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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 MONDAY 25 MAY, 2015

AT 2.07PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

THE COMMISSIONER: Yes, Mr Naylor.

MR NAYLOR: Thank you, Commissioner. Just by way of housekeeping briefly, Commissioner. When I tendered T54, being the large bundle of MSB files - - -

10 THE COMMISSIONER: Yes.

MR NAYLOR: - - - and other documents, I think I slightly misdescribed what I was tendering. I had indicated I think that there were four volumes from pages 1 through 3236. In fact, in terms of hard copies, Commissioner, there are eight volumes.

THE COMMISSIONER: Eight volumes, yes.

20 MR NAYLOR: In terms of the soft copy there's, there's just one sequence from 1 through to 3236. So I apologise for any - - -

THE COMMISSIONER: Well, I'll just, I'll just amend that to read volumes 1 to 8 of - relating to 43 properties.

MR NAYLOR: Thank you, Commissioner. Could Mr Salmon be provided please with volume 1. Sir, go please to page 289. This a, an MSB file in relation to a property situated at 42A King Street, Tahmoor. And so 289 is the cover page. Go, go then to page 311 please. You see, sir, that's the scope of, that's a scope of works?---Yes.

30 And go through to page 314, appears to have been prepared by Mr Bullock, dated 11 October, 2007?---Yes.

Do you still have volume 6 there, sir?---Yeah.

That's the bundle of documents you supplied to - - -?---Ah, that one, yes.

- - - to ICAC?---Yes.

40 Go please to 2721?---Right.

I'm sorry, I've misdirected you. I apologise, 2715, sir?---Yes.

So that's the same scope of works that was amongst the documents you supplied to ICAC, see that?---Right, yes.

In fact the bundle starts slightly earlier. But I've already taken you to these pages 2713 and then if you go over to, 2719 appears to be the last page of the scope of works then 2720?---Yes.

And I think, sir, I've already questions about what appears on this page?---Yes.

10 And if I'll just summarise if I may what your earlier evidence is and correct me I'm wrong in any way, that that handwriting 3000 plus 3000 is the handwriting of Mr Bullock and he gave you this document and the 3000 plus 3000 was intended to signify that you should add \$6,000 to your quote, 3000 being intended for Mr Bullock and 3000 being intended for yourself to meet the costs of tax?---Yes.

That's right?---That's right.

So, so, sir, if we go to page 310 in volume 1?---Ah, sorry, that one.

20 See that?---Yeah, yes.

It would appear to be a quotation submitted by you in relation to the job at 42A King Street, Tahmoor, dated 26 October, 2007. And you see there you've quoted an amount of \$22,920 plus GST?---Yes.

Am I correct in thinking, sir, that that amount of \$22,920 includes the additional \$6,000 that you had been asked to add by Mr Bullock?---I'll just check. Yes.

30 Right. And just go forward one page to page 309. See that's a copy of a quote submitted by Plantac?---Yes.

And there's a date, 25 October, 2007 which appears to be the day before the date on your quotation. A, the received stamps on both documents appear to be the same, 26 October, 2007. The amount tendered by Plantac is slightly under the amount tendered by you, 21,426. See that?---Yes.

40 And go to the previous page, 308, again this is a document that you may not be familiar with but it's an internal MSB document, a minute prepared by Mr Bullock dated 26 October, 2007 referring to the two quotes and recommending that the Plantac quote be accepted. Do you see that?---Yes.

And you, you didn't get this job did you?---Not going off that.

No. All right. Do you have any knowledge of the circumstances in which Plantac came to submit a quote of 21,426?---No.

Just go forward in the, by a few pages to page 305. That's a letter to, to you from Mr Bullock making it clear, sir, that your tender was unsuccessful. So

that's a, that's a job in relation to which you were asked by Mr Bullock to add to the amount of your tender a total of \$6,000 but ultimately you weren't successful so you didn't recoup, or you didn't receive that additional money. That's, that would appear to be the situation?---That's right.

10 Yeah. We'll go to another property now. Go to page 5 – I'll need to ask you to go to the next volume. Just return volume 1 please, to the Commissioner's Associate and if Mr Salmon can be provided with volume 2. And in volume 2, first page, sir, page 530. That's the coversheet for a file in relation to a property at 42 King Street, Tahmoor. And can I ask you please to go to page 544. So that's a scope of works. And page 547 indicates that it would appear to have been prepared by Mr Bullock on 11 October, 2007. And then go if you wouldn't mind to the other volume, volume 6, page 2722. Have you go that?---Yes.

That's the same scope of works is it not but it has some handwriting on it? ---Yes, it does.

20 This is your copy of the scope of works that you supplied to the Commission?---Right.

And there's some names and telephone numbers and handwriting on the first page and if you can go please to page 2725 there's some more handwriting?---Yes.

Is that your handwriting?---At the top?

30 Yes?---No, it's not.

Do you recognise the handwriting?---Yes, I do.

Whose is it?---Darren Bullock's.

Right. And it says 1,500 plus 1,500?---Yes.

What does that signify to you?---The amount to be added or amounts to be added.

