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HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE DAVID IPP AO QC

PUBLIC HEARING

OPERATION JAREK

Reference: Operation E08/2469

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY, 10 OCTOBER, 2011

AT 2.20PM

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: Mr Campbell.

MR CAMPBELL: Thank you, Commissioner. The evidence that you heard before lunch, Commissioner, dealt with the Lithgow City Council and Walgett Shire Council. I'm now about to move on to the Orange City Council but before I do, Commissioner, there was a witness that we were expecting to call on Wednesday, a Mr Harman from the Broken Hill City Council and we've received evidence in support of an application to excuse Mr Harman giving oral evidence which, may I say with respect, I am  
10 minded to put up to the Commission. So far as that's concerned, Commissioner, we then propose to deal with the material that he could give by way of proposed tender of his compulsory examination. Mr Harman is represented by my learned friend Mr Naylor and to facilitate the efficient dealing with that evidence on Wednesday I'm asking for a variation of the section 112 direction that you made on 20 December last to allow a copy of the transcript of the compulsory examination to be given to my learned friend Mr Naylor and his instructing solicitor to enable them to represent Mr Harman on Wednesday.

20 THE COMMISSIONER: Mr Clay, you don't act for Orange City Council?

MR CLAY: I do act for Orange, yes.

THE COMMISSIONER: You do. Do you have any objection to this course?

MR CLAY: This is Broken Hill?

30 MR CAMPBELL: This is Broken Hill, I'm sorry.

THE COMMISSIONER: Sorry, Broken Hill, I beg your pardon. You don't act for Broken Hill?

MR CLAY: I do not.

THE COMMISSIONER: Does anybody act for Broken Hill?

MR CAMPBELL: I don't think we've received any notice of anyone  
40 appearing for Broken Hill, Commissioner.

THE COMMISSIONER: That's on medical grounds?

MR CAMPBELL: It's on medical grounds. I've seen the medical report and I'll be tendering it on Wednesday before I tender the compulsory examination.

THE COMMISSIONER: Well, what would you like me to do now, Mr Campbell?

MR CAMPBELL: I'd like you to just simply to make the variation of the section 112 direction so I can hand Mr Naylor and his instructing solicitor a copy of the transcript.

THE COMMISSIONER: Yes. There will be a variation of the section 112 order in the terms sought by Counsel Assisting.

10     **THERE WILL BE A VARIATION OF THE SECTION 112 ORDER  
IN THE TERMS SOUGHT BY COUNSEL ASSISTING**

MR CAMPBELL: If it please the Commission. And I think that Mr Naylor will be seeking to be excused for this afternoon.

MR NAYLOR: Yes, thank you.

THE COMMISSIONER: Yes, Mr Naylor, you're excused.

20

MR CAMPBELL: Commissioner, moving onto the Orange matters I call Peter Nigel Lewis. I expect that Mr Lewis will be unrepresented.

THE COMMISSIONER: Yes. Mr Lewis, take a seat please. Mr Lewis, there is something I need to explain to you before you give your evidence. As I witness appearing before the Commission you are required to answer all relevant questions and produce any document which you are asked to produce and you must do this even though your answer or the document may incriminate you but if you object to answering any question or producing any document your answer or the document cannot be used against you in any civil or criminal proceedings or in any disciplinary proceedings but this protection does not prevent you from being prosecuted from giving false or misleading evidence. Do you understand all of that?

30

MR LEWIS: Yes, I, yes.

THE COMMISSIONER: Now, the way, one way in which you can get this protection and perhaps the most efficient way is if I make an order, an umbrella order to the effect that all answers which you may give and any document which you may produce will be regarded as having been given or produced under objection and if I do that then there is no need for you to make objection each time you are asked a question, that order just covers all your evidence. Now, I do need to emphasise though that that order does not protect you against evidence that's false. Do you wish me to make such an order? It's in your interest to be.

40

MR LEWIS: Yes.

THE COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act I declare that all answers given by Mr Lewis 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.

10 **PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT I DECLARE THAT ALL ANSWERS GIVEN BY MR LEWIS 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**

20 THE COMMISSIONER: Now, Mr Lewis, as I've explained to you you're obliged to answer all questions you are asked and it is a serious criminal offence either to refuse to answer or give false answers and I'm sure you understand that.

MR LEWIS: Yes.

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

30 MR LEWIS: Affirm the truth.

THE COMMISSIONER: Yes. Would you administer the affirmation.

THE COMMISSIONER: Mr Campbell.

MR CAMPBELL: Thank you, Commissioner. Mr Lewis, my name is Campbell, I'm Counsel assisting the Commission and I have some questions for you but firstly, may I ask you is your full name Peter Nigel Lewis?--- Yes, that's correct, yes.

10

Thank you. And are you employed by the Orange City Council?---Yes.

And have you been employed by the Council since 5 January 1981?---Yes.

During 1996 to 2010 were you the supervisor of the Waste Water Treatment Plant?---That's right, yes.

And what is your present position?---My present position is Technical Officer, Assets, Waste Water and Water.

20

Okay. Is that a similar position?---No, totally different.

Right?---I've been moved off the plant.

All right. During the time that you were the supervisor at the plant was it your responsibility to place orders for all the chemicals that were used for the purpose of the Council's waste water treatment operations?---Yes.

30

And can I ask you this, I think, I'll withdraw that. You've already told me you started at the council in 1981 and is it fair to say that back in those days procedures in relation to induction and the like were not what they are now?---There was none, no.

But over the years has council sought to remedy that by requesting that you undergo a number of different courses in different topics that the council thinks is relevant to your job?---Yes, we've done a lot of half day and one day courses. I can't name them, but we did do a lot.

40

All right. Now do you – is it also the case that you underwent a course on 20 March, 2008 entitled Dealing Effectively With Unacceptable Employee Behaviour? Do you remember that course?---I remember doing something, but I, I can't tell you what dates they are I'm sorry.

Well I understand it's hard to remember a specific date out of the blue, but do you remember doing that course?---No. But I if it's on the records I would have done it.

All right. And, and you'd accept the accuracy of the record as to the date upon which you did the course?---Yes.

All right. And it's true isn't it that part of the topic that was discussed in that course was the receipt of gifts and benefits by employees of the council?---I don't know, I'm sorry, I - - -

You can't remember?---I can't remember, no.

10 You certainly knew didn't you as at 2008 and beyond that the council had a policy in respect of the receipt of gifts and benefits by employees?---Yeah.

Yes, thank you. And it was your understanding of that policy that employees were to refuse any valuable gift or a benefit. That's correct isn't it?---That's, yes.

And at all times that was something of which you were well and truly aware?---Yes.

20 And it's also the case isn't it that you were aware that the council, that is the Orange City Council maintained a gift register. You've heard that expression haven't you?---I've heard the register, yes.

And you know that the purpose of the gift register is for employees who feel they can't for some reason refuse a gift of benefit provided by somebody to declare to council that they've received the gift or a benefit. That's correct isn't it?---What was - - -

Do you want that again?---Yes, please.

30 You know that the purpose of a register is that if you do have to accept, you feel, a gift or a benefit - - -?---Yeah.

- - - then it's reported to council officers that you've done so. That's right isn't it?---Yes, yes.

And you know that the purpose of that is a) to keep a permanent record of who's received what. That's right isn't it?---Yes, yes.

40 And the second reason is so that somebody in a - who's superior to you in the chain of command can decide whether or not it's appropriate for you to keep the gift or a benefit?---Yes.

That's correct isn't it?---Yeah.

All right. Now over - you've already told me that you're responsible for ordering the chemicals. I think that the situation is that you, you deal

directly with the sales representatives of the chemical companies. Is that correct?---That's right, yes.

And the policy had been, whether it is or not now, that you would go to – they would come to you at your place of work and, and try and find out whether you needed - - -?---That's right, yes.

- - - some more of a product?---Yes.

10 And I suppose they would canvas you as it's put, to try and interest you in other products that you hadn't previously purchased from them?---Yes.

And how often, how often do people come and see you about those sorts of things?---Every three to four months.

And over the long years - - -?---Oh, sorry.

20 I beg your pardon, you can finish the answer?---Over the years there's been a lot of people come and go as well, you know, like a lot of companies come through the place.

Sure. Over more recent years you had, you had dealt frequently with a man named Jody Parker from Momar Australia?---That's right, yes.

And you'd also dealt frequently with, with a man named Gary Blackford who was then with a company known as Chemsearch?---That's right, yes.

30 And over the years that you'd been there you'd bought a number of products from them on different occasions?---That's right, yes.

The way that it worked in your department was that once you'd seen the, the salesman or you'd worked out that you needed more of something that, that you, you filled in a requisition, is that correct?---That's right, yes.

Did you have any delegation yourself to, to order direct from the suppliers? ---It just always happened, I just dealt with the companies.

40 I understand that, I now want to talk about the process of placing an order? ---Yes.

Did you have the, the authority of the council to place an order direct with the suppliers?---Yes, as far as I know I did, yes.

Did you ever have to deal with the council purchasing officer?---Yes.

In what circumstances did you have to deal with that officer?---I'd rung the purchasing officer for an order number.

Oh, right?---I had a requisition book, I rung him up, he asked for the requisition number and I would get an order number off him.

