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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE DAVID IPP AO QC

PUBLIC HEARING

Reference: Operation E09/350

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 14 AUGUST, 2012

AT 10.10AM

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This transcript has been prepared in accordance with conventions used in the Supreme Court.

THE COMMISSIONER: Mr Strickland.

MR STRICKLAND: Before I recommence with this witness can I just deal with a couple of matters. The first is in relation to the statements. I'll shortly be tendering a number of statements that form part of this investigation/inquiry.

THE COMMISSIONER: Yes.

10 MR STRICKLAND: I've had communications with Mr Diekman's counsel and solicitor regarding witnesses they require on the statements, two witnesses required, one I don't intend to call but I will deal with, with the, that's Ms McLennan, I will deal with particular matters that are raised about her. The second witness, Mr Young, will be required on a very short point so he will be an additional witness, Stephen Young.

THE COMMISSIONER: Yes. So what are we doing, what are you doing about Ms McLennan?

20 MR STRICKLAND: I won't be calling her, I'll be tendering a statement from her.

THE COMMISSIONER: And?

MR STRICKLAND: And there'll be, there are two parts of the statement that appear to be incorrect and I simply won't read those or cross them out.

THE COMMISSIONER: All right.

30 MR STRICKLAND: There's a third one where, I'll have discussion with my learned friend, Mr Naylor, about that and we'll deal with the issue about that but it's not worth calling her on that particular matter.

THE COMMISSIONER: Yes, understood. Mr Naylor's that all acceptable to you is it?

MR NAYLOR: That's suitable, Commissioner.

THE COMMISSIONER: Yes.

40 MR STRICKLAND: This morning about 10 o'clock I received a document from I believe Mr Creary's lawyer requiring Mr Young to be called, well, he will be called anyway, but in addition to Mr Young and additional eight witnesses, there is very brief - I'll perhaps hand up to you, Mr Commissioner - - -

THE COMMISSIONER: I've got it.

MR STRICKLAND: - - - the document that I've been given.

THE COMMISSIONER: I have it.

MR STRICKLAND: I can't, I can't ascertain from the brief description as to why these witnesses are required, whether it's actually necessary to do so
- - -

THE COMMISSIONER: Yes.

10

MR STRICKLAND: - - - so I'm just not in a position to indicate.

THE COMMISSIONER: All right. I'll deal with that. Mr Lorkin, just come forward please, Mr Lorkin. Mr Lorkin, I want to first deal with what the statements you made yesterday.

MR LORKIN: Yes, Commissioner.

20

THE COMMISSIONER: You said yesterday that you had made requests of investigators and the solicitor for the Commission for documents which you had not received. That's what you said. Do you, do you recall that, Mr Lorkin?

MR LORKIN: I don't know if those were my words, Commissioner.

THE COMMISSIONER: I'm not saying those are your words, those are the effects of your words?

MR LORKIN: Um - - -

30

THE COMMISSIONER: Do you, do you maintain that or not?

MR LORKIN: Well, I did not say those words, Commissioner.

THE COMMISSIONER: Did you, that's my understanding of what you said, I may be wrong. I am now asking you, do you maintain what I've put to you or not?

40

MR LORKIN: I don't maintain what you have just put to me, Commissioner.

THE COMMISSIONER: Well, what, have you got any complaints about documents?

MR LORKIN: (No Audible Reply)

THE COMMISSIONER: Mr Lorkin, I don't know what you're writing down.

MR LORKIN: I'm just trying to address your points, Commissioner, I'm sorry.

THE COMMISSIONER: Well, the point that I'm asking you now is do you have any complaints about the furnishing of documents to yourself?

MR LORKIN: Yes, I do, Commissioner.

10 THE COMMISSIONER: Well, just tell me what they are.

MR LORKIN: As I said yesterday, Commissioner, firstly throughout this inquiry as the evidence has been led at various times there has been not enough copies for the legal practitioners- - -

THE COMMISSIONER: I want to know- - -

20 MR LORKIN: - - -including myself and I have not received documents as the evidence has been led upon the document, the document has not been on the screen and I have requested those documents which I have not at times
- - -

THE COMMISSIONER: Who have you requested documents from?

MR LORKIN: From these gentlemen in the court who appear to be with the Commission, and at times that has filtered up to the solicitor assisting the Counsel, Commissioner.

30 THE COMMISSIONER: Mr Lorkin, let me say this to you. You will only be given documents which the court considers are relevant to your case, number 1. Look, I haven't got time for you to write everything down that I say, I have to go on and I expect you to be able to deal with matters as I make the points. Now, let me say again, the Commission does not provide documents to every party who sits in the hearing room. We will provide documents where we consider them relevant and we will – and if you have requests to make concerning documents we will consider the requests and if we think the requests are reasonable we provide the documents. We have done this to every party sitting here and I look round the room, there must be about 30 people here. Nobody has made complaints except you. Now
40 - - -

MR LORKIN: But it's- - -

THE COMMISSIONER: Just a minute. You will have your turn. Please don't interrupt me.

MR LORKIN: Sorry, Commissioner.

THE COMMISSIONER: I have made inquiries about requests you have made. What happened – I have found out from my associate that on 2 August you asked when the exhibits would be put online. On 7 August she emailed you and apologised for the delay in responding to you. She said it's not the Commission's practice to load exhibits online and by now you, by 2 August you should have realised that because it's never been done. She told you that she was not aware of any plans to do this. She said if there are, she wrote, "If there are exhibits that you require, copies of which you have not been given already, please let an investigator or myself know and we will do our best to accommodate you." You did not respond to that email. I've checked with the investigators, they say that you have not requested any documents at all from any of them and I have checked with the solicitor who's, the Commission's solicitor who is involved in this case and he tells me you have not asked him for any document which you have not been given. So from the investigations that I have carried out you have not asked for any documents which you have not been given.

10 MR LORKIN: Well- - -

20 THE COMMISSIONER: And you've certainly not asked me.

MR LORKIN: The record will indicate that I have been to my feet on a number of occasions and early in this Commission inquiry I with one of the solicitors who was present and I see who is now nodding at me who I don't know who his name it, I approached the bar table behind him in relation to this very issue, that we were in the Commission's hearing, evidence was being led on matters that seemed to pertain to our clients and we did not have a copy of the material.

30 THE COMMISSIONER: Did you ask, did you apply to me for a copy?

MR LORKIN: I did not, Commissioner.

THE COMMISSIONER: All right. Then did you apply to anybody else for a copy?

MR LORKIN: Yes, at various - - -

THE COMMISSIONER: Nominate the name of the person, please.

40 MR LORKIN: Well, I don't know this gentleman's name but throughout these proceedings I have attended the right-hand side of your hearing, Commissioner, and approached these gentleman and ladies who seem to be either investigators or solicitors assisting your inquiry and said I do not have a copy of this document for example, could I have a copy and I've been met on most times with we don't have a copy, we'll get you one later or whatever. Might I say about the document yesterday, Commissioner, I did not know whether it was applicable to my client or not. It seemed from the

evidence that was being led it was applicable. When I finally was handed the document and was able to - - -

THE COMMISSIONER: You were handed the document less than a minute after you'd applied to me for it.

MR LORKIN: Well, the record indicates yesterday you said some things to me, Commissioner, but what I did before I came to the bar table was approach the gentleman on the right-hand side of your hearing,
10 Commissioner, and I said could I please have a copy of that document and there were no copies and that's why I came forward because the evidence that was being led at that time - - -

THE COMMISSIONER: You've said that, I heard you.

MR LORKIN: Yes. So I wasn't given a copy, for example, yesterday, Commissioner.

20 THE COMMISSIONER: You were given a copy of the document, what are you talking about?

MR LORKIN: Not initially, not as the evidence was being led.

THE COMMISSIONER: You were given a document within one minute of asking me for it.

MR LORKIN: Yes.

30 THE COMMISSIONER: Now, look, Mr Lorkin, you are wasting my time. We are trying to finish this on Friday. You've got to, you've got complaints which as far as I'm concerned have no basis whatever. My question now is let's try and get to the point and the nub of this. Are there particular documents that you want?

MR LORKIN: Commissioner - - -

THE COMMISSIONER: Yes or no?

40 MR LORKIN: I am paid to attend these - - -
THE COMMISSIONER: Look, don't give me a speech.

MR LORKIN: Well, I'm trying to answer your - - -

THE COMMISSIONER: Just tell me are there documents you want or not?

MR LORKIN: Yes.

THE COMMISSIONER: What are they?

MR LORKIN: Well, I'll have to consult my notes.

THE COMMISSIONER: Oh, you don't even know what documents you want?

10 MR LORKIN: Well, as a result of the way the Commission had conducted its hearing as evidence has been led documents have been examined upon which will appear in the transcript, it'll be a forensic decision how I will deal with that to say well, how, you know, do I call for this document, what does this document say, for much of the hearing I've been told not to attend because it wouldn't, the evidence led wouldn't pertain to my client.

THE COMMISSIONER: You've been, this has been done as a favour to you so that you don't have to waste your client's money by attending at times which do not concern you. I'm not, I don't actually know what, are you now making more complaints?

20 MR LORKIN: Well, what I'm saying, Commissioner, is if evidence has been led on a document and particularly these gentleman that work for the Area Health Service, I'd like to see the document as the evidence is being led. It's a matter for, it's a matter for I representing my client to decide whether it has relevance or not, not for the Commission with respect - - -

THE COMMISSIONER: I beg your pardon, it is for you, this is not a, this is not a trial, this is an investigation. I'm afraid you're wrong.

30 MR LORKIN: Well, then I'll be sitting there looking at the, looking at you, Commissioner, hearing questions asked of witnesses on documents that I don't, that I'm not able to read.

THE COMMISSIONER: Mr Lorkin - - -

MR LORKIN: There'll be findings made in relation to my client - - -

40 THE COMMISSIONER: That's rubbish, Mr Lorkin and really, you are wasting my time. I've asked you to tell me what documents you want. If the documents are relevant to your case they'll be given to you. You know that this matter is coming to an end by the end of this week. We've gone on for several weeks. This is the first time you have - and you didn't even do it until I asked you this morning that you have raised the issue of documents. Now, you please, if you want documents, we haven't got time to endure this. Give us a list of documents you want. If the documents, if I consider that the documents are relevant you will be given them as soon as possible. Can you give us the documents by lunchtime today?

MR LORKIN: I wouldn't think so, Commissioner.

THE COMMISSIONER: Well, can you give us the documents by this afternoon at 4 o'clock?

MR LORKIN: Well, what it will involve now, Commissioner - - -

THE COMMISSIONER: No, just tell me whether you can or not.

MR LORKIN: No, I cannot.

10

THE COMMISSIONER: Well, you can give us the documents by 10 o'clock tomorrow morning.

MR LORKIN: Yes, Commissioner.

20

THE COMMISSIONER: The list tomorrow morning. If you give us the list by 9 o'clock we'll see whether we can give you the documents earlier. The sooner you tell us what you want the sooner you'll get your documents. It should be placed on record this is the first formal request you've made to me for any documents.

MR LORKIN: Well could I - would you hear me on that, Commissioner?

30

THE COMMISSIONER: No. You - I know that you haven't made any, I don't need a yeah, you. You've made no application to me for documents and the only time that this has been raised is because I raise it with you this morning. I have told you that I have spoken to my associate, I've caused - to the solicitor involved and I've caused inquiries to be made with some of the investigators and I've spoken to other investigators and all assure me you have not requested specific documents. So now - - -

MR LORKIN: Well - - -

40

THE COMMISSIONER: I beg your pardon. The way if you - the way to get documents if you're dissatisfied with your treatment from the Commission staff is to apply to me, you have not done so. Now I'm not going to waste any more time on this. You tell me what documents you want as I have said to you, do tell Commission staff what documents you want tomorrow morning, we'll try and get them to you by the end of the day. Now let's come to the, the request to recall witnesses, sorry the request for statements to be called is inadequate. You have not indicated which paragraphs of the statements you're challenging and you have not set out any of affirmative case that you wish to present.

Now I will not allow - I will not order that these witnesses be recalled unless you state precisely which allegations you're challenging and if you're making an affirmative case in opposition to anything said in the statement that affirmative case should be set out. When I have received those

documents I will decide after hearing you and hearing counsel assisting whether those witnesses will be recalled. They will be called to testify orally. Do you understand that?

MR LORKIN: Yes, Commissioner.

THE COMMISSIONER: Yes, very well, thank you.

MR LORKIN: Thank you.

10

THE COMMISSIONER: Yes, Mr Strickland.