40 Right. To the quotation?---Yes.

Right. So let's go to your quotation at the other bundle, sir. Volume 2, page 542. So that's, that would appear to be a copy of the quotation that you submitted dated 26 October, 2007 in an amount of 6,840 plus GST? ---Yes.

So am I correct in understanding that that figure of 6,840 includes the 1,500 plus 1,500?---That's right.

So the true cost of the works including some profit margin for yourself would have been 3,840 plus GST?---That's right.

And go over the page please. This would appear to be a quotation submitted by Plantac the previous day, 25 October, 2007, for the same job in an amount of \$7,125 plus GST. See that?---Yes.

10 Do you have any knowledge, sir, as to how Plantac arrived at the amount that they quoted in that document?---No.

And then go to page 541. Again that's another minute prepared it seems by Mr Bullock dated 26 October, 2007 referring to the two quotes and recommending acceptance of your quote. And then just go forward a couple of pages to 539. There's a letter that was sent to you advising that your quote had been successfully - - -?---Yes.

20 Yes. Then, and that's 1 November, 2007 that letter. Go forward a few pages to 536 and that's a copy of a tax invoice that you submitted to the MSB dated 24 November, 2007 and, sir, that would appear to be consistent with the quote that you had submitted on 26 October, 2007 being for an amount of \$6,840 plus GST. Yes?---Yes.

All right. And if you go forward one page to 535, again a document you wouldn't be familiar with but it would appear to record that Mr Bullock has authorised payment of your invoice. And so your invoice as with your quotation included the additional amount of \$3,000 that you were directed to include by Mr Bullock, is that right?---Yes.

30 Return that file, please to the Commissioner's Associate. If you could be provided with volume 3, please. Go to page 1008 which should be the first page, sir, in that bundle. And this is an MSB file in relation to another property, also a King Street property at number 42C. Go please to 1026. See, sir, that says scope of works?---Yes.

It goes through to page 1028 dated 11 October, 2007, yeah?---Yes.

40 Go please to your other bundle, the bundle of your documents, item 6, page 2727. This would appear, sir, to be your copy of the same document that you kept and subsequently provided to ICAC and if differs of course from the MSB file version in that there's some handwriting on it. In particular some figures or some numbers on the right hand margin. And am I right in thinking, sir, that that's, the figures on the right hand margin in section 1 about halfway down the page, it's a bit hard to read, but it's 6,800 and say 7320. See that?---Yes.

If you go over the page to page 2730, there's, there's some handwriting?---Yeah.

Appears to be two different kinds of handwriting?---Yes.

First of all handwriting that says 1,500 plus 1,500?---Yes.

Is that your handwriting?---No.

Do you know whose it is?---Darren Bullock's.

10 Right. And below that there's some other handwriting a name and a telephone number. Do you know whose handwriting that it?---Appears to be mine.

Right. And do you know, and the name Kevin is written there. Do you know who Kevin is?---Well, I don't know the number so I can't say who it is.

Right?---Yeah.

20 And the words 1,500 plus 1,500 indicate what, if anything to you?---The amount to be added on to that job.

Right. And so Mr Bullock's written down that on this copy of the scope of works provided to you?---Yes.

Indicating that you were to add \$3,000 to your quotation, that's right?---That's right.

30 All right. Let's go back, sir, to the MSB file at page 1024. This would appear to be a copy of your quotation of this job dated 26 October, 2007?---Yes.

And you've quoted an amount of 7,320 plus GST. Am I correct, sir, in thinking that the true value of the job without the addition that Mr Bullock had asked you to include was \$4,320?---Correct.

Right. And when you add the 1500 plus 1500 it comes up to 7,320?---That's right.

40 And go to the, go, go over the page, 1025 it would appear to be a copy of a quote submitted by Plantac the previous day in the sum of 7,800 plus GST. Do you see that?---Yes.

Do you have any knowledge of how it was that Plantac came up with that figure for its quotation?---No.

All right. Go back two pages to, to 1023 and that's, would appear to be Mr Bullock's recommending that your quote be accepted. Do you see that?---
Yes.

And then the previous page, 1022 this is the letter that was sent to you from Mr Bullock advising you that your quote had been accepted?---Yes.

Do you see that?---(No Audible Reply).

10 Go forward in the bundle to 1015. That's a copy of the tax invoice that you submit for the works that have been done at the 42C King Street property?--
-Yes.

And it's consistent with the amount quoted?---Yep.

Yes. And the previous page, 1014 would appear to be Mr Bullock authorising payment of that invoice. So once again you actually invoiced for an amount which was \$3,000 in excess of what the true value of the job was?---That's right.

20

And you did that at Mr Bullock's request?---Yes.

Return that volume please to the Commissioner's Associate and if you can be provided again with volume 1. Go to page, go to page 398 and this the coversheet for a, an MSB file for a property at 35 King Street, Tahmoor?---
Right.

30 Let's go again to the scope of works that starts at page 418 and you'll see if you go through from page 418 to 421 that's the scope of works that is dated 23 November, 2007 and according to this was prepared by Mr Bullock?---
Yes.

