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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE DAVID IPP AO QC

PUBLIC HEARING

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TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON MONDAY, 30 JULY, 2012

AT 2.07PM

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

THE COMMISSIONER: Mr Lloyd.

MR LLOYD: Thank you, Commissioner.

10 Ms Flanagan, I'm going to try and finish within 40 or 50 minutes and I hope not to go that long. I was asking you about the series of emails which, amongst other things, annexed those list of questions for the asking by the tender committee members at that meeting on 27 February. Is it the case that the questions were actually asked by Anne Tregagle on behalf of the committee?---No, the questions, we ran around and asked the questions so we shared the questions.

Shared the load. Do you know which of you asked any particular questions now?---No, I don't recall.

20 I took you to the emails by Mr Morris to the three tenderers sent out at 5.39 the evening before the interviews, that is 26 February. I want to take you one, to one now which you were shown on the last occasion you were here and that is found in Exhibit 17. It was numbered 7(a) and I would ask you to turn that one up.

THE COMMISSIONER: Do you have it, Ms Flanagan?---No.

MR STRICKLAND: You can borrow mine for the meantime.

30 THE COMMISSIONER: Is that, is that the one of 26 February, Mr Lloyd?

MR LLOYD: That is, it contains two emails, it's first of all, well, it contains several emails but it includes an email from Mr Paul to Ms Tregagle of 26 February late in the evening, 10.20pm.

THE COMMISSIONER: Yes.

40 MR LLOYD: I think you can see the first page in this series, Ms Flanagan, it's the top right-hand corner numbered 25. Do you have that?---No, I don't.

Okay?---Is this it? Oh, I beg your pardon, yes, I do, yes, I do.

THE COMMISSIONER: The first, the emails run, start on page 26 Mr Lloyd. They don't, they run from right to left.

MR LLOYD: Indeed. Starting at page 26 we seen an email I've earlier shown you?---Yes.

That is the email of 5.39 which has been sent by Anne Tregeagle to yourself, Tony Morris and Daniel Paul attaching the scoring sheets. And we know the scoring sheets had attached to them the list of 11 questions?---Yes.

10 And then the next email in the chain would appear to be the bottom half of page 25 where there's an email from Daniel Paul to Anne Tregeagle, yourself and Mr Morris where in relation to the scoring sheet containing the questions we know Daniel Paul's asked, are we allowed to ask and then he in exclamation marks poses a question?---Yes.

And his reason why with a bit of an explanation. Is that fair?---Yes, that's correct.

20 And that was obviously sent late in the evening of the 26<sup>th</sup>, that is before the interviews the next morning. You it would appear get back to him at the top right hand corner of this page 25, shortly after 7.30 on 27 February and I mean cutting a long story short with the email, we can read for ourselves, you tend to agree that such a question should be asked?---That is correct.

We know from the sheets that such a question was not asked. Correct?---Yes, that's correct.

Well did you raise with anybody the next morning why are we not asking this question?---No. I've identified it in my comments that – and it speaks for itself that there needs to be a financial capability focus in the questions. So a focus in the questions.

30 Understand. But was such a question asked?---Yes. There would have been an interest about their financial capability to deliver. I don't – we certainly didn't ask the detailed question that Daniel Paul has put to it, but in the questions, those 10 questions and then they ask for other options at the end.

I understand?---We were looking at financial capability.

But in fairness to Mr Paul he's asking does that question be asked of all of them?---Correct.

40 That could be the only interpretation?---Correct.

He's not singling out one or the other is he?---No, correct.

Well the interview took place and we there have an email from Anne Tregeagle to Tony Morris on the evening of the day of the interviews, that is after the interviews and I would like to show you in the same volume, this is Exhibit 17, Exhibit 11 and there's an email on the second half of the first of those two pages. That is an email from Anne Tregeagle just before 7.00pm on the 27<sup>th</sup> to Tony Morris and copied to yourself and Mr Paul dealing with

preferred tenderers and I'll take up that concept with you shortly. But looking at the first paragraph, picking it up at the end of the third line, the sentence goes on, "here are some words to consider in your emails to both companies to inform them that they have dual preferred tenderer statements. Please feel free to change any of them." And we seen then paragraph both, which I take it means ask them both . Correct?---Yes, correct.

THE COMMISSIONER: Or tell them both.

10 MR LLOYD: Both being Kings and ACG?---Correct.

And then on Kings there are some questions to be asked, including over the page 3, "Please advise what percentage of your company's annual security electronics turnover does this project represent to you?" And it goes on. And we know that Mr Morris sent out emails following this suggestion?---Yes.

In the ACG component on the second page of these two pages, we find no such question.

20

THE COMMISSIONER: Sorry, no such question as what?

MR LLOYD: No such question as that asked of Kings, "Advise what percentage of your company's annual security electronics turnover does this project represent to you"?---Yes.

Do you see that?---Yes, I do.

30 Well, it's obvious from this email that it was Ms Tregeagle's decision, wasn't it, in this email as to what, what questions should be asked of them by Mr Morris?---No, this is, this is post the tender and we've now shortlisted to two, ACG and Kings, and we've agreed to run a second interview with them, so we're now drilling down to the specifics in each of their responses.

I understand entirely, but it was Ms Tregeagle that has decided to have Mr Morris ask these questions?---Ms, yes, Ms Tregeagle is suggesting these, and please feel free to change any of it.

40 Oh, indeed, but she's drafted it, hasn't she?---Correct, she has.

Not Mr Paul, not Mr Morris?---No, Ms Tregeagle.

Not yourself?---Correct.

And you can't speak for her so you can't say why she didn't want the same question asked of ACG, can you?---No, because that would have been a discussion all four of us would have had to drill down to the specifics that

we wanted to know from each of them and those specifics were quite different for each of those two preferred tenderers.

Well, either way, nothing sinister hangs on the fact, does it, that the question was asked of Kings but not ACG?---No, that's what's read, read is there.

10 Exactly. Now, going back to this email we see then that Mr Paul at the top has responded the next day to Ms Tregeagle's email and copied his email in response yourself and Mr Morris asking if some further questions could be asked for them to answer, applying to both. Correct?---Correct.

So in no shape or form is there anything to suggest that Mr Paul has been singling out in the questions to be asked one or other of Kings or ACG, is there?---No.

20 Thank you. Going to the bottom half of the first page, this is a different topic, we see, "Hi Tony", and the heading here is Preferred Tenderers. "On the expectation that Dan will establish that ACG and Kings will be less than four per cent apart, once he has completed adjusting their assessment scores to met the interview committee's decision to weight price 40 per cent and other criteria, here are some words to consider." And it goes on. Now, I want to pick up two things there. Why was it important to have the bids less than four per cent apart?---That must have been discussed post the interview on the 27<sup>th</sup>. We would have looked out what the feeling was, and as mentioned before, ACG and Kings were very very close in all our opinion and we were calling them back as dual preferred tenderers.

30 I want to suggest a few things to you. The concept dual preferred tenderers was a phrase first raised by Ms Tregeagle. Do you recall?---I don't recall that.

So that may be possible?---That may be possible.

Was it a phrase raised by you?---I don't recall.

And I want to suggest to you that the reason she said – I withdraw that. I'll go back. I'm going to come to the meeting on the 27<sup>th</sup> in some little detail shortly, but we all know the net result of it was this.

40 THE COMMISSIONER: The net result of what?

MR LLOYD: The meeting on the 27<sup>th</sup> was that Kings put forward a bid of two million, correct?---Correct.

Which came out of left field. You were given no advance notice of that price, had you?---I don't recall it coming out of left field.

Well, had you ever heard of that bid before that meeting?---No, the bids changes because we modified the scope of the tender, we reduced some of the backup and some of, three points, I can't remember exactly what they were so that the scope got reduced because we had to bring the, the price back.

Madam, when was the first you heard of any bid by Kings for two million?  
---Yes, I don't recall exactly when I heard it.

10 When is the first note you'd ever seen of a bid of two million?---It would have been connected to the interview on the 27<sup>th</sup>.

Thank you. Now, I suggest that you took all by surprised, didn't it, each of you members of the tender committee?---Yes, the pricing, the change in the pricing, yes, definitely.

And that was a significant factor to the Art Gallery wasn't it?---The change in pricing?

20 Yes?---It was, it was part of the assessment, yes, and valued at 40 per cent of the assessment.

A very significant part of the assessment?---Yes, a significant, yes.

And you knew that you couldn't take the price on board in that meeting because it hadn't been part of the original tender.

MR SMITH: Commissioner, perhaps the "you" should be clarified as to - - -

30

MR LLOYD: Members of the tender committee.

THE COMMISSIONER: On board as well. The phrase "on board", I think you need to be more specific, Mr Lloyd.

MR LLOYD: Kings had already submitted a tender, correct?---Correct.

And you were having an interview for the members to clarify your concerns about those bids.

40

THE COMMISSIONER: Do you mean Ms Flanagan personally or the panel?

MR LLOYD: As a panel?---As a panel, yes.

You developed questions to be asked?---Correct, for the - - -

The tenders had been tendered, the box had been opened on 23 February I think it was?---Correct.

They put in prices?---Correct.

You were going to interview?---Correct.

10 There was no scope at this meeting to accept, and I think you've already said this in your evidence last time, a two million tender?---No, as I said prior there were items removed from the scope brief and I don't recall the sequence of that that reduced both Kings and ACG's prices but it was done equitably the same price, the same items in the schedule.

