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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC HEARING

OPERATION VIKA

Reference: Operation E14/0418

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 2 JUNE 2015

AT 2.07PM

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.

ASSISTANT COMMISSIONER: Thank you. Please be seated. Yes, Mr Katekar.

MR KATEKAR: Thank you, Commissioner. Mr Homsey, before the break I asked you about the use of the expression “we’ve got to catch up”?---Yes.

10 And you said that you didn’t have that expression used as code when you spoke to Mr Springett. Do you remember that?---That’s correct.

Mr Hacking has told the Commission in an interview that you used that code with him. Do you agree that you used that code with him?---I’ve used that term but I haven’t used it as a code. No, definitely not.

All right. So you’ve used the term “we’ve got to catch up”?---That’s right.

20 But your evidence to the Commission today is that you didn’t use it as a code for saying let’s get together so I can give you some money?---No, definitely.

Where I got up to before the break was I’ve shown you footage and I think you’ve agreed that on 20 November, 2014 you met with Mr Hacking and gave him \$20,000?---Correct.

Correct. And then on 27 November, 2014 you met with Mr Springett at which you gave him four bottles of wine?---Correct.

30 Why did you give him four bottles of wine?---It’s – look, it’s not – in my business in hospitality it’s quite regular that friends, people that I associate with in, in my D’Vine Taste, people come over. Sometimes if I get a new bottle of wine or I get a, a good, a good product that I sometimes give that to people to try and knowing that Mr Springett did like red wine I did give Mr Springett some wine but it’s something that D’Vine Taste as a, as a hospitality entity does quite regularly.

40 You gave him two bottles of white and two bottles of red didn’t you?---I think so, yes.

Did you do it to ingratiate yourself with Mr - - -?---No, no.

- - - Springett?---Definitely not.

I’m moving forward now to 11 December, and ask the operator to bring up volume 10, page 46. Now this is an invoice from EMCS to the Rural Fire Service. Now I took you some invoices before. There was one for 20,00

and one for 10,000 and another for 10,000 and this takes the number to 50,000. Do you agree with that?---Yes.

Then on 17 December, there's a further invoice which I'll ask to be brought up. Which is at page 50, of volume 10, which is for another 20,000 which takes the number to 70,000. Do you agree?---Correct.

10 And then on 18 December of page 54 of the same volume there's another invoice for 20,000 snack packs taking the number to 90,000. Do you agree?---Correct.

Then I'm going to ask the operator, also on 18 December, I think. If I've got them? Yes. There was a series of text messages between you and Mr Hacking, and I'll just run through them. If they start being brought up, on 18 December, starting at 10.43. Mr Hackett said "Mate, will be, will we be in a position to pick up that meat this Saturday morning, John?" Was he asking you about picking up meat?---Yes, he was.

20 For Christmas?---Yes.

So you were giving him meat for Christmas?---Correct.

Why?---He asked if I could get meat through my ordering, through my suppliers.

But he didn't pay for it, did he?---No.

30 No. And then the next text message "Yes, what do you want, please, ham and what else?" And then "And I'll call." I might stop this because these series of text messages don't go any further than, than the ham and pork roll. But let's have a look. Bear with me. Then on 19<sup>th</sup>, that is the following day you called your mother and told her that you would withdraw 8,000 and 7,000 from the bank. Do you agree with that?---Ah, correct.

And that was for the purposes of withdrawing those funds to pay Mr Hacking. Do you agree?---That's correct.

40 And on 19 December, those two amounts were withdrawn both by your mother, 8,000 from one branch and 7,000 from the other. One branch being Gosford and the other Wyoming. Do you agree?---Correct.

On 19 December. And then what I'm going to do is play a video of a meeting on 20 December.

**VIDEO RECORDING PLAYED**

**[2.15pm]**

MR KATEKAR: That's you and your truck?---That's correct.

And you put two white envelopes in the box- -?---Yes.

- - - containing cash?---Correct.

And that's Mr Hacking?---Yes, it is.

10 And that box seems a little heavy, does that have ham and pork roll in it?  
---Yes, it does.

It also had some bank statement in it, didn't it?---Yes, it did.

By mistake?---Yes.

And that was a \$15,000 cash payment?---Correct.

I tender that video.

20 ASSISTANT COMMISSIONER: Do you want to tender the text messages  
about the ham and the pork roll?

MR KATEKAR: Oh, yes, thank you. Yes, please.

ASSISTANT COMMISSIONER: The text messages will be Exhibit 31, the  
surveillance video of 20 December, 2014 will be Exhibit 32.

30 **#EXHIBIT 31 - INTERCEPTED TELECOMMUNICATION SMS  
CONTENT 18 DECEMBER 2014**

**#EXHIBIT 32 - SURVEILLANCE VIDEO RECORDING FROM 20  
NOVEMBER 2014**

MR KATEKAR: Thank you.

40 So that occurred on 20 December. On 22 December an invoice was issued  
by EMCS for another 10,000 snack packs, and that's at volume 10, page 42,  
if that could be brought up, please. Just reminding you, we got to a count of  
90,000 before, do you remember that?---Yes.

And once this invoice comes up, which it is now, it's another 10,000, taking  
to 100,000. Do you agree?---Correct.

And you invoiced for 100,000 but had only supplied 82,000?---That's  
correct.

It was never intended that you would ever supply the additional 18,000, was it?---No.

That is you agree with me?---I agree with you.

Then I'm going to play a telephone conversation between you and Mr Springett on 23 December at 10.16am.

10

**AUDIO RECORDING PLAYED**

**[2.19pm]**

MR KATEKAR: I'm just stopping that there early only because I don't want to waste everybody's time. That's all I needed to get from that, that is on 23 December you confirmed your arrangement with Mr Springett where he would come up the following day, that is Christmas Eve, and pick up food from you?---That's correct.

20 And he did that?---Correct.

Why did you supply that food to Mr Springett?---Just out of a good gesture as a Christmas present as a, as a friend as I've known the whole family for quite a while.

Were you seeking to ingratiate yourself to Mr Springett in order to continue your commercial relationship with the New South Wales Rural Fire Service?---No, not at all.

30 And the food was canapés was it not?---Yes, I do believe so.

Well, just to confirm that so that there's no difficulty with it I'm going to tender a – oh, I need to tender that telephone call and the transcript up to the point at which I took the Commission to it.

ASSISTANT COMMISSIONER: Yes.

MR KATEKAR: And I've drawn a line in it - - -

40 ASSISTANT COMMISSIONER: Yes.

MR KATEKAR: - - - so that the Commission knows where I stopped it.

ASSISTANT COMMISSIONER: Yes. The transcript and the recording of the conversation of 23 December will be Exhibit 33.