And was his only - - -?---(not transcribable)

I beg your pardon, I didn't want to talk over you but was his only part in the process was that he would, he would note your requisition and he'd allocate a purchase order number to you?---That's right, yes.

10 But otherwise it was your say so whether you, whether you got chemicals or not?---That's right, yes.

All right. Now, it's fair to say, isn't it, Mr Lewis, that over the years, in particular each of Mr Parker and Mr Blackford have provided you with incentives in relation to, to orders that you've placed with them?---  
Incentives.

Oh, right. Well, is that a word you understand or not?---Nothing before, I never accepted anything before we done business. Does that - - -  
20

What I, what I put to you was that over the years after you'd placed an order with them - - -?---Yes.

- - - Mr Parker or each of Mr Parker and Mr Blackford had from time to time offered you, I used the word incentive, but a reward or a gift after the order was placed?---Yes, yes.

And you understood, didn't you, that the purpose of them offering you that gift or reward was, was to build up a relationship with you, that's so, isn't it?---Yes, it would be.  
30

And you'd, you'd, you'd fully accept, wouldn't you, that the purpose of them giving you those things, which I'll come to in a moment, was, was to be an incentive for you to continue to do business with them, that's so, isn't it?---Yes, it would be, yes.

Yes. Well, pardon me, I'm sorry, Commissioner. You on previous occasion had an interview with Senior Investigator Grainger, the gentleman on the right there - - -?---Yes.  
40

- - - of the Commission. Correct?---Yes, that's correct.

He, he, you remember him and listen carefully please, this is a yes or a no question, do you remember him asking you, "Why do you think a supplier may offer you a gift?" Do you remember that question?---Yes, I think that's - you know, we had to write that.

And what you - do you remember, do you remember you said this to Mr Grainger, "As a thank you for business with them or I can see that some might offer a gift because, you know, an incentive to buy their product." Do you remember giving Mr Grainger that answer?---Yes, I think so, yes.

And you - all right. Now, did you understand that the council policy entitled - I withdraw that. The council policy did not forbid you from receiving mere token presents?---Yes.

10 And you understood that to be things like pens and caps and cup, cup holders?---Oh, I thought, I thought it was up to about a \$50 limit, that's - - -

That was, that was your understanding of it?---Yes.

All right. So you, your understanding of the policy was less than \$50 was okay?---Yes.

THE COMMISSIONER: Where did you get that from?---It's just a number that has always been sort of mentioned.

20

By whom?---Just anybody that, that talks about the policies.

MR CAMPBELL: That was the kind of, that was what people around, around the depots and the workplaces used to say to each other was it? ---Yes.

Because there was no doubt everyone knew there was a policy against receiving gifts was it not?---Yes.

30 And you'd understand why an employer would not want suppliers to be providing its employees with valuable gifts for doing business don't you? ---Yes.

Because it might, it might subvert, do you understand that word?---Yes.

It might subvert the normal commercial process?---Yes.

That's correct isn't it?---Yes.

40 In any event, Commissioner, I'm going to ask in just one moment that Mr Lewis be shown folder 14, before I do that, I'd like to ask to insert behind tab 73 an extra sheet of paper, which is an extra schedule. The purpose is this, Commissioner, at the time we prepared folder 14, we did not have the full compliance with NCH of the section 22 notice. So could I hand up two copies of an extra schedule to go behind tab 73, effectively in place of page 1?

THE COMMISSIONER: Yes. That schedule will be replaced.

MR CAMPBELL: Now I'll hold this up Mr Lewis so there is, there's no doubt about this, I'm showing what's a new page that's got a lot of items on it?---Yes.

So would you just open up that folder behind tab 73 and look at that page, which I am showing you?---Yes.

10 All right. Now I'll just give you a moment to have a quick look at that list of items. Please tell me when you've satisfied yourself that you've looked at them all briefly. Okay. Have you had a chance to look at that Mr Lewis or are you still looking?---I'm almost finished, thank you.

Thank you?---Yes.

All right. Now having had the chance to look at that list do you agree with me that each item on that list is a gift or a benefit provided to you by Mr Blackford for doing business with Chemsearch?---Some I never received.

20 All right. Well which ones do you say you never received?---The duffel bag, the second one.

Yes?---Garden shredder, I didn't receive that. The battery charger I don't know what that is. I got the radio. There was two battery charges there that I don't know anything about.

Well, one of those - - -?---Then there's a Karcher down further, I never received that.

30 But I'll just interrupt you if I may. One of the battery chargers was supposed to have gone to Mr Evans, that's correct isn't it, according to this document?---Yes.

Okay. Now, what was the thing I interrupted you about, the Karcher high pressure - - -?---Karcher, that went to the sewerage treatment plant, if that's the one. Yes, that would've went to the sewerage treatment plant and the other iPods, Apple iPhone, yes, I received those.

40 All right.

THE COMMISSIONER: So what is it that you didn't receive?---I didn't receive a duffel bag promo.

MR CAMPBELL: The shredder you said - - -?---The garden shredder I didn't.

THE COMMISSIONER: Did you receive the drill?---I received a drill.

You received the drill?---Yes.

MR CAMPBELL: Right. And you didn't get the battery chargers you're saying?---No.

And you say you got the Karcher but that you left that at the depot, is that right?---At the sewerage treatment plant, yes.

10 Yes. That's what I meant. That's where you were based, is that correct?  
---Yes.

But Mr Blackford handed it to you I think didn't he when he delivered it?  
---Yes, most probably.

And that you made a decision that you'd leave it at work because it might be handy at work?---Yes.

The other things that you did receive you took home with you?---Yes.

20 And you'd accept wouldn't you that in respect of all of those matters including the Karcher that the value of them as described on that schedule I'm asking you to look at well and truly exceeded what you understood to be the \$50 limit that Council had set?---Yes, it was, yes.

And indeed many of the items were very valuable, were they not?---Yes, they were, yes.

30 Yes. For instance the first entry is some sort of stainless steel coffee machine, is that correct?---Yes, I, I, yes, that's - - -

And it's said to be \$885 in value, do you see that?---Well, I wouldn't say it's worth that, no.

THE COMMISSIONER: Well, it would cost that. I don't know what the value is, the value is probably a lot more?---That was, yes.

MR CAMPBELL: You see, sir, I mean, you might doubt the value of these things but we've got evidence - - -?---No, no.

40 - - - before the Commission of what was paid for these items by Chemsearch?---Yes.

Do you understand?---Yes.

But certainly there would be no haggling about the fact that the Apple iPhones are an expensive item, you'd agree with that wouldn't that?---I would, yes.

Yes. And indeed, so far as that item is concerned you'd agree with me wouldn't you that whatever you did with them you received three of them over a seven month period between 15 March 2010 and 22 October 2010?  
---Yes, that's right, yes.

What did you do with them?---I gave one to my daughter, I gave one to the Salvation Army and I sent the last one back.

10 Well, let me get this straight, okay. Your daughter, of course, you made a gift of that phone to her?---Yes.

The Salvation Army, you had a relative who worked in the shop there, is that correct?---Yes, he's, I never told him about it, I just put it in the parcel of bits and pieces we used to give to them.

Yes. So you treated that as your own property that you felt you could give to charity, is that correct?---Yes. Yes.

20 And I suppose when you say you sent one back is that the last one we're talking about, the one from October?---That's right. Yes.

2010?---Yes.

And well, I suppose, what happened at that stage, did it get to the stage where your conscience was getting the better of you?---Yes, it did, yes. I started my, well, I was starting my new job and I just said to Gary, I can't accept anymore gifts and I sent it back to him.

30 Well, the truth of the matter is though, Mr Lewis, isn't it that you shouldn't have accepted any of these gifts?---That's right, yes.

And with great respect, sir, your conscience was a bit slow in being activated wasn't it?---Yes, it was.

Now, can I ask you to - - -

THE COMMISSIONER: When you sent it back did you hear anything about it after that?---No. No.

40 And you told Mr Blackford you would send it back and you did, is that what happened?---Yes, I sent it back to him.

What did he say when you told him you were sending it back?---He said okay.

Okay?---'Cause I sent it to him, it was the, his was the only address I had.

MR CAMPBELL: Was he still with the company at that time?---He was just about to leave, yes.

All right. Now, just before I ask you some, some more questions, you've still got that, that folder 14 in front of you?---Yes.

Could you turn up tab 74, it'll be, it'll be difficult to follow what this is, Mr Lewis, but I'll explain it to you. Mr, Mr, Mr Jody Parker from Momar - - -?---Yes.

10

- - - used to send you gift vouchers did he not?---Yes.

And did he send them in the post to you?---Yes.

And they, they came to your private address, is that right?---That's right, yeah.

When, up to a certain point in time going back to Mr Blackford he used to deliver the goods for you, didn't he, at one stage?---Yes.

20

THE COMMISSIONER: For you, to you?

MR CAMPBELL: To you, deliver the goods to you, I'm sorry, at one stage. Then, then after a period of time they, they too sent them to your home address, did they not?---Yes.

For instance, those last two of the three iPhones were posted to a post office box, post office box which is your private mailing address?---That's right, yeah.

30

And of course that, that address is subject to a suppression order. Now, apart from - perhaps I'm just going back a bit but Mr - did Mr - apart from giving you pens or cups or caps did Mr Blackford also sometimes give you some other items of more value than the pen or a cup or a cap?---Yes, sometimes he'd come through and - like he'd give me like a jacket with Chemsearch written across the back or, or things like that.

