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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 THURSDAY, 28 JUNE, 2012

AT 2.13PM

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.

<DAVID ANDREW McMICKING, on former affirmation [2.13pm]

MR STRICKLAND: Could the witness please be shown Exhibit D21. This is an email from Peter Roche to Jo Lindsay, it's in relation to University of Western Sydney. Do you know, do you know the email jo.lindsay, the email of address of jo.lindsay@optusnet?---No, I don't.

10 Did you ever - did Mark Eschbank ever give you that email address?---I don't believe so.

You can see copied - excuse me. You can see there that a copy of the tender - if you just go to page 303 you can see that there is a copy of a tender for the Concept 4000 system which has been annexed to this email, do you see that?---I do.

20 Now, Commissioner, I think the actual copy or at least my copy what I thought was being blanked out, in fact it's been highlighted and you can see that at page 303, is your copy - may I ask is your copy highlighted? I'm sorry, can you read your parts of your copy?

THE COMMISSIONER: Yes. Well, there are, there are black lines which I can't read.

MR STRICKLAND: Right. Can I hand out at least some copies, I don't know how many there are and the rest will be provided of things that you can read.

30 THE COMMISSIONER: Sorry, yes.

MR STRICKLAND: The document that - it's a substitute - - -

THE COMMISSIONER: So I should take out what I've got and substitute this?

MR STRICKLAND: Yes, that is correct. Take out 303 to 310 and substitute that.

40 THE COMMISSIONER: Yes.

Can I ask you this, were you aware that the tender specifications in relation to the UWS contract has been forward to Mark Eschbank?---No, I was not.

He never mentioned that to you?---He did not.

If that were so do you know any reason why that would have been done? ---No, I do not.

THE COMMISSIONER: It would have been wrong, wouldn't it?---I would say - yes.

MR STRICKLAND: Can you go please to Exhibit D23 please. It's an email from yourself to Mr Roche copied to others at Kings saying "I have been told by Mark that Signature and SNP have withdrawn their interest on the tender. Let's go." So the Mark there is Mark Eschbank, is that correct? ---It would be.

10 It is isn't it?---Oh - - -

The Mark you're referring to is Mark Eschbank?---I can only - yes, I would say, yes.

And Signature and SNP are two other tenderers tendering for the UWS contract?---I believe so, I would, I can only assume so, yes.

20 And why did you send that information to Peter Roche?---After seeing this email previously I can only, I, I do not recall the conversation.

Why did you send this email to Peter Roche?---To advise him that Signature and SNP had withdrawn from the tender.

THE COMMISSIONER: Why, why was that of interest?---To know who our, who the competition, who, who else is tendering and who else is not.

And how does that help?---But knowing who our competition is.

30 Well, how does that help?---Ah - - -

Does it mean because you are familiar with the competition you have, you know something about how they bid and how to, how you would go about - it'd give you some inkling as to how you go about competing or, or defeating the remaining tenderers?---Yeah, I, I - - -

Is that right?---Yes, that could be correct, yes.

40 MR STRICKLAND: Jo, I'm sorry I forgot to ask you in relation to the previous email, Jo Lindsay is Mark Eschbank's wife. Is that correct? ---That's correct.

And did you tell anyone at Kings that that was the fact, that Jo Lindsay was Mark Eschbank's wife?---Not that I recall.

When you wrote in this email to Peter Roche, let's go, you were saying weren't you, Kings let's go and get that UWS contract weren't you?---I can only imagine that, yes, to be the case.

The answer to that question is yes isn't it?---Yes. Yes.

And you were saying that as part of a, of the Kings team. Is that correct?
---Yes, yes.

10 And how was it – so is it the case that Mark Eschbank told you that Signature and SNP had withdrawn their interest on the UWS tender? Do you want me to repeat the question?---Yes, please. Could you repeat the question?

Just listen carefully, please?---Yes.

Is it the case that Mark Eschbank told you that Signature and SNP had withdrawn their interest on the UWS tender?---I do not recall that conversation, but by looking at that email I would say the answer to that is yes.

20 When you say you would say, it must be yes?---Yes.

And did he volunteer that information to you or did you ask him what he knew about the UWS tender?---I cannot recall that.

Do you say you have absolutely no recollection of the circumstances in which Mark Eschbank disclosed to you that information as contained in your email?---I have absolutely no recollection to that.

30 Do you accept that Mark Eschbank provided assistance to Kings in relation to the UWS tender?---If this email is to me is deemed as assistance I would say yes.

He didn't send the email you did?---Sorry, if the information of the tenderers withdrawing is deemed as assistance I would say yes.

THE COMMISSIONER: I mean you're not suggesting it wasn't an assistance are you?---No, I'm not.

40 MR STRICKLAND: So why did Mark Eschbank provide that assistance to Kings?---I don't know.

You must have some idea Mr McMicking, mustn't you?---To assist us in - - -

Mr Eschbank, was he a friend of yours?---Yes, he is a friend of mine.

And he was at the time this email was written?---Yes, yes.

And how long have you known him?---35 years.

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

Did he come to your house from time to time?---Rarely.

Where did you socialise with him?---Oh we'd catch up as friends, as a group of friends a couple of times a year.

10 Did you go to the same school?---Yes, we went to the same high school.

So he was one of your old school friends. Is that right?---Correct.

And when he was – could the witness please be shown Exhibit D19. No I'm sorry, it's the wrong one, I beg your pardon D8 I'm sorry. This is an email from Charlie – I'll take you to page 56. An email from Charlie Diekman to a number of people including yourself on 19 April, 2007. If you go to page 57. Mr Diekman says, Mark Eschbank ... Dave McMicking mate introduced Kings into Packers. Now works for the UWS and has recently been promoted to Facilities and Security Manager across all UWS sites. Will be having some input into the process. Do you see that?---I do.

20 And do you know what input into the process Mark Eschbank had?---No, I do not.

You've never had any discussions with him about that?---No, I did not.

THE COMMISSIONER: Do you notice that on page 56 the reference to Mr Eschbank and others is preceded by the statement, "We have a number of players on our side"?---(No Audible Reply)

30 MR STRICKLAND: The third-last line?---Yes.

THE COMMISSIONER: Well, was Mr Eschbank on your side?---Ah, he, he previously, I would say yes.

And in what way was he on your side?---Ah, we'd, we'd done work for Mark in his previous employment and I thought that he was, I think we thought that he was extremely happy with our, our services.

40 And did you tell Mr Diekman that he was on your side?---No, I would not have said that, I - -

So how does Charlie Diekman know that Mark Eschbank is on your side, on Kings' side?---I don't know if he's suggesting that there.

Yes, he is?---Sorry, I haven't read the whole- -

He said, "We have a number of players on our side", and then he lists them. One of them's Mark Eschbank and he says, "Dave McMicking mate"?
---Right. Okay. Well, yes.

How does he know that?---How does he know that Mark- - -

Is your friend?---'Cause we'd done work with Mark for several years prior.

10 MR STRICKLAND: So when Kings gave gifts or benefits to Mark Eschbank, as you stated before lunch, did you understand that that was in return for assistance that Mark Eschbank had given Kings in relation to any tender that Kings was involved in?---No, I did not understand that.

Didn't you speak, you must have spoken, I suggest, to Mr Diekman about your friendship with Mark Eschbank?---I would imagine so, yes.

20 And didn't you tell him that he was someone who could assist Kings in, in his newly-promoted position as the facilities and security manager across all UWS sites?---I don't recall saying that.

Are you saying you didn't know that Mark Eschbank had been promoted to that position?---No, I'm not saying that.

THE COMMISSIONER: And you knew he could assist Kings?---I, I didn't know if he had any ah, no, I didn't know if he could assist Kings.

MR STRICKLAND: Is it true that Mark Eschbank introduced Kings into Packers?---Yes.

30 And what, how did he do that?---Ah, he contacted ah, myself.

Yeah?---And ah, the initial contact would have just been to price a job.

For Packers?---Yes.

What, what, what kind of company is Packers?---CPH.

As in the Packers?---Yes.

40 I see. Could the witness please be provided with AHS 34, AHS 34 through to 38. If you could be - could the witness also be given M8 please. Do you recognise AHS 34 through to 38 as part - that is 34 through to 37 is part of the same quote I showed you before, being 48810?---Yes.

That's for the Gosford Hospital car park?---Yes.

And if you go to page 38?---Yes.

That's a separate quote, being 48689 but it's also for the Gosford car park hospital is that correct?---Yes.

I tender those documents.

THE COMMISSIONER: Yes, the bundle of five pages, the first of which quotation number 48810 relating to the Gosford car park is Exhibit M9 of Exhibit 4.

10

#EXHIBIT M9 OF EXHIBIT 4 - BUNDLE WITH CUSTOMER QUOTATION 48810 ON TOP

MR STRICKLAND: So if you look at M8 and M9 together - - -?---Sorry, M9 is the?

That's, that's quote four, the first four pages of 48810, pages 34 through to 37?---Yes.

20

Is this the case that those four quotes form part of the single page, page 33? ---That's correct.

Were they all submitted together?---Yes, they would have been.

And was it the case that Mr Huskic then asked you to resubmit the quote into, into separate components?---I don't recall if they were - if following this quote I was asked to provide them into separate components, no.

30

I thought you said yesterday that you submitted a quote and then you were asked to resubmit the quote or you were asked to quote by way of separate components after you'd submitted the main quote?---In, in seeing this, this is what I would have meant by separate components.

But it was, but it was, but it was part of the same quote wasn't it?---It is part of the same quote.

I see. Okay. And except for 48689 was a separate quote, is that right? ---That is right - yes, the last page there is, is separate to 48810.

40

Okay. Now if you could just have a look again at Exhibit M7, the two quotes that I asked you about before which bear two different dates but are for two different amounts but for the same items. Do you recall that? ---Yes.

Now, is it the case that you resubmitted that quote some seven days later because you were told that if you submitted a lesser quote then Kings would

get the whole job because they would be at a more competitive price?---No, I, I don't - sorry, could you ask the question once again?

Well do you remember I asked you before, do you remember I asked you before what explanation did you have for submitting the two quotes for exactly the same items but one being some nine or \$10,000 less than the first quote and you said you couldn't explain?---Yes.

Is that a fair summary of your evidence?---That is.

10

Well one explanation I want to suggest to you is that Mr Huskic asked you to resubmit that particular quote to reduce the price so that the entire quotation for the Gosford car park would then result in a lower price and therefore be more competitive?---I don't recall that being the case.

That undoubtedly is so isn't it? That that quote you've got, the M7 quotes form part of the larger quote 48810 for the Gosford car park. Is that right? ---That's, well 48694 being page 71 of M7 - - -

20

Yes?--- - - - forms the first section of 48810.

Well what I've said is true isn't it, that - - -?---Yes, yes it forms the, it forms part of the main project.

