

MAGNUSPUB00435DOC  
26/03/2010

MAGNUS  
pp 00435-00480

PUBLIC  
HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THERESA HAMILTON ASSISTANT COMMISSIONER

PUBLIC HEARING

OPERATION MAGNUS

Reference: Operation E09/0560

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 26 MARCH, 2010

AT 2.05PM

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

ASSISTANT COMMISSIONER: Thank you. Please be seated.

MS RONALDS: Just before we start if I could, firstly, and I was remiss this morning in not being polite and I apologise to everyone for last night or yesterday afternoon that we didn't have lift-off, but it was at 6 o'clock and you'd all gone by them. The technology has been tortured back into life and we're going to have another go which we promise will be successful, at 5 o'clock on Tuesday afternoon with Mr O'Brien and it is proposed that we will sit for the four days next week obviously and then we will reconvene on the week starting 12 April and sit for as many days as required in that week. We hope it won't be the whole week, however. Sorry, Commissioner, if I could just have a moment, we're just dealing with an email.

MR BLAKE: Commissioner, I think it's with the agreement of counsel assisting I would seek to substitute for MFI2 another email which she has provided me which is identical apart from, I think, one further string, one further email in the string of emails.

ASSISTANT COMMISSIONER: Yes.

20

MS RONALDS: That's correct, Commissioner, we attended to it over lunchtime and found a fuller, better version I think so - - -

ASSISTANT COMMISSIONER: All right. Well, MFI2 will now be Exhibit 52.

**#EXHIBIT 52: EMAILS FROM MR TODD NEAL, MADDOCKS TO BURWOOD COUNCIL DATED 10 JULY 2008, SUBJECT: DRAFT ADVICE RE ELECTORAL MATERIAL**

30

MR BLAKE: Can it just be noted though it's not exactly MFI2, it's - - -

ASSISTANT COMMISSIONER: No, well, all right. Well, we'll just tender this one as Exhibit 52 and leave the other one as MFI 2.

MR BLAKE: Yes, but can it be just noted that there's a substantial identity between this and MFI 2 so the transcript may result.

40

ASSISTANT COMMISSIONER: Yes.

MR BLAKE: If that note could be made.

MS RONALDS: Right. I call Mr Hullick.

ASSISTANT COMMISSIONER: Yes, Mr Hullick. Have a seat.

MR HULLICK: Thank you.

ASSISTANT COMMISSIONER: Yes, Mr Hullick, you've been called here to give evidence. You are required to answer any of the questions put to you. Do you wish to seek a declaration under section 38 of the Act?

MR HULLICK: Yes, I do.

10 ASSISTANT COMMISSIONER: Pursuant to section 38 of the Independent Commission Against Corruption Act I declare that all answers given by this witness and all documents and things produced by him during the course of today's hearing are to be regarded as having been given or produced on objection and there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

20 **PURSUANT TO SECTION 38 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT I DECLARE THAT ALL ANSWERS GIVEN BY THIS WITNESS AND ALL DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF TODAY'S HEARING ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED**

30 ASSISTANT COMMISSIONER: Mr Hullick, you're required to take an oath on the bible or an affirmation

MR HULLICK: Yeah, the bible will do.

MS RONALDS: Mr Hullick, can you give the Commission your full name?  
---Leslie James Hullick.

And your business address?---1-17 Elsie Street, Burwood.

10 And your occupation?---Director of Executive Services at Burwood Council.

And how long have you been in that position?---About probably two years, two and a half years.

And how long have you worked for Burwood Council?---Six and a half years, nearly seven years.

20 So what was your position originally?---Director of Business and Corporate Services.

And did your position change or just your title?---No, my position changed.

And before you joined Burwood Council where were you?---I was a very short time in a, in a country council. And prior to that I was in Sydney Council.

Sydney Council?---In a Sydney, in, in Concord and Canada Bay.

30 Right. And it's correct is it not that during that time you and I worked on a race discrimination case together?---That's correct.

40 Okay. And can you explain to the Commission what your main functions are? Or did you bring a copy of your duties statement?---No, I didn't but I think I explain. My main function is, is revolved around the civic precinct, the, the furthering of that and the, the, to ensure that that, that gets up, if you like. You'll appreciate that was a lot of, a lot of property sales, et cetera. Looking after Council's property strategy. Finance comes under my control as well. I also have special projects, the Enfield Swimming Pool and in the last twelve months I've also looked after Governance and Community Services, library - - -

And does that mean that Matthew Walker, which, sorry, not Matthew - - - ?  
---Yes. Yes.

Matthew, sorry, too many people. He's the chief finance officer?---Yes.

And does he then therefore report to you?---Yes.

And what's your function if any in the budget?---I get involved in the budget discussions, not so much as the, not as much as the CFO, does, the Chief Financial Officer, not as much as he does, but I get involved in the, in the preparation of the budget every year, which usually starts probably not long after Christmas and continues on until about April.

10 And what role if any do you have in supervising or monitoring the expenditure of Council funds during the course of any given year?---Well, the CFO or the finance area, they, they produce monthly reports that are sent to all directors. So one of my jobs is to ensure that those monthly reports go out to all the directors to see how they're going in their particular divisions. But on the, on a day to day basis on detail, I don't get involved.

Right. And you do have a responsibility of signing invoices from external agencies to authorise payment?---A number of us have those, have that role. But, yes, I certainly do have - - -

20 And what's your understanding of what you are doing when you sign an invoice?---When I sign an invoice it, it's, it usually comes to my desk where it has, a lot of times it'll have a number on it, an account number on it. It'll have some documentation attached to it. Normally the work has already been done, so I sign the voucher to say that this is, this, this account is now okay to pay because the work has been done.

Okay. Well, we'll go to some specifics, but I'm just trying to see generally what you understand that your signature means in terms of the payment system. And your signature means that it can be paid out of Council funds? ---Yes.

30 You understand that?---Yes.

And that you have a, therefore a financial responsibility as far as that goes? ---Yes.

And you also have responsibilities to the organisation as a whole to make sure that that expenditure is a proper expenditure?---Yes.

Now, you're a member of the executive team?---That's correct.

40 Or the executive, as I understand it's called?---Yes.

And that is the General Manager, yourself and three other directors. Is that correct?---Yes.

And how often do you meet as an executive?---We, we meet probably once a fortnight, but having said that that is not always the case. But generally the meetings are designated for once a fortnight. It doesn't always happen, but that's, as long as I've been there, that's sort of basically been the case.

And does the Mayor ever attend those meetings?---No.

So they're purely senior staff?---Yes.

And do you attend on occasion Council meetings?---I attend basically every Council meeting that I can unless I'm away.

10 Right?---And how often does Council meet?---Council meets, has a, Council, an ordinary Council meeting once a month but they can have extraordinary meetings as well during the year, they might have two or three of those during the year and there may be some building and development meetings but they're not very, they're not held very often.

And when you attend at Council meetings do you speak?---Not unless I'm asked.

Not unless spoken to?---Yeah.

20 And in terms of Councillor access to members of the executive or to yourself is there a formal protocol within Burwood Council that sets out when and how or if that should happen?---The, the Councillors have direct access to the, to the executive. A lot of times it's done through the General Manager but, but the Councillors do have direct access to the, to the executive, yes.

And do you have direct access to the Mayor?---Yes.

30 And how - Mr Romano's been General Manager since September 2002 so you've worked together for a number of years?---Yes.

He was there when you were recruited?---That's correct.

And he was presumably involved in your recruitment?---I was recruited through an agency that, that Bob Howe was involved in.

Right. But somewhere along the line I assume he interviewed you prior to being given the job?---Yes. Yeah.

40 And how would you - during the course of 2007 and 2008 how would you describe your relationship with Mr Romano?---Very good. I'd been working there for about, what, three years at that stage. I had a pretty good, very good working relationship with him, we got along pretty well, I thought that, I, I liked a lot of the things that he was doing, the way, way he wanted to get things done and I think he thought that I was doing a, doing the job that I was employed to do so I got along pretty well.

Would it be correct that at times he can be quite volatile in meetings?---Yes.

And quite quick to rush to judgement?---Yes.

And quite open in his views?---Yes.

Including saying things to people who may have been working on projects for some time that he doesn't care for the project or he doesn't like the work or things like that?---Yes.

10 He may not use quite the words I've used?---No.

He may use - does he swear often?---No, not very often.

But occasionally?---Well, I suppose we all do.

And you've been in positions haven't you where your staff have complained to you that he's upset them?---Yes.

20 And that happened on a reasonably regular basis during the course of 2007 and 2008?---No, I wouldn't, I wouldn't say a regular basis but certainly happened, yes.

There'd been a few blowups with your staff hadn't there?---Yeah, yeah, yeah.

And you've had to come in and calm troubled waters?---Yeah, yeah.

30 And work between yourself and the General Manager to get your staff back on track?---Yeah.

How many staff left because of their relationship with Mr Romano?---My staff?

Yes?---No, I couldn't say that there were. No, I couldn't say that there were.

40 But there have been some who were upset?---Yeah. I mean they may have left and not, and not indicated why they were leaving but no, I wouldn't say that anyone's left specifically because of Mr Romano.

Now, during the course of the latter part of 2007 Mr Romano had one if not more conversations with you alleging that his family were being harassed. Do you recall that?---Yes.

Now, do you recall how often that was? Was it more than once?---Probably, yes.

Now, was there a point at which he formally briefed the executive?---I'm not sure that he did that officially.

