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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE DAVID IPP AO QC

PUBLIC HEARING

OPERATION CARINA

Reference: Operation E09/1940

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 14 JUNE 2011

AT 2.05PM

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

THE COMMISSIONER: Mr Broad.

MR BROAD: Yes. If Ms Hildebrand could return to the witness box, please.

<KIM HILDEBRAND, affirmed

[2.05pm]

10 MR BROAD: Yes, thank you, Commissioner. I wonder Ms Hildebrand, if you could listen to the following, please. It's a phone call.

#TELEPHONE INTERCEPT PLAYED

MR BROAD: I might just to assist, Commissioner, I'll hand out a copy of the transcript that people can follow the call more effectively.

20 THE COMMISSIONER: Perhaps give one to Ms Hildebrand. Mr Lewis, have you got one?

MR LEWIS: I do, Commissioner.

#TELEPHONE INTERCEPT PLAYED

30 THE COMMISSIONER: That's your voice there, Ms Hildebrand?---Yes.

And your father?---Yeah.

Yes. A transcript of the conversation between Ms Hildebrand and her father dated 6 April, 2011, is Exhibit 6.

**#EXHIBIT 5 - TRANSCRIPT OF A CONVERSATION BETWEEN MS HILDEBRAND AND HER FATHER ON 6 APRIL 2011**

40

MR BROAD: Now, you recall this conversation with your father?---Yes.

This was on the day that the, your unit was searched?---Yeah.

And it was a very long conversation. You recall that?---Yes.

And this is just a portion of it?---Yes.

Okay. If you go to page 44 of the transcript. Now, your father, Mr Hildebrand, at halfway down the page is asking you a question at the end of a passage there. He says, "But he didn't cease before they cancelled it. Is that, is that correct?" Can you pick up that reference?---The second paragraph?

Yes, the last sentence in the second paragraph?---Yes.

10 Now, then you make reference to a phone call you received from Mr Algie. Correct?---Yes.

When it stopped working, to say that it wasn't working any more?---Yes. I don't know if he called me or I called him, but yes.

Yes. You recall that phone conversation?---Yes.

And you noted that you hadn't been using it at the time?---I - - -

20 You say, "And I hadn't used it." Mr Hildebrand. "You got a call when it stopped working. You got a call from who?" And you replied, "They called me, Angus called me when it stopped working and said the site's not working and then I hadn't used it myself in months"?---I didn't remember when the call was. I don't remember if it was straight, well, I know from the order you've given me.

THE COMMISSIONER: We know when the call was.

30 MR BROAD: The call was 4 September?---I didn't know when that call was, whether it was day or night or- - -

Yes, but the question I'm asking you is that the, you said to your father that you hadn't been using the account?

THE COMMISSIONER: In months.

MR BROAD: In months?---Yeah, I- - -

40 Well, did you say- - -?---I don't, I don't know. I mean, this is immediately after the raid. I just don't remember what the- - -

THE COMMISSIONER: Well, we know that you've been told to say I don't know. Now, let's try and remember?---No, I- - -

Some things, some things obviously you can't remember, you say so, but you've told your father in this telephone call that you hadn't used the site in months?---It's not true. I mean, I don't- - -

Well, what's not true?---I just, this is the thing. I just don't remember and I can suggest- - -

You don't remember what?---I can imagine what I may have done but I just don't remember what I did. I can't remember and I can put to you- - -

You haven't been asked a question yet?---But I mean, I, I'm putting, I'm getting- - -

10 I'm just reminding you that you said to your father in this conversation that you had not used the site in months. I haven't asked you a question yes? ---It's probably an exaggeration. I don't know. I mean- - -

You don't know if that was true or not?---At the time I was completely beside myself. I was being cornered by dad, I was- - -

All right.

20 MR BROAD: All right. So- -?---I was rambling as you can tell.

Well, further down, well, you're talking about the conversation you had with Angus when the account stopped working. And do you recall, Ms Hildebrand that I, before lunch I showed you that timeline, remember the timeline?---Yes.

And it made reference to 3 September when you discovered that your hildebrandk account had disabled, had been disabled, and you tried the hildebrandk2 account to find that that was still active?---Yes.

30 The Fleming account was still active. In fact you used the Fleming account to download some plans for some Westlink work?---Yes.

And then the following day you had this phone conversation with Angus? ---Yes.

And this was about the fact that the password was no longer working? ---Yes.

40 Right. And that's what you're talking about with your father at this particular part of the phone conversation?---Yes.

Right?---This, this is the first conversation about this and it was immediately after seven people turned up at my house so I'm clearly not - - -

I understand, I understand that you were, you were distressed at the time? ---This is my first thought to the whole thing, thrown in a jumbled conversation with my dad in a panicked state so - - -

Well, you were receiving some advice from your father as to how to deal with the possibility of being investigated?---As much as trying to get an idea for himself what has happened and what I say has happened.

Well, anyway just returning to this conversation your father, you alert your father to the conversation with Angus, the fact that Angus told you that the account had stopped working and then your father said to you, "Well, you realised at that stage that he'd still used it." and you replied, "Yeah." Do  
10 you see that? Towards the bottom of that page?---I assume that's after when I was seeing my name on the system then, yes.

No, well, that's about the conversation, that was at the point at which you were having a conversation with Angus.

THE COMMISSIONER: Well, if you start with your father, he said, "A few months afterwards. Yeah, he, he rang and said," you say, "Yeah," and then of course, "You realised at that stage that he'd still used it." That is,  
20 saying, yes, when he rang I realised then that he had still used the password that you had given him?---At that point then I would have to have because he'd brought it to my attention or I'd, from speaking to him I could see that.

MR BROAD: And then your father says, "Anyway, you can say you didn't know that he was using it," and then you reply, "At the beginning absolutely I did not know," and that's truthful, isn't it?---Yes.

That's the evidence you've given today?---Yes.

30 "And then down the track it was around the time that it got cancelled that I knew the extent of the use of it?"---I didn't know the extent of the use of it, I'd seen my name on strata plans - - -

Well?--- - - - so I knew that it was being used by Addisons and I knew my name was on the strata plans in the system. I didn't know that they were systemically downloading strata plans for Addisons.

THE COMMISSIONER: The problem is that you have said here that you knew the extent of it so - - -?---That's just, that's not true because I didn't.  
40

So you were wrong when you said it?---Yes, I didn't know the extent of it. I didn't know the extent until you'd turned up at my house.

Yes, Mr Broad.

MR BROAD: Well - - -

THE COMMISSIONER: You see what, the next passage also you, you, you would really like an explanation for and your father says, "You didn't know the extent of it until such time it was cancelled." You say, "Then I thought, yeah, shit, they've cancelled it." You father says, "And then you were a bit concerned about the fact that," and you again say, "'Cause I never had used it"?---Well, I, if I - - -

10 So what do you say about that?---Did dad, I don't know, well, that's, I had used it so I don't know if you dad had cut me off or what but, I don't, I don't know, that, that's, I don't know, I don't know, but I knew when it was, I remember after giving Tim's access that, when I started seeing my name in the system that they were using it, not to the, I had no idea of the extent but I knew they were using it at that point and then when it was cancelled finally I did assume that was possibly from overuse. Tim's login, the second login but I don't know what I'm saying to dad.

Yes, Mr Broad.

20 MR BROAD: You see, what I'm suggesting to you is that then you refer in that conversation to a cancellation of the account, you're, you're talking about the occasion when Mr, when Angus rang you to say that the password wasn't working?---No, I'm talking about the, the final its finished conversation.

30 THE COMMISSIONER: No, not when you say they cancelled it, what, what, when you say they've cancelled it, what do you say you are referring to?---All logins, it's been cancelled, I'm not, as you'll know I'm not referring to anything before I gave Tim's if that's what you're suggesting. This is all after that.

MR BROAD: Well the conversation on page 44, which you've been taken to is about the occasion when Angus called you to say it had stopped working?---We had that conversation after Tim's stopped working.

No.

THE COMMISSIONER: This was - - -?---We had well both, because I was alerted to the fact that mine didn't work.

40 THE COMMISSIONER: Well that's the conversation when Angus called you to say that the password you'd given him, your password, had stopped working.

MR BROAD: That's what the conversation started, started at that point about that particular occasion. And then your father it would seem he was trying to find out what, what was the extent of your knowledge and at the top of page 45 you said, at the beginning absolutely I did not know. Now at the beginning there is a reference to the - - -

THE COMMISSIONER: Can we just to that please?

MR BROAD: Sorry, it's page, page 45, the top, at the beginning absolutely I did not know. That's a reference to 20 April or thereabouts when you provided the user account to Mr Algie?---Yes.

10 And then down the track it was around the time that it got cancelled that I knew the extent of the use of it. And I'm suggesting to you that that part of the conversation is connected to the previous half that was relating to the period or the occasion when Mr Algie told you that the account - - -?---It's relating to the period when Tim stopped working. When it got cancelled I'm talking the whole thing got cancelled, at the end, after the fact, after I'd seen my name and Tim's on strata plans. And I didn't know the extent of it. I knew that it had been used for Addisons, yes, at that stage, after the fact.

20 So is it still your evidence that as at 4 September, you were none the wiser about the fact that the account had been used to download plans?---I'd been made aware that he'd given the password to the girls. I don't know who the girls were or the girl, someone in the office.

Yes?---And that he'd obviously shared that with them and I just assumed that they'd looked up something for him. I didn't know that they were downloading strata plans for Addisons.

And when you gave them the Fleming account did you think he would also give it to the girls?---I don't, like I said I don't remember. I, you would assume, yes.

