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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 WEDNESDAY 8 APRIL, 2015

AT 2.06PM

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THE COMMISSIONER: Yes. Mr Naylor, I'll add that further chronology to MFI 1.

MR NAYLOR: Yes. Thank you, Commissioner.

THE COMMISSIONER: Thank you.

**<DARREN WILLIAM BULLOCK, on former affirmation [2.06pm]**

10

MR NAYLOR: Mr Bullock, I think the question that I'd asked you before the adjournment was in respect of – we were looking at pages 1104 and 1105 of volume 3 of Exhibit T1 in respect of 6 Courtland Avenue, Tahmoor and the proposition that I have put was that it would appear from the documents that you approved a variation in the sum of \$32,400 which you didn't have a financial delegation to do. Do you agree with That?---I agree with that.

20 Sir, you were present in the hearing room – just before I go on. I'm sorry. I'll just – can I just go back to page 1104. You see about in the middle of the page the words appear “work has been completed satisfactorily and the charge is considered reasonable”. Did you inspect the works before you approved payment?---I would have.

I'm sorry?---I said I would have. Yes.

You would have?---Yes.

30 So are you saying yes or you're - - -?---Yes, yes.

- - - you're not sure or - - -?---I believe, yes.

Did you have a practice did you of inspecting works on every occasion before you approved an invoice?---I would say it would happen somewhere on a regular basis, yes. There's probably - - -

But not always?---Not always, no.

40 And so what are you saying in relation to this particular invoice?---Well - - -

Did you or didn't you or you're not sure?---I did.

You did?---Mmm.

Quite sure about that?---(No Audible Reply)

All right. You were present in the hearing room when Mr Inskip was giving evidence?---I was, yes.

And you heard Mr Inskip's evidence to the effect that there were occasions when you met on site, he would show you some documents and you would write on the documents an amount that you wanted added to the documents that he was going to submit to the MSB being an amount that was designated for yourself. Do you remember that evidence?---I do remember that evidence.

10

And is this particular invoice from Plantac dated 15 November, 2010 at page 1105 likely to have been one of those invoices?---No, it's not.

All right. I'll show you a file in relation to another property being at 16 Tahmoor Road, Tahmoor. Commissioner, this doesn't form part of the tender bundle. It is an additional file. Copies are available on the screen and hard copies are available for the witness and yourself, Commissioner.

THE COMMISSIONER: Thank you, thanks.

20

MR NAYLOR: If you go to page 546, sir?---Yes. I'm sorry, yes.

546 is the, what would appear to be the front of the file for this property, 16 Tahmoor Road and then the file forms the documents which appear behind it, again in the usual roughly reverse chronological form. So at page 634, it starts at page 632 actually. You see there's a claim investigation report?---I do.

30 And this has been prepared it would appear by District Supervisor John Culbert?---Correct.

And he appears to have made a recommendation that the claim be accepted and funding approved to allow rectification to proceed and he's estimated the costs at \$20,000 and you were the reviewing officer?---Correct.

Right. And so you approved this claim, that's right isn't it?---That's correct.

40 And if you just go back a few pages to 604 through to 606 it would appear that invitations to tender were sent to Plantac, CIM Constructions and Willbuilt Homes, that's right, isn't it?---That's correct.

And go to page 596, 596 would appear to be a minute paper prepared by Mr Culbert dated 13 September, 2010 recommending that Willbuilt Homes be approved as the tenderer to be selected to perform the work?---Correct.

And your signature appears there under the words "Tender approved as recommended"?---Yes.

With the date 13 September, 2010?---(No Audible Reply)

That's right, isn't it?---That's correct.

And as at this particular date, sir, you didn't have a financial delegation to approve the selection of Willbuilt Homes to perform works to that value did you?---(No Audible Reply)

10 Your financial delegation was limited to \$5,000 wasn't it?---I'm not sure.

Just so we're clear, sir, do you still have the schedule of delegations dated 17 November, 2011 in front of you, Exhibit T37?---(No Audible Reply)

It's coming, coming to you. Have you got that?---I have.

20 And I'd asked you some questions about this before but item 3.2(d), other tasks in rectification works from the 1 December, 2011 you obtained a financial delegation to approve the selection of tenderers up to the value specified there, \$20,000 or \$50,000 in relation to - - -?---Correct.

- - - Tahmoor related jobs. But prior to this time you only had, you had a financial delegation to approve the selection of tenderers up to 5,000. That's right, isn't it?---I'd need to look back at the one prior to this one.

All right. Go to, pardon me. Go to Exhibit T1, volume 1, sir. Go to page 238?---This one says it's 5 in 2007.

30 That's 5 in 2007 and the evidence that you've given so far to the best of my information, sir, is that it remains \$5,000 up to 1 December, 2011. That's right, isn't it?---I'd have to take your word for it.

All right. If that's so, sir, then you've breached the financial delegation when you approved the selection of Willbuilt on 13 September, 2010 in that you exceeded your financial delegation by \$590. That's right, isn't it?---Based on that, yes, it is correct.

Did you do so deliberately, sir?---No.

40 In order to favour Willbuilt Homes?---No.

All right. I'm just going back. And I'll just go back to the questions I was asking in relation to Courtland Avenue. You admitted, sir, that you breached the financial delegation when you approved the variation of \$32,400?---Based on the information you've put to me, yes.

Yes. And you did so deliberately in order to favour Plantac?---No, I didn't.

All right. You can put the, you can put the 16 Tahmoor Road file to one side?---This one, sorry. Right.

And can I ask you to go back to volume 3. And go if you might to page 1319. Sorry, I should probably take you, pardon me. I should take you first of all, so we're clear to page 1214?---I have that page.

So this would appear to be the cover of the file for 20 Glenanne Place, Thirlmere?---It does.

10

And then go, please to page 1319?---I've got that page.

And that's a claim investigation report?---Correct.

Prepared by yourself dated 21 March, 2011?---Ah hmm.

Estimating costs to do the repairs at \$150,000?---Correct.

20 Go back, sir, to page 1302. That's a scope of works that you prepared?  
---Um - - -

It goes through to page 1307?---That's correct.

And again go forward in the file to page 1286?---I've got that page.

And that page and the following three pages are invitations to tender that you submitted to the four building contractors named?---That's correct.

30 And the second of those was to Plantac?---Yes.

And, sir, it would appear that this matter was not sent out for public tender, that they were invited tenders, the four documents that you've just seen are those to whom invitations were sent?---Correct.