Well, what I'd suggest to you is this, there was an executive meeting on 31 October and at the end of the meeting the other lower orders, those who weren't, the four of you in effect, left the room or were asked to leave and he had a meeting with just the four executive and himself. Do you recall that happening?---That, that happened on a number of occasions but it could have, I'm not saying it didn't, yeah.

10

And no minutes were taken of the discussion about the harassment of the family?---Yes, that's probably right, yes.

It's correct, is it not, that executive minutes, sorry, the minutes of executive meetings normally go on the Intranet?---Yes.

And so anything that is considered sensitive or not - - -?---Yes, sorry, I'll just correct that. They don't go on the Intranet, they, I think they used to go on the Intranet, they go on the, on the S drive which is a common drive.

20

They go on the S drive?---Yes, I think they go on the S drive, yes.

And that means they're available to anyone in the Council who wants to read them?---Yeah.

So matters that are considered sensitive or say an employment matter or a - - -?---Yeah.

- - - they're not put in those sort of minutes?---No, no.

30

So there's a second raft of things that happen at executive meetings that don't make it into full - - -?---Well, they probably won't be, would be worded as such, the detail won't necessarily be worded as such.

So if you decided to, or you're talking about dismissing someone, for example - - -?---Yeah.

- - - you wouldn't put that in the minutes?---No.

40

So what I'm suggesting to you is that there was a discussion at the end of the 31 October meeting which is not reflected in the minutes and that was about what Mr Romano said was harassment of his family?---That is probably right, yes.

And are you able to tell the Commissioner what you recall about what he said. I'm sorry, just before you do that so I can clarify, you've been present in the Commission since it started on Monday?---Yes.

Pretty well all the time?---Pretty much all the time, yes.

So you know what the issues are that have been traversed?---Mmm.

Now, you have to try and remember things without allowing that to pollute -  
--?---Yeah, yeah.

-- your mind and I know that's probably a bit difficult because --?  
---Yeah.

10

-- you've heard renditions of various conversations?---Yeah.

So doing the best you can, casting your mind back to 2007 rather than  
anything you've heard in the last few days?---Yeah, yeah. My recollection  
was that this, there was certainly some harassment going on. Now, some of  
these things might sort of have all not necessarily happened on the one  
afternoon - - -

20

Right?--- - - - or whenever. I do remember a, being shown a text message  
that was quite harassing, I can't remember what was on it.

Was that some time later?---As I said, I'm not sure.

ASSISTANT COMMISSIONER: Mr Hullick - - -

MS RONALDS: That was in 2009 I think, wasn't it?---That, no, no, no, no,  
this was, no, it was much earlier than that?---Yes.

30

Oh?---Yeah.

ASSISTANT COMMISSIONER: Mr Hullick, counsel assisting is asking  
you what Mr Romano said at this, at a meeting. You understand, don't you?  
---Yeah, well, that's what I'm trying to say.

All right. Well, you think he showed a text message at the meeting?---Yes,  
that's what I'm saying, yes, I, I, I think I - - -

MS RONALDS: So it's not the later one?---No, it certainly wasn't 2009.

40

Right?---No, it was much earlier than that.

And do you recall what it said?---No, I don't but I think I remember  
something along the lines of, you know, I got this at midnight or something  
like that and I believe at the time it was also sent to, the same text message  
was sent to some other employee and I just, off the top of my head I just  
can't think - - -

That'd be Mr Becerra?---Yes, I think it probably was.

I think they occurred some time later?---Was that later, was it?

Yes?---Oh, sorry.

Not that I want to give evidence from the bar table but I think your recollection might be flawed on that, Mr Hullick, I think that occurred several years later?---It wasn't several years later, I'm sure it wasn't.

10 (not transcribable) 2009, wasn't it?---I'm sure it was earlier than that but - -  
-

It was in 2009 but so, leaving the text message aside for a moment - - -?  
---Yes.

- - - do you remember any other specifics?---Just general, just, just general harassment. There was even a, and again, I hope I'm not talking about 2009, there was a, a thought that it could have been one of the, one of the developers that was mentioned earlier in, in, in, in the evidence earlier.  
20 There was also some connection or possible connection to a, a company in Parramatta that, that, yeah, that's, that's the sort of thing that I, I can sort of remember and - - -

Do you remember any discussion about eggs?---I don't, no.

Do you remember any discussion about an allegation in emails that he was having an affair with someone, P Romano, sorry, Mr Romano?---No, I can't remember that either, no.

30 Cars, headlights?---No, not necessarily. I, it could have been said, I, I, I don't know.

Anything about ring and run, that is, someone ringing the doorbell and running away?---Again, it could've been said, I, I, I, I don't really - - -

And at any stage were you involved in a discussion about any harassment of the Mayor in 2007?---I do, I do remember some, no, I wasn't involved in any discussion on it, no, no. I do remember some, something being said about the Mayor, you know, was getting similar sorts of threats or whatever.  
40

And who would've said that, who said that?---Mr Romano.

Mr Romano said that. You didn't ever have a discussion with the Mayor about it?---No.

Now, Council paid for some surveillance of a person called XXXX XXXX, you know about that?---I heard that, yes.

Do you recall what, if anything, you knew about that at the time, that is, in 2007?---Absolutely nothing.

And you're aware that you signed a series of invoices?---Yes.

And I'm just going to take you to those invoices?---Yeah, sure.

If the witness could be shown Exhibit 5. Now, you'll see, as I understand it you've signed, that's you at the top isn't it?---That's correct.

10

Now, what do you say is the difference between those two signatures, that is, the receiving and the approving?---Basically the receiving says that the work has been done.

And how - - -?---That the work has been received.

All right?---Or the service has been received.

I'm sorry. Now you signed this on or about 2 November, 2007?---Yes.

20

How did you satisfy yourself that the work had been done and therefore you could sign it?---Well, I suppose it's come to me as approved so the, the, I, I probably at the time unauthorised use of premises, I don't know, I probably, I may have asked somebody, you know, have they been carrying out surveillance work. I can't think, apart from that I, I don't know, I can't sort of think who - - -

I don't want to misrepresent your evidence but what if Mr Romano has already signed it and you just signed it essentially?---No, not necessarily, no, no.

30

Well, what independent thought did you bring when you got a bill for \$4,000-odd talking about unauthorised use of premises to ensure that the work had been done?---Well, it is, well, number one I suppose if something lops on my desk with, with Mr Romano's signature on it I mean I had no reason to doubt, I had no reason to doubt the invoice if he's already signed it. I mean, I, I completely assumed that, you know, it was, that things were okay. I mean, we're talking here about investigations and, yeah, we're talking about investigations, we're talking about - - -

40

All right. Just help me here. You see there's a second page to the bill which has disbursements on it?---Yes.

Sorry, the invoice. When it comes to you does it have that sheet?---It probably did.

And would you look at that prior to signing it as a matter of practice?---Yes, I look through the voucher, yes.

And unauthorised use of premises could mean brothels?---It could, yes.

Or some other thing?---Yeah, it could.

And if you looked at this you'll see that there's a significant amount of surveillance being conducted?---Yes.

10 And is that consistent with what you understand unauthorised investigations into brothels?---Not necessarily, I mean, a lot of times I wouldn't, I wouldn't sign these vouchers I suppose in the sense that some of the investigations that occur would, would be through, in the planning area so four to six hours a week, yeah.

And there was nothing that struck you as unusual?---It didn't, it didn't, didn't sort of, no, didn't - - -

20 Do you now understand that the descriptor is a false descriptor?---Mmm, I do.

Now did Mr Romano have a discussion with you at the time that you signed this and say to you, look, it's IPP's practice, we don't want to put the real thing on these bills because we don't people to know they're under surveillance and so we put in false descriptions?---No.

And do you say that any discussion like that ever occurred with Mr Romano?---No.

30 And until this week, prior to this week did you ever know that the bills that you were signing were false descriptions?---No.

And so Mr Romano didn't come and say to you, this is actually for surveillance, surveillance of someone who I think has been harassing me - - -?---No.

- - - can you sign it anyway or can you sign it, this is what it's really for? ---No.

40 So you signed it thinking that the description was accurate?---Yes.

But not knowing what work had been done?---Not necessarily knowing what work's done. Just that surveillance had been done, yes.

And - - -?---IPP did a lot of, did a lot of work in the area.

Were you surprised that you were being asked to do this one?---No, not necessarily. No.

And because you're being asked to sign as the receiving officer?---Mmm.

And as I understand it, you therefore are guaranteeing that the work had been done and the quality was okay?---Yes.

But you didn't know?---Well, that's, well I suppose that's right. But I had no reason to think that the, that the work had not been done.

10 But you also had no reason to think it had been done?---Except that I'd been working there for a number of years, I had no reason to doubt any, any of these types of invoices that were put in front of me that I signed.

So you, was it, so you were influenced were you by the fact that it was a IPP invoice?---Well IPP invoices - - -

No. Just listen to the question, please, Mr Hullick?---Yeah, sorry.

20 Were you influenced by the fact that it was an IPP invoice?---Well, it was an investigation invoice so - - -

And you knew that was the company that provided services to the Council? ---Yes.

So on the face of it, you would assume it was - - -?---Yeah.

- - - to use the word earlier, kosher?---Yeah. Yes.

30 And the fact that Mr Romano had signed it first, did that influence you at all?---Yes, I suppose it did. Yes.

It's a simple fact isn't it that (not transcribable) for you you didn't think about it all, you just signed it?---(NO AUDIBLE REPLY)

You have to answer, Mr Hullick?---Yes.

