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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 THURSDAY 9 APRIL, 2015

AT 2.18PM

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

THE COMMISSIONER: Yes. Now, before we resume, in the course of the evidence before lunch Mr Bullock referred to a person who is not a witness in this inquiry who I understand is a member of the public.

MR NAYLOR: Yes, Commissioner.

THE COMMISSIONER: And in the circumstances of the allegation that's been made the name of that person should be suppressed from publication.

10 MR NAYLOR: Yes. Thank you.

THE COMMISSIONER: What was the name, Mr Naylor, I'm sorry?

MR NAYLOR: The name is

THE COMMISSIONER: That name will be suppressed from publication.

20 **WILL BE SUPPRESSED FROM PUBLICATION**

MR NAYLOR: Thank you, Commissioner.

THE COMMISSIONER: Now, yes, Mr Eurell, I have received the written submissions this morning shortly, shortly before 10.45. I've read them and considered them. I don't propose to engage in any further lengthy oral submissions. Is there anything in brief that you want to say in furtherance of those submissions?

30 MR EURELL: Well, the submissions are an outline of submissions, Commissioner. The point succinctly is of course that the nature of the evidence which fell from Mr Kendall is such that so far as it is in the hands of the Australian Taxation Office it is subject to a duty of confidentiality.

THE COMMISSIONER: Well, it's not, Mr Eurell. I've looked at the provisions to which you have referred, particularly the division which houses section 355 and following, and the offences that are thereby created and the confidentiality that is thereby created is a confidentiality in taxation  
40 officials and persons who may be employed in that capacity which makes perfect sense because it prohibits the disclosure of tax payer information by anyone who is a taxation officer relevantly. It does not apply as far as I can tell to voluntary disclosures by a tax payer.

MR EURELL: I certainly agree with that. The issue – the point that I'm driving at in the submission is this, Commissioner. Mr Kendall has disclosed that information in this Commission not voluntarily but rather pursuant to a compulsory or coercive power that the Commission possesses.

THE COMMISSIONER: Well, he's protected in that regard by the section 38 order that I made. His answers can't be used against him in civil or criminal proceedings.

MR EURELL: He certainly has the protection of the privilege against self-incrimination.

THE COMMISSIONER: Yes.

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MR EURELL: But the public interest that this application is directed to is the nature of those communications being confidential and that his tax affairs be confidential. That would be the position subject – sorry, but for the fact that he has been examined in this jurisdiction compulsorily, that is, that the information has been disclosed not voluntarily but pursuant to the coercive powers that the Commission possesses. The - - -

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THE COMMISSIONER: Well, unfortunately when I, when I revisited this aspect of the evidence of Mr Kendall the first disclosure from Mr Kendall was voluntary and it was unresponsive to the question asked by Counsel Assisting and in that regard, I'll just find the first reference to it which is - - -

MR EURELL: That's not necessary, Commissioner, I agree with that characterisation except for this point, Commissioner, Mr Kendall, albeit it appeared to have fallen in an almost non-responsive way, although I think non-responsive puts it too highly because he was clearly being asked about the cash payments he received - - -

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THE COMMISSIONER: Yes.

MR EURELL: - - - was nonetheless being given on objection.

THE COMMISSIONER: No, it wasn't, you didn't object. I know that it was given pursuant to his duty to truthfully answer questions under compulsion but there was no objection to the question.

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MR EURELL: There was no objection to the question and that is in part – well, the answer to that comes in two parts, if I can just go back a second the point I'm making about him giving it on objection was the objection that he made at the outset of his evidence.

THE COMMISSIONER: Yes, I understand that but, Mr Eurell, if what you're saying is correct it would follow that each and every witness who came before the Commission who took the protection of a section 38 order would nonetheless be entitled to an non-publication order in respect of any aspect of their evidence that made any kind of admission against interest.

MR EURELL: I don't go that far, I say that the public interest that is served by the non-publication order in this particular case - - -

THE COMMISSIONER: Is what?

10 MR EURELL: - - - is the public interest or public policy represented in division 355, that is a policy that matters pertaining to an individual's private tax affairs should be confidential. That would be the situation but for the fact that Mr Kendall had to give evidence in this Commission over objection subject to the Commission's coercive powers. The point that I'm driving at is that but for the fact that Mr Kendall was compelled to comply with the summons and compelled to answer questions over objection, the position would be that the communications that he has made with the Australian Tax Office would be subject to those confidentiality privacy and secrecy provisions contained in the division 355 of the Tax Administration Act as inserted into that Act by the Tax Laws Amendment (Confidentiality of Taxpayer Information) Act. Insofar as the Commission is concerned with a non-publication order the critical point is the question of public interest.

20 As the Commission is aware and my submission is that where the public body that has the remit to manage tax affairs of an individual is subject to duty of confidentiality and secrecy that public interest should be acknowledged and given its due by this Commission, except insofar as the matters which might fall from a witness pertained to either (a) corrupt conduct as defined in the act, and (b) the scope and purpose of a public enquiry. As to those two matters, on my read of the act and in particular the majority decision in Cunneen, the evidence as it fell from Mr Kendall could not be considered corrupt conduct.

30 THE COMMISSIONER: Cunneen has nothing to with this. That was an argument about jurisdiction and specifically the reach of the Commission's jurisdiction in section 8, subsection 2, we are in different territory. We are in section 8, subsection 1, and it would seem to me that at least subparagraph (b) and (d) of subsection 1 of section 8, grounds our jurisdiction. I just don't understand how that can have any play in respect of an argument as to non-publication?

40 MR EURELL: There are two questions that the Commission posits there. The first is the extent to which the evidence which fell from Mr Kendall could come within section 1 of course couldn't in my respect force submission because his failure to meet his obligations, if that be the case with the Australian Tax Office - - -

THE COMMISSIONER: Well, you're kind of missing the point, Mr Eurell. You see the, the relevance of his failure to declare the income is directly linked to the receipt of an allegedly corrupt payment, which is the very subject of the scope and enquiry, scope and purpose of this enquiry.

MR EURELL: I certainly agree with that to the extent that there is evidence of receipt of cash payments that is I acknowledge relevant to the Commission's function insofar as the powers afforded in section 8(1) are concerned. What we're dealing with here though is what Mr Kendall did with the cash payments once they were in his hands. And it's that further step which takes it, in my respectful submission, outside of the scope of Section 8(1) and also 8(2), and that is where my submission the Cunneen decision becomes relevant to the question of whether or not those questions and answers given by Mr Kendall are such that they need to be published by the Commission.

THE COMMISSIONER: Well, I understand the point.

MR EURELL: The second point, Commissioner was the one going to scope and purpose and that point can be made simply in this way and I won't restate it, but I have set out the scope and purpose, or the relevance of the scope and purpose insofar as it applies to Mr Kendall, in the written submissions at A and B three quarters of the way down the page.

THE COMMISSIONER: Yes.