30 THE COMMISSIONER: You see if you go on with that passage, you say, your father (not transcribable) you were a bit concerned about the fact that (not transcribable) and you said, well I doubt it. And you say, whether the volume they have used it (not transcribable) triggered to cancel it. So when did you become concerned about the volume they had used which was the trigger to cancel it?---After I was seeing my name and Tim's name on strata plans in the system.

Do you really, is that the truth?---Yes.

40 How did you discover the volume (not transcribable)?---Because when you look in the system for jobs it'll show the person whose login was used to download the strata plan.

But why did you discover that when your name was cancelled?---Because I hadn't be alerted to the fact that it was being used at that point.

You'd been told by the girls that it had been overused?---I hadn't. I have never had a discussion with the girls about my login. I didn't know they were using it.

MR BROAD: Yes, I'll just take you to the next passage. It's on page 40, just over half way down, if you can just scroll, yes, it starts with, um, well, yeah?---You can see, I'm trying to remember, you can see by the way I'm speaking - - -

10 Well I'll just take you through this, I just want to draw your attention to a couple of matters and ask you to comment on them. You said here, "But I think by that stage they had already, I think it might've been, actually, no, I think it was when the actual login stopped working and I panicked thinking maybe they've realised that I've been using it, but then obviously Angus rang and said the login doesn't work any more. And then I think it was around that time that I was wondering like if it's got anything to do with the volume of downloads?"---This was well after I'd given Tim's, yes.

20 No, this was the, this was, this was the occasion when you gave him Tim's. That's what I'm trying to point out to you?---No. This was, the first time I was panicking was after Tim's - - -

The login - - -?--- - - - I'd started seeing Tim's login. It was only after that that I started to become aware of what was happening.

Well, I'll just take you to the words you used. You said in that passage, "Actually, no, I think it was when the actual login stopped working." The login stopped working on 3 September?---Is this Tim's?

30 This is your login?---No, I'm referring to Tim's. I would never had given Tim's had I known what was happening. I gave Tim's last and it was after Tim's. I know that. This, this is rambling emotional, trying to piece it together. The first time I was genuinely concerned was after Tim's stopped working.

All right. Now, at the bottom of that passage you say, "And then I think it was around that time that I was wondering, like, maybe if it's got anything to do with the volume of downloads, you, you doing that, stop it."---You as in people, yes.

40 You as in Mr Algie? Is that what you were referring to?---No, just if there is overuse of it perhaps, perhaps that is how it stopped. You, not you as in - - -

Well, that's with reference to the period when you gave Mr Algie the Fleming account, because when the Fleming account was ultimately deactivated on 6 November, that was the end of it. There was no point telling anyone to stop it, it couldn't be used at all. What I'm suggesting to



you, that only makes sense, that particular sentence, if it's, it's seen to relate to the occasion when you gave Mr Algie the Fleming account. Do you accept that?---I, I can't remember. I did not give him Tim's knowing that it would be used for this.

10 Right. If you could turn to page 38, 39, sorry. About halfway down the page Mr Hildebrand says, "I said to him", sorry, Ms Hildebrand, "I've got a login. It's handy for you, you can get quite a lot of information from it if you want to have a stickybeak." This is what you said to Mr Algie on around 20 April, 2009. Is that- -?---That's what I believe to remember, yes.

Yes?---I don't remember for certain. That's what I've said I believe, yes.

Yes. You think you might have told him that he could get quite a lot of information from it if he wants to have a stickybeak?---Possibly, yes.

20 Yes. So it did cross your mind that he could obtain information from it? ---He could look at quite a lot of information, yes.

But you used the word, "get". Get means to take something, doesn't it? Doesn't it?---If you, if you want to, yes, if you want to- - -

Do you accept that or not?---I do accept that.

All right?---But that's not my interpretation.

30 Well, again, if you turn the page to page 40, it starts, it starts with Greg, "The thing, the thing is that you were concerned that, you saw that you realised he'd accessed it and was downloading." And you say, "I don't want to say that." And then it's, "Listen to me." And then you said you expressed your concern to him. Yes. And then you, with that you assumed that it would cease? And the you answered, "Well, I would have expected it to, yeah, but I think by that stage they'd already, I think it might have been, actually, no, I think it was when the actual login stopped working that I panicked thinking maybe they've realised that I've been using it and though the login doesn't work any more and then obviously, sorry, and then obviously Angus rang and said, oh, the login doesn't work any more. I think, then I think it was around that time that I was wondering, like, maybe 40 if it's got anything to do with the volume of downloads?---I don't, I don't know what you can get out of that because all that says to me is I really don't remember.

Just excuse me, Commissioner. On page 42 you agree with the proposition that your father's suggesting that it was a couple of months after providing Mr Algie with the user account that you realised that they were downloading the plans, just have a look at page 42. Is that true?---My

timeframes, I, I don't remember, it's very convenient for you to say that here I'm, I've said a couple of months later I knew.

But they're your words, Ms Hildebrand?---They are my words but my timeframes are out and I've never indicated that I know exactly when anything happened so it's very easy for that to be, it's a (not transcribable)

10 You don't accept that that was a truthful statement. Is that your evidence?  
---It's a truthful statement but then my timeframes are completely out and I'm not referring to before I gave Tim's login, after Tim's login. It's just unfortunate that I've said a couple of months because it brings it forward.

Did you tell anyone that you had given the hildebrandk user account to Mr Algie?---Dad.

You told your dad?---Yes.

Did you tell him shortly after you gave it to Mr Algie?---I don't remember.

20 More than likely that it was shortly after?---It could have been, yes.

And what was his reaction to that?---He was, told me it was a bad idea.

Yeah, and did he say why?---(not transcribable)

Did he discuss with you why it was a bad idea?---I don't remember the discussion other than the fact that I shouldn't have trusted, I shouldn't have done it?

30 Well, did you, did he raise with you the possibility that by giving Mr Algie the password that he might use it?---He probably did but I don't remember the discussion, I don't remember when it was had.

But do you remember a discussion?---I remember we discussed it because I remember it came up (not transcribable)

This is a discussion I suggest, the discussion occurred before you gave Mr Algie the Fleming account?---I don't know.

40 It's more than likely, do you agree with that?---It could be, yes.

And he chastised you, you father that is, for giving up the account?---Yes.

Just excuse me, Commissioner. I have no further questions.

THE COMMISSIONER: Have counsel discussed the order for cross-examination.

MR STEVENSON: We haven't but - - -

THE COMMISSIONER: (not transcribable)

MR STEVENSON: We have not but at some point I would like to ask questions, Commissioner.

THE COMMISSIONER: Mr Lewis, I think that you would prefer to go last?

10

MR LEWIS: I would, Commissioner, yes.

THE COMMISSIONER: Mr Young?

MR YOUNG: Young, yes, I was handed transcript of the compulsory proceedings over the lunch break.

THE COMMISSIONER: (not transcribable)

20 MR YOUNG: Which I haven't read through thoroughly and also this telephone conversation, Commissioner.

THE COMMISSIONER: (not transcribable)

MR YOUNG: Sorry?

THE COMMISSIONER: (not transcribable)

MR YOUNG: Yes.

30

THE COMMISSIONER: Counsel are expected to keep up.

MR YOUNG: Well, I can start, your Honour, if, sorry, Commissioner, if that's - - -

THE COMMISSIONER: Well, I'll wait and you can go later so (not transcribable) Mr Haverfield?

MR HAVERFIELD: No questions, thank you, Commissioner.

40

THE COMMISSIONER: Mr Taylor?

MR TAYLOR: I'd seek leave to ask a few short questions, your Honour, Commissioner.

THE COMMISSIONER: Yes, Mr Taylor.

MR TAYLOR: Thank you.

Ms Hildebrand, I appear on behalf of your father, you understand that, don't you?---Yes.

In the last part of your evidence today you were speaking about a conversation you had with your father. Do you recall if that was a face to face conversation or on the telephone?

10 THE COMMISSIONER: Mr Taylor, would you mind coming forward (not transcribable)

MR TAYLOR: Thank you.

THE COMMISSIONER: I wonder if counsel could make some room (not transcribable)

MR TAYLOR: Ms Hildebrand, I appear on behalf of your father, you understand that, don't you?---Yes.

20 That last piece of evidence that you were giving about being chastised by your father, do you recall if that was a face to face conversation or on the telephone?---I would assume it's over the phone but I don't remember.

THE COMMISSIONER: It is the telephone, it's a transcript of a telephone conversation.

MR TAYLOR: Well I asked her about when she was chastised by her father, which I - - -

30 THE COMMISSIONER: We're not asking you about the Exhibit.

MR TAYLOR: Not about Exhibit - - -

THE COMMISSIONER: I'm sorry, I misunderstood you. Can you make that question clearer again?

MR TAYLOR: The last evidence that you gave was about a conversation you had with your father about telling him that you gave access to Mr Algie. Do you remember that evidence?---Yes.

40 And part of that was, it was put to you that you were chastised by your father for giving your password and other details to Mr Algie?---Yes.

And you agreed with that proposition?---Yes.

Was that a face to face conversation or a telephone conversation, do you recall?---No, I don't remember. But I just assume it would be over the phone, because he's - - -

And it's the situation that in that conversation with your father he told you you'd done the wrong thing?---Yes.

But he said that you were naive?---Yes.

And, but you really shouldn't give those sorts of details to anyone because you can't trust everyone?---Yeah.

10 It is the situation however, that you gave those details to your father. Is that right?---Yeah.

And your purpose in giving those details to your father to access the site?  
---To have a look.

Did you and he discuss at any stage how much use he made of the site?  
---No, I don't remember a discussion it but I would assume not much.

