

CHARITYPUB00783
23/02/2011

CHARITY
pp 00783-00829

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE DAVID IPP AO QC

PUBLIC HEARING

OPERATION CHARITY

Reference: Operation E10/0035

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY 23 FEBRUARY 2011

AT 2.05PM

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

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

THE COMMISSIONER: Yes, Mr Alexis.

<JOHEL NEIRON, on former oath

[2.07pm]

MR ALEXIS: Thank you, Commissioner. Dr Neiron, before the luncheon adjournment, I was dealing with the point in time at which some lawyers were retained in relation to concerns with respect to Ms Lazarus that you had at that time. Can you recall to mind what it was that the lawyers were instructed to do in relation to your concerns?---My lawyer?

Yes, the lawyer that you retained?---(not transcribable) we have, we, we start to understand for some reason of, something is wrong happened and we been shaft by someone, by, by Sandra Lazarus. So we, because we can't reach her and we can't find her as much we try, we decide to go to the hospitals and to clarify with them if officially any clinical trial has taken place. And we were, and if not we want our money back.

Now in relation to that subject matter and the time at which all that occurred, did you ever make any request of Ms Lazarus to return the laptops and the equipment that you described earlier in relation to the use of the Medex device?---Yes, many times.

And in circumstances where you've told us where contact was difficult, how was that request communicated to her?---By email. Mostly by email.

Did you get a response to any of those emails in relation to that sort of request?---I think once we have a phone call and I can't remember if I met her after that, but I, I can't recall that. And then she say she will return the, the equipment and also she will return the funds.

Now in addition to equipment, was the request to return anything else? ---The laptops, the unit itself, the hasp and, and the money.

All right?---Nothing more.

Okay. And did any or all of those items come back to you?---Indirectly only receive only three units, three laptops and three units, we receive it back. But not to us. The unit is being forwarded to Mr Vern Pleiksna. We don't know why and we don't know from where. They don't want to give us any information. The, the laptop being absolutely destroyed. And that's it. They receive the, our lawyer in Perth. We haven't receive it, the lawyer receive it to, is one day that is someone drop it in his office and then he contact us and he say that he receive, it seem from David Pleiksna, which is Vern Pleiksna son, they receive the, the three units.

Did you ever receive any documentation back from Ms Lazarus following the request that you've told us for the return of equipment?---No, not (not transcribable) not at all.

Did you ever receive any documents pertaining to patients that had been examined using the Medex device?---Never. I never saw that.

Did you ever receive any consent forms relating to any patients that may have been examined using the Medex device?---Never.

10

Did you receive any graphs of the colour type that we went to earlier, I think in Exhibit 9 this morning, relating to any patients that had been examined with the Medex device?---No. I receive only the, the draft, the draft article that is supposed to be published and with the request that is the correct in the language. That's all.

Now did you ever receive any documents that could be described as a contract?---From where?

20

For example a contract that you entered into or your company entered into with Ms Lazarus in relation to the criminal trial, I'll withdraw that I'm sorry. The clinical trials that were proposed before the time that the events at Strathfield and St Vincent's occurred? Did you ever get that contract back?---No, nothing. I haven't receive any document from Ms Sandra Lazarus. I haven't received anything actually from her. I receive only the equipment, the laptop and the units and indirectly, 'cause our lawyer, as I said before, our lawyer receive it. No document at all.

30

Now it's been suggested that you had made a request that you wanted "everything back that included all the work that had been done that was still on the hard drive and the Medex laptop", Commissioner, page 609 of the transcript from line 10. Again, that's just a reference for the Commissioner, sir. Did you make ever a request either in those terms or similar terms to Ms Lazarus?---I, I only request her to return the laptops and the units and the hasp.

40

Did you ever get any lawyers that had been retained for you or your companies to make contact and make any threats with respect to the return of the hard drive or Medex laptops or documents in their possession?---No. We can't reach her. We can't find her.

Now in paragraph 81 of your first statement, could I go to that, please, on page 21, can I ask you whether or not you ever became aware that Ms Lazarus and any of her family members were invoicing any of the hospitals that you understood might be the subject of some clinical trials for the work that they were doing?---Never.

Did you ever understand that Ms Lazarus or her sister would be invoicing hospitals for goods and services through corporate entities that they controlled?---No idea. Never.

MR ALEXIS: Did she ever tell you that that's what she was going to do in order to get paid for her work she was doing?---No, she only told me that she received funds from the university, nothing at all.

10 But in paragraph 82 you tell us or rather you express the view that there is no reason why Ms Lazarus or family members should be issuing tax invoices, do you see that?---I, I heard it for the first time when I give the first evidence and I say there is no reason for that, not allowed to do that.

And just in that respect you affirm paragraph 85 at the end of that sentence to some regulations, do you see that?---Yes.

You say there that you - - -?---But it was also in the agreement, she not allowed to do any charges to the hospitals. We supply everything.

20 But in paragraph 85 you say that Ms Lazarus should not have charged anything against the hospital as it is against the regulations?---Yes.

What are you referring to there?---That is the international regulation, the EC regulation and (not transcribable) regulation.

30 And could you just explain to us the content of that regulation or regulations that you refer to as - - -?---The (not transcribable) regulations say, I put it in my own words, okay, so not exactly as the written (not transcribable). That is the coordinator have no right to charge the hospital for any work that they do and it should be through the university's institution or something.

Thank you. Now, in paragraph 57 of your statement coming back to page 14 at the bottom of that page you tell us about your knowledge concerning two clinical trials, one at Strathfield Hospital and one at St Vincent's Hospital and then you tell us about a third clinical trial at the Royal Hospital for Women, do you see that?---Yes.

40 And in that respect you say that Ms Lazarus claimed to have undertaken three clinical trials the third of which being the one at the Royal Hospital for Women, you see that?

THE COMMISSIONER: It's at 58.

MR ALEXIS: It's paragraph 57 at the bottom of page 14 over to the top of page 15. Do you see that?---Yes. (not transcribable) Sandra the understanding of the protocol and the amount of (not transcribable) and the number of the patient for this, for the Royal Hospital for Women. However, because we have complication with Sandra regarding the other two hospitals

which is supposed to be three but in the end is, end of the two we have formally forward a letter to the Royal Hospital for Women and we say that due to financial circumstances we are withdraw our interest to conduct anything at the (not transcribable).

All right. Now, I'll try and develop your knowledge of what happened at the Royal Hospital for Women in some helpful sequence if I may?---Yes.

10 Can we start with paragraph 139 of your statement. And do you see that you there tell us that you were aware that Ms Lazarus intended to undertake a clinical trial at the Royal Hospital for Women?---Yes.

Now, when did you understand that that was her intent?---I can't remember the date.

20 All right. Now in paragraph 140 you refer to being unaware of any actual clinical trial into cervical cancer using the Medex device ever commencing and is that what you say about the Royal Hospital for Women?---Yes. And I can substantiate that.

All right. Well let's just step through a couple of things first before get to the detail of that. Now can Dr Neiron be shown Exhibit 1, please. Now would you open the volume, please to page 95, you'll see the numbers in the top right hand corner?---Yes.

30 And in paragraph 147 of your statement you've referenced I think this letter and should we understand the position that you either, you did write and sign a letter, a copy of which we see at page 95 of Exhibit 1 to the Royal Hospital for Women?---Yes. We reach with them that agreement for the clinical trial and as I say before, due to complication with Sandra, we have forward to them letter that say that due to financial circumstances we withdraw our interest.

Now - - -

THE COMMISSIONER: Dr Neiron, just concentrate on answering the question?---Yes.

40 There are so many questions, it will just be quicker.

MR ALEXIS: Thank you, Commissioner. Now we see the date of the letter, 14 May, 2008?---Yes.

And is that the date upon which you came to sign the letter?---Yes.

Having done that what did you do with the letter?---With this letter?

Yes, the original of this letter?---The original, oh, I think we hand it to, to Sandra. I can't remember.

All right?---I think we give it to her by hand. I think so.

And when you refer in that answer to we, who are you referring to?---Oh, we I say, is Sydvet. I personally give it to her.

10 Right. In any event you signed the letter with the intention of it going to the hospital to indicate your company's position?---Yes.

Now I want to come back to the letter, but if you just turn back two pages in the bundle, you'll see firstly on page 93 a letter of 13 May, 2008 from the Royal Hospital for Women addressed, To Whom It May Concern. Do you see that?---Yes.

And on page 94 you'll see another letter again from the hospital addressed similarly, To Whom It May Concern, providing some bank account details? ---Yes.

20

Now do you recall receiving those two letters either before or around the time that you sent the letter to the hospital at page 95?---I think I receive, I can't remember which one of them, but the one - - -

Well if you look, if you look at paragraph 151 of your statement and perhaps you can read paragraph 151 to yourself, look at the two letters at page 92 and, I'll withdraw that, I'm sorry, page 93 and 94?---Yes. Yep. I receive it from, from her.

30 Yes. From whom did you receive those letters?---I receive from Sandra Lazarus.

All right?---I receive, except two letters that is our lawyer receives and one letter that is Vern Pleiksna receive, I receive all the document from Sandra.

Thank you.

THE COMMISSIONER: Dr Neiron, just answer the question?---Okay.

40 MR ALEXIS: Now come back to your letter at page 95, please?---Yes.

Now, before you signed this letter had you or the Sydvet company or the Medex Screen (AustralAsia) company paid any money to the Royal Hospital for Women in connection with a clinical trial involving the Medex device?---Never.

Before you signed this letter had you informed Ms Lazarus that any money had been deposited with the hospital in connection with any trial that she might undertake at that hospital?---Sorry, I am not with you, I'm sorry.

At the time you signed this letter - - -?---Yes.

- - - had you informed Ms Lazarus - - -?---Yes.

10 - - - that money had been deposited with the hospital for the conduct of a clinical trial involving the Medex device?---Never, she's supposed to give us other document and she's supposed to register the clinical trial with ACTR or something like that, the government and then when it's published on the Internet and she give us the code number then is we deposit the money. The money never be deposit before that is the Australian government, oh, the health department of Australia will recognise that is she allowed or are we allowed to enter into any clinical trial and that is exactly what happened with the other two.

