

INDEPENDENT COMMISSION AGAINST CORRUPTION

NSW ICAC
EXHIBIT

STATEMENT IN THE MATTER OF: Operation Nickel - File No. E12/1944

PLACE: SWANSEA
NAME: Susan Catherine Potter
ADDRESS: Known to ICAC
OCCUPATION: Medical Secretary
TELEPHONE NO: Known to ICAC
DATE: 8 July 2013
States: -

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
2. My full name is Susan Catherine Potter and I am 59 years of age. I am currently employed as a Medical Secretary.
3. My husband, _____, passed away on 3 June 2012. Prior to his passing, Michael was a sole trader operating a business known as 'Michael J Potter, Bricklaying and Excavation'. Michael operated this business for approximately ten years and the primary place of the business was
 1. This business specialised in excavation and plant equipment.

Signature _____

S. Potter

Witness _____

[Signature]

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NAME: Susan Catherine POTTER

4. As Michael's health deteriorated he became unable to operate the business of 'Michael J Potter, Bricklaying and Excavation' and from March 2012 until his passing on 3 June 2012, all his plant equipment and vehicles remained parked within the property of [redacted]. Amongst Michael's vehicles was a 2004 Kenworth T350 Tipper Truck with a gross vehicle mass (GVM) 24100 kilograms and bearing New South Wales registration plates MJP694.
5. Following Michael's passing, on 3 June 2012, I became the registered owner of the Kenworth T350 Tipper Truck 2004 bearing New South Wales registration plate MJP694 and a number of other plant and equipment.
6. In mid June 2012, approximately two weeks after Michael passed away, I authorised my nephew, [redacted] to take possession of a number of the vehicles and equipment and advertise them for sale. [redacted] then organised for the following vehicles and equipment to be collected from
- Kenworth Tipper Truck bearing NSW registration MJP694;
 - A Tagalong Trailer bearing NSW registration V90183;
 - A Hyundai 55-7 Excavator and attachments; and
 - T250 Bobcat and attachments.

Signature *S. Potter*

Witness 

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7. I believe my nephew [redacted] then relocated my abovementioned Kenworth Tipper Truck NSW registration MJP694 and the trailer, excavator and bobcat to his residence at Berkshire Park in Sydney where they remained parked within the yard from mid June 2012.

8. It is my understanding that my nephew, [redacted] took photographs of my Kenworth Tipper Truck NSW registration MJP694 and the trailer, excavator and bobcat and then placed advertisements for their sale on a website known as www.trucksales.com with the attached photographs. I can recall viewing the advertisement for the sale of my truck on the website www.trucksales.com and I can state that the advertisement contained approximately 3-4 photographs of the truck which clearly showed the NSW registration plates, MJP694, and outlined the odometer reading of the truck.

9. On 29 July 2012, my nephew, [redacted], negotiated a sale of my Kenworth Tipper Truck NSW registration MJP694 and my Tagalong trailer NSW registration V90183 to a Shepherd Plant Hire Pty Ltd of [redacted].

As a result of this sale I then issued a Tax Invoice (number 592) on behalf of 'Michael J Potter Bricklaying and Excavation' dated 29 July 2012 for the total of \$83,000.00.

Signature S. Potter

Witness [Signature]

EXHIBIT: I NOW PRODUCE A COPY OF TAX INVOICE NUMBER 592 FROM MICHAEL J POTTER AND EXCAVATION TO SHEPHERD PLANT HIRE PTY LTD DATED 29 JULY 2012 FOR THE PURCHASE OF THE KENWORTH T350 TIPPER NSW REGISTRATION MJP694 AND THE TAGALONG PLANT TRAILER V90183.

10. On 30 July 2012, Shepherd Plant Hire Pty Ltd paid a deposit totalling \$15,000.00 via direct deposit into my bank account for the purchase of my Kenworth Tipper Truck NSW registration MJP694 and my Tagalong trailer NSW registration V90183. I then issued a Sales Receipt on behalf of Michael J Potter Bricklaying and Excavation to Shepherd Plant Hire Pty Ltd.

EXHIBIT: I NOW PRODUCE A COPY OF SALES RECEIPT FROM MICHAEL J POTTER AND EXCAVATION TO SHEPHERD PLANT HIRE PTY LTD DATED 30 JULY 2012 FOR \$15,000.00 FOR THE PURCHASE OF THE KENWORTH T350 TIPPER NSW REGISTRATION MJP694 AND THE TAGALONG PLANT TRAILER V90183.

Signature

S. Potter

Witness

[Signature]

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11. On 1 August 2012, Shepherd Plant Hire Pty Ltd paid \$138,000.00 via direct deposit into my bank account being the balance of monies owed for the purchase of my Kenworth Tipper Truck NSW registration MJP694, the Tagalong trailer NSW registration V90183, the Hyundai 55-7 Excavator and attachments and the T250 Bobcat and attachments. I then issued a Sales Receipt on behalf of Michael J Potter Bricklaying and Excavating to Shepherd Plant Hire Pty Ltd.