**#EXHIBIT 33 - AUDIO RECORDING AND ACCOMPANYING  
TRANSCRIPT OF INTERCEPTED TELECOMMUNICATION 23  
DECEMBER 2014**

MR KATEKAR: Thank you, Commissioner. And I'm going to now refer  
to a text message sent by Mr Springett to you on Boxing Day at 12.30pm  
last year. For the record for those, I can read it out, "Hey, mate. Just a  
quick thank you for organising the canapés. They went down a treat. Mum  
10 and my grandma were suitably impressed. Hope you had a great day too  
with your family. Now off to eat some leftover prawn sticks. Yum". Did  
you supply him prawn sticks as well?---Yes.

Was that part of the canapés?---That's right.

I tender that.

ASSISTANT COMMISSIONER: Yes. That text of 26 December will be  
Exhibit 34.  
20

**#EXHIBIT 34 - INTERCEPTED TELECOMMUNICATION SMS  
CONTENT 26 DECEMBER 2014**

MR KATEKAR: Thank you. The next place I'm going to is on 7 January,  
2015 and I'm going to show three texts between you and Mr Hacking  
starting at 2.23 that day, 7 January, 2015. The first one is, "Hey, buddy."  
This is from Mr Hacking to you, "Is tomorrow afternoon okay with you?  
30 I have tomorrow off however have something on in the morning." And you  
wrote back, "Yes, mate, can do." And he asked you, "What time suits?"  
That's on the 7th. I'll tender those, Commissioner.

ASSISTANT COMMISSIONER: Yes. That will be Exhibit 35.

**#EXHIBIT 35 - INTERCEPTED TELECOMMUNICATION SMS  
CONTENT 7 JANUARY 2015**

40

MR KATEKAR: And what was happening was that these texts were sent to  
you or you exchanged them for the purposes of organising a meeting with  
Mr Hacking on 8 January. Are you agreeing?---Possibly, yes. The dates - -  
-

Yeah?--- - - - not - - -

Yeah. And then later that morning you asked your mother to ring the two Westpac branches and asked her to ask – to ask her to ask them to put aside \$8,000 and \$7,000. Do you agree?---Correct.

Probably don't need to go to it but later that day on the 8<sup>th</sup> you exchanged texts with Mr Hacking for him to arrive after 3.30pm on the 8<sup>th</sup>. Do you agree?---Possibly, yes.

Possibly, yes?---Yeah.

10

I might take – I'll take the Commission to them so there's no question about it. The SMS's start at 9.24am. You'll remember that the last SMS in the previous lot of exhibits finished with, "What time suits," and the first one of these when it comes up is from you to Mr Hacking saying, "After 2.00pm." The next one, "No problems," and then Mr Hacking responds to you, "I will leave here at 2.00 which will put me there about 3.30 to your unit. Okay, mate." And I'll tender those.

20

ASSISTANT COMMISSIONER: Yes. The text messages of 8 January will be Exhibit 36.

**#EXHIBIT 36 - INTERCEPTED TELECOMMUNICATION SMS  
CONTENT 8 JANUARY 2015**

MR KATEKAR: And even though you asked your mother to organise 8,000 and 7,000 she actually withdrew 19,000?---Ah hmm.

30

Do you remember that happening?---No.

No, you don't?---No.

All right. Let's go there to the bank statement of 8 January, 2015 at volume 11 page 123. Got that? Did I say 11? I meant 18. Sorry to everyone in the room. You'll see that on 8 January there's two cash withdrawals, one from Gosford, one from Wyoming, one for 12,000 and one for 17,000. Do you agree that on that date 19,000 in cash was withdrawn from those accounts?  
---Yes, yeah.

40

And that you went to Gosford branch and your mother went to the Wyoming branch?---Yes.

So you got \$12,000 out from the Gosford branch?---Yes.

I'm going to show a video of a meeting that day.

**VIDEO RECORDING PLAYED**

**[2.29pm]**

MR KATEKAR: See it's just before half past 3.00?---(No Audible Reply)

That's Mr Hacking's silver MX-5. Do you agree?---Yes.

And that's Mr Hacking and you. Now it's – well, did you see Mr – you putting something in the back of the car then? You didn't?---No, sorry.

10

Let's go to the end of the video because we've got it in slow motion a little bit later. New video - we can stop the video now. There's a point in that meeting where something was put in the back of the car. It was very quick so we've created another video in slow motion to catch that moment. That's you, you see that, something behind your back. See that. Into the car. Was that you putting \$15,000 in cash into Mr Hacking's car?---Yes, it was.

Excuse me – I'm reminded to tender those videos.

20 ASSISTANT COMMISSIONER: Yes. The video and the slow motion video will be Exhibit 37.

**#EXHIBIT 37 - SURVEILLANCE VIDEO RECORDING FROM 8 JANUARY 2015**

MR KATEKAR: Now one of the reasons I took you to the fact that there was 19,000 withdrawn but 15,000 in cash was paid, was that you then had  
30 \$4,000 left over. Do you remember that?---Yes.

Did you give that \$4,000 to Mr Springett?---No, definitely not, no.

Okay. Next I'm going to do a series of texts between you and Mr Springett the following day. Starting at, sorry, 3.27pm and I'll read them out for the record as and when they arrive and I'll walk you through them and the Commission. First one is from Mr Springett to you "What time are you leaving this arvo? Do you want to catch up tomorrow?" And you wrote back "I'm easy, mate." Do you stand by your evidence earlier that the catch  
40 up tomorrow was not some sort of code?---No. It was just, I'll see you tomorrow.

All right?---That type of - - -

All right. Next I'm going to play a – better tender those.

ASSISTANT COMMISSIONER: Yes. Those texts of 9 January, it's Exhibit 38.



**#EXHIBIT 38 - INTERCEPTED TELECOMMUNICATION SMS  
CONTENT 9 JANUARY 2015**

MR KATEKAR: Exhibit, sorry, 38?

ASSISTANT COMMISSIONER: Yes.

10

MR KATEKAR: Thank you, Commissioner. I'm going to play a telephone call between you and Mr Springett on 9 January at 16 minutes past 4.00.

**AUDIO RECORDING PLAYED [2.34pm]**

20 MR KATEKAR: I'm going to play a conversation an hour later. I might tender the two of them together.

ASSISTANT COMMISSIONER: Yes.

MR KATEKAR: At 16 minutes past 5.00 another telephone call.

**AUDIO RECORDING PLAYED [2.36pm]**

30 MR KATEKAR: Those two – oh, I'd better tender those.

ASSISTANT COMMISSIONER: Yes. The two telephone calls on 9 January will be Exhibit 39.

MR KATEKAR: And the transcript.

ASSISTANT COMMISSIONER: And the transcript.

40 **#EXHIBIT 39 - AUDIO RECORDINGS AND ACCOMPANYING  
TRANSCRIPT 9 JANUARY 2015**

MR KATEKAR: Thank you, Commissioner.

You were organising to meet Mr Springett in those conversations?---That's correct.

Near the laundry?---Yes.

It was a rendezvous, wasn't it?---It was a, yes, that's right.

To give him some money?---That's right.

How much?---I think 1,100, 1,150 for a logistics job.

10 So just getting back to what we spoke about when we first started the examination, Mr Homsey, this logistics job that you've referred to is a logistics job whereby Mr Springett had paid someone in cash, do you agree?  
---I agree.