So were you never asked, let's just take a bigger approach or a wider approach, did Mr Huskic never suggest that you lower a component of your price so that, so that Kings could offer a more competitive price and therefore be more likely to be awarded the contract?---I don't recall that, no.

30

But you still, you still don't have any explanation for submitting that lower quote?---I do not.

Okay. Could the witness please be shown three documents which are headed, sorry, a chain of emails which is headed Housing Burwood and it's Housing page 3, 4 and 17. I'm sorry, at this stage I'll just do Housing pages 3 and 4. Now do you recognise these emails?---I do.

I tender these, I tender a chain of emails called Housing Burwood, the last of which is dated 22 January, 2010.

40

THE COMMISSIONER: The chain of emails the last of which is, is that 22 January, 2010?

MR STRICKLAND: That's right, yes.

THE COMMISSIONER: The chain of emails the last of which - from Mr Diekman to Mr McMicking is M20, sorry, M10, I beg your pardon, M10.

#EXHIBIT M10 - CHAIN OF EMAILS, THE LAST OF WHICH IS FROM MR DIEKMAN TO MR McMICKING

MR STRICKLAND: So if I could just start on page 4, who was Geoffrey Powell?---He was from Interarch.

10 What was his job? What was his job at Interarch? What was his position?
---I believe him to be the owner of an architect sort of interior design company.

And was he an architect himself?---I do not know.

20 So, so in this email, the one on 21 January, Mr Powell says to you that your quote for the access control system has been approved in accordance with your quotation, "Please proceed to the design stage ASAP." And then there is a reference to the current DWG file. Do you recall sending quotes to Mr Powell from time to time?---Ah, yes.

And do you recall sending a quote in relation to something called the DWG file?---I don't recall that specific email but it wouldn't be an unusual email to send.

Okay. If you go to the next email from Mr McMicking to Geoffrey Powell on 21 January, and you state, "Hi Geoffrey, thank you for confirming the order for the installation of access control and the duress security system at level 6/54-58 Railway Parade Burwood." Do you recall that job?---I do.

30 You say, "Attached is the quote for the installation of the CCTV system et cetera", and then you say this, "Re the drawings that you would like marked up, could you please send something indicating where you would like the duress buttons?" So do you recall that, do you recall that, sorry, do you recall that Mr Powell would send you drawings, is that right?---Ah, yes, he would ah, sometimes send us drawings or, yes.

40 And then your next email, the next email, Charlie Diekman says to you, "Dear Charlie, would you like David to add 4,000 for us please and then re-send it to me?" Do you recall what that refers to?---Ah, I was told that that was for, well, I was asked to do that by Charlie.

Yes?---And I was told that that was allowance for drawings and documentation.

But what he meant, you understood that what, what he meant, I'm sorry, and then that was, that email was then forwarded on to you, wasn't it?---Ah, yes.

So is this the case, that Kings was providing a quote to Geoffrey Powell. Correct?---Ah, yes.

For another client?---Yes.

But in the Kings quote, you were going to add \$4,000 for something that Geoffrey Powell was doing?---That's what I was, that's what I was told, yes.

10 Why would Kings send a quote to someone and add on that quote work that Powell was doing? No, I withdraw that question. Why would Kings send a quote to Powell adding on \$4,000 worth of work that Powell was doing? ---I do not know.

Well, you must have some idea, Mr McMicking, because you were asked, tasked to do that?---I was asked to provide, to, to add that to the, to the ah, the quote.

I know you were asked to do it and I'm not asking you that question?---Yes.
20

I'm asking what, why, what was the purpose of Kings adding \$4,000 work for a non-Kings employee?---I was told that it was for drawings that Mr Powell was providing to the client.

Mr McMicking, you knew this was a fraud on the client, didn't you?---I did not know that.

No idea?---I did not know.

30 Well, did you think it was odd that you were being asked to add \$4,000 on your quote?---I thought it was odd.

And what did you think was the explanation for that?---Oh, I don't have an explanation for that.

I know, but what did you think was the explanation?---I, I didn't ask and I, I don't know.

40 Could the witness please be shown ADHC 17. And do you recognise this as an email from you to Charlie Diekman dated 21 April, 2010?---I do.

I tender that email.

THE COMMISSIONER: The email from Mr McMicking to Charlie Diekman of 21 April, 2010 is M11.

#EXHIBIT M11 - EMAIL FROM MR MCMICKING TO MR DIEKMAN DATED 21 APRIL 2010 REGARDING GEOFFREY POWELL

MR STRICKLAND: And this was the same, this was the same type of request wasn't it?---It was along the same lines, yes.

10 Again Kings would be adding to its bill design fees rendered by Geoffrey Powell. Correct?---Correct.

But not identifying in the quote that it was Geoffrey Powell who did the work. That's correct isn't it?---That is correct.

And why would that be concealed from the client?---I do not know.

20 Well you must have known that that was a dishonest practice, to include in a Kings quote work done by Geoffrey Powell without revealing that it was Geoffrey Powell who did the work, Mr McMicking?---Yes, I do not know it was a, I do not know of that.

Well you were the person who prepared the quote weren't you?---Yes.

And you, you put in in the January 2010 case \$4,000 for the design drawings but you did not include Geoffrey Powell or Interarch did you? ---As a description no.

30 No. And likewise for this job, for the ADHC job, you included the fees for design drawings but didn't include in the description that it was done by Interarch or Geoffrey Powell. Correct?---That is correct.

And you knew when you did that that that was dishonest didn't you?---No, I believe we showed the fact that there was drawings allowed for in the quotes, but we didn't detail it.

40 But look when a client gets a quote from Kings they would be entitled to expect that the drawings that you've included on that quote were drawings that had been done by Kings employees wouldn't they because it's a Kings quote, it's not an Interarch quote?---We would never detail it as Kings - - - You're not answering my question?---Sorry, if you could ask the question again, please.

A client that was receiving a quote from Kings for design drawings would expect that the design drawings were done by Kings employees. Correct? --Correct.

So why didn't you ask Mr Diekman or – did you ask Mr Diekman or Mr Powell, look these, this should go in a separate quote, a quote on Interarch's,

an Interarch quote indicating what Mr Powell was doing?---No, I never asked that.

And did you know whether Mr Powell was quoting for the same design drawings in a separate quote?---I did not know that.

THE COMMISSIONER: What was Mr Powell, who did Mr Powell work for?---I think his direct, it was very, I think it was New South Wales Businesslink was who he would, is that – do you mean his client?

10

He was a consultant?---He was a consultant. He had his own company.

And he was, he was retained by Businesslink?---I think it was New South Wales Businesslink. I couldn't be certain of that.

In this transaction about which you've been questioned was a Businesslink transaction?---I don't know if it was a Businesslink transaction - - -

20

Well Businesslink was involved in some way?---They would have been. The other - - -

And Businesslink is an agency that assists government agencies?---Yes.

And Businesslink was assisting ADHC?---Yes.

So what did you think about Mr Powell working for, being retained by ADHC but actually doing the drawings for the tender about which he was being retained but getting payment for his fees through a concealed quotation by Kings?---(No Audible Reply)

30

Do you think - what do you think of that?---It, it would be improper.

Well, it would be fundamentally dishonest wouldn't it?---(No Audible Reply)

It would be allowing Mr Powell to breach his duties as an employee of Businesslink which he owed in that capacity to ADHC by getting money that he should - in connection with the very job with - yeah, in connection with which he was required to perform services as the agent of ADHC so it was a secret consideration that he was being paid, kept secret from his own client?---I don't know if he kept it secret from his own client.

40

Well, you helped him do that, didn't you, by the way in which you drew up the tender - or your quotation, I beg your pardon?---By our quotation, yes, yes.

I mean, that's the inevitable consequence isn't it?---It appears to be.

Yes, all right.

MR STRICKLAND: Just finally - sorry, penultimately, in relation to the Area Health Service did Mr Huskic ever ask Kings or suggest to Kings that they should increase any quote that you had submitted?---Not that I recall, no.

If I could just ask you a little bit about Mr Daniel Paul?---Yes.

10 Mr Daniel - and I'm now asking you generally, Mr Daniel Paul visited Kings' offices regularly since say 2006/2007, do you agree with that?---Yes.

And did he visit Kings' offices during times when Kings were tendering for jobs?---Yes.

And did he ever visit when Kings were tendering for a job for which Mr Paul was the security consultant to another client?---Sorry, could you ask that - - -

20 Did Mr Paul ever visit Kings when Kings was tendering for a job, say a job like the Art Gallery - - -?---Yes.

- - - where Mr Paul was also, was a consultant to that client, in this case the Art Gallery?---Yes, yes.

And do you know if Mr Paul ever had any discussions with any Kings employees or the Kings directors about those tenders?---I do not know if he had discussions with them in regard to those tenders.

30 And do you know if he ever, if Mr Paul ever assisted any Kings employees or Mr Roche or Mr Diekman about those tenders?---No, I do not know that.

Commissioner, I have no further questions. I don't intend to recall Mr McMicking.

THE COMMISSIONER: Yes. Does anyone wish to question Mr McMicking?

MR LLOYD: Very briefly, Commissioner.

40

THE COMMISSIONER: Yes, Mr Lloyd.

MR LLOYD: Mr McMicking, I act for Mr Paul. I'll be asking you questions on his behalf. You were shown a number of exhibits during the course of your evidence today, which exhibits have been marked, I'd like to show you just one. It's been marked Exhibit M4?---Yes.

And you can see that on the third page of that series as I understand it, an extract of your Amex card where we see entries for 22 March, 2010, relating to the payment of hotel expenses at the Sheraton Fishermans Wharf in San Francisco, there being a number of them?---Yes.

10 As I understand the way the Exhibit then follows, and correct me if I'm wrong, as you go through the Exhibit, and take as much time as you like, we have the separate sheets from the Sheraton. I think the charges relating to your room come first under the guest David McMicking, about halfway through this series, a document with the Sheraton logo on the top right-hand corner?---Yes.

Your name over on the left?---Yes.

Then Charlie Diekman?---Yes.

Then Chris Hodges?---Yes.

20 I take it he was an employee of Kings?---That's correct.

Then Robert Huskic?---That's correct.

Then ?---That's correct.

And was at that time to your knowledge an employee of ?---Ah, to my knowledge, yes.

30 And was he a person whose trip to the convention was sponsored by Kings?
---I do not know of the final, of, we, yes, I, I - - -

The next person, Tim Maas, if I'm doing justice to the pronunciation of his name?---Yes.

He was an employee of Honeywell?---Correct.

And as I understand it, the company Honeywell supplied security hardware which Kings would use from time to time as items it would install in security contracts?---That's correct.

40 And was he also sponsored by Kings?---I don't know if he was sponsored by Kings.

Could I suggest this to you, that it was not unusual for Kings to sponsor on one or other of these trips to Las Vegas, employees of companies it generally dealt with in the industry?---That would be correct, yes.

You saw nothing suspicious about that, did you?---No, I did not.

Thank you.

