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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION TUNIC

Reference: Operation E13/1800

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 31 MARCH, 2015

AT 2.11PM

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

THE COMMISSIONER: Yes, my apologies for that delay. Yes, Mr Naylor.

MR NAYLOR: Commissioner, I call Gareth Davies. Mr Davies is in the witness box.

THE COMMISSIONER: Yes, Mr Davies. Just take a seat.

10 MR STEWART: Yes, good afternoon, Commissioner. I've explained the provisions of the section to my client, he'd seek a declaration under section 38 and he'd like to be affirmed.

THE COMMISSIONER: Thank you, Mr Stewart. Mr Davies, I just want to confirm with you that you understand that the section 38 order protects you from the use of your answers against you in any future civil, criminal or disciplinary proceedings but it does not protect you if it is found that you've given false or misleading evidence. You understand that?

20 MR DAVIES: I understand that, Commissioner.

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

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

THE COMMISSIONER: Yes, can we have the witness sworn please.

THE COMMISSIONER: Yes, Mr Naylor.

MR NAYLOR: Sir, what's your full name?---David Gareth Davies.

And your occupation?---Um, I'm a district supervisor at the Mine Subsidence Board, Picton office.

10

All right. And for how long have you been employed in that capacity?
---Um, I started in April 2013.

All right. And are you a permanent employee or a temporary employee?
---I'm a temporary employee through Hays.

Through Hays Recruiting Agency?---Yes.

20

And what's your qualifications and work experience?---Um, I was a licensed builder for 25 years, ran my own business um, Clerk of Works um, have worked for a facility management company prior to my employment at um, Mine Subsidence Board.

All right. Just before we proceed any further, sir, you've been a temporary employee since you started in April 2013. Have you requested at any time for your temporary employment to be converted or for you to be employed on a permanent basis?---Not normally, no.

30

Sir, as part of your job you're involved in the handling of claims for compensation in respect of damage caused by mine subsidence?---That's correct.

Okay. And are you familiar with a bundle of documents that have, that are policies and procedures adopted by the Mine Subsidence Board in relation to, among other things, the handling of claims for compensation?---I, I know of them.

You know of them?---Yes.

40

In, in what way do you know of them?---Ah, they're in our intranet.

They're?---In our intranet.

In your intranet. Okay. Do you know if there's a copy in the Picton office?
---There is now.

Yes. And at any time that you can recall have you had resort or have you looked at either the hard copy or the copy on the intranet of those various

policies and procedures?---After I started there I was browsing, got to the extent of browsing to see what I needed to know. It's quite an extensive document as you can imagine so - - -

Yes?--- - - - I didn't get too far.

10 Okay. Might the witness, Commissioner, be shown T1, volume 2. Sir, if you turn to page 499 and if you'd go over the, over the page to page 505 you'll see that that's a document which has been signed by Mr Cole-Clark, it is towards the front of that bundle of documents which is described as a Business Management System and it's dated 4 September, 2014. Do you see that?---Yes, I can.

20 All right. And this would appear, sir, from the information that is available to the Commission that the document which you've got open in front of you and all the pages behind it for the rest of this folder are that compilation of documents which I'll be referring to as the policies and procedures that were current as at that date, 4 September, 2014, also described as a Business Management System. Have you ever had any training or instruction or indeed any induction in relation to the contents of these documents?---Not that I'm aware of.

No. You've never attended any seminars in relation to how to handle compensation claims at the Mine Subsidence Board?---No.

Right. Your understanding of how to deal with claims for compensation in respect of mine subsidence damage, how have you acquired that understanding?---Ah, through instruction from Mr Bullock.

30 Right. And am I correct in understanding, sir, that once a claim has been lodged, and leaving aside those kinds of matters which, those claims which are deferred because subsidence damage is continuing, where a decision is formed that a claim can be dealt with, then it's necessary to conduct a final inspection of the relevant property?---As part of the investigation?

Yes?---Yes.

And from that a Claim Investigation Report is prepared?---That's correct.

40 And you've been involved in preparing those reports?---Yes.

And the reports make an assessment, do they not, about whether or not the damage has been caused by mine subsidence or not?---Yes, in our opinion, yeah.

Yes. And if, if the opinion is formed that the claim, that the damage has been caused by mine subsidence, you use the benefit of your experience and

perhaps other tools to make an assessment as to the value of the works that are required to rectify the damage?---Correct.

And you put that figure into the Claim Investigation Report?---Yes, as (not transcribable) correct.

And then what do you do with the report?---Ah, the report then goes to District Manager Bullock to, to sign off.

10 Okay. And do you have an understanding about what the district manager's delegation is in relation to signing off on those reports?---\$50,000.

Is that for some particular kinds of claims or claims generally?---Um, it's the only, only figure I know.

That's the only figure you know?---The only figure I, yeah.

Okay. Well, the properties that you've prepared Claim Investigation Reports in relation to, where have they been located?---In Tahmoor area.
20

In?---Tahmoor area.

Tahmoor?---Yeah.

You've only dealt with Tahmoor-related claims?---Ah, yes. I've currently got one I'm investigating now within Joadja in the Southern Highlands.

Joadja?---Yep.

30 How do I spell that, I'm sorry?---Um, yeah.

THE COMMISSIONER: J-o-a-d-j-a.

MR NAYLOR: All right. Thank you.

THE COMMISSIONER: It's a very pretty town.

MR NAYLOR: Some evidence was given earlier today by your colleague that the \$50,000 delegation may have been changed in recent weeks to
40 \$20,000?---Acting - - -

Does that accord with your understanding?---Are you talking about Acting um, District Manager Rawes?

Yes?---Yes, it was changed when he took the role as acting district manager.

I see. So it's no longer \$50,000 for Tahmoor-related claims?---No, no.

It's \$20,000?---It's \$20,000.

Okay. All right. In terms of the approval of claims do you have any financial delegation to approve a claim?---I can approve claims up to \$8,000.

10 And that's at the claim approval process as to distinct from the later process which I'll come to about the selection of tenderers?---Sorry, I'll – actually I – sorry, I'll rephrase it. I don't have – I don't approve claims. Sorry, I can get prices and tender for under \$8,000, sorry.

Okay?---Yeah.

THE COMMISSIONER: Mr Davies, sorry?---Yeah.

Could I ask you to speak a little bit closer to the microphone?---Oh, sorry. Yeah.

20 Thank you.

MR NAYLOR: Well, once a claim has been approved, Mr Davies, it's necessary – well, just before I, I go on to that. Have you dealt with any claims the value of which exceed \$50,000, that is, you have assessed the value of the claim as exceeding \$50,000?---Yes.

And what's the process that you've adopted in relation to having those claims approved or dealt with?---Ah, the claim would go to the district manager.

30 Yes?---He would um, sign it off and then if it needs to be referred to Newcastle for the CEO to, to approve.

Well, what, what - - -?---The file would be sent up to Newcastle to be done.

What's your understanding of when a claim needs to be sent up to Newcastle?---When it's over his delegation.

And his delegation is \$50,000?---Was 50 - - -

40 Okay?---Mr Bullock's was \$50,000, yes.

I see. So if, if you've prepared a claim and you've estimated the value of the works at say \$60,000 you'd refer it to Mr Bullock first because he's your supervisor - - -?---That's right. Correct.

- - - but you'd have an expectation that he would then refer it up to Newcastle for approval?---Correct.

I see. And once approval is given the process commences to obtain a contractor or contractors to do the relevant work. That's right?---Yes.

And if – let's make the assumption that the value of the claim is less than \$50,000?---Yes.

Yes. Say you've assessed it at say \$40,000?---Ah hmm.

10 Am I right in thinking that you would then have regard to the list of pre-approved or registered tenderers for the purpose of selecting tenderers to invite to, to invite them to quote?---Yes.

Is that how the process works for you?---Yes. I have a um, a list on my pin board actually of, of um, ah, builders that are on the tender panel, yeah.

20 Okay. And how do you go about selecting those who you're going to invite to quote?---Um, discuss with my associates actually again who, who has work, a lot of work and who doesn't um, and try and, for want of a better word, blood new, new contractors in that haven't been used before.

All right. And let's still assume that the value of the works is \$40,000, how many quotes would you need to invite?---I, I invite three.

All right. Well, are there any circumstances in which you wouldn't invite three quotes?---Yeah. If I was – if the um, the claim amount was under – \$8,000 or under.

30 \$8,000 or under in which case you would seek - - -?---I would just get one - - -
- - - how many quotes?---I would seek one tender.

Just one?---Yeah.

Okay. So can I just go back to my question about selecting tenderers off the list to invite to quote. One consideration that you take into account is who has got work on hand?---Correct.

40 If they're busy they can't do the work?---Yeah.

Any other considerations that inform you making a selection as between those who are on the list?---Um, yeah. Some contractors probably can't or I would deem that um, may not be as efficient as others.

May not be as?---Efficient.

Efficient?---Yeah.

So if there's some sort of time imperative to get the work done you - - -?---I would - - -

- - - you might select one contractor over another?---Over another, yes.

10 All right. Well, have you ever had a discussion with Mr Bullock in which he has suggested to you that one particular contractor or other might or should be invited to tender?---Um, my first claim I did actually um, I had a discussion with Mr Bullock. Um, he suggested a few contractors to be on a tender. I actually approached and asked how, how it is, how the process is done.

