

MANTISPUB00583
14/06/2024

MANTIS
pp 00583-00602

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE HELEN MURRELL SC
COMMISSIONER

PUBLIC HEARING

OPERATION MANTIS

Reference: Operation E22/1852

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 14 JUNE, 2024

AT 11.00AM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

This transcript has been prepared in accordance with conventions used in the Supreme Court.

THE COMMISSIONER: All right. I think we're ready to return to Mr Dankaro's evidence. Would you like to come forward, Mr Dankaro.

MR SUTTON: Just before we do.

THE COMMISSIONER: Yes, Mr Sutton.

MR SUTTON: Just if I can explain my attire, I have picked up a bug and at the moment I'm freezing cold. I appreciate it's not normal attire but if you -
10 - -

THE COMMISSIONER: No, that's fine, Mr Sutton. All right. So are you in sufficient good health to proceed? See how you go.

MR SUTTON: His now Honour Judge Sutherland once said to me, "The only time you don't go to court is if you're missing a leg or an arm," so - - -

THE COMMISSIONER: Yeah, right. I'm just also thinking of other people in the room as well. So I don't know if we - - -
20

MR SUTTON: That's why I've had the mask on all the time until this point.

THE COMMISSIONER: Yeah, no, that's good. Thank you. We very much appreciate that. Thanks. Okay. No problem, but let me know if there is a problem. All right. Now, Mr Dankaro, I can't remember, did you take an oath or affirmation the other day?

MR DANKARO: An affirmation.
30

THE COMMISSIONER: Affirmation. I think given there has been a break in your evidence we might re-administer that affirmation. I'll ask my associate to do that.

THE COMMISSIONER: Now, who's questioning Mr Dankaro?

MR SUTTON: I think I am, your Honour.

THE COMMISSIONER: Oh you are, Mr Sutton. Just before you do, I just
10 want to see if Mr Dankaro can help me with something that I've been
puzzling over.

MR SUTTON: If the Commission please.

THE COMMISSIONER: Mr Dankaro, this isn't really so much about your
role. I just want to try to understand a process to see if you can assist me
with that. So it's about sort of the order of events with there's an evaluation
panel, and I suppose in particular in relation to, we can focus on the Appian
Way one that you were involved in, that panel, but it's probably a more
20 general question as well. So, first of all, we've heard evidence about a
Tender Box and we've also heard evidence about a locked box. Are they
the same thing?---Yes.

Right.---The Tender Box is like the, the soft version of the locked box.

Oh, sorry, the what version?---Like a soft version, like the - - -

Oh yes.---Online version.

Yes. Was there like an actual physical locked box as well or it was all just -
30 - -?---No, it was all Tender Box, yeah.

Yes, the Tender Box, okay, good. That helps. And so when submissions
went into this Tender Box or locked box, is it the case that only the
Procurement Unit had access to that?---Yes.

Right. And so what was the order in which the Procurement Unit would
release information about what was in this locked box?---So it's usually a
two (not transcribable) system.

40 Right.---One is the qualitative followed by the quantitative.

Yes. Good. Okay.---So after the tender period, the Procurement would release the qualitative first, and once everybody has finished the evaluation, then they will release the quantitative.

And at what point in the proceedings did the evaluation panel have to put in their conflict of interest form?---At the end of the evaluation, sorry, tender period, just before the evaluation begins.

10 Okay. So but they would need to know the names of the people who had put in the submissions.---Yes.

So did they get those names, just the actual name?---Yes, just the name of the organisation.

Oh I see. So the submissions have closed.---Yeah.

The tender period would close. The Procurement Unit would release just the names of the prospective - - -?---Of the submissions, yeah.

20 After they'd release those names the panel would put in their conflict of interest forms, and after that was done there would be the qualitative analysis.---Yes.

And after that there'd be the pricing.---Yeah.

