
TRANSCRIPT OF PROCEEDINGS

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

MONDAY, 11 OCTOBER 2021

Witness Appearing: Mr Anthony Byrne

BEFORE THE HONOURABLE ROBERT REDLICH AM, QC

Counsel Assisting: Mr Christopher Carr SC

OPERATION WATTS INVESTIGATION

PUBLIC EXAMINATIONS PURSUANT TO PART 6 OF THE INDEPENDENT
BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011

*Every effort is made to ensure the accuracy of transcripts.
Any inaccuracies will be corrected as soon as possible.*

1 COMMISSIONER: In May 2020 IBAC commenced an own motion 10:13:34AM
2 investigation after receiving confidential information 10:13:40AM
3 indicating possible misuse of public funds by some 10:13:44AM
4 Victorian members of parliament. Following media articles 10:13:48AM
5 on 60 Minutes and in The Age newspaper on 14 and 15 June 10:13:54AM
6 2020, on 15 June 2020 the Victorian Attorney-General 10:14:00AM
7 referred a complaint to IBAC. On 26 June 2020 the 10:14:08AM
8 Secretary to the Department of Premier and Cabinet 10:14:15AM
9 provided a mandatory notification to IBAC of suspected 10:14:18AM
10 corrupt conduct. On 17 June 2020 the Clerk to the 10:14:23AM
11 Legislative Council wrote to the Victorian Ombudsman and 10:14:32AM
12 the IBAC Commissioner advising of a resolution by the 10:14:37AM
13 Legislative Council to refer the matters raised in the 10:14:41AM
14 60 Minutes program and The Age articles to the Ombudsman 10:14:45AM
15 for investigation. The resolution also supported other 10:14:50AM
16 Victorian authorities, including IBAC, investigating 10:14:55AM
17 possible corrupt conduct and breaches of other Victorian 10:15:01AM
18 laws. IBAC also received complaints from other sources, 10:15:04AM
19 including the Victorian Leader of the Opposition. On 10:15:10AM
20 30 June 2020 IBAC received a confidential disclosure under 10:15:16AM
21 the *Public Interest Disclosures Act 2012* relating to these 10:15:23AM
22 matters. 10:15:29AM
23 Whilst the public hearings that are about to be 10:15:34AM
24 commenced are conducted by IBAC pursuant to the provisions 10:15:37AM
25 of the *IBAC Act*, the investigation thus far undertaken has 10:15:41AM
26 been a joint one with the Victorian Ombudsman and the 10:15:48AM
27 scope and content of the hearings to now be undertaken 10:15:53AM
28 then the subject of consultation with the Victorian 10:15:59AM
29 Ombudsman. 10:16:02AM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

I now turn to all matters in relation to the first witness to be called. Good morning, Mr Byrne.

MR BYRNE: Good morning, Commissioner.

COMMISSIONER: There's some formal matters I need to address before we get underway. Firstly, there is an application by two parties for leave to appear in these public hearings, and I should deal with those applications. Pursuant to s119A of the *IBAC Act 2011*, I am satisfied as the Commissioner of IBAC that the Australian Labor Party (Victorian Branch) has a substantial and direct interest in the subject matter of the examination and, as they have requested, it is appropriate that they be given leave to appear at the examination as an interested party. So I authorise the Australian Labor Party (Victorian Branch) to appear at all public examinations in relation to Watts and to be represented at the examination by an Australian legal practitioner.

I grant a similar application in relation to the legal representatives of Mr Somyurek, who also seeks leave to appear. Because of the limitations that are associated with live streaming, it will not be possible to have the legal representatives of those two parties appear on the screen during the course of Counsel Assisting examining the witness. But arrangements have been made so that should they have any issues they wish to raise during the course of the examination they can communicate with those instructing Counsel Assisting, and he in turn can raise those concerns with me at the appropriate time.

At the conclusion of the examination of each

10:16:05AM
10:16:12AM
10:16:16AM
10:16:19AM
10:16:21AM
10:16:31AM
10:16:35AM
10:16:41AM
10:16:51AM
10:16:58AM
10:17:00AM
10:17:05AM
10:17:10AM
10:17:17AM
10:17:20AM
10:17:25AM
10:17:29AM
10:17:33AM
10:17:36AM
10:17:42AM
10:17:49AM
10:17:55AM
10:17:59AM
10:18:03AM
10:18:08AM
10:18:12AM
10:18:17AM
10:18:21AM
10:18:27AM

1 witness those two parties will be given the opportunity to 10:18:31AM
2 seek leave to cross-examine. What I'm anxious to avoid, 10:18:36AM
3 however, is that the cross-examination is in any way 10:18:42AM
4 repetitive of the matters which are explored during the 10:18:45AM
5 course of Counsel Assisting's examination. Obviously if 10:18:50AM
6 the parties have new matters that they wish to put in 10:18:54AM
7 relation to the subject that has been explored or if they 10:18:58AM
8 have particular instructions which need to be put to the 10:19:02AM
9 witness, I will grant leave for them to do so. But they 10:19:06AM
10 will need to satisfy the Commission that it's appropriate 10:19:11AM
11 that they have the right to cross-examine on a particular 10:19:13AM
12 subject. 10:19:17AM

13 So, Mr Byrne, with all of those lengthy preambles 10:19:21AM
14 aside, let me turn to your examination. The examination 10:19:26AM
15 is video recorded and, as I've explained already, the 10:19:33AM
16 examinations are being conducted pursuant to the *IBAC Act* 10:19:39AM
17 *2011*. Mr Chris Carr will be Counsel Assisting, and 10:19:45AM
18 I authorise him to examine Mr Byrne. 10:19:50AM

19 This is an inquisitorial process. So it means 10:19:55AM
20 that the Commission is not bound by the rules of evidence 10:19:58AM
21 and can regulate the conduct of the examination as the 10:20:03AM
22 Commission considers appropriate. The examination is, as 10:20:08AM
23 I've said, being video recorded and it is open to the 10:20:14AM
24 public. Counsel Assisting the Commission will ask you, 10:20:17AM
25 Mr Byrne, questions, and I may also ask you questions as 10:20:21AM
26 well. Following those questions, your legal 10:20:24AM
27 representative will also have the opportunity to ask 10:20:29AM
28 questions to clarify your answers. 10:20:32AM

29 Mr Murphy, I understand you represent Mr Byrne, 10:20:37AM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

and it is my preference that you do not wait until the end
of Mr Byrne's examination to ask any questions. If during
the course of the examination you feel at any stage that
something should be clarified, or if you feel that
Mr Byrne could add something to the answers that are
already given, please feel free to interrupt and engage
with the witness at that point of time rather than wait
until the end of the cross-examination. Do you follow?

MR MURPHY: Thank you, Commissioner. I follow, and I should
just add that I appear with my learned leader Ian Hill QC,
although Mr Hill is sick today.

COMMISSIONER: Yes, I understand he's unwell, and you have that
leave, Mr Murphy.

Mr Byrne, you should let me know if at any stage
during the course of the examination you want to have a
break for any reason, but if, for example, you wish to
speak with your legal representatives, I'll adjourn and
give you the opportunity to do so. Do you follow?

MR BYRNE: Yes, I do, Commissioner.

COMMISSIONER: Before I ask you to take an oath or affirmation,
it's necessary for me to formally state what is the nature
and scope of the matters about which you will be
questioned. Firstly, it will relate to party-political
work or factional activity performed by persons during the
course of their employment as public officers; the various
processes or manipulation thereof to support
party-political work or factional activity, including ALP
membership, including recruitment, renewals, funding,
management and alleged falsification of documents;

10:20:42AM
10:20:47AM
10:20:52AM
10:20:56AM
10:20:59AM
10:21:04AM
10:21:09AM
10:21:13AM
10:21:17AM
10:21:20AM
10:21:24AM
10:21:26AM
10:21:29AM
10:21:36AM
10:21:39AM
10:21:42AM
10:21:46AM
10:21:50AM
10:21:53AM
10:22:00AM
10:22:03AM
10:22:07AM
10:22:11AM
10:22:15AM
10:22:21AM
10:22:27AM
10:22:30AM
10:22:37AM
10:22:43AM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

party-political or factional staffing appointments across electorate and ministerial offices; member ballots and requests to reissue ballots, including but not limited to the 2018 ALP National Conference; confidential ALP membership information and internal ALP committees, selection processes and investigations. It will examine public funds being used for party-political work or factional activity, grants or benefits provided to factionally affiliated persons or community based incorporated associations, payments for services not performed, a purpose other than that for which the funds were intended, and any improper purpose. The Australia Light Foundation or Cambodian Association of Victoria or Somali Australian Council of Victoria, and the relationships between these incorporated associations and public officers or members of the ALP will also be the subject of questioning.

<ANTHONY BYRNE, sworn and examined:

COMMISSIONER: Thank you, Mr Byrne.

MR BYRNE: Thank you, Commissioner.

COMMISSIONER: Mr Byrne, I now need to formally take you through your rights and obligations as the *IBAC Act* requires. At the time that you were served with a summons to attend today did you receive a document entitled 'Statement of rights and obligations'?

MR BYRNE: Yes, I did, Commissioner.

COMMISSIONER: Has Mr Hill or Mr Murphy or any other lawyer explained that document to you?

MR BYRNE: They have, Commissioner.

10:22:48AM
10:22:53AM
10:22:59AM
10:23:04AM
10:23:12AM
10:23:18AM
10:23:26AM
10:23:31AM
10:23:36AM
10:23:40AM
10:23:46AM
10:23:52AM
10:24:03AM
10:24:08AM
10:24:13AM
10:24:18AM
10:24:23AM
10:25:18AM
10:25:36AM
10:25:38AM
10:25:40AM
10:25:43AM
10:25:46AM
10:25:50AM
10:25:54AM
10:25:57AM
10:26:00AM
10:26:03AM
10:26:05AM

1 COMMISSIONER: Do you feel you understand the contents of that 10:26:08AM
2 document, or do you wish to be informed formally of your 10:26:10AM
3 rights and obligations again or have anything explained? 10:26:14AM
4 MR BYRNE: No, thank you, Commissioner. 10:26:18AM
5 COMMISSIONER: Very good. So what I will simply do then is 10:26:20AM
6 summarise the position, Mr Byrne. Your obligation is to 10:26:23AM
7 answer questions that you're asked, unless you have a 10:26:30AM
8 reasonable excuse for not doing so. Refusing or failing 10:26:34AM
9 to answer a question may constitute an offence and 10:26:38AM
10 penalties may apply. You must answer the questions, even 10:26:44AM
11 if they may incriminate you or make you liable to a 10:26:49AM
12 penalty. You must answer the questions truthfully, 10:26:53AM
13 otherwise you may expose yourself to a risk of a perjury 10:26:59AM
14 charge, which carries a penalty of up to 15 years 10:27:04AM
15 imprisonment. Importantly, if you answer the questions 10:27:07AM
16 truthfully, then those answers are not admissible and 10:27:12AM
17 cannot be used against you in any court of law. The 10:27:17AM
18 primary exception - and I think the only one with which we 10:27:23AM
19 would here be concerned, Mr Byrne - is that if you gave a 10:27:27AM
20 false answer then that answer could be used against you on 10:27:30AM
21 a perjury charge; do you follow that? 10:27:33AM
22 MR BYRNE: I follow, Commissioner. 10:27:36AM
23 COMMISSIONER: Yes. Now, Mr Byrne, this is something that 10:27:38AM
24 I say to all witnesses, whether in a private or a public 10:27:41AM
25 examination by IBAC. The questions that Counsel Assisting 10:27:45AM
26 asks you will sometimes be what lawyers call open-ended 10:27:51AM
27 questions; that is, the question won't suggest an answer 10:27:57AM
28 to you. So, for example, I'm talking of the difference 10:28:00AM
29 between counsel putting a positive suggestion to you like 10:28:06AM

1 'I suggest you spoke with X on such and such a day' as a 10:28:11AM
2 clear positive proposition. But the question may simply 10:28:16AM
3 be an open-ended one, 'Have you ever spoken to X about 10:28:20AM
4 this subject?' Please do not be misled because Counsel 10:28:25AM
5 Assisting asks the question in that open-ended way. You 10:28:31AM
6 will understand that this investigation has been going on 10:28:34AM
7 for some time and the likelihood is that Counsel Assisting 10:28:37AM
8 will already know the answer to many of those questions. 10:28:43AM
9 So your task is to ensure that you accurately and 10:28:47AM
10 truthfully answer the questions to the best of your 10:28:52AM
11 ability. Do you follow? 10:28:55AM
12 MR BYRNE: I follow, Commissioner. 10:28:58AM
13 COMMISSIONER: I did say to you, Mr Byrne, that unless you have 10:29:07AM
14 a reasonable excuse for doing so you must answer the 10:29:12AM
15 questions. A reasonable excuse that is likely to arise in 10:29:15AM
16 your case is if, for example, you have obtained legal 10:29:22AM
17 advice in relation to your position then that is of course 10:29:26AM
18 covered by legal professional privilege and you would not 10:29:30AM
19 be bound to answer questions that require any disclosure 10:29:34AM
20 of that advice; you follow that? 10:29:38AM
21 MR BYRNE: I follow that, Commissioner. 10:29:40AM
22 COMMISSIONER: Very good. So with those preliminaries aside, 10:29:42AM
23 Mr Carr, I think you wish to open the matter, and then you 10:29:46AM
24 may commence examination. 10:29:52AM
25 MR CARR: If the Commissioner pleases. In March 2018 the 10:29:55AM
26 Victorian Ombudsman reported on what was described in some 10:29:58AM
27 quarters as the Red Shirts affair, a scheme under which 10:30:01AM
28 the electorate officers appointed to assist certain 10:30:05AM
29 members of parliament in their duties as members of 10:30:08AM

1 parliament were diverted from legitimate electorate office 10:30:12AM
2 work and deployed instead to campaign for the Australian 10:30:17AM
3 Labor Party in the 2014 state election. 10:30:21AM

4 The Ombudsman found that through their 10:30:24AM
5 involvement in that program a number of members of 10:30:27AM
6 parliament behaved improperly, including by falsely 10:30:30AM
7 certifying electorate officers' time sheets. Amongst 10:30:33AM
8 those members of parliament was Adem Somyurek. In 10:30:37AM
9 material he has voluntarily provided to investigators in 10:30:41AM
10 the course of this investigation Mr Somyurek described the 10:30:44AM
11 Red Shirts affair as a 'premeditated and systematic rort' 10:30:48AM
12 and 'systematic corruption designed to misappropriate 10:30:55AM
13 taxpayer resources for the benefit of the party'. 10:30:59AM

14 One would not have expected that the misuse of 10:31:04AM
15 public officers for political purposes would have 10:31:06AM
16 continued after the Ombudsman's report was published in 10:31:10AM
17 March 2018. In the first half of 2020, though, the IBAC 10:31:14AM
18 obtained information which suggested that there continued 10:31:20AM
19 to be premeditated and systematic rorting of taxpayer 10:31:23AM
20 resources. 10:31:29AM

21 Prompted by the information received in the first 10:31:30AM
22 half of last year, investigators from the IBAC and the 10:31:32AM
23 Ombudsman have conducted an extensive investigation into 10:31:36AM
24 whether public funds, public resources and public officers 10:31:40AM
25 have been misused for party-political purposes. 10:31:45AM
26 Investigators have obtained a very significant amount of 10:31:49AM
27 information about the activities of certain persons which 10:31:52AM
28 tends to suggest that such conduct has taken place. 10:31:56AM

29 These public hearings will examine allegations 10:32:01AM

1 that Victorian public officers engaged in serious corrupt 10:32:03AM
2 conduct by directing taxpayer-funded ministerial and 10:32:08AM
3 electorate office staff to perform party-political work 10:32:12AM
4 during times when those staff were being paid to perform 10:32:15AM
5 ministerial or electorate work, and public money intended 10:32:21AM
6 to fund specific programs was directed towards community 10:32:24AM
7 associations with party-political connections and was 10:32:30AM
8 thereafter used for an improper purpose. 10:32:33AM

9 When corruption occurs in the public sector it 10:32:37AM
10 hurts all of us. We expect our public officials to behave 10:32:39AM
11 responsibly and with integrity, and for public resources 10:32:44AM
12 to be used for the intended purpose to benefit the 10:32:48AM
13 Victorian community. 10:32:52AM

14 These public hearings will use the Moderate Labor 10:32:55AM
15 faction of the Victorian branch of the ALP as a case study 10:32:58AM
16 to examine what some evidence suggests are broader issues. 10:33:02AM
17 To understand the evidence to be given at these public 10:33:07AM
18 hearings it will be necessary to examine how and why 10:33:10AM
19 branch stacking operates in the Victorian branch of 10:33:12AM
20 the ALP, and associated broader systemic issues and 10:33:16AM
21 corruption vulnerabilities. 10:33:20AM

22 Branch stacking may be described as organising 10:33:23AM
23 people to join a political party which they have little 10:33:25AM
24 genuine interest in joining. Of course, few reluctant 10:33:29AM
25 members will part with their money to join. So an 10:33:34AM
26 integral aspect of branch stacking is the payment of 10:33:37AM
27 membership fees by politicians, aspiring politicians, 10:33:40AM
28 their associates or those seeking to obtain influence. 10:33:45AM

29 Branch stacking is time consuming. The ALP has 10:33:51AM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

internal rules designed to prevent branch stacking which must be circumvented, and there is little point purchasing memberships on behalf of reluctant members if one does not also take the time to muster their votes or renew their memberships each year. The evidence obtained to date in this investigation suggests that those time-consuming processes were conducted or coordinated by electorate officers and ministerial officers, people being paid by taxpayers, at the direction of members of parliament to further their factional objectives within the ALP.

It is useful to give an example to illustrate the conduct that has been revealed by this investigation to date. When one longstanding electorate officer was asked what his job involved, he described his job as principally assisting people with their ALP memberships and things like this, rather than assisting local constituents and managing the operation of the electorate office. People who dealt with that same electorate officer understood that he worked for the ALP. This man, apparently thought by all concerned to be working for the ALP, has for years been paid by taxpayers to engage in such activity.

This investigation has learned of government grants directed to community organisations which have very close ties to the Moderate Labor faction. One of the issues to be explored in these public hearings will be what the money given to those organisations was used for and whether it was given as a reward for recruiting members to the ALP.

These public hearings are expected to last

10:33:55AM
10:33:58AM
10:34:03AM
10:34:06AM
10:34:10AM
10:34:13AM
10:34:17AM
10:34:23AM
10:34:26AM
10:34:28AM
10:34:34AM
10:34:37AM
10:34:40AM
10:34:44AM
10:34:49AM
10:34:52AM
10:34:57AM
10:35:02AM
10:35:05AM
10:35:10AM
10:35:14AM
10:35:19AM
10:35:23AM
10:35:26AM
10:35:30AM
10:35:33AM
10:35:37AM
10:35:41AM
10:35:44AM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

several weeks. Some of the people to be examined have indicated a willingness to tell the truth about these events. Others have told demonstrable lies when discussing these events in the past. During their examination each witness will be given the opportunity to explain their conduct and the conduct of others in connection with the activities the subject of this investigation.

These hearings will also examine a range of systemic vulnerabilities and consider opportunities for reform to strengthen policies, systems and practices to prevent corrupt conduct.

A final point should be made. A large number of witnesses have already been examined in private. Each of those witnesses is subject to confidentiality obligations. None of them is permitted to discuss their evidence until their confidentiality obligations are lifted, which is expected to happen at the conclusion of these public hearings. Anyone with an interest in these hearings should be aware that it would constitute a serious criminal offence to attempt to persuade a person to breach such obligations.

<EXAMINED BY MR CARR:

MR CARR: Can I turn to Mr Byrne. You can hear and see me?

MR BYRNE: I can, Counsel.

MR CARR: Can you repeat your full name, please?

MR BYRNE: Anthony Byrne.

MR CARR: And you attend here today in response to a summons served on you?

10:35:48AM
10:35:51AM
10:35:54AM
10:35:58AM
10:36:02AM
10:36:05AM
10:36:10AM
10:36:12AM
10:36:15AM
10:36:18AM
10:36:22AM
10:36:27AM
10:36:31AM
10:36:34AM
10:36:38AM
10:36:42AM
10:36:46AM
10:36:49AM
10:36:52AM
10:36:56AM
10:37:00AM
10:37:04AM
10:37:04AM
10:37:19AM
10:37:23AM
10:37:25AM
10:37:28AM
10:37:29AM
10:37:33AM

1 MR BYRNE: I do. 10:37:34AM
2 MR CARR: Can I ask that the summons be displayed on the screen 10:37:34AM
3 for Mr Byrne. Is the summons served on you SUM2021166? 10:37:40AM
4 MR BYRNE: Yes, Counsel. 10:37:54AM
5 MR CARR: Is the summons displayed on the screen the summons 10:37:57AM
6 that was served upon you? 10:38:03AM
7 MR BYRNE: Certainly is. 10:38:06AM
8 MR CARR: With that summons did you receive a covering letter 10:38:07AM
9 dated 15 September 2021? 10:38:11AM
10 MR BYRNE: I did. 10:38:14AM
11 MR CARR: If we can scroll down to that document. I'm sorry, 10:38:16AM
12 that document has been displayed. Did you receive a 10:38:29AM
13 document titled 'Statement of rights and obligations'? 10:38:34AM
14 MR BYRNE: I have, Counsel. 10:38:39AM
15 MR CARR: If we can scroll down and display that document. Can 10:38:41AM
16 you confirm that the document now on screen is the 10:38:47AM
17 document that you were provided with? 10:38:49AM
18 MR BYRNE: Yes, Counsel, I have received it. 10:38:57AM
19 MR CARR: I tender those documents as a bundle, Commissioner. 10:39:02AM
20 COMMISSIONER: Exhibit 1, AB1. 10:39:06AM
21 10:39:09AM
22 #EXHIBIT AB1 - Bundle of documents sent to Mr Byrne. 10:39:10AM
23 MR CARR: Mr Byrne, I understand you've been a member of 10:39:15AM
24 the Australian Labor Party for many years? 10:39:18AM
25 MR BYRNE: That's correct. 10:39:22AM
26 MR CARR: When did you join? 10:39:23AM
27 MR BYRNE: 1989. 10:39:26AM
28 MR CARR: What caused you to join? 10:39:30AM
29 MR BYRNE: I was someone who was trying to determine how 10:39:37AM

1 I could make a difference in politics and therefore wanted 10:39:43AM
2 to join a party, and, contrary to my father's - to his 10:39:46AM
3 great unhappiness, I joined the Labor Party. 10:39:52AM
4 MR CARR: You've remained a member of the Labor Party ever 10:39:55AM
5 since? 10:39:59AM
6 MR BYRNE: I have. 10:40:00AM
7 MR CARR: Is it a party that you, given the duration of your 10:40:00AM
8 membership, hold fairly dear? 10:40:11AM
9 MR BYRNE: Very much so. 10:40:13AM
10 MR CARR: And you've been a member of parliament for the seat 10:40:14AM
11 of Holt since 1999? 10:40:18AM
12 MR BYRNE: November 1999, that's correct. 10:40:21AM
13 MR CARR: And you've had an area of particular interest in your 10:40:25AM
14 time in parliament? 10:40:32AM
15 MR BYRNE: If you're talking about national security, Counsel, 10:40:35AM
16 yes, that's been my area of interest in parliament. 10:40:38AM
17 MR CARR: And you are currently, I understand, the Deputy Chair 10:40:41AM
18 of the Parliamentary Joint Committee on Intelligence and 10:40:41AM
19 Security? 10:40:51AM
20 MR BYRNE: That's correct. I was - if you're asking me for 10:40:51AM
21 what I have done, I was on the - I was a member of and 10:40:54AM
22 then deputy chair of the predecessor of the PJCIS from 10:41:01AM
23 2005 to 2007. Between 2007 and 2010 I was Parliamentary 10:41:06AM
24 Secretary, or assistant minister, to the Prime Minister. 10:41:11AM
25 From 2009 to 2010 I was also assistant minister, or 10:41:14AM
26 Parliamentary Secretary, to trade. I then in 2010 became 10:41:19AM
27 Chair of the Parliamentary Joint Committee on Intelligence 10:41:23AM
28 and Security, and from 2013 onwards I've been Deputy 10:41:28AM
29 Chair. 10:41:31AM

1 MR CARR: Now, in mid-June last year there were a series of 10:41:32AM
2 media articles containing allegations of misconduct, most 10:41:40AM
3 particularly but not only branch stacking, centring around 10:41:44AM
4 Mr Adem Somyurek; you're aware of those articles? 10:41:49AM
5 MR BYRNE: I am. 10:41:54AM
6 MR CARR: Those articles I suspect you accept might be seen to 10:41:55AM
7 have had some at least short-term deleterious impact upon 10:42:05AM
8 the Australian Labor Party? 10:42:12AM
9 MR BYRNE: I would accept that. 10:42:17AM
10 MR CARR: On 16 June last year Labor's National Executive 10:42:18AM
11 appointed Steve Bracks and Jenny Macklin as administrators 10:42:29AM
12 of the Victorian Branch and suspended all state 10:42:33AM
13 committees; you're aware of that? 10:42:36AM
14 MR BYRNE: I'm aware of that. 10:42:38AM
15 MR CARR: Now, on 16 June, having heard about that, you sent a 10:42:39AM
16 message to a friend of yours in which you said this: 'My 10:42:50AM
17 comfort is that it looks like something will finally be 10:42:55AM
18 done to clean up Victoria. They have dissolved the 10:42:58AM
19 branch. So finally some hope to address the issues we've 10:43:02AM
20 talked about for years.' Now, do you remember sending 10:43:06AM
21 that message to a friend of yours? 10:43:13AM
22 MR BYRNE: Honestly, no, but it would be a message that I sent. 10:43:15AM
23 MR CARR: You accept that you felt those sentiments at that 10:43:20AM
24 time? 10:43:24AM
25 MR BYRNE: I absolutely felt those sentiments, not just then 10:43:24AM
26 but for many years. 10:43:27AM
27 MR CARR: Dissolving the Victorian Branch and appointing 10:43:29AM
28 administrators was a very extreme step for the National 10:43:33AM
29 Executive to take; you accept that? 10:43:39AM

1 MR BYRNE: I do. 10:43:42AM

2 MR CARR: And for you to feel the sentiments that we've just 10:43:42AM

3 discussed in response to such an extreme step suggests 10:43:48AM

4 that you felt a very high degree of concern at the issues 10:43:52AM

5 that you had in mind? 10:44:00AM

6 MR BYRNE: Yes, Counsel. 10:44:05AM

7 MR CARR: What were the issues that you had in mind at that 10:44:07AM

8 time? 10:44:13AM

9 MR BYRNE: I thought the party was completely out of control. 10:44:15AM

10 I saw things and heard things that I just didn't think 10:44:20AM

11 that I'd ever see in the modern Labor Party. I'd heard 10:44:24AM

12 about them, seen them in the 90s, and never thought that 10:44:29AM

13 I'd see them again. 10:44:34AM

14 MR CARR: What are you referring to, Mr Byrne? 10:44:35AM

15 MR BYRNE: I'm referring to branch stacking. I'm referring to 10:44:39AM

16 coercion of staff being made to do things that they didn't 10:44:42AM

17 want to do. I was referring to a party that basically was 10:44:45AM

18 being taken over by one person whose sole objective was 10:44:50AM

19 power and power alone. 10:44:55AM

20 MR CARR: Who's the person you're referring to? 10:44:57AM

21 MR BYRNE: Adem Somyurek. 10:45:00AM

22 MR CARR: Now, can I just come back to the first of those 10:45:02AM

23 issues, branch stacking. That's not something that had 10:45:10AM

24 disappeared from the party after the 1990s, is it? 10:45:18AM

25 MR BYRNE: No. 10:45:21AM

26 MR CARR: It's something that's been endemic in the Labor 10:45:22AM

27 Party, isn't it? 10:45:26AM

28 MR BYRNE: It has been. 10:45:27AM

29 MR CARR: You mentioned coercion of staff and them being made 10:45:27AM

1 to do things they didn't want to do. Had you been 10:45:44AM
2 observing that for a number of years? 10:45:49AM
3 MR BYRNE: For at least two years plus. 10:45:53AM
4 MR CARR: And who had you observed coercing staff to do things 10:46:01AM
5 they didn't want to do? 10:46:07AM
6 MR BYRNE: Two people in particular: Adem Somyurek and Marlene 10:46:09AM
7 Kairouz. 10:46:12AM
8 MR CARR: When you talk about coercing staff to do things they 10:46:17AM
9 didn't want to do, are you referring to activities 10:46:23AM
10 connected with factional politics? 10:46:27AM
11 MR BYRNE: I am. 10:46:30AM
12 MR CARR: You're referring to staff being ministerial and 10:46:31AM
13 electorate officers? 10:46:37AM
14 MR BYRNE: Yes. 10:46:40AM
15 MR CARR: So what you're saying is for at least two years you'd 10:46:41AM
16 observed Adem Somyurek and Marlene Kairouz coercing 10:46:50AM
17 ministerial and electorate office staff to engage in 10:46:58AM
18 factional activities? 10:47:04AM
19 MR BYRNE: The exact timeframe in terms of Marlene might be a 10:47:05AM
20 bit later than that, but from Somyurek's perspective 10:47:08AM
21 definitely. 10:47:12AM
22 MR CARR: And this is factional activities consuming their 10:47:14AM
23 working day, is it? 10:47:20AM
24 MR BYRNE: Certainly consuming more of the day than I would 10:47:22AM
25 think was necessary, but also just the relentless focus. 10:47:26AM
26 It just was a focus of 'just get this done' to the 10:47:33AM
27 exclusion of just about anything else. 10:47:39AM
28 MR CARR: Electorate officers are employed to assist members of 10:47:43AM
29 parliament with their parliamentary duties; you're aware 10:47:48AM

