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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

FRIDAY, 12 NOVEMBER 2021

Witness Appearing: Mr Adem Somyurek

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

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1 <ADEM KUBILAY SOMYUREK, recalled: 09:42:31AM
2 <EXAMINED BY MR CARR, continued: 09:42:31AM
3 COMMISSIONER: Good morning, Mr Somyurek, Mr - - - 09:50:20AM
4 MR GULLACI: Good morning, Commissioner. 09:50:33AM
5 COMMISSIONER: You're ready to proceed, Mr Gullaci? 09:50:37AM
6 MR GULLACI: Yes, we are. Thank you. 09:50:39AM
7 COMMISSIONER: Very good. Yes, Mr Carr. 09:50:41AM
8 MR CARR: Thank you, Commissioner. Could we start by listening 09:50:43AM
9 to telephone intercept 19, please, Commissioner. 09:50:46AM
10 (Audio recording played to the Commission.) 09:50:57AM
11 MR CARR: Mr Somyurek, that's 13 June, the night before the day 09:52:59AM
12 of the 60 Minutes 'Faceless man' report? 09:53:06AM
13 MR SOMYUREK: Yep. 09:53:11AM
14 MR CARR: Now, if we go just slightly up the page to line 24, 09:53:11AM
15 Ms Kairouz and Mr Scott are reporting to you on their 09:53:18AM
16 investigations as to what the report might be about, and 09:53:25AM
17 the message comes back to you that, 'The ALP internal 09:53:29AM
18 stuff, ALP machinations they don't care about'; correct? 09:53:37AM
19 MR SOMYUREK: It appears that way, yes. The media unit don't 09:53:43AM
20 care about, is what they're saying, yeah, in PPO. 09:53:47AM
21 MR CARR: Then you express the worry about what else it might 09:53:53AM
22 be at line 29? 09:53:57AM
23 MR SOMYUREK: I can't see - is what's the last - - - 09:54:06AM
24 MR CARR: Sorry, just line 29? 09:54:17AM
25 MR SOMYUREK: I'm trying to read. 09:54:19AM
26 MR CARR: 'I'm worried about whether there is one more.' You 09:54:20AM
27 remember earlier in the conversation there's been a 09:54:25AM
28 reference to something more? 09:54:28AM
29 MR SOMYUREK: Yes, yes, yes. Yeah, okay, yep, yep, yep. 09:54:29AM

1 MR CARR: So you're worried about whether there's something 09:54:32AM
2 more than the internal ALP machinations, and Ms Kairouz 09:54:37AM
3 says at line 30 - I'm sorry, you say, 'I'm worried they're 09:54:44AM
4 going to just say, they've triggered an IBAC 09:54:51AM
5 investigation.' Ms Kairouz says, 'Yeah, probably that.' 09:54:54AM
6 Line 33, Ms Kairouz says, 'Well, let it be before IBAC.' 09:54:59AM
7 Your response is, 'Fuck. No, it's pretty bad.' Now, 09:55:05AM
8 Mr Somyurek, you're recognising that what you've been 09:55:13AM
9 involved in was pretty bad? 09:55:17AM
10 MR SOMYUREK: No, I'm recognising that a minister sitting 09:55:21AM
11 before IBAC is very bad. I'm not a minister, so I'm more 09:55:23AM
12 relaxed and I'm out of parliament - I'll be out of 09:55:26AM
13 parliament soon. But I can assure you if I was a 09:55:30AM
14 minister, an incumbent minister, sitting before IBAC 09:55:33AM
15 I would be thinking, 'That is bad.' That's what I'm 09:55:37AM
16 saying. I was a minister, and I do not want to be sitting 09:55:37AM
17 before IBAC, I can tell you. Even if you've done nothing 09:55:40AM
18 wrong, sitting - appearing before IBAC as a politician, 09:55:43AM
19 let alone a minister, is very bad. 09:55:46AM
20 MR CARR: No, that's not what you're talking about, though, in 09:55:48AM
21 the context, I suggest to you. Your response is to 09:55:53AM
22 Ms Kairouz saying, 'Let it be before IBAC,' and you're 09:56:00AM
23 saying, 'No, it's pretty bad,' it being the conduct that 09:56:03AM
24 you had been involved in? 09:56:09AM
25 MR SOMYUREK: Mr Carr, I respectfully disagree with you. It's 09:56:12AM
26 pretty bad in that a minister - a politician, even a 09:56:16AM
27 backbencher, a minister, being before IBAC means that 09:56:22AM
28 you're basically gone, with anything. It doesn't matter 09:56:26AM
29 if nothing comes out of it. It's not a good place to be. 09:56:30AM

1 COMMISSIONER: That's what you meant by that? 09:56:34AM

2 MR SOMYUREK: That's what I meant, Commissioner, and any of my 09:56:36AM

3 political colleagues, we just - yeah, you don't want to be 09:56:38AM

4 appearing before IBAC if you're an MP and you want to 09:56:41AM

5 continue your career. So I'm more relaxed because my 09:56:46AM

6 career is finished; right? But you don't want to be in 09:56:50AM

7 this position if you're - doesn't matter that you've done 09:56:53AM

8 nothing wrong. 09:56:57AM

9 MR CARR: When you say 'doesn't matter if you've done nothing 09:56:58AM

10 wrong', why at line 35 do you say, 'Well, it's got to be 09:57:03AM

11 misappropriation of funds'? 09:57:07AM

12 MR SOMYUREK: 34? No, sorry, you've got the wrong line. 09:57:09AM

13 MR CARR: 39? 09:57:12AM

14 MR SOMYUREK: 39, 'Well, it's got to be misappropriation of 09:57:13AM

15 funds.' Well, okay. What we're reacting to, the promos 09:57:19AM

16 were really, really over the top; right? 'Corruption 09:57:24AM

17 going to the heart of government'. It was really - some 09:57:27AM

18 really over-the-top stuff, and what the journalist did 09:57:31AM

19 strategically is put out there that IBAC's been - that 09:57:34AM

20 IBAC's onto this; right? In order to cover his sources, 09:57:39AM

21 I think, the journalist had sort of strategically put out 09:57:42AM

22 there that this is before IBAC's got this; okay? So by 09:57:46AM

23 that stage I've received a tip-off that IBAC's - that 09:57:50AM

24 there's been a complaint with IBAC; okay? But the 09:57:55AM

25 journalist has done that on purpose; okay? And so IBAC is 09:57:58AM

26 a real issue. We've got these massive - we've got these 09:58:02AM

27 really over-the-top promos. You're sort of thinking, 09:58:06AM

28 'Well, what is it? What do they think they've got? What 09:58:10AM

29 do they think they've got?' So, you know, that's - that's 09:58:13AM

1 where we're coming from. You've got to be concerned. 09:58:18AM
2 From your intercepts you'll have a lot of me just trying 09:58:24AM
3 to - having a lot of conversations trying to work out what 09:58:27AM
4 is going on, what they think they've got. 09:58:34AM
5 MR CARR: You were having a lot of conversations around this 09:58:36AM
6 time with people asking them to keep their mouths shut, in 09:58:39AM
7 effect; correct? 09:58:43AM
8 MR SOMYUREK: Not this time. This is post that. When the 09:58:44AM
9 journalist - - - 09:58:46AM
10 MR CARR: Early in June? 09:58:47AM
11 MR SOMYUREK: Sorry, no, no - - - 09:58:48AM
12 MR CARR: Early in - sorry, let me just - - - 09:58:49AM
13 MR SOMYUREK: Yeah, earlier in June, but nothing to do with 09:58:52AM
14 IBAC. That was the 60 Minutes thing. The last week - the 09:58:54AM
15 last week the journalist put the IBAC stuff out there. 09:58:58AM
16 MR CARR: So earlier in June you're having a lot of 09:59:01AM
17 conversations where you're asking people to keep quiet; 09:59:03AM
18 correct? 09:59:09AM
19 MR SOMYUREK: Well, I was telling - we were trying to manage 09:59:09AM
20 60 Minutes, what they would be doing. We got a tip that 09:59:12AM
21 they were going to people's houses, yeah. 09:59:15AM
22 MR CARR: And you're organising for phone calls to be made and 09:59:17AM
23 making phone calls yourself - - - 09:59:20AM
24 MR SOMYUREK: Yes. 09:59:24AM
25 MR CARR: To prevent people from speaking to journalists; 09:59:24AM
26 that's early in June, correct? 09:59:27AM
27 MR SOMYUREK: If you noticed, I didn't do that until IBAC, when 09:59:29AM
28 IBAC was out in the field. I did it to journalists. 09:59:33AM
29 MR CARR: And then when it comes to immediately prior to the 09:59:36AM

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story you're saying, 'Well, it's got to be
misappropriation of funds'?

MR SOMYUREK: What I'm saying is if IBAC's looking at it, the
issue that they're going to run, it doesn't mean it's
true, the main focus of their issue's got to be
misappropriation of funds. From - before this inquiry our
view is that - was that ALP internal politics, because
it's a private organisation, was outside the purview of
IBAC. That was the standard view, right, before
this - before this investigation. So if IBAC - because
what I know by now is IBAC is in the field, okay, and if
IBAC is seriously looking at something they're not going
to look at internal political - they're not going to look
at a private organisation. So my view is, well, it's got
to be misappropriation of funds area that they must be
concentrating on, that that would be - - -

COMMISSIONER: Mr Somyurek, if we can leave aside then the
question whether, as you've explained, the comment at 39
is meant to be an acknowledgment by you that there has
been a misappropriation of funds or whether you're - - -

MR SOMYUREK: Um - - -

COMMISSIONER: Just bear with me, or whether you were only
saying that must be what IBAC would be looking at - - -

MR SOMYUREK: Yeah.

COMMISSIONER: To attract their jurisdiction.

MR SOMYUREK: That's - all right.

COMMISSIONER: Let's come to the heart of it. Knowing what you
now know about the way in which you have engaged factional
operatives within your electoral and ministerial office,

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1 do you accept that there has been a misappropriation of 10:01:37AM
2 public funds in the payment of salaries to any of the 10:01:40AM
3 persons in those offices? 10:01:44AM
4 MR SOMYUREK: Commissioner, I don't. I still talk about that 10:01:50AM
5 grey area, and I've spoken about this all the way through, 10:01:53AM
6 so I'm not going to bore you with my defence again. 10:01:56AM
7 COMMISSIONER: No, no. When you say the grey area, you mean 10:02:01AM
8 that you consider that members of parliament have some 10:02:05AM
9 latitude in being able to engage their electoral staff or 10:02:10AM
10 ministerial staff in party-political or factional work? 10:02:16AM
11 MR SOMYUREK: Yes, as it stands. As it stands. 10:02:21AM
12 COMMISSIONER: Is that what you mean by the grey area? 10:02:24AM
13 MR SOMYUREK: Yes, absolutely, Commissioner. So as it stands. 10:02:26AM
14 So obviously I think that you will test that - - - 10:02:29AM
15 COMMISSIONER: Leaving aside the validity of that argument but 10:02:36AM
16 accepting that, as I think you've said, it's not just a 10:02:43AM
17 view you hold but it's a view that's common amongst 10:02:48AM
18 members of parliament - - - 10:02:52AM
19 MR SOMYUREK: That's right. 10:02:53AM
20 COMMISSIONER: Then if that's wrong, if that thinking is wrong, 10:02:54AM
21 it needs to be addressed, doesn't it? 10:02:58AM
22 MR SOMYUREK: It does, Commissioner, and this is the concern 10:03:00AM
23 I have now. It's difficult because you can't - you're 10:03:03AM
24 prohibited from - you're restrained from going broader. 10:03:07AM
25 That means that you're not - you're not getting - you 10:03:11AM
26 don't know whether this is - that we are common, if this 10:03:13AM
27 is a common practice or not, because you're restrained 10:03:17AM
28 from looking at other parties and other parts of the Labor 10:03:20AM
29 Party. So this is a bit of a problem. It would have been 10:03:24AM

1 good if you were able to get in there and have a look at, 10:03:27AM
2 you know, a broad section of the Labor Party. 10:03:32AM
3 COMMISSIONER: Yes. So we've looked at the culture of branch 10:03:36AM
4 stacking because that underlies the allegations that are 10:03:42AM
5 made against you, but we've also looked at the culture 10:03:45AM
6 that exists within parliament to the extent that you've 10:03:51AM
7 repeatedly in different ways made the point that it's not 10:03:58AM
8 just the way you think, it's the way members of parliament 10:04:06AM
9 generally have regarded their right to deploy their 10:04:09AM
10 electoral officers or ministerial advisers? 10:04:12AM
11 MR SOMYUREK: I guess what we - I think language is everything, 10:04:15AM
12 Commissioner. We talk about entitlements; right? So 10:04:18AM
13 maybe that - maybe the sort of, you know - maybe the 10:04:21AM
14 language needs to change around the word 'entitlements'. 10:04:27AM
15 MR CARR: But you still maintain the position - consistent with 10:04:31AM
16 what you've just said about that being a broad view held 10:04:38AM
17 by ministerial and members of parliament, you maintain 10:04:40AM
18 that indeed the explanation for the 2020 legislation to 10:04:46AM
19 address the Red Shirts scandal - - - 10:04:53AM
20 MR SOMYUREK: 19, yes, yep. 10:04:56AM
21 COMMISSIONER: Yes. You maintain that it was cast in such 10:04:59AM
22 narrow terms so as to preserve that grey area, to preserve 10:05:01AM
23 the right of members of parliament to continue to deploy 10:05:06AM
24 their staff - - - 10:05:11AM
25 MR SOMYUREK: Yes, absolutely - - - 10:05:12AM
26 COMMISSIONER: Over electoral offices, casual staff, 10:05:14AM
27 ministerial advisers, deploy them on factional work? 10:05:17AM
28 MR SOMYUREK: Yeah, party-political work, absolutely. Yep. 10:05:23AM
29 That's right. Even for the campaigning, Commissioner, and 10:05:26AM

1 you're a lawyer, you know, you're an eminent lawyer, and 10:05:28AM
2 you would have picked up straight away the word 'dominant 10:05:31AM
3 purpose' is used. So even that is a hedge of the bets as 10:05:34AM
4 well; right? So, yeah. 10:05:37AM
5 COMMISSIONER: So it's a problem that will have to be addressed 10:05:39AM
6 by some reform, won't it? 10:05:42AM
7 MR SOMYUREK: I think so, yeah. 10:05:44AM
8 COMMISSIONER: And that reform will have to be driven by 10:05:45AM
9 parliament itself, won't it? 10:05:47AM
10 MR SOMYUREK: It would. I'm betting that - I'm betting that, 10:05:49AM
11 just like an integrity body, the Ombudsman, you know, 10:05:57AM
12 recommendation 2 wasn't taken up, wasn't adopted - 10:06:00AM
13 normally, especially a party that's done the wrong thing 10:06:04AM
14 would be embarrassed to adopt everything from the 10:06:07AM
15 Ombudsman; that wasn't adopted - I'm tipping that you're 10:06:12AM
16 going to find it hard work to convince parliament that 10:06:14AM
17 they should have a look at it. I think you can - yeah. 10:06:18AM
18 But the aggregate political jobs, maybe you can get 10:06:21AM
19 somewhere with that. But in terms of - in terms of trying 10:06:24AM
20 to limit the scope of what the political appointments do, 10:06:30AM
21 I think you're going to - I think you're going to find it 10:06:35AM
22 hard work. 10:06:38AM
23 COMMISSIONER: But there's not much point in having 10:06:42AM
24 legislation, Mr Somyurek, that says that members of 10:06:46AM
25 parliament must provide value for money in using their 10:06:50AM
26 budget by ensuring that the costs incurred, that is the 10:06:53AM
27 way they are spending their budget - - - 10:07:00AM
28 MR SOMYUREK: Yeah. 10:07:03AM
29 COMMISSIONER: Is reasonable and proportionate to the cost of 10:07:03AM

1 performing their public duties, and I think you accept 10:07:07AM
2 that factional work, the work of factional operatives that 10:07:13AM
3 might be employed within the member's office, that's not 10:07:18AM
4 part of the member's public duties, is it? 10:07:24AM
5 MR SOMYUREK: Yeah. Again, we're going to have to go back to 10:07:28AM
6 s27 of the Equal Opportunity Act. 10:07:33AM
7 COMMISSIONER: No, no, I just want - - - 10:07:35AM
8 MR SOMYUREK: I don't want to go back there because I don't 10:07:37AM
9 want to give a speech. 10:07:39AM
10 COMMISSIONER: No, don't do that. I just want to know is it 10:07:41AM
11 your contention that using your staff for factional work 10:07:44AM
12 is part of a member of parliament's public duties? 10:07:51AM
13 MR SOMYUREK: That's what - that's what the political class 10:07:55AM
14 will tell you, and that's a common view amongst 10:07:59AM
15 politicians. 10:08:04AM
16 COMMISSIONER: And I imagine if that view were known to the 10:08:08AM
17 public at large they would be shocked by such a 10:08:10AM
18 suggestion? 10:08:15AM
19 MR SOMYUREK: I think the public are pretty cynical about 10:08:15AM
20 politicians, so - even when the Red Shirts scheme came out 10:08:19AM
21 they didn't sort of pay much attention to it. But I get 10:08:24AM
22 your point. I think this is a debate that really does 10:08:26AM
23 need to happen and be settled once and for all. But I do 10:08:28AM
24 think a good way to start is to have a look at the 10:08:32AM
25 aggregate increase in funding for political appointments. 10:08:36AM
26 I think Whitlam was the first person in Australia to 10:08:39AM
27 really start funding it, and they've really - political 10:08:41AM
28 appointments have gone up exponentially since then. But 10:08:46AM
29 it's good to start from the aggregate, I think. But 10:08:51AM

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I really do believe, Commissioner, you're going to have a hard time to get this through considering that the Ombudsman wasn't successful with recommendation 2 at a time when the Labor Party was severely embarrassed by the Red Shirts issue.

COMMISSIONER: Yes. Be that as it may, and the question may ultimately come down to whether or not parliament will have the appetite to address this serious problem, if you are right that this is not just your view - - -

MR SOMYUREK: Yep.

COMMISSIONER: But is the prevailing view amongst members of parliament that the discharge of their public duties includes utilising or deploying their staff for factional or party-political purposes, then it's something that needs to be addressed?

MR SOMYUREK: Commissioner, what I think they'll do or what I think will happen - I've got nothing invested in this now because I'm out; right? I think what will happen is the parliament will move the other way and give much more freedom. They'll use words that will get it much more - and really differentiate more between political appointments and the bureaucracy, and will give more freedom to the political appointments. So that's what I'm tipping they'll do.

COMMISSIONER: Yes, and you would expect the public will look to parliament to introduce legislation which serves the public interest, not the private interest of individual members of parliament?

