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PUBLIC  
HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION TUNIC

Reference: Operation E13/1800

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 7 APRIL, 2015

AT 2.04PM

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.

MR NAYLOR: Just before we proceed, Commissioner, I understand Mr Eurell who has returned may have an application.

THE COMMISSIONER: Oh, yes. Yes, Mr Eurell.

MR EURELL: Commissioner, I wasn't present this morning but I understand that Counsel Assisting the Commission sought to vary the order that was made on Thursday afternoon.

10 THE COMMISSIONER: Well, we did look at the legislation and I don't know whether you're aware of it, Mr Eurell, but to the extent that those provisions in the taxation legislation prohibit publication there is an exception for the Commission and as I understand it if the taxpayer himself makes the disclosure then there is no relevant confidentiality requirement. Am I wrong about that?

MR EURELL: That, that's certainly not my understanding from having had a look at the Act. I don't know what provisions Counsel Assisting looked at before seeking to vary the order because I simply didn't have any notice of  
20 Counsel Assisting's intention to do that this morning. When I made the application on Thursday afternoon, having communicated to Counsel Assisting and the solicitor for the Commission in this investigation that I couldn't be present this morning due to another matter that I was briefed in and had previously taken a brief in for some time, I wasn't expecting such an application to be made this morning.

THE COMMISSIONER: Well, I wasn't informed of the fact that you were absent because of a previous commitment but in any event if you could, because you said you would make some submissions - - -

30 MR EURELL: Yes.

THE COMMISSIONER: - - - if you could indicate perhaps not now but by way of an email exchange with the solicitor for the Commission what provisions you rely upon we can - - -

MR EURELL: Yes.

40 THE COMMISSIONER: - - - revisit the question but there has been no reporting of that part of the Commission's evidence so - - -

MR EURELL: I am informed of that by the solicitor assisting the Commission and I would - - -

THE COMMISSIONER: Yes.

MR EURELL: - - - simply ask that to the extent that any order was varied this morning, having regard to the fact that the Commission has not had the

benefit of hearing from myself on behalf of Mr Kendall that such variation that might result in the transcript's not being redacted when posted on the website be stayed until I do have an opportunity to present to the Commission. I had in mind given that the Commission has a timetable for the appearance of witnesses that such an application might be best made at the conclusion of the public hearing. Of course I'm - - -

10 THE COMMISSIONER: No, no, no, no. No, no, no, Mr Eurell, we don't work like that. You see we work on the basis that all of the information that comes to the Commission's attention in so far as it becomes public is made available to everyone so look, all you've got to do is communicate with the, with the Commission's solicitor and tell us what provisions you're relying upon and we'll revisit the question and for present purposes we're adjourning at 3 o'clock this afternoon so if you can, if you can do that between now and 3 o'clock we'll certainly revisit the question then.

20 MR EURELL: I probably won't be in a position to do it at 3 o'clock only because I am still supposed to be in this matter, I've come up today because I was of the understanding that this witness's evidence would complete but I'm happy to provide written submissions as I indicated on Thursday. I would simply ask though, Commissioner, that if the application I made on Thursday is to be - or the orders that were made as an effect of the application I made on Thursday are to be varied that as a matter of simply courtesy to say nothing of procedural fairness that Counsel Assisting give me some notice that there is an intention to do that - - -

THE COMMISSIONER: Well, look, I don't - - -

30 MR EURELL: - - - because I will certainly be here to make the application.

THE COMMISSIONER: All right. I don't know that Counsel Assisting understood that you wouldn't be present this morning but in any event look, it doesn't matter. Look, it is a bit of a storm in a teacup I have to tell you, Mr Eurell, but anyway to the extent that I lifted the suppression order I'll reinstate it but I'm not prepared to keep that order in place beyond 10 o'clock tomorrow morning so really I think you've got to put something very simple in writing to the Commission's solicitor and we'll consider that and we can deal with it by way of an amendment or otherwise to the orders tomorrow morning but without knowing precisely what you rely upon it's very difficult for me to have a view about it one way or the other. As I said  
40 Counsel Assisting looked at the legislation and couldn't find anything. We might be looking at the wrong sections. Could you let us know and I'll talk to the solicitor for the Commission later this afternoon.

MR EURELL: Thank you, Commissioner. So did I understand the orders to the extent that they might have been varied this morning are - - -

THE COMMISSIONER: I'll reinstate the suppression order - - -

MR EURELL: Yes, thank you.

THE COMMISSIONER: - - - which was only ever temporary in any event  
- - -

10 **THE SUPPRESSION ORDER MADE ON 2 APRIL, 2015 IN  
RELATION TO THE EVIDENCE OF MR KENDALL IS  
REINSTATED**

MR EURELL: Of course.

THE COMMISSIONER: - - - so I'll reinstate it again until further order.