MR STRICKLAND: Second matter, Commissioner, is I would invite you, Commissioner, to consider adding to matters to the terms of reference of the enquiry. The first is adding a term or an allegation that Robert Huskic received cash and benefits from Kings Security Group Proprietary Limited from Mr Diekman in return for improperly assisting Kings Security in regard to tenders and other contracts for Northern Sydney, sorry for North Sydney Central Coast Area Health Service.

20

THE COMMISSIONER: Yes. The scope will be extended as you request, Mr Strickland.

MR STRICKLAND: And also that further allegation that Cameron Creary received benefits from Kings Security Group Proprietary Limited in return for improperly assisting Kings in regard to tenders and other contracts in relation to North Sydney Central Coast Area Health Service.

30

THE COMMISSIONER: Yes, the scope will be extended as you ask. If any person hasn't got a full note of what Mr Strickland has said that of course will appear from the transcript but if it's desired to hear - to check with Mr Strickland before the transcript becomes available would you please communicate with him and I'm sure that he will give them - give you or tell you orally what he has announced in court today immediately or within as quick a time as possible.

40

MR STRICKLAND: And finally I tender a number of statements that I believe have been provided to the parties, I tender them as a single bundle and sometime today or at least by tomorrow morning each of those statements will have a separate tab number so I wonder if they could be given a single exhibit and then we will tab them separately. I have a list, I have a list of the witness statements.

THE COMMISSIONER: You better just tell me - - -

MR STRICKLAND: Shall I read them out or?

THE COMMISSIONER: I don't think it's desirable to do it that way because people won't know what's in their bundle.

MR STRICKLAND: So should I tender them as separate exhibits each?
Each statement a separate exhibit?

Yes. There has been a list of documents prepared. I've got them here.

THE COMMISSIONER: And that list should be copied and circulated and then what that has been done I will receive the documents as a separate exhibit.

10

MR STRICKLAND: Okay.

20

THE COMMISSIONER: Now, I just want to check – in the light of the complaint by Mr Lorkin, no one else has made any complaints, in relation to, and I assume that with regard to all matters other than the Area Health Service no one has complaints, because that's the matter in which he is concerned, yesterday Exhibit 145, a bundle of AHS documents, was tendered. Is there anybody who wishes to find out exactly what documents there were and to obtain copies? Has anybody got any complaints about that?

MS FURNESS: Commissioner, I certainly don't have a complaint but I rise to note that in Exhibit 145, item 17 is noted to be tendered later and I'm assuming that that is still to occur?

THE COMMISSIONER: Yes, Mr Strickland.

MR STRICKLAND: Yes, thank you, Ms Furness. In light of the evidence, the answers is no.

30

THE COMMISSIONER: All right. Is there anybody else who wishes to say anything? There's no, no one appears to say anything. Wish to say anything, Mr Strickland?

MR STRICKLAND: No, thank you. Some of these statements I propose to, are relevant to this area of cross-examination, so what I will do is if I could, I'll circulate this list of witness statements. Is it, is it convenient to tender, or maybe I should just tender some of the statements I propose to now.

40

THE COMMISSIONER: Yes.

MR STRICKLAND: I tender now a statement of Stephen Young dated 9 May, 2012.

THE COMMISSIONER: What's the date of the statement, Mr Strickland?

MR STRICKLAND: 9 May, 2012.

THE COMMISSIONER: Exhibit 147 will be the statement of Mr Young of 9 May, 2012.

#EXHIBIT 147- STATEMENT OF MR YOUNG DATED 9 MAY 2012

10 MR STRICKLAND: All right. And the statement of Marie Storey dated 16 May, 2012.

THE COMMISSIONER: Exhibit 148 is the statement of Marie Storey of 16 May, 2012.

#EXHIBIT 148 - STATEMENT OF MS STOREY DATED 16 MAY 2012

20 MR STRICKLAND: The statement of Audrey Panetta dated 16 May, 2012.

THE COMMISSIONER: Exhibit 149 is the statement of Audrey Panetta, 16 May, 2012.

#EXHIBIT 149 - STATEMENT OF MS PANETTA DATED 16 MAY 2012

30 MR STRICKLAND: The statement of Sue Burgess dated 11 May, 2012.

THE COMMISSIONER: Yes. Sorry, Exhibit 150- - -

MR STRICKLAND: Thank you.

THE COMMISSIONER: - - -is the statement of Sue Burgess off 11 May, 2012.

40 #EXHIBIT 150 - STATEMENT OF MS BURGESS DATED 11 MAY 2012

MR STRICKLAND: Statement of Scott Anderson dated 18 April, 2012.

THE COMMISSIONER: Sorry, can I have the date again?

MR STRICKLAND: 18 April, 2012.

THE COMMISSIONER: Exhibit 151 is the statement of Scott Anderson of 18 April, 2012.

#EXHIBIT 151 - STATEMENT OF MR ANDERSON DATED 18 APRIL 2012

- 10 MR STRICKLAND: And the statement of Scott Anderson dated 18 May, 2012.

THE COMMISSIONER: Exhibit 152 is the statement of Scott Anderson of 18 May, 2012.

#EXHIBIT 152 - STATEMENT OF MR ANDERSON DATED 18 MAY 2012

- 20 MR STRICKLAND: Thank you. Thank you. That's all I had. There's other, there are other statements, I mean I'm happy to go, I'll go through them all if you like. They're the ones that I wish to question this witness. Here's the list. Shall I, shall I continue to read the other statements onto the record? There's, there's a number of them. But these are the ones--

THE COMMISSIONER: It's just a matter of time. I mean we've really got, time has suddenly become very pressing.

- 30 MR STRICKLAND: Could I--

THE COMMISSIONER: So can I - can we - can I just have a list of the statements with --

MR STRICKLAND: Yes.

THE COMMISSIONER: -- with exhibit numbers. Now, now that we've got in these, these statements that list will have to be changed --

- 40 MR STRICKLAND: Yes.

THE COMMISSIONER: -- and those removed from them and this should be prepared with the statements each having an exhibit number --

MR STRICKLAND: Yes, certainly.

THE COMMISSIONER: -- and when that has been done I will make an order to the effect --

MR STRICKLAND: Certainly.

THE COMMISSIONER: - - - that those statements are admitted into evidence and they're the exhibit numbers that are on, on the document which will be prepared.

MR STRICKLAND: Yes. The six exhibits that have been tendered that is Exhibits 147 to 152 are relevant to this witness so.

10

THE COMMISSIONER: Yes. Well then are you in a position to proceed with the examination - - -

MR STRICKLAND: Yes, I am, yes.

THE COMMISSIONER: - - - of Mr Huskic?

MR STRICKLAND: I am.

20

THE COMMISSIONER: I think I should say that we will sit at least until 5 o'clock every day from now on and if, if necessary I'll sit 'til 6.00. Yes.

MR STRICKLAND: Mr Huskic, it's true isn't it that in relation to the \$15,000 that you say has been loaned to you by Mr Diekman you have never offered to pay off that loan by working on his boat, have you?---The 15,000, no.

- 10 Could the witness please be shown Exhibit 145 tabs 22 and 21?---Sorry, did you say 22 or 21?

That's right?--22.

I'd like to ask you a little bit about monitoring. Are you familiar with the, the monitoring system that worked into 2009 whereby a company engaged the monitoring centre to monitor AHS Alarms?---Yes.

- 20 And there was a company called Boss who did that for six years, is that correct, before Kings took over?---I'm not sure how long they did it for but I was aware that they were doing it, yes.

You were aware that they were doing it for a number of years before Kings took over?---I don't know how long it was for.

- 30 And is it the case to your knowledge, was it the case that Boss engaged another company called the monitoring centre to actually monitor the alarms?---Yeah, my understanding is that the monitoring centre are the actual monitoring company and Boss Security as like Kings Security are a bureau set up through that monitoring company.

I - just, I'm sorry there was some - can you repeat that answer?---Yeah. My understanding is that the monitoring centre is the actual centre that monitors the alarms and we have to deal through a bureau and a bureau is a company which is like Boss Security and Kings Security and any other security company.

I see.

- 40 THE COMMISSIONER: Well what is, what is monitoring an alarm, what does that involve?---Any intruder alarms or duress alarms that were activated it sends a telephone signal through to the monitoring centre and then they alert security onsite.

Thank you.

MR STRICKLAND: Are you were familiar with the actual mechanics of how that monitoring worked weren't you?---Yes.

That's part of your duty?---Yes.

That was part of your duties. And, and it's the case isn't it that not every single alarm that went off was reported to the AHS Security Department, it was just unusual alarms that went off. Is that correct?---Alarms that were connected to the monitoring centre were reported to security.

- 10 But the - do you - - -?---So for instance the alarms that we had in our community centres which were off site they were reported to a patrol company to respond.

THE COMMISSIONER: Whenever they go off you mean?---Yes.

So the - there was a security department in AHS, is that correct?---Yes.

And you were involved in that weren't you, that was, that was one of the things you were responsible for, is that correct?---(No audible reply)

- 20 Were you - I'm sorry, I withdraw that question. That is one of the departments that you had duties in relation to?---In relation to, yes.

Do you agree with that?---Yes.

And what, what precisely were your duties in relation to the security department?---In regards to monitoring?

Yes. Basically just to maintain it I guess, monitor it and maintain it, make sure it was working correctly.

- 30 MR STRICKLAND: Were you aware of the system whereby alarm reports were generated?---I don't know if it was actually a system - - -

Okay?--- - - - but I understand, yes, that the monitoring centre would send out reports when requested.

And when you say a monitoring centre would send out reports to whom? ---To myself or my colleagues.

- 40 All right. Well, what I want to suggest to you is that they, the reports that were actually sent out to you and your colleagues did not occur every single time the alarm went off?---No.

You agree with that?---Yes.

THE COMMISSIONER: They weren't made, you mean? The reports weren't made every time an alarm went off?---I'm not sure if a report was

made every time an alarm but that, that's something that the monitoring centre may do, I'm not sure but - - -

MR STRICKLAND: But they weren't communicated to you?---We, we didn't receive every report.

Yeah, okay.

10 THE COMMISSIONER: Sorry, you didn't receive every report from the monitoring centre. No, if - - -

I'm sorry, I don't understand. What do you mean, how do you know you didn't receive a report?---Well - - -

Did you understand what my - what I don't understand?---Yes. So you're saying if an alarm was activated they would send us a report.

20 Yes, that's what the system - - -?---No, they wouldn't send us a report, they'd actually call us up on the telephone and say look, there's an alarm at this ward or this area and then we'd have to, or security staff - - -

Yes?---- would have to respond, they wouldn't necessarily send you a report for that.

A written report?---Yes. The only times they would send a report is if we requested a report which we, for instance, the duress reports, we asked for a report at the end of the month for our stats for the hospital.

30 So you get, what happens is that if the alarm goes off you get oral advice because they phone you?---A phone call, yes.

And then later you would get reports about those, about any alarms about which you had been telephoned?---No, not unless we requested those reports.

Well, you'd get reports about alarms that had gone off where you'd been telephoned and where you had specifically requested them?---If I'd, if I'd request it, yes.

40 Yes, thank you.

MR STRICKLAND: Could the witness please be shown Exhibit 147, that's a statement of Stephen Young. I just want you to go to paragraph 20 which is at page 261 and just read that to yourself if you could?---Yes.

Do you agree that the only reports that you received in relation to - I'll withdraw that. Do you agree that the only alarm reports you received were

what is described in Mr Young's statement as the unusual?---I don't understand what the unusual alarms would be.

Do you agree that the practice that was adopted in relation to monitoring alarm reports was that not every single alarm report was received, I think you've accepted that?---Yes.

Okay. The ones you received were the ones that required some attention because there was something exceptional or unusual or not the norm about them, do you agree with that?---No.

THE COMMISSIONER: Mr Huskic has said the ones he received are the ones he requested.

MR STRICKLAND: I see. But are they the only ones you received?---I would occasionally get a report from the monitoring centre if, for instance, an alarm was faulty I guess and a couple of notices have gone to the, the contractor and they haven't attended to fix it, they would then forward a, a report to us saying this is the second or third notice to Boss or Kings or 20 whoever and then we would I guess call that contractor up and say what are you doing, when are you going to go out and have a look at this.

If you just go to page – if I can now take you to Exhibit 145 at tab- - -

THE COMMISSIONER: Sorry, this statement that you – this is the statement of Mr Young which is 147, is it?

MR STRICKLAND: That's right, that's correct.

30 THE COMMISSIONER: Yeah.

MR STRICKLAND: Could you now just have a look at tab 22 and you see that's an email from Mr Creary to Mr Anderson in yourself relating to – have you seen this, have you seen this, have you read this in the last week or so?---No, but I do recall, I do recall this.