20 THE COMMISSIONER: The answer was simply no?---No. Okay, I tried to explain what is, like why is no.

No, no, if we need any explanation you'll be asked?---All right.

MR ALEXIS: Now, Dr Neiron, could you direct yourself please to what you say in this letter and particularly the second paragraph where you refer to something as currently agreed, do you see that?---Yes.

30 And we see from the terms of the letter that what is there referred to as currently agreed is the initial grant amount being based on A\$75,000, do you see that?---Yes.

Now with whom was there an agreement to make that initial grant amount? ---That is the amount of dollar that Sandra has expressed to us that is, would cost the clinical trial.

So was that in reference to any agreement or discussion with anyone at Royal Hospital for Women?---No. I can't recall that ever we spoke with them.

40 THE COMMISSIONER: Did it have anything to do with the letter at page 93?---On page 93, we received this Sandra, how, where to deposit the money.

It's a letter from the Royal Hospital for Women saying that \$73,950 will be required?---Yes.

So I'm asking whether in saying this in your letter of 14 May did you have in mind this letter at page 93 or not?---Yes, at that time that is we, we, I signed, yes, we have (not transcribable) to conduct the trial.

I'm talking about have in mind the amount that the hospital asked for in the letter at 93?---Yeah, that is, that is what it was the first and then later on we understood it's 75,000.

Yes. All right.

10

MR ALEXIS: Dr Neiron, was there ever any discussion at all with Ms Lazarus about the \$75,000 figure referred to in this letter being the first of a number of payments to be made in relation to the conduct of a clinical trial at that hospital?---No. It was one amount.

Now, can I ask you to come through to the document at page 100 of Exhibit 1, I'm sorry?---Okay (not transcribable). Sorry, which page?

That's my turn of phrase you understand?---Oh, right.

20

Page 100 in the top right-hand corner. I think you need to go forward through the bundle, sir. Now, just take a moment to look at this email, Dr Neiron?---Okay.

But do you see this as an email that seems to have been sent to you by Ms Lazarus on about 17 June, 2008 attaching a clinical trial agreement?---Yes.

And I think you tell us in your statement at paragraph 152 that you received that email on or about that day, is that so?---Yes.

30

And in relation to the clinical trial agreement could you just perhaps keep a hand at page 100 and go back to the document starting at page 96. And just have a look at 96 to 99 inclusive?---Yeah, the agreement for the clinical trial.

So is your recollection that you received with the email the agreement for clinical trials that I've just identified?---I remember I received the agreement for the clinical trial.

40

Now, did you ever provide Ms Lazarus with the form of or the terms of the agreement that we see in written form at page 96 to 99?---We have standard agreement which is a general agreement and then we forward (not transcribable) to Sandra and we forward it to the hospital and the hospital look at the agreement and which part of it don't apply they take it out or they rectify the paragraphs so it's, it's a standard agreement and then on this (not transcribable) is a draft and on this (not transcribable) the hospital decide which one they like and which one they don't like.

But with the email I think you've told us you received this agreement at page 96. Do you recall it having the signature that is apparent on page 99? ---I, possibly, I can't say anything, I mean I don't know who signed this agreement.

All right. But did you or did Mr Pleiksna or did anyone else to your knowledge sign this agreement for clinical trials on behalf of Medex Screen Pty Limited?---No, I don't know. I don't know. Generally I sign, I suppose to sign but I can't recall it.

10

You can't recall signing this clinical trial agreement?---I can't, I can't recall it. I, I, I possible receive it yes, but I can't really, I can't, no, I can't recall it.

Now, just coming back to the email please at page 100. Could I ask you to just focus on the content of the message and you'll see in the second line Ms Lazarus is telling you that this was the last outstanding document, that is, the clinical trial agreement, "Can you please confirm the required trial funds will be transferred to the given bank account, the bank details", I'm sorry, "in two weeks." Do you see that?---Yes.

20

Now, can you tell me what happened after you got this email on the subject of the request contained in it about transferring funds?---We been informed that is we have complication with St Vincent Hospital and the same with the Strathfield Hospital and then we decide not to go ahead with it.

So - - -?---And as well (not transcribable) the proper document we explain to Sandra Lazarus that whatever she like us to do we need official and proper document.

30

So by this stage, that is the receipt of this email on 17 June - - -?---Ah hmm.

- - -should we understand that you had received from Ms Lazarus the letter from the Strathfield Breast Clinic and the other letter from St Vincent's Hospital, both dated 16 May, 2008- - -?---Ah hmm.

- - -and both setting out the expenses that had been paid out of the funds that had earlier been deposited with each of those hospitals?---Yes.

40

And by this stage you'd have the concerns that you told us about before lunch. Is that so?---Yes.

You've made the inquiries that you've spoken of before?---Yes.

Had you retained the lawyers by this stage?---No, I haven't.

Had you made the inquiries concerning the articles that were said to have been published?---Yes, yes. I contacted the, the, the medical journals and I contact the hospitals and I received a very unpleasant reply from them so

- - -

Right. Now, I just want to go to some other matters, but before I do- - -?
---Yeah.

10 - - -could you please look at a document attached to your statement. I'll have it called up on the screen for you, but it's a letter apparently from your company, Sydvet, but this time addressed to the Royal Prince Alfred Hospital, bearing date 10 June, 2008. And, Commissioner, I regret the attachments to this statement are not page numbered, but after the copy
cheques and after the letter from the Strathfield Breast Clinic, there's a further two letters and then we have the letter that I'm referring to. Now, firstly, doctor, have you found that letter in your statement or can you see it sufficiently on the screen?---Yeah, I see it, but- - -

Perhaps I can retrieve your statement?---Something, something is, generally is- - -

20 Just hold on, doctor?---I don't understand what- - -

I'm just going to retrieve your statement only?---Sorry, sorry.

Thank you. So that I can turn it up for you. And can I inquire, Commissioner, have you found the letter I'm referring to?

THE COMMISSIONER: Yes, I have.

30 MR ALEXIS: Thank you. Now, doctor, I have opened your statement to a copy of a letter addressed to the Department of Cardiology at Royal Prince Alfred dated 10 June, 2008. Is that so?---Yes.

And just if you could look at the letter, please, and we'll scroll down on the screen to see your signature. Now, could you, with the folder that's in front of you, turn back to page 95, with the folder of documents that's before you?---Yes.

Do you have page 95 open?---Yes.

40 And do we see that at page 95 we've got the letter that went to the Royal Hospital for Women and in your statement we've got the letter apparently sent to RPA, that's the Royal Prince Alfred Hospital?---Yes.

And although they are dated differently, they appear to be in precisely the same terms. Is that so?---I'm a little bit confused here because for some reason my signature is precisely the same.

Could you- - -?---I can't, I can't do the same signature exactly the same all the time.

That's correct?---Even not once.

All right. Now, I'd ask you to go to paragraph 132 of your statement on page 34.---Page hundred- - -

Paragraph 132 on page 34. And do you see there you refer to the occasion when Senior Investigator Kane from the Commission showed you the letter to the Department of Cardiology?---Ah hmm.

10

And then if you come over the page you'll see in paragraph 133 that you were then able to state that you didn't author or sign the letter and you go on and tell us what you say about a comparison of the two. Do you see that? ---Yes. It's true. It's, for some reason doesn't look, I mean, it's, it's my signature but I don't know how that's come to this document. It's not my document.

20

Well do you ever have a recollection of ever having signed a second letter pledging another \$75,000 for a clinical trial at the Royal Prince Alfred Hospital?---I'm sorry, I'm not with you. I'm sorry. I try to, I'm confused because - - -

THE COMMISSIONER: Just listen to the question?--- - - - is the same signature - - -

I understand that. We understand what you say, Dr Neiron. But just listen to the question?---All right. I'm sorry.

30

MR ALEXIS: That's all right. Let's just take it slowly. If you look at the letter at page 95 of Exhibit 1?---Yes.

You've already told us that we should understand that letter to be a copy of a genuine letter that you signed, pledging \$75,000 to the Royal Hospital for Women. Is that so?---Yes.

40

If you look at the other letter which is the one attached to your statement, we see that in identical terms a further \$75,000 is pledged to the Royal Prince Alfred Hospital about a month or so later. Do you see? Now Dr Neiron, my question - - -?---Yes, I, I - - -

My question is whether you have a recollection of ever signing the letter to the Royal Prince Alfred Hospital and pledging a further \$75,000 in June of 2008, for another clinical trial?---No.

All right?---No. I, I never send, because after this letter, a few days after we have forward to them a letter that says we withdraw our interest to conduct any clinical trial with them due to financial circumstances.

And that's the letter you referred to earlier that was sent to the Royal Hospital for Women?---Yes.

MR STITT: Which we've never seen.

THE WITNESS: So and this one has come after that. I can't understand where it's come from.

10 MR ALEXIS: Do you recall ever writing such a letter to Royal Prince Alfred Hospital?---No, I never, I never have anything with, I never heard of, I mean I heard about the hospital, I think is a hospital in Melbourne, I'm not sure, but nothing, I don't have any document with them and I never heard of, I mean I never have any - - -

THE COMMISSIONER: Dealings with them?---Anything, I can't say anything.

MR ALEXIS: All right.

20 THE COMMISSIONER: Are you saying you had no dealings with the Royal Prince Alfred Hospital?---Sorry?

Are you saying you have never had any dealings with the Royal Prince Alfred Hospital?---Never. Never. I don't know, I mean (not transcribable) maybe is more, but the only one that I heard is the one in Melbourne, but no idea.

30 MR ALEXIS: All right. Can I come back to the Royal Hospital for Women. Now sir, did you ever receive any information from Ms Lazarus on the subject of whether or not ethical approval had been either sought or obtained in relation to a clinical trial at the Royal Hospital for Women? ---Never.

40 Now - - ?---And not the, the ARTC, the (not transcribable) from the government. I mean generally that's have to be, she have to give us evidence and the evidence is a special code number, that is you go to the website of the Australian Health Department and when you type it then you go to the evidence that's happened. It's, you can see it, it exist for the other, for the clinical trial (not transcribable)

THE COMMISSIONER: Evidence of what?---That's is she, that we're allowed to conduct clinical trial.