20 And at some stage did you have access to a laptop computer that belonged to your father?---Yes.

Do you remember when that was?---No. But I've used every laptop dad's ever had and every computer, so - - -

Do you recall a situation where your computer was broken - - -?---Yes.

- - - and he gave you one of his laptops?---Regularly, yes.

30 Do you know over what period of time you used his laptop?---It could be any time, but I've definitely dad's laptops at different times, so - - -

Is it within the range of 2006 and 2009?---Yep.

And when you had the use of his laptop did you use it for your work purposes?---Yes.

And in particular did you use it to access the SIX site?---Yes.

40 Yes, thank you, Commissioner.

THE COMMISSIONER: Mr Goldsworthy?

MR GOLDSWORTHY: No questions.

THE COMMISSIONER: Ms Carpenter?

MS CARPENTER: No questions, thank you.

THE COMMISSIONER: Mr Stevenson.

MR STEVENSON: Ms Hildebrand, my name is Stevenson. I'm the barrister for Westlink. Do you tell the Commissioner that you have given a complete and candid account to him of your involvement in this matter today?---I do.

10 And do you say that you have always given those who have asked you about your involvement in this matter a complete and candid account of your involvement?---I, I didn't tell Belinda who I gave my login to, no. No. I told her I'd given it to someone, but I didn't tell her who.

Right. Now the Belinda you're talking about is Belinda MacFarlane?  
---MacFarlane, yes.

And when you started work at Brookvale was she working at Brookvale then?---Not in the office, no, she was in Melbourne.

20 All right. Belinda MacFarlane did work at Brookvale though didn't she during the course of your engagement there?---She did. Yes, she did.

Eventually she became the site manager?---Yes.

At Brookvale?---I don't think she was ever based there, but she was in charge of our area, yeah.

She was the person to whom you reported at Brookvale?---Yes. For a time, yes.

30 And just while I'm there, who was her predecessor as site manager or the boss at Brookvale? Was that Mr MacFarlane?---David McMillan.

McMillan, sorry?---Yes. And, and Belinda also.

All right. Well you have a clear memory don't you of Ms MacFarlane telephoning you - - -?---Yes.

- - - on 16 November, 2009?---Yes.

40 And have you read the diary note she's made of that conversation?---No.

You told the Commissioner about half an hour ago that you didn't know the full extent of the downloads until, I think you said they turned up at my house. Do you recall - - -?---Yes.

- - - saying that about half an hour ago?---Yes.

Were you meaning to convey to the Commissioner by that answer that you didn't know how many downloads there had been until the ICAC raid on your house in April of 2011?---The first time I, I, when I spoke to Belinda I assumed that it was potentially an error in the number of downloads. And then the first time I believed that it was actually accurate was when I got the summons.

10 All right. Because you, you remember don't you that Ms MacFarlane said to you that the information she had then was that there had been 71,000 downloads under your and Mr Flemings name?---Yes. There'd been around 70,000 from my memory, yes. But I, both of us believed that it could possibly be an error because it was just too many.

So when you said you didn't know the extent until ICAC turned up at your house, you meant did you you didn't know the true or full extent, is that what you remember?---Yep, yep. Yep.

20 And you recall going back to 6 November, 2009, that Ms MacFarlane asked you whether you had been using your password to download title information and you told her that you had?---When was this, that phone call?

6, this was all 6 November '09?---I told her that I hadn't?

You had?---Oh, I had.

You told her that you have?---Oh, yeah, yeah.

30 And she asked you, didn't she, whether you had given your password to anybody?---(NO AUDIBLE REPLY)

Right?---Yes.

And you didn't tell her the truth, did you?---I told, I said one person.

What you said was that you asserted that you share password with Tim and Davie. Do you remember telling her that?---Yes.

40 That's Mr Fleming and Mr McMillan?---Yeah.

I'll come back to that. And then you said, all it would, I think you said something like this, all it would take is for one of them, that is Tim or Davie, to give the password to someone and then someone else. Do you remember telling her that?---I would never have put Tim or Davie in any, no, I would never have implied that at all. No. We discussed giving the - - -

Just focus what I'm putting, I'm putting to you?---Yes, that that's - - -

I'm suggesting to you, this is your chance to say something about it, that what you told Ms MacFarlane was that they, we all share passwords and that all it would take is for one of them, that's Fleming- - -?---(not transcribable)

- - -or McMillan, to give it to someone and then someone else?---No, no. We were discussing the fact that we gave them to contractors as well in our office, that many people had them. All it would take is for one of them, myself included, anyone, to pass it on and then, you know.

10

I'll come back to contractors, but what I'm suggesting to you is, you did say just what I've put to you and what you're meaning, and that?---(not transcribable)

20

What you were meaning to convey to Ms MacFarlane was that you had no idea yourself how it could be that your password had been used to cause downloads to be made, weren't you?---At the beginning of that phone call it was only through that, the time of that phone call which went on for at least twenty minutes where I started to think about Angus and what, what I thought had possibly happened. I never tried to imply that it was anyone else.

But you started off trying to convey to Ms MacFarlane that it was a mystery to you, didn't you?---That volume absolutely was a mystery.

30

It was a mystery to you how your password could have been used at all. That's what you were trying to convey to her, wasn't it?---I have no knowledge of that going on with my password. It was through that phone call that I became aware of it and that's when I told Belinda I'd given it to somebody and then- - -

What I'm going to suggest to you is that you had a change of heart in the course of the conversation and that you then said to Ms MacFarlane that you had been using your password for title searches, objections, DHA, that's the Department of Housing, is it?---Yes.

Defence Housing?---Yeah.

40

And your mortgage work and that in the past, last couple of months, you'd been using Heath Bedford's password?---I don't remember using Heath's, but if I've said that to Belinda then I must have.

Because in the middle of 2009, after you've ceased to be employed by Westlink, you rang Heath Bedford, didn't you, in Albury and asked him if you could use his password?---That's what it looks like. I honestly can't remember that phone call. I don't remember using Heath's, but if that's what the evidence suggests, then that must have happened.



You told Heath Bedford that you needed to use someone else's password 'cause yours didn't work for some reason, didn't you?---I don't remember the phone call, I can't confirm that.

You don't, you don't deny it?---Sorry?

You don't deny it that you rang him, Heath?---I, I don't remember making that call but if there's evidence to say that I did, well, then I must have. I don't remember.

10

THE COMMISSIONER: Sorry, Mr Stevenson. You couldn't have phoned him because you wanted the password yourself. You had no need for a password did you at that stage?---I mean, I was still working for Westlink so I, I could have a use for it, yes.

But you had your own password which was hildebrand2?---Was that still working when I've supposedly rang Heath?

It may not have been but I think it was?---Was it?

20

But the inference is, an inference is that the only possible reason for you phoning Mr Bedford was that you wanted to give his password to Addisons? ---No.

What other reason?---I don't know. I don't know the timing of this. I don't know.

30

MR STEVENSON: Well, if Heath Bedford were to give evidence that you did ring him and ask him for his password, you wouldn't dispute that, would you?---No, I wouldn't dispute that, no.

And then you spoke to Ms MacFarlane about Addisons, didn't you, and you said that you'd given your password and you said to an employee of Addisons. Do you remember saying that?---No, I don't remember that word, but I, I remember telling her that I'd given my password to someone.

Well it would be highly misleading of you - - -?---I don't remember.

40

- - - to have told Ms MacFarlane that you gave your password to an employee of Addisons?---I don't remember saying Addisons at all.

It would be highly misleading of you, it would have been highly misleading of you wouldn't it, if you had said to Ms MacFarlane that you gave your password to an employee of Addisons because you gave it to a directors of Addisons. Don't you agree?---Yeah, I, I, I don't remember making the reference to Addisons at all.

And you said to Ms MacFarlane that you were worried that this employee of Addisons might have passed the password on to others. Do you remember saying that?---(NO AUDIBLE REPLY)

You said that the temps, presuming you meant temporary employees and Eric used your password and Mr Fleming's password when they worked for Westlink. Now who was the Eric that you were talking about there?---Oh, just another short term employee at Westlink.

10 And what's his second name? Do you know?---Off the top of my head, I don't, but I can find out.

So what you are saying to Ms MacFarlane was a) you thought you, you had given a password to an employee of Addisons and that employee might have passed it on to others. And that temporary employees at Westlink might have passed the password on to someone. Right?---It was a circular conversation. We were both discussing possibilities.

20 But what you knew, what you didn't tell Belinda MacFarlane are these two things at least. You've given your password in an email to Mr Algie at the end of April 2009. Right?---Yes.

So he knew that when you spoke to Ms MacFarlane?---Yes.

You didn't tell her that?---No.

30 Because you wanted to, in your conversation with Ms MacFarlane minimise your involvement in this matter?---There was no way of minimising it, it was just, these are both conversations that have been had immediately after panicking in both instances and I'm saying things as I'm remembering things or just trying to work out how to deal with things.

But my point is you were misstating things weren't you because what you told Ms MacFarlane was you've given your password to an employee and you knew that wasn't true?---No, that's incorrect, yes.

40 But the truth is as we've seen today that you, whilst you were an employee of Westlink, gave your password to your prospective employer. Is that correct?---Mmm. Yes.

And I suggest to you you were trying to sow in Ms MacFarlane's mind the possibility of some temporary employees at Westlink, Eric, might be the cause of the problem that she was ringing you about?---We were discussing all possible scenarios, because at that stage I genuinely did not believe that it was Angus. I thought he possibly contributed to it, but I didn't believe for a second that it was all Angus. There was every chance that anyone that had worked for us could have taken the password and - - -

Yes, but you, you had some clue didn't you as to how this might have happened because you'd given your password to Mr Algie in April 2009 and Mr Fleming's - - -?---It was Tim that - - -

- - - password to Mr Algie in September?--- - - - (not transcribable) during the call I started to become more concerned because it was not just mine, it was Tim's.

