

VIKAPUB00323
05/06/2015

VIKA
pp 00323-00373

PUBLIC
HEARING

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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 FRIDAY 5 JUNE, 2015

AT 2.05PM

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

ASSISTANT COMMISSIONER: Thank you, please be seated.

MR KATEKAR: Commissioner, apparently Mr Whitfield has one more question.

ASSISTANT COMMISSIONER: Yes.

MR WHITFIELD: One question, one only.

10 ASSISTANT COMMISSIONER: Yes.

<ARTHUR JOHN HACKING, on former oath [2.05pm]

MR WHITFIELD: Mr Hacking, Mr Moses asked you some questions about properties that you and your wife own?---Yes.

20 I think there's no mortgage on your house because that was paid off by your motor vehicle settlement?---Yes.

But all the other properties mentioned have reasonably large mortgages. Is that correct?---Correct.

Thank you.

ASSISTANT COMMISSIONER: Thank you.

30 Mr Katekar, I'll just mark the written summary of moneys that Mr Hacking says he received as Exhibit 65.

MR KATEKAR: Yes, thank you, thank you, Commissioner.

ASSISTANT COMMISSIONER: Sorry, Exhibit 64.

#EXHIBIT 64 - SCHEDULE PROVIDED BY MR WHITFIELD ON BEHALF OF AJ HACKING

40 MR KATEKAR: 64. Thank you, Commissioner.

Do you still have Exhibit 64 with you, this document?---No, I don't.

I'll hand – can the witness please be handed that so we're clear. You wish by the evidence you have given in relation to this document, Exhibit 64, the Commission to understand this, that in 2012/2013 you were paid \$231,000. Correct?---That's correct.

But in accordance with the agreement that you had with Mr Homsey he was only due to pay you \$134,850?---That's correct.

So when he paid you the 231 he had overpaid you?---That's correct.

And that's why he had paid you only 45 in year 2. Is this right?---That's correct.

Because of the overpayment in the year before?---That's correct.

10

And none of that is true, is it?---Yes, it is.

I'm going to show you a schedule that I've had prepared over the break, one for you, one for the Commissioner, and I'm going to hand out some copies, I'll try to keep some here, and I'll tender this while I'm at it if I may.

What I'm going to do, could I tender that, Commissioner, or should I do it after?

20

ASSISTANT COMMISSIONER: Yes, no. The schedule of payments and J Purchasing invoices will be Exhibit 65.

**#EXHIBIT 65 - SCHEDULE OF PAYMENTS AND AJ
PURCHASING BROKERS INVOICES – 2012-2013**

30

MR KATEKAR: What I'm going to do is I'm going to take you through this schedule and ask you to agree to some things. The right-hand column exhibit reference is a reference to some parts of the evidence that we've already had. The first payment that you – I'm putting aside for the moment the \$1,500 for the car chip, the first payment was 21 September, 2012 of \$3,000?---Yes.

Then there's two AJ Purchasing Brokers invoices of 4 November, 2012? ---Yes.

40

One for \$31,900 and one for \$7,975. Then there was a payment on 23 November, 2012 for \$38,000. That was a bank cheque placed straight into your account. Do you agree?---Yes.

Then the next two invoices that we have are 29 November for \$15,950 and 12 December, 2012 for \$31,922, followed shortly thereafter by a payment for \$15,960 and \$31,922. Correct?---Correct, yeah.

So what Mr Homsey had done was pay you against those two invoices?--- That's correct.

Then what we have is four invoices listed there, one 3 January, one dated 6 January, one 14, one 17 and it's not on the schedule but I'll state it for the record that the total of those four invoices is \$143,577.50. And then we have a payment on 21 February, 2012 for 143,000.

MR BREWER: I think that should be 2013.

MR KATEKAR: It should be. Thank you. I'm grateful. The last item is 21 February, 2013 and so could the record actually exhibit – would you
10 mind making a change, Commissioner, to the final exhibit that the last item should be 21 February, 2013. And my proposition to you is this, that when \$143,000 ended up in your bank account it was not an overpayment of \$100,000 was it?---An overpayment of 100?

Yeah. He wasn't overpaying you \$100,000 was he?---(No Audible Reply)

When that 143,000 arrived in your bank account on 21 February, 2013 it was payment against the invoices that you had issued?---That's correct.

20 It wasn't an overpayment?---He asked me for the invoices.

Yes, and he paid you didn't he?---He did. Yes, he did.

He wasn't overpaying you?---He, he asked for the invoices and like, the payments have already went in and he asked for invoices.

No?---I gave him invoices.

30 The invoices were issued before the payment?---No. Incorrect.

You say that you backdated the invoices to a date before the payment?
---That's correct.

Okay. Let's assume that's right. I'm going to suggest to you that it's not. Assuming that that was right why didn't you say to him mate, you've paid me 100,000 too much. Why don't I just issue some issues for a smaller amount and then you can have your 1000,000 back?---Because I didn't.

40 Because you didn't. It's simply not true is it that he overpaid you 100,000?
---He over – he did overpay.

The reality was that you had a deal where you were going, you were going to get 10 per cent of the business for the snack packs that you sent his way?
---No, that's not correct. The deal was 10 per cent split.

The deal was 10 per cent you get wasn't it?---10 per cent split between the two.

And the reason why you only got 45,000 in the following year was because you were worried about ICAC?---No, no correct.

Now, you say you've backdated the invoices. Correct?---Yes.

The invoices of 4 November, 2012 weren't backdated were they – the two ones of the 31,900 and 797975 were attached to an email of about that date weren't they?---I don't - - -

10 You remember the LOL email?---Yeah.

Where he said – that was 4 November, 2012 in response to you sending them to him at that time?---Right.

They weren't backdated?---No.

And neither were the others were they?---They were – the ones later on definitely were backdated.

20 You haven't got any record of you sending them to him after 21 - - -?---No, I haven't.

- - - February, 2013 do you?---No.

And if he asked you after the \$143,000 went in to give you invoices why did you give him invoices for a different amount?---Oh, I can't explain that, no.

Because it's not true is it?---Not correct.

30 I don't have any further questions.

ASSISTANT COMMISSIONER: All right. Well, that concludes your - - -

MR WHITFIELD: Commissioner, I just want to apologise. I think my figure in the top of the exhibit which is 64 of 231,000, that's my mistake there, I think that it's 822 or 922 on the maths that's all. I didn't count one, there was one payment which had a 922 on the end, I miscounted that.

40 ASSISTANT COMMISSIONER: So you're saying the amount at the top of 231 - - -

MR WHITFIELD: Well, I think 822 is right based on my friend's document. 822 is right, yeah.

MR KATEKAR: Oh, 822, I see.

ASSISTANT COMMISSIONER: I'm sorry, I don't but - - -

MR KATEKAR: Okay, I'll just explain if I may. In Exhibit 64, I'll take you to Exhibit 65 first, it might be easier. Underneath the Amount Paid column second from right is a figure of 231,882, that's in Exhibit 65.

ASSISTANT COMMISSIONER: Right.

MR KATEKAR: That's my number. My friend Mr Whitfield is marrying up my number with his schedule, Exhibit 54, top right-hand side, Amount Received, he's got 231,000 and Mr Whitfield is correcting it to say that it should be 231,882.

ASSISTANT COMMISSIONER: Yes, fine. We note that, thank you.

MR WHITFIELD: Thank you.

ASSISTANT COMMISSIONER: Yes, Mr Hacking, you're now excused, thank you.

20 **THE WITNESS EXCUSED** **[2.16pm]**

MR KATEKAR: I call Mr GD Singh.

ASSISTANT COMMISSIONER: Just take a seat there, Mr Singh, thank you. Mr Singh, you're not represented?

MR SINGH: No, no.

30 ASSISTANT COMMISSIONER: No. Are you aware that witnesses can seek an order under section 38 of our Act, the effect of which is that none of the evidence they give here can be used against them in criminal or disciplinary proceedings?

MR SINGH: Yes, Commissioner.

ASSISTANT COMMISSIONER: Do you wish to seek an order in those terms?

40 MR SINGH: Ah - - -

ASSISTANT COMMISSIONER: Look, I should say nobody's suggesting you need one and no adverse inference will be drawn if you seek one but it is a protection available to witnesses and most witnesses do avail themselves of it.

MR SINGH: No, it's all right.

ASSISTANT COMMISSIONER: I beg your pardon?

MR SINGH: I'm okay, I'll, I'll - - -

ASSISTANT COMMISSIONER: You don't wish to seek the order?

MR SINGH: No.

10 ASSISTANT COMMISSIONER: Thank you. Do you wish to be sworn on the Bible or make an affirmation to tell the truth?

MR SINGH: Affirmation please.

ASSISTANT COMMISSIONER: Thank you. Could the witness be affirmed please.

MR KATEKAR: Mr Singh, I'll be very brief with you?---Yeah.

You've given a statement and I'm not – I'm just going to read that statement and you don't need to do anything about that?---Okay.

10 It's just that earlier today Mr Hacking gave some evidence about some difficulties that he said that he had with Corrective Services in supplying snack packs and I want to ask you what your reaction to that evidence is so the first thing I'm going to do is I'll say what his evidence was and ask you what you think, all right. So before we get there I'll just get the times right. You up until – when, when was the last time you supplied, Corrective Services Industries supplied snack packs to the Rural Fire Service, do you remember?---Can I just - - -

It's in your statement?---Yeah.

20 If it's in your statement don't worry about it?---I think it was - - -

2011 I think, 2012. It's – the last one, you're right, it's paragraph 18 of your statement and I don't mean to embarrass you, Mr Singh?---It was, yeah, 2012 was the last time we supplied it.