And who gives you the permission?---When the, when the government Health Department publish it, that is mean that you have the permission. They have to publish. They have, generally that is the doctor have to sign, that is the (not transcribable) supervise, they give all the details. That is go to the government and the committee, the ethics committee they approve it.

After they approve it she need through the internet or something like that she have to provide that to the Australian Clinical Trial Committee or something like that. And they publish it in the gazette.

MR ALEXIS: Now sir, did you ever provide any equipment or consumables used as part of the use of the device with patients to Ms Lazarus for use in clinical trials at the Royal Hospital for Women?---Never.

What about in relation to the Royal North Shore Hospital?---Never.

10

All right. Now in paragraph 143 of your statement, if we can come to that on page 37. Do you have paragraph 143?---Yes.

You tell us there that you never received any documentation and I just want to ask you some questions about what you mean by that. You firstly refer to test results. Now what should we understand you to be referring to as test results?---Test results it's mean that is a graph which is say how they, they comparing, how they compare the test against other equipment that exist or the general equipment how they do. And that's mean test results, so it's mean a comparison between the, the test.

20

And does that result indicate whether or not the use of the device was positive and therefore indicative of the patients condition?---The, the test results is give idea if it's good results or bad results in general. It's mean if they have 200 patient, they say out of 200 patient only 150 patient conduct the trial and the result of them, what is the result of them. That is like a graph they say it in percentage. What is the results and if they have results at all. Is not the results per patient, is general results for the all patient together.

30

All right. Now the next word you refer to in paragraph 143 is data. Do you see that?---Yes.

You refer to test results or date. What do you mean by data?---That is (not transcribable) information.

Information about what?---About the, the clinical trial.

And what sort of information would you ordinarily get?---How many patient is actually conduct the trial, go into trial, how many patient have good results, have many patient bad results. And what is the percentage against the, the let's say MRI or CT scan or any other, any other equipment they use in the hospital.

40

All right.

THE COMMISSIONER: Dr Neiron, sorry, Mr Alexis.

MR ALEXIS: Yes, Commissioner.

THE COMMISSIONER: Do you have such a thing for the Medex equipment as a pilot trial?---Yes.

And how many tests would constitute a pilot trial?---Depends on the size the trial that you want to conduct. Well if you - - -

What's the minimum?---Sorry?

10

What is the minimum number?---The minimum is 35, 31 patient or 35, depends on the hospital on the number. But between 31 to 35 patient.

That would be a pilot trial?---A pilot study, yes.

Could you ever have a pilot study of 10?---A pilot study of 10?

10 patients?---The number 10, I can't remember, but the number 10 is not acceptable because it should be finished with a number like 1, 3, 5, 7, 9.

20

Why is that?---Because if you have number 10, it's mean can be five positive, five negative, you don't have any indication that is good or bad.

I understand, I understand.

MR ALEXIS: Now Dr Neiron, were you ever informed by Ms Lazarus that she was proposing to conduct a pilot trial or a pilot test involving some eight to 10 patients at the Royal Hospital for Women using the device to test for cervical cancer?---No.

30

Now, in relation to the documentation that you've just described in your evidence, the test results and the data, what's the position in relation to patients at the Royal Hospital for Women, did you ever receive from Ms Lazarus any result or data?---Nothing at all.

Did you ever go to the Royal Hospital for Women in her company and examine the test results and the data that you've referred to?---Never. I even don't know where it is.

40

What, you've never been to the Royal Hospital for Women?---Never.

What about- - ?---I only went two hospitals.

And which are they?---Strathfield Hospital and St Vincent Hospital. Close to the city St Vincent and the Strathfield I think is in Strathfield.

Ah hmm?---I don't know how to drive there, I took a taxi, but it's, I didn't, the only these two hospital, I've never been in any other hospital.

THE COMMISSIONER: New South Wales, you're talking about?---Sorry?

In New South Wales you are talking about?---I talking everywhere in Australia. I did in my life only on these two hospitals.

MR ALEXIS: In Australia?---In Australia.

All right?---And New Zealand.

10

Now, patient consent forms. Did you ever see or were you ever provided with the patient consent forms in relation to any clinical trial and patients examined in the course of any such trial at the Royal Hospital for Women? ---The patient consent form is a standard form that is we provide to any clinical trial. The hospital receive it and then the hospital decide if they want to change or rectify that. But we never have anything from them. So we never have any, any document from this Royal Women Hospital, yeah, or Royal Hospital for Women, sorry.

20

Now, were you ever told by Ms Lazarus that her sister, Jessica, either was or would be undertaking some of the examinations of patient at the Royal Hospital for Women as part of a trial there?---Never.

Were you ever aware or did you have any knowledge that Ms Lazarus would be rendering tax invoices to the Royal Hospital for Women apparently in connection with the conduct of a clinical trial at that hospital? ---As I say before, I never have any document after we write the letter to, to the hospital that is we withdraw the trial. If you look at the interest for a clinical trial, never had any document at all from this hospital.

30

THE COMMISSIONER: Your answer is no?---(NO AUDIBLE REPLY)

Your answer is no?---Is no.

MR ALEXIS: And did you ever have any knowledge or did you ever become aware that invoices by a company known as Wish Consulting were submitted to the Royal Hospital for Women apparently in connection with the conduct of a clinical trial?---No, never.

40

All right. Now, if you could just go back to the white folder that's in front of you and I ask you please to go page 5?---Page?

5. Now, at page 5, doctor, we have a printout, sorry, page 5 in the top right-hand corner. I think you've gone a page or two ahead. Now, page 5 should have written across the top, "Australia and New Zealand Clinical Trials Registry." Is that so?---Yes.

And if you can just look at that document you'll see it's some, it relates to some details registered on, well submitted on the 6th and registered on 21 January, 2008 in relation to the proposed trial involving the Medex device. Do you see that?---Yes, I see.

And if you can just look at the material on page 6, 7 and 8 of that document?---Ah hmm.

10 And I wish to ask you whether or not you had any involvement in or knowledge of the submission or registration of those details with the Clinical Trials Registry?---Never. I never get it. I never had it.

THE COMMISSIONER: Have you ever seen this before?---Now is the first time. Today is the first time.

20 MR ALEXIS: Well, just have a look at paragraph 153 of your statement. Is the position that you were asked about registration when your statement was being obtained and you dealt with that subject in that paragraph?---I said I was unable to, to, to (not transcribable) involved with it.

Right. And just, just, and just turn through to page 10 and 11 of Exhibit 1, which is before you. And similarly, did you have any involvement in the registration of the details there on the International Clinics Trial Registry Platform?---No. I, first time in my life I see.

Thank you, doctor. Now, I need to get some clarification of what you tell us in paragraph 154 on page 40.---Page, in- - -

30 It's paragraph 154 on page 40 of your statement?---Yes.

Now, could you explain to us, please, what information and what records you're referring to in that paragraph as having been received from the hospital about the clinical trial, which you describe as being on official hospital letterhead?---Ah, the amount of (not transcribable) we come to understand how much is it, the address and the details of the bank and the protocol. That's all.

40 All right. Now, the protocol that you just referred to, was that a document provided to you by Ms Lazarus or did it come from somewhere else?
---The protocol is a, we supply to Sandra Lazarus general protocol and then the hospital have to rectify it according to their standard. So is slightly different standard from hospital to hospital and different, the standard between the, the subject of the hospital.

All right?---So it's what is the clinical trial, is it for breast or for cervix or for liver or whatever.

Right?---So every time it is, but we supply a general protocol.

I'm just trying to understand the content of the information and records you're referring to. Do you follow?---Yes.

And I'm just going to show you Exhibit 4 of this inquiry. And if you could just turn over the first page, because it's an email which was not apparently sent to you, but if you look at the next page you'll see that it's a document commencing with the words, "Clinical study protocol."---Ah hmm.

10 And you'll see in the subheading a reference to the early detection and early diagnosis of cervical cancer. Do you see that?---Yes.

Now, do you recall receiving a document so described in relation to any proposed trial at the Royal Hospital for Women?---Yes, that is the, I mean, that's look like the type of the protocol or similar to the protocol that we provide Sandra.

20 THE COMMISSIONER: I don't think you listen to the question. It is really important to listen to the question and only answer the question?
---Yes.

The question is do you recall seeing this document, did you receive it?
---I, it's difficult for me to say because I have to compare the document that I receive to this document. I don't know. I receive a document but if it's exactly the same one I'm not sure but this is related to the same clinical trial for the service.

30 And so did Sandra Lazarus give you a - either this document or a document like this?---Like this, yes. I'm not sure.

MR ALEXIS: Thank you. So apart from the protocol document, apart from the letters referring to the bank account details is there any other information or records that you receive on official hospital letterhead from the Royal Hospital for Women that you can recall?---Only (not transcribable) I say before.

40 Now, I need to come to the Royal North Shore Hospital but before I do can I just draw attention to some matters that have been the subject of evidence in this inquiry and ask you to respond to them please. Firstly, it's been suggested that the original form of contract which set out the role and duties that Ms Lazarus was to undertake being a contract with Sydvet was provided to you by Ms Lazarus after you requested her to return all equipment and documents. What do you say to that?---Sorry, I'm - - -

Let me put it again?---Please.

The suggestion is that the original form of agreement that Ms Lazarus entered into with your company for the conduct of clinical trials relating to

the Royal Hospital for Women was returned to you following a request you made for the return of equipment, documents including computers. What do you say to that?---I'm, I'm, I can't say anything, sir, I mean it is, because - - -

THE COMMISSIONER: Did you receive it or didn't you?---I receive - - -

You've been asked whether you received - - -?---I haven't give equipment to, to, to, to Royal, to the hospital so I don't know.

10

The question is whether as a result of a request you made to Sandra Lazarus for the return of various things - - -?---Yes.

- - - did she give you the original document which was the agreement between your company relating to the tests to be done at the Royal Hospital for Women?---Nothing.

20

MR ALEXIS: Now, Dr Neiron, - - -?---I actually haven't met Sandra after that is we start to, we have the problems, you know, when we have the problem I meet her once and then she simply disappeared.

And I think we can identify that time as being the period after you received the two letters from Strathfield and St Vincent's and the time of the email she sent you attaching the clinical trial agreement.