10 And by now, that is by 6 November, 2009 you'd seen downloads with your name and Fleming's name haven't you?---Yep.

So you knew someone was at work with the passwords?---Some of them, yes. But I had no idea that - - -

Now on 10 November, that is a few days after that you left a message for Mr Bedford asking whether you could use his password for your New South Wales objections work didn't you?---I don't remember.

20 So just so we're clear, what I'm suggesting is that half way through 2009 you'd asked Mr Bedford his, Bedford for his password. Right?---Okay.

And I'm suggesting to you that on another occasion, that is after you'd found out that your password had been cancelled in November 2009, you rang Mr Bedford again and asked him whether you could use his password for your objection work. That's right?---I remember a call after the login's were cancelled to Heath, I think for a login, for his login because I was still doing objection work.

30 Yes?---And then when I spoke to Belinda about a login, and I'm sure it was Belinda who said to me, ask Heath to do the downloads for you.

All right. Well - - -?---And that in light of what had happened - - -

Well I'm going to suggest to you something pretty close to what you said, that what Ms MacFarlane said to you was that at Westlink a process would be set up where you have to request a search from someone called Clara. Do you remember a person called Clara?---I don't remember a Clara, but - - -

40 And that Westlink would provide whatever you needed for your objections work through that person?---Yes. There was a system in place after this happened, yes.

And I think you remained employed by Westlink until about March 2010? ---Yes.

So you remained under subcontract, should I say, to Westlink- - -?---Yes.

- - -until about March 2010?---Yes.

And between November '09 and March 2010, if you needed information for your objection work, you obtained it through Clara or someone else at Westlink?---I contacted Westlink, yes.

And not by accessing the database yourself?---No.

10 Now, when you started at Brookvale, I think you told us that Mr McMillan was the man in charge?---Ah hmm.

And you reported to him?---Yes.

Mr Fleming was also working at Brookvale when you started?---Yes.

So there were three of you there- - -?---Yeah.

20 - - -from day-to-day. And at some point between 2006 and 2009, Ms MacFarlane replaced Mr McMillan as the person to whom you reported at Brookvale?---Yes. I think it was both of them, but yes, Belinda (not transcribable)

Certainly Mr McMillan and Ms MacFarlane were from time to time the people to whom you reported at Brookvale and Mr Fleming was on an equal status as you were as, in the office?---Yes.

Both reporting to those two people?---Yes.

30 Correct. And throughout the time that you were employed at Brookvale, I want to suggest to you you knew these, these things. You knew first that you had to keep confidential and that you had promised to keep confidential information given to you by Westlink concerning access to the LPMA database?---I don't remember when I signed that document that I've now seen, but it's apparent that I signed something, yes.

40 Leaving aside when you signed documents you knew throughout your employment, didn't you, that you had an obligation as an employee of Westlink to keep confidential information given to you about access to the LPMA database?---I don't remember that being stressed enough that I shouldn't to that, no.

I'm suggesting to you that you knew it to be true, whether or not anyone said anything to you?---You would assume that you shouldn't but I don't remember it being made so clear that I should not give my access to anybody 'cause we shared our access around the office.

You've used that language to answer a number of questions, you would assume. You knew, didn't you, not assume, you knew that you had to use

the password for and only for the purpose of accessing the LPMA database for the purpose of your Westlink work?---Also the fact that I did other work for Westlink in the office of Westlink not related to that work- - -

I'll come back to that---?- - -without trying to hide it suggests that I thought that it was fine.

10 You don't suggest, well, let's go to that now, seeing as you've raised it. You knew, didn't you, during your employment at Westlink, that Westlink subscribed to various information broking sites that had access to real property information?---What are you talking about?

Anstal?---No.

The (not transcribable) site?---No.

The (not transcribable) the Red, Red Square?---Red Square, yes.

20 You understood Red Square to be a service to which Westlink subscribed through which it could, for a fee, you assumed, get information?---Yep.

And you know, didn't you, that so far as you did work for private clients, you could get all the information you needed to do private clients' work from Red Square?---Any information for any job, yes, Red Square.

30 And you don't suggest, do you, that anyone from Westlink instructed you to use your password to access the LPMA database to do private client work, do you?---We accessed all, I accessed all sites to do all work. I used Red Square for Department of Lands work, I used the Department of Lands Website to do other work. It was just all databases we had.

I'll put the question to you again. You don't suggest, do you, that you received any instructions from anyone at Westlink to use the LPMA database for private client work?---I don't remember specific instructions, no.

40 THE COMMISSIONER: I'd just like to ask again a question that Mr Stevenson asked, because I don't think that you've really answered it. Forgetting about any document you signed or anything else, did you know that you were only to use your password for LPMA work?---No.

You thought you could use it for anything?---Thought I could use it for any work that I was doing (not transcribable)

MR STEVENSON: But you knew, didn't you, that you had to keep confidential information given to you about access to the LPMA database? It was obvious to you?---You would assume, but no, I don't- - -

THE COMMISSIONER: No, no, I'm not asking, you've been asked not what you would assume but whether you knew or didn't know that you had to keep this confidential?---I don't remember. I don't know. I would assume, well, it's obvious you're not supposed to in hindsight but I don't remember consciously thinking.

MR STEVENSON: Well, sitting there now, I think is what you're saying, sitting there now it's obvious to you isn't it (not transcribable)?---Now, of course, yes, now - - -

10

(not transcribable) sitting there now it's obvious to you that you were, whilst you were an employee of Westlink advised to keep confidential the information it gave to you about accessing the LPMA database, right?---Ah hmm.

Do you agree?---I agree now it's - - -

20

And you said earlier that you would assume or one would assume I think you meant that was the case when you were an employee I am suggesting that you, you did assume that, didn't you? It was obvious to you?---I would have assumed it should have been kept, yes.

And you knew that you'd promised in writing to keep that sort of information confidential?---Well (not transcribable)

You've been shown those documents?---I've been shown it now, I can see that I did that.

30

And you knew you had your own separate password?---Yes.

And you knew everyone else had a different password from you?---Yeah.

And you knew that Westlink had to apply to LPMA to get the passwords that you had and other people had?---I would assume so, yes.

And you knew passwords were changed regularly, didn't you?---I don't remember the routine for that but I assume they were, yes.

40

Your password was changed regularly?---I don't remember if that was from my messing it up and having to reset it or not but I, I believe they systematically were renewed.

And you understood that there was no central storage area or central storage list at Westlink of passwords?---I don't remember seeing a single storage, place, no.

You understood didn't you that you knew your own password and that unless you told someone your password no one else at Westlink would know what it was?---True.

And if anyone knew who all the, knew what all the Westlink passwords were it would be someone at the LPMA computer section?---I don't think they knew any of our passwords.

10 And you knew that by the use of passwords Westlink could obtain access to information for nothing which would normally have to be paid for?---It wasn't a conscious thought, no. Like I said, I've never paid for one myself, I don't know how to go about getting one myself, it wouldn't take long to work it out but it wasn't a conscious thought because it never had to be.

20 But you knew when you ceased to be employed by Westlink that you couldn't continue to use your password to access information after you left Westlink in the way you had before you left Westlink, didn't you?---I didn't see it as a problem. I was still working for Westlink. It was going to expire, I just didn't see the problem with that, no.

Just before you left Westlink you got a new password, didn't you, the hildebrand2 password?---I don't, oh, relating to the objection work.

The only work that you were going to do as a subcontractor for Westlink after 1 May, 2009 that would require access by you to the LPMA database was objection work, wasn't it?---I didn't know that at the time because we still, Westlink still had a contract in Albury so I could very well have been involved in that potentially, it just worked out that way.

30 But your state of mind, surely, was when you ceased to be an employee on 1 May, 2009 and started to be a subcontractor, that the only work you would be doing for Westlink would be objection work. Sorry, the only work you'll be doing that would require access to the database was objection work and that that was why you got the hildebrand2 password?---The hildebrand2 password relates to the actual files relating to particular objections.

40 It's just (not transcribable)?---So it provides different information, you need that information to be able to carry out the objection or you need that database to do that work, it's not, it's not one or the other.

It was surely obvious to you that the one thing you couldn't do was to share your password with strangers to Westlink outside?---You would assume not, no.

Well, you say you would assume, what did you assume?---I assumed, I didn't see the harm in doing it because it was due to expire, it was just for someone to have a look, I didn't believe that that was a problem.

So - - -?---It was not - - -

- - - there was no problem giving it to your prospective employer because you thought it was due to expire, is that what you're saying?---I guess that was partially my thinking for it not being a problem because it wasn't going to be around for long, it was just for someone to have a look and that's it.

10 Mr Broad's been through that with you. Now, you gave some evidence about password sharing before lunch. Can I ask you some questions about that? I want to suggest this to you, that Mr McMillan never told you what his password was?---I believe I knew both Davie's and Tim's but if he says I've never had it I - - -

Well, I'm suggesting to you that he, he did not ever tell you what his password was?---Actually, I'm sure I had Davie's.

And nor did he ask you what yours was?---He may not have asked me for mine but I'm sure I've had his.

20 And certainly Ms MacFarlane never told you what her password was, did she?---I don't remember, I don't remember.

You know she didn't, don't you?---I don't remember. Well, I mean, if she says she hasn't, I believe Belinda but I - - -

And she never asked you for yours, did she?---I don't remember.