MR EURELL: I think the confusion arose is because I was expecting the  
Commission to indicate to me when it might be convenient to the  
Commission rather than me telling the Commission when to do it but I'm  
20 available to do it at any time that suits your Honour.

THE COMMISSIONER: Well, the sooner the better then.

MR EURELL: Very well.

THE COMMISSIONER: Thank you. Yes, Mr Naylor.

MR NAYLOR: I apologise if there was any confusion, Commissioner.

30 THE COMMISSIONER: No, that's all right.

MR NAYLOR: I had expected some submissions before now but be that as  
it may the redactions remain in place, since the submissions I made this  
morning the redactions have not in fact been removed so - - -

THE COMMISSIONER: Been removed, all right.

MR NAYLOR: - - - there's been no prejudice and - - -

40 THE COMMISSIONER: Thank you.

MR NAYLOR: - - - I certainly didn't intend any discourtesy to my friend.

THE COMMISSIONER: Yes, we'll resume with Mr Bullock's evidence.

**<DARREN WILLIAM BULLOCK, on former affirmation [2.10pm]**

MR NAYLOR: Mr Bullock, can I just go back a step. You're currently employed as I understand as a project manager with the Sutherland Shire Council, that's right?---Correct.

What duties are involved in performing that role?---Ah, it's basically, basically building buildings and structures for Sutherland Council.

10

I missed, I missed the first part of what you said, I'm sorry?---It's basically building buildings and structures. Ah, structures I mean, it can be things from, ah, road works to bridges, um, other man made things that are, you know, the council's own properties.

I see. So, so the council itself owns properties including infrastructure within the Sutherland Shire - - -?---Correct.

20

- - - Shire Area. And your job as a project manager to, is to, being involved in arranging for works, capital works to be done in respect of that infrastructure or other property?---That's correct.

Right. And do you as part of that role engage building contractors?---I do.

Right. Before the luncheon adjournment I was asking you some questions in relation to the property settlement with your former wife and indeed the pool. And you've given some evidence to the effect that the, part of the assets that you took away from your previous marriage was the sum of cash of \$50,000, that's right?---Correct.

30

Yeah. Sir, do you have that, those several pages including the document titled Darren Bullock Financial Status?---I do.

And that's T, Exhibit T23. Sir, was this document which was provided at compulsory examination on 12 December, last year, ah, was this document intended to reflect various changes in your financial position since the beginning of January, 2013?---It was.

40

Right. And I see, sir, well indeed you had given some evidence about the entry for 18 March, 2003 which is labelled here Divorce Settlement and there's some information there in the table about it, isn't there?---Correct.

Right. And the question is, sir, why is no mention in here of the \$50,000 in cash having been received as part of the property settlement?---Because that's in that 170, ah, not, the 127,000-odd amount. See it's got personal effects, cars, et cetera, blah, blah, blah.

I'm sorry. Where are you referring to?---Ah, it's, um, it's 18/3 as well.

Yes?---Just below?

Yes?---Spreadsheet Darren, um, Darren and Janelle?

Yes. The entry below so - - -?---Yeah.

- - - where it says spreadsheet Darren and Janelle, there's an amount of \$127,615?---Correct.

10

That includes the \$50,000 in cash, does it?---Correct.

Right. And the rest of it, the balance, being about \$77,615, that's not cash? ---No, that's, um, like, um, um, furniture and like I said, mowers and bits and pieces. You know all the, all the, um, contents items of your house basically.

Right?---Probably the best way to put it.

20 And that's, so that's a valuation of - - -?---Mmm.

- - - of those household effects - - -?---Correct.

- - - essentially. All right. And you had given some evidence also, before the luncheon adjournment about a figure, I might be mistaken about this. I thought your evidence was in relation to a figure of about 174,000. Were you referring to a figure of 174,000? I may be, might have misheard?---I may have said that because I think at that time I wasn't looking at this.

30 Yes?---So that was just, that was just my figure.

Right?---It was a general mistake.

Okay?---Yeah. But that, I was referring to that 127. I've been dyslectic and merely reversal of numbers, I think.

I see. Thank you for that. Sir, the records would seem to show that on 18 March, 2003, which happens to be the same date for that entry in, in that report that we've just been referring to, on 18 March, 2003, the former  
40 matrimonial home with your former wife which was situated at 5 Willoughby Circuit, Grasmere was sold for an amount of 1.15 million. That's right, isn't it?---That's right.

And do you have, sir, I think it was the first folder that, the first folder that you were provided with, which is one of these large folders?---Is that the one?

Volume 6? No, I think that's - - -?---I did have another one on the floor, it's gone.

Volume 6, Exhibit T1?---Do you, do you want that one back? Okay.

Go to page 2735. It's on the screen too if that helps?---Yeah. Yeah, I've got it.

10 That would be, would appear to be the transfer document in relation to the sale of that, of the former matrimonial home?---Yeah, that, that's the people's names, I remember their name.