And what is your explanation for why you didn't go out to public tender in relation to this matter, it being well in excess of the \$50,000 limit, is it the explanation you gave previously?---That that was the practice throughout the Board that was basically done everywhere.

40 THE COMMISSIONER: Mr Bullock, in, amongst these documents where Mr Cole-Clark signs off on the repairs - - -?---Yes.

I've just forgotten which page it was on, perhaps if - - -

MS HOGAN-DORAN: 1320.

THE COMMISSIONER: 1320, if we could find it. You see where Mr Cole-Clark signs off, he says "Approval to proceed is granted subject to

the Board's tendering requirements"?---Sorry, Commissioner, I haven't got the page yet. What number was it again please?

MR NAYLOR: 1321?---1321.

THE COMMISSIONER: See it says - - -?---Yeah, I see that.

- - - "Subject to the Board's tendering requirements."?---Ah hmm.

10 Well, what did you understand that to mean?---That we go to tender with our select tenders and, and get them signed off once they, you know um, basically look at the tenders and do a recommendation for them to be signed off.

But why would you have had that understanding as opposed to a requirement to go to public tender?---Because that's the way I've been taught all the way through the Board for nine years prior to that.

20 Despite what the documents say?---I've never, I don't have a recollection of seeing it go to public tender and as, as far as I know no one's ever, ever done it.

Yes, I understand that but despite what the documents say you say that that's not a practice that is undertaken anywhere in the Board?---No, that's correct, it's never undertaken.

30 And you're not speaking for offices other than Picton are you or are you?  
---I'm speaking for offices other, other than Picton as well, yeah, as far as, the best of my knowledge it's never been done.

It doesn't happen anywhere?---Anywhere.

MR NAYLOR: All right. So go to page 1277 please?---I have that page.

Plantac submitted a tender in the amount of \$78,240 plus GST?---Correct.

Previous page 1276. You recommended that that tender be accepted and Mr Cole-Clark approved your recommendation?---That's correct.

40 All right. Go to page 1253 please?---I have that page.

That's an invoice from Plantac dated 25 November, 2011 which includes a claim for a second progress payment in the amount of \$13,240 including GST together with seven variations, the total price of which when I add them up, sir, is \$15,470 plus GST?---I'll take your word for it.

Okay. And the previous page 1252. Three days after the date of the tax invoice you've approved payment of that invoice. That's right isn't it?

---That's right.

Accept from me that the value of the variations \$15,470 is 20 per cent of the original contract price of \$78,240. It's also in excess of \$10,000 but it's also at a time is it not you had not financial delegation to approve any variations?---That's incorrect.

Why?---Because I've just looked at the table to my left and it says as of 17 November, 2011 and this is 25 November, 2011.

10

I've taken you through this before, sir. The documents indicate that the schedule dated 17 November, 2011 was not approved by the Board and did not come into operation until 1 December, 2011. Accept that from me because that's what the documents say. I can show you the minute of the Board if that helps?---I have some recollection that we went to a meeting, a district meeting before that and we were told to implement that. That should be minuted in that meeting I'd say.

20

If, if you accept this proposition, sir, that that schedule of delegations that you've got dated 17 November, 2011 did not come into effect until 1 December, 2011, it's the case is it not that you, you breached your authority and that you didn't have a financial delegation to approve the payment of these variations?---Based on that but in my whole time at the Board I've been approving variations on hundreds of jobs. Why would anyone never tell me I can't approve a variation?

30

I need to go the specifics, sir. I'm asking you about this specific job at this particular time?---It seems that way based on what you've put in front of me.

And is it the case, sir, that you approved this – the payment of this variation without a financial delegation in order to favour Plantac?---No.

Go to page 126, pardon me, 1269. See that?---The contract variation increase.

That would appear to indicate that you approved the variation to the value of \$17,581 - - -?---That's what that - - -

40

- - - on 30 January, 2012?---That's what that seems to me. But I guess has Greg signed a copy off as well and countersigned my copy?

Where are you looking, sir?---Um, to the right of my signature on the same form.

There's a blank space for CEO?---Normally we'd send that up to Greg if it was above what we thought and he'd countersign it.

All right. Well, was it sent up to Greg?---Look, I can't recall. But you know that's just what I'm saying would be the general practice.

And if that was the general practice you'd expect to see on the file evidence of Mr Cole-Clark having approved the variation?---It would be on the paper file or the electronic file.

10 Well, there would appear to be an absence from this file, sir, of any evidence of Mr Cole-Clark having approved that variation. And I want to suggest to you that's because you approved the variation?---I approved this part of it. But like I said, is there another copy?

Well, what do you mean by you approved this part of it?---Well, if this is gone to Greg, how do I know Greg's copy isn't sitting somewhere else? That's what I'm saying.

20 I'm telling you there's no evidence of Mr Cole-Clark having approved this variation according to this file. All we've got is this document and this document suggests that you appeared to approve the variation?---Based on this file, yes, it does.

Right. And if you had approved the variation to a value of \$17,581 you exceeded your financial delegation?---I did based on this file. But I need the whole file.

Right. And if that had occurred, you did so for the purpose of favouring Plantac?---No.

30 All right.

THE COMMISSIONER: Mr Bullock, when you, when you needed to obtain Mr Cole-Clark's signature on these approvals for variation, was it the practice to send merely the documents that were required for his signature or did the whole of the file go to Mr Cole-Clark's office in Newcastle?---It varied probably three different ways, Commissioner. Sometimes we sent the whole file, sometimes we've sent an extract out of the file, like the relevant paperwork and other times we emailed Greg the information.

40 And what dictated which particular practice you followed in each of those three instances?---Um, when we had large files and I mean large paper files as far as like weight wise, thickness wise, the girls in Newcastle put in a complaint that the DX was too heavy for them and it was said that, "Don't send the whole file, the Board's paying more for it. Just pull bits out of the file and send it to Newcastle or email it." So it was based on basically the girls, the office girls in Newcastle didn't like having thick files in the DX. And Greg instructed us that he only needed the relevant information a lot of the time, he didn't need the whole file.



MR NAYLOR: Whatever practice or methodology was adopted you would have placed on the file some evidence of Mr Cole-Clark having approved the expenditure or the variation, would you not?---That would've been expected, yes.

Right. And the absence of any such approval suggests that he wasn't in fact involved in approving the variation or the expenditure?---Based on this information, yes.

10 Right. Go to page 1233. Have you got that, sir?---I have.

That's another Plantac invoice dated 2 April, 2012 and it's an invoice for variations, numerous variations, the total price of which is \$52,300 plus GST?---Correct.

