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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 FRIDAY, 29 JUNE, 2012

AT 10.09AM

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

THE COMMISSIONER: Yes. I apologise for keeping people waiting.  
Yes, Mr Strickland.

MR STRICKLAND: Commissioner, that, that was my, my delay so it's my apologies.

<SAMANTHA JARVEY, on former oath

[10.09am]

10

MR STRICKLAND: Ms Jarvey, there's just a few additional questions I wanted to ask you. First, could I ask you about the circumstances in which you were asked to leave Kings and the lockout and the following period up until you actually left Kings permanently?---Ah hmm.

Did Kings ever - I'm sorry, I withdraw that. Did Mr Roche or Mr Diekman ever allege that you had disclosed confidential information to, about Kings business to another, to another competitor?---That was one of the items that they brought up, yes.

20

And what did it - who said, what did Mr Diekman and Mr Roche say about that?---That was one of the other reasons they had lost trust in me is because I'd spoken with competitors or given information to competitive, competitor companies.

And is there any truth at all in that allegation?---Absolutely not.

The other thing I wanted to ask you about was relating to doing work for Mr Paul whilst you were working with Kings?---Yes.

30

So you, can you just - you did some work for Mr Paul whilst working with Kings, is that correct?---Yes, I had a contracting business so I did work across all, like all security companies, consultants.

When you did work for Mr Paul did you ever do that whilst working at Kings; offices?---If requested, yes.

If requested.

40

THE COMMISSIONER: You, you had your own contracting business did you, while you were employed by Kings?--- Yes, I'd had it since 2005 and that was - the only reason that I kept going with that business, a lot of security companies - well, there's only one other one at the time that had a full-time draftsman so companies can't afford to have a fulltime draftsman so they need to submit drawings so they'd get me to a drawing for a job.

And did Kings know that you have this, you were carrying on this business as well?---One hundred per cent, they said that they didn't when I was leaving but they 100 per cent knew about it the entire time. That's how I was hired there, I was contracting.

MR STRICKLAND: So when you say Kings said at the beginning - sorry. Kings, that was one of the allegations made against you was it?---One of them.

10 And what was the exact allegation made by Kings?---They'd lost trust in me.

But in relation to you having this separate consultancy business - - -?---Yes, and there was also a conflict of interest with that but that's after three years of being employed there.

I understand that but what, what was it they said about the conflict of interest?---That I was working with other, I was giving information to other security companies, I was working with Dan Paul and they said that was a  
20 conflict of interest.

But you say they knew about that, is that correct?---Yes, they did.

That is Roche and Diekman knew about that at all times you said?---One hundred per cent from the moment I started working there.

Just finally in relation to the work that you did for Dan Paul whilst in your separate security consultancy, did - how were you, how were you engaged by Dan Paul to do work in relation to your consultancy company when you  
30 were actually in Kings offices, how did that work?---Dan when he was coming to see Charlie or seeing someone at the office, he'd bring some drawings he needed done and printouts of drawings that need to be done and would give them to me and ask me to get them done, draw them on - so he'd give me a hard copy and I'd have to draw them soft copy, so through AutoCAD.

And would you bill Mr Paul separately for that work?---I did that during my own time of an evening but I'd be given the work during the day. So he'd drop it off.  
40

I see?---And yes, I would invoice him separately.

THE COMMISSIONER: On your own business letterhead?---Yes, I - yeah.

MR STRICKLAND: And do you know approximately how much income you derived from working for Mr Paul?---From my whole business not Mr Paul, no. It'd be, I don't know if it would have hit the 10,000 mark but it would be - - -

THE COMMISSIONER: What, per year or over the whole, over a period of what?---Oh, over a couple of years, yes. I used to charge I think 45 an hour and then I, you know, then GST in the end, yeah.

MR STRICKLAND: Now did your lawyers on your behalf commence proceedings in relation to unfair dismissal?---yes, they did.

And was that matter settled?---It was.

10

And what was the term, what was the terms of that settlement?---Kings paid, well, they paid the settlement and I was taxed on that settlement and so it dragged on for a little while and then instead of going, so it went through Fair Work and instead of going to, I think they call it arbitration, instead of attending Fair Work we did it via telephone and then they just said no more, we don't need to go ahead with any further hearings, we will settle.

20

And were there actual terms of settlement drawn up to your knowledge? ---There was, I can't remember all the terms, so no, I think there was something about no legal action could be taken in future or something on those terms. Sorry.

I'm just looking for that document. I'll show you this document. Now, who are your solicitors, are you solicitors Hayward?---Hayward, Kathryn Hayward, yes.

And just read that letter if you could and tell me if that reflects the terms of the settlement as you can recall it?

30

THE COMMISSIONER: That, that's, you recognise that as a letter written by your lawyer?---Yes.

MR STRICKLAND: No, it's written to your lawyers.

THE COMMISSIONER: To your lawyers, is it?---From their lawyers to my lawyer.

Well, I think that letter must speak for itself, Mr Strickland.

40

MR STRICKLAND: I tender that letter.

THE COMMISSIONER: Yes. Yes, the letter from Bartier Perry to Hayward's Solicitors dated 30 May, 2011, will be Exhibit, what number is it, 12.

**#EXHIBIT 12 - LETTER FROM BARTIER PERRY TO HAYWARDS SOLICITORS DATED 30 MAY 2011**

MR STRICKLAND: I'll arrange for copies of that letter to be distributed.

THE WITNESS: I think that letter, if I, can I say?

THE COMMISSIONER: Yes?---I think that letter has something to do with, what happens is, until you receive the settlement payment the Fair Work hearing date does not get cancelled until then.

Yes. The letter speaks for itself. Yes?

10

MR STRICKLAND: Thank you, they're the questions I had.

THE COMMISSIONER: Mr Lloyd?

MR LLOYD: Commissioner, before I commence my cross-examination, and I should say I'm sorry, Commissioner, Ms Jarvey, my name's Lloyd and I appear for Daniel Paul?---Yes.

20

And I only appear for Daniel Paul and will be asking questions of you on his behalf?---Yep.

Commissioner, can I ask for copies of all of Ms Jarvey's previous witness statements, record of interview and private hearing transcripts?

THE COMMISSIONER: That's refused, Mr Lloyd.

MR LLOYD: Thank you, Commissioner. Just picking up something you said this morning, Ms Jarvey, you, apart from being employed by Kings, as I understand it, ran your own contract drafting business?

30

---Correct.

And as I understand it, that was under the letterhead Samantha Jarvey Drafting Services?---Correct.

And you would contract- - -

THE COMMISSIONER: Sorry, excuse me, Mr Lloyd. I think I was a bit hasty there. I think I'd like to hear Mr Strickland on that, on your application.

40

MR STRICKLAND: Perhaps the witness might leave, Your Honour?

THE COMMISSIONER: Why?

MR LLOYD: That's Your Honour's view.

THE COMMISSIONER: Yes, Mr Strickland?

MR STRICKLAND: In my submission, Commissioner, Mr Lloyd should be given a copy of the witness's CE transcripts because they do, because they may bear upon the evidence she has then given here.

THE COMMISSIONER: All compulsory examination transcripts bear on the evidence – well concern the evidence that is given at public inquiry, but it's not the practice of this Commission - - -

10 MR STRICKLAND: I understand that.

THE COMMISSIONER: - - - to reveal compulsory examination transcripts and statements of witnesses because that might prejudice the investigation. This is an investigation not a trial.

MR STRICKLAND: I understand that.

THE COMMISSIONER: And there is ample authority to that effect.

20 MR STRICKLAND: There is one particular, there is one particular aspect of the CE in relation to statements made by this witness relating to The Gap contract which she's given evidence about, which bears directly on the evidence she gave yesterday. I mean I haven't – I think there is about two pages of that and that, that would be something that I would have no problem in Mr Lloyd having access to because it bears directly on the evidence she gave in relation to that.

THE COMMISSIONER: But in what sense?

30 MR STRICKLAND: Well I think she was asked in a previous inquiry - - -

THE COMMISSIONER: Look I think on this issue it is relevant that Ms Jarvey should not be present when this takes place.

MR STRICKLAND: Yes.

THE COMMISSIONER: Ms Jarvey, would you mind leaving the room. We're about to discuss aspects of your evidence and in fairness to Mr Lloyd, it is probably preferable that you don't hear what it said?---Okay

40

So if you wouldn't mind leaving and we'll recall you. It won't take long? ---Okay.

**THE WITNESS WITHDREW**

**[10:22am]**

THE COMMISSIONER: Mr Strickland - - -

MR STRICKLAND: Yes.

THE COMMISSIONER: - - - as the authorities make it clear the Commission is not bound to produce prior statements or records of compulsory examination - - -

MR STRICKLAND: Yes.

10 THE COMMISSIONER: - - - even if there is inconsistent evidence - - -

MR STRICKLAND: I understand.

THE COMMISSIONER: - - - provided that the Commission accepts the evidence now given.

MR STRICKLAND: Yes.

20 THE COMMISSIONER: And statements, those statements are consistent with what was said by a High Court recently in the ASIC case involving the Thomas Hardy company.

MR STRICKLAND: Yes.

THE COMMISSIONER: So I still don't know why it is that you say that these two pages should be produced. I may say that if two pages are produced, my attitude is the whole should be produced.

30 MR STRICKLAND: Well that's, that's why I made the – well I think the, the, there may be a distinction between that case and these proceedings, but - - -

THE COMMISSIONER: There is a distinction between that case and these proceedings but there is other authority directly in point on this issue.

40 MR STRICKLAND: I accept that Mr Commissioner, but my submission is this that I think there is, there is a good reason why Ms Jarvey gave the statement she did in an earlier private hearing. But as Mr Lloyd has called for them, the evidence she gave at the previous hearing may in fact elucidate – in other words it be a complete version of what her accounts have been on this issue of whether Mr Paul, whether Mr Paul has given her assistance in relation to The Gap contract. In other words that, that would be - this Commission would then have all the evidence about what she has said about that - if she's changed her story.

THE COMMISSIONER: The Commission is only interested in the relevant evidence, not all the evidence.

MR STRICKLAND: I understand that, Mr Commissioner, but in my submission - - -

THE COMMISSIONER: Well, I'm not going to - I've heard the submission and I understand that, how you've put it, Mr Strickland. Is there anything else you wish to say about it?