Yes?---Um, and he said just to basically start off that he'll recommend the contractors to um, tender. He'll recommend the contractors to tender.

Yes?---Um, and he gave me just, yeah, just spoke of different contractors to put on the - - -

20 All right. Do you remember which contractors he mentioned?---Ah, yeah. Ah, there was, um, ADR Constructions, um, Allfitz Homes because they haven't done, haven't done work for us for a while.

Yes?---Um, ah, there was two other, Plantac - - -

Yes?---Um, ah, there was two other, Plantac - - -

MS HOGAN-DORAN: Commissioner, sorry. Could - - -?---Sorry.

30 Could, could the witness be asked to speak up or - - -?---Sorry.

THE COMMISSIONER: Yes.

MS HOGAN-DORAN: - - - or closer into the microphone it's very difficult.

MR NAYLOR: He's a little hard to hear.

THE COMMISSIONER: Yes.

40 MS HOGAN-DORAN: And I didn't hear the last two answers.

THE COMMISSIONER: No. Sorry, Mr Davies?---Yeah.

One was ADR Constructions the other one was?---Allfitz.

Allfitz?---Yeah.

How do you spell that?---Ah, A-l-l-f-i-t-z.

Allfitz Homes?---Constructions, I think they are.

Sorry. Allfitz - - -?---Yeah.

- - - Constructions, yes?---Um, Plantac.

MR NAYLOR: Plantac?---Um, ah, Bowral Homes.

10 Barrel Homes?---Yeah.

Do you remember the property off the top of your head - - -?---Yeah, it was, um - - -

- - - that you were dealing with?---105 Rita Street, Thirlmere.

Okay. And is, sorry, had you finished your answer? Was that all the suggestions?---There was another one, actually. I can't remember. Yeah.

20 Okay. And is that the only time that you've had a conversation with Mr Bullock about who might be invited to tender?---Ah, yeah. I think the next, ah, if I can recall the next time we spoke about it was he said well basically, weaning me into, into the role sort of thing. That I would be able to identify who could do the work who could not do the work and he left me to my own devices to choose the tenderers.

I see. All right. And just to clarify, apart obviously from looking at, you had a list, you had the list of selected tenderers available to you?---I have a list I think, that was brought from an internal email.

30 Right?---That was sent out.

Yes. Okay?---And I had that pinned to a pin board actually. Like it has a list of, of tenderers that I haven't used and I cross off ones that I have used and highlight the ones that, that I'm going to use in the future.

Okay?---Yeah.

40 Have you at any time become aware or been informed about a policy of rotating between tenderers on the list?---Mr Bullock had discussed that at, um, a couple of times.

Yes?---Yeah.

All right. And - - -?---And, and we'd talk about that in the office in general too.

So what was your understanding of the policy?---Ah, basically just spread, to spread the work out.

Okay?---Yeah, in a nutshell.

And have you, did you at any time ever have regard to that bundle of policies and procedures that is in front of you when - - -?---No.

10 - - - making yourself aware about the rotation - - -?---No.

- - - policy?---I took instruction from, from a manager, yeah.

Okay. So you make a decision about who you're going to send the invitations to to quote. Arrangements are made for bundles of documents to be either sent out or you give them to the prospective tenderers on site when you meet with them and talk about the scope of works that - - -?---Yeah.

- - - needs to be done?---That's correct.

20 And it's part of your job to prepare a document that has been described by other witnesses as a scope of works or - - -?---Correct.

- - - perhaps a technical specification?---Correct.

And that lists the work that needs to be done?---Correct.

All right. And after a period of time the - a closing time is set rather for when the tenders are due to be received and - - -?---Yes.

30 - - - is the process for tendering that you understand to be applicable is that tenders need to be deposited in the tender box at the Picton District Office? - - -That's correct.

And that's a box which is in the front counter - - -?---Yeah.

- - - at the district office. So there's a hole in the top of the bench and you can insert your tender by depositing the envelope through the hole and there's a, there's a box beneath, there's a box beneath the bench. That's right?---That's correct.

40 Okay. And it's the case, is it not, that after closing time the tender box needs to be emptied?---After closing time?

After the designated closing time for each tender - - -?---Of the tender, yes.

- - - the box is emptied?---That's correct, yeah.

And if you are the officer with carriage of that particular claim, you don't get involved in emptying the tender box, do you?---That's correct.

It needs to be done by two other people. One of those persons would be another district officer?---Correct.

And the other person would be an administrative officer?---Correct.

10 Okay. Before that occurs, the tender book would need to be noted up, would it not to say that a tender is on issue essentially?---Correct.

The clerical staff. All right. And have you been involved in the process of receiving tenders for claims that you haven't had carriage of?---Yes, I have opened tenders, yes.

And do you do that, do you note up the tender book?---No, the clerical staff do that.

20 The clerical staff. All right. And have you been involved in the process of receiving tenders for claims that you haven't had carriage of?---Yes, I have opened tenders, yes.

Okay. So you would have done that in combination with a member of the clerical staff?---Correct.

Okay. And what's the process that you went through when you were opening the tender box?---Um, the tender box would be opened, the tenders were taken out - - -

30 Yes?--- - - - and they were opened by either myself or the other, other person.

Yes?---Um, they were, they were read and they were noted in the tender book.

Yes?---Noted by the other person and then signed, signed off um - - -

40 Okay. Well, you – did you sign?---Yeah, you sign the document, the tender document - - -

Yes?--- - - - and you sign the book as well.

I see. The tender box itself has two locks on it which are separately keyed, is that right?---Ah, I'm unaware - - -

Or do you not know?--- - - - actually, I think it was only one but um, I could be mistaken, yeah.

All right. Well, when - - -?---I've, I've never actually opened the box um, except for, to fix it.

Okay?---I was the um, person that fixed the box, yes.

Well, let me come to that in a moment. So you, you were one of – the instance that you're talking about, just when was that, do you recall, when you last were, were involved as one of the officers opening the tender box? ---Um, oh, possibly late last year sometime.

10

Okay?---Yeah.

But – and so you became involved and, in the process as you've described but you weren't physically involved in undoing the locks?---No, I've never actually undone the locks, normally the um, clerical staff would do that.

I see?---Yeah.

Well, you've given some evidence, sir, that you repaired I think the tender box. When did you repair the tender box?---Um, it would have been early 2014.

20

And what repairs did you make to the tender box?---Um, when the – an easy way to explain this, when the tender box is opened it, it is on a hinge, a piano hinge, the back and it flips down.

Yes?---Then the documents can be taken out.

Yes?---The bracket holding the piano hinge has four screws and it was tilted, the screws had stripped off the benchtop underneath.

30

Yes?---I re-put new screws in that.

Okay. And so before you effected the repairs, I'm just trying to understand what the nature of the defect was, was the box - - -?---To my knowledge they were having trouble opening it.

Yes?---I, I, I'm pretty sure I spoke to Lyn Evans um, about it, I, I could be wrong but that, or the problem was with the lock, it was, it, it, it wouldn't, the lock wouldn't come off actually when it was disengaged.

40

I see. And that - - -?---Yeah, that from the weight of the box tilting down on the lock itself I would imagine.

I see. So the box is attached to the underside of the bench?---Yeah.

Right. And it was falling away from the underside of the bench?---Well, it come, the screws had lost its grip - - -

Yes?--- - - - to the underside of the bench and it was tilted down, it was putting weight on the, on the lock, locking mechanism.

And when you say it was tilted down?---I'm talking 10 mil, yeah.

10 mil?---Yeah.

So - - -?---Not very much.

10

- - - but between the underside of the bench and the top of the box which would ordinary sit flush with the underside of the bench it's about 10 mil?
---Yeah, something like that, yeah.

All right. Which is - - -?---On one, on one side.

Which is about a centimetre, which is a centimetre?---Yeah, yeah.

20

And the dimensions of the box, how, how long is the box?---Um, oh, um, four fifty by about three hundred mil.

And how deep is it?---Um, yeah, probably about three hundred mil deep.

Right. And the opening in the top of the bench, how big's the opening?
---Um, I'd say probably about three hundred mil by thirty-five, forty millimetres.

Right. Could you get your hand in there?---Ah, yeah, I'd imagine you could.

30

Mmm?---Oh, like I don't think you'd get your whole hand in there, I mean, you could probably get your fingers in there sort of thing but I've never tried so - - -

Righto. Let's go back to the process, once the tenders are received and you've noted up the tender book and you've signed each of the tenders and the tender book you give those, all of those documents to the district officer with carriage of the matter?---Ah, no, the clerical staff would make up a minute on who, who tendered and their price.

40

Yes?---That minute would then be given to the person who has carriage of the claim.

I see?---And I'm pretty sure they would sign, they sign that off then just give them to the district manager.

You're saying there's some document which is a minute which is prepared by the clerical staff and it goes to the district officer with carriage of the matter?---Yeah.

Right. And what does it usually say?---It just states who tendered for the job and their price.

Yes?---And that um, it doesn't exceed or it explains if it did or did not exceed the estimated cost - - -

10

Yes?--- - - - on the claim.