Raised a purchase order with you. Correct?---I agree.

You issued an invoice?---Yes.

Got that paid?---Yes.

20 And paid him?---That's correct.

Paid Mr Springett that is?---That's correct.

But at this stage you didn't have a purchase order, did you?---Ah, at that stage I'm not quite sure.

30 Right. The next thing I'm going to do is I'm going to ask to be pulled up onto the screen a series of text messages that you had with Mr Springett later that day, starting at quarter to 9.00 in the evening, and I'll read them out. The first two might seem anodyne but they put the third one into context. It will come.

40 The first one from you to Paul Springett, "Mate, still at dad's. Thanks for your offer. Hope you're having a red." Mr Springett responded, "No worries. Say g'day to him for me. Just enjoying a St Gervais. Have a good night, mate. Forgot to give you the Cambro so will drop it off when you want." Last one: "Okay, no drama. Next week I'll get it and before you are on hols, mate, we need to have that drink. Don't forget next week purchase order, mate, I'll get that in." That last text was a reference to the purchase order that Mr Springett needed to supply you in relation to the cash payment you made to him. Is that correct?---Correct.

I'll tender those.

ASSISTANT COMMISSIONER: Yes. The text messages of 9 January will be Exhibit 40.

**#EXHIBIT 40 - INTERCEPTED TELECOMMUNICATION OF SMS  
CONTENT 9 JANUARY 2015 AT 8:45PM**

MR KATEKAR: Then next I'm going to play a telephone call between you and Mr Springett 12 days later on 21 January, 2015 at 4.07pm.

**AUDIO RECORDING PLAYED [2.41pm]**

10

MR KATEKAR: I'll tender that.

ASSISTANT COMMISSIONER: Yes. That telephone call and transcript of 21 January will be Exhibit 41.

**#EXHIBIT 41 - AUDIO RECORDING AND ACCOMPANYING  
TRANSCRIPT 21 JANUARY 2015**

20

MR KATEKAR: Thank you, Commissioner. The next document I wish to have brought up is in volume 14 at page 652. You'll remember at the end of that – sorry, during that telephone conversation Mr Springett said to you, “Hey, I'll have those other two orders to you tomorrow, mate. I've been waiting for the guy to sign them off downstairs.” Do you remember him saying that to you?---Yes.

30 “And that I'll have those emailed to you in the morning,” he said. That was to you?--- (No Audible Reply)

Well, that was on the 21st I'll remind you and on the 22nd at 2.20pm Mr Springett sent you an email, an attachment to which was this following document and this is an order number for the transport of satellite phones from HQ to Bathurst FCC for SAR. See that?---(No Audible Reply)

There is only one attachment to that and you'll remember being told about two. Do you remember that?---Yes.

40 And you couldn't open one of them could you?---I don't think so, no.

I don't think so, no. Well, we'll get to that. Then the next one is, ‘ll do the text message at 2.22 pm so two minutes after that email that I've just referred you to and it's a text from Mr Springett to you. It's coming now I'm told. “Just sent through those outstanding orders. Sorry for the delay.” And you wrote back, “Okay, mate. Cheers.” And I'll tender those.

ASSISTANT COMMISSIONER: Yes. That will be Exhibit 42.

**#EXHIBIT 42 - INTERCEPTED TELECOMMUNICATION OF SMS  
CONTENT 22 JANUARY 2015**

MR KATEKAR: Thank you. Now just while we're on 22 January, I'll refresh your memory, volume 18, page 121, is a page of EMCS bank account, indicating that on 22 January, 2015 the Rural Fire Service paid your company \$797,500. Do you remember that happening?---Yes.

The next thing I'm going to do is play a call between you and Mr Springett on 6 February, so this is about two weeks later at 2.00pm.

**AUDIO RECORDING PLAYED [2.46pm]**

MR KATEKAR: I'll tender that.

ASSISTANT COMMISSIONER: Yes. The transcript and the recording of that call on 6 February will be Exhibit 43.

**#EXHIBIT 43 - AUDIO RECORDING WITH ACCOMPANYING  
TRANSCRIPT 6 FEBRUARY 2015**

MR KATEKAR: And then I'm going to ask the operator to bring up email firstly at 2.05pm on 6 February, sorry, 2.04pm but there is a forwarding at 2.05pm, volume 10, page 81. And so you'll remember that that phone call started at 2.00 and that's an email from Mr Springett to you at 2.04pm and then the attachment, you'll remember him referring to it as 292, that being the second one. Now, the other document we looked at earlier was for \$660 and the 292 is \$1,150, amounting to about \$1,800 inclusive of GST I presume, I'm not sure. Was that the amount of money that you paid to Mr Springett?---I definitely am aware of the 1,150, the 660 I'm not sure, but definitely the 1,150 I recall that one being a part of that logistic order.

All right. And you say to the Commission today, do you, that you paid Mr Springett \$1,150 but not the 660?---I, I can't recall the 660 but definitely know that logistic order for 1,150.

Well, let's stick with the 1,150 for the moment. Did you issue an invoice against the purchase order for 1,150?---Yes.

Did you get paid for it?---Yes.

All right. I'm next going to take you to a document at – the document we saw a minute ago for the purchase order for 660, the last three digits were 293, I'll remind you of that, and I want to take you to an email from Julia Barnes to the RFS on 29 January and it's in volume 10, page 89, and that refers to, you see the last three digits are the order number ending in 293?  
---Yes.

See that, and then the following page, 660?---Yes.

10 Did you get – did EMCS get paid on that invoice?---I believe we did.

Did you keep that money?---I would say that, that went into the account, yes.

Well, here's my question. Is this right? You had an arrangement with Mr Springett whereby you, that is EMCS, would raise an invoice for a courier charge. Do you agree?---Yes.

20 That EMCS would not have supplied any services in respect of that invoice. Do you agree?---Yes.

EMCS would be paid that money on that invoice. Do you agree?---Correct.

And Mr Springett would then receive the cash from you in respect of that invoice. Do you agree?---Correct.

Was it also part of that arrangement that you would issue a second invoice?  
---No.

30 Such that there was – all right. I'm going to put this to you in rolled up proposition because I think the answer's no, but I've got to put it to you squarely. That there was actually, for each of these occasions there was two invoices, one that would result in a payment to Mr Springett, the other would result in payment into EMCS, which EMCS would keep?---No, definitely not. I'm just not aware of that one because sometimes we did use our own logistic people as well.

40 Right. As a matter of fairness actually I need to say this. I'm told now that – and I shouldn't have put it to you because I thought that it had been, but apparently the 660 was not paid?---Okay.

That invoice was not actually paid?---Yeah, I wasn't sure.

I didn't intend to trick you or mislead anybody at the Commission, I had understood that it was paid and I withdraw that.

I'm going to ask you some questions about some earlier documents, but in relation to this, can a purchase order 293 be brought up on the screen,

please. Sorry, it's volume 14 page 653. You'll see that it states that it's for transport of satellite phones from HQ to Bathurst FCC for SAR. See that?  
---Yes.