1 of that? 10:47:52AM

2 MR BYRNE: I am. 10:47:52AM

3 MR CARR: Obviously you're a federal MP, so the position might 10:47:53AM

4 be slightly different, but you're aware of the - you have 10:47:57AM

5 an understanding of the role of electoral and ministerial 10:48:04AM

6 officers in the state system? 10:48:11AM

7 MR BYRNE: I do. 10:48:12AM

8 MR CARR: Is it your understanding that in the state system 10:48:13AM

9 electorate officers are not supposed to be undertaking 10:48:22AM

10 party-political work? 10:48:28AM

11 MR BYRNE: That's my understanding. 10:48:29AM

12 MR CARR: Their duties are to assist a member of parliament 10:48:31AM

13 with their parliamentary duties and assist their 10:48:36AM

14 constituents in their communications with an MP and the 10:48:42AM

15 problems that they raise with an MP; is that right? 10:48:47AM

16 MR BYRNE: That's correct. 10:48:50AM

17 MR CARR: Again, in the state system what's your understanding 10:48:53AM

18 of the role of a ministerial officer? 10:48:57AM

19 MR BYRNE: It would be the same. It would be to service the 10:49:00AM

20 needs of the minister and to - or whatever portfolio 10:49:02AM

21 responsibility that the adviser had. 10:49:09AM

22 MR CARR: Again, their job is not to engage in party-political 10:49:12AM

23 or factional work; correct? 10:49:15AM

24 MR BYRNE: It's my understanding that to be the case. 10:49:18AM

25 MR CARR: Now, we've touched on branch stacking a little bit 10:49:22AM

26 already, and I just want to ask you about whether you've 10:49:34AM

27 had an involvement in branch stacking, Mr Byrne? 10:49:38AM

28 MR BYRNE: I certainly have. 10:49:40AM

29 MR CARR: Now, can we go back to, for instance, 1999. You were 10:49:42AM

1 preselected for the seat of Holt when Gareth Evans 10:49:55AM
2 retired? 10:50:00AM
3 MR BYRNE: That's correct. 10:50:01AM
4 MR CARR: Now, is it fair to say that you were an underdog 10:50:01AM
5 candidate when you were preselected? 10:50:08AM
6 MR BYRNE: I think you could certainly say that. 10:50:10AM
7 MR CARR: Can you tell us how it was that you were able to 10:50:12AM
8 secure preselection as an underdog candidate? 10:50:18AM
9 MR BYRNE: I think there was a local plebiscite that was 10:50:24AM
10 conducted, that being a vote of party members. That 10:50:29AM
11 comprised 50 per cent of how you get preselected, and then 10:50:35AM
12 the second 50 per cent of that would be central panel. So 10:50:40AM
13 there was I think - I think it was in June 1999 that there 10:50:45AM
14 was a local plebiscite, and then shortly following that 10:50:50AM
15 there was a Public Office Selection Committee that met, 10:50:53AM
16 and following that I was successfully preselected. 10:51:00AM
17 MR CARR: Were there, if I can use this expression, factional 10:51:03AM
18 heavyweights who assisted you to obtain preselection? 10:51:09AM
19 MR BYRNE: I think that's - you could use that term, yes. 10:51:17AM
20 MR CARR: Now, if we move forward and talk about the last half 10:51:20AM
21 dozen years or so. Have you had an involvement in branch 10:51:31AM
22 stacking? 10:51:40AM
23 MR BYRNE: In whatever way you want to define that, I think you 10:51:41AM
24 could say that I was connected if you're talking about 10:51:44AM
25 payment for renewals of some memberships, yes, and 10:51:47AM
26 potentially some - as I recall, some memberships, but 10:51:51AM
27 I can't be too specific about which ones I might have paid 10:51:57AM
28 for. 10:52:01AM
29 MR CARR: I won't ask you for the names of members that you 10:52:02AM

1 paid for, Mr Byrne, but it's the fact that you did pay for 10:52:05AM
2 other people's memberships? 10:52:10AM
3 MR BYRNE: Yes, I did. 10:52:13AM
4 MR CARR: Was there quite a systematic process by which that 10:52:15AM
5 took place? 10:52:26AM
6 MR BYRNE: There was a very well-entrenched system. 10:52:27AM
7 MR CARR: When you say 'well-entrenched', can you identify 10:52:32AM
8 roughly when the system started? 10:52:36AM
9 MR BYRNE: I don't think the system ever stopped. I think the 10:52:41AM
10 system had sort of been operating through the 90s and 10:52:44AM
11 continued through the 2000s and then 2010s. 10:52:48AM
12 MR CARR: What was involved in the system? 10:52:53AM
13 MR BYRNE: Specifically, if people joined a branch, depending 10:52:59AM
14 on how they joined, moneys could be then sort of provided 10:53:04AM
15 after those members had joined, or more recently with 10:53:10AM
16 Central Branch memberships the same sort of thing, there 10:53:15AM
17 would be - people would be joined and there would be 10:53:18AM
18 moneys that would be provided by some source to fund those 10:53:22AM
19 memberships. 10:53:26AM
20 MR CARR: Can I come back to your area specifically. Was there 10:53:29AM
21 an informal grouping known as the South-East Alliance? 10:53:41AM
22 MR BYRNE: There was. 10:53:49AM
23 MR CARR: Who was involved in the South-East Alliance? 10:53:50AM
24 MR BYRNE: It was myself, Adem Somyurek, and Luke Donnellan, 10:53:57AM
25 and then I think in a latter part of it Tim Richardson. 10:54:00AM
26 MR CARR: In terms of branch stacking did the South-East 10:54:08AM
27 Alliance have some process that it engaged in? 10:54:19AM
28 MR BYRNE: It wasn't - I think there would be ongoing 10:54:27AM
29 discussions if there was a requirement to put members 10:54:31AM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

through at any particular point.

COMMISSIONER: Mr Byrne, what was the purpose of forming that alliance?

MR BYRNE: It evolved, Commissioner, because in 2002 I had two electorate officers: one was Luke Donnellan and the other was Adem Somyurek. I had put them into parliament. So Luke's geographical area is Narre Warren South and Somyurek's was Eumemmerring province, it then became I think South-East Metro province. So it was more a sort of organic thing that occurred out of those relationships.

COMMISSIONER: I'm sorry, I don't follow. Why was there a need for an alliance?

MR BYRNE: Oh, in a sense an alliance more along the lines of we had - there was obviously - in the Labor Party you have different factions. So we were part of the Right faction and then we had other members from different parts that are close by in the south-east that are from the Left.

COMMISSIONER: So it was a factional alliance?

MR BYRNE: Yes.

COMMISSIONER: Thank you.

MR CARR: I'll need to come to some of the mechanics of the ALP and the factions in a moment, but before I do that I just want to explore a little more about this South-East Alliance. Who paid for memberships as part of this South-East Alliance?

MR BYRNE: I think it varied, and depending on who was being recruited and when. If I may, Counsel, by way of explanation there were a very large number of members after I became the member for Holt in 1999. One of

10:54:35AM
10:54:40AM
10:54:43AM
10:54:45AM
10:54:50AM
10:54:54AM
10:54:57AM
10:55:01AM
10:55:05AM
10:55:09AM
10:55:14AM
10:55:17AM
10:55:19AM
10:55:23AM
10:55:28AM
10:55:31AM
10:55:35AM
10:55:40AM
10:55:43AM
10:55:44AM
10:55:46AM
10:55:52AM
10:55:56AM
10:56:04AM
10:56:12AM
10:56:16AM
10:56:21AM
10:56:25AM
10:56:29AM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

the - I knew straight off the bat that unless something was done that we would have a period of time where we would be branch stacking for the next however long I was in parliament.

What I did was I reached out to the Socialist Left and over a period of time tried to negotiate a discussion to minimise branch stacking. And we called that - you talk about the South-Eastern Alliance. We call that like the south-eastern agreement. That came into place in about 2002 through my discussions with other members of parliament from the Socialist Left, because I believed effectively from certainly what I had experienced and what I had been through and what I had been doing that branch stacking is wrong, branch stacking is corrupt, branch stacking rips the soul out of the Labor Party and the community. And we were quite successful.

So, I'm sorry, but my difficulty in answering that is that there wasn't massive numbers of activities because we had discussed almost like a demilitarisation - sorry, I had discussed with the Socialist Left.

MR CARR: There was a resolution that branch stacking would be minimised for a period around from somewhere in the early 2000s until perhaps half a dozen years ago; is that about right?

MR BYRNE: It could be less than half a dozen years ago, but I was always in contact with people that I had relationships with within the Socialist Left. They knew what my position was. I knew what their position was. We

10:56:37AM
10:56:40AM
10:56:43AM
10:56:46AM
10:56:48AM
10:56:50AM
10:56:55AM
10:56:59AM
10:57:02AM
10:57:06AM
10:57:10AM
10:57:15AM
10:57:18AM
10:57:20AM
10:57:27AM
10:57:31AM
10:57:33AM
10:57:35AM
10:57:38AM
10:57:43AM
10:57:45AM
10:57:46AM
10:57:51AM
10:58:01AM
10:58:07AM
10:58:08AM
10:58:11AM
10:58:14AM
10:58:18AM

1 all agreed that we were doing our utmost in the south-east 10:58:21AM
2 to minimise branch stacking. 10:58:25AM
3 MR CARR: When you say that you were doing your utmost to 10:58:29AM
4 minimise branch stacking there seems to be implicit in 10:58:35AM
5 your answer that branch stacking is an unavoidable 10:58:40AM
6 necessity in the system as it then operated? 10:58:45AM
7 MR BYRNE: That's correct. The difficulty even with that, 10:58:48AM
8 Counsel, was we had people from my own faction who would 10:58:54AM
9 then be saying, 'You've got to recruit. You've got to 10:58:58AM
10 recruit more members otherwise, you know, you're not 10:59:01AM
11 supporting the faction.' So for many years it was put to 10:59:04AM
12 me there was intense frustration about my lack of 10:59:08AM
13 factional activity and those that were working with me 10:59:12AM
14 because it wasn't serving the cause. 10:59:16AM
15 COMMISSIONER: Mr Byrne, the Commission is not interested in 10:59:20AM
16 the identity of the individuals from the Socialist Left 10:59:23AM
17 faction that you dealt with back in 2002 and for a period 10:59:29AM
18 of time thereafter, but are you able to say that those you 10:59:36AM
19 dealt with were members of parliament? 10:59:41AM
20 MR BYRNE: One was a member of parliament, Commissioner, in 10:59:45AM
21 particular. 10:59:47AM
22 COMMISSIONER: And you relied upon that person's willingness to 10:59:51AM
23 participate with you in trying to reduce the level of 10:59:56AM
24 branch stacking on both sides? 11:00:00AM
25 MR BYRNE: Yes, Commissioner. 11:00:03AM
26 MR CARR: Is it relatively easy to discern whether members are 11:00:09AM
27 the product of branch stacking, Mr Byrne? 11:00:16AM
28 MR BYRNE: For the most part; for the most part, Counsel. It's 11:00:21AM
29 a hard question to answer. 11:00:31AM

1 MR CARR: Let me ask this, perhaps. Is it relatively easy to 11:00:33AM
2 ascertain the alignment of most members of the ALP? 11:00:39AM
3 MR BYRNE: Yes, Commissioner - sorry, yes, Counsel. 11:00:45AM
4 MR CARR: Most members seem to have a readily identifiable 11:00:50AM
5 alignment to particular persons? 11:00:57AM
6 MR BYRNE: Yes. 11:01:07AM
7 MR CARR: And also to some degree to factions? 11:01:07AM
8 MR BYRNE: That's correct. 11:01:12AM
9 MR CARR: Is it fair to say that the alignment to factions 11:01:13AM
10 tends to be secondary to the alignment to persons who have 11:01:19AM
11 been responsible for joining them as members? 11:01:24AM
12 MR BYRNE: They go - they are concomitant. They go hand in 11:01:29AM
13 hand. 11:01:34AM
14 MR CARR: People certainly change factions? 11:01:35AM
15 MR BYRNE: They do. 11:01:38AM
16 MR CARR: And the members that they have joined tend to change 11:01:39AM
17 factions with them? 11:01:45AM
18 MR BYRNE: Generally, yes. 11:01:46AM
19 MR CARR: I just want to come back to the South-East Alliance. 11:01:49AM
20 You've given us a little bit of context about the lead-up 11:01:54AM
21 to what might have happened several years ago in the 11:02:01AM
22 south-east. Now, I want to ask you how long have you been 11:02:06AM
23 paying for other people 's memberships in the ALP? 11:02:21AM
24 MR BYRNE: In total? Probably since about 1999. 11:02:27AM
25 COMMISSIONER: That's from the time you commenced in 11:02:37AM
26 parliament? 11:02:39AM
27 MR BYRNE: Yes, Commissioner. 11:02:40AM
28 COMMISSIONER: I think you said, if I've understood you 11:02:42AM
29 correctly, that you were so conscious of the corrupt 11:02:45AM

1 process of branch stacking when you came into parliament 11:02:54AM
2 and by 2002 that unless you did the same thing, you also 11:02:59AM
3 did the same thing, you wouldn't survive? 11:03:07AM
4 MR BYRNE: Yes, and those memberships - because there wasn't a 11:03:10AM
5 lot of recruitment in the south-east, those memberships in 11:03:13AM
6 terms of fees being paid for memberships was more about 11:03:17AM
7 renewals. I had had substantial conversations that I had 11:03:20AM
8 initiated with the Socialist Left to try and reduce the 11:03:25AM
9 number of members in the south-east in its entirety across 11:03:27AM
10 a broad range of electorates where they had members and we 11:03:33AM
11 had members. 11:03:37AM
12 COMMISSIONER: Yes. 11:03:39AM
13 MR CARR: If we perhaps restrict ourselves to the last few 11:03:44AM
14 years. Can you indicate how much on an annual basis you 11:03:47AM
15 might have been contributing for other people's 11:03:57AM
16 memberships? 11:04:00AM
17 MR BYRNE: So, Counsel, are we talking about how many years in 11:04:05AM
18 its entirety? 11:04:08AM
19 MR CARR: Let's say the last five years or so? 11:04:10AM
20 MR BYRNE: Generally around renewals there would be something 11:04:13AM
21 close to about \$2,000, and then I think subsequently over 11:04:15AM
22 the past couple of years it was far less than that. 11:04:21AM
23 MR CARR: Was it far less than that because other people were 11:04:29AM
24 contributing as well? 11:04:33AM
25 MR BYRNE: I believe so. Sorry, I'm somewhat limited in being 11:04:35AM
26 able to check for reasons that you would be aware of, 11:04:40AM
27 I think. 11:04:45AM
28 COMMISSIONER: How much is an individual renewal, Mr Byrne? 11:04:47AM
29 MR BYRNE: It varied on the rate, Commissioner, whether or 11:04:50AM

1 not - and I was often advised of it. It could be I think 11:04:54AM
2 \$30 if it was a concessional rate; I think it's \$50 if 11:04:58AM
3 you're on a regular salary; and 90 and above for people 11:05:03AM
4 that earned more than what we would characterise as a 11:05:07AM
5 regular salary. 11:05:12AM
6 COMMISSIONER: Thank you. 11:05:13AM
7 MR CARR: And was there another rate for union members of \$40? 11:05:14AM
8 MR BYRNE: It may well have been, Counsel, but it wasn't 11:05:18AM
9 specifically drawn to my attention. 11:05:22AM
10 MR CARR: Now, you've mentioned Adem Somyurek, Luke Donnellan 11:05:28AM
11 and more recently Tim Richardson being members of the 11:05:37AM
12 South-East Alliance. Did each of them also pay for 11:05:44AM
13 memberships? 11:05:46AM
14 MR BYRNE: I would be aware that Luke and Adem. I'm not 11:05:50AM
15 exactly sure about Tim. 11:05:54AM
16 MR CARR: Are you able to give an idea of how much Mr Somyurek 11:05:58AM
17 and Mr Donnellan contributed? 11:06:06AM
18 MR BYRNE: My understanding would be roughly the same amount, 11:06:08AM
19 but perhaps a bit more in the past couple of years. 11:06:14AM
20 MR CARR: Were there also other people who contributed to 11:06:20AM
21 paying for membership fees in the south-east? 11:06:31AM
22 MR BYRNE: There were, Counsel. 11:06:36AM
23 MR CARR: Who were they? 11:06:38AM
24 MR BYRNE: You're saying who were they? 11:06:40AM
25 MR CARR: Yes. Well, let's start, if it's easier, with 11:06:41AM
26 categories of people? 11:06:48AM
27 MR BYRNE: There were - gosh. There - it's problematic for me. 11:06:49AM
28 There were - I was aware of one or two that would be 11:06:58AM
29 approached. But in terms of the exact people I genuinely 11:07:01AM

1 can't recall, and if you can bring it to my attention 11:07:08AM
2 I can confirm whether or not. 11:07:11AM
3 MR CARR: Let's just talk about categories of people or the 11:07:13AM
4 types of people who would be approached. Obviously it 11:07:18AM
5 needs to be someone who has some interest in people 11:07:24AM
6 joining? 11:07:27AM
7 MR BYRNE: Yep. 11:07:28AM
8 MR CARR: And in order to pay for or give money for memberships 11:07:29AM
9 one would need to have a desire to have some sort of 11:07:40AM
10 control of those members; is that a fair comment? 11:07:46AM
11 MR BYRNE: That's fair, yeah. 11:07:52AM
12 MR CARR: Or be looking to obtain favourable standing with 11:07:54AM
13 others by paying for members? 11:08:01AM
14 MR BYRNE: That's correct. 11:08:04AM
15 MR CARR: So what sort of people had that - - - 11:08:07AM
16 MR BYRNE: Sometimes I think - I think some staff, some 11:08:15AM
17 community leaders and others that - as you say, that might 11:08:19AM
18 be interested in obtaining a seat in parliament or wanting 11:08:24AM
19 some other form of - and represented beyond the - the FEA 11:08:29AM
20 or State Conference delegate, something like that. 11:08:33AM
21 MR CARR: So there was a practice that aspiring politicians 11:08:39AM
22 would need to pay their share? 11:08:45AM
23 MR BYRNE: I think you could say that. 11:08:49AM
24 COMMISSIONER: Mr Carr, I take it at some point you will 11:08:54AM
25 explore what the significance of branch stacking is in 11:08:57AM
26 terms of evolution in the hierarchy and so on? 11:09:01AM
27 MR CARR: Yes. (To witness) If now is a convenient time, 11:09:06AM
28 I might turn to perhaps the machinery of the ALP. Now, 11:09:09AM
29 Mr Byrne, the ALP has rules designed to prevent branch 11:09:20AM

1 stacking; is that right? 11:09:33AM

2 MR BYRNE: They do. 11:09:35AM

3 MR CARR: I take it from your wry smile that you don't take it 11:09:37AM

4 that the rules have that effect? 11:09:42AM

5 MR BYRNE: Counsel, I think that particularly - I think one of 11:09:48AM

6 the most significant reports I saw was by Mark Dreyfus, 11:09:51AM

7 who was then a QC, who was not in - wasn't a member of 11:09:56AM

8 parliament at that period of time but wrote a report that 11:10:02AM

9 in my mind probably did the most to try and attempt to 11:10:05AM

10 reduce branch stacking. But do I think that ultimately 11:10:08AM

11 with the best of intentions those things were effective? 11:10:16AM

12 No. 11:10:20AM

13 COMMISSIONER: What's the date of that report, Mr Byrne? 11:10:21AM

14 MR BYRNE: I think it was 1998, Commissioner. 11:10:24AM

15 COMMISSIONER: Thank you. 11:10:27AM

16 MR CARR: Is that a report for the - an internal report for the 11:10:28AM

17 ALP? 11:10:31AM

18 MR BYRNE: I believe so, but it may well be public as well. 11:10:31AM

19 MR CARR: Now, we'll need to come back to some more details 11:10:36AM

20 about what happened in the south-east and in other areas, 11:10:45AM

21 but can I just explore some of the mechanics of the ALP to 11:10:51AM

22 understand what branch stacking achieves. Now, the ALP 11:10:56AM

23 has a process for people who want to join. You can join 11:11:06AM

24 online, and you're a member of Central Branch? I'm sorry, 11:11:13AM

25 Mr Byrne, if you can just answer 'yes' or - - - 11:11:21AM

26 MR BYRNE: I didn't know you were asking me a question, I'm 11:11:24AM

27 sorry. I thought you were just outlining. Yes. 11:11:27AM

28 MR CARR: Now, if you join online you can pay the fee online, 11:11:31AM

29 fill in the form, but you don't have voting rights; is 11:11:39AM

1 that right? 11:11:42AM

2 MR BYRNE: That's correct. I think, Counsel, at one stage they 11:11:43AM

3 may have. I think it moved around a bit. But at the 11:11:48AM

4 present period of time, no. 11:11:52AM

5 MR CARR: There was a relatively short period, wasn't there, 11:11:54AM

6 where Central Branch members had voting rights? 11:11:57AM

7 MR BYRNE: That's correct. 11:12:00AM

8 MR CARR: By and large, as a generalisation, Central Branch 11:12:01AM

9 members don't have voting rights? 11:12:05AM

10 MR BYRNE: That's correct. 11:12:07AM

11 MR CARR: So in order to be able to vote in internal ALP 11:12:08AM

12 processes you need to join a branch? 11:12:18AM

13 MR BYRNE: That's correct. 11:12:21AM

14 MR CARR: What do you need to do to join a branch? 11:12:25AM

15 MR BYRNE: Turn up to a branch meeting that's quorate, that has 11:12:28AM

16 seven members - seven established members there. You then 11:12:31AM

17 have to be accepted by the branch, but you would then 11:12:35AM

18 submit a branch membership application form. That would 11:12:38AM

19 generally be approved by the branch, and then the form and 11:12:43AM

20 whatever membership fee that was attached to that would be 11:12:49AM

21 forwarded to head office. 11:12:54AM

22 MR CARR: You provide those documents to the branch secretary 11:12:56AM

23 at the branch meeting? 11:13:01AM

24 MR BYRNE: Yes. 11:13:02AM

25 MR CARR: So in theory at least the branch secretary should 11:13:03AM

26 walk away from the branch meeting with the membership form 11:13:08AM

27 and the payment? 11:13:11AM

28 MR BYRNE: Should be, yes. 11:13:14AM

29 MR CARR: How many members can join at one meeting? 11:13:17AM

1 MR BYRNE: Originally - I think it's six, but when you go above 11:13:24AM
2 that - at any one branch meeting that can be attended, a 11:13:28AM
3 quorate branch meeting, but then it can be extended to 13 11:13:34AM
4 if you give notification to head office I think it's a 11:13:36AM
5 month in advance. 11:13:37AM
6 MR CARR: So the branch needs to write to head office and say, 11:13:38AM
7 'We're anticipating more than six new members at our 11:13:43AM
8 next' - - - 11:13:46AM
9 MR BYRNE: At a particular - next scheduled branch meeting, 11:13:46AM
10 yeah. 11:13:50AM
11 MR CARR: What happens if, say, 26 members turn up at the next 11:13:50AM
12 meeting? 11:13:54AM
13 MR BYRNE: I think what can happen, in my understanding, is 11:13:55AM
14 that if they signed the book there could be a thing called 11:13:58AM
15 a carry-over. So if you got, say - say, 26 turned up, you 11:14:03AM
16 could then - they could sign the book but they couldn't be 11:14:08AM
17 accepted - this is my understanding. But then you could 11:14:13AM
18 carry them over for the next couple of months and then 11:14:16AM
19 sort of accept - if it was 26, so you had then, say, 13 11:14:19AM
20 left if you'd accepted 13, you could do six without them 11:14:24AM
21 having to be present and then another six in a month's 11:14:27AM
22 time, or you could notify again of a 13 and process those 11:14:31AM
23 13 at the next branch meeting. 11:14:36AM
24 COMMISSIONER: So 13 is the maximum at a particular meeting? 11:14:41AM
25 MR BYRNE: That you can accept, Commissioner, is my 11:14:43AM
26 understanding, at a particular meeting. 11:14:46AM
27 MR CARR: And the meetings are monthly? 11:14:50AM
28 MR BYRNE: Yes. 11:14:51AM
29 MR CARR: So if you have, say, 39 people turn up at a branch 11:14:51AM

1 meeting, then you can in effect occupy that branch for the 11:14:56AM
2 next three months? 11:15:00AM
3 MR BYRNE: Yes, you can. 11:15:01AM
4 MR CARR: Now, what does it give you in terms of control within 11:15:09AM
5 the Labor Party if you have a lot of members within a 11:15:18AM
6 particular branch? 11:15:24AM
7 MR BYRNE: It gives you a couple of things. It gives you a 11:15:27AM
8 support base in case someone wants to - members that 11:15:33AM
9 can - after they have had I think more than 12 months 11:15:37AM
10 worth of membership they can vote in preselections, they 11:15:41AM
11 can nominate themselves to be a State Conference delegate 11:15:45AM
12 and become a member of the State Conference delegate. My 11:15:49AM
13 understanding too is that they can vote for the - I think 11:15:54AM
14 the National Conference delegates. 11:15:58AM
15 MR CARR: So 12 months after their effective joining date 11:16:01AM
16 members who have been stacked, if I can use that 11:16:08AM
17 expression - - - 11:16:11AM
18 MR BYRNE: You can. 11:16:13AM
19 MR CARR: Have a degree of - are able to have a degree of 11:16:13AM
20 influence over preselections within their local area and 11:16:20AM
21 also to vote for State Conference delegates and National 11:16:27AM
22 Conference delegates? 11:16:42AM
23 MR BYRNE: That's my understanding. 11:16:43AM
24 COMMISSIONER: And, Mr Byrne, the preselection influence that 11:16:46AM
25 they have, does that relate only to state - - - 11:16:50AM
26 MR BYRNE: No, state and federal. 11:16:56AM
27 COMMISSIONER: State and federal? 11:16:58AM
28 MR BYRNE: Yes. 11:16:59AM
29 COMMISSIONER: Thank you. 11:17:00AM