THE COMMISSIONER: So is that about June 2008?---Possibly because I receive, I receive it, I can't, I can't (not transcribable).

30

MR ALEXIS: Now, I've already asked you a question about this subject matter but can I ask you to focus on what it is that I'm asking you to consider. It's been suggested in evidence that prior to the letter that you provided to the Royal Hospital for Women pledging the \$75,000 that you had informed Ms Lazarus that two amounts of money had already been deposited with the Royal Hospital for Women in relation to the conduct of clinical trials?---Never.

And when you say never are you telling the Commissioner that you never said - - -?---Never even spoke with her about that.

40

Right. What about after the letter of 14 May did you ever tell Ms Lazarus that money had been deposited, let's leave aside the amount, but did you ever tell her that money had been deposited with the hospital in relation to the conduct of any clinical trial?---Never.

And it's been suggested in evidence, sir, that you had agreed to fund the clinical trials by putting various amounts of money into the trust account at the Royal Hospital for Women when Ms Lazarus had reached certain

milestones. By that I mean when she had provided you, for example, with the protocol that we just identified?---Never.

When she provided you with the signed clinical trial agreement did you ever say to her that you will provide money when you get or receive from her that document?---Never. No.

10 And it's been suggested that you said that you would provide further funds once you were shown the results of the pilot study or indeed any document relating to the pilot study. What do you say to that?---No, never.

Did you ever receive from Ms Lazarus any letter from the Royal Hospital for Women to the committee that deals with ethical approval of clinical trials associated with that hospital?---I can't recall that.

And in relation to the Royal Hospital for Women it's been suggested that you told Ms Lazarus that you would fund the conduct of a clinical trial in amounts up to 220 or \$250,000?---Never.

20 Now, I just need to put a few more matters to you if I may, Doctor. It's been suggested in evidence that you had discussed and agreed with Ms Lazarus for her to charge fifteen hundred dollars for every test that was conducted using the Medex device on a patient?---Never.

Did you ever agree that she would be paid, and let's leave aside by whom - -?---All right.

30 But had you ever agreed that she was entitled to charge or could charge either fifteen hundred dollars or some other amount for each examination that she conducted using the Medex device on a patient?---Never. I can even explain why it's never.

I'm not sure that you need to, sir, although other counsel may be interested in that. Now, can I ask you whether or not you ever agreed to have marketing services perform the point or the purpose of which was to secure prospective sponsors of the clinical trial in addition to Sydvet?---I, maybe I have to explain something here if is okay.

40 THE COMMISSIONER: Do you understand the question?---I understand the question and that's why I have to explain to you the background.

Yes?---Sandra Lazarus come with idea to conduct a clinical trial for 200,000 people, women in Australia and New Zealand and she claim she have Coca-Cola as sponsor for this clinical trial subject that we conduct a clinical trial for 210 people, women as a pilot study in this hospital. We contact Coca-Cola Amatil, I think it's called Coca-Cola Amatil, I'm not sure, and they say never happened, it's only a story for someone. I think it is we have even, I

even provide email that is (not transcribable) from them, we send them email and (not transcribable), receive a reply that has never happen.

THE COMMISSIONER: So what are you saying?---It's never.

MR ALEXIS: All right. Now, if we go back to the white folder before you, sir, could you open it to page 250?---Page?

250?---Yes.

10

Now, doctor, have you seen this letter before from the company, Complete Health and Medicine to the Royal Hospital for Women?---It's the first time in my life. I never see this letter.

20

Now, can I just draw the following matters to your attention. Firstly it's been suggested in evidence that you and Ms Lazarus had a conversation during which you either suggested to her or told her to have a company called Complete Health and Medicine write a letter to the Royal Hospital for Women indicating that earlier payments had been made for the conduct of clinical trials when of course no earlier payments had been made?---Never.

It was suggested in evidence that the particular references in this letter to earlier cheques being drawn and in this letter indicated as having been sent to the hospital to cover the cost of clinical trials was the result of a suggestion or a direction that you had made. What do you say to that? ---Never. I never heard about it. I, it's the first time in my life.

30

I see. Thank you. Can I indicate, doctor, and for others who might be interested, that I'm nearly at the end of my examination of you. I wish to come to some matters involving the Royal North Shore Hospital. Now, in paragraph 174 of your statement you tell us that you were unaware that Ms Lazarus was intending to undertake a clinical research trial using the Medex device at the Royal North Shore Hospital. Do you see that?---Yes.

When was the first time that you became aware that Ms Lazarus was claiming to have undertaken clinical trials using the Medex device at the Royal North Shore Hospital?---When I came to give this evidence. That's the first time in my life I heard about this hospital.

40

THE COMMISSIONER: When you say you came to give this evidence, did you mean the first time the ICAC investigators spoke to you?---Yeah, when they coming on the first time, you know, that's it. They ask me question which is, I say I don't know, I don't know anythings about it. I never heard about it.

MR ALEXIS: Now, in paragraph 175 about halfway down page 47 of your statement- - -?---Ah hmm.

- -you suggest there that Ms Lazarus may have undertaken the Royal North Shore clinical trials with Mr Pleiksna. Do you see that?---
Yes.

How should we understand you came by information that made you put that suggestion in paragraph 175 of your statement?---Because we split, the two directors of the company split and Vern Pleiksna have his own Medex company and he became a very friendly, let's say put it this way or (not transcribable) some business relation with Sandra. That is we become ah, as
10 I said (not transcribable) he did, not (not transcribable) Medex Screen Australasia or Sydvet, never.

Now, in paragraph 177 you refer to a belief that Ms Lazarus was to be supervised for a cervical cancer trial by a Dr Burton. Do you see that?
---Yes.

And just to complete the picture, if we turn the page we see that you express the same believe in paragraph 178 with respect to a prostate cancer trial with Dr Vaux. Do you see that?---Yes.
20

And in 179, paragraph 179 you refer to the same belief relating to a breast cancer trial involving Professor Smith. Do you see that?---Ah hmm.

Now, when did you come by that belief?---According to Sandra, that is what she told us or which she told me, so I believe what she say.

But when, when did she tell you that that's what she was either going to do or would do?---Ah, that was after we signed the agreement.

30 And is that the agreement to which you referred earlier?---I, yes.

So at that stage back in, pardon me, before the events that occurred at Strathfield and St Vincent's Hospital, you'd been informed, had you, that Ms Lazarus was proposing to undertake the cervical, prostate and breast cancer trials with those three doctors at Royal North Shore Hospital?---No.

Well, what should we understand the- - -?---I understood from Sandra that she's being supervised by the doctors from St Vincent's Hospital and a doctor from Strathfield Hospital. And I wasn't sure about the names
40 because the names was a little bit, some different name every time it's pop up. So I, but that's what I understood from her. I never met these doctor, I never spoke with the doctors and I, although I tried to find this, some of the doctors, I never have contact with them.

Now, did you come by any knowledge at any time about clinical trials actually being conducted at the Royal North Shore Hospital by Ms Lazarus?
---Never.

THE COMMISSIONER: Dr Neiron, I don't understand the statement, this part of the statement. I'm just reading it, I just don't understand. Paragraph 174 says that you did not know that Sandra Lazarus was intending to undertake clinical research with the Medex device in relation to cervical, prostate and breast cancer at the Royal North Shore Hospital?---Yes.

So you don't know that?---No. Nothing at all.

In paragraph 177- - -?---Yes.

10

- - -you say that you believe, and I think you've given evidence now that you were told, that Sandra Lazarus told you that she was to be supervised for a cervical cancer trial at the hospital, at Royal North Shore Hospital, because that's what, the heading is Royal North Shore Hospital. So this statement concerns Royal North Shore Hospital?---Yes. I, I-- -

Just a moment. By doctor Burton. Paragraph 178 talks about Sandra Lazarus being supervised for the prostate cancer trial by Doctor Vaux and 179 deals with supervised for breast cancer by Doctor Smith. So on the face of this statement there's a fundamental contradiction between 174 which says that you didn't know she was going to undertake cervical, prostate and breast cancer trials, and paragraphs 177, 178 and 179, which say that you believed that she was to be supervised by various doctors at that very hospital for those very trials. So I don't understand that?---Okay. Sandra explained to me, I mean she mentioned she want to conduct other clinical trials in different hospital. She hasn't explained or put in writing which hospital, which doctor, which, so I, because I don't know (not transcribable) maybe she, she talk with a doctor from this hospital, but possible a doctor from this hospital also work in a different hospital.

20

30

But you're, in paragraph 177 - - -?---Yes.

- - - for example you say you refer to the Head of Department of Obstetrics and Gynaecology at the Royal North Shore Hospital Dr Gil Burton. Did you know that he was the head of the department?---No, I don't know anything.

So why does your statement say that?---I believed, sir, I believed, sir, what she told me.

40

Did she tell you that he was?---Yeah.

But if she told you that it must have been in the context of doing tests at the Royal North Shore Hospital?---No, she hasn't said to us which is the hospital, she just mentioned that and I believe that is this doctor from there.

How do you know he's the head of the Royal North Shore?---I don't know.

So why is it in your statement?---Because they ask me the question and I say, I believe that he is doctor from there but I don't know, I don't have any evidence, I never receive anything from him, I don't know who is it. She told me that and I trust her.

But then if she told you that she was going to be supervised by Dr Burton you must have known that she was intending to do the tests?---No. She intend to do it or maybe she think to do that and maybe she is dream to do that, I don't know.

10

But she told you that?---She told me about the name of the doctor which is, I don't know exactly where he come from but because - - -

She told you, sorry to interrupt. She told you the name of the doctor who was going to supervise the test she was going to carry out at Royal North Shore Hospital. That's what you say don't you?---Yes. She hasn't said the name of the hospital. She mentioned the name, I thought, I believe that this is the doctor from there because I never heard that from other hospital.

20

Why do you believe it's from Royal North Shore?---Because the circumstances was that (not transcribable) hospital, the doctors from Strathfield Hospital I know their, I know their names and I got document from them but doctor from St Vincent Hospital I also got the name and I know that he's down there and other doctor I don't know so I say (not transcribable) it is from there, I don't know, I never have any document for that.

Why choose Royal North Shore, why not choose some other hospital?---I don't know, ask her. I simply don't know why - - -

30

It's your choice?--- - - - she choose this hospital.

