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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE DAVID IPP AO QC

PUBLIC HEARING

OPERATION NICKEL

Reference: Operation E12/1944

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY, 16 OCTOBER 2013

AT 10.00AM

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 the commencement of the public inquiry involving an investigation known to the Commission as Operation Nickel. By section 31(5) of the ICAC Act I am obliged to announce the scope and purpose of the public inquiry. The scope and purpose is as follows; it is to determine (1) whether Christopher Binos falsely certified logbooks in relation to heavy vehicle competency-based assessments without having conducting such assessments in accordance with the requirements of his service provider agreement for heavy competency-based assessment with RMS. (2) Whether he solicited bribes from applicants for heavy vehicle licences and accepted cash payments from them in exchange for certifying that they had successfully completed heavy vehicle competency-based assessments when they had not in fact undertaken any such assessments. (3) Whether he made false representations to the RMS in relation to heavy vehicle competency-based assessments purportedly carried out by him by making false entries in the relevant logbooks and (4) whether RMS's management systems and internal controls were adequate to expose conduct of the kind described.

I understand that all interested parties have been informed of the Commission's standard directions and those directions are on the Commission's website and have been emailed to the legal representatives of all interested parties. Furthermore I understand that all of those representing parties will have the directions before them on the bar table.

If any party does not have a cop, please speak to the Commission solicitor Ms Cassie Lee and arrangements will be made to provide the necessary material. I now order that those standard directions apply to this inquiry.

I will shortly be calling on Counsel Assisting to present his opening statement. When that is concluded we will have a short adjournment and on resumption I will take appearances. Mr McClure?

MR McLURE: Commissioner, every year about 1300 people are killed in vehicle accidents in Australia, many more are wounded. Heavy vehicles are over represented in that grim statistic accounting for approximately 20 per cent of the deaths.

Government seek to reduce the occurrence of heavy vehicle accidents by requiring applicants for heavy vehicle licences to undergo a relatively rigorous process of competency assessment. Mr Christopher Binos was a person charged with the responsibility of assessing the competence of applicants for heavy vehicle licences.

This public inquiry will examine whether Mr Binos abused his position by soliciting bribes from licence applicants in return for false certifications of competence and by doing so endangered the lives of many innocent road users. A further issue is whether or not the Roads and Maritime Services

had and has effective systems for preventing and detecting corruption of the kind alleged against Mr Binos.

It is important to understand the legal and organisational arrangements for the issue of heavy vehicle licences in New South Wales. The authority to issue drivers licences in New South Wales is vested in the Roads and Maritime Services formerly known as the Roads and Traffic Authority, I'll refer to them interchangeably during this address.

- 10 Regulation 5 of the Road Transport Driver Licensing Regulation 2008 provides for various classes of licences depending on the size of the vehicle. In addition to ordinary car and motorcycle licences there are five classes of heavy vehicle licences namely light rigid, medium rigid, heavy rigid, heavy combination and multi combination.

Historically the only method of obtaining a heavy vehicle drivers licence in New South Wales was by completing and passing a driving test at an RTA registry, however in about 1995 a second method was introduced known as a heavy vehicle competency-based assessment.

20

The competency-based assessment system is established under regulation 49 of the Road Transport Driver Licensing Regulation. Under that system an applicant for a heavy vehicle licence must pass, must first pass a knowledge and eyesight test administered by RMS. If successful, the applicant is issued with a logbook listing the driving competencies to be achieved in order to obtain a licence of that class and providing for the recording and authentication of assessment in relation to those competencies.

- 30 Assessments are carried out by licensed driving instructors who are accredited by RMS as heavy vehicle competency-based assessors. The assessors carry out the assessment functions as agents of RMS.

Applicants for heavy vehicle licences must be assessed against 45 different competencies although there are a few that do not apply to certain classes of licence. The competencies include the sort of road safety skills the public would be reasonably entitled to expect before someone is allowed to drive a heavy vehicle unsupervised, such as speed, managing curves and bends, maintaining safe gaps, braking and driving on open highways. These competencies must be assessed over a minimum period of five hours for automatic vehicles and six hours for manual vehicles. It is stressed in the RMS assessment procedures that these are minimum times and must be in addition to any time spent providing training.

40

When the applicant has been successfully assessed as competent in each of the competencies, he or she must undergo a final competency assessment which consists of a 30-minute on-road drive. If the final assessment is successfully completed, the assessor reports this to RMS and the applicant may present his or her signed logbook to an RMS registry to upgrade his or her licence.

One measure that RMS employed to ensure the integrity of the competency-based assessment system was to randomly audit the conduct of the final competency assessments. Assessors were required to notify RMS by fax of their intention to carry out a final competency assessment at least 48 hours before doing so. The assessor was required to wait for an auditor at the nominated point and at the nominated start time. If after the nominated time an auditor had not arrived, the assessor was permitted to proceed to conduct the final assessment. I'll say something in a moment about the question
10 whether that system was effective.

In about November 2004, the RTA accredited Mr Binos as an authorised heavy vehicle competency-based assessor. On 8 November, 2004, the RTA and Mr Binos entered into a service provider agreement ending on 31 July, 2005. A number of subsequent agreements were entered into taking Mr Binos' accreditation up to 31 December, 2012. On 26 September, 2012 RMS entered into an accreditation agreement with Forklift Training and Licensing. Pursuant to that agreement, Forklift Training and Licensing
20 nominated Mr Binos as an accredited assessor.

For reasons to which I will come, on 24 April, 2013, Mr Binos was suspended by RMS from conducting heavy vehicle competency-based assessments. On 26 June, 2013, Mr Binos' driving instructor's licence was cancelled by the RMS.

In August 2012 Mr Simon Hay conducted Mr Binos about undertaking heavy vehicle competency-based assessment. Mr Hay will be called to give evidence to the Commission. He will explain that Mr Binos offered to assess him for a fee of \$1,200, however for a fee of \$2,000 Mr Binos
30 offered to make the necessary entries in Mr Hay's logbook to certify that he was competent without the need for any actual driving or assessment. Mr Hay rejected the offer and later reported the matter to RMS. This led to an investigation by this Commission.

Mr Binos has admitted to ICAC that during the time he was a heavy vehicle competency-based assessor, he made false certification entries in the logbooks of a number of people seeking heavy vehicle licences. The vast majority of those people went on to present their logbooks to RMS and received their heavy vehicle licences.
40

It is useful to give some examples of the process that Mr Binos appeared to employ in order to falsely certify the competence of applicants for heavy vehicle licences.

In December 2012 Ms Jacqueline Riley contacted Mr Binos about undertaking competency-based assessment for a medium rigid licence. Ms Riley will be called to give evidence the Commission. I expect that Ms Riley will say that she paid Mr Binos approximately \$1,500 in return for

which he agreed to make entries in her logbook and then send her logbooks back to her by post. Ms Riley undertook no driving at all with Mr Binos.

Mr Peter Friend-Ngui will be called to give evidence. I expect that Mr Friend-Ngui will say that in July 2012 he paid Mr Binos \$1,700 and left his logbook with him. A week later Mr Friend-Ngui collected his logbook, by which time Mr Binos had falsely certified in it that he had been successfully assessed.

- 10 Eleven people presented logbooks to RMS recording that in the period 24 October, 2012 to 23 December, 2012 they had been assessed by Mr Binos for heavy vehicle licences in a vehicle with New South Wales registration number A-V-3-0-Q-D. One of those people was Mr Shane Florio who will be called to give evidence during this public inquiry. Mr Binos has admitted to ICAC that in truth he assessed none of these people. Further, the Commission will receive evidence that the vehicle A-V-3-0-Q-D, was not a heavy vehicle but was in fact a ute registered to a business based in northern New South Wales and at the time of the false assessments was in the custody of an employee of that business who was
- 20 working on the Gold Coast in Queensland.

- Fourteen people presented logbooks to RMS during that, in the period 4 December, 2012 to 6 February, 2013 that they had been assessed by Mr Binos for heavy vehicle licences in a vehicle with New South Wales registration number B-Q-4-1-V-H. Included in that group are Alexander Daubney and Mark McDonagh, both of whom will be called to give evidence during this public inquiry. When he is called I expect that Mr Binos will admit that in truth he assessed none of these people. Further,
- 30 the Commission will receive evidence that the vehicle was owned by a gentleman based in Kempsey and that on the dates of the false certifications the vehicle was parked in Kempsey awaiting sale.

These are but a few examples. I expect that the evidence will show that Mr Binos falsely certified at least 91 people as competent to drive heavy vehicles. If these matters are found to be true Mr Binos has engaged not only a substantial economic fraud but he has endangered the lives of many members of the public who have unwittingly shared the road with 91 people who have been in charge of heavy vehicles they were not qualified to drive.

- 40 Subject of course to the factual findings the Commission ultimately makes, the Commission will have to consider whether Mr Binos engaged in corrupt conduct on multiple occasions and in multiple respects, noting the effects of section 7 to 9 of the Independent Commission Against Corruption Act and in particular the statement as to the general nature of corrupt conduct contained in sections 8, 1 and 2 and the further requirements of section 9 of the Act.

One of the Commission's statutory functions is to establish what factors may have allowed corrupt conduct that is established to occur and also to establish what systemic changes might be made to prevent conduct from reoccurring. The Commission will receive evidence that one aspect of the fraud detection system employed by RMS in 2012 in relation to heavy vehicle competency-based assessments was defeated by assessors simply failing to give advance notice of final competency assessments and thereby avoid the potential for auditing.

- 10 The Commission will receive evidence that this year RMS has, among other measures, introduced a new computer based system designed to eliminate the potential for assessors to evade audits. Other aspects of the effectiveness of RMS's systems both historical and current will be examined. Mr Peter Wells, the Director of the Safety and Compliance Division of RMS might be called to give evidence about these matters. Mr Mario Testa, Team Leader, Compliance and Assurance at RMS, might also be called.

- 20 Finally at the conclusion of the public inquiry the Commission will be required to prepare a report pursuant to section 74 of the Independent Commission Against Corruption Act which will include statements as to its findings, opinions and recommendations.

THE COMMISSIONER: Thank you, Mr McLure. The Commission will now adjourn for a short period.

SHORT ADJOURNMENT

[10.15am]

- 30 THE COMMISSIONER: Yes. Mr McLure, I'll take appearances now. Mr Blake?

MR BLAKE: Commissioner, I seek authority for the Roads and Maritime Services to appear and for me to represent them in this inquiry.

THE COMMISSIONER: Yes. You have that leave.

MR BLAKE: Thank you.

- 40 THE COMMISSIONER: Yes. I see Ms McGlinchey and Mr Oates?

MR OATES: Oh, I thought there was somebody before me, Commissioner. I seek your authorisations to represent Mr Shane Florio if you please, Commissioner.

THE COMMISSIONER: Yes, you have it. Ms McGlinchey?

MS McGLINCHEY: Commissioner, I seek your authorisation to appear for Mark McDonagh.

THE COMMISSIONER: Yes, you have.

MS McGLINCHEY: Thank you.

THE COMMISSIONER: Any other appearances?

10 MR ALEXANDER: Commissioner, I seek your authorisation to appear for Mr Christopher Binos.

THE COMMISSIONER: Are you Mr Alexander?

MR ALEXANDER: Yes, I am.

THE COMMISSIONER: Yes, you have that leave. Who's your instructing solicitor please?

20 MR ALEXANDER: No, I am.

THE COMMISSIONER: Instructed to direct?

MR ALEXANDER: No, I am a solicitor.

THE COMMISSIONER: You are a solicitor, I see, very well. Yes. No-one else? Yes. Mr McLure.

30 MR McLURE: Commissioner, the first witness will be Mr Simon Andrew Hay is already in the witness-box.

THE COMMISSIONER: Yes, very well. Mr Hay, before you give your evidence there's something that I need to explain to you. The ICAC Act offers certain protection to all witnesses who give evidence before it and I need to explain that to you and ask you whether you want that protection.

40 As a witness and before this Commission you're obliged to answer all relevant questions and produce any document which you're required to produce and you must do this even though your answer or the production may incriminate you or tend to incriminate you but if you object to answering any question or producing any document your answer or the document produced cannot be used against you in any civil proceedings or subject to two exceptions in any criminal or disciplinary proceedings.

First exception is that the protection does not prevent your evidence from being used against you in a prosecution for giving false or misleading evidence or for any other offence under the ICAC Act.

The second exception is that if you are a New South Wales public official which you are not so it really does not apply to you.

Now that might be a mouthful and I'm not sure whether you understand that. Do you?

MR HAY: Yes, I understand.