1 MR CARR: So in terms of preselections is it determined by a 11:17:02AM
2 vote of both local members and the preselection committee? 11:17:11AM
3 MR BYRNE: That's correct. 11:17:17AM
4 MR CARR: And is the weighting 50 per cent local members and 11:17:17AM
5 50 per cent preselection committee? 11:17:23AM
6 MR BYRNE: That's correct. 11:17:26AM
7 MR CARR: So if you have a lot of members that you control 11:17:29AM
8 within a particular electorate, whether that be state or 11:17:32AM
9 federal, you are able to have significant influence over 11:17:37AM
10 who is preselected for that seat? 11:17:42AM
11 MR BYRNE: That's correct. 11:17:46AM
12 MR CARR: You're also able to have less directly influence over 11:17:54AM
13 who is appointed to the preselection committee? 11:18:02AM
14 MR BYRNE: Yes. 11:18:08AM
15 MR CARR: By reason of that committee being elected at State 11:18:08AM
16 Conference and you being able to vote for delegates for 11:18:19AM
17 the State Conference? 11:18:21AM
18 MR BYRNE: That's correct. 11:18:23AM
19 MR CARR: And the same applies with the National Conference? 11:18:25AM
20 MR BYRNE: Also correct. 11:18:30AM
21 MR CARR: Another thing that happens at State Conference is the 11:18:36AM
22 Administration Committee is selected? 11:18:40AM
23 MR BYRNE: Yes. 11:18:50AM
24 MR CARR: By delegates at the State Conference? 11:18:50AM
25 MR BYRNE: That's correct. The FEA - each representative 11:18:52AM
26 can - yes, the Admin Committee, which is the committee 11:18:55AM
27 that runs the Labor Party, is invariably chosen at State 11:18:59AM
28 Conference. 11:19:06AM
29 MR CARR: And the more members in an FEA - we'll come to what 11:19:06AM

1 that means in a second - the more delegates you get at 11:19:13AM
2 State Conference? 11:19:17AM
3 MR BYRNE: That's correct. 11:19:18AM
4 COMMISSIONER: I don't follow, Mr Byrne. The Administration 11:19:20AM
5 Committee? 11:19:26AM
6 MR BYRNE: Yes. 11:19:26AM
7 COMMISSIONER: Is that an administration - a membership 11:19:26AM
8 administration committee? 11:19:30AM
9 MR BYRNE: It's the committee that runs - it's the committee 11:19:30AM
10 that runs the Labor Party. Like the National Executive of 11:19:33AM
11 the Labor Party, you'd call it the National Executive of 11:19:37AM
12 the Victorian state branch, and that is chosen, 11:19:39AM
13 Commissioner, by the State Conference where they 11:19:42AM
14 elect - I'm not sure if it's every year or every two 11:19:46AM
15 years, but they elect - I think it's a 20-something member 11:19:49AM
16 committee that administers the Labor Party. 11:19:52AM
17 MR CARR: But they're a subcommittee of the - we'll call it the 11:19:57AM
18 Admin Committee has a subcommittee known as the Membership 11:20:01AM
19 Administration Committee, or MAC? 11:20:06AM
20 MR BYRNE: Yes. 11:20:08AM
21 COMMISSIONER: Is there one in each state or? 11:20:09AM
22 MR BYRNE: Sorry, Commissioner, a MAC or an administration 11:20:12AM
23 committee? 11:20:15AM
24 COMMISSIONER: No, the Administration Committee. Is it just 11:20:16AM
25 one administration committee? 11:20:18AM
26 MR BYRNE: One in each - it is my understanding, Commissioner, 11:20:20AM
27 there is one in each state. 11:20:22AM
28 COMMISSIONER: So each administration committee has a 11:20:27AM
29 subcommittee, a membership committee? 11:20:28AM

1 MR BYRNE: I can't answer for the other branches - the other 11:20:30AM
2 branches of the Labor Party, Commissioner, but it 11:20:32AM
3 certainly does in Victoria. 11:20:35AM
4 COMMISSIONER: Yes. 11:20:37AM
5 MR CARR: It might be a bit different in other states, 11:20:37AM
6 Mr Byrne? 11:20:40AM
7 MR BYRNE: It could be, yeah. 11:20:40AM
8 MR CARR: But for our purposes what we're concerned about is in 11:20:44AM
9 Victoria, and the position in Victoria, correct me if I'm 11:20:46AM
10 wrong, is that from each Federal Electorate Assembly, or 11:20:50AM
11 FEA, delegates are elected to attend State Conference and 11:20:57AM
12 at State Conference the Admin Committee is elected; yes? 11:21:06AM
13 MR BYRNE: That's correct, yes. 11:21:16AM
14 MR CARR: And the preselection committee is also elected at 11:21:17AM
15 State Conference? 11:21:22AM
16 MR BYRNE: Yes. 11:21:24AM
17 MR CARR: That's the preselections for - - - 11:21:26AM
18 MR BYRNE: Public Office Selection Committee, Counsel, yes. 11:21:29AM
19 MR CARR: And, to return to the Admin Committee, which is like 11:21:33AM
20 the board of directors for the ALP Victorian Branch? 11:21:39AM
21 MR BYRNE: Yes. 11:21:42AM
22 MR CARR: They then appoint a subcommittee known as the MAC, or 11:21:42AM
23 Membership Administration Committee? 11:21:48AM
24 MR BYRNE: That's correct. 11:21:50AM
25 MR CARR: And the MAC meets on the Monday prior to each meeting 11:21:51AM
26 of the Admin Committee; yes? 11:22:02AM
27 MR BYRNE: That's correct, my understanding. 11:22:06AM
28 MR CARR: And the Admin Committee meets on the last Thursday of 11:22:07AM
29 each month? 11:22:10AM

1 MR BYRNE: That's correct. I'm not sure now because I don't 11:22:12AM
2 think there's an Admin Committee. But, yes. 11:22:14AM
3 MR CARR: In the time through, let's say, 2016 through until 11:22:18AM
4 mid last year the process that we've just discussed was in 11:22:26AM
5 effect? 11:22:31AM
6 MR BYRNE: That's correct. 11:22:32AM
7 MR CARR: And the National Executive is the national board of 11:22:35AM
8 directors for the ALP? 11:22:45AM
9 MR BYRNE: That's correct. 11:22:48AM
10 MR CARR: And it can override any state Admin Committee 11:22:48AM
11 decision? 11:22:52AM
12 MR BYRNE: I believe so. 11:22:55AM
13 MR CARR: It's a very powerful body? 11:22:58AM
14 MR BYRNE: It's a very powerful body. 11:23:00AM
15 MR CARR: So if one is concerned to have power and influence 11:23:03AM
16 within the Labor Party, if one is able to have people on 11:23:09AM
17 the Admin Committee one has a degree of power and 11:23:17AM
18 influence? 11:23:23AM
19 MR BYRNE: They do. 11:23:23AM
20 MR CARR: If one has people on the MAC one has influence over 11:23:24AM
21 which members are allowed to join? 11:23:34AM
22 MR BYRNE: That's correct. 11:23:37AM
23 MR CARR: Although MAC decisions can be overridden by the Admin 11:23:39AM
24 Committee? 11:23:43AM
25 MR BYRNE: That is correct. 11:23:44AM
26 MR CARR: So if one wants to engage in branch stacking it is a 11:23:46AM
27 very useful thing to do to have people on the Admin 11:23:52AM
28 Committee and the MAC? 11:23:58AM
29 MR BYRNE: Yes. 11:24:00AM

1 MR CARR: One also has an increased degree of power or 11:24:02AM
2 influence within the ALP if one has people on the 11:24:10AM
3 preselection committee? 11:24:14AM
4 MR BYRNE: Yes, they do. 11:24:16AM
5 MR CARR: Can I ask you then about factions and their role in 11:24:27AM
6 the Labor Party. Can you identify the broad factions 11:24:39AM
7 within the Labor Party over the last, let's say, four or 11:24:44AM
8 so years in Victoria? 11:24:50AM
9 MR BYRNE: Are you talking about Left and Right and then a 11:24:56AM
10 sub-breakdown of the Left and the Right, Counsel? 11:25:01AM
11 MR CARR: Yes. 11:25:04AM
12 MR BYRNE: Yeah. Right. Okay. I think you would have - you 11:25:05AM
13 would have the Moderate Labor group. You would have a 11:25:13AM
14 union group with the AWU group. You would have the SDA 11:25:17AM
15 group. You would have the Health Services Union group. 11:25:23AM
16 You'd have the plumbers group, and I think formerly the 11:25:25AM
17 NUW group that's become part of United Workers, but my 11:25:31AM
18 understanding was that the NUW members that were in 11:25:34AM
19 Victoria would still stay with the Victorian Right. 11:25:40AM
20 MR CARR: They're all - sorry. 11:25:40AM
21 MR BYRNE: And there may be some other groupings. I was 11:25:49AM
22 thinking there was a group called the Conroy group, for 11:25:54AM
23 want of a better term - I'm not sure what it's called 11:25:58AM
24 now - within the Right, and that's all I can remember at 11:26:01AM
25 this point in time. 11:26:05AM
26 MR CARR: The Conroy group was referred to as the 'Cons'? 11:26:07AM
27 MR BYRNE: Yes. 11:26:11AM
28 MR CARR: And the organisations you've just identified or 11:26:11AM
29 factions are all factions on the Right? 11:26:14AM

1 MR BYRNE: Yes. 11:26:17AM

2 MR CARR: And on the Left one has the Socialist Left? 11:26:18AM

3 MR BYRNE: Yes, and - gosh, now, what's it called, the 11:26:24AM

4 Industrial Left, I think is what you'd call it. I think 11:26:29AM

5 there are two - my understanding was there were two main 11:26:31AM

6 sub-factions of the Left. There could be more, but that's 11:26:35AM

7 my understanding. 11:26:38AM

8 MR CARR: And if one is to maintain preselection in Victoria is 11:26:40AM

9 it a practical necessity to be a member of a faction? 11:26:52AM

10 MR BYRNE: For the most part, yes. 11:26:56AM

11 MR CARR: And you referred to unhappiness within your faction 11:27:02AM

12 at you not recruiting in the years of the - - - 11:27:11AM

13 MR BYRNE: The broad Right, yes, and its various 11:27:18AM

14 manifestations, which I might point out evolved over the 11:27:21AM

15 years too. 11:27:24AM

16 MR CARR: The factions split and re-form over the years? 11:27:26AM

17 MR BYRNE: Yes. 11:27:29AM

18 MR CARR: But within the Right, which is your faction? 11:27:30AM

19 MR BYRNE: Yep. 11:27:37AM

20 MR CARR: There was unhappiness at your not branch stacking in 11:27:39AM

21 the years of the peace in the south-east? 11:27:46AM

22 MR BYRNE: A very long period of time, yes. 11:27:52AM

23 COMMISSIONER: Do you mean, Mr Byrne, there was no branch 11:27:56AM

24 stacking during that period or it was reduced? 11:28:00AM

25 MR BYRNE: There may have been some, Commissioner - again, 11:28:02AM

26 I have no specific recollection - where they may - people 11:28:06AM

27 might have wanted to, they call it, top up an FEA level, 11:28:10AM

28 but it was minimal, to my understanding, and we 11:28:17AM

29 actively - and when - and I mean actively, but I guess 11:28:26AM

1 driven a lot by me and others from the Socialist Left, did 11:28:30AM
2 everything we could to minimise any recruitment, which 11:28:35AM
3 then caused, you know - I guess you'd say I copped 11:28:41AM
4 significant criticism in some quarters. 11:28:47AM
5 MR CARR: You still had to maintain the payments of members 11:28:50AM
6 that had previously been recruited? 11:28:54AM
7 MR BYRNE: I did. 11:28:56AM
8 MR CARR: To maintain the status quo? 11:28:58AM
9 MR BYRNE: I did. 11:29:00AM
10 MR CARR: And maintain the status quo was the idea of the peace 11:29:01AM
11 in the south-east? 11:29:04AM
12 MR BYRNE: We kept on talk- - sorry, I kept on talking through 11:29:06AM
13 people in the Socialist Left in particular about the 11:29:09AM
14 ongoing demilitarisation, de-escalation to a point where 11:29:13AM
15 we would never have to worry about this, but we never got 11:29:18AM
16 to that stage. 11:29:21AM
17 MR CARR: Just to understand, the branches in the south-east 11:29:25AM
18 would be understood to be controlled by a particular 11:29:33AM
19 faction? 11:29:39AM
20 MR BYRNE: That's correct. 11:29:40AM
21 MR CARR: And the same is true of branches around Victoria? 11:29:41AM
22 MR BYRNE: That's correct. 11:29:45AM
23 MR CARR: Does it happen that one faction decides to take over 11:29:51AM
24 another faction's branch? 11:29:58AM
25 MR BYRNE: That can happen. 11:30:01AM
26 MR CARR: Can you think of an example of that happening 11:30:04AM
27 involving the Moderate Right group in the last few years? 11:30:13AM
28 MR BYRNE: There were significant, as I understand it, 11:30:21AM
29 activities happening in the west of Melbourne that would 11:30:26AM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

involve forces that were aligned with Moderate Labor. In the south-east I can't think - we had, say, two branches in, as I - my constituency, Cranbourne/Hampton Park and Fountain Gate in Narre Warren. Whilst there were some sort of - like a bump-up in activity, there - I don't know if I'd say that there were specific attempts to take over the branches. The complicating factor was the Central Branch memberships. So in effect that was the traditional method, but then there was an additional - when people could pay for memberships you could have, say, 30, 40, 50 people sitting in Central Branch. The implication was that those people then could be fed through branches.

MR CARR: Is the term for that 'warehousing'?

MR BYRNE: I don't - my understanding of warehousing is where someone falsely provides an address that's in a different electorate to where they live and then - and so they sit on the outside but they actually reside in the FEA in question that others might want to take over. That's my understanding of warehousing, Counsel .

COMMISSIONER: So with the purpose that when the opportunity presents itself they will then move from the branch related to the false address to the branch where they actually live?

MR BYRNE: That's my understanding.

COMMISSIONER: Yes.

MR CARR: And having people in Central Branch is another way of - - -

MR BYRNE: Another way. I wouldn't call it warehousing, Counsel, but it's a sign of intent.

11:30:33AM
11:30:37AM
11:30:43AM
11:30:50AM
11:30:54AM
11:30:59AM
11:31:02AM
11:31:06AM
11:31:10AM
11:31:13AM
11:31:16AM
11:31:20AM
11:31:24AM
11:31:28AM
11:31:33AM
11:31:39AM
11:31:44AM
11:31:50AM
11:31:55AM
11:31:59AM
11:32:02AM
11:32:07AM
11:32:12AM
11:32:13AM
11:32:16AM
11:32:20AM
11:32:22AM
11:32:23AM
11:32:26AM

1 COMMISSIONER: Mr Carr, when you are going to move onto a new 11:32:32AM
2 topic we might give the witness a break, when it's 11:32:37AM
3 convenient. 11:32:40AM
4 MR CARR: Yes, Commissioner. Perhaps now is a convenient time, 11:32:41AM
5 Commissioner. 11:32:44AM
6 COMMISSIONER: All right. Mr Byrne, obviously your evidence is 11:32:45AM
7 going to take some time, so we'll give you a break for 11:32:48AM
8 10 minutes now. We'll resume at quarter to 12. 11:32:51AM
9 MR BYRNE: Quarter to 12. Thanks, Commissioner. 11:32:55AM
10 COMMISSIONER: And you're welcome to speak to your counsel in 11:32:58AM
11 the meantime. 11:33:01AM
12 MR BYRNE: Okay. Thank you. 11:33:02AM
13 (Short adjournment.) 11:33:03AM
14 COMMISSIONER: Yes, Mr Carr. 11:47:24AM
15 MR CARR: Thank you, Commissioner. (To witness) Mr Byrne, you 11:47:26AM
16 can hear and see me still? 11:47:28AM
17 MR BYRNE: I can. 11:47:30AM
18 MR CARR: Thank you. Now, can I just come back to - I asked 11:47:31AM
19 you about the factions and I neglected to ask you to 11:47:43AM
20 identify the members of Moderate Labor in the Victorian 11:47:46AM
21 parliament. Could you assist the Commission by 11:47:51AM
22 identifying them? 11:47:56AM
23 MR BYRNE: Counsel, the ones that I know about would be 11:48:00AM
24 Tim Richardson, Robin Scott, Marlene Kairouz - I'm not 11:48:06AM
25 exactly sure - I think I heard Colin Brooks. I'm not 11:48:17AM
26 exactly sure post those particular individuals who I'd 11:48:24AM
27 categorise as being members of Moderate Labor. 11:48:28AM
28 MR CARR: Katie Hall, would you say she was a member? 11:48:35AM
29 MR BYRNE: Yes. 11:48:38AM

1 MR CARR: What about Ms Vaghela? 11:48:39AM
2 MR BYRNE: Kaushaliya Vaghela? Yes. 11:48:46AM
3 MR CARR: Tien Kieu? 11:48:49AM
4 MR BYRNE: Yes. 11:48:52AM
5 MR CARR: Meng Tak? 11:48:52AM
6 MR BYRNE: Yes. 11:48:57AM
7 MR CARR: And I think you mentioned Mr Richardson? 11:48:57AM
8 MR BYRNE: Yes. 11:49:01AM
9 MR CARR: What about Nazih Elasmar? 11:49:04AM
10 MR BYRNE: I believe so, Commissioner - sorry, Counsel. 11:49:12AM
11 MR CARR: Now, to your knowledge, which of them were involved 11:49:17AM
12 in branch stacking? 11:49:22AM
13 MR BYRNE: To my direct knowledge, Marlene, Adem, I would say 11:49:31AM
14 Kaushaliya. Sorry, you mentioned some others, but they're 11:49:39AM
15 the three that come to mind. 11:49:44AM
16 COMMISSIONER: And that's based upon your direct knowledge, 11:49:53AM
17 Mr Byrne? 11:49:55AM
18 MR BYRNE: My direct knowledge, Commissioner. 11:49:56AM
19 COMMISSIONER: Yes. 11:50:06AM
20 MR CARR: Now, you mentioned the end of the peace. Can 11:50:07AM
21 I perhaps assist by showing you exhibit 261 at 5817. This 11:50:14AM
22 is a series of messages back and forth between you and 11:50:26AM
23 Nick McLennan. Now, first, who was Nick McLennan? 11:50:31AM
24 MR BYRNE: Nick was a former staff member of mine, and I think 11:50:38AM
25 he then went to work for Marlene Kairouz I think in 2019. 11:50:45AM
26 Am I able to just read those messages because it's the 11:50:55AM
27 first time? 11:50:58AM
28 MR CARR: Just tell us when you need us to scroll down. 11:51:06AM
29 MR BYRNE: If you could, please, yes. Yep. 11:51:08AM

1 MR CARR: I want to ask you first about the message at the top 11:51:23AM
2 of the screen: 'He's trying to ramp up branch stacking in 11:51:28AM
3 the south-east apparently. Which is disastrous. Can cost 11:51:32AM
4 seats at state and federal elections. He's a vandal.' 11:51:35AM
5 Who's that a reference to? 11:51:39AM
6 MR BYRNE: Somyurek. Mr Somyurek, Counsel, sorry. 11:51:41AM
7 MR CARR: This is November 2019? 11:51:45AM
8 MR BYRNE: Yes. 11:51:48AM
9 MR CARR: Is that the time that you're referring to as the end 11:51:50AM
10 of the peace, or is this a time a little bit further on 11:51:56AM
11 from the end of the peace when things have already started 11:52:02AM
12 to escalate? 11:52:06AM
13 MR BYRNE: When things have started to escalate. 11:52:07AM
14 COMMISSIONER: I'm sorry, Mr Carr. Could I just be clear, 11:52:14AM
15 Mr Byrne. How long before the period when it started to 11:52:17AM
16 escalate can you say that branch stacking had resumed; 11:52:24AM
17 namely, that, as you put it, the demilitarisation or the 11:52:28AM
18 period where it was not occurring had ceased? 11:52:34AM
19 MR BYRNE: I think - I think - Adem might say that there was 11:52:41AM
20 some Left recruitment in the region in late 2018, but 11:52:47AM
21 I think - and it sort of was connected with the 11:52:54AM
22 Left - sorry, in the west and what was happening there. 11:52:58AM
23 I would say - because we had the election in 2019, I would 11:53:04AM
24 say, to the best of my recollection, at this point there 11:53:08AM
25 had been stuff happening in the west that I was worried 11:53:11AM
26 about coming over in 2018. But I think 2019 is when it 11:53:14AM
27 really started to take off post the election. 11:53:17AM
28 COMMISSIONER: No doubt Counsel Assisting will come to this, 11:53:22AM
29 but you do appreciate that what you're saying doesn't sit 11:53:26AM

1 easily with the Ombudsman's Red Shirt investigation and 11:53:31AM
2 the conclusions that the Ombudsman drew back in 2015? 11:53:37AM
3 MR BYRNE: I'm very aware of that, Commissioner. 11:53:45AM
4 COMMISSIONER: So if those conclusions are accurate, and I have 11:53:48AM
5 no reason at the present to think they were not, then the 11:53:51AM
6 branch stacking had well and truly resumed by 2015? 11:53:56AM
7 MR BYRNE: 2015? Were you saying the Red Shirts - - - 11:54:03AM
8 COMMISSIONER: Correct. 11:54:11AM
9 MR BYRNE: I didn't think in our region, Commissioner. It may 11:54:11AM
10 have been elsewhere. 11:54:14AM
11 COMMISSIONER: All right. 11:54:15AM
12 MR CARR: When you're talking about the peace and the 11:54:21AM
13 escalation that followed it in branch stacking activity 11:54:25AM
14 I understand you're talking about in the south-eastern 11:54:31AM
15 region? 11:54:34AM
16 MR BYRNE: Yes, Counsel. 11:54:35AM
17 MR CARR: So there had been an escalation leading up to the 11:54:38AM
18 time of these messages in November 2019 within the 11:54:42AM
19 south-east? 11:54:48AM
20 MR BYRNE: Yes, Commissioner - sorry, Counsel. In fact, I had 11:54:49AM
21 blocked Somyurek from my phone in September 2019. 11:54:53AM
22 MR CARR: Now, you expressed a concern about ramping up branch 11:55:02AM
23 stacking in the south-east at that stage, and you said 11:55:05AM
24 that it was Mr Somyurek behind that activity; is that 11:55:10AM
25 right? 11:55:14AM
26 MR BYRNE: Yes. 11:55:14AM
27 MR CARR: What was he doing to ramp up branch stacking in the 11:55:15AM
28 south-east? 11:55:21AM
29 MR BYRNE: Again, more talking about removing members of 11:55:30AM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

parliament that were connected with the Socialist Left and
then using - I think he had a view that he put which was
they were recruiting, he was going to respond to that and
possibly take those people out.
MR CARR: When you say take them out - - -
MR BYRNE: Remove their preselections.
MR CARR: Are there particular MPs that you discussed with
Mr Somyurek him taking out?
MR BYRNE: Well, not me discussed. It was put to me.
Pauline Richards and Gabrielle Williams.
MR CARR: What was he intending to do with the seats that they
had previously occupied?
MR BYRNE: It would be my understanding that he would put
someone from Moderate Labor in if he could or someone else
that he had an agreement with.
MR CARR: When you say he would put somebody in, are you
referring to an understanding that at the time he had
sufficient influence and power that he might be able to
determine who would obtain preselection in those seats?
MR BYRNE: Yes. At that stage, as Adem's power grew with the
alliances that he had formed, it was put quite regularly
that Adem felt that he had control of or strong influence
over 66 per cent or 63 per cent of the Labor Party.
There's - the Public Office Selection Committee but also
the Admin Committee as well.
COMMISSIONER: Could I just take you back a step. Did the
Moderate Right have a hierarchy of control? So was there
someone that was recognised at any given point of time was
leading that faction, or was Mr Somyurek's influence

11:55:34AM
11:55:41AM
11:55:48AM
11:55:54AM
11:55:58AM
11:56:00AM
11:56:04AM
11:56:13AM
11:56:15AM
11:56:18AM
11:56:27AM
11:56:33AM
11:56:37AM
11:56:39AM
11:56:44AM
11:56:47AM
11:56:55AM
11:57:00AM
11:57:10AM
11:57:14AM
11:57:20AM
11:57:24AM
11:57:32AM
11:57:34AM
11:57:37AM
11:57:41AM
11:57:47AM
11:57:53AM
11:57:57AM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

simply based upon the volume of influence?

MR BYRNE: There would be three people that were deemed to have been the leaders of the faction: Adem first and foremost, then Marlene and then Robin Scott. But it was the alliances that Adem had cobbled together of different subfactions within the Right and also within the Industrial Left that he believed gave him control or substantial influence over significant sections of the party.

COMMISSIONER: I'm not sure that that really answered my question. You say three that were deemed to be - - -

MR BYRNE: (Indistinct).

COMMISSIONER: Was there any formalisation of who would be running the faction, or was it simply a case of who had most influence?

MR BYRNE: It's my understanding, Commissioner, who would have the most influence.

COMMISSIONER: Yes, I see.

MR CARR: Was Mr Somyurek described as the convenor of the Moderate Labor faction?

MR BYRNE: He was, Counsel.

MR CARR: And that was a de facto leadership role?

MR BYRNE: It was.

MR CARR: Recognised within the party?

MR BYRNE: Recognised within the party.

MR CARR: Now, I can't remember the words you used but, as I understood you a moment ago, you referred to Mr Somyurek placing a new MP in the seats that might have been vacated as a reward; did I understand your evidence correctly?