And when the material was released for the qualitative analysis, was there any pricing in that material?---No. Sometimes yes, but in this case no.

30 Right. How did that work? When was the pricing in there and when wasn't it, as far as you - - -?---Sometimes the respondents, they put the pricing inside one, they put everything in one document, and it's unable, you're unable to separate it.

You couldn't untangle it.---Yeah. In this case it was very distinct.

In the case of the culvert project.---Yeah.

40 All right. Okay. That's very helpful to me. Thank you very much. All right then. Now, Mr Sutton, are you ready?

MR SUTTON: Yes, thank you, Commissioner. I'm sorry, Mr Dankaro, because I didn't quite hear what you were saying. I apologise. I'm going to go over the same thing just for a moment so I make sure I understand. The Tender Box is the soft copy and the locked box is the hard copy, is that right?---Yeah, give or take.

Yeah. Thank you.

10 THE COMMISSIONER: My understanding, Mr Sutton, is that for relevant purposes there was no hard box. There was only a soft box, so when there's reference to the locked box, what they mean is the Tender Box.

MR SUTTON: Yes. This is my confusion. I thought we had previous evidence that there were two envelopes. One - - -

THE COMMISSIONER: Yes, but that's a different thing.

20 MR SUTTON: There's my confusion. All right. Just so I can make sure I understand this point, there's two separate documents. One is the qualitative, so what it's going to take to do the job, and then a separate document which is the pricing. Is that correct?---Documents, yeah.

That's ideally, that's the way it should be, but as I understood your answer just a moment ago, what you said was sometimes those documents come together in a submission and you can't separate them out. Is that correct? ---Sometimes, yes.

30 Okay. Thank you. Now, just to explain to you, because this might sound odd, the way I'm doing it. I've gone through your transcript of when you gave evidence on Wednesday, Tuesday and Wednesday, and so I apologise if what I'm going to be asking you seems disjointed in some way. So if you need me to explain the context of the question, please just say so, all right. And I should also add, you're probably aware, my name is Sutton and I am here for Mr Cossu, okay. Now, sorry, you're nodding but - - -?---Yes.

Yes, thank you. 'Cause everything gets recorded, you see. All right. You were very friendly with Mr Cossu during your time at the council, weren't you?---That's correct.

40 And in fact you invited him to your wedding which was 3 December 2021, is that right?---Yes.

And in fact you asked him to accompany you up the aisle, is that right?
---Yeah.

Yeah, but he said, "No, that should be someone from your family," yeah?
---That is correct.

10 Okay. In respect of contractors and them being allotted work, whether it be
by RFQ, BOI or Tender Box, a practical consideration, all things being
equal, would be knowledge that people have of the particular contractor's
ability to do the work. Do you agree with that?---Yes.

And while you were at the council, and I'm talking before the Appian
culverts job, you had experience of dealing with Mr Clarke.---Yeah.

Yeah.---Not directly but I'd seen him at jobs.

20 Sure. And certainly some of your colleagues had experience of dealing with
Mr Clarke.---Yes.

Is that a yes?---Yes.

Yeah. I'm sorry, you just need to say because the microphone can't record
you nodding your head. So it's the case, is it not, that Mr Clarke, for his
ability and practicality to get jobs done, he had a good reputation?---Yes.

30 I just want to talk to you now, make sure I understand it, you were asked
questions by Counsel Assisting in relation to the subject of being limited to
the contractors who could be on a job where there was a document
submitted. Do you recall that?---I don't understand that.

THE COMMISSIONER: No.

MR SUTTON: Okay. I'll try and put it this way. We heard evidence that if
a tender, for instance, were submitted, and if contractors were to be used - -
-

THE COMMISSIONER: Subcontractors.

MR SUTTON: Sorry, subcontractors, yes, thank you, Commissioner, that they were supposed to be nominated on the tender document, is that correct?---Correct.

Because on the template there's something about that. You agree with that?---Yes, but not all the time.