Sorry, it's your choice, your statement says you believe that Sandra Lazarus was to be supervised at the hospital, that is, at the Royal North Shore Hospital by the head of the Department of Obstetrics and Gynaecology at that hospital - - -?---Yes.

40

That's what you say. Then you say that you believe that from Sandra Lazarus. If she told you that she was going to be supervised by Dr Burton and you understood that Dr Burton was from Royal North Shore Hospital - - -?---Yes.

- - - then you must've - - -?---I understood only when I came here to give the evidence not before. Before I even don't know where this doctor come from. I even, I even haven't got anything from him.

It's your statement that I'm asking you about?---Yes. When I have, when I been question by, regarding this I say I believe.

Is that by - - -?---Doesn't mean it is fact. Doesn't, doesn't mean that is, that is, that is really what is really she have. I believe so, I believe what you say but I believed under the circumstances that she talked about this hospital.

Why do you believe that?---Because they ask me in relation to this hospital so I say I believe so, I don't know. To believe, I believe what in the circumstances, doesn't mean that is I have the fact for it.

10 Yes, Mr Alexis.

MR ALEXIS: Thank you, Commissioner. Can I move to paragraph 180 and I wish to examine your knowledge as to the conduct of any actual trial. In paragraph 180 you tell us that you are unaware that any actual trial into cervical, prostate or breast cancer using the Medex device ever commenced. Do you see that?---Yes.

20 And should we understand that you never learnt or understood that ethics approval had been given for any such trial?---Yes, I never receive it.

Did you receive any, ever any documents either test results or data as we've earlier discussed in relation to any clinical trials run at the Royal North Shore Hospital for Ms Lazarus?---Never.

Did you receive any patient consent forms relating to patients that had been examined with the device at the Royal North Shore Hospital?---Never.

30 Did Sydvet or Medex Screen (AustralAsia) or any other company that you were associated with to your knowledge ever pay any money to the Royal North Shore Hospital in relation to the conduct of any clinical trials by Ms Lazarus?---Never.

Did you ever tell Ms Lazarus or inform her in any way that monies had been deposited with the Royal North Shore Hospital for the conduct of clinical trials by her?---Never.

40 Did you ever agree to Ms Lazarus' sister Michelle being engaged, leave aside who's going to pay her, but being engaged to conduct some marketing on behalf of the hospital in relation to any clinical trials?---Never.

Did you ever sign any written agreement or contract with either Ms Lazarus or any of her sisters or any companies that they're associated with in relation to the conduct of any clinical trial at the Royal North Shore Hospital?---Never.

Now, in paragraph 187 of your statement at the bottom of page 49 we have a paragraph that I think is in similar terms to an earlier paragraph of your statement that related to the Royal Women's Hospital but at 187 bottom of

page 49 you've made the same statement in relation to the Royal North Shore Hospital, that is, that you did receive some information and records from the hospital about the clinical trials which was always on official hospital letterhead, do you see that?---Yes. That is talking about two other hospitals.

But this - - -?---I see it but it's, it's not. I never receive anything from this hospital.

10 Can I just be very clear about this. It appears at least according to the construction of your statement that the subject of the Royal North Shore Hospital commences at page 47 and you'll see the heading that the Commissioner was referring you earlier to. Do you see that, page 47?
---Page?

If you come back two pages?---Yes.

And so paragraph 174 and following as was pointed out deals with the Royal North Shore Hospital, you see?---Yes. I, I - - -
20

Sorry. If you just bear with me. If you look at 187, paragraph 187 what should we understand about what you're saying there about the receipt of information or records from the hospital being on official hospital letterhead from the Royal North Shore Hospital?---I tried to explain (not transcribable). I receive only from two hospital letters on their letterheads, nothing, and I never receive anything from them.

And the two letters on letterheads relate to the Royal Hospital for Women that we've spoken about, is that right?---The letterhead is I receive from, yes, from Royal, Royal Hospital for Women, I received a letterhead from Strathfield and I receive from St Vincent, no other hospital at all, never receive any document. And that's what I try to explain here.
30

All right. Now, it's been suggested in evidence in this inquiry, sir, that you had agreed to provide either up to or amounts totalling \$600,000 by depositing sums with the Royal North Shore Hospital for the conduct of clinical trials at that hospital. What do you say to that?---Never.

Did you ever make any promise or at least provide Ms Lazarus with any indication that funding whether 600,000 or indeed any other sum was to be provided to the Royal North Shore Hospital to cover the cost of the conduct of clinical trials there?---Never.
40

It's been suggested that you agreed to fund the conduct of trials at the Royal North Shore Hospital after certain milestones were achieved, can I just identify them. Firstly, the receipt of a protocol document. Secondly, after the receipt of a draft ethics application. Thirdly, after agreements were signed between Royal North Shore Hospital and Sydvet providing for the

conduct of clinical trials. Did you ever make any such suggestion to Ms Lazarus?---Never.

And did you ever tell Ms Lazarus that further monies would be paid once she completed a batch of 50 patients?---Never.

Did you ever inform Ms Lazarus or give her any indication that sums of about \$120,000 would be deposited when each of those milestones had been achieved with respect to the Royal North Shore Hospital?---Never.

10

Now you've already given some evidence about the hospitals in Australia that you've attended. Can I just explore that a little further with you. Are you familiar at all with a building within the Royal North Shore Hospital complex known as the Kolling, that's K-O-L-L-I-N-G, the Kolling Institute of Medical Research?---Never. I'm sorry, I can't give you any answer to this because I don't, I've never heard, I mean I've heard about the hospital, but I never been in the hospital. I don't know where is located, nothing at all.

20 So you've never been to the building - - -?---No.

- - - called the Kolling Institute and you've never been up to level 8 of that building and you've never looked at documents there?---I've been, I've been only in two hospitals in my life in Australia only two hospital in Australia and New Zealand.

Yes, thank you, Dr Neiron.

30 THE COMMISSIONER: Mr Stitt. I'm not pressing you, I want to make that quite clear, but I need to have some estimate to how long you'll be?

MR STITT: Well I'll certainly be longer than 4 o'clock, your Honour.

THE COMMISSIONER: I understand that. I still, there are other arrangements that I need to make, so I'm trying to assess how long this is going to - - -

MR STITT: I understand your Honour, I would expect that I'll be perhaps an hour and a half.

40

THE COMMISSIONER: Tomorrow?

MR STITT: Tomorrow, yes.

THE COMMISSIONER: Yes. Are you, are you available - - -?---Maybe in the morning because afternoon I have a flight to, back to Israel. Actually, I can go to toilet?

Yes, certainly?---Thank you.

Yes, Mr Alexis, I think we'll have to start early.

MR ALEXIS: Yes, yes, I just raised that with my learned friend and unless there's any violent objection, we could start at 9.30 tomorrow morning. I didn't quite catch what was exchanged between you Commissioner and the witness, but as I understand it - - -

10 THE COMMISSIONER: He has (not transcribable) tomorrow afternoon.

MR ALEXIS: Yes. But not until 5.30, so - - -

THE COMMISSIONER: Oh, I see. Well, he'll have to be finished, I would imagine by noon tomorrow.

MR ALEXIS: Yes, yes.

20 THE COMMISSIONER: We, we can manage that I take it. And I take it from other counsel that we'll finish by noon tomorrow with Dr Neiron.

MR STITT: Let's hope so.

MR LYNCH: We won't be prolonging any questioning.

THE COMMISSIONER: Well, I think what we'll do is we'll just adjourn for five minutes.

30 **SHORT ADJOURNMENT** **[3.33pm]**

THE COMMISSIONER: We'll be finished with your evidence by noon tomorrow, 12 o'clock tomorrow?---That'd be excellent.

And I think it might be better if we stopped at 4.00 today?---No problem with me.

40 Are you willing to go on until half past 4.00?---Yes, even 6.00. No problem.

All right. We'll go to half past 4.00. Mr Stitt.

MR STITT: What was the subject of your PhD - - -

THE COMMISSIONER: Mr Stitt, just explain who you are, please, to the witness.

MR STITT: My name is Robert Stitt. I am the barrister appearing for Ms Lazarus in this inquiry. And my other barrister, Ms Soars is my junior. Do you understand?

THE COMMISSIONER: Do you understand that?---Yes.

MR STITT: What was the subject matter of your doctrinal thesis?---I'm sorry, I'm not, what is your question?

10 MR ALEXIS: Sorry, Bob, can I just ask you to indicate that it's Sandra Lazarus (not transcribable), sorry.

MR STITT: Well it's Sandra Lazarus. The question I'm asking you is what was the subject matter of your PhD thesis?---In my study?

Well you've told this that you have a PhD. I'm asking you what was the subject of your PhD thesis?---In which university?

20 Well you identified the Heidelberg University, what was the subject matter of your PhD thesis at that university?---The effect of natural substance on HIV infected people. Is actually publish it Who's Who in the book of 184 on (not transcribable)

And what was the subject matter, I withdraw that. Do you say you have a PhD from Stony Brook University?---Yes. External.

30 What was the subject matter of that doctrinal thesis?---The, the (not transcribable) of encapsulating drugs and substance in, in the encapsulating machine.

So you have no medical degree or medical qualification, but it's, your qualification is confined to bio-medical issues. Is that accurate?---That's accurate and I always ask people not to call me doctor and I ever put it in writing a few times, please do not call me doctor as I am not, that is misleading and I'm not a medical doctor.

Well I won't call you doctor. I won't call you doctor?---Thank you.

40 The knowledge which you have from your studies however, I take it allow you to consider and have regard to the underlying science of the Medex machine. Is that accurate?---No.

You do not have knowledge which allows you to, to understand - - -?---Not from the universities. Nothing to do with that.

Well do you have any knowledge which allows you to understand the science which lies behind the Medex machine?---Yes, I study in Medex and

I take a number of courses in the company and I have conduct many tests under the supervising as study.

But that's the study that you gave evidence about earlier today is it not?
---That's what I give earlier in the day is the study for the doctors, they want to be, do the test with Medex in it.

Well just at the moment I'm asking you about your understanding you see.
Do you say you have a clear understanding of the science which underlies
10 the Medex test device or machine?---(not transcribable).

