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PUBLIC
HEARING

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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 MONDAY 27 AUGUST, 2012

AT 2.02PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

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

MR HALSTEAD: Good afternoon, Commissioner. My name is Halstead, solicitor. I just seek leave to appear for Mr Michael Hingerty this afternoon who I understand is to be called for evidence?

THE COMMISSIONER: Yes, you have leave.

MR HALSTEAD: Thank you.

MR STRICKLAND: I call Ms Alison Newman.

10

MR DUNNE: Your Honour, my name is Dunne.

THE COMMISSIONER: Yes, Mr Dunne?

MR DUNNE: I've discussed section 38 with Ms Newman and she wishes an order under section 38 and she'll give evidence under oath.

THE COMMISSIONER: Thank you.

20

THE COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act, I declare that all answers given by Ms Newman and all documents produced by her during the course of her evidence at this public inquiry are to be regarded as having been given or produced on objection and accordingly there is no need for her to make objection in respect of any particular answer given or document produced.

30

PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY MS NEWMAN AND ALL DOCUMENTS PRODUCED BY HER DURING THE COURSE OF HER EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR HER TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT PRODUCED.

40

THE COMMISSIONER: You understand, Ms Newman, that that protects you- - -

MS NEWMAN: Ah hmm.

THE COMMISSIONER: - - -to the extent that the evidence given today cannot be used against you in any criminal or civil proceedings but it does not protect you against any false evidence. Any witness who gives false evidence at a public inquiry is liable- - -

MS NEWMAN: Okay.

THE COMMISSIONER: - - -to prosecution, to, upon prosecution and conviction to a penalty which could include a gaol term up to five years. Do you understand?

MS NEWMAN: Yes.

THE COMMISSIONER: Would you swear- - -

10

THE COMMISSIONER: Mr Strickland?

MR STRICKLAND: Can the witness be shown the following documents.
Four from Exhibit 1, tab 5, 16, 19, 33 and 57.

THE COMMISSIONER: I think you might start again.

10

MR STRICKLAND: 5- - -

THE COMMISSIONER: Sorry, that's Exhibit 5?

MR STRICKLAND: Exhibit 1, no, Exhibit 1.

THE COMMISSIONER: Tab 5.

MR STRICKLAND: Tab 16, 19, 33 and 57.

20

THE COMMISSIONER: That's all in Exhibit?

MR STRICKLAND: 1.

THE COMMISSIONER: 1.

MR STRICKLAND: That's the Diekman- - -

THE COMMISSIONER: Yes.

30

THE WITNESS: Ah hmm, ah hmm.

MR STRICKLAND: What's your full, what's your full name?---Alison
Newman.

And you're married to Mr Charles Diekman?---Yes.

You both have some joint bank accounts. Is that right?---Yes.

40

One's with the NAB?---Yeah.

And one's with the Commonwealth Bank?---No, that's my account.

That's your account. Do you have any other joint accounts with him?
---We have a credit card that I'm a secondary cardholder of.

Back in 2007 through to 2010 did you have any other joint accounts, apart from a single at the NAB?---I'm not, I, I think I have a home loan and there was another Flexi one that he accessed mainly.

I'll just show you Exhibit 1, tab 5, which should have, there are pages on the top of the right-hand corner. This one should have page 255 on the top right-hand corner. Do you have that?---Yep.

You've got that there?---Yep.

10

And you recognise that as your joint NAB National Flexi Account, Home Loan account?---Yes.

And at that stage did you have any other joint accounts with Mr Diekman? ---Not that I know of.

I want to ask you about a transfer on 29 January, I'm sorry, 29 June, 2007, which is right at the bottom of that page?---Yes.

20 Referring to Internet transfer TV \$5,000?---Yes.

Did you, did you receive these, back in 2007, did you receive these statements in hard copy?---Yes.

And did you look at them?---No.

Did you look at them at the end of the financial year- - -?---No.

- - -for any taxation purposes?---No.

30

You say you never looked at them?---No.

So I take it, well, did you ever pay attention to the transfer on 29 June, 2007, \$5,000, it says, "Internet transfer TV?"---No.

If you look at tab 16, this is a document, do you recognise- - -?---D16?

D16. Do you recognise that as some transaction details from your own Commonwealth Bank account?---Yes.

40

And there's a reference there to an account being to Huskic, account description, second-hand TV, amount \$2,500. Do you see that?---Yes, I can see that.

And it's, it's written as authorised by you?---Ah hmm.

Do you, do you have any recollection of that transaction?---No.

Have you ever spoken to your husband about that particular transaction?
---No.

Was it the case that your husband sometimes accessed your account?---Yes.

Is it, is it an automatic, to your knowledge is it an automatic field that if someone authorises a transfer from your account to another account it states authorised by you?---Well, it's my account so yeah.

10 Have you ever spoken to your husband about the transfer of two and a half thousand dollars from your account to the account of a person called Huskic in relation to a second-hand TV?---No.