THE COMMISSIONER: Does anyone else want to question- - -

MR STEWART: Yes, Commissioner.

THE COMMISSIONER: Yes, Mr Stewart. In what capacity are you questioning?

10 MR STEWART: In relation- - -

THE COMMISSIONER: Or which client are you- - -

MR STEWART: Mr Kuipers to start with, Commissioner.

THE COMMISSIONER: Will you be long?

MR STEWART: I wouldn't anticipate it would take too long, no.
Commissioner, one thing I would like to disclose, which has previously
20 been disclosed to senior counsel and also the Commission before, reference
was made to the Stillbillies Golden Oldies Club. I am a member of that
club, it's been disclosed previously and I perceive no conflict. I'm not on
the management of that club, but I mention it for the record again.

THE COMMISSIONER: Yes. Thank you. You best explain to Mr- - -

MR STEWART: Yes, I shall. Mr McMicking, my name is Mr Stewart and
I appear for Mr Kuipers and I also appear for Mr Eschbank, but this
afternoon I'd like to ask you some questions in relation to Mr Kuipers.
30 You've dealt with the Area Health Service for a number of years from your
evidence?---Yes.

And indeed I believe on a number of occasions you've been called in for
various meetings at I think mainly the Royal North Shore Hospital in
relation to the procedures that are followed by Mr Kuipers and other
members in relation to quoting and jobs being done?---That's correct.

And I believe you were called in because over the years there's been some
problems as to (not transcribable) and who did what in relation to the
40 system?---From the Area Health Service?

From the Area Health Service point of view?---Could you just ask that
question once again, please?

Okay. Look I'll explain it a little bit easier?---Yep.

I believe there's three parts in relation to work that's done by Kings.
There's the service part which is the day to day fixing of very small jobs?

---Correct.

You then have project jobs which are larger jobs. And you then have capital works programmes as well which are very large jobs?---Yes.

And I believe that Kings has done work in relation to all those three areas?
---Yes.

10 And is it the position that you're aware that – I'll use an example, say for instance the maternity ward at Mona Vale required some project work done?---Yes.

Is it the position that the departmental head would contact, well in my case Mr Kuiper and say we want a scope of works done in relation to whatever it might be. Are you aware of that?---Yeah, absolutely.

20 Okay. And then are you aware that Mr Kuiper would then talk to his immediate boss whoever that might be, say for instance Cameron Creary or whoever it might be and he would get authority to be delegated to deal with that specific jobs?---On some – yes.

Yes. And once he'd do that he'd visit the site and he would scope up the job?---Correct. To my understanding, yes.

To your understanding, yes?---Yes.

30 And once the job was scoped up and a site plan was done I believe that Mr Kuiper would then take it back to the department manager for review?---I believe that to be the case, yes.

Yes. And once the specs were done then Mr Kuiper or whoever would then request quotes to be provided?---Yes.

And, and I believe that you or anybody else that was a preferred tenderer would at some stage then be asked to come on site to scope it up so you could work out what the cost of the job would be?---For me, yes.

Yes, we're talking from your point of view, yes?---Yes, yes.

40 Okay. And so you walk it through and then I believe you'd send the quote back to the hospital or to Mr Kuiper?---Correct.

Okay. Are you aware that the, the quotes were then sent for approval to the manager of the individual section, for instance, the example I used was the maternity ward at Mona Vale. Are you aware of that?---That is to my knowledge, yes.

Yes. So the final say so as to whether or not the job is accepted from Kings or indeed any other preferred supplier comes from the manager of the individual section?---To my knowledge, yes.

And from your knowledge are you aware that that manager of that section then generates an account number?---I think they called it a web - - -

An order number?---An order number and then it went on to the accounts department and then came back through us, yes.

10

Correct. So the actual order didn't come from Mr Kuiper or any of the managers did it?---Not to my understanding.

No. It actually came from the head of the individual department that was having work done?---To my – correct.

And this process was explained to you on a number of occasions when you had these meetings at Royal North Shore Hospital?---Amongst hospitals, yes.

20

And I believe because on occasion some managers would just contact you directly rather than go through the system that was dictated by the Health Department?---Yes. And I would always refer them back to the security department as chain of command so that security knew what was happening.

So at the end of the day it wasn't Mr Kuiper's decision to accept whether or not to go with your quote or someone else's, it was the departments heads decision?---To my understanding, yes.

30 Thank you.

Earlier today Senior Counsel asked you some questions in relation to two specific items, one being, or three specific items. One being sponsorship of Stillbillies Golden Oldies Club?---Yes.

I believe that Mr Kuiper approached you in relation to that?---That's correct.

40 And asked whether Kings would be willing to sponsor the club?---That's correct.

And I believe that you then said we'd look at it, we'd be happy to look at that sponsorship?---Yes.

And I believe that Mr Kuiper organised a meeting between two members of the management committee of that club?---That's correct.

And I believe that you and Kings then dealt with the club and Mr Kuiper had nothing to do with the negotiations in relation to any sponsorship?--- That's right, he was very distant from the sponsorship.

Very distant?---Yeah.

And eventually Kings decided to sponsor the club?---That's correct.

10 And Mr Kuiper as you said distanced himself from that?---Ah, yes.

After he introduced (not transcribable)?---After he introduced, yeah.

And are you aware, did Mr Kuiper ever tell you that he disclosed this sponsorship to his superiors at the Area Health Service?---It became aware to me I believe several months after, yes.

So you did become aware that - - -?---Yes.

20 - - - he had disclosed to - - -?---I had become aware of that.

You were asked some questions also in relation the supply of a lock?--- Yes.

Well, I'd suggest to you, Mr McMicking, that Mr Kuiper has never received a lock from Kings?---Right.

You, you had a service person working for you by the name of Tom?---He's one of our locksmiths, was one of our locksmiths, yes.

30 Well, if I suggested to you that Mr Kuiper saw Tom one day at work and suggested that his front door lock wasn't working properly - - -?---Right.

- - - and Tom went back after he finished his shift, had a look at it and realised there was a very minor problem, adjusted it in a few minutes, would you agree or disagree with that?---(No Audible Reply)

THE COMMISSIONER: Well, do you know anything about it?

40 MR STEWART: Do you know anything about it?---I, I couldn't confirm or deny it, I, I wouldn't know the detail, I couldn't recall the detail.

Well, in relation to your evidence this morning you said you believe we carried out some lock work, some smithing work or something like that? ---Lock smithing work, yes.

But I can't remember, I can't recall, that's what you said?---Yes.

So it's possible that you didn't, you didn't organise this or organise anything in relation to having a lock installed?---I might have contacted Tom as the locksmith manager to - - -

Told him to go around and have a look at the premises?---Speak to, speak to Eric, yeah.

And the reason there was no invoice is because no lock was ever put in the premises?---Possibly not.

10

And you also gave evidence that Mr Kuiper could have gone to either a rugby league or a rugby union game - - -?---Yes.

- - - as a guest of Kings?---Yes.

And that was some years ago I believe?---Two years ago possibly.

Well, I'd suggest to you it was probably a bit longer than that?---Right.

20

It was about five years ago and it was a Wallabies verse an All Blacks rugby union test?---That does now come to my recollection, yes.

And I assume the All Blacks won as usual?---I can't recall that.

Can't recall that?---Probably.

Probably, yes. And that's the only time that you have ever been to any sporting event with Mr Kuiper?---Yes, I believe so.

30

And Mr Kuiper has been carrying out this position for some 10 years? ---I don't know how long but I know it's been, it's been a long - before my time of dealing with them, yes.

And that's the only time that he went to a football game with you?---Ah, yes, from my recollection.

Yes, thank you, Commissioner. I have no further questions.

THE COMMISSIONER: Yes, thank you.

40

MR STEWART: Commissioner, would it be - I would seek a suppression in relation to the name of the Stillbillies Golden Oldies Rugby Club, it's not in relation to any football prowess.

THE COMMISSIONER: I am sure that that's not going to be regarded as an earth-shattering event.

MR STEWART: I don't, I don't think it is, Commissioner, but I was asked to, to seek it and I hear what you're saying.

THE COMMISSIONER: I really do not think it's going to make any page of any newspaper.

MR STEWART: Unfortunately it won't.

10 THE COMMISSIONER: I mean, I don't mean to denigrate the club but I don't think it is an issue.

MR STEWART: Commissioner, old men running around thinking they can still play rugby doesn't get up anywhere. I appreciate it. I have no questions at this stage on behalf of Mr Eschbank.

THE COMMISSIONER: Yes, thank you.

MR STEWART: Thank you, Commissioner.

20 MS HUGHES: Commissioner, I just have a couple of short questions.

THE COMMISSIONER: Yes, Ms Hughes.

MS HUGHES: Mr McMicking, my name is Hughes and I act on behalf of Mr Huskic. We would just ask some questions in relation to the method of approval of quotes in relation to Mr Kuiper. Is it the same method of approval that was done for Mr Huskic?---Yes, to my understanding, yes.

30 So is it your understanding that he didn't have the final say in the acceptance of any quotes?---Yes, it is.

You were shown some quotes in relation to the car park at Gosford, a number of quotes. Can you tell the Commission how many quotes were given in relation to that car park, were there more than the quotes that you were shown?

THE COMMISSIONER: By Kings?

40 MS HUGHES: By Kings?---I couldn't recall the quantity, no. I would, I, I do not believe so, that there would be any more than, I don't, I don't, I don't recall if there's any more.

Do you recall if the scope of works changed during that project?---I think it was an evolving project, yes.

Do you recall that there were some funding issues and that the project was to be staged?---Yes, I do recall that.

So that would require various quotes to cover the various stages. Is that correct?---Ah, yes, that would make sense, yes.

So is that quote that you were shown, the largest quote this morning, does that cover the whole scope of works or is it just a part of it?---I think it was a, the whole scope and the whole job completed was a combination between, and I don't have the quote numbers in front of me, but the, by recollection, the larger one, the \$162,000 one and the \$30,000-odd quote was the, the project.

10

So to put to you that the project changed during the course of its construction and that there were funding issues would make sense that there were various other quotes obtained during that period. Is that, is that correct?---That could, that would make sense, yes.

You gave some evidence that you went to Robert Huskic's house. Did he invite you to go to your house or was that your decision to go there?---That was my decision to go there.

20

And the purpose of your visit was to clarify certain events?---Correct.

And he told you, this is Mr Huskic- - -

THE COMMISSIONER: What does that mean, clarify events, Mr McMicking?---I was trying to recall at the time the works done, the locking, the locking works and some works done at his cousin's.

So you, you and Mr Huskic were trying to work out what actually had happened?---Yes.

30

And to come to an agreement as to what had happened?---Yes.

MS HUGHES: If I put it to you that you asked Mr Huskic whether he'd ever paid for various works, the works done at his house, and that he told you he had given Mr Diekman cash. Is that, is that what he said to you?---I, I can't recall that, I can't recall that.