Certainly. And your evidence, as I understood it, and this is what I want to check - - -?---Okay.

10

- - - is that if it's the case that council, so the Projects and Works Team, wanted to be able to know which contractors were being used, they would specifically highlight that as a question. That was your evidence the other day. Is that right?---Yes.

Thank you. Now, you were asked again by Counsel Assisting in relation to your time on the Evaluation Panel for the culverts, Appian Way job, you were asked whether you thought you had a conflict of interest and you said initially you didn't think you did, but then you said, sorry, the question was, "But did you later have a conflict of interest?" And you said, "I believe so, yes." But you remained on the panel, knowing you believed you had a conflict. That's right, isn't it?---Yes. Like it said, I didn't have much of a choice.

20

Well you could have spoken to Ben Webb.---He wasn't always available. He wasn't available.

You could have gone to Mr Vangi.---As contractors, we had no knowledge of the process at council.

30

Well you know that Mr Vangi was more senior than Mr Webb, yes?---I couldn't just walk into the director's office.

Well you've told us you're aware you had a conflict of interest.---Yeah.

And you're aware that's a serious thing once you realised that.---Yeah.

You had a choice whether to say to somebody in a position of authority, I have a conflict, I don't think I should be here anymore, but you chose not to.

40

That's the case, isn't it?---Not the way you just said it. I knew that I did

have a conflict, but at the same time I was concerned about my job and I wasn't really clear about the reporting process.

Let's just talk about the job for a moment. You were aware that you were retained as part of the Spinifex contract, weren't you?---Yes.

So I suggest to you, the suggestion that you felt your job was at risk was not real.---It was real.

- 10 So we're not so much talking about whether you're being honest in your role and having a conflict of interest, just rather the price you're willing to pay. Is that correct?---I didn't get that.

Sorry?---I don't understand the question.

Certainly. You knew you had a conflict of interest. You decided it suited you better to be dishonest and not tell anyone about it.---No, because I had absolutely nothing to gain from it.

- 20 Well then, this is getting circular, sir. You had the option to tell someone and be honest and have your own integrity intact. Do you understand that? ---I had the option of having a job or not.

Do you understand the proposition I put to you?---Yes, but it doesn't apply.

You had the opportunity to be honest and open and be there with your integrity intact. That's a sheer fact, isn't it?---Yeah, but I also want to have a job.

- 30 And you determined, in your mind, the price you're willing to pay for foregoing your honesty and integrity, was to continue working at the council.---It was to continue earning a living, yes.

Sorry, I didn't understand that. Can you say it again?---To continue earning a living, yes.

Yes. Thank you. Now with Mr Cossu, are you aware it was actually he who declared his conflict of interest?---Sorry, can you say that again?

- 40 Certainly. You're aware that Mr Cossu was nominated for the Evaluation Panel, yes?---Yes.

And then he was not on the Evaluation Panel.---Yes.

I'm just saying to you, are you aware, and if you're not, say you're not, but if you are, say you are, are you aware that it was he who declared his conflict of interest?---At that point I did not, but now I understand why he did.

10 No, not why. It's a simple fact of him declaring or not declaring. In other words, did someone tell him he had to get off the panel to your knowledge or did he just declare it himself?---Not to my knowledge, no. I have no knowledge of it.

You don't know.---No.

20 You were asked questions about the assistance that you gave to GWAC and documents that you prepared for them I believe, and I might be wrong on this, someone's going to tell me if I am, documents that were stored on Dropbox.---Nothing was stored on Dropbox.

No.---No.

30 Okay. You were asked questions about, and your answer was, sorry I withdraw that. A question that was read to you, transcript 460, line 21, Ms Huxley said, "So I think it's page 3, actually 38.5, page 3. It's an email from you to Mr Cossu at his PMLV address and you've said, 'As discussed, documentation and photographs are available to be saved at this location.'" And you sent him a Dropbox link and you agreed by saying, "Yeah."---Is that a question?