MR SOMYUREK: Yes. But again, Commissioner, when Red Shirts

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1 came out that was a widely - that was widely viewed to be 10:10:51AM
2 a - in the beltway issue. So the defence was, 'Well' - 10:10:56AM
3 from the Labor Party perspective, 'Well, no-one cares 10:11:00AM
4 about that, that's in the beltway issue. The public think 10:11:03AM
5 that we're all corrupt, that we're all on the take, so 10:11:06AM
6 no-one's going to care.' That's the attitude you're 10:11:10AM
7 fighting with. 10:11:14AM
8 COMMISSIONER: I sincerely hope you're wrong about that, 10:11:16AM
9 Mr Somyurek. 10:11:18AM
10 MR SOMYUREK: Yeah, I'm not - yeah. 10:11:19AM
11 COMMISSIONER: Yes, Mr Carr. 10:11:22AM
12 MR CARR: I think I should take you through some of 10:11:23AM
13 the evidence on this issue, Mr Somyurek, and then we might 10:11:28AM
14 come back to - can I tender this - - - 10:11:32AM
15 COMMISSIONER: 106. 10:11:35AM
16 10:11:37AM
17 #EXHIBIT 106 - Telephone intercept 19 on 13/06/20. 10:11:38AM
18 MR CARR: Mr Cripps was asked about the discussions or gave 10:11:39AM
19 some evidence about the discussions amongst those around 10:11:46AM
20 his level, and he gave evidence that was to the effect 10:11:49AM
21 that, 'I'm going to do whatever senior members of 10:11:56AM
22 government ask. It's ridiculous that I'm being paid this 10:12:01AM
23 much taxpayer money to do this work,' and that they 10:12:05AM
24 justified to themselves doing so because the Red Shirts 10:12:12AM
25 was about party campaigning and this is not quite that 10:12:17AM
26 same category. So even at Mr Cripps's level there was 10:12:22AM
27 discussion of the inappropriateness of being paid so much 10:12:31AM
28 taxpayer money to do factional work, and the justification 10:12:35AM
29 posited was that, 'Oh, we can excuse ourselves because the 10:12:45AM

1 Red Shirts was about one particular issue, and we're 10:12:54AM
2 slightly outside that issue.' So that was Mr Cripps's 10:12:57AM
3 evidence. Let me tell you, though, because I want to give 10:13:03AM
4 you a picture of the evidence and then I want to ask you a 10:13:08AM
5 question about it. Other staffers have been visibly 10:13:13AM
6 distressed giving evidence about what they did on the 10:13:23AM
7 taxpayer dollar, and Ms Kingshott - you remember 10:13:25AM
8 Ms Kingshott? 10:13:30AM
9 MR SOMYUREK: Yeah. 10:13:31AM
10 MR CARR: In Ms Kairouz's office? 10:13:33AM
11 MR SOMYUREK: Yep. 10:13:36AM
12 MR CARR: She said, 'I always knew I was on the taxpayer 10:13:36AM
13 dollar. I know that it wasn't right. I know that it's 10:13:41AM
14 not what we're employed to do. You had to do it because 10:13:44AM
15 of your job, or she would not hire you or have you in 10:13:48AM
16 there. So it was - it was not what my job was, and it 10:13:51AM
17 wasn't why I wanted to be there, and I didn't enjoy it, 10:13:55AM
18 and Adem - dealing with Adem was not pleasant.' Now, the 10:13:59AM
19 picture is, Mr Somyurek, that you're at the apex of a 10:14:09AM
20 culture which imposes on the junior staffers this 10:14:15AM
21 factional work as a condition of their employment? 10:14:22AM
22 MR SOMYUREK: I would disagree on that. I hardly had any 10:14:29AM
23 interaction with Ms Kingshott. She was put up as - from 10:14:34AM
24 Michael de Bruyn because they were student politics sort 10:14:38AM
25 of - and Young Labor contemporaries. As - when Nick 10:14:41AM
26 left - remember I said Nick abruptly left it? And she was 10:14:46AM
27 only there for a couple of months. I can't recall how 10:14:53AM
28 long - she hardly did anything. But I was - you know, she 10:14:57AM
29 wasn't forced to do factional work. Michael de Bruyn was 10:15:02AM

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promoting her.

MR CARR: Let me give you a bit more of the flavour of the evidence. Ms Vaghela gave evidence that in effect she accepted that electorate officers were appointed based on what they could bring to the faction, and she accepted that it was the abuse of public money. Now, you say you had a different state of mind?

MR SOMYUREK: Ms Vaghela was employed - yeah, she's entitled to her opinion.

COMMISSIONER: The answer to the question is you do have a different state of mind?

MR SOMYUREK: I do, yes, yes, yes.

MR CARR: Let's listen, if we could then, to TI20. This is a discussion between you and Ms Connolly in that same period, on 13 June, when you're speculating about what the story might be, and I want to draw your attention to what you think the story might be and her response to that.

(Audio recording played to the Commission.)

MR CARR: Now, so you speculate about the content of the story. If we go to line 7, precisely what we know was taking place, 'It might be that I've got ethnics in my office, you know, and, you know, branch stackers in my office and their primary role is to branch stack,' and you've paid for memberships. All of that is precisely what took place; correct?

MR SOMYUREK: Yeah.

MR CARR: And her response to you telling her all of that is, 'That's not a story. The party just shrugged its shoulders at that'; is that correct?

10:15:06AM
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10:18:04AM
10:18:09AM

1 MR SOMYUREK: Yeah. Ms Connolly is a good litmus test here 10:18:12AM
2 because she's a clean skin. She had just joined the 10:18:15AM
3 party, and she came across people like Jasvinder Sidhu, 10:18:18AM
4 who wouldn't leave her alone and started branch stacking 10:18:23AM
5 against her. So she saw all of this against her. She's 10:18:26AM
6 complained about it. The party did nothing. So that's 10:18:30AM
7 the position she's coming from, where she's been the 10:18:32AM
8 victim of branch stackers. 10:18:35AM
9 MR CARR: But she's not just commenting on branch stacking. 10:18:36AM
10 You've told her what we know was happening, branch 10:18:40AM
11 stackers in your office, their primary role is to branch 10:18:45AM
12 stack, and she's responding to what you've told her and 10:18:47AM
13 saying, 'Well, that's not hardly a story. The party just 10:18:50AM
14 shrugged its shoulders at that'? 10:18:55AM
15 MR SOMYUREK: Yeah, exactly, and that's - because that's what 10:18:58AM
16 she's witnessed against her by about three different MPs 10:19:00AM
17 employing branch stackers to stack against her. So she 10:19:06AM
18 thinks, 'Well, why are they going after you when' - 'Why 10:19:11AM
19 don't they go after these people here who were branch 10:19:11AM
20 stacking against me and employing all these people against 10:19:13AM
21 me?' So that's what her state of mind would be, I think. 10:19:16AM
22 MR CARR: All right. I tender that, Commissioner. 10:19:18AM
23 COMMISSIONER: What's the date of that, Mr Carr? 10:19:20AM
24 MR CARR: 13 June. 10:19:23AM
25 COMMISSIONER: 13th also. That will be 107. 10:19:25AM
26 10:19:27AM
27 #EXHIBIT 107 - TI20, conversation between Mr Somyurek and 10:19:27AM
28 Ms Connolly on 13/06/20. 10:19:28AM
29 MR CARR: Could we then listen to TI - excuse me, Commissioner, 10:19:28AM

1 I just misplaced the number. I'm sorry, Commissioner, 10:19:39AM
2 would you excuse me for just a moment? 10:19:53AM
3 COMMISSIONER: Certainly. Perhaps whilst Mr Carr is doing 10:19:55AM
4 that, Mr Somyurek - - - 10:20:05AM
5 MR SOMYUREK: Yep. 10:20:09AM
6 COMMISSIONER: Could I ask you this. You probably remember 10:20:10AM
7 that the Legislative Council Privileges Committee held a 10:20:13AM
8 hearing following the tabling of the Red Shirts report by 10:20:18AM
9 the Ombudsman, and following that committee hearing no 10:20:22AM
10 sanctions were imposed against any members of parliament 10:20:28AM
11 in relation to the findings the Ombudsman had made. Does 10:20:32AM
12 that not suggest that there needs to be some better form 10:20:37AM
13 of parliamentary accountability, a better form of 10:20:41AM
14 structure, in addition to the Privileges Committee in each 10:20:46AM
15 House? 10:20:49AM
16 MR SOMYUREK: The problem you've got, Commissioner, is it's all 10:20:50AM
17 about numbers in parliament, and it doesn't matter what 10:20:52AM
18 structure you put in place it's going to become political 10:20:57AM
19 and it all becomes about horse trading to get the numbers 10:21:00AM
20 on any particular forum. 10:21:04AM
21 COMMISSIONER: Let's put politics and numbers and power to one 10:21:06AM
22 side - - - 10:21:09AM
23 MR SOMYUREK: Yep. 10:21:10AM
24 COMMISSIONER: And look simply at the question what ideally is 10:21:11AM
25 the right structure to have in place. Does it not suggest 10:21:15AM
26 there needs to be some structure other than merely a 10:21:19AM
27 privileges committee for the purpose of ensuring that 10:21:22AM
28 resources are deployed and properly used to serve the 10:21:26AM
29 public duty of members of parliament? 10:21:31AM

1 MR SOMYUREK: Yep. That's got to be beyond politicians and 10:21:35AM
2 committees. It's got to be outside people, you know. So 10:21:38AM
3 I think we've got an integrity officer now. So that's the 10:21:41AM
4 type of forum you need to go to. And by the way too, 10:21:45AM
5 Commissioner, if we had that available - like, we do 10:21:48AM
6 constantly get advice as well. Throughout the duration of 10:21:51AM
7 my career I have sought advice, and politicians would want 10:21:56AM
8 to get advice on if they're going to do something that's 10:22:00AM
9 sort of, you know, near to the edge; they'd rather be safe 10:22:02AM
10 than sorry. But if you don't have that, and we haven't 10:22:06AM
11 had that, it's a problem. So I'm sure a body like that or 10:22:10AM
12 an individual like that giving advice and guidance will be 10:22:13AM
13 a good thing, yeah. 10:22:17AM
14 COMMISSIONER: As I follow you, it needs to be something 10:22:20AM
15 external to - - - 10:22:22AM
16 MR SOMYUREK: That's right. It can't be politicians because it 10:22:23AM
17 always ends up on numbers, horse trading. 10:22:25AM
18 COMMISSIONER: Independent of the parliamentary process? 10:22:29AM
19 MR SOMYUREK: That's right, otherwise it just becomes horse 10:22:31AM
20 trading. 10:22:33AM
21 COMMISSIONER: Yes, Mr Carr. 10:22:34AM
22 MR CARR: Excuse me for one moment. I'll need to come back 10:22:36AM
23 to - I'll need to come back to another TI. We just can't 10:22:48AM
24 locate it on the system at the moment, and I'll return to 10:22:52AM
25 this issue when I do. But while that's being located 10:22:55AM
26 I just want to take up with you your assertion that you 10:23:00AM
27 believed you had carte blanche after the insertion of 10:23:08AM
28 s30(5) and (6). Now, you'd understand that the series of 10:23:18AM
29 events, the chronology, is this: the Red Shirts affair 10:23:33AM

1 takes place; the Ombudsman condemns the Red Shirts affair? 10:23:39AM

2 MR SOMYUREK: Didn't use the 'C' word. 10:23:46AM

3 MR CARR: Didn't say 'corruption'? 10:23:48AM

4 MR SOMYUREK: Yeah. 10:23:50AM

5 MR CARR: Well - - - 10:23:50AM

6 COMMISSIONER: Well, she couldn't. She has no jurisdiction to 10:23:51AM

7 say 'corruption'. 10:23:53AM

8 MR SOMYUREK: Okay. 10:23:54AM

9 COMMISSIONER: It's specifically excluded from her 10:23:56AM

10 jurisdiction. 10:23:58AM

11 MR SOMYUREK: So what I'm trying to say is the language was 10:24:01AM

12 relatively measured, given - so, yeah, okay, I didn't 10:24:03AM

13 realise she was prohibited from saying that. 10:24:09AM

14 COMMISSIONER: No, the scheme is such that if the Ombudsman is 10:24:13AM

15 investigating something and comes to the conclusion that 10:24:19AM

16 it raises a reasonable suspicion of something corrupt, 10:24:23AM

17 then she would be obliged to pass the matter to my 10:24:26AM

18 Commission. 10:24:29AM

19 MR SOMYUREK: Right. It's just that we've been using the word 10:24:31AM

20 pretty liberally during this examination, so I'm a little 10:24:36AM

21 bit confused, that's all. 10:24:39AM

22 COMMISSIONER: Well, corruption as it is defined in the 10:24:42AM

23 Commission's act involves some breach of the law, some 10:24:43AM

24 illegality that would normally give rise to a criminal 10:24:49AM

25 prosecution. 10:24:53AM

26 MR SOMYUREK: Right. Okay. 10:24:54AM

27 MR CARR: So let's work through the series of events. The 10:24:57AM

28 Ombudsman condemns but, for reasons we've discussed, can't 10:25:02AM

29 describe as corruption the Red Shirts affair. Then 10:25:08AM

1 there's a response by way of the amendment to the members 10:25:15AM
2 guide which explicitly says you can't do this sort of 10:25:21AM
3 thing; correct? 10:25:24AM
4 MR SOMYUREK: Yes, and then the legislation, yep. 10:25:28AM
5 MR CARR: Yes. And then the legislation is passed in 2019, and 10:25:30AM
6 what the legislation does is it describes the conduct that 10:25:39AM
7 took place in the Red Shirts affair and it says, 'Listen, 10:25:45AM
8 you can't do this'; correct? 10:25:49AM
9 MR SOMYUREK: Well, it doesn't really. But it's sort 10:25:55AM
10 of - yeah, it's going towards, yes. 10:26:01AM
11 MR CARR: It's in effect saying, 'This thing took place. It 10:26:05AM
12 can't be done'?

13 MR SOMYUREK: Yes. 10:26:13AM
14 MR CARR: It's prohibiting the - - - 10:26:13AM
15 MR SOMYUREK: That's right. That's why we've got (5) and (6), 10:26:15AM
16 yeah. 10:26:20AM
17 MR CARR: So what it's doing is not saying, 'Oh, but everything 10:26:20AM
18 else is fair game. You've got carte blanche to do 10:26:25AM
19 anything else.' All it's doing is responding to the 10:26:30AM
20 particular conduct that had been identified and saying, 10:26:35AM
21 'Listen, if anyone thinks you can do this, it's explicitly 10:26:37AM
22 prohibited, so you can't.' That's the message, I suggest 10:26:43AM
23 to you, from the insertion of sub-ss(5) and (6) into s30 10:26:46AM
24 in 2019? 10:26:54AM
25 MR SOMYUREK: No, because the members guide - the members guide 10:26:55AM
26 prior to the November or December 2018 members guide was 10:26:59AM
27 quite clear, was very, very clear. It said no 10:27:03AM
28 party-political work and no campaigning. It was the same 10:27:06AM
29 message. So - and on the agenda - I can tell you on the 10:27:10AM

1 agenda, right, was party-political work, and, you know, it 10:27:14AM
2 was clearly on the agenda. But the parliament didn't go 10:27:19AM
3 there. 10:27:21AM
4 MR CARR: But parliament did what it needed to do. This is - 10:27:24AM
5 there's a legal expression you might be familiar with, de 10:27:29AM
6 bene esse, doing something just out of an abundance of 10:27:34AM
7 caution. Are you familiar with the expression? 10:27:37AM
8 MR SOMYUREK: I'm not. I'm not, no. I'm not a lawyer. 10:27:39AM
9 MR CARR: No, no, all right. I'm sorry. That's all that 10:27:41AM
10 sub-ss(5) and (6) are, is 'just out of an abundance of 10:27:46AM
11 caution, lest anyone thinks that this is okay, it's 10:27:53AM
12 explicitly not '? 10:27:56AM
13 MR SOMYUREK: Mr Carr, Mr Carr, the sequence of events was that 10:27:59AM
14 the - as you said, the members guide was put up. The 10:28:06AM
15 members guide included party-political activity. It had 10:28:09AM
16 two dot points - defined party-specific activity as two 10:28:12AM
17 points: one, party-political, ie factional, and the other 10:28:19AM
18 for campaigning; okay? Now, the whole issue with 10:28:20AM
19 the Ombudsman, what the Ombudsman articulated very clearly 10:28:23AM
20 and powerfully was that where the legislation - or the 10:28:27AM
21 legislation and the members guide ought to be consistent 10:28:31AM
22 because where they're not legislation trumps an 10:28:34AM
23 unenforceable document. So by the time we came to 10:28:38AM
24 legislate in 2019 there was a members guide that clearly 10:28:41AM
25 said - that defined party-specific activity with two 10:28:45AM
26 points: party-political and campaigning. Yet what made it 10:28:49AM
27 into legislation on purpose was the campaigning aspect. 10:28:54AM
28 COMMISSIONER: You say it was on purpose, and you've given that 10:29:01AM
29 evidence already, and I think you went so far as to say 10:29:04AM

1 there was a unity - - - 10:29:08AM

2 MR SOMYUREK: Yeah, I would have - that's my language. I would 10:29:11AM

3 have said unity ticket. That's - you know. 10:29:11AM

4 COMMISSIONER: But that's because across the political 10:29:13AM

5 divide - - - 10:29:17AM

6 MR SOMYUREK: That's right. 10:29:18AM

7 COMMISSIONER: There was a unanimity of thought amongst members 10:29:18AM

8 of parliament that they didn't want legislation that would 10:29:23AM

9 impede them from engaging in party-political or factional 10:29:26AM

10 work in utilising their staff? 10:29:30AM

11 MR SOMYUREK: Yeah, there's degrees to - - - 10:29:34AM

12 COMMISSIONER: Is that correct? 10:29:36AM

13 MR SOMYUREK: That's correct. That's an accurate description 10:29:37AM

14 of what I said. You know, there would be - there would be 10:29:38AM

15 people who don't really engage in party-political work. 10:29:43AM

16 But they realise that some of their - you know, now and 10:29:46AM

17 then they might send someone to head office and they don't 10:29:49AM

18 want to get caught up in it. Do you see what I'm saying, 10:29:52AM

19 Commissioner? So it's not all because of machines. It 10:29:55AM

20 could be just genuine, normal MPs that have nothing to do 10:29:58AM

21 with factions but they say, 'Oh, geez, I sent my 10:30:01AM

22 electorate officer to do something that's 10:30:04AM

23 party-political,' and they'd be worried that they're going 10:30:06AM

24 to get caught up in this. 10:30:08AM

25 COMMISSIONER: Do you go so far as to say, Mr Somyurek, that 10:30:11AM

26 there was actually a meeting of minds between the leaders 10:30:13AM

27 of each political party to achieve this outcome? 10:30:16AM

28 MR SOMYUREK: That's not the way it works. 10:30:21AM

29 COMMISSIONER: I just want to know how it worked here. How was 10:30:24AM

1 the process achieved that there was a unanimity of thought 10:30:28AM
2 that you did not want to have legislation that would 10:30:33AM
3 prohibit the use of a member's electoral or ministerial 10:30:37AM
4 resources for party-political or factional purposes? How 10:30:43AM
5 was that achieved? 10:30:49AM
6 MR SOMYUREK: Yeah. These things, you know, are never done in 10:30:50AM
7 official meetings across parties. There would 10:30:54AM
8 be - I don't know. Depending on the circumstances, there 10:31:01AM
9 will be as unofficial things - you know, everyone's got a 10:31:04AM
10 different style to how they do things, but it would be - 10:31:08AM
11 it could be just - - - 10:31:12AM
12 COMMISSIONER: I don't want you to - - - 10:31:12AM
13 MR SOMYUREK: I don't know how it was done. I don't know 10:31:13AM
14 because it's how long's a piece of string. It depends on 10:31:15AM
15 the individual style of the politician who has got 10:31:18AM
16 carriage. 10:31:21AM
17 COMMISSIONER: Were you consulted before the legislation was 10:31:22AM
18 enacted? 10:31:23AM
19 MR SOMYUREK: Yeah, look, I wasn't consulted. We're part of 10:31:24AM
20 the process, of course, you know. But the fact - yeah. 10:31:27AM
21 COMMISSIONER: And so you supported or - and approved this 10:31:31AM
22 particular outcome, did you? 10:31:37AM
23 MR SOMYUREK: We're a collectivist party. Once the minister 10:31:39AM
24 and the Cabinet make a decision, it's - you know, it 10:31:41AM
25 happens. 10:31:44AM
26 COMMISSIONER: I'm asking - - - 10:31:45AM
27 MR SOMYUREK: I'm not going to go through the collectivist 10:31:47AM
28 thing again - - - 10:31:49AM
29 COMMISSIONER: I'm asking for your individual position. You 10:31:50AM

