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03/02/2015

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COMPULSORY
EXAMINATION

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

COMPULSORY EXAMINATION

OPERATION TUNIC

Reference: Operation E13/1800

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY, 3 FEBRUARY 2015

AT 2.12PM

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: This is a compulsory examination arising out of an investigation into allegations that Darren Bullock, the former district manager of the Mine Subsidence Board at Picton accepted gifts and benefits from the Mine Subsidence Board contractor, namely Plantac Pty Limited, in exchange for favourable treatment, that he revealed confidential tender information to Mine Subsidence Board contractors and that he breached Mine Subsidence Board's Conflict of Interest Policy.

10 Being satisfied that it is necessary and desirable to do so in the public interest, I direct pursuant to section 112 of the Independent Commission Against Corruption Act that the evidence given by this witness, the contents of any exhibits tendered, the contents of any documents shown to the witness, any information that might enable the witness to be identified and the fact that the witness has given evidence today shall not be published or otherwise communicated to anyone except by Commission officers for statutory purposes or pursuant to further order of the Commission. It is a criminal offence for any person to contravene this direction. This direction may be varied or lifted by the Commission without previous notification if the Commission is satisfied that it is necessary or desirable to do so in the public interest.

20

I DIRECT PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT THAT THE EVIDENCE GIVEN BY THIS WITNESS, THE CONTENTS OF ANY EXHIBITS TENDERED, THE CONTENTS OF ANY DOCUMENTS SHOWN TO THE WITNESS, ANY INFORMATION THAT MIGHT ENABLE THE WITNESS TO BE IDENTIFIED AND THE FACT THAT THE WITNESS HAS GIVEN EVIDENCE TODAY SHALL NOT BE PUBLISHED OR OTHERWISE COMMUNICATED TO ANYONE EXCEPT BY COMMISSION OFFICERS FOR STATUTORY PURPOSES OR PURSUANT TO FURTHER ORDER OF THE COMMISSION. IT IS A CRIMINAL OFFENCE FOR ANY PERSON TO CONTRAVENE THIS DIRECTION. THIS DIRECTION MAY BE VARIED OR LIFTED BY THE COMMISSION WITHOUT PREVIOUS NOTIFICATION IF THE COMMISSION IS SATISFIED THAT IT IS NECESSARY OR DESIRABLE TO DO SO IN THE PUBLIC INTEREST.

30

40 THE COMMISSIONER: I direct that that the following persons may be present during this compulsory examination, namely Commission officers including transcript staff, the witness Mr Kevin Inskip and the witness's legal representative, Mr Harris. Mr Harris, you have leave to appear.

MR HARRIS: Thanks, oh, Commissioner, thank you.

THE COMMISSIONER: You have explained to Mr Inskip the effect of a section 38 order?

MR HARRIS: Yes, and might I advise that Mr Inskip will be seeking the declaration, please.

THE COMMISSIONER: Right. Thank you.

MR HARRIS: Thank you.

10

THE COMMISSIONER: Mr Inskip, you need to appreciate that if I make the order under section 38 it protects you from the use of your answers against you in civil or criminal proceedings but it does not protect you if it should be found that you've given false or misleading evidence to the Commission, you understand that?

MR INSKIP: Yes.

20

THE COMMISSIONER: Right. 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 compulsory examination 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 COMPULSORY EXAMINATION 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.

40

THE COMMISSIONER: Do you wish to be sworn or affirmed, Mr Inskip?

MR HARRIS: It'll be an affirmation, if, if you please, Commissioner.

THE COMMISSIONER: Thank you. Can the witness be affirmed.

<KEVIN BRIAN INSKIP, affirmed

[2.14pm]

THE COMMISSIONER: Thank you. Just take a seat.

Yes, Ms Colquhoun.

MS COLQUHOUN: Could you state your full name?---Kevin Brian Inskip.

10 And you are the director of a company called Plantac Pty Limited?
---A director, yes.

And your wife, Barbara, is the other director?---Yes.

Are there any – is there anybody else involved in the company?---No.

Have you got any employees or are you a one-man company?---No, no,
we're not, we're not a one-man, but on, on the, on the books most of our ah,
staff are contractors.

20 So you subcontract to other companies when you need to get a job done?
---No, they subcontract to us.

Oh, sorry, yes?---Yeah.

Now, do you work with a number of subcontractors?---Many.

Now, Mr Inskip, you have done quite a lot of work for the Mining
Subsidence Board?---What, recently or over the years?

30 Over the years?---Yeah, we've done a reasonable amount. We haven't done
much in the last few years though, no.

Okay. Now, you know Mr Darren Bullock?---Yes, I do.

He was previously the district manager of the Picton office of the MSB?
---Yes.

How long have you known him for?---Oh, 23 years.

40 And how did you know him?---Through work.

How did you meet him initially?---Oh, I met him, I met him through a
previous employee that he worked for and we were doing building work for
them and ah, he was a, I don't know, a supervisor or ah, manager or
something and then over the years we just, you know, became friends, yeah.

And you continue to see him socially?---Oh, not very often. I see him, you know, once a – I see him at work um, and, you know, yeah, occasionally we, you know, bump heads, he lives a long way away from where I am, you know.

So you're - - -

THE COMMISSIONER: Sorry, can you, can you just remember the company for whom he was working at the point in time when you first met him?---I think it was Westpac.

Thank you.

MS COLQUHOUN: And your company is based in?---[REDACTED]

[REDACTED]?---Yeah.

[REDACTED]?---No, [REDACTED]

20 [REDACTED]?---Yeah.

Yeah, south of the city. Do you travel to Picton to do the work for the MSB?---Me personally or the people that - - -

You personally and the people that you work for?---Yes.

Work with?---And, yes and no. I've got – we made a point years ago when – over at – when we started at Appin and then more so at Picton, ah, sorry, Tahmoor, to try and use as, get local contractors to work for us 'cause it was a, a long slog for our guys and some of them didn't want to, you know, go down there um, which we did do, you know. We've, we've been through, you know, some of the locals down there are a little bit ordinary in their ability so yeah, um, we use some locals and some of the people that we normally use on a regular basis, yeah.

40 So the local contractors you don't think provide good quality work?---Oh, look it's like anywhere, you know, we, we – you, you go through and weed them out. We, we had situations where they knew that we were doing mine subsidence they come knocking on the door because they, you know, they didn't have any work and that and then, you know, seeing if they could get ah, get some work with us. Well, we did try on a few occasions to use people, some worked out, some didn't.

Ah hmm. Now Plantac is on a list of approved builders?---For the mines, yeah.

For the Mine Subsidence Board?---Yes.

How did you originally get on that list?---Oh, well, you're asking me -- that's, I really -- I, I can't remember it's that long ago. You know, I think, I think we've been working for them, we've probably been in Tahmoor eight, nine years and then it was Appin before that so I honestly can't remember.

10 So you've been doing work for them for over 10 years?---I don't know exactly the number of years but yes, I would say over 10 years because we, we were at Appin first, that's where most of the work was and then Tahmoor and I'm, I'm sure we've been at Tahmoor more than eight, nine years, you know.

And do you recall if Mr Bullock was the person who facilitated you being placed on the list?---Again, I, I believe so but I'm not a hundred per cent sure.

Okay?---I believe so.

20 Now when you decide -- well, how do you decide that you want to tender for a job that is going at the MSB?---We're contacted by one of, one of the staff there, you know, that we've, we've been approved or selected for a particular tender um, and it -- we didn't get the opportunity to tender on every job.

Yes?---They just seemed to ah, pick and choose who they wanted, you know, to be on the tenders. Look, I don't know how they operate their - - -

30 Mmm?---All I know is we'd get a phone or we'd get documents in the mail to say that there was a tender meeting um, on such and such a date and then you turn up and find out who's there, you know, like it could be, it could be three, it could be five, I've been to some meetings there were seven that - - -

So when you say you turn up, you turn up at the site to do a - - -?---Yes.