Yes?---And then it would be signed off by the person with carriage and then obviously sent, I'm pretty sure it's sent, sent to the district manager then, yeah.

I see. So I'm not quite following. My understanding of the process is that the district officer, whether the supervisor or sometimes the manager, who has carriage of the particular matter makes, is provided with access to the quotes or the tenders?---Yes, they are put in the file.

20

Right. And forms a judgement as to who should be selected, which, which tenderer should be selected?---In my experience there the cheapest tender has always got the job.

Okay?---Yeah.

Well, have you ever gone through this process as the officer with carriage of the, carriage of a particular claim, that is, have you ever a district supervisor been presented with the tenders, the quotes - - -?---Yes, yes.

30

- - - and asked to prepare a note or form an opinion as to which particular tenderer should be selected?---No, no. Sorry, I have done that, I've received the, the minute - - -

Yes?--- - - - with all the um, with all the prices and the who tendered for the job.

Yes?---Um, and then I just based my decision on the, on the cheapest.

40

That's the only consideration - - -?---Yes.

- - - that you apply in deciding who should - - -?---Oh, I've looked at, looked at the prices, I thought, I've looked at the prices in my experience sort of thing, I haven't had a price that was well below what I estimated.

Yes?---Yeah.

And if it was well below, what would, what - - -?---I would bring it to the district manager's attention.

Okay?---Yeah.

All right. Because you'd form a view that it just wasn't feasible for the work to be done for that price?---Exactly.

10 And would you, what would you do in that circumstance, would you communicate with the tenderer or would you just put aside or reject that particular tender?---No, I'd - if, if was happening to me I'd go on the advice of my district manager, I'm, I'm pretty sure that a phone call would be made to the, to the tenderer um, asking if he could actually do the job for that price.

Okay?---Be the first option, yeah.

Right. And I suppose if - - -?---And you'd act on his, his um, yeah.

20 If you were satisfied that the work could be done for that low price you'd accept the tender?---Yes.

Yeah. And am I correct in understanding your evidence to say that if the tender was for work which was below a value of \$8,000 I think you mentioned - - -?---Yes.

- - - you could approve - - -?---That's correct, yeah.

30 - - - the selection of the tenderer, but for a Tahmoor-related job, above \$8,000 and below \$50,000 Mr Bullock as the former district manager could have approved that?---That's correct.

And how do you know that, how do you know that he had that delegation? ---Um, I have that schedule C, the delegation sheet again pinned to my board - - -

All right?--- - - - um, that I refer to.

40 And you've got, you've got in front of you, sir, volume 2 of the tender bundle?---Um - - -

Go to page 492 if you wouldn't mind. Does that appear to be the document that you're referring to?---Yes.

Right. Now, after the contractor has been selected, the works start? ---Sorry?

After the contractor's been selected, both the successful and the unsuccessful tenderers get notified of the outcome of the tender result?

---That's correct, yes.

And the successful tenderer can then begin work. That's right, isn't it?

---That's correct.

And your obligation, one of your obligations as district supervisor if you've got carriage of the matter is to supervise those works?---Correct.

10

And if an invoice is received from a tenderer such as a progress payment invoice, it would be your obligation to make sure that the works had been inspected and you'd satisfied yourself that works up to the value of the progress payment that's being invoiced had been satisfactorily completed?

---Correct.

And if the works have been fully completed and a final invoice is submitted you incur the same obligation, that is to say you must inspect the works and make sure that the works have been satisfactorily completed before you

20

authorise payment of the invoice?---Correct.

All right. Now, there are times, are there not, where it's necessary for a contractor to request a variation of the original contract price. That's right?

---Correct.

And what sort of circumstances would involve a variation being submitted? ---Um, unforeseen latent issues. Unforeseen um, latent issues.

Such as?---Um, as previously explained, when we take possession of a house um, carpets may be lifted. There may be excessive cracking in the concrete slab um, that has to be dealt with.

30

Okay. And are there any – to your understanding are there any rules or guidelines that govern the approval of variations within the Mine Subsidence Board?---Um, I know there, there are. Um, I've – the way I was instructed by Mr Bullock, all my variations were approved by him.

All the variations were approved by him you said?---I, I used to um – the procedure is you send a, a – the contractor a variation notice - - -

40

Yes?--- - - - informing them what you want a price on.

Yes?---They will send you back a quote. You will then accept that quote in a minute. Um, sorry, you'll send that variation of contract to be signed by your district manager.

Yes?---Which in turn would flag if anything needs to be – a commitment needs to be increased and then there'd be a minute – he'd do a minute there.

I don't quite follow the last - - -?---The - - -

You're talking about the commitment being increased. I don't follow I'm sorry?---Um, okay. The, the funds that are allocated to a claim - - -

Yes?--- - - - um, they're called a commitment - - -

10 Yes?--- - - - in our, in our um, property management system.

And is that the same amount that appears in the claim investigation report if it has been approved?---Um, I would say yes. Um, again I'm not, not, not thoroughly um, convinced of that.

Of course?---Um, the variation um, the variation of contract it's what I can make out flags the district manager then to increase the commitment to cater for that variation.

20 Right. And you yourself have never been involved in approving a variation. What you're saying is that you've always sent them up the line to - - -? ---That's the way I was instructed from the start.

- - - to the district manager?---Yeah, so - - -

And have you got still page 492, the schedule C in front of you?---Yes, I have.

30 You'll see right down the bottom of the page, it's in very small type - - -? ---Yeah.

Note 3b - - -?---Ah hmm.

The evidence that has been received by the Commission so far is what that means is that where the variation is 15 per cent of the accepted tender price, the contract price or \$10,000 that you take the lesser of those two as - - -? ---Correct.

40 That's, that's the authorisation or that's the authorisation which is available in terms of a financial delegation to authorise a variation. Is that - - -? ---That's correct.

Does that correctly reflect your understanding of the financial delegation which is available to approve variations?---Yes.

All right. And so in relation to the matters that you had sent up to Mr Bullock do you have a memory as to whether any of the variations were either greater than 15 per cent or greater than \$10,000?---Ah, yes.

You do?---Yes.

There have been matters in that category?---Ah, yes. I sent through variations to be um, to Mr Bullock.

Okay?---Yeah.

10 And what's, what was your expectation then about whether Mr Bullock could approve it or if he couldn't what was to be done with the variation application?---Um, I, I was just under the understanding that he could approve it.

All right?---Yeah.

Well, I'm just trying to understand, sir, if, if that was – if your understanding was consistent with what's on this page - - -?---Yeah.

20 - - - that is, that the delegate has the capacity to approve a variation the lesser of 15 per cent of the accepted tender price or \$10,000 but you're saying that there have been matters in which you've been involved that the variation has been more, why would you say that Mr Bullock could have approved it?---Well, this, this has all come to light since the start of this hearing.

Right?---I've adopted this, I adopted this um, procedure here since the start of the - - -

30 So are you saying that at the particular time that you were dealing with these variations, at the particular time that you submitted those variations to Mr Bullock where the variation was more than \$10,000, then your, your understanding at that time was that Mr Bullock could approve it? ---Ah, a certain figure. So there were items that Mr Bullock did sent up to the CEO to get approved.

Right?---Yeah.

40 But to the best of your knowledge, any matters – were there any matters in which you were the officer with carriage of the matter and Mr Bullock, to the best of your memory, Mr Bullock had approved a variation which was in excess of \$10,000?---Yes.

Right?---Yes.

And do you remember which property?---Um, I think it was the first one I did, 105 Rita Street, Thirlmere.

Right. And do you know when that was roughly?---Well, allowing for say two, three months of in-house training so to speak and I would say probably um, July, July/August of 2013.

All right. Well, have there been any other matters in which Mr Bullock has - - -?---Not that I - - -

- - - approved a variation in excess of \$10,000?---Not that I can remember, yeah.

10

Do you remember any matters in which a variation has been approved which is in excess of 15 per cent of the tender price?---Um, I'd have to work out figures in my head with that. Um - - -

Well, if you haven't already done it - - -?---Yeah.

- - - I'm not asking you to, I just - - -?---No. I, I couldn't remember offhand, no.

20

Okay. All right. Just when was – your evidence was I think that this schedule of delegations had come to your attention quite recently. Am I correct in understanding what your evidence is?---No, I've had the delegation probably um, I photocopied off one of the other, my associates actually.

When did you do that?---It would have been late 2013/early 2014 I would imagine.

30

All right. And what did you do between April 2013 and late 2013/early 2014 if you didn't have a schedule of delegations available?---I would have, I would have asked.

You would have asked?---I would have asked, yep.

Your understanding, sir, about the, the financial delegation that applies to variations that appears at the bottom of this page, when did you acquire that understanding?---Um, basically through talks with the acting district manager um, when the (not transcribable) hearing started up there.

40

I see?---Yeah.

So let me understand this. From the time that you started, April 2013, up to late 2013/early 2014, you didn't have a schedule of delegations and if you had a question about it you'd ask someone else?---Yep, I'd ask one of my associates or the district manager, yes.

Okay?---Correct.

And then from that time up to early 2015 when you were speaking with the acting district manager, during that period you didn't have an understanding about what the delegation was in respect of variations- - -?---Um - - -

- - - as per this page?---No, I would say I didn't have a full understanding.