Did EMCS do that work?---I'm not a 100 per cent sure.

It's possible it didn't?---It's possible somebody did that. Whether it was my logistic person or something that was arranged by Rural Fire Service I am not 100 per cent sure.

10

You're just telling the Commission now that you don't know?---That's right.

The reality was, Mr Homsey, if you listen to those tapes that this was purchase order that Mr Springett was putting through to you wasn't it?  
---Yes, because when, when – on – that flagged as a – inside the business it flagged as a, as an account that hadn't been put through at that stage.

20

I beg your pardon?---It was, it was flagged that the purchase order wasn't, wasn't put through and serviced so on 293 I'm not sure who actually did that job, logistic job.

I'm going to ask you to get real, Mr Homsey. You paid Mr Springett \$1,150 didn't you on 9 January?---Yes, I did.

And then you had a phone call and he said to you I'll send those two purchase orders to you didn't he?---That's correct.

30

And one of them was for the \$1,150 wasn't it?---Yes, but sometimes the actual purchase orders were running late as well.

Now, the other one was for \$660 wasn't it?---Correct.

And that was for you to keep wasn't it?---No, it wasn't.

For that order number 293 who was your logistics person who did that?  
---I'm not sure if –that's what I'm saying, I'm not sure where we did that or whether that was organised.

40

When you say "that was organised" what do you mean?---Through the Rural Fire.

You mean that – okay. So it was of this category that you spoke about before that you say that Mr Springett might have organised it, paid cash and then raised the purchase order for you - - -?---Correct.

- - - so that it could be washed through your company?---Correct. So it could be paid back to the driver.

Paid, paid to the driver. Did you pay – well, I can't ask you if you paid \$660 to the driver because you didn't get the money did you?---Huh.

All right. But you don't know who the driver was?---Not on that job, no.

10 Next I'm going to show you two text messages between you and Mr Hacking on 10 February, 2015, the first one being at 3.07 – sorry, 1.07pm. You can ignore the first sentence. It says, "No, I won't." It's in the context of other things. But then Mr Hacking says to you, "We will need to catch up sometime in the near future." And then the next one is, "Yes, we will." That's from you to him and in response to his suggestion we will need to catch up he was telling you we need to organise a meeting for you to pay me some money wasn't he?---Yes.

And he was using the "catch up" for the code wasn't he?---It was to meet, yes.

20 Well, no, it was to meet to organise a payment drop off wasn't it?---In that instance, yes.

Yes. So it was a code in that instance wasn't it?---In that one, yes.

Yeah?---I used "catch up" quite a lot in, in day-to-day business.

But he didn't - - -?---I catch - - -

Sorry, I didn't mean to interrupt you. Do you want to finish your answer? ---No, that's fine.

30 By saying we need to catch up in the future, sometime in the near future, he was conveying to you we need to meet so you can give me some money, wasn't he?---Yes.

And you understood that that's what it meant?---I did, yes.

Because of the expression that he used, correct?---I was under the understanding what he was getting at with that, yes.

40 Excuse me – I'm reminded to tender that.

ASSISTANT COMMISSIONER: Which is what?

MR KATEKAR: Gosh, 43, I think. Is that right? What is it? It's 10 February text message of 1.07pm.

ASSISTANT COMMISSIONER: All right. Well that would be Exhibit 44.

**#EXHIBIT 44 - INTERCEPTED TELECOMMUNICATION OF SMS  
CONTENT 10 FEBRUARY 2015**

MR KATEKAR: Look, there's – I'm probably going to play it, I'm going to suggest this to you that on – in the afternoon of 11 February, 2015, you called Mr Hacking and arranged to meet him on Saturday, 14 February. Do you agree with that?---I agree.

10

And then you asked your mother to call the bank, I'm not sure about that. Yes, asked your mother to order 10 and 10 from the bank. Do you agree with that?---I agree.

And that's 10,000 and \$10,000?---Yes.

And you actually did the collections of \$10,000 from each of Westpac, Wyoming and Westpac, Gosford on 13 February, 2015?---Yes.

20

And then you met Mr – I think we better play it. I think I'm supposed to play it, 14 February meeting, you met Mr Hacking. I think we should play it. Is this at Manns Road, West Gosford?---Yes.

**VIDEO RECORDING PLAYED**

**[3.02pm]**

And that's a cardboard box you're carrying?---Yes, that's right.

30

And inside it is \$20,000 in cash?---Yes.  
I tender that video.

ASSISTANT COMMISSIONER: Yes. The surveillance video of 14 February will be Exhibit 45.

**#EXHIBIT 45 - SURVEILLANCE VIDEO RECORDING FROM 14  
FEBRUARY 2015**

40

MR KATEKAR: Excuse me. The purpose of showing those things to you was to indicate that, and to seek your agreement which I think I've got and I don't even ask you a question, but to indicate this to the Commissioner and to you and to those watching that since, at least November, 2014 – in each of November and December and January and February, you met with Mr Hacking and gave him an amount of money in cash. I think you've agreed that at least on one occasion you met with Mr Springett and gave him an amount of money in cash, say \$1,150. Although you met with Mr Springett



on another occasion and gave him four bottles of wine and you also met him to give him some canapés where he turned up and picked them up. You agree?---Agree.

MR BREWER: Commissioner, I object to that question, it's rolling up about three or four different propositions and I think just to be clear about what the evidence is it should be broken up.

10 ASSISTANT COMMISSIONER: Well, I thought it was put fairly clearly as a summary of what he has been taken through in detail. I'm sure if the witness has any difficulty with the question he can say so.

Do you understand what's been put to you in that question?---Yes.

MR KATEKAR: Thank you, Commissioner.

I'm now going to go back earlier in time to understand what happened at earlier points in time in your relationship with the New South Wales Rural Fire Service.

20

You'll have to excuse me, I've got to find my starting place.

Your first catering job under a section 44 environment, if I can call it that, was in about November 2009, was it not?---Correct.

You did a job up at Narrabri?---Yes.

And you charged about \$30,000 for it?---Yes.

30 Now, it was at that time that a purchase order was issued to you by Mr Hacking. Do you agree?---I agree.

Was that your first contact with Mr Hacking?---Previously I – about a week – I'd worked in the ah, Rural Fire canteen doing some work in their canteen over a weekend and looking at their Food Safety Program they put in place.

Did you meet Mr Hacking in relation to that?---Only once or twice.

40 So you met him once or twice?---Yes.

But Mr Hacking didn't retain you for that or did he?---It was only for a weekend period.

Well, no, I'm going to ask the operator to turn this up just so that I'm not trying to mislead or trick anybody because it's not quite my understanding. So I'll ask you this. Volume 13 page 26, please. This is an email you will not have seen but it's copied to a person called Tony Jones and it's from Jody Hands to Mr Hacking saying, "TJ", who I presume is intended to refer

to Tony Jones, “used this catering service during fire activity a few years back,” and that now you’re ringing to find out if we can get active again, “Not sure if this is your area.” So does that refresh your memory as to who you dealt with with the café?---I definitely dealt with John Hacking in relation to the café - - -

Okay?--- - - -but years before that I’d done one job at Warnervale about 2001, yeah.