Go back to the previous page?---I have that page.

20 And it would appear there, sir, that you've signed as the delegate approving payment of that invoice?---Sorry, I've gone the wrong way, sorry.

1232?---Yeah, I've gone back the other way, sorry.

See that?---And it looks like it's been countersigned by someone else.

Do you recognise that other signature?---I, I don't recognise the signature, no.

30 You weren't a delegate though with any sufficient authority to approve this payment were you?---In the Board you sent up a payment without – there's no delegation, you can send up a payment for \$10 million, that's what I've done in the past with commercial jobs and whatever I've – I sign off payments for millions, that's the practice, that, they don't have a delegation for signing off to pay someone.

You didn't have a financial delegation to approve this set of variations did you?---Not based on your information, no.

40 Right. And if that's what this document reflects then you sought to approve the variations without any proper authority?---It seems that way.

Right. And did you do so to favour Plantac?---No.

Pardon me, Commissioner.

Sir, can I take you to page 1417. Now this is a document in relation to a different property at 30 Progress Street, Tahmoor. You see that?---I do.

And you've recommended here that Plantac be selected as the tenderer and the value of the works were \$24,880. That was how much Plantac had quoted it seems?---Correct.

And their quote is immediately behind that at pages – page 1418?---Correct.

And a quote was also submitted by Variplan Homes Pty Limited and you'll see that at page 1422?---Correct.

10 Is that right?---Yes.

And the previous page 1421 would appear to be a quote or a tender provided by another contractor called All Hands On Deck?---Yeah.

Pardon me. Pardon me. So can I ask you to be shown volume 2 of Exhibit T1. Go to page 489. You can look at the previous page too if you like, page 488. At pages 489 and 490 is the list of selected tenderers for the period 1 June, 2011 to 30 June, 2013. See that?---I do.

20 Neither Variplan Homes nor All Hands On Deck appear on the list of selected tenderers. That's right isn't it?---Not that I can see.

How is it that invitations to quote were sent to, and indeed quotes or tenders were received from, both Variplan Homes and All Hands On Deck if they were not registered selected tenderers?---Because the guy that owned the house actually wanted them to be on that job for him, and I won't mention his name um, but the person who owned that house um, particularly wanted David Lee on there because he'd had him do some work at his house before um, and we can use – my understanding is and still is that you can use a select tender or two invited tenders or two invited tenders and one select tender or any combination. You don't have to have three select tenders. That's my understanding.

30

And is there a particular policy or procedure document that you rely upon for that assertion?---Um, there's one that we had um, I think it might be here, I think I've – if you go to page 512 of the same document that we're looking at the registration of tenderers.

40 Yes?---There's an item down, there's a table in the middle of the book.

Yes?---I mean in the middle of the page, sorry, and if you look at um, um, example 15,000 to 30,000 it's got open tendering, yes, selected, yes, three tenderers invited three, my understanding of this is that you can have any combination of those so - - -

Sir, this is a document that's dated January 2014 and the documents would seem to - - -?---I've just looked at - - -

- - - show, the documents would seem to show it wasn't in force as at June 2012?---I think there's a similar document earlier than that, that's just – I've just flicked through that I just happened to flick onto that page.

Aren't you just making this up as you go along?---No, I'm not.

Are these legitimate quotes, sir, the one from Vari Plan Homes and All Hands on Deck?---Yes.

10 Or are these dummy or sham quotes?---What do you mean?

False quotes?---No.

Go back to page 1417?---Are we in the other book now again?

Yes?---I've got that page.

20 You've, you've recommended that the Plantac quote be approved and it was in the sum of \$24,880?---There's no signature on this document but I presume in the electronic version we had electronic signatures at that stage so I presume in the DocuMap system there'd be an electronic signature on that document.

Whose signature?---It should be one of mine, it should be my signature but an electronic version.

All right. So you approved the selection of Plantac, yes?---Correct.

30 Right. Go to page 1413?---Yes.

And this, this is the first progress payment isn't it?---It seems to be, yes.

Yes. And you've approved that at page 1412?---Yes.

Pardon me. I'll move on to the next file, if I may, sir. If you go to page 1449. I think in fact, yes. And it's the very last page in that bundle?---Yeah. I've got the page.

40 And this is in relation to a property at 38 Progress Street. Plantac had submitted a quote of 47,240 plus GST. That's right, isn't it?---That's right, yes.

And the previous two pages are again quotes or tenders from Vari Plan Homes and All Hands on Deck in relation to the same property?---Correct.

And you say, do you, that these are both legitimate quotes?---Yes.

They're not sham or dummy quotes in any way?---Not to my knowledge, no. These properties are all actually linked to, I don't know whether you're aware of that, it's the one owner?

Thank you. Would you expect, sir, to see in relation to this tender process relevant entries in the tender books which were kept at the Picton District Office?---I would.

10 Go to page 1466 which is the preceding page. See you've recommended that Plantac's quote be accepted of 47,240?---1466?

1446. The page immediately - - -?---Yeah. Yeah, I've got it, yeah.

- - - before the All Hands on Deck - - -?---Yeah.

- - - quote. So you've set out what the quotes were in relation to what each quotation was. And you've recommended that the Plantac quote be accepted which in this case is the lowest quote. And that's on the 15 June, 2012?---Correct.

20

Sir, if I can take you back in the bundle, if you go to the first page which is page 991, the front page of the tender register book?---Ah, my front page is 983.

All right?---I don't have that page in my book.

991, it's up on the screen, sir?---Ah, no, I do now, yeah, yeah. It's further in my book, sorry.

30 What page are you looking at?---It's a page that's got 983 code of conduct.

No, go further on?---Yeah. Yeah, I've got that now.

To 991?---Yeah.

That's the first page of the, well that's the cover, isn't it of the tender register book?---That's, yeah, it's the outside of the book, yeah.

40 Righto. And go over to page 1056?---I've noticed we've come, we've changed books as I've been flicking through the pages?

Yes?---It's the second tender book I presume.

It starts at page 1043?---Yeah.

Have you got 1056?---No.

So this is a page out of the tender book for a property at 27 Park Street, Tahmoor, tender closing date 20 April, 2012?---Correct.

