

How much was that?---300 grand.

In 2009. Was it the end of 2009, the beginning?---I think it was, yeah.

So you're \$300,000 mortgage, what, what would the balance be now?  
---Six I think, 6,000.

10 Now, you've done a lot of renovations on your house. Is that correct?  
---Correct.

It looked very renovated. Let's go through the work that you've done.  
Now, you've told us that the wall unit was paid for by Mr Twomey?  
---Yeah.

How did he pay for it?---Credit card I think.

20 Did he give you the credit card number to use or did he pay it himself?  
---He gave me the number.

And did he tell you whose name the account was in?---It was in his name.

In the name of Denis Twomey?---Correct.

So if you paid the 5,000 he would pay, what, 15, 17 on the credit card?  
---Something like that.

30 And did you actually have the credit card or did you just get the numbers?  
---Just the number.

And the name?---Yeah.

So you think you would have passed on the numbers to Dan Kitchens?  
---Correct.

And they would have asked you the name of the cardholder?---I don't think they did.

40 But in any case you say the name of the cardholder was Denis Twomey?  
---Correct.

Not a business account, just a personal credit card or- -?---As far as I'm aware.

So you got a new kitchen in your house?---Right.

Have you?---Yes.

When did that get installed?---2011.

Right. And who did that kitchen?---Dan Kitchens.

And how much did that cost?---\$62,000 I think.

And who paid for that?---It was paid for with a business cheque.

Whose business cheque?---Ah, business owned by an Eamon Burke.

10

And why was that? Oh, who's Eamon Burke?---Subcontractor to Diona.

But you told us you didn't get any benefits from any other contractors?  
---Well, he didn't hand me the cheque.

Tell us how you came to have the cheque?---It was left in my letterbox.

Please, enlarge on that?

20 ASSISTANT COMMISSIONER: I'm sorry – and are you saying that means it wasn't a benefit from him?---Well, look, I'm not sure what it was. I thought it might have been a joke or I thought perhaps he was too shy to approach me and left it in my letterbox, so I don't know how you would exactly define that being a benefit.

How could that be a joke?---Well, I don't know.

I don't even, all right. Yes, Ms Maher.

30 MS MAHER: Okay. Tell me what was left in your letterbox?---There was a cheque with a signature on it and a note.

And a note?---And a note.

What did the note say?---Oh, look, I don't know, it was three years ago, I can't really remember what it said.

Well, you remember the cheque was left in your letterbox, a blank cheque with a signature?---Well, that's a hard thing to forget.

40

Exactly. So what did the note say?---I don't know what the note said, I can't remember, it said something like happy with how things are going or something along those lines.

So what did you then do with the cheque?---I went and bought a kitchen with it.

Who does she work for?---Well it was Barry O'Farrell until yesterday.

As a permanent employee?---Yeah, she works in with disclosures.

So you've that you told your mother and father, your girlfriend, Denis about your appearance here?---Yeah.

Who's told you about their appearance here?---Denis.

10 Yes?---Yes.

Anyone else?---No.

No-one at all?---No.

No-one has, else has mentioned to you about their appearance here?---No.

You haven't asked anyone else about their appearance here - - -?---No.

20 - - - or if they were required to attend?---No.

And no-one has told you?---No.

Just one moment. So you've given us an outline of quite a number of gifts and benefits that you've received from a number of different contractors and sub contractors. Are there anymore that you want to add?---No.

What did you do for those contractors in return for those gifts and benefits?  
---I don't know, I didn't do anything really.

30

Nothing at all?---Not really, no.

They just kept showering you with gifts and you didn't have to do anything?---I think Bastow wanted more bore work.

Yes?---Yeah.

Wanted more bore work?---Wanted more bore work.

40 Asked you for it?---That's correct.

What did you say?---I said I'll try. I don't know, what was this, four years ago?

Yeah. So let's try and remember something a little bit closer - - -?---Right.

- - - that you might have been asked to do in exchange for these gifts, can you remember anything?---That I was asked to do in exchange - - -

Yeah --- - - - for a gift? Nothing at all.

Nothing at all?---No.

So even in this last 12 months you've received gifts but you weren't expected to do anything in return?---That's correct.

You weren't asked to do anything in return?---No.

10

Why do you think the contractors were giving you gifts?---Which contractor are we talking about now?

Any contractor?---Like I said Bastow wanted more bore work, um, who else was there?

Burke?---Well we never spoke about that so no, nothing was asked.

Murray Civil?---Like I said that was all external to Ausgrid.

20

Is there anything else that you want to tell us?---Not particularly.

Because you understand don't you that a partial telling of the truth is still not - - -?---Right.

- - - enough don't you?---Yes.

And you understand that the penalties for not telling the truth still apply regardless of whether you've told some part of the truth?---I understand, yes.

30

So there's nothing else you want to tell us about your renovations, your car, anything else?---Not that I can recall, no.

You didn't come here on Monday in answer to your original summons? ---That's correct.

And tell me why?---I had diarrhoea.

40

And what were your movements on that day?---I went to the doctor's and then went home.

What time did you go to the doctor in the morning?---8 o'clock.

Yeah. And is that the doctor you normally go to?---It is.

When was the last time you'd been to that doctor before that morning? ---I'm not sure.



ASSISTANT COMMISSIONER: Well, I think the witness should be alerted to the fact that giving false or misleading evidence can be based on a witness deliberately pretending that he cannot recall when in fact he can. Do you understand that?---Yes.

MR SUTTON: I have no objection to that explanation, just the framing of the question.