The transcript doesn't pick up nods. Now, the number down the bottom, the 0-9-4-0-6 et cetera?---Yeah.

40 When in the process does that get put on?---When that, what that stamp is put on it's, it's usually associated with the stamp, so when the stamp goes on there's a, there's a number allocated and so that, that's usually when it gets on. So it's done by the person that actually stamps the, stamps the document. And normally what they do, they, if they are in doubt they will ask the initiator of the, of the invoice or not the invoice, the initiator of the service where it should be charged. So, so that's what happens there. So that number reflects a, a number in our ledger, there's fifteen hundred numbers in our ledger and that's one.

Well, this one, if I could show you this document, you see the number, this is from the ledger - - -?---Yep.

- - - which you'd be more familiar with than me, but the, this is from the civic, this indicates that the project was civic precinct property disposal supply and services, other?---That's right.

Now the civic precinct project was a very substantial budgetary allocation? ---That's correct.

10

And so a small amount like this going into a large budget like that wouldn't cause any ripples would it?---No, it wouldn't.

And do you say that you had any role as the receiver to allocate it to that part of the budget?---No. I didn't allocate it to that particular allocation.

Well, how would it have got the number then? You see even on the face of it it's got nothing to do with the civic precinct project has it? Unauthorised use of premises?---No, you're right.

20

Even if you, leaving aside as a false description, on the description that's there, it's got nothing to do - - - ?---Yeah, that's correct.

- - - with the civic precinct (not transcribable) has it? Now was that something you turned your mind to when you signed off for the thing to be paid, that is to make sure it was in the right category?---No, I didn't.

30

And are you able to explain to the Commission therefore, how it could've got this number on when even on any reading of it it couldn't relate to that bit of the budget?---IPP were doing a lot of work in the, in the civic precinct, so that's probably why it, why it ended up there.

All right. And if the witness can be shown Exhibit 18. Now again, this is a bill for \$8,000-odd which may relate to the alarms or may relate to Mr XXXX, but, and you signed this one?---Yes.

As a receiving officer?---No. As approving officer.

40

Sorry, as approving officer?---Yes.

And again do you have any recollection of doing that?---Again, I would've asked as approving officer - - -

Mr Romano's the approving officer?---He, yeah, he's the receiving officer.

Receiving officer, sorry?---Yeah. I probably would've asked if, if that work had been done, yes.

And who would have - - -?---I'm sure I would have. Oh, probably Mr Romano, yeah, he's the one that says its received.

Okay. And if you can just then turn to the next page, is there a bundle, there should be a bundle of them there, behind 18. 18's got a number of pages in it, I hope. You'll see then there's one 19 November, is that the next one for you?---19 November, yes.

10 Now this one actually has no backup sheet and it doesn't seem there was ever one in existence from anyone. So, you signed this one?---Yes.

And you're the receiving officer this time. Can you explain how you satisfied yourself that the work was done before you signed it?---Again, I would've asked Mr Romano.

Do you have any recollection of doing that or you're just guessing now?  
---Yeah, I've got no recollection. I've just assumed that's what I would've done. That's, that's the sort of thing I would've done. Yeah.

20 Or would you have thought, it's only three grand and he'd already signed it, you'll just sign it. Is that possible?---It's possible, yes.

You didn't think it was a large quantum so you didn't, it wasn't something that leapt off the page at you?---Well, again when you look at the, well it's that, there's no, I'm surprised there's no, no attachment to that.

30 There's no attachment in the Council files and there's no attachment provided by IPP. It appears that one never existed. So it means that it was signed off by you and Mr Romano without any proper disbursement behind it. You don't recall it specifically?---No. No.

But it's possible isn't it that because he'd signed it and it was an IPP invoice, you didn't really turn your mind to it at all, you just signed it. Is that correct?---Yes, it's possible. Yes.

And if I ask you to turn the page to the next one, you'll see there's a more significant amount this time, \$17,556. Do you have that, 23 November, 2007?---I've got that. I do.

40 And again that's you?---No, there's no signature on this one.

All right. Just look on, just look on two more pages or just look at the screen?---Again, I would've asked Mr Romano if that, if that had occurred, which it, yes.

But you don't actually remember you just think that's what you might've done?---Well, that, that, that's the normal sort of thing that I would do, yes.

And 17,000 supposedly for security sweeps you now understand that this is a false description?---I do now, yes.

But at the time you didn't?---No.

Mr Romano didn't say to you, this bill of 17,000 is really for surveillance of people harassing me or anything like that?---No.

10 You didn't understand when you signed it it was some other service unrelated to the one that was in the descriptor?---(not transcribable).

And if you could then look at the next one which is 29 January, 2008. This time you're the receiving officer. You see that? It's a smaller bill for 1,400?---Yes.

It was the last three days of the surveillance of Mr XXXX, do you now understand that?---Well, I do now, yes.

20 And that no corporate risk advices had been provided, that is, that this is a false description?---Yes, I understand that now, yes.

But at the time do you recall, since you're the receiving officer you're taking the responsibility that that occurred. And if you look at the sheet behind you'll see it sets out surveillance on three days?---I haven't got that.

Should be the last two pages of that bundle.

30 ASSISTANT COMMISSIONER: I think it might be in front of the invoice, it is in my bundle.

MS RONALDS: You see that one, have you got the, it's not on the system?---No, I haven't got that.

I'm not sure why it's not in the bundle. You see that? Would you have looked at this before you signed having received it?---Yes, I would've looked at it.

40 And you'll see it's pretty clear isn't it that it's a risk assessment it says were conducted as follows and there's some hours. In fact you now understand that to be surveillance. And then you signed it off as receiving officer. Do you have any recollection about this one?---No.

Would it be correct, Mr Hullick, that if invoices were put in front of you with the stamp on them you'd basically just sign them?---A lot of the time, a lot of times I would sign them if they weren't large amounts, some I questioned but I generally trusted what was put in front of me, yes.

Did you have a big stack did you at the end of each day or something like that?---I might have maybe a hundred a week.

Hundred a week?---About that.

But there was nothing in any of these that you ever questioned?---The only, the only one I questioned was the, was the security, I didn't sign off on it until I saw the, saw the legal advice.

10 The security alarm?---Yes.

All right. Just wait a minute?---Sorry, okay, sorry.

We'll get to that in a minute?---Yeah.

We're just finishing with the XXXX surveillance one?---Okay.

And you now understand that what you were authorising or receiving was surveillance of an individual?---Yes, I understand that now.

20

But at the time you say you didn't have any idea about that?---No.

If those exhibits could be returned. If I could tender the general ledger, single sheet?

ASSISTANT COMMISSIONER: Yes. That will be Exhibit 53.

30 **#EXHIBIT 53 - COPY OF GENERAL LEDGER INQUIRY – CIVIC  
PRECINCT PROPERTY DISPOSAL / SUPPLY & SERVICES -  
OTHER**

MS RONALDS: If the witness could be shown Exhibit 13. We're now turning to the alarm system, Mr Hullick. Just ask you to look at the top part of the email, that is, it's an email that, there's been an exchange of emails about the payment of the security alarms. Do you remember that?---The top email, is that what you mean?

40 No, do you recall an earlier exchange of emails about the security alarm where other people responded but you appeared not to have?---Yes, I do remember, well, actually I think I was, I think I was away at the time.

Right?---But I do remember the responses from two of the other staff I think.

If you look through you'll see at the back of that email, I just picked this one because it seems to have the most extensive collection in it. You'll see

there's an email that starts off, it's sent to you on 8 November attaching Mr Baird's advice but no response from you at any time so you think you might've been away?---I think I was away, I read it when I came back, yes.

Right. And was it a matter that caused you any concern at the time?---  
Certainly the advice, advice wasn't, I was quite, quite sympathetic to, to the fact of getting the security in because I, you know, I felt for the General Manager, I'd actually been through a pretty hair-raising episode myself when I was at Concord and so I, I, I had quite, I was quite sympathetic  
10 towards the idea of putting the security.

And you read the draft advice, the final advice or both?---I'm not sure now.

Not that I want to spend anymore time on the advice?---No. Yeah. I certainly read it but - - -

You assumed when you read it that the factual matters set out there were correct?---Yes.

20 You now understand that's not correct?---Yes.

But you didn't have any reason at the time to think that Mr Romano would be misrepresenting his personal situation?---No, not at all. As I said I was quite sympathetic because I'd had quite a harrowing experience when I was at Concord along a similar, a similar sort of situation so - - -

Would it be correct to say that you trusted Mr Romano - - -?---Yeah.

- - - and the matters that he said to you?---Yes.  
30

And by that time, that is, November 2007 you'd worked with him for several years?---Yes.

Had he ever been, to you, dishonest to you as far as you knew?---No. Not as far as I know, no.

You'd never had reason to doubt his veracity?---No.

Never said anything that later turned out to be not true?---No.  
40

So that if he asserted these matters about his private situation you accepted it?---Yes, exactly.

And he says there at the last email on the top page, "Gentlemen, not that I believe I need to justify my decision." Now, would you agree that even one as lofty as the General Manager doesn't need to justify his decision to expend Council funds?---Well, I think, well, I think that he's saying is that he's got the, he's go the advice and on the advice that he's got he's, he's

saying that I can make the decision so I'm making it and he doesn't have to justify it to anybody else, he's making the decision.