All right. Okay. And can we go back to the schedule that I was asking you about, which is headed "Darren Bullock Financial Status?"---Ah hmm.

And in particular to the entry that you were, we were, I was asking you some questions about. For 18 March, 2003, divorce settlement, and there's a figure there of \$320,541?---Yeah.

20 Am I right in thinking, sir, that that was your share of the proceeds of the sale of that property?---Ah, no. My share is the \$374,000, which is the total credit figure there.

Well - - -?---And also the vendor finance figure needs to be added to that, which is the um, over on the next page, which is the 38,928 on the 17<sup>th</sup> of the 9<sup>th</sup>. My share of that total sale was 37.5 per cent.

30 Just bear with me, sir. So, sir, do you have in front of you the financial file, the smaller file that you held up just a moment ago? Tab 5?---Yes, I do.

And if you can go to tab 5 and you'll see behind the spreadsheet there are a number of bank statements?---Ah hmm.

And there's a bank statement, statement number 29, page 2 of 2 for the period ending 20 March, 2003?---29, yeah.

29, that's right. See there are three entries highlighted on that page? ---On the second page?

40 Page 2 of 2?---2, yeah.

Yeah. One for the 18<sup>th</sup> of, the last one, 18 March - - -?---Yes.

- - - 2003, cheque deposit in the sum of \$54,066.47?---Ah hmm, yep.

All right. Where did that money come from?---My best recollection is that was from the sale of the other property, but I may be wrong, I don't know.

Which other property are we talking about?---The 7 Welsh Place property.

Well, can we just go back to my earlier questions and if you can go back to the spreadsheet?---In this same folder?

No, the spreadsheet, Darren Bullock Financial Status?---Ah hmm.

And go back to the entry for 18 March, 2003, Divorce Settlement?---Yep.

10 See, there's the figure, \$54,066.47?---Correct.

Your evidence now is that that is from the proceeds of the sale of another property?---I, I think it is but I'm not 100 per cent sure.

Right. It's not the proceeds of the sale of the matrimonial home that I was -- the former matrimonial home - - -?---No.

20 - - - that I was asking you about?---No. The agreed settlement figure which was the terms of our divorce was I got 37.5 per cent of the assets, so if you divide the 1.150 by that it should be, that 374 plus the 38, around about.

The question I'm interest in is this, and I think this is the question I put to you, that the -- your, your part of the proceeds of sale of the former matrimonial home was the figure of \$320,541?---No.

That's right?---No.

30 Well, what, what's the \$321,541, Mr Bullock?---Pardon? I need a calculator to work it out, can I have that, because I need to - - -

40 Well, just going from memory now, what, what is the significance of the words "\$320,541.18 for land", what does that mean?---Because what I actually did was I got my solicitor at the time, because we were purchasing the block of land, I got the cheque made out direct to the agent to buy the land and that's that amount with um, if you add the deposit onto the cost of that that's what we paid for the land and it's probably got the legal costs in it as well. But part of the divorce settlement, instead of the money going into my account the money went in to purchase the land. That's my recollection. And then I got the remainder of the money disbursed into my bank account.

How much to the best of your recollection did your wife receive from the sale of the former matrimonial -- your former wife from the sale of the matrimonial home?---774,000.

How are you able to come up with that precise figure, sir?---Oh, that's just roughly 774, 75.



It doesn't sound like a rough figure to me, Mr Bullock?---I just – it's around that.

All right?---It is a rough figure. I'm just basing it on – I know she got, she got um, 72-odd per cent and it was a little bit more than that so it would be a little bit more than 72 per cent so it's 74, 75, it could be 76, somewhere in there, 760 I mean.

10 Commissioner, if I haven't already done so could I seek relief from the non-publication order in respect of the first of Mr Bullock's compulsory examinations on 5 December, 2014.

THE COMMISSIONER: Yes. That suppression order is lifted in relation to that compulsory examination.

**THE SUPPRESSION ORDER IS LIFTED IN RELATION TO THE  
COMPULSORY EXAMINATION OF MR BULLOCK ON 5  
DECEMBER, 2014**

20

MR NAYLOR: Now, do you remember, sir, when you first came before the Commission on 5 December last year you were asked some questions about the sale of the, the former matrimonial home?---I do.

30 All right. And you were asked this question at page 13, line 35, "And how much was it, how much did you get in the settlement effectively?" And we're talking here about the property settlement and your answer was, "We sold the house. We own the house outright at Grasmere." And question, "Ah hmm." Answer, "For 1.25 million." Just pausing there, that, that wasn't correct was it, that sale amount?---No, that's not correct. That was just what I remembered at the time so - - -

Okay. Question, "Yeah." Answer, "Yeah, I think she" – and we're, we're referring here to your former wife – "she got around 700,000-odd - - -? ---Ah hmm.

