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### INDEPENDENT COMMISSION AGAINST CORRUPTION

MR J. CLARKE QC, ASSISTANT COMMISSIONER

PUBLIC HEARING OPERATION JARDINE

**Reference: E03/1995** 

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY, 16 AUGUST 2000

AT 10.10 AM

Continued from private hearing of 20/7/2004 at page 48 PT

This transcript has been prepared in accordance with conventions used in the Supreme Court. Whilst the transcript is not a verbatim record, every effort has been made to ensure accuracy of evidence. Please advise the Commission of any significant inaccuracy.

THE COMMISSIONER: Good morning, ladies and gentlemen. My name is John Clarke. Pursuant to s.30 of the ICAC Act, the Commissioner has determined that I, as the Assistant Commissioner, conduct this hearing. I will start with announcing the scope and purpose of this public hearing.

The general scope and purpose of the hearing is to take evidence for the purpose of an investigation being conducted by the Independent Commission Against Corruption concerning, (1) the conduct of the Honourable Craig Knowles, Member of Parliament towards four nurses from Campbelltown and Camden Hospitals during a meeting held at Mr Knowles's electorate office in Ingleburn on 5 November 2002 and, (2) the conduct of the Honourable Craig Knowles, Member of Parliament towards a nurse from Fairfield Hospital during a nurse practitioner workshop held at the University of Technology, Sydney on 14 February 2003 and the circumstances surrounding the subsequent treatment of that nurse.

The purpose of the investigation is to determine a matter set out in s.13(2) of the Independent Commission Against Corruption Act 1988. The process that we follow immediately is that the counsel assisting the Commission, Mr David Staehle, will make an opening statement, following which the Commission will adjourn for about 5 minutes and then on resumption, we will take applications for leave to appear in the Inquiry.

Yes, Mr Staehle?

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MR STAEHLI: Thank you. As you know, the Commission is investigating alleged misconduct within the South Western Sydney Area Health Service, the alleged mistreatment of persons who complained about such conduct and associated circumstances with a view to determining if any person has engaged in corrupt conduct. The Commission's overall investigation is wide and encompasses about 50 separate allegations. As part of its investigation, the Commission has interviewed or obtained statements from over 100 witnesses to date and has examined over 100,000 documents and computer records. These tasks have proven to be very resource-intensive and time consuming.

This week's hearing concerns only two of those separate allegations being investigated by the Commission. Both allegations relate to the Honourable Craig Knowles, currently the New South Wales Minister for Infrastructure and Planning and formerly the Minister for Health. The first allegation concerns the conduct of Mr Knowles at a meeting with four nurses from Campbelltown and Camden Hospitals who met with him at his electorate office, as you've mentioned, in Ingleburn on 5 November 2002. The nurses were Ms Nola Fraser, Ms Sheree Martin, Ms Yvonne Quinn and Ms Valerie Owen. Also present at the meeting was a solicitor who is the brother of Ms Fraser, that being Mr John Chalhoub.

The nurses met with Mr Knowles, apparently for the purpose of raising concerns about perceived inadequate practices and alleged misconduct within the South Western Sydney Area Health Service which includes the Macarthur Health Service which, in turn, encompasses Campbelltown and Camden Hospitals. It's been alleged that during this meeting, Mr Knowles adopted a bullying attitude and was intimidating and/or threatening.

The second allegation concerns the conduct of Mr Knowles towards a nurse, Giselle Simmons, during a nurse practitioner workshop held at the University of Technology on 14 February 2003 and the circumstances surrounding the subsequent treatment of that nurse. At the time, Ms Simmons had been seconded to Fairfield Hospital and was acting in the position of Nurse Unit Manager in the intensive care unit which was a higher position relative to her substantive job as a registered nurse at Liverpool Hospital.

During the workshop, Ms Simmons raised concerns about perceived inadequate practices at Fairfield Hospital during a question and answer session attended by Mr Knowles. Ms Simmons has alleged that

20 Mr Knowles ridiculed, intimidated and threatened her during this session and that her secondment in the higher position at Fairfield Hospital was subsequently terminated because of what she said to Mr Knowles at the workshop. Mr Knowles has denied each of those allegations made against him, both in public and in an interview with the Commission. The purpose of this week's hearing is to examine the evidence relating to these two allegations in an open forum, that is, in public hearings. There are additional allegations that are under investigation by the Commission but these will not be examined during the hearing this week. Those include the following allegations.

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That documents and computer records relating to inadequate practices within the hospital systems I've mentioned were improperly shredded, destroyed, deleted, concealed or discarded. That attempts were made to prevent nurses from raising concerns about such perceived inadequate practices by offering them what they have described as hush money and seeking to pressure them into signing deeds of release containing confidentiality and non-disparagement clauses. That staff within the South Western Sydney Area Health Service were bullied, intimidated, harassed and/or improperly disciplined for raising concerns about inadequate practices and that allegations relating to serious impropriety at Liverpool Hospital, including allegations of euthanasia, were not adequately dealt with and were deliberately covered up.

While these allegations and others are being investigated by the Commission, they will not be examined during this week's hearings which has the scope and purpose already mentioned. At this stage, no decision has been made about whether to hold public hearings in relation to any of these additional allegations but the investigations are proceeding. Decisions

JSB 16/08/2004 EO3/1995 about public hearings on those matters will be made later. This week's hearings will, as mentioned, solely focus on the two allegations relating to Mr Knowles.

In that regard, it's proposed to call evidence from a number of witnesses including those nurse witnesses who were present at the meeting with Mr Knowles. It's also proposed to call evidence from Mr Chalhoub who was at the first meeting and evidence from Ms Simmons. Mr Knowles will also give evidence and depending on the course of evidence and how long that takes this week, it's proposed that there will be other witnesses who will give evidence about collateral issues relating to those meetings. It's possible, however, that if time doesn't permit it, that you may be asked to admit evidence by way of interviews and statements from those witnesses rather than hearing from them in person. Otherwise, it's expected that the hearing will last for the whole of this week.

THE COMMISSIONER: Yes.

MR STAEHLI: Thank you.

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THE COMMISSIONER: Thank you, Mr Staehli. We'll adjourn now for a few minutes to enable the cameras to be removed from the room. Thank you very much.

SHORT ADJOURNMENT

[10.19 am]

THE COMMISSIONER: Yes. Well, now, it's appropriate to deal with applications for leave to appear.

MR McCARTHY: Mr Commissioner, I would seek leave to appear for the Honourable Craig Knowles in this matter, being a person affected under s.32 of the Act.

THE COMMISSIONER: Yes, Mr McCarthy.

MR McCARTHY: I appear with my learned friend, Mr Michael Heath, and I am instructed by Gilbert and Hoburn.

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THE COMMISSIONER: Do you seek leave to appear for anyone other than this - - -

MR McCARTHY: Yes, I do. I also would appear for members of Mr Knowles's staff, who are called as witnesses in this matter. Being Narelle Duncan and Marion Goymal and Aaron Rule.

THE COMMISSIONER: Yes, thank you. Yes, well, leave will be granted for you to appear for those persons, Mr McCarthy.

MR McCARTHY: Thank you, Commissioner.

MR CHESHIRE: Commissioner, I seek leave to appear on behalf of Mrs Nola Fraser, Sheree Martin, Vanessa Bragg, Giselle Simmons as witnesses and persons who are potentially affected by - - -

10 THE COMMISSIONER: Mr Cheshire, is it?

MR CHESHIRE: Yes, that's right.

THE COMMISSIONER: Yes, leave will be granted.

MR CHESHIRE: Thank you.

MR LATHAM: Commissioner, I appear for nurses, Quinn and Owen, and seek leave to appear on the basis of their direction of substantial interest.

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THE COMMISSIONER: Yes, thank you, leave will be granted, Mr Latham. That completes the leave applications? Very well, Mr Staehli, it's appropriate I think to call the first witness.

MR STAEHLI: Yes, I'll call Ms Fraser please.

THE COMMISSIONER: Just before you sit down, Ms Fraser, would you prefer to take an oath or an affirmation?

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MR STAEHLI: What's your full name please?---It's Nola Therese Fraser.

Where do you live?---Do you want my address?

Yes. Do you mind?---

10 That's Kingdom, K-i-n-g-d-o-m?---That's correct.

Your counsel has provided us this morning with a curriculum vitae of yours?---Yes.

Could I ask you briefly about your employment history? You trained as a nurse. Is that right?---That's correct.

When did you complete your training?---I think 1987, I think from memory.

- Were you employed as a nursing sister subsequent to that - -?---That's correct.
  - - continuously until 2002?---M'mm, that's correct.

In the years 2001, 2002, whereabouts were you employed?---I was the after hours hospital manager at the Macarthur Health which encompassed Camden as well as Campbelltown.

Could you briefly describe the duties of the after hours management position that you had?---It - I just oversaw the whole running of the hospital. So I was in charge of doctors, nurses, patients, relatives, security, pathology, X-ray. Just coordinating the whole hospital.