10 THE COMMISSIONER: You understand that. Now the protection which I've described may be obtained by you objecting to any particular question or production of documents but the most convenient way of doing this is for me to make a declaration that all answers which you may give or anything which you produce will be regarded as having been given or produced on objection and if you do that there will be no need for you to take objection in respect of each particular answer or document. This is such an order is convenient to everybody and saves time and it also protects you against the possibility that you may forget to object or not to object when you should object because it means that everything you say is given under objection. Now not everybody seeks to obtain this protection, no inference is drawn
20 against you if you do want the protection. It's a matter entirely for you but I need to ask you whether you want the protection or not.

MR HAY: Yes, please.

ASSISTANT COMMISSIONER: Yes. All right. I'll make such an order now.

MR HAY: Thank you.

30 THE COMMISSIONER: I declare that all answers given by Mr Hay during the course, and all documents produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection and accordingly there is no need for him to make objection in respect of any particular answer given or document produced.

40 **I DECLARE THAT ALL ANSWERS GIVEN BY MR HAY AND ALL DOCUMENTS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR HIM TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT PRODUCED.**

THE COMMISSIONER: Do you wish to give your evidence under oath or do you wish to affirm the truth of your evidence, Mr Hay?

MR HAY: I'll affirm, please.

THE COMMISSIONER: Yes, would you administer the affirmation please.

THE COMMISSIONER: Mr McLure.

MR McLURE: Is your name Simon Andrew Hay?---It is.

Could you state your address please?---Number 7 Becharry Road in Blacktown.

10

Mr Hay, some time in August of 2012 did you decide that you wanted to obtain a heavy vehicle licence in New South Wales?---Ah, yes, I did.

Did you attend a registry of the Roads and Maritime Services in order to do so?---Yeah, I believe so.

Did you undertake a knowledge test which you passed?---Yes, I did.

20

And were you then issued with two books, a logbook and a guide to heavy vehicle competency-based assessment?---Yes, I did.

Was it your understanding that having passed the knowledge test and been issued with those books you needed to contact an assessor in order to qualify for the licence?---That's correct.

So what did you do about that?---I may inquiries with a number of assessors and then I chose the one that I wanted to go with.

30

So who was the one that you chose?---Alltruck Driver Training.

Right, and was there an individual in particular?---Oh, I think the, the assessor's name was Michael Sciberras.

Now how were you referred to Mr Sciberras?---I found him in the oh, Google or the Yellow Pages.

So you weren't referred to these people by anyone you knew?---No.

40

So you, you looked them up in the Yellow Pages and you telephoned them did you?---That's correct.

And who did you speak to?---I think I spoke to a lady the first time that works for them obviously.

Right?---Yeah.

And what did she say to you?---She gave me information in regards to the process and the cost and I decided to go ahead.

So what happened next?---What happened next? I think I, I arrived on the date and time and we went through the process of instruction.

Where did you go to?---I can't think of the name of the suburb, it's out past Eastern Creek.

Was it Greystanes?---No.

10 All right. So you don't remember the exact address?---No.

Well, who did you meet with when you got there?---Michael Sciberras.

Right. And what did you do with him?---To start with we, we did some, some training around the vehicle itself, like before we actually drove anywhere.

20 Can I, can I just ask you just to make sure we're - you understand what I'm wanting to know from you, is this the first time that you had contacted somebody about undertaking heavy vehicle competency-based assessment?
---No, it's not.

So was there a previous time you'd contacted someone?---Yeah, there was a couple of others.

All right. And was there, was there anyone who you actually met with in order to see if you could proceed with being assessed for your licence?
---Yeah, I met with Christopher Binos.

30 All right. Well, why we don't go back and talk about him. When did you first contact Mr Binos?---It must have been around the time that you mentioned earlier, around August.

All right. So how did you come to be in contact with Mr Binos?---A fellow work colleague passed on his number to me.

What was the work colleague's name?---Ah, Trung.

40 And is that spelt T-r-u-n-g?---It is.

And what did he say to you?---He told me that he had a number and then I think a day or two later he, he gave the number to me and I contacted the number, made contact with the person, whoever the number was, yeah.

So you spoke to Mr Binos?---Yeah.

And what did he say to you?---He asked me to come around to his address that afternoon.

What was his address?---It was an address in Greystanes, it's on, it's on the corner of two streets, I, I can't remember them off the top of my head, but
- - -

10 THE COMMISSIONER: Excuse me, Mr McLure. Can everybody hear at the back – is there a problem? Yes. Can you try and speak louder, please, Mr Hay, and could you speak into those microphones. They will carry the sound to the back. It's important that everybody hears what is said?---Okay then.

MR McLURE: That's better. So you went to Mr Binos' place at Greystanes. Was this a residential address or a work address?---Ah, it was a house.

Right. And what happened when you got there?---He opened the door and let me in and then we sat at a table and what else would you like to know?

20 Well, what did he say to you?---He offered me a drink and then we, we sat and spoke about heavy vehicle competency-based assessment. In that time he, he said to me that there were approximately 42 competencies that I had to achieve and he said that there was a couple of ways that this could be done and he explained the first method which involved hiring a heavy vehicle and going through the process of meeting the competencies, and then he, he said that it was, it can be difficult to meet the competencies and, sorry, it's been a while, what did he say then, he said that an RTA assessor could turn up during the assessment and if I didn't pass then there would be an extra fee involved with going through that process again. He then
30 basically said that alternatively the other, the other option was to pay him \$2,000 and leave the logbooks with him and I wouldn't have to do a thing.

Are they the exact words that he used, as best you can remember?---Oh, yeah, words to the effect of.

Now, did he tell you how much it would cost to do it the other way, that is where you actually did some driving and he assessed you?---Ah, \$1,200.

40 All right. So what did you say in response?---When he offered me the second option, the \$2,000 option, I felt pretty uncomfortable. I sort of said, oh, I said, I said, "What?" And he then said, "Well, you, you pay me the money and leave your logbooks and you don't have to do a thing, you don't have to sit in a truck, and then I contact you in a few days and you come and pick your logbooks up and take them to the RTA and you'll then have your heavy combination licence."

Did you have your logbooks with you during this meeting?---No, but he did ask for them.

Had he asked you to bring them with you?---That's vague. I have a recollection that he may have but I can't be 100 per cent certain.

All right. Well, so once he told you what it is he could do for you, what did you do?---I left and I was pretty, pretty horrified that I'd been offered such a thing and over the course of the next two days I spoke to some other people about it um- - -

Well don't worry about that bit - - -?---Yeah.

10

- - - but did you subsequently - well I'll start again. Did you in the end accept his offer and go ahead and do any training with him or have him - - - ?---No.

- - - certify your logbooks?---No.

Did you do the heavy vehicle competency-based assessment with another instructor?---I did.

20 And did you achieve the assessment you required and get the licence?---I did.

And did you in September of 2012 report to the Roads and Maritime Services what had taken place between you and Mr Binos?---Yeah, I did.

Commissioner, that's the examination.

THE COMMISSIONER: Yes, thank you. Mr Alexander?

30 MR ALEXANDER: There is nothing arising, Commissioner.

THE COMMISSIONER: Does anybody wish to ask Mr Hay any questions? No, no-one has any questions for you, Mr Hay. Thank you for your evidence. You're excused and the summons is discharged you may leave? ---Okay. Thank you, Commissioner.

THE WITNESS EXCUSED

[10.41am]

40

MR McLURE: Commissioner, the next witness is Jacqueline Riley.

THE COMMISSIONER: Is Ms Riley here? Ms Riley, you were in the hearing room when I gave Mr Hay an explanation as to the protection that I was able to offer him? Is that right?

MS RILEY: Yes.

THE COMMISSIONER: And did you understand what I was saying to him?

MS RILEY: Yes.

THE COMMISSIONER: And would you like me to give you the same protection?

MS RILEY: Yes, please.

10 THE COMMISSIONER: I declare that all answers given by Ms Riley and all documents produced by her during the course of her evidence at this public inquiry are to be regarded as having been given or produced on objection and there is no need for her to make objection in respect of any particular answer given or document or thing produced.

20 **I DECLARE THAT ALL ANSWERS GIVEN BY MS RILEY AND ALL DOCUMENTS PRODUCED BY HER DURING THE COURSE OF HER EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR HER TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

Would you like to give your evidence under oath or do you wish to affirm the truth of your evidence?

30 MS RILEY: Affirm the truth, please.

<JACQUELINE MARY EVERED RILEY, affirmed [10.42am]

THE COMMISSIONER: Yes, thank you. Mr McLure?

MR McLURE: Ms Riley, could you state your full name please?
---Jacqueline Mary Evered Riley.

And your address please?---52 Viitasalo Road North in Somersby.

10

I'm going to show you some documents which will appear on the screen in front of you. If you look at page 422 please. This a document which shoes the registration details of a vehicle New South Wales plate number B-C-8-0-R-I. Do you see that?---Yes.

And do you see that it's referring to a Mitsubishi Pantechnicon?---Yes.

You are the owner of that vehicle aren't you?---Yes.

20

And you have been the owner of that vehicle since the 10 October 2009?
---Yes.

Now in about May of 2012 you decided that you wanted to obtain a medium rigid licence in order to drive that Mitsubishi Pantechnicon, correct?---Yes.

Did you attend the RTA registry in order to start the process?---Yes.
Which registry did you go to?---Gosford.

30

Were you required to undertake a knowledge test?---Yes.

And did you pass that test?---Yes.

You were then issued a number of documents weren't you?---Yes.

I'm going to show you two documents. It's 1765. I'll show you a hard copy. Now the first document you're looking at with, is the heavy vehicle competency-based assessment learners logbook. Do you see that?---Yes.

40

Was this one of the documents that was issued to you by the RTA in May of 2012?---Yes.

Did you read this document when you received it?---Yes.

Would you turn please to, there's numbers in the top right hand corner, would you turn please to page 1769. When you read this document did you see that what you were going to have to do in order to qualify for a medium rigid licence is to be assessed as competent at some or all of the driving tasks that are listed on that page?---Yes.

And what you understood was that you were going to be assessed over a number of hours of – whilst driving by a qualified assessor. Correct?---Yes.

And only if you were deemed to be competent at each of these tasks would you then be able to qualify for the medium rigid licence?---Yes.

10 Now, would you now look at the numbers in the top right-hand corner at page 1785. No, it's not in the bundle and I'm sorry, we'll pass it to you. I'll pass you that document.

THE COMMISSIONER: This is another document?

MR McLURE: Yes.

THE COMMISSIONER: And are these documents going to be tendered, Mr McLure?

20 MR McLURE: Yes, they are.

THE COMMISSIONER: So if you could just identify each separate document.

MR McLURE: Yes, I'm sorry. So this, this is – should I tender the other one now?

THE COMMISSIONER: Yes.

30 MR McLURE: Yes, I'm sorry.

THE COMMISSIONER: Yes. The heavy vehicle competency-based assessment document which Ms Riley was asked about is Exhibit number, will be Exhibit 1.

**#EXHIBIT 1 - HEAVY VEHICLE COMPETENCY-BASED
ASSESSMENT LEARNER'S LOGBOOK OF JACQUELINE RILEY**

40 MR McLURE: And, Commissioner, I tender also the document at page 422 which was the record of registration and ownership.

THE COMMISSIONER: The document I've got is a Guide to Heavy Vehicle Competency-based Assessment. Is that a different document?

MR McLURE: Yes. Can we have 422, please, 422.

THE COMMISSIONER: So is that Guide to Heavy Vehicle Competency-based Assessment going to be tendered?

MR McLURE: Yes, it is.

THE COMMISSIONER: Well, seeing that I've got it, I will accept it as an exhibit and the Guide to Heavy Vehicle Competency-based Assessment dated December 2009 will be Exhibit 2.

10

#EXHIBIT 2 - A GUIDE TO HEAVY VEHICLE COMPETENCY-BASED ASSESSMENT- DECEMBER 2009

MR McLURE: Thank you. And I tender the document at page 422 which was the details of ownership and registration, a copy of which I pass now. Thank you.

So, Ms Riley- - -

20

THE COMMISSIONER: Just a moment, please, Mr McLure. This document you say is a document which is what?

MR McLURE: It's a record of the registration and ownership of the vehicle we're discussing.

THE COMMISSIONER: B-C-8-O-R-I?

MR McLURE: Yes.

30

THE COMMISSIONER: The document which is a record of the registration and ownership of vehicle with registration number B-C-8-O-R-I is Exhibit 3.

#EXHIBIT 3 - DOCUMENT PAGE 422 TITLED "BC-80-RI"

40 MR McLURE: Now, Ms Riley, you have before you the Guide to Heavy Vehicle Competency-based Assessment which has the number 1785 on it, I hope – it may be blacked out, but you have the document I'm referring to? ---Sorry, what was the- - -

A Guide to Heavy Vehicle Competency-Based Assessment?---Yes.