20 And I want to suggest to you, and you said in your evidence, we told those from Kings at the time they put in this revised price we, we can't accept it. You said they were trying to show you a document and you said we can't take it?---Yes. I was not referring to the price and I think if you go back you'll find that. I was referring to them placing on the table a new proposal and as I indicated at the time there was surprise by Daniel Paul and Tony Morris and then a brief discussion and then the chair stopped that discussion.

I understand that, madam, and the document went back?---Correct.

You can't even recall reading it?---No, I recall as I said at the time I remembered coloured documents coming out and brief discussion and then it was stopped.

30 And I want to suggest to you that after the meeting and the interviews concluded that day you all had a conversation, that is the four of you, the members of the committee, didn't you?---This is on the 27<sup>th</sup>?

The 27<sup>th</sup>?---Correct.

And you were all excited about, and I'll come to this, you say a new product, a camera, and I'll come to that, you were also excited about the price weren't you?---We were specifically excited about the potential of the new system.

40 And, madam, you were also excited about the price, weren't you?---Yes, there would have been discussion about the price but I don't recall that. What I recall is the excitement about the system.

So - - -

THE COMMISSIONER: The new system?---The new system which was an addition to what had been proposed and they added that at the end of the first interview, that is Kings added that.

MR LLOYD: So madam, the meeting had been held. And I'll come to the excitement shortly. One of the factors is the price. I want to suggest to you that Anne Tregagle said there is one way we can accept this new price and that is if the prices of these two tenderers are within four per cent of each other, we can take them on board, take on the new price of Kings as preferred tenderers and have another round of interviews?---Are you asking me a question?

10 I'm asking that's what occurred?---Yes, I don't recall, I know we asked for a second round interview. So I can't answer what Anne Tregagle commented on, but we requested to interview ACG and Kings as a second round and to investigate the Endura 2.

THE COMMISSIONER: Why did you want the second round?---Because there was this new system that had been proposed and it presented new capability. So we wanted to investigate this system. And as mentioned previously it is the Endura 2. It was slated to be released and accredited. And it would appear from Kings that that had happened just as the interview  
20 happened on the 27<sup>th</sup>.

MR LLOYD: Just picking up a few things there, madam whilst you're there. Some significant factors, slated for release, Mr Diekman was saying, this product is on the market now and it's a beauty or words to that effect? ---And when was he saying that?

At the meeting on the 27<sup>th</sup>. At his interview?---He said it was available, that is correct.

30 And you said on the last occasion for say a new camera, it's camera software interface?---Correct, correct.

So in fairness to my client and everybody it's not that there was new hardware, there was new software that would increase the capability - - -?  
---That is correct.

- - - of the camera that's being provided. Correct?---That is correct.

40 It's a software issue?---Correct. And I recall at our last session I mentioned software at the end of that discussion. It had increased capability, it reduced our storage capacity, it had increased analytics, it was the interface.

Yes. It's the software interface - - -?---Correct.

- - - that's now about to be released on the market - - -?---Correct.

- - - that increased the capacity of the existing camera?---Yes, yes.

Thank you.

THE COMMISSIONER: Just be careful of that?---Yeah, I was a little bit confused.

It's - - -

MR LLOYD: Well in fairness to - - -

10 THE COMMISSIONER: Just a minute, just a minute please Mr Lloyd. What's been slotted into that question is the phrase existing camera?---Yes, now that I – there were a number of cameras being identified and they're in the documents from Panasonic, so I can't answer that.

Did you understand Endura 2 to be a new camera or new software?---I understood it be both actually.

To be both. To be a new camera which carried with it new software?---Yes, yes.

20

MR LLOYD: But you weren't the technical person were you?---I was not the technical person.

I want to show you the notes taken by Anne Tregeagle of that meeting with Kings on the 27<sup>th</sup>. It's a bit hard to read but anyway, whatever the page number is, there's a little box in the top left of Kings in Anne Tregeagle's writing in it. You can read it?---I can read it.

30 You have read it?---I haven't read the whole document. Would you like me to do that?

I'd like you to read it?---Ah hmm.

THE COMMISSIONER: Mr Smith, do you have a copy of this?

MR SMITH: Yes, I do.

MR LLOYD: Are you with me?---(No Audible Reply)

40 Now, you seem to, and correct me if I'm being unfair to you, say that the two factors have changed, if I can use that expression, in this meeting with the Kings' reps were a new camera and/or software, whatever phrase was used, and then the price. Correct?

THE COMMISSIONER: Well, your evidence is there was a new camera and new software and the price. That's what your evidence has been so far? ---Yes, so it's, I'm talking about the Endura 2.

Yes.

MR LLOYD: Well, back at the last hearing, and I don't mean to talk over you, Mr Commissioner, by asking another question, you said there, "When I say camera, it's a camera/software interface." Do you want to change that?  
---No, I - - -

STRICKLAND: Could I just have the page, could I have the page reference, Your Honour?

10

MR LLOYD: Page 815, line 43.

THE COMMISSIONER: I don't, it goes to 776. Well, Mr Strickland, I don't have the transcript.

MR STRICKLAND: I'm sorry. What it says is, "Anne Tregeagle stopped the meeting with this new, and when I say camera, it's a camera/software interface." So what's been put is correct.

20 THE COMMISSIONER: And what's your question?

MR LLOYD: Well, you referred to it on the last occasion as a change, you qualified it, it was put to you it was a new camera and you've qualified, "When I say camera, it's a camera/software interface"?---Correct.

And I'm suggesting that's correct. The only change was the software?  
---Right.

30 Is that fair?---That, I, I, that is my understanding it was a camera/software interface. I can't give you the specifics, that's an area for someone else, but for me as I commented last time, it was a camera/software interface.

I suppose you're the first to admit that you're not terribly familiar with all the technical aspects of these products?---Correct, correct.

This is a meeting now, what, four years ago?---Correct.

You didn't take notes?---Correct.

40 And looking back at the specifics of the meeting you might not be accurate on everything you remember?---Correct.

Correct?---Correct.

I don't want to put words in your mouth, but this is commonsense, isn't it?  
---Correct.

Now, I want to suggest to you- - -

THE COMMISSIONER: Sorry, I just don't understand something. What do, what do you understand by interface, or what do you understand by camera/software interface?---It is the, it is the integration of the security services. So my understanding by the Endura is that it was dealing with how we would store, it would bring all the systems, and there are a number of systems, to a central point and it had capacity for storage and for analytics.

10 So what was new?---It was the software capacity. And I remember very clearly it offered enhanced storage capability and it was a discussions we analysed in quite a great deal of detail.

MR LLOYD: Madam, I'm not suggesting otherwise. The Pelco system being offered by Charlie Diekman, he said in that meeting it's now available and it has enhanced megapixel abilities?---Thank you.

Is that fair?---That sounds fair.

20 THE COMMISSIONER: Well, I'd like to ask something else?---Mmm.

There was, you've given evidence about Endura number and Endura number 2?---Yes. There was a system, the previous system I think is Endura 1.4.

And?---And then it was due for release about this time as I recall.

What was due for release?---The upgraded accredited Endura system - - -

30 And what was that?--- - - - which is the Endura 2.

So the change was from Endura 1 or 1.5 to Endura 2?---That I don't know, that I don't know, Commissioner.

Well, I would like to know - - -?---Yes.

- - - you, about, the evidence you've given concerning Endura 1 or 1.5 on the one hand and Endura number 2 on the other. What were you, were you told at the meeting anything about those two?---No, it was purely that this  
40 new system had now been released.

Yes.

MR LLOYD: You see, madam, looking at those notes and I've asked you to read them, the only reference to Pelco is in 1 and you are quite free to compare the points, 1, 2, 6, 4, 5 against the questionnaire and you'll find that the points follow the typed questions. The only thing on Pelco is at the top, "Preferred solution is Pelco Endura and the Lenel coordination" okay.

It is clear that in that interview Mr Diekman and other speaking for Kings said that's what we want to offer?---Yes.

Fair?---Yes.

10 And there's nothing in there about a new camera, read it?---No, and that would be because Anne stopped the meeting, this is a record of the set of questions so you're looking at like for like and as I indicated previously that, that discussion about the new system was stopped so she's recorded the meeting by the questions.

The only thing that's new in here is the offer of two million at the very bottom?---Yeah.

THE COMMISSIONER: I want to ask you about evidence that you gave before, it's at page 812 of the transcript and you were, you've referred to a discussion about additional equipment that was not part of the tender?  
---Yes.

20 That is something that occurred?---Yes, that's correct.

And then you said "Before that I very clearly remember a response from both Daniel Paul and also Tony Morris of surprise and excitement and it was palpable in the room that response." Mr Strickland asked you, "Surprise and excitement about what?" and you said, "At this new piece of equipment being available." You remember that?---I do.

30 And then there was a passage which is immaterial and then I asked you, "And the equipment was what, do you remember the kind of equipment if not the name?" and you said, "It was Pelco." Do you remember that?---I do, I do now that you read it to me, yes.

Well, do you remember that this is what happened or not or - - -?---I don't actually recall the equipment and it's very hard to separate a four year cycle so the actual moment of that presentation, I can't tell you exactly what it was that was put on the table, the name of it.

Yes, I understand?---I can only recall the response.

40 I understand that, sure. And Mr Strickland asked, "Did you say a camera before" and you said, "It was a camera," and I said, "So the new camera, new equipment was a Pelco camera?" and you said, "As I understand, yes, and I now know it to be an Endura 2?---Ah hmm, ah hmm.