Go please to – you will need to be provided, sir, with volume 7 of – it's the smaller volume I think?---Okay.

Go to page 2942 of volume 7. Got that?---Yeah.

40 Yeah. This, this would appear, sir, to be – or this is your copy that you kept of the scope of works and subsequently provided to ICAC?---Yes.

And it has once again some handwriting on it which is difficult to make out but am I right, sir, in understanding that that handwriting down the right-hand side of the page next to the particular jobs is your attempt to estimate how much it would cost to do the work?---Calculations.

Yes. And towards, but above that it looks like Post-it note, a yellow Post-it note?---That's right.

And it says “added two plus two”?---Yes.

See that. Do you know whose handwriting that is?---It’s mine.

Right. And what does it mean to you?---It’s the amount to be added in thousands.

In thousands?---Yes.

10 All right. And did Mr Bullock ask you to add that amount did he?---Yes.

All right. Do you remember the circumstances in which that occurred, were you on site or were you away from the site do you remember?---I don’t recall.

Okay. And at the top of the page, sir, there’s more handwriting 7,260 plus GST?---Yes.

20 All right. Let’s go back to the other bundle, volume 1. Go to page 413?
---Yes.

This looks like a tender form that you have completed and submitted to the MSB for this particular job?---Yeah.

And the amount that you’ve quoted is 7,260?---That’s right.

Exclusive of GST which corresponds with the handwriting at the top of the page that we’ve just had a look at?---Correct.

30 And is it the case, sir, that this amount of 7,260 incorporates the 2,000 plus 2,000 that was added?---It appears so.

Right. So the true cost of the job was 3,260 exclusive of GST?---Yes.

And you see – if you go forward a couple of pages to 411 and 412. You won’t have seen these documents before I don’t imagine but this is the quote that was submitted by Plantac in an amount of 5,600 exclusive of GST. See that?---Yes.

40 And do you know – do you have any knowledge as to how Plantac came up with that number to quote for?---Not at all.

All right. Go to, go to page 410. Again that’s Mr Bullock’s minute. Your quote obviously came in in excess of that of Plantac’s and Mr Bullock recommended that Plantac’s quote be accepted. See that?---Yes.

So again this is a situation where despite it seems that you were complying with the direction that you gave, you were given by Mr Bullock to add in

this case a total of \$4,000 to your quote you were unsuccessful in obtaining the job?---It appears that way.

Well, that 407 is the letter that was sent - - -?---Yes.

10 - - - to you saying as much. And go to the next property which is at, starts at page 431. It should be in the same bundle. This is a property situated at 34B King Street, Tahmoor. So sir, if you go to the next page behind the coversheet, page 432 again this would appear to be a scope of works. Page 434, it's dated 23 May, 2008 prepared it seems by Mr Bullock?---Yes.

Can I ask you to go to volume 6 which is a bundle of documents you supplied to ICAC and go to page 2736. And that's a letter that you received from Mr Bullock – I withdraw that. I've got the wrong page, I'm sorry. Over to page 2737 that's the first page of the, the same scope of works. See that?---Yes.

20 It appears to be incomplete. But as, as is the case with the bundle of documents that would usually be sent out there were tender forms?--- Correct.

So what appears behind that page are the tender forms?---(No Audible Reply).

They have the name of the, the address of the property on there and the idea was to fill it out with relevant details. If you go over to page 2742 there's some handwriting?---Yes.

30 Who's handwriting is that?---It's mine.

Right. And two plus two, what does that signify?---That's the amount to be added to our price in ah, in thousands.

Right. And who, who told you to add two plus two?---It would have been Darren Bullock.

40 Right. And below that there's an amount 1,080 and below that again 5,080 and the difference is 4,000. What's the explanation for the difference?--- Well, it appears our price without adding on was 1,080.

Yes?---Add on 4,000 it becomes 5,080.

So if we go to page, go back to the other bundle, sir, volume 1, page 444. That's the tender form you submitted, isn't it?---That's right.

And the price you quoted was 5,080 exclusive of GST?---Correct.

Which includes the 4,000 that you were asked to add?---That's right.

Right. And then at page 441, it's a tax invoice?---Yes.

That you submitted that you rendered?---Yeah.

For the quoted amount 5,080?---Yes.

Plus GST?---Yes.

10 Go to the previous page 440. That document appears to show that Mr Bullock authorised payment of that invoice. So the situation would appear to be that your invoice, as well as your quote included the amount that Mr Bullock asked you to add, that's right isn't it?---Yes.

Next property, sir, go to page 343. And again, let's go to the scope of works page 344 through to 347. The scope of works is dated 23 May, 2008 prepared it seems by Mr Bullock. Go to volume 6, the other which contains the documents you've supplied to ICAC page 2744. See that's a copy of the same scope of works but annotated with some handwriting?---Yes.

20

And that's your handwriting?---Yes.

And down the right hand margin you've costed the job?---That's right.

Yeah. Let's go over a few pages to 2747. There's more handwriting on that page, top left hand corner. Whose handwriting is that do you know?---It appears to be mine.