So have you, have you, are you familiar with its contents?---Yes.

40 Okay. Now, what I want to ask you is, before – you'd obviously had discussions with Mr Creary about the issue of transferring the Boss accounts to the Kings account before this email was sent. Do you agree with that? ---There was a joint discussion between the projects team, yes.

Which involved yourself and Mr Creary. Is that correct?---And Eric Kuiper.

And Eric Kuiper?---Yes.

Okay. And before this email was sent did you, did you also have, you also had discussions with Kings, didn't you, to the effect that they were prepared to submit a quote for the monitoring the alarm systems. Is that right?
---I don't recall. I may have, I just don't recall.

Okay. If you just take your, just notice at the top, that's at 10.02am, that email of 21 January. Just to go to Exhibit 21, sorry, tab 21, there's an email from Charlie Diekman to Robert Huskic, to you, on 21 January at 2.11pm.
10 so that's four hours after the email that you received from Cameron Creary, and that attaches a quote from Kings about the monitoring fees. Do you recall receiving that?---I don't recall it but it's here so - -

Do you remember having discussions with Mr Diekman about Kings or anyone at Kings, taking over the monitoring of the alarm systems that were, that were previously or that were currently being done by Boss?---I don't recall but it, it would have been the case.

And, and did you, did you recommend verbally to Mr Anderson that Kings should take over the Boss accounts in relation to the monitoring of alarms?
20 ---I know the recommendation came from the project team but I don't recall if I specifically recommended it from Scott, I don't know if it was myself or Cameron or Eric, I don't know.

But if I can just speak more generally – you played an active role, didn't you, in making sure that the accounts were changed from Boss to Kings. Do you agree with that?---After the decision was made that Kings were going to take over the monitoring, I don't know how it happened but it was my role to implement that I guess.

30 Ah hmm?---With assistance, I had assistance as well from the other team members obviously.

Sure. How many were in the team?---Oh, there was three of us.

Being yourself, Mr Creary and Mr Kuiper?---Yes.

Right. And can I suggest that you, and I'm not suggesting only you- - -?
---Yeah.

40 - - -but that you together with those other two, Mr Creary and Mr Kuipers, recommended to Mr Anderson that Kings should take over from Boss. Do you agree with that?---Yeah, it was our recommendation, yes.

THE COMMISSIONER: I beg your pardon?---Yes.

MR STRICKLAND: And I want to suggest that you, there were two independent sites that Boss did alarm, did monitoring alarms for. Do you

recall that?---Ah, oh, I remember reading Steve's statement, the Australian College of Health and there was one other one I can't remember.

Okay, well, I'll take you to those?---Yeah.

First, if you just go to Exhibit 149 which is the statement of Audrey Panetta. Now have you seen this statement before, have you read this?---I believe I have, yes.

- 10 Okay. And, well, I'll just take you to the key parts. Do you accept that one of the monitoring sites or one of the sites that was subject to monitoring by Boss was the Australian College of Health Service Management?---Yes.

And do you, do you agree that that was a private organisation which rented office space from Area Health Service?---I can't recall if I was aware at the time.

Do you agree that you took steps for the monitoring to be changed from Boss to Kings in relation to that site?---Yes.

- 20 And given that it was a private organisation why did you do that?---Because they were on Area Health premises and we were responsible for all, all, I guess, staff, visitors on our sites, including the building properties.

- 30 And do you agree that - just look please, if you go to page 322, the copying is not terrific. Well, perhaps I'll - without going into the, the fine detail of it the statement of Ms Panetta says that, I'll go to paragraph 18, she says the first she was ever notified of the change in the security number for the alarm system from Boss to Kings was some weeks after you'd made a decision to actually change Boss to Kings?---That's her statement.

Do you agree with that?---I don't know when she was aware of it, I, I don't recall dealing with her specifically.

She says that she had not made any complaint about Boss and that Boss, she said Boss's work was fine and there was no reason from her point of view to change from Boss to Kings. Now, have you heard, did you hear any complaint from that organisation or any, or the other private organisation about Boss?---No.

- 40 You didn't consult them, that is that private organisation, before making that change, did you?---Yes, I did.

Before making the change?---Yes, all departments were advised before making the change, they were made aware that we were changing over.

I see. Do you say you had the authority to do so even though it was a private organisation?---Well, I was given the role to implement the changeover so if, if that meant authority I'm not sure.

Well, I mean, no, but I mean did you understand that Area Health Service had the authority to change over an alarm system for an organisation that was not part of Area Health Service?---Oh, I don't know, I'm a representative of Area Health.

- 10 Yes, but they weren't, that's, that's the question I'm asking. The Australian College of Health Service Management was not so what business is it of you to change who monitors their alarms, that's the question?---Well, my role was to implement the changeover of all alarms across the area.

Yes, but that, that, you'd agree that they were a private organisation that did not form part of Area Health Service so why, what business is it of you to change who monitors their alarms?---Well, I was asked to do that.

- 20 You were asked to do it in relation to that organisation?---To all, all organisations on Area Health facilities.

I see?---Or grounds.

And who asked you to do that particular thing?---Well that was part of our - that came I guess from the decision from management.

But from which person?---Well it would have been Scott Anderson.

- 30 I see. Well I want to suggest that that particular topic was not raised with Scott Anderson?---Well I don't understand how we, we have the authority to go and change all the alarms over and not, not have someone sign off on that.

And could the witness please be given Exhibit 150. Have you had a chance to read this statement?---Yes.

And do you agree that the monitoring alarms were changed in relation to the Peninsula Sleep Laboratory?---Yes.

- 40 And do you agree that they were a private hospital?---At the time I don't recall if, if I knew that they were private, they were certainly on our premises.

The same question, what - if you just go to paragraph 14 of her statement. She states that, "PSL did not intend to and had no reason to engage another alarm monitoring company to replace Boss and had PSL remained at mainly at hospital our contract with Boss would have continued." And at paragraph 15, "PSL did not authorise anyone from Area Health or the hospital security

service to transfer the alarm monitoring account from Boss.” Do you accept that PSL did not ask you to transfer the alarm monitoring account from Boss to Kings?---I don’t recall, it was a while ago. I don’t recall if I actually spoke to Suzanne Burgess or not, I don’t recall.

You don’t recall that?---No.

See what I want to suggest is that’s something you did off your - of your own initiative, that is transfer - - -?---Well it would have been the same
10 answer as to the (not transcribable)

Do you say that’s something you specifically asked to do by Mr Anderson? ---Yes. If - what my understand - you know I don’t understand if these two companies figured this to be such an issue they could have gone to Area Health and suggested change back, I don’t know if that happened or not.

Whether they should have done that or not what I’m suggesting to you is you arranged for that change from Boss to Kings of private organisations without advising them but that was your intention before the transfer
20 actually happened. Do you agree with that or not?---No.

So you say you did advise them - - -?---Yes.

- - - before the transfer actually happened?---Yes. There would have been conversations or emails.

THE COMMISSIONER: What do you remember - you say there would have been. Are you - do you actually remember the phone calls or - - -?---
No.

30 - - - are you saying you don’t - - -?---I don’t recall, no.

You, you’re just assuming that you would have done that?---Yeah. Well, Kings, Kings would have had to attend the site to reprogram the alarm panels so Kings would have just come in, walked into an office and started playing around with the, the code pattern. Now obviously someone from security, a representative would have had to be there explain what was going on and obviously give notice before that was going to happen.

40 MR STRICKLAND: What I’m suggesting though is irrespective of - I withdraw that question. You made a decision that yourself in relation to these two private organisations to transfer the alarm monitoring system from Boss to Kings and it wasn’t - it didn’t come from their initiative. Do you agree with that?---No.

Well do you agree that they didn’t ask you, neither them, the Peninsula (not transcribable) Centre or the organisation, neither of them asked you to transfer the monitoring alarm system. Do you agree with that?---I don’t

recall if they actually asked but with the conversations prior to it happening they would have been made aware of it.

That's, that's a different question - - -?---I don't recall if they, if they've asked, yeah.

I, I've taken you to their state - I've take - let's go to - each of them have said that they had no complaint about Boss and that they would have kept with Boss. Do you dispute that?---No, that's their statement.

10

I know that's their statement but do you dispute that?---Well I can't speak on their behalf.

No. But do - well, what they're saying is that they never communicated to you or Area Health Service that they wanted to change. Do you dispute that?---I can only speak for myself, they didn't communicate that with me, no.

20

Okay. You, do you remember that you advised Marie Storey of the monitoring centre to change the monitoring accounts. Do you recall that?---I would have, yes.

Yes. And I suggest you did that before you advised these two private organisations- - -?---I don't believe so.

- - -of the change. Are you sure of that- - -?---Yes.

30

- - -or you don't know? Did you, did you play a part in changing the monitoring alarms from Boss to Kings because you wanted to curry favour with Kings?---No.

Because you wanted to assist them in obtaining more work?---No.

Do you know how much the job, the monitoring alarms was worth to Boss? ---No.

No, you have no idea?---No.

Did you, did you deal with their invoices?---No, not, not the Boss invoices.

40

Did you deal with the Kings invoices?---Yes.

So you knew how much the job was worth for Kings when they got it? ---Sorry, in regards to monitoring I didn't deal with the Kings invoices, sorry, no.

The scooter you received in, you received the scooter in May 2009. Is that correct?---I believe so, yes.

And did that have anything to do with your assisting Kings to get the Boss monitoring accounts or in relation to any other contract?---No.

Nothing to do with it you say?---No, I thought we discussed that yesterday.

Well, we'll be discussing it again today?---Okay.

10 Now, could you please look at tab 24. Actually I'll come to that later. Can you just, can you please turn to tab 25. It's at Exhibit 145. It's an email from Mr Roche to Mr Diekman. I just want to ask you one matter. That email indicates, it's an invitation in relation to an ASIAL gala dinner. Do you recall attending, you remember the ASIAL conference, do you, or the ASIAL dinner?---I believe that have one – I believe they have one every year.

Okay. Did Kings pay for you to go on that table?---I've never been to a gala dinner for ASIAL.

20 Okay. You didn't go to that dinner?---No.

Okay. And if I could take you please to tab 27. And do you see that it's an email from Mr Roche to Mr Poller attaching a reference from you? If you then go to page 195 can you see between 195 and 200, do you recognise that was your, is that your handwriting?---Yes.

30 And, and can you advise the Commission what that application is about? ---Kings Security fitted some security grilles at Manly Hospital. On completion they wanted a reference or a performance-type reference I guess, I'm not sure what they actually called it you'd call it a reference I guess, on the performance of those works or that installation.

And did you seek approval from anyone in the AHS to provide that referee's report?---No.

Do you believe you needed to do so?---No.

Could the witness please be given Exhibit 151. That's the statement of Scott Anderson dated 18 April, 2012?---Ta.

40 Now, if you go to paragraph 86 on page 22. Mr Anderson - just read paragraph 86 to yourself?---Yes.

And you've read that before?---Yes.

And do you agree with - first, do you agree with his statement that you were not authorised to provide service providers, which includes Kings, with a

written reference unless you had, you had sought his prior approval?---Ah, yes.

So you agree then that you did this without his prior approval, is that right, that if you sent off this client referee report without his approval, is that correct?---Yes, I did send it off without his approval.

- 10 And yet you knew that you needed his approval before you sent it off, is that right?---Well, I didn't see it as an actual reference, I just saw it as a performance document on how they did on that specific project, that installation. It was basically just a checklist as you can see and I've signed it as myself in my role as the supervisor of the project.

Well, if you go to page 195?---195.

I beg your pardon, I'm sorry, at tab 27.

THE COMMISSIONER: That's of Exhibit 144.

- 20 MR STRICKLAND: It's exhibit, exactly, so no, it's not the page on the screen, it's Exhibit 145, tab 27. You see, its described, the document that you have done is described by Kings as a reference and if you go to page 195 its described as a client referee report. Do you see that?---Yes, I do see that.

And if you look at the actual content of it it has all the hallmarks of a reference doesn't it?---Not in my opinion, no.

- 30 THE COMMISSIONER: Did you know what, what was the purpose of this, Mr Huskic - - -?---The purpose was - - -
- - - when you signed it?---Yeah. The purpose that I understood it to be was an evaluation on the actual project that they were contracted to perform.

An evaluation, evaluation for whom?---For Kings Security.

But what were they going to do with it?---I don't know what they were going to do with it.

- 40 I see.

MR STRICKLAND: Well, didn't you, didn't you ask someone?---No, I didn't ask anyone, no.