Yeah. And, and did he also give you iPod Shuffles they're called?---No.

40

Are you sure?---That, that was from Momar.

Oh, Momar gave you some of those?---Yeah.

Okay, well, I'll move on to Momar then. Just in the case the Commissioner doesn't know, an iPod Shuffle's a, a mini iPod isn't it?---It's a tiny little square fella, yes.

Yes. And, and you - but they, they were, that's a gift of some value as well is it not?---Well, yes, yeah.

We don't have evidence of - - -?---Around \$50 worth I would have, would have thought.

Probably more don't you think?---Well, well - - -

10 Anyway - - -?---It wouldn't have been. Well, I, I can't say 'cause I never actually bought one.

Yeah. But it's a small MP3 player?---Yes, that's right.

And, and once - how many of those did you received from Mr Parker over the years?---Only one.

Only one?---Yes.

20 Did you not tell somebody at one time that you, you received up to six of those?---That was iPods from Chemsearch.

That was the iPods?---Yes.

And with, with, that, that was a, that was a fully blown iPod not a Shuffle, is that correct?---That's right, yeah.

So in addition to the things we've got on the, on the list Mr Blackford on different occasions gave you as many as six of those iPods?---Yes, yes.

30 Well, they're certainly a valuable gift, are they not?---Yes.

So what did you do with six iPods?---I gave one to my daughter, one to my wife and the rest went to the Salvation Army as well over the time.

All right. Well, let's just go back to Mr Jody Parker and, and 74, tab 74. Now, the situation with Mr Parker was that, that from - that when you place an order he would send in the post to your private mailing address gift vouchers to spend at Coles Myer, that's correct, isn't it?---Yes.

40 Yeah. And how - - -?---Sorry, it was Kmart as well, it was the Kmart part I think.

It includes Kmart, it includes Kmart?---Right, yeah.

Apparently and we've heard evidence it includes 14 different shops but the - - -?---Well, I didn't know.

Where did you spend yours?---I, one, I gave one to my wife, the second one to me daughter and then I didn't realise I had a third one.

THE COMMISSIONER: I beg your pardon?---I, I knew I received two but I must have forgot about the third one, apparently I had three.

MR CAMPBELL: Well, I think, I think you've received them on three occasions rather than having three is, is the answer. If you look at these, if you look at these schedules, if you look at page - they're a bit back to front, if you look at page 3 first, do you see, page 3 behind - - -?---Yeah.

Now each of those dates represents a time when you received these vouchers. You see that first entry for 27 February, 2008?---Yep.

That means you received more than one voucher on the one day?---Oh, righto.

THE COMMISSIONER: Well what does it, what does set 2, set 3, set 4 mean?

MR CAMPBELL: It doesn't mean anything in particular, Commissioner.

THE COMMISSIONER: And do we know how many were sent on the day or was it just one?

MR CAMPBELL: I'm just -- we do know, I'm just checking with Mr Grainger. Two vouchers, each date entry is one voucher, Commissioner.

THE COMMISSIONER: I see.

MR CAMPBELL: So, so what we're saying sir, is that on 27 February or thereabouts of 2008, that you received two of these vouchers from Mr Parker?---Right.

And how much were they for?---It would have been \$50.

It would have been. Is that what you remember?---Yes.

Right. So you received, we're saying that you received \$100 on that day?--- Well, yes.

Would you accept that?---Yes.

And that on the other two days, 15 April - - -

THE COMMISSIONER: No, it's just one day isn't it? Just one on that day, I beg your pardon.

MR CAMPBELL: Yes, on 15 April you received one voucher?---Yes.

That's of 2010 and on 25 August, 2010 you received another voucher, a single voucher.

THE COMMISSIONER: And that's on page - - -

MR CAMPBELL: That's on page 2.

10 THE COMMISSIONER: - - - that's on the other, that's on page 2.

MR CAMPBELL: Yes, Commissioner?---Yes.

Do you accept that?---Yes.

THE COMMISSIONER: So that's four vouchers.

MR CAMPBELL: Four vouchers?---Yeah.

20 THE COMMISSIONER: In whole.

MR CAMPBELL: You'd accept from me wouldn't you Mr Lewis, that receiving those vouchers that you could spend at Kmart or your wife could spend at Kmart for that matter was just the same as receiving cash wasn't it?---No, because well I can use it at Kmart, you know, you couldn't get cash for it.

There's plenty you can buy at Kmart though isn't there?---Yes.

30 Plenty of things that you might want you could at Kmart into the bargain. That's so isn't it?---Yes.

And when you went in there it was just like having a \$50 note in your pocket wasn't it, so far as Kmart were concerned?---Well, yeah, most probably.

Not most probably, most certainly?---Yeah.

40 That's right isn't it?---I just thought, you know, like they're a store card and you can't use them anywhere else.

Well you already accepted it was wrong of you to receive these gifts have you not?---Yes.

Whatever, whatever you thought the policy was, certainly receiving \$100 in the one day was contrary to the policy?---Yes.

And you know, you'd accept from me wouldn't you that if Mr Parker had walked into your workplace and said to you, Mr Lewis, thank you for your last offer, here's \$50, that would be wrong would it not?---Yes, yeah.

And this is equally wrong is it not?---Yes.

All right. Why did you do it?---I don't know. It's just, I just did it. I'm sorry, I just did it.

10 How, how do you feel about it now?---I'm (not transcribable)

THE COMMISSIONER: Did you do it for financial gain?---No.

But that's what you got, you gained some financial reward from - - -?  
---Well I didn't realise that, no. I'm sorry, but I, I just thought they were gifts.

MR CAMPBELL: Well you see a gift, a gift of an \$800 iPhone, it's more than \$800, \$885 that you gave to your daughter is saving you \$885 isn't it?--  
20 -Yes, yes.

A gift, a gift of two \$50 vouchers which you might give to your wife for the shopping is saving you \$100 isn't it?---Yes, yes it is, yes.

THE COMMISSIONER: Mr Lewis, as I understand you, you just didn't think about it did you?---No.

You were offered these vouchers and you thought - - -?---Well they'd just turn up in the mail, like I never asked for them or, or he never said he was  
30 sending gift vouchers at all, they'd just turn up in the mail.

And you thought oh this is a nice thing and I'll, I need it some way?---Yeah. Yep.

MR CAMPBELL: But you knew who they were from when they came Mr Lewis didn't you?---Yes, I did, yeah, and said thanks very much.

Sometimes you don't have to say anything do you?---No.

40 Sometimes actions speak louder than words don't they?---(NO AUDIBLE REPLY)

Actions speak louder than words, have you heard that proverb?---Yeah, I've heard that.

And that's what – yes well a gift voucher in the post from Mr Parker has an obviously meaning doesn't it?---Yes.

Now you must have mentioned it to each other from time to time?---No, he never mentioned after, it's never been mentioned no.

THE COMMISSIONER: But you, did you connect the gift vouchers with the orders?---No. I don't actually off him, I don't order, you know monthly, I just, you know like when I need something off him and when he comes past - - -

10 Are you saying you didn't realise that the gift vouchers were thank you for the orders you placed?---Well I suppose I must have done, it had to be.

MR CAMPBELL: What else would they have been as you say yourself? And next time you had a – I withdraw. Do I understand you to say that you mostly dealt with Mr Blackford for your chemical needs?---Yes.

And only occasionally dealt with Mr Parker?---Yes.

20 Mr Parker had some products that you chose to use, is that correct?---Yes. That's right.

But I suppose you'd be less than human if next time you needed a product similar to the one you'd previously bought from Mr Parker, if you didn't place the order with Mr Parker given that he was such a good bloke given you a gift voucher, would that be fair?---Can you just say that again?

Yes, I'll put it a much more simple way. You'd feel grateful to him for giving you the gift voucher wouldn't you?---Yes.

30 You'd think he's a good bloke wouldn't you?---Yes.

And so next time you needed something that you knew he dealt in that you were happy to buy you'd go to him rather than to somebody else, that's right isn't it?---Yes, most probably, yes.

Now, has this – and similarly with Mr Blackford, you mean, him giving you all those valuable gifts you must've thought he was a pretty good fellow? ---Yes, I liked Gary, yes, we got on well.

40 Yes. And - - -

THE COMMISSIONER: One of the reasons that you liked him was that he supplied you with all these gifts?---No. No, we had a lot, you know like, he'd come along and we'd have a conversation for probably an hour or more before we sort of - - -

Well, I accept that, Mr Lewis, but the fact that he gave you gifts cemented the relationship didn't it?---Yes.

MR CAMPBELL: And once again, I mean, Chemsearch products you may have been happy with but you didn't feel the need to shop around to see if there was a better product at a better price because Mr Blackford was such a good bloke you'd give him your business?---No.

No, I'm wrong with it am I?---Yes, with the last, the largest orders I bought was the chemicals, we tried several other cheaper brands and it just didn't work, it wasn't as good as the one we were getting off him.

10 So you thought Chemsearch was a good product?---Yes.

Yes. You see, let me put it to you this way. Let's just talk about the three iPhones, okay?---Yes.

Because the maths is pretty straightforward with them. They're \$885 each according to the evidence we've got?---Yes.

