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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE MEGAN LATHAM

PUBLIC HEARING

OPERATION VERDI

Reference: Operation E13/0955

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY, 25 JULY, 2014

AT 2.01PM

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

THE COMMISSIONER: Yes, Ms Mitchelmore.

MS MITCHELMORE: Yes. Just a couple of final questions for Mr Cassidy.

<JOHN MARCUS CASSIDY, on former oath

[2.01pm]

10 Mr Cassidy, it's the case on, on your evidence that you were or you found out around the 28 of November 2005 that Mr Hendry had put in a tender?
---Yes.

And on your evidence you said to Mr Watt that Mr Hendry was well known to him?---Yes.

Sorry, well known to you?---Yes.

20 And at that point it's the case isn't it that you asked him to convey to the Board of Services UNE that matter, namely that Mr Hendry was well known to you?---I don't think I asked him to convey it but I certainly said it to him.

I see. You didn't ask that he convey it?---I don't recall that I did but I certainly declared it.

30 And it's the case isn't it, Mr Cassidy, that didn't disclose at any subsequent meeting at the council that you had a perceived conflict of interest by reason of you knowing Mr Hendry or a potential conflict of interest?---I think that would have come up in the 5 February letter for sure. Because that certainly went through from the Audit and Compliance Committee to the committee of council.

I see. But that, that was on 5 February 2005?---Yes, I don't, I don't recall if I said it earlier other than telling officers.

If you had done it at a, at a meeting of the council you would expect, Mr Cassidy, that it would be recorded in the minutes?---Um, I'm sure this is recorded in the minutes.

40 If you'd done it at an earlier meeting of the council - - -?---Oh, sorry - - -

- - - so earlier than the 5 February, Mr Cassidy, you would - - -?---Yes, I can't - - -

- - - accept that it would be in the minutes wouldn't you?---I would think so.

Yes. Yes. Commissioner, I have no further questions for Mr Hendry. There's just one document that I've been asked to show you, Mr Cassidy.

Mr Cassidy, do you recognise this is a letter that you've received on the 13 March 2006 from Professor Pettigrew?---Um, then or closely there too, yes. So then or around the time. Yes, Commissioner, I tender that document.

THE COMMISSIONER: Yes. The letter of 13 March 2006 is Exhibit V87.

10 **#EXHIBIT V87 - LETTER FROM PROFESSOR ALAN PETTIGREW
TO JOHN CASSIDY DATED 13 MARCH 2006**

THE COMMISSIONER: Yes, Mr Thangaraj.

MR THANGARAJ: Just a couple of quick questions, Mr Cassidy. Have you ever owned a Mercedes?---No.

Have you ever owned a gold car?---No.

20

To your knowledge have you ever been in a gold Mercedes?---No.

And finally, we've heard some evidence from Mr Hendry about people that he met, the Walkers, Mr Walker and other solicitors, and solicitors for example, have you ever paid any fees in relation to the work that Mr Hendry gave evidence about?---Certainly not.

Nothing further.

30 THE COMMISSIONER: Has Vercot ever paid any fees in relation to the work that Mr Hendry carried out?---No, no, no, Commissioner.

Who paid those fees?---Mr Hendry I believe.

What, he paid them personally?---I believe so.

40 Was that part of the agreement that you reached in relation to how you would contribute to the purchase of the Hotel, namely that Mr Hendry would end up paying not much more than the deposit and the costs associated with the purchase?---There was no agreement, Commissioner.

So there was never any discussion about how the costs were going to be paid?---No.

Anything arsing, Ms Mitchelmore?

MS MITCHELMORE: No.

THE COMMISSIONER: Thank you, Mr Cassidy, you can step down?
---Thank you.

THE WITNESS EXCUSED

[2.06pm]

10 THE COMMISSIONER: Yes, Ms Mitchelmore.

MS MITCHELMORE: Commissioner, there are just some final documents that I should tender.

THE COMMISSIONER: Yes.

MS MITCHELMORE: Just pardon me a moment. I omitted to tender the other day, Commissioner, the letter from – it's undated from Mr Hendry to Mr Griesz just enclosing the, the settlement cheques for the, for the sale.

20 THE COMMISSIONER: Yes, that's Exhibit V88.

#EXHIBIT V88 – SETTLEMENT CHEQUES FOR THE SALE OF TATTERSALLS HOTEL DATED 31 JANUARY 2006

MS MITCHELMORE: Commissioner, I tender a bundle of ASIC extracts for Armpub No. 1, Armpub No. 2, Vercot Pty Limited and Darrelen Pty Limited.
30

THE COMMISSIONER: Yes, those ASIC extracts will be Exhibit V89.