And Mr Strickland said, "But you said in what way did Mr Paul show surprise and excitement at that meeting?" and you said, "I recall there had been the surprise was palpable, it was a physical response but also that there was a discussion that this, they were waiting for this camera to come on in

the market and they didn't know that it had in fact been announced"?---I recall that.

Now I am not sure whether you're changing your evidence today as to what you said then?---All I -- that's the evidence that I gave at the time. The issue that I would correct now is not knowing exactly what it was that was being put on the table. So the term - - -

10 So you don't know now whether it was a camera?---To me it was the camera software interface. So it was a software interface with this increased capability. So no it wasn't a camera per say.

It was the software interface?---Mmm.

That's what you're correcting?---Mmm.

Are you saying yes?---Yes, I am.

20 And did you know the name of the product?---I don't recall that. I have said Pelco there but I don't recall it.

And you don't recall it now? Are you saying you didn't recall it - - -?---No. I'm a little confused I have to say between the range of systems. So I apologise for the confusion but I am unclear as to what was recorded at that time, what we recall at that time.

All right. Yes, Mr - - -

30 MR LLOYD: You see madam, I'm representing Mr Paul and one of the things that the Commissioner has to do is making findings of fact. And you'll understand they affect my clients career?---Correct.

And it's important and this is why I'm asking questions to tag down exactly what your memory is?---Correct.

And I expect you, as an intelligent career person to say if you don't remember something accurately to say it?---Correct.

40 That's expected of everybody?---Correct.

Is it fair to say now looking back four years it's hard to recall exactly what was said at that meeting about - - -?---Correct. What I did say categorically is the response.

Sure. There was excitement.

THE COMMISSIONER: The response. The issue, the issue still remains leaving aside the name and the nature of the equipment, the question is from

what you were told at the meeting do you remember whether you thought that what you were then being told was something about a new product that was not in the original bid or is that not so?--Correct. It was a new product that had come on the market and had this enhanced capability, hence the palpable response from Daniel Paul and Tony Morris.

And, well I'll leave that Mr - - -

10 MR LLOYD: Let me throw one thing further into the mix, Ms Flanagan, to see if this, in fairness to you prompts your memory. I have an email provided to me by my client to Tony Morris and Anne Tregagle sent on 3 March, this the Tuesday before the meeting, the second round of interviews on 5 March. And this is the very end of that bundle of documents that I've provided.

THE COMMISSIONER: Just as a matter of interest Mr Lloyd, when were these documents first obtained?

20 MR LLOYD: Commissioner, we've obviously had them. I - - -

THE COMMISSIONER: Your client was asked to produce all relevant documents.

MR LLOYD: I closely checked the subpoena's on him your Honour, these do not fall within the categories of documents subpoenaed from him.

THE COMMISSIONER: So they were withheld?

30 MR LLOYD: Your Honour, he only had to provide that which he is asked. He was asked to produce documents, he did so. These documents don't fall within what he was asked to produce. We can have a debate about that.

THE COMMISSIONER: Well, proceed.

MR LLOYD: Now, can you see this email. I don't know whether you saw it at the time?

THE COMMISSIONER: Have I got a copy for me, Mr Lloyd?

40 MR LLOYD: It's in, the final document in that bundle, Commissioner. Now, this is an email from Daniel Paul, as I said, 3 March, pretty early in the morning, to Tony Morris and Terry Yallouris. Now, we know, I think you probably know Terry Yallouris was from Pelco?---No, I didn't know that.

Okay. You can assume he's from Pelco. Copy to Anne Tregagle. Subject, Meeting re Pelco/Lenel Integration for the Art Gallery. "Hi, Terry, further to our telephone conversation earlier today, both Tony and I would like to

meet with you at your office this Thursday in the hours of, in the morning to review and discuss the Pelco product latest versions of software potential for Pelco/Art Gallery relationship and potential supported products morning forward. Please note, this meeting is merely an exploratory review and our attendance should not be taken as an acceptance from installation nor implied acceptance from installation. As you're aware, the tender is currently under assessment and we would appreciate the meeting being kept in confidence at this time. Confirm your availability." Now, I want to suggest to you that what occurred back at the meeting on the 27<sup>th</sup> was  
10 Charlie Diekman and those from Kings saying that for their Pelco solution it was now on the market. That was the significance, it was now on the market. After the meeting when you discussed this generally, Daniel Paul said, I don't know whether that's accurate, whether it really is on the market, if it's on the market it's fantastic, if it's not on the market we don't go there, and that's why this meeting came about. You agreed and Tregeagle agreed and say go and speak to Pelco and see if this latest version of software is actually on the market.

20 THE COMMISSIONER: Mr Lloyd, I won't allow that. You'll have to put each proposition separately and ask, because that's all bundled up and is very confusing.

MR LLOYD: Very well. You've seen the email?---I have.

You see there- - -

THE COMMISSIONER: You've never seen the email before?---No, it didn't come to me, I have not seen this before.

30 MR LLOYD: But assuming it's genuine- - -?---I'm sorry?

Assuming it was sent at the time?---Correct.

Okay.

THE COMMISSIONER: Assuming it was sent to Mr Morris, to no one else?---And to Anne Tregeagle.

40 And to, and to Anne Tregeagle, is it?---Correct.

MR LLOYD: The meeting's arranged to review and discuss the Pelco product latest version of software?---Correct.

It doesn't say new Pelco product, does it?---No, it said latest version.

Latest versions of software?---Mmm.

Now, that appeared to be in Mr Paul's mind at the time.

THE COMMISSIONER: Just ask the question.

MR LLOYD: Well, I suggest to you this corroborates the fact that- - -

THE COMMISSIONER: Well, I won't allow that. It's not for this witness to say what corroborates what's in Mr Paul's mind.

10 MR LLOYD: I suggest to you, Ms Flanagan, that the concern back at the meeting on the 27<sup>th</sup>, the new information was a version of software.

THE COMMISSIONER: Whose concern?

MR LLOYD: The concern of the Tender Evaluation Committee. Is that fair?---That's fair.

Thank you.

20 THE COMMISSIONER: Was, the concern was what?---That it's software.

MR LLOYD: It's software?---Because it's reading the latest version of software.

30 THE COMMISSIONER: But when you say concern, concern about what? ---It's, so I'll just, going back to the 27<sup>th</sup>, when there was the palpable response from Daniel and Paul about this latest version being accredited and released, I asked both Daniel and Tony, we all wanted more information to be sure that this new version was what was being presented and that it was suitable for the Gallery and I'm reading it as being a camera/software integration and hence referring to it as the latest version of software makes sense to me. So this is a response to finding out more information for the Gallery about this solution, proposed solution.

The concern is you wanted to find out more information about the new product - - -?---Correct.

- - - that had been released on the market?---Correct.

40 MR LLOYD: Look, there's nothing here - - -

THE COMMISSIONER: And that is product that had not formed the basis of their tender?---That is correct.

MR LLOYD: Well, madam, the only thing stated in the tender, and I can take you back to it, is Pelco and then Pelco version 2 near the end of the tender documents, correct?---Yes, that's correct.

The only note on the meeting just shows Pelco Endura?---Correct.

There's nothing here about 1, there's nothing here about 1.5, in fact there's nothing here even about Pelco Endura 2.

THE COMMISSIONER: So what is the proposition, Mr Lloyd?

MR LLOYD: There's a generic description in all these documents given to Pelco except in the tender bid submitted - - -

10 THE COMMISSIONER: I will now allow that, I don't know what you mean by all these documents.

MR LLOYD: Well, I'll go through them. I'll list them.

THE COMMISSIONER: That is a matter of argument and I won't allow that. Just put your case to the witness and let her answer it.

MR LLOYD: Madam, I'm going to suggest this to you, the only new thing  
20 that arose in that meeting apart from the price was Charlie King saying the version that we have submitted is now available when there was some doubt about it before?---No, it was not presented like that, it was presented as a new version, yeah.

I don't see anything in these notes about a new version do I?---No, you don't.

Well, you would have expected Anne Tregeagle if this was a significant factor to have recorded it in these notes?---No, as I said before I would  
30 imagine that it's a question for Anne Tregeagle, that she was recording the response to each of those questions. She's not adding a new element in because we stopped the meeting at that point to discuss that issue.

You said in your evidence on the last occasion you had very little direct communication with Daniel Paul?---Correct.

Is it fair to say that of those members of the Tender Evaluation Committee from the Art Gallery, that is yourself, Ms Tregeagle and Mr Morris, you left the interface on a day to day basis between those two and Mr Paul with those two?---Correct.  
40

You really only met him in meetings?---Correct, and I would see him around the Gallery.

Sure, but you wouldn't stop him and engage him in detailed conversation would you?---No.

Hello, g'day Paul?---Correct.

Thank you. I have nothing further, Commissioner.

THE COMMISSIONER: Other than Mr Smith, is there anyone else who wishes to question Ms Flanagan? Mr Smith.

MR SMITH: No, I have no further questions.

THE COMMISSIONER: Mr Strickland.

10 MR STRICKLAND: Thank you, Mr Commissioner, just one thing arisen, I just need to see you for one or two minutes if I could.

THE COMMISSIONER: Very well. We'll adjourn.

**SHORT ADJOURNMENT**

**[2.53pm]**

THE COMMISSIONER: Mr Strickland.