MR EURELL: That being the scope and purpose insofar as Mr Kendall is concerned in my submission, there is no public interest in the additional information, information which is protected by a duty of confidentiality in the hands of the Australian Tax Office, being made publicly available through the publication of transcripts on the ICAC website. And that the public interest that looms large here is that which is set out in the, or which informs the provisions of the Tax Act as it's been described in the submissions.

THE COMMISSIONER: All right, thank you.

MR EURELL: That's the position as I can put it for Mr Kendall. I haven't, I should indicate, had the benefit of hearing any submissions that council assisting has made - - -

THE COMMISSIONER: I don't need to hear from council assisting.

MR EURELL: Thank you.

THE COMMISSIONER: This is an application on behalf of William Kendall opposing the variation of a non-publication order pursuant to section 112 of the act with respect to evidence acknowledging non-declaration of income in the financial year ending June, 2011. That evidence was volunteered by Mr Kendall on 2 April. The questions of council assisting which elicited that evidence were not objected to. Council for Mr Kendall then made an application for a suppression order shortly after the evidence was given. A temporary order was made to preserve Mr

- Kendall's position at the end of his evidence in anticipation of submissions from his council in support of a payment in order. These submissions have now been received. The basis of the application may be encapsulated as follows, that the scope and purpose of this enquiry does not concern the private tax affairs of a witness and that the public interest in the confidentiality of private taxation matters evinced by provisions in the Taxation Administration Act 1953, justify the suppression of such information from publication. I note in passing that Section 355 and following of the Taxation Administration Act 1953, create a duty of
- 10 confidentiality in taxation officers not in, not in tax payers. The resolution of this issue is not one of jurisdiction, the jurisdiction of this enquiry resides in Section 8, Subsection 1. It is a relatively simple matter of construction of the terms of Section 112, bearing in mind that the decision to conduct this public enquiry has already determined that it is in the public interest to do so. And bearing in mind that the Commission is not bound by the rules of practice or of evidence and that it is mandated to conduct its affairs, sorry, to conduct its functions with as little formality and technicality as possible, see Section 17 of the act.
- 20 Section 112 mandates the Commission not to make a direction for non-publication unless satisfied that it is necessary or desirable in the public interest. Thus the provision reflects the predominance of an open public inquiry. There is no relevant recognisable public interest in the maintenance of confidentiality of Mr Kendall's evidence in circumstances where the taxation legislative regime, even were it to be relevant to disclosures by a tax payer, admits of an exception to confidentiality provisions with regard to evidence in the Commission's hearings and where Mr Kendall's evidence in this respect constitutes an admission against interest which renders his
- 30 evidence on the issue of corrupt dealings with a public official more credible than that of the public official, namely, Mr Darren Bullock, who denies those transactions. For that reason alone Mr Kendall's evidence in this respect is highly relevant to the scope and purpose of the inquiry. Accordingly, the application is refused and the temporary order is vacated.

Thank you. Yes, Mr Naylor.

<DARREN WILLIAM BULLOCK, on former affirmation [2.32pm]

MR NAYLOR: Mr Bullock, I want to move on now from the category of payments that have been described in the accounts as – where the payee is Mine Subsidence Board. I want to move onto the category of payees being Sydney Labour Contracting. As I indicated to you before, the approach I am taking is a similar approach to that which I took with Mrs Inskip. So can I ask you, sir, to turn to tab 40 which you will find in volume 3?---I'm at that tab.

You have that, sir?---Yeah.

And what you'll see behind that tab first of all is a cheque butt dated 3 August, 2011. It seems the payee is Syd Lab Cont, C-o-n-t, and there's the initials MSB. Then there's an amount of \$3,890. Go over the page please. The same date, 3 August, 2011, withdrawal from the Plantac cheque account, the same amount, 3890. Over the page please. Cheque to cash, the same date, same amount on the Plantac cheque account so \$3,890 in cash has been withdrawn from the bank account. Go over two pages please. Extract from the BAS worksheet for Plantac. Highlighted entry 3 August, 2011. Payee described as Sydney Labour Contracting. The same cheque number, the same amount 3890. Over the page please. This is an extract from the joint account that you hold with your wife. Underlined entry for 4 August, 2011 being the day after. An amount of \$1,000 is deposited into that account. The following page is the deposit slip and you'll see the following page again confirms the deposit of \$1,000. Go to the spreadsheet please, sir, of the other volume, go to tab number – well, brief ref number 40 which is on - - -?---I've got it.

Three pages in, this summarises the transaction, \$3,890 in cash out of the Plantac bank account, 30 \$100 notes, 17 \$50 notes and two \$20 notes and the day after \$1,000 gets deposited into your joint account in the sum of 10 \$100 notes, that is a portion of the 30 \$100 notes so the proposition I'm putting to you is that 10 of those 30 \$100 notes were deposited into your account and that you obtained that money in cash from Mr Inskip, that's the first proposition, sir?---No.

And the alternative proposition, sir, is that the \$3,890 that you received from Mr Inskip you put into your cash reserve at home and the amount of \$1,000 which has been deposited into that joint account is an amount of cash of \$1,000 that you took from cash reserve?---No.

All right. Can we move on please to transactions where the payee was described in the Plantac accounts as Vari Plan. I draw your attention to tab 43. You see the first document behind that tab is another cheque butt, 21 November, 2011, there's a description there of MSB 18 Park Street, then there's an amount 4,785.50 and you can see the cheque number to which

that butt relates, 4-0-3-9-7-5. Over the page please, this is an extract from the bank statements for Plantac of course, highlighted entry 21 November, branch staff assisted withdrawal in the sum of \$4,785.50. Over the page, copy of a cheque written to cash on the same date, in the same amount, for the same cheque number as which appears on the previous cheque butt. Over two pages please, sir, you'll see an entry in the Plantac accounts 21 November, 2011, the same date, the payee is described as Vari Plan Homes, the same amount, 4,785.50. Over the page please and what you'll see here, sir, is a payment of cash of \$1,300 into your MasterCard account, see that, for the - - -?---I do.

- - - date of 22, 22 November, 2011, so this is the day after. And go to the spreadsheet please, sir, and go to reference 43. This summarises the transaction, see the withdrawal out of the Plantac bank accounts and what's been withdrawn is an amount in cash, 47 \$100 notes, four \$20 notes, one \$5 note and 50 cents and then what goes into, what goes into that account, that MasterCard account is an amount in cash of \$1,300 and I want to suggest to you, sir, that that \$1,300 was made up of some of that cash that was received from Mr Inskip in cash on or about 21 November, 2011 and deposited the next day into your MasterCard account?---No.

Right. Alternatively, sir, the amount that was deposited into your Westpac MasterCard account was obtained from the cash reserve and the amount that was paid out of the Plantac bank account was put into your cash reserve?---No.

All right. Can we move on to payments described by reference to the payee of New Colour Painting & Decorating, go to tab 17 in the first folder please. Got that?---I've got that page, yeah.