- - - on site inspection?---Yeah. We do -- it was a um, tender meeting on site. You have to go to site to see what you're quoting on.

40 Okay. Can you explain to us what happens at those tender meetings?--- Well, there's a, there's a specification which we all get. Um, we go through it. Sometimes the ah, properties are um, they're unoccupied, other times there are people in there, so they, they make arrangements with the ah, occupants to be there to let us go through the place. As I said, depending on -- like I said, there could be between -- I've been -- I went to one which was ridiculous where there were seven builders on one job which is, you know, crazy. Um, and um, yeah, so if it was unoccupied well, it was straightforward. You just go through the supervisor whoever it was, whoever is looking after that job ah, would go through the items. Um, if it was occupied, the same thing but it'd be the owners would be at home.

Okay. So in terms of the items that the supervisor would go through, is that what they believe needs to be done on the job, the specifications on the job?---Yes. When they – as – they go through and make a report from what I can gather. They do a pre-mining inspection and then, you know, before they mine there take photos, all that sort of thing so if people try to make false claims from what I can gather they've got evidence that, you know, the cracks were there or whatever before the mining. Then um, they go back and reassess it if someone puts a claim in is my understanding um, and then, you know, if it's, if it's a fair claim I guess they put it in their specs.

10

Okay. So once you've decided to lodge a tender for a job what do you do?
---We just fill out the tender form.

And where do you put it?---In a tender box.

At the Picton office?---Yes.

And who informs you whether or not you've won the tender?---Oh, well, sometimes you get information from, you know, from the office. Other
20 times it'll come in the form of a letter.

And at the Picton office have you mostly worked with Mr Bullock?---No, with everybody.

With everybody at the Picton office?---Yes, yeah.

Can you name the other people that you have worked with?---Well, going back John Colbert in the earlier days. He's retired. Um, we did a lot of work with him. Um, well, obviously Darren ah, John Rawes um, Matt, I
30 forget Matt's last name. He hasn't been there long. And ah, and the new guy um, Gareth.

Now, I wanted to show you a particular MSB file?---Ah hmm.

I want to ask you a few questions about that, this file?---Okay.

Here you go. This is a job you were involved in at 45 Brundah Road, Thirlmere?---Right.

40 Do you recall this job?---Not really.

If I can take you to - - -?---I'm just trying to think where Brundah – oh, Brundah. Um, was that the house that got knocked down?

It is – yes, that was part of the job?---Yeah, yeah. I know, I know the job, yeah.

Can I take you to page 748?---748.

The page number is in the bottom right-hand corner of - - - ?---Yeah, yeah, yeah, yeah.

- - - the document?---Yes.

Is this the quote you submitted for the demolition of the existing building at 45 Brundah Road, do you recall submitting this quote?---Oh - - -

- 10 If you don't recall you can say?---Well, that's not my signature but I, I would have done the quote and it was ah, signed by someone in the office. It looks like Barb. Actually - - -

Do you recognise the signature?---I think it's Barb, Barbara's.

And if I can then take you to page 751?---7 - oh, yeah.

Is this another quote for the same property? It's dated 29 March, 2013, the first document I showed you is dated 21 February?

- 20 ---Yeah, yeah, yeah, yeah, no, it is.

Can you explain why two quotes were submitted?---Oh, well, because ah, can I go back to the other one if you don't mind?

Yes, that's on page 748?---Yeah, this, this, this was a big job. Well, the landscaping and, oh, the concrete - is that, that, I'm pretty sure that's the ah, that was the new - oh, I, I'm not sure. I think that was the new concreting for the ah, for the new house.

- 30 THE COMMISSIONER: It's not so much the contents of the invoice that we're concerned about, we're just interest in knowing- - -?---It's the quote - - -

- - -why there were two invoices submitted- - -

MS COLQUHOUN: Two, two- - -

THE WITNESS: Two quotes?

- 40 MS COLQUHOUN: Two quotes.

THE COMMISSIONER: Two, two quotes rather, submitted?---Well, they're completely different, completely different items. One, one was demolishing, you can see item 3 in that last one is landscaping, so landscaping would have been um, I can, I can only assume from this it's for the ah, the new house, the concreting of same, the demolition, I'm not sure what, oh, I just - look, I don't know what, what that is to be honest with you. Um, I can't recall what, what that demolition but I - see, there was an

old house and a new house built there in front, right, so the old house and the pool got knocked down, a new swimming pool was built, we didn't build the new house, but all the grounds, 'cause it's a five-acre property, all the grounds um, had to be landscaped and I'm assuming that's what that, that quote was for, the ah, and the new driveway, that wasn't part of the ah, the builders that built the house's um, contract.

10 MS COLQUHOUN: So you had to submit two quotes?---Yeah, well it's, it's not the same job. It's like two houses, there was two completely different- - -

Okay?--- - -situations, right. There was a, there was a house out the back that got demolished, right, with a, had a concrete pool, they got exactly the same but obviously new um, built in front of that. So that would be landscaping, it couldn't have been for the old house, it must have been for the new house, that quote.

20 So there were two jobs at 45 Brundah Road?---Absolutely, there was more than two jobs, there was two houses.

Okay?---Yeah.

Were they considered to be separate jobs by the MSB?---Oh- - -

You're not sure?---I can't answer that. I don't, I don't know how, how they work internally with that, that, I'm sorry.

So if I can show you page 746- - -?---Ah, 7, what is it, 746?

30 Yeah.

THE COMMISSIONER: Just before we go to 746, can I, can I just go back to these two documents?---Yes.

You said that they were both tenders for the, for the project at 45 Brundah Road, Thirlmere?---No, no, no. Not a tender. See what- - -

Well, they're a quote?---They're quotes.

40 They're both quotes?---Yes.

For the same, for the same property?---That's right.

Right. Now, can I just focus on this?---Yes.

One is dated 21 February, 2013?---Yes.

And that is the quote that is, if you like, particular in the sense that it sets out eight items of works associated with the, with the quotation?---Ah hmm.

And that has a total price of \$49,460 plus GST?---Yes.

Right. Now, if we go to the other document which is dated 29 March, 2013, so it's a month later, you see that other document?---Right.

10 That, that, that is not so detailed in terms of the quotation, but you say that included in the quotation is demolition, concreting and landscaping and that would appear to be a description of the items that are more extensively set out in the quote of 21 February?---No. Well, hang on, our quotation is in accordance with the specifications dated 29 March, there must have been a spec that was sent to us for that.

All right. So - - -?---I wouldn't have, I wouldn't have written that there - - -

All right?--- - - - unless there were some documents.

20 All right. All right. Well, I'm just trying to follow this through. So the, so the 29 March quote was for 48,900?---That's what it appears to be, yes.

All right. Which, which is slightly less than the quote that you submitted on 21 February?---But that - - -

Well, I'm just asking you to look at the documents, I'm not asking you to explain it at this stage, I just want to make sure - - -?---Oh, okay.

30 - - - that you understand that the quote on 29 March is for a lesser amount than the quote on 21 February?---Yes.

Right. Now this was what I'm coming to?---Okay.

Is there anything that indicates that the quote of 29 March should take precedence over the quote of 21 February or were they both going to go to the MSB as separate quotations? In other words which one, which one was the relevant quotation for the purposes - - -?---No, they're both, they're both, they're two different jobs.

40 So you're saying that they are - - -?---That's, that's the way - because if I, I don't have this - see where I've written - again, I've obviously written this out and someone's signed it in the office which is not, not uncommon, it's per whatever um, our quotation is in accordance with the specification dated 20, 29, 29 March, 2013, I put - - -

Do I, do I understand you to mean that these quotations were submitted jointly so that in other words if one was to look at the total quotation for the

site it was something in the order of close to \$100,000 all up, is that what you're saying?---That's what it would have been, yeah.