So that's over two and a half thousand dollars isn't it?---Yes.

20 THE COMMISSIONER: Or three.

MR CAMPBELL: Or three, it's nearly - - -

THE COMMISSIONER: Nearly six.

MR CAMPBELL: Indeed though it's getting on for \$3,000, is it not?---Yes.

And the simple fact of the matter is that the Orange City Council could use that three grand for a lot of things couldn't they?---Yes.

30

THE COMMISSIONER: But you got six so it's really \$6,000 close to? ---No, only got three.

MR CAMPBELL: There's six iPods, your Honour, not iPhones.

THE COMMISSIONER: Sorry, yes, that's true.

MR CAMPBELL: Yes. But by the time you add back, I mean, six - - -?  
---That's, that's what, with the chemicals I was buying in 25 litre containers  
40 and I asked Gary, you know, is there any bigger container I can buy these in because, and he said I can buy them in a 205 litre and that could save me 10 per cent on the price of the chemicals.

Well, you did well there but - - -?---(not transcribable).

- - - you'd have to add back - - -?---Yes.

- - - all the money that was being spent to give you these expensive gifts before you got the real cost of a product for the Council wouldn't you? Do you understand me?---No.

Well, you say you got a 10 per cent discount for buying in bulk, right? Well, how much did that, what did you get for that, what did that cost you? ---I'm not sure.

10 To get the real price you'd have to add on the nearly three grand for iPhones and however many grand for six iPods wouldn't you?---Not, that was, there was only the iPhone in the last 12 months, the others were over the periods of years before that.

It doesn't matter how many years, that's money that would've been better off - - -?---Yes.

- - - being rebated to the Council than spent on a gift for one of its employees don't you think?---Yes.

20 And as I was asking you, you know that the Council could've spent that money - - -?---Yes.

- - - in lots of different meaningful ways?---Yes.

Okay. Now, this has come up at work – I'll withdraw that. You had the interview with the officers from the Commission?---Yes.

30 So has anyone at work spoken to you about this matter?---I've, I went and seen Chris Devitt the Director straight after I had an interview and he said, we'll wait and see what the process goes through before anything happens.

So you're still, your fate is still in abeyance as far as the Council is concerned, is that correct?---Yes, that's correct, yes.

All right. And that the council's not going to - has he told you that the council won't make a decision until ICAC finishes its inquiry?---That's right, yes.

40 And until the ICAC report is published, is that right?---Yes.

Well, apart from saying they're going to wait, did anyone express any displeasure with you for having - - -?---Yes, they, he - yes, he did and so did my manager and I, I've accepted it. I'm sorry, I just, I did it.

You, you were a long-time employee and when you started they didn't have Codes of Conduct or policies like this but you've undergone some training about it recently so far as the evidence I'll be taking the Commissioner to in due course demonstrates. Now, what else do you think your employer could

have done to protect you from yourself?---Changed the way purchasing's done I could imagine, that'd be the - - -

Has that happened?---Not yet, no, but the way I do it it has. I've put everything, as much as I can through the purchasing officer, I don't do it as much as I used to do.

10 Do you still the salesmen when they come in?---No, I try to avoid them 'cause I've, I'm just one of those people that I just can't say no to them, the salesmen, so I stay away from them.

They're pretty persuasive are they?---They are, yes, they - some of them can be very pushy.

I have nothing further, Commissioner.

THE COMMISSIONER: Yes, thank you, Mr Campbell. Mr Clay.

20 MR CLAY: May it please the Commissioner.

Mr Lewis, I appear for your employer, the council?---Yeah.

I just wanted to ask you just to clarify about the, the value of \$50 you spoke a little before about, can I just check my understanding is correct, that you understood the council policy was that anything other than a nominal gift had to either be refused or if it was impossible to refuse it disclose it in the gifts register, is that right?---Nominal meaning \$50 or - - -

30 Well, let me just start with that. You understood the policy used the word nominal?---Yeah.

And was your interpretation that nominal was in order of \$50?

THE COMMISSIONER: Or less.

MR CLAY: Or less?---Yes.

40 And that was chat at the workplace floor if I could put it that way - - -?  
---Yes.

- - - when you spoke about it to others, is that right?---As far as I can remember, yes.

The amount of \$50 had never been suggested to you by any of the senior administrative officials at the council?---No, not that I can think of, no.

All right. Thank you. And just the last couple of questions from Mr Campbell, you said something else the council could have done was change the way purchasing was done?---Mmm.

What did you mean by that?---Oh, just take it off individual people and move it back to a central sort of purchasing officer and let them do all the negotiations with, with salesmen and stuff like that.

10 They wouldn't have the knowledge that you have about the type of products or chemicals or the like that would be needed in, in your area for example would they?---No. Well, there must be some other way to do it, you know or have two people in a room or, I don't know. It's just something needs to happen so I don't have to get caught again.

Or the salesmen be less pushy?---Yes. I'm sorry, I - - -

Well, would it have assisted you if - I apologise, the vendor or the seller had always put whatever the gift was on the invoice for the goods?---Yes.

20 Because that would have then gone to someone else in the - - -?---Yes.

- - - in the food chain as it were?---Yes.

Yes, thank you?---Or not offer gifts at all, that was the only other thing.

THE COMMISSIONER: Thank you, Mr Clay. Mr Naylor, do you have any questions?

30 MR NAYLOR: No, thank you.

THE COMMISSIONER: Mr Campbell, any - - -

MR CAMPBELL: No re-examination.

THE COMMISSIONER: - - - re-examination, no. Thank you for your evidence, Mr Lewis. You're excused, you may leave the witness box? ---Can I take the glass of water if that's all right.

40 Yes, certainly?---Thank you.

**THE WITNESS EXCUSED**

**[3.04pm]**

MR CAMPBELL: I call Peter Evans. I believe that Mr Evans is also unrepresented, Commissioner.

THE COMMISSIONER: Yes.

MR CAMPBELL: Come forward, Mr Evans.

MR EVANS: Thank you.

THE COMMISSIONER: Mr Evans, you've been in the hearing room this afternoon?

MR EVANS: Yes.

10 THE COMMISSIONER: You heard me explain to Mr Lewis about the protection that can be afforded witnesses?

MR EVANS: Yes.

THE COMMISSIONER: Would you like me to make the same order for your protection?

MR EVANS: Yes.

20 THE COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Mr Evans 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 **PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY MR EVANS 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 THE COMMISSIONER: Mr Evans, as you've heard me say to others you're obliged to answer all questions asked of you and it is a serious criminal offence either to refuse to answer or to give false answers and I'm sure you understand that?

MR EVANS: Yes.

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

MR EVANS: No, I'll swear on the bible.

THE COMMISSIONER: All right.

THE COMMISSIONER: Mr Campbell.

MR CAMPBELL: Thank you, Commissioner. Mr Evans, are you Peter Evans?--- Yes.

10 And are you employed by the Orange City Council?---(NO AUDIBLE  
REPLY)

You have to say yes or no?---Yes, yes.

Thank you. And have you been employed by the council since 6 October, 1987?---Yes.

Are you currently employed as a building overseer?---Yes.

20 I think that you've got trade qualifications as a, as a carpenter and joiner, is  
that correct?---Yes.

And you've been involved in, in building type positions with the council since the time you started with them, is that right?---Yes.

All right. Now, you - I beg your pardon, Commissioner, you are - at the time you started with the council back in 1987 did they have a, any induction policy that you went through?---No.

30 No. Things have changed a bit over the years since you've been there I  
think you would agree?---Yes, I started in '87 and had my first induction in  
2009.

Well, I want to suggest to you that your recollection about that is a bit incorrect and that you've undergone various types of training with the council going back all the way till, till 18 November, 1998?---Well - - -

Sorry?---Sorry, sir.

40 No, that's all right. That's my question, you've had lots of different training  
courses?---I've had, I've, I've attended lots of different training courses, I  
can't remember training courses I would have done in 1998 but my first  
induction was 2009.

All right. Can I, can I suggest this to you, that on 20 March, 2008 you underwent a, a training course with the title "Dealing Effectively With Unacceptable Employee Behaviour." Remember that one?---That is correct.

And one of the things that you dealt with in that course back on 20 March, 2008 was the council's policy in relation to the receipt of gifts and benefits?  
---Yes.

That's correct, isn't it?---Yes, it is correct.

10 And - I withdraw that. Even before you did that course you knew that the council had a policy against employees receiving gifts or benefits of any value, that's so, isn't it?---Yes, sir. The policy stated token gifts and gifts to the value or to less than \$50.

Well, are you suggesting that that, that was contained in writing somewhere?---That was contained - I have that here, sir. I have the policy here, it's contained in writing.

Well, would you produce that so I may inspect it?---You - I may, yes. It's highlighted on page 2 of the Gifts, Bribes and Benefits Policy.

20 May I have access to it, Commissioner?

THE COMMISSIONER: Yes, certainly.

MR CAMPBELL: Firstly, where, where did you get this from?---Sir, that - I've kept a folder on gifts, bribes and benefits and other council policies since, I don't know, 2008 or '07, somewhere around about then, probably 2007, sir, I did that folder and that came out of the folder.