So it was a management or administration position rather than a nursing position, was it?---It was a nursing management position. You had to be a nurse to do the position, and one of the essential criteria was, for the position, was that you had diverse clinical background. So they expected you to have a lot of clinical skills.

- Just in terms of management itself, were the duties related only to nursing or ---?---No.
  - --- the way in which you've described it suggests that it was far broader than that?---Absolutely, I was the hospital manager.

The hospital manager?---M'mm M'mm.

When did you first take up that particular position, approximately?---I think it was in October 1995.

Had you held that position continuously until 2002?---That's right.

Then over that period, it would appear from much material that's been provided by you and other places, you became aware of - to put it in a general sense - various inadequate practices in those hospitals?---That's right.

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You - again, to put it in a very compact way - thought to do something about that?---I did.

I know it's a very long story. Are you able to briefly describe what you did in 2001, 2002 in relation to your perceptions of inadequate practices?---Just during that period?

Yes, and I appreciate I'm asking you to compress a very long story into a compact form but can I just tell you why I'm trying to do it? I'd like to set the scene in which you came to attend Mr Knowles's office, all right? So if you could do your best just to briefly describe the circumstances leading up to that?---Okay, I continually brought issues to management's attention via incident forms, emails and raising them at relevant committees. There was I believe that there was no follow-through, there was no changes, there was no education and patients were being harmed continuously. I then rang - I sought help through our nurses' association. I sought help through the HCCC who told me that they were not the body to investigate this. We rang WorkCover because we thought, well, maybe if it's a WorkCover matter because a lot of nurses were going off on stress leave over this, that maybe somebody will stand up and listen to what we're saying. There was a few times I had attempted to make an appointment to see Mr Southwell.

Who was Mr Southwell?---He was the CEO of - of Liverpool Hospital and I ended up writing to Mr Southwell about my concerns.

Do you mean in 2002 or earlier?---Sir, I'm just confused with the years. What year did I go to the Minister, was it - - -

You went to the Minister in 2002?---Yeah, in 2002, I wrote to Ian 40 Southwell.

Are you talking about the email that you sent to him?---M'mm M'mm.

Is that what you mean?---Yes, and I just felt that every avenue that we - that I turned to, whether it was internal or external, it was just, it failed, it failed the patients. I had no choice but to go to the Minister.

When you say you had no choice, why do you say that?---Well, my choices were that I just become part of what's happening and accept it or do something about it. That's what I mean I had no choice. I couldn't allow what was happening to continue to happen.

By that do you mean that you believe that you had exhausted any other means of complaint. Is that what you mean?---Yes, absolutely.

In relation to what you wrote to Mr Southwell what had happened in that regard?---His response or?

Yes, if there had been one by the time that you went to see the Minister? ---Yes, there was a response. I think it was about 5 or 6 days later I had a response. This is just from memory, I may be a little bit - in the dates.

I will show you the document in a moment?---And I just wanted to know that he received the email and I think his secretary emailed me back saying that he's in possession of the document or knows about it, and that they're doing their own investigation. I just asked them if I could be part of the investigation as I've got relevant information for them and then I asked them if I could - if they could provide me with a date, time and a venue to meet with the investigators and then after that I just got a response to say that they wanted my telephone number. Then after that all the correspondence was by phone only, there was not - I was not allowed to - I was advised not to put anything in writing after that.

I gather from what you've said you were told that some investigation or other was proceeding prior to you going to see the Minister, is that what you are saying?---That they were going to investigate it.

They were going to investigate?---M'mm M'mm.

Can I show you two pages which contain a series of emails, including one which is apparently yours? Would you look at this please? Does the second page of the bundle I've given you contain the text of the email which you apparently sent to Mr Southwell on 24 October 2002?---That's right.

If I could briefly summarise the effect of what's contained in those six paragraphs of the text of your email you weren't complaining about specific incidences of patient care but rather about a culture. Is that a fair description of it?---I think it's a fair description because it wasn't one or two incidences. There was nothing specific it was a general standard of care that was my concern.

However, you had been concerned about specific instances and had put in incident reports and so forth over the preceding years, is that right?---That's correct.

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But this complaint, if I can call it that, to Mr Southwell, wasn't raising specific instances in relation to specific patients, was it?---I didn't name them but when I talk about the medical emergencies that was about specific patients but without giving details.

Did you have an expectation or a desire as to what would arise out of sending Mr Southwell this email?---My expectation would have been that he would have - or I would have - he would have responded and included me as part of the investigation. However, I believed that I would be reprimanded for doing that, sending him the email.

You believe that you would be?---I would have been.

So you anticipated that you would be reprimanded. Is that what you mean? ---Yes.

You've already given some evidence about the fact that there was contact after you sent this email, with his office. Is that right?---That's correct, yes.

You apparently had to send it again or did send it again, as the email on the first page of the bundle shows, on 29 October, is that right?---That's right.

Is it the case that between 24 October and 29 October, you did not receive any response to the email of 24 October?---That's correct, didn't receive a response to say that he'd received it.

Right, and had not had any other contact, is that correct?---Sorry?

Did you receive any contact at all following you having sent the email on 24 October from Mr Southwell's office?---No.

No?---No.

Nothing?---Nothing.

Then you re-sent it and you received, apparently, as the email from Anne Crowley, also on the first page, shows you then received an email notification of the receipt of your email of 24 October, is that right?---That's right.

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That referred to, in turn, a referral to the appropriate officer for investigation, is that right?---M'mm M'mm.

Then was there further contact in the way that you've already described? ---Yes, there was.

By telephone?---Yes, telephone.

With whom?---With a man. I think his name was Ian Thomas. No. Yeah, I think it was. I think it was Ian Thomas.

Was it Owen Thomas perhaps?---Owen, sorry, that's right, Owen.

He spoke to you, did he, and got some information from you over the telephone?---That's right, he did.

Can we just deal with your own circumstances as at this time, that is, in late
October 2002? You were not going to work at that time, is that right?
---That's correct.

What was your position, that is, in relation to not going to work? Were you on leave?---I was on leave, yes.

Was it sick leave?---Yes, it was.

Had you made a claim for workers' compensation by that time?---I had, yes, prior to that.

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Did that arise out of one or more incidents?---That's correct.

Could you briefly describe the incidents out of which your claims for workers compensation arose?---Well, they entailed a lot of what I perceived to be patient unnecessary deaths and I went to the administrators with my concerns and there was one particular time that I - I went and I raised a lot of the - the matters that then became part of the HCCC investigations.

Later?---Later to them and I was told that this was another nail in my coffin 30 and that I was not meant to be a nurse and that a doctor, a consultant had asked me to go with him to see the medical superintendent about certain problems that were on the ward that I managed and I attempted to go along and I was told that she didn't want to see me, the medical superintendent. I then put in a complaint about the avenues within this organisation that I should be able to utilise for patient safety denied to me and I put in a complaint about that. How do I complain about things when every avenue I go to, it's obstructed? They said that they would do yet again another investigation and then they told me that they'd spoken to the consultant and that he said I was a liar, that he didn't want me to go with him about the 40 patient mistreatment on the ward and that I'd manipulated the situation. They told me I wasn't allowed to talk to the consultant about it. Then I finally ran into him, that was my very last day at work, and I asked him about it. He said that they had lied, no-one spoke to him. You know, they've got their own agenda, they don't like me. They don't like me because I care for these people and it's just a game to these people. That was the straw for me that broke the camel's back because for 6 years, I tried to believe that something was happening and for 6 years, it was just a game to these people.

Who was that consultant?---Eddy Lim.

Eddy Lim? When you say it was the straw that broke the camel's back and that was the last day of work, you did not go back to work after that day, is that right?---That's correct.

You put in a claim for workers compensation arising out of the incidents you've described, is that right?---What actually happened was I went to my local doctor and she gave me a certificate. Because it had, "Work related," they wouldn't accept that certificate. They told me I had to fill out a WorkCover certificate. This was Peter Reilly from - he was the man designated in our work to do that. So I filled out a WorkCover certificate and from that generated a form I had to fill out, so I did that. Then it became a WorkCover matter.

So it was converted by that process from you being certified as being sick into a workers compensation claim, is that what you're saying?---That's right because my doctor had written, "Work related".

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Right, and your doctor has certified that you were unfit for work, is that right?---That's correct.

Subsequently, you did not return to work?---That's right.

So that was your status, in effect, off work on sick leave, at the time that you emailed Mr Southwell in October later that year, is that right?---That's right.

How long had you been off sick?---Well, I was off sick from the April.

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So by this time, it was about, say, 5 months or so, is that right?---That would be right.

Can I return to the contact with Mr Thomas?---Sure.

Was a meeting arranged between you and Mr Thomas to discuss the allegations made in your email?---That's correct.

Was that meeting arranged for 2 o'clock on 5 November 2002?---That's correct.

At the time that you made that arrangement, were you intending that you would go by yourself to see Mr Thomas or those people in Mr Southwell's office?---I had no precise plans when I made the appointment with him, just if I went on my own, I didn't, if somebody wanted to come with me, that was fine. I would've felt better if somebody was with me.