Well, can I just take you back to something you said earlier, you said they were two different jobs?---Yes.

10 Right. Well, in, in what way did, did the, did the job of demolition on 29 March differ from the job of demolition that was set out on the document of 21 February?---Because if, from my memory when we, when we demolished the house, right, we found this massive footing underneath the ah, underneath the garage slab - - -

Ah hmm?--- - - - 'cause we were told to leave the garage slab in there originally 'cause the owner wanted to use it to put his um, um, ah, caravan on. Then they decided they didn't want it and we found this ah, footing under there that was like it was built for mine subsidence and it was massive, we had to bring heavy equipment back in to, to pull that out.

20 Is this, is this the - - -?---And that's what I'm, I'm - look, that's what - - -

Is this the slab you were talking about, the garage?---Not the slab to the house but to the garage, I'm pretty sure - - -

The garage?--- - - - that that's what it was.

Could, could you just go back to the, just go back to the document on 21 February, the previous one?---Yeah.

30 Do you see item 5 refers to "evacuate concrete house slab and carport, remove from site"?---Yeah, but that wasn't the, that wasn't the footing.

Right?---If we found anything like that, everything's assumed that it's 100 mil, right.

All right. No, I just wanted to make sure that I understood that these two documents were meant to represent the total cost of the quote which is something slightly less than 100,000?---Yes.

40 Right, thank you?---Okay.

MS COLQUHOUN: If I can take you to page 746, I believe this is the scope of works - - -?---Yeah.

- - - you were referring to?---Yes.

It's dated 28 March, 2013 on page 747 and signed by Darren Bullock? ---Oh, okay.

Did you have access to this document in preparing your quote on - - -?
 ---Yeah, that's - - -

Page 751?--- - - - that's where - you, you have to bear with me, I've got a, you know, I - it's a while ago.

Yes, certainly?---Yeah, well, that's, what's what I, that's what I was saying. This is, this is the - okay. Now I remember, the front boundary fence, that's right, all the garden, the garden beds, remove trees, that was - that, that
 10 specification there which is what I made reference to in that, that other quote and, and now I can see where, where it is under those three items which cover that specification, that is all for the front house, the new house.

Okay. So that - - -?---And associated. There used to be an old timber fence running across the boundary, right. That had to come out. Um, the trees down the side and whatever is in the specs.

So that's the quote dated 29 March?---Yes.

20 And the one dated 21 February related to - - -?---Well, I assume there was another, another - some more - I don't know. Is there - I haven't got my file here, all right.

Certainly?---So to answer that, I assume that Darren gave us a specs for that other one which is what we quoted off. We couldn't have just made that up.

THE COMMISSIONER: Can I - again I'm only going from the documents but can I just take you back to your quote of 29 March - - -?---I don't even - can't even remember, sorry, if this was Darren's job. I think it was.
 30

Well - - -?---Because there was a couple of guys worked on that.

Well, we're just trying to piece together what the documents -- - -?---Okay.

- - - relate to?---Okay.

If I can just take you back to the document, the 29 March - - -?---Yeah.

- - - quote?---Yes.
 40

Where you say included in our quotation 1, demolition, 2, concreting and 3, landscaping. Do you see that?---Sorry, what, what page?

This is page 751?---Oh, sorry. Yes.

Well, that would seem to correspond, wouldn't it, with what's set out at page 746 which is the specs that you're referring to. If you go back to 746?
 ---Yes, that's right.

You see, demolition, concrete, landscaping?---Yes, that's right.

So would we be right in concluding that the quote on 29 March is in response to those specs that you see at page 746 and 747?---Yes.

Right?---That's, that's exactly right.

10 Right. Thank you?---Which is the, the, yeah, well, it's, it's there, the three items.

MS COLQUHOUN: Yeah?---Which is as I said, was a um, was the part of the new house.

Okay. Now, there are a number of variations made to this contract and I need to go through them with you - - -?---Okay.

- - - so we can understand them?---Yeah.

20 And the first one is on page 735. That is variation number 1 and if you look at page 734?---735. Woops, too far. Right.

And if you look at the previous page 734?---Ah hmm. Yes.

You say see attached schedule for the variations to the contract?---Right.

30 Can you explain why these things that you have listed in this variation were not foreseeable at the time that you quoted for the job?---Um, look, when -- all this work down there, there's so many things that you can't see until you start opening up. It's like, you know, it's renovating existing -- or repairing existing property. Um, these are not items that, you know, I, I would have picked up in our due course until we started ah, working on the properties and I mean, do you want me to go -- have a look at these and answer you more - - -

Yes?--- - - - better than what I am because - - -

Yes?---Okay. Well, the first -- do you want me to go through these?

40 If you can start at number 1?---Okay. Well, the first one, there was an existing um, shed, farm shed on the property which was right down the back of the property which stayed. So there was -- when we cut the power off, the mains power to the old house which used to feed that shed there was no power supply there so we had to run a new power supply from the new board to that shed.

Okay. And that's not something that you could have foreseen at the time that you quoted for the job?---No, no, it's not up to us to foresee these things

before we quote the job. We only quote what we're asked to quote on. You know what I mean, with respect. I mean I can't – no. I mean we just – if we went there and we looked and went through and questioned everything that the Mine Subsidence gave us, you know, they probably wouldn't even ah, send us anything out. I mean we, we can only quote on what we've been asked to quote on.

So when you, when it comes time to getting variations approved by the MSB- -?---Yeah.

10

- - -what do you do?---Well, we, if we find something, right, whoever the supervisor is, we'll say we need to talk to you onsite. Um, they'll come and have a look at it and assess it, see if it's fair and reasonable and if it is um, they tell us to go ahead and, and do it, or they'll, or they'll, or they'll speak to the owners if they're, if it's occupier um, and come to some arrangement with them of what decision they make. But we only do what we're told, not, it's not up to us to um, you know, go writing specs and stuff, I mean we get a spec, we quote on it.

20 Okay?---Yeah.

So there was a second variation in that, the schedule is at page 732 of the document.

THE COMMISSIONER: Sorry, just before we go there, could I just take you, could I just take you to something else?---Sure.

You see on page 735, which is the first variation- -?---Yes.

30 - - -at item 11 there's a reference to, "Supply and install new magnolia tree to front yard."?---Yes. Sorry.

And then at item 12 there's a, there's a reference to, "Supply and install pebble stones to front yard gardens."?---Yes.

Right. Now, can I take you to page 747 which is the second page of the specs that were provided in March, 28 March?---Ah hmm.

40 If you go to page 747, under Landscaping, item C reads, "Garden beds are to be filled with decorative pebbles selected by owner."?---Okay.

And you'll also see under D, "Supply and plant new plants and shrubs as selected by owner."?---Okay.

Do you see that?---No, all right.

Now, can you – no, well, just bear with me. Can you just, can you just explain how it was that the variations covered at least two items that

appeared to be part of the original quotation?---Okay. With, with the ah, the pebble, they, they asked for an upgraded ah, pebble, the stone to what we would normally, you know ah, put, put in there, which is a standard, the, the, the pebble that we put in there was significantly dearer per tonne and that's the reason for that. The ah, what was the other one about, the tree?

10 The magnolia tree?---Well, that was an arrangement that the owners and the supervisor came to and I was just, we were told they said they'd love to see a magnolia tree in the middle of their front yard, you know, so we went and got a magnolia tree and put it in there.

But, but the specs included, "Supply and plant new plants and shrubs as selected by owner."?---Yeah, but not, not trees. We put shrubs around the front of the house and, and so on. They upgraded. See, what happens is that we quote on a, on a, you know, it's like a tile, if someone goes and ah, picks a tile that's worth \$150 a square metre and there's only been allowance for like a 35, well, it's not up to the contractor to pay the difference, you know.