Well, surely you wouldn't as an AHS employee write a document like this unless you knew what Kings were going to do with it?---Well, to, to me it's just, it's an evaluation of a project, it's not Kings as a whole and everything they've done for Area Health, the contract description is Manly Hospital,

steel security installation, it's not the whole company since I've known them.

THE COMMISSIONER: Did you understand it was for Kings' internal purposes?---Well, that's what I understood it to be, yes, maybe to gauge their, the work of their employees, I'm, I'm not sure.

MR STRICKLAND: Were you aware that you were cited as a referee by Kings on other jobs that they tendered for?---Not to my recollection.

10

You've never been asked to be a referee for other jobs that they were tendering for?---I may have but I don't recall.

THE COMMISSIONER: Mr Huskic, can I just - if you look at page 195 - - -?---Yeah.

- - - the document is headed "Application section 1/6". Did you know what application this was referring to?---No.

20

And it says "client referee report on the applicant's performance on a contract", so you knew that the document described Kings as an applicant? ---(No Audible Reply)

Is that right?---Well, I can't say I paid much attention to that.

THE COMMISSIONER: But they are called an applicant all the time?--- Well I don't know if applicants - do they mean their employees or is it Kings themselves I'm not sure.

30

Well it's obviously Kings it says so. Applicant organisation and the - just above the box headed 'Applicant Organisation.' Well there it is. One applicant organisation Kings Security Group?---To my understanding it was an evaluation of sorts, I didn't consider it a reference.

But who were they applying to? To be an applicant you've got to apply for something?---I have no idea.

But you knew they were an applicant?---I didn't even know, I didn't take that into - I didn't even know, I don't know.

40

Yes.

MR STRICKLAND: You were told weren't you what this reference was for weren't you?---I don't believe so.

Why on earth would you write a document for Kings about - asked what is this document going to be used for?---It was my understanding it was an evaluation.

Your understanding from whom?---From reading it and completing it.

But, but you were asked to do this weren't you?---Yes, I was asked to do this, yes.

Right. By whom?---I don't know for a fact but I'm assuming it would have been David McMicking who was the salesperson at the time.

- 10 And when he asked you do it I take it you would have said what do you want it for?---No, I don't recall.

Well given that you are prohibited from writing references without the approval of your employer and given that the title of the document is application client referee report surely you would have asked the obvious question what is this document going to be used for?---No, I considered it - -

THE COMMISSIONER: Well you knew that it was a referee report?---No, I never considered it as a, a reference of sorts - - -

But it says it is?---I know it says it there I never considered it as a reference, it doesn't appear to me the content - that's - it's a reference, it's, it's an evaluation check list of sorts.

Can you go to page 198. Can you see the, the heading 'Client Referee Report' on the applicant's performance on a contract - - -?---Yeah.

- - - and that's the same at 195?---Yeah.

- 30 So this was a referee report that you were signing?---Well I was aware of - I was unaware of that.

But it's on the document you filled out?---I know it says on the document but I didn't understand it to be that.

You knew what a referee report was I take it?---Well, a reference of sort.

- 40 MR STRICKLAND: You knew this was for an application for Kings - the Department of Commerce didn't you?---No.

You were told that weren't you?---No, I was not.

And you deliberately did not tell your employer what you were doing in case that led to other enquiries?---No.

It was a deliberate decision by you not to disclose this to your employer wasn't it?---No.

Now I want to ask you about the renewal of the 2010 Abloy agreement. Could you turn to the document I was about to take you to which is at tab 24. Exhibit 145 tab 24. Now do you agree that from time to time Kings wrote you a letter such as this advising you of a price increase for the items covered under the, under the 2006 master key system agreement?---Yes.

Now you were - you had a role didn't you in the renewal of that agreement in 2010, do you agree with that?---Yes.

10

What was your role?---Basically to process it I guess, monitor it, manage it, I don't, I don't know what, what you'd call it.

Well - - -

THE COMMISSIONER: Are you talking about the renewal?---Well it was my, my role to get the documents and send them on for approval.

You mean merely clerical?---Pretty much, yes.

20

Well you also had a role didn't you in recommending that the agreement be renewed didn't you?---No.

MR STRICKLAND: None at all?---No.

I beg your pardon?---No.

30

If you go to tab 28 in Exhibit 145, if you go to page 202, tab 28, page 202, there's an email from yourself to Mr Roche – I beg your pardon – I'll start with the one before. There's an email, the first one at the bottom of the page, halfway down is Mr Roche to yourself asking you to sit down in February to discuss where to. Is that correct?---Ah- - -

“With the agreement due to expire in April, can we plan to sit down in February to discuss where to?” Do you see that?---Ah, yes.

So that's suggesting, isn't it, that you were the person in Area Health Service who was going to negotiate the renewal of this contract?
---I don't negotiate anything, no.

40

You disagree with that proposition?---Yes, I disagree.

Okay.

THE COMMISSIONER: So, so what were you going to, you agreed, you replied and said, “Yes, no problem.”?---Yes, so- - -

So what did you think was going to happen when you planned to sit down to discuss where to?---My role was to, my role was to, to get the new proposal and send it on to management for approval.

But that could just be done by post?---Well, it could be but because I was dealing with them from the start and the implementation of the (not transcribable) they knew that you know, I was I guess the person that was doing all the process-type work.

- 10 So what did you understand, "Sit down to discuss where to", to mean?
---Oh, I don't know.

What did you think you were going to – and what actually happened when you sat down to discuss with them?---I don't even recall sitting down. From memory every agreement proposal was sent to me or dropped off by maybe one of the locksmiths, I don't ever recall sitting down with, apart from the initial contract, the years after I don't recall ever sitting down with them and discussing it, it was always usually dropped off from memory.

- 20 Well, if you go over the page at 201, Mr Roche replies and says, "How's Thursday, 11 February at 10.00am?" And then you reply to that on the same day, "Peter, sounds good. I don't know if we have to meet up, I'm happy just for someone to drop the contract off and I'll arrange to get it signed off by the powers above. There shouldn't be too much of a change, should there?" Do you see that?---Yes.

And then Mr Roche says, "Okay, that's my type of agreement"?---Yes.

"I'll review and advise how much it's going up by"?---Yes.

- 30 And so you did not negotiate at all with – I'll withdraw that. Did you negotiate at all with Kings about how much the contract was going up by?
---No, no.

But that was exactly your role, wasn't it?---No, I don't have the power to negotiate anything.

Well, you may not have the power to make a decision- - -?---Yeah.

- 40 - - -but it was your job to negotiate with Kings to get the best possible price for Area Health Service, which that, the agreement in place then being approved by your superior?---No.

That was your job, wasn't it?---No.

Whose job was it to- - -?---Area Health.

I haven't finished there?---Okay.

Whose job was it to arrive at an agreement about the renewal of that key, key agreement?---Area Health.

That's not a person, that's an organisation?---Oh, management.

Who?---Senior Management.

Who?---Would have been Scott Anderson or people above him.

- 10 You're saying Scott Anderson or people above him – it was his job or their job to ring up Kings, to discuss and negotiate what the terms of the 2010 agreement were. Is that right?---I don't know what their actual role was, my role was basically to get the contract, deliver it to, to Scott Anderson and he would arrange to get it signed off.

What were you, what was your pay back then?---Oh, I don't recall.

You have no idea?---No.

- 20 Don't know if it was 50,000 or 150,000?---What year was that?

2010?---Oh, it would have been something like 50,000.

And you say your only job in relation to the renewal of the contract was simply a clerical one?---Yes.

I suggest that that is not true?---that's your suggestion.

- 30 Your job was to negotiate the best terms possible and then to have it, have any negotiation that you had entered into approved.

THE COMMISSIONER: He denies that.

MR STRICKLAND: Okay. If you could turn to tab 29. Do you recognise that as the 2010 agreement?---Yes.

And if you go please to page 267 you'll see there a schedule of fees?---Yes.

- 40 And they were not the subject of any negotiation were they, they were just presented to you?---That's correct.

And they represented a 65 per cent increase on the 2006 prices, do you agree with that?---I couldn't say.

I beg your pardon?---I couldn't say.

In the previous agreement you've agreed that the pricing increase was subject to a limit, that is a CPI increase and a manufacturer's increase?
---Yes.

Did you negotiate the same terms in relation to the 2010 agreement?---No.

You agree there was no limit in the 2010 agreement about how much Kings could increase the price from year to year?---It was my understanding it would always just be manufacturer's increase and the CPI increase.

10

But was that, that's not something you ever agreed to. That's not contained in this agreement is it?---I don't recall agreeing to that.

Well, did you read the agreement - - -?---Ah - - -

- - - when you, when you received it?---I don't recall.

20

But that was your job, wasn't, to, to read the agreement and to make sure that it met the needs of your employer?---Yes, I would read the agreement, yes, that is my role.

So it wasn't simply clerical, you did have to apply your mind to something didn't you?---Yes.

Namely to read the agreement and to make sure all the relevant terms and conditions are in it?---Yes.

30

And was there anything in there about the terms of the conditions under which or the circumstances in which Kings could increase their price from time to time?---I don't recall.

You see, you allowed Kings to, you allowed Kings as Mr Roche said to advise you how much the prices were going up without any attempts by you to set any limit, do you agree with that?---No.

Well, what efforts did you make to try and, what efforts if any did you make to ensure that any price increases were kept within reasonable bounds?

---Well, I would have looked at the pricing schedule and compared it to the previous contract.

40

So you did that did you?---I would have, I don't recall doing it but I would have.

And did you attempt to negotiate with Kings as to getting the best possible price?---I don't recall, no.

The prices that were contained in schedule D, that is at page 267 and 268, they were not prices you supplied Kings, they were the prices you were given?---That's correct.

And you didn't attempt to negotiate those down did you?---No.

And you didn't, I suggest you didn't ask anyone from Kings to include a term in the contract as to limiting their prices increases from time to time, to CPI or manufacturer's or on any basis, do you agree with that?---No. Oh, 10 yeah, I agree with that, yes.

And you didn't see that as part of your job, is that right?---Well, it was my, always my understanding that there were going to be the increase of CPI and manufacturer's.

That's not my question. You did not see it as part of your job to include a term in the agreement as to the circumstances in which prices could be increased from time to time?---No, the contracts just rolled over every four years so whoever did the original contract - - -

20 MS HUGHES: Commissioner, if I could intervene at this point. On last page, on page 268, at the end of that table there is a statement, "Prices are reviewed annually and take into consideration any manufacturer increases as well as an increase to CPI."

THE COMMISSIONER: Yes.

MR STRICKLAND: Yes, I'm aware of that.

30 MS HUGHES: Well, isn't that slightly misleading, it is contained within this - - -

MR STRICKLAND: No, it's not. I mean, I'm happy to have submissions about it but it's a, it doesn't stipulate - all that that requires is those two matters can be taken into consideration but I'm happy to ask this witness about it, it doesn't mean it's limited by that. It's to be taken into consideration but I'll ask this witness about it - - -

THE COMMISSIONER: All right.

40 MR STRICKLAND: - - - as the objection's raised.

THE COMMISSIONER: I'm mean, I'm not sure where this is all going because as I understand Mr Huskic he says it wasn't his job to do any of this.

MR STRICKLAND: I understand that, I think that will be contradicted though.

THE COMMISSIONER: Yes, I know but - - -

MR STRICKLAND: But I - well, I'll just ask that question as the - - -

THE COMMISSIONER: You can put to him, you can put to him what you say he should have, what his job was and what he should have done. I understand him to say it wasn't my job and I didn't do anything. That's right, Mr Huskic?---Yes.

10

MR STRICKLAND: Well I'll just ask in light of it. Did you - do you see the bottom, the bottom line on page 260?---Yes.

Was - did that come with the agreement or was a term that you included?---I always understood that to be part of every contract every year.

Okay. Thank you. Will this be a convenient time?

20 **SHORT ADJOURNMENT**

[11.25am]

MR STRICKLAND: Commissioner, could I tender an additional bundle of material. It forms part of Exhibit 145 but it's described in an index as the second bundle of Exhibit 145. It relates to a discreet element of the enquiry which is in relation to the Gosford car park and there are - the second bundle goes in tabs 30 through to 54 but perhaps for convenient sake it could be part of Exhibit 145.

30 THE COMMISSIONER: Sorry, I didn't hear what you said.

MR STRICKLAND: Could it be - form part of Exhibit 145 but it's, it's the second bundle of Exhibit 145. I mean it doesn't - the reason being is it's - I don't mind if it's given another exhibit number but the tabs go from tab 30 on.

40 THE COMMISSIONER: Yes, I see. All right. Well, the Exhibit 145 which is a bundle of Area Health Services will become Exhibit 145A and the bundle of documents relating to Area Health Service which is in a folder marked second bundle pages 1 to 164 will be Exhibit 145B.