40 - - - and I got the remainder which was 500 and something thousand or I can't remember the exact figures." How is it, sir, that you're able to recall today a figure of 774,000 but in December - - -?---It was a guess again.

Just let me finish asking the question. But in December last year you could only remember a figure of 700,000-odd?---Because that, that was just a rough calculation because I knew what the house sold for and I knew the split of the divorce.

So am I right in thinking that what you received as a consequence of the property settlement was – I’m still looking at your schedule, Darren Bullock Financial Status?---Ah hmm.

Entry for 18 March, 2003. You received the sum of \$374,607 and that’s made up according to your figures \$320,541 for land and \$54,066 which was deposited into your St George Bank account. That’s, that – you received that as part of the property settlement?---Part of it.

10 Part of it. Okay. You also received the \$50,000 in cash that you’ve told us about today?---Correct.

And you say you also received the figure of 38,928, do you?---Yeah, which is the vendor finance.

All right. When did you receive that money?---On 17 September, 2003.

And that’s over the page, isn’t it?---Yeah, it’s halfway down the second page roughly.

20

So anything else, did you receive any other money as a consequence of the property settlement?---To the best of my knowledge that’s it.

Right. And your evidence in relation to this amount of 320,000-odd, 320,541 is that you applied that to the purchase of the land on which your current house is situated?---That’s correct.

And is it correct, sir, that as per this financial status report on 1 April, 2003 you obtained a loan from the SGE Credit Union in the sum of \$261,665 to fund the construction of the new house?---That’s correct.

30

And construction commenced almost – well, when did construction commence?---Um, I don’t know for sure, it must have been sometime after that date naturally, but um, I have, I think I may have a copy of the contract with me if you want me to look.

No, just – you don’t know when construction commenced. Is that what you’re saying?---Well, on the next page, on the 8<sup>th</sup> of the 5<sup>th</sup>, 2003, there’s a um, the contract from Fairmont Homes, that’s the date on the contract, so it would have been sometime shortly after that.

40

See, on 5 December you were asked this question, “When was the house built?” Your answer, “The house was built basically at the same time, pretty well immediately.” Why weren’t you able to give that answer to me just now in response to my question about when the house was built? ---Because I flicked over the page here and I saw the date of the contract on this page.

Sir, I have to put to you again, are you making up this evidence as you go along?---No.

So the house was built by Fairmont Homes. Is that right?---Correct.

And looking at the second page of your schedule, Financial Status?---Yes.

And you had a contract, did you not, with Fairmont Homes and the cost price for the construction of the house was \$356,000?---Correct.

10

So there's a shortfall, is there not, in, in the financing arrangements. You had a loan of 261 and a half thousand but the house was going to cost 356,000 so there was a shortfall in fact of almost \$100,000. That's right, isn't it?---That's um, yeah, in rough figures that would be correct.

Right. Where did you get that money from?---Well, before that I had the Lotto win.

How did you pay the contractor?---How did I pay which contractor?

20

Fairmont Homes?---Oh, I, I don't remember exactly how I paid him. Most of it was probably through the bank loan and probably out of um, my personal account where the Lotto win went in, but I don't remember specifics.

Would you have used bank cheques to pay the contractor?---I can't recall.

Is it possible?---I don't remember.

30

Well, can I take you back to the financial file number 1, tab, tab 5, and the spreadsheet which is at the beginning of that tab? It's very small type, I apologise for that, but - - -?---Is that this page?

No, no, tab 5 of that folder?---Oh, oh, sorry, I thought you said tab 1.

It's a spreadsheet which is entitled in handwriting, "Cash withdrawals post lottery win on 4 February, 2003."?---Ah hmm.

See that?---I do see that.

40

All right. And there are a whole lot of transactions listed down the left-hand side, 8 February, 2003 right up to 20 January, 2004?---Ah hmm.

And if you move along the page the various kinds of entries have been separated out?---Okay.

So there's a, there's a column there headed "Cash withdrawals", see that? ---It's a separate column by itself?

Yes?---Mmm.

Yes?---Yeah.

There might be green highlighting on the - - -?---I'm colour blind so you're going to have to point – I'm as colour blind as a bat so - - -

10 Righto. Well - - -?---Just so you know.

There's - - -?---I can't see the column, it's – we've got the big table and it's the next long table.

Yeah. Okay. So – and then if you move along there's a heading called bank cheques including fees?---Yeah, I can see that.

See that?---Yes.

20 And there are a number of entries there, 5 February, 2003 through to 17 December, 2003, you see that?---Correct, yeah.

And the total amount spent by way of bank fees was \$198,783, it's hard to read, it's a small, I'm sorry?---Yeah, I can see it.

Is it possible that you used bank cheques to pay the contractor?---I, I don't know, I don't remember what I did.