No. Well I will now ask the question. Do you agree that was your evidence on 11 June 2024?---In what, I don't understand the context, sorry.

Sure. I have just read that to you and if I've read it incorrectly, someone would have picked it up.---Okay.

40 So I am going to ask you to accept that what I have read has been accurate. In your evidence on 11 June, there is an email from you to Mr Cossu at his PMLV address and you said, "As discussed documentation and photographs are available to be saved at this location." So do you understand that so far?

That was your evidence that you agree with so far. Do you understand that?---I understand what you're reading, like just the context.

And it says you sent him a Dropbox link.---Okay.

And you agreed with that.---Agreed with what?

10 You agreed with Counsel Assisting that you sent a Dropbox link for the storage of documents to Mr Cossu for use by Mr Clarke.---That was not the case.

Well, okay.

THE COMMISSIONER: Well perhaps we can clarify.---Yeah.

Do you agree that you sent this Dropbox link - - -?---Yes.

- - - Dropbox link to Mr Cossu at PMLV?---Yes.

20 Yes. So what part were you not agreeing with? The Clarke part or what?
---Yes, the intent of the Dropbox.

Yeah, sure.

MR SUTTON: And you said, sorry, when asked what that was for you said, "That was to put together like a standard suite of documents for GWAC I guess." Do you recall giving that evidence?---Yes.

30 So what I've put to you is that that Dropbox link contained various template documents that could be used on any job that GWAC was working on.
---That was the intent, yes.

40 Yes, thank you. You were asked who, sorry I withdraw that, just to give you some context to be fair. You got asked some questions about Mr Clarke and GWAC and you talking about his ability to do work, T 469, 31 onwards. Sorry, I'll probably go to 29, from the Commissioner, "Sorry, what was the first thing you said?" You said, "I was trying to help. Trying to help, help out." "Who were you trying to help?" "Pietro, I guess. I was also trying to help out the projects because we knew that, or we, from our discussions of the considerations, they could do the job but they're not looking good on paper." Yeah, you remember that?---Yes.

So from your experience of dealing with Mr Clarke, I'll suggest to you it wasn't his inability to perform the tasks or the work allotted to him, but rather it was that he was hopeless with paperwork. Do you agree with that?
---Yes.

Sorry sir, you need to say yes.---Yes, yes, yes.

10 Yes, thank you. Or you don't need to say yes, I should say for the record, but I could see you nodding your head. Now you were asked, "Do you know why Mr Cossu was interested in helping GWAC win the contract?" You said, "At that point I didn't take much of it but now I understand that, yeah." "Now you understand what?" "That he had a financial stake in it, so to speak." Do you remember giving that evidence?---Yes.

That's an assumption on your part, isn't it?---How do you mean?

20 Well, for instance Mr Cossu didn't blatantly say, "I'm doing this work for Jeremy. He's going to give me money." That didn't happen, did it?---No.

Mr Clarke didn't say to you, "Thanks for helping me out. I'm going to pay Pietro."---No.

So you have made an assumption that money was flowing between Cossu and Clarke.---Like I said, at that point I didn't speculate but after the start of this Commission, I guess I made that assumption.

30 But that's still speculation on your part, isn't it?---Well, to the best of my knowledge.

But it's speculation on your part. That's a yes, is it?---Yes.

Thank you. So I put to you there was never a time when Mr Cossu threatened your employment.

THE COMMISSIONER: Do you mean there was never a time where he expressly threatened his employment as opposed to imply, in this witness's mind?

40 MR SUTTON: Yes, I'm putting, sorry. Well, yes. Yes, I will address that.

THE COMMISSIONER: Okay.

MR SUTTON: There was never a time when Mr Cossu expressly threatened your employment through PMLV.---That is not correct.

Sorry?---That is not correct.

It's not correct?---No.