#EXHIBIT 145A – BUNDLE OF AREA HEALTH SERVICE DOCUMENTS

#EXHIBIT 145B – SECOND BUNDLE OF DOCUMENTS RELATING TO AREA HEALTH SERVICE PAGES 1 TO 164

MR STRICKLAND: Thank you.

I just want to ask - before I ask about Exhibit 145B could the witness just be shown Exhibit 145A again, please.

And if you just please go to tab 27 again. If you just go to page 195 of tab 40. Sorry, tab 27. That, that document is not an AHS document is it?---No,
10 it's not.

Do you recognise that as a pro forma document from a Government department?---No.

From the Department of Commerce?---No, not that I can see, no.

If I can just ask you another question about the changing of monitoring from Boss to Kings. 'Cause I've asked about those two independent site - I'm sorry, two private sites?---Yes.

20 To your understanding who actually paid for monitoring alarm? Sorry, before when Boss was the monitoring company who paid for the monitoring of those two sites to your knowledge?---The actual sites themselves that, yeah.

That's right. The actual private organisations?---Yes.

So given that was so what authority did you have to change the - who would monitor their alarms when they were paying for it?---I was acting under
30 instruction from my employer.

Well, from, you say from Mr Anderson?---Yes.

Okay. And if I can ask you about the 2010, the renewal of the master key agreement which I asked you about before lunch, the tab 29 document?
---Yeah.

40 Can I suggest that you never advised Mr Anderson that the prices had increased by 65 per cent over the 2006 agreement. Do you agree with that or not?---I don't recall if I had a specific conversation with him about it but he would have read it and I'm assuming he would have read it before signing it.

I want to suggest that you did not advise Mr Anderson about the changing of the two – sorry if I've asked this before – about the changing of the two private organisations' monitoring from Boss to Kings. Do you agree with that or not?---I don't recall if we had a specific conversation, no.

Now, I want to ask you about the Gosford car park contract. Do you recall your role in that job?---I was the project officer assigned to manage that job I guess.

And what did that involve?---Obtaining quotes, ensuring the works were performed.

- 10 And you knew didn't you, you had to obtain three quotes. Is that correct?
---There were a number of quotes – at the beginning of the project there
were a number of quotes, one for the installation of the boom gates, one for
the access control, one for electrical work, there was a number of quotes.

The electrical quote was separate, wasn't it?---Yes.

But the access control and the boom gates were part of the one contract,
weren't they?---Not originally, no.

But they became part of the one contract?---Eventually, yes.

- 20 And in relation to that contract- - -?---Yes.

- - -that was a contract worth well over \$100,000, wasn't it?---Yes.

And you knew you had to get three quotes for such a contract, didn't you?
---Well, I was under the impression it should have gone to Capital Works
which there were discussions about and then that changed because it was- - -

Can you answer my question, whether you had to- - -?---Sorry.

- 30 - - -go through Capital Works or whichever organisation- - -?---Yeah.

- - -you know as the project manager you had to get three quotes. Do you
agree with that or not?---I would say yes.

I'll show you a document which is entitled Purchasing and Supply Manual
for Public Health Organisations, a New South Wales Health Department
document. I should say I tender a Purchasing and Supply Manual for Public
Health Organisations, January 2006.

- 40 THE COMMISSIONER: Exhibit 153 is a Purchasing and Supply Manual
for Public Health Organisations.

**#EXHIBIT 153 – PURCHASING AND SUPPLY MANUAL FOR
PUBLIC HEALTH ORGANISATIONS**

MR STRICKLAND: As a project manager you were familiar with the purchasing procedures for New South Wales Health, weren't you?
---As project officer.

Well, in whatever capacity, you were familiar, you were a project manager of this particular job?---I was the project officer.

I see. But you managed the project. Is that right?---To an extent, yes.

10 And if you go to, you see in the document I've given you there's a heading called General Purchasing Limits (1.6) Do you see that?---Yes.

And (1.6.3) relates to Goods and Services Work over \$30,001 and to \$50,000 in value, incl GST. Do you see that?---Yes.

And that requires a minimum of three quotes must be obtained in writing if they're available?---Yes.

Now, in relation to that particular job did you have site inspections?---Yes.

20 And, and you invited potential - well, you invited tenderers to the site inspection or the site inspections?---I wouldn't say tenderers, I'd say contractors.

Okay, contractors?---Yeah, to provide quotes.

Did you invite the contractors?---Yes.

I missed the bit, to what?---To provide quotes.

30 To provide quotes?---Yeah.

And who did you invite?---There was Eco Traffic Solutions, Kings Security, Sielox Security, Stowe Electrical.

We'll forget the electrical one for the moment?---Okay.

But I'm talking about in relation to the boom gates and access control?
---Yeah, I believe, I believe that was it.

40 Eco Traffic, Kings Security and Sielox, is that right?---Yes.

And did Sielox ever submit a quote?---I believe they would have.

I'm asking whether they did?---I don't recall.

So who from Eco Traffic came to the site inspection?---Rob, Rob Agnew.

Right. And what was his position in Eco Traffic?---I believe he was the owner of the company.

And who from Kings Security attended the site inspection?---David McMicking.

All right. And, and was your - in relation to this contract was your liaison with Kings with David McMicking?---Yes.

10 And anyone else?---Not that I can recall.

And who from Sielox came?---David, I'm just trying to think of his surname. I can't recall his surname. He was the salesman that dealt with Area Health and I believe George Christoforou came through as, as well, on the initial walk through.

George who?---Christoforou.

And where does he come from?---Sielox. He was with David.

20 I see. And was there any other persons from any other company present? ---No, not that I can recall.

How many site inspections did you have in relation to the Gosford car park contract?---Several.

Several. And did those people you have mentioned come to all of them? ---Oh, they would have, yes, I believe they would have.

30 And what about Michael Hingerty from MJH Securities?---Yes.

Did he come along to any of the site inspections?---No.

Did you invite him?---Not that I can recall, no.

Could the witness please be given Exhibit 145B. So that's, that's, just to be clear that's the new, the new bundle I've just handed relating to Gosford car park. So if I could take you first to - now, they're, they're, the pages are numbered, if I can take you to, it's tab 34 but it'll be page 5 in your bundle.
40 Now that, that should be an email just headed "Gosford Hospital boom gates revision", do you see that?---Yes. Sorry, oh, yes.

An email from you to David McMicking and Rob Agnew?---Yes.

Of 9 March, 2010, "Guys, can you please provide an updated quote to include the following additions, do you see that?---Yes.

So there has been a quote and you have asked them to provide a, an updated quote, do you see that?---Yes.

And is there any reason why you've only emailed two of the contractors in that email?---I don't recall, I don't know why, no.

You have no explanation for that?---No.

10 Because you've agreed that you needed to have three, correct?---Well, it depends at what stage this was in the, the project because the project changed every week.

I see?---It started off being, you know, a small job went into a big job and then got split to, to make it a smaller job again in different stages so it was just, it was messed up, there was a lot of changes made.

Okay. Well I'll take you then to, to the beginning. Just go to the tab 30 which is page 1.

20 THE COMMISSIONER: Sorry, tab?

MR STRICKLAND: I'm sorry.

THE COMMISSIONER: We haven't got tabs.

MR STRICKLAND: I'm sorry. I'll just use my page references. Page 1 of that exhibit and that's an email from you to Graham Edmond, is that right? ---Yes.

30 And he was, he was an employee at Eco Traffic, is that correct?---No.

Who, who was Graham Edmond?---Graham Edmond was an employee at Manly Hospital he worked in the engineering department, he was the electrician.

But who did he work for?---Area Health.

40 I see. And you're putting him onto Eco Traffic for, for boom gates, is that right?---Yes. We had a boom gate at Manly Hospital which was always playing up.

Okay. And then if you go to page 2 you have emailed Rob Agnew yourself saying that Gosford Hospital engineer will be in contact with you to provide a quote. Is that right?---Yes.

And then go to page 3 there's an email from you to Mr McMicking setting out the requirements for the Gosford boom gates and referring to the

different levels of car park and the different boom gates required. Is that right?

---Yes.

And that, and that - you're seeking a quote for the - for all those - for boom gates for all those particular levels. Do you agree with that?---I don't know if this actually is asking for a quote it just says these are the requirements.

I see. Well you were asking him to - - -?---Could, it could be anything.

10

But you were asking to quote weren't you at this stage - - -?---Well originally I would have asked him to quote, yeah, but this could have been, could have been anything.

Okay. Go to page 4. That's a specific request for a quote isn't it, from - to Rob Agnew?---Yeah, I would have been waiting on a quote.

20

Righto. Then if you go, please to page 6 and 7. You - on 9 March you sent an email to David McMicking and Rob Agnew, subject Gosford Hospital boom gates revision and then you asked for a updated quote to include the following additions. Do you see that?---Yes.

And that's the email that I showed you before, correct?---(No audible reply)

THE COMMISSIONER: It's the email at page 5.

30

MR STRICKLAND: That's the email at page 5. And then if you go to page 8, please. Mr McMicking the day after you have sent an email for the quotes Mr McMicking sends you a quote which appears, I should say quotes which appears from - to pages 10 through to 18. Do you see that?---Yes.

Well in just going back then to page 5 asking for an updated quote to - for the following additions that's on 9 March. The following day you get a quote from Mr McMicking and those quotes total well over the \$30,000 threshold, so they obviously refer to quotes to the - for the whole boom gate job, correct? If you look at the quotes from pages 10 on. Do you agree with that?---I couldn't say for certain.

40

Well, look - just look at them, just - - -?---I am I'm looking at 'em, yes, I can see them, I, I know that they are quotes for the boom gate system, correct but whether they relate to those emails I don't know.

Well, sir - - -?---because the, the, the project was staged and it changed so much, there was so many emails - - -

Well, forget - - -?---going back and forth.

Forget the general comment. You, you, you have asked - you've been asked to - you've asked them on 9 March to provide an updated quote to include the following additions the following day and they relate to car park A et cetera, the following day you get a quote and are you saying that quote - just, just look at for example page 13, there's a reference to car park A?--- Yeah, but it doesn't specify at what stage the quote was requested and what quotes submitted.

10 THE COMMISSIONER: Well, the date, you can look at the date, it's 10 March, page 11.

MR STRICKLAND: So you asked him for an updated quote for car park A on page, that's your page, that's your email at page 5. And then if you go the email sent to you the following date on page 12 there is a quote that includes car park A, entry and exits, two times four-metre boom gates. Do you see that?---Yes, I see that.

So you can't say now can you that these quotes are not in response to your email?---I can't say for certain.

20 Oh, well, Mr Huskic- - -?---I can see what- - -

- - -I'm happy to be here all day if you like. I mean it's obvious, isn't it, that the quote you have received from Mr McMicking is in answer, is in reply to your request the day before? Do you agree with that or not, bearing in mind the date and bearing in mind what is in the quote?---Yeah, I can see it looks that way, yes.

Well, it is that way, isn't it?---I'm reading it that way, yes.

30 Okay. So then going back to my question of the, in relation to 9 March, knowing that you required three quotations why have you only sent the request for an updated quote to two contractors?---I, I don't know why.

Okay. And if you could then go please to page 20, and that is a quote that you, that was copied to you from Rob Agnew. Is that correct? That's on 16 March, that is from Eco Traffic?---Are we, are we talking about the email or the quote?

40 Well, there's a quote attached to the email, isn't there?---'Cause the quote says, "Client contact details, Phillip Button", so he would have been part of, I believe he was part of the Capital Works team back then.

All right. But, well, let's just, let's just, let's do the email first?---Okay.

You, you were copied into an email to Sanders. That's Stewart Anderson, correct?---Scott Anderson

Scott Anderson, I'm sorry, Scott Anderson?---Yep.

And you received this quote, didn't you?---Yeah, I was copied into it.

It was emailed to you?---Yes.

Right. And indeed in the bottom email you email Rob Agnew, copy to Scott Anderson, you say, "Rob", that's Rob Agnew, "Can you please include the following contact when sending for the boom gate quote, Scott 10 Anderson", et cetera?---Yes.

And in response to that he has emailed to Scott Anderson, copy to you? ---Yes.

So you are familiar with the quote that has been attached, aren't you? ---Ah, yes.

Agree with that?---Ah, yes.

20 Okay. And this quote is for the Gosford Hospital boom gates and access control. Is that correct?---I believe it would be for the boom gates, it wouldn't be for the access control 'cause Eco Traffic wouldn't do the access control component of it.