30 And insofar as Mr Fleming told you his password you assumed, well, you understood didn't you, that he thought that you would only use his password for the purpose of Westlink work associated with the Valuer General?---I don't know what Tim thought but - - -

Well, in your wildest dreams you didn't think that - - -?---Absolutely.

- - - Tim was giving you permission to pass the password to outsiders?  
---Absolutely not, no.

40 And I think you've told the Commissioner earlier you didn't tell Mr Fleming that you did pass his password on to strangers - - -?---No.  
- - - did you?---No.

And you didn't tell him because you knew that he would protest?---No, Tim wouldn't protest, he would worry and he, I wouldn't want to do that to Tim



and it was just something I didn't, I just didn't consider it to be a big deal, it would be cancelled and it wouldn't matter.

Well - - ?---And I've always, I've never attempted to put Tim in any position - - -

Sorry, I didn't hear that?---I've never attempted to put Tim in any position to hide anything I've done so - - -

10 So you just passed his password onto someone and hoped that nothing would - - ?---To have a look and it would be cancelled, yeah.

And hope that nothing would occur that might cause a problem for Mr Fleming?---Nothing would cause a problem for Tim because it would be my, my fault.

And you say, do you, that you gave Mr Fleming your password?---Yeah.

20 And that you understood, didn't you, that he would only use your password to perform information for Westlink concerning Westlink's contracts with the Valuer General?---I would assume he would use it for work at Westlink as he would assume that I would use it for work at Westlink.

It didn't occur to you in your wildest dreams that Mr Fleming might pass your password on to some outsider, it would have been, you would have remonstrated with him if he'd done that, wouldn't you?---(NO AUDIBLE REPLY)

30 No. And, yes. Yes, thank you.

THE COMMISSIONER: Mr Young, are you ready?

MR YOUNG: Yes, yes, sir, Commissioner.

Ms Hildebrand - - -

THE COMMISSIONER: Can you just tell Ms Hildebrand who you are, please.

40 MR YOUNG: Oh, yes, I represent Mr Algie. Is it the situation that in March 2009 I think Addisons advertised the position of contract valuers? ---Yeah.

You applied for one, one of those positions?---Yeah.

And your application was made on 26 March, 2009?---Okay, I don't remember.

And I think on 3 April, 2009 you had a meeting with Mr Algie?---Yes.

A conference with him?---Ah hmm.

And that conference was about your qualifications, the sort of job you would be doing for Addisons and generally questions in respect to your experience in the past?---Yes.

10 During that meeting was there any conversation between you and Mr Algie about you providing him with a password to access the information?---I don't remember. I don't remember when it was.

All right. Well, if I can put to you this, that, I'm putting this to you, there was no conversation between you and Mr Algie in respect of you providing him with a password?---There was none.

No, I'm putting that to you?---I don't remember.

20 THE COMMISSIONER: When? At that meeting or at any time?

MR YOUNG: At that meeting, Commissioner, yes?---I can't imagine there would have been because I would have just met them.

Okay. All right. Would you look at page 203 of the exhibit, it might be folder 2, your Honour, oh, Commissioner.

THE COMMISSIONER: That's volume 1. Do you have that, do you have that? Yes, Mr Young.

30 MR YOUNG: Do you have page 203?---203.

Okay. Do you recall a conversation before 20 April, 2009, if you go back to the Friday before that, which was 17 April, do you recall a conversation between yourself and Mr Algie in respect to providing a password?---I don't recall the conversation, but we obviously had one.

40 All right. Well I'm putting this to you that on the Friday, 17 April, 2009 there was a telephone conversation or a face to face telephone, sorry, a face to face conversation between you and Mr Algie in respect to providing a password?---Okay.

Do you agree with that?---I don't know when, but yes, there was a conversation, yes.

Okay. And did you say anything to Mr Algie at that stage about any limits on the use of that password?---I believe that I told him that it was going to expire soon.

That it was going to expire?---Yeah, any day, yes.

Okay. All right. Well I'm putting this to you, that you in fact told Mr Algie that he could use the password on a needs basis, when the need arose to use the password that he could use it?---No.

You disagree with that?---I disagree with that.

10 And I'm putting this to you, that other than that limit to the use of the password there were no other limits expressed by yourself to Mr Algie in respect of the use of that password?---I said don't give it to anyone.

All right. If you go to page 204, that relates to the, the Fleming password. And again I'm putting this to you that when you provided that password to Mr Algie it was on the basis of he could use the password as it was needed? ---No, it was no different.

Without the (not transcribable)?---The only difference, sorry?

20 Sorry?---No, there it was no different, no different to him, like I knew he'd told at least a girl in the office the password. But I didn't know that he was doing any more than asking them to have a look or him having a look. There was no - - -

Nothing further, Commissioner.

THE COMMISSIONER: Yes thank you. Mr Lewis.

30 MR LEWIS: Thank you, Commissioner. Ms Hildebrand, I think you told the Commissioner earlier today that you worked for QBE Insurance? ---Yes.

And then you worked for Westlink?---Yes.

And was that your first job in the valuation industry?---Yes.

All right. And when you arrived at Westlink were you given some training or instruction about how you would do your work?---I believe so, yes.

40 And in that instruction was there anything specifically said to you about where to source information to do valuations for private clients?---No. Just as (not transcribable) I guess we, I had that database when I was doing private client work and so I got the information from that.

Did you know of the existence of some other means by which you could get the information that you needed for private clients?---I wasn't aware of it, but I could have phoned someone if I had needed any information. But I

was able to gain the information from the system where I always had up to that point.

Was there any advantage for you personally in using the, the password for private client work?---No.

And then subsequently you and simultaneously with Westlink you worked for Addisons?---Yes.

10 And you commenced to do the same kind of work for Addisons?---As I was with Westlink.

Valuation of properties?---Valuation, yes.

For different kinds of clients - - -?---Yes.

- - - but valuation of properties?---Valuation, yes.

20 And I think you told the Commission that you would be given the work by means of first of all a text message which would then take you to access the Addisons webpage?---Yes.

Where you would then get your instructions?---Yep.

And how were you paid for doing that work?---A fee per job.

A fee per job. Were you expected to pay any disbursements that were incurred in doing the work?---No.

30 So was all the information provided to you, all the source documents by Addisons?---Yes.

And so using your password to collect strata plans and such did that advantage you in any way?---No.

THE COMMISSIONER: Well it enabled you to do the work quicker than you would otherwise have done it?---It gave me access faster if I was working late at night, but that was not something I needed to do, no.

40 MR LEWIS: And if you had not used your password how would you have obtained that data?---Addisons.

By what means? How would you have actually - - -?---I would have emailed or contacted one of the girls and they would have provided it and put it in the system.

THE COMMISSIONER: Right. If they had it in the system otherwise they would have had to get it from one of the information providers?---Yeah.

And pay for it?---I would assume so, yes.

MR LEWIS: Would you be expected to go to the broker and obtain it?  
---No. No.

You'd ask Addisons to give it to you?---Yep.

10 Did you think it was anything unusual that you didn't receive it from them  
when you were given your instructions?---Often we had to ask them for it.

That was normal was it?---Yeah.

So they'd give you some instructions but not all?---Yeah.

Was there anything obtainable by using that password that would not be  
available to a member of the public going through a broker to obtain that  
information? Do you know?---Not that I'm aware of, no.

20 There's no special information, no private information?---Not that I'm  
aware of. It's all public information, yeah.

And you subsequently learnt that Addisons had downloaded an enormous  
number of plans?---Yes.

Was it ever within your contemplation that that would happen?---No.

Is there anything else you want to add to your evidence?---I don't think so.

30 Thank you.

THE COMMISSIONER: Mr Broad.

MR BROAD: There's one matter arising from Mr Stevenson's questioning  
I'd like to raise with Ms Hildebrand if I may. Ms Hildebrand, Mr Stevenson  
asked you some questions about this conversation that you had with Mr  
Bedford concerning his user account and password and I appreciate that it's  
your evidence that you can't recall the conversation. But you accept that  
you obtained his password?---Mmm. Yes.

40 Now Mr Bedford has given evidence to the Commission and said that he did  
receive a phone call from you and that you indicated to him that your  
password to your account had been cancelled and that you were, you asked  
him for his user account and password so you could undertake objection  
work. I appreciate you can't recall the conversation but you'd be prepared  
to accept I gather that that's probably an accurate - - -?---I accept what  
Heath has said, yes.

And there's no doubt in your mind that that conversation would have occurred prior to the Fleming account being deactivated?---I, I remember a discussion after everything had been cancelled.

Well in your phone conversation with Mr - - -?---With Belinda, Belinda mentioned something to the effect, it was following my asking for Heath's password, after all of this happened and Belinda said something about if you need anything call Heath and Heath will, Heath will look it up for you.

- 10 Yes. When you, when you spoke to Belinda on 6 November, remember you told her that you had been using Heath's - - -?---This was all well after that.

Can you wait for the question? When you spoke to Belinda on 6 November you told her that you'd been using Heath's account for a couple of months? ---Did I?

Well that's what she's recorded in the file notes?---I don't remember that. But if that's what she's recorded than I must have.

- 20 Well that would suggest that you'd been using it, if the conversation with Belinda was on 6 November, that would suggest you'd been using it for say, since the beginning of September?---I don't remember all of that, but I remember after the passwords were cancelled, after (not transcribable)

Yes, I know that. I'm not asking you that. I'm asking you that as a matter of logic it would follow would it not that if you said to Belinda that you had the password for a couple of months, if that was a true statement that would mean you had it around early September?---It would, yes.