30 Why would a person employed as the building overseer have this special interest in evolving policy in relation to gifts and benefits?---No, sir, it was a folder of all policies including different procedures, it's just, it's just a folder to help me do my job as a supervisor.

I misunderstood what you've said?---Yes.

Forgive me?---Sorry, sir, yeah.

40 That's all right. But - all right. This document says - it was originally issued in September 2005 and the copy you've produced, the last date of it is, is January 2008, is that - - -?---That would have been - - -

That's right?--- - - - roughly when I did the folder, about 2008 or 2007, around about that time, sir.

So my first question about this is, is that regardless of any induction or training you've received, you've always known what council's policy is. Correct?---Yes.

You've always known that council's, at least according to this document, which I'll tender in a moment preferred position that gifts and benefits not be offered to employees. That's correct isn't it?---Yes.

That it's your job to actively discourage them. Is that correct?---Yes.

That people doing business with council should understand that they do not need to give gifts or benefits?---That is correct, yes.

10 And the – you understand that according to this policy that one of the guidelines there is that it's according to the council, it's bribery to offer or receive a gift for the purpose of influencing how you do your job?---Sir, I've never received a gift that's influenced me how I do my job.

I'll ask you about that in a moment. But that's, but you have received gifts have you not?---I've received the \$50 gift vouchers, yes.

20 Let me just – I'm going to ask you about that in just one second. The policy goes on to say doesn't it that gifts below nominal value can be accepted - - - ?---Yes.

- - - without disclosing details to a supervisor or the mayor in the case of councillors?---To the mayor in the case of councillors, to the supervisor in the case of employees, yes.

That's right. You've had a careful look at this document haven't you, sir? ---Well I've come prepared, so, yes.

30 Yes, obviously.

THE COMMISSIONER: I don't blame you?---No.

40 MR CAMPBELL: And you understand that it says nominal value refers to goods and or services valued at less than \$50, less than \$50?---That's correct, sir, but I have asked that person at different training over the years and I asked is it more than \$50 or less than \$50 and I get sort of different answers from whoever you ask that question. Whether you ask that question to a trainer or whether you ask that question to senior staff, it sounds to me like the \$50 is not of in limbo. The policy does state less than \$50.

And you accept don't you that – well I'll withdraw that. Well that's clear in black and white in the worlds plainest English is it not?---Yes, it is. Yes, it is.

So \$50 shouldn't be accepted. Less than \$50 is nominal?---49.99 is correct, yes.

But you know, there's no doubt in your mind, sir, because you've been careful to ascertain where the cut off mark is. That's right isn't it?---Yes.

The \$50 is as it might be put in other courses of discussion, the line in the sand isn't it?---Yes, since, yeah, I've made myself very aware of that over the last few months, yes.

Over the last few months?---Yes.

10 Not over the last few years?---No.

You've made yourself very aware of it, very much aware of it over the last few months because you had reason to?---That's right, sir, yes.

Because you've had to answer questions from ICAC. Is that correct?---I've also had to, you know, sort of - - -

20 THE COMMISSIONER: Try and defend yourself?---Well not try and defend myself but to come to reason with my conscience, sir.

Right?---Yes, would be a better way of putting it.

MR CAMPBELL: Well okay, well I'm going to ask you about your conscience in a moment - - -?---Yes.

30 - - - because we've got to be fair to you as with everybody else. But you understand as well don't you because you've made this close study of this documentation that employees who receive more than two nominal gifts from one source must disclose that fact in the gifts and benefits register?  
---Sir, I have asked but - - -

No, no, no?---Yes, but I have asked that question.

Well let me ask you a question.

THE COMMISSIONER: No, no, let him answer that Mr Campbell?

40 MR CAMPBELL: May it please the Commissioner?---Sir, I have asked that question, I always thought it was when you receive - - -

THE COMMISSIONER: And what were you told when you asked the question?---It depends who you ask, Commissioner, it depends whether it comes from people, which people you're asking I suppose. But my understanding of that sir, of that policy, is that if you are given two say \$50 gift vouchers at one time, then it is to be declared on that gift register. If you are to them or receive gifts apart, say a year apart or whatever, then that is not, so if someone comes into the office and gives you two ballpoint pens, you don't have to fill that gift register disclosure out.

MR CAMPBELL: Mr Evans, if you got one \$50 gift, it's not nominal according to this is it?---No.

No. And if you got two \$25 gifts from the one source, it says - - -

THE COMMISSIONER: On the same day?---Yeah.

MR CAMPBELL: - - - you have to disclose those don't you?---Yes.

10

But if you look at it from what it says, the black and white, with some yellow highlight that you've put on it, it doesn't say anything about the same day, it just says if you get two gifts from the one source you declare them?---That's what I said, but I have queried that and asked that of different training I've attended.

Well when did you, when did you first query that?---2008 I think, at that training, I can't, look I'd only be guessing, but I have asked the question, but I'd only be guessing if it was at that point in time, sir.

20

THE COMMISSIONER: Mr Campbell, I think we should have, we should photocopy that document.

MR CAMPBELL: Yes, thank you, Commissioner.

THE COMMISSIONER: Whenever it's convenient to you.

MR CAMPBELL: I've finished it with it, Commissioner. My learned friend Mr Clay is champing at the bit to have a look at it.

30

THE COMMISSIONER: Yes, and we will give it to him once it's photocopied. I'm sure that he can control his impatience for five minutes.

MR CAMPBELL: Yes, thank you, Commissioner. Do you know what I mean if I say I'm ex post facto justification, sir?---No, sir I do not.

Okay. Fair enough. This you see, you probably had good reason to ask those questions in March 2008 because for some months before then you'd been receiving these vouchers from Momar hadn't you?---Yes, sir.

40

And just so we can be crystal clear about it, you never once declared them anywhere have you?---No, sir.

No, no. And on anyone's understanding of it, Mr Evans, including your own, that was a breach of the bills wasn't it?---I didn't think it was, like I don't think it is, no.

I see. Sir, do you propose to defend the indefensible?

THE COMMISSIONER: No, I won't allow that?

THE WITNESS: Sir, I'm not a lawyer, sir, I can't answer that.

THE COMMISSIONER: It's all right don't answer.

MR CAMPBELL: All right. Well this, these things you got Mr Parker so far as you know organised for you to receive these gift vouchers. Is that correct?---That is correct.

THE COMMISSIONER: Let's look at the gift vouchers with all the details on it.

MR CAMPBELL: Yes, Commissioner, it's at folder 14. It's tab 77. And were these typically \$50 gift vouchers, sir?---As far as I am aware they were, yes.

One of them was enough to make it incumbent upon you refuse the receipt of it wasn't it?---Sir, where we at? Tab 77?

THE COMMISSIONER: Page 50 I think.

MR CAMPBELL: Page 50. Mr Evans, you there, are you there?---No, I'm (not transcribable) 77, page 50.

Tab 77, the tabs are green.

THE COMMISSIONER: It's the first page in the tab.

MR CAMPBELL: Do you have it in front of you?---I have one here saying Gary Blackford.

THE COMMISSIONER: No, no, you're at the wrong place.

MR CAMPBELL: No, no?---The wrong place

All right. You've got, it looks like just a line of dates. Do you see that? It says customer Orange City Council?---Yes.

That's your employer?---Yes.

And the name is Peter Evans?---Yes.

Then there's a rep number it's 119. Do you see that?---Yes.

That's not you I don't think?---No, no.

I think that's Mr Parker. And there's a series of dates which go over the page to page 51 in a straight line. Do you see that?---Yes.

THE COMMISSIONER: Well do you see the dates Mr Evans?---Yes, I do, yes.

MR CAMPBELL: All right. Let me just go back to the question I was asking you when you were still finding your place.

10 THE COMMISSIONER: As I understand it each date that you see there is a date on which you were given one \$50 voucher. Is that right, Mr Campbell?

MR CAMPBELL: Yes, it is Commissioner.

THE COMMISSIONER: Do you understand that, Mr Evans?---Yes, I do, yes.

That's according, that's according, is that - - -

20 MR CAMPBELL: It's Momar, Commissioner.

THE COMMISSIONER: Momar.

MR CAMPBELL: Yes. Okay. Yes.

THE COMMISSIONER: By Momar. These are Momar's records?---Yes.

MR CAMPBELL: Yes, yes, the extrapolation that we prepared from the books that are in evidence that Momar kept, Commissioner.

30 THE COMMISSIONER: Yes.

MR CAMPBELL: In a spreadsheet format of course.

THE COMMISSIONER: Do you understand that, Mr Evans?---Yes.

MR CAMPBELL: This is another summary of the primary document kept by Momar. Do you understand that, Mr Evans?---Yes.

40 Now, and following on from what the Commissioner told you do you see how, like the first date is 16 June 2007.

THE COMMISSIONER: 6<sup>th</sup>.

MR CAMPBELL: 6 June 2007. Thank you, Commissioner?---Yes.

We say you received a \$50 voucher on that day, one \$50 voucher, right? ---Okay, yes.

Just so you understand how it works?---Right, yes.

The next date is two entries having the same date 11 September 2007, do you see that?---Yes.

We say that the records prove that you had two \$50 vouchers on that date, right?---Yes.

10 So we (not transcribable) that one \$50 voucher gets one entry. If you received more than one on the same day we repeat the entry. Do you understand?---Yes, my word, yes.