Okay. So you accept it's for the boom gates. Is that right?---Yes, I can see that, even though it doesn't say Gosford Hospital car park project and it's addressed to Phillip Button, not myself. It does look like the Gosford Hospital car park project.

30 And who is Phillip Button?---Phillip Button I believe either worked in the engineering department at Gosford Hospital or was part of the Capital Works team.

Now, then if you go to page 24 – now you're not party to that email so I won't ask you about that. If you can go then to page 26. This is an, this is an email from yourself to David McMicking on 11 May. "Please disregard any orders that come through recently for the above project." And you see there it's got "Gosford Hospital boom gate orders."---Yes.

40 So the project refers to the Gosford, Gosford Hospital boom gate, correct? ---Yes.

"These jobs will all be combined and managed by Capital Works. I will advise once a decision and new orders have been supplied"?---Yes.

Well, what orders had you, what orders had you provided to them that they had to disregard?---I don't recall exactly, they may have been the access control component, they may have been the boom gates, I'm not sure.

Well, the above project, the reference to “above project” referred specifically to Gosford Hospital boom gates, correct?---Yes.

So the above project must mean the Gosford Hospital boom gates?---Yes.

But the tender, the tender hadn’t been completed at that stage, had it?---No, I don’t think it was a tender, it was just quotations.

- 10 Well, that’s part of the tender process isn’t it?---Well, there was no tender document of sorts.

It was a tender process, that is, different contractors are tendering for a contract, isn’t that right?---Engaged to provide quotes.

Engaged in the process of bidding for a contract, is that right?---Quoting on a contract.

Okay, quoting for a contract?---Yes.

- 20 But the decision as to which contractor to use had not been made, had it? ---Well, looking at this email, “Please disregard any orders” obviously an order must have gone through at some stage.

Exactly?---For what amount I’m not sure, I don’t, you’d have to probably check with our accounts department.

- 30 But does that mean that you had put orders through to Kings before deciding on a quote?---No, no, a decision must have - well, would have had to have been made for an order to go through so a decision would have had to have been made for an order to go through.

But a decision by whom?---Area Health.

Well, but Area Health, which person in Area Health must have made the decision?---Well, it would have started with Scott Anderson and then gone up - - -

- 40 You said would have, I’m asking not what would have happened, what did happen?---Oh, well, to my knowledge it was Scott Anderson and the executive at Gosford Hospital.

And, and they made a decision before this email to, to accept certain orders from Kings in relation to the Gosford Hospital boom gates, is that right? ---Well, it appears that way because it says “disregard any orders” so I’m assuming that some orders have gone through so there would have been some orders raised.

But it's not the case that you off your own bat sent orders through to Kings for jobs less than \$30,000 for example?---I'm unable to do that.

Well, whether you are unable to do that, what I'm asking is whether you did do that?---No.

Now if you go then to page 28 please. And that's an email on 15 May from you to David McMicking, copy Charlie Diekman saying, "Dave, over the next couple of weeks you may get some calls from boom gate installers 10 asking you to price for adding access control on a couple of boom gates at Gosford. Obviously will have HID readers on the Pro-Watch system. No, this is not the boom gate Cameron is talking to your guys about, this is additional. We intend to fit the whole site with boom gates but in stages. Thanks, Rob." Do you recall that, sending that email?---Yes.

So you're providing them with information to assist them in quoting later on, is that right?---(No Audible Reply)

Or alerting them?---I'm giving, I'm giving them a heads-up that they will be 20 contacted by boom gate companies, correct, because boom gate companies won't have the capacity to perform the access control side or component of the job.

Okay?---So they would have to have contacted either Kings or Sielox I believe.

And then Mr Diekman writes to you, "No worries, I shall call myself and ask myself about the boom gates after you tell me what we can quote the boom gates."

30 THE COMMISSIONER: "Tell me we can quote".

MR STRICKLAND: I'm sorry, "After you tell me we can quote the boom gates." What was he referring to there?---Oh, I think he was just high noting himself or something, I don't, it might have been a joke, I don't know. It looks like he was just saying that he would just speak to himself about it, he knows all about boom gates.

40 Now if you could go then please to page 30 and this is an email that you have sent to Clifford, sorry, it's Tracey Clifford, is that right?---And Jean Boado, yes.

Yeah. Well, I'll just do one at a time. And Tracey Clifford is the - she's a finance director, is that correct?---My understanding is she's the manager of Capital Works.

And who's Jean Boado?---She's one of the Capital Works Project managers.

Okay. And Capital Works becomes involved because of the value of the contract, is that right?---Yeah, that's my understanding, yes.

Okay. And their role is to assist you in preparing for a report to go to the Capital Works Committee?---I believe - - -

Is that correct?---It's my understanding if, if it goes to Capital Works that they actually run the project and we assist, we assist them.

- 10 But you provide them with the quotes don't you?---I would provide them with the quotes if asked, yes.

Okay. Well in this case you were asked were you?---I would have been, yes.

Right. And if you go to page 31. This is dated 14 May 2010. Have you seen this document before?---I, I recall the first page I can't remember seeing the second page with the red, I knew that wasn't my side of it, so I don't recall that, that page.

- 20 Okay. Well do you see the recommendations as on - this is 14 May that the quotes submitted by Kings for the amount of 202,000, 300 for the upgrade of the Gosford Hospital car park be accepted? Do you see that?---Yes.

And that was your - was that your recommendation?---It was Scott Anderson. If you look down the bottom - - -

I see that?---it's Scott, yeah.

- 30 I understand that. Your name and his name, correct?---Correct.

So was it your recommendation?---Well I assisted with that recommendation, it wasn't just my recommendation.

Was it - I didn't suggest just your recommendation but were you part of the team that recommended that quote be accepted?---Yes, I was.

- 40 Okay. And if you go to page 33 you can see that there are a number of quotes which are attached to the referral note to the Capital Works Committee. The first one is the quote from Kings. Do you see that?---Yes.

At 170, 8750 and that's a, that's a quote that bears your name at the top? ---Yes.

And that quote came to you, is that correct?---Yes.

And that's again for the boom gates?---Yes.

And there's an additional - that was for 178 and then there's an additional quote for - it relates just to the boom gate for the level 5 car park. Do you see that? It's on page 34?---Page 33 is a summary.

Yes?---Yeah. So page 34 relates to page 33. It's in that summary, yes.

So the pages 34 through to 38 contain the component quotes and page 33 is the total quote. Correct?---Not page 38. Can't see 38 being there. Page 38?

10 Yes?---I don't think that's part of a summary.

I see. That's a, that's a separate quote.

I beg your pardon?---Yes.

Now if I can turn to page 39. That's a quote from Eco Traffic, is that correct? Pages 39 - - -?---Yes.

- - - through to 40. Pages 39 through to 44 is the Eco Traffic quote?---Yes.

20 And that's dated 25 January 2010. That is I should say - yes, from 38 - I beg your pardon. From 39 through to 42 is dated 25 January 2010. Do you see that?---Yes.

And that's, that quote's addressed to you?---Ah, yes, it is.

And if you go to page 42 you'll see there's some handwriting on- - -?---Yes.

And that's your handwriting, isn't it?---Yes, it is.

30 And you, so there's an additional quote 40021 attached from Kings Security to be added to this quote for the access control component?---That's correct.

And you've, and on page 43 is the access control quote from Kings that is attached?---Yes.

It's referred to I your handwritten note. Correct?---Yes.

And that's for 12,320?---Ah, yes.

40 Dated 13 May, 2010?---Yes.

Did you ever tell Mr Agnew that you were adding Kings' customer quotation to his quote?---I wasn't actually adding it to his quote.

That's exactly what you say you're doing, "From Kings Security to be added to this quote- - -?---Yes, which means- - -

- - -for access control component”?---Which means two orders would have to be raised, one for Eco Traffic for the amount of 176, which is their total, and another order for the 12,000 to Kings Security for the access control component of it.

But would, but what you were saying, Eco Traffic has put in a quote?---Yes.

A total quote of 176,000. Correct?---Yes.

- 10 And what you are saying to the Capital Works committee is that you need, that is you, the committee, need to add on to the 176,000 quote, 12,320 quote from Kings. Correct?---They would have to raise a separate order for the Kings’ quote, yes, and attached- - -

But, well, I’ve only used your words, your- - -?---Well, that’s what I’ve written at the time.

- 20 Yeah – no – well, these are your words, that the Kings’, the additional quote at page 43 is quote, your words, “To be added” to this quote for access control component?---Correct.

So did you advise Mr Agnew that the Kings Security quote was to be added to his quote?---No, it wasn’t actually added to his quote, it was to form part of that recommendation and that Kings were doing the access control component of it because Eco Traffic don’t do access control, and Rob Agnew was aware of that, that Kings Security would have to do the access control component of it.

- 30 And you say Mr Agnew was aware about it. Is that right?---Yes, when we did the- - -

No, hold on. How did he become aware of it?---I would have told him.

Did, but did you tell him?---I would have, yes.

Do you have a record of telling him?---No, it would have been through our walkthrough, the site walkthrough.

- 40 Well, in that, in the – did you advise Mr Agnew in any of the walkthroughs you did that it was – that he would have to subcontract the access control component of his contract to Kings?---He wouldn’t, he wouldn’t be subcontracting, no, it would be a separate part of the works that Kings would do the access control side of it.

Well, did you ever – did he – did you – are you saying you discussed this matter with him, did you?---Yes, I would have discussed, he would have been installing the boom gates and everything associated with that and

Kings Security would be doing the access control side of it, obviously because he couldn't do the access control.

And that's, and you discussed that with him, did you?---I would have, definitely.

And, and why do you say he couldn't be, that Eco Traffic couldn't do the access control part of it?---He's not a security company I guess, he, he only did boom gates, he didn't do access control.

10

In any event, your evidence is, you didn't advise him at any stage, did you, that when the Capital Works Committee was considering his quote they would also have to consider, they'd also have to add on another quote considering his total quote. Is that correct?---Yes, but it was not adding onto his quote, it was a separate quote which means a separate order, so there would be two orders for the job.

MR STRICKLAND: No- - -

20

THE COMMISSIONER: It was supplementing his quote really?---I'm not sure what you mean by that.

Well, he wouldn't get the order unless the King's quote was also accepted as well as his?---It, it had to be, it was the access control component part of it.

Yes, that's what I mean, it supplemented?---Yes.

30

In other words, that if he were to get, if, if, if the Eco quote were to be accepted- - -?---Yeah.

I'm sorry, let me start again. For the Eco quote to be accepted the Kings Security quote at page 43 would also have to be accepted?---Yes, in regards to the scope, yeah, the access control side of it.

MR STRICKLAND: And you never told them that, did you?

THE COMMISSIONER: Told who?

40

THE WITNESS: There was no need to.

MR STRICKLAND: Sorry, you never told Mr Agnew that, did you?
---There was no need to. His quote doesn't change.

Forget whether you needed to, you didn't did you?---No, I didn't, no.

And if you go to page 44 this is another quotation from Eco Traffic that you have submitted to Clifford Tracy and Jean Boado, correct?---(No Audible Reply)

It forms part of the Eco Traffic bundle, doesn't it?---I'll have to just read that. No, this is for Royal North Shore Hospital, I'm not sure what this is for.

10 Yeah. Well, whatever it's for this is, this is a quote from Eco Traffic Solutions - - -?---Yes.

- - - that you submitted to Clifford Tracy, Tracey Clifford and Jean Boado as part of the Eco Traffic Solutions quote for the Gosford boom gates in 2010 didn't you?---No, this has got nothing to do with that. If you look at the date, this is date 28 May, 2008.

I accept that entirely. I agree with you it had nothing to do with it?---Okay.

20 But what I'm suggesting is even though it's got nothing to do with it you submitted this quote, you included this quote in the Gosford boom gates car park as part of the Eco Traffic quote?---I don't recall doing that. Is there an email attached to that?

I'm just asking, did you do that?---No, not, not to my recollection, no.

Okay. Now, if you then go to page 45 there's a, there's a quote from MJ Security, MJH Security Installations, do you see that?---Yes.

30 From Michael Hingerty?---Yes.

And that, this quote relates to the Gosford Hospital boom gates - - -?---Yes.

- - - matter. And did you read this quotation when you received it?---I would have.

Right. And that's for, there are two quotes, one on page 45, the first being for 174,500 and the second for 41,600 being for - - -?---For the fleet car park, yes.

40 That's right. For two separate quotes, is that right?---Yes.

And did you - how did you receive these quotes?---I'm assuming they were emailed.

I'm not asking you assume?---Oh, I don't recall.

How did you - - -?---I don't recall.

Did you speak to Mr McMicking - I'm sorry, did you speak to Mr Hingerty before you received this quotes?---Not, not that I can recall.