- 30 Right. So that would, would you also accept that it's possible that this phone call you had with Heath Bedford was around that time, around early September '09?---No. The call I remember was after I spoke to Belinda. It was well after.

You didn't, you don't remember a call?---I remember this other call, not the call- - -

- 40 I'm not talking about the other call, I'm talking about the call that you had with him to obtain, to obtain his password and username?---I made a call to him after Belinda called me.

I'm not asking you about that?---This is what I remember. I don't remember the- - -

Can you put that one out of your mind, that call? I'm not asking you about that call, I'm asking you about an occasion, which according to Mr Bedford was an occasion when you rang him and asked him for your, his username and passwords. And I'm trying to identify or determine when it was

approximately that you may have had this phone call?---The only time I remember making that call, a call to Heath asking for a password was well and truly afterwards, because I remember Belinda then getting in touch with me- - -

Okay. That's the call that you can remember. But if Belinda had recorded in a file not that you had said to her, I've had the Heath Bedford's account for a couple of months, that would suggest that you obtained his account a couple of months prior to 6 November?---It would.

10

Right. And it's possible, do you agree that it's possible that you told Heath that you needed his account for objection work?---Yeah, it's possible.

But you didn't need his account for objection work because then in September '09 you had Fleming's account, didn't you?---I don't think the sequence is right. I remember calling Heath, asking for his password, well after Belinda had contacted me.

20 Well, you were using Heath Bedford's password as early as 25 September, 2009 to download strata plans for Addisons?---I don't remember. I don't remember that.

See, what I'm suggesting to you is that you misrepresented the truth to Mr Bedford. You pretended that you didn't have an account when you did, you had Fleming's account and you pretended you didn't?---I wouldn't have needed Heath's. I wouldn't. I think the timing's all wrong. I would not have needed Heath's if I had a login already. Can I- - -

30 THE COMMISSIONER: Something I'm, sorry? Just go on?---Can I just finish what I was trying to say and you've interrupted me three times before I said it? After Belinda phoned me in November, sometime after that period I rang Heath. I don't remember when exactly, but I asked for a login 'cause I was still doing work for Westlink. At some stage, rather than giving him, giving me his password, he said, Belinda had said, said for me to contact him or someone else to get the, and down the track I would be provided with a password again, but just while everything was being sorted out, I remember that phone call. I don't remember when.

40 So while everything was being sorted out, what would happen?---Post the 70,000 downloads that Westlink had been made aware of there was a whole lot of, that was being investigated. I don't know, maybe she was not telling me the truth when she suggested that I would get access to a password again down the track for the work that I was doing, I don't know, but it was after the passwords had been cancelled that I remember calling Heath and asking for his password. I don't remember calling Heath asking for a password any time before that.

And how do you explain the work, the entries which reflect Heath Bedford's password in September?---'Cause I must have had his password beforehand, but after the 70,000 were identified, all logins were cancelled and all that were needed were reset. So I wouldn't have Heath's new password, I would need to call Heath for his new password.

You were given, there's something I don't understand, perhaps you can just clarify this. You were given hildebrand2 as a password for objection work? ---Yes.

10

So why did you need another password for objection work?---For getting strata plans, deposited plans, all the general information. The only information on that second site relates purely to the actual (not transcribable)

Why didn't you get a password enabling you to get all the information you wanted for objection work?---I don't know.

20

Did you inquire?---No, but by my calling Heath to ask for that password suggests that it wasn't the wrong thing, I was clearly wanting access to that database. If it was the wrong thing to do I would have been told that.

MR BROAD: I won't labour this, I'll just, maybe if I approach it another way. You have accepted today in your evidence that you were using Mr Bedford's account to download plans. And I showed you the summary document?---Yes. I accept that, yes.

30

Yeah. And I told you or I indicated through my questioning that the downloads commenced on 25 September, so plans were downloaded for Addisons' jobs using Bedford's account on 25 September. Correct?---Yes.

And I think you've accepted that, that you downloaded those plans?---I accept it I guess, yes.

That would suggest that you obtained Mr Bedford's account sometime prior to 25 September, 2009 or on 25 September, 2009. You've said that?---I, I accept that.

40

Right. So the conversation, if there was a conversation with Mr Bedford in the terms that he's suggested on, during the evidence he gave, the conversation was either on 25 September, 2009 or sometime prior to that.

THE COMMISSIONER: That's the conversation in which he says you asked him for his password and he gave it to you.

MR BROAD: Does that follow?---Okay, that's- - -



Can you accept that?---I really don't believe, I don't remember this conversation at all, so I'm relying on- - -

What I'm, the point I'm getting there if you had such a conversation with him either on 25 September or before 25 September, 2009, in which you asked him for his user account and you told him that your account had closed and you need an account so you can do objection work, you were misrepresenting the truth?---I don't know why I would have done that. It doesn't make sense. I don't know.

10

THE COMMISSIONER: She can't remember the conversation she said? ---It doesn't make sense for me to have done that. There must be something else or something's twisted or- - -

MR BROAD: Yes. I have no further questions.

THE COMMISSIONER: Yes, thank you. Ms Hildebrand, your evidence is complete. You may leave the witness box.

20

**THE WITNESS EXCUSED**

**[3.26pm]**

THE COMMISSIONER: I should just note that I said that the transcript of the telephone conversation was Exhibit 6 and that was an error, it should be Exhibit 5. Mr Broad.

MR BROAD: Yes, thank you. I call Mr Greg Hildebrand.

30 THE COMMISSIONER: Now, Mr Taylor, do you wish me to make a section 38 order?

MR TAYLOR: I'd seek that protection, Commissioner.

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

**PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I DECLARE THAT ALL ANSWERS GIVEN BY MR HILDEBRAND AND ALL DOCUMENTS PRODUCED BY HIM DURING THE COURSE OF HIS EVIDENCE AT THIS PUBLIC INQUIRY ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON**

**OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR HIM  
TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR  
ANSWER GIVEN OR DOCUMENT PRODUCED**

THE COMMISSIONER: Mr Hildebrand, do you wish to give your evidence under oath or do you wish to affirm the truth of your evidence?

MR HILDEBRAND: Under oath, please.

10

THE COMMISSIONER: Would you swear Mr Hildebrand in please.

MR BROAD: Yes, thank you.

Can you please give your full name?---Gregory Christopher Hildebrand.

And you're Kim Hildebrand's father, is that correct?---Correct.

10 And, Mr Hildebrand, you are legally qualified, is that right?---Yes.

And you had a conveyancing practice up until when?---1981.

THE COMMISSIONER: You were, you were admitted as a solicitor?  
---Yes.

MR BROAD: Do you still have a practising certificate?---Yes.

20 Now, since 1981 what have you been doing?---Property development.

And you own properties in your own right around the Port Macquarie area and Sydney, correct?---Yes.

Also in Forster?---I have a, we have a property at Forster but it's in my daughter's name.

All right. And some of the properties you own are commercial properties?  
---Yes.

30 There's a property in Port Macquarie that has got a number of commercial tenants and you have a property in Sydney which has a commercial tenant. Is that correct?---That's correct.

You also have a, an involvement with various companies in Malooka Holdings?---Correct.

Which owns property in the Port Macquarie area, correct?---Yes, correct.

40 And in the Sydney area?---Correct. However, they're divided (not transcribable)

Yes, all right, but some of the properties in the name of Malooka Holdings are strata units?---Correct.

And I think you own a, you own some freestanding houses in Sydney as well, is that right?---My wife owns one - - -

All right?--- - - - freestanding house.

And it would be fair to say that real estate has been an interest of yours for the better part of your adult life. Is that correct?---Correct.

Now, you recall the discussion you had with your daughter Kim Hildebrand about the nature of the work she was performing at Westlink?---Is this the conversation that was (not transcribable)

10 Can you recall that Miss Hildebrand, your daughter, started working for Westlink in 2006?---I recall she worked at Westlink, yes.

And she was working in relation to the Valuer General's contract?---Yes.

And she was provided with access to the SIX database?---Yes.

And do you recall occasions when the family got together and she would have discussed some of these things with you?---I recall one occasion when I asked her about the detail of the work, yes.

20 When did that, when did that occur?---I don't know for sure, I couldn't tell you exactly but I imagine it was soon after she began working with Westlink.

All right. And during that conversation did she indicate to you the nature of the information that was on the database?---Yes, I asked her how she got the information and for what it was.

30 Right. And it was clear from that discussion you had clearly that was information that she was given access to was relevant to her work the valuation work which was being done for the Valuer General for rating and taxing purposes.---Yes.

That was clear to you?---Yes.

And did you ask her for the user name and password?---Yes, I believe that.

Was that at that time or subsequent?---I don't remember the specific time but I think I did ask her and I quite believe I did ask her for it at some stage.

40 And you knew that she wasn't entitled to give you that access, correct?---In hindsight, yes.

Well at the time - - -?---And at the time, yes.

At the time. And you weren't entitled to have that access. Correct?---Correct.

Because if you wanted to get that information because on that database, particular if you wanted to conduct title searches, obtain copies of deposited plans, strata plans, registered dealings then you'd have to pay for that.--- Correct.

And I think in 2006 you had an account with an information provider?--- Yes.

10 And if you wanted to obtain any of those plans, title certificates or dealings you would put a request through your information broker?---That's correct, that's true.

And you'd pay what, \$22 for a copy of a plan?---Or \$13 if I did the search myself.

Right. And you conduct those sort of inquiries through an information broker because it was relevant to the business that you were conducting? ---Yes.

20 You had tenants, some of which failed to pay their rent.---Occasionally.

And it would be of interest to you to find out what, legitimately find out what property holdings they had - - -?---Occasionally.