MR STRICKLAND: No.

10 THE COMMISSIONER: Yes. Mr Lloyd, are you aware of the authorities that lay down that this Commission is not required to produce these documents? There are judgments by Justice Wood, Justice Sperling and Justice Hunt, all to the same effect.

MR LLOYD: I'm aware of those decisions, Commissioner, but I'm also aware of the fact that if the Commission contrary to those authorities wants to give sometimes it's entitled to do so.

THE COMMISSIONER: Oh, of course.

20

MR LLOYD: I can only ask for my client.

THE COMMISSIONER: Well, in light of Mr Strickland's position I think that it is appropriate that you now get them but if you're going to get them it does mean that you're going to have to have time to read them.

MR LLOYD: Indeed, Commissioner. Now, Commissioner, I don't know how long they are obviously.

30 THE COMMISSIONER: Well, I don't think they are relevant but once Counsel Assisting says that you should get them then I will agree that you get them but that is the - he has only mentioned the compulsory examination statements, I think there is one compulsory examination but I'm not sure and I don't know if there are statements.

MR STRICKLAND: There are two, that are two compulsory examinations.

MR LLOYD: Commissioner, I don't want to delay the proceedings at all.

40 THE COMMISSIONER: I can tell you that this is going to delay this hearing. There are other matters raised, there are a lot of red herrings here. Do you want them?

MR LLOYD: I want them.

THE COMMISSIONER: All right. Well, you'll get them. Do you want an adjournment?

MR LLOYD: Commissioner, can I suggest this - I go as far as I can today with my cross-examination.

THE COMMISSIONER: I am not recalling this person. She's not going to spend the rest of the weekend not knowing what's happening about material that I don't regard as particularly relevant. There may be some passages in it which you will be able to use to question her undoubtedly but nevertheless I will - what I will do, it's now half past 10.00.

10 MR STRICKLAND: I can assist, I can assist my learned friend as to the passages that in my submission are relevant that go to The Gap, there are very few pages about it.

THE COMMISSIONER: Now, Mr Lloyd, if that is the case what is your attitude about the rest of the material?

MR LLOYD: I think my friend well knows, your Honour, what I am looking, Commissioner, what I am looking for are inconsistencies. From what he said it's evident to me he knows where they are, I'm sure with his  
20 usual fairness he'll point me in the right direction - - -

THE COMMISSIONER: Very well.

MR LLOYD: - - - and we won't waste much time. I don't want to go through, chase every rabbit down every hole.

THE COMMISSIONER: Well, I'm sure you don't. While you are on your feet, Mr Lloyd, I understand you're unhappy about the provision of the transcript.

30 MR LLOYD: I got a little bit heated and I apologise to the instructing solicitor.

THE COMMISSIONER: Well, I'm sure the instructing solicitor can cope but my associate as well.

MR LLOYD: I apologise, your Honour, if I've caused any offence.

40 THE COMMISSIONER: Well, you better be heated with me, Mr Lloyd, and not anyone else.

MR LLOYD: The problem is this, Mr Commissioner, we come along each morning and we see that Counsel Assisting and junior Counsel Assisting have the transcript. We wake up early to try and get it and it's never there. Now, we can't do much without the transcript and the reason for a daily transcript is to assist us.

THE COMMISSIONER: Yes.

MR LLOYD: If we don't have it it's not serving that purpose.

10 THE COMMISSIONER: I'm sorry if it's not there, in instances where Counsel Assisting have it, I'm not aware that this has happened. I do know that when we sit late there is a difficulty of getting the transcript that evening and it's posted early in the morning. It's done as soon as possible. We have a limited budget, we do our very best to assist everybody. I'm sorry if the level of assistance is not what you expect but we will do our best in the future but I would ask you please that if you have complaints address them to me.

MR LLOYD: I will do, Commissioner, and I didn't mean to cause offence and the only reason I raised it was because if some lawyers have it then obviously all should.

THE COMMISSIONER: I have never disputed that, Mr Lloyd, but we will adjourn for half an hour and this will be the morning adjournment.

20

**SHORT ADJOURNMENT**

**[10.30am]**

THE COMMISSIONER: Mr Lloyd, do you have what you want?

MR LLOYD: Thank you, Commissioner, I do and I'm grateful for that adjournment for that purpose.

30 THE COMMISSIONER: Yes, thank you.

MR LLOYD: Ms Jarvey, I just wanted to pick up some questions from your evidence this morning about you contracting for other companies and I asked you before we adjourned about the letterhead you used and I'd like to show you an invoice as an example.

10 THE COMMISSIONER: Has that been shown to Counsel Assisting, Mr Lloyd?

MR LLOYD: I have, Mr Commissioner. This is the only document I'll be using. I'm sorry I don't have copies, we only received this this morning.

THE COMMISSIONER: Well, Mr Lloyd, I hope you do your best to accommodate the Commission.

20 MR LLOYD: I do apologise. So looking at that invoice, Ms Jarvey, it's an invoice from your business, this one's dated August 13, 2010?---Yes.

And happens to include the work that you performed for Mr Paul for that project that was discussed yesterday, , schematic?---Yes.

And I see there that for that you charged two hours work at \$50 an hour totally 100?---Ah hmm, yes.

And just above that appears to be a different job you did for Mr Paul?---Yes.

30 Some job concerning Dan Allam House whatever that may be?---Yeah.

Five hours' work at \$50 an hour totalling 250?---Yes.

And you invoiced Mr Paul's company, Security Consultants International? ---Ah hmm, yes.

And you provided your account details for payment of the invoice?---Yes.

40 And you gave as your contact details, amongst other things, the email address of \_ @ .com?---Yes.

Now, as I understand it you also had a Kings email address?---Correct.

But when you did you, can I use the expression private work, you used your Hotmail email?---Yes.

So you were making, when using that email, a deliberate distinction between your private work and Kings work?---What I - sorry, can you repeat that?

When you were doing your own private contracting work - - -?---Yes.

- - - contact with customers would have been either in person - - -?---Yes.

- - - by phone - - -?---Yes.

- - - or by email?---Yes.

10 When it was by email you used your private email Hotmail address?---I can give one example where I was - - -

THE COMMISSIONER: Just answer yes or no?---Yes.

MR LLOYD: Thank you. And you said in your evidence this morning that you did contracting work not just for Mr Paul's company but other entities as well?---Yes.

20 And how many hours a week do you think on average you may have been doing for other companies other than Kings?---Rough, there could a couple of - like could we do it monthly because weekly's too hard.

Sure?---You may not have a job for - so let's just say approximately maybe, I don't know, 15 hours over a month, could be more. The business went up and down.

Would it be fair to say five hours a week?---I can't honestly say how, how many hours I did.

30 I take it these hours, the work you performed was predominantly after hours?---Yes.

Because as I understand it you were paid a wage by Kings which was - - -? ---Yes.

- - - for I don't know, 48 or - sorry, a 40 or 38 hour week?---Yeah, whatever they paid, yeah, yeah.

40 Whatever they paid?---Whatever the wages set out, I'm not sure if they do 40 hours or, yeah, how they work it out, 38.

I tender if I may, Commissioner, that invoice.

MR STRICKLAND: Yes, I have no objection. The email address \_\_\_\_\_, I'd ask for that to be suppressed.

THE COMMISSIONER: Yes.

MR STRICKLAND: And also, Mr Commissioner, that my learned friend referred to that in question, that ought to be suppressed as well.

THE COMMISSIONER: Yes. There will be a suppression order over all references to the email address \_\_\_\_\_@\_\_\_\_\_.com and the invoice from Samantha Jarvey Drafting Services dated August 13, 2010 is Exhibit 13 I think, yes.

10 **THERE IS A SUPPRESSION ORDER OVER ALL REFERENCES  
TO THE EMAIL ADDRESS \_\_\_\_\_@\_\_\_\_\_.COM**

**#EXHIBIT 13 - INVOICE PREPARED BY SAMANTHA JARVEY  
SENT TO SECURITY CONSULTANTS INTERNATIONAL DATED  
13 AUGUST 2010**

20 MR LLOYD: Now, you said in evidence yesterday that your work for Kings included doing drawings, schematics and site plans?---Correct.

And that was also work you did on a private contracting basis?---Correct. Not so much schematics, no. Drawings more.

And is it fair to say that to your observation, Dan Paul dropped by to Kings' premises to see Charlie on a reasonably frequent basis?---Yes.

30 How many times a week would you estimate?---I don't know, let's just, and this is estimating, three, four times a week. I don't know. Could be less, the next week could be more. When you're seeing someone around the office generally it's like seeing an employee around the office, you don't take into account every time they're there.

And I take it your work was busy, you had a lot to do?---Yes.

You were arduous in going about your work?---What do you mean by that?

Well, you worked hard?---Yes, yes.

40 You were on the go the whole day whilst you were at Kings?---I don't understand what on the go all day at Kings- - -

Working?---Well, everyone works, yeah, I'm working.

Sure?---I wasn't out shopping or going and having lunch breaks, no, I was working.

Nor did you have time to busybody?---To busybody? What do- - -

Listen in on conversations?---I wouldn't say I sat there and listen in but you sit there and you do hear conversations around the office. I wouldn't classify that as busybody, that's - -

THE COMMISSIONER: Did you have an office of your own or was it open-plan?---Both offices were open, the second office was all open plan, the first office there was a downstairs area and there was an upstairs area. Upstairs was sales, myself, Charlie, reps.

10

MR LLOYD: And Charlie had a separate office?---Yes.

THE COMMISSIONER: So who had separate offices?---Just Charlie had a room.

Mr Roche?---Yeah, not, at the second office yes, at the first office no.

So Mr Diekman was the only one who had a separate office on the first- -? ---First office building.

20

The first premises?---Yes.

Yes.

MR LLOYD: Now, my instructions are from Mr Paul, and you correct me if I'm wrong- -?---Yep.

- - -you started doing contracting work for him in early 2009?---Could have been earlier, I'm not sure.

30

Okay?---I'm not, I can't, yeah, no, I can't recall.

In any event, you were doing work for him throughout 2009 and 2010? ---Yes.

And as I understand it you've only finished doing- -?---And 2012.

THE COMMISSIONER: I beg your pardon?---And up to two thousand and, the beginning of this year.

40

MR LLOYD: Yeah, up to just a few months ago?---Would have been a bit more than a few months ago, but this year, yes.