30 All right. Do you remember paying the contractor in cash?---I don't, I don't know, I don't remember how I paid him.

Right. Would you have had \$100,000 in cash at that time to spend on the purchase of the house, being the shortfall between finance from the bank and the cost of the contract?---It's possible with the money that I left over, had left over from before plus the Lotto winnings, yes.

So you're saying it's possible that you spent \$100,000 in cash on the construction of the house?---It's possible but I don't recall if, if that's what I did.

40 You just don't know?---I don't know.

All right?---No.

You moved into the house in November 2003, is that right?---That's right, yes.

I think you said a week before you started work at - - -?---Yeah.

- - - the Mine Subsidence Board?---That's right.

All right. Now in September 2003, so a couple of months before you moved in, you purchased a new car didn't you?---Um, I'll need to have a look on here.

Without looking at documents, sir, do you remember purchasing a new car?  
---I think it was the Challenger.

10 You think it was the Challenger?---Yeah.

Right. Did you purchase a Mitsubishi?---Yeah, a Mitsubishi Challenger.

Mitsubishi Challenger. All right. And if we have a look at your schedule, Exhibit T23, second page, second entry from the top this suggests that you purchased a Mitsubishi, that's the Challenger, the Challenger I'm sorry - - -?  
---Correct.

20 - - - on or about 5 September, 2003?---That's right.

Right. And it cost \$38,983.50, that's right?---Correct.

Is it the case, sir, that Mrs Bullock's parents contributed \$20,000 towards the cost of the purchase of that car?---It, it is, yeah, Julie's dad gave us a cheque and it went into, I think, my account for 20,000.

Right?---We could use it for the car or Julie had HECS debt and she still has a \$10,000 HECS debt.

30 Yeah, but it was used for the car was it not?---It was.

Right. So why are you volunteering to me it could have been used for HECS?---Well, that's the arrangement we had with Julie's dad, he just said it use for that or that, if that's what you want.

But you used it for the car, there's no doubt about that is there?---Oh, there's no doubt about that, no, I'm not telling that.

40 Now can you go back to that other file which is the financial file which had that spreadsheet in it, tab 5, and let's have a look at the bank statements behind the spreadsheet and the first bank statement is for the period ending 20 February, 2003, statement number 28?---Okay.

Now, I've asked you some questions about this before but immediately before the Lotto win you had about \$3,000 in this bank account?---Correct.

Then you won the Lotto and you had an extra \$200,000-odd. That's right, isn't it?---That's correct.

And then go through from that time to 4 January, 2004. So I'm looking at a bank statement for the period ending 20 January, 2004, statement number 39?---Okay.

And indeed if you go to the end of that statement, as at 20 January you only had almost three and a half thousand left in that account?---Correct.

10 Right. So it would appear, sir, that the entirety of the proceeds of the Lotto win have been withdrawn from the account or spent in about the 12 months after the proceeds of the win were initially deposited into the account. That's right, isn't it?---That's right.

So you started with about 3,000 and about 12 months later you've got about 3,000 left?---Yep.

20 Right. And are you able to say what proportion of that if any was withdrawn and kept at home?---Can I refer to a file that I've got here so I don't guess a figure and - - -

What, what file do you wish to refer to?---Oh, it's just a, I've just worked out what money I've put aside.

Well, just do the best you can without referring to it?---I, I don't - you seem - when I quote a figure and I'm wrong I seem to get in trouble for it so I really would like to be more correct. The figure is probably over \$100,000, less than \$130,000.

30 THE COMMISSIONER: Are these records that you always had in your possession, Mr Bullock, or are they records that you have compiled since you were last giving evidence before the Commission?---They're records I've compiled, Commissioner, out of um, my bank statements as best I could to work out how much money I had at home because of um, I took the money out due to my ex-wife's solicitor trying to go me for it.

Right. Well, rest assured, we have, we have copies of your bank statements so - - -?---Okay.

40 - - - to the extent that you're relying on that as a primary source, we are in the position to verify those, those statements. What we're concerned about though is the cash deposits that may not show up anywhere in any of your bank statements?---Okay.

And I don't understand any of your records to be terribly useful in that respect?---Well, my, my best recollection is it's somewhere between 130 to 100 since, you know, I think maybe in my compulsory hearing I said it was 125 but that's only my recollection because, you know - - -

MR NAYLOR: So without looking at the documents, what do you say now is the amount that you withdrew from the bank account, being basically the proceeds of the Lotto win, and kept in cash at home?---Somewhere between 100 and 130,000.

Sir, on 12 December, the second time that you appeared before the Commission, you were asked questions about this. Do you remember that? ---I remember some of it, yeah, some of it I probably don't remember.

10 All right. And what you said was this, and I'll read out part of your evidence. "When I went back through my bank records between March, 2003 and September 2003, I took \$95,100 out in cash over about 13 odd payments, straight out in cash." And then you were asked the question, "You drew the money out, what did you do with it?" "Kept it at home."?--- Ah hmm.