2012 was the last time?---Yeah.

30 And if you have your statement there, do you have your statement there? If you look at paragraph 18 there's invoices 2008/09, 09/10, 10/12 and 11/12, you agree?---Yeah.

And were you involved in the production of snack packs through all of that period?---Yes, I was.

Some of the things that Mr Hacking said is he told the Commission today that Corrective Services could provide a product, could provide snack packs within a week but only if you had the stock. Is that the case?---Ah, to some extent he's correct.

40 All right?---But ah - - -

And if you didn't have the stock, how long would it take?---Normally, normally it took us between three to four days to turn around.

Normally it took you three to four days to turn around?---Yes, depending on the order, how big the order was.

Depending on the order?---Yep.

But if – let’s just take an example where an order comes in from the Rural Fire Service and you don’t have enough lollies or chips to make the snack packs and you needed to order it in, in that scenario how long might it have, would it have taken to fulfil the order, to get the order, to get the stock in and then do it?---It won’t have taken us more than one or two days.

One or two days extra?---Extra, yeah.

10 So based on that one or two days plus three or four?---Yes, depending on the order, like I said before.

Of course. If it’s a smaller order it will be quicker?---Yes.

If it’s a larger order it would be more?---Yes, yes, that’s right. But we did have arrangements with our suppliers that if we needed urgent stock they could supply us at short notice.

20 Right. So should the Commission understand that Corrective Services didn’t have any supply difficulties?---No, I don’t think so.

What about budget issues if there was a big amount of money, big amount of stock that they needed to get in, was there a problem getting that budget met or - - ?---No, it’s not an issue, because when we buy any items, then the (not transcribable) have to go over into the financial delegations.

30 Yes?---So if we needed a large amount of stock then it went to our director or business manager and they used to approve it based on the urgency of the order.

Yes, because do you agree with this. The order was coming in from the Rural Fire Service, wasn’t it?---That’s correct, yeah.

And they were a good credit risk?---Yes.

And a reliable purchaser, that is if they ordered it, they’d take it?---That’s right.

40 So in those circumstances should the Commission understand there wasn’t any real problem getting approval - - ?---That’s correct.

- - - from the right delegation against that order?---Yeah, but even within our system we have that level where we, like for example my delegation is only \$5,000 and so if we go say to \$100,000 then we have to go to the director.

Yes, and how long would it take to get the approval from the director?
---Oh, just maybe two or three hours or maybe - - -

Two or three hours?---Or half a day maybe, yeah, depending on if he's not busy.

So the approval from the director wouldn't cause too much of a delay?
---Not too much, I would say maximum it might be one day if he's busy.

If an order was urgent – sorry. Mr Homsey's given evidence about some difficulties getting trucks in and trucks out of the gaol.

10

MR BREWER: Mr Hacking.

MR KATEKAR: I'm sorry, thank you, I'm sorry. Mr Hacking has given some evidence about difficulties experienced in, by the Rural Fire Service in getting trucks in and out of gaol. Were you aware of any of those kind of difficulties?---No, I don't think so there was any difficulty because we have our warehouse which is on the complex but outside the gaol, like it's on the – we don't have any issues. Like, all the trucks come and drop their goods at the warehouse which is not within the gaol, it's on the complex.

20

I see. So if the snack packs were made - - -?---Yes.

- - - they'd be put in the warehouse?---That's right, that's correct.

And then the trucks would come in and get it from the warehouse?
---That's right, yeah.

So there was no difficulty about security and going in and out?---No, no. Because we, we check them before and we go through the security procedures and we put them in the warehouse for pickup.

30

All right. So when Mr Hacking told the Commission that if an order was placed with Corrective Services and you didn't have the stock that it could take up to two or three weeks to have it done, you don't agree with that?
---No, I don't agree with that. In one, in one year, which is 2009/10 when we had a massive bushfire season - - -

Yes?--- - - - it was a totally different situation where we – as you can see through the invoices we did - - -

40

Yes?--- - - - that was totally out, out of normal and, and in, in those, in that, only that year we – because the orders were very big we, in that year we could have been slightly delayed but normally, under normal circumstances there was no reason to be delayed.

Okay. Well, let's talk about that for a moment in that year - - -?---Yes.

- - - was there an occasional delay of maybe a couple of weeks?---I wouldn't say a couple of weeks, maybe a couple of days.

You wouldn't say a couple of weeks?---No.

Maybe a couple of days?---Yes, yeah.

But not two or three weeks?---No, not two weeks.

10

No questions, no further questions, Commissioner.

ASSISTANT COMMISSIONER: Thank you. Does anyone wish to cross-examine Mr Singh?

MR WHITFIELD: Could you excuse me for a minute, please?

ASSISTANT COMMISSIONER: Yes, Mr Whitfield.

20

Can I just ask you, Mr Singh, did anybody ever suggest to you that Corrective Services were too slow or wasn't providing a good service to the Rural Fire Service?---No, Commissioner. We were constantly in touch with them when Keith Mackay was the officer who did the business development with us and constantly we were asking them for feedback how we can improve the service, whether they were happy with the snack packs we were providing them with, whether they wanted any changes in that so it was a normal process like – I think in one of the exhibits, the minutes of meetings are there where they have said the service provided by us was to a very exceptional standard and, and like as part of our own business improvement we used to constantly get, get in touch with them, you know, to see if we can improve it in any way.

30

Yes, thank you. Yes, Mr Whitfield.

MR WHITFIELD: Mr Singh, if it was a weekend or after hours was there an ability to pick up snack packs or stock?---It's, if we had a pre, a pre-arranged arrangement, like pre-arrangement then we could have organised that but normally though (not transcribable) is open till 4 o'clock so if you're advised that something has to be picked up after 4 o'clock then I – in my role as manager there then I'd always do that for a lot of customers as well.

40

And what about when there were maybe strikes in the prison, was that a problem?---Ah, even if there's a strike the Commission officers are exempt from that, we, we step in and we ensure that industries are run as normal.

So you'd step in and you'd - - -?---Yes.

- - - pack the snack packs?---We don't pack it but we get the inmates to work under our supervision.

Even in a strike situation?---Yes, even in a strike, depends like it's ah, how (not transcribable) operates we, we do have our priorities based on that because we're – in, in case of strikes which I must add is very rare these days but if the situation came then we did have our priorities based on food, based on our customers' needs, what they want straightaway and then we acted according to that.

10

Have you ever spoken to Mr Hacking?---No, my offsider had but I've corresponded with him on the emails.

What's your, what's your offsider's name?---Michael Fletcher.

That's it, Commissioner. Thank you.

ASSISTANT COMMISSIONER: Thank you. Yes, I think that's all, Mr Singh, thank you very much for coming in and you're now excused?

20

---Thank you, Commissioner.

Thank you.

THE WITNESS EXCUSED

[2.28pm]

MR KATEKAR: I now call Darren Hacking.

30

ASSISTANT COMMISSIONER: Yes.

MR KATEKAR: While we're waiting could I tender a statement please, it's been distributed to those in the room, of Mr Raymond Gibson-Smith. Do you have a copy there?

ASSISTANT COMMISSIONER: Yes, the statement of Raymond-Smith will be Exhibit 66.

40

**#EXHIBIT 66 – STATEMENT OF RAYMOND GIBSON SMITH
DATED 27 MAY 2015**

MR KATEKAR: Thank you, Commissioner.

ASSISTANT COMMISSIONER: Have a seat there, Mr Hacking. Yes, Mr Oates.

MR OATES: Affirmation if you please, Commissioner, and my client seeks a declaration.

ASSISTANT COMMISSIONER: Thank you. Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection. There is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION. THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.

ASSISTANT COMMISSIONER: Could the witness be affirmed please.

ASSISTANT COMMISSIONER: Yes, Mr Katekar.

MR KATEKAR: Thank you, Commissioner. Mr Hacking, you're a chef?
---That's correct.

10 Yeah. And in 2012 you got a phone call from Mr Homsey for the first time
you met him or had any contact with him?---That's correct.

Yeah. And he'd got your number from your brother?---That's correct.

You were out of work at the time?---No, that's not correct.

Oh, okay. What work were you doing then?---I had – I'm self-employed. I
have a – I had little mobile dog business running at that time.

20 A dog grooming business?---Uh-huh. That's correct.

But you wanted more work didn't you than that at the time?---No, that's
incorrect.

All right. And wasn't your – the first time that Mr Homsey asked you to
work with him you said no. Is that right?---No. The year before when they
went to Narrabri - - -

30 Right?--- - - - I had phone call from John asking if I could go and help - - -
Yes?--- - - - and I declined.

Why?---It didn't interest me.

The role didn't interest you or was there another reason?---No. The work
didn't interest me. I was slowly but surely working my way out of the
industry.

40 All right. I'm going to just pause here briefly. Commissioner, could I seek
an uplift of a suppression order on page 176 of the transcript of
Mr Hacking's compulsory examination please.

ASSISTANT COMMISSIONER: Yes. I release the order in that regard.

**UPLIFT OF A SUPPRESSION ORDER ON PAGE 176 OF THE
TRANSCRIPT OF MR HACKING'S COMPULSORY
EXAMINATION**

MR KATEKAR: 176. I'll just read out part of the transcript that I am seeking to discuss with you. The questions were, "Had you met Mr Homsey before this phone call which was in 2012?" You said, "Probably 2012." And you said, "No." Later you said – the question was, "Do you know how he got your phone number?" And you said, "Ah, through my brother." Next question, "Do you know why your brother gave him your phone number?" You said, "Um, at the time I was out of work. John rang up and asked if I was interested in it." Then you – and then next question, "I turned it down the first time. The second we were, the second they were a bit desperate and I took it on"?---That's correct, yeah.