Okay. And whilst doing work for him, as I understand it, he would drop by the Kings' offices, undoubtedly speak to Charlie since he was there, and give you for his work with you whatever he wanted you to work on. Is that fair?---The drawings that he wanted me to complete for him.

The drawings?---Yes.

Yes. And you had many conversations with him over the course of a month about work he was doing for you?---I don't understand.

You spoke to him each month about the work that you were doing for him?  
---I still don't understand "spoke to him each month about the work I was doing for him."

10 THE COMMISSIONER: Not each month, I think there's a misunderstanding there.

MR LLOYD: I'll try again, Commissioner. On those occasions when you were doing work for him- - -?---Yes.

- - -he spoke to you about the work inasmuch as what he wanted you to do?  
---Yes, he spoke to me about the work he wanted me to do, yes.

20 And you would, if you had queries, you would speak about those queries with him?---Well, yes, I would.

THE COMMISSIONER: I think the question concerns what was happening on the premises, your office premises during the day when you were working there?---Sure.

Do you understand, you're being asked about your interaction with Mr Paul during that time?---Okay. So, yes, if, if he showed me something and I didn't understand I'd say to him, what do you mean by that, he'd explain it.

30 Sure?---Yep.

And as I understand it, I'm not going to disclose your address, but you lived at Dulwich Hill?---Yes.

And he didn't come to see, that is my client, Mr Paul, didn't come to see you at Dulwich Hill?---No.

When he wanted to see you he'd see you at Kings' premises?---Yes.

40 Because he lived- - -

THE COMMISSIONER: Elsewhere.

MR LLOYD: Elsewhere, to the north of the city?---Sure.

You lived to the west?---Sure.

Long distance between those places?---Yes.

So all his dealings with you were in person when he came to Kings to see you?---That doesn't stop someone meeting somebody of an afternoon after work hours though, I never objected to that.

I'm not trying to trick you with these questions?---I don't feel you are, I'm just saying.

10 I understand. If you can answer my questions yes or no, please do so, but if you feel you need to elucidate, do so again?---Sure.

I'm just trying to establish – no mystery to it, that he spoke to you several times each week, many times each month about the work you were doing for him. Fair enough?---Sure. Yes.

And sometimes these conversations would be longer than other times?---I wouldn't say they were long conversations.

20 THE COMMISSIONER: Well yes, I'll answer - - -?---I would not say we had long extensive conversations about a job.

No, he's not asking you if you had long conversations, he's asking whether some conversations were longer than others. That's a lawyer's question? ---Okay.

The lawyer's understand that, ordinary people don't. I can answer that - - -

30 MR LLOYD: (not transcribable) Commissioner. Look, you might speak to him for a couple of minutes, you might speak to him for 10 minutes? ---Okay. Yes.

Is that fair?---Yes.

And you'd formed a rapport with him personally during the time you worked with him?---No I wouldn't, no not personal, I wouldn't invite him out to the movies or out for dinner, no.

40 I'm not suggesting you would, but you, you were friends?---Well, yeah, acquaintances.

Acquaintances, okay, let's use that expression, acquaintances. So if he was there on occasion seeing Charlie and he'd see you nearby he'd say hi Samantha, how you going?---Everyone in the office he'd say hi to.

As I understand it it was a friendly working environment?---Sorry, I would never describe Kings Security as a friendly working environment.

Okay?---Sorry, no.

Right. Now yesterday you gave evidence of some conversations - - -?---Ah  
hmm.

- - - that you say you overheard between Charlie and Daniel Paul concerning  
The Gap job. Do you remember giving that evidence?---Yes, I do.

Now is it fair to say you were not a party to those conversations?---I wasn't  
– the conversation wasn't directed to me?

10

Yes?---There was – I was when they were discussing the camera poles, yes I  
was.

I'll come to that?---So well then the answer is yes.

On the camera poles?---No, I'm just answering that question yes.

THE COMMISSIONER: I think it would be fair to identify the  
conversations that you say Ms Jarvey was not part of.

20

MR LLOYD: I'm just looking at the notes I took yesterday and these are  
without the benefit of the, of the transcript, Commissioner, so I do apologise  
if they're slightly inaccurate. The first conversation you were dealing with  
as I understood it concerned the extract from the tender submitted by Kings  
for the Woollahra Council Gap job and you were taken particularly to pages  
19 through 26. Do you remember - - -?---Drawings?

- - - being taken to those schematics?---Yes, I do.

30

And as I understood it you said that you were asked by Charlie to do  
drawings, those drawings that find their way into the tender document.  
Correct?---Yes.

And that he'd given you some Google documents and they had drawings  
with dotted lines on them shaded in?---Can I explain what that is?

I'm just asking you?---Well no, that's not what it was. He didn't give me  
Google images. I gave him several copies of Google maps.

40

Yes?---And then - - -

You gave him Google maps and they came back did they?---Yes.

He gave them to you as I understand it?

THE COMMISSIONER: Gave her what?

MR LLOYD: Gave you the Google maps with lines on them?---From what I recall.

That's what I want to come to, your recollection?---Yep.

I mean these are events of some time ago now aren't they?---Yes, but this is a job that was quite interesting so I was genuinely interested in it.

10 Well madam why did you just add the rider to what you said, from what I recollect?---I don't understand.

I asked you a question?---Yes.

You gave an answer?---Yes.

And then you said from what I recollect?---Yep.

20 Would you accept that your recollection may be imperfect on some of these things?---Not when you – when you know your job, I know what people, how people draw. So working with all different clients I know when they had mark up something their style, their layout.

I understand?---Everyone has a unique way, so - - -

But that's looking at something. What about the conversations?---About which ones, the camera, the camera directions?

30 Yes. And who said what?---Sure. I recollect that that was one of the occasions where Dan was in the office with Charlie and then Charlie gave me the drawings. The reason I recall things like that is because if Dan and Charlie are discussing drawings, generally I'm the one that – well I am going to be the one that they're going to pass the work to.

Understand?---So you look at the time and think, well great I'll be here all night. So that's why I recollect things like that.

Understand. But you weren't party to the conversation between Charlie and Daniel, were you?---No, I was not.

40 THE COMMISSIONER: Which conversation?

MR LLOYD: The one she's now talking about.

THE WITNESS: The drawings.

MR LLOYD: Before you got the drawings. Correct?---The, no, I was not.

And Charlie was the one that gave you the drawings?---Yes.

And you didn't see who brought the drawings to the office, did you?

---Who brought the drawings to the office?

You- -?---They would have been, they were Google maps, they were all in the office.

Yeah. But you don't know how they got there?---No, unless they- - -

10 THE COMMISSIONER: I think there's a missing- -?---They, they could have- - -

This is not clear to me. As I, can I just find this out. I understand your evidence is that you obtained the Google, the Google maps. You then gave them to Mr Diekman?---Ah hmm.

They then came back into your possession with drawings on them, with a drawing of directions?---With marked up, yes.

20 Marked up?---Yes.

That's what, that's your evidence. Is that correct, have I got that right?  
---Correct.

Yes?---But I think- - -

MR LLOYD: And as I understand your evidence, I'm not trying to trick you, madam- -?---(not transcribable)

30 - - -you're saying you could identify my client's style- -?---Yes.

- - -in marking drawings- -?---Yep.

- - -by dotted lines and, and shading, was it that you said?---If I can explain. There's a certain way, so like I said yesterday, if Charlie was to draw a direction of a camera he would draw an arrow in that direction of where he would say the camera should be facing. Dan's way of doing it was drawing sort of lines that went out at the angle and then would shade that area in and that shows where the camera's viewing, what it can see.

40

THE COMMISSIONER: Is that, is that, I see.

THE WITNESS: Other people may- - -

THE COMMISSIONER: That's the range of the camera, the drawing would show the range of the camera?---Exactly, and the direction, so that they're the direction- - -

MR LLOYD: Now, those drawings that you got from Charlie- - -?---Ah  
hmm.

- - -do you have them?---No, I wouldn't have taken Kings' property home to  
my house, no, I would not, and I no longer work there.

Do you know if ICAC has them?---No, I do not.

Can I show you a document we do have?---Ah hmm.

10

And this is the tender specifications, it's Exhibit 5?---Ah hmm.

Perhaps you could be shown a copy of that. Now, you didn't prepare these  
plans, did you?---No, I did not.

THE COMMISSIONER: Sorry, which plans are you talking about?

MR LLOYD: Any of them?---No, I did not.

20

But we see, if I could take you, I don't know if your ones are paginated and  
I'm not sure which version you have. Do you have the A4 size?---Yes, I do.

You do. Could I take you to top right-hand corner, page numbered 8. Now,  
you were familiar with Daniel Paul's work, weren't you? You've just said  
that?---Yes.

And you can see camera angles here- - -?---Yeah.

30

- - -in this diagram, can't you?---Yes, you can.

You see in the middle where there is the number 1 is angles of triangles  
going out- - -?---Ah hmm.

- - -showing the camera angles and the spread of the camera- - -?---Ah  
hmm.

- - -in- - -

40

THE COMMISSIONER: You must say yes, please.

THE WITNESS: Yes.

MR LLOYD: - - -in the shaded area?---Yes.

And we see when we have this sideways in the bottom right-hand corner,  
Mr Paul's company's logo, SCI?---Correct, yes.

And just whilst I'm on that, every time you did work for Mr Paul, he asked you to put his logo on the document, didn't he?---Yes.

And every time a tender was tendered by Kings it was common to put the logo of the entity seeking to have the work done and the consultant for the job. Correct?---Yes, yes.

10 For example, in the tender- - -?---That actually wasn't Kings' request, that was Dan's request to have- - -  
Sure---?- - -SCI put on there.

But the tender document that was put in by Kings, and I can take you to it, it's a massive document?---Okay.

On the front you can, you can assume it's got the logo of Woollahra Council, Kings and SCI?---Okay.

20 Now as I understand things at Kings when tenders were submitted in response to a request for tender that was stylistically how you did the front piece and other pages.

THE COMMISSIONER: That is how?

MR LLOYD: Well, putting the logo of the ultimate end user, the consultant and Kings?---I wouldn't always say it was, it possibly was but I wouldn't say it always was.

30 It was common though wasn't it?---Well, Charlie I can say was not happy about having Dan's logo on drawings and stuff, he didn't want them on there so I can't recall whether I did it on every drawing because Dan may have, Charlie may have asked me to remove it.