All right. Well that's a different figure from the figure that you're now suggesting, which is between a 100 and 130,000, I think. What's the explanation for the discrepancy?---The only explanation I've got is that  
20 between that date in December and now I've had time to go back and review my own bank records and try and work out what money went where and what I paid for what to the best of my, sorry, I can't talk. And, um, that's the figure that I worked out with my own calculations.

See I have an impression, sir, that what happened was this. That you came along to a, a compulsory examination on 5 December, 2012, that's right? ---Is that the first one?

That's the first one?---Yeah.  
30

And after that compulsory examination and you went away and you sought some legal advice and you contacted the Commission and you returned a week later because you said, "That aspects at least of what you said were perhaps incorrect or could be misunderstood and you wanted to review what you had said on the first occasion," that's right?---That's right.

Right. And it was on that occasion, the second occasion that you produced this financial status report together with the schedule of net incomes, together with cash in and out from 2008 to present in your bank accounts.  
40 That's right, isn't it?---That's right.

So you obviously took some trouble to prepare for the second examination. That's right, isn't it?---I had a short period of time and I did take some trouble to try and get it right.

Well, are you telling us now you didn't get it right?---I'm telling you now that there's been a lot and lot of paperwork that I've had to go through and a

lot to compound and whatever and to double check and that's what I've been doing.

Did you take sufficient care the first time round to get it right?---I believe I did at that time.

But you didn't get it right?---Obviously, I didn't.

Right?---It wasn't, it was just a mistake.

10

It makes it hard to believe the evidence you gave that time, doesn't it?---Not from my point of view.

Right. Why were you withdrawing all this money - - -?---Because I - - -

- - - from your bank account? Just let me finish the question, from your bank account, from the time that you, you received the deposit from the Lotto win? Why did you, in twelve months did it all go out of your bank account?---Because the very next day after I won the Lotto win, my  
20 solicitor, who was my divorce solicitor, was contacted by my wife's solicitor and they tried to go the money, to take the money off me. Because they, they were saying that I'd purchased the ticket prior to the divorce settlement but that was not the truth. And, um, in the end it just basically fizzed out. I think my solicitor at the time said, "We'll have a go, do your best," and it just fell away and I was paranoid about it, so that they were going to come back and take it and I thought, well if it's not there, you can't take what's not there.

30

Who, who were you concerned about might take the money?---My greedy ex-wife.

THE COMMISSIONER: Mr Bullock, whether or not you withdrew that amount in cash or whether you left it in the bank, the basis of the claim you say, was a Lotto win and that fact was known to your ex-wife, was it not?  
---Correct.

Including the amount that you had won?---Correct.

40

So if she had a legitimate claim over any part of it, it wouldn't matter whether you had it in cash or whether it was sitting in an account, she could file the claim and she could make a demand on you and you would have to find the money one way or the other. So I'm not quite sure why you say, taking it out of the bank was in any way effective in terms of rebutting any claim that she might make?---Well, you can't get blood out of a stone. And if it disappeared and it wasn't there, I might've had to pay her back \$1 for the rest of my life every week. It's just, I'm, I was paranoid about it and I still am and that's what I did.



Well, surely you've heard of people who have successful civil actions making claims against a person's property and in effect, forcing the sale of assets in order to realise the judgement sum?---Not really.

What, you didn't know that if somebody received judgment in their favour that they could in effect force you to sell an asset in order to deliver the judgment?---Not really, I'm not a solicitor.

10 So you weren't able to sell one of your vehicles or your jet ski or whatever it was in order to realise any amount that your wife might legitimately claim?---At that time I didn't have those assets.

Well, you had some assets?---The house and one car. I had a company car.

Yes, go on, Mr Naylor.

MR NAYLOR: Was there any other reason, sir, for withdrawing all that money or taking it out of the bank account?---That's the only reason, that we could put it away and then as we wanted to use it on holidays and things  
20 we could push it back into the, the, our accounts or pay it and, you know, we'll, we'll use it for those, that reason.

Well, I don't, I don't want to misapprehend the situation. Your evidence is that you took the money out of the account so that it wouldn't appear that it might be available for your ex-wife?---Can you word the question again, Mr Naylor?

30 Yeah, it was badly phrased, I'm sorry. You withdrew the funds from the account because of a concern on your part that your ex-wife might be able to get a hold of them or at least a part of them?---That's correct.

Right. Sir, on 12 December last year, which was your second appearance before ICAC, the Assistant Commissioner who was then sitting put this question to you, "So was the purpose of taking it out, and we're talking about the same funds, so it wouldn't show up in your bank account and your wife might claim it?" Answer, "And, and also because it becomes um, part of income because of the large amount of interest it would draw, I'd be paying greater child support."?---Yeah, that's another reason, yes.

40 Well, why didn't you provide that reason when I asked you the question just moments ago - - -?---I didn't, hadn't - - -

- - - about why you withdrew the funds from the account?---Because I just didn't even think of it then, I was thinking on the, the main reason why I withdrew the funds out.