All right?---Yeah.

10 Okay. Had it been suggested to you at any time by Mr Bullock that you should familiarise yourself with the schedule of delegations?---Um - - -

And where you might find the schedule of delegations?---Ah, I, I, actually he probably said get a photocopy off, off someone.

Well, I don't want you to - - -?---No.

If you don't have a memory of him saying it don't say?---No, I, I don't, sorry, I was only making an assumption.

20 Okay. All right. Sir, do you know what a major claim is?---Um, my um, I, I, I, I assumed that a major claim was over our district manager's delegation.

Well - - -?---So over \$50,000 I would assume was a major claim.

Why would you make that assumption?---Ah, because it had to go to Newcastle, the CEO, to sign off, and the Board.

30 And what, what to your mind is the significance of a major claim?---Um, oh, it's, it's to do with the fiscal total of the claim, the, the cost.

I see. I don't mean to be cryptic?---Yeah.

If a claim is in excess of \$50,000 what does it mean to you in terms of the process? How does it, how does the process differ if at all?---Oh, it's just that the, the claim has to be approved by the CEO or the Board.

40 All right. And, sir, have you ever dealt with any claims where the value of the original contract price has been less than \$50,000 but when the variations have been added the total price has exceeded \$50,000?---Ah, I would say the, the, yes, I would say there probably is, I couldn't recall exactly.

You don't, you don't have a memory?---No, I, I would say there definitely is, yeah.

Matters in which you've been involved?---Um, that I was the carriage of the claim, yeah.

Yeah. And has, has it ever been suggested to you before that in reality they are major claims and that that - - -?---No.

- - - the policies that apply to major claims should, should be applied to those kinds of claims?---No.

No. Has there ever been any discussion about that at any district meetings for example?---I can't recall.

10

Okay. The, the various limits, delegation limits that we've talked about today, \$8,000 for you as district supervisor and \$50,000 for the district manager and we're, we're talking about the two approval processes, remember the one at the claim investigation stage and then the one at the contract or appointment stage - - -?---Yeah, ah hmm.

- - - have those limits changed at all in the time that you've been working at the Picton district office?---Only, the only, the only one that's changed actually is recently when the acting district manager's delegation was brought down.

20

From 50,000 to - - -?---50,000 to 20,000.

- - - 20,000?---Yeah.

And, and in terms of when you seek one quote and when you seek three quotes, I think your evidence is that if the value of the works is less than \$8,000 you can seek one quote and from 8,000 to 50,000 seek three quotes, have, have those limits changed at all in the time that you've been working at the Picton district office?---I wouldn't know, yeah.

30

You wouldn't know?---No, I have, they're, they're um - I wasn't specifically told about, like with the \$8,000 I know I was told that I could do one, one tender.

Yes?---Um, but there was nothing ever produced to me saying I had to use three tenderers above \$8,000. I just, I just made - - -

When you say nothing ever produced to you what do you mean?---Well, I just made the assumption that ah, that over \$8,000 I would get three, three tenders on.

40

So you worked out for yourself that you should get three quotes?---Yeah.

No one told you that that's what was required?---Not really, no.

No one told you that there's a policy that requires you to, we should look at a policy?---There may have been general, there may have been general talk

about it but no, there was nothing, I was never brought the, in the guidelines and everything, I was never shown anything like that, no.

Pardon me, Commissioner. No further questions, thank you, Commissioner.

THE COMMISSIONER: Ms Hogan-Doran.

MS HOGAN-DORAN: Yes, Commissioner.

10 Mr Davies, my name is Dominique Hogan-Doran, I appear for the Mine Subsidence Board?---Good afternoon.

Mr Davies, is it your recollection that you've attended any district meetings of the Board?---I have, two.

And was the first that you attended in Wyong on 7 May, 2013?---Um, yeah, I'm assuming the dates are right actually, yeah.

20 Right. And when was the second one?---I think it was end of 2013 at ah, Newcastle.

Could the witness be shown Exhibit T6, please?

THE COMMISSIONER: Ah hmm.

THE WITNESS: Sorry.

30 MS HOGAN-DORAN: Mr Davies, is that a document you have seen before or a version of it?---Yes, I have.

Have you had from time to time occasion to enter information into a document like this?---Yes, I have.

Right. And is a document like this still in use in the Board?---Yes, it is.

In the Picton office?---Yes, it is.

40 Right. Can I ask you to turn to page 10 and could you look down to the address about 10 from the bottom, 105 Rita Street, Thirlmere, a [REDACTED] [REDACTED] ---Yep. Yeah, I have that.

Commissioner, I'll just note for the purpose of the transcript that that's a private address and your ruling would apply to its publication.

THE COMMISSIONER: Yes, yes.

MS HOGAN-DORAN: Is that the property that you were referring to in your evidence earlier in answering questions?---That's correct.

Thank you. Could you look across that line to a date under the heading about three or four from the right-hand side of the page, 8 October, 2013?
---Yes.

You gave some evidence before about, that indicated your involvement in that property was about two or three months after your in-house training in about July or August, 2013?---Correct.

10 Seeing that date, does that, does that suggest to you that it's a later date or that you would have begun your investigation at a date prior to that?
---Um, I didn't actually do the investigation on that, that um, that claim.

I see?---Um, um, District Manager Bullock on the investigation originally on that, I took that over, I was given that to take over when I started there. I actually did the scope of works on the job um - - -

20 Just sitting there, can you remember what that scope of works was?
---It was quite extensive um, new pool um, reusing old fencing ah, full house repaint um, a minor part, minor brickwork repair ah, concrete path repair um - - -

And when, when you – sorry, anything else?---Um, and it also had a, a, it was tenanted out too so - - -

Right. You said you prepared the scope of works?---That's correct.

And you said that Mr Bullock did the claim investigation?---That's right.

30 Did you yourself inspect the property for the purposes of preparing that scope of works?---Oh, numerous times.

Numerous times?---Numerous times, yeah.

I see?---Actually went around with the actual claimant as well, which is what I normally do actually with the scope of works.

40 I see. And sitting her now, can you recall what the initial estimate of the works was for the scope of works that – sorry, sorry, I'll withdraw that and I'll ask a question prior to that. Did you in the process of preparing the scope of works prepare an estimate for the works?---No, it was already there, their claims had already been approved um, and there was already an estimate in, in the file.

So the estimate had been prepared before the scope of works had been prepared?---That's correct.

Right. And did you as part of your role in preparing the scope of works consider at all whether or not that estimate was accurate or, or, or reliable?

---Um, I actually, yeah, I actually thought it was pretty well on par.

I see?---Yeah.

You said in your evidence that this was the first – I think it's correct, that this was the first - - -?---Claim.

- - -claim that you had had involvement in?---That's correct.

10 Right. And you had commenced in about May 2013?---April.

April, 2013. Thank you. And so this is now in about October

- - - um, or July?

Yeah, that's when the actual work was actually theoretically started, there was a lot of um, um, messing around with that claim, if I could put it loosely (not transcribable) actually trying to find another house with tenant that was living there um, so when I, from the time I was given that it was probably
20 about two or three months before we actually started, even started with the tender on that.

And I think in your evidence you said that, to your recollection, Mr Bullock had given you a number of names, a number of contractors. Is that for the purposes of the tender?---Correct.

Right. When you were given those names, did you have regard to any list maintained by the Board as to determine whether or not those were pre-approved tenderers?---No, I didn't know. I didn't would've had to - - -
30

Did you know that such a document existed?---No. Not at the time.

All right. Did you have a role in preparing any correspondence with those proposed tenderers?---Apart from the tender documents that I sent out to them.

So - - -?---But - - -

40 And to your recollection, did you send out tender documents to the companies that you identified in your evidence earlier?---Yes, that's - - -

All right. You gave some evidence about fixing the tender box?---Correct.

Sitting here now, can you recall when you did that?---Um, I can only assume it was in – well late summer early autumn. Um, I was in my work attire actually and I was quite sweaty and quite – so that why I'm assuming it was around that time of year.

Can you recall whether it was your first or second year of employment?
---Um, well the first year, it would've been my first year then, yeah. If I started in April '13 and I fixed it early '14 it would've been in my first year then, roughly.

So you think you fixed it early, early 2014?---'14, yes, that's what I'm saying. In either the summer or the early autumn of – of, um, 2014.

So perhaps February, 2014?---Yeah, February, yeah.

10

All right. I don't have any other questions.

THE COMMISSIONER: Yes, Mr Chee.

MR CHEE: Commissioner, I have one, or a few very brief questions. Mr Davies I appear for Darren Bullock - - -?---Sorry, I can hardly hear you, sorry.

I appear for Darren Bullock?---I'm sorry, yeah.

20

Can you hear me now?---Yes, I can.

You were just asked some questions about 105 Rita Street, by Council for the Mine Subsidence Board. Could I suggest to you that the investigation report was not done by Darren Bullock by rather done by John Cuthbert, Mr Bullock's predecessor?---Ah, that could be correct, actually. Sorry, I made the assumption it was done by Darren because he gave me the file to use.

Thank you. No further questions.

30

THE COMMISSIONER: Anything, no?

MR STEWART: I have no questions.

THE COMMISSIONER: Anything arising, Mr Naylor?