20

MR STRICKLAND: I'll just take you back to this 27 February meeting again. You, you gave evidence that you said you each of you at the meeting were taken by surprise?---That's in my statement?

No, you just gave evidence a few minutes ago?---Right.

Do you remember giving that evidence?---I, I do, yes.

30 Right. And were you each taken by surprise because Kings presented – I appreciate you're not precisely sure what the new thing was, but that you were presented with a new product. Is that correct? Is that what your understanding was?---That was my understanding, yes.

And you're sure of that are you?---I am because Anne stopped the meeting. It wasn't something that had been understood as part of the tender process.

Just say those last few words again?---So Anne stopped - - -

40 I want you to repeat the words that you just said because I didn't catch them?---So Anne Tregeagle stopped the meeting - - -

Yes?--- - - - because what was being presented was something additional to the prescriptiveness of the tender. She stopped the meeting at that point.

And when you say what was being presented do you mean the product that was being presented? Is that what you mean?---Yes, the product.

Okay. Now when you say it took each of you by surprise, I suppose in terms of whether you were actually surprised, you agree you can only speak for yourself?---Yes. And mine was on a rebound.

Just, just listen to the question?---Yes, yes.

Just answer only the question I'm asking you, please?---Yep.

10 Do you agree the only person that could know whether – you can't say whether another person was actually taken by surprise. Is that a true statement?---Correct.

But what you can say is that everyone looked or appeared to be surprised. Is that correct?---Yes. Two looked surprised, two people looked surprised.

Which two?---Tony Morris and Daniel Paul.

Right. And you're certain about that?---I'm absolutely certain about that.

20 Okay. Could I – and if you can't remember say so, but in relation to Mr Paul what was, what was it about his look that made you think that he looked surprised?---There was a sense of excitement and I, I seem to recall an eye contact of a look of surprise.

Okay. Now I just want to ask you about something different. Mr Commissioner, I didn't ask this in my first examination and I ought to have, but it's not related to any of the facts in this – I'm sorry it's not related to any – it's a corruption prevention matter in effect. You are aware that Mr Paul gave a hamper to Ms Tregeagle. Is that correct?---I do, yes, I do.

30 And it was a hamper. Is that right?---Correct.

Which included some Dom Perignon champagne?---I don't recall that but I remember a hamper arriving at Christmas.

And it was – do you remember the value of the hamper?---No, I don't. But Anne would have declared that as part of the gifts and benefits policy.

40 Right. The value of the hamper as, as recorded as about \$200. Does that jog your memory or not?---I don't recall.

Did you have – when you approved the gift did you have regard to the Art Gallery gifts policy that I showed you earlier?---Yes. The approval is it's annotated what that gift is and then it's decided upon. I don't recall the detail of the hamper.

But what I'm asking you is did you understand that the gift policy in effect had a value limit?---Had a limit, yes.

And what was, what was the limit?---\$50.

So if the gift had been valued above \$50 should you have approved it?  
---You shouldn't have by the policy, but there was inevitably some gifts that were acknowledged and written, and it's hard to differentiate between the two. So yes, she should not have received the gift but we agreed to the gift. That's not me personally agreeing to the gift. It goes through a register.

10 But did you approve it?---I don't recall signing off on it. I don't sign off on the gifts and benefits.

Okay. If a - - -?---It's a log of what people have been given.

If a similar circumstance arose today and assuming that there was a gift valued above \$50 would you sign off on it or approve it in any way?---We have changed our policies accordingly, particularly in the light of the circumstances, yes.

20 So what's the answer to the question?---The answer to the question is you wouldn't receive that, you wouldn't accept that gift.

Okay.

THE COMMISSIONER: So the Commission has a zero tolerance policy on gifts. Do you, do you agree with that?---I accept that duly.

MR STRICKLAND: They're the only questions I had, Mr Commissioner. Of the documents that have been referred, sorry, I'd like to tender one of the  
30 documents that was referred to by my learned friend which is an email from Anne Tregeagle to Tony Morris, copy to this witness, dated 26 February, 2009. I tender that. 26 February.

MR LLOYD: What time?

THE COMMISSIONER: The email of 26 February, 2009 at, is at 1.36pm. Is that the one?

MR STRICKLAND: That's the one.  
40

THE COMMISSIONER: With the questions for interviews attached- - -

MR STRICKLAND: That's correct.

THE COMMISSIONER: - - -is Exhibit 21.

**#EXHIBIT 21 - EMAIL FROM MS TREGEAGLE TO MR MORRIS  
DATED 26 FEBRUARY 2009 SENT AT 1:36PM**

MR STRICKLAND: Thank you. And just one document I wish to show you, do you recognise those as minutes of a meeting- - -?---I do.

- - -of the Art Gallery?---I do.

10 I tender that document.

THE COMMISSIONER: Mr Strickland, are you tendering- - -

MR STRICKLAND: Yes, I tender that. I'm afraid I thought my learned friend had been given a copy, I'm afraid I'm- - -

MR LLOYD: Well, I just don't think it's the same thing.

20 THE COMMISSIONER: You'd better read it, Mr Lloyd.

MR LLOYD: This is the meeting of 4 December?

MR STRICKLAND: The, I'm sorry, what was the date?

THE COMMISSIONER: I haven't got it?

THE WITNESS: The meeting is 4 December.

30 THE COMMISSIONER: No, this is an email.

MR STRICKLAND: No, I handed up something, I think I handed up another document before I tendered- - -

THE COMMISSIONER: The minutes of a meeting of the Art Gallery of 4 December, 2008 will be Exhibit 22.

40 **#EXHIBIT 22 - ART GALLERY OF NSW SECURITY ROOMS &  
SECURITY SYSTEMS UPGRADE MEETING NO 10 DATED 4  
DECEMBER 2008**

MR STRICKLAND: And finally, Commissioner, Mr Commissioner, I tender the spreadsheet referred to by, sorry, I tender the spreadsheet which is, which this witness was questioned about by Mr Lloyd. It's not dated but it's, it's, it contains the price \$2.190 million.

THE COMMISSIONER: The spreadsheet containing the price of \$2,190,000 is Exhibit 23.

**#EXHIBIT 23 - SPREADSHEET OF INSTALLATION COSTS  
TOTALLING \$2,190,162.18**

10 MR STRICKLAND: And, Ms Flanagan, if you're able to answer this, do, but if you can't, don't?---Ah hmm.

You were asked some questions about Mr Paul presenting – I withdraw that. To your knowledge did the, did the budget for the security tender at the time the tender closed, it was \$1.8 million. Is that correct?---Correct.

The bid, Kings' winning bid was \$2. That's correct?---Correct.

20 Do you know, do you know if any part of that big was excised to fit within the \$1.8 million budget?---I don't. The only recollection is what I gave at the last session.

Okay. Thank you. Yes, thank you.

THE COMMISSIONER: Yes, thank you for your evidence, Ms Flanagan? ---Thank you.

You're excused. Thank you.

30 **THE WITNESS EXCUSED** **[3.09pm]**

MR SMITH: I was only going to ask if she was going to be excused, Commissioner. Thank you.

THE COMMISSIONER: Did you want to say something, Mr Lloyd?

40 MR LLOYD: Commissioner, could I just ask that one document be tendered and one be MFI? This may have been tendered, the notes taken by Anne Tregeagle, her handwriting of the meeting of 27 February?

MR STRICKLAND: That has been tendered. It's in Exhibit 17. From memory it's 10, F10.

MR LLOYD: It's just been added to it, has it, or- - -

MR STRICKLAND: I think there was some discussion, my understanding is they, that is the only note that is tendered is the note from, from Kings,

but if, and I'll have discussions with my learned friend after today, but if it's suggested by anyone that they want the notes of every tenderer, that is the notes taken by Ms Tregeagle in relation to the other tenderers, if anyone wants that we will tender that as well.

THE COMMISSIONER: No, you won't.

MR LLOYD: No, I'm happy just - - -

10 THE COMMISSIONER: I won't allow it.

MR STRICKLAND: Okay.

THE COMMISSIONER: They're entirely irrelevant.

MR STRICKLAND: I think they're irrelevant but I understood that there was some suggestion - - -

20 THE COMMISSIONER: They can look at it, anyone can look at them.

MR STRICKLAND: Okay.

MR LLOYD: I'm happy with just for Kings, I've cross-examined on it.

THE COMMISSIONER: But that is, I understand now Mr Lloyd that that is already an exhibit.

30 MR LLOYD: I understand, that's been clarified, I'm fine with that. The final thing is could that email that I showed Ms Tregeagle near the end of my cross-examination of 3 March from Daniel Paul to Morris copied to Anne Tregeagle be MFI'd?

MR STRICKLAND: I'm happy for that to be tendered, at this stage, yes.

MR LLOYD: Or tendered, yes.

THE COMMISSIONER: The email from Daniel Paul to Tony Morris and Terry Yallouris of 3 March, 2009 is Exhibit 24.

40

**#EXHIBIT 24 - EMAIL FROM MR PAUL TO MR MORRIS SENT ON TUESDAY 3 MARCH 2009 RE PELCO/LENEL INTEGRATION**

THE COMMISSIONER: Mr Strickland.

MR STRICKLAND: Yes, I call Mr Daniel Paul.

MR LLOYD: Commissioner, just before he does that could I just clarify something about practise and procedure here because the rules of evidence don't apply and I want to be squeaky clean on ethics. As I understand it whilst Mr Paul is being examined by my learned friend I should not speak to him about this evidence that he's given and I imagine my friend will be some little time with him, when he finishes his evidence if I can have a brief conversation with him about things I'd like to put to him in re-examination.