And you see this - do you have any - you said that you knew his style with dotted lines and shaded areas?---Ah hmm.

THE COMMISSIONER: Yes.

40 MR LLOYD: Can you bring to us any other document that shows what you mean that was prepared by Mr Paul?---I possibly have from my contracting business and I can only say possibly have in a file somewhere I may have something, yes.

Well, if you can find one, madam, I'd ask you to send it to us?---Okay.

THE COMMISSIONER: Send it to the Commission and send it to Mr Lloyd but whatever you send to him, could you please send a copy to us?---I'm not guaranteeing but I will have a look.

MR LLOYD: Because I'm going to suggest to you that what you received from Charlie was that diagram?---No, no, no. This is drawn on a computer. What I was given from Charlie was a hand sketch. That is completely different to what this is. That's drawn on a computer, whether it was in a PDF or a Visio or AutoCAD, I'm - the document that I was given yesterday that had the Google Map, that was hand drawn. It's not - which is what I was explaining that everyone is unique with their drawings.

10 Well, I'm asking you to find one of these unique drawings that Mr Paul may have done on other jobs that you were involved in?---Possibly also maybe, and I don't know if this is allowed to be said, maybe Kings could have a look given that I don't work at Kings, I haven't since 2011 but they may have on, in one of their folders or something like that but I will look.

THE COMMISSIONER: Mr Lloyd, I just want to understand something. Did you, you put to Ms Jarvey that the, what we see on page 8 was a drawing.

20 MR LLOYD: Schematic.

THE COMMISSIONER: A schematic by Mr, drawn by Mr Paul. Is that what you put?

MR LLOYD: That's what I put.

THE COMMISSIONER: So Mr Paul says this is a drawing that he drew?

30 MR LLOYD: This tender spec was prepared by him.

THE COMMISSIONER: I understand that but I'm asking you about whether - and it's just a question of clarifying something. I'm not - I just want to understand what you're putting. Are you putting that this is a drawing that Mr Paul personally prepared or not?

MR LLOYD: Yes, I am.

THE COMMISSIONER: When I say prepared I mean personally drew?

40 MR LLOYD: Well, it's a computer generated document.

THE COMMISSIONER: That's a very different thing - - -

MR LLOYD: Sure.

THE COMMISSIONER: - - - so I need to understand what your question was to Ms Jarvey. Did you put, did you say - I'm sorry. What I'm really trying to find out is what your case is about this drawing. I'm sorry, I'm

calling it a drawing, I don't really know, this computer - you accept that it's a computer generated document, what is at page 8.

MR LLOYD: Indeed.

THE COMMISSIONER: Is it your case - I thought that you'd put to Ms Jarvey that this was a drawing prepared by Mr Paul. Am I misunderstanding that?

10 MR LEWIS: No, I'm putting that to her, that this document was prepared by Mr Paul (not transcribable)

THE COMMISSIONER: I am distinguishing between a drawing and a computer generated document. My understanding of your question was that you've put to Ms Jarvey that this was a drawing prepared by Mr Paul and I'm asking you do I, did I misunderstand your question?

MR LLOYD: I didn't phrase it well, Commissioner. I am not suggesting this is a handwritten drawing. I'm suggesting to you that Mr Paul at no time  
20 either himself or through Charlie gave to you hand drawn drawings relating to camera angles and I take it you disagree with me?---Completely disagree with you.

Thank you.

THE COMMISSIONER: Yes, thank you.

MR LLOYD: You have no diary entries of any of these occasions that you refer to?---As you would have seen from my invoice I take a long time to  
30 even get my invoicing done. That was done in June and the invoice that you brought forward before was August. So no, I wasn't very good at keeping diary entries.

And you've got no notes of any of the conversations you gave evidence of yesterday?---I have no notes.

You didn't make notes at the time. Correct?---No, I was sitting here.

No, I don't mean yesterday. When these conversations took place several  
40 years ago you made no notes of them?---I made no notes of them, no.

And you saw nothing suspicious in any conversations you've overheard?  
---Like I said yesterday, hindsight, yes, it is suspicious when you think about it.

But at the time you saw nothing suspicious about the matters that were being discussed?---No, I was doing my job. That was it.

So at the time you made no diary entries of when they occurred, no notes of the content and you had no reason at the time to remember them because you didn't see them as suspicious. Is that fair?---Yes, I do have a reason to remember them.

Well you do now?---No, no, no, beforehand because it was an interesting project, directional drilling and that sort of thing. When it's an interesting project I remember what was involved in it 'cause I had to do research and that on it.

10

When was the first time that you were asked by ICAC to recall any of the conversations?

THE COMMISSIONER: These particular conversations.

MR LLOYD: These particular conversations?---I can't recall.

Well when to your recollection were you first approached by ICAC?  
---January, 2010.

20

And did you tell them then about these conversations?---No, the person that contacted me it was late in the evening and I didn't take it, I didn't, yeah, no I didn't.

No. When was the next occasion you were contact by ICAC?---October, 2010.

And did you tell ICAC on that occasion about these conversations?---Not that I recall, no.

30

THE COMMISSIONER: Were you asked about them?---Sorry?

Were you asked about them?---Not that I recall, I may have been.

Do you remember when you were first asked about them?---No. I think The Gap was brought up in 2010, possibly.

The Gap might have been brought up but the conversations, the conversations about which Mr Lloyd has been asking you that you overheard?---They would have formed part of my statement that I recently gave.

40

Did they?---Yes.

MR LLOYD: A statement you recently gave?---Yes.

And look I'm not going to ask for it, I've been down that path, but approximately when was it you gave that statement?---Within - - -

THE COMMISSIONER: That's a matter for you Mr Lloyd.

MR LLOYD: Perhaps I'll approach it another way.

THE COMMISSIONER: Do you understand what I'm saying Mr Lloyd?

MR LLOYD: I understand. I want to suggest to you again that it's difficult  
10 to recall the actual words used in any conversation to that time and who  
used them?---No, I won't agree with that.

What you won't agree to any, any difficulty in that whatsoever?---No, I'm  
saying it is possible but you will recall, you may not recall the exact words  
but on the lines of, you would recall.

So you recall the gist of the conversation not the actual words. Is that fair?  
---Which conversation are we talking about?

Well the first one when Charlie gave you these Googled images with  
20 drawings on them?---Okay. That's not the conversation I'm talking about.  
So no, I don't recall the conversation. It would have been - - -

THE COMMISSIONER: You don't recall it?--- - - - they need to be drawn  
up, I need to have these – the camera directions drawn up.

MR LLOYD: That's all you remember of that conversation?

THE COMMISSIONER: Which conversation – I must say I'm - - -?  
---Yeah, I'm getting very confused at what conversation - - -  
30

MR LLOYD: Well I don't want to confuse you.

THE COMMISSIONER: Yes, so am I.

MR LLOYD: I'm referring now to the conversation when Charlie gave you  
the marked up Google maps?---Of CCTV or the directional drilling?

Well, as I look at the plans which are in Exhibit 6, where are the plans about  
40 the camera angles?---Well, now that you've shown me this it makes a lot of  
sense why they're not there, but when I was flicking through here yesterday  
that they're not there, 'cause why would you as a security company submit  
the same, similar drawings, 'cause it wasn't like that, they went straight  
around, it wasn't three circles, why would you submit the same drawings  
that was in the tender? That would be crazy.

Madam, as I understand it, your evidence about Google maps- - -?---Ah  
hmm.

- - -was that my client had distinctively written on them- - -

THE COMMISSIONER: Drawn.

MR LLOYD: Drawn.

THE COMMISSIONER: Drawn on them.

10 THE WITNESS: There was, there was two conversations about it.

MR LLOYD: Camera angles and shaded areas. Correct?---Correct. First conversation, there was another conversation.

THE COMMISSIONER: No, look, just listen to the question, Ms Jarvey, there is a continual misunderstanding here.

MR LLOYD: All I'm asking- - -

20 THE COMMISSIONER: Just, just, sorry, you should just let Mr Lloyd finish his, just listen carefully to the question and let him finish his question before you answer?---I just feel like it's, it's, like it's not making sense, what he's saying.

No, I understand that, but so it is really important just to listen to the question and wait till it comes to and end. And, Mr Lloyd, if you could identify which conversation it is each time you ask a question it would be helpful as well.

30 THE WITNESS: Sorry.

MR LLOYD: Dealing with the conversation you had with Charlie when Charlie gave you the Google images with handwritten dots and shaded areas which you had said in evidence were the work of my client, O.K., now, are they, what did you do with them, did you make plans from those Google images with shaded areas?---Yes.

Where do I find those?---I don't know, I don't work at Kings any more.

40 Well, do they form part of the tender?---No, and now I understand why.

Why?---Because if you look at the tender document, you're not going to submit drawings of the same sort of layout.

THE COMMISSIONER: Why?---Well, what- - -

See, we don't understand this. You'd better just, just regard us as children - - -?---Okay.

- - -and explain to us from the beginning?---So if I go and submit a drawing which has a similar layout to this then wouldn't the Council sit there and say, oh, this is very, they've got similar drawings, it's a similar layout?

MR STRICKLAND: Commissioner, can I just ask, I think it's important when the witness is referring to a document that she can refer to that, what, what page, what exhibit number and what page?

THE COMMISSIONER: Yes.

10

THE WITNESS: Okay. Sure.

MR STRICKLAND: Otherwise it won't make any sense on the transcript.

THE COMMISSIONER: Start, would you mind starting again? When the, right?---Okay. The reason I think that they, and I think they would not have been included, and this would be number 8 of- - -

Page 8?

20

THE WITNESS: Does that mean, Exhibit 5, page 8.

MR LLOYD: Yes, I've shown you that?---Now, I believe- - -

THE COMMISSIONER: We're looking at Exhibit- - -?---5, page number 8.

Okay.

30

MR LLOYD: And what's your point?---I don't believe that the drawings that were of similar nature to this that I drew up would be used in the tender as they're quite similar to what was in the tender package that we were given. That's my only explanation.

THE COMMISSIONER: Okay. Where is it in the tender package that you were given?---Was this The Gap Watson Bay tender? That's what I was told.

What document is that?---Exhibit 5.

40

MR LLOYD: It's the tender specification prepared by Mr Paul?---Yes.