10 But it wasn’t anything intended to be associated with that earlier period, I’m trying to get your first start of your relationship with Mr Hacking as to whether it had extended to any personal relationship prior to the commencement of this professional relationship in November 2009?---No. Did not know Mr Hacking prior.

No. Then, well, let’s do a few things. First of all I’m not sure that I have the attention of the people around me, but are you guys all right? Can you pull up volume 3, page 4, please, and then 5. So this is a purchase order for Narrabri and there’s no logistics officer identified in that, but if you go to  
20 the next page, which is page 5, you will see that the invoice is signed by Mr Hacking and Mr Hacking gets you involved in that first job?---Yes, the whole logistic team actually did, came, they came and saw me about that job.

The whole logistics team?---Well, to, to – Mr Springett and Mr Hacking came from downstairs to see if I’d go to Narrabri.

Oh, okay. So is this right, don’t know what day of the week?---It would have been a Sunday possibly.

30 Right. So is this how it happened, right, on – that on – around the time of the original purchase order you were working in the café and Mr Springett and Mr Hacking came downstairs and spoke to you then, can you go to Narrabri?---I can’t confirm the actual purchase order. I was working on the Sunday at lunchtime - - -

Yes?--- - - - at the Rural Fire. It was a handover day.

40 Right?---I was actually meant to leave the Rural Fire.

Yes?---12.15, I think 12.30 - - -

Yes?--- - - - very clear I had two people come down and ask if I would get a team together and head out to Narrabri by 4.15 from a plane from Canterbury.

I see. And Mr Springett was one of those two people?---Both of them, Mr Hacking and Mr Springett.

Yes. And you knew Mr Springett from beforehand?---Knew of him. Didn't know him as a – I knew him through family, through Joanne.

All right?---Through Lisa.

So had you met him face to face before?---Once before.

10 So when you met him on that first – on that occasion when he asked you to go to Narrabri did you recognise him?---Vaguely. It wasn't like a, a normal face-to-face recognition. I didn't by name. And then, then they sent – I went out to the section 44 at Narrabri.

Okay. So you – at the time you met Mr Springett on that occasion you didn't realise that you knew him. Is that right?---That's right. It was a - - -

And, and was that your understanding of what - - -?---Well, I'd already - - -

20 He didn't, he didn't realise he knew you?---Well, he might have and I, I knew of a Mr Springett.

All right?---And have met him once before but it wasn't clear. It was more Mr Hacking and he came down with Mr Hacking and asked if I would go out to Narrabri.

All right. Now, by my calculations I've got you doing – and that in November or December you went to – as well as Narrabri you went to Lithgow?---Yes.

30 You remember that. And then I've also got you going to Glen Innes. Did you do that?---Yes.

And Bingara basecamp?---That's correct.

You didn't supply any snack packs in that season?---No.

You also went to Armidale in January as I understand it. Did you do that?---That's correct.

40 After that fire season passed – that's the end of 2009. We move into 2010. Right. Then could the operator please bring up – actually, yeah, volume 13, page 30. This is a document with the New South Wales Rural Fire Service insignia on it and it's indicated a tender response RFS 2010.001 and it's got your company's legal name D'Vine Tastes Catering. See that?---Yeah.

So this is a document filled out by you?---Yes.

Correct?---Correct.

Now I'll say this. The Commission obtained this document from Mr Hacking's computer and the date of the creation was 9 June, 2010. So my first question for you is, did you create this document at about that time?--- Um, at that time I wasn't aware of the tender response or the tender document, I actually was notified by another RFS member.

10 Who?---Um, Mrs Wendy Bucket, um, and they were just letting me know that there's a tender process coming up for the canteen and inside services of 15 Carter Street.

And this was a tender response for that work?---That's correct.

I'm going to hand up to you now and to the Commission and seek to have tendered, one for you and one for the Commissioner. Now while this is being distributed and you start becoming familiar with it, this document, three pages long shows communications between your mobile phone and that of Mr John Hacking between 27 May, 2010 and 20 September, 2010. And just while I pause, might I tender this document, please,  
20 Commissioner?

ASSISTANT COMMISSIONER: Yes. This list of telephone contacts will be Exhibit 46.

**#EXHIBIT 46 - KNOWN TELEPHONE CONTACT HACKING – HOMSEY FOR 27 MAY 2010 – 20 SEPTEMBER 2010**

30 MR KATEKAR: Thank you, Commissioner. I'll just remind you that the document that we went to before your tender response was created, now, when I say created I'm assuming and you can correct me, that a version was emailed to Mr John Hacking at some stage and he copied it onto his computer on that date?---Ah, that is possible. I did seek assistance with making sure I had the right, um, the right information.

And you sought that assistance from Mr Hacking?---Ah, from the Rural Fire Service.

40 Well, when you say from the Rural Fire Service, from whom at the Rural Fire Service?---Well, um, Mr Hacking and, and I'm sure there would be paperwork and emails back to, um, Mrs Bucket.

Mrs Bucket. But you certainly spoke to Mr Hacking about it. Do you agree?---Yes, I did, correct.

You will see that this sheet shows that there is one, two, three, four, five, well there's some, some attempts and there's a one minute, 20 minute, one

minute 20 conversation between you and Mr Hacking on 27 May followed by a series of SMSs in June. Then on 15 June there's a four minute 43 conversation and then on 6 June, 15 June a three minute 12 conversation. Then on 22 June, 2010, an 11 minute 14 conversation. My first question is, were all of these communications to do with a tender?---A possibility, yes.

Well, when you say a possibility, what other possibilities are there?---I would say there's a good chance it was mainly regarding a tender process.

- 10 What other possibilities are there?---Um, well I was already involved with the Rural Fire, it could've been, I mean I'll only be surmising at the moment, what back then, what that would be for. But the tender, well I was in contact with Rural Fire and Mr Hacking in regards to the, um, the tender process.

In regards to the tender process but this is, I'll remind you, May, June, July, August, September. And during those months it is not usual for there to be a number of fires in New South Wales. Do you agree?---I agree.

- 20 So you were not in that period doing emergency catering. Do you agree?  
---That's correct.

Apart from the tender, what other subject matters did you have to discuss with Mr Hacking in 2010?---Well, we, we discussed catering services, improving catering services, menus, staffing, all those, all those ah, issues coming up to a new fire season.

- 30 You were seeking to offer your services to New South Wales Rural Fire Service via Mr Hacking. Is that correct?---No, not just through Mr Hacking, through Rural Fire Service.

Yes, but one of the ways, one of the avenues you were seeking to do that was via Mr Hacking?---Yes, as he was the, one of the logistics officers.

At or about this time did you develop a personal friendship with Mr Hacking?---I – not a personal, it was a um, business um, a business relationship in regards to the catering services um, that's, was a, was a commercial relationship.