10 And the one next to it 55 Progress Street, Tahmoor, 15 May, 2012. Over the page property at 345 Moreton Park Road, Douglas Park, closing date for the tender 12 June and next to that a property at 37A Abelia Street, Tahmoor, closing date 12 June, 2012. Over the page property at 35B Abelia Street, Tahmoor, closing date for the tender, first version is scratched out, 6 July, 2012. Next to that an entry for 19B Elphin Street, Tahmoor, closing date 5 July, 2012. Over the page 5 Leiha Place, Tahmoor, that's L-e-i-h-a, closing date 5 July, 2012. Next to that a property at 24 Tahmoor Road, Tahmoor, closing date 27 July, 2012. And if we go back to your minute of 15 June, 2012 there's no mention in the tender book of 38 Tahmoor Road, Tahmoor is there?---Not from what you've shown me here, no.

20 All right. And that would be a breach would it not of the procedures that were applied by the Mine Subsidence Board in relation to the proper recording of the tender process?---Obviously the girls have missed putting it in. We usually put the file in a tray and they write it in and sometimes the tenders do come in and the girls haven't written them in or that. That's happened on a regular – or not on a regular basis but it does happen.

You're blaming the girls for this omission?---I don't write these in the book. You'll – I don't think you'll ever see my handwriting in any of these books bar where I sign things off. It's not my job.

Sir, you were the district manager in charge of that office were you not?---I was, yes.

30 You were responsible for what happened in that office?---I, I'm not there all the time. I - - -

Do you, do you take responsibility for the omission of this matter from the tender register book?---I'd have to but I can't be everywhere at once.

All right. Now, let's go back to page 1417. This is in relation to the 30 Progress Street property that I was just asking you some questions about?---I've got the page.

40 Got that?---Yeah.

Dated 15 June, 2012?---Correct.

I've just taken you through all the relevant pages of the tender register book for that period where one should see reference to that property if the tender register book had been filled in but it's not there is it?---No, it's not there, no.

All right. And that's another omission isn't it?---It is, yes.

For which you should take responsibility?---Being the, the head of the office I suppose I should.

Yeah. Is the only reason, sir, for the omission of the recording of information in relation to those properties in the tender book because there was some administrative oversight?---As far as I can tell from this, yes.

10 Was it done deliberately?---I can't speak for the girls in the office or anyone else.

Was it done deliberately on your part?---No.

Right. Pardon me. Go to page 1442?---I've got the page.

Thank you. You see Plantac has invoiced, again this in relation to the 38 – I'm sorry, pardon me, Commissioner.

20 I'll come back to that. I'll move onto another property please. Put volume 3 to one side if you wouldn't mind. If he could be shown volume 4 please?--Ta.

Now the first page behind the contents is the cover page for a property at 45 Brundah Road, Thirlmere?---Correct.

Going first of all to page 1681?---I've got that page.

30 That's a quote from Insight Landscapes - - -?---Correct.

- - - for a total amount of \$65,000?---Correct.

And this is dated 23 January, 2013. Do you remember, sir, what the circumstances were in which a quote would be sought from Insight Landscapes for an amount in excess of \$50,000 and where Insight Landscapes does not appear on the list of selected tenderers?---Because it was for work ah, with a pool, a pool surround.

40 Yes. Well, what, what significance is that?---Sorry, what significance is that?

What's the fact that there's a pool surround, what's that got to do with it?---That's just my recollection of it, it was about a pool.

Right?---I just need, I need to look through the file to – is that, did they actually win that job, I can't see in here where they've actually won a job here.

No, I'm not asking that question, sir, I'm just wondering if you can - - -?  
---It could have been a quote.

Do you have a memory of the circumstances in which that quote was sought?---No, I don't.

Right. See, it's quote for in excess of \$50,000 is it not?---It is, yes.

10 And based on the procedural documents that we've looked at earlier today it would appear to be a matter in relation to which it should have gone to public tender?---I don't, I don't think we've gone ahead with this job, it might have been a quote to prepare a um, costing for the job of that, I, I don't remember but to me it seems to be just sitting there by itself like it could be for, sometimes if it's something unusual and we find difficulty in costing it we got to a supplier to give us an estimate of costs so we can provide a more accurate um, costing when we approve the claim or that so I, I don't know whether that's what it is but to me it looks like that's what it is.

20 But if I can take you to - - -?---I don't really recall this so - - -

Well, at page 1526, sir, they certainly submitted an invoice, the value of which was 20,846, \$20,846 including GST?---Sorry, what was the page?

1526. See that?---That's correct, yeah, that's correct. It's a total different amount isn't it?

Well, if you go forward in the file to 1511 there's another invoice from Insight Landscapes in an amount of \$11,000?---Correct.

30 And then you go forward two more pages and see another invoice from them, page 1509, an invoice for \$18,315, although perhaps that's in relation to a different property, it says 43 Brundah Road but the document appears, the invoice appears on the file for 45 Brundah Road, the same name though, [REDACTED]?---Yeah. That might, that, that might be contractor's mistake I would say but I mean you'd, you'd presume it was the same. I, I'm like you, I'm not sure.

40 See what I don't understand, sir, is there's, there's a quote for \$65,000. There's all these invoices but there doesn't appear from this file to be any other tenders sought in relation to that landscaping work and I can take you to the, to the tender book as well but it doesn't appear to be in the tender book. And what were the circumstances, as best you can recall, that involved the engagement of Insight Landscapers, Landscapes to do \$65,000 worth of work?---I don't remember. This job was done by John Culbert, a lot of it so I don't remember.

All right. Go to, go back in the bundle, go to 1662. See that's a quote which is submitted by Plantac dated 21 February, 2013?---I do.

And that's a quote for demolition and removal of house and swimming pool?---Correct.

\$49,460 plus GST and behind it, sir, there's a quote by Demo Force, see that?---Yeah, I've got that, yeah.

And the two pages which precede those two pages so pages 1660 and 1661, that's correspondence that you've written to Plantac and to Demo Force.  
10 My point is this, sir, that it would appear that only two quotes were sought in relation to the work that involved demolition and removal of house and swimming pool?---It seems correct.

Well, wasn't it the case that three quotes needed to be sought?---Sometimes, in our area we struggled to get three quotes on different things.

Sir, I'd taken you earlier today to a repairs policy at page 449 of volume 1 which said that for work from \$10,000 to \$20,000 three competitive tenders are required to be submitted and the documents would seem to show, sir,  
20 that as at 2014 that policy was still in the bundle. So how, how then, how are we to explain the fact that only two quotes were required? It seems an apparent contradiction to the policy?---I think I showed you a document too, that says you can use a variety of different tenders before as well that I found in one of those folders on the floor there. And I think there's items there that says you can use one tender if you have to if you've okayed it through the CEO. You'd have to find it for me now because I've put all the folders on the ground.