At the time that you made that arrangement, subsequent to the email contact and the contact with Mr Thomas, did you have any intention then of going to see Mr Knowles?---Absolutely. I had the appointment made.

You had it made already?---M'mm M'mm.

The appointment had been made with Mr Knowles for 5 November as well? --- That's right.

Apparently, at 12.30, is that right, do you remember that?---I couldn't tell you exactly the time.

Were you intending that your process of trying to get people to investigate these matters would proceed in parallel pars, that is, through Mr Southwell on the one hand and through the Minister on the other or did you have - - -? ----No, the contact that I had with Owen and the responses that I got, it was made clear to me that they didn't want me to be part of this investigation, it was more just a process to them. They didn't want my evidence. They didn't want to talk to the other nurses that I was talking about and at the time, from memory, I think the Minister was - I think he may've been campaigning for the election the following March and it was either I saw him then in the November - and then his office was going to be closed for a few months - so it was either I saw him then or I had to wait until, I think it was April to see him.

You got this information from his staff, did you?---That's right.

When you rang up to make an appointment?---M'mm M'mm.

I put those words into your mouth but had you actually rung to make an appointment?---Yes, I did.

Were you intending that you would see him later? You've mentioned the election difficulty and so forth and I gather that you were suggesting - I might be wrong - that you wanted to see him later but that you couldn't because - - -?---No.

- - - of the office being closed?---No, no, I wanted to see him sooner rather than later so my choices were to have the appointment in the November or there'd be nothing until April.

So the appointment was made. At the time that you made the appointment did you intend that you would go and see him by yourself?---Yes, yes. Well, maybe one other nurse.

By the time that you did go to see the Minister on 5 November there were more than one other person who was - who went with you?---That's correct.

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In fact there were three other nurses?---That's right.

And your brother Mr Chalhoub, is that right?---That's right.

But you briefly describe how that came about, how those other people came to go with you?---Well, I'd had contact with two of the theatre nurses and I knew what had happened to them about their raising their concerns and how they were not treated - how they were treated unfairly and I had witnessed similar events in the past that they were not aware of and I knew that they had written to the Minister and I - I knew that they hadn't got a response from the Minister and I knew that a lot of the colleagues at work were very upset by it and also had no response from internal management about how it was handled and how they were treated, and I invited them to come along.

That's Valerie Owen and Yvonne Quinn, is that right?---That's correct.

You approached them or contacted them?---We were in contact.

You were in contact already?---Anyway, yes.

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You told them that you'd made this arrangement to go and see the Minister? ---Yes, I did.

And said, in effect, "Why don't you come too?" is that how it happened? ---From memory, yes.

What about in Sheree Martin's case?---She knew that I had made the - she knew I'd written a letter, she knew I'd made the appointment and she wanted to come along and - to express her concerns.

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You had frequent contact with Ms Martin at this time?---That's correct.

Did you see each other each day?---We saw each other regularly. I couldn't say if it was every day.

Your brother, Mr Chalhoub, was he - he's a solicitor?---M'mm M'mm.

He had had some involvement, had he, by this time, in relation to your what had become a workers compensation claim?---Yes.

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Was he acting for you as a solicitor in relation to that claim?---I - yes, I think so.

Solicitor or brother or both?---Yeah, that's where it becomes a bit confusing and plus I didn't - I didn't ever challenge the - the response that I got, like when that was knocked back. But he did go with me to be - there was an investigator I had to go and see and he came along with me then.

An investigator who was looking at the circumstances of your - what had become your workers compensation claim, is that right?---That's correct.

You said knocked back, it was a case that your claim or claims had been rejected, is that right?---That's right.

But you were still on sick leave?---That's correct.

How was it that your brother came to go with you to see Mr Knowles?

---It was just that he had been involved and it was a very long complicated story to tell and I'd been able to speak to my brother over a number of months and he just felt that he could offer more of a chronological order of events and put it into more - into perspective for Mr Knowles rather than there was too much at once for him.

For Mr Knowles do you mean?---M'mm.

Did either of you travel together to Mr Knowles's office?---No.

You made an arrangement to meet there, did you, or?---Well, we all knew we were meeting.

Right, so did you travel with Ms Martin to the office?---Not from memory, no.

With your brother?---Yes, I think I met my brother at the station, I can't really remember, that's like 3 year's ago.

In any event the five of you gathered together at Mr Knowles's office, is that right?---Yeah, just before the appointment.

What happened, did you all go into the office together?---Yes, we did.

Was Mr Knowles there when you arrived?---Was he in the office?

Yes?---Yes, he was.

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Were you all introduced to him?---I couldn't say. I think maybe, I don't know. It's either that or we all knew him.

Had you met him before?---No, not personally, no.

By knew him you knew who he was and - - -?---During - during the course of the meeting we all introduced ourselves and our positions, so there was so form of introduction but it wasn't exactly when we walked in.

His electorate office, where this meeting took place, do you remember the structure of it?---Yes, I think so, yes.

You came off the street into an office environment, is that right?---M'mm.

Mr Knowles's office was that in a separate room?---Yes.

Where you ultimately met with him and had a discussion?---M'mm M'mm.

Did the five of you who were visiting go into that separate office?---Yes, we did.

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So there were the five of you and Mr Knowles in the office?---That's right.

That was an office which had a door which could be closed?---That's right.

Was the door closed?---Yes. From memory it was closed because it was between me and Ms Martin, that's why I just know it was closed.

Between where the two of you were sitting, do you mean?---M'mm M'mm.

Your counsel has provided a diagram, this morning, which I think you may have drawn and written. Is that right?---That's right.

Can I show you that document. While Ms Fraser is looking at that could I tender the two page emails that were previously shown to her, please, Commissioner? I do tender them.

THE COMMISSIONER: The two pages of emails including an email from Nola Fraser of 29 October 2002 will be exhibit 1.

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# #EXHIBIT 1 - TWO PAGES OF EMAILS INCLUDING AN EMAIL FROM NOLA FRASER OF 29/10/2002

MR STAEHLI: Does that diagram present your recollection of where each of the persons who attended the meeting sat?---Yes, except when I drew this I said that I wasn't sure whether Yvonne and Val were sitting - whether Yvonne was sitting where Val was really sitting and Val sitting where Yvonne was sitting, but they were there.

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So there were five of you seat, in effect, around the perimeter of the wall opposite Mr Knowles, is that a fair description, perhaps not in the basis of your diagram? Let me put it another way. Mr Knowles was sitting at a desk. Is that right?---That's right.

The desk itself was up against a wall?---That's right.

He was in a seat which was at the desk, is that right?---That's right.

But in order to talk to you he had to turn, at least in part, away from the desk, is that right?---No, not really. He had full view of me, I was right next to him.

Sorry, I've been not specific enough. In order to talk to say Ms Owen or Ms Quinn he would have had to turn around?---Absolutely, yes.

I will show you some photographs - - -

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THE COMMISSIONER: Do you wish to tender that diagram?

MR STAEHLI: Yes, might I just show Ms Fraser the photographs first, Commissioner?

Can I show you these. Firstly, this photograph, or photocopy of a photograph. Do you recognise that as showing part of the arrangement of the office that you saw Mr Knowles in?---I do, but I just don't remember the shelf being there.

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The bookcase - - -?---M'mm.

- - - that's there. All right. Well, but for the presence of the bookcase, it's not a picture which shows the whole of the office, but do you agree that it does depict the office as the chairs were arranged in it when you attended? ---Yes, I do.

Can I show you another photocopy of a photograph which apparently shows a view taken from behind what would've been Mr Knowles' chair, I suggest, looking out through the door, and I'd ask you to ignore the names that are written above the chairs. But does that also, do you agree, show at least in part the arrangement of the office as it was when you were there? By that I don't wish to limit your answer to the fact that there were two chairs on one side of the door and so forth, but just that that's the general arrangement of the office?---And the desk is here?

The desk, well, that's a matter for discussion I suppose when one looks at the first photograph that I showed you?---Generally I - I would have to say ves.

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Might I tender the two photographs first please, Commissioner?

THE COMMISSIONER: Yes. Photograph which is labelled, or writing on it, which states ED3/1995/9/4 showing the desk in the office will be exhibit 2. The other photograph excluding, I gather, the names behind the chairs is exhibit 3.

## #EXHIBIT 2 - PHOTOGRAPH LABELLED ED3/1995/9/4 SHOWING DESK IN OFFICE

## #EXHIBIT 3 - PHOTOGRAPH EXCLUDING NAMES BEHIND CHAIRS

MR STAEHLI: Ms Fraser, I'm sorry, can I ask you to look at this third photograph, or photocopy of a photograph, which has apparently a corner of the desk and two guest chairs. Do you recognise that as showing also the environment of the office with the corner of the desk and those two chairs?

---It's difficult to say because I can't see the door.

All right. I'll tender that photograph in any event, Commissioner.

THE COMMISSIONER: Photograph of a corner of a desk and three chairs will be Exhibit 4.

## 20 #EXHIBIT 4 - PHOTOGRAPH OF CORNER OF A DESK AND THREE CHAIRS

MR STAEHLI: Then can I return, Ms Fraser, to your diagram. Do you still have that before you there. The effect of the diagram, as I understand its intention, is that you were in a chair which was, it would seem, the closest to Mr Knowles' desk. Is that right?---That's right.