- 40 MR WHITFIELD: Commissioner, could I just ask, it's not very clear to me, what's the date of the tender process? I don't know whether that's not very clear from the document or - - -

ASSISTANT COMMISSIONER: I'm not sure what the date of that document from the computer is.

MR KATEKAR: There's no date on it.

ASSISTANT COMMISSIONER: Oh, there's - - -

MR KATEKAR: And so I'm not able to assist, Commissioner, other than to indicate that the date that it was created on Mr Hacking's computer was 9 June, 2010.

10 I'm assuming, I'll ask you, do you have any recollection of the dates on which the tender process was underway?---No, I do, I do know that the process was – from the day that it opened to the day it was closed was a couple, two or three months and I was working on that process.

All right?---Possibly two months on that.

By 2014 should the Commission understand that you had a strong personal relationship with Mr Hacking?---Still not a personal, a very good commercial understanding of catering and the needs for the Rural Fire Service in catering.

20 You've heard some of the telephone calls between you and Mr Hacking, should the Commission understand that you had a positive rapport with him?---A positive rapport, yes.

MR WHITFIELD: Can we understand which calls we're referring to, please, Commissioner? We're sort of jumping to 2014 and it - - -

ASSISTANT COMMISSIONER: Well, I think it's all the calls that have been played seem to show a very friendly relationship. I think that's all that's being said. It was all mate, friend, whatever.

30 MR WHITFIELD: The calls between you and Mr Hacking, I mean what's the period, what are we talking about?

ASSISTANT COMMISSIONER: Well, we've just played them all. We're talking about the calls that have been played here today.

MR WHITFIELD: Yes, that's my point.

40 ASSISTANT COMMISSIONER: And the date of all of them was made clear at the time they were played, so I think we've moved forward a bit, haven't we?

MR KATEKAR: Thank you. All the calls were late last year.

It's the case, isn't it, that Mr Hacking had an arrangement with you, and we've spoken about it and I'm not going to traverse those questions again, but for example in relation to the order for 100,000 snack packs, that Mr Hacking was asking you to under-supply by in the order of 20 per cent. Do you agree?---I agree.

And that he was inviting you to issue invoices for 100 per cent of that number. Do you agree?---I agree.

With the understanding between you that 100 per cent of those invoices would be authorised for payment. Do you agree?---Agree.

And he, under that understanding, knew that not, there would be an undersupply by that amount. Do you agree?---Yes.

10

He was placing a degree of trust in you not to tell on him. Do you agree?

MR BREWER: I object. How can he answer that question?

ASSISTANT COMMISSIONER: Yes. Perhaps you could put it another way, Mr Katekar.

MR WHITFIELD: Commissioner, are we referring now to these phone calls? I'm very confused about what we're now talking about.

20

ASSISTANT COMMISSIONER: No, we don't know the content of these phone calls. We're talking about the phone calls - - -

MR WHITFIELD: So we've gone away from this document?

ASSISTANT COMMISSIONER: - - - that have been played here. This document just shows a record of calls having been made. It doesn't tell us anything about the content. I think Mr Katekar has moved forward to 2014/15 and he's asking about those phone calls, the recordings of which have been played here today.

30

MR KATEKAR: Thank you, Commissioner.

ASSISTANT COMMISSIONER: And the relationship generally. I mean all you're being asked is to enter into this sort of collusive relationship where you were agreeing to do the wrong thing. He must have trusted you. He must have known you weren't going to ring up RFS or the police or say I've been asked to undersupply the RFS?---Commissioner, the whole Rural Fire were trusting in my, my, my services.

40

That's totally nonresponsive. To suggest such an arrangement – you appreciate the arrangement was wrong wasn't it, it was dishonest?---Yes.

Yes. Well, for somebody to suggest such an arrangement to you he must have been fairly confident that you weren't going to turn him in. Do you agree?---I would agree with that.

So he must have considered you a friend or someone he could trust?---I can't speak on behalf of Mr Hacking.

So you don't know why he felt confident enough to suggest this arrangement, if, if it was he who suggested it?---I was just trying to answer the question about the, about - - -

I know, but can you answer my question now?---Yes, Commissioner.

10 Do you say it was he who suggested this arrangement?---Commissioner, 100 per cent.

So it was Mr Hacking's idea?---100 per cent.

And do you have any idea about why he was confident enough to put such an arrangement to you?---I guess from every service that I provided I said yes under a, under an emergency situation. I made everything happen.

20 And so you're seriously suggesting the fact that you were efficient was the reason he felt confident enough to put a dishonest proposal to you?---I can't speak on Mr Hacking's behalf.

All right. So you have no idea why he - - -?---No, I don't - - -

- - - made the proposal to you?--- - - - Commissioner, no. I can't speak on Mr Hacking's behalf.

Yes. Thank you. Yes, Mr Katekar.

30 MR KATEKAR: Thank you, Commissioner. Do you accept this, that when Mr Hacking proposed or said to you when you were leaving the building at the RFS headquarters last year - you remember we spoke about that meeting in the canteen, do you remember that?---(No Audible Reply)

You'll need to verbalise your answers by the way?---Yes. Sorry.

40 And that you've told the Commission today that as you were leaving and walking out, walking out I think out of the canteen he said to you - I'm not going to repeat the evidence. I'm working from my memory but something along the lines of you need to put 20 per cent of that aside. You agree with that?---Yes. It wasn't always 20 per cent. It was a figure.

That when he was saying that to you, you understood that he was trusting you not to tell on him?---Yes.

And that in making that statement to you, you agreed with it?---Yes.



And that by agreeing to it you were trusting him not to tell on you?---I gather so, yes. I didn't look at it that way.

At what point in time did you start having an arrangement of that kind?---It would have been in 2012, or was it 13/14, I'm – I think it was 2013/14.

All right. Well, let's start from the beginning. Do you remember on New Year's Eve 2010 sending an SMS to Mr Hacking?---Yes, possibly.

10 Yeah?---Yeah.

Well, I've got a record. At 16 minutes to midnight on 31 December, 2010, you sent him an SMS and he responded three minutes later?---Okay, yes.

I'm seeking the evidence of that. I'm going to – is it the case that by the end of 2010 you had some sort of friendship with Mr Hacking?---Not friendship, again it was a New Year's Eve greeting that I, I think I sent out to a lot of people.

20 Oh, I see. Well, because – now, I'm going to ask, do you remember in January 2011 there were some major floods in New South Wales? I'll invite just for the record the operator to pull up volume 3, page 30, please. And that is, you don't need to read it all through, but the first paragraph refers to a "flood crisis across large parts of the country, the New South Wales RFS is now providing assistance across three states." Then I'm going to ask the operator to refer, open volume 3, page 29. And as best I can – the Commission has been able to ascertain, this is a purchase order you will see for 2,000 RFS snack pack box in cartons of 10. The date is 17 January,  
30 2011, which is the same date as the email that I just referred you to, that this was the first occasion on which D'Vine Tastes had been asked to supply snack packs. Do you agree?---I agree.