So you know nothing about that even today?---No.

Is that right, even today you know nothing about that?---Well, I've, I read some transcripts so I know, yeah, so I know this has come up before about this second-hand TV.

20 But apart from reading transcripts you've had no discussions with your husband about this particular transaction, is that right?---No.

Just look at tab 19, which is a transfer from the same account this time dated 9 August '07 for 2490 balance second TV. Again - - -?---Ah hmm.

- - - did you know anything about that transaction as around that date August '07?---No.

30 Have you ever discussed with your husband about that transaction?---No.

So you have no idea apart from reading transcripts you have no idea what that's about, is that right?---We received a, we got a TV.

I see.---There's a TV in our home that we have so.

But you see the - in relation to this tab 19 it refers to money sent to a person called Huskic. Do you see that?---Yeah.

40 It's to an account. Do you know of any transactions where you, whereby money was sent from sent from, transferred from your account to Huskic's account?---No.

And Mr Diekman has never told you about that?---No.

Was it his practice to transfer money from your account to other people's accounts?---Well it's to transfer money, yeah.

Was it his practice to transfer money from your account, your personal Commonwealth Bank Account to other people's account?---Yes.

And did he - what were the circumstances in which he did that?---Well he had access to my account and at that time I allowed him to do that, so paying bills for me, for us, for our family so I allowed him to have access to the account.

10 Did you, did you regard that as your own, that money was your own personal money in your account?---At that time he had put in some money from his account from Kings in there so my money is his money.

I see, okay. If you look at tab 33 please, which is a joint account your joint NAB account?---Ah hmm.

Just take you to transaction on the 30 May being internet transfer IPP ACG seven and a half thousand dollars and then a withdrawal on that date. Do you see that?---Yes.

20 Do you know anything about that?---No.

Did you withdraw that money to your knowledge?---Sorry, can - - -

Did you withdraw seven and a half thousand dollars on that day?---No.

Have you ever spoken to Mr Diekman about an internet transfer into the joint account for seven and a half thousand dollars?---No.

30 Have you ever spoken to Mr Diekman about that transaction?---No.

If you look at tab 57, please. And on page 273 there is a further statement into, into your joint account on the 5 March, 4 and 5 March 2008?---Ah hmm.

There's an internet transfer on 4 March and it's got DP to the notation, it says DP UWRKMB and a credit of \$18,000. Do you see that?---Yes.

40 And then the day after two withdrawals of eight and \$10,000. Do you know anything about those transactions?---No.

Did you withdraw \$18,000 or eight or \$10,000 on that day?---No.

Have you spoken to your husband about those - - -?---No.

- - - transactions? I have no further questions.

THE COMMISSIONER: Anybody wish to question Ms Newman?

Yes. That's the end of your evidence. You may - - -

THE WITNESS EXCUSED

[2.14pm]

MR DUNNE: I call Mr Hingerty, Michael Hingerty.

10 MR HALSTEAD: Commissioner, Mr Hingerty seeks a section 38
declaration and he'll take a, he'll give - provide an oath.

THE COMMISSIONER: Have you explained that to him?

MR HALSTEAD: Yes, I have, Commissioner.

20 THE COMMISSIONER: Please be seated. Pursuant to section 38 of the
Independent Commission Against Corruption Act, I declare that all answers
given by Mr Hingerty and all documents and things produced by him during
the course of his evidence at this public inquiry are to be regarded as having
been given or produced on objection and accordingly there is no need for
him to make objection in respect of any particular answer given or
document or thing produced.

30 **PURSUANT TO SECTION 38 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT
ALL ANSWERS GIVEN BY MR HINGERTY AND ALL
DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE
COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO
BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON
OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR HIM
TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR
ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

THE COMMISSIONER: You've heard my explanation, Mr Hingerty, you
were in the hearing room when I explained this to the last witness. You
understand what that means?

40 MR HINGERTY: Yes, Commissioner.

THE COMMISSIONER: Do you wish to give your evidence under oath?

MR HINGERTY: Under oath.

MR MAHER: Commissioner, before this witness starts on his evidence can I inform the Commission that I went to school with him. It was well over 30 years ago and apart from a school reunion I haven't seen him since.

THE COMMISSIONER: Yes, thank you. Mr Strickland.

10 MR STRICKLAND: What's your full name?---Michael John Hingerty.

And what's your occupation?---CEO director of a security company.

And what's the name of the security company?---MJH Expert Security Services Pty Limited.

It's gone through a number of name changes over a few years, is that correct?---Two.

20 I beg your pardon?---Two.

Have you had other names for that company in the last five to 10 years? ---Two names.

I'm sorry, I beg your pardon, I thought you were saying too as in t-o-o, I beg your pardon?---No.

I'm sorry. What are the two names?---MJH Security Installations was the first one, MJH Security Group is the current one.