THE COMMISSIONER: Yes.

10

MR LLOYD: The only other, could I just have five minutes with him to ask him to do a housekeeping matter that's come about as a result of this?

THE COMMISSIONER: Very well. We'll adjourn for five minutes.

**SHORT ADJOURNMENT**

**[3.12pm]**

20

THE COMMISSIONER: Mr Strickland. Mr Strickland.

MR STRICKLAND: Yes, thank you.

THE COMMISSIONER: Now you're calling Mr Paul of course.

MR STRICKLAND: I'm calling Mr Paul.

THE COMMISSIONER: I take it Mr Lloyd you wish me to make a section 38 order.

30

MR LLOYD: Indeed, Commissioner.

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

40

**PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY MR PAUL AND ALL DOCUMENTS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS COMPULSORY EXAMINATION ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR HIM**

**TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR  
ANSWER GIVEN OR DOCUMENT PRODUCED.**

THE COMMISSIONER: Can you swear Mr Paul in, please.

<DANIEL PAUL, sworn

[3.19pm]

THE COMMISSIONER: Mr Strickland.

MR STRICKLAND: Mr Commissioner, I first tender as Exhibit 18 a bundle of documents which I'll refer to as Paul 1 through to 30.

THE COMMISSIONER: As Exhibit 18.

10

MR STRICKLAND: Oh I beg your pardon, Exhibit - - -

THE COMMISSIONER: 25.

MR STRICKLAND: 21 I'm told.

THE COMMISSIONER: No, it's 25.

20

MR STRICKLAND: 25, 25. Okay, Exhibit 25. I tender these documents, 30 documents which are labelled Paul 1 to 30.

THE COMMISSIONER: All right. This is the document, the zoo and SPC tender document?

MR STRICKLAND: That's correct. They relate to two segments being zoo, Taronga Park Zoo - - -

THE COMMISSIONER: Yes.

30

MR STRICKLAND: - - - and Sydney Ports Corporation.

THE COMMISSIONER: Yes. The bundle of documents in the folder marked Zoo and SPC will be Exhibit 25.

**#EXHIBIT 25 – BUNDLE OF DOCUMENTS IN THE FOLDER MARKED ZOO AND SPC**

40

MR STRICKLAND: Mr Paul, I'd like to ask you some questions about Mr Diekman. When did you first meet him?---I couldn't tell you a date, I have no idea, no idea.

When did you first have a commercial or business relationship with him?  
---What do you mean by commercial or business?

When did you first do business, that is have a – do any work for or with Kings?---Do you mean as, as him being a tenderer or do you mean - - -

In any capacity?---I honestly don't know what the dates were. As a tenderer I have no idea, it could be way back when I stated, I don't know.

Have you done any work for Kings?---Yes, I have.

All right. And when did you first do work for Kings?---I don't know the exact date. Are you looking for a precise date?

10 A year or a month?---I don't know the exact date.

Okay.

THE COMMISSIONER: A year or a month is the question?---I beg your pardon?

A year or a month?---Yeah, I don't know the exact date. I don't know the year, I don't know the month.

20 You don't even know the year?---When I did work for them, no.

MR STRICKLAND: Has Charlie Diekman ever paid you any cash, any money?---Yes.

And do you remember when he first did that?---No.

Do you have an idea?---It would have been as a result of bets I would imagine, but no I don't have an idea of exactly when that was, no.

30 Is the only time he ever gave you money, and by that I mean either cash or a cash cheque, it was in relation to debts he owed you from gambling?---No, I've done some work for him.

And did you get cash for that work?---No.

Well that's what I'm asking you. What I'm asking you is about payments. When you were given cash or a cash cheque by Mr Diekman was that only in relation to gambling?---Yes.

40 All right. And how much, in total how much cash – I'll just keep on say cash but I mean either the physical cash or a cheque?---Or a cheque.

Do you understand that?---Yes.

How much cash did you get from Mr Diekman from gambling in total?---I couldn't tell you off the top of my head. I've never added it up.

But you knew obviously you were going to be questioned about this at this hearing?---Yeah.

So I take it you've, you've spent some time to try and work it out how much?---I didn't know what questions were going to be asked of me so no I haven't actually worked out, I haven't actually sat down to work out what that value is, no.

10 But, but I appreciate you didn't know the precise questions, you know the ambit of this inquiry and you knew the ambit was any cash payments made to you. Correct?---Sure.

So have you, have you worked out how much cash was being paid to you by Mr Diekman?---No, I haven't.

Well can you do so now?---It would take me some time to try to think about that and I'd probably write something down on a pad to, to try to help you along, but - - -

20

THE COMMISSIONER: Well perhaps you can do it overnight?---Sure. I can try.

Tell us in the morning.

MR STRICKLAND: Excuse me, Mr Commissioner (not transcribable) And on how many occasions have many occasions have you been given cash, either cash or a cash cheque by Mr Diekman?---Again, I don't know the precise - - -

30

THE COMMISSIONER: More than 10?---No, I wouldn't think so, I wouldn't think so.

MR STRICKLAND: So is the answer you don't know?---Well, the answer's I don't know.

Is that because its happened on that many occasions that you are unable to count them?---No, no, it's just that it's not that eventful that I would need to remember it.

40

And when you say not that eventful what do you mean by that?---Well, if somebody pays me something for a bet or whatever I don't, I don't make records of it and make it a big issue in my life, it's not that eventful.

You say you don't remember in total how much but on each given occasion how much money are we talking about?---It could be \$1,000, it could be \$10,000.

Was that the range, between one and \$10,000?---On, on what?

In relation to the cash he paid you for gambling debts?---No, I don't, I mean, no, there was one event where it was, where it was substantially more than that.

And what was that, how much was that?---It was \$80,000.

So he gave you \$80,000 cash or a cash cheque?---No.

10

Well, that's what I'm asking?---No, he paid me in, in bits and pieces on that.

Okay. And when did, when did he incur \$80,000 debt to you?---At a, at a snooker game in, in the US.

Yeah. When?---I think it was 2010.

When you say you think, that's a large amount of money isn't it Mr Paul?  
---It is.

20

And surely given the ambit of this inquiry it's important for you to establish just precisely as you can when that debt was incurred, would you agree with that?---Yes.

So having thought about it, as I assume you have and look at records or made any inquiries, can you, can you say when the \$80,000 debt was incurred?---As I said, I think it's in 2010.

30

All right. So why do you think it's that year?---Because it wasn't the year that Tony Morris came to the States with us, that was in 2009.

Right?---And I believe it was the year after that.

Okay. And are you, do you say that in 2010 - - -?---It could have been 2011 so it was one of the two because I didn't go this year.

Okay.

40

THE COMMISSIONER: 2011 is not that long ago?---No.

But you can't remember whether it was in 2011?---'10 or '11, no.

MR STRICKLAND: Did you - in relation to that \$80,000 debt did you ever record anywhere in writing that he owed you that amount of money?---No.

Did you ever send him an email or send anyone an email that he owed you that amount of money?---No.

Did you ever ask him to pay you \$80,000, did you ever remind him that look, you owe me \$80,000 please pay it?---I remind him all the time that he lost that bet, yeah.

And so that was in relation to a, you said a gambling, a pool, did you say a pool - - -?---Pool or snooker game, yeah.

Yeah. And where was that?---In a town in the States, I don't know, I don't recall the name of the town.

10

All right. And who was present at the time that that snooker game occurred?---Everyone who went on that particular trip but I, I - Mick Hingerty would have been present for sure, David McMicking would have been present, what's the guy's name (not transcribable) I can't think of the guy's name, sorry, there's a, there's a few other people that went on that trip but I, I don't recall their names.

And so he's, he has, has he paid you back that \$80,000?---Yes, he has.

20

And when did he pay you back after that trip in 2010 or 2011, how many days or weeks or months later?---Oh, it took, took ages, it was, it was in bits and pieces.

Sorry, how many, how many lots?---I couldn't tell you off the top of my head, maybe, maybe four or five or six, I don't know.

THE COMMISSIONER: Did you make a note of what was owing?---No.

30

So how did you remember what was owing?---I didn't. I left it to Charlie to, to remember that. I didn't, you know.

When did he make his last payment?---I don't recall.

You don't recall that?---No.

You don't recall when he, when he stopped owing you money?---I don't recall when he made his first payment let alone his last payment, no.

40

You don't recall when he stopped owing you money?---(No Audible Reply)  
No?---No.

Wasn't it a celebration when he paid off the \$80,000?---Probably turned out to be another bet. No, no, it wasn't a celebration, no.

MR STRICKLAND: So when you got, when he paid you back, did he actually give you cash?---No, he gave me ah, the ones that I recall, he gave me some cheques to ah, that he made out to ah, Harvey Norman?---Yeah.

THE COMMISSIONER: Personal cheques?---What do you mean by personal cheques, written out to Daniel Paul or written out to cash?

No cheques that he drew himself?---No, written out to cash I think.

I mean cheques, cheques where he was the drawer?---No, I don't recall who, who the drawer was. I think you asked me this in a previous one. I think it was Kings Security cheques.

10

I've never asked you questions before so- - -?---No, I'm saying to the Commissioner.

THE COMMISSIONER: You think it was Kings Security cheques?  
---I think it was Kings Security cheques.