- - -securing any money that was owed to you. Is that right?---That's, yes.

You also had a firm of solicitors that you instructed from time to time. Correct?---Correct.

30 And they would have acted on your behalf in relation to any property transactions.---Yes.

And they would have, I take it, would have had their own information broker who would have provided them with the relevant titles and plans for the purposes of conducting those transactions. Is that right?---Yes, I believe so.

40 So then asking for access to the database that was because you wanted to have access to a database that contained information that could assist you in conducting your business.---It was out of curiosity first, but later I looked a little bit further.

Right. When you say it was out of curiosity, what were you curious about?--I was an article clerk in the 60s and did title searching for a couple of years. I had an interest in property – always have – I've done a lot, read a lot of leases, deed et cetera and I suppose I'm interested to see how the technology has developed. That was the initial, the thrust of this inquiry, why I asked for it.

So you're interested in what, in how - - -?---How technology had changed from the days when I did go to the Land Titles Office and physically search the books.

Well, there was no technology back in the day when you were an article clerk.---I would consider a book some form of technology but I suppose the old days you'd go there and open up the volumes of folios and the different departments to get the plans.

10

In 2006 of course, you could access the plans or electronic copies of the plans on the LPMI on-line shop.---Yes, yes.

You could have done that as well, couldn't you?---I did do that in fact, sometimes.

So it was not long after you were provided with the access by Kim that you realised that the information that you were obtaining or gaining access to could be relevant to your business.---Yes, somewhat, but that wasn't the motivating factor.

20

Did you tell Kim why you wanted access?---I don't believe so, other than I certainly don't recall any specific conversation about why I wanted it.

Right. So it would have been something that was or it was understood - - - ?---It would have been along the lines of so I could have a look, I guess.

You're not able to say when you obtained access. Is that right?---Not exactly no.

30

No. Well approximately?---I can only say some time after Kim started working for Westlink where she gained it. I don't recall it certainly, I don't recall it in the first day or the first week or (not transcribable) I don't remember it taking (not transcribable)

Is it, is it fair to say that it could have been within the first year that she had worked there?---It could have been in the first year, it could have.

Yes, all right. And did you have access from, from that period right up until when?---I don't remember when I last used it but it seems a long time ago from now though, but I don't remember when I last used it.

40

Did she give you the hildebrandk account. Correct?---Yes.

Did she give you any other accounts?---I don't remember any k2 account.

Right.---I may have got another one from her but I don't remember if it's any (not transcribable)

You've been sitting here and hearing the evidence.---And I heard the names, that's correct.

Yes.---It's only just jogged my memory.

It has or it hasn't?---It has not jogged my memory I'm afraid. It may have happened but it was never a significant part of my life.

10 Yes.---Searching so it was never committed to memory.

The user name and password would have been committed to memory wouldn't it?---Well, Kim's name, well Kim's probably.

Well, her password would have been, you wouldn't needed to memorise obviously her user name but the password you would have needed to memorise. Correct?---I certainly remember hilderbrandk, yes.

20 Yes. Do you remember the Fleming user account being provided to you?  
---I don't, I don't remember to be honest with you it could have, I honestly don't remember but you could say Smith and I wouldn't remember that either so.

All right. What about Bedford, does that ring a bell, the Bedford account?  
---Bedford doesn't ring a bell.

30 Are you able to say, tell the Commissioner approximately how, how often you accessed the database during the period when you could?---I think initially there was a flurry of activity - - -

Yes.---?- - -in looking for some old friends and basically doing that sort of thing, looking up people that I knew to navigate the site. You say how many times I used it all up?

Yes.---I'd be guessing here, I mean I saw a list before but I mean, I don't know, 500, 1,000, 200, 100.

40 How long is a piece of string is it, you can't say?---Not, not, I wouldn't think multiple of 1000 but I would think hundreds because I guess you can drop and download it quickly.

You said 500 or 1,000 were the first figures you came up with, do you think that's - - -?---I would try to be, I would try to exaggerate because it would be higher rather than low.

Well you should be trying to be as accurate as you can.---In that case, I don't remember.

But it was a lot, are you prepared to say that?---Relative - - -

Sorry?---Relative, I don't know, a lot to compared to?

Well, if you had to pay for it you wouldn't have used it as much as you did. Isn't that right?---If I had to pay for it I probably wouldn't have used it at all.

10 No.---Because I couldn't be bothered. There was nothing that was really critical - - -

No, it was used. Sorry.---No, it was nothing critical or importantly I didn't really need it here.

No.---If I did, when I bought a property or sold a property I used a solicitor and he bought searches through the usual channels.

20 Yes.---I didn't do it to avoid that sort of cost on any, may be once or twice but I don't remember any (not transcribable)

Because lots of your accesses were simply because the information was there and you didn't have to pay for it?---Because it was there.

And you - - -?---The cost really wasn't a consideration - - -

30 There was, I mean if you had to pay for it you wouldn't have made the, wouldn't have bothered to access the information.---Because I couldn't be bothered seeking the information that much generally, there was only a couple that I would have probably but it would cost, there was not of any great consequence. You would have had to pay for it (not transcribable)

Yes. I might just take you to some examples of the, of your accesses - - -? ---Sure.

- - -Mr Hildebrand. If Mr Hildebrand could be shown folder 2.

THE COMMISSIONER: I don't think we need to spend too long on that Mr Broad.

40 MR BROAD: All right. Well, may be just one Commissioner.

Well, I'll just take you to one access Mr Hildebrand. If you turn to page 615.---Yes.

Now, this is a copy of a, of a strata plan for a property in Cremorne, do you see that?---Yes.



And it was accessed on 17 June, 2008 using the hildebrandk account and the plan goes for some pages and if you turn to page 624 through to 665 it's clear that you've downloaded all the certificates or you've done a title search in relation to all the 42 units in that particular strata property?---Yes.

And that was a property in respect of which you owned a unit, correct?  
---We have a unit in that block, yes.

10 I'm sorry?---We have a unit in that block, yes.

And you were just curious to see the ratio of owner occupier to tenanted dwellings in that particular strata property?---Yes.

And because why was that, where were you interested in knowing that sort of information?---Fully owned is sometimes easier, better maintained than tenanted.

20 All right. And that was typical of the sort of accesses that you conducted?  
---There was only one I (not transcribable) did that but - - -

With that particular property but you realise that - - -?---Of that particular kind too.

Well, I think there were, there was another occasion you accessed - - -?  
---For that reason, that was the only time I did it for that reason.

30 All right. Well, I think you accessed a property, another property, a strata property, you downloaded title searches in relation to various units at Reed Street, Cremorne?---Yes.

Is that another property you own?---Yes.

And why would you have conducted inquiries in relation to all those units in that property?---There's only seven in that block, we've only got one for many years, this was in '08 sorry? It was in 2008?

Sorry, yes, it was in, 9 August, 2008?---I can only imagine I did it because I could.

40 Right?---I can't imagine any other reason. I'd owned there for 15 years.

All right. I think, you recall you had a tenant the name of Sharif?---Yes.

And he wasn't paying the rent, he was in arrears?---Actually, actually he did pay the rent but I let him out of the lease - - -

Right?--- - - - on the condition that he'd pay the balance of it when he left.

Yes, but initially he was falling behind, correct?---He was struggling but I think he paid. We made an arrangement. I think he paid. I, I (not transcribable)

Sorry?--- - - - check a property which he said he owned.

Yes, he told you that he owned a property and you wanted to double check - - -?---Yes.

10 - - - to see whether you could see that as a security to get the money he owed you?---Correct.

And that was another typical example of how you accessed the site?---Yes.

Can you recall an occasion when Ms Hildebrand, sorry, your daughter Kim, told you that she'd given someone at Addisons her user, her hildebrandk username and passwords?---Yes.

20 Where did that, did you have a conversation with her face to face?---Yes, it was at Reed Street, Cremorne.

Right. And - - -?---(not transcribable)

It was around the time or shortly after she had given the access to the person at Addisons, correct?---I think it, just, I think it only just occurred.

Right?---I think, from my memory.

30 Well, you've heard the evidence today that the access you provided Mr Algie with the email containing the details on 20 April, 2009 so the conversation you had with Kim was sometime shortly after that date, would that be fair enough?---I imagine, I imagine, I think it was pretty, pretty soon afterwards, yes.

Right?---I didn't know that she had emailed but she was just, it was just conversation.

40 Right. And what did she tell you? What, what was her words to the best of your recollection?---I don't know whether she was feeling guilty about having done it which is why she told me but I have a feeling she had reservations about the fact she'd done it and volunteered the information to me that she'd done it.

All right. And were you upset with her for doing it?---Yes.

And why was that?---Because it was confidential information and it shouldn't have been revealed to someone you did, well, anyone obviously but certainly to someone you don't know so well.

Because - - -?---It's a lot of trust to give.

Because you realised the possibility that that access to which you'd given Mr Algie, Algie, could be used by him?---I alerted her to that but I don't think it actually, she considered it.

10 What did you say to her about that?---I scolded her really for doing it. I scolded her. I said, "You shouldn't have done that." And she was aware that I was upset about it so- - -

And did you make it clear to her why you were concerned, that is that there was a risk that Mr Algie might use it?---Yes, there's a risk, you can't trust everyone.

Yeah, and that he would use it, well, because he was the managing director of a valuation company?---Correct.