30

Thank you. So what's your experience in the security industry and what are your qualifications?---Trade qualification as a motor mechanic prior to becoming involved in this industry, 30 plus years experience in this industry doing a multitude of different courses along the way and getting certifications in different product along the way.

And at the moment how big is your company, how many employees do you have?---Less than 10.

40 And roughly - well, I withdraw that. What kind of, what kind of size of contracts do you bid for? I mean, do you normally bid for government contracts?---No.

Have you ever bid for government contracts?---I don't recall, no.

And what's the size of your private contracts you normally, you bid for, what are the large private contracts?---The maximum we'd normally go near are probably about 200,000.

And why, why do you that rough limit?---The size of our company and our ability to service it financially.

Now, you know Mr Charles Diekman, is that right?---Yes.

How long have you known him for?---Approximate seven to 10 years.

And have you known him through the industry?---Yes.

10

Back in 2008/9/10 did you regard him as a friend apart from being a business colleague or associate?---No, I wouldn't class him as a close friend, no.

THE COMMISSIONER: No, not a close friend, just a friend?---I was, I had seen him socially, yes.

And did you visit his house or did he visit yours?---Neither.

20

But you went out for dinners together in combination with other people?---I can't recall the specific but most likely, yeah.

Well, what kind of social occasions did you mix with Mr Diekman?---Those trips that you mentioned before to Las Vegas and for example we have an industry security show here once a year and everybody goes to that and everyone always goes out afterwards.

In those contexts did you also meet Mr Daniel Paul?---Correct.

30

And did you regard him back in 2007 through to 2010 did you regard him as a friend?---Yes.

And did you socialise with him?---Yes.

What kind of social, what kind of socialising did you do with him?---Various things, the normal sort of things, I've been to his house, he's been to my house, social events, birthdays, that sort of thing.

40

Now, I'd like to show you Exhibit 1, tab 77. This is an email which is entitled "Alternate quote" and it's a email from Mr Diekman to a Geoffrey Powell on 9 November, 2009 and attached to it is a quotation from MJH Security Installations. Before I get to the quotation did you know Geoffrey Powell?---No.

Have you ever submitted a quotation, to your knowledge, to Geoffrey Powell?---No.

Do you know an organisation called Interarch, I-n-t-e-r-a-r-c-h?---Not before this hearing.

Have you ever submitted a quote to Interarch?---No.

If you go to the quote at page 51, do you recognise, do you say that is a genuine quotation from you on behalf of MJH Security Installations?
---No.

10 And on what basis do you say that it is not so?---First of all at the top it says, "MJH Security Installations", and we haven't used that name since we registered our MJH Security Group name which was several years ago.

Ah hmm?---Ah, secondly, if you look down on the right-hand side where it says, "Our Ref"- - -

Yes---?- - -we have a unique system of putting a reference number there and that doesn't match that format.

20 I'll just stop, pause you there. You see next to Our Ref it's got "KCD?"
---Yeah.

Do you recognise those initials?---No.

Is there anyone or was there anyone at your firm with the initials KCD?
---No.

Yes, sorry, continue on?---And where it's got the date- - -

30 Yes---?- - -our software, when you open this template it automatically puts a date in there.

What's your software called?---(No Audible Reply)

Your software?---Oh, it's just basic Microsoft software.

Okay?---Yeah, this is just a basic Windows template.

40 I beg your pardon. Okay. And is there anything else about the document that leads you to conclude it's not a genuine invoice from your company?
---Ah, down the bottom where my title is.

Yes?---I changed my title when I changed the trading name.

Yes?---So that's incorrect. Typically in the section where it says, "The following equipment will be installed", and it lists the items, typically we would say where the items were going or we'd give more information,

technical information about the actual items, so that section would actually be a bit bigger.

I'll just ask, when you say, you talked about your title. In this document at page 51 it's got Michael Hingerty, Senior Sales Engineer?---Yep.

What, back in 2009 what did you describe yourself as?---I changed it from Senior Sales Engineer to CEO and that coincided with the name change.

10 I'll show you a – I tender a business name extract in relation to MJH Security Group?---Ta.

THE COMMISSIONER: Exhibit 225 is a Business Names Extract New South Wales relating to MJH Security Group.

#EXHIBIT 225 - BUSINESS NAME EXTRACT RELATING TO MJH SECURITY GROUP

20

MR STRICKLAND: So does this accord with your recollection that on 26 September, 2007, you changed your trading name to MJH Security Group. Is that- -?---Correct.

And you're saying from that date you described yourself, or approximately from that date- -?---Yeah, sometime after that date we changed it, yeah.

I see. Sorry, sometime after that date you changed your name?---On our paperwork from MJH Security Installations to MJH Security Group.

30

Well, but how long after you registered did you change your name, was it a matter of days or weeks or- -?---Approximately four weeks, six weeks.

But it certainly wasn't four to six months?---No.

Okay. And your, the company – in Exhibit 225 it describes the company's name as MJH Expert Security Services Pty Limited. Is that correct?
---Correct.

