

BEFORE THE ROYAL COMMISSION INTO TRADE UNION GOVERNANCE AND
CORRUPTION

Royal Commissions Act 1902 (Cth)

SUBMISSION ON BEHALF OF MARIA BUTERA

1. Maria Butera gave oral evidence before the Commission on 7 July, 23 October, and 28 October 2014.
2. On 28 October 2014, the Commission published Practice Direction 5 setting out the timetable for the filing of written submissions by Counsel assisting and for responding submissions.
3. The submissions by Counsel assisting were published on the Commission's website on 31 October 2014.
4. These submissions are filed under Practice Direction 5 in response to the submissions by Counsel assisting.
5. In Chapter 8.3 Counsel assisting stated that Butera had given deliberately false evidence before the Commission and that she had committed perjury.¹ Counsel assisting has recommended that Butera be prosecuted for an offence under s. 6H(1) of the *Royal Commissions Act 1902 (Cth)* (**Act**) for intentionally giving false or misleading evidence before the Commission.²
6. It is submitted generally that Butera did not intentionally give evidence before the Commission that she knew was relevantly false or misleading within the meaning of s. 6H(1) of the Act, and that she has not otherwise committed a perjury before the Commission. Ms Butera's evidence does not go so far as to constitute a breach of s. 6H(1) or perjury.
7. In these submissions, Butera does not engage in a detailed defence of any potential charges against her under s. 6H(1) of the Act or for perjury. Butera will address any charges brought against her at the appropriate time. However, Butera submits that Counsel assisting has overstated her involvement in the delivery of Cbus member details to Brian Parker, the Secretary of the New South Wales Branch of the Construction Forestry Mining and Energy Union.

¹ paras 3(g), 142, 171, and 183-192

² para 295

8. Counsel assisting submitted that Butera played the leading role in a '*subterfuge*' to deliver the Cbus member details to Parker.³ That overstatement by Counsel assisting of Butera's role in the delivery of the Cbus member information to Parker then bears upon his conclusion at [179] that Butera must have remembered every detail of the leak, and that this grounds an allegation that Butera intentionally gave false evidence. Butera submits that the inferences drawn against her at [179] cannot be sustained on the evidence.
9. Butera submits that the evidence demonstrates that:
 - (a) Parker did not enlist Butera to obtain for him the personal contact details of Cbus members who were Lis-Con employees;
 - (b) Parker requested Lisa Zanatta's assistance; and
 - (c) Butera did not comply with, or act on, any direct requests from Parker.
10. Butera denies the allegation by Counsel assisting at [285] that she breached ss. 182 and 183 of the *Corporations Act 2001* (Cth).



Rigby Cooke

Solicitors for Maria Butera

14 November 2014

³ para 85