As you recall it?---M'mm.

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Were you intending by your diagram to convey that there was not another chair occupied by a person, in any event, between you and the door? ---That's right. I was - yes, I - from memory, the best of my recollection, yes I was sitting there on my own.

Your recollection is that the other four people who'd come with you were in chairs which were on the far side of the door from where you were sitting. Is that right? Is that what you meant to convey by the diagram?---Sorry, could you repeat the question?

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Yes. I'm putting a proposition to you, but I may be misinterpreting your diagram. Can I just check that the two small lines which appear on your diagram next to your name on the left of it, were they intended by you to show the location of the door in the office?---To the best of my knowledge, yes, the door was there. Somewhere there.

As you were sitting in your chair, Mr Knowles was in effect basically straight in front of you sitting at his desk. Is that right?---That's correct.

The door was to your left?---That's correct.

And there was no-one between you and the door, as you recall it. Correct? --- That's correct.

The other four persons who were there were on the right-hand side of the door from where you were sitting?---That's correct. But because I didn't take much notice of the door when I came in, it - it was closed. The was closed and it wasn't until I went to leave that I realised where the door was and, from memory, it was between me and Sheree. Somewhere between me and Sheree.

In the way that you have it on your diagram the closest person to you in the remaining chairs was Ms Martin. Sheree?---That's right.

Then your brother John?---That's right.

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Then Ms Quinn and Ms Owen, or perhaps it was Ms Owen and Ms Quinn, in that order?---That's right.

I'll tender Ms Fraser's diagram, Commissioner.

THE COMMISSIONER: Ms Fraser's diagram will be exhibit 5.

#### **#EXHIBIT 5 - MS FRASER'S DIAGRAM**

MR STAEHLI: You've said responsibly, if I might put it that way, that that's to the best of your recollection. Is it possible that you are mistaken about the way in which the other people were arranged in the office and where they were in relation to the door?---Not where the people were, but I - I may be mistaken where the door was.

So the door may be somewhere different in relation to say Ms Martin who was the next person to you. Is that what you mean?---That's what I mean. So the door could've very well been between Ms Martin and - and John, but the door was to the left of me and where the people were sitting was what my recollection is.

Is it possible that you may be mistaken about whether or not the door was completely closed or not?---No, it was closed.

You're certain of that?---I - I'm certain of that because we had to open it to get out.

The meeting proceeded in terms of you and the other three nurses outlining to Mr Knowles what had brought you there, I guess, is that right?---That's right.

Did you go first in that regard?---I - look, I couldn't really remember the sequence of events, but from memory, no, I didn't go first. I thought I went last.

Do you recall whether or not each of the other nurses spoke in turn, or was 10 the conversation which was had interleaved? Did someone say something another nurse say something else? How did it happen?---From memory, to the best of my knowledge, Yvonne and Val spoke first about their experience s and - and what happened to them, and that they had written to the Minister and they spoke about the union involvement and area involvement and the deeds of release, because Mr Knowles was trying to say it was basically an industrial matter and they were trying to explain to him that it was far more serious than an industrial matter and they spoke about the union involvement and their fabrication of their - their - how Macarthur Health fabricated evidence against them and how they were 20 walked off the premises. They gave quite intricate details about what happened to them and - and about Greg Driver and the union and the deeds of release.

Do you recall how the Minister responded to what they said other than in the way you've mentioned about suggesting that it was an industrial matter? ---He said that he would look into it. He was very - from - from memory, he was very polite, very friendly. He said that he'd look into it and I - I - he also said that he - he didn't receive the letter because the letters don't go to him, it goes to another body that investigates for him.

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So he was apparently conveying that he'd not heard of their issues before? ---Yes.

Did they complete their account of what had happened to them?---Yes, they did and they also told him that they were concerned that Macarthur Health investigates Macarthur Health Service, they all investigate each other and they really just wanted a proper independent investigation and just due process and justice.

Did Mr Knowles respond to that in any way that you remember?---Not from memory, I can't remember but he - he did say that he would investigate it for them or look into it.

At that stage, his demeanour, was it still the same or had it changed, that is, was he still polite and friendly in relation to that issue?---Yes, he was still, yep, polite and friendly.

What happened after that? Was it you or Miss Martin who spoke next?

---Miss Martin.

I know it's a long time ago but can you do your best to recall in outline what it was that she raised?---From memory, Sheree's main concerns were about medical emergencies not being called and doctors refusing to attend them and patients not being resuscitated.

Do you remember if she mentioned any specific examples?---I can't remember that.

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Did she talk about anything else?---She spoke about - because Mr Knowles was saying it was about resources at this stage and she spoke about where she'd worked at bigger hospitals and the care that these people were being denied was not about resources, it was just basic resuscitation.

Did she say anything else, do you remember?---She did but I - I can't remember everything that Sheree had said but she - she certainly did do a fair bit of talking.

Did what she was saying include allegations against the management of those hospitals in either a general or a specific way?---From memory, in a general way, yes.

These were startling allegations, I suppose, in the way that they were being put forward, is that a fair description of them?---That's a fair description.

What was the Minister's response to what Ms Martin was raising, do you remember?---I can remember but it's just hard to describe. He wasn't friendly, he looked a bit - he kept saying to her, like, "But you're a nurse, you're a nurse aide," like he was trying to water down her concerns about patients being resuscitated and saying it was about resources and I don't think he was taking the allegations as seriously as - as what she was telling him.

It's no doubt difficult to say, from your perspective, what was in his mind, of course, but when you say he was trying to water down her allegations, do you remember any words that he used other than mentioning the issue of resources?---He kept referring to her position, like as a nurse aide rather a nurse and, "You know, you've come from bigger hospitals, you know, they've got more - more resources, more equipment" and she kept saying, "It's not about that". She also told him that she was disciplined for attempting to resuscitate a patient.

Was there any emotion expressed by the Minister during the course of what Miss Martin was saying to him that you noticed?---No, but his voice got a little bit louder as opposed to Val and Yvonne, he was very friendly with them.

Did he say anything about whether or not Ms Martin should be careful about what she was saying or would need to be able to back up what she was saying?---He didn't say that - - -

He didn't say anything like that?---Not to her, he said that to me.

Have you described, albeit it in a compact way, all that happened during the conversation between the Minister and Miss Martin?---I've just described what I can remember. A lot more conversation between them happened but I can't remember it all.

Do you have a better memory about the things which you, yourself, said? ---Yes, I do.

By the time that you started telling the Minister about things, had your brother spoken at all?---He had.

Do you remember what it was that he had said?---From memory, he said words to the effect of - well, just generally - just that who he was, what he was there for, how he'd been speaking to me over a number of months and that we were - we wanted to see the Minister to raise serious concerns about patient neglect and mismanagement of managers. I think he used the word, "Maladministration" or, "Potential Maladministration".

When was it that your brother had said this? It was before, when you spoke?---It was before I spoke, yes.

That is after Miss Martin?---I couldn't tell you when my brother said it. It was either - he was either before Yvonne and Val or after Yvonne and Val. I just can't remember the exact sequence.

Then, in effect, it became your turn to the tell the Minister why you were there, is that right?---That's right.

Can you tell us, to the best of your recollection, what it was that you did say to him?---I just told him my concerns and - and the lengths I had gone to to get help for these people and how management knew about it and - and chose to ignore it and he kept trying to blame the doctors and the nurses and - and I was saying to him things like, "You know, the doctors and nurses do have a part in this but the management do not do their job. They don't discipline the doctors or the nurses. They don't educate them. They don't nurture them. With the full knowledge of Administration, this is allowed to happen". He kept just saying it was about the doctors and he wished that the doctors would just do their job and, you know, aren't they - they're - like, they're not good boys, you know, they're naughty, these doctors are naughty. I said, "It's beyond being naughty". That's what I mean by he was trying to water me down and my concerns.

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Had you told him that you'd sent that email to Ian Southwell?---I did.

Did you say what if any contact you'd had with Southwell's office about that?---No. From memory I don't think I spoke to him about that.

By saying you believe the Minister was trying to water down what you were saying do you mean that he would, well, you perceived that he was trying to deflect what you were saying from management to some other issue, is that what you're saying?---Not only was he deflecting it, he was watering it down, the other issue. He was saying the doctors were naughty.

He was saying the doctors were naughty?---"I wish they would do as they were told".

That's what he was saying?---Yes.

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What did you understand him to mean by that, "Do what they were told"?
---I took that to be that he was being a little bit patronising and that he
understood what I was telling him that was just making - making light of it
like it wasn't as bad as what I was saying. I made it quite clear that it was a
standard of care that we were talking about, not just one or two doctors.

How long had it taken you to tell the Minister about these issues by this point when he mentioned that the doctors were naughty and so forth? Had you been talking for what, 5 or 10 minutes, something like that?---It's hard to say but he said that early in the piece.

Did you mention the names of any of the health managers?---Yes, I did.