ASSISTANT COMMISSIONER: Yes.

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MR SUTTON: Okay.

MR GARTELMANN: Now, the second cheque you've just told us about, who was that from?---The same guy- - -

And who's that?--- - - -as the kitchen cheque.

Who's that?---Eamon Burke.

20 Eamon's spelt E-a-m-o-n, isn't it?---Correct.

And he's a director of Cloughcor?---Yep.

And Cloughcor was a contractor to (not transcribable) cable laying at Ausgrid, correct?---Subcontractor.

Subcontractor, I'm sorry. All right. Was the second cheque left at the same time as the first cheque or was it left on a different occasion?---No, it was later on I think.

30

All right. Now, look, the first cheque that you've told us about, the cheque that you made out to Dan Kitchens, you said that came with a note? ---Correct.

What did the note say again?---I really don't remember.

Well, did it give you any understanding that you had permission to go and use this cheque to go and buy a new kitchen?---I think so.

40 So what was it? What was it about the note that gave you that understanding?---I, I, I don't remember the note.

Is it possible there wasn't a note?---Well, there was a note.

But you can't say anything about what was said on the note?---Correct.

All right. Now moving to the second cheque that you've told us about, did that come with a note?---I don't remember. I forgot about that cheque, I don't really remember much about that cheque at all.

When these cheques get deposited in your letterbox do they come in an envelope?---I don't know.

Or do they just come by themselves?---I really don't remember.

- 10 All right. Do you remember how much the second cheque, I withdraw that. The second cheque, did you write out the payee and the amount details yourself?---I'm not sure.

All right. Do you remember how much the appliances that you bought from Winning Appliances cost?---No.

It was several thousand dollars wasn't it?---Could have been.

- 20 Well, do you have no recollection at all?---Not much.

Well, tell us what limited recollection you do have?---I remember looking at some appliances.

Yes, I'm asking you about the cost of them?---It would have been ah, don't know, 10,000.

All right. Did you write out the details on the cheque including the amount yourself - - -?---I don't know.

- 30 - - - on this occasion?---I don't know.

All right. Well, I'll show you another cheque, it's page 109 and you see that?---That's not my writing.

Right. Do you see that is another cheque from Cloughcor Pty Limited though?---Yes.

And do you see that it's made out to Miele Australia Pty Limited?---Yes.

- 40 And do you see the date is 17 June, 2011?---Yes.

And do you see the sum of money that it's made out to?---Yes.

It's \$21,093 isn't it?---Correct.

So a little over twice what you thought it might be, is that right?---Correct.

Now is it the case that you don't have any recollection about the value of these appliances because you weren't paying for them yourself?---Could be a factor.

Somebody else is paying for it so you don't really trouble yourself about how much it's worth, is that right?---I couldn't really remember what they were worth.

10 Yeah, and I'm suggesting to you the reason for that might be because you're not paying for it yourself?---Could be.

So this second cheque, did you take it along to Winning Appliances yourself?---I don't remember, I think so.

And you say -- I withdraw that. Do you know who wrote out the payee and the amount details on the cheque?---No.

20 Did you have some understanding that you could use this cheque that mysteriously turned up in your letterbox to pay for your kitchen appliances?  
---Yes.

Why?---Well, it's no different to the first time.

And -- well, what was it about the first time that made you think that you could just go and spend these blank cheques that turned up in your letterbox?---'Cause it came with a note.

And you can't tell us what the note said?---That's correct.

30 But somehow you formed the view that you can use these cheques to go and buy whatever you want, is that right?---That's correct.

Is it the case that you knew you could buy whatever you wanted with it?---  
Well, I didn't know for sure but I had a - - -

You suspected?---I suspected, yeah.

Why was that?---'Cause of the note.

40 But you can't tell us what the note said?---Correct.

Is it because of your relationship with Mr Burke who is for all intents and purposes Cloughcor Pty Limited?---Yeah.

All right. What is it about your relationship with him that made you think you can go and spend up with these cheques?---I don't know how to answer that.

Well would that work that he did – I'll withdraw that. Denis Twomey is a Director of Murray Civil Works Pty Limited, correct?---Correct.

And Murray Civil Works Pty Limited was a contractor, a principal contractor to contract cable laying at Ausgrid, correct?---Yeah.

10 Now this saw cutting work that you're talking about was that work that Denis Twomey performed or carried out as Murray Civil Works Pty Limited or in some other capacity?---Some other capacity.

And what capacity was that?---He's got a saw cutting business.

What's it called?---TGB & Son.

I see. And can you just fill us in what you mean by saw cutting?---Road sawing.

20 Cutting into concrete and the like?---Yeah.

Right. Is that TGB & Son principal area of business?---Yes, it is.

All right. Now you mentioned that you got Mr Twomey as TGB & Son some saw cutting work. What work was it that you got him?---Um, work for a ASP company.

ASP?---Yeah.

30 What sort of work? Well I withdraw that. Where was the work?---Oh, it was in Sydney.  
Whereabouts?---All over Sydney.

Right. And how, what did you do to get him that work?---I had a, I've got a friend who's an ASP so I told my friend to use Denis for saw cutting.

All right. Does ASP to work for Ausgrid in any capacity?---Um, ASP is Accredited Service Provider.

40 I see?---So it's the same work but it's on the private side.

Same work but on the private side. But - - ?---Correct.

And just so we're clear does that mean that they contract to Ausgrid in any capacity?---No, it doesn't, no.

All right. Who's the friend you had at Accredited Service Provider?---Tom Lowes.