10 What are the circumstances, do you say?---Like I said, I had reached out to Ben Trapman to understand what the pay rate was, and he said he would get back to me, and he must have mentioned it to Pietro because Pietro called me and - - -

Right.---And he was very angry. He said a lot of things but the gist of it was, "I can get rid of you today and nothing will happen."

Well, firstly, I put again to you that that never occurred.---He called me the next day to apologise though. He did call.

20

THE COMMISSIONER: Sorry, what did he say when he called you? What - - -

MR SUTTON: "The next day he called me to apologise."

THE COMMISSIONER: The next day he called you, but when he was very angry was that on the phone or in person?---On the phone.

On the phone.---Yeah.

30

Yeah. What did he say?---He said, he made it clear that we were not to speak to other people about PMLV stuff, that everything has to go through him, and if I wasn't happy he could get rid of me and nothing will happen.

MR SUTTON: Sorry, so your voice just dropped at the end there. I didn't hear the end of that answer.---And if I wasn't happy he could get rid of me and nothing will happen.

40 I'm sorry to jump around. As I said, I'm just going through the transcript. In relation to clarification 1 on the culvert project, you were asked this question, "You didn't tell them that you drafted the response, GWAC's

response to clarification 1,” and your answer was, “No,” and that’s in respect of any members of the Evaluation Panel.---Yes.

Do you agree with that?---Yeah.

Had you in fact drafted a detailed response, or had you put effectively a template in place?---At first I put a template and then when the clarification was issued I was given information and I drafted a response.

10 But you would know that was in breach of again the code of conduct.
---Again, I was just following instructions.

Yes, it’s been said elsewhere. You knew of other people through PMLV who were at the council, didn’t you?---Yes.

And there were multiple people there, weren’t there?---Yes.

If I suggest to you there were 26 people who came through PMLV at the council, does that accord with your recollection?---I don’t know a number,
20 no.

How many do you say you knew of?---Maybe like six or seven.

Okay. And it was effectively once a person was known to be from, or through, PMLV, it was effectively an open secret between those people, wasn’t it?---Can you explain, please.

Certainly. You would discuss with each other, that is, the people you knew who came through PMLV, the fact that you were from PMLV.---Yes.

30 Yes. Thank you. And do you think or do you have knowledge of any of the other people going to Peter Anderson, Ben Webb, Mr Vangi, did any other PMLV employees do that?---I don’t understand the question.

It’s a simple proposition, sir. I withdraw that. You were aware of PMLV employing a number of people there. You said six or seven. I said 26. You said you knew six or seven.

Yeah.---Yes.
40

And you didn't consider that arrangement illegal or illicit.---At that point no.

Okay. Did there come a point when you did think it was illegal?---I guess we'll find out.

Sorry?---I guess we'll find out. I don't want to speculate.

10 No, simple question. If the answer is no, then it's no. If it's yes, then it's going to lead to another question. Was there a point in time when you found out that people thought being employed through PMLV was illegal or illicit during your time at the Canterbury Bankstown Council?---Oh that's better. No.

Okay.

THE COMMISSIONER: But you said that there were some discussions between the PMLV people.---Yes.

20 Right, about PMLV.---Yeah, about everything, I guess.

Right.

MR SUTTON: In relation to, again, we're back on GWAC, you said you'd received information from Mr Cossu and you were asked the question, that's about the tender process and things of that nature, and it was about a document that was being supplied to the Evaluation Panel, and it was clarification 2. So I'm asking about clarification 2 that was going back to the panel. Do you understand that?---Sorry.

30

Do you understand the context of the question?---Not yet.

There was a point in time when you assisted GWAC in relation to a submission to Evaluation Panel that related to clarification 2. Do you recall giving that evidence?---Assisted Pietro, yes.

40 Well, that wasn't your evidence. You were asked about it and you were asked, "Was it to assist GWAC in winning this project?" You said, "Like I said, the information came from, would have come from Pietro or," recall giving that evidence?---Yes.