MR NAYLOR: Just one issue, Commissioner. I may have misunderstood your evidence, Mr Davies?---Yeah.

40

So correct me if I'm wrong. But what I understood you to say in response to questions from Ms Hogan-Doran about 105 Rita Street, was at that particular time, tell me if I'm wrong. You were not aware of the pre-approved selected tenderers list?---No.

Right. But you became aware of that list at some point in time after?---Actually, from memory I can actually, um, another job I did, um, on one of the Board's properties when I became aware, well actually got the email from the selected tenderer, ah, panel.

And do you know when that was?---I would have to assume it was – it was late in '13.

Late in '13?---Yeah.

All right. Thank you, Commissioner.

MS HOGAN-DORAN: Can I just ask one question that arises from that?

10 THE COMMISSIONER: Yes.

MS HOGAN-DORAN: Did you consider when you became aware of that – that list, the earlier circumstance that I asked you about in terms of 105 Rita Street, did you consider the companies that you had been – that you had addressed the tender documentation to, did you turn your mind to whether or not they had been on that list?---Ah, yeah. I actually, yeah, I did. Because I actually, um, put a dot near the, um, the contractors that I had used for the tender.

20 And did you form a view that at least one, if not two of those were not on the pre-approved tender list?---No, everyone, everyone that was on, on that tender list, ah, sorry. Everyone who was invited to tender was on the list on the – on the building's panel list.

All right. I see. Thank you.

MR NAYLOR: Mr Davies might be excused.

30 THE COMMISSIONER: Thank you, Mr Davies. You're presently excused.

THE WITNESS EXCUSED

[3.05pm]

MR NAYLOR: Commissioner, I call Lyn Evans.

40 THE COMMISSIONER: Just take a seat Ms Evans. Do you have anyone appearing for you today?

MS EVANS: No, I don't.

THE COMMISSIONER: All right. That's not a problem. Can I just explain to you the effect of a section 38 order. You're under an obligation to answer all questions truthfully even if the answers to those questions might incriminate you in an offence or in some form of civil proceedings or disciplinary proceedings for that matter and for that reason you could object to each and every question that is asked and in that way your objection

would operate to prevent the use of your answers against you in those proceedings if they should arise. To relieve you of the obligation of making that objection to each and every question I can make an order under section 38 of the Act which operates as a blanket objection so that all of your answers are protected in the way that I have outlined to you. The important exception of course is that if it should be found you've lied or given misleading evidence to the Commission you would nonetheless be liable to prosecution on the basis of those answers that were said to be misleading or false. Do you understand that?

10

MS EVANS: Yes.

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

20

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

30

OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED

THE COMMISSIONER: Do you wish to be sworn or affirmed, Ms Evans?

MS EVANS: Affirmed.

THE COMMISSIONER: Affirmed. Thank you.

THE COMMISSIONER: Just take a seat. Yes, Mr Naylor.

MR NAYLOR: Ms Evans, what is your full name?---Lynette Dawn Evans.

And what's our occupation?---Client service supervisor at the Mine
Subsidence Board Picton office.

10

All right. And for how long have you been employed in that capacity?---29
years.

All right. Is that a full-time position or a - - -?---Yes, it is.

- - - part-time position?---Full-time position.

20

All right. And what, what are – just going back a step, do I understand then,
madam, that you were employed I think in 1986. Is that right?---Yes, that's
right.

And what, what are the role and functions that you perform as client
services supervisor at the Picton District Office?---Um, we maintain all the
clerical work. Um, we cope with all inquiries, building applications ah,
typing up of any documents um, for the supervisor and district manager.

30

All right. And do you have an involvement in the processes in relation to
claims for compensation?---Yes. We take the claims um, over the counter
or from – through the mail or on the um, computer now and I would process
that and prepare it to give to the district manager.

And do you have any other involvement in the processes in relation to
dealing with claims for compensation?---Yes. Once the claim has been
distributed to the supervisor who's looking after it the clerical officers
would do all the typing up of tenders, correspondence and um, scanning in
any documents that come in that are related to that claim.

Might those documents include invoices?---That's right, yes.

40

And variation documents?---Ah, variations we would type up, yes.

Prior to Mr Bullock's resignation in December, 2014 was – is it correct to
say that he was your supervisor?---Yeah, he was my manager.

Right. All right. How many people in the district office at Picton?---Ah,
three supervisors, one district manager and two clerical staff.

So there's one other clerical member of staff apart from yourself?---That's right, yes.

All right. And is that other person employed on a full-time or a part-time basis?---She's employed through Hays on a part-time basis but works full-time five days a week.

10 All right. You're, you're not employed through Hays, you're employed - - - ?---No, I'm - - -
- - - on a permanent basis?--- - - - Employed by the Mine Subsidence Board.

All right. Madam, have you been sitting in on any of the evidence given by the district supervisors so far?---No, I haven't been sitting in but I - - -

That's okay?---Yeah.

20 Can I just have shown to you a document being T1, volume 2 and if, if, if, madam, you can just turn to page 499 to begin with?---Yes.

So this would appear to be the cover page of a bundle of documents called the Business Management System that is in fact the policies and procedures of the Mine Subsidence Board?---That's right, yeah.

Have you seen this bundle of documents before?---Yes, I have.

Whereabouts?---Um, in the office ah, on the computer.

30 On the computer?---Yeah, and we have a paper copy in the office.

Okay. All right. Well, have, have you had to look at that bundle of documents at all in the past?---Every now and again but not very often.

Okay?---When I first started there it was actually locked in a cabinet in the district manager's office so - - -

40 Okay. All right. You, you were employed at the Picton district office when Mr Bullock was first employed as the district manager, is that right?
---That's right, yes.

All right. I want to ask you some questions about the tendering process. You've indicated I think that you get involved in typing up letters that invite tenderers to quote, is that right?---That's right, yes.

And you're involved in helping to send out what I would describe as tender packages, being bundles of documents to prospective tenderers?---That's right, yes.

You're involved in the process, are you not, of opening the tender box when tenders get received from tenderers?---That's right, yeah, I actually have the keys to the tender box.

All right. Where are the keys kept?---In the petty cash tin.

Right. Is there only one – I withdraw that, Commissioner. How many locks are there to the tender box?---There's two keys with two different locks.

10 Yes?---So you have to turn both keys to unlock it.

All right. And the, the set of keys that you, you're referring to in, that are kept in the petty cash tin, are those, those keys just to one of the locks or both of the locks?---There's two keys and the locks are different keys.

Yes, and are both keys kept - - -?---On the one - - -

- - - in the same place?---Yeah.

20 On the one ring?---Yes.

In the petty cash tin?---Yes, that's right.

Okay. So when the time comes after closing time to open the tender box and retrieve the tenders that were due by a certain date, you would be the one would you who would be physically opening the box?---No, the district manager does have a set of keys as well.

30 All right. But have you in the past opened the box?---After hours?

No. Have you ever using the keys in the petty cash tin opened the tender box after the designated time for the close of a tender?---Yes, I have, yes.

Right. Okay. And does, have you done that on a regular kind of basis or has that only happened sporadically or irregularly?---No, I do, I do it a lot of the time.

I see. All right.

40 THE COMMISSIONER: Is the petty cash tin itself also locked?---Yes, it's in a um, compactus um, which should be locked, yes.

You mean the compactus should be locked?---Yeah, the petty cash tin's put in the compactus which should be locked but honestly it's not locked all the time so - - -

All right. But the petty cash tin itself has no lock on it?---Yeah, it's locked, yes.

It has?---I have a key to that as well.

You have a key to the petty cash tin?---Yeah.

And where do you keep that key?---On my key ring.

Your, your personal key ring?---Yes, yes.

10 MR NAYLOR: There, there is a tender book is there not that's used as part of the tender process?---Yes, there is, yes.

And where is the tender book kept?---That's kept under the front counter where the tender box is positioned.

I see. And do you in your role have any involvement in writing in the tender book?---Yes. When we do a tender we note that in the book so that everyone in the office, if I'm not there and it's due to be opened we can access that book so that whoever's there can open the tender and sign it off
20 in the book.

I see. So, so at the point in time or at about the point in time that invitations are being sent out to prospective tenderers, is that the point in time at which the tender book is noted up to say - - -?---Yes, it is, yes.

- - - a tender is, is being let and, and - - -?---Yes.

- - - we are expecting tenders to be received by designated closing time?
---Yes, that's right.

30 And so you would write that into the tender book?---Yes.

And once the tenders have come in you'd go to that particular page in the tender book and you would write something into the tender book in relation to the tenders that had been received. Is that right?---That's right, yeah. It has to be initialled - - -

Yes?--- - - - who opens it and your name, signed off down the bottom that it was you and the other person that opened it.
40

Right. And have you actually written in the tender book?---Yes, I have, yeah.

Right. And what do you write in?---We initial each contractor's amount is put in the column amount.

Ah hmm? And I would initial that and the person that opens the tender with me would also initial that and then we sign our names down the bottom.

Yes?---And we also initial and the date actually goes on the Tender Application Form.

All right. And what's your understanding of any rules that apply to who is allowed to open the tender box?---Um, I didn't know there was any rule, I just thought it was the person that was doing the claim couldn't open the tender.