Right. Okay. That's good. Now, let me ask you the question which I've been wishing to ask you for a little while and that is this, that the receipt of one \$50 voucher on 6 June 2007 in accordance with your understanding of the policy should've been refused, correct?---At that time I didn't but I do now, yes.

20 THE COMMISSIONER: So why didn't you (not transcribable) that at that time?---Because I, I thought it was \$50 and less.

Why did you think that?---Because I thought that's what the policy said. It wasn't until I put the policy together in 2008 that I realised that was a mistake.

MR CAMPBELL: Well, Mr Evans, surely that plea of mistake is not sincerely held by you because you continued to accept \$50 vouchers well after 2008 and continued to fail to declare them did you not?---I did that, sir,  
30 yes.

You didn't suddenly go on 20 March 2008, oh my gosh, I shouldn't have been doing this, did you?---No, sir, no.

No.

THE COMMISSIONER: Well, I mean, the fact is that on 11 September you accepted two gift vouchers of \$50 each amounting to \$100?---Sir, I was not aware of that.  
40

What do you mean you weren't aware of it?---I've -- these gift vouchers are sent to my post office box. On receipt of them being at my post office box my wife used to pick them up and sign for them and the post office records would show that and I probably didn't take time to -- I never opened my mail and I was not aware that I had received two, two - - -

Who opens your mail?---My wife opens my mail.

She must've told you?---Sir, no. I sort of don't put much emphasis on it.

How much was your salary, monthly salary at that time, Mr Evans?---In 2006?

Seven?---2007 I couldn't tell you exactly but - - -

Approximate?---Monthly would've been around about 70,000, 65 or 70,000.

10 You mean annually?---Annually, yes. So monthly - - -

Between five and \$6,000 a month?---I would say more like five, yes.

I beg your pardon?---I would say more like five.

More like five?---Yes. I couldn't tell you exactly, sir.

So this represents five per cent of your salary doesn't it? Are my maths wrong? Whatever it is - - -?---Yes, monthly, yes.

20

- - - \$100 is not something to be sneezed at is it?---No, sir, no.

And wouldn't your wife have been pleased to see that this has been sent to you?---I don't know if she would be seen to be pleased but we would've, she signed for them, we would've, like anyone, sir, been happy to receive that \$100.

Yes. Did she do the shopping?---Yes.

30 MR CAMPBELL: Still married to your wife?---Yes, I love my wife.

Good?---Have for 40 years.

I suppose she would be pleased to come along and tell us her part in stealing your vouchers would she?---I don't think I would regard that as stealing vouchers, sir.

Wouldn't you?---What, what, what is mine is hers.

40 Very good. I understand that. That might be a necessary position for any married man to adopt but she could come along and tell us what she did with these vouchers if we required it?---I - - -

Is that correct?---I would not advise her to do so, no.

You wouldn't advise her to do so?---No.

I see.

THE COMMISSIONER: (not transcribable) - - -?---Only because, sir, it's, you know, I don't think she would handle it too well.

MR CAMPBELL: You'd prefer her not to come along and tell the Commissioner about these matters, is that what you're telling us?---She could tell the Commissioner but I'm just saying, sir, I don't think I would advise her that way. I think she would be upset to do that.

10 THE COMMISSIONER: Yes. No, I understand that, Mr Evans. The point is that you're saying that she took the two vouchers and she went shopping with them, is that what you're saying?---I'm not saying she would've done that straightaway but I'm saying she would've brought them home and - - -

What's difficult, what I find difficult to accept at the moment is that she wouldn't have told you that she had - you'd received \$100?---That's - she probably wouldn't have told me.

20 She probably would not have told you?---Not every occasion. I was quite aware that we were getting \$50 gift vouchers but I was not aware that we had received two gift vouchers at once.

But isn't that such a remarkable thing in the context of your monthly salary and your budget that she would've told you that because it was something that she would've learned for pleasure?---No.

Yes, Mr Campbell.

30 MR CAMPBELL: Thank you, Commissioner. Mr Evans?---Yes.

Until you got a request from ICAC - - -?---Yes.

- - - to provide information - - -?---Yes.

- - - you didn't tell anybody at work about this did you?---No, sir, no.

I suppose that Mr Parker must've got your post office box number from you?---Yes.

40 And he must've asked you for that?---Yes.

Would that be fair?---Yes.

And he must've told you why he wanted it, would that be right?---That would be right, yes.

Yes. Because he wanted to send you gift vouchers as and when he thought appropriate?---Sir, I - - -

No, answer my question. He wanted to send you gift vouchers as and when he thought appropriate, that's correct isn't it?---Yes.

Yes, yes. And the only reason why he would want your private postal address for that purpose is so that you and he could keep that your little secret, that's correct isn't it?---Yes.

10 Yes. Sorry, Commissioner. And the reason why it had to be your little secret was because you both knew it was wrong to do this, that's correct isn't it?---Yes. Since 2008, yes.

THE COMMISSIONER: No, no, since the time, Mr Evans. I mean, really, you were doing this from 2007 and it's been secret from 2007 and you didn't suddenly think of this in 2008, you must've thought of it in 2007? ---Commissioner, the, the reason I thought of it in 2008 was because I read the policy and that is, but in 2006 - - -

20 Seven?---2007 I was under the believing that \$50 was okay but I will say that, in saying that I always had a feeling in the back of my head that it was dodgy and - - -

It was dodgy?---It was dodgy, yes. But I don't believe that's where Mr Parker got my address, I don't believe it was ever said I'm going to send you a gift voucher, give me your address, I'm - - -

That's what you acknowledged to Mr - - -

30 MR CAMPBELL: Yes.

THE WITNESS: Yes, but that's, I tried to answer that at the time when he said that but he, he wanted to finish his line of questioning and I, and I, at the end I answered yes because his line of questioning pointed towards that but - - -

THE COMMISSIONER: What do you say now? Why did you, how did it come about that - well, firstly, did you give Mr Parker your home address? ---Yes.

40 And how did that come about?---Sir, I, I don't know but it didn't - sir, honestly, sir, I swear on the Bible to tell the truth, the whole truth and nothing but the truth and, and that's what I'm trying to do. Sir, I don't know how he got my address, I can't remember the details so I don't want to, you know, tell a lie here or, or presume anything, I just don't know how he got my address and I can't remember when it was with the first gift voucher, I cannot recall that ever happening.

Is there any way that he could've got your address other than you giving it to him?---Sir, I definitely gave him my address. I can remember giving him my address, I can't remember the details for giving him my address.

Why did you give him your address?---I think he asked for it.

And why did he ask for it?---That, that's the part I can't recall.

Well, I mean there is an obvious inference, Mr Evans?---Mmm, mmm.

10

I mean there's an inference open to the Commission to draw, he asked for the inference so that he could send you the gift vouchers to your home. Unless you can suggest another reason, that's quite a compelling inference? ---I accept that, yes.

Can you suggest another reason?---No.

No. All right. Mr Campbell?

20 MR CAMPBELL: Just to make things entirely clear, Mr Evans?---Yes.

The address he sends these to, going by what you've told us earlier about what your wife does with the mail, is not your residence but it's your post office box number. That's correct, isn't it?---That's correct, yes.

Yeah. And the only reason why he would want that post office box number is to post you something. That's correct, isn't it?---Yes, that is correct, yes.

30 And the only thing he's ever posted you is these gift vouchers. That's correct, isn't it?---That is correct, yes.

Mmm. So you say that you can't remember this now but if you reach back into your mind, he discussed with you that he was going to send you something that you might want in the post or something like that?---Yes, yes.

And the something when it turned up the first time was a gift voucher. That's correct, isn't it?---That is correct, yes.

40 And apart from receiving the gift vouchers you must have had some conversation with him about them. Would that be correct as well? ---That, that would be correct, yes.

Yeah. And the conversation must have been along the lines of, good oh, Mr Parker, I've received this gift voucher. Is that correct?---I can't recall but I'd say that would have happened, yes.

It would be the tenor of it, wouldn't it?---(NO AUDIBLE REPLY)

And did he say to you, well, that's okay, Mr Evans, you know, keep doing business there might be more of those. Would that be correct?---No, sir, that it not correct.

THE COMMISSIONER: Well, what did he say to you about these gift vouchers?---Sir, why, why the gift vouchers were explained to me at the time was it was- - -

10 By Mr Parker?---By Mr Parker. It was in recognition and appreciation of using him and, and the products that he sells. That's how it was always sold, sir.

Yes.

MR CAMPBELL: And one of the reasons why you'd reward somebody is so they would feel appreciated. That's so, isn't it?---Yes, that is so, yes.

20 And if you feel appreciated and you have a need for a similar product, well, you might go back to the same supplier who was so appreciative of you. That's correct too, isn't it?---No, that is not correct, sir.

Well, that's what happened though, isn't it?---No. There was other companies I used to buy materials off other than Mr Parker.

Yeah. But you used Mr Parker for the products that he could supply you that you were happy with. That's correct, isn't it?---The products were a proven product and they're a good product, yes.

30 THE COMMISSIONER: Did Mr Parker explain to you that the more you ordered the more gift vouchers you'd get?---No. I still to this day don't really know how the gift vouchers work. They would come some times and not other times.

But when you look and see on the dates that you received two gift vouchers on the same day- -?---Yes.