11:58:04AM
11:58:10AM
11:58:12AM
11:58:17AM
11:58:22AM
11:58:27AM
11:58:31AM
11:58:37AM
11:58:42AM
11:58:44AM
11:58:47AM
11:58:47AM
11:58:56AM
11:58:58AM
11:59:02AM
11:59:03AM
11:59:06AM
11:59:08AM
11:59:11AM
11:59:18AM
11:59:19AM
11:59:20AM
11:59:24AM
11:59:25AM
11:59:28AM
11:59:33AM
11:59:39AM
11:59:44AM
11:59:52AM

1 MR BYRNE: That's correct, Counsel. 11:59:58AM

2 MR CARR: A reward for what? 12:00:00PM

3 MR BYRNE: It could be a favoured candidate because of 12:00:02PM

4 recruitment that had occurred. That was not specifically 12:00:08PM

5 put to me - there were no specific people put to me, 12:00:11PM

6 however, Counsel, so ... 12:00:16PM

7 MR CARR: For the moment I'm interested in the process rather 12:00:20PM

8 than a specific individual. Was it a reward for factional 12:00:24PM

9 loyalty? 12:00:37PM

10 MR BYRNE: Yes. 12:00:38PM

11 MR CARR: For bringing in members? 12:00:38PM

12 MR BYRNE: Yes. 12:00:42PM

13 MR CARR: For bringing members across from another faction? 12:00:42PM

14 MR BYRNE: Yes. 12:00:47PM

15 MR CARR: Can you think of an example of someone who was 12:00:48PM

16 rewarded with preselection and subsequently elected as a 12:00:52PM

17 result of that sort of process? 12:00:57PM

18 MR BYRNE: Yeah, Adem Somyurek in 2002 by me. 12:01:00PM

19 MR CARR: Perhaps it's convenient, given that answer, if we 12:01:08PM

20 just go back a step. He used to be an electorate officer 12:01:10PM

21 for you? 12:01:14PM

22 MR BYRNE: He was. 12:01:15PM

23 MR CARR: He was a supporter of yours? 12:01:16PM

24 MR BYRNE: He was. 12:01:19PM

25 MR CARR: And you were a supporter of his? 12:01:20PM

26 MR BYRNE: I was. 12:01:23PM

27 MR CARR: You have had through your electorate office a number 12:01:24PM

28 of people who have become influential within the Labor 12:01:30PM

29 Party? 12:01:36PM

1 MR BYRNE: I have. 12:01:36PM

2 MR CARR: Mr Donnellan was an electorate officer of yours? 12:01:37PM

3 MR BYRNE: He was. 12:01:41PM

4 MR CARR: And indeed the links between you and Mr Somyurek were 12:01:42PM

5 such that people would move between your electorate 12:01:49PM

6 offices until recent years? 12:01:55PM

7 MR BYRNE: That's correct. 12:01:58PM

8 COMMISSIONER: Mr Byrne, I'm just having a little difficulty, 12:02:00PM

9 the sequence as you've explained it. By 2002 you had come 12:02:09PM

10 to recognise that unless you engage in branch stacking 12:02:15PM

11 you'll be overwhelmed by the other side of the party? 12:02:19PM

12 MR BYRNE: Yes. 12:02:25PM

13 COMMISSIONER: You then have a number of persons working for 12:02:28PM

14 you who later on in their own right become branch 12:02:30PM

15 stackers. So one might say - and you correct me if you 12:02:35PM

16 think this is an unfair characterisation - you might say 12:02:39PM

17 you had imparted a level of training for them as to how 12:02:43PM

18 they should go about things; is that fair? 12:02:47PM

19 MR BYRNE: They would put it that way, Commissioner. 12:02:51PM

20 COMMISSIONER: How would you put it? 12:02:53PM

21 MR BYRNE: It's - I wouldn't say training. I, when - 12:03:01PM

22 particularly the very tough period in 1996, where there 12:03:07PM

23 was substantial recruitment happening in Holt, I was 12:03:11PM

24 thrown into it and that was where the bulk of that sort of 12:03:14PM

25 very substantial recruitment that led to us being 12:03:18PM

26 successful in Holt occurred. Activity between the end of 12:03:22PM

27 1996 to 1999, then, there wasn't much at all. So, you 12:03:25PM

28 know, in terms of training, I certainly wouldn't have said 12:03:32PM

29 Luke was trained as such. Was Adem trained in that period 12:03:36PM

1 in 1996? I wouldn't use the word 'trained'. He observed. 12:03:40PM

2 COMMISSIONER: Yes. But what I'm not following is, as you 12:03:46PM

3 explain, the need for you to engage in branch stacking by 12:03:52PM

4 2002, and then I look at the Ombudsman's Red Shirt report 12:03:56PM

5 of 2015, which talks about intensive branch stacking in 12:04:02PM

6 various places. I don't get the impression that there was 12:04:12PM

7 any significant cessation in that inappropriate process 12:04:16PM

8 during the period 2002 onwards. I don't really understand 12:04:25PM

9 why you're saying that it suddenly became an acute issue 12:04:29PM

10 in 2019? 12:04:35PM

11 MR BYRNE: Because you just look at the number of members in 12:04:37PM

12 Holt. They just dropped substantially. In Bruce, in 12:04:40PM

13 Isaacs, in surrounding seats, in state seats, that what 12:04:44PM

14 happened was - the proof was the number of members, and 12:04:49PM

15 the number of members in the south-east dropped 12:04:52PM

16 substantially. And, again, I was criticised because of 12:04:54PM

17 that. That was the proof, Commissioner, of the diminution 12:04:57PM

18 in branch stacking. 12:05:01PM

19 COMMISSIONER: That may apply to your area. But unless you're 12:05:05PM

20 suggesting that the Ombudsman's findings are in 12:05:10PM

21 error - - - 12:05:14PM

22 MR BYRNE: No, not at all. 12:05:14PM

23 COMMISSIONER: Plainly branch stacking had not ceased to be a 12:05:16PM

24 significant factor generally speaking within Victoria? 12:05:19PM

25 MR BYRNE: It was always present in some form, Commissioner. 12:05:24PM

26 I was referring to the south-east and what I was trying to 12:05:28PM

27 do to mitigate that. 12:05:32PM

28 COMMISSIONER: Yes, all right. Thank you. Yes, Mr Carr. 12:05:34PM

29 MR CARR: Now, you and Mr Somyurek were obviously close for a 12:05:44PM

1 long period of time; is that accurate? 12:05:47PM

2 MR BYRNE: That's correct. 12:05:51PM

3 MR CARR: You obviously had a fallout at some stage? 12:05:51PM

4 MR BYRNE: That's correct. 12:05:59PM

5 MR CARR: When would you date that to? 12:06:00PM

6 MR BYRNE: I - it was progressive, and I can't give you an 12:06:03PM

7 exact date, and this is something that I have been 12:06:14PM

8 speaking to the special investigator or the investigator 12:06:20PM

9 from IBAC. Somewhere between I would say 2016 and 2017. 12:06:23PM

10 MR CARR: You continued communicating with him well after that, 12:06:28PM

11 though? 12:06:35PM

12 MR BYRNE: I did, until 2019 - until September 2019. 12:06:36PM

13 MR CARR: And people continued moving back and forth between 12:06:41PM

14 your respective offices? 12:06:48PM

15 MR BYRNE: That's correct. 12:06:51PM

16 MR CARR: When I say people, I'm talking about staff? 12:06:52PM

17 MR BYRNE: Staff, yes. 12:06:55PM

18 MR CARR: And you continued to be involved in the same faction? 12:06:56PM

19 MR BYRNE: I was. 12:07:01PM

20 MR CARR: Now, by the time of this message in November - or 12:07:03PM

21 these messages in November 2019 you've asked Mr McLennan, 12:07:10PM

22 if Somyurek calls him, if he can record him, his lunatic 12:07:17PM

23 rants, and you've said, 'I am really angry about how he's 12:07:25PM

24 treating people.' Do you remember these messages? 12:07:28PM

25 MR BYRNE: I actually don't remember the messages, but they're 12:07:32PM

26 there, clearly, so they're my messages. 12:07:34PM

27 MR CARR: Do you remember what it was that made you so angry 12:07:36PM

28 about how he was treating people that you would suggest 12:07:40PM

29 that Mr McLennan record him? 12:07:43PM

1 MR BYRNE: The ongoing reports I had of Mr Somyurek berating, 12:07:47PM
2 ringing all hours of the day and night, pushing people to 12:07:53PM
3 do things that they didn't want to do. 12:07:56PM
4 MR CARR: Who was Mr McLennan working for? 12:08:04PM
5 MR BYRNE: He certainly was working for me, but I can't recall 12:08:08PM
6 the exact time that he left my office, Assistant Counsel. 12:08:12PM
7 At this stage I don't think Nick was working for me. 12:08:17PM
8 I think he was working for I think Marlene Kairouz. 12:08:20PM
9 MR CARR: If I suggested to you that he moved to Ms Kairouz's 12:08:25PM
10 office, ministerial office, from about January 2019, does 12:08:29PM
11 that sound right? 12:08:33PM
12 MR BYRNE: Yeah, I would say so. 12:08:36PM
13 MR CARR: He had been in your office and moved to Ms Kairouz's 12:08:39PM
14 office. You continued to have a close relationship with 12:08:42PM
15 Mr McLennan? 12:08:46PM
16 MR BYRNE: Very much so. 12:08:47PM
17 MR CARR: Was he being directed as to what he needed to do and 12:08:48PM
18 berated at all hours of the day and night by Mr Somyurek 12:09:02PM
19 during that time that he was working for Ms Kairouz? 12:09:07PM
20 MR BYRNE: That's my understanding. 12:09:12PM
21 MR CARR: Is that an understanding that you've got from 12:09:15PM
22 speaking to Mr McLennan himself? 12:09:18PM
23 MR BYRNE: Yes. Nick was - you made the point, Nick was very, 12:09:19PM
24 very close to me. I'm incredibly fond of Nick. Still am. 12:09:23PM
25 I was very angry at the way he was being treated. 12:09:29PM
26 MR CARR: Now, Mr Somyurek wasn't his boss; he wasn't working 12:09:32PM
27 for Mr Somyurek's office? 12:09:37PM
28 MR BYRNE: Their offices were very close to each other, 12:09:39PM
29 Marlene's and Somyurek's, on the same floor. 12:09:42PM

1 MR CARR: Was it the position - - - 12:09:45PM
2 COMMISSIONER: Their parliamentary offices you're speaking of? 12:09:49PM
3 MR BYRNE: Their ministerial, Commissioner, their ministerial 12:09:53PM
4 offices. 12:09:55PM
5 MR CARR: Is it the position that, notwithstanding that 12:09:58PM
6 Mr McLennan was working for Ms Kairouz, in fact he was 12:10:00PM
7 directed as to what he was to do in his day-to-day work by 12:10:05PM
8 Mr Somyurek? 12:10:10PM
9 MR BYRNE: That would be correct. 12:10:12PM
10 MR CARR: And that's an understanding that you've got from 12:10:14PM
11 speaking to Mr McLennan himself? 12:10:16PM
12 MR BYRNE: Indeed. Yes, Counsel. 12:10:18PM
13 MR CARR: And, as we can see from these messages, he used to 12:10:23PM
14 report - he'd talk to you about his day and so forth? 12:10:27PM
15 MR BYRNE: Not as frequently, clearly, as when he was working 12:10:36PM
16 in my office. But I would - I was - again, as I said to 12:10:38PM
17 you, I was very fond of him, and I would talk to him when 12:10:46PM
18 I could. That wasn't - it wasn't incredibly regularly but 12:10:49PM
19 it was as regularly as it could be. 12:10:52PM
20 COMMISSIONER: What position did he occupy in your office, 12:10:54PM
21 Mr Byrne? 12:10:56PM
22 MR BYRNE: He was an electorate officer, Commissioner. 12:10:57PM
23 COMMISSIONER: And with Ms Kairouz ? 12:11:00PM
24 MR BYRNE: I think he was a ministerial adviser. 12:11:02PM
25 COMMISSIONER: And what's the difference between the two, can 12:11:07PM
26 you explain? 12:11:08PM
27 MR BYRNE: An electorate officer, Commissioner, would do more 12:11:09PM
28 constituent work. Nick used to work with community 12:11:13PM
29 groups. He was a very popular, gregarious, charismatic 12:11:18PM

1 individual. But - yeah. So he would do that for me, 12:11:24PM
2 constituents primarily. And as a ministerial adviser 12:11:28PM
3 I think he had the portfolio, as I understand it, of outer 12:11:33PM
4 suburbs, I think was my understanding. 12:11:38PM
5 COMMISSIONER: And how are ministerial advisers appointed? 12:11:42PM
6 MR BYRNE: By the minister, Commissioner. 12:11:45PM
7 COMMISSIONER: By their relevant minister? 12:11:49PM
8 MR BYRNE: Yes, that's my understanding. 12:11:51PM
9 COMMISSIONER: Yes. 12:11:51PM
10 MR CARR: When Mr McLennan moved from your office to 12:11:56PM
11 Ms Kairouz's office, do you remember whether it was 12:11:59PM
12 Ms Kairouz or Mr Somyurek who was responsible for offering 12:12:03PM
13 the job? 12:12:07PM
14 MR BYRNE: I believe it was Mr Somyurek. 12:12:13PM
15 MR CARR: Now, just to be clear, your description of 12:12:17PM
16 Mr Somyurek berating people at all hours of the day and 12:12:27PM
17 night and directing them in their work, was that direction 12:12:31PM
18 about factional activity? 12:12:44PM
19 MR BYRNE: Primarily factional activity. 12:12:46PM
20 MR CARR: So, for example, Mr McLennan would be directed by 12:12:49PM
21 Mr Somyurek to engage in factional activity during his 12:12:56PM
22 working day? 12:13:01PM
23 MR BYRNE: That's correct. 12:13:03PM
24 MR CARR: Who else, to your knowledge, was an employee in a 12:13:05PM
25 state ministerial office or electorate office who was 12:13:20PM
26 directed by Mr Somyurek to engage in factional activity 12:13:24PM
27 during their working day? 12:13:29PM
28 MR BYRNE: Someone that used to work for me, Adam Sullivan. 12:13:32PM
29 MR CARR: Mr Sullivan worked for both Mr Somyurek and 12:13:37PM

1 Ms Kairouz, didn't he, after he - - - 12:13:47PM

2 MR BYRNE: I believe so, but I was unclear about how that 12:13:50PM

3 worked. 12:13:54PM

4 MR CARR: Was he someone that you maintained a relationship 12:13:58PM

5 with after he left your office? 12:14:03PM

6 MR BYRNE: I did. 12:14:05PM

7 MR CARR: Did you hear similar reports from him to those you 12:14:06PM

8 heard from Mr McLennan? 12:14:11PM

9 MR BYRNE: Yes. 12:14:13PM

10 COMMISSIONER: Mr Carr, you said 'during their working day'. 12:14:17PM

11 Has Mr Byrne acknowledged that he was informed that it was 12:14:21PM

12 during the working day? 12:14:25PM

13 MR CARR: I believe so, but perhaps we can just make - - - 12:14:27PM

14 MR BYRNE: There was some - correct. I mean, there was some 12:14:31PM

15 activity happening during the day. But there are also, 12:14:32PM

16 you know, meetings that were happening - branch meetings 12:14:39PM

17 generally happened after hours. But there would be work 12:14:42PM

18 that would be done in the lead-up to those branch 12:14:44PM

19 meetings. 12:14:47PM

20 COMMISSIONER: You understand the significance of whether it 12:14:48PM

21 was during the working day; that is, when he's being paid 12:14:53PM

22 by taxpayer funds to perform duties as an electoral 12:14:58PM

23 officer as distinct from what he might do after hours? 12:15:03PM

24 MR BYRNE: I'm completely aware of that, Commissioner. 12:15:06PM

25 COMMISSIONER: Yes. Now, when he was working for you did he 12:15:09PM

26 work sometimes on factional matters during the working 12:15:11PM

27 day? 12:15:16PM

28 MR BYRNE: Yes, he did. 12:15:17PM

29 COMMISSIONER: So that was whilst he's receiving taxpayer funds 12:15:19PM

1 to pay for his work? 12:15:23PM

2 MR BYRNE: Correct. 12:15:24PM

3 COMMISSIONER: And did that concern you, that you were doing 12:15:26PM

4 that? 12:15:28PM

5 MR BYRNE: Commissioner, if I'd felt that I'd had a choice it 12:15:30PM

6 wouldn't have happened. 12:15:33PM

7 COMMISSIONER: And for how long did that go on, Mr Byrne, that 12:15:35PM

8 you allowed staff or any member of your staff to do 12:15:40PM

9 factional work whilst being paid to perform electoral 12:15:45PM

10 duties? 12:15:49PM

11 MR BYRNE: I'd had different staff for a number of years, so it 12:15:50PM

12 would have been some number of years. 12:15:54PM

13 COMMISSIONER: Yes. Is it your understanding that that was a 12:15:57PM

14 practice followed by others too that you've already 12:16:00PM

15 mentioned? 12:16:02PM

16 MR BYRNE: Very widely practised. 12:16:03PM

17 COMMISSIONER: Yes. 12:16:07PM

18 MR CARR: Just while we're on the topic of your electorate 12:16:09PM

19 office staff, we talked earlier about contributions of 12:16:13PM

20 money within the South-East Alliance for the purposes of 12:16:21PM

21 paying for memberships. Where was the money kept in the 12:16:26PM

22 interim period between people making contributions and it 12:16:32PM

23 being used to pay for memberships? 12:16:38PM

24 MR BYRNE: If the meeting had been in my office or in the 12:16:42PM

25 vicinity it would have been in my office. 12:16:44PM

26 MR CARR: Was it referred to as a kitty for membership 12:16:50PM

27 renewals? 12:16:56PM

28 MR BYRNE: It might have been. 12:16:56PM

29 MR CARR: And when in a year are renewals due? 12:17:00PM

1 MR BYRNE: Generally to ensure voting rights, Counsel, by the 12:17:12PM
2 end of May. 12:17:15PM
3 MR CARR: So if you needed to renew members how would you 12:17:17PM
4 determine who would contribute what within this South-East 12:17:29PM
5 Alliance? 12:17:35PM
6 MR BYRNE: There would be a general meeting and there would be 12:17:35PM
7 an assessment of how many people needed to be renewed and 12:17:41PM
8 then on that basis. 12:17:45PM
9 MR CARR: There would be a division of the amount of money that 12:17:49PM
10 was required to renew members - - - 12:17:54PM
11 MR BYRNE: Correct. 12:17:57PM
12 MR CARR: The various people who would have responsibility for 12:17:58PM
13 renewals? 12:18:03PM
14 MR BYRNE: Correct. 12:18:04PM
15 MR CARR: Now, we've already mentioned the MPs involved. We've 12:18:05PM
16 discussed that there were aspiring MPs who would be 12:18:10PM
17 responsible for paying a contribution? 12:18:14PM
18 MR BYRNE: That's correct. 12:18:17PM
19 MR CARR: Can you identify - can you give us an example of 12:18:19PM
20 someone who was an aspiring MP who made contributions? 12:18:23PM
21 MR BYRNE: There was a chap called Steve Michelson who had made 12:18:29PM
22 a contribution, a relatively substantial one. 12:18:32PM
23 MR CARR: In the thousands of dollars? 12:18:36PM
24 MR BYRNE: \$5,000. 12:18:38PM
25 MR CARR: And there was a particular seat that he had his eyes 12:18:41PM
26 on, wasn't there? 12:18:45PM
27 MR BYRNE: There was a federal seat, yes. 12:18:46PM
28 MR CARR: Mr Dreyfus's seat? 12:18:50PM
29 MR BYRNE: That's correct. 12:18:53PM

1 MR CARR: And was this his way of trying to garner factional 12:18:55PM
2 support for when Mr Dreyfus retired or was pushed out of 12:19:01PM
3 that seat? 12:19:06PM
4 MR BYRNE: It was. 12:19:08PM
5 MR CARR: And was he promised anything in return for 12:19:12PM
6 making - - - 12:19:19PM
7 MR BYRNE: That contribution? 12:19:20PM
8 MR CARR: Yes. 12:19:21PM
9 MR BYRNE: I think he would have been led to understand that he 12:19:22PM
10 would have been favourably looked upon. 12:19:28PM
11 MR CARR: When you say 'I think he would have been led to 12:19:30PM
12 understand', did he attend the meeting? 12:19:33PM
13 MR BYRNE: Which meeting? 12:19:38PM
14 MR CARR: There was a meeting every year at which contributions 12:19:39PM
15 were divided up? 12:19:42PM
16 MR BYRNE: Yep. 12:19:44PM
17 MR CARR: Did he attend the meeting? 12:19:46PM
18 MR BYRNE: No. Not to my knowledge, no. 12:19:47PM
19 MR CARR: How did you become aware of his contribution? 12:19:50PM
20 MR BYRNE: I was told that he was approached and asked for the 12:19:54PM
21 money. 12:19:57PM
22 MR CARR: And that he paid it? 12:19:59PM
23 MR BYRNE: He did. 12:20:01PM
24 COMMISSIONER: From whom did you learn that, Mr Byrne? 12:20:03PM
25 MR BYRNE: One of my staff members and also I think Adem had 12:20:06PM
26 advised me that this was what was asked of him. 12:20:10PM
27 COMMISSIONER: I meant to ask you, Mr Byrne, forgive me for not 12:20:15PM
28 doing so earlier, you mentioned that Mr Somyurek was 12:20:18PM
29 regarded as the 'convenor' of the faction. How long had 12:20:22PM

1 that sort of title been applied to your faction? 12:20:29PM

2 MR BYRNE: I think since about - I think it was the start of 12:20:36PM

3 2015. 12:20:41PM

4 COMMISSIONER: And do you know whether that's a title that's 12:20:44PM

5 applied to the Socialist Left faction? 12:20:47PM

6 MR BYRNE: It is, Commissioner. 12:20:51PM

7 COMMISSIONER: So presumably what you're now speaking of in 12:20:58PM

8 relation to Mr Michelson would have been a matter that 12:21:02PM

9 would have had to be considered by the convenor before any 12:21:05PM

10 particular promise or offer could be made as to the 12:21:11PM

11 future? 12:21:14PM

12 MR BYRNE: I would think so. 12:21:15PM

13 MR CARR: Mr Somyurek and you discussed that directly; is that 12:21:23PM

14 right? 12:21:27PM

15 MR BYRNE: Yes. 12:21:27PM

16 MR CARR: Can you give us the gist of that conversation? 12:21:29PM

17 MR BYRNE: That he would be asked if he ever thought that he 12:21:34PM

18 was in with a shot in Isaacs, that he would be required to 12:21:38PM

19 make a contribution in terms of membership renewals. 12:21:42PM

20 MR CARR: And were you told who suggested the figure of \$5,000? 12:21:48PM

21 MR BYRNE: No. I presumed he had come up with it. 12:21:53PM

22 MR CARR: He being? 12:21:57PM

23 MR BYRNE: Somyurek. 12:21:58PM

24 MR CARR: And if one's paying mainly \$50 per member, that's 100 12:22:01PM

25 members? 12:22:11PM

26 MR BYRNE: It is. 12:22:13PM

27 MR CARR: How many members generally had to be renewed by the 12:22:15PM

28 South-East Alliance on an annual basis? 12:22:21PM

29 MR BYRNE: I'm unclear about that. It would be in the 12:22:25PM

1 hundreds. But I'm also constrained - there would be 12:22:27PM
2 someone that would know that information, Counsel, far 12:22:32PM
3 better than I would. But I'm not able to identify that 12:22:35PM
4 person. 12:22:38PM
5 COMMISSIONER: I take it you mean it's not appropriate that you 12:22:45PM
6 identify that person; is that what you mean? 12:22:48PM
7 MR BYRNE: I think it would be - my understanding is I can't 12:22:51PM
8 identify that person. If we wanted to do this in closed 12:22:56PM
9 hearing, I believe I could. 12:23:01PM
10 COMMISSIONER: No, I just wanted to be clear. You do know who 12:23:02PM
11 it is but it's not appropriate - - - 12:23:04PM
12 MR BYRNE: I absolutely know who it is. 12:23:06PM
13 COMMISSIONER: Very good. 12:23:08PM
14 MR CARR: Without needing specific numbers, it was certainly in 12:23:13PM
15 the hundreds? 12:23:20PM
16 MR BYRNE: Yes. 12:23:23PM
17 MR CARR: As in multiple hundreds? 12:23:25PM
18 MR BYRNE: Yes, Counsel. 12:23:26PM
19 MR CARR: So one needs multiples of \$5,000 every year to renew 12:23:27PM
20 the South-East Alliance's members in the south-east? 12:23:34PM
21 MR BYRNE: I wouldn't have said 5,000. It depended on how many 12:23:40PM
22 people were contributing, how much money was required. 12:23:44PM
23 MR CARR: If we go back in time a little bit, were fundraisers 12:23:48PM
24 used at one point to pay for memberships? 12:23:56PM
25 MR BYRNE: They were. 12:24:02PM
26 MR CARR: Can you explain how that worked? 12:24:02PM
27 MR BYRNE: There would generally be an event that was held 12:24:04PM
28 normally in either April or May. Party members and 12:24:08PM
29 others, unions et cetera, would be invited to attend these 12:24:14PM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

gatherings. It would be a south-eastern fundraiser. It generally was hosted by Luke, myself and Adem, and there are a couple of purposes. One is to bring people together because it was around about renewals. The second was that there was some money that was put in - certainly I had insisted into the Holt FEA that was used specifically for electoral purposes in terms of how it should be used. And then there was money that was left over that was used for memberships.

MR CARR: When you say 'money that was left over', money that took what form?

MR BYRNE: It was generally cash.

MR CARR: So is this a fair description of what took place: the cash from the fundraiser went into a kitty that was kept in your office and was used for the purposes of paying for membership renewals?

MR BYRNE: That's completely accurate.

MR CARR: Can I just - by way of identifying the fundraiser in question could I ask that you be shown exhibit 422 as an example of - - -

COMMISSIONER: We might tender then the series of text messages of Mr Byrne and Mr McLennan of 21 November. That will be exhibit 2.

MR CARR: Thank you, Commissioner.

#EXHIBIT AB2 - Text messages between Mr Byrne and Mr McLennan.

MR CARR: Is this a flyer for the sort of fundraiser that you're talking about, Mr Byrne?

MR BYRNE: Yep. I'm just not quite sure what year it would be.

12:24:20PM
12:24:24PM
12:24:30PM
12:24:32PM
12:24:36PM
12:24:39PM
12:24:44PM
12:24:48PM
12:24:50PM
12:24:53PM
12:24:57PM
12:24:59PM
12:25:05PM
12:25:11PM
12:25:20PM
12:25:25PM
12:25:27PM
12:25:29PM
12:25:33PM
12:25:40PM
12:25:42PM
12:25:46PM
12:25:52PM
12:25:55PM
12:25:56PM
12:26:04PM
12:26:06PM
12:26:09PM
12:26:11PM

1 MR CARR: So this one - perhaps if we keep scrolling down to 12:26:15PM
2 the next page, which may well have been the back of the 12:26:19PM
3 page. You can see it's 2015? 12:26:27PM
4 MR BYRNE: Okay. 12:26:30PM
5 MR CARR: Is that sort of timeframe when this practice was 12:26:31PM
6 going on? 12:26:34PM
7 MR BYRNE: Correct, Counsel. 12:26:35PM
8 MR CARR: If we scroll down again just to identify it. There's 12:26:39PM
9 a further flyer for a year which is not identified. 12:26:45PM
10 That's another flyer for one of these fundraisers? 12:26:56PM
11 MR BYRNE: Correct. 12:27:01PM
12 MR CARR: And these fundraisers, would a metaphorical hat be 12:27:06PM
13 passed around for people to make donations? 12:27:15PM
14 MR BYRNE: I think it was more that they would buy tables. I'm 12:27:18PM
15 not sure if you would say that a hat was passed around. 12:27:24PM
16 But it would be people would contribute that were turning 12:27:28PM
17 up. 12:27:34PM
18 MR CARR: Would there be raffles? 12:27:37PM
19 MR BYRNE: There were. 12:27:39PM
20 MR CARR: And perhaps this is obvious but I don't imagine that 12:27:39PM
21 people were told that the purpose for the cash that was 12:27:48PM
22 collected was that it would go on membership renewals? 12:27:55PM
23 MR BYRNE: No, they were not. 12:28:01PM
24 MR CARR: And indeed paying for a non-family member's ALP 12:28:03PM
25 membership is a breach of the ALP rules? 12:28:10PM
26 MR BYRNE: Correct. 12:28:13PM
27 COMMISSIONER: So what group of persons would be aware, 12:28:17PM
28 Mr Byrne, that these funds raised at these functions were 12:28:20PM
29 going to be applied in that improper way? 12:28:26PM

1 MR BYRNE: It would be most of the people who were attending 12:28:30PM
2 the function. 12:28:32PM
3 COMMISSIONER: Sorry, I'm having difficulty reconciling that 12:28:37PM
4 with your last answer to Counsel Assisting. 12:28:39PM
5 MR BYRNE: In what sense? 12:28:42PM
6 COMMISSIONER: I thought you said you wouldn't expect that the 12:28:44PM
7 people attending the functions would know that the money 12:28:45PM
8 was going to be used that way? 12:28:49PM
9 MR BYRNE: Sorry. I would say that most of the - I apologise, 12:28:51PM
10 it was incorrect. Most of the people that would have 12:28:58PM
11 attended those functions had a pretty good idea that some 12:29:00PM
12 of the money that was being raised would go to 12:29:04PM
13 memberships. 12:29:07PM
14 COMMISSIONER: I just think we need some clarification here. 12:29:10PM
15 Was there at any time since you became a parliamentary 12:29:13PM
16 member an ALP rule in relation to payment of renewal or 12:29:17PM
17 membership fees? 12:29:27PM
18 MR BYRNE: Absolutely. 12:29:29PM
19 COMMISSIONER: What did the - well, what did the rule provide, 12:29:31PM
20 Mr Byrne? 12:29:36PM
21 MR BYRNE: People should - that people should be paying their 12:29:39PM
22 own memberships, not having memberships paid on their 12:29:41PM
23 behalf. 12:29:45PM
24 COMMISSIONER: I see Mr Dreyfus in his review of 1998 as his 12:29:48PM
25 first recommendation said, 'The branch adopt the principle 12:29:59PM
26 that the membership fees of every member be paid by that 12:30:03PM
27 member, except in cases of real financial hardship or 12:30:07PM
28 temporary absence'; and the second recommendation, 'That 12:30:13PM
29 the rules be amended to provide for each candidate for 12:30:18PM