30 Right. Three plus three, what does that signify to you?---The amount to be added to the job in thousands.

Right. Well how did you come to learn that that was the amount to be added to the job?---I would've been directed as such.

By?---Darren Bullock.

40 Right. Below that there's a figure of 4510 and then below that again an amount 10510 plus GST. Can you explain the difference between those two figures or what, what those figures mean?---The tender price would've been 4510.

Yes?---Plus the 6,000 equals 10,510.

I see. Let's go back.

I see. Let's go back to the other file. Go to page 379. That page and the following page has the tender forms that you submitted to the MSB Picton office in relation to this job?---Yes.

You quoted \$10,510 exclusive of GST?---That's right.

Which included the \$3,000 plus \$3,000 - - -?---Yes.

- - - that you've been asked to add on by Mr Bullock?---That's right.

10 All right. And the three plus three if it's not already clear, 3,000 was intended for Mr Bullock and 3,000 was intended for you to cover tax and whatever other costs you might have?---That's right.

Let's go forward a page, 378. See there's a tender form there submitted it seems by Plantac dated 31 May, 2008?---Yes.

In an amount of \$11,900 exclusive of GST?---Yes.

And also 377. Do you have any knowledge, sir, as to how Plantac arrived at the figure of 11,900?---No.

20 All right. Go forward to 375. That's a letter to you from Mr Bullock indicating that you had won the tender with your offer of 10,510. That's dated 12 June, 2008. Go to page 372. 4 August, 2008. This would, it would appear that you rendered an invoice on that date attention to Mr Bullock in an amount of 10,510 plus GST. See that?---Yes.

That amount included of course the \$6,000 that you'd have been asked to add by Mr Bullock?---That's right.

30 And 371 would appear to be Mr Bullock's authorisation of payment of that invoice?---Yes.

You can return if you will that volume 1 to the Commissioner's associate and if you could be provided please with volume 3 and go to page 1041. Now, that's the front page of a, an MSB file for - pardon me, an MSB file for a property situated at 15 Bronzewing Street, Tahmoor. See that?---Yes.

40 And would you go please to page 1073. 1073, sir, would appear to be a quotation submitted by Plantac dated 20 February, 2009. Do you see that?--
-Yes.

And there's a received stamp on it which seems to indicate that the document was received by the MSB on 25 February, 2009. Do you see that?---Yes.

Go to volume 6, sir. Your documents. Page 2748. Now, this document at 2748 and the following page are documents that you produced to ICAC and it would appear would it not to be a fax of a Plantac quotation for the

property at 15 Bronzewing Street, Tahmoor dated 20 February, 2009?---
Yep.

And you can see at the top there would appear to be what's, what is a fax
imprint of 17 March, 2009 at 9.25. Do you see that?---Yes.

And Mine Subsidence Board, Pic?---Yes.

10 And just go back to the other bundle, sir, at page 1075. That would appear
to be a quotation submitted by you dated 24 February, 2009 - - -?---Yes.

- - - for the same job at the same property?---Yep.

Do you see that?---Yes, sir.

Your, your quote is 17,840 plus GST?---Yes.

20 And it's hard to read but it looks like the received date is the following day,
25 February?---Yes.

It's hard to read. Which is the same received date imprint that appears on
Plantac's invoice that I just took you to?---Yes.

Well, how is it, sir, that if you received the Plantac invoice on 17 March
how is, what were the circumstances in which this quotation by you dated
24 February, 2009 was submitted?---It's a backdated cover quote.

30 Right. So you, you received the Plantac quote on 17 March and on or after
that date you submitted your quote dated 24 February, 2009 at 1075?---
That's right.

Right. And that appears to – it's hard to make out I'm sorry, but it appear to
bear a date 25 February, 2009?---That's right.

Which predates when you sent the quote?---Yes.

40 Then the file would appear to indicate, sir, that you didn't win the job and
perhaps that's obvious from the fact that your quote was higher than
Plantac's quote. Why would you have submitted that quote?---I would have
been instructed to do that.

By whom?---Darren Bullock.

All right. And do you remember if Mr Bullock provided you with an
explanation as to why he wanted a cover quote from you?---No. I can't
recall any.

All right. You can return that file to the Commissioner's associate and I'll ask you to be provided with the last volume, volume 8. And please, sir, go to 3098. It should be the front page of a file, an MSB file in respect of the property at 45 Park Street, Tahmoor. Do you have that?---Yes.

And I'll deal with this. Sir, if you go first of all to 3119. That and the following page would appear to be a quotation by you for work to be done at that address. The quotation is dated 13 October, 2009 and it is a quote for 27,340 plus GST. See that?---Yes.

10

And then go to page, a couple of pages before that there's another quote. This one appears to have been submitted by Plantac dated 16 October, 2009, so dated three days after your quote. Is it – you can see it bears a received stamp of 22 December, 2009?---Yes.

And when one looks at the jobs which are outlined, or the tasks which are to be done there's a correlation between the two. It's in relation to the same work is it not?---Yes.