This is the second of the two documents that was issued to you by the RTA in May of 2012 after you passed the knowledge test. Correct?---Yes.

Did you read this document when you received it?---I roughly went through them, so I wouldn't say I read them thoroughly.

And again if you turn to page 1794, the numbers are in the corner of the page- - -

THE COMMISSIONER: The right-hand corner. They're very difficult to see because they're obscured by the staple. Can you find it?---Yes.

10 MR McLURE: Again what you understood from reading this document is that there were a number of driving tasks that you were going to be assessed upon and only if deemed competent would you be eligible to obtain the medium rigid licence. Correct?---Yes.

And you understood that this assessment was going to take about a day of driving with an assessor, didn't you?---Yes.

20 All right. Thank you. I'll have those documents back, please. Could I have 425, please. Ms Riley, on the screen before you is a page from your logbook which was issued to you in May of 2012. Now, that's your name at the top of course?---Yes.

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

And you see that the issue date was 22 May, 2012?---Yes.

And if we just scroll down a bit, now that's your signature isn't it?---Yes.

30 And if you scroll down a little bit further, I'll just let you read that part of the document. You read that when you received the logbook didn't you? ---Yes.

And in any event you didn't need a document to tell you that bribery is against the law?---No.

Now if you turn to page 426 please, just scroll down just a little bit further. That's your signature on the right-hand side of the page isn't it?---Yes.

40 And what that part of the logbook appears to suggest is that on 12 December, 2012 Mr Binos assessed you carrying out a driving task in vehicle B-C-8-0-R-I between 0700 and 1000, do you see that?---Yes.

And that did not happen did it?---No.

Just scroll down the page please, just a little bit further please. That's your signature at the bottom right-hand corner of the screen isn't it?---Yes.

And you can see that in the bottom half of this page what it appears to represent is that on 12 December, 2012 Mr Binos assessed you in some driving tasks between 10.35 and 14.15, do you see that?---Yes.

And that did not happen did it?---No.

If you now go to page 427 please, just up a little bit further, thank you. Do you see under the heading "Competency assessment session record" there is a further heading "Final competency assessment"?---Yes.

10

And you see that what the document suggests is that on 12 December, 2012 between 0700 and 1000 Mr Binos assessed you for your final competency assessment, can you see that?---Yes.

That didn't happen did it?---No.

And that's your signature in the bottom right-hand of the page isn't it?
---Yes.

20 I tender pages 422 and 425 to 428. I'm sorry, 422's already been tendered, I tender 425 to 428.

THE COMMISSIONER: What are they? Pages of what?

MR McLURE: What are they, yes, of - from the brief, but these are pages marked 425 to 428 being an extract from the logbook of Ms Riley.

THE COMMISSIONER: Right. Pages 425 and 428 which are copies of pages from Ms Riley's logbook are Exhibit 4 and 5 respectively.

30

#EXHIBIT 4 - PAGE 425 OF JACQUELINE RILEY'S LOGBOOK

#EXHIBIT 5 - PAGE 428 OF JACQUELINE RILEY'S LOGBOOK

40 MR McLURE: All right. Now let's understand how you came to have a logbook signed by you declaring that you'd found to be competent when you hadn't. How did you first come into contact with Mr Christopher Binos?---What do you mean? Oh, well, I contacted him by phone.

How did you know to contact him?---I overheard a conversation in the, in the flower markets at Flemington and I - - -

Who did you hear talking about him?---I didn't know who it was, I've just overheard just a couple of people, two or three people discussing that they

know of an RTA approved assessor, I heard the name, I just heard the name of the company, his name and just found the number. I think - - -

How did you find the number?---I found the number on the internet.

Right. So when was this that you overheard this conversation?---Before, I don't know the exact date but it was before, before obviously I did my, I said I'd done my test.

10 So some time - - -?---It was in, in December. I think it was in December some time.

All right. So you called him on the telephone did you?---Yes.

And what, what was the conversation?---I said I, I heard about you down the markets and um, I just want to pay extra to get my MR licence I think I, I think I said that, I can't - I just said I want to get my truck licence.

20 Right. So you said you wanted your truck licence what did he say?---My, um, oh, I just, I told him that I just got his name from the down the markets and I, I'd like to get my, my truck, MR truck licence.

THE COMMISSIONER: You said that you told him that - - -?---I'm trying to - - -

You, I understood you to say, Ms Riley, that you told Mr Binos that you had heard that you, words to the effect that if you paid extra you would get your licence. Did you say that? I wasn't sure whether I heard you correctly?
---Pretty much, yes.

30 What, what did you mean by paying extra?---That, that I wouldn't have to take a test.

And, and did you hear that - well how did you know that he was a person who would give you a licence if you paid extra without doing a test?
---Because I, I just heard of his, his company name and I just looked it up on the, the internet.

40 Yes. But how did you know that he would be prepared to give you a licence without doing the test?---Because I overheard a conversation that if you, if you pay, just pay extra you can just get a truck licence without having to do a test, that's what I - - -

Where were you, where did this conversation take place?---Down at the flower markets.

Well were you sitting down or standing up?---I was on, I was on, on my, my stand, I was just generally being nosey, I've just heard a conversation down there.

Between people standing at your, do you have a stall there?---I have a stall there, yes. And I just overheard they were just talking in general about an assessor.

All right?---An RTA approved assessor.

10

MR McLURE: When you refer to the flower markets you're referring to the markets at Flemington aren't you - - -?---Flemington at Homebush Bay.

Right. And were these customers or other workers that you heard this, having this conversation?---I didn't, didn't know who they were I was just - there's lots of people going through the markets all the time.

20

All right. So you're telling the Commissioner that you heard them say that if you pay extra to this assessor you can get your licence without having to do any actual driving. So what did you - - -?---You wouldn't have to do a driving test.

But they were the words were they, you wouldn't have to do a driving test? ---Yeah.

30

All right. So what did you say to Mr Binos about that if anything?---I just got his number and I rang, rang up and just said I, I want to get my, sorry, I just rang up and said I heard about you down at the flower markets and I want to get my truck licence and I'm sure I'm positive I said I want to pay extra to, to take my, to do my licence.

So they're, they're the words you used were they you wanted to pay extra to get your licence?---I'm pretty sure I said that, yes.

All right. And what did he say?---And then I organised to meet him.

THE COMMISSIONER: What did he say?---Pardon?

40

What did he say when you, when you told him that you would pay extra to get your licence?---I, he basically said well I'll organise, I'll organise to meet you.

MR McLURE: So where did you organise to meet?---In Sydney somewhere, I don't know the exact address, we organised to meet down in Sydney somewhere.

What suburb?---I, I, it's possibly Balmain I don't, I don't know, can't remember the address but - - -

All right. So when, when did you go to meet him?---A couple of days later.

So we're talking December 2012 are we?---Yes, yes.

And what sort of premises was it?---I think it was an apartment.

A residential apartment?---Yes.

10 Did you meet him there?---Yes, I did.

Was there anyone else there?---I don't, no, I don't, I think there was another person there but I didn't talk to that person.

Who did you go with?---I went with my husband.

And how did you get there?---He drove me down there.

20 And did you take anything with you?---I took my logbooks.

Why did you do that?---Because he asked me if I had my logbooks.

He asked you that in his telephone conversation with you, did he?---Yeah, yeah.

So what, what exactly did he say about your logbooks?---Well, that I need my logbooks so I, 'cause that, that's the logbooks I get to be assessed.

30 All right. So- -?---I can't – I'm just trying to remember, sorry.

That's all right. So tell us what was discussed between you and he at this place in Sydney?---Well, I just gave him my logbooks.

And what did he say?---Um, ah, that he'll keep – he'll send me the logbooks.

And did you discuss payment?---I paid him \$1,500.

40 And was that a figure that- -?---It was either 1,500 or \$1,600, that's, I, I think it's \$1,500.

Was that a figure he nominated to you?---Ah, yes.

So what did he say?---Um, I just gave him my logbooks and then he said he'd send them out to me.

But what did he say to you about payment?---I just paid him cash, he said, I
- - -

THE COMMISSIONER: Did he ask for cash?---Um, I can't remember, I just- - -

Well, what made you take – do you have a cheque book?---No, I, I, I went down, I went down there with cash.

Do you have a cheque book?---Yes, I do have a cheque book.

10 What made you pay him cash and not a cheque?---I just, just, I just took cash 'cause- - -

That's unusual, isn't it?--- - - -I knew it was wrong, what I was doing.

So this was a, this is a way in which you hoped to disguise the fact that you were paying him the \$1,500?---I would say yes, yes.

MR McLURE: When you spoke to him on the phone before you met with him at the apartment, did he tell you how much you had to pay?---No.

20

So how did you know to take \$1,500?---Because I knew roughly it was around twice as much as you'd normally pay to be assessed.

How did you know that?---Because I just knew roughly it's about seven or \$800 to actually be assessed.

How did you know that it cost twice as much to have Mr Binos do it? ---Because I, that's what I heard down at the markets, around twice as much.

30

All right. So what were the words you heard at the markets about that issue?---Just basically they were just talking about, oh, they know of an assessor that if you pay extra um, then you can just, you can get your licence. I just, just overhearing just a, just being nosey and just – I didn't talk to anybody down there, just being nosey and serving customers at the same time and just, I just overheard in general conversation down there, I heard the name of the company- - -

All right. Going- - -?--- - - -and just took it.

40

Going back to the meeting at his apartment- - -?---Yes.

- - -what if anything did he say to you about how much you had to pay? ---He just said that, "Just give me \$1,600, 1,500 or \$1,600, and then just leave me your logbooks." I think I signed, believe I remember I signed, signed some, signed the logbooks before I left and um, I remember he also took my driver's licence and then gave it back to me.

And you gave him \$1,500 in cash, did you?---Yes, I did.

Did he give you any receipt or anything like that?---No.

All right. So was there any further discussion between you and he about this process of having your logbooks signed during that meeting?---No, I just gave him my logbooks, I gave him the cash and then he said he'd post, post them on to me.

10 Did you leave him your address?---Um, I had the, I had all the details of my truck as well.

Right?---Um, um, and I think my address, I can't remember if my, I think, yes, I gave him the address, sorry, I gave him my address.

And I suppose your current address was on your driver's licence, was it?
---No, my old address was on the front of the licence but I had a sticker on the back.

20 Right?---So- - -

Was that the address to where you wanted Mr Binos to send your logbooks?
---Yes.

Did you then some time later receive the logbooks?---Yes, I did.

How long after the meeting with Mr Binos did you receive that?---I can't remember exactly but maybe two, three or four days afterwards, I can't - - -

30 And were they then in the form that I showed you a moment ago with your signature and his signature on it?---Yes.

So what did you do with them once you received them?---I, I didn't go to the RTA straightaway because my, my dad's been in hospital, I just didn't the chance to go, get it but I eventually went down to the RTA and just handed in all my logbooks and then I received my truck licence.

40 Didn't the officer who dealt with you at the RTA ask you any questions about the process that you'd been through with Mr Binos?---No.

So you were issued a medium rigid licence on the day were you?---Yes.

And have you subsequently driven any vehicle requiring a medium rigid licence?---The only truck I've driven since is a car licence truck which - that's mainly what I've been driving but I have, I have driven that truck, I was learning with my husband prior to that in the truck.

So after receiving your licence, your medium rigid licence from the RTA have you driven the Mitsubishi Pantehnicon at all?---No, I haven't.

Have you driven any other vehicle that would require a medium rigid licence?---No, I haven't.

All right. Now - - -

10 THE COMMISSIONER: Why haven't you driven your truck?---Because my husband's been driving it and a lot of the time we've, we've got a, a smaller truck, when we haven't got a lot of flowers we use the smaller truck which is a car licence so - but mainly my husband's been doing all the driving.

But you spent, 1,500, \$1,600 to get a licence - - -?---Yes.

20 - - - which you've never used?---I basically got the licence in case my husband was sick and we, we had too many flowers and I'd have to drive the truck to transport them to the markets, that's my, that's why I wanted to get my truck licence, to, to help out my - in case - 'cause we're self-employed, in case I needed to, to drive to the markets in the big truck.

MR McLURE: When you paid the money to Mr Binos and left your blank logbooks with him you knew what you were doing was dishonest, didn't you?---Yes, I did, yes.

30 Because you knew what you were paying him to do was to dishonestly certify that he had, that he had assessed you as competent to drive a medium rigid vehicle in accordance with the RMS's requirements when that wasn't true?---That's correct.