Your evidence was that Mr Hingerty did not attend any of the site inspections, is that right?---That's right.

So were you surprised to receive these quotes, given that he had not attended the site inspection?---I, I don't know.

- 10 Well, I'm asking you?---No, I don't know. Well, it, it would be a surprise I guess if he hasn't seen, visited the site.

Well - - -?---He may have visited the site after hours, I don't know.

Well, did he tell you he had?---No.

Well, to your knowledge did he, did he visit the site to enable him to give a quote?---Not, not to my - - -

- 20 Or quotes?---Not to my knowledge.

Well, then, if he hadn't visited the site surely you asked yourself how could this guy possibly provide a quote or quotations?---I don't recall, I don't - - -

Well, did you ask, did you ring him and say have you visited the site, do you know what you're quoting for?---No, I don't think I did.

THE COMMISSIONER: Could he have quoted reasonably without visiting the site?---There was a detailed scope of works so he could have.

- 30 MR STRICKLAND: Are you saying you can, you can do a quote simply from looking at a detailed scope of works?---It depends how detailed it is, yes, but - - -

Well, in this case, are you saying seriously that someone could have quoted for this value and for this particular site only on the basis of the detailed scope of works?---I don't know what his processes are, I couldn't say.

- 40 So your understanding is, is it, that these were two genuine quotes from Mr Hingerty in relation to the Gosford Hospital boom gates?---Well, they are, they're addressed to Area Health and my name's on them so - - -

That's right. So what's the answer to my question then?---I would say that yes.

Did you have any knowledge at all, sir, that these quotes were in fact prepared by Mr McMicking from Kings?---Not that I can recall, no.

Well, when you say not that I can recall if you had such knowledge you most certainly would have recalled it wouldn't you?---(No Audible Reply)

Do you understand that question, Mr - - -?---Just repeat it again, sorry.

Your answer to the previous was not that I can recall?---Yes.

My question was if you did have such knowledge that these were quotes from Kings - - -

10

THE COMMISSIONER: Written Kings.

THE WITNESS: Written by Kings, yeah.

MR STRICKLAND: By Kings and that's something you would never forget isn't it?---Well I, I would hope that I would remember it.

Is there any - - -?---Yes.

20 20 Is there any reason you might not remember it?---Well it was a busy time the Gosford Project job, it was - - -

THE COMMISSIONER: Is this the sort of thing that happens from time to time that - - -?---Not, not to my recollection.

- - - applications are written by - on the letterhead of one contractor by another contractor?---Not to my recollection, no.

So this would be a very unusual thing wouldn't it?---It would be, yes, but - -
30 -

Yeah. So you would remember it?---I don't - - -

You would be - wouldn't you - - -?---I should but I don't because it was a busy time - - -

Wouldn't you be shocked if you learnt this?---It is unusual.

40 No. Wouldn't you be shocked if you'd learnt that - that an MJH quotation written to you had been drafted by Mr McMicking of Kings?---I can't speak for their practices I don't - - -

No. Wouldn't you be shocked?---It would be unusual.

You are being very evasive and you are not answering my question?---I would be surprised.

MR STRICKLAND: Has it ever happened to you that you have received a quote on the letterhead of one company but in fact it has been written - the quote has been written by another company?---Not, not that I can recall. What do, what do you mean by that answer, sir?---Not that I can remember.

THE COMMISSIONER: You mean that's something - it's not something that would stick in your memory?---No.

It would be so sort of - - -?---Well like I said at the time that - - -
10

- - - such usual practice that you - it wouldn't remain with you?---At the time of this project you know it was, it was all - - -

I'm not interested in what you were doing at the time of the project just answer the question?---I don't, I don't recall.

You don't - my question is, is this not - is not the fact of what would in effect be a false quote being sent to you stick in your mind?---Again it would depend on what I was doing at the time like if I was - - -

20
I see. All right. That's your answer. Yes, thank you. So even though it was - it would be an act of manifest dishonesty you wouldn't remember it if you were busy?---Again depend what, what I'd be doing at the time.

Yeah. You'd take it in your stride?---It was a big project there was a lot of work going on so.

MR STRICKLAND: Indeed it was a big and important project, right?
That's what you just said isn't it?---It was a big project.

30
And therefore if you had received on that big project a false quote you would never have forgotten that would you?---Not necessarily.

Not necessarily?---I was receiving a lot of quotes, this job changed every, every week it changed - - -

THE COMMISSIONER: But if you knew that it was false, if you knew that it was false are you saying that you wouldn't remember it?---I guess that's what I'm saying.

40
MR STRICKLAND: See the truth is, Mr Huskic, that you had a conversation with David McMicking wherein you requested him to provide a quote from MJH Security?---I don't recall that.

So it might have happened because you were so busy you can't - you may not recall it, is that right?---All I can say is that I don't recall it.

THE COMMISSIONER: Is it something you might have done?---I don't know, I don't know.

MR STRICKLAND: In what circumstances might you have done it?---Well I don't know. Again you know it would depend if someone asked for another quote, I don't know. If Area Health said look we need another quote, I don't know.

10 Go on. If Area Health said you need another quote then - - -?---Well I'd, I'd obviously have to arrange for another quote.

Right. And therefore you might have asked Mr McMicking to get the other quote, is that right, is what you're saying?---Well, I don't recall asking him.

No. That's what, that's - I asked you what the circumstances in which you might do that and then you gave that answer and so what I'm asking you is are you saying if you're required to get a third quote and you didn't have the third quote you might have asked Mr McMicking to get you a third quote. Is that what you're saying?---No, I don't know.

20 Then what are you, my question was in what circumstances might you have asked Mr McMicking to get a quote from MJH, what's the answer?---I don't know. I don't recall any conversation with David about that.

But you don't rule out the fact that you might have done it, is that right? ---Again I can't, you know, it was that, well, two years ago, I don't know. I don't know.

You don't know what?---If I had that conversation or not.

30 But my question is that you don't rule out the fact that you might have done that?---I can't say, you know.

THE COMMISSIONER: Move on, Mr Strickland.

MR STRICKLAND: If you go please to page 48. You have written a, excuse me for a moment, you have written on 27 May "Please find attached the referral note and quotation for the supply and installation of parking equipment" and then you refer to the fact that there were "three companies quoting for the supply and install of the parking equipment are", then you name the three, do you see that?---Yes.

And what I want to suggest is all the documents from pages 31 through to 46 or 47 are, are the attached referral note and the quotations for the supply and installation of parking equipment referred to in that email on 27 May? ---Sorry, which documents, what page numbers, sorry?

Pages 31 - - -?---Oh, 31.

The ones we've just been looking at through to page 46?---Ah, yes.

Do you agree with that?---I would say yes.

Okay. And then if you go please to page 50, at the bottom of the page Tracey Clifford writes you an email, "Further to our earlier conversations discussed the following information is required for the above proposed works. Notation that three quotes are obtained and from whom (I'm 10 assuming all are on government contracts or under contract to Area?) and they're valued ex GST." And then you ask, "Can you please" over the page, "also can you provide scope of works for all works and whom you consulted with on site at the time." That's from Tracey Clifford, manager of Capital Works?---Yes.

And then you've responded at page 50 to her and copied to a number of people and you attach the scope of works as requested and then you refer to the four quotes and one of them is Stowe Electrical, and I don't want to ask you about that, do you see that?---Yes.

20 And the first is for Kings Security and then, then there's the Eco Traffic Solutions?---Yes.

And you say Eco are required to use, "Eco Traffic", sorry, "are required to use our preferred contractors for this component, this is why I have attached a separate Kings' quote to theirs"?---Yes.

"Cost \$219,626.90", do you see that?--Yes.

30 How did you reach that figure?---I would have added up the quotes, the two quotes, the one from Eco and the access control component quote from Kings.

Okay. Then you say, "MJH for both supply and installation of all required equipment," so you're saying that's what their quote refers to, although MJH is not on our preferred listing they were recommended to me by an external source," do you see that?---Ah, yes.

40 THE COMMISSIONER: Who's the external source that recommended you MJH?---I don't recall. "And are Honeywell", it may have been Honeywell, "And are Honeywell-accredited." I'm just guessing there.

THE COMMISSIONER: It could have been Kings?---It could have been Kings. I can't say for certain.

MR STRICKLAND: Why don't, why don't you mention who recommended them?---I don't know.

I beg your pardon?---I don't know,

You weren't trying to conceal, were you, from Mr Clifford, who it was that was recommending MJH to you?---No.

Are you sure about that?---Yes.

Well, you must have known at the time who it was that recommended MJH? ---I just don't recall who it was.

10

THE COMMISSIONER: David McMicking?---I couldn't say for certain. It may have been Kings or Honeywell, I'm not sure.

MR STRICKLAND: And at that, at that point in time had you had any conversation at all with Mr Hingerty about this significant quote for this important project?---I don't recall exactly. I may have rang him to tell him. Oh, I can't say for certain, I don't, I don't know, I don't recall.

20

Now, if you then, and at page 52 you attach the actual scope of works. Is that correct?

THE COMMISSIONER: Page, beg your pardon, page 52. That's the scope of works that is referred to as being attached to the email?---Yes.

Now, if you then go please to page 53, you, this is a referral note, this is a note that you and Mr Anderson send to Capital Works Committee which contains your recommendation of which quote they should accept. Is that right?---For their approval.

30

For their approval. Is that right?---Yes.

And you set out the background there. Under the Issues and Options you set out the three separate quotes, being for Kings, Eco Traffic and MJH. Is that right?---Yes.

And you, and then you refer to the separate quote for the electrician?---Yes.

And then under the – on the next page at page 54 you refer to your recommendation that Capital Works approve the proposed scope of works for a total cost of \$214,400. Do you see that?---Yes.

40

Well, under that, under that total cost, the only cost that meets that threshold is Kings, isn't it?---Correct.

So in effect you're recommending that the Kings quote be accepted, weren't you?---Yes. It says that in the middle of page 53 underneath the list of suppliers is, "Quote from Kings Security preferred contractor is recommended."

I understand that?---Yeah.

But what I'm suggesting in addition to that is the actual amount that you have recommended- - -?---Yes.

- - -could only be covered by the Kings' quote?---Yes.

10 And you agree with me. And if you go then to tab, to page 55, you have sent to Philip Menge and Kim Moore the referral note that I've just been asking you about, together with the quotes?---Yes.

And, and who is Phillip Menge and Kim Moore?---Kim Moore is the security sector manager for Central Coast, part of the Security Services Department, and Phillip Menge is the security supervisor at Gosford.

20 Okay. Now, if I can just now take you to these quote, please. And if you could just, if you just look at the, I'm not going to - I'm not interested in the quote from Stowe, so if you just go from pages 60 through to 75, do you accept that they are the quotes from Kings Security, Eco Traffic Solutions and MJH Security that were attached to this 27 May email?---Yes, they appear to be the quotes, yes.

30 MR STRICKLAND: Okay. So if I can just take you to the, the - all right, I won't take you to the Kings one. But if I can just take you to the Eco Traffic quote that is attached, and if you just go please to page - if you go to page 69. What I'd like you to do if you don't mind is to - I'm going to ask you to compare these quotes with the previous quotes that you have sent the previous day which is 26 May, in other words on page 30 I've taken you to the quotes you submitted on 26 May and this is - these are the quotes you provided on 27 May. So if you, if you compare for example - just compare page 42 with page 69?---Yes.

You can see can't you that your handwritten note, sorry. First that is the same - that quote describes the same item, doesn't it and with the same price?---Well it's the same quote, it's exactly the same quote.

It's exactly the same. Well except for one thing your, your handwriting - - -?---Except for the handwriting.

40 Your handwriting is not there?---Yes.

And, and why have you deleted your handwriting on 27 May quote?---The quote's dated the same, it's the same date on the quote it's the same 25 January 2010.

THE COMMISSIONER: Why did you remove your handwriting?---I didn't remove the handwritten it's probably just a copy of the original quote or, or

the email this - I would have sent the email. Where this one with my handwriting would have been a hard copy printed out sitting on my desk that I would have written in this information.

I see. So the, the Eco quote - the person that was reading the 27 May quote, that's the second quote would not have known then would they that to look - to compare the Eco Traffic quote they would have to, they would have to have regard to the fact that there was an additional quote added on. Do you understand?---Another additional component - - -

10

In other words from - the first quote would have - the readers of the first email would have known to have regard to the Eco quote, they would have to, they would have to add on or supplement the Kings Security quote but in the second email they would not know that fact. Do you agree with that?