Who does that “or” relate to?---Depending on what clarification, it could have been Jeremy.

Clarification 2, I’ve already said, sir.---Clarification 2 would have been Pietro. No - - -

THE COMMISSIONER: What was that about, clarification 2?

MR SUTTON: I don’t know. I’m sorry.

10

THE COMMISSIONER: Okay.

MR SUTTON: I’m interested in the process, not the subject matter, so I’m sorry.

THE COMMISSIONER: Yes, I know, but he might need that prompt.

THE WITNESS: Yeah, it would help.

20 MR SUTTON: I accept that. I don’t know if Counsel Assisting can assist.

MS HUXLEY: I think the email to Clarke asking for clarification to, is it volume 38.5, page 171.

MR SUTTON: Thank you.

THE COMMISSIONER: Do you want that brought up, Mr Sutton?

MR SUTTON: If it assists - - -

30

THE COMMISSIONER: I don’t know, but it might be, yeah.

MR SUTTON: - - - Mr Dankaro to remember then I have no objection. ---Yes.

I don’t need it because I’m interested in the process, as I say. Okay, does that assist you recalling what we’re talking about?---Yes.

40 Okay. Subtle point. I want to suggest to you that you weren’t instructed to assist Mr Clarke, but you were asked if you would.---Is there a difference?

Yes. What do you say? Can you answer the question?---I didn't get the question.

I put to you that you weren't instructed, you were asked.---Okay.

Do you accept that?---I don't get the difference. Can you explain the difference?

10 Certainly. Instructed, for instance if we take an extreme end of instruction, you will do this, I am telling you to do it. Instructed. Would you mind helping X out? Do you see the difference? One being directed - - -

MS HUXLEY: I object to this question because I think it needs to also take into account the fact of this witnesses' evidence that he understood Mr Cossu to be his boss.

20 THE COMMISSIONER: Yes. All right. Well look, I will allow the question. Mr Sutton is asking you whether Mr Cossu, if you like, asked you nicely, or whether he told you firmly to assist in relation to clarification to, is that fair, Mr Sutton?

MR SUTTON: It is, Commissioner, yes.---I was asked.

You were asked, thank you.---Yes.

30 And in the same, just give me a moment Commissioner, please. You were asked some questions about an email from Ms Tran and that you'd received that as part of your role on the Evaluation Panel and you sent it to Mr Cossu and he could now see tenderer's pricing. Do you remember giving that evidence?---Yes.

And you agreed that you knew it should have been confidential?---Yes.

And you agreed that you knew Mr Cossu was helping GWAC and its bid for work?---Yes.

I suggest to you that you voluntarily provided that information to Mr Cossu because you thought he would want it.---To what end?

40 You know he's assisting, you say, Mr Clarke and GWAC and you thought this might assist. Is that the reason why you sent it?---No, he asked for it.

Yes, thank you. In relation, I'm sorry to go back to this issue, but in relation to the subcontractor declaration issue on the tender, do you recall that that particular requirement was not specifically highlighted?---In this case it turns out it was, it was question two on the, it was question two on the Tender Box, so it was there.

It was there, was it?---Yes.

10 Didn't you say it was specifically highlighted?

THE COMMISSIONER: What do you mean by highlighted, Mr Sutton?

MR SUTTON: Well I'm referring to the words that the witness gave which specifically, drawn to contractor's attention, highlighted was the word I've got recollections of, and I might be wrong.

THE COMMISSIONER: Okay.

20 MR SUTTON: But there was nothing in this document that specifically drew that as a highlighted requirement, was there?---It depends on who prepares the document. So you should - - -

No, no, we're not talking about this document, sir.---Yeah. You should, as long as it's there - - -

MS HUXLEY: I can give, do you want the reference for that document to take the witness to?