And when you presented your logbooks that had been signed by him and you to the RMS to get your licence you knew what you were doing was dishonest didn't you?---Yes.

Because you knew what you were doing by handing the logbooks over to the RMS is you were falsely representing to the RMS that you had been assessed in accordance with its requirements?---Yes.

40 Can I ask you now to look at page 445 please.

THE COMMISSIONER: Mr McLure, I just want to make sure Exhibit 3, I don't think that you've asked Ms Riley any questions about that so I've taken it in as an exhibit but perhaps you can just get her to confirm that's what on it is correct.

MR McLURE: Yes, I will.

THE WITNESS: Oh, dear.

MR McLURE: Could we got to page 422 please?---Oh, dear.

Ms Riley, what you are, what you are looking at is, I think you're looking at Exhibit 3?---Yes.

10 Can I just ask you to reconfirm please that the vehicle registration number B-C-8-0-R-I is a Mitsubishi Pantechnicon that has been owned by you since 10 October, 2009?---Yes.

Thank you. Could that exhibit be returned. Commissioner, I'm going to show the witness the logbook of a person who has not been summonsed by, by the Commission. What I would ask is that a non publication order be made in relation to the name of that particular person. I'll have the, the document put on the screen or shown to you. It's page 445.

20 THE COMMISSIONER: Do you want just the name of the person or the entire logbook?

MR McLURE: Well only the name.

THE COMMISSIONER: Is this going to be an exhibit?

MR McLURE: I'm sorry. It will be an exhibit and it should be the name and the address of the person which is shown in the document.

30 THE COMMISSIONER: This will be exhibit, Exhibit 6 I think. Yes.

#EXHIBIT 6 - PAGE 445 OF LOGBOOK OF MR A

THE COMMISSIONER: So the, the name and, the name and address of the person identified in, in the document which is to be Exhibit 6 is suppressed and no publication of that information is to be made.

40 **#THE NAME AND THE ADDRESS OF THE PERSON NAMED IN EXHIBIT 6 IS SUPPRESSED**

MS McLURE: Ms Riley, without saying the person's name aloud do you see that in the top left-hand corner there is a name - - -?---Yes.

- - - and there is an address?---Yes.

Do you know that person?---No.

Could you look at now page 446. Do you see that the registration number that is listed on that page is B-C-8-0-R-I?---Yes.

Which is the registration number of your truck?---Yes.

Have you lent your truck to the person I mentioned a moment ago or to any person in order to carry out a driving assessment?---No.

10 And have you ever lent your truck to Mr Binos in order to carry out driving assessments with other people?---No.

I tender pages 445 to 448 being the logbook of the person who's name is being suppressed.

THE COMMISSIONER: Exhibit 7 is a logbook of a person who will be identified as Mr A and this logbook relates to a competency session record dated 13 December 2012.

20

**#EXHIBIT 7 - PAGES 446 OF LOGBOOK OF MR A,
COMPETENCY ASSESSMENT DATED 13 DECEMBER 2012**

MR McLURE: Commissioner, may I say later in the evidence I will be distributing to the Commission and the represented parties a list of all of the people in respect of whom a non publication order will be sought against which names are allocated a pseudonym that the pseudonym that is proposed for the witness we have, sorry, the person we have just been discussing is A64.

30

THE COMMISSIONER: Right. Well in where I said Mr A it should be Mr A64.

MR McLURE: Thank you. I'll pass copies of the documents.

THE COMMISSIONER: I should explain that these persons I've been giving pseudonyms because they're not being called as witnesses and have no opportunity to explain themselves as yet.

40

MR McLURE: That's the examination of this witness, Commissioner.

THE COMMISSIONER: Yes. Are there any questions for Ms Riley?

MR ALEXANDER: No, your Honour.

THE COMMISSIONER: No. Nothing. Yes. Thank you, Ms Riley, that concludes your evidence. You're free to leave. Your summons against you is discharged.

THE WITNESS EXCUSED

[11.14am]

10 MS RILEY: Excuse me, do I take that with me?

MR McLURE: No, you can leave that, thank you.

Commissioner, the next witness is Mr Peter Friend-Ngui spelt N-g-u-i.

THE COMMISSIONER: He's also unrepresented is he?

MR McLURE: I believe he is.

THE COMMISSIONER: Yes. Mr Friend-Ngui, you were in the hearing room when I gave the explanation to Mr Hay about the protection the Commission can offer witnesses?

MR FRIEND-NGUI: Yes, Commissioner, I was.

10 THE COMMISSIONER: Did you understand what I said then?

MR FRIEND-NGUI: Yes, I did.

THE COMMISSIONER: Would you like me to provide you with the same protection?

MR FRIEND-NGUI: Yes, I would, please.

20 THE COMMISSIONER: I declare that all answers given by Mr Friend-Ngui and all documents produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection and accordingly there is no need for him to make objection in respect of any particular answer given or document produced.

30 **I DECLARE THAT ALL ANSWERS GIVEN BY MR FRIEND-NGUI AND ALL DOCUMENTS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR HIM TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT PRODUCED.**

THE COMMISSIONER: Mr Friend-Ngui, do you wish to give you evidence under oath or do you wish to affirm the truth of your evidence?

MR FRIEND-NGUI: Under oath.

40 THE COMMISSIONER: Would you swear Mr Friend-Ngui in, please.

THE COMMISSIONER: Mr McLure:

MR McLURE: Could you state your full name, please?---Peter Stephen Friend-Ngui.

10 And your address, please?---Number 4 Park Avenue, Beecroft, New South Wales.

Now, Mr Friend-Ngui, in about March of 2012 did you attend and RTA registry in order to start the process of obtaining a heavy rigid motor vehicle licence?---Yes, I did.

Were you required to undertake a knowledge test?---Yes, I was.

You passed that test?---Yes, I did.

20 And then you were issued with two documents, weren't you?---I was.

Commissioner, could the witness please be shown Exhibits 1 and 2. Thank you. Mr Friend-Ngui, Exhibits 1 and 2 are copies of the documents that were issued to you by the RTA after you'd completed the knowledge test. Correct?---Yes, that's right.

Did you read these documents when you received them?---I didn't read them cover to cover, no, I scanned through them.

30 By the time that you ultimately went to arrange to have these logbooks signed, you had read them, hadn't you?---Yes.

So if you look at page 1769, please – you might find it more convenient to look at the hard copy, that's it in the logbook, page 1769. The numbers are in the top right-hand corner. You can see that what that page sets out is a list of 46 competencies?---Yes.

40 And you can see that some of them would not be applicable to a heavy rigid licence, for example in the second half of the page, competencies 42, 43, 44 and 45 which deal with trailers?---Yes.

Leaving aside those exceptions, what you understood when you read this document is that in order for you to be assessed as competent to drive a heavy rigid vehicle, an assessor would have to actually see you drive a vehicle and determine whether or not you were competent at the tasks set out on this page?---Yes, that's right.

And you understood didn't you that that assessment would take place over a period of a day of driving approximately?---I understood that the assessment would take some time because I actually had never driven one of these vehicles, so I had to learn how to drive one first.

Right?---So I didn't think it would be done in a day, no.

All right. Well, you thought the assessment itself- - -?---Yes.

10 - - -might take- - -?---Yes.

- - -approximately a day but the training would take even more than that?
---The training would take some time longer.

All right. Now, if you look at the Exhibit 2, which is the Guide to Heavy Vehicle Competency-based Assessment, and if you look at page 1794 of that document, that appears to you to be a progress check sheet of the various competencies in respect of which you were required to be assessed, doesn't it?---That's right, yes, it does.

20

And what you understood is that while you were driving the vehicle, the assessor would determine whether or not you had qualified for each of these assessments and he or she would tick them off as you went?---Yes.

All right. Now, could page 267 be on the screen, please. Mr Friend-Ngui, that's your name and address in the top left-hand corner, isn't it?---Yes, it is.

And you can see, can't you, that this is a, one of the pages from the logbook that was issued to you by the RTA on 30 March, 2012?---Yes, it is.

30

That's your signature in the right-hand corner of the page isn't it?---Yes, it is.

And then if you just scroll down the page please you can see some text where the heading is "Bribery is against the law and these practices are illegal," I'll just let you read those?---Yes.

40 So you read those parts of the document around the time that you received the logbook didn't you?---I would have scanned over them, I, I don't recall reading them word for word, I just flipped that page open and signed it where I was asked to.

Well, in any event you didn't need a document to tell you - - -?---No.

- - - that bribery is against the law did you?---Absolutely not, not.

And you didn't need a document to tell you that you must not offer your assessor money or other favours in order to have you assessed to gain a

heavy vehicle driver licence without fully demonstrating your driving ability to be competency requirements?---Yes, I understood that.

Now if you look at page 268 please. You see that in the top half of the page what it records is that on 31 July, 2012 between 0700 and 1010 you were assessed by Mr Binos in a number of competencies, do you see that?---Yes, I do.

10 And the vehicle registration number listed is M-J-P-6-9-4?---I see that.

Do you know who owns that vehicle?---No, I do not.

Have you ever seen that vehicle?---No, I have not.

Is that your signature in the right-hand corner of the page?---Yes, it is.

And what this document represents, namely that you were assessed on that day driving for a number of hours is not true, is it?---No, it's not.

20 If we go down to the second half of the page, this again records that on 31 July, 2012 between 10.50 and 15.25 you were assessed by Mr Binos in vehicle M-J-P-6-9-4, do you see that?---Yes, I do.

And that's your signature in the bottom right-hand corner of the page?
---Yes.

And that did not happen did it?---No, it did not.

30 And then finally if you go to page 269, the bottom half of the page you'll see that the document records that on 31 July, 2012 between 1600 and 16.33 you were assessed by Mr Binos in vehicle M-J-P-6-9-4, do you see that?
---Yes.

That's your signature in the bottom right-hand corner?---Yes.

And that did not happen did it?---No.

40 You were never assessed by Mr Binos driving a heavy rigid vehicle were you?--- No, I wasn't.

I tender pages 267 to 270 being, correction, to 271 being Mr Friend-Ngui's logbook issued to him on 30 March, 2012 recording assessments on 31 July, 2012.

THE COMMISSIONER: Do we have the pages?

MR McLURE: Yes, I'm sorry, I thought they'd been passed up.

THE COMMISSIONER: Exhibit 8 comprises pages 267 to 271 of Mr Friend-Ngui's logbook number 0-1-0-1-4-2-6-4.

#EXHIBIT 8 - MR FRIEND NGUI's LOGBOOK PAGES 267- 270

MR McLURE: Mr Friend-Ngui, how did you come to know of the existence of Mr Binos?---I had got my logbook and driver knowledge test
10 passed and needed to get a truck licence and in discussions with a colleague, a fellow who I'd known for a while who had a truck similar to mine and I'd been discussing with him where to buy what kind of truck, how much to spend and so on, he said to me he knew a truck tester 'cause I said to him I was going to go for my heavy rigid even though I wasn't going to need a heavy rigid, I thought down the track that would be handy and this fellow said here's a phone number of a guy who does truck training and truck testing and he texted me his phone number and I phoned him.

20 Okay. So just breaking that down. At the time did you hold an ordinary motor car licence?---And a motorcycle rider's licence.

But no other class of licence - - -?---But no other heavy vehicle licence.

And who was the person you spoke to about this?---His name is Peter Titley.

Spelt?---Titley T-i-t-l-e-y.

30 And why was it that you wanted an upgraded licence?---I had um, had a career change forced upon me through a retrenchment the previous December and had decided that I would employ myself in a capacity doing some soft landscaping and general handyman work. I owned a small bobcat and a small two tonne excavator from building my own house some years before and in order to get going I needed a truck to get that gear around. So I went looking for a truck and in discussions with Peter he said this is a guy who could, who you should go to if you need to talk about a licence, getting your licence 'cause I wanted to get my heavy rigid so that down the track I could get you know driver, it just didn't seem to me to be that much more
40 complex. I guess without having really looked into it and not really knowing how the process worked in that much detail I thought I might as well get the heavy rigid so I can do other things in the future.

All right. So what sort of truck did you buy?---I bought a Mitsubishi Canter which is a three and a half tonne tear away vehicle small tip truck.

All right. Now - - -

THE COMMISSIONER: Did this person tell you that you, if you went to this particular examiner you wouldn't have to actually demonstrate your prowess 'cause he wouldn't test you?---No, that wasn't part of the discussion at all.

When you went to see him you expected to be test, tested - - -?---When I went to see Mr Binos I expected to be booking lessons to, to learn how to drive a truck, that was my understanding.

10 MR McLURE: Well what vehicle did you think you think you were going to do these lessons in?---That he, that he would have a vehicle or have access to a vehicle that would be appropriate. The big issue was around the road ranger 16 speed gearbox which I was not familiar with.