See I can point, point you to the document it's at page 493?---Which folder  
30 is it in, sir?

Of volume 2 and it's a document dated April, 2013?---493 you said - - -

493. Have you got that?---I've got it, yeah.

And as at 10 April, 2013 it seems various options were available in order to seek quotes or seek tenders for work that was valued up to 50,000. You had an option to seek one selective tender or three invited tenderers but the problem, sir, is that this document postdates the time at which tenders were  
40 being sought in relation to demolition and removal of the house. This is - this document is two months later. So it would appear on the document, sir, that the failure to get a third quote was - - -?---It's not two months later. It's - - -

- - - was non-compliant. That's how it would appear on the documents?  
---The letter I'm looking at is dated 29 April it went to Plantac and this is dated 10 April.



Yes, but your letter, your letter was reporting on the outcome of the process. The process started in February, 2013?---And like I said before, sometimes we were stuck, we only could get a couple of tenderers.

All right?---I probably spoke to Greg, I don't know. I just have no recollection of it. This is a really large job and very complicated with lots of things going on.

Okay?---It's only one of the jobs I looked after.

10

THE COMMISSIONER: Mr Bullock, it seems as though from your evidence that every one of these difficulties that you encountered down in the Picton area that caused not just a deviation but almost a clear sidestepping of the policies and procedures on a wholesale basis, that all of that was only ever the subject of a conversation with Mr Cole-Clark? ---That's true.

20

None of this was ever put in writing. You never wrote to Mr Cole-Clark to say we in Picton cannot abide by the current policies and procedures for the following reasons, it was all just face to face or telephone conversations that you had with Mr Cole-Clark?---I agree a lot of it was with telephone conversations and I agree it was brought up occasionally at district meetings but in the last 18 months that I was at the Board we never had a district meeting and lots of times - - -

30

I'm not talking about whether there were district meetings or not. I'm talking about 11 years in which you were in this position where there does not seem to have been almost any adherence to the policies and procedures that, that are written down and I'm just wondering if you can point to any occasion when any of this was documented?---That's what I was trying to say, Commissioner. I believe some is documented in the minutes of our district meetings.

Well, what about before, I mean what about – assuming that there were no district meetings until the last 18 months of your position there, what about the - - -?---No, I'm saying they were before that. It's the other way around.

All right?---There wasn't any in the last 19 months.

40

All right. Well, if, if this problem had been raised at various district meetings over a period of something like 10 years and nothing had been done to amend the policies and procedures, well, what, what were you going to do about it, how were you going to - - -?---We - - -

Just let me finish. How were you going to protect yourself and your officers at the Picton office from the very same accusations that are being levelled at you here if you never at any stage made any representations in writing to Mr Cole-Clark about these policies and procedures being completely and

utterly unsuitable. That's what I'm asking?---This was mentioned to Mr Cole-Clark. I'm sure it was sent in emails and we haven't had a Board secretary for several years and we've had no – and Greg is our only point of contact. Greg has always said we've done a great job. He said he likes the way we work. We work – think outside the square a lot to get the job done. You're keeping us out of the media. Just keep doing it the way you're doing. He said it over and over and over to me. I complained to Greg on hundreds of occasions.

10 Well, none of that answers my question. I've heard about the complaints and all the conversations. What I'm asking you is why wasn't any of this documented from your end. I mean Ms Evans was there in that office for 29 years. Surely she was capable of penning a letter to Mr Cole-Clark pointing out these matters?---I believe I have penned letters to Mr Cole-Clark and they were never responded to.

Oh, you believe you have?---Yes.

20 Where do you get that belief from?---Because I know I wrote them.

And where would they be? Where would we find them? Would we find them on the electronic document system within the Picton office?  
---Hopefully you, you should be able to, yes.

Would Ms Evans have any knowledge of having typed those letters?  
---She should have.

30 Were they letters that you asked her to type as opposed to you composing them and sending them yourself?---I sent both, I sent composed letters and I also sent emails to Greg and on occasion I sent things to Greg I spoke to him on the phone and he said, "Send it to me as a draft," and I said, "Why is that?" and he said, "Because I need to consider it, if I don't like it you're to bin it."

40 Well, I want to make, I want to make, I want to make perfectly sure that what you are referring to is written correspondence to Mr Cole-Clark specifically raising with him the inapplicability or the unsuitability of these policies and procedures to the Picton office?---Yeah, and I asked for them to be changed because I said that these policies and procedures don't really deal with the domestic housing issues and that, and the anomalies that we deal with with Tahmoor that it doesn't fit in that square of the normal government procedures because we're dealing with the general public, there's lots of different issues and it's very, very difficult to keep within these procedures.

And you said all of that in some written form at some stage?---I did, I did.

Yes, Mr Naylor.

MR NAYLOR: Still on the quote for Plantac at page 1662?---Sorry, I'll just put this book down.

Yeah. This is a quote for demolition?---I've got it, Mr Naylor.

So what it says, 21 February, 2013, "Demolish pool, remove fence, demolish building, evacuate driveway," a few other things?---Ah hmm.

10 And the quoted price is 49,460?---Correct.

Plantac was at the time, wasn't it, a selected tenderer?---Yes.

Do you have in front of you, sir, folder 2?---Um, I'll just have to have a look. Yes, I do.

Go to page 489. There's the list of selected tenderers for the relevant period, 2011, June 2011 to June 2013?---Yes, Mr Naylor.

20 You see Plantac's listed there?---Um, I'll just -- yeah, towards the bottom, yes.

Yeah. And you see they're not listed there in the column which says 50,000 but there is a figure of 150,000 appearing there?---Which covers nought to 150,000 is my understanding.

30 Does it? Could you be shown, sir, Exhibit T39. And the document that's coming to you, sir, is the application by Plantac to be included on that list of selected tenderers and let's go to the second page because this is Plantac's document, this is its application?---Mr Naylor, just so you know I've never seen these documents before.

That's okay?---Yeah.

I just want to show you the document?---So which one am I going to?

You're going to the second page?---Yeah.

40 You see towards the bottom or right at the bottom is Mr Inskip's name in handwriting and what appears to be a signature and a date 18 May, 2011? ---Yeah, I do, yes.

Got that. And above that there are a couple of tick boxes?---Correct.

One's, one says up to 50,000 and there's no tick in that box but then there's another one 50,000 to 150,000 and that box has been ticked?---Correct.

