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COMPULSORY
EXAMINATION

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

COMPULSORY EXAMINATION

OPERATION JARAH

Reference: Operation E13/0494

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY 18 AUGUST, 2014

AT 10.51AM

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.

You understood that Mr Burke was happy with how things were going for Cloughcor because the way you were performing your role as an Ausgrid contract inspector. Correct?---Correct.

All right. And as a consequence of that you filled out the two cheques we've just described, we've just been through, in the amounts of 60-odd and \$21,000-odd. Correct?---I filled out one of them.

10 Yes. All right. And somebody else filled out the other one, you're quite right. Okay. Just before we move on, can you just describe for us what it is that you thought Mr Burke thought you were doing that was making him happy?---No.

Why not?---I really don't know what he thought, just knew that he was happy with the way things were.

But you didn't have any relationship with Mr Burke outside work, did you?
---That's right.

20 No. And he was, your dealings with him were exclusively business-related. Correct?---Correct.

And by that I mean business-related in a sense of his performing work as a subcontractor through a principal contractor for contract cable laying. Right?---Right.

30 So I'll ask you again. What do you think he understood when he indicated that he was happy with how things were going for Cloughcor, what did he think that you were doing for him that would make him happy?

MR SUTTON: I object to the framing of the question. There's probably two or three questions in there. If it's simply the question is what do you believe Mr Burke was getting from this- - -

ASSISTANT COMMISSIONER: Well- - -

MR SUTTON: - - -then that's, that's one issue, but the way the question has been framed- - -

40 ASSISTANT COMMISSIONER: I don't think really that's what he was getting, I think the witness already said in response to an earlier question that that's what Mr Burke thought, it wasn't necessarily true, is that - - -?---Correct, that's right.

- - -he thought you could influence whatever, he was happy because he was getting a lot of work and he thought you could somehow influence that. Is that correct?---That's correct.

Even if that may not have necessarily been the case necessarily?---Correct.

But you were happy for him to think that I take it?---That's correct.

Because he was, he was giving you these nice cheques occasionally?
---Correct.

Mmm.

10 MR GARTELMANN: Commissioner, before I move on I might tender the cheque made out to Miele, that's 109.

ASSISTANT COMMISSIONER: Yes. That will be, the cheque to Miele will be Exhibit C18.

**#EXHIBIT C18 - COPY OF COMMONWEALTH BANK CHEQUE
IN THE SUM OF \$21093 TO PAY MIELE AUSTRALIA PTY LTD**

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MR GARTELMANN: For completeness sake we might tender also the cheque to Dan Kitchens which is 108.

ASSISTANT COMMISSIONER: I think it's already - - -

MR GARTELMANN: It was tendered in the previous examination.

30 ASSISTANT COMMISSIONER: I don't think we need to tender it again, it's already an exhibit.

MR GARTELMANN: Mr Cresnar, did you receive any other cheques from Cloughcor Pty Limited or any other contractor or subcontractor?---I don't think so.

Once again, you would remember, wouldn't you?---I don't recall receiving any other cheques.

40 And you're using the words "I don't recall" because you anticipate that we might have some evidence of another cheque. Is that right?---No, because I don't recall.

Right. Is that because it was a common occurrence?---No.

People leaving cheques in your letterbox?---No.

You receiving in one form or another signed blank cheques from contractors or subcontractors?---That wasn't a common occurrence to my knowledge.