40 That's always been the company, you simply changed your trading name?
---Correct.

Is there any reason you changed your trading name?---Because at this point in time I took on a business partner and that's why we decided – he wanted to go with a slight name change, wanted to change the name of it a bit, and through our agreement on, on the terms and conditions of our business relationship my title changed as well.

MR STRICKLAND: Okay, thank you. If I can just go back to Exhibit 1 tab 79 that's the page 51. Is it possible - what's - - -

THE COMMISSIONER: I think Exhibit 57, tab 57 - - -

MR STRICKLAND: I think it should be 77, I beg your pardon.

THE COMMISSIONER: 77.

10 MR STRICKLAND: Thank you.

Is there anyone else at your firm who back in 2009 who could have submitted that quote?---No, for a couple of reasons. Firstly at the request of the Commission's investigators I went and checked our records and we don't have it. We have - every quote we do we keep it in soft copy and hard copy and we don't have that and also I checked our project estimator which is our software program that we use to work out how much we're going to quote for a job and that's also the system that generates that unique number that I talked about before and in our project estimator system it's not their
20 either.

Now did you ever - did Mr Diekman ever ask you if he could use that letterhead to submit a quotation to Mr Powell?---No.

Did anyone else from Kings ask you if they could use a letterhead to submit a quote to Mr Powell?---No.

THE COMMISSIONER: Did you have a letterhead like this ever?---Yes.

30 When, when did you cease having a letterhead like this?---Sorry, we didn't have a letterhead like this but we had our quote look like that in basic form.

I understand that. But I'm talking about the letterhead. But this was a blank piece of paper except for the, the heading MJH Security Installations and the name - - -?---Our standard - - -

- - - Michael Hingerty going right down to the date. Did you have - - -?
---That's all part of our standard quote from that entire what you see there, yeah. Our letterhead for our company looks different to that.
40

So this is - you did have a standard quote form that looked like this?---Yes.

And did you, did you always have it or did you only have it for a certain period?---We had for a number of years.

When did you stop having it?---Approximately four to six weeks after the 26 September 2007.

MR STRICKLAND: I tender a recent letterhead, tender a current letterhead for MJH. MJH Security Group.

THE COMMISSIONER: Exhibit 226 is the current letterhead of MJH Security Group.

THE WITNESS: Just a correction, that's not a current letterhead that's a current quote form.

10 THE COMMISSIONER: Thank you for that. Exhibit 226 is a current quote form of MJH Security Group.

#EXHIBIT 226 - CURRENT QUOTE FORM OF MJH SECURITY GROUP

MR STRICKLAND: Now can you say when you began to use this letterhead or this quote form?---Approximately four to six weeks after the name change.
20

Thank you. And do you see - you're referring to the - our reference, do you see - - -?---Yeah.

So your software automatically - if you're submitting the quote your software automatically generates that, those initials, is that correct?---No. The software that the project estimator software generates a unique number and then that number we manually put onto here.

30 I see.---But this - what you have in front of you is template of what we use.

THE COMMISSIONER: The letters MJH?---Identifies that it's me that's done this quote.

Yes. Is that automatically put on or do you put that on?---No, I put that on. And the date, and the date is not automatically correct?---The date is automatic.

40 The date is automatic?---Yeah. The date's automatic 'cause that's the software on the computer.

MR STRICKLAND: I'll just show you a second quotation with relevant details blanked out, and I tender that.

THE COMMISSIONER: Yes. That's been tendered. No, you tendered this
- - -

MR STRICKLAND: This is, this is a separate one just to demonstrate what's been said.

THE COMMISSIONER: A quotation from MJH Security Group dated 24 July, 2012 with certain details blanked out is Exhibit 227.

#EXHIBIT 227 - QUOTATION FROM MJH DATED 24 JULY 2012 WITH CERTAIN DETAILS BLOCKED OUT

10

MR STRICKLAND: Have you got that document in front of you?---Yes.

And you see under "our reference" there's a number and a, and a - two letters?---Yes.

So you're saying the project estimator software generates that that number and then that number is manually put on the letterhead. Is that - - -?
---Correct. And, and in this case it was Craig O'Mara so his initials are CO
20 and that's why it's there. The initials are for internal purposes so when they come back we know who it was.

Okay. Thank you. If you could just go back to Exhibit 226 which is the blank quotation. That's how you, at the bottom it's Michael Hingerty CEO and that's how you refer to yourself?---For myself, yes.

Okay. Mr Diekman gave this evidence about Exhibit 1, tab 77, that's the page 51 quote?---Ah hmm.

30 I'm going to read you some evidence that he gave and I'm going to ask you whether you, whether you have any comment or agree or disagree with it. He said, he was asked this at page 532 line 19. "Did you get permission to use his letterhead?" Answer, "Yes." "He did did he?" "Yes." Question, "Okay. And what did you say to him when you wanted to use his letterhead?" Answer, "I just said a client wants a second price." "Question, "All right. And what did he say?" Answer, "He said yeah, no problem." That was his evidence. What do you say about that?---I'd say he's mistaken.