20 And Plantac's quote differs from yours in that it's slightly less 25, 100. See that?---Yes.

All right. Go to volume 6 please and could I ask you to go to page 2752. Now, these, sir, are the documents that you produced to ICAC. This document is a bit faint so it will be put up on that screen. So you've produced to ICAC from your materials a copy of this same Plantac quote. See that?---Yes.

30 And do you know how you received this particular document?---It was either faxed or handed to me.

Well, do you – if it was handed to you who would have handed it to you? ---Darren Bullock.

Well, why?---It appears to be for the purpose of a cover quote.

I see. Do you know when it was handed to you?---No. I don't recall, no.

40 No. Well, can we draw this inference, sir, that if you were handed this document dated 16 October, 2009 and your quote as a cover quote dated 13 October, 2009 that you've backdated your quote?---Quite possibly.

And your quote is more than Plantac quote. Why would you submit a quote that is more than your competitors quote?---I would've been instructed to do that.

Right. By Mr Bullock?---That's right.

And did Mr Bullock offer any explanation or did you ask as to why he was wanting you to submit a cover quote?---No.

You can return volume 8 to the Commissioner's Associate and if you could be provided please with volume 3. I apologise, Mr Salmon for chopping and changing but I'm trying to work through this in chronological order and the documents are necessarily in chronological order. Go to page 1100. That's the front page of MSB file for a property situated at 21 Fraser Street, Tahmoor, see that?---Yes.

10

And let's go first of all to the scope of works which starts at page 1115. So that's a document that, see page 1118, the fourth page of the scope of works. It appears to have been prepared by Mr Bullock on the 29 October, 2009, see that?---Yes.

And the previous page while we're here, sorry, the page before the commencement of the scope of works document, would appear to be your quotation dated 3 November, 2009 and the amounts you've quoted is \$14,540 plus GST, see that?---Yes.

20

Right. Go to volume 6, please and page 2754. This would appear to be your copy, sir, that you've produced to ICAC of the same scope of works?--
-Yes.

And there's some handwriting on it which I take it is your handwriting on the front page?---It appears to be.

And if you go over to page 2758, there's some more handwriting?---Yes.

30 Top left hand corner, 5,000 plus 5,000 and it appears to have been written twice?---That's right.

What does that handwriting signify to you, if anything?---That was the amount to be added to that job.

Right. And how did you know that you needed to add 5,000 plus 5,000 to the job?---Would've been instructed to do that.

By whom?---Darren Bullock.

40

Right. So 5,000 was intended for Mr Bullock and 5,000 was intended for you, yes?---That's right.

A total of 10,000?---Yes.

Go back to your quote please in the other volume, 1114. So that quote includes the 10,000 does it not?---It does.

So the true value of the works to be performed by you, including a profit margin was 4,540, is that right?---Correct.

And go to the previous page, 1113. That would appear to be a quote by Plantac dated 4 November, 2009 for the same, the works at the same property. The amount quoted is slightly above your quote, 15,850. Do you see that?---Yes.

10 Do you have any knowledge, sir, as to how Plantac arrived at that quotation?---No I don't.

Go to the previous page, 1112. You see Mr Bullock appears to have recommended that your quote be accepted. It's the lower quote. Yes?---Yes.

And, and go to page 1108. That's the invoice that you submitted?---Yes.

Consistent with the amount quoted?---That's right.

20 Which included the \$10,000 that you were requested to add by Mr Bullock?---Correct.

Sir, if you go the previous page, 1107, again a document that you're familiar with but it would appear to show that Mr Bullock authorised payment of the total amount of your invoice, \$15,994 on 18 December, 2009. Do you see that?---Yes.

30 And just going back to your evidence earlier having received payment, accept for the time being that you were in fact paid as this document would seem to suggest, that you were paid an amount of \$15,994 and that it's not indicated, sir, how you were paid. Do you remember if you were being paid by cheque or direct deposit?---I'm not sure.

Right. Either way the money would have found its way into a bank account that you operated?---Correct.

40 All right. And the 5,000 plus 5,000, 5,000 of that was intended for Mr Bullock. Do I understand your evidence correctly, your evidence before to mean that well if Mr Bullock then asked you for the money, being \$5,000 you wouldn't have taken it out of your bank account but rather you would have taken it from the cash you had stored at home?---That's right.

All right. While we're in this volume please go to page 1388, the next property. This is an MSB file served for a property located at 43 Abelia Street, Tahmoor. All right. Please go first of all, sir, to 1547. It's a rather large file this one. Actually could I just change that, could I take you to 1550? This, sir, once again would appear to be a scope of works for building works to be done at that property 43 Abelia Street, Tahmoor. You

go over to 1553 it's dated 29 October, 2009, prepared by Mr Bullock. Do you see that?---Yes.

Can I ask you to be provided with volume 8 if you don't already have it?
---Do you want this one back?

Go to page 3160. Now, sir, this is the same scope of works. This is your copy that you had kept and recently produced to ICAC. See that?---Yes.

10 And if you go over to page 3164. There's some handwriting. Hard to read so you might get a better view of it on the screen. So on the top left-hand corner there's 5,000 plus 5,000 in handwriting. Yes?---Yes.

Is that your handwriting?---It appears to be.