Right. So do you say you were out of work in the first year but not in the second year, is that what you're saying?---I have had the dog wash going now since 2000. When you say out of work I wasn't out of work out of work but I wasn't working if you know what I mean. I didn't have a job as in such. It was just a small business I was running.

It was a small business you were running - - -?---I, I - - -

- - - but you were otherwise out of work?---I probably misunderstood that at the time but, no, no, I wasn't out of work. I was working.

And your brother was seeking to do you a favour by getting you a job? ---No, that's incorrect.

Which is why he gave Mr Homsey your number?---No, that's not – there was no favour. It was up to me whether I took the job or not.

Your brother gave your number to Mr Homsey because he thought you wanted the work. Do you agree?

MR OATES: I object. It's a matter for, for the brother to answer. Ask him whether he had a conversation with him.

ASSISTANT COMMISSIONER: Well, as I understand the evidence that's been read out, the witness has already advanced that as the reason his brother put Mr Homsey in contact with him. Do you understand that's what's being suggested?---Yeah, I do understand that. He, he did give his number to ring me but I was not out of work at the time and - - -

Wasn't that you saying that you were out of work?---I, I was working my small dog business. It wasn't anything flash at the time but I – no, I wasn't seeking any more employment. Put it that way.

Did your brother tell you why he had asked Scott Homsey to ring you?--- Yes, he did.

What did he say?---Because they were short-staffed. That was at the Hay floods, they were short-staffed and he was desperate for some staff to go down.

And that's why he asked Scott Homsey to ring you?---That's correct. Initially I declined, the first phone call.

MR KATEKAR: But then you did some catering work. Correct?

10 ---Initially I declined when Homsey called me and I spoke to my wife about it and I went down and did the Hay floods, a one-off thing.

When was that?---That was, oh, that was when Homsey rang me the, the, the first, that time, after – I didn't go out to Narrabri but I went – the Hay floods were in probably six months in the winter of that year.

Right. Well, we'll find out when because then you started doing some snack packs. Isn't that right?---Snack packs? Correct.

20 Yes. In August 2012?---After the Hay floods Scott Homsey asked me to, if I would be interested to take on some further work with him, as in catering.

And you were interested in taking on further work, weren't you?---After the Hay floods, being a volunteer, I enjoyed the work when I went down there, I enjoyed the, the mixing and the camaraderie with the other volunteers, correct. I enjoyed the logistics of the job.

It was good to have more work, wasn't it?---It's always good to have more work I suppose.

30 Yeah?---But I wasn't desperate for it.

But you welcomed it?---No, that's incorrect, I wouldn't say I welcomed it.

Well, then what happened is that you started doing snack packs. Correct? ---That was further down the track, yes.

It was in August 2012, wasn't it?---I believe, oh, well, if that's what – yeah, I believe so.

40 And you needed money, didn't you?---That's incorrect.

So you, do you say that you were doing the snack packs when you didn't need the money?---I didn't do the snack packs because I needed the money, I did the snack packs because it was offered to me, it was part of the job that I took on.

There was no camaraderie in snack packs, was there?---No, but - - -

There was just money, wasn't there?---When you say just money, it wasn't a lot of money in it.

Well, there was a fair bit of money in it, wasn't there?---No, incorrect.

The cost of a snack pack was about five or \$6 a snack pack, wasn't it?
---Excuse me?

10 You were selling snack packs to Mr Homsey for \$13.50 a snack pack, weren't you?---That's correct.

And you were only – it was only costing you about five or six bucks a snack pack, wasn't it?---Roughly around \$7 a snack pack, yes.

\$7. So let's assume that it's \$7 a snack pack, that's \$6.50 a snack pack. Do you agree?---No, incorrect.

20 Well - - -?---You've got other overheads to come out of that money behind that.

Like what?---Tax to start with, the cost of the box, the bag um - - -

The \$7 is included in the box and the bag, isn't it?---No, it isn't.

Let's assume you were making \$5 a snack pack?---I wasn't making \$5 a snack pack.

30 What do you say you were making?---I, I broke it down and I worked it out to be around \$1.20 a snack pack.

Is that honest evidence, Mr Hacking?---That is honest evidence.

Really?---Correct.

A dollar - - -

40 ASSISTANT COMMISSIONER: How much were you paying for your plastic bags, \$5 or something?---For 1,000 at the time plastic bags, but the boxes were dear, the boxes worked out at about 60 cents each.

Well, it's still - - -?---I - - -

MR KATEKAR: Mr Hacking, the boxes carried 10 snack packs, didn't they?---That's correct.

So it's six cents a snack – oh, sorry, \$6 each do you say. How much was a box, 60 cents each. Correct?---Roughly.

Yeah. So six cents a snack pack for a box. Correct?---Correct.

ASSISTANT COMMISSIONER: And the plastic bags would be what, less than a cent or something?---Oh, I can't tell you off the top of - - -

Well, they'd be cheap, cheaper?---I had it broken down at \$13.50 less tax – can I grab my book out of my bag?

Well, look, I don't think we want to go into all the accounting of it.

10

MR KATEKAR: No.

ASSISTANT COMMISSIONER: We're not talking about tax anyway? ---What I'm saying is that the, the - - -

We're talking about what profit you were making?---Well, I worked it out to be around about the \$1.20 a snack pack.

MR KATEKAR: And that's not true, is it, Mr Hacking?

20

ASSISTANT COMMISSIONER: Must have been putting gold bars in your snack packs. Honestly, I mean honestly.

MR OATES: Commissioner, I object.

ASSISTANT COMMISSIONER: There's no way in the world it could have cost that.

MR OATES: I object.

30

ASSISTANT COMMISSIONER: Well, you can object all you like but I just - - -

MR OATES: That's what I'm doing.

ASSISTANT COMMISSIONER: - - - would like the witness to give a little bit more thought to what he's saying here because I don't see how it could ever have cost that.

40

MR OATES: The witness has asked if he can go from the witness box and get his document to explain to the Commission the breakup of the - - -

ASSISTANT COMMISSIONER: What sort of document do you have? ---It's just the breakdown of the figures of the snack pack.

When did you make it?---Last night.

Well, I don't think he should be allowed to refer to that. His memory now would be just as good as it was last night?---All right.

MR KATEKAR: On 24 August, 2012 your brother gave you a loan of \$5,000?---Correct.

To help you to make the snack packs?---That's correct.

Because otherwise you couldn't afford to do it yourself?---That's correct.

10

Yeah. And then after making – could the operator please bring up volume 13, page 137. There's a – 24 August you'll see there's 5,000 in and then there's another 4,000 in. Where did the \$4,000 come from?---\$4,000. We spoke about this at the last – I sold a small car back in, in - - -

I see?--- - - - around that time but that wasn't for that. We have spoken about it at home and my mother gave me that mother.

Your mother gave you that money. All right?---That's correct.

20

And then there's \$2,000 out for cordials and - - -?---That's correct.

Yeah. And then there's Handyway the paper. Is that right, is that, is that from - - -?---Yeah.

And there's a cardboard box company?---Yeah.

And then over the page there's some cardboard box company and then there's ALDI and some Coffs Cordials again?---That's correct.

30

Then can the operator please go to page 139 of volume 13. 7 September, 2012 there's a cash deposit of 17,820. Agree?---I agree.

And that was 2,000 snack packs was it?---It must have been, yes.

I'll have to check that number but that was the, that was for the snack packs that you made. Correct?---Again there's nothing there that says where it's come from but it must be. I agree, yeah

40

Yeah. Can you go to page – over the page to volume 13, page 140. Deposit of \$40,000. Who gave you that?---That came from Scott Homsey.

Why?---That is for the other 3,000 – there's 3,000 snack packs there. We've been though that and that is actually short.

Oh, you see that's – because 13.50 doesn't go into that figure. You're saying that that's just a part payment. Is that right, is that what you're saying?---What do you mean?

Well, \$13.50 – you were charging \$13.50 a snack pack. Agreed?---Correct.

And \$13.50 doesn't go into 40,000. Do you agree?---14 – with the GST on the 13.50 it does.

No, it doesn't?---No, it doesn't, that's correct because it's short on 3,000 snack packs.

10 That's why I'm asking you?---Yeah, that's correct.

Because it doesn't – it's not divisible by either 13.50 or 13.50 plus GST is it so my question is – so you're saying that was, that 40,000 was only a part payment against what you were owed?---No. We never received any more than that. Yeah.

Well, just listen to the question. You're saying the 40 was a part payment against what you were owed?---Yeah, I agree.

20 So you were, so you were paid 17,820 on 7 September. Is this right?
---Correct.

And 40,000 on 21 September. Is that right?---Correct.

57,820?---Correct.

Substantial amount of money?---Substantial, yes.

30 Yeah. And you're saying you were short paid on those two things?---Not the first one. The 40,000.

Did you ever ask for further payment against the 40,000?---We've only just picked that up because we've only just done our tax recently as the investigators know.

40 Could you please go to volume 5, page 61. It's a purchase order here, I'm going to take you to a purchase order of 22 August which you'll remember is roughly the time that you got a \$5,000 loan from your brother to do snack packs, around this time there was a purchase order from the Rural Fire Service for, for 3,600 items required, Picnics, Wagon Wheels, Jupiter bars, pretzels and clear bags, did you get that delivery?---No, absolutely not.

You knew, sorry, you were doing the following things for Scott Homsey's company weren't you, you were doing snack packs, you agree?---That's correct.

You were also doing catering services, do you agree?---Correct.

And you were doing some courier services?---Incorrect.

You never did any courier services ever?---No.

Right?---I was never asked to do any courier services for Scott Homsey.