1 internal party office or for preselection for public 12:30:25PM
2 office pledge that they have not been involved in any 12:30:28PM
3 organised payment of other members' membership fees.' It 12:30:33PM
4 rather suggests that there was a rule which Mr Dreyfus 12:30:41PM
5 identified that would need to be implemented. Do you know 12:30:44PM
6 whether it was? 12:30:49PM
7 MR BYRNE: I genuinely can't recall, Commissioner. 12:30:51PM
8 COMMISSIONER: Certainly your memory of recent times is there 12:30:56PM
9 has been a rule that meets that first recommendation, that 12:30:59PM
10 the membership shouldn't be - should be paid for by the 12:31:03PM
11 member? 12:31:07PM
12 MR BYRNE: I believe so. 12:31:08PM
13 COMMISSIONER: What does all this suggest? We've got 12:31:09PM
14 Mr Dreyfus's review in 1998. We have the Ombudsman's 12:31:14PM
15 report in 2015. And yet here we are in 2021 and nothing 12:31:19PM
16 seems to have altered? 12:31:29PM
17 MR BYRNE: The people believed, Commissioner, regardless of 12:31:32PM
18 what the rules said, that they could gain the system, get 12:31:35PM
19 around the rules, so that the issue of multiple 12:31:40PM
20 recruitment or your term branch stacking could continue. 12:31:42PM
21 COMMISSIONER: And to the point where it was so overt that 12:31:48PM
22 people would attend these fundraisers knowing that some or 12:31:52PM
23 all of their contribution would be used for that improper 12:31:56PM
24 purpose? 12:31:59PM
25 MR BYRNE: That's correct. 12:32:01PM
26 COMMISSIONER: Yes, Mr Carr. 12:32:04PM
27 MR CARR: Were people in head office factional appointees? 12:32:06PM
28 MR BYRNE: For the most part, yes. 12:32:13PM
29 MR CARR: And so they are the people who are responsible for 12:32:17PM

1 enforcing these rules? 12:32:24PM

2 MR BYRNE: I think they're entrusted to do so by the Admin 12:32:27PM

3 Committee, Counsel. 12:32:30PM

4 MR CARR: But if they owe their position to their factional 12:32:34PM

5 masters then they are unlikely to enforce the rules; is 12:32:39PM

6 that a fair comment? 12:32:47PM

7 MR BYRNE: It would depend on who the party official was. 12:32:57PM

8 MR CARR: No, let me ask you a slightly different question. Do 12:33:01PM

9 you accept this: it is clear that those in head office 12:33:06PM

10 turned a blind eye to flagrant branch stacking over, say, 12:33:12PM

11 the last five years? 12:33:18PM

12 MR BYRNE: I don't know if I'd say blind eye, Counsel. I would 12:33:27PM

13 say felt powerless to stop it. 12:33:33PM

14 MR CARR: Have you heard of examples of people from electorate 12:33:43PM

15 offices or ministerial offices walking into head office 12:33:55PM

16 with renewal forms? 12:34:00PM

17 MR BYRNE: I have. 12:34:05PM

18 MR CARR: Was that a daily practice in the months leading up to 12:34:06PM

19 the end of May of each year? 12:34:11PM

20 MR BYRNE: It was. 12:34:14PM

21 MR CARR: Those who received the renewal forms must have known 12:34:16PM

22 these staffers' factional allegiances, mustn't they? 12:34:24PM

23 MR BYRNE: Yes, they would. 12:34:33PM

24 MR CARR: And they also would have known where they worked? 12:34:34PM

25 MR BYRNE: They do, or did, yeah. 12:34:38PM

26 MR CARR: And head office was open between nine and five, as 12:34:40PM

27 I recall? 12:34:44PM

28 MR BYRNE: That's also my recollection. 12:34:46PM

29 MR CARR: Was located in Docklands? 12:34:49PM

1 MR BYRNE: It was. 12:34:52PM

2 MR CARR: Probably about a 40-minute tram ride from Spring 12:34:54PM

3 Street by the time one waits for a tram and walks from one 12:35:03PM

4 end of Docklands to the other? 12:35:08PM

5 MR BYRNE: Quite possibly. I've not done it myself, Counsel, 12:35:12PM

6 but presume so. 12:35:15PM

7 MR CARR: And so for someone who's working in a ministerial 12:35:19PM

8 office or an electorate office in Spring Street it's a 12:35:24PM

9 fair part of their day to head in to head office to drop 12:35:31PM

10 off renewal forms, isn't it? 12:35:37PM

11 MR BYRNE: I think so. 12:35:39PM

12 MR CARR: So those in head office who received these forms from 12:35:41PM

13 ministerial or electorate officers, knowing their 12:35:53PM

14 factional allegiances, must have known what was going on, 12:35:57PM

15 mustn't they? 12:36:02PM

16 MR BYRNE: I would say so. 12:36:04PM

17 COMMISSIONER: When we speak of head office, Mr Byrne, are we 12:36:06PM

18 talking about staff that are administrative staff that are 12:36:10PM

19 supporting the Membership Administration Committee? 12:36:15PM

20 MR BYRNE: Yes, yes, Commissioner. 12:36:20PM

21 COMMISSIONER: So I'm minded and ask you to comment, Ms Macklin 12:36:22PM

22 and Mr Bracks in their report to the National Executive 12:36:33PM

23 found that it is clear the problems of branch stacking go 12:36:42PM

24 beyond a certain group of people operating in isolation 12:36:47PM

25 from the rest of the party. They found organisational 12:36:51PM

26 inertia, poor culture, and a level of acceptance of the 12:36:56PM

27 practices meant that the requirements under the rules were 12:37:02PM

28 not always observed; the administrative process and 12:37:07PM

29 systems were poor; and particularly germane to the 12:37:10PM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

evidence you're now giving, and the governance and assurance overseeing membership was practically non-existent. Does that accord with your understanding of the process?

MR BYRNE: I wouldn't disagree with that assessment.

COMMISSIONER: And they go on to describe the supposed governance of the membership process, namely the Membership Administration Committee or MAC, has often operated like a swap meet, exchanging the approval of one group of non-genuine members for the approval of another group of non-genuine members. Does that sound familiar to you?

MR BYRNE: It does sound familiar to me, Commissioner.

COMMISSIONER: Yes. So, to take up Counsel Assisting's point, those administering the task of governance of membership were by and large aware of these improper practices?

MR BYRNE: I believe they were.

COMMISSIONER: Yes, Mr Carr.

MR CARR: Can I move on to a different topic. We've identified some of the people, some of the MPs involved in branch stacking. I want to ask you about one of the MPs that you've mentioned: Ms Vaghela?

MR BYRNE: Yes.

MR CARR: She was preselected in 2018, or for the 2018 election, and she was elected to the Upper House in the western suburbs of Melbourne?

MR BYRNE: That's correct.

MR CARR: Now, can you explain the circumstances that occurred that led to her being preselected?

12:37:18PM
12:37:22PM
12:37:25PM
12:37:31PM
12:37:32PM
12:37:37PM
12:37:40PM
12:37:45PM
12:37:50PM
12:37:56PM
12:37:59PM
12:38:06PM
12:38:07PM
12:38:11PM
12:38:16PM
12:38:22PM
12:38:28PM
12:38:31PM
12:38:42PM
12:38:51PM
12:38:59PM
12:39:07PM
12:39:12PM
12:39:12PM
12:39:19PM
12:39:23PM
12:39:25PM
12:39:28PM
12:39:38PM

1 MR BYRNE: The circumstances that occurred? 12:39:46PM
2 MR CARR: Well, let me be a little more specific. You're aware 12:39:50PM
3 of an organisation that goes by the name of Subcontinental 12:39:55PM
4 Friends of Labor? 12:40:01PM
5 MR BYRNE: I am. 12:40:01PM
6 MR CARR: Did she have some role with that organisation? 12:40:02PM
7 MR BYRNE: I think Kaushaliya played a fairly important role in 12:40:06PM
8 that organisation, Counsel. 12:40:08PM
9 MR CARR: And were there a couple of brothers involved in that 12:40:12PM
10 organisation who were reasonably well-off businessmen? 12:40:22PM
11 MR BYRNE: There were two obviously, yeah. 12:40:28PM
12 MR CARR: What were their names? 12:40:31PM
13 MR BYRNE: The surname was Kumar. I think one was Alope and, 12:40:33PM
14 I'm sorry, I've forgotten the name of the other one. 12:40:39PM
15 MR CARR: I'll mispronounce it if I say it so we'll be 12:40:43PM
16 satisfied with that. 12:40:46PM
17 MR BYRNE: Okay. 12:40:47PM
18 MR CARR: And there was another leading member of that 12:40:48PM
19 organisation, wasn't there, by the name of Manoj Kumar? 12:40:52PM
20 MR BYRNE: Manoj Kumar, that's correct. 12:40:56PM
21 MR CARR: Now, did that organisation have an objective of 12:40:59PM
22 having an Indian MP? 12:41:04PM
23 MR BYRNE: Very much so, yes. 12:41:08PM
24 MR CARR: Now, are you aware of there having been a deal done 12:41:12PM
25 to secure that objective for them? 12:41:15PM
26 MR BYRNE: My understanding would be that if they crossed 12:41:19PM
27 factions, because I think at that stage they may have been 12:41:23PM
28 connected with the Left some number of years ago, that the 12:41:28PM
29 undertaking that would have been given would be that 12:41:33PM

1 Kaushaliya would have been nominated to the Upper House on 12:41:36PM
2 behalf of the Labor Party. 12:41:40PM
3 MR CARR: And do you have an understanding of who gave that 12:41:47PM
4 undertaking? 12:41:50PM
5 MR BYRNE: It's my understanding it's Adem Somyurek. 12:41:52PM
6 MR CARR: And she was indeed preselected and duly elected? 12:41:56PM
7 MR BYRNE: She was. 12:42:06PM
8 MR CARR: Are you aware of any role that Ms Kairouz played in 12:42:09PM
9 that process? 12:42:14PM
10 MR BYRNE: I'm not, Counsel. 12:42:15PM
11 COMMISSIONER: What part of that process, Mr Byrne, that is a 12:42:23PM
12 group of persons who at one point in time are in one 12:42:30PM
13 faction crossing over to another, is there some 12:42:32PM
14 impropriety associated with that process? 12:42:37PM
15 MR BYRNE: Hard to say, Commissioner. It would be depending on 12:42:46PM
16 what would be promised to people, what would be offered, 12:42:50PM
17 what would be expected. It's - I can't specifically 12:42:53PM
18 answer it. 12:42:57PM
19 MR CARR: Can I ask you the two brothers that we've mentioned, 12:43:00PM
20 the Kumar brothers, are you aware of them paying for 12:43:06PM
21 memberships? 12:43:15PM
22 MR BYRNE: Not directly, Counsel, but they were referred to me 12:43:17PM
23 as the financiers. 12:43:22PM
24 MR CARR: Who referred to them as the financiers? 12:43:24PM
25 MR BYRNE: Adem Somyurek . 12:43:28PM
26 MR CARR: And what were they financing? 12:43:30PM
27 MR BYRNE: Memberships. 12:43:32PM
28 MR CARR: In particular areas? 12:43:33PM
29 MR BYRNE: That was never clear. I presumed the west, but 12:43:37PM

1 increasingly came to the view that it was probably in the 12:43:42PM
2 south-east as well. 12:43:46PM

3 MR CARR: And was that group of people able to turn up a large 12:43:49PM
4 number of ethnically Indian people to join branches? 12:43:59PM

5 MR BYRNE: A huge number. 12:44:07PM

6 MR CARR: And do you know that somebody was paying for their 12:44:11PM
7 memberships, that is they weren't paying for their own 12:44:20PM
8 memberships? 12:44:23PM

9 MR BYRNE: There were so many people that were turning up they 12:44:24PM
10 just could not possibly be paying for their own 12:44:28PM
11 memberships. 12:44:31PM

12 COMMISSIONER: I think the answer to my last question, 12:44:34PM
13 Mr Byrne, was whilst there might be no impropriety in 12:44:37PM
14 people from one faction moving across to another, if the 12:44:42PM
15 process of either gaining membership or renewing 12:44:46PM
16 membership was improper therein would lie the 12:44:51PM
17 impropriety - - - 12:44:59PM

18 MR BYRNE: Impropriety, yes, Commissioner. Yes, Commissioner. 12:44:59PM
19 Yes. 12:45:03PM

20 MR CARR: And at some stage did you become aware of a request 12:45:05PM
21 or demand for another MP on behalf of this group? 12:45:19PM

22 MR BYRNE: Yes. 12:45:26PM

23 MR CARR: Who was that? 12:45:27PM

24 MR BYRNE: It would have been - I think Manoj was very keen to 12:45:32PM
25 become a member of parliament. I had met with those 12:45:35PM
26 brothers with Somyurek shortly after I think there had 12:45:42PM
27 been some re-alignment, and in that conversation which was 12:45:45PM
28 held in Berwick, I don't have the exact date, they had put 12:45:49PM
29 that, you know, they expected to have a second MP. 12:45:53PM

1 MR CARR: In return for the numbers that they had brought? 12:45:57PM

2 MR BYRNE: They didn't say that specifically, Counsel, but that 12:46:00PM

3 was the assumption. 12:46:03PM

4 MR CARR: It's implicit in them making a demand of Mr Somyurek 12:46:05PM

5 that they were giving him something in return, isn't it? 12:46:12PM

6 MR BYRNE: I think so. 12:46:15PM

7 MR CARR: And you were at the meeting. Was it clear enough in 12:46:16PM

8 the way the meeting was conducted that what they were 12:46:23PM

9 doing was putting members in and paying for them and 12:46:26PM

10 giving Mr Somyurek control of those members and in return 12:46:31PM

11 wanted something from him? 12:46:37PM

12 MR BYRNE: They were asking him at that conversation. In his 12:46:39PM

13 defence, I think he felt that they were asking for a lot. 12:46:45PM

14 Particularly I think they were mentioning a federal MP. 12:46:50PM

15 But it was clear that they had more demands that they 12:46:56PM

16 expected Mr Somyurek to meet. They didn't discuss, 12:47:01PM

17 Counsel, members or - at that conversation, I only had 12:47:05PM

18 one, at that meeting. 12:47:10PM

19 MR CARR: Did you speak to Mr Somyurek before or after that 12:47:16PM

20 meeting about what they were giving him in return for them 12:47:21PM

21 making these demands? 12:47:25PM

22 MR BYRNE: Not that I recall. 12:47:28PM

23 MR CARR: Did you come along to the meeting not knowing what it 12:47:31PM

24 was about? 12:47:35PM

25 MR BYRNE: It was - no, it was - to my knowledge it was to meet 12:47:36PM

26 these people that were substantial members within the 12:47:42PM

27 Indian community that Adem had worked closely with to help 12:47:45PM

28 facilitate them crossing over, Manoj and Kaushaliya, and 12:47:48PM

29 this had been the first time that I had actually met with 12:47:55PM

1 these two individuals. 12:47:58PM

2 MR CARR: Is it fair to say that you chose not to meet with 12:48:02PM

3 them again? 12:48:05PM

4 MR BYRNE: I think that's a very fair assumption. 12:48:08PM

5 MR CARR: You thought what was - you felt what was going on was 12:48:12PM

6 distasteful; is that a fair assessment? 12:48:16PM

7 MR BYRNE: I was deeply uncomfortable about those two 12:48:25PM

8 individuals and I just had a view that this was not going 12:48:29PM

9 to end well. I just didn't want to have anything to do 12:48:33PM

10 with them or their operation. 12:48:37PM

11 MR CARR: Can I take you back to the elections for the 2018 12:48:59PM

12 National Conference? 12:49:09PM

13 MR BYRNE: Yep. 12:49:10PM

14 MR CARR: Now, in 2018 for the first time the Labor Party held 12:49:12PM

15 a direct election for delegates to attend the National 12:49:23PM

16 Conference? 12:49:27PM

17 MR BYRNE: They did. 12:49:27PM

18 MR CARR: Prior to that how had delegates for the National 12:49:28PM

19 Conference been selected? 12:49:33PM

20 MR BYRNE: I think it was from the state conferences. 12:49:35PM

21 MR CARR: So in 2018 did Mr Somyurek have a particular desire 12:49:40PM

22 to be elected to the National Conference? 12:49:49PM

23 MR BYRNE: He did. 12:49:55PM

24 MR CARR: Sorry, to the National Executive? 12:49:55PM

25 MR BYRNE: Yes. 12:49:59PM

26 MR CARR: Why was that? 12:50:01PM

27 MR BYRNE: He had become I think such a powerful figure in 12:50:05PM

28 Victoria that the general consensus would be the next 12:50:09PM

29 logical step would be on the National Executive. 12:50:15PM

1 MR CARR: Because that is a position that gives you power 12:50:18PM
2 within the national party? 12:50:22PM
3 MR BYRNE: It does. 12:50:24PM
4 MR CARR: What did factional operatives have to do in order to 12:50:28PM
5 ensure their members voted for delegates at that election? 12:50:42PM
6 MR BYRNE: They would collect ballot papers and then mark them 12:50:50PM
7 out. So there would be X number of members. They would 12:50:55PM
8 go, I presume, or whoever the community leader was, pick 12:51:00PM
9 up forms and then bring them in, to my understanding, to 12:51:07PM
10 be filled out. 12:51:11PM
11 MR CARR: So the ballot papers would be collected by factional 12:51:13PM
12 operatives? 12:51:17PM
13 MR BYRNE: And I presume some staff as well. 12:51:18PM
14 MR CARR: So both people working at the time as electorate 12:51:23PM
15 officers or ministerial officers and people doing it on 12:51:27PM
16 their own time? 12:51:30PM
17 MR BYRNE: Yes. 12:51:32PM
18 MR CARR: Would go and collect ballot papers from members? 12:51:33PM
19 MR BYRNE: Correct. 12:51:38PM
20 MR CARR: They would be taken in to an MP's office? 12:51:39PM
21 MR BYRNE: Correct. 12:51:49PM
22 MR CARR: Where the blank ballot papers would be filled in? 12:51:50PM
23 MR BYRNE: That would be - yes, I believe so. 12:51:55PM
24 MR CARR: Is this the sort of thing that has gone on at, for 12:51:58PM
25 example, state conferences for many years? 12:52:04PM
26 MR BYRNE: At the actual State Conference itself, at where the 12:52:10PM
27 conference was being conducted, yes. 12:52:15PM
28 MR CARR: Is it a well-established practice for many years that 12:52:18PM
29 at the State Conference people would give their blank 12:52:23PM

1 ballot papers to factional representatives who would fill 12:52:29PM
2 them in? 12:52:35PM
3 MR BYRNE: Yes. 12:52:37PM
4 MR CARR: What happened with the 2018 National Conference 12:52:40PM
5 delegate election was a replication of this 12:52:44PM
6 well-established practice - - - 12:52:50PM
7 MR BYRNE: It was. 12:52:51PM
8 MR CARR: That blank ballot papers would be collected and 12:52:52PM
9 filled in by factional operatives? 12:52:54PM
10 MR BYRNE: Yes. 12:52:57PM
11 COMMISSIONER: How do you know, Mr Byrne, that that's what 12:52:59PM
12 occurred? 12:53:02PM
13 MR BYRNE: Because I was told, and I'm not exactly sure if 12:53:02PM
14 someone filled out in my office. 12:53:05PM
15 MR CARR: When you say you're not exactly sure? 12:53:08PM
16 MR BYRNE: I'm saying I'm not exactly sure. I don't know. 12:53:11PM
17 MR CARR: Mr Byrne, there were people employed in your office 12:53:14PM
18 as factional operatives, weren't there? 12:53:22PM
19 MR BYRNE: Yes, they were. They were collecting the ballots, 12:53:25PM
20 Counsel, but I wasn't sure if they were filling them out 12:53:28PM
21 in my office. 12:53:30PM
22 COMMISSIONER: I'm not sure what you mean by that distinction. 12:53:32PM
23 Do you mean they may have filled them out at the polling 12:53:34PM
24 booth or - - - 12:53:41PM
25 MR BYRNE: Or another place. 12:53:42PM
26 COMMISSIONER: But you knew whether it was in your office or 12:53:43PM
27 somewhere else - - - 12:53:46PM
28 MR BYRNE: Yes. 12:53:48PM
29 COMMISSIONER: They were filling it out for the person who was 12:53:48PM

1 meant to be voting? 12:53:51PM

2 MR BYRNE: Yes. 12:53:52PM

3 MR CARR: And was it the process that the ballots were taken to 12:53:55PM

4 central locations to be filled in? 12:54:00PM

5 MR BYRNE: That's my understanding. 12:54:02PM

6 MR CARR: Then they would be submitted by generally ministerial 12:54:07PM

7 office or electorate office staff to head office? 12:54:14PM

8 MR BYRNE: I believe so. 12:54:17PM

9 MR CARR: Now, did everyone who was sought by Moderate Labor to 12:54:27PM

10 vote or provide their ballot papers to Moderate Labor 12:54:38PM

11 operatives - sorry, let me start that question again and 12:54:43PM

12 rephrase it. Are you aware of many people having thrown 12:54:50PM

13 out their ballot papers before they could be collected by 12:55:01PM

14 factional operatives? 12:55:07PM

15 MR BYRNE: Counsel, not so much throwing out but having filled 12:55:12PM

16 it out and sending it in to party offices. I had heard a 12:55:16PM

17 couple of my staff saying that. 12:55:21PM

18 MR CARR: So members who had been stacked were expected in 12:55:24PM

19 effect in return for you - you being Moderate Labor? 12:55:32PM

20 MR BYRNE: Sure. 12:55:36PM

21 MR CARR: Paid for their membership to give their blank ballot 12:55:36PM

22 papers to factional operatives? 12:55:43PM

23 MR BYRNE: Yes. 12:55:45PM

24 MR CARR: And some people had off their own bat gone and voted 12:55:46PM

25 for themselves? 12:55:52PM

26 MR BYRNE: Voted for themselves or some other group or other 12:55:55PM

27 people that were there, yes. But, yes, possibly. 12:55:58PM

28 MR CARR: Not given their blank ballot paper to factional 12:56:01PM

29 operates as they should but voted and sent it in? 12:56:05PM

1 MR BYRNE: Yes. 12:56:11PM

2 MR CARR: And was there anything that could be done about that? 12:56:12PM

3 MR BYRNE: My understanding is that that caused people to then 12:56:20PM

4 tell those people to ring up head office and say they had 12:56:26PM

5 made a mistake or fouled the ballot paper and asked for a 12:56:30PM

6 fresh ballot paper to be sent out. 12:56:34PM

7 MR CARR: Is that referred to as a ballot reissue request? 12:56:37PM

8 MR BYRNE: Yes, that's my understanding. 12:56:41PM

9 MR CARR: In your area of Holt somewhere around about 12:56:45PM

10 40 per cent of ballots had to be reissued for that 12:56:57PM

11 electorate - for that election, rather. Does that sound 12:57:03PM

12 right? 12:57:07PM

13 MR BYRNE: I wasn't aware that it was such a huge figure. 12:57:08PM

14 MR CARR: Is that because it was necessary to have these - - - 12:57:13PM

15 COMMISSIONER: Sorry, perhaps you need to preface assuming that 12:57:22PM

16 figure is correct because he doesn't know. 12:57:25PM

17 MR CARR: Yes, Commissioner. You were aware that there were a 12:57:28PM

18 large number of ballot reissues within Holt? 12:57:31PM

19 MR BYRNE: Not so much Holt but just generally. 12:57:34PM

20 MR CARR: And if there were a large number of ballots that 12:57:37PM

21 needed to be reissued was that generally because of this 12:57:50PM

22 problem, that people who had been stacked members were 12:57:55PM

23 voting of their own accord rather than giving their ballot 12:58:02PM

24 papers to factional operatives? 12:58:06PM

25 MR BYRNE: I think so. 12:58:08PM

26 MR CARR: Can I return to a topic that we were discussing a few 12:58:13PM

27 minutes ago. People in head office can't have been 12:58:18PM

28 unaware of such a huge proportion of ballot reissue 12:58:26PM

29 requests, can they? 12:58:31PM

1 MR BYRNE: No. 12:58:33PM

2 MR CARR: I used the expression 'willfully blind' and you were 12:58:36PM

3 reluctant to embrace that expression. Do you accept that 12:58:42PM

4 if those in head office knew of the large number of ballot 12:58:50PM

5 reissue requests that they must have been either conscious 12:58:55PM

6 of or willfully blind to what was going on? 12:59:03PM

7 MR BYRNE: Yes. 12:59:09PM

8 COMMISSIONER: So it's a vicious circle, Mr Byrne. If there's 12:59:17PM

9 a general awareness by factional operatives that head 12:59:20PM

10 office either know or will tolerate such a practice then 12:59:27PM

11 that's an encouragement to the practice continuing? 12:59:34PM

12 MR BYRNE: I would say so, Commissioner. 12:59:40PM

13 MR CARR: I want to understand a little bit about how long this 12:59:49PM

14 process of organising votes for the 2018 National 12:59:55PM

15 Conference delegate election might have taken. In order 01:00:00PM

16 to obtain a person's ballot paper that's posted directly 01:00:07PM

17 to them one needs to either have them attend a location 01:00:14PM

18 and drop it off or one needs to pick it up from them? 01:00:21PM

19 MR BYRNE: That's correct. 01:00:27PM

20 MR CARR: Now, I suggest to you that there was a 01:00:29PM

21 well-established practice that certain people had been 01:00:34PM

22 responsible for certain members; you accept that so far? 01:00:41PM

23 MR BYRNE: Absolutely, yes. 01:00:47PM

24 MR CARR: There were members who were identified as belonging 01:00:49PM

25 to particular people? 01:00:52PM

26 MR BYRNE: Yes. 01:00:55PM

27 MR CARR: Within the Moderate Labor faction? 01:00:56PM

28 MR BYRNE: Yes. 01:00:59PM

29 MR CARR: Generally those people would work as electorate 01:01:00PM

1 officers for MPs within the Moderate Labor faction? 01:01:11PM

2 MR BYRNE: Yes. 01:01:16PM

3 MR CARR: If we can call them recruiters, the recruiters would 01:01:22PM

4 have responsibility for particular members? 01:01:28PM

5 MR BYRNE: Yes. 01:01:33PM

6 MR CARR: And they would be responsible for obtaining the 01:01:33PM

7 ballot papers from their members? 01:01:39PM

8 MR BYRNE: Yes. 01:01:43PM

9 MR CARR: And providing them to the faction at either a 01:01:45PM

10 ministerial or an electorate office? 01:01:51PM

11 MR BYRNE: Yes. 01:01:54PM

12 MR CARR: Where the papers would be filled in by ministerial 01:01:56PM

13 officers or electorate officers? 01:02:01PM

14 MR BYRNE: Yes. 01:02:03PM

15 MR CARR: Now, it takes a fair bit of time to drive around to, 01:02:06PM

16 say, 30 or 50 or 100 people's houses and see if they're 01:02:17PM

17 home, collect their ballot paper, come back if they're not 01:02:24PM

18 home, deliver it to the designated location, doesn't it? 01:02:29PM

19 MR BYRNE: Yes, it does. 01:02:33PM

20 MR CARR: And you are aware, aren't you, Mr Byrne, that this 01:02:34PM

21 system operated on the basis that these people would do it 01:02:39PM

22 during work time? 01:02:43PM

23 MR BYRNE: Work and outside of that if need be. 01:02:45PM

24 MR CARR: For example, Mr McLennan, to use him as an example? 01:02:50PM

25 MR BYRNE: Yes. 01:02:54PM

26 MR CARR: Would be - was expected to do this during work hours? 01:02:55PM

27 MR BYRNE: He was. 01:02:59PM

28 MR CARR: And also on weekends? 01:02:59PM

29 MR BYRNE: Yes. 01:03:03PM

1 MR CARR: And the same is true of the other electorate officers 01:03:12PM
2 who had factional responsibilities? 01:03:18PM
3 MR BYRNE: Yes. 01:03:21PM
4 MR CARR: It took place within your office? 01:03:25PM
5 MR BYRNE: It did. 01:03:27PM
6 MR CARR: And that was part of a systematic approach to this 01:03:29PM
7 election? 01:03:38PM
8 MR BYRNE: Yes. 01:03:40PM
9 MR CARR: One witness described this 2018 election in a private 01:03:50PM
10 hearing as an 'all hands on deck' situation. Would you 01:03:55PM
11 agree with that description? 01:04:00PM
12 MR BYRNE: Are you talking about in my office or another 01:04:02PM
13 office? 01:04:05PM
14 MR CARR: In offices across the Moderate Labor faction? 01:04:05PM
15 MR BYRNE: Yes, that's correct. 01:04:12PM
16 MR CARR: Certainly from your knowledge of Mr Somyurek and 01:04:15PM
17 Ms Kairouz's ministerial and electorate offices it was all 01:04:21PM
18 hands on deck? 01:04:24PM
19 MR BYRNE: I believe so. 01:04:25PM
20 MR CARR: And in your office? 01:04:29PM
21 MR BYRNE: Well, Nick was working for me and there would have 01:04:32PM
22 been one or two others that would have assisted, I think. 01:04:35PM
23 COMMISSIONER: That would occur during working hours, Mr Byrne? 01:04:41PM
24 MR BYRNE: Some elements of it. I think Nick would have 01:04:45PM
25 probably done a lot of the running around. There could 01:04:47PM
26 have been - I'm not sure if Adam Sullivan was working for 01:04:50PM
27 me then. I'm sure Counsel Assisting knows. I don't 01:04:57PM
28 recall, but if Adam had been there he would have been 01:05:00PM
29 assisting. 01:05:04PM