Not prepared by you?---No.

And whatever you did for Charlie on receiving those Google images with handwriting on them, didn't find its way in any shape or form into the tender document?---Well, Charlie quite often just before the tender went out would grab the tender and take pages out.

THE COMMISSIONER: I'm sorry, I don't understand this. I'll have to start again.

MR STRICKLAND: I think I do understand but I don't want to - I think I do understand.

THE COMMISSIONER: Well, I don't.

10 MR STRICKLAND: Well, I'm happy, can I perhaps just say it in the absence of - - -

THE COMMISSIONER: Well, Mr Lloyd is dealing with this and this is a matter - - -

MR STRICKLAND: We, perhaps I could say it in the absence of the witness because I think I understand where the cross-purpose is and I think I understand what this witness is saying or I can say it now.

20 THE COMMISSIONER: Do you have any objection to this, Mr Lloyd?

MR LLOYD: I'm just here to facilitate the quick movement of the process, Commissioner, I don't mind if we, we have a break.

THE COMMISSIONER: All right. Mr Strickland is going to explain.

MR STRICKLAND: I'll just - may I put something to you and tell me if you agree or disagree?---Yes.

30 THE COMMISSIONER: This is unorthodox, Mr Lloyd, but you're not objecting.

MR STRICKLAND: Is that what you're saying, if you go to Exhibit 5, page 8?---Yes.

And what you're saying as I understand is that you will, you will not find a schematic similar to this in Kings tender response which is Exhibit 6?  
---Yes.

40 Correct, and you would not find that because if Kings put a schematic in the tender response which was similar to the schematic on page 8 in Exhibit 5 - - -?---Yes.

- - - that would reveal that there had been some collusion between Kings and Mr Paul. Is that what you're saying?---That's - I think that that could be possibility of why.

That's what you're saying?---Yes.

That's the explanation you're giving, is that right?---Yes, yes.

THE COMMISSIONER: Well, can you just show me where in Exhibit 6 the equivalent - - -?---There isn't.

MR STRICKLAND: That's what she's saying, Mr Commissioner.

THE COMMISSIONER: There is no - - -

10 MR STRICKLAND: There wouldn't be any because to included them in the tender would, would reveal possible collusion, is that what you're saying?  
---That's, that's a possible reason.

THE COMMISSIONER: This is a - - -?---There's also the fact that although I was - I can be asked to do several different drawings but that doesn't mean that they're always going to make the tender response. They may not make it until the manual's done, the operator manual's done but they, they can be done at tender stage. Kings prided themselves on having  
20 drawings done at tender stage ready for practical completion at the end, just making some changes. So regardless that is one point but there's also the point that they just did not want to put them in. Like a lot of magazines have articles they just don't want to put in at the end.

MR LLOYD: Wasted work.

THE COMMISSIONER: Can I, can you - sorry, excuse me, Mr Lloyd. Can you just show me in Exhibit 6 - well, are there, are there drawings in the tender response which is Exhibit 6 which show where the directional  
30 drilling is going to be?---Directional drilling, yeah, but not the cameras.

Nothing about direction of drilling in the tender response?---Yes, there is but not cameras.

Not cameras so there is - - -?---Not the direction of cameras.

So there isn't - so the drawing, there isn't any drawing or any schematic at all in the tender response which shows what Kings proposed to do according to its tender response about the directional drilling?---About the directional  
40 drilling it does but camera direction it doesn't.

The camera direction?---Yeah. It doesn't have - it's got the camera locations but it doesn't have the direction. But that, in saying that that doesn't mean the drawings weren't then created for practical completion.

No, I understand that. I'm just trying to understand how this works. So if the person evaluating the tender response is trying to determine the merits of the response, does that person not need to know the direction of the

cameras?---They'd see the location of the camera, but one would assume that they'd want to know what area of view it covers.

Yes?---One would assume that, yes.

But that is simply not shown in the tender response?---Not in here, no.

Not in Exhibit 6?---These, these also – it's also a pan tilt zoom camera, so it's going to move around anyway.

10

All right. Yes, Mr Lloyd.

MR LLOYD: Now moving away from that conversation - - -?---Yep.

- - - with either the marked up handwritten Google map that Charlie gave you and your product we don't have either of those things do we?---Kings may have it in their office.

Sure?---I don't take property from work places.

20

THE COMMISSIONER: You don't have it?---No.

The point is you don't have it?---It was on work property, it was done on a work computer and it – if it was – like I'm not going to take company property out of the company. So from – it's 2012 now, I haven't worked there since 2011.

MR LLOYD: Then you were asked about yesterday any further conversations between Charlie and Daniel Paul?---Yes.

30

Do you recall that?---Yes.

And you gave evidence of a conversation where you say Charlie gave you drawings or maybe it's the same conversation, there's squiggly lines. I'll try and find the second one.

THE COMMISSIONER: Mr Lloyd, I understand the transcript is now available. Would it help you if you were given that now?

40

MR LLOYD: It would if I had 10 minutes, your Honour just to peruse it.

THE COMMISSIONER: Right. We'll adjourn for 10 minutes.

**SHORT ADJOURNMENT**

**[11.46am]**

MR LLOYD: I'd like to take you to the second conversation and I'll try and be clearer with my questions?---Thank you.

You were asked some questions yesterday about directional drilling diagrams - - -?---Yes.

- - - which are the ones we have in the tender submitted by Kings which in the A4 form comprised pages 19 through 27.

10 THE COMMISSIONER: Of Exhibit 6.

MR LLOYD: Of Exhibit 6?---Yes.

And you have those in front of you?---Yes.

Now, in relation to directional drilling you said yesterday at 707 when asked by the Commissioner about this conversation, "Did Charlie about directional drilling after he'd told you that he'd heard about directional drilling from Dan Paul or - - -" "No, that was a conversation that happened near my desk. It was between Charlie and Dan in the corridor near my desk and then Charlie asked, I couldn't hear, I heard directional drilling and then Charlie popped his head around the corner and asked me to research directional drilling." Is that fair?---Yes.

I'm just reading back to you what you said yesterday?---Did you want me to - - -

No, I'll ask you some questions?---Okay.

30 Okay?---Sure.

You then said, "So then I researched directional drilling, I did some printouts from memory and gave them to Charlie"?---I put them on his desk 'cause he - - -

You put them on his desk?---From memory he was not in the office after I looked them up.

40 Now, you don't know, do you, who in the conversation between Charlie and Dan Paul first raised directional drilling?---No, I do not.

It could have been Charlie, it could have been Dan, you just don't know.

THE COMMISSIONER: She said yes?---I - - -

It's all right?---The reason I - well, the comments I made yesterday - - -

You made the comment - - -?---Charlie said something about he'd, well, he'd look into it or he was going to look into it, that's when he - at that point, that's when he asked me to research directional drilling.

And you did?---Yes, as I stated yesterday, the reason I came to that conclusion is because Charlie is one to go and find out information himself so he can take the credit.

Sure?---That's why.

10

And you, you took the process a little further by printing out Google Maps? ---No, that's not why I printed the Google Maps out.

MR LLOYD: Well what did you do?---I researched directional drilling to find out what directional drilling is, how it works, how it operates so Charlie would then know how it works.

20 And you said then in your evidence you gave your research to Charlie, you did some printouts from memory and you gave them to Charlie. And then Charlie gave me those drawings to do up of the direction drilling?---No, he gave me the Google maps back. It wasn't - - -

THE COMMISSIONER: With, with - - -?---This is separate again.

MR LLOYD: Well you see we're all struggling with the sequence of events?---Okay.

THE COMMISSIONER: Well that's not your fault.

30 MR LLOYD: Anyway you got drawings back from Charlie, right? ---Google maps.

THE COMMISSIONER: I think there's, there's a real, it's really important to focus on the correct terminology Mr Lloyd?---But this is a separate - - -

Just answer the question?---Okay.

40 MR LLOYD: Well let me put this to you, this is at the bottom of 707, "go on you were looking at - - -

THE COMMISSIONER: Sorry, 707?

MR LLOYD: 707, the bottom of 707, third line from the bottom or fourth line from the bottom, you're shown those pages 21 to 26?---Oh, the drawings, yep.

Yes.

THE COMMISSIONER: Sorry, do you have any objection if the witness has a copy of the transcript?

MR LLOYD: Not at all. And so the third last line on 707, “so with these drawings though, these drawings originated from a printout of a Google map. And then what you do is you make up the Google map and you start to formulate a drawing like this.”

THE COMMISSIONER: A mark up?---Yes.

10

So going over the page, “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 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”---It’s a separate conversation to what you were talking about.

20

Okay. Well I’m just, I’m not trying to be unfair to you I’m just trying to ascertain what happened?---No, I was just letting you know because there’s some confusion, I thought I’d clear that up.

30

Okay. Well on that conversation you didn’t see my client give those plans to Charlie did you?---No. What I saw – well what I could hear they had a map, the Google maps which were the same ones that had the cameras marked up on it. It was the same ones we were using because that was the basis of all of our drawings. There was a conversation between them about the way of directional drilling, what is the best way to drill. The whole job was based on environment and all that sort of thing, protecting it, that was the who fact or the whole point of having directional drilling. There was a conversation, not eavesdropping or anything like I was earlier asked, heard a conversation happening and knew that that’s part of my role that I’m going to be given these drawings to be done.

Well where are they?

40

THE COMMISSIONER: No, she’s - - -?---I don’t work there, I don’t have them. And the drawings about the directional drilling you can look at from page, in Exhibit 6 from page 22, 23, 24, 25, 26. That’s what the – they started drawing. That’s the sort of layout, but pencil drawn or pen drawn or texta drawn. You have a Google image and you mark it up.

You didn’t see anybody drawing did you?---What do you mean I didn’t see anyone?

THE COMMISSIONER: She said that right in her - - -?---I heard a conversation over a drawing. So the drawing didn’t just magically get drawn up.

You don't know how long the drawing had been in existence?

THE COMMISSIONER: Which drawing?

MR LLOYD: The drawing that they brought out or you say they brought out to you?---They were standing behind me, well actually it was to my left working over a drawing, so no I didn't see whose pen drew on it, but one would easily assume that if they're both standing there discussing a direction of how that direction drilling can work and then I'm given a map to draw it up why would they have a discussion about something that's irrelevant to then giving me a map, you're not going to be, it would be irrelevant then giving me the map.