1 supported and approved - - - 10:31:52AM

2 MR SOMYUREK: Well, yes, I did, yeah, yeah. 10:31:55AM

3 COMMISSIONER: Yes, Mr Carr. 10:31:56AM

4 MR CARR: I want to play you another intercepted phone call, 10:31:57AM

5 this one on 14 June. Could I ask that TI41 be played, 10:32:04AM

6 Commissioner. 10:32:12AM

7 (Audio recording played to the Commission.) 10:32:34AM

8 MR CARR: If we go back to the start, Mr Scott's got the intel 10:33:19AM

9 on what the story is? 10:33:26AM

10 MR SOMYUREK: Yeah. 10:33:30AM

11 MR CARR: It's about branch stacking, electorate officers 10:33:31AM

12 involved who are publicly funding, corrupting the Labor 10:33:36AM

13 Party, positions of trust and so forth. So Mr Scott's 10:33:41AM

14 describing to you precisely what we've explored this week? 10:33:46AM

15 MR SOMYUREK: Yeah. 10:33:51AM

16 MR CARR: Electoral officers publicly funded to do 10:33:52AM

17 branch-stacking work; yes? 10:33:55AM

18 MR SOMYUREK: Yes, yep. 10:33:58AM

19 MR CARR: And his approach is, 'Well, that's pretty lame as a 10:33:59AM

20 story,' and your approach is to laugh? 10:34:07AM

21 MR SOMYUREK: Yep. Because it's so prevalent, Mr Carr. 10:34:11AM

22 Because it is so prevalent that it is part of the culture. 10:34:18AM

23 It's deeply embedded. 10:34:22AM

24 MR CARR: At least in the case of you and Mr Scott, looking at 10:34:27AM

25 this evidence, you've so lost your moral compass as to why 10:34:31AM

26 that is wrong that he describes it as lame and you laugh? 10:34:36AM

27 MR SOMYUREK: Yes, because it's the culture that we were both 10:34:46AM

28 sort of inducted into and we've lived it, we've continued, 10:34:48AM

29 like, senior people, you know. I'm not going to go back 10:34:53AM

1 to one senior Victorian because people think I'm just 10:34:55AM
2 trying to score points off him. But do you know what 10:34:58AM
3 I mean? It's not just him. It's - if you're going to say 10:35:02AM
4 there are good guys and bad guys in the Labor Party based 10:35:08AM
5 on this stuff, there are no good guys in the Labor Party, 10:35:11AM
6 Mr Carr. There are no good guys in the Labor Party, I can 10:35:13AM
7 tell you that. Mr Dreyfus is someone that everyone - - - 10:35:16AM
8 MR CARR: No, no, no, Mr Somyurek. 10:35:21AM
9 MR SOMYUREK: Okay. 10:35:23AM
10 MR CARR: We've talked about the lack of - - - 10:35:24AM
11 MR SOMYUREK: You see the point I'm trying to make. It doesn't 10:35:27AM
12 matter how morally superior your are - and I consider 10:35:30AM
13 Mr Dreyfus to be that - you're going to get - you get 10:35:32AM
14 dragged into the culture, and I don't - yeah. 10:35:36AM
15 MR CARR: I tender that recording, Commissioner. 10:35:42AM
16 COMMISSIONER: What date is that? 13 June? 10:35:45AM
17 MR CARR: The 14th. 10:35:47AM
18 COMMISSIONER: 14th. Thank you. 108. 10:35:48AM
19 10:35:50AM
20 #EXHIBIT 108 - TI41, conversation between Mr Somyurek and 10:35:51AM
21 Mr Scott on 14/06/20. 10:35:52AM
22 MR CARR: Could I ask that we look at exhibit 345, and I'll 10:35:52AM
23 need pp7189 and 7190. While we're waiting for that to 10:35:58AM
24 come up, I want to return to your state of mind. Do you 10:36:06AM
25 remember that you made a submission to IBAC, off your own 10:36:14AM
26 bat sent an email - - - 10:36:20AM
27 MR SOMYUREK: Which one? 10:36:21AM
28 MR CARR: To the chief investigator on 10 November 2020? 10:36:23AM
29 MR SOMYUREK: M'hmm. 10:36:30AM

1 MR CARR: Just off your own bat, anticipating what the 10:36:31AM
2 allegations that might have been referred to IBAC were, 10:36:34AM
3 you sent an email to the chief investigator containing 10:36:37AM
4 what you described as a submission; remember that? 10:36:43AM
5 MR SOMYUREK: Yeah. 10:36:47AM
6 MR CARR: All right. Can we have p7189 and 7190, please. So 10:36:48AM
7 at the top you've recited in this submission a series of 10:37:20AM
8 allegations or possible allegations that you anticipate 10:37:25AM
9 IBAC might be looking into and your response: 10:37:29AM
10 'Allegation: misuse of taxpayer money by staff performing 10:37:38AM
11 factional work during work hours rather than turning up to 10:37:41AM
12 work.' 'Response: I expect all my staff to turn up to 10:37:43AM
13 work and perform their official duties. The allegations 10:37:48AM
14 in 60 Minutes relate to branch activity after work hours. 10:37:53AM
15 As the Labor Party is a voluntary organisation, branch 10:37:57AM
16 meetings are held outside of hours. Having experienced 10:38:00AM
17 the "Red Shirts" scandal; and being an MP that was 10:38:03AM
18 reluctant to participate in that dodgy scheme' - skipping 10:38:08AM
19 over the parenthesis - 'there is no way I would allow 10:38:13AM
20 staff to be claiming wages while they are not at work. 10:38:18AM
21 I was so stringent on staff turning up to work that 10:38:22AM
22 I refused to allow my staff to work from home during the 10:38:22AM
23 early stages of COVID,' and you go on. Now, you 10:38:25AM
24 anticipate there the issue of misuse of taxpayer money by 10:38:33AM
25 staff performing factional work during work hours, and we 10:38:41AM
26 know that's exactly what they were doing, you've accepted 10:38:46AM
27 that, and you say, 'Having experienced the "Red Shirts" 10:38:52AM
28 scandal, and having been reluctant to participate in that 10:39:02AM
29 dodgy scheme, there is no way I would allow staff to be 10:39:07AM

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claiming wages when they are not at work'?

MR SOMYUREK: Yep.

MR CARR: Are you suggesting, in light of what you've written here, that you didn't appreciate that if they're at work but doing factional work that that's a problem?

MR SOMYUREK: See, again, Mr Carr, as I've said all the way through, they're at work, their first priority is to do the duties of the electoral office. There is downtime, you know. During that downtime I haven't prohibited staff from gossiping, getting on the internet or doing a whole range of things, including factional work. But my contention, Mr Carr, and it remains, is that I really can't see - except for periods of intense activity that might come along now and then, very, very seldom, I cannot actually envisage - I just don't know what factional work they can actually do. I'm not going to go through all the activities that are factional and which people do outside - and they're all outside of office hours. I actually can't think of what they can do day in, day out factionally. I really can't think of what can be done factionally day in, day out. As I say, people misrepresent what they do as factional activity. They'll go for coffee with mates, gossip about factional politics or just - but then they'll say, 'Ooh, they had' - if the boss comes in and says, 'What did you do today, mate,' they'll probably say - or the staff will say, 'Look, I did a lot of factional work. I had some factional work to do.' But they didn't. They just went and had coffee and just - you know, they were shooting the breeze and

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1 gossiping about factional things. That's not factional 10:40:56AM
2 work. That's just gossiping. I can't see what work can 10:40:58AM
3 be done during the day on factional stuff. Renewals, yes. 10:41:01AM
4 MR CARR: Have you forgotten the evidence you gave earlier this 10:41:04AM
5 week in response to me showing you a message in which you 10:41:06AM
6 approved Salazar Youhorn to go to Meng Tak's office and 10:41:10AM
7 spend the day there - - - 10:41:14AM
8 MR SOMYUREK: Yep. 10:41:14AM
9 MR CARR: Fixing member discrepancies and you having signed a 10:41:15AM
10 form that he had spent the day in your electorate office 10:41:22AM
11 working on a project? 10:41:26AM
12 MR SOMYUREK: Yep. Yes, but, again, that was during 10:41:27AM
13 one - I think that was - was that FEAs, I think? I'm not 10:41:31AM
14 sure. But, yes. But generally there is really not much 10:41:34AM
15 to - how much - you can't spend all year fixing members' 10:41:39AM
16 discrepancies, can you? 10:41:42AM
17 MR CARR: Let me read to you a couple of messages between 10:41:45AM
18 Mr de Bruyn and Mr McLennan in November 2019. Mr McLennan 10:41:54AM
19 writes, 'Somyurek meeting 15 mins.' Mr de Bruyn writes to 10:42:01AM
20 Mr McLennan, 'Come now.' Mr McLennan writes, 'FFS' - 10:42:09AM
21 common abbreviation; you know what it means? 10:42:19AM
22 MR SOMYUREK: Yeah, yeah, yeah. 10:42:22AM
23 MR CARR: Mr de Bruyn writes, 'This is mental.' Mr McLennan 10:42:22AM
24 writes, 'Exactly why we never get anything done.' Let me 10:42:26AM
25 give you another example and then I'm going to ask you a 10:42:30AM
26 question about this evidence. 25 February 2020, 10:42:33AM
27 Mr McLennan writes to Mr de Bruyn, 'Somyurek has summoned 10:42:42AM
28 you. Also wants you free for a meeting at 12.30.' 10:42:46AM
29 Mr de Bruyn, 'That's cool. I'm at head office as per the 10:42:50AM

1 text you can tell him.' Let me give you one more example. 10:42:54AM
2 Mr Sullivan writes to Mr McLennan on 17 April 2019, 'Mate, 10:43:07AM
3 Somyurek needs to cough up some dough for a cloning 10:43:16AM
4 machine. Clone 15 of you, delegate everyone's task to the 10:43:19AM
5 clones'? 10:43:24AM
6 MR SOMYUREK: So what's that for? When was that? Who was 10:43:28AM
7 that? Sullivan? 10:43:31AM
8 MR CARR: That was - - - 10:43:32AM
9 COMMISSIONER: April 19, Mr Somyurek. 10:43:34AM
10 MR CARR: Adam Sullivan writing to Nick McLennan. Now, you've 10:43:36AM
11 insisted repeatedly that there's just not that much 10:43:43AM
12 factional work to do? 10:43:47AM
13 MR SOMYUREK: There isn't. 10:43:48AM
14 MR CARR: The weight of the evidence from every other witness 10:43:49AM
15 and from the body of the material I want to put to you and 10:43:53AM
16 give you the opportunity to comment is that there was a 10:43:59AM
17 significant volume of factional work and you were 10:44:07AM
18 directing that it be done during working hours? 10:44:09AM
19 MR SOMYUREK: There were periods of activity during 2019. 10:44:16AM
20 Okay, 2019, April could be - look, I don't know. I mean, 10:44:22AM
21 I've got to be specific on what it is. It might be just 10:44:28AM
22 wanting a meeting on something. Sounds like I just wanted 10:44:31AM
23 to meet on a particular issue and they're not liking it. 10:44:33AM
24 COMMISSIONER: Mr Somyurek, by way of general observation, the 10:44:40AM
25 impression one is left with is, contrary to your 10:44:52AM
26 assertion, all of these employees that were either in your 10:44:59AM
27 electoral office or in your ministerial office have said 10:45:03AM
28 they were doing a significant amount of factional work 10:45:09AM
29 during working hours, and by contrast most of them have 10:45:15AM

1 said there was very little in the way of electoral duties 10:45:21AM
2 being performed. And I think even you in a number of 10:45:28AM
3 occasions where you've been recorded are saying things in 10:45:38AM
4 substance that are to the effect that, whether or not 10:45:44AM
5 there is electoral officer work for them or not, they are 10:45:49AM
6 to be employed. That seems to me at a distance, as a 10:45:53AM
7 generalisation, the effect of most of the evidence that 10:46:04AM
8 the Commission has heard, which means you were using your 10:46:08AM
9 full entitlement at all material times to have 2.5 10:46:15AM
10 full-time employees engaged in your electoral office, 10:46:21AM
11 together with a large number of casual staff? 10:46:25AM
12 MR SOMYUREK: Yep. 10:46:28AM
13 COMMISSIONER: And that between them all they were doing a 10:46:30AM
14 significant amount of factional work. Can you remember 10:46:33AM
15 how many casual staff, for example, you might have 10:46:37AM
16 employed during - - - 10:46:41AM
17 MR SOMYUREK: No, I don't. I don't, Commissioner. It sort of 10:46:44AM
18 varies. I can't, no. 10:46:46AM
19 COMMISSIONER: Yes. 10:46:49AM
20 MR CARR: Well, let me - - - 10:46:50AM
21 COMMISSIONER: There's never been any monitoring or oversight, 10:46:53AM
22 has there, of how you are deploying either your permanent 10:46:56AM
23 or casual staff, and whether or not you are utilising them 10:47:03AM
24 in the way in which the legislation requires? 10:47:10AM
25 MR SOMYUREK: Yep. No. Um - yeah. 10:47:12AM
26 COMMISSIONER: And that's always been so during your entire 10:47:17AM
27 period in parliament, has it not? There's never been any 10:47:19AM
28 monitoring or oversight? 10:47:25AM
29 MR SOMYUREK: From parliament? No. 10:47:26AM

1 COMMISSIONER: No. Or Parliamentary Services that - - - 10:47:29AM
2 MR SOMYUREK: I've never - yeah, look, I don't know, to be 10:47:32AM
3 fair. They might be, you know, obviously, doing a desktop 10:47:35AM
4 sort of review type of thing. So - let's be fair. But 10:47:39AM
5 I haven't received a telephone call to say, 'Look, we 10:47:42AM
6 think you've got' - yeah, I haven't received telephone 10:47:46AM
7 calls and been summoned in to have a chat about it. But 10:47:49AM
8 they might be doing ongoing reviews, desktop reviews, you 10:47:53AM
9 know, based on paperwork. 10:47:56AM
10 COMMISSIONER: Your universal experience has been they simply 10:47:58AM
11 accept the documents that the member provides them, signed 10:48:01AM
12 by the member, setting out the work that's been done? 10:48:04AM
13 MR SOMYUREK: That's right. That's right. 10:48:08AM
14 COMMISSIONER: Yes. 10:48:09AM
15 MR SOMYUREK: But again, to be fair, I don't know what they do 10:48:09AM
16 behind - you know, without talking to us too. 10:48:12AM
17 MR CARR: Just to be clear about the scale of it, I suggested 10:48:15AM
18 to you that your wages bills at your electorate office 10:48:20AM
19 were somewhere around the 200 to \$250,000 mark. In fact, 10:48:23AM
20 in total over the four years to 2020 just over a million 10:48:29AM
21 dollars of taxpayer wages were spent on electorate 10:48:35AM
22 officers at your electorate office, Mr Somyurek? 10:48:39AM
23 MR SOMYUREK: And that's - so is that consistent with other 10:48:43AM
24 electorate offices or? 10:48:46AM
25 MR CARR: We're focusing for the moment on your electorate 10:48:50AM
26 office. 10:48:53AM
27 MR SOMYUREK: Raw absolute figures mean nothing, Mr Carr, 10:48:55AM
28 unless you have a point of comparison. 10:48:58AM
29 MR CARR: A million dollars of taxpayer money doesn't mean 10:49:00AM

1 nothing, Mr Somyurek. 10:49:03AM

2 MR SOMYUREK: Yeah, but are you saying I've overspent? I'm not 10:49:06AM

3 sure what you're saying. I just think when you're quoting 10:49:09AM

4 figures it's always good to have a point of comparison, 10:49:11AM

5 that you've gone over your - you know, you're into your 10:49:14AM

6 budget. Look, that's fine. Leave it at that. Leave it 10:49:18AM

7 at that. 10:49:20AM

8 MR CARR: No, no, let me be clear. What I'm putting to you is, 10:49:20AM

9 given what the electorate officers were doing in your 10:49:29AM

10 office, that spending a million dollars over four years is 10:49:32AM

11 a breach of the requirement to provide value for money in 10:49:40AM

12 using work-related parliamentary allowances and budget, 10:49:48AM

13 and a breach of the obligation to act ethically, 10:49:52AM

14 reasonably and in good faith; that's what I'm putting to 10:49:56AM

15 you, Mr Somyurek. 10:50:02AM

16 COMMISSIONER: What do you say as to that? 10:50:08AM

17 MR SOMYUREK: Oh, okay. Yeah - well, I've commented on all of 10:50:10AM

18 that before. So I reject it. 10:50:12AM

19 MR CARR: Could I tender that single page of Mr Somyurek's 10:50:19AM

20 submission? 10:50:23AM

21 COMMISSIONER: Is the submission dated? 10:50:25AM

22 MR CARR: It's not dated, but it's under cover of an email 10:50:27AM

23 dated 10 November 2020. 10:50:30AM

24 COMMISSIONER: Thank you. That will be 109. 10:50:39AM

25 10:50:41AM

26 #EXHIBIT 109 - Page of Mr Somyurek's submission received under 10:50:41AM

27 cover of an email dated 10/11/20. 10:50:42AM

28 MR CARR: Now, I want to move to ask you some questions about 10:50:42AM

29 Jasvinder Sidhu. Now, can we just start with a little 10:50:47AM

1 context. In 2017 and 2018 he was assisting with - I'm 10:50:52AM
2 sorry, let me go back a little further. He controlled a 10:51:04AM
3 branch in Tarneit; correct? 10:51:10AM
4 MR SOMYUREK: Correct. 10:51:13AM
5 MR CARR: And in 2017 and 2018 he was assisting Rick Garotti 10:51:18AM
6 and you with recruiting into that branch? 10:51:22AM
7 MR SOMYUREK: No. 10:51:29AM
8 MR CARR: Can we see exhibit 59, please, Commissioner. This is 10:51:29AM
9 from Mr Garotti to you, 18 December 2017, 'Hi Adem. 10:51:43AM
10 I know you're very busy at the moment. A couple of things 10:51:50AM
11 to keep you in the loop. 1. I met with Jasvinder last 10:51:52AM
12 week.' That's Jasvinder Sidhu? 10:51:56AM
13 MR SOMYUREK: Yep. 10:51:58AM
14 MR CARR: 'He's sticking with the Cons and decided to line up 10:51:59AM
15 with Richard Marles. 2. Jasvinder is supportive of 10:52:03AM
16 Dr Hussein' - that's Dr Haraco; correct? 10:52:08AM
17 MR SOMYUREK: Yeah. 10:52:12AM
18 MR CARR: 'And I recruiting Somalis into his branch in Tarneit. 10:52:13AM
19 This will start in February next year.' And if we skip 10:52:17AM
20 over 3 for a moment, 'Please advise and queries/concerns 10:52:21AM
21 otherwise I will keep proceeding with things. 4. 10:52:26AM
22 Dr Hussein and I would like to catch up with you when 10:52:33AM
23 free.' Now, Mr Garotti is updating you on things? 10:52:36AM
24 MR SOMYUREK: Yep, a week later. Obviously a week later from 10:52:52AM
25 the meeting he had with him, yep. 10:52:55AM
26 MR CARR: So you're saying he's tardy in updating you? 10:52:57AM
27 MR SOMYUREK: Obviously he's had a meeting, and a week later he 10:53:00AM
28 said he's - he's obviously updating me. That's strange, 10:53:04AM
29 very strange. That's after the preselection? Yes, it's 10:53:08AM

1 after the preselection. It's very strange. What do I say 10:53:11AM
2 to that? 10:53:14AM
3 MR CARR: We haven't got your response, but let's go on. I'll 10:53:15AM
4 tender that, Commissioner, and we'll go on to another in 10:53:21AM
5 February 2018. Could we see exhibit 62, please. This is 10:53:27AM
6 in February 2018. You'll remember that the message was, 10:53:43AM
7 'Jasvinder is supportive of Haraco and Garotti recruiting 10:53:52AM
8 Somalis into his branch and it will start in February next 10:53:57AM
9 year.' We duly go to 2 February of the next year, 'FYI. 10:54:00AM
10 Caught up with Jasvinder tonight (he wanted to catch up 10:54:10AM
11 with me again). He's given the green light to recruiting 10:54:13AM
12 Somalis into his branch in Tarneit. Dr Hussein will start 10:54:17AM
13 kissing [liaising is what's intended] with him ASAP on 10:54:21AM
14 this. Will be interesting to see how he follows through 10:54:30AM
15 but a good development for us, I would have thought.' So 10:54:31AM
16 true to his - - - 10:54:36AM
17 MR SOMYUREK: So what's the reference to, 'Congratulations. 10:54:38AM
18 Very excited with earlier today'? Is that germane or not? 10:54:41AM
19 That's not germane? 10:54:46AM
20 MR CARR: That's not germane. 10:54:46AM
21 MR SOMYUREK: Right. Okay. So Rick - that's - all I can say, 10:54:49AM
22 Mr Roberts, is my main objective in that area, the Tarneit 10:54:54AM
23 area, was Sarah Connolly. A lot of the problems that 10:55:00AM
24 I came across and my downfall is because I was rather 10:55:09AM
25 obsessed with making sure that Sarah Connolly was fine 10:55:12AM
26 from Jasvinder Sidhu. Jasvinder Sidhu lost the 10:55:14AM
27 preselection against Sarah Connolly, Ms Connolly. We sort 10:55:16AM
28 of - like I said, she was very naive and new to the party. 10:55:22AM
29 She's a person of great - you know, great ability. She's 10:55:26AM

1 going to make a great contribution to parliament. But 10:55:30AM
2 Jasvinder Sidhu wouldn't go away. He kept stacking 10:55:33AM
3 against her. So I was keen to get a branch area in order 10:55:35AM
4 to offset Mr Sidhu stacking against Ms Connolly. Now, I'm 10:55:38AM
5 not sure what Rick's doing here, but he probably thinks 10:55:44AM
6 this is a way for him to be able to talk to 10:55:47AM
7 Mr Sidhu - Mr Sidhu is a very wily customer. So he 10:55:53AM
8 probably thinks that he can deal with Mr Sidhu and sort 10:55:56AM
9 of, you know, placate him and manage Mr Sidhu to the 10:56:00AM
10 extent where he recruits his own people to the branches. 10:56:03AM
11 You'll probably find a cynical response or I'll just say, 10:56:08AM
12 'Well done,' and I probably don't believe that it will 10:56:12AM
13 happen. So that's probably the context to it. He's gone 10:56:15AM
14 off and done that it seems on his own. But he thought he 10:56:18AM
15 can deal with Mr Sidhu and achieve what I wanted to 10:56:20AM
16 achieve; that is, for him not to be hostile to Ms Connolly 10:56:23AM
17 in Tarneit. 10:56:27AM
18 MR CARR: And Dr Haraco's Somalis are the way that - are the 10:56:28AM
19 people being stacked? 10:56:35AM
20 MR SOMYUREK: That's Mr Garotti, who's got a pre-existing 10:56:36AM
21 relationship with Mr Sidhu. They're both accountants too, 10:56:38AM
22 so that's - that's a - yeah. They've known each other for 10:56:42AM
23 a while apparently. 10:56:47AM
24 MR CARR: I tender those two messages, Commissioner. 10:56:48AM
25 COMMISSIONER: The text of 18 December will be 110 and of 10:56:52AM
26 2 February, 111. 10:57:01AM
27 10:57:04AM
28 #EXHIBIT 110 - Text from Mr Garotti to Mr Somyurek dated 10:57:04AM
29 18/12/17. 10:57:06AM

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#EXHIBIT 111 - Text dated 02/02/18.