40

In relation to his cousin's place, if I put to you that he said to you his cousin paid the technician or the installation person on the day that the work was done in cash- - -

THE COMMISSIONER: Sorry, are you saying that Mr Huskic said this to Mr McMicking?

MS HUGHES: Said this to Mr McMicking?---I, I remember, I believe that we had that conversation, yes.

That that's what he told you?--- Yes.

And that in relation to the Vespa scooter, he told you that he had done work on Mr Diekman's boat?---That was always my understanding, yes.

I have nothing further, Commissioner.

THE COMMISSIONER: Yes.

MR LORKIN: Lorkin, Commissioner.

10 THE COMMISSIONER: Yes, Mr Lorkin?

MR LORKIN: I have very brief questions. I represent Mr Creary.

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

MR LORKIN: Now, you're a preferred, Kings are a preferred Honeywell installer?---Correct.

20 So are Sielox?---Correct.

Is it your knowledge that you're on the same buyer base, you pay the same amounts of money for each product?---I do not know that.

But you've got a Honeywell pricelist?---Ah, it's within our system, yes, yes.

And you assume that AHS had the same pricelist?---I, no, I wouldn't assume they'd have the same pricelist as what we would have.

30 All right. Now, there's a hardware spec that goes out with all these tenders, isn't there?---There is.

And on the bottom of that pro forma hardware spec from AHS it says that Kings and Sielox are the preferred installers of the security systems?---Ah, yes, that's what I believe, yes.

40 All right. Now, as part of the tender process, you get that document and the tender prior to it going public, don't you?---Ah, most of those would fall into what I would term as a quote rather than tenders, but yes, and they typically, I don't think I've really ah, provided any jobs to the Area Health Service where it was a, you know, tender, a public tender.

All right. The larger tenders for the larger works over 30,000?---Yes.

- - - wouldn't you get that pro forma hardware spec for the tender prior to it going public?---I don't believe it ever went – they weren't to go public. Some of the larger jobs - - -

Yes?--- - - - let's say what Mr Kuiper's counsel said earlier, some of the larger jobs like Mona Vale Maternity - - -

Yes?--- - - - as part of a spec which would be sent to us from an electrician or a builder - - -

Yes?--- - - - that would be inserted within that.

10 I'm just suggesting to you that after AHS had speeded up the tender they'd send you the hardware specs to check that the tender contained the right quality and equipment prior to it going out to a public tender? If that didn't happen just - - -?---I don't recall it happening that way, no.

Would you get such a document? Would you have been involved in that process if you did it that way?---I would get documents from the electricians or the builders requesting prices with that hardware specification attached.

20 All right. But I'm talking about – that's after the tender had been made public, people would give you quotes?---They weren't typically public tenders.

Right.

THE COMMISSIONER: You're talking – you're differentiating between quotes and tenders?---That's right. I don't think - - -

30 Quotes are - when you talk about quotes there's no tender sought?---There's no tender sought. I don't think I ever provided a quote to the Area Health Service in a tender forum, in a tender - - -

You provided a tender?---I provided a quote to, the larger quotes that I was involved with it was either directly back to – well the quotes that I provided went directly back to the Area Health Service or to electricians or builders, never into a tender form.

MR LORKIN: I might have just asked you this, but on the bottom of a hardware spec it specifies that you're, Kings or Sielox are the preferred installers?---That's correct.

40 All right. Now your knowledge of the industry with these AH jobs that went out that you want or did not get was it either you or Sielox that got them every time?---Yes that's my knowledge.

Now I just want you to focus on warranties with items you installed, for instance Honeywell items during these jobs at the hospital greater than 30,000 or indeed under. If there was a breakdown in the warranty period what's your understanding of who would come and do the work?---Kings.

Was that a Kings installed product?---Sorry if?

If there was a breakdown of a Kings installation?---Irrespective if it was a, a Honeywell product or any other product, if we installed it we would come out and, and fix it.

Why is that?---That is, suppliers generally don't come out and back up their own, they just ship it out and leave it to us.

10 All right. Is there a Cameron Green that you know of in AHS Capital Works?---Yes.

What's he do?---I think his, his position is project director.

I'm not a techo, can you explain what that means?---So he would be within capital works in the larger jobs, he would, he would be involved, he would typically be involved where there would be builders and builders carrying out works on the jobs.

20 Is he above the hierarchy of Cameron Creary?---I, I would say so, yes, to my understanding.

There's an email that you were shown before about the Brooky Corporation Box. Do you remember that email?---I do recall that email.

In part of that chain it says, Peter, this is a message from Mr Huskic, M6, from Robert Huskic to Peter Roche, "Saturday, June 19 against the Rabbits could be good. I'll get Scott to come along". Do you know who he was referring to?---That could be Scott Anderson.

30 Right. Who's he?---Ah, he was the area security manager.

Was he Kevin Creary's boss?---I, yes, I would, I believe so, yes.

Mr Huskic and Mr Kuiper's boss?---Yes.

Did he go to the football?---No, I don't believe any of us went to that game.

40 All right. Did Mr Creary ever come along to any football matches?---No, not, not that I was there, no, no.

When you were at, did he ever go to Las Vegas?---Never.

Now, did you install some security systems at Wyong Mental Health or Gosford Mental Health?---I - - -

Kings I mean?---Kings ah, certainly Gosford Mental Health, Wyong Mental Health I, I do now know the job.

One of those establishments was there an emergency issue in relation to the urgency of installations of a security system?---I was not, neither of those jobs was I involved with.

All right. And to your knowledge did Kevin Creary ever directly approve any of those larger items at the hospitals, the car park works, the- - -?
---No, I think he's be in the same position as ah, Robert or, or, or Eric where they'd have to go back through the department managers.

10

Do you know who was responsible for Kings coming on board as a preferred installer of Honeywell, AHS, who promoted that?---No, I don't.

But is it your understanding that for a while only Sielox was the preferred installer?---Yes, before we were involved that's my understanding, yes.

Your understanding they got all the work?---That, all the work, yes.

Prior to your arrival?---Yes.

20

Nothing further, Commissioner.

THE COMMISSIONER: Yes. Thank you. Anyone else? Any further questions? Yes, thank you, Mr McMicking. Sorry, I beg your pardon, Ms McGlinchey, do you have any questions?

MS McGLINCHEY: No, Commissioner, I don't.

30 THE COMMISSIONER: You are discharged from the summons and you're free to leave. Thank you for your evidence?---Thank you.

THE WITNESS EXCUSED

[3.22pm]

THE COMMISSIONER: Mr Strickland?

MR STRICKLAND: I call Samantha Jarvey.

40 THE COMMISSIONER: I should say that we will sit until 5.00 to finish Ms Jarvey, if we can. Ms Jarvey, you have no lawyer representing you?

MS JARVEY: No, I don't.

THE COMMISSIONER: No. You may recall that I'm able to make an order that protects you against the evidence that you give from being used against you in criminal or civil or disciplinary proceedings?

MS JARVEY: Yes, I do.

THE COMMISSIONER: Do you want me to make that order now?

MS JARVEY: Please, yes.

THE COMMISSIONER: Yes.

10 Pursuant to section 38 of the Independent Commission Against Corruption
Act, I declare that all answers given by Ms Jarvey and all documents
produced by him 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.

20 **PURSUANT TO SECTION 38 OF THE INDEPENDENT
COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT
ALL ANSWERS GIVEN BY MS JARVEY AND ALL DOCUMENTS
PRODUCED BY HIM 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 THE COMMISSIONER: Do you wish to give your evidence under oath or
do you wish to affirm the truth of your evidence?

MS JARVEY: Oath.

THE COMMISSIONER: Mr Strickland.

MR STRICKLAND: Just speaking loudly and clearly because everything you say will be transcribed?---Yes.

10 If there is a question I ask that you don't understand just ask me to repeat it or just clarify?---Okay.

What's your full name?---Samantha Jarvey.

What's your occupation?---Occupation now?

Yes?---Senior administrator.

And were you an employee of Kings Security?---Yes, I was.

20 When did you start?---January 2008, I think it was the 8th.

And what, when you commenced - sorry, January 2008?---Yes.

And what did you for Kings when you began working for them?---When I began working it was drawings and operational manuals and then later on tenders.

30 And when you say tenders, what work did you do on tenders?---Just pulling the documents together, doing the drawings and putting the documents together, so formatting and adding images, that sort of thing.

THE COMMISSIONER: You did the drawing?---Drawings, yes.

Yes.

MR STRICKLAND: And what kind of drawings did you do?---Schematics and site plans which would have layouts of where security equipment went or was going to go.

40 What are schematics?---Schematics are a design of say a security control room so it would have monitors, displaying the cameras that are around, it'd be where the main control computer would be for any programming of access control.

When did you, when did you stop working for Kings?---February, 2011.

Now, I want to ask you about a couple of tenders that you worked on. Do you recall working for a tender in relation to The Gap Park for Woollahra Municipal Council?---Yes.

Mr Commissioner, I tender two documents. The first is tender, tender specifications for The Gap Park CCTV just entitled Part D for David drawings. It's 14 pages, pages 1 to 14.

10 THE COMMISSIONER: Yes. There are very few documents that are going to be tendered through Ms Jarvey I take it?

MR STRICKLAND: Very few.

THE COMMISSIONER: So there's no point in creating a separate folder for her?

MR STRICKLAND: No, there's no.

20 THE COMMISSIONER: So will it be beyond the understanding of counsel if I say that we will not create a separate folder for Ms Jarvey but we will actually just follow on from Exhibit 4 and take Exhibit 5 and 6 et cetera?

MR LLOYD: I think we can cope with that, Commissioner.

THE COMMISSIONER: Well, I'm not sure, Mr Lloyd, but I - - -

MR LLOYD: (not transcribable)

30 THE COMMISSIONER: All right. Right. So the Part D drawings of the Woollahra Municipal Council tender specifications for Gap Park CCTV will be Exhibit 5 as a main exhibit.

#EXHIBIT 5 - 13 PAGES OF DRAWINGS EXTRACTED FROM THE TENDER SPECIFICATIONS FOR GAP PARK CCTV PROJECT

40 MR STRICKLAND: I tender another document which is the tender response by Kings for The Gap contract.

THE COMMISSIONER: Yes, the tender response by Kings for The Gap contract is Exhibit 6 as a separate exhibit standing alone.

#EXHIBIT 6 - TENDER RESPONSE FOR THE SUPPLY & INSTALLATION OF A TURN KEY CCTV SYSTEM AT THE GAP, WATSONS BAY

MR STRICKLAND: I'd like you to just have a look please at pages - sorry, first, do you recognise, do you recognise this as the tender document prepared by Kings in relation to The Gap Park contract?---The tender submission, yes.

THE COMMISSIONER: Is that Exhibit 6 or Exhibit 5?

MR STRICKLAND: Exhibit 6, the big document. Is that correct,
10 Ms Jarvey?---6, yeah.

And that goes from page 15 through to – what page does yours go up to?---
Me, to 61 I've got.