All right. First page, Plantac cheque account bank statement, highlighted transaction 23 September, 2009, withdrawal on that account \$4,200, you can see the cheque number, over the page copy of the cheque written to cash, the same amount, the same date, the same cheque number, so cheque – so cash has been withdrawn from the Plantac cheque account. Go over three pages, please, to an extract from the Plantac BAS spreadsheets. There's highlighted transaction for 23 September, 2009, the payee is New Colour Painting, description of MSB job and if you go back it's the same cheque number that is referred to in the column two columns over, in the same amount, \$4,200. Go over the page, see the day after there are, there is one deposit into your MasterCard account of \$1,300 and then four days later there's another deposit into your MasterCard account of \$300 and then go over the page. On 2 October, so several days later, 2 October there's a cash deposit, there's a cash deposit of \$500, see that?---I see that, yeah.

And over the page you can see there the deposit slip for that particular deposit?---Yes.



And go back to the spreadsheet. So you can see at tab, beside the reference 17, the second page of the spreadsheet, the \$4,200 comes out of the bank account of Plantac and it comes out in cash 40 \$100 notes, four \$50 notes and there you can see across the page there's the deposit of \$1,300 into the Westpac MasterCard account, then \$300, then, then \$500 – you see that?  
---I see that.

10 And the \$500 is deposited in five, in denominations of five \$100 notes and I want to suggest to you, sir, that those self-same five \$100 notes were part of the 40 \$100 notes that you were given by Mr Inskip on or about 23 September, 2009. What do you say to that?---No.

Right. And the, the balance of the funds, the \$1,300 and the \$300 which was, which was deposited into your MasterCard account, that was part of the same money that was given to you by Mr Inskip?---No.

20 Right. And if the money that was deposited into any of those accounts was not exactly the same money that was given to you by Mr Inskip on that day it was money that had been taken out of your cash reserve previously to that the money that is reflected there as having come from Plantac, the \$4,200 had previously been put into your cash reserve at home, what do you say to that?---No.

All right. All right. Let's move onto the next category of payees as described in the Plantac bank accounts, Fowler Carpets. Go to tab 37 please, sir. See there's a cheque butt. Have you got that?---I've got that, yeah.

30 All right. And that's a cheque butt dated 18 March, 2011 made out to a payee described as Fowler Carpets (MSB – Tahmoor), the sum of \$9,990. See the cheque number 4-0-3-8-3-4. Over the page please. There's a withdrawal from the Plantac cheque account on 18 March, the same cheque number, same amount. Over the page is a copy of a cheque written to cash, same date, same amount, same cheque number. Over the page. Extract from the BAS worksheets for Plantac. You'll need to go over three pages please. Transaction highlighted 18 March, 2011. Payee Fowler Carpets, descriptor MSB, same cheque number, same amount. Over the page please. 22 March, 2011 so three days later a cash deposit goes into the savings account for your wife of \$1,000. See that?---I see that.

40 And then there's a deposit slip for that and then there's another document verifying the deposit. Go back to the spreadsheet please. You see number 37 on the spreadsheet is a summary of the transaction. \$9,890 comes out of the Plantac account in 98 – I'm reading this correctly- 98 \$100 notes, one \$50 note and two \$20 notes and what gets deposited into your wife's account is \$1,000 in 10 \$100 notes and I want to suggest to you that those 10 \$100 notes were part of the money that was given to you by Mr Inskip in cash on or about 18 March, 2011?---No.

All right. And if it wasn't exactly the same notes that was given – that were given to you by Mr Inskip then, what happened was that the \$9,890 was given to you by Mr Inskip in cash, you put it into the cash reserve at home and then the \$1,000 that was deposited into Mrs Bullock's account was some of the other cash taken out of the cash reserve and put into that account?---No.

10 All right. Let's move onto the next category of payee being A.C. Brush Brothers. Go to tab 13 please, sir. There's a bank statement there. Have you seen, see that?---Yeah. My folder just keeps unclipping all the time. Sorry. It just keeps wanting to drop pages out. Sorry.

I apologise for that. So the first page behind tab 13 is – highlights a transaction for 12 March, 2009. A withdrawal from the Plantac cheque account on a cheque 4-0-3-3-1-0 in an amount of \$5,500. Over the page. Cheque made out to cash on the Plantac cheque account, same date, same amount, same cheque number. Over the page. Another two pages, extract from the Plantac accounts. Highlighted transaction towards the bottom of  
20 the page, 12 March, 2009. Payee described as A.C. Brush Brothers, descriptor is painting, same cheque number two columns across, same amount \$5,500 two columns across. The next page is a copy of one of the bank statements on your St George Freedom account for the period ending 20 March, 2009. There's a highlighted transaction at the bottom of the page, 13 March, 2009. Cash deposit of \$5,000. See that?---I do.

And over the page is a copy of the deposit slip and the receipts which were provided in respect of that deposit. Back to the spreadsheet please. Item  
30 number 13. The second page. You see there summary, summary of the transaction. Coming out of the Plantac account is \$5,500 on 12 March, 2009 being 110 \$50 notes and what goes into your account the following day is \$5,000 in 100 \$50 notes, that is to say the amount that goes into your account is, corresponds with the exception of 10 \$50 notes and I want to suggest to you that the amount that was deposited into your account is the same amount that was withdrawn from the Plantac account and that money was given to you in cash by Mr Inskip, that's right, isn't it?---No.

40 Right. And the alternative proposition, sir, is that if the \$5,500 which you were given in cash by Mr Inskip wasn't the self-same money that was deposited into your account it was put into your cash reserve at home and then you took out another \$5,000 and put that into the account, that's right isn't it?---No.

Right. Let's go on, sir, to tab 15, we're still dealing with Brush Brothers transactions. So you see there's a bank statement, Plantac cheque account withdrawal 9 June, 2009, cheque 4-0-3-3-8-0, \$9,450 and over the page is a copy of the cheque to cash, the same date, the same amount, the same cheque number. And I want to suggest to you, sir, that that amount of

money, even though there is no record of it having gone into your accounts was in fact deposited into your accounts?---No.

Right. And if it wasn't deposited into your accounts you received that cash from Mr Inskip on or about 9 June, 2009 and you put it into your cash reserve at home?---No.

10 All right. Go to the next tab please, sir, tab 16. The Plantac cheque account bank statement shows that there was a withdrawal on 11 June, 2009, cheque number 4-0-3-3-8-3, \$7,500, over the page, cheque to cash \$7,500, the same date, the same cheque number. Go over two pages, extract from the Plantac accounts, there's, there's a – the second highlighted transaction right at the bottom of the page, the side of the page might be slightly cut off on yours but it's a transaction for 11 June, 2009. Payee is Brush Brothers and then the amount paid, according to the spreadsheet, is \$7,500. Over the page please, sir. On 11 June there's a cash deposit into your St George account of \$5,000. You see that?---I do.

20 And then over the page is the deposit slip and then on 11 June, 2009, so the same day, \$2,000 is put onto the MasterCard, do you see that?---I see it.

And also over the page 17 June, so this is six days later, there's a cash deposit into your wife's account of \$2,000, you see that?---I see that.