Now this machine was actually invented in Israel was it not?---That's correct.

Do you know - - -?---According to my knowledge.

Well do you know a Moty Brill, B-R-I-L-L?---Yes.

M-O-T-Y B-R-I-L-L?---Yes.
20

Who's this - - -?---I never met him, I heard about him and I have some email from him.

Well do you know him?

THE COMMISSIONER: Do you know him personally?

MR STITT: Yes, I'm sorry - - -?---I never, I never met him. He is the new
30 CEO of the company in Israel.

But the people who invented the machine were all scientists in Israel. Is that correct?---Oh, I can't give you precise answer to this. According to my knowledge the two people who invent this machine is originally from Russia. One is Dr Alex Kanevsky and the other one is (not transcribable) Kanevsky.

The marketing and, I'll withdraw that. The development of markets for this machine was one of the subjects that you were employed to do. Isn't that
40 right?---Sorry, sorry? I'm not with you.

The development of markets for this machine was one of the tasks that you were employed to do?---I'm sorry, I don't know what you ask me.

THE COMMISSIONER: Were you, were you, as part of your job - - -?---
As part of my job - - -

- - - part of your job with Medex - - -?---Yes.

- - - were you required to develop markets for the Medex device?---No.
That was Vern Pleiksna. He was the marketing director.

MR STITT: But you described yourself as commissioning officer did you not?---Commissioner officer for Sydvet, but not for Medex. And commissioner of - - -

10 Would you please just listen to my question. The role of commissioning officer is that of a marketing or spreading the product into the community isn't it? That's what a commissioning officer does, isn't that right?
---Maybe that is what you are, you assume so or you believe or that is your idea.

No, I'm asking you?---No, it's not. My view is different (not transcribable)
- - -

Please listen?--- - - -(not transcribable)

20 Please listen. Would you tell the Commissioner what you understand a commissioning officer's role to be in this context?---To - - -

THE COMMISSIONER: What was your role?---My role is look after the people who do the job and to come to ask them every time how they develop, what they achieve, if they have any problems I have to solve the problem, if they have any complication, to be in charge on all the operation of the company and them to give the report to my employees.

30 MR STITT: But that's in the context of expanding the company's activities, is it not?---That is in the context of control the company movement. If they expand or not, that is a different story, that is subject to the successful of the people that do the job.

40 But part of the expanding of this product was to make sure that it actually did what it was claimed, to make sure that it did what it claimed to do, namely to be a device to test for screening of diseases, isn't that part of the function of the commissioning - - -?---The part of the functioning of the clinical trial or the main part of the function of the clinical trial was to see if the claim by the manufacturer is correct or incorrect or if we need any upgrading, yes or not.

Correct. So that what you were anxious to perform was testing which would verify the performance of the machine, isn't that right?---Yes.

And as a part of that verification process you had to arrange for test trials on patients to be carried out?---Yes.

And it was only the successful trials on patients which would allow you to develop and market ultimately this machine in Australia and New Zealand?

---No.

10 It was only if the test results were favourable that the machine would be well-received in the medical community, isn't that so?---Incorrect. Very simply it is incorrect but they didn't, don't make any difference if the test results are positive or negative because positive, yes, gives some advance to the company to administer new equipment and if it's negative is also good for the company to give the company the idea if any problem with the machine or if the problem that (not transcribable) machine is, is not good enough for the medical world.

Precisely, so that the results of clinical trials were critical to the going forward of this device in the medical community?---I can't say it's critical, is important.

20 But you were charged with the responsibility of organising those critical trials, were you not?---I've been charged with responsibility to give a report how everything is moving and I've been charged with, with the right to get, to, to find the right people to do the clinical trial or to be the coordinator for clinical trial.

Precisely. So that you were looking for the right people to do the clinical trials so that the clinical trials could be conducted?---Yes.

As a part of that exercise you were also engaged in training people to conduct those trials, were you not?---Incorrect.

30 Do you say that you were not engaged in training?---I am not, I never train anyone and I never teach anyone how to use the machine. I demonstrate how the machines work, I give the explanation but I am not as a doctor that is allowed to do any training and I never did any training.

Well, can we just take this a step at a time. There are two aspects that you are speaking about I suggest, one is the role of a coordinator, correct?
---Ah hmm.

The coordinator who is to coordinate clinical trials in the hospital?---Ah
hmm.

40 Is that right?---Yes.

The other is the role of the doctor who interprets the results of those clinical trials. Is that correct?---No. The doctor being trained by a special doctor that have been brought to Australia to train them how to interpret the results.

But the - - ?---I don't have any right to do that.

I understand that. But the dual function of the clinical trials involves both the testing and the interpretation of the results. Isn't that correct?---Doing a clinical trial, yes.

And doing of the clinical trials involves contact with the patient?---Sure.

And administering the test to the patient in a clinical environment?
---Possibly.

10 The second aspect is the interpretation of the graph and the results which are obtained as a result of those testing?---Yes.

And that's to be done, as you've told us repeatedly, by someone who has the necessary qualifications. Is that correct?---Is a doctor.

A doctor?---Should be a doctor, a medical doctor.

But is that- -?---Someone who have- - -

20 But that division, that division of function is correct, is it not?---(NO AUDIBLE REPLY)

That I've just put to you, that's, that's the correct division, is it not?---(NO AUDIBLE REPLY)

THE COMMISSIONER: The correct division of what, Mr Stitt?

MR STITT: Of function, of function. There's a testing and there's an interpretation.

30 THE COMMISSIONER: They are two different functions?---They're two different function, yes. (not transcribable)

Okay.

MR STITT: In respect of the first function, that is the testing and the use of the Medex device, that was a function which was to be performed by Sandra Lazarus, wasn't it?---Yes.

40 And you know- -?---By, by the doctor- - -

Please listen to me. That was the function?

THE COMMISSIONER: That's part of his answer, Mr Stitt.

MR STITT: Oh, I'm sorry, Your Honour. He's so voluble it's very difficult.

THE COMMISSIONER: Yes. But that's still part of your answer. I mean you haven't had a, I've forgotten your question, Mr Stitt.

MR STITT: I said, the question was, that the function to be performed by Sandra Lazarus was the testing function.

10 THE COMMISSIONER: Yes. And what's your answer. Is that, that's a question. Was the function be performed by Sandra Lazarus a testing function?---(not transcribable) to the coordinator or to Sandra, if she want to do that or one of the nurse that's work with the hospital can do that. The function of to do the actual physical test don't need to be any professional, can be everyone.

(not transcribable)?---It's a simple method to know the point there, maybe a point on the, on the palm and the feet. Nothing special. So it's, if Sandra decides she want do it, is okay, if not- - -

20 Right.---?- - -one of the nurse that work in the doctor do. But not someone outside.

I understand.

MR STITT: And in respect of that testing function, that is something that you gave training to people such as Sandra Lazarus?---Never. I never give any training, one minute, no. You try to put words- - -

THE COMMISSIONER: No, no, no, Mr- - -?---No, it's just- - -

30 No one's trying to put words in your mouth, you're simply being asked questions and I think it's really helpful to stay cool. It's important for everybody's sake. So no one is trying to put words in your mouth. That's just the style in which question are asked here?---Okay.

MR STITT: Might I approach?

THE COMMISSIONER: It's not, nobody is, Mr Stitt is not being rude, it's just the way in which barristers work.

40 MR STITT: Might I approach?

THE COMMISSIONER: Certainly.

MR STITT: Mr Neiron, would you look at this document that I show you. Is that your signature?---Yes.

Is that a signature which you affixed to this document- - -?---Yes.

- - -at or about the date it bears?---Yes.

Is it a signature which you have affixed to indicate the truth and accuracy of the contents of that document?---Yes. Subject to Dr Reitzfeld.

THE COMMISSIONER: Well, we'll get to that?---All right.

Mr Stitt, I take it that that document has been given to the Commission and Mr Alexis?

10 MR STITT: I don't know, Your Honour.

THE COMMISSIONER: The practice is that no document can be put to a witness unless it has been given in advance to the Commission and counsel assisting has agreed to that, because otherwise it's the task of counsel assisting to do it. Cross-examination as in trials is not allowed. All new matter has got to go through counsel assisting. This is the time-honoured way in which this Commission works. I was trained in it when I first arrived.

20 MR STITT: Well, Your Honour, can I- - -

THE COMMISSIONER: So if you insist on that- - -

MR STITT: Well, on that aspect, Your Honour, there seems to be some difficulty about documents. We have asked on a couple of occasions for documents to be produced which we understand the Commission has.

THE COMMISSIONER: Yes.

30 MR STITT: They haven't been produced. I at this stage haven't been making any formal complaint about that. So there does seem to be a problem about when, when and under what circumstances documents may be available.

THE COMMISSIONER: I understand, Mr Stitt. The obligation of the Commission is to ensure that procedural fairness is done. There's quite a bit of authority on that in relation to this Commission and as I understand the authority, the Commission is not obliged to produce those documents in advance.

40

MR STITT: Well, they certainly seem to be adopting that approach because we get things 37 seconds before they're required.

THE COMMISSIONER: That's right. The idea is that this is an investigation, not a trial, and it assists in the, in the interest of obtaining the truth as I read the judgements.

MR STITT: Well, perhaps the element of surprise works both ways, Your Honour?

THE COMMISSIONER: Well, I'm afraid, I'm not going to stop you, Mr Stitt, but I do think that before you ask any questions on this you should show that to Mr Alexis and I think we need an explanation as to why this was not produced to the Commission beforehand and whether we have, as I understand, we've asked for all relevant documents.

10 MR ALEXIS: Commissioner, can I just indicate that- -?---However (not transcribable)

THE COMMISSIONER: Mr Neiron, just be quiet. This is nothing to do with you and you must be quiet now.

MR ALEXIS: Commissioner, I take my learned friend's flourish with 37 seconds as being nothing more than that, but can I indicate that requests have been made and frankly I have understood that I've accommodated every one of them. And before we resumed after lunch a request had been
20 made for a black folder. I understand it's been provided. So, so, Commissioner, a general reference to documents not being made available, with respect, is not consistent with what I understand the position to be. If there is a particular document it ought to be asked for and consistent with my practice thus far in this inquiry I will accommodate the request as quickly as I can, as I have to date.