Well, either you were making up the evidence on the last occasion or you're making up the evidence today, which is it?---I'm, I never made the -- I never made up the evidence on any occasion, that's the truth, both - - -

THE COMMISSIONER: Mr Bullock, look, I just have to come back to this. Your wife, your ex-wife according to you knew that you had won \$200,000?---She knew, yes, she did.

10 Well, then how can withdrawing that money from a bank account have the slightest effect on whether she goes to her solicitor to ask for more child support? Once she knows you've got the money there would be nothing to stop her from making that claim?---Because if you've got that money in the account and we're talking a substantial amount of money, it's added to your income and that, the interest on that becomes part of your income which makes you pay more child support.

Yeah. Look, we know all of that but you see what - - -?---That's, that's the reasoning.

20 The fact is she knew that the money, that you had the money, whether it was in the account or somewhere else but in any event tell me this, did your ex-wife ever make a claim?---She made a claim to get the money, yes.

How did she do that?---Through her solicitor.

30 Yes, but in what way did she claim it? Did she file some process on you, did she take proceedings in a court, did she serve a document on you, what did she do?---Her solicitor spoke to my solicitor and I can't, I can't actually speak for those two solicitors, they had the conversation and that was it and as far as I know that's where it finished.

So it went no further than a conversation between two solicitors?  
---Basically as far as I know, yes.

And when was that finally resolved? Was it weeks or months after you had won the amount of money?---A couple of days, within a couple of days.

Within a couple of days?---Yeah.

40 So there was nothing to stop you putting the money back into the account?  
---Pardon?

There was nothing - - -?---But I was paranoid - - -

- - - to stop you - - -?---I was paranoid.

Just wait a minute. There was nothing to stop you from putting the money either back into the account or reinvesting it in some other way?

---Commissioner, I was paranoid that they were going to have another go at it so that's why I got rid of it.

Right. Go on.

MR NAYLOR: Sir, you and your wife married on 13 March, 2004, does that sound right to you?---That's correct.

And in November 2004 you sold a boat for \$14,800?---Correct.

10

And it's mentioned is it not in the second page of this financial status report?---It is.

And was that an asset was it that you retained from your previous marriage?---It was.

All right. January, 2007 you traded in the Mitsubishi Challenger and you got \$15,000 on the trade in. Is that right?---Um, January, '07 you said?

20

4 January. I'm going off your schedule, sir?---Yeah. I can't find it on my schedule. Which page is it on, the - - -

Second page. 4 January, 2007 purchase Hyundai car?---Oh, yeah. Yeah, yeah.

You seem, you seem to have got \$15,000 for the Mitsubishi?---Correct, yeah.

30

And then you had a loan of \$30,000 from the Macarthur Credit Union? ---Correct.

And you found \$1,000 in cash and that funded the purchase of the \$46,000 Hyundai?---That's right.

Is that right?---That's correct?

40

All right. Now between 2004 and 2007 you transferred money out of the cash kept at home back into your bank account?---I don't know. I'd have to look.

Well, you're saying you don't remember having done that?---I can't recall, no. I can see here I asked SGE for um, a building loan and I think that was to do the um, some work around the home as well in the backyard.

See, on 12 December, sir, you gave evidence before the Commission and your evidence was, I'm looking at page 65, "Between 2004 and 2007 I put about \$50,000-odd, I think it was \$55,000 back into my account in bits and pieces". Was the evidence that you gave on that occasion truthful?

---As truthful as my recollection is, yes.

Well, when I asked you the question just now about money going back into your bank account from the cash kept at home why didn't you mention that \$50,000-odd had gone back in?---Because I can't remember what happens between what dates. I'm - - -

But you remembered it, sir, when you gave evidence in December last year. Why isn't it that you couldn't remember it now?---I don't know.

10

Can I suggest, sir, that it's because you're not being truthful in giving evidence today?---I am being truthful.

See, my understanding is this, and these are documents that you prepared for the purpose of the second examination. You've got those – you've got the financial status report and behind that is the net income schedule and behind is that a document called bank accounts cash in and out only 2008 to present. You see that?---Ah hmm.

20

And my understanding of how these documents work is that this – the last of those documents that I've referred to, bank accounts cash in and out only 2008 to present. I appreciate we're talking about a period 2004 to 2007, but what, what this schedule says is that to the extent that cash kept at home increased it came from withdrawals from your bank account?---Correct as well, yes.

No?---Yes.

Hang on?---Yeah.

30

It came exclusively from withdrawals from your, from your bank accounts. That's right isn't it?---Yes, that's correct or sale of other things like the boat or whatever or - - -

Well – and to the extent that your cash kept at home – to the extent that cash kept at home increased it came from the bank accounts, to the extent that cash kept at home decreased it's because the money was transmitted back into the bank accounts?---Yes.