---Well, the second, the second email was going to security staff, they don't have anything to do with the, the funding or costings of anything. When it came to costings and, and pricing would have gone to Capital Works. Kim Moore and Phillip Menge this was only sending them contact like details of who was actually going to be providing quotes that the, the figures don't, don't matter to them.

20

Okay. Now if you go to page 71 on the - you'll see that there's a, a Kings customer quote. Now that's the access control component of the quote that has to be added on, is that right, or supplemented to the Eco Traffic quote. Is that right?---I'm not sure there's so many quotes here. Let me just go back to where - - -

Well just look at page 71?---No. I can see their quote but it doesn't - it just talks about two areas of access control.

30

Well what I'd like you to do is look at page 71 and compare with page 43. Do you see that?---Yes.

Now - - -?---The difference in price, yes.

Well it's exactly the same quote isn't it except for two things?---The date.

Well the date and the price?---Yes.

40

And this, this quote - so if I can go to page 43 first. This is the quote that you say had to be taken into consideration in the Eco Traffic Solutions quote because they would have to - anyone that consider the Traffics quote would have to add on the Kings quote 12320, correct? That's what you said in your note?---I don't know, I don't know if that's the total it's - it'll be the total of all the access control works would have to be added on to the Eco Traffic.

Well - - -?---This, this just relates to the multi-storey car park and the VMO boom gate.

Well, look, let's just - I want to do it step by step, Mr Huskic?---Yeah.

The first is, your evidence is already, I'm just summarising what you've already said?---Mmm.

10 The quote on page 43 is an additional quote, that's 48821, that's to be added on to the Eco Traffic quote?---Oh, I don't know about that.

Well, that's your own words, we've gone through this at page 42, your own handwritten words. "The additional quote from Kings Security is to be - - -? ---Oh, 48821.

- - - added to this quote for the access control component," correct?---Yes, that's what I can see, yes.

20 And that quote at 42 is exactly the same quote, exactly the same quote as the one at page 71 except for the price and the date and you've agreed with that?---Yes.

So in other words the - I'm sorry, and the quote number is different as well.

THE COMMISSIONER: I don't, I'm not following this, Mr Strickland, I'm sorry. The quote at 42 - - -

MR STRICKLAND: Yes.

30 THE COMMISSIONER: - - - is not the same - - -

MR STRICKLAND: The quote at 43, the quote at 43.

THE COMMISSIONER: The quote at 42 is the additional quote?

MR STRICKLAND: No, the quote, it's 43, Commissioner. The quote at 43, the evidence of this witness is that this quote from Kings - - -

THE COMMISSIONER: Which one?

40 MR STRICKLAND: Page 43.

THE COMMISSIONER: Yes.

MR STRICKLAND: That's quote 48821.

THE COMMISSIONER: I see. I follow you.

MR STRICKLAND: That quote, because - - -

THE COMMISSIONER: 48821 has to be added.

MR STRICKLAND: That's right.

THE COMMISSIONER: Yes.

10 MR STRICKLAND: Because only Kings, according to this evidence, can do the access control component of that work.

THE COMMISSIONER: Yes, now I follow, thank you.

MR STRICKLAND: So if you go to page 71 - - -?---Yeah, which is dated before - - -

I understand that?---Yeah.

There's a different date, a different quote number?---Yes.

20 And a different price but it relates to - - -?---The same works.

- - - exactly the same works?---Yeah, I can explain that.

I'll let you explain it but that is the matter, that, that matter had to be added on to the Eco Traffic quote - - -?---At page 43.

No, no, but page 71 did as well, didn't it, to the - - -?---No, no, that wasn't part of, no, no, it would have been paid 43 - - -

30 THE COMMISSIONER: No, that couldn't be?--- - - - because it was after.

It couldn't be?---If you, if you look at my handwriting it says "additional quote 48821" page 43 is 48821.

MR STRICKLAND: I understand that?---Yeah.

I understand that perfectly well but you see, page 71 relates to the second lot of quotes you sent on 27 May?---Oh.

40 I'll just show you?---I know, but there's so many quotes I, you know - - -

Well, then let's go back to page 55, okay, and in page 55 you attach the referral note and all the quotations for the supplied installation of the parking equipment?---Yes.

And, and as you've agreed the quotes that are, the referral note that's referred to in that 27 May email is at pages, is at page 56 and then the

quotes attached to the 27 May email, and you can see them, they're listed in the attachment part of the 27 May email ---Yes.

--- the quotes go from pages 57 through to 73 and you've said that they are part of the quotes that form part of the 27 May email, do you follow me now?---Yes.

Okay. So if we go back to page 71 and what I'm suggesting to you is that those same access control works on your evidence needed to be added to the
10 Eco Traffic quote because Eco Traffic could not do the access control component of the job, do you agree with that?---Yes.

Well, then can you explain how in the space of one day, that's between 26 May email and the 27 May email, can you explain why the quote for the access control component by Kings increased from ---Decreased.

No, increased?---It was, it was ---

Hold on, hold on – increased from the 12,000 quote in 26 May email to the
20 21,000 quote in the 27 email. Do you understand?---No, I'm not following.

Well, I'll go through it again. Page 71?---Yes.

That's the quote that was sent in the second email, the second lot of quotes. Do you understand that?---Um---

Go back to page 55?---Okay, yes, yes.

Right. And that quote for 21,780 is larger by some \$9,000 than the \$12,000
30 quote which is at page 43 sent in the first email. Do you agree with that?
---Yes, it is, yes, larger.

Right. Well, can you explain to the Commission how it was that the quote at page 71 was included in the 27 May email?

THE COMMISSIONER: And not the quote at page 43?---(No Audible Reply)

Why did you substitute the quote at page 71 for the quote at page 43?
40 ---Okay. So what – what had happened was, so what had happened was, Kings put a quote in which is dated 3 May for the 21,000 for level 5 and boom gates. Part of that work involved electrical work I then engaged Stowe Electrics to do the electrical component of it, therefore Kings, that price was then reduced to the 11,000 to, sorry, the 12,300, which is quote 48821, and that's why I've added it to the Eco Traffic, that's the revised quote.

But work described is exactly the same?---Yeah, the works are the same, yes, but the electrical component is not.

Where's the electrical component referred to in the quote?---Well, it's not written on, it's not written on the quote but I know for a fact that's what it was 'cause I remember the- - -

I'm sorry, I don't understand that. The quote is for what's described on it?
---Yes.

- 10 What's described on- - -?---Part of, part of getting the access control- - -

Excuse me. What's described on 43 is exactly the same as what's on 71?
---Yes.

So how can you explain it by reference to something that's not on the quote?---Well, because I know what it, what it's about, you know, I know what it entails.

- 20 Well, what what entails?---This quote.

Which quote?---And the change in price.

Sorry, you – I don't, I don't understand your explanation, it doesn't make sense to me?---Okay. Kings, when they submitted the quote- - -

Which one, 43?---No, page 71.

- 30 Yes?---Okay. So that was to install access control on level 5 and the VMO boom gate.

Yes?---To get access control and, on those areas requires power, there was no power at that time, so they included in that price, the 21,000, for the power to be- - -

But that's not said anywhere on there?---No, I know it's not said but it's part of the works.

- 40 Well – I beg your pardon?---It's part of the works. They couldn't – they couldn't install the access control and have it up and running without power.

You would have had to have paid somebody else to do the extra work that's not reflected on this quotation?---That's was Stowe, that's right, so Stowe Electrical.

So what this, this quotation does not include the extra work, the electrical work?---This quote included it at the time.

No, how can it, it's not said, it doesn't say so?---It's, it's page, I know it doesn't say it on the quote but I know it to be- - -

Well, why do you say it's included in it when it, when it's not on the quote? ---Because that's, that's the quote to do everything, have access control put on, have it up and running.

It's not- - -?---When they quote us, the quotes that they provide are for all works up and running.

10

Yes, Mr Strickland?

MR STRICKLAND: So you say that the – let's just go to the quote at page 71. You say that that quote includes the quote for the electricity work. Is that right, it had to be, yes.

THE COMMISSIONER: The power, the power for- - -?---The power. The power for the access control component.

20

MR STRICKLAND: But you see that, if you go to page 57, that's, you've already included that quote from Stowe in this 27 May email, haven't you? ---They're, the thing, Stowe provided one quote for all the works. Every day the works changed. When Kings got to site and saw and realised they had to do power I said, "Well, look, I've got Stowe on site, do you want me to get them to do it, which they agreed to do, therefore they, Kings reduced the price from the 21 to 12 because they didn't have to do the electrical component of it, they didn't have to subcontract an electrical contractor.

30

Well, well, so in other words what you're saying if the first quote from Kings was 21,780, right?---Yeah.

And the second quote was the 12,000, correct?---Yes.

So why didn't you include the second quote in your latter email, in your later email if that was the second quote?---I don't know.

Well it makes no sense does it?---Well who was the email going to?

I beg your pardon?---Let me just see who the email's going to.

40

Well we've just gone through that. I'm happy to go through it again?---I'll just go - I'll flip them back.

THE COMMISSIONER: Well you can show him page 55.

MR STRICKLAND: Page 55. These are the quotes for the contractors, for the - - -?---Capital Works.

- - - boom gates.

THE COMMISSIONER: And it goes to Phillip Menge and Kim (not transcribable)?---Yeah. So to them they - you know - - -

MR STRICKLAND: No, I don't know?---They run the - - -

10 Explain it?---They, they're the operational side of the site they're - to them it was just basically to provide them with contact details of who was doing works and - - -

Well, Mr Huskic, you're tying yourself up in lies now, aren't you?---I'm not, no, this is exactly what happened I know that for a fact.

Well, Mr Huskic, if it, if it happened as you say it did and that Kings provided the first quote which is the one at page 71 for 21,780 and you say that includes the quote for the power even though it's not in the quote - - -?--Yeah.

20 - - - but they provided a later quote which is contained at page 43?---Yeah.

If that was so and that's the one dated 13 May then you would have included the second quote in both the 26 May and 27 May email, wouldn't you?---No, not necessarily it depends what I had on the computer and what I was - what - - -

But, but, Mr Huskic, you've just said, you've just told us that the first quote of 3 May - - -?---Yes.

30 - - - was taken over by the second quote on the - on page 43 - - -?---Correct.

- - - because (not transcribable) has put in a separate quote. That's exactly what you told the Commission, isn't it, isn't it?---Sorry (not transcribable) a put in a separate quote. What do you mean by that?

You have said that the quote at page 71 - look at it, please, look at it?--- Yeah, I'm looking at it, yeah.

That was taken over - - -?---That's correct.

40 - - - by the quote at page 43, correct?---Correct.

And it was taken over because (not transcribable) put in their own separate quote, correct?---Well it was part of their original quote to do works on the site.

That's exactly what you have told the Commissioner?---Yes.

So did you agree with that?---Yes. (not transcribable) performed (not transcribable) performed the electrical component of the works.

No, I'll - listen to this question carefully?---Yeah.

The first quote was taken over by the second quote on page 43 because (not transcribable) had put in their own quote?---No (not transcribable) didn't put in a quote - - -

- 10 Yes, they did?---specifically for this. (not transcribable) put one quote in for the whole project the 12,000.

THE COMMISSIONER: That's right.

MR STRICKLAND: That's right.

THE COMMISSIONER: Page 57.

- 20 MR STRICKLAND: At page 57?---So not only included these two areas but included other areas as well that (not transcribable) were doing.

THE COMMISSIONER: So that's why for that reason you say Kings reduced their price?---Yes.

MR STRICKLAND: Right. So if that is the case, if that is your explanation - - -?---Yeah.

- 30 - - - how do you then explain submitting the quote at page 71 in your email on 27 May?---It may have just been an error, I had so many quotes on the computer like my main focus was to get to the correct quotes to Capital Works to get the, the funding.

Well, when you say it may have been an error, was it an error?---Well, it may have, yes.

Well, no, I'm not asking, I mean, was it - - -?---Well, I'm not, I'm not saying it was deliberate.

I'm not asking about deliberate yet?---Yeah.

- 40 I'm asking you was, do you say that the quote at page 71 was submitted in error?---It's possible, yes.

Well, what is another possibility? If that's one possibility give us another one?---Well, it's possible I sent to - - -

What's the other, what's another possibility?---I don't know.

It's either an error or its correct. Was it, was it correct to include that quote?
---It may have been, probably an error.

Was it correct to include that quote on the 27 May email?---No, it would have, it would have been an error.

Right.

THE COMMISSIONER: Mr Strickland, is this a convenient time?

10

MR STRICKLAND: It's a convenient time.

THE COMMISSIONER: We'll adjourn till 2.00pm.

LUNCHEON ADJOURNMENT

[12.59pm]