Whose name did you mention?---I couldn't tell you if you want it in sequence but I could - I couldn't tell you that but certainly Jennifer Collins's name was mentioned, Malcolm Massau's, Greer Jones, Helen Parsons, Catherine Gibson, Cathy O'Connor because she chaired the Critical Care Committee.

When you mention the name of Jennifer Collins, in what context was that, do you remember?---That was in the context that she was responsible for the problems.

What responsible because of her position do you mean, or responsible in some other way?---Responsible because she had known about it and chose to do nothing about it. She had the power to do something about it.

When you're talking about - did you use those words to the Minister you say?---Words to the effect of.

And when you say, to do something about it?---I mean the situation that was happening there.

What had you told the Minister about the situation, in a general sense? ---Well, I just told him that patients were being denied care because there were no intensive care beds. I told him that patients were dying to what I perceived to be needlessly and senselessly. They were being denied antibiotics, you know, for 2 or 3 days and they dealt with the people to the coroner that should be referred, they lie to the relatives about what happened to them. But these are all brought up formally in committees and Jennifer Collins chaired some of these committees and all - we report to her in one way or another. I told him that doctors had gone to Jennifer Collins, incident forms that had been addressed to her or to the medical superintendent. Just the same problems were happening over and over and over.

So that was a brief summary, which you've just given over a minute or so, of what you had been describing to the Minister over a longer period of time during this meeting, is that right?---Yes, it's just a brief summary.

When you mentioned the name of Jennifer Collins, did the Minister say anything about her?---He did.

Do you remember what it was that he said?---Look, I couldn't remember in sequence but he said that, "You know, she can't be responsible for everything" and that she was a nice lady, she was a friend of his, "She's done a lot for the hospital, she's taken the hospital forward" and on paper, that they - they - Macarthur Health looked sound and I agreed with him and I asked that he needed to peel back the layers of what was happening, he needed to have a very good look at what was really going on inside and - I'm just trying to think - and he told me that I can't go around speaking about people like that, that was in reference to her.

What was his tone of voice when he said that, do you remember?---It was raised.

Louder, do you mean?---It was loud.

You said that he said that at a time when you'd mentioned Jennifer Collins's name, is that right?---Yeah, over a course of conversation, he said this.

Did he mention other things, that is, what the effect of what you were saying was?---Yes, he did.

Do you remember what he talked about?---To the best of my knowledge, he spoke about the fact that this was slanderous, I could be sued, I could lose my home, my career, everything and that I shouldn't go around talking about people like this and who do I think I am?

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Did he mention corruption or anything like that?---Yes, he did, he said that I was talking - I was speaking about corruption, potential criminal negligence, conspiracy.

In one sense, I suppose, you agreed with that?---Absolutely.

Right, so when he said that, was that said, as you perceived it, in any context of trying to discourage what you were saying?---Yes, but it was his body language. He had a raised voice, he was not very happy, his face was a little bit red, you know, and it was in the context he was saying it, you know, "You're talking about this, you'd better be right. You can't go around speaking about people like this".

"You can't go around speaking about people like this". Was that said just by itself or said in a context of, "You can't do this without having proper evidence" or what? Do you remember whether it was one or the other of those or something different?---It was - I just - I just remember my response to him was that I wasn't going around speaking about people, I was coming to the Minister for Health, raising serious community concerns. From memory, I think it was in relation to Jennifer Collins that, you know, I can't go around speaking about her like this.

Apart from the fact that you obviously wanted to be there and wanted something to happen, did you, yourself, have concerns about the ramifications for you of making these disclosures?---Not before I went into his office but after I went in, I certainly did.

Was that as a result of what he said to you?---That - that was as a direct result of what he said to me.

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That is, you felt that there might be potential negative ramifications for you as a result of what he said to you?---That's right. He told me that my career was over.

Did he? That could be said in a number of ways, the words, but two of the options are, it'll be very difficult for you to go back to work there. That's one option. Another is you will be punished for what you were saying. Did you have a perception as to whether or not what he was saying fitted into one or other of those options, or something else?---I'd be punished for what I was saying.

Did you perceive him as saying that you would be punished by someone else, or that he would cause you to be punished, or what?---I didn't really think like that at all. Just when he told me that my career was over I felt that I was being punished for raising concerns with him.

On this day, what was your state of mind when you went there? Were you nervous and tense, or were you relaxed about going there?---I think I was pretty relaxed about going there.

When you left, how were you in that regard?---Lost faith in him. I - I walked out feeling that there is something more to this than meets the eye. He was very, very defensive over Jennifer Collins. I could understand if he was defensive over the doctors and nurses as well, but especially her and he was trying to blame the consultants and the nurses, and I was very suspicious about that. And I walked out of the knowing that that any investigation triggered by the Minister from that meeting will - I - I felt that it wouldn't be an open and honest investigation because he was so - so defensive over the people rather than be objective about the situation.

When you say he was trying to blame consultants and nurses - - -?---M'mm.

- - - you mean as opposed to management?---That's right.

And your belief about the lack of openness and honesty and an investigation, that was a perception as a result of the whole conversation that you had. Is that right?---Well, it was my perception because he wasn't objective when we spoke about - how can you blame doctors and nurses when management are the ones that fabricate evidence against people and they walk them off the premises. That is nothing to do with doctors and nurses. He was not objective.

He responded in that way, that is, by mentioning or blaming doctors and nurses, as you saw it, as a means of diverting your criticism of management. Is that how you perceived it?---I just perceived it that he - he just wasn't perceiving what it should've been and he was - he was not objective.

You've mentioned that at one stage his voice was raised, and you mentioned body language - - -?---M'mm.

- - - and that that body language changed at around the time, or after you mentioned Jennifer Collins' name. Is that right?---That's right.

When you say his body language changed, can you describe in more detail anything that he did?---I couldn't describe it in sequence or - or when he said it, but what he did was - I remember him moving his chair back - it's on like wheels, and he turned directly to me and he was slamming his fist on the table a few times.

A few times?---M'mm. Repeatedly.

Repeatedly?---Yeah. More than once.

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And when he was talking, do you mean, or when you were?---No, when he was talking. And he also was pointing the finger at me.

Pointing his finger at you?---His finger at me.

What, when he was talking to you do you mean?---He was pointing his finger at me.

Do you remember what he was saying when he was pointing his finger at you?---From memory and to the best of my knowledge it was when he was saying, "You know, you could be sued, you know, you'd better have enough evidence to get you through, you know. Your career is over anyway." Like it was, you, you, you.

How did you feel about that?---I felt he was quite angry for no reason.

He was angry for no reason?---M'mm.

Angry with you?---M'mm.

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That's how you saw it?---I saw that he was angry with me for raising concerns with him about what was happening there.

Did anything that he said change your mind about what you had been doing, that is the issues that you have been raising either with him or in the past? ---No, because as I said earlier I had no choice.

You had to go on with it as you saw it, is that what you mean?---That's right.

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THE COMMISSIONER: Mr Staehli, it's 20 to 12.

MR STAEHLI: Yes, I'm sorry.

THE COMMISSIONER: Mr Cheshire, I didn't mention this to start with, make specific reference to s.37 and s.38 which is the protection section. I'm sure you're aware of it and have discussed it with your client. If there's any concern please let me know.

40 MR CHESHIRE: Thank you.

THE COMMISSIONER: We will adjourn for 10 minutes.

SHORT ADJOURNMENT

[11.40 am.]

MR McCARTHY: Commissioner, just before we start, two applications. One, I have been under the impression that those who were going to give evidence in the matter were not in Court while this - - -

THE COMMISSIONER: Not in the Commission?

MR McCARTHY: Not in the Commission.

THE COMMISSIONER: We gave consideration before we started and I indicated I had no objection to persons giving evidence being in here.

MR McCARTHY: I understand that. I understand - I had spoken to Mr Cheshire and he had said that his people were not here and I just had the idea that Mr Latham's people were not here also. I would have preferred it that that was in actual fact so.

THE COMMISSIONER: That will be noted, Mr McCarthy.

MR McCARTHY: Yes, I raise it at this point. The second is that I have asked Mr Staehli, on behalf of the Commission, if there has been a private record of interview of this witness and we asked to have access to it and we were told to make an application to you for that.

THE COMMISSIONER: I think that was some time ago, Mr McCarthy.

MR McCARTHY: No, I made an application - - -

THE COMMISSIONER: I think it was raised some time ago.

30 MR McCARTHY: I'm sorry, yes.

THE COMMISSIONER: No application was made. In any event if you are to have access to documents like that it means other parties can have access to similar sort of documents and I also discussed that with Mr Staehli before I came on the bench and at this stage I see no reason to depart from what is the practice here and what is in accordance with the procedures that have been adopted. In other words we won't make it available for the moment. If you find yourself disadvantaged later on please let me know. But at the present time we won't be making that available.

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MR McCARTHY: Commissioner, I may well return to that.

THE COMMISSIONER: Yes. Yes, thank you, Mr Staehli?

MR STAEHLI: Ms Fraser, before the adjournment I was asking you questions obviously about what happened at the meeting on 5 November and you've given a deal of evidence about that. I want to mention some other things and ask whether or not they were raised during the meeting.