Well we'll come to that in a moment I just wanted to know what - - -?
---Sure.

- - - what you thought you were going to do - - -?---I thought he would hire, he would have a vehicle that I would be paying to use.

20

All right. So did Mr Titley give you Mr Binos's name?---He gave me his phone number in the form of a text message which had his business card like you know his, his card on it just called truck tester and a phone number.

So you called Mr Binos?---I called Mr Binos.

When did you call him?---I called him some time to the best of my memory around the, I know I saw him very soon after I contacted him the first time so it must have been around the end of July.

30

And what was the nature of the - - -?---It was either the Friday or the Monday.

What did you discuss with him?---I told him that I had my, that I needed to get, I wanted to get my heavy rigid licence and I got his number from Peter Titley and that he, and I discussed what, what the process might be and he said to me that he could help me out and we could, he could get the ball, to come and see him, to make a appointment to come and see him and get the ball rolling.

40

Was there any discussion during that conversation about whether or not you're actually going to have to drive with him?---No, not specifically. It was understood by me that I would have to go and do the lessons first and then go and do the test at some point thereafter.

All right. So what arrangement did you make with him?---He said to come and see him at an address in Greystanes which I didn't write down at the time and I started then to talk to him about the cost of the process.

What did he say about that?---He said that his component of it to get started was \$1700 and we had a conversation around how I would pay for that and I was doing it through my business so I asked him if I could direct deposit the money to his account or bring a cheque or whatever.

So when was it that you arranged a meeting in relation to this conversation?
---I arranged a meeting within a day of that conversation.

10 And where did you arrange to meet?---The address as I know from the text message he sent me to confirm the address is 115A Canal Road, Greystanes.

So you went to that meeting the following day in the full expectation that you were going to start driver training that next day, is that right?---That's right.

Had you had any discussion with him in a conversation about whether or not you had to supply a truck or whether he would?---No, we did not. I just assumed as a truck trainer he would have a truck. I'd seen trucks driving
20 around with lumps of concrete on the back and phone numbers learning, the training people and I assume that was the type of business that he was.

What did you mean when you said get started?---Well, I certainly didn't expect, Commissioner, that it was going to be something that would be resolved in a day.

No, I know, but- -?---That I had to see him and have a meeting and make some- - -

30 Well, what did you understand would get started?---To get, to make some appointments or to get some meetings in place to, bookings to, to be driving a truck.

To be taught?---To be taught how to drive a truck, which I didn't actually think was going to be that arduous, it was a matter of getting on top of the gearbox, turning, steering the vehicle and all of those things I felt that I would competently be able to handle in a short period of time, but it was- - -

40 Do you have experience of driving vehicles other than motor cars?---I've never driven a heavy rigid vehicle, even to this day.

But you – have you driven vehicles other than cars?---Absolutely, tractors and other things like that, but not, not a um, not a, not a big truck like that.

There's more to driving a truck than, than the gearbox, isn't there?---Well, there is I guess, Commissioner, but I'm a fairly handy bloke, I've got a bobcat and an excavator and I don't- - -

Yes, no, I'm talking about generally?---Yeah, but I'm sure there is, but I thought with the right lessons and the right tuition it would be something that I would achieve- - -

Yeah?--- - -in relatively short order.

Yes, I accept that?---Yeah.

10 I mean I'm just trying to understand whether you're suggesting that for you, all you really had to learn about was how to use the gear, the gears?---No, I'm not suggesting that. I guess that was the thing that was of most concern to me.

I see. But I mean there must be some aspects of the size and the weight of this vehicle that are unusual and which you need a little bit of training on before you can, before you're safe to go ahead. Am I right in that or not? ---Yes, you're right in that.

20 Is there anything else in which you need training, from a practical point of view, or one, leave aside you, but one, any person seeking to learn how to drive a rigid heavy vehicle? What is there about it that you really have to know?---Well, I think there's a, there's a natural, you have to have a natural awareness about the vehicle and how to, you know, the coordination required, where to put it and how to steer it and, and when to apply the brakes and all those types of things. Is that the question you're asking me?

30 Yes, yes. What's different about a vehicle like – what's different about a heavy rigid vehicle when compared to other, say a motor car or a utility vehicle?---Well, the sheer size of it, the ability for it to stop, the, how wide you have to take a turn to keep the vehicle on the road and not running over the kerb or hitting a car in the other lane or whatever.

How to brake when you're going downhill I take it?---Braking and using the engine brake and gearing and that type of thing, but I, I guess I thought that gaining my licence would be, would mean that I could drive a bigger truck, depending on what I ended up doing down the track.

No, I understand that. Yes, thank you?---Mmm.

40 MR McLURE: So all of those matters that you've just told the Commissioner about, you fully expected, did you, that when you turned up to see Mr Binos at Greystanes the next day you were going to start receiving instructions about them?---Yes.

Now, what sort of premises is 115 Canal Street, Greystanes?---It's a residence.

And so you met Mr Binos there?---Yes.

Was anyone else there?---I think from memory his mother may have been there in another room and at some time during the course of the meeting, someone came and left, but there was no one else there in the room in general conversation with us.

What time did you go there?---I can't remember exactly. I think it was probably about 10.00 or 11 o'clock in the morning.

10 Did you go alone?---Yes, I did.

And what did you take with you?---I took my RTA logbook and my wallet and my – and I drove there in my car, and my phone.

Right. And what happened when you got there?---I knocked on the door and I was welcomed into the house and we talked about the process, but Chris took a number of phone calls and at some point somebody came and knocked on the door, he gave them something and they left, and we were left on our own and continued the conversation around what the process
20 would be to get my truck licence, to get- - -

So what did he say to you about the process?---He asked me if I had driven a, a heavy rigid vehicle and operated a manual gearbox and I said I had not and he said that it's quite complicated and we talked through the process and I asked him whether he owned a truck and he said he didn't, that he would have to hire one and so the circumstances then shifted for me a little bit because I thought well, this is going to start to cost a lot of money and I expected it would cost some money but with the guy not owning a truck, he then said you have to go - and I got a bit confused at this point and my
30 memory of it is still a little confused, because I wasn't aware, I've learnt today, but I wasn't aware of the RTA audit process as it was then but he did say that any crash of the gears would cause me to fail the test and that I understood him to be the assessor and that we would have to go around again and hire the truck for longer and there would be no capped fixed price involved, it would be open to how many times it took me to pass the test.

Well, did he tell you what the minimum cost would be?---No, he didn't, at that point in time he'd indicated the cost of \$1,700 which would be his fee for the administration of the process and that the hiring of the truck and the,
40 and I understood there to be a trainer in addition to him who would be the assessor and that cost would be additional to the \$1,700.

I just want to understand that, do you say that he told you that he would charge you \$1,700 to administer the process but that you would be trained and assessed by someone else?---Trained by someone else is my, my memory of it that, but I understood he would be the assessor.

Right.

THE COMMISSIONER: But the whole thing would cost \$1,700?---No, Commissioner, the, the first part would cost \$1,700 for his, for his involvement and administering the thing and that the hire of the truck was extra.

And, and the - - -?---And it could, and it was uncapped, it could, depending on how many hours it took me.

10 Right. And did the \$1,700 including the cost of the trainer?---It included the cost of his assessment as I understood it.

Yes. But you said you were going to get a trainer as well?---That was going to be - I understood that to be additional in, in, in - as, as with the hiring of the truck so I thought that as a small business he would hire a truck and a truck driver, an instructor, like you do when you go to Trent to learn to drive a car, it comes with a car and a trainer, and that his, he would then do the assessment, that was my understanding of the process at that point.

20 MR McLURE: And did he tell you the rate that you would be charged for the trainer and the truck?---No.

Did he give you any estimate of what he thought it would cost to be trained with the truck to be hired?---No, he didn't, not in specific dollar terms, no, but that it would be expensive and I understand that, that made sense to me.

Okay. Well, what else did he tell you about getting assessed?---He then said to me there's another way we can do it and we had a long conversation around the truck that I was in, at that point then in possession of which was
30 a three and a half tonne tare weight tip truck and it had a six speed car-like gearbox and I felt totally competent to drive that vehicle and explain to him that that was what I was driving. So we'd gone down the track of, I'd gone down the track of getting my HR for the future, I was really needing an LR as it works out, he then said well, there is another way to do it and you're not driving a heavy, a, a, a rigid anyway so there's this other way of doing it and I said, "What's that?" and he said, "Leave the logbooks with me, sign them, leave them with me," he'll fill them out and it will take a week or so and he'll lodge it with the RTA and I'll go to the RTA and get my, get my licence upgrade.

40

What did you say in response to that?---I said well, that seems, that seems pretty simple and straightforward and we agreed that that's the way we would conduct it.

THE COMMISSIONER: And what were you going to pay? Did he mention an amount for that, for his services?---\$1,700 was the amount he discussed and at that time I was still conscious about the fact that - two things, one is that I understood him to be the assessor and so I wasn't in my

mind making a bribe to anybody, that I was cutting a corner perhaps and I then said to him, "I need a receipt for my tax purposes," because I was running it through my business, he had asked me to bring cash with me, and that was, as he stated at the time for expedience, waiting for money to clear and so on or paying by cheque wasn't the way he wanted to operate, to bring cash so I bought cash, I gave him the cash and he gave me a receipt for it for my tax.

10 But you knew that you really did require training in which you, and you weren't getting it but you were going to get a licence?---Yes, Commissioner. I, in reflection I look back and how it certainly appears. But at the time I was not driving that type of vehicle with a 16 speed gearbox so I felt if I ever did it down the track I would have to be competent in my own mind before I got behind the wheel. And you're absolutely right, I was then capable of, licensed to drive a vehicle but I wasn't competent to do it. But I wasn't doing it and I still haven't done it and - - -

Never done it?---Never done it, correct.

20 MR McLURE: So is the way that you justified this to yourself is you thought because I'm only going to be driving a light rigid vehicle and I'm already competent at doing that this is okay?---That's right. That's the way I thought at the time.

I'll show you this document. Is that a copy of a receipt that you say Mr Binos gave you during the meeting we've just been discussing?---Yes it is.

Does that assist you to recall that the date of the meeting was 31 July, 2012?---Yes it does.

30 And did you pay him \$1,700 to sign your logbooks?---Yes I did.

I tender that document.

THE COMMISSIONER: Yes. The tax invoice from Mr Binos dated 31 July, 2012 is Exhibit 9. Who's Allynbrook?---Allynbrook's the name of my company.

40 **#EXHIBIT 9 - TAX INVOICE STATEMENT DATED 31 JULY 2012
FROM CHRIS BINOS TO ALLYNBROOK**

THE COMMISSIONER: Yes, thank you.

MR McLURE: So you left your logbook with him?---Yes I did.

When did you next have contact with him?---Some time later, some days later. It would have been about a week I received a phone call saying that my logbooks were ready and I could come and collect them.

Received a phone call from who?---From Chris Binos.

So what did you do?---I drove over to Greystanes in my Landcruiser and collected them.

- 10 And what did you do with the logbooks once you had them?---I had to, I'm not 100 per cent certain of the timing but I had, he instructed me that he had to lodge the logbook with the RTA and after a period of time I could attend the RTA and apply for my upgrade.

THE COMMISSIONER: But you knew that the RTA would be acting on false information?---Yes I did.

The false information being the details appearing in the logbook?---Yes.

- 20 MR McLURE: So you went to the RTA and you presented the logbooks to an officer at the registry did you?---Yes.

Which registry did you go to?---Thornleigh

And you applied for a heavy rigid licence?---Yes.

And you were issued with one?---Yes.

- 30 Now, when you handed over your logbook to the officer at the RTA you knew what you were doing was falsely representing to the RTA that you had been actually assessed by Mr Binos as being competent at driving a heavy rigid vehicle, correct?---Yes.

And that was dishonest wasn't it?---Yes it was.

And you knew it was dishonest at the time you did it didn't you?---Yes I did.

- 40 Now, when you paid the money to Mr Binos what you knew you were doing is you were paying him money to falsely certify that he had assessed you as being competent at driving a heavy rigid vehicle?---That's certainly how it appears. When I, when I paid him the money I was applying to, to get, you know, to get, to get his signature I guess on the document that said I, I could drive it. But I wasn't overly concerned about it because I knew I wasn't going to be driving that type of truck.

What I'm asking you to accept or reject - - ?---Ah hmm.

- - - is that when you paid him the money what you knew you were doing was paying him to falsely certify that he had assessed you as being competent to drive a heavy rigid vehicle in accordance with the RMS's requirements?---Yes, that's right.

And you knew - - -?---I accept that.