Why was he using Kings Security to pay off his personal debt?  
---I have no idea.

20 Did you ask him?---No.

Didn't matter to you?---Didn't matter to me, no.

MR STRICKLAND: So in relation to the Harvey Norman, how much was that for, what, of the \$80,000, how much of it was cheques made out to Harvey Norman?---I, I don't recall the exact amounts, they were, there might have been two or four of them for \$10,000 each, I'm not sure.

30 All right. And apart from that, what other, what other form did he pay you back in? That accounts, you said cheques made out to Harvey Norman, what else?---I don't, I don't recall. He might have given me 10,000 in cash in bits and pieces, but I don't, I don't- - -

But did he? You said he might have, but did he, did he give you cash?  
---He's given me cash, yes.

No, I'm talking about \$80,000. You've referred to one part of the payment was cheques made out to Harvey Norman. How else?---I don't recall, I don't recall.

40

So you don't recall if he gave you cash or if he gave you a- - -?---He certainly didn't give me a \$40,000 worth of cash, that's for sure.

THE COMMISSIONER: I have to tell you that I find it difficult to understand how you cannot remember how a person who owed you \$80,000 paid it to you?---Right.

Have you got any comment on that?---No. Is there, is there a question in that?

Well, I'm offering you the opportunity of explaining why it is that you can't remember how you were paid \$80,000 over the last three years, two years? ---Whenever it was. No.

And you don't even remember when the last payment was made?---No.

10 And you don't even remember whether you were paid in cash or by cheque, apart from some payments from Harvey Norman?---I know for a fact he didn't give me \$40,000 worth of cash, so I know I've never received large lumps of cash.

MR STRICKLAND: What do you mean by large lumps?---Well, large lumps being \$40,000 or \$20,000 lumps of cash.

What about \$10,000?---Yeah, I've, I've received, not, not in one go, two lots of \$5,000.

20 From Mr Diekman?---Yes.

And- - -

THE COMMISSIONER: In cash, not cheque, cash?---In cash.

MR STRICKLAND: And is that relating to this \$80,000 bet?---Yes.

30 Right. So that was sometime after the trip in March 2010 or the trip in March 2011?---Whenever, whenever that bet was, it was after that. I don't know, I don't know when that bet was, 2010 or 2011.

But it was definitely one of those two years?---Yes.

And so with those two lots of \$5,000, what did you do with those two, those two lots of \$5,000?---Probably paid for a trip on them or something. I don't know, I don't- - -

40 I'm not asking what you probably did, what did you do with that cash? ---Spent it.

On, and you remember spending it?---No, not really.

Okay. So you did not bank it?---No.

Right. You can be sure of that?---Yes.

Right. And do you remember what you spent it on?---No.

Are you sure that you've been given \$80,000- - -?---No.

- - -in relation to that?---No, I'm not sure. As I said, I don't recall how much he's paid me back, whether he's paid me the whole amount or not.

THE COMMISSIONER: I thought you said he paid you everything?

---Well, I assume he has, I don't know.

10 No, sorry, you're now saying you assume he had. You gave evidence not long ago that he paid you \$80,000. Are you changing that?---I don't remember how much he's paid me.

Are you changing that?---Yes.

So how much does he owe you?---I have no idea, I have no idea.

That's a serious answer?---It's a serious answer.

20 MR STRICKLAND: Of that \$80,000 debt, how much have you been repaid?---I don't know.

Okay. All you can say for certain is that in relation to that debt of \$80,000 you were paid either to or four cheques in \$10,000 each made out to Harvey Norman and \$10,000 in cash, \$5,000 each. Is that right?---Yes.

Anything else?

30 THE COMMISSIONER: Sorry, excuse me Mr Strickland. You said that you kept on asking him to pay you back?---No, I didn't keep on asking him to pay me back.

You didn't say that?---No.

You didn't give evidence to that effect?---No.

Did you not give evidence to the effect that you asked him several times to pay you back?---No. We always joke about how we had the bet and that he owed me \$80,000.

40

And when did you – do you still joke about that?---Absolutely, yeah.

All right. And in recent times you joke about that - - -?---Well, the last time  
- - -

- - - that he still owes you \$80,000?---No, not that he still owes me \$80,000, that there was a bet of \$80,000.

I thought you said earlier - - -?---That he lost \$80,000.

I thought you said earlier on in your evidence that you kept on reminding him that he owed you money, part of this \$80,000?---No, I don't keep - - -

Is that not true?---Only in jest, yes.

In jest?---Yeah.

10 Did you stop jesting or do you still jest about it?---No, still do it now.

What that he still owes you money?---Not that he still owes me money.

That's what I'm asking you about?---That we still had a bet.

I'll be patient. And I just want to get an answer from you?---So I don't understand the question.

20 Oh I'm sorry. I'll try and make it clearer. You said that you kept asking Mr Diekman for payment of the money he owed you on this 80,000 debt?---No, I didn't.

You didn't say it?---I didn't keep asking him for payment because I never kept track of it.

Did you ask him from time to time to make payment of the money he owed you on the 80,000 debt?---No.

30 Oh so if you, you said that earlier on?---No, I said he kept track of it.

He kept track of it?---He kept track of it.

How do you know that?---Well I assume he kept track of it because I don't.

40 Well why did you say that he kept track of it and now you're saying you assume that he did?---Well because I do assume that he did. I don't, I don't have a document that says how much he owed me and how me still owes me and I've never seen a document from Charlie that says here's how much I owe you and here's how much is still remaining.

So as you – are you saying that as you sit here today you have no idea whether he still owes you any part of the \$80,000?---Correct.

And are you saying that you've never asked him for payment of the money he owes in respect of that \$80,000?---Correct.

And if you're said anything to the contrary five minutes before, that evidence is incorrect?---Correct.

All right.

MR STRICKLAND: Now apart from the \$80,000 incurred, he incurred in 2010/2011, has he ever, has he ever on any occasion owed you, paid you money from a gambling debt?---Yes.

10 And when was that?---We've had bets over the rugby league football over the time I've known him for between five and \$10,000 at different, different times where I've won and he's won and we've paid each other.

All right. And you say since you've known each other, I think you said. So can you assist us as to when that was?---I don't know when I first met him. When I first became friends with him was typically maybe 2007, maybe.

Okay?---2006, I'm not sure.

20 Well do you remember that you were on the, you were a consultant for Sydney Ports when Kings won a contract? Do you remember that?---Yes.

That was toward the end of 2007 or mid toward the end of 2007. Were you friends with him then in the sense you've just described?---I was friendly with him, yeah. Yeah, I was a friend of his, yeah.

THE COMMISSIONER: And you were betting with him then?---Yeah, I would think so.

30 MR STRICKLAND: So on about how many occasions did you make bets where he actually paid you five or \$10,000?---In what way? In cash or in cheque or other ways?

In cash, let's start in cash. By cash or in cash or cash cheque?---Maybe three or four.

Ah hmm.

THE COMMISSIONER: Are there any other ways in which he paid you? ---Yes.

40 What other way?---I've invoiced his company.

You've invoiced his company, what does that mean?---Well, he, for whatever reason he didn't pay me in cash or cheque or make any other arrangement so he asked me to, to create an invoice so I invoiced him.

What, a false invoice?---Yeah.

And Kings paid that?---Yes.

And did you tell Mr Diekman's partner?---No.

Didn't you think he was stealing from his partner by doing that?---He's the owner of the company. Charlie's the owner of the company.

And Mr Roche?---Sorry?

10 Mr Roche?---He's a partner, he's not, is he the owner? I don't know.

So you don't know who the owner is?---Well, I think, think Charlie is.

Well, you said, I asked you what about Mr Roche and you said is he a partner, I don't know?---No, no, I said Charlie is the owner of the company.

Well, I asked you what about Mr Roche?---What about him?

Is he the owner, is he an owner too?---Yeah, he's a part owner.

20 Well, so did he agree to this money being paid?---I didn't discuss it with Mr Roche.

So that it was quite in order for you to participate in money paid by Mr Diekman out of the company?---It didn't bother me.

Even if Mr Roche didn't know about it, it didn't bother you?---That's Charlie's responsibility to speak to his partner, not mine.

30 And creating a false invoice, do you think that's quite appropriate?---It was an invoice.

Oh, an invoice is nothing, you might as well just create a false invoice. Is that how, is that your attitude?---I paid tax on it.

You paid tax on it?---The money came in to my company, not into my personal account.

So there must be a record of this?---Ah hmm.

40 MR STRICKLAND: But do you recall any specific occasions when you rendered an invoice to Kings in relation to a gambling debt?---One.

Yeah, and what was that?---I don't recall the date. It was an invoice in relation to some Northern Area Health work for a lock audit.

Yeah. And that, you're saying that was an invoice you rendered, it was a false invoice, correct?---Yes.

And you rendered it to enable Mr Diekman to pay you for a gambling debt?  
---That's correct.

Now, could the witness please be shown Exhibit R1.

THE COMMISSIONER: Exhibit 2, R1.

MR STRICKLAND: Thank you.

10 THE COMMISSIONER: It's a disease, Mr Lloyd.

MR LLOYD: It's a disease that's spreading, Commissioner.

MR STRICKLAND: If you go to, to page 15 of that document, I take it that that is the invoice you're referring to?---That's correct.

And so when you say it's a false invoice it's the case, isn't it, that you in fact never did prepare a policy and procedure manual for Northern Sydney Central Coast Health, is that right?---No, that's not right.