THE COMMISSIONER: Thank you, Mr Alexis. And that is my attitude as well. I still, Mr Stitt, need to know why this document was not produced in advance as was requested and why it was held back until this witness gave
30 evidence?

MR STITT: Your Honour, it was not held back. It's not actually our document. It was produced to me about a minute before I got to my feet.

THE COMMISSIONER: By, well, I'm not going to cross-examine you, Mr Stitt, I just, I don't know who produced it to you and I'm not making a production about this. I've said that you will be allowed to use the document, but I do think it should be well understood, and I'm sure it is, because of, by reason of what has happened when you're not here, that both
40 Ms Soars and those instructing you know full well that documents are to go through Mr Alexis and are to be produced in advance. So I am really surprised that that has not been complied with. But I'm not, that's, and none of this applies to you, Mr Stitt.

MR STITT: Well, Your Honour, I accept responsibility. When I'm here and I'm on my feet, I accept responsibility for what's happening in running this. I'm not ducking away from that.

THE COMMISSIONER: I'm not suggesting that you are.

MR STITT: No.

THE COMMISSIONER: I accept that you're responsible. I know that this document was, should have been given and wasn't given. But I think we should leave it. We're wasting time. You're able to continue, Mr Stitt. I see Mr Alexis standing and Mr Hogan standing so there's a queue.

10 MR ALEXIS: Well, perhaps I ought to go first because that might resolve what Mr Hogan might want to say. It may be, Commissioner, that this particular document has slipped through the cracks in this sense: no order for production was served on Jessica Lazarus as I am instructed. In terms of execution of search warrants I'm told that that did not extend to Jessica's room if I can put it like that. In terms of this document not having been provided to either myself or those instructing me, that is the case but in circumstances where it may have fallen between both the search warrant and the order for production, it having now been raised I don't think anything more needs to be said about it but I hope that clarifies the position.

20

THE COMMISSIONER: Yes. Mr Stitt, will you proceed then. Do you have a copy for me?

MR STITT: No, I don't but I, I'll tender it now so that you can follow.

THE COMMISSIONER: The certificate of attendance relating to Medex test training by Jessica Lazarus is Exhibit 46.

30 **#EXHIBIT 46 - CERTIFICATE OF ATTENDANCE OF MEDEX TRAINING COURSE**

THE COMMISSIONER: May I just say one other thing to Mr Hogan, Mr Hogan Mr Alexis has explained that the subpoena on the summons was, on Jessica Lazarus was not comprehensive.

MR HOGAN: That there was no notice to produce - - -

40 THE COMMISSIONER: No notice to produce.

MR HOGAN: - - - to Jessica Lazarus to produce anything.

THE COMMISSIONER: Right. But I, despite that as I have said earlier in these proceedings I do expect any document that is relevant to these proceedings to be produced to Mr Alexis before it is used in good time.

MR HOGAN: Yes, I'll ensure that that happens. I had shown him the ID security card which I - - -

THE COMMISSIONER: Yes, yes, very well. I did say that the certificate of attendance is Exhibit 46. Mr Stitt. Do we need copies made, Mr Stitt?

MR STITT: Not for the purpose of continuing, your Honour?---I have some problem with that.

10 THE COMMISSIONER: Just a moment, Mr Neiron. I'm afraid the way this works you may regard it as unfair but your task is simply to answer the questions, not volunteer statements and we'll all get on much faster and better if that rule is complied with. This applies to everyone in your position. Mr Stitt.

MR STITT: The document that you signed is a certificate verifying a training course which had been undertaken by Jessica Lazarus, was it not? ---I can't recall at any time that I signed on this, although that is look like my signature I can't recall that I signed on that document.

20

Did Ms - - -?---I don't know because - - -

Can I please ask you the next question. Did Medex New South Wales conduct training courses at level 2, 209 Oxford Street, Bondi Junction? ---Possibly.

Well, do you know or now know?---I just can say it's possible, I haven't been here so where they conduct the clinical, they, they train I don't know, I haven't been here.

30

THE COMMISSIONER: Have you been involved in any capacity in the training of people in the Medex device in Sydney?---Never.

MR STITT: When you came to make the statement which is now Exhibit 44 where were you, were you in Australia, were you in Singapore or where? ---Excuse me.

Have a look at it, you may need to refresh your recollection, if you need to do so?---(not transcribable).

40

THE COMMISSIONER: The first statement.

MR STITT: Exhibit 44. Where were you?---Exhibit?

THE COMMISSIONER: That document, Dr Neiron?---That document?

Yes?---Which page?

Where were you, the question is where were you when you signed it?

MR STITT: First of all, when you made it?

THE COMMISSIONER: When you made it?---I came here to, to, they request me to come over here, I been here somewhere in office.

MR STITT: The statement was made in August 2010 which is last year. Was the statement made in Sydney?---Yes.

10

And you flew from Singapore to Sydney to make this statement did you? ---No, I supposed to be, I been here for something different so, and then I receive, I receive a number of letters they request me to contact the office here but I been here for something different, it was nothing related.

But when you came to make this statement - - -?---Yes.

- - - did you understand that it was being made for this Commission and an inquiry?---No.

20

Did you not understand that it was being made for the Independent Commission Against Corruption?---I understand from the name of the operation but I don't know what is the reason why they call me.

But you must've known the reason why they called you after you spoke to the officers from ICAC, from the Independent - - -?---During the time, during the time that's he asked me the question I understood it.

30 Yes?---They hasn't given me any instruction what to say, what not to say, what (not transcribable).

Never mind about that, never mind about that. At the moment I'm asking you about the way in which this statement came to be prepared. Do you understand that?---Ah hmm.

When you came to make this statement did you understand that it was to be used as a part of an investigation?---Yes.

40 Did you understand that it was used to be part of an investigation into conduct which concerned your companies?---Yes.

Did you understand that it was to be part of an investigation which concerned your conduct?---Yes.

Did you think that it was an important investigation?---Yes.

Did you understand your obligation to be truthful, accurate and complete when you made that statement?---Subject to my memory.

Did you understand your - - -?---I'm, I'm, I'm been blessed by the way that I can forget things, however, I try to give the maximum that I'm able to remember.

Did you understand your obligation was to be truthful and accurate and complete in making the statement?---As I said before subject to my memory.

10 And did you prepare your statement on that basis that it is truthful and accurate and complete?---I tried to go, to do the best of my memory and my knowledge.

And did you sign it because you said it was truthful, accurate and complete?---I sign it because that is what I try to do on the best of my knowledge and my memory. That's what I sign for.

Now, did you have access to documents before you signed this statement?

20 THE COMMISSIONER: You might have to say what sort of documents.

THE WITNESS: You mean which document?

MR STITT: Well, were you entirely relying upon your memory or were you shown documents as a part of the investigation process which led to this statement being made by you?---I did show some document, yes.

Well, your statement contains documents, I take it you got those from the ICAC, from the Commissioner's officers, is that so?---Yes.

30 The actual operation of the Medex device involves a testing wand and a computer as the two major component parts, does it not?---No. Actually - -
-

The testing wand is actually connected to the computer by cable?---Yes.

And there is a hasp?---So is three component, important component.

40 Let's just take them one at a time. The hasp does nothing more than simply record the number of tests which have been relevantly conducted?
---Incorrect.

It simply records the number?---Incorrect.

I thought you told us in your evidence today that the hasp accurately records the number of tests only, that's the note that I made?---No, I haven't said the words only and another things, I explain the hasp is also the key for the, to

open the programme and without the hasp you can't open the programme, you can't actually utilise the whole system.

The way in which the device operates is that the test is conducted by applying the, the wand to the skin surface of the patient, that's correct, isn't it?---You try to ask me something which is I can't understand what you try to ask me.

10 The test is conducted by applying the wand to the hands or feet of the patient?---The test, the test conducted by the way that you utilise the handpiece to close the circuit between the metal piece that the patient hold in their other hand. So when you close the circuit they have the ability of the handpiece to absorb the amount of micro-electricity that is transferred by the nerves.

And the result of that absorption is recorded in the laptop?---That's true.

I beg your pardon?---That's true.

20 THE COMMISSIONER: That's true.

MR STITT: So that the laptop has the capacity to store the relevant results of the tests?---Yes.

That's the purpose of having the laptop, is it not?---Yes.

30 And in order to retrieve the results of the tests you go to the laptop and withdraw it either by printing it or screening it?---Subject if you have the hasp. If the hasp is contacted to the computer or attached to the computer then you have the ability, if not no one can open it. This hasp is actually approved by NASA and this if you can't use this hasp you can't do that. This hasp is using by all the banks and other government offices. So you, not you, not me, not any technician in the world able to open the information in the laptop without the hasp and I can give you the chance to try it.

I'm sorry, I didn't hear what you said?

40 THE COMMISSIONER: He says he can give you the chance to try it.

MR STITT: It's very generous of you?---Thank you.

But the computer stores and retains the evidence or the data which results from the testing of each patient, does it not?---Yes.

In order to get the information so that results can be assessed and interpreted it's a simple matter of retrieving the information from the computer isn't it? ---Subject if you have the hasp or not.

You've said that but I'm asking you a different question?---I give you the same answer.

THE COMMISSIONER: If you've got the hasp it's a simple matter?---If you've got, no, you also have to put the code and the name of the doctor. So its mean that is open a special box and they ask you your name or the name of the person who want to operate the laptop or the computer and then they have the code so if you don't have the right code you can't open it.

10

And what is the name of the doctor, which doctor?---Each doctor that has used the laptop so let's say if Dr Ippe decide to use the laptop to do the test on his patients - - -

He's got to put his name?---He have to put his name and there is a special code, number or name, whatever and then when you type it then you can enter into that.

So is the code attached to the name of the operator?---Yes.

20

So if Sandra Lazarus was an operator she would have her own code?
---Exactly right.

MR STITT: And you were given the details of those codes, were you not?
---No, never.

THE COMMISSIONER: I'm not sure if I understand that. Who gets the code?---The person who conducted the test.

30

So only that person knows the code?---And the doctor. He know the code, like, he's got the code for his bank account.

So, so does that person put the code in himself or herself?---He have to, the person have to put the code and if the computer accept it, the information go to the hasp and the hasp allow to open the program.