MR CARR: Now, we've had reference to Jasvinder being in the Conroy faction in one of those messages. He defected to the Socialist Left in May of 2019; is that right?

MR SOMYUREK: That's right.

MR CARR: And was the speculation that he had been promised a seat in return for defecting with his numbers?

MR SOMYUREK: That's right.

MR CARR: If we then go forward, there was a branch meeting on Australia Day of 2020?

MR SOMYUREK: Yep.

MR CARR: At Mr Sidhu's house?

MR SOMYUREK: Yep.

MR CARR: And there were some fairly unpleasant scenes?

MR SOMYUREK: Yep.

MR CARR: Somebody on your side had made a recording of those scenes?

MR SOMYUREK: Yep.

MR CARR: And there was in fact some violence at the meeting?

MR SOMYUREK: Yes, there was. That's just not welcome. That's what happens when you raid each other's branches. That's why I was so angry, yeah.

MR CARR: And there were some racial epithets used by Mr Sidhu?

MR SOMYUREK: Yeah.

MR CARR: Which were caught on the recording?

MR SOMYUREK: Yep.

MR CARR: And you saw that recording as an opportunity to remove a stone from your shoe and get Mr Sidhu out of the

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party?

MR SOMYUREK: Yeah, but, Mr Carr, those - I would be very careful in really downplaying the words he used. They were ult-Right, racist, terrible, terrible things that don't belong in any political party, let alone the Australian Labor Party. It was the politics of, you know - it was ethnic separatism. It was racial hate. It was against - you know, 'Why the Muslims come here, get all the grants, government grants, and we miss out' - - -

MR CARR: Mr Somyurek, Mr Somyurek, I just want to - - -

MR SOMYUREK: It wasn't pleasant stuff, Mr Carr. If you can please acknowledge that it was pretty bad stuff what he said.

MR CARR: What I want to direct your focus to is your motivation, your motivation - - -

MR GULLACI: Commissioner, can I please interrupt here because, in fairness to Mr Somyurek, the way that it was put was very sensational by Mr Carr, which of course is his entitlement, that, 'You took this as an opportunity to remove a stone from your shoe.' Now, Mr Somyurek is entitled to say that, yes, he did that, and, if there is a real justification for it in the way that he sort to express, that has to be relevant, with respect.

COMMISSIONER: Yes, I accept that's so, Mr Carr. Without making a long speech, Mr Somyurek, what did you want to say as to why you did that?

MR SOMYUREK: Well, he's basically saying my parents' commitment to Australia, them doing all, you know, the hard labour - they were labourers. They weren't skilled

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1 migrants. He was pitting skilled migrants, like some of 11:00:33AM
2 the Indians are, against people like my parents who came 11:00:38AM
3 here as labourers and helped build Australia. Sorry. Can 11:00:40AM
4 I just - - - 11:00:46AM
5 COMMISSIONER: Yeah, sure. Look, I think we've been going for 11:00:47AM
6 a while now. Why don't we take a break for five minutes. 11:00:49AM
7 (Short adjournment.) 11:00:55AM
8 COMMISSIONER: Mr Somyurek, are you comfortable in proceeding? 11:15:14AM
9 MR SOMYUREK: Thank you. Yes. Thank you, Commissioner. 11:15:17AM
10 COMMISSIONER: Very good. Yes. Yes, Mr Carr. 11:15:20AM
11 MR CARR: All right. So, Mr Somyurek, you accept that you 11:15:21AM
12 sought to have Mr Sidhu kicked out of the Labor Party? 11:15:29AM
13 MR SOMYUREK: I did, yep, yep. 11:15:33AM
14 MR CARR: We won't go back over the reasons. Could we look at 11:15:35AM
15 exhibit 111. I just want to refresh your memory about the 11:15:42AM
16 steps that you took. If we scroll down a little you'll 11:15:51AM
17 see - thank you - you'll see Mr Goodwin? 11:16:04AM
18 MR SOMYUREK: Yep. 11:16:09AM
19 MR CARR: At midday or so on a Thursday telling you that he's 11:16:10AM
20 found a translation service with accredited Punjabi 11:16:15AM
21 translators based in New South Wales which he thinks is 11:16:18AM
22 preferable. 'They will require the audio file to provide 11:16:23AM
23 a quote. They have said they can do the work though. 11:16:27AM
24 Michael wanted me to get you to okay sending the file to 11:16:31AM
25 them'? 11:16:34AM
26 MR SOMYUREK: Yep. 11:16:35AM
27 MR CARR: So the situation is that you have tasked 11:16:35AM
28 Mr Goodwin - - - 11:16:43AM
29 MR SOMYUREK: Yep. 11:16:43AM

1 MR CARR: With obtaining a recording - sorry, a transcript in 11:16:44AM
2 English of the branch meeting at Mr Sidhu's house? 11:16:52AM
3 MR SOMYUREK: Yep. 11:16:56AM
4 MR CARR: And you've involved Mr de Bruyn in that process? 11:16:57AM
5 MR SOMYUREK: How does - I'm not sure how Michael got involved 11:17:05AM
6 in it, but, yeah, okay. It was an Admin-related matter, 11:17:07AM
7 so it might have been that Michael's on Admin. Okay. 11:17:13AM
8 MR CARR: Well, the message there is, 'Michael wanted me to get 11:17:17AM
9 you to okay sending the file to them'? 11:17:20AM
10 MR SOMYUREK: Yep. 11:17:23AM
11 MR CARR: Michael is Michael de Bruyn? 11:17:23AM
12 MR SOMYUREK: Well, yes. So, okay, so I haven't gone to Oscar 11:17:26AM
13 myself; he's gone to Oscar. But whatever it is, okay, 11:17:29AM
14 yep, fine. Yep. 11:17:31AM
15 MR CARR: No, that's just - I'm trying to refresh your memory. 11:17:31AM
16 Did you go to Mr de Bruyn or did you go to Oscar? 11:17:37AM
17 MR SOMYUREK: I can't recall. I just - it's strange to have 11:17:40AM
18 both of them involved. So - why would I have gone to both 11:17:42AM
19 of them? I don't know. 11:17:50AM
20 MR CARR: Let me see if I can help you with that. Mr McLennan 11:17:54AM
21 has given evidence that you had a habit of going to one 11:17:57AM
22 person in order to task them with directing somebody else 11:18:01AM
23 to do some factional work. So you'd use an intermediary? 11:18:08AM
24 MR SOMYUREK: No. No. There was no need. No. That's not 11:18:13AM
25 right. 11:18:17AM
26 MR CARR: You remember, though - - - 11:18:22AM
27 MR SOMYUREK: It could be - sorry, Mr Carr, excuse me, it could 11:18:24AM
28 be that ultimately this is an Administrative Committee 11:18:26AM
29 matter and it could be that Michael will direct how that's 11:18:29AM

1 to be presented and what was required in Admin. It could 11:18:33AM
2 be. I'm just speculating. Yeah. 11:18:37AM
3 MR CARR: Do you remember, though, getting people involved in 11:18:39AM
4 the process of having Mr Sidhu kicked out of the party? 11:18:45AM
5 MR SOMYUREK: Well, yes, because we had to get involved the 11:18:50AM
6 numbers and - so which party are you talking about? 11:18:55AM
7 MR CARR: ALP. 11:18:59AM
8 MR SOMYUREK: There was a motion moved in Administrative 11:19:00AM
9 Committee expressing the party's disgust at what he said. 11:19:02AM
10 So, if you're talking about that, that's right. 11:19:06AM
11 MR CARR: No, no, I'm not talking about something taking place 11:19:09AM
12 in the Admin Committee. Did you - - - 11:19:13AM
13 MR SOMYUREK: You're talking about the Disputes Tribunal? 11:19:18AM
14 MR CARR: No, no, hold on. Let's just let me make myself 11:19:20AM
15 clear, hopefully. Did you involve staffers in the process 11:19:23AM
16 of any aspect of the internal ALP processes for the 11:19:32AM
17 purpose of having Mr Sidhu kicked out of the ALP? 11:19:40AM
18 MR SOMYUREK: I can't recall. We've obviously got two there, 11:19:46AM
19 Michael and Oscar. I've got Oscar involved. 11:19:50AM
20 MR CARR: Yes, okay. Now, if we can perhaps go down to the 11:19:54AM
21 third page, and we'll just skip through the second page 11:20:09AM
22 because there's no text in the messages. There are 11:20:16AM
23 attachments that we can't read because they're not large 11:20:21AM
24 enough. If we could pause there, sorry. 'Do you want me 11:20:23AM
25 to contact those individuals - I've been going through 11:20:30AM
26 companies. I'm working my way through the list on the 11:20:33AM
27 site.' Your answer, 'Yes please.' So you're giving 11:20:38AM
28 directions to Mr Goodwin in relation to getting a 11:20:46AM
29 transcript of the Sidhu recording; correct? 11:20:51AM

1 MR SOMYUREK: That's right. That's at 6.45 pm, yep. 11:20:56AM

2 MR CARR: If we keep going down, we get to some messages about 11:21:03AM

3 the New South Wales translator, avoiding the one with the 11:21:14AM

4 surname Sidhu. Keep scrolling down. Yes. Sorry, my 11:21:22AM

5 pagination is different. If we can keep scrolling down, 11:21:35AM

6 please. There's a joke between you. If we keep 11:21:39AM

7 scrolling, please, there's a joke between you about him 11:21:45AM

8 being rejected by two translators. And if we can just 11:21:48AM

9 pause there you can see in the blue on the middle of the 11:21:54AM

10 screen from Mr Goodwin to you, 'Do you want me to contact 11:22:00AM

11 Aloke to arrange payment? The previous payment was 11:22:05AM

12 refunded but the amount will not return to account for 5 11:22:08AM

13 business days.' The Aloke who's - - - 11:22:11AM

14 MR SOMYUREK: Yeah. 11:22:16AM

15 MR CARR: Named is Aloke Kumar? 11:22:16AM

16 MR SOMYUREK: Yep. 11:22:19AM

17 MR CARR: One of the Kumar brothers? 11:22:20AM

18 MR SOMYUREK: Yep. 11:22:21AM

19 MR CARR: If we keep scrolling down you'll see - if we keep 11:22:22AM

20 scrolling, you see the price is communicated to you, '750 11:22:30AM

21 to have done by tomorrow night. That okay?' Do you see 11:22:37AM

22 there? 11:22:44AM

23 MR SOMYUREK: Yep, yep, yep. 11:22:45AM

24 MR CARR: And if we scroll down, you say, 'Okay'? 11:22:46AM

25 MR SOMYUREK: Yep. 11:22:50AM

26 MR CARR: Just to complete the sequence of messages, Mr Goodwin 11:22:50AM

27 says, 'All good with cost from Kumars.' You write back, 11:22:59AM

28 'Okay, can you please make it happen.' He says, 'Yep am 11:23:04AM

29 speaking to translator now.' Then the final message 11:23:08AM

1 contains a PDF entitled 'Jasvinder Singh ALP meeting 11:23:12AM
2 January 2020 translation'? 11:23:22AM
3 MR SOMYUREK: Yep. 11:23:24AM
4 MR CARR: So what's taken place in February of 2019 is 11:23:24AM
5 the - 2020, rather, is that you have involved Mr Goodwin 11:23:32AM
6 in obtaining a translation of the recording or a 11:23:42AM
7 transcript of the translated recording and the Kumars have 11:23:48AM
8 paid \$750 for that; correct? 11:23:56AM
9 MR SOMYUREK: Yeah. 11:24:00AM
10 MR CARR: What were the Kumars getting in return for 11:24:00AM
11 contributing their \$750? 11:24:04AM
12 MR SOMYUREK: They were self-motivated. I know where you're 11:24:06AM
13 going. They were self-motivated on their own on this 11:24:09AM
14 issue. With due respect to Jasvinder, there was bad blood 11:24:12AM
15 between them, independently of me, just individuals within 11:24:19AM
16 the Indian community, and obviously they were 11:24:21AM
17 backing - don't forget I met these guys through 11:24:25AM
18 Sarah Connolly. Ultimately this was all related to 11:24:28AM
19 Sarah Connolly, and their candidate was Ms - Kaushaliya. 11:24:31AM
20 Kaushaliya. So they were all in the same space battling 11:24:40AM
21 it out with Jasvinder Sidhu; okay? So that's the - they 11:24:44AM
22 were leading the field battling it out with Jasvinder 11:24:53AM
23 Sidhu rather than me being at the coalface, yeah. 11:24:56AM
24 MR CARR: Can I distil your answer, and you tell me if I'm 11:24:59AM
25 wrong. What they were getting for their \$750 is a clearer 11:25:04AM
26 run at Sarah Connolly keeping her seat in Tarneit? 11:25:07AM
27 MR SOMYUREK: Yep. 11:25:11AM
28 MR CARR: Yes. I tender that, Commissioner. 11:25:11AM
29 COMMISSIONER: So that's the texts between 13 February and the 11:25:17AM

1 15th? 11:25:19AM

2 MR CARR: Yes, Commissioner. 11:25:22AM

3 COMMISSIONER: Or it's actually the 16th? 11:25:25AM

4 MR CARR: They're WhatsApp messages rather than text messages. 11:25:28AM

5 COMMISSIONER: Yes. 112. 11:25:33AM

6 11:25:42AM

7 #EXHIBIT 112 - WhatsApp messages between 13/02 and 16/02. 11:25:42AM

8 MR CARR: Can we skip forward in the chronology a little bit. 11:25:46AM

9 There was a motion or a complaint to have Mr Sidhu 11:25:49AM

10 expelled from the party? 11:26:03AM

11 MR SOMYUREK: Yep. 11:26:05AM

12 MR CARR: And you tasked, I suggest, a number of staffers to 11:26:05AM

13 work on that; do you accept that? 11:26:18AM

14 MR SOMYUREK: I can't recall, but it might have been the case. 11:26:22AM

15 MR CARR: All right. Let's listen to clip 25-1 to refresh your 11:26:26AM

16 memory, Mr Somyurek. We will see this is 29 April 2020. 11:26:29AM

17 (Audio recording played to the Commission.) 11:26:53AM

18 MR CARR: All right. Now, if we scroll back up to line 10, Lou 11:28:02AM

19 asks, 'What are they working on, like, during all of 11:28:16AM

20 this?' You say, 'I've told them to email stuff. Um, I'm 11:28:19AM

21 gonna get them to write a submission charging Jasvinder 11:28:24AM

22 whose case is coming up soon'? 11:28:29AM

23 MR SOMYUREK: Oh, yes. I think I was going to take advantage 11:28:31AM

24 of Jake's legal training, put that to work, I think. As 11:28:33AM

25 I recall. Is that right? Is that what happened? 11:28:40AM

26 MR CARR: We'll work through it. I just want to start with 11:28:43AM

27 your memory. Your memory is you put Jake on the job? 11:28:47AM

28 MR SOMYUREK: Because of his legal training, as I recall. That 11:28:50AM

29 was my - to make it quasi-legalistic, you know. 11:28:52AM

1 MR CARR: Looking at line 18, 'Whatever you've got, make them 11:28:56AM
2 fucking work. They're not gonna be sitting around again.' 11:29:04AM
3 That's you to Lou? 11:29:08AM
4 MR SOMYUREK: Yep. 11:29:10AM
5 MR CARR: Effectively handing over responsibility to her to 11:29:11AM
6 give them tasks to fill their working day; correct? 11:29:13AM
7 MR SOMYUREK: Again, the same principle of just sitting around 11:29:18AM
8 doing nothing and gossiping with mates, you know - so, 11:29:22AM
9 yeah. But not at the expense of working at the office. 11:29:25AM
10 MR CARR: I tender that, Commissioner. 11:29:32AM
11 COMMISSIONER: What's the date of that conversation, Mr Carr? 11:29:34AM
12 MR CARR: It's 29 April 2020. 11:29:36AM
13 COMMISSIONER: 113. 11:29:41AM
14 11:29:41AM
15 #EXHIBIT 113 - Clip 25-1, conversation between Mr Somyurek and 11:29:42AM
16 Lou dated 29/04/20. 11:29:45AM
17 MR CARR: Could we then look, please, at p5401. These are 11:29:45AM
18 WhatsApp messages between Mr de Bruyn and Mr McLennan on 11:29:53AM
19 11 May, so just under a couple of weeks after you've 11:29:59AM
20 indicated you're going to get them to write a submission 11:30:07AM
21 charging Jasvinder. You'll see - now it's cut off at the 11:30:10AM
22 top, but the message is from Mr McLennan to Mr de Bruyn, 11:30:16AM
23 'What's tomorrow's Zoom chat about?' 'Jasvinder,' says 11:30:19AM
24 Mr de Bruyn. Mr de Bruyn says, 'Adem wants to get 11:30:25AM
25 everyone doing stuff.' And then we - you can see there's 11:30:29AM
26 a question, 'Does Lou need to be on the hookup? She's in 11:30:35AM
27 the WhatsApp group.' Mr de Bruyn says, 'Nah.' That's all 11:30:42AM
28 that deals with this topic. Does that refresh your memory 11:30:49AM
29 that you - - - 11:30:52AM

1 MR SOMYUREK: I can't - - - 11:30:53AM

2 MR CARR: Wanted to get everyone working on the Jasvinder 11:30:55AM

3 stuff? 11:30:58AM

4 MR SOMYUREK: I can't recall a Zoom meeting taking place. I do 11:30:58AM

5 recall Michael having - I recall Oscar writing things. 11:31:01AM

6 For some reason I remember some interchange with Michael. 11:31:10AM

7 But I can't recall anyone else. But for some reason Jake 11:31:14AM

8 rings a bell because of legal - I wanted to test out his 11:31:18AM

9 sort of, you know - his legal training, see how it looked, 11:31:23AM

10 see what he was about to - see what he produced was good. 11:31:30AM

11 But that's - I just - sort of that's the only recollection 11:31:36AM

12 I have, Mr Carr. But I do recall a lot of that stuff was 11:31:39AM

13 at night. I remember being up writing stuff myself and 11:31:45AM

14 going through things. 11:31:49AM

15 MR CARR: We'll come to that aspect of it. But it certainly 11:31:50AM

16 involved meetings and work during the day, didn't it? 11:31:55AM

17 MR SOMYUREK: I don't think it would have involved meetings at 11:32:00AM

18 all. I think it was more - we got people - I think what 11:32:02AM

19 it was more about, Mr Carr, is this. There was people 11:32:06AM

20 that wanted to put in submission - there was a main 11:32:10AM

21 submission that was being put in, right, on behalf of 11:32:13AM

22 the official sort of, you know, person that was lodging 11:32:17AM

23 the dispute. I think we might have all had a hand in 11:32:20AM

24 putting finishing touches on that. But it was done more 11:32:24AM

25 from people outside of our offices, one gentleman in 11:32:30AM

26 particular, and that's what I recall. I don't 11:32:35AM

27 think - Michael might have had a - I reckon I did most of 11:32:39AM

28 that, and another gentleman from the outside. I think 11:32:43AM

29 they might have had things on the edges, and people that 11:32:47AM

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wanted to put in submissions that weren't able to sort of articulate properly, I think there was a bit of help with that. But I recall most of that was after hours with Oscar, I recall, doing a couple of things too.