I'm just asking you whether you agree in principle that that's a correct interpretation of his powers as you understand it as General Manager?---  
Yes, well, he had, he had wide delegations, he had very wide delegations so the Council kept itself relatively separated from the day to day running of the organisation, it was, Mr Romano did that and he had very wide delegations. Basically almost, almost everything that is not, except that is  
10 covered under the Act, under section 377 of the Act which says there's a whole of things that you cannot delegate but apart from that Mr Romano had quite wide delegations so for all intents and purposes he could make those decisions.

And you agree he was required to act for legitimate purposes?---Yes, of course, well, of course, yes, yes.

It wasn't at large?---No, no, no, no, for legitimate purposes, of course.

20 And it was expenditure of public funds?---Yes.

It's not like a private sector company?---No, no, no.

And you'd agree that there are extra requirements for the, for the expenditure of public funds?---Yes.

Extra care needs to be taken?---Yes.

30 And extra caution needs to be taken to ensure that they are properly expended?---Yes.

And certainly later in 2008 Burwood Council had a, was in some financial difficulties, is that correct? The budget was a little strained?---Like all councils, all budgets are strained, I suppose, but late 2008 I'm not sure that it was that much different to other years when you're, you're getting late towards your, in, in your, in your budget year.

40 Wasn't it one of the councils that lost money in relation to the Lehmann (not transcribable)?---Oh, yeah, sorry, yeah, what happened there was that us, like a, Burwood like about another 400 or 500 councils in Australia invested money in, in Lehmann's, in Lehmann's and that, that, well, we all know that, well, that's still ongoing.

Right?---So we had, we had about I think something like \$3 million tied up there that normally when things got low you just go in there and just grab it but of course all of a sudden you couldn't grab it, yes, there, there was that situation.

Someone else grabbed it first?---Yes, someone else has got it at this stage.

Now, you then, if the witness could be shown Exhibit 19, but that hadn't happened at this point?---No.

Now, this is the invoice for installing the alarm at Mr Romano's house?  
---Yeah.

And you authorised that?---Yeah.

10

Now I think you started to give some evidence before until I stopped you. What did you before you signed off on this one?---I checked the legal advice, as I said. I had a look to see that it was quite, that it was quite legitimate to put the alarms in these, in these places. I mean, I felt it was but I wanted to see the advice.

Did it concern you that, sorry, you know Council's policies about expenditure?---Mmm.

20

Weren't you aware, were you not, that the, there's a reimbursement policy, certainly in relation to the Mayor, that is, they've got to spend the money and then get it back?---Yes, they do but this is not related to that.

Right. So you say this was outside the expenses policy?---Yes. This was, this was something that was being provided by Council separate - - -

All right?--- - - - in relation to the, in relation to the, to the allegations or the - - -

30

And in terms of the procurement or the purchasing manual that was then in operation, this was a cost over \$10,000 and under \$50,000 wasn't it?---Yes.

And that requires three quotes?---It does on a lot of occasions, yes, not, not all, not necessarily always.

40

All right. Well, I'll show you a copy of the purchasing manual, if the witness could be shown Exhibit 49. Can you tell me where, given that that didn't happen as far as I understand in relation to this expenditure, are you able to explain to the Commissioner why it would be that a policy that requires three quotes for an amount over 10 and under 50 didn't apply to this expenditure?---Well, this, my, my understanding was that, that IPP went through that process so they got the cheapest quote so IPP provide the cheapest quote. They, they went out and they got, they got their own quotes.

Did you ever see the three quotes that you knew that they had?---No, I didn't, I didn't see them.

That you knew of?---I don't remember seeing them, no.

You now understand that that process didn't happen?---Well, I don't know. I don't know whether it did happen or didn't happen, no, I wasn't there.

Well, the evidence is clear that there was only one, in this, in this instance only SNP were asked to quote?---Okay, if that's the case, yes.

10 But you didn't turn your mind to that at the time?---No, I, I suppose I made an assumption that, that IPP would be providing the cheapest quotes. They, they would look at the, their role was not to actually install it themselves but to go out and get the cheapest quote and then come back to Council and say, right, this is the cheapest.

And so that not having happened you didn't concern yourself about that prior to signing off?---Well, I didn't know that it didn't happen. I assumed that IPP came back with the cheapest quote.

20 Okay. So what else did you do before you signed off on this one? You read the advice?---Yes, yes.

Satisfied yourself that it could happen?---Yes, that's right.

And then signed it?---Yes.

30 Now this time the, you see the 3149 number, now I'm a bit at loss about whether this is in your bundle or not but that number is for Major Projects Civic Precincts Materials. Do you have that, the ledger sheet? Is that in the exhibit there, Mr Hullick?---That's what I have in front of me, 3149 but that doesn't sound like it's the right number to me.

Well, just look at the number that's on the front?---Yeah, I can see the number there.

40 And you just look on the number that is on the sheet and you'll see it's the same number but you'd agree that installing alarms at Mr Romano's home had nothing to do with the civic precinct, did it?---It didn't no, that's, that's obviously an incorrect number. There is a question mark against that number and I don't know whether, it might have, might have had to have been changed, I'm not sure but it, it certainly, you're right, it's certainly not the, it's certainly not the appropriate number for that.

It's not the appropriate number, is it?---No.

And, sorry, just bear with me. Sorry, Mr Hullick, just bear with me. And then there was a second invoice, if the witness could be, oh, sorry, behind - -?---Sorry, could I just, 3149, that's, I don't think that's the civic precinct number. I, I have to question that.

All right. Let me just show you - - -

MR BLAKE: It was on the screen a moment ago as Major Projects if that's of any assistance.

MS RONALDS: Yeah?---But it, written underneath here is GM's projects account number which is a separate account number that, that, that the GM has - - -

10

Right?--- - - - in the General Manager area and I, I would suggest that that, that is the number that it, that it should have gone to and went to.

All right. Well, I'll just show you these two documents, it seems to have gone to two?---Oh, okay.

In a moment of extravagance. You'll see it's there for the, and then it's set, so it's just, it goes in on the 27<sup>th</sup> and comes out on the 30<sup>th</sup> to Major Projects and then it goes into the General Manager's Supply and Service?---Yeah, that's right, so it - - -

20

So that's what happened, I was trying to see how - - -?---It was an incorrect, yeah, it was an incorrect allocation and it was corrected, yes.

Yes?---Yeah.

So again, someone would have done that in Accounts. Is that correct? ---That's right, yes.

30

Okay. Well, let's not worry about that one too much then. And do you have the next page in, is the JT Alarms which you understand is the Mayor's house?---Yes, wait, sorry, I haven't got it yet.

Have you got it there?---Yes.

Is that you on the, you're the receiving officer in this case?---That's right so I, I would have, I would have asked if that had actually gone in.

40

You didn't toddle around to - - -?---I didn't go around and have a look, no. - - - the Mayor's house and have a look and see whether it was hanging off the rafters or whatever?---No, I did not.

So someone told you, the Mayor's had been installed and you, that satisfied you?---Yeah.

And you were satisfied by the contents of the legal advice that that was permissible. Is that right?---Yes, that's correct.

So you signed off on that one?---Yes.

That one goes into an account, that one goes into an account for Council Chambers, Council Chambers upgrade asset purchase, equipment, if I could just show you this document?---Yep.

Would that be where you would imagine - - -?---Yeah, that's right. Because see it remained, it remained an asset of Council.

10

And did you have a conversation with Mr, with Mr Faker in 2007 about that?---I don't think so.

But you just said then that you think that that would be the correct place for it to go?---Yes. It, it was, it's, it was an asset of Council. It was still an asset of Council, yes.

And it remains an asset of Council. Is that correct? Oh, no, sorry, he's now paid off - - -?---It did, it did until Mr Faker purchased it, yes.

20

Right. And it was your understanding at the time was it, when you signed that, that that was what would be happening to it?---Yes.

All right. Now, do you recall having a conversation with Mr Faker in or at some stage in 2009, 2010 about various expenses repayments or expense accounts?---I do.

30

Do you, when do you say that happened?---Probably late last year, Mr Faker, he might've asked me on a couple of occasions actually, he wanted a copy of all his expenses dating back to 2007.

And did he tell you why he wanted that?---He wanted to do an audit of them.

Did he tell you why he wanted to do that?---No. But I assumed that he just wanted to, to cover, you know, to have a look that everything was okay.

Well, he was concerned about this Commission wasn't he?---Yeah. I'd assume so, yeah.

40

And knowing that various allegations were being investigated by this Commission?---Yeah. Yeah, more than likely, yeah.

Now you sent him an email on 25 January, 2010. I don't have an Exhibit number on mine, I'm sorry. Sorry, just bear with me. Can the witness be shown Exhibit 43, please. You see down the bottom you initiate this email trail and it's clear that you've had a discussion with Mr Faker about it? ---Yes.

And the letter received today regarding material supplied to ICAC in relation to yourself?---Yeah.

So ICAC was obviously, sorry, ICAC was in some sort of part of the conversation?---That's right.

And you then work out some depreciation costs?---That's correct.

10 He sent you back one saying, he thinks you're being too generous to the Council in effect and you've got it wrong?---What, what, yeah, what he, what he did, I, I think I gave him a figure as at a certain date, 30/6 of a certain year, rather than the next year or something like that it was, so, he said, no, I want it, I want it as at '08 instead of '09, so I think I gave him the figure 30/6/09 which was a slightly higher figure. So I revised it, yeah.