40 - - -don't you connect that with the orders, didn't you connect that with the orders you'd placed?---No, I never have, sir.

All right. You never thought, well, he's sent me two gift vouchers and that's odd, I wonder why and then you looked at the invoices and you looked at your orders and you thought, well, I placed very large invoices just before this, this must be the, this must be two gift vouchers because of the large orders?---I, I never put that together, sir, no.

You're an intelligent man, and I mean that sincerely, I can see that, Mr Evans. It's hard for me to think that you weren't curious about the basis on

which you were getting these gift vouchers. Weren't you curious about that?---No.

Can you explain that, why you weren't curious?---I just think that's my nature, I sort of, I don't know, I just don't sort of worry about things like that, I don't sort of hold them in great- - -

You didn't think it was important?---Yes.

10 MR CAMPBELL: Didn't concern yourself of whether or not you were doing the right thing. Is that correct?---Sir, the, the, the gift vouchers never influenced me on how I bought the products. They were never offered- - -

THE COMMISSIONER: That wasn't, that wasn't the question.

THE WITNESS: Could you ask the question again, sorry?

MR CAMPBELL: You didn't concern yourself about whether or not you were doing the right thing by keeping those gift vouchers and not declaring them?---Yes and no.  
20

THE COMMISSIONER: Well, can you explain that answer, please?  
---Sir, it's not like I did anything deliberately, whether I declared them or not, it wasn't that I did anything deliberately, it's just that I probably didn't take the time to consider it.

MR CAMPBELL: That was my question. You didn't even stop to consider whether you were doing the right thing or not. That's right, isn't it?---That, that is correct, yes.  
30

If he was happy to send them, you were happy to spend them. That's right, isn't it?---Yes.

Now, apart from, could I just take you back. You've got, you've got 70, you've got folder 14 still in front of you, sir. But before I leave, leave that tab, I'm sorry, you're prepared to accept, aren't you, that the summary that the Commission has made- - -?---Ah hmm.

- - -of, of the, of, of the gift vouchers sent to you is an accurate one?  
40 ---Sir, I don't recall, after talking to my wife, that I received any gift vouchers on 29/9/2001, which is the last, 2010, sorry, which is the last entry here.

You haven't received any since then. Is that what you're saying?---I'm saying that I don't recall, my wife doesn't recall receiving that one.

THE COMMISSIONER: Which one, the 29 September?---29/9/2010.

Page 51?---And 19/12/2008, there's two vouchers there on 19/12/2008. I was on leave during that time and I can't see how I would have placed an order on 19/12 to receive- - -

No, that doesn't mean that you placed the order on that date.

MR CAMPBELL: It means, it means, it means it was sent on that date, the voucher was sent on that date, so it might have been seen as a Christmas present from the supplier?---Right. Okay.

10

Does that not occur to you?---Oh, it hadn't until now, but yeah, that could be the case, yes.

And your wife, your wife tells you that she can't remember getting a voucher on 29 September, 2010. Do we take it from that that you've kept some records of what you've received?---No, sir. It's just that I asked her, see, what happened in 2009, I didn't, I didn't know that I was receiving any vouchers from the end of 2009 up to 2010. I didn't think we had received any. And- - -

20

THE COMMISSIONER: From the end of 2009 to- - -?---From the end of 2009 to 2010. I haven't sort of (not transcribable)

MR CAMPBELL: Look, if you could answer my question. You've given us a long explanation about this?---No, I'm just trying, just trying to recall. See, I haven't got notes in front of me and I'm just trying to recall.

Well, stop trying to recall and try and answer the question. Did your wife keep a record of the receipt of these vouchers?---No, sir.

30

Thank you. Well, how could she possibly remember when you asked her more recently when they were received and when they weren't received? ---Because she thought they'd stopped and this is why I was getting confused, she thought they'd stopped at the sixth month 2010. So that's why I queried the ninth month 2010. She was in the belief that in the sixth month 2010 the vouchers had stopped.

Well, you see, didn't Mr Parker occasionally check with you, did you get that thing I sent you?---No, sir, never.

40

Never. Never?---Never.

THE COMMISSIONER: Did you thank him when you received it? ---No, no. We never spoke about it.

MR CAMPBELL: I see. That's because it was your little secret. That's right, isn't it?---Yes, we just never spoke about it.

Keep it mum, as it's said. That's correct, isn't it?---Sir, it was never my intention to do that but it- - -

THE COMMISSIONER: That's what happened?---That could be what happened, yes.

MR CAMPBELL: Go back to tab 73, sir?---Tab 73.

10 You'll see, this is a different supplier, this is NCH Australia Pty Limited trading as Chemsearch?---Yes.

And you've dealt with them sometimes?---I have, yes.

And you've dealt with Mr Gary Blackford?---From time to time, yes.

You've been in court of course as you told the Commissioner while Mr Lewis was giving his evidence about NCH, were you not?---Yes.

20 So you've heard what he said about it and what he said about what's on the list, have you not?---I heard he said there was a battery charger, sir, yes.

And if you look down that list you'll see that the fourth, I'm sorry - - -?---Sorry, where's the - - -

Tab 73 and it's the unnumbered page, it's got a heading schedule point 8, have you got that?---Yeah, yes, I have that, sir, yes.

You see your name's there, Peter Evans, do you see that?---Yes, yes.

30 On 4 September, 2008?---Yes.

And a battery charger promo was apparently sent to you via Mr Blackford, that's address, don't mention it - - -?---Ah hmm.

- - - on that date. Now, is that something you received from Mr Blackford?---No, sir, I have no recollection of ever receiving anything off Mr Blackford.

40 Do you think you could be mistaken about that?---I'm pretty sure, sir. I came in here today thinking that I hadn't received anything from Chemsearch and I cannot recall ever receiving a battery, a battery charger promo from Gary.

It's the only item which has your name on it on that list?---Yes.

Is it, it's possible, is it not, that you might have forgotten about it?---Sir, I just don't not recall ever receiving anything from Gary.

Now, since this - since ICAC have been investigating this matter - - -?  
---Yes.

- - - have you been spoken to by anybody at work about your involvement?  
---Yes, yes.

Who has spoken to you?---My director.

Whose name is?---Chris Devitt.

10

And what has he said to you about it?---He's, he just gave me, gave me his support and said wait till ICAC investigate the matter, sir, yes.

He gave you his support? Did he, did you tell him the, the truth, the whole truth and nothing but the truth about receiving these gift vouchers in excess of \$50 a pop?---I told him I had received \$50 gift vouchers.

How many did you tell him you'd received?---Sir, I said about four a year.

20 Four a year?---Yeah.

So that's about four - I withdraw that, Commissioner. The period covered by the schedule we've got, as far as we can tell, is about three and a quarter years from memory?---Right. I thought, you know, 2007 to 2010 so I thought for a year, sir.

There were, there were 15 dates on that schedule, that's 15 dates not including the double dates?---Yes.

30 So that's about a little over - that's about five a year, a little over, you'd agree with that, if my maths, arithmetic is right?---According, according to your schedule, yes.

Yes?---But I, I can only recall probably about four a year.

Well, you didn't always get them because your wife got them, that's right, isn't it?---Sir, I had a discussion with my wife, sir, and she still believes four a year.

40 Oh, does she?---Yes.

So, so you say that your boss knowing all those facts has offered you his support about receiving this money?---No, he's offered my support until he finds out the, the results of this hearing.

So no, no disciplinary action has been taken against you, is that correct?  
---Not at this point, no.

No. And you're still in the same job?---My job's moving on, sir.

For what?---To asset supervisor.

Is that, is that a promotion?---No, no.

Is it a move sideways?---It's a move sideways, yes.

I have no further questions, Commissioner.

10 Commissioner, I tender the, the document produced by Mr Evans. It's entitled "Gift, Bribes and Benefits Policy".

THE COMMISSIONER: Yes, the Gifts, Bribes and Benefits Policy produced by Mr Evans is Exhibit 40.

**#EXHIBIT 40 - GIFTS, BRIBES AND BENEFITS POLICY  
PRODUCED BY MR EVANS**

20 MR CAMPBELL: May it please the Commission.

THE COMMISSIONER: Mr Clay.

MR CLAY: May it please the Commission.

Mr Evans, I appear for your employer - - -?---Yes.

- - - Orange City Council, do you understand that?---Yes, sir, yes.

30 Thank you. The Gifts, Bribes and Benefits Policy you've produced to the Commission today is something that you became aware of in 2008, is that correct?---Around about that time, yes.

THE COMMISSIONER: It was given to you then as I understand it?---No, sir, I searched our strategic policy place where it is on the computer and printed it from the computer.

MR CLAY: When did you do that?---In I think around about 2008.

40 Right. And it has been the policy which has guided your approach to gifts, bribes and benefits since 2008, is it?---Yes.

Do you recall receiving a request from the Commission under section 21 of the Commission Act to provide certain information?---Yes, sir, yes.

And a number of questions were asked of you and you provided answers?  
---Yes.

Do you agree with that?---Yes, yes.

That was in - February this year was the request and your answer was in early March of this year, do you recall that?---Yes.

The tab 78, Commissioner - - -

THE COMMISSIONER: Yes, thank you.

10 MR CLAY: And do you have a copy - it's not a memory test but if you can go to tab 78 and page 55, do you the see the questions that were asked of you?---Yes.