And you never did?---Never did.

10 Did you ever invoice Mr Homsey for any courier services?---I did.

But you didn't do the courier services?---At the time, no, I don't think Scott was doing courier servicing at that time. I don't think it was part of his repertoire at that time. Or not to my knowledge.

Was it ever part of his repertoire?---Towards this year, yes, I believe it was.

Towards this year but you didn't provide courier services to him?---No.

20 Let's put courier services aside for the moment and concentrate on catering and snack packs. You knew these things didn't you, first of all, that Mr Homsey was providing catering services and snack packs to the Rural Fire Service, you knew that?---Correct.

And you knew that your brother John Hacking had given your number to Mr Homsey, you knew that?---Correct.

And you knew that you were providing those services to Scott Homsey, correct?---Correct.

30 For him to provide those services to your brother John Hacking at the Rural Fire Service.

MR OATES: I object.

ASSISTANT COMMISSIONER: On what basis?

MR OATES: They weren't providing to John Hacking, they were provided to the Rural Fire Service.

40 ASSISTANT COMMISSIONER: Well - - -

MR KATEKAR: They were provided to the Rural Fire Service at your brother's request weren't they?---Correct.

Did you see anything wrong with that?---Not at the time, no.

No. You were a volunteer for the Rural Fire Service?---Correct.

Yeah. Did you think it was appropriate to declare to the Rural Fire Service your relationship with Mr John Hacking?---It was never brought up to me, no.

No. You may not remember this but can the operator please bring up volume 13, page 174. This is an invoice from Harbour Catering, that's your business name?---Correct.

To D'Vine Tastes, correct?---Correct.

10

For this, for 1,000 snack packs, 12 November, 2012?---Correct.

Did you actually do 1,000 snack packs at that time?---I did.

You did. All right. Then next I'll ask the operator to bring up volume 7, page 924 please. This is an email from John Hacking to Scott Homsey and it's 10 January, 2013 and it says that it attaches a purchase order and then the text of it is, "Darren \$500". Did you get \$500 from Scott Homsey on or about 10 January, 2013?---Did I get 500, no. I did not.

20

No. If the operator would go to the following page 7, 925, sorry, volume 7, 925, you'll see that it's got pick up portable repeater – this is the attachment to the email – and then that email is 10 January and then on 7 February there's an email from Mr Homsey to Mr Hacking, that's volume 7, page 927, and it in turn attaches an invoice, volume 7, 928, against that purchase order. And I'll tell you this. You tell me what the truth is?---I picked up the repeater, yes, correct.

Oh?---Correct. I never invoiced - - -

30

So you did do a courier service?---I never invoiced for the – I never invoiced.

Is that - - -?---I did that for free of charge.

You did that free of charge?---I did, correct.

You didn't get paid anything?---I did not get paid for that job.

40

But you did it?---I did it, yes, correct.

For whom?---I was on my way to Nowra Base Camp to set up the base camp for Nowra. John rang me when I was on the way down, asked if I could call into Forster/Tuncurry to pick up a repeater, they needed it down there ASAP and I was on my way through. I was actually at Bulahdelah. I turned around and went back, I picked the repeater up for John and I took it to Nowra, handed it off to Mitigation who took it on to the further location where it had to go. I did not invoice for that job. Obviously John has sent

Homsey through a work order for it and Homsey has claimed the money, but I never invoiced, I never received that money.

I see. All right. There was an occasion late last year where your brother sent an iPhone 6 to your son, Logan?---Correct. Sorry, what was it, sorry?

An iPhone 6?---No, it wasn't an iPhone 6.

Was it a Samsung instead?---No.

10

What, was it a phone?---A Sony, a Sony.

Sony?---Yes.

All right?---That's correct.

Why did you accept it?---It was Logan's Christmas present.

Oh, okay. You didn't think it was a - - -?---No, I did not.

20

Now, can you just wait there for one second. Can the operator please bring up volume 13, page 163, please. So before that, before that comes up, because I think Mr Homsey said that he paid you \$500 but you don't agree with that?---Well, I have no invoice for it and I have no – in my bank account I have checked that against his thing, I had a good hard look and I can't find – I did not invoice for that job.

MR OATES: I think he said he assumed he was paid, that's as high as he put it.

30

MR KATEKAR: All right. So my friend corrects me and I didn't mean to mislead.

MR OATES: That's my memory, yours might be better than mine.

MR KATEKAR: No, no, no. I'm perfectly happy to accept that and I must - - -?---I was on my way to Nowra anyway.

40

Mr – your counsel suggests, and it may well be right, that Mr Homsey said that – what was your expression, that to the best of his recollection he would have paid you or - - -

MR OATES: Would have paid, would have been paid.

MR KATEKAR: He thinks that he would have been paid, but you say you don't have any recollection of being paid or any record of being paid? ---No, I am positive I haven't been paid but I will tell you when I was at Nowra, I was at Nowra for two days or a day and overnight, the next

morning I was sent to Cooma, I was at Cooma for a week and then I went from Cooma to Coonabarabran. I did not see Scott Homsey for about five days after I arrived at Coonabarabran.

Okay?---So I hadn't spoken to Scott Homsey about repeaters or anything.

All right. Okay. I'm going to ask you about this. Can't even read it. 24 October, 2012?---That's the plotter.

10 Is this the same thing we were talking about a minute ago?---The other day, yes, and the mystery is - - -

Just - - -?---And no, that's a repeater.

That's a repeater. This is a plotter?---This is the plotter that you were talking about the other day.

Yes?---And, and the mystery is it does not fit on the back seat of a car.

20 It doesn't fit on the back seat of a car?---No.

All right. Did you do this?---Yes, I did.

You did that?---I did that one.

Did you get paid for it?---I did get paid for that one, yes.

30 ASSISTANT COMMISSIONER: I'm sorry, I thought you said you never did any courier services?---I did this - I did this, again I was at home, John, Clarence, fires were going everywhere, I didn't do this for Homsey, this was for John. John rang me up and said he couldn't get a courier to Kempsey to pick up this plotter, he needed the plotter at regional office Grafton ASAP because they needed it up there. He could not get a courier down there to get it that - until that afternoon.

MR KATEKAR: All right. Now, I'm just going to tell you this as a matter of fairness to you?---Mmm.

40 We didn't get this from you, this document, we apparently got it from your accountants?---Yeah.

No, whose accountants? Homsey's accountants, oh, okay, Homsey's accountants. All right. Well, that made a difference. All right. So Mr Homsey's accountants have produced this document - - -?---Yeah.

- - - which indicates - - -?---I've got this invoice.

You've got this invoice?---You took this invoice off me actually.

Oh, okay?---Mmm.

Not me personally I can guarantee?---No, no, but yeah.

Right. Okay. All right. So that's an invoice from you to D'Vine Tastes.
Do you agree?---I agree.

10 Which is John - - -?---Scott Homsey's - - -

Scott Homsey's- - -?---That's correct.

Scott Homsey's company. Sorry, Scott Homsey's business?---Correct.

20 So it was issued for that delivery?---When I got, finished that job, that took me seven hours that day to, to take that thing up there, it's a big item, it just fitted in the back of my trailer. I waited – it took me an hour to go to Kempsey, I waited around at Kempsey for an hour and a half till they got themselves organised, we loaded it in the back of my trailer, I had two and a half hours back to Grafton, again I waited at Grafton for around one and a half hours for Regional Office to get organised, we had to carry it, pull it apart, fit it in the lift - - -

If I can interrupt you?---Yeah.

I was asking you - - -?---Yeah.

You did that courier work for Mr Homsey?---No, I did that for John.

30 You did it for John, but you billed Mr Homsey?---But I sent the bill through Mr Homsey, yes.

Why?---Because the – it was already in place at the time, the, the mechanism was in place.

Why didn't you just send the bill to the RFS?---Because the bill – it was all – the mechanism was already in place with Homsey.

40 The mechanism was in place with Mr Homsey because you knew that you shouldn't be sending a bill to your brother?---No, not in, that's incorrect. I did not know that at all, that was – I sent that because the mechanism was in place.

Okay. No further questions, Commissioner.

ASSISTANT COMMISSIONER: Yes. Does anyone wish to cross-examine?

MR MOSES: Yes, thank you.

ASSISTANT COMMISSIONER: Yes, Mr Moses.

MR MOSES: You referred to a mechanism was in place with Mr Homsey. Is that right?---That's correct.

So your brother would ask you to deliver something and – just let me finish?---Yeah.

10

And the mechanism would be for you to send a bill to Mr Homsey's business who would pay?---I didn't want to be paid for that job either but John said I had to be paid because I was out of pocket um - - -

Your brother said you had to be paid?---I, I had to be paid because I was out of pocket.

You were out of pocket, okay?---For that day.

20

You said the mechanism was in place?---It was in place. I had already had - - -

Who told you about the mechanism?---The mechanism?

To send a bill, who told you to send a bill?---Well, I'd already been sending bills to Mr Homsey, it was - - -

For courier work?---That, no.

30

Well, what was the mechanism for you to send a bill to Mr Homsey - - -? ---The snack packs, my catering work, the whole lot.

The mechanism for courier work, who told you to send it to Mr Homsey? ---No, when I say the mechanism was in place, my mechanism was I had already had my computer and billing system set up.

Was it a mechanism to rip off the RFS?---No, it was not.

40

No. Okay?---I just said I was willing to do that job for free and as, as I did it as a favour to my brother and I did it as a favour to the RFS.

Yeah, and you got paid \$600 for it?---Less costs, yes, that's correct.

Less costs. You made a profit out of it?---At the moment I think Mr Homsey made a profit because he added \$225 to the bill.