And then you sent it to Matthew Walker to talk to him about it?---Well, that was to, that was to do the, send out the invoice, prepare the invoice.

20 And then he sent you an email, if I show you this document, he sends you an email to raise the debtor invoice?---That's right.

And that happens?---Yeah.

And then you, Mr Faker gets sent one invoice and then another one?  
---Yeah.

Now it's correct is it that if Mr Faker hadn't pursued the matter, then you weren't pursuing it with him?---I wasn't pursuing it with him, no.

30 And nobody underneath, nobody in your team was pursuing it with him?  
---No. No.

So it was it was a Council asset that was with the Mayor, the ex-Mayor, former Mayor - - -?---Yeah.

- - - when he was no longer Mayor and he hadn't been Mayor since September, 2008, but Council had taken no steps in relation to the cost of the alarm or the possession of the alarm. Is that correct?---That's correct.

40 And why would that be?---Well, it just hadn't happened. I've got no, I can't see why it wouldn't of happened, like - - -

Just slipped between the cracks?---Possibly or, or it probably would've been, it would've been subject to the next audit and probably would've been picked up in the next audit maybe, the next audit year. Also Mr Faker was still, he was still a Councillor.

Yes, but the, the alarms were installed when he was Mayor because he was Mayor?---That's correct, yes.

Not because he was a Councillor?---No. No.

And he'd always understood that there was going to be a repayment process or a return process and you'd discussed that with him at some stage?---No, I hadn't actually discussed that with him. No.

- 10 But anyway, unless, until he initiated the process, Council wasn't pursuing it. Is that correct?---Well, certainly at this stage, no.

And he's now repaid two amounts over \$16,000. Is that your understanding?---Yes. One of, one of 12,000 something and another smaller amount, yes, that's right.

Yes. All right. Now if I can turn you to the issue of surveillance of Councillors prior to the September 2008 election?---Yep.

- 20 Sorry, if I could tender the ledger entries and, and also tender the email from, yes, that one. They can go together, they can be in the same one.

ASSISTANT COMMISSIONER: Yes. The ledger entries will be Exhibit 54.

**#EXHIBIT 54 - 3 PAGES OF GENERAL LEDGER INQUIRIES**

- 30 And there's an email from Mr Walker to Mr Hullick.

ASSISTANT COMMISSIONER: That will be Exhibit 55.

**#EXHIBIT 55 - COPY OF EMAIL DATED 27 JANUARY 2010 FROM MR WALKER TO MR HULLICK SUBJECT INVOICE REQUEST**

- 40 MS RONALDS: Now were you present at any meetings prior to the September, 2008 election where, as an executive or as members of the executive, potential surveillance of individual candidates was discussed? ---No. I don't remember that. No.

Or any particular candidate, such as Mr Sidoti?---I had heard, I had heard that there was some doubt about Mr Sidoti's eligibility to stand because he lived at Drummoyne rather than Burwood. I'd just heard that, but I, I wasn't involved in any - - -

And is it correct that you don't, aren't involved in that because that's an election matter and that's not a matter for the executive?---Yes. I, I wasn't involved in that. No.

And were you aware at any stage prior to these proceedings that individual councillors were followed?---I, I think I might've heard that they were looking to see whether Sidoti was, was actually living where he was supposed to be living.

10 What about hate, do you remember anything about - - -?---No, not really about hate stuff, no.

- - - hate leaflets, hate mail?---I can't - - -

Any, sorry - - -?---Election, election material that's always a hot issue at election time, but - - -

Right. And did you ever see any offensive material or anyone discuss it with you?---No.

20

ASSISTANT COMMISSIONER: Mr Hullick, did you know Councillor Sidoti was being surveilled or not?---I just heard that he, that there was a possibility. I wasn't, wasn't a hundred per cent sure.

You heard from whom?---Oh, I think it was just generally around the office that people, people were saying, oh, this, you know, this Mr Sidoti is standing for Council and he lives over at Drummoyne.

30 Yes. That's got nothing to do with whether he was surveilled?---No, I know, but I'm - - -

Well, did you ever know or hear that he was being followed by a private investigator?---No, I didn't hear that.

All right. Thank you.

MS RONALDS: Now, can the witness be shown Exhibit 22, please. Now, this is an account that you received this time, you signed as the receiving officer. Do you see that?---(NO AUDIBLE REPLY).

40

And it's an account of some fifteen and a half thousand dollars?---Yes.

Sorry, do you need a moment to look through it?---No, no, no, I can see it, yeah.

And what did you think you were signing off for this time?---Well, again IPP was doing a lot of work for Council and it says again, you know, risk assessments for August and September, I mean, I can't remember the detail

of the time but again it seemed quite, you know, quite appropriate to me, again it was approved by the General Manager, I just had to be sure that, and I probably asked the General Manager at the time, Has this work been undertaken? Yes, it's been undertaken.

Well, some work was undertaken just bore no resemblance to the description on the invoice but you didn't know that at the time?---No, I didn't know that.

10 And you didn't know that was a false description and the General Manager didn't say to you did he, Well, actually I've had a couple of Councillors followed, their rubbish bins sorted through, photographs taken of them at their houses and at their places of work?---No, I don't remember that.

Would you have been concerned if you'd known individual Councillors were being followed and that surveillance was being paid for by Burwood Council?---Yes, I certainly, I would've questioned it, yes, yeah.

20 Would you have, if you'd known that individual Councillors or candidates were being followed would you have approved, sorry, would you have signed as the receiving officer as an appropriate expenditure for Council funds?---Not, I mean, if they were doing, if they were looking at whether Councillor Sidoti actually lived or lived where he said he lived or whatever, I mean, I could, I could sort of, you know, wear that if you like but not following other Councillors, no.

And do you say until this week you didn't know that's what was really being done?---No.

30 So at the time you've signed it you say you accepted on face value the description as being an accurate description?---Yes.

And some, Mr Romano's written on it building security and risk assessment, that's his handwriting he's identified, refer to LH so he's choosing to refer it to you?---Mmm.

40 It appears that he chooses on the whole all these contentious bills to send, the invoices to be sent to you. Are you able to explain, sorry, I'll withdraw that. Is it that you were the one member of the executive who asked least questions about things?---No, I wouldn't say that. I wouldn't say that at all. I don't know what - 1-3-1-4-2 that's, no, I wouldn't say that but I certainly, I certainly trusted Mr Romano if that's what you're asking me.

Well, it just seems you're the co-signatory on all but one of these invoices for surveillance of different people, I'm just trying to explore with you why you think, was it any particular reason that you could understand of why you signed these invoices over any other member of the executive?---No, he used to send me a lot of, a lot of stuff particularly things associated with,

with buildings and that which, which comes under my province if you like. The civic precinct which comes under me, the General Manager, there is, there is what they call a General Manager or a General Management area or division, a number of those come under me. He sends some of that, he sends a lot of that to me as well but, you know, the bulk of, the bulk of it doesn't come to me, no.

I mean, as it transpired this had nothing to do with buildings?---Yes.

10 But you didn't know that when you signed it?---No, I didn't know that.

I have nothing further at this time.

ASSISTANT COMMISSIONER: Yes. Does anybody seek to examine this witness?

MR HANLEY: Yes, your Honour.

20 ASSISTANT COMMISSIONER: You do? Mr Blake does, yes. Mr Blake, you can go first.

MR BLAKE: Mr Hullick, is it fair to say, you were asked some questions about a discussion at the end of an executive meeting when Mr Romano talked about harassment. Is it fair to say that except that the issue of harassment was raised, you can recall that, you have no recall now of the detail of what Mr Romano said?---No, not real detail, no, not necessarily.

30 Your recollection as I heard your answers to counsel assisting as you recall that there was Mr Romano talking about harassment but you can't recall the particular instances or detail (not transcribable)?---Not, no, not, not the detail, no, not real detail.

Now, you were asked some questions about the approval process within Council and there was a stamp affixed to tax invoices, a Council stamp? ---That's right.

And on some of the invoices you were shown there were some initials LH and PR?---Yeah.

40 Was those initials, they're not yours or Mr Romano's are they?---No, not necessarily, no.

Were they put there by someone in the accounts department and they had those initials at the time you received them? Is that normal practice?---In, in, yeah, that's, that's reasonably normal, yes.

And was there any practice as to whether the receiving officer signed matters first and then it went to the approving officer?---Not necessarily. No, not necessarily.

So it could happen in the reverse order is that what you're saying?---It is possible, yes, yes.

The normal practice would be the receiving officer sign first then the approving officer?---Yes, in most instances, yes.

10

Commissioner, could I have access to Exhibit 49 please?

ASSISTANT COMMISSIONER: Yes, certainly.

MR BLAKE: Mr Hullick, were you familiar with the purchasing manual enforced from time to time?---I know of it, I, I can't, I can't recall details of it at the moment but I know of it, yes.

20

Counsel assisting referred you to that part of it that dealt with getting quotes if something was between 10,000 and \$50,000?---Yes.

Yes. Were you familiar that there was a section within it dealing with emergency purchases?---Yes, but I can't, I can't give you detail of it unless I've got it in front of me.

30

Can you just look at page 6 please. I think this is the second page 6, just to make it clear for the transcript, the first part of the document has page numbers in the bottom right-hand corner and then I think after page 12 it starts at page 2 at the top of the page in the centre, at least my one does in any event?---Sorry, are we talking about emergency purchases, are we?

Yes, yes?---Yes. I have it here in front of me.

Yes?---Yes.