30 And then there's a deposit slip, and go back to the spreadsheet please. For item number 16, you see what gets taken out of, of the Plantac account, the \$7,500 is 75 \$100 notes and what gets deposited, what gets deposited into the St George account, the \$5,000 is 20 \$100 notes and also 6 \$50 notes. And so I want to suggest to you, sir, that those 20 \$100 notes or some of the notes that you were given by Mr Inskip in cash on 11 June, 2009?---No.

Right. The alternative proposition that I put to you, sir, is that the 21 \$100 notes, together with the 60 \$50 notes were deposited into your account from the cash reserve you kept at home. And that the 75 \$100 notes you received from Mr Inskip prior to and put them into your cash reserve at home?---No.

40 Right. And the other amounts that were deposited into your account, \$2,000 and, sorry, into the MasterCard account and into your wife's account, those two amounts of \$2,000 were either, taken from the 75 \$100 notes or taken from the cash reserve at home after the 75 \$100 notes were put into the cash reserve?---No.

Right. Go to tab 19, please, sir. Go that?---I have.

That's a cheque butt, dated 28 January, 2010, the payee is described as B Bros, an amount of \$5,000 cheque number 4-0-3-5-6-3 over the page, same date, withdrawn on the Plantac cheque account of \$5,000, same cheque

number. And the next page, sir, is a page that describes the withdrawal of an amount in cash \$5,000 from the Caringbah branch, being the branch at which the Westpac cheque account was held by Plantac, see that?---Yeah.

Over the page, extract from the Plantac accounts shows that on the same date, 28 January, 2010, an amount was paid purportedly to Brush Brothers Painting, same cheque number, \$5,000. Over the page, the day after \$3,000 gets deposited into your wife's account, see that?---I do.

10 And over the page is the deposit slip and also another document verifying the deposit of cash. And then same, I apologise, four days later 29 January, a payment of cash of \$500 is made into your MasterCard account, see that? -  
--I do.

All right. Go back to the spreadsheet. You see, see the \$5,000 is taken, is withdrawn at the counter from the Plantac account. There's not information available, sir, with respect to the denominations of the account, of the amounts that were withdrawn. But what goes into your account, sorry, your wife's account, is 60 \$50 notes, see that?---I do.

20

All right. And I want to suggest to you that those 60 \$50 notes were received from Mr Inskip in cash, on or about 28 January, 2010?---No.

All right. Alternatively, what was deposited into your wife's cheque account, the 60 \$50 notes came from the cash reserve kept at home and the \$5,000 in cash that has come out of the Plantac account was given to you by Mr Inskip and you've put that into your cash reserve at home?---No.

30 All right. And similarly with the \$500 that went into the MasterCard account a few days later, again that's part of the money you received from Mr Inskip in cash on or about 28 January, 2010. Yes?---No.

Alternatively, it's, it was taken from the cash reserve and the, the, the \$5,000 that you see coming out of the Plantac account was put into the cash reserve at home after you've been given it by Mr Inskip?---No.

40 All right. Go to the next tab please, sir, tab 20. See this is another cheque butt. This one is dated 6 April, 2010. The description is only Tahmoor and the amount is \$6,050. You can see the cheque number 4-0-3-6-2-8. Over the page. This is the Plantac bank statement which shows a withdrawal on 6 April, same date, 2010, same cheque number, same amount. Over the page. Copy of a cheque written to cash on the same date \$6,050, same - corresponding cheque numbers. Over the page. Extract from the Plantac accounts for the same date, 6 April, 2010. Payee is described as Brush Brothers, corresponding cheque number, corresponding amount \$6,050. Over the page please. Highlighted transaction 7 April, 2010. Cash deposit into your wife's account of \$1,500 and over the page is a copy of the bank slip together with a document verifying the deposit of cash. And go back

please to the spreadsheet. So on 6 – for tab 20 – 6 April, 2010 what comes out of Plantac’s account in cash is 40 \$100 notes, 40 \$50 notes and one \$50 note and what gets deposited into your wife’s account is 15 \$100 notes and I want to suggest to you that those 15 \$100 notes are part of the money that you received from Mr Inskip in cash on or about 6 April, 2010?---No.

10 And if it’s not exactly the same notes that were deposited into your wife’s account what happened was the \$6,050 went into your cash reserve at home and you took out of your cash reserve 15 \$100 notes and put them into your wife’s account or your wife put it into her account?---No.

All right. Go to tab – next tab please, 21. It’s another cheque butt, sir. This one is dated 21 April, 2010. The sum of \$8,000. Description is simply cash and it’s written on a cheque butt so over the page please. 21 April, 2010 there’s a withdrawal from the Plantac cheque account in the sum of \$8,000 and the cheque number to which that withdrawal relates corresponds to the cheque butt that you’ve just seen. Over the page please. Cheque written to cash, same date, same amount, same cheque number. Over the page please. 21 April, 2010. This is an extract from the Plantac accounts. Payee is  
20 Brush Brothers, corresponding cheque number, corresponding amount of \$8,000. Over the page please. Deposit into your MasterCard account 21 – 22 April, 2010, so this is the day after, of \$1,000. Back to the spreadsheet please, sir. Tab 21. See what comes out of the Plantac cheque account on 21 April, 2010 is 160 \$50 notes. Now we don’t know, sir, what gets deposited in terms of denominations into the MasterCard account, we know that \$1,000, pardon me, we know that \$1,000 gets deposited into that  
30 account the next day and what I want to suggest to you, sir, is that the cash that was deposited into that MasterCard account the next day, that was given to you by Mr Inskip the previous day and what was deposited was part of the \$8,000 that you were given by Mr Inskip?---No.

And if what was deposited wasn’t the exact same money that was given to you by Mr Inskip, what was deposited was the \$1,000 that you took out of your cash reserve and the \$8,000 you had received on or about 21 April, 2010 was put into your cash reserve at home?---No.

Go to the next tab please, sir, tab 22. So - - -?---Sorry, Mr Naylor, I’ve just to rebuild the folder again a bit.

40 Okay?---Okay.

Are you right?---I’m right now, yeah.

So behind tab 22 Plantac bank statement on their cheque account, the transaction which is highlighted is for 10 May, withdrawal of \$6,350 and there’s a cheque number of 4-0-3-6-6-1. Over the page, copy of a cheque 4-0-3-6-6-1 on the Plantac cheque account, the same date, 10 May, 2010, the same amount, and actually you can see down the bottom of the page too the

note about the denominations in which the cash was withdrawn, I'll come to that. Two pages over, it's recorded in the Plantac accounts on 10 May, 2010 and there's a payment to Brush Brothers of that amount, \$6,350 and you see the cheque numbers correspond. Then over the page, over the page the following day, 11 May, 2010, there's a deposit, a cash deposit into Mrs Bullock's account of \$2,000, see that?---I see that.

10 And there's also a deposit slip and there's also a document verifying the deposit of cash and then five days later, if I'm not mistaken, 17 May, 2010, there's another deposit but this time into your MasterCard statement of \$320, see that?---I see that, yeah.