20

So you did prepare a manual?---I did.

So in what way do you say it's a false invoice?---It wasn't, it was prepared for Northern Area Health for Charlie or for Kings to use at Northern Area Health but the amount wasn't, wasn't, wasn't related to that report.

Well, in what way was the amount not related?---Well - - -

30 You say it wasn't related, can you explain that, please?---Yeah. They needed the report done and I gave them the report - - -

Yes?--- - - - but I'd previously years ago done a similar report that had been invoiced to Kings that was for the preparation of, of a database and a, and some policies and that was invoiced through Kings on behalf of the client.

THE COMMISSIONER: Who wanted the report?---Back then?

Yeah, no, the second, when this invoice was created?---This one?

40 Yes?---Charlie.

He wanted the report?---Yes.

Not, not Northern Area Health?---I hadn't spoken to Northern Area Health about this report.

Did you provide him with a report for Northern Area Health?---Yes, I did.

MR STRICKLAND: Sorry, I just, I'm trying to understand in what way this invoice is false. You're saying that, are you saying that the amount that you've charged doesn't reflect the true amount of work you did for preparing that policy?---The amount that I charged was for the bet.

I understand?---Apart from \$1,000. It was \$10,000 plus GST.

Right?---So the bet was \$10,000 and the invoice shows \$10,000 plus \$1,000 GST and was paid that way.

10

And you were paid \$11,000, weren't you?---Correct.

So he paid GST on the bet?---And, and tax when it came into the company, yes.

Just so I can understand this, so is it the case that you in fact had already charged for this work before?---Correct.

20

And been paid for that work before this invoice?---Correct.

Okay. Do you agree that sending a tax invoice to Kings as described in this document which in fact relates to a bet that Mr Diekman incurred is a, is a dishonest thing to do?---Dishonest to who?

Just do you, well, I'm just asking you generally, do you think it is a dishonest thing to do, to render an invoice in the circumstances that you have done?---Not if you, not if that's what he asked me to do.

30

If he asked you to lie and you lied, wouldn't that still be honest, even if he asked you to do it?---No.

THE COMMISSIONER: Dishonest, dishonest.

MR STRICKLAND: Dishonest. If he asked you to lie and you did lie, that would still be dishonest, even if he asked you to do it, wouldn't it?  
---Correct.

40

So if he asked you to render a false invoice and you do so, it still remains dishonest even though he asked you to do so. Do you agree with that?  
---It's his company though. He, if he wants to take the money out of his company then that's up to him, isn't it?

Well, so I don't want you to agree with anything you don't want to, you don't regard rendering this tax invoice as being a dishonest act?  
---Dishonest to who?

Well, just generally dishonest, an act of dishonesty?---Not if he's asked me to do it, no. He's asked for the invoice.

THE COMMISSIONER: Would he be able to charge Northern Sydney Central Coast Health for this?---Not, not at all. I wouldn't expect him to.

But could he?---I don't think so, no.

Why do you say you don't think so?---Because they already had the policy and the, and the database information.

10 MR STRICKLAND: Can I ask you this, if, did he ever tell you why he wanted you to render this invoice in relation to that debt?---He didn't, he didn't specifically nominate it be Northern Area Health.

I see. That was your decision?---Yes.

Okay. But what he did ask you to do was render an invoice for work you'd done?---An invoice.

An invoice?---Yes.

20

And did he ever tell you why he wanted to do it that way, to recoup so that you could pay him the debt?---I expect- - -

So that he could pay you the debt?---I expect to take it out of his company.

Right. Is that what he told you?---No.

When he asked you to do that, did you ever ask him?---No.

30 Now, apart from this document- - -

THE COMMISSIONER: Well, could I, have you finished with that, Mr Strickland?

MR STRICKLAND: I've finished with that.

THE COMMISSIONER: Can you look at page 14. You were going to ask him about page 14, Mr Strickland.

40 MR STRICKLAND: Yes, thank you. So do you recall receiving the email on page 14?---Yes, I do. That explains it. That's why I did it that way. Sorry.

THE COMMISSIONER: So why does he give you the order number NSCCHKP2 on it?---I have no idea.

Doesn't that enable him to charge Northern Health?---I don't know.

Well, doesn't it?---Well, I don't know.

But what's the point of - - -?---I don't work for Northern Area Health.

Are you really saying you don't know why he gives you the order number which - and it's an order number relating to Northern Health, Northern Sydney Central Coast Health?---No, I don't know why.

10 MR STRICKLAND: You see, Mr Paul, I think your evidence as I understand it is you don't know whether Mr Diekman ever sent on this invoice to Northern Sydney Central Coast Health do you?---Correct.

And because you don't know that it follows, doesn't it, that he might have done that, in other words, you created an invoice which permitted him to send an invoice to the Health Service, Area Health Service, if he so chose, correct?---Well, would, wouldn't they be, have to place an order on him?

20 Well, I'm just, I'm just asking you, what you have done I suggest, is you have sent him an invoice together with the relevant information that would permit him if he wanted to to send that invoice on to Northern Sydney Central Coast Health, do you agree with that?---If they asked for it and if they have an order for him. He, he can't, as I understand it, and correct me if I'm wrong, he can't just send them a report and an invoice without having some sort of order to, to, to fulfil.

But you don't know what, what documents he has sent to Area Health, do you?--No.

30 So do you agree with this, that what you have done is you have facilitated the opportunity for him to send a false invoice - - -?---I've given him.

I hadn't finished the question, to send a false invoice to Northern Sydney Central Coast Health?---No, because I gave him the report and the, and the, the policy and the spreadsheet report document.

40 You know, if it was ordinary situation where friends were betting between themselves in an honest way, on a rugby league game you said, the ordinary and honest course of business would be to give someone the cash or a cash cheque or something rather than dress it up in a false tax invoice, do you agree with that?---It depends on whether the two parties own companies or not, no, not necessarily.

THE COMMISSIONER: Was Mr Diekman, was Mr Diekman short of money at the time?---I have no idea.

MR STRICKLAND: But even if it was his company and it was a totally legitimate transaction and it, as you say, was just his own company there's no reason why under the heading "Description" in the tax invoice he

couldn't have said to pay a debt, to pay a gambling debt?---Well, you don't put that through your company, do you?

Well, not if you're dishonest you don't?---Sorry?

Well, you wouldn't if you were not acting honestly but if you had, if it was your own company as you say, as you assume, and he could do whatever he liked with his company money which is your answer, there'd be absolutely no reason for him to say, Description, gambling debt, would there?---Well, 10 that's between him and his accountant.

Yes, but, but is an invoice that you prepared, not him?---Yeah, I've prepared this for him and given him a report to that effect.

But that's what I'm saying to you, it was an entirely, I'm just asking for your comment on this, it was an entirely honest bet between two friends?---It was an entirely honest bet, not if, it was.

You have to let me finish the question because - - -?---Sorry, you need to, 20 you need to state the facts.

Well, I'll say this. Assuming - - -?---Yeah.

Assuming it was an entirely honest bet between two friends and one of the friends was a director of the company, who owned that company, he could do whatever he liked with his company money, there'd be absolutely no reason why you would have as a description the true nature of the debt, namely gambling debt, is there?---I wouldn't invoice, I wouldn't put on an invoice a gambling debt. 30

THE COMMISSIONER: Why not?---Because you can't do that through your company.

Why not?---Because it's not an invoiceable, it's not an invoiceable - - -

Expense?---Expense.

So who's going to complain if he owns the company?---Well, I'm, I'm, I'm guessing if, if you went through a tax audit or something of that nature or 40 your, or your accountant's going to pull it up, aren't they?

So this is something to deceive the tax authorities?---Well, it depends on whether, how much he's got in director's loans out to him or whether he writes it off in that way, I don't know. You'd need to speak to him and his accountant for how they write that off.

MR STRICKLAND: You see, if that's the case and when you wrote this document you thought to yourself well, this is never going to get sent to

Northern Sydney Central Coast Health but you, you realised as a businessman that this would be, as an invoice in the way you've drafted it, a tax deductible expense, correct?---Correct.

For a tax deduction that was not in fact business related. Correct?---(No Audible Reply)

You have to give a verbal answer?---Yes.

10 Well that would be false wouldn't it, because it certainly - - -?---Yes, yes except that I gave him a report with it.

THE COMMISSIONER: I thought you'd given him a report a long time before?---I gave him a report with this as well.

MR STRICKLAND: Your evidence before and the transcript will reveal this was that I asked you in relation to – what you had said was that you had rendered a tax invoice in relation to this matter some years earlier and you've been paid for this some years earlier and that this related solely to  
20 the debt, the gambling debt you'd incurred?---I didn't say solely, I said, I said it doesn't, I doesn't reflect the report that I provide.

I think you'll find that when we read the transcript overnight you will find your evidence was that this amount of money reflected the gambling debt?  
---It does reflect the gambling debt.

Right. So in that case, as that money, that's \$11,000 reflects the gambling debt it could not possibly be a tax deduction could it?---Well there was a report attached to the, to the invoice.  
30

Do you agree with that proposition or not?---No, I don't. There was a, there was a report attached to the invoice.

Are you seriously saying that if \$11,000 reflects a gambling debt that that could be tax deductible?---No.

All right. Well then it must follow that that, this invoice could not properly be used as a tax deduction could it?---In it's, in it's effect that it's for a gambling debt no. In the effect that it had a report attached to it, yes.  
40

So you say now do you that there was a report attached to this invoice?  
---Yes.