You knew that was dishonest when you were doing it didn't you?---Yes.

10 Now, have you had any further contact with Mr Binos since your licence was issued to you?---Yes I have.

What was the nature of the contact?---The um, the first amount of contact um, started in that first week when I started receiving text messages about the various training services his organisation produced and they've gone on via text message up until the beginning of this month. The other contact I had was around me getting a, he sent out in one of those email text message blasts he sent out a training special on bobcat and excavator national competency certification as I had a bobcat and an excavator he had a special
20 deal going and I have not got a ticket to say that I could competently operate those vehicles, that machinery although I'm not necessarily required to have one, there's no legislation that requires me to have one but I thought I should do it. I rang him and said what's the special deal look like in terms of money and he told me what it was, it was \$1600 from memory for separate things but for \$850 I think is the number he would do a two in one deal and involved a third party trainer and I made arrangements with him to transfer the money to his bank account which I did and I attended a premises with a training certified, it was a registered training organisation and he, I sat and did a theory session for several hours one morning and a
30 practical session in the afternoon on both machines and some weeks later received my competency card in the mail.

When you contacted Mr Binos about that matter was it your expectation that he would offer you some kind of certification of competence in relation to the operation of a bobcat without you actually having to be assessed?---No, and it wasn't my intention whatsoever.

So on, on this particular occasion you intended to actually do the training did you?---Correct.

40 Why would you assume that Mr Binos would actually offer you legitimate assessment when on the previous occasion he had not?---My, my um, the rationalisation in my own mind about the previous occasion was around the fact that Mr Binos did not have a heavy rigid vehicle for me to train in and therefore the cost of going through that process is what scared me away from it. When it came to the other thing I knew I was highly competent in both the bobcat and the excavator to do it and he said he was using a third party training guy and I was probably a little bit suspicious about it, so I

Googled the location and saw that it was another domestic residence. So I phoned him and said what's the go with this being a house and he said no, it's got a very large backyard and they've got machinery in the backyard and so the bona fides of all of that stacked up in my mind and I felt that it was time to go ahead and do it.

All right. Well - -?---It added to the fact that I had paid by direct deposit and I was confident that it was a straightforward process.

10 So save for those communications you've just mentioned in relation to being certified to operate a bobcat have you had any other communication with Mr Binos since you obtained your heavy rigid licence?---Yes, I have. There is one another, two others. One was an accidental phone call where he phoned me, sorry, correction to that. There are three others. One was an ongoing conversation around the time of the excavator bobcat issue, sorry, around the truck licence issue where he was looking for somebody to put together a training business with that equipment that he could then sell on to other customers and so we had a conversation around some land, I had no site I operate this business from my house and I had no site where I could
20 operate a machine, the machinery for the purposes of training. He found a block of land out near Western Sydney near the Australia's Wonderland site and he phoned me to tell me he'd found some land at a cheap price and if I put my machinery out there he could, we could conduct a business by putting people through that as trainees. It was very simple, people come out, the training guy does the training, I oversee the machinery and when I need the machinery for work I take it and use it 'cause it wouldn't be every day of the week. That conversation went nowhere because I didn't want to get involved, my machinery was for my use and that wasn't where I was going so it didn't happen. The other, one conversation happened when he
30 phoned me by accident one night at midnight and I returned the call the next day not knowing who it was and we had a brief conversation but that was the end of that, and the other conversation we had was around a builders licence when I saw on one of his, his um, text message blasted he was offering everything from hairdressing certificate training right through to builders licences and lists that go on with 20 or 30 items in them and I had a conversation with him about getting my builders licence and he said I would have to get a letter from somebody to demonstrate my competency and that I would be able to then go through the process. I questioned him – I'd spoken to another training organisation about it which I found on the
40 Internet and they said there's a 26-week course that I would have to do online, I asked Chris about that and he indicated that that would, would have to – his indication to me was that that wasn't going to be a problem, as long as I had the letter. And I decided that that wasn't what I wanted to do, that a builder's licence is something that you can't just get overnight and ah, I dropped the conversation and never pursued it.

Commissioner, I seek the partial lifting of a non-publication order that was made in respect of a compulsory examination of this witness on 1 October, 2013, limited to the parts to which I'm about to refer.

THE COMMISSIONER: I think, yes, yes, that is lifted to that extent. I should really see it, so can I just- - -

MR McLURE: Yes. Could I have page- - -

10 THE COMMISSIONER: I need, I need- - -

MR McLURE: The hard copy, page- - -

THE COMMISSIONER: A hard copy, please.

MR McLURE: Volume, volume 9, please, page 2519, 2519 to 2535.

THE COMMISSIONER: Can you just tell me, please, Mr McLure, what those pages are, the first page?

20

MR McLURE: Yes. Page 2528.

THE COMMISSIONER: Just a moment. And from point where to point where?

MR McLURE: In the third-last line from the sentence beginning, "In hindsight" - - -

THE COMMISSIONER: Yes.

30

MR McLURE: - - -to the end of that page.

THE COMMISSIONER: The end of page- - -

MR McLURE: 2528.

THE COMMISSIONER: Yes.

MR McLURE: And then at page 2529- - -

40

THE COMMISSIONER: You, are you, you have the uplifting of the suppression order in respect of page 2528 from the words, "In hindsight," to the end of the sentence. That's what it is, isn't it?

THE SUPPRESSION ORDER IS LIFTED IN RESPECT OF PAGE 2528 FROM THE WORDS "IN HINDSIGHT" TO THE END OF THE SENTENCE

MR McLURE: Yes.

THE COMMISSIONER: Yes. And what else?

MR McLURE: Page 2529.

THE COMMISSIONER: Yes.

10 MR McLURE: From point 3 on the page, the phrase, sentence beginning, "I mean, I've been to," - - -

THE COMMISSIONER: yes.

MR McLURE: - - -to- - -

THE COMMISSIONER: Yes.

20 MR McLURE: - - -the end of that paragraph.

THE COMMISSIONER: Yes. There will be a variation of the suppression order as requested by Mr McLure in respect of page 2529 from the words, "I mean," in the first paragraph to the end of that paragraph.

THE SUPPRESSION ORDER IS LIFTED IN RESPECT OF PAGE 2529 FROM THE WORDS "I MEAN" IN THE FIRST PARAGRAPH TO THE END OF THAT PARAGRAPH

30

MR McLURE: Page 2531.

THE COMMISSIONER: Yes.

MR McLURE: The second-last line, the sentence beginning, "A number of things."

THE COMMISSIONER: Yes. To where?

40 MR McLURE: To the end of that sentence. And page 2532- - -

THE COMMISSIONER: Well, to the end of the paragraph really?

MR McLURE: Yes, to the end of the paragraph.

THE COMMISSIONER: Mmm. The suppression order on page 2531 from the phrase, "A number of things," at the bottom of the page to the end of the

paragraph of which those words are the commenced, that suppression order is varied to that extent to allow Mr McLure to question the witness on it.

THE SUPPRESSION ORDER IS LIFTED IN RESPECT OF PAGE 2531 FROM THE WORDS “A NUMBER OF THINGS” AT THE BOTTOM OF THE PAGE TO THE TO THE END OF THE PARAGRAPH

10

MR McLURE: And finally page 2534.

THE COMMISSIONER: Yes.

MR McLURE: The fifth last line, the phrase beginning “In the first instance” to the end of that sentence which is in the second last line.

THE COMMISSIONER: Yes. The suppression is varied as Mr McLure requests in respect of page 2534.

20

THE SUPPRESSION ORDER IS VARIED AS REQUESTED BY MR McLURE IN RESPECT OF PAGE 2534

MR McLURE: Mr Friend-Ngui, on 1 October 2013 you participated in a compulsory examination with this Commission?---Yes.

30

And you were asked a number of questions about the matters that I’ve asked you about today?---Yes.

Now do you remember that during that examination you said in relation to the meeting that occurred with Mr Binos at Greystanes after he’d made you the offer of just signing your logbooks you said we can do this, sorry, he said we can do this - no, I’m sorry, I withdraw that. You, you said in your evidence, “In hindsight when I got the phone call last week about this and then the summons I realised that, that this guy didn’t have the authority to do that and um, I’ve been embroiled in something that is very nerve-wracking.”?---Yes.

40

Do you remember giving that evidence?---Yes, yes, I do.

What you were intending to convey by that answer is that the first time that you realised that there was anything improper about the arrangement that you reached with Mr Binos was after you received a phone call from ICAC, correct?---Yes.

And that wasn't true was it?---Well, yes, it was at the time. You see, I understood Mr Binos to be, have the authority to assess me and through the conversations that we had around the vehicle I was driving, leaving aside that the actual thing was for the HR, he seemed to be able to say yes, it's going to, that's okay. Now, now that we're a couple of weeks down the track and the way you've put questions to me today, the fact of the matter is it was a heavy rigid assessment and you've asked me whether or not I thought I now know that to be dishonest my answer is yes. At the time - - -

10 THE COMMISSIONER: Surely you didn't - you knew it was dishonest at the time?---Sorry, Commissioner?

20 Surely you knew that it was dishonest at the time. You were - I thought you, you agreed with me that you were representing to the RTA that the test had been properly carried out which you did by allowing the logbooks to go forward with incorrect information whereas that was not the case. I thought you agreed with that?---I, I agree with what you're saying on that basis but I, I guess my thinking was that because I was not driving a heavy rigid vehicle and that my understanding was Mr Binos was the one approving it that I wasn't doing something untoward with the RTA, that I wasn't making a bribe to the RTA or, or, or whatever, that we'd had a conversation about whether I could drive the vehicle, he asked me a number of times whether I was fine driving this six-speed gearbox and - - -

30 It's not suggested that you bribed the RTA, it's suggested that you knew you had to have an assessment carried out before you could get a licence and you knew you were getting a licence without the assessment but you were telling the RTA that you had the assessment?---Yes, yes, and I guess I just glossed over that in my own mind at the time.

It was downright dishonest Mr - - -?---Yes.

- - - Friend-Ngui.

MR McLURE: And you knew that it was dishonest at the time you did it, didn't you?---Yes.

40 And you've already admitted that you knew it, that it was dishonest at the time you did it earlier on when I asked you that didn't you?---It's - I, I don't think - in my own mind I'm not, I would not have described it as dishonesty, that's the only, the only defence I can make, in my own mind I guess I, when I'm looking back on it I'm saying I'm bending the rules but if you're putting it as being dishonest I'd have to say yes, it looks and appears to be dishonest, as the Commissioner said I'm representing that to the RTA, yes, it does look like I was dishonest, at the time I did not consider it to be dishonesty like stealing money or, or whatever, I just - Mr Binos was prepared to sign this thing over, I thought he was a bona fide assessor, I paid him money and got a receipt and he did it and - - -

THE COMMISSIONER: Why do you think he wanted cash?---Sorry?

Why do you think he wanted cash?---I think he wanted cash because he didn't want it to be traceable.

And he didn't want it to be traceable because he was doing something dishonest?---He may have been doing something dishonest, Commissioner, but, but not - - -

10

You knew that?---People, people ask for cash a lot. They don't always - - -

I'm not asking what people do. You knew that what he was doing in asking for cash was an attempt to conceal something that was let's say illegal?---I suspected that it was dishonest and I asked him for a receipt to give myself some protection.

Yeah?---And that's - - -

20

All right?---That's - - -

Okay. The facts speak for themselves?---I beg your pardon.

No, I'm just saying to you Mr McLure that the facts speak for themselves.

30

MR McLURE: I'll just finish this process off. During the compulsory examination do you remember telling the Commission that you totally thought this was in the realms of his ability to sign off given the gearbox? Do you remember giving that evidence?---I don't remember the part about the gearbox but I remember giving the evidence that it was in, within the realms of his ability to sign off on that.

And that was untrue wasn't it?---No.

40

Are you seriously telling the Commission that you believe that it was within the realms of Mr Binos' authority to sign off on you being competent as a heavy vehicle driver in circumstances where he never saw you drive?--- Sorry, now you've put it that way no, I don't think that's the case. But I thought he was able to sign off on me as a, as an RTA approved assessor.

But only if he assessed your driving, correct?---No I didn't actually think about that. I, the practicality of it when you're putting it now, yes. It's obvious. But he was prepared to have a conversation with me and talk about the vehicle I was actually driving and it just seemed that he could do it so it went that way. I didn't question it, I didn't really know and I didn't really question it that deeply at the time.

Mr Friend-Ngui, earlier, about 15 minutes ago you rather candidly admitted that when you paid the money to Mr Binos at his apartment at Greystanes you knew that what you were doing was paying him to falsely certify that you were competent in circumstances where you knew he had not assessed you. You admitted to that didn't you?---Yes, that's, and that's how it unfolded.