Madam, did you see anybody drawing or not?---I didn't see draw, no. I was not standing over them, I was sitting near them.

And you didn't, and Dan Paul didn't say anything to you about directional drilling, did he?---No, but I heard the, no, no.

Thank you. You were then taken in your evidence to a diagram from the tender document concerning a light pole, and I'd like to take that issue up with you?---A camera pole?

I'll show you the document that was shown to you?---Sorry, there was just no light poles.

I may have mis-described it, so blame me if I'm wrong. It was Exhibit 8, camera poles, I'm sorry.

THE COMMISSIONER: It's, it's- - -

MR LLOYD: Do you recall being shown that yesterday?---Yes, I do.

And as I understood your evidence, in short in relation to that exhibit, is it clear to you from that that this is a download from an INGAL EPS brochure?---No.

Did you prepare it?---No, I was provided with it.

Yeah. So you don't know who prepared it?---I was provided it from INGAL EPS.

You got it from INGAL EPS?---I got it from INGAL EPS.

And as I understand the conversation you overheard between Charlie and Daniel Paul concerning this is that in effect Charlie said to Daniel Paul, the supply of these poles was too expensive, Charlie wanted to get poles made by a factory at a cheaper price and Daniel Paul said, you can't do that, mate, it won't be the same quality. Is that fair?---It wasn't exactly that way, no.

That's the gist?---Well, no, to a point that I was involved in it because I was asked to get a quote from INGAL EPS- - -

Sure---?- - -therefore this is a conversation that I was- - -

Party to?---Party to, yes.

10 Okay. The gist of it was though, Daniel Paul said, you have to use those poles?---No. He didn't want Charlie using Kings factory that makes doors and grilles to do poles, which was a hundred per cent right 'cause in the end the poles swayed too much and they had to get wires to hold them up.

He's, he was concerned about quality?---Absolutely.

Fine. Thank you. You gave some evidence that Daniel Paul had helped you on one occasion with a project timeline?---Yes.

20 And do you recall that Daniel Paul assisted you with the timeline on stage 2 of The Gap project?---No, this wasn't The Gap, this was when we'd moved offices.

But you can't recall what project it was?---What tender it was, I can only guess, I'm thinking it was , or something like that, it was at the time we were moving offices. It was just before everyone went to Vegas.

30 You then were shown some emails and a schematic and the email is Exhibit 10, and perhaps you might be shown that, and the schematic Exhibit 11?  
---Thank you.

And Exhibit 10 is an email that you have sent to Daniel Paul - - -?---Yes.

- - - concerning , ?---Yes.

And you attach, as I understood it, the plan that goes with it?---Yes.

THE COMMISSIONER: Exhibit 11.

40 MR LLOYD: Exhibit 11 is the enlargement of it?---Yes.

And did you know that that was Daniel Paul's role on that project?---No, I didn't know 100 per cent, I was guessing from what the conversations were about it.

Well, did you know that he was the consultant - - -?---What I - - -

- - - in relation to that project at that time?---I thought he was going for the consultant's role in it hence why I had to do a drawing like this to be submitted and Charlie's to be different because Charlie would be tendering on it. That's the impression I got.

That's the impression you got. I'm asking you did you know at the time he was the consultant to the project?---If somebody asked me at the time I would have said exactly what I just told you then.

- 10 Did you also know that that project at that time and thereafter was with a sole select contractor?---No, I have no idea after this evening of the work I did what happened.

And the sole select contractor was Chubb?---Okay.

And the specification that he asked you to prepare, that is the schematic, was for Chubb?---Okay. Shouldn't I then be working with Chubb direct instead of working through a consultant?

- 20 Well, if you could ask - answer the questions, I'll ask them. Okay?---Sure.

Now, you say you prepared a second schematic for use by Charlie.

THE COMMISSIONER: No, not Chubb.

MR LLOYD: Charlie?---Charlie Diekman.

Correct?---Yes, the one that Dan asked me to make look different.

- 30 Where is that?---I don't know, it'd be with Charlie. I was working at Kings so that evening as I described yesterday I was working for Dan and I guess Charlie as well. Charlie's would be on their computer or in their email. Dan's was emailed to him as you would see from this email.

Yeah. You don't have it?---No, it was Kings property.

Madam, I suggest to you that what happened here - - -?---Ah hmm.

- - - is you made an assumption - - -?---I don't believe so at all.

40

- - - that my client - - -

THE COMMISSIONER: Just listen to the question.

MR LLOYD: - - - Daniel Paul asked you to prepare this schematic and then you added a slightly different plan effectively to the same effect for use by Charlie assuming that Charlie might be tendering for the job?---Can I respond now?

Sure, certainly?---No. If we bring out the other exhibit you'll see the email from my ex-boyfriend asking me why I'm not answering my phone and my response is I'm stuck with Dan and Charlie, I was sitting between them, I remember this night quite vividly.

At that time Kings and Daniel Paul were working closely together on stage 2 of The Gap, weren't they?---No, not that I recall. I just, I was working on this at that stage.

10

Did you know that stage 2 of The Gap started on 3 May that year?---Not that I recall, no.

Well, you know in relation to stage 2 of The Gap that Kings was in effect the sole select contractor?---Okay.

Well, you said you worked closed on the, on the job?---On the original, on the original tender. I - - -

20

Did you work on stage 2?---No, not from memory, not a lot.

And do you know what - - -?---Only if I was given drawings then I would have done them.

Do you know what involvement Daniel Paul had with Charlie King on stage 2?---Charlie King?

Sorry, Charlie Diekman?---On stage 2?

30

Yes?---No.

I want to suggest to you that you were using your best endeavours for Charlie Diekman but - - -

THE COMMISSIONER: In doing what?

MR LLOYD: In preparing a second plan?---It if says - - -

40

But you made that decision to do that and it was never needed?---It says here, as requested. Made some small changes as requested. Made equipment colour boxes this way to save confliction with Charlie's submission. You won't need to submit in Visio because our drawings will be completely different.

Where are Charlie's?---With Charlie in Kings' office. I would have sent them from my Kings email to Charlie or put them on the network for Charlie.

There's only one drawing attached to this email?---But it discusses two drawings, if you read it, it discussed two drawings.

I know, I can read it, just as we all can. I'm suggesting my client never requested you to do two drawings?---Okay. I don't agree with that. That's why my previous email exhibit that we had yesterday states, "I'm stuck with Dan and Charlie."

10 Now, madam, you gave evidence at a private hearing in relation to this matter in October of last year, didn't you?---Yes, I did. No, last year? No.

Sorry, '10, 2010?---Yes.

And on that occasion, it being 26 October, 2010, you swore an oath on the Bible?---Yes.

You swore an oath to give truthful evidence?---Yes.

20 And you were asked if Daniel Paul ever came in and discussed a project before the tender had been won. Do you recall being asked that?  
---Something, I was asked a lot of questions.

Do you want to be shown the evidence you gave?---Sure.

I have marked up copy. It's at page 29. If you find 29PT- - -?---What number?

30 If I could pick it up at line 40, and you can take it as referring to Daniel Paul. "So he's never come in and discussed the project before the tender's been won?"---Yes.

"No, not, no, not with me, never." "What about with other people?" "Not that I've heard." It then goes over the page, "Any person from another firm that Mr Paul had been in the office while the tenders were being prepared?" "He might have been in the office about something else for work regard, like, if it was for one tender it would be about that tender itself, so if he's been in the office he's been there, but I could have said that, I don't remember saying it to anyone, but not about a specific tender."

40 MR STRICKLAND: Commissioner, I just, the first question that was read, 29, line 41, do you have that in front of you?

THE COMMISSIONER: Yes.

MR STRICKLAND: "So he's never come in and discussed the project before the tender's been won." I anticipate that is not The Gap project but the Art Gallery project.

MR LLOYD: They're just, they're talking about general projects.

MR STRICKLAND: No, but I'm just referring to, "the project."

THE COMMISSIONER: The project there is, Mr Lloyd's right.

MR STRICKLAND: I beg your pardon?

THE COMMISSIONER: Mr Lloyd is correct.

10

MR STRICKLAND: General projects?

THE COMMISSIONER: Yes. Look at the, if you look at the question by the Assistant Commissioner at line 37, "So say we win a project", that is a general project. And then the next question and answer are plainly in general terms.

MR STRICKLAND: I understand.

20 THE COMMISSIONER: Yes, Mr Lloyd?

MR LLOYD: And you were asked, and you were reminded at the top of page 35 that there were substantial penalties for providing false evidence, including a gaol term up to five years. Do you remember that?---From this, yes. I don't recall it, but reading this, yes.

Well, you probably should look at it. It's at the top of page 35?---Ah hmm.

Have you read it?---Yep.

30

And then at line 21 you're asked, "And you've seen him", this being Mr Paul, "in the Kings office on quite a few occasions, haven't you?"

"Sometimes but I do work for him as well so I see him through that."

Question - "You do contract work for him?" Answer - "I do contract work for all the security companies." Question - "What sort of work do you do for Mr Paul?" Answer - "Anything, anything that's not related to Kings so I just help him out with, you know, getting drawings and that done."

40 Question - "I'd ask you think very carefully about this. Have you ever seen Mr Paul in the office at Kings assisting with the preparation of a tender document?" Your answer - "Not that I can recall." Now, as I understand it now, what you said there was a lie?---Do you want an answer?

Well is that right? Did you lie or not?---Yes, I'd say I did.

THE COMMISSIONER: Did you say can you - - -?---Did he want me to answer that, I didn't know if it was a question.

Yes?---Yes, I would.

MR LLOYD: And I'm suggesting to you now that you have lied in relation to your evidence against Mr Paul whilst you've been on oath?---I'm not petrified - - -

Yesterday and today?---No, I'm not worried about losing my job any more. Before I was so - - -

Mr Paul didn't employ you?---No Kings did, but Kings had a strong relationship with Dan, therefore my job was at jeopardy.

10

And Mr Paul gave you contract work up to just a few months ago?  
---Everyone in the industry did. I've shut my business now. I don't understand what that has to do with me still doing work for the industry.

THE COMMISSIONER: Don't worry. I think – your task is simply to answer the questions Ms Jarvey.

MR LLOYD: I have nothing further, Mr Commissioner.