20 In any event, in any event, to the extent that these variations – well, sorry, I'll go back. To the extent that this, these items in variation number 1 were, were submitted, they were, they were approved by, by Mr Bullock?
---Um- - -

Was he your point of contact on this job?---I'm, well, he was but I think there was one of the other supervisors also worked on there. I can't remember, I don't know if Darren was there the whole time 'cause this job went for quite a while.

30 All right?---Yeah. Look, I'm not 100 per cent with that one, but Darren was the prime person but I do believe that had, you know, some of his other, or at least one of them worked with him on this, on this project.

Well, when you submitted a variation, how did you find out that the variation was approved, how were you informed?---Oh- - -

Did he, did someone see you onsite and just say, yeah, you're right to go ahead, or- - -?---Well, on some occasions, yes um, other occasions we were asked for a price.

40 Yes, but I mean the variation that you submitted gives a price?---Yeah.

I'm asking, I'm asking after you submitted the variation- - -?---Yeah.

- - -how were you informed that you were okay to go ahead with that work, that you could, that you, that the variation had been approved?---Oh, verbally.

Right?---Not, not always actually, sometimes I think but, you know, you're going back through a lot of records, there's probably records on file ah, possibly where there was an email sent to, to say to do it, and then other occasions it was, you know, get it done. Yeah.

Yes, I understand.

MS COLQUHOUN: Thank you. If I can take you to the second variation, that's on page 732, this is the schedule for variation 2?---Ah, oh yeah.

10

And the variations on this occasion totalled \$11,677?---Yes.

If you can see item number 6, "Apply two coats of concrete sealer to new concrete," if I can take you to page 746 which is the specifications provided by Mr Bullock, in section 2(c), "Two coats of sealer are to be applied on finished surface of driveway," and (d) is, "Supply and lay bitumen crossover to front of newly-laid concrete."?---No, no, that's, that's another, another section to the house. If you look at -- you asked about item 5?

20 Yes?---Is the new concrete on, on 732, page.

Ah hmm?---Item 6 is the, is the sealer for that, that section of concrete. That's not the same, that's not the driveway concrete.

It's not driveway?---No, it's another- - -

It's not the driveway?---It was another section of concrete that ran from, it was like a side path, about from memory a metre wide that ran the full width of the house down the side back to the, to the swimming pool.

30

Ah hmm. And number 8, "New garden bed to rear of house." That's- - -? ---Yeah, well, that wasn't in the original spec, that was when the pool was done there was another section there that they wanted white pebble on garden beds and all that ah, and it was approved and, you know, that's, that, just told to do it and we did it.

THE COMMISSIONER: So where, where, sorry, where was the new concrete?---The new concrete is the front driveway which is massive, this was in that um, March I think specification, I don't know, I can't remember that.

40

Yes, but I'm asking where the, like where- - -?---On this page here, this one we're looking at, is that the one you're asking me?

Well, when you said in answer to question a short time ago that the "Apply two coats of concrete sealer to new concrete," in variation number 2 was to, was not to the driveway, it was to some other concrete?---Yeah, it was a path that ran from, it came from the front on the carport side- - -

Right?--- - -garages, and ran down the side of the house where all his gas bottles and- - -

Right. So it was a pathway?---Yes.

Right?---And ran back to the pool, new pool ah, surround.

Right?---Or concrete. And that was the sealer for that.

10

MS COLQUHOUN: And variation 3 is at 727?---Oh, sorry, sorry, was it 727?

Yes?---Ah, yes.

THE COMMISSIONER: I'm sorry, I hate to be difficult, sorry.

MS COLQUHOUN: No, no, not at all.

20 THE COMMISSIONER: Sorry, could we just go back a step, Mr Inskip? Sorry?---Sure.

Could I just take you back to page 732 which was variation number 2? ---Yes.

Item 7 says, "Supply and install new clothesline concrete insert." Do you see that?---Yes.

30 If you go to page 747, which is again the second page of the specs of 28 March, and you go to item G "Supply and install new letterbox in brickwork to match existing dwelling, design as detailed during site visit. Insert to be cream in colour."?---That's a letterbox insert.

Well, I understand that but what, what I'm asking is variation number 2 refers to supply and install new clothesline concrete insert. Did it have to be done twice?---No. A clothesline insert is a, is a sleeve that you put - you, the removable clotheslines?

40 Yes?---We had to put a concrete block and you put the block - - -

I understand that, yes?---Well, that's what that is. The other one is, the other one is for the letterbox. Unless I misunderstood.

I see. So one was for the clothesline and the other one relates to the letterbox?---Yes. Letterbox insert is a, is a metal - it was a, a um, a brick letterbox. It was fairly significant actually and um, that's the ah, you know, the letterbox part of the letterbox.

Was the, was the insertion of the concrete insert for the clothesline, was that part of the original specs?---No. Well, not from memory but I'm, I'm sure it wasn't because I remember him telling me to put a um – because the owners wanted the clothesline put in a specific ah, location in relation to their new house.

All right?---Because they used to – they had a - - -

Sorry. All right. Go on. Yes?---Yeah.

10

I think you have been taken to another document.

MS COLQUHOUN: Yes. This is variation number 3. I just wanted Mr Inskip to explain these additional works that were carried out by Plantac? ---Ah hmm.

THE COMMISSIONER: And are we on page - - -

MS COLQUHOUN: 727.

20

THE COMMISSIONER: Thank you.

MS COLQUHOUN: Are you able to explain what we're - - -?---Oh, sorry. I thought I was waiting – what did you want me to answer?

These were for further, further work done on that property?---Yes.

Can you explain how you were given approval to do that work?---Um, what, you mean whether we were instructed verbally or by correspondence, is that what you're asking me?

30

Yeah?---From my memory it was verbally um, but I'm not a hundred per cent sure of that.

And would it have been Darren Bullock - - -?---Whether it was - - -

- - - that you had the conversation with?---Let me have a look. Yeah, on that one, yes. Because that was done in conjunction with the owners.

40 THE COMMISSIONER: Mr Inskip, can I just ask you that all the work on variation number 3 is all electrical work?---Yes.

Well, I'm assuming that you just contracted out to an electrician who did most of that work?---Yeah, that's right. He's one of our sparkies.

MS COLQUHOUN: And now we've come to the final variation on this contract. It's at page 723?---723?

Yeah. Can you have a look at that schedule and explain to us - - -?---Okay.

- - - why these variations were approved and - - -?---All right.

- - - why they weren't included in the original specs?---Okay. This, this was one of the things that we did before we even started the - as you probably know that it's a five acre property, right. And we had to - we were going to use the far left-hand side of the ah, the property as you're facing it for the owners to get - he had caravans and that he had to be able to get at to - he wanted to be able to put at the back of his property and once the builders, not us, the other builders were there they were going to rip the whole front up. Ah, ATF Fencing he had no access to get in so we had to almost build him like a tarmac access road. We had to cut, cut through his existing um, um, you know, property where it was all grassed um, lay - I think we even said to put weed mat down um, and quite a, you know, a few tonnes of ah, of road base and machinery just to get that. It was a, it was a long road, long road to get to the back of where he wanted it. But the owner had to get his van in there and that was the only way he was going to get in without getting bogged and it was his access in and out of the house.

20 And this wasn't something that was discussed at the initial meeting?---No, because the owner, you know, they obviously - um, the owner must have discussed that with the, with the Board after the work 'cause the builder took over the front of the property, the owners were living in the back, he couldn't get, use his normal access so, you know, that was the only way that he could, we could get him in without him being bogged and, and ah, yeah.

Okay.

30 THE COMMISSIONER: Can I just ask you about item 4 on that variation, "Supply and install 2,400 square metres of Kikuyu turf?---Oh, that's, that's when we ripped the road back out and I had to replace, make, make good the ah, the property.

So was that the same turf that you laid in accordance with the specs that were originally provided?---No.

The turf to the front and side areas of the dwelling?---No, no, no. It was a completely separate issue.