Mmm. To what bill?---To that bill.

What, he added to the \$600?---He did.

So he charged - - -?---That's what you had in your brief the other day.

He charged \$825?---And, he did.

And you made a profit out of it too?---Well, I have got – I made probably 200, 250 bucks out of it, correct.

10 Right. Okay. Now, you're aware of the RFS Code of Conduct, weren't you, you said that to the ICAC investigators, you're aware of the - - -?---We are, we've only had that brought into our Brigade in the last probably eight, maybe 12 months.

And you never made a conflict of interest declaration I think as you said to Counsel Assisting?---Never knew it existed.

Never knew it existed but you're aware of the code of Conduct?---Only in
20 the last eight to 12 months. I've had no formal training or done any courses whatsoever on the Code of Conduct while I've been in the RFS, to this day still.

Well, you actually were stood down - - -?---That's correct.

- - - in February weren't you and you resigned in March?---That's correct.

Yeah. Now, can I just read something out to you that you said to the ICAC investigators if I could?---Yeah.

30 You said – well, this is a question about your brother and Mr Homsey. "Okay. So it's your understanding that they socialise together, they're friends?" And you said, "Well, apparently they, apparently they did um, but like I say that was I suppose part of John's job and Scott used to have him down there for barbeques and whatnot apparently as far as I know. Many a time Scott's asked me to go down over the weekend, stay the night and we never have because I'm not just built, I am just not built that way. It doesn't interest me. I mean I just, yeah, I'm just not built that way"?---That's correct.

40 What did you mean "I'm just not built that way"?

MR OATES: I object. These are matters that Counsel Assisting could have taken up with the witness. Mr Moses is not Counsel Assisting or de facto Counsel Assisting. He acts for the Rural Fire Service and the Commissioner. This cannot go to his brief.

MR MOSES: Of course it does.

ASSISTANT COMMISSIONER: Well - - -

MR OATES: Of course he'll say it does.

ASSISTANT COMMISSIONER: Well - - -

MR OATES: But in my submission it doesn't and really what's happening here is, is examination of my client or – on grounds that are not part of the, the brief that Mr Moses holds.

10

MR MOSES: What is he talking about? I mean with all due respect to my learned friend he doesn't know what brief I hold. I appear for the Rural Fire Service and the Commissioner. I'm entitled to ask what the nature of the relationship was between Mr Homsey and Mr Hacking. We're entitled to get to the truth of the corruption that's gone on here that involved Rural Fire Service money so I'm really not really interested in what my learned friend has to say about what my brief is with all due respect. I'm entitled to put the question.

20

ASSISTANT COMMISSIONER: Yes. I have no objection to your putting that question.

MR MOSES: Thank you, Commissioner. So what did you mean "I'm just not built that way"?---I'm just not that social type of person to go down and have barbeques and stuff.

So your – okay. So your brother did spend time with Mr Homsey at his place. Is that right?---Apparently, yes.

30

When you say apparently, who told you?---John's told me he's a couple of barbeques and that with Scott Homsey.

At his home?---I have no idea.

Yeah?---That's a question for John.

Yeah. Okay. Thank you. Now, you were a subcontractor you regarded yourself of D'Vine Tastes at EMCS. Correct?---Correct.

40

And Mr Hacking would route orders through Mr Homsey's business in order to give you work. Correct?---As in?

Well, the courier work for instance, the catering work. It would go through - - -?---He didn't route that through Homsey at all.

No?---No. He rang me direct for that job.

Yeah?---I was at home like I told you.

Ah hmm?---I went and did the job. I told John I was happy just to have done it and he said no, I was out of pocket and I had to be paid.

And what about the snack packs, the snack packs were routed through Mr Homsey's business weren't they, you were subcontracted through that business weren't you?---That's correct. I don't know about routing. Scott Homsey gave me snack packs.

10 Yeah. Who told you about doing that work?---Told me? Scott Homsey.

Did your brother ask you to do that work?---No, he did not.

No. Did he tell you he was going to speak to Mr Homsey about it?---Not to my knowledge, no.

What do you mean not to your knowledge?---Well, I don't know. That's - -

20 Did he tell - -?---Again that's a question for John.

Yeah. Did he speak to you about it?---No, he did not.

Okay. And you never invoiced the Rural Fire Service for any of the snack packs, that all went through Mr Homsey?---That's correct.

And you sold them for \$13.50 each?---To Scott Homsey, correct.

30 And of course you don't need to be told that's not acceptable to make unfair profit from the Rural Fire Service which was in essence a volunteer organisation, you don't need to be told that do you?---How do you, how do you mean unfair profit?

Do you need to be told for instance that it is acceptable for you to charge \$250 as a profit to deliver something for the Rural Fire Service, do you think that was an appropriate cost?---No, not at the time, no.

No. Well, you didn't want to be charged for it did you – you didn't want to be paid for it did you?---It wasn't worrying me one way or the other.

40 No. And your brother insisted you be paid. Correct?---Correct.

Yeah. Thank you.

ASSISTANT COMMISSIONER: Thank you. Yes, Mr - - -

MR WHITFIELD: Just one question please, Commissioner.

ASSISTANT COMMISSIONER: Mr Whitfield. Yes.

MR WHITFIELD: So could these barbeques have been down at head office that John was talking about?---Very possible. Very possible.

You don't know where though?---I don't know where they were, no.

Thank you, Commissioner.

ASSISTANT COMMISSIONER: Yes. Thank you. Mr Oates, do you want to re-examine?

10

MR OATES: No, Commissioner.

ASSISTANT COMMISSIONER: You don't?

MR OATES: No.

ASSISTANT COMMISSIONER: Thank you. All right. Well, nothing else, Mr Katekar?

20

MR KATEKAR: No. Thank you, Commissioner.

ASSISTANT COMMISSIONER: That concludes your examination. You are now excused.

THE WITNESS EXCUSED

[3.10pm]

30

MR KATEKAR: Perhaps a little ambitiously I'm calling Paul Springett.

ASSISTANT COMMISSIONER: Just take a seat there, Mr Springett. Yes, Mr Dunne.

MR DUNNE: Commissioner, Mr Springett seeks a section 38 declaration and will take an oath.

ASSISTANT COMMISSIONER: An oath. Thank you.

40

Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by this witness and all documents and things produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection. There is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

**PURSUANT TO SECTION 38 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT**

ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION. THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED

10 ASSISTANT COMMISSIONER: Could the witness be sworn please.

ASSISTANT COMMISSIONER: Yes, Mr Katekar.

MR KATEKAR: Thank you. Mr Springett, just before Christmas in 2013 you met Mr Homsey at his business premises?---Yes.

And he gave you some cash?---Yes.

10

\$1,000?---Yes.

You knew it was a corrupt payment?---Yes.

That he should not have offered?---Yes.

And you should not have accepted?---Yes.

And should not have kept?---Yes.

20

Did it occur to you at that time that if Mr Homsey was paying you \$1,000 cash he was probably paying Mr Hacking something?---No.

It didn't occur to you?---No.

Did you tell Mr Hacking that Mr Homsey had done that?---No.

Why not?---Why would I?

30

Well, it was the case wasn't it that at that time you knew that Mr Homsey's company which was then EMCS, I think it had been created by that time, was providing large amounts of catering services and in particular snack packs to the Rural Fire Service. You knew that?---Yes.

Why didn't you take steps to stop any association between the Rural Fire Service and Mr Homsey at that point?---I believed that it may impact on my position at the Rural Fire Service and that I - - -

40

How?--- - - - I may be the person ending up in trouble for doing what I did and that would affect my career.

So you thought that it would be worse for you to do something about it as opposed to hope that nobody knew about it?---Yes.

Ray Smith is a friend of yours?---Yes.

And a close friend. You've seen his statement have you by now?---Yes, I have.

A close friend?---Yes.

And in 2012 did you think that he needed some financial help?--- Yes.

And get him some more work?---Yes.

10 And starting in I think about October, 2012 there started being about once a month a courier job involving was it Ray?---The jobs were, were odd jobs here and there. I wouldn't say they were every month or anything like that.

All right. All right. There's a pattern we've explored with other witnesses that I've seen anyway, is that there's a section 44 event, there's a big snack pack order and then there's usually two courier jobs, one for Danny and one sometimes unnamed, sometimes Ray and that seems to be regular pattern. Were you – did you seek to try to give Ray a job when you could?---No.

20 Right?---The – if there was a courier job available sometimes John would let me know and, and or Scott know and say see if Ray can do that.

See if Ray can do that. So do you say that you didn't have any involvement in the selection of Ray, that it came up from John or, or Scott?---Usually, yes.

Was there any agreement between you and Scott and John that - from 2012 onwards that Ray should be given work?---No.

30 Well, how did they know about Ray?---I had spoken to Ray and said, you know, maybe he should look for some work and he could contact perhaps Scott to do packing of snack packs or courier work et cetera and from there basically I'm not too sure how Ray contacted Scott.

There were, there was at least one occasion but there were occasions on which you paid Ray in cash wasn't there?---Yes.

Why was it you?---I was simply passing on the money from Scott directly to Ray.

40 But why was it you, Mr Springett? This, this is the problem that I'm having. You've agreed that you've been paying, you paid Ray cash but you say to the Commission that you otherwise had no involvement in his selection as a courier?---The, the payments that were made Scott paid me the cash and I passed that to Ray.

And you say that that's your only involvement in the transaction?---Yes.

Well, why did Scott give you the money?---Because he knew Ray was living with me for a period there and he said I'll just meet you and give you the money and you can pass it onto Ray.

Ray wasn't living with you then?---He – ah, for some of the period he was living at my place, yes.