And you admitted earlier didn't you that you knew it was dishonest at the time you did it?---Yes.

10

So when you said to the Commission during the examination on 1 October, 2013 that you thought it was in the realms of his authority to sign off that was wrong wasn't it?---No, it's not. That's not wrong. That's what I thought that he was able to do for me.

THE COMMISSIONER: Again, Mr McLure, this is, the facts speak for themselves.

MR McLURE: All right, I'll move on. That's the examination,
20 Commissioner.

THE COMMISSIONER: Does anyone wish to question Mr Friend-Ngui?

MR ALEXANDER: A few questions, Commissioner, if I may.

THE COMMISSIONER: Yes. Just explain to Mr Friend-Ngui who you are please.

MR ALEXANDER: Mr Friend-Ngui, I act for, I appear for Mr Binos. I
30 just want to ask you a couple of questions if I may. You gave some evidence before that you were introduced to Mr Binos by a colleague of yours, Mr Peter Titley?---Yes.

Right.

THE COMMISSIONER: Would you spell that please?

MR ALEXANDER: Titley, T-i-t - - -

40 THE COMMISSIONER: Sorry, Mr Titley, yes.

MR ALEXANDER: - - - l-e-y.

THE COMMISSIONER: All right.

MR ALEXANDER: Then you gave some evidence that when you went to see Mr Binos you expected that you would do tests, correct?---Yes.

You've done no test have you?---No tests?

Yes?---No.

And you expected that there would be a truck for you to do tests as well on it, correct?---Yes.

There was never any truck was there?---No.

10 And then Mr Commissioner asked you what did you mean by "get started."
Do you recall that?---Yes.

Do you recall the answer that you gave?---(No Audible Reply)

Well, I'll tell you what the answer was. You expected to be taught?---Ah
hmm.

Correct?---Yes.

20 You were never taught anything?---No. Not to do with driving a truck.

That's right. Mr Binos never forced you to do any of this?---No.

That is pay for your licence?---He didn't force me.

All right?---He offered me two options.

And you did this on your own accord?---Yes.

30 Thank you. There's nothing further.

THE COMMISSIONER: Any other questions? Yes, thank you, Mr Friend-
Ngui, you've, that concludes your evidence. You're free to go. The
summons against you is discharged.

THE WITNESS EXCUSED

[12.05pm]

40 THE COMMISSIONER: Mr McLure.

MR McLURE: Just leave it there, thank you. The next witness will be Mr
Christopher Binos, Commissioner.

THE COMMISSIONER: Is Mr Binos in the hearing room?

MR ALEXANDER: Yes, he is.

THE COMMISSIONER: Can he come forward, please. He doesn't seem to be here, Mr Alexander.

MR ALEXANDER: Pardon, Your Honour?

THE COMMISSIONER: He doesn't seem to be here.

MR ALEXANDER: Oh, he's in the hearing room, oh - - -

10 THE COMMISSIONER: Someone will fetch him. While we're waiting, do you wish me to make a section 38 order?

MR ALEXANDER: Yes, please, and Mr Binos will also take an oath.

THE COMMISSIONER: Yes. And have you explained section 38 to him?

MR ALEXANDER: Yes, I have.

20 THE COMMISSIONER: Thank you. Mr Binos, take a seat, please. I declare that all answers given by Mr Binos and all documents produced by him during the course of his evidence at this public inquiry are to be regarded as having been given or produced on objection and accordingly there is no need for him to make objection in respect of any particular answer given or document produced.

30 **I DECLARE THAT ALL ANSWERS GIVEN BY MR BINOS AND ALL DOCUMENTS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR HIM TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT PRODUCED.**

THE COMMISSIONER: Could you please swear Mr Binos in.

THE COMMISSIONER: Mr McLure?

MR McLURE: Is your name Christopher Binos?---Yes.

10 Do you have a middle name, Mr Binos?---Sorry?

Do you have a middle name?---No, I don't.

Your current address please?---Is unit 19, sorry, unit 308 number 19 Hill Road, Wentworth Point.

THE COMMISSIONER: Mr Binos, do you mind just speaking into the microphone or speaking a bit louder- - -?---Sure.

20 - - -so that everybody at the back- - -?---Sure.

- - -of the hearing room can hear you?---Sure. It's unit 308 number 19 Hill Road, Wentworth Point.

MR McLURE: Now, Mr Binos, in 2004 did you undertake a heavy vehicle competency-based assessor course with the RTA?---I did.

Is that the first time that you undertook that course?---Yes.

30 And can you in 100 words or less give us an outline of the matters that were covered in that course?---Basically showing us how to conduct and how to teach students to drive heavy vehicles, basically went through a training process first and then went to RMS and done another course there and they would just show us how to complete all the competencies and how we're supposed to train and teach.

So there were two courses, were there?---Correct, yeah.

40 So was the first course conducted by an organisation called DECA?
---DECA Training, that's correct.

And that's Driving Education Centre Australia, I think, is it?---Yeah, Cert IV in training assessment.

That's right. So you did the course with them first?---Correct.

And then you did a course with the RTA, did you?---Correct.

How long did the course with DECA go for?---Ah, the course with DECA was two weeks and RMS was one week I think.

That's five days a week, was it?---Five, yeah, full days.

So at the end of those courses did you have some understanding of the period of time it would usually take to conduct an assessment of someone wanting a heavy vehicle licence?---Had an idea.

10 And what was that idea?---Basically complete the competencies one by one, pretty much in stages 1 to 6 and then from 7 right through to 42 we can do at any time.

Right. So you understood that there were 42 competencies, did you?
---Correct.

And there was a final competency assessment at the end of that, wasn't there?---Correct, yeah, competency 46.

20 So over what period of time, that is hours or days, did you expect that assessment to take?---Ah, sometimes it took a day, sometimes up to five days to complete a student.

All right. Now, I want to show you a document, please, page 129. Is that the application that you made to the RTA to become a heavy vehicle competency-based assessor in June of – correction, October of 2004?
---Ah, yes.

30 Is that your signature that appears in the bottom right-hand corner of the second page, the page marked 130 at the top?---(No Audible Reply)

THE COMMISSIONER: I don't have 130, I've only got one page, not two.

MR McLURE: Sorry, we'll be fixing that.

THE COMMISSIONER: Do you have the second page, Mr Binos?---I do, I do, yes.

40 MR McLURE: Mr Binos, I think you're looking on the screen at the bottom of page 130, is that your signature?---Yes, it is.

I tender the two-page application for driving assessor accreditation signed by Mr Binos on 26 October, 2004.

THE COMMISSIONER: The - it's the application, yes. It's the application isn't it, Mr - - -

MR McLURE: Yes.

THE COMMISSIONER: The application for driving assessor accreditation signed by Mr Binos on 26 October, 2004 is Exhibit 10.

#EXHIBIT 10 - APPLICATION FOR DRIVING ASSESSOR ACCREDITATION FOR HEAVY VEHICLE COMPETENCY-BASED ASSESSMENT DATED 26 OCTOBER 2004

10

MR McLURE: Could we now see page 123 please. Can I show you this document. Mr Binos, is this a copy of a service provider agreement that was entered into between you and the RTA on 8 November, 2004?---That's correct.

Now you'll see that the copy of the document that you've been provided consists of only six pages but do you recall that the document that you signed was actually much longer, it had a set of terms and conditions that were attached to the back of it?---Yeah, correct.

20

Is that your - - -

THE COMMISSIONER: Sorry, did you say correct?---Correct, yes.

MR McLURE: Is that your signature that appears on page 127?---Yes, it is.

I tender that document.

30

THE COMMISSIONER: The service provider agreement between Mr Binos and the RTA dated 8 November, 2004 comprising four pages, no, no, not four pages, more than that.

MR McLURE: I think it's six, Commissioner.

THE COMMISSIONER: Six, thank you, six pages is Exhibit 11.

40

#EXHIBIT 11 - HEAVY VEHICLE COMPETENCY-BASED ASSESSMENT WITH PROVIDER'S NAME CHRISTOPHER BINOS DATED 8 NOVEMBER 2004

MR McLURE: Can we have 120 to 121 now please. Thank you. Can I show you this document. Is that a copy of an application to renew your driving assessor accreditation signed by you on 11 April, 2005?---Yes, it is.

I tender that document.

THE COMMISSIONER: Yes, the application for renewal of Mr Binos' driving assessor accreditation dated 11 April, 2005 is Exhibit 12.

#EXHIBIT 12 - APPLICATION FOR RENEWAL OF DRIVING ASSESSOR ACCREDITATION FOR HEAVY VEHICLE COMPETENCY-BASED ASSESSMENT – CHRISTOPHER BINOS DATED 11 APRIL 2005

10

MR McLURE: 114 to 119 please. I show you this document. Is this a copy of a service provider agreement between you and the RTA for three years beginning 1 August, 2005?---Yes, it is.

Now is that your signature that appears at page 118?---Yes, it is.

Once again, do you accept that while you only have the first six pages before you the original of the document, document you signed had a set of terms and conditions that were attached to the back of it?---That's correct.

20

I tender that document.

THE COMMISSIONER: Yes, the service provider agreement between Mr Binos and the RTA signed on 11 April, 2005 is Exhibit 13.

#EXHIBIT 13 - HEAVY VEHICLE COMPETENCY-BASED ASSESSMENT SERVICE PROVIDER AGREEMENT FOR HEAVY VEHICLE COMPETENCY-BASED ASSESSMENT WITH PROVIDER'S NAME CHRISTOPHER BINOS DATED 11 APRIL 2005

30

MR McLURE: 109 and 110 please. I show you this document. Is that a copy of an application for renewal of driving assessor accreditation signed by you on 26 May, 2008?---Yes, it is.

I tender that.

40

THE COMMISSIONER: The application for assessor accreditation signed by Mr Binos on 26 May 2008 is Exhibit 14.

#EXHIBIT 14 - APPLICATION FOR RENEWAL OF DRIVING ASSESSOR ACCREDITATION FOR HEAVY VEHICLE COMPETENCY BASED ASSESSMENT (HVCBA) DATED 26 MAY, 2008

MR McLURE: A hard copy will come in a moment but on the screen in front of you, Mr Binos, you see there's a document with page 103 in the top right-hand corner and if we just scroll down, half way down that page you'll see um, your name, the date the 17 June 2008 and a signature. Do you see that?---That's correct, yeah.

That's your signature?---Yes, it is.

10 I'll show you a hard copy of the document. Now is that a service provider agreement between you and the RTA that was entered into on the 17 June 2008 for the period 31, correction, from 17 June 2008 until 31 July 2011?
---Yes, it is.

I tender that document.

THE COMMISSIONER: Yeah. The service provider agreement signed by Mr Binos on 17 June 2008 is Exhibit 15.

20

#EXHIBIT 15 - HEAVY VEHICLE COMPETENCY-BASED ASSESSMENT SERVICE PROVIDER AGREEMENT FOR HEAVY VEHICLE COMPETENCY-BASED ASSESSMENT WITH PROVIDER'S NAME CHRISTOPHER BINOS DATED 17 JUNE 2008

MR McLURE: I'll show you this document. Mr Binos, do you see that in the bottom right-hand corner of the document you've just been shown it appears version 4.0 HVCBA service provider agreement of July 2008?
30 ---Which one was it, sorry?

Do you see in the bottom right-hand corner of page 1741 the first page of the document?---Oh, yeah.

It says, it has in the footer of the page version 4.0 HVCBA service provider agreement July 2008?---No, I can't see that.

Okay?---Oh, down the bottom, yes. Yes.

40 You've seen that?---Yeah.

THE COMMISSIONER: Have you seen it now?---Yeah.

MR McLURE: You accept don't you that these are the terms and conditions that were attached to the service provider agreement that you entered into with the RTA on 17 June 2008?---That's correct.

Now - - -

THE COMMISSIONER: Are you tendering that?

MR McLURE: Yes, I tender that document.

THE COMMISSIONER: The terms and conditions attached to Exhibit 15, is that right what I said, Mr McLure?

10 MR McLURE: Pardon me one moment, Commissioner. Exhibit 16 in fact.

THE COMMISSIONER: No, I'm sorry. These are terms and conditions that are attached to the agreement.

MR McLURE: You've made them a part of Exhibit 15.

THE COMMISSIONER: So these terms and conditions are attached to Exhibit 15?

20 MR McLURE: Yes.

THE COMMISSIONER: All right. The terms and conditions attached, that were attached to Exhibit 15 is Exhibit 16 but I think you should just establish that, that these were there when Mr Binos signed the agreement.