THE COMMISSIONER: Yes, me too.

MR STRICKLAND: Okay. Now I just want to take you, have a look
please at pages 19 through to 27?---Yep.

20 Now do you recognise those as some of the drawings that you did?---Yes.

So if I can just, I'll just go through them fairly quickly. Let's take page 19
first. Did you do that?---Yes, I did.

And is that schematic?---That's a schematic, yeah.

And what's – can you just briefly explain what this schematic represents?
---So it would be the monitoring station for the cameras around The Gap.
So the first one which is an option would be for the police viewing station
30 and then there'd be a third party monitoring station so that could be any
monitoring station that would be looking after those cameras. And then the
bottom equipment rack layout would be at The Gap itself. There's a
building to the side that holds the equipment.

Thank you. And go to page 20 and 21. Now are these – did you prepare
these?---Yes, I did.

And what are they?---They are, well page 20 is the cameras on the poles that
would be mounted around The Gap. Number 21 is again the camera poles
40 then linked up to the equipment rack and a image of The Gap with the
camera poles laid out on it, one through to five.

So I can there's a, there's a what appears to be a map, it's a Google map. Is
that right?---Correct.

Which has numbers 1, 2, 3, 4, 5. Does that correspond to P1, P2, P3, P4,
P5?---Correct.

And they're the location, they're the proposed locations of those cameras?
---Correct. They're the camera poles, P stands for camera pole.

Thank you. And can you go please to page 22. And I think 22, 23, 24, 25,
26 and 27 all relate to what you've described as directional drilling?

---Correct.

10 Can you explain to the Commission what was your understanding of
underground direction drilling as it related to this particular contract you
were bidding for?---Sure. Directional drilling was due to the actual tender
required that – like it's heritage land so the environment wouldn't be
affected. So if you trench or you dig up the ground well then it's going to
affect the land, so you would need to find another way of running cables to
all the camera poles. So a form of doing that is drilling, directional drilling
going down to the ground and drilling underneath.

20 THE COMMISSIONER: So you drill, you drill both vertically and then
horizontally?---Except horizontally underneath the ground so it's not
affecting the top.

Yes.

MR STRICKLAND: And if I can just take you to page 22. You've got the
first, what I might do Mr Commissioner, because – I'll just tender – I have a
large copy of – just in relation to these pages that I'm looking at. I think it
might make it a bit easier.

THE COMMISSIONER: Yes.

30 MR STRICKLAND: And I tender those. They're just from pages 19 to 27
of the general - - -

THE COMMISSIONER: Yes. So the enlarged copies of pages 22 to 27 Mr
Strickland?

MR STRICKLAND: Pages 19 to 27.

THE COMMISSIONER: Sorry, 19 to 27 will be Exhibit 7.

40

**#EXHIBIT 7 - PAGES 19-27 EXTRACTED FROM THE TENDER
RESPONSE TO THE GAP PROJECT**

MR STRICKLAND: Now, those who are given this will need to write for
themselves the page numbers, beginning from page 19, if they wish to. I
want to, if you just go to page 22 and have you been given a large copy as
well?---Yes, I have.

The large copy of page 22 is, "We're proposing underground directional drilling at site of pole 1." Do you see that?---Yes, I can.

So is that, can you see on the drawing, the Google map, that you've got what appears to be a dot next to P1 and then a red line going towards a rectangle?---Yeah, yes, I can.

10 And what did that dot and line and rectangle represent?---The dot represents the camera pole, the line represents the cable run and the square from memory represents, there was, 'cause you're running cable such long ways there was something that we had to put in so it made, so that you didn't lose signal, something to do with that from memory.

And if you go to page 23, have you done the same exercise in relation to pole 2 there?---Actually, sorry, there it is there, it is, so it was the fibre converter, that box symbolises the fibre converter, it's in the third paragraph.

20 Thank you?---And the power supply.

So if you go to just the next page which is pole 2, camera 2?---Correct.

That's what you were talking about, is that right?

THE COMMISSIONER: Page 23?---Yeah.

MR STRICKLAND: Page 23 deals with the proposed underground drilling and where the cable was going to go- -?---Ah hmm.

30 - - -from pole 2. Is that right?---Yes.

Through to pole 3?---Yeah.

And forgive me if I ask a very basic question, but what was the purpose of the cable?---So you've got power to run to the camera plus also you've got a signal then from the camera to go back to a DVR so you can actually view it and record it and, yeah.

40 And if you go to page 24 and you've done, you've done the same exercise in relation to pole 3. Is that right?---Yes, I did.

Sorry. And then pole 4, you've got the same, you've done the same exercise for pole 4?---Ah hmm. There's just extra cameras on that pole.

Right. Okay. And obviously pole, so for example page 24, the first square box there where the arrow goes to, that's, that's where pole, that represents somewhere near pole 3. Is that right?---Sorry, where?

Page 25 represents the proposed cable from approximately pole 3 to pole 4. Would that be right?---Correct, correct.

And likewise page 26 represents the proposed drilling from pole 4 to pole 5. is that right?---Ah hmm, where the power will be, yeah.

And you prepared all those pages?---Yes, I did.

10 If you go to page 27, sorry, and did you prepare this page?---Yes, from memory I did, yeah.

And did someone ask you to do drawings in relation to the underground cable and the directional drilling?---Yes, I would have been asked.

THE COMMISSIONER: Are these the drawings we've looked at?

MR STRICKLAND: These are the drawings we've looked at?

20 THE WITNESS: Yes, I would have been asked to do this.

MR STRICKLAND: And when you say you would have been, were you - - -?---Yes.

- - -were you asked by someone or was this your own idea?---No, it wasn't my own idea.

Whose idea was it?---Charlie Diekman.

30 And did he ask you to look on Google in relation to directional drilling and - - -?---Yes. Charlie didn't know what directional drilling was.

Now, did you know at the time you were doing these drawings who the, who the security consultant was for Woollahra Council?---Yes, I did.

And who did you know, who was that?---Dan Paul.

And how did you know he was the security consultant?---It would have just been discussions in the office.

40

If you're having difficulties speaking just - feel free to have some water? ---I'm okay as long as everyone can hear me I'm, I'm fine.

THE COMMISSIONER: Sure.

MR STRICKLAND: Now, again, forgive me for being obvious but these drawings that you were doing you were doing to put in the tender submission, correct?---Correct, yes.

Now, did, did Dan Paul ever assist you with any of these drawings that you've just described?---In the actual drawing of them?

In any way, in any way?---Yes.

How did he assist you?---Well, it would have been - it wasn't direct with me, through Charlie Diekman.

10 Well, what, what, what, what do you mean by that?---Well, some of these - I know the drawings I did for this job, not all of them are here, there were some I did that had camera directions on them as well.

Yes?---They're not here. That was from - if you go to page 20 through to, through to the - because I don't have camera numbers - ah, page numbers, it's probably page 26 if the last page is 27.

You can look on the smaller one if you like, the smaller?---I don't have it. It's the one with the map.

20

Perhaps you could be given the smaller document and just give us the page reference.

THE COMMISSIONER: These have the same numbers, Ms Jarvey, you follow that?---(No Audible Reply)

MR STRICKLAND: You say - I'm sorry, go ahead?---Okay. So page 21 through to page 26 - - -

30 Yes?--- - - - there's a Google Map image on there.

Yes?---There were discussions in the office regarding, in the Kings office regarding the actual run of the directional drilling - - -

Yes?--- - - - and how that would take place and there was also discussions of the camera direction which with these Google Maps I'd done a whole lot of printouts of them for Charlie, given them to Charlie. Charlie returned, like there were several of them, he returned them and there was drawings of actual dotted lines of the camera direction shaded in.

40

And you give that answer in the context of saying Mr Paul assisted you. How is that Mr Paul assisting you?---Well, I knew how Dan draws when he sketches things and I know how he draws it so Dan's got a specific way of when you're doing camera direction you do dotted lines and then shade it in so when I received them back they had that on there.

You're saying that Mr - you received drawings from Mr Diekman?---Not Dan, Charlie.

Charlie?---Yeah.

You received drawings from Charlie - - -?---Yeah.

- - - relating to the camera positions, is that right?---Yeah, yeah.

10 And those drawings were what, similar to the drawings that Mr Paul drew in previous drawings, is that right?---What he'd normally draw. Like everyone's got a unique way of drawing and that's how Dan would draw his layouts.

THE COMMISSIONER: So you're saying that you saw from the method adopted in the drawing technique that it was him?---Well, from prior drawings.

Yes?---Yeah.

20 Because you had learnt to recognise his prior, his drawings from other work?---Yeah, because I'd done a lot of work for Dan, yeah.

How - - -?---Everyone's got a specific way so if, if Charlie, if Charlie had drawn it, Charlie would draw a line and an arrow and that would be his way of saying that's the direction of the camera, that's how he's always done it.

30 What other drawings have you done for him? I'm sorry, I'm not asking you to identify every drawing but in what context did you do drawings for him? ---I had a contracting business within the industry so I used to do drawings for everyone, like security companies, the consultants and that was - yeah, Dan was one of the people I did drawings for.

Right. And when you do drawings for him how does it come about that you learn how he draws?---Because some will give you - say I gave you that number - page 21.

Yes?---Well, if I was Charlie I'd draw a line with an arrow and that would mean that's the camera direction that he wants me to draw the camera in.

40 Charlie you said?---Yeah, but if it was Dan for example Dan would draw a dotted line and shade it in so he'd draw a triangle, circle, shade it in.

Yes, thank you.

MR STRICKLAND: If the witness could be shown, keeping the documents you've got there, just keep them there, just show J1, please. Sorry, I beg your pardon Exhibit 5. Have you got Exhibit 5 there. That's the 14 page document. It's not the big one it's the 14 page document which is headed Tender Specifications.

THE COMMISSIONER: Woollahra Municipal Council Tender Specifications Part D Drawings?---Yes, I have them.

MR STRICKLAND: If you just go there please to page 8. What does that represent to you?---That's a cameras field of view.

I didn't hear that?---Camera field of view.

10 Camera - - -?---So cameras.

THE COMMISSIONER: So a field of view.

MR STRICKLAND: Thank you?---A field of view.

And is that – do you recognise any, do you recognise who is the author of those drawings?---Yes, it's got the logo down the bottom, Dan CSCI

20 I'm sorry, Mr Commissioner, I'm just having trouble hearing. It's probably my hearing as well.

THE COMMISSIONER: Yes?---Yes, yes I do.

MR STRICKLAND: I'm sorry it's not your fault Ms Jarvey?---That's, that's fine. Yes, I do.

30 All right. And is that – you've described Mr Paul's drawings, everyone has a unique style of drawing, can you describe what Mr Paul's drawing was, which I think you said dotted lines with shading in. Is that what you said?
---That would be different to this, because this is drawn on a computer.