How did that happen?---I was asked for a meeting down at Carter Street and in talking about the snack packs I was asked about my further services that I could supply to the Rural Fire Service. In that Rural Fire Service meeting we talked about pricing that was coming from the, the Correctional Services and what possibility would I be able to do it if I could get the snack packs out quick.

40 All right. Do you remember what pricing was referred to by Corrective Services at that time?---\$11.50.

\$11.50. And what price did you offer?---Originally \$13.50 pending on, on product that went into the, into the snack pack.

All right. So are you able to explain on that purchase order where it says 2,000 RFS snack packs, why the estimated value is \$60,000?---I have no idea.

But it was for 2,000 snack packs?---That's correct.

Would the operator please pull to the screen the page 31 from volume 3, please. A couple of things about this. You'll see that the purchase order number is S-4-4-L-1-0-0-0-1-8, which I'll remind you is the same as the purchase order on the previous document you've seen. And you'll see there that the unit price is \$12.72 for 2,000 amounting to 25,440 plus GST. See that?---Yes.

10

And did you supply 2,000 snack packs for that amount of money?---Yes, I did.

You'll see that it's signed by John Hacking, that is the manager, Logistics, 14 February, 2011?---Yes.

Now just so we're absolutely clear on this. Could the operator please pull up this document, volume 18. It's a bank statement just confirming, because it's a long time ago, I'm just going to do this step by step, that Gay  
20 Homsey received payment into her bank account, that being the bank account - - -?---D'Vine, yeah.

- - - for that amount of money, \$27,984. Now just pausing there, you issued your debtors petition for bankruptcy in May 2011. Do you agree?---I believe so, yes.

And this is January 2011?---Yes.

Why was the money going into your mother's bank account then?---  
30 Because we were using that as a D'Vine Taste, um, the D'Vine Taste because I was aware that I couldn't put more than, have so much money in the bank.

Because of your other - - -?---That's right.

Because of the debts on that other matter?---That's, yes, we were told through our accountants that - - -

All right. To - - -?--- - - - to use another account.  
40

To put the money into somebody else's name so that if you went bankrupt you wouldn't have to pay those other people. Is that right?---Well, not so much that. That it was, it was to put into start the business into another account.

Into your mother's account?---That's correct.

So you knew by January, 2011, the time you issued this invoice - sorry, just pausing there. The purpose of drawing your attention to this page which is on the screen there is 24 February, is a Rural Fire credit payment of 27,984. So you agree with me that you were – that Gay Homsey’s account in any event was paid that amount of money? Do you agree with that?---That’s correct.

10 And is this right, that by January, 2011, you knew that you were in financial problem, trouble?---I knew well before that.

You knew well before that?---Yeah. That was the, yeah, well before that.

All right. Well before that. And is this right, that by January, 2011, the time you issued that invoice you thought that you were unable to get out of your financial problems?---Well, I was led by my accountants, put through my taxation, um, scenario and I was told that that was my best option and I would have to start again.

20 That is, bankruptcy was your best option?---That’s right.

So before you became bankrupt, make sure your money went elsewhere?---Not, no, absolutely not.

Could the operator please now turn up page 32 of volume 3. And this is an invoice dated 10 March, 2011. See that, the date at the top?---Yes, I do.

30 Now, just reminding you that you were paid on the previous invoice on 24 February, 2011, that \$27,984, we’ve seen that a minute ago, this is dated 10 March but it is indicated to have been signed by John Hacking on 9 March, 2011. Do you see that?---Yes, I do.

And the purchase order number is S-4-4-L-1-0-0-0-1-8. See that?  
---Yes, I do.

And it’s for 2,000 snack packs?---Yes.

See that? And, but it’s for \$12.90 per pack?---Yes.

40 And the total in the invoice inclusive of GST is \$28,380?---Correct.

And then I’m going to ask the operator to pull up the next bank statement page. You will see – could it be moved sideways a little bit, please? 31 March, thank you, 2011, the sum of \$28,380 was paid into your, into Gay Homsey’s account by Rural Fire Credit. So it’s the case, isn’t it, that that invoice that I took you to a minute ago of 10 March, 2011, was paid by the Rural Fire Service. Do you agree?---I agree.

On the same purchase order number?---(No Audible Reply)

I'll just clarify this with you because you've gone silent. Can we just go backwards a little bit, please, firstly to page 32, the previous one, the previous document. It's got to backtrack. Page 32. Sometimes hard copy is faster. So if you look at the PO number, S-4-4-L-1-0-0-1-8 for two thousand snack packs. Can you see that?---Yes, I can.

And then tracking back again to the other invoice of 28 January, 2011, if you look at the purchase order number it's the same?---Yes.

10

See that?---Yes.

And then if we go to the purchase order for 2,000 snack packs. Mr Homsey, in January 2011 onwards did you have an agreement with Mr Hacking whereby on occasion two invoices would be issued for the same supply? ---Absolutely not.

20

Are you able to explain to the Commission today why there is two invoices paid against the same purchase order number?---I would like to think that's an error on my behalf when filling out the paperwork because I would almost guarantee that I would have those purchases through the confectionary company that would be able to allocate those, those products for that, that purchase order.

Do you say to the Commission today that you in fact supplied 4,000? ---Absolutely, yes.

30

And just going through the chronology, just to remind you, it was 20 May, 2011 you filed your debtors' petition. Do you remember that?---Yes.

Now, next could the operator please go forward to volume 4, page 3, and the purpose of doing this is to remind you that on 20 September, 2011, a section 44 declaration was made for the Blue Mountains LGA. That's 20 September, 2011, and then if the operator could open up page 7, please. Now, this is, you will see, an invoice the following day for 3,000 snack packs. Did you supply those 3,000 snack packs?---Yes, I did.

40

And you will see the purchase order number is S44L1100005, if my eyes don't trick me. Yes, 0000 and a 5. See that?---Yes.

And the only person to sign this document is Mr Hacking and nobody else? ---Yes.

And I'm going to invite the operator to turn over to page 8 of that and you will see that there's a purchase order with that number S44L1100005 but it's dated 14 March, 2012. Do you know why a purchase order was raised for that invoice some, some months later?---That, that actually happens

quite, I wouldn't say frequently but it has happened in the past and I can't speak again on behalf of RFS.

All right. Well, two things about that. Isn't it the case that the procedure was that before you could fulfil an order from the Rural Fire Service you needed a purchase order?---In general terms, yes, but in section 44 I would get a phone call requesting this sometimes on the fire ground and I would be asked to get certain products or catering issued. Could you make that happen and we'll send you through a purchase order.

10

And this invoice dated 21 September, 2011 has a purchase order number on it?---Yes.

Which you need to have in order to get the invoice approved?---The invoice improve would be – come from the Rural Fire Service. I don't know – from the purchase order point of view I would put my order in to my lolly guy or for the catering - - -

20

No?--- - - - and that was issued by the Rural Fire Service.

The question is that number on your invoice - - -?---Yes.

If we can go back to it please at page 7. Under the – in the square marked PO where it says S44L and then 1100005 is a Rural Fire Service allocated number is it not?---That's correct.