#EXHIBIT 16 - ROADS AND TRAFFIC AUTHORITY OF NEW SOUTH WALES HVCBA SERVICE PROVIDER AGREEMENT TERMS AND CONDITIONS (ATTACHED TO EXHIBIT 15)

30 MR McLURE: Yes, yes, thank you. I'll clarify that.

So, Mr Binos, do you accept that the document that you have in your hands Exhibit 16 is attached to the service provider agreement of the 17 June 2008 when you signed it?---That's correct.

Thank you. Now, at one time or another you had read through the terms and conditions hadn't you?---Yes, I have.

40 If you turn to page 1742 and you look on the left-hand side of the page there is a heading "4.1 Compliance with assessment procedures and the guide," do you see that?---Yes.

And you can see that it says that "Each assessor must comply and I must ensure that each assessor complies at all times with the assessment procedures and the guide," do you see that?---Yes.

You understood didn't you that at all times while you were providing an assessment service to people seeking a heavy vehicle licence that what you were required to do was exactly what is set out there in clause 4.1 of the document?---Yes.

And if you look down under "4.4 Logbooks" paragraph (b) you'll see it says, "I and each assessor must complete the assessor and learners logbooks in accordance with the assessment procedures"?---Yes.

- 10 Again, you understood at all times while you were providing assessment services to applicants for licences that that's what you needed to do, correct?
---Correct.

Could I have 99 and 100 please. I show you this document. Is that an application for renewal of a driving assessor accreditation signed by you on 15 August, 2011?---Yes, it is.

I tender that.

- 20 THE COMMISSIONER: The application for renewal of driving assessor accreditation signed by Mr Binós on 15 August, 2011 is Exhibit 17.

#EXHIBIT 17 - APPLICATION FOR RENEWAL OF DRIVING ASSESSOR ACCREDITATION FOR HEAVY VEHICLE COMPETENCY-BASED ASSESSMENT DATED 15 AUGUST 2011

- 30 MR McLURE: Could I have 97 please. I show you this document. Mr Binós, is this an agreement between you and the RTA extending the terms of the service provider agreement you entered into in 2008 up until 31 December, 2012?---Yes, it is.

That's your signature that appears on the bottom of the page?---Yes, it is.

I tender the document.

- 40 THE COMMISSIONER: Confirmation of contract extension signed by Mr Binós on 15 August, 2011 is Exhibit 18.

#EXHIBIT 18 - DOCUMENT TITLED CONFIRMATION OF CONTRACT EXTENSION SIGNED BY CHRISTOPHER BINOS DATED 15 AUGUST 2011

MR McLURE: 101 please. I show you this document. Mr Binós, is this a document that you signed at the same time as you signed the agreement to

extend the service provider agreement acknowledging that you had received and were aware of two documents, namely Assessment procedures version 7.6 and the 2011 compulsory FCA notification factsheet?---Yes.

And is what you say in that document true, that you had in fact received and were aware of those documents?---Yes.

I tender the document.

10 THE COMMISSIONER: Yes, the certificate signed by Mr Binios on 15 August, 2011 relating to the receipt of two documents is Exhibit 19.

#EXHIBIT 19 - HEAVY VEHICLE COMPETENCY-BASED ASSESSMENT ACCREDITATION DATED 15 AUGUST 2011

20 MR McLURE: Can I have 1036 please. I show you this document. Do you see that the document you've just been provided is a copy of the RTA heavy vehicle competency-based assessment, assessment procedures version 7.6 implemented on 1 August, 2011?---Yes.

Do you see that?---Yep.

Now that is one of the documents that you were referring to in the document I showed you just a moment ago that you had received and understood, correct?---Correct.

30 Now, at some time - - -

THE COMMISSIONER: Are you tendering that?

MR McLURE: Yes, I'm sorry. I tender the document.

THE COMMISSIONER: Assessment Procedures version 7.6 is Exhibit 20.

40 **#EXHIBIT 20 - HEAVY VEHICLE COMPETENCY-BASED ASSESSMENT "ASSESSMENT PROCEDURES" IMPLEMENTED 1 AUGUST 2011**

MR McLURE: At some point did you take the time to read through these assessment procedures?---Yes I've, yep.

Would you turn please to page 1047. Do you see that at the top of the page it specifies minimum times for assessment for various classes of licences? ---Yes.

And that was your understanding wasn't it, that the minimum time for assessment of the classes of licence set out in that table - - -?---Yes.

- - - what you needed to do?---Yes.

Correct?---Correct.

10 And what you also knew is that the assessment time was in addition to training time, correct?---Correct.

Now, would you turn please to page 1055 and if you go down to the bottom of the page you'll see a heading, "Responsibilities in Signing off Competencies." Do you see that it says, "When signing off a competency an assessor is declaring he or she has assessed the owner of the logbook and has used the correct assessment procedures?" Do you see that?---Yes.

20 And that's what you understood to be your responsibility when signing off any logbook for an applicant for a heavy vehicle licence, correct?---Correct.

Thank you. Commissioner, could the witness please be shown Exhibits 1 and 2. Mr Binios, it was your understanding at all times while you were a heavy vehicle competency-based assessor at least from December, 2009 anyway that when an applicant for a heavy vehicle licence attended an RTA registry to apply to be assessed under the Heavy Vehicle Competency-based Assessment Scheme that they be issued with the two documents that I've just handed to you?---Yep.

30 And you were well familiar with the contents of these documents at all of those relevant times, weren't you?---I was.

And when an applicant for a licence came to you to be assessed it was his or her responsibility to bring the logbook with them wasn't it?---Correct.

And if you turn to page 1769 of the logbook please that sets out a list of the competencies that one is required to assess for heavy vehicles subject to some exceptions depending upon the class, correct?---Correct.

40 So to take a heavy rigid licence as an example one would not be required to assess competencies 40, 42, 43, 44, and 45. Is that right?---And 39.

And 39. Thank you, yes. But aside from those an applicant for a heavy rigid licence was required to satisfy each of the other competencies listed in the document, correct?---Correct.

Now, if you look at Exhibit 2 please and if you turn to page 1804 I just want to explore some examples of the competencies you were required to assess.

On the right-hand side of page 1804 you can see a competency of “Safe cushioning?”---Correct, yep.

Do you see that? And then there are a list of requirements?---Correct.

10 So, so can you explain in practical terms what you would be looking for in order for a driver to demonstrate to you their competence in this particular field of driving?---Well basically it'd be open road um, we're looking at various road conditions, um, the assessments always unannounced on these assessments, we're looking for a four second gap behind the vehicle in front and the way we calculate that is timing it from pole to pole um, when they stopped behind a, another vehicle at complete stop they must be at least one and preferably a two metre space behind the vehicle in front.

20 I'll be looking for approaching station vehicles with caution at all times, um, the roads must meet the requirement of RMS to be able to conduct these assessments, um, driving in their lanes, keeping their tyres within the two (not transcribable) lanes um, driving to the left if you're not overtaking all times if there's two lanes or more and um, yeah, not crossing over any solid lines.

All right. Thank you. Now if you just turn to page 1806 and we'll only look at these two. See on the left-hand side of the page where competency is curves and bends - - -?---Yeah.

- - - and on the right-hand side of the page it is speed?---Yeah.

30 So just, just to use these three that I've taken you to as an example fundamentally what you understood these were designed to assess was the ability of a person to safely drive a heavy vehicle, correct?---Correct.

And if someone could not competently drive a vehicle in accordance with the requirements of those three competencies then you'd be entitled to have some very serious concerns about their ability to safely drive a heavy vehicle on a road, correct?---Correct.

40 Thank you. Those exhibits can be returned. Now for the whole time you were a heavy vehicle competency assessor you understood didn't you that once you had decided to move to the point of assessing someone in their final competency-based assessment you were required to give 48 hours notice of that to the RTA, correct?---Correct.

And you knew that the reason why you had to do that was so that the RTA could decide whether or not it would send one of its own auditors out to observe the conduct of the final competency assessment?---That's correct.

And you understood didn't you that the reason for the existence of that procedure was to ensure the quality of the assessment that was being undertaken?---Correct.

And also to ensure the integrity of the system that is to say, to make sure that assessors were actually doing what they were claiming to be doing? ---That's correct.

10 And you understood didn't you that once a person had been assessed by you as competent in all of the required areas of competency you were required to notify the RTA of you having done so?---Yes.

And then after having done that the person could present their logbooks signed by you and them to the RTA to obtain their licence?---Correct.

Now you admit don't you that on a number of occasions while you were a heavy vehicle competency-based assessor you made false entries in people's logbooks to the effect that you'd assess them as competent in accordance with the RTA's requirements when the truth is you had not?---Correct.

20 When did you first do that?---End of last year some time.

End of 2012?---No, sorry, rephrase that. Probably beginning of the year.

Beginning - - -?---Last year.

Beginning of 2012?---About April, yeah.

30 April. Now, about a month ago you went through your records in order to compile a list of people who you admit you did not assess in accordance with the RTA's requirements to provide to this Commission. Correct? ---Correct.

What I want to understand from you is what records did you look at in order to compile that list?---From the logbooks.

Beg your pardon?---From the logbooks.

40 Which logbooks are you referring to?---The ones from the sixth month of 2012 right through till today.

Are you referring to your assessor logbooks- - -?---Correct.

- - -as distinct from logbooks of individual applicants?---No, they're my logbooks.

Right. I'm going to show you your logbooks. Could I have those when ready, please.

THE COMMISSIONER: And is there one for Mr Alexander?

MR McLURE: I'm sorry, Commissioner?

THE COMMISSIONER: One for Mr Alexander?

MR McLURE: Yes, I'm sorry. Commissioner, I'm going to hand up the list of applicants' licences that I mentioned earlier on assigned with a proposed pseudonym name.

10

THE COMMISSIONER: This has the – what you've given me has the true name and the pseudonym.

MR McLURE: Yes. So what I, what I propose is that this list be distributed to the representatives with a non-publication order and that way when references are made to a name I will endeavour to use and ask the witnesses to use the corresponding codename.

20

THE COMMISSIONER: Yes. Well, are you going to tender this summary?

MR McLURE: Yes, I am.

THE COMMISSIONER: The summary of vehicles utilised by Mr Binios for assessments is Exhibit 21.

30

#EXHIBIT 21 - THE SUMMARY OF VEHICLES UTILISED BY MR BINOS FOR ASSESSMENTS

THE COMMISSIONER: There will be a suppression order on all the names listed in the column headed Applicant.

THERE IS A SUPPRESSION ORDER ON THE NAMES LISTED IN THE COLUMN HEADED APPLICANT IN EXHIBIT 21

40

MR McLURE: Commissioner, could I ask that an exception be made in relation to the names that I've set out in the note at the top of the page?

THE COMMISSIONER: Yes. There is an exception in respect of the names set out in the note at the top of the page, so that is to say the suppression order does not apply to those persons.

MR McLURE: Thank you. I'll show you this document. Mr Binios, can I just explain to you what I'm trying to do. You'll see there's a four-column

table on the page in front of you. In the third column there are a list of names of applicants for licences. With the exception of the underlined names, I'm going to avoid saying those people's names out aloud and instead I'm going to refer to them by the codename on the right-hand side. Do you understand what I'm attempting to do?---Yes.

And could I ask you to cooperate with me please and do the same rather than use the person's name - - -?---Sure.

10 - - - we'll use the code name, thank you.

THE COMMISSIONER: So I understand the procedure you're going to follow are you going to go through each one of these or not?

MR McLURE: It depends on how I go with Mr Binos. It may be able to be dealt with in a, in a global way depending on the way the answers - - -

THE COMMISSIONER: I mean it's desirable if you can do it in a composite way.

20

MR McLURE: Yes, I'll certainly try to do that.

THE COMMISSIONER: One way of doing it would be to adjourn early leave it to Mr Binos to go through this and to nominate the ones he doesn't agree with. I don't know, if you've got a better way then please follow your way it's just a suggestion.

MR McLURE: No, no, I embrace that idea.

30 THE COMMISSIONER: All right. Mr Alexander, do you understand what I've suggested?

MR ALEXANDER: Yes, I do.

THE COMMISSIONER: Yes. Just so it's clear, Mr McLure, as I understand it on your instructions you have evidence that shows that assessments were not carried out as they should have been for every one of the applicants mentioned in this document which is Exhibit 21?

40 MR McLURE: Yes.

THE COMMISSIONER: So, Mr Alexander, would you bear that in mind. What it means is that when we come back at, at 2.00pm if Mr Binos puts any of these names in issue then Mr McLure will have to go through all the evidence relating to those names.

MR ALEXANDER: I understand that.

THE COMMISSIONER: Yes. We'll, we'll adjourn now until 2.00pm.

LUNCHEON ADJOURNMENT

[12.42pm]