Was there any mention about - or did Mr Knowles say something about an investigation?---Yes, he did.

Do you remember what it was that he said?---He said that he would launch an investigation independent of his office.

Did he mention who would do it?---He said the health department and I said, "Independent", and he said, "Yes, the Federal one".

Federal one. What did you understand him to mean by that, a Commonwealth investigation?---Yes, because he said it was totally independent from him and his office.

Was there any mention of a train leaving the station, or anything like that? ---Yes, there was.

What was said?---He said words to the effect of - - -

Who said this, I'm sorry?---Mr Knowles. I think it was, "Once I make this phone call and the train leaves the station, there's no turning back for you. You'd better have enough evidence to get you through to the other end, but either way my career was over."

That last phrase, "Either way my career was over", that was something he was saying to you about your career?---That's correct.

Is that what you mean?---Yes.

"Once I make this phone call", you said he used those words. Did you know what phone call he was referring to?---I think he was referring to initiating the investigation.

Did he make a phone call in your presence?---No, not in my presence.

Was the word, "History" used at all?---No, it wasn't, the word, "History" wasn't used.

Wasn't used?---No.

40 Not at all?---No.

Can you remember anything else that Mr Knowles said to you which you haven't mentioned already in answer to my questions?---I can't remember anything but I could be prompted.

When you made an arrangement for the meeting in the first place, you've made that arrangement some days before, is that right?---It was a few weeks before, from memory.

You'd spoken to someone at his office, as you understood it, in order - - -? ---That's right.

At his electorate office?---That's right.

Had you told whoever that person was that you spoke to why it was that you wanted to see Mr Knowles?---She just asked me what I wanted to see him for and I said, "For work related matters and concerns".

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Did you give any more detail than that?---She didn't ask for any more.

So you didn't even say anything about hospitals or health - - -?---Yes, sorry, the local hospital, Campbelltown, yes. They knew that I was a nurse from there and that's where my concerns were coming from.

But that they related to work - what were the words you used, "Work concerns"?---To the effect of, yeah, "Just work related issues and concerns that a few nurses have".

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Can I just return briefly to that email of Mr Southwell's? Did you take that with you to the meeting with the Minister, with Mr Knowles?---I couldn't tell you if that was part of - I had a few bagfuls of information so I couldn't tell you whether that was in there or not.

It is the case, though, is it, that you did not show it to him, is that right?---I asked him if he wanted to see some evidence that I had so he could understand the depth of what we were talking about and he didn't want to see it.

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So is it the case that you did not show him any of the documentation that you had?---I didn't show him any of the documentation at all.

So the meeting consisted solely of the five of you telling Mr Knowles things and his responses orally without there being any documentation showed to him?---That's right.

Then when it was over, when the meeting was over, obviously you left. Did you discuss amongst yourselves, any of you, any of the five of you who had been there, what had happened?---Yes, I remember discussing it with Sheree Martin and my brother.

Do you remember what you said to Miss Martin or your brother about the meeting?---I was very concerned about the - how defensive he was about Jennifer Collins and that I was extremely concerned that he referred the matter to the Health Department as opposed to referring it directly to ICAC, especially like the corruption issues and I said, "Can you believe what the Minister did? Could you believe his behaviour?

In relation to his behaviour, had anyone said anything during the meeting about the way that Mr Knowles was acting or reacting to your concerns? ---No, they didn't say anything.

Your brother, he didn't respond to Mr Knowles when Mr Knowles was pointing his finger as you've recounted?---No. My brother at the end said, "Well, we came here for an investigation and that's what we got and we should be happy with that. It doesn't matter what else happened."

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He said that to you outside?---Outside.

Then soon after you had the meeting with Owen Thomas and Greg Driver? --- That's right.

That is about an hour or so later?---M'mm.

You went to that with your brother, Mr Chalhoub?---That's right.

20 Only you two?---That's right.

You had a discussion with those two men about your concerns again. Is that right?---That's right.

Did you tell either of them that you'd seen the Minister just before?---No, I - I think I told them at the end that I had already been.

Did you say anything to them about the response that you got from the Minister?---No.

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Did you express any criticism of the way in which the Minister had reacted to your complaints to those two men?---No.

Did you make any notes or other record of the conversation that you'd had with the Minister?---Yes, I did.

At that time?---Yes, I did. Not at that time, that evening.

That evening. Do you still have them?---I do.

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You haven't provided them to the ICAC, have you?---No. I asked them if they needed it and they said they'd let me know.

Do you have those with you today?---I don't.

On those notes did you make any record of the responses that the Minister had made in the way that you've described - - -?---Yes.

- - - in your evidence?---Yes.

That is, to do with him raising his voice?---Yes.

To do with finger pointing?---Yes.

To do with him expressing how certain you had to be of your allegations and so forth?---Yes.

- 10 You've made notes of all those things - -?---Yes.
  - - have you?---I have.

Do you remember any contact with Vanessa Bragg that day?---I couldn't tell you if it was that day, but it was certain after the Minister's visit.

Who is Vanessa Bragg?---That's correct.

Who is she?---Sorry. She's a registered nurse that worked at Campbelltown 20 Hospital.

Was she a person who knew about what you were doing?---Yes. She actually wanted to come to the Minister with me, her and another nurse, but they wouldn't allow any more nurses in. So they - they wrote statements to give to the Minister but he wouldn't take any - anything from me.

When you say, "They wouldn't allow any more nurses in", what do you mean?---Well, the secretary when I tried to make the appointment to let her know how many were coming.

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How many did you tell her were coming?---I said to her about six. Six or seven.

What was her response?---"That's just far too many nurses for Mr Knowles to cope with."

Was it as a result of that that you suggested to Ms Bragg that she do a statement?---M'mm, and to Lois, yes.

40 And Lois being?---She's a registered nurse as well.

Do you know her surname?---I think it's Palaci. Don't ask me how to spell it.

You mentioned that you did have contact with Ms Bragg at some stage after the meeting with Mr Knowles - - -?---M'mm.

- - - but you weren't sure how soon after?---I couldn't be too sure, no.

No. But by that do you mean that it was within a day or a week, or what? ---Within a few days at the most.

Do you recall the conversation that you had with her about - - -?---I just.

--- that topic?---I just remember telling her what he did and how defensive he was, and how he raised his voice and got very angry with me raising concerns, and when I felt threatened by him when he said that I could go to gaol and, you know, I'd better be careful what I'm saying.

You mentioned that you told Vanessa Bragg that Mr Knowles had said you could go to gaol - - -?---M'mm.

--- earlier when you gave evidence about what Mr Knowles had said. You didn't mention that, I don't think. Is that something that you say that he said to you?---Yes, he did, he said, "This is slanderous. You could go to gaol. You're talking -" yes, he did, he said that I could go to gaol and that I had to have enough evidence.

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Did you record that on your handwritten notes as well?---Yes, that's there.

Then over the following month or so, you became aware of some investigations which were started apparently as a result of you seeing the Minister, is that right?---That's right.

But were you satisfied about what you were told, about what was happening?---With New South Wales Health - - -

30 Yes?--- - or with the HCC?

Either or both?---No, I wasn't satisfied. We had - when we went to New South Wales Health, they told us that we were under the protected disclosure and at this stage, I hadn't shown anybody any evidence or documentation and Victoria Walker encouraged me to hand everything over that I had because we were under the protected disclosure and she found it a bit concerning that the Minister didn't mention that to us. I actually told her that he was angry with me raising these concerns.

40 You told her that, did you?---M'mm M'mm.

She was with the Department of Health, is that right?---That's right, she was the senior investigator. Then when we went to the HCCC, we were told that we could be prosecuted for handing everything over, that we were not protected under the Protected Disclosure Act, we need to think twice about this.

I wanted to ask you about some things which flowed from your lack of satisfaction. Did you decide that you should speak to the members of the Liberal party, the State Government Opposition?---At some stage, I did, Ms Skinner.

Ms Skinner?---M'mm M'mm.

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Some press conferences followed you talking to Ms Skinner, is that right, do you remember?---I could not recall but I did have contact with her.

Did you talk to her about the Minister's behaviour?---No.

Do you remember when this contact was that you had with Ms Skinner? ---No, I couldn't tell you.

Just to ask you to do your best in that regard, do you remember whether it was, say, in about within a month or so of the meeting with Mr Knowles?
---It's hard to say. I remember the conversation I had with her. It was about people within the hospital were telling us nurses that, you know, that shredders were going and cabinets were being moved and they're deleting things from their hard drive and I had a conversation about her in relation to that as well, so it would've been maybe around the same time but I - I'd had numerous contact with her.

Did you continue to have contacts with her over the following months?---On and off, from memory.

I'm sorry?---On and off, from memory.

Did you, at any stage, in the, say, 3 months following your meeting with Mr Knowles, mention to her his attitude to you as you recalled it at that meeting on 5 November?---No, I didn't mention it to her, I mentioned it to friends and family only.

Then later in 2002, about almost 3 weeks after your meeting with Mr Knowles, did you email him?---I did.