MR CARR: You would have noted that Mr Goodwin's messages back and forth to you were both during working hours and after working hours?

MR SOMYUREK: Yeah.

MR CARR: You observed one saying, whilst looking at them, that one was at 6.40 on a Friday evening?

MR SOMYUREK: Yes.

MR CARR: Others were during working hours; you noted that?

MR SOMYUREK: Yeah, I noted all those messages. There was a suite, I think, yeah.

MR CARR: I tender that document, Commissioner.

COMMISSIONER: 114.

#EXHIBIT 114 - WhatsApp messages between Mr de Bruyn and Mr McLennan dated 11/05/20.

MR CARR: You didn't remember there being any meetings. Let's just assist you with that. Can we listen to clip 27-1, please. This is the next day, 12 May.

(Audio recording played to the Commission.)

MR CARR: Having refreshed your memory about that, can we put that aside, and we'll need to come back to it in a moment, and could we look at p5403, please, Commissioner. These are some messages of the same date, 12 May 2020, between Mr de Bruyn and Mr McLennan. Mr de Bruyn writes, 'I got that list of members.' Take note of the time. This is

11:32:50AM
11:32:52AM
11:32:55AM
11:32:58AM
11:33:00AM
11:33:09AM
11:33:17AM
11:33:17AM
11:33:19AM
11:33:20AM
11:33:25AM
11:33:25AM
11:33:28AM
11:33:30AM
11:33:32AM
11:33:35AM
11:33:36AM
11:33:36AM
11:33:38AM
11:33:38AM
11:33:41AM
11:33:46AM
11:34:05AM
11:36:22AM
11:36:27AM
11:36:30AM
11:36:39AM
11:36:43AM
11:36:49AM

1 work time. Mr McLennan, 'Excellent. Thanks mate. I'm 11:36:56AM
2 working on the Jasvinder stuff now.' Mr de Bruyn writes, 11:37:00AM
3 'Transcript in your inbox.' Mr McLennan, 'Thanks mate.' 11:37:04AM
4 Mr McLennan, 'All the lads are on the Zoom chat.' 11:37:08AM
5 Mr McLennan, 'FYI I'll be running around doing Somyurek 11:37:12AM
6 stuff for most of tomorrow.' We'll have to come back to 11:37:16AM
7 this as well in a minute, but can we just remind you about 11:37:21AM
8 what you said to Lou in the recording of this date: 11:37:26AM
9 'I told de Bruyn you better get them fucking working.' 11:37:31AM
10 Mr de Bruyn clearly seems to have understood your 11:37:37AM
11 direction to be, 'Get them working during work time on 11:37:40AM
12 this factional stuff'? 11:37:45AM
13 MR SOMYUREK: Yeah. 11:37:50AM
14 MR CARR: If we scroll down further, after Mr McLennan tells 11:37:52AM
15 Mr de Bruyn that he'll 'be running around doing Somyurek 11:38:01AM
16 stuff for most of tomorrow', there's then - Mr de Bruyn 11:38:05AM
17 writes, 'Have we fucked up any more money orders,' and 11:38:07AM
18 Mr McLennan says, 'No but only because he's left it too 11:38:14AM
19 late again. I'm doing all the paperwork and getting the 11:38:18AM
20 money orders tomorrow. Delivering it Thursday.' So 11:38:21AM
21 there's a pattern of Mr McLennan informing Mr de Bruyn of 11:38:23AM
22 factional work he's doing for you during his working day; 11:38:32AM
23 correct? 11:38:35AM
24 MR SOMYUREK: Yeah. I would contend the money orders is 11:38:36AM
25 not - is for the south-east. But anyway, yep. 11:38:40AM
26 MR CARR: I tender that, Commissioner, and I tender also 11:38:46AM
27 the - - - 11:38:52AM
28 COMMISSIONER: The conversation was with? 11:38:52AM
29 MR CARR: With Lou on - - - 11:38:57AM

1 COMMISSIONER: Lou on 12 May is 115, and text messages between 11:38:59AM
2 de Bruyn and McLennan, 116. 11:39:06AM
3 11:39:09AM
4 #EXHIBIT 115 - Clip 27-1, conversation between Mr Somyurek and 11:39:10AM
5 Lou on 12/05/20. 11:39:11AM
6 11:39:11AM
7 #EXHIBIT 116 - Text messages between Mr de Bruyn and Mr 11:39:11AM
8 McLennan on 12/05/20. 11:39:12AM
9 MR CARR: Could we then look at exhibit 113. These are some 11:39:12AM
10 messages between you and Mr de Bruyn leading up to when 11:39:19AM
11 the submission was finally due on the - so on 18 May you 11:39:25AM
12 tell de Bruyn, 'Cragg wants this out of the way this 11:39:34AM
13 week.' Who's Cragg? 11:39:39AM
14 MR SOMYUREK: He's the Disputes Tribunal guy. 11:39:41AM
15 MR CARR: Yes. And you heard in the recording something about 11:39:43AM
16 a name that was transcribed as 'Craig'? 11:39:48AM
17 MR SOMYUREK: Yeah, but it's Cragg. It will be Cragg, I think. 11:39:50AM
18 MR CARR: Mr de Bruyn writes to you, 'The branch stacking stuff 11:39:56AM
19 seems a hard slog, I just put a rocket up them.' The 11:39:59AM
20 'branch stacking stuff' is the second limb of 11:40:05AM
21 the complaint against Mr Sidhu; correct? 11:40:08AM
22 MR SOMYUREK: Yes. 11:40:11AM
23 MR CARR: One limb being the racism - - - 11:40:14AM
24 MR SOMYUREK: Yeah. 11:40:16AM
25 MR CARR: The second being the branch stacking. So Mr de Bruyn 11:40:17AM
26 has put a rocket up the staffers to get cracking on the 11:40:22AM
27 branch-stacking stuff? 11:40:28AM
28 MR SOMYUREK: Yep. 11:40:29AM
29 MR CARR: Mr de Bruyn then informs you that he'll hopefully 11:40:29AM

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finish replying to the defence tonight?
MR SOMYUREK: Yep.
MR CARR: 'Has Hawli written and sent his police statement to Clare to pass on to Cragg?' Is Hawli related to anyone who worked in your office?
MR SOMYUREK: I'm not sure. I couldn't give a straight answer if she was related to my EA or not. Apparently it's - the Richmond Football Club - footballer - remember his surname, (indistinct). Is it Richmond? Apparently there's a big clan of them. So - there's a big tribe. So I'm not sure if they're all related to each other, but - - -
MR CARR: And Clare is Clare Burns?
MR SOMYUREK: Yep.
MR CARR: State Secretary of the ALP?
MR SOMYUREK: Yep.
MR CARR: And, if we recall the evidence from earlier this week, someone who you directed Kirsten Psaila to cast 70 votes for in the 2018 election?
MR SOMYUREK: Yep.
MR CARR: You tell Mr de Bruyn, 'Don't send anything to Cragg until I see it.' Mr de Bruyn asks what the deadline is. You say, 'Wednesday.' Mr de Bruyn, the next day, tells you that he sent you something - sorry, at 1.30 am. So your recollection was accurate, that there was some work done at night on this as well. He tells you it's not quite done. In box 9 at the top of the next page, you can see that you give him some feedback, and he tells you, 'Okay. I'm working on the branch stacking stuff now.'

11:40:34AM
11:40:39AM
11:40:40AM
11:40:45AM
11:40:49AM
11:40:50AM
11:40:53AM
11:40:56AM
11:40:59AM
11:41:00AM
11:41:03AM
11:41:06AM
11:41:06AM
11:41:09AM
11:41:10AM
11:41:12AM
11:41:12AM
11:41:16AM
11:41:22AM
11:41:28AM
11:41:28AM
11:41:32AM
11:41:39AM
11:41:42AM
11:41:47AM
11:41:51AM
11:41:56AM
11:42:02AM
11:42:09AM

1 I found the letter that Garth put together,' and so forth. 11:42:14AM
2 Do you see that? 11:42:20AM
3 MR SOMYUREK: Yep. 11:42:21AM
4 MR CARR: Yes. So a bit after midday Mr de Bruyn tells you 11:42:22AM
5 he's working on the branch-stacking stuff. Your response 11:42:28AM
6 is, 'What are the guys doing?' 'They're meant to be 11:42:32AM
7 collating' - sorry, Mr de Bruyn writes to you, 'They're 11:42:37AM
8 meant to be collating the branches and numbers into a 11:42:40AM
9 table format to reference.' The remainder of the messages 11:42:44AM
10 are perhaps not so pertinent for this point but deal 11:42:52AM
11 with - you can scroll through them and look at them to 11:42:56AM
12 confirm this - you advising on the content that should be 11:42:59AM
13 included and excluded from the complaint? 11:43:07AM
14 MR SOMYUREK: Yep. 11:43:14AM
15 MR CARR: So what we see is another body of factional work 11:43:21AM
16 being done by staffers at your direction and the direction 11:43:24AM
17 of Mr de Bruyn? 11:43:28AM
18 MR SOMYUREK: Yep. 11:43:30AM
19 MR CARR: A number of staffers are involved in this factional 11:43:31AM
20 work; correct? 11:43:33AM
21 MR SOMYUREK: So - yes. Mr - what we're picking up is you have 11:43:35AM
22 intense periods and then it sort of dies. And then 11:43:40AM
23 consideration - for example, Oscar, and I'm sure Michael 11:43:44AM
24 as well and Nick, when you've got a ministerial adviser 11:43:47AM
25 you're with them all - you know, you can be with them all 11:43:52AM
26 night. Like, parliament sitting weeks, Oscar is on duty 11:43:56AM
27 with me until night, until all hours, you know. So it 11:44:00AM
28 does even itself up, and they're expected to be online all 11:44:03AM
29 the time as well, because politics is 24/7, especially 11:44:07AM

1 with advisers. 11:44:11AM

2 MR CARR: Are you saying that their job is so demanding that 11:44:13AM

3 that's okay for you to then put this additional demand on 11:44:17AM

4 them? 11:44:20AM

5 MR SOMYUREK: But these guys themselves want to be involved in 11:44:21AM

6 it; see? It's not a condition of employment. Like, what 11:44:23AM

7 Isabelle said really distressed me - I think that's the 11:44:29AM

8 threshold issue - where she thought it was part of her 11:44:32AM

9 employment. That's wrong; right? And I doubt Ms Kairouz 11:44:34AM

10 would have done that at all. It can't be a part of their 11:44:38AM

11 employment; right? It just can't. And I distinctly 11:44:42AM

12 recall Mr de Bruyn being very keen on her taking up that 11:44:47AM

13 role. In fact, I was sceptical, and he was saying, 'No, 11:44:51AM

14 no, she's a factional operator. She has been in Young 11:44:54AM

15 Labor and student politics.' But I think - if I can go 11:44:57AM

16 back to that, I think that is a threshold question - issue 11:45:01AM

17 too. If people don't want to do it and you're forcing 11:45:03AM

18 them - and, you know, I'm very good friends with 11:45:06AM

19 Ms Kairouz, but that type of - you know, I don't believe 11:45:08AM

20 that. But if - you know, if you get that scenario where 11:45:13AM

21 it becomes part of your work, that's a problem. There's 11:45:18AM

22 no condition - these people that are employed are also 11:45:23AM

23 activists on their own accord. 11:45:28AM

24 MR CARR: See, the evidence that's been fairly consistent from 11:45:34AM

25 them is that it was a condition of their employment, 11:45:38AM

26 Mr Somyurek. How did they end up with such a 11:45:42AM

27 misapprehension? 11:45:45AM

28 MR SOMYUREK: I would think with all of them they're probably 11:45:47AM

29 daunted by an IBAC inquiry and they think they've done 11:45:52AM

1 something wrong; it's just easier to say, 'It wasn't me. 11:45:55AM
2 It was them. The authority made me do it.' I really do 11:45:59AM
3 think that's the case. 11:46:02AM
4 MR CARR: Do you think that they've all been so daunted by 11:46:03AM
5 things that they have created a false narrative that you 11:46:09AM
6 and Ms Kairouz made it a condition of their employment 11:46:18AM
7 when in fact they were quite voluntarily out of hours 11:46:23AM
8 engaging in factional activity? 11:46:28AM
9 MR SOMYUREK: They were all activists, all wanting things. 11:46:34AM
10 They all wanted - they're all office seekers, essentially. 11:46:38AM
11 The fact that they're employed in politics is a big deal 11:46:43AM
12 for them. So in the case of Moderate Labor, that level 11:46:47AM
13 actually ran Moderate Labor - Michael, Nick, et cetera. 11:46:53AM
14 Now - yeah, I mean, they are primarily all office seekers. 11:46:59AM
15 COMMISSIONER: Mr Somyurek, I really don't understand your last 11:47:12AM
16 short piece of evidence about how their contention that 11:47:20AM
17 they always understood it was a part of their employ to do 11:47:27AM
18 factional work might be explained on the basis that, 11:47:32AM
19 having been compelled to give evidence to IBAC, they 11:47:38AM
20 proffer that as an explanation. I don't follow how - - - 11:47:44AM
21 MR SOMYUREK: Okay, that's probably too much. 11:47:51AM
22 COMMISSIONER: No, I don't follow how having to be compelled to 11:47:53AM
23 proffer an explanation affects your position. I mean, 11:47:57AM
24 whether or not you explicitly said to them on Day 1, 'You 11:48:05AM
25 come here, you'll have to do the factional work that 11:48:10AM
26 I direct,' whether you said that or just through the 11:48:13AM
27 effluxion of time gave them jobs to do, is there any 11:48:18AM
28 difference between the two? Either way you were approving 11:48:25AM
29 them using a significant portion of their working hours to 11:48:32AM

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do factional work; isn't that so?
MR SOMYUREK: That's - I understand what you're saying, and
I just think - I think you've got to differentiate between
an activist who wants to do things anyway, but actively
putting in her - making it a condition of employment
I think is wrong. But I get what you're saying. At the
end of the day you're eating into taxpayers' money or not.
That's basically - - -
COMMISSIONER: And - - -
MR SOMYUREK: And, yeah. I see a nuance that might not be
there, in actual - - -
COMMISSIONER: And you've got to then contend, as you have,
that all of this factional work that they are doing,
whether it's because it was made a condition of their
employ or merely something that over time you required
them to do, you then had to contend that this falls into
what you describe as the grey area?
MR SOMYUREK: Yeah.
COMMISSIONER: Is that right?
MR SOMYUREK: But again, Commissioner, this is an intense
period of activity for a short period of time. It's not -
you know, it's not representative of the whole year, do
you know what I mean? You've got half - you know, you've
got some during the day, some at night. So, yeah.
COMMISSIONER: Do you seriously say that if at any given moment
in this - take this current issue that Mr Carr's been
exploring with you, at any given moment if everyone was
frozen and someone from Parliamentary Services or the
Auditor-General said to you, 'Mr Somyurek, can you justify

11:48:35AM
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11:49:02AM
11:49:06AM
11:49:06AM
11:49:07AM
11:49:09AM
11:49:11AM
11:49:16AM
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1 your ministerial officer or your electoral officer or 11:50:32AM
2 Ms Kairouz's electoral officer doing this work,' do you 11:50:40AM
3 seriously suggest that you would have been able to do so? 11:50:45AM
4 MR SOMYUREK: On this? 11:50:51AM
5 COMMISSIONER: No. Just pausing at any given moment here in 11:50:53AM
6 this narrative, you couldn't have justified, could you, 11:50:57AM
7 that you could be using your parliamentary allowances to 11:51:00AM
8 pay them? 11:51:03AM
9 MR SOMYUREK: Yep, what I would like to do is a cost benefit, 11:51:06AM
10 I guess, add up all the times that these people do 11:51:11AM
11 ministerial work, the ministerial advisers, ministerial 11:51:17AM
12 work outside of the working hours, and then how much time 11:51:20AM
13 they do during the - do factional work office hours. My 11:51:25AM
14 bet is that they'll be doing more ministerial work outside 11:51:29AM
15 of office hours than vice-versa. 11:51:32AM
16 Again, these people will do weekend work as well. 11:51:34AM
17 Why? Because they are working for a cause, you know, to 11:51:39AM
18 keep the ALP in government, for example. So my contention 11:51:42AM
19 is if the taxpayer - you were to do - you're to make an 11:51:45AM
20 account of ministerial advisers who are doing factional 11:51:51AM
21 work during the day, how many hours they have done, and 11:51:55AM
22 ministerial advisers doing ministerial work outside of 11:51:55AM
23 office hours, I think the taxpayer will be in front, is my 11:52:00AM
24 contention. 11:52:02AM
25 COMMISSIONER: I might get you to reflect for a moment on that 11:52:04AM
26 last answer and the suggestion implicit within it that 11:52:07AM
27 this factional work is to keep Labor in government. It's 11:52:13AM
28 got nothing to do with - - - 11:52:18AM
29 MR SOMYUREK: No, no, no, I'm not saying - I'm just saying 11:52:19AM

1 that - I'm saying that the people that work in this 11:52:22AM
2 political appointments, when they work they do work for a 11:52:27AM
3 cause as well apart from their factional interests; right? 11:52:31AM
4 So they do do work that you would consider to be 11:52:35AM
5 appropriate for taxpayers to be - you know, to do their 11:52:38AM
6 ministerial work, for example, outside of office hours 11:52:42AM
7 without asking for anything extra. I know with my 11:52:46AM
8 advisers I would be on the phone with them on the weekends 11:52:49AM
9 constantly. So you'll find that's a regular occurrence; 11:52:54AM
10 at night, on the weekends for hours, and going to events. 11:52:58AM
11 So there is a lot of - you know, there's a lot of 11:53:05AM
12 cross-over is all I'm saying to you. 11:53:10AM
13 COMMISSIONER: But the yardstick for whether or not the funds 11:53:17AM
14 are being misused is whether or not they relate to the 11:53:24AM
15 member of parliament's public duties. 11:53:29AM
16 MR SOMYUREK: Yep. 11:53:33AM
17 COMMISSIONER: And none of this party-political or factional 11:53:35AM
18 work does? 11:53:37AM
19 MR SOMYUREK: Yep, so again we have to also then account for 11:53:39AM
20 the amount of times these people worked outside of office 11:53:44AM
21 hours too. My point is they also do a lot of stuff 11:53:49AM
22 outside of work hours. Like, if you've got someone - one 11:53:53AM
23 of the advisers doing maybe something factional, he'll 11:54:00AM
24 probably do - he'll do something - he might do - he might 11:54:04AM
25 just finish his day job a little bit later on at night. 11:54:08AM
26 So there is that flexibility. But, if he's doing a time 11:54:11AM
27 specific task in his ministerial work, there is no 11:54:15AM
28 ministerial adviser and no minister will allow their 11:54:20AM
29 advisers not to give precedence to their ministerial work; 11:54:23AM

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okay? So that's what I'm saying to you. They will - you know, they will pace themselves. Because at the end of the day if their minister doesn't perform, if their minister is not well briefed and performs badly in a couple of Question Times, they're all out of a job, essentially. There is a self-correcting mechanism here, and you've got to be absolutely foolish as a minister to allow your staff not to - you know, not doing their ministerial - not to, you know, do their ministerial work.

COMMISSIONER: Mr Carr.

MR CARR: Can I just remind you, Mr Somyurek, of the messages

I read to you a little earlier today between Mr de Bruyn and Mr McLennan in which Mr McLennan indicated that you had summoned Mr de Bruyn, and Mr de Bruyn wrote, 'FFS no wonder we never get anything done.' The impression one gets, and that's one small part of the evidence, is that very much the priority was your demands rather than anything else.

MR SOMYUREK: Yeah, I wouldn't agree with that. They've

obviously got into a culture of whinging about me. But, yeah.

COMMISSIONER: These are contemporaneous records, Mr Somyurek,

which show the volume of work they are doing on factional or party-political activities in which you are either directing them or approving of what they're doing.