Bear with me. He lived with you for a few years in around 2008/2009 didn't he?---He lived there from 2008/09.

10

Well, he said in his statement that he moved to Inverell about 18 months ago?---Correct.

And he wrote this in May 2015 so he moved to Inverell perhaps at the beginning of 2014?---I think it was – a bit earlier than that, end of 2013.

End of 2013. So if you made a cash payment to Ray in December 2014 he wasn't living with you then was he?---No.

20 But you did, didn't you, make a cash payment to Ray in December 2014 didn't you?---Yes.

Why did you make the payment?---Because he'd done the job.

But why didn't Scott give him the money?---Because Scott probably wasn't going to see him so Scott passed the money to me.

Did you give all of the money that you got from Scott to Ray?---Yes, yes.

30 Right. So you say to this Commission that you didn't make any money out of the, out of the transactions?---No.

Did you have any involvement in the setting of the price for the transactions?---I – sometimes, yes.

And how did you – sorry, the question is really was it an appropriate price or was it an inflated price for your friend?---It was appropriate.

40 Well, how do you know it was appropriate?---I would – based, based on the distance and the time and what sort of equipment was being purchased, sorry, what sort of equipment was being couriered.

Your overall impression based on your experience, you'd arrive at a number and - - -?---Yes.

- - - feel that it was an appropriate price rather than it being an inflated one, is that right?---Yes, yes.

All right. I'll come back to that. First of all Scott Homsey is a family friend isn't it, isn't he?---He's a friend of, of yes, my sister-in-law's and her family.

A friend of your sister-in-law, yeah. Now you I think told the Commission you've – well, the first time that Mr Homsey said he had business dealings with the Rural Fire Service was in about 2009 I think where he was doing work in the Rural Fire Service canteen?---Right.

10 He's told the Commission I think in this hearing that he was working in the canteen and then you and John Hacking came downstairs and asked him to go out to a, to do a catering job somewhere?---Incorrect.

That's incorrect. So you weren't there then?---I was not, no.

It was only – so you'd disagree with that evidence?---Yes.

All right. So did you have any involvement in the decision to start using Scott Homsey for catering?---No.

20

None whatsoever, you were - - -?---No.

All right. When did you first become aware that Scott Homsey was providing catering services to the Rural Fire Service?---Probably early to mid-2010.

All right. Early 2010?---Oh, early to mid-2010, I'm not too sure what the - - -

30 All right. So you didn't know in 2009?---No.

Now there was, there was a – the first time that Mr Homsey started doing snack packs was in 2011. Did you have any involvement in the decision to start using Mr Homsey for snack packs?---No.

When did you first become aware he started making snack packs?---I'm not too sure, sorry.

40 All right. Did Mr Hacking tell you he was getting Scott Homsey to do snack packs?---No.

He didn't?---Oh, well, at some point he would of but not in 2011.

In a sense that was his decision was it?---Yes.

All right. You were aware that prior to doing that Corrective Services Industries was doing snack packs?---Yes.

Were you aware of any difficulties with the services provided by Corrective Services Industries in supplying snack packs?---I wasn't.

Right. But you knew say by 2012 that Corrective Services Industries was no longer supplying snack packs?---As I say I'm not, not too sure when but ---

At some point or another you - - -?--- - - - at some point.

10 - - - became aware of that?---Yes.

And that was basically Mr Hacking's decision was it?---Yes, it was.

Did you talk to Mr Hacking about that?---Briefly.

What did you say?---He said and, and please I'm just saying that he made a comment something to the lines of we're not using them anymore.

20 That's it?---It was something similar to that.

Didn't ask him why?---No, I didn't.

Because I think Mr – the evidence before the Commission so far is along these lines, that before the fire seasons in 2012 – well, let's do 2012. Before the 2012/2013 fire season did you have a meeting with Mr Homsey and Mr Hacking about the make-up and price for snack packs to be supplied in the ensuing fire season?---No.

30 You didn't?---No.

What about before the 2013 and 2014 season?---Ah, I may have.

You may have. So you knew by – well, okay. You don't remember?---I don't.

What about before the 2014/2015 season?---Yes.

You did have a meeting?---Yes.

40 Now was that meeting before or after the memo of 30 June, 2014?---I can't recall.

You can't remember. Well, let's just talk about that then. These was a meeting between you and Mr Homsey and Mr Hacking?---Yes.

And you discussed the contents of snack packs?---Yes, correct.

And the price?---Yes.

And you knew that, or you anticipated there would be substantial orders for snack packs in the ensuing year?---For 14/15?

Yes?---I wasn't sure on quantities at that point in time.

You weren't sure about quantities but did Mr Hacking have a discussion with you about pre-ordering about 100,000?---No, we discussed pre-ordering but no quantities.

10

No quantities. So that memo you've seen about 100,000 snack packs, do you say that you didn't agree on that with Mr Hackett?---No.

You didn't agree on it. All right. Did Mr Hacking tell you he was going to send that memo before he sent it?---I can't recall to be honest.

Can't remember. Do you agree with this about that memo, that it was seeking approval for the purchase of 100,000 snack packs?---Yes.

20 And Mr York signed it, do you agree?---Yes.

And the Commissioner signed it?---Yes.

But there was no section 44 declaration in place on 30 June, 2014?
---Correct.

And it was for the purpose of obtaining stocks for future section 44 events. You agree?---Yes.

30 But there was no urgency at that time. Do you agree?---Agree.

So an ordinary procurement process would have been appropriate. Do you agree?---Could have been, yes.

Well, could have been, why was it not done?---Look, usually for items that were going to be used during a section 44 we would use the section 44 process.

40 Even though it wasn't urgent at the time?---Yes.

And that's the explanation?---Yes.

And that was the practice. Is that right?---Yes, it was.

Known to you?---Yes.

Known to Mr Hacking?---Yes.

Who else?---I'm not too sure.

Was it known above you by people to whom you reported?---Not too sure.

Two other people signed that memo, let's talk about one of them, at least Mr York. Did Mr -- were you aware if Mr York knew of the use of the section 44 procedure outside a section 44 declaration?---I don't know.

10 You don't know. All right. You knew, did you not -- no, okay, I'll stop that for a moment. Can the operator please bring up -- okay, we may as well go there. Could you go to volume 8, page 426. So this is November 2013 to Smithy. Is that Ray Smith's email address?---Yes, it is.

Right. And it's got some equipment, and then can we go to the purchase order, please. So you sent this order off to Ray yourself. Is that right?
---Yes.

20 And then there's a purchase order, recovery of equipment, it's got \$4,050. Did you arrive at that price?---It would have been a price arranged with Mr Smith and Mr Homsey.

Would have been -- sorry, would have been a price arranged with Mr Smith?
---Between Mr Smith and Mr Homsey as to what he was going to require, what he required for that job.

Oh, I see. So are you saying that the figure in that purchase order is something that you were given?---Yes.

30 Rather, okay. I think the previous ones show that it came via John Hacking so maybe this is something I needed to ask him, but did you give any consideration to the reasonableness of that price?---(No Audible Reply)

MR DUNNE: If I could just - - -

THE WITNESS: I can't recall, to be honest.

MR DUNNE: I could just - - -

40 ASSISTANT COMMISSIONER: I beg your pardon?

MR DUNNE: - - - object to that. My friend has asked about the purchase order, whether he gave thought to the reasonableness of the price. I don't think it's been established that Mr Springett created that purchase order although he certainly sent the invoice, sent the memo which doesn't have the amount on there.

MR KATEKAR: Did you look at that purchase order before it went to Mr Smith?---Ah, no.

I beg your pardon?---No.

You just passed it on?---I, I sent ah, ah, Mr Smith the email, I don't think I sent that purchase order.

Sorry, didn't the email attach the – no, okay. Sends the jobs details, all right. Okay. I'll move on. Can the operator please bring up volume 4, page 58. Now what I'm going to do here is I'm going to tell you about item
10 number 1. The problem that I've got here is 14 March, 2012, this is what happened. There was nine purchase orders issued for different amounts, each for the Western New South Wales floods, each for different amounts, none of which has a Logistics request?---Right.

Each of them to Scott Homsey's business, D'Vine Tastes. Are you able to explain how that might have happened?---No.

No. Can you go to, can the operator go to – hold on – can the operator go to
20 page 60, which is the next page – sorry, volume 4, page 60. This is 2012. They don't have stamps, these ones, but they have Mr Hacking's signature and a number but nothing else. Would it be customary for an invoice, even during a section 44, to proceed to payment on Mr Hacking's signature only? ---No.

Can you explain how it might have been the case that it was paid with that signature only?---Look, I mean obviously at some events, there's a lot of temporary staff in finance and they may have just processed it.

Right. Would it be more likely for that to happen if the amounts of the
30 invoices are small rather than large?---It could be the case.

So is there an increased risk brought about of that happening if the invoices are multiple invoices in smaller amounts?---Yes.

Bear with me. Excuse me. I've got to tell you, it's somewhere in here, but in December 2012 there was an audit request came through for purchase orders – here it is, I'm not sure what volume it is but I think it's probably, it's 172, where there was an audit review and purchase orders were required in respect of invoices. I'll show you this. This is from Kylie Seary to you.
40 Can you remind me, who's Kylie Seary again?---She's a Financial services officer.

Financial services officer and then he's asked to provide copies of invoices for sample of line items and then you'll see there's a number of items below that, they want copies of purchase orders, not sure if they need Logistics request forms and then you've asked Wendy Buckettt to do it. Is this right, that in response to that request you're basically asking Wendy to go into the

spreadsheet and generate the purchase orders against the line items in the spreadsheet?---Yes.

That's it?---Yes.

Yeah. And for each line item in the spreadsheet there should be a Logistics request form?---Correct.