Yes. Right.

40

MR STITT: Is this accurate, that any hasp can be used to view, you don't have to have the original hasp?---Yes. You don't need- - -

So you only need a hasp?---No, not really, because each hasp is also is dedicated to the area so it's, when the hasp that use in New South Wales can use only New South Wales and not in Western Australia for example.

But any hasp in New South Wales can be used to access the data which is recorded in the computer. Is that accurate?---Theoretically, yes, subject if you have the code.

Well, subject to the code, but- - -?---Let's say if you have the code and if you have the (not transcribable) and you put the hasp of New South Wales, yes, you can open it.

And did you have any role to play in setting the codes on the hasps- - -?
---No, nothing at all.

10 - - -for the New South Wales testing?---Nothing at all. It's from the manufacturer and the hasp is from NASA, sorry, from (not transcribable) is the manufacturer of the hasp. So they have the (not transcribable) and for me to get the code for the hasp, I have to get a special licence which I don't have. Only the company, the manufacturer.

What is the code for New South Wales?---No idea.

I'm suggesting to you that there's no such coding?---I suggest that I don't have any idea at all. I've never been involved in the hasp.

20 THE COMMISSIONER: Just (not transcribable) Is there a, is there a code for New South Wales or does each individual user have his or her own code?---For the hasp they supply to New South Wales have a special code to the area. It's connected to the Internet.

Okay?---I don't know exactly how it's work, how they control it by the Internet.

30 So how does the, how does the operator in New South Wales find out what the hasp code is?---All right. The concept is working on the cost price per test. So if the test for example in Australia based on \$41 per test, which is that's based, and the price in India is on \$8 or \$9 per test, so they give (not transcribable) ability to the people to actually buy the hasp from India and utilise it here because in India they're cheaper, the special code or (not transcribable) that is when you connect it to the computer, the laptop (not transcribable) Internet is automatically (not transcribable) and blocked the usage of hasp that's actually sold in let's say India.

40 But that's not, Mr Neiron, what I'm asking you. If the person operating the device, how does that person when first being given the device to use - - -?
---Ah hmm.

- - -how does that person find out what the code is for the hasp?---No, he can't found the code for the hasp because if you found the code of the hasp, he can increase the (not transcribable) test.

I see?---So he can't. And because of the, it's work like a (not transcribable) system. As much as you- - -

You've answered my question, it's all right. So does that mean that no one, well who has the code to the hasp? Who, who are the people?---The manufacturer in Israel.

That's all?---That's all. And they're not allowed to expose the code unless they receive the license from Aladine, so is Aladine is actually is the company that control the hasp.

10 MR STITT: But sometimes the hasps can be blank, without a code can't they?---It doesn't work.

Well can you take it a step at a time. Sometimes the hasps can be blank and not coded. That's so isn't it?---Maybe.

Maybe. And if you have a blank code you can access - - -

THE COMMISSIONER: A blank hasp.

20 MR STITT: I'm so sorry. If you have a blank hasp with no code you can then access the computer data which is stored - - -?---No, that, that is not exist. Each hasp receive originally the code for the manufacture.

Well I thought you told me a moment ago that there can be blank hasps?---I (not transcribable) I'm sorry.

THE COMMISSIONER: He said in theory, as I understood, by, my memory is correct.

30 MR STITT: Well, I'll ask you again - - -?---You, if you have - - -

THE COMMISSIONER: Mr Neiron.

MR STITT: Can you listen to me, please. You can have hasps which are not coded, that is they are blank so far as the code is concerned. That's true isn't it?---No.

Are you saying that you cannot get a blank hasp at all?---None at all.

40 THE COMMISSIONER: Frome the - - -?---From the manufacturer none at all.

Once it leaves, as I understand your evidence once it leaves the manufacturer it has a code?---Yes, by Aladine, by the original manufacturer, not by Medex Israel. Medex Israel receive for each the code because they can update the number of the test. So it's mean when it have, the hasp have 50 or let's say 50 or 100 test and finish, we have to send it back the hasp, because each hasp have a number and they can update it or increase the number of test. We can't do that, no one can do that.

MR STITT: I'm not talking about the number of tests which the hasp permits to be conducted, I'm talking about access to the information or data which is stored on the computer (not transcribable) the testing?---No.

THE COMMISSIONER: No what?---No you can't. If they ask is not got it, don't have the number which is not exist can't access to the computer. The computer not recognise it.

10 So how do you get access to the computer if you don't know the code?
Well how do you get access to - - -?---That is the language between the hasp and the computer and the programme.

Yes?---So when you have - - -

So when the hasp is finished, when the, when the tests are done on a particular device and you want to get it to the doctor to interpret how do you find what's on the computer?---The doctor can utilise the same hasp that he use for the test.

20

Yes?---Even they don't have any (not transcribable) it still got it.

Yes?---It still have the all the code number and whatever.

But - - -?---If he's don't have any more test, he can open it because he have the code that is - - -

A code for what?---For the programme.

30 For the computer or the hasp?---For the, for the computer. But the - - -

So you can open the computer if you know the code for the computer?
---Yes.

Even if you don't know the code for the hasp?---Nothing to do with it. That is only the, you can't know the code for the hasp. That is only the language between the hasp and the computer.

40 So if you want to find out what the results are of tests you just open the computer and you look?---If you have the hasp and if you have the code.

Yes. But you need, you don't need the code for the hasp, you need the code for the computer?---Yes.

All right?---But the programme will not open without the code, without hasp.

Well can we move on now.

MR STITT: Now you have told us that you did not receive any information about these test results which were conducted by Sandra Lazarus. That's not strictly true is it?---That's not, that's not precise what I say and it's not precise what you talking about. You talk about which (not transcribable)

Well, would you please listen?---One minute, which (not transcribable)

10 Please listen. Mr Neiron, take it easy. Just, it's not accurate to suggest that you did not receive data or test results which were conducted by Sandra Lazarus is it?---I never receive data or test results. I receive, I receive the results, general results for the all test together, not for individual.

THE COMMISSIONER: Sorry, I beg your pardon? You received results - - -?---I receive copy of the article, not - - -

I see?---Not, I haven't receive actually that application.

20 Yes?---I never saw.

You never - - -?---Even not with (not transcribable), nothing.

So the only data, as I understand your evidence, the only data you've received is the data in the material she sent, gave you for the articles that she was going to publish?---That's right.

MR STITT: That's not strictly accurate though is it, Mr Neiron?---That, that extremely strictly - - -

30 Because you received the computers back which she had been using to perform the tests. Isn't that so?---No. I, the lawyers say computer destroyed computers. I haven't received computer that's workable and we have report for that, official report.

You agree that the computers - - -?---And I haven't receive it from Sandra.

40 You agree that the computers themselves contain the stored data from the test results, we've been through that and I don't want to go through it again?---I completely agree that is I receive destroyed stored laptops.

Well, we'll get to whether it's destroyed or not but you in fact received laptops back from Sandra Lazarus' testing, did you not?---No, I haven't received from Sandra any laptops. I receive from (not transcribable) in Perth.

THE COMMISSIONER: Where did he get it from?---No idea.

And how many did you get back?---Three.

And how many did you give her?---Seven.

MR STITT: Mr Neiron, was your lawyer Kevin Dundo at Q Legal in Perth?---Yes.

And was it Kevin Dundo that received the computers and the Medex test units?---Yes, he receive it.

10 And he received them on your behalf did he not?---He receive it on my behalf.

And he also received some TENS machine stimulators?

THE COMMISSIONER: I beg your pardon?

MR STITT: TENS, T-E-N-S?---I am not sure about that.

20 Well, the stimulators were also used as a part of the testing process?---Yes, but I'm not sure that we receive it because I haven't receive it, I haven't received the (not transcribable).

(not transcribable)?---All right.

Would you please do me the, I withdraw that. Mr Dundo was your lawyer acting for you in the dispute that you had with the other, Mr Pleiksna and his interests?---Yes.

30 You and Pleiksna had a huge falling-out didn't you?---Unfortunately yes.

And that resulted in very bitter litigation between you didn't it?---Yes.

And Mr Dundo was acting for you in respect of that dispute, was he not? ---In respect of receive, yes, (not transcribable).

Please. He was your lawyer wasn't he?---Yes.

He was acting on your behalf wasn't he?---Yes.

40 He had your authority to receive documents and equipment on your behalf did he not?---Yes.

And he did in fact receive Medex test units and PC laptops which had been delivered to him as a part of the resolution of the dispute with the Pleiksnas did he?---Yes.

And you knew that that equipment had come from Sandra Lazarus didn't you?---No.

Well, you knew that Mr Pleiksna hadn't carried out the test?---(not transcribable).

Do you seriously suggest - - -?---(not transcribable).

10 - - - you did not know that they came from Sandra Lazarus?---No, it hasn't come from Mr Vern Pleiksna, it's actually, according to my knowledge, and I don't have proof of that, it's come from Mr David Pleiksna. And it's come from him all broken.

Mr Neiron, Mr Neiron, it came from the Pleiksna camp, did it not?---I don't know.

Do you seriously suggest that - - -?---I seriously suggest because I don't know. I know the name of David Pleiksna but I don't know where it's come from.

20 Mr - - -?---Doesn't state on the box anything.

THE COMMISSIONER: What you're saying is you don't know where they originally came from, how the Pleiksnas got it?---I don't know anything. I mean, it is (not transcribable), I been in Singapore and they inform that is three laptops and something has arrived to here and we have to go to collect it so one of us went to - - -

(not transcribable) this is peripheral, perhaps we can just get to the point.

30 MR STITT: Well, the point is that he did have this material, he did have the data and when he said he didn't he was not strictly - - -

THE COMMISSIONER: (not transcribable). Mr Neiron says he got three computers and they were destroyed. That's as far - I mean he said that right from the start. I'm not sure whether it's said that he had more than three and they weren't destroyed, that's what I regard as the point.

MR STITT: Is that a convenient time?

40 THE COMMISSIONER: It certainly is. And we start tomorrow at half past 9.00.

THE WITNESS WITHDREW [4.30pm]

AT 4.30pm THE MATTER WAS ADJOURNED ACCORDINGLY [4.30pm]