Yes?---When you hand draw something or you sketch something by hand that's what I was talking about. So when you received the drawings from Mr Diekman in relation to this Gap contract are you saying that you can recognise those drawings as having been done by Mr Paul?---Yes.

And you're confident that they were Mr Paul's drawings not someone else's drawings?---Personally I am confident.

40 Okay. And did you see Mr Paul around Kings at that time, at the time you were doing your work?---With The Gap tender, yes.

I beg your pardon?---With The Gap tender, yes.

That's right. And how often was he there while you were doing work at The Gap tender?

THE COMMISSIONER: On The Gap tender.

MR STRICKLAND: On The Gap tender?---It was like normal, Dan was always in the office at Kings.

THE COMMISSIONER: When you say always is that every day or virtually every day?---I wouldn't say everyday but a lot of the time.

10 How many times a week? Are you able to put that on or a month, say 20 days in a month?---It could be you know a couple of times a week and then maybe a little bit less the next week and maybe you know back to a couple of times a week. It's hard to - - -

And how long would he spend at a time or did that vary as well?---It's hard when - like when something's just the norm it'd be like asking about someone that just is in the office working there. It's - - -

Well when he was working what was he doing?---There'd be a lot of conversations with Charlie. Yeah, that sort of thing.

20 MR STRICKLAND: Now if you go back to the directional drilling diagrams, that is the lines and the different poles, do you know if Mr Paul provided you any assistance in relation to those drawings? That's from pages 21 through to 26?---All drawings between - - -

30 Do you know if Mr Paul gave you any assistance in relation to any of the directional drilling drawings or anything relating to directional drilling? ---There was, there was a conversation about directional drilling before directional drilling was known to myself or like even Charlie. There was a conversation between Charlie and Dan because Charlie asked me to look into directional drilling, he'd never heard of it.

Can you say it again, please.

THE COMMISSIONER: She said there was a conversation between Charlie and Dan about directional drilling and Dan asked me to look into it because he'd never heard of it?---Charlie asked me to look into it.

40 Charlie, I beg your pardon. Charlie asked me to look into it because he'd never heard of it before.

MR STRICKLAND: Thank you. I apologise, Ms Jarvey?---That's fine.

My hearing's not great and I'm having difficulty. So can you, can you continue on?---Sure. Did you want to know- - -

Yes, continue what you were just saying?---Okay. So when it came to, so I'll tell you about directional drilling then, is that what you're- - -

What I asked you is, did Mr Paul give you any assistance at all in relation to the directional drilling part of the drawings you did? Do you understand that question or not?---Yes, yes.

And you were answering it I think?---Yep.

And you were saying before you knew anything about directional drilling, Charlie told you something?---Charlie asked me to research directional drilling.

10

Yes. And then, continue on?---‘Cause he hadn’t obviously heard of it, so I researched directional drilling as it was a way of getting around running cables for this, this job.

THE COMMISSIONER: Did Charlie ask you about directional drilling after he had told you that he’d heard about directional drilling from Dan Paul or- -?---No, that was a conversation that happened near my desk.

20

Was that, did that happen first, the first thing about, the first, so let me put it a different way. When was the first you heard about directional drilling? ---Between Charlie and Dan in the corridor near my desk and then Charlie asked- - -

And what, what were they saying?---I couldn’t hear the, it was, I heard directional drilling and then Charlie popped his head around the corner and asked me to research directional drilling, what was directional drilling.

30

MR STRICKLAND: And what happened then in relation to directional drilling?---So then I researched directional drilling, I did some printouts from memory and gave them to Charlie.

THE COMMISSIONER: What’s pronounced memory?---Oh, from memory. So what I did was, I just looked up Wikipedia and wherever else I could find on directional drilling, gave it to Charlie from there.

40

MR STRICKLAND: And did Mr Paul have any other role that you can recall in relation to directional drilling?---There was a conversation about, with those drawings, there was a conversation about, ‘cause Charlie gave me those drawings to do up of the directional drilling.

Which drawings?---The Google maps.

Yes. So you’re talking about, can you give me the page references, please? ---Sure. 21 through to 26.

Yes. Go on?---So with, with these drawings though, these drawings originated from a printout of a Google map and then what you do is, you mark up the Google map and you start to formulate a drawing like this. So

there were printouts of the Google map which had layouts of where the directional drilling was to go through around The Gap because you had to be careful about the environment and that sort of thing. And that was from a conversation between Charlie and Dan which Charlie then came over and gave me the drawings and said, "This is what you need to draw."

10 THE COMMISSIONER: So who put in, so I'm not sure if I understand all of that. When the drawings were then given to you, what, what appeared on them other than what, the Google map, was there something on top of the Google map?---Yeah, it's a squiggly line or it could be a star, whatever it is to symbolise a cable run. So in this case it was that Google map with the line that ran though which you can see. Oh, it's not marked on these. A cable line that's run through to show where a cable can be ran, so where you would drill through.

20 And, and what determines where you can, where this line runs through, I mean what, what factors do you have to take into account in determining where the line should run?---In this job it was environment, so you have to be careful of the environment because the whole purpose was not lifting up the trees in the ground, that sort of thing.

And do you know who drew this line on the Google map when it was given to you?---For the directional drilling?

Yes?---That was with Dan and Charlie and then Charlie came over and gave me- - -

30 How do you know it was between Dan and Charlie?---'Cause they were standing there talking and then Charlie passed me the drawing. So where I sat in the officer, at our old office, was right near Charlie's office.

Did you see anybody drawing or did you just see them talking and then a drawing was given to you?---Just saw them talking, just saw them talking.

And then the drawing was given to you?---And then Charlie just handed it - - -

40 How long between the seeing and the giving?---I don't know, could have been, could have been half an hour, could have been 20 minutes. It was, I was just sitting at my desk working and- - -

And it was brought to you?---That's how it - - -

Charlie brought - - -?---Yeah, that's how it always happened. Charlie or whoever he was working with, whatever the situation was, would sketch things up and then I'd go onto the computer and draw it from there.

Yes. Now, would Charlie know where to put the line? Do you know whether he would know where to put the line?---Charlie didn't know much about directional drilling or anything like that when it came to this job otherwise he wouldn't have asked me to research it. I don't want to be rude but he was the type of person that if he knew about it it would be his - - -

10 His baby?---That's exactly right and that's what it was - it's like with projects so that's why when I was asked to research this it was clear to me he didn't know what he was talking about otherwise he would have gone and done it himself.

MR STRICKLAND: This is your old office you're talking about?---Bourke Street office.

That's right. And was it - did Mr Diekman have his own office?---He did.

But you were right next to it?---Yeah, I was sitting right near it, yeah.

20 So could you hear what Mr Diekman and Paul were talking about?---They, they weren't standing in their office though.

Where were they standing?---In that whole area there was all the sales managers or sales reps, whatever they called them, so everyone used to stand around just in that main area.

So how far, how far were you sitting from where they were standing?---It would have been a metre and a half, two metres, maybe, yeah, maybe two metres.

30 And could you hear them talking?---You don't sit there and listen to the whole conversation but - - -

I don't mean word for word but could you hear, could you hear them?
---I could hear them talking about directional drilling.

Right. Could you hear Dan talking about directional drilling?---It was a conversation between the two of them.

40 So you could hear Dan talking about directional drilling and Charlie talking about directional drilling?---It, it wasn't just a conversation, it was looking at a drawing so it, you're talking about what you're drawing so it's not like a conversation that you'd have one on one where you, yeah, you're just talking about it.

So Charlie and Dan Paul were one and a half to two metres from you looking over a drawing, is that right?---Looking over Google Map printouts I'd done. I done several of them.

Okay. And they appearing to - well, one of them was appearing to draw on the Google Maps, is that right?---Well, I'm assuming so because they - - -

THE COMMISSIONER: She didn't say, she didn't see that?---No. I'm only assuming so because then the map was brought over to me to draw.

MR STRICKLAND: Okay. And who brought it over?---Charlie by memory, my memory only.

10 And did Dan Paul - on this occasion did Dan Paul say anything to you directly about this matter?---About direction, no. Not from memory.

Now, if you could please - if you go to page 262 of this - of the large exhibit which is Exhibit 6 I believe, is that right, no, I beg your pardon, I'm sorry, just bear with me. Sorry, let me show you - I want to show you another document, page 262 and - 262 to 264?---I only have - - -

No, I'm just going to show you another document. Do you recognise these, these pages?---Yes, I do.

20

And what are they?---It's a company my friend used to work for, INGAL EPS, a pole manufacturer.

And did you draw, did you do these drawings?---These aren't drawings, these - - -

I'm sorry, did you create these pages I should have said?---I would have received them, yes.

30 THE COMMISSIONER: Sorry, you received them?---It would have been for a quote, so she would have sent them over to me. So when you, when you do a quote you normally receive the spec or the information about the product.

So this was part of the tender specification was it?---Yes, the camera poles from the drawings before.

40 MR STRICKLAND: Now did you, did you have any discussions with Mr Paul about these drawings? I'm sorry, I'll withdraw that. Did you have any discussions with Mr Paul about this document?---About this document?

Yes?

THE COMMISSIONER: Which document?

MR STRICKLAND: 263 and 264.

THE COMMISSIONER: These pages you mean.

MR STRICKLAND: These pages?---Not direct, no.

Did you have any discussion with – sorry, why did you create these pages?

THE COMMISSIONER: She didn't create them, she received them.

MR STRICKLAND: I'm sorry, I beg your pardon. In what context did you receive these pages?---For a quote that was done for the poles for The Gap.
10 The camera poles.

I see. And did you have any discussion with Mr Paul about these poles?---I didn't direct, but I was having a conversation with Charlie and Dan was there.

Oh, I see. And what did you say, what was that conversation with Mr Diekman in Mr Paul's presence?---Charlie wanted me to get a price for camera poles because he knew my friend worked at INGAL EPS. So I got a price from her. But he said it was too expensive, so get, I don't know
20 something along the lines if you get the boys from the factory, Kings have a, well I don't know if they still do, a doors and grills factory, to make the poles.

And that was in the presence of Mr Paul. Is that right?---Yes.

And did he say anything in relation to that?---He didn't seem impressed about using the factory because of the quality.

Right. Well did he say something that made you believe he wasn't
30 impressed?---It was something on the lines of he wasn't, he didn't want to use the factory because of the quality of them.

Was this at the – was this on a different occasion when you were doing the drawings we've just been talking about?---Yes. From memory, from memory, yes.

Was this before you'd actually – Kings had submitted the tender?---This is before the tender, yes, the discussion about the, yes.

40 So Mr Paul said, Mr Paul said to you that he didn't recommend that Kings proceed with making any submission relating to these camera poles. Is that correct?---Not these ones, the factory poles.

The factory poles.

THE COMMISSIONER: So he didn't want, he wasn't impressed with the idea that the poles be obtained from the factory because he didn't think they would be of the requisite quality. Is that, is that what you're saying?

---Correct, correct. They're not, they're doors and grills, they're not a pole manufacturer.