And if you go to the previous page which is an MSB document?---Yeah.

And similarly towards the bottom of that page there's two checked boxes in red type and the one for 50,000 to 150,000 has been checked, the one up to 50,000 has not been checked?---Correct.

And the way I read those documents together with the list of selected tenderers is that Plantac in fact wasn't approved to be a selected tenderer for jobs up to a value of \$50,000?---Well, based on this and I've never seen this, I would agree with you based on those documents but based on the other  
10 list, the minute paper to me I read that they can do nought to 50. That's - - -

But there's a blank next to the 150,000 on the Plantac line?---Up the top it says contacts to the value of 150,000 to the value of.

All right?---So I take that as nought to 150,000.

You just ignored the blank that was next to the list, did you?---That's not true. If I've ignored it everyone in the Board's ignored it as well.

20 Yeah. Did you ever make the enquiry, look we've got this list of selected tenderers and some of them have 150,000 next to them and some of them have 50,000 next to them and some of them have blanks. Did you ever ask the question as to why some had blanks next to them?---No, my understanding was you could use them up to the highest value.

Where did you get that understanding from?---That's the practice of the Board and that's what I've done ever since I've been there.

30 Did someone tell you?---Um, I can't recall.

All right. Let's go to another quote by Plantac in this same bundle. Sir, I've just asked you some questions about 21 February, 2013. If you go to one at page 1666, so it's a few pages over and it's dated 29 March, 2013. See that?---I do.

And that's a different amount, \$48,900 and it's a bit more than a month later than the earlier quote. Is that for a different aspect of a job?---I think it probably is.

40 Yeah. So have a look at 1669 which I think might be a scope of works for the second phase of the job?---Of the one we're just we're just talking about, just then, yeah. It looks, it looks that way.

Right. Okay. And on the file, sir, there's a second quote from MAB Building Services Pty Limited?---MAB, yes.

That's at 1665?---Yeah, I've got that.

MAB Building Services doesn't appear to be on the list of selected tenderers?---I think Craig was trying to get work at that time.

THE COMMISSIONER: Who's Craig?---He's the manager of that company.

10 MR NAYLOR: So you thought it was okay to not adhere to any requirement to invite quotes only from selected tenderers and you'd just go to Craig and say, submit a quote if you like?---No. As I said before, I believed we could have a combination of the tenderers. That was my understanding that you only had to use, you could use one, two, three, any combination.

I see. You've only used value's two here, haven't you and one of them is, only one of them is on the list?---Based on that, yes.

And indeed the one that is on the list it would appear only to be approved for work from 50 to \$150,000?---I still disagree with that.

20 THE COMMISSIONER: And in circumstances where you were using a mix of building companies that were on the preferred tenderers list and others that you invited to tender for the jobs, such as MAB Building Services Pty Limited, will preference be given at the end of the tender process to the company that was actually on the preferred tender list?---My understanding is that the ones that were on the existing lists that had performed well throughout the past two years, um, the Board contacted them and offered them to resubmit. They did that by, my understanding is either, um, ringing them or writing them a letter and that was done out of head office. And then, um, the others, the new ones came from public  
30 advertisements in the local papers.

Well, thank you but that doesn't answer my question. Where you had a mix of companies tendering for a job that consisted of say one company that was on the preferred tender list such as Plantac and two others who weren't, at the end of the tender process when you opened the various envelopes was preference given to the company that was on the preferred list, the preferred tender list?---Um, the tenders were always accepted on price nearly on every occasion.

40 And so nearly on every occasion it would depend on who put in the cheapest quote?---Exactly.

Well, then, what was the point of having any kind of preferred tender list at all, why did you need one?---To jumble the work around and give everyone a fair go.

You could have done that without a preferred tender list. You could have simply got a list of all the companies that were working in the, in the

relevant geographic area and just done the same thing with, with them?---By having people on the preferred tender list you build up a rapport because a lot of our work has to be done out of hours and on weekends and there's a lot of little, tiny jobs they do so with them – having them on that list and being in that local area we can rely on them and we have that relationship that they will um, do stuff for us at the drop of a hat because we have a lot of impact and that and that's sort of basically what it's based around.

10 All right. So, so a company that's been on the preferred tender list that gets a lot of out of hours and short notice requests to do small jobs then puts in a tender for a significant job in the order of \$50,000 or more and gets absolutely no preferential treatment if the other two tenderers who don't come from the preferred tender list have come in at a lesser figure?  
---Correct.

I don't know why a firm would bother to belong to such a list. But anyway, go on, Mr Naylor.

20 MR NAYLOR: The quote from Plantac on 29 March, 2013 is for \$48,900 and that's the second of the two quotes and I've taken you to the scope of works, yes?---Um, yes.

Right. So go then to 14 – there's a document dated 14 April, 2013 at 1518 which is a Plantac invoice?---1518, Mr Naylor?

1518?---I've got the invoice.

30 So that's an invoice sent just a little over two weeks – just go back a step. It's for a contract value is it not specified on the invoice of 48,900 plus GST?---Correct.

That's the same contract value that was quoted in the 29 March, 2013 correspondence from Plantac?---It seems to be, yes.

All right. And so a little over two weeks later Plantac submits this invoice?  
---Yes.

40 And it's for a progress payment of \$30,000 plus GST which is \$33,000. See that?---I see that, yes.

And then go back the previous page, 1517, you appear to have certified that a little over two weeks after the quote was submitted \$33,000 worth of work was satisfactorily completed?---Correct.

Did you inspect the work before you authorised payment of the invoice?  
---Yes, because this was a very complicated job. I was there every day or two.

Go over to page 1495. Got that?---Yes.

Another invoice from Plantac, 28 May, 2013, so it's the following month, and it's a final claim in respect of the original contract price, is it not?---It appears to be, yes.

Together with a variation in the sum of \$11,677 including GST?---Yes.

10 And you've authorised payment the previous page, 1494?---Correct.

And if my maths is accurate, pardon me. So what's happened it would appear is the \$11,677 is the amount exclusive of GST and then the GST has been added on at the bottom tax total to take the total including GST up from (not transcribable) exclusive to 22,634.70 inclusive, see that?---Yeah, that seems correct, yeah.

Right. And according to my maths 11,677 is 24 per cent of the value of the contract price, in any event 11,677 exceeds \$10,000. In approving the  
20 payment of this invoice you breached your financial delegation did you not?  
---I guess there's um, two ways of looking at that, you can say yes but I guess if you separated all the, all the variations one by one no, I didn't.