30 MR SUTTON: If Counsel Assisting tells me it's there, I will accept it.

THE COMMISSIONER: Well, okay - - -

MR SUTTON: Just trying to be practical, Commissioner.

THE COMMISSIONER: The witness can be shown the document, but I think he's familiar with it and probably doesn't need to be shown it, and he's nodding.---Yeah, no, no.

40 So I think that it might come down to your use of the word "highlighted", Mr Sutton.---Yeah.

Perhaps.

MR SUTTON: It might come down to interpretation also.

THE COMMISSIONER: It may well. Well what is the proposition you want to put to the witness?

10 MR SUTTON: The proposition I put to the witness is that the requirement to nominate what subcontractors were to be used by Mr Clarke and GWAC was not brought out, highlighted in the document.---Not highlighted in the traditional sense, but if it's present then it's a requirement.

We agree on that. Thank you. Sorry, your Honour. I'm starting to now melt.

THE COMMISSIONER: Yes. Sit down if you'd rather, Mr Sutton.

20 MR SUTTON: No, it's fine, thank you.

THE COMMISSIONER: Okay.

MR SUTTON: And I thank you for the indulgence. Almost there, sir. When you left the council, you went to work back for PMLV, didn't you? ---Not immediately, no.

Well at some point.---At some point, yeah.

30 Mr Cossu was still there.---In a different role, yes.

But he was there.---Yeah.

This is a person who you ask us to accept was someone who had threatened you. Is that right? In relation to your stability of employment. Is that right?---I don't get your point here.

You took a job with PMLV in a role that was subordinate, do you understand that word? That was in less power to Mr Cossu.---No.

40 You knew he was friends with Mr Webb.---Yes.

You knew he could influence your position there.---Well I knew, I didn't directly report to him.

And yet you still, notwithstanding the fact that you say you were threatened by him in relation to the stability of your employment, you still went back to work in the same organisation where he is present.---That's correct.

10 So again, I give you the opportunity, sir, to suggest to you that there were no threats made to you.---Like I said, the only reason I went back was because he wasn't in charge anymore.

Commissioner, thank you. That's my questions.

THE COMMISSIONER: Were there questions from others? Well, then what about Ms Huxley?

MS HUXLEY: No, Commissioner.

20 THE COMMISSIONER: All right. Just excuse me for a moment. All right. Okay. Mr Sutton, I don't know if this is going to be any help but we may be able to set up the, what do we call it, the remote something or other?

MS HUXLEY: Webex. Some Webex platform.

THE COMMISSIONER: Yeah, okay. Yes. Webex platform if you'd rather question Mr Clarke from your office.

30 MR SUTTON: I'm content to remain, though I appreciate others would rather I left, so - - -

THE COMMISSIONER: Well, look, I think frankly that if you feel comfortable doing it via Webex it's probably preferable. However, if you feel you're at a disadvantage then it's not preferable.

MR SUTTON: Well, I do, if I'm honest, feel that there's a disadvantage doing it that way.

40 THE COMMISSIONER: Okay. All right. Well, that's fine. Everybody can keep their distance from you, Mr Sutton.

MR SUTTON: And I'll my mask back on.

THE COMMISSIONER: And we hope that the aircon system is first rate.

MR SUTTON: Thank you.

THE COMMISSIONER: All right. Can Mr Dankaro be released from his summons?

MS HUXLEY: Yes, Commissioner.

10

THE COMMISSIONER: All right. Look, thanks for coming back today, Mr Dankaro, and you're released from your summons, so that's the end of your evidence. You're free to go.---Thank you.

THE WITNESS EXCUSED

[12.11am]

20

THE COMMISSIONER: And I think we're going to resume at 1 o'clock, Ms Huxley.

MS HUXLEY: Yes, Commissioner.

THE COMMISSIONER: Good. We'll resume at 1 o'clock. I'll adjourn.

LUNCHEON ADJOURNMENT

[12.11pm]

30