Can I show you this email?

40 A copy for you, Commissioner.

THE COMMISSIONER: Thank you.

MR STAEHLI: Is that the email that you sent to Mr Knowles?---Yes, it is.

In that, you raised a number of issues. You complained that no-one had been stood down from the Macarthur Health Service - - -?---That's right.

--- amongst other things. You told him that you'd been told that Jennifer Collins was a member of the Labor party, is that right?---That's correct.

How had you found that out?---Just through people and the HCCC, Rob Beetson confirmed it as well. Just when I was telling family and friends his attitude and how defensive he was and how he intimidated me when I mentioned her name, they said that she was a member of the Labor party.

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I'm sorry, are you saying that Beetson told you that in that context?---No, just general nurses at the hospital that knew, people at the nurses' association knew. It was just general knowledge but I didn't know it at the time.

So these were people to whom you'd described, you say, your meeting with Mr Knowles and that you'd mentioned his change of attitude when Jennifer Collins had been mentioned, is that what you're saying?---Yeah, he was defensive.

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You're saying that in response to that, that some people, person or persons had told you that Jennifer Collins was a member of the Labor party, is that right?---That's right.

So you'd repeated that to the Minister in this email?---That's right.

In the second last paragraph of the first page, you have some things in quotations on the second and third lines, that's that paragraph which starts, "Given the seriousness of the claims," you see those things?---Yes.

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Those things in quotations follow the words in your email, "Your comments," you see that? Sorry, I'm being - - -?---Yes, yes, I do.

So are the things which are contained in the brackets or parentheses there, which are, in turn, in quotes, words which you say the Minister spoke to you on 5 November?---They're some of the words.

Some of the words?---Yes.

Presumably, they being, so far as you could recall them, on 25 November? ---Yes, I didn't refer to my note-taking when I wrote this letter because it was still fairly fresh in my mind.

What's in the quotes represent your recollection from your memory alone do you say about some of the things which he said to you 20 days earlier? ---Only some of the things.

Of course?---Yes.

Just for the sake of those in the hearing room those words in quotes are, "You'd better have evidence of this, these allegations have criminal implications, these allegations are serious and you are talking corruption and conspiracy" They are things which you recalled that the Minister had said to you at the meeting?---That's right.

Then on the last two lines of that page of the email you wrote these words, "Finally the bullying and harassment of staff which permeates up the area level and in fact to your office, where your investigation supported actions found that the Area Health Service acted in appropriate manner". Do you see those words?---Yes.

They can be read to, in this way, that the bullying and harassment of staff permeates up to your office, that is to Mr Knowles's office - - -

MR McCARTHY: Commissioner, I've objected to very little but I think this is just going too far. If he wants to know what she means he can just ask.

20 THE COMMISSIONER: I will allow the question.

Do you understand the question?---Yes, I think.

MR STAEHLI: Well, I haven't really completed it, Commissioner.

Did you mean to say that bullying and harassment went up to Mr Knowles's office?---Yes, what I was referring to there that what we experienced at South West Sydney through Macarthur Health Service was no different to what I experienced in his office which was bullying and harassment for raising concerns.

So when you say his office you mean he meant him?---The Minister.

Was that a reference to 5 November?---Yes.

Did you get a response to this email?---I didn't get a response from Mr Knowles. However, I did get a letter, I think it was containing two sentences from Ms Robin Cruck saying that they're investigating which I already knew. But I certainly got no answers to the questions I asked.

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Would you look at this letter apparently signed by Ms Cruck dated 27 November 2002? Sorry we don't have multiple copies. Is that the response which you received from Ms Cruck, apparently, in response to your email of 25 November?---It very well could be. I haven't looked at it since. I just remember reading it, thinking it didn't answer any of my concerns.

Right?---And I didn't write to Ms Cruck. I wrote to Mr Knowles and I expected a response from him.

But do you see that in the first paragraph it refers to your email of 25 November?---Yeah.

You're saying you can't remember receiving that?---I remember reading something like this.

10 I tender the email of Ms Fraser's and Ms Cruck's apparent response to it.

THE COMMISSIONER: The email will be exhibit 5 and the apparent response will be exhibit 5.

### **#EXHIBIT 6 - EMAIL OF MS FRASER'S DATED 25/11/2003**

## #EXHIBIT 7 - EMAIL OF MS CRUCK'S REPLY TO MS FRASER 20 DATED 27/11/2003

MR CHESHIRE: I think the diagram is already exhibit 5, so it must be exhibit 6 and 7.

THE COMMISSIONER: Thank you very much, 6 and 7.

MR STAEHLI: Did you after that time, that is after 25 November 2002 raise with anyone other than Ms Walker what the Minister had said to you and what his attitude had been during the meeting of 5 November?---No, as I said only to family and friends.

You did not raise it with any HCCC investigator or Department of Health person other than in the way you've mentioned?---That's right, no.

Then - - -?---I didn't raise the allegations about what he said because everywhere I went I was treated the same way. When I was - when I met with Owen Thomas and I met with Greg Driver at that meeting I was treated the same way for raising the concerns. And then I went to the HCCC and I was treated exactly the same way with the exact intimidating tactics, so I just felt that maybe they thought this was all normal.

You felt that you were intimidated by the HCCC, did you?---Absolutely.

When you say that you mentioned the Minister's attitude to Ms Walker you remember that you were interviewed in the form of a tape recorded interview by her and Mr McGucken, do you remember that?---That's correct.

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Do you say that it was in the course of that interview that you told her about the Minister's attitude?---It was that interview but it was at the very, very beginning of that interview and the tape wasn't on. I just said to her in passing, "The Minister is very angry for what I've done. He was angry with me."

Was that in response to a question of Ms Walker's or was it something else? ---No, it wasn't in response to a question - it was in - I think from memory it was in response to her saying to me that, you know, "They will do what they can, hand everything over, we'll get to the bottom of this", you know, "you must trust the Minister." And I just said, "Look, he was really angry with me for raising this with him." It was in response to that, not as a direct question. I had no faith in the Minister whatsoever.

But for that discussion with Ms Walker then you did not tell any investigator or person from the HCCC or the Department of Health about the Minister's attitude to you during the meeting of 5 November, subsequently?---Not from memory, no, I didn't.

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In 2003 on 17 September you swore a statutory declaration, which amongst other things included references to the meeting with Mr Knowles. Is that right, do you remember that?---Yeah.

Can I show you a copy of such a document?

You'll see that those at the Bar table already have that document, Commissioner.

30 Do you remember the circumstances in which you came to swear this declaration that I've shown you? That is, did someone ask you to do it? ---From memory, I've been asked a lot of things and I think from memory somebody did and in response to what I said.

I'm sorry. In response to what you said?---Yes. Like, I had - I had a few - I had contact with some people about what the Minister - his behaviour and what he did to me, and they said, "Well, can you put it in a stat dec."

Right?---I said, "No problem."

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Were those people, or was that person, from the Opposition?---Yes, it was.

So it was either Ms Skinner, or in her office, or someone like that? Is that what you mean?---Yes, but it wasn't Ms Skinner.

No. A staffer?---Yes.

Or another politician?---No, it wasn't another politician.

What was the request that was made to you?---If - apparently Mr Knowles was denying - denying something or - no, I think in - in this particular case I think it was the fact that - that he did these things and that they wanted to refer it to ICAC for them to investigate him.

Do you remember what the request was of you in relation to what you should put in the statutory declaration as to subject matter?---No, there was no - that - that wasn't told to me at all, just to write down - - -

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I don't mean the words, I meant were you told specifically to, or asked specifically to make a statutory declaration about the circumstances your meeting with - - -?---That's right.

- - - Mr Knowles?---Yes. And it was just a sudden thing. Like, I - I wrote this from memory.

In this case you did not rely on those notes that you mentioned you had? ---No, my notes were at home. This was done at work.

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Where were you working then?---At Narellan.

At Narellan in the beauty salon?---Yes.

At this stage you hadn't gone back to the hospital, obviously?---That's right.

In fact you've not been back since you left in April 2002, was that right? --- That's right. I've been instructed to stay away. So it's not like I don't want to go back.

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Just on that point there. You're still on some form of leave or what, do you know?---I think it's the, "or what". I had, I think, about 12 months of sick leave which I've taken and I had a lot of annual leave and long service leave, and for 2 years I haven't responded to my emails other than to stay away from the place, not to be seen on the premises.

And so such payment as you were receiving after you left has ceased some time ago, is that right?---Yes. A while ago.

This declaration arose out of, as you recall, some staffer of an Opposition politician asking you to do such a declaration about the circumstances of your meeting with Mr Knowles?---That's right.

As a matter of urgency?---Well, they wanted it as soon as possible.

In the statutory declaration you recounted some of the circumstances and conversation of the meeting which had taken place on 5 November 2002. Correct?---That's right.

You also dealt with some aftermath on the second page of the declaration? ---Yes.

About contact from the media, things that had been said in Parliament and concluding with your view about what was happening with the investigations?---Absolutely. Yes.

I tender that declaration, Commissioner.