I'm just talking, there's just one variation here, sir?---There's lots of different items.

Variation number 2, that's a single variation?---Yes, I agree.

Right. So you can't separate out a single variation can you?---It was a  
30 practice done in the Board.

Well, just looking at the - - -

THE COMMISSIONER: Well, was that, was that a method whereby people avoided having to abide by the Board's policy, namely that they broke up variations into small amounts?---That's correct.

And that was a deliberate tactic was it?---That was.

40 And was that something that you - - -?---That, that was something that I brought up and I said – and the other problem was that was that - - -

No, just before you go there I just want to make sure I understand your evidence. Are you suggesting that was a deliberate tactic engaged in by the building companies that were doing this work or are you suggesting that it was a deliberate tactic that you and other members of the Picton office employed to get around the procedures of the Board, which was it?---It was probably both.

Well, it would have to be wouldn't it, because the builders wouldn't know what the relevant limit was unless they were informed?---And I, I addressed this at a district meeting that I said my understanding, I said I find it strange that if, if we hypothetically have a job for 50,000 and you had a variation of two then are you allowed 15 per cent of 52 and then you put another variation in that's three, then are you allowed 15 per cent of 55, do you know what I mean? And they said that practice had been going on forever. And I said well, my understanding is it should be possibly just the approval  
10 of the original estimate and I think at the end of the day no one really could work it out and Peter Evans said well, that practice is to stop and what – he was the Board's um, engineer and he would prefer to see lump sum variations even if they were greater than the 15 per cent and they could be dealt with.

MR NAYLOR: I have to suggest to you, sir, that you circumvented the procedures or indeed deliberately failed to comply with them for the purpose of favouring Plantac?---That's not correct.

20 Go, go, sir, to page 1471 and this is – actually starts the previous page, 1470. See there's a Plantac invoice dated 3 September, 2013 for a variation number 4 in the sum of \$26,640 plus GST and behind that you'll see a description of what the variation is. See that?---Yes, I do.

And behind that, sir, is another invoice also dated 3 September, 2013 and it's for a smaller variation, variation number 1, 7,876 plus GST. See that?  
---I think I – oh, yeah, I've got it, yeah.

30 Got it?---Yeah, I've got it, yeah.

Go back to page 1468?---Yes.

You approved payment of those two invoices together?---Yes.

You breached your financial delegations in doing so didn't you?---No, because that was an agreed practice at the Board where the accounting department said if we had multiple invoices we could send them up on the one payment form.

40 Sir - - -

THE COMMISSIONER: Well, that's the first time you've offered that explanation when it's been - - -?---That's the first time I've seen it.

Well, just a minute. No, it's not. There's been previous questions put to you about breaching your financial delegations in relation to variations and this is the first time that you've told us that this was an agreed practice that



the Board implemented?---This hasn't got anything to do with variations. This has got to do with payments.

MR NAYLOR: My question is about variation. At this particular point in time your authority to approve a variation was the lesser of 15 per cent of the contract price or \$10,000. You well exceeded your variation delegation on this occasion did you not?---It looks that way, yes.

10 All right. And you did it to favour Plantac didn't you?---No, I didn't.

Can I ask you to put volume 4 to one side, sir, and go to volume 5 and you'll see behind the table of contents there's a file cover sheet for a property at 88 Rita Street, Thirlmere?---Correct.

So if you go to page 2082 to begin with?---I've got that page.

You've got that, that's the first page of a pre-mining inspection report for that property that you prepared?---It is.

20 And the page before that is the, is the application for compensation?  
---Correct.

Right. And then if you go to – pardon me. If you go to page 2063, that's a claim investigation report, see that?---I'm not there yet, sorry.

All right?---It is.

30 And if you go forward in the bundle just a little bit to page 2058 that's a scope of works?---Correct.

You prepared this scope of works?---I did.

And that's because it was your job wasn't it?---Correct.

Right. So if you go to page 2065, Mr Montgomery seems to have signed as the investigating officer?---Correct.

But he wasn't the investigating officer was he?---No, he wasn't.

40 You prevailed upon him to sign that document?---Yeah, I asked him to sign it because we wanted to expediate (as said) the, the work up because the people were going on holidays.

Oh, you asked him, you asked him to misrepresent the fact that he was the investigating officer in relation to this matter in an official MSB document?  
---Correct.

All right. And then - - -

THE COMMISSIONER: When you say, when you say, Mr Bullock, that you wanted to speed it up because the people were going on holidays, who was going on holidays?---The owners of the house.

10 Well, what did that have to do with anything?---Because they wanted the work done while they were away, there was a lot of, there was a large amount of internal – well, the whole house we had to internally paint and we had to remove all the pavers from the outside of the house and um, that  
10 restricted access to the dwelling and they said look, we're going away in our caravan um, I think it was for a period of about a month if my memory's correct and they said look, it'd be absolutely ideal that we could do the work and I, and they basically contacted me just before they were going away and I said look, we can probably try and do that um, and we'll see what we can do and that's why I did it. I mean, I've um, yeah, like not made a mistake, I've tried to help someone out and I knew Greg would never sign it off because things just disappear in his office like a vortex so - - -

20 MR NAYLOR: But it wasn't - - -

THE COMMISSIONER: Well, sorry, I'm sorry, Mr Naylor, I just want to pursue this. You see earlier in your evidence you indicated that it was possible to receive approval from Mr Greg Cole-Clark either by email or by electronic transfer of part of the file that he would then sign off and return to you and we've seen examples of Mr Cole-Clark signing off on matters with a four-day turnaround. Now if they were going away for a month I'm just wondering why it was that you formed a definite view that Mr Cole-Clark could not deal with this in the space of the following few days or a week or whatever it was?---Because that's extremely unlikely based on Greg's track  
30 record.

Well, how did you know that? How did you know that he wouldn't be able - - -?---From my 11 and a half years' experience working with Greg.

40 Let me finish. How did you know that he was not going to meet that deadline on this particular matter, which you could have advanced to him under cover of an email pointing out that this was something that the owners would like done relatively quickly, how did you know that that couldn't be achieved?---Because that's what Greg's like.

Really? What, on every single matter that you've sought some approval from him, that's been the result?---On, on the majority of matters.

So you made the assumption that this would fall into that category?---I did.

THE COMMISSIONER: Right. Yes, Mr Naylor.

MR NAYLOR: So on the 27 May, sir, you prepared a scope of works you had earlier imposed upon Mr Montgomery to sign the document as the investigating officer when he wasn't. And then if you go to page 2057, Plantac submits a quote, 47,925 plus GST?---Correct.