And speaking about the security system, when you read the advice did you understand that the security system related to a matter of occupational health and safety?---Yes, I read that and, yes.

40

And in your understanding it would be consistent with this policy that that security system could be approved under the emergency purchases provisions. Do you agree with that?---I hadn't thought about that but it could be, yes.

Yes. And in that case three quotations would not be required, would they? ---No, they wouldn't.

Yes. Thank you.

ASSISTANT COMMISSIONER: Yes, Mr Hanley?

MR HANLEY: No, Commissioner, I have spoken to counsel assisting and this witness will be recalled by the Commission (not transcribable) if necessary to ask questions about.

ASSISTANT COMMISSIONER: Good. All right. There's nobody else?

MR LEGGAT: Yes, thank you.

10

ASSISTANT COMMISSIONER: Oh, sorry.

MR LEGGAT: Mr Hullick, sometime in 2009 an article appeared in the Sydney Morning Herald identifying that a, a Pat Romano owned an investment property in Burwood. What did you do when you read that? ---When I read that I, I asked Mr Romano is that true, he told me it wasn't. Then I, I undertook my own investigation because I was concerned about it so I went to our rates area, got the details there which showed quite clearly that a Paspaley and Camilla Romano owned property in Wentworth Road in, in Burwood. So when I got that information I went back to the General Manager and said you told me you don't own this property, what, what does this mean and he assured me he didn't own it and I sort of didn't know what to do so I thought I'll go round to the property myself and I'll check it out, which I did. I took one of my other staff with me and we went round to the property and checked it out and a person called Paspaley Romano answered the, answered the, was in the yard.

20

30

Did he look like the General Manager?---No, he didn't but I did actually check it out, yes.

And that Paspaley Romano happened to be married to a woman with the same name as the General Manager?---That's correct.

Thank you.

ASSISTANT COMMISSIONER: Thank you. Yes, well, now Mr Hullick will be stood down?

40

MS RONALDS: Yes. I'll just, if I could just ask one.

In relation to emergency of procedures you'd agree that's if something happens and something has to be done within a 24-hour or a short term range, wouldn't you?---I indicated that in my answer that, that I didn't, I didn't look at that provision but it is there if, if required.

But a matter that went on for some weeks to get quotes, specifications, get the equipment, that wouldn't be considered a matter relating to emergency, would it?---Well, even, even though, as I said, I'd, I'd had a previous

experience where I thought that it, it was appropriate to get that in as quickly as possible, I said that.

But when you signed the invoice you weren't provided with, I'll just try that again in English, when you signed the invoice in relation to the payment for Mr Romano's home security system you weren't provided with anything that would meet this description, full documentation of the reasons why the matter is considered an emergency?---No, I didn't have documentation, no, no.

10

And you didn't treat it as an emergency payment under the procedures, did you?---I didn't, I didn't look at it that way I will say, yes.

And nobody suggested to you you should?---No, not really, no.

Thank you.

ASSISTANT COMMISSIONER: Yes, thank you. Yes, Mr Hullick, you're being stood down. You will have to come back but you're free to leave now?---Okay, thank you.

20

Thank you.

#### **THE WITNESS STOOD DOWN**

[3.24pm]

MS RONALDS: I call Robert Cummins.

30 ASSISTANT COMMISSIONER: Yes. Is Mr Cummins here? Yes, Mr Cummins, you've been called here to give evidence. You are required to answer all of the questions asked of you. Do you wish to seek a declaration under section 38 of the Act?

MR CUMMINS: Yes, I do.

40 ASSISTANT COMMISSIONER: Pursuant, you can sit down. Pursuant to section 38 of the Independent Commission Against Corruption Act I declare that all answers given by this witness and all documents and things produced by him during the course of today's hearing are to be regarded as having been given or produced on objection and accordingly there is no need for the witness to make objection in respect of any particular answer given or document or thing produced.

**PURSUANT TO SECTION 38 OF THE INDEPENDENT  
COMMISSION AGAINST CORRUPTION ACT I DECLARE THAT  
ALL ANSWERS GIVEN BY THIS WITNESS AND ALL**

**DOCUMENTS AND THINGS PRODUCED BY HIM DURING THE COURSE OF TODAY'S HEARING ARE TO BE REGARDED AS HAVING BEEN GIVEN OR PRODUCED ON OBJECTION AND ACCORDINGLY THERE IS NO NEED FOR THE WITNESS TO MAKE OBJECTION IN RESPECT OF ANY PARTICULAR ANSWER GIVEN OR DOCUMENT OR THING PRODUCED.**

10 ASSISTANT COMMISSIONER: Mr Cummins, you are required to take an oath on the bible or make an affirmation.

MR CUMMINS: I'll make an affirmation, thank you.

MS RONALDS: Could you tell the Commission your full name?---Robert Kevin Thomas Cummins.

And your business address?---They've moved, it was 2 Conder Street, Burwood, I understand it's now in Elsie Street in Burwood.

10 Okay. And what's your occupation?---I'm the Director of Governance and Corporate Services at Burwood Council.

And is it correct that you have not attended at work since 9 February, 2009?  
---My last day in the office was 16 February, 2009, yes.

And you initially went on a period of sick leave?---Yes, I went on sick leave from 17 February until sometime thereafter, I think until my sick leave expired at which point I went on sick leave without pay. Further to that there was another period of sick leave following an anniversary and then  
20 back onto sick leave without pay, after that annual leave until that expired and I'm currently now on sick leave without pay.

Right. So it's correct that since February 2009 while on various forms of leave you've not performed your duties?---That's correct.

Now, when did you join Burwood Council?---I joined in I think it was May 2005 as a, on a contract just for one month and then I was made permanent I think in June 2005.

30 And you originally had a different title to the one you had up to February 2009?---I did, I was employed as the Executive Officer.

And what did that mean?---It was a, it was a role that, I mean, I can't recall exactly the position description but I was essentially a member of the executive, a junior member of the executive that assisted the executive on various projects and I also reported directly to the General Manager.

And you then became a director in your own right so to speak?---That's right, following the departure of the director of Technical Services I acted in  
40 that position for some months and then I was made permanent in that position sometime thereafter.

And then you were made eventually the Director of, sorry?---Governance and Corporate Services, yes.

It's been a long week. And do you recall when that happened?---That happened in around May 2007.

And from May 2007 up until February 2009 how would you describe your relationship with Mr Romano?---The relationship was strictly professional. We certainly didn't have a lot of common interests from a social perspective. The relationship was, it depended on the project I suppose, I would say in that for, for any project on which we had, we were in agreement to its merit the relationship was excellent. If I raised concerns about a certain project or procedure it was sometimes adversarial but generally, you know, it was, it was, the debates that we had were, were, you know of a good nature. On occasions obviously they, they got a little bit more difficult, yes.

And Mr Romano on occasion held robust views about projects?---I think it's fair to say we both did and, but definitely Mr Romano did, yes.

And would it be correct to say that he expected people to fall into line or yourself in particular to fall in a line, fall into line once he'd formed a view about something?---Not necessarily. He, he did enjoy a debate on occasions I would say but ultimately at the end of the day he was, he was generally the person who, who won the debate in my opinion, you know, in my experience, yes.

And he prided himself on his position as General Manager?---He did.

And he considered that that conferred some status and authority on him?---I would say so yes, but, I mean I'm speculating as to what his opinion of his position was but yes, I would say so.

But he made assertions about the level of power and authority he had, didn't he?---He did. He often made the statement I'm the General Manager to, you know, to remind us of all, I guess, of who was the boss.

And that those who weren't the boss would have to follow what the boss said?---That's right. Look, it definitely wasn't a democracy, the executive that was, we had vigorous debates within the executive, but at the end of the day, Pat was the General Manager and so his decision stood, yes.

And he operated it in that way not as a co-operative venture, that is that when the decision had to be made, it was the one that he wanted rather than anyone else's?---Absolutely. Whilst I guess the level of dissent within executive meetings tendered not to be there on occasions, apart from myself, it's fair to say that even there was occasions where everybody else disagreed, a decision would be that that Pat favoured, yes.

And did that, that created some difficulties for you from time to time?---It certainly did once I became the Governance Director, yes.

And you were concerned were you not, and we'll go into the details next week, but just in summary, there were occasions when you were concerned

about governance issues that you raised with Mr Romano?---That's correct. That happened very often on various projects. I mean I considered it my duty to the ratepayers, I suppose to raise the issues of governance with Mr Romano to make sure he knew about them. Obviously on occasions he, you know, he took on my advice and said thank you and, you know, but I'm going to go another way. And obviously on occasions he, he got a little bit more fiery with his response. But I was, you know, on most occasions I, I suppose you'd say I had the courage to give him fearless advice. And I think most of the time, in general, in the early days especially, he respected that I did that and, you know, and, and was, I mean, in my opinion happy to have a debate on the issue. Yes.

But that changed over time?---It did. I guess the instance that's been spoken about significantly, about the security system, I think was, happened six months into my tenure as being charge of governance. And I'd say that that was obviously a significant moment for me in that his response was obviously the way it was.

Okay. Well, we'll go to that issue then. Do you recall an executive meeting where at the end of it and the formal part was over, Mr Romano raised harassment of his family?---I don't specifically recall that meeting or the end of the meeting. It may have happened, but I suppose what I do recall is actually statements he made about the harassment before that meeting.

