they  
9 revealed an even more remarkable circumstance which was  
10 that Bill Telikostoglou had been contacted by Mr Nowicki  
11 and Mr Blewitt in Athens. That highlights another aspect  
12 of the paragraphs objected to which was not the subject of  
13 a submission by counsel. The structure of the material is  
14 illustrated by paragraph 367. That says, "Telikostoglou  
15 also told me," "me" being Mr Wilson.

16  
17 ... that he believes Nowicki and Blewitt  
18 had attended at his residence. He said his  
19 wife described two people coming to his  
20 home looking for him. They said that they  
21 were from Australia.

22  
23 I think at a conservative count that is treble-hand hearsay  
24 and it is utterly unprobative of the proposition that if  
25 there were those two people, they were Messrs Nowicki and  
26 Blewitt. Any such visit by Mr Blewitt could have been  
27 investigated while Mr Blewitt was in the witness box.

28  
29 Those are the reasons for concluding that the evidence  
30 is irrelevant. The time was not wasted this morning in  
31 dealing with another problem with the evidence. Almost all  
32 of it is vulnerable to an objection that it is hearsay or  
33 bad in form or that some other standard flaw in the tender  
34 of evidence is present, but since that wasn't the subject  
35 of argument I won't say anything more about it. Those are  
36 my reasons. We resume on Monday at 10am.

37  
38 MR STOLJAR: Yes, Commissioner.

39  
40 THE COMMISSIONER: With the Health Services Union.

41  
42 MR STOLJAR: Yes.

43  
44 THE COMMISSIONER: The hearing will now adjourn.

45  
46 AT 4.05PM THE COMMISSION WAS ADJOURNED TO MONDAY,  
47 16 JUNE 2014 AT 10AM