40 Has he ever asked you permission for you to use the letterhead of your company, however named, to - because a client wanted to obtain a second price or a second quotation or an alternative quotation?---No.

THE COMMISSIONER: Do you have any idea how he got hold of your quote form?---I was asked the same question by one of your investigators and, and my, my first logical thought was we've done thousands of quotes over the years so he may have come into contact with a client that had it and got it that way. That's the most logical choice that I came up with.

Mr Diekman and some members of his staff have been at my premises but I don't believe that's how they got it because I'm very sure that we would have known about that. Other than that I - - -

MR STRICKLAND: Did you know that Mr Diekman was submitting his own quote to Interarch or Mr Powell at that time?---I knew nothing about this, whatever that company's name is before I came here.

10 Now, I'll ask the same question but using a different company, did you know that Kings was submitting a quotation for the Ageing and Disability Department?---No.

You never spoke to Mr Diekman about that?---No.

I wonder if the witness could be shown Exhibit 145A, that's the exhibit relating to the Gosford car park section. And before I show you these documents I just wanted to ask you some questions about any work you may have done or were quoting for or were considering quoting for in relation to the Gosford Hospital. Did you ever attend a site inspection at the Gosford
20 Hospital at any stage in relation to security access control or security equipment for the Gosford car park?---I don't recall ever going there for that purpose, no, in fact I don't recall ever being at Gosford Hospital.

Did you ever, do you, do you know a man called Robert Huskic or Huskic, H-u-s-k-i-c?---No.

An employee of an area health service, Central Coast North Sydney Area Health Service?---One of your investigators came to see me and through the course of that conversation we looked at a photo and I identified a person in
30 that as I thought a person from Kings but I believe if I'm not mistaken he said that was that person and he's behind you so he can clarify that.

Well, to your knowledge now do you know a person called Robert Huskic?
---Only through that, I wasn't aware that's who he was.

Okay. So I'd like you to have a look, please, at, excuse me, page 72, page 73.

40 THE COMMISSIONER: And that's of Exhibit 145A?

MR STRICKLAND: That's right.

THE WITNESS: 72?

MR STRICKLAND: That's right. I'm told it's called 145B, I'm sorry. I beg your pardon, 145B, sorry?---Sorry, what's the page you want?

Page 72 and 73. Now, this is a quotation, I'll just, the evidence in this hearing is this is a quotation that was provided to Robert Huskic of North Sydney, Northern Sydney Central Coast Area Health in May 2010. And there are two quotes of yours. I'll just ask you particularly to have note of the amount, 41,600, that's at page 72, and then 174,500 at page 73. Do I take it given the size of both those quotes that in combination that would be at the upper end of the quotations that you would submit?---Yeah, but these aren't mine.

10 I understand that. If – this is something you would remember, wouldn't you, if you'd quoted a job of some 200,000- - -?---Of that size, yes.

- - -you'd remember, you'd remember it?---Yes, definitely.

If your company had quoted for a job of that size, would that, would that be something that would go across your desk, something you would know about?---Yes.

20 And you say neither of these quotations are yours. Is that correct?---
Correct.

And again can you just go through the exercise of identifying on both of these quotations why you say they're not yours?---Okay. The one on page 72, my name at the top is incorrect, the reference is a, is a sentence, it's not numbers and letters, ah, also if it was one of mine typically I do a bullet point, where it says, "Equipment Details", I'll typically do a bullet point for each line, and it's got the wrong title at the bottom and also there's only one page to this.

30 THE COMMISSIONER: And it's also got MJH Expert Security Services at the bottom?---Yeah, that's our company name.

I see. But would you have that on your quote form?---On our current one?

I thought you'd changed that name?---No, we changed the trading name.

You changed the trading name?---The installations one, yeah.

40 I see?---So it's also missing the other pages. When, when, this template has two pages of terms and conditions and, and an acceptance page, so there's three pages missing.

MR STRICKLAND: Now, did, did you ever give permission to Mr Diekman or anyone at Kings to use these quotations on MJH Security Installations letterhead to tender for a job at Gosford car park?---No.

Did you know that these quotations were going to be used by Kings?
---No.

Did you ever have any discussion with Mr McMicking – I withdraw that question. Do you know a David McMicking from Kings?---Yes.

Did you ever have any discussion with Mr McMicking about the tender of those quotes for the Gosford car park?---No.

10 Mr Diekman gave this evidence about these quotations – this is at page 2085, he said that he believed you knew about the forwarding of these quotations to Mr Huskic. Do you agree with that?---No.

Did you ever have any discussion with Mr Huskic about these quotations? ---No.

Did Mr Huskic ever, ever, ever ring you up about these quotations?---No, I don't recall that, no. This also talks about Honeywell Pro-Watch product.

20 Yes?---We're not even accredited to use that product so we wouldn't be quoting it.

Are you confident that you had no discussions at all with Mr Huskic about your company quoting for this job?---Correct.