20 It was obvious, wasn't it?---But Kim trusted him. She assured me that she trusted him (not transcribable)

But the long and short of it is that you made it clear to her that the risk was that he would use the account?---I guess she figured she could trust him as much as she could, I guess she could trust me, which is, well (not transcribable)

30 Mmm. Did you give her any advice as to what she could do to remedy the situation?---No, and I regret I didn't at the time. I think it was too, I think the thought was it was a bit too late, but in hindsight obviously we should have corrected it.

Why was it thought that it was too late?---I'm only thinking, just putting myself back in that time, I think that was the, after the conversation it was figured, O.K., well, it's out, we'll just hope, then, then I think it just went away. But I think in hindsight obviously we should have, I should have been a bit more (not transcribable)

40 Did you get the impression that Kim had provided him with his access as a way of perhaps- - -

THE COMMISSIONER: (not transcribable) Mr Broad. I think what Mr Hildebrand's opinion is is not really relevant.

MR BROAD: Did, after that conversation with, with your daughter, Kim, you continued to use the account. Correct?---(NO AUDIBLE REPLY)

And you used it up until the time that it was cancelled?---I don't know when I stopped using it, but- - -

You used it throughout 2009. Correct?---I, I, I don't, I don't know. I assume so, but I assume you have all my computer records.

Yes. I have no further questions.

THE COMMISSIONER: Yes. Well, Mr Haverfield, I take it you won't have any questions?

10 MR HAVERFIELD: No.

THE COMMISSIONER: Mr Goldsworthy?

MR GOLDSWORTHY: No, Commissioner.

THE COMMISSIONER: No. Mr Lewis?

MR LEWIS: No, Commissioner.

20 THE COMMISSIONER: No. Ms Carpenter?

MS CARPENTER: No questions, thank you, Commissioner.

THE COMMISSIONER: Mr Stevenson?

MR STEVENSON: No, thank you.

THE COMMISSIONER: Have I left anybody out? Well- - -

30 MR YOUNG: No questions, Commissioner.

THE COMMISSIONER: No, I left you, left you to the last. No questions. Mr Taylor?

MR TAYLOR: Commissioner, just briefly on one issue?

THE COMMISSIONER: Yes.

40 MR TAYLOR: Thank you. Mr Hildebrand, when investigators came to your home at Port Macquarie they seized a number of computers?---True.

Do you know how many?---Four.

And one of those computers was an old laptop?---Correct.

Have you had possession of that laptop say continually for the last 5 or 6 years?---No.

When it wasn't in your possession, who had possession of it?---Correct.  
Oh, who had it?

When it wasn't in your possession, who had possession of it?---I think Kim had it for work. I think Kim (not transcribable) work.

Do you recall when it was that Kim took possession of it?---I don't.

Do you recall when it was, sorry- -?---Some years ago.

10

Do you recall when it was that Kim returned the laptop to you?---I think I got it back about a year ago.

A year ago from now?---A year ago from now.

So in 2010 sometime. Yes, thank you, Commissioner.

THE COMMISSIONER: You may be excused?---Thanks.

20

**THE WITNESS EXCUSED**

**[3:59pm]**

MR BROAD: Yes, I call Deborah Whitelaw.

THE COMMISSIONER: Ms Whitelaw, won't you be seated.

MS WHITELOW: Thank you.

30 THE COMMISSIONER: You're not legally represented.

MS WHITELOW: Yes, I am.

MR GOLDSWORTHY: I act for, I sought leave to act for her.

THE COMMISSIONER: You did, I beg your pardon. Yes you did, Mr Goldsworthy, I beg your pardon. Do you wish me to make a section 38 order:

40 MR GOLDSWORTHY: If you would.

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

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

THE COMMISSIONER: Ms Whitelaw, do you wish to give your evidence under oath or do you wish to affirm the truth of your evidence?

MS WHITELAW: Affirm.

THE COMMISSIONER: Mr Broad.

MR BROAD: Yes, thank you. Can you give your full name please?  
---Deborah Kim Whitelaw.

10 And Ms Whitelaw, you are presently employed at Addisons?---Yes, I am.

And what's your position there at the moment?---Office manager.

And when did you commence in that position?---In I think it was June 2009.

Right. Could it have been May 2009?---Yes, it might have been May, just at the end of May.

20 All right. Prior to working at Addisons you worked in the travel industry between 2001 and 2006. Is that right?---No. I had sort of various part time roles. The previous job was in the travel industry at Tour East Australia.

Right?---I was there for about a year.

But you worked for (not transcribable) Travel between '84 and '89?---Yes.

Yes. And after that you worked for Ansett Australia?---Yes, I did.

As a customer service officer?---That's correct.

30 And from 2006 to 2008 you worked with Di Jones Real Estate?---Yeah.

Is that about right?---That's probably about right.

And that was a various Di Jones Real Estate offices?---Yes, it was.

And you were the office manager at the Bronte office?---Yeah, job share.

40 Job share. And you were the sales assistant at the Woollahra office?  
---Correct.

And you were the marketing coordinator of executive accommodation at the Bondi Junction office?---Correct.

Right. And when you started at the Di Jones Real Estate in 2006 had you worked in a real estate agency before?---No.

So did you undertake some training?---Just on the job.

On the job. Did you do a course called the Certificate of Registration with the Real Estate Institute of New South Wales?---Oh, yes, I didn't complete it though.

Right. And you started that when?---Oh, oh goodness - - -

Was it some time around the time you started at Di Jones Real Estate in 2006?---No. It would have been sort of a year and a bit later maybe.

10 Ah hmm. And what's the point of that course? What's the purpose of that course?---You get your certificate of registration and then you can train I think to be a real estate agent.

Okay. And, and that was really a course designed for new entrants into that particular (not transcribable)?---Yeah.

And you didn't finish the course but you started it?---Yes.

20 How far did you get through?---Not very far.

All right. Is that a course at TAFE?---No. I did it online.

Right. With a registered training organisation?---I'm just trying to remember how, who I ordered it through. I think it, sorry for, I'm trying to remember, because I did it online there was a few places you could do the course through and I think I might have applied through the, it would have been the API, New South Wales.

30 API stands for Australian Property Institute does it?---Yeah. I think they were running a course online. I think I chose to do it through their online account.

All right. Anyway, some of the matters covered in the course included the roles and responsibilities of particular governments agencies in respect of agency, real estate agency practice?---Yes.

Yes. Do you recall learning about the Land Titles Office?---No.

40 Or was that a part of the course?---It probably would have been.

All right. And did you recall hearing about the Valuer General?---No.

Some of these authorities might have been mentioned in the course, you don't have a recollection of it?---No.

All right. But while you were working at Di Jones Real Estate you would have been, would have become familiar with these particular agencies, the



Land Titles Office for instance?---No, not necessarily. My role didn't involve with that - - -

Right. Well what did it involve?---Mainly I sort of was just a part time assistant and it was mainly to help with the, their administration, the sales agents. Mainly helping them with call backs, collating their work, collating you know their brochures and - - -

10 Right. Did you do some training in the use of various databases while at Di Jones Real Estate?---The use of RP Data.

RP Data. What's RP Data?---It's a property information site and you can look on it to look up property sales.

And Di Jones had an account with RP Data?---Yes, they did.

Right. I think you actually did a Web course on how to access and use RP Data. Is that right?---I did do a course, yes.

20 And RP Data, as you've said, contains information about sales?---Yeah.

And to gain access to RP Data you have to pay for it?---Yeah, I know you do, but I wouldn't have been really even aware of that.

But you would have been when you did the Web course, surely that would have been something that would have, you would have become aware of?  
---No, it's about usage, not about, getting it, obviously I was already employed with a company that had the program so you just went along to learn how to use it.

30 Right. But you understood when you were working at Di Jones Real Estate that the access that they had to RP Data was paid access?---Yeah, I suppose I would have been.

Well, you were the office manager of the Bronte office. Correct?---Yes.

And I take it as office manager you would have been responsible for administering some of the accounts?---No. It wasn't set up like that.

40 Right?---It was a very small office that they'd sort of splintered out from the Woollahra office and I job-shared with a girl that came back and, and her, our main role was sort of really on the marketing side.

And certainly by the end of- - -?---And reception.

By the end of your time at Di Jones Real Estate you would have realised that you had to pay for access to RP Data?---Um, I probably would have been aware of that.

Yes, because the information that related to properties, the sales information was at least by RP Data was regarded as some value?---Um- - -

Otherwise they wouldn't charge you for it?---Well, I guess I didn't think of that in my role. It's just a, you know, I didn't look on the site very often, I didn't, the agents probably used it more so than I did.

10 And I think after 2008 you left Di Jones Real Estate and you started working with Laing Simons at Double Bay, real estate agent that is?---Yes.

And you were the sales and marketing executive there?---I just worked with one agent.

Right. And you were the sales and marketing executive or - - -?---Well, yeah, I was like her sales assistant. She liked to give me that title.

20 Right. And did you have to access that RP database at the Double Bay office at Laing Simons Real Estate?---Yeah, sometimes I would access it to sort of print off sales - - -

Did you have need to access other databases to obtain, to conduct title searches?---No.

You didn't do that work?---No.

30 What about at Di Jones Real Estate did you those?---No. We wouldn't, I suppose no one really accessed that sort of information because as far as I know when we got the contracts for the properties, the information was already included because you went through the solicitors.

All right. So that the plans, the strata plans and the deposited plans were already attached to the contract - - -?---Yeah.

- - - when it was, it came across your table at the real estate agent?---Mmm.

All right. Is that a convenient time?

40 THE COMMISSIONER: Yes. We will adjourn until tomorrow at 10.00am.

<THE WITNESS WITHDREW [3.59pm]

AT 3.59pm THE MATTER WAS ADJOURNED ACCORDINGLY [3.59pm]