All right. Well, doing the best you can, I know it's a few years ago, what can you recall, the statement that he made to you about that?---He stated to me that he had received, sorry, he stated firstly that his, that he had received, sorry, his wife had received emails alleging that he had an affair. And then immediately after that he said, and the opposite, which was, and he's also received emails that indicated that, to his wife, sorry to himself. Sorry, firstly - - -

Say that again?---Sorry, I'll start again. Firstly, he said that he received emails stating that his wife was having an affair. Secondly, he said that his wife had received emails stating that he had had an affair.

And did you see any of these emails?---No, I didn't.

Did you ask him to see them?---No, I didn't. Because at that stage I didn't know why he was telling me.

Right. You thought that was a private matter and you didn't want to know? ---That's right.

So that happened before the executive meeting on 31 October, to the best of your recollection?---To the best of my recollection, yeah.

And did he say anything else about those sort of issues? Give you any further examples or tell you anything other matters?---No. No, no other examples, but to the best of my recollection he said that he was unaware of who was sending them.

And do you recall any discussion at the executive or some other time about any of the specific incidents, any other sort of incidents?---No, I don't.

10 So you hadn't heard about eggs being thrown?---Only in the last week, yeah.

Right. Well, leaving aside what's happened during the course of the week, if I can take you back, I know it's hard, but as far as you can, to October, November, around there, 2007, did he ever tell you that his family was being harassed in some way?---Yes. But I'm assuming that I thought he was relating to the emails, so - - -

So he didn't ever give you any other - - -?---No.

20 And you now understand there were no emails or if there were, he invented them?---Yes, I do, yes.

And he didn't ever tell you about letters?---Not, not that I can recall.

Eggs you don't recall?---No.

Ring and run?---No.

30 So only about the affair?---That's right.

Both, I mean, emails alleging affairs - - -?---Yeah.

- - - and vice versa, so to speak. And can the witness be shown Exhibit 10, please, oh, 10 and 11 simultaneously, if I could. Now I'm giving you two documents, one is a draft legal advice and you've been present all week haven't you Mr Cummins or a substantial part of it?---Yes. And I've, for the parts that I have not been present, I have looked at the transcript.

40 Right. And so you're aware that we've had lengthy discussion about the advice. So all I will ask you about it is do you recall receiving it and reading it on or about 8 November?---I do.

And then if I could ask you to, and you recognise that as the document that you received?---It's obviously a long time ago, but it appears to be so.

And then if I could then take you to Exhibit 11, which is the email?---Yes.

You'll see in the way these things do?---Yes.

Down the bottom there's an email from Romano to Hullick, Denker, Cummins and Azer, plus a group of other people?---Yes.

10 Including Richard Mailey. It says, Gentlemen, an old fashioned notation isn't it? As you know, I have had considerably undue, sorry, as I have had considerably, actually it's not me, it's him, considerably undue stress and anxiety placed on my family and me over the last two months. Now that wasn't quite correct for a state of knowledge for you was it?---I must say that at the time, Pat was showing signs of, of stress and anxiety. Obviously I have a pretty good understanding of that now and using the knowledge that I have now and looing back, he was showing signs of stress and anxiety, yes.

But he was essentially at work every day performing his job as far as you knew?---Yes, as far as I know, yes.

20 He said, as a result of the circumstances, I've obtained legal advice and then further over, please note for the record that it's my intention to immediately install appropriate security at my residence and the residence of the Mayor in line with the advice received. And then, Les, do something about the budget. Do you see that?---Yes.

Now you then wrote back an email, do you see that?---I do.

At 4.59 on 8 November and you set out your views and your concerns? ---Yes.

30 It would be correct would it not that you were approaching this from protecting the interests of the Council and the expenditure of funds? ---That's correct. In my role as the Director of Governance.

And you were also, were you not endeavouring to protect Mr Romano's reputation as the General Manager?---Indeed.

40 And that this, if there was a question about the proper and legitimate expenditure of funds, you were concerned that not only was it proper Council money but also that he not open himself up to any, any criticism that may not be valid?---That's correct. Even at that stage of my tenure at Burwood I was well aware that local government is under a lot of scrutiny at all times.

And indeed that was your job as Governance Director wasn't it, to make sure things worked properly and that there was transparency and accountability at all times?---In my opinion it certainly was.

And that expenditure of funds was an important issue particularly if it was going to be spent on the General Manager's private home?---Definitely.

And was it the fact that it was his private home that gave rise to any particular concerns of yours?---Yes.

And what were they?---From a governance perspective there's always a chance that he would resign, you know, a week later or various other risks that obviously needed to be managed from a Council perspective.

10 Obviously that regardless of the level of harassment he would obtain a private benefit out of having security system at his house, obviously it may prevent people from harassing him who are related to work related matters but it would also protect him from being harassed by people who are potentially harassing him for personal reasons.

Right. And you made then a recommendation, you thought about that before you did it obviously?---I did, I, I, prior to sending the email I had spoken to Peter Macklin the HR Manager to seek his advice on it and also to see from an HR perspective was his opinion was. The catalyst for me seeing Peter Macklin was actually that I'd received across my desk an invoice from Maddocks which had a title which led me to believe that the advice had been procured for related to security at the Mayor and the General Manager's home. I thought this looks like it's a bit dodgy so I went to see the HR Manager to see if he knew anymore because I hadn't actually seen the legal advice, I - - -

The advice was, wasn't the advice attached when the email came?---This is before I got the email.

30 I see. So you got a bill before you got the advice?---I got the bill before I saw the advice.

Right. So you were concerned about that?---Well, I hadn't, I couldn't sign off on the bill because I hadn't seen the advice, I didn't know that the work had been completed so how could I sign it?

Right. And you didn't know anything about security alarms at that stage? ---No, I didn't, that was the first I knew was when I got a bill from Maddocks on my desk to sign that he'd procured, sorry, that the General Manager had requested advice from Maddocks.

40 And then you got the advice?---I sent an email to Vera Karpowicz and asked to see the advice and that was based on, Peter Macklin and myself agreed that was the best way to go at this stage was for me to firstly see the advice. Vera told me via email that, essentially that it was only for me to sign off as receiving officer, that Pat was going to approve it. I think from the tone of her email I got the impression that she wanted me to sign the invoice without seeing the legal advice.

So that was all before this email turned up was it?---Correct.

Was that a day or two before or the same day?---Either the same day or the day before from my recollection, yes.

10 And then what happened? So then this email turns up. So you're already vaguely on alert?---Yes, yes, I was, I, the next thing I knew about the thing, about this issue I received the email from Pat to the members of the executive, yes.

Right. And you wrote back your response including, "I do not make these recommendations lightly, I've reviewed the Maddocks advice", so you'd read it by then obviously?---Yes.

"And consider it extremely weak."?---Yes.

20 "It's not sufficiently protective of your interests, those of the Mayor or those of Council." So that was your concern?---Yes.

And he responded to you copying everyone else in, do you see that?---Yes.

And said to you, "My email was simply to advise you." And then he says, "With all due respect my email is a directive and did not seek your opinion." How did you feel when you read that?---Unpleasant I would say. It's so long ago that I can't remember exactly how I felt but I think the most accurate description would be that my anxiety levels would've increased at the time.

30 Is that the sort of tone that he sent you emails in usually?---At that time it was rare if not the first occasion. Obviously later on there were further emails of a similar tone but I think at that time in November 2007 that, that's, that was rare, yes.

Would it be correct to say that this whole incident was the trigger for the deterioration of your relationship with Mr Romano?---I believe so.

40 And that he then goes on, "I do appreciate that from time to time we have a differing of opinion but I'd prefer you come and see me personally in these instances rather than placing your views on email." Now, had he previously said to you, don't email me, come and talk to me?---Yes.

And did he tell you why he preferred that?---No. But I assumed that for matters of, that may come under scrutiny at some point in the future that he would've preferred there not to be a record.

That was your understanding that discussions didn't leave an email trail that could be the subject of cross-examination in the ICAC apart from anything else?---I'm starting to regret writing this email.

So he then, I mean, he doesn't hold back in his response?---He doesn't.

And did you have a discussion with him then?---No.

Did you have a discussion later with him?---None that I recall.

10

So is it correct that you later had a discussion with Maddocks?---Yes.

All right. Well, let's just go step at a time. You then - can the witness be shown Exhibit 13. You see that this is on the top of an email from Mr Azer - - -?---Yes.

- - - where he's also noting some, expressing some concerns?---Yes.

20

Were you aware at the time that Mr Walker had sent an email expressing some concerns?--- I was aware that both Mr Walker and Mr Macklin had sent emails expressing concerns and more so in Peter Macklin's case support but I was unaware until this week that Khaled Azer had sent an email.

Right. So if you turn to page 2 of the Azer one you'll see there's the email from Macklin - - -?---Yes.

30

- - - saying that he hasn't seen the Baird advice "but you've got skills and that the rest of the executive team have your best interests at heart" and et cetera. But essentially supporting your position. "I know that Robert has thought long and hard about how to advise you on this matter and has discussed this with me in confidence."?---Yes, Mr Macklin and I had that conversation, yes.

So he was endeavouring to support you in essence?---I think he was trying to support both myself and, and Pat, yes.

40

Right. And so then Mr Azer sent his on the same day but an hour later and then Mr Romano sends an email to all of you saying, "Not that I believe I need to justify my decision." Now, how did you feel when you received that email?---I didn't receive it.

You didn't receive it. I'm sorry, you're not on it?---No, I didn't know, I didn't see that email until today.

Really? Were you not aware that it was sent to the others?---No, no one informed me that it was sent.