All right. Go back to the spreadsheet please. So for transaction number 22 you see it's in two parts, there's an amount of \$6,350 which is withdrawn from the Plantac account in cash comprising 50 \$100 notes and 27 \$50 notes and what gets deposited into Mrs Bullock's savings account in cash is 20 \$100 notes, you see that?---I do.

20 Right. And I want to suggest to you those 20 \$100 notes are part of the 50 \$100 notes that you were given by Mr Inskip on or about 10 May, 2010? ---No.

Right. And alternatively, sir, the 20 \$100 notes that were deposited into Mrs Bullock's account came from the cash reserve and the \$6,350 in the denominations specified there were put into your cash reserve at home? ---No.

30 Right. And the \$320 that went into the Westpac MasterCard account some days later, six days later in fact, well, that was either some of the same cash that was given to you by Mr Inskip on or about 10 May, 2010 or it was taken out of the cash reserve after you put the 6,350 from Mr Inskip into the cash reserve?---No.

Right. Go to, please, the next tab, please, tab 23. We got that?---I have, sir.

40 So there's another cheque butt 4 June, 2010. Payee is described as Brush Brothers (Tahmoor) an amount of \$5,500. The cheque butt, the serial number for the cheque, 4-0-3-6-7-2, over the page, please, bank statement for the Plantac cheque account, same date, 4 June, there's a withdrawal from the account on that date of \$5,500, cheque numbers correspond. Over the page, please. Cheque to cash, same date, same amount, a bit hard to read I'm sorry?---Yeah.

Same cheque number, over the page, please. A couple of pages over, there's a highlighted transaction for 4 June, 2010 in the Plantac accounts. Payee described as Brush Brothers, corresponding cheque number several columns over, corresponding amount of \$5,500. Over the page, please. Three days later, 7 June, 2010, cash deposit into Mrs Bullock's account,

\$2,000. Over the page is the deposit slip. And then there's another document verifying the deposit of cash. And then, so that happens on the 7 June and then four days later on 11 June, there's a deposit of cash into your St George account of \$1,000, see that?---I do.

And then over the page, that's a receipt for the deposit of - - -?---Yeah.

10 - - - the cash into that account. Go back to the spreadsheet, please. Tab number 23, tab number 23, see the \$5,500 comes out of the Plantac accounting in cash in 55 \$100 notes. And what gets deposited into Mrs Bullock's account is 20 \$100 notes, a total of \$2,000 and what gets deposited into your account several days later is 10 \$100 notes, totalling \$1,000 and see both of those amounts were amounts that comprised some of the cash that was given to you by Mr Inskip that was part of the \$5,500 given to you on or about 4 June, 2010?---No.

20 Right. Alternatively, what happened was the \$5,500 was given to you in cash by Mr Inskip on or about 4 June, 2010. Put into your cash reserve at home and then you withdrew from the cash reserve those two amounts of \$2,000 and, or your wife, 2,000 and \$1,000 and they were deposited respectively into the savings account for your wife and your St George Freedom account. That's right, isn't it?---No.

Right?---Mr Naylor, can I just stand up for a second, my back's starting to go on me.

That's fine?---Just to, just to do a stretch, that's all.

30 Are you right to continue, sir?---Yeah, I am, yeah. It's just, ah, it sort of locks now and again.

Let's, let's go to the next tab, tab 24, please. So there's another cheque butt which is this beginning document behind this tab, cheque butt dated 24 June, 2010. Payee described as Brush Brothers. A bit hard to read it there? ---Mmm.

40 It says something slash V Tahmoor TC, and then an amount of \$6,500. You can see the cheque number. Over the page, same date, same cheque number, same amount is reflected in the Plantac cheque statement, bank statement. Over the page, please, copy of the cheque which was written to cash for that date in that amount on that cheque. And down the bottom of the page is the handwriting of the bank staff, noting the cash that is withdrawn and the denominations. Over the page there's a deposit the following day of \$500 in cash into your MasterCard account and then some days later on the 7 July, over the page, please on the 7 July, more cash gets deposited into your wife's account, saving account, this time \$1,000. And over the page you'll see the deposit slip together with a document verifying the deposit of cash. Go back please to the spreadsheet. And the spreadsheet

shows, sir, that on 24 June, 2010, \$6,550 gets withdrawn in cash from the Plantac account constituted by 50 \$100 notes and 31 \$50 notes and we don't now, sir, the denominations in which money is deposited into the Westpac MasterCard account, we know that \$500 gets deposited, but we do know that what gets deposited into your wife's account is \$1,000 comprising 10 \$100 notes. See that?---I do.

And those 10 \$100 notes were part of the 50 \$100 notes that Mr Inskip had given you on 24 June, 2010. Is that right?---No.

10

Alternatively, the 10 \$100 notes, together with the \$500 that was deposited into your MasterCard account, well, that money was taken out of the cash reserve that you had at home and the \$6,550 was deposited into the cash reserve after it had been given to you by Mr Inskip?---No.

20

Right. Let's go to tab, next tab 25, please. This is another cheque butt apparently written to a payee of Brush Brothers. This one is dated 10 August, 2010. We can see the cheque number 4-0-3-7-1-1. Over the page that corresponds to the cheque number appearing on the Plantac bank statement for the same date, 10 August, 2001 (as said) and the amount corresponds to what's on the cheque butt, \$8,450. Over two pages, please, sir, you might need to look at the first page of the spreadsheet, down the bottom is the relevant date for the transaction that's been recorded in the spreadsheet being 10 August, 2010, and over the page there's several transactions obviously for that date and one of them is described as a payment to Brush Brothers. Corresponding cheque numbers you'll see and corresponding amount of \$8,450. And go back to the spreadsheet please, tab 25. It doesn't appear, sir, that there's been any deposit into your accounts, but what I want to suggest to you is that that money, \$8,450, was given to you by Mr Inskip and placed into your cash reserve at home. That's right, isn't it?---No.

30

40

Right. Next tab, please, sir, tab 26. Cheque butt dated 9 September, 2010, payee is described as Brush Brothers. The amount on the cheque butt \$5,650. You see the cheque number to which the butt corresponds, over the page you'll see a withdrawal on the Plantac account, corresponding dates, corresponding cheque number, corresponding amount, \$5,650. Over the page again it's an extract from the Plantac accounts and on the second of those two pages the transaction highlighted, 9 September, 2010, the payee is described as Brush Brothers, descriptor, painting. You'll see the cheque numbers are the same and the amount is the same. Go back to the spreadsheet, sir. No record of this amount having been deposited into your accounts, but what I want to suggest to you, sir, is that this amount, \$5,560, \$5,650 rather, was given to you in cash by Mr Inskip on or about 9 September, 2010 and you put it in your cash reserve at home?---No.