Yes. And below that there's a series of words on the – in the left-hand column and then a series of amounts in the right-hand column including brickie, plasterer. See that?---Yes.

20 And it seems to be added up to an amount of 5,160 and beneath that 6,190 plus GST?---Yes.

This would appear to be your workings or calculation for what the actual value of the job was?---That's right.

Right. And the top left-hand corner the 5,000 plus 5,000 what does that signify to you?---That would represent the amount that I was instructed to add on.

30 Instructed by whom?---Darren Bullock.

Go back to volume 3. I think the Commissioner's associate may have it for you. And go to page 1547. This is your quotation on the MSB file for this particular job dated 28 October, 2009. The quote, the quoted amount is \$17,900 plus GST. Am I right in understanding, sir, that that amount includes the 5,000 plus 5,000 that Mr Bullock asked you to add on?---Yes.

And when you remove the 10,000 from 17900, what's left is 7,900 plus GST?---That's right.

40

Which is a little bit more than the 6,100 and, it's a bit hard to read your writing, I'm sorry. But it's amount of 6,000 and something, 6,000 and something is a little bit less than the 7,900 but it's clear enough, is it not that the 17,900 includes the 10,000 that Mr Bullock asked you to add on?---That's right.

Yeah. And go two pages to page 1549. See there's a copy of a quote by Plantac dated 29 October, 2009?---Yes.

It seems to quote for the same work and the amount is \$18,600 plus GST, see that?---Yes.

Do you have any knowledge, sir, as to how Plantac devised or formulated that particular amount to quote?---No.

10 Go back to 1546. That's Mr Bullock's minute recommending that your quote be accepted, your quote was the lower one. And if you go to 1542, that's your invoice is it not?---It is.

The amount invoiced included the \$10,000 that you were asked to add on by Mr Bullock?---Correct.

And then go to 1541. That's an MSB document, it appears to be signed by Mr Bullock authorising payments of your invoice, see that?---Yes.

20 And once again, sir, having been let's assume that you were indeed paid and any payments made to Mr Bullock of the \$5,000 that was intended to him came from the cash that you kept at home not from a bank account?---That's right.

30 All right. And return that volume 3 and if you could be provided please with volume 2. And please go to page 943. This is an MSB file, sir, in relation to a property at 18 Fraser Street, Tahmoor. And if you could have a look first of all at page 956 that, that's a fax that appears to have been sent to your building contracting entity, A&DJ well, there's a typo here, A&D Building Services from Mr Bullock dated 8 September, 2010 and it requests you to perform certain works in relation to that property?---Yes.

Yeah. And then please go to – do you still have volume 6 there? Volume 6. And go to page 2763. So this is your copy, sir, that you retained of the same fax. Obviously the recipient's version and you produced this document to ICAC. There's some handwriting on that page. Do you see that?---Yes.

920. Below that 3,200. And it's added up to 4,120. Do you see that?---Yes I do.

40 What, do you know what that handwriting signifies?---It appears to be calculations.

Yes. So if I can take you please, go back to the other file. You can keep that page open. Just go back to the other file at page 949. That's an invoice is it not?---It is.

Submitted by you to - - -?---Yep.

To the MSB?---That's right.

Dated 9 November, 2010. And the amount that the invoice is for is for 4,120 plus GST?---That's right.

So the 4,120 appears to correlate with the handwriting on the other page, yes?---Yes it does.

Well what's the significance of the two separate amounts, 920 and 3,200?---
Couldn't be sure.

10

All right. It looks like a pretty small job. Would you agree with that?---It does, yeah.

Is it a job do you think with your experience worth the amount invoiced?---
The invoice date is a lot later than the, the request.

Yes?---So there may have been more work there. But I can't be sure.

20

All right. Is it possible that one of those amounts, the 920 or the 3,200 was an amount of an add-on that Mr Bullock had asked you to put on to the invoice?---It is possible.

But you're not sure?---I don't recall, no.

30

All right. All right. While you've got that volume can I ask you to go to page 796, the next property? This is a file, an MSB file for a property at 3 Stuart Place, Tahmoor. All right, and go first of all, sir, to page 857. That, that's a document that is described, it's a MSB document described as instruction sent to you by Mr Bullock dated 20 August, 2010. Do you see that?---Yes.

And although it says just under the heading "please supply your firm quotation for the following repairs" it then says – it gives you some more detail about what to quote for. See that?---Yes.

All right. And if you go over the page there's another document worded in the same way, the same date, the same signature but addressed to Plantac. See that?---Yes, I do.

40

And if you go to 855 that would appear to be a Plantac quote dated 1 September, 2010?---Yes.

In an amount of \$15,880 plus GST?---Yeah.

And over the page would appear to be a quote by A&DJ Building Services dated 8 September, 2010 for the same job but you've – your quote is a bit higher 17,440 plus GST. See that?---Yes.

Go to volume 6 please and page 2764. Do you have that, sir?---Yes.

This is a document that you produced to ICAC. It's a copy of the Plantac quote. It appears to be a fax copy?---Yes.

Bears a fax imprint at the top of the page 20 September, 2010, 17.02 hours. See that?---Yes.