MR SOMYUREK: The problem is, Commissioner, that they get

involved themselves in it, you know. They don't like to give things over. They love it. They love it themselves. The activists love it themselves, believe me, and then

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11:56:45AM

1 they complain. 11:56:48AM

2 COMMISSIONER: I don't want to take time on the question of 11:56:55AM

3 whether they are enjoying or motivated by what they're 11:56:57AM

4 doing. If they're doing something that involves an 11:57:01AM

5 improper use of public funds it's utterly irrelevant, 11:57:05AM

6 isn't it, whether they're doing it because they're 11:57:10AM

7 motivated or doing it reluctantly? 11:57:14AM

8 MR SOMYUREK: Yeah. Again I get back to the point where it's 11:57:20AM

9 not a nine to five job. Whatever work you've got with 11:57:23AM

10 your ministerial work you've got to complete that work, 11:57:30AM

11 and that always has to be a priority. No minister will 11:57:33AM

12 allow their staff not to do - to let anything else take 11:57:35AM

13 precedent over what they're doing at work. Now, with 11:57:38AM

14 Nick - anyway, I'm not going to be - that will be - look, 11:57:46AM

15 I'm not going to say that. He was probably - he was 11:57:49AM

16 probably not happy with - I'm not going to say it. I'm 11:57:54AM

17 not going to say that. 11:57:57AM

18 COMMISSIONER: Just dealing with ministerial advisers, in this 11:57:59AM

19 period, 2019/20, was there a maximum number of ministerial 11:58:02AM

20 advisers that a minister could have? 11:58:10AM

21 MR SOMYUREK: PPO, that's the Premier's office, sets - they've 11:58:13AM

22 got a very good indication of how much workload is 11:58:16AM

23 required. They will allocate staff accordingly. 11:58:19AM

24 COMMISSIONER: So it varied according to the workload of each 11:58:24AM

25 minister, did it? 11:58:27AM

26 MR SOMYUREK: Yeah, they'll have data available on what they 11:58:29AM

27 think ministers' advisers should be doing and 11:58:31AM

28 they'll - they would allocate accordingly. 11:58:35AM

29 COMMISSIONER: And the Premier's private office would then 11:58:38AM

1 allocate - - - 11:58:40AM

2 MR SOMYUREK: That's right. 11:58:41AM

3 COMMISSIONER: Would then allocate advisers to the respective 11:58:41AM

4 minister? 11:58:44AM

5 MR SOMYUREK: That's right. 11:58:45AM

6 COMMISSIONER: Yes, Mr Carr. 11:58:47AM

7 MR CARR: I tender those messages, Commissioner. 11:58:49AM

8 COMMISSIONER: That will be exhibit 117, 18 to 19 May texts 11:58:51AM

9 between de Bruyn and McLennan. 11:58:57AM

10 11:58:57AM

11 #EXHIBIT 117 - Text messages between Mr de Bruyn and 11:58:55AM

12 Mr McLennan dated 18/05/20 and 19/05/20. 11:59:02AM

13 MR CARR: I'm just moving to another topic. I don't see any 11:59:02AM

14 movement from Mr Gullaci. So I'll move on. 11:59:05AM

15 COMMISSIONER: How are you feeling, Mr Somyurek? 11:59:10AM

16 MR SOMYUREK: I'm good. I'm fine, Commissioner. 11:59:12AM

17 COMMISSIONER: Very good. 11:59:14AM

18 MR CARR: Now, some of the - and we won't go into any detail on 11:59:23AM

19 this, but some of the staffers that we have been 11:59:28AM

20 discussing were earning six figure salaries, Mr Somyurek? 11:59:32AM

21 MR SOMYUREK: Yeah, I would say so. 11:59:35AM

22 MR CARR: Now, returning to your electorate office, you had a 11:59:36AM

23 close personal relationship with Pinar Yesil? 11:59:46AM

24 MR SOMYUREK: Yeah, I did; yep. 11:59:49AM

25 MR CARR: And you employed her nephew to work in your 11:59:50AM

26 electorate office? 11:59:57AM

27 MR SOMYUREK: Yes, I did. 11:59:58AM

28 MR CARR: He was a 20-year-old whose only work experience was 11:59:59AM

29 that he had done a little bit of part-time work in a 12:00:08PM

1 pet shop; correct? 12:00:11PM

2 MR SOMYUREK: Probably, yes. 12:00:13PM

3 MR CARR: And he earned \$95,000 in 2018. 12:00:16PM

4 MR SOMYUREK: Right. 12:00:21PM

5 MR CARR: Do you think he had the skills and experience that 12:00:22PM

6 justified taxpayers getting \$95,000 worth of value from 12:00:29PM

7 that young 20-year-old? 12:00:35PM

8 MR SOMYUREK: Yeah, I didn't realise he earned 95,000. Yeah, 12:00:38PM

9 I didn't realise he earned that much. What's the - was he 12:00:41PM

10 on a top band, was he? 12:00:45PM

11 MR CARR: He was an electorate officer in your employ. 12:00:47PM

12 MR SOMYUREK: Okay. Yep. Look, yeah, I don't know 12:00:50PM

13 whether - you said he's earned 95,000. Are you saying 12:01:05PM

14 that he was on a band - - - 12:01:08PM

15 COMMISSIONER: Mr Somyurek, don't worry about the precise 12:01:10PM

16 amount. The thrust of the question is: was he providing a 12:01:12PM

17 work service that justified a salary of that sort of 12:01:17PM

18 order? 12:01:24PM

19 MR SOMYUREK: Well, he was employed, yeah, and he was, you 12:01:25PM

20 know, providing regular feedback. He was learning to take 12:01:29PM

21 over from Pinar, yeah. He was learning to take over from 12:01:34PM

22 Pinar. I've always wanted to - I needed a Turkish speaker 12:01:38PM

23 in my office; right? I want - around the trust thing. 12:01:43PM

24 And he was - Pinar was teaching him how to do the 12:01:49PM

25 electoral work. 12:01:54PM

26 MR CARR: Just to be clear about why you needed a Turkish 12:01:56PM

27 speaker in your office, Arzum Caglayanca had proven to be 12:01:59PM

28 unreliable? 12:02:03PM

29 MR SOMYUREK: Yep. 12:02:04PM

1 MR CARR: Pinar was no longer going to be around? 12:02:05PM

2 MR SOMYUREK: No. 12:02:07PM

3 MR CARR: So you needed someone to take over Ms Caglayancaay's 12:02:08PM

4 father's legacy, namely those Turkish members? 12:02:15PM

5 MR SOMYUREK: Probably not for the Turkish members. The 12:02:20PM

6 Turkish constituents come to us, but there are Turkish 12:02:22PM

7 members who also come to the office too. So there's 12:02:26PM

8 always - as Mr Sullivan in his evidence said, they were 12:02:28PM

9 looking for a Turkish speaker. So, yep, it's very 12:02:32PM

10 important no matter what ethnicity you're from, you're 12:02:36PM

11 probably going to get people that gravitate towards your 12:02:39PM

12 office from your ethnicity who don't speak English 12:02:43PM

13 properly. 12:02:50PM

14 MR CARR: When you say 'have people come into your office', 12:02:51PM

15 I assume you're talking figuratively because - - - 12:02:54PM

16 MR SOMYUREK: Well, those connections happen via mobile phone. 12:02:59PM

17 If they happen sort of - yeah, more than ringing 12:03:02PM

18 the - ringing directly to the office; it normally happens 12:03:06PM

19 via mobile phone. 12:03:11PM

20 MR CARR: So when this young person is employed there was that 12:03:14PM

21 need for someone to take over the Turkish members; you 12:03:21PM

22 accept that? 12:03:26PM

23 MR SOMYUREK: Well, yes, that would come in handy; yes, that's 12:03:27PM

24 probably all a part of it. That will come in handy. 12:03:31PM

25 I needed a Turkish person. I need a Turkish person in my 12:03:34PM

26 office for a range of reasons. A Turkish speaker, Turkish 12:03:38PM

27 speaker. 12:03:43PM

28 MR CARR: Let's just be quite explicit about this, the reasons 12:03:43PM

29 including that you needed someone to manage the body of 12:03:47PM

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Turkish members that your office was running?
MR SOMYUREK: Well, my office weren't running the Turkish
[REDACTED]
managed the renewal process. But they - yeah, they ran
it, and then you would need someone to do the running
around later, yeah.
MR CARR: Can I move on to another issue. You followed
Mr Garotti's evidence about him acting as a lobbyist for
those within the faction?
MR SOMYUREK: M'hmm.
MR CARR: And you've a couple of times referred to my use of
the expression 'factional patronage' during the course of
your evidence?
MR SOMYUREK: Yep.
MR CARR: And, as I took your observations, they were to the
effect that that is an incident of the system of political
appointments?
MR SOMYUREK: Yep.
MR CARR: And so do I take your evidence to be that it is
inevitable so long as you have politicians making
appointments that factional considerations as well as
political considerations will be brought to bear?
MR SOMYUREK: Yep. Sorry, just one caveat. It's probably not
a caveat. One explanation. What we've got - the major
difference between - one difference between the
bureaucracy and the political appointments is tenure. So
I don't like using the term 'spoils system' because it
just sounds too cynical, but essentially political
appointments are the spoils system. When a government

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1 comes into office all the former staff from the other 12:06:05PM
2 party leave; new political appointments come in. Who are 12:06:09PM
3 they? They are the hanger-oners, the supporters, the 12:06:13PM
4 members of the party that's employing them; right? So 12:06:17PM
5 that's why it is a patronage system. I think when you 12:06:21PM
6 talk about political appointments you're talking about a 12:06:24PM
7 patronage system. So I agree with you, Mr Carr. 12:06:27PM

8 But now let's drill deeper. Then the factional 12:06:31PM
9 patronage system also comes into it. All MPs are 12:06:34PM
10 factional, and all MPs hire according to their factional 12:06:38PM
11 allegiances. We've already seen a couple of people who 12:06:44PM
12 have been sacked from their role as electoral officers 12:06:47PM
13 et cetera because they have moved factions. So, yeah. So 12:06:51PM
14 the term 'patronage' is correct. 12:06:56PM

15 COMMISSIONER: That's critical, Mr Somyurek, that observation, 12:07:00PM
16 because coming back to the matter we discussed very early 12:07:03PM
17 this morning if one is to address the parliamentary 12:07:07PM
18 culture - - - 12:07:15PM

19 MR SOMYUREK: Yep. 12:07:16PM

20 COMMISSIONER: In which members of parliament utilise or deploy 12:07:18PM
21 their allowances for factional and political 12:07:21PM
22 purposes - - - 12:07:24PM

23 MR SOMYUREK: Yep. 12:07:26PM

24 COMMISSIONER: The starting point is to recognise, as the 12:07:27PM
25 overwhelming evidence suggests, that the people who are 12:07:30PM
26 recruited to the electoral office, ministerial office 12:07:34PM
27 positions will almost always be factionally aligned with 12:07:39PM
28 the member. 12:07:44PM

29 MR SOMYUREK: That's right. Yep, that's right. Exactly. And 12:07:45PM

1 the trust element there is a big issue too. So, yep. So 12:07:47PM
2 I don't disagree with you using the term. I actually 12:07:54PM
3 agree with you. But I say to you the whole system is 12:07:57PM
4 based on patronage. 12:07:59PM
5 MR CARR: You referred to people being sacked because they had 12:08:08PM
6 changed factions. Just to complete the picture, there 12:08:10PM
7 were also people hired because they joined a faction? 12:08:13PM
8 MR SOMYUREK: And I did that to the sacked people. I didn't 12:08:17PM
9 but, yeah, we put the word around; yeah, yeah. 12:08:21PM
10 MR CARR: And just to give one example Dinesh Chauhan, 12:08:23PM
11 Ms Vaghela's husband, was sacked from Mr Jennings's office 12:08:28PM
12 for having changed factions and hired immediately by Robin 12:08:32PM
13 Scott's office because he had joined the Moderate Labor. 12:08:35PM
14 MR SOMYUREK: Yeah. And I'm not condemning people that have 12:08:38PM
15 sacked people for that. It's just a part of the system. 12:08:42PM
16 They're viewed as a high risk. If you change factions and 12:08:45PM
17 you've got a - you've got an employee that's not in your 12:08:49PM
18 faction, you have to assume they might cause you some 12:08:52PM
19 damage. 12:08:55PM
20 MR CARR: I don't want to trawl through this topic in great 12:08:58PM
21 detail because you've accepted the essence of it. Can 12:09:02PM
22 I just remind you of a couple of examples that cropped up 12:09:07PM
23 in the evidence of Mr Garotti which you've referred to 12:09:14PM
24 having watched? 12:09:17PM
25 MR SOMYUREK: Yep. 12:09:18PM
26 MR CARR: There's one example where he asked you to organise a 12:09:18PM
27 job for Dr Haraco's - - - 12:09:25PM
28 MR SOMYUREK: Daughter. 12:09:28PM
29 MR CARR: Daughter. That's a good example of factional 12:09:29PM

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patronage.

MR SOMYUREK: Can I speak to that? This is unfair because this is a great example that I actually really wanted. There were text messages obviously going back to 2018 before I was in parliament. But I recall me - Mr Garotti recalls him initiating it and I recall me initiating it too. Mr Garotti in terms of being a lobbyist, I think he is - as they said in ICAC in New South Wales against someone - a pain in the arse. So he is a - he's constantly advocating, let's put it that way. But he's a nice guy and his heart is in the right place and I think he's very talented.

Now, in terms of Dr Hussein's daughter, she was never going to be - she's not going to be factionally. The problem with Mr Garotti, he puts things in the way that he thinks that I might be interested in her to do factional work. No. What I was interested with her is she's a young Somali woman, right, with a head covering. And she is - do you know what she was doing? She's my admin assistant two days a week, and she was studying politics at Monash University. I wanted someone, a young Somali person that was studying; right?

She was putting together my cabinet briefs, my cabinet folder, printing it out, bringing it in, putting it in my office. Like, what a great story having an 18, 19-year-old Somali youth that's putting together cabinet folders in the heart of government. I just think that's a good story. I don't know, I just think that's a good story. So she goes away to her cohorts, who are probably

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1 young African people, and talks about what she's doing at 12:11:17PM
2 the heart of government. I think that is a fantastic 12:11:20PM
3 story. I'm sorry, I just think that's a - I know you're 12:11:23PM
4 probably cynical about me - - - 12:11:24PM
5 MR CARR: No, no, Mr Somyurek, can I cut you off just to 12:11:26PM
6 indicate to you that there's been some information 12:11:28PM
7 received that Dr Haraco's daughter was a genuine worker. 12:11:30PM
8 MR SOMYUREK: Yeah. 12:11:36PM
9 MR CARR: That the essence of what you've just said is perhaps 12:11:36PM
10 not far from the mark, it might be completely accurate. 12:11:41PM
11 But that's not really the issue I'm asking you about. 12:11:45PM
12 MR SOMYUREK: Yeah, that's why I said it's not fair on you to 12:11:47PM
13 just talk about this, because I know what you're referring 12:11:50PM
14 to generally. 12:11:53PM
15 MR CARR: What I'm asking you about is Mr Garotti's text 12:11:53PM
16 message to you says, 'Need to keep him [that is Dr Haraco] 12:11:56PM
17 supported. He's doing good work.' 12:12:04PM
18 MR SOMYUREK: Yes. 12:12:07PM
19 MR CARR: So it's not really the point that Dr Haraco's 12:12:08PM
20 daughter turned out to be a good worker who, as you say, 12:12:13PM
21 is now a wonderful story. What I'm really directing your 12:12:18PM
22 attention to is the genesis of how she got the job, and 12:12:22PM
23 that's the factional patronage, looking after Dr Haraco 12:12:28PM
24 because he's doing good factional work. 12:12:35PM
25 MR SOMYUREK: Look, I'm happy to accept that. But actually 12:12:37PM
26 what - remember when Mr Garotti was giving evidence, he 12:12:40PM
27 was saying, 'No, I think it was Adem that was putting in 12:12:43PM
28 the call,' and there was a text message where he actually 12:12:45PM
29 texted me in 2018. I did actually go and ask - I actively 12:12:49PM

1 sought a young Somali person. So he had that recollection 12:12:53PM
2 too. I think he's probably come to me at an earlier point 12:12:59PM
3 asking for employment for Dr Haraco's daughter, and I say 12:13:02PM
4 in one of those text messages in 2018, 'We'll see what 12:13:09PM
5 happens if Burhan gets elected.' Do you remember that? 12:13:13PM
6 But totally separate from that when I go to the 12:13:17PM
7 ministry I've got in my mind - I think I've got in my mind 12:13:20PM
8 that Haraco's got a daughter that's studying politics or 12:13:23PM
9 I've put out a message saying, 'Rick, do you know if 12:13:27PM
10 there's any young Somalis who are educated interested in 12:13:30PM
11 politics?' 12:13:33PM
12 But let's get to the general about the patronage. 12:13:34PM
13 Yes, the patronage networks exist. Now, my issue with 12:13:37PM
14 people with numbers and looking after them is that you 12:13:42PM
15 don't get to buy them. If they're going to leave, they're 12:13:46PM
16 going to leave; right? You can - look, you can give them 12:13:48PM
17 a job for five years, and if they're not happy in the 12:13:51PM
18 sixth year they'll just go and whoever is going to take 12:13:55PM
19 them on will give them a job. So, I think unless those 12:13:59PM
20 relationships are based on principle and relationships 12:14:01PM
21 rather than transactions, I think you've got a problem. 12:14:03PM
22 Because I've seen it happen where people walk out of 12:14:07PM
23 electoral offices. They've worked there for years, for 12:14:09PM
24 decades, and then they just sort of go to - they change 12:14:14PM
25 factions, they go to other people. So I don't place much 12:14:17PM
26 emphasis on that. It's got to be built on - the 12:14:19PM
27 relationship has got to be built on more solid foundations 12:14:23PM
28 than just giving them two days jobs a week. 12:14:25PM
29 COMMISSIONER: The charts, Mr Somyurek, that were shown to you 12:14:29PM

1 yesterday showing that a level of familial association 12:14:33PM
2 between employees and members of parliament, the term 12:14:40PM
3 nepotism was used in relation to much of that. 12:14:47PM
4 MR SOMYUREK: I think I used the term, yeah. 12:14:50PM
5 COMMISSIONER: Again, I take it there's absolutely no 12:14:53PM
6 monitoring or oversight within the parliamentary system to 12:14:58PM
7 address that sort of issue? 12:15:04PM
8 MR SOMYUREK: No, there isn't. I guess we are now - I think, 12:15:07PM
9 like I said, federally they've banned employing family. 12:15:10PM
10 And in Westminster they did; it sort of didn't help at the 12:15:14PM
11 moment. But the problem - again, one of the problems 12:15:17PM
12 I have with this inquiry, because you are constrained, 12:15:19PM
13 Commissioner, is that you don't get a - you don't get an 12:15:22PM
14 understanding of what is the normal culture and what is 12:15:25PM
15 abhorrent - you know, what is an outlier culture. So if 12:15:30PM
16 I may just go through a couple of things, if that's okay? 12:15:34PM
17 This will give you a bit of an insight into wider culture; 12:15:37PM
18 is that okay? 12:15:40PM
19 COMMISSIONER: Yes. 12:15:42PM
20 MR SOMYUREK: Like, Mr Brumby, when I first - when Brumby was 12:15:42PM
21 in office, he employed his brother-in-law. Bracks' wife 12:15:44PM
22 was employed at Julia Gillard's. Merlino's sister-in-law. 12:15:48PM
23 Kirstie Marshall's mother - - - 12:15:52PM
24 COMMISSIONER: Mr Somyurek, you said you wanted to go into an 12:15:54PM
25 explanation of the culture - - - 12:15:58PM
26 MR SOMYUREK: Okay. That was an explanation for that - - - 12:15:59PM
27 COMMISSIONER: I don't think that's an explanation. 12:16:01PM
28 MR SOMYUREK: No, okay. 12:16:03PM
29 COMMISSIONER: And again I just - you listened I think 12:16:05PM