- 10 Right, well, that's a rule then. So your understanding is that the person who had carriage of the particular matter wasn't allowed to open the tender box?
---That's right, yes.

That it had to be one of the other district officers?---Yes.

In addition to yourself?---Yes.

And might, if you were not there, the other clerical assistant get involved in opening - - -?---Yes.

20

- - - opening the tender box?---It would be one of us girls and one of the supervisors that would open the tender.

Right. And having opened the box and having noted up the tender book, what would then occur in relation to the tenders and the tender book?

---The um, tenders, tender applications would then be scanned onto the file in DocuMap, placed in the book and then the book would be given back to the supervisor who's handling the claim.

- 30 I see. Would the supervisor receive physical copies of the tenders or just access on documents?---No, I'd put them in the book and show them - - -

I see?--- - - -give them to the supervisor handling the claim.

And it would be your expectation, you've worked in the office for a long time, it would be your expectation that the relevant district officer or supervisor would then have to make a determination about which tender should be selected?---That's right, yeah.

- 40 And - - -?---And then he would then have a look at the prices and um, then give the file back to us to do the minute showing the different tender prices and who he recommends the tender would go to.

Right?---We would then type that up.

Yes?---And then it would go back to the supervisor again for signing off and distributing to either Darren if he had delegation or to the CEO - - -

All right?--- - - - if it was above his delegation.

Well, you refer to a delegation, do you have an understanding about what Darren's delegation was?---Um, I had a list of - - -

Yes?--- - - - delegations which we needed as typists because it depended on that person's delegation whose name went on the bottom of the minute.

10 Right?---If it was going to CEO at head office you would leave his name off because he would put his comments on.

Mmm?---If it was just going to Darren, if it was within his delegation you would put the supervisor's name and then Darren's name as district manager.

I see. Madam, do you still have that volume 2 in front of you?---Yes.

20 So if I can ask you to turn to page 492. Do you recognise that document?
---Yes, that's a schedule of delegations, yeah.

All right. And that's a schedule of delegations as at 1 July, 2012. Is that as far as you are aware the current list of delegations?---Yes, it is, yes.

And do you know just from your memory as to whether or not that schedule of delegations has been amended or different from what it is now?---No, I don't know if it has been changed.

30 All right?---Um, that's not actually the list I keep on my desk. I narrow it down.

Right?---Which makes it easier for me to look at when I'm typing. I don't actually go by that list.

The list that you have on your desk is that a document you've created or a document - - -?---Yeah.

40 - - - that someone else has given to you?---No, it's just a list that I've typed up so that I can see a lot easier who, whose name I put on the bottom of the minutes and, and – but I would have got it from that list.

Okay. Do you remember - - -?---Got my list - - -

- - - in the past – I appreciate that you've worked at the office for quite some time, do you remember having changed your document by reference to other documents, other schedules of delegations in the past?---Yeah, I have. Yeah, it has changed. I couldn't tell you when that was.

No. All right. But this, this document, the one in front of you reflects what your current understanding is, that is to say that, for example, if we look at, if we look at item 3.2, paragraph (c) other tasks including rectification works, and if you look across that row there's a figure of \$20,000 and then a couple of notes under the district manager's initials. You see that?---Yeah.

10 That would seem to indicate that the district manager had a delegation, a financial delegation to approve the selection of tenders up to a value of \$20,000 except for Tahmoor related claims where the delegation was \$50,000. Is that consistent with your understanding?---Um, not really. I - -
-

What's your understanding?---I just, I just get the typing to do and I rely on the guys to give me that information when it's given to me. I don't actually check the um, the delegation type thing like.

All right?---I just rely on them to tell me.

20 Can I go back to slightly earlier in the process when the tender documentation is being sent out to the prospective tenderers. My understanding of the process, and tell me if your understanding is different, the district supervisors or if the district manager has carriage of a particular matter that they will make a selection as to who should be invited to tender and they make that selection from a list of pre-approved or registered tenderers. Is that - - -?---That's right, yes.

- - - inconsistent with your understanding?---No, that's right.

30 Okay. And you get involved to the extent that you have to type up the letters that go to the, the invited tenderers. That's right?---That's right, yes.

Okay. You've been doing this work for quite some time and I appreciate – what I'm going to ask you is, is a question about general impressions so it's, it's necessarily general in that sense but in the period of time since say 2008, 2009 are you able to – what, what is your impression about whether any particular contractors have been preferred in terms of invited tenderers?
---Well, yes, I do think there was probably about six tender contractors that were constantly used.

40 And which, which contractors are those?---Ah, it'd be Bowral Homes, A&DJ Constructions, Plantac, Willbuilt Homes, Allfitz Constructions um, that's all I can remember at the moment.

Okay. And of those five or six, have any of those five or six received relatively more of the tender invitations than others?---I don't really know.

From time to time, let me go back then to the, the process whereby a tenderer gets selected. Your, your understanding is that the district manager has a certain delegation, financial - - -?---That's right.

- - - delegation in terms of selecting a tenderer and that if – can I just clarify your, your current understanding of the current district manager's or acting district manager's delegation to approve the selection of tenderers, do you, do you know?---Well, I do now, I didn't know John Rawes was 20,000.

10 What did you think it was before you learned that it was 20,000?---Um, I wasn't sure because I haven't really done a tender for him since he's been acting district manager so - - -

All right?--- - - - I wasn't sure. Things have been a bit haywire and, yeah, just - - -

What about before Mr Bullock resigned, what did you think the financial delegation was that he had?---Yeah, I knew his was up to 50,000 from my little list that I had.

20

Right. And if, if the value of the, of the works to be carried out was in excess of \$50,000 who, who to your understanding could approve the selection of the tenderer?---I'd assume that would go to the CEO - - -

All right. And - - -?---At head office.

And, and how would that occur, what's the process whereby the CEO would get, get the recommendation and then sign off on it?---A claim report would be typed up um, coming from the district manager to go up to Newcastle but the CEO to sign off.

30

All right. When you say a claim report what, what are you referring to? ---It's called a C3A which is a report outlining what the um, um, contents of the claim were.

Yes. Is that a, is that the same thing as a claim investigation report?---A claim investigation report to me is when the claim's been refused and a claim investigation report is done, to me a claim report is the report that's done on the claim.

40

Right?---Oh, no, no, sorry, sorry.

Yes?---Yeah. Claim, yeah, I'm thinking of claim review, sorry.

All right. A claim investigation report is a claim, is a report that is prepared upon an investigation of a claim?---That's right, yes.

And sometimes claims get refused?---Yes.

But a lot of the time claims get accepted?---Yes.

And those claim investigation reports usually contain an estimate of the value of the works to be done?---That's right, yes.

All right. Now we were, I was asking you some questions before about the selection of tenderers, that's a bit later in the process isn't it?---That's right, yes.

10

All right. The, the, the general process is a claim gets received, it gets investigated, a claim investigation report gets prepared and depending upon the value of the works that is estimated, that needs to go to a person with a suitable delegation, financial delegation, to approve the expenditure, that's right is it not?---That's right, yes.

And am I correct in thinking that – well, what was your understanding of the financial delegation that Mr Bullock had to approve claims at that stage? I'm not talking about selecting tenderers, I'm talking about the earlier phase of approving claims?---Um, Darren's delegation was up to 50,000.

20

Was that for one particular kind of claim or claims generally?---That would be for in the Tahmoor area.

Oh, right. And other claims, do you know what the delegation was?---No, I don't.

Okay. And so once Mr Bullock has approved a claim for work to be done in respect of a property in the Tahmoor area then the process gets underway for selecting a tenderer, that's right isn't it?---Yes, yeah.

30

And I think your evidence is that Mr Bullock, once, once the tenders get invited and come back Mr Bullock had a \$50,000 delegation to approve the selectin of a tenderer, that's right?---Yes, yeah.

And what, what if the value of the works to be performed by the tenderer exceeded \$50,000, how would that get approved?---I'm not sure actually.

Right. Well, let's go back to the earlier questions I was asking you about when matters have to go up to CEO. Were you referring just to the, the approval of claims or you, were you referring also to the selection of tenderers?---I thought Darren had delegation up to 50,000 that he could sign off.

40

Yes?---And then over that, they would go up to head office.

Okay. And the process for getting matters up to head office physically, what happened, what was involved with getting the CEO to sign off on a matter?---Well the claim report would be typed up.

Yes?---Um, and it would be – the file would be checked out of Picton Office to Newcastle Office and would go up to Greg for signing.

All right. The physical file would go up?---That's right, yes.

10 It would get mailed or something, would it?---Yeah, through the DX system.

I see. And from your experience, generally how long would it take for those files to be returned after the claim had been considered by Mr Cole-Clark?--
-Well I suppose it would depend on how long his investigation into the claim would take. But you know, sometimes they did take a while coming back.

20 Mmm. And a while, what does that mean?---Sometimes they'd take up to a couple of months to come back.

Right. All right. And for that period of time you would be without the file, is that right?---That's right, yes.

Would you be able to access documents electronically?---Electronically from 2004, 'cause that's when our system came in. Um - - -

And is that the DocuMap system?---That's right, yes.

30 All right. Are you familiar with any internal audit processes?---Yes, we do have an internal audit system. Where someone from another district office would come to our office and do an audit and vice versa.