How did you get it?---I would get that through Rural Fire Service.

30

All right. But you say you got it without a purchase order?---Sometimes I – yes, there'd be occasions where I'd be given a purchase order and I'd write that down on the fire ground.

I see?---And then I'd be sent a purchase order.

Right. You would be given the number over the phone but not the purchase order. Is that right?---Sometimes that's correct, yes.

40

All right. And that's your explanation here is it?---That's actually what happened, yes.

Okay. You say that's actually what happened. You remember that happening do you?---I do recall quite a few times that I would be requested to get something actioned on the fire ground and then we'll send you a purchase order later.

All right. So in – now, we're dealing with now September, 2011 and this is the first order made to you in September, 2011. Do you agree?---I agree.

That is for this fire season, '11/'12?---For that fire season.

Do you say to the Commission today that you remember that happening?  
---No, not on that instance but I do know it has happened in the past - - -

Right?--- - - - that I have been requested for services and we'll send you a purchase order.

10 All right. So essentially you don't remember it happening but it was, it was something that did happen on occasion and because of the urgency you would get a call without a purchase order and be expected to fulfil it without a purchase order. Is that correct?---Absolutely, yes.

And how frequent was it that you would get a purchase order – hold on – October, November, December, some five months later?---Ah, that was, that would only happen, that's only happened a couple of times.

All right. Including on that occasion?---Sorry?

20 Including on that occasion?---Well, yes, I didn't even think about this occasion until it's come up. So, yes, it wasn't something on full front of my mind.

Now, you got that request on or about 21 September, you agree, 2011?---  
Yes.

30 And then you got another, can you go to page 10, please, for another 4,000 snack packs. Now this was the second order as I understand it for this fire season but it was done a week later on 28 September, 2011, according to this invoice for 4,000. So within a week you got two orders, one for 3,000 and one for 4,000 snack packs. Do you agree?---I agree.

Worth about \$100,000?---Correct.

Substantial amount of business?---Um, pending on, pending on the fire situation, yes.

40 All right. And – I beg your pardon, excuse me. I beg your pardon?---Um, yes. I would get the orders pending on how busy the Rural Fire was ramping up.

Did these orders come as a surprise to you? Like did they come out of the blue?---No. I was told that that the Rural Fire, everybody gets a snack pack.

No. Did it come out of the blue that all of a sudden on 21 September, 2011, you'd get an order for 3,000 snack packs that you had to fill, fill straight away?---Correct.

It came out of the blue?---Well, I wasn't aware of it till the order came through.

And then a week later you get an order for another 4,000?---Correct.

Which required you to do substantial work. Do you agree?---Absolutely, yes.

In a short space of time?---Correct.

10

And get a lot of supplies quickly?---Yes.

Before these orders came through, did you have any conversation with Mr Hacking?---No.

None at all?---No. Absolutely not.

He just called you and said can you do that?---Absolutely.

20

And you said, yes?---Yes, correct.

MR WHITFIELD: Sorry, can I see the bottom of that tax invoice, please? Thank you.

MR KATEKAR: Excuse me. Who was doing the snack pack – sorry – I withdraw that. I withdraw that. Excuse me. In 2011, when you supplied those snack packs, now I took you to two invoices and that was 7,000, there was another couple, I don't think I need you to them?---Ah hmm.

30

There was 9,200 snack packs in late 2011. In fact, if the operator could go to volume 13, page 66. If this will help my friends in the room, you can take my word for it, there was five invoices issued, 9,200 snack packs. It will come up on the screen in a minute. And the total on them was in the order of \$136,000. Now, hold on, that's not the document I was looking for, that's the document that I'm looking for. You sent those invoices through directly to Mr Hacking. Is this right?---That's correct.

And they were sent to the Glendenning warehouse. Correct?---Correct.

40

So right from the beginning the arrangement was you would produce them, send them to Glendenning. Correct?---Correct.

And you would send Mr Hacking the invoices?---That's right. I think on the invoices it stated not, invoices not to be sent with goods, I'm pretty sure.

You mean on the purchase orders?---On the purchase orders.

Oh, okay, thank you. All right. Can, all right. We'll go to volume 4, page 2, please. In the bottom half, Commissioner, you will see there's authorised officer right down the bottom and then immediately above that it's got in capitals, underlined, "Do not send invoices with goods or to delivery address." See that?---(No Audible Reply)

So that was your instruction, is that right?---Yes.

10 Don't send invoices to where it's supposed to go, just send the goods there?  
---That's the purchase order from, from Rural Fire.

Yes?---Yes.

That's the purchase order and so you followed that instruction, correct?  
---Yes.

20 And you never got a receipt for anything that you sent to them?---No. Nor did – when Rural Fire were counting the pallets or the boxes off I never received anything off them as well.

Right?---At Glendenning.

At Glendenning.

I'm about to move to another topic and I see the time, Commissioner, but I'm just going to ask this one question before I go. We've been talking about ration packs so far, sorry, snack packs, but back in 2009 I think it was you started doing catering?---Correct.

30 And you would get the request from Mr Hacking with a purchase order perhaps to do some catering. Correct?---Correct.

And then you would issue an invoice to Mr Hacking for those services. Correct?---That's correct.

I'm talking about practice now, perhaps in 2009, and we can talk some more tomorrow about practice?---Ah hmm.

40 But I'm talking about practice. What was the practice that Mr Hacking had for approval, that is checking that the work that you did, stated that you did in your catering invoices was actually done?---Conversations, I was on, I personally physically was on, on, on the ground, so on the fire grounds cooking myself, and those would have been, that would have been seen through the purchasing of food products that would have gone back to Rural Fire and obviously the labour costs that come through that.

I see. So you charged for the labour costs only. Correct?---Componentry, yes.



Rural Fire Service paid for the food?---Not all the time, by the way, it was very, very hard to gauge depending on where the site was and what the needs were for that section 44.

So as far as you were concerned, once you issued your invoice, RFS was able to check against the amount of food that you'd ordered - - -?---Well, the - - -

10 - - - on those occasions- - -?---That's right.

- - - to, to check that the amount that you were charging was reasonable. Is that right?---Absolutely. They had all indication to check on, on pricing.

They had the means to do that?---That's right.

But other than issuing an invoice, did you supply them with any other information to confirm that that's what you'd done?---Well, they used to receive their, the, the receipts from the suppliers, the food suppliers, like the  
20 Bidvest Australia, the local butchers, they, they received all those.

Yeah. My question was - - -?---Ah hmm.

- - - other than the food?---Yes.

You provided an invoice, correct?---Correct.

Other than the information contained in the invoice did you supply the Rural Fire Service with any other information to confirm or justify the work that  
30 was being charged for?---No.

No.

I see the time, Commissioner.

ASSISTANT COMMISSIONER: Yes. We will adjourn till 10 o'clock tomorrow morning.

40 **THE WITNESS WITHDREW** **[4.01pm]**

**AT 4.01PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[4.01PM]**