#EXHIBIT V89 – ASIC SEARCHES EXTRACTS

MS MITCHELMORE: I next tender, Commissioner, a call charge record extract that's been prepared by investigators of the Commission for Mr Cassidy calling Mr Hendry 30 May, in the period 30 May, 2005 to 30 January, 2006.
40

THE COMMISSIONER: Sorry, 30 May '05 until?

MS MITCHELMORE: 30 January, 2006.

THE COMMISSIONER: 30 January, thank you. Yes, that's Exhibit V90.

**#EXHIBIT V90 – CALL CHARGE RECORDS – JOHN CASSIDY
CALLING DARRELL HENDRY 30 MAY 2005 TO 30 JANUARY
2006**

MS MITCHELMORE: I next tender an AVIS tax invoice dated
4 December, 2005.

10 THE COMMISSIONER: Yes, that's Exhibit V91.

**#EXHIBIT V91 - AVIS CAR RENTAL INVOICE DATED 4
DECEMBER 2005**

MS MITCHELMORE: And finally, Commissioner, I tender draft notes of
an interview with Mr Adrian Robinson. Sorry, they, they were, they were
done with Minter Ellison.

20

THE COMMISSIONER: Yes, that's Exhibit V92.

**#EXHIBIT V92 – DRAFT NOTES OF INTERVIEW WITH ADRIAN
ROBINSON CFO, SERVICES UNE LIMITED**

MS MITCHELMORE: Commissioner, that's all of the evidence.

30 THE COMMISSIONER: Thank you. I'm just wondering about fixing a
timetable for submissions. Ms Mitchelmore, would Counsel Assisting be
able to file submissions on or before the 15 August, that's three weeks from
today?

MS MITCHELMORE: Yes. Can I ask what you have in mind,
Commissioner, in terms of the timetable? The reason I ask is that I am
away from 5 September for, for a period of about three weeks. I'm prepared
to get the submissions done by the 8th of August if that's - - -

40 THE COMMISSIONER: All right. Well then that, if that's, if that's better
for you then it would allow further time. If you could file submissions on or
before the 8 August and if I could get Mr Thangaraj's response on or before
the 22 August which would then leave a further week until the 29 August
for submissions in reply.

MS MITCHELMORE: Yes.

THE COMMISSIONER: Does suit your purposes, Mr Thangaraj?

MS MITCHELMORE: It suits mine.

THE COMMISSIONER: If that suits.

MS MITCHELMORE: Commissioner, if it's convenient if the, Mr Thangaraj's client could have until the 25 of – so the morning of the 25 August.

10 THE COMMISSIONER: Well I'll suggest the close of business on 25, 25 August for Mr Thangaraj's submissions.

MS MITCHELMORE: Yes. And then the 1 September if that's convenient, Commissioner, for any reply.

THE COMMISSIONER: All right. And 1 September for your submissions in reply.

20 MS MITCHELMORE: Yes, thank you.

THE COMMISSIONER: All right. The only other order that I will make is that the submissions of Counsel Assisting and those in response should be suppressed and I make an order pursuant to section 112 to that effect. The only other question that arises is there anyone else who should be invited to make submissions? I'm not, not altogether - - -

MR THANGARAJ: I think Mr Moses might be wanting to.

30 THE COMMISSIONER: Yes, he probably will.

MR THANGARAJ: But his representative is here.

THE COMMISSIONER: Yes. Well I'm wondering whether – I think Mr Moses would be the only other person affected. I'm wondering whether it could be conveyed to Mr Moses whether he's able to comply with that timetable namely submissions in response to Counsel Assisting's submissions by close of business on 25 August.

40 MS BEVAN: That should be fine, Commissioner.

THE COMMISSIONER: All right. If there's any problem with that could you ask him to notify Counsel Assisting and then it can be brought to my attention and the suppression order in relation to submissions applies to his submissions also. Any other matters, Ms Mitchelmore?

MS MITCHELMORE: No, Commissioner.

THE COMMISSIONER: All right, thank you. I'll declare the formal part of the inquiry closed and I'll adjourn, thank you.

**AT 2.14PM THE MATTER WAS ADJOURNED ACCORDINGLY
[2.14pm]**