Or about anything to do with your company doing any work for this job? ---Correct.

And you're very confident of that?---Yes.

30 THE COMMISSIONER: Do you recall the circumstances under which you met the man who you identified to the Commission's investigators you thought worked for Kings?---He was a member of a group of people that went to a security conference in Las Vegas one year and I assumed he was a Kings employee 'cause he was part of their group.

MR STRICKLAND: Excuse me a moment. I'll just show you this photograph – or sorry, I tender a photograph.

THE COMMISSIONER: How do I describe a photograph?

40 MR STRICKLAND: A photograph of 14 – a photograph of Mr Hingerty and 13 other men or something like that – a group photograph involving Mr Hingerty?

THE COMMISSIONER: All right. A photograph of Mr Hingerty and 13 others, 228.

#EXHIBIT 228 - PHOTOGRAPH OF MR HINGERTY AND 13 OTHERS

MR STRICKLAND: Now, you're in the back row with the cap. Is that right?---Correct.

And on your – looking, looking at the photograph, on your right is Mr Diekman. Is that right?---Correct.

10

And on your left, is that the person you identified as Mr Huskic?---In this photo I didn't identify anyone as Mr Huskic. Down the bottom that's my handwriting and I said the three people to, to the left of me in the photo

I see---?- -I identified them as three people from Kings.

I see. I understand. And I'm sorry if you've given this evidence, but this was during one of your ISC trips. Is that correct?---Correct.

20

And do you remember which year?---No, I'm sorry, I don't.

So during that time, the person who – do you know that person next to you or who you say you thought belonged to Kings, did you know him as Rob or Robert or something like that?---Yeah, basically.

THE COMMISSIONER: Is that, is that the one with the dark glasses in the photo?---Yeah.

30

MR STRICKLAND: So you – in your evidence you said that you did now know Rob as an employee of Area Health Service or a government employee. Is that right?---That's right.

Okay. Do you remember having any discussions with the person Rob about work?---I don't recall specific but obviously there would have been some discussions as we're all in the same group.

Did you ever have any – apart from this trip did you have any other meetings with the person called Rob?---No, not to my knowledge, no.

40

Or discussions with him?---No.

Just staying with this, this photograph, Exhibit 228 and this trip, excuse me, Commissioner. You went on an ISC trip, that is the International Security Conference in Las Vegas trip. Did you go, who did you travel with, that is who did you- - -?---On this particular trip?

Yes?---Ah, there was two, like, minibuses, like, eight, twelve-seater buses and the majority of people that were in the Kings group were in one bus and the rest of us were in the other bus.

And was Mr Paul in your bus?---Yes.

And did you go to venues together, entertainment venues or - - -?---Yes.

- - - social venues, is that right?---Yes.

10

And as a group you mixed and socialised together, is that right?---Yes.

And did you witness any gambling that occurred between Mr Diekman and Mr Paul?---Yes.

And can you describe what you saw or what you heard?---To be honest, I can't be specific, it was this particular trip but on various trips there was often betting on pool games or playing cards or going and playing the tables in the casinos.

20

Excuse me.

THE COMMISSIONER: High stakes?---By my standard, yes.

Like how much?---Oh, I recall on one occasion I think from memory they, they got up to something like 80 and I assumed that that meant 80,000.

MR STRICKLAND: Did you ever see any pool game between Mr Diekman and Mr Paul where they were betting for money?---Yes.

30

Were you present?---Yes.

And what do you recall about that?---I think that was on our last trip that you're referring to and, well, the last trip that I went on I should say.

THE COMMISSIONER: Was that 2010?---I think so, yes. Everybody was playing pool in the beginning, it was like, I don't, sort of like a little knock out comp, everyone having a play and the two of them were playing towards the end and they started playing for money. I was coming and going from that area of the hotel to another area but as I, when I came back in I'd ask how they were going and as I mentioned to the Commission a minute ago I think the figure was up around the 80,000 at one, at one point in time when I asked.

40

MR STRICKLAND: And who was up and who was down \$80,000, do you remember?---Look to be honest I don't recall.

Were people intoxicated at that stage?---There was drinking, I can't tell you what state other people were in but I can tell you people were drinking.

But you yourself had gambled with Mr Paul from time to time, had you?
---Yes.

Right. But - and occasionally if you lost then the practice was you doubled or nothing until - - -?---Correct.

10 - - - it came to zero again, is that right?---On occasions, yeah.

But it's the case isn't it that you never actually, he never, he never actually asked you to pay any money for losing bets, is that right?---I think he took pity on me because he knew I wasn't in that financial position to be able to do that.

So the answer is yes?---Yes.

20 THE COMMISSIONER: The answer is that he never took money?
---Correct.

MR STRICKLAND: And he never asked you for money?---Correct.