And what would they be auditing, to your knowledge?---Um, they audit files from our policy procedure manual and it usually involved a claim file, a building application file and the subdivision file. Um, that type of thing.

How regularly would that happen?---Ah, once every twelve months.

40 All right. And when they did occur, how many files, I'm referring specifically to compensation claim files. How many files would be audited at one go?---It would usually just be the one file. If it was the claims that they were looking at, it would be one claim file.

And how would that file get selected?---Um, Darren would select them or he'd ask me to select them.

All right. And have you yourself ever been involved in one of these audit processes?---Yes, I have, once. I went to Wyong office to do one.

Right. And am I correct in thinking that you might've been asked to do that by the assistant to the CEO?---That's right, yeah. A list is made by her of who would be doing them during the year.

Right?---And, um - - -

10 And how long - - -?--- - - - and she delegates who would – who would do the claim.

And how long ago was that, the audit that you did?---Ah - - -

If you don't remember - - -?---Time flies. Um, eight, 10 years ago.

I see. Do you have much of a memory sitting her now, what – what the audit involved?---Ah, well you get given, um, what procedures you would be, just, this is just from memory. What procedures you would be auditing.
20

Mmm?---Um, so again, if it was the claim procedure, um, you – I would ring Wyong office and make an appointment to come down and do that audit.

Yes?---At a time that suits them.

Yes?---And then we would go through whatever procedure that I was auditing.

30 And would that involve you having to look at this large bundle of documents?---Yeah, you go through that prior to me going to do the audit to - - -

Right?---Well you – I think you get given what – what, um, you were going to audit. So you know, it could be a claim or it could be a building application or a subdivision.

Ah hmm?---Um, if you done one at head office it might be the other work involving the secretary and the CEO.
40

I'm just trying to understand, when you say you get given something, do you get given the actual policies and procedures - - -?---That's right, yes.

- - - that you need to be looking at?---Yes.

That you're meant to be - - -?---Yes.

- - - referencing to when you do the audit?---That's right. That's what I'm auditing that we are doing - - -

Right?--- - - - they are doing it according to the policy and procedure manual.

I see. So – so your audit really depends upon the documents that you get given by the CEO's assistant?---Yes.

10 Let me put it a different way. To the best of your knowledge when you've, when you've conducted this audit before did you have independent access to this large bundle of policies and procedures?---That's right, yeah. Yeah.

And you used the large bundle of policies and procedures or did you just use the document that you'd been given?---No, I would get the information from the Policy and Procedure Manual that I had to do the audit on.

I see. There's an external audit process as well is there?---That's right, yeah.

20

And what's involved in the external audit process to your understanding? ---So that's someone from outside the organisation that um, makes an appointment and comes down and does the, an audit of um, quite a lot of procedures in the office.

It's an audit of procedures?---Yeah. Um, procedures and petty cash. Um, that everything is being done how it should be done.

30 How often are these audits carried out?---Um, I think the last one was well over 12 months ago.

Do these auditors have to look at compensation claim files?---Yes, they would, yeah.

And how do those files get selected for the external auditors to look at? ---Um, I think the district manager would select those. Um, from memory the auditor would ask where a claim file was and someone would get him a claim file.

40 All right. Do you know the name of the organisation that carries out these external audits?---No, I don't off hand.

Okay?---I know we get a certificate with the four ticks on it for – that everything in the office - - -

Is it, is it SAI Global?---Yeah, yeah.

All right. Have you heard of the Internal Audit Bureau?---No, I haven't.

All right. Can you say something generally about the level of the workload in the office at the Picton District Office in - - -?---Extremely high.

- - - in recent times. Let's, let's focus on say the last 12 months?

---Extremely high. Run off our feet.

All right. And what about the, the 12 months before that?---Yeah, extremely high.

10

Well, is there - - -?---The last two years have been really high workload.

And what do you put that down to?---Ah, the claims at Tahmoor. Um, um, yeah, mainly that. Tahmoor claims, Douglas Park claims and - - -

20

All right. Just in relation to the tender process, am I correct in thinking that as a – that when tenderers are invited to quote, and I'm asking you this question on the basis of your knowledge typing up the, the quote invitation letters, are three letters generally sent out to different contractors?---Yeah, the majority of the time I think three. Um, in the last 12 months a lot of the – a few of the guys have started using four contractors so, but over the years it's mainly been three.

30

All right. And since – from the time that Mr Bullock started work as district manager in the Picton District Office in 2003, bearing in mind that you've been employed at the office for a significant period of time before then, are you able to make any observations about how things may have changed in the office subsequent to Mr Bullock's employment, particularly in relation to tenders?---Ah, it was more precise. Prior to Mr Bullock starting it was – they were just whacked together and, and it was much better since Darren started working there.

All right?---More accurate, more precise and um, we had a – because the computer system had come in also in 2004 we had a system of letters that we followed which made it a lot easier, more accurate.

What about the volume of tenders, has – did that change after Mr Bullock - - -?---Extremely.

40

- - - became employed?---Yes. Because we had the Tahmoor claims and - - -

And the – I interrupted, I'm sorry?---And Appin was just finishing off then I think, the Appin claims - - -

Right?--- - - - so there was quite a few there in Appin as well.

So if I'm understanding you correctly the increase in the volume of claims after Mr Bullock's arrival had to do with the fact that the Tahmoor colliery had led to an increased number of compensation claims?---Yes, yes.

Right. All right. Madam, did, did you receive a visit from Mr Bullock in December last year?---Yes, I did.

Can you tell the Commissioner what happened?---Um, I was um, Darren just pulled up out the front ah - - -

10

Out the front of where?---My home at [REDACTED].

Might there be a non-publication order, Commissioner - - -

THE COMMISSIONER: Yes.

MR NAYLOR: - - - in relation to that address?

20

THE COMMISSIONER: Yes, I make an order that that address be prohibited from publication, thank you.

THE HOME ADDRESS OF MS EVANS IS PROHIBITED FROM PUBLICATION

MR NAYLOR: Yes?---I wasn't expecting visitors so I still had my pyjamas on.

30

What time of the day?---It was about 11.00, 11.30.

All right.

THE COMMISSIONER: We're talking 11.30 in the evening I take it? ---No.

11.30 in the morning?---I can't see the point in getting out of them, it's just something else to wash, sorry.

40

We're talking about a weekend are we?---Yes, Saturday morning - - -

Saturday morning?--- - - - about 11.00, 11.30.

Thank you.

MR NAYLOR: Do you know what date it was or around what time of December?---It was the Saturday after Darren had been to the ICAC interview.

Right. Right. And so he, he pulled up outside your home at about 11.30 in the morning and what, what happened next?---Um, he walked down the driveway and I could see he was extremely upset and um, he, I said, oh, "What's wrong?" and he said um, "I've stuffed up," and um, I said oh, "What do you mean?" and he said, "I've stuffed up with the tendering system," and um, um, he said that and um, I went inside and made a coffee and um, he was just really upset and I didn't really know what to do so - - -

10 Well, do, do you have a memory of what else if anything he said to you? ---He said that he was um, really blown out, the information that ICAC knew that um, his dates of his holidays and who went on the holidays with him and um, and that um, money had gone from a contractor's account to his account.

Did he mention which contractor?---Um, yeah, Plantac, from Kevin Inskip.

Did he mention how much?---Um, I think it was around \$4,000.

20 Anything else that Mr Bullock said to you on that occasion?---No, I just, I went and got changed and then they left.

Yeah. How long was he there for?---Oh, about half an hour.

And had Mr Bullock been to your home before?---Ah, when we bought the house he came and had a look at it um, and I've done the same to his, had a look at his home so, yeah, that's the only time he's been to my place.

30 And how long ago was that?---Ah, two years ago we bought it.

Right. And he hasn't been to your home at any time since?---No.

Right. And did, did you get some notice that he, did he phone you up or anything to say oh, look - - -?---No.

- - - I'm coming around?---No. He just said when he walked down the driveway, he said that they were just going to Narellan shops and um, which is more or less past my place and I think that's just why he called in.

40 Who's they?---Um, Darren and his wife Julie.

He was with his wife?---Mmm.

Were you at home with anyone else?---Ah, my husband was in the backyard working.

And did your husband have a conversation with Mr Bullock at all?---Oh, when I went to get changed I called out to him and said that Darren was there and um, he um, had a cup of coffee as well.

And what's the nature of your relationship with Mr Bullock, I appreciate that he was your manager, but apart from the work environment did you have any other kind of relationship with Mr Bullock?---Ah, I'd call Darren a friend through work, we didn't socialise outside work.

10

Right?---Um, we'd been to a few um, functions in Newcastle um, but yeah, no, we didn't socialise outside of, of work.

All right. Did Darren return to the office on the following Monday?---Um, oh, I'm not sure. I don't think he did, no, I don't think he did. I'm not sure. Can't remember.

Did he go back to work at all?---Um, I'm not sure, I'm not sure.

20

Was there anything else about - - -?---Oh, yeah, sorry, he did come into work to collect some stuff one day, yeah.

The following week?---Yeah.

Right?---And um, yeah, he did, yes.

And was there anything else that you haven't already said that you noticed about that visit or what he'd said or - - -?---No, not really.