EXHIBIT: I NOW PRODUCE A COPY OF SALES RECEIPT FROM MICHAEL J POTTER AND EXCAVATION TO SHEPHERD PLANT HIRE PTY LTD DATED 1 AUGUST 2012 FOR \$138,000.00 FOR THE BALANCE OF PAYMENT FOR THE PURCHASE OF THE KENWORTH T350 TIPPER NSW REGISTRATION MJP694, THE TAGALONG PLANT TRAILER REGISTRATION V90183, THE HYUNDAI EXCAVATOR AND T250 BOBCAT.

12. On 1 August 2012, after receiving the balance of the purchase monies, a representative from Shepherd Plant Hire Pty Ltd attended my nephew's residence at ^{J.P.} and took possession of the following:

Signature A. Potter

Witness [Signature]

- Kenworth Tipper Truck bearing NSW registration MJP694;
- A Tagalong Trailer bearing NSW registration V90183;
- A Hyundai 55-7 Excavator and attachments; and
- T250 Bobcat and attachments.

13. It is my understanding that my Kenworth Tipper Truck NSW registration MJP694 and the other plant and equipment remained parked outside my nephew, , property from mid June 2012 until their sale on 1 August 2012.

14. I do not know a person by the name of Christopher Binos.

15. I do not know of a business or company trading as Ace Truck Training Group.

16. I have never rented or leased my vehicle MJP694 (NSW) to Christopher Binos, Ace Truck Training Group or any other person or company to be used for any heavy vehicle assessment training.

17. I have never loaned my vehicle registration number MJP694 (NSW) to a company or business trading as Forklift Training and Licensing Pty Ltd or any person associated with that company.

Signature S. Potter

Witness [Signature]

18. On 31 July 2012, it is my understanding that my motor vehicle NSW registration MJP694 was parked at the residence of my nephew, _____ at Berkshire Park.

19. I did not authorise any person to utilise my vehicle NSW registration MJP694 for any driving assessment or training on 31 July 2012.

20. On 8 July 2013, Investigator Evarna Hart and Senior Investigator Michael Kane from the Independent Commission Against Corruption ("ICAC") asked me about my knowledge of a person by the name of Peter Stephen Friend-Ngui who had been recorded as using my vehicle, registration number MJP694, on 31 July 2012 for heavy truck licence assessment. I am able to state that I do not know any person by the name of Peter Stephen Friend-Ngui. Further I can state that I have not ever given access to my vehicle MJP694 (NSW) to Peter Stephen Friend-Ngui.

Signature *S. Potter*

Witness 

NSW ICAC
EXHIBIT

**MICHAEL J. POTTER,
BRICKLAYING AND
EXCAVATION**

Tax Invoice

ABN	DATE	INVOICE #
37 455 742 878	29/07/2012	592

SWANSEA NSW 2281

LIC. NO. R52509

*Paid by
Cardgrove*

Invoice To
SILPHIRETM ANTI HIKE PTY LTD

P.O. No:	Terms:	Project:

Description	Qty	Rate	Tax Amt	Amount
PURCHASE PRICE OF KENWORTH T150 TIPPER REG. NO: MJP 694		62,727.30	6,272.73	62,727.30
PURCHASE PRICE OF TAGALONG PLANT TRAILER REG. NO: V90183		12,727.27	1,272.73	12,727.27
BANK ACCOUNT DETAILS FOR RFT PAYMENT OF \$15,000.00 DEPOSIT				

Tax Summary	Subtotal	375,454.57
GST 7,545.46:	Tax	87,545.46
	Total	383,000.03
This is a payment claim for invoices under the Building and Construction Industry Security of Payment Act 1999.	Payments/Credits	50.00
	Balance Due	\$383,000.03

MICHAEL J. POTTER, BRICKLAYING
 4305 FIVE STAR DRIVE

NEW ICAC
 EXHIBIT
 Sales Receipt

DATE	SALE NO.
30/07/2012	1

SOLD TO
 SHEPHERD RENT HIRE PTY LTD

CHEQUE NO.	PAYMENT METH.	PROJECT
	Trk/Deb	

DESCRIPTION	QTY	RATE	TAX	TAX AMT	AMOUNT
DEPOSIT ON KENWORTH TRUCK (REGI- NO: MUP 694 AND TAGALONG TRAILER REG NO: W901K3)		15,000.00			15,000.00

TAX SUMMARY	Subtotal	\$15,000.00
	Tax	\$0.00
	Total	\$15,000.00

RECEIVED WITH THANKS

MICHAEL J. POTTER, BRICKLAYING
AND CONSTRUCTION

Sales Receipt

DATE	SALE NO.
1/08/2012	2

31

SOLD TO
SHEPHERD PLANT HIRE PTY LTD

DESCRIPTION	QTY	RATE	TAX	TAX AMT	AMOUNT	CHEQUE NO.	PAYMENT METH...	PROJECT
							Dr/Dcb	
BALANCE OF PAYMENT FOR PURCHASE OF:		138,000.00			138,000.00			
1. KENWORTH TRUCK REGD. NO. MIP 694								
2. TAGALONG TRAILER REGD. NO: V90183								
3. HYUNDAI S5-7 EXCAVATOR + ATTACHMENTS								
4. 1250 BOBCAT + ATTACHMENTS								
TAX SUMMARY								
						Subtotal		\$138,000.00
						Tax		\$0.00
						Total		\$138,000.00