40 I'm just wondering why it was that, and perhaps you can tell me, I don't know, but given that there were a separate firm of builders engaged to build this new house at the front - - -?---Ah hmm.

- - - why didn't the repair of these areas fall to those builders rather than to your firm in relation to the, into the, in relation to these various variations?

---With respect it's none of my business why, you know, what contracts that the Board had with another builder but my understanding was that um, that they didn't include any ah, landscaping or concrete - - -

Who's they, sorry?---Well, whoever the builder was. It was a project home.

All right. So your understanding was that the builder who built the new house - - -?---Yes.

10 - - - was not responsible for any of the landscaping or the surrounds and that all fell to you as the original, as the person who originally received the tender?---Yes.

Right.

MS COLQUHOUN: Do you, do you know – how did you find out this information?---Which information are you referring to?

20 That the builder, that what you just told the Commissioner?---Well, I asked, I asked them why, why aren't, why isn't the builder, you know, 'cause apparently they, this happened quite frequently with these spec homes um, that get built down there um, the, the – some of the, apparently some of these spec builders do allow for driveways and landscaping and others don't so if there's a um, you know, one of the mine's builders um, they'll whatever isn't done by those spec builders um, they'll put out a tender or whatever and get their normal builders to um, you know, complete the work so that the job's finished. I mean you'd have to look into their contracts, I don't know anything about that.

30 Ah hmm?---You know.

Now there's one further issue on this matter that I want to ask you about. If I can take you back to page 748?---Ah hmm.

This is the quote dated 21 February, 2013 that relates to 45 Brundah Road and you gave evidence that there were two separate jobs at that address, is that correct?---Yeah, I'm reading this. Yes.

40 And if I can take you to page 724?---Oh, okay, it comes up there.

This seems to be an invoice relating to that work, is that correct?---No, no, that's, that's that, that footing that I was telling you about before that we found which had, yeah, there it is, asbestos attached to it. See - - -

THE COMMISSIONER: I think what you're being asked about is if you look at the top two lines of that document it says "Total contract value claim 49,460"?---Oh, right.

You see that?---Yeah.

Well, that 49,460 corresponds to the quotation that you issued in February, namely 21 February, that's 49,460 on that earlier quotation?---Well, that, that's what it would have been, that, that was the original - - -

Well, we're just asking if that's, that corresponds to the invoice - - -?
---Yeah.

10 - - - so the quote of 21 February?---That, that was the, that was the main contract - - -

Right?--- - - - that got us on site.

Right?---And um, you know, the others well, you know, it just followed from there, yeah.

MS COLQUHOUN: Okay. So this is a, this is a job that was separate to the other one that we've been discussing?---No, no, this would - that, that -
20 I'm pretty sure that's the main, the main contract that we originally started on, on the site which um - I think.

THE COMMISSIONER: Mr Inskip - - -?---Oh, no, hang on, no, it's - no, yeah, that's a variation, yeah, sorry, look - - -

Well, look, perhaps it'd be easier if, if we looked at this in some relevant order?---Okay.

30 Because I appreciate it is a long time ago and you're only going from the documents and we're trying to make sense of the documents as well?
---Okay, yeah, sure.

But you see the problem that I'm having at least is this, if you look at as I said page 724 - - -?---Ah, 724.

- - - which is the - - -?---Yes.

- - - invoice where at the top two lines it refers to "Total contract value claimed 49,460" - - -?---Ah hmm.
40

- - - and as I pointed out before that corresponds with the quote of 21 February?---Yes.

And then if you go to page 722 you'll see a reference to variation 4, "contract value fully claimed 48,900" and that 48,900 corresponds to the quote that you submitted on 29 March?---Right.

But the problem I'm having is that there are four variations but they appear to have been applied differentially to two different amounts?---Well, the girls in the office probably have just, if there's, there was two obviously main contracts there, the 49 and 48 or whatever it was um, it's quite possible that if that first one was closed off they've put the -- 'cause we was, we were there on site, you know, so as long as they had something to um, put it against as a variation that's what they would have, would have done, I mean I, I don't - - -

10 I understand what they, I understand what they would have done but you can appreciate from the point of view of understanding the process the difficulty is that there are four variations and one would assume that they were variations to one contract because they're not variation 1 and 2 to contract 1 and then variation 1 and 2 to contract 2?---No, well, there was no - - -

They're just four, four, four variations - - -?---Yes.

- - - which have been applied differentially across two contracts?---Yeah.

20 Right?---Because I have nothing to do with this, with the office side of it, invoicing or any of that so -- but we've, you know, saying that I still pretty much write out what the invoices should be going against, you know, so - - -

MS COLQUHOUN: You write out what is going to go on the invoices?
---Well, I just write out, well, you know, what we've done and what the variations are and, and so on, you know, so we've got supervisors that do that um, that give information back to us, there's, you know, there's quite a few people involved because I'm not, I'm not one very site always so I have
30 to rely on other people um, like supervisors or foremen to, you know, relay certain information back.

And prior to carrying out the variations you need to get approval from whomever the - - -?---Oh, yeah, yeah, you can't - - -

- - - the person on the, from the MSB is on the job?---Absolutely.

Okay?---Yeah. There's no way we can do, we could do anything without approval, whether it's - - -
40

And do you know what they need to do at their end to approve the variation?---No, no, I wouldn't have a clue.

Now you know Mr Bullock very well?---Yeah, I've known him for, you know, I'd say 22, 23 years, yeah.

When you win a tender does he generally call you on the phone?---Oh, not always, he has, he has done it, yeah. He has called me sometimes and to tell me – well, both ways, that I've lost it or I've won it, yeah.

And does he tell you who else is tendering for the job?---I don't think I've, I ever asked him 'cause I don't really care, I don't – not, not to my recollection 'cause it's – I'm not interested, you know, because whenever we go to a tender meeting you never know who's going to turn up there so it's not always the same people.

10

Okay. You know that Mr Bullock was a district manager of a regional office at the MSB?---I know he was the manager there, yeah.

And he had certain financial delegations. What I mean by that is he could approve work up to a certain amount. Did he ever discuss that with you? ---Not to my recollection. I remember years, years and years ago I remember them telling me um, and I think they all did, that they could only sign off at about 5,000 – I think it was 5,000 from memory or something like that but - - -

20

And have you discussed that with him since that time?---Not that I recall.

So on this example of 45 Brundah Road you submitted a tender – at least one quote for under \$50,000?---Ah hmm.

Do you know who would approve that work, approve you getting the contract?---Wouldn't have a clue.

30 And did Mr Bullock ever discuss with you the amount tendered by other companies involved in the tender?---On that particular one?

On any one, any job?---Oh, sometimes he, he, he'd tell me um, you know, not, not always um, that you missed out by \$1,000 or you missed out by 10,000 or you missed out by 20, you know, like, there was no – anything specific. He'd just say that you, you lost it or you won it by, you know - - -

Do you recall a job at 336 Moreton Park Road, Douglas Park?---Yeah, yeah.

40 Did you discuss with Mr Bullock prior to the tenders closing the amount tendered by the other companies?---No. Well, not – no, like, not to my knowledge. I, I, I don't know how I could have.

Did Mr Bullock ever call you to discuss what the other companies had tendered for for that contract?---I honestly, I honestly don't know. I, I don't know. I can't, I can't recall that, ever having that conversation with him.

Are you sure about that?---Well, I'm not sure. I said I don't recall um, ever having that conversation with him.

Is it possible that you did have that conversation with him?---Oh, just trying to think. Because there were guys on that I've never seen before, on that tender. Um, look, I honestly, I, I don't remember having that conversation with him, you know. If I did I, I honestly just don't remember.

So you mentioned there were guys on that tender that you've never seen before?---Some of them I've never -- well, I've never been on, on that tender with them, yeah.

10

Okay. One company was M Burton (as said) Building Company. Have you had any dealings with them?---No.

Or do you know of them?---Burton?