10 And then there's some handwriting on the page as well. If I'm reading it correctly it says "sent 21 September, 2010"?---Yes.

And do you know what that handwriting means?---It's my handwriting.

Yeah?---Um, it appears I've sent a cover quote on that date.

Right. And the cover quote is the quote that we've just looked at in the other volume at page 856?---Yes.

20 Your quote dated 8 September, 2010?---Yes.

You've backdated that quote?---It appears to be.

Why did you send a cover quote?---Would've requested to.

By whom?---Darren Bullock.

Right. And once again, did Mr Bullock explain to you or do you know why you were asked to send a cover quote?---No.

30 Right. Go to page 854. Mr Bullock recommends the Plantac quote be accepted, perhaps not surprisingly because it's lower. And you can take it from me, sir, that the balance of the documents on the file indicate that you didn't get the job and that Plantac was in fact paid for the job. Now let's stay with that file. That was in respect of events in 2010. I'll just make this clear, if one, just go, sir, to page 844 first of all. Let me make it even plainer. Go to 846 and then 845. I just want you to understand and others to understand how this file's organised. So 846 is a document called a claim processing worksheet and it relates to events in 2010. See there are various dates on there?---Yes.

40 2010 dates?---Yes.

And then the document before that is a divider within the file that 845?---Yes.

All right. And then the next page before that is another claim, page 844. And this is a claim is dated 12 March, 2012. So in relation to the same property there's another series of works to be done?---Right.

Do you understand that?---Yes.

All right. And then go to page 832 and here's the scope of works in respect of the 2012 works, see that?---Yeah.

Goes through to 835 prepared by Mr Bullock on 22 March, 2012?---Yes.

10 And I'll just inform you, sir, that there do not appear to be any quotes on file in relation to this 2012 series of works. I'll ask you now to go to volume 6. Let's say, I hope that's where it is at, just, so 2903, sir. This is the what's called an extraction report that I showed you early in your evidence and it lists a series of SMS messages between you and Mr Bullock. And if you look at the entry for 19 July, 2012 at 4.52pm?---What number is that one?

Number 118?---118. Yeah, got it.

20 Start with 118. You see that's a message that you've sent to Mr Bullock 12,440 plus?---Yes.

And in about four minutes later the entry for 117 you receive a message from Mr Bullock 3,000 ea or each. Yes?---That's right.

And as I understand the import of your evidence before that means that you needed to add 3,000 plus 3,000 to the amount of 12,440 which was your estimate of the works that related to that particular message?---Estimate or cost.

30 Cost?---One of the two.

Well, the 12,440 is, is your costing of whichever job it is which includes a profit margin for yourself. Yes?---Yes.

Right. And the 3,000 ea that means that you have to add 6,000 to the 12,440?---That's right.

And that's a direction that you get from Mr Bullock?---Yes.

40 Right. So you need to inflate the quote or your invoice, whichever it is - - - ?---That's right.

- - - to add the 6,000?---Yeah.

And the 3,000 – three of that – 3,000 was intended for Mr Bullock and 3,000 was intended for you?---Correct.

Right. So the total amount would be 20,440, 12,440 plus - - -?---No, 18.

- - - plus six?---18.

18 I'm sorry?---Yeah.

18,440. All right. Go back to the other volume please at page 828. That's a tax invoice that you rendered to the MSB, attention Mr Bullock, dated 19 July, 2012. Yes?---Yes.

10 The same date as the exchange of text messages?---Correct.

And the amount that it's rendered for is 18,440 plus GST. Yes?---That's right.

So entries 117 and 118 in the extraction report they relate to the job at 3 Stuart Street, Tahmoor?---That's right.

20 Right. We have to change folders again. Go to – if you could return volume 2 and be provided with volume 1 and go to page 486. Pardon me. 486, sir, I'm sorry, is the cover page of an MSB file for a property at 286 Douglas Park Drive, Douglas Park. Have you got that?---Yeah.

Let's just look at that file for a moment. Go to page 504. Have you got page 504?---Yes.

Right. That's a Plantac quote dated 1 December, 2010 in an amount of \$10,800 plus GST. Yes?---Yes.

30 And there's a received stamp on the bottom of it which, doing the best I can would appear to say 1 December, 2010. So the same date - - -?---Yes.

- - - as the date of the, the quote. And then go to the previous page in the bundle. This is a quote apparently from your firm dated 3 December, 2010. The quoted amount 12,140 plus GST, so more than the Plantac quote. And the received stamp, again hard to make out but I think it says 8 December, 2010. Could you go to volume 6 again, sir. Page 2766. That would appear would it not to be a copy of the Plantac quote - - -?---Yes.

- - - that I've just taken you to in the MSB file?---That's right.

40 And it would appear to be a faxed copy?---Yes.

This is a document that you've produced - - -?---Yes.

- - - to ICAC. And it bears what appears to be a fax imprint at the top, 17 December, 2010 at 1525 or 3.25pm. Do you see that?---Yes.

And what were the circumstances that led to you getting this quote, do you know? Why was this quote faxed to you?---For the purpose of a cover quote.