Right. Next tab please, sir. Similar to the previous, it's a transaction dated 16 September, 2010, you can see that on the top of the cheque butt, the



payee is described as Brush Brothers, descriptor of Tahmoor, an amount \$7,955, there's a cheque number recorded on the cheque butt and that corresponds to the cheque number that appears on the next page which is an extract from the bank statement. The dates correspond, 16 September, 2010. The amounts correspond. Over the page, you need to go over several pages. You'll see towards the top of the third page of the extract of the Plantac accounts there's a transaction recorded 16 September, 2010 payment apparently to Brush Brothers, cheque numbers correspond as does the amount, 7,955 and back to the spreadsheet, sir. What happened here was that the amount of \$7,955 was withdrawn in cash from the Plantac account and it was given to you by Mr Inskip and you put it into your cash reserve at home didn't you?---No.

Right. Go to tab 33 please. Still with Brush Brothers. Another cheque butt. This one's dated 8 February, 2011. It records a payment apparently to Brush Brothers in an amount of \$6,075 and there's – you can see the cheque number which corresponds if you turn over the page to the cheque number that appears on the bank statement and the dates correspond as does the amount, see that?---I do.

Over the page, sir, you'll see a copy of the cheque which is written to cash for that date in that amount, that number, that cheque number. And down the bottom of the page upside down is the handwriting of the bank teller or the bank clerk who dispensed the cash recording the denominations of the cash. If you go over a couple of pages you'll see, we might need to start with the first page of the extract of the Plantac BAS worksheet. Down the bottom of the page there's the date of the relevant transaction, 8 February, 2011, that's – and then that, that pertains when you go over the page to the payment which is recorded as a payment to Brush Brothers. The descriptor is MSB and the amount is \$6,075. If you go over the page, so this is the following day, on 9 February, 2011 there's a cash deposit into Mrs Bullock's account of \$6,000 and over the page you'll see the deposit slip and the document from the bank verifying that cash was deposited. Back to the spreadsheet please. Go to the entry for tab 33. You'll see that \$6,075 comes out of the Plantac account and the denominations are 50 \$100 notes, 21 \$50 notes, one \$20 note and one \$5 note and what gets deposited into Mrs Bullock's account the following day is 50 \$100 notes and 20 \$50 notes. So the amount of \$100 notes being deposited into Mrs Bullock's account is exactly the same as the amount that is coming out of the Plantac account the previous day and the amount of \$50 notes being deposited into Mrs Bullock's account is almost the exactly the same with the exception of one \$50 note. So what happened in this case was that all of the \$100 notes and with one exception all of the \$50 notes that you were given by Mr Inskip on 8 February, 2011 got deposited into Mrs Bullock's account the following day. That's right, isn't it?---No.

And the alternative proposition, sir, is that what happened was that the \$6,075 that was withdrawn from the Plantac account was handed to you in cash by Mr Inskip and the following day you took another bundle of cash

out of the cash reserve that you kept at home which happened to almost correspond into terms of the type of denominations and you put that, and that was put into the savings account that is mentioned there. That's right, isn't it?---No.

10 Go, sir, to tab 35. It's another cheque butt, sir. This one is dated 22 February, 2011. Payee described as Brush Brothers Tahmoor, the amount \$4,300. You can see the cheque number. Over the page. Date corresponds, cheque number corresponds, amount corresponds, bank statement shows a withdrawal from the Plantac account. Over the page, sir. You see this is a bank record for that withdrawal. See that?---I do.

20 And it reflects that cash was given to whomever withdrew the money from the account. Go two pages over. This is an extract from the Plantac accounts. Transaction for 22 February, 2011. See there there's a payment recorded as a payment to Brush Brothers. Descriptor MSB. Payment is \$4,300. Over the page please. 27 February, so the following day \$200 in cash gets deposited into your MasterCard account. Back to the spreadsheet please. So for the item described as tab 35, \$4,300 comes out of the Plantac account. We don't know the denominations but it's apparent that money gets deposited into your account, your MasterCard account \$200 on the same day – I'm sorry, not the same day. No, six days later. And I want to suggest to you, sir, that either that amount of money – that \$200 is part of the \$4,300 that you were given by Mr Inskip in cash on 22 February, 2011 or the \$200 is taken from your cash reserve and that happened after Mr Inskip gave you that \$4,300 and you put that \$4,300 into your cash reserve at home?---No.

30 All right. Go, go to tab 44 please. I think you'll need to go to the other folder?---I've got it.

You're quicker than me. Tab 44 shows an extract – a bank statement on the Plantac account. Withdrawal of 30 January in the sum of \$1,675. See that? ---I do.

40 And there's a cheque number there. Over the page you'll see a copy of the cheque, corresponding number, corresponding amount, corresponding date and down the bottom of the page always upside down is the handwriting of the bank teller or the bank clerk recording the cash denominations that constituted the withdrawal. Pardon me. You see the next page shows an extract from the Plantac accounts 30 January, 2012. The payee is recorded as B Piesse. You'll see the cheque numbers correspond, as does the amount, \$1,675.

Pardon me, Commissioner.

Sir, just looking at the spreadsheet for tab 44, have you got that?---Yeah, I have.

See there's the withdrawal of \$1,675- - -?---I do.

- - - from the Plantac account and it comprises 16 \$100 notes, one \$50 note, one \$20 note, one \$5 note, and what goes into Mrs, well, the joint account, I'll take that to you, is 15 \$100 notes, and just go back to tab 44 if you wouldn't mind?---Sorry, I've got lost in the pages here now, there seems - - -

10 Just go back to tab 44, sir?---Yeah, I'm on tab 44, yeah.

All right. You'll have to go over a few pages?---Yeah.

And you'll see an extract from the savings account and there's a transaction which is underlined, 31 January, 2012. See that?---Yeah, yeah. No, I think I've got that page missing in my um - - -

Tab - - -?---Oh, no, it's right, yeah, it's right, yeah.

20 It's after, it's after the BAS worksheets, the back of those worksheets?  
---Yeah, no, I've got it, I've got it now.

Have you got that?---Yeah, yeah.

Right. So this is an extract from your accounts, 31 January, 2012. So it's the day after?---Yep.

Pardon me. So 31 January, 2012 was the transaction I've just taken you to, described as a payment to B Piesse, \$1,675, and when you go over to the  
30 extract from your account, the day after there's a cash deposit of \$1,500 into your account. Do you see that?---I do.

And the next page is the deposit slip. Sir, is that, that's likely is it not to have been, the \$1,500 is likely to have been the cash received from Mr Inskip the previous day?---No.

Right. Let's just deal with the other part of the transaction. Still on tab 44. So after the - it's a bit confusing I'm sorry, but after the cheque which is for \$1,675 and after the Plantac BAS worksheet which records that transaction,  
40 you'll see another cheque butt?---Yeah, I do.

And written on that cheque butt is \$4,200?---Correct.

See that?---Yes.

And that's recorded in the Plantac cheque, the bank statement for the cheque account, 30 January, \$4,200, cheque numbers correspond with the butt and what's on the statement. See that?---I do.

Over the page is a copy of the cheque for \$4,200 written on that account. See that?---Yes, I've got it.

All right. And down the bottom of the page there's a copy of the bank record indicating that cash has been withdrawn. And then over the page, 30 January, 2012, there's a record in the Plantac accounts of a payment to A.C. Brush Brothers. See that?---I do.