M Burton (as said) Building Company?---No, I don't think so.

And the other was Asset Trade Services Pty Limited?---No.

20 You've never heard of them?---No.

And you ultimately won that job?---Yeah, yeah.

And Mr Bullock was the, the supervisor on that job or he was responsible for that job?---He was.

Did he tell you at a later date what the other companies had tendered for, the amount that they'd submitted?---Oh look, I, I don't know. I, I really can't recall ever talking about, before or after, anyone else's um, you know, quotes.

30

Now, Mr Inskip, you provided some financial records to the Commission? ---Ah hmm.

Can you tell us who your accountant is?---Finncorp.

And where are they based?---Ah, Taren Point.

And who do you deal with there?---I don't deal with anyone. The ah, Barbara looks after all that.

40

Okay. And how does Finncorp prepare statements on your behalf, how do they get the information that they require to complete - - -?---From - - -

- - - their financial statement?---Well, Barb looks after all of that.

So if you make a payment to a company- - -?---Ah hmm.

- - -you make a notation in your financial records?---Again I have nothing, never have anything to do with the financial running of the office or how, what's written. I, I, I know nothing about that side of it. That's just the way we operate. I look after outside and my wife looks after everything else.

How does Barbara know what payments have been made to companies?
---Well, she, she virtually does everything herself, it's very rare that I would ever pay anyone, unless it's ah, I'm paying someone onsite um- - -

10 THE COMMISSIONER: I think we, I think we might be talking at cross-purposes?---Yeah, I don't- - -

It's not a question of whether or not companies got paid but for example, if you were submitting information to your accountant who not surprisingly is going to be looking for work-related expenses in terms of calculating- - -?
---Ah hmm.

- - -ultimately the tax that you are either due or payable- - -?---Ah hmm.

20 - - - someone would have to provide the information to the accountant that would allow them to read from your bank statement for example that this payment was related to this job and was therefore a legitimate work expense in relation to that project. So what, what we're actually asking is where would that information come from?---Well, from Barb.

But how would she know whether a payment that, that was on a bank statement related to a particular project, how would she know that?---Well, she don't, we, we don't, we don't keep - are you asking me every, everything that ah, goes to a particular job?

30 Yes?---Well, we don't operate like that. We don't book everything out necessarily to a job always.

No. But I mean how - if you're, if you're going to try and determine whether or not the money that you expended, whether that be payments to contractors or otherwise, on a particular job- - -?---Yeah.

- - -was profitable from the point of view of you having submitted a quote for that job- - -?---Yeah.

40 - - -how would you work that out?---We don't.

You don't?---No.

So you could be operating at a loss for all you know but- - -?---No, I don't, we're not that silly, we, you know, we, I just, I know if we've, if, there's been a mistake on a job but we, you know, there's, there's certain jobs that

we, we have done that but we pretty much, you know, we, we don't keep those records anymore, there's, there's no need to.

Well- - -?---We're happy with the way we- - -

But, but when, when you, when you quote on a job, for example you are engaged to build a residential property- - -?---Well, we don't do residence.

10 All right. Well, you're engaged to build, build something?---Ah hmm.

When you say you don't build residences, what kind of building projects do you undertake normally?---Commercial.

So the work you do for the MSB at Picton was kind of outside your usual remit?---We wouldn't work for the ah, sorry, we wouldn't do that work if it wasn't ah, you know, government-controlled or some organisation like that because there's no way we'd deal with those people down there.

20 Well, I think you're agreeing with me. The work that you do for the MSB down at Picton- - -?---Yeah.

- - -is outside the scope of your usual, your usual practice which- - -?
---Yeah, it's not something that- - -

- - -would be commercial?---It's not something we chase, no.

All right. So, all right?---It's only because of the client.

30 All right?---Yeah.

Being the MSB?---Well, whether, you know, it's just another blue chip client on our resume.

Yeah?---Yeah.

All right. Well, let me come back to the example. If you're undertaking the building of commercial premises for example- - -?---Ah hmm.

40 - - -do you have an accounting system whereby once you start that project, for the purposes of keeping some kind of tabs over where the money is going, do you have a system whereby when your wife is writing out the accounts or checking the bank statement- - -?---Ah hmm.

- - -that there is a code or a name that allows you to say that that payment was in relation to that job?---Oh, well, if, if there's been invoices and so on put in um, yes, or there are occasion where um, we've, we've had to pay, we pay cash because there's no other means, especially in the country, paying guys at the end of the week um, but you know, there's normally some sort

of record of ah, where, where it went. I can't guarantee all of the time because I mean like there's, for example um, you know we've got a three-tonne truck that we have to pay cash for at certain weigh, at transfer stations and that sort of thing.

Yes, but yes, but that's, but that's equipment that you're using across your whole, your whole enterprise, I mean that's part of your plant and equipment?---Yeah, yeah.

- 10 I'm talking about payments that you would only make in relation to undertaking certain projects. So what you appear to be saying is that if there's an invoice, then that would tell you that it was associated with a particular job and otherwise if you were paying cash to somebody, would that payment of cash be written into the accounts in some way that would refer it back to that particular job?---In some, some instances, not always, you know, because it depends whether we bring the information back, because I always carry, when, especially in the country um, because I've only in the last 12 months ah, got a Visa card and a Handybank card 'cause I never wanted one and people won't accept cheques, right, company
20 cheques, so - - -

All right. No, I understand all of that but we're getting away from the purpose of the question. If you're, if you're paying cash to someone on a job, that's- - -?---Yeah.

- - -that's you, you're going out and paying the contractors with the cash, aren't you?---Well, or they might come to the office and get the money, whatever.

- 30 Well, all right, but, all right. But, but my question is, if you're paying the cash- - -?---Ah hmm.

- - -it's coming out of your accounts one way or the other?---Yeah.

Do you then give your wife the instruction for example, oh, by the way, I paid Joe Blow \$700 today on that job, so that she knows that that amount coming out of your account refers to that particular job? Is that what happens?---Not always.

- 40 All right. So it's haphazard, is it?---Yeah.

Right?---I suppose you could say that, yeah. It doesn't always happen but it's, you know um, it's still efficient. It's not that far - I mean we don't do it with everything but yeah, it is, yeah, haphazard I suppose.

MS COLQUHOUN: So if we speak to Barbara she'll be able to provide us with further details about how she accounts for payments made from your

Plantac account?---Yeah. Well, I thought all that was in that information that we sent in to you.

Some of it is but we still have some further questions?---Okay.

Can I ask, you provided some cheque stubs to the Commission. Did you, did you review them before sending them in?---No.

10 Who reviewed them?---I don't know. I don't know whether Barb went through them or not.

Okay. So you don't know where cheque stubs from 2008 would be?
---Oh, I know where that, when, when we moved we lost, we can only assume we had um, removalists, we had some of our guys in there, the place, there was like 20 years of records in there um, it was kind of a little bit of chaos 'cause we had to get out in ah, well, we didn't have to get out but we wanted to be out in a certain time and we can only assume that there was a couple of things that -- I lost a box of personal items that the guys must have thrown 'em in the truck and in the tipper and, and they've, yeah.

20

And when was this?---Oh, I don't know the exact date, whenever we moved, and it was about I think 12 months ago or something like that, I, I'm not sure of the date.

And when did you discover that you didn't, you no longer had cheque stubs for 2008?---Probably I think ah, it was when we started unpacking in the other office, I believe that we realised there was a few things missing, yeah.

30 Now, you've, you've mentioned that you use contractors?---Ah hmm.

Can you provide us with the names of some of the contractors that you use regularly?---What, right, right this very minute? Because they come and go all the time, you know, like they um- - -

Well, if I give you some names- - -?---What are we talking about? I mean I've got, I- - -

- - -can you tell me whether you- - -?---Yeah, that's probably easier.

40 Okay?---Yeah.

Can you tell us who D Beard is?---Yeah.