Thank you. Yes, I tender those pages.

10 THE COMMISSIONER: Yes. The pages, well there are three pages, the first page is a titled page headed Extracted From Kings Security Tender Submission. The other two pages are marked 263 and 264. These all together constitute a document which will be Exhibit 8. They are documents on which sketches of camera poles appear.

#EXHIBIT 8 - DOCUMENTS WHICH CONTAIN SKETCHES OF CAMERA POLES (COMPRISED OF TITLE PAGE AND PAGES 263 & 264)

20 MR STRICKLAND: Did you have any other involvement with Mr Paul or did you have any – yes, did you have any other involvement with Mr Paul in relation to The Gap tender?---I know Dan was in the office when there was discussions about it, but, yeah.

THE COMMISSIONER: Well did you have discussions with him about – or did he – did you participate in discussions about the tender to be submitted on The Gap project in which he also participated?---Well there was the poles that we talked about.

30 Yes, other than those that you have mentioned?---There was a joke that Dan told when we were there about a solution to The Gap.
All right. Well you don't need to - - -

MR STRICKLAND: Well I'd like to, I'll ask you about that.

THE COMMISSIONER: All right.

40 MR STRICKLAND: What was the joke?---The solution to the security system, I only remember it 'cause it's funny, a solution to the security system there is to put a trampoline at the bottom so if anyone jumps then they'll bounce back up again.

THE COMMISSIONER: Did he tell this joke while you, while you were discussing the possible solutions?---When we were talking about the tender- - -

Yes---?- - -that joke came out.

And the possible solutions or the possible methods on which you would tender?---It was more a joke about a solution.

I understand that that was the joke, but I mean I'm trying to find, I'm asking you about what you were talking about in the context in which this joke was told. What, what was, what were you talking about?---We were talking about a lot of other companies were thinking about putting cables within the handle poles at The Gap which, yeah, just wasn't a great solution, so we were talking about using the directional drilling as a solution- - -

10 Right---?- - -and how that works and then it moved on to a joke about jumping.

Yes. And did Mr Paul participate in this discussion?---Well, yes, 'cause he was there to tell the joke about jumping.

Yeah.

MR STRICKLAND: There's an email that's been tendered.

20 THE COMMISSIONER: Yes, I remember.

MR STRICKLAND: Ms Jarvey, as far as you knew, Kings was one of a number of companies who were bidding for this Gap contract. Is that correct?---Correct. Sorry.

And Daniel, Daniel Paul was a consultant for the Council in relation to that contract?---Woollahra Council, yes.

30 So did it surprise you that Mr Paul was speaking to Mr Diekman about the details of the work that Kings was doing in preparation for that tender bid?
---No, it didn't, that was just the norm at Kings.

What do you mean it was the norm at Kings?---That there would be discussions, oh, well, Dan would be in the office and there would be discussions about the tender, next tender or a tender that was happening.

But do you mean a tender that Mr Paul was involved in as a consultant to another client?---Well, yeah, yeah, there would have been, yeah, yes.

40 And that's why it didn't surprise you?---That's, of course, no, it didn't surprise me.

Did it occur to you that it was wrong for Mr Paul to be talking to Mr Diekman about the details of a tender that Kings was bidding for where he was a consultant to the client?---Hindsight, yes, but also given that there was a conversation and, with someone else in the industry that this was well-known within the industry that that's just how it was and how it is.

THE COMMISSIONER: That is, what is how it is and how it was?---There was a, I run into a person I used to work with 'cause we live near each other and his wife, Paul Amendolia, and he just made a joke about that Dan should get an office at Kings 'cause he's always there and about, you know, you always win jobs 'cause Dan goes to Vegas, so it was just to me a - -

Dan goes to?---Vegas. So to me it was just a, hindsight, yes, I should have picked up on it, but given conversations and given that conversation it was, yeah, it just seemed like it was accepted and norm.

10

MR STRICKLAND: You say, were there any other contracts that Kings was working on or tenders that they were working on that Mr Paul assisted on when he was, when he was the consultant to the client?---I can recall one job but I can't remember what the tender is.

THE COMMISSIONER: Well, what was the job?---Yeah, I can't remember. I remember the incident but I can't remember what the tender was.

20

What was the incident?---It was, and I don't know the dates, when Kings moved from Bourke Street to Zetland, Epsom Road, it was around the time of the move and Charlie asked me to pack my computer up in the car, bring it over to the new office. No one had moved to the new office yet, there was furniture, so I set my computer up in, in Charlie's office and at first Charlie was going through it with me, going through drawings and timelines and then the, then Dan came later on and was sitting with me and working on the project timeline, 'cause every tender you have to submit a project timeline and the reason, only reason I remember this is it was late evening and I really just wanted to go home and as usual, Charlie was having his drinks and, yeah.

30

So, so Daniel Paul was, was helping you with the completion of Kings' tender for this project, for a project which you can't remember?---Yeah, yeah.

MR STRICKLAND: And could I show an email please, page 287 dated 23 June, 2010?---Thanks.

40

The subject of this email is "I miss you". It's an email, it appears to be an email from you at Kings Security to . Was that to a boyfriend at the time?---Ex-boyfriend, yes. So I know it seems bizarre, my Hotmail, but he didn't have a Hotmail and always used my Hotmail.

I tender that email and I seek a suppression order in relation to the - - -

THE COMMISSIONER: Email address.

MR STRICKLAND: That email address.

THE COMMISSIONER: Yes, that suppression order is granted.

SUPPRESSION ORDER IN RELATION TO THE EMAIL ADDRESS OF MS JARVEY

10 MR STRICKLAND: I think that's exhibit - sorry, I've lost - - -

THE COMMISSIONER: Sorry, this will be Exhibit 9. It's an email from Ms Jarvey dated 23 June, 2010.

#EXHIBIT 9 – EMAIL FROM MS JARVEY DATED 23 JUNE 2010

20 MR STRICKLAND: In that email you - the only part I'm interested in is where you say, "Sorry for late response, was with Charlie and Dan," and that's dated 23 June, 2010?---Correct.

Do you have a recollection as to - you being with Charlie and Dan at around that time?---Yes, because I got in a lot of trouble that night, yes, I do.

All right. And what was that in relation to?---It was - I was doing some drawings or a drawing for Dan but with Charlie for , , , Holsworthy.

30 And what does , , , stand for, do you know?--- , , Maintenance something, sorry, it was a while ago.

So that's for the , , , is that right, at ,?---At ,.

Which is in, in Sydney?---Yeah.

40 Okay. And what kind of work were you doing?---So Charlie had asked me to assist Dan with doing this drawing so that afternoon I sat with Charlie and Dan at my workstation and did a drawing, a schematic of a security system for , ,.

THE COMMISSIONER: Was Kings tendering for that?---It was bizarre. I think Dan was going for the consultant job there I'm assuming for that, that project so he was trying to win the consultant contract for it but I had to do a separate drawing for Charlie which, the same concept different look.

Do you know why?---I'm, I - this is guessing.

Yes?---That's it's because Dan was going for it, Charlie would then I guess submit for it. I know I had to do - it was just bizarre to have to do the same concept drawing for each person.

I see. So, so, so Dan was going for the consultancy job based on this concept of the drawing and Charlie wanted you to make a copy of the principle but in a different form so that Kings could put in a tender based on that?---Kings would submit, whether - I don't know if it was going to be tender - - -

10

Or a quote?--- - - - that they were going to submit.

A quote?---Dan is the one that asked me to make Charlie's look different.

Right.

MR STRICKLAND: I want to show you another email from - dated 23 June, 2010. Now, is that an email that you sent Dan Paul when you were at home, that same night?---(No Audible Reply)

20

I note - I'm just referring to the email address that you sent it from?---I can't say I was at home but I'd say from looking at your, the email you first gave me - - -

Yes?--- - - - and this one, the times, I probably still would have been at work so I probably would have finished it and got it sent across.

So you used - at work you could also use your personal email address. Is that correct?---Hotmail, yes I could.

30

Your hotmail address. Is that right?---Correct.

I tender that email and I also - I seek a suppression order in relation to the, the Jarvey Hotmail address in that email.

THE COMMISSIONER: Yes, well it's an email to Daniel Paul re , , of 23 June, 2010 which will be Exhibit 10.

40

#EXHIBIT 10 - EMAIL TO MR PAUL RE , , OF 23 JUNE 2010

THE WITNESS: Sorry, just reading it now, I definitely probably would have still been at work because it means that I've done both drawings, 'cause it says made, yeah, so it means I'd still be at - - -

THE COMMISSIONER: The small changes are the ones you've been telling us about. I mean that's to achieve the purpose which you've been telling us about?---That, that purpose yes, that time. I can't recall ever doing that before.

MR STRICKLAND: I beg your pardon?---I don't recall ever doing that before where I've done the same concept drawing for the same job, just making it look different.

10 And did you ever say, did you say to Charlie or to Dan Paul why am I doing this?---No. I was petrified of losing my job.

By that do you mean that you knew that what you were doing was wrong at the time?---I don't think I gave it a lot of thought at the time. Hindsight now, very silly.

But neither of them, neither Mr Paul or Mr Diekman told you why you were asked to do this particular task. Is that right?---I wasn't told why, no.

20 Okay?---And I wouldn't question Charlie about anything he asked me to do.

Now you see there's a mobile number in that email, that's the 23 June email of 1851. Is that right?---Yeah.

Is that your email – is that your number?---No that was my old Kings work number.

It was your old Kings work number?---Yeah, Kings mobile.

30 Okay. And when you say in this email you've made small changes as requested, made equipment colour boxes. If you just see there's an attachment to the email?---Yes, I've looked at it, yeah.

And is that the attachment you sent?---Yes.

And what is the, can you just identify what are the small changes you made to which boxes?---It'd be the equipment, the main equipment boxes, so therefore I must have made changes to the colouring of them. I may have changed the look of them so they wouldn't look the same, so maybe on
40 Charlie's it was a device looking image whereas this is just coloured in.

Okay. Can I just show you please an enlarged drawing of this document. I just wonder if you can help – is the equipment colour boxes under the what I'd call the drawing under the heading Equipment Room?---Yes. So for example in that one workstation, SVR, VCD and et cetera, they're the coloured boxes.

So is it the case that you – I just want to understand it a bit more clearly for me, the Commission, you did one drawing – this is the drawing you submitted to Dan Paul, this is the one that you attached to the email to Dan Paul?---Yes.

THE COMMISSIONER: And it's the one in the equipment room?---Yep. The equipment room.

10 MR STRICKLAND: And this was something he requested you to do. Is that right, Daniel Paul?---Daniel and Charlie.

Together?---Yes.

And when you say they requested you, they requested you face to face. Is that right?---Yes. I don't know which one asked, but they both sat with me that night and was working with me.

Okay?---'Cause from that email that you originally showed me - - -

20 Yes?--- - - - my ex at the time kept ringing and that's why he was annoyed and sent an email.

Okay. And so it was for some time you were working with both of them on this matter was it?---Yes.