It says provide - question number 3 was "Provide details of any training you have received from Orange City Council relating to the receipt of gifts and benefits." Do you see that?---Yes.

20 And you answered all questions asked of you honestly in your response to that, that question did you, without going forward was it your intention to answer honestly?---Yes.

Just go to the next page, page 56, do you see your answer to question 3 about halfway down the page?---Yes.

"I received notification of council policy regarding gifts, bribes and benefits in the form of a memo from the general manager on 25 November, 2008 and also attended a staff induction in 2009 where staff are informed about the policy"?---Yes, sir.

30 Was that answer honestly given?---It was sir, at the time, yes. That's how I recalled it at the time.

And the staff induction to which you referred took place in early August 2009 did it not?---Well, I can't recall the exact date but it was in 2009, later in the year in 2009, yes.

If I suggest to you that the council records state that it was on 5 August, 2009 will you accept that?---Yes, my word, yes.

40 Thank you. The - when did you - I withdraw that. And you are quite sure that it was in 2008 you printed out the policy that you've produced today and put it in your folder of like documents, is that correct?---As, as best as I can recall, yes.

Do you have a copy of your document back with you in the witness box?  
---Yes, yes.

And do you see - if you can go to the third page of the document the, the box or schedule of issue date and revisions and the like, do you see that?  
---Yes, yes.

And that is a, you understand, a method of identifying the document's latest - or the form of the document in its latest iteration?---Yes, that's correct, yes.

10 And that document was prepared, as you understood it, in January 2008?  
---Yes.

Could I ask you now to go to tab 79 of folder 14 and switch over to page 129, do you have that, Mr Evans?---Yes, yes.

Do you see that it is headed "Policy Title, Gift, Bribes and Benefits"?---Yes.

Just flick over if you would to the third page of that document, page 131 - -  
-?---Yes.

20 - - - of the bundle and do you see the schedule at the foot of that page?  
---Yes.

Do you see on the right-hand side of the schedule the date, revision, sorry revision 4 January 2009?---Yes.

And you understand looking at that, that that is the policy as it was created in 2009, in January 2009?---(not transcribable) in the folder, yes.

30 THE COMMISSIONER: Now what, where do I see that, Mr Clay - - -

MR CLAY: The right hand side of the schedule, the top line.

THE COMMISSIONER: On page?

MR CLAY: The issue dates go 1, 2, 3 down the left hand side.

THE COMMISSIONER: Sorry, what page?

40 MR CLAY: I do apologise, Commissioner, page 131.

THE COMMISSIONER: I don't see that here at all. Is that, the top of page 131 has got paragraph 6.

MR CLAY: Yes, it does. The table at the foot of the page - - -

THE COMMISSIONER: Yes.

MR CLAY: - - - revision, the far left it says revision - - -

THE COMMISSIONER: Yes.

MR CLAY: - - - issue date and it's got 1, 2 and 3.

THE COMMISSIONER: Yes.

MR CLAY: And then if one goes to the fourth column across then one picks up revision 4, 5, 6, 7.

10

THE COMMISSIONER: Yes.

MR CLAY: Revision 4, January, 2009.

THE COMMISSIONER: Yes, thank you very much.

MR CLAY: Now can I just go back to the document you produced for a moment. Keep that page open if you would?---Yes.

20

And there you highlighted on the second page of your document - - -?  
---Yes.

- - - Exhibit 40 for the record, where you've identified, with the assistance of the Commission, gifts below nominal value that were accepted without disclosing details and then the third dot point nominal value refers to goods and or services valued at less than \$50. Correct?---Yes. Yes.

Now if you would go back to the bundle at page 129 and do you see the heading Procedure?---Yes.

30

It is councils preferred position that, and I'd just like you to have open at the same time the first page of Exhibit 40, the document you produced. See how it commences in the same way, it is councils preferred position that, then it has three dot points similar terms for both Exhibit 40 and page 129. Do you see that?---Yes.

Then it says in page 129, acknowledge in certain circumstances, councillors et cetera, may offend a third party by not accepting a gift?---Yes.

40

And then it says the following guidelines will apply. Similar words from the 2008 policy. Do you see that?---Yes, sir, yes.

Then the top of page 130, turn over to the second page of Exhibit 40. Your document, the 2008 policy talks about bribery in the first dot point, as does the top of page 130 in the 2009 policy. Correct?---Could you repeat that, sir?

Sorry. Although the words are different, the two, the dot points at the top of each of page, sorry, 130 of the bundle and the second page of your document, Exhibit 40, they both speak about bribery, but in different language.

THE COMMISSIONER: The relevant one is the third dot point.

MR CLAY: Yes (not transcribable)

10 THE COMMISSIONER: If you can just show Mr - - -?---I've read the third dot point, sir, yes.

The third point in each one?---Yes, yes.

You can see that there's been a change?---There has been a change, yes.

MR CLAY: See the second dot point in Exhibit 40, the document you produced - - -?---Yes.

20 - - - said gifts below nominal value can be accepted et cetera?---Yes.

Do you see, compare that, can I ask you, with the fourth dot point, I'm sorry, the fourth dot point on page 130, gifts of a nominal value can be accepted, however a gift declaration should be completed?---Yes, yes, I can see that, sir, yes.

Do you see also that there is no longer any reference to nominal value that refers to goods and or services value at less than \$50?---Yes.

30 THE COMMISSIONER: And also, yes, so that's the omission?

MR CLAY: That's the omission. Then it has examples similar in each document thereafter. Do you see that?---Yes.

You accept don't you, Mr Evans, that from January 2009, the council policy made no reference to nominal value of goods and or services being valued at less than \$50?---Yes, I do accept that, yes.

40 You accept don't you that at your induction in August 2009, you were advised of the then current gifts, bribes and benefits policy weren't you? ---Yes, sir.

And it wasn't in August 2009 that you were told as part of that training that nominal value was less than \$50 was it?---No, sir, no.

Mr Evans, when you said earlier that it was the 2008 policy has been guiding your approach to the receipt of gifts, bribes and benefits, that was

not right was it?---Not before that, before that training it was, not after that training. But I, but I never indicated that, sir.

At least since no later than August 2009 you've been aware that there was no less than \$50 as nominal value. Correct?---Yes, yes.

THE COMMISSIONER: When do you say that you searched for the document which is Exhibit 40 and found it?---Yes.

10 When did you do that?---2008. I think 2008. I can't be exactly sure, it was either 2008 or before 2008.

And what made you do that in 2008?---I think we had training in 2008 that, there was, there was training on that how to deal with like difficult staff training. That may have been my catalyst to looking up that document.

Well difficult staff training has nothing to do with gifts?---But they did mention that at that training, sir.

20 And you were training in 2008?---In 2008, yes.

Mr Clay.

MR CLAY: Mr Evans, I take it your, it is not the position that you have produced Exhibit 40 with a view to attempting to justify your behaviour in receipt of all of the gift cards, sorry, for the receipt of all the gift cards that you've received both before and after 2009?---That is true, sir. I thought I indicated that to say that it was, I'd used it for gift cards before that but not after, sir. I thought I'd already indicated that. I'm sorry if I missed it, but I  
30 thought I did indicate that.

THE COMMISSIONER: It's all right, you have - - -?--- - - -but I thought I did indicate that in the question.

You have said that, Mr Evans.

MR CLAY: May it please the Commissioner.

THE COMMISSIONER: Yes, Mr Campbell?  
40

MR CAMPBELL: Mr Evans, you're making up this justification for the purpose of trying to get out from under having done the wrong thing for all these years. That's correct isn't it?---Sir, I am very aware that I have done the wrong thing.

And that's why you're making up this so-called justification isn't it?---Sir, I'm not making it up, that's what I thought was the procedure before I had OC training in 2009.

Which training was it they discussed about, it's 2008 training as detailed when I was asking you questions or was it 2009 training?---The 2009 training was the induction training and I think Gary sent out a memo in 2009 regarding gifts and bribes and in 2008 was the training to dealing with difficult staff.

Well, that's the one I asked you about, it's on page 126 behind tab 79. This is the last question, Commissioner, from me?---What page, sir?

10 Page 126, tab 79, folder 14. Have you got it?---Training, sir, yes.

Yes. That's your name, that's your pay number?---Yes, sir, yes.

You see the second entry on that page, dealing effectively with unacceptable employee behaviour?---Yes, yes.

That's the other one which mentioned the policy of bribes, gifts and benefits, is it not?---Yes, sir, that's the training I'm, I'm referring to in 2008, yes.

20

All the way back then - - -?---Yes, sir.

- - - you tell the Commissioner?---Yes, sir.

THE COMMISSIONER: Yes, thank you. Thank you, Mr Evans, you're excused, you may leave the witness box?---Thank you.

30 **THE WITNESS WITHDREW** **[3.59 pm]**

THE COMMISSIONER: Yes. We're finished for the day are we not, Mr Campbell?

MR CAMPBELL: And I'm pleased to announce, Commissioner, we've completed our program for the day.

THE COMMISSIONER: Back on track.

40 MR CAMPBELL: Yes.

THE COMMISSIONER: Yes. We will adjourn till 10.00am tomorrow.

MR CAMPBELL: If it please the Commission.

**AT 4.00 pm THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[4.00 pm]**