10 Right. And it's described there as MSB and, and then what follows after that are the deposit slips or the records of the deposit on 31 January, 2012. So the alternative proposition I have to put to you, sir, is that the money that is recorded there as a payment to Brush Brothers was in fact a payment that you received from Mr Inskip?---No.

All right. So we can go to the spreadsheet, sir, still at, still for item number 44. So there was this withdrawal of \$4,200 in 42 \$100 notes from the Plantac account and that amount of money was received by you from Mr Inskip on or about 30 January, 2012, and it was put into your cash reserve, 20 alternatively part of it was the \$1,500 that was put into the account that I've just shown you the details of. Do you agree with that?---No.

All right. Go to the next tab, please, sir. Tab 45?---Correct.

Cheque butt dated 7 March, 2012, payee is described as A.C. Brush Bros. It says I/V one slash three slash something MSB Tahmoor Painting. An amount of \$4,350. See the cheque number. Over the page, please, the bank statement for the Plantac account shows a withdrawal on 7 March, same date, cheque numbers correspond, the amount corresponds, over the page is 30 a copy of the cheque together with the bank teller's handwriting in respect of the withdrawal of cash. Over the page, you have to go several pages over, there's a transaction recorded in the Plantac accounts, the date might be hole-punched through, but it is 7 March, 2012, Payment apparently to Brush Brothers, or that's how it's recorded. Same cheque number, same amount, \$4,350. And go back to the spreadsheet for tab 45. You see there's a withdrawal, see the withdrawal from the Plantac account is recorded there and what gets taken out is 43 \$100 notes and one \$50 note. And I want to suggest to you, sir, that money gets received by you from Mr Inskip and you put it into your cash reserve at home?---No.

40 Right. Let's move on from payments recorded as and the Plantac account's payments to Brush Brothers, move on to several payments recorded as payments to Handyman Timber Sales. So go first of all to tab 59, which will be in the second volume. See first of all there's a cheque butt. This one's dated 1 July, 2013. Payee is described as MSB. An amount of \$4,950, you can see the cheque number there. Over the page, bank statement, Plantac cheque account, same date, 1 July, 2013, same cheque number, same amount, \$4,950. Go over the page. Bank record evidencing

the withdrawal of cash. Over the page. This is a copy of the Plantac or extract from the Plantac general ledger and this shows that on 1 July, 2013 there was apparently a payment to Handyman Timber Sales, \$4,950, see that?---I do.

And the cheque number corresponds and then over the page the following day, the following day there is a payment into your MasterCard account of \$1,000 in cash and then three days later there's a payment of cash of \$2,000 into your joint account with Mrs Bullock, do you see that?---I do.

10

And that \$2,000 payment is evidenced by the deposit slip which is the following page together with the document verifying the deposit of cash. So back to the spreadsheet please. Tab 59, see the amount of \$4,950 comes out of Plantac's account. We don't know the denominations but we do know that \$1,000 gets deposited onto the MasterCard the following day and we know that three days later \$2,000 gets deposited by way of 20 \$100 notes into the joint account. That's a cash deposit and what I want to suggest to you, sir, is that those 20 \$100 notes came from the cash that you were given by Mr Inskip on or about 1,000, sorry, on or about 1 July, 2013, being a total amount of \$4,950. That's right isn't it?---No.

20

See, alternatively what happens was the 4,950 was given to you in cash by Mr Inskip on 1 July, 2013 and then these two deposits, one the following day and one several days later, were taken from the cash reserve that you kept at home?---No.

Go to the next tab, tab 60 please. Hold on just a moment. Pardon me. Pardon me, Commissioner. Tab 60. So the first document behind tab 60 is a copy of a cheque butt dated 6 August, 2013. What's written on the cheque butt is Demo Force, see that?---I do.

30

And there's an amount there, a bit hard to read, 4,840, see that?---Yes, I do.

You can see the cheque number is 4-0-4-1-9-3. Over the page Plantac bank statement, the corresponding date, 6 August, 2013, a withdrawal of 4,840 and the cheque number corresponds. Over the page is a copy of the cheque which is written out to cash, the same date, the same amount, the same cheque number. Go two pages over. See there's an extract from the general ledger for Plantac Pty Limited?---I do.

40

And there's a highlighted transaction which has the same cheque number, 4-0-4-1-9-3, the same date, 6 August, 2013, but the description of the payee is different, the description is Handy Man Timber?---Yeah, I can see that.

You see that?---Yeah.

And the amount is the same and three days later an amount of \$300 gets deposited into your MasterCard account, see that?---I do.

And behind that are two documents verifying that deposit. And on the same date there's a cash deposit into the joint account of \$700, see that?---I do.

And there's a deposit slip for that, a deposit and a bank document verifying the cash that was deposited. So go back to the spreadsheet please. And you see for tab 60, again this summarises the transaction, \$4,840 comes out of the Plantac account and what comes out is 48 \$100 notes and two \$20 notes and you see the description of the payee is different as between the cheque  
10 butt and what's recorded in the accounts but what goes into your MasterCard is three \$100 notes and what goes into the joint account is seven \$100 notes and I want to suggest to you, sir, that those notes that were deposited into those accounts form part of the 48 \$100 notes that you were given by Mr Inskip on 6 August, 2013?---No.

Because if it didn't happen that way what happened was that the \$4,840 that you received from Mr Inskip on 6 August, 2013 was put into your cash reserve at home and then you withdrew other money from the cash reserve and deposited that into those two accounts that I've shown you?---No.  
20

Go to tab 67 please. This is a – have you got that, sir?---I have, yeah.

Yeah. So this is a bank statement highlighting a transaction on 7 February, 2014 being a withdrawal from the Plantac account of \$4,050 using a cheque and the cheque number is indicated there, over the page there's a copy of the cheque for the same date and for the same amount and if you go a couple of pages over you'll see an extract from the Plantac general ledger for the same cheque number and for the same amount and the description of the payee is Handyman Timber Sales. And go back to the spreadsheet again. Have you  
30 got that?---I have.

And you see there there's this withdrawal on 7 February, 2014 from the Plantac account. What gets withdrawn is 40 \$100 notes, one \$50 note. Now I suggest to you, sir, that that money that was withdrawn from the Plantac account was given to you in cash by Mr Inskip and you put it into your cash reserve at home?---No.

All right. Let's move on from Handyman Timber Sales. Go to tab 14  
40 please. It's in the other folder?---I'm just going to get this file out of the way so - - -

So are you right, sir?---Yeah, I am. Thank you.

Tab 14. There's a transaction highlighted on the Plantac bank statement for its cheque account 23 March, 2009. Withdrawal of \$4,500 and there's a cheque number indicated which corresponds to the copy of the cheque which is on the next page as does the date, as does the amount. Over – you need to go over several pages. You will see a highlighted transaction

23 March, 2009 which corresponds with the cheque date. The payee is described as One Stop Roofing. There's a description of Tahmoor job?  
---Ah hmm.

Cheque number corresponds, amount corresponds. Over the page. On the following day there's a cash deposit into your cheque account, your St George cheque account of \$5,000 and the following pages are the bank receipt and deposit slip verifying the deposit?---I've got that.