I won't take you back to the documents but Plantac wasn't authorised at that time to submit quotes in respect of work up to \$50,000 they were only authorised to submit quotes for work from 50,000 to 150,000?---I don't believe that's correct.

10

All right. And going to the earlier page 2056, A&DJ Building Services also submit a quote dated 30 May, 2013, 45,590 plus GST?---Correct.

Previous page 2055 MAB Building Services submit a quote dated 29 May, 2013 for just over 50,000?---Correct.

See that?---Yeah, sorry. I've got the hiccup, a bit of a hiccup.

20

And then there's correspondence to the tenderers to inform them of the outcome of the tender selection process?---Correct.

That correspondence is sent on the 11 June, 2013 pages 2052, 2054?---Yeah.

So we should expect to see, should we, in the tender registration book a note of the tender process being recorded?---You should.

Got volume 3 there?---I have.

30

Go to page 1067. So we're talking about a time frame between 29 May, 2013 and 11 June, 2013, 1067 records tender details in respect of a property at 35A Abelia Street, Tahmoor where the closing date is 10 May, 2013?---Correct.

40

And if you go over the page 1068, closing dates for those two properties mentioned there 30 May, 2013, 21 June, 2013, neither of them is this particular property 88 Rita Street, Thirlmere. Go over the page it seems we might have past the relevant date, page 1069 closing dates for tenders 26 June, 2013, 8 July, 2013, neither of those properties are this property. This hasn't been recorded in the tender registration book, has it?---Doesn't seem to be.

And you take responsibility for that, do you?---I take responsibility as the, as the manager, but I don't oversee the book on a daily basis.

Sir, you were the manager for the Picton Office?---As I said, I can't be everywhere at once.

Sir, you were responsible as the district manager to implement policies and procedures, were you not?---Correct.

That's what it says in your position description?---Correct.

And you failed to implement the policy and procedure which required the tender book to be filled in and I can take you to the policy if you need it?---I don't need to go there.

10 Right. And did you fail to comply with the policies and procedures in relation to filling in the tender book because you were intending to favour Plantac?---No.

Right. Plantac won the tender, didn't they?---I don't know, I can't remember now, to tell you the truth.

Just go to page 2052?---Yes, they did.

Yeah.

20

THE COMMISSIONER: Is this just another unfortunate omission on the part of the office staff that also happened to result in the successful tender to Plantac Pty Limited?---I'd say so, Commissioner. I'm sure if you went through the book there'd be others in there for other tenderers as well that had been missed as well. I know sometimes the girls did write them in after the event. Because you know, it was picked up and we said, "Hang on, it's not in the book," and they went, "Ah, crap, we forgot to put it in," or things like that. So it has happened. No one's perfect.

30 So if we looked through the tender book would we find examples of tenders that were entered into the book out of date sequence would we?---You might, yeah. I believe so.

MR NAYLOR: Commissioner, I just note the time. I've got another seven properties to deal with but there is also the question – I confess I haven't had an opportunity to raise it with my friend Mr Eurell – but there's the question of the redactions in respect of the transcript from last week.

THE COMMISSIONER: All right. Well - - -

40

MR NAYLOR: I don't know what Mr Eurell's position is.

THE COMMISSIONER: All right. Before we go any further there's just one further question, Mr Bullock. Did you provide monthly written reports to Mr Cole-Clark which set out the operations over the course of that month in the Picton office and advise him of any critical issues or recommendations concerning changes to Board policy?---Yes, there is a – what we call our monthly report, yes.

So we would find would we in the Board's records a monthly report that you submitted to the CEO on those very matters?---I, I imagine there would be something in there, yes, Commissioner.

And do I take it that we would also find within those monthly reports some reference to the Board's policies and procedures being unsuitable or inapplicable to the Picton region?---I think you would, Commissioner, yes.

10 Well, we might have to leave it there for today, Mr Bullock, and you can stand down. We'll resume tomorrow at 10 o'clock?---Thank you.

**THE WITNESS STOOD DOWN**

**[3.56pm]**

THE COMMISSIONER: Mr Eurell, what do you want to do about your application?

20 MR EURELL: I'm (not transcribable) Counsel Assisting. I'm in the process of putting it in writing to the solicitor as the Commission requested yesterday.

THE COMMISSIONER: Well, Mr Eurell, I've got to say it's most unsatisfactory. Yesterday afternoon I indicated to you that all you had to do was send an email to the, to the Commission's solicitor Mr Roy Waldon telling us what provision – what part of the Taxation Regulations and/or Act that you relied upon to found your application. It wouldn't have taken more than ten minutes to do that. Do we really have to wait for written  
30 submissions?

MR EURELL: I wasn't planning – proposing to do a lengthy written submission but I do propose to put the provisions, and I can point to them – I can point Counsel Assisting to them in a conversation if need be but otherwise I'll just send an email to the solicitor for the Commission and - - -

THE COMMISSIONER: Well, I asked you to do that yesterday. Can I just say this, Mr Eurell.

40 MR EURELL: Commissioner.

THE COMMISSIONER: This is a, this is an unsatisfactory position to put the Commission in when our, our default position is that everything is public unless there is a very good reason which justifies suppression and we have to find the power for that suppression in the provisions under our Act and I can't see it at the moment so - - -

MR EURELL: I'm quite happy to put it in writing which is what I've indicated I propose to do.

THE COMMISSIONER: Well, can I just say, if this issue hasn't been addressed by 10.00am tomorrow morning I'm not prolonging the suppression order any further and you will have to persuade us of that before 10.00am and before we resume with Mr Bullock's evidence.

10 MR EURELL: Commissioner, I indicated I would send it this afternoon. I wasn't in a position to do it yesterday and I will do it this afternoon.

THE COMMISSIONER: All right. Well, I've just said, by 10 o'clock tomorrow morning we have to know where we stand.

MR EURELL: Yes.

THE COMMISSIONER: Yes, Ms Hogan-Doran.

20 MS HOGAN-DORAN: Commissioner, I – can I formally indicate that the Board does not seek any redactions in respect of Exhibit T37 and T38.

THE COMMISSIONER: Thank you.

MS HOGAN-DORAN: Particularly minutes of the Board.

THE COMMISSIONER: Thank you. All right. Well, I'll resume – we'll resume tomorrow at, at 10.00am. Thank you.

30

**AT 3.58PM THE MATTER WAS ADJOURNED ACCORDINGLY  
[3.58PM]**