THE COMMISSIONER: Beard, as in B-e-a-r-d?

MS COLQUHOUN: Yes?---Yeah, that's ah, that's Beery. That's um, that's the guy that ah, wow, that's a long time ago, that's ah, he did, he

painted, did some painting for us up in um, on our house at ah, well, it's a company house at Tea Gardens.

Okay?---Um, years ago, yeah.

THE COMMISSIONER: When?

10 MS COLQUHOUN: Do you recall when?---Oh, it's a long time ago, I haven't even seen him, he doesn't even live in the state anymore, as far as I know he's overseas.

THE COMMISSIONER: Can you give

MS COLQUHOUN: Was it- - -

20 THE COMMISSIONER: Can you give us some kind of timeframe? I mean not necessarily exact, but is it more than five, more than 10 years, more than 15 years?---Oh, it would be more than five years ago. I haven't seen Beery for, it might be 10 years, it might be eight, seven, eight, it's been a long time. I, I, I don't know.

MS COLQUHOUN: What's his first name?---We called him Donald.

Was that his first name?---I don't know, we just called him Beery, he's just a local guy up there and, you know, wanted some work so we paid, paid him, he painted the outside of a house.

30 THE COMMISSIONER: When you say up there where are you referring to?---Tea Gardens.

The Tea Gardens area?---Yeah.

And did he mainly work in and around Tea Gardens?---He lived in Tea Gardens.

Right. Well, did he - - -?---We have a, we have a, we have a, a house there, the company, the company does.

40 Right?---And he painted, he, he did some - ah, quite a bit of painting there for us but he's just a local guy that, yeah.

MS COLQUHOUN: Do you still have his contact number?---No.

Do you know the name Don Bruce Kitchens?---No.

You've never heard of them?---No.

And you don't recall ever using them?---No, you'd have to speak to Barb about that.

B&D Kitchens?---Ah, I'm, I'm not sure of that one either.

D&B Manufacturing?

THE COMMISSIONER: Was that B&B?

10 MS COLQUHOUN: D&B.

THE COMMISSIONER: Oh, D&B, sorry.

THE WITNESS: It might have been um, years ago if -- oh, it depends how long ago it is, um, we had some significant work done, ah, one of the guys organised it for um, some, you know, a guy that um, repaired our truck, it was all -- the tipper, all the gates and everything were rusting out, it, it might be related to that I'm not sure.

20 MS COLQUHOUN: Do you recall his, his name?---No, I wouldn't have a clue, I didn't even have anything to do with it. The guys -- we quite often um, would get things done especially down in the bush, there'd be -- there's guys -- 'cause they're all -- everyone's a mechanic or we've got a welder or a bobcat in their yard so, you know, if someone knew someone that had ah, most of them have got workshops in there, on their properties.

So when you're talking down at the bush are you talking about the -- -?
---Tahmoor.

30 - - - Tahmoor area?---Tahmoor and Appin, yeah.

DB Kitchens?---I -- look, I don't recall them.

D&D Kitchens?---Yeah, I know how D&D Kitchens is.

And who are they?---They're probably some people that we've been using recently, over the last few years. They're from ah, well, Picton, Tahmoor, yeah, Picton.

40 And do you have a contact name for a person who works there?---Yeah, Dave.

Dave who?---I don't know, they're both called Dave, that's where the D&D comes from.

And -- -?---We don't -- look, we're builders, right. Most of, most of the people, half the people that work, we work with we only know them by nicknames, right, or their first name, you know.

Yeah?---There's guys that don't even know, 'cause of Inskip I get called Skippy and there's people that don't even know that my name's Inskip so, you know, it's just the way it is.

If I continue, have you heard of a company called APC Pty Limited?

---Yeah, I think they're, they're painters I'm pretty sure, APC.

And Brush Brothers?---Painters.

10

And One Stop Roofing?---Ah, well, roofing supplies.

Okay. Do you use them often?---No, oh, not really.

Do you use Brush Brothers often?---We used to, they used to be our painters.

And can you tell us who the company called Sydney Labour Contractig (as said) is?---No.

20

That's how its recorded in your books?---No. What is it? Sorry?

Sydney Labour Contractig?---No.

You haven't heard of them?---I don't recall - - -

Okay?--- - - that, that name. That doesn't mean that I haven't anything to do with them.

30 Now you're aware that the Commission is looking at allegations surrounding Darren Bullock?---Well, from the paperwork, yes.

Yes. And whether he's received payments or gifts from you?---Ah hmm.

Have you provided any gifts or benefits to Mr Bullock?

THE COMMISSIONER: We're talking here, not just, not just the work you may have carried out necessarily under the auspices of the MSB but we're talking about gifts whether it be in cash or in kind personally to Mr Bullock.

40

MS COLQUHOUN: Yes?---Yeah, well, I, I, years ago I lent him some money, he was um, going through a hard time with his wife and ah, they were trying, they were trying to get pregnant and whatever and I think they had that artificial whatever and ah, I um, I don't know what it's called, anyway um - - -

IVF?--- - - - I lent him, yeah, thank you, I lent him some money to help him out because they were stressed out, that was a long time ago though, that

was obviously well, before his youngest ones were born um, and that was - -

Do you recall how much money you gave him?---Oh, gee whizz, that's going back a while, I think I gave him 2,000 and then I gave him, it might have been another 2,000 or something like that, it might have been three or whatever as a, yeah, I, I don't know the exact amount, I know that it was - -

10 And you gave him this money in cash?---Yes.

And where did you give him the money?---I wouldn't have a clue, remember now, probably, it might have been at his house, I can't remember.

And do you recall what year it was in that you gave him the money?---No. Well, like I said, I mean if he, if you work back from, how old are his kids? They'd probably be, work out the pregnancy time ah, I suppose it'd be about seven years ago or something like that, maybe eight, I'm not sure, whatever, I couldn't tell you exactly.

20

Have you given any gifts to Mr Bullock?---Yeah, Christmas presents. Um, he owes me for um, which I haven't been able to catch up with him 'cause I've had my own personal issues with my mum and that ah, for some gear that we ended up putting on our account at Reece ah, Plumbing Supplies.

30

What did you put on your account?---Oh, well, what happened was his, he, he um, apparently his wife went to Reece at Campbelltown and um, looked at ah, looked at some tap and a sink or something, right, and he apparently needed it by a certain time and he, he rang me up and asked me, he said that he, did I have an account there and I said yeah and he said well, look, I've got a price on this um, do you think you could um, I need it in a hurry, see if you can get it for me by this date which I did and he actually gave me the brochure with the prices that they got on it and I went down to Taren Point and ordered it and it, you know, obviously came in and in the time and I told him what it was and I just expected him to ah, which like I said I haven't seen him to catch up because I've had other things. That's the been the least of my worries. Um - - -

40

And how much - what, what was it that you ordered for him?---A um, it was a I think a new sink.

Okay?---Um, and a um, and taps for, for his kitchen or something.

And how much are they worth?---I don't know. It's - I'd have to go back. I think, I think the tap was 400. Um, the sink might've been 300. Something in that vicinity. Less than \$1,000.

Okay. Have you had any contact with Mr Bullock recently?---Yes.

When did you last speak with him?---Well, he out of the blue um, rang me on I think last Thursday. I haven't spoken to him since last year. He rang me last Thursday and I didn't even know who it was and um, I said ah, who is it? And he told me it was him and I went oh. And this was after, you know, I knew I was coming here so I, I didn't want to talk to him, right. Anyway he rang me to tell me that he'd left the Mine Subsidence Board and he'd got a new job and I went okay. I said text me your um, your, your new contact numbers and ah, that was it.

10

Do you know where he's working?---Yeah, I do.

Where is he working?---At Sutherland Council.

Now, if I can show you – if you look at the screen in front of you a document will be - - -?---Ah hmm.