Right. So let's go back to your quote at 503 which is, bears a date 3 December, 2010 and received date, I think it says 8 December, 2010. The date of 3 December, 2010 is, is not the date on which the quote was submitted was it?---No.

10 The quote would've been submitted after you got the Plantac fax on the 17 December, 2010?---That's right.

That's right. You can return volume 1 to the Commissioner's Associate and I'd ask that you be provided with volume 8. So the first page, well volume 8, sir, page 3165 should be the front page of an MSB file for a property at 31 Park Street, Tahmoor?---3165, was it?

3165?---Right. Right. Got it.

20 Got it?---Yeah.

If you go to 3210, you'll see first of all there's a scope of works there?---Yes.

Dated 15 December, 2010 at 3213. Then the document, then go to 3208, there's a Plantac quote dated 21 December, 2010. The quoted amount is \$36,080 plus GST, see that?---Yes.

30 Then over the page a quote by your firm dated 22 December, 2010 and the quote is a little more than Plantac's quote, \$38,560 plus GST, see that?---Yes.

Go to volume 6, please, and page 6768. Have you got that, sir?---Yes.

That would appear to be, and this is a document that you've produced to ICAC, it would appear to be a faxed copy of the Plantac quote?---Yes.

In respect of this property at 31 Park Street, dated rather 21 December, 2010, see that?---Yeah.

40

Have you got both of those quotes opened together?---Yes.

The version that you received appears not to be the same as the version that is on the file in as much as it doesn't bear a received stamp, does it?---No.

All right. And at the top of the page this is the faxed copy that you received, there's a fax imprint 22 December, 2010, 1307 or 0107pm, see that?---Yes.

And do you know why you were sent this document?---It appears to be through the purpose of a cover quote.

Okay. So go back to your quote at 3209. That's a cover quote?---That's what it appears to be.

Right. And so you've submitted your cover quote after you've received the Plantac quote. That's right?---That's right.

10 Which could in fact be the same day, could in fact be 22 December, 2010?
---It could be, yes.

All right. And you were asked to submit the cover quote by Mr Bullock. Is that right?---I would have been.

I'm sorry?---I would have been.

All right. And do you know why Mr Bullock asked you to submit a cover quote?---Why?

20

Yeah. Do you know or did he otherwise explain to you why he wanted a cover quote from you?---No. I don't recall any - - -

All right?--- - - - any um, explanation.

Okay. All right. Pardon me. And just, there's a couple of minutes to go. Just if we can go to the next file. Yes. Could you return volume 8 and could you be provided please with Exhibit T1, volume 5?---Thank you.

30 And go please, sir, to 2285. That should be the front page of an MSB file for a property located at 336 Moreton Park Road, Douglas Park?---Yes.

And go to 2392 first of all and that document runs for three pages. It's a Plantac quote dated 18 June, 2011. See that?---Yes.

40 Now, it doesn't – and it takes a slightly different approach in terms of the way in which it quotes but quotes for a whole lot of individual items, one through to 10. If my maths is not mistaken the total is \$23,080. And then go please to 2389 which is, appears to be a quote that you've submitted dated 18 June, 2011, the same date as the Plantac quote in respect of the same works and the same approach it seems has been taken to preparing the quote in that there isn't a single bottom line but again if my maths is not mistaken the total amount is \$27,040 so a few thousand dollars higher than the Plantac quote. Go please, sir, to volume 6 to page 2778. Now, this, sir, is a document that you've produced to ICAC being a copy of the Plantac quote that I've just taken you to and it would appear to be a fax copy. It has a fax imprint on the top left-hand corner. See that?---Yes.

Dated 5 August, 2011, 1.33pm. And if you can go over a couple of pages to 2780. There's some handwriting on the page. See that?---Yes.

And that handwriting reflects the amount of the individual quotations that I've just taken you to?---Yes.

The \$23,080 is the amount – the total amount of the Plantac quote and the 27,040 is the total amount of your quote. Do you see that?---Yes.

10 And do you know the circumstances in which you received this faxed copy of the Plantac quote?---Well, obviously it was faxed, faxed to me.

Yes. Why would it have been faxed to you?---It appears to be for the purpose of a cover quote.

Right. Well, you didn't ordinarily receive copies of quotes from other contractors did you?---That's right.

20 Right. And the cover quote that you refer to is that the quote that I've taken you to at 2389, your quote totalling \$27,040?---That's right.

Right. And you were asked to submit this cover quote by someone?---Well, yes.

I'm sorry?---Yes.

By whom?---Well, Darren Bullock I guess.

30 All right. And do you know why he asked you to submit a cover quote? ---Well, I don't recall the conversation.

Yeah?---But it's obvious what it was for.

What was it for?---To allow Plantac to win the job.

All right. That might be a convenient time, Commissioner.

40 THE COMMISSIONER: Yes, that is a convenient time. Mr Salmon, if you could step down and return tomorrow morning promptly before 10 o'clock and we'll resume at 10.00. Thank you.

THE WITNESS STOOD DOWN

[4.02pm]

AT 4.02PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.02PM]