1 MR CARR: Mr Sullivan might have moved on from your office by 01:05:08PM
2 then but was assisting in somebody else's office; does 01:05:13PM
3 that sound right? 01:05:17PM
4 MR BYRNE: Could well have been. It might have been in someone 01:05:18PM
5 else's office, yes. 01:05:21PM
6 MR CARR: Certainly you're aware that he was working on - - - 01:05:22PM
7 MR BYRNE: I was. 01:05:25PM
8 MR CARR: Now, what I described to you a couple of minutes ago 01:05:29PM
9 of recruiters having to go out to somebody's house, get 01:05:41PM
10 their ballot paper, come back, try again if they're not 01:05:47PM
11 home and so forth is obviously a time-consuming process 01:05:51PM
12 and if you need to have their ballot reissued then what 01:06:05PM
13 head office required was a letter from the member; is that 01:06:12PM
14 right? 01:06:19PM
15 MR BYRNE: I believe so, yes. 01:06:20PM
16 MR CARR: So somebody might have to go and have the member sign 01:06:22PM
17 a letter requesting that their ballot be reissued? 01:06:32PM
18 MR BYRNE: That's correct. 01:06:37PM
19 MR CARR: Provide that to head office; either have the ballot 01:06:38PM
20 paper posted out to the member or collect the ballot paper 01:06:44PM
21 from head office, and then take it back to the member for 01:06:47PM
22 the member to sign the envelope that came with the ballot 01:06:55PM
23 paper? 01:07:00PM
24 MR BYRNE: I believe that's correct. 01:07:02PM
25 MR CARR: Now, Mr Byrne, did you have some concerns that people 01:07:05PM
26 were taking shortcuts in that process? 01:07:13PM
27 MR BYRNE: I did. 01:07:18PM
28 MR CARR: What did you think people were doing as a shortcut? 01:07:23PM
29 MR BYRNE: Forging the letters that were being sent to head 01:07:27PM

1 office. 01:07:31PM

2 COMMISSIONER: Including the signature of the person - - - 01:07:35PM

3 MR BYRNE: Yes. 01:07:39PM

4 COMMISSIONER: Who is meant to be signing the ballot paper? 01:07:40PM

5 MR BYRNE: It would be a proforma letter. But did that person 01:07:43PM

6 sign it? I believe a number of people didn't. 01:07:47PM

7 MR CARR: Who did you believe was involved in forging 01:07:54PM

8 signatures? 01:08:01PM

9 MR BYRNE: I was not told specifically who. 01:08:02PM

10 MR CARR: Who told you that signatures were being forged? Is 01:08:10PM

11 there somebody within your office or - - - 01:08:15PM

12 MR BYRNE: It was someone within my office that alerted me to 01:08:17PM

13 what that person believed was happening. 01:08:21PM

14 MR CARR: Did you have concerns about particular ballot papers 01:08:25PM

15 having been forged in the course of this process? 01:08:49PM

16 MR BYRNE: I was told that there were some real concerns, first 01:08:57PM

17 off, about the numbers being reissued, although I was not 01:09:04PM

18 given a number, the one that you gave me, for example, but 01:09:07PM

19 the sheer number, how that could possibly be asked, how 01:09:10PM

20 that could possibly be allowed to happen, and then some 01:09:14PM

21 concern expressed about who was signing these letters that 01:09:16PM

22 were being sent to head office. 01:09:19PM

23 COMMISSIONER: Mr Carr, when you say ballot papers being 01:09:22PM

24 forged, do you mean the signature on the envelope which 01:09:26PM

25 contains the ballot paper? 01:09:30PM

26 MR CARR: Yes. 01:09:32PM

27 COMMISSIONER: You're clear that's what Mr Carr was - - - 01:09:33PM

28 MR BYRNE: No, sorry, I was talking more about the letter that 01:09:36PM

29 had been sent from that person to head office requesting 01:09:39PM

1 the reissued ballot paper. 01:09:44PM

2 COMMISSIONER: I think we need to clarify that, Mr Byrne. 01:09:52PM

3 MR BYRNE: Yes. 01:09:54PM

4 COMMISSIONER: So it was your understanding from what you were 01:09:56PM

5 told by someone in your office that sometimes that letter 01:09:58PM

6 was forged, that is the signature of the person writing to 01:10:03PM

7 head office? 01:10:07PM

8 MR BYRNE: Yep. 01:10:07PM

9 COMMISSIONER: And then quite distinctly the question of the 01:10:08PM

10 signature on the ballot paper, as I followed your 01:10:11PM

11 evidence, that your understanding was sometimes that was 01:10:17PM

12 forged? 01:10:20PM

13 MR BYRNE: That there was a belief, yes. 01:10:21PM

14 COMMISSIONER: The person in your office that told you, are you 01:10:25PM

15 satisfied that person was in a position to have received 01:10:28PM

16 accurate information about that? What's the quality of 01:10:33PM

17 the information that you received? 01:10:38PM

18 MR BYRNE: I trusted that person implicitly. 01:10:40PM

19 COMMISSIONER: And their judgment? 01:10:44PM

20 MR BYRNE: Absolutely. 01:10:45PM

21 COMMISSIONER: And have you made the identity of that person 01:10:50PM

22 known to the investigators? 01:10:52PM

23 MR BYRNE: They're very well aware of it. 01:10:56PM

24 COMMISSIONER: I see the time, Mr Carr. Again, when you're 01:11:00PM

25 about to move on to another topic we might break for lunch 01:11:03PM

26 and give Mr Byrne a chance to recuperate. 01:11:07PM

27 MR CARR: Commissioner, I might just ask about one document 01:11:13PM

28 which will take a couple of minutes. 01:11:15PM

29 COMMISSIONER: Yes. 01:11:17PM

1 MR CARR: That will be the end of this topic, I anticipate. 01:11:18PM
2 Could Mr Byrne be shown exhibit 121. 01:11:22PM
3 COMMISSIONER: If you're moving on, we'll make the two 01:11:28PM
4 fundraising flyers exhibit 3. 01:11:31PM
5 01:11:33PM
6 #EXHIBIT AB3 - Two fundraising flyers. 01:11:34PM
7 MR CARR: Now, this is a text message between you and 01:12:01PM
8 Mr Somyurek. Can you read that? 01:12:08PM
9 MR BYRNE: 'We have 210 ballot papers' - - - 01:12:14PM
10 MR CARR: Read it to yourself, I'm sorry, Mr Byrne. Have you 01:12:19PM
11 read that? 01:12:38PM
12 MR BYRNE: Yep. 01:12:39PM
13 MR CARR: Kubi is a reference to Mr Somyurek's - - - 01:12:39PM
14 MR BYRNE: Somyurek, yes. 01:12:45PM
15 MR CARR: Shortening of his middle name? 01:12:46PM
16 MR BYRNE: Yep. 01:12:49PM
17 MR CARR: It's a message you've sent to Mr Somyurek? 01:12:49PM
18 MR BYRNE: Yep. 01:12:53PM
19 MR CARR: Referring to having 210 ballot papers that need to be 01:12:53PM
20 filled out that day, and needing Sullivan to come and 01:12:58PM
21 help - - - 01:13:06PM
22 MR BYRNE: Come into the office to complete, yep. 01:13:07PM
23 MR CARR: Now, Sullivan is Adam Sullivan? 01:13:10PM
24 MR BYRNE: Yes. 01:13:13PM
25 MR CARR: He, as I understand it, went to Mr Somyurek's office 01:13:13PM
26 in August of 2017; does that sound right? 01:13:18PM
27 MR BYRNE: I believe so. 01:13:24PM
28 MR CARR: Now, is this text message one that you remember? 01:13:25PM
29 MR BYRNE: No. 01:13:34PM

1 MR CARR: Is it something that's not particularly memorable 01:13:35PM
2 because it's by no means an uncommon thing for you and 01:13:39PM
3 Mr Somyurek to discuss? 01:13:44PM
4 MR BYRNE: In terms of general stuff like ballot papers I don't 01:13:48PM
5 think I would have discussed it that often, but it's not 01:13:54PM
6 something that I can recall sending to him, but clearly 01:13:59PM
7 I did. 01:14:04PM
8 MR CARR: Is it likely to have been around the time of the 2018 01:14:06PM
9 National Conference election? 01:14:13PM
10 MR BYRNE: Yes. 01:14:15PM
11 MR CARR: 210 ballots that need to be filled out, to say the 01:14:17PM
12 obvious - - - 01:14:25PM
13 MR BYRNE: Yeah. 01:14:26PM
14 MR CARR: Would have taken a long time? 01:14:26PM
15 MR BYRNE: It would have, and I would presume I would have been 01:14:28PM
16 passing a message on from somebody that had asked me to 01:14:30PM
17 pass the message on to him. 01:14:34PM
18 COMMISSIONER: But does that mean forging the ballot papers, 01:14:40PM
19 Mr - - - 01:14:43PM
20 MR BYRNE: I don't think - no, Commissioner, more that the 01:14:43PM
21 ballot papers that were signed were then provided and 01:14:46PM
22 were, well, either coming to my office or going somewhere 01:14:55PM
23 else to take those papers to be filled out somewhere as in 01:14:58PM
24 that practice that Counsel Assisting had discussed before. 01:15:04PM
25 COMMISSIONER: How could - if they weren't going to be forged 01:15:11PM
26 in the sense that Mr Sullivan was going to fill those 01:15:16PM
27 ballot papers out, how could you have hoped to have 210 01:15:20PM
28 ballot papers completed 'today'? 01:15:26PM
29 MR BYRNE: Yeah, I think I would have been told, Commissioner, 01:15:34PM

1 that there were 200 ballot papers there that needed to be 01:15:37PM
2 filled out, and if you're saying that somebody else 01:15:40PM
3 filling in that ballot paper is forgery then that's 01:15:45PM
4 forgery. 01:15:49PM
5 COMMISSIONER: Again, just to be clear, there's two things. 01:15:52PM
6 One is putting the votes on the paper. The other is 01:15:55PM
7 signing the external envelope which contains the ballot 01:15:58PM
8 paper. Which of the two are you speaking about? 01:16:03PM
9 MR BYRNE: I'm presuming that those ballot papers had been 01:16:06PM
10 signed by the party that had had the ballot paper sent 01:16:09PM
11 back, or signed originally. 01:16:14PM
12 COMMISSIONER: But hadn't filled out - - - 01:16:19PM
13 MR BYRNE: Hadn't filled out the form. So, just as Counsel 01:16:21PM
14 Assisting was talking about FEA delegates handing over a 01:16:24PM
15 ballot paper, I'm presuming from this that people would 01:16:27PM
16 have had collected the ballot papers, the members signed 01:16:31PM
17 that but then handed that blank ballot paper to the person 01:16:38PM
18 who picked it up. 01:16:41PM
19 COMMISSIONER: Yes. 01:16:43PM
20 MR CARR: But the member had to sign the envelope that the 01:16:45PM
21 ballot paper was submitted in; that's right? 01:16:47PM
22 MR BYRNE: That's my understanding. 01:16:51PM
23 MR CARR: Now, you might remember the ballot paper itself. 01:16:54PM
24 There's been some evidence given that it was a very large 01:17:00PM
25 ballot paper; someone estimated about 300 names on it. 01:17:03PM
26 Does that sound right? 01:17:07PM
27 MR BYRNE: I believe so. 01:17:08PM
28 MR CARR: Hence it would well take a couple of people more than 01:17:10PM
29 a day to fill in a couple of hundred ballot papers? 01:17:20PM

1 MR BYRNE: I would think so. 01:17:25PM

2 MR CARR: So what this text message is about is you asking 01:17:27PM

3 Mr Somyurek to authorise Mr Sullivan, a person being paid 01:17:35PM

4 wages by the taxpayer, to come and engage in that 01:17:44PM

5 practice? 01:17:53PM

6 MR BYRNE: Yes. 01:17:53PM

7 COMMISSIONER: It's not just Mr Sullivan. To help your staff 01:17:55PM

8 that are already engaged in that practice? 01:17:58PM

9 MR BYRNE: Staff and others, possibly. 01:18:03PM

10 MR CARR: And do you remember whether there was ever any 01:18:08PM

11 reluctance on behalf of Mr Somyurek to approve requests 01:18:14PM

12 like this? 01:18:17PM

13 MR BYRNE: Not that I'm aware of, other than if there was a 01:18:24PM

14 problem with Adem's office being occupied or having a 01:18:27PM

15 staff member in Adem's office to make sure that someone 01:18:31PM

16 can answer the phones or something. 01:18:34PM

17 MR CARR: On the contrary, was your experience that Mr Somyurek 01:18:37PM

18 was only too willing to have electorate or ministerial 01:18:42PM

19 office staff engaged in these sorts of factional 01:18:48PM

20 activities? 01:18:51PM

21 MR BYRNE: Sorry, when you say 'on the contrary' could you just 01:18:54PM

22 clarify that, please? 01:18:58PM

23 MR CARR: Let me just ask a straight question. Was it your 01:18:59PM

24 experience of Mr Somyurek that he was very happy to - very 01:19:06PM

25 ready to authorise or direct electoral or ministerial 01:19:13PM

26 office staffers to engage in these sort of factional 01:19:21PM

27 activities during work hours? 01:19:25PM

28 MR BYRNE: Yes. 01:19:29PM

29 MR CARR: If that's a convenient time. 01:19:32PM

1 COMMISSIONER: What's the date of that text message? 01:19:34PM
2 MR CARR: It's undated. 01:19:36PM
3 COMMISSIONER: Undated. But you think that this was at about 01:19:38PM
4 the time of the - this was for the voting at the 01:19:42PM
5 National Conference? 01:19:47PM
6 MR BYRNE: It has to be. 01:19:47PM
7 COMMISSIONER: So that's 2018, is it? 01:19:49PM
8 MR BYRNE: Could well be. But Counsel Assisting would be in a 01:19:52PM
9 much better position than me. 01:19:56PM
10 COMMISSIONER: Thank you. So, Mr Byrne, please, have a break. 01:19:58PM
11 As I say, you're welcome to speak to your counsel. We'll 01:20:01PM
12 resume at 2 o'clock? 01:20:06PM
13 MR BYRNE: Thank you, Commissioner. 01:20:09PM
14 <(THE WITNESS WITHDREW) 01:20:10PM
15 LUNCHEON ADJOURNMENT 01:20:12PM
16
17
18
19
20
21
22
23
24
25
26
27
28
29

1 UPON RESUMING AT 2.06 PM: 01:20:12PM
2 <ANTHONY BYRNE, recalled: 01:20:12PM
3 COMMISSIONER: Are you ready to proceed, Mr Byrne? 02:06:13PM
4 MR BYRNE: I am, Commissioner. 02:06:15PM
5 COMMISSIONER: Yes, Mr Carr. 02:06:17PM
6 MR CARR: Thank you, Commissioner. I tender that text message, 02:06:19PM
7 Your Honour. 02:06:24PM
8 COMMISSIONER: Yes. The undated text message will be 02:06:25PM
9 exhibit 4. 02:06:28PM
10 02:06:30PM
11 #EXHIBIT AB4 - Undated text message. 02:06:35PM
12 <EXAMINED BY MR CARR, continued: 02:06:38PM
13 MR CARR: If that could be taken down, please. Now, Mr Byrne, 02:06:38PM
14 we've talked about branch stacking practices in the 02:06:40PM
15 south-east. Now, is it your understanding that that was a 02:06:43PM
16 much - it was a much broader practice than just across the 02:06:51PM
17 south-east? 02:06:55PM
18 MR BYRNE: Yes, it was, Counsel. 02:06:55PM
19 MR CARR: You've mentioned Ms Kairouz. Was she involved in 02:07:02PM
20 branch stacking, to your knowledge? 02:07:07PM
21 MR BYRNE: I believe she was. 02:07:10PM
22 MR CARR: What was her involvement, to your knowledge? 02:07:12PM
23 MR BYRNE: Because I didn't have direct contact very often with 02:07:20PM
24 Marlene at all it's tough for me to give you a very 02:07:23PM
25 specific answer. But I just presumed that she had 02:07:28PM
26 responsibilities for some people in her constituency and 02:07:32PM
27 that she was involved in recruitment. 02:07:35PM
28 MR CARR: You say you presume. Was this something that you and 02:07:39PM
29 Mr Somyurek talked about during your happier days? 02:07:43PM

1 MR BYRNE: Happier days. Possibly, Counsel. 02:07:54PM

2 MR CARR: Just dealing with your relationship with Mr Somyurek, 02:08:02PM

3 you described a time when your familiarity and 02:08:11PM

4 conviviality ended. What caused that? 02:08:19PM

5 MR BYRNE: It was an evolving process. I had really hoped when 02:08:26PM

6 Adem had become a minister in 2018 that he would stop the 02:08:31PM

7 factional activity. In fact that's one of the famous 02:08:37PM

8 leaks - you know, texts in the Herald-Sun, you know, 02:08:41PM

9 carefully provided by my friend Adem Somyurek that had me 02:08:44PM

10 texting him. And that was a genuine text. It was a text 02:08:48PM

11 to - I really had hoped that after Adem had become a 02:08:52PM

12 minister again then the factional activity - there was no 02:08:56PM

13 need; the factional activity would cease, would finish. 02:09:04PM

14 MR CARR: You'll have to forgive those of us who are not 02:09:06PM

15 diligent readers of the media, Mr Byrne. The text message 02:09:09PM

16 you're referring to, what was that? 02:09:13PM

17 MR BYRNE: Was a treasure trove of text messages released in 02:09:15PM

18 the Herald-Sun after - after matters were brought to light 02:09:19PM

19 by Nick McKenzie in the 60 Minutes program. About three 02:09:25PM

20 or four days later there appeared to be a whole treasure 02:09:29PM

21 trove of text messages that I had apparently sent to 02:09:33PM

22 Somyurek that were given to two journalists, James 02:09:36PM

23 Campbell and - John Ferguson from The Australian and James 02:09:39PM

24 Campbell from the Herald-Sun, and they were all published. 02:09:43PM

25 MR CARR: I'm sorry, you referred to a text message that had 02:09:47PM

26 been published? 02:09:50PM

27 MR BYRNE: Which talked about, sorry, Counsel? 02:09:52PM

28 MR CARR: The text message that you referred to in your earlier 02:09:56PM

29 answer talking presumably about a cessation of branch 02:10:01PM

1 stacking; is that right? 02:10:04PM

2 MR BYRNE: It didn't mention cessation of branch stacking. 02:10:06PM

3 I congratulated him on becoming a minister again in 2018. 02:10:09PM

4 MR CARR: And you hoped that that would somehow end his branch 02:10:17PM

5 stacking activities? 02:10:24PM

6 MR BYRNE: Branch stacking and lessen any general interest. 02:10:26PM

7 I mean, from my perspective being a minister is what we 02:10:31PM

8 aspire to, is what we should be aspiring to. I just 02:10:39PM

9 naturally assumed that once you got back into that 02:10:42PM

10 position that that would be enough. 02:10:44PM

11 MR CARR: To come back to the question I was addressing a 02:10:47PM

12 little earlier, what was it that caused the fracture in 02:10:51PM

13 the relationship between you and Mr Somyurek? You 02:10:58PM

14 referred to this text message. 02:11:01PM

15 MR BYRNE: I think the fact that the branch stacking wasn't 02:11:04PM

16 stopping; that after that that it actually started 02:11:08PM

17 accelerating, and then started coming towards the 02:11:13PM

18 south-east. And I just - and also just seeing what was 02:11:16PM

19 happening to the party. It was - as Adem was getting more 02:11:21PM

20 and more power, it was almost becoming an existential 02:11:24PM

21 threat for the Labor Party. 02:11:30PM

22 MR CARR: Was it an existential threat for your career? 02:11:32PM

23 MR BYRNE: Possibly, but I didn't see it through that prism. 02:11:37PM

24 I told him that I was going to leave in 2017. I was 02:11:40PM

25 persuaded to stay, not by him but by some others in 02:11:44PM

26 Canberra. So I've always been prepared to face political 02:11:48PM

27 death, Counsel. But it was more - I think I was just 02:11:52PM

28 concerned about people I cared about. I was concerned 02:11:57PM

29 about the party. It was going off a cliff. 02:12:00PM

1 MR CARR: Are you referring to your concern about people who 02:12:06PM
2 were affected by his activities? 02:12:13PM
3 MR BYRNE: The whole party was being affected by his 02:12:14PM
4 activities. 02:12:16PM
5 MR CARR: Were you concerned that his activities might be 02:12:24PM
6 illegal? 02:12:29PM
7 MR BYRNE: I thought as the sort of restraints on Adem became 02:12:40PM
8 less and less as he became more powerful and more powerful 02:12:45PM
9 that things that I thought Adem wouldn't go 'yeah' before 02:12:47PM
10 he might. But, you know, yeah. 02:12:51PM
11 MR CARR: Mr Byrne, did it occur to you that in the time that 02:12:54PM
12 your staff were being used for factional activities that 02:13:06PM
13 that was damaging to the party? 02:13:12PM
14 MR BYRNE: Yes, it was. And, as I said to you, Counsel, I was 02:13:17PM
15 trying to find ways of ending that for a very long period 02:13:19PM
16 of time. 02:13:22PM
17 MR CARR: Is it the case that there was a broad culture across 02:13:31PM
18 the Moderate Labor group that electoral officer positions 02:13:41PM
19 were essentially a form of currency to be used by 02:13:46PM
20 parliamentarians? 02:13:52PM
21 MR BYRNE: They could be. 02:13:56PM
22 MR CARR: Was there a sense that electorate officer positions 02:14:01PM
23 were used to reward people who assisted with factional 02:14:10PM
24 work? 02:14:19PM
25 MR BYRNE: Yes. 02:14:19PM
26 MR CARR: And to keep people on side? 02:14:21PM
27 MR BYRNE: Yes. 02:14:26PM
28 MR CARR: If they had control of numbers? 02:14:27PM
29 MR BYRNE: Yes. 02:14:29PM

1 MR CARR: And did it also sometimes happen that people were 02:14:33PM
2 paid to work as electoral officers without any expectation 02:14:39PM
3 that they would actually turn up to work? 02:14:45PM
4 MR BYRNE: Possibly. 02:14:53PM
5 MR CARR: Well, have you got any knowledge of that happening, 02:14:56PM
6 Mr Byrne? 02:14:58PM
7 MR BYRNE: I was asked to employ a particular individual, 02:15:01PM
8 I can't recall what year, that Adem had recommended. And 02:15:05PM
9 I was just convinced - he was put on a payroll and I said 02:15:12PM
10 specifically to him, 'He has to work. He has to work by 02:15:17PM
11 showing up to my office and he has to do some work, if I'm 02:15:20PM
12 going to put this guy on.' As it turned out that 02:15:22PM
13 gentleman didn't turn up to work, and I insisted that he 02:15:26PM
14 be moved into another office. So, yes, I am aware of it. 02:15:31PM
15 MR CARR: Was the gentleman in question a notorious branch 02:15:39PM
16 stacker? 02:15:46PM
17 MR BYRNE: He was Turkish. I'm not quite sure which one that 02:15:47PM
18 you're referring to, so. 02:15:49PM
19 MR CARR: Well, have you got experience of being asked to 02:15:50PM
20 employ multiple people in the expectation that they would 02:15:52PM
21 not turn up to work? 02:15:55PM
22 MR BYRNE: I can think of two. I can't think of any more than 02:15:57PM
23 two. But if you've got any examples to show me then - - - 02:16:01PM
24 MR CARR: Let's start with your two. Who asked you to employ 02:16:05PM
25 them in the expectation they would not turn up to work? 02:16:11PM
26 MR BYRNE: Not about not turning up to work. I'd asked them to 02:16:15PM
27 turn up to work and they didn't. 02:16:17PM
28 MR CARR: Who asked you to employ them? 02:16:20PM
29 MR BYRNE: Adem Somyurek. 02:16:22PM

1 MR CARR: Who were the two? 02:16:24PM
2 MR BYRNE: I think Burhan Yigit and Hakki Suleyman. 02:16:25PM
3 COMMISSIONER: You might have to spell their names, Mr Carr, 02:16:31PM
4 for the transcript. 02:16:35PM
5 MR CARR: Burhan Yigit is spelt B-u-r-h-a-n Y-i-g-i-t; is that 02:16:35PM
6 right, Mr Byrne? 02:16:43PM
7 MR BYRNE: I believe so. 02:16:45PM
8 MR CARR: And Hakki Suleyman is generally spelt H-a-k-k-i 02:16:46PM
9 S-u-l-e-y-m-a-n; is that right? 02:16:54PM
10 MR BYRNE: I think so, yes. 02:16:59PM
11 MR CARR: Now, let's talk about Mr Yigit. He has been a 02:17:02PM
12 longstanding member of the Labor Party? 02:17:14PM
13 MR BYRNE: He was or is, yes. 02:17:16PM
14 MR CARR: In which area of Melbourne? 02:17:19PM
15 MR BYRNE: West. Western suburbs, to my knowledge. 02:17:22PM
16 MR CARR: Does he have control of a large number of members? 02:17:26PM
17 MR BYRNE: He does. 02:17:32PM
18 MR CARR: Can you give us an estimate of how many? 02:17:34PM
19 MR BYRNE: I don't know. It could be a couple of hundred. 02:17:37PM
20 I never - I do not have a specific number for you, 02:17:41PM
21 Counsel. 02:17:44PM
22 MR CARR: And has he in fact stood as a candidate for 02:17:44PM
23 parliament in Victoria? 02:17:47PM
24 MR BYRNE: I believe he did at the last election. 02:17:49PM
25 MR CARR: Are you aware of what his relationship with 02:17:55PM
26 Adem Somyurek was? 02:17:58PM
27 MR BYRNE: Extremely close personally. 02:17:59PM
28 MR CARR: And can you describe what Mr Somyurek asked of you in 02:18:02PM
29 connection with Mr Yigit? 02:18:14PM

1 MR BYRNE: That I would keep him on for a period of time until 02:18:15PM
2 he could find something else for him. 02:18:21PM
3 MR CARR: How many days a week were you - - - 02:18:28PM
4 MR BYRNE: I think it was two. 02:18:32PM
5 MR CARR: And can you give us a year? 02:18:36PM
6 MR BYRNE: It's either 2018 or 2019, I think, but I don't know. 02:18:41PM
7 COMMISSIONER: And why was Mr Somyurek asking you to employ him 02:18:48PM
8 rather than he? 02:18:52PM
9 MR BYRNE: I think there was some potential conflict of 02:18:55PM
10 interest that didn't allow that to happen. 02:18:57PM
11 COMMISSIONER: A conflict of interest between? 02:19:02PM
12 MR BYRNE: For Adem, that he couldn't employ Burhan or he 02:19:04PM
13 couldn't be found an office anywhere else. It could 02:19:09PM
14 be - I'm just not quite sure. 02:19:13PM
15 MR CARR: There's a limit on the number of full-time equivalent 02:19:17PM
16 workers a person can have in their electorate office, 02:19:22PM
17 isn't there? 02:19:26PM
18 MR BYRNE: That's correct. 02:19:27PM
19 MR CARR: What is it federally? 02:19:28PM
20 MR BYRNE: I think it's the equivalent or four full-time 02:19:31PM
21 equivalents, yeah. 02:19:35PM
22 MR CARR: Are you aware of what it is in Victoria? 02:19:37PM
23 MR BYRNE: I think it's two. 02:19:40PM
24 MR CARR: Does this sound familiar: it used to be two and it 02:19:42PM
25 was increased to 2.5 a couple of years ago? 02:19:47PM
26 MR BYRNE: It rings a bell, but I'd always thought it was two. 02:19:50PM
27 COMMISSIONER: How do you employ half a person? 02:19:57PM
28 MR BYRNE: Half time. 02:20:01PM
29 MR CARR: Full-time equivalent. So you can employ as many 02:20:01PM