So you were removed from the list at that stage by someone presumably Mr - - -?---Well, the email before was just from Khaled to Pat and then Pat has inserted the names I assume and excluded me, yes.

But he's included Mr Walker who'd sent him a critical one?---Yes.

So you didn't know that he was taking a decision that he didn't need to justify his decision?---No.

10 Now, do you recall having a conversation then with Mr Baird from Maddocks, I'm sorry, did you know Mr Baird prior to - - -?---Yes, I remember meeting Mr Baird not long after my appointment and had - - -

And you'd worked with him - - -?---No, not him. Not so much work with him but I knew who he was and was involved in lots of meetings with him on Council business.

Now, do you remember having a discussion about the advice with him?  
---No.

20

So that was a prompt response. You say that didn't happen?---It did not happen.

So you never discussed the advice with him?---No.

And you did have a discussion with Todd Neal?---Yes.

Did you ever, have you ever met Todd Neal?---Not that I can recall. I may have met him at the Maddocks office but I don't recall.

30

He records on 15 November, and just for the transcript this is Exhibit 16 on page 4, on 15 November he records a telephone attendance on Robert Cummins re advice on security for the GM and Mayor - - -?---Yes.

- - - of 30 minutes?---I believe it's 20 minutes, it's point three of an hour.

I see, well, you're much better than me, or 18 minutes if it's in - - -?---Yes, yes, that seems, that seems okay, that seems right.

40 About 18 or 20 minutes?---Yes.

And you expressed some views to Mr Neal?---Well, I was surprised that he'd called.

Right. Did he tell you why he called?---Yes, he said that he'd been informed, I don't remember who he said but I assume it was by Mr Baird that I had some concerns about the, the draft advice.

Did he say that Mr Romano wanted Maddocks to talk to you to make sure you were happy?---No.

You understand now that that's the position put by at least Mr Romano?  
---Yes.

So you told him what you weren't happy about?---Well, I was embarrassed at first because I obviously had been outed as being critical of the advice which I thought was inappropriate for that to happen.

10

Don't worry, lawyers are meant to be more robust than that?---That's right but after that, yes, I did, I don't recall the exact conversation, it's a long time ago and I made no file note of it at the time so but - - -

You traversed with him?---Basically just went through my issues that I'd outlined in the email.

In the email?---Yes.

20 And you, so you had an opportunity to full traverse with him what your concerns were?---Yes.

And then the second, the final of the draft came, if the witness could be shown Exhibits 15 and 14 and perhaps take back the other ones so he doesn't start drowning in paper.

And that's the final advice and you see the email which is Exhibit 15 - - -?  
---Yes.

30 - - - is an email from you on 26 November - - -?---Yes.

- - - to Romano saying Pat, Maddocks has forwarded directly to me revised advice attached regarding the security system which gives robust guidance as to the merit of providing such facilities to the GM and Mayor?---That's correct.

40 So you considered the advice by then to be robust, did you?---Only regarding the issue of merit. Obviously it's a somewhat ambiguous term, merit and I may have done that deliberately to avoid the wrath of Mr Romano at the time. I suppose the email that had come before that directed me not to put my concerns in writing so in the circumstances that's the only positive thing I could say about it. It certainly didn't address my other concerns regarding from a governance perspective how, how it was going to be paid for and whether or not it should go to Council.

And you thought they were critical issues that weren't traversed?---Yes.

And you now know that that, your email is being relied on to say that you supported the advice?---I do, I've, I've heard that, yes.

And was that your view at the time?---No, that's incorrect.

10 So did you consider it weak in the areas that you've just addressed?---Yes, from a, from a, from my perspective the issue of whether the security could be installed in either the Mayor or the General Manger's house was essentially a matter for someone else to determine the merit of and my recommendation obviously was Council. My concerns from a governance perspective were how that was going to get done, how it was going to be paid for, the quoting system that all Council's policies were followed.

And then you say Let me know what role, if any, you want me to have in relation to this project while Mr Neal has requested I liaise directly with him I will await your decision and then you get back, well, I will describe as curt response?---It's definitely curt.

20 No involvement other than to register legal advice. So in fact you are then dismissed from any role in the project. Would you agree?---Absolutely.

And was it correct that after that you had no involvement at all, you merely registered the legal advice?---I don't even think I registered the legal advice, that wouldn't be my role but I understood it, the first part of the sentence, no involvement and that's where I left it.

And so even though you saw it as a serious governance issue that needed to be addressed property - - -?---Yes.

30 - - - you were removed from the loop, so to speak?---That's right.

And so you weren't involved or caused yourself to be involved in whether there were three quotes, whether it went to Council, how it was paid for? ---No. I mean, up until this week I didn't even know that the Mayor had actually installed and claimed his security.

So that was not an issue you became aware of at all?---No.

40 So that was the end and - - -?---I, the only other thing I recall was having a conversation with Ian Dencker at the time who, I think obviously he'd seen that email so it makes more sense now, telling me that he, he didn't think it was that bad and that the Mayor and GM at Botany had a similar arrangement. So that, I mean, that did reassure me that, you know, from a, from a merit point of view, you know, it, it wouldn't have been the strangest thing for the Council to resolve for the Mayor and the GM to have security at their homes. Obviously the cost was not discussed.

And you now understand there was no such resolution?---I understand that.

Now, just one last thing, if the witness could be shown Exhibit 5.

Now Mr Cummins, this is a bundle of invoices, if you could just go to the second one. I think, you'll see that's an invoice dated 12 November, 2007?--Yes.

You've got that?---The 12<sup>th</sup>, yes.

10 You see the one, there's a stamp in the middle which you know to be an approval stamp from Burwood Council?---I do.

And you see it's got RC to sign?---Yes.

And I assume that's you. Is that correct?---The RC part of it is me, but I did not write the RC to sign, yes.

Right. But is that your signature?---It appears to be so.

20 And do you understand or can you recall what happened or why you would've been signing as the receiving officer for this invoice?---Yes. In, at the time in 2007, I was the, the area of compliance was under my directorate. And the special surveillance placement of illegal posters, which is the description would've been a matter that came under my division.

And if I could ask you just to look at the two, three pages behind. This would've been attached to the bill when you signed it? Sorry, four pages behind?---I don't recall specifically but I don't doubt that it would've been.

30 And it now appears that this bill was, may have been for posters or may have been for something else. But at the time did you know that there was any other sort of surveillance going on?---12/11/07, definitely not.

And, but you, you say there was work being done on posters, illegal posters?---Yes. This was a project that was happening at the time. There was, funnily enough on the, it was a project that Mr Romano had spoken to Martin and myself about on numerous occasions.

40 I'm just stopping you there. Who's Martin?---Martin Jenna is the Manager of Compliance at Burwood Council.

And he's, that's who signed on the side, confirmed okay by M Jenna?---No, that, that's my, that's a note made by myself.

Oh, I see?---Which indicates to me that I queried the invoice. I can't remember why I had a query about it, but I obviously spoke to Martin Jenna and said, you know, did this happen, is this, did this, was this service provided. And I made the notation there, confirmed okay by M Jenna.

Right. But in terms of, and you then signed as the receiving officer?---I did.

Because you understood the service had been provided?---To the best of my knowledge, yes, that's what I understood at the time.

I have nothing further. And goodness, look it's 4 o'clock.

10 ASSISTANT COMMISSIONER: Yes. I wonder is there any chance we can finish any examination of this witness by others or does it, is there any examination of witness, this witness by others?

MR LEGGAT: I have questions which I could complete within about three minutes.

ASSISTANT COMMISSIONER: Yes. Does anybody else have questions? I understand Mr Cummins - - -

MS RONALDS: He will be back.

20 ASSISTANT COMMISSIONER: - - - will be back as part of another segment.

MS RONALDS: Yes, that's right.

ASSISTANT COMMISSIONER: So, but certainly if Leggat, we can (not transcribable). That means we can move on to another to another topic on Monday.

30 MS RONALDS: Yes. Yes, that's right.

ASSISTANT COMMISSIONER: All right. Well, Mr Leggat.

MR LEGGAT: Thank you. Mr Cummins, you're currently in dispute with Council in relation to your worker's compensation claim. Is that right? ---No. Regarding my worker's compensation claim I'm in dispute with StateCover, the Council's insurer.

40 So it's your understanding that StateCover has rejected your entitlement to a claim. Is that right?---It appears to me that the current situation is that they have been advised by the ICAC that they cannot determine that matter until after the ICAC investigation is completed.

Is it your understanding that there's something in the nature of an appeal that you're making in relation to the decision reached by StateCover?---No. At this point in time I've made no decision as to the next course of action.

Is it your understanding that unless you do something, the rejection by StateCover will remain as the resolution of your matter?---From what I've seen in the last week, I find that very unlikely.

Let me put this to you, it's in your commercial self interest for you to characterise your email to Mr Romano of 26 November, 2007 in the manner in which you have characterised it this afternoon. Do you agree with that?  
---No. Not at all.

10 All right. Thank you.

ASSISTANT COMMISSIONER: Thank you. All right.

MR BLAKE: I reserve my position.

MS RONALDS: Mr Blake is reserving his position.

ASSISTANT COMMISSIONER: Yes, yes. Certainly when Mr Cummins comes back, if there's questions on this topic that anybody wants to ask,  
20 they'll be allowed to. And we will now adjourn until 10 o'clock on Monday morning.

AT 4.02PM THE MATTER WAS ADJOURNED ACCORDINGLY  
[4.02PM]