And when you say attached to it do you mean a physical copy of a report?  
---Yeah, a physical copy.

And when did you prepare that physical copy of the report?---At the time that I prepared the invoice.

I see.

THE COMMISSIONER: But you'd done the report some years before?---I did, I did a report for them some years before, yes.

And this is the same report that you're (not transcribable) is it?---It would have been a copy of the policy and it would have been – it was an Abloy, Abloy database that we, that we used as a gauge. So it would have been a revised one, one of the Abloy database.  
10

Well was it a revised one?---Yeah, it would have been at the time because -  
- -

Was it?---Sorry?

Was it?---Yes, it would have been, yes.

MR STRICKLAND: And have you kept a copy of that report you sent?  
20 ---Yes.

You do?---Yes.

And that is, that is you've kept a copy of the report which goes with this tax invoice?---Yes.

THE COMMISSIONER: The revised report?---Yes.

MR STRICKLAND: And do you know if you produced a copy of that, of  
30 that revised report to this Commission?---To who?

To this Commission?---They didn't ask for it.

That's okay. I'm not, I'm not suggesting you have been. I'm just asking have you provided a copy of it?---Not that I'm aware of.

Are you able to provide a copy of it?---Yes.

By tomorrow?---Yes.  
40

Okay. And how many pages is it?---I couldn't tell you. It depends on how big you print the thing up. But it, I don't know maybe 20 pages or something.

Okay.

THE COMMISSIONER: Why did you provide a copy of the report?  
---Because he asked for it.

When did he ask for it?---In that email on page, page 14, 25 January, 2007 at 3.12pm.

I don't really see that. Where does he ask for it?---Policy and procedure manuals.

Yes?---For the area wide Abloy register key system.

10 Well it doesn't say please send me the report?---Well that's, that's the net effect of what he's asking for.

He actually asks for the invoice - - -?---Customised policy and procedure manual.

- - - he doesn't ask for the report?---Well I've provided it.

MR STRICKLAND: Mr Commissioner, could I just ask, could I just finish this topic and then I'm, if that's convenient.

20 THE COMMISSIONER: Yes.

MR STRICKLAND: Apart from this tax invoice, I think you said that you had I think on about, I think you said on three or four occasions you prepared a false invoice in relation to gambling debts. Is that right?---No.

No. Okay. How many other invoices, false invoices you prepared for gambling debts?---For, for Kings, for Charlie?

30 For Kings?---No, none.

None. For anyone else?---Not that I recall, no.

So in relation to, and I'm not talking about the \$80,000, but was there, was there any other, you've, you've referred to the gambling debts or 5 or 10,000 for Rugby Leagues wagers or bets?---Yep.

40 And I think you, how many occasions did you make those bets when you, when he lost and did pay you money?---Oh, sometimes we'd double or nothing and so it would end up being me paying him money so- - -

Well, I'm asking is when he paid you money. How many times did he pay you money for Rugby League debts?---I don't recall. Maybe, I don't know, I honestly don't know.

Well, this was one, we know that, January 2007. Do you have a recollection of any others?---I've, I've bet several times with him on, on Rugby League and I honestly don't know the dates or the games or the, or the net result,

whether it was doubled, doubled up on a, on a following bet and nullified or whether I ended up paying him, on occasion I did.

THE COMMISSIONER: Does he still owe you- -?---Pardon?

Does he still owe you money on those debts?---I couldn't tell you, I don't know. I don't really keep a track of them, they're, it's bets between mates so sometimes we pay, sometimes just we double or nothing and it eventually goes away.

10

And you think this has occurred, what, since the Ports contract or after the Ports contracts?---Oh, since, yes, yeah, since 2007, yeah.

What about, okay, so was it, this gambling relationship you had with him existed as at 2007?---Well, as at 2007, yes.

20

THE COMMISSIONER: And continues and then and is- -?---No, it's not continual, it's not, it's not, it's not like there's a constant somebody owes somebody money at all. We're not, it's not, just, it's not an ongoing tally of somebody owing somebody money, not at all.

MR STRICKLAND: So apart from the \$80,000 and the pool table in 2010 or '11 and the Rugby League matches, is there any other occasions when Mr Diekman has owed you money for gambling, paid you money in relation to gambling debts?---Yes.

30

Can you explain, can you tell us that?---I was at, once again in Vegas, I was playing on a card table with him, I think we were in Planet Hollywood, I was winning and he was losing and every time he ran out of money he grabbed a handful of chips.

And?---He turned up the next morning and said, "I think I owe you \$20,000."

And what did you say?---I said, "I don't know, I was, I was drunk, I have no idea how much you ended up taking." So I didn't, I didn't keep a tally.

40

So you did not know in fact whether he did owe you \$20,000?---Oh, I knew he took a lot of chips, he took a lot of chips.

But the question is, you did not know in fact whether he owed you \$20,000? ---It could have been 18, it could have been 23. I don't know.

And was there anyone present at that time?---David McMicking.

Anyone else?---I don't know what year that was, sorry.

You have no idea?---Not off the top of my head. If I knew what year it was, there was a bunch of people that were around at that time, so there would have been a couple of those guys around.

Have you made any inquiries before giving evidence today as to when that, when that \$20,000 debt was incurred?---I'm not allowed, am I?

No, I'm asking whether you made any inquiries yourself?---No, no.

10 Okay. And when you say you're not allowed, what do you mean by that? ---I'm not allowed to ask any, any questions to, to people involved in this case, am I, in relation to, in relation to anything that went on or any of the questions that were asked of me?

And you're referring to a direction from the Commissioner. Is that right? ---Yes.

And you did follow that direction?---Yes.

20 Completely?---To the best of my knowledge, yes.

Apart from that \$80,000 bet and another \$20,000 bet and the Rugby League bets, are there any other, are there any other occasions when Mr Diekman – I'm sorry, did Mr Diekman pay for you for that \$20,000?---Yes.

And in what form did he pay you?---(No Audible Reply)

How did he pay you?---I think he gave me two cheques. I don't, I don't recall the detail of them.

30

THE COMMISSIONER: Kings' cheques or his own cheques?---I couldn't tell you, I don't know, I don't recall the details.

MR STRICKLAND: Do you know who they were made out to?---I don't recall, no.

What did you do with them?---I don't recall.

40 How much were they, the two cheques were for what, how much?---Well, they would have been \$10,000 each.

Is that your memory?---Yes.

Is there any, is there any other occasion apart from the \$80,000 in 2010 or '11 and the \$20,000 one in rugby league gambling, is there any other occasion when he paid you money in relation to a gambling debt?---Not that springs to mind.

Okay. So the only times he ever paid you cash, either physical cash or a cash cheque, was in relation to gambling debts, is that correct?---No, no, he gave me some, two cheques for travel for Maurice's birthday.

Is that Maurice Ciot, C-i-o-t?---That's, that's correct, yeah.

And when was that?---I don't recall the date of it.

And how much were they for?---There was two cheques for \$10,000 each.

10

THE COMMISSIONER: Why didn't he give you one cheque?---I have no, I have no idea, no idea.

MR STRICKLAND: And what did you do with those two cheques?---Took Maurice and his girlfriend to, to South Africa and Switzerland.

When you say you took them there with the cheques, what did you actually do with the cheques?---Put them on Amex to pay for the, to pay for the cost of the trip.

20

So when you say you, you mean you deposited them into your American Express account, is that right?---My, on, on the back of, booking, booking trips for Maurice and his girlfriend, yes.

I understand. You, you were paid the cheques into your own American Express account, that's step 1?---Yeah.

And then step 2 was you, from that money that was deposited you withdrew money to pay for - - -?---No, no.

30

No, well, explain it?---I, I used, I used American Express to book the trips?

Yeah?---And when the bill came in I put the, well, I didn't, but my wife put the cheques on, on, on the bill, against the bill to pay off the Amex bill.

And did those expenses, how much did those expenses total?---I think they were slightly short of \$20,000, about eighteen and a half thousand or thereabouts.

40

And what did you do with the other fifteen hundred dollars?---I didn't give it back to him.

You did not give it back to him?---No.

And why is that?---If I had have he probably would have said don't worry about it but I, I didn't, I didn't even think because I'd never added it up before being asked by ICAC how much those, those bills came to.

THE COMMISSIONER: Well, why did he give you the money to pay for Maurice Ciot and his wife?---Because Maurice was originally going to come to Vegas with us and decided not to and I was planning a trip to, to South Africa and Switzerland shortly thereafter and said to Maurice why don't you come on that and Charlie was going to fund his trip to, to Vegas and then it ended up being he funded his trip to, to South Africa and, and Switzerland.

10 But that doesn't explain - - -?---It was Maurice's 60<sup>th</sup> birthday so we'd pay for it.

THE COMMISSIONER: I'm trying to understand why Mr Diekman was prepared to pay \$20,000 to Maurice Ciot as a gift?---Ask, ask Charlie.

And why did he give you the money?---Because I was booking the trip.

MR STRICKLAND: Is there any other occasion when you can recall Mr Diekman giving you cash or a cash cheque?---Not that I recall.

20 Okay. Would that be a convenient time?

THE COMMISSIONER: Yes. The Commission will adjourn til 10.00am tomorrow.

**AT 4.08 PM THE MATTER WAS ADJOURNED ACCORDINGLY**  
**[4.08pm]**