1 people as you like, but a total of two - - - 02:20:05PM

2 MR BYRNE: 2.5 FTE. 02:20:14PM

3 MR CARR: Per week; is that right? 02:20:14PM

4 COMMISSIONER: Yes, I follow. 02:20:15PM

5 MR CARR: And was it common to the people in the Moderate Labor 02:20:19PM

6 faction to employ people on a casual or part-time basis? 02:20:24PM

7 MR BYRNE: Yes. 02:20:29PM

8 MR CARR: Was one of the reasons for that in that you could 02:20:29PM

9 provide this currency to a larger number of people? 02:20:37PM

10 MR BYRNE: Yes. 02:20:43PM

11 MR CARR: And you could calibrate the number of days a week you 02:20:43PM

12 offered someone to what you were getting in return from 02:20:52PM

13 them? 02:20:54PM

14 MR BYRNE: Yes. 02:20:55PM

15 MR CARR: Now, when Mr Somyurek approached you about Mr Yigit 02:20:56PM

16 working in your electoral office what did he say to you? 02:21:06PM

17 MR BYRNE: That he needed some assistance, and he asked if 02:21:14PM

18 I would be able to assist him. 02:21:18PM

19 MR CARR: He obviously specified the form of assistance? 02:21:24PM

20 MR BYRNE: Yeah, just a couple of days a week, and I think it 02:21:28PM

21 was for a time limited period of time. I was not happy 02:21:30PM

22 about the request. 02:21:38PM

23 MR CARR: Did you do it? 02:21:39PM

24 MR BYRNE: Yes. 02:21:40PM

25 MR CARR: And why? 02:21:40PM

26 MR BYRNE: Because the alternative was to have a lot more 02:21:42PM

27 requests from different people that I'd sort of get a 02:21:48PM

28 relatively regular basis about putting people on to my 02:21:52PM

29 staff that were factional. I tried to reduce the number 02:21:55PM

1 of people that were on my staff that had any direct 02:21:58PM
2 connections to factions. 02:22:01PM
3 MR CARR: When you say you used to get fairly regular requests 02:22:02PM
4 to put people on, from whom? 02:22:06PM
5 MR BYRNE: Somyurek. 02:22:09PM
6 MR CARR: Did he have an ongoing understanding of who had days 02:22:13PM
7 equivalent - had days available in their electorate 02:22:22PM
8 office? 02:22:26PM
9 MR BYRNE: I think so. 02:22:26PM
10 MR CARR: And did he in your case? 02:22:29PM
11 MR BYRNE: He may have. He would ask if there was anything 02:22:31PM
12 available or someone might have told him. 02:22:35PM
13 MR CARR: And when he wanted you to put somebody on did he 02:22:39PM
14 often get his way? 02:22:48PM
15 MR BYRNE: Not all the time, but some of the time. 02:22:51PM
16 MR CARR: Why? 02:22:54PM
17 MR BYRNE: Why? Because he knew that I didn't want to do it. 02:22:57PM
18 MR CARR: No, no, why did you do it? 02:23:01PM
19 MR BYRNE: Why did I do it? Because the consequences of not 02:23:04PM
20 doing it would be that I probably wouldn't be sitting here 02:23:07PM
21 before you today as a member of parliament. 02:23:11PM
22 MR CARR: You mean because he had significant control over 02:23:15PM
23 whether you regained preselection? 02:23:18PM
24 MR BYRNE: Yep. 02:23:21PM
25 MR CARR: Was there an explicit or an implicit expectation that 02:23:23PM
26 you would comply with his factional requests for him to 02:23:30PM
27 permit you to regain preselection? 02:23:35PM
28 MR BYRNE: It was never made explicit, ever. 02:23:40PM
29 MR CARR: Was it implicit? 02:23:43PM

1 MR BYRNE: Well, I took it sometimes as being implicit, yes. 02:23:46PM
2 MR CARR: Now, for somebody to - I withdraw that. Let me ask 02:24:02PM
3 you this. I want to suggest to you that there was an 02:24:14PM
4 understanding when Mr Suleyman came to you that he was not 02:24:22PM
5 going to turn up to work; do you accept that? 02:24:28PM
6 MR BYRNE: No, because I had made it very clear that I wanted 02:24:33PM
7 him to turn up to work and that that was a source of - and 02:24:37PM
8 I kept on trying to find out where he was. 02:24:41PM
9 MR CARR: Are you aware of why Mr Somyurek wanted Mr Suleyman 02:24:45PM
10 to work in your office? 02:24:53PM
11 MR BYRNE: I think it was part of him accruing numbers, I think 02:24:55PM
12 that Hakki and his family being connected with another 02:25:02PM
13 faction, and that then I think they had come over to the 02:25:05PM
14 Moderate Labor grouping. That's my understanding. 02:25:10PM
15 MR CARR: It was part of a deal, was your understanding? 02:25:13PM
16 MR BYRNE: I presumed it was. 02:25:17PM
17 MR CARR: Did you discuss it with Mr Somyurek? 02:25:19PM
18 MR BYRNE: I might have. I think I did. 02:25:23PM
19 MR CARR: What was the deal? 02:25:26PM
20 MR BYRNE: That as part of getting the sort of, like, the group 02:25:29PM
21 connected with Hakki and the Suleymans on board that this 02:25:39PM
22 would be - he just needed some help in terms of having 02:25:42PM
23 Hakki come work for me. 02:25:46PM
24 MR CARR: Why couldn't he go and work for a state MP? 02:25:49PM
25 MR BYRNE: I think there had been an adverse finding somewhere 02:25:53PM
26 in the past that prevented him from doing so, somewhere. 02:25:55PM
27 That's what he put to me. 02:26:02PM
28 MR CARR: Who put to you? 02:26:04PM
29 MR BYRNE: Somyurek. 02:26:07PM

1 MR CARR: You were aware, weren't you, surely that Mr Suleyman 02:26:07PM
2 had been determined not to be a proper person to be an 02:26:23PM
3 electorate officer within the Victorian system? 02:26:29PM
4 MR BYRNE: I had believed there had been some adverse finding 02:26:34PM
5 with a previous investigation into a council. 02:26:37PM
6 MR CARR: And surely you understood that was the reason that 02:26:45PM
7 Mr Somyurek wanted him to work for you as a federal MP? 02:26:50PM
8 MR BYRNE: I knew that he was - I knew he was disqualified or 02:26:54PM
9 he couldn't work in a state office. That's what was put 02:26:57PM
10 to me. 02:27:02PM
11 MR CARR: Because he wasn't an appropriate person to be an 02:27:25PM
12 electorate officer? 02:27:25PM
13 MR BYRNE: Well, as you probably gathered, that wasn't the way 02:27:25PM
14 Somyurek put it to me, but yes. 02:27:26PM
15 MR CARR: But that was your understanding, wasn't it? 02:27:28PM
16 MR BYRNE: My understanding is he'd been fairly tainted with 02:27:30PM
17 whatever that finding was. 02:27:33PM
18 COMMISSIONER: No, what's being put is you knew he couldn't 02:27:38PM
19 work for - - - 02:27:40PM
20 MR BYRNE: Yes. 02:27:42PM
21 COMMISSIONER: A state member? 02:27:41PM
22 MR BYRNE: Yes, Commissioner. 02:27:42PM
23 MR CARR: And it was put to you, wasn't it, that you're the 02:27:46PM
24 only federal MP Somyurek's got, so the responsibility is 02:27:49PM
25 on you to put Mr Suleyman on? 02:27:55PM
26 MR BYRNE: At that time, yes. 02:27:58PM
27 MR CARR: And you did so? 02:28:02PM
28 MR BYRNE: Yes. 02:28:04PM
29 COMMISSIONER: I'm still not clear, Mr Byrne, as to why you 02:28:07PM

1 fell out. I think you commenced your narrative on your 02:28:10PM
2 relationship with Mr Somyurek by saying you fell out 02:28:15PM
3 around 2016. What initially caused the falling out? 02:28:21PM
4 MR BYRNE: I don't think it's a - I don't think it's a specific 02:28:29PM
5 one example, and I've said this to, Commissioner, the 02:28:33PM
6 investigators from IBAC, it was cumulative. It was 02:28:37PM
7 cumulative phone calls where he would get upset. It was 02:28:40PM
8 cumulative the way in which he would treat people. It was 02:28:44PM
9 cumulative. It wasn't just one. 02:28:46PM
10 COMMISSIONER: It was an evolving dissatisfaction? 02:28:49PM
11 MR BYRNE: Yes, Commissioner. 02:28:52PM
12 COMMISSIONER: All right. Thank you. 02:28:53PM
13 MR CARR: Now, I just want to make sure I understand your 02:29:17PM
14 evidence on this particular issue, Mr Byrne. Is it your 02:29:19PM
15 understanding that what Mr Somyurek wanted was, in the 02:29:25PM
16 case of Mr Yigit and Mr Suleyman, that they would be put 02:29:32PM
17 on as electorate officers without having to turn up to 02:29:40PM
18 work? 02:29:46PM
19 MR BYRNE: That was what he put to me. I expressed a different 02:29:50PM
20 view. 02:29:55PM
21 MR CARR: If it was part of - I withdraw that. You understood 02:30:05PM
22 that their employment was as a result of a deal that 02:30:12PM
23 Mr Somyurek had done, didn't you? 02:30:19PM
24 MR BYRNE: Well, with Burhan, Counsel, it was more the 02:30:22PM
25 longstanding friendship that he'd had with Somyurek, 02:30:26PM
26 with - with Hakki it was part of a specific deal. 02:30:31PM
27 MR CARR: Now, just dealing with Mr Suleyman, if there's a 02:30:38PM
28 specific deal that involves him bringing numbers to 02:30:45PM
29 Mr Somyurek and Mr Somyurek getting him employment where 02:30:54PM

1 he doesn't have to turn up, surely there's no point you 02:31:01PM
2 employing him and expecting him to turn up? 02:31:11PM
3 MR BYRNE: Well, Counsel, I did, and I actually - there's - 02:31:17PM
4 again, with a person that I can't identify, I'd ask that 02:31:24PM
5 person to chase Hakki up on a regular basis to find out 02:31:29PM
6 when he was coming to the office. 02:31:33PM
7 MR CARR: And he never did? 02:31:40PM
8 MR BYRNE: No. 02:31:41PM
9 MR CARR: How long did you employ him for? 02:31:41PM
10 MR BYRNE: Months, but I can't tell you how long. But the 02:31:44PM
11 other person that I've just referred to would know better 02:31:47PM
12 than me. 02:31:49PM
13 MR CARR: So you employed him for months? 02:31:50PM
14 MR BYRNE: Yes. 02:31:55PM
15 MR CARR: He was paid for months? 02:31:55PM
16 MR BYRNE: Yes. 02:31:58PM
17 MR CARR: And he never once turned up to your office? 02:31:58PM
18 MR BYRNE: No. 02:32:01PM
19 COMMISSIONER: Who actually paid his salary? 02:32:03PM
20 MR BYRNE: That would be me via - as the employer or the 02:32:06PM
21 Commonwealth, the taxpayer. 02:32:10PM
22 MR CARR: Was he employed on a casual or part-time basis? 02:32:18PM
23 MR BYRNE: I am not sure, but there would be someone that would 02:32:24PM
24 know. 02:32:29PM
25 MR CARR: You'd need to fill in pay slips or pay forms or 02:32:32PM
26 something like that, wouldn't you? 02:32:42PM
27 MR BYRNE: No. 02:32:43PM
28 MR CARR: No? 02:32:43PM
29 MR BYRNE: Employment forms were signed by somebody else who 02:32:48PM

1 had the authorisation to do it. 02:32:50PM

2 MR CARR: Somebody within your office? 02:32:52PM

3 MR BYRNE: Correct. 02:32:54PM

4 MR CARR: You delegated that function? 02:32:54PM

5 MR BYRNE: Yes. That person basically was like the office 02:32:56PM

6 manager, so yeah. 02:33:01PM

7 MR CARR: So the office manager in your office must have signed 02:33:02PM

8 off on Mr Suleyman being paid for those months? 02:33:07PM

9 MR BYRNE: Correct. 02:33:12PM

10 MR CARR: And the office manager must have known that he was 02:33:14PM

11 not turning up to work? 02:33:19PM

12 MR BYRNE: Correct. 02:33:20PM

13 MR CARR: And this was part of a deal for Mr Somyurek; correct? 02:33:23PM

14 MR BYRNE: Correct. Yes. 02:33:30PM

15 MR CARR: But the deal that you must have gone along with, 02:33:33PM

16 Mr Byrne, otherwise he wouldn't have been paid for those 02:33:36PM

17 months? 02:33:41PM

18 MR BYRNE: Correct. But I will point out to you again, 02:33:42PM

19 Counsel, that I specifically had asked the person that 02:33:46PM

20 can't be identified to ask for that person and that Hakki 02:33:54PM

21 would basically say that he was coming - to try and come 02:33:59PM

22 to the office and he didn't come to the office. 02:34:01PM

23 MR CARR: You might have expressed the view that he should come 02:34:06PM

24 to the office, you might have wished that he would come to 02:34:18PM

25 the office, but you allowed this arrangement to continue 02:34:23PM

26 for months whilst he was being paid without him turning 02:34:27PM

27 up? 02:34:34PM

28 MR BYRNE: Correct. 02:34:35PM

29 MR CARR: Was there a reason for your willingness to engage in 02:34:43PM

1 that activity? 02:34:48PM

2 MR BYRNE: Willingness? I felt like I had no alternative. 02:34:50PM

3 MR CARR: Why not? 02:34:56PM

4 MR BYRNE: Because the - to have denied that request would not 02:34:56PM

5 have been healthy for my long-term future. 02:35:06PM

6 MR CARR: Why not? 02:35:15PM

7 MR BYRNE: Because I had assumed that someone like Adem would, 02:35:16PM

8 as is his wont, get particularly upset and initiate some 02:35:19PM

9 form of retribution. 02:35:24PM

10 MR CARR: What form would that have taken? 02:35:28PM

11 MR BYRNE: It could have taken a lot of things. It could be 02:35:32PM

12 abusing my staff. It could be - God knows. It could be 02:35:32PM

13 arranging for my political execution. 02:35:35PM

14 MR CARR: Was this sort of thing something that you knew about 02:35:38PM

15 happening in other MPs' offices? 02:35:42PM

16 MR BYRNE: I was aware of there being a process where that 02:35:56PM

17 could happen but without any great specificity. 02:35:59PM

18 MR CARR: Did you know of it happening in anyone else's office? 02:36:02PM

19 MR BYRNE: Well, I presume it happened in Adem Somyurek's 02:36:05PM

20 office. 02:36:08PM

21 MR CARR: Do you know of him placing people in other people's 02:36:08PM

22 offices to work as electorate officers? 02:36:13PM

23 MR BYRNE: I think he was doing that, but I wasn't quite sure 02:36:18PM

24 who they would be. But I'm sure you know more than I do 02:36:21PM

25 about this. 02:36:26PM

26 MR CARR: Can I move onto a different topic. 02:36:31PM

27 COMMISSIONER: Before you do, Mr Carr. What brought about the 02:36:38PM

28 end of Mr Suleyman's employ? 02:36:42PM

29 MR BYRNE: As I recall, I said I can't do it anymore, I just 02:36:45PM

1 can't keep on doing it. 02:36:50PM

2 COMMISSIONER: What did you do? 02:36:54PM

3 MR BYRNE: I either had that conversation or I asked someone to 02:36:57PM

4 relay it to him. 02:37:00PM

5 COMMISSIONER: And just ceased paying him? 02:37:04PM

6 MR BYRNE: Yep. Well, I think he accepted it and then moved 02:37:06PM

7 him - Hakki onto another office or series of offices. 02:37:10PM

8 COMMISSIONER: Mr Somyurek did? 02:37:16PM

9 MR BYRNE: Yes. 02:37:16PM

10 COMMISSIONER: Where did Mr Suleyman go? 02:37:19PM

11 MR BYRNE: I think one was Senator Kitching's office and 02:37:21PM

12 I think there were some other offices, but I'm not quite 02:37:25PM

13 sure whom else. 02:37:28PM

14 COMMISSIONER: Under the same arrangement? 02:37:29PM

15 MR BYRNE: I don't know. 02:37:31PM

16 COMMISSIONER: Yes. 02:37:37PM

17 MR CARR: Mr Yigit, did he always turn up to work - - - 02:37:40PM

18 MR BYRNE: No. 02:37:40PM

19 MR CARR: When he was employed in your office? 02:37:45PM

20 MR BYRNE: Not at all. 02:37:48PM

21 MR CARR: When you say 'not at all', did he ever turn up to 02:37:48PM

22 work? 02:37:51PM

23 MR BYRNE: Not to my knowledge. 02:37:52PM

24 MR CARR: How long was he employed in your office for? 02:37:53PM

25 MR BYRNE: It had to be some months - three, four, five months 02:37:56PM

26 at least. 02:37:59PM

27 MR CARR: Can you put a year on his employment? 02:38:00PM

28 MR BYRNE: I honestly can't. 02:38:05PM

29 MR CARR: If I would suggest to you that Mr Suleyman might have 02:38:10PM

1 been employed in your office in 2018, would that assist? 02:38:14PM
2 First, would you agree with that as a timeframe for 02:38:18PM
3 Mr Suleyman? 02:38:21PM
4 MR BYRNE: I think so. 02:38:21PM
5 MR CARR: And was Mr Yigit before or after that? 02:38:23PM
6 MR BYRNE: I have a feeling it was before. 02:38:27PM
7 COMMISSIONER: Was that also a condition Mr Somyurek insisted 02:38:33PM
8 upon? 02:38:38PM
9 MR BYRNE: It was more a fair bit of pressure to do it, 02:38:41PM
10 Commissioner, given that he felt that I wasn't putting on 02:38:44PM
11 enough people in a factional situation in my office in the 02:38:47PM
12 first place. 02:38:52PM
13 COMMISSIONER: I'm not clear about this. Mr Byrne, was it your 02:38:57PM
14 understanding that those two persons who were on your 02:39:00PM
15 payroll but not attending work at all were actually doing 02:39:04PM
16 factional work during that period? 02:39:09PM
17 MR BYRNE: I presume so. 02:39:13PM
18 COMMISSIONER: On what basis do you presume that? 02:39:15PM
19 MR BYRNE: Well, if they're not there and this is what they do, 02:39:18PM
20 I presume that's what they were doing. But I had no 02:39:20PM
21 knowledge of that. I just didn't know what they were 02:39:23PM
22 doing and often complained about the fact I had no idea 02:39:25PM
23 what they were doing. 02:39:27PM
24 COMMISSIONER: Yes. So between you and Mr Somyurek you were in 02:39:29PM
25 effect consuming taxpayer funds inappropriately? 02:39:33PM
26 MR BYRNE: Yes. 02:39:40PM
27 COMMISSIONER: Did you ever discuss that with Mr Somyurek, that 02:39:45PM
28 that was serious conduct? 02:39:47PM
29 MR BYRNE: I think, Commissioner, as you'll probably find out, 02:39:50PM

1 that's a very difficult conversation sometimes to have 02:39:54PM
2 with someone like Adem Somyurek and - but on top of that 02:39:57PM
3 I felt that I could only make that point so often. 02:40:04PM
4 COMMISSIONER: But did you make it with him? 02:40:11PM
5 MR BYRNE: Not in terms of taxpayers. I just said that I have 02:40:13PM
6 a real problem with what's going on here. 02:40:16PM
7 COMMISSIONER: Right. Yes, Mr Carr. 02:40:18PM
8 MR CARR: Were you aware of Mr Somyurek having suggested any 02:40:31PM
9 similar arrangement to any other MP? 02:40:39PM
10 MR BYRNE: MP? 02:40:43PM
11 MR CARR: Yes, to any other MP, member of parliament? 02:40:45PM
12 MR BYRNE: Yes, sorry, apologies, Counsel. If he was doing it 02:40:50PM
13 to me he was doing it to other person, yes, but I don't 02:40:54PM
14 know specifically who. 02:40:57PM
15 MR CARR: Is it your understanding that this was part of how 02:40:58PM
16 the systematic nature of the operation being run worked? 02:41:05PM
17 MR BYRNE: Yes. 02:41:09PM
18 MR CARR: That this was the way that one obtained control over 02:41:10PM
19 numbers within the ALP? 02:41:22PM
20 MR BYRNE: Yes. 02:41:24PM
21 MR CARR: And, as I described it earlier, that electorate 02:41:33PM
22 officer positions were in effect currency to be deployed 02:41:39PM
23 at the will of the faction? 02:41:44PM
24 MR BYRNE: They certainly could be. 02:41:48PM
25 MR CARR: Not just could be - - - 02:41:50PM
26 MR BYRNE: Well, they were, yeah. 02:41:52PM
27 MR CARR: It was a system that was operating at the time? 02:41:54PM
28 MR BYRNE: Yes. 02:42:01PM
29 MR CARR: And Mr Somyurek as the convenor of the faction was 02:42:03PM

1 the person who came to you to ask you to do your bit for 02:42:08PM
2 the faction? 02:42:16PM
3 MR BYRNE: Yes. 02:42:17PM
4 MR CARR: Now, there were other people that you had employed in 02:42:22PM
5 your office who were loyal to the faction, weren't there? 02:42:32PM
6 MR BYRNE: Yes. 02:42:37PM
7 MR CARR: Did they turn up always, sometimes or never? 02:42:38PM
8 MR BYRNE: Depending on who you're talking about. Sorry, I'm 02:42:47PM
9 not trying to be clever. I'm trying to think of who 02:42:51PM
10 I might have been employing. 02:42:55PM
11 MR CARR: Let me perhaps come back to that in a different way. 02:43:06PM
12 One of the things that electorate officers did is assist 02:43:14PM
13 with campaigning; is that right? 02:43:24PM
14 MR BYRNE: Campaigning for political campaigns, as in for 02:43:28PM
15 re-election and stuff? 02:43:32PM
16 MR CARR: Yes. 02:43:33PM
17 MR BYRNE: Yes. 02:43:33PM
18 COMMISSIONER: And that's a specific and normal part of an 02:43:38PM
19 electoral officer's function? 02:43:42PM
20 MR BYRNE: That's correct. 02:43:44PM
21 COMMISSIONER: Yes. So there's a fundamental distinction, 02:43:47PM
22 although sometimes obscured, between party-political 02:43:50PM
23 activity and campaigning? 02:43:55PM
24 MR BYRNE: Yes, I think it's permissible, Commissioner, to 02:43:58PM
25 assist in terms of a member of parliament being 02:44:01PM
26 re-elected. 02:44:06PM
27 MR CARR: What about having someone from your electorate office 02:44:08PM
28 spend time on somebody else campaigning to get elected? 02:44:16PM
29 MR BYRNE: Yes. 02:44:25PM

1 MR CARR: First, you accept that that was not within the bounds 02:44:27PM
2 of proper role of an electorate officer? 02:44:31PM
3 MR BYRNE: I would say no. 02:44:38PM
4 MR CARR: You're agreeing with me it's not? 02:44:39PM
5 MR BYRNE: I agree with you. 02:44:41PM
6 MR CARR: And, next, was it something that did happen? 02:44:43PM
7 MR BYRNE: Yes. 02:44:48PM
8 MR CARR: Regularly? 02:44:50PM
9 MR BYRNE: Whenever state elections came around, yes. 02:44:53PM
10 MR CARR: And was it something that was expected that you would 02:44:56PM
11 provide as a facility for the faction? 02:45:00PM
12 MR BYRNE: Yes. 02:45:06PM
13 MR CARR: How did you perceive that expectation? 02:45:10PM
14 MR BYRNE: I was asked - and I presume you're talking about 02:45:20PM
15 Nick McLennan - whether or not he could assist in the 02:45:26PM
16 management of a - of - or provide assistance to 02:45:29PM
17 Tim Richardson. 02:45:34PM
18 MR CARR: But he's not the only one, though, is he? 02:45:41PM
19 MR BYRNE: No. Not - certainly I don't think he was the only 02:45:45PM
20 one. 02:45:48PM
21 MR CARR: Did you have, for instance, an electorate officer 02:45:49PM
22 whose first name was Lauren working in your office at one 02:45:57PM
23 stage? 02:46:01PM
24 MR BYRNE: Who was that? 02:46:02PM
25 MR CARR: Lauren. 02:46:02PM
26 MR BYRNE: Lauren. Johnson? Yes. 02:46:04PM
27 MR CARR: Was there a campaign in I think La Trobe that she 02:46:07PM
28 worked almost full time on for somebody else? 02:46:14PM
29 MR BYRNE: She was certainly spending a fair bit of time 02:46:21PM

1 working on that campaign, yes. 02:46:23PM

2 MR CARR: Something clearly outside the realms of what she 02:46:25PM

3 should properly have been doing? 02:46:30PM

4 MR BYRNE: Yes. Certainly wasn't assisting my re-election 02:46:33PM

5 campaign. 02:46:37PM

6 MR CARR: How did that come about, that she was doing that 02:46:39PM

7 work? 02:46:42PM

8 MR BYRNE: She was related to the candidate who was running in 02:46:44PM

9 La Trobe. 02:46:48PM

10 MR CARR: But just because someone has a friend or family 02:46:52PM

11 member running for office doesn't mean that they can spend 02:46:58PM

12 their working days trying to secure their election, does 02:47:02PM

13 it? 02:47:07PM

14 MR BYRNE: Not normally, no. 02:47:09PM

15 MR CARR: Why did it in this instance? 02:47:13PM

16 MR BYRNE: I think there was an expectation that we could win 02:47:20PM

17 La Trobe, and I guess to some extent there was a party 02:47:23PM

18 expectation if you wanted that - there would be resources 02:47:28PM

19 that could be used to assist in that, then they should be 02:47:33PM

20 provided. 02:47:37PM

21 MR CARR: So this is an instance of an expectation from the 02:47:38PM

22 party rather than Mr Somyurek? 02:47:42PM

23 MR BYRNE: Yes. 02:47:45PM

24 MR CARR: And was it spoken or unspoken, this expectation from 02:47:47PM

25 the party? 02:47:52PM

26 MR BYRNE: Unspoken. 02:47:53PM

27 MR CARR: Was it an isolated instance of this expectation, or 02:48:00PM

28 was that a broad - - - 02:48:10PM

29 MR BYRNE: It's broad. I was perceived to be a safe seat. So 02:48:14PM

1 if there were, but that that was - if you're talking about 02:48:21PM
2 a specific request like that, I think it was - you know, 02:48:22PM
3 it happened. 02:48:27PM
4 MR CARR: Can I ask you about another way that electorate 02:48:30PM
5 officer positions were used. Are you familiar with people 02:48:37PM
6 employing family members of either themselves or their 02:48:48PM
7 factional colleagues as electorate officers? 02:48:55PM
8 MR BYRNE: Yes, yes. 02:48:58PM
9 MR CARR: How widespread is that? 02:48:59PM
10 MR BYRNE: I didn't think terribly widespread. 02:49:02PM
11 MR CARR: Within the Moderate Labor faction can you think of 02:49:08PM
12 any state MPs who employ family members of themselves or 02:49:14PM
13 other Moderate Labor MPs as electorate officers? 02:49:21PM
14 MR BYRNE: Nothing that immediately comes to mind. 02:49:32PM
15 MR CARR: Have you employed family members of Moderate Labor 02:49:36PM
16 MPs in your office? 02:49:42PM
17 MR BYRNE: Certainly did. 02:49:44PM
18 MR CARR: Who? 02:49:46PM
19 MR BYRNE: Adem Somyurek's son. 02:49:48PM
20 MR CARR: Now, can I ask you this: if you were to advertise for 02:49:50PM
21 candidates for an electorate officer position and you were 02:50:04PM
22 to receive resumes from strangers and Mr Somyurek's son 02:50:09PM
23 had been a stranger, would you have given him the job? 02:50:17PM
24 MR BYRNE: Very unlikely. 02:50:21PM
25 MR CARR: Why did he get the job? 02:50:24PM
26 MR BYRNE: Because Adem asked me to employ him. 02:50:26PM
27 MR CARR: Did he turn up to work? 02:50:36PM
28 MR BYRNE: Yes, he did. 02:50:38PM
29 MR CARR: Do you know what happened to his salary? 02:50:44PM