40

That's the import of the evidence that you gave on the last occasion?--- Yeah. And in some cases it's the same money going in and out because I kept the balance in my accounts of around eight to \$10,000 and I'm pretty sure that's what I said at my previous um, um, hearing at ICAC.

And, and the evidence that I've just read out to you that you gave on the last occasion, that is that, "Between 2004 and 2007 I put about \$50,000-odd, I think it was \$55,000 into my account in bits and pieces in like \$2,000 here, \$1,000 there, \$3,000 there." You were effectively saying that well, in

respect of all of that money that had been put into my cash reserve at home, and your evidence was today it was somewhere between 100 and 130 and your evidence on the last occasion was that it was about 95,000, am I correct in thinking that what you were really trying to say was, okay, 95,000, or you're saying a slightly different figure today, 95,000 went into the cash I kept at home after the Lotto win in early 2003, then between 2004 and 2007 I took 50,000 or 55,000 back out and put it into my accounts, is that, that's the import of the evidence that you gave on the last occasion?--- Oh, I can't, I can't recall it.

10

Well, how is it, sir, that you can't recall that position when you seem to have a very, have had a very clear recollection back in December last year about the position?---I can't recall what money went in and out. The other thing is too, you haven't included our wages in here yet.

Sir, I'm not asking you about the wages, I'm talking about cash at the moment?---Don't you think when the wages go in, cash comes out?

Sir - - -

20

THE COMMISSIONER: Mr Bullock, I just need to repeat what I said a short time ago, we have copies of bank statements to the extent that salaries go into accounts or to the extent that payments are made by way of cheques into accounts, we can verify those deposits?---Mmm.

What we're concerned with is we're concerned with amounts of cash that are not recorded in any bank statement that you say you hold within various places in your home, including the safe and any other places where you might access it. That's what we're concerned with because they are the amounts that we cannot verify by any objective statement. Do you understand that?---I understand that Commissioner, but - - -

30

All right. That's the premise of the question.

MR NAYLOR: Sir, has something happened to your memory between December last year and today such that evidence that you gave in December last year about money being taken from the cash reserve at home, being put back into the bank account you can no longer recall?---There's, there's nothing wrong with my memory as far as, but there's a lot - you're talking about 11 years' worth of transactions. I find it difficult that I can comment on what went in and what went out and what - - -

40

Sir, I don't mean to interrupt you, sir, but with respect I'm only talking about events between 12 December, 2014 and today and why it is today you can't give evidence consistent with the evidence that you gave in December last year. That's all I'm putting to you?---I believe it is consistent as far as my memory can remember.

Well, sir, you say today you have no memory of, of withdrawing 50 or 55,000 between 2004 and 2007. Is that your evidence today?---I don't think I said that.

Well, what's your evidence today?---My evidence is that I've always through, even before my time at um, the Mine Subsidence Board, in my previous marriage I've always put money in and out of bank accounts and whatever. That's the way I do things. I'm OCD. That's the way I operate.

10 Sir, it's a simple proposition - - -?---You may find it funny but I don't and that's what I do.

I don't think I've expressed any humour about it, sir. The proposition is simply this, that today when I asked you about funds being withdrawn from the cash reserve at home and being put back into the bank account you couldn't answer my question whereas in December last year you seemed to have a very clear answer for the amount that was withdrawn from the cash reserve at home and put into the bank accounts - - -?---I think because - - -

20 - - - and I'm seeking an explanation as to why your evidence today is not the same as what it was in December last year, that's all?---My only explanation that I can give is, is back when I gave the evidence back at the compulsory hearing I was allowed to use my paperwork in front of me and at this hearing I'm not, so I have to give my best assumption at that time with odd dates and back then I could use my paperwork that I had in front of me and here I'm not allowed to.

THE COMMISSIONER: Well - - -

30 MR NAYLOR: Sir, if your evidence on the last occasion was correct, if your evidence on the last occasion was correct, that you had withdrawn about 95,000 from your bank account and kept it at home in cash and that then you had taken 50 or 55,000 from that reserve and put it back into the bank accounts between 2004 and 2007, what that suggests to me is that come the beginning of 2008 you had about 40,000 in cash at home. What do you say to that?---I wouldn't know.

40 THE COMMISSIONER: Do I take it, Mr Bullock, that insofar as you were consulting your records on the last occasion that your evidence on that last occasion is, is the more likely correct and accurate?---That would be correct, Commissioner.

Thank you.

MR NAYLOR: I note the time, Commissioner.

THE COMMISSIONER: Yes. We will unfortunately have to leave it there for today and we'll resume – can I prevail on people to commence at 9.30

tomorrow morning and we'll resume with Mr Bullock's evidence at that time. Thank you.

**THE WITNESS STOOD DOWN** **[3.00pm]**

**AT 3.00pm THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[3.00pm]**

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