But not necessarily?---There should be a request form.

10

There should be. That's the procedure?---Yes.

And you follow that rigorously or did you?---We tried, occasionally one would slip through the - - -

All right?---If it was extremely busy or something.

Occasionally one would slip through, is this right, but it would be highly unusual for nine purchase orders on the same date to go through without a Logistics request to back them?---Absolutely.

20

Cause of some concern?---Yes.

Did you know, did you know Darren Hacking was doing work for Scott Homsey?---No.

No. Didn't know he was being used to do snack packs or anything?---No.

No. All right. Just while I think of it there's evidence between Mr Homsey and Mr Hacking that they had a code when there was going to be a payment, "We need to catch up", did you have the same code?---No.

30

"We need to catch up"?---No.

You got four bottles of wine from Mr Homsey didn't you?---Yes, I did.

And there was – he arranged to give you cash for Ray, correct?---Yes.

But you say you never actually kept any of that money?---No, I didn't.

40

All right. All right. Bear with me, I've got to find my markings. Can you go please to volume 13, page 219. Now this is – I'm just going to remind you of this essentially, I think at this stage in August 2013 Mr Hacking was away. Did you take his job at some stage while he was away?---Normally if people away, you know, we just spread the work out.

All right. This is an email from Scott Homsey to you and John - - -?
---Right.

‘
- - - and it deals with various things?---Yes.

Snack energy pack and it's a price list, do you agree?---Yes.

Was this for the purposes of ascertaining prices for the forthcoming fire season?---Yes.

10 And you knew that those things would be purchased in the forthcoming fire season?---I didn't know we would purchase everything but we, we got the prices of everything, yes.

The prices, you envisaged purchasing, it was envisaged that they would be purchased from Scott Homsey or his company?---Yes.

But no procurement process was undertaken to ascertain whether the RFS was getting the best value for money was it?---Ah, no.

20 Why not?---At the time I think we believed that the prices were reasonable.

How did you form that view?---Based on, on what we'd been paying for the snack pack and obviously from Mr Homsey in the past but the other items were similar to what we'd been paying in the past as far as a I was aware.

As far as you were aware. Did you know how much the Corrective Services Industries had been charging for snack packs?---I hadn't been involved with them for a while so - - -

30 So at the time – in August 2013 you didn't know how much Corrective Services Industries would have offered for the same kind of snack pack? ---No.

So you really didn't know whether or not that was a reasonable price did you?---I suppose not really, no.

And then if the operator could go to page – no hold on, bear with me, volume 13, 221. This is from you to Mr Homsey copied to Mr Hacking, "Hi, Scotty," he's a friend of yours isn't he?---We always called him Scotty.

40 Can you answer my question. In August 2013 he was a friend of yours? ---Well, I, I always called him Scotty, I'd always known him as Scotty and that's the term that I always used for him.

Well, answer my question again. He was a friend of yours wasn't he?---I suppose you could say he was a friend but I, I did not socialise with him so - -

Well, hang on, you swapped bottles of wine didn't you?---Ah, yes, but I didn't socialise on a regular basis or anything.

But you did socialise with him didn't you?---He attended a function of, of my family's, yes.

There was an occasion on which one or the other of you invited the other over, isn't that right, for a drink, isn't that right?---Ah, no.

10 You don't agree with that?---No.

Now you've said, in this email – can we go back to it for the moment, please, 22 August, 2013, you said to him (not transcribable) or D'Vine, I'll get the first order approved next week and out to you. There was no section 44 in place at this time was there?---Ah, no.

No. And then if you go to volume 8, page 1 please, something of a loss here but I'm just going to tell you why, you'll see that that's a purchase order and you're the person making the request?---Correct.

20

And it's for 10,000 snack packs and breakfast packs and comforter packs?---Yes.

It was an advance purchase wasn't it for the forthcoming season?---Yes.

Although I'll just have to be – and maybe you can explain this, could you go to page 2 of 8 please. There's an S44L number there, does that indicate that I'm wrong and there was a section 44 on at the time?---I don't believe there was a section 44 on at the time.

30

No, I don't think there was either. Now – but – then next could we go to page 52 of, sorry, so if there was no section 44, and maybe we're both wrong when we look at the records, if there was no section 44 on at the time an ordinary procurement process ought to have been applied to that purchase should it not?---It could of, yes.

Should have?---It should have, yes.

40 Yes. Then can you go to page 52 of volume 8. O.K. No, that's good. Can you hold onto that. Just while we're here this is I think – this is dated actually – interesting. Yeah, no, the reference number at the top of this document is 50000012. You see that?---Yes.

And that's a reference number for section 44 goods bought in advance isn't it?---The number is used for charges for things such as class 1 and class 2 fires and yes, in preparation of preseason.

Preparation of the preseason. All right. Now, and replenishment falls in the case category doesn't it, that is, if it's been used in a section 44 event and then you place the purchase order after the 44 event for replenishment it ought to be one of the ordinary procurement processes shouldn't it?---If it was a replenishment and it would be getting charged to the section 44 that utilised those goods and therefore it should be through a section 44.

I see. So you say that if there's something in stock it gets used up for a section 44?---Yes.

10

Then that section 44 number can be used to replenish the old stock. Is that right?---Correct.

But should – but it's not an urgent purchase at the time is it?---If there are other events on it may be, yes.

Well, no. The, the, the reality is I'm actually talking – what I'm getting at is the distinction between applying a section 44 process to a section 44 budgetary item?---Right.

20

If there's no urgency for a replenishment there's no need for a section 44 process - - -?---Correct.

- - - to be undertaken. Do you agree?---I agree.

Now, just moving forward, I'm almost there, moving forward to 30 June, 2014 – to the middle of June, 2014. I think we've covered this but you were aware also at that time there was an oversupply of snack packs. You agree?---Yes.

30

Yeah. So there's – but – I think you're saying that you weren't aware of the memo. Is that right?---I wasn't aware of the memo.

And you weren't aware of the purchase order raised in August, 2014 against it. Is that right?---No.

Now, then in Christmas 2014 you got some canapés from Mr Homsey?---I did.

40

Yeah. And you say you offered to pay. Is that right?---Correct.

And he, and I think his evidence is that, I think his evidence is that he said no, his company would pay for it?---Correct.

Yeah. And you never did pay for it did you?---No.

So is that – and previously you got \$1,000 and then you got the canapés. You still – you didn't – anyway, I'll move on from that. I think I – that's all

right. Now, first of all I'm just going to remind you of something.
9 January this year you met Mr Homsey near the laundry at Springfield
which he gave you some money for Ray?---Yes.

Do you remember that?---Yes.

Then he sent you a text. I'm going to actually bring it up. It's actually
Exhibit 40. Exhibit 40. Could Exhibit 40 please be shown. It's a series of
texts. These are from Scott Homsey to you. "Mate, still at dad's." This is
10 at quarter to 9.00 at night. "Thanks for offer. Hope you're having a red."
What was your offer?---I have no idea.

It displays some degree of friendship between you does it not?---Yes, it
does.

And it suggests doesn't it that there was an offer to get together somehow
but he was saying that he was still at dad's. Is that right?---I'm not too sure
to be honest with you. I don't know.

20 You're not sure what to make of it, you don't remember?---I don't
remember it, no.

All right. Excuse me. No further questions, Commissioner.

ASSISTANT COMMISSIONER: Mr Katekar, as I read Mr Raymond
Smith's statement he says he was always paid cash by Scott Homsey not by
this witness. I, I don't really understand.

30 MR KATEKAR: I'm just going to address you on that.

ASSISTANT COMMISSIONER: Yes.

MR KATEKAR: Mr Ray Smith is a friend of Mr Springett's.

ASSISTANT COMMISSIONER: Yes.

40 MR KATEKAR: As I ready Mr Ray Smith's statement he's seeking to
protect his friend. He's - Mr Springett has, if I can say appropriately and
candidly, told the Commission today he's been paying Mr Smith. I think
Mr Smith was trying to keep Mr Springett out of it. Now, if you wish to ask
Mr Springett some questions about that I don't have any difficulty but that's
- that would be the - I mean please. But that's the - that's what I'd be
seeking to persuade you of.

ASSISTANT COMMISSIONER: Well, I think - - -

MR KATEKAR: The reason why Mr Ray Smith says that is because he
wanted - - -

ASSISTANT COMMISSIONER: Mr Springett should, it should at least be put to Mr Springett that that's what Mr Smith says so he can comment on it if he wishes to.

MR KATEKAR: All right. O.K. I apologise. Mr Ray Smith – have you read Mr Smith's statement?---Yes, I have.

And he says that he was paid by Mr Homsey?---Yes.

10 He doesn't say that he was paid by you?---Correct, yes.

But he was. You agree?---I passed the cash from Mr Homsey to him, yes.

Right?---On some occasions. On some occasions he obtained that cash directly from Mr Homsey.

Is that sufficient, Commissioner?

20 ASSISTANT COMMISSIONER: Yes. Thank you. Yes. Now, does anyone – yes, Mr Moses.

MR MOSES: Just very briefly. Mr Springett, you I think earlier on in your evidence candidly admitted that you've received \$1,000 cash from Mr Homsey. Do you recall giving that evidence?---Yes.

And again to be fair to you, you've conceded that that payment was improper. Correct?---Yes.

30 And it was corrupt. Correct?---Yes.

And you of course sat here through the evidence of Mr Homsey when he alleged that you had been given that money in order to reimburse you for courier services you had paid for. Do you remember him giving that evidence?---Yes.

MR MOSES: And he was lying when he said that, wasn't he?---Yes.