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THE COMMISSIONER: Yes. Statutory declaration of Nola Fraser declared on 17 September 2003 will be Exhibit 8.

# #EXHIBIT 8 - STATUTORY DECLARATION OF NOLA FRASER DECLARED 17/09/2003

MR STAEHLI: Did you provide the statutory declaration so that the Opposition would be able to use the information as they saw fit?---I provided the information just to make Mr Knowles accountable and answerable for what he did. Now, whether that was going through the Opposition or anybody else that could help me, I would've done so. So it wasn't specifically given to them to - just to retaliate them.

Between the time when you've described what you say you told Ms Walker and the date of this statutory declaration, 17 September 2003, had you told anyone other than friends and family of what had taken place at the meeting on 5 November?---I may have. I - I don't recall.

Did this request come out of the blue? That is, the request to do a statutory declaration on this particular subject matter?---No. No, I don't know. It wasn't out of the blue. I think from memory - I'm just trying to remember the - the sequence of events and who I spoke to. I spoke to so many people. I think I may have been speaking to the Opposition where I told them that the Minister behaved like this, and that was the first time they heard of it from me.

By that do you mean at around this time, September 2003?---Yeah, and - and I was also hearing a lot of things on the radio and what the Minister - the Minister was saying about us and Mr Carr and - and a lot of it was false, a lot of it was not true, and I was asked, you know, to put it in a stat dec, especially the Minister's behaviour, and I - I did that and they said that they'd try and get some action, like getting to explain why he did this.

So that contact was of a continuing kind in the period leading up to the date of the declaration, was it?---Yes. Yes.

After the meeting, just back-tracking, of 5 November did you other than what you said to your brother after the meeting - - -?---M'mm.

--- you've already described having a conversation with him in which he said, "We came here to get an investigation and it looks like we've got one", or words to that effect. Subsequent to that did you ever talk to him about the attitude of the Minister at the meeting? That is, to recount the circumstances of the Minister's attitude and raising of the voice and so forth?---Yes. Yes, I mentioned it to him.

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Soon after the meeting or at other times?---Probably the next time I had contact with him. You know, we discussed it. I discussed it with Sheree as well. As soon as we walked out Sheree was very frightened and she said to me, like the words to the effect of, "Oh, my God, what have we done? Have we done the right thing?" And I remember calling her a few days - I think that night and the next night and we - we were recounting what happened in the Minister's office.

Other than the words you've attributed to your brother, has he ever said to you what his view was about how the Minister had behaved during the meeting?---He - he didn't - he wasn't focused on that. He just thought, well, you know, so what, but we came from the investigation, that was the hardest thing for us to do and this is what he's doing and in the scheme of things, I probably didn't go on about it because it was - what the Minister did to me was secondary to the cause. It was all about the patients and the investigation and - and, you know, to get - to make it all right.

Were you deflected from that cause by the things which the Minister did or said to you on that day?---I wasn't - I wouldn't say deflected because I was on a highway that I couldn't get off but I certainly lost faith - lost faith in the Minister after that definitely. What little faith we had left, when we went to the Minister, it was all gone.

The statutory declaration, have you had a chance to read that?---I glanced over it.

Might that just be returned to Ms Fraser, please?

Could I ask you just to read to yourself the first page, please? The last line of the first page of the declaration, after you've recounted things that happened there, you say, "And he tried to intimidate me," do you see that? ---Yes.

From your point of view, how did he try to do that?---Besides the raising of the voice and pointing the finger and slamming his fist on the table and told me my career was over and that I may be going to gaol, in addition to all that, I was the subject, I was the problem. "You'd better have enough evidence. Who do you think you are? You can't go around speaking about

people like this". That's very intimidating. Not, "This is happening or it may be happening, I will investigate," you know? I became the subject, clearly the subject, I was the problem.

That's how you saw the things he was saying to you, in any event?---Yes.

Will you just excuse me for a moment?

THE COMMISSIONER: Yes.

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MR STAEHLI: Yes, I don't have any further questions of Ms Fraser, thank you.

THE COMMISSIONER: Yes. Is it convenient for counsel to embark on cross-examination now? I would have in mind, so that you understand that Mr Cheshire would be the first to cross-examine then Mr Latham and then Mr McCarthy. Is that a convenient order? Is it convenient then for you to start? I was just a trifle concerned about the note that's not here.

MR CHESHIRE: Commissioner, I was going to explore that. In fact I knew about it and we've tried to get hold of it, being on the same computer problems but it's hoped to have it at some stage.

THE COMMISSIONER: Very well, but you're in a position to commence your cross-examination now?

MR CHESHIRE: Yes.

THE COMMISSIONER: Thank you.

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MR CHESHIRE: So would you like me to start?

THE COMMISSIONER: Yes, I would.

MR CHESHIRE: Ms Fraser, can you just explain about the document where you said you wrote the document that evening? Where did you write it, in a diary or on a computer?---I wrote it on a piece of paper first and then as a word doc.

40 So where is it now?---In my computer. I tried to print it this morning and I didn't have any ink.

So if you're provided with some ink you're hopeful you will be able to bring a copy?---I actually emailed to Sasha early this morning.

The problem is with the computer at the other end, unfortunately, in that regard. We hope to produce it at some stage. You were asked about the question, "History", whether you recalled Mr Knowles ever having used the

?---word, "History", I'm not sure whether the implication was the phrase, "Your history" might have been said to you. You denied the word, "History" was ever used, was anything along those lines ever said to you, "You're history"?

---No, when he said to me, right or wrong, your career is over, I took that as I was history. When I - when I spoke to ICAC I told them that that's what the Minister said and it was some time later that I checked my notes. I think it was - because I asked them if they wanted the notes and they said, "No that is they needed it they would get them", so I went - had a look at the notes and in my notes I've got, in brackets, he implied, "I was history". He actually did not say those words and I rang Michael Kane up two day's later to tell him that.

Within the ICAC?---Yeah.

You were asked about - you said that you had a large number of documents in bags that you'd taken to the meeting and you said that you offered them to Mr Knowles, can you remember the context in which you offered them to him?---Yes, he said to me - he asked me, "How do I know that Jennifer Collins knows?" and I said, "Well, I've met with her and we've had discussions and other doctors have met with her." He said, "Do you have any proof, do you have any written proof?" And I said, "Well, yes, I have documents here, emails to her" and I said, "Would you like to see them?"

What was his response?---He put his arms up like this and said, "No, no, no, I'm not touching anything."

Did he make any notes, at any stage, in the meeting?---I think towards the end he was writing and I also asked him to take the statements from Vanessa and Lois as they were not able to attend today and he wouldn't take them or read them.

You mentioned that he said Jennifer Collins was a nice person. Do you remember him using that word?---Yes.

What was your response?---I said that that was - my response was, not exactly the words but the effect that I wasn't saying that she wasn't a nice person, that's not what we're here for. She may very well be but there's all these other issues.

We know that - well, you say that Mr Knowles at some stage mentioned that an investigation was going to be commenced. At what stage in the meeting, was it towards the beginning, the middle, the end, did he mention?---The end, that's when he was writing. He took our names down and I didn't see him writing anything before that.

So did he ask for your names?---He did.

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Anything else, any other details that he asked and seemed to be writing down?---I think our address - like my address.

After he'd said that he was going to investigate and was writing down how much was left of all of this?---Well, it was towards the end, the very end.

When you left the meeting, how would you describe the way that you were? Were you angry?---No, I wasn't angry but I was very - very surprised and anxious about the investigation and a bit anxious about his behaviour and anxious about my job and my home and my career that he said I could lose, which I have anyway.

And about his conduct?---Absolutely, his conduct, and I - I felt - I felt that he was trying to warn me off.

In your email that you sent on 25 November, which is Exhibit 6, you didn't mention to Mr Knowles, you didn't complain about his conduct and say something along the lines of, "You were pointing your finger at me, you were slamming the desk, you tried to intimidate me". Why does that not appear, those sorts of details, in that email?---For a few reasons. Number 1, we needed to keep the Minister onside in the hope that he would do the right thing and number 2, it's because the primary reason we went there was to get an investigation and to look into what was happening at Campbelltown and Camden. That was my primary concern. His attitude towards me and him effectively warning me off was secondary to that and I just didn't want to get - I just wanted to stay focused on what the issues were.

When you went into the meeting, these other nurses that were with you, Yvonne Quinn and Valerie Owen in particular, did they know all of what you were going to say? Had you told them?---No, I hadn't told them. I know what happened to them was quite horrific and I heard about it and when I spoke to them, I really understood what they were talking about because I'd seen it before but they had not really seen what I was talking about.

So after the meeting, did you have any discussion with them about what you'd said and about your concerns? Did they react in any way?---I did have discussions with them but I can't recall. Other - other than just from the expression on their face, I don't really think they believed me for a while but they - they appeared shocked, you know, at - at what I was saying.

Perhaps that might be a convenient time. Does that suit you?

THE COMMISSIONER: Yes, thank you. We'll resume again at 2 o'clock.

LUNCHEON ADJOURNMENT

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[1.04 pm]