10 Yes. Thank you. And we go back to the spreadsheet, sir, for item 14. Pardon me. So looking at the spreadsheet for item 14, sir, there's a withdrawal from the Plantac account \$4,500 on 23 March, 2009 and what's withdrawn is 10 \$100 notes and 70 \$50 notes and what gets deposited the following day into your St George Freedom account is 100 \$50 notes, so 30 \$50 notes more than what is withdrawn, and what I want to suggest to you, sir, is that at least some of the \$50 notes that were deposited into your account form part of the \$50 notes that were received from Mr Inskip the previous day in cash which comprised part of that \$4,500?---No.

20 All right. And if that didn't happen what happened was that the \$4,500 was given to you in cash by Mr Inskip on or about 23 March, 2009 and the following day – and you've put that into your cash reserve at home and the following day you took out other money from your cash reserve and put that other money being 100 \$50 notes into your St George Freedom account?  
---No.

All right. Go please to tab 9. Tab 9, sir, the first document is a copy of the bank statement on the Plantac account for a transaction dated 17 November being withdrawal of \$8,100 and you see the cheque number there?---I do.

30 Over the page there's a copy of the cheque, same date, cheque written to cash, \$8,100. Over the page. Extract from the Plantac accounts recording the transaction 17 November, 2008. It's just described as a withdrawal and then there's a description, it would appear to be the description of the payee DB Kitchens \$8,100. See that?---I do.

And you heard Mrs Inskip's evidence didn't you to the effect that DB Kitchens was just a made up name?---I did.

40 Yeah. And over the page is an extract from your St George Freedom account. The following day there's a cash deposit so the day after this cheque is written to cash there's a cash deposit into your account of \$3,000. Over the page you'll see the deposit slip and the receipt. And also on the same day, go over the page please, another \$3,000 gets deposited into your loan account. See that?---I do.

And the same day \$400 gets deposited into your MasterCard account?---I see that, yeah.

So we go back to the spreadsheet and the spreadsheet for tab 9 shows that what was withdrawn from the Plantac account was 162 \$50 notes on 17 November, 2008 and what was deposited into your St George Freedom account on the, on the following day was 60 \$50 notes and you got those 60 \$50 notes from Mr Inskip the previous day when he gave you the 162 \$50 notes. That's right isn't it?---No.

10 All right. And the other deposits made on the same day, 18 November, 2008 to the other accounts, the other \$3,000 deposit and the \$400 deposit, that was part of the same cash that you were given by Mr Inskip the previous day?---No.

20 Because if the cash that was deposited into those accounts on 18 November was not exactly the same cash that you were given the previous day by Mr Inskip what happened was Mr Inskip had given you that cash, the 162 \$50 notes on 17 November and the moneys that you deposited into those three accounts the following day you took from your cash reserve, that's right isn't it?---No.

Just go to tab number 6. See tab number 6 shows the first document is the bank statement on the Plantac account showing withdrawal on 11 July, of \$5,000, see the cheque number?---I do.

This is 11 July, 2008. And the next page is the bank record of that withdrawal and on 11 July, 2008 there's a record in the Plantac accounts of a payment to Don Bruce Kitchens for \$5,000, see that?---I do.

30 And then four days later \$4,700 gets deposited into your St George account. See that?---I do.

And you can see the following page being the records of that deposit. Go back to page, back the spreadsheet, sir, for tab 6. You remember Mrs Inskip's evidence of course that Don Bruce Kitchens was just a made-up name, a fictitious name?---I do remember her saying that.

Yes. And she used that name to record a payment to you. Do your remember that evidence?---I remember her saying that.

40 And if you look at tab 6 it shows a withdrawal of \$5,000 from the Plantac account. We don't have information available in respect of the denominations, sir, but you see what was deposited into your account was 94 \$50 notes. And what I want to suggest to you, sir, is that \$5,000 was given to you in cash by Mr Inskip on or about 11 July, 2008, and several days later you put most of that cash into your St George Freedom account. Is that right?---No.



Alternatively the \$5,000 was given to you in cash by Mr Inskip on or about 11 July, 2008, you put it into your cash reserve at home and then several days later you took out another \$4,700 and that's the money that you deposited into your cheque account of \$4,700 that you can see there. That's right, isn't it?---No.

All right. I note the time, Commissioner.

10 THE COMMISSIONER: Just so that we get an idea of progress - - -

MR NAYLOR: Yes. I've got, I have 31 transactions to go.

THE COMMISSIONER: All right. Well, just in relation to the timetable, could I indicate that because of Mr Griffin's client's difficulties, Mr Griffin, did you say that he would be available on 16 May?

MR GRIFFIN: He return on the 16<sup>th</sup>.

20 THE COMMISSIONER: He returns on the 16<sup>th</sup>. So sometime after the 16<sup>th</sup>?

MR GRIFFIN: That's correct, Commissioner.

30 THE COMMISSIONER: Well, can I indicate that, that I could certainly resume, from my point of view I could certainly resume from 17 May, but I would just like to make sure that everybody else is in the same boat, but we can have that discussion tomorrow morning if I could just ask people to check their diaries and move anything that needs to be moved to the extent that it can.

UNIDENTIFIED SPEAKER: The 17<sup>th</sup> is a Sunday, I think, Commissioner.

THE COMMISSIONER: I beg your pardon?

UNIDENTIFIED SPEAKER: The 17<sup>th</sup> is a Sunday I think.

THE COMMISSIONER: I'm sorry, I'm sorry. Well, I mean the following week I'm available, yes, or the Commission can make the time available.

40 MS HOGAN-DORAN: Commissioner.

THE COMMISSIONER: Yes.

MS HOGAN-DORAN: I am overseas the week of the 9<sup>th</sup> of May, returning on the 20<sup>th</sup>. I would have to return earlier. Has the Commission considered the week following that?

THE COMMISSIONER: I'm just checking what other commitments we might have. Well, look, we'll re-visit that in the morning. So you're not available until what, the 21<sup>st</sup> or thereafter?

MS HOGAN-DORAN: Yes. I'd have to change my own arrangements.

THE COMMISSIONER: Anyway, we'll see what happens.

10 MR NAYLOR: I've got some dates for Ms McGlinchey too, I'm happy to – Ms McGlinchey's away from the 18<sup>th</sup> to the 22<sup>nd</sup> of May.

THE COMMISSIONER: Oh, right. Although I wouldn't have thought her attendance was that critical.

MR NAYLOR: No, it may not be critical for her client.

MS McGLINCHEY: That's, I've provided my dates but I also know that it's very likely to be not affecting my client.

20 THE COMMISSIONER: No, I don't think it will, Ms McGlinchey, but anyway, all right. Well, I'll ask everybody if they could make those same inquiries. We'll resume tomorrow morning at 10 o'clock.

**THE WITNESS WITHDREW [4.04pm]**

**AT 4.04pm THE MATTER WAS ADJOURNED ACCORDINGLY [4.04pm]**

30