40 And you knew did you not that he created a false purchase order in respect of courier services in order to provide you cash that you were not entitled to. Correct?---No.

Is that right? You were aware of that, weren't you?---No.

No. You weren't aware that he was going to try and rip off the Rural Fire Service to get money - - -

MR DUNNE: I object.

MR MOSES: - - - from it to give to you?---No.

MR DUNNE: I object, just, just simply - - -

MR MOSES: I withdraw the question. I'll withdraw the question. I withdraw the question. Now, why do you think you were giving a thousand, you were getting \$1,000 for, why do you think he was making a corrupt payment of \$1,000 to you?---At the time he said, oh, um, "Here's \$1,000, Merry Christmas."

10

Yeah?---And I said, "No, mate, I don't want it, take it back." I forced it back into his hand. At the end of the thing we had a bit of a chat, I got back into my car, put my seatbelt on, he walked over to my car and went, "Have a good Christmas, mate." As he did he put his hand in, pushed the thousand dollars into my hand and then basically moved quickly away from the car.

Okay. And you took the money?---Yes.

And you spent it?---Yes.

20

And it's true to say that you think, by the way you've given your evidence today you feel ashamed about that?---Absolutely.

And were there any other cash payments made to you by Mr Homsey?
---No.

What about Mr Hacking?---No.

30

And can I ask you this, did you at times suspect that Mr Hacking was improperly dealing with Mr Homsey in – just let me finish the question - in relation to the snack packs and the purchase of snack packs but you felt compromised in delving into the issue because you had been corrupted yourself?---No.

Okay. Thank you. I have no further questions.

40

ASSISTANT COMMISSIONER: Did Mr Homsey ever offer you other money?---No. He intimated at Christmas 2014 that he would have another Christmas present for me, which I took to mean he was going to give me another \$1,000 cash and at that time, which was actually that meeting where I walked out with the wine, I said, "I don't want anything off you for Christmas."

Okay. Thank you. Yes, Mr Whitfield?

MR WHITFIELD: Thank you, Commissioner.

Mr Springett, what's your knowledge in relation to how class 1 and 2 fires are charged?---In relation to?

Well, how are they charged?---(No Audible Reply)

You've heard some evidence - - -?---Purchases for class 1 and 2 fires?

Fires, yes?---They're charged to that 50000012 account.

10 Well, are they, are they lumped in with class 3 or section 44?
---The 50000012 account is basically an account that incorporates \$7 million which the Rural Fire Fighting Fund has for emergency purposes and class 1 and 2 fires are charged against that account.

ASSISTANT COMMISSIONER: Is that the same account against which section 44 is charged?---Ah, each section 44 then gets an individual new number of five - - -

20 Right. But is it taken from that same \$7 million fund?---Ah, the, the – I suppose basically the money is used out of that fund and then topped, or reimbursed by New South Wales Treasury as the Service places claims on Treasury.

For the section 44 or - - -?---Yes.

- - - or for the class 1 and 2 as well?---For the section 44. I don't believe the class 1 and 2 are claimable.

30 They're not reimbursed?---Not as far as I'm aware but I couldn't, couldn't confirm that.

MR WHITFIELD: But you worked in finance, didn't you, Mr Springett?
---Yes, I did.

Is it the case – what happens when the \$7 million is used up?---I'm not sure, I didn't have much to do with the emergency fund whilst I was doing that role.

40 It's not that the RFS pays for that after the \$7 million?---I'm not, I'm not sure, I didn't have anything to do with that.

In a due diligence period prior to a section 44 declaration, well, there's a due diligence carried out, isn't there, prior to any fire season, any section 4 declarations. Is that right, a due diligence process?---As in?

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

Well, let's talk about retardant and gels?---Right.

Are they, are they ordered under section 44 prior to any section 44 declaration and stored?---I'm not too sure.

You're not too sure?---The, there is a store at Glendenning which has those retardants and gels in it but I'm not too sure how those are processed.

There's contracts in place for retardant and gels, aren't there, pre any section 44 incident?---There, there are contracts in place for some items, yes.

10

And how much would retardant for example, what sort of numbers in terms of dollar figure would the RFS spend on retardant?---It depends on the fire season. Could be millions of dollars.

Well, is it fair enough to say that it might be five hundred totes at \$5,000 a tote?---It would depend on the fire season, yes.

Yes, but that's possible, isn't it?---Yes.

20 And that's spent prior or is put in place prior to a section 44 declaration, it's put in store, it's put in place just in case it's - - -

MR MOSES: Objection. I'm not sure what relevance this is to the allegations concerning Mr Hacking and how this helps Mr Hacking's case in respect of what he has already admitted in terms of his theft and fraud. I'm not sure how this helps.

ASSISTANT COMMISSIONER: Yes. What is the relevance of this, Mr Whitfield?

30

MR WHITFIELD: Oh, just the, it's just the systems that are in place, whether it's snack packs or retardants or gels or, you know, what's the difference, Commissioner?

ASSISTANT COMMISSIONER: Well - - -

MR WHITFIELD: I mean we're being very very - - -

40 ASSISTANT COMMISSIONER: For one thing this witness doesn't seem to know much about what you're talking about.

MR WHITFIELD: Well, so he says, yes.

ASSISTANT COMMISSIONER: So if you want to get in that evidence you'll probably have to do it through some other means.

MR WHITFIELD: Right.

ASSISTANT COMMISSIONER: I mean it seems to me that the policy we referred to this morning says you can only use section 44 during a section 44 event and you can only order during the section 44 event using the truncated procedures otherwise you have to go through the proper procedures.

THE WITNESS: Can I answer that question?

ASSISTANT COMMISSIONER: Well - - -

10

MR WHITFIELD: What's the case - I've heard the Commissioner, what's the case in terms of section 44 process, the Commissioner's saying you can only order when there's a declaration.

ASSISTANT COMMISSIONER: No, I'm saying what's not the RFS policy is.

20

MR WHITFIELD: I know, well, the policy, that's what it says, but what in fact happens in practice, Mr Springett?---Well, at the moment there is some pre-season ordering which does occur against that 5000-00012 account number.

Yes.

ASSISTANT COMMISSIONER: But not against a section 44?---Not, not against the section - - -

No?---Or the section 44 when it occurs there will be orders against that.

30

MR WHITFIELD: But it's all rolled up, isn't it, 1, 2 and 3 or 44 being 3, there's pre-ordering under section 44 for things like snack packs, things like retardant.

MR MOSES: Commissioner, I object, I object, this is a waste of time. His client has admitted - - -

MR WHITFIELD: No.

40

MR MOSES: His client had admitted that he manufactured in essence a memorandum for pre-ordering of matters in order to perpetrate a fraud on the RFS to get the last squeeze from the RFS before systems came into place. Now I'm not sure where this is going in terms of assisting the Commission to get to the truth of the allegations concerning his client and Mr Homsey.

MR KATEKAR: Can I just add to that?

ASSISTANT COMMISSIONER: Yes.

MR KATEKAR: Commissioner, I haven't transgressed procedures, you know, gone across procedures with Mr Springett. I did that with Mr Hacking and I'm proposing to do it next week with RFS officers but I, I haven't seen the need as far as seeking to assist the Commission to ask what Mr Springett's understanding of those procedures are.

10 ASSISTANT COMMISSIONER: I think there will be witnesses next week who would be better placed to talk about general practices. Mr Springett doesn't really seem to - - -

MR WHITFIELD: I may not be here next week, Commissioner, anyway, we'll deal with that at the time.

Can I ask you, Mr Springett, you know Darren Hacking don't you, you've known him for some time?---I met him once.

Where did you meet him?---At the Coonabarabran base camp.

20 And what was he doing there?---I have no idea.

No idea?---Well, yeah, I don't know if he was there as a volunteer or what he was there for, all I do know is that I met a gentleman called Darren.

You didn't know he was doing catering?---No.

You didn't know he was doing catering for Mr Homsey?---No.

30 Did you ever take phones and tablets for your family and friends?

MR DUNNE: I object.

MR WHITFIELD: And give them to your family and friends?

MR DUNNE: I object.

ASSISTANT COMMISSIONER: Mr Whitfield, this is not a matter which we are investigating, it's not part of the allegations.

40 MR WHITFIELD: Yes, okay, Commissioner, I understand.

ASSISTANT COMMISSIONER: Thank you. Yes.

MR WHITFIELD: If I can find a seat I'll sit down.

ASSISTANT COMMISSIONER: Mr Dunne, do you want to re-examine your client at all?

MR BREWER: Could I just - - -

ASSISTANT COMMISSIONER: Yes, Mr Brewer.

MR BREWER: - - - reserve my position just in relation to some questions put by my learned friend Mr Moses I'm going to take some instructions over the weekend and review the transcript to which my learned friend referred and in that circumstance I may have some questions of this witness but I'd ask to be able to make, put those questions on Tuesday.

10

ASSISTANT COMMISSIONER: Well, I was hoping to let Mr Springett go. Were you going to ask him anything Mr Dunne?

MR DUNNE: Well, I was but if there could be further questions perhaps I should – I won't be long and Mr Springett was prepared to be here on Tuesday in any event.

ASSISTANT COMMISSIONER: All right.

20 MR KATEKAR: I'm in your hands.

MR DUNNE: I note the time.

MR KATEKAR: I'm in your hands, Commissioner. I would discourage that.

ASSISTANT COMMISSIONER: All right. Look, it's been a long week, I'm sure we'll all appreciate finishing two minutes early so Mr Springett, you will back to come back on Tuesday and we will resume then. Thank
30 you.

THE WITNESS WITHDREW

[3.59pm]

AT 3.59PM THE MATTER WAS ADJOURNED ACCORDINGLY

[3.59PM]