1 attentively to my explanation yesterday. 12:16:09PM

2 MR SOMYUREK: Yep. 12:16:12PM

3 COMMISSIONER: We can explore cultural issues to the extent 12:16:13PM

4 that it's relevant and it may explain the matters that are 12:16:17PM

5 under investigation. But that doesn't include listing 12:16:22PM

6 people - - - 12:16:28PM

7 MR SOMYUREK: Okay, I won't list people. I won't list people. 12:16:29PM

8 There was an article in July 19 last year that listed six 12:16:33PM

9 people, MPs, employing their mothers and spouses. All I'm 12:16:35PM

10 trying to do, Commissioner, is give you a context, a wider 12:16:41PM

11 cultural context as well. So you've got to isolate the 12:16:44PM

12 variable, don't you? Is it Moderate Labor that's a 12:16:47PM

13 terrible culture or is it the symptom of the wider 12:16:51PM

14 culture; okay? My contention is it's the symptom of 12:16:54PM

15 political appointments, patronage, spoils system; and the 12:16:57PM

16 consequence is - because you have things like trust in the 12:17:02PM

17 system, is nepotism. 12:17:05PM

18 COMMISSIONER: Yes. 12:17:08PM

19 MR SOMYUREK: That's my explanation to you. 12:17:08PM

20 COMMISSIONER: All right. I take it at face value your 12:17:10PM

21 evidence that these cultural practices are not confined to 12:17:12PM

22 the Moderate Right. 12:17:21PM

23 MR SOMYUREK: That's what I was trying to get through to you. 12:17:22PM

24 So it's more of a systematic issue rather than just 12:17:24PM

25 one - you know, an issue of one set of people. 12:17:27PM

26 MR CARR: Now, I just need to take up something that you said a 12:17:31PM

27 couple of answers ago. Could we put up exhibit 124, and 12:17:39PM

28 while we're waiting for that let me give you the context. 12:17:44PM

29 You indicated that you can give people jobs but that 12:17:50PM

1 doesn't guarantee their ongoing loyalty. 12:17:57PM

2 MR SOMYUREK: That's right. 12:18:01PM

3 MR CARR: Now, this is a document that was on your computer. 12:18:02PM

4 MR SOMYUREK: Not mine. The system, not mine, yeah? My one? 12:18:10PM

5 MR CARR: On your computer at your electorate office. 12:18:16PM

6 MR SOMYUREK: Not my personal computer. At the electorate 12:18:19PM

7 office, okay. 12:18:22PM

8 MR CARR: So I'm just going to make absolutely sure I put this 12:18:23PM

9 to you accurately. You were identified as the user that 12:18:26PM

10 had accessed this document and it was on your laptop. 12:18:37PM

11 MR SOMYUREK: It was on my laptop? Okay. Yep. 12:18:41PM

12 MR CARR: Your computer. 12:18:45PM

13 MR SOMYUREK: Okay. 12:18:46PM

14 MR CARR: If you can just look at this, and I won't read it 12:18:46PM

15 aloud because it's the essence of it that I'm concerned to 12:18:52PM

16 draw your attention to. And the essence of it is that 12:18:56PM

17 it's a statutory declaration describing facts that would 12:19:01PM

18 constitute a breach of ALP rules that might justify the 12:19:09PM

19 expulsion of Manoj Kumar from the party; okay? 12:19:17PM

20 MR SOMYUREK: Do you understand the background to this? 12:19:22PM

21 MR CARR: I'm about to - - - 12:19:26PM

22 MR SOMYUREK: Ask me; okay. 12:19:28PM

23 MR CARR: When you've glanced through it I'll ask you to 12:19:28PM

24 confirm that my description of it is accurate. 12:19:35PM

25 MR SOMYUREK: I don't know. But I can talk to it. Yes, I can 12:19:39PM

26 imagine that was probably on my computer, yeah. 12:19:42PM

27 MR CARR: So it's something that describes Manoj Kumar engaging 12:19:49PM

28 in branch stacking in 2016. 12:19:53PM

29 MR SOMYUREK: Yes. 12:19:57PM

1 MR CARR: When he's not with you? 12:19:58PM
2 MR SOMYUREK: No, he's with the Socialist Left; that's a key 12:20:00PM
3 point, yep. 12:20:03PM
4 MR CARR: And it's an unsigned statutory declaration describing 12:20:04PM
5 what Mr Kumar has done by way of branch stacking in breach 12:20:18PM
6 of the rules; yes? 12:20:27PM
7 MR SOMYUREK: Yep. 12:20:34PM
8 MR CARR: All right. Do you want to tell us why it was on your 12:20:34PM
9 computer? 12:20:39PM
10 MR SOMYUREK: Okay. So 2016, if you followed the literature 12:20:39PM
11 review that I did, that was the time when Central Branch 12:20:45PM
12 memberships - remember that - were, you know - the 12:20:49PM
13 requirement to attend a branch meeting was lifted and 12:20:54PM
14 Central Branch membership sort of came into being. 12:20:57PM
15 Jasvinder Sidhu and the Kumars - at that stage I didn't 12:21:05PM
16 know who they were. I just knew there were Indians going 12:21:09PM
17 at it. Indian names were appearing on the rolls. These 12:21:13PM
18 guys went and recruited a couple of hundred I think around 12:21:18PM
19 Holt, and at that time Sidhu was going at it in the 12:21:21PM
20 western suburbs. So we again, like the 2019 Left stack 12:21:24PM
21 incident, we again took - you know, we were upset that the 12:21:28PM
22 Left had gone on a stacking rampage with Mr Manoj at that 12:21:31PM
23 point. Somehow we obviously - when that happens we make 12:21:37PM
24 enquiries to know who is stacking in our seats, what is 12:21:43PM
25 happening in the south-east, and someone probably went and 12:21:46PM
26 doorknocked the Indian members and got this for us just to 12:21:51PM
27 get a handle on who was doing what, because we were upset 12:21:54PM
28 that people were - that the Socialist Left was branch 12:21:58PM
29 stacking in Holt, around the Holt area. 12:22:00PM

1 MR CARR: And the significance of it is that it's a - albeit 12:22:05PM
2 unsigned, it's a statutory declaration that could be used 12:22:11PM
3 to charge Mr Kumar - assuming it was signed, charge 12:22:17PM
4 Mr Kumar and have him kicked out of the party. 12:22:23PM
5 MR SOMYUREK: Yeah, we might have used it as a negotiating tool 12:22:26PM
6 to the Socialist Left to say, 'Look, cut it out. We're 12:22:30PM
7 going to have your man tossed out.' Maybe we did that. 12:22:33PM
8 I don't know. I can't recall. But there was a lot of 12:22:37PM
9 activity, and we wanted to get to the bottom of it. This 12:22:40PM
10 is one way of getting to the bottom of it, going 12:22:42PM
11 doorknocking on the members' doors, you know. During our 12:22:44PM
12 long peace. 12:22:51PM
13 MR CARR: I tender that, Commissioner. 12:22:54PM
14 COMMISSIONER: Yes, that will be undated statutory declaration 12:22:55PM
15 of Yadwinder Aulakh. 118. 12:22:58PM
16 12:23:02PM
17 #EXHIBIT 118 - Undated statutory declaration of Yadwinder 12:23:03PM
18 Aulakh. 12:23:03PM
19 MR SOMYUREK: But that went nowhere. Probably used as a 12:23:04PM
20 negotiating thing with the Socialist Left to stop. 12:23:06PM
21 MR CARR: I want to now just get a fuller picture of the branch 12:23:09PM
22 stacking activity. You've talked about the peace in the 12:23:17PM
23 south-east. Of course the other areas weren't afflicted 12:23:22PM
24 by the same peace - - - 12:23:35PM
25 MR SOMYUREK: No. 12:23:39PM
26 MR CARR: You've referred to a skirmish in 2016 so far. 12:23:42PM
27 MR SOMYUREK: Yeah. And we managed that, for example, with 12:23:49PM
28 the Socialist Left well. They stopped it and we managed 12:23:51PM
29 it. 12:23:54PM

1 COMMISSIONER: I might just ask you as to that, Mr Somyurek. 12:24:00PM
2 We've had evidence from a number of sources that the 12:24:04PM
3 various party branches were allocated by agreement to 12:24:08PM
4 different factions. 12:24:14PM
5 MR SOMYUREK: Yep. 12:24:16PM
6 COMMISSIONER: When did that occur? 12:24:17PM
7 MR SOMYUREK: That's a regular - so obviously the factions 12:24:19PM
8 govern the party. And when you govern the party you've 12:24:23PM
9 got to make sure you govern by consensus. This is my 12:24:29PM
10 point about one person going off and having all this 12:24:32PM
11 power. It never works that way. You've always got to act 12:24:35PM
12 according to consensus. And that's why I call 12:24:38PM
13 myself - when people say 'power broker', I say, 'No, no, 12:24:41PM
14 I'm a broker of consensus.' Unless you get consensus 12:24:44PM
15 decision making, it doesn't work. So the factions 12:24:47PM
16 understand, the faction leaders, that you need consensus. 12:24:50PM
17 So when there's a redistribution that happens 12:24:54PM
18 factions come together and they negotiate the 12:24:57PM
19 redistribution of which branch - you know, 'So we've got 12:25:00PM
20 two branches that are now outside the electorate, but 12:25:04PM
21 there's another branch that's inside the electorate. So, 12:25:08PM
22 okay, roughly speaking, before the redistributions in this 12:25:10PM
23 particular area you had five branches across three 12:25:13PM
24 electorates. Now, let's try to keep that proportion the 12:25:15PM
25 same again.' 12:25:19PM
26 COMMISSIONER: Yes. 12:25:20PM
27 MR SOMYUREK: Do you see what I'm saying? So the equilibrium 12:25:20PM
28 isn't really disturbed too much. 12:25:25PM
29 COMMISSIONER: How long has that consensus been in place 12:25:25PM

1 between the various factions, that each branch is 12:25:29PM
2 allocated to a faction by agreement? 12:25:33PM
3 MR SOMYUREK: This is a symptom of the Labor Party being 12:25:38PM
4 governed by the factions. It just is. 12:25:40PM
5 COMMISSIONER: But how long that's been the case? 12:25:45PM
6 MR SOMYUREK: As long as factions have governed the party. So, 12:25:47PM
7 you know, forever. For eternity. Now, let's be clear on 12:25:50PM
8 this too, and this is why I had a problem in the western 12:25:55PM
9 suburbs. There are also branch meetings that we don't 12:25:58PM
10 touch because we like - the faction leaders, we like the 12:26:00PM
11 branches that are not aligned and actually out there who 12:26:04PM
12 you would say are genuine meetings, members, who go there 12:26:06PM
13 and actually are grassroots. We like those people. We 12:26:10PM
14 don't try to freeze them out. So we make sure they've got 12:26:14PM
15 a lot of autonomy and their branches aren't touched; okay? 12:26:17PM
16 So we don't carve out every branch as being Left 12:26:21PM
17 or Right. So we also have an agreement that the factions 12:26:25PM
18 shouldn't take over those branches, because that's not 12:26:27PM
19 good for the party. Quite often those branches are in 12:26:29PM
20 areas where the Labor Party doesn't have much of an 12:26:32PM
21 infrastructure or they're needed for marginal seat 12:26:36PM
22 campaigning. So factions are sensible in not interfering 12:26:40PM
23 with - you know, with genuine members who actually want to 12:26:44PM
24 go in there and do good for the party; right? 12:26:47PM
25 One of the problems I had in the western suburbs 12:26:49PM
26 is Sidhu tried to take over one of those branches, Hoppers 12:26:53PM
27 Crossing branch, and then use it as a factional stacking 12:26:56PM
28 branch. So that was my problem in the western suburbs. 12:26:58PM
29 COMMISSIONER: Mr Somyurek, what proportion of branches are not 12:27:01PM

1 - are autonomous, not allocated to a faction? 12:27:06PM

2 MR SOMYUREK: Look, I would say the factions do most of their 12:27:08PM

3 work in safe Labor seats or held seats. 12:27:11PM

4 COMMISSIONER: So what percentage of the branches would not be 12:27:15PM

5 allocated to a faction? 12:27:17PM

6 MR SOMYUREK: It will be - look, the majority of the branches 12:27:22PM

7 aren't. But, look, I'd have to - no, I'd have to come 12:27:27PM

8 back. I can sort of go away and think about it. 12:27:31PM

9 COMMISSIONER: So the majority are not? 12:27:34PM

10 MR SOMYUREK: Look, I don't know. I don't know. I would say 12:27:36PM

11 the majority are; I would say the majority are allocated. 12:27:38PM

12 But there's a degree - Commissioner, the degree of, you 12:27:43PM

13 know - what do you call it, the degree of protectiveness 12:27:49PM

14 of that branch depends on how safe the seat is. The safer 12:27:54PM

15 the seat the more factions really take ownership and 12:27:58PM

16 jealously guard that branch; right? So, yeah. 12:28:02PM

17 COMMISSIONER: This practice of then assigning branches to a 12:28:06PM

18 faction, is that designed to facilitate the operations of 12:28:09PM

19 a faction? 12:28:18PM

20 MR SOMYUREK: Yeah, it's all designed to make sure that the 12:28:19PM

21 system works, otherwise you'll have chaos. That's why 12:28:21PM

22 24 December I always talk about the war and the tripping 12:28:27PM

23 of the war. What happened then is essentially a breakdown 12:28:31PM

24 of the factional accord, right, not just the accord in the 12:28:34PM

25 south-east but also the agreements we had reached where 12:28:37PM

26 that branch was ours. That branch is not recognised as 12:28:40PM

27 being ours in the rules; right? So I couldn't have - we 12:28:43PM

28 couldn't have gone to the party and complained that the 12:28:46PM

29 Left had just raided our branch; right? That was an 12:28:48PM

1 unofficial accord reached by the factions, and they had 12:28:51PM
2 just breached that. So the response could only be a 12:28:56PM
3 response in kind. 12:28:58PM
4 COMMISSIONER: Yes. 12:29:00PM
5 MR SOMYUREK: Do you see what I'm saying? Until commonsense 12:29:01PM
6 prevails. 12:29:04PM
7 COMMISSIONER: I'm just wanting to then come to the important 12:29:05PM
8 point that the assignment of branches to factions by 12:29:07PM
9 agreement, that in the end facilitated the practice of 12:29:12PM
10 branch stacking? 12:29:18PM
11 MR SOMYUREK: I think there were many things that facilitated 12:29:24PM
12 branch stacking - - - 12:29:26PM
13 COMMISSIONER: Yes, but that's one of them? 12:29:27PM
14 MR SOMYUREK: That makes it - I guess, to be frank, 12:29:29PM
15 Commissioner, that probably makes it less hostile because 12:29:31PM
16 you don't get people in the way. If you have - if you 12:29:35PM
17 have branches that are - if you have the Left and Right 12:29:39PM
18 competing over the same branch you're going to get 12:29:42PM
19 punch-ups, essentially. That's why they're kept out of 12:29:45PM
20 each other's way. 12:29:48PM
21 COMMISSIONER: And that's one of the reforms that 12:29:50PM
22 Messrs Macklin and Bracks have sought to introduce, is it 12:29:53PM
23 not, the abolition of assignment of branches to factions? 12:29:56PM
24 MR SOMYUREK: Commissioner, to be honest, I haven't sort 12:30:02PM
25 of - I've been out of the party. So I haven't been 12:30:04PM
26 concentrating on that, what they've done there, yeah. 12:30:07PM
27 COMMISSIONER: All right. Yes, Mr Carr. 12:30:09PM
28 MR CARR: Can I ask that we look at exhibit 143 to illustrate 12:30:10PM
29 this assignment of branches to factions. I think there's 12:30:16PM

1 two tabs, and we need the second tab. This, while we're 12:30:24PM
2 waiting for it to come up, is a document that was on your 12:30:33PM
3 computer in the folder 'ALP/branch redistribution'. 12:30:39PM
4 MR SOMYUREK: Yep. 12:30:45PM
5 MR CARR: And you worked on it in March of 2019. 12:30:45PM
6 MR SOMYUREK: Yep. 12:30:51PM
7 MR CARR: Can we look at - so you can see in the third 12:30:52PM
8 column - you've got the FEA in the first column, branch 12:31:03PM
9 name in the second column, and then faction in the third 12:31:06PM
10 column. 12:31:09PM
11 MR SOMYUREK: Yep. 12:31:10PM
12 MR CARR: So do we see - you can see there Sam David has the 12:31:11PM
13 first branch. 12:31:17PM
14 MR SOMYUREK: Yeah. 12:31:19PM
15 MR CARR: So was he aligned or she aligned to a faction? 12:31:23PM
16 MR SOMYUREK: Look, it's in the western suburbs so I don't know 12:31:28PM
17 too much about those characters. I don't know. He's some 12:31:31PM
18 minor operative there. I don't know who he is. 12:31:36PM
19 MR CARR: And we've got 'Cons, Viet Cook Lam'. So a Conroy 12:31:38PM
20 branch? 12:31:47PM
21 MR SOMYUREK: Yeah, I don't know where this is at the time. 12:31:48PM
22 This could be any time during the - I'm not sure this is 12:31:50PM
23 the settled branch structure. 12:31:54PM
24 MR CARR: Sorry, I should have given you more context. There's 12:31:58PM
25 a redistribution, isn't there - - - 12:32:04PM
26 MR SOMYUREK: Yeah. 12:32:05PM
27 MR CARR: In contemplation in March 2019? 12:32:06PM
28 MR SOMYUREK: Yep. 12:32:08PM
29 MR CARR: And this is a contemplated - well, this is an 12:32:09PM

1 existing branch structure - if you can see - can you see 12:32:18PM
2 the spreadsheet okay? 12:32:21PM
3 MR SOMYUREK: Yeah, I need to just put my other glasses on. 12:32:22PM
4 Yep. 12:32:30PM
5 MR CARR: If you look at column F, 'Mod Labor position', and 12:32:31PM
6 column G, 'Committee position'? 12:32:38PM
7 MR SOMYUREK: Yep. 12:32:40PM
8 MR CARR: And then there's 'Additional comments'? 12:32:40PM
9 MR SOMYUREK: Yep. 12:32:43PM
10 MR CARR: So this seems to be the existing structure, and the 12:32:43PM
11 redistribution is being contemplated by a committee and 12:32:48PM
12 Moderate Labor have their position on your spreadsheet. 12:32:57PM
13 MR SOMYUREK: Yep. 12:32:59PM
14 MR CARR: So we've got in column C the faction that each of the 12:33:00PM
15 branches are allocated to. If we go down to about line 12 12:33:06PM
16 there's a branch allocated to Luba. She represents a 12:33:11PM
17 union; is that right? 12:33:17PM
18 MR SOMYUREK: Yeah. Represents the Industrial Left unions, 12:33:18PM
19 yes. 12:33:21PM
20 MR CARR: You've got - - - 12:33:23PM
21 MR SOMYUREK: Mr Carr, if I could just interlude here for a 12:33:25PM
22 second. I'm not sure if this was an aspirational sheet or 12:33:28PM
23 if it reflected the state of play. So I'm not sure at 12:33:31PM
24 what stage during the process this was formulated. 12:33:35PM
25 MR CARR: It seems to be aspirational. But it 's really 12:33:40PM
26 relevant to demonstrate the point that there are branches 12:33:43PM
27 allocated to - - - 12:33:48PM
28 MR SOMYUREK: That's right, yep. 12:33:49PM
29 MR CARR: Particular factions by name or faction. And then 12:33:50PM

1 there are - if we go about two-thirds of the way down 12:33:58PM
2 there are some that have 'Ind', I-N-D. If you go down 12:34:01PM
3 to Maribyrnong - - - 12:34:09PM
4 MR SOMYUREK: Independents. Yeah. 12:34:11PM
5 MR CARR: You can see - - - 12:34:15PM
6 MR SOMYUREK: They could be just - yeah, they're probably 12:34:18PM
7 just - look, there is the Independents faction, and they 12:34:21PM
8 are actually an organised faction. And then there are 12:34:24PM
9 genuinely independents, they're not a part of the 12:34:27PM
10 Independents faction, they're just genuinely 12:34:32PM
11 don't - they're just not interested in factional politics 12:34:35PM
12 at all. The Independents say they're independent, but 12:34:37PM
13 they play the factional game; right? These people might 12:34:40PM
14 be - they're genuinely not interested, Left, Right, 12:34:42PM
15 Independent or any other grouping. So it might be them, 12:34:46PM
16 yeah. They're the ones that I say you just leave alone; 12:34:49PM
17 factions don't touch them. They provide a very good 12:34:52PM
18 service to the party. That's how the party should be run. 12:34:54PM
19 And sensible factional leaders don't touch their territory 12:34:58PM
20 because - yeah. 12:35:02PM
21 MR CARR: And if you go over to the right-hand side you've got 12:35:09PM
22 a couple of comments. Halfway down, 'Sel's branch 12:35:14PM
23 vulnerable to attack, Cons could flood'?

24 MR SOMYUREK: Yeah. 12:35:26PM
25 MR CARR: You're referring to Sel Sanli's branch? 12:35:26PM
26 MR SOMYUREK: Yep. 12:35:30PM
27 MR CARR: And then if we go further down you've got, 'New Sarah 12:35:31PM
28 branch under discussion'?