- - - put up on the screen. Page 49. If you can look at a payment on 13 February, 2008 and the notation is Kevin Inskip loan for \$2,000?---Right.

20

Can you tell us anything further about that?---Well, that's probably that \$2,000 that I was talking to you about before for one of the, one of the items that I gave him. I'd say that looks like about – 2008, that looks like about probably what that is.

Okay?---I'm not a hundred per cent sure but I'm pretty sure that's - - -

THE COMMISSIONER: Was that repaid that amount that you gave him for the IVF?---No. No.

30

At no stage has he repaid it?---Look, I told him – he asked me after the kids were born – you know, once I found out they were pregnant he said oh look, I'll get back, back to you – sorry, I'll get that money back to you dah, dah, dah and I said look, just don't worry about it sort of thing and shrugged it off because I'd known him so long. But I don't know whether he took that as don't worry about it, never worry about it or just don't worry about it, don't worry about it.

All right?---You know. So I've never got the money back, no.

40

MS COLQUHOUN: Okay?---But I haven't hassled him for it either, you know, like, it's, yeah. I was just happy for them when they found out they were pregnant so, you know, like um - - -

So you said there was another payment as well?---Yeah. I'm pretty sure I gave him um, that plus another – I think it was about four grand all up or something like that. I can't remember to be honest with you it's that long ago.

Can I show you page 51?---Yeah.

The payment on 30 April, 2008, KI loan?---Okay. I don't know what that's for.

10 Do you know whether that is the payment you were talking about?---No. Wouldn't have a clue. Barb could have written that down, you know, like, I don't do any of this, you know. Whatever she's written it down as that's, that's her, her accounting system. I don't query any of that.

Okay. If we can go to the next page, page 52. On 16 June, 2008, so towards the bottom of the page, there's a payment to Tea Gardens of \$3,600. Can you explain that to the Commission?---No.

Well, Tea Gardens is - - -?---It's - - -

20 - - - the area in which you have a house?---Yeah. Well, obviously - look - - -

But do you know what that payment relates to?---Wouldn't have a clue. Barb might have taken out, taken some money out and used it for something. I don't know. Or it might have been something - I wouldn't have a clue. That's a long time ago. I mean seven years. We did a lot of work up there, you know. It might have even been - we might have paid someone to do some carpentry work around there. I'm not sure. Because we did do a fair bit of work to the house.

30 Now page 54, on 11 July there's a payment to Don Bruce Kitchens for \$5,000?---Right.

Are you able to explain that payment to the Commission?---No.

You don't know who Don Bruce Kitchens is?---I don't, not, not off, not offhand I don't, no. Not that long ago.

And there's another payment to Don Bruce Kitchens on 31 July, 2008?---Ah
hmm.

40 Again you can't explain that payment?---No. Like I said, I can't remember everybody that's worked for us I'm afraid.

So if the Commission were to approach these contractors that have worked for you, their records should marry up with your records in terms of the payments received - - -?---I can't answer that.

- - - by you?---You'd have to speak to Barb. I don't have, again I'll say, anything to do with any of the ah, monetary side or any of this side of the business. I never, never have okay so - - -

Ah hmm?---Um, I don't know what Barb's written it up as ah, but I assume that there's something there that she's got that, that would cover it and I can't remember every person. I, I've got people that come up to me now and say remember that um, school that we worked on and I, I turn around to them and say were you there. I don't, you know, like, we've had hundreds
10 of people work for us over the years, you know, and various contractors, yeah.

Okay. Mr Inskip, I want you to think carefully about the answer you give to the next question?---Ah hmm.

Have you made any other payments to Mr Bullock other than the two that you've spoken about already?---Oh, not that I can remember, no.

THE COMMISSIONER: Mr Inskip, when you say that you've never had
20 any part in the financial accounting side of your business?---Mmm.

Apart from your wife I take it that there's some person or persons that you employ in the office that you refer to?---We have had people on and off over - - -

Well, you referred to an office some time ago when you were giving an answer about - - -?---Yeah, that's right.

- - - people might go into the office to get their wages?---Yeah.
30

Well, you've always had a continuous presence in the office I take it, whether it's been the same person or a number of people you've had some kind of employee in the office?---Yes.

And has that been one person or more than one person?---Sometimes there's been more than one in there just, you know, like, on a casual basis to help out.

And so part of their duties would be clerical duties like answering the phone and dealing with correspondence and helping your wife with the accounts. Would that be accurate?---What they - look, I'm very rarely in the office so if there's anyone - - -
40

All right?--- - - - and what they did and, you know, when they were at work I - - -

All right?--- - - - I've got no idea.

Well, can you just tell me this, who was responsible for hiring those persons that from time to time staffed the office?---In - - -

Who employed them?---In the office?

Yes?---My wife.

Right. So we would need to talk to her to find the names of the people who worked from time to time in the office?---Yes.

10

Right?---They would have only been on a casual basis. There was no one there, you know, like, permanent except for ah – and that's going back when my um, youngest son was born and my wife was um, pregnant, you know. But that's like a long time ago.

All right.

MS COLQUHOUN: Thank you.

20 THE WITNESS: 18, 19 years ago.

MS COLQUHOUN: Commissioner, can I seek a short adjournment of five minutes?

THE COMMISSIONER: Yes, certainly. We'll just take a short adjournment, Mr Inskip, and we'll resume as quickly as we can. You might like to have a break quickly.

30 **SHORT ADJOURNMENT**

[3.36pm]

THE COMMISSIONER: Yes, Ms Colquhoun.

MS COLQUHOUN: Commissioner, I have no further questions.

THE COMMISSIONER: You don't have anything, Mr Harris, I take it?

MR HARRIS: No, Commissioner.

40

THE COMMISSIONER: No.

MR HARRIS: If you had any further questions, but otherwise I might just raise one issue with you if it's appropriate.

THE COMMISSIONER: Yes, certainly.

MR HARRIS: Look, it's in relation to the section 112 restriction.

THE COMMISSIONER: Yes.

MR HARRIS: And it's a matter that's crossed my mind of course, is that in referring to the bookkeeping in the business done by Barb, his wife- -

THE COMMISSIONER: Yes.

10 MR HARRIS: - - -now I can say that she drove him here today and she's doing other work around the city.

THE COMMISSIONER: Oh, well, I'm sure she knows he's here.

MR HARRIS: Yes.

THE COMMISSIONER: There's not much I can do about that.

20 MR HARRIS: No. But for clarification I think I would be giving my client some advice, but I am assuming of course the section 112 restriction applies to discussing the evidence he's given here today- -

THE COMMISSIONER: Oh, absolutely, yes.

MR HARRIS: Yeah, even in relation to his wife?

THE COMMISSIONER: Oh, absolutely, yes.

MR HARRIS: All right. Thank you.

30 THE COMMISSIONER: Yes.

Well, as we've been discussing, Mr Inskip, the order that I made at the beginning of these proceedings binds you personally which means that you can't discuss with anyone, including your wife, the nature of the evidence you've given today, the contents of any documents you've been shown or the contents of any exhibits that you've been shown. You, you will need to refrain from having any conversations with your wife or anybody else about that, including Mr Bullock if he should try and contact you again, otherwise the - I'm just wondering, Ms Colquhoun, whether or not the bundle that you
40 showed Mr Inskip should be separately tendered as an exhibit?

MS COLQUHOUN: Yes, please, Commissioner, I neglected to do that.

THE COMMISSIONER: Yes. All right. Well, I'll mark that bundle Exhibit C9.

**#EXHIBIT C9 - BUNDLE TITLED COMPENSATION CLAIM
PAYMENT**

THE COMMISSIONER: And otherwise, Mr Inskip, you're excused from the summons that brought you here today and I'll adjourn. Thank you.

THE WITNESS: Thank you.

10

THE WITNESS EXCUSED

[3.48pm]

AT 3.48pm THE MATTER WAS ADJOURNED ACCORDINGLY

[3.48pm]