20 THE COMMISSIONER: Yes. Mr Naylor, I just need to know how long you'll be Mr Naylor?

MR NAYLOR: Commissioner, I'll be – my questions are of a very narrow compass in relation to one aspect this witness' evidence in chief, so I won't be very long.

THE COMMISSIONER: Yes, thank you for that. Mr de Mestre, sorry, Maher.

30 MR MAHER: Mr Maher, I'll be similarly – I'm the same.

THE COMMISSIONER: All right. I just need to know so that the next witness who's waiting to give evidence, her time is not wasted, so that we will – I have to adjourn at quarter to 1.00 but we will the proceed to call the next witness and we will finish her today, this next second witness. Thank you for that information.

MR NAYLOR: Yes, Commissioner.

40 THE COMMISSIONER: Mr Naylor, could you proceed with your questioning, please.

MR NAYLOR: Ms Jarvey, name is Naylor and I appear for Mr Diekman in this inquiry, so I'll be asking questions on his behalf?---Yep.

There's just one small aspect of what you said yesterday that I want to ask you some questions about. Could I just put that into context first of all.

You informed the Commission yesterday that you started working at Kings, I think it was in January, 2008?---Yes.

And you finished working for Kings in February, 2011?---Yes.

That's the timeframe. And you were asked some questions yesterday by Mr Strickland in relation to your appearance before the ICAC at a private hearing in October 2010. Do you remember that?---Yes.

10 And you were also asked a question about what had happened after that appearance before the ICAC when you returned to work at Kings?---Yes.

Now I'll just read out what evidence was given yesterday.

THE COMMISSIONER: What page is that, please?

MR NAYLOR: Page 721T, Commissioner.

THE COMMISSIONER: Page?

20

MR NAYLOR: 721T.

THE COMMISSIONER: Yes.

MR NAYLOR: Ms Jarvey, do you have in front of you a copy of the transcript of your evidence yesterday?---Yes, I do.

30 And at line 27, about the middle of the page the question was asked, "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?" Your answer, "It wasn't until 2011 when all the drama was happening between Kings and myself and my employment ending and I was pulled in for several meetings. At 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 had been to ICAC." And the import of the evidence that followed was that there was a conversation involving you, Mr Roche and Mr Diekman, thereafter Mr Diekman took you off the premises. The following Monday you returned to work. That's correct, isn't it?---Yes, locked out but - - -

40

Yes?--- - - - attempted.

Yes, you gave some evidence about being locked out?---There was something I missed as well, that Charlie had asked me when I returned to the office in 2010 what had been - sorry, at that point if I wanted anyone to talk to to let him know - - -

Yes?--- - - - and then later on he questioned when I was with Charlie, sorry, with Peter and him, what were the questions about, was it about the Art Gallery, was it about The Gap and the reason I recall these is I went over some documents last night so - - -

I don't fully understand, I'm sorry, what you're saying now. The conversation that you're just relating to me is between you and who? ---Charlie and Peter but Charlie asked me when - because you were talking about when I got kicked out of the office.

10

Yes?---Charlie had questioned me at that time, that meeting, about what I had been questioned about at ICAC.

Yes. And then towards the end of the evidence that you gave yesterday, page 723 down the bottom of the page, the last question by Mr Strickland, "Before you gave evidence on 26 October had Mr King," that should be Mr Diekman I think, "or Mr Roche ever said to you before that they did not want you to work at Kings," your answer, "No." Over the page, "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." Then the Commissioner asked you a question, "Did they complain about your performance before?" and your answer, "No. There was a written warning that I found in my personal file on my return that had been signed and I can't remember when it was even dated but I'd seen it before."

20

THE COMMISSIONER: "I'd never seen it before."

MR NAYLOR: I see, quite right, Commissioner. Thank you. What I'm interested in, Ms Jarvey, is the circumstances in which you came to obtain access to your personnel file?---Sure.

30

Do you remember when that occurred?---Yes.

When?---When I was, when I was kicked out of the office and I returned - - -

Yes?--- - - - I didn't have a copy of my employment contract, I was never given a copy of it so I requested from, I can't remember the, the assistant that worked in accounts, for a - - -

40

Who was that?---Jane I think her name was, Janet, Jane, someone from accounts for a copy of my personal file which I am entitled to, I got, I sought legal advice about that from an employment lawyer and I am entitled to have my, my personal record.

Was that then in the week after that conversation with Mr Diekman and Mr Roche which resulted in you being escorted off the premises?---No, that was prior. There was many meetings. From my return to the end there was

many meetings but I'd had my personal file prior to that meeting where he kicked me out, like literally kicked out of the building, grabbed my handbag, all the rest of it.

Am I correct in my understanding of the sequence of events being that you worked, you remained working or at least with access to the premises at Kings for a couple of weeks after that conversation that we've been talking about with Mr Diekman and Mr Roche which resulted in you being escorted off the premises?---No, I had to request people to let me into the building. I got left in the reception area quite often waiting for, I can't recall his name, he was the new office manager, to find out from Peter or Charlie whether they'd let me in to the building or not.

But in terms of the timing of all of that you say that you finished your employment with Kings in February 2011, I'm just trying to understand when it was relative to that that this conversation with Mr Diekman and Mr Roche took place which resulted in you being escorted off the premises and subsequently locked out?---Sure. Just having a look at my paperwork last night I was actually pulled in for a meeting two days after it in October 2010, two days after I'd been at ICAC to be reprimanded. Then probably a month later I went on the Christmas break, I took extra time off and on my return from day 1 this, these incidents have started to occur.

Well, my question was about the conversation that we've been talking about, the conversation with Mr Roche and Mr Diekman which resulted in your being escorted off the premises?---There were several of them.

THE COMMISSIONER: No, which, on what day were, when were you escorted off the premises?---Several times I was escorted off the premises.

MR NAYLOR: You gave some evidence yesterday about a conversation that you had with Mr Roche- -?---Ah hmm.

- - -and Mr Diekman- -?---Ah hmm.

- - -during the course of which Mr Roche had said to you that he'd lost all trust in you?---Yes.

Do you remember that conversation?---Yes.

And when was that conversation?---I can't remember what day it was but it was one of the days where I was working, I was pulled into the boardroom, that's when Charlie also, Peter said that he'd lost trust because I'd been at ICAC, it was like that, Charlie asked me what I'd actually told, been questioned about, was it the Art Gallery, was it The Gap, and then- - -

THE COMMISSIONER: And was, sorry, go on.

THE WITNESS: Yeah.

THE COMMISSIONER: And then?---Oh, and then I was told to leave the, oh, and then I was also questioned about my personal file, that I had no right to gain access to my personal file, and then Peter went and grabbed my handbag, asked for my work mobile phone, took my work mobile phone, Charlie did turn around and say to him, “You can’t let her drive like that, she’s an absolute wreck”, and he said, “I don’t give a, get her out.”

10 And just, is it, is that when he took your bag as well?---He went and got my bag from my desk and brought it to me in the boardroom.

Now, can you remember when that was?---It was prior to a Monday, it might have been midweek, it might have been- - -

In what month?---Oh, January.

In January two thousand- - -?---Or could have been early Feb, could have been early Feb.

20

Either January or early February 2012?---On my return from annual leave.

MR STRICKLAND: I think it’s ‘11.

THE COMMISSIONER: Sorry, ‘11, January 2011?---’11.

Yes?---But it was- - -

Or February---?- - -on my return from annual leave.

30

Yes. So the conversation that Mr Naylor is asking you about, which one is it, that fixes that date more or less, does it. Is that the question, is that the conversation you’re asking about?

MR NAYLOR: Yes. I was asking about the conversation which is related at page 721 of the transcript. The first (not transcribable) and that’s the conversation that starts with a question at line 27 and the conversation was related by Ms Jarvey to the effect that, “I was pulled in for several meetings and one of the meetings Peter said to me that on the grounds, one of the ground of them wanting me to depart Kings was that they had lost (not transcribable)

40

THE COMMISSIONER: Now, so, Ms Jarvey, was that, that conversation which resulted in you being told to leave and Mr Roche getting your bag and so on, was it, was it in that conversations that you were told that they’d lost all trust in you because you’d been to ICAC?---Peter had started with that but then Charlie actually questioned me about what I’d been questioned at ICAC.

But it was on that day- - -?---Yeah.

- - -that you had this conversation or that, it was on that day that somebody said to you you'd, that Kings had lost all trust in you- - -?---Yeah.

- - -because you'd been to ICAC?---Yeah. They'd also lost, lost trust in me about my contracting business too, but that, that was by Charlie earlier on, probably a week earlier.

10

MR NAYLOR: I'm a little confused, I'm sorry, Ms Jarvey. Do I understand your evidence today correctly to be that during the course of this conversation that we've just been talking about, the one in which Mr Roche had said that they've lost all trust in you because of ICAC, do I understand you to be saying today that in that conversation concerns were also expressed about the fact that you'd obtained access to your personnel file in circumstances where you shouldn't have?---Correct. The reason this isn't all in detail from yesterday is- - -

20 THE COMMISSIONER: No, you don't have to explain that, just answer the question.

THE WITNESS: Yes.

MR NAYLOR: And was a reason given for why they thought that you'd obtained access to your personal file in circumstances where you were not permitted to do so?---I was never told that I wasn't allowed to obtain it at all.

30 Is it the case that you obtained access to that file- - -?---I didn't- - -

- - -without authorisation?---That is incorrect. I asked an accounts administrator, she was sitting there, I asked her, accounts, from the accounts department, I didn't go to the marketing department and ask for my personnel file, I went to accounts.

40 Well, how, how did it come about that you obtained access to that file, what exactly happened?---Accounts gave me it. I think the whole purpose is they were concerned because they had started a complete lie against me about written warnings and things like that.

So you went to someone in the accounts department and asked for access to your file?---Not someone, not someone. I went to the accounts department, the financial manager at the time, John Marinucci was never in the office, so whoever was sitting there at the time who I recall her name being Jane or Janet, something like that, the only person sitting in the office at the time, I said, can I have my personal file. She handed over my personal file, that's, I

can't, I can't elaborate on it any more than that. I've never had to go to a director I guess to ask for a personal file I don't think.

Why not?---Because HR look after it, directors don't look after personnel files. HR and accounts do. That's their whole role.

Your evidence yesterday Ms Jarvey was that you'd seen a written warning on that personnel file?---Yes.