29 MR SOMYUREK: Yep. That was my major priority, to get Sarah a 12:35:38PM

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branch.

MR CARR: And then you have got a note for Braybrook, 'Sel will dump his 45 here and we take over'?

MR SOMYUREK: Yeah.

MR CARR: So you're in March 2019 when this redistribution is happening, you're very much engaged with which faction is going to control which branch throughout the west; yes?

MR SOMYUREK: Yes. Yep. When I say 'dump', I mean these are all through factional agreement, factional agreements, yeah.

MR CARR: And does the 'Sel will dump his 45 here' refer to people who were in Central Branch?

MR SOMYUREK: No, it would be - I think one of his branches moved to another FEA. So that new branch effectively became his other branch. So it's all done by agreement. One branch - whichever - because it's in the west I'm not that sort of - I don't know the details as much. But just the principle is this: Sel had a branch in Gellibrand, and that branch then became - Gellibrand moved further out. So the geographic location where Sel's people were were in Maribyrnong, I think. So they took over another branch there.

MR CARR: All right.

MR SOMYUREK: But it's not - it's not just grabbing things. It's done by agreement, you know. This was probably an aspirational list to say this is what we would prefer in the negotiations.

MR CARR: All right. I tender that, Commissioner.

COMMISSIONER: 119.

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12:35:44PM
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12:36:01PM
12:36:10PM
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12:36:19PM
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#EXHIBIT 119 - Exhibit 143, document in folder 'ALP/branch redistribution'.

MR CARR: Could we then look at exhibit 128, please, Commissioner. I just want you to have a look at these documents and explain to us what they're doing on your computer. These are in some cases incomplete, new membership applications for Truganina - - -

MR SOMYUREK: Okay.

MR CARR: That were apparently downloaded by you on 1 October 2019.

MR SOMYUREK: Yep.

MR CARR: Now, I suspect we won't be able to stream these because they've got personal details. No, they've all been redacted. So you can see there, and I don't want to trouble you with too much of the details, I just want you to understand the type of document they are - - -

MR SOMYUREK: Yep.

MR CARR: If we scroll down you'll see the branch secretary confirms it's the Truganina branch?

MR SOMYUREK: Yep.

MR CARR: And the nominator is Robert Szatkowski.

MR SOMYUREK: Yeah.

MR CARR: Now, Robert Szatkowski worked where?

MR SOMYUREK: Sarah Connolly.

MR CARR: Sarah Connolly's office, her electorate office?

MR SOMYUREK: Yeah.

MR CARR: And there's a large volume of new membership applications, as I say some incomplete, that have been

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1 sent to you and you've downloaded in October of 2019; 12:39:26PM
2 okay? 12:39:34PM
3 MR SOMYUREK: Right. Can I talk you through that? 12:39:34PM
4 MR CARR: Please. 12:39:37PM
5 MR SOMYUREK: Okay. So I had on my plate, obviously minister 12:39:37PM
6 and all that - like I said to you previously, keeping 12:39:45PM
7 Sarah Connolly safe for her preselection became my 12:39:48PM
8 single - one of my biggest focus, apart from making sure 12:39:55PM
9 the Right was united. We got her a branch in March 2019. 12:39:59PM
10 Now, Jasvinder Sidhu, because he had a branch, had been 12:40:06PM
11 stacked lots of people in, lots, which meant that Sarah 12:40:09PM
12 would essentially be tossed out of parliament at the next 12:40:12PM
13 preselection; right? So preselections are about to happen 12:40:16PM
14 now. Had this preselection happening probably this month 12:40:19PM
15 or next month, Sarah Connolly would not have been 12:40:22PM
16 preselected into parliament. Jasvinder Sidhu would have 12:40:26PM
17 come back and taken her out; okay? 12:40:30PM
18 So I could see what's going to happen. 12:40:32PM
19 Sarah Connolly's not my group. She's with the TWU. She's 12:40:34PM
20 not in my group. She's married into the movement. Her 12:40:38PM
21 husband was a former official in the TWU. He's at 12:40:44PM
22 Trades Hall now - sorry, ACTU assistant secretary. But 12:40:48PM
23 she's not part of Moderate Labor group. The TW wouldn't 12:40:51PM
24 know how to protect her interests. So I was helping her 12:40:54PM
25 out with a lot of know-how and whatever influence I had 12:40:57PM
26 over the Left to make sure that they weren't going to dump 12:41:00PM
27 her, essentially. 12:41:03PM
28 One of that was to insist that Sarah Connolly has 12:41:06PM
29 a branch so she could recruit into; okay? That's why 12:41:09PM

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I made sure a lot of concessions were given from Moderate Labor to Sarah - give things to the Left so that we can get a branch in Sarah Connolly's seat. If you follow me so far, Mr Carr? So they got a branch in March 2019. They started to recruit, that's Sarah and her staff and obviously Kaushaliya, they were all working together. They started recruiting. They were recruiting April, May, not in June, July, and then they started recruiting all the way through.

Mr Robert - I forgot his surname; I can't pronounce his surname as well - he's one of those genuine sort of members in the electorate, not a factional player, but he understood himself unless some corrective action was taken his boss was going to get taken out. So this genuine sort of guy that works - you know, it's one of those members in those branches, decided to do the paperwork, and he got the paperwork wrong consistently. This is where I asked Nick to give him some support, teach him how to do some of these processes properly.

That branch met, you know, April, May, July, but their paperwork wasn't getting through. It wasn't even getting on to MAC, I think. It was getting intercepted in head office. So in September we started to say, 'What happened to' - I think they started to say, 'What happened to all the members that we've recruited?' And it was clear that those memberships weren't processed by either head office or MAC.

So then there was a bit concerted effort. This is where Elle came into the picture, because she was on

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MAC for looking after Truganina. But that was
September/Octoberish when all that activity happened for
that branch. In other words, they'd begun recruiting.
They didn't know how to do the paperwork properly. And a
whole bunch of new members were caught up in the system.
And this is it. This is part of that, one of those - this
is part of those new members that were put in the system.
I don't know how it got to me, but it somehow got to me
too.

COMMISSIONER: I'm not sure what the question was, Mr Carr,
that elicited that response. Does that satisfactorily
explain why these are on Mr Somyurek's office computer?

MR CARR: As I followed it is this the position: that you're
just helping out Sarah Connolly with branch stacking in
the west, and that's why you've got these forms?

MR SOMYUREK: Well, yes, because they had to - well, I wouldn't
say 'Sarah Connolly branch stacking'. She's got to
protect herself. Essentially she was going to be overrun
by Jasvinder Sidhu and his recruits. The tradition in the
party, Mr Carr, is you have a preselection. You lose.
You shake hands and you offer to help; right? But here,
'We had a contest. You won. Congratulations. Now let's
work to get you up for the party.' And you're judged by
how you take your defeat in the party. This bloke
wouldn't go away. He just wouldn't go away; ran
independents against her, and continued to hang around and
stack people into her seat.

MR CARR: You've explained that part of it, and then you've
explained that Ms Connolly's electorate officer was in

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12:44:44PM
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12:44:51PM

1 return stacking in response into her branch and - - - 12:44:57PM

2 MR SOMYUREK: I think it's unfair to say he was stacking, but 12:45:04PM

3 he was certainly looking after her interest in the branch. 12:45:07PM

4 Obviously, you know, the various Indian groups there that 12:45:11PM

5 are associated with us now were putting the numbers 12:45:16PM

6 through. 12:45:20PM

7 MR CARR: And someone has sent you the membership forms 12:45:23PM

8 presumably for the purpose of you making sure these 12:45:28PM

9 members get through at MAC? 12:45:31PM

10 MR SOMYUREK: No. This would have been - when were the branch 12:45:35PM

11 meetings? Can we just go up to see when the branch 12:45:40PM

12 meetings were, the date of the branch meeting? 12:45:42PM

13 MR CARR: They seem to be 17 September 2019 in some cases. 12:45:52PM

14 Some cases seem to not contain a date. Those that contain 12:46:02PM

15 a date they are 17 September 2019. 12:46:18PM

16 MR SOMYUREK: Okay. I don't know. But the issue at that point 12:46:20PM

17 is why - okay. So every - from September every year, 12:46:25PM

18 October every year, it's AGM season where the branch 12:46:30PM

19 executive get to vote on their new executive. We were 12:46:37PM

20 probably worried that Sidhu might be transferring members 12:46:41PM

21 in and then taking over her new branch, because a whole 12:46:44PM

22 bunch of members that they had recruited hadn't come 12:46:47PM

23 through yet. So the issue was what was going wrong with 12:46:50PM

24 their paperwork. Now, I'm not sure why it's on my desk. 12:46:54PM

25 It doesn't matter that I've got it, because - the only 12:46:57PM

26 reason I say that is I wouldn't know how to fill out a 12:46:59PM

27 form anyway. So me having it doesn't mean anything. 12:47:02PM

28 MR CARR: But what you having it does is it indicates that your 12:47:06PM

29 assistance has been sought in the branch stacking process 12:47:12PM

1 and that you are in a position to pass on the paperwork to 12:47:15PM
2 someone who will be able to exercise influence over these 12:47:20PM
3 memberships. 12:47:25PM
4 MR SOMYUREK: The issue was why aren't all those members that 12:47:25PM
5 have been recruited since April getting through, and 12:47:29PM
6 that's where Elle comes into the picture, but outside of 12:47:32PM
7 my office. 12:47:36PM
8 MR CARR: We'll come back to Ms Schreiber. I just want 12:47:40PM
9 to - - - 12:47:42PM
10 MR SOMYUREK: Sorry, I should refer to her by her name - - - 12:47:44PM
11 MR CARR: No, no, it's fine. I just want to make sure that 12:47:46PM
12 I understand the reason these are on your computer. It's 12:47:49PM
13 because your intercession has been called for to assist 12:47:54PM
14 with the branch stacking process? 12:47:59PM
15 MR SOMYUREK: Yeah, why the members they are recruiting are not 12:48:02PM
16 getting through or why they're not being processed; what's 12:48:05PM
17 the problem with the paperwork. I think the emails that 12:48:11PM
18 I've provided the Commission, Mr Carr, has a detailed 12:48:15PM
19 breakdown of what has been wrong. It's been a case of 12:48:20PM
20 I think credit card details not taken down properly. 12:48:24PM
21 There was a range of issues that have been outlined why 12:48:28PM
22 they weren't sort of processed by head office or MAC. 12:48:32PM
23 MR CARR: Can I move then - sorry, I tender those, 12:48:43PM
24 Commissioner. 12:48:49PM
25 COMMISSIONER: 120. 12:48:50PM
26 12:48:51PM
27 #EXHIBIT 120 - Exhibit 128, membership applications for 12:48:51PM
28 Truganina. 12:48:54PM
29 MR CARR: Can I move then to the picture that you've sought to 12:48:54PM

1 paint of the war initiated in the south-east by the 12:48:59PM
2 Socialist Left. I need to put to you some evidence that 12:49:05PM
3 puts a slightly different spin on those events; okay, 12:49:18PM
4 Mr Somyurek? 12:49:22PM
5 MR SOMYUREK: Yeah, fine. 12:49:23PM
6 MR CARR: Now, we might - I just remind you that you've given 12:49:24PM
7 evidence that you realised on 24 December 2019 quite what 12:49:31PM
8 had been happening, and that you became angry in response 12:49:40PM
9 and started stacking in response. 12:49:52PM
10 MR SOMYUREK: Yep. Can I just qualify what you've just said? 12:49:54PM
11 MR CARR: Sure. 12:49:58PM
12 MR SOMYUREK: We've got a bunch of SMSs. Maybe it's worthwhile 12:49:59PM
13 going through, Mr Gullaci, how that's incrementally 12:50:03PM
14 started from the Left and us being tipped off through Adam 12:50:07PM
15 Sullivan, Anthony Byrne's sort of in there as well, 12:50:10PM
16 gradually being ramped up, ramped up, me being informed, 12:50:13PM
17 not taking action. 22 November is a key time where I do 12:50:17PM
18 ask for the details of our branches in the south-east. So 12:50:21PM
19 obviously something's happened at that point where I've 12:50:24PM
20 gone, 'You know, this is now getting out of hand,' and 12:50:27PM
21 then gradually there's a build-up. 12:50:32PM
22 But the trigger for the war is actually raiding 12:50:33PM
23 our branch. Do you remember the branches are done by 12:50:35PM
24 accord, right, they are done by agreement? And when the 12:50:39PM
25 Left come in and basically say, 'That's it; all deals are 12:50:41PM
26 off; we've just raided your branch,' right, that's the 12:50:45PM
27 trigger for the war. Until that point everything could 12:50:48PM
28 have been negotiated through. In fact I did try with 12:50:52PM
29 Mr Tarlamis on 23 December. We sat in my ministerial 12:50:55PM

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office to talk things through. But there was a gradual
process of me getting feedback that the Left are stacking,
but ignoring it. So, yeah.

COMMISSIONER: Let Mr Carr get to his questions, Mr Somyurek.

MR SOMYUREK: So sorry.

MR CARR: Maybe the most efficient way might be if we could
play, please, clip 2-2. This is 23 November.

MR SOMYUREK: Yep.

(Audio recording played to the Commission.)

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pack it up in three years time we don't have the numbers.
There will be trouble. We need to make sure that we
really literally - this is the time we have to go hard.'

MR SOMYUREK: Yep.

MR CARR: So your refrain about the south-east is all about
protecting Anthony Byrne's position, my suggestion to you,
is not quite accurate?

MR SOMYUREK: Well, we don't know that he - I mean, the fact of
the matter is there was uncertainty whether Byrne was
going to hang around or not. But obviously if Byrne goes
we don't want to give that seat away. That's just clear.
We don't want to give the seat away; absolutely not. And,
yeah, that's clear.

MR CARR: And you're feeling the pressure to keep the
63 per cent that you've built together?

MR SOMYUREK: Now, if I can just - well, remember what it all
goes back too? Remember I said why we do factional
politics in terms of - you know, in terms of the policy
stuff; dominant Right, okay? So for the first time since
2008 we've unified the Right, and then we've got a
splinter group of the Left. It was the Left that had

1 split the Right. Now we've got it the other way around; 12:57:14PM
2 okay? And that provides security for the Right sticking. 12:57:17PM
3 Because if you've got 63 per cent and one union goes rogue 12:57:21PM
4 on you you've got a buffer. That's why the Right is more 12:57:25PM
5 likely to stick when you've got 63 per cent. So which 12:57:28PM
6 group will go missing on 63 per cent? No-one. So that 12:57:32PM
7 provides a buffer strong enough that one individual union 12:57:36PM
8 can't go - walk out on the faction and split the faction. 12:57:42PM
9 That's why that 63 per cent is important; okay? 12:57:48PM
10 MR CARR: That's why you felt the pressure to keep the 12:57:52PM
11 63 per cent together? 12:57:54PM
12 MR SOMYUREK: That's right. Unity of the Right. This is the 12:57:56PM
13 first time the Right has been united for how long, 12:57:59PM
14 12 years. 12:58:03PM
15 MR CARR: And because you're feeling that pressure you say to 12:58:03PM
16 Lou, 'Can you manage Nick, can you manage Elle, can you 12:58:09PM
17 manage Adam for the south-east.' That's your team in the 12:58:16PM
18 south-east? 12:58:24PM
19 MR SOMYUREK: Yeah, but that's not my team. That's a team - 12:58:25PM
20 we're all Byrne's people in the south-east . At this 12:58:28PM
21 stage we don't know Byrne's going to go; right? He had 12:58:30PM
22 sent text messages a year ago he was going, but he had not 12:58:33PM
23 said anything since then. 12:58:37PM
24 MR CARR: Now, Nick and Adam were not working in Mr Byrne's 12:58:46PM
25 office at that time, were they? 12:58:50PM
26 MR SOMYUREK: No, this is about being back to the after hours, 12:58:53PM
27 you know, weekends, it's all about branch meetings, and 12:59:02PM
28 they're after office hours. 12:59:08PM
29 MR CARR: If these are voluntary activities after hours and 12:59:11PM

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nothing more, why would there be an issue about her having
to manage Nick and an issue about you - the way that you
had managed Nick?

MR SOMYUREK: The greatest concern that we had with Nick, and
I'm going to have to say this, is his refocus on, you
know, being presidents of sporting clubs rather than
being - so that getting in the way of his activism in the
party. That's fine. But he wants - he's made it clear to
us he wants a seat. If you want a seat, you've got to
work it. It's not just working during business hours.
That's not doing - that's not volunteerism. You know what
I mean? The real volunteerism - the real activism happens
outside of business hours. That's going to branch
meetings. That's making sacrifices. Do you see what I'm
saying, Mr Carr? And if you're not willing to do that
then you're probably not going to get the rewards for it;
yeah. It's making sacrifices outside of office hours.

MR CARR: Mr Somyurek, the telling words in your response there
were, 'If you're doing it in office hours that's not
volunteerism. That's what you're doing for a job.'

MR SOMYUREK: Yeah.

MR CARR: Yes. And coming back to this call you're directing
Lou, 'Whatever branch meetings are coming out we need to
take numbers to those, we don't miss an opportunity';
correct?

MR SOMYUREK: Our own branches. But I did say to you too -
this is entirely consistent, Mr Carr, with what I said to
you before about 22 November for some reason being a key
date when my focus has shifted. I think there was a big

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1 stack of 26 members or something that the Left did. So my 01:01:08PM
2 mind is now starting to focus on the south-east; okay? 01:01:12PM
3 MR CARR: So the stacking in the south-east from your 01:01:18PM
4 perspective ramps up - - - 01:01:22PM
5 MR SOMYUREK: From the Left, and then it becomes, 'Well, I've 01:01:24PM
6 got a feel that this is now a lot. We're going to play 01:01:27PM
7 catch up.' In the meantime Adam Sullivan says to me, 'I'm 01:01:31PM
8 going to do an analysis of how many numbers the Left have 01:01:35PM
9 put through.' So my focus is starting to shift. Sullivan 01:01:38PM
10 is doing an analysis. We're into December and, yeah. 01:01:42PM
11 MR CARR: On 23 November you give the direction to Lou, 01:01:54PM
12 'Whatever branch meetings are coming out we need to take 01:01:58PM
13 numbers to those, we don't miss an opportunity.' 01:02:01PM
14 MR SOMYUREK: Yep. 01:02:04PM
15 MR CARR: So you're recruiting and stacking activity in the 01:02:04PM
16 south-east ramps up according to your own words from that 01:02:11PM
17 time? 01:02:16PM
18 MR SOMYUREK: Yeah. But we've got to see - I mean, that's just 01:02:16PM
19 low level stuff; right? It's not like what happened with 01:02:20PM
20 the war. This is just low level things. These are just 01:02:24PM
21 low level things. You'll see by the numbers they've 01:02:26PM
22 recruited, like three, four. 01:02:29PM
23 MR CARR: I tender that, Commissioner. 01:02:32PM
24 COMMISSIONER: 23 November that year? 01:02:34PM
25 MR CARR: 2019. 01:02:38PM
26 COMMISSIONER: 121. 01:02:40PM
27 01:02:40PM
28 #EXHIBIT 121 - Clip 2-2, audio recording and transcript dated 01:02:41PM
29 23/11/19. 01:02:41PM

1 MR SOMYUREK: In fact I'm not sure that numbers were recruited 01:02:42PM
2 even. We've got the spreadsheet based on that document. 01:02:44PM
3 COMMISSIONER: I see the time. How are we going for time, 01:02:48PM
4 Mr Carr? 01:02:51PM
5 MR CARR: I would think we'll finish mid-afternoon, 01:02:53PM
6 Commissioner. 01:02:56PM
7 COMMISSIONER: Very good. I'm sure you're pleased to hear 01:02:58PM
8 that, Mr Somyurek. 01:03:00PM
9 MR SOMYUREK: Yeah. 01:03:00PM
10 COMMISSIONER: I also note we had a difficulty with the audio 01:03:02PM
11 there a couple of times. So we might look at that over 01:03:06PM
12 the luncheon adjournment. 2.15 then. 01:03:09PM
13 MR SOMYUREK: Yep. 01:03:12PM
14 COMMISSIONER: We'll adjourn until 2.15. 01:03:14PM
15 MR SOMYUREK: Great. Thank you. 01:03:17PM
16 <(THE WITNESS WITHDREW) 01:03:19PM
17 LUNCHEON ADJOURNMENT 01:03:20PM
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