1 MR BYRNE: His salary went to his father. 02:50:47PM
2 MR CARR: Why? 02:50:49PM
3 MR BYRNE: Because, as his father put to me, he had a debt that 02:50:50PM
4 I'm not sure he had disclosed and that that salary that 02:50:54PM
5 would be paid to that young man would go to him to help 02:51:00PM
6 pay that debt. 02:51:05PM
7 COMMISSIONER: So the son had a debt? 02:51:08PM
8 MR BYRNE: No, the father did, Commissioner. 02:51:10PM
9 COMMISSIONER: The father had a debt? Mr Adem Somyurek? 02:51:12PM
10 MR BYRNE: Yes. 02:51:16PM
11 COMMISSIONER: And so the son's salary was to be utilised in 02:51:16PM
12 part-payments of that debt? 02:51:20PM
13 MR BYRNE: That was what I was told. 02:51:22PM
14 COMMISSIONER: Yes. 02:51:24PM
15 MR CARR: Told by? 02:51:25PM
16 MR BYRNE: Somyurek. 02:51:27PM
17 MR CARR: Senior? 02:51:30PM
18 MR BYRNE: Yes. 02:51:30PM
19 MR CARR: Was this at the time that he asked you to employ his 02:51:36PM
20 son, earlier or later? 02:51:42PM
21 MR BYRNE: Sorry, what do you mean? Can I just get 02:51:45PM
22 clarification on that? 02:51:47PM
23 MR CARR: Yes, of course. When did you learn that the son's 02:51:49PM
24 salary was to pay the father's debt? 02:51:53PM
25 MR BYRNE: Before he was employed. 02:51:56PM
26 MR CARR: Is this the purpose of the employment? 02:51:58PM
27 MR BYRNE: It was put to me that that would be the purpose, but 02:52:02PM
28 also, as Adem put to me, to help develop his son's skills 02:52:06PM
29 and to give him some work experience. 02:52:11PM

1 MR CARR: So the son was getting some work experience and some 02:52:18PM
2 skills, and the father was getting federal government 02:52:21PM
3 taxpayer money to pay his debts? 02:52:25PM
4 MR BYRNE: That was my understanding. 02:52:30PM
5 MR CARR: That was the arrangement that Mr Somyurek put to you? 02:52:32PM
6 MR BYRNE: He had asked for that. 02:52:37PM
7 MR CARR: And you agreed? 02:52:39PM
8 MR BYRNE: I did agree. 02:52:40PM
9 MR CARR: And we've already explored that it's very unlikely 02:52:43PM
10 that you would have employed the son if it were a 02:52:49PM
11 meritorious appointment? 02:52:53PM
12 MR BYRNE: That's true. 02:52:55PM
13 COMMISSIONER: You have no reason to disbelieve the explanation 02:53:14PM
14 that was proffered to you, that the salary was going to be 02:53:18PM
15 used to repay a debt? 02:53:21PM
16 MR BYRNE: It was possible, Commissioner. It was possible. 02:53:22PM
17 I mean, that was put to me. But, I mean, the other thing 02:53:26PM
18 was that the young man was very well liked in my office 02:53:29PM
19 and he did work. But that was my recollection of the 02:53:33PM
20 conversation I had. 02:53:40PM
21 MR CARR: Commissioner, there's an issue that's perhaps best 02:53:51PM
22 dealt with in private session. If now's a convenient 02:53:55PM
23 time, I'd seek to continue - - - 02:54:00PM
24 COMMISSIONER: Yes, it's almost time for a break anyway. So 02:54:04PM
25 we'll cease the public examination. How long do you think 02:54:07PM
26 the private issue would take, Mr Carr? 02:54:11PM
27 MR CARR: I imagine 10 or 15 minutes. 02:54:14PM
28 COMMISSIONER: All right. We'll resume at this stage the 02:54:16PM
29 public hearing at 20 past three. 02:54:21PM

1 (PRIVATE HEARING FOLLOWS)

02:54:28PM

2 (Short adjournment.)

02:54:28PM

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

1 MR CARR: Now, Mr Byrne, I want to take you to p5809 of 03:44:46PM
2 exhibit 261, and these are messages between you and 03:44:59PM
3 Mr McLennan in November 2019? 03:45:13PM
4 MR BYRNE: Yes. 03:45:17PM
5 MR CARR: You can see that first message is from you and you 03:45:20PM
6 say, 'Also I was in a room with him and Loi where he said 03:45:26PM
7 Lou' - presumably Loi? 03:45:34PM
8 MR BYRNE: Loi, yeah. 03:45:35PM
9 MR CARR: 'Should be given an opportunity to be mayor. Then 03:45:36PM
10 he's lied about it. He's also trying to replace 03:45:39PM
11 everyone,' and so on. Now, Loi is Loi Truong? 03:45:43PM
12 MR BYRNE: Yes. 03:45:49PM
13 COMMISSIONER: How do you spell that? 03:45:52PM
14 MR CARR: Loi, L-o-i, surname T-r-o-u-n-g; that's right, 03:45:54PM
15 Mr Byrne? 03:46:03PM
16 MR BYRNE: T-u-r-o-n-g I think so, yeah. 03:46:04PM
17 MR CARR: Now, in November 2019 Mr Somyurek was Minister for 03:46:11PM
18 Local Government in Victoria? 03:46:24PM
19 MR BYRNE: That's correct. 03:46:25PM
20 MR CARR: Now, if we continue reading these text messages 03:46:26PM
21 Mr McLennan says, 'Even Rosemary said today that he 03:46:36PM
22 promised Loi the mayoralty', and you write back, 'He did. 03:46:42PM
23 Then he did him in using the Cambodians. Who do whatever 03:46:46PM
24 he asks.' Now, the person you're talking about when you 03:46:51PM
25 use the word 'he' in those messages is Mr Somyurek; is 03:47:01PM
26 that right? 03:47:07PM
27 MR BYRNE: That's correct. That's correct. 03:47:08PM
28 MR CARR: And these messages suggest that you and Mr McLennan 03:47:10PM
29 understand that Mr Somyurek promised Loi Truong the 03:47:16PM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

mayoralty?

MR BYRNE: I believed he did.

COMMISSIONER: I'm not clear. When you say 'I believe' what is the basis on which you say that?

MR BYRNE: Well, there was a meeting in my office. Loi and Adem were in the office. Adem said he would do what he could to assist, although he did point out in his defence that he was Local Government Minister.

COMMISSIONER: I'm sorry, what do you mean 'in his defence'?

MR BYRNE: Well, not in his defence. He said - apologies. He said he would do what he could, but he would be limited he thought by the fact that he was Local Government Minister.

COMMISSIONER: Yes.

MR CARR: Now, you were in a meeting with him and Loi Truong during which he said he would do what he could; yes?

MR BYRNE: Yes.

MR CARR: That was prior to I assume you saying in the third text message on the page, 'He did,' confirming what Mr McLennan said in the previous text about Mr Somyurek having promised Loi Truong the mayoralty.

COMMISSIONER: What council are we speaking of here, Mr - - -

MR BYRNE: Greater Dandenong Council, Commissioner.

COMMISSIONER: And what's the reference there to 'then he did him in using the Cambodians'; what did you mean by that?

MR BYRNE: Two councillors of Cambodian background that were on the City of Greater Dandenong Council.

COMMISSIONER: I imagine there's an infelicity there. 'Then he did him in using' - what are you actually saying there?

MR BYRNE: It's not elegant, I agree, Commissioner. What

03:47:20PM
03:47:23PM
03:47:29PM
03:47:32PM
03:47:35PM
03:47:38PM
03:47:42PM
03:47:46PM
03:47:52PM
03:47:57PM
03:48:00PM
03:48:05PM
03:48:09PM
03:48:12PM
03:48:16PM
03:48:21PM
03:48:21PM
03:48:34PM
03:48:40PM
03:48:43PM
03:48:51PM
03:48:55PM
03:49:01PM
03:49:06PM
03:49:11PM
03:49:15PM
03:49:19PM
03:49:22PM
03:49:26PM

1 I should have said in a more elegant way is he - any 03:49:28PM
2 commitment that he made to Truong was a lie because he, 03:49:36PM
3 I think, lobbied the two Cambodians to vote against him. 03:49:39PM
4 COMMISSIONER: So you actually mean Mr Somyurek did him in? 03:49:44PM
5 MR BYRNE: Did Loi Truong in, yes. 03:49:50PM
6 COMMISSIONER: I see. Using the Cambodian - the two members on 03:49:52PM
7 the council? 03:49:57PM
8 MR BYRNE: Yes. 03:49:58PM
9 COMMISSIONER: Councillors. How do you know that? 03:49:59PM
10 MR BYRNE: Because in the conversations with Loi separately, 03:50:03PM
11 Loi believed that if he had a clean run at the ballot that 03:50:08PM
12 he would - and he had spoken to them, he believed that 03:50:12PM
13 they would support him as mayor. 03:50:17PM
14 COMMISSIONER: Yes. I'm sorry, I don't see how - where does 03:50:22PM
15 the information come from that Mr Somyurek used the 03:50:28PM
16 Cambodian councillors against Mr Truong? 03:50:31PM
17 MR BYRNE: Probably the assessment that Loi - that these people 03:50:37PM
18 had given him a commitment and then all of a sudden had 03:50:42PM
19 changed the commitment, and then I think Councillor Memeti 03:50:45PM
20 became mayor. 03:50:49PM
21 COMMISSIONER: Councillor Memeti? 03:50:54PM
22 MR BYRNE: Memeti. 03:50:56PM
23 COMMISSIONER: Yes. But is that just surmise on your part that 03:50:57PM
24 Mr Somyurek must have somehow got to the two Cambodian 03:51:00PM
25 councillors? 03:51:04PM
26 MR BYRNE: Yes. 03:51:06PM
27 COMMISSIONER: It's your surmise? 03:51:08PM
28 MR BYRNE: Yes. 03:51:10PM
29 MR CARR: Can I go back a step. You had a meeting with 03:51:16PM

1 Mr Somyurek and Loi Truong in - I'm sorry, you identified 03:51:29PM
2 the location I think, but I missed it. 03:51:38PM
3 MR BYRNE: In my office, Counsel. 03:51:41PM
4 MR CARR: And what you took from that meeting you understood to 03:51:44PM
5 be sufficiently clear for you to write in your text 03:51:53PM
6 message to Mr McLennan, after he said, 'Rosemary said he 03:51:58PM
7 promised Loi the mayoralty,' you reply, 'He did.' Now, 03:52:04PM
8 you had had a meeting at which the two people concerned 03:52:12PM
9 were present with you: Mr Somyurek, Mr Truong and you. 03:52:16PM
10 COMMISSIONER: And who was Rosemary, Mr Carr? 03:52:23PM
11 MR CARR: Rosemary is, Mr Byrne, an ALP factional operative. 03:52:26PM
12 Can you provide her surname? 03:52:34PM
13 MR BYRNE: Rosemary Head. 03:52:36PM
14 MR CARR: She's perhaps not significant to the issue of the 03:52:39PM
15 meeting; am I right? 03:52:46PM
16 MR BYRNE: She - not entirely relevant to the meeting as far as 03:52:50PM
17 I could tell. 03:52:52PM
18 MR CARR: You had a meeting - just to come back to this issue. 03:52:57PM
19 You had a meeting with Loi Truong and Mr Somyurek at which 03:53:04PM
20 Loi Truong essentially asks for Mr Somyurek to assist him 03:53:11PM
21 to become mayor; is that right? 03:53:19PM
22 MR BYRNE: Asked for him either to assist him or not get in the 03:53:24PM
23 way of him becoming mayor. 03:53:28PM
24 MR CARR: Mr Truong had been a longstanding councillor at 03:53:30PM
25 Dandenong? 03:53:35PM
26 MR BYRNE: He had. 03:53:36PM
27 MR CARR: And the mayor of Dandenong Council had been someone 03:53:37PM
28 aligned to the Labor Party for - or each of the mayors had 03:53:44PM
29 been people aligned to the Labor Party for a number of 03:53:50PM

1 years; is that right? 03:53:53PM

2 MR BYRNE: With some exceptions, yes, Counsel. 03:53:55PM

3 MR CARR: And there were - one of the people on council who was 03:53:59PM

4 Cambodian was I think Youhorn Chea? 03:54:10PM

5 MR BYRNE: Councillor Youhorn Chea, yes. 03:54:13PM

6 MR CARR: And there had been some rivalry between a Vietnamese 03:54:25PM

7 and a Cambodian faction? 03:54:34PM

8 MR BYRNE: Yes, there had been, Counsel. 03:54:36PM

9 MR CARR: Mr Truong being Vietnamese and Youhorn Chea being 03:54:39PM

10 Cambodian? 03:54:46PM

11 MR BYRNE: Correct. 03:54:47PM

12 MR CARR: And the person who ultimately became mayor was Vergim 03:54:54PM

13 or Jim Memeti? 03:54:58PM

14 MR BYRNE: That's correct. 03:55:00PM

15 MR CARR: Now, Mr Memeti was someone who had a relationship 03:55:03PM

16 with Mr Somyurek? 03:55:10PM

17 MR BYRNE: A relationship, sorry, is that what you asked? 03:55:11PM

18 MR CARR: With Mr Somyurek? Mr Memeti had a relationship with 03:55:14PM

19 Mr Somyurek? 03:55:17PM

20 MR BYRNE: Yes, Counsel. 03:55:18PM

21 MR CARR: Are those the facts that led you to surmise - I'm 03:55:26PM

22 sorry, I think I overlooked Mr Memeti ultimately was 03:55:31PM

23 appointed mayor of Dandenong? 03:55:37PM

24 MR BYRNE: Counsel, shortly after that meeting my staff members 03:55:43PM

25 advised me that he - Adem met with Councillor Memeti at a 03:55:45PM

26 McDonald's not far from my office for two and a half 03:55:52PM

27 hours. So, yes, that led me to surmise something might 03:55:57PM

28 have happened. 03:56:00PM

29 MR CARR: During this meeting in which Loi Truong asked for 03:56:05PM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

assistance or non-opposition from Mr Somyurek in his bid
to be mayor of Dandenong you said Mr Somyurek referred to
his position as Minister for Local Government?
MR BYRNE: He did.
MR CARR: And what did he say?
MR BYRNE: That it would be very hard for him to overtly assist
Loi given that he was Minister for Local Government.
MR CARR: Was Mr Truong asking for overt assistance or behind
the scenes assistance?
MR BYRNE: Behind the scenes.
MR CARR: What sort of assistance did he ask for?
MR BYRNE: As I recall the conversation I don't - I think he
was saying that he just - he believed he had commitments
from the two Cambodian councillors to support
councillor - to support him for his mayoralty, and I think
he was - on that belief he was asking Adem not to
intervene because he thought that if he had a clear run he
would become mayor.
MR CARR: Did you understand why Mr Truong felt it necessary to
meet with you and Mr Somyurek to prevent Mr Somyurek
intervening?
MR BYRNE: To prevent him? Loi was a long-term colleague of
mine. He thought he could trust me. We had discussed
some other matters there as well. But I think Loi
probably wanted a witness.
COMMISSIONER: I'm a little bit confused, Mr Byrne. You've
said earlier that you understood Loi Truong was wanting
Mr Somyurek to assist him behind the scenes in becoming
elected. More recently your evidence is that he wanted to

03:56:18PM
03:56:24PM
03:56:32PM
03:56:34PM
03:56:35PM
03:56:40PM
03:56:43PM
03:56:56PM
03:57:00PM
03:57:01PM
03:57:03PM
03:57:08PM
03:57:12PM
03:57:16PM
03:57:24PM
03:57:29PM
03:57:32PM
03:57:35PM
03:57:42PM
03:57:45PM
03:57:51PM
03:57:51PM
03:58:01PM
03:58:04PM
03:58:08PM
03:58:16PM
03:58:19PM
03:58:25PM
03:58:31PM

1 ensure that Mr Somyurek would not adversely affect his 03:58:37PM
2 prospects. 03:58:37PM
3 MR BYRNE: Yeah. I think they're both one and the same, 03:58:45PM
4 Commissioner. I think that he thought that by not 03:58:48PM
5 providing assistance it would mean not supporting Memeti 03:58:50PM
6 and the Cambodian councillors would be able to support 03:58:55PM
7 Loi. So in terms of behind the scenes it meant not 03:59:02PM
8 lobbying the Cambodian councillors or trying to support 03:59:05PM
9 the councillors - trying to get the councillors to vote 03:59:08PM
10 for Councillor Memeti. 03:59:12PM
11 COMMISSIONER: I see. So it was known then that the contest 03:59:14PM
12 was largely going to be between those two councillors, was 03:59:16PM
13 it? 03:59:20PM
14 MR BYRNE: That was Councillor Truong's belief, yes, 03:59:21PM
15 Commissioner. 03:59:25PM
16 COMMISSIONER: And was it known at that time that Mr Somyurek 03:59:26PM
17 had a particular relationship with Mr Memeti? 03:59:28PM
18 MR BYRNE: Yes. 03:59:32PM
19 COMMISSIONER: I see. 03:59:35PM
20 MR CARR: Notwithstanding his belief that he had commitments 03:59:44PM
21 from the Cambodians, do you know - the two Cambodian 03:59:46PM
22 councillors, do you know who they supported? 03:59:54PM
23 MR BYRNE: Memeti. 03:59:56PM
24 MR CARR: And have you discussed that with Mr Somyurek at all 03:59:59PM
25 since that meeting? 04:00:03PM
26 MR BYRNE: Considering I had said to you that I had blocked 04:00:05PM
27 Mr Somyurek some time in September, no. 04:00:09PM
28 COMMISSIONER: I'm just curious about the broad question that's 04:00:21PM
29 raised by this particular discussion, Mr Byrne. Do you 04:00:24PM

1 have any experience of ministers for local government 04:00:28PM
2 ordinarily intervening or seeking to influence the outcome 04:00:34PM
3 of mayoral elections at local councils? 04:00:40PM
4 MR BYRNE: No, I don't, Commissioner. 04:00:44PM
5 MR CARR: Do you know what it was that prompted Mr Truong to 04:00:57PM
6 raise the issue? 04:01:02PM
7 MR BYRNE: Sorry, Counsel, what issue? 04:01:06PM
8 MR CARR: Well, at this meeting he wanted - went to the trouble 04:01:09PM
9 of seeking an assurance from Mr Somyurek that he wouldn't 04:01:16PM
10 intervene. 04:01:20PM
11 MR BYRNE: Yeah. 04:01:20PM
12 MR CARR: Do you know what it was that made him feel the need 04:01:22PM
13 to seek out such an assurance? 04:01:26PM
14 MR BYRNE: Because I believe he believed that Adem had enormous 04:01:29PM
15 power over the two Cambodian councillors. 04:01:35PM
16 MR CARR: Do you know why he believed that? 04:01:40PM
17 MR BYRNE: Councillor Chea and Councillor Tan I think through 04:01:46PM
18 the Cambodian Association worked fairly closely with 04:01:50PM
19 Adem Somyurek. 04:01:55PM
20 COMMISSIONER: Worked closely over what, Mr Byrne? 04:02:01PM
21 MR BYRNE: Longstanding relationships, Commissioner. I think 04:02:04PM
22 that Adem had been fairly instrumental in making sure that 04:02:10PM
23 when Hong Lim was replaced that Hong was replaced by 04:02:16PM
24 another member of the community from Cambodia . 04:02:22PM
25 COMMISSIONER: I'm sorry, you've mentioned a new name. Who's 04:02:30PM
26 that? 04:02:33PM
27 MR BYRNE: I'm sorry? 04:02:33PM
28 COMMISSIONER: Who are you referring to? 04:02:35PM
29 MR BYRNE: Well, the two - there was another Cambodian 04:02:36PM

1 councillor who became a member of parliament in 2018. And 04:02:41PM
2 then Councillor Heang Tak, who is now the member for 04:02:46PM
3 I think it's Clarinda now, Adem had a very, very close 04:02:51PM
4 relationship with Hong Lim and then Heang Tak, when he was 04:02:54PM
5 on council and became a member of parliament, and the two 04:02:59PM
6 Cambodian councillors, Councillor Chea and Councillor Tan. 04:03:02PM
7 COMMISSIONER: I see. 04:03:07PM
8 MR CARR: The next issue I need to take you to briefly is just 04:03:10PM
9 a follow-up comment that you made in response to a 04:03:19PM
10 question I asked earlier. You made a reference when 04:03:24PM
11 I asked about people working in an electoral office, that 04:03:33PM
12 they then campaigned for somebody else's election, and 04:03:50PM
13 I think you mentioned Mr Richardson's name in 04:03:57PM
14 response - in fact I'm sure you mentioned Mr Richardson's 04:04:02PM
15 name in relation to that having happened in his case. Can 04:04:05PM
16 you tell us whose office Mr Richardson was working in when 04:04:13PM
17 he was campaigning for somebody else's election, that is 04:04:21PM
18 someone other than the office he was working in? 04:04:27PM
19 MR BYRNE: Sorry, you're asking me - - - 04:04:31PM
20 MR CARR: I'll put it a little clearer, I'm sorry, Mr Byrne. 04:04:35PM
21 Mr Richardson used to work in the office of Ms Kairouz, as 04:04:44PM
22 I recall; is that correct? 04:04:50PM
23 MR BYRNE: Not to my knowledge. I'm sorry, I thought he worked 04:04:57PM
24 as an electorate officer for Mark Dreyfus before he went 04:05:00PM
25 into parliament. But I could be wrong. 04:05:04PM
26 MR CARR: I might be wrong as well, Mr Byrne. Was he working 04:05:06PM
27 as an electorate officer for someone when he was assisting 04:05:12PM
28 in or working on a campaign other than for the person he 04:05:17PM
29 was working for? 04:05:22PM

1 MR BYRNE: I don't know, Counsel. If there's something that 04:05:23PM
2 you wanted to bring to my attention that can help 04:05:30PM
3 illuminate this for me, but not to my knowledge. 04:05:32PM
4 MR CARR: No, that's fine, Mr Byrne. The last issue I want to 04:05:37PM
5 just ask you about briefly - - - 04:05:52PM
6 COMMISSIONER: We might take that off the screen. That will be 04:05:56PM
7 exhibit 5 in the public hearing, text messages between 04:05:58PM
8 Mr Byrne and Mr McLennan of 16 November. 04:06:02PM
9 04:06:06PM
10 #EXHIBIT AB5 - Text messages between Mr Byrne and Mr McLennan 04:06:15PM
11 of 16/11. 04:06:17PM
12 MR CARR: I just want to ask you about something by way of 04:06:17PM
13 the last topic. If someone were in the position of seeing 04:06:28PM
14 impropriety in the work of an electorate officer in a 04:06:41PM
15 powerful factional figure's office or indeed in a 04:06:55PM
16 ministerial office one obvious place to go might be to 04:07:00PM
17 Parliamentary Services. Now, would there be a problem in 04:07:13PM
18 going to Parliamentary Services if you were to complain 04:07:22PM
19 about a powerful factional figure within the government? 04:07:28PM
20 MR BYRNE: Yes, Counsel. I don't think that if anyone then 04:07:37PM
21 went there as a whistleblower that they would be confident 04:07:42PM
22 that their identities would be protected and the complaint 04:07:47PM
23 would be investigated. 04:07:50PM
24 MR CARR: And let it be assumed that the head of 04:07:54PM
25 the Legislative Council and Legislative Assembly were 04:08:01PM
26 members of the government of the day and perhaps even the 04:08:06PM
27 dominant faction in that party, would they be in a 04:08:09PM
28 position to hear about a complaint to Parliamentary 04:08:16PM
29 Services? 04:08:23PM

1 MR BYRNE: They could, and in actual fact, Counsel, it was put 04:08:24PM
2 to me that that could have been a pathway of going to you, 04:08:30PM
3 to IBAC. But, no, because I think both of the individuals 04:08:36PM
4 that I understood at that time were in the Moderate Labor 04:08:41PM
5 faction. 04:08:44PM
6 MR CARR: And similarly if one were to have a complaint about 04:08:48PM
7 the functioning of the Labor Party, given the way it seems 04:08:56PM
8 to have been operating in recent years, one would not be 04:09:04PM
9 likely to find a fruitful avenue for complaint within the 04:09:11PM
10 Victorian Branch of the ALP? 04:09:18PM
11 MR BYRNE: Counsellor, there is a new position that's been 04:09:23PM
12 created which is I think party ombudsman post the Bracks 04:09:25PM
13 and Macklin review. That could be an option. But 04:09:29PM
14 certainly I don't know how that's functioning; but up 04:09:33PM
15 until that, no. 04:09:38PM
16 MR CARR: And if that position - - - 04:09:41PM
17 COMMISSIONER: Is that the office of the parliamentary 04:09:43PM
18 integrity adviser you speak of? What position is it 04:09:47PM
19 you're thinking of, Mr Byrne? 04:09:52PM
20 MR BYRNE: Yes, the party integrity officer. I think it's John 04:09:56PM
21 Thwaites. I think this was something that arose out of 04:10:01PM
22 the Bracks-Macklin review, Commissioner. 04:10:04PM
23 MR CARR: This is an internal ALP ombudsman - - - 04:10:09PM
24 MR BYRNE: It is an internal. But as to my knowledge there's 04:10:12PM
25 not an external body. 04:10:14PM
26 MR CARR: Yes. Thank you, Mr Byrne. Commissioner, those are 04:10:16PM
27 the issues that I wish to raise with Mr Byrne. 04:10:26PM
28 COMMISSIONER: Yes. Mr Murphy, are there any matters that have 04:10:28PM
29 thus far been explored with Mr Byrne that you would like 04:10:38PM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

to further explore with your client?

MR MURPHY: There's no re-examination sought at this stage,
Commissioner.

COMMISSIONER: Very good. So, Mr Byrne, I understand that
counsel for Mr Somyurek who has been watching the live
stream seeks to make some submissions about areas that he
would like to cross-examine you on. I think it's not
necessary that those submissions take place as part of
the live stream, but I don't know how those questions will
be resolved. So it may be that either tomorrow morning or
on some other occasion we'll need to have you return to
complete your examination before I can release you from
your summons. Do you follow?

MR BYRNE: I do.

COMMISSIONER: So, until that issue has been resolved, I'll
simply adjourn your hearing, and someone from the
Commission will be in touch with you later on this
afternoon to let you know when it's anticipated that we'll
conclude your evidence.

MR BYRNE: Okay, Commissioner.

COMMISSIONER: In the event that it's not necessary for you to
return to give further evidence, I should just say that
were you to want to review your evidence or watch the
video of your evidence you need only ask someone from the
Commission and they'll make arrangements for you to be
able to do that. We do not ordinarily release transcript
until the conclusion of the investigation. But of course
you're entitled to have access to your evidence should you
wish to do so. So for the present I'll simply adjourn the

04:10:44PM
04:10:51PM
04:10:54PM
04:10:54PM
04:10:59PM
04:11:04PM
04:11:11PM
04:11:19PM
04:11:24PM
04:11:28PM
04:11:37PM
04:11:41PM
04:11:45PM
04:11:47PM
04:11:50PM
04:11:53PM
04:12:00PM
04:12:02PM
04:12:07PM
04:12:10PM
04:12:15PM
04:12:18PM
04:12:27PM
04:12:33PM
04:12:37PM
04:12:42PM
04:12:46PM
04:12:51PM
04:12:54PM

1 further hearing until we know what course needs to be
2 taken in relation to any further evidence you have to
3 give.

04:12:58PM

04:13:01PM

04:13:05PM

4 MR BYRNE: Thank you, Commissioner.

04:13:06PM

5 <(THE WITNESS WITHDREW)

04:13:16PM

6 HEARING ADJOURNED

04:13:22PM

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29