Some hours?---It would have been several, yeah, probably two hours - - -

Okay?--- - - - to get a drawing set up like that, yeah, probably.

30 So did you also, apart from - can I call this a drawing, this thing under equipment room, is that what you'd call it or - - -?---We'll call it schematic because then that way everyone knows the difference. This is a schematic layout.

Okay. It's a schematic. So you did - but you also did a schematic of the same equipment room for Charlie, is that right?---Yes, but by that email I would have done it a little bit differently, the same concept but different look.

40 Okay. And did you understand that when you were doing that schematic for the equipment room for Charlie that was because he was - well, he on behalf of Kings was going to submit a quote for Holsworthy for, for Kings to do that job, to install that equipment?---It's the only assumption I could come to, yes.

Okay. And at the same time Dan Paul was going to submit a proposal that he be the security consultant for that particular job, is that correct?---Under the assumption, yes, given he's a consultant and Charlie's from a security

company, to do the same drawing it would be for a consultant to submit and then a security company to come in and tender on or provide a quote on.

And do you know whether Kings ever did actually submit a job -sorry. Do you know whether Kings ever did submit a quote for the Holsworthy job? ---I can't recall if they did.

And do you know if Mr Paul ever became a consultant in relation to that? ---No, I do not.

10

Could I tender the - the enlarged, as a separate document but part of Exhibit 10.

THE COMMISSIONER: The enlarged copy of drawings and sketches attached to the email dated, dated 23 June, 2010 is Exhibit 11.

#EXHIBIT 11 - ENLARGED COPY OF DRAWINGS/SKETCHES ATTACHED TO EMAIL DATED 18:51 23/06/2010

20

MR LLOYD: Mr Commissioner, could I ask that the details to , be suppressed?

THE COMMISSIONER: Well, the Commission's not going to suppress them. I can tell you straightaway, Mr - I beg your pardon. What I'm going to - Mr Lloyd, I beg your pardon, there is every prospect that the , , will be informed of this evidence.

30 MR LLOYD: I understand that.

THE COMMISSIONER: But I think that is a good idea that at present there be a suppression order in regard to all references to the , , ..

SUPPRESSION ORDER IN REGARD TO ALL REFERENCES TO THE , , ,

40 MR LLOYD: Thank you, Commissioner.

THE COMMISSIONER: That does not mean that the Commission will not make it public or communicate to anyone whom deems it should be communicated to.

MR LLOYD: I understand.

THE COMMISSIONER: This being the , , , questions of security, honesty and integrity are of the greatest importance to us all.

MR LLOYD: Indeed.

MR STRICKLAND: Now, were there any other contracts that you can recall or were there any other tenders that Kings submitted where Mr Paul appeared to you to assist Kings in the preparation of the tender or in relation to the tender?---I can't give specific tenders, generally known in the office
10 Dan was around during most tender stages.

Around to do what?---Oh, around talking with Charlie and sales reps, anyone in the office.

About the tender you mean, is that what you mean?

THE COMMISSIONER: Are you saying it was common knowledge within the office?---Well, yeah, yes. I mean I'd feel comfortable going up and asking for assistance if I needed it with a project, with the - when I say
20 project timeline it sounds incorrect but a project timeline's always submitted with the tender so I'd feel comfortable or confident to ask, yes.

To ask who?---To ask Dan for assistance if he was there.

And you did?---I don't recall I did but I'd feel comfortable doing it.

MR STRICKLAND: Now on the 26th of October, 2010 you gave evidence at this Commission in a private hearing.---Yes, I did.

30 Do you accept that that is the, do you accept that's the date?---Yes, it was October.

And you gave that evidence upon receiving a summons, is that right?
---Correct, yes.

And that day, I can tell you, that day of the week was a Tuesday and did you leave work that day in order to attend, did you miss work that day or part of that day in order to attend to give evidence?---I didn't go to work that day, I attended here.
40

Did you tell anyone at Kings that you had to give evidence at the Commission?---Yes, I told Rod Wearing, my direct report.

Right. I'm sorry, you told Rod Wearing and I missed the next bit.---He's my direct report but I did get permission and I advised that I had to let my boss know.

And did Mr Wearing say anything to you before you gave evidence on that day?---He asked me for a copy of the subpoena, the summons which I didn't give him um, and he also um, suggested that any questions you were asked don't provide information just answer with little information as you have to give.

And is there any other discussion you can recall you had with Mr Wearing about that?---Not that I can recall, no.

10 Now when you gave, when you returned, did you go back to the office that day or the following day?---It would have been the following day.

And did anyone from Kings speak to you about the fact that you'd given evidence at the Commission?---Um, it was obvious that Rod had told Charlie because Charlie offered if I wanted to talk at all, I can't remember if he said he's door was open or but in other words, he was available to talk.

About what?---If I needed to talk.

20 About what?---One assumes where I was the day before.

But he didn't say that to you?---There was nothing else that I need to, I had, I had time off or we need to talk about, no.

Was it usual for Charlie to say, "Come and talk to me?"---No.

Now at any time after you gave evidence on 26 October, 2010 did you have a discussion with Mr Roche and/or Mr Diekman about the fact that you gave evidence at the Commission?---I, it wasn't until 2011 when all the drama
30 was happening between Kings and myself and my employment ending I was pulled in for several meetings and one of the meetings Peter said to me that on the grounds, one of the grounds of them wanting me to depart Kings was that they had lost all trust in me because I'd been to ICAC.

Is that what he said?---Well it was he'd lost all trust in me and then it was something along the lines of me coming to ICAC, because I'd been at ICAC or because I'd come to ICAC.

And that's what Peter Roche said to you?---Peter Roche said to me.
40

And what did you say in response?---That I hadn't said anything. I hadn't done anything wrong.

Did Mr Diekman say – was Mr Diekman present when Mr Roche said this?
---He was present. He did say something along the lines of, something about what were you asked. It was something along the lines of that. I can't remember his exact words though.

And did you reply to that question?---No, 'cause then Peter grabbed my handbag and told me to get out of the building.

At that meeting?---At that meeting.

Sorry, when you say he grabbed your handbag - - -?---He went and grabbed, he walked out of the room, grabbed my handbag from my desk and told me to get out of the building.

10 And did you do so?---Yes, I did. Charlie walked me out.

All right. And was that effectively, was the end of your employment at Kings?---No, sorry, Peter said come back Monday.

I see. And did you come back on Monday?---Yes, I seeked legal advice and returned on the Monday.

When you say you sought legal advice and returned on the Monday, did Mr Roche or Mr King say you should come back on Monday?---They told me
20 to return Monday.

And, but you, did they terminate your employment at any stage?---No, they, they locked me out of the building so when I returned I was locked out, I was also locked out of systems, so, and when I said I seeked legal advice, my sister has a employment solicitor who assisted me and gave me information so it was at that point I realised I needed to get a lawyer and it was a couple of weeks later that I, I left the company on, I can't remember what it's called, voluntary something where either way you've been forced to leave a company due to the circumstances.

30 THE COMMISSIONER: Was it voluntary redundancy?---That, yeah.

MR STRICKLAND: And apart from that meeting, excuse me, apart from that meeting were there any other discussions you had with Mr Roche or Mr Diekman about you giving evidence at ICAC?---Not that I recall. There was, but we're talking back where I was contacted years and years ago, like two or three years ago or whatever it was, there was a conversation, but that's the only time.

40 Sorry, you mean, I don't, you mean when you were actually contacted by someone at ICAC?---This was I think a year before 2010, it could have been a year and a half.

What was the conversation there?---That was where I was contacted by ICAC on a Friday evening and I didn't realise, and this is with no disrespect, I didn't realise the seriousness of the matter so when I had a telephone call I told Rod and he organised a meeting with Peter and Charlie for that Monday, but this was, would have been 2009, around then.

And did Mr Diekman or Mr Roche say anything to you on that occasion?
---Yeah. Peter got the telephone number of the person I was contacted by,
told me not to worry, that Dan gets investigated all the time so there's no
concern, yeah, they'll look after it.

Who did you understand that Dan was?---Dan Paul.

10 By the way, was there any other Dan that was ever mentioned at Kings other
than Dan Paul?---Rarely, but Dan Roche, but that's if you're talking about
doors and grilles.

Okay. Can I just ask you, when you said that, when you were taken, when
you were asked to leave the building at that time, I think it was in January
2011?---and 10, 11.

11. Is that right?---Yeah.

20 And your handbag was taken and you were taken out of the building?---Yes.

Were you told to come back that Monday?---The next Monday to return.

So, and when you came back, excuse me, when you came back the next
Monday- -?---Ah hmm.

30 - - -was there any further discussion with Mr Diekman or Mr Roche about
your continuing to work for Kings?---No, it was just there was constant
irrelevant meetings about how they weren't happy with the way I was
working, how they wanted me to go contractor, not work full-time any
more. Charlie brought up the fact that I sometime get shakes from anxiety,
like in this sort of situation, which has never affected my work, that that was
affecting my job and any really excuse.

They made clear to you after, from that Monday on that they didn't want
you to work at Kings any more. Is that correct?---From the day I returned
from holidays, annual leave.

40 THE COMMISSIONER: You said they locked you out of the systems?
---They locked me out of the building and the systems so some days I'd
have access, some days I wouldn't.

You couldn't use the, you really couldn't?---I couldn't operate so then when
a staff member would ask me for work to do, like, can I get a drawing
complete, can I get a manual complete, I didn't have access so I couldn't.

MR STRICKLAND: Before you gave evidence on 26 October had Mr
King or Mr Roche ever said to you before that they did not want you to
work at Kings?---No.

Sorry, I withdraw that?---Yeah, Diekman, yeah.

Did Mr Diekman or Mr Roche ever say to you before that they did not want you to work at Kings?---No, they did not.

10 THE COMMISSIONER: Did they complain about your performance before?---No. There was a written warning that I found in my person file on my return that had been signed and I can't remember when it was even dated but I'd never seen it before.

MR STRICKLAND: And had you ever been locked out, when you say locked out of the system, do you mean locked out of your access to your computer, is that what you mean?---Locked out of the building and then also any network. So you'd go to log on and you can't actually get through.

20 Have you ever been, before you gave evidence at the Commission had you ever been locked out of your building or locked out of your computer system before?---No, never.

Excuse me, Commissioner. Yes, thank you, Mr Commissioner, I have nothing further.

THE COMMISSIONER: Yes, thank you. Mr Lloyd?

30 MR LLOYD: Mr Commissioner, I obviously need to take instructions from my client on most of this witness's evidence. It's taken me by surprise. I hadn't heard any of this before, nor the documents. It would be fundamentally unfair for me to cross-examine now.

THE COMMISSIONER: All right. I think that's correct. We'll adjourn until 9.30am tomorrow.

**AT 4.35pm THE MATTER WAS ADJOURNED ACCORDINGLY
[4.35pm]**