10 Do you remember what that warning said?---I can't remember what it was, but it was quite funny because it was dated while I was on annual leave. I was talking about it with my partner last night, it was dated while I was on annual leave, so I don't know how I received a written warning when I'm not even in the office. But I could probably obtain a copy if you require a copy of it. I'm sure my lawyer could, from there could contact - - -

Have you seen your personnel file since that occasion?---No, because I left Kings, so, I made a copy of my contract, I made a copy of my, my written warning and returned my file. All of which was done in the accounts room.  
20

You say a written warning, was there just one warning on the file?---Yes, there was. The one that was dated while I was on annual leave.

Do you remember what else was on the file?---No, my contract. No, I don't, I don't recall anything else. I know my contract was wrong. I know they had the date - - -

THE COMMISSIONER: Just answer the questions?---Well yes, no.

30 MR NAYLOR: It's, it's not the case that you obtained access to the personnel file without first obtaining permission from the personnel, from the person in the Human Resources department?---I did. We never had a Human Resources manager so I asked the person in accounts that was Accounts and HR at Kings. I did not ask anyone that did not form part of that area.

Yes, nothing further, thank you, Commissioner.

THE COMMISSIONER: Mr Maher.  
40

MR MAHER: Commissioner and Ms Jarvey, my name is Maher. I'm here to ask you some questions on behalf of Mr Roche?---Yep.

Can I first start just with asking you a couple of questions about – which you've just given an answer to Mr Naylor, did I understand you to say that two days after you gave evidence at the compulsory investigation in October that you were reprimanded by Kings?---There was a meeting between

Jonathan Hughes and Rod Waring, which I don't recall the circumstances of, just Rod saying that what Jonathan Hughes said was cordial.

So that's not really a reprimand is it?---Well I was never – there was – Rod was saying that basically I had a target on my back.

Do you recall giving evidence yesterday – pardon me, Commissioner. It's at transcript page 721, line about 14. “It was obvious that Rod had told Charlie because Charlie offered if I wanted to talk or I can't remember if he said his door was open, but in other words he was available to talk”?---Yes.  
10

Do you remember you gave the evidence yesterday?---Yes.

I suggest to you that's the only evidence you gave yesterday in relation to any conversation between - - -

THE COMMISSIONER: Well what evidence she gave appears from the transcript. We can determine that ourselves.

20 MR MAHER: As the Commission pleases. This is new evidence today though isn't it Ms Jarvey about being reprimanded following the 26 October, 2010 - - -?---I can't remember what the - - -

THE COMMISSIONER: New evidence in what sense? It's certainly new evidence generally because it wasn't given yesterday.

MR MAHER: Yes, Commissioner.

30 THE COMMISSIONER: But I'm not sure whether it's connected to your previous question or not.

MR MAHER: Well - - -

THE COMMISSIONER: I don't know what you mean by new?

MR MAHER: I'll withdraw that question and start again.

40 You didn't give any evidence yesterday about being reprimanded immediately following 26 October, 2010?---No, but I probably used the wrong used the wrong word reprimanded, it was a meeting about me.

Okay. In fact what you said yesterday was that Charlie said his door was open, he didn't actually mention the Commission did he?---Charlie didn't mention the Commission?

No?---No.

And in fact what you said yesterday, and it's transcript 721, line 29, that "It wasn't until 2011 when all the drama was happening between Kings and myself and my employment ending I was pulled in for several meetings," do you recall that?---Yeah.

So that's nearly three months later, isn't it, after your compulsory examination before ICAC?---He, he did ask me if he, if I wanted anyone to talk to he was available.

10 But what I'm asking you is according to evidence you gave yesterday it wasn't until 2011 when all the drama was happening between Kings and myself and you'd previously given some - you're nodding yes to that?  
---I'm trying to, I'm just trying to understand. Like as you're speaking I'm just listening.

And you previously gave evidence - - -

THE COMMISSIONER: What is the question?

20 MR MAHER: You've previously given evidence, Ms Jarvey, that you came back from leave on 17 January - - -?---Ah hmm.

- - - 2011?---Yes.

So that the drama that you're talking about in your evidence yesterday could not have been before 17 January, 2011 could it?---There was the comment from Rod Waring prior to me going on leave which I found last night when I just going through some paperwork on my computer, some documents, that I have a target on my back and that was after a meeting with Jonathan  
30 Hughes which he emailed Peter Roche to say the meeting was cordial. So I'm trying to remember what that was all about but - - -

All right?---Yeah.

But that's not what you said yesterday is it?---No, it's not but that was - last night I went through some documents.

Now, would you agree with me that between 26 October, 2010 and  
40 17 January, 2011 there was no attempt by anyone at Kings to terminate your employment as a result of you giving evidence in a compulsory examination before ICAC on 26 October, 2010?---Besides Rod Waring telling me I have a target on my back, no. I'd have to have a look at the date of that morning.

THE COMMISSIONER: When precisely did you go on leave?---It would have been December at some point.

I thought you said you took early leave?---No, no, no, I took later on leave so I stayed on - - -

Later on?---January, I stayed on longer.

So for how long were you away?---Probably about three weeks I'd say, three and a half weeks which I normally don't take leave over Christmas.

So from, from - did your leave run into January?---Yes, to the 17<sup>th</sup> or 16<sup>th</sup>.

So you left, you left - - -?---In December.

10

- - - about 24 December then, around there?---It might have been a little bit earlier.

A bit earlier. All right. Yes, thank you.

MR MAHER: Thank you, Commissioner.

Can I ask you some questions about how you came to get the warning letter I think you described it as.

20

THE COMMISSIONER: Sorry, I didn't hear, Mr - - -

MR MAHER: The warning letter I think - - -

THE COMMISSIONER: The warning letter.

MR MAHER: - - - I think the witness called it, I may be wrong in that but the letter that you found on your personal file. You know the letter I'm talking about?---The one I just answered the questions about, yes.

30

Yes?---Yes.

Can I - I do have - can I show you a document?---Oh, good.

Sorry, I don't have copies.

THE COMMISSIONER: Have you shown that to Mr Strickland?

MR MAHER: I haven't.

40

THE COMMISSIONER: Have you read the Standard Directions?

MR MAHER: Yes, I have.

THE COMMISSIONER: So why didn't you comply with them?

MR MAHER: Well, a lot of documents have gone in without me seeing them first I must say, Commissioner.

THE COMMISSIONER: I am not talking - of course they have, that's the way in which this Commission works. There is no discovery here but we, the standard directions make it plain that any documents which any party seeks to tender must first be shown to Counsel Assisting and that questions relating to the document should be put by Counsel Assisting first and if you have any questions after that you will be allowed to ask them.

MR MAHER: I apologise, Commissioner.

10

THE COMMISSIONER: If you read the standard directions - - -

MR MAHER: I did.

THE COMMISSIONER: - - - that is the effect of them.

MR MAHER: I apologise, Commissioner.

20

THE COMMISSIONER: So why didn't you - if you read them why didn't you follow them?

MR MAHER: I was just given to me, this matter came up at 4.30 yesterday afternoon and this letter was given to me about 15 minutes ago but I'm happy for Mr Strickland to ask some questions on that document.

THE COMMISSIONER: No, no, proceed.

THE WITNESS: Sorry, can I just say this isn't the original?

30

MR MAHER: I accept that, Commissioner, it's a copy of it?--It's - yeah, but the signatures aren't on here that were on here that was my issue and I'm sure the date was, that was my argument with them, that it was prior to me coming back from leave.

Sorry, I'm not understanding your answer. Is this the letter, except that there are some, some differences between the letter you found and the one I've just showed you?

40

THE COMMISSIONER: The main point of it is, the main point that is being made is that the signatures with the date are not on there and it was the date that caused Ms Jarvey's comment that she was on vacation at the time, so she is saying that the document that has been handed to her omits the relevant date.

MR MAHER: Thank you, Commissioner.

THE WITNESS: Can I just say, it was actually in that agreement that, when we went to court that they supposedly had destroyed this document, so- - -

MR MAHER: Commissioner, I'm a little bit in the dark about the date so I'm asking for my own information as much as anything else, if it pleases you. The date on this document was 17 January, 2010. I'd ask you to accept that that 2010 part is clearly wrong?---So is 17 January.

What did I say?---So is 17 January.

10 17 January, 2010 is the date that's on the document?---Yeah, but that wasn't on the original 'cause the original with them was the argument that you can't give someone a written warning when they're on leave.

Ms Jarvey, all I'm seeking to ask here is apart from the date of, the year of 2010, which I'd ask you to accept is wrong and it was 2011, is the date correct in terms of the document you saw, was it dated 17 January, 2011, or some other date?---I won't agree to this document because I don't know 100 per cent if this is the one that was in my file.

20 That wasn't the question I asked you?

THE COMMISSIONER: Was the date of the letter that you saw the same date that this letter, that this copy bears?---I recall- - -

Do you know or not?---No, I recall from memory that it was even wrong to the point of not just the year but while I was on leave.

MR MAHER: I won't pursue that further. Apart from the date on the – is the letter to the best of your memory the same as the one you saw?

30 THE COMMISSIONER: The body of the letter?

MR MAHER: Yes?---Yeah, it could be, it could be. I'm not going to say 100 per cent.

And you agree that the only reason you saw this letter is that you had access to your personnel file?---Correct.

40 Now I want to suggest to you that you didn't in fact obtain your personnel file from someone called Jane or Janet, you obtained it from someone called Laura Xu, it's spelt X-u?---No, okay. I don't recall a girl named that.

You don't recall the name?---I don't recall the name, no I don't.

She was a junior assistant who didn't speak very good English. Does that refresh your memory?---No. Accounts department weren't strong, like didn't have strong English but no I don't recall that.

You didn't obtain any authority from either director of the company to see your personnel file did you?

THE COMMISSIONER: She's said – she's already agreed to that.

MR MAHER: Thank you, Commissioner. I would like to suggest to you formally that it was Laura Xu from whom you obtained that personnel file?  
---Okay.

10 Now I see the time, Commissioner, do you want - - -

THE COMMISSIONER: How long will you be Mr Maher?

MR MAHER: Maybe another 10 minutes.

THE COMMISSIONER: All right. We'll adjourn until 2.00pm.

**LUNCHEON ADJOURNMENT**

**[12.48pm]**

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