And were you present at a game of golf with Daniel Paul and Mr Maurice Ciot when there was a discussion about a trip to South Africa or a trip overseas?---We, for a period of time we played golf fairly regularly, once a week and I'm pretty confident we had a conversation along those lines on one of those days.

30 Now who's we? You said we?---Oh, well, Mr Ciot and Mr Paul and myself, we were all there.

And so were you also friends with Maurice Ciot?---Yes.

And that was a regular golf game you played, is that right?---For a period of time, yeah.

40 And what was the discussion that you can recall about that trip and the circumstances in which Mr Ciot was, went on that trip or there was discussion about him going on the trip?---It was coming up to his birthday or it was just about his birthday, it that was period in, period in time and I believe that Charlie Diekman and Daniel had had some conversation which I wasn't privy to but - - -

Hold on, when you say you believe that how do you know that? Did Daniel Paul tell you that?---That's what I'm getting to, yeah.

I'm sorry for interrupting, go ahead?---I believe that they had a conversation because Daniel said that they were going to, Charlie was going to pay some or all of their costs because he couldn't go and that was his way of making up for not going, that was my understanding.

I just wonder if you could just, I'm afraid I didn't totally understand that. So Charlie, Daniel Paul said to you Charlie - and was that in the presence of Mr Ciot or not?---Yes.

10 So Daniel Paul said to you Charlie was going to pay for what?---Airfares, accommodation, whatever it was.

For whom?---For Maurice and his wife, fiancée.

And for what reason, was that discussed?---My understanding was it was because he couldn't go.

Who's he?---Charlie Diekman.

20 Couldn't go where?---On that trip.

So why would that, why does that follow that he would pay - - -?---You'd have to ask him, I can't, that's all I know.

No. But from the discussions you had?---That's what I know.

That's what Daniel Paul said to you and Morris, is that right?---That's my recollection as well as I can recall, yeah.

30 And do you remember Morris Ciot saying anything about that?---I think he at the time probably didn't believe it.

And, and was there a discussion that Daniel Paul saying he - did he say at that time that he had been paid money by Charles Diekman to pay for the trip or he was going to be paid money?---I'm sorry, I can't recall.

40 Okay. Did you have any discussions after that golf game about that with either Mr Paul or with Mr Ciot or with Mr Diekman?---Didn't have any discussions with Mr Diekman but obviously we must have had more discussions 'cause we organised the airfares and everything and if I remember correctly I think Daniel Paul paid for all the airfares and then I paid him for my ticket.

Because you all went to the - South, is it South Africa you went?---Yes.

And you went with Daniel Paul, Morris Ciot and his partner Ms Kellet, is that right?---Yeah.

And you all went together, is that right?---I think from memory Michelle or Morris flew in on a separate flight I think.

Okay. But you spent the time together?---Yes.

How, how long was that?---We were away I think a total of 14 days from memory.

10 And did you go, did you go out for dinner and lunches together?---Yes.

And do you remember who paid for that?---Not specifically, no.

Did you go to any shows or outings or excursions et cetera?---While in South Africa I recall going to a game reserve, we all went to a game reserve one day.

And do you know who paid for that?---I think I might have actually. Honestly I don't recall.

20 And do you know how paid for the accommodation that you stayed at when you were in that trip?---My understanding was that for Michelle and Morris that that was paid for through Charlie and or Daniel 'cause I had nothing to do with that and I think I gave Daniel some money for my accommodation but I can't recall.

30 And when you say it was understanding that the money for the accommodation came from either Charlie or Daniel Paul where did you get that understanding from?---Number one; I was never asked for any money to pay for it and I know that Morris wasn't asked for any money to pay for it.

The accommodation you're talking about?---Yeah.

Is that what you're - - -?---Yes, yes.

Did Daniel Paul ever say to you that Charlie Diekman paid for their accommodation?---I don't recall.

40 Excuse me, Commissioner. Excuse me, Commissioner.

I have no further questions at this stage.

THE COMMISSIONER: Does anyone have any questions?

MR LLOYD: Lloyd, Commissioner. Yes, I have a few questions.

Mr Hingerty, my name is Lloyd and I appear for Mr Paul and will be asking you a few questions on his behalf. Turning to the evidence most recently

given, for that trip when you went to South Africa together with Morris Ciot and his wife and Daniel Paul I take it you also went to Switzerland?

---Correct.

And it's my understanding that you paid for your tickets?---Correct.

And your own expenses?---Pretty much so, yeah.

10 And I want to suggest to you, you didn't see either Morris or his wife touch their pockets for any of expenses for dinners and things of that like?---Pretty much.

Daniel Paul paid for those?---Yes.

Trips to Las Vegas, I gather you went to the annual conference at the ISC nearly every year?---In the early days every year but in the later years I, I missed a few, yeah.

20 Okay. I want to suggest to you you were there for 2007, 8, 9 and 10?
---Most likely.

Okay. And you said, when asked questions about witnessing gambling between Daniel Paul and Charlie Diekman that you witnessed such gambling on various trips?---Correct.

And these are the trips to Las Vegas?---Yes.

Including pool games, we've mentioned one of those?---Yes.

30 Cards, I take it that's card games at casinos?---Yes.

On the tables – can I suggest roulette tables?---It was roulette, yeah.

Were you ever present when Charlie Diekman helped himself to some of Daniel Paul's chips at one of the tables?---Yes.

Were there many chips that Charlie helped himself to?---Oh, I'd suggest a good handful.

40 High stakes chips or I should say high denomination chips or low, can you recall?---I can't recall exactly what the chips were but I think it was a high value table so- - -

Can you remember what year that trip was you witnessed that?---No, I'm sorry, no.

You always paid your own way to Las Vegas?---Correct.

If any expenses were paid for by anybody you paid them back?---Correct.

I have nothing further.

THE COMMISSIONER: Any other questions, Mr Naylor?

MR NAYLOR: I might come forward, Commissioner. Thank you. Mr Hingerty, my name is Naylor, I appear for Mr Diekman. Just a couple of questions if I may. Do you still have in front of you Exhibits 1, tab 77?

10 ---I have no idea. I have a photo and a book. Thanks.

And also Exhibit 145B, pages 72 and 73?---I believe I do now.

All right. I just want to ask you some questions about those, but may I just clarify to begin with – my understanding of the evidence that you have already given is to the effect that about four to six weeks after 26 September, 2007, the trading name of your business changed?---That's correct.

20 And prior to that it was the trading name that appears at the top of those quotes that you have in front of you?---Correct.

MJH Security Installations?---Correct.

And correct me if I'm wrong, my notes are a little rough, but my understanding of the evidence that you gave when Counsel Assisting was asking you question about the sending out of those quotations was that you'd sent out literally hundreds of quotations- - -?---Over the years.

30 - - -with that form?---Yes.

Right. So this is in the period prior to about October 2007?---Yes.

It's possible, is it not, that you might have sent at least one of those quotations to Mr Diekman at the Kings Security Group?---I'm very confident I wouldn't have done that.

Can you say categorically?---Yeah, I'll say categorically. Why would I sent a quote to a competitor? It's madness.

40

Well, I don't know. I'm suggesting that at some point in time you did?
---Well, I'm suggesting that I wouldn't do that, is my answer.

Yes, I have no further questions.

THE COMMISSIONER: Yes, thank you. Anyone else wishes to ask Mr Hingerty questions? Mr Strickland?

MR STRICKLAND: Mr Daniel Paul's senior counsel asked you some questions about seeing Mr Diekman grab some chips from Mr Paul, betting chips. Is that right?---Yeah, the, the casino chips, yes.

Casino chips?---Yeah.

Do you know the value of the chips that he grabbed?---No, I couldn't tell you the value, other than it was a high table so they, they don't use the small chips, they use bigger ones so- - -

10

Do you know, did you know the value of a single chip at that table at that time?---Oh, look, to be fair I'd be guessing, but I'd be saying 5,000 a chip.

My question is, do you know that?---No.

THE COMMISSIONER: Did you hear them talk about what had happened afterwards?---Yes.

20

And what was the discussion?---I don't think Daniel was very happy that Charlie walked off with a handful of his chips and wanted them back.

And what did Charlie say?---I'll fix you up later or words to that effect.

MR STRICKLAND: Have you ever had any discussion with Mr Paul about that matter since this investigation came to your knowledge?---No.

Or Mr Diekman?---No.

30

Do you know how many chips he grabbed on that occasion?---A handful. I can't, I don't know 20 maybe but I don't, I'm only guessing.

Were you gambling, were you gambling on that table at that time?---I'm not really a gambler I just play a couple of games here and there just to, 'cause we're there and then watch everybody else wonder around that sort of thing.

But you were at the table at that time, is that right?---That's right.

40

But you weren't gambling on that table?---No, I was standing behind them. I wouldn't be gambling on a table of that type, no.

Thank you, Commissioner. Nothing further.

THE COMMISSIONER: Yes. Thank you, Mr Hingerty, you're excused? ---Thank you.

THE WITNESS EXCUSED

[3.01pm]

MR NAYLOR: Commissioner, may I be excused?

THE COMMISSIONER: Yes, certainly. That comes to the end of the evidence for today?

MR STRICKLAND: That's correct, Commissioner.

10 THE COMMISSIONER: Then we adjourn 'til Thursday.

MR STRICKLAND: Thank you.

THE COMMISSIONER: Yes. So we will commence at 10.00am will we?

MR STRICKLAND: Yes. Could I just say we will finish in the two days. It's possible we will need to sit - I would say it's probably likely we'll need to sit a little bit beyond 4 on each day to complete the witnesses. By a little bit I mean half an hour.

20 THE COMMISSIONER: All right. The Commission will adjourn 'til Thursday at 10.00am.

AT 3.01PM THE MATTER WAS ADJOURNED ACCORDINGLY
[3.01pm]