30

- - - what his conduct was like?---No.

THE COMMISSIONER: Did Mrs Bullock come inside the house as well? ---Yes, she did, yeah.

So she was present during this conversation?---Yes.

MR NAYLOR: Yes, I have no further questions.

THE COMMISSIONER: Yes, Ms Hogan-Doran.

40

MS HOGAN-DORAN: Mr Evans, my name is Dominique Hogan-Doran and I appear for the Board. I just want to deal with three topics with you. First in relation to audit. You were asked a question by Counsel Assisting about an organisation called Internal Audit Bureau and also known as IAB Services. And as I understood your evidence you – that wasn't an organisation familiar to which, that you were familiar with? ---No, it's not.

So doing the best you can, you have no recollection of ever dealing with them or speaking with anyone from that organisation?---No.

Do the following names perhaps jog your memory. Phil O'Toole?---No.

Scott Webb?---No.

Jonathan Charles?---No.

10 Russell Hammond?---No.

Could the witness be shown volume 3 of the tender bundle, Exhibit 1, T1. Ms Evans, could you turn to page 1078 of that volume. Just looking at the left-hand side of that page, is that your handwriting identified – this is – sorry, do you identify this as being what this document is?---Yes, that's the tender book and that is my writing.

20 Thank you. And those initials that we see which looks like a JE under signature 1 or sign 1, are they your initials?---Yeah, that's L-E.

All right. And do you recognise the initials to the right?---Um, oh, I think it's Matt Montgomery's.

Right. And do you see at the bottom of that page it says, opened by 1, Lynette Evans, and 2, and then there's a signature. Do you identify that signature?---Um, as I said, I think it's Matt Montgomery. I get his and John Rawles mixed up. I think that's Matt's.
Ah hmm.

30 And as I understood your evidence, your evidence is that there were two separate keys which would be used to open the tender box?---That's right, yes.

Right. And you also said in your evidence that the district manager had his own set of keys?---Yes.

40 And that is, when you said a set of keys, does that, am I correct in understanding that the two different keys were in possession - - -?
---That's right, yeah.

- - - of the district manager?---Yeah. If I wasn't there to get the keys out of the petty cash, we needed another set for um, for it to be opened.

And those keys, do you know where those keys were kept?---Um, I think they were kept in his top drawer, I'm not sure.

I see. But you don't know whether or not those keys were separately secured in the way that you described the petty, the keys, your set of keys being kept in the petty cash tin in the compactus?---No, don't.

So the last topic. Could you turn to page 1134. Miss Evans, as I understood your evidence you said one of your roles was to prepare typing of documents which would then be used by the supervisors or district managers in the ordinary course of events for the Board. Is that right?--- That's right, yes.

10

And is this one of those documents?---Yeah. That's one of the documents. It's not typed by me though.

It's not typed by you?---No.

But that is the kind of, so a document, is the procedure that a document would be typed by either you or the other clerical services officer?---That's right, yes.

20

And then it be provided to the relevant person?---That's right, yes.

I see. All right. Do you have a recollection of ever typing a document in which the information that was sent to the unsuccessful tenderer, informed the unsuccessful tenderer of who had been successful and the price at which they had been successful?---No, never.

Do you ever recall seeing a document of that kind?---No.

30

No. Thank you. Could you go back to page 1110, so 1,110. Is this a document that is also generated in the Picton Office?---Yes, it is.

And am I to understand that it's a, it's a form of template document and then there's information inserted into it?---That's right, yes.

All right. And could you look at the, the two, under the heading progress payment, the heading Commitment and Tender and you see there's a number of dollar, dollar figures inserted, a number of figures inserted in each of those columns?---Yes.

40

Is that the kind of – is that information that you would include?---No. No. I've got really no idea how they work that out. That's something that the district supervisor and the district manager would work out.

So could I just understand, what is, is that typing, typing done by either you or the other clerical services officer?---No. No, it's done by the supervisor or the manager.

All right. Could I just have you look at, go back to page 1104. And that typing that I just took you to under the heading Commitment and Tender, again is it your evidence that that's not information that is included by the clerical services officers?---No.

All right. And could I just ask you to go back to page 1102. And again that information in those two columns?---No.

Not information included by a clerical services officer?---No. No.

10

Would you ever see these documents once they've got that typed information included in them?---Yes, we would. They came, they come back from Newcastle when the payment is made. And, um, we would scan that into, onto the file. And it would be attached to the file. If, it would actually be in the file if the file went up to Newcastle.

Yes?---Which it did most of the time. But if sometimes the payment was sent up on its own and if came back it would then be put back into the file.

20

And that handwriting at the bottom of the page. Am I correct in understanding that that's -- those handwritten annotations] would be put in up at the Newcastle office?---That's right, yeah, when the payments - - -

Well at least that's was your understanding?---Yes.

All right. And so when it returned it returned with all the typewriting and the handwritten annotations, then you would scan that document, yes?--- Yes, yeah.

30

And the scanned version would be added to DocuMaps and the hard copy would be added to, back to the file?---To the file, yeah.

All right. A number of documents in the files contained stamps. That is a stamp saying received on a particular date by the Picton Office. Who would be responsible in the office for applying those stamps?---Um, I would and the other clerical assistant.

40

Would any of the district supervisor or district managers be responsible for that?---Ah, for some reason that we weren't there, um, they would do that. But, no, 95 per cent of the time the clerical staff would do that.

Thank you. No further questions.

THE COMMISSIONER: Yes, Mr Chee.

MR CHEE: Commissioner, I will be brief. Ms Evans, I appear for Darren Bullock. As part of your job you take inquiries. Isn't that correct?---That's correct.

In the course of taking inquiries have you received complaints about the work of the Board?---Oh, yes, we have every now and again.

And what would these complaints be about?

MR NAYLOR: I object, Commissioner. It's not clear where this is going.

10 THE COMMISSIONER: Well, can we cut to the chase. What were the complaints about?---Oh, you'd quite often get complaints from claimants regarding the time the claim was taking um, but not very often. Yeah.

MR CHEE: All right. Thank you for that. The further question that I have is in relation to Exhibit T5. Could that be shown to the witness?---Thank you.

Ms Evans, do you recognise what's depicted in the photographs?---Okay. So that's a first – front page of a tender or the envelope.

20 All right, I think that's sufficient?---Could I direct your attention to the photographs that contain depictions of envelopes with sticky tape on them. Do you see that?---I can see an envelope ripped in half. Um, I can't actually make out that it's got sticky tape on it.

Perhaps if the original could be supplied to the witness that might assist? ---Oh, yeah, I can see it now on the back one.

MR NAYLOR: Commissioner, the originals are not in the hearing room but I have asked for them to be obtained.

30 THE COMMISSIONER: Thank you.

MR CHEE: Well, working with what we have at the moment, Ms Evans, have you seen in the course of your duties in opening the tender box, have you seen letters that have sticky tape on them - - -?---I - - -

40 - - - in this fashion as you see here?---I have um, once or twice. The – a couple of times the tenders have come through the post and the turnover of clerical assistant that I've had in the office is extremely high and girls that weren't trained really well. Um, I think probably twice they were accidentally opened and I would sticky tape it back down and put it in the tender box.

THE COMMISSIONER: These, these were occasions when the tenders came through the mail were they?---Yeah, yes, which isn't very often but I think maybe twice in the 29 years I've been there they've accidentally been opened.

MR CHEE: Could you be a bit more specific as to when these occasions occurred?---Oh, um, it'd be over five years ago, I think once when Joanne worked there and prior to that another girl that worked there. I can't specifically say what date.

I'm not asking for a particular date. Would the first occasion have occurred before Mr Bullock commenced working for the Mine Subsidence Board?
---Yes.

10 Okay. Thank you, no further questions.

THE COMMISSIONER: Anything arising, Mr Naylor?

MR NAYLOR: I neglected to ask about one issue, Commissioner.

THE COMMISSIONER: Yes.

MR NAYLOR: Could the witness be shown T6 I think it is. You're being shown a document, Ms Evans?---Yes.

20

Do you recognise, just have a look through that document?---Yeah, it's the claim um, repairs list, the claim list.

Are you familiar with that document?---Yes, I am.

All right. In what circumstances have you seen it before?---Um, when I'm looking for the supervisor who's in charge of a claim I would quite often go to this list to see who I would direct the file to.

30 And where is this list kept?---In the computer.

Right. So you have access to this spreadsheet on the computer?---Yes.

And do you know whether other people in the office have access to the same document on the computer?---Yes.

All right. And have you at any time ever noted up or inserted text into this document?---Yeah, I have.

40 All right. When would you do that?---Um, just I went to it one day and um, one of the supervisor's initials wasn't noted on that claim so I put the initials in.

So you were fixing up what appeared to be a gap?---Yes.

As part of your role and functions are you required on a regular basis to amend or note up this spreadsheet?---No, no.

Thank you, Commissioner.

THE COMMISSIONER: Thank you, Ms Evans, you are presently excused from the summons. You may step down.

THE WITNESS EXCUSED

[4.01pm]

10

THE COMMISSIONER: I will adjourn until 10.00am tomorrow morning, thank you.

AT 4.01PM THE MATTER